

**Minutes of Planning Commission Meeting
Held Monday, October 13, 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 Acting Chairman Lee Dorson.

Roll Call

Terry DeLoach (Chairperson) *Absent*
Lee Dorson
Julio Williams
Greg Sutton
Fred Jones
Bill Callan
David Dahl

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

Approval of Minutes

It was moved by Mr. Sutton, seconded by Mr. Jones to approve the minutes for September 22, 2008, as presented.

Correspondence

Mr. Mann advised there was no correspondence.

Old Business

There was no old business.

New Business

(A) PC No. 24-08 – Conditional Use Approval

Request for a drinking establishment, within an existing retail location, in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342 (d)(3) of the Jacksonville Beach Land Development Code. The property is located at 1333 North 3rd Street (*Tim's Wash-n-Fold*).

Staff Report:

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

Minutes of Planning Commission Meeting
held on October 13, 2008

The applicant leases a 500-s.f. tenant space in a 1,300 s.f. building on the southeast corner of 3rd Street and 13th Avenue North, in a C-1 district. The only other tenant in the building is an adjacent self-service coin-operated laundromat. There is an internal door connecting the two tenant spaces, but each is separately leased and managed. The laundromat is self – service and is not regularly attended to by any staff. The applicant runs a drop-off laundry and dry cleaning service in his tenant space, which was formerly a small antiques store.

The applicant approached staff a month or so ago about the potential to obtain a beer and wine license so he could sell same to the customers of the laundromat. At that time he dropped off a package of information he had collected about bar/laundromat establishments in other areas of the country. This information is attached with the application materials that he subsequently filed upon notification form staff that he would need conditional use approval as a drinking establishment in order to get a beer and wine license for his tenant space.

In reviewing the information the applicant initially submitted, staff found that the establishments provided as examples were single establishments containing both laundry facilities and bars. Staff informed the applicant that since he did not apply with the laundromat proprietor as co-applicant, people would not be able to walk from his establishment into the laundromat with alcoholic beverages purchased in his tenant space.

The only laundry services that the applicant actually provides in his tenant space is drop-off and pick-up laundry and dry cleaning, so the only reason customers would stay in his establishment beyond dropping off or picking up laundry, would be to drink, and/or play pool on a pool table he has in his tenant space. In this light, staff considers this application to be simply a request for a drinking establishment or bar, which in this case happens to be next to a laundromat.

Parking on the property is seemingly adequate for the current uses, but it is not in conformance with LDC standards. Approval of this request could drive an increase in parking demand, but there is no ability to provided additional parking. Adjacent uses include a residential triplex to the immediate east, a convenience store across 13th Ave. to the north, a small commercial building to the south on 3rd St., and several office uses across 3rd St. to the west. The adjacent residential triplex is located within 10' of the applicant's tenant space.

Approval of this request could negatively affect this established residential use given the close proximity of the two buildings. Staff does not necessarily object to the idea of a laundromat that happens to sell beer and wine on-site, but this is not a location well suited for this type of business. If the adjacent laundromat were to close, the applicant's business would then exist as basically a small stand-alone bar and game room that would also let you drop off laundry for cleaning.

Recommendation: Disapproval

Applicant:

Applicant, Timothy Lantz, 13810 Sutton Park Drive North, Jacksonville, FL, stated that he did not agree with the staff report. Mr. Lantz explained that he is applying only to serve his customers. While there, the customers could play a game of pool or watch a sports game. He added, he has a petition in favor of the application and that parking is not an issue.

Mr. Williams asked Mr. Lantz if the application were denied, would the establishment still serve non-alcoholic drinks.

Mr. Lantz replied no.

Public Hearing

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

The following person spoke in opposition:

Sally MacAfee, 221 14th Avenue North, President of Pablo Beach Condominiums, stated she had concerns with supervision and fire exits.

Mr. Lantz responded to the concerns and advised during operating hours, there would be a fulltime employee to supervise activities throughout the game room. He added that there currently two exits, in case of an emergency.

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

Mr. Jones asked the applicant if the laundromat was owned by a separate entity.

