

CITY OF JACKSONVILLE
PLANNING COMMISSION
MEETING

Proceedings held on Thursday, June 20, 2024,
commencing at 1:00 p.m., at the Ed Ball Building,
Hearing Room 1002, 214 North Hogan Street, Jacksonville,
Florida, before Diane M. Tropa, FPR, a Notary Public in
and for the State of Florida at Large.

PRESENT:

CHARLES GARRISON, Chairman.
TINA MESKEL, Vice Chair.
MICHAEL MCGOWAN, Secretary.
LAMONTE CARTER, Commission Member.
ALI MARAR, Commission Member.
JACK MEEKS, Commission Member.

ALSO PRESENT:

R. BRETT JAMES, Planning Director.
ERIN ABNEY, Chief, Current Planning.
BRUCE LEWIS, Planning and Development Dept.
KRISTA FOGARTY, Planning and Development Dept.
LURISE BANNISTER, Transportation Planning Div.
JASON TEAL, Office of General Counsel.
TERRENCE HARVEY, Office of General Counsel.
MARK McMANUS, Military Representative.
PATRICIA SALES, Planning and Development Dept.

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1 presentation and each member of the public who
2 speaks before this commission is limited to a
3 three-minute presentation.

4 It is important that an accurate record
5 must be kept of the speakers and what is said.
6 Everyone who wishes to speak must fill out a
7 blue speaker's card right up here, so if you
8 are willing -- if you're wanting to speak
9 today, please -- and you have not -- fill out a
10 blue card from Ms. Sales at the front.

11 The speaker's testimony is taken down by
12 the court reporter and it's important that
13 participants speak clearly into the microphone
14 and only one person should speak at a time.

15 Any tangible material submitted with a
16 speaker's presentation will become part of the
17 public record and will be kept by this
18 commission; therefore, please retain a copy of
19 anything submitted if it's needed.

20 The public hearings on exceptions,
21 variances, waivers, administrative deviations
22 and minor modifications are quasi-judicial
23 where you will be sworn in prior to your
24 testimony and the decisions by the Planning
25 Commission today will be final.

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1 PROCEEDINGS
June 20, 2024 1:00 p.m.

2 - - -

3 THE CHAIRMAN: All right. Welcome to the
4 June 20th, 2024, meeting of the Jacksonville
5 Planning Commission.

6 Apologize for the delay. We now have a
7 quorum.

8 As a courtesy, please place any mobile
9 phones, tablets or audible devices on silent
10 mode.

11 Please join me now as we stand and recite
12 the Pledge of Allegiance, and remain standing
13 for a brief moment of silence.

14 (Recitation of the Pledge of Allegiance.)

15 THE CHAIRMAN: Thank you.

16 All right. Let the record reflect we have
17 a quorum with Commissioners Carter, Garrison,
18 McGowan, Meeks, and Meskel. Commissioner Marar
19 will be coming in a little bit late.

20 In attendance are our Duval County -- no,
21 not here. Okay. I guess no one showed up
22 today. Members of our Planning Department and
23 Office of the General Counsel.

24 The Commission's bylaws provide that
25 applicants are limited to a six-minute

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1 Decisions by the Commission on rezonings
2 and land use amendments are recommendations
3 only. The recommendations are transmitted to
4 City Council's Land Use and Zoning Committee
5 which ultimately votes on these matters.

6 LUZ may or may not follow the
7 recommendations of the Planning Commission.
8 Unless specifically deferred by LUZ, items
9 voted on by the Planning Commission today are
10 heard by the LUZ Committee in two [sic] weeks.
11 LUZ will meet on Tuesday, July 16th, 2024, for
12 another public hearing and vote. And they meet
13 in Council Chambers at City Hall at 5 p.m.

14 For any questions regarding a specific
15 application, please see staff.

16 A copy of the agenda is located at the
17 back of the room. Items are generally
18 addressed in the order in which they're listed,
19 may be heard out of order for the sake of
20 efficiency or to accommodate scheduling
21 conflicts.

22 At this time, I'll ask for a motion to
23 approve the minutes from our prior meeting,
24 June 6th, 2024.

25 COMMISSIONER MESKEL: So moved.

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1 COMMISSIONER MCGOWAN: I'll second.
 2 THE CHAIRMAN: Any discussion?
 3 COMMISSION MEMBERS: (No response.)
 4 THE CHAIRMAN: Seeing none, all in favor,
 5 say aye.
 6 COMMISSION MEMBERS: Aye.
 7 THE CHAIRMAN: Any opposed?
 8 COMMISSION MEMBERS: (No response.)
 9 THE CHAIRMAN: Motion carries, no
 10 opposition.
 11 Thank you.
 12 Next, let's walk through the organization
 13 of today's agenda.
 14 All right. So these items that I'm going
 15 to go over now are deferred. If you're here to
 16 talk on these items, afterwards, just please
 17 raise your hand and we'll go from there.
 18 E-15-20 and WLD-15-05 at 4022 Atlantic
 19 Boulevard; E-23-35 and AD-23-36 at 930
 20 University Boulevard; MM-20-08 at 12800 Beach
 21 Boulevard; 2022-0888 and 2022-0889 at 4915
 22 San Pablo Road South; 2024-0401, -0402, -0403
 23 at 8905 1st Avenue; and 2024-0414; and I am
 24 deferring 2024-0279. So those items are
 25 deferred.

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1 The first order of business that we'll
 2 pick up will be exceptions, variances, and
 3 waivers, so that would be V-23-17 at 2172
 4 Ashland Street, followed by that is MM-24-05 at
 5 13301 Beach Boulevard; and then we're going
 6 into MM-24-10 at 2063 Gilmore Street.
 7 Mr. Hagan, are you here yet?
 8 AUDIENCE MEMBERS: (No response.)
 9 THE CHAIRMAN: He's not. He did
 10 request -- after that we'll be hearing
 11 2024-0404 and 2024-0405.
 12 And then going into the normal order of
 13 business, we'll be going to 2024-0225 at 0
 14 Clydo Road, then 2024-0395 and -0396 at 13911
 15 Atlantic; and 2024-0397 and 2024-0398.
 16 Really, we're just going to go straight
 17 down the normal order of business, so we'll
 18 just continue on. We'll go ahead and call the
 19 first order up, first application, V-23-17 at
 20 2172 Ashland Street.
 21 We'll go ahead and open the public hearing
 22 for that.
 23 And, staff, whenever you're ready.
 24 MS. ABNEY: Thank you.
 25 This is variance V-23-17, which is seeking

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1 to increase the maximum size of an accessory
 2 dwelling unit from 25 percent allowed of the
 3 primary structure to 93 percent, along with
 4 reducing setbacks along the side and rear
 5 property lines. The subject property is
 6 located at the end of Ashland Street and is
 7 approximately .24 acres and is zoned RMD-B.
 8 The applicant is seeking the variance due
 9 to receiving a citation for building an
 10 accessory structure without permits. The
 11 addition is approximately 600 square feet in
 12 size while the primary structure is 769 square
 13 feet in size.
 14 Accessory dwelling units were approved
 15 within the City of Jacksonville back in 2022
 16 subject to additional criteria. And that
 17 criteria includes a limitation on the square
 18 footage of the proposed ADU; the building
 19 footprint shall be limited to 25 percent of the
 20 gross floor area of the primary structure on
 21 the lot or 750 square feet, whichever is less.
 22 The applicant began building the structure
 23 back in 2021, prior to approval of the
 24 ordinance from 2022 allowing for ADUs. Had the
 25 applicant applied for the proper permits prior

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1 to building, the request would have been denied
 2 as ADUs were not permitted at that time.
 3 If approved, the variance would set a
 4 precedent in the immediate area to allow for an
 5 increased size of an accessory dwelling unit,
 6 undermining the intent and criteria as listed
 7 in the ordinance approving ADUs.
 8 Staff is forwarding a recommendation of
 9 denial due to the applicant building the
 10 structure without permits, encroaching into the
 11 require yards, and vastly exceeding the allowed
 12 ADU size requirements.
 13 THE CHAIRMAN: Excellent. All right. And
 14 we have Mr. Assi?
 15 AUDIENCE MEMBER: Yes.
 16 (Audience member approaches the podium.)
 17 THE CHAIRMAN: All right. Name and
 18 address for the record, please, and then
 19 Ms. Tropia will get you sworn in.
 20 AUDIENCE MEMBER: Elie Assi. I'm
 21 structural (inaudible), professional engineer.
 22 THE REPORTER: And your address, please?
 23 MR. ASSI: 8667 Hampshire Glen Drive
 24 South, Jacksonville, Florida 32256.
 25 THE REPORTER: Okay. I have to swear you

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1 in. If you would raise your right hand for me,
2 please.

3 MR. ASSI: (Complies.)

4 THE REPORTER: Do you affirm that the
5 testimony you are about to give will be the
6 truth, the whole truth, and nothing but the
7 truth?

8 MR. ASSI: I do.

9 THE REPORTER: Thank you.

10 MR. ASSI: Since our last meeting, and we
11 communicating with the City of Jacksonville,
12 the Building Department, and there was a
13 recommendation that we'll be able to tie in and
14 to combine the two structures together. And
15 then we had the other issue to address was the
16 setback.

17 We contacted the neighbor and went back
18 and forth. She's a (inaudible) person and she
19 was relocated, so she wanted to put her
20 property for sale, and she elected -- the
21 Realtor said we cannot do any of that setback
22 issue, so we elected to move on by removing the
23 setback encroachment. We put the plan together
24 for that purpose, to take out the walls and
25 provide the 5-foot setback as required by law.

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1 So after we finished that and we put the
2 connection from engineer's point of view
3 between the two structures, the owner elected
4 to make different changes and to take out that
5 structure, even -- we maintaining the setback,
6 to create it as a storage only, and add to the
7 existing structure of the house, which I have
8 the plans, what we prepared before, and plans
9 that we prepared now by adding a -- within the
10 requirements, an addition to the house, and
11 getting the setbacks modified to provide the
12 5 foot so we don't encroach onto anybody,
13 whether from the back or the sides, and use the
14 area all just as a storage.

15 And we put the -- the application into the
16 Building Department, and we had issued a permit
17 number for that purpose, after recommendation
18 with Josh, the head of the Building Department
19 of yours, so this is where we stand now.

20 THE CHAIRMAN: Okay. One second.

21 (Commissioner Marar enters the
22 proceedings.)

23 (Brief pause in the proceedings.)

24 THE CHAIRMAN: Maybe I'm misunderstanding
25 you, but did you say that the building that was

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1 submitted for the original application has been
2 removed?

3 MR. ASSI: Has not totally been removed.
4 Nothing has been removed yet. We going to take
5 out the back walls and the side walls that are
6 encroaching into the setback, modify them to
7 provide the setback required, but it's not
8 going to be an inhabitable piece, it's going to
9 be just a storage area.

10 THE CHAIRMAN: So is --

11 MR. ASSI: There's no plumbing, no
12 kitchen, no living area there.

13 THE CHAIRMAN: So do you expect to meet
14 the standards as the building [sic] when it is
15 updated without needing the exception; is that
16 what you're asking? Or the variance, I'm
17 sorry.

18 MR. ASSI: Yeah. We moving from that. We
19 don't need to do the connections anymore that
20 was required to make it one entity to be within
21 the percentage requirement, so we're not doing
22 the connection. We adding to the existing 2172
23 house, a room to satisfy the owner's needs.

24 THE CHAIRMAN: So are you requesting to
25 withdraw the application?

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1 MR. ASSI: Yes.

2 AUDIENCE MEMBER: (Indicating.)

3 THE CHAIRMAN: Yes, ma'am.

4 (Audience member approaches the podium.)

5 THE CHAIRMAN: Name and address for the
6 record, and Ms. Tropia will get you sworn in.

7 AUDIENCE MEMBER: My name is Carmen
8 Gavidia. I'm the general contractor.

9 THE CHAIRMAN: Address, please.

10 MS. GAVIDIA: Say that again.

11 THE CHAIRMAN: Your address.

12 MS. GAVIDIA: My address is 1951
13 Burkholder Circle West --

14 THE CHAIRMAN: Thank you.

15 MS. GAVIDIA: -- Jacksonville, Florida.

16 THE CHAIRMAN: Ms. Tropia will get you
17 sworn in.

18 THE REPORTER: If you would raise your
19 right hand for me, please.

20 MS. GAVIDIA: (Complies.)

21 THE REPORTER: Do you affirm that the
22 testimony you are about to give will be the
23 truth, the whole truth, and nothing but the
24 truth?

25 MS. GAVIDIA: Yes.

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1 THE REPORTER: Thank you.
 2 MS. GAVIDIA: The building is the same
 3 way. Nothing has been touched because we
 4 submitted for permit.
 5 The architect and what he did -- I think
 6 he -- the existing building that they did, the
 7 one in the back that they did the legal way,
 8 okay, he make it in the plans for the setback
 9 to make sure we meet that requirement, but it
 10 won't be -- in the east side, where -- when
 11 they did the measurement, it's not going to be
 12 enough to have what they had there, so they
 13 decided to put it as a storage, but then in the
 14 small house, this kitchen is small, so then
 15 we're making an addition to that kitchen that
 16 exists. So we adding -- making it larger, so
 17 that way they -- they fill our requirements.
 18 That's what is getting done.
 19 The plans is being submitted. We have a
 20 permit number, but we haven't done anything yet
 21 to the house or -- until the permit is
 22 approved, then we will demo the back wall and
 23 do what is needed, what -- what we need to do
 24 to make it correct.
 25 MR. ASSI: I may understand a little bit,
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1 the confusion. As a quick answer to your
 2 question, yes, because we didn't get the waiver
 3 for the setback. So since we didn't get that,
 4 we have to satisfy it, and we doing the proper,
 5 in the plans, demolition to the Building
 6 Department to approve our demo of the back and
 7 providing the setback. And instead of doing --
 8 since it became inhabitable due to size, when
 9 we do the setback, it's not meeting the full
 10 requirements for inhabitable area, we added to
 11 the existing -- expanded onto existing kitchen
 12 to make it more really acceptable for a living
 13 space.
 14 THE CHAIRMAN: Okay. I just want to,
 15 again, try to clarify, so I'm -- making sure
 16 I'm understanding.
 17 So right now -- the application is still
 18 open for the variance for the increase in the
 19 size accessory dwelling unit, along with
 20 reducing the setbacks, right?
 21 MS. GAVIDIA: (Nods head.)
 22 THE CHAIRMAN: So it -- it has -- it's
 23 recommended for denial. We -- the Commission
 24 have not denied it, so it's still open, right?
 25 MR. ASSI: Yes.
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1 THE CHAIRMAN: But you are proceeding
 2 with -- you're going to demo this -- this
 3 accessory dwelling unit, right?
 4 MR. ASSI: Partial --
 5 THE CHAIRMAN: This building --
 6 MR. ASSI: Partial demo.
 7 THE CHAIRMAN: Partial demo. Okay. And
 8 then just build on to the --
 9 MR. ASSI: Existing structure --
 10 THE CHAIRMAN: -- existing --
 11 MR. ASSI: -- the existing house.
 12 THE CHAIRMAN: Okay. So what is the size
 13 of that new -- or the demoed unit going to be?
 14 MR. ASSI: What we adding is about 200
 15 square feet to -- actually, 165 square feet
 16 that is attached to the existing house;
 17 therefore, it is within the requirement of the
 18 Building Code.
 19 THE CHAIRMAN: So it is going to be
 20 25 percent or less --
 21 MR. ASSI: Yes.
 22 THE CHAIRMAN: -- of the main dwelling
 23 unit, correct?
 24 MR. ASSI: When it is connected, it is not
 25 subject to that, as long as the full percentage
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1 of the inhabitable area, the air-conditioned
 2 area, is within the requirement of the
 3 percentage for the -- for the lot.
 4 THE CHAIRMAN: Right. Okay. Stand by.
 5 (Mr. Teal confers with the Chair.)
 6 THE CHAIRMAN: Okay.
 7 (Discussion held off the record.)
 8 THE CHAIRMAN: Okay.
 9 (Discussion held off the record.)
 10 MR. ASSI: Can I add one more thing?
 11 THE CHAIRMAN: Yeah, please.
 12 MR. ASSI: One more thing.
 13 If the Commission is willing to give us
 14 the variance about the setback, since it's not
 15 an inhabitable area, and -- I make us avoid the
 16 demo, that will be helpful to the owner, but --
 17 THE CHAIRMAN: Yeah.
 18 MR. ASSI: -- if you're not going that
 19 route, we going to do what's right by the --
 20 THE CHAIRMAN: Well, here's the thing. We
 21 can review the current application submitted
 22 for either approval or denial, right? If we
 23 deny it, you cannot come before us for a year
 24 for any type of -- for that same type of
 25 application, correct?
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1 MR. ASSI: Sure.
2 THE CHAIRMAN: If you withdraw it, then
3 you can go about -- do what you need to as you
4 have described and that you have, you know,
5 submitted to the Building Department as a
6 permit. And then if you still need a variance
7 for the setbacks or whatever, you can still
8 come back.

9 MR. ASSI: This is the plan: We would
10 like to withdraw it and we wait on the Building
11 Department to give us his concurrence with our
12 permit application and we take it from there,
13 then we may see -- might seek you for setback
14 variance, if possible.

15 THE CHAIRMAN: All right.

16 (Mr. Teal confers with the Chair.)

17 THE CHAIRMAN: Okay. Typically, before we
18 withdraw, it has to be submitted in writing.
19 We'll have to take a vote here in a moment to
20 suspend that particular bylaw. But before we
21 do that, I -- there's only one card on the --
22 V-23-17. Is there anyone else in this room
23 that wishes to talk on V-23-17?

24 AUDIENCE MEMBERS: (No response.)

25 THE CHAIRMAN: Okay. Seeing none, we'll
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1 go ahead and close -- so we'll go ahead and
2 close the public hearing, and then can I get a
3 motion to suspend -- of our bylaws, Section
4 12.8, requiring a withdrawal in writing in --
5 in lieu so we can submit his withdrawal request
6 in -- verbal?

7 COMMISSIONER MESKEL: So moved.

8 COMMISSIONER MCGOWAN: Second.

9 THE CHAIRMAN: Thank you.

10 Any discussion?

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: All right. All in favor,
13 say aye.

14 COMMISSION MEMBERS: Aye.

15 THE CHAIRMAN: And Commissioner Marar,
16 thank you. Appreciate it.

17 Motion carries, no opposition.

18 All right. And then can I get a motion
19 for withdrawal of V-23-17, please?

20 COMMISSIONER MESKEL: So moved.

21 COMMISSIONER MCGOWAN: Second.

22 THE CHAIRMAN: Any discussion?

23 COMMISSION MEMBERS: (No response.)

24 THE CHAIRMAN: Seeing none, all in favor,
25 say aye.

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1 COMMISSION MEMBERS: Aye.

2 THE CHAIRMAN: Any opposed?

3 COMMISSION MEMBERS: (No response.)

4 THE CHAIRMAN: All right. Motion carries,
5 no opposition.

6 Thank you so much.

7 MR. ASSI: Thank you.

8 THE CHAIRMAN: Good luck.

9 MS. GAVIDIA: Thank you.

10 THE CHAIRMAN: Yes, ma'am.

11 All right. Going on -- moving on,
12 MM-24-05, 13301 Beach Boulevard. We'll go
13 ahead and open the public hearing for that.

14 And, staff, whenever you're ready, please.

15 MR. LEWIS: Thank you, Mr. Chairman.

16 This is application for a minor

17 modification to PUD. MM-24-05 seeks to
18 increase the size of a street frontage sign
19 from 24 square feet to 56 square feet. The
20 additional sign area is a 32-square-foot
21 electronic message device.

22 The PUD allows for one nonilluminated or
23 externally illuminated monument sign not to
24 exceed 24 square feet and 8 feet in height.

25 Electronic message devices are not
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1 permitted in residential zoning districts. And
2 although Beach Boulevard is a commercial
3 corridor between Hodges Boulevard and Kernan
4 Boulevard, there are numerous residential
5 developments, such as Wolf Creek; Terra Costa;
6 Beachline apartments, which is behind the
7 church; Highland Glen; Tamaya; and Jacksonville
8 Golf and Country Club that do not have
9 electronic message signs.

10 There are two institutional uses a half a
11 mile to the west; St. John the Divine Greek
12 Orthodox Church and the Coastal Charter School,
13 both of which do not have electronic message
14 devices. Only the Wawa filling station and
15 Caliber Collision have electronic message
16 signs. These three businesses are in a
17 commercial zoning district where electronic
18 message devices are permitted.

19 Staff is of the opinion that this request
20 is -- if approved, other noncommercial
21 developments will follow similar applications
22 which will lead to a proliferation of these
23 type of signs.

