

**Minutes of Planning Commission Meeting  
held Monday, November 10, 2008 at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairperson Terry DeLoach.

**Roll Call**

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

Also present was Bill Mann, Senior Planner and Recording Secretaries Linda Wilkins and Cathy Martinich.

**Approval of Minutes**

**Correspondence**

Mr. Mann advised there was no correspondence.

**Old Business**

There was no old business.

**New Business**

**(A) PC No. 28-08 – Conditional Use Approval**

Request for a child daycare service located in a *Residential Single Family: RS-2* zoning district, pursuant to Section 34-337 (d) (9) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant currently runs the weekday preschool program for approximately 100 children at the First Baptist Church of Jacksonville Beach. The church has recently informed the applicant that the pre-school program will be discontinued at the church effective December 31<sup>st</sup> of this year. The applicant subsequently approached the owner of the subject property to use the existing vacant church facility on his property to operate her preschool program for a

Minutes of Planning Commission Meeting  
held on November 10, 2008

maximum of 90 children, beginning January 2009. This use is proposed as a temporary use, to allow the applicant time to find a suitable permanent location for her preschool program, while still allowing her to continue to provide weekday care for the majority of her existing students.

The subject property is zoned Residential, Single-family: RS-2 and the owner received concept plat approval last year on the property, together with the adjacent single-family home lot, 2127 12<sup>th</sup> Avenue North, to begin the process of developing a 10-lot subdivision (Ref Application PC#04-07, *Lamplight* subdivision). Staff contacted the owner in order to get an update on these plans, in light of receipt of this application. The owner indicated that he was continuing with his plans for the proposed subdivision, but not immediately, due to the slow housing market. He indicated that he planned to allow the applicant to lease the existing church facility for up to two years, after which he would resume the platting and development of his proposed subdivision under hopefully better market conditions.

Adjacent uses consist entirely of single-family homes in several adjacent subdivisions. The church building that would be used for the pre-school is situated near the front of the large lot, however, it does not immediately abut any residential structures other than the previously referenced home at 2127 12<sup>th</sup> Avenue North, which is vacant and is also owned by the subject property's owner. The weekday operation of a pre-school in the existing building and adjacent yard areas should not negatively impact other adjacent properties.

In discussing the application with the applicant, staff inquired as to the picking up and dropping off of children at the proposed facility. She said that because of the different time periods and schedules offered for the children, morning drop-offs and afternoon pick-ups were staggered, as opposed to all of the students arriving and leaving the property at the same time. There is adequate vehicular use area off of the street, adjacent to the building, to provide safe parent drop-off and pick-up as well as parking for staff.

Given that the requested use is not proposed as a permanent use of the subject property, that it would be relocating from its current location in a residential neighborhood, and that facilities are already in place to accommodate the use, impact to the surrounding neighborhood should be minimal.

**Recommendation:** Approval for a two-year period, beginning on January 1, 2009 and terminating on December 31, 2010.

**Applicant:** Darrell Grubbs stated Mr. Mann presented his request well and that he had no further comments to add.

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

Minutes of Planning Commission Meeting  
held on November 10, 2008

The following people spoke in favor:

Officer Andrew Lavender, 2133 Seminole Road, Atlantic Beach

Barry Averitt, 2471 Oak Forest Drive, Jacksonville Beach

Richard Englert, 2263 Oak Forest Drive, Jacksonville Beach

Seeing no one who wished to speak in opposition, Mr. DeLoach closed the Public Hearing.

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

**Roll call vote:** Ayes – DeLoach, Dorson, Sutton, Williams, and Callan; motion carried unanimously.

**(B) PC No. 29-08 – Land Development Code Text Amendment to Amend Section 34-407; Outdoor Restaurants and Bars to Modify Current Standards**

At the request of the City Manager, staff has drafted what would be the necessary revisions to the text of the Land Development Code to incorporate a requirement that outdoor bar and restaurant seating areas, where alcoholic beverages are available for consumption, be contained by a low wall or fence.

