

**Minutes of Planning Commission Meeting
held Monday, October 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 P.M. by Chairman Greg Sutton.

Roll Call

Chairman: Greg Sutton
Vice-Chairman: David Dahl
Board Members: Margo Moehring Britton Sanders (*absent*) Jon Scott Walker
Alternates: Colleen Murphy White Bill Spann

Also present was Senior Planner Heather Ireland.

Approval of Minutes

It was moved by Ms. Moehring, seconded by Mr. Spann, and passed unanimously to approve the following minutes:

- September 23, 2019

Correspondence

None

Old Business

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

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

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

Land Development Code Text Amendment Application to amend Article IV. Definitions to modify the definition of "Pets, household" to permit female chickens. Also, to amend Section 34-392 to include hens as household pets.

Staff Report:

Ms. Ireland read the following report into the record:

The proposed Land Development Code (LDC) Text Amendment was originally presented to the Planning Commission on May 28, 2019. The details of the proposed amendment were discussed, and the City's attorney noted that she desired additional time to review the proposed amendments and discuss them with the applicant and staff. Following a meeting between the applicant, staff and the City's attorney, staff then requested that the application be deferred until the September 23, 2019 Planning Commission meeting to allow additional time for discussions. At the September 23rd meeting, the applicant requested to defer to October 28th.

After additional review and discussion with the applicant, it was determined that while, at minimum, the definition of household pets in the LDC would still need to be amended to permit chickens, the bulk of the changes proposed would be more appropriately placed under Code of Ordinances, Chapter 5 – Animals and Fowl. Since this Chapter is not part of the Land Development Code, it cannot be amended through the Planning Commission.

The revised proposal before the Planning Commission includes two components.

1. Amend the definition of *Pets, household*, to include female chickens, or hens, as allowable household pets.
2. Amend Supplemental Standards Section 34-392(2) to include hens as household pets, and limit the number to five (5), where permitted.

The applicant has agreed to remove the request to allow female goats and any poultry other than hens. The remainder of the regulations, if moved forward, would be made in Chapter 5. Amendments proposed for Chapter 5 will be similar to those originally proposed for the Land Development Code under Supplemental Standards. Staff will work with the new City Attorney to draft the proposed changes to Chapter 5 to present to City Council. If proposed changes to Chapter 5 proceed forward, the proposed amendment to the Land Development Code as provided would be presented to City Council at the same time.

Applicant:

Lindsay Haga, England-Thims & Miller, Inc., 14775 Old St. Augustine Road, Jacksonville, presented a PowerPoint presentation [on file] regarding a backyard hen program.

Katrina Lane spoke about the positive impact of having household chickens and being able to produce fresh food for her family. Ms. Lane stated her neighbors do not object to her chickens.

Public Hearing:

The following spoke in support of the Land Development Code Text Amendment Application:

- Alexious Gamel, 1302 18th Avenue North, Jacksonville Beach

Mr. Sutton closed the Public Hearing.

Motion: It was moved by Mr. Dahl and seconded by Ms. Moehring to discuss the Land Development Code Text Amendment Application.

Vote: Hearing no objection, discussion was had.

Discussion:

Conversation ensued regarding sanitation, disease control, and property value. Further conversation ensued to change to wording on the application from “hens” to “female chickens.”

Ms. Haga reminded the Board of the Pilot Programs currently taking place in Neptune Beach and Atlantic Beach regarding the allowance of backyard hens in a residential area. Ms. Haga stated she would

be willing to mirror either of the programs being offered in other local cities. Ms. Haga also agreed to change the wording to “female chickens” for further clarification.

Ms. Lane stated she would support a pilot program in Jacksonville Beach.

Attorney Denise May reminded the Board Members the vote before them is strictly to modify the definition of household pets to permit female chickens in the Land Development Code.

Motion: It was moved by Ms. Moehring to approve the application subject to the substitution of the word female chickens for hens.

The motion died due to lack of a second.

Motion: It was moved by Mr. Walker and seconded by Ms. White to deny the Land Development Code Text Amendment application.

Roll call vote: Ayes – Jon Scott Walker, David Dahl, and Colleen Murphy White
Nayes – Margo Moehring and Greg Sutton

The application was denied by a 3-2 vote.

New Business

(A) **PC#30-19** 1436 Beach Boulevard

Owner: Shetter Avenue, LLC
13 Roscoe Blvd North
Ponte Vedra Beach, FL 32082

Applicant: Jacksontucky Distillery, Inc.
200 E. Forsyth Street
Jacksonville, FL 32202

Conditional Use Application for a proposed craft distillery located in a Commercial, general: C-2 zoning district, pursuant to Section 34-343(d)(18) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following report into the record:

The subject property is located on the southeast corner of Beach Boulevard and 15th Street South and currently contains a restaurant. The applicant, with permission and in collaboration with the property owner, is proposing to add a craft distillery to the site, which is now permitted as a conditional use pursuant to Section 34-343(d) of the Land Development Code. Jacksontucky currently operates from a building off Shetter Avenue. “Craft distillery” was added to the list of conditional uses in the *Commercial, general: C-2* zoning district via Ordinance No. 2019-8122.

