Proceedings held on Thursday, June 5th, 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
JERRY FRILEY, Commission Member
DOH PETERS, Commission Member
NATE DAY, Commission Member
LARA DIETTRICH, Commission Member
MARVIN HILL, Commission Member

ALSO PRESENT:
CALVIN BURNEY, Director Planning Department
FOLKS HUXFORD, Chief, Current Planning
LISA KING, Development Services Division
PAIGE JOHNSTON, Office of General Counsel
PATRICIA SALES, Planning and Development Dept.

THE CHAIRMAN: Ladies and gentlemen, good afternoon and welcome to the June 5th meeting of the Jacksonville Planning Commission.

As a courtesy, at this time, please place any mobile phones, tablets or other audible devices on silent mode. And if you would, please join me now in standing to recite our Pledge of Allegiance and remain standing for a brief moment of silence.

(The Recitation of the Pledge of Allegiance)

THE CHAIRMAN: Beautiful day in Jacksonville. Let the record reflect that we have a quorum with Commissioners Robbins, Hagan, King, Peters, Hill, Friley and Diettrich in attendance. Also as well are our terrific staff from the Planning and Development Department.

What happened there? Is it April fool’s and no one told me? We’ll get through the preliminaries. I’m assuming they’re on their way.

The Commission’s bylaws, ladies and gentlemen, they’ll provide that each member of the public who speaks before our Commission is limited to a three-minute presentation. If you have not done so and are interested in speaking today on any agendaed item, we’ve located at the front of the room as well as the sign-in sheet these blue cards, and we would tremendously appreciate your assistance in completing one of those speaker’s cards and handing them to our assistant who is to my left and your right.

Ms. Sales will make sure I receive that so that we can call on you in due course. It’s very important that we keep an accurate record of what the speakers say. So if you do come before us at the podium, please take your time, speak clearly, and only one person at a time so that we have an accurate record.

The speaker’s testimony is taken down by our court reporter. And any tangible materials submitted with your presentation will become a part of the public record and will be kept by this Commission, therefore, please be sure that you’ve retained a copy for yourself of anything you’re going to hand us today because we will keep it in the record.

Decisions by this Commission on rezoning and land use amendments are recommendations only. The recommendations are transmitted to the City Council’s Land Use and Zoning Committee, and they’re the ones who are going to ultimately vote on rezonings and land use amendments. The LUZ may or may not follow the recommendations of this Commission, so it’s important that you pay careful attention to the public hearing dates so that you know when the LUZ takes up these matters.

As a matter of record, let me reflect that Honorable Councilmember Johnny Gaffney has joined. Welcome, Councilmember.

The LUZ meets in these chambers at 5:00 o’clock, and their next meeting is going to be on June 17th, Tuesday, June 17 right here in these chambers at 5:00 o’clock. For any questions regarding a specific application, Mr. Huxford or a member of our Planning and Development Department staff will be happy to help you out.

In a moment, we’re going to go through the agenda that’s located in the back of the room. I’m going to make some adjustments and move some
items around in the interest of efficiency, but
before we do that, I was wondering if the
Commission would care to take action on the
minutes of our last meeting from May 22nd.

COMMISSIONER KING: Mr. Chair, I move
adoption of the minutes from our last meeting of
May 22nd.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: We have moved and seconded
the minutes from May 22.

Any discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: All in favor, please?

COMMISSION MEMBERS: Aye.

THE CHAIRMAN: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: Very good. Thank you very
much, Commission.

Ladies and gentlemen, Commissioners, if we
could turn our attention to Page 2 of the
agenda, all of the items on Page 2 are to be
defered. The first two because of there being
no report, the second by request by the
Honorable Councilmember Reggie Brown. They will
be heard up at our June 19th meeting.

planned unit developments, actually, will be
defered to our June 19th meeting under previous
arrangements.

Top of Page 7, Item 2014-143, that will be
our first item of business today. We will hear
2014-143 as our first item today. And the rest
of the items on Page 7 shall be heard today.

The top of Page 8, all of these items will
be heard today. Of particular note, the first
ordinance, 2013-493, that will be our last item
of the day. We shall take a break at 3:00
o’clock to allow our stenographers to switch
out, and we will resume business there. If we
happen to be done ahead of time before
3:00 o’clock, we may begin ordinances, but in
any respect, before we get into that one, we
will have a break before we break into 2014-493.

We’ve covered the minutes, I’ve walked
through some of the changes there.

Commissioners, I appreciate your time this
afternoon. Mr. Huxford, I tremendously
appreciate you pinch-hitting for Mr. Lewis today
who as I understand it has broken his ankle, so
we’re going to get the best Bruce Lewis
impression in town with Mr. Huxford.

They provided us a new staff report this
morning on 2014-143. I see the honorable
Ms. Alberta Hipps, former City Council president
is applicant for the agent. Before Ms. Hipps
comes forward, I normally would say,

Mr. Huxford, that we’ve reviewed the staff
report and see if you had anything in addition
to it, but I have to admit, I have not had a
chance to read it. Would you care, sir,
introducing this and letting us know what’s new
from the version that we’ve seen earlier?

MR. HUXFORD: Thank you, Mr. Chairman.

I’d be glad do to so. Prior to that, we do have
hard copies of the application and the revised
staff report for anybody who needs a copy.

Does anybody need one on the Commission?

THE CHAIRMAN: I believe Ms. Sales has
taken care of us.

MR. HUXFORD: Very good. Is there anybody
in the audience who needs a copy of the staff
report?

Mr. Register.

AUDIENCE MEMBER: What report was that?

THE CHAIRMAN: This is the staff report
for 2014-143. It’s a Commercial Dive Academy
MR. HUXFORD: This is the Commercial Dive Academy. We did a revised staff report yesterday as a reflection of a meeting that was held on site back two days ago on Tuesday. So if you don’t have the most current one, it would be dated June 5th, 2014.

Okay. If we’re ready, application for rezoning ordinance 2014-143 seeks to rezone some property from CCG-2 to a PUD to allow for potentially a campus master plan. This is property located on Trout River Drive which runs underneath the U.S. 17 Main Street Bridge across the Trout River on the south bank. This project encompasses properties on both sides of the bridge as some area underneath it.

It used to be that Trout River Drive was a continuous road going under the bridge, but because of the bow overhang, that was closed not too long ago. And now the Trout River Drive terminates at cul-de-sacs on either end of the bridge. What they’re trying to do here, they already have some property that was on the east side underneath the bridge. They’ve acquired the old Jackie’s Seafood Restaurant on the west side and want to incorporate it into an overall compass plan as reflected in the application that you have before you.

There was some significant neighborhood concerns, a couple of complicating factors. The bridge over the Trout River is a second bridge. The old bridge is still there and has been retained, portions of it, for a fishing pier. There’s a park element that’s involved here underneath the bridge. There was some access questions, there was some questions about vehicular traffic, there’s some questions about parking. So as a result of that, there have been numerous community meetings, both downtown and on site. The Planning Department has participated in those meetings, and we believe the staff report that we’ve presented to you addresses those concerns as best as we feel can be done. So I won’t belabor the particular details of the staff report, you’ve had a copy of that.

My understanding is this is a Commercial Dive Academy, so they teach diving classes in conjunction with, as I’m told, underwater welding, so it’s treated as a vocational school.

Six, the maximum number of students shall be set at 250. As I said, it’s treated as a vocational school.

Seven, the subject property shall be developed with the minimum number of parking spaces pursuant to Section 656.604CS, which is the parking format for vocational trade schools of the zoning code. That formula is one space for every 300 square feet of gross floor area. Site plan dated June 5th, 2014, yesterday, depicts 78 parking spaces, inclusive of the leased parking under the U.S. 17 Trout River Bridge based on the proposed 31,980 square feet of building, not inclusive of the storage structure between Building 2 and Building 3.

The minimum required parking is 107 spaces. Leased parking spaces can be used to provide additional required parking, provided that the leased spaces are located within, and we’re going to make this not 400 but 2,500 feet of the subject property or a shuttle service is implemented. The point is they don’t have enough parking on site that they’re going to go into some lease agreements with some neighboring commercial properties or some area commercial
prohibiting pedestrian access via the closed Trout River Drive right-of-way under the Trout River Bridge. The Commercial Dive Academy owner shall construct and maintain a chain-link fence on either side of the pedestrian access under the U.S. 17 Trout River Bridge, identified as Parcel 100 on the site plan. Said fence will also follow the Commercial Dive Academy property line on the east side of the U.S. 17 Trout River Bridge to the City of Jacksonville Trout River Drive right-of-way. The Commercial Dive Academy shall remove the wooden privacy fence currently erected adjacent to the embankment along the east side of U.S. 17.

Number 11, if a shuttle service is utilized to transport students/personnel from off-site parking, the shuttle drop-off and loading shall occur on Trout River Drive west of the U.S. 17 Trout River Bridge. That would be on the side of the old Jackie's Seafood.

Twelve, the proposed off-street parking lot containing 33 spaces identified on the site plan as being located east of U.S. 17 and south of Trout River Drive shall be completed within, we're going to make it 12 months, after the enactment of this legislation approving 2014-143. That's not from today, that would be from whenever it comes out of City Council.

Number 13, within one month of the enacted legislation, the Commercial Dive Academy shall request in writing that the Public works Department reinstall weight limit signs along Trout River Drive, and that no-parking signs be installed along the City of Jacksonville right-of-way along Trout River Drive from the eastern cul-de-sac on Trout River Drive to the east side of the U.S. 17 Trout River Bridge.

And lastly, 14, at the time of PUD verification of substantial compliance, the site plan showing pedestrian access on Parcel 100, that's the part under the bridge, and on the City of Jacksonville right-of-way, shall be submitted for the review and approval of the Planning and Development Department.

And with that, we are recommending approval of this project.

Thank you.

THE CHAIRMAN: Thank you, Mr. Huxford. A little more Georgia in the accent and you'll have Bruce down pat.

Just a point of clarification, on the staff report dated June 5, the 14 recommendations from that staff report, you mentioned an edit to Number 5, changing 7:00 a.m. to 6:00 a.m., am I correct?

MR. HUXFORD: Yes, sir.

THE CHAIRMAN: And likewise, sir, on Number 7, next-to-last line, the spaces are within 2,500 feet of the subject property instead of 400, is that correct?

MR. HUXFORD: That's correct, sir.

THE CHAIRMAN: Thank you.

Councilmember Gaffney, you've come before us today also, is there anything before we open it up to the applicant that you'd like to share with regard to this application? I wanted to offer you that availability, sir.

COUNCILMEMBER GAFFNEY: Thank you, Mr. Chairman.

I'm just here to -- I've kind of been involved, and I believe they're coming to some type of amicable resolution, so I'm just here if there's -- if I can offer some type of support or to assist the Committee with some of the conversations in the meetings that I've had.
But other than that, I just -- I just want to commend you all for doing a great job. It's been a lot of work on both sides and the community, and sometimes in negotiations you have to give and you have to negotiate, but the Planning Department have done a tremendous job. But I'm going to listen to some of the debate, and hopefully, we can make sure -- I'm going to make sure that my constituents are taken care of and everybody's -- an amiable resolution.

Thank you.

MS. KEY: Thank you.

I want to commend Director Burney, Planning Department staff, for facilitating another meeting. I know there's been a considerable amount of public outreach in community meetings. I'm pleased when I heard that this staff report that's before us was in large part well received, these comments are well received from those at that meeting.

So with that said, Commissioners, let's bring before us former Council president Alberta Hipps, the agent for the applicant for the Commercial Dive Academy PUD. We appreciate her and her client's adherence to several deferrals.

MS. HIPPS: Thank you very much.

Mr. Key, thank you for being here today.

MS. KEY: Mr. Chairman, please.

THE CHAIRMAN: Thank you.

Before that, Mr. Huxford, the suggestion that number 6 limited to those students residing or living on the campus, is there -- if you would be maybe mulling that over, we'll come back to you in the Commission, but give us an opinion on that.

Ladies and gentlemen from the public, first up is Mr. Walter Key. Mr. Key, if you'd come forward, please. You'll be followed by Patricia Key.

You'll have to speak into the microphone, sir, if you don't mind terribly.

AUDIENCE MEMBER: I'm speaking -- I'm representing the homeowner's association, and I would like -- we've got two speakers and the rest would like to defer to me to present --

THE CHAIRMAN: I'm afraid that's against our policy, sir. We allocate -- I'll allocate you a little more than three minutes, but we're not going to defer time and allow you to have everyone else's three minutes.

So, Mr. Key, did you wish to speak today? He's coming forward, and he will be followed by Patricia Key. And as I said, when the designated representative -- I'm going to allow some flexibility on the three minutes.

Mr. Key, if I could have your name and address, please, sir, for the record.

MR. KEY: Yeah. My name is Walter Key. I live at 119 Trout River Drive.

I see no reason whatsoever to put this as a PUD. These laws were put into effect years and years ago before you guys ever got into council. We should leave it just as it is.

Thank you very much.

THE CHAIRMAN: You're very welcome, Mr. Key. Thank you.

Mr. Glick, we'll need three minutes on the clock, please.

Ms. Patricia Key, she'll be followed by Doug Register.

Ms. Key, thank you for being here today. If we could just have your name and address for the record. Please take your time. You have three minutes.

MS. KEY: Patricia Key, 119 Trout River Drive.

I do -- I oppose this due to the fact that there is definitely no parking available. I've
counted the cars that were parked there today
and it's already over the limit. And this
school has really disrupted our neighborhood.
It's -- there's a lot of students, there's a lot
of traffic. I just oppose the whole thing.
Thank you.

THE CHAIRMAN: Thank you for your
comments, ma'am. We appreciate them.

Mr. Doug Register, please, followed by
Sammy Fulford. Mr. Register, would you like to
go now or wait a little bit until some other
gfolks go?

AUDIENCE MEMBER: I'll wait.

THE CHAIRMAN: Thank you. I'll put you
right here. Thank you, Mr. Register, for
understanding.

Mr. Fulford. I have two for Mr. Sammy
Fulford, Jr. or more than one Sammy?

AUDIENCE MEMBER: He's in the hospital
right now.

THE CHAIRMAN: All right, sir. Thank you.

AUDIENCE MEMBER: One should be Cherry.

THE CHAIRMAN: One should be Cherry?

AUDIENCE MEMBER: Yes.

THE CHAIRMAN: Okay. Thank you,

Mr. Fulford.

And Mr. Fulford, name and address, please,
for the record, and you have three minutes.

MR. FULFORD: Okay. Sam Fulford. I live
at 201 Trout River Drive.

I'm opposed to all this and everything
with all the traffic, hot-rod ding that goes
around the corners and everything right in front
of my house. Every time they get out of school,
they're spinning their tires going sideways. We
got kids crossing the road. This ain't going to
work. Something's got to be done.

That's all I got to say.

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

Cherry Fulford, followed by Pam Jones.

Thank you, Ms. Fulford. If we could have
your name and address for the record, please.

MS. FULFORD: My name is Cherry Fulford.

I reside at 201 Trout River Drive.

There are not words to say on how this has
disrupted our neighborhood. Everyone in this
neighborhood has lived there for years, mostly
decades. They have come in here, the crime just
from this -- and we know it's from the dive

center. All night long there's partying going
on in the driveway -- I mean in the parking lot.
We know it's from the ones that are staying
there because I think there's like 144 already
that are living there and have been. They've
been doing this now for quite a while. They
keep changing classes, but they are living there
and we understand they haven't had permission
for that, but they are. They're there, they
intimidate the older people in the neighborhood,
they said they're going to do what they want to
do. The students are terrible. They're
disrespectful. And the speeding -- and we are
so concerned about the grandchildren and great
grandchildren that come to visit and what's
happening there.

But the parking is overflowing into that.
With what's there and what's coming to be there,
the numbers don't add up. We are -- we're
concerned even on the back side of what's going
on at the school all throughout the night. And
we live there, most of us have upstairs -- you
know, we have upstairs and downstairs. We can
see it. I wish that you all could spend one day
and night in our shoes and see what we're going
through. Now, I know it seems real simple, and
people can put anything on paper, but as -- we
have lived with this for years, and it's not
over. They're just wanting to get more and more
and more in there. And we didn't realize what
was happening because they didn't really --
they've not really talked to us. So I see the
red light on, but I really would appreciate if
you all could look into these things more
carefully, and that the things that have already
been given to you, if you could follow up and
you could make sure what's been given to you is
true, because we know that there's many things
that aren't. But we would just appreciate your
help. You all are supposed to be for all of us,
not just for the business owner.

We all want business. We all -- and if
they had come in and been good neighbors and
told us what was going on, we would have tried
to have worked with it, but we can't work with
what's there now because of the situation and
the fear of intimidation and all that's going
on. So we would really appreciate if you would
scrutinize this a little more carefully before
you vote on it.
Thank you very much for your time.

THE CHAIRMAN: Thank you, Ms. Fulford.

Thank you so much.

Ms. Pam Jones followed by Hilda Sontag.

Good afternoon. If I could have your name and address, please, for the record.

MS. JONES: Hello. My name is Pam Jones. I live at 116 Trout River Drive, Jacksonville, 32208.

I have nothing prepared to say because it was my understanding that I could defer my minutes, so all I can tell you is that it has been absolutely unbearable where I live since all this started. And in the beginning, we didn't know what was going on or we would have tried to take a stand long before. There's been no indication ever that they want to be a good neighbor just because of all the things that have happened. It would take me an hour to tell you what I've personally experienced living right next to the parking lot, which has never been made into a proper parking lot. We don't know why because we've been complaining since 2006, and everybody keeps giving us a different story, different answer, different description of the property. No one would do anything until two years ago. It was supposed to be made into a parking lot and it never has been. And the reason it hasn't been is because of all the parking spaces they would lose and they had nowhere to put those cars. Everybody said the parking is an issue.

The traffic, it just gets really crazy. It's a very emotional thing. Like Cherry said, I wish you could just come and be in the neighborhood and see what it's like. It's always been the cart before the horse. You know, there was a two-story house next to me with beautiful full-grown oak trees, and all of a sudden one day it's tore down to make a parking lot. I understand what everything is zoned and that they have the right to do that because of the zoning, but this is predominantly a residential area. And we don't understand how it's being allowed to -- this is being allowed to encroach on our residential area because everything comes through Trout River Drive and Sycamore, and it's all residential. And the semi trucks that make daily deliveries that are too heavy for our roads really are causing wear and tear on the roads.

And it's like if you give them an inch, they will take a mile. They've already taken so many miles there. If you would just look into it, you would just see that nothing's been done the right way. A lot of things have been done against the rules and nobody wants to even slap their hand. I mean it's like -- I don't know what's going on, but we just can't seem to get anything done, and I would just like to know why. It's just wrong.

Thank you.

THE CHAIRMAN: Thank you, Ms. Jones.

Ms. Hilda Sontag followed by Donald Strong.