The regulations for outdoor seating areas are found in LDC Sec. 34-407. As there is currently no regulation in that section that addresses the containment or fencing off of approved outdoor seating areas, Section 34-407(e), below, has been modified to provide the requested regulation. The proposed new text is underlined.

**Sec. 34-407. (e)** The outdoor customer service area shall not be used to compute the minimum seating or customer service area required to qualify for a special restaurant (SRX) alcoholic beverage license. For any establishment selling alcoholic beverages for on-site consumption, the outdoor service area shall be designed so that it is only accessible through the interior of the associated restaurant or bar with no direct pedestrian access from off of the site, and shall be enclosed by a minimum forty-two (42) inch high wall or fence. The wall or fence shall be constructed of wood, metal (except chain link), plastic, or other similar material. No rope of any kind shall be permitted. No other ingress or egress shall be permitted, except as required by the applicable building or life safety code regulations.

Staff has also taken this opportunity to propose a modification to Section 34-407(d). This was done in reaction to the inability in processing several recent requests by restaurants for outdoor seating. *Roy's*, *Harry's Seafood*, and *Nancy's II* are several examples of restaurants seeking outdoor seating areas or additions to existing such areas, but which were rejected because there was a residential use within 300 feet of their proposed seating locations.

Section 34-407(d), below, has been modified to reduce the minimum distance from residential uses where there is no intervening structure from 300' to 150'. Proposed new text is shown as underlined and proposed text to be deleted is shown in strike-through format.

**Sec. 34-407(d)** Except when located in the Central Business District: CBD, an unenclosed customer service area shall be located at least one hundred and fifty (150) feet from any residential use which is not located on the same ~~lot~~ property as the outdoor restaurant or bar, ~~where there is an intervening structure having at least 1,500 square feet of floor area. Where there is no intervening structure having at least 1,500 square feet of floor area, the unenclosed customer service area shall be located at least three hundred (300) feet from any residential use which is not located on the same lot as the outdoor restaurant or bar.~~ The minimum separation between the outdoor restaurants or bar and the residential use shall be measured from the edge of the outdoor seating area to the nearest property line of the residential use. There shall be no minimum distance from residential uses for approved outdoor restaurant or bar areas located within the Central Business District: CBD.

It is staff's opinion that 150', or the equivalent width of three typical lots, is generally an adequate distance between restaurant seating areas and existing residential uses, especially since any outdoor seating areas must be approved by the Planning Commission, that amplified music is not allowed on approved outdoor seating areas, and that the Commission is within their rights to establish hours of operations for the outdoor areas, or even to reject applications, in the event of a perceived potential conflict with adjacent residential or nonresidential uses.

These two proposed amendments to the outdoor seating standards would not affect existing approved or "grandfathered" outdoor seating areas, but they would be applicable to any applications approved following adoption of the amendment ordinance by City Council.

**Recommendation: Approval**

**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.

Following a brief discussion, Section 34-407. (e) Was amended to read as follows:

**Sec. 34-407. (e)** The outdoor customer service area shall not be used to compute the minimum seating or customer service area required to qualify for a special restaurant (SRX) alcoholic beverage license. For any establishment selling alcoholic beverages for on-site consumption, the outdoor service area shall be enclosed by a minimum forty-two (42) inch high wall or fence. The wall or fence shall be constructed of wood, metal (except chain link), plastic, or other similar material. No rope of any kind shall be permitted.

Minutes of Planning Commission Meeting  
held on November 10, 2008

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

**Roll call vote:** Ayes – Dorson, Sutton, Williams, Callan, and Terry DeLoach; motion approved unanimously.

**Planning & Development Director’s Report**

Mr. Mann stated there will be three cases on the November 24, 2008, Agenda and new a Chair and Vice Chair will be elected.

**Adjournment**

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:38 P.M.

Submitted by: cmm  
Recording Secretary

Approval:

/s/Greg Sutton

Chairperson

Date: May 14, 2012