

**Minutes of Planning Commission Meeting
held Monday, July 26, 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 7:00 P.M. by Chairman Greg Sutton.

Roll Call

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

Also present were Senior Planner Christian Popoli and Administrative Assistant Jodilynn Byrd.

Approval of Minutes

The following minutes were passed unanimously by a voice vote:

- June 14, 2021

Correspondence - None

New Business

(A) PC#07-21 Conditional Use Application

Owner: Ameris Bank
7825 Baymeadows Way, Ste 200-B
Jacksonville, FL 32256

Applicant: John Atkins
PO Box 51262
Jacksonville Beach, FL 32240

Location: 1315 3rd Street South

Conditional Use Application for Multi-family dwellings (townhomes) at property located in the Commercial Limited: C-1 Zoning District, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code

Staff Report:

Mr. Popoli read the following report into the record:

The subject property is located on the southeast corner of the intersection of 13th Avenue South and 3rd Street South. The site contains a commercial banking establishment built in 1986. The site has dual street frontage, stretching from 3rd Street South to 2nd Street South. The majority of the property is currently developed as paved parking. The proposed new use would encompass the east half of the property (Lots 1 and 2) with frontage on 2nd Street South. The existing bank currently has an excess of parking. Once the property is split, the east half would be devoted to the proposed multi-family use,

and the remainder would be reconfigured to accommodate the required number of code compliant parking spaces for the exiting bank use, with all required landscaping to be provided.

The new proposed use will consist of 4 townhomes with individual driveways fronting on 2nd Street South. Adjacent uses consist of multi-family structures to the north, south, and east, and business professional uses to the west. The overall density is consistent with Limited Commercial Future Land Use category. The proposed design will meet the dimensional standards for lot size, area, and width, and lot coverage pursuant to RM-2 zoning district standards. The rear yard setbacks proposed are less than required by code, and the applicant has submitted a variance application scheduled for an August 3rd public hearing, pending the outcome of the Conditional Use application. The proposed multi-family residential project is consistent with the mixed residential and commercial character of the area and should not negatively impact adjacent properties.

Public Hearing:

Applicant John Atkins clarified the application is for 1/3 of the property, not 1/2 of the property. He stated the property is currently an unused parking lot for a bank. Mr. Atkins stated he had built projects like this before in the same zoning district.

The following spoke in support of the application:

- Mike Watson, 1330 2nd Street South, Unit B, spoke in support of the application.

Mr. Sutton closed the Public Hearing.

Discussion:

There was no discussion by the Board.

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

Roll call vote: Ayes – David Dahl, Margo Moehring, Colleen M. White, Justin Lerman, and Greg Sutton

The application was unanimously approved.

(B) PC#07-21 Planned Unit Development: PUD Zoning Amendment Application

Owner: Regency Centers LP
One Independent Drive, Suite 114
Jacksonville, FL 32202

Applicant: Steve Diebenow
One Independent Drive, Suite 114
Jacksonville, FL 32202

Location: 3818 3rd Street South

Planning Unit Development: PUD Zoning Amendment Approval to amend Ordinance No. 7411, as amended, for the *South Beach Regional Shopping Center* Planned Unit Development, to allow for outdoor restaurant areas in four (4) locations, and to allow for outdoor retail display and sales areas.

Staff Report:

Mr. Popoli read the following report into the record:

The owners and representatives of the *South Beach Regional Shopping Center*, located at the southeast corner of South 3rd Street and Jacksonville Drive, approached staff to discuss the options for outdoor restaurant areas and outdoor retail displays and sales in the commercial shopping center. The applicant was informed that the current existing Planned Unit Development (PUD) Ordinance governing the commercial shopping center especially limited outdoor retail display and sales to a small area adjacent to the Home Depot retail store only. Additionally, there are no provisions in the PUD to allow for application for Conditional Use approval for outdoor restaurant areas.

In response, the owner of the *South Beach Regional Shopping Center* has submitted an application to amend the Planned Unit Development originally established under Ordinance No. 7411 in 1989, and as was subsequently amended, to accommodate the proposed uses of four (4) outdoor restaurant areas and outdoor retail sales and display areas within the commercial shopping center as shown on Exhibit H of the application. Additionally, the applicant is specifically requesting to also allow for development of "up to 60% of the enclosed space at each of these locations (the "Restaurants") for outdoor restaurant areas. Outdoor restaurant areas may take the place of the current vehicular drive through lanes. Owner may continue to use the drive through windows as walk-up windows if outdoor restaurant areas is established." This would be a departure from the current Land Development Code (Section 34-707) requirements that only 25% of the restaurant seating can be allocated towards outdoor restaurant areas.

When it was adopted in 1989, PUD Ordinance No. 7411 included specific "Conditions of Approval of Final Development Plan." Specifically, condition No. 11 stated, "There will be no outside storage of any kind on the shopping center property, including, but not limited to use of palletized storage or semitrailers." In 2006, the PUD was amended to allow Home Depot to replace the former K-Mart store at the east end of the center. Ordinance No. 2006-7928, approving the Home Depot store, specifically reiterated and expanded on the prohibition of outside storage and display of merchandise contained in Ordinance No. 7411. Further, in 2016, the PUD was amended to allow for some limited outside sales and storage of merchandise, and the following (relevant) amended conditions were adopted:

1. There shall be no outside speakers permitted.
2. There shall be no outside storage of goods or services offered or empty cartons/pallets at any time, to include but not limited to storage in portable storage units, except that empty pallets, baled cardboard, and recyclable items may be stored within the truck well area, adjacent to the compactor, at the northwest corner of the building, and merchandise may be stored and staged along the outside of the north wall of the Home Depot store building, as shown on Exhibit A hereto (Ordinance No. 2016-8077).
3. There shall be no outside storage or display of propane bottles except in the area of the truck well or the north side of the garden center.
4. All shopping carts and lumber dollies shall be stored in the building or in parking lot cart corrals during business hours and within the building before and after business hours, but may be stored in front of the building, as shown on Exhibit A hereto (Ordinance No. 2016-8077), during

business hours.

