

**Minutes of Planning Commission Meeting  
held Monday, January 10, 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) *Absent*  
Lee Dorson  
Greg Sutton (Chairperson)  
Fred Jones *Absent*  
Bill Callan  
David Dahl  
Tom Baker

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

**Approval of Minutes**

Mr. Dorson made a motion to approve the November 22, 2010 meeting minutes as presented, seconded by Mr. Dahl. Motion carried unanimously.

**Correspondence**

Mr. Mann stated that staff had received no correspondence.

**New Business**

- (A) **PC #27-10 (10-100160) – Conditional Use Approval**  
**Conditional Use approval** for transfer of ownership of an outdoor restaurant seating area in a Commercial *General: C-2* zoning district, pursuant to LDC Section 34-343(d) (14).

**Staff Report**

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

The applicant has recently opened *Iguana's Cantina and Grill* in the former *Twisted Sisters* restaurant space in the *Beach Plaza* shopping center, and this restaurant space has an approved conditional use outdoor seating area. Staff informed the new owner that the outdoor seating use was not automatically transferable, and that he would need to apply for approval of the space under his name.

*Nolan's* received the original approval for outdoor restaurant seating at this location in 2003, via PC#44-03, with the condition that no amplified music or public address system be audible from off of the sidewalk area immediately in front of the tenant space. *Twisted Sisters* was subsequently established in the tenant space in 2004, and the seating area was approved for them via PC#30-04. After *Twisted Sisters* closed in 2010, the tenant space was briefly occupied by the *Rocbar Cafe* restaurant, but the conditional use outdoor seating was never transferred to that business, and it has since closed. There are no records of any problems with the operation of the subject outdoor seating area when it was approved for either *Twisted Sisters* or *Nolan's*.

Adjacent uses include the balance of the shopping center to the east and west, a recently vacated trailer park and mini storage facility to the south across Shetter Avenue, and a mix of office and service facilities across Beach Boulevard to the north. The requested outdoor seating area should not alter the character of this predominantly commercial area, and approval of this request should not negatively affect adjacent property values, so long as it is properly managed.

**Recommendation:** Approval.

### **Applicant**

The applicant, Ernesto Arellano, 1266 Beach Blvd., Jacksonville Beach, stated that he concurred with the staff report presented by Mr. Mann.

Mr. Baker asked Mr. Arellano how much square footage would there be for the outside restaurant seating. Mr. Arellano replied that he was not sure of the square footage.

Through the Chairman, Mr. Mann stated that the outside restaurant seating is approximately 250 - 300 square feet, and is the same area used by the former tenants.

Mr. Baker asked if the outdoor seating would remain within the existing fence area. Mr. Mann replied yes.

Mr. Sutton asked the applicant if he understood that there was to be no outside music playing in the outdoor seating area. Mr. Arellano replied yes.

### **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.

Mr. Mann reminded Mr. Arellano, through the Chairman, that their liquor license would now have to be amended to include the outside area as part of their licensed premises, and that staff would sign off on it.

**Motion:** It was moved by Mr. Dorson, seconded by Mr. Dahl, to approve the conditional use as requested.

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

**(B) PC #28-10 (10-100163) – Conditional Use Approval**

**Conditional Use approval** for an elderly-oriented group home with six (6) or more residents in a Residential, multiple family: RM-1 zoning district, pursuant to LDC Section 34-339(d) (1).

**Staff Report**

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

The applicant is the owner of the *Pablo Hamlet* elderly housing apartments located at the west end of Shetter Avenue, in an RM-1 zoning district. They would like to add a 60-bed Assisted Care Living Facility (ACLF) to complement their existing affordable elderly housing. In order to do so, they must gain conditional use approval for an elderly – oriented group home, with six (6) or more residents.

The existing facilities consist of 104 federally subsidized residential units, with common areas and parking, on a total of approximately six acres of land, at the west end of Shetter Ave. The existing apartments on the property are in compliance with relevant zoning and comprehensive plan regulations. The applicant has not provided a site plan showing where the proposed group home facility would be located, but they are aware that its development on the property would be subject to our RM-1 district building height, setback and lot coverage standards, and that they would be required to provide, or show evidence that they already have, 30 required parking spaces for a 60-bed facility.

The proposed institutional use addition to an existing established multifamily development is consistent with relevant comprehensive plan policies on the siting of group homes, including those relative to the provision of affordable housing. (Ref. Comprehensive Plan Objective HO.1.5, and Policies HO.1.5.1 and 11.5.2) The lands to the immediate south and west of the property are undeveloped. The land to the south is zoned residential single family, and exists as the wooded, undeveloped rear yard areas for existing homes on 15<sup>th</sup> Avenue. The houses sit more than 400 feet east of the existing Pablo Hamlet buildings. To the west the property is zoned single-family, but is undeveloped due to wetland and access issues. The property across the street to the north exists in a conservation easement, and serves to buffer the subject property from the Jardin De Mer condominiums to the northeast. To the immediate east is the Montessori private elementary school.

None of the adjacent uses or properties should be negatively affected by the proposed group home use being added to the existing developed multifamily property, nor should

adjacent property values be impacted by the development of the proposed elderly-oriented group home.

**Recommendation:** Approval.

**Applicant**

The applicant's agent, Timothy Howell, 109 Sea Lily Lane, Ponte Vedra Beach, FL, stated that this facility will be separate from the apartment facilities that are already there, but will be managed by the same group, Beaches Elderly Housing Corporation.

**Public Hearing**

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

The following people spoke neither for nor against the application:

Marge Doyal, 1600 Shetter Avenue, Jacksonville Beach, stated that she had concerns with the construction and how that will effect traffic conditions and also questioned if the facility will be pet-friendly.

Marsha Siebowski, 1600 Shetter Avenue, Jacksonville Beach, requested clarification of the term ACLF.

Mr. Mann stated, through the Chairman, that in the Land Development Code the requested Assisted Care Living Facility (ACLF) is simply typified as an elderly oriented group home with 6 or more residents.

Mr. Baker asked Mr. Mann why the need for the conditional use, given the presence of the existing facilities. Mr. Mann stated that the existing facilities were rental apartment units, and they are permitted in the RM-1 district that they are located in. The ACLF is an institutional use that is only allowed in RM-1 by conditional use approval.

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

**Motion:** It was moved by Mr. Dorson, seconded by Mr. Callan, to approve the conditional use as requested.

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

**Planning & Development Director's Report**

Mr. Mann advised that the next meeting is tentatively scheduled for February 14, 2011.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton

Chairman

Date: February 14, 2011