I'm now president because this came to my attention -- I work most of the time, and I've witnessed over a ten-year period continual construction down the road. And being working all the time, I didn't really know what was going on. I assumed that all this was approved and all this was happening by sanction of the City of Jacksonville. I immediately had to -- we had to come up with a neighborhood association because we found out that a lot of this stuff that's going on has not been permitted. It is not sanctioned by the City. We found a building the other day, and we have pictures of it, that wasn't on the plan and it should be additional square footage for more parking spaces that should be there that's not allotted.

Right now, there's 140 cars, probably 130 of them are right two blocks from me, and there's only space there for 57. So if we're going -- additional 90 students, unless they go off site, and it's put in the PUD that they put enough parking there, those cars are going to be on my street, and that street is not wide enough to handle additional parking. Unless there is enough parking in the PUD for the students, what's going to happen is no matter what they say, no matter what we put on that paper, if it's not in the PUD, they will park on the neighborhood streets. You know, anybody driving up there, a student or whatever, if they don't know, they're going to park there. There's only...
one no-parking zone, and that's just on Trout River Drive itself, but a half a block away is Sycamore. And all my neighbors, we live on Trout River and the streets behind it, no one -- we've seen what's happened. They're all over the place. They will be in our neighborhoods. And the students -- I can walk by a student and they're very friendly, but we have seen that the leadership has influence over those students, and I would like the leadership to step up and work with the neighborhood. Thank you.

THE CHAIRMAN: Thank you very much, Ms. Sontag. Donald Strong, you'll be followed by Debra Ring followed by Patricia Towers (sic).

Good afternoon, Mr. Strong. Name and address, please, for the record.

MR. STRONG: Yes, sir. My name is Donald Strong. I live at 107 Trout River Drive.

I share the same fence as the drive school. And as far as the students go, when they're not under direct supervision of Mr. Black or one of his employees, they're a good bunch to me. I don't have an issue with them personally. You know, they have trash and alcohol containers and so forth, but other than that and the fast cars and stuff, I don't really have an issue with them. But whenever Mr. Black and the people that work for him, they're under their direct supervision, they have them block the public and harass the public. It's very ridiculous and it's been going on for -- they started blocking my tenants from leaving my facility. I have an apartment complex, small unit, fifteen, right next door. And they started blocking my tenants on my driveway, keeping them from leaving my property in '01. In '03 I got a final judgment injunction them to not do that anymore. And I have an easement that runs across the front of that property and down through their property, and it has never been put on the PUD master plan. It's never been -- and every time I bring it up to anybody but the City, they say that -- they say that -- they act like I have no integrity. And they listen to Mr. Black's attorney like he is God, and he just has stories to tell. He doesn't have any physical documents like I give the City to straighten this out. It's getting pretty ridiculous. At the

beginning of a semester, they have right now 200 vehicles. Towards the end of the semester like it is now, it's more like 150 vehicles. They own 51 parking spaces. The City recognizes 51 parking spaces for 200 vehicles. Ms. Pam Jones, her fence abuts against a parking lot that is -- holds 90 cars every day. It is earmarked for 33 cars. When that parking lot gets redone, the neighborhood on both sides of Main Street will have to absorb 54 cars. Every street has small lots. They all have a driveway and a garage, and they're not designed to park on the road. The 51 houses -- 54 houses that are near there will each absorb one of their vehicles, and that is prior to them doubling their dorm size.

THE CHAIRMAN: Mr. Strong, just as a point of information, what was it that had not been placed in the PUD plan?

MR. STRONG: The deeded easement that they block the public with, block my tenants with, and they have fenced -- on numerous occasions that I've had to remove the fence. And they also have crossed Trout River Drive straight across my easement, across the DOT's property that is Trout River Drive, the FDOT and --
MS. RING: 103 Trout River Apartments. And there's really no room for them to park across the street in the parking lot. It's so full, they're always in and out. I live at the apartments. They have blocked our entrance, us tenants that live there, the apartments, the people that live there couldn't get in and out. There's been a problem blocking people's driveway coming in and around the corner to come in that way. I think, you know -- I'd appreciate it if you'd look into it a little bit more because there ain't the room over there for no more cars to park over there. And if they go to put dorms up there, you got too many people in and out. They always having problems with the people that go to the school over there. They always having something going on over there. They have policeman going over there for some reason, they fighting over there, and it's just gotten out of control.

But I live at the apartments, and the people that live there need a place to live there. But there's no room there for any more places for them to park and block everybody's driveway. And they did put a fence up on our property where I live at. Well, we live there, we couldn't even drive out to get in and out. But I wanted to let you all know that I wish you all would really look into it a little bit more and you all could come out and look and see what's going on because I do live there.

And I appreciate very much you letting me talk to you about it.

THE CHAIRMAN: It's our pleasure, ma'am. Thanks for being here, Ms. Ring.

MS. JOWERS: My name is Patricia Jowers. I live at 107 Trout River Drive. I own the apartments right next to the CDL -- or the diving school. And they're always parking over in my parked parking lot. And I will walk out there and tell them nicely, and they just tell me whatever, that they were told that that was part of the school. And I'm going, no, it's not.

I've had my people come in and say there's nowhere to park because they're over there taking their parking places. And that's just not right. We're tired of dealing with it. Plus, all this -- them in and out, speeding, and the kids running around. We're just all tired of it.

Thank you.


Mr. Register, I'm going to afford double time, six minutes. Do you feel that's sufficient sir.

MR. REGISTER: No.

THE CHAIRMAN: Well, I would encourage you -- again, this does go to our Land Use and Zoning Committee, and I would encourage you to speak with their chairman to see about another effort to expand your time, but you do have six minutes. And I won't start the clock until you hand those to Ms. Sales if you have something for us to look at. She's right over there. And Mr. Glick will start the clock after you give us your name and address, please.

MR. REGISTER: Doug Register, 3849 Sandy Shores Drive. I'm a general contractor, developer, lived here all my life. East Trout River Homeowners Association asked me to come in and help evaluate the situation.

Two major concerns at the time were pedestrian access and parking. I think we've got the pedestrian access solved as long as it can be defined in the PUD and enforced. And we've worked real hard with the Planning Department, with Calvin, director, and Bruce and everyone there, so I'm thankful for that.

The parking is a major issue. As Mr. Strong said, there's 150 cars that are parking there. The reason they know that is this has been going on. And it's been said that there's parking there from construction, but from what has been documented from the neighbors, just because things are happening in their neighborhood, they're watching, they're seeing what they're doing and they've looked at it and watched the activity. There are 150 that are generally there. There are 108 spots that are going to be required. With the increase in students up to 250, the parking is going to be...
greatly -- it's already a problem now, and they've got 108, and 150 to 200 are typically in that area at that site.

They've got a hyperbaric chamber that is going to be on site. I've understood that it's been said that it's going to be for practice and for the students, but I understand that also there are other people in the community that are going to be accessing that and using that hyperbaric chamber. There's going to be additional parking just for that.

So as I looked into this, what I found is really the most disturbing part of this. The map that I've given you, A, B, C, D, E and -- E.

Every one of those buildings has had activity. The last ten years there have been zoning violations on that property. Every one of those buildings that you're looking at, A, B, C, D, and E, has had improvements made on it unpermitted. The City of Jacksonville, the fire department, fire marshal's office are extremely upset. I can go through each building of what they've done.

Also, if you look at the site, the fire marshal has no access around the building for

fire protection. If he had his way, they'd shut it down today. Also, the buildings that have been closed in, a lot of these were open air buildings, buildings that have been closed in without permitting have created a situation that they're so close together, the requirement, if they had been permitted, they would have -- first of all, they'd had to have storm water. They also would have had to have fire rated walls. So these walls have been permitted, have been constructed illegally. It's a major concern. It's a major concern of the City. Tom Goldsby's office in the inspection division and the fire marshal's office.

I would ask that this process be stopped and evaluate that. I've spoken with Tom, and he can walk you through that. Bob Ratliff can walk you through the problems with the fire marshal's property. Right now, one of the -- Building A that was permitted to convert the upper floor to storage, there was a note on the plans that there should be only five people at any time in that. They've turned it into dormitories and had welding and oxygen tanks underneath. For the past year or year and a half, they've had a

24-hour/7-day fire watch because that building is not properly built. It was illegally built.

At the end of the day, when all of that gets resolved, the parking is going to be an issue. In this neighborhood, from what I've been told and what I've understood, they've been harassed, intimidated and put upon. And from what I understand, nobody's perfect, but I don't think they've really -- they haven't retaliated or been vindictive. They just want some support from the community. We've got unlicensed activity, unpermitted activity on this property, in one, two, three, four, five buildings and J. I was the old Jackie's Seafood. They own Jackie's Seafood. That was unbuilt upstairs. They illegally built that out without restrooms, without -- let me get to my notes here. It was built with second floor storage when Tom I guess Nettle and those fellows built it. CDA built it out. I think they had one half, if they had that, required restrooms; no firewall separation. COJ put a stop order on this project. They came back on Friday -- and what I'm telling you I know for a fact. I've talked to the building inspection division, I've talked to the fire marshal. They came back on a Monday and another building had been built on site when they put a stop work order on the property that was being improved illegally without a permit.

So I would ask and say that this situation demands, not in an arrogant or directive way, but it demands attention, demands to be looked into. There's a serious problem right now with the fire marshal and with the building department. And it exists now.

Thank you. I'd like to --

THE CHAIRMAN: We'll have some questions for you, Mr. Register. My first one, though, before you go, though, is the photograph --

MR. REGISTER: All right. Let me tell you about the photograph --

THE CHAIRMAN: No, no, actually, sir. My question is only at this time what building is that on the map? What am I looking at that's on your map?

MR. REGISTER: You're looking at -- the open air building B that we were told was an open air building with an 8 by 12 with -- Calvin
Burney and myself and the group, Tuesday we were
told there was an 8 by 12 storage building that
they'd built in there, and that's what's there
improved with air conditioners, handrails, it's
being used now illegally.

THE CHAIRMAN: Thank you, Mr. Register.

with that said, is there anyone else --
I'm seeing a card from Ms. Vontrice Madison.

Ms. Madison, if you would like to come
forward, please. You have three minutes to
share your thoughts on that, and if there's no
others, we'll have the applicant come back up to
share her thoughts on what we've heard from the
public.

Ms. Madison, welcome. If we could just
have your name and address, please, for the
record, and you can begin when you're done.

MS. MADISON: Vontrice Madison, 103 Trout
River Drive, Jacksonville, Florida, 32208.

Good morning, everyone. My issue is when
I pull out -- I'm disabled, and when I pull out
of the parking area, I'm blocked by that fence.
I have to pull my front end out in the -- after
I drop off the curb with my front tire, so I'm
at high risk of being hit by a vehicle if there

question, if you're okay with that, that was
brought up by Mr. Strong.

THE CHAIRMAN: If you're concluded, yes, I
don't mind that as part of the agent's --

MS. HIPPS: Well, the other question that
I would ask you to consider after he speaks,
if -- the civil engineer on the project is here,
Mr. Eric Almond, that did the site plan, if he
could come to speak to the issues that have been
brought up about the permitting. And I could
certainly speak to them, but I think for
competent and substantial evidence, I might say
that we have over a long period of time offered
to put a parking garage as a part of this
project, and it's been repeatedly refused by the
neighborhood. And we've continued over a long
period of time to try to get to a place that
they understand. But that option is still on
the table.

THE CHAIRMAN: If you have members of your
team that can address the comments from the
public, I'd be appreciative.

MS. HIPPS: Thank you.

THE CHAIRMAN: Sir, if we could just have
your name and address for the record, and we'll
have you fill a card out once you're concluded.

MR. WINICKI: Thank you, sir.

My name is Bob Winicki, and our office is at 4745 Sutton Park Court, Suite 401, Jacksonville, 32224.

And the easement that Mr. Strong raised is a triangular piece of property, I'd say about 10 yards long and then at the apex of the triangle maybe five yards, and it goes across his driveway for the apartments. And that was subject to a lawsuit that Mr. Strong brought in 2003 before Judge Johnson, the late Judge Jean Johnson. And that was settled at the time by issuance of an injunction that allowed the private parties, i.e. Mr. Strong as well as CDA to go back and forth across that driveway and not have any parking. That judgment is in the OR book, so it's recorded and it's a private easement. And our position is, therefore, it's not imported nor should be in a PUD since it's not a public right-of-way. It's just a private easement that is of record, that is enforceable, and it was signed by judge Johnson. It's just not anything that needs to be in the PUD, but it is of record.

lawsuit with Captain Black at this time. Since January, a new contractor has been brought onboard, and that contractor has been working with Building Services to obtain the necessary permits required for occupancy for all of the structures.

With respect to storm water retention that Mr. Register brought up to the existing campus, the existing campus is a former marina that is 100 percent impervious. So by the addition of additional structures or the renovation of those structures, we're not adding any new impervious area, therefore, storm water retention would not be required. Even if it was, we're adjacent to a tidally influenced water body and, therefore, would not require storm water retention.

The third and last point with respect to fire access, we have a (inaudible) and to the City of Jacksonville with an auto turn analysis which in layman terms is a computer simulation of how a fire truck would manipulate the existing facility to show access to all corners of each of the occupied buildings.

Thank you.

THE CHAIRMAN: Thank you, Mr. Almond. I appreciate the clarification.

Be appropriate at this time, Ms. Hipps, you're concluded at this time and ready for questions? Thank you.

MS. HIPPS: I would just like to in closing state that we've worked as was mentioned at the beginning with numerous meetings with the neighborhood. We also have approval of the northwest CPAC, and there's a letter in your packet. They considered this in three different meetings they've had and have considered that it's an approval.

And appreciate your vote of approval. Thank you.

THE CHAIRMAN: Ms. Hipps, thank you very much.

With that, no other speakers on 2014-143. I'd like to bring it back to the Commission and Vice Chairman Hagan.

MR. STRONG: Do I have permission to speak on Mr. Winicki, his statements?

THE CHAIRMAN: Just a point of information to the public, we're going to bring it back to the Commission and put a motion on the table, and then we're going to begin asking questions
as we deliberate about it.

MR. STRONG: Thank you.

THE CHAIRMAN: Yes, sir, Mr. Strong.

COMMISSIONER HAGAN: Mr. Chairman, I move
approval of 2014-143 as conditioned and
revised -- you want me to name those revisions?

THE CHAIRMAN: Um-hum.

COMMISSIONER HAGAN: On Condition Number
5, being 6:00 a.m. as opposed to 7:00 a.m.
Number 6, the maximum number of students housed
on site shall be set at 250 students, and Number
7, changing within 400 feet to 2,500 feet.

THE CHAIRMAN: It's been moved. Is there
a second?

COMMISSION MEMBERS: (No response.)

THE CHAIRMAN: without a second, the
motion does not pass.

Commissioners.

COMMISSIONER KING: Mr. Chairman -- if
I could find my cheat sheet, sorry -- I move
denial of 2014-143.

COMMISSIONER PETERS: Second.

THE CHAIRMAN: It's been moved and
seconded for denial of 2013-143. We have a
question from a district council person. I'd
like to go in deference to her.

Ms. Lee, you have a question, please, ma'am?

COUNCILMEMBER LEE: Thank you,
Mr. Chairman and members of the Committee.
Thank you for allowing me to be here today to
not only ask the question but make a comment
very quickly as to my involvement in this
process.

I guess as you know, if you look at the
top, this particular diving academy is divided
between two City Council districts. About maybe
two months ago, Councilman Gaffney called the
meeting, and we all met on the first floor of
City Hall in the Lynwood Roberts Room along with
the Planning Department and others as well as
DOT and the citizens in the area, myself
included. Many things came out of that meeting,
and it was apparent in that meeting that there
were a lot of things that were not clear and
that needed some clarity.

I asked that the Planning Department take
in all of the questions and concerns and respond
back, because many of them were legitimate.
There were some concerns about what DOT owned
and didn't, that one was actually ironed out in
the particular meeting. One of the things that
the people in the area were told is that there
would be a follow up to their concerns.
Initially, it's to my understanding, and
Councilman Gaffney is here, he can correct me, I
thought that Councilman Gaffney would be calling
a meeting, and it's my understanding that he
canceled the meeting and asked that the issue be
taken up. Well, upon that, I then decided to
call a meeting because I thought that we needed
to make sure that -- we needed to make sure that
that was followed up from the people.

Now, I must state for the record that
Mr. Burney did, in fact, respond in writing.
And correct me if I'm wrong, Mr. Burney, he did
e-mail back to the citizens all of the addresses
with the response. My concerns as to why I felt
there needed to be a meeting, because a lot of
times citizens may not be as cognizant of
certain things as we may be, terminology, even
in a letter being written. So I thought that if
we had a meeting, then if there was still
questions, that, in fact, they could get an
answer from the officials, if you will, meaning
the Planning Department, DOT or whomever. And
believe it or not, at that particular meeting, a
lot of things did come up, and it was a good
thing we had it because there was some
misunderstanding.

Now, quite frankly, I thought that we
needed to move on, that a meeting needed to be
held with the Planning Department, DOT and the
citizens to iron out the final parts of that
last meeting that we had. And I think today you
saw that there had been a meeting held, the
discussion, and it's my understanding things had
been ironed out. Now, I think -- well, I would
like to ask Mr. Strong a question, and then I
will end my comments.

MR. STRONG: Yes, ma'am?

COUNCILMEMBER LEE: I came in on you
making some statements and some inquiries. I
just want to make sure that I understand your
concern, because it's to my understanding that
had been worked out and that the Planning
Department was under the impression that that
had been worked out. And so tell me exactly
what it is that you're still not sure of.

MR. STRONG: All right, ma'am. I was -- I
have been -- not been treated fairly. They give Mr. Winiki weight, and I don't have any weight --

COUNCILMEMBER LEE: Excuse me one minute. All I want you to do for me -- help me out here, work with me. I just want to know exactly -- as you know you went to the meeting that I asked to be called where you all could work it out. It's my understanding from the Planning Department that -- Mr. Burney, would you come forward? What is it I'm trying to say the issue of? Not parking. Is it the easement?

MR. STRONG: Easement, yes, ma'am. The easement issue is -- Mr. Winiki's version is a fabrication. It's a --

COUNCILMEMBER LEE: No, no. I don't want to know that --

MR. STRONG: -- they're not anything that he said.

COUNCILMEMBER LEE: Okay. All I want to know from you -- Mr. Strong, listen to me, please. You got to help me out here. All I want to know is what it is you're not clear on. You, only you, as it relates to the easement. What is it that you're not clear on that has not been done?

MR. STRONG: All right. This easement is for ingress and egress. And I assume that means what it means, that it's for people to come and go without being harassed. And the front portion of this easement has been blocked with equipment on purpose, has been blocked -- they put a hyperbaric chamber in front of it to keep me from -- I've got pictures if you want them -- keep me from using my driveway. They have had their students thuggishly stand in front of the car, people trying to drive out of the parking lot --

COUNCILMEMBER LEE: Mr. Strong, you're deviating from my question.

MR. STRONG: Okay. The answer is the portion -- I tried to get an agreement so that the portion of the easement that nobody in the neighborhood has any use for, that they can fence that. And to my notion, I don't have a legal obligation to allow them to fence that easement.