5. There shall be no use of semi-trailers at any time to either store items in or sell merchandise from.
6. Outside display of merchandise shall be allowed adjacent to the entry and exit doors to the building and garden center, as shown on Exhibit A hereto (Ordinance No. 2016-8077), however, clear ingress and egress shall be required to be maintained to the building and garden center, and clear sidewalk access shall be maintained to the balance of the shopping center spaces to the west at all times. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinkled.
7. There shall be no loading/unloading of any type of semi-trailers from any other entrance other than the primary loading area at the northwest corner of the Home Depot building, except that the loading and unloading of lumber shall be permitted between the hours of 9:00 PM and Midnight through the customer pick-up canopy on the east side of the building. During such outdoor loading/unloading operations, the engine of any vehicle being loaded or unloaded shall be turned off, and any audible backup alarms of vehicles loading and unloading materials shall be de-activated
8. There shall be no vendors of any type operating outside of the building.

The property owner is requesting that the PUD language in Ordinance 2016-8077 be amended to permit the outside display and retail sales of merchandise throughout the entirety of the PUD. The requested change in language can be found in the attached PUD proposed written description.

Staff would suggest that if a recommendation for approval were considered to allow the outside display and storage and retail sale of merchandise and the addition of four (4) outdoor restaurant areas, the following conditions be retained/ amended/ added in addition to the re-adoption of all other conditions contained in the PUD per ordinance 2016-8077:

1. Outdoor restaurant areas shall be allowed as shown on Exhibit X (Site Plan) hereto (Ordinance No. 2021-XXXX), however, all outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the Land Development Code in effect at the time of adoption.
2. Any outdoor restaurant area shall adhere to the requirements for corner visibility, as described in Sec. 34-395 of the Land Development Code in effect at the time of adoption.
3. There shall be no outside speakers permitted for outdoor restaurant areas adjacent to Jacksonville Drive.
4. Outdoor restaurant areas shall cease operation at 11:00 p.m. Monday-Friday and 10:00 p.m. Sundays
5. Outside display of merchandise shall be allowed as shown on Exhibit H (Site Plan) hereto (Ordinance No. 2021-XXXX), however, clear sidewalk access shall be maintained to the balance

of the shopping center spaces at all times, and a clear ADA compliant path be maintained at all times along any sidewalk or walkway. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinkled.

Public Hearing:

Applicant Steve Diebenow and Owner Representative Patrick McKinley reviewed the proposed PUD Zoning Amendments. Conversation ensued regarding the proposed amendments to the PUD language to permit the outside display and retail sales of merchandise throughout the entirety of the PUD. Restrictions and limitations were discussed.

Mr. Diebenow reviewed the proposed amendments to allow outdoor seating to add four (4) outdoor restaurant areas. Conversation ensued regarding the following conditions:

- Outdoor restaurant areas shall be allowed as shown on Exhibit X (Site Plan) hereto (Ordinance No. 2021-XXXX), however, all outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the Land Development Code in effect at the time of adoption.
- Any outdoor restaurant area shall adhere to the requirements for corner visibility, as described in Sec. 34-395 of the Land Development Code in effect at the time of adoption.
- There shall be no outside speakers permitted for outdoor restaurant areas adjacent to Jacksonville Drive.
- Outdoor restaurant areas shall cease operation at 11:00 p.m. Monday-Friday and 10:00 p.m. Sundays
- Outside display of merchandise shall be allowed as shown on Exhibit H (Site Plan) hereto (Ordinance No. 2021-XXXX), however, clear sidewalk access shall be maintained to the balance of the shopping center spaces at all times, and a clear ADA compliant path be maintained at all times along any sidewalk or walkway. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinkled.

Mr. Sutton closed the Public Hearing.

Discussion:

Conversation ensued regarding proposed amendments to the current PUD. It was the consensus of the Board and Mr. Diebenow to postpone voting on the proposed amendments until the next Planning Commission meeting on August 23, 2021, to allow time for staff to work with Mr. Deibenow to revise the proposed amendments.

Motion: It was moved by Ms. White and seconded by Mr. Dahl to defer the case to the August 23, 2021 meeting.

Roll call vote: Ayes – Margo Moehring, Colleen M. White, David Dahl, Justin Lerman, and Greg Sutton

The motion to defer was unanimously approved.

Planning & Development Director's Report

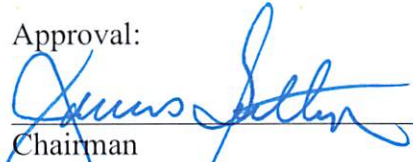
Mr. Popoli announced the next meeting was scheduled for Monday, August 23, 2021.

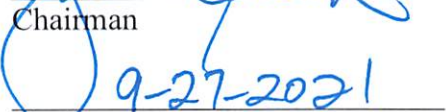
Adjournment

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 8:18 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:


Chairman


Date