

**Minutes of Planning Commission Meeting  
held Tuesday, May 28, 2019, 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 7:05 PM by Chairman Greg Sutton.

**Roll Call**

*Chairman:* Greg Sutton  
*Vice-Chairman:* David Dahl  
*Board Members:* Margo Moehring Britton Sanders  
*Alternates:* Jon Scott Walker Bill Spann

Also present were Senior Planner Heather Ireland, Director of Planning and Development Bill Mann, and Attorney Denise May.

**Approval of Minutes** None

**Correspondence**

Ms. Ireland announced she received several emails from the public regarding PC #10-19 in addition to the correspondence attached in the meeting agenda. Three are in opposition, and two are in favor of the application. Additionally, the Commission received a signed petition before the start of the meeting expressing opposition to the case.

**Old Business** None

**New Business**

(A) **PC#10-19** 412 North 1<sup>st</sup> Street (existing *Pier Cantina* Restaurant and parking lot)

**Owner:** 412 Boardwalk Inc.  
2275 Atlantic Blvd Suite 100  
Neptune Beach, FL 32266

**Applicant:** Jax Pier Lodging, LLLP  
505 Riverfront Parkway  
Chattanooga, TN 37421

**Agent:** Connelly & Wicker, Inc.  
10060 Skinner Lake Drive  
Jacksonville, FL 32246

**Redevelopment District: RD Rezoning Application** requesting to rezone real property from *Central Business District CBD* to *Redevelopment District: RD*, pursuant to Section 34-347 of the Jacksonville Beach Land Development Code, for a new oceanfront hotel project.

### **Staff Report:**

Ms. Ireland read the following into record:

The subject property is located on 1<sup>st</sup> Street North immediately South of the City's public pier parking lot and within the Downtown Community Redevelopment District. The property currently consists of three contiguous lots, one with an existing building (*Pier Cantina Restaurant*) on a portion of the lot, and the balance of the property containing a surface parking lot. The property is subject to a 2010 Consolidated Settlement Agreement that allows it to be developed to a maximum building height of 56 feet, under the provisions of the RD zoning standards, and in accordance with the CBD site design and lot layout standards that were in effect in 2010. The applicant approached city staff about a proposed oceanfront hotel project in early 2019. Since the proposed hotel with parking and amenities exceeds 50,000 square feet, rezoning from *Central Business District: CBD* to *Redevelopment District: RD* is required by code.

The proposed project is a 136-room *Springhill Suites by Marriot Hotel*, including approximately 600 square feet of separate retail space at the northwest corner, and oceanfront restaurant/bar/pool area. There will be access to the public boardwalk from the pool deck to the east side of the hotel. The development will provide 123 parking spaces on the ground floor, accessible by car from 1<sup>st</sup> street, and parking will be 100% valet service. The applicant will use the "payment in lieu of" program available to CBD businesses to address the balance of the required hotel parking spaces. Adjacent uses include the pier parking to the north, an existing restaurant/bar to the south, parking to the west across 1<sup>st</sup> Street and the Atlantic Ocean to the east.

The applicant's project narrative sets forth how the proposed oceanfront hotel achieves various objectives of the Downtown Community Redevelopment Plan and outlines the project's consistency with the City's 2030 Comprehensive Plan. The Hotel project will bring additional daytime population to the downtown area while providing amenities to the public along the boardwalk. Additionally, the project will serve as an anchor to development along 4<sup>th</sup> Avenue North, which pursuant to the 2007 Vision Plan is identified as the "Pier Corridor," an important east-west corridor where infill development is important to the Central Business District revitalization.

Prior to the presentation by the agent, Mr. Sutton inquired about the 2010 Consolidated Settlement Agreement based on the district circuit court ruling. Ms. May approached the Commission and stated this property has a history of lawsuits, which started in in 2006, following the City's decision in 2004 to limit building heights to 35 feet. The suit was settled in 2010 with the following terms:

- The building height allowed on this property is 56 feet.
- Development exceeding 50,000 square feet in gross floor area or 50 feet in height (as this one does) shall be processed under the provisions of 34-347 RD district zoning standards in accordance with the site design and layout standards of the CBD in Section 34-345 in effect at that time in 2010. No other amendments since that time can be applied.

Ms. May clarified the rezoning of the property to RD zoning is required by the settlement agreement.

**Agent:** Alex Grace, 8641 Seven Lakes Drive, Ooltewah, Tennessee, is representing the applicant, along with Steve [Diebenow], the Land Use attorney, and Rick [Welch], the engineer with Connolly & Wicker, Inc.

