

**Minutes of Planning Commission Meeting
held Tuesday, March 24, 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 Paul Schmidt.

Roll Call

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

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

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Sutton, and passed, to approve the minutes of the meeting held on October 22, 2007, as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

PC#07-08 RD – Rezoning amendment

Rezoning the property located at 7 South 3rd Street from Redevelopment District: RD to Redevelopment District: RD, to replace approved plans for a 72,000 s.f. office and commercial center with the construction of a hotel or motel use exceeding 50,000 s.f., including eating and drinking place, retail, meeting, and office space as permitted uses.

Staff Report -

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

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The subject property is located at the southeast corner of Beach Boulevard and 3rd Street S. The site was formerly occupied by a restaurant, an apartment building, and a gasoline service station. The applicants propose to develop the now vacant property into a ±116,300 s.f. building containing 20,000 sq. feet of underground parking, 26,400 sq. feet of covered parking on the ground floor, a 6,050 sq. ft. lobby and retail space, 4,050 sq. feet of restaurant/bar space with outdoor seating along 3rd St., 8,900 sq. feet of meeting space, and 50,900 square of hotel rooms on the 2nd and 3rd levels (total of roughly 70,000 sq. feet of conditioned floor area). A total of 167 on-site parking spaces will be provided.

The reason for this RD zoning request is that the development exceeds the 50,000 s.f. cap for permitted uses in the CBD. Staff has reviewed the application materials and has determined that the project is consistent with CBD district development standards for setbacks, lot coverage, maximum building height (35' max.), and parking. A total of 167 parking spaces will be provided. A hotel use at this location in the Downtown Redevelopment Area is consistent with the 2010 Comprehensive Plan and Future Land Use Map.

The applicants originally rezoned the subject property to Redevelopment District: RD in 1994 (Ord. No.2004-7876), in order to construct a five-story office and retail center. Since that time, the applicant has decided to pursue development of a hotel on the property. As would have the approved retail/office project, this project would be an attractive addition to the downtown area. It would eliminate the existing curb cuts from 3rd Street at this busy intersection and it provides adequate on-site parking. The project is already vested for the PM peak hour traffic impacts (186 trips) associated with the approved office/retail project. Traffic data included in the application materials shows that the proposed hotel project will generate substantially fewer PM peak hour trips (47 trips) than the currently approved development, therefore no further traffic analysis is required.

Adjacent uses include *McDonalds* across the alley to the south, the parking lot for *Joe's Crab Shack* across 2nd St. to the east, *Walgreens* across Beach Blvd. to the north, and a *Chevron* station/store across 3rd St. to the west. Redevelopment of the subject property as proposed in this RD rezoning application would have a positive effect on adjacent property values, would have a dramatically positive effect on the visual character of the surrounding area, and would not negatively impact the supply of public parking in this part of downtown.

The Community Redevelopment Agency (CRA) met on Monday, March 17, 2008 to consider this application. The CRA found the proposed hotel development to be consistent with the Downtown Community Redevelopment Plan and voted unanimously to recommend that Council approve this RD rezoning application.

Recommendation: Approval.

Applicant: The agent for the applicant, Bill Ebert, stated that they originally designed a 5-story office building; however, it will now be a 5-story hotel. Parking will be on grade with a garage basement.

Public Hearing

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

The following person in favor of the application:

Shawn Lenoble, 702 9th Avenue South, Jacksonville Beach.

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

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

Roll call vote: Ayes - Dorson, Schmidt, Sutton, Williams, and Jones; motion carried unanimously.

PC #08-08 – Conditional Use Approval

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

Staff Report –

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

The applicant owns and now operates the *Homestead* restaurant. He has applied to transfer the current outdoor seating conditional use approval associated with the restaurant into his name. The existing outdoor decks were originally approved in July 2002 via application PC #32-02 (*Malcolm Marvin, applicant*). That approval carried with it the condition that there would be no amplified music on the decks.

In September 2002, Mr. Marvin applied again, to have the prohibition of outdoor music repealed, so he could install low-level background music outside. That request (PC#41-02) was approved with the three conditions that (1) that any speakers on the decks be oriented back towards the building; (2) that the music not be audible past any property lines; and (3) that the approval be for a one-year time period only. There were no records of any incidents related to the operation of the decks over that year, and in 2003, Mr. Marvin re-applied as required, with the request that the one-year stipulation be removed. That application, PC#45-03, was approved in October of 2003. There have been no records of any incidents related to the operation of the outdoor decks since that time.

Adjacent uses to the restaurant include *Adventure Landing* to the west, a new commercial strip center and the *Jardin de Mer* condominiums to the east and southeast, a church and funeral home across Beach Blvd. to the north, and a wetland area to the south. Both the strip center and the condominiums have been developed since the Homestead's decks were originally approved. The

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Continued operation of the decks should not negatively affect the character of this stretch of Beach Boulevard, and adjacent property values should not be negatively impacted.

Since the applicant's request is for approval of existing outdoor seating areas approved and constructed prior to the enactment of our current outdoor seating standards (Sec 34-407) any existing aspects of the decks that do not meet Sec. 34-407 standards, such as the amplified low-level music or residential proximity be simply exist as legal nonconformities. The original conditions placed on outdoor seating areas related to the orientation of the speakers back toward the building, and that any music would not be audible past any property line will remain in effect, should this application be approved.

Recommendation: Approval

Applicant: The applicant, Mr. Bavaria, 1712 Beach Blvd, Jacksonville Beach, stated that he would like to have an outdoor seating area at his restaurant. The restaurant is currently being reconstructed, and is scheduled to open on May 1, 2008. Mr. Bavaria also stated for the record that there will be low-level music overhead, however, this will not be a nuisance to the surrounding businesses.

Mr. Dorson asked the applicant if food will be served all the time in the outdoor seating.

The applicant stated that there will be food served in the outdoor seating, weather permitting.

Public Hearing

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.

Discussion: Mr. Dorson asked the applicant if there will be any screens installed in the outdoor seating area.

The applicant responded that possibly in the future, screens would be added.

Motion: It was moved by Mr. Dorson, seconded by Mr. Sutton, to approve the conditional use application.

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 April 14, 2008 with two cases on the agenda.

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Adjournment

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

Submitted by: Amber Maria Lehman

Approval:

/s/Paul Schmidt

Chairperson

Date: May 27, 2008