Proceedings held on Thursday, February 13, 2014, commencing at 1:00 p.m., City Hall, Council Chambers, 1st Floor, 117 West Duval Street, Jacksonville, Florida, before Tina Hutcheson, Court Reporter and Notary Public in and for the State of Florida at Large.

PRESENT:
TONY ROBBINS, Chairman
CHRIS HAGAN, Vice Chair
S. LISA KING, Commission Member
DOW PETERS, Commission Member
NATE DAY, Commission Member
MARVIN HILL, Commission Member

ALSO PRESENT:
CALVIN BURNEY, Director Planning Department
FOLKS HUXFORD, Chief, Current Planning
GARY KRESEL, Chief, Community Planning
BRUCE LEWIS, Planning and Development Dept.
PAIGE JOHNSTON, Office of General Counsel
MATT SCHELLHORN, Military Representative
TYLER LOEHNERT, Duval County School Board
PATRICIA SALES, Planning and Development Dept.

Ms. Paige Johnston.

Our Commission's bylaws provide that every member of the public who speaks before this Commission will be limited to a three-minute presentation. We have a light tree in front of you. As you come up, green -- just like at a traffic light. Green means go, yellow, you may want to wrap up, you have about a minute left, and at red, we ask to you please sum up and conclude your remarks.

I mentioned to a few of you earlier that it's very important that we keep an accurate record of who speaks. And if you have not done so already but do intend to speak today, these blue speaker's cards are located in the back as you came in, and there are some up here to my left, your right. It is, again, very important that we do keep an accurate record and have those in place so that we can call you up in a timely manner. Please place them in the basket at any time by the speaker's podium.

All of your testimony will be taken down by our court reporter, Ms. Tina Hutcheson. And it's important that when you're up here that you're not afraid, you remain calm, we don't bite, but please speak clearly into the microphone so that we can keep an accurate record.

Anything tangible that you want to present with your case, whether it be photographs, letters, correspondence of any kind, anything at all will be made part of the public record and we will retain that. So please be certain that you retain a copy yourself of anything that you wish to submit today.

Decisions by this Commission on rezonings and land use amendments, those are merely recommendations only. The recommendations are going to be transmitted to our City Council's Land use and Zoning Committee, and they ultimately vote on those matters. The LUZ may not follow the recommendations of this Planning Commission, so it's important that you check the dates of the public hearings when those decisions will be made.

As a matter of interest, there's a special date for the next Land Use and Zoning Committee. It normally meets on Tuesdays in this chamber, but it will be, because of the holiday, Wednesday, February 18th at 5:00 o'clock.
That's a special date for all actions that are to be considered by the LUZ from today's meeting, next Wednesday the 18th. If you have any questions about that or regarding any specific application, please feel free to ask any one of our wonderful staff.

At this time, if I could, I understand Planning Director Burney is in the audience with us and would like to make a few remarks briefly.

Director Burney, welcome, sir. It's a pleasure to have you and hear what you have to say.

DIRECTOR BURNEY: Good afternoon. Calvin Burney, Planning Department.

I wanted to recognize one of our own for outstanding work and service that he's provided to the Planning Commission. And I would just like to ask Mr. Nate Day to come down.

COMMISSIONER DAY: Was that good timing?

THE CHAIRMAN: We worked on it all afternoon.

DIRECTOR BURNEY: As we all know, Mr. Day is our past chairman of the Planning Commission. And not only has he done a great job, but also I would like to just thank the commissioners, too,

for the fine job that they've done, because I know serving on the Planning Commission takes a lot of time out of your schedule, it takes up a lot of your time to read all of the reports and things that we send to you. And I would just like to thank you for agreeing to serve and serving and doing a great job at it.

But what I would like to do today is to present to Mr. Day a plaque as a token of the Department's appreciation for the service that he has provided to the Planning Commission as well as to the Planning Department and the City of Jacksonville over the previous year as Chairman of the Planning Commission. And I would just like to read how the plaque is inscribed. It says: Presented to Nate Day in appreciation for your distinguished service and contribution to the Planning Commission 2012-2013 serving as Chairman.

And on behalf of everybody, I'd just like to say thank you --

COMMISSIONER DAY: Thank you --

DIRECTOR BURNEY: -- for all of your hard work.

(Applause)

COMMISSIONER DAY: If you don't mind, Nate Day, One San Jose Place, Suite 7.

It does take a lot of work, as you guys know, everyone here has experienced. But I think the opportunity to do this -- I'm literally out of breath because I was running so I could be on time. But the opportunity for the public to come and be heard, the opportunity I've had to serve here, as you guys know, it's a fun, enjoyable, rewarding, even though time consuming thing that we get to do. So I appreciate this. This is great. Thank you very much.

DIRECTOR BURNEY: Thank you.

UNIDENTIFIED SPEAKER: Did you swear him in?

THE CHAIRMAN: As long as he fills out that blue speaker's card, we're all right.

Thank you, Director Burney. It's good to have you. Thank you so much.

Ladies and Gentlemen, we're going to turn our attention to the agenda now, if you would. We're going to have just a little -- a few modifications to today's agenda to make the meeting go as efficiently and smoothly as possible. If you have your agenda in front of you, top of Page 2, there are two items at the very beginning, Exception 13-40 and Administrative Deviation 13-59. There's been a request by City Councilman Reggie Brown to have these two items deferred. They are related and companions to one another. I wanted to check first if there's anyone in the audience here that came to speak regarding 5626 Soutel Drive, the exception or administrative deviation. Anyone at all just by a show of hands?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: Then we will honor the city council member's request and defer that to a future meeting.

Item C there will be heard today. Item C2 will be heard today. Top of Page 3, the first three items will be heard today. The last item is deferred as there is no report. I want to confirm that there is no one here in the audience to speak with regard to that cellular tower.

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I'm not seeing any. We're moving on then to Page 4. The top of the page
has two items. Those neither have a report, 3160 Division Street, the companion rezoning as well, there is no report. Is there anyone here in the audience to speak towards either one of those items at the top of Page 4?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: Very good. That's good to know. At the bottom, those two items are companions and they will be heard today. Join me on the top of Page 5, Companion 2014-47 and 2014-48 will be heard today. Items 5, 6 and 7, as well as all the items on Page 6. I've spoken with the applicant for these items, and he is amenable and is aware that I would like to move these items together. They will be voted upon separately, but they are companions and related to one another. But there will be some considerable discussion on those, and I have made him aware that I am going to move those to a time certain of 2:00 o'clock. So wherever we are on the agenda, at 2:00 o'clock, we will be bringing up Item 5, and I believe we will be honored with the presence of Mr. Huxford.

Commission aware that it will be quite some time before we see it. We had some thoughts that originally, but I was advised by staff that there's some substitute legislation being worked on, and it won't be coming up for quite some time. If there are those watching at home or those paying attention via the television, that item will not be back before the Commission for quite some time.

And if I could back up just one tick to Page 7, the Normandy Boulevard one. What I failed to mention is that it is deferred for no report, but it is to a date certain of March 13th. 2013-391 on Normandy Boulevard rezoning from RND B to PUB will be heard on March 13th. At the very end of the meeting, I was just going to ask our Office of General Counsel representative, Ms. Johnston, if she would just briefly keep us aware of the passage Tuesday night of 2014-01 that affects the meeting schedule of our Commission. With that said, members of the Commission, I would welcome a motion towards the minutes of our last meeting of January 30, 2014.

Duval County School Board Member Jason Fischer who has expressed an interest in sharing his thoughts on the first application as well. So 5, 6 and 7 on Page 5, as well as the entirety of Page 6 will be next, the actual last items on our agenda this afternoon.

Top of Page 7 will be heard all -- the first three items will be heard today. Make a point of information on Item 15, the request is for rezoning from PUB to PUB. It's stated otherwise there, but just make sure Mr. Ingram's aware that we have the correct staff report and the correct action will be taken today.

Last item on that agenda has no report, so we will not be considering 2013-391. Moving to the top of Page 9 -- nope, apologize there, top of Page 8, all those items -- first item will be heard. The Minor Modification 13-23, True Vine Ministries. There's no report, that item will not be heard today. MM-14-02 and 14-05, it finishes out the page, will be heard today.

Top of Page 9, that item will be heard today. And under Ordinances, 2013-493 regarding billboard signs, it will, of course, be deferred as there is no report, but I wanted to make the
exception E-14-02 at the address listed on Bowden Road. The request is for a church to be located not on a collector road. Normally, you can do a church by right in the RLD 60 zoning district, which this is in, but you have to have four acres and you have to have access directly onto a collector or arterial roadway, and you cannot have access onto a local road. If it fails any of those, then they have to come through with the exception, which is why it's before you today.

This is a piece of property located over on the southeast part of town, although it is surprisingly rural. We feel that while in some ways a church might be compatible, given the size of this particular proposed church and the fact that we did get some comments back from our transportation folks about substandard roadways in the area, we didn't feel that we could support this as presented. Belfort Road to the north as Bridges are both substandard Roads. They have -- they're narrow roadways, there's no sidewalks, we have swells out there, there's no curbing gutter. Even though it says Bowden Road, this is not the portion of Bowden Road you

may be thinking of which does serve as a collector roadway, a major east/west connection in that area. This is almost like a spur that goes off, and despite the name Bowden Road South, to the north of the Bowden Road most people are familiar with.

So for those reasons related to just the location, the scale and the size and the status of the roads in the area, we have forwarded to you a recommendation of denial as more fully explained in the staff report.

Thank you.

THE CHAIRMAN: Thank you, Mr. Huxford.

Mr. Mann, could I have your name and address, please, and Ms. Hutcheson will swear you in.

AUDIENCE MEMBERS: Charles Mann, 165 Arlington Road, representing the land owner.

COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. MANN: Yes, ma'am, I do.

COURT REPORTER: Thank you.

COURT REPORTER: Mr. Chairman and members of the Commission, could I ask for your indulgence for just a moment to try to clear up some misinformation that is out there? There's been some rumors or some statements made that due to the ethnic nature of the congregation of this church, it might not be a Christian church. This is a Catholic church that is going to serve the Syrian community of Jacksonville. It is being sponsored by the Diocese of St. Augustine. While they're under a different little of I guess technical management of the Catholic church, their Bishop is in New Jersey where the local Catholic Bishop is in St. Augustine, but it is a Catholic church sponsored by the Diocese of St. Augustine.

As you know, there's a lot of unrest and turmoil going on in Syria right now. There's a large Syrian community here in Jacksonville and there's a lot of relatives coming to Jacksonville. And this is going to be the predominate congregation of this church. It will be open to any member of any Catholic -- anybody who would like to attend. There's no discrimination of anything like that whatsoever,
the staff report. There are nine criteria in which the staff judges the viability of a site. Of this criteria, five of the criteria we meet. They tell you that we meet -- we are consistent with the comp plan, that we're not an environment harm, that there is no objectionable noise, light or anything coming from the church, there will be no burden on public services, and that we meet the definition of a zoning code.

Item 9. The items that we disagree with are Items 2, 4, 5 and 8. Item 2 talks about compatibility of existing uses. What they have failed to tell you that one of the main accesses to our site is Bowden Road South. There is a large Baptist church that is located on Bowden Road South. It takes up a full block. It is bordered by Mulhall on the North, Tiger Hole is their main access on the east -- on the west, Bowden Road South is on the south -- I mean, I’m sorry, on the east, and Bowden Road is on the south.

while they do have visibility from Bowden Road, their access is from Tiger Hole and Bowden Road South. They also do not tell you or they do mention in their report that there’s a Seventh Day Adventist church in this same area. That is located on Bridges Road at the corner of Bridges and Herring. Bridges is the main access to our site, and you would have to go completely by this church to get to our site. What they also fail to mention, and when they talk about the commercialization of this neighborhood, there are three major daycares in this area. These are not mom and pops working out of the backyard of somebody’s home, but sites that are developed for daycare. This is again, a commercialization of the neighborhood. We have not done anything.

The existing churches have not slowed down the development in this area, either of new homes on large lots or the development of subdivisions on smaller lots in this area. So how we’re not compatible -- how our church would not be compatible where these others have been compatible, it makes no sense to me.

Item 4, it says we will have a detrimental effect on vehicle and pedestrian traffic. I would like to point out Ordinance 2011.536E, Section 655.108 deals with the fact that churches are a de minimis effect on mobility and therefore do not even have to pay a mobility fee. But churches by nature, their hours of operation are contrary to the peak hours of traffic flow in and out of a neighborhood. This church has a very small congregation currently. They meet between -- they have between 50 and 100 people. They meet at an existing church in the area and they meet one time a week. Well, hopefully, the church will grow, but that’s not necessarily a requirement. We talked to our client about holding down the number, the request for the size of the church. They did not want to do anything through subterfuge. They feel like they’re new to this country, they’re working hard, they want to be in the American way and they want to do things right. They could have gone like a lot of businesses and stuff and put chairs in the aisles, chairs in the balcony, expanded their seating and never had to meet the requirements, but they want to do things the right way in this country.

Item 5, it says detrimental effect on future development. I’d like to point out again that the existing churches in this area have not had a detrimental effect on the development of this area and we have no anticipation that the development of this church will have any type of detrimental effect on the development. Like I said, there’s new subdivisions going in there. If you ride through the neighborhood, there’s new homes or newer homes being built on larger lots. I currently have a client that is trying to acquire a 20-acre tract in this area for development. This church certainly does not discourage him from developing in this area.

Item 8, will set a sufficient access to this site for emergency vehicles. This site has access from Belfort Road to Bridges to our site. It also has access from Bowden Road to Bowden Road South to our site. It has access from Herring Road to Mulhall to Bowden Road South to our site. There is more than adequate access to this site for emergency vehicles. If one of these accesses were blocked, the other two would certainly be available, and there are many adjoining streets in here that would provide additional access. So this criteria that we do not meet the access requirements is really superficial, that there’s plenty of access to this site.
The staff report goes on to tell you that we do not have adequate access inside our site for emergency vehicles. That was based on the original site plan that was turned in -- not the revised site plan that was turned in December 5th. As you know, we're going to have to go through a ten set review. That ten set review will address traffic flow onto the site, off the site, but worst case scenario, we could have two accesses to Bridges Road, or we could have a boulevard entry into our site that would provide adequate access for emergency vehicles to address that issue of a one-site access being blocked.

With that being said, I would like to yield to any opposition I have.

Thank you very much for your time and your consideration.

THE CHAIRMAN: Thank you, Mr. Mann.

I have three speakers. First up will be Ms. Betty Hewell, and she'll be followed by Jean Haines.

Ms. Hewell, if you would come forward, give us your name and address, and Ms. Hutcheson will swear you in.

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Florida, 32216.

COURT REPORTER: Would you raise your right hand, please?

MS. HEWELL: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MS. HEWELL: I do.

COURT REPORTER: Thank you.

AUDIENCE MEMBER: My concern -- my reason for being here is simply I would just like to know who the actual buyer of this property is. I have papers from previous meetings, and it was strictly talking about the Catholic church center. And I was just fearful that that could be just any. You know, the word Catholic involves -- could involve any ethnic group. And I have talked with Mr. Mann since he has been here this afternoon, and he has allayed my fears somewhat, and I appreciate that.

THE CHAIRMAN: Thank you very much, Ms. Hewell.

Next up, Ms. Jean Haines, and be followed by Tom Cvercko.
and that's been there 10 or 12 years. So this is an old area. And I saw a script of the church and what's going to be put on the property, and they don't have a well or septic. There's no running water in our area, and it's septic tanks. And from what I understand, they're trying to do away with the septic tanks, so that's my question. How can they put something that large there to seat that many people? And even if only half of them come at one time, that's a lot of traffic.

THE CHAIRMAN: Thank you very much.

Ms. Haines, I'll see if we can get an answer to your question from our city staff in a moment.

Thank you very much.

Next up is Tom Cvercko.

Mr. Cvercko, if we could have name and address for Ms. Hutcheson, please?

And while Mr. Cvercko's coming up, if there's anyone else to speak on this matter, these are all the cards I have. You will need to fill out before we bring this back to the Commission.

Mr. Cvercko, thank you for your time, sir.

AUDIENCE MEMBER: Tom Cvercko, 3210 Bowden Road South, Jacksonville, Florida, 32216.

COURT REPORTER: Would you raise your right hand, please?

MR. CVERCKO: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. CVERCKO: I do.

COURT REPORTER: Thank you.

MR. CVERCKO: My concern is what they're going to do for the elevation of that lot. The area is a very flooded area. The water sits there for months on end if we don't have any rain. When we do get up to three or four inches of rain, the roads are literally flooded over. The whole lot is submerged. I'm wondering what they're going to do as far as the runoff with the parking lot. I see they've got a retention pond scheduled for the south side of the lot, and I'm very concerned about the flow of that water. And is it going to be staying on septic or going to well water? If it goes to septic, I see no place on the plot plan for a septic drain field. And my well is 15 feet from Bowden Road South right across the street from the church, and I'm very concerned about where they're going to be putting a drain field if they go to a septic tank system. And Bridges Road does not run north and south. It runs east and west. But my concern is mainly for the drain runoff. We can't afford to have any more water draining onto Bridge or across the lot to Bridges or across to my lot on Bowden Road South. I'm on the corner of Bowden Road South and Bridges.

Thank you.

THE CHAIRMAN: Very much, sir, you're very welcome.

Mr. Mann, if you would come forward, I'm just going to double-check, is there anyone else to speak on this matter? Yes, I'm sorry, Mr. Mann, I apologize. I jumped the gun. Ma'am, if you wouldn't mind coming forward. Mr. Mann, I will afford you time to address those. And you've heard two comments about the well versus septic or central utility as well as the flooding if you could be prepared to have an answer for those.

You can come right forward, ma'am, and when you're done, you can hand it out. Thanks so much for being here today. If I could just have your name and address, please, for the record.

AUDIENCE MEMBER: I'm Jeannie Devilling. I own property off Bridges Street right down the street from where he wants to put his church.

THE CHAIRMAN: And your home address?

MS. DEVILLING: 7750.

THE CHAIRMAN: Thank you.

COURT REPORTER: Would you raise your right hand, please?

MS. DEVILLING: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MS. DEVILLING: Yes.

COURT REPORTER: Thank you.