The applicant replied yes.

Motion: It was moved by Mr. Sutton, seconded by Mr. Jones, to deny the request.

Roll call vote: Ayes - Sutton, Williams, Jones, Callan, and Dorson; motion to deny was approved unanimously.

(B) PC No. 25-08 – Conditional Use Approval

Request for a motorcycle dealership and scooter rentals in a *Commercial Limited: C-1* zoning district, pursuant to Sections 34-342 (d)(2) and (d)(17) of the Jacksonville Beach Land Development Code. The property is located at 228 North 3rd Street (*Kitai Powersports, Inc.*).

Staff Report:

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

The applicant would like to open a scooter and other recreational vehicles dealership in an existing freestanding building on the southwest corner of 3rd Ave N. and 3rd St. in a C-1 zoning district. He was informed that the sale of scooters, four-wheelers, and golf cart types of vehicles constituted a motorcycle dealership, and as such would require conditional use approval. He indicated that he would like to be able to rent scooters as well, which also requires conditional use approval, for outdoor recreational services.

The former use of the building on the subject property was as a retail marble and tile store. In addition to a parking lot in front of the building, there is a fenced in area behind the building which would be available for storage and maintenance of the vehicles. The maintenance of scooters and other vehicles like those sold at the store is considered an accessory use to the requested motorcycle dealership.

This request is the latest of several similar types of businesses that have been approved in the C-1 district. Other than the occasional reminder to the businesses about not displaying their vehicles in required parking spaces, staff is not aware of any problems with this type of business, whether it is sales or rentals. An owner of a scooter dealership on N 3rd St. provided staff with a list of "suggested requirements" for the new business, in light of the fact that they propose to rent scooters to the public. Staff has provided this list to you and to the applicant as advisory information only. The requirements are related more to insurance for renters and quality of vehicles, though, so they are not a part of staff's recommendation from a land use perspective. Staff does encourage the applicant to review the provided list and incorporate it into their business plan as they see appropriate.

Adjacent uses include an older two-story residential structure converted to offices to the west, an office building immediately south on 3rd St., an auto repair service to the north across 2nd Ave, and a bank across 3rd St. to the east. Approval of this request should not detract from the mixed commercial character of this part of N 3rd St., and adjacent property values should not be affected.

Recommendation: Approval

Applicant:

Applicant, Pete Biltoc, 228 North 3rd Street, Jacksonville Beach, explained that he and his brother currently own a scooter shop at Beach and University Blvds., which essentially has the same setup as this proposed location at the beach.

Mr. Williams asked about outdoor displays.

Mr. Biltoc replied that there would be an outdoor display in a non parking space.

Mr. Sutton asked about the service of scooters and access to the building.

Mr. Biltoc stated that access to the building is off 2nd Avenue North.

Public Hearing:

Mr. Dorson 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. Dorson closed the public hearing.

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

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

(C) PC No. 26-08 – Conditional Use Approval

Request for an existing, non-conforming single-family dwelling in a *Residential Multi-Family: RM-2* zoning district, pursuant to Section 34-340 (d)(12) of the Jacksonville Beach Land Development Code. The property is located at 121 South 7th Court.

Staff Report:

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

The applicant is applying for conditional use approval to ratify the existing nonconforming status of the small single family home on his lot in an RM-2 district. The structure had been

“Grandfathered” in while it was occupied, but as it has now been vacant for over six months, its grandfathered, or legal nonconforming status was lost. In order to do desired renovation work on the structure and/or to re-occupy it or to replace it with another single family structure, the applicant was informed that he need to first obtain conditional use approval.

The subject property is very small, 50’x 62.5’, and has frontage only on the alley between 7th and 8th Avenues South, known as 7th Ct. It was subdivided from the north half of *Lot 3, Block 3, Pablo Beach South*, prior to the enactment of our LDC, so it presumably exists as a legal lot of record. As such a small lot, its preferred and least intensive use would be in support of a single-family residence, as opposed to a duplex, the least intensive and only permitted use of the property.

