

**Minutes of Planning Commission Meeting
held Monday, January 27, 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 7:05 P.M. by Chairman Greg Sutton.

Roll Call

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

Also present was Senior Planner Heather Ireland and Planning and Development Director Bill Mann.

Approval of Minutes

It was moved by Mr. Sanders, seconded by Ms. Murphy White, and passed unanimously to approve the following minutes:

- January 13, 2020

Correspondence

None

New Business

(A) **PC#1-20** 1304 North 1st Avenue

Owner: JWB Real Estate Capital
7563 Philips Highway Suite 208
Jacksonville, FL 32256

Applicant: Alex Sifakis
JWB Real Estate Capital
7563 Philips Highway Suite 208
Jacksonville, FL 32256

Agent: Curtis Hart
Hart Resources, LLC
8051 Tara Lane
Jacksonville, FL 32216

Concept Plan for Plat Application for a proposed three lot, fee-simple townhouse subdivision located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-503 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 south side of 1st Avenue North between Penman Road and 11th Street North. The property was historically a single-family residential use, despite being located in a commercial zoning district, which does not permit single-family residential uses. The applicant wishes to redevelop the property with a three-unit fee-simple townhouse project.

The applicant received Conditional Use approval via PC#5-17 on February 27, 2017, for multiple-family residential in a C-2 zoning district for the proposed three-unit townhouse project. The applicant also received Concept Plan for Plat approval in April of 2017; however, that approval has expired. The applicant's proposed plan shows three townhouse lots that meet the minimum *RM-1* townhouse lot sizes and street frontages, (2,500 square foot exterior lots, and 1,500 square foot interior lots).

Adjacent property uses include single-family to the north across 1st Avenue North, a vacant property to the east, commercial to the west, and commercial to the south along Beach Boulevard. The proposed three-unit townhouse project is consistent with the mixed-use character of the surrounding area, meets the *RM-1* zoning district requirements, and represents a transitional use between the commercial uses on Beach Boulevard and the single-family residential neighborhood to the north.

Agent Curtis Hart, 8051 Tara Lane, Jacksonville, said this was an excellent location for transition zoning between the nearby residential and commercial uses.

Public Hearing:

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

Mr. Sutton closed the Public Hearing.

Discussion:

There was no additional discussion by the Commission.

Motion: It was moved by Mr. Walker and seconded by Ms. Murphy White to accept the Concept Plan for Plat Approval.

Roll call vote: Ayes – Britton Sanders, Jon Scott Walker, Colleen Murphy White, Justin Lerman, and Greg Sutton
The application was approved by a 5-0 vote.

(B) PC#2-20 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 various text in Article II, Article IV, Article V, Article VI, Article VII, Article VIII, and Article IX of Chapter 34, Land Development Code.

Staff Report:

Ms. Ireland read the following report 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 in that ordinance 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. 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, VIII, and IX of the LDC.

The Planning and Development Director will be present at the January 27th Planning Commission meeting to review and discuss the proposed amendments. A description of the proposed amendments are as follows:

- **Typographical errors** are being corrected in Sections 34-177, 34-179, 34-346(d)(3), and 34-503(5).
- **Section 34-21(e)(1)** – Clarification that appeals of interpretations by the Planning and Development Director may be submitted by an applicant with “standing,” per the new definition of “standing,” and that appeals are made to the “Circuit Court of Duval County” instead of the “Board of Adjustment,” thereby taking an unreasonable burden off of that lay board.
- **Section 34-41** – Definitions are being amended or added for the following terms:
 - Artwork – remove size limitations for murals.
 - Carport – make consistent with Florida Building Code.
 - Driveway – new definition for clarification.
 - Lot of record – new definition for clarification.
 - Shopping Center – change from “two” to “three” separate stores.
 - Walkway – new definition for clarification.
- **Section 34-93(b)** – Change the appointment term for alternates on the Board of Adjustment from “two” years to “four” years, consistent with other boards, and with terms for members.
- **Section 34-155(c)(2)b.** – Change “recommendation” to “report.”
- **Section 34-203** – Change Section to reflect that only the Planning Director, Planning Commission, and City Council can initiate changes or amendments to the text of the LDC.
- **Section 34-207** – Change “recommendation” to “report,” and adjust the time in which a staff report is to be provided to an applicant. Add that a staff report may contain suggestions for conditions of approval as applicable.
- **Section 34-211(b)** – Change to clarify that the City Council hears the Planning Director’s report, and the Planning Commission’s recommendation on zoning amendment applications.

