

2017-672

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **RESOLUTION 2017-672**

5
6 A RESOLUTION CONCERNING AN APPEAL FILED BY TIM
7 BENNER APPEALING THE FINAL ORDER ISSUED BY THE
8 PLANNING COMMISSION DENYING ZONING VARIANCE
9 APPLICATION V-17-08 TO CROWN SHINDLER/COLLINS,
10 LLC AND KID CITY USA DAYCARE, AN APPLICATION
11 TO REDUCE THE REQUIRED DISTANCE BETWEEN A
12 DAYCARE FACILITY AND A REGISTERED SEXUAL
13 PREDATOR FROM 2,500 FEET TO 1,758 FEET, ON
14 PROPERTY LOCATED AT 8720 COLLINS ROAD,
15 FORMERLY 7710 SCHINDLER DRIVE, DISTRICT 14
16 PURSUANT TO SECTION 656.141, *ORDINANCE CODE*;
17 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS
18 OF THE LAND USE AND ZONING COMMITTEE;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, Crown Shindler/Collins, LLC and Kid City USA Daycare,
22 applied to the Planning Commission for a Zoning Variance
23 (Application V-17-08) to reduce the required distance between a
24 daycare facility and a registered sexual predator from 2,500 feet
25 to 1,758 feet, in the Planned Unit Development (PUD) Zoning
26 District; and

27 **WHEREAS**, the Planning Commission denied Application V-17-08 by
28 Final Order dated August 17, 2017; and

29 **WHEREAS**, pursuant to Section 656.141, *Ordinance Code*, Tim
30 Benner filed a notice of appeal; and

31 **WHEREAS**, such appeal was timely filed and the appellant, as

1 the property owner, has standing to appeal; now therefore

2 **BE IT RESOLVED** by the Council of the City of Jacksonville:

3 **Section 1. Adoption of recommended findings and**
4 **conclusions.** The Council has reviewed the record of proceedings
5 regarding Zoning Variance Application V-17-08, which is on file in
6 the City Council Legislative Services Division and the Planning and
7 Development Department, and has considered the recommended findings
8 and conclusions of the Land Use and Zoning Committee. The
9 recommended findings and conclusions of the Land Use and Zoning
10 Committee are hereby adopted and shall become effective
11 immediately. This resolution is the final action of the Council.

12 **Section 2. Effective Date.** The adoption of this
13 resolution shall be deemed to constitute a quasi-judicial action of
14 the City Council and shall become effective upon signature by the
15 Council President and Council Secretary.

16
17 Form Approved:

18
19 /s/ Susan C. Grandin

20 Office of General Counsel

21 Legislation Prepared by: Susan C. Grandin

22 GC-#1156155-v1-Appeal_V-17-08.doc

**NOTICE OF APPEAL FROM A
FINAL ORDER OF THE
JACKSONVILLE PLANNING COMMISSION**

2017 SEP -7 PM 3:09

I. INSTRUCTIONS

As provided in §656.140, Ordinance Code, any person with standing may appeal a Jacksonville Planning Commission final order with respect to an application for zoning exception, variance, or waiver to the City Council. An appeal must be filed **within 21 calendar days** after the order granting, granting with conditions, or denying an application is signed by the Commission Chairman. To appeal a Commission final order, complete and submit this form to the Legislative Services Division, Suite 430, City Hall-St. James, 117 W. Duval Street, Jacksonville, Florida 32202 with the supporting documents (*see* Section III) and appropriate fees (*see* Section IV). A copy of the order and the list of persons who testified before or wrote to the Commission about the application (*see* Sec. III (1) and (4)) may be obtained from the Secretary to the Planning Commission at the Planning and Development Department, 3rd Floor, Edward Ball Building, 2814 North Hogan Street, Suite 300, Jacksonville, Florida 32202. For questions regarding the Appeal process, please contact the Secretary to the Planning Commission at (904) 255-7800.

II. NOTICE OF APPEAL

I, Tim Benner, hereby file this Notice of Appeal from the final order of
PRINT NAME CLEARLY V-17-08
 the City of Jacksonville Planning Commission concerning Exception/Variance/Waiver Number _____.

I am (Please circle one):

- (a) The person who filed the application for the zoning exception, variance, or waiver;
- (b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied a zoning exception, variance, or waiver;
- (c) A person, other than a member of the City Council, who provided a qualifying written statement or who testified before the Planning Commission. The statement must have been in writing, expressing a position on the merits of the application for zoning exception, variance, or waiver, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the City's Chief, Current Planning Division, or any member of the Planning Commission (with a copy to the Chief, Comprehensive Planning Division), and which was delivered to and received by the City's Planning and Development Department by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application, or which is read into the record at the public hearing, or distributed to the Commission at the hearing with a copy to the Commission's staff.

III. SUPPORTING DOCUMENTS

To complete your Notice of Appeal, you **must** submit the following documents with this form:

- (1) A copy of the Final Order you are appealing.
- (2) If you circled II(c) above, you must provide a statement of your interest sufficient to show how you are or will be *adversely* affected by the Commission's decision. Please provide this statement in the space below:

N/A

(3) A description of the specific error(s) you believe the Commission committed. Please provide this description in the space below:

The applicant was denied due process.
The Planning Commission failed to comply with applicable law.
The Planning Commission is estopped from denying the zoning variance.
Please see attached documentation.
If you need additional space, please attach a separate sheet.

(4) The list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who testified before the Commission about the application, or who provided a qualifying written statement to the Commission about the application. **(You must pay a \$7.00 notification fee for each person on the list.)**

(5) A list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who own real property within three hundred and fifty feet of the boundaries of the land which is the subject of the appeal, and if the appeal concerns an application for a waiver of the minimum distance requirements from a church or school for a liquor license, the list shall include all churches and schools within one thousand five hundred feet identified pursuant to Section 656.804. **(You must pay a \$7.00 notification fee for each person on the list.)**

IV. FILING AND NOTIFICATION FEES

Section 656.147, Ordinance Code, requires persons appealing Final Orders to pay filing and notification fees. These fees must be paid at the time you file your Notice of Appeal with the Legislative Services Division or your Appeal will not be accepted. You may include the filing and notification fees in one payment. Make checks payable to TAX COLLECTOR.

Filing Fee: \$1,161.00
Notification Fee: \$7.00 for each notification.

V. Contact Information

Name (Printed): Tim Benner
Address: P.O. Box 1425
Ponte Vedra Beach, FL 32082
Daytime Phone: 904-545-2243
Evening Phone: 904-545-2243
E-mail address: timbenner@mac.com

VI. CERTIFICATION (Please read, sign and date the following statement)

I have read and understand the information contained in this Notice of Appeal. I hereby certify that I have provided all the information required under §656.141, Ordinance Code, and I understand that if this Notice of Appeal is incomplete, my appeal will not be processed until it is complete, and that it may be rejected for incompleteness. I further certify that all my statements in this Notice of Appeal are true and correct to the best of my knowledge.

Signature: Tim Benner Date: 9-6-17

<END OF FORM>

REGULATIONS OF DUVAL
REALTY TRUST LLC
P O Box 1426
Ponte Vedra Beach, FL 32004

1081
63-466/631

9-6-17
Date

CHECK ARMOR
CASH WORKERS

Pay to the
Order of

Duval Co. Tax Collector \$1,560.00

One Thousand Five Hundred Sixty - Dollars

Photo
Safe
Deposit™
Details on back



For Zoning Appeal

Jim Renner
MP

⑆063104668⑆ 0224278386⑆0108⑆

RECEIPT

DATE 9-7-17

No. 993400

RECEIVED FROM Robert Hendricks

\$ 1700.00

seventeen hundred ^{7.00} ^{\$1560 (check)} ^{140 (cash)}

DOLLARS

FOR RENT Appeal V-17-08 (Planning Commission)
FOR

ACCOUNT	
PAYMENT	1700 -
BAL. DUE	0

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

check #1081
FROM _____ TO _____
BY C. Shemwell



Planning and Development Department

**Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202**

Notice of Certification

September 7, 2017

RE: Certified 350 ft. Property Owner List

I hereby certify that the attached is a true and accurate copy of the owners of real property within three hundred and fifty feet of the boundaries of the land regarding Application:

