

**Minutes of Planning Commission Meeting
held Monday, December 13, 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 7:03 P.M by Chairman Greg Sutton.

ROLL CALL

Chairman: Greg Sutton

Vice-Chairman: David Dahl

Board Members: Margo Moehring Britton Sanders Colleen M. White

Alternate: Justin Lerman

Director of Planning and Development Heather Ireland, City Attorney Sandy Robinson, and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES: None

CORRESPONDENCE: Emails (on file) were received regarding Agenda Items A and B.

OLD BUSINESS: None

NEW BUSINESS:

Items A and B were heard together.

- (A) **PC# 12-21** Comprehensive Plan Amendment
Owner/
Applicant: JB Fair Park MF, LLC and Beaches Preserve, LLC
1 Independent Drive, Suite 1200
Jacksonville, FL 32202
- Agent:** Driver, McAfee, Hawthorn & Diebenow, PLLC
Steve Diebenow and Cyndy Trimmer
1 Independent Drive, Suite 1200
Jacksonville, FL 32202
- Location:** 1944 Beach Boulevard
- (B) **PC#13-21** Planned Unit Development: PUD Rezoning
Owner/
Applicant: JB Fair Park MF, LLC and Beaches Preserve, LLC
1 Independent Drive, Suite 1200
Jacksonville, FL 32202
- Agent:** Driver, McAfee, Hawthorn & Diebenow, PLLC

Steve Diebenow and Cyndy Trimmer
1 Independent Drive, Suite 1200
Jacksonville, FL 32202

Location: 1944 Beach Boulevard

Director of Planning and Development Heather Ireland stated the City received an email from the applicant's agent on December 2, 2021, requesting to defer both applications. She invited the applicant to speak.

Agent Steve Diebenow, 1 Independent Drive, Suite 1200, Jacksonville Beach, provided his cell phone number and email address for the community to reach out to him with questions and concerns regarding the project. He requested more time to gather information for the staff and to defer both items until a future meeting.

Public Hearing:

Given the request for deferral, Mr. Sutton did not open the Public Hearing portion of the meeting. He acknowledged the submitted speaker cards and thanked those in attendance who wanted to speak. He encouraged the speakers to participate at the future meeting regarding this topic. Mr. Sutton stated the decisions made regarding any application presented to the Planning Commission had to be relevant and competent and not influenced by emotion.

Discussion: None

Motion: It was moved by Mr. Sutton and seconded by Mr. Sanders to defer Items A and B to be heard at a future meeting date agreed to between the applicant and staff.

Roll Call Vote: Ayes – Margo Moehring, Britton Sanders, Colleen White, and Greg Sutton
Nays – David Dahl

The motion to defer Items A and B passed 4-1.

(C) **PC# 14-21** Comprehensive Plan Amendment
Applicant: Planning and Development

Ms. Ireland stated the application was a Comprehensive Plan Amendment initiated by staff to add a Property Rights Element to the 2030 Comprehensive Plan.

Ms. Ireland read the following report into the record:

During the 2021 legislative session, the Florida Legislature adopted House Bill 59, which was signed into law by the Governor and became effective on July 1, 2021. House Bill 59 requires all local governments to adopt a Property Rights Element into their existing Comprehensive Plans. The proposed new element has one new Goal, one new Objective, and one new Policy, in compliance with Florida Statutes. The required Property Rights Element serves to ensure that private property rights are considered in local decision-making by governmental entities. A local government was provided the option to adopt the statement of

rights provided in House Bill 59. The proposed new Property Rights Element addition to the 2030 Comprehensive Plan shall read as follows:

Goal PR 1.

A local government was provided the option to adopt the statement of rights provided in House Bill 59. She reviewed the new goal, objective, and policy.

Objective PR 1.1

The City will ensure that private property rights are considered in local decision-making.

Policy PR 1.1.1

The following private property rights shall be considered in local decision-making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

Pursuant to House Bill 59, each local government must adopt a Property Rights Element into its Comprehensive Plan by the earlier of the date of the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its Comprehensive Plan. Jacksonville Beach is not due for a scheduled evaluation and appraisal, however, staff has received a private application for amendment to the Comprehensive Plan, which has triggered the requirement for the transmittal and adoption of a new Property Rights Element.

The Department of Economic Opportunity (DEO) has notified all local governments that any proposed comprehensive plan amendment packages submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the comprehensive plan does not already include the required property rights element.

Public Hearing:

Mr. Sutton noted it appeared some of the speaker cards received may have been for Items A and B and not Item C. He reviewed each card to confirm whether a speaker wanted to speak on Item C.

No one came before the Board to speak on the item.

Mr. Sutton closed the Public Hearing.

Discussion: None.

Motion: It was moved by Mr. Sanders and seconded by Mr. Dahl to approve PC#14-21.

Roll Call Vote: Ayes – Britton Sanders, Colleen White, David Dahl, Margo Moehring, and Greg Sutton

The application was unanimously approved.

PLANNING DEPARTMENT REPORT

Ms. Ireland clarified PC#14-21 would be presented to the City Council as a transmittal hearing on January 18, 2022.

She stated once new dates for PC#12-21 and PC#13-21 were established, the cases would be re-advertised in the newspaper and on the website. She asked anyone who sent emails on those items to resend them once they had the new hearing date.

Ms. Ireland noted a new second alternate, Emily Stouffer, would join the Board at the January 10, 2022, meeting.

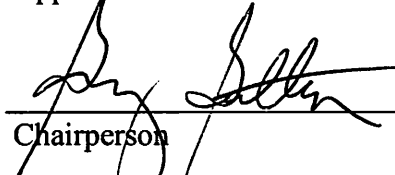
The next meeting was tentatively scheduled for January 10, 2022.

ADJOURNMENT

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 7:20 P.M.

Submitted by: Lauren Loria
Administrative Assistant

Approval:

A handwritten signature in black ink, appearing to read 'Greg Sutton', is written over a horizontal line.

Chairperson

1-10-2022

Date