COUNCILMEMBER LEE: Okay. Thank you.

MR. STRONG: That is the --

COUNCILMEMBER LEE: That's your concern?  

Okay. Now, was that discussed -- I'm going to ask Mr. Burney, if you would let Mr. Burney come to the Chair, Mr. Burney, are you -- through the Chair, if I could, Mr. Robbins, are you clear on his concerns and could you address it, please?

MR. BURNEY: Yes, ma'am.

Calvin Burney, Planning Department.

We had a meeting on the site Tuesday. And I passed out a list of outstanding issues to everyone that was there. We did talk about the easement. And I wish I had a bigger map that I can show you, but let me see if I can't explain it. But on the easement, the way that I understand it --

COUNCILMEMBER LEE: We don't need the map.

I just want my questions answered.

MR. BURNEY: At the meeting, we talked about the pedestrian access way, which is the closed right-of-way that goes under the Trout River Bridge, U.S. 17 Trout River Bridge. The question in concern is if you're on the east side of the Trout River Bridge where that pedestrian access way comes out, there is an easement there, but the thing is everything that

I've looked at, and we've talked in length as to whether or not the boundary of the easement and the boundary of the Commercial Dive Academy's property share a common boundary. I explained to Mr. Strong and other members that were there if they share a common boundary, we cannot restrict the Commercial Dive Academy from erecting a fence on the property line.

I came back -- after I left the meeting, I came back and I had my people back in GIS to take the legal description that I was given for that easement and to plot that on a map for me just so that I could see what the boundaries were. And based on the map that staff provided to me, based on that legal, that piece of the easement follows the boundary of the Commercial Dive Academy. And based on that, the Planning Department does not have a problem with the Commercial Dive Academy putting a chain-link fence on the east side of the Trout River Bridge, U.S. 17, and extending that fence over to the City's right-of-way, the closed right-of-way for Trout River Drive on the east side of the bridge. And pretty much we pointed out that by putting the fence there, it does not
impede Mr. Strong, because pretty much the fence would stop in front of -- I can't remember what the building is being used for, but it's one of Captain Black's buildings or Commercial Dive Academy's buildings.

And pretty much -- you know, if the fence stops there, it's not a problem. But my understanding when we were talking about this at the meeting, I inferred from what Mr. Strong was saying that he was objecting to the fence because of esthetics. You know, he was saying that the fence was sticking too far out, and people that may want to come under the pedestrian way may be confused as to whether or not that pedestrian way is actually open. But I think if we stop the fence where we discussed yesterday, it doesn't interfere with anybody.

It doesn't interfere with the operations of the Commercial Dive Academy and it does not interfere with whatever Mr. Strong wants to do on his property. That's my opinion there.

COUNCILMEMBER LEE: Well, Mr. Chairman, with that, my last question is you mentioned at the meeting Tuesday --

MR. BURNEY: Yes.

lines, and that's when I made the statement that if that in fact, the property line in fact is corresponding to the easement, there should not be a problem there, because we cannot restrict a person from fencing in their property. You know, the only thing we can regulate is the height of that fence.

The other one was determine if the chain-link fence is blocking the easement to Mr. Strong's property. Based on our discussion, I didn't think that the fence was blocking the easement to his property. He still has access to it.

Third was will the Florida Department of Transportation replace the steps they removed from the site. That is on the west side of the site. Pretty much, we came to the conclusion that the DOT was not going to replace those steps. FDOT require --

COUNCILMEMBER LEE: And the fourth?

MR. BURNEY: The fourth one is will FDOT require the dive academy to enter into a lease, or is the existing special use permit transferable to the dive academy. DOT informed us that the DOT wanted the dive academy to enter into a new lease with them. So we think we brought closure to that.

The next -- the fifth one is do we need more no-parking signs along Trout River Drive right-of-way or should a sidewalk with landscaping be constructed instead as suggested by Mr. Almond. We resolved that. We talked in depth about the parking signs. We had a person there from Public Works.

COUNCILMEMBER LEE: What was the resolution?

MR. BURNEY: The resolution was, and it's one of the conditions that's placed on the property, is that within 30 days after this project is approved, the Commercial Dive Academy is going to provide a written request to the Public Works Department to erect these signs. And we identified where those no-parking signs are supposed to be. And also in conjunction with that, they're also going to request that the weight limit signs be reinstalled along Sycamore as well as Trout River Drive.

COUNCILMEMBER LEE: Okay. On that note, Mr. Chairman, why then couldn't you have also with that condition just went ahead and stated
where they would be placed --

MR. BURNEY: We did.

COUNCILMEMBER LEE: Oh, you did?

MR. BURNEY: Yes, ma'am. Yes, we did.

COUNCILMEMBER LEE: Okay. That was Number 5. What is Number 6?

MR. BURNEY: Well, I kind of rolled the other one in. Number 6 would have been will the Public Works Department reinstall the weight limit signs removed from Trout River Drive and Sycamore Street.

COUNCILMEMBER LEE: So, in fact, they were removed?

MR. BURNEY: Yes.

COUNCILMEMBER LEE: Mr. Chairman and members of the Committee, that was the sticking issue at the meeting, because the neighbors said that there had previously been a weight limit sign. And we had no evidence at the meeting if that -- in fact, we just wanted to verify. So he is saying that, in fact, there was a weight limit sign, but they have concluded that that weight limit sign would be replaced.

And what is the last condition?

MR. BURNEY: The last condition was provided us documentation that he has placed that lost site with a site that can accommodate the parking that was lost.

COUNCILMEMBER LEE: Has that been written in?

MR. BURNEY: Yes, ma'am, that is written in the condition. And we also have a provision there that if he does not replace the space, that we are going to at a ratio of two students per parking space lost, we're going to reduce that enrollment at his school until that parking is provided to us.

COUNCILMEMBER LEE: And how long does he have to adhere to that in the event that that happens? There has to be a time limit for you to reduce. In other words, it can't just be open.

MR. BURNEY: Well, we would reduce it. And if he showed us documentation that he has provided --

COUNCILMEMBER LEE: Yeah, but I'm saying how many days does he have to show?

MR. BURNEY: We did not put days there.

COUNCILMEMBER LEE: Okay. Well, I think you need to put something, because it could be options for additional parking for the dive academy. Parking has been an issue that we discussed at probably the last five meetings we've had. It's always been a concern. And we have conditions in the document staff report to address this issue. And I'll just briefly tell you the discussions we've had.

The discussion was, first, if there was going to be a shuttle for any off-site parking lot.

COUNCILMEMBER LEE: What was the answer to that?

MR. BURNEY: The answer to that was the shuttle would pick up and drop off on the west side of U.S. 17 over near the Jackie's Seafood -- in the vicinity of the Jackie's Seafood building. So it would not come through the residential area.

The other thing that was, and if you look at the conditions we have in the report, we're requiring that Captain Black have leased parking areas. And we got a condition that if for whatever reason or in the event that he loses a lease on one of the off-site parking areas, that he has to notify the Department immediately and

provide us documentation that he has placed that lost site with a site that can accommodate the parking that was lost.

COUNCILMEMBER LEE: Has that been written in?

MR. BURNEY: Yes, ma'am, that is written in the condition. And we also have a provision there that if he does not replace the space, that we are going to at a ratio of two students per parking space lost, we're going to reduce that enrollment at his school until that parking is provided to us.

COUNCILMEMBER LEE: And how long does he have to adhere to that in the event that that happens? There has to be a time limit for you to reduce. In other words, it can't just be open.

MR. BURNEY: Well, we would reduce it. And if he showed us documentation that he has provided --

COUNCILMEMBER LEE: Yeah, but I'm saying how many days does he have to show?

MR. BURNEY: We did not put days there.

COUNCILMEMBER LEE: Okay. Well, I think you need to put something, because it could be

12 months or it could be a year. And I think to leave it open like that, I think that's too open. You probably just need to condition it. I don't know what those conditions would be, but I would just say -- I'm sure he would adhere to it, but I don't think you need to say "whenever you get ready to show us the document." You know, I think you have to say something.

MR. BURNEY: Okay.

COUNCILMEMBER LEE: Okay. He's read the conditions, Mr. Robbins and members of the Committee, and it seems to me that it's evident that that meeting was needed. And there is some concern or there was some things said I guess relevant to me that I was trying to hold this up purposely. That is just absolutely not true. I think having the meeting brought it to this conclusion. I have no reason to be against the diving academy. Jackie's Seafood was supposed to be turned into a first class restaurant. It didn't happen. Obviously, he's purchased the property. But at the end of the day, a decision does need to be made of things were followed through. I think the issue of the easement, obviously, appears to be the continuing
outstanding issue. Based on the seven concerns, and keep in mind that these concerns were derived out of the last meeting held, and I think that is key. But in fairness, I think that -- you know, and someone mentioned the northwest CPAC, which happens to be a part of my district. But let me say this, no one organization, whether it's mine or anybody else, because everybody does not necessarily attend a CPAC meeting, and a lot of things are not near where some people live. So I think we have to be sensitive that when an organization supports something or if they don't support it, we still have to look at the proximity of who's going to be mostly impacted by it.

There are people who live in the northwest CPAC might live on Myrtle Avenue, I'm somewhat exaggerating, but I'm just trying to show the distance. So I would like to think that -- I'm very supportive of the CPAC, but I do think that organizations have a right to take a part, but keep in mind that everybody in the organization doesn't live next door to each other.

So finally, I believe that there has been a concerted effort to bring closure to this issue. I think that the neighbors who will be most impacted by any business in proximity to their property, that they have been heard. And I think that -- I know that I have gone out of my way to make sure that they were heard and treated fairly, but I also think that on the other hand that there is an applicant who obviously has had to adhere to some of these legitimate concerns and has agreed upon some things, whether they're supportive or not. That is the purpose of a PUD, so that it can be tailored and talked about and discussed, and things can be moved around so as to give the greatest pleasure, if you will, to those that will be impacted by it the most.

So I don't have a problem with the diving academy at this particular time other than I think a condition -- Mr. Burney, conditions and provisions need to be placed into there as it relates to a time frame that if something doesn't happen, and also whoever the property is being leased from, I think that language needs to be incorporated, Mr. Burney, into the PUD. You did hear them say that DOT is now requesting a new lease. That lease that was previous where things happened was by somebody else, but their name was still in there. So whether any of us are here or not, the purpose of having agreements so that they will stick, and regardless of who the judge, the jury or the participants are, that there is something in writing so that those who will come will have something to work with. And I think that that is key, because we have to keep in mind most of these people who want it, they don't live around it, and that's not to say they don't have a right. People have a right to do business. And the diving academy is already there. They have just extended their diving academy. But I think that they too have to keep in mind that the people who live in the area have been the ones there, they built their homes, their livelihoods, and contrary to what people think, everybody just -- not only do they don't want to get up and move, some people can't afford to move. But I think all efforts have been put into this issue to try to bring some closure to it.

So as one council person, I think Ms. Johnston: Through the Chair, I'm not familiar with the factual situation involved here, but based on what Mr. Burney was saying, that sounds correct. If it is how he stated. But I have not researched it myself.

COUNCILMEMBER LEE: Mr. Burney, were you getting ready to read the law?
I just wanted to expound on what -- I agree with Councilwoman Dennis Lee. We both have worked so diligently. And I would hope -- this has been a very emotional rollercoaster. And as a council person in seven years, I have always tried to make sure I do what's right by my constituents. Do right by God and do right by my constituents. Leadership, sometimes we have to make tough decisions, and this is a Constitutional -- people have Constitutional rights. I'm a district council person. I would hope we go off of fact and laws and not emotion.

I've had about four meetings out there and about another five side meetings. So between Councilwoman Denise Lee and myself, this has been vetted. It's been very well vetted. And it's difficult sometimes to please everybody, so I'd like to try to see a happy medium. And, well, it's not a win/win, but it's a win. And I would hope that we can go ahead and move on this, put the conditions in there where the residents don't feel so much apathy where they have -- that's why, as Councilwoman Lee said, you have a PUD, so you can work these conditions out.
look to the maker of the motion, do we wish to continue the discussion on the motion or have you had any other thoughts? I'm fine either way, just wanted to ask the question before we get going.

COMMISSIONER KINGS: well, I made the motion because there was no second, and since no one on the Commission has had the opportunity to say a peep yet about this project, it may be appropriate to take everybody's temperature so that we know how to proceed and can do it in an efficient manner.

With all due respect to the district council people that are here, we hear cases like this all the time, and we hear cases where the developer and the neighborhood have come together to try to work out differences of opinion. And in many cases, there are some members of the neighborhood who will never agree with what the developer wants to do. But in this case, we've not heard from one neighbor, not one who is in support of this project. So that makes this kind of an unusual situation for us. And additionally, we've heard some allegations about inappropriate behavior,
And there's a stipulation on this leased parking
that if they lose any of it that they have to
reduce their student count by three students for
every one spot. Do you know where you're
going to get that ratio or that calculation, because
it seems different that what we're sort of
required to keep for this type of use.

MR. HUXFORD: Through the Chair, what made
this complicated is that the parking formula --
this is a vocational school, and the parking
code goes by square footage, regardless of the
number of students. But we recognize that there
is an issue created by the high number of
students, especially the ones living on campus.
So if we penalize them for not having enough
parking based on the parking formula, that would
mean, well, then there are square footage of his
site that he can't use or he'd have to take
buildings out, which seems a little extreme. It
seemed easier to try to tackle the issue, since
it's all built around parking, to go after the
number of students instead, and that's why we
chose that direction.

COMMISSIONER DAY: Do you know where you
got that formula or that ratio?

this should be adjusted.
The other question is in regard to the
square footage. I've got a picture here of a
Building D that's not on their site plan, and
I'm assuming the square footage of this, I'm
calling it Building D off of Eric Almond's
exhibit that was given and he labeled --
THE CHAIRMAN: Mr. Register presented
that.

COMMISSIONER DAY: I'm sorry. Yes,
Mr. Register presented it. Almond Engineering
site plan, but the one that Mr. Register
submitted. Are we calculating that Building D
square footage that was -- it's not shown on
their site plan, their exhibit, and I'm assuming
it's probably not part of the square footage
that we're getting the parking calculation based
off, is that correct?

MR. HUXFORD: Through the Chair, that is
correct. We received a correspondence from
Ms. Hipps that with the square footage total of
1,544 square feet, that that site or that area,
building, whatever you want to call it, is used
for storage. And since it's not used for
student teaching area, we didn't throw that into
the parking mix.

COMMISSIONER DAY: Okay. So is the
design, is it specific to square footage that's
not used for storage? I mean is that the way
the code reads, or is that just a combination
we're making for this?

MR. HUXFORD: Through the Chair, the way
the code reads, it's going to be for -- one
space for every 300 square feet of gross floor
area. So aside from this building that looks
like scaffolding that's got some stuff on it, we're
going to count everything else that's part
of the gross square footage.

COMMISSIONER DAY: And do you count each
floor as its own square footage, or if it's a
three-story building, is it just the footprint?

MR. HUXFORD: It's the total square
footage, not just footprint. We would count
each floor.

COMMISSIONER DAY: Okay. And just so I
understanding it, because in reading this it's a
little bit confusing, if they were required
to throw anything away and they're determining
the calculation to the parking requirements for
vocational, trade and business school, you're
saying that they would need 107 spaces, correct?

MR. HUXFORD: Yes, sir.

COMMISSIONER DAY: But if I read the
text correctly, because it's a little bit
confusing in my mind, it's allowing them to
proceed with the 78 spaces that they have
inclusive of their lease space, correct?

MR. HUXFORD: Yes, sir. In particular,
inclusive of the lease space that's under the
bridge from the DOT. There are other lease
areas that they intend to have. Those
additional spaces would count towards meeting
the parking requirements, so long as they can
demonstrate to our satisfaction that they have a
valid lease.

COMMISSIONER DAY: Okay. But if it was
approved the way it's currently written, they
would be able to operate with 250 students and
78 parking spots? I just want to make sure I
understand exactly what is being considered
here.

MR. HUXFORD: No, sir. Seventy-eight
parking spots is depicted on the site plan, but
we go on to say that they will -- find it here
where we specifically state it.

that would be 57 students, if my math is right.

COMMISSIONER DAY: No, 29 times three is
more like 90, so it would be a reduction --

MR. HUXFORD: Correct --

COMMISSIONER DAY: -- unless they can find
additional parking.

MR. HUXFORD: You're right. But you see
what we're trying to do, to cause a significant
penalty if they do not have enough parking.

COMMISSIONER DAY: They lose three --

okay. Because to read this, it sounded like we
were granting them the ability to go ahead with
250 students with their current site plan
parking requirement. But what we're saying is
the way we're intending to make this is that if
they go currently with the 78 they're showing,
which includes their lease spots, they would be
short from the minimum requirement and they'd
have to give up close to 90 students and at this
point that they could have in housing.

MR. HUXFORD: At this point, or bring us a
lease. And we wouldn't approve the PUD
verification without it.

COMMISSIONER DAY: And do we have a good
enough feeling that we can go out from a code

Under Number 8 we talk about the leased
parking spaces and we make the statement,
sufficient parking shall be provided at all
times.

And we could reword that. What we really
mean for that to say is the parking formula
based on one space for every 300 square feet
shall be maintained at all times. And if they
need to lease additional spaces off-site in
order to meet that parking requirement of 107
spaces, what they need to do and they need to
prove it to us that they have the lease.

COMMISSIONER DAY: So right now if this
was approved, they're short 107 minus 78 spots,
correct? So they would have to give up a third
of that -- 29 spots.

MR. HUXFORD: Twenty-nine spots, which
would, do the math, times the three we're
proposing, so that would be --

COMMISSIONER DAY: Ten students.

MR. HUXFORD: -- fifty-seven --

COMMISSIONER DAY: -- one spot for every
three, so --

MR. HUXFORD: One space will cost them
three students, so it's the other way around, so

enforcement standpoint and enforce students
living on site? I mean the enforceability is an
issue that we talk about a lot. I want to make
sure that this is something we can enforce here.

MR. HUXFORD: I can't speak on behalf of
our counterparts, the Code Enforcement, but we
hope it is to the maximum extent possible. It's
the same as wanting to know if a parking formula
based on the number of employees, well, you have
to be able to find out how many employees you've
got. That's a great question, and for a
policing standpoint, I'm just not prepared to
answer.

COMMISSIONER DAY: Okay. In light of
that, this is more punitive than I originally
read it and sets up the current baseline
scenario today a bit differently than I was
interpreting this, because coming back to the
point I made earlier, like that was sort of
mentioned from the council people that are here,
I'm not opposed to saying, no, you just can't do
this business here. It's a good spot, it makes
sense. But I just don't want to cause a problem
that we know exists or exacerbate a problem we
know exists. So I want to make sure that if we
know there's a parking problem and we know we need this many spots, that we are providing for that. So this does a bit more than I guess I originally read when he was reading through these comments, but those were the main questions I had for now.

THE CHAIRMAN: Thank you very much, Commissioner Day.