Adjacent uses include the existing restaurant on site, a commercial shopping center to the west across 15th Street, a public cemetery to the east and north across Beach Blvd, and multiple-family residential to the south. The addition of a manufacturing use on the subject property should not negatively impact adjacent properties. Staff will work with the property owner to ensure that adequate parking and buffering from the residential use is provided.

Applicant:

The applicant, Mr. Sean Espenship, 1619 6th Street South, Jacksonville Beach, stated he had nothing further to add to Ms. Ireland's report.

Discussion:

The Board had no further questions or conversation regarding the case.

Public Hearing:

No one came before the Board to speak about this case.

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

Roll call vote: Ayes – Jon Scott Walker, David Dahl, Margo Moehring, Colleen Murphy White, and Greg Sutton.

The application was approved by a unanimous vote.

(B) **PC#31-19** Land Development Code Text Amendment Application

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

Land Development Code Text Amendment Application to amend Section 34-373 and 34-392 of the Jacksonville Beach Land Development Code related to parking area and walkway setbacks respectively for certain residential properties.

Staff Report:

Ms. Ireland read the following report into the record:

Staff is proposing amendments to the Land Development Code (LDC) parking design standards and supplemental standards that address the setback for driveways and walkways on certain residential properties. Section 34-373(d) currently requires that all parking areas be located at least five (5) feet from any established right-of-way line or property line. This particular setback is difficult to meet without a variance for some two-family and townhouse residential projects due to the prevalence of nonconforming lots and narrow lot widths.

Staff is proposing that the five (5) foot parking area setback not be applicable to interior property lines between individual townhouse lots or two-family dwelling lots. The requested amendment also clarifies that there is no setback from the street right-of-way where a parking area or driveway connects to a street for vehicular access. The amendment further clarifies that curbing and wheel stops for off-street parking, as well as striping and landscaping standards, are not required for single-family, two-family, or townhouses dwellings, as these standards are intended to be applicable to multiple-family residential and commercial parking and vehicular use areas.

Staff is also proposing an amendment to Section 34-392 to add that walkways or sidewalks may connect to primary and/or detached accessory structures, driveways, and public sidewalks and may be located in front, side, or rear yard areas with a minimum two (2) feet setback from any exterior property line. This two (2) foot setback would not apply to interior lot lines between individual two-family dwelling lots and individual townhouse lots.

These amendments are proposed to rectify conflictive standards in the LDC relative to the development of two-family and townhouse projects that are ultimately sold as individual fee simple dwelling units. In both cases, were the developed units not to be sold individually (rental units or condominiums), there would be no interior property lines; thus, there would be no required internal driveway setback requirements. This situation constitutes a bias towards a specific type of ownership of a dwelling unit. It is not the intent of the LDC to promote one type of dwelling ownership versus another. (In this instance, condominium/rental versus fee-simple ownership.)

The requested amendments are not in conflict with any other relevant standards in the LDC, and they in no way affect currently permitted residential densities in either the LDC or in the adopted 2030 Comprehensive Plan.

Discussion:

Mr. Sutton asked for clarification of a portion of the Staff Report. Attorney Denise May clarified the City's intent is never to block access to a right of way.

Public Hearing:

The following spoke in opposition to the Land Development Code Text Amendment Approval:

- Tony Komarek, 533 11th Avenue South, Jacksonville Beach

Ms. May provided clarification regarding the Land Development Code and how it is written. Ms. May stated this text amendment is the result of a settlement agreement. Conversation ensued regarding the removal of the current five-foot requirement on the one side of setback to eliminate the dichotomy is currently requiring 19 feet on a 15-foot lot.

Ms. Ireland stated there would be upcoming changes to the current Land Development Code.

Motion: It was moved by Mr. Walker and seconded by Mr. Dahl to approve the Land Development Code Text Amendment Application

Roll call vote: Ayes – David Dahl, Margo Moehring, Jon Scott Walker, and Greg Sutton
Nayes - Colleen Murphy White

The application was passed by a 4-1 vote.

Planning & Development Director's Report

Prior to Ms. Ireland's report, Ms. May introduced new City Attorney Chris Ambrosio to the Board.

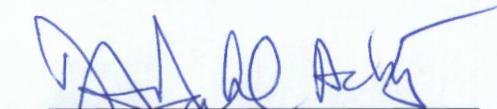
Ms. Ireland noted the next meeting is scheduled for Tuesday, November 12, 2019.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:11 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:



Chairman

12-9-19

Date