MS. DEVILLING: I think you have discussed most of the issues. My -- we have like four churches already in this area, less than a mile. All of them kind of sit on access to Bowden Road or Belfort Road, which is already a main road. This property is right in the middle of residential. And like the gentlemen before me
The water backs up to my property and floods the front of my street, the ditches, and it comes into my yard. So if he builds a church, that would elevate the ground up and that would force the water down more than is it now. And there's water in the ditches now, and it stays in the ditches, and you can't even see the property when it rains because of the water. My question is, there is a piece of property for sale on Herring and Belfort Road, and there's also a piece of property for sale on Parental Home Road and Bowden Road which is commercial property. It's not in the middle of residential. And most of these people have lived out there all their lives. I've lived there 40-something years, so I just don't know why this particular property in the middle of residential is so important to build a church. And the lady that's selling him the property owns the property from Bridges to Mulhall. So if he buys his particular five acres, he will eventually buy to Mulhall, and then that whole block will be a church. And that's just my main concern. Also, with a church -- I'm sorry, I hadn't found out what kind of church you are yet, but I know my church, we're a seven-day-a-week church. We have all kind of activities and meetings, and we have outreaches. So what does that bring into the neighborhood and how much extra traffic do you have? Thank you. THE CHAIRMAN: Thank you very much for your questions. Anyone else? AUDIENCE MEMBERS: (No response.) THE CHAIRMAN: Thank you, Mr. Mann, for your patience. Please proceed and we'll bring it back to the Commission for questions. MR. MANN: Mr. Chairman, members of the Commission, again thank you. It is not my client's anticipation right now of buying the balance of the property out to Mulhall. It is a small congregation with the hopes of growing. This is an ideal location to them. It's private. It's just a very family-type setting back in this neighborhood. I'd like to point out that there are two other churches, like I pointed out earlier, on New Berlin -- on Bowden Road South this is in the middle of a residential neighborhood, also the

Seventh Day Adventist church on Bridges Road is in the same neighborhood. They're affected the same way. As far as the development of the site, I know many of y'all are in the development business, you certainly know that St. Johns Water Management requires us to retain retention on our property. We cannot watershed onto other people's property. This is state statutes that are going to govern the development of this site. We're certainly -- if we are going to go on a well and septic tank system, we're going to have to locate the gentleman across the street's well and be sure that we are sufficiently meeting the state requirements in our distance away from that well. This is a good site. It's a good use for this area. It is a small congregation. It is not a church organization that has meetings on a daily basis. A lot of the Catholic churches do have, you know, morning masses fairly early, 6:30, 7:00 o'clock, but the traffic coming and going from this site will be off-peak hours. It will be Sunday morning. Right now they're only planning on one service a week. Right now the congregation is only 50 to 100 people. They're in the hopes that it will grow as the people come over and articulate into the community. With the information that we've given you, contrary to the staff report, we're asking you to take this into the consideration and approve this site so that these people can have a church home at this location. All the requirements for development as far as access, as far as internal circulation, as far as retaining water, as far as well and septic tanks will have to be addressed through the development process, through your ten step review, and if we cannot meet them, needless to say, we cannot develop this site. But until we get the zoning, we cannot go forward with our plans to develop this site. Thank you very much, and I ask that you find in favor of my client based on the information we've provided. Thank you. THE CHAIRMAN: Thank you, Mr. Mann. At this time I will close the public hearing and bring it back to the Commission. Mr. Vice Chair.
MR. HUXFORD: Yes. They do meet the required parking based on the revised site plan which depicts a 500-seat sanctuary and a 200-seat family activity area. And it does meet parking, so they do not have to do an administrative deviation. But bear in mind, our review, of course, the staff report mentioned a 600-seat church based on the initial site plan that we had looked on. Based on this one, now we’re talking about a possible capacity of up to 700 seats, and that’s where we get nervous about whether something that intense could be compatible up in a residential area.

COMMISSIONER DAY: Okay. Does the new site plan change your opinion on the compatibility, Number 2, the future development, Number 5, and the emergency vehicles, Number 8?

MR. HUXFORD: I think it would pass on access because it does have direct access on a public road, so, you know, it would be designed to be sufficiently accessible for emergency vehicles, fire rescue and what have you.

Let me go back to the other criteria. Number 2, of course, the criteria reads, would it be compatible with existing contiguous uses or zoning and compatible with the character of the area considering population density, design, scale, orientation of structures to the area, property values and existing uses. Again, just the scale of it is what makes us nervous, so I’m not inclined to flip on that when I think we would still have some concerns and not support Criteria 2.

As far as Criteria 4, there is information, it’s actually behind the application after the staff report where you do see a memo both from Soliman Seilam (phonetic) with our community folks where he talks about Belfort Road being a level of service F, and then on the flip side of that page you have a memorandum dated January 31st from Lisa King. She’s not with us today, but where she also sites concerns about Bowden Road South being insufficient as far as being able to handle nonresidential traffic.

So for that reason, we would still not be supportive of that criteria either.

COMMISSIONER DAY: Okay. Correct me if I’m wrong. Is Belfort considered a collector road?
MR. HUXFORD: Yes, sir, Belfort Road is.

COMMISSIONER DAY: Okay. And if this was going on Belfort, there wouldn't be any need for a variance or anything along those lines?

MR. HUXFORD: Correct. This site is five acres, so it's got plenty of land area, but the other criteria that it have access only on a collector or arterial and that it not have access on the local road. That's why they're here, because this access is strictly on a local road. If it was on Belfort, they wouldn't have to get a zoning exception.

COMMISSIONER KING: Okay. The issue I have -- it sounds like we're making the level of service on Belfort an issue, and if this church were on Belfort, there wouldn't be a -- I mean they wouldn't even be in front of us today. So I understand that Belfort's operating at a loss. The other problem I have is even -- as the applicant stated, even on our mobility language, churches aren't considered to have any impact, especially on p.m. peak hour which is typically -- I mean this area's traffic is generally during the rush hour. I've made the mistake of going here a few times during rush hour and it is brutal. And I would agree that there's a level F level of service. But the nature of the church and the reason why we don't even charge an impact fee for mobility is because of the weekend time frame.

The other questions I have, do you know the number of seats in the Baptist church and the Seventh Day Adventist church that were referenced?

MR. HUXFORD: No, sir, I do not.

COMMISSIONER DAY: Do you, Mr. Mann, have any idea --

MR. MANN: No, sir, Mr. Day, I do not. I would like to make a comment whenever we get through, if I may, if the Chair will indulge me just for a correction.

COMMISSIONER DAY: Okay. I'll give you that chance in a second. I know the Baptist church has been there a long time, was probably before the code was in place that requires this variance. Do you know if the Seventh Day Adventist church came in for any sort of variance or exception because of the fact that it's not on the collector road either?

MR. HUXFORD: I see where it was -- I pulled it up. Let me go back to it just a second here. The sanctuary that's there today was apparently built in 1992, so about, what, 22 years ago. They probably would have had to get a zoning exception, but I'm not aware that they actually did because they don't have access on a collector. They're on a local road also. They probably did have to go through, because the same rules that apply today applied back in 1992.

COMMISSIONER DAY: Okay. And as you said before, it meets all the other criteria of churches in residential neighborhood as far as size. The only thing that has been the issue is it's not a collector road, correct?

MR. HUXFORD: Well, I think if this was a small, you know, 50-seat church, we probably could say that it's not going to generate an excessive amount of traffic up on local roads, but when we're looking at one that has 500 seats plus a 200-seat activity or social hall, we just have concerns that ultimately as the church grows, that could potentially not be compatible given the volume of traffic that it could generate.

COMMISSIONER DAY: Okay. And I guess if the Chair doesn't mind, I'll give you a chance to correct whatever was said that was incorrect or your comment.

MR. MANN: Again, I'm not trying to correct the department, but we keep mentioning 700 seats, 500 in the main sanctuary, 200 in the fellowship hall. Many churches have fellowship halls where there's seating, et cetera, but your criteria for parking is based on one parking space per three seats in the main sanctuary only. It has nothing to do with the fellowship hall. Or the other criteria is one parking space for every 35 square feet in the main sanctuary. Of course, that has not been designed yet and we cannot protect how big that sanctuary will be based on the square footage. The reason that the 500 -- but it should be based on a 500-seat church, one parking space per three seats. That would be 167 parking spaces plus the required handicapped. Our proposed site plan that was approved by the Planning Department shows 234 parking spaces plus eight handicapped spaces. So 500 is the number that we should be considering. That is
the most optimum number of parishioners that we would have at this location. Currently, there's only 50 to 100 people attending services at this church now.  
COMMISSIONER DAY: Okay. I appreciate that.
I don't have any other questions.

THE CHAIRMAN: Commissioner King.

COMMISSIONER KING: Question to staff. This is RLD 60 currently. By right, how many homes could you put on this five-acre parcel?

MR. HUXFORD: Through the Chair, if it was optimally designed, you could yield seven units per acre, so seven times five, because it has five acres, would yield 35 homes.

COMMISSIONER KING: Thank you.

MR. MANN: And to Mr. Mann, after you called me yesterday I was curious, so I went on the diocese of St. Augustine's website, and I found a reference to St. Marine Maronite Catholic Church, which I understand is of this persuasion. I was wondering if it is the same church that is meeting in another church. Because it gave an address of 7032 Bowden Road, which I thought is the same numerals, kind of truth.

THE CHAIRMAN: Okay. I appreciate what you had to say, Mr. Robbins. At this point in time, you're linking yourself to a 200-seat family building and a 500-seat sanctuary.

MR. MANN: Ms. King, I cannot answer that truthfully, so I'm going to refrain from saying anything. I do not know. I'm not sure that there's actually been a name chosen for this new church. So with that being said, I'd rather not tell you something that I don't know to be the truth.

COMMISSIONER KING: Okay. Thank you.

THE CHAIRMAN: Mr. Huxford.

MR. HUXFORD: Through you the Chair, I just wanted to touch on Mr. Mann's comments about the 500-seat sanctuary and then the 200-seat social hall. The parking calculations and the design of the site is based on 700 seats. He is correct that the parking formula for a church is based on sanction size alone. Social halls themselves are not subject to parking requirements because it's assumed that activities at the social hall would not coincide necessarily with the church services, so there would be already be enough parking on site. That said, the site plan as revised here depicts too much parking, and should this be approved, they would either need to do an administrative deviation to increase the amount of parking or they would need to scale back the amount of parking they're providing on site so that they do not exceed the parking maximums.

MR. MANN: Now I've got a problem with too much parking. I can't hit a home run anywhere.  

THE CHAIRMAN: Mr. Mann, I appreciate your answers to the questions. From my perspective in relation to the comments received by the public, I concur with an element of what you had to say, that the Department of Health will issue any new septic or wells that are associated with this project should you choose that direction instead of centralized utilities. So they factor in the impact and protection of the surrounding well fields.

The site plan doesn't apply to the entire block up to Mulhall. So I think that the concern expressed by one citizen that approving of this or some affirming of this would allow for the church just to continue, that would have to come back before us. But your site plan here is for the five acres, and with an exception, this site plan is binding to it. And therein lies the number of seats as well. You couldn't could be transposed. I was just curious.

MR. HUXFORD: -- with you, Mr. Robbins. If we could limit it to four times a week. At this point in time there's not a need for four services, but I would hate to be limited to one and have to come back before you. But that is something that, you know, would probably be acceptable to my client, but I think one time a week is just way, way too restrictive. The other churches can have services 24/7 if they want. Not that this is a competition, but we
should have the same rights that they do since they're basically on the same streets we are.

THE CHAIRMAN: I don't disagree with you. It was a comment that came up in our agenda meeting about the parameters and the intensity of use, and you mentioned the small congregation. That's fine, sir. I'm looking at ways to perhaps allay any concerns or some unintended consequences with regard to the traffic that was generated.

I have no further questions. Is there any other commissioner has questions for Mr. Mann or staff?

Mr. Day.

COMMISSIONER DAY: Along the lines of what you just said, Chairman, I'm wondering if staff, given if this thing is approved, would have any conditions that they would like to see put in place.

MR. HUXFORD: No, sir, not at this time. If this were to be approved -- our objections were principally based on the scale. But if this were to be re-proved, they would still have to go through ten set where we would analyze for engineering, landscaping, buffering, all of those things. They have not asked for relief from anything, so they would have to meet all the other design guidelines.

THE CHAIRMAN: Anything further?

Mr. Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I think the idea you came up with about limiting the amount of services is a well thought out idea.

I would support it. I think if we do four services a week, that kind of limits it so you still have control over it so you know exactly what you're getting and you're not going to have a service every day, so you know that cars aren't going to be pulling out of that lot every day. So I would like to amend my motion to include the limit of four services a week.

THE CHAIRMAN: Is the seconder in favor of the amendment?

Okay. Let's continue discussion.

Commissioner King.

COMMISSIONER KING: The Catholic church is a liturgical church, my church is also, so I'm very familiar. We have a lot of things that are classified as services in our church that could be very small gatherings. And so accepting the

spirit that this congregation is trying to move forward and trying to do things correctly, we could be putting them in violation inadvertently. For example, they had a baptism, if the priest conducted morning prayer with himself and a few congregants, that could be classified as a service. So that's the only concern I have about the use of that language.

THE CHAIRMAN: And as the token heathen Baptist up here, would the term "mass" be in line to what I'm saying? A large congregational gathering aside from a ceremonial effort or group meetings, would the term "or mass" per week, masses?

COMMISSIONER DAY: Can I make a comment?

THE CHAIRMAN: Please.

COMMISSIONER DAY: To Ms. Johnston, are we getting ourselves in trouble here? I worry if we start trying to pick out specific religious activities that we're limiting that -- just my -- I mean if we had a problem with large groups showing up every single day, it wouldn't be the worst problem in the world. Most of the times there are weekly morning masses. They're very -- you know, it's a small subset that go

and it's usually very early where it doesn't conflict with rush hour traffic. You know, I wouldn't see the need to do it. I mean if Ms. Johnston has any comments, just sort of legal issues we might be getting ourselves into, I'd appreciate it.

MS. JOHNSTON: Through the Chair, if you wanted to focus more on -- I see the Commission focusing more on actually use of the property not the type of use. So maybe if you were to go in a direction of a limitation, maybe on activities on the property rather than specifying the types of activities, because as Ms. King and Mr. Day were concerned about separating out religious versus other types of activities, if you were speaking as to, you know, the activities or the time of day of activities or things of that nature where you're not identifying specific religious based activities.

THE CHAIRMAN: All right. We have our staff saying that they would not have recommended any conditions on this. We've heard from our professional planning staff and our legal counsel.
Is there any further comment from the Commission?

Commissioner Peters.

COMMISSIONER PETERS: Mr. Chairman, through the Chair, I just have a couple of comments, and Mr. Day initially asked all the questions that I initially had, but I guess my focus here is a bit more on the scope and size of the project. I certainly wouldn't want to get into trying to determine what events should or should not take place at the facility. But I know that Commissioner Day asked the question about the size of the other two churches in the immediate area, but I think we’ve exhausted that effort. But I think if we were able to know those numbers and, of course, apply that to this particular church, I think that might give at least myself some reason as to any restrictions. At least we’re being consistent and we’re also maybe touching on that issue that department had in terms of compatibility. So I don’t know if anyone has any information -- additional information on the size of those other two facilities, but I think that would certainly put me at ease.

THE CHAIRMAN: Thank you, sir.

Others?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: I’m seeing none, so I call the question on approval of Exception 14-02 at 3207 Bowden Road for a church not on a collector road.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION PETERS: Aye.

THE CHAIRMAN: One opposed. Five, one.

Mr. Mann, you have approval.

MR. MANN: Mr. Robbins, just for my own clarification, was there any type of motion that was attached to that?

THE CHAIRMAN: As far as conditions or --

MR. MANN: Yes, sir.

THE CHAIRMAN: No, sir. It was a straight approval.

MR. MANN: Great. Thank you very much.

THE CHAIRMAN: You’re most welcome, sir.

Ms. Sales, do we have any cards on E-14-03 or E-14-04 on Bessent Road other than the speakers -- or the applicant, I’m sorry.

The exception is limited to three horses. The horse shelter shall be located not less than 50 feet from any property line. Any receptacle for storage, disposal or composting of horse manure shall be located no less than 50 feet from any property line, and that this exception is nontransferable and shall not run with title to the land.

Those are standard conditions that we have when we are supportive of a request for horses, so we are being consistent. And with that, we recommend approval.

Thank you.

THE CHAIRMAN: Thank you, Mr. Huxford.

Ms. Small, good afternoon. Could I please have your name and address for the record, and our court reporter will swear you in.

AUDIENCE MEMBER: Yes. LeAnne Small, 9045 Adams Avenue, Jax, Florida, 32208.

COURT REPORTER: Would you raise your right hand, please?

MS. SMALL: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you’re about to give will be
the truth, the whole truth and nothing but the truth?

MS. SMALL: Yes.

COURT REPORTER: Thank you.

THE CHAIRMAN: Ms. Small, you heard Mr. Huxford's report. You have a recommendation for approval with those four conditions. Are you familiar with those four conditions?

MS. SMALL: I am. I did receive an e-mail regarding the approval with conditions.

THE CHAIRMAN: And do you find them satisfactory?

MS. SMALL: I do have a comment.

THE CHAIRMAN: Please go right ahead.

MS. SMALL: Thank you.

You did say earlier that anything submitted on our behalf, I have -- out of the recommendation of the office when I spoke to them, I have a petition that we drew up for all of our neighbors who are maybe in support of our situation, so I do have that to give. Also, this whole thing about because the property in between us for E-14-04 and E-14-03, the property was sold and the real estate person there had it brought to our attention that we were not zoned for horses. To my understanding, the street was zoned for horses in the past, and half of it is and half of it's not. We just happen to be on the other half.

The new people who have purchased the property, they love the horses. That was their selling point. And he left me his card and his information in case you want to do a phone interview because he couldn't -- you know, if you want to talk to him or anything because he couldn't come. But he did state to us that he purchased the property as is and he knows of the horses and the location of the shelters.

Now, if it is necessary to move the shelter in 50 feet, you know, we will have to accommodate that in order to keep our horses, and I understand that. But I'm not sure -- right now the edge of our paddock and our shelter is approximately about 22, 23 feet from the property line. And from the corner of our horse shelter on this property up to the closest neighbor's home is roughly about 50 feet, you know, across -- not from the property line, but from the structure of their home. So I'm not sure if moving it in further is going to make such a big impact on the smell, the residents -- we already do not have any disposal near property lines. That's at the back of the property. So the recommendation of no disposal or compost or manure or anything like that near a property line, 50 feet. We definitely already comply with that and it's not a problem. So I'm just wondering if it really needed to go in a full 50 feet for this property. The back half of the property is located on Trout River, and when it rains or when the high tide comes in, the back of the property gets a good amount of water. So moving the paddock to the back half of the property is -- we would have to make the changes in the front half because it just isn't able to put it in a back half right now. The last thing I want to say for that is that as far as all the other conditions, you know, with their approval and agreement, you know, it's not a main traffic area and it's all for private use. There's no large impact that -- we've had them for four years and we haven't had any complaints from the neighbors for the whole time that we've had them.

THE CHAIRMAN: You said roughly 20 to 23 feet or so from the property line is where the existing structure is --

MS. SMALL: Correct.

THE CHAIRMAN: And about 50 from the neighboring property owner's domicile, his home?

MS. SMALL: Correct.

THE CHAIRMAN: Okay. I just want to make sure I'm clear.

MS. SMALL: Yes, sir.

THE CHAIRMAN: Well, thank you, Ms. Small.

I have two other speaker's cards. I'll give you an opportunity to speak about them. One is definitely in support, the other is nonconclusive, so let me invite Devin Hewett forward, if you'd care to speak, Mr. Hewett. He'll be followed by Joshua Boland.

Thank you for being here, Mr. Hewett. If you wouldn't mind giving us your name and address, and our court reporter will swear you in.

AUDIENCE MEMBER: Devin Hewett, 3832 Bessent Road.

COURT REPORTER: Would you raise your right hand, please?

MR. HEWETT: (Complies.)
COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. HEWETT: Yes, ma'am.

COURT REPORTER: Thank you.

THE CHAIRMAN: Mr. Hewett, you're the owner of the property on the next case we're going to hear, 14-04, but, yeah, you mentioned you wanted to speak on this one as well?

MR. HEWETT: Yes, sir. We've just been working on this together, my family and Ms. Small's family. We're neighbors, just divided in the middle by the property that was the property that brought this whole issue up when it was being sold. My only -- I was aware of the exceptions that were requested, and, you know, like Ms. Small, we'll do whatever that you want to do for us to be able to keep the horses, but it's just the stipulation of the distances from property lines for the actual housing shelters of the horses. It actually -- I'm just asking you to reconsider that, because, for instance, the structure that my horses use for shelter is towards the back of my property and is about five and a half feet or so off of the property line. If I was to move my shelter 40, 50 feet off the property line, I'm actually moving it closer to my nearest neighbor's house. I don't know if you guys have a plot plan or anything like that.

THE CHAIRMAN: Point taken. Moving it --

MR. HEWETT: No, I don't think that necessarily being a certain foot off of the property line should be the deciding factor, whereas a certain distance from any neighbor's structure, much like you would do with a septic tank and a well, when somebody's doing new construction and things like that.

And that's all I really wanted to say.

THE CHAIRMAN: Thank you so much.

Joshua Boland.

Thank you for being here, Mr. Boland. I don't know if you're either in support or opposition, but if you would give us your name and address --

AUDIENCE MEMBER: 9126 Jefferson Avenue, 32208, Jacksonville, Florida.

