

**Minutes of Planning Commission Meeting  
held Monday, August 13, 2012, 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 *Absent*  
Bill Callan *Absent*  
David Dahl

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

**Approval of Minutes**

There were no minutes to approve.

**Correspondence**

There was no correspondence.

**New Business**

**(A) PC #14--12 (12-100089) – Conditional Use**

**Conditional Use** for outdoor restaurant seating for a proposed restaurant (Wendy's) 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 would like to open a new *Wendy's* restaurant on the southwest corner of 3<sup>rd</sup> Street and 4<sup>th</sup> Avenue South. They would like to provide several outside tables for their customers on the south side of the proposed restaurant, so they have filed for conditional use approval for outdoor restaurant.

The existing one-story structure located on the subject property was most recently home of the pre-school component of the Foundation Academy private school, but it has been vacant since

the fall of 2008, when that school relocated all of its operations to its San Pablo Road campus. The existing building on the subject property would be demolished as part of the proposed restaurant construction.

Staff has reviewed this application against the Sec. 34-407 standards for outdoor restaurants and bars. The area proposed for outdoor seating is 337 square feet, which is within the allowable size for the proposed 2,700 sq. ft. restaurant, and the applicant's site plan provides adequate off-street parking for both the inside and outside restaurant space. The applicant is aware of the noise and amplified sound restrictions relative to the outdoor space. Since there will be no alcoholic beverage service at the restaurant, there will be no fencing required for the outdoor seating area.

Adjacent uses consist entirely of commercial businesses and the provision of a small outdoor seating area for a new restaurant in this location should not negatively affect this existing commercial character. Adjacent property values should not be negatively impacted.

**Recommendation:** Approval.

**Applicant:**

Agent for the applicant, Craig Sommers, 370 15th Avenue South, Jacksonville Beach, stated that he concurred with the staff report presented by Mr. Mann. Mr. Sommers presented a conceptual drawing to the commission members for their reference. He pointed out that the look of the Wendy's will be a beach theme, keeping in line with the surrounding area.

**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. Dorson, seconded by Mr. Dahl, to approve the conditional use as presented.

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

**(B) PC #15-12 (12-100093) – Conditional Use**

**Conditional Use** approval for outdoor restaurant area, for an existing restaurant (Buddha's Belly), 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 operates the existing *Buddha's Belly* restaurant in the commercial center on the northwest corner of 3<sup>rd</sup> Street and 11<sup>th</sup> Avenue North and would like to add outdoor seating to his restaurant. As shown on the site plan submitted with the application, the outdoor seating would be located on the sidewalk in front of the restaurant, and would consist of two 8'x19' fenced areas, one on each side of the restaurant's front entrance (304 square feet, total).

Staff has reviewed this application against the Sec. 34-407 standards for outdoor restaurants and bars. The total area of proposed outdoor seating is below the maximum amount allowed for a 3,500 square foot restaurant. The applicant is aware that music and amplified sounds are prohibited within the outdoor space. Since there will be alcoholic beverage service at the restaurant, the outdoor seating area is required to be enclosed by a minimum 42-inch wall or fence.

The Duval County Property Appraiser database indicates that the subject property contains a total of 11,000 square feet of building area. A site plan of the commercial center in the application materials shows 37 on-site parking spaces. That means by our Land Development Code parking requirement of one space per 250 square feet of shopping center space that they are currently under-parked by seven spaces. If this conditional use is approved, it would drive a requirement of one additional parking space. It does not appear that there is anywhere on the subject property to accommodate any additional off-street parking, so the applicant would need to seek a variance for relief of the additional parking requirement.

Adjacent uses include commercial properties across 11<sup>th</sup> Avenue to the south and 3<sup>rd</sup> Street to the east, commercial and multifamily uses behind the center to the north, and a church's educational buildings across 4<sup>th</sup> Street to the west. The proposed location of the outdoor seating is such that it is fully shielded by the center's buildings from the properties to the west and north of the center, and open to the commercial properties to the east and south, thus minimizing the potential for adverse impact to surrounding uses. Adjacent property values should not be impacted by the proposed outdoor restaurant area.

**Recommendation:** Approval, with the condition that the applicant comply with Land Development Code parking requirements for the proposed outdoor restaurant area.

**Applicant:**

The applicant, Sarnia Boonsasong, 515 Penman Road, Jacksonville Beach stated that he concurred with the staff report presented by Mr. Mann, however, wanted to add that he has physically counted the parking spaces and he has 46 available parking spaces for his customers. (Applicant subsequently submitted an updated site plan to the Planning and Development department, and that plan showed 47 on-site spaces, sufficient for the existing center and the addition of 304 s.f. of outdoor restaurant area.)

**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:

Lawrence Yancey, Jacksonville Beach.

The following people spoke in opposition to the application:

Jim Sorrell, 428 North 10th Avenue, Jacksonville Beach.

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

Through the Chairman, Mr. Mann addressed Mr. Sorrell's concerns regarding the parking requirements and the parking difficulties at the location where Mr. Sorrell resides along 10th Avenue. Mr. Mann stated that either there is enough parking for the conditional use or if not, then the applicant will have to go before the Board of Adjustment for a variance on the parking requirements. As for the off-site commercial parking that is interfering with the residential neighborhood across 4<sup>th</sup> Street, Mr. Mann advised that he is aware of the parking issue and it is being addressed.

