

**Minutes of Planning Commission Meeting
held Monday, August 8, 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 Vice Chairman Terry DeLoach.

Roll Call

Terry DeLoach, Vice Chairperson
Lee Dorson
Greg Sutton, Chairperson *Absent*
Fred Jones *Absent*
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. Baker, to approve the meeting minutes of July 11, 2011 as presented

Correspondence

There was no correspondence.

New Business

- (A) **PC #12-11 (11-100119) – Conditional Use Application**
Conditional Use approval for transfer of ownership of existing outdoor restaurant area located in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant is in the process of opening a franchise of Jacksonville's *Metro Diner* restaurants in the former *Rite Spot* restaurant tenant space in the commercial center on the west side of 3rd Street, between 14th and 15th Avenues North, in a C-1 district. They would also like to be able to use the outdoor seating area in front of the subject tenant space that was created by the *Rite Spot* in when it was in business there. That outdoor seating area was approved for the *Rite Spot* in April 2003, via PC# 14-03.

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Although the location of the subject outdoor seating area does not conform to our current Sec. 34-407 residential proximity distance standards, it was permissible when it was first approved and established in 2003. The proximity of the existing outdoor seating deck to surrounding residential properties, then, simply exists as a legal nonconforming aspect of the deck. Pursuant to LDC Article XII Nonconformities standards, it may continue to be used, so long as it is not relocated or expanded.

The applicant is aware of these constraints relative to the existing deck, and also of the balance of the Sec 34-407 regulations relative to outdoor restaurant and bar areas. The restaurant would be open for breakfast and lunch daily, and they do not plan to sell alcoholic beverages. If they do at some point intend to secure an alcoholic beverage license, then they would be required to fence off the seating area with minimum 42" high fence or wall, similar to how the area is now fenced off. The subject outdoor seating area takes up two parking spaces, or approximately 306 s.f., below the maximum allowed for the 4,250 s.f. tenant space they propose to lease, and they are aware that there would be no music or amplified sound devices allowed within it.

Staff has no record of any incidents related to the outdoor seating area when it was operated by the *Rite Spot*, and none are anticipated with the type of restaurant now proposing to locate there. Adjacent uses include the balance of the center's tenants to the north and south, commercial uses across 3rd Street to the east, commercial and residential uses across both 13th and 14th Avenues, and residential uses behind the center to the west. Given that the subject outdoor seating area is already established and has been used for over six years, and also the type of restaurant proposing to now use it, the character of the surrounding neighborhood should not change. Adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

The applicant, Daniel Deleon, 1565 Misty Lake Drive, Fleming Island, FL concurred with the staff report presented.

Public Hearing

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

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

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

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

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Planning & Development Director's Report

Mr. Mann advised the Board that the regularly scheduled meeting on August 22, 2011 has been canceled due to the lack of applications. The next meeting is schedule tentatively for September 12, 2011.

Adjournment

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

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Terry DeLoach
Chairman

Date: September 12, 2011