- **Section 34-222** – Change “recommendation” to “report.”
- **Section 34-283** – Add that a variance may not be requested for relief from maximum building height, residential density, or minimum lot area requirements. (Re-stating current regulations in an appropriate location.)
- **Sections 34-336, 34-337, 34-338, 34-339, and 34-340** – Move “Essential public services,” as currently defined in the LDC, from the list of conditional uses to the list of permitted uses in all residential zoning districts.
- **Sections 34-339, 34-340** - Add single-family dwellings, constructed per RS-3 standards, to the list of permitted uses in RM-1 and RM-2 multi-family zoning districts.
- **Section 34-345(b)(19)** – Technical correction for multi-family dwelling developments in *Central Business District: CBD* zoning, correctly referencing the CBD’s Site Design and Lot Layout Standards as being applicable to multifamily development in the CBD, in addition to the maximum 40 units per acre density standard.
- **Section 34-373(a)(5) and (a)(6)** – Add a dimensional standard for wheel strips when used for required parking spaces or access to required parking spaces, and add a standard for bicycle parking areas in off-street parking lots containing ten or more spaces.
- **Section 34-373(f)** – Add language to clarify that vehicular access to required parking must also be paved.
- **Section 34-392(a)(1)** – Add a standard that air conditioning compressors can only be located in side yards that are at least seven and a half feet wide, for safety and access reasons.
- **Section 34-392(4)(a)4.** – Change reference to the “Standard Swimming Pool Code” to the “Florida Building Code.”
- **Section 34-395** – Change “street lines” to “right-of-way lines” to clarify the definition of corner sight visibility triangles.
- **Section 34-399(e)(5)** – Add “internet websites” and “social media” to the list of prohibited locations where home occupations can advertise their home addresses, reflective of current technologies.
- **Section 34-444(25)** – Add that signs on fences or perimeter walls are prohibited (in addition to signs on trees and other vegetation).
- **Section 34-504** – Change “development order for a development plan” to “application for development plan” for clarification.
- **Section 34-505** – Require five copies of a final plat application to be submitted instead of 10 copies, to reflect actual need.

Ms. Ireland and Mr. Mann read and explained the proposed amendments. Mr. Mann stated the Planning Commission would make a recommendation to the City Council regarding the amendments.

Public Hearing:

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

Mr. Sutton closed the Public Hearing.

Discussion:

In response to a question regarding the Comprehensive Plan, Mr. Mann stated staff would determine in 2020 if they must conduct an Evaluation and Appraisal Report (EAR), which would clarify if the City's Comprehensive Plan was concurrent with statutory changes.

Motion: It was moved by Mr. Walker and seconded by Ms. Murphy White to approve.

Roll call vote: Ayes – Justin Lerman, Colleen Murphy White, Jon Scott Walker, Britton Sanders, and Greg Sutton
The application was approved by a 5-0 vote.

(C) **PC#3-20** Land Development Code Text Amendment Applicatoin

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

Land Development Code Text Amendment Application to amend the text in Section 34-406 to allow six (6) foot tall fences in front yards of properties in residential zoning districts that front S.R. A1A (3rd Street).

Staff Report:

Ms. Ireland read the following report into the record:

This amendment is being proposed by the City Council for consideration, at the request of a homeowner who lives at 3477 South 3rd Street. The homeowner installed a six (6) foot tall wooden fence in the front yard area of the subject property, without obtaining a fence permit, which also extended into the Florida Department of Transportation (FDOT) right-of-way in front of the property. The fence was installed behind an existing hedge planted by a previous owner of the property also in the FDOT right-of-way. The property was cited by Code Enforcement in July 2018 for installing a fence without a permit (Code Enforcement Case #18-219).

The existing six-foot tall fence cannot be permitted by the Planning and Development Department under current zoning regulations due to its location in the required front yard setback of the property and also off of the homeowner's private property in the State Road A-1-A right-of-way. The placing of any structure, including a fence, within the State Road A-1-A (3rd Street) right-of-way, would require approval from the FDOT. Conversely, if the fence were to be relocated into the front yard of the subject property, along the front property line, it could only be permitted to a maximum height of four (4) feet.

There are several reasons why front yard fences are restricted to four (4) feet in height. The primary reason is to allow for passive drive-by surveillance of buildings on developed properties by law enforcement. Another reason is to aid in address location by emergency responders. Finally, the regulation of front yard fences at any specific height is to promote a general consistency in appearance from property to property that front on any given street or avenue.