COURT REPORTER: Would you raise your right hand, please?

MR. BOLAND: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. BOLAND: I do.

COURT REPORTER: Thank you.

MR. BOLAND: I just basically concur with Mr. Hewett and Ms. Small. We've had the horses a while. The structures have never been anybody's problem before. If the conditions were put in place for the approval based on the previous owners of the home for complaints purposes, which I'm not sure, I don't -- they don't even live there anymore. And the people that are there now, you know, it's now a three-neighbor issue. We're all in concurrence with each other. It's a lot of work to get them where they were now. To move them again would be a lot more work, and a little less for us considering it's their horses. We're going to take to take care of them every day of their life anyway. The manure situation, if there's any, are not even associated with the paddock because it's just an inclement weather situation. Other than that, they roam around, you know, freely within 50 to 100 feet of all property lines.

That's basically it.

Thank you.

THE CHAIRMAN: Thank you, Mr. Boland.

Any other members of the audience that care to speak E-14-03?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I'm seeing none.

I bring it back to our Commission and Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move E-14-03 as conditioned.

COMMISSIONER KING: Second.

THE CHAIRMAN: Been moved and seconded. Discussion?

Commissioner Hagan.

COMMISSIONER HAGAN: Yeah, I just -- Ms. Small, if you'll come up, please.

I'm just trying to wrap my head around who's living where, what's being sold. So you currently own the property as 3820; is that correct?
MS. SMALL: No. The E04 -- this one is 3762.

COMMISSIONER HAGAN: Okay.

MS. SMALL: Then 3832, which is separated by a single property is the next one on the list. We've been working together. We both found out at the same time about our horses. And we're the only one in this end of that Bessent Road that actually has horses at this time.

COMMISSIONER HAGAN: Okay. And who lives in 3820? Are they here today?

MS. SMALL: They are not here right now. 3820 is Sylvester Green. He's the new property owner. The previous property owner sold the property to him. And he is the one that gave me his card and his information if you do need to speak with him in regards to anything. He just couldn't come, but he can do a phone interview or anything like that. We don't know how that works.

COMMISSIONER HAGAN: And you said on the record that he has said that he's okay with the 23 feet, leaving the paddock where it is?

MS. SMALL: He has said that.

as is because we do meet all the other requirements, size of property, distance of the structures being at least a minimum of five feet from the original property line and all, that we met all of that. And I just assume that this condition is due to like a nuisance issue like odor and proximity and everything like that. The horses actually roam free on the property. We're completely gated off from all properties on all sides, and we do have an enclosed paddock area on this property here where -- it's a giant rectangle more or less, that we can put the horses in if we don't want them to roam free, and if there's bad weather. If there's a storm or it's raining or anything, then they have a shelter to go onto.

COMMISSIONER HAGAN: Okay. So you don't want four horses, you just want three, everything looks good.

MS. SMALL: Yes.

COMMISSIONER HAGAN: Okay. Thank you.

THE CHAIRMAN: Mr. Day.

COMMISSIONER DAY: I mean I'm open to other comments, but I mean with the testimony given and the fact that it's been there forever, you know, I would be up for making a motion for us to strike Condition Number 2. I think Condition Number 3 is fairly easy and doable as far as the storage of any manure or anything that actually has an odor issue. I think keeping that at 50 feet is fine. But I understand why the staff did it and I think it's appropriate from just a view of this, but the reason we have these public hearings and get the feedback from every else, I think the current condition as it's in place and the feedback we've heard, I'd make a motion to strike Condition Number 2.

COMMISSIONER KING: Second.

THE CHAIRMAN: It's been moved and seconded to eliminate the second condition. All if favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Okay. As it stands now, there's a recommendation for approval with three conditions, one, three and four from the staff report on Page 5.

Ms. Johnston, anything?
MS. JOHNSTON: Through the Chair, I was just going to ask if you wanted rather than striking that condition to put in the 23 feet, so that if that was for some reason torn down, that they wouldn't build it closer to the property line, but that's up to you. If you wanted to strike it altogether, that's fine.

COMMISSIONER DAY: Actually, to that comment, now that it's been struck I would add a new one back in that any new structure would be 50 feet away, because I think if this was torn down it would be nice to comply with the 50 feet. And I don't know if the applicant would have any problem with that, but if this was ever destroyed or torn down, I think have a new structure 50 feet away if the applicant doesn't have a problem with that.

MS. SMALL: The only problem that we had with the 50 feet in the first place is that it puts it in more to the center of the property. We have a giant U-shaped driveway, and so it would actually impede the use of our property, so it would put us more into the center. We would actually have to renegotiate part of our property to do that. I mean we'll do whatever it takes, but it would be a lot of extra work to try and get our driveway kind of moved around or structured differently.

COMMISSIONER DAY: All right. Well, then I would just make a motion then to add a new Condition Number 2 that would basically read that any horse shelter shall be located no less than 23 feet from any property line.

THE CHAIRMAN: It's been moved.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: And seconded. Any new horse shelter be located no less than 23 feet from any PL.

Discussion?

COMMISSIONER KING: Ma'am, 23 is okay?

Did I hear 22 thrown around at some time?

MS. SMALL: The structure right now is actually like 22 and three quarters, you know. It's not quite 23, but it's more than 22, so roughly 22, 23 feet there.

COMMISSIONER KING: So a condition that you would rebuild your shelter in the same location would be okay with you?

MS. SMALL: Yes, sir -- I mean yes, ma'am.

I'm sorry.

COMMISSIONER KING: Yeah, because I understand your concern about being into compliance. Where I live is on the water. We have long narrow lots just like this, and you don't to -- for us, we don't want to break up our view, and so forcing us to put things in the middle of the lot doesn't make any sense, so I can certainly understand why that paddock was located there originally.

THE CHAIRMAN: Any further discussion from the commissioners?

Going to Mr. Huxford first.

MR. HUXFORD: Just for the Commission's consideration, we put that condition on there at 50 feet because it was similar to what we would do for chicken coops and certain other animal accessory structures. However, given what we've heard here today, if you just wanted to say it should be no closer than 20 feet from a property line, that gives them a little wiggle room, we would have no objections to that.

THE CHAIRMAN: Make an amendment?

COMMISSIONER DAY: Yeah. I'll amend it to any shelter must be located within 20 feet of the property line.

THE CHAIRMAN: And the seconded?

COMMISSIONER PETERS: Second.

THE CHAIRMAN: So the amendment up for vote is that any new structure not be located closer than 20 feet of the PL.

Ms. Johnston, did you have anything in addition? Thank you, ma'am.

On the amendment, all the favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: And opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Okay. On the table now for consideration are four conditions, Numbers 1, 3 and 4 off of Page 5 of the staff report, and the Day amendment regarding 20 feet from property line.

Any further discussion on this matter?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: I'm seeing none. All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Ms. Small, you have
Ms. Small: Yes, sir. LeAnne Small, Jacksonville, Florida, 9045 Adams Avenue, 32208.

THE CHAIRMAN: Thank you, Ms. Small.

Just for the sake of argument, would a similar modification be necessary or does the 40 feet in this condition pose any potential trouble for you?

MS. SMALL: Well, yes, it does. I think that I would like to make a correction. My original site plan was my personal drawing of site plans, so it was advised to get a different one. I submitted a second site plan that I had professional help on, and with the second site plan, the structure at their home, their shelter, which is not enclosed, it's just an open walk-up-under shelter, is actually five -- right at five and a half feet away from the property line.

THE CHAIRMAN: Five and a half?

MS. SMALL: Five and a half feet, yes, sir. So according to the documentation and all that I had read that it was adequate footage at that time. You know, for the -- everything has to be so many feet off originally for building. For their property, on the same side that the horses' shelter is on, if you're facing from the street, the left side of the property, the house in between us is up towards the front of the road. So that back half of the property, there are no structured buildings whatsoever. It's just kind of marsh and a little canal at the back of the property. On the right-hand side of their property, that home is at the back half of the property. How much room they have at the back, that other property to the right has that much frontage towards the road. So if they were to move their horse shelter, other than a visual blight right in the center of their property to go back towards the water, they're actually moving it closer to a residential home rather than having it closer to an open area. With discussion of them -- we understand that five and a half feet is very close to the property line. You know, maybe 15 or 10 feet or something just to get it a little bit further off for the sake of the situation.

THE CHAIRMAN: All right. Ms. Small, what I would like to do then, I'd like to entertain a motion from our Commission if we could table this item to allow Ms. Small the opportunity to discuss changes in site plans and changes in conditions with Mr. Huxford while we proceed to our time certain item.

Is there a motion that can support tabling of this for this time?

COMMISSIONER HAGAN: Mr. Chairman, I move to table E-14-04 to entertain our time sensitive items.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: Moved and seconded.

Ms. Small, we will bring you back just as soon as you come back from Mr. Huxford after we're concluded with this item.

MS. SMALL: Yes, sir. Thank you.

THE CHAIRMAN: Thank you, ma'am. I figured -- that's why I'm glad I'm not a gambler because I would have came up with snake eyes on that one. Thank you, ma'am. We'll be right back with you.

Again, our time certain item is Item Number 5 on Page 5. It's the first of our large scale map amendments, 2014-49 on R.G. Skinner Parkway. It's a request for transmittal of an amendment from low density residential to CGC 12.3 acres in the southeast part of town.

Mr. Kresel, if you could briefly introduce the item, my first speaker will be the Honorable Jason Fischer from the Duval County School Board, and then we'll proceed with the applicant's presentation.

Thank you, Mr. Kresel.

AUDIENCE MEMBER: Are you going to do all of them or just --

THE CHAIRMAN: No, sir. Just Number 5.

MR. KRESEL: Okay. Just for the record, would be happy to accommodate the need for the speaker, but I do wish to point out that the department would prefer not to have each of these items discussed separately. Having said that, for introduction purposes --
AUDIENCE MEMBER: Before you do that, may I make one comment that might save you an hour?

THE CHAIRMAN: Please come forward.

So you know, Mr. Kresel, we are going to consider all the rest together, it's just this one in particular, we're trying to be sensitive to the board members.

AUDIENCE MEMBER: Mr. Fischer asked me if we had any objection to deferring this to a next large-scale cycle. We do not. He thinks that we can reach an accommodation during that period of time. We're not in any hurry on this one.

The rest of them we'd like to move on. But if y'all want to defer this one. And they're all separate bills, it might save you some time today.

THE CHAIRMAN: Yes, Mr. Fischer, thanks for being here. If you wouldn't mind, sir, terribly for the record, your name and address and affirming what Mr. Harden said.

MR. FISCHER: My name is Jason Fischer, 2630 Stonegate Drive, Jacksonville, Florida. And what Mr. Harden said is absolutely correct.

In fact, I support all of the other changes.

This is the one that I think that we can work on changing, but I think just a little bit of time to define what that will actually look like, and we're ready to go.

THE CHAIRMAN: Thank you, Mr. Fischer.

Thanks for being here.

Mr. Harden, just want to check to see if there's anyone in the audience to speak to 2014-49 that may have an objection to deferring.

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I'm seeing none.

AUDIENCE MEMBER: Since this is a large scale, it's going to be deferred for a period of time, I understand.

THE CHAIRMAN: I wasn't certain about that with the new legislation if we had to wait until the time, but you're accepting whatever process the City will go through.

Commissioners, we have an opportunity to defer this item. Any takers?

COMMISSIONER DAY: I'm just going to ask real quick of the staff, the notice is the only thing that keeps it on that cycle. If we just defer a date certain is it allowed to still go through or do we need to push it all the way back to the next one? And I guess it doesn't matter if the applicant doesn't care. I just was curious.

MR. KRESEL: I believe you can just defer it to the time and determine a time, and if you have no objections, just showing it deferred on your calendar, we certainly don't.

COMMISSIONER DAY: I wonder if either Mr. Harden or Mr. Fischer would -- you know, we always try to not have these things linger on forever and ever. If there's, you know, a month or a month and a half or what would be an appropriate amount of time for you guys to sort of have discussions over this?

AUDIENCE MEMBER: Why don't we -- subject to Mr. Fischer's comments, why don't we agree to defer it for two cycles. We'll meet with the folks at the school board. If we can resolve it by then, we'll bring it back up. If not, we'll report back to you. But we're going to have to do the same thing at LUZ Tuesday night. So, you know, why don't we defer it two cycles and see if a month gives us enough time. If it doesn't, then we'll get back together.

COMMISSIONER DAY: Okay. And either Mr. Loehnert or Mr. Fischer, do you have any comment on that?

MR. LOENHERT: Through the Chair, I think that's a great accommodation. Paul, I really appreciate your assisting with this one. And Mr. Fischer, thanks for coming in today and speaking on behalf of the school board.

MR. FISCHER: Well, I'm confident in Tyler. I knew you were going to do a great job, but I wanted to come and show support as well. I do agree with Mr. Harden. I think two cycles, and we've not been able to resolve it by then, we'll report back.

COMMISSIONER DAY: Okay. And because there's not a public contingent here that would be taking time out of their schedule over and over, I don't have an issue because it's really the school board which is going to be here anyway.

I make a motion to just defer it two cycles at this point.

COMMISSIONER HAGAN: Second.

THE CHAIRMAN: It's been moved and seconded.

Any discussion?

COMMISSION MEMBERS: (No response.)
affirmative motion.

Is there anyone else in the audience to speak to E-14-04?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I am seeing none.

Bring it back to the Commission.

Mr. Vice Chair.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of E-14-04 as conditioned and amended striking Condition Number 2.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: It's been moved and seconded. Do we have any discussion, commissioners?

COMMISSIONERS: (No response.)

THE CHAIRMAN: Seeing none, all in favor?

COMMISSIONERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSIONERS: (No response.)

THE CHAIRMAN: Ms. Small, thank you very much. You have approval.

MS. SMALL: May I still --

THE CHAIRMAN: Absolutely.

MS. SMALL: We worked kind of hard on that, so we want to make sure we submit it.

Given what's been revealed today and the additional information we've gained, we were just looking out for the neighbor's interest by trying to centrally locate it. However, if we just strike Condition 2, then the existing structure would comply and it could be rebuilt five feet or more off the property line like any other accessory structure. I think if the neighbor had an objection to it, we would have heard that by now.

So staff forwards to you a recommendation of approval subject to Conditions 1, 3 and 4.

THE CHAIRMAN: Thank you, Mr. Huxford.

Ms. Small, is there anything in addition you'd like to add regarding this property at 3832 Bessent Road?

MS. SMALL: No, sir.

THE CHAIRMAN: Thank you very much.

I have the same two cards. Ms. Sales, there's no other cards on the application exception 14-04, Mr. Hewett and Mr. Boland.

Gentlemen, if you have something in addition you'd like to share, just indicate by raising your hand?

All right. They both have a positive,
going to interrupt handicap accessibility. We found that there was not going to be a problem in either case and we forward to you a recommendation of approval with no conditions.

THE CHAIRMAN: Thank you very much.
Sir, you're the representative from Bento Cafe, come forward please. You're the next on The Price is Right. If you wouldn't mind terribly giving us your name and address for the record and our court reporter will swear you in.

AUDIENCE MEMBER: Okay. Jeff Poblete, address 1747 village Lane, Orange Park, Florida.

COURT REPORTER: Would you raise your right hand, please?

MR. POBLETE: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. POBLETE: I do.

COURT REPORTER: Thank you.

THE CHAIRMAN: Mr. Poblete, you have a recommendation for approval with no conditions. I have no other speaker's cards.

Is there any other information you'd like to share with regards to the staff report or anything else about your application, sir?

MR. POBLETE: Not at this time.

THE CHAIRMAN: Okay. Thank you very much.

Before I move forward, I did want to make sure that you have received communication from our Office of General Counsel regarding ownership authorization or documentation necessary to show that you are authorized to act on behalf of Bento Cafe. Is that news to you?

MR. POBLETE: I'm not the owner.

THE CHAIRMAN: I'm sorry. I'm going to go to Ms. Johnston please for clarification.

MS. JOHNSTON: Through the Chair, staff contacted the representatives for the owners Kristn Nemnich (phonetic). I could not establish that she was authorized to act on behalf of the owner, so staff has sent communications to them requesting additional authorization. So before we issue the final order, we need to have documentation from them, which staff explained in the e-mail.

THE CHAIRMAN: Okay. Thank you so much for clarification, Ms. Johnston.

So, Mr. Poblete, if you would have some communication with Ms. Nemnich to advise her that until receipt and response satisfactory to the Office of General Counsel, we can't issue the final order. But as I said a moment ago, the Commission has forwarded a recommendation of approval. Do you have anything else to add?

MR. POBLETE: No.

THE CHAIRMAN: All right. Thank you very much.

Is there anyone else in the audience to speak to exception 14-05 on Deer Lake Court?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I am seeing none.

Bring it back to the Commission.

Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of E-14-05.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: It's been moved and seconded.

Discussion, commissioners?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Seeing none, all in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?
to make a finding that it would, you know, not
be detrimental to the public health, safety and
welfare. We think that the Planning Commission
could reach that conclusion since they said the
building itself is not going to be located in
that area nor is the playground. It's just
going to be a very small portion of the parking
lot. So with that, we are recommending
approval.

Thank you.
The Chairman: Thank you, Mr. Huxford.

Good afternoon, Mr. Duggan. You have a
staff recommendation for approval, and I have no
other speaker's cards. Please proceed with
anything you'd like to share with the
commissioners.

Mr. Duggan: Thank you, Mr. Chairman.
Wyman Duggan, 1301 Riverplace Boulevard, Suite
1500. If there are no other speakers, I'll just
stand by for any questions.

The Chairman: Thank you very much,
Mr. Duggan.

As an attorney, if anyone is wondering in
the audience, we do not swear in officers of the
Court. Anyone else in the audience here to

present 2014-45 for us, please.

Mr. Kreasel: Thank you, Mr. Chairman.
Ordonance 2014-45, this property is
located at 212 Oceanway Avenue, consists of .24
acres. Currently, the land use designation is
low density residential. The request is to take
it to community general commercial. The
property is located on the south side of
Oceanway Avenue just west of the intersection of
New Berlin Road. The property is currently
owned by the City of Jacksonville. It has been
declared surplus. It used to be a health
clinic. The prospective buyer is proposing to
renovate the building and open a local bakery.

While this area is surrounded on several
sides by low density residential, consideration
should be made that Oceanway Avenue carries more
traffic than normally on a local residential
road because it serves as a shortcut between New
Berlin and Main Street. We did not feel that
this was an unusual application in that it is
adjacent to general commercial to the east and
the current of general commercial boundary line
extends to where the westerly portion would be
of this property, therefore, we believe that it

is in compliance with the comprehensive plan if
it were approved. And the staff recommends
approval.

The Chairman: Thank you, Mr. Kreasel.

Mr. Huxford, if you wouldn't mind
introducing the companion rezoning, 2014-46,
please.

Mr. Huxford: Thank you, Mr. Chairman.
Application for rezoning ordinance 2014-46
is the companion application seeking to rezone
the property from RLD 60 to commercial
neighborhood for the very same reasons expressed
by Mr. Kreasel. Staff is forwarding to you a
recommendation of approval.

Thank you.
The Chairman: Thank you very much.

Mr. Morgan, good afternoon, sir. Would
you mind terribly introducing yourself with your
street address and our court reporter will swear
you in.

Audience Member: My name is Joe Morgan.
I'm in the Department of Public Works in the
real estate division and I'm representing the
City in the change of zoning to this parcel.

Court Reporter: Would you raise your
right hand, please?

MR. MORGAN: (Complies.)

COURT REPORTER: Do you swear or affirm that the testimony you’re about to give will be the truth, the whole truth and nothing but the truth?

MR. MORGAN: I do.

COURT REPORTER: Thank you.

THE CHAIRMAN: Thank you, Mr. Morgan. I’m assuming you’re in favor of the staff report for approval of both applications?

MR. MORGAN: Absolutely.

THE CHAIRMAN: I have one other speaker’s card for the application. Do you have anything to add at this time?