V-17-08 heard on August 17, 2017

Patricia Sales Patricia Sales
**Patricia Sales
Executive Secretary, I**

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

016464 7800
2014 1 IH BORROWER L P
C/O INVITATION HOMES
901 MAIN ST SUITE 4700
DALLAS, TX 75202

016464 7580
AH4R 1 FL LLC
30601 AGOURA RD STE 200
AGOURA HILLS, CA 91301

016463 8893
BEDUA RENELL
7729 ROCKRIDGE DR W
JACKSONVILLE, FL 32244-6466

016464 7585
BENBRY CECIL JR
8769 EDGEBROOK CT
JACKSONVILLE, FL 32244-7487

016282 0118
BERNHARDT DAVID K
7580 SHINDLER DR
JACKSONVILLE, FL 32222-2104

016464 7555
BOLIVAR JOSEPH A
8777 TIMBER POINT DR N
JACKSONVILLE, FL 32244-7105

016282 0148
BRODERSEN MICHAEL E
7570 FALCON TRACE CT
JACKSONVILLE, FL 32222-2154

016121 0080
CARTER CODY
8659 COLLINS RD
JACKSONVILLE, FL 32244

016435 0010
CROWN SHINDLER/COLLINS LLC
207 SAWGRASS VILLAGE DR
PONTE VEDRA BEACH, FL 32082

016464 7605
DAVIS WILLIAM T
8738 EDGEBROOK CT
JACKSONVILLE, FL 32244-7487

016463 8890
2015 3 IH2 BORROWER LP
C/O INVITATION HOMES
901 MAIN ST SUITE 4700
DALLAS, TX 75202

016464 7595
AMH 2015 1 BORROWER LLC
30601 AGOURA RD STE 200
AGOURA HILLS, CA 91301

016463 8869
BEJKO OLSI
2524 WILCOX CT
JACKSONVILLE, FL 32207

016463 8881
BERIN REYNALD M
8644 PASCO LADERA
SANTEE, CA 92071

016463 8887
BLOCKER JOSEPH II
7745 ROCKRIDGE DR W
JACKSONVILLE, FL 32244

016075 1095
BRANCH JAMES
8652 JEREMY DAVID CT
JACKSONVILLE, FL 32244-4826

016464 7825
CANO MARY ANN
8030 TIMBER POINT DR
JACKSONVILLE, FL 32244-7496

016463 8857
COURTNEY DENNIS E
7744 ROCKRIDGE DR W
JACKSONVILLE, FL 32244-6465

016075 1090
DAGENAIS DAVID W
8658 JEREMY DAVID CT
JACKSONVILLE, FL 32244-4826

016463 8860
DELUCIA CHARLES GLENN
7752 ROCKRIDGE DR W
JACKSONVILLE, FL 32244-6465

016464 7610
DIXON MARK R
8746 EDGEBROOK CT
JACKSONVILLE, FL 32244-7487

016464 7560
DUVAL COUNTY LAND TRUST 0164647560
5684 MAVRICK RD
MIDDLEBURG, FL 32068

016464 7570
FAIRLEY CAROLYN D
1001 LEYTE RD
CORONADO, CA 92118

016121 0070
FOX COLLIN R
617 S GOLD CANYON ST
RIDGECREST, CA 93555

016464 7805
GANSKE JANET L
8062 TIMBER POINT DR
JACKSONVILLE, FL 32244-7496

016464 7810
HAACK ELSEBETH G
954 ARROYO DR
SOUTH PASADENA, CA 91030-2900

016121 0155
HERNANDEZ DAYNART S
8665 COLLINS RD
JACKSONVILLE, FL 32244

016463 8863
IH3 PROPERTY FLORIDA LP
C/O INVITATION HOMES
901 MAIN ST SUITE 4700
DALLAS, TX 75202

016282 0158
JAMES EVELYN M
8755 FALCON TRACE DR S
JACKSONVILLE, FL 32222-2153

016464 7545
JIMENEZ YOAN CEDENO
8793 TIMBER POINT DR N
JACKSONVILLE, FL 32244-7105

016282 0104
DURBIN SHARON ANN
8784 FALCON TRACE DR S
JACKSONVILLE, FL 32222-2152

016464 7620
ECHEVARRIA ENRIQUE
18817 IRIS CT UNIT B
ARLINGTON, WA 98223

016463 8842
FLURY KATHLEEN T
8505 ROCKRIDGE DR
JACKSONVILLE, FL 32244-6464

016464 7840
FREQ FLORIDA LLC
8792 TIMBER POINT DR N
JACKSONVILLE, FL 32244

016464 7650
GRIPON REYNALDO
8741 REDLEAF CT
JACKSONVILLE, FL 32244-7494

016464 7645
HENSLEY MICHAEL
8749 REDLEAF CT
JACKSONVILLE, FL 32244-7494

016464 7590
HOPKINS COLETTE B
8753 EDGEBROOK CT
JACKSONVILLE, FL 32244

016282 0116
IP NORMAN C
1113 DUFFERIN AVE
BURLINGAME, CA 94010-3340

016463 8850
JEAN GERARD
7720 ROCKRIDGE DR W
JACKSONVILLE, FL 32244-6465

016282 0156
KINCH AMBER L
420 JACKSON AVE S
JACKSONVILLE, FL 32220

016464 7815
KISSINGER MICHAEL N ET AL
3750 SILVER BLUFF BLVD
ORANGE PARK, FL 32065

016463 8866
LAF BLEEKER LLC
3500 S DUPONT HWY
DOVER, DE 19901

016464 7865
LAY CARLTON LEE
8081 LEAFCREST DR
JACKSONVILLE, FL 32244-7490

016282 0114
MARSHALL CHARLIE JR
8744 FALCON TRACE DR S
JACKSONVILLE, FL 32222-2152

016464 7600
MARTINEZ GABRIEL A
8737 EDGEBROOK CT
JACKSONVILLE, FL 32244

016282 0112
MCCARTY THOMAS
8752 FALCON TRACE DR S
JACKSONVILLE, FL 32222-2152

016464 7565
MCLAUGHLIN PATRICIA M
8013 TIMBER POINT DR
JACKSONVILLE, FL 32244-7498

016463 8851
MEJICA BENJAMIN A
7949 ORTEGA BLUFF PKWY
JACKSONVILLE, FL 32244

016282 0108
OGDEN SHIRLIE M
8768 FALCON TRACE DR S
JACKSONVILLE, FL 32222-2152

016463 8884
PARKS ANTHONY D
7757 ROCKRIDGE DR W
JACKSONVILLE, FL 32244-6466

016282 0106
PENDULUM PROPERTIES LLC
2 20TH AVE S
JACKSONVILLE BEACH, FL 32250

016464 7630
PROGRESS RESIDENTIAL 2015 2 BORROWER LLC
P O BOX 4090
SCOTTSDALE, AZ 85261

016121 0010
REGLOS ROBERTO
7641 SHINDLER DR
JACKSONVILLE, FL 32222

016464 7830
RODGERS RUSTY R
8776 TIMBER POINT DR N
JACKSONVILLE, FL 32244-7107

016464 7870
SAUL JENNIFER L
8089 LEAFCREST DR
JACKSONVILLE, FL 32244-7490

016464 7575
SCHLAIS EUGENE R
5704 VESTAL LN
HONOLULU, HI 96818

016464 7615
SEPIN LEE J
8754 EDGEBROOK CT
JACKSONVILLE, FL 32244-7487

016464 7820
SOVEREIGN BYRCE J
8026 PINE LAKE RD
JACKSONVILLE, FL 32256-7223

016464 7640
SPLATT DEVIN
8761 REDLEAF CT
JACKSONVILLE, FL 32244

016463 8845
STICKRADT ALICIA M
8513 ROCKRIDGE DR
JACKSONVILLE, FL 32244-6464

016464 7550
SUAREZ JOSHUA
2137 FLIPPEN RD
STOCKBRIDGE, GA 30281

016282 0144
TRIEMER MICHAEL F
7585 KESTREL DR
JACKSONVILLE, FL 32222-2156

016464 7350
WATERMILL MASTER ASSOCIATION INC
6972 LAKE GLORIA BLVD
ORLANDO, FL 32809-3200

016464 7835
WIDGEON REGINALD M JR
8784 N TIMBER POINT DR
JACKSONVILLE, FL 32244

ARGYLE AREA CIVIC COUNCIL
8852 SOUTH IVYMILL PL
JACKSONVILLE, FL 32244

SOUTHWEST CPAC
7214 OLD MIDDLEBURG RD
JACKSONVILLE, FL 32222

V-17-08
TIM BENNER and/or ROBERT HENDRICKS
P.O. BOX 1426
PONTE VEDRA, FL 32082

V-17-08
TIM BENNER and/or ROBERT HENDRICKS
P.O. BOX 1426
PONTE VEDRA, FL 32082

016282 0110
TRCKA NADINE ELIZABETH
8760 FALCON TRACE DR S
JACKSONVILLE, FL 32222-2152

016282 0146
TURNER ADRIANNE B
1357 KING RAIL LN
MIDDLEBURG, FL 32068

016121 0110
WHITE DWAYNE
7635 SHINDLER DR
JACKSONVILLE, FL 32222

016464 7625
YOUNG EVELYN B
8063 TIMBER POINT DR
JACKSONVILLE, FL 32244-7499

WATERMILL MASTER ASSOCIATION INC
8019 LEAFCREST DR
FLEMING ISLAND, FL 32244

V-17-08
CROWN SHINDLER / COLLINS, LLC
2207 SAWGRESS VILLAGE DRIVE
PONTE VEDRA, FL 32082

V-17-08
CROWN SHINDLER / COLLINS, LLC
2207 SAWGRESS VILLAGE DRIVE
PONTE VEDRA, FL 32082

V-17-08

9171 9690 0935 0163 4312 81

V-17-08

9171 9690 0935 0163 4312 98



Planning and Development Department

**Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202**

Notice of Certification

September 7, 2017

RE: Certified Speaker / Provider of Written Statement List

I hereby certify that attached are the complete names and mailing addresses of any and all persons who either provided a written statement to, or testified before, the Commission regarding Application:

V-17-08 heard on August 17, 2017

Patricia Sales / *Patricia Sales*

Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Thomas Martin DATE: 8/17/2017
(First Name) (Last Name) (Month/Day/Year)
ADDRESS: 8019 Leafcove Drive, Jacksonville, FL 32249
(Street) (City) (State) (Zip Code)
PHONE: (904) 778-7265
(area code) (Phone Number)
REPRESENTING: SWCPAC - Watermill Master Association
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER V-17-08 PAGE NUMBER: 3
(E- ??-??-?? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION
(Check if in support)

I OPPOSE THIS APPLICATION
(Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER

PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD ⇒ ⇒ ⇒ ⇒

Jacksonville Planning Commission

SPEAKER'S REQUEST TO BE HEARD CARD

Please print and complete item 1 below for Board/Committee Public Hearing
or item 2 below for Public Comments Section of Board/Committee Agenda:

NAME: Ken Atlee DATE: 8-17-17
(First Name) (Last Name) (Month/Day/Year)
ADDRESS: 5851 Timpanian Rd #302
(Street) (City) (State) (Zip Code)
PHONE: (904) 839-9247
(area code) (Phone Number)
REPRESENTING: V-17-08 Crown Shindler Collins LLC
(example: Client / Organization / Business / Company / Yourself)

1. APPLICATION NUMBER V-17-08 PAGE NUMBER: 3
(E- ??-??-?? THIS NUMBER MUST FILLED IN)

I SUPPORT THIS APPLICATION
(Check if in support)

I OPPOSE THIS APPLICATION
(Check if in opposition)

2. COMMENTS FROM THE PUBLIC: _____

SPEAKING TIME IS LIMITED TO THREE (3) MINUTES PER SPEAKER

PLEASE READ THE RULES ON THE REVERSE SIDE OF THIS CARD ⇒ ⇒ ⇒ ⇒ PAGE 12 OF 43



Planning and Development Department

Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202

Notice of Certification

September 7, 2017

RE: Certified Transcript of the Planning Commission August 17, 2017 Meeting

Please find attached:

*** Certified Planning Commission Transcript on V-17-08**

If there are any further questions, please feel free to contact me at (904) 255-7829

Public Hearing August 17, 2017

Patricia Sales / Patricia Sales
Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

17

1 friendly amendment?
 2 COMMISSIONER PADGETT: Yes, Chairman, I
 3 am.
 4 THE CHAIRMAN: So we're good with that.
 5 Any other discussion?
 6 COMMISSION MEMBERS: (No response.)
 7 THE CHAIRMAN: Seeing none, all those in
 8 favor?
 9 COMMISSION MEMBERS: Aye.
 10 COMMISSIONER PADGETT: Mr. Chairman, I
 11 move approval of application WLD-17-18.
 12 COMMISSIONER ADKISON: Second.
 13 THE CHAIRMAN: We've got a first and a
 14 second on WLD-17-18.
 15 Any discussion?
 16 MR. HUXFORD: Mr. Chairman, point of
 17 clarification on the staff report. If you read
 18 it, we actually -- we introduced our
 19 determination on each of the criteria in the
 20 negative by saying no. Obviously, if it fails
 21 all of them, it's a denial. It's an error.
 22 On criteria number 3, if you read the way
 23 we wrote it, it's actually in the affirmative.
 24 So we're finding that it does pass muster on
 25 criteria number 3, and that's why we are

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

18

1 recommending approval.
 2 THE CHAIRMAN: Thank you.
 3 No discussion. All those in favor?
 4 COMMISSION MEMBERS: Aye.
 5 THE CHAIRMAN: Any opposed by the same
 6 sign.
 7 COMMISSION MEMBERS: (No response.)
 8 THE CHAIRMAN: WLD-17-18 and E-17-53
 9 passes.
 10 Thank you for being here.
 11 MR. SMITH: Thank you.
 12 THE CHAIRMAN: Let's open the public
 13 hearing for Page 3, V-17-08.
 14 MR. HUXFORD: Thank you, Mr. Chairman.
 15 Application for zoning variance V-17-08 is
 16 for property at 8720 Collins Road, formerly
 17 addressed at 7710 Schindler Drive, at the
 18 intersection of Collins and Schindler on the
 19 Westside.
 20 The variance is seeking to reduce the
 21 required distance between a proposed daycare
 22 facility and a registered sexual predator from
 23 2,500 feet to 1,758 feet. That distance is
 24 measured on the edges of each of the
 25 properties.

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

19

1 The property is zoned planned unit
 2 development. Pursuant to 2016-605-E, that PUD
 3 was adopted after the passage of the
 4 legislation which requires that new daycares be
 5 at least 2,500 feet from a registered sexual
 6 predator, but no one caught it when it was
 7 going through its reviews. And that daycare is
 8 the use that they would like to put on this
 9 property.
 10 Staff reviewed the application, and
 11 although we understand how they got in the
 12 situation that they're in, we feel that the
 13 City Council passed the legislation to put a
 14 distance requirement from sexual predators and
 15 daycares on the books for a reason, and we
 16 don't believe that relaxing it would be good
 17 public policy at this time.
 18 There's already a rule on the books for
 19 sexual predators that want to locate near
 20 churches, schools, parks, places where children
 21 are -- not churches, but libraries, daycares
 22 and the like. They have to be 1,000 feet away
 23 from an existing facility by State law. By
 24 City law, that is increased to 2,500 feet. And
 25 back in 2004, the City Council wanted to do it

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

20

1 in the reverse order as well so that any new
 2 daycares have to keep a certain distance from a
 3 registered predator.
 4 So this is the first one of these that
 5 we've seen, and we have two of them in your
 6 book today. So we'll be going over those. We
 7 have a third one that's coming down the pike in
 8 a couple of cycles. So we'll be interested to
 9 see where it's going, but based on our review,
 10 and for the reasons stated in the staff report,
 11 we are recommending denial.
 12 THE CHAIRMAN: Thank you, Mr. Huxford.
 13 I think we've got two folks up. We've got
 14 Ken Atlee and Thomas Martin.
 15 (Audience member approaches the podium.)
 16 THE CHAIRMAN: So if you would like to
 17 kick us off. Name and -- one is -- Mr. Atlee
 18 is in support, Mr. Martin is opposed.
 19 If you would like to give us your name and
 20 address for the record, and --
 21 AUDIENCE MEMBER: Ken Atlee, 5851
 22 Timuquana Road, Jacksonville, Florida.
 23 THE CHAIRMAN: And before we go, I forget,
 24 we do have ex-parte communication to declare.
 25 COMMISSIONER HAGAN: Mr. Chairman, thank

Diane M. Tropa, Inc., P.O. Box 2375, Jacksonville, FL 32203
(904) 821-0300

21

1 you.

2 I did want to declare ex-parte. I had a

3 conversation with Mr. Atlee at his office last

4 week, just to go over the project and

5 everything he will mention today on the record.

6 THE CHAIRMAN: Thank you.

7 Anyone else?

8 COMMISSION MEMBERS: (No response.)

9 THE CHAIRMAN: Ms. Tropa, if you could

10 swear him in.

11 THE REPORTER: Do you affirm that the

12 testimony you are about to give will be the

13 truth, the whole truth, and nothing but the

14 truth?