**Ex-parte:** Mr. Sutton had an informational discussion with Mr. Diebenow. Mr. Walker announced he met with Mr. Diebenow to get more insight about the case. Mr. Spann had a phone call from Steve but declined to discuss anything. Ms. Moehring stated she and Mr. Diebenow discussed the possibility of meeting, but they did not meet. Mr. Sanders announced he had a voicemail, but did not meet with Mr. Diebenow. Mr. Dahl stated he reported his ex-parte at the last Planning Commission hearing.

Steven Diebenow, One Independent Drive, Suite 1200, Jacksonville, approached the Commission and referred to the PowerPoint presentation he prepared to discuss the application [*on file*]. The majority of the application references were in relation to a 3-D drawing of the hotel's backside facing the ocean. The stairs in the design are open to the public, which would have access to the restaurant located on the east of the hotel. Mr. Diebenow added the owners wanted to create an oceanfront dining experience, as there are few in Jacksonville Beach. Mr. Diebenow stated it is consistent with the City's Comprehensive Plan. Parking would be available on the ground floor level of the hotel. The applicants acknowledged a shortage of parking spaces, and they would compensate by paying into the "payment in lieu of" on-site parking fund, which costs approximately \$40,000, per space, and they are approximately 12-15 spaces short. He explained the money goes into a parking fund specifically for the Central Business District.

Mr. Diebenow further stated prior to the Planning Commission meeting, he met with the Community Redevelopment Agency (CRA). The CRA suggested designating a space for the City's police and the applicants stated they are willing to look at that. The Agency also had questions about the circulation of foot traffic and accessibility to the restaurant. The applicants explained there are gates that limit access to certain areas to only those with key fobs or wristbands for secured access. Mr. Diebenow commented they are consistent with the court order, the RD zoning district, the CRA's suggestions, and the City's Comprehensive Plan.

Mr. Dahl questioned the applicants on regulatory drainage. Mr. Welch, 10060 Skinner Lake Drive, Suite 500, Jacksonville, approached the Commission to respond. He stated the west 3/4 of the site is included in the central City master stormwater system, but the beachfront is not, therefore additional water drainage supplements would be provided. Water drainage plans would be reviewed by the City's Public Works Department and the DEP at the state level. In response to Mr. Sanders' question regarding handicap access, Mr. Diebenow commented there would be American Disability Act (ADA) parking spaces available, and there would be elevator access from the entrance of the hotel that leads to the restaurant. Additionally, there is a public right-of-way on the 4<sup>th</sup> Street side of the hotel that provides access to the beach. All ADA access would be through the building itself.

Ms. Moehring commented from the perspective of storm surge, the parking lot might be a wash-through in the case of a hurricane. The applicants commented the hotel would undergo an approval process from the Florida Department of Environmental Protection (DEP) that deals with this matter. Mr. Mann commented the area in discussion covers the oceanfront 2/3 of the property.

**Public Hearing:**

The following spoke in opposition to the Conditional Use Application:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

- Mary Jones, 320 1<sup>st</sup> Street North, Unit 810, Jacksonville Beach
- Randy Lummus, 320 1<sup>st</sup> Street North, Suite 908, Jacksonville Beach
- Meade Coplan, 320 1<sup>st</sup> Street North, Suite 770, Jacksonville Beach
- Payton Richard, 320 1<sup>st</sup> Street North, Suite 905, Jacksonville Beach

Mr. Diebenow approached the Commission to respond to concerns. Regarding public safety, he stated the applicants spoke with the CRA about the addition of a police stop to maintain safety. Any drainage and traffic studies required would be done and paid for by the developers, and they would be available to the public. Mr. Diebenow added the applicants are not entitled to zoning by right, as it requires a process of approval by several boards and commented the CRA approval affirmed this project is consistent with the Downtown Vision Plan. He stated the garbage pickup and delivery process would not change.

Mr. Grace approached the Commission to address parking concerns. He stated there is not a lot of parking demand based on his experience and research on other similar hotels in Clearwater Beach and Miami. He also did not foresee parking issues regarding traffic and parking space accessibility. The guestrooms are located on floors 2-5, as the floors underneath can be used for parking and facilitating garbage pick-up. Transportation services can also drop off guests and visitors underneath the hotel canopy. Employee parking was discussed, and Mr. Grace stated high-peak visit times were calculated with the required number of hotel employees to accommodate the right amount of parking spaces.

Mr. Sutton closed the public meeting.