MR. MORGAN: I don’t.

THE CHAIRMAN: All right. Thank you, sir.

If I could have Mr. Peter Winnick come forward.

Mr. Winnick, we could have your name and address, please. And there’s no need to swear you in. I apologize for that, Ms. Tina, I led you down the wrong path.

Thank you, sir. Name and address, please.

AUDIENCE MEMBER: My name is Peter.

south side and toward the other side, which is the east side are both commercial. And it borders the street of Oceanway. Anybody that’s been out there know that it recently took a very depressed type of area because of what happened with the River City Mall that went in. A lot of the local business closed up, couldn't make a go of it. We're trying basically to get a resurgence of local business in the area. I am from the northside, and my wife is the one that I represent. She's Amy's Cake and Pastries. We're going to start by putting up basically a wholesale bakery, which wouldn't be a walk-in at this time. Hopefully, within a year with our success it's going to be opening up to a neighborhood bakery. I realize concerns of traffic on Oceanway, but we shouldn't have any impedance on that. If you want any listing of what we have, we serve custom cakes, we make custom cakes, we also make cupcakes, pies with various fillings, tiramisu, empanadas, hopia, which is basically ethnically Asian, and that's various fillings, croissants, mocha, ube and cinnamon rolls.

And that's about all I have to present.

If you have any questions, I'd be more than happy to answer any questions for you.

THE CHAIRMAN: Thank you very much, sir.

I have no other speaker's cards. Is there anyone in the audience to speak to 2014-45 or -46, the zoning?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I am seeing none.

I bring it back to the Commission.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-45.

COMMISSIONER KING: Second.

THE CHAIRMAN: It's been moved and seconded.

Is there a discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: All in favor of this delicious amendment?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: It has been recommended to LUZ -- no, it's been recommended for approval by the LUZ.

2014-46, Mr. Vice Chair.

COMMISSIONER HAGAN: Mr. Chairman, I move
approval of 2014-46.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: Moved and seconded.

Any discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response)

THE CHAIRMAN: Mr. Morgan, as well as Amy's Cakes representative, this isn't the final decision. We do have the LUZ Committee on a different day than normal, Wednesday the 18th, 19th or 18th, whatever the Wednesday is, that's when the final decision goes.

Thanks very much.

We will be taking a break at 3:00 o'clock and let our court reporter have a 15-minute breather, but for now we're going to go back to the top of Page 5. Another pair of companions, small scale and rezoning.

Mr. Kresel, would you mind introducing 2014-47 briefly as Mr. Jackson comes forward.

MR. KRESEL: Thank you, Mr. Chairman.

2014-047, this is property that's located at 8789 and 8823 San Jose Boulevard. Against this is 3.24 acres. Currently, the land use designation is residential professional institution. The request is to take it to neighborhood commercial. The property is located on the east side of San Jose between St. Augustine Road and Baymeadows. It consists -- currently, there is a three-story office building, and according to the applicant, the building will remain on site. The land use is to broaden the availability of other uses on the property. Given the location of this property within close proximity to the intersection of Baymeadows and San Jose. Access is off San Jose that the surrounding uses are office and commercial uses.

The department has reviewed the application, and we recommend approval.

THE CHAIRMAN: Thank you.

Mr. Huxford, the companion rezoning from CRO to CN.

MR. HUXFORD: Thank you, Mr. Chairman.

Application for rezoning ordinance 2014-48 is the companion legislation where he's seeking to rezone the property from CRO to CN. We note that there's general commercial and neighborhood commercial immediately to the south. This is an as-built site. This would just allow them to have some enhanced uses allowed for prospective tenants. And the department is supportive. We recommend approval.

THE CHAIRMAN: Thank you very much.

Mr. Jackson, good afternoon. Could we have your name and address, please, sir?

AUDIENCE MEMBER: Good afternoon. Thank you. Matt Jackson, 800 West Monroe Street.

THE CHAIRMAN: And sir, you're an attorney?

MR. JACKSON: Yes, sir.

THE CHAIRMAN: Thank you very much.

Have you filled out a blue speaker's card?

MR. JACKSON: I did. I can put it back up there.

THE CHAIRMAN: That's fine. No need at this moment.

You have recommendation on both applications for approval. Welcome any comments you have for this Commission to consider.

I do note that I have two speakers after you that would like to speak in opposition of the application and we'll certainly afford you time to rebut any information they might have provided.

MR. JACKSON: Thank you. I appreciate it. I don't know how I drew the short straw behind the cupcakes, but I don't have any for you.

This is -- really, we're trying to match up, the property owner owns the property immediately to the south across San Jose Park Drive. That has a CN zoning designation and they do quite well there. What they're looking for is to match that up and fill in some space. It's more economically driven.

I would note that the owner is on site, has a vested interest in keeping the property up and clean and having the right kind of tenants in there. Their main office is located right there at the site. So I'd be happy to answer any questions. It's consistent with the surrounding neighborhood. It's consistent with the property directly across the street and this just slimly broadens some of the uses that they'll be able to use on the property.

THE CHAIRMAN: Thank you very much, Mr. Jackson.
The first speaker is Lauren Trad -- Ms. Trad, I apologize. If you mind coming forward, and after her will be George Lawrence.

Good afternoon, ma'am. Nice to see you again. Please, name and address, please.

AUDIENCE MEMBER: My name is Lauren Trad, 3680 Rustic Lane, 32217. It's good to see all of you again. I have some happy hens at my house thanks to you guys.

THE CHAIRMAN: Very good news.

MS. TRAD: My street is directly across San Jose Boulevard from this complex, and as a neighbor, I have no problem with having some different businesses go in there. My concern is that this ordinance -- or this zoning change would allow them quite a bit of different types of tenants. You know, I'd love to have a breakfast and lunch place go in over there, I'd love to have some salons, things like that that have those similar hours to what the businesses that are currently in there. But what I understand is that this zoning change would also allow them to put in a 24-hour 7-Eleven with no other requirements. And while I encourage local businesses to come into my community because I like to partake in their services, I also don't want to see a 24-hour business go in across the street. Depending on what goes in there, I heard they did a traffic study and it's somewhere between 1,200 and 1,300 additional cars, but that would really depend on what goes in there. And if a salon goes in there, those cars are going to be coming in at completely different hours than if you put in a 24-hour 7-Eleven or something of that sort. So my concern would be whether there was a way to find some middle ground so that they can increase the options of what they are allowed to have on their property but not have it open to just about anything.

THE CHAIRMAN: Thank you very much, Ms. Trad.

MS. TRAD: Thank you.

THE CHAIRMAN: Mr. Lawrence, you are next.

Just have your name and address, please, sir.

AUDIENCE MEMBER: Can I give you some information --

THE CHAIRMAN: Please go right ahead.

AUDIENCE MEMBER: -- before the clock starts?

THE CHAIRMAN: Absolutely, sir. We'll hold off.

Thank you, sir. If you would, please, introduce yourself with name and address and then go right ahead.

AUDIENCE MEMBER: I'm George A. Lawrence, 3679 Rustic Lane. I've been living there across the street from the property in discussion here for 40-plus years.

I was involved back in the '70s when this piece of property came up for the zoning of which it is now. And at that time, the planning board as well as city council realized that this is a residential area. And from Baymeadows Road all the way to University Boulevard. There are no retail sales. There are no retail sales. And this was done purposely to maintain it as a neighborhood, even though we have a four-lane road that runs down San Jose Boulevard. It is one of those things you have to be there to appreciate. Living there for so long coming in and out of our street, it's very difficult.

Let's just take the drawings that I gave you. If this is going to be retail, there is no turning lane into the San Jose Park Road. So the only entrance they have off of San Jose Boulevard southbound is a lane that comes through that light at San Jose Boulevard which is less than a tenth of a mile at 40, 45 miles an hour and someone decides to go in there on the retail. Now, the reason there's no problem there now by being business, it's an eight to five. If we put in any type of retail, it will be eight to seven or eight to eleven. I've been in a lot of shopping centers, dealt a lot with businesses I've had in the past, and I know for one thing. Once zoning is changed and leaves it open for a lot of possibilities, things creep in. Anybody going in there in retail is going to want to have signage, and they don't want the signage back behind the building as you're just looking at it. There's too much gray area there.

I don't know what all they're planning to do with, but I enjoyed this gentleman's term when he used the fact that -- the term was "character" of the area. And I think the character of this area is a neighborhood. And I ask that you look and judge this over again as far as taking it out of residential with a
professional and going to retail sale, which
down the road, anybody gets in there and the
next thing you know there's a little flower
shop, and their little shop doesn't go, retail
is going to come in there and want something
that they can sale and generate money so the
landlord has time to have some money come in.

So I ask you to think about the egress and
regress of this particular building because
there's only one way to get there right now
because of the building, and that is to come off
of San Jose Boulevard. Now, down San Jose
Boulevard from Baymeadows Road all the way down
to the Jewish Center, everything in the middle
of those four lanes are turning lanes in and out
of people's residence on houses either way.
People in that little commercial park next to
this have to sit there for hours waiting on the
traffic to cross over two lanes and a turning
lane to get over to go south. And consequently,
it's the same way going north. So I ask you in
the planning to review and look at that. It's a
problem. And like I said, it's one of those
things you have to be there to appreciate, but
you go back there in the times of the day it

would be bad.

I thank you for your time and I hope
you'll hear what I had to say.

THE CHAIRMAN: Thank you, Mr. Lawrence.
Is there any other speakers in the
audience for 2014-47 or -48 on San Jose
Boulevard?

Mr. Ingram is coming forward.

AUDIENCE MEMBERS: Hi. I'll be brief.
Tom Ingram, 7010 Madrid Avenue. I do not
represent the applicant, but I live in the area.
I live one house off San Jose Boulevard. If
anything, the San Jose Boulevard corridor
between Baymeadows and University has inadequate
retail. And as we've been discussing in many
organizations, mixing the uses is a good thing.
Adding retail in that area would be a positive
for the neighborhood. I don't know all the
details about the application, but I would
support it and would look forward to having for
retail in the neighborhood.

Thank you.

THE CHAIRMAN: Thank you, Mr. Ingram.

Anyone else in the audience?

AUDIENCE MEMBERS: (No response.)
mixture of uses, most commonly it's professional offices, business offices, medical clinics. You could also do schools by right, vocational trade schools as well as colleges, universities, conventional schools, parks, libraries, radio and broadcast studios, banks without drive throughs, art galleries, dance studios, gymnastics, fitness centers, things like that, places to get your hair cut, cosmetology and the like and hospice facilities. And I'm going on the things that you do by right. If you have to do them by exception, then, you know, you're going to have to bite at the apple here at Planning Commission. If you jump up to neighborhood commercial, in addition to those uses, although some of them do drop out, like schools, you can't do those do in a CN zoning. You retain the medical offices, professional business offices. You do add neighborhood retail sales and service establishments, which is your retail commercial component. You also add restaurants, although with the provision that there be no drive-throughs. Those are the two big ones. The two biggest differences is you add your commercial retails as well as restaurants. Other than that, it's essentially similar unless you start getting into exceptions.

COMMISSIONER DAY: Okay. And the other question I have is this property doesn't have any access on San Jose Boulevard. It's only through the sort of private road that splits these properties. Those new uses, I know this isn't the land use and companion zoning isn't a PUD so there's no ability to sort of restrict in any way. Does that access limit from the ten set review and traffic review the intensity of any sort of, you know, retail operation that took place in there?

MR. HUXFORD: Through the Chair, I don't believe that it would if they're using the as-built situation. If the site were to be redeveloped, of course, then it would go through a full analysis and a ten set review. And then at that point, the access points and everything else would come into play.

COMMISSIONER DAY: And part of the reason I ask that, the way it's currently built and configured, you know, I drive by this every day from work to office and back. The current

buildings don't lend themselves to any sort of intensive retail use. I mean they're tucked and hidden behind. I guess I'm kind of bringing up if it's demolished and redone I think we would have something to talk about, but from my understanding if they were restarting this and all of those traffic issues would come into play when you guys review those plans, correct?

MR. HUXFORD: Yes, sir. And furthermore, if the site were to be redeveloped and a retail building were to be constructed, it indicates that no individual building footprint should exceed 40,000 square feet.

THE CHAIRMAN: Thank you, Commissioner Day.

Any others?

On the table is -- I'm sorry. Go right ahead, Commissioner King.

COMMISSIONER KING: I think what I find troubling here is we've seen a number of these applications where we're trying to intensify use along San Jose Boulevard. We've heard pretty clearly from neighbors how they felt about that, and just because I know you guys think I make this up, I do want to let you know I did work on this property my first job out of college for Congressman Chapel, so there. So I'm very familiar with the site. I'm just wondering if this application is a bit premature, if really what we're seeing here is an attempt to up zone and then eventually redevelop this whole corner. And, you know, access in and out is an issue, and I certainly am very sympathetic to the neighbors across the street and in surrounding properties.

THE CHAIRMAN: Commissioner Day.

COMMISSIONER DAY: Just from the way the motions and second went, the only reason I didn't sort of say anything one way or the other is I did have some questions I wanted to ask. I do think what the staff report shows with -- I mean not only neighborhood commercial to the south by CGC to the south as well in part of this complex. There's two things I want to say. One, I think it is consistent with what's there. I don't see how this would cause any sort of precedent because it is densely, densely developed already with residential anywhere north and west of here. And I don't understand how -- I guess in looking at this after some of
the questions I've asked, you know, if we talk about areas that need redevelopment, I mean all the buildings in this area are very old. I don't see the concern with heaven forbid we do something that would allow this area to come in with all new -- I think the control we have in place if this were to be demolished and rebuilt is more than adequate to address the traffic issues there. I think from just the land use and zoning, the nodes we're talking about, Baymeadows and San Jose and the consistency in that area already, I mean I think it does make sense. I mean I can understand some of the comments from the residents, but before we vote, I just wanted to kind of get that out there, that I do think that staff's report does lend itself -- you know, there is consistency to have this go through.

THE CHAIRMAN: Commissioner Peters.

COMMISSIONER PETERS: Through the Chair to staff, I guess I'd like to, and maybe there was some details in the report that I may have missed. But I guess looking at the intersection of San Jose and Baymeadows Road, and that node and the transition from the intensity to being less intense as you move north, I'd just like to get the department's thoughts on how the existing land use is adequate, or maybe it's not adequate, or if it was even articulated in the report itself.

MR. KRESEL: Through the Chair, if you look on Page 2 of the land use report, you see where the property is located in the darkened area. Immediately to the north of that is, again, RPI, and that property immediately adjacent to the property in question is an office park. I'm not certain how far north the RPI goes. And I'm familiar with the area, I'm trying to think, I think there's a vacant lot passed the office complex and there's one or two lots where there may be a house, and then there is a synagogue, and north of that you get into residential. Yes, there is residential across San Jose, but San Jose today is an exceedingly busy roadway, and to say that whether professional office or commercial, if in fact the applicant was looking to dismantle the existing office building and make it into a more commercial oriented structure as was indicated, they would have to go through significant site plan reviews and the department and other city agencies would comment on that. It is in very close proximity to the intersection. And along this on the east side of San Jose, it is buffered from existing residential both along San Jose and to its rear. So we feel that there is a step down, that RPI, is used as a transitional use between residential and more intensive uses.

THE CHAIRMAN: Did that address all your concerns, Mr. Peters?

COMMISSIONER PETERS: Thank you.

THE CHAIRMAN: Comments?

MR. JACKSON: Mr. Chairman --

MR. JACKSON: I'm coming to you.

MR. JACKSON: Thank you, sir.

MR. JACKSON: We've closed the public hearing, but I notice someone's come forward. I'm going to ask the question, Mr. Jackson. The gentlemen next to you must have something to add, why don't you share that with us.

MR. JACKSON: Yes, sir. It's Mr. Saoud. He's the owner. It's a type of family organization right there. He's going to mention a little bit about what they intend to do there.

They are not taking down buildings. They're staying with the existing footprint. What they're simply trying to do is give them a little bit of freedom in order to fill up that space which is identical to the classification 20 feet to the south across San Jose Park Drive, which has a full occupancy, and those facilities other there, dental, medical professional type offices, that's what they want to do in that particular location. The set up of the properties as representatives would point out doesn't lend itself the retail. There is no -- the front of the building is actually not how you get in, you come around to the side. So they're looking for professional office, but I'll let Mr. Saoud mention it and I'll have him fill out a card as well.

THE CHAIRMAN: Thank you.

Mr. Saoud, again, name and address for the record, please.

AUDIENCE MEMBER: Raja Saoud, 9402 Cedar Dell Court, Jacksonville, Florida, 32257.

THE CHAIRMAN: Go right ahead, sir.

MR. SAOUD: Just want to share with the board that we are actually a family business.
we all live in the area. I live down Scott Mill Road, my family lives down Holly Grove. And our intent here is just to increase our ability to fill up these empty suites. And by changing the zoning designation, we feel like it gives us the leeway to do it. There is no intent at this time to change -- to demo and rebuild the structures that are there, simply to uplift them and create a more appealing look coming down the parkway that runs east/west to San Jose. We've got some renderings here of what we intend to do. We're keeping it very classy, very nice, and it is going to be a destination type of product out there that we don't anticipate. There is no frontage to San Jose, so put up a Jiffy or a 7-Eleven or something like that would really be counterproductive. There's really no way a business like that could succeed in there. In fact, there's a 24-hour gas station in the adjacent property to us. So we have no intent of competing like that. The simple matter is we just want to increase our tenant base and fill up empty suites, build up the neighborhood.

THE CHAIRMAN: Mr. Jackson, I don't know

fully answered everything that would come into play with the change of zoning from Mr. Day's question. The gentleman in opposition did mention signage. I think it would be appropriate perhaps to let you guys know the difference. In the CRO zoning district, as is with regard to a stand alone ground sign, you're looking at a maximum of 24 square feet not illuminated or externally illuminated. With the change to commercial neighborhood, you get one street frontage sign not to exceed one square foot for every linear foot of frontage, however much they've got along San Jose Boulevard. But you can go up to a maximum of 200 square feet and it could be internally illuminated, so there is quite the difference between the signage type that you get in CRO and you get in CN. I just didn't want that to go unmentioned, especially since the gentleman opposed to this did raise that issue.

THE CHAIRMAN: I didn't say it earlier, but I'll say it now, again, terrific staff. Thank you very much for your thoroughness. Anything additional?

MR. LAWRENCE: Could I have --
window. So if retail could be excluded from going in there, I think he does need to fill that up with any kind of shops, professional or whatever, that would help his business line. So my opposition in this is because getting in and out as being an eight to five place of operation now, and places that he wishes to put in, that if we go to retail, we now come into a larger area of working which is a big problem of getting in and out. And then, of course, on the signage, I don't know how they would plan to address that, but I don't think it would be attractive in a neighborhood.

That you for giving me the time.

THE CHAIRMAN: My pleasure. Lots of luck.

with that, I believe if memory serves correctly, on the amendment 2014-50 -- I apologize. I'm getting ahead of myself. I will come to you Ms. King, one moment. 2014-47 there is a motion to deny that is on the table, am I correct in that? Okay.

Commissioner King.

COMMISSIONER KING: I'm sorry. I am just remiss in that I didn't declare my ex parte communication with Ms. Trad. Earlier today she called me to ask what this issue on our agenda was about, and I gave her the information from the staff report.

THE CHAIRMAN: Thank you so much.

All right. Any further discussion on the amendment?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: All in favor to recommend to the LUZ denial of 2014-47, if you could signify with a show of hands.

Commissioners Peters, Hill, King. That's three.

All opposed. I knew it. Robbins, Hagan and Day. Am I correct, Mr. Day?

COMMISSIONER DAY: Um-hum.

THE CHAIRMAN: All right. We have a 3/3, the motion fails. Bring it back to the Commission.

COMMISSIONER DAY: I have a quick question for staff on this. Is CN allowed an RPI as a secondary use? I guess is there a secondary zoning district?