24 So with that, staff is recommending denial
25 of MM-24-05.

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1 THE CHAIRMAN: Thank you very much.
 2 All right. Mr. Lusk, come on up, sir.
 3 (Audience member approaches the podium.)
 4 THE CHAIRMAN: And then when you come up,
 5 please, just name and address for the record,
 6 and Ms. Tropaia will get you sworn in.
 7 AUDIENCE MEMBER: Tim Lusk, 710 Winfred
 8 Drive North, Orange Park.
 9 THE REPORTER: If you would raise your
 10 right hand for me, please.
 11 MR. LUSK: (Complies.)
 12 THE REPORTER: Do you affirm that the
 13 testimony you are about to give will be the
 14 truth, the whole truth, and nothing but the
 15 truth?
 16 MR. LUSK: Yes.
 17 THE REPORTER: Thank you.
 18 MR. LUSK: Thank you for the opportunity
 19 to be here.
 20 I know that this request is recommended to
 21 be denied, but I would like to just make one
 22 final argument. These are very difficult times
 23 for people in Jacksonville. Eastside Community
 24 Church serves the entire community, including
 25 the unhoused and including the immigrant
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1 population, including the poor and the newly
 2 poor. These are folks who do not have the
 3 normal means of getting information. Most of
 4 them don't have computers at home, they don't
 5 have Internet, they don't have social media.
 6 We desire to have a sign, very carefully,
 7 tastefully, and in compliance done so that we
 8 can let these communities know the different
 9 services that we have.
 10 Our current situation is a sign that's
 11 over 20 years old, and because of the -- all
 12 the new development around, doesn't draw
 13 attention at all.
 14 Just quickly, for example, we offer TSOL,
 15 English language classes for immigrants. We
 16 offer immigrant services, such as help for
 17 legal, medical, educational, housing issues.
 18 We have marriage classes, we have parenting
 19 classes. We serve the special needs community,
 20 both adults and children. We have people in
 21 our church who are certified as grief recovery
 22 folks, who can lead grief recovery groups,
 23 divorce recovery, children and youth programs,
 24 programs done in cooperation with the public
 25 library next door, and they've been very
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1 cooperative with us, and -- and other services
 2 as they surface in the need -- in the
 3 community.
 4 In the past when we tried to advertise
 5 these things with other signs, the City comes
 6 along and they pick up the signs and they bring
 7 them to our office and say, "You can't do
 8 that." So we have no way really of saying,
 9 both to commuters and to these communities that
 10 don't have the normal means of communication
 11 and getting information, we have no way of
 12 telling them this information in a way that's
 13 meaningful and accessible to them.
 14 And in addition to that, we have formed
 15 alliances with First Coast Women's Services, a
 16 crisis pregnancy center; Mission House at the
 17 beach which serves the poor and the unhoused;
 18 2nd Mile Ministries in the Brentwood community,
 19 as some of you may know of that ministry. And
 20 we're a major collection spot for things such
 21 as food and clothing and so forth. We have no
 22 way of saying that to the community in our
 23 current situation.
 24 So our current sign is terribly inadequate
 25 to accomplish this, and we believe very
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1 strongly that, again, an electronic sign, done
 2 very carefully, very tastefully, and in
 3 compliance with the rules would allow us to
 4 make the community aware of these resources,
 5 clearly and in a timely manner, and that's
 6 important.
 7 By the way, we're very willing to change
 8 our request, the size, the design, the scope of
 9 the sign to accommodate whatever this
 10 commission or the rules or the laws of this
 11 city would require us.
 12 We do feel that our current signage
 13 greatly hinders our ability to do this. And
 14 given the number and size and scope of the
 15 signs currently advertising on Beach Boulevard,
 16 we don't think that it's out of the way for us
 17 to make this request.
 18 Eastside Community Church wants to be a
 19 community church. We want to serve our
 20 community. We want to give to our community.
 21 We want to facilitate that by getting the
 22 information out to the folks who need our
 23 services the best.
 24 I understand the argument that this is a
 25 residential [sic], but looking at Beach
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1 Boulevard, it's residential, business,
 2 commercial, residential, commercial, business,
 3 commercial. The idea -- I would challenge
 4 you -- the idea that if we do this, it sets a
 5 precedent and everybody else wants to do it,
 6 that's -- that's an argument that kind of
 7 pushes the issue down the road.
 8 And so with all respect, we would love for
 9 you to agree to this. I'm here now to answer
 10 any questions that you have.
 11 THE CHAIRMAN: Thank you so much,
 12 Mr. Lusk.
 13 Do we have any ex parte communications on
 14 this?
 15 COMMISSIONER MCGOWAN: I received an
 16 email, and he gave some follow-up information
 17 as to the exact location of the sign on the
 18 property up near Beach Boulevard.
 19 THE CHAIRMAN: Thank you.
 20 COMMISSIONER MCGOWAN: It was about a week
 21 ago.
 22 THE CHAIRMAN: And I spoke to Paul Moore
 23 yesterday, just letting me know that Mr. Lusk
 24 would be in his -- in his place today.
 25 All right. Appreciate that, Mr. Lusk. If
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1 you want, you can just have a seat, and then
 2 we'll --
 3 Is there a motion on the table for this?
 4 Can I get a motion for this -- apologize -- for
 5 MM-24-05?
 6 COMMISSIONER MESKEL: Mr. Chair, I make a
 7 motion to approve. I look forward to some
 8 discussion.
 9 THE CHAIRMAN: Thank you.
 10 COMMISSIONER MCGOWAN: I'll second.
 11 THE CHAIRMAN: All right. Discussion?
 12 COMMISSIONER MEEKS: I'm going to still
 13 vote to deny. I haven't heard anything that
 14 circumvents our staff report, and so -- what
 15 would be helpful, I think, in the issue of not
 16 setting a precedent, is for each person who's
 17 going to support and otherwise disagree with
 18 our staff report to tell us why, on the record,
 19 they have sufficient, competent, evidential
 20 matter, as I like to say, as to why they would
 21 do that.
 22 COMMISSIONER MESKEL: Well, Commissioner
 23 Meeks, I do have a couple of comments.
 24 And I do appreciate the good work that
 25 you're doing in the community, sir.
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1 But the compelling argument for me would
 2 be, yes, this is a residential area, but no
 3 homes front on Beach Boulevard anywhere near
 4 where this sign will be. They are well
 5 separated from Beach Boulevard, which is a
 6 six-lane divided highway in front of this
 7 church. They all front to their neighborhood
 8 roads and they are -- there are walls which
 9 separate them from the roadway. I think that
 10 is a compelling argument for me.
 11 I also think that electronic signs are
 12 really the -- the way we're going in the future
 13 for signage. Maybe what we really need to do
 14 more of is think about how we would structure
 15 those particular signs rather than saying no,
 16 they're not allowed. An electronic sign may
 17 not be allowed everywhere, but I do believe
 18 that in this area the argument that it's
 19 residential is not compelling to me.
 20 COMMISSIONER MCGOWAN: I'm not sure if the
 21 applicant would be willing to do so or if it's
 22 possible, but it seems like with the
 23 residential aspect of this that the light
 24 pollution would be the issue. And so if
 25 there's a way to limit the time that the sign
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1 is running so it's not running all night and
 2 you have bright lights going in, if it does
 3 affect people, I'd like to ask if the applicant
 4 knows if that could be done, if they'd be
 5 willing to do that, if we could maybe put an
 6 amendment up for suggestions as to what that
 7 could be; you know, 9 or 10 o'clock at night
 8 the light -- the light shuts off, comes back on
 9 at 6:00 in the morning, something to that
 10 nature, but if the applicant or owner could
 11 speak to that.
 12 (Mr. Lusk approaches the podium.)
 13 COMMISSIONER MESKEL: And before you
 14 start, sir, through the Chair to staff, we did
 15 hear in -- Mr. Lusk say that he was open to
 16 changing the size of the sign. Is the size of
 17 the sign really an issue?
 18 MR. LUSK: Could I answer his question?
 19 We are wide open to changing anything
 20 about this sign that would be odious to the --
 21 to the Commission, the brightness of it, the
 22 size, where it's placed, the hours that it's
 23 turned on, that sort of thing, we're very
 24 willing to talk to you about that.
 25 COMMISSIONER MCGOWAN: Thank you.
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1 MR. LEWIS: To Commissioner Meskel, so it
 2 certainly is larger than other residential
 3 signs in the area. I don't -- probably not
 4 excessive. It's smaller than some of the other
 5 commercial signs that are in the area. It's, I
 6 believe, 12 feet tall, 56 square feet in area.
 7 Smaller than some, larger than others.
 8 COMMISSIONER MESKEL: Okay. Thank you.
 9 COMMISSIONER MCGOWAN: Initially, when I
 10 saw this -- through the Chair, just to speak my
 11 thoughts. It may make sense for something as a
 12 digital sign that may have a lot of words that
 13 somebody's going to read the -- further up on
 14 the property when somebody drives up or is
 15 walking up to read it. I don't know if safety
 16 is an issue, if -- you know, you've got a large
 17 sign and somebody's trying to read a message.
 18 I think my personal preference would be to
 19 first try and get it on the site. If that's
 20 not a possibility, you know, I think, if -- if
 21 we could at least limit the time that the light
 22 is active, limit it, I'll say, to 10 p.m. --
 23 from 10 p.m. at night to 6 a.m. the light would
 24 shut off, if that's possible, I would maybe be
 25 in support of it.

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1 THE CHAIRMAN: You know, the email that
 2 you sent with the other signs in the area, I
 3 feel that it is, you know, compatible. I know
 4 there's some thoughts on the dais around
 5 limiting time. You know, I would assume with
 6 it being an electronic, that can be done. You
 7 know, if the commissioner would like to make
 8 a -- an amendment to the motion, you know, we
 9 can go that route, but I'm in, you know, full
 10 support as is, as we have right now, so I'd
 11 leave it up to the Commission if there's any
 12 amendments.

13 MR. LUSK: Can I -- just one --
 14 THE CHAIRMAN: Absolutely. Go ahead,
 15 Mr. Lusk.

16 MR. LUSK: The -- out of all of this, the
 17 burden is to be able to get information that's
 18 quickly changed and able to be seen and --
 19 you're changing banners, you're putting signs
 20 up. Having the information available to people
 21 so that they know what the services are, that
 22 can be changed quickly so that they can see all
 23 the services, that's -- that's really at the
 24 core of what this is, and that's why we've
 25 requested the electronic part of it.

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1 COMMISSIONER MEEKS: Mr. Chairman, I
 2 suppose it sounds like there's some willingness
 3 on the applicant's part to do something
 4 different. I wonder if we should propose that
 5 the applicant and our staff get back together,
 6 rework something, and perhaps our staff would
 7 get to an approval as opposed to a denial.

8 It's difficult, at least for me, to try to
 9 respond to changing a handful of things like
 10 this on the fly.

11 THE CHAIRMAN: Bruce, of the five
 12 criteria, which are you saying is
 13 disadvantageous to this application?

14 MR. LEWIS: It would be that -- well, the
 15 criteria are there to determine if it meets the
 16 minor modification, if it can be considered a
 17 minor modification criteria. I mean, if it can
 18 be considered a minor modification.

19 So there's no criteria that says yes or
 20 no. We just -- it's -- we find that it's not
 21 compatible with the area.

22 THE CHAIRMAN: All right. Easy enough.

23 All right. Mr. Lusk, do you want to come
 24 on up, please?

25 (Mr. Lusk approaches the podium.)

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1 THE CHAIRMAN: Sure.

2 MR. LUSK: So anything else; where it is,
 3 how it is, how big it is, the timing, we're
 4 wide open on all of that.

5 THE CHAIRMAN: Sure.

6 MR. LUSK: Okay.

7 COMMISSIONER MCGOWAN: Move to make an
 8 amendment to the motion to add a condition that
 9 the lights, if possible, you know, shut off at
 10 10 p.m. at night and can come back at 11
 11 a.m. -- excuse me, 6 a.m.

12 COMMISSIONER MESKEL: Second.

13 THE CHAIRMAN: Commissioner Meeks, any
 14 other -- you good? Thoughts?

15 COMMISSIONER MEEKS: Well, there seemed to
 16 be other issues too about the size, the
 17 location, and all those things, so I think
 18 limiting the lighting is a good idea, but it
 19 doesn't address the location or the size.

20 THE CHAIRMAN: All right. Any further
 21 discussion on the amendment?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: Seeing none, all in favor,
 24 say aye.

25 COMMISSION MEMBERS: Aye.

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1 THE CHAIRMAN: Any opposed?
 2 COMMISSION MEMBERS: (No response.)
 3 THE CHAIRMAN: All right. Amendment
 4 carries. On to the main motion of approval of
 5 MM-24-05. Any further discussion?
 6 COMMISSION MEMBERS: (No response.)
 7 THE CHAIRMAN: Seeing none, all in favor,
 8 say aye.
 9 COMMISSIONER MESKEL: Aye.
 10 COMMISSIONER McGOWAN: Aye.
 11 COMMISSIONER CARTER: Aye.
 12 COMMISSIONER MARAR: Aye.
 13 THE CHAIRMAN: Aye.
 14 Any opposed?
 15 COMMISSIONER MEEKS: (Indicating.)
 16 THE CHAIRMAN: All right. Commissioner
 17 Meeks in opposition. Motion carries.
 18 Thank you so much, Mr. Lusk. Good luck.
 19 MR. LUSK: Thank you.
 20 THE CHAIRMAN: Thank you.
 21 All right. Moving on, we are at 2024-0404
 22 and 2024-0405 for 302 and 306 Center Avenue.
 23 We'll go ahead and open that public hearing.
 24 And, staff, whenever you're ready.
 25 (Mr. Hagan approaches the podium.)

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1 directly across Center Avenue, to the west of
 2 the site.
 3 The subject site is within an Industrial
 4 Situational Compatibility Zone, which consists
 5 of areas presumed to be appropriate for
 6 industrial development, and the proposed Light
 7 Industrial is a logical extension -- expansion
 8 of the adjacent Light Industrial land to the
 9 east and south of the subject site.
 10 For those reasons and those listed in the
 11 staff report, the Department is forwarding a
 12 recommendation to approve.
 13 MS. ABNEY: This is the companion
 14 rezoning, Ordinance Number 2024-0405, which is
 15 seeking to rezone approximately 1.89 acres of
 16 land from Residential Rural-Acre to Industrial
 17 Light to allow for industrial-type uses.
 18 Again, the subject property is located
 19 south of General Avenue and it's north of I-10
 20 with access along Center Avenue. The
 21 surrounding parcels to the south and east were
 22 previously rezoned to the Industrial Light
 23 zoning district through Ordinance Number
 24 2022-0480 and 2023-0362, both of those being
 25 approved.

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1 COMMISSIONER MEEKS: Mr. Chairman, which
 2 one --
 3 THE CHAIRMAN: 2024-0404 and -0405.
 4 COMMISSIONER MEEKS: We just did -05.
 5 THE CHAIRMAN: No. We did -- so we are on
 6 land use amendments --
 7 (Discussion held off the record.)
 8 MR. TEAL: It's 10 and 11 on your agenda.
 9 THE CHAIRMAN: Did I miss 24-10? Well, my
 10 apologies. We will come back to that, but
 11 since we've got Mr. Hagan up here, we'll go
 12 ahead and get this taken care of.
 13 So, again, 2024-0405 and 2024-0404.
 14 Apologize, staff, but whenever you're ready,
 15 you can go ahead.
 16 MS. FOGARTY: Thank you.
 17 2024-0404 is for approximately 1.89 acres,
 18 located at 302 and 306 Center Avenue, along the
 19 west side of Center Avenue, just north of
 20 Interstate 10.
 21 The applicant is requesting a land use
 22 amendment from Community/General Commercial to
 23 Light Industrial. There have been three
 24 similar amendments to Light Industrial passed
 25 in the area since 2022, including an amendment

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1 Staff has reviewed the request and finds
 2 that with [sic] the proposed rezoning to be
 3 consistent with the Comp Plan with the proposed
 4 land use category of LI which allows for
 5 industrial uses when they are conducted within
 6 an enclosed building other than outdoor
 7 storage.
 8 This portion of General Avenue extends
 9 east from Chaffee Road North and it's primarily
 10 zoned for industrial uses, both light and
 11 heavy. These types of uses include open
 12 storage, warehousing, and manufacturing.
 13 The proposed rezoning would be compatible
 14 with the existing development in the area, so,
 15 therefore, we forward a recommendation of
 16 approval.
 17 THE CHAIRMAN: Excellent. Thank you.
 18 Mr. Hagan.
 19 MR. HAGAN: Mr. Chairman, thank you for
 20 accommodating my schedule here.
 21 Chris Hagan, 208 North Laura Street, on
 22 behalf of the owner of the property.
 23 Staff did a great job of explaining the
 24 application, both of them. This area is kind
 25 of a -- is a Rural Residential area, going more

