

**Minutes of Planning Commission Meeting
held Monday, April 25, 2011 at 7:00 P.M.
in the Council Chambers, 11 North 3rd 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 (*Absent*)
Greg Sutton Chairperson
Fred Jones
Bill Callan *Absent*
David Dahl
Tom Baker

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

Approval of Minutes

There were no minutes to approve.

Correspondence

Mr. Mann stated that staff had received no correspondence.

New Business

- (A) **PC #9-11 (11-100045) – Conditional Use Approval**
Conditional Use approval for a drinking establishment and package liquor store in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342(d) (3) and Section 34-342(d) (4) of the Jacksonville Beach Land Development Code. This approval is requested to allow for the expansion of an existing establishment.

Staff Report:

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

The applicant owns the *Monkey's Uncle* tavern and package store located in the north end of the *Pablo Plaza* shopping center on South 3rd Street in a C-1 zoning district. In June 2008, they were granted conditional use approval via Application PC#15-08, for their then grandfathered package store, to allow them to expand it into an adjacent tenant

space. That request was approved. Once again, tenant space adjacent to their business has recently become vacant (#1834, #1836, totaling 1,639 s.f.) and they would like to expand their existing business into that space. As directed by staff, they have applied for conditional use “drinking establishment” and “package liquor store” approval to allow that expansion.

Adjacent uses to the shopping center include commercial and office uses to the north and south, Huguenot Park to the east across 3rd Street, and single-family neighborhoods behind the center to the west. The balance of the center and its general orientation towards 3rd Street serve to buffer the residential areas to the west from the commercial activity within the center. The parking requirement will not change for the business as a result of the expansion, as the entire center is parked at the one (1) space per 250 s.f. ratio, regardless of tenant mix.

Given the applicant’s location in the center and his long time presence there, and given the fact that the proposed expansion will not require any additional parking, there should be no negative impacts to the surrounding neighborhood from the proposed expansion. Adjacent property values should not be affected.

Recommendation: Approval

Applicant:

The owner of the property, Carter Quillen, 1650 Ocean Drive South, Unit 801, Jacksonville Beach, stated that he has been in business for 26 years and has had no infractions with the city or state. Mr. Quillen further explained that he has an opportunity to expand his current space by acquiring two extra suites that will house a wine tasting bar that will be approximately 1,600 square feet.

Mr. DeLoach asked Mr. Quillen if the pictures included in the application are a true depiction of what will be in the newly added 1,600 square feet.

Mr. Quillen responded that the pictures are very similar to what he would like to have in the space.

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 in opposition to the application:

Sara Pruter, 8 Sandra Drive, Jacksonville Beach stated that she was against the application due to the following reasons:

1. Safety issues

2. Too many bars in Jacksonville Beach already
3. Too much alcohol being served in these type of establishments such as Twisted Sisters
4. Concerned that if application is approved there will be increased parking on the street

Also, Ms. Pruter stated that the original notice that was sent had an error in it– the numerical code citation in the notice referenced amusement parks and not package store/drinking establishments.

Robert O'Reilly, 11 Sandra Drive, Jacksonville Beach, stated that he has concerns with the area behind the property and provided photographs that show the area behind the center is not being taken care of by the owner.

Jim Gregory, 10 Sandra Drive, Jacksonville Beach, stated that the City is not enforcing traffic in the neighborhood and also approving the application will increase the drunk driving in Jacksonville Beach.

James Burton, 39 Sandra Drive, stated that he has a problem with delivery trucks driving through his neighborhood via Sandra Drive. He also requested that the City close 23rd Avenue South to eliminate this problem.

Diane Smith, 37 Sandra Drive, Jacksonville Beach, reiterated the delivery trucks causing traffic problems along Sandra Drive.

Cheryl O'Reilly, 11 Sandra Drive, Jacksonville Beach, stated that she believes that the property values are decreasing because of all the traffic issues that the City will not address.

Mr. Quillen provided responses to the public comments. He stated that he does not want to create any additional problems for his neighbors who also happen to be some of his customers. Mr. Quillen explained that all his delivery trucks are operating between the hours of 10:00am and 6:00pm and he will make sure that they do not use Sandra Drive. Mr. Quillen also stated that the space that he will be adding is very minimal.

Mr. Baker asked about the maintenance issues in the rear of the property.

Mr. Quillen replied that he will maintain the area directly in the rear of his business, however, there are other businesses that operate in the complex.

Mr. Mann, through the chair, addressed Ms. Pruter's concern about too much alcohol being served and explained that Twisted Sisters had been cited due to Twisted Sisters being licenses as a restaurant, which requires that food purchases must be 51% of sales.

Mr. Mann also addressed the area in the rear of the complex. This has been an on-going issue with the City and the property owner, but that the portion of the center where

Monkey's Uncle is located was not along the back of the center that the neighbors were speaking about.

Mr. Mann stated that the traffic issues would be best dealt with via the Police Department.

Mr. Baker asked Mr. Mann to explain the notice being sent out incorrectly with an incorrect LDC.

Mr. Dahl stated that although there was an incorrect LDC citation, the paragraph in the notice explaining the request was very clear as to what the application was about.

Mr. Jones stated that while understanding the neighbors' concerns, the application could have been for a retail establishment that could have five times more traffic.

Diane Smith, 37 Sandra Drive, Jacksonville Beach asked about the trash and what part is the City's responsibility.

Mr. Mann replied that Public Works handles the trash pickup.

The following people spoke in favor to the application:

Emily Crozier, 1650 6th Street South, Jacksonville Beach.

Beth Davis, Jacksonville Beach.

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

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

Roll call vote: Ayes –DeLoach, Jones, Sutton, Dahl and Baker
Motion carried unanimously.

(B) PC #10-11 (11-10047) – 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.

Staff Report:

The applicant is the owner of an existing restaurant on North 3rd Street, in the Urbana commercial building on the northeast corner of 3rd Street and 2nd Avenue North, in our Central Business District. They have applied for conditional use outdoor restaurant approval to be able to utilize a portion of the existing 640 s.f. patio in the rear of the building for outdoor seating for their customers. This patio was also recently approved

for conditional use outside restaurant space for Dick's Wings, another tenant in the Urbana building. If this application is approved, the two restaurants would share the patio. Should this application be approved, the actual delineation of this tenant's patio would be reviewed and approved by the Director, as part of his review of the applicant's revised liquor license, which must be amended if any outdoor space is to be added to the restaurant's licensed premises.

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 4,070 s.f. would support a maximum allowable outside area of 707 s.f., so the existing deck is within the Sec 34-407 size allowance. A copy of a signed Lease Addendum between the applicant and the owner grants the applicant use of 320 s.f. of the outdoor patio. 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. Should this application be approved, the actual delineation of this tenant's patio space would be reviewed and approved by the Director, as part of his review of the applicant's liquor license application, amending their current license to add their new outdoor space to the restaurant's licensed premises.

Adjacent uses include the *Brix* bar to the immediate east, a bank across 2nd Avenue to the south. The future home of the recently approved *Green Room* microbrewery across 3rd 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:

The agent for the applicant, Caine McPhillips, 113 Bowles Street, Neptune Beach, stated that he concurred with the staff report presented by Mr. Mann.

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. Dahl, to approve the conditional use approval as requested.

Roll call vote: Ayes –DeLoach, Jones, Sutton, Dahl and Baker.
Motion carried unanimously.

Planning & Development Director’s Report

Mr. Mann advised the board that the regularly scheduled meeting on May 9, 2011 has been cancelled due to lack of applications and that the next tentative board meeting will be on May 23, 2011.

Adjournment

Before adjourning the meeting, Mr. Sutton recognized Ms. Emily Crozier, 1650 6th Street South, Jacksonville Beach. Ms. Crozier stated that at the end of 6th Street is Lake Mildred. The City Council approved to dredge the pond without notifying the residents. There have been trees taken down, the pond will be emptied and all the fish will be gone as well as the property values. Ms. Crozier requested that mitigation be done to include replanting of trees and restocking fish in the pond.

Mr. Mann responded that he will look into the matter and will try to get someone from Public Works to contact her and inform her better about the project.

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:55 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton
Chairman

Date: July 11, 2011