

**Minutes of Planning Commission Meeting  
held Monday, May 11, 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 Vice Chairperson Julio Williams.

**Roll Call**

Terry DeLoach (Chairperson) *absent*  
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**

There were no minutes to approve.

**Correspondence**

Mr. Mann stated that there was no correspondence.

**Old Business**

There was no old business.

**New Business**

**(A) PC #6-09 – Conditional Use Approval**

Request for **Conditional Use approval** for proposed outdoor restaurant seating in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342 (d)(19) of the Jacksonville Beach Land Development Code. The proposed seating area is 800 square feet. The property is located at 1000 North 3<sup>rd</sup> Street, Tenant #1018 (*Harry's Seafood*).

**Staff Report:**

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

Minutes of Planning Commission Meeting  
held May 11, 2009

The applicant, *Harry's Seafood* restaurant, has recently lost use of the existing outdoor seating area immediately north of its restaurant space. Their landlord has leased that patio space to *Harry's* new northerly tenant neighbor, a *Mellow Mushroom* restaurant. They received conditional use approval for the existing patio last September, via PC#23-08, and are now in the process of renovating their lease space into their new restaurant.

As shown in their application materials, *Harry's* would like to provide a new outdoor seating area for their customers in the front of the restaurant, in a space currently delineated for three parking spaces. The outdoor seating area would be 800 square feet (20'x40'), which is under the allowance for their 5,260 square feet restaurant, and is smaller than the courtyard between *Harry's* and *Mellow Mushroom*. The proposed location is more than 150 feet from the nearest residential use, and the applicant is aware of the fencing requirement for the space, since they plan to serve alcoholic beverages in the outdoor area. The applicant is also aware of the prohibition of music or other amplified sounds within the outdoor restaurant area.

There is no room on the subject property to provide any additional parking for the proposed outdoor restaurant area. The applicant is aware that, if approved, he will have to seek a parking variance for the three spaces proposed to be eliminated, and for the three additional spaces that would be required by the provision of 800 square feet of outdoor seating area (*at 1 space per 250 square feet*).

Adjacent uses to *Harry's* include the previously discussed restaurant space to the north, strip commercial to the west and across 9<sup>th</sup> Avenue to the south, and a mix of commercial uses across 3<sup>rd</sup> Street to the east. The character of this commercial section of North 3<sup>rd</sup> Street should not be negatively impacted by approval of this outdoor seating request.

Adjacent property values should not be affected.

**Recommendation: Approval.**

**Applicant:**

Applicant, Greg Saig, owner of *Harry's Seafood*, P.O. Box 546, Jacksonville Beach, stated that he concurred with the Staff Report.

Mr. Callan asked about the additional parking spaces that would be required due to the addition of the 800 square feet outdoor seating area.

Mr. Mann stated that the applicant would have to request a variance through the Board of Adjustment Committee for zero parking spaces.

**Public Hearing**

Mr. Williams 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. Williams closed the public hearing.

**Motion:** It was moved by Mr. Jones, seconded by Mr. Sutton, to recommend approval with staff's recommendation.

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

**(B) PC #7-09 – Conditional Use Approval**

Request for **Conditional Use approval** for a Miscellaneous Outdoor Recreational Service (*Beach Rentals*) in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342 (d)(17) of the Jacksonville Beach Land Development Code. The property is located at 669 South 3<sup>rd</sup> Street, Tenant #675 (*Jax Beach Board Shop*).

**Staff Report:**

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

The applicant has just relocated his surf shop from the west side of South 3<sup>rd</sup> Street to this location, in a small strip center on the east side of South 3<sup>rd</sup> Street, one block to the south. He was approved for beach rentals at his former address (*524 South 3<sup>RD</sup> Street via PC # 14-07*) and since such approval is not transferable, he has now applied to continue with his beach rentals, including surfboards and bicycles at his new location. There are no records of any problems with his business at its former location, and his new location was also formerly a retail surf and clothing shop (*Slacker's*).

Adjacent uses include a duplex behind the strip center, a surf shop across the alley to the north, a small commercial center across 7<sup>th</sup> Avenue to the south, and a mixed commercial use across 3<sup>rd</sup> Street to the west. None of these existing uses should be impacted by approval of this request.

**Recommendation: Approval.**

**Applicant:**

Applicant, Tony Hall, 12224 Sea Breeze Avenue, Jacksonville Beach, stated that he concurred with the Staff Report...

Minutes of Planning Commission Meeting  
held May 11, 2009

**Public Hearing**

Mr. Williams 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. Williams closed the public hearing.

**Motion:** It was moved by Mr. Dorson, seconded by Mr. Callan, to recommend approval with staff's recommendation.

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

**Planning & Development Director's Report**

Mr. Mann advised the board that there would be a meeting on June 8, 2009, with two cases on the agenda.

**Adjournment**

There being no further business coming before the Board, Mr. Williