

**Minutes of Planning Commission Meeting
Held Monday, July 8, 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 7:00 PM by Chairman Greg Sutton.

Oath of Office

Colleen Murphy White was sworn in by Chairman Greg Sutton as First Alternate to the Planning Commission.

Roll Call

<i>Chairman:</i>	Greg Sutton		
<i>Vice-Chairman:</i>	David Dahl		
<i>Board Members:</i>	Margo Moehring	Britton Sanders	Jon Scott Walker
<i>Alternates:</i>	Bill Spann	Colleen Murphy White	

Also present were Senior Planner Heather Ireland and Acting City Attorney Denise May.

Approval of Minutes *None*

Correspondence *None*

Old Business *None*

New Business

(A) **PC#20-19** 122 South 9th Street (RE#175656-0000)

Applicant: DNA Investments Florida, LLC
9799 Mining Drive #1
Jacksonville, FL 33257

Concept Plan for Plat Approval for a proposed six-unit fee-simple townhouse development for property located in a Residential, multi-family: RM-1 zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

“The subject property is located on the northwest corner of 9th Street South and 2nd Avenue South and is currently vacant. The applicant is proposing to develop the vacant residential property as a six-unit, fee-simple townhouse project. Each of the individual lots shown on the proposed concept plat exceeds the minimum lot size and street frontage requirements for townhouse lots in RM-1 zoning districts.

Adjacent uses include single-family directly to the west, single- and multiple-family to the north, single-family, multiple-family and a church to the east, and single- and multiple-family to the south. The subdivision of the subject property into six fee-simple townhouse lots is consistent with similar townhouse developments in RM-1 zoning districts.“

Mr. Sutton inquired about any modification that had occurred to the application. Ms. Ireland responded there is no modification to the proposed new lots, but the building footprint was taken out in 2017 to facilitate the reading of the application.

Agent:

David Palaj, 12480 Arrowleaf Lane, Jacksonville, approached the Commission to discuss the application. Mr. Sanders asked if there were any changes from last year’s application. Mr. Palaj pointed to issues the Commission discussed last year, which include the property being located in a school zone and residents having to back out into a busy street. He explained access to the property is not in the school zone, and the issue of backing out into the street is too common in Jacksonville Beach. Mr. Palaj added the applicants are conforming with all the requirements, which include setbacks and parking spaces.

Public Hearing:

No one came forward to speak regarding this application.
Mr. Sutton closed the public meeting.

Discussion:

Ms. Moehring asked Ms. Ireland about the nature of the Jacksonville Housing Authority and its redevelopment plans. Ms. Ireland responded there are seven different properties currently being redeveloped. Six properties would have two buildings, containing eight units each, and another would have slightly fewer units. All would be Code-conforming.

Mr. Sanders questioned if the proposal to alter the Land Development Code (LDC) by limiting the number of attached townhomes in RM-1, specifically, from six to four units had been passed. Ms. Ireland stated it reached the City Council and has not passed.

Motion: It was moved by Ms. Moehring to approve the Concept Plan for Plat Application.

Mr. Walker inquired about the history of the application, as he was not a sitting member when it was originally proposed. Ms. Ireland commented this application had been presented before the Commission approximately one year ago, and it was rejected due to traffic-related issues and its proximity to a school. Mr. Sutton commented the issues discussed by the agent accurately reflected the Commission’s concerns regarding this case in the previous meeting. Ms. Ireland reminded Commission members to consider the Standards Applicable to Concept Plan for Plat located in the agenda.

Motion died due to lack of a second.

Ms. Moehring stated there is a need for a comprehensive look at residential zones in Jacksonville Beach and added she believes this application should not be rejected based on the criteria the Commission is to follow. Mr. Dahl commented he agrees with Ms. Moehring. Mr. Sanders asked the agent about garage and driveway capacity. Mr. Palaj answered the length of the driveway would suit two cars as the property is located in the right-of-way, and the required minimum parking spaces for each unit on his property is two. One vehicle can be parked inside the garage, and two can be parked outside. The lots are 20 feet wide, which exceeds the interior minimum of 15 feet.

Mr. Sanders stated the property is located near one of the main entrances to Jacksonville Beach Elementary School, and the problem of backing out of the driveway is still a safety concern.

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

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

The application was approved by a vote of 3-2.

(B) **PC#21-19** 304 North 3rd Street (Currently RPM Automotive)

Owner: L.T.I. Inc. / Phil Adams
1219 Creek View Way
Ponte Vedra Beach, FL 32082

Applicant: The Pep Boys, Mannie, Moe & Jack, Inc
3111 W. Allegheny Avenue
Philadelphia, PA 19132

Conditional Use Approval for the transfer of ownership of an approved automotive repair establishment located in a Commercial, limited: C-1 zoning district, pursuant to Section 34-342(d)(6) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

“The subject property is currently in use as an auto repair establishment on the northwest corner of 3rd Street North and 2nd Avenue North and has existed under various ownerships since 1998 (see attached approval letters). The applicant would like to purchase the business from the current

proprietor, RMP Automotive. Since conditional use approval is not transferable, the applicant was advised by staff that applying for the conditional use in their name would be required.

Adjacent uses include a fraternal lodge facility to the west, an auto parts store across the alley to the north, a microbrewery to the south, and a mixed-use commercial building across 3rd Street to the east. The character of this mixed commercial area should not be negatively impacted by the continued operation of an existing automobile repair business under new ownership.”

Agent:

Colley Stowell, 5180 Siesta Del Rio Drive, Jacksonville, stated he was the previous owner of RPM automotive which was recently sold to Icahn Automotive Group, LLC. Insofar, Icahn Automotive Group, LLC has maintained the name of the business and its employees. This request for a variance does not include any changes from what was previously approved for RPM Automotive. Hertz car rental services are offered inside each RPM Automotive shop. Both Mr. Dahl and Mr. Walker complimented the company’s services.