**Discussion:**

Mr. Sutton questioned staff about public parking. Mr. Mann responded the spaces to the north are an extension of 4<sup>th</sup> Avenue and lead directly to the ramp of the pier, but there is no public parking south of the property or on 1<sup>st</sup> Street at this property. Mr. Sanders questioned agents on aesthetical appeal of the building, and it was understood the drawings of the construction are only preliminary. Ms. Moehring questioned the staff on parking levels, and Mr. Mann responded some of the designs of the City's 2007 Vision Plan did not recognize coastal DEP permitting processes, and as it was acknowledged before, the only parking access available would be from 1<sup>st</sup> street.

Mr. Dahl asked about access to public records, and when negotiations between the developer and the DEP would occur. Mr. Mann responded the applicants have some flexibility with the construction and may not have to come before City boards. Mr. Mann explained the history of the "pay in lieu of" program, which has no relation to the 2010 settlement agreement. Regarding aesthetics, the applicants have no further plans to add aesthetic appeals to the top of the building but are open to ideas from the public. Mr. Dahl asked about public disclosure requirements, per resident comments from the public hearing. The settlement agreement was subject to a public meeting, and residents had an opportunity to attend, but there were no further required disclosures. Ms. May affirmed this. Mr. Mann stated anyone could go to City Hall to access a list of the properties that are grandfathered.

Mr. Sanders commented the applicants are short by 15 spots, and with 80% occupancy, they would still have available parking. Mr. Spann responded they are underselling the required parking spots. Ms. May commented the Land Development Code dictates the minimum required parking and

what the applicants offered is sufficient. Mr. Sanders complimented the project and added it is a family-friendly hotel with aesthetic appeal.

There was no further discussion regarding this case.

**Motion:** It was moved by Mr. Sanders and seconded by Ms. Moehring, to approve the Conditional Use Application.

**Roll call vote:** Ayes – David Dahl, Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton

The application was approved unanimously.

**(B) PC#12-19** 1600 Shetter Avenue (*Pablo Hamlet Senior Living*)

**Owner:** Beaches Elderly Housing Corp.  
360 Scarlet Bugler Lane South  
Jacksonville, FL 32225

**Applicant:** Melissa Gilreath, Elderly Housing Corp.  
115 South 3<sup>rd</sup> Street  
Jacksonville Beach, FL 32250

**Agent:** Brian E. Keintz, Connelley & Wicker Inc.  
10060 Skinner Lake Drive, Suite 500  
Jacksonville, FL 32246

**Planned Unit Development: PUD Rezoning Application** requesting to rezone real property from *Residential, multiple-family: RM-1* to *Planned Unit Development: PUD*, pursuant to section 34-348 of the Jacksonville Beach Land Development Code (*Pablo Hamlet Senior Living*) to accommodate additional dwelling units.

**Staff Report:**

Ms. Ireland read the following into record:

The subject property is located at the western most end of Shetter Avenue and has existed as the Pablo Hamlet senior living development since 2002. The property has always been a multi-family residential use since the buildings were constructed in 1980. The complex currently has a total of 104 residential dwelling units in two buildings. The owner has identified the need for additional housing units to accommodate the demand for senior living at the beach. There is currently a wait list for housing at the facility. The property is zoned Residential, multiple-family: RM-1 which permits a maximum of 20 units per acre, however the future land use of the property of the 2030 Comprehensive Plan is High-Density Residential, which permits 21-40 units per acre.

The current density of the property is 19 dwelling units per acre, which does not provide the opportunity to add dwelling units. The new density with the proposed additional units will be approximately 30 dwelling units per acre, well under the maximum of 40 dwelling units per acre allowed by the 2030 Comprehensive Plan. In order to accommodate the additional 84 dwelling

units, the applicant was advised by staff that rezoning to *Planned Unit Development: PUD* would be necessary for the increase in density permitted by the Comprehensive Plan.

The proposed new site plan provided by the applicant shows two new buildings on the property, on the east and west ends of the existing campus with 42 dwelling units each. Additionally, two common rooms in the existing building would be converted into four new dwelling units. The site plan also shows 84 new parking spaces and a new community room that will be constructed between the two existing buildings. The parking provided is adequate for the additional dwelling units (1 space/dwelling unit for senior housing). If approved, the PUD ordinance will contain a stipulation that additional parking will be required if the facilities change from senior housing to open market apartment rentals.