15 MR. ATLEE: Yes, I do.

16 THE REPORTER: Thank you.

17 THE CHAIRMAN: Thank you.

18 MR. ATLEE: Well, I appreciate what

19 Mr. Huxford just said, and I hope to show you

20 compelling evidence and reasons why the

21 variance process is here and why reasonable

22 people using common sense would find this an

23 attractive use for this site.

24 Setting the stage, as he said, the

25 ordinance for this was passed back in 2015,
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1 January of 2015. The offender that's involved

2 here moved to this site, where he lives today,

3 one year later. One year after that, our PUD,

4 which was applied for for a daycare, as he

5 alluded to, was approved. And the PUD clearly

6 stated that we were not in conflict with any

7 portion of the City land use regulations.

8 Based on that, we went out and retained

9 engineers, architects, civil engineers and

10 designed and went through the permitting

11 process to have this daycare constructed.

12 What I would like to show you is that the

13 2,500, I think, is an arbitrary and capricious

14 distance, as he stated. The State distance is

15 a thousand feet. The City is 2,500 feet.

16 We did receive a letter on July 3rd, 2017,

17 from DCF, a controlling statement (inaudible)

18 daycare, approving our site for up to 170

19 children with 21 employees.

20 I'd like to show you a map that will make

21 the case, what we're talking about. And if you

22 will look with me -- can everybody see this

23 from where you are?

24 COMMISSIONER ADKISON: Yes.

25 MR. ATLEE: The yellow dot here is the
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1 corner the Collins Road and Schindler

2 (indicating). This is the location of our

3 daycare. This is the location of the sexual

4 predator. Now, if he could fly, he could go in

5 a straight line, and it would be 1,788 feet to

6 the site, which is the reason for, we believe,

7 why the Planning Department recommended denial.

8 But if he walked, this line right here

9 (indicating), he would be about 2,800 feet. So

10 we'd be in excess of the ordinance, 2,500 feet.

11 If he drove, he would have to drive the red

12 path, and that's over 5,00 feet. So that's

13 five times the State ordinance and twice the

14 City ordinance.

15 I'd like to show you, in addition -- can I

16 ask you to hold this for a minute?

17 COMMISSIONER PADGETT: Sure. I'll be your

18 assistant.

19 MR. ATLEE: Good.

20 Let me show you -- now, if he were to try

21 to walk this path, this is what he sees looking

22 at the end of his street. He is looking at --

23 what you see here is a City retention pond. It

24 is fenced. So he's got to walk down the street

25 and cross over City property that has a fence
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1 around an existing retention pond, then he

2 would have to jump this fence which runs up and

3 down Collins Road. As you can see, it's a

4 6-foot-high vinyl fence.

5 This is a picture looking down the same

6 road, looking towards our site at this point,

7 and that fence is continuous on both sides of

8 the street. In other words, you can't get

9 there in a straight line. He's got to either

10 walk or drive, and he's going to exceed the

11 distance.

12 (Timer notification.)

13 MR. ATLEE: So with that said -- I think

14 that by itself should be compelling evidence,

15 but, lastly, let me just read to you what the

16 daycare center's rules are regarding kids.

17 Remember, these are daycare -- so these are

18 young children.

19 THE CHAIRMAN: We may let you -- if you

20 don't mind -- I'm going to try to stick to our

21 time. You will get a chance to respond --

22 MR. ATLEE: Give me one second because I

23 want to read this. This is the most important

24 part of the whole presentation.

25 THE CHAIRMAN: Okay.
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1 MR. ATLEE: Daycare: We require that you
 2 carry or walk your child into our facility,
 3 sign them in using first and last name, walk
 4 them to (inaudible) staff-supervised
 5 classrooms. That's how they're picked up. In
 6 other words, there's no chance for a kid to
 7 walk or leave this facility or come to this
 8 facility without being checked in or checked
 9 out, leaving no opportunity for a child to be
 10 absconded or messed with.

11 So I hope you find that compelling and you
 12 will vote in favor of this variance.

13 THE CHAIRMAN: Thank you, Mr. Atlee.

14 We may have some questions for you, but we
 15 give you a chance for rebuttal after the next
 16 speaker.

17 MR. ATLEE: Okay.

18 THE CHAIRMAN: Our next speaker on V-17-08
 19 is Thomas Martin, who is opposed to the
 20 application.

21 If you could come up and give us your name
 22 and address for the record, and Ms. Tropa will
 23 swear you in.

24 (Audience member approaches the podium.)
 25 AUDIENCE MEMBER: Good afternoon.
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1 My name is Thomas Martin. I live at 8019
 2 Leafcrest Drive, Jacksonville, Florida 32244.

3 THE CHAIRMAN: Thank you.
 4 Ms. Tropa will swear you in.

5 MR. MARTIN: Okay.

6 THE REPORTER: Would you raise your right
 7 hand for me, please.

8 MR. MARTIN: (Complies.)

9 THE REPORTER: Do you affirm that the
 10 testimony you are about to give will be the
 11 truth, the whole truth, and nothing but the
 12 truth?

13 MR. MARTIN: Yes.

14 THE REPORTER: Thank you.

15 MR. MARTIN: I come to not discuss the
 16 sexual predator part, but the second part,
 17 which is the buffer.

18 The plan shows a zero rear yard clearance,
 19 especially at the entrance from Schindler
 20 Drive. A review of the St. Johns River Water
 21 Management permit, 150038, shows that there
 22 will be no room for the -- for maintenance of
 23 the landscaping on the west and south sides of
 24 the pond. There is a question as to whether
 25 the pond could be built and maintained without
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1 encroachment into the adjacent property and
 2 whether the bulkhead can remain upright without
 3 additional support.

4 There's also a question of whether the
 5 western portion is in -- of this property --
 6 parcel is within the Villages of Argyle PUD and
 7 DRI.

8 And that's all I have to say.

9 THE CHAIRMAN: Thank you. Thank you for
 10 being here.

11 MR. MARTIN: Thank you.

12 THE CHAIRMAN: Mr. Atlee, did you want a
 13 minute to respond to his point?

14 MR. MARTIN: Yes.
 15 (Mr. Atlee approaches the podium.)

16 MR. ATLEE: I'd just like to say our
 17 engineers and our architects have all worked on
 18 this site. I think the plan is very doable.
 19 It complies with everything in the City
 20 ordinances and everything else.

21 So I just would like to ask if you have
 22 any other questions with regard to the photos
 23 that I showed and the compelling reason we
 24 believe that we are certainly beyond what he
 25 could walk or do or drive --
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1 MR. HUXFORD: Ken, can you use the
 2 microphone so she can pick it up?

3 MR. ATLEE: So I just wanted to see if you
 4 had any questions with regard to what I had
 5 showed you or if you'd like to see the pictures
 6 again since we looked through those rather
 7 rapidly.

8 THE CHAIRMAN: Sure. And we may. And
 9 when we get to the -- when we close the public
 10 hearing. So if we do, we'll bring you back up.

11 MR. ATLEE: Thank you.

12 THE CHAIRMAN: Thank you.
 13 Anyone else here to speak on V-17-08?

14 AUDIENCE MEMBERS: (No response.)

15 THE CHAIRMAN: I don't have my glasses. I
 16 have to keep pushing this back.
 17 Seeing no one else, we'll close the public
 18 hearing and bring it back to the Commission.

19 COMMISSIONER PADGETT: Thank you,
 20 Mr. Chairman.
 21 I move for denial of V-17-08.

22 COMMISSIONER ADKISON: Second.

23 THE CHAIRMAN: We have a first and -- we
 24 have a motion and a second for denial.
 25 Discussion?
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1 Commissioner Hagan.
 2 COMMISSIONER HAGAN: Thank you,
 3 Mr. Chairman.
 4 Like I mentioned in my ex-parte
 5 communication, I did have a conversation with
 6 Mr. Atlee. And I know this is a very sensitive
 7 subject for a lot of people. And I've got
 8 young kids myself, and so, you know, I -- I
 9 really applauded Council Member Crescimbeni
 10 when he introduced this legislation because,
 11 honestly, the more regulations we can put
 12 against sexual predators the better, in my
 13 opinion.
 14 But that being said, I think that it also
 15 inflates their -- almost as like a safeguard,
 16 and this is why we have the process here. I
 17 think with Mr. Atlee's testimony and -- you
 18 know, if this guy was a bird -- or gal -- I
 19 don't even know who it is. But if they were a
 20 bird, then, yeah, they could fly and be within
 21 that range of the distance requirement.
 22 When I was looking at the site and the way
 23 that this person would have to -- if they
 24 wanted to go and, you know, do whatever they
 25 did with little kids, they could -- you know,
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1 he would have to go so many different
 2 directions and really be out for -- to
 3 accomplish something that we would not want.
 4 I think that, based upon the testimony --
 5 and I would like to even include, if -- you
 6 know, when they build the playground on the
 7 outside -- I was looking at the site plan. If
 8 there would be some kind of opacity to a fence
 9 there, if it would be subject to that, because
 10 then at that point not only do you have the
 11 check cards and IDs to get in the door -- so
 12 you drop the kids off. You've got to have some
 13 kind of ID or swipe card to get in. So it's
 14 very secure that way. But even when they're
 15 out in the playground, if somebody was walking
 16 by, they couldn't really identify the children
 17 that are on the playground.
 18 So I would like to have some kind of -- to
 19 make me feel comfortable to approve something
 20 like this, to have some kind of opacity in the
 21 fence so it's not just an open chain-link fence
 22 that you could see the kids playing on the
 23 playground.
 24 That would be a motion -- or an amendment
 25 on an approval of the application. So
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1 depending upon where -- the direction this goes
 2 in, that would be something I would like to add
 3 if we do have a motion for an approval.
 4 So those are my comments. I may have some
 5 more as we delve into this with more of the
 6 commissioners' comments.
 7 Thank you.
 8 THE CHAIRMAN: Thank you, Mr. Hagan.
 9 Commissioner Padgett.
 10 COMMISSIONER PADGETT: Thank you,
 11 Mr. Chairman.
 12 With all due respect to Commissioner
 13 Hagan, as much as it pains me to have a
 14 business suffer over a sexual predator -- and
 15 this is a predator, not an offender. There's a
 16 difference. I ask myself if I would bring my
 17 child to a daycare with a sexual predator that
 18 close, and the answer is no.
 19 And I think that it's terrible that the
 20 sexual predator gets to decide if a company can
 21 do business on a property that they own and
 22 should have the right to, but that's
 23 unfortunately the rules that we have and the
 24 rules that we have to live by.
 25 I don't see any -- I'm not comfortable at
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1 all with approving this daycare with this
 2 predator around the corner. I don't -- I
 3 can't.
 4 And to have a fence and to check IDs, to
 5 go through all those protocols is -- those are
 6 people's children in there. That's not
 7 something -- it's not a protocol you want to go
 8 through because there's a predator around the
 9 corner.
 10 Do I think the situation is -- I'm just
 11 going to -- it just flat-out sucks. I'm not
 12 even going to deny it. I'm not going to sugar
 13 coat it. It's not a good situation and it's
 14 terrible for the applicant. But,
 15 unfortunately, he lives there and I just can't
 16 support this, I'm sorry.
 17 THE CHAIRMAN: Thank you, Commissioner
 18 Padgett.
 19 Commissioner Adkison.
 20 COMMISSIONER ADKISON: Through the Chair,
 21 I support both council -- commissioners there,
 22 but -- to the staff, (inaudible) more than
 23 anything.
 24 It says in the ordinance, if I'm reading
 25 it correctly, it says, this is protection that
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1 a sexual predator is restricted from residing
2 2,500 feet. Where does it say that a business
3 can't be within 2,500 feet?

4 And I guess -- I guess what I'm trying to
5 say is, I don't want to see this thing go any
6 further, go into court, go in and have an
7 argument of the point. Am I reading something
8 wrong here of -- this is a requirement for
9 residency, not a requirement for businesses; is
10 that correct?

11 MS. FETNER: Hi. Through the Chair,
12 Sondra Fetner, Office of General Counsel. Are
13 you referring to Ordinance 2014-552?

14 COMMISSIONER ADKISON: I'm referring to
15 Section 685.102, residency.

16 MS. FETNER: Yes.

17 COMMISSIONER ADKISON: What's in our staff
18 report.

19 MS. FETNER: So this -- Section 685.102,
20 that was by an ordinance passed in 2005 and
21 later amended in 2010. And this is the City's
22 ordinance that prohibits sexual predators from
23 residing within that 2,500 feet from any
24 school, public library, daycare center, park,
25 playground or other place where children

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1 regularly congregate.

2 Then in 2014, the City Council passed a
3 follow-up ordinance that would go into effect
4 beginning on June -- January 1st, 2015, that
5 new daycare centers -- and it's only limited to
6 daycare centers -- cannot be located within
7 2,500 feet of a sexual predator's residence.