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1 industrial, that -- General Avenue is more of
 2 an industrial/commercial road, and these
 3 properties are sandwiched in between General
 4 Avenue and I-10, so this is -- a lot of this
 5 area is moving in that direction and this
 6 probably won't be the last application we see
 7 coming forward in this area.
 8 So that's why we're asking for the
 9 rezoning, and we appreciate your support.
 10 THE CHAIRMAN: Excellent. Thank you so
 11 much.
 12 Is there anyone else here today to talk on
 13 2024-0405 or -0404?
 14 AUDIENCE MEMBERS: (No response.)
 15 THE CHAIRMAN: Seeing none, we'll go ahead
 16 and close the public hearing and bring it back
 17 to the Commission.
 18 And can I get a motion for 2024-0404,
 19 please?
 20 COMMISSIONER MESKEL: Motion to approve.
 21 COMMISSIONER McGOWAN: I'll second.
 22 THE CHAIRMAN: Thank you.
 23 Any discussion?
 24 Yes, sir, Commissioner Meeks.
 25 COMMISSIONER MEEKS: A question for the
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1 staff. And I'm not quite sure of the -- it
 2 talks about between Center Avenue and Celery
 3 Avenue. I remember from a previous project
 4 that we had come before us with the school that
 5 sits at the corner of General Avenue and
 6 Chaffee Road that Celery -- well, Celery Avenue
 7 was the main street -- primary street I should
 8 say, that parents use to both drop off and pick
 9 up their children in the morning and in the
 10 afternoon.
 11 So how does this expected usage and
 12 corresponding flow of trucks affect Celery
 13 Avenue and what the parents are doing with
 14 the picking -- dropping off and picking up
 15 their children?
 16 MS. ABNEY: Through the Chair to
 17 Commissioner Meeks, so this business would not
 18 be using Celery Avenue to access their parcel.
 19 They would be using General Avenue to move east
 20 from Chaffee Road down to Center Avenue,
 21 further east from Celery.
 22 COMMISSIONER MEEKS: Okay. Let me make
 23 sure I understand because Celery intersects
 24 General Avenue. So it seemed like to me there
 25 would still be some contact area. If it's
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1 going down General Avenue, Celery is the
 2 intersection to General Avenue in which the
 3 parents use to drop off and pick up their
 4 children.
 5 MS. ABNEY: Through the Chair to the
 6 commissioner, so, I mean, General Avenue is
 7 used for all other industrial uses that are
 8 further down General Avenue, which is primarily
 9 zoned Industrial Light and Industrial Heavy
 10 already.
 11 COMMISSIONER MEEKS: Yeah, I understand
 12 that. I'm not sure your answer is really
 13 responsive to my question.
 14 We've got -- I think it was -- going from
 15 memory, it was 250-or-so parents who come in on
 16 Celery Avenue, intersect General Avenue, and
 17 then go to the school. That happens twice a
 18 day. And so the question I keep asking is, how
 19 is this additional traffic going to impact
 20 parents trying to drop off and pick up their
 21 children?
 22 COMMISSIONER McGOWAN: If I could
 23 interject. Through the Chair to Mr. Meeks, I'm
 24 looking at an aerial map that I can't share,
 25 but it looks like Celery Avenue is a
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1 residential street on the south side of General
 2 Avenue and the industrial piece would be on the
 3 south side of the road.
 4 So the -- the people that I think you're
 5 maybe mentioning are coming down Celery Avenue
 6 from the north and turning right on to General
 7 Avenue, but Celery Avenue itself does not
 8 appear -- it's full of homes. It doesn't
 9 appear as a pick-up or drop-off for the school.
 10 It's a -- it's buffered by a number of homes.
 11 COMMISSIONER MEEKS: I realize that, but
 12 it intersects General Avenue, which then is the
 13 access point to the school. And so I keep
 14 asking the question, how does this additional
 15 traffic affect parents who are going to come in
 16 Celery Avenue, intersect General Avenue, and
 17 drop off and pick up their children? I keep
 18 asking that same question. If you don't know,
 19 just say you don't know.
 20 Maybe Mr. Hagan would like to address that
 21 question. I'm open.
 22 THE CHAIRMAN: I mean, I feel,
 23 Commissioner Meeks, that they've answered the
 24 question. Maybe I'm misunderstanding where
 25 you're coming from, but, you know, looking at
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1 Page 15 of 15 of the application on -0404, you
 2 know, it indicates -- I mean, it is on Center
 3 Avenue, and so -- and as they stated, you know,
 4 they'll take a right on General Avenue, not
 5 intersecting Celery in any way, shape or form.
 6 So is that not the answer or am I missing
 7 something? I --
 8 COMMISSIONER MEEKS: It is not. Celery
 9 intersects General Avenue. The parents then
 10 turn right on General Avenue and go around the
 11 circle to drop their kids off at the school.
 12 And so I've heard that General Avenue is going
 13 to be an access point for these -- for these
 14 additional trucks or traffic.
 15 So I'm asking if there's been any
 16 consideration made as to what, if any, impact
 17 that has on the parents -- roughly 250 I've
 18 been told -- coming in the morning and the
 19 afternoon; Celery Avenue, General Avenue, and
 20 drop off and pick up their kids. That's -- if
 21 there hasn't been any consideration made, then
 22 that's an answer to my question.
 23 MR. HAGAN: And to Commissioner Meeks, I
 24 fully understand what you're trying to say.
 25 They -- General Avenue will be used by
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1 traffic engineer, but just using common sense,
 2 it's never been changed to accommodate the kind
 3 of truck traffic that's out there now. It's a
 4 residential road. It was built for a very
 5 limited -- very limited access or very limited
 6 traffic, so --
 7 And I keep hearing this has been zoned a
 8 certain way, and I understand that. The zoning
 9 was -- I guess the roads were not kept up to
 10 the zoning, so that's just a fact of life.
 11 The question I'm going to ask you is --
 12 you said it was going to have minimal impact.
 13 How did you determine that?
 14 MR. HAGAN: Based upon the size of the
 15 property and how much we can use on the
 16 property. So, I mean, it's not like we can
 17 have -- if we go to Light Industrial, we can
 18 have so many people coming in and out of the
 19 business on that street. So the trip
 20 generation will be very minimal. That's what I
 21 was referring to as minimal, the trip
 22 generation.
 23 COMMISSIONER MCGOWAN: Through the Chair
 24 to Mr. Meeks, at the expense of sounding
 25 controversial here -- argumentative, rather,
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1 this business because it does intersect Center
 2 Avenue. And you're referring to Celery that
 3 also interjects General, so they're going to be
 4 turning one way or the other on this. This
 5 will have a minimal effect based upon the size
 6 of property and the -- and the intensive use.
 7 So there has not been a lot of
 8 consideration given just because the -- we
 9 understand that the impacts to this street will
 10 be minimal, and -- and we also understand that
 11 General Avenue is an industrial street.
 12 I'm not -- unaware of the previous
 13 application that came in front of you, so I
 14 can't speak on that one, but this one will have
 15 minimal impacts on it.
 16 COMMISSIONER MEEKS: Well, I'm belaboring
 17 this point, if you'll bear with me.
 18 General Avenue, this is one of the things
 19 that has been -- and I'm not picking on you in
 20 this, Mr. Hagan.
 21 MR. HAGAN: Understood.
 22 COMMISSIONER MEEKS: It's become
 23 increasingly frustrating to me in being on this
 24 committee, is that street was clearly designed
 25 and has never been, in my view -- I'm not a
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1 I'm counting eight residential lots anywhere
 2 off of General Avenue there and everything else
 3 appears to be Light Industrial or Heavy
 4 Industrial land use, and so I would argue maybe
 5 the opposite, besides the school and eight
 6 homes there. This is an industrial corridor
 7 from the map that I'm looking at, which I wish
 8 I could share, but it's in the report.
 9 COMMISSIONER MEEKS: Well, I'm not arguing
 10 what you just said. My point has been -- and
 11 we can't change this -- the street is not
 12 designed for how it's been zoned. I think
 13 Mr. Hagan is nodding his head in agreement with
 14 that.
 15 And the point I was making was about the
 16 parents dropping off their children, both in --
 17 dropping off in the morning and picking up in
 18 the afternoon.
 19 But I think, Mr. Chairman, I've belabored
 20 the point sufficiently, thereby is the
 21 satisfaction.
 22 THE CHAIRMAN: All right. And is there
 23 any other further discussion on 2024-0404?
 24 COMMISSION MEMBERS: (No response.)
 25 THE CHAIRMAN: Seeing none, all in favor,
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1 say aye.
 2 COMMISSION MEMBERS: Aye.
 3 THE CHAIRMAN: Any opposed?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: Motion carries, no
 6 opposition.
 7 Can I get a motion for 2024-0405?
 8 COMMISSIONER MESKEL: Motion to approve.
 9 COMMISSIONER McGOWAN: Second.
 10 THE CHAIRMAN: Any discussion?
 11 COMMISSION MEMBERS: (No response.)
 12 THE CHAIRMAN: Seeing none, all in favor,
 13 say aye.
 14 COMMISSION MEMBERS: Aye.
 15 THE CHAIRMAN: Any opposed?
 16 COMMISSION MEMBERS: (No response.)
 17 THE CHAIRMAN: Motion carries, no
 18 opposition.
 19 Thank you so much.
 20 MR. HAGAN: Thank you, Mr. Chairman.
 21 THE CHAIRMAN: Have a good one.
 22 All right. I apologize, we're going to
 23 get back. That's my fault for skipping
 24 MM-24-10 at 2063 Gilmore Street.
 25 I do have a card from Carmen Godwin.
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1 and -- or Parcel 1, and to allow multifamily
 2 development on Parcel 2. Parcel 2 will be
 3 developed with a maximum of three units and
 4 five parking spaces as depicted on the site
 5 plan.
 6 This property is located within the
 7 Riverside Avondale Zoning Overlay and any new
 8 development or additions shall comply with that
 9 part of the Zoning Code and will also require
 10 approval from the Jacksonville Historic
 11 Preservation Commission for the architecture.
 12 The PUD -- this minor mod does meet the
 13 criteria. The PUD was approved for both -- for
 14 the multifamily dwellings as well as the
 15 existing commercial use, so there's no change
 16 to that.
 17 The approved driveway locations for
 18 Parcel 1 has not changed, and Parcel 2 will
 19 allow for a driveway access from Gilmore Street
 20 but will not significantly alter the general
 21 distribution of traffic.
 22 With that, staff is recommending approval
 23 of MM-24-10 without conditions.
 24 THE CHAIRMAN: Thank you.
 25 All right. Ms. Godwin [sic], go ahead.
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1 (Audience member approaches the podium.)
 2 THE CHAIRMAN: Are you the applicant or
 3 a --
 4 AUDIENCE MEMBER: I'm the applicant.
 5 THE CHAIRMAN: Okay. I mean, you don't --
 6 you say "questions only." That's fine. So you
 7 don't have to if you don't want to, but -- I
 8 mean, why don't you just come on up, if you
 9 don't mind.
 10 (Audience member approaches the podium.)
 11 THE CHAIRMAN: Just name and address for
 12 the record, we'll get you sworn in.
 13 AUDIENCE MEMBER: Okay.
 14 THE CHAIRMAN: And then we'll just have
 15 that stated on the record.
 16 Actually, before that -- I'm getting ahead
 17 of myself. My apologies.
 18 Staff, whenever you are ready, please.
 19 MR. LEWIS: Thank you.
 20 This is application for a minor
 21 modification to a PUD. MM-24-10 seeks to
 22 submit a revised site plan to clarify the lot
 23 requirements for each parcel of the PUD. The
 24 PUD has two parcels. Parcel A is allowing for
 25 the tattoo studio office to remain as existing
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1 Your name and address for the record, please,
 2 and then Ms. Tropa will get you sworn in.
 3 AUDIENCE MEMBER: Kaylee Higginbotham,
 4 45209 Oak Trail, Callahan, Florida 32011.
 5 THE REPORTER: If you would raise your
 6 right hand for me, please.
 7 MS. HIGGINBOTHAM: (Complies.)
 8 THE REPORTER: Do you affirm that the
 9 testimony you are about to give will be the
 10 truth, the whole truth, and nothing but the
 11 truth?
 12 MS. HIGGINBOTHAM: Yes.
 13 THE REPORTER: Thank you.
 14 THE CHAIRMAN: And just want to know, do
 15 you want to add anything to that?
 16 MS. HIGGINBOTHAM: Nope.
 17 THE CHAIRMAN: Okay.
 18 MS. HIGGINBOTHAM: That was it.
 19 THE CHAIRMAN: Appreciate that. You can
 20 have a seat if you'd like.
 21 Is there anyone else here to talk on
 22 MM-24-10?
 23 AUDIENCE MEMBERS: (No response.)
 24 THE CHAIRMAN: Seeing none, we'll go ahead
 25 and close the public hearing and bring it back
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1 to the Commission.
 2 Can I get a motion, please?
 3 COMMISSIONER MESKEL: Motion to approve.
 4 COMMISSIONER McGOWAN: Second.
 5 THE CHAIRMAN: Thank you.
 6 Any discussion?
 7 MR. TEAL: (Off microphone.)
 8 THE CHAIRMAN: Yes, sir. Hold on one
 9 second.
 10 (Discussion held off the record.)
 11 THE CHAIRMAN: I mean, you're Carmen,
 12 right?
 13 MS. HIGGINBOTHAM: I --
 14 THE CHAIRMAN: No, no, no. Oh, you're
 15 Carmen. Okay. I apologize.
 16 MS. HIGGINBOTHAM: I'm Kaylee.
 17 THE CHAIRMAN: Apologize.
 18 All right. Just after we get done, fill
 19 out a blue card if you don't mind, please.
 20 MS. HIGGINBOTHAM: Oh, yeah.
 21 THE CHAIRMAN: Thank you.
 22 All right. Back to it. Any discussion?
 23 COMMISSION MEMBERS: (No response.)
 24 THE CHAIRMAN: Seeing none, all in favor,
 25 say aye.

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1 the Industrial Situational Compatibility
 2 Overlay which consists of areas presumed to be
 3 appropriate for industrial development. The
 4 site is surrounded by land designated as Light
 5 Industrial with a mix of uses, including vacant
 6 land, open storage, manufacturing, office, and
 7 two single-family homes, one to the southwest
 8 of the site along Clydo Road South and one to
 9 the west of the site along the north side of
 10 Clydo Road.
 11 The Department finds the proposed Heavy
 12 Industrial would be compatible with the
 13 existing industrial land use designations and
 14 uses in the area and is, therefore, forwarding
 15 a recommendation to approve.
 16 THE CHAIRMAN: Thank you.
 17 All right. Mr. Atwill, come on up, sir.
 18 Come on up.
 19 (Mr. Atwill approaches the podium.)
 20 THE CHAIRMAN: While Fred is coming up, is
 21 there any ex parte on this?
 22 COMMISSION MEMBERS: (No response.)
 23 THE CHAIRMAN: No?
 24 MR. ATWILL: Fred Atwill, Jr.
 25 Good afternoon.

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1 COMMISSION MEMBERS: Aye.
 2 THE CHAIRMAN: Any opposed?
 3 COMMISSION MEMBERS: (No response.)
 4 THE CHAIRMAN: Motion carries, no
 5 opposition.
 6 Thank you so much. Good luck. And just
 7 fill out the blue card. Thanks again.
 8 Appreciate that.
 9 All right. Moving on, 2024-0225 at 0
 10 Clydo Road. We'll go ahead and open that
 11 public hearing.
 12 And, staff, whenever you're ready.
 13 MS. FOGARTY: Thank you.
 14 This is Ordinance 2024-0225. This
 15 application is for 06.7 of an acre located
 16 at -- Clydo Road, between Rolac Road and Clydo
 17 Road, which are both unclassified roads east of
 18 St. Augustine Road.
 19 The applicant is requesting a land use
 20 amendment from Light Industrial to Heavy
 21 Industrial to permit a propane storage and
 22 distribution business with storage tanks and an
 23 office building.
 24 The subject site is a preexisting propane
 25 storage and distribution facility located in

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1 9001 Forest Acres Lane, representing Flow
 2 Gas [sic] and Sharp Energy on this project.
 3 This company has been in Jacksonville for
 4 approximately four decades or so. They want to
 5 do the right thing. They have gone in here and
 6 replaced three old 20,000-gallon propane tanks
 7 that were situated on the site and come back
 8 and replace those with two brand-new
 9 30,000-gallon propane tanks for storage and
 10 distribution.
 11 We respectfully ask your support for this
 12 improvement, and I'm here for any questions
 13 that you may have. Thank very much.
 14 And I'd like to thank the Planning and
 15 Development Department, in particular Director
 16 James for his assistance as we move through
 17 this process in light of other complications
 18 regarding the Heavy Industrial, Light
 19 Industrial controversy in Jacksonville.
 20 Thank you.
 21 THE CHAIRMAN: Thank you so much,
 22 Mr. Atwill.
 23 All right. Is there anyone else here to
 24 talk on 2024-0225?
 25 AUDIENCE MEMBERS: (No response.)

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1 THE CHAIRMAN: Seeing none, we'll go ahead
2 and close the public hearing and bring it back
3 to the Commission.

4 Can I get a motion, please?

5 COMMISSIONER MESKEL: Motion to approve.

6 COMMISSIONER McGOWAN: I'll second.

7 THE CHAIRMAN: Any discussion?

8 COMMISSION MEMBERS: (No response.)

9 THE CHAIRMAN: Seeing none, all in favor,
10 say aye.

11 COMMISSION MEMBERS: Aye.

12 THE CHAIRMAN: Any opposed?

13 COMMISSION MEMBERS: (No response.)

14 THE CHAIRMAN: Motion carries, no
15 opposition.

16 Thank you so much, Mr. Atwill.

17 MR. ATWILL: Thank you very much for your
18 time.

19 THE CHAIRMAN: Yes, sir. Have a great
20 one.

21 All right. Moving on, 2024-0395 and
22 2024-0396, we'll go ahead and open those public
23 hearings.

24 And, staff, whenever you're ready.

25 MS. FOGARTY: Thank you.

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1 Ordinance 2024-0395 is for approximately
2 43.8 acres, located at 13911 Atlantic
3 Boulevard, on the north side of Atlantic
4 Boulevard and west of the Intracoastal
5 Waterway.

6 The applicant is requesting a land use
7 amendment from Community/General Commercial
8 pursuant to Ordinance 2009-0621-E to
9 Community/General Commercial. Ordinance
10 2009-0621-E is a remedial Comprehensive Plan
11 amendment. And while the requirements of this
12 remedial amendment are proposed for removal as
13 requirements of the land use designation, the
14 companion Planned Unit Development written
15 description and site plan incorporate the
16 intent of the applicable conditions of the
17 remedial amendment with modifications to
18 density and intensity limitations. Such
19 limitations were conditioned to meet and
20 maintain the level of service standards for
21 transportation at the time of the remedial
22 amendment in 2009.

23 Since that time, the City has adopted new
24 mitigation standards for transportation impacts
25 through the mobility fee system allowing for

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1 modifications of density and intensity on the
2 site while maintaining the current level of
3 service standards for transportation.

4 Staff finds that the amendment site is
5 currently undeveloped land in the CGC land use
6 category. The Intracoastal Waterway abuts the
7 site to the east with mostly wetlands
8 surrounding the site on the east, north, and
9 west. The wetlands surrounding the site have
10 been deeded over to the Florida Department of
11 Environmental Protection as a result of the
12 remedial amendment.

13 Properties along the Atlantic Boulevard
14 corridor include a mix of commercial and
15 residential uses in the CGC and MDR land use
16 categories, and the subject site contains
17 Category 1 wetlands. And as such, the
18 application was presented at the Waterways
19 Commission on June 12th, and the Commission
20 voted to unanimously approve.

21 For these reasons and those listed in the
22 staff report, the Planning and Development
23 Department is forwarding a recommendation to
24 approve.

25 THE CHAIRMAN: Thank you.

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1 MR. LEWIS: Application for Planned Unit
2 Development, Ordinance 2024-0396 is the
3 companion application rezoning the same 43
4 acres from PUD to PUD. This is to allow for a
5 maximum of 560 multifamily residential units,
6 106,000 square feet of commercial uses, and 650
7 wet and dry boat slips.

8 There is a provision that a hundred slips
9 will be made available to the public on a
10 first-come/first-serve basis, and the marina
11 will include a public boat ramp.

12 Staff has reviewed this application, and
13 with approval of the land use amendment will
14 find it consistent with the Comprehensive Plan.
15 The companion -- we feel that the written
16 description and site plan incorporates the
17 intent of the applicable conditions of the
18 previous ordinance with modifications to the
19 density and intensity limitations.

20 The specific conditions are consistent
21 with Ordinance 2009 [sic], the remedial
22 amendment, and also included in the legislation
23 of the companion PUD.

24 The proposed uses are a mix of
25 residential, retail, marina, and boat slips.

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1 It is not expected that any of these uses will
 2 create any internal adverse impacts.
 3 We also find that it does meet the
 4 external compatibility. The development is
 5 surrounded to the north and west sides by
 6 approximately 30 acres of marsh and wetlands.
 7 The closest lot in the Pablo Point
 8 subdivision to the northwest is approximately
 9 600 feet from the proposed residential
 10 building. And the Terrabella Coastal
 11 apartments are directly west and approximately
 12 550 feet from the proposed commercial building.
 13 The PUD does state that all residential
 14 and commercial uses shall be located only above
 15 the mean high water line and residential uses
 16 will be clustered outside the 2013 Coastal High
 17 Hazard Area.
 18 With that, staff is recommending approval
 19 with five exhibits.
 20 In front of the commissioners, you have
 21 some revised conditions. There are 11 of
 22 those. So we are proposing those 11 revised
 23 conditions in lieu of the ones that are in the
 24 staff report.
 25 Thank you.

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1 THE CHAIRMAN: Thank you so much.
 2 (Ms. Trimmer approaches the podium.)
 3 THE CHAIRMAN: Ms. Trimmer, go ahead.
 4 MS. TRIMMER: Thank you so much.
 5 Cyndy Trimmer, One Independent Drive,
 6 Suite 1200, on behalf of the applicant.
 7 This project has been a long time coming.
 8 You heard from the staff report that there was
 9 a lot of history to it, including a remedial
 10 amendment.
 11 I know that you have received some
 12 opposition, so I wanted to take the time to go
 13 through it. This application is a little
 14 unique. It is from a CGC land use that
 15 includes that remedial amendment and some
 16 conditions to a new CGC land use, recognizing
 17 that the City no longer operates under the
 18 concurrency management system and that we are
 19 now under mobility.
 20 I do want to make sure everybody is very
 21 clear, we are not eliminating any of the
 22 conditions that were in that remedial
 23 amendment, including the ones in the PUD that
 24 were a benefit to the community. We have
 25 worked with staff and the State and have all

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1 agreed that it makes sense to move the
 2 conditions forward into the PUD. So that is
 3 the list of 11 conditions that you see in front
 4 of you.
 5 I have passed a handout around that
 6 outlines the list of conditions from the
 7 remedial amendment and how each of those has
 8 been addressed, carried forward into this new
 9 one so that you have that summary just very
 10 clearly in front of you.
 11 What is not listed on the remedial
 12 amendment and is adopted in the PUD is the fact
 13 that the old PUD had a requirement for certain
 14 public improvements. One was a boat ramp that
 15 has a minimum of two lanes and 30 trailer
 16 parking spaces. We have worked in the
 17 intervening years with the Public Works
 18 Department and the Parks Department. We have
 19 fully approved plans that have been negotiated
 20 between the developer and the City for what
 21 that boat ramp is going to look like and the
 22 configuration of the public parking. We've
 23 negotiated all of the terms in terms of future
 24 maintenance and ongoing work for that marina.
 25 That term sheet, including the budget for

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1 the marina improvements, is going through with
 2 the PUD as well to give the community the
 3 satisfaction and comfort that that will be part
 4 of this process. And we've added conditions to
 5 the PUD that require that certain parts of that
 6 marina come on line and be dedicated to the
 7 public before Certificates of Occupancy for the
 8 building are added.
 9 We also have a requirement for the 100
 10 public boat slips that are available
 11 first-come/first-serve. That is carried
 12 forward into this.
 13 And then we have agreed with the City to
 14 dedicate an additional 3 acres of land into
 15 Conservation above and beyond what was required
 16 by that original remedial amendment.
 17 So with that -- I know that's a lot of
 18 information -- I am available for questions and
 19 I will pause there.
 20 THE CHAIRMAN: Excellent. Thank you so
 21 much.
 22 Is there anyone else here to talk on
 23 2024-0395 or 2024-0396?
 24 AUDIENCE MEMBERS: (No response.)
 25 THE CHAIRMAN: Seeing none, we'll go ahead

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1 and close those public hearings and bring it
 2 back to the Commission.
 3 And can I get a motion on 2024-0395,
 4 please?
 5 COMMISSIONER MESKEL: Motion to approve.
 6 COMMISSIONER McGOWAN: I'll second.
 7 THE CHAIRMAN: Any discussion?
 8 COMMISSION MEMBERS: (No response.)
 9 THE CHAIRMAN: Seeing none, all in favor
 10 say ay.
 11 COMMISSIONER McGOWAN: Just ex parte.
 12 I --
 13 THE CHAIRMAN: Go ahead.
 14 COMMISSIONER McGOWAN: Ex parte. I spoke
 15 with Ms. Trimmer yesterday. She gave me a call
 16 just to see if I had any questions. She gave
 17 me the general outlay that we just heard. I
 18 did that -- didn't have many questions, but
 19 just got that general overview, so --
 20 THE CHAIRMAN: Thank you.
 21 Any further ex parte?
 22 COMMISSIONER MESKEL: Yes. Sorry, Chair.
 23 I did speak with Ms. Trimmer. That was
 24 yesterday. And she gave me some history on the
 25 project.

