

**Minutes of Planning Commission Meeting  
held Monday, May 9, 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 by Chairman Greg Sutton.

**Roll Call**

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

Alternates  
Britton Sanders  
Jeffrey Jones

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

**Approval of Minutes**

It was moved by Ms. Dumont, seconded by Mr. DeLoach, and passed unanimously, to approve the following minutes as presented:

- Planning Commission meeting held on April 11, 2016.

**Correspondence**

Ms. Ireland noted that there was an e-mail in support of PC 15-16, and there were a number of e-mails opposed to 14-16, and these e-mails were provided to the Board at their places.

Chairman Sutton moved Item 14-16 to the end of the agenda.

**New Business**

**(A) PC #12-16- Land Development Code Text Amendment Application**

**Land Development Code Text Amendment Approval** to amend Section 34-346(d) to add "Craft Distillery" to the list of Conditional Uses permitted in *Industrial: I-1* zoning districts.

**Staff Report:**

Ms. Ireland read the following staff report into the record.

The applicant contacted staff recently to discuss his idea of starting a proposed craft distillery at a location in one of the City's *Industrial: I-1* zoning districts. The applicant was informed by staff that a "craft distillery" was not an existing listed permitted or conditional use in *I-1* zoning districts, and that the Land Development Code would have to be amended to make this a permitted conditional use.

A "craft distillery" is defined by Florida Statute as a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises. The applicant has secured a location on Shetter Avenue in an *Industrial: I-1* zoning district for this purpose and would proceed with a Conditional Use Application for a craft distillery, should this text amendment request be approved by the City Council. The applicant has stated in the application that there will be no tasting room on premises. The use will consist of manufacturing, and wholesale distribution of product, the latter of which is a currently permitted use under LDC Section 34-346(b)(11).

Other manufacturing establishments permitted in the *I-1* zoning districts include bakery products, apparel, wood cabinets, newspaper printing and publishing, commercial printing, luggage, computer, and office equipment, jewelry, and sign and specialty advertising. Permitting craft distillery establishments in *I-1* zoning districts as a conditional use would give the City the opportunity to review and control each individual site requested. Staff feels that this use is generally not incompatible with the range of the other permitted and conditional uses in the *I-1* zoning districts.

**Applicant:**

The applicant, Shawn Espenship, 1619 6<sup>th</sup> Street South, introduced himself.

Ms. Dumont asked if they would get an application for the distillery without a tasting room. Mr. Espenship responded yes.

Mr. DeLoach stated that he was familiar with the distillery in St. Augustine and asked if there was a thought down the road of serving samples. Mr. Espenship stated that at this time it was not feasible, but there are other sites that would be feasible down the line.

**Public Hearing:**

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

Jennifer Espenship, 1619 6<sup>th</sup> Street South, Jacksonville Beach, is in support of the amendment but did not wish to speak.

Seeing no one who wished to address the Commission, Mr. Sutton closed the public hearing.

**Motion:** Mr. DeLoach made a motion to approve the Land Development Code Amendment. The motion was seconded by Mr. Dahl.

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

**(B) PC #13-16- 333 5<sup>th</sup> Avenue South**

**Conditional Use Approval** for a proposed 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:**

Ms. Ireland read the following staff report into the record.

The applicant has purchased the subject property and wishes to redevelop it into a two family dwelling unit pursuant to the *Residential, multiple family: RM-1* zoning standards pursuant to LDC Section 34-339. The subject property is located on the north side of 5<sup>th</sup> Avenue South between 3<sup>rd</sup> Street and 4<sup>th</sup> Street South, and currently contains a single family residential dwelling unit that was built in 1947.

Adjacent property uses include multiple family residential and commercial uses to the east, commercial directly to the north, commercial and residential to the south, and residential, commercial and new multiple family residential to the west. A two-family dwelling unit on the subject property is within the character of the existing mix of multiple family residential and commercial uses on surrounding properties. The lot size is sufficient for a two-family dwelling unit per *RM-1* zoning standards. Adjacent property values should not be negatively impacted by a new two-family dwelling unit.

**Applicant:**

The applicant, Lisandro Rosales, 7563 Philips Highway, Suite 109, Jacksonville, stated that this is a product that was brought before the Commission before.

**Public Hearing:**

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

Mr. Tony Davenport, 336 14<sup>th</sup> Avenue North, stated he opposed the proposal. He stated

that there were too many multi-family units being built in this neighborhood. He stated that there are parking issues in this area. He stated it should stay as a single-family unit.

Seeing no one else came forward to address the Commission, Mr. Sutton closed the public hearing.

**Motion:** Mr. DeLoach made a motion to approve the Conditional Use Application as presented. The motion was seconded by Mr. Callan.

**Roll call vote:** Ayes – Dahl, DeLoach, and Callan. Nays – Dumont and Sutton. The application was approved 3-2.

(C) **PC #15-16- 107 5<sup>th</sup> Avenue South**

**Conditional Use Approval** for a proposed private park located in a *Residential, multiple family: RM-2* zoning district, pursuant to Section 34-340(d)(26) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following staff report into the record.

The applicant approached the City to propose a private sculpture park on property he owns to feature work from UNF students. The property is located directly west across 1<sup>st</sup> Street South from the City's existing Oceanfront Park at 5<sup>th</sup> Avenue South. Staff informed the applicant that the Land Development Code would have to be amended to include private parks to the list of conditional uses in *RM-2* zoning districts before they could proceed with an application. The Planning Department then processed a Text Amendment Application and the Planning Commission recommended on March 14, 2016 that it be approved by City Council. On April 18, 2016, Ordinance 2016-8069 was adopted by City Council. That Ordinance amends Section 34-340(d)(26) to list "Public and private parks, playgrounds and recreational facilities" as conditional uses in *RM-2* zoning districts.

The applicant has now submitted a Conditional Use Application for a proposed private sculpture park at 107 5<sup>th</sup> Avenue South, directly to the west of Oceanfront Park. According to the applicant's narrative, the goal of the private park is to highlight the UNF's Art Department, beautify Jacksonville Beach, and inspire the display of public art. All of the proposed sculptures have been designed and created by UNF Art students, and are representative of both the University and the beaches community. Provided with the application are renderings of the five sculptures selected for the proposed park. Proposed sculptures include representations of a coral reef, fish bones, stacked cubes, clown fish and sea anemone, and a wild hawk.

Adjacent property uses include multiple family residential and public park to the east, multiple family residential to the north, commercial and multiple family residential to the west, and multiple family residential to the south. The proposed use of the subject property as a private sculpture park would complement the existing public Oceanfront Park to the east of the subject property, and should not otherwise negatively impact the surrounding area.

**Applicant:**

The applicant's representative, Ms. Esther Lismore, 12076 Candlewick Lane, Jacksonville, introduced herself.

Mr. Dahl asked about the selection committee who would choose the sculptures. He stated his concern that Federal issues could dictate the standards and they could use control of the selections. Ms. Lismore stated that the Student Affairs Committee with UNF chose the sculptures that would be selected and explained who the Committee would be and the criteria they used to select the sculptures. She added that everything selected would be in good taste.

Mr. DeLoach asked how long the sculptures would be in place. Ms. Lismore stated two years, and after that they may use the same selection criteria or do something else. Mr. DeLoach asked about insurance and if the City has liability. Susan Erdelyi, City Attorney, stated that the risk is the property owner's and the City has minimal concern. She added that the government does not get into the art business because of the First Amendment.

Ms. Dumont stated that UNF reaches out to the community to create positive relationships and thought it was unlikely they would do anything negative. Mr. Dahl responded that his concern was that the City would have no control.

**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. Cynthia Morgan, 462 1<sup>st</sup> Street South, Jacksonville Beach, stated she lived next door to the parcel and was in favor of the park.

