

**Minutes of Planning Commission Meeting
Held Monday, June 26, 2006 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 Paul Schmidt.

Roll Call

Terry DeLoach (Chairperson) (Absent)
Paul Schmidt (Vice Chairperson)
Lee Dorson
Greg Sutton
Julio Williams
Fred Jones
Bill Callan

Bill Mann, Planning Director, and Amber Lehman, Recording Secretary were also present.

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Sutton, and passed, to approve April 10, 2006, minutes, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

PC#18-06 - Arnold DeMarco, Bay & Donna Foods, Inc.

Request for conditional use for outdoor seating (two, two-seat tables) for a new restaurant in an existing commercial building in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342(d) (19) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Mann provided the following staff report:

Minutes of Planning Commission
Held on June 26, 2006

The applicant has leased the southernmost tenant space in a small commercial center at the southeast corner of 14th Ave. S and 3rd St., and is in the process of opening the "Hot Dog Hut" restaurant in that space. He would like to place two small two-seat tables (< 50 s.f.) on the sidewalk in front of the restaurant for his customers. Staff informed him of the requirement for conditional use approval any outdoor restaurant seating, and he has now applied for that approval.

On June 5, 2006, the City Council adopted Ordinance No. 2006-7918 which modified the standards in our Land Development Code (LDC) related to outdoor restaurant and bar seating areas. This application is the first to be reviewed by staff and considered by the Planning Commission in light of these new standards. A copy of the ordinance is attached for your reference.

Staff has reviewed the application for LDC compliance, and the proposed seating area complies with maximum allowable size and minimum distance from residential uses standards. The proposed seating area is not being used to compute the minimum seating requirement for any alcoholic beverage license, and the applicant is aware of the prohibition of music or other amplified sound within the seating area. Since the proposed seating area is under 50 s.f., there will be no additional parking required.

Adjacent uses include the balance of the commercial center to the immediate north, a bank to the south, an office building to the east and a real estate office directly across 3rd Street to the west. All of these commercial uses contain intervening structures of at least 1,500 s.f. between the proposed seating area and any residential uses, all of which are at least 150' away.

Given the location of the restaurant and given the small size of the proposed seating area, approval of this request should not negatively impact the existing character of this commercial neighborhood, nor should adjacent property values be affected. Also, given the size of the area and the type of restaurant it intended to support, regulation of hours of operation of the seating area should not be necessary.

Staff recommends approval.

Applicant:

The applicant, Bay Demarko, stated that they are going to open a Hot Dog Hut and have two tables for outdoor seating. The outdoor seating will not create any obstruction, nor will the outdoor seating filter into the parking lot.

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

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

Motion:

It was moved by Mr. Williams, seconded by Mr. Sutton, to approve the request.

Minutes of Planning Commission
Held on June 26, 2006

Roll call vote:

Ayes- Dorson, Schmidt, Sutton, Williams, and Jones

Motion carried unanimously.

Planning & Development Director's Report

Mr. Mann advised the board that there would be a meeting on July 10, 2006 with one conditional use request for outdoor seating, and on July 24, 2006 there would be agenda items, all conditional use.

Mr. Mann also stated that there would be a Planning and Land Use workshop on May 30th & 31st, 2006. Further information will be sent out when available.

Adjournment

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

Submitted by: Amber Maria Lehman, Recording Secretary

Approved:

/s/Terry DeLoach
Chairman

Date: August 14, 2006