

**Minutes of Planning Commission Meeting
Held Tuesday, January 14, 2008 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 Terry DeLoach.

Roll Call

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

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

Approval of Minutes

There were no minutes to approve.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

PC #35-07 – Conditional Use Approval

Request for Conditional Use of an existing nonconforming single family dwelling in a Residential Multi-Family: RM-1 zoning district, pursuant to Section 34-339 (d) (12) of the Jacksonville Beach Land Development Code. The property is located at 514 South 2nd Avenue, more specifically described as Lot 3, Block 26, Pablo Beach South.

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

The applicant met with staff to discuss plans to renovate and add on to his existing nonconforming single family home on the south side of 2nd Ave South between 5th and 6th Street

South. He was informed that he would have to seek conditional use approval to eliminate the nonconforming status of his home, and if approved, he could then potentially add onto his house, subject to RS-3 setbacks and development standards.

Despite its multifamily zoning, the subject property exists in a small predominantly single-family neighborhood. Adjacent uses include a vacant parcel to the immediate east, single-family homes and a duplex across 2nd Avenue to the north, single-family homes to the west and single-family and duplex uses on the block behind the property, to the south.

The proposed continued use of the subject property as a single-family home is consistent with the surrounding neighborhood. Adjacent property values should not be negatively impacted by approval of this request and by any resulting improvements or additions it may facilitate.

Recommendation: Approval

Applicant:

The applicant, Daniel Holden, 6162 Du-Clay Forest Drive South, Jacksonville, FL 32244, stated that his home is currently 800 square feet, and would like to remodel so that he and his family will have extra living space.

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. Dorson, seconded by Mr. Schmidt, to approve the request for the Conditional Use.

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

PC #36-07 – Conditional Use Approval

Request for Conditional Use approval of outdoor restaurant or bar area for an existing establishment in the Central Business District: CBD zoning district, pursuant to Section 34-345 (d) (7) of the Jacksonville Beach Land Development Code. The property is located at 514 North 1st Street, more specifically described as substantially the northerly half of Lots 6 & 7, Block 52, Pablo beach North. (Lynch's Irish Pub)

Mr. Mann read the following report into the record:

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 applied for outdoor seating in 2005,

but that application was rejected due to an outdoor seating standard in effect at that time related to residential proximity. That regulation was subsequently eliminated for properties in the CBD in 2006 (Ord. No 2006-7918), and the applicant now has the ability to apply for outdoor seating, subject to the current standards.

Attached with the application is a survey showing the area proposed for a 600 s.f. outdoor seating area. It would be walled by the existing building on the east, a proposed 1,500 s.f. building addition to the north, and by the property's perimeter fence and/or neighbor's wall along the south and west sides. As long as the seating area is established in conjunction with the building addition as shown, it would be adequately screened from a residential unit in the mixed use property adjacent to the vacant lot across the alley to the north.

The paved area behind the building was used for parking when the applicant first leased the property and established the pub, and was accessed from 4th Avenue North across the parking lot of the property to the immediate south. When that lot was sold to the adjacent gallery owner (with the alley along the north side of the property not being improved at that time) the back of Lynch's property was left with no vehicular access. Lynch's has since paved the alley, so there is now paved access to the rear of the property and to their dumpster at the end of the alley.

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 pub is approximately 5,079 s.f., with the proposed addition. The 600 s.f. outdoor seating area equates to roughly 12.5% of that space. The outdoor seating area would require a total of six parking spaces (1 space/100 s.f.). There appears to be sufficient room for six parking spaces on-site, with the alley now providing paved access.

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 and a mixed use property beyond it to the north across the alley, and the public pier and parking lot to the east across 1st Street.

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 areas. This regulation would apply to the applicant's outdoor seating area as well, and seems to be working fairly well in reducing noise complaints in our downtown entertainment area.

Recommendation: Approval, with the condition that the outdoor seating area not exceed 600 s.f., and that it only be created after completion of the building addition shown on the application site plan/survey.

Applicant:

The agent for the applicant, Thom Borchard, stated that he concurred with Mr. Mann's staff report, but is able to answer any questions of the board members if there is any.

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

The following person spoke in opposition to the application:

Thad Mosley, Jacksonville Beach, stated that he had several concerns with the granting of the conditional use:

- 1) parking
- 2) surrounding residential property to be negatively impacted
- 3) noise issues coming from outdoor seating area
- 4) maintenance of the dumpster in the north alley

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

Motion:

It was moved by Mr. Sutton, seconded by Mr. Dorson, to approve the request for conditional use approval for outdoor seating with the following conditions.

- 1) The outdoor seating area shall not exceed 640 square feet in area.
- 2) The outdoor seating area may only be created after the completion of the 1,500 s.f. building addition shown on the application site plan/survey.
- 3) There shall be no live music or other or amplified sounds allowed on, or emanating from, the outdoor seating area.
- 4) The existing rolling gate vehicular access opening on south side of property must be closed, except that a maximum 6-foot wide pedestrian opening will be permitted along the southerly wall or fence at a location west of the westerly extents of the approved outdoor seating area.

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

PC #37-07 – Conditional Use Approval

Request for Conditional Use “Management and leasing of space for use for Executive Meetings, Club/Organization Meetings, Dance/Yoga/Tai Chi Instruction, Educational Meetings, Lecture hall, Art Gallery, and /or Craft Shows” in the Metropolitan Redevelopment District: RD zoning district, pursuant to Ordinance No. 2007-7944, Section 2.d.3, and pursuant to Article VI, Division 4 of the Jacksonville Beach Land Development Code. The property is located at 320 North 1st Street, more specifically described as Lots 1 and 2, Block 32, Pablo Beach North together with Lots 19, 20, and 21 Flagler Tract.

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

This application is a follow-up requirement by the applicant resulting from the recent approval of her *Metropolitan* RD Ordinance amendment application (PC # 29-07). She sought approval of the above described multipurpose lease space as a permitted use in the Metropolitan building, but it ultimately was approved by City Council as a conditional use, meaning she has to apply now for conditional use approval.

The applicant has proposed uses of her space would generally complement the balance of uses in the building, and should not affect the availability of adequate public services to serve the building. She indicated in her rezoning application's approval that there should be no strain on parking within the building, and staff concurs given the small size (1,600 s.f.) of her space. The character of the surrounding neighborhood should be unaffected by approval of the request and adjacent property values should not be impacted.

Staff recommended approval of the applicant's uses as described above as permitted uses in the processing of her RD amendment application. The Planning Commission also voted to approve her request as a permitted use following the November 19, 2007 hearing on her RD amendment application.

Recommendation: Approval, consistent with staff and Planning Commission recommendations on PC #29-07.

The applicant, Dr. Kelly Huber, 1433 North 2nd Street, Jacksonville Beach, FL 32250, stated that she concurred with Mr. Mann's staff report.

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. Sutton, seconded by Mr. Williams to approve the condition use for "Management and leasing of space for use for Executive Meetings, Club/Organization Meetings, Dance/Yoga/Tai Chi Instruction, Educational Meetings, Lecture hall, Art Gallery, and /or Craft Shows" in the Metropolitan Redevelopment District.

Roll call vote: Ayes – DeLoach, Schmidt, Sutton, and Williams. Nays – Dorson. Motion carried 4 to 1.

Planning & Development Director's Report

Mr. Mann advised the board that there would be a meeting on January 28, 2008 with one case.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Terry DeLoach

Chairperson

Date: February 25, 2008