

**Minutes of Planning Commission Meeting
held Monday, January 11, 2021, 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 7:02 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 Justin Lerman

Also present was Senior Planner Heather Ireland and Administrative Assistant Jodilynn Byrd.

Approval of Minutes

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

- October 26, 2020

Correspondence

An email [on file] in opposition to the application (PC#20-20) was received from the following:

- Rusty Ross, 1236 1st Street North, Jacksonville Beach

New Business

(A) PC#20-20 Conditional Use Application

Owner: Jax Beach Town Center, LLC
5150 Belfort Road, Building 100
Jacksonville, FL 32256

Applicant: Cookies Florida, Inc.
4675 MacArthur Court, Floor 15
Newport Beach, CA 92660

Agent: William Gibbs, Esq.
Akerman LLP
50 North Laura Street, Suite 3100
Jacksonville, FL 32202

Location: 131 North 1st Avenue (Applicant – *Cookies Florida, Inc.*)

Conditional Use Application for a proposed medical marijuana treatment center dispensing facility, in the Central Business District: CBD zoning district, pursuant to Section 34-345(d)(11) of the Jacksonville Beach Land Development Code, for property located at 131 North 1st Avenue. (Applicant – *Cookie, Florida, Inc.*)

Staff Report:

Ms. Ireland read the following report into the record:

The subject property is located on the northeast corner of 1st Avenue North and 2nd Street North and currently contains vacant commercial buildings. The property is being redeveloped into a mixed-use project with a restaurant, office, and retail spaces. The applicant, a tenant in the future redevelopment project, wants to operate a medical marijuana treatment center dispensing facility (retail establishment) at the subject property. The applicant was advised by staff that conditional use approval would be required for the use.

Adjacent uses include a motel to the east, Latham Plaza to the south, commercial uses to the west, and a parking lot to the north. If approved, this would be the second approved dispensing facility located in the downtown area, and at least four other establishments exist within the City currently. Dispensing facilities must comply with strict State of Florida regulations for access and security. Adjacent uses should not be negatively impacted.

Public Hearing:

Agent William Gibbs provided background information regarding Cookies, LLC as a national and international company providing medical marijuana.

A conversation ensued between the Board and the property owner, Marc Angelo, regarding parking for the proposed use.

The following spoke in opposition of the application:

- Barbara Bauer, 604 13th Avenue South, Jacksonville Beach
- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

The following spoke in support of the application:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach
- David Laurie, 422 Jacksonville Drive, Jacksonville Beach

Mr. Gibbs addressed some of the concerns raised by the public comments.

Mr. Sutton closed the Public Hearing.

Discussion: None

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

Amended Motion: It was moved by Mr. Walker to amend his original motion to add upon Certificate of Occupancy, four years from that date, the Board can readdress it.

Ms. Moehring withdrew her second of the motion.

Mr. Sutton clarified the motion was for approval with conditional use for review 48 months from the Certificate of Occupancy.

Mr. Sutton stated the motion died due to lack of a second.

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

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

The application was denied by a 4-1 vote.

Planning & Development Director's Report

Ms. Ireland announced the next meeting was scheduled for Monday, January 25, 2021.

Adjournment

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 7:58 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:


Chairman

4-26-2021
Date