

**Minutes of Planning Commission Meeting (*Amended*)
held Monday, August 24, 2020, 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 P.M. by Chairman Greg Sutton.

Roll Call

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

Also present was Senior Planner Heather Ireland.

Approval of Minutes

The following minutes were approved unanimously by a voice vote:

- June 8, 2020
- July 13, 2020

Correspondence

None.

New Business

(A) **PC#13-20** Planned Unit Development: PUD Rezoning Application

Owner: Isabella Boulevard, LC
P.O. Box 1426
Ponte Vedra Beach, FL 32082

Applicant: Tim Benner
PO Box 1426
Ponte Vedra Beach, FL 32082

Location: 2520 – 2902 Isabella Blvd. and Lot 4, Block 30 (Isabella Office PUD)

Planned Unit Development: PUD Rezoning Application to amend a *Planned Unit Development: PUD* zoning district, pursuant to Section 34-348 of the Jacksonville Beach Land Development Code, to amend the approved PUD preliminary development plan to add a vacant lot, and to amend the approved project narrative to add to the list of permitted uses.

Staff Report:

Ms. Ireland read the following report into the record:

The subject property is located on the west side of Isabella Boulevard, south of Osceola Avenue. The commercial property consists of five (5) existing buildings. In 1999 the property was rezoned from

Residential, single-family: RS-2 to Planned Unit Development: PUD zoning via Ordinance No. 99-7765. Permitted uses listed under the Ordinance include business and professional offices, financial institutions, insurance and real estate offices, travel agencies, and business service offices. In 2008, Ordinance No. 99-7765 was amended via Ordinance No. 2008-7949 to add two conditional uses to the existing list of uses. These conditional uses added were “physical fitness facilities” and “dance studios and schools.”

In 2013, an individual vacant lot under separate ownership at the time, and situated between the northerly two buildings of the existing PUD (Lot 4, Block 30) was also rezoned from RS-2 to PUD under Ordinance No. 2013-8030. The applicant identified identical permitted uses to the existing Isabella Office PUD project. The original Isabella Office PUD, Lot 4 (vacant), and the six (6) existing commercial buildings on the east side of Isabella Boulevard (Osceola Professional Center) are now under common ownership.

The six (6) commercial buildings on the east side of Isabella Boulevard were rezoned from RS-2 to PUD (Osceola Professional Center PUD) in 2011 under Ordinance 2011-8007. The list of permitted uses approved under the 2011 Ordinance included the same uses as the Isabella Office PUD project narrative and several others. The property owner now wishes to amend the Isabella Office PUD to permit the same exact list of uses that are permitted in the commercial buildings immediately to the east in the Osceola Professional Center PUD. The list of proposed permitted uses for the Isabella Office PUD is provided in the updated project narrative.

Adjacent uses include the Osceola Professional Center and multiple-family residential to the east, a retention pond, and single-family residential to the south, a municipal retention pond to the west, and commercial and single-family residential to the north across Osceola Avenue. Considering that the PUD amendment request is to permit identical uses that are already permitted in the commercial buildings immediately to the east of the subject property and that there are no known issues with the current range and mix uses in the Osceola Professional Center, adjacent properties should not be negatively impacted.

Public Hearing:

The applicant, Timothy Benner, was present and available for questions.

Mr. Sutton closed the Public Hearing.

Discussion: None

Motion: It was moved by Mr. Dahl and seconded by Ms. White to approve the PUD Rezoning application.

Roll call vote: Ayes – David Dahl, Margo Moehring, Colleen Murphy White, Greg Sutton, and Justin Lehrman

The application was approved by a 5-0 vote.

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

Land Development Code Text Amendment Application to amend Section 34-41. Definitions, and Article VII. – Zoning Districts, Division 2. of the Land Development Code to update the definition of mobile food dispensing vehicle(s) and mobile food vendor to comply with Florida Statute § 509.102, where applicable.

Staff Report:

Ms. Ireland read the following report into the record:

In 2014, the City of Jacksonville Beach adopted Ordinance No. 2014-8041, and Ordinance No. 2014-8042, permitting and regulating mobile food vending establishments. Chapter 12 of the City Code of Ordinances was amended to established definitions and regulations regarding location, permits, separation requirements, signage and noise, hours of operation, waste management, licensing, applications, and enforcement for mobile food vending establishments.

In conjunction with the 2014 changes to City Code Chapter 12–Food and Food Products, the Land Development Code, Chapter 34 was amended to incorporate new definitions, and added as a permitted use, “mobile food vendors” to the list of permitted uses in each of the City’s commercial zoning districts. Mobile food vendors were later added as a permitted use in the City’s Industrial: I-1 zoning district in 2019. Since 2014, the operation of a mobile food vendor has required the submission and approval of an application for operation, issuance of a mobile food vending permit, and the issuance of a local business tax receipt for each vending location.

In 2020, the State of Florida adopted a new Florida Statute § 509.102 – Mobile food dispensing vehicles; preemption, which became effective on July 1, 2020. This new section of the Florida Statutes defines the term “mobile food dispensing vehicle,” preempts the regulation of mobile food dispensing vehicles to the State in regard to licenses, registrations, permits and fees, and prevents local governments from prohibiting mobile food dispensing vehicles from operating in their jurisdiction.

The currently proposed changes to Chapter 12 and Chapter 34 of the Code of Ordinances contained in Ordinance No. 2020-8145 serve to bring the local regulations into compliance with this new Florida Statute by updating definitions, and removing any language regarding the requirement to obtain a permit for mobile food dispensing vehicles. Mobile food dispensing vehicles will still be allowed in the same zoning districts within the City as they are now allowed, with an approved application and with a local business tax for each location. Permits, however, will no longer be issued by the City in order to maintain compliance with the new Florida Statute.