8 And the reason they did that is because
9 there was an issue with -- it would be forcing
10 people to move -- and daycares were going in
11 within that distance -- because the predators
12 were already living there. So this is putting
13 that restriction on only daycares.

14 COMMISSIONER ADKISON: Can I speak to the
15 applicant, please?

16 (Mr. Atlee approaches the podium.)

17 COMMISSIONER ADKISON: So you're aware
18 that January 1st, 2015, that that ordinance
19 went in for businesses also to have to stay
20 away?

21 You had mentioned 2015 y'all had done your
22 application. 2016, there [sic] was approved,
23 200- -- on the PUD. And then in 2017 you
24 had -- that's when you started doing all your
25 legwork?

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1 MR. ATLEE: We received our PUD one year
2 after the predator relocated to that present
3 location.

4 COMMISSIONER ADKISON: When did you apply
5 for the PUD?

6 MR. ATLEE: Three, maybe four months
7 before the approval date.

8 COMMISSIONER ADKISON: 2016, correct?

9 MR. ATLEE: Correct.

10 COMMISSIONER ADKISON: After this was
11 already filed --

12 MR. ATLEE: Yes.

13 COMMISSIONER ADKISON: -- and passed?

14 MR. ATLEE: Well, it was after it was
15 passed. And we were unaware of that.

16 COMMISSIONER ADKISON: That's all I wanted
17 to ask.

18 Thank you.

19 MR. ATLEE: Yeah, that's true.

20 COMMISSIONER ADKISON: Thank you. That's
21 it. Thank you.

22 THE CHAIRMAN: Thank you.

23 Any other questions or comments from
24 fellow commissioners?

25 Commissioner Garrison.

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1 COMMISSIONER GARRISON: Thank you,
2 Mr. Chairman.

3 I just also want to applaud the City
4 Council for putting this rule into place. And
5 I believe that if it's as a bird flies, there
6 has to be a point where the rules must be
7 enforced on a hard-line basis, and I too am
8 opposed to this going through.

9 THE CHAIRMAN: Thank you, Commissioner
10 Garrison.

11 Commissioner Padgett, do you have anything
12 further to say?

13 COMMISSIONER PADGETT: I'll keep it to
14 myself.

15 Thank you.

16 THE CHAIRMAN: Commissioner Davis, would
17 you like to -- go ahead.

18 COMMISSIONER DAVIS: Yeah. Thank you,
19 Mr. Chairman.

20 I had a question to staff. So when we
21 send notices out, it's as the bird flies,
22 correct? Three hundred feet in a circle or is
23 it walking distance, road? I mean, is it --

24 MR. HUXFORD: We send out public notice to
25 all property owners within 350 feet based on

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1 the parameter of the property in question
2 that's up for consideration. We draw -- we use
3 our GIS map (inaudible) and we draw a buffer
4 around that at a distance of 350 feet. And if
5 it clips any property, that property owner
6 receives notice.

7 COMMISSIONER DAVIS: And for a waiver of
8 liquor distance, is it a similar process?

9 MR. HUXFORD: Well, for our public
10 notices, yes. However, in addition to that, if
11 they're getting a waiver of liquor distance
12 because they're too close to a church or
13 school, they have to give us a special purpose
14 survey done by a licensed Florida surveyor.
15 And it has to show all churches and schools
16 within 1,500 feet, even if it's a reduction
17 from only 500 feet. Sometimes it is. But we
18 then send out notices not only to property
19 owners within 350 feet but to every church,
20 school or affected property that shows up on
21 the survey.

22 COMMISSIONER DAVIS: And as far as his --
23 I just lost my train of thought.

24 MR. HUXFORD: We did not notify the
25 predator, if that's what you're going for.

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1 COMMISSIONER DAVIS: So in the staff
2 report, it says -- it says, seeks reduction in
3 the distance from the residence of a registered
4 sex offender, but then it says, Florida law
5 prevents sexual predators. You know, my
6 understanding -- because I've had -- and I
7 still do have a sex offender who lives across
8 the street from my house. There's a difference
9 between a predator and a sex offender. Is this
10 in the -- in the state law, is it considered
11 the same? Is the local ordinance considered
12 the same? And is there any difference in the
13 eyes of the law?

14 MR. HUXFORD: I do not know the
15 differential as far as the State regulation. I
16 don't administer that. I don't administer the
17 local one either, but because of this we did
18 read up on it. And this distance requirement
19 is applicable only to predators. The
20 offenders -- we have a lot more offenders than
21 predators, and the offenders are not being
22 affected by this legislation.

23 COMMISSIONER DAVIS: So, basically, the
24 sex offender within 2,500 square feet is the
25 worst of the --

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1 COMMISSIONER PADGETT: Predator.

2 MR. HUXFORD: Predators -- right, more
3 sinister in nature. There could be an offender
4 directly across the street and this legislation
5 would have no impact on the (inaudible).

6 COMMISSIONER DAVIS: Okay. Thank you.
7 I'm in complete support of the staff's
8 report for denial.

9 Thank you.

10 THE CHAIRMAN: Commissioner Hagan.

11 COMMISSIONER HAGAN: I just had a couple
12 of quick comments. I kind of see where this is
13 going, but just for my own thoughts. Maybe --
14 I don't know if staff knows the answer to this
15 or who knows the answer, maybe Mr. Atlee does.
16 If someone was to put their kid at this
17 daycare, would the daycare then be responsible
18 to let the family know that there's a sexual
19 predator living within a certain distance?

20 MR. HUXFORD: There's no zoning regulation
21 to that effect. I couldn't tell you about the
22 balance of the ordinance code --

23 COMMISSIONER HAGAN: Yeah. I didn't think
24 it would be a zoning issue. I think it would
25 be more of like a -- notifying --

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1 The other comments I was going to mention
2 were -- you know, when I said that I would feel
3 okay because of the card reading and the ID and
4 all that, I mean, I could honestly say that I
5 would be okay with it because my kids do go to
6 First Baptist, and I'm sure there are sexual
7 predators living or walking around downtown
8 just about every time of the day. So they are
9 well within the 2,500 feet.

10 And so that being said -- and to my
11 knowledge, there's never been an issue. And I
12 feel very comfortable with them being there,
13 and they have the card readers and they have
14 the fences that are covered up, and -- you
15 know, so that's why I feel comfortable with
16 this, because my kids do go to a school
17 downtown.

18 The only other thing I was going to
19 mention is, I think they were getting a little
20 confused, just as I was hearing things
21 happening, with the timeline. The way that
22 I've heard it -- and Mr. Atlee or Folks, if
23 you'll correct me -- is that, first, the
24 legislation was passed by Councilman
25 Crescimbeni; and then the PUD was passed by

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1 this body, including a daycare within that PUD;
 2 and then the sexual predator moved into that
 3 area. So while we approved for the daycare to
 4 be there, the sexual predator then moved in,
 5 and now we're caught in a situation where we're
 6 saying, okay, you can have the daycare there,
 7 oh, but now that someone's moved there, you
 8 can't have it. Is that the timeline that I'm
 9 seeing (inaudible) --
 10 (Simultaneous speaking.)
 11 MR. HUXFORD: Yes, sir. That sums it up.
 12 COMMISSIONER HAGAN: -- now that
 13 (inaudible) --
 14 MR. HUXFORD: Yes.
 15 COMMISSIONER HAGAN: And so, I mean, we
 16 could have this situation all day long, guys,
 17 if we -- if a sexual predator decides he didn't
 18 want a daycare anywhere, he can just watch the
 19 PUDs go through and then he can move there, and
 20 then all of a sudden we've got an issue and
 21 they're back in front of us.
 22 So, you know, I don't -- I'm not sure
 23 what's going to happen with this item today,
 24 but I think that there is an issue going
 25 forward on how that -- we need to address it.

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1 I think that, you know, every bit of this is
 2 for good cause, and I like it, but I think
 3 that, from a strategy or from a standpoint on
 4 how we proceed with these things, I think that
 5 we need to address this moving forward, you
 6 know, not determining on what happens today.
 7 THE CHAIRMAN: Thank you, Commissioner
 8 Hagan.
 9 And I think for me, where I'm coming down,
 10 I certainly -- I understand staff, where staff
 11 is at, I understand the enforcement of the
 12 City -- the legislation as it is and the
 13 concerns. Where I am just really troubled --
 14 and I don't know how we get around this -- is
 15 the fact that a business is now out -- if this
 16 goes forward and it is denied, then the
 17 business is punished for no fault of their own.
 18 And they're out money because they've spent
 19 money on architects and designers and
 20 everything to go forward.
 21 That's where I'm really hung up, is, like,
 22 we have a situation where -- that something
 23 happened out of everyone's control and now
 24 we're stuck in a situation where a business is
 25 going to lose money because of (inaudible).

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1 I understand why we're recommending
 2 denial. I understand everyone's feelings
 3 behind it, but that just kind of -- I'm kind of
 4 torn with -- what do we do in that regard?
 5 Commissioner Adkison.
 6 COMMISSIONER ADKISON: To staff or the
 7 applicant, when did the predator move in over
 8 there? That's a question I forgot to ask.
 9 MR. HUXFORD: I believe Mr. Atlee can
 10 answer that. I'm not aware of --
 11 (Simultaneous speaking.)
 12 MR. ATLEE: (Inaudible), and I believe
 13 that it was -- the ordinance was passed. A
 14 year later, the predator moved in. A year
 15 later, the PUD was approved. So it was almost
 16 a year between each --
 17 COMMISSIONER ADKISON: So the PUD -- so he
 18 was already living there prior to the PUD? I'm
 19 just trying to --
 20 MR. ATLEE: I believe that is true.
 21 COMMISSIONER ADKISON: As Commissioner
 22 Hagan just mentioned, this is going to come
 23 back if we approve things, and it takes time to
 24 get PUDs on the ground, engineering. So these
 25 things will keep coming back, based on that,

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1 so -- I know they have to register, and -- are
 2 we set up after we do a PUD and we're approved
 3 somewhere, that that goes into the registry so
 4 someone is also watching -- when someone
 5 registers, that they're going to live there?
 6 Is someone checking to see our -- our PUDs down
 7 the road that are showing daycares and schools
 8 that are (inaudible)?
 9 MR. HUXFORD: No, sir. That's not being
 10 monitored. Quite frankly, it's as if -- if the
 11 property was rezoned to CCG-1, it allows
 12 daycares by right, and then a predator moves in
 13 before a daycare gets up and running, that
 14 daycare would be in the same pickle that he's
 15 in.
 16 COMMISSIONER ADKISON: Wow.
 17 MR. ATLEE: May I comment?
 18 THE CHAIRMAN: Thank you.
 19 If someone has a question for you,
 20 certainly.
 21 Commissioner Padgett says she does have a
 22 question for you.
 23 COMMISSIONER PADGETT: Well, no, I have
 24 a --
 25 THE CHAIRMAN: Oh, you have a --

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1 COMMISSIONER PADGETT: (Inaudible.)
 2 THE CHAIRMAN: Commissioner Padgett.
 3 COMMISSIONER PADGETT: Your situation is
 4 unfortunate, and I just -- that is one thing I
 5 can certainly agree on. This predator has
 6 victims under the age of 12 years old. As much
 7 as I would much rather have him move and give
 8 you your daycare, we don't have that right or
 9 that power. And do I think it's right?
 10 Absolutely not. Do I think that this situation
 11 is fair? No, but I have to support the staff
 12 on denial. And it is -- as much as it pains me
 13 to do so, it's not -- I would much rather put
 14 the burden on the predator than put the burden
 15 on the person who's trying to make a living and
 16 run a daycare facility, but when it comes to
 17 those children, a predator is -- I just can't
 18 support -- I support the staff recommendation
 19 for denial.
 20 THE CHAIRMAN: Thank you, Commissioner
 21 Padgett.
 22 So we've got a motion on denial and a
 23 second. Any further comments or questions from
 24 commissioners?
 25 COMMISSIONER MEMBERS: (No response.)
 Diane M. Tropia, Inc., P.O. Box 2375, Jacksonville, FL 32203
 (904) 821-0300

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1 THE CHAIRMAN: Seeing none, all in favor?
 2 Aye.
 3 COMMISSIONER PADGETT: Aye.
 4 COMMISSIONER ADKISON: Aye.
 5 COMMISSIONER GARRISON: Aye.
 6 COMMISSIONER DAVIS: For denial?
 7 THE CHAIRMAN: Yes.
 8 COMMISSIONER DAVIS: Aye.
 9 THE CHAIRMAN: All opposed?
 10 COMMISSIONER HAGAN: Aye.
 11 THE CHAIRMAN: V-17-08 is denied.
 12 The next item, let's open the public
 13 hearing on E-17-67.
 14 MR. HUXFORD: Thank you, Mr. Chairman.
 15 Hopefully, this will be much less
 16 controversial.
 17 Application for zoning exception E-17-67
 18 is for property at 11700 San Jose Boulevard.
 19 This is at the intersection of San Jose
 20 Boulevard and Loretto Road, down in Mandarin.
 21 The request is for a restaurant with the
 22 outside sales and service of food and alcohol
 23 for Part 4 in the CCG-1 zoning district.
 24 Staff reviewed the application. We find
 25 that this is consistent with the pattern of
 Diane M. Tropia, Inc., P.O. Box 2375, Jacksonville, FL 32203
 (904) 821-0300

