

**Minutes of Planning Commission Meeting  
Held Monday, March 23, 2009, 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 (*Vice Chairperson*)      Absent  
Greg Sutton  
Fred Jones  
Bill Callan  
David Dahl                                      Absent

Also present was Bill Mann, Senior Planner and Recording Secretary Cathy Martinich.

**Approval of Minutes**

There were no minutes for approval.

**Correspondence**

Mr. Mann stated that there was no correspondence.

**Old Business**

There was no old business.

**New Business**

Mr. Mann stated a sign up sheet was available for anyone who wanted to receive the Florida Department of Community Affairs Notice of Intent. An additional opportunity to sign up will be at the next City Council Meeting, April 6, 2009

**(A) PC #36-08 – Comprehensive Plan Amendment – Capital Improvements Element (CIE)**

Comprehensive Plan Amendment. State mandated update of the Comprehensive Plan Capital Improvements Element (CIE) for transmittal to the Florida Department of Community Affairs.

**Staff Report:**

Mr. Mann read the following report into the record:

Staff recently completed a State-mandated update to our comprehensive plan Capital Improvements Element (CIE). This is a requirement placed on all cities by the Florida Department of Community Affairs. The CIE lists those projects identified in our comprehensive plan as being required for the City to maintain adopted levels of service for transportation, potable water, wastewater, stormwater, and recreation facilities. The CIE then demonstrates that the City has programmed and budgeted for the identified projects.

The information on the programming and financing of the projects listed in the CIE is derived from the City's five-year Capital Improvements Plan. That plan is updated and approved by City Council each fiscal year and contains all major capital projects planned for the City for the next five years, including those identified in the comprehensive plan. The attached CIE update includes the following projects (ref. Table CI-1, page 4):

<u>PROJECT</u>	<u>COST (Est.)</u>	<u>YEAR</u>
1. Beaches Regional Greenway – Sidewalks ( <i>Transportation Element</i> )	\$50,000	2013
2. Stormwater Master Plan, Phase 3 ( <i>Public Facilities Element</i> )	\$3,500,000	2009-10
3. Carver Center Community Building ( <i>Recreation and Open Space Element</i> )	\$1,000,000	2009

The CIE update provided in the agenda package, has been reviewed and approved by the City Manager, and Finance and Planning and Development Departments. Following a recommendation by the Planning Commission, the CIE will be presented to City Council for adoption and transmittal to the Florida Department of Community Affairs.

Mr. Mann introduced Ms. Heather Jones from the consulting firm of Reynolds, Smith and Hill, to review the CIE documents.

Ms. Jones stated that her address was 525 12<sup>th</sup> Avenue North, Jacksonville Beach.

Ms. Jones, briefly reviewed the State-mandated update to the comprehensive plan Capital Improvements Element (CIE).

A discussion ensued regarding the three major capital projects planned.

**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 update.

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. Callan, to recommend approval.

**Roll call vote:** Ayes – Dorson, Sutton, Callan and DeLoach, with Mr. Jones recusing himself due to a Conflict of Interest; motion carried.

**(B) PC #03-09 – Fraternal Organization Use in a RM-1 Zoning District**

Request for Conditional Use Approval of a proposed fraternal organization 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 1015 South 2<sup>nd</sup> Avenue (Masonic Lodge #458 F.A.M.)

**Staff Report:**

Mr. Mann read the following report into the record:

The property, on the northeast corner of 2<sup>nd</sup> Avenue South and 11<sup>th</sup> Street South, had a history of use by the Masonic Lodge, but that use was discontinued roughly a year ago. They now wish to do some renovation work to the building and property and resume use of it as their lodge. Fraternal organizations are listed as conditional uses in RM-1 districts, and since the formerly legal nonconforming lodge use has been discontinued for a period of more than six months, the applicant must gain conditional use approval before he can pull required building permits for the building's renovation.

The building on the subject property pre-dates much of the surrounding developed properties. Adjacent uses include multi-family residential to the west and north, and vacant lots across 2<sup>nd</sup> Avenue to the south, and 11<sup>th</sup> Street to the west. Given the history of use of the property, approval of this request should not change the character of the neighborhood nor negatively affect adjacent property values. The applicant is aware that if his application is approved, he will also need to seek a parking variance for the renewed lodge use of the building, before he can pull any required building permits for their planned renovations.

**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 application.

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

**Discussion**

Mr. Mann answered questions from the Board regarding the status of Code Enforcement violations currently assessed against the property. He explained that the Masonic Lodge #458 F.A.M., must reapply for conditional use approval, variances, and come into compliance, to obtain the necessary permits for the renovations planned for the building.

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

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

(C) **PC #02-09 – Transfer of Ownership of Existing Motorcycle Dealership in C-1 Zoning District**

Property Owner: Thomas Pak, d.b.a. Astro Investments  
2610 West 100<sup>th</sup> Avenue  
Federal Heights, CO 80260

Applicant: Scooter Superstore of America, Inc  
c/o Peter Warrick  
2311 Thomas St.  
Hollywood, FL 33020

Location: 1124 North 3<sup>rd</sup> Street, a.k.a. 1128 North 3<sup>rd</sup> Street  
(Formerly called Vespa)

Request for Conditional Use approval of a motorcycle dealership with rentals in a *Commercial: C-1* zoning district, pursuant to Sections 34-342 (d) 2 and 34-342 (d) 17 of the Jacksonville Beach Land Development Code. The property is located at 1124 North 3<sup>rd</sup> Street, Tenant #1128 (Scooter Superstore of America, Inc.).