MR. KRESEL: The limitation on commercial retail sales and service is that it can't be more than 50 percent of the site area.

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use amendment from RPI to CN and a companion 2014-48 rezoning from CR to CN.

Commission Day had inquired to the staff with regard to CN zoning being a secondary category under RPI.

Mr. Huxford, would you care to share what you -- enlighten us, please.

MR. HUXFORD: Yes, sir. Simple answer, through the Chair, it does not meet the locational criteria, so that would not be an option.

THE CHAIRMAN: Very good. Thank you so much.

COMMISSIONER DAY: Can I ask what that locational criteria is.

MR. HUXFORD: Had to put me on the spot. I've got it up here. Okay.

These are the four if you're going to have a CN zoning district as a secondary zoning district.

The site has to be located at the intersection of two streets classified as principle arterial or arterial or collector as identified by the functional highway classification map. Well, right there, it's not
at the intersection because it's removed from Baymeadows, which is your intersection. Maximum distance, once you start with that and you want to go back, should be no more than 660 feet. It probably falls within that. The total area zoned CN at that intersection shall not exceed 16 acres, well, at the intersection, and you have an abundance of CN, CCG-1 and -2 along the east side of San Jose and then once you get south of Baymeadows, if we're talking about the intersection in general, you're talking about additional acreage right there where the marina is and the Hooters and all. And then it says not more than half of the above acreage shall be located in any one quadrant. I'd have to look at that. But at least based on the initial one, it's not at the intersection, so that's where it fails.

COMMISSIONER DAY: Okay. Do you know how the CN that's in the RPI just south of that got that that's not at the intersection either?

MR. HUXFORD: No, sir, not off the top of my head, I don't know. I can check, but I don't know.

COMMISSIONER DAY: I mean it fails, we

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| 3 | Again, my reasoning behind it was that yes, we can't have the contract zoning that would establish no 7-Eleven or Jiffy store, pick your favorite convenience store, but the locational criteria and the fact that it does not have access onto San Jose, even those in opposition -- or I should say had concerns about this application even said that retail would not likely be possible. We've had the applicant present his intention to do professional office similar -- rehabilitation to uses similar in the area. I'm certainly willing to go a different direction on my vote just in order to get this on to LUZ. But I just wanted to share my thoughts on it, why I voted against the denial of it not being for something such as a CCG-1 or

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| 7 | THE CHAIRMAN: Seeing none, all those in
THE CHAIRMAN: Seeing none, all in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: And opposed?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Just for clarification, I'd like affirmation votes, those in favor of approval by hand?

Commissioners Day and Hagan.

Those in opposition?

Commissioners King, Robbins, Peters and Hill.

The recommendation fails.

Gentlemen, that application will be heard at the special LUZ meeting, not on next Tuesday but on Wednesday next week. Thank you for your time and your information that you provided.

Ladies and gentlemen, we are on Page 5 towards the middle. The next application has already been taken care. It's to be deferred. And the remainder of that page as well as the entire next page will be taken up together, Mr. Kresel, as the last item on today's agenda.

That takes up to the top Page 7. I'm going to skip over Item 13 as it's internal staff report and presentation. We're going to go right to Mr. Ingram with a companion land use amendment and rezoning. 2014-59, and the Port Jacksonville Parkway as well as the rezoning 2014-60.

Mr. Ingram is making his way up. So I start out with Mr. Kresel on Number 59, please, sir.

MR. KRESEL: Thank you, Mr. Chairman.

Ordinance 2013-659. Before I go any further, let me clarify this is a large scale land use amendment, and it is before you for a adoption. It was reviewed and recommended for transmittal. It has come back to the City. There were no state agency comments.

This property -- this application consists of two parcels for a total of 74.1 acres. Currently, the properties in question have rural residential and business park designation. Both of them -- the application is proposing that both of those go to light industrial. These properties would be an extension of the existing north point industrial park. One property is located along Port Jacksonville Parkway which is north -- excuse me, east/west roadway. The second property is a 62.2 acre parcel located on the west side of New Berlin Road just south of the intersection of New Berlin Road and Port Jacksonville Parkway. Both properties are currently undeveloped. The department has reviewed this application. Given the proximity to the existing industrial park and its relationship to roadways in the area and the surrounding uses, the department recommends approval.

THE CHAIRMAN: Thank you, Mr. Kresel.

Mr. Lewis, if you wouldn't mind the PUD to PUD change briefly.

MR. LEWIS: Thank you, Mr. Chairman.

This is again, application for Planning and Development 2014-60, seeks to rezone approximately 313 acres from PUD to PUD. The residential component that was approved as parcel G will be deleted and replaced with the warehouse distribution light manufacturing uses. Similarly, the office flex space identified as Parcel K will also be deleted and replaced with the warehouse distribution and light manufacturing uses. The original PUD allowed for 150 single family residential units, 120,000 square feet of office, flex space, and a maximum three million square feet of warehouse and distribution areas. This proposed rezoning will allow now for a maximum of 50 single family residential units and a maximum of 4,500,000 square feet of warehouse distribution and light manufacturing uses.

A condition in the original PUD required the owner to make improvements to Alta Drive between I-295 and Faye Road. A subsequent PUD modified that condition to extend the deadline for the required improvements to coincide with the proposed improvements by the City of Jacksonville. This PUD request to make a cash contributing of $370,828 to the City for those required improvements. Also the original PUD proposed a maximum of 150 single family dwellings and a three acre park. Since no residential development has occurred, the owner is requesting to make the cash contribution of $60,000 for improvements to the nearby William F. Sheffield regional park.

Staff has reviewed this application and finds that pass -- approval of the land use amendment, this will be consistent with the comprehensive plan. We also feel that it meets
the internal and external compatibility requirements. The Parks and Recreation Department has sent a memo saying that they are in agreement with the $60,000 contribution to the regional park. And with that the staff is recommending approval of 2014-60 subject to the five conditions in your report. I would like to make one change to Condition 5. It should be outside storage areas which require screening shall be screened with a fence berm or landscaping or a combination thereof, a minimum of six feet in height and 95 percent opaque.

Thank you.

THE CHAIRMAN: Mr. Lewis, had you shared that with Mr. Ingram ahead of --

MR. LEWIS: Yes. Mr. Ingram and I have talked about this condition.

THE CHAIRMAN: Thank you very much.

Mr. Ingram, good afternoon, sir. We're pleased that 2014-59 came back with no objection from the state, and Mr. Lewis has clarified on the five conditions for the PUD. Welcome any comments you have on those applications, and did want to let you know I do have one card in opposition to the rezoning that would like to speak. Please go right ahead after you introduce yourself and give us your address.

MR. INGRAM: Sure. Tom Ingram, 50 North Laura Street, suite 3100, Jacksonville, Florida. The proposal’s been summarized. I just want to point out the 62.2 acre site that’s subject to the land use amendment, that’s adjacent to new Berlin Road that’s on the east side. It's roughly across from the gun club and the St. Power Park. The other site that's the subject to the land use amendment is over 1,000 feet east of the residential that’s in north point industrial park. It's more than 2,000 feet from Alta Drive. So it is well inside this project. That site is currently zoned for office flex uses, which include warehouse, light assembly and distribution uses. So while, yes, we are changing it, really, the primary difference has to do with outside storage on that 11 acres of an over 300-acre project. So there was some attention given to that particular site in a public hearing Tuesday night.

Given it's location, given that it's well inside the industrial park, we believe that it's more than adequately buffered from uses. The other thing that I've heard is questions about does this change the zonings. The current PUD has residential uses adjacent to Alta Drive. This does not change anything with respect to the residential uses that are currently zoned on Alta Drive. The use is zoned for 80-foot lot minimums, minimum 100 feet deep, maximum two units per gross acre. So there's no change in that proposed.

I’m happy to answer any questions, and if I could have a minute to respond if there's something I haven't addressed already.

Thank you.

THE CHAIRMAN: Most certainly. Thank you Mr. Ingram.

Mr. Bruce Ostrout, if you'd please come forward, sir. And if there's anyone else in the audience who would like to speak on either of these applications, if they would please fill out a speaker's card, I'd appreciate it.

Good afternoon, sir. Could we have your name and address for the record.

AUDIENCE MEMBER: Bruce Ostrout, Misty Marsh Drive, 3070 Misty Marsh Drive, 32226.
cooperative and it would be an additional 12
months, but that would be completed. Right now
if you go and look at the current traffic
studies, the current traffic study and the
traffic study back then, the traffic study on
the original ordinance mentioned that they were
calculating it to be a C based on that being
four lanes, not that it was currently two lane,
because we had the promise that it was going to
be four-laned.

Currently, the City presented to us in a
community meeting that currently the road is an
F and when it gets four-laned, which they're
hoping they could do it but there's no money and
it's going to be at least 10 years out, that if
they four-laned it, it would be a C when they
four lane, and then within two years it's
projected to be back to a D. So not only -- so
this particular zoning change now says they're
going to add another 3,500 trips primarily semi
traffic truck down the corridor that has school
bus stops, has zero buffer sidewalks, already
has tons of trucks hitting that corridor going
to Pattillo's development, and we learned from
Mr. Ingram as he represented Stokes Land

Development for the Alta Lakes adjoining parcel,
looks basically exactly the same, we found out
that they were very upset that they couldn't
develop it because Pattillo had that access to
the residential corridor where it supposedly
saved .2 miles that the semi truck traffic could
come in. So I just don't see how
conscientiously -- and unfortunately, we're late
to the game because they wore us out on the Alta
Lakes thing for six months going to the meeting
after meeting, compromise after compromise when
there were no compromise, they just wore the
residents out. So unfortunately, we don't have
representation, but I think you should look more
closely. And staff I don't think gave the full
information. I don't think the state really got
the full information.

So there's a lot more to it and there's
other issues. But that's primarily -- I don't
see how if they made that a criteria to approve
it in 2001, 14 years later how can you approve
it in the same condition it is at 3,500 more
trips of semi truck traffic to our families up a
corridor. Just take a drive up that corridor.
Right now people are backed up 295 during rush

hour. You have traffic backed up. If it was
four lane, the school buses when they take a
right --

THE CHAIRMAN: Thank you, Mr. Ostrout. I
appreciate it very much, sir.

MR. OSTROUT: Okay.

THE CHAIRMAN: There may be questions for
you. Don't go too far.

Mr. Ingram, I see no other speakers. Feel
from to respond to some of the public comment.

MR. INGRAM: Sure. Thank you.

Yes, this proposal will help to fund the
widening of Alta Drive. Alta Drive is certainly
a road that with the primarily residential
traffic on that road, it is deserving of
widening. I know Councilman Holt and the City
Council has been working towards identifying
funding. They have advanced funding for design
in response to the offer to pay cash within 60
days of a request for this over 300,000. The
response has been that this can go to that cause
and that they would like to have it. I think in
practicality, working with CSX to widen that
grade crossing is something that the City has
experience with and expertise in working with

CSX. It is extremely challenging for a private
developer to do without the City's direct
involvement. So we want that to move forward,
too. We want to see it widened. And my
client's ready to pay. I think it will help.
That's in part to mitigate our impacts.
So I'm happy to answer any questions you
may have.

THE CHAIRMAN: Thank you Mr. Ingram.

Anyone else in the audience to speak to
2014-59 or -60?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: I'm seeing none.

Bring it back to the Commission.

COMMISSIONER PETERS: Mr. Chairman, before
we begin, I probably should recuse myself from
this vote. My firm is actually working with
another engineering firm here in town on the
Alta Road widening project. So my vote would
certainly directly affect or my non vote would
certainly affect the benefit of my company, so
I'll recuse myself from this vote.

Thank you.

THE CHAIRMAN: Thank you,
Commissioner Peters.
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<td>COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-59.</td>
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<td>COMMISSIONER KING: Second.</td>
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<td>THE CHAIRMAN: It's been moved and seconded to recommend to LUZ the approval of 2014-59.</td>
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<td>Discussion?</td>
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<td>COMMISSIONER DAY: Are you aware of the size or level of service of New Berlin Road as far as -- I know right at the intersection it's pretty big, I just don't know up the way there if it's more adequate than Alta and maybe even the one gentleman that's in opposition could comment on that.</td>
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<td>MR. INGRAM: I've driven out there, but New Berlin is certainly less busy than Alta. I guess that would be my non expert observation.</td>
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<td>COMMISSIONER DAY: Just real quick to the gentleman that was in opposition, if you don't mind, Mr. Chairman.</td>
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<td>MR. OSTROUT: They actually retooled the road coming out -- since the port -- at this time the port wasn't developed, obviously, the last few years it was developed. They took the entrance and they retooled Alta Drive to where</td>
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<td>COMMISSIONER HAGAN: Thank you.</td>
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<td>The project as a condition of its original approval, the City required that Port Jacksonville Parkway be constructed in its entirety to connect Alta Drive and New Berlin Road. And also as part of that, there's discussion about having the residential,</td>
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<td>it splits off with New Berlin. They made Alta Drive actually more favorable for trucks because you don't have to take a little turn, but it's basically they're both two-lane roads, but it's logical when you look at it that all the industrial traffic would go down that side, but they're still encouraging just by road design if you see how they change the road from being a hard curve to being very gradual and encouraging the semi truck drivers to just go right down Alta Drive instead of encouraging them to go down the industrial corridor, which seems logical. But you could stand out there right now and do a radar gun and you see semi truck after semi truck flying down the road.</td>
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<td>COMMISSIONER DAY: Currently down Alta drive, you're saying?</td>
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<td>MR. OSTROUT: Down Alta Drive. There should be some form of encouragement to drive the port traffic down New Berlin. It basically forks right there.</td>
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<td>COMMISSIONER DAY: Yeah. And I guess to staff to that end because it's a PUD, I know there's not a way to force trucks to use a certain road within those parameters. Is there anything as far as encouragement from signage or something we could do that would sort of encourage trucks to go that way to, you know, prevent -- I don't know if it's signages that come out of Port Jacksonville that says truck traffic -- just thoughts that would be simple potential, you know, one or two signs that would help get traffic going another direction.</td>
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<td>MR. HUXFORD: Through the Chair to Commissioner Day, I know where you're trying to come from. I can't speak on behalf of public works, but I would imagine -- I would think that they would say that if the roads are already designed and can handle the capacity as far as truck weights and stuff like that, and they're dedicated public roadways, that they would probably not be supportive of trying to put some kind of restriction on it through a zoning process.</td>
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<td>COMMISSIONER DAY: I wasn't trying to restrict the roads, I was only trying to see if as a condition to the applicant they would put up signs on the exits to encourage trucks to go one way or the other.</td>
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<td>MR. HUXFORD: That would be up to the</td>
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applicant. Might want to bring him up here and ask him.

COMMISSIONER DAY: I guess Mr. Ingram, is that something that would be considered or do you see that as too much of a burden?

MR. INGRAM: I believe Marshwinds and North Point were developed more or less contemporaneously, and it is an interesting situation where you have residential and light industrial. That said, it does work. They've both coexisted for a long time. The primary change that's before you today is to put industrial closer -- on that 62 acre parcel on New Berlin Road. So that's on the far east side.

I think Pattillo has been a good neighbor, and I know they will continue. But, you know, this is -- it's a pretty short distance to the interchange at Alta and 295. This is -- and immediately to the south of north point is another industrial park. Immediately to the south of that is a variety of industrial uses along Faye Road. And shortly south of that is Dames Point terminal. So I mean when we talk about the Port and the importance of the port,

north point is part of the port. And to try to restrict, you know, its ability to have commerce in and out of there is perhaps counterproductive for the betterment of the City.

Thank you.

THE CHAIRMAN: Any further discussion?

On the amendment -- I'm sorry. Go right ahead, Commissioner King.

COMMISSIONER KING: I just wanted to let my fellow commissioners know that I did call the CPAC chair for this CPAC and they did meet yesterday on this and did recommend approval.

THE CHAIRMAN: Thank you, ma'am.

On a recommendation to LUZ for approving 2014-59, there will be five votes with Commission Peters abstaining.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: 5/0.

Mr. Vice Chair.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-60.

COMMISSIONER DAY: Second.
Chair.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-19.

COMMISSIONER HILL: Second.

THE CHAIRMAN: It's been moved and seconded.

Is there discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: I'm seeing none.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Mr. Hainline, the LUZ Wednesday.

Next item is deferred for no report.

That brings us to Mr. Abbey's first application, Minor Modification 14-02.

Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chair.

This is application for minor modification to a Planning and Development MM-14-2 seeks to reduce the required number of parking spaces from 356 to 150 for the proposed office and warehouse facility. The owner has indicated that their facility will not require more than 150 spaces to serve all the employees and visitors at the proposed full build out. The submitted site plan shows a proposed building, total of almost 500,000 square feet with 45,000 square feet of office uses. The current code minimum number of 356 parking spaces could be provided on site should parking demand increase or the property change ownership. And you can see that, like I said, on the site plans.

Staff has reviewed this application and finds it does meet the three criteria. There is no change to any of the approved land uses. The driveways are in the same location and do not alter the general distribution of traffic and there's no change to the conditions set forth in the PUD. The department recommends approval of minor modification 2014-2.

THE CHAIRMAN: Thank you very much, Mr. Lewis.

Mr. Abbey, good afternoon, sir. Could I have your name and address, please.

AUDIENCE MEMBER: Gary Abbey, 2046 Cherokee Drive, Neptune Beach, 32266.

THE CHAIRMAN: Thank you, sir. You have a recommendation from staff for approval. I have no other speaker's cards. Anything you'd care for the Commission to consider?

MR. ABBEY: Happy to answer any questions if you have any.

THE CHAIRMAN: Thank you very much, sir.

Is there anyone else in the audience to speak to Minor Modification 14-2?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: And I am seeing none.

Mr. Vice Chair.

COMMISSIONER HAGAN: Mr. Chairman, I move MM-14-2.

COMMISSIONER HILL: Second.

THE CHAIRMAN: It's been moved and seconded.

Is there any discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: You have approval, Mr. Abbey. While you're there, sir, I'm going to take a stab at this, Mr. Lewis. This is Minor Modification 14-05 to reduce parking. It's not to reduce the total number of parking, but rather to allow for some tandem parking within a building, covered, not surface. So it's not a reduction in parking, but just a different location that is not our custom to I guess count. Is that the reason? I'll allow you to elaborate, sir.

MR. LEWIS: That's right. The zoning code does not in this instance allow for tandem parking in this development, so this is a minor modification to allow for tandem parking for 20 spaces. And I believe in the only five buildings.

THE CHAIRMAN: Thank you, Mr. Lewis.

God afternoon, Mr. Abbey. Anything -- again, similar, I have no other speaker's cards on the matter, but certainly we welcome any comments you might have on that, sir.

MR. ABBEY: I'm happy to answer any questions if you have any.

THE CHAIRMAN: Thank you very much, sir.

Anyone in the audience to speak to Minor Modification 14-05?

AUDIENCE MEMBERS: (No response.)
THE CHAIRMAN: I am seeing none.
Mr. Vice Chair.

COMMISSIONER HAGAN: Mr. Chairman, I move MM-14-05.

COMMISSIONER DAY: Second.

THE CHAIRMAN: It's been moved and seconded.

Is there discussion, commissioners?

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Thank you, Mr. Abbey. Have a good afternoon, sir.

The top of page 9, 2014-18. Mr. Paul Harden is the agent for applicant, and Mr. Lewis, would you mind introducing this application, please.

MR. LEWIS: Thank you.

Thank you. This is application for Planning and Department 2014-18, seeks to rezone approximately 23 acres from PUD to PUD. The purpose is to permit an alternative development for 108 lots single family detached residential subdivision. The uses approved in the 2004-136 located on the site. That was about 300 single family mobile home lots that are built on about ten foot wide -- 10- to 12-foot wide lots. In fact, you could go back and use those mobile home pads today. That historic use for 300 plus mobile homes was changed in 2004 where the rezoning currently allows -- what's allowed currently on the site is 400 multifamily units. So we could build 400 10-foot wide zero lot line homes or a 400 unit apartment complex on this site.