The Planning Commission has the authority to consider and make recommendations to City Council regarding amendments to the text of the Land Development Code. For this specific Ordinance, it includes proposed changes to Chapter 12, as well as Chapter 34. The Planning Commission may “support” proposed changes to Chapter 12 and make a recommendation to City Council regarding the proposed changes to the Land Development Code, Chapter 34.

Public Hearing:

City Attorney Chris Ambrosio further explained the newly adopted State of Florida Statute § 509.102 and changes in the City of Jacksonville Beach Ordinances Chapter 12 and Chapter 34.

Conversation ensued regarding suggested wording and language of the revised Ordinance.

Mr. Sutton closed the Public Hearing.

Discussion: None

Motion: It was moved by Ms. Moehring, and there was no second made to approve the Land Development Code Text Amendment Application

Motion died due to a lack of a second.

Motion: It was moved by Mr. Dahl to submit Planning Commission support of Chapter 12 and approval of Section 34 and seconded by Ms. Moehring.

Roll call vote: Ayes – Margo Moehring, David Dahl, Colleen Murphy White, Justin Lehrman, and Greg Sutton

The application was approved by a 5-0 vote.

(C) PC#15-20 Concept Plan for Plat Application

**Applicant/
Owner:** BCEL 10A, LLC
7563 Philips Highway, Suite 208
Jacksonville, FL 32256

Agent: Connelly & Wicker, Inc.
10060 Skinner Lake Drive, Suite 500
Jacksonville, FL 32246

Location: Southeast Corner of 11th Street South and 2nd Avenue South

Concept Plan for Plat Approval for a proposed four lot, fee-simple townhouse subdivision located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is located on the southeast corner of 2nd Avenue South and 11th Street South and is currently vacant. The applicant is planning to construct a four-unit, fee-simple residential townhouse project. The applicant was advised by staff that concept plan for plat approval would be required to sell the individual townhouse units/lots.

The four proposed townhouse lots meet the minimum dimensional standards for townhouse lots in *RM-1* zoning. A variance was approved for the rear yard setback for the proposed development (20 feet in lieu of 30 feet) on July 21, 2020. Adjacent uses include vacant residential property and a school to the south, single-family to the east, single-family to the west, and single-family and multiple-family to the north. The proposed townhouse project is consistent with other multiple-family projects located in the

RM-1 zoning district, and the lots comply with the minimum lot size standards of the *RM-1* zoning district.

Public Hearing:

The applicant, Chuck Kennedy, was present to answer questions.

Conversation ensued regarding the rear yard setback at 20 feet in lieu of 30 feet (approved by the Board of Adjustment). Mr. Lehrman asked about the lot coverage. The applicant stated the lot coverage is at 57%, with a max of 65%.

Discussion: None

Mr. Sutton closed the Public Hearing.

Motion: It was moved by Ms. Moehring and seconded by Mr. Lehrman to approve the Concept Plan for Plat application.

Roll call vote: Ayes – David Dahl, Margo Moehring, Justin Lehrman, and Greg Sutton
Nays – Colleen Murphy White
The application was approved by a 4-1 vote.

(D) PC#16-20 Concept Plan for Plat Application

**Applicant/
Owner:** BCEL 10A, LLC
7563 Philips Highway, Suite 208
Jacksonville, FL 32256

Agent: Connelly & Wicker, Inc.
10060 Skinner Lake Drive, Suite 500
Jacksonville, FL 32246

Location: 432 10th Street South

Concept Plan for Plat Approval for a proposed four lot, fee-simple townhouse subdivision located in a *Residential, multiple-family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is located on the northwest corner of 5th Avenue South and 10th Street South and currently contains a multiple-family use. The applicant is planning to construct a four-unit, fee-simple residential townhouse project. The applicant was advised by staff that concept plan for plat approval would be required to sell the individual townhouse units/lots.

The four proposed townhouse lots meet the minimum dimensional standards for townhouse lots in *RM-1* zoning. A variance was approved for the rear yard setback for the proposed development (20 feet in lieu of 30 feet) on July 7, 2020. Adjacent uses include vacant City-owned property to the south, multiple-family to the east, single-family to the west, and multiple-family to the north. The proposed townhouse project is consistent with other multiple-family projects located in the *RM-1* zoning district, and the lots comply with the minimum lot size standards of the *RM-1* zoning district.

Public Hearing: Agent, Chuck Kennedy, was present to answer questions.

Mr. Sutton closed the Public Hearing.

Discussion: None

Motion: It was moved by Ms. Moehring and seconded by Mr. Lehrman to approve the Concept Plan for Plat application.

Roll call vote: Ayes – David Dahl, Margo Moehring, Justin Lehrman, and Greg Sutton
Nays – Colleen Murphy White
The application was approved by a 4-1 vote.

Planning & Development Director's Report

Ms. Ireland announced the next meeting was scheduled for Monday, September 14, 2020, and there are two cases on the agenda.

Adjournment

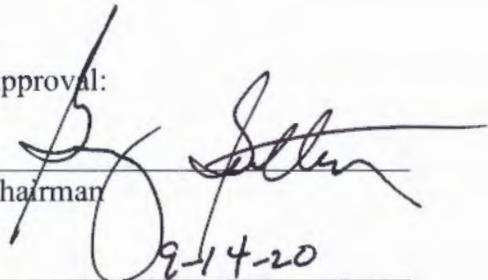
There being no further business coming before the board, Mr. Sutton adjourned the meeting at 7:42 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:

Chairman

Date



9-14-20