

**Minutes of Planning Commission Meeting
Held Monday, July 23, 2018, at 7:15 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:15 P.M. by Board Member Greg Sutton.

Roll Call

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

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

Approval of Minutes

It was moved by Mr. Sutton, and passed unanimously, to approve the following minutes:

- June 11, 2018
- June 25, 2018

Correspondence

Ms. Ireland reported there was no correspondence.

Old Business

There was no old business.

New Business

(A) PC#19-18 Conditional Use Application

Owner: 2415 3rd Street South, LLC
1283 Ponte Vedra Blvd
Ponte Vedra Beach, FL 32082

Applicant: Cara Burky
2457 3rd Street South
Jacksonville Beach, FL 32250

Location: 2457 3rd Street South (*Blue Jay Listening Room*)

Conditional Use Approval for the continuation of an approved drinking establishment, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342 (d)(3) of the Jacksonville Beach Land Development Code. (*Blue Jay Listening Room*)

Staff Report:

Ms. Ireland read the following into the record:

The applicant is currently leasing commercial space located at 2415 S. 3rd Street (Suite 2457) for her business, the *Blue Jay Listening Room*. The subject location is in the Costa Verde Plaza Shopping Center, located in a *Commercial, limited: C-1* zoning district. The applicant's business is a live acoustic music venue with beer and wine sales. The applicant received conditional use approval for a drinking establishment originally under PC#26-16 in July 2016. Approval of PC#26-16 included the conditions of limited hours of operation (5:00 pm to 11:00 pm) and an expiration of 12 months following the date of approval.

The applicant re-applied for conditional use approval, per the conditions of PC#26-16, in July 2017 and received approval with an amendment to the hours of operation based on the applicant's request. The hours of operation condition under PC#34-17 were 11:00 am to 11:00 pm. Since the business had not yet opened at the time of the second application in 2017, an additional condition of approval was an expiration of 12 months following the date of that approval.

Twelve months have passed since the second approval, and the applicant is requesting continuation of the already approved drinking establishment. The applicant is also requesting the removal of the condition for limited hours of operation. The applicant has been in operation since August of 2017. There have been no documented complaints or issues with the applicant's business since opening.

Adjacent uses include commercial to the west across 3rd Street South, a gas station and single-family residential to the south across 25th Avenue South, and multiple-family condominiums to the east and across a retention pond to the north. Adjacent uses in the balance of the shopping center include a restaurant, retail, personal and business services, and miscellaneous medical offices. Given the type of music events and the absence of any issues or complaints, the continued operation of the business at this location should not negatively impact neighboring properties.

Public Hearing:

Applicant:

Cara Burky stated there had been no documented noise complaints regarding her business. Ms. Burky offered screenshots and customer reviews of Blue Jay Listening Room. She stated that extending Blue Jay Listening Room's business hours will add to the overall profitability of Jacksonville Beach.

Board Member Greg Sutton stated there were only four people present on board, therefore if there is a tie vote then the request is denied, and gave Ms. Burky the option to withdraw her request. The applicant declined to withdraw.

Randall Holland of Ocean's Edge Condominiums spoke in support of the application.

Brice Brown of Jacksonville Florida spoke in support of the application.

Mr. Sutton closed the public meeting.

Discussion:

Ms. Dumont stated that one year ago, this conditional use was approved with a one-year expiration to see how it would impact Ocean's Edge residents, area parking and compliance with the new sound ordinance.

Motion: It was moved by Ms. Dumont and seconded by Mr. Sanders, to approve full application with no limitation on hours and Ms. Burky is not required to come before the Board again.

Roll call vote: Ayes - Georgette Dumont, Britton Sanders, Margo Moehring and Greg Sutton.
The motion passed unanimously.

PC#20-18 Land Development Code Text Amendment

Applicant: Planning and Development Department
 11 North 3rd Street
 Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment Approval** to amend the text in Article II, Article IV, Article V, Article VI, Article VII, and Article VIII of Chapter 34, *Land Development Code*.