Adjacent uses include a private school to the east and south, single-family further to the south, undeveloped wetlands to the west and north, and multiple-family residential to the northeast across Shetter Avenue. The demand for the addition of new dwelling units to this existing senior housing development has been demonstrated via the existing wait lists, both here and at Pablo Towers which the applicant also owns and manages. It is not anticipated that there will be any negative impact to the adjacent uses to the north and east, as the traffic generation of the existing dwelling is low, as can be exhibited by an analysis of the use of the parking lot.

**Agent:** Melissa Gilreath, 101 Palmera Court, Ponte Vedra, commented there is a three-year wait list at Pablo Hamlet and a five-year wait list at Pablo Towers. Hundreds were turned away due to a shortage in availability, and more housing is desperately needed. A parking survey was conducted, and it shows an average of 63 parked cars per day, as many of the residents do not drive. Gabriel Bow, 354 Royal Tern Road, Ponte Vedra, explained by expanding the building, they would also be renovating the facility. There are currently 192 parking spaces per LDC rules. Mr. Walker questioned about the services of the facility, and Ms. Gilreath responded this facility is independent and serves ages 62 and above, but 10% comprises of under-62, disabled residents. It is not an assisted living facility.

Discussion ensued regarding green space. The property has had no flooding in the past, and the new buildings would be added to its the east and west ends. Property surroundings and borders were discussed referencing a PowerPoint presentation for clarification. Ms. Moehring questioned Ms. Ireland on the decreasing of parking spaces as most residents do not drive, and Ms. Ireland stated the applicant elected to comply with LDC parking rules and not apply for a variance to decrease parking.

**Public Hearing:**

No one spoke regarding the application.

Mr. Sutton closed the public meeting.

**Discussion:**

There was no further discussion regarding this application.

**Motion:** It was moved by Mr. Dahl and seconded by Mr. Sanders, to approve the Conditional Use Application.

**Roll call vote:** Ayes –Margo Moehring, Britton Sanders, David Dahl, Jon Scott Walker, and Greg Sutton

The application was approved unanimously.

(C) **PC#13-19** Land Development Code Text Amendment Application

**Owner/** Marcello Bergo & Katrina Lane  
**Applicant:** 603 16<sup>th</sup> Street North  
Jacksonville Beach, FL 32250

**Agent:** Lindsay Haga, AICP  
England-Thims & Miller, Inc.

**Land Development Code Text Amendment Application** to amend the definition of “Pets, household” under Article IV. Definitions to permit female chickens and poultry and female dehorned goats, and to provide standards and regulations for coops and enclosures, where permitted. (Applicant –private sponsor)

**Staff Report:**

Ms. Ireland read the following into record:

Chapter 5. Article I. of the City Code of Ordinances addresses “Animals and Fowl.” Chapter 5 specifically identifies which livestock animals are permitted to be kept in the city and how they should be kept. Flies, odors, loose animals, and noisy animals are considered a nuisance, and pigs are strictly prohibited, as outlined in the Chapter. Roosters are prohibited within 100 yards of another occupied dwelling (essentially making them completely prohibited). The majority of this Article has not been updated since 1976. Essentially, this Chapter does not regulate horses, mules, cows, cattle, and chicken or poultry (poultry includes turkeys, ducks, and geese).

Currently, the Land Development Code (LDC) exists in conflict with Chapter 5 of the City Code of Ordinances. Residential zoning districts permit doghouses and similar structures for housing household pets. Under Article IV. Definitions in the LDC, household pets include dogs, cats, hamsters, and birds, but exclude poultry and hoofed animals. While the “Animals and Fowl” section of Chapter 5 of the City Code may not prohibit certain livestock animals, the LDC prohibits residents from providing the required housing or pens for them based on the LDC definition of what is considered a household pet.

The applicant for this LDC Text Amendment Application, under the provisions of Chapter 5 of the City Code of Ordinances had, not incorrectly, been raising and caring for both miniature goats, and miniature hens to provide milk and eggs for her growing family. The applicant raised and housed these animals for years with no complaints from the neighbors to her or the City until recently. After involvement by Code Enforcement, the applicant rehomed her animals and met with City staff to discuss ways the LDC could be amended to allow the types of animals she kept on her property, and to establish requirements and standards of housing and care.

The text amendments, as proposed by the applicant, include the following:

- Amending the definition of “Pets, household” to include female chickens or poultry, and female dehorned miniature goats and to specifically exclude male animals of the same breed and horses, mules, cows, cattle, and hogs.
- Permitting up to 10 female chickens or ducks, and two female miniature goats at single-family residential uses only on lots of at least 5,000 square feet located in RS-1, RS-2, and RS-3 zoning districts.
- Standards and requirements for housing poultry and goats, including enclosure size, screening, fencing, setbacks, location, security, and feed storage.