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1 THE CHAIRMAN: Thank you.
 2 COMMISSIONER MEEKS: Just one comment,
 3 Mr. Chairman.
 4 It seems very complicated. I hope you
 5 know what you're doing.
 6 MS. TRIMMER: Through the Chair, thank
 7 you.
 8 This one has been very, very complicated.
 9 I have a representative from the developer here
 10 who is very sophisticated, thankfully. They
 11 have actually gone most of the way through the
 12 Army Corps and River Water Management District
 13 and all of those permits to have this queued up
 14 and ready to go. We're all raring to get this
 15 on line.
 16 THE CHAIRMAN: All right. I don't know
 17 where we were, but any further discussion on
 18 2024-0395?
 19 COMMISSION MEMBERS: (No response.)
 20 THE CHAIRMAN: All right. Seeing none,
 21 all in favor, say aye.
 22 COMMISSION MEMBERS: Aye.
 23 THE CHAIRMAN: Any opposed?
 24 COMMISSION MEMBERS: (No response.)
 25 THE CHAIRMAN: Motion carries, no

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1 opposition.
 2 Can I get a motion for 2024-0396, please?
 3 COMMISSIONER MESKEL: Motion to approve
 4 with the revised conditions that we were
 5 presented here today.
 6 COMMISSIONER McGOWAN: I will second.
 7 THE CHAIRMAN: Thank you.
 8 Any discussion?
 9 COMMISSION MEMBERS: (No response.)
 10 THE CHAIRMAN: Seeing one --
 11 COMMISSIONER MESKEL: Ex parte. I did
 12 speak with Ms. Trimmer about this project
 13 yesterday.
 14 THE CHAIRMAN: Thank you.
 15 Any further ex parte?
 16 COMMISSIONER McGOWAN: Same.
 17 THE CHAIRMAN: All right. If there's no
 18 further discussion, all in favor, say aye.
 19 COMMISSION MEMBERS: Aye.
 20 THE CHAIRMAN: Any opposed?
 21 COMMISSION MEMBERS: (No response.)
 22 THE CHAIRMAN: Motion carries, no
 23 opposition.
 24 Thank you so much.
 25 MS. TRIMMER: Thank you.

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1 THE CHAIRMAN: Have a good one. Good
 2 luck. Looking forward to it coming on line.
 3 All right. We are now on 2024-0397 and
 4 2024-0398 for 2168 St. Johns Bluff Road and
 5 10468 Bradley Road. We'll go ahead and open
 6 those public hearings.
 7 And, staff, whenever you're ready.
 8 MS. FOGARTY: Thank you.
 9 Ordinance 2024-0397 is for approximately
 10 6.14 acres, located at 2168 St. Johns Bluff
 11 Road South, between St. Johns Bluff Road South
 12 and Cromwell Road.
 13 The applicant is requesting a future land
 14 use amendment from
 15 Residential-Professional-Institutional to
 16 Business Park. The site is surrounded by a mix
 17 of uses with primarily residential uses to the
 18 north and west, while more intense uses,
 19 including warehouse, service garage, and
 20 commercial uses are located to the east, along
 21 St. Johns Bluff Road South.
 22 Staff finds the proposed Business Park
 23 maintains a compatible land use pattern with
 24 the existing uses in the St. Johns Bluff Road
 25 South corridor and is forwarding a

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1 recommendation to approve.
2 MR. LEWIS: Ordinance 2024-0398, again, is
3 the companion, rezoning the same 6 acres from
4 CRO to PUD. This is to allow for a variety of
5 uses, including storage, warehousing, and
6 office uses.

7 Currently, the subject property is
8 developed with two single-family dwellings.
9 Parcel A will be utilized primarily for
10 personal property storage, including boat and
11 RV storage. Parcel B will be utilized as
12 office space and a warehouse, along with
13 maintaining an existing single-family dwelling
14 on the property.

15 We do find it's consistent with the
16 Comprehensive Plan and furthers those goals and
17 objectives. The subject site is approximately,
18 as I mentioned, 6 acres, located along
19 St. Johns Bluff Road, south of Bradley Road.
20 The surrounding area is primarily single-family
21 residential to the west, but there is a mixture
22 of industrial uses to the east and north of the
23 subject property along St. Johns Bluff Road.

24 With that, staff is recommending approval
25 with the three exhibits and no conditions.

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1 THE CHAIRMAN: Thank you.
2 Any ex parte communication?
3 COMMISSION MEMBERS: (No response.)
4 THE CHAIRMAN: All right.
5 (Mr. Phillips approaches the podium.)
6 THE CHAIRMAN: Mr. Phillips, how are you?
7 MR. PHILLIPS: I'm good. Thank you,
8 Chairman.

9 Good afternoon, Commissioners.
10 This is a -- an underutilized infill site
11 in a prime location. It's an assemblage of
12 nine different parcels that are now under one
13 ownership. Previously -- they're -- they're
14 very long and skinny and wouldn't have made
15 sense to really build anything. But my client
16 has purchased them, and we are seeking a land
17 use amendment to Business Park, to BP. It's
18 currently in RPI, and I think it would very
19 much fit within the area.

20 That section of St. Johns Bluff is filled
21 with commercial and light industrial uses, as
22 Mr. Lewis suggested, so -- BP would allow us to
23 construct the uses that we're proposing in the
24 PUD, which we'll speak on next, of course, but,
25 in sum, it's a variety of different storage

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1 uses from the standard personal property to
2 outdoor storage of boats and RVs to covered and
3 fully enclosed of the same.

4 I have not heard from any neighbors
5 regarding the rezoning. Actually, I've heard
6 from one and he liked it so much, he joined in
7 and his property is part of the PUD now. No
8 one was at the Citizens Information Meeting.

9 And so with that, I will stand by, and I'm
10 happy to answer any questions.

11 THE CHAIRMAN: Thank you.

12 Is there anyone else -- actually, we do.
13 We have Mr. Boyd. Are you here?

14 AUDIENCE MEMBER: (Indicating.)

15 THE CHAIRMAN: Come on up, sir.

16 (Audience member approaches the podium.)

17 THE CHAIRMAN: And when you come up, just
18 name and address for the record, Mr. Boyd.

19 AUDIENCE MEMBER: Jeff Boyd, 4463 Charter
20 Point Boulevard, Jacksonville, ZIP is 32277.

21 I'm here to represent St. Barnabas
22 Anglican Church, located at 2140 St. Johns
23 Bluff Road South.

24 We do not have any objection to the
25 rezoning. We had one concern. We are an

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1 adjacent property owner and we have a -- a
2 water line easement which goes to our meter on
3 Bradley. And the site plan that we were
4 provided does not indicate that easement,
5 although it does show construction immediately
6 adjacent to the easement and over the easement.

7 So our concern was that the -- the
8 easement and the water line be protected during
9 any potential construction on the site.

10 THE CHAIRMAN: Okay. Anything else?

11 MR. BOYD: That's all.

12 THE CHAIRMAN: I appreciate that.

13 MR. BOYD: Thank you very much for the
14 opportunity.

15 THE CHAIRMAN: Yes, sir.

16 Mr. Hayden [sic], would you like to come
17 up and address that? Or, I apologize, Mr. --

18 You can have a seat, sir.

19 MR. BOYD: Thank you.

20 THE CHAIRMAN: Thank you so much,

21 Mr. Boyd. Appreciate that.

22 Mr. Phillips.

23 MR. PHILLIPS: Yes. Thank you.

24 I actually did speak to Mr. Boyd
25 yesterday. The easement is not shown on our

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1 PUD site plan, but it is shown on a survey that
 2 we provided to him. My client, Steve Disbrow
 3 (phonetic), is actually here. We've spoken
 4 with the pastor and Mr. Boyd several times.
 5 And the easement will not be disturbed.
 6 There's no buildings planned to be located on
 7 top of it; if anything, an internal drive, and
 8 I think it will mostly be adjacent to the
 9 driveway. So that should not be a problem.
 10 And, of course, that -- that is not related to
 11 the -- to the zoning.
 12 Happy to answer any other questions.
 13 THE CHAIRMAN: Got it. Thank you so much.
 14 We appreciate that.
 15 Is there anyone else here to talk on
 16 2024-0397 or 2024-0398?
 17 AUDIENCE MEMBERS: (No response.)
 18 THE CHAIRMAN: Seeing none, we'll go ahead
 19 and close the public hearings and bring it back
 20 to the Commission.
 21 Can I get a motion for 2024-0397, please?
 22 COMMISSIONER MESKEL: Motion to approve.
 23 COMMISSIONER MCGOWAN: I'll second.
 24 THE CHAIRMAN: Thank you.
 25 Any discussion?

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1 COMMISSIONER MCGOWAN: Just a -- through
 2 the Chair to the applicant, just a point of
 3 clarification. I think the answer is "yes,"
 4 but I couldn't really tell from the site plan.
 5 There is an 8-foot fence planned along the
 6 whole western boundary of the property that
 7 backs up to the houses, correct?
 8 MR. PHILLIPS: That is correct.
 9 The western boundary of the site is
 10 adjacent to single-family residential, and we
 11 will be in compliance with the Code-required
 12 uncomplementary buffers along the western
 13 boundary.
 14 COMMISSIONER MCGOWAN: Sounds good.
 15 Thank you.
 16 THE CHAIRMAN: Any further discussion?
 17 COMMISSION MEMBERS: (No response.)
 18 THE CHAIRMAN: All right. Seeing none,
 19 all in favor, say aye.
 20 COMMISSION MEMBERS: Aye.
 21 THE CHAIRMAN: Any opposed?
 22 COMMISSION MEMBERS: (No response.)
 23 THE CHAIRMAN: Motion carries, no
 24 opposition.
 25 Can I get a motion for 2024-0398?

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1 COMMISSIONER MESKEL: Motion to approve.
 2 COMMISSIONER MCGOWAN: Second.
 3 THE CHAIRMAN: Any discussion?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: Seeing none, all in favor,
 6 say aye.
 7 COMMISSION MEMBERS: Aye.
 8 THE CHAIRMAN: Any opposed?
 9 COMMISSION MEMBERS: (No response.)
 10 THE CHAIRMAN: Motion carries, no
 11 opposition.
 12 Thank you so much. Good luck.
 13 MR. PHILLIPS: Thank you.
 14 THE CHAIRMAN: All right. We are moving
 15 on, 2024-0399 and 2024-0400. We'll go ahead
 16 and open those public hearings.
 17 And, staff, whenever you're ready, please.
 18 MS. FOGARTY: Thank you.
 19 Ordinance 2024-0399 is for approximately
 20 2.39 acres, located at 1543 Main Street North,
 21 between Park Avenue and Clay Road, just north
 22 of Pecan Park Road.
 23 This site is a portion of a larger parcel
 24 which is already partially designated as
 25 Community/General Commercial, and the applicant

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1 is asking for a land use amendment from Low
 2 Density Residential to Community/General
 3 Commercial to bring the entire parcel into the
 4 CGC land use category.
 5 Staff finds that the proposed amendment
 6 would allow for an extension of the existing
 7 commercial entitlements and is compatible with
 8 the surrounding area and is, therefore,
 9 forwarding a recommendation to approve.
 10 MR. LEWIS: PUD Ordinance 2024-0400 seeks
 11 to rezone 4.6 acres from RLD-100-A and CCG-1 to
 12 PUD. This is to allow for a maximum of 137,000
 13 square feet of commercial uses, including
 14 general commercial and personal property
 15 storage uses.
 16 Again, with approval of the land use
 17 amendment, this will be consistent with the
 18 Comprehensive Plan and does further those goals
 19 and objectives.
 20 The site plan shows two separate
 21 structures on the site. The front structure is
 22 25,000 square feet and can be used for retail
 23 space, near the front, along Main Street.
 24 Another 114,000 square feet, structure, behind
 25 the front will be used as a self-storage

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1 facility.

2 The perimeter of this proposed project is
3 made up of vehicle use areas, stormwater
4 retention, and landscape buffers. So we find
5 it does meet that external compatibility to the
6 adjacent uses.

7 We think with the low-intensity commercial
8 use of personal property storage, this will
9 be -- we find that this is keeping within that
10 character, and the Department is recommending
11 approval.

12 THE CHAIRMAN: Excellent. Thank you so
13 much. Mr. --

14 (Mr. Harden approaches the podium.)

15 THE CHAIRMAN: Oh, goodness gracious. How
16 are you?

17 MR. HARDEN: Harden.

18 THE CHAIRMAN: Harden. I don't know why I
19 just had a brain fart there, Mr. Harden. How
20 are you? It is that day, I guess.

21 MR. HARDEN: Paul Harden, 1431 Riverplace
22 Boulevard.

23 This parcel is split in half. As the
24 staff noted, we're trying to make it into one
25 parcel with one land use. The access is

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1 through commercial, and so this is an
2 appropriate use for an infill at the location.
3 We've buffered off any uses that are less
4 intense by our site plan on the -- on the back
5 half.

6 Other than that, I'll be happy to answer
7 any questions.

8 THE CHAIRMAN: Appreciate that.

9 Is there anyone else here to talk on
10 2024-0399 or 2024-0400?

11 AUDIENCE MEMBERS: (No response.)

12 THE CHAIRMAN: Seeing none, we'll go ahead
13 and close those public hearings and bring it
14 back to the Commission.

15 Can I get a motion for 2024-0399?

16 COMMISSIONER MESKEL: Motion to approve.

17 COMMISSIONER McGOWAN: I'll second.

18 THE CHAIRMAN: Any discussion?

19 COMMISSIONER MEEKS: I can't let

20 Mr. Harden go without having at least a
21 question or two for him. He's always so lucid
22 in his answers to my questions.

23 MR. HARDEN: You want to talk about
24 red-cockaded woodpeckers?

25 COMMISSIONER MEEKS: Well, no, even though

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1 sometimes I wonder if some of my comments don't
2 give a woodpecker a headache, but we'll --
3 we'll move on.

4 This is more of a financial question,
5 which is probably beyond the scope of this, but
6 since we keep having these storage units come
7 in front of us -- 30 years ago or so -- you
8 were around 30 years ago or so, Mr. Harden, I
9 believe.

10 MR. HARDEN: I was.

11 COMMISSIONER MEEKS: When I first started
12 hearing about storage units, they were -- at
13 least the way they were explained to me, they
14 were sort of a holding proposition for land,
15 that there would ultimately have to be a higher
16 and best use. Public Storage started out with
17 that proposition.

18 But here, in recent years, it seems that
19 they've become, at least for some foreseeable
20 period of time, a higher and best use itself.
21 I'm just curious, since we've had at least one,
22 now two come before us today, and I think
23 there's a third -- or -- is your client, as an
24 example, making a marketing, financial analysis
25 to understand that this really makes sense?

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1 MR. HARDEN: Yeah.

2 COMMISSIONER MEEKS: Financial sense.

3 MR. HARDEN: People have a lot of stuff
4 now, and -- like at my house, we have 8,000
5 square feet, but we need three storage units
6 off site to keep shoes in and stuff, so --

7 COMMISSIONER MEEKS: Mr. Harden, you may
8 not be -- you're probably atypical, so -- but
9 go ahead.

10 MR. HARDEN: Right.

11 But I've represented a multitude of people
12 who are in this business. And it's, I guess, a
13 lifestyle issue that people have changed to
14 now, so they're -- they're a necessity, just
15 like any other off-site activity.

16 But, yeah, it's become a big business. I
17 don't know why they got so nasty in San Marco
18 over the fight about them, but -- you know,
19 that --

20 COMMISSIONER MEEKS: That's beyond the
21 scope of our conversation.

22 (Simultaneous speaking.)

23 THE CHAIRMAN: Let's not rehash --

24 MR. HARDEN: Well, Diebenow's not here. I
25 wouldn't have said it --

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1 THE CHAIRMAN: Commissioner Meeks,
 2 anything else, sir?
 3 MR. HARDEN: I can hear you, Cyndy.
 4 COMMISSIONER MEEKS: I was trying to
 5 finish, Your Honor.
 6 THE CHAIRMAN: He's finished. Good?
 7 COMMISSIONER MEEKS: (Nods head.)
 8 THE CHAIRMAN: All right. If there's no
 9 further discussion, all in favor, say aye.
 10 COMMISSION MEMBERS: Aye.
 11 THE CHAIRMAN: Any opposed?
 12 COMMISSION MEMBERS: (No response.)
 13 THE CHAIRMAN: All right. Seeing none --
 14 or excuse me, motion carries, no opposition.
 15 All right. Can I get a motion for
 16 2024-0400, please?
 17 COMMISSIONER MESKEL: Motion to approve.
 18 COMMISSIONER MCGOWAN: I will second that.
 19 THE CHAIRMAN: Any discussion?
 20 COMMISSION MEMBERS: (No response.)
 21 THE CHAIRMAN: Seeing none, all in favor,
 22 say aye.
 23 COMMISSION MEMBERS: Aye.
 24 THE CHAIRMAN: Any opposed?
 25 COMMISSION MEMBERS: (No response.)
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1 approximately 2 acres of land from RR-Acre to
 2 RLD-60 to allow for development of
 3 single-family dwellings meeting the lot --
 4 minimum lot widths of the district.
 5 The parcel is located within the
 6 Kaeleigh's Crossing subdivision, which is along
 7 Exline Road. This development was rezoned back
 8 in 2018 through a conventional rezoning,
 9 Ordinance Number 2018-0613, to RLD-60. Due to
 10 the legal description error leaving out six
 11 parcels included in the rezoning, they are
 12 rezoning these six parcels from RR-Acre to
 13 RLD-60. This rezoning is to correct this error
 14 and allow these lots to be developed to match
 15 the existing subdivision's RLD-60 lot
 16 standards.
 17 Staff has reviewed the request and finds
 18 that the proposed rezoning is consistent with
 19 the Comp Plan and it furthers the goals and
 20 objectives of the Comp Plan so, therefore, we
 21 are forwarding a recommendation of approval.
 22 THE CHAIRMAN: Excellent. Thank you so
 23 much.
 24 MR. HARDEN: Paul Harden, 1431 Riverplace
 25 Boulevard.
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1 THE CHAIRMAN: Motion carries, no
 2 opposition.
 3 Thank you so much, Mr. Harden. Have a
 4 great day.
 5 MR. HARDEN: Could I do my next one?
 6 THE CHAIRMAN: Sir?
 7 MR. HARDEN: Could I do -- I only have --
 8 I have one more, and everything between me and
 9 mine is Zach's, if he doesn't mind.
 10 THE CHAIRMAN: Got it.
 11 MR. HARDEN: Do you mind, Zach?
 12 MR. MILLER: (Off microphone.)
 13 MR. HARDEN: Thank you.
 14 It's on Page 7.
 15 THE CHAIRMAN: What do we got here?
 16 It's --
 17 MR. HARDEN: 2024-0416.
 18 THE CHAIRMAN: -0416. All right. Yeah.
 19 So let's go ahead and jump to 2024-0416. We'll
 20 go ahead and open that public hearing.
 21 And, staff, whenever you are ready,
 22 please.
 23 MS. ABNEY: Thank you.
 24 This is conventional rezoning, Ordinance
 25 Number 2024-0416, seeking to rezone
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1 As Erin pointed out, this is the end of a
 2 subdivision that the legal was left off of.
 3 The houses have already been permitted and
 4 built and people have been living there for
 5 eight years, so we're just bringing it into
 6 compliance with what it's currently developed
 7 as.
 8 THE CHAIRMAN: Yes, sir. Thank you.
 9 Is there anyone else here to talk on
 10 2024-0416?
 11 AUDIENCE MEMBERS: (No response.)
 12 THE CHAIRMAN: Seeing none, we'll go ahead
 13 and close the public hearing and bring it back
 14 to the Commission.
 15 Can I get a motion, please?
 16 COMMISSIONER MESKEL: Motion to approve.
 17 COMMISSIONER MCGOWAN: Second.
 18 THE CHAIRMAN: Any discussion?
 19 COMMISSION MEMBERS: (No response.)
 20 THE CHAIRMAN: Seeing none, all in favor,
 21 say aye.
 22 COMMISSION MEMBERS: Aye.
 23 THE CHAIRMAN: Any opposed?
 24 COMMISSION MEMBERS: (No response.)
 25 THE CHAIRMAN: All right. Motion carries,
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1 no opposition.
 2 Thank you so much, Mr. Harden. Have a
 3 great day.
 4 MR. HARDEN: Thank you.
 5 THE CHAIRMAN: All right. Mr. Miller, I
 6 didn't realize we had your full tranche of
 7 them, so we'll go ahead and -- 2024-0406 and
 8 2024-0407, we'll go ahead and open those public
 9 hearings.
 10 And, staff, whenever you're ready.
 11 (Mr. McManus enters the proceedings.)
 12 MS. FOGARTY: Thank you.
 13 Ordinance 2024-0406 is for approximately
 14 0.14 of an acre located at 2044 Liberty Street,
 15 between Main Street and Walnut Street. The
 16 applicant is requesting a future land use
 17 amendment from Neighborhood Commercial to
 18 Residential-Professional-Institutional to allow
 19 for a residential development on the site.
 20 The project is located within the
 21 boundaries of the Springfield Historic
 22 District. The applicant is aware of this and
 23 has begun discussions with the Historic
 24 Preservation section of the Planning and
 25 Development Department.