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

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

(C) **PC #16-12 (12-100093) – Conditional Use**

**Conditional Use** approval for site layout and building elevation modifications to a previously approved one-hundred (100) bed *elderly-oriented group home* located in a Residential, Multiple-Family: RM-1 zoning district, pursuant to Section 34-339(d)(1) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicants received conditional use approval in September 2010, via PC#18-10, for their proposed 100-bed Assisted Living Facility (ALF) on the former Beaches Women's Club

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property on 2<sup>nd</sup> Avenue North, just east of Penman Road. That approval carried with it two specific conditions. The first condition was that the application be approved only pursuant to the site plan and building elevations submitted at the September 27, 2010 hearing on the PC# 18-10 application. The second condition was that the approval was strictly limited to a maximum 100-bed elderly oriented group home.

Following the approval of this project by the Planning Commission, the project was further refined, and, as a result, in 2011 the applicant sought and obtained a rear yard and lot coverage variance for the project, via Application BOA#11-100161. This approval changed the site plan that was approved by the Planning Commission, so they have now applied to request substitution of the site plan approved by the Planning Commission via PC#18-10, with the plan approved via BOA# 11-100161.

Copies of the approved and proposed site plans are included in the application materials. The proposed site plan is very similar to the approved plan, but the rear yard has been reduced from 30 feet to 10 feet, the courtyard has been slightly reconfigured, the lot coverage has increased by 4% to 65% (both reflective of the approved variance) and the front entrance to the building has been relocated from the east side of the building to the south side. The landscaping hedge required in the original Planning Commission approval remains on the proposed new site plan. A copy of the applicant's letter to the Board of Adjustment dated October 3, 2011, is included with the application materials and provides an explanation as to why the changes were requested.

Since the Planning Commission's initial approval of this project, the architect for the project has changed as well. The proposed building is now envisioned by the applicant as more of a 'beach house' style of architecture, as opposed to the Colonial French design reflected in the Building Elevations specified by the Planning Commission in its original approval.

Staff has reviewed both the proposed elevations and the proposed site plan with the applicant, and has no objection to substituting them for the site plan and building elevations originally approved by the Planning Commission in conjunction with Application PC#18-10.

**Recommendation:** Approval.

**Applicant:**

Agent for the applicant, Boss Russ, 10225 Ulmerton Road, Building 6, Largo, FL 33771, stated that he is the architect for the project and concurred with the staff report presented by Mr. Mann and advised the board that he will answer any questions about the application.

Mr. DeLoach asked the applicant to explain the reasoning for moving the main entrance to the south instead of keeping the entrance to the east.

Mr. Russ replied that the reason for relocation was to create and establish a significant entrance

for incoming traffic.

Mr. DeLoach stated that the highest impact of traffic and parking will be on 2nd Avenue North, where the entrance and parking were previously located. That was much less of an impact to the surrounding neighborhood.

### **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:

Steve Jarrett, 2002 Seagate Avenue, Jacksonville Beach.

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

Mr. Sutton stated that he agreed with the plan presented at the previous meeting and doesn't understand the applicants reasoning for the change.

Mr. Sutton asked if Mr. Russ could address Mr. Jarrett's concerns regarding the traffic increases.

Mr. Russ stated that studies have shown that ALFs have considerably less traffic than a multi-family building that could be approved for this parcel. The highest amount of traffic will be when there is a shift change, which occurs generally around 3:00 to 5:00 p.m. Regarding the landscaping issues that Mr. Jarrett spoke of, Mr. Russ stated that he and his clients would be more than willing to put in more than the required landscaping at the southwest and southeast corners to create a buffer, however, only a 10-foot buffer is allowed.

Through the chair, Mr. Mann stated that the applicant could increase the landscaping if he obtained a Right-of-Way Beautification Permit through Public Works.

Mr. Dorson asked Mr. Russ what the height of the building will be when finished. Mr. Russ replied that it is 34 feet in height.

Mr. DeLoach stated that he did not like the parking on 2nd Street and asked if the parking could be relocated to the north. Mr. Russ replied that the facility needs to have a grand entrance.

Mr. Dahl asked if the building plan could be flipped 180 degrees. Mr. Russ replied, stating that by flipping the plan, the front of the structure would be very attractive, however, the rear of the structure would be a flat surface of 34 feet in height.

Mr. Sutton asked Mr. Mann if the applicant can request a Right- of-Way Beatification Permit so that the landscaping can be increased. Mr. Mann replied yes and that it will have to be requested through the Public Works department.

**Motion:** It was moved by Mr. Dahl, seconded by Mr. DeLoach, to approve the conditional use as requested with the following additional provisions:

1. Eliminate the first two parking spaces within the southerly parking bays on both the southwest and southeast corners of the property and relocate those four spaces to the staff parking area at the northeast corner of the property.
2. Extend landscaping across the opening, immediately south of the Porte Cochere.
3. Provide enhanced landscaping at the southeast and southwest property corners, and as allowable within the 2<sup>nd</sup> Avenue North right of way.

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

### **Planning & Development Director's Report**

Mr. Mann advised the board that the next meeting is scheduled for August 27, 2012 with one scheduled case.

### **Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton

Chairman

Date: September 24, 2012