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1 development in the area. We're seeing a good
 2 many of these requests for outside dining
 3 areas. We might even want to go in and revisit
 4 the code at some point. I believe it's going
 5 to be a Tijuana Flats that's going into the
 6 shopping center that's already there.
 7 We had no objections. We did have one
 8 condition on here, and that is that the outside
 9 seating shall meet all requirements for ADA
 10 accessibility on the sidewalk and will not
 11 obstruct pedestrian traffic. And subject to
 12 that, we're recommending approval.
 13 THE CHAIRMAN: Thank you, Folks.
 14 Mr. Bentley.
 15 (Audience member approaches the podium.)
 16 AUDIENCE MEMBER: Good afternoon,
 17 Mr. Chairman.
 18 THE CHAIRMAN: Thank you for being here.
 19 If you'd give us your name and address
 20 and --
 21 AUDIENCE MEMBER: Good afternoon,
 22 Mr. Chairman, members of the Commission.
 23 My name is Mark Bentley. I'm an attorney.
 24 I practice at 401 East Jackson Street, Tampa,
 25 36602. I represent the applicant.
 Diane M. Tropia, Inc., P.O. Box 2375, Jacksonville, FL 32203
 (904) 821-0300

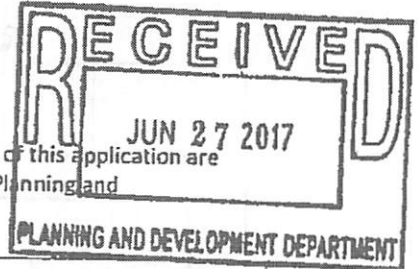
48

1 THE CHAIRMAN: Thank you.
 2 Go ahead.
 3 MR. BENTLEY: First of all, I just note on
 4 the agenda, the address, I think, is incorrect.
 5 It says 114 and then 700. So there's an
 6 additional 4 that's not there.
 7 Like Mr. Huxford indicated, the proposed
 8 use is a Tijuana Flats restaurant, which is
 9 actually undergoing a redevelopment right now,
 10 the entire center is. It's a major
 11 restoration, the renovation of this center.
 12 Tijuana Flats, if you're familiar with it,
 13 it's a family-oriented type restaurant. And so
 14 specifically what they're looking for is about
 15 400 square feet and about four tables in front
 16 of the restaurant and be contained with
 17 fencing.
 18 Historically, less than 2 percent of the
 19 gross sales of Tijuana Flats relates to
 20 alcohol, beer and wine sales, specifically.
 21 So staff had done a very thorough analysis
 22 of the project. And based on their analysis,
 23 they indicated that we met all the criteria in
 24 the Land Development Code, and it also furthers
 25 several policies, goals and objectives in the
 Diane M. Tropia, Inc., P.O. Box 2375, Jacksonville, FL 32203
 (904) 821-0300

Date Submitted: 5-31-17
Date Filed:

Application Number: V-17-08
Public Hearing: 8/3/17

Application for Zoning Variance
City of Jacksonville, Florida
Planning and Development Department



Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: <u>IND 2016-605-E</u>	Current Land Use Category: <u>LDR</u>	
Variance Sought: <u>DAYCARE LESS THAN 2500' FROM SEXUAL PRED</u>	Applicable Section of Ordinance Code: <u>656.401(e)(10)</u>	
Council District: <u>14</u>	Planning District: <u>4</u>	
Previous Zoning Applications Filed (provide application numbers):		
Notice of Violation(s):		
Number of Signs to Post: <u>2</u>	Amount of Fee:	Zoning Asst. Initials:
Neighborhood Associations: <u>ARGYLE AREA CIVIC COUNCIL, WATERMILL MASTER ASSOCIATION</u>		
Overlay:		

8720 COLLINS RD

PROPERTY INFORMATION	
1. Complete Property Address: <u>7710 Shindler Drive</u>	2. Real Estate Number: <u>016435-0010</u>
3. Land Area (Acres): <u>1.68 Acres</u>	4. Date Lot was Recorded:
5. Property Located Between Streets: <u>Collins Road & Shindler Drive Southwest Corner</u>	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Variance Sought: <u>REDUCE REG'D DISTANCE FOR DAYCARE FROM A SEXUAL PRED</u>	
8. In whose name will the Variance be granted: <u>Crown Shindler/Collins, LLC & Kid City USA</u>	

①

②

REDUCE UNCOMP BUFFER 10' to 5' FOR BUFFERED POND EXCEPTING 4:1 SLOPE.

last update 1/10/2017

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Crown Shredder/Collias, LLC	10. E-mail: timbenner@mac.com
11. Address (including city, state, zip): 2207 Sawgrass Village Dr. Ponte Vedra, FL 32082	12. Preferred Telephone: 904-545-2243

APPLICANT'S INFORMATION (if different from owner)	
13. Name: Tim Benner and/or Robert Hendricks	14. E-mail: timbenner@mac.com
15. Address (including city, state, zip): P.O. Box 1426 Ponte Vedra, FL 32082	16. Preferred Telephone: 904-545-2243 904-635-3509

CRITERIA
<p>Section 656.101(k), Ordinance Code, defines a variance as "a relaxation of the terms of the Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship."</p> <p>Section 656.132(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Variances, the Planning Commission shall grant a variance only if it makes a positive finding, based upon substantial competent evidence, on each of the following criteria:</p> <ul style="list-style-type: none"> (i) The proposed request is consistent with the definition of a variance; (ii) There are practical or economic difficulties in carrying out the strict letter of the regulation; (iii) The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest; for example, furthering the preservation of natural resources by saving a tree or trees; (iv) The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the sites and will not substantially interfere with or injure the rights of others whose property would be affected by approval of the variance; (v) The proposed variance will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law; and (vi) The effect of the proposed variance is in harmony with the spirit and intent of the Zoning Code.

17. Given the above definition of a "variance" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the request is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the variance and to meet the criteria set forth may result in a denial.

The Actual path of travel for predator from dwelling to subject property is Almost one mile.

ATTACHMENTS

The following attachments must accompany each copy of the application.


- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, http://apps.coi.net/pao_propertySearch/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.

Page 3 of 4

FILING FEES		
*Applications filed to correct existing zoning violations are subject to a double fee.		
Base Fee	Public Notices	Advertisement
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

AUTHORIZATION	
Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.	
The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.	
I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.	
Owner(s) Print name: <u>Timothy B. Reed</u> Signature: <u>[Signature]</u> <i>member</i>	Applicant or Agent (if different than owner) Print name: _____ Signature: _____
Owner(s) Print name: _____ Signature: _____	*An agent authorization letter is required if the application is made by any person other than the property owner.

SUBMITTAL
This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.
Submit applications to: Planning and Development Department, Zoning Section 214 North Hogan Street, 2 nd Floor Jacksonville, Florida 32202 (904) 255-8300


GEORGE W. BROWN, JR.
Professional Engineer
No. 12345
State of Virginia



GEOLINE
SURVEYING, INC.
1000 North Main Street
Richmond, Virginia 23219
Telephone: 624-1234

Exhibit 1

PROPERTY DESCRIPTION

Official Record Book 100, Page 100
This is a portion of the land described in the record of the
Official Record Book 100, Page 100, and is bounded as follows:
North by the line of the Official Record Book 100, Page 100;
South by the line of the Official Record Book 100, Page 100;
East by the line of the Official Record Book 100, Page 100;
West by the line of the Official Record Book 100, Page 100.

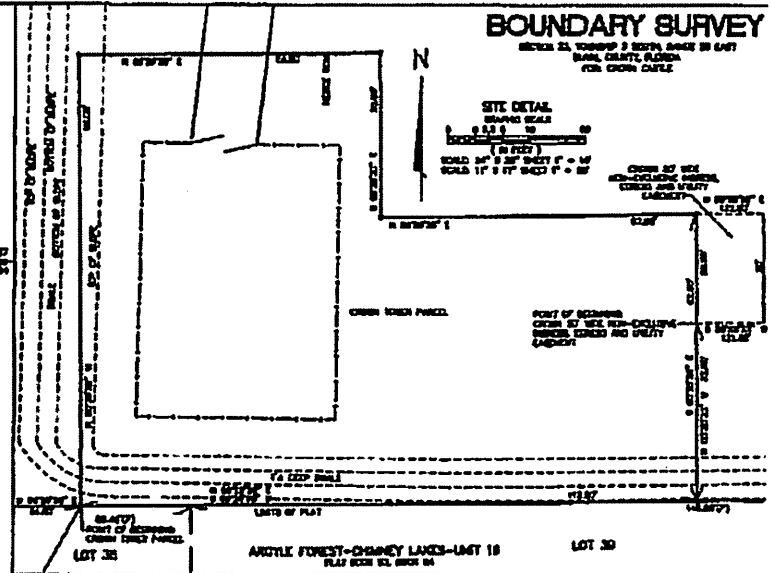
PROPERTY DESCRIPTION

Official Record Book 100, Page 100
This is a portion of the land described in the record of the
Official Record Book 100, Page 100, and is bounded as follows:
North by the line of the Official Record Book 100, Page 100;
South by the line of the Official Record Book 100, Page 100;
East by the line of the Official Record Book 100, Page 100;
West by the line of the Official Record Book 100, Page 100.

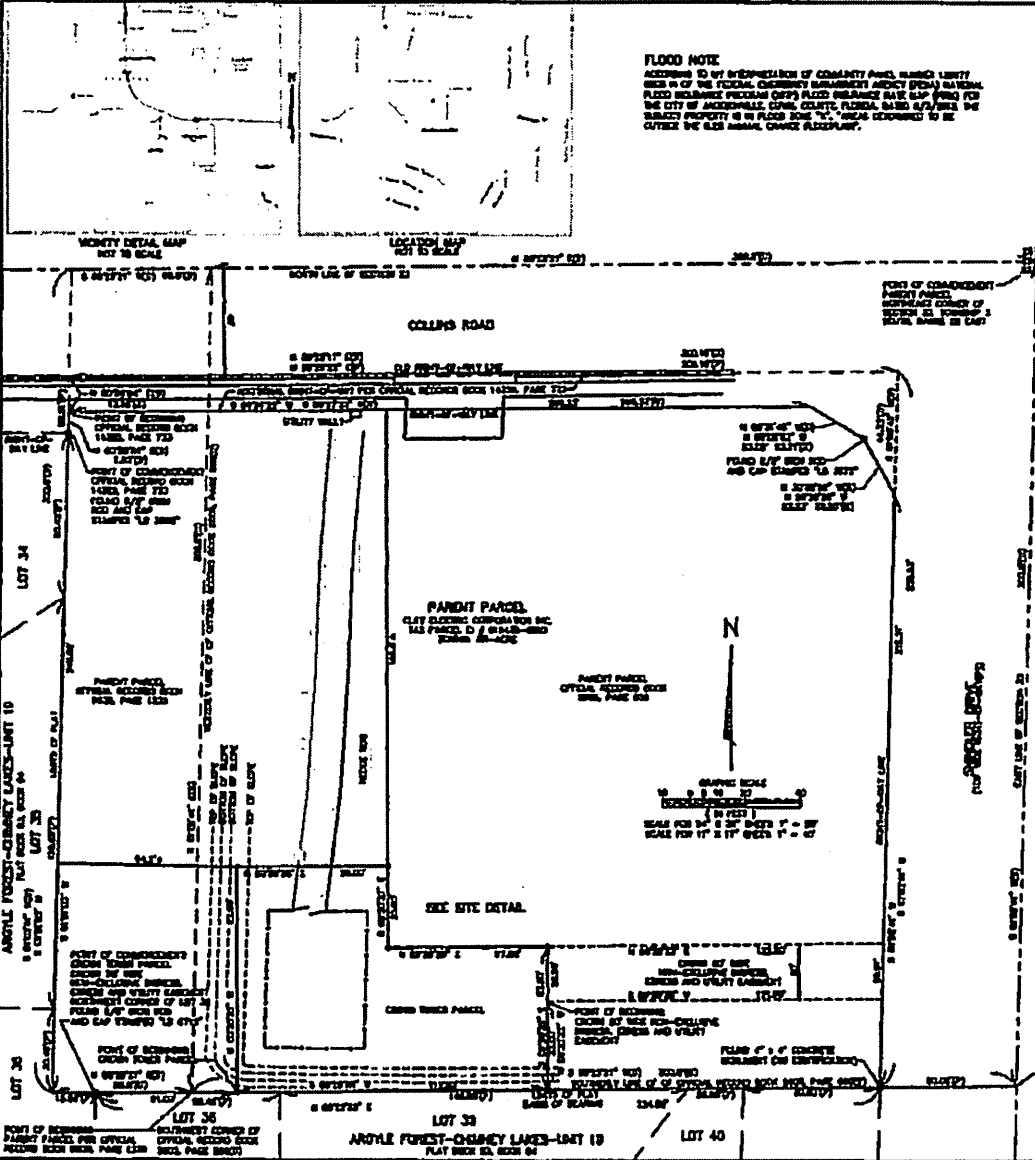
BOUNDARY SURVEY

SECTION 23, TOWNSHIP 3 NORTH, RANGE 30 EAST
DADE COUNTY, FLORIDA
FOR CHRYN CIRCLE

SITE DETAIL
GRAPHIC SCALE
1" = 10' (IN FEET)
SCALE 1" = 10' (IN FEET)
SCALE 1" = 10' (IN FEET)



FLOOD NOTE
ACCORDING TO THE REPRESENTATION OF COMARITY PANEL, DATED 10/17/11, SHEET 6 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF AUCKLANDVILLE, FLORIDA, DATED 10/17/11, THE SUBJECT PROPERTY IS IN FLOOD ZONE "X", WHICH IS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN, CHRYN CIRCLE.



