

**Minutes of Planning Commission Meeting
held Monday, July 25, 2005, 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 Chairperson Terry DeLoach

Roll Call

David Dahl
Terry DeLoach
Lee Dorson
Paul Schmidt
Julio Williams

Undine McEvoy (*absent*)
Greg Sutton

Also present was Bill Mann, Senior Planner.

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Schmidt, and passed, to approve the Minutes of the July 11, 2005, meeting, as presented.

Correspondence

The correspondence pertained to a case on the agenda and was read when that case was presented.

Old Business

There was no old business.

New Business

PC #08-05 – Jason Decker

Request for conditional use approval of a proposed single family use, per RS-3 standards, in a *Residential Multi-family: RM-2* zoning district.

Mr. Mann advised the Board that the applicant owns and resides at the subject property, a one-story single family residence. This single family use exists as a nonconforming use in an RM-2 district.

The applicant would like to add on to the existing home, and was instructed by staff that, as a nonconforming use, the home could not be expanded in area. However, if he were to obtain conditional use approval for his home, he could then modify or renovate his home pursuant to *Residential, single-family: RS-3* standards.

Given the small size of the subject property, its continued use supporting a single family home would be significantly less impactful than if it were redeveloped into any permitted multifamily use. The house encroaches into required setbacks now, and the applicant is aware that any significant renovation or addition will likely require certain variances. That process will help insure that any significant changes to the house will remain in character with the surrounding properties.

Staff recommended approval.

The applicant did not wish to add to Mr. Mann's statement.

Mr. DeLoach opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request?

Bill Wilson, 323 2nd Street South, Jacksonville Beach, spoke in favor of the request.

Seeing no one else who wished to address the Board, Mr. DeLoach closed the public hearing.

Motion: It was moved by Mr. Dahl, seconded by Mr. Schmidt, to approve the request.

Roll call vote: Ayes – Dahl, DeLoach, Dorson, Schmidt and Williams. Motion carried unanimously.

PC #09-05 – Oceanina Group LLC

Request for conditional use approval of a proposed multi-family residential use, per *RM-2* standards, in a *Commercial Limited: C-1* zoning district.

Mr. Mann advised the Board that the applicant would like to purchase the existing nine-unit *Palm Villa Apartments* property on North 2nd Street, and redevelop the property into a new multifamily use. According to the Property Appraiser's database, the property is roughly 19,000 s.f. in area. Per *RM-2* density standards, it can support up to sixteen units, with each unit requiring two on-site parking spaces. The applicants have indicated that they would like to develop a ten-unit project.

The predominant land use in the block containing the property is residential and has been for many years, despite its underlying commercial zoning. Adjacent uses include apartments to the west along 2nd Street, multifamily uses along 7th and 8th Avenues and the *First Street Grille* parking lot and a single family residence on 1st Street to the rear of the property.

Given that the property and surrounding vicinity are currently residential, redevelopment of *Palm Villas* into a new multifamily use is not out of character with the neighborhood. A proposed 10-unit development replacing an existing nine-unit development will not generate unacceptable impacts related to utilities or traffic. The replacement of 20+ year old apartments with a new multifamily structure, built to current zoning and building code standards, should not negatively affect adjacent property values.

Staff recommended approval, limited to ten residential units.

The applicant did not wish to add to Mr. Mann's statement.

Mr. DeLoach opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request? Seeing no one, he closed the public hearing.

Motion: It was moved by Mr. Dahl, seconded by Mr. Schmidt, to approve the request with the staff recommended condition.

Roll call vote: Ayes – DeLoach, Dorson, Schmidt, Williams and Dahl. Motion carried unanimously.

PC #10-05 – Desmond and Nicola Lynch

Request for conditional use approval of an outdoor seating area for an existing drinking establishment in the *Central Business District: CBD* zoning district.

Mr. Mann advised the Board that the applicant would like to provide an outdoor seating area in the back of *Lynch's Irish Pub* on North 1st Street in the Central Business District. They had already established an outdoor customer area behind the restaurant prior to this application submittal. They were informed by a Code Enforcement Officer that they would need to cease use of the area, and seek conditional use approval in order to establish any outdoor "restaurant or bar" area on the property.