Given that the residentially zoned properties fronting on 3rd Street are almost totally developed, an

amendment to allow higher front yard fences for properties with front yards facing 3rd Street would benefit only a few properties. The homeowner has presumably modified their existing fence to comply with the Code Enforcement order, and the existing hedge remains in the front of the property.

This is the only the third request for additional fence height in a front yard setback area for a property fronting on 3rd Street in over 20 years. The other two requestors, one of which was from the inquirer's immediate neighbor to the south, were cited for illegal fence installation in the general timeframe in 2018 that the owner of 3477 South 3rd Street was cited. Both of those property owners have since modified their fences to bring them into compliance with the current four (4) foot maximum height for fences in front yards.

Finally, given that the property at 3477 South 3rd Street is 54 feet wide across the front property line of the lot, that the existing driveway from the house out to 3rd Street is approximately 17 feet wide at the front property line, and that the driveway is required to have a 10-foot sight visibility triangle on either side of it with nothing allowed within the triangles above 2.5 feet in height, if a 6-foot tall fence were to be permitted across the front property line, there would still be required to be a 37-foot wide-open gap in the fence to accommodate the driveway and its two sight triangles. That would leave a total of only 17 feet of front property line that could contain the desired 6-foot tall fence.

Public Hearing:

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

Mr. Sutton closed the Public Hearing.

Discussion:

Mr. Mann stated the owner had cited noise and privacy as the reasons for installing the six-foot fence. He confirmed the owner had complied with the height restrictions, but the fence was still in the right-of-way.

Mr. Sanders objected because he feared it would set a precedent for properties in other areas, such as Penman Road. He was also very concerned about safety.

Motion: It was moved by Mr. Sanders and seconded by Mr. Lerman to deny.

Roll call vote: Ayes –Jon Scott Walker, Britton Sanders, Colleen Murphy White, Justin Lerman, and Greg Sutton
The application was denied by a 5-0 vote.

(D) PC#4-20 Land Development Code Text Amendment Application

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

Land Development Code Text Amendment Approval amending the text in Section 34-346(b) to add “Mobile Food Vending Vehicles” to the list of Permitted Uses in *Industrial: I-1* zoning districts.

Staff Report:

Ms. Ireland read the following report into the record:

Staff was approached by a representative of the *Veterans of Foreign Wars Post 3270* (VFW) and a food truck operator seeking approval to operate his food truck at the VFW Post located on 9th Street South in an *Industrial: I-1* zoning district. Pursuant to Ordinance 2014-8042, food trucks are currently permitted uses only in *C-1*, *C-2*, *CS*, *CBD*, and in *RD* zoning districts that existed on January 1, 2014, and commercially designated areas of PUDs that existed on January 1, 2014. When Ordinance 2014-8142 was drafted in 2014, it was not contemplated that food truck operators would want to locate in the industrial areas of the city. Two public workshops were held on the subject matter, and the desire to allow food trucks in *I-1* zoning districts was not identified as a priority at that time.

Staff has been directed by City Council to draft an ordinance to add “Mobile Food Vending Vehicles” to the list of Permitted Uses in the *Industrial: I-1* zoning district. If approved, applicants would be required to adhere to the same process as food trucks in all other locations and provide property owner authorization, proof that the food truck meets the criteria established by Ordinance 2014-8041, and a site plan showing the proposed location of the vehicle. Staff has no objections to adding “Mobile Food Vending Vehicles” to the list of permitted uses in the *I-1* zoning district.

Mr. Mann noted this, and the previous ordinances were “sole purpose ordinances” requested by the Council and were therefore separate from the amendment package approved earlier.

Public Hearing:

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

Mr. Sutton closed the Public Hearing.

Discussion:

There was no additional discussion.

Motion: It was moved by Mr. Walker and seconded by Ms. Murphy White to approve.

Roll call vote: Ayes – Britton Sanders, Jon Scott Walker, Colleen Murphy White, Justin Lerman, and Greg Sutton
The application was approved by a 5-0 vote.

Planning & Development Director's Report

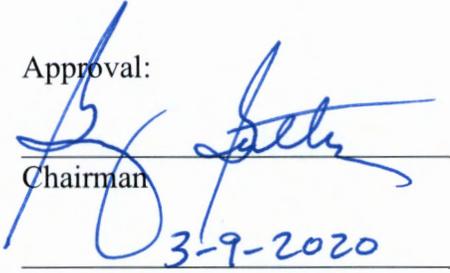
Ms. Ireland announced there were no meetings scheduled for February, so the next meeting would be March 9, 2020.

Adjournment

There being no further business coming before the board, Mr. Sutton adjourned the meeting at 7:59 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:


Chairman

Date

3-9-2020