COMMISSIONER PETERS: Through the Chair, I have a few questions here, so bear with me. I'll try and be as clear and concise as possible.

I do share some concerns with Commissioner Day in terms of how do we enforce the number of students. I'm assuming that there is some type of a semester period where the applicant could lose his rights to parking, but yet the students are still -- they're committed to that semester.

So how do you reconcile the fact that you don't have parking but you have students who have a financial interest in completing their coursework, but yet we're taking away their parking? So very concerned about that.

Through the Chair to Lisa, I guess this is basically a two-lane rural typical section. I just want to get your thoughts or any concerns that you may have in terms of how this roadway section meets any City of Jacksonville design criteria in terms of its use, its commercial use, lane width, shoulders, things of that nature.

MS. KING: Through the Chair to Commissioner Peters, I presume you meant me instead of the other Lisa.

It probably doesn't. I think this is one -- a use that started out and has just grown and grown and grown and grown, and the road hasn't grown with it. I share the concerns that the neighborhood shared. I believe sometime ago there was an administrative deviation to reduce parking for this site. I voiced my concerns at that time. The reason my memo for this time didn't make any comments on it was because they've already built and built and built, and to say that they have to have more parking -- and I don't really have a way to control where they have it. But I share the same concerns as everyone else does, but that roadway segment probably is more residential, but it has that zoning. So it's that constant conflict of traffic and development.

COMMISSIONER PETERS: So I'm assuming if this came through ten set and you were to go through your checklist and whatnot, you would probably comment that this roadway facility probably is somewhat deficient in terms of the use --

MS. KING: Not really. What I recall has come through ten set was the parking lot, the separate parking lot. I believe we've seen ten set on that. And on some of the development on the primary site, we saw the Jackie's Seafood, reviewed that, when that roadway closure came where they cul-de-sac'd Trout River on the west side, all of the traffic coming down here ends up at the dive academy, and the way it was looked at is it's an existing use. I don't get to go in and make people do roadway improvements, because where would you improve to? It's still a residential road that has that commercial use at the end of it. So my ability to make them make any changes would be limited, and I don't really know what I could require them to do because I couldn't really require them to improve an entire residential roadway.

COMMISSIONER PETERS: And I guess that's my concern. We're intensifying the use, but yet we're not giving the surrounding property owners an adequate shake in terms of how the road is being used. So I'll move on.

There was a condition that speaks to existing signage, and I guess my question to whomever that can answer it, why are we conditioning the additional signage? From what I'm seeing, the signage should be there now. I mean in terms of no park within the City's right-of-way, and as well I believe there was discussions about a weight limit sign. I think those signs are to meet criteria now. Whomever can answer that.

MR. BURNEY: Calvin Burney, Planning Department.

This condition -- we had a lengthy discussion about no-parking signs and the weight limit signs at the last meeting, which was held on Tuesday, and pretty much I had a representative there from the Public works Department to address the issue. And Public Works is of the opinion they can reinstall these
signs or put these signs up, but they just need a request. And pretty much the condition that we have here, we're not requiring the dive academy to put up the signs, we only want them to make the request for the signs. That request would be to the Public works Department.

COMMISSIONER PETERS: And through the Chair to Mr. Burney, so could that request come from a property owner?

MR. BURNYE: It could come from a property owner.

COMMISSIONER PETERS: Okay. So --

MR. BURNYE: But one of the things that I guess I failed to mention was we have an area that's on the east side of 17 right up against the embankment that currently is being used for parking. And once this goes through the process, that parking is going to go away. And it's going to go away because it is either they're parking in the pedestrian access easement or very close to it, and we want to remove that as well as remove the privacy fence that is along that embankment there. And Public works -- that easement is coming out onto the city of Jacksonville's right-of-way. Public works say that they can install those signs there, and we've given them direction as to where we would like to have the signs. We just need the Commercial Dive Academy to make the request.

COMMISSIONER PETERS: Thank you. And just two other questions.

I believe Ms. Hipps had mentioned or actually maybe corrected, if my memory serves, Condition 6, the maximum number of students shall be set at 250 students, and I think she added "living on campus." So is that the maximum number of students on campus, and is it going to be additional students? I'd like to get some clarity on that if I could.

MR. ALMOND: Eric Almond, Almond Engineering.

Through the Chair to Mr. Peters, I guess the concern being the weight limit signs that were removed from I believe it was Sycamore Street, the reason those signs were in place when -- I guess when Trout River Drive continued underneath the bridge, DOT had a concern that a large truck would go underneath that bridge and damage the undercarriage, the structure of the bridge itself. When Trout River Drive was closed, there was no need for the signs to be in place and the City of Jacksonville has since removed them.

The meeting that we had on Tuesday with the neighborhood, they felt it was important to replace those signs, not only -- not to restrict deliveries to the Commercial Dive Academy, but more importantly to alter the truck traffic through the surrounding neighborhood.

COMMISSIONER PETERS: Chair, so I don't want to split hairs with you, but that would be a vertical clearance height sign and not a weight sign.

MR. ALMOND: That is correct, but for some reason, a weight limit was placed on Sycamore to prevent large trucks going underneath Trout River and damaging the bridge.

COMMISSIONER PETERS: Okay. Thank you.

One last question, I guess I still would like to get some clarity on the total number of students allowable or allowed at the facility. But one other question that I have, and I'll turn it back over, Condition 8 speaks to the lost parking. And again, I'm not really sure exactly how do we reconcile the students and their ability to continue if that parking is gone. So if we could maybe have someone I guess from the applicant to speak to that as well that -- some kind of contingency plan that would aid us along in meeting the parking requirements.

MS. HIPPS: For the record, Alberta Hipps.

In terms of that, we would have to adhere exactly what is said in the PUD in terms of the leases and so forth, and we have what we call the Nipper property that is within the campus site that allows parking that's not counted in your 78 parking lots, spaces, that you were talking about earlier. So there's really quite a bit of parking on campus, and then we're in agreement to lease space off campus. And it has been mentioned for those students that are being shuttled to make sure that they're shuttled in from the west side of the campus.

The students are students that would be living on campus, not to exceed 250, and then there are medical assistant classes that are going on in the Jackie's Seafood for training for fire rescue and for medical assistance on
bariatric training and so forth, and those would be additional students that would be coming from time to time. Sometimes those are four-week classes four hours in the morning and then they go to clinical and so forth. And some of the people that come there also go to Captain Black's school that's down in Ocala for some deep diving criteria and so forth. So the number of students varies according to what they're coming to be trained.

COMMISSIONER PETERS: So I'm not sure if my questions was answered. The total maximum allowable students inclusive of the entire facility, is that 250 or is it 250 plus something?

MS. HIPPS: It would be 250 plus. Let me share with you that this Commercial Diving Academy, only two are in the United States. One is in the Seattle area and one is here. It is renowned worldwide. Students come here from all over to be trained, mainly in the diving. In addition to that, there are physicians, medical assistants, rescue, first responders that are always wanting to be trained on how you take care of divers in emergency situations with bariatric situations and the Bends and all that happens with that. And so that would always be something that would be allowed in the school.

Captain Black is here. He'll fill out a blue card, Mr. Chairman, if you would allow him to speak to this.

THE CHAIRMAN: Yes. If captain Black would care to elaborate to answer the Commissioner's questions, please do so.

Sir, just name and address for the record.


THE CHAIRMAN: And I don't mean to split hairs also, but Captain?

MR. BLACK: Ray Black.

THE CHAIRMAN: Thank you, sir.

MR. BLACK: I will be the first one to admit I'm guilty. I'm the one that's got the tiger by the tail. I'm in the diving business, been doing this for about 25 years. We built the school in -- first in Alabama and relocated to Jacksonville, and the last 15 years has been growing. Like I said, I'm in the diving business, I'm a good ol' boy, good at my trade.

Well, over the years, we've --
hoops, we go through there and we redo all the permits, we put in the sprinkler system, and as of January 2014, everything was approved by the fire department, the building department, everybody involved. I am transparent in my buildings when I know what's going on. I've had a crash course in contracting and building in the last year, and it's not my business, but I'm starting to get pretty good at it.

Now, I've tried to work with the neighbors to a point, but I have had some run-ins with Mr. Strong. It's just because of our personalities. We've got two alpha people bumping heads out there, and it's a little difficult to do. But over the years, I'm learning. I understand parking's a problem and I've been working on that, going through the PUD, trying to make my campus into a campus will afford me to do it, because it's not just for the neighbors. I need to protect my students. You know, when the students come to school, I got parents calling me, is my son or daughter safe. You know, so I've got to make sure my concerns are covered as they are, too.

With this PUD, it sets my parking. I have again because they can't afford to pay that. So I'm putting everything in place, but until my PUD's in force, the neighbors can't see that I'm doing something because I can't spend millions of dollars foolishly. You know, I don't go build a parking lot until I'm approved to do it. So when I'm approved, I'll invest the money, we'll build it quick, and then it should make everybody happy.

I'm a fully accredited school with the Department of Florida and the Department of Education in the United States. We take fully funded school funds for students. I'm as accredited as you can be. And transparency, I get audited seven times a year. When you take money from the government, you have to be transparent. I am crystal clear in the business that I run. We have strict rules, we have drill policies. If there's a problem with my students, I deal with it.

THE CHAIRMAN: All right, Captain Black, I think we're going to come back to you with some more questions. I want to make sure that we limit it to responding to Commissioner Day. We'll be back to you, sir. Thank you.

lease contracts in place for parking. And I also have other leased lots available to me as I grow. So with the PUD, it gives me a certain amount of parking that is not -- right now the parking I have is not defined, so all the students just, bam. when you define it, there's 33 spots. I'm not going to put 60 cars into 33 spots. So that right there will fix that problem. No students will -- I will move them to another lot. And if it gets too far away from the school, we will shuttle. You know, we have buses coming in, we're going to implement flag parking. As the PUD gets into place I feel the neighbors will be happy because the parking will be defined. And then if I have 100 cars show up here and I've got 100 spots, then I'm good. If I have 120 cars shows up, 20 cars are going to have to go to our other parking lot that I have leased and then they can walk to school or I will shuttle them to school. So with a defined parking, it's going to behave everybody's needs, because you can't put two cars in one spot. If they park on the neighbor's road, get a tow truck and haul it off. They'll do it once and they won't do it
stuff that's happened.

THE CHAIRMAN: Commissioner King.

COMMISSIONER KING: I share Commissioner Peters' concern about enforceability. If we have to reduce the -- if we say that the number of students who can live on campus, I just don't know how we enforce that. And I'm also concerned -- I mean I remember when Jackie's was there, and the parking was bad then. I remember parking, I don't even know, behind some other brand and building once to get in there. I mean it just doesn't meet today's standards. And if a student -- if we by this rule, say it is enforceable, and a student who is living and I presume has paid to live on campus no longer can live there, they're still going to come on and off campus and go to school, so the parking problem isn't diminished. Given what we're dealing with here, I'm wondering if we need to look at mandating a parking policy at the school, where parking spaces are assigned to students so that there is some enforceability and that there is a shuttle service that is more strictly defined than what we have here. We kind of have a shuttle service that's implemented, we don't define what the shuttle service is, we don't say where it has to go.

I mean I appreciate that Captain Black has indicated that that's where he wants to go, but given the history with the neighbors, I don't blame them for not having a high level of trust. And so the only way they can feel any comfort is by having things very tightly worded in these conditions.

So I'm wondering if any of my fellow commissioners might be interested in exploring that idea.

THE CHAIRMAN: Commissioner Hagan.

COMMISSIONER HAGAN: My comments are pretty brief.

In growing up in a commercial diving family and having a good ol' boy father, and Councilwoman, I'm explain that after the meeting, I understand what Captain Black's going through. I empathize with some of his issues with the builder and the contractor. I think that he's doing a lot here to address the neighbors' concerns. I think both council members have done a lot through the meetings.

The way I understand the parking issue is that they'll have -- they'll be allowed to have 163 students until the lease is provided to the Planning Department for off-site parking, is that correct, Folks? You don't have to check my math on that, I'm pretty sure it's right.

MR. HUXFORD: Through the Chair, that sounds right, yes, sir.

COMMISSIONER HAGAN: Okay. And then I know that Councilwoman Lee mentioned that we needed a time on when they can have this lease provided, and I think in Criteria Number 12 it says six months. Is that pertaining to the parking lease for off-site parking? Am I looking at --

MR. HUXFORD: Through the Chair, no, sir. Condition 12 deals with the off-street parking lot that they're going to build on the south side of Trout River Drive. They're already using it right now for parking, but it would be a properly designed and engineered parking lot.

COMMISSIONER HAGAN: Okay. The other issues that I heard was crime was one. And in a minute here I'm going to ask Captain Black to come up and address some of the students and the way they've acted and kind of what he plans on doing to move forward with that to address some of the concerns with the neighbors. The other was speeding up and down Trout River Drive, and I don't know how we address that. I don't know if it's speed bumps, I don't know if it's something different or what, but I think that we can address that pretty quickly. I don't think that's going to be too difficult. And those are the other two things.

So I'd like to ask Captain Black to come up here and kind of address some of the issues that the neighbors brought up about the discipline of the students and see if we can address that.

MR. BLACK: Well, discipline of the students, I have a policy in effect, you know, we have standard rules of what they can do and what they can't do. And if they break these rules, we'll write them up on probation. You know, we have accredited processes that we do to write them up, probation, lack attendance, if they don't show up or drug policies. If they fail these, then we suspend them from school. Then after the proper help, they can actually come back and reapply.
You got to understand it's not a prison. I can't dictate everything they do, but I control -- when they're on site, I have pretty good control. And then I can implement writing them up.

And when the neighbors have complained to me, I don't think anyone can get up here and say that I haven't addressed it. When they've complained that they're throwing bottles over here, they're throwing trash here, the speeding in the lot, they've come to me, I've found the student and we deal with it. But again, I do what I can do. It's not a prison. I can't control what they do. And like I say, these students are trying to change their life and get a career and go to work. You do have some kids that are 18 that it's the first time being away from home and they want to experience life in one weekend.

COUNCILMEMBER LEE: We've all been to college.

MR. BLACK: So I'm doing everything I can, you know, but you still have that handful of kids in society. My kids run from 18 to 45 years old; 75 percent of my students are

switch out stenographers with Commissioner Diettrich's questions.

(Brief recess)

THE CHAIR: At 3:20 we are back into session with Commissioner Diettrich, please.

COMMISSIONER DIETTRICH: Okay. It's probably going to jump around a little bit but all my notes, and I'm sure I'm going to want to come back to comment on some other comments of fellow Commissioners.

First and foremost, though, through the Chair to the DOT representative that's here to speak, if we could have you come up, sir, so that way we can -- we understand that you need to be able to leave for other business. So this is an opportunity for all of us to ask him questions instead of holding those for later to the best of our ability.

So I'll kick us off. I remember -- well, I'm sorry. First and foremost, I need to make a statement that before I was seated on the Planning Commission, not too long before that, I was approached by this applicant to actually be the planner for this project. I declined to take the project based on several professional reasons, as well as becoming a commissioner. So I do not benefit in any way financially from this, so I do not need to recuse my vote, but I do want to make it very publicly clear that there was preliminary ex parte communication before I took the seat and declined to take the project.

So with that said, when I was an assistant planner a long time ago on this project -- on this site when it was Jackie's Seafood, there were some things, and I won't recall all of it. I don't know through the Chair to Staff, if you all might remember, but there were traffic issues because boat trailers would drive in northbound off Main street go under the bridge, park their trailers, come back on, a lot of jackknifing trying to turn and cut across and go northbound. So there were a lot of issues with that. I guess I understand now that the parking under the bridge is exclusively leased and is not allowable for any public parking. Is this correct, through the Chair?

MR. CASOY: No, that is not correct. My name is Bob Casoy, Jacksonville Maintenance Engineer. And we had permitted this
project and -- we issued a permit January 14th, 2003 to David H. Weisman, President of Pier 68, as a special use permit. It was not a lease. There is no lease for the parking under the bridge. Captain Black, or previously David H. Weisman who is deceased, did not pay the DOT for any of this parking under the bridge. So there is no lease. There was a special use permit, which our legal department has recently determined that it's not valid. And the good news is that Captain Black is working through his attorney with DOT to obtain a lease. So I just wanted to clarify that there is no current lease for this parking for those proposed twenty-something spots.

COMMISSIONER DIETTRICH: Through the Chair to Mr. Casoy, the DOT, can you actually -- are you at a place in discussion where you can actually relate to us if it's probable that there will be a lease? Or is it too early to state where you're at in the negotiations on that?

MR. CASOY: Well, the negotiations just started on the lease, so I don't know where they are, and perhaps Captain Black's attorney can speak better to that.

COMMISSIONER DIETTRICH: Through the Chair to staff, if this lease is not granted by DOT, that would remove twenty-seven parking spaces from the --

MR. CASOY: Per Eric Almond's plan, yes.

COMMISSIONER DIETTRICH: Okay. So how is that addressed? Given that we're trying to actually approve or deny something based on things that may or may not come true, we are, it seems, very out of order. Can you speak to that, through the Chair, Mr. Huxford?

MR. HUXFORD: Through the Chair to Commissioner Dietrich, I'm looking at Condition 7 the way it's written. Actually, better turn to Condition 8, if lease parking becomes unavailable. So the penalty that we've described earlier that would occur should there not be any leased parking, obviously, we were thinking more in terms of other locations, but this condition would be equally applicable if they are not able to come up with a lease under the bridge.

COMMISSIONER DIETTRICH: I will table -- even though I'm up to speak on all things per my

notes, for this moment, I'm going to table those to allow everyone to speak on DOT matters, and then I'll resume.

THE CHAIR: Thank you, Commissioner. We'll come right back to you if there are any other questions for our representative from DOT?

COMMISSIONER MEMBERS: (No response.)

THE CHAIR: I am seeing none.

Thank you, Mr. Casoy.

MR. CASOY: Thank you.

THE CHAIR: Have a good day, sir.

And back to Commissioner Dietrich.

COMMISSIONER DIETTRICH: Thank you for your patience, Mr. Casoy.

Okay. So moving on from other issues. Well, on that note, if this lease does not come to fruition, then the student ratio drops. Back to my fellow Commissioner King's comments on enforcing -- and I believe Commissioner Peters mentioned this as well, that being able to monitor who comes in and goes, how many students are registered, if they're staying in the dorm or not, if those people staying in the dorm or not are actually students, I know Kim Scott certainly does not even come close to having the resources, nor is that a job that Enforcement can actually monitor. I don't believe in entering premises. We've dealt with issues like that before. So it's based on trust. And I can appreciate, Captain Black, the circumstances you were under previous to having Almond Engineering, because I know who that contractor is and some of the preliminary issues that happened, and it's highly unfortunate. But, nonetheless, we are where we are. So I guess I have no idea how we're possibly going to deal with the student parking situation. I think a recommendation you made, Commissioner King, about -- like at UNF, as a former grad student there, I had to have a parking pass, I had to prove I was a student in order to do so, and there were so many spaces allotted for that. So that's I think as good as you can get with that circumstance. I'm not sure if that alleviates the pain that the residents are still going through. And, actually, a good point that Captain Black made is the fact that until he's allowed to make all of these improvements, they won't know whether or not that will remedy all of the issues. It may not, or it might. I'm
not sure, because we haven't heard from any --
I'm not sure.

