

**Minutes of Planning Commission Meeting
Held Monday, August 28 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 Chairperson DeLoach.

Roll Call

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

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

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Schmidt, and passed to approve the July 24, 2006 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

PC#25-06 – RPM

Request for conditional use approval of an existing automotive repair shop in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342 (d)(6) of the Jacksonville Beach Land Development Code in conjunction with the transfer of ownership of the business.

Staff Report

Mr. Mann provided the following staff report:

He stated that the applicant would like to purchase the existing auto repair business on the northwest corner of 3rd St. and 2nd Ave. N. from its current proprietor, Terry Essick. *All Tune & Lube* is an approved conditional use business that has changed ownership several times since it was first approved in 1998 (PC #37-98). Each change in ownership has been approved by conditional use, since the approval is not transferable to different owners. Mr. Essick received his approval in September of last year, via PC#13-05. There are no records of any significant problems associated with this business since that time.

Adjacent uses include a fraternal lodge facility to the west, an auto parts store across the alley to the north, a retail tile and flooring store across the avenue to the south, and a bank and business offices across 3rd St. to the east. The character of this mixed commercial area should not be affected by the continued operation of the subject business under new ownership. Adjacent property values should not be negatively affected.

Staff recommends approval.

Applicant:

William Arthur, 6433 Dartmouth Road, stated Terry Essick is the current owner of *All Tune & Lube* and is willing to sell the business to *RPM* and keeping Mr. Essick on as staff. *RPM* will only be open on the weekdays.

Mr. DeLoach 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. DeLoach closed the public hearing.

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

Roll call vote: Ayes- DeLoach, Schmidt, Dorson, Sutton, and Williams.

Motion carried unanimously.

PC#26-06 – Public Hearing

Request for Conditional Use approval for an outdoor restaurant seating area in a *Commercial General: C-2* zoning district, pursuant to Section 34-343 (d) (14) of the Jacksonville Beach Land Development Code.

Staff Report

Mr. Mann provided the following staff report:

The applicant is a tenant in the new outparcel building at the Beach Plaza shopping center. He would like to place four 6' x 6' tables outside of the 1,500 s.f. *Tropical Smoothies* restaurant, on the existing open patios on the north and south side of the building (two tables on each side).

The new standards for outdoor seating areas adopted via Ordinance No. 2006-7918 were reviewed in the processing of this application. The proposed seating areas collectively add up to less than 300 s.f., which represents the 20% maximum outdoor seating area permissible for a 1,500 tenant space. There are no adjacent residential uses within 150' of the proposed location that are not separated by at least a 1,500 s.f. building.

Staff has confirmed that parking for the entire center, including this proposed seating area is more than adequate. The requested seating area is not being used to qualify as minimum seating for any liquor license. The applicant is aware that no music or other amplified sound or noise will be permitted within this seating area.

Adjacent uses include the balance of the shopping center to the east and west, a trailer park and mini storage facility behind the center to the south, across Shetter Ave, and a mix of office and service facilities across Beach Blvd. to the north. The requested outdoor seating should not alter the character of this predominantly commercial area, and approval of this request should not negatively affect adjacent property values. Given its location within this commercial area, the presence of the shopping center building itself between the proposed seating area and the nearest residential use (*Golfair* Mobile Home Park), and given that the restaurant does not serve alcoholic beverages, staff does not feel the need to impose any special hours of operation for the seating area.

Staff recommends approval.

Applicant:

The applicant, Ryan Wetherhold, 19th Street South stated that he would like to add outdoor seating to his business.

Mr. DeLoach 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. DeLoach closed the public hearing.

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

Roll call vote: Ayes- DeLoach, Schmidt, Dorson, Sutton, and Williams

Motion carried unanimously.

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Planning & Development Director's Report

Mr. Mann stated that the next Planning Commission meeting will be on September 25, 2006, with one case on the agenda.

Adjournment

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

Submitted by: Amber Maria Lehman, Recording Secretary

Approved:

/s/Terry DeLoach
Chairperson

Date: October 10, 2006