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1 The site is surrounded by a mix of uses,
 2 including residential and warehousing to the
 3 north and east, with additional residential
 4 uses to the south and west.
 5 Staff finds the proposed amendment to RPI
 6 to be compatible with the surrounding uses as
 7 it provides a transition between the
 8 commercially designated parcels along Liberty
 9 Street and the residentially designated parcels
 10 to the west of the subject site. For these
 11 reasons and those presented in the staff
 12 report, the Department is forwarding a
 13 recommendation to approve.
 14 MS. ABNEY: This is the companion
 15 rezoning, Ordinance 2024-0407, which seeks to
 16 rezone approximately .14 acres of land -- so
 17 this includes two different parcels -- from
 18 Commercial Neighborhood-Springfield to
 19 Commercial Residential Office-Springfield in
 20 order to construct a single-family dwelling on
 21 each vacant lot.
 22 The subject parcel is located along
 23 Liberty Street North, which is south of 11th
 24 Street, within the Springfield Overlay and the
 25 historic district. Liberty Street, moving

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1 south from 11th Street, is primarily zoned for
 2 commercial uses with parcels that are zoned
 3 CCG-S and then transitioning to Commercial
 4 Neighborhood-S to residential, RMD-S. A
 5 majority of these parcels are zoned commercial.
 6 The primary development is single-family and
 7 multifamily residential.
 8 Rezoning to CRO-S would allow for the
 9 development of two single-family dwellings
 10 while also maintaining a natural transition
 11 from commercial to the north and residential to
 12 the south.
 13 Staff has reviewed the request and finds
 14 that the proposed rezoning would be consistent
 15 with the 2045 Comp Plan, and any exterior work
 16 or future development will need to seek
 17 approval through the Historic Preservation
 18 section through their Certificate of
 19 Appropriateness application process.
 20 So because of these reasons, we forward a
 21 recommendation of approval.
 22 THE CHAIRMAN: Thank you so much.
 23 Mr. Miller, how are you?
 24 MR. MILLER: Good afternoon. Good to see
 25 you.

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1 Zach Miller, 3203 Old Barn Court.
 2 I don't have too much to add to the staff
 3 report other than to let you know that this
 4 is -- the size of these lots would only allow
 5 for single-family, one on each lot, so this
 6 isn't some sort of back-in way to do
 7 multifamily. Each lot would just be one
 8 single-family home.
 9 THE CHAIRMAN: Thank you so much.
 10 Is anyone else here to talk on 2024-0406
 11 or 2024-0407?
 12 AUDIENCE MEMBERS: (No response.)
 13 THE CHAIRMAN: Seeing none, we'll go ahead
 14 and close those public hearings and bring it
 15 back to the Commission.
 16 And can I get a motion for 2024-0406?
 17 COMMISSIONER MESKEL: Motion to approve.
 18 COMMISSIONER MCGOWAN: Second.
 19 THE CHAIRMAN: Any discussion?
 20 COMMISSIONER MEEKS: Just one or two
 21 questions. Of course, I live in this historic
 22 neighborhood. This particular builder, is this
 23 the first time they have built homes in our
 24 historic neighborhood?
 25 MR. MILLER: No. In fact, I've been in

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1 front of the Historic Preservation Commission
 2 probably about a half a dozen times for other
 3 builds that they've done.
 4 COMMISSIONER MEEKS: In --
 5 MR. MILLER: In Springfield, yes.
 6 COMMISSIONER MEEKS: In our historic
 7 neighborhood?
 8 MR. MILLER: Yes.
 9 COMMISSIONER MEEKS: Okay. So they're
 10 used to dealing with the historic commission?
 11 MR. MILLER: And they fully understand, as
 12 it's referenced in the staff report, that
 13 any -- before any builds or any Certificate of
 14 Occupancy is -- they're going to have to go
 15 before the HPC.
 16 COMMISSIONER MEEKS: Okay. Thank you.
 17 MR. MILLER: Sure.
 18 THE CHAIRMAN: All right. Anything else?
 19 COMMISSION MEMBERS: (No response.)
 20 THE CHAIRMAN: Seeing none, all in favor,
 21 say aye.
 22 COMMISSION MEMBERS: Aye.
 23 THE CHAIRMAN: Any opposed?
 24 COMMISSION MEMBERS: (No response.)
 25 THE CHAIRMAN: Motion carries, no

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1 opposition.
 2 Can I get a motion for 2024-0407?
 3 COMMISSIONER MESKEL: Motion to approve.
 4 COMMISSIONER MEEKS: Second.
 5 THE CHAIRMAN: Thank you so much.
 6 Any further discussion on this one here?
 7 COMMISSION MEMBERS: (No response.)
 8 THE CHAIRMAN: Seeing none, all in favor,
 9 say aye.
 10 COMMISSION MEMBERS: Aye.
 11 THE CHAIRMAN: Any opposed?
 12 COMMISSION MEMBERS: (No response.)
 13 THE CHAIRMAN: All right. Motion carries,
 14 no opposition.
 15 Thank you so much.
 16 We'll go ahead and move to 2024-0408 and
 17 2024-0409. We'll open those public hearings.
 18 And, staff, whenever you're ready.
 19 MS. FOGARTY: Thank you.
 20 This is Ordinance 2024-0408 for
 21 approximately 4.88 acres at 3653 Newcomb Road,
 22 between Hemlock Street and Interstate 295.
 23 The applicant is requesting a land use
 24 amendment from Rural Residential to Medium
 25 Density Residential to allow for the

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1 development of a residential subdivision. The
 2 area surrounding the subject site is primarily
 3 single-family and undeveloped to the east,
 4 north and northwest of the site, while the
 5 Flamingo Lakes RV Park, single-family uses, and
 6 Interstate 295 are located to the southwest of
 7 the site.
 8 The Department finds the proposed
 9 amendment to Medium Density Residential would
 10 provide a logical extension of the Medium
 11 Density Residential-designated land to the east
 12 and would maintain the existing residential
 13 development pattern in the area; therefore, the
 14 Department is forwarding a recommendation to
 15 approve.
 16 MS. ABNEY: This is the companion
 17 rezoning, Ordinance Number 2024-0409, which is
 18 seeking to rezone approximately 4.88 acres of
 19 land from Residential Rural-Acre to Residential
 20 Medium Density, Category A, in order to develop
 21 the property with townhomes, and they're
 22 proposing about 50 townhomes. The subject
 23 property is located along Newcomb Road, which
 24 is a local roadway which connects to Lem Turner
 25 Road, a minor arterial roadway.

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1 The Transportation Division reviewed this
 2 request for 50 townhomes, and this type of
 3 development is expected to generate 360 daily
 4 trips with a 24 a.m. peak hour trip and a
 5 28 p.m. peak hour trip.
 6 Newcomb Road dead ends to a solar panel
 7 farm and the surrounding parcels are developed
 8 with an RV park -- this is the Flamingo
 9 Lakes -- and single-family dwellings zoned
 10 RMD-A. This rezoning would be an extension of
 11 the RMD-A district from parcels to the east.
 12 Staff has reviewed the request and finds
 13 that [sic] the proposed rezoning to be
 14 consistent with the Comp Plan with the proposed
 15 land use category of MDR; therefore, we are
 16 forwarding a recommendation of approval.
 17 The North CPAC did review this application
 18 at their June meeting and they provided the
 19 following comments: The North CPAC objects to
 20 this conventional rezoning because it does not
 21 allow community input, strongly recommends a
 22 PUD to allow the surrounding community an
 23 opportunity to voice their input and/or
 24 concerns.

THE CHAIRMAN: Excellent. Thank you so
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1 much.
 2 Mr. Miller.
 3 MR. MILLER: Good afternoon again.
 4 Zach Miller, 3203 Old Barn Court.
 5 I apologize, I didn't know there was a
 6 CPAC meeting. I would have attended on that.
 7 One item is that, while it's, say, 50
 8 townhomes, the actual capacity of this site is
 9 less. About one-third of the property is on
 10 wetlands and, therefore, only, like, two-thirds
 11 is buildable. Fifty is sort of the maximum
 12 amount. The traffic calculation is actually
 13 based on 73. Closer to 40 is probably a
 14 more -- a realistic goal of what could be built
 15 on this site and be cost effective.
 16 THE CHAIRMAN: All right. Is there anyone
 17 else here to talk on 2024-0408 or 2024-0409?
 18 AUDIENCE MEMBERS: (No response.)
 19 THE CHAIRMAN: Seeing none, we'll go ahead
 20 and close the public hearing and bring it back
 21 to the Commission.
 22 Can I get a motion for 2024-0408?
 23 COMMISSIONER MESKEL: Motion to approve.
 24 COMMISSIONER McGOWAN: Second.
 25 THE CHAIRMAN: Any discussion?
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1 THE CHAIRMAN: Motion carries, no
 2 opposition.
 3 Thank you so much.
 4 All right. We will go ahead and move to
 5 2024-0410 and 2024-0411. We'll go ahead and
 6 open those public hearings.
 7 And, staff, whenever you're ready.
 8 MS. FOGARTY: Thank you.
 9 Ordinance 2024-0410 is for approximately
 10 0.18 of an acre, located at 5570 Plymouth
 11 Street, between Ellis Road and Orton Street,
 12 which are both unclassified roads.
 13 The applicant is requesting a land use
 14 amendment from Light Industrial to Medium
 15 Density Residential. The site currently
 16 contains a single-family residence, and the
 17 area surrounding the subject site is primarily
 18 a mix of residential, light industrial, and
 19 warehousing uses.
 20 The proposed amendment to Medium Density
 21 Residential would allow for the continued use
 22 of the site as residential and maintain the
 23 existing mix of uses in the area. For these
 24 reasons and those recommended in the staff
 25 report, the Planning and Development Department
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1 COMMISSION MEMBERS: (No response.)
 2 THE CHAIRMAN: I'll just say, Mr. Miller,
 3 I have attended all the different CPACs since
 4 coming on. And if they had -- if there's an
 5 application, they review it. So just FYI. If
 6 you have an application and you want to attend,
 7 you're more than welcome, but, yeah, they --
 8 they all review them, so --
 9 All right. If there's nothing else, all
 10 in favor, say aye.
 11 COMMISSION MEMBERS: Aye.
 12 THE CHAIRMAN: Any opposed?
 13 COMMISSION MEMBERS: (No response.)
 14 THE CHAIRMAN: All right. Motion carries,
 15 no opposition.
 16 Can I get a motion for 2024-0409?
 17 COMMISSIONER MESKEL: Motion to approve.
 18 COMMISSIONER McGOWAN: I'll second.
 19 THE CHAIRMAN: Any discussion?
 20 COMMISSION MEMBERS: (No response.)
 21 THE CHAIRMAN: Seeing none, all in favor,
 22 say aye.
 23 COMMISSION MEMBERS: Aye.
 24 THE CHAIRMAN: Any opposed?
 25 COMMISSION MEMBERS: (No response.)
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1 is forwarding a recommendation to approve.
 2 MS. ABNEY: This is the companion
 3 rezoning, Ordinance Number 2024-0411, seeking
 4 to rezone approximately .18 acres of land from
 5 Industrial Business Park to Residential Medium
 6 Density, Category A zoning, to allow for the
 7 development of one single-family dwelling.
 8 The subject parcel is located at the
 9 corner of Plymouth Street and Orton Street and
 10 surrounding developments include single-family
 11 residential, multifamily, and industrial-type
 12 uses. While the parcel is zoned -- while the
 13 parcel to the south is zoned IBP, it is
 14 developed with a single-family dwelling, and
 15 then including the parcel to the west is also
 16 developed as single-family.
 17 Staff has reviewed the request and finds
 18 that the proposed rezoning is consistent with
 19 the Comp Plan with the land use category of
 20 MDR. And given the existing surrounding
 21 development, staff is forwarding a
 22 recommendation of approval.
 23 THE CHAIRMAN: Excellent.
 24 Mr. Miller.
 25 MR. MILLER: Good afternoon again.
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1 Zach Miller, 3203 Old Barn Court.
 2 The reason I brought up the CPAC meeting
 3 on the last one is I attended the CPAC meeting
 4 on this one and they voted unanimously to
 5 approve it, but most likely because it is a
 6 single-family home, it's been a single-family
 7 home as far as I can trace back on the
 8 satellite images. This is just simply allowing
 9 a new single-family home on the property.
 10 THE CHAIRMAN: And the North CPAC, any
 11 conventional rezoning, that's their typical
 12 language anyway, so just FYI.
 13 MR. MILLER: Okay. That's it.
 14 THE CHAIRMAN: Anything else you'd like to
 15 add?
 16 MR. MILLER: No. Thank you.
 17 THE CHAIRMAN: Okay. Appreciate that.
 18 Is there anyone else here to talk on
 19 2024-0410 and 2024-041- -- excuse me -- -0411?
 20 AUDIENCE MEMBERS: (No response.)
 21 THE CHAIRMAN: Seeing none, we'll go ahead
 22 and close the public hearing and bring it back
 23 to the Commission.
 24 Can I get a motion for 2024-0410, please?
 25 COMMISSIONER MESKEL: Motion to approve.
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1 COMMISSIONER McGOWAN: I will second.
 2 THE CHAIRMAN: Excellent. Thank you.
 3 Any discussion?
 4 COMMISSION MEMBERS: (No response.)
 5 THE CHAIRMAN: Seeing none, all in favor,
 6 say aye.
 7 COMMISSION MEMBERS: Aye.
 8 THE CHAIRMAN: Any opposed?
 9 COMMISSION MEMBERS: (No response.)
 10 THE CHAIRMAN: Motion carries, no
 11 opposition.
 12 Can I get a motion for 2024-0411?
 13 COMMISSIONER MESKEL: Motion to approve.
 14 COMMISSIONER McGOWAN: Second.
 15 THE CHAIRMAN: Any discussion?
 16 COMMISSION MEMBERS: (No response.)
 17 THE CHAIRMAN: Seeing none, all in favor,
 18 say aye.
 19 COMMISSION MEMBERS: Aye.
 20 THE CHAIRMAN: Any opposition? Any
 21 opposed?
 22 COMMISSION MEMBERS: (No response.)
 23 THE CHAIRMAN: All right. Motion carries,
 24 no opposition.
 25 Thank you so much.
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1 Do you have anything else? You good?
 2 MR. MILLER: That's it.
 3 Thank you very much.
 4 THE CHAIRMAN: All right. Enjoy the rest
 5 of your day, Mr. Miller.
 6 All right. We are going now to 2024-0412
 7 at 1249 St. Johns Bluff Road North. We'll go
 8 ahead and open that public hearing.
 9 And, staff, whenever you are ready.
 10 MR. LEWIS: Thank you, Mr. Chair.
 11 This is application for Planned Unit
 12 Development. 2024-0412 seeks to rezone
 13 approximately 3 acres from IBP to PUD. This is
 14 to allow -- this is sought to operate a pool
 15 contractor's office with outdoor storage of
 16 materials and equipment used for construction.
 17 The property is currently undeveloped but
 18 proposes a maximum of 30,000 square feet.
 19 The PUD differs from conventional zoning
 20 districts by limiting the permitted uses
 21 usually allowed in the IBP zoning district and
 22 allowing certain uses by right instead of by
 23 exception. The PUD also allows outside parking
 24 of heavy equipment and associated materials
 25 directly related to trade contractors.
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1 The property is located just west of Craig
 2 Airfield, within the Noise Contour Zone and the
 3 Civilian Notice Zone, and will be required to
 4 meet all regulations of Part 10 of the Zoning
 5 Code.
 6 We find this is in the BP land use
 7 category. It does allow for -- that land use
 8 category does allow for the proposed uses, and
 9 so we find it's consistent with the
 10 Comprehensive Plan. With the written
 11 description and the site plan, we feel it
 12 does -- find it does meet the internal and
 13 external criteria.
 14 The eastern side of St. Johns Bluff
 15 includes numerous outdoor storage operations
 16 for boat and RV storage, office complexes, and
 17 warehouses, so we find that this property will
 18 be consistent with the surrounding uses, and
 19 the Department is recommending approval.
 20 THE CHAIRMAN: Thank you so much.
 21 Mr. Herzberg, come on up.
 22 (Mr. Herzberg approaches the podium.)
 23 MR. HERZBERG: Mr. Chairman, committee
 24 members, Mike Herzberg, 12483 Aladdin Road.
 25 Thank you for the opportunity. I just
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1 wanted to share what Mr. Meeks has taught me
 2 sometime back, less is more, so I'm going to
 3 stand by for any questions.
 4 I would like to thank the staff for the
 5 report and their consideration of the request.
 6 Thank you.
 7 THE CHAIRMAN: Thank you so much.
 8 Is there anyone else here to talk on
 9 2014-0412?
 10 AUDIENCE MEMBERS: (No response.)
 11 THE CHAIRMAN: Seeing none, we'll go ahead
 12 and close the public hearing and bring it back
 13 to the Commission.
 14 Can I get a motion for 2024-0412, please?
 15 COMMISSIONER MESKEL: Motion to approve.
 16 COMMISSIONER MCGOWAN: I'll second.
 17 THE CHAIRMAN: Thank you.
 18 Any discussion?
 19 COMMISSION MEMBERS: (No response.)
 20 THE CHAIRMAN: Seeing none, all in favor,
 21 say aye.
 22 COMMISSION MEMBERS: Aye.
 23 THE CHAIRMAN: Any opposed?
 24 COMMISSION MEMBERS: (No response.)
 25 THE CHAIRMAN: Motion carries, no

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1 opposition.
 2 Thank you so much. Have a good one.
 3 All right. Moving on, 2024-0413 at Owens
 4 Road. We'll go ahead and open that public
 5 hearing.
 6 And, staff, whenever you're ready.
 7 MR. LEWIS: This is application for a
 8 Planned Unit Development. Ordinance 2024-0413,
 9 rezoning approximately 61 acres from PUD to
 10 PUD. This is to allow for the development of a
 11 maximum of 190 multifamily units.
 12 The current PUD was approved with
 13 approximately six conditions. We have reviewed
 14 those conditions and recommend Conditions 5 and
 15 6 be continued with this PUD. The other
 16 conditions were enacted when the PUD had both
 17 commercial and multifamily units proposed.
 18 This PUD is for multifamily only.
 19 This PUD is in the RPI land use category.
 20 The maximum density in that category is 20
 21 units per acre, and this PUD is proposing a
 22 gross density of 3 units per acre. Most of
 23 that acreage is wetlands, but we do find that
 24 it meets the internal and external criteria.

This is a rapidly growing commercial and
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1 industrial area due to the proximity of the
 2 Jacksonville International Airport. There are
 3 large, irregular, residential lots scattered
 4 throughout the area, but no enclaves of
 5 residential uses located near this subject
 6 site.
 7 The western half of the subject property
 8 falls within the 60 decibel noise contour for
 9 JIA, and this noise contour requires a
 10 disclosure statement to be provided to any
 11 inhabitants of the property.
 12 Also, there were comments from the JAA
 13 that the FAA requires all airports to protect
 14 approach, departure, and circling airspace up
 15 to 5 miles from the air operations area,
 16 including mitigating potential wildlife
 17 attractions. So there is a circular that is
 18 provided to the developer that -- in order to
 19 keep trash in all contained spaces, try to
 20 eliminate the use of water features and such,
 21 but the staff is recommending approval of this
 22 with the four conditions that are in your staff
 23 report.
 24 THE CHAIRMAN: Thank you so much.
 25 (Mr. Sittner approaches the podium.)

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1 THE CHAIRMAN: Mr. Sittner.
 2 MR. SITTNER: Michael Sittner, One
 3 Independent Drive, Suite 1200, on behalf of the
 4 applicant.
 5 This is a PUD to PUD rezoning. The
 6 existing PUD is for commercial and apartments.
 7 It's entitled for 425 apartments, and what
 8 we're requesting is a maximum of 190 townhomes.
 9 So this is a downzone and going from apartments
 10 to townhomes.
 11 Now, I do want to -- I did hand out our
 12 requested conditions. So us and the staff
 13 don't really necessarily have a disagreement,
 14 but perhaps just a point of clarification.
 15 So on the first condition -- there's an
 16 existing billboard on the site, and the way
 17 this first condition was drafted -- and not to
 18 blame Bruce. This was kind of a carryover
 19 condition from previous PUDs. But it just says
 20 that -- the second sentence says, "The pole
 21 sign" -- which is a new potential pole sign --
 22 "shall be at least 200 feet from the existing
 23 pole sign."
 24 We think it's clearer if we just strike
 25 out term the "pole sign" and we say "billboard"

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1 instead, just so everybody knows there's an
2 existing billboard. If we do another pole sign
3 along 95, it has to be 200 feet away from the
4 billboard.

5 And then with respect to the fourth
6 condition, we would ask that you would move to
7 recommend approval without that condition. We
8 have in the PUD already that we have to provide
9 sidewalks, but we added the possibility that we
10 can do it within 24 months of the Certificate
11 of Completion.

12 We also included the ability to do the
13 "pay in lieu," which -- the City has a process
14 where you can request, subject to the review
15 and approval of the Planning Department, to pay
16 into a sidewalk fund if you can demonstrate the
17 need for it. And the way the staff report has
18 suggested -- or crafted that condition, it
19 removes that possibility of paying in lieu.

20 There are certain concerns about wetlands
21 and other site-specific concerns that we have.
22 We would appreciate a recommendation of
23 approval with those three conditions. Our
24 intent is to meet with the Planning Department
25 after this meeting to discuss the exact

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1 sidewalk concerns and see if we could come to
2 an agreement between now and LUZ.