Public Hearing:

No one came forward to speak regarding this application.
Mr. Sutton closed the public meeting.

Discussion:

There was no further discussion regarding this application.

Motion: It was moved by Mr. Walker and seconded by Mr. Sutton, to approve the Conditional Use Application.

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

The application was approved unanimously.

(C) **PC#22-19** 528 Beach Boulevard (former Jimmy Hula’s)

Owner: Five Points LLC
8650 Old Kings Road South, Suite #12
Jacksonville, FL 32217

Applicant: Skratch Kitchen
528 Beach Boulevard
Jacksonville Beach, FL 32250

Conditional Use Approval for the transfer of approved outdoor restaurant seating for a new restaurant located in a Commercial, general: C-2 zoning district, pursuant to Section 34-342(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

“The subject property is located on the south side of Beach Boulevard, between 5th Street and 6th Street South. The applicant is proposing to open a new restaurant (Skratch Kitchen) in the existing building most recently occupied by a Jimmy Hula’s restaurant. The building was originally constructed in 1979 as a Wendy’s restaurant.

The applicant is renovating the existing building and wants to utilize the existing outdoor seating area on the east side of the building and add a small outdoor area on the northwest side. The outdoor seating was approved for the previous applicant/tenant under PC#16-16 in May of 2016. The applicant was advised by staff that conditional use is not transferable and that they would be required to obtain conditional use approval to use the outdoor seating in the new tenant’s name.

Adjacent properties include a restaurant directly to the east, commercial uses directly to the south across Shetter Avenue, a package liquor store to the west across 6th Street South, and City’s Historical Park and commercial uses to the north across Beach Blvd. The reuse of this recently vacated commercial property for a new restaurant with outdoor seating should complement the neighboring properties and existing commercial establishments.”

Ms. Ireland referred the Commission to the site plan found in the agenda and distinguished the existing outdoor seating area as the larger component, located on the eastern side of the building. The applicants are proposing to add more space on the northern side. Outdoor seating is limited to 25% of the indoor space’s square footage. The site plan’s measurements may not be accurately presented, based on a review from the Duval County Property Appraiser, but the City would ensure the applicants meet the requirements for maximum outdoor seating when the permitting step is reached. Ms. Ireland added she believes the 2,580 square foot measurement shown on the map survey is lower than what is currently present and followed with similar complications within the survey.

Applicant:

Ryan Vermey, 261 Ahern Street, Atlantic Beach, commented he is trying to get a transfer of the previously-approved outdoor seating. He is attempting to add six more seats in the north area. Mr. Sanders inquired about the type of cuisine the restaurant would offer. Mr. Vermey stated there would be comfort food available, with brunch and dinner options served. The outdoor seating area would be embellished with plants to create an indoor-outdoor atmosphere with a garden setting.

Public Hearing:

No one came forward to speak regarding this 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, in accordance with the density regulated by 34-343(d)(14) under the LDC.

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

The application was approved unanimously.

Commission

Mr. Dahl proposed each Commission member receives a copy of the LDC as it has proved to be a useful tool in the decision-making process. Ms. Ireland stated she would include these copies in the agenda packets for the next meeting.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for Monday, July 22, 2019. There are four (4) scheduled cases. The Commission will be revisiting the short-term rental ordinance.

City Attorney

Acting City Attorney Denise May approached the Commission to assist with questions about short-term rentals. She briefly summarized the last meeting discussing these rentals and added she believes there would be a registration process for short-term rentals. Some provisions may be removed to facilitate the reading of the ordinance, but they would remain applicable per State law. The definition of maximum occupancy has changed to the lesser of either two people per bedroom and common room, or a calculation per 150 square feet. There would also be registration and license fees.

The City is asking the applicants to provide no more than what the State of Florida already requires. It would require updates when there is a major modification or a change of ownership, in addition to an initial inspection for all properties. Code Enforcement and Special Magistrate are enforcement mechanisms. Property managers and individual owners would act as agents and provide their contact information to the City as responsible parties.

Sample lease language, postings, and other training materials would be available for applicants to facilitate the registration process. Mr. Dahl questioned when the ordinance would be ready for the Commission to review, and Ms. May responded it would be ready by July 15, 2019.

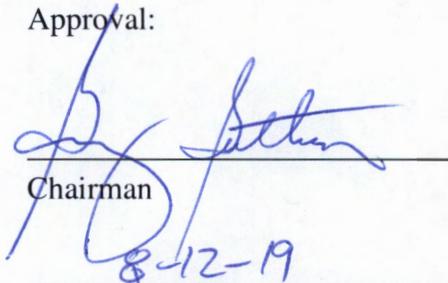
Copies of the Department of Revenue, Department of Business and Professional Regulation, and County Business Tax certificates are to be provided in the registration process. Compliance issues would be handled by Code Enforcement under Chapter 162, with the first warning being a notice of violation and the second being a notice of a hearing before the Special Magistrate. Chapter 162 allows for fines and the placement of liens on the property if violation fees accumulate. Evidence needs to be present for these measures to be taken. Code cannot be used to prohibit vacation rentals, as they are allowed by the State. There is currently one Code Enforcement Officer who would respond to complaints with help from the Police Department, Building Official, and Fire Marshall.

Adjournment

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

Submitted by: Sama Kaseer
Administrative Assistant

Approval:



A handwritten signature in blue ink, appearing to read 'Sutton', is written over a horizontal line. The signature is stylized and cursive.

Chairman

Date

8-12-19