Ms. Lisa Paulser, no address given, stated that she was concerned if there could be limitations on use of the park.

Mr. Sutton stated that because it was private property there could certainly be control of the park by the land owner.

Mr. Guy Morgan, 390 1<sup>st</sup> Street South, Jacksonville Beach, agreed that the owner has control over it and not the City.

**Motion:** Ms. Dumont made a motion to approve the Conditional Use Application as presented. The motion was seconded by Mr. DeLoach.

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

**(D) PC #14-16- 340 16<sup>th</sup> Avenue North**

**Conditional Use Approval** for a hospital for a proposed 24-bed licensed detoxification facility located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(10) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following staff report into the record.

The applicant owns commercial property located on the south side of 16<sup>th</sup> Avenue North between 3<sup>rd</sup> Street and 4<sup>th</sup> Street North. The applicant inquired about a proposed licensed residential drug and alcohol detoxification facility, and was informed by staff that this would fall into the category of a hospital and would require conditional use approval under Section 34-342(d)(10) of the Land Development Code.

The applicant has owned the subject property since 1992 and it has primarily operated as a medical office. A variance was granted in 2001 via BOA#39-2001 for 13 parking spaces in lieu of 25 required to support a 4,953 square feet medical office building. There are an additional 12 paved parking spaces along 16<sup>th</sup> Avenue North that are in the right-of-way directly in front of the entrance to the office building. A variance was also granted in 2002 via BOA#46-2002 for a grass parking area in lieu of a paved parking area in the rear of the building (13 spaces) to avoid going over the threshold for a stormwater permit which would have required stormwater retention to be provided on site.

Changing the use of this facility from a medical office (1 parking space/200 square feet of floor area) to a 24-bed residential detoxification facility, which is considered a hospital (1 ½ parking spaces per bed), changes the total parking requirement from 25 spaces to 36 spaces. The applicant has been made aware that if the Conditional Use application is approved for a 24-bed facility, a parking variance would also have to be requested from the additional parking requirement because additional on-site parking cannot be provided for the 24-bed facility. To maintain the existing number of required parking spaces at 25, the proposed detoxification facility would have to be limited to a maximum of 16 beds.

Adjacent uses include a commercial shopping center directly to the north, a gas station to the east, multiple family residential to the south, and single family residential to the west across 4<sup>th</sup> Street North. The proposed use of a licensed detoxification facility at this location

is not out of character with other commercial and medical office uses in the area, especially with the former and current medical use of the property.

**Applicant:**

The applicant, Chris White, 50 North Laura Street, Jacksonville, stated that Dr. John Tanner and Roy Griffis would also be presenting.

Dr. John Tanner, 101 Florida Boulevard, Neptune Beach, stated that he has had a long history of medical service at the Beaches. He stated that he understood the concerns of the residents in the area. He noted that the property was originally built as a hospital in the 50s. He then explained how the facility will operate. He stated that the amount of staff will be less than previously, and there would be no visitations to the clients there.

Mr. DeLoach stated that he was concerned about the vagueness of the signage and minimal staff in this size facility, and the statement about if they do their job right. Dr. Tanner responded how many staff would be present during various times of the day. He added there would be a staff of six people there at all times.

Ms. Sanders asked about the doors in the back and tobacco use. Dr. Tanner responded that staff would have to accompany clients outside at all times at a little patio area. He added that they will not accept people that are court ordered.

Mr. Jim Griffiths, 133 Laura Street, Neptune Beach, stated that he had extensive experience in treatment of addictions. He added that this is very short stay and the model they use is privately funded and these are more high-functioning patients.

Ms. Dumont stated that she counted 23 beds, not 24. Mr. Griffiths stated that they put another bed in if they have room. Ms. Dumont asked what staffing will be there besides nurses. Mr. Griffiths responded that it would be behavioral technicians and how the staffing situation works. Mr. DeLoach stated that he didn't think that the comparison between this type of facility and a hospital was a good one. Mr. Griffiths stated that if there is a problem patient they get one on one attention.