3 Thankfully, we actually have a two-week
4 City Council break from June 1st -- or July 1st
5 to July 14th, so we have over three weeks to
6 come to an agreement with the Planning
7 Department on this fourth condition.

8 With that, I'll stand by for questions.
9 Thank you so much.

10 THE CHAIRMAN: Thank you.

11 Bruce, I handed you their updated
12 conditions. Do you have any comments?

13 MR. LEWIS: I do.

14 If I could go back and -- I forgot to read
15 this. The North CPAC did issue a
16 recommendation. They were not in support.
17 They would not be opposed if it was
18 single-family lots, at least 50 feet in width.
19 It says, "We believe the smaller lots do not
20 allow for enough space for comfortable living
21 or experiencing the American dream on the size
22 lots children can play in without being
23 concerned about the neighbor's yard
24 (inaudible)." I just wanted to make sure that
25 was in the record.

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1 Staff has no concerns with changes to
2 Condition Number 1, but we do have concerns
3 with Condition 4. It just seemed for us that
4 24 months, two years, was a long time to wait
5 after a project was completed before you put in
6 the sidewalks.

7 THE CHAIRMAN: Do you have any feedback on
8 that, Mr. Sittner?

9 MR. SITTNER: Again, the way it's -- the
10 phrasing is the problem. It says, "The
11 sidewalk on Owens Road shall be constructed
12 with the subdivision." So the problem with
13 that language is it removes the potential to
14 pay in lieu of. And I think when they saw
15 that, they thought we were trying to get out of
16 producing a -- making a sidewalk or creating
17 the sidewalk on that road. We're not trying to
18 get out of it.

19 I think there's a lot more concerns
20 perhaps than just saying, "Oh, we don't want a
21 sidewalk." Again, there might be wetlands.
22 There's other concerns that our owner has
23 conducted -- or our potential buyer, my client,
24 has conducted diligence on, and he has
25 concerns, and we want to go meet with the

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1 Planning Department after this to actually iron
2 it out and see if we could come to an agreement
3 on paying in lieu or some strategy in that area
4 for sidewalks.

5 Thank you.

6 THE CHAIRMAN: Thank you.

7 MR. LEWIS: Mr. Chair, could I respond?

8 THE CHAIRMAN: Go ahead, Bruce.

9 MR. LEWIS: Thank you.

10 We would be amenable to language in
11 that -- that the sidewalks shall be constructed
12 or installed in accordance with the 2045
13 Comprehensive Plan. I think that opens it up
14 to allowing -- that if they find that there is
15 a -- they can do the payment in lieu of the
16 sidewalk; it would allow them to do that.

17 THE CHAIRMAN: Mr. Sittner.

18 MR. SITTNER: Through the Chair, and not
19 to be argumentative, Bruce. That's a fine
20 condition, but why are we conditioning
21 something when -- we already have to be subject
22 to the sidewalk rules in the 2045 Comprehensive
23 Plan. We haven't sought any deviation from the
24 2045 Comprehensive Plan, so -- and you can't
25 deviate from the Comprehensive Plan through a

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1 PUD, and that's what this is. We have not
 2 filed a land use amendment to get out of the
 3 Comprehensive Plan.
 4 So again, it sounds like the City is
 5 amenable as long as they want sidewalks,
 6 according to the Comprehensive Plan. We also
 7 agree that we're going to build something
 8 according to the Comprehensive Plan. It just
 9 doesn't need to be a condition because we're
 10 not asking to deviate from the Comprehensive
 11 Plan.
 12 THE CHAIRMAN: Okay.
 13 All right. Is there a -- can I get a
 14 motion for 2024-0413, please?
 15 COMMISSIONER MESKEL: Motion to approve
 16 with the -- with the requested conditions that
 17 are presented to us today, which include
 18 changing the language in Condition 1 to read
 19 "billboard" versus "pole sign," and removal of
 20 Condition 4.
 21 COMMISSIONER MCGOWAN: I'll second that.
 22 THE CHAIRMAN: All right. Discussion?
 23 COMMISSIONER MCGOWAN: Ex parte. I spoke
 24 with -- Mr. Sittner, was that yesterday? He
 25 gave me a little background, let me know that
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1 property, but that's all I've got.
 2 THE CHAIRMAN: Okay. Thank you.
 3 I would just -- you've stated that you
 4 will work with the Planning Department between
 5 now and LUZ. I'll just, you know, push you to
 6 do so, at least y'all can come to some type of
 7 gentleman's agreement before that time frame,
 8 so --
 9 Any other -- further conversation or
 10 discussion before we take a vote?
 11 COMMISSION MEMBERS: (No response.)
 12 THE CHAIRMAN: All right. Seeing none,
 13 all in favor, say aye.
 14 COMMISSION MEMBERS: Aye.
 15 THE CHAIRMAN: Any opposed?
 16 COMMISSION MEMBERS: (No response.)
 17 THE CHAIRMAN: Motion carries, no
 18 opposition.
 19 Thank you so much. Mr. Sittner,
 20 appreciate that.
 21 We are going on to 2024-0415 to finish us
 22 up. And we'll go ahead and open that public
 23 hearing.
 24 And, staff, whenever you are ready.
 25 MR. LEWIS: This is application for a
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1 they would be requesting these conditions.
 2 And, you know, I'd -- I tend to agree with
 3 the applicant. I'm familiar with the
 4 requirement of the sidewalk or paying in, so
 5 I'm not sure if Bruce, you know, needed one
 6 last time to rebut or if there was a specific
 7 need to add an additional requirement when it's
 8 already kind of in the Comp Plan, that they
 9 have to, you know, abide by that.
 10 THE CHAIRMAN: Okay.
 11 COMMISSIONER MCGOWAN: That's one comment.
 12 And then to the -- to Mr. Sittner, your
 13 applicant, they're pretty familiar with the
 14 area. And, you know, I'm familiar with this
 15 territory. Owens Road, I know, does flood
 16 rather often just from a light rain. And
 17 they're, obviously, getting in touch with the
 18 City to find out, you know, road improvements
 19 and such there.
 20 There's -- just looking at it, you know, I
 21 agree with the use here. I don't see any
 22 problem with that. Just, you know, obviously,
 23 do make sure they get their due diligence done
 24 on the front end on the flooding. It's a big
 25 flood zone area and most (inaudible) of their
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1 Planned Unit Development. 2024-0415 seeks to
 2 rezone approximately .17 acres of land from PUD
 3 to PUD. This rezoning is being sought to allow
 4 for a 170-foot-high Track III wireless
 5 communication tower in the Nocatee PUD,
 6 adjacent to the St. Johns County line.
 7 The Nocatee PUD lists cell towers as a
 8 permitted use. The purpose of this PUD is to
 9 seek relief from the setback requirements for
 10 single-family dwellings, setbacks from
 11 right-of-ways, and setbacks from wetlands, and
 12 remove the requirement that a Track III tower
 13 be outside the urban boundary.
 14 A balloon test will be conducted the week
 15 of July 8th. Pursuant to a portion of the
 16 Zoning Code, this balloon shall be flown
 17 continuously from 7 a.m. until sunset for two
 18 separate days within the same week.
 19 Staff has reviewed this application. We
 20 do find it is consistent with the Comprehensive
 21 Plan. However, we do have some issues with the
 22 internal and external compatibility of this
 23 application. The Department finds that the
 24 tower is an incompatible design considering the
 25 size of the site, placement of the tower, and
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1 residential use in the area.
2 The area can be characterized as
3 single-family subdivisions with an adjacent
4 church, surrounded by a wetlands area. Photo
5 simulations in the application show the upper
6 portion of the tower is visible from several
7 neighborhoods. Staff finds that the location
8 and existing trees have the ability to reduce
9 the visual impact of the tower. The site has a
10 large stand of mature pine trees that screen
11 the view of the tower compound. Staff has
12 concerns that if these trees were removed, the
13 tower would be considerably more visible to the
14 residents. So a solution would be to allowing
15 the removal only of the trees necessary for the
16 construction of the access road and the
17 75-by-75-foot tower compound.

18 Part 15 of the Zoning Code requires that
19 Track III towers be 100 percent of the tower
20 height -- it's 170 feet -- from a public
21 right-of-way. The site plan shows the tower
22 only 100 feet from the right-of-way of Valley
23 Ridge Boulevard, so it does not meet the
24 setback requirement.

25 Track III towers should also be set back a
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1 distance of 250 feet or 200 percent of the
2 tower height, which is 340 feet, whichever is
3 greater, from the nearest residentially zoned
4 parcel.

5 There are no residential dwellings within
6 the 340-foot radius on the city of Jacksonville
7 side; however, there are two dwellings in
8 St. Johns County that fall inside this 340-foot
9 radius. So it -- again, this tower does not
10 meet that setback requirement. The application
11 does state that the tower is designed to
12 collapse within a 50-foot radius.

13 Finally, the site plan indicates the tower
14 will be set back 54 feet from delineated
15 wetlands. Again, according to the Code, this
16 tower must be set back a minimum of 340 feet
17 from the boundary of the wetlands. So, again,
18 this tower does not meet that setback
19 requirement.

20 So with that, staff is recommending denial
21 of this application.

22 THE CHAIRMAN: Excellent. Thank you so
23 much.

24 All right. Mr. Sittner.

25 MR. SITTNER: Michael Sittner, One
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1 Independent Drive, Suite 1200, on behalf of the
2 applicant.

3 This rezoning is for a cell tower, but
4 it's not whether -- this rezoning is not
5 whether a cell tower is going to be there; it's
6 really about the design, because if we designed
7 the tower to look like a pine tree instead of a
8 standard tower, we would meet every single
9 criteria. In fact, we could build a 70 foot
10 taller cell tower. So instead of a 170-foot
11 cell tower, we could build a 240-foot cell
12 tower. But as long as it looked like a pine
13 tree, we would meet every single setback. We'd
14 meet the setbacks to the residential, we'd meet
15 the setbacks to the wetlands, and we'd meet the
16 setbacks to the road.

17 When the Zoning Code was created for the
18 cell towers back in 2005, whoever wrote it
19 decided to double the setbacks because the cell
20 tower looks great and is galvanized metal
21 instead of looks like a pine tree.

22 And so if I could just walk you through
23 the handout real quick. So the first page, the
24 star right in the middle of it, that is where
25 the proposed cell tower is going to be located,

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1 and then all the other lines are where the
2 other cell towers in and around Nocatee are.

3 As you can see, they're miles away. So
4 this is what would be considered a very strong
5 infill site to really infill the existing
6 cellular service grid. And we have filed RF
7 data to substantiate that.

8 So if we could just flip to the next page,
9 and this is just the -- one of the site plans
10 that we filed showing the setbacks. What I do
11 want to point your attention to, and why -- and
12 why the gray -- a standard, galvanized, gray
13 tower is actually a more consistent design for
14 this area.

15 So if you look just to the right, so just
16 east of that is actually a power line easement.
17 That power line easement is over 50 feet away
18 from the tower. And I note that because the
19 tower has been designed -- even though it's
20 170 feet tall, we have filed evidence from an
21 engineer who said he's designed it to fall
22 within 50 feet of where it's located.

23 So a cell tower, when you're -- if it
24 falls in a catastrophic event, does not fall on
25 its very bottom like that. It's designed to

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1 break in half and fall within a certain amount
2 of radius. The smallest radius I've seen is 19
3 feet. This one is designed to have fallen
4 within 50 feet.

5 And that's really important because, one,
6 the power lines are over 50 feet away, the road
7 is over 50 feet away, and the wetlands are over
8 50 feet away. So in all three of those
9 instances where the staff report has found that
10 we are inconsistent with the setback
11 requirement in the Zoning Code, we have
12 designed the tower to not impact either of
13 those things. So in no certain circumstance --
14 given the worst hurricane, our cell tower has
15 been designed to not impact any of those
16 things.

17 If we could get you to scroll to the next
18 page. So this is what our tower is going to
19 look like. It's a gray monopole. In the
20 Zoning Code, it's called a conventional tower.
21 This is what it's design to look like.

22 Now I want to get you to the next page.
23 And that's what a pine tree looks like. If you
24 notice, the pole itself is identical. It's an
25 identical pole. It's the same actual

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1 structure, it's just painted -- it's just not
2 painted, it's metal instead of painted brown,
3 and there's no artificial limbs at the top of
4 the tower.

5 Whoever created the Zoning Code back in
6 2005 decided that if you put trees -- fake tree
7 limbs on the top of a cell tower, your setbacks
8 to a residence has to double, your setback to a
9 road has to double, and your setback from a
10 wetland has to double.

11 Now, if I could take you to the next page.
12 This is the picture of those power lines.
13 These power lines are adjacent -- so to the --
14 if you look to the right, if you're looking at
15 this picture, that's where the proposed --
16 that's the property where we're proposing our
17 cell tower.

18 If you look to the left, that is the tree
19 buffer in St. Johns County before you get to a
20 single-family residence. So as you see, right
21 here, first of all, there's already a more
22 intense use closer to the single-family, being
23 those power lines. The power lines are
24 designed as galvanized metal. They're not
25 pretending to be a tree; they're galvanized

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1 metal. So we propose that our design would be
2 consistent with what's already there.

3 Now I'd like to pull you to the next page.
4 Now, this is an existing cell tower on Palm
5 Valley Road, just east of the property, just
6 outside of Nocatee. It is a -- it's 280 feet
7 tall and it's 160 foot set back. Our situation
8 is the opposite. We're 110 feet shorter and
9 our setback is 80 feet longer, so we are a
10 shorter tower and more set back than what's
11 existing today down the road.

12 Also, I just want to point out that -- see
13 this tower (indicating)? This is a galvanized
14 tower. And this is actually a self-support.
15 It's not even a monopole. So there's three --
16 you could see there's poles, but, again, a
17 galvanized metal tower is consistent with this
18 design that's existing.

19 If I can get you to scroll to the next
20 page. Again, this one is on the other side.
21 This is in St. Johns County, on the other side
22 of the Intracoastal. You could find it on the
23 first page, its location. Again, this is 200
24 foot tall and it's 125 foot set back from a
25 house. Again, it's the opposite of ours. Ours

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1 is shorter, it's 30 feet shorter, and we have a
2 bigger setback.

3 And I'm not going to bore you with the
4 rest of them. They're all the same
5 consistency. They're all that galvanized
6 metal.

7 I also have Michael Herzberg to talk about
8 the consistency as well.

9 (Timer notification.)

10 MR. SITTNER: Thank you.

11 THE CHAIRMAN: Thank you so much.

12 All right. Next up we have Mr. Herzberg.
13 Come on up, sir.

14 (Mr. Herzberg approaches the podium.)

15 THE CHAIRMAN: There you are.

16 MR. HERZBERG: Good afternoon,
17 Mr. Chairman, members of the Commission.

18 Again, Mike Herzberg, 12483 Aladdin Road.
19 And thank you very much for the
20 opportunity.

21 I think Mr. Sittner has already done an
22 excellent job of kind of describing the
23 uniqueness of this request. Having to do a PUD
24 is just an unfortunate component of this.

25 I think you heard earlier, when the staff

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1 indicated that the request of this PUD actually
2 meets or furthers all of the requirements of
3 the City's Comprehensive Plan, its goals,
4 objectives, and policies. And the staff report
5 actually found it to meet every criteria with
6 the sole exception of Criteria 5 and 8.

7 As Mr. Lewis indicated, in Criteria 5,
8 external compatibility -- and I'll ask you to
9 look at Pages 7 and 8 of the staff report while
10 I discuss this, if you wouldn't mind, because I
11 think they're -- they're demonstrative to the
12 issues here.

13 External compatibility, the staff had
14 issues with the site size, the placement, and
15 the proximity to residential. The photo
16 simulations that are included in the package
17 you saw today do indicate that the tower is
18 visible from established residential areas, but
19 that is not the test. The test is actually the
20 distance from those residential [sic], this --
21 residential uses.

22 This proposal meets or vastly exceeds
23 those distance limitations in every situation
24 with the exception of those parcels in
25 St. Johns County. That would be to the east of
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1 Again, I'll ask you to look at Page 8 of
2 the staff report. You will see there is no
3 buffer for the utility of the power lines that
4 are running right there.

5 Finally, I guess, what I really want to
6 get back to is the fact that, as Mr. Sittner
7 said, this is actually improving the RF data,
8 improving an essential service that's in this
9 area. Most people today are utilizing their
10 cell phones; they don't even have a home phone.
11 I'm a former resident of Nocatee and I can tell
12 you that cell service was an issue there. I
13 did not have a home phone; I missed a lot of
14 calls.

15 Finally, the impact on wetlands, I just
16 want to get to that as I'm running out of time.
17 As a land planner, I find this provision to be
18 very odd. The existence of it was developed
19 after I left the City, but I will say, I find
20 it odd that a cell tower be of concern in
21 proximity to a wetland, but yet a residential
22 dwelling could be built only 25 feet from a
23 wetland.

24 (Timer notification.)
25 MR. HERZBERG: With regard to pesticide
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1 the site. Those parcels, however, are located
2 less than 50 feet from a high-power
3 transmission line. This is not just your
4 transmission line carrying through a
5 neighborhood. These are high-power
6 transmission lines. These are the type that
7 are, shall we say, the least interest in being
8 adjacent to or the least interest in being
9 close to. And, furthermore, those are about
10 125 feet in width, so that's a substantial
11 power line that's running through there.

12 The existence of this electrical
13 infrastructure negates the need for the setback
14 in my opinion, specifically being that a far
15 more intensive -- and really, again, I think as
16 you look at the data -- more concerning
17 component or essential service is located
18 closer to those residential units and in
19 between these two points.

20 Again, looking at your staff report,
21 Page 7, you can see this power line in the
22 homes to the east in St. Johns County. The
23 staff report includes those. The staff report
24 also raises issues in the proximity tower [sic]
25 to a transportation view corridor.
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1 applications and other things that go on to
2 residential neighborhoods, far more detriment
3 could come to the wetland area.

4 With that, sir, you have the comments
5 here. And there's also a report that I've
6 attached that indicates that the most dangerous
7 of all EMF-type transmissions is the power
8 lines, even above and beyond that of a --

9 THE CHAIRMAN: Thank you.

10 MR. HERZBERG: -- cell tower.

11 Thank you for the --

12 THE CHAIRMAN: Thank you.

13 MR. HERZBERG: -- additional time.

14 THE CHAIRMAN: Thank you.

15 All right. Next up we have Elizabeth
16 Kelly. Come on up.

17 (Audience member approaches the podium.)

18 THE CHAIRMAN: And then, when you come up,
19 just name and address for the record, please,
20 and then you can go ahead.

21 Hi.

22 AUDIENCE MEMBER: Hello.

23 I'm Elizabeth Kelly. I live at 32 Captiva
24 Drive in Ponte Vedra, Florida 32081.

25 Although I grew up in Jacksonville, I
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1 currently own a home right on the other side of
2 the boundary. My home is about three homes
3 away from the two that fall within the
4 parameter of that 50 feet.

5 You've already heard the proposed project
6 doesn't meet any of the setbacks of the county;
7 property lines, wetlands, et cetera. And the
8 area is already covered with power lines, as he
9 has suggested.

10 The distance between the cell tower and
11 our homes would be no different than putting
12 the tower in the middle of our neighborhood
13 park. I have four small children. Our
14 neighborhood is densely populated with
15 school-age children. A preschool actually
16 falls on the other side of where they propose
17 to put the cell tower, and our neighborhood
18 elementary school is right down the road.

19 I care less about if the tower looks like
20 a pine trees or if it has galvanized [sic]
21 steel. What I care about is the long-term
22 health ramifications on our children which
23 could be potentially catastrophic.

24 So we are personally affected by the lack
25 of cell service in Nocatee. That has always

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1 been a long-term joke in our neighborhood.
2 However, this land holder has alternative
3 options within the Nocatee area that does not
4 impede on wetlands and property lines that can
5 be considered instead of this.

6 So we're asking -- I'm personally asking
7 for you guys to deny the motion to rezone the
8 property, protect our properties, our property
9 values, and our health.

10 Thank you.

11 THE CHAIRMAN: Thank you so much,
12 Ms. Kelly.

13 All right. Next up we have Nancy -- is it
14 Triana?

15 AUDIENCE MEMBER: Yes.

16 THE CHAIRMAN: Come on up, ma'am.
17 (Audience member approaches the podium.)

18 THE CHAIRMAN: And then when you come up,
19 just name and address for the record, please.

20 AUDIENCE MEMBER: Good afternoon.

21 I'm Nancy Triana. I live at 24 Captiva --

22 THE CHAIRMAN: Do you mind bringing the
23 microphone to you a little bit closer? You can
24 bring it down to you.

25 MS. TRIANA: (Complies.)

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1 THE CHAIRMAN: Thank you so much.
2 MS. TRIANA: I'm Nancy Triana. I live at
3 24 Captiva Drive. And I have lived here for
4 almost 14 years, and my property is shown and
5 listed on the plans.

6 And like Elizabeth, who's -- lives next
7 door to me, I'm against the rezoning of the
8 property that would allow a cell tower to be
9 built so close to my home. And my concerns are
10 having a 170-foot tower in my backyard, no
11 matter what it looks like.