Through the Chair to any of the speakers, were all present for all of these meetings that apparently took place, these fifteen meetings, because if there were issues that were worked out and people felt that mitigation efforts were satisfactory, then where are those people and where are those letters? So I just don't understand. We're missing a big gap here.

With regards to -- and I guess I'll table the parking/student method for further comments by the Commission as we attempt to work that out.

Is there 24-hour -- I guess if Mr. Black would come to the podium, sir.

Through the Chair to Captain Black, is there 24-hour oversight on the dorms and/or the property? Or are the students left to be on their own devices while the leadership leaves for the day?

CAPTAIN BLACK: No, there's 24-hour. At the end of the day school day -- I employ right around 50 employees, so they monitor the day-to-day training. And at night, I have -- from 7:00 at night to 7:00 in the morning, I have security seven days a week. You know, so we control -- as they leave, they get a student ID, they have to check out with the security, they have to check back in with the security. So we run a tight ship on where our students are.

COMMISSIONER DIETTRICH: Okay. I'm sorry. You said 50 employees?

CAPTAIN BLACK: Right at 50 employees. Correct.

COMMISSIONER DIETTRICH: And then there's, what, one security guard that stays from 7:00 p.m. to 7:00 a.m.?

CAPTAIN BLACK: Correct.

COMMISSIONER DIETTRICH: And the access is a locked gate? Is it a gated access point?

CAPTAIN BLACK: At night we have a drive-in gate that's closed and we have a pedestrian gate, and he's set up right beside that gate where they come in and out.

COMMISSIONER DIETTRICH: Okay. With the pedestrian access -- and I apologize if I didn't see it in here. I was looking for it. Pedestrian access created for this crossing of Main Street, which has historically been very dangerous, given the fact that the lot is going to be on the east side, the students are going to -- underneath and/or the west side, and the shuttle bus will be crossing over, which the odds are that people aren't going to bother to wait for the shuttle, they're just going to want to cross.

CAPTAIN BLACK: A little confusion there. Under the bridge there's public access. Students can walk under the bridge.

COMMISSIONER DIETTRICH: Right.

CAPTAIN BLACK: Between my two properties, you know, the objective goal that I have in mind here, and once this is where I can start spending my money, is the parking that I have over there now that's loaded up with all those cars, I'm going to change that to 33 spots. And my objective is I'm going to have my staff park there. That way the neighbors aren't dealing with students. And I'm going to push my students from under the bridge to the other side, west side, because there's no neighbors live over there. Nobody lives over there. So that's my objective, to have student parking over there, my shuttle vehicle to come through there, because I'm still confused of why everybody has a question on parking. Because once I implement off-site parking, it's over with. You know, once you have a certain amount of spots and a car is in that the spot, it's not a question no more. There's no spots there. Go to the other lot. I'm confused on that. They're not going to park in the street. If they do, tow them. You know, if I need 100 spots or I just had the places for them to park, and they can either walk to school on the west side or I will shuttle them over. But they can't -- once the parking is defined, these problems go away. Right now, they see a spot that big, they get in. And that's what I need to clean up.

COMMISSIONER DIETTRICH: Okay. Just for clarification, I'm looking at the site plan and I see proposed off-site parking on the east side. You had mentioned something about using something on the west side, but that's parking for the City. So I don't know if I'm confused on which lot's for what, but you got --

CAPTAIN BLACK: The east side I own. There's no leased stuff over there. The east
side I own. The west side I have leased two
lots near my property right there from Nipper
Fish Market, and then I am going through the
lease with DOT. I've had a special use permit
there with them for 15 years, but now this has
come up, so now we got to clean the paperwork
and do a lease. But I've continued to do the
same thing with 27 spots there. I have Jackie's
parking, and then Nippers I have two lots that I
park there, and then I also have an agreement
with down the road at the other schools about a
half mile away that I can put overflow parking
there. I'm working with a church right now to
be able to lease some property there. And I'm
looking at lots that I can purchase as I grow to
be able to handle my overflow.

COMMISSIONER DIETTRICH: Okay. So the
proposed parking lot, the proposed off-site
parking lot where the shuttle bus is going to
pick people up, that's the one on the site plan
that's on the east side. Is that the one you
said you wanted your staff to park in, because
that's the one that's adjacent to the
residential?

CAPTAIN BLACK: That's not leased. I own

that property.

COMMISSIONER DIETTRICH: Right. I'm not
talking about lease or own. I'm just saying on
your site plan, it says -- and if Mr. Almond
wants to approach the podium as well, maybe he
can speak to this since this is his site plan.

CAPTAIN BLACK: The 33 spots, is that it?

COMMISSIONER DIETTRICH: Correct.

CAPTAIN BLACK: The one with the retention
pond?

COMMISSIONER DIETTRICH: Correct.

CAPTAIN BLACK: Yes. That's the one that
I'm going to look at putting my staff in it, but
right now it's students.

COMMISSIONER DIETTRICH: Okay. So the
staff would -- ideally you would hope and you
plan to have your staff park adjacent to the
residential, and the students will be parking on
the west side and --

CAPTAIN BLACK: Walk under the bridge.

COMMISSIONER DIETTRICH: And under the
bridge.

CAPTAIN BLACK: And they can walk under
the bridge, so they're not going to be on top of
Main Street.

COMMISSIONER DIETTRICH: Well, ideally,
yes, but pedestrians never seem to follow the
rules entirely, so they will be crossing Main
Street, I can guarantee you that.

CAPTAIN BLACK: No, ma'am, because the
elevation is like 50 feet. They're going to go
up a hill, cross the road to go back down when
they can just walk straight? Nobody's going to
do that.

COMMISSIONER DIETTRICH: Okay. Well,
we'll move on to another question with the
regards to the marina spots. This used to have
public access. So are you saying this no longer
has public marina slips for -- because it says
in Recommendation or Condition Number 10, it
states that the CDA cannot and does not have the
legal right to prevent public access from the
closed portion of Trout River under the bridge
and that the Dive Academy shall not have a fence
prohibiting public pedestrian access under the
rivers -- under the bridge as well.

So how -- is there any allowable public
access to the water? Actually, through the
Chair to Staff, is there public access to the
river allowable on this property?

MR. HUXFORD: Though the Chair to
Commissioner Dietrich, yes, there is
pedestrian-only access. When they built the new
bridge across the Trout River, they retained the
old bridge. There's some land at the base of
that bridge that is owned by the City and it's
considered park land.

COMMISSIONER DIETTRICH: So if the
public -- if a citizen wants to go to that park,
they're allowed to enter under the bridge and
access that park only on foot, not by vehicle?

MR. HUXFORD: Through the Chair, that's
correct, and that entire access is across public
right-of-way.

COMMISSIONER DIETTRICH: I guess we've
already dealt with the signage issue. Well, I
guess I'm curious if there were signs there and
they were taken down, were all of the signs
taken down by the City, or were some of those
no-parking signs taken down by other people?
And I'll follow up why I'm asking that question.

MR. HUXFORD: Through the Chair, I can't
speak to the no-parking. The weight limit sign
was attached to a sign that said about the
height limit for the bridge. Since you can't go
recently was contacted by Traffic Operations, one of the aids out there, for some input about this site, because the neighbors I guess had started doing some care complaints about the pedestrian access being closed off, so I sent him everything I had. In our conversations, he did not indicate to me that there were any no-parking signs that he had put up there or that had been replaced.

COMMISSIONER DIETTRICH: The reason why I ask is if we're going to be putting them back per a request to Public Works, if they're removed from someone other than the City, then the City shouldn't be paying for that, but I guess we don't have much background on that.

MS. KING: Through the Chair, Commissioner Diettrich, can I give some insight on to no parking?

THE CHAIR: Sure.

MS. KING: Since, again, I used to do that. Historically, the way that we would put up no-parking signs is by petition. The neighborhood or whoever had property that fronted that roadway or that portion of roadway, wherever they wanted no-parking signs, would gather a petition with all of the property owners, and we typically require majority of 70 percent. And they would delineate where they wanted it. Do they want it on both sides of the road, do they want it on one side of the road, that type thing. And if got the majority requesting it, we would put the signs up. If the Jacksonville Sheriff's Office makes a request, we would put the signs up. If the Public works, Right of Way, and Grounds Maintenance, which now, of course, Traffic Operations is part of, we've had them contact Traffic Operations to put up no parking signs where shoulders of roadways were being deteriorated, and, therefore, the road was being deteriorated. So that requirement for no-parking signs can be made, I would say, if this body wants them there. If you put it in there, then I believe that Traffic Operations would be happy to put the signs up.

Director Burney can offer more if we want to make the academy make that request, but I believe that it is something that can be maybe conditioned if we truly don't want people parking there. Because by State statute, you can
know, at some point in time if we see that there
is overflow parking going into the neighborhood,
than the City would be requested to come out and
put no-parking signs on that portion of Trout
River Drive that’s currently being utilized.
That’s kind of the intent behind this
recommendation here.

COMMISSIONER DIETTRICH: Earlier there
were comments -- through the Chair to staff,
there were comments made with regards to the
existing buildings that were constructed
illegally and inadequately, and then there were
comments made by the applicant that actually
those things have been rectified. So where do
we stand on the quality of the structures, the
permissible use, the fire -- I mean, all of
these things? Have these existing structures
been reformatted to be -- to follow all the
codes and permitted? Or are they in the process
of that, Mr. Burney?

MR. BURNEY: There was a problem out at
the site several months ago, and the City’s
Planning Department Building
Inspections Division issued some cease and desists for work
that was taking place out there without permits.

process of being upgraded to be per code, that
means there are humans still living in buildings
that are not allowable; is that correct?

MR. BURNEY: Well, I think we’re talking
about two things. What they’re proposing to do,
they’re going to pull permits for that. For I
guess the building that was put there without
the permits, they have already provided us with
the documentation that the building is
sufficient. You know, that’s where the Building
Inspections Division as well as the Fire
marshal’s office, all of those individuals got
involved in the process.

COMMISSIONER DIETTRICH: Through the Chair
to Mr. Burney, so the dorms, the existing dorms
are -- they’re good now?

MR. BURNEY: Yes.

COMMISSIONER DIETTRICH: And the fire
marshal, do we have any letter or any
documentation from the fire department on their
stance on this? Because we’re heard from
citizens that there’s some pretty sensitive
issues going on, so, I mean, do we have
something on the record from the fire marshal?

MR. BURNEY: I did not check the file to

But one of the things that we came up with in
talking with the owners of the property was for
those building that we did not have permits on,
or that had been constructed without permits,
they had to provide to us what we refer to as
as-built plans to show us exactly how these
buildings are constructed. And they had
structural engineers that came out there, you
know, to develop these plans for us. And we
took a look at those plans, the Building
Inspections Division did, and it was determined
that what had been done, you know, with some
modifications would meet the City’s code. So I
think all of that has been ironed out now. And
pretty much anything that has taken place since
then, they have gotten permits. And I think
they will get permits for the development that
they’re proposing right now. If they don’t, we
will come out and issue a cease and desist for
any work activities without permits.

COMMISSIONER DIETTRICH: Okay. So through
the Chair to Mr. Burney, the dorm rooms, as I
understood it, were in inadequate buildings, and
there’s students still living in those
buildings. So if these building are in the

see exactly what’s in the file, but while you
continue the deliberations, I can call back over
to the Department and have somebody to
double-check that real quick.

COMMISSIONER DIETTRICH: That would be
wonderful. I’d greatly appreciate that,
Mr. Burney.

MR. BURNEY: I’ll do that.

COMMISSIONER DIETTRICH: For now, I’ll go
ahead and rest and pass.

Thank you.

THE CHAIR: Commissioner Hill.

COMMISSIONER HILL: Through the Chair, I
will be the briefest of all, because I think
that we’ve covered just about every subject that
we could possibly cover. But I will say that
I -- first I want to say that I’m not satisfied
with the parking solution. I don’t think we
have a parking solution at this point. Also,
I’m concerned about the traffic, and one reason
I’m concerned about the traffic is the
relationship of the traffic to the people who
live there. We’ve got residents living there,
and there seems to be a real conflict with that.

And then the other one, and the last one
that I'll mention, we've left an awful lot up to
enforcement. And enforcement is difficult, and
that really I think probably concerns me as much
anything else. So with that and with the
collection that we've already gotten, I will
stop.

Thank you.

THE CHAIR: Thank you, Commissioner Hill.

COMMISSIONER FRILEY: Thank you, Mr. Chairman.

Seems like we've had a lot of discussion
about various issues. As we were going through,
I took some notes and had about twelve items to
bring up. Now I have just two clarifications,
so I think we're on the right track here.

But I would like to say I do agree with
some of the dialogue that's been had. The
parking I believe is the main issue with the
residents. Actually, I do want to step back one
second and ask a question about the last
meeting, public meeting that was held on-site.
Commissioner (sic) Burney just stepped out, but
I'm just curious as to the residents that were
at that last on-site meeting, how many people
were there. There were I think described seven
or so items. How was that meeting attended? So
if one of the residents who was there could
answer my question.

THE CHAIR: Were you at the meeting --

MS. SONTAG: Hilda Sontag.

I was at the meeting along with many of my
neighbors. I think we came to agreement in a
lot of areas that, but it's been pointed out
very well here. Our main issue is parking. We
need a clarification. It's fine if they want to
have an off-site parking, but there's no number
there.

THE CHAIR: Okay. Yes, ma'am. The
question was about the attendance at the
meeting.

MS. SONTAG: The attendance at the
meeting.

THE CHAIR: A ballpark figure, 5, 50, 100?

MS. SONTAG: Oh, I'm sorry. Excuse me.
Total? At least eight. I don't have the
sign-in sheet -- I'm sorry.

COMMISSIONER FRILEY: It sounds like we
have a sign-in sheet over here. Would you come
up to the mic?

THE CHAIR: They said 26. And they are
nodding affirmatively, 26.

COMMISSIONER FRILEY: Twenty-six.

THE CHAIR: That answers your question?

COMMISSIONER FRILEY: That answers my
question. I'm just curious, we've had a lot of
dialogue here, and, you know, we've heard that
there's been 10, 15 meetings. I just was
curious about the last meeting where the last
issues were stated and addressed.

The two clarifications that I wanted to
kind of talk about was I think as we were
discussing, we said that the site plan was dated
June 5th in the staff report, but I think the
site plan is dated June 4th on Condition Number
7; am I correct in that assumption?

MR. HUXFORD: That's correct, sir. That
was a typo. We did fix it on Condition 3. We
did not catch that on Condition 7, but it is the
site plan of June 4th.

COMMISSIONER FRILEY: Okay. And also on
Condition 12, I think Commissioner Hagan, when
you were discussing there you mentioned that it
shall be completed within six months, and I
believe that was changed to 12 months; am I
correct?

MR. HUXFORD: Through the Chair, yes, sir,
that's correct.

COMMISSIONER FRILEY: Okay. And just to
end my questions here, like I said, I do think
the parking is the major issue. I do commend
everybody involved. I think there was a lot of
discussion and a lot of information exchanged,
and some things seems like it was resolved with
the staff report and the conditions. Some
others, seems like they may still have a little
work to do. But as, you know, Commissioners,
this is -- we're tasked to offer a
recommendation, and I think, you know,
personally, we have a lot of information that we
could make a decision one way or the other.

THE CHAIR: Thank you.

Second time.

Commissioner Day.

COMMISSIONER DAY: After hearing
everything, I kind of want to maybe try to get
us to land the plane here and not have a whole
bunch more discussion on this topic.

I kind of want to come back to the fact
that I think parking is the biggest issue here.
From where I am now, I know the motion on the table is to deny. We talked a lot about not wanting to workshop these things. And I feel like from the testimony that's been given, a lot of time has been spent work-shopping this outside of here, and they've kind of come with a lot of conditions, the biggest one of which we keep seeming to go around talking about is parking.

My stance as of right now, because of the way it's written, we are holding them to the minimum parking requirement as a vocational trade or business school, which I think is appropriate. And I think the penalty we're giving them for not meeting that is fairly severe from what they're allowed to house in on-site students. Knowing the nature of this business, there's two in the country, there are people coming from all over the U.S. and the world, I think dropping it from 250, if they lose the underground and anything else that means there are less than 100 students on-site. I think it's a punitive penalty for not meeting the parking requirements, leased or owned.

I would add, even though the enforceability may be tough, it is enforceable that, in my opinion, I'd like to see this approved with another condition stating that -- and the wording can be changed, and I think the applicant would be open to this in just hearing his testimony. But, you know, no users of this, you know, facility or school would be allowed to park on the streets or on the roads. It'd be very easy if it become an issue to send a code enforcement person out there to sit there and watch someone walk from their car to the street in. He's already said on testimony that they've got a security guard at the gate that if someone walks in, he can make sure they haven't gone, parked on the street somewhere. It sounds like he's very willing to make sure that if he doesn't have the spots on-site or leased, he's going to send them to a place he can shuttle them in so that he solves the parking problem, and he just is asking for a chance to solve it. I think adding that Condition, even though it's, you know, not normal and maybe not the easiest to enforce, I believe it's between now and LUZ to figure out what the penalty would be if they

do break that. But I think there is an ability to say if someone's parking on the street and walking to this place, then they would be violating their current zoning.

And so my preference would be that everything that's been worked out so far today would go through, that the penalty that is punitive, that they lose the lease spots, but that we would also add a condition that he's not letting people park on the street and use, you know, the facility or, you know, whatever the General Counsel would sort of recommend as wording for that, whatever those people are called using that facility. But that we would get to a point where, you know, we have a way of putting that on as a condition.

I mean, other than that, I think the use is appropriate for CGC-2 or for this commercial -- general land use. And I think holding them to the requirement that is our minimum requirement for parking makes sense.

So that's my opinion. I'd like to see it, you know, pretty quickly move to a decision one way or the other. We may end up still voting on the denial. That's fine. I just wanted to get

I appreciate -- Day.

And, yes, just as a point of information, we'll say that we couldn't have you have an amendment, because there's currently a denial, but I've made note of it. We'll see what happens as we continue on with Commissioner Peters. Second time around;

COMMISSIONER PETERS: Thank you, Chairman. First off, I'm commending Captain Black. You know, I'm a small business owner as well, and I certainly, and I'm sure everyone here appreciates you putting your money where your mouth is and bringing this facility to our city. And I certainly want to see this, you know, flourish and be successful for you and the folks that you provide service for. But, you know, it really comes down to parking. And my question is I guess if you will answer it or maybe staff or someone. I think that it's going do be a direct correlation between parking and parking spots and who's going to there, but no one has answered my question. You have 50 people there.
That's your team that you need every day. You have 250 students staying on campus. What about the other folks that are going to be there? Who else is going to be there? Give us a number. I mean, because if you tell me 200, then we have -- you know, there's another issue. I mean, you know, I just haven't gotten an answer yet.