Ms. Dumont asked about their success rate. Mr. Griffiths stated that was a tough question, explaining that it was difficult to monitor follow up conditions on patients

**Public Hearing:**

Mr. Sutton opened the public hearing. He read into the record those people in opposition but this not wish to speak: Jennifer Espenship, Kelly McCue, Alexandra and Chad Crawford, Kathryn Hulst, Ross Bratlee, Lori Guadagno, John and Janet LaBruzza, Jerry Chupp, Charles Hall, and Brett O'Reilly were all in opposition to the proposal.

Mr. Jeff Shank, 509 15<sup>th</sup> Avenue North, stated there was not enough parking. He did agree that there should be less concern because they are taking people with insurance. He stated that he had concerns with the traffic issues.

Ms. Paige Thomas, 1218 6<sup>th</sup> Avenue North, stated that she opposed this because of the proximity to Fletcher Middle School. She stated that there are too many children in this area for this type of use.

Ms. Valerie Britt, 506 15<sup>th</sup> Avenue North, provided the Commission with a map and handouts. She stated that the proposed conditional use was inconsistent with the conditional use standards as listed in her handout. She stated that any new hospital sites and detoxification centers need to meet all locational criteria, and this site is not consistent with those.

Ms. Karen Shoemaker, 421 16<sup>th</sup> Avenue North, stated that the traffic was already bad enough, and this would make it worse. In addition, she expressed concern about the parking issues.

Mr. Alan Schwab, 325 15<sup>th</sup> Avenue North, stated that there have been some robberies from his patio. He added that there have been people smoking marijuana that used the methadone lab there. He stated that there has been a problem with litter and drinking and totally opposed the proposal.

Ms. Hannah Miles, 325 15<sup>th</sup> Avenue North, recognized the need for this type of facility but stated that this is not the right area. She expressed concern with safety issues for the residents in this area who walked to the gas station.

Mr. Liam O'Reilly, 510 15<sup>th</sup> Avenue North, stated that there 4,000 students in the schools in this area. He added that there has already been a variance issued limiting the amount of parking and allowing grass parking. He added that there were concerns with property values if this request was granted.

Mr. Joe McConville, 619 14<sup>th</sup> Avenue North, stated his concern with the impact of this use on the many children in the neighborhood. He expressed concerns with the traffic from the use and the parking issues.

Mr. Rob Paulger, 426 16<sup>th</sup> Avenue North, stated this was a family friendly neighborhood and this use was incompatible.

Ms. Linda Hall, 1620 North 4<sup>th</sup> Street, spoke in opposition to the proposal.

Ms. Lisa Paulger, 426 16<sup>th</sup> Avenue North, expressed concern about the parking situation at the site. She added that there is a bar near the parcel and this is a problem for this type of use. She also expressed concern about the proximity to the schools.

Mr. Tony Davenport, 336 14<sup>th</sup> Avenue North, expressed concerns about the security

measures proposed for the site. He stated that the location is not right for a detox center.

Ms. Bev Brewer, 410 16<sup>th</sup> Avenue North, stated that the past activity on the parcel was not appropriate and had concerns about this proposal. She stated that there is a lot of activity outdoors and expressed concern about security at this location.

Mr. Mark Terrell, 534 15<sup>th</sup> Avenue North, stated that this was not the place for this type of activity. He stated that his experience with addition of a family member showed him the problems with this type of use. He stated that this will have a negative effect on property values.

Mr. Rich Reiss, 429 16<sup>th</sup> Avenue North, asked if the schools were notified. Mr. Sutton stated that there was no requirement. He stated that this proposed facility was out of character with other neighborhood uses.

Mr. Donald Brewer, 410 16<sup>th</sup> Avenue North, stated that the doctor has not provided evidence that the citizens in this area would be protected. He added that there is not adequate parking for this proposed use.