12 And I have two questions. I want to know,
13 will the FCC require a flashing red obstruction
14 light on the tower? And how often will this
15 flash? Or will it be on all the time?

16 Thank you.

17 THE CHAIRMAN: Thank you so much.
18 Appreciate that.

19 All right. Next up we have Joseph
20 Pulizzi.

21 Come on up, sir.
22 (Audience member approaches the podium.)

23 THE CHAIRMAN: And then name and address
24 for the record, please.

25 AUDIENCE MEMBER: Hi. Good afternoon.

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1 I'm Joe Pulizzi, 168 Princess Drive, Ponte
2 Vedra, Florida 32081.

3 THE CHAIRMAN: Go ahead.

4 MR. PULIZZI: I'm also a resident of Kelly
5 Pointe. My concern is the proximity to the
6 early learning center. And I have a letter
7 from the director of the early learning center
8 to submit for the record. She is concerned --
9 families are concerned about their children and
10 the exposure to whatever the cell towers emit,
11 although -- we're talking about the power
12 lines, but this would be an additional amount
13 of exposure to those things.

14 The preschool -- it's not a preschool like
15 5 -- a preK -- K through 8 or 12. These are
16 infants through five years old, and the
17 families are concerned with the exposure
18 created by the cell tower.

19 THE CHAIRMAN: Thank you so much.

20 MR. PULIZZI: And can someone --

21 THE CHAIRMAN: You can just give that to
22 Ms. Sales right there.

23 MR. PULIZZI: Thank you.

24 THE CHAIRMAN: Appreciate that.

25 Next up we have Travis Licero.

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1 (Audience member approaches the podium.)
 2 AUDIENCE MEMBER: How are you doing?
 3 THE CHAIRMAN: Doing well, sir. How are
 4 you?
 5 AUDIENCE MEMBER: Good. Thank you.
 6 Address?
 7 THE CHAIRMAN: Yeah. Just name and
 8 address for the record, please --
 9 AUDIENCE MEMBER: Sure.
 10 THE CHAIRMAN: -- and you can just go
 11 ahead.
 12 AUDIENCE MEMBER: Travis Licero, 160
 13 Princess Drive. I live in Nocatee.
 14 Joe is my neighbor. I just have some
 15 things written down here, so bear with me a
 16 little.
 17 Just wanted to kind of point out a few
 18 things. First and foremost, I want to make it
 19 clear, I'm not asking for special treatment. I
 20 just want to make sure that the variances are
 21 upheld. And the standards are in place to
 22 protect our community, our health, our safety,
 23 our environment, and they shouldn't be
 24 compromised.
 25 The proposed tower is situated with 170 --
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1 170 feet of a high-power voltage line, as
 2 they've mentioned. And it's -- serves a lot
 3 of -- a large portion of Duval and northern
 4 St. Johns Counties.
 5 A fallen tower related to equipment could
 6 cause outages of over 35,000 residents,
 7 impacting critical infrastructure and emergency
 8 services. The main access to the road for
 9 several Nocatee communities, Valley Ridge
 10 Boulevard, would also be significantly
 11 impacted, disrupting daily commutes and
 12 emergency response times.
 13 Nocatee is a family-oriented community
 14 where many residents use Valley Ridge Boulevard
 15 for walking, biking, golf carting. Placing a
 16 cell tower here dangerously close to this busy
 17 road increases the risk of serious injury and
 18 death in the event of a tower failure. Our
 19 community's safety should not be put at risk
 20 for the sake of improved cell coverage.
 21 The potential health effects, long-term
 22 exposure to radiolog- -- to radiofrequency
 23 EFRs, E- -- EMFs emitted from this cell tower
 24 cannot be ignored. Studies from reputable
 25 organizations include the World Health
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1 Organization, American Association of
 2 Pediatrics raise concerns about these health
 3 risks, especially for developing children and
 4 the elderly.
 5 The International Agency for Research on
 6 Cancer has classified RF/EMFs as possible
 7 (indecipherable) humans further, underscoring
 8 the need for caution.
 9 The presence of the cell tower is [sic]
 10 close to proximity of residents' areas that
 11 have been shown to decrease property value up
 12 to 20 percent. The decline has not affect
 13 [sic] homeowners' financial well-being but also
 14 (indecipherable) the overall attractiveness and
 15 desirability of our community.
 16 Construction and operation of the tower
 17 may harm the local wildlife habitants,
 18 particularly protective [sic] species like
 19 gopher tortoises. The reduction of the minimal
 20 setback requirements from 340 -- 340 feet to 54
 21 feet encroaches on their habitat and dangers
 22 [sic] these state-listed threatened species.
 23 Additional tree removal and other construction
 24 activities will have permanent negative side
 25 effects on the wetland habitats.
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1 The City -- Jacksonville has the
 2 responsibility to the health and safety of its
 3 residents and granting this variance of the
 4 tower of the [sic] city to potential liability
 5 concerning public, especially near health -- or
 6 near schools and vulnerable (indecipherable).
 7 Thank you for your time.
 8 THE CHAIRMAN: Thank you so much,
 9 Mr. Licero.
 10 Jennifer Kennedy, you're up next, ma'am.
 11 Come on up, please.
 12 (Audience member approaches the podium.)
 13 AUDIENCE MEMBER: Hello, everyone.
 14 Jennifer Kennedy, 145 Princess Drive, in
 15 Ponte Vedra.
 16 I live in Kelly Pointe, which is 240 feet
 17 from the proposed 170-foot cell phone tower. I
 18 fully support the planning staff's
 19 recommendation for denial on this project.
 20 The setbacks are in place for a reason,
 21 and this project does not meet the
 22 transportation, residential dwellings, and
 23 wetlands setback requirements. The property is
 24 adjacent to the two essential high-voltage
 25 power lines which are within the 170 foot
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1 radius and supplies power to Duval and
 2 St. Johns County.
 3 We heard about the 50-foot fall radius.
 4 I'm an engineer myself, and I'm really -- I
 5 would be interested in seeing these engineer
 6 reports because sometimes they are tested in
 7 ideal conditions. We don't take into account
 8 different weather, and it depends, you know,
 9 what state it was done in.
 10 Anyway, that's a little off tangent, but
 11 damage to these power lines, as we heard, would
 12 knock out power from -- for many, many
 13 residents, and it's -- also, the cell tower is
 14 going to be placed in the middle of three
 15 residential communities, one of which is a
 16 senior community -- that's Artisan Lakes --
 17 which is in 1,000 feet of this particular
 18 property.
 19 The cell tower also borders Valley Ridge
 20 Boulevard, which connects the main entrance to
 21 Nocatee's Greenway Trail and abuts wetlands in
 22 the upland areas with active nesting gopher
 23 tortoises.
 24 St. John's [sic] Paul Catholic Church is
 25 directly south to the property, and the one
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1 item that was not mentioned on the
 2 application's staff report is the St. John Paul
 3 II Early Learning Center, which many of my
 4 fellow friends and residents have spoken about.
 5 It's a school and it's approximately 730 feet
 6 away from the proposed tower, and children
 7 attend from birth to VPK.
 8 There are valid health concerns associated
 9 with long-term exposure to the radiofrequency
 10 rad- -- radiofrequency radiation that's emitted
 11 by cell towers. When a cell tower was
 12 constructed in St. Johns County, near Bolles,
 13 Dr. Samiian, who is a surgical oncologist for
 14 Baptist Health, was quoted in saying, "It
 15 hasn't had a lot of research officially to see
 16 if it's safe to be near humans. We have no
 17 idea what it's going to do to them over the
 18 next 10 to 20 years. If the tower is right
 19 next to the school or on top of the school, the
 20 kids are getting exposed every day."
 21 This tower was later relocated by
 22 St. Johns County. So the proximity of this
 23 proposed tower raises justified worries for
 24 many of us and our children's health.
 25 The application mentions mature trees in
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1 the vicinity as existing landscaping. However,
 2 it also fails to mention that crucial trees
 3 will be removed to construct the project.
 4 There are some visual images of tower sight
 5 lines in the project that do not take into
 6 account the tree removal.
 7 Our neighborhood has modeled this tower
 8 height in 3D, and the tower is visible from
 9 every house. The cell tower will negatively
 10 impact our property values and destroy the
 11 local landscape of the area.
 12 The application also mentions no adverse
 13 impacts on sensitive lands or transportation
 14 view corridors. However, no species or
 15 wildlife survey was conducted.
 16 (Timer notification.)
 17 MS. KENNEDY: Are there any local, state,
 18 federal wildlife permits that can be reviewed?
 19 THE CHAIRMAN: Thank you.
 20 MS. KENNEDY: The difference between --
 21 That was three minutes already?
 22 THE CHAIRMAN: Yes, ma'am.
 23 MS. KENNEDY: Oh, wow. Okay.
 24 Thank you. I appreciate it.
 25 THE CHAIRMAN: Thank you so much,
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1 Ms. Kennedy.
 2 All right. Next up we have William
 3 Vaughn. Come on up, sir.
 4 (Audience member approaches the podium.)
 5 AUDIENCE MEMBER: Good afternoon,
 6 everybody.
 7 THE CHAIRMAN: Good afternoon.
 8 AUDIENCE MEMBER: Thank you for this
 9 opportunity.
 10 I just want to echo what all my
 11 neighbors --
 12 THE CHAIRMAN: Do you mind -- name and
 13 address for the record, please.
 14 AUDIENCE MEMBER: I'm sorry.
 15 THE CHAIRMAN: It's okay.
 16 AUDIENCE MEMBER: William Vaughn, 113
 17 Princess Drive, in Ponte Vedra.
 18 THE CHAIRMAN: Thank you.
 19 Go ahead, sir.
 20 MR. VAUGHN: I just want to echo what all
 21 my neighbors are saying. Every morning when I
 22 get up -- because I'm looking north, towards
 23 downtown Jacksonville -- I see the forest.
 24 What I'm going to see now is a cell phone tower
 25 right out my front door.
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1 And I just wanted to say thank you, and I
 2 oppose this variance.
 3 THE CHAIRMAN: Thank you so much,
 4 Mr. Vaughn. Appreciate that.
 5 MR. VAUGHN: Thank you.
 6 THE CHAIRMAN: Next up we have Jennie
 7 Vaughn. Do you want to come on up, ma'am?
 8 (Audience member approaches the podium.)
 9 AUDIENCE MEMBER: Yes. I'm Jennie Vaughn,
 10 113 Princess Drive.
 11 I just want to strongly speak my
 12 opposition to this because everything that my
 13 neighbors have said -- you know, I fully second
 14 everything that they said, and I hope you
 15 disapprove this cell -- cell phone tower.
 16 Thank you.
 17 THE CHAIRMAN: Thank you so much,
 18 Ms. Vaughn.
 19 Last up I have is Alexa Sullivan. Come on
 20 up, ma'am.
 21 (Audience member approaches the podium.)
 22 THE CHAIRMAN: Hello.
 23 AUDIENCE MEMBER: Hey.
 24 Alexa Sullivan, 577 Captiva Drive,
 25 Ponte Vedra.
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1 Paul's Early Learning Center. I will see this
 2 every day in every aspect of my life. It will
 3 not fit with the existing power lines. It will
 4 not be covered by pine trees.
 5 This tower does not fit. This property
 6 does not fit this tower. There shouldn't -- we
 7 shouldn't be making exceptions to put a tower
 8 in a place where it doesn't fit. Setbacks were
 9 there for a reason, to keep us healthy, it's to
 10 keep us safe, it's to think about the community
 11 that it's in.
 12 And although we probably all could agree
 13 that cell phone reception in Nocatee is
 14 terrible, this is not the site. This is not
 15 the site. You are forcing it to fit and it
 16 doesn't fit.
 17 Thank you very much.
 18 THE CHAIRMAN: Thank you so much,
 19 Ms. Sullivan.
 20 Is there anyone else here that wishes to
 21 talk on 2024- --
 22 AUDIENCE MEMBER: (Indicating.)
 23 THE CHAIRMAN: Yeah, come on up.
 24 And the gentleman in the back, did you
 25 also fill out a blue card too?
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1 Again, I second, third, a hundred percent
 2 agree with everything that has already been
 3 said, but one thing that was said at the very
 4 beginning is that the reason this was denied is
 5 because of compatibility. This tower doesn't
 6 fit. It doesn't fit on the property. That's
 7 why we're here to talk about setbacks, because
 8 it doesn't fit.
 9 You're talking about pine tree coverage.
 10 A pine tree grows 70 to 80 feet tall. This
 11 tower is 170 feet tall. That's a hundred feet
 12 above a pine tree.
 13 Then you're talking about compatibility
 14 with the existing power lines. A typical power
 15 line is 60 -- 30 to 60 feet tall. You're
 16 talking 110 to 140 feet taller than the
 17 existing current landscape.
 18 We all purchased these houses because we
 19 are -- the lifestyle of Nocatee and what it
 20 provides is forest. It is being able to walk
 21 out your front door and feel like you're in
 22 nature.
 23 And I also face north. I will be looking
 24 at this tower walking out my door. I will be
 25 seeing this tower taking my kids to St. John
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1 AUDIENCE MEMBER: (Nods head.)
 2 THE CHAIRMAN: Okay. Yeah, go ahead and
 3 do that while this gentleman is talking now, if
 4 you don't mind, please.
 5 (Audience member approaches the podium.)
 6 THE CHAIRMAN: Mr. Blaine, how are you?
 7 AUDIENCE MEMBER: Good. How are you?
 8 THE CHAIRMAN: Good. Name and address for
 9 the record, please.
 10 AUDIENCE MEMBER: My name is John Blaine.
 11 I live at 123 Princess Drive, Ponte Vedra,
 12 Florida, Nocatee.
 13 I just have a couple of things to say,
 14 really. The setbacks are established for
 15 guidelines for a reason. They establish a
 16 crucial buffer zone to the public -- to protect
 17 the public safety, health, and the environment.
 18 Approving this variance would weaken these
 19 safeguards and create uncertainty about future
 20 developments.
 21 I also have lived in Kelly Pointe for
 22 about 12 years with my wife and my 13-year-old
 23 son who's -- I brought here to this meeting
 24 today for a civic lesson, to see how these
 25 are -- these meetings are conducted, but also
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1 to show you the face of at least one of the
 2 children who live in Kelly Pointe.
 3 We have a real concern regarding these
 4 signals. I don't know much about them, but I
 5 don't want my son, my wife exposed to them for
 6 long-term potential health risks, and I don't
 7 think probably anybody else on this commission
 8 would probably want that for their families
 9 either, so ...
 10 Thank you.
 11 THE CHAIRMAN: Thank you.
 12 (Audience member approaches the podium.)
 13 AUDIENCE MEMBER: Daniel Morrison, 36
 14 Scottsdale Drive, in Ponte Vedra, Florida.
 15 Just here to echo the sentiments of all of
 16 my neighbors, but at the same time -- I can't
 17 see those power lines. The trees are high
 18 enough from my house and from other areas in
 19 that neighborhood. You can't see the power
 20 lines. You can't see the power lines. And
 21 please don't try to give me this argument --
 22 and you lived in Nocatee. You know how much
 23 land is down there. Have you looked at a map
 24 of how much land is down there? And you want
 25 to stick it where it is? Do you know how many
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1 our land value if this thing is erected.
 2 So thank you for listening, and salud.
 3 THE CHAIRMAN: Thank you so much,
 4 Mr. Natoli.
 5 All right. Anyone else?
 6 AUDIENCE MEMBERS: (No response.)
 7 THE CHAIRMAN: All right. Mr. Sittner,
 8 come on up.
 9 And then while -- while you're coming
 10 back, go ahead and -- any ex parte
 11 communication on this?
 12 COMMISSIONER MESKEL: Yes, Mr. Chair.
 13 I did speak with Mr. Sittner yesterday and
 14 he gave me some background information on the
 15 project.
 16 THE CHAIRMAN: Thank you.
 17 COMMISSIONER McGOWAN: I, too, spoke to
 18 Mr. Sittner when he was letting me know he
 19 would be here for a few items, so this would be
 20 one of them. That's about it.
 21 THE CHAIRMAN: And I'm sure, Mr. Sittner,
 22 you'll talk about this, but for -- just a
 23 reminder for the Commission and for everyone
 24 out there in the public, this is a -- the
 25 argument -- one of the arguments that --
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1 people have walked that sidewalk? I see Jill
 2 every single morning walk it. That man would
 3 walk by it every single morning. We've got
 4 people with dogs who go up and down. The power
 5 lines -- I don't know why I'm so nervous.
 6 So it is just a populated area. As one
 7 neighborhood said, you're trying to make it
 8 fit; it doesn't fit. Find another spot.
 9 Thank you.
 10 THE CHAIRMAN: Thank you so much,
 11 Mr. Morrison.
 12 All right. Anyone else?
 13 AUDIENCE MEMBER: (Indicating.)
 14 THE CHAIRMAN: No worries. Come on up.
 15 (Audience member approaches the podium.)
 16 AUDIENCE MEMBER: Good afternoon,
 17 everybody.
 18 My name is Joe Natoli, 135 Princess Drive.
 19 I also echo my fellow neighbors. I am a
 20 father of four in the neighborhood. And I,
 21 too, as I walk out my front door, will be
 22 noticing -- be staring right at this tower.
 23 I have just done significant improvements
 24 on my home, and I'm also worried about the
 25 significance of the -- of what it will do to
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1 talking about health and -- issues, is a common
 2 argument, issue that comes up. And, again --
 3 So the tele-commission -- excuse me -- the
 4 Telecommunications Act of 1996 and further FCC
 5 guidance has stated that no state or local
 6 government or instrumentality thereof may
 7 regulate the placement, construction, or
 8 modification of personal wireless service
 9 facilities on the basis of the environmental
 10 effects of radiofrequency emissions to the
 11 extent that such facilities comply with the
 12 Commission's regulations asserting such
 13 emissions.
 14 And the guidance from Order 00408 states,
 15 local governments are broadly preempted from
 16 regulating the operation of personal wireless
 17 service facilities based on RF emissions
 18 considerations and may not restrict how a
 19 facility authorized by the Commission may
 20 operate based on RF emissions or any other
 21 cause. Thus, state or local authority with
 22 respect to personal --
 23 MR. SITTNER: Can you slow down for the
 24 record? I'm so sorry.
 25 THE CHAIRMAN: I apologize. Yeah.
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1 It may not restrict how a facility
2 authorized by the Commission may operate based
3 on RF emissions or any other cause, thus state
4 or local authority with respect to personal
5 wireless service facilities is lim- -- excuse
6 me -- limited to regulation of the placement,
7 construction, modification of such facilities.

8 Long story short, what that says is we are
9 not allowed, as a body, whether it's us or City
10 Council, anyone else or -- we are not allowed
11 to consider the potential health impacts of the
12 radio emissions, so I've -- we understand, but
13 it cannot be as part of our decision. So I
14 just want to let y'all know that.

15 Mr. Sittner.

16 MR. SITTNER: Michael Sittner, One
17 Independent Drive, Suite 1200, on behalf of the
18 applicant.

19 I heard a lot of concerns and a lot of
20 them are definitely valid. The first one,
21 setbacks to housing. We definitely understand
22 that, but the way the City of Jacksonville's
23 code works is we wouldn't need a setback
24 deviation if we made it look like a pine tree.

25 It's just a function of the Zoning Code and how
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1 towers need to be because that's where the
2 demand for cell service is.

3 And there's minimum setbacks. And if we
4 dressed our cell tower up like a pine tree
5 instead of making it look like a regular tower,
6 we would meet all of those setbacks.

7 The proximity to a learning center, again,
8 730 feet away, and we're not -- we're not
9 supposed to be considering health effects.

10 The fall radius. We heard comments about,
11 well, you know, I wonder what the engineer is
12 doing? Well, the engineer attested to it. The
13 engineer has designed hundreds and hundreds of
14 cell towers for my client. My client developed
15 cell towers all through the Southeast. He's
16 developed many, many, many cell towers all
17 throughout the Southeast.

18 We heard proximity to trees. Again, in --
19 well, in the staff report it mentioned, well,
20 there's a concern about tearing down trees,
21 things like that. The rezoning only touches
22 our lease parcel. So it's a 75 by 75 foot
23 parcel that we're going to lease. The actual
24 parcel is much larger, and we're only leasing
25 that little bit, and that's the only thing the

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1 it works.

2 THE CHAIRMAN: And if you can expand on
3 why you're going [sic] this versus the pine
4 tree.

5 MR. SITTNER: Yes. So the property is
6 owned by the master developer of Nocatee.
7 That's their preferred design. As you could
8 see, every other design in and around Nocatee
9 is the same style, and so really that's it.
10 It's a function of the owner of the land, the
11 master developer of Nocatee wants that design,
12 and it's consistent with every other single
13 cell tower in the area.

14 I heard another comment about -- a concern
15 about, well, you know, Nocatee has a bunch of
16 parks and you can't have a cell tower next to a
17 park. If I could just draw your attention
18 to -- I think it's maybe the third or fourth
19 cell tower in the packet, but there's actually
20 a 170-foot monopine -- or a monopole, just like
21 our tower, 170 feet that's in a Nocatee park.

