

**Minutes of Planning Commission Meeting
Held Monday, May 12, 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 *Absent*

Also present was Bill Mann, Senior Planner 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 #12 -08 –Conditional Use Approval

Request for existing outdoor restaurant seating (transfer of ownership) in a *Commercial General: C-2* zoning district, pursuant to Section 34-343 (d)(14) of the Jacksonville Beach Land Development Code. The property is located at 1266 Beach Boulevard (*Twisted Sisters*).

Staff Report -

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

The applicant purchased the *Twisted Sisters* restaurant from its previous owners, and the restaurant has an approved conditional use outdoor seating area associated with it. Staff

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informed the new owner that the outdoor seating use was not automatically transferable, and that he would need to apply for approval of the space under his name.

Twisted Sisters was established in the subject tenant space by its former owners in 2004. Prior to that time, the tenant space was *Nolan's* sports bar. *Nolan's* received approval for outdoor seating at this location in 2003, via PC#44-03, with the condition that no amplified music or public address system be audible from off of the sidewalk area immediately in front of the tenant space. *Twisted Sisters* subsequently gained approval of the outdoor seating in 2004, via PC#30-04.

There are no records of any problems with the operation of that seating area since it was approved for either of these former tenants.

Adjacent uses include the balance of the shopping center to the east and west, a recently vacated trailer park and mini storage facility to the south across Shetter Avenue and a mix of office and service facilities across Beach Boulevard to the north. The requested outdoor seating area should not alter the character of this predominantly commercial area, and approval of this request should not negatively affect adjacent property values, so long as it is properly managed.

Recommendation: Approval with the condition that the area be contained with a minimum 40-inch knee wall/fence, and that it be operated in accordance with the standards of LDC Sec 34-407.

Applicant: The applicant, Jose Castillo, 1246 Duhurst Circle, Jacksonville, stated that he concurred with Mr. Mann's staff report.

Public Hearing

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. Sutton to approve the request with the condition recommended by staff.

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

Planning & Development Director's Report

Mr. Mann advised the board that there would be a meeting on May 27, 2007 with two cases on the agenda.

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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

Approval:

/s/Terry DeLoach

Chairperson

Date: May 27, 2008