

**Minutes of Planning Commission Meeting
Held Monday, February 12, 2007 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 (Absent)
Greg Sutton
Julio Williams
Fred Jones
Bill Callan

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

Approval of Minutes

It was moved by Mr. Schmidt, seconded by Mr. Dorson, and passed, to approve the minutes for December 11, 2006 meeting minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

PC#1-07 – Public Hearing

Application for conditional use approval for outdoor restaurant seating 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 stated the applicant is a tenant in the new outparcel building at the Beach Plaza shopping center. He would like to establish three, 6' x 6' outside seating areas (tables and chairs) outside of *Funari's Italian Creamery*, on the existing open patios on the north and south side of the building (two tables on the north side, one on the south 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 200 s.f., which represents the 20% maximum outdoor seating area permissible for a 1,000 s.f. 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 Avenue, 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 Recommendation: Approval

Applicant:

The applicant, Marc Funari, 3084 St. Johns Blvd, Jacksonville Beach, stated that he concurred with Mr. Mann's staff report.

Mr. DeLoach asked if anyone wished to speak in favor or opposition to the application.

Seeing no one who wished to speak in favor or opposition, Mr. DeLoach closed the public hearing.

Motion: It was moved by Mr. Dorson, seconded by Mr. Schmidt, to approve the request for conditional use for outdoor restaurant seating.

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

PC#2-07 – Public Hearing

Request for conditional use for retail motorcycle sales and service, and scooter rentals (miscellaneous recreational service) as accessory uses to a retail motorsports accessories store in a Commercial Limited: C-1 zoning district, pursuant to Section 34-342 (d)(2), (d)(6), and (d)(17) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Mann stated that the applicant is in the process of buying the subject property, and intends to convert the former equipment rental business building on the property into a retail motorsports parts, accessories, and apparel business. His business is currently in operation on Atlantic Blvd., in Atlantic Beach, and he is in the process of relocating to the subject property.

As accessory uses to this business, he would like the ability to sell and provide service for 4-wheel ATV's, scooters, go-karts, and motorcycles, and would like to be able to rent scooters. Conditional use approval is required for the rental of scooters (Miscellaneous outdoor recreation service), and for the sale of any two-wheel cycles or scooters exceeding 50cc. displacement (motor vehicle dealer).

The building on the subject property was last used as an equipment rental business, and before that it was an auto repair business. Adjacent uses include St Paul's Catholic school across 4th Street to the west, an auto repair business to the south across 1st Avenue, a catering business next door to the east, and an office use across the alley behind the property.

The applicant has stated that his primary business is the retail sales of parts, accessories and apparel, but that he would like to complement the business by being able to occasionally sell and service the types of vehicles his retail business supports and is developed around. Given the accessory nature of the proposed conditional uses, the fact that all motor vehicle repair work must, by code, be performed within an enclosed building, and that the property has been used in the past for auto repair, the proposed use of the subject property should not be disruptive to the surrounding neighborhood. The applicant intends to use the existing building and parking on-site, so there are no changes to the property, which would negatively affect adjacent property values.

The applicant has been informed that using one parking space for the display of any vehicles (cycles, scooters, etc.) would not be a problem, so long as he maintained the required amount of on-site parking. He has also been made aware of our noise regulations, which he feels he can operate within. He indicated he has had no noise complaints relative to the business at its Atlantic Blvd. location.

Applicant:

Chuck McCue, 1908 3rd Street, Neptune Beach, stated that he concurred with Mr. Mann's staff report.

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Mr. Dorson asked the applicant how he plans to keep the noise within code.

Mr. McCue replied that he would be able to maintain the noise level to be within code.

Mr. DeLoach asked if anyone wished to speak in favor or opposition to the application.

Seeing no one who wished to speak in favor or opposition, Mr. DeLoach closed the public hearing.

Staff Recommendation: Approval

Motion: It was moved by Mr. Sutton, seconded by Mr. Schmidt, to approve the request for conditional use for retail motorcycle sales and service, and scooter rental (miscellaneous recreational service) as accessory uses to a retail motorsports accessories store in a Commercial Limited: C-1 zoning district.

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

Planning & Development Director's Report

Mr. Mann stated that there would not be a Planning Commission meeting on February 26, 2007. However, there will be a meeting on March 12, 2007 with one case on the agenda thus far.

There are two concept plats that will be coming before the Planning Commission for approval, but date is still yet to be determined.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:20 P.M.

Submitted by: Amber Maria Lehman

Approved:

/s/Terry DeLoach
Chairperson

Date: March 12, 2007