

**Minutes of Planning Commission Meeting  
held Monday, April 11, 2011 at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Greg Sutton.

**Roll Call**

Terry DeLoach (Vice Chairperson)  
Lee Dorson  
Greg Sutton (Chairperson)  
Fred Jones  
Bill Callan  
David Dahl  
Tom Baker

Also present were Bill Mann, Senior Planner and Recording Secretary, Amber Lehman.

**Approval of Minutes**

It was moved by Mr. Dorson, seconded by Mr. Dahl, to approve both the February 28, 2011 and the March 14, 2011 minutes as presented. Motion carried unanimously.

**Correspondence**

Mr. Mann stated that staff had received no correspondence.

**New Business**

- (A) **PC #5-11 (11-100013) – Conditional Use Approval**  
**Conditional Use approval** for outdoor restaurant seating in a *Central Business District: CBD* zoning district, pursuant to Section 34-345(d) (7) of the Jacksonville Beach Land Development Code. The property is located at 311 North 3<sup>rd</sup> Street, Unit 108 (Dick's Wings).

**Staff Report:**

Mr. Mann read the following staff report into the record:

The applicant is the owner of an existing restaurant in the Urbana commercial building on the northeast corner of 3<sup>rd</sup> Street and 2<sup>nd</sup> Avenue North, in our Central business District. They have applied for conditional use outdoor restaurant approval to be able to utilize a portion of an existing patio in the rear of the building for outdoor seating for their customers. Since the Urbana building was constructed right up to its 3<sup>rd</sup> Street and 1<sup>st</sup> Avenue property lines, there is

no ability for tenants fronting either street to put any seating in front of their businesses (public sidewalks).

Since the property is located in the Central business District, there is no minimum distance required from any residential uses. The balance of our Section 34-407 regulations governing outdoor restaurants and bars would apply, however. The applicant's indoor restaurant space of 6,180 s.f. would support a maximum allowable outside area of 900 s.f., so the existing deck is within the Sec 34-407 size allowance. The applicant is aware that there are no amplified music or other sound devices permitted within the outside restaurant area, and also that it must be fenced if they intend to extend their licensed alcohol premises to include the outside seating area.

Adjacent uses include the *Brix* bar to the immediate east, a bank across 2<sup>nd</sup> Avenue to the south. The future home of the recently approved *Green Room* microbrewery across 3<sup>rd</sup> Street to the west, and the *Rita's Italian Ice* property across the alley to the north. The location of the proposed seating area, between the rear of the building and the parking ramp up to the building's rooftop parking, will help ensure that there are no negative impacts to the surrounding businesses, two of which also have outdoor seating or service. Adjacent property values should not be impacted.

**Recommendation:** Approval.

**Applicant:**

Lynne Gaitan, agent for the applicant, 1115 13<sup>th</sup> Avenue North, Jacksonville Beach, stated that she concurred with the staff report that was presented by Mr. Mann, however, she was not aware that the outdoor seating needed to be gated.

The applicant, Allen Cottrill, 4994 Empire Avenue, Jacksonville, stated that he also concurred with the staff report presented by Mr. Mann.

Mr. Dahl asked Mr. Cottrill if he understood the gate requirement for the outdoor seating. Mr. Cottrill replied that he understood that a gate would be required if alcohol will be served.

Mr. Dahl asked Mr. Cottrill if alcohol will be served. Mr. Cottrill replied that he will be serving alcohol in the future, but not at the present time.

**Public Hearing**

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Sutton closed the public hearing.

**Motion:** It was moved by Mr. Jones, seconded by Mr. DeLoach, to approve the conditional use approval as requested.

**Roll call vote:** Ayes –DeLoach, Dorson, Jones, Sutton and Callan.  
Motion carried unanimously.

**(B) PC #8-11 (11-10040) – Land Development Code Text Amendment**

**Land Development Code Text Amendment**, to amend Section 34-342 (b)(25) to add “Gunsmith Repair” to the list of permitted *miscellaneous repair shops* in the *Commercial Limited: C-1* zoning district.

**Staff Report:**

The following staff report was not read into the record, but was referenced as having been distributed to the Planning Commission members together with the staff recommendation of approval:

The applicant currently has a medical practice at 340 16<sup>th</sup> Avenue North. He is also currently a licensed gunsmith at his recently former residence in another state. He inquired with staff as to the permissibility of transferring his gunsmith license to his Jacksonville Beach business. In his application material, he compares the work he would be doing to watch, jewelry and electronics repair. Staff concurs with this comparison. He also describes the nature of his gun repair business is such that he could utilize a portion of his medical office space to do his gun repair work. Upon inquiry, he informed staff that his work in no way involves live ammunition or the firing of the weapons he works on. There would be no gun range associated with his business. Gun ranges are uses in their own right, and are permitted only in the City’s I-1 districts.

Staff informed the applicant that the types of miscellaneous repair shops currently permitted in C-1 are camera, luggage, sewing machine, musical instrument, locksmith, picture framing, and china and pottery decorating and firing.

Staff further indicated that retail gun stores were permitted uses in C-1 districts, and that gunsmith repair would be allowed as an accessory activity to a permitted retail gun store. The applicant indicated that he did not desire to operate a retail gun store, however, he was instructed that he would need to try to get the C-1 regulations concerning permitted repair shops amended in order to be able to transfer his gunsmith license to his current C-1 business location. Otherwise, the only location where he could set up a gunsmith repair business, currently, would be in the City’s Industrial: I-1 district.

The list of permitted repair shops in C-1 districts now is fairly diverse. It appears that gunsmith repair was simply not contemplated as a business type when the current LDC regulations were originally drafted. This is viewed by staff, then, as an omission rather than as an intended

prohibition, especially given that retail gun stores are permitted C-1 uses.

Approval of the requested text amendment would not cause an increase in demands on any public facilities, over and above the levels demanded by existing permitted C-1 uses. The request is not inconsistent with comprehensive plan policies involving commercial uses or commercial areas. It is not in conflict with any other portion of the LDC. Allowing gunsmith repair shops as permitted uses in C-1 districts should not affect property values in those districts, especially since they could be located there now, in association with a retail gun store.

**Recommendation:** Approval.

**Applicant:**

Neither the applicant nor an agent for the applicant was present for the hearing.

Mr. Mann stated that this application will require two additional public hearings, before City Council in order to be adopted, or, if the Planning Commission desired, the application could be carried over to the next Planning Commission meeting for consideration.

**Public Hearing**

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Sutton closed the public hearing.

**Motion:** It was moved by Mr. Dahl, seconded by Mr. Dorson, to recommend approval of the Land Development Code Text Amendment by the City Council.

**Roll call vote:** Ayes –DeLoach, Dorson, Jones, Sutton and Callan.  
Motion carried unanimously.

**Planning & Development Director's Report**

Mr. Mann advised the board that the next board meeting will be on April 25, 2011 with two conditional use applications.

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**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Greg Sutton  
Chairman

Date: July 11, 2011