Adjacent uses include a surf shop and fitness center in the building to the immediate south, the *J. Johnson Gallery* to the west, a vacant lot to the north across an unimproved public alley, and the new public pier and public parking lot to the east across 1st Street.

Attached with the application is a survey showing the general area proposed for outdoor seating. This paved area behind the building is roughly 4,400 s.f. and was used for parking when the applicant first leased the property and established the pub. The lot was accessed from 4th Avenue North across the parking lot of the property to the immediate south, which is now owned by the adjacent gallery. The applicant now owns the subject property, but holds no formal access easement over the property to the south. As a result, the applicant has no dedicated paved vehicular access to the rear of the subject property.

Per LDC Sec. 34-407 *Outdoor Restaurants and Bar*, the unenclosed portion of a restaurant or bar cannot exceed 25% of the total enclosed area of the establishment. The existing pub is approximately 3,580 s.f., so the maximum size of any outdoor seating area would be ±895 s.f., or roughly 20% of the space behind the building. The seating area would require a total of five parking spaces (1 space/200 s.f.). The applicant has no ability to provide parking on-site that would comply with LDC parking standards, so a variance from that five-space requirement would be required, should this application be approved.

The applicant applied for a parking variance last November in conjunction with plans to convert most of the paved area into a 4,000 s.f. addition to the pub. That building addition would have required 40 additional parking spaces. The variance was denied.

Given the mix of commercial uses in the immediate vicinity of the proposed outdoor bar area, and assuming that it will be properly managed and operated, approval of this request should not negatively affect adjacent property values. There are at least four other establishments in this area of the CBD with approved outdoor seating areas, all approved with the condition that there be no live or amplified music or sounds emanating from the outdoor area that can be heard off of the premises. To date, this regulation has been effective in reducing noise complaints. Such a condition placed on this proposed outdoor seating area should help keep the overall use of the subject property in character with the surrounding uses.

Mr. Mann advised that his original recommendation was to approve the request with the condition that no live music or amplified music or sounds from the outdoor seating area be allowed that may be heard off of the subject property. However, he received a letter from David L. Smith, dated July 20, 2005, which stated that he owns property at 124 5th Avenue North which has an approved residential use and is approximately 50 feet from the proposed outdoor bar. The letter referenced Section 34-407(4) of the Land Development Code, which states that “the unenclosed customer service area shall be at least one-hundred (100) feet from any residential or lodging use which is not located on the same lot as the outdoor restaurant or bar, measured from the respective property line.”

Based on that information, the staff recommendation would be to deny the application.

Keith Dougherty, Manager of Lynch's Irish Pub, stated that they wished to put several small tables in a garden area outside the rear of the building. They would be used for the overflow of customers.

Mr. DeLoach opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request?

The following people spoke in favor:

Bethany Courson, 122 4th Avenue North, Jacksonville Beach
Karen Lodinger, 1301 South 1st Street #302, Jacksonville Beach
Bill Leaptrott, 3831 Grand Central Place East, Jacksonville

The following people spoke in opposition:

Joe Proctor, 1344 Pinewood Road, Jacksonville Beach
Councilwoman Linda Spence, 617 North 5th Street, Jacksonville Beach, Ms. Spence also read an opposition letter from Thad Moseley, owner of property across 4th Avenue North, to the south.
Jud Spence, 617 North 5th Street, Jacksonville Beach
Tim Franklin, attorney representing David Smith

Seeing no one else who wished to address the Board, Mr. DeLoach closed the public hearing.

Motion: Following a lengthy discussion concerning the parking problems in the area and the accessibility of the subject property, it was moved by Mr. Dorson, seconded by Mr. Dahl, to carry this item over to the next meeting.

Roll call vote: Ayes – Dorson, Schmidt, Williams, Dahl and DeLoach. Motion carried unanimously.

Planning & Development Director's Report

Mr. Mann advised that there would not be a meeting on August 8, 2005, because there were no items for the agenda.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 8:10 P.M.

Chairman

/lmw