Staff Report: Ms. Ireland read the following into the record:

Periodically, the text of the Land Development Code (LDC) must be reviewed and amended to address needed and/or desired updates and improvements. In 2001, the Land Development Code was amended in this manner under Ordinance No. 2001-7810. Changes included text amendments to Articles I, II, IV, VI, VII, VIII, IX, and X, and XII. Since then, minor changes have been made to the LDC over the last 17 years as needed or requested by an applicant. The staff has been assembling the most recent package of required/desired changes over the last several years and has developed a list of amendments for consideration. These proposed amendments are attached to the Land Development Code Text Amendment Application. Changes are proposed to Articles II, IV, V, VI, VII, and VIII of Chapter 34 of the City of Jacksonville Beach Code of Ordinances.

Applicant: Planning and Development Director Bill Mann, 11 North 3rd Street, Jacksonville Beach, FL 32250

Amendments to the application: Page 4 - 12 were distributed due to a small change.

Article II – Interpretation – Requests in writing for Mr. Mann’s interpretation will not go to the board adjustment, but at Mr. Mann’s recommendation, requests will go directly to the Circuit Court of Duval County, Florida.

Article IV - Definitions

Artwork – Proposes not limiting murals to only 25% of the exterior walls of buildings.

Carport – Structure with a minimum of two sides.

Driveway – Provide a definition for clarification.

Lot of Record – Provide a definition

Shopping Center – Two or more businesses sharing common offsite parking lot. Propose to update to three businesses.

Standing - Party must demonstrate reasonable interest or standing on a matter.

Walkway – Provide a definition for clarification.

Article V.

Board of Adjustment alternates have a separate term of two years, while members have a term of four years, which makes it hard to get alternates on the Board. Propose changing alternates’ term to four years instead of two.

Article VI.

General applicability – Proposing to remove the requirement for a recommendation from staff on applications for development permit, and replace it with staff report.

Clerical errors are being corrected in Section **34-177** and Section **34-179**.

Section 34-207 - Proposing to remove the requirement for a recommendation from staff on applications for zoning changes and code amendments, and replace it with staff report. Additionally, propose to remove the deadline a staff report will be provided to the applicant.

Section 34-222 - Add that variances for relief from building height, residential density, or minimum lot area requirements are not permitted.

Article VII. Zoning Districts - Proposes changes within each zoning district. Mr. Mann stated a request of City Manager was that “Essential public services” be changed from conditional uses to permitted uses in single- and multiple-family residential zoning districts. Essential public services means the erection, construction, alteration or maintenance of underground, surface or overhead utility installations of water, sewer, gas, telephone and electrical systems and the equipment of pertinence such as substations and lift stations for such stations necessary to furnish an adequate level of service.

Mr. Mann stated the possible reason for this is city systems are essentially built out.

Additionally, it is proposed to add as a permitted use Single-family dwellings, built to RS-3 standards, in RM-1 and RM-2 zoning districts.

In Central Business District: CBD zoning, add that multiple family dwellings are subject to the site design and lot layout standards and subject to the maximum density limitations of RM-2 zoning.

Correct a typo in section 34-346 (d)(3).

Article VIII

Wheel Strips - Add a standard for wheel strips as parking areas. The outside edges must be 7 feet apart as measured from the outside edge.

Bicycle Parking – Add that one designated space for bicycle parking may be provided if more than 10 parking spaces exist.

Parking Area Setbacks – Driveways are to be included in parking area set-backs, except as required to allow vehicular access to and from paved street.

Construction Standards – Access to required parking from a paved street must be paved.

Supplemental Standards – Air conditioning compressors can be located in a side yard as long as the side yard setback is 7.5 feet wide or more.

Walkways – Can connect to a primary or detached accessory structure or driveway and public sidewalk, and may be located in a front, side, or rear yard with a minimum setback of 3 feet from any side property line.