**Staff Report:**

Mr. Mann read the following report into the record:

The applicant, a scooter scales and rentals business, would like to occupy the tenant space recently vacated by the Vespa store, on the southwest corner of 3<sup>rd</sup> Street and 11<sup>th</sup> Avenue North, in a C-1 zoning district.

Scooters and mopeds can be classified as motor vehicles, depending on the size of their motors. Those with engines of 50cc displacement or greater are classified as motor vehicles (motorcycles) by the state of Florida. In C-1 districts, an establishment selling “over 50cc”

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scooters requires conditional use approval for “motor vehicle dealership.” The rental of scooters is characterized by staff simply as an outdoor recreational activity. Outdoor recreational uses are also listed as conditional uses in C-1 districts.

Adjacent uses include a shopping center to the south, an apartment building behind the building to the west, a veterinarian’s office across 11<sup>th</sup> Avenue to the north, and a mix of office and commercial uses across 3<sup>rd</sup> Street to the east.

The former Vespa store operated out of that space since its conditional use approval in 2001 (PC#15-01). There are no records of any major incidents related to its operation, but our code enforcement officers have had to regularly call on all of the local scooter stores and remind them that they are not allowed to store or display their scooters in required parking areas or in the public right-of-way. Other than that, approval of this request should not be detrimental to the character of the surrounding neighborhood, and adjacent values should not be affected.

**Recommendation: Approval**

**Applicant**

Steven Sheffer, 4332 Concarding Drive, Jacksonville, FL, representing applicant Peter Warrick, owner of the Scooter Superstore of America, Inc. spoke in favor of the motorcycle dealership.

**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.

**Motion:** It was moved by Mr. Dorson, seconded by Mr. Jones, to recommend approval of the amendment.

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

**(D) PC #04-09 – Outdoor Restaurant Seating in Commercial General in C-2 Zoning District (Crazy Fish)**

Property Owner: City of Jacksonville Beach  
11 North 3<sup>rd</sup> Street  
Jacksonville Beach, FL 32250

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Applicant: Crazy Fish Jacksonville  
Josh Schrutt  
2510 North 2<sup>nd</sup> Avenue  
Jacksonville Beach, FL 32250

Location: 2510 North 2<sup>nd</sup> Avenue (*formerly the Marine Patrol Station office*)

Request for conditional use and approval of proposed outdoor restaurant seating 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 2510 North 2<sup>nd</sup> Avenue (*Crazy Fish Restaurant*).

**Staff Report:**

Mr. Mann read the following report into the record:

The applicant is in the process of opening *Crazy Fish*, a restaurant, bait shop, and water sports rentals business in the former Marine Patrol building owned by the City on 2<sup>nd</sup> Avenue North at the county boat ramp. The property is located in a C-2 zoning district. As part of the restaurant use, the applicant would like to provide an outdoor seating area on the deck he is building on the south side of the building, adjacent to the marina and turning basin. The building is roughly 2,300 square feet in size, so the maximum outdoor seating area he could have would be 460 square feet, or 20% of the indoor space. The building plans for the deck show it to be 20 by 40', or 800 square feet, so if approved, the outdoor seating area would have to be limited to only a portion of that deck. He does plan to allow alcoholic beverages out on the deck, so the outdoor seating area within the deck would have to be cordoned off by a minimum 42" wall or fence.

The applicant is leasing the subject property from the City, and his use of the property, as outlined in this application, and described in his lease, has been approved by the City Council. The business complements the public recreational amenity of the county boat ramp, and the outdoor seating area's proposed location on the south side of the existing building is not proximate to any residential uses. Adjacent uses include the Beach Marine marina to the south, the county boat ramp to the west, and vacant conservation-protected land to the north, across 2<sup>nd</sup> Avenue. None of the surrounding properties should be negatively impacted by approval of the proposed outdoor seating area.

**Recommendation: Approval**

**Applicant**

Josh Schrutt, 4461 Port Arthur Road, Jacksonville; spoke in favor of the business and stated that it would be an asset to the City. He advised that the outdoor deck has been completed.

**Public Hearing**

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

Mr. Jack Sullivan, 4469 Port Arthur Road, Jacksonville spoke in favor of Crazy Fish.

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

**Motion:** It was moved by Mr. Dorson, seconded by Mr. Sutton, to recommend approval of the amendment.

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

**Planning & Development Director's Report**

Mr. Mann advised the board that there would tentatively be a regular meeting on April 27, 2009, although at this time, there are no applications for the agenda.

A brief discussion was held concerning C1 and C2 set backs, where Mr. Mann explained the potential opportunities, and possible effects of changing them.

**Adjournment**

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:35 P.M.

Submitted by: Cathy M. Martinich  
Recording Secretary

Approval:

/s/Terry DeLoach  
Chairman

Date: April 27, 2009