CAPTAIN BLACK: Well, it's a matrix that you really can't put a thumb on. Yes, I have 50 employees. I have two locations. So they'll do some of their training here and then they'll go to another location for deep water training. They have to dive in like 300 foot of water. With the diving program that I run, it's a five-month program for the welding and for the diving. My EMA is an eight-month program. My welding's a five-month. So we got four different programs that roll through here.

You know, so basically for enrollment, to get a number on that, it's hard to do. But what you can do, when I agreed to this 250, the 250 says -- that's who's living on campus. If you lose this parking, that means you've got to take a third of the people living here that you can't take on and offer them dormitory. Then they have to go find somewhere else to live off-site. So I can control that parking, and you can oversight my control of it. But to put a number on enrollment? I may have a person apply to go to school that's still in the military. They won't get out in eight months. You know, I may have 700, 800 people on the books that are enrolled that are not even here. You know, it's a matrix that goes in and out.

My EMA program, they do four hours. They'll come in at 8:00 o'clock in the morning and they leave at 12:00 to go do, you know, work at the hospitals and ambulance service and stuff like that. So it's a moving number, because I start a class every month, I graduate a class every month. It's kind of a unique role.

Again, though, it seems simple to me in the parking. Once I have a defined parking, and I understand you give me the rule of the PUD says you got 250 people, that's the max that can stay on this campus. I've got 107 parking spots at campus, and anything over that is overflow parking. It's pretty simple to me. When they come to me, if I don't have parking, they go to the overflow. If something happens and everybody in Jacksonville just says, Captain Black, we don't like you, we're not giving you any more parking. I understand you're going to come to me and you're going to say, you can't have all these people no more. You've got 100 spots is all you got left, then I will reduce my dormitories down to meet that number. As a business owner and expanding my business, that's not going to happen, because I guarantee you I'm going to find parking if I have to go to the airport and rent slips myself. So parking will come. And I'll get a shuttle bus, I already own one, that will bring them back and forth.

To define it to convince you and convince my neighbors, the only way to define it is I got to take a patch of land that has 90 cars on it and I make it to 33, then the proof's in the pudding. There's 33 spots, there's 33 cars there. There's no other cars parking on the road. My security guard, I will have put the rule out, if somebody parks on the road, don't let them into campus. Tell him to go move his car. But I agree, it's a good point, they get lazy. But with the parking that's available, they can go use it. If they don't want to use it, don't bring your car to school. Ride your bicycle.

You know, I've got stuff that I can implement. This is important to me to expand my school. I don't like fighting with the neighbors. I don't want enemies. I don't like being here because I don't know where I'm at. I'm in the diving business and the training business, and I guarantee you parking will not come across your desk again. I'm going to fix that.

COMMISSIONER PETERS: Thank you for your comments, Captain Black.

CAPTAIN BLACK: You're welcome.

THE CHAIR: Commissioner King.

COMMISSIONER KING: This question is to staff. The idea that I articulated that we'd have some kind of a parking plan that we put into place, I think there's some interest from fellow commissioners. Also, the neighbors have indicated to me in the break that that was an idea that they were interested in. The applicant also was interested in it. Do we have anything that's a template from any other
project that we could use? If we wanted to
codify these kind of the things that we're
discussing, how could we put it into these
conditions?

MR. HUXFORD: Through the Chair to
Commissioner King, good question. I don't have
the ready answer for you. I'd probably circle
back to my PUD staff to look for prior examples
of some sort of template and see if there's
something we can implement, but I'm not prepared
to come up with one on the fly here.

COMMISSIONER KING: Just at this time, I'd
like to withdraw my motion to deny. I think
perhaps -- I think we've all talked this out
substantially. I think we've all articulated
that we have concerns with the parking
situation. I think there is some consensus, and
perhaps it may be time just to move this along
with a very tightly worded report to LUZ and
what we're looking for them to do, but that we
are unable to do it. And maybe in those two
weeks, staff could come up with some examples
that then would facilitate their work.

THE CHAIR: Maker of the motion has
withdrawn her motion. Does the seconder

it, the basis of that condition being that no
one can park on the street and walk there or
park, you know, in a public right-of-way, that
they have to be parking either in a lot that
they own or in a lot that they show a lease for,
or come in on a shuttle.

The second condition would be that all the
employee parking be on-site. The site -- on the
map that I have from -- on this site plan is the
one that the applicant sort of stated on the
east side of Main Street that the employees
would be parking in just to further assure that
employees will be parking there, so the students
would be parking on the other side. If there's
any other comments, and I'm sure the applicant
will want to address if they're in agreement
with those two. But that would be my motion.

COMMISSIONER KING: Second.

THE CHAIR: So we have a motion and a
second for four conditions, the four of which
we've previously edited, and Commissioner Day's,
too.

Ms. Hipps, would you mind coming forward
just briefly before we begin our discussions,
because I don't want to take up time if you're

likewise?

The motion is off the table.

Commissioner Day.

COMMISSIONER DAY: We need a motion to
keep proceeding; am I correct?

THE CHAIR: Yes, sir.

COMMISSIONER DAY: I guess in accordance
with some of the comments I made earlier, I move
a motion of approval with the recommendations
that are in here as revised the first time it
was read by the staff. Conditions Number 6, 7,
and 12. I would also add that there's two more
conditions to the motion I would make, unless
you would rather me just do that than amend
it --

THE CHAIR: -- they may --

COMMISSIONER DAY: -- okay.

THE CHAIR: -- number 5 as well.

COMMISSIONER DAY: Okay. You're right,
from 7 a.m. to 6 a.m.

And then my motion would also include two
more conditions. One that would allow no other
off-site parking outside of leased or owned
land. And if the wording needs to change
between now and LUZ in order to, you know, help

not at least willing to entertain having no
users utilize off-site parking except for leased
or owned by the CDB (sic) and that all employee
parking be on the east side of the PUD across
from Main Street. Any thoughts you'd like to
share with us about either of those two
additional conditions?

MS. HIPPS: I'll turn to Captain Black. I
think that we'd be in agreement with those.

CAPTAIN BLACK: I'm going to agree with
your first part there, you know, to enforce that
the student parks on one of my areas. I'm fine
with that. My future goal is to get all the
admissions over there, but to do it right off
the bat, I've got to contain my chaos first.
But it's my future goal. But to be demanded to
do it is kind of rough, because right now
they're parking right up under the bridge, right
up under the admissions, where my administration
is now.

COMMISSIONER DAY: Okay. Within 12
months, is it doable? The same timeframe as
sort of getting the off-street parking, you
know, put in place?

CAPTAIN BLACK: I'll work with you on
And your enrollment, you have to have enrollment records. There's got to be a way to know some kind of number, even at the highest peak when all students are there.

CAPTAIN BLACK: I can give you an enrollment as of that day, as I start a class and graduate a class every month, four different programs. No, all of my students do not stay on campus. My diving program is mostly the ones where students come from abroad, all over the U.S. and the world. They mostly use the dormitory. My medical and hyperbaric medicine wound care programs is mostly students from the Northside area, because there's five schools that teach MA. We're one of them five schools, so we basically it's our area, the Northside.

COMMISSIONER DIETTRICH: So, Mr. Black, would you say that the portion of students that stay on campus versus the students that come that do not reside on campus and the additional professionals and other random students that you have coming in and out of programs, what's the ratio of dorm students to non-dorm students?

CAPTAIN BLACK: Right now -- from where I'm sitting right now, I'm going to say that I probably -- I have like 60 or 70 students staying on-site now that stay in the dormitory. And the neighbors can probably verify during the day, there's a lot of cars, in the evening, it's not so many. But that's the ratio as of today. But they fluctuate up and down.

COMMISSIONER DIETTRICH: I'm sorry.

You're saying that -- what percent of students stay on -- at the highest moment when you have the most students enrolled in your various programs, that number would be roughly, what, 1,000, 800?

CAPTAIN BLACK: What, total students?

COMMISSIONER DIETTRICH: At the highest moment of enrollment when you have the most students enrolled in various programs, what kind of ballpark are we talking about?

CAPTAIN BLACK: What I hope or what actually happens?

COMMISSIONER DIETTRICH: Right now and what are you planning for?

CAPTAIN BLACK: You know, right now my total enrollment with all my programs is probably -- I can't give you exact, but I'm going to say we're pushing -- you know, I may have like 170 students right now with all my programs.

COMMISSIONER DIETTRICH: Okay. The reason why I was getting to that, Commissioners, is because we keep focusing on 250 students. Well, that's just who's living there. We're not talking about -- where are all the other people going to park?

I would like to make -- in the spirit of Commissioner Day and wanting to move this and not workshop this any further, I think that there needs to be tight conditions on the fact that nothing should be permitted without DOT's approvals. I think that the monitoring and the control of the parking should be completely 100 percent at the expense of the applicant, kind of like a parking commercial service that actually takes care of this. That way the resident don't have to be doing it. It's not their responsibility. And I think there needs to be -- LUZ doesn't like workshopping these either. So if we're making a recommendation to LUZ and staff that they do what we're not going to do here, then there needs to be a full-blown plan prepared and sent to them prior to their
meeting so that way they can actually talk about
that model and vote on it or amend it instead of
doing what we have been put in a position to do
here today. Otherwise, if there aren't strict
guidelines on it, either it gets done and then
you get your permits or there has to be
something that's scrutinized, because Code
Enforcement doesn't have the resources for that.
I can get behind that if there's approval with
those kinds of conditions.

THE CHAIR: Could that be part of our
tightly worded recommendation to the LUZ that
those three aspects be addressed, not that we
come up with three conditions today?

COMMISSIONER DIETTRICH: Yes,
Mr. Chairman.

THE CHAIR: Okay. And I look to
Commissioner King before going back to questions
from others. Is that in the spirit of what you
would like the LUZ to consider that our diligent
staff are going to look to the transcript and at
the 405 record point, that Commissioner
Diettrich eloquently stated some concerns that
she would like addressed in the eventual effort
of the LUZ?

Any questions from staff about that? We
all know our marching orders?

MR. HUXFORD: Through the Chair, if we
could have those concise once again, because I'm
going to put those in the Planning Commission's
letter to LUZ. I want to make sure I didn't
miss anything.

THE CHAIR: Thank you, Mr. Huxford.

COMMISSIONER DIETTRICH: Through the Chair
to staff, the first recommendation that's not
worded as a full-blown recommendation, but --
and if I get these out of order from my previous
one, I apologize, for the record. The first one
would be, and most important one would be, that
staff, prior to LUZ, and significantly prior to
LUZ's hearing this, that a parking model or
models along with the applicant's responsibility
of having parking monitored or that the parking
agents that monitors, like people hire people to
monitor lots, you know, at the beach and at the
City, that the model or models are sent to LUZ
prior to their hearing so they are able to
thoughtfully be prepared so they are not put in
a position like we have been to workshop it
either. I do not want to pass the buck to them

without significant preparation being given to
them. Otherwise, we are literally just passing
the baton.

Second one is that there needs to be
satisfactory lots and permits and leases and all
these things in order for permits to be granted
for these expansions, because the cart is before
the horse. We need to get things in order. So
these things, these leases with DOT, sufficient
lots, you know, the land has already been
acquired apparently for one of these. So these
things need to be in place and guaranteed before
they can move forward with this expansion.
Otherwise, then we're going to be stuck with
nonconforming buildings with lack of parking
that who's going to be able to monitor whether
those actually get utilized or not, and that's
going out of hand. I think those two actually
took care of the way I maybe stated them. I'm
not missing one, am I?

And is it fair to say for fellow
commissioners through the Chair to the woman who
came up and spoke that was at the last meeting,
if you could -- I'm sorry? Sontag? Pardon me,
sorry. Ms. Sontag, and not that we're going to
take a recess to huddle here, but from what
you're hearing, do you and do you have the sense
that what we're saying may mitigate your biggest
concerns?

MS. SONTAG: That's exactly what we've
been waiting to hear.

COMMISSIONER DIETTRICH: Okay. I just
want to make sure that what we're recommending
is in line with how you feel or -- because I
would hate to make recommendations that --

MS. SONTAG: It's exactly what we feel
that as long as we're -- it's verified that the
parking spots and students he has are equal to
and it doesn't overflow into the neighborhoods,
and the recommendations you've set forth just in
the past ten minutes are exactly what we've been
wanting to hear.

COMMISSIONER DIETTRICH: That's all I
needed to know, that we are doing what the
neighbors specifically want. And I apologize on
behalf of whomever that this hasn't occurred
sooner, but we're here now and we're taking care
of it.

So, Mr. Chairman, with that, I leave those
recommendations to you to move.
THE CHAIR: Commissioner King.

COMMISSIONER KING: Thank you for articulating that so beautifully. I just want to mention to staff, when you guys look for a template, I'd look at hospitals and residential neighborhoods. My guess is that this is kind of the similar kind of setup where we're trying to make sure that people aren't parking out in the residential areas.

THE CHAIR: Anyone else?

Now it's my turn, and I promise to be brief. I've let everyone else go first. But just to say this is a premium organization, Captain Black. You're doing what's right by coming forward and putting in the conditional PUD. I commend you and the team, the professionals that you have on your team for going through this; the considerable amount of outreach that many others would have stopped long ago. And I'm hoping the Commissioners, that we continually ask that the community be heard, and I can't -- we didn't even hit the tip of the iceberg on how much outreach has gone on both through the Commission's office, the Councilmen's office, Councilmember Lee's office, through the Planning Department; thank you again to Director Burney for pinch-hitting and really bringing this in for a landing this week.

There are parking solutions that we've addressed. I don't feel that this is inhibiting the park access that is there now. I saw nothing in this would lead me to think that this would cut off people from being able to use the park that's nearby. We have letters of support from the CPAC and both City council members. This has been a lot of improvements in safety that we're not going to delve into tonight, but I commend again the applicant for doing things above and beyond what's required of him and what's imposed on him by the City for his own students. And I'm not saying that I'm this familiar with this neck of the woods as others, but when prostitution and drug use and violence are rampant, if time would permit it, I wanted to hear a little more from the Captain about the students, because if you were listening to the first 20 minutes of today's program, you would think that he's got a bunch of hooligans that come down here to hurt the people on Trout River Drive.

But, again, I want to make sure we highlight what has been done as far as safety and improvement in the area. I commend Councilmember Gaffney in particular for his safety walk-throughs with the JSO and efforts. And with that, I wholeheartedly call the question on recommending to our LUZ at their June 17th meeting that they approve 2014-143 with the 16 conditions and the letter that will accompany.

All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

Ladies and gentleman, again, they don't have to listen to what we say. Be there June 17th in these chambers at 5:00.

We're going to move next to another PUD 2014-311. Mr. Almond, if you don't mind coming forward. Mr. Huxford is going to pinch-hit again for Mr. Lewis.

And before I bring that to your attention, Commissioners, we are going to be deferring conventional rezoning 2014-332, the 6765 Dunn Avenue liquor store location. Councilmember Lee has asked and I am adhering to her request to defer this item. So if you're in the audience for 2014-332, it shall not be heard today. At our break, if you'd like to ask me or staff more details about that, we'd be happy to answer it.

Good afternoon, Mr. Almond.

Mr. Huxford, 2014-311 is in the greater Arlington planning district, my neck of the woods, 1900 Corporate Square Boulevard. Mr. Almond's requesting rezoning from PUD and IVP to PUD, about almost seven acres to expand his facility and include administrative and therapy buildings.

You have our standard 4 conditions, which are the original legal, the original written description, the original site plan, and the development services memo of 5/15. We have a CPAC letter of support, and the condition to meet Part 12 of the land -- I'm sorry, the zoning code. I forgot my jurisdiction for a second.

Mr. Huxford, is there anything in addition to your staff report you'd like us to consider this afternoon?
MR. HUXFORD: Hopefully this will be much easier. No, sir. We stand by our staff report as it is in your book.

THE CHAIR: Thank you.

MR. ALMOND: Mr. Almond, good afternoon, sir. Could I have your name and address for the record, please?

MR. ALMOND: Eric Almond, Almond Engineering, 3609 Hendrix Avenue, Jacksonville, Florida, 32207.

THE CHAIR: Thank you, Mr. Almond. You have a recommendation for approval with 4 conditions. Are you familiar with those conditions, sir?

MR. ALMOND: Yes, sir, I am.

THE CHAIR: Are you in concurrence with those conditions?

MR. ALMOND: Yes, sir, I am.

THE CHAIR: I have no other speaker's cards. Would you care to elaborate or do you have anything else to add?

MR. ALMOND: For the sake of brevity, I would just say thank you, and I'll answer any questions if there are any.

THE CHAIR: Thank you very much.

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Avenue, off-premise consumption in the CCG-1 District. You have one condition, 85 percent opaque complimentary use buffer a minimum of ten-foot wide along the southeast property line meeting this code reference, which is 656-1216. Anything in addition, Mr. Huxford?

MR. HUXFORD: Through the Chair, that's actually the south property line. I would just point out there, there are no companion waivers to reduce distance. I know there are some churches and schools in the overall vicinity; however, this particular location meets all distance requirements, which is to be at least 500 feet away. The closest school or church is the Hyde Park Baptist at 762 feet.

So with that, we stand by our staff report with the recommendation for approval with conditions. Thank you.

THE CHAIR: Thank you very much.

Mr. Dan Boswell, good afternoon, sir.

AUDIENCE MEMBER: Good afternoon, sir.

THE CHAIR: Could I have your name and address, please, for the record.

AUDIENCE MEMBER: Dan Boswell, 4014 Ranie Road, Jacksonville, Florida, 32218.

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Mr. Almond.

Is there anyone else in the audience to speak to 2014-311?

AUDIENCE MEMBERS: (No response.)

THE CHAIR: Seeing none, I bring it back to Vice Chairman Hagan, please.

COMMISSIONER HAGAN: Mr. Chairman, I move 2014-311 as conditioned.

COMMISSIONER DIETTRICH: Second.

THE CHAIR: Moved to seconded.

Discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIR: Seeing none, all in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIR: Thank you Mr. Almond. The LUZ will take this up in these chambers on the 17th.

MR. ALMOND: Thank you very much.

THE CHAIR: We're jumped to bring back up to exceptions. There's a liquor store request E-14-26 as Mr. Boswell makes his way down.

Mr. Huxford, this is an application for exception in the Southwest Planning District. It's between Hyde Grove Avenue and San Juan

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THE CHAIR: Mr. Boswell, you have a staff report recommending approval with one condition. Are you familiar with that condition, sir?

MR. BOSWELL: Yes, I am, sir.

THE CHAIR: Are you in concurrence with said condition?

MR. BOSWELL: Yes, I am.

THE CHAIR: I do have two speaker's cards in opposition. I offer you this time to share anything you would like, or also time after they've spoken to share information if you'd like.

MR. BOSWELL: Well, it's on a major corridor. Where it's located at is directly across from a Hess Station, strip center. This is a highly commercialized area, strip along Lane Avenue, and it does meet all the distance requirements. This is probably one of the more ideal places to put one.