The applicant’s agent modeled the proposed LDC text amendments to be similar in scope and content to Atlantic Beach’s and Neptune Beach’s recent ordinances to permit backyard hens. Neither municipality has permitted miniature goats at this time. Both municipalities set a limit on permits, and neither has reached the maximum, nor has either city had any issues with any of the permitted properties, owner, or animals, as indicated by a discussion with their planning staff.

If these amendments are approved, violations of the proposed standards and requirements would be handled by both Animal Control and Code Enforcement as needed and appropriate, as proposed by the applicant, there would not be a registration program, but building permits would be required for coops and enclosures and the City would be able to document the location of the permitted animals through these permits. Building permits would allow staff to ensure setbacks, buffering, and other accessory structure requirements are met.

**Agent:** Lindsay Haga, Senior Planner with England-Thims & Miller, Inc., first readdressed the conflict in the LDC, and she then commented the main difference between the City of Jacksonville Beach and the cities of Atlantic Beach, Neptune Beach, and Jacksonville is the availability of a registry program. In this proposal, a registry program is eliminated. The applicant’s double-frontage lot adds special attention to her case as it is visible to the public. She pointed this application is consistent with the Comprehensive Plan.

In response to Mr. Sutton’s questions regarding the exclusion of male animals, Ms. Haga commented males tend to be more vocal and smellier. They are proposing to cap the number of poultry at no more than ten, and for goats, no more than two. These limits were derived based on the applicant’s family’s general food consumption information. The applicant is also compliant with the proposed square footage, and the property would also be screened.

Ms. Moehring questioned the applicant’s proposal not to include registration and to replace it with permits, especially if other applicants have already-existing structures that would be compliant. Ms. Haga commented this would be a retroactive process with the City. Ms. Ireland commented on the permitting process. Ms. Haga added the environment offers an educational component to the public. Mr. Walker commented he could not envision goats as household pets. Mr. Spann asked about stench and noise complaints. Ms. Haga commented females tend to have a lower voice and should not cause a disturbance. Ms. Ireland added complaints would be considered an animal control issue.

Mr. Sanders inquired about limitation numbers set in the proposal in comparison to other Cities’ numbers; Ms. Ireland informed the Commission Atlantic Beach set a limit of 50 permits, and it

currently has 12. They are limited to five hens and do not allow miniature goats. Neptune Beach's permit limit is 25, and it currently has six applications; they are also limited to five hens and do not allow miniature goats. Mr. Walker questioned the applicant if the animals would be free-range or cooped. Katrina Lane, 603 16<sup>th</sup> Street North, Jacksonville Beach, approached the Commission and responded the chickens were kept in a coop at night and let out during the day in an all-fenced yard. Their wings are safely clipped to prevent them from flying. She later spoke of the benefits of goats and the care demands of ducks and goats.

Mr. Sutton questioned Ms. May about Chapter 5 neutrality in the Code. Ms. May went over the provisions that would apply if this application was permitted and continued to define "nuisance" and included examples. She added she has concerns regarding language inconsistency and wished the text would be revisited. Mr. Sutton suggested to the applicant to withdraw her application for inspection by the City Attorney. Ms. Ireland questioned Ms. May and the Planning Commission if this case can be deferred. It was later agreed the case would be deferred to the June 24, 2019 meeting.

**Public Hearing:**

The following spoke in general about the Land Development Code Text Amendment Application:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Mr. Sutton closed the public meeting.

**Discussion:**

Mr. Sutton commented the application is deferred until the second meeting in June.

**Motion:** It was moved by Mr. Sanders and seconded by Ms. Moehring, to defer the Land Development Code Text Amendment Application to the June 24, 2019, Planning Commission meeting.

**Roll call vote:** Ayes –Britton Sanders, David Dahl, Margo Moehring, and Greg Sutton  
Nays– Jon Scott Walker

**Planning & Development Director's Report**

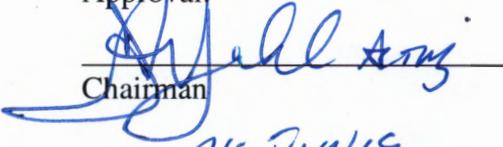
Ms. Ireland noted the next meeting is scheduled for Monday, June 10, 2019.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 9:00 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
Chairman

24 JUN 19  
Date