

**Minutes of Planning Commission Meeting
held Monday, September 12, 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
David Dahl
Tom Baker *Absent*

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

Approval of Minutes

It was moved by Mr. DeLoach, seconded by Mr. Jones, to approve the meeting minutes of July 25, 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 subject property is the former *Cuppy's* drive-up/walk-up coffee shop on the southwest corner of 3rd Street and 10th Avenue South. The applicant recently relocated his business, *Smoothie King*, to this location from a strip center three blocks to the south. He would like to be able to use the small outdoor seating area on the east side of the building that the former business had established (Ref. PC#18-09). He was informed that outdoor restaurant seating was

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not transferable from business to business, so he has now applied to gain outdoor restaurant approval in his name.

The restaurant building is approximately 360 square feet in area, so the maximum outdoor seating area that could be approved would be 72 square feet. Such area would be sufficient for the two picnic tables that the applicant proposes to place there. The bollards installed by the former business to re-direct vehicular traffic from the east side of the building all together cordon off a much larger area than 72 square feet, and staff had informed the *Cuppy's* owner that she would not be prohibited from placing landscaping and several benches without tables in the balance of the larger "patio" area created within the bollards. Further, since there is no alcoholic beverage service, the actual approved seating area does not need to be fenced off. These allowances would be available to the applicant as well, if this application is approved. Approval of this request would actually help promote pedestrian and bicycle patronage of an existing business. Otherwise, the character of the surrounding commercial neighborhood would not be affected. Adjacent property values should not be impacted.

Recommendation: Approval.

Applicant:

The applicant, Jason Luther, was not in attendance.

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 person spoke in favor of the application:

Nicola Lynch, 326 6th Street, Jacksonville Beach, FL 32250.

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

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

Roll call vote: Ayes – DeLoach, Jones, Sutton, Callan and Dahl.

Motion carried unanimously.

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is scheduled for October 10, 2011 with two

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cases.

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

Approval:

/s/Greg Sutton

Chairman

Date: October 10, 2011