THE CHAIR: Thank you, sir. And as I said, I'll be sure and call you back up after we have members of the public. First up is Shirley Lowry.

Ms. Lowry, if you don't mind coming forward. And she'll be followed by Kathy Budd.
There was an article in the Times Union paper on May 26, Section B entitled Incentives Deal for Railex Back to Council. The second paragraph talks about the Council being worried about children from Wolfson High School walking to and from school with Railex moving into the area. You are familiar with Railex I'm sure. We have a similar situation with children’s safety with this liquor store which is located in a school crossing zone right at the corner. Most of these children are unescorted at all times of day going to and from school. There are three schools on Lane Avenue within the area of the proposed liquor store, plus Ed White High that walk these streets every day. We have a church in the same block with services held at various times of day and night.

We live in the neighborhood and we feel the liquor store will create blight in our neighborhood. It does not fit with our vision for our neighborhood. And these are some of the questions I would sort of like to ask.

Is this to be a package store?

Will there be a drive-thru like ABC Stores?

Neighborhood watch and cochairman of Southwest CPAC. The best thing I heard you all say today is that you want to hear from the community. I am here on behalf of our community.

I want to paint you a picture of what 1902 Lane Avenue looks like. It's at the corner of Hyde Grove directly across the street from the former Tad's (phonetic) Restaurant, if you're familiar with that. It was a convenience store for many years. The last few years, it's been a drug haven, and now it's empty.

I bring to you today petitions with signatures of 962 people in that neighborhood that are opposed to this liquor store. They include people from two churches, two schools, three daycare centers and the Wiley Senior Citizens Center. The liquor store would be three-tenths of a mile from Hyde Elementary School, one-tenth of a mile from Pumpkin Patch Daycare and It's A Small World Daycare.

In addition, the parking lot, as Shirley told you, is a school crossing. So the children are forced to congregate there and wait for the school guard to allow them to cross the street. There’s four other places within a mile to buy...
liquor. We do not feel that the liquor store at the corner of Hyde Grover and Lane Avenue would be an enhancement to the community now or in the future. I believe Councilman Brown has opposed this, and we really want your consideration on this. And I'd be glad to provide you with the 962 residents' names. But two churches, two schools and three daycare centers is not the proper setting for a liquor store.

Thank you.

COMMISSIONER DAY: Thank you so much. Anyone else to speak to E-14-26?

AUDIENCE MEMBERS: (No response.)

THE CHAIR: Mr. Boswell, please come forward, sir, and share with us anything you'd like to respond to or additional information you'd like us to consider.

MR. BOSWELL: Thank you. This was previously a convenience store location with pretty good traffic coming and going in and out of that location, and they had a liquor license there also. They were selling beer and wine, this is only an increase on the liquor. With a Publix at that location, they have a liquor license. They sell liquor. There really wouldn't be any change whether it was a Publix Store or this package store. This is not for consumption on premises, this is for people to come get it and take it home and drink it there. This is nothing that -- and this is something I wouldn't mind having in my own neighborhood. I live in a nice neighborhood. I just don't see a bad effect. If this is a lounge or a bar or something, then I would have a bad opinion about placing it in this location, but this meets all the distances. It's no different than a Publix and there just is no problem that I can foresee at this location at all.

THE CHAIR: As to the two quick questions from the audience, you answered one, I believe. It's a package store, for lack of a better term? MR. BOSWELL: That's correct. It is a package store.

THE CHAIR: Will there be a drive-thru?

MR. BOSWELL: No sir. No drive-thru at all. They have to actually come inside and they have to show ID. The owner has several other package stores here in Jacksonville, and he's well-known for absolutely not selling to any minors under 21 years of age. But this is not for consumption on premises. People do not loiter there at this location on their property. It's not allowed. So it's to take and take home.

THE CHAIR: Thank you, sir.

with that, I'll bring up E-14-26 with a recommendation of approval with one condition. Let's see where the motion goes.

Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, based on the staff report given from the Planning Department, I move approval of E-14-26 as conditioned.

COMMISSIONER KING: Second.

THE CHAIR: Moved and seconded.

Discussion, Commissioners?

Commissioner Day.

COMMISSIONER DAY: Just real quick through the Chair to either staff or the applicant, the business is currently operating as a store, is that correct, or is it closed down looking to reopen?

MR. BOSWELL: It's closed down. It's just a vacant building there that's being vandalized.

COMMISSIONER DAY: So this is a new user coming in trying to use this?

MR. BOSWELL: I'm sorry?

COMMISSIONER DAY: This is a new user coming in trying to use this?

MR. BOSWELL: Yes, sir. The current owner -- it is the current owner of the property, but it is an owner of several other liquor stores here in town and has no complaints with or through the Department of Alcohol and Tobacco at all. Runs a very clean -- if you ever -- if you sell to minor -- package store sells to a minor, then their license is taken away.

COMMISSIONER DAY: I know the regulation is fairly strict on that. Just to the Commission, you know, we have the nine conditions we're supposed to sort of consider this with. And we've had it in the past where -- I mean it's an old store sitting out there that's a stand-alone store, and it seems to be the hardest one to kind of, you know, get comfortable with. I think when you find them going in new strip centers or in a Publix, it's very easy to see how it fits in
Actually, I pass it going to church, not that that makes any difference. That doesn't bother me because I pass a lot more blight going to church anyway. It's right around the street from our family. I'd love it on the other side of the road, but we're not talking about that today.

I agree with Commissioner Day, how is this going to make the neighborhood better. Is it going to improve the neighborhood? So I have concerns with that. Gosh, I mean I really don't have any questions for you because it's all right here, but I think I want to look to the rest of the commissioners and see where they fall on this, and maybe it will answer some of the questions that I can't ask.

THE CHAIR: Okay. Commissioner Diettrich.

COMMISSIONER DIETTRICH: Actually, I don't have any questions for the applicant except that it's pretty cut and dry. I just simply have heartburn that that many people are against it. I mean we've seen 300, we've seen 100, we've seen 26. This is overwhelming, and I think that speaks for itself.

THE CHAIR: Commissioner King.

Commissioner Friley.

Commissioner Hill.

Peters.

Second time, Day?

COMMISSIONER DIETTRICH: Actually, one comment through the Chair to the applicant. I can appreciate someone owning property and wanting to utilize it to its best and highest use. That's their right. I totally respect that. So a little advice to the owner, think of another proposed use that's more palatable to the neighborhood.

Thank you.

MR. BOSWELL: Well, it has been vacant for some time. And as everyone here knows, whether it's in a good neighborhood or bad neighborhood, a vacant convenience store that's boarded up is a perfect location for vandals and drug use and things like that that are really bad for a neighborhood versus a package store where they're not actually drinking there, they're just coming in and buying it and going home with it. And the fact that there's not a drive-thru where they're probably making it more difficult to identify who's actually purchasing the alcohol rather than having to come in and provide ID, be photographed --

COMMISSIONER DIETTRICH: I can completely understand that, sir, and we've been through that. It's an overwhelming community unified voice against this use. It's a blighted building. I think he might attract a better tenant if there were improvements made to this building.

That's all I have to say. Thank you.

THE CHAIR: Final comments?

COMMISSION MEMBERS: (No response.)

THE CHAIR: Seeing none, we have a motion and second to approve with the one condition. All in favor?

COMMISSIONER FRILEY: Aye.

THE CHAIR: Let's do this by hands. All in favor, signal by raising their hand.

That's Commissioner Friley.

All opposed?

Commissioners Peters, Hill, Hagan, Robbins, King, Day and Diettrich.

That motion fails. Mr. Boswell's aware of his appellate of our decision within 30 days.

Thank you, sir.
COMMISSIONER DAY: Do we need to submit a countermotion so we actually have action or is that enough?

THE CHAIR: We had a majority, more than four votes, so the motion failed.

Let's do that just to be safe. How about that.


COMMISSIONER DIETTRICH: Second.

THE CHAIR: Moved and seconded to deny. All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSIONER FRILEY: Aye.

THE CHAIR: Okay. Same stance, 7/1.

COMMISSIONER DAY: And just for the record, it was in regards to Condition 2 and 5. Those are the criteria that we are looking at.

THE CHAIR: Thank you.

MR. BOSWELL: Would it be possible or reasonable for me to ask for a copy of the petition?

THE CHAIR: Absolutely, sir. It's in the record. We can't give you the one we have, but...

...Separately, but, yes, we'll be bringing that one.

...Continuing the same thing, but I also ask the speaker's cards on the matter for recommendation for approval. I have no other truth?

The testimony you're about to give will be the truth, the whole truth and nothing but the truth?

MR. TINGLE: Yes.

THE CHAIR: Quite welcome, sir.

AUDIENCE MEMBER: Ben Tingle, 6561 San Juan Avenue, Jax.

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

MR. TINGLE: (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. TINGLE: I do.

COURT REPORTER: Thank you.

THE CHAIR: Mr. Tingle, you have a recommendation for approval. I have no other speaker's cards on the matter for E-14-27, just confirming that. Okay. And we have a correspondence from the district council person that they are satisfied with this moving forward today.

Is there other information you'd like us to share?

MR. TINGLE: No, no, no. We'll be continuing the same thing, but I also ask the Chair to also look at the next --

THE CHAIR: We do have to consider them separately, but, yes, we'll be bringing that one up, almost a mirror image.

MR. TINGLE: Thank you.

THE CHAIR: Quite welcome, sir.

Is there anyone else in the audience here to speak toward E-14-27 at 6561 San Juan?

AUDIENCE MEMBERS: No response.

THE CHAIR: I see none, and turn to Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of E-14-27.

COMMISSIONER DIETTRICH: Second.

THE CHAIR: Moved and seconded. Discussion?

COMMISSION MEMBERS: No response.

THE CHAIR: Seeing none, all in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: No response.

THE CHAIR: None. Thank you.

E-14-28, also in the southwest planning district on 7024 Wiley Road, an exact replica of that last one, am I correct, Mr. Huxford? We're going from a group care home to ALF.

MR. HUXFORD: Yes, sir, exactly the same. Same prior owner, same future owner.
THE CHAIR: And Mr. Tingle is the agent on record for this one as well for E-14-27. I won’t ask him to come forward because we have no speaker’s cards. I want to confirm no one else in the audience to speak to E-14-28, is that correct?

AUDIENCE MEMBERS: (No response.)

THE CHAIR: Mr. Tingle, is there anything else you want us to consider, sir?

He’s signifying no.

Seeing none, I bring it to Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of E-14-28.

COMMISSIONER DIETTRICH: Second.

THE CHAIR: Moved and seconded.

Discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIR: Seeing none, all in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIR: Mr. Tingle, you have approval, sir.

We’re going to go to Page 6, Minor Plan, Perimeter Park Boulevard, Minor Modification 14-14.

Mr. Touring is not listed as an agent on here. Is Mr. Jason LaPointe with us? Thank you, Mr. LaPointe. If we could have your name and address for the record, Ms. Hutcheson will then swear you in.

AUDIENCE MEMBER: I’m Dave Touring. I’m an engineer of record. I’m not Jason. Jason is -- I don’t know how he got as the agent, but --

THE CHAIR: Okay. Mr. Touring, is that T-O-U-R-I-N-G?

MR. TOURING: Correct. I’m with the Touring Company, 8833 Perimeter Park Boulevard, Suite 201, Jacksonville, 32216.

THE CHAIR: All right. Ms. Hutcheson will swear you in.

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

MR. TOURING: (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. TOURING: I do.

COURT REPORTER: Thank you.

THE CHAIR: Question to the Office of General Counsel, Mr. Touring -- (Inaudible discussion)

THE CHAIR: I just wanted to make sure -- Mr. Touring is not listed as an agent on here, is he fine to testify?

MS. JOHNSTON: (Inaudible response)

THE CHAIR: Okay. Thank you, Ms. Johnston. I apologize for hijacking you. Again, to revise the site plan for townhomes in lieu of apartments, anything in addition to that, Mr. Touring, we should know about?

MR. TOURING: No. I read the report and I agree with the recommendation.

THE CHAIR: Excellent, sir. Thank you very much.

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

AUDIENCE MEMBERS: (No response.)

THE CHAIR: No one else to speak to Waterford at Mandarin.

Let’s bring it to Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of M-14-14, MM-14-14.

COMMISSIONER KING: Second.

THE CHAIR: Moved and seconded.

Is there discussion, commissioners?

COMMISSION MEMBERS: (No response.)

THE CHAIR: I’m seeing none. All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIR: You have approval, sir. Thank you for your patience.

Brings us back to the PUD, pick up where...
we last left off with the Cummer Museum as
Mr. Kupperman makes his way forward. I look to
our friend, Mr. Huxford, at 2014-304, the Cummer
Museum at 829 Riverside seeking to increase
their identification signage and event signage
or banner, provide alcohol sales on site and
service for special events, provide alternative
parking requirements and increase the parking
capacity. It's about seven acres.

And we have our standard four conditions,
the original legal of April 1, the revised
written of 5/27, the original site plan of 1/27
and a development services memo of April 4th or
as otherwise approved by the PD&D.

Anything in addition, Folks Lewis?
MR. HUXFORD: No, sir, only that you make
a better Bruce Lewis than I do.
THE CHAIR: Mr. Kupperman, good afternoon,
sir.
MR. KUPPERMAN: Good afternoon. Greg
Kupperman, 200 First Street, Suite B, Neptune
Beach, Florida, 32266.

I do have a little bit to add. I'd like
to give the set of proposed additional
conditions to Mr. Huxford. We recently had a

meeting with RAP, and as a coordination with RAP
and the Cummer, I'm proposing these three
additional conditions to make sure everybody's
comfortable.

There was one issue that came up as recent
at this morning. We haven't come to a complete
resolution on that, but we're going to continue
to work with RAP up until the next -- to the LUZ
meeting, and we'll come up with a final
condition on that. These three additional -- by
the way, I do agree with the four conditions
that are set forth by the Planning and
Development Department. And the three
additional conditions are that the cafe shall be
limited to 110 seats, that the proposed monument
sign shall have a maximum height of six feet,
that the regulations provided for in the PUD
dealing with parking, landscaping, specific to
those of the landscaping is specific to several
parcels, signage, et cetera, are specific to the
museum use and their ancillary uses and all
other permitted and permissible uses by
exception shall conform to the conventional
requirements of the zoning code and the CRO
zoning district for the same.

I did bring these up to Mr. Davis, Paul
Davis, who reviewed this immediately.
Mr. Huxford was copied on these, and I don't
think the Planning Department had any opposition
to those conditions.

THE CHAIR: And did I hear you correctly
that Mr. Oliff, representing RAP, is in
concurrency with these additional conditions?
MR. KUPPERMAN: Yes. And he's here, and
obviously, he can speak for himself as well.
THE CHAIR: Anything else, Mr. Kupperman?
MR. KUPPERMAN: No, sir.
THE CHAIR: Thank you. Before we bring up
public comments, Mr. Huxford, do you have a copy
as well as I do?
MR. HUXFORD: Yes, sir, I do. In my old
age, I'm forgetting to mention things, but we
did have that conversation and we are fine with
these conditions.

THE CHAIR: Thank you very much.
Mr. Jonathan Oliff, please come forward.
And if there's anyone else to spoke to the
proposed rezoning of the Cummer Museum,
2014-304, please bring forward a card.
Mr. Oliff, good afternoon, sir.
drive-thru facilities. That is not a use that would be permitted under the overlay in the CRO zoning district, so we've requested to strike that one permissible use by exception. We think we're going to be able to work through that, but it's not something that we believe should hold up the process today.

So as I indicated on the application, we're in support of the PUD application, and we've been fortunate to have a good partner in the neighborhood and working through these conditions. So we appreciate the opportunity to show up and help push one through.

THE CHAIR: Thank you very much, Mr. Oliff.

Mr. Kupperman, I understood Mr. Oliff correctly, it was that between now and LUZ there would be the opportunity to address the drive-thru facility listing in your written description, is that --

MR. KUPPERMAN: Yes, sir, that's correct.

THE CHAIR: Okay. Is there any reason why -- I guess you want to make sure you confer with the client first?

MR. KUPPERMAN: That's correct. That

Dolphin Reef PUD at University Boulevard, on the south side of University Boulevard, actually, north of JU between Fort Caroline and Merrill Road, 62 acres. Mr. Hainline has made his way forward. A recommendation for approval with four conditions.

Mr. Huxford, anything in addition to what's in the staff report?

MR. HUXFORD: Through the Chair, just that Mr. Hainline did have a conversation with our Lisa King about the stuff that's in the memo.

You're ours, too. Employee Lisa King, how's that?

She recapped that she had no objections, and I believe Mr. Hainline is going to put on the record what that conversation was but that she had no objections.

With that, we stand by our staff report.

THE CHAIR: Thank you so much.

Mr. Hainline, good afternoon, sir. If I could have your name and address for the record, please.


THE CHAIR: Thank you, sir. I have one

aspect only came up this morning where these other conditions were worked out last week.

THE CHAIR: So we have seven potential conditions for you that you're in agreement with?

MR. KUPPERMAN: That's correct.

THE CHAIR: All right. Thank you very much.

Anyone else to speak on 2014-304?

AUDIENCE MEMBERS: (No response.)

THE CHAIR: I'm seeing none. Bring it back to my friend and Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-304 with the seven conditions.

COMMISSIONER DIETTRICH: Second.

THE CHAIR: Moved and seconded.

Discussion, commissioners?

COMMISSION MEMBERS: (No response.)

THE CHAIR: All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIR: June 17th, Mr. Kupperman.

Next one is also in the greater Arlington planning district, 2014-310 over at JU, the card in support. We have the recommendation for approval with four conditions. Mr. Huxford said you were going to elaborate on the memo perhaps.

MR. HAINLINE: Yes, sir. Condition Number 4 pulls in the development service memorandum that was written by development services Lisa King, and there are references in there to civil engineering plans and some statements about traffic studies that need to be done before those civil engineering plans are done. That's fine for the later phases that require that access at the University Boulevard, but the earlier phases of the development do not require that access and should not require those traffic studies.

The earlier phases are for dormitories and residential living for the JU students, and the access will be through JU not through that new access at University Boulevard. So what we would simply like is for either in Condition Number 4 or added to the development services memorandum, either one, a sentence which I'll read but I've already put in an e-mail to Lisa King and to the Planning Department staff. It would be -- and this could be added to Number 4,
the east side of Lee Road. They're seeking to add 2.37 acres to the PUD for supporting commercial uses including employee parking, loaner car storage, inventory storage and ponds. We have a recommendation of support from the local CPAC. And I'm going to look to Mr. Huxford because there's a recommendation of denial in the staff report. And again, the final vote on this will be out of seven because I will be abstaining.

Thank you. Mr. Huxford, go right ahead.

MR. HUXFORD: Thank you, Mr. Chairman.