What we would like to do is reduce the density by 75 percent to -- Bruce said 108, I think it's 111 on the site plan. So our preference is to build 40-foot wide and 4,000 square foot single family homes mainly to serve the navy community. It's a very popular product. In fact, a lot of the products are smaller in that general area, 25 feet and the like. Currently, the site is surrounded -- and that's why I'm a little confused by Bruce's comments by nearby subdivisions. If you'll look at the site plan on the north and the west, there's an existing manufactured home subdivision. It's in CCG-2, which is an allowed

PUD will remain in place and continue to be permitted. The PUD description will only amend the existing PUD to allow for this additional alternative use. The property is currently subject to the provisions of the PUD 2004 which allows for 400 multifamily units. Access to the site will be accomplished through Fairway Villas Drive.

Staff has reviewed this application and finds it is consistent with the comprehensive plan. This is in the NDR land use category, which does allow up to 20 units per acre. We've also reviewed for internal and external compatibility and find that it does meet those criteria. We do have a question that -- the application does request a minimum lot size of 40 feet and 4,000 square feet in area. Staff is recommending that the minimum lot size be 50 feet wide and 5,000 square feet in area to provide for -- be more consistent with the nearby subdivisions' patterns of development. We are recommending approval of 2014-18 subject to the five conditions in your report.

THE CHAIRMAN: Mr. Lewis, as the written description dated October 11, that contains the
use in CCG-2. Those are manufactured homes, some people might call them trailers, some people might not. The people who run the park like to call them manufactured homes. Those are on 20-foot lots. That's what surrounds us or has us on the north and the west. To the east is an RMD-D, which is a multifamily that can be up to 30 units per acre. Fronting us on Mayport Road is a strip mall, CCG-2, one of the few places in Jacksonville where you could actually an adult entertainment facility, although Cap'n Odies hasn't done that yet, but that's our entrance way. We are literally surrounded by commercial general 2 and 30 unit per acre multifamily use. So the consistency with the surrounding area, we are substantially less dense than the surrounding area.

The proposed use for single family homes would be a substantial upgrade. Again it would be going from 400 units to 111 units. As I said, we're not agreeable to the 50-foot wide lots. Making it into single family use at that density doesn't work for the value of the property. The developer will build a zero lot lines if necessary to make that product at that location. We would prefer to go to what is a more much popular product, that is the 40-foot lots, 4,000 square feet.

I finally have figured out a way to get the Planning Department to recommend 50-foot lots, though, by asking for 40-foot lots. Next time I may ask for 30-foot lots. Nonetheless, I do think this is a great improvement to the area, and I hope you will support our PUD as is without Condition S.

THE CHAIRMAN: Thank you, Mr. Harden.

MR. HARDEN: Oh, let me say, neighbors on -- the manufactured home community folks called from California, said they are in total support. Nobody called me from Captain Odies but the people, the multifamily to the east called and said they're also in support. So three sides of our neighbors have called in support.

THE CHAIRMAN: Thank you, sir.

Mr. Charles Mann.

MR. MANN: I realize y'all must be surprised for me speaking in support of Paul. Go figure. I'm a land owner in this area. My family has fairly sizable holdings there. We

own approximately 55 units in this immediate area, the closest one being directly across the street in Fairways Villa. What Paul is proposing for this area is very much in keeping with the general trend of residential structures up and down Mayport Road. I own properties out there that are on as small as 25- and 20-foot lots. Those being duplexes or townhouses where it's a 50-foot lot, the townhouse divides it into a 25-foot lot. So what Paul is proposing is not unkeeping here. The new development, the new growth will be a benefit to Mayport Road.

It will be upgrade the area. It will also help increase the property values of the surrounding properties. I would highly encourage y'all to support this issue for 45-foot lots.

Thank you very much.

THE CHAIRMAN: Thank you, Mr. Mann.

Is there anyone else in the audience here to speak on 2014-18, the rezoning from PUD to PUD at 2200 Mayport Road?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: Seeing none, I bring it back to the Commission.

Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move 2014-18 as conditioned.

THE CHAIRMAN: we have a motion and a second for approval with the five conditions in the staff report.

Discussion.

Commissioner King.

COMMISSIONER KING: I have a question. I see Mr. Ed Lukacovic sitting in the audience. I wondered if he had any position the Mayport partnership might have taken on this property.

THE CHAIRMAN: Mr. Lukacovic, we appreciate you suffering through this to get to your other areas, and your willingness to come answer Commissioner King. Good afternoon, sir.

MR. LUKACOVIC: For the record, I'm Ed Lukacovic. I'm a senior environmental planner with the City of Jacksonville Planning Department.

I'm no longer assigned with the Mayport Waterfront Partnership. I haven't been for several years. I do not know if this issue had been submitted to the partnership for their review. There has been cases in the past. I know at one time they wanted to put a Wal-mart
family, which is more desirable right now, to economize feasible to downzone and do single.

That's already zoned for substantially more area that are 50 feet, but to have something getting put on without any additional conditions that I clearly just can't allow us to do that. And we do have setback requirements in the comprehensive plan which you must maintain a 15-foot buffer along the edge of the creek and wetland to protect that. But outside of that, that's the only comment I have on that.

THE CHAIRMAN: We're showing our age remembering those days, aren't we?

COMMISSIONER KING: Yeah, yeah.

THE CHAIRMAN: Commissioner Hagan.

COMMISSIONER HAGAN: I have a question for Mr. Harden. You might have mentioned this, but directly across the street of A1A what is -- it looks like Fairway Villas?

MR. HARDEN: Those are 5,000 square foot lots.

COMMISSIONER HAGAN: Okay. Thank you.

MR. HARDEN: But yet, let me clarify for reasoning to that that they had?

COMMISSIONER SCHELLHORN: They thought it fit more in line with what was there in Atlantic Beach, and that was some of the discussion that went on there.

COMMISSIONER DAY: Okay. The question I originally had to staff, and it's the position we've had on a few of these we've had recently where we are going from very high, dense multiuse or townhome product and actually downzoning that's going on there to put on these additional conditions that I clearly just can't understand why we're doing this. And I think to not allow us to go through and force them to do what's there would cause so much more impact. I'm not even saying that what they have currently is not compatible with what's there, but it seems to me like these conditions are getting put on without any reasoning.

I understand there's other lots in the area that are 50 feet, but to have something that's already zoned for substantially more units, you know, to make it more -- to make it economically feasible to downzone and do single family, which is more desirable right now, to

the record, the motion you have on the table has a condition I am not agreeable to, respectfully, unless we agree to the conditions. So I don't want to force your hand one way or the other, but I just want to make sure we're not agreeable to that condition.

COMMISSIONER HAGAN: I was going to say, correct, we were just making a motion based --

MR. HARDEN: No, no, I know that. I know that. I just wanted to clarify that. Thank you.

THE CHAIRMAN: Commissioner Day.

COMMISSIONER DAY: I'll get to that in a second. I guess to the comment I just got from Mr. Schellhorn, do you have any input from the meetings that you have had with the Mayport Commission?

COMMISSIONER SCHELLHORN: Mr. Chairman, I was at the Mayport Waterfront Partnership meeting which was on Tuesday, Tuesday morning. I can tell you from there, it was briefed by a gentleman named Ben Tucker, and the comment from there was that they were recommending 5,000 square foot lots.

COMMISSIONER DAY: And was there any then additionally put on these other requirements, especially with what it's next to with the manufactured homes around it and the dense, dense multifamily south of it. I just -- I mean voted this way on the last few ones we had this way. I don't understand why we're doing there I guess. And, you know, if you have any other insight to help me change my mind I would appreciate it, but it seems like we're adding on these conditions without much thought for what's actually taking place.

THE CHAIRMAN: Thank you, Mr. Day.

Commissioner Hagan.

COMMISSIONER HAGAN: I'm just going to echo what Commissioner Day said. I think that by right, what they could do there now would be more intensive. They're actually detensifying, if that's a word, and you know, to add an additional condition onto this, then it's -- I don't get it. And maybe Folks was going to say something, so I'll let him say it, but I'm in line with Commissioner Day on this one.

THE CHAIRMAN: Did you have something, Mr. Huxford?

MR. HUXFORD: Thank you, Mr. Chair.
You know, in this case the point is product. In this case we're talking about what will ultimately wind up being a platted single family subdivision. And when we look at the other platted single family subdivisions in the area, we wanted it to be reasonably consistent. You have 50 footers to the east which we're trying to get it to match. You have 60 footers on the other side of the multifamily that is just behind this place. So that's what we're about. We're just trying to be consistent. We don't see any 40 footers out there, at least not in the immediate vicinity. That's why we went with the 50 footers because we said, well, it's across the street. We have a precedent out there. We just want it to be consistent.

COMMISSIONER DAY: To that comment, when I was reviewing this, doesn't Cypress Landing have 40 foot lots in it? That one that's I guess just west of the manufactured home? I mean I know it's a mixed, but it looks like it's a mix of 40s, 50s and 60s.

MR. HUXFORD: I'm checking here. When I did my previous check I found minimum 60 footers. Let me confirm that for you here.

COMMISSIONER HAGAN: Second.

THE CHAIRMAN: It's been moved and seconded to Strike Condition 5 in the staff report regarding the 50-foot, 5,000 square feet minimum. Discussion.

Commissioner King.

COMMISSIONER KING: Question, Mr. Harden.

MR. HARDEN: Yes, ma'am.

COMMISSIONER KING: How many units -- if would struck this condition, how many units would you be able to put in this parcel versus the 50 foot?

MR. HARDEN: Somewhere between 85 and 90, so it would be 85 to 90 50-foot lots, or 108 to 110 40-foot lots. We won't build it as single family at 85-foot lots, we'll build the zero lot lines. This is not what you'd call the most desirable piece of land in Mayport. It's surrounded by -- and the reason I'm not bad mouthing my neighbors, they're all very supportive, so I'm happy with what they're doing. But they've got 20-foot lots, and it just doesn't work at 50-foot lots. It would work -- and we might not get 400 on there, but it will be got pretty close it at 15 foot zero lot lines. It just doesn't work at 50-foot lots.

THE CHAIRMAN: Mr. Harden, the unit count in your PUD is 320, sir, there is some of that out there.

COMMISSIONER HAGAN: Through the Chair, you are correct. Once you are on Cypress Landing north of winddrift Lane, you do start to hit an area of 40-foot lots. So yes, sir, there is some of that out there.

COMMISSIONER DAY: I guess, I mean it's not even comment, I would like to at least pose the question as I have in the past on these where I feel like the condition is not necessary. I would make a motion for us to discuss to remove that condition, Number 5 when it's just a 50-foot front foot lots.

THE CHAIRMAN: You've moved amendment of the motion?

COMMISSIONER DAY: That's correct. Yeah, I move to strike Condition Number 5.
to the coastal high hazard area, we're well
westerly of that I assume?

MR. HUXFORD: To the Chair, yes, sir, I
believe this is not in a Category I coastal high
hazard zone.

THE CHAIRMAN: Mr. Day. Ms. King. Mr.
Peters.

COMMISSIONER PETERS: Chair to Mr.
Huxford, I guess in light of the fact that there
are 40-foot lots I guess that's to the south
there, would staff be in support of the 40-foot
lots now that you are aware of the fact that
there are 40 foot or mixed lot sizes that
include 40-foot lots?

MR. HUXFORD: Through the Chair, we
recognize what's out there, but I'll be
stubborn. No, sir. Given that this is going to
have access on Mayport Road and that's the
product that we compared it to with Fairway
Villas directly across the street, we would
continue to endorse the 50 foot.

MR. HARDEN: Mr. Chair, may I make one
comment in light of Mr. Peters -- if you got
further to the west you get to 25-foot lots --
or further to the north if you keep going on the

map as you get closer to the base. They don't
stop at 40 feet.

THE CHAIRMAN: Commissioner Hill.

COMMISSIONER HILL: I kind of understand
the reduction, but I certainly hope we're not
setting any kind of precedent for these small
lot, because if it's a single family house on a
40-foot lot, that's not a very wide house. And
that bothers me a little bit that we've done
it -- if we do it that we have a tendency to set
precedence and it bothers me somewhat. Now, I
understand the surrounding area, and I kind of
halfway understand the reduction. But I just
hope we don't use that as a precedent for the
future.

THE CHAIRMAN: Thank you. All right. On
the amendment to strike Number 5 from the
proposed motion. All if favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: All opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: We have now on the floor a
recommendation for approval with Conditions 1
through 4 in the staff report.

Discussion?

Commissioner Day.

COMMISSIONER DAY: I was going to say real
quick for the record, the site plan does show
the preservation of that wetland and the creek
going through there, just for the comment that
was made so that it is sort of out there on the
record that it looks like that will be
preserved, that wetland and the creek that runs
through there.

MR. HARDEN: To your point, Mr. Day, the
site plan on the 400 units, however, was in
place before the 15-foot setback was there. And
on that unit, it is not -- on the other one,
it's not.

THE CHAIRMAN: Other discussion?

Commissioners, we have a motion and second
for approval -- a recommendation to our LUZ for
approval of 2014-18 with the first four
conditions in the staff report.

All the favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Mr. Harden, that will be
heard on Wednesday.

Before we jump into Mr. Kresel's group of
comp plan amendments, I have to go back to Item
13 on Page 7. It's a text amendment regarding
our mobility plan, and it's also Mr. Kresel's
item. 2014-57 is an ordinance amending the
transportation and capital improvements elements
of our plan.

Mr. Kresel, would you mind briefing us on
this proposed ordinance.

MR. KRESEL: Thank you, Mr. Chairman.

Currently, the City Council is considering
modification to the existing mobility plan.
Ordinance 2014-761 is basically allowing a
property owner or a developer to instead of
making a selection where their resources would
go to the money that they would pay into the
mobility plan. Right now they must make a
selection where their money would go or to pay
for improvements in that particular part of
town.

What is being discussed is allowing an
individual to make the improvement, a roadway,
should they choose to do so of their choice,
something that is not on the adopted mobility
plan priority list of projects. That would
require -- that modification would require an
amendment to the comprehensive plan. That text
amendment is before you. It sets out the
ability to do so with several conditions. One
that the road that is selected -- or involvement
that is selected by the property owner or
developer, it must be within the applicable
mobility zone.

The standards and criteria that are used
to demonstrate what the impact would be must be
professional accepted standards, and the
Planning Department must agree to those
particular standards. The cost of improvements
for the chosen project must utilize a particular
set of calculations that the Florida Department
of Transportation publishes, and that if the
cost -- the assessment cost is less than the
applicant's assessed mobility fee, the applicant
would have to pay the difference. If the
improvement cost is in excess of the mobility
fee that would be assessed, then the applicant
would be able to take that difference or utilize
that difference.

And lastly -- I take that back. It has to
be approved by City Council. And lastly, the

project must be adopted into the next cycle
which is every five years for the capital
improvement element. So this language is
technically being proposed to allow the
modification that City Council is working on
presently. It will -- the ordinance will go
into effect before this language will be
finalized since it has to go to state agencies
for review and come back. There has been an
acknowledgment of that and the City is proposing
some language to put participants on notice that
should the text language not be adopted that
they hold the City harmless. The department
recommends approval.

THE CHAIRMAN: Thank you, Mr. Kresel.

Briefly, from Ms. Johnston or any other
staff, does this go before the T committee as
well, TEU committee?

Thank you very much.

MR. KRESEL: The ordinance has gone before
the TEU and LUZ. Yes, I believe this text
amendment will also be reviewed by them.

THE CHAIRMAN: Thank you.

MR. HARDEN: Sir, can I comment on this
one --

THE CHAIRMAN: Just introduce yourself for
the record, please.

MR. HARDEN: Paul Harden, 501 Riverside
Avenue. I originally proposed this text
amendment with the Planning Department, and Gary
gave a pretty good explanation, but one thing he
left out, it can't be any road you select by a
developer. It has to be a road that increases
or maintains the mobility score, so you can't
build a road that lowers the mobility score in
that sector.

So there were about 400 roads that were
looked at during the mobility fee activity. The
presumption was those roads would be built as
part of the mobility activity. All of them
aren't built, obviously. Some of the -- the ten
that are the priority are not building any roads
at all, it's widening -- it's ten roads they're
widening, Philips highway, that sort of thing, then
there's a priority for a bus rapid transit
lane. So it would allow you to build roads
outside of those priorities, but roads that the
City presumptively will need because they were
presumed to have been constructed. So there's
been some argument early on it was just the
developer could select any road they want. No,
not true. It has to be constructing a road that
ultimately results in the mobility score being
raised in that sector. And really what the
legislation does is allow you to build a road in
excess of the mobility fee and then sell the
excess credits to other folks in the area. I
just wanted that one clarification.

Thank you.

THE CHAIRMAN: Thank you, Mr. Harden.

Don't go too far. I had a question on that
matter. I'm very relieved to hear you say that
about in selecting and the City Council
approving a project that it does not lower the
mobility score. I didn't see that in the
proposed legislation.

MR. HARDEN: It is in the proposed
legislation. It's in the -- you may have
Councilman Bishop's original legislation. There
have been a couple of substitutes since then.
On top of the substitutes there were some
proposed additions by the Planning Department
that have not been vetted through the committee
yet, but the existing legislation pending in
LUZ, and it was deferred for two cycles, so it

MR. HARDEN: And I think Mr. Bishop
would have some objections to that.

THE CHAIRMAN: So there's a way to
preserve both of those, but I think Mr.
Bishop has different objections. But I think
he's concerned as well.

MR. KRESEL: Well, I think it's possible
that we could do it.

THE CHAIRMAN: Maybe.

MR. KRESEL: But I think the
Committee of the Whole is going to
have to give us some input if we want
to do that.

THE CHAIRMAN: So, I'm not sure the
Committee of the Whole is going to
want to hear it.

MR. HARDEN: Sir, can I comment on this
one --
won’t be this next week but in two weeks, requires that the road -- I forgot what -- but by professional standards show a betterment or maintaining of the existing mobility score.

THE CHAIRMAN: As I said, that’s very good news.

Thank you, Ms. Johnston, just affirm that, that we most likely have the original text in lieu of what’s come out of committee? Because my initial concern while she’s maybe looking at that is that we’re going to get some mobility fees in some of these projects, but then all of a sudden that surpasses that, are we defeating ourselves. But it sounds that among the other criteria, that at least it does increase the goal of the mobility fee --

MR. HARDEN: Increase the mobility score in the sector, yes.

THE CHAIRMAN: Thank you, Ms. Johnston.

MS. JOHNSTON: Yes. Through the Chair, it appears that you have the original version of the document.

THE CHAIRMAN: Thank you so much, Mr. Harden, for sharing that with us.

Commissioners, discussion on the proposed ordinance?

Commissioner King.

COMMISSIONER KING: Director Burney looks like he wants to chime in, but I have a question just philosophically. If every developer decided they didn't want to do something in the mobility plan, they wanted to do some other project, how would we ever get the mobility plan done? So that’s why I’m kind of -- the same direction you were going in, are we being counterproductive to goals that we've set out as a community?

THE CHAIRMAN: Thank you.

Director Burney, would you care to?

DIRECTOR BURNEY: Yes, sir. I was just going to say if you look in the section with the text amendment, if you look in the back -- I think the very last page it talks about maintaining or improvement of the mobility score, if you look at that last page in that section.

THE CHAIRMAN: Again, I need new glasses, I do know that, but I’m guessing that we may have an earlier version. I take Mr. Harden and yourself at your word. And again, it's a relief
to me, because, again, it's the whole notion of albeit a good project and it meets those other criteria --

DIRECTOR BURNEY: Right.

THE CHAIRMAN: -- maintained, I'm satisfied.

Thank you very much.

DIRECTOR BURNEY: Thank you.

THE CHAIRMAN: Any other discussion on 2014-57 currently in committee?

Comissioner Hagan. No? Okay. All in favor -- oh, I'm sorry.