22 We already heard about -- from the
23 chairman, about the health concerns.

24 We also heard about the lack of cell
25 service. Where residents are is where cell

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1 rezoning is touching. We're not touching
2 anything else -- our rezoning does not concern
3 anything outside of that 75 by 75 lease parcel
4 and the access easement to and from the road.

5 Impacts to wildlife. Nocatee once was a
6 preserve, a long time ago, and that's why
7 there's mitigation. They've mitigated it.
8 There's locations for it.

9 We have set up a -- our cell tower is
10 going to fall within 50 feet, demonstrated by
11 an engineer. Our lease parcel is 75 by 75. So
12 it won't even fall outside of the fence
13 facility, based on the engineering.

14 And, finally, height. We heard, well,
15 it's going to have to stand above the trees.
16 Well, that's the function of a cell tower. If
17 the cell tower is at the same height as the --
18 as the trees surrounding it, it won't function.
19 That's just the way radiofrequency works. It
20 has to be above things to move and expand
21 through the area.

22 And the way the Zoning Code works, we
23 could build a 240-foot -- so we could build a
24 70 foot taller tree -- or a tower, put pine
25 tree -- fake pine tree nestles on it, and we

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1 would be compliant with the setbacks.
 2 With that, I'll stand by for questions.
 3 Thank you so much for your time and
 4 consideration.
 5 THE CHAIRMAN: I can't remember her name,
 6 I apologize, but one question was about the
 7 light at the top. Do you have an answer for
 8 that?
 9 MR. SITTNER: Chairman, yeah. Thank you
 10 so much.
 11 From what I understand about FCC
 12 regulations with lighting, it's -- they set the
 13 rules, and it's about airplane safety and all
 14 sorts of other considerations. Our client will
 15 comply with whatever the FCC tells them.
 16 Thank you.
 17 THE CHAIRMAN: Thank you.
 18 All right. Final call, is there anyone
 19 else here to talk on 2024-0415 that has not
 20 already?
 21 AUDIENCE MEMBERS: (No response.)
 22 THE CHAIRMAN: All right. Seeing none,
 23 we'll go ahead and close the public hearing and
 24 bring it back to the Commission.
 25 Can I get a motion, please, for 2024-0415?
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1 Through the Chair to Mr. Sittner.
 2 Mr. Sittner, why is it that your client -- and
 3 maybe you just cannot answer this, and maybe
 4 it's not a question, it may be more a comment
 5 to you, and that is, unfortunately, there are
 6 zoning rules that say -- which we just heard
 7 staff confirm -- if it doesn't look like a pine
 8 tree, you're going to have larger setbacks.
 9 And you haven't met those setbacks, so it seems
 10 to me that if you just -- if your client was
 11 amenable to building this tower with the look
 12 of a pine tree, then we wouldn't really have a
 13 problem here today. That's what I'm hearing.
 14 So, for me, for my vote today, because the
 15 rules are in place, that your client has just
 16 made a decision not to accommodate, I would
 17 have to be a deny.
 18 THE CHAIRMAN: Was there a conversation
 19 with the team of looking to go -- the
 20 camouflage?
 21 MR. SITTNER: Through the Chair, it's
 22 really a function of the master developer of
 23 Nocatee, who owns the parcel, who wants this
 24 design.
 25 THE CHAIRMAN: No, that's what I'm saying,
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1 COMMISSIONER MESKEL: Mr. Chair, at this
 2 point, I make a motion to deny, but I do have a
 3 question for staff and a comment for the
 4 applicant, and I look forward to some
 5 discussion on this.
 6 COMMISSIONER MCGOWAN: I'll second --
 7 THE CHAIRMAN: Okay.
 8 COMMISSIONER MCGOWAN: -- for discussion.
 9 COMMISSIONER MESKEL: So through the Chair
 10 to staff, we heard from Mr. Sittner that if the
 11 tower included the pine tree look that it would
 12 be in compliance on every setback; is that
 13 correct?
 14 MR. LEWIS: To Commissioner Meskel, yes.
 15 So the tower setback for a camouflaged or
 16 a pine-tree-style tower is a hundred percent of
 17 the tower height. And this setback -- or this
 18 type of tower is 250 percent of the tower
 19 height, so it would meet that.
 20 And if I could just make one comment about
 21 the light. Included in their application was a
 22 letter from the FAA. It determined that there
 23 was no hazard to air navigation for this tower
 24 and that no lighting was necessary.
 25 COMMISSIONER MESKEL: Thank you.
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1 though. I'm --
 2 MR. SITTNER: Yeah. Yeah, my client
 3 understands the rules and -- very well, and
 4 this is their design that -- between the
 5 ownership and the developer of Nocatee has come
 6 to -- wants.
 7 THE CHAIRMAN: Okay. Anything else?
 8 Commissioner Marar.
 9 COMMISSIONER MARAR: So it is my
 10 understanding that every cellular tower --
 11 THE CHAIRMAN: Is there a microphone --
 12 just speak a little closer, yeah.
 13 COMMISSIONER MARAR: All right. So it is
 14 my understanding that every cellular tower
 15 approval would come to this commission, whether
 16 it would be a deviation to the required
 17 setbacks or not, correct?
 18 THE CHAIRMAN: I mean, yeah, correct. I
 19 mean, you know, typically, we'll have a -- it
 20 would be a different type of -- but in this
 21 case, it's a PUD, and so -- we are
 22 recommendation only, final approval through LUZ
 23 and City Council.
 24 COMMISSIONER MARAR: Okay.
 25 THE CHAIRMAN: Yes, sir.
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1 Commissioner Meeks, did you have
 2 something?
 3 COMMISSIONER MEEKS: I'm going to agree
 4 with my commissioner to your immediate left and
 5 I'll vote to deny as well.
 6 THE CHAIRMAN: Okay.
 7 COMMISSIONER McGOWAN: I'll just remind
 8 everyone that we are a recommendation committee
 9 on this, and so this will go from us to LUZ, I
 10 guess, and then on to City Council after that,
 11 so -- just a reminder. So if you-all here
 12 would like, in the future, to go speak at those
 13 meetings as well, please go do so. We always
 14 appreciate everybody's input on every issue
 15 that you want to come talk about, whether or
 16 not you live in Duval County or St. Johns
 17 County.
 18 You know, on that, just as a -- you know,
 19 living on the other side of an invisible line
 20 makes you a St. Johns County resident. You're
 21 still here today about an issue. It's a
 22 technicality that you're a St. Johns County
 23 resident.
 24 And just, to me, it seems like a
 25 technicality, that -- if you dress it up like a
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1 because it looks like -- a pine tree has, you
 2 know, the different setbacks versus the one
 3 that doesn't look like a pine tree, it --
 4 that's just bureaucracy at work right there in
 5 my opinion, so I will be voting against the
 6 current motion as I am in favor of the tower,
 7 but --
 8 Is there any other further comments from
 9 the Commission?
 10 COMMISSIONER MEEKS: I'll make one more --
 11 THE CHAIRMAN: Commissioner Meeks, go
 12 ahead.
 13 COMMISSIONER MEEKS: -- comment since
 14 you're taking exception, using the word
 15 "asinine" to the rules. It seems to me, with
 16 my limited understanding, it's pretty asinine
 17 that we're not supposed to consider the health
 18 effects of these radio waves.
 19 THE CHAIRMAN: Well, that's -- that's way
 20 above my pay grade and all of our pay grades in
 21 this room, so --
 22 Any final -- yes, Commissioner Marar.
 23 COMMISSIONER MARAR: I just want to -- I
 24 guess it's more of a concern or a question, but
 25 considering this specific case -- because the
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1 fake pine tree and everything else is the same,
 2 it's the same exact -- that you get the same
 3 result. So, again, this is just my personal
 4 recommendation. I'm -- I'm going to vote in
 5 favor of it because I don't necessarily see the
 6 need other than maybe somebody likes the -- the
 7 forest look better and everywhere else in your
 8 neighborhood that you -- living in Nocatee, it
 9 is not that way, so --
 10 I don't know what the owner is going to
 11 do, if they'll come back, if it gets voted
 12 down, and put up a much taller pine tree, but
 13 it seemed logical to just let it go as it is
 14 with the rest of the neighborhood, and it's the
 15 same exact product you're going to get, it's
 16 the same exact pole, it's just -- looks a
 17 little bit different.
 18 So for that reason, I'm just going to go
 19 ahead and vote in favor of it.
 20 THE CHAIRMAN: Yeah. I mean, I'm in
 21 agreement with that. I mean, it's unfortunate.
 22 You know, I think it's an asinine issue that
 23 one or the other -- one looks like a pine tree,
 24 which we all know those things are just as
 25 ugly, but, you know, if -- if the -- just
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1 way these zoning rules are written, they're
 2 written -- generally speaking, right? This is
 3 kind of a weird situation where it seems like
 4 having a non-palm-tree-looking cellular tower
 5 is -- in a better case, it would be -- it would
 6 be better for the environment than having the
 7 one -- at least my opinion would be --
 8 But in the case this gets denied -- or --
 9 or the cellular tower and the PUD gets denied
 10 and then it goes to LUZ -- obviously, we're a
 11 recommendation only. Would they be -- if the
 12 developer decides to put a pine tree cellular
 13 tower, they would be coming again to us for
 14 approval, correct?
 15 THE CHAIRMAN: My understanding -- I mean,
 16 if they switch it --
 17 (Simultaneous speaking.)
 18 COMMISSIONER MARAR: (Inaudible) approve
 19 every --
 20 THE CHAIRMAN: Well, if it does not need
 21 any -- well, I mean -- in this case, it's a
 22 PUD, so I'll let Mr. Sittner answer. But if
 23 there's no need for a variance -- if you're not
 24 having -- or a modification or -- about the
 25 setbacks, then you would -- then you would --
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1 we wouldn't see it. It would just be by right,
2 but I'll let Mr. Sittner answer that question
3 more correctly.

4 MR. SITTNER: Yeah, two things. So one --
5 through the Chair to Commissioner Marar, so
6 this PUD actually allows cell towers by right
7 in the location. So, really, it's just a
8 discussion on the look of it.

9 And the other thing I wanted to add -- I
10 forgot to add originally. So in St. Johns
11 County the setback to residences is 250 feet,
12 and we're 240 feet. So I know Bruce is talking
13 about 340 feet, but he's applying a -- it's
14 kind of weird because he's applying a
15 Jacksonville ordinance to a setback for a house
16 in St. Johns County.

17 But if you're in St. Johns County, the
18 setback is 250 feet and we're 240 feet. So,
19 really, we're talking about 10 feet if you want
20 to talk St. Johns County.

21 So, with that, appreciate your
22 consideration. Thank you.

23 COMMISSIONER MARAR: And with that said,
24 I'll be voting for the cellular tower, against
25 the motion on the table.

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1 three-three, is it -- I believe it gets
2 deferred for two weeks under Planning
3 Commission rules; is that correct?

4 MR. TEAL: Through the Chair to the
5 Commission, another motion could be made in
6 order to -- let me back up.

7 So according to the Commission's bylaws,
8 you require four votes in order to move
9 something out of the Commission.

10 This is a recommendation to the LUZ
11 Committee, and so another motion can be made to
12 approve the application. You could offer
13 conditions, you could offer something along
14 those lines, so it's not an automatic deferral.
15 What it is -- there is an opportunity for the
16 Commission to make an additional motion
17 (inaudible) at this meeting and (inaudible)
18 take it up that way. We'll see what happens,
19 if that were to be the case.

20 THE CHAIRMAN: Mr. Teal, if another motion
21 is made for approval of 2024-0415 and another
22 tie vote of three-three comes back, what is the
23 next step?

24 MR. TEAL: The next step would be -- it
25 would result in a deferral of the item until

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1 THE CHAIRMAN: Thank you so much.
2 Any final comments?

3 COMMISSION MEMBERS: (No response.)

4 THE CHAIRMAN: All right. Seeing none,
5 all in favor of the current motion to deny
6 2024-0415 -- all in favor, say aye.

7 UNIDENTIFIED COMMISSION MEMBERS: Aye.

8 THE CHAIRMAN: All opposed?
9 Nay.

10 So we have -- what do you get? He's
11 denied. So we've got -- we've got three and
12 three. So that fails. So we have Commissioner
13 Marar was in opposition, Commissioner McGowan
14 in opposition, Commissioner Garrison in
15 opposition. So three-three fails, which means
16 we have to have a motion for approval to get
17 this out.

18 MR. SITTNER: Through the Chair --

19 THE CHAIRMAN: Is Mr. Teal making faces at
20 me?

21 MR. SITTNER: No. I'm trying to make
22 faces at Mr. Teal.

23 THE CHAIRMAN: Mr. Teal, make faces back.

24 MR. SITTNER: Through the Chair to
25 Mr. Teal, my understanding is on a tie of

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1 the next Commission meeting. And hopefully --
2 maybe you would have an odd number of
3 commissioners present so you could move
4 forward.

5 But, again, the backstop is, is it
6 requires four affirmative votes in order to
7 move it out of the Planning Commission.

8 THE CHAIRMAN: Okay.

9 All right. Is there a motion for
10 2024-0415 for approval?

11 COMMISSIONER MCGOWAN: I'll make a motion
12 for approval.

13 THE CHAIRMAN: Thank you.

14 COMMISSIONER MESKEL: Second.

15 THE CHAIRMAN: All right. So we've got a
16 motion -- moved and seconded.

17 Any discussion?

18 COMMISSION MEMBERS: (No response.)

19 THE CHAIRMAN: Seeing none, all in favor,
20 say aye.

21 Aye.

22 Opposed, nay.

23 UNIDENTIFIED COMMISSION MEMBERS: Nay.

24 AUDIENCE MEMBER: Nay.

25 THE CHAIRMAN: Did you -- no, ma'am. No,

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1 ma'am. This is complicated enough.
 2 All right. Raise your hand if you're in
 3 opposition right now, please.
 4 UNIDENTIFIED COMMISSION MEMBERS: (Comply.)
 5 THE CHAIRMAN: So we have Commissioner
 6 Meeks in opposition, Commissioner Meskel.
 7 All right. So it is tied again and --
 8 automatic deferral, so --
 9 MR. SITTNER: Chairman, could you --
 10 (Reporter inquiry.)
 11 THE CHAIRMAN: Carter. Commissioner
 12 Carter.
 13 THE REPORTER: Thank you.
 14 THE CHAIRMAN: All right. So it is
 15 deferred. I know that slows your timeline
 16 down.
 17 MR. SITTNER: That's okay.
 18 THE CHAIRMAN: My question, I guess, I was
 19 getting to is -- withdraw or are you just going
 20 to wait?
 21 MR. SITTNER: No, we'll take the deferral.
 22 Thank you so much.
 23 THE CHAIRMAN: Okay.
 24 MR. SITTNER: See you guys in two weeks.
 25 THE CHAIRMAN: Okay.
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1 MR. HARVEY: You can't hear me?
 2 THE CHAIRMAN: Just speak into the --
 3 MR. HARVEY: Can you hear me now?
 4 So I was saying that this is an amendment
 5 to Section 12.8 with some additional language
 6 brought to our attention by Mr. Teal. So if
 7 you would review the underlying portions of it,
 8 it just enhances what we previously reviewed on
 9 May 9th. So --
 10 THE CHAIRMAN: Okay. So --
 11 MR. HARVEY: Because we've already
 12 presented the substance of this amendment at
 13 the May 9th meeting, you would be able to vote
 14 on this amendment today.
 15 THE CHAIRMAN: So the update is -- was the
 16 same one that was disclosed on the 9th; is that
 17 correct?
 18 MR. HARVEY: With some -- with a minor
 19 modification as --
 20 THE CHAIRMAN: And then that minor
 21 modification does not trigger us having to wait
 22 again?
 23 MR. HARVEY: Correct, because --
 24 THE CHAIRMAN: Okay.
 25 MR. HARVEY: -- the substance of the
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1 MR. SITTNER: Thank you so much for -- or
 2 I guess a month probably.
 3 Thank you.
 4 THE CHAIRMAN: Yeah, so -- Ms. Sales, when
 5 is our next meeting?
 6 MS. SALES: July 18th.
 7 THE CHAIRMAN: July 18th is our next
 8 meeting. Y'all are welcome to come back.
 9 So this will not be going to LUZ because
 10 it is still with us at this point. Okay?
 11 All right. We're finished with the
 12 applications. We have some internal business
 13 we'll be working on, so you're welcome to stay.
 14 But if not, y'all have a great rest of your
 15 week.
 16 All right. We are now on -- real quick.
 17 Hopefully, we can get this done. It's just the
 18 update of the bylaws.
 19 (Simultaneous speaking.)
 20 MR. HARVEY: All right. So before you,
 21 you have an amendment to Section 12.8, the
 22 withdrawal of an application. This is an
 23 amendment to the version that we presented back
 24 on (inaudible). If you will (inaudible) --
 25 (Reporter inquiry.)
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1 amendment was first presented on the 9th of
 2 May.
 3 THE CHAIRMAN: Okay. And then, just for
 4 clarification and understanding on the
 5 Commission, can you give just a -- of why we
 6 are here, I guess.
 7 MR. HARVEY: So this withdrawal of
 8 application process, as you guys have noted
 9 earlier today, would have required a written
 10 withdrawal request from the applicant. This
 11 would permit you all to entertain a withdrawal
 12 orally from the applicant at the time of the
 13 hearing, if that were to -- to occur, but it
 14 would also -- we're placing back that language
 15 of allowing the public comments because,
 16 typically, you would have to open the -- open
 17 it to the public so that -- where they can
 18 contest if they have any -- if they need to
 19 contest or not, or if they wish to contest.
 20 THE CHAIRMAN: Okay.
 21 MR. TEAL: Mr. Chair, let me kind of
 22 clarify that last point, so -- since these
 23 changes are (inaudible).
 24 Basically, what I did here is I added
 25 some -- the possibility that somebody may
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1 request a withdrawal on an application -- you
2 guys are just a recommendation to the LUZ, and
3 so, granted, you couldn't actually effectuate a
4 withdrawal, but it could get it out of the
5 Planning Commission if that -- they were --
6 we're going to recommend a withdrawal to the
7 City Council. So they could actually make that
8 request to you-all. So it does allow that
9 possibility, to -- to allow a recommendation
10 for withdrawal to go forth to the City council,
11 the first -- first substantive change.

12 The second change is -- Terrence mentioned
13 is -- with regard to the public comment piece
14 of it, and I wanted to clarify that. It's not
15 a public comment on the application itself.
16 It's a public comment on whether or not the
17 Commission should vote to withdraw the item.
18 Reason being is, is because of the
19 distinction -- is that if there is a heavily
20 contested or opposed application, sometimes
21 applicants will choose to withdraw an
22 application and -- so as not to result in a
23 denial, because a denial of an application
24 could create legal defenses, which is, you
25 can't come back for a year.

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1 There's also a thing called
2 "administrative res judicata," which is a legal
3 concept, which basically means that once a
4 decision has been rendered by the Planning
5 Commission, if you -- you can't bring that same
6 application to a different Planning Commission
7 and hopefully get a different result. You have
8 to demonstrate that there's been a substantial
9 change in circumstances between the previous
10 application and the second application.

11 So a denial will trigger administrative
12 res judicata, whereas a withdrawal will not.
13 So occasionally you'll have members of the
14 public that want to come up and say, "Hey,
15 don't withdraw this, deny it," because we want
16 to, in essence, put the issue to rest so that
17 we don't have to keep looking over our shoulder
18 until another application comes out.

19 So that's the reason why -- I don't think
20 that you can just dispense with the
21 availability of public comment, but you can
22 limit it to just the question of public comment
23 on should we withdraw it or not.

24 So those are kind of the explanations
25 behind the proposed changes in this -- in this

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1 particular -- I guess amendment to this bylaw.
2 THE CHAIRMAN: Okay. Thank you.
3 Any questions to OGC from the Commission?
4 COMMISSION MEMBERS: (No response.)
5 THE CHAIRMAN: All right. Well, then,
6 seeing none -- do we need a motion on this?
7 MR. HARVEY: You do.
8 THE CHAIRMAN: Okay. Can I get a motion,
9 please?
10 COMMISSIONER MESKEL: (Off microphone.)
11 THE CHAIRMAN: Approving updates to 12.8
12 of the bylaws.
13 COMMISSIONER MESKEL: So moved.
14 THE CHAIRMAN: Okay.
15 COMMISSIONER MCGOWAN: I'll second that.
16 THE CHAIRMAN: All right. No worries.
17 Final call. Discussion, questions?
18 COMMISSION MEMBERS: (No response.)
19 THE CHAIRMAN: All right. Seeing none,
20 all in favor, say aye.
21 COMMISSION MEMBERS: Aye.
22 THE CHAIRMAN: Any opposed?
23 COMMISSION MEMBERS: (No response.)
24 THE CHAIRMAN: All right. Motion carries,
25 no opposition.

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1 Thank you so much.
2 We are adjourned.
3 (The foregoing proceedings were adjourned
4 at 3:45 p.m.)

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA)

)

4 COUNTY OF DUVAL)

5

6

7 I, Diane M. Tropa, Florida Professional
8 Reporter, certify that I was authorized to and did
9 stenographically report the foregoing proceedings and
10 that the transcript is a true and complete record of my
11 stenographic notes.

12

13

14

15 DATED this 29th day of June 2024.

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Diane M. Tropa
Florida Professional Reporter

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