If you have read the staff report, you'll see that for the most part we are very supportive of the proposed PUD. The problem that we have is that the existing land use category of MDR, we don't believe that it supports the proposed uses. And you can't have a zoning that's inconsistent with the Comprehensive Plan Land use designation. But for that reason we are supportive of the project, but in conversations with Mr. Kresel and his staff, we have come to the conclusion that these uses would not be consistent with the MDR land use category, so we cannot support it

the civil engineering plans referenced in Paragraphs 3 and 4 of the May 15th, 2014 development services memorandum are those requiring the proposed access point at University Boulevard.

with that change that I know Ms. King does not object to and the staff, I don't think objects to, we're happy with the conditions.

THE CHAIR: Did she turn into a pumpkin?

MR. HUXFORD: She had to leave, however, there is an e-mail exchange that we have that concurs with what Mr. Hainline just put on the record, that she doesn't have an issue with the modification.

THE CHAIR: Thank you. Mr. Hainline, anything further?

MR. HAINLINE: No, sir.

THE CHAIR: Thank you very much for that elaborate and providing that ahead of time. Bring us back to -- double-check, anyone else in the audience to speak to the Dolphin Reef PUD at JU?

AUDIENCE MEMBERS: (No response.)

THE CHAIR: Seeing none, Vice Chair Hagan.

COMMISSIONER HAGAN: Mr. Chairman, I move approval of 2014-310 with the four conditions amending Condition 4 as stated in the record.

COMMISSIONER DIETTRICH: Second.

THE CHAIR: And if we could hold just on that -- I just want to clarify, I did have a card. I got ahead of myself. Mr. Robert White is in the audience who is in support of the application. Mr. White, could you waive at me and say if you'd like to speak? I'd be happy to have you come forward, sir.

Thank you very much. Mr. White has a big thumbs up for the JU guys, as it should be.

We have a recommendation to our LUZ to approve. All in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIR: See you back here on the 17th, Mr. Hainline.

That completes those PUDs. Now we're going to bring it to one that I have to recuse myself from. I'll continue the proceedings, however, I have a conflict as my firm is representing the applicant on 2014-312, Brumos in Arlington just north of Atlantic Boulevard on
MS. REWIS: If I could have a little bit of leeway, a little bit more than three minutes. I promise I won't go as long as the dive center, but I would like to make a brief presentation if that's okay.

I'd handed out to Ms. Sales a packet of information that I believe she's now passing out to you. The packet of information has on the second page of the response to the staff report from Duncan Ross, our planner, who will speak to you briefly about the uses and the compatibility in MDR. You also have a CPAC letter of support, and there are several neighborhood support letters behind it.

We have revised the PUD written text as well as the site plan in response to comments in order to further limit the requirements in the PUD. And there is also sections of the future land use element comp plan that are in there for your reference, so as we go through you'll have them at your fingertips, and we've highlighted the relevant sections.

We are not in agreement with staff’s recommendation. What you have before you is an issue of use, and it is an issued use in the

underlying land use category. The intent of this PUD is pretty simple. It's to add two pieces of property. The first piece of property is 158 Jackson Road, and it is identified in the PUD written text as Addition Parcel Number 2. The second is 43 Jackson Road, and it's identified as Addition Parcel Number 1.

These two parcels are going to proposed -- serve Brumos Motor Cars dealerships, which are the Mercedes and Lexus dealerships on Atlantic just east of Regency Square and west of St. Johns Bluff. The purpose of the rezoning is to add these two parcels in order to allow employee parking and loaner car storage and essential services. What I'd call passive, non-building-type uses in the PUD and limits no commercial square footage. No commercial uses will be constructed on these two sites.

The reason my client needs these two sites is because they have a dealership agreement with Lexus and Mercedes. And their dealership agreement requires employee parking and it requires loaner car storage. The Lexus dealership agreement is due to expire next year, and Mercedes in 2017. In anticipation of those

two renewals, my clients have put in $10-12 million of renovations on the dealerships themselves to meet the requirement. This is the last piece to the puzzle, these two pieces.

I do want to do a little housekeeping. Your staff report identifies incorrectly parcel -- the 43 Jackson parcel. They refer to it repeatedly as 149 Jackson. I'm not sure why. It's the wrong parcel. The legal description that's attached is correct, so I think it was just a little misunderstanding.

Both of these two parcels have a medium density residential category. The rest of the PUD is CGC. The two parcels in the revised PUD that you have before you limits the uses to employee parking and loaner car storage. No customers will be allowed to have access to these parcels and no commercial square footage will be built under the PUD. The medium density residential land use category is intended to provide for multi-family uses and to provide a transition between single-family, multi-family, commercial and public uses. The plain language of the future land use element allows supporting commercial uses in MDR.

If you look on Pages 78 and 80 of the future land use element, it specifically states for MDR and urban and suburban areas that secondary uses shall be permitted pursuant to the residential land use introduction. If you go to Page 68 of the comp plan, it deals with residential land use introduction, secondary uses are allowed. And I quote, supporting commercial retail sales and service are allowed in secondary uses.

If you read the comp plan the way your staff wants, you're voiding language in the comp plan. You're basically saying that the language on Pages 78, 80 and 68 have no meaning. And in land use law, when I try and figure out how do I interpret a comp plan or land development regulation, I get a statutory construction principal. The Florida Supreme Court and the U.S. Supreme Court have both said that you cannot read statutes, i.e., a comp plan to void language. Specifically, that no clause, sentence or word shall be superfluous, void or insignificant. Further, Section 163-3177 of the Florida Statutes requires that comp plans establish meaningful and predictable standards
for the use and development of land.

Like I said, staff is essentially rendering this language in the comp plan void, and they're also contrary to Florida Statute Chapter 163 in that there's nothing meaningful or predictable about the language in the comp plan.

This is also contrary to staff's prior interpretation on two other PUDs that they recommended approval to the Planning Commission and was ultimately approved by the City Council. The first one occurred in 2010. It was for a Gate Gas Station at Fort Caroline and McCormick. I use that gas station at least once a month. The PUD allows 16 gas pumps. It is also a full-fledged Gate Gas Station. It has alcoholic beverages, beer, wine. And it's in low density residential, and it's surrounded by low density residential. There's a post office across the street, and the Holly Oaks Community Center pool is to the east.

The staff report on Page 3 of that recommendation states, and I quote, certain secondary and supporting uses are permitted in all residential categories, including supporting commercial and service establishments and home occupation. In that instance, in an LDR land use, staff allowed a Gate Gas Station with 16 pumps. The second instance was in 2009. On that piece of property -- on that PUD you had two pieces of property. One was in the NC neighborhood commercial land use designation and it was a convenience store. No gas station, just a regular mom-and-pop-type convenience store. The adjacent parcel designated LDR. PUD was put forth and approved and the LDR portion of that PUD has parking, customer parking to serve the convenience store. And in that staff report, staff stated that the NC and LDR functional land use categories permit secondary commercial uses, therefore, the proposed rezoning is consistent and the development is consistent with the NC and LDR functional land use categories.

So as you can see, there's precedent to allow supporting commercial use as a secondary use in LDR. And if it's allowed in LDR, then surely it's allowed in MDR where your comp plan states that MDR is supposed to be used as a transitional use. That is not stated in the LDR, but if it's allowed in LDR, surely it should be allowed in MDR, especially based on the plain language of the comp plan.

The PUD that's before you now meets the requirements of the comp plan. It is consistent with the underlying land use designation and it furthers the intent and goals. We have revised the PUD to further limit and meet the comp plan goals by restricting access on to these two parcels. The 158 parcel will no longer have primary access off Jackson if this PUD is approved. We're proposing access through the PUD onto Lee Road, which is a commercial industrial corridor. Employees and loaner car people that will drive those cars are going do be required to access through that way. The parcel at 43 Jackson will not have access onto Lighthouse Road North -- or South, excuse me, which means we're further prohibiting any type of intrusion into the commercial neighborhood.

The uses, like I've said, will be no brick and mortar. There's no actual buildings going up on the property. We are simply asking for this so that we can be compatible with the neighborhood. Your staff report has stated in numerous places that the PUD, other than for the use, is compatible with the neighborhood and it allows for appropriate transition of uses.

I'd like to turn it over to Mr. Ross right now who is a planner who will speak as to the actual uses as well. And we're available for questions.


I just wanted to bring up a couple of points. I think Staci covered all the main points regarding this application. Prosser's been working with Brumos Motor Cars for the last couple of years now on redeveloping their site, bring it into the 21st century for car dealerships, and they've done a great job. In fact, I've just finished their Lexus improvement where they demolished a building on Jackson Road, and that really rebranded their whole identity to be consistent with the corporate requirements that they have. And they're continuing to do that. They've just moved over and are now doing Brumos work as well.

We talked a lot about parking today, not
on this particular item but on an earlier item, so I had parking at the top of my mind right now. This dealership here employs about 250 people on a daily basis that are located at this facility. Those are sales jobs, technicians, admin support, collision repair. It’s quite a large entity, and they need – they are growing out of the seams and they need places, safe places for their employees to park and so they can move their vehicles around so they can best position their business for development.

What I wanted to bring, really just highlight upon is what we’re using these two -- and we’re really limiting our discussion here today because we have support on the rest of the PUD, per the underlying land use is compatible. The uses that we’re looking at is for employee parking, loaner car storage and inventory storage. There will be no buildings. All of the requirements regarding buffers and lighting all meet or exceed the land development code and we have concurrence from staff in the staff report that the PUD is appropriate.

We feel strongly that these uses are support and secondary uses that are allowed in the Comprehensive Plan, and that’s been our position all along since we first met with staff several months ago. This employee parking area will be closed to the public. It will only be accessed on a regular basis through Lee Road and through the internal driveways of the adjacent Brumos and Lexus dealerships.

If you look at my note here, my little one-page summary that’s got Prosser on the top, just for your reference, if you look down at Item Number E, I just wanted to point out that secondary zoning classifications that are allowed in the MDR category include three commercial-type zoning districts. And you know enough to know that there are certainly uses that are allowed under those three commercial zoning districts, the commercial office, commercial residential office and commercial neighborhood that may be allowed at this location and that would certainly present a much more intense use than the use that we’re proposing here which is very low intensive when compared with those particular uses.

That’s really all I wanted to bring up. I think Staci did a great job at outlining our

case and our opinion. With that, we certainly turn it back to you all and be glad to answer any questions that you may have.

THE CHAIR: Ms. Rewis.

MS. REWIS: I do want to add, not only do you have the neighborhood support letters, one of the representatives from Brumos literally went to door to door knocking in the neighborhood, and the consensus that I heard back was that, Thank goodness. Thank goodness we won’t have cars parking up and down the streets, thank goodness that there’s actually going to be a designated lot and it’s going to be buffered.

I just wanted to add that.

THE CHAIR: Thank you very much.

Anyone else in the audience to speak to 2014-312, the Brumos off of Atlantic Boulevard in Arlington?

AUDIENCE MEMBERS: (No response.)

THE CHAIR: Seeing none, before we bring it back to a motion on the Commission, I’ll offer either Mr. Huxford or Mr. Kresel a chance to rebut or address anything that they’ve heard today. They don’t have to, I just want to make sure and give them an opportunity.

MR. KRESEL: Well, I feel like the Department needs to at least put on record why we believe that this is a little different than what Ms. Rewis had indicated.

It is correct that the secondary uses that are allowed in all of the residential categories, I believe that one thing she is leaving out in her definition and what the Department uses is the reference to neighborhood, neighborhood support. Unless I’m mistaken, there isn’t a car, especially a Lexus and Mercedes dealership in my neighborhood. I don’t think we have more than -- I believe that the difference between a gas station and a convenience store is that you can find those in most any neighborhood.

Having said that, the other limitation that the Department utilizes is that secondary uses in the MDR allow for retail sales and service only when there is -- located on major thoroughfares. Having said that and making certain the record indicates why the Department or community planning took the position that we did, we recognize that this use can be a great
asset to the community. In general, it is in a location that is appropriate, but we felt that we needed to -- that we could not endorse this use and thereby set a precedent that as, Ms. Rewis just showed, that the next individual or corporation that brings this issue before you will site this as the Department said it was okay. If you feel that there are circumstances and issues that go beyond the interpretation of the Comp Plan, then go ahead and make your own decision. But the Department felt that we needed to go on record so that this would not set a precedent that would be used against us in the future.

Thank you.

THE CHAIR: Thank you, Mr. Kresel.

Ms. Rewis.

MS. REWIS: I disagree with some of Mr. Kresel’s comments.

If you look at the secondary use language in the Comp Plan on Page 68, it states that neighborhoods supporting recreation facilities and public facilities such as schools, churches, and places of worship, and then there's a comma, and it goes on to say daycare centers, and then it gets to as well as supporting commercial retail sales and service establishments.

The neighborhood commercial language is a modifier to the public -- to the supporting recreation facilities and public facilities. It’s not read as a modifier to the supporting commercial. As far as what type of road supporting commercial uses have to be on, if you look on Pages 78 and 80, your MDR categories specifically state that for secondary-type uses in the suburban and urban categories that you can have those secondary uses that are permitted in the residential land use category, which I just read to you, but then it goes on to say that in addition, the following secondary uses may also be permitted, and it states, commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the functional highway classification map.

Your Comp Plan distinguishes between secondary ancillary uses and actual commercial-type general uses. Commercial uses like that, where I would say brick and mortar, have to be located on these roadways. If we

were building the site on these two buildings, we'd be having a completely different discussion right now, but we're not. We are asking for ancillary secondary supporting commercial uses, which are allowed pursuant to residential category and it does not have a requirement that you be located on a certain roadway.

Thank you.

THE CHAIR: You're very welcome, ma'am.

Seeing no other speakers, I would like to bring it to Vice Chairman Hagan.

COMMISSIONER HAGAN: Mr. Chairman, based on Ms. Rewis’ and Mr. Ducan’s testimony, elaborate testimony, I move approval of 2014-312.

COMMISSIONER KING: Second.

THE CHAIR: For discussion we have a recommendation for approval. I’m just making sure I understand what we have. Recommendation for approval, no condition.

Open for discussion. Start with Mr. Friley. We’ll come back. I always call on him last.

Mr. Peters.

Mr. Hill.

Mr. Hagan.

Ms. King.

Mr. Day.

COMMISSIONER DAY: First, I just want to declare ex parte communication. I did receive a call from Duncan Ross letting me know that this was on the agenda, it was being denied by staff, to take a look at it. He basically stated the same stuff he stated here on the record.

I do just -- you know, in the light where we're headed with this, which I think is the right move, I think precedent is important to talk about, I just want to put some stuff on the record in order to hopefully not set a precedent that will come back and bite this body or the Planning Department.

I think the fact that this is part of a greater PUD and we’re inside that protection is completely different than if we’re looking at this for just a variance on just this parcel without any sort of oversight, you know, full-scale companion. I do enjoy the discussion of what is supporting and modifying. I think even taken the way that staff said it where it's supporting commercial retail -- not supporting
commercial retail, that it is consistent in that
the last thing I want to see is a land use
change from MDR to something more intense. I
think the fact that all that's going here is a
parking lot with more than enough buffer and
everything else to make the Department happy and
satisfied, to make the neighbors satisfied, the
residents satisfied, the CPAC satisfied, I think
that in my mind we're not setting a bad
precedent.

I also would like to just make sure I'm
clear on this to the staff, this isn't needed to
meet a minimum parking requirement that they
currently don't meet, correct?

MR. HUXFORD: No, sir. I don't believe
so.

COMMISSIONER DAY: Okay. Because I do
think we would set a bad precedent there where
someone is in a tight spot and they're trying to
get more parking to meet requirements that they
don't currently meet. This is just them trying
to alleviate a potential problem for the
neighborhood by not having enough parking. So I
think all of those speak to the fact that we're
not creating a bad precedent, and I would much
rather see this land kept in MDR and the PUD
protection be put in place over the whole thing
so that we have control over the entire piece
and let them do what they're going to do.

So I just wanted to kind of put that on
the record so we don't set a bad precedent.

THE CHAIR: Commissioner Dietrich.

COMMISSIONER DIETTRICH: Through the Chair
to Ms. Rewis, actually, you made an interesting
point that I was going to make, but I think
actually I can take it a step further. I think
with the statement that commercial retail sales
and service establishments when the site is
located at the intersection of roads classified
as collector or higher on the highway map. This
is on Lee and Atlantic. Lee is a collector,
Atlantic is a major arterial. This is an
existing site, an existing PUD that's being
expanded, therefore, actually in my mind I
interpret this being at the intersection, even
if you wanted brick and mortar. So I see
parking, let alone brick and mortar being
allowed here per the language.

With that, I respect staff immensely for
wanting to be careful on how this takes -- I

think that Commissioner Day made a great point
that these circumstances are different than a
flat-out straight approach. So with that
language being pretty plain and respecting the
fact that keeping the land use less intense, all
those things that Commissioner Day and Ms. Rewis
presented I think protects you.

Ms. Johnston, if you would like to correct
any of us that you -- do you feel that what
we're discussing and those measurements do not
set a precedence, or in your interpretation,
Ms. Johnston, do you think it does?

MS. JOHNSTON: Through the Chair, I mean
any decision that you make may or may not set a
precedent moving forward for another Planning
Commission because you're considering each
application on its own merits, and so each
application has its own variances that would
change the factual situations. If you choose to
accept her arguments and move forward with a
recommendation for approval based on what she's
saying, then you’ve accepted those precedents,
but another application down the road you may
decided that it's not equivalent so you don't
accept it. So, you know, it's the way you
choose to take it. You are the judge in this
situation as a quasi-judicial matter.

I didn't really answer that for you, did
I?

THE CHAIR: We have a motion on the table
to recommend approval to the LUZ.

Mr. Day.

COMMISSIONER DAY: Just real quickly
through the Chair to staff, is there any
conditions that you would have put on this now
that we're sort of going in a different
direction from the recommendation?

MR. HUXFORD: Through the Chair to
Commissioner Day, thanks for asking. Yes, if
you were to go with an approval recommendation
to LUZ, I would suggest that you consider adding
conditions that development shall be in
accordance with the revised written description,
legal description and site plan dated June 3rd,
2014, and that the development shall be in
accordance with the development services
memorandum dated May 16th, 2014. Those would be
your standard four conditions.

THE CHAIR: Were you the maker or was
Hagan the maker?
Hagan, do you accept those four conditions? Seconder agrees? So we have a recommendation of approval to LUZ with the four conditions Mr. Huxford just mentioned in the record.

Discussion?

COMMISSION MEMBERS: (No response.)

THE CHAIR: Seeing none, all in favor?

COMMISSION MEMBERS: Aye.

THE CHAIR: Opposed?

COMMISSION MEMBERS: (No response.)

THE CHAIR: For the record, it's 7/0/1, I am abstaining from that vote.

We are going to take a 15-minute break.

When we return, we will take up the last part of the page of this agenda on Page 8. We're going to go backwards starting with our old business, the consideration and request to re hear zoning exception E-14-10, then move on to ordinance 2014-307, -279, and conclude with the marquis event -493. Back here at 5:30.

(Brief recess at 5:15 p.m.)

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