COMMISSIONER HAGAN: Mr. Chairman, I move 2014-57.

COMMISSIONER DAY: Second.

THE CHAIRMAN: It's been moved and seconded.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: And opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Very good.

Now, ladies and gentlemen, that concludes all non land use amendment business, if I'm not mistaken. That's going to take us back to Page 5 where we have our series of land use map amendments in the southeast quadrant of the City. You’ll recall that Item 5 on Page 5 was deferred two cycles so we will be considering now together, do individuals votes, mind you, but we'll be discussing them because they are all related. 2014-50 through -56, a total of seven large scale land up map amendments.

Mr. Kresel has graciously agreed to summarize and highlight the common theme of the recommendations for denial there, and I believe we have a handout about the multiuse future land use category, and it looks like surveys or boundary surveys of each of the eight parcels. And now we have Mr. Harden distributing a map of 295 and 9B development activity. So I've taken my jacket off because I'm ready to buckle in and Gary, if you'll take us away, we'll turn it over to Mr. Harden afterwards.

MR. KRESEL: Thank you, Mr. Chairman.

We wanted to give you a copy of the multiuse or MU land use category so when we made reference to it, you knew what we were speaking of. This document which is a series of surveys of the individuals parcels that the are being
addressed as land use amendments. This was a request by Councilwoman Boyer from Waterways Commission yesterday. She requested that Planning Commission get a copy so that you could see for each of the individual parcels what kind of -- if there were wetlands on site and where those -- the extend of the wetlands. So per her request, we have passed that out for you also.

The department is recommending that you do not review each application separately, but to look at the entirety of this large scale development. The eight land use amendments or -- right now, the seven that are before you comprise approximately 562 acres, which according to the applicant is just over 50 percent of the total development build out. Attachment A, if you look at staff report for 2014-50, which would be the second of the eight applications before you, if you look at Attachment A, which happens to be on Page 15, it may replicate, but unfortunately just in black and white what Mr. Harden may have passed out to you. But our Attachment A sets out the location and relationship of each of the eight parcels. It also specifies their size and the from and to. And we believe it's helpful to look at thee, all of them together.

As you can see, there is in addition to the eight land use applications, there's a considerable amount of land between, in this case, basically from between 295 and the easterly most land use request. It's that long application. All of that area is primarily designated and presently now in low density residential. Building homes on that property would not require any land use amendments. They will require as one has come before you, a change in zoning because the existing zoning is for the majority of that land rural residential.

As you may know, large scale projects of this size in Jacksonville no longer need to go through the development of regional impact or DRI process. The legislature designated certain areas, communities in the State of Florida, and Jacksonville is one of them, that did not require large scale developments to go through the state process. In is place, the City has adopted a land use category called multiuse. Multiuse or Mu is intended for projects that are greater than 250 acres and consist of three or more land use categories including conservation.

One of the important aspects of utilizing the MU category is to emphasize a master plan for the entire project, promote interconnectivity between individual parcels or individual projects within the entire development, and the protection of wetlands. Mr. Lukacovic is here to answer questions specifically wetlands.

The applicant has submitted for permits from the water management district, and we just wanted to point out, and again, I would direct your attention, in this case it's going to be Page 27 which is Attachment F. I apologize, it looks much better in color, but we couldn't get that to you. But again, this shows each of the eight land use amendments. And there is considerable amount of wetlands and flood zones in this overall property. One of our concerns is that should you and the City in general review each of these applications as stand alone requests, one of the concerns is that the reviewing agencies will also look at them in a piecemeal manner. And as you can see, much of the wetland are parts of much larger systems.

These wetlands drain into the Durbin Creek basin and ultimately into St. Johns River. Again, the decision as to whether wetlands can be filled in or modified rests with the water management district, but in the past we have also determined that certain wetlands which are deemed valuable, and in your report I think we talk about considerable amount of these wetlands being in what we call Category 2 riverine, and those are important functioning wetlands that if at all possible we would like to see maintained. I'd like -- to appreciate the scale of the proposed development, I direct you to our Attachment C, which is on Page 17. What that does is gives you an overall feel for, again, the cumulative impact of all eight applications.

It describes the current and requested land use, total number of acreage, whether it's residential or non residential, increase or decrease, and I direct you to the bottom line. Out of 562 acres for just these eight land use amendments, 247 of them are wetlands. There's a decrease of 538 homes, but that's a bit misleading. This information just looks at the land use amendments and does not address all that property within the space that is again
under the same ownership. We do see an increase of almost 1.2 million square feet and both commercial and industrial and an overall increase of almost 24,000 trips per day. These numbers are significant.

The department feels that this is a unique opportunity for the city to require a developer to come in, have their property designated in the MU category, so that we, the city, yourselves, can look at this, make provisions for community services that are generally not addressed, and certainly not in a piecemeal manner, such things as designating parcels for fire stations, libraries, police stations, things of that nature. All of these requests and the property that is in between them are under one ownership.

We believe that if the city decides to allow development to move ahead on a piecemeal basis, much of the benefits that you might see in an overall master plan. It sets a precedent for future expansion of property to the east. And we feel that this is, as I said, an opportunity to set a pattern and to see development occur in a much more organized and planned manner.

Thank you very much.

THE CHAIRMAN: Thank you, Mr. Kresel.

One quick question before we turn it over to the applicant is is there a development area or a growth boundary that is established any longer given the dual status that we have? And another way of saying it is the southeastern most quadrant of this city, which is primarily large track agricultural 1, 2, 3 and 4 --

MR. HARDEN: It's all within the same urban suburban --

THE CHAIRMAN: Small --

MR. HARDEN: -- moved to the county line.

I didn't mean to interrupt you.

THE CHAIRMAN: It's fine.

MR. KRESEL: There is no growth line.

There are just five development areas.

THE CHAIRMAN: Right. The mobility zones, etcetera.

MR. KRESEL: Yeah.

THE CHAIRMAN: I understand. As in the past where would we would have certain urban growth boundaries, we no longer have that in Duval County.

Thank you.

MR. KRESEL: That is correct.

THE CHAIRMAN: Mr. Harden, I appreciate your indulgence in putting these at the end of a very long afternoon and welcome comments however you wish to proceed.

MR. HARDEN: Falls under the category of do graciously what you must do anyway. Thank you for hearing me.

I want to address some of Gary's issues before I start on my presentation because they are ignoring the exact facts of this situation. First, with regard to the wetlands, Mr. Lukacovic made a presentation for two hours yesterday in front of the Waterways Commission which is supposed to consider this. They voted eight to one to approve all of this. We have much better wetlands information than the staff has because their wetlands information is at 30,000 feet. We have ground tested and flagged ever inch of this almost 3,000 acres. We have permits in that are not piecemeal. I provided them to Mr. Lukacovic and the Planning Department. We have permits in to both the Army Corps of Engineers and the DEP for our wetlands.
MR. HARDEN: Turn it so Gary can't see it.
The State of Florida constructed for the benefit of Duval County this leg -- this thing is falling apart now -- this leg of what's called 9B from what was 9A, 295 to Philips Highway. And when they did that, they cut a line through our property. You have three maps that I'm going to refer to at that same time. But if you'll look at the second map which shows the existing land use, initially when this was zoned by the City -- now, these are all zoning categories put on by the Planning Department of the City of Jacksonville. They're the ones who approved these.

THE CHAIRMAN: Just a point of personal privilege really, and I don't mean to be rude. I'm seeing land use categories that are not in zoning. You keep referring to it being zoned.

MR. HARDEN: They're both -- they're zoned and land use.

THE CHAIRMAN: They're zoned and land use, but the maps we have before us are the land use?

MR. HARDEN: Yeah, you have the land use because that's all we're changing right now is the transmittal.

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rid of commercial which was originally at where the interchange was going to be. The report says we allege there's going to be an interchange there. But if you'll drive back from St. Johns County and take a right onto 9B you'll see it's under construction now. So it's not a guess where it's going to be. They've taken the land from us and they're building the interchange at that location. So the first change to be considered is getting rid of commercial at a place where there's no longer an interchange.

Now, the next one caused by this is changing to put commercial at the interchange. And that's really four different land use map amendments. It's number 3, 4, 8 and 5. If you'll look right there, there's a hodgepodge now of uses, CGC, LDR, BP, RPI, where the new interchange is going to be. If you look at third map which is the proposed land use, what we proposed is surrounding that interchange with commercial general use. So there's four changes that change the multitude of uses there so that you now have what the Planning Department loves to call a node, and at that node you have commercial general uses. By the way, we have a master plan, and I think we're as good at it as they are and we'd rather use our master plan. I have this here, you've seen it before when I came in to zone this piece of property, but it's not a hodgepodge. It's not piecemeal. We know exactly what's out there. We've spent literally millions of dollars coming to this master plan, designating the wetlands, what's useable, where the roadways are going to go. There is a master plan and it was provided to them before I filed this application.

So the first is getting rid of the commercial where the interchange is no longer going to be. The second is making the commercial, although it took four comp plan amendments to change it making the commercial now at the node as you see on the -- the difference between the proposed land use and the existing. And then the third one was -- involved this little piece -- not little piece, 120 acres, Number 6. This piece of property is now in the armpit of 9A and 9B. Our access is cut off to it from our property. The access to the site is through an industrial park, and so
we've changed that from existing -- it's already an industrial use. It's industrial business park. We're changing it to another industrial use, industrial light consistent with the business part of the industrial park that will come through.

So the three changes caused by the 9A/9B reconstruction -- we're getting rid of commercial at the old interchange where it's not going to be anymore, adding it to the node where the interchange is being constructed today and then changing this industrial piece which is the crook -- arm pit doesn't sound very good, so I'll start calling it crook -- of the what 9A and 9B -- now we can no longer access from our property. There is one additional change on the thin piece that Gary noted which is up -- it's Number 7. It's located here on this map as you'll see on the development activity. It's 135 acres and it runs the length of what would be the easterly border of this master plan. As part of the activity related to the construction of 9B and the interchange, the Davis family did a wetlands survey and filed these applications. And by the way, we'd have the applications if location. The City Council, however, approved 10 to nothing. The idea when they made that objection was we don't know how you're going to hook it up. Well, I showed on this map, part this project requires construction of R.G. Skinner Parkway from its terminus up near where the nice people built to go to the road to their high school all the way down to the intersection. To our access is for us to construct R.G. Skinner Parkway the length of the site. It's already been surveyed. It's laid out. The location is set by that. So as we come in with each single family subdivision, the City is going to get to look at, you know, what's on the site plan, we'll have to comply with zoning code requirements of one acre for recreation for every hundred units. We'll have to comply with whatever development criteria.

The zoning code happens to work for us here. We're using zoning code criteria that are on the books. Now, it -- somebody at the council meeting asked the other night, it was a good question, I wish I would've raised it, they said, let me understand this. They want you to go change 3,000 to MU where you'll have less they turned them around in 90 days, but anybody who's ever dealt with the Army Corps of Engineers and the DEP knows that sometimes it takes two, three, five years. The applications are in, we're waiting for them -- we've done everything we're supposed to do. But what we discovered is that there's an isolated piece of uplands which runs kind of the length of what would be the easterly boarder. So to the east of that uplands is wetlands that we would have to cross to hook it up, or we could hook it up to the already existing RLD LDR, it's kind of this piece of property right here and have a minimal impact on the wetlands. So we added on this strip and changed it from ag to LDR. All this is LDR now, zoned RR but designated LDR for single family development. It's already there. The green you see on there are the identified wetlands in the lands that are already designated for LDR.

We're going to come in with single family subdivisions on each of those. We've already come in with this parcel 11. Planning Department recommended denial on that. They wanted 60-feet lots instead 50-foot lots at that information instead of change 400 to a site specific zoning designation where you'll have a density imitation, a limitation of uses, setbacks, height restrictions, all the things that you would find in a PUD are in place in each individual zoning category. And that's the ones that we'll use. Now, some of them may end up having to come in with a PUD designation down the road before development, but right now you have very specific requirements. If we came in with an MU use, you wouldn't have any of that. So we'd have to change 3,000 acres instead of rounding off these four troches that were caused not by our doing but by the construction of 9B at that location.

So if you'll look at the proposed land use, which is what you would end up with if these land use map amendments were finished, you'd end up with a CGC node at the place where there is actually going to be an interchange. You'd get rid of CG at a place where there's no longer going to be an interchange. You'd add in a strip on the top right that hooks in to the existing LDR and you'd allow an LI use at a location where you have access through what's
You know, when these particularly this application, sir. We've given the beginning. He's made himself available. And I'm going to tell you what we're going to file as companion rezonings are our conventional zoning categories which we've already identified. Mr. Robbins, to answer your questions, most of what's BP is zoned IDP. Most of what's zoned CGC is zoned CGC-1. Most of what's zoned RPI is CO and CRO. Everything that's zoned LDR is rural residential. So those are the zoning categories, if you look at the existing maps that are in place today. And the property is quite developable that way, but fortunately or unfortunately, now the interchange is at this location, not at this location. So we've moved the commercial down to where the interchange is located.

I think that's all I have, unless someone has some questions.

THE CHAIRMAN: Appreciate that very

concise and well thought out and methodical approach to the reasoning behind the application, sir. It's most helpful.

Anyone else in the audience to speak to any of these seven land use amendments?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: And I am seeing none.

I'm going to bring it back to the Commission. Before we have a motion on any of these individually, I think it may be prudent to see if Mr. Lukacovic has anything to share, since again, there's going to be seven different votes on this, maybe get this out in the open at the beginning. He's made himself available. You've heard some testimony. And, of course, Mr. Harden, as always, we'll allow you some time to come back and respond to it.

DIRECTOR BURNEY: Mr. Chairman?

THE CHAIRMAN: Yes, sir.

DIRECTOR BURNEY: Before Mr. Lukacovic makes his presentation, I would just like to say that a lot of this information is presented, particularly this map was not given to staff when these applications were first submitted. You know, we've just had a privilege of seeing these maps just a short while ago. So I think Mr. Harden's rendition of how they're shifting things around was not presented to staff in that manner when these applications were submitted to us. And I just wanted the Committee to have that fact in mind.

THE CHAIRMAN: Duly noted, sir. Thank you, Mr. Director.

MR. HARDEN: Excuse me. May I respond to that?

THE CHAIRMAN: Actually, sir. I'll call upon you in just a moment on that. I'm going to give it to Mr. Lukacovic and then we'll come back to that, because I'm well aware that this has been presented before.

MR. HARDEN: Yeah, to you guys at the same time four months ago, yeah.

THE CHAIRMAN: Precisely.

Thank you, Ed.

MR. LUKACOVIC: Ed Lukacovic again for the Planning Department. We all did receive a packet of information of surveys and wetlands. I did want to make mention that 2013-01 you're deferring for a couple of cycles. I do want to make mention that there is a very small amount

now an existing industrial park. That's all you end up with. All we're doing is realigning the uses on this property that we already have the right to now hook up with the reality of what's caused about the 9B construction, and it's causing us to construct the extension of the R.G Skinner Parkway to the location where the State is constructing the interchange. It's not a piecemeal activity. Trust me when I say we've spent a lot of time and effort designing this. We've spent a lot of time and effort figuring out where the wetlands are, spent a lot of time and effort figuring out what the best way to use the property is.

So suggest -- and I was kind aback by the report. It said if this were in 2011 we'd be doing an DRI. What the heck? If it was 1989 we wouldn't need comp plan amendments at all. So if we're going to go backwards, I'd rather go back a little further than 1989 and get rid of if we're going to go backwards, I'd rather go back a little further than 1989 and get rid of all these all together. But we're not. We're in 2014. The State law doesn't require DRI. We have a master plan for those uses. We want to design it using zoning categories that are available to us. We're limited by those

restrictions that are on those categories. And that's the purpose of realigning these comp plan amendments. What this would do is a vote to transmit, and then we'd come back after the folks in Tallahassee look at it, and then we'd come back to you.

And I'm going to tell you what we're going to do. We want to file as companion rezonings our conventional zoning categories which we've already identified. Mr. Robbins, to answer your questions, most of what's BP is zoned IDP. Most of what's zoned CGC is zoned CGC-1. Most of what's zoned RPI is CO and CRO. Everything that's zoned LDR is rural residential. So those are the zoning categories, if you look at the existing maps that are in place today. And the property is quite developable that way, but fortunately or unfortunately, now the interchange is at this location, not at this location. So we've moved the commercial down to where the interchange is located.

I think that's all I have, unless someone has some questions.

THE CHAIRMAN: Appreciate that very
of wetlands on that roughly half acre. It's very low functional value. Most of what I have to say about the wetlands out here, it does not apply to this. So therefore, regarding wetlands, wetlands is really not an issue for this site. This little bit of wetland is really not going to be detrimental if it's filled or anything like that. But I did want to make a mention to that. But as I go through these sites, I did want to mention that six out of the eight land use amendments before us have very valuable Type 2 category wetlands. These are riverine wetlands.

Now, we do have one other site, 2013I-002 that has a large wetland area. This is a Category 3 wetland, but this is also valuable. It does not have a direct impact on the City's waterways, but it does have a capacity of flood attenuation and water filtration. It has a large water filtration capacity. So that needs to be considered for preservation. Now, when I look at wetlands, I look at the possibilities of what the impacts is going to do to the St. Johns River, and that's very important to us because the health and safety of the river is very pertinent when we look at these various applications. This whole site, and going back to Mr. Harden's map here, is loaded with various valuable wetlands. And according to his map, he's basically kind of trying to avoid them with his development, which his good. But my concern is that, yes, there's going to be development there. The Planning Development realizes that.

The problem is we know that this development which is now in timberland will produce -- will increase the total maximum daily load off site, which will eventually filter into these wetlands and then run downstream and into the St. Johns River. We know that. What we want to do is assure that these wetlands stay in some type of preservation, such as conservation. Mr. Harden is proposing increased development, increased densities in the low density area. That is permitted. On the comp plan, if you provide conservation areas knowing that these areas are going to be preserved. He could increase his density for development, but if you don't preserve those wetlands in the future, what could happen 10 years, 20 years down the road? There could be some encroachment.

The City of Jacksonville is under a B map mandate where we need to lower our total maximum daily load into the river system. If we don't, the City will be fined about the State. As we lose wetlands little by little bit, we are losing that filtration capacity while we are increasing the chemical and fertilizer production on these sites. So basically that's where the Planning Department is looking to look at the overall package here. If we can put these in conservation, that would go a long way. So that's why we wanted to look at these sites as a cumulative impact, not individually. And basically I'll answer any questions that you might have.


COMMISSIONER PETERS: Through the Chair Mr. Lukacovic, I think it was if I remember correctly and if I'm seeing it correctly, Parcel 11, we heard that some time ago. And I brought up the concern that I have that the Planning Department was imposing something on this body, this board that wasn't equipped to really speak to. I'm a professional engineer. I'm not a drainage (phonetic) engineer. We have some folks on staff that do well with that, I don't. I can't speak for everyone here on this board, but we -- I can't really speak to the importance of the conservation areas that you mentioned earlier. I can't speak to how do we put together in this body and in the time that we have here a plan to make sure that a developer such as Mr. Harden or his client understands the criteria that's keeping in with State regulations? I mean we -- I'm assuming that we rely on the professionals like yourself, and the DET and --

MR. LUKACOVIC: Well, the problem with the system we have now, the City of Jacksonville defers permitting process to the St. Johns River Water Management District even though they'll have to go to the Army Corps of Engineers, by State law, we have to go with what the water management district says. What the Corps does, that's totally something different. If you look at each individual site, but you have to kind of look at them together. You just can't look at them separately sometimes because when you look at the development patterns, it doesn't make
sense, and I'll give you an example.