Pools – Updated reference to reflect the Florida Building Code.

Corner Visibility – Changing “street” to “right-of-way”.

Home Occupations – Home addresses cannot be used to advertise a home businesses in print, on websites or social media.

Prohibited Signs – Prohibit signs on fences or perimeter walls or properties.

Section 34-452- Change “Division IV” to “this division” and other clarification changes.

Article IX - Subdivision Standards

Section 34-503 - Correction of a typographical error.

Section 34-504 – Change “development order” to “development plan”.

Final Plat – Amended to 5 copies of final plat from 10 copies.

Discussion:

Provide an example of page 1, "interpretation". Mann clarified that it is "a request for interpretation" or a more educated answer.

Corrections:

Section 34-41 – Shopping Center definition. "Retails" and "services" should not be plural. Change "that" to "which."

Section 34-155(2)b – Change "recommendations" to "report", and remove "if relevant" in the last sentence.

Section 34-373 Design Standards - Accept as required to allow vehicular access.

Section 34-444 – Prohibited signs – Board member asked if Mr. Mann had done any research on the businesses this will impact? Mr. Mann responded he had not at this time and the intent is directed to residential properties.

Section 34-207 – There is concern with the wording – "Planning and Development Director will mail a copy of the staff report to the applicant on the day the staff report is completed". Suggested changing this to a more reasonable time frame.

Essential Public Services – There is concern about a water well station near property impacting home values. Services 95% built out. How many sites does the city have where city can put well in Mr. Mann stated it must be near raw water main. Board member concerned about taking neighborhoods rights away to say where it is placed. Mr. Mann responded by acknowledging concern.

Public Hearing:

In support of:

James Sorrell, 1410 Pinewood Road, Jacksonville Beach, FL 32250.

Tony Komarek, 533 11th Avenue South, Jacksonville Beach 32250.

Mary Phillips, 934 10th Street North, Jacksonville Beach, FL 32250.

Joseph Loretto, 1887 Green Heron Court, Jacksonville Beach, FL, 931st 1st Avenue South BOA Member from 2007-2017 and works for Genesis Group. Mostly in support.

Alexander Sifikas, 340 8th Street Atlantic Beach, FL 32233. Mostly in support.

Richard Briggs – 8181 Ladoga Avenue, Jacksonville, FL 32207 American Classic Homes. (Uncertain what his position is)

In opposition of:

John Atkins – 286 South 1st Street, Jacksonville Beach, FL 32250, Builder, and Developer.

Mr. Sutton closed the public hearing.

Discussion:

Mr. Mann references City of Jacksonville Beach study seven years prior, where lot coverage was recommended to be 45% and was declined by the City Council. Developers are focusing on one product type they cannot build. Welcomes developers and residents to file privately sponsored recommendations or sit down and come to a "meeting of the minds." Mr. Mann is proceeding with all recommendations. Recommendation going to the City Council for review, Planning Commission does not have the final vote.

Board member wants to know the basis for lot coverage? Mr. Mann stated primarily for drainage, secondarily for aesthetics. Board member questions townhouses at 65% lot coverage bringing down for maximum units from six to four. Mr. Mann confirms he did not point out in RM-1 when the amendment was stated earlier amend standard from six to four to make a smaller building.

Board member makes a statement those opposed regarding driveways, property lines and setbacks only applies to fee simple? Mr. Mann confirms only applies to fee simple property lines. Board member stated with the steady increase in fee simple applications, what are long-term implications? Mr. Mann says there is no difference. He does not have anything further to add currently and directs her to developers.

Motion: It was moved by Ms. Dumont to approve amendments as written, no second.

The application will be deferred to the August 27, 2018 Planning Commission Meeting.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for August 13, 2018.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:45 P.M.

Submitted by: Selena Hodge
Administrative Assistant

Approval:

Chairman

10-22-2018

Date