Ms. Sharon Chupp, 428 15<sup>th</sup> Avenue North, voiced her opposition to the proposed facility because of its proximity to the schools. She added that many of the patients will not be local. She stated that this is a residential area with homes and not appropriate for this use. In addition, she stated that drug dealers are familiar with these facilities and that will be a concern because of the students nearby.

Mr. Clark Stuck, 410 14<sup>th</sup> Avenue North, noted that there is a need for a detox facility but this was not the appropriate zoning district for it.

Mr. Kirk Wieggers, 1701 North 1<sup>st</sup> Street, stated that a drug-free zone was established within 1000 feet of the schools. This proposal was not consistent with that designation. His experience that there were more failures for patients than successes.

Ms. Kelly McCue, 537 15<sup>th</sup> Avenue North, expressed concerns about staffing and safety issues.

Mr. Brandon Andrews, 325 15<sup>th</sup> Avenue North, stated this was not a good place for this use. He noted this would have an adverse impact on his rent collections.

Mr. John McGowan, 5 17<sup>th</sup> Avenue North, expressed his disappointment on the discussion this evening. He encouraged the Commission to table this proposal. He stated there needed to be a community conversation before a vote was taken.

Mr. Jerry Chupp, 428 15<sup>th</sup> Avenue North, stated that they already have problems with vagrants in this area.

Ms. Jennifer Espenship, 1619 6<sup>th</sup> Street South, expressed her concern with the potential for

increased crime activity from this use.

Ms. Joy Esler, 1420 3<sup>rd</sup> Street North, stated she had personal experience with the pain of drug addiction for a family member. She stated that drugs are many times brought into these facilities and there were sometimes overdoses from patients at these facilities.

City Attorney, Susan Erdelyi, stated that the decision needs to be based on the criteria in Code Section 34-231 and not on the type of facility but the land use components.

Dr. Tanner stated that the people that spoke tonight did not understand the disease of addiction. He stated that people need help and the reason it perpetuates is because of the stigma involved with the disease. He added that they do not do methadone treatment as was stated. He acknowledged that there was a homeless people problem in this area, but they are not his patients and this is a problem that would exist regardless. He added that people could not come and go as they please, and no one will walk out without proper treatment.

Mr. DeLoach asked if someone who is under Baker Act can be sent there. Dr. Tanner stated no. Everyone will have a background check. Dr. Tanner stated that he has personally replaced lights when the vagrants break them.

Ms. Dumont asked about security. Dr. Tanner responded that the technicians are usually capable to enforce security. He stated that no security problems have ever existed at other facilities. Ms. Dumont asked about overdosing at these facilities. Dr. Tanner stated that there are very rare instances where over-medication exists and they are handled appropriately.

**Discussion:**

Ms. Dumont noted that addiction is a very serious disease and there is a need for these facilities and stated her concern with the proximity to the schools. She stated that her concern is that one time something fails could be one time too many.

Mr. Jones referred to the criteria for a conditional use. Ms. Erdelyi reviewed those criteria.

**Motion:** Mr. DeLoach made a motion to deny the Conditional Use Application stating that the proposed use is not consistent with the Conditional Use standards, noting it was inconsistent with the surrounding area, would have a negative impact on surrounding property values; there is inadequate ingress and egress, and concern with inadequate parking. The motion was seconded by Ms. Dumont.

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

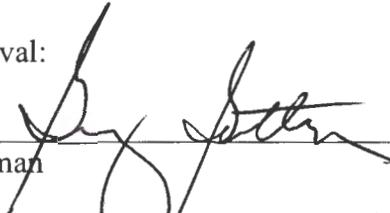
**Planning & Development Director's Report**

Ms. Ireland advised the board that the next meeting is scheduled for Monday, May 23, 2016 with three agenda items.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 9:06 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:   
Chairman \_\_\_\_\_  
Date: 6-13-2016