Property appraiser records indicate the structure was built in 1922. So long as the structure is renovated and provided that it's exterior appearance is addressed in a positive manner, its continued existence should not detract from the character of the surrounding neighborhood. Adjacent property values should not be affected simply by its continued existence, and could potentially be positively impacted if the existing single-family home were to be replaced with a new structure in the future.

Recommendation: Approval

Applicant:

Applicant, Timothy Malden, 12839 LaCosta Court, Jacksonville Beach, stated he purchased a property that was condemned, which has major structural problems that will require costly repairs.

Public Hearing:

Mr. Dorson 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. Dorson closed the public hearing.

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

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

(D) PC No. 27-08 – Conditional Use Approval

Request for a proposed "civil, social and fraternal organization" use in an existing facility located in a *Residential Multi-Family: RM-1* zoning district, pursuant to Section 34-339 (d)(20) of the Jacksonville Beach Land Development Code. The property is located at 1315 North 2nd Avenue (former *Beaches Women's Club* facility).

Staff Report:

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

The applicant occupies a small building to the west of the subject property, and has applied to use the larger, former *Women's Club* building next to them on a regular basis. They would like to conduct bingo games one night a week, as a fundraiser for the *Lions Club* organization. The size of their current building is not adequate to hold the 100 to 125 people they need to

Minutes of Planning Commission Meeting
held on October 13, 2008

participate in order for them to actually make any money. The building they now occupy would only hold 30 to 40 people.

If approved, they would conduct Bingo one night a week, on Thursdays from approximately 5:00 PM until 11:00 PM. The current owner of the building is a real estate investment and development company, and they bought the property with the intent of developing a 30-unit residential condominium project there. The current state of the housing market has apparently stalled those plans, however, and the owner is simply seeking some reasonable use of the property as it exists now. He, as well as several prospective lessees, approached staff several months ago about regularly leasing out the vacant building and property as a commercial banquet and meeting hall, but he was informed by staff that that would constitute a commercial business service and would not be permitted in an RM-1 residential district.

Staff informed him that a women's club or other similar social or philanthropic organization (such as a *Lions Club*) might be able to use the building, but that they would have to get conditional use approval to do so.

When the *Women's Club* owned and operated the facility, they rented out the building for various functions such as parties and receptions as a way to help meet their operating expenses, so the property does have a regular history of hosting organized functions. There are other organizations at the beaches and in Jacksonville Beach specifically, that run Bingo nights once a week, and staff is not aware of any problems with their operation. The *Lions Club* chose Thursday night because none of the other Bingo events are held on Thursdays.

Adjacent uses include residential properties to the south across 2nd Ave. N., and to the east across Palm tree Rd., the Coast Guard's facilities to the north, and the Lions Club building and the former City Parks and Recreation building to the west. Given the current uses within the block and the history of use of the facilities by the *Women's Club*, approval of this request should not change the character of this established neighborhood. Adjacent property values should not be affected.

Recommendation: Approval

Applicant:

Richard Baker, 2829 Quincy Avenue, Jacksonville Beach, agent for the applicant, stated that the *Lions Club* is an organization dedicated to helping the visually impaired. In order to raise funds to continue with their mission, the club must hold fundraising events. Bingo is the primary event that raises the most money for the organization. The club may hold other events such as movie night, breakfast, etc., but their main event is Bingo Night.

Minutes of Planning Commission Meeting
held on October 13, 2008

Public Hearing:

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

The following person spoke neither for nor against the application:

Matt Campbell, 1261 6th Avenue North, Jacksonville Beach, stated concerns that there may be parking issues on Thursday evenings during the fall, due to Pop Warner Football.

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

Mr. Sutton asked Mr. Mann if there were any parking concerns with the property.

Mr. Mann replied that he was not aware of any parking issues associated with the property.

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

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

Planning & Development Director's Report

Mr. Mann advised the Board that there would not be a meeting on October 27, 2008, and added that the Draft EAR would be provided for their review at the next meeting.

Adjournment

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

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Terry DeLoach
Chairperson

Date: November 24, 2008