COMMISSIONER PETERS: Well, let me -- and I apologize. I don't want to get down in the weeds, and I don't want to include that as a pun here, but my point and my perspective is that we need to keep that wetlands stuff and the criteria and the details in the right vein and with the people who understand it, who can articulate it. I'm going to say it. This body can't do that. And it was also suggested that the City have some type of a work plan to incorporate somewhat of a criteria that they want to pass upon us, but we haven't been given anything. I mean we have nothing to understand whether or not Mr. Harden's wetland jurisdiction lines in the proper place. We haven't seen that. That's not included in our package here. How would you -- what would you suggest to us how we should analyze these applications to make sure that wetlands are appropriated properly?

MR. LUKACOVIC: Well, first of all, I did look at each individual site and determine what type of wetland and what -- you do have two types of wetlands on some of the sites. And it's the Type 2 category, the riverine wetlands right agencies that they look at them in a piecemeal fashion?

MR. LUKACOVIC: They will be, because when -- first of all, he did submit as one parcel for a wetlands determination, and as much development comes into play, they will be submitted piecemeal to the reviewing agencies for wetland permitting. We don't know what wetland impacts are going to happen out there. We will probably know in a piecemeal fashion. What I'm looking for is, look, we know that these are valuable wetlands. Let's place them into conservation. Let's try to improve -- not improve but at least stabilize the health and the clarity of St. Johns River, and that's all we're basically saying.

COMMISSIONER PETERS: I think with your comments, and think you very much, you've certainly brought it more to light for me that time the wetland matter should be in the hands of the experts like yourself and the folks that review these wetlands and understand them better than we do, because I know I don't. So for the staff to rely on us for a wetland jurisdictions, wetland quality, for the right type of wetlands in the right place, we just don't have to tools in order to evaluate that.

Thank you.

COMMISSIONER DAY: Can I ask just a real quick followup question, because the way I understand it, and you can correct me if I'm wrong, you have to have a different permit before you can do anything in wetlands in Duval County.

MR. LUKACOVIC: That's correct.

COMMISSIONER DAY: And any district permit has to have something were the Corps, either a note saying that --

MR. LUKACOVIC: Not --

COMMISSIONER DAY: -- jurisdiction or some determination from them.

MR. LUKACOVIC: Not all what I would say water management district would they regulate as wetlands may not be wetlands with the Army Corps. For example --

COMMISSIONER DAY: I understand that, but they have to have something from the Corps saying we don't have any jurisdiction over these wetlands.

MR. LUKACOVIC: There's some wetlands they
don't have jurisdiction over.

COMMISSIONER DAY: Yeah. What I'm trying to get at is the District won't issue a permit unless they have -- I'm in the development industry and so we go through this all the time. The District won't give us a permit until they have a letter from the Corps --

MR. LUKACOVIC: No, that's not true. We have had cases where the Water Management District has issued a permit and the Army Corps come in and denied them. We have had cases like that. I have letters in the file on that. We've had actually an application where they started construction and then the Army Corps came and stopped them.

COMMISSIONER DAY: Right. So I mean construction without a permit, but those permits are required before you can start.

MR. LUKACOVIC: Correct.

COMMISSIONER DAY: And what I'm getting at is every time we've gone through it, if there's any wetlands that the Corps can in any way say is connected to something else, I can't just go fill a wetland because I've mitigated enough for it. If the Corps or the District determines that it is of a quality of a certain level, and this is why I'm getting to the point of -- I know those entities look at where that water is going. I mean the Corps' whole determination of it is -- if it is within their jurisdiction is if they can connect it in any way to any major body way. So what I'm trying to get at is there are -- I guess I want an answer from you is if there are other entities that are look, at this in a comprehensive level even though the applications come in piecemeal, my understanding is that the Corps and the District look at those on the broad scale. And if that is any sort of wetland that has any sort of impact downstream, upstream, they work pretty hard to preserve them. And I guess I'm just trying to see if you agree or disagree with that.

MR. LUKACOVIC: I can only partly disagree with that because for example when it comes to mitigation, the Corps and the Water Management District looks at wetlands mitigation at a regional approach. If we're under a mandate to lower our total maximum daily load in a river and then those wetlands are mitigated elsewhere,

even though they're part of the St. Johns River or whatever, we lose the benefit of those wetlands if they're mitigated someplace else. And I'm just trying to protect the City's interest here. That's all.

THE CHAIRMAN: Commissioner Peters.

COMMISSIONER PETERS: One last question. I think I presented this question to staff before and I'll do it again and maybe perhaps you know where we are. Has the City of Jacksonville moved forward with some type of work plan as to how they're going to regionally meet the State requirements?

MR. LUKACOVIC: Yes. The City has been working to lower their B map requirements. We've -- from what I understand, JEA has put in a bunch of sanitary sewer lines so we can take septic systems out and put them on line. There's various other issues. We did get some credit for a low development impact study. We have a document, so if they were to develop along that lines, we could get credit for that. But we were issued a letter last June by the State that we're under threat of not meeting our B map allocation goals.

COMMISSIONER PETERS: So I get that there is a work plan or some type of plan for our regional area. I haven't seen it. I don't know if it's been distributed throughout --

MR. LUKACOVIC: I believe public works has some type of thing. I don't know what that is.

COMMISSIONER PETERS: Okay. I think it would be great for us to be aware of what's happening, what --

MR. LUKACOVIC: I mean the City is working, but it requires a lot of money, you know, to meet our obligation goals. But we have been trying to work towards it.

THE CHAIRMAN: Mr. Lukacovic, as a series of land use map amendments, the City has the ability to not just do the map amendment but perhaps a text amendment, a site specific text amendment to either the future land use element and/or the coastal conservation element.

MR. LUKACOVIC: Right.

THE CHAIRMAN: Aside from the land use change to conservation, which I can understand the applicant's reason and apprehension for pursuing that, could a text amendment be realistically crafted that could relate in some
manner, of course, I'm not wordsmithing here, but just something that says in relation to these amendments, to this site, or this entire property, that the overall wetland impacts or mitigation or approvals do not result in a detrimental lowering of our B map rating. Something to give you comfort for the just protection you're seeking. They're going to go and piecemeal them out, however it works down there in Palatka with the district. They are looking beyond the geographic boundaries. I mean regardless if it comes in one or two, they're looking at where water is going. So their permittings are going to be in keeping with best practices and they're going to have to minimize as much as possible, et cetera. But I was just wondering is there something -- I don't know the process. Much like Mr. Peters said, we don't deal with this on any basis.

MR. LUKACOVIC: Well, when we were revamping the comprehensive plan into the 2030 comprehensive plan, it was suggested to us that we place all wetlands in conservation. Of course, we looked into that and you just can't do that. You just can't arbitrarily designate people's properties as conservation. That's considered a taking is what we were told. Not only that, the boundaries of wetlands you don't know what we're going to be until it is actually drawn on like what you have here, and then that has to be approved by the water Management District, for example. So you can't nebulously just draw and line and say this is what's going to serve as conservation. As far as trying to tie developments in with the B map allocation, I think that would be unfair for each developer to say, okay, you have to guarantee that. It just doesn't work. I mean some wetlands are more valuable than others, they'll filter out pollutants a lot better. If development is done poorly and they don't properly, you know, do erosion control, that can increase the B map allocation. If you -- you know, you put in a lot of house lots, a lot of lawns and a lot of fertilizer applications and it's done just before a heavy rain, it can go into a retention pond, but that just flushes through into the wetland system, so you can't do it. It's impossible.

THE CHAIRMAN: Thank you, Ed.

with is it being a little after 5:00 o'clock, I'm going to call a 10-minute recess to allow our recorder to -- or a cupcake break. But just a 10-minute break, and we'll reconvene with Mr. Harden addressing comments that he's heard, and then entertain motions on these applications. So ten minutes.

(Recess)

THE CHAIRMAN: Okay. It's ten after five. We're going to come back to the Commission. Before we bring any sort of motion, I'd like to just go down the roster to see if anyone has any ex parte communication to disclose with regard to these seven applications.

And I guess I may be the only one and that was just to contact Mr. Harden to advise him of how I'd like to approach these applications today. We didn't discuss the merits of the applications.

That being said, Mr. Vice Chairman, would you indulge us with a motion -- I'm sorry. I'm jumping ahead. Mr. Harden, I apologize, sir.

MR. HARDEN: No problem, no problem.

THE CHAIRMAN: Thank you.

MR. HARDEN: Rather than get into a dispute with the planning director as to when this map was -- this was the one we used on Parcel 11, so just for that purpose.

But now that the staff does know that this is the realignment of things, I hope they'll reconsider their thoughts on that. I was told this is what was called a soft denial. They never seem soft to me when they come in denials, but I think when you look at them, looking at the context of the realignment, it makes more sense. Let me respond to some of Mr. Lukacovic comments.

Again, the waterways folks who were charged with the wetlands issues listened to this for almost two hours yesterday and voted eight to one on eight straight votes, actually nine because they even voted on the school board piece too, to recommend approval. And they had in front of them site specific wetland maps. And yes, six of the eight parcels have wetlands on them just like every piece of property in Duval County over 10 acres has wetlands on them. The timing of when the conservation designation goes on is a function of how far along you are along in the process. And what Ed wants to do
is go ahead and put it on today. Well, we don't
know where the development is going to occur,
where the impacts are going to occur. It's a
timing function.

Once you get -- and I'm speaking to choir
I know on this on some you, but as you go
through the Corps process -- and by the way, Mr.
Day, I've never had a permit from DEP that
didn't require a letter from the Corps saying
there's no jurisdiction, so my experience is the
same as yours, but once you get a permit from
the Water Management District or DEP and the
Corps of Engineers, typically, what happens is
they require you to put a conservation easement
on the parcel of land. So at such time as we
can pull the site specific permits, the land
will be protected by a conservation easement as
opposed to a conservation designation on the
comp plan, which by the way is -- you know, the
Florida Supreme Court and now the United States
Supreme is a taking where you had to have for
the land whereas the Corps doesn't have to pay
for the land. So it's a better way to do it for
the public good because, you know, there may be
a slight crossing you need to come across.

mitigate is outside of Duval County. Again,
when God built these mitigation and these
wetland areas, he didn't know where Duval
County's line was going to be. So we have to
deal with the way He did it, not the way the
State did it in building up these lots.

Respectfully, just recently, the City had
a problem like this at their landfill and they
bought mitigation outside Duval County. It's
what you have to do because that's what the
Corps and the water management -- they require
you to buy it in the basin. Likewise, there are
times when the folks in Nassau County get
mitigated, they have to buy over in Loblolly or
Tupelo or one of the mitigation banks that ends
up in Duval County. You know, it's kind of
interesting that the first person they're
picking on is somebody who's maintained 40,000
acres, which really helps the St. Johns River
for about 80 years on this piece of property and
have continued to do so. So I think the Davis
family is doing their fair share to maintain the
riverines and the systems out there. So we will
have to deal with the wetlands issue. We'll do
it through the people who have the permitting

and jurisdiction. You don't have that
jurisdiction. Respectfully, the Planning
Department doesn't have that expertise.

There are a set of rules that the Water
Management District and the DEP and the Army
Corps have set up. We know what those rules
are. They're not easy to deal with.

Unfortunately, land use is kind of the first of
a thousand ways to die in development in
permitting on mitigation and jurisdictional
lands is number 50 on the list of the thousand
ways to die. So you get to that point, but
typically you don't -- we're not prepared to
develop most of this land. This is done as a
realignment as a result of the 9B construction.
We do have one site that's Parcel 11 which you
saw earlier which is already LDR. We have a
site plan on it, it has recreation on it, it has
mitigation for wetlands. It's all the
activities that have already taken place. You
saw it about four months ago. City Council
approved that 18 to nothing, and we're back in
the review process. So as each parcel gets to
where Parcel 11 is today, all of these issues
that will be raised will be dealt with.
So with that, I’ll be happy to answer any questions, Mr. Chairman.

THE CHAIRMAN: Thank you, Mr. Harden.

And just a note of appreciation for your proposed land use map. What I refer to half tongue in cheek, but the top of the puzzle box, which looking at these eight, nine amendments separately is difficult to grasp, and this is exactly what I was looking for.

MR. HARDEN: Yeah, that shows what we have now and what will be there if you approve these, and then you can juxtapose it to the color one that shows the actual few changes in the 3,000 acres that we need done.

Thank you.

THE CHAIRMAN: Thank you, sir.

Anyone else in the audience to speak to any of these -- that would care to speak to any of these land use amendments?

AUDIENCE MEMBERS: (No response.)

THE CHAIRMAN: All right. We are back in the Commission.

COMMISSIONER HAGAN: Mr. Chairman, I kind of -- I’ll follow the bylaws --

THE CHAIRMAN: Actually, it's a point of personal privilege, actually. Mr. Vice Chair, you make a motion you care to make. I appreciate it.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-50.

COMMISSIONER KING: Second.

THE CHAIRMAN: We have a motion -- I'm sorry. It's been moved and seconded to recommend approval for transmittal to DEO 2014-50.

Mr. Day.

COMMISSIONER DAY: I don't really care when it comes to -- I'm not going to approve or deny this based on the wetland issue based on the discussion we've had, but I do have a question for staff. Am I correct in understanding that aside from the wetland issue, your preference would be for this whole site to come in as an MU, is that the category that was discussed?

MR. KRESEL: Through the Chair, that is correct.

COMMISSIONER DAY: Have we ever had a land use change to MU since the DRI thing has gone away?

MR. KRESEL: There are at least two large scale in several thousand acres each. One is the Braddock property in the northeast part of the City, and the other one is on the east side of 295. So yes, they were quite large and those were approved as multiuse.

COMMISSIONER DAY: And just so I understand the multiuse, because I don't recall that happening when I was here, maybe it was and I missed it. The way I understand it is much more general sort of category that has some sort of like bubble plan like you used to have in the DRI that showed, you know, here's what's going in where. Is that the basic idea?

MR. KRESEL: If you will, yes, think of it as a large PUD or the land use equivalent of a PUD in which a little more detail is requested that again there are more particulars -- and one of the reasons why, if I may just step back for a second, Mr. Harden made reference to his master plan. It is a map that we recently saw, but it doesn't give the department any details. Each parcel -- he has submitted two parcels for review there, and each parcel is a stand alone and doesn't provide for the interaction that we would hope for. In the past when the department has requested this sort of thing, we've been told, well, I just control a small amount of land, and that's not fair for me to give you all that information. Here we have a situation where 1,000 acres plus under one ownership, and we just think that's -- given the size and its location, that it's an appropriate approach.

COMMISSIONER DAY: Okay. If they came in with an MU and it was bubbled like this -- I mean I feel like our land use code gives us very good comfort in how they're going to interact with each other, what's allowed there, what's not allowed there. I mean typically when we look at PUDs, it's to get alleviations of certain things in certain areas that can do some other stuff. I feel like speaking to the strict land use code, and honestly -- I get the feeling that MU was put there as a response to not have DRIs anymore, and it seems like it's there in order to try to get the developer to give certain things like school sites and fire -- you know, some of the stuff that the State decided to get rid of when they got rid of DRIs for certain areas. And in my mind, it looks like,
you know, we basically are doing an MU or bubble map or master plan, we're just using our land use code and land use designations that we've already vetted and trust and use. So in my mind, I don't really understand why we want to penalize a large land owner because, you know, there is this MU. I mean I understand we made it, it just seems like what they're doing here works and makes sense, and if we were trying to land plan this, you know, outside of their submittals, it would be something similar to what's going on hear.

THE CHAIRMAN: Commissioner Peters.

COMMISSIONER PETERS: Through the Chair to Mr. Harden, Mr. Kresel in his earlier comments mentioned one of the benefits of working in MU, and that was understanding better how some of the community services come together. Can you give us the philosophy or the process how you captured that?

MR. HARDEN: Sure.

COMMISSIONER PETERS: I don't want to say working in a piecemeal fashion, but -- MR. HARDEN: Right. And let me start with, first of all the two MUs that Mr. Kresel mentioned were for agriculture to MU. We're already LDR, we're already commercial, we're already industrial, so they're going from nothing to more nothing. But as we come in -- we've designed the roadways. So when we come in to actually develop a -- say that Site 11, the one that -- we didn't have to change the comp plan on that, but we brought in a site plan. It's under review by the Planning Department and it shows the recreation facilities on the site, it shows where the clubhouses are on the site, it shows where the lots -- so as we come in -- we don't know -- we weren't ready to develop this land. This came as a result of the 9B line coming in and us realigning, but as each one of these parcels comes in to be reviewed, it won't not have to go through all of the reviews of where are you going to put your recreation, where are you going to put your roads. That all gets reviewed at a minimum when you do the ten set, but typically before that. Some of these we're going to have to come back with a PUD, and I think Mr. Day hit it on the head, some of them you're going to want to come in and have some sort of variance from the code. Right now we live and die by whatever the code is. But when we come in with a PUD or with the ten set review, you'll get all of that information.

THE CHAIRMAN: All right. Motion on the floor for recommend approval of 2014-50.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Six O.

Mr. Vice Chair.

COMMISSIONER HAGAN: Mr. Chairman, I recommend approval of 2014-51.

COMMISSIONER KING: Second.

THE CHAIRMAN: Moved and seconded.

All the favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

COMMISSIONER HAGAN: Mr. Chairman, I make a recommendation for 2014-52.

COMMISSIONER KING: Second.

THE CHAIRMAN: And that was for approval?

COMMISSIONER HAGAN: Yes.

THE CHAIRMAN: I have a motion, and it's been seconded.

Any discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Opposed?

COMMISSION MEMBERS: (No response.)

COMMISSIONER HAGAN: I move approval of 2014-53.

COMMISSIONER KING: Second.

THE CHAIRMAN: Moved and seconded.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Any opposed?

COMMISSION MEMBERS: (No response.)

COMMISSIONER HAGAN: I move approval of 2014-54.

COMMISSIONER KING: Second.

THE CHAIRMAN: Moved and seconded.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Opposed?

COMMISSION MEMBERS: (No response.)

COMMISSIONER HAGAN: I move approval of 2014-55.
have certain applications to review now and

25 certain deadlines that have to be adhered to,

24 but I bring it up today and we'll come to Mr.

23 Huxford in just a moment, but just to kind of be

22 looking at maybe starting in May, June and so

21 forth if there are some potential Thursdays that

20 would be a problem if they were a week earlier.

19 So the LUZ meets on Tuesday, we now meet on that

18 same week's Thursday, and then LUZ will see it a

17 week and a half later. We're just expanding the

16 time between. I appreciate your comments on the

15 Rules chair, the T chair and the LUZ chair in

14 avoiding having us move to Monday which would

13 have led to a lot more unnecessary frustration.

12 Is there anything that you'd like to add,

11 Mr. Huxford, while we're on path?

10 MR. HUXFORD: Just very briefly. My

9 understanding is it's got a 90-day

8 implementation period, so we're going to come up

7 with a new schedule for advertising deadlines

6 and all these other things and try to make it as

5 painless as possible hopefully hitting a cycle

4 where we don't have an awful lot of reports,

3 because what we'll do is we'll be required to,

2 of course, do our reports and everything a week

1 sooner, and there's going to be one point where

2 we'll be sandwiched and then that will be the

3 new normal. So we should have something in two

4 weeks to show you what the schedule would look

5 like.

6 THE CHAIRMAN: And especially because

7 Director Burney is here, let me again comprehend

8 you guys and ladies on the third floor and

9 second floor for agreeing to get these

10 applications to us in a much more timely manner

11 adhering to our wishes to stay on Thursday.

12 Is there anything else for the good of the

13 order while we're here?

14 Commissioner King?

15 COMMISSIONER KING: Since Director Burney

16 is here, I'd also like to commend planning staff

17 by coming to the first workshop of the hen

18 keeping ordinance, the hen keeping. And you

17 guys would have been overwhelmed. There were

20 250 people there. People really want chickens,

21 folks. Folks and Aaron Glick came and stayed

22 late so that they could receive the applications

23 for permits and did that on their own time, and

24 thank you very much. I know that people were

25 thrilled to get those things in process.
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Note: The table above represents the number of acres owned by different entities over a span of 20 years.
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105/17 106/9 109/10 113/5
114/8 115/2 115/6 118/22
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