- LEGEND**
- SURVEY POINT SET BY THIS FIRM
 - SURVEY POINT SET BY OTHER FIRM
 - INDICATES IRON PIPE FOUND AS NOTED
 - INDICATES CONCRETE BENCHMARK FOUND AS NOTED
 - INDICATES CONCRETE UTILITY LINE
 - INDICATES IRON UTILITY PIPE
 - INDICATES 2" TALL CONCRETE PILE
 - INDICATES SECOND DESCRIPTION DATA
 - INDICATES INFORMATION FOR RECORDER PLAT
 - INDICATES APPROVAL SIGN
 - INDICATES 1/2" IRON BOUND ROD
 - INDICATES 1" IRON BOUND ROD
 - INDICATES 1" IRON BOUND ROD
 - INDICATES 1" IRON BOUND ROD

- SURVEYOR'S NOTES**
1. BENCHMARKS ARE REFERENCED TO THE ADJACENT CORNER OF SURVEY POINT EAST ALONG THE SOUTH LINE OF THE FRONT PARCEL.
 2. UNDERGROUND UTILITIES SHOWN HEREON ARE LIMITED TO 20' AND FOR CONCRETE, UNDETERMINED DEPTHS SET BY OFFICE IN THE-BEST-INTEREST PROVISION AND PERFORMED BY THE OFFICE.
 3. THE BOUNDARY SURVEY SHOWN HEREON IS BASED ON RECORDS FILED IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ON SEPTEMBER 11, 2011.
 4. UNLESS NOTED OTHERWISE, ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED (D).
 5. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DEFINE A FENCE LINE AND ADJACENT CORNER OF THE SUBJECT PARCEL AND ADJACENT PARCEL TO THE WEST.
 6. REPRESENTATIONS OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEALED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 7. UTILITIES SHOWN HEREON ARE NOT TO SCALE.
 8. THIS SURVEY WAS PROVIDED WITHOUT THE BENEFIT OF A FULL SEARCH OF ALL RECORDS. THE OFFICE HAS NOT PERFORMED A SEARCH OF THE PUBLIC RECORDS FOR DEEDS, EASEMENTS, EIGHTH-CLASS, EIGHTH-CLASS, EIGHTH-CLASS, EIGHTH-CLASS OR DEED RESTRICTIONS.
 9. FRONT PARCEL STREET ADDRESS: THE SQUARE, A DEED.

AREA	DIMENSION FEET	AREA
FRONT PARCEL	100.00 X 100.00	10000.00
CHRYN CIRCLE	100.00 X 100.00	10000.00
CHRYN CIRCLE	100.00 X 100.00	10000.00
CHRYN CIRCLE	100.00 X 100.00	10000.00
CHRYN CIRCLE	100.00 X 100.00	10000.00
CHRYN CIRCLE	100.00 X 100.00	10000.00

OFFICER IN CHARGE
CHRYN CIRCLE
GEO LINE SURVEYING, INC. OF FLA.
1000 N. STATE ROAD 7
AUCKLANDVILLE, FLORIDA 33426
DATE OF SURVEY: 10/17/11
FLORIDA LICENSE NO. 12345
DATE OF EXPIRATION: 10/17/12

GEO LINE SURVEYING, INC.
1000 N. STATE ROAD 7
AUCKLANDVILLE, FLORIDA 33426
DATE OF SURVEY: 10/17/11
FLORIDA LICENSE NO. 12345
DATE OF EXPIRATION: 10/17/12

EXHIBIT A

Property Ownership Affidavit – Limited Liability Company (LLC)

Date: _____

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:

Address: 7710 Shunder Dr. REN(s): 016435-0010

To Whom it May Concern:

I, Robert Hendricks as Partner of Crown Shunder/Gallus a Limited Liability Company organized under the laws of the state of Florida hereby certify that said LLC is the Owner of the property described in Exhibit 1 in connection with filing application(s) for variance submitted to the Jacksonville Planning and Development Department.

(signature)

(print name)

[Handwritten Signature]
Robert Hendricks

Please provide documentation illustrating that signatory is an authorized representative of the LLC. This may be shown through a printout from sunbiz.org showing that the person is either a "sole member" or a "managing member." Other persons may be authorized through a resolution, power of attorney, etc.

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 31 day of May 2017, by Robert Hendricks, as partner of Crown Shunder/Gallus a Limited Liability Company, who is personally known to me or who has produced FL DL H534768541760 as identification and who took an oath.

[Handwritten Signature]

(Signature of NOTARY PUBLIC)

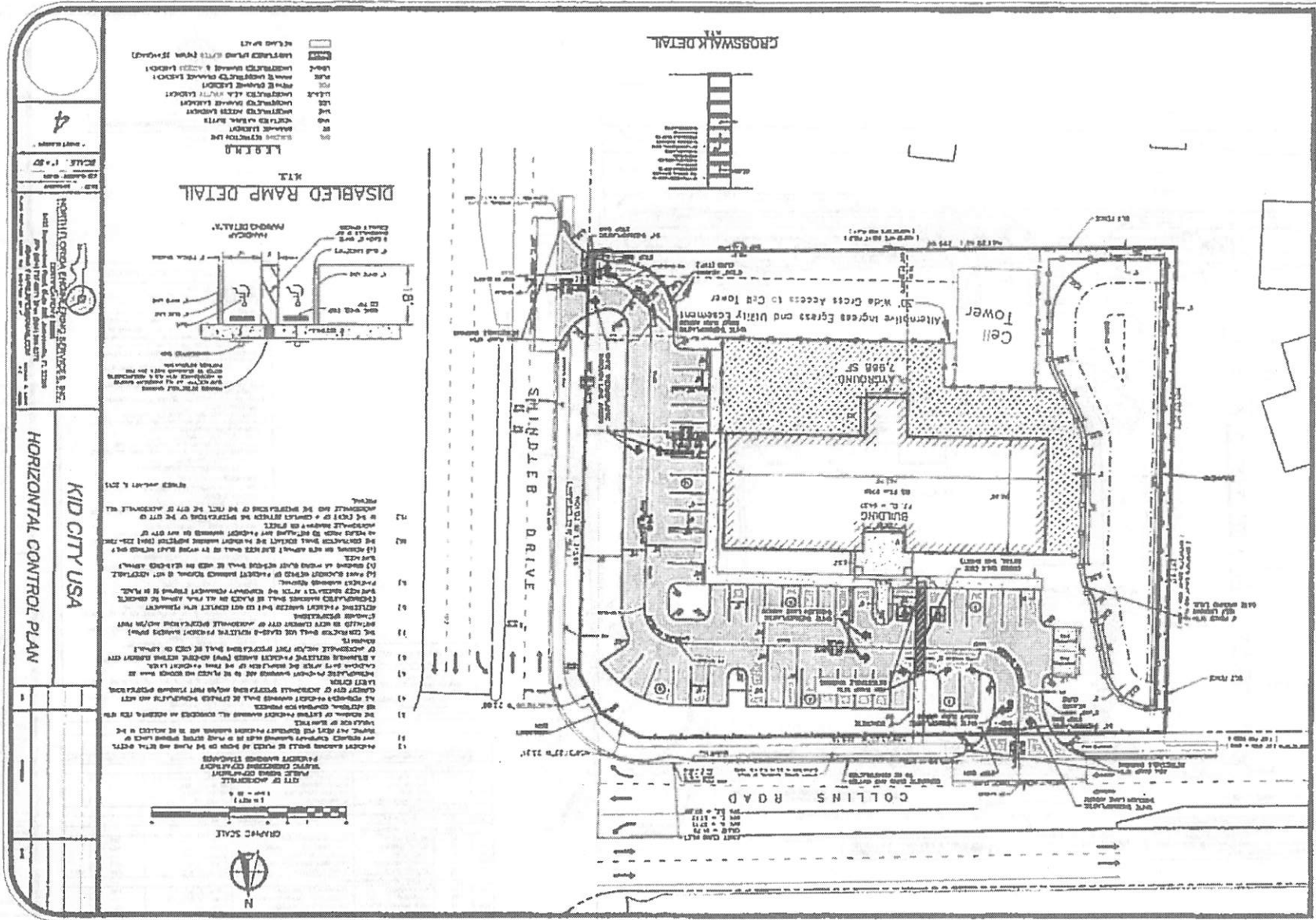
Lori A. West

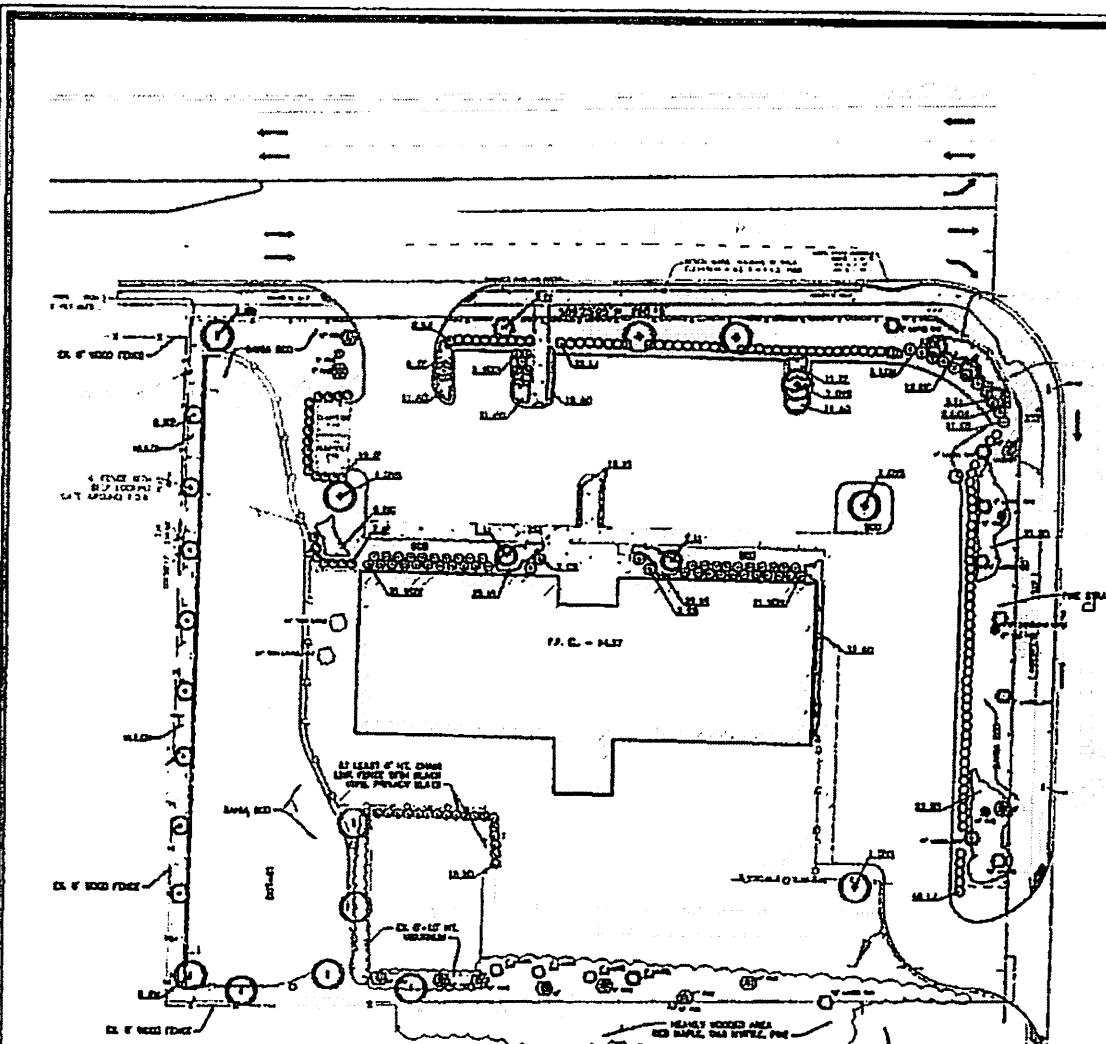
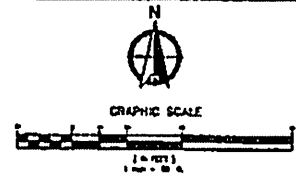
(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: _____

LORI A. WEST
Notary Public, State of Florida
My Comm. Expires Feb. 11, 2019
Commission No. FF 195933





LANDSCAPE REQUIREMENTS

1. GENERAL REQUIREMENTS

1. THE PUBLIC SIDE OF THE AREA SHALL BE OPEN TO THE PUBLIC AT ALL TIMES. LANDSCAPE SHALL BE MAINTAINED AT ALL TIMES.
2. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EACH SQUARE FOOT OF LANDSCAPE AREA.
3. AS LEAST ONE OF LANDSCAPE AREA TO BE PROVIDED FOR EACH SQUARE FOOT OF LANDSCAPE AREA.

