

**Minutes of Planning Commission Meeting
Held Monday, February 23, 2009, 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
Julio Williams (Vice Chairperson)
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. Dorson, seconded by Mr. Sutton to approve the December 22, 2008 minutes as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

(A) Conditional Use Approval – Milano’s at Jax Beach

Request for approval of outdoor seating restaurant seating a Commercial: C-1 zoning district, pursuant to Section 34-342 (d) 19 of the Jacksonville Beach Land Development Code. The property is located at 1504 North 3rd Street (Milano’s at Jax Beach).

Staff Report:

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

The applicant is in the process of remodeling the southernmost tenant space (formerly *Nancy's II* restaurant.) in an existing strip commercial center on the west side of North 3rd Street, between 14th and 15th Avenues North, into a new restaurant use. In conjunction with the restaurant, the applicant would like to provide outdoor seating on the sidewalk in front of the tenant space. The former restaurant tenant did not have outdoor seating.

Staff has reviewed this request against the outdoor restaurant and bar seating standards. The applicant's tenant space is 2,500 square feet, so the maximum area they could have for the outdoor seating area would be 500 square feet. The sidewalk proposed for the seating area is 8 feet wide, and the applicant indicated he wanted to put tables to the north of the entry door, which is an area approximately 8 feet by 35 feet, or 280 square feet. He is aware that since he plans to provide alcoholic beverage service to the outdoor tables that he will be required to fence the area with a minimum 42" high fence or wall. He is also aware that there will be no music or amplified sound devices, including TVs, allowed in the outdoor area. There are no strictly residential use properties within 150 feet of the proposed seating area. There are three residential style properties across 14th Avenue to the south (#314, 324, and 336) but property appraiser's data indicates that the use of those properties is either office, or mixed office, commercial and/or residential.

The outdoor seating area would have a parking requirement of one space. A site plan filed with the application shows a total of 72 on-site spaces to serve the existing 18,800 sq. ft. center, which is two spaces short of the current requirement. There are 16 spaces in the 14th and 15th Avenues rights-of-way, adjacent to the center, but they do not count towards the center's requirements, as they are located in the rights-of-way. If the request is approved, the applicant would be required to seek a variance for the additional one-parking space requirement, as there is no room on-site to provide any additional parking. [It was subsequently determined by Mr. Mann, upon examining a legible survey, that parking was adequate for the proposed outdoor seating area addition. No variance will be needed]

Adjacent uses include the balance of the strip center to the immediate north, the previously described mix of uses to the south, and a strip center and a small apartment building across 3rd Street to the east, approximately 220 feet away. Given the current set of outdoor seating regulations, and given that the subject property already contains one outdoor restaurant seating area, which has operated without incident (*RiteSpot*), there should be no negative impacts to the surrounding neighborhood by approval of the request. Adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

Agent for the applicant, Lynn Gatton with Blue Sky Consultants, stated that she concurred with the 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 application.

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

Discussion

Mr. Williams asked Mr. Mann, since the *Rite Spot restaurant* did have two parking spaces taken, would they have had to appear before the Board of Adjustment for a variance.

Mr. Mann replied that he believed that the *Rite Spot restaurant* was required to obtain a parking variance from the Board of Adjustment. [Subsequent research by Mr. Mann yielded that *Rite Spot* did not have to seek a variance for their outside deck.]

Mr. Williams asked Mr. Mann if another restaurant would like to operate in the space, would they be required to get a variance as well.

Mr. Mann replied yes. [Subsequent research by Mr. Mann has yielded that this may or may not be the case]

Motion: It was moved by Mr. Dorson, seconded by Mr. Williams, to recommend approval.

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

Urban Design Standards

Mr. Jones addressed the need to modify the design standards along S.R. A1A, including the need to prohibit additional strip development along A1A and Beach Boulevard. Mr. Jones stated that short term and long-term strategies needed to be in place to preserve investments in infrastructure, with regulations modified to preserve building frontage, by requiring parking in the rear of the lots.

Mr. Mann stated that this would best be addressed in conjunction with the TCEA establishment and through changes to the Land Development Code that address building setbacks and site plan Review requirements.

Mr. Mann stated that he would try to have some draft language addressing maximum setbacks to discuss at the next meeting.

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Planning & Development Director's Report

Mr. Mann advised the board that the next meeting would be March 23, 2009.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Terry DeLoach
Chairperson

Date: April 27, 2009