2. STREET FRONT REQUIREMENTS

1. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY LF. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
2. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 10 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
3. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 20 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
4. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 30 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
5. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 40 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
6. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 50 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
7. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 60 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
8. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 70 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
9. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 80 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
10. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 90 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).
11. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 100 FT. OF THE STREET FRONTAGE (MINIMUM 6 FT.).

3. SIDE AND REAR REQUIREMENTS

1. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 100 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
2. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 200 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
3. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 300 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
4. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 400 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
5. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 500 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
6. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 600 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
7. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 700 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
8. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 800 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
9. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 900 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).
10. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 1000 FT. OF THE SIDE AND REAR FRONTAGE (MINIMUM 6 FT.).

CELL TOWER LANDSCAPE REQUIREMENTS

1. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 100 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
2. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 200 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
3. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 300 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
4. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 400 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
5. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 500 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
6. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 600 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
7. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 700 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
8. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 800 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
9. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 900 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).
10. ONE TREE / ONE LF. OF WOOD SHALL BE PROVIDED FOR EVERY 1000 FT. OF THE CELL TOWER FRONTAGE (MINIMUM 6 FT.).

PLANT SCHEDULE

NO.	QUANTITY	CULTURAL NAME	COMMON NAME	MIN. DB. (INCHES)	NO. FT. AREA	TOTAL
ACTIVE TREES						
01	1	CASTLE PALM	CASTLE PALM	12"	100	100
02	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
03	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
04	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
05	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
06	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
07	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
08	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
09	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
10	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
SHRUBS AND PERENNIALS						
11	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
12	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
13	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
14	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
15	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
16	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
17	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
18	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
19	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
20	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
SHRUBS AND PERENNIALS (CONTINUED)						
21	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
22	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
23	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
24	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
25	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
26	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
27	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
28	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
29	1	FLORIDA PALM	FLORIDA PALM	12"	100	100
30	1	FLORIDA PALM	FLORIDA PALM	12"	100	100

ALL OF PROPOSED TREES ARE FLORIDA INBORN AND USE OF PROPOSED TREES ARE LIMITED TO THE AREA OF THE BUILDING AND ENCLOSURE ARE FROM FLORIDA INBORN PLANTS (EXCEPTING LANDSCAPE BUILDERS)

CELL TOWER LANDSCAPE REQUIREMENTS (APPROPRIATE LOCATION)

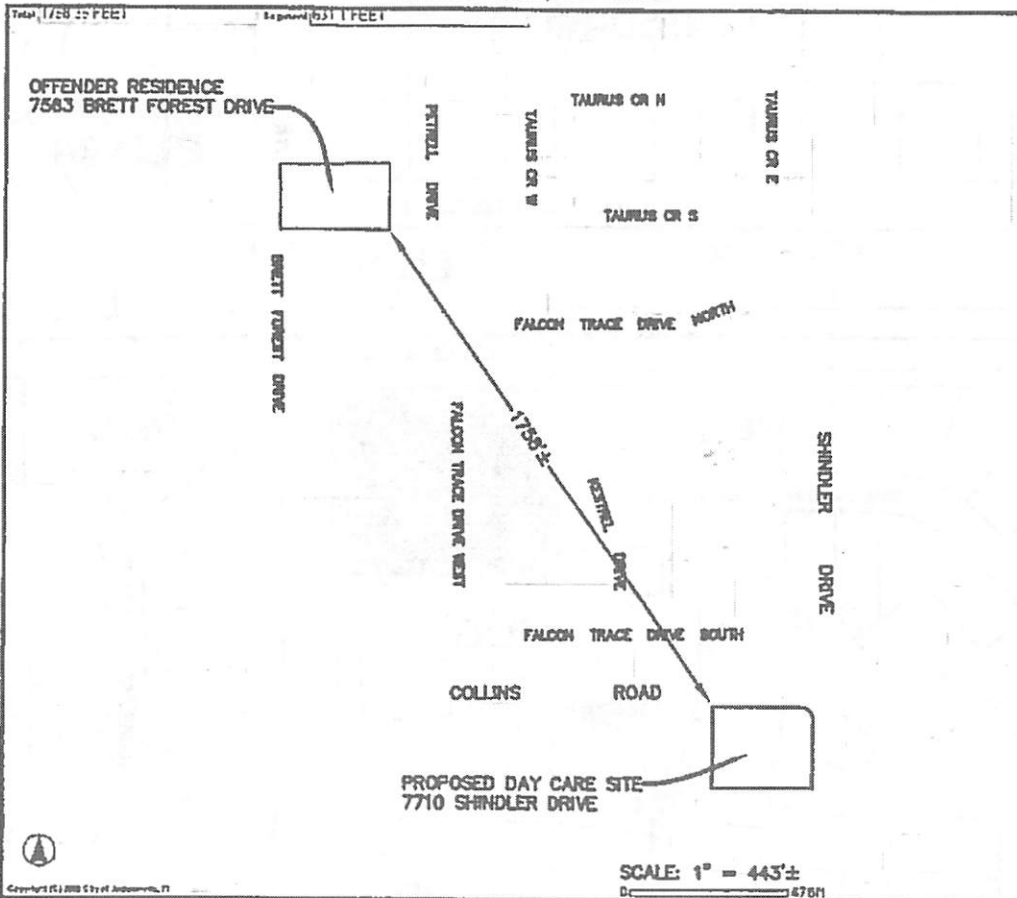
LANDSCAPE REQUIREMENTS (APPROPRIATE LOCATION)

KID CITY USA
 LANDSCAPE PLAN
 DORNELL LANDSCAPE DESIGN, INC.
 1140 S. DIXIE AVENUE
 JACKSONVILLE, FLORIDA 32209
 PHONE: 904.733.1111
 FAX: 904.733.1112
 WWW: WWW.DORNELLDESIGN.COM
 DATE: 08/08/08
 BY: DORNELL
 SCALE: 1" = 20'
 SHEET NUMBER: L-1

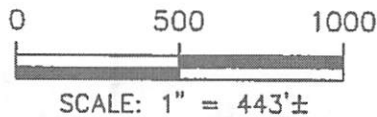
MAP OF

THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 16668, PAGE 2410, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

SITE ADDRESS:
7710 SHINDLER DRIVE
JACKSONVILLE, FL 32222



NOTES:
A. THIS IS A MAP ONLY.
B. THE PURPOSE OF THIS MAP IS TO SHOW THE DISTANCE BETWEEN THE PROPOSED CHILD CARE SITE AND A KNOWN SEX OFFENDERS RESIDENCE.



THIS MAP WAS MADE FOR THE BENEFIT OF CROWN SHINDLER/COLLINS LLC.

[Signature]
DONN W. BOATWRIGHT, P.S.M.
FLA. LIC. SURVEYOR AND MAPPER No. LS 3295
FLA. LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CHECKED BY: _____
DRAWN BY: SWC
FILE #: 2017-0812

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: JUNE 9, 2017
SHEET 1 OF 1

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING VARIANCE V-17-08

JULY 27, 2017

Location: 8720 Collins Road (formerly 7710 Shindler Drive)

Real Estate Number: 016435-0010

Zoning Variance Sought: Reduce required distance between a daycare facility and a registered sexual predator from 2,500 feet to 1,758 feet

Current Zoning District: Planned Unit Development (PUD) per 2016-605-E

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southwest – District 4

Owner: Crown Shindler/Collins LLC
2207 Sawgrass Village Drive
Ponte Vedra, FL 32082

Applicant: Tim Benner
PO Box 1425
Ponte Vedra, FL 32082

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Zoning Variance V-17-08 seeks a reduction in the distance from a new day care facility and the existing residence of a registered sex offender from 2,500 feet to 1,758 feet.

Florida law prevents convicted sexual predators from residing within 1,000 feet of a school, child care facility, park, or playground. Section 685.102 (Sexual Predator Residency Requirements) of the Jacksonville Ordinance Code expands this zone of protection and prohibits a sexual predator from residing within 2,500 feet of a school, public library, day care center, park playground or other place where children regularly congregate.

Pursuant to Ordinance 2014-552-E enacted on December 9, 2014, new day care centers established after January 1, 2015 shall not be located within 2,500 feet of a sexual predator residence.

EXHIBIT A

The subject property is zoned Planned Unit Development (PUD) pursuant to Ordinance 2016-605-E enacted on November 9, 2016. The PUD allows several light commercial uses but is tailored to allow the development of a day care facility. The PUD makes no reference to the distance requirement.

Included in the variance application is a special purpose survey dated Jun 9, 2017 which shows that a sexual predator resides at 7563 Brett Forest Drive located 1,758 feet northwest from the subject property. The measurement is calculated using a straight line between the nearest property lines of the two locations.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *variance* means a relaxation of the terms of this Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or in the adjoining zoning district.

Requests to modify lot requirements so as to increase the permitted density of multi-family dwellings shall not be considered a variance and are specifically prohibited. A variance shall not change the functional classification of a use permitted or permissible in a zoning district.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.132 (c) of the Zoning Code, the Planning Commission shall grant a variance only if it makes a positive finding, based upon substantial competent evidence, on each of the following criteria:

- (i) *Is the proposed request consistent with the definition of a variance?*

No. A variance is defined as “a relaxation of the terms of this Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship.”

While the relief sought is a relaxation of the terms of the Zoning Code (specifically the distance requirement), the grant of the variance is not clearly in the public interest. Further, this is an undeveloped property. The choice to build a day care facility on this property is the result of the actions of the applicant.

- (ii) *Are there practical or economic difficulties in carrying out the strict letter of the regulation?*

No. While the owner may incur an economic hardship by not developing the property with a day care facility, the PUD allows numerous other uses by right including medical offices and clinics, business and professional offices, multi-family dwellings, and banks. There is no information demonstrating that the other permitted uses are not viable at this location.

- (iii) *Is the request based exclusively upon the desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest, such as for example, furthering the preservation of natural resources by saving a tree or trees.*

No, the request does not appear to be based on a desire to reduce the cost of developing the site. However, it is not in the public interest to allow a new day care facility to open near the residence of a registered sexual predator.

- (iv) *Will the proposed variance substantially diminish property values in, or alter the existing character of the area surrounding the site and interfere with or injure the rights of others whose property would be affected by approval of the variance?*

The proposed variance is unlikely to affect property values or the character of the surrounding area. The establishment of a day care facility within the separation buffer will cause the registered sexual predator to be too close to a day care facility based on Section 685.102 of the Jacksonville Ordinance Code. Per Section 685.102(b)(4), the opening of a day care facility at this location will not force the sexual predator to relocate.

- (v) *Will the proposed variance be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisance, or conflict with any other applicable law?*

Yes. The proposed variance could be detrimental to the public health, safety, and welfare by reducing the required separation distance from a sexual predator residence to a day care facility below established distance requirements.

- (vi) *Is the effect of the proposed variance in harmony with the spirit and intent of the Zoning Code?*

No. The proposed variance is not in harmony with the spirit and intent of the Zoning Code because the grant of the variance will not promote the health, safety, and general welfare of the public.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on July 17th, 2017 by the Planning and Development Department, the required Notice of Public Hearing sign was posted on the property.

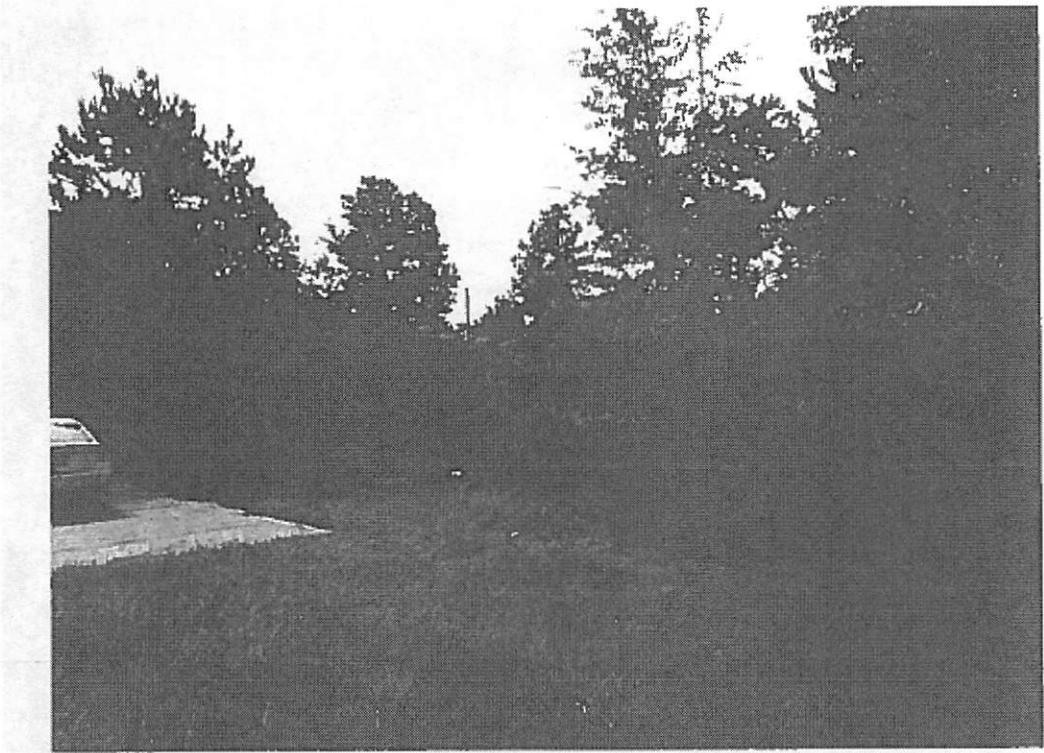


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Variance V-17-08 be DENIED.



Aerial



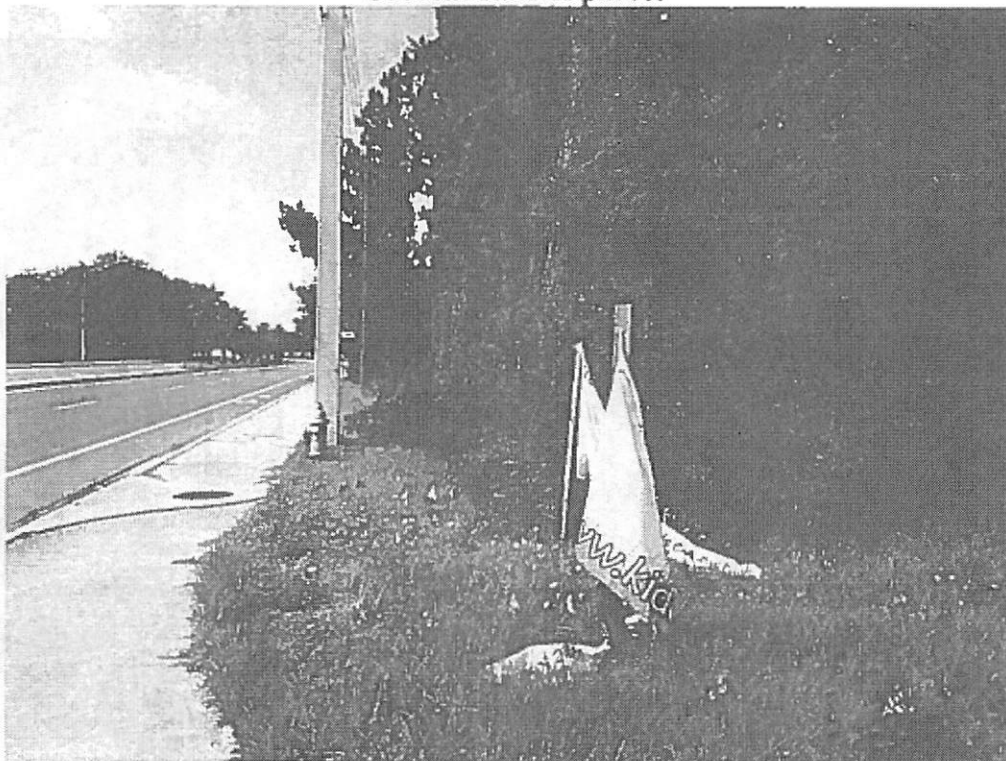
View from NW corner of parcel, facing SE



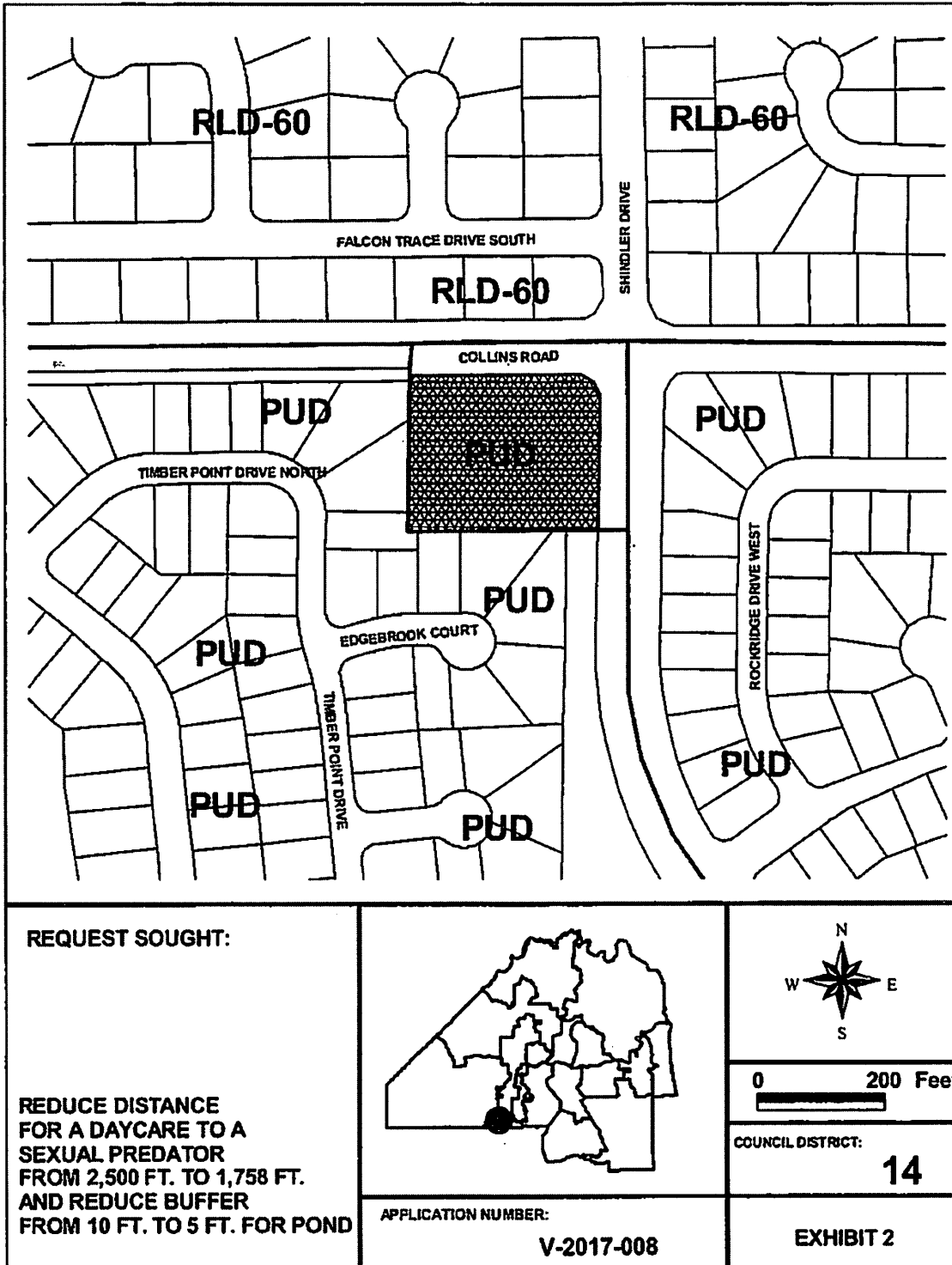
W property line, showing existing road to cell tower



Current state of parcel



E property line, facing S from the NE corner





Planning and Development Department

**Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202**


Notice of Certification

September 7, 2017

RE: Certified Copy of Final Order

I hereby certify that the attached is a true and accurate copy of the Final Order of V-17-08:

V-17-08 heard on August 17, 2017

Patricia Sales 
Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: V-17-08

In re the Zoning Variance Application of

**CROWN SHINDLER/COLLINS, LLC
KID CITY USA DAYCARE**

ORDER DENYING APPLICATION FOR ZONING VARIANCE V-17-08

This matter came to be heard upon the Application for Zoning Variance filed by Crown Shindler/Collins, LLC, the owners of certain real property located at 8720 Collins Road (formerly 7710 Shindler Driver), RE #016435-0010, on behalf of, Kid City USA Daycare, seeking a variance from the requirements of Section 685.102 of the Zoning Code to reduce the required distance between a daycare facility and a registered sexual predator from 2,500 feet to 1,758 feet in the PUD Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on August 17, 2017, including the Report of the Planning and Development Department on Application for Zoning Variance V-17-08 and all attachments thereto ("Staff Report"), a copy of which is attached as Exhibit "A" including the site plan submitted on August 17, 2017, the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.132 of the Zoning Code.
2. That the need for the variance applied for arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the specific property involved.
3. That after consideration of the Staff Report, testimony and evidence submitted at the hearing on August 17, 2017, substantial competent evidence fails to demonstrate that the application V-17-08 meets, to the extent applicable, the standards and criteria set forth in Section 656.132(c) of the Zoning Code.
4. That the land to which this variance is granted is owned by Crown Shindler/Collins, LLC. A copy of the legal description of the subject property is attached as part of Exhibit "A" and incorporated by reference herein.

NOW THEREFORE, it is **ORDERED** by the Planning Commission:

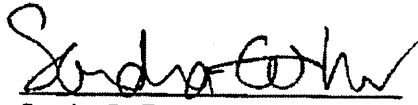
1. Application V-17-08 is hereby **DENIED**.

Executed this 17th day of August, 2017.

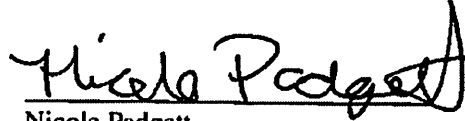


Abel Harding
Vice-Chairman, Planning Commission

FORM APPROVED:



Sondra R. Fetner
Assistant General Counsel



Nicole Padgett
Secretary, Planning Commission

Copies to:

Crown Shindler/Collins, LLC
2207 Sawgrass Village Drive
Ponte Vedra, FL 32082
Owner(s)

Tim Benner
P. O. Box 1425
Ponte Vedra, FL 32082
Applicant(s)

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code.

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Walker, Samuel

From: Thomas Martin <trm36@bellsouth.net>
Sent: Monday, July 24, 2017 2:04 PM
To: Walker, Samuel
Subject: Zoning change V-17-08
Attachments: SJRWMD 150038 Grading Plan.pdf; Exhibit F - Revised Site Plan 10-04-16.pdf; 2016-605-Revised 11-1-16 Exhibit D Written Description .pdf

This zoning change has two parts: the change would allow a day care to open within the minimum allowable distance from the home of a sexual predator, and reduce the minimum rear yard requirement from 10 feet to five feet. This change will be on Planning Commission August 3, 2017, agenda. A copy of the application will not be available. A review of the St. Johns River Management permit 150038 for this project shows a zero rear yard distance. A copy of the text description and site plan from zoning change 2016-605-E, and a page of SJRWMD permit 150038 plan are attached.

The Water Management plan leaves no landscape buffers on south and west sides of the project, and a question as to whether the pond can be build and maintained without encroachment into adjacent property and whether the bulkhead can remain upright without additional support.

Sincerely,

Thomas R. Martin
trm36@bellsouth.net
8019 Leafcrest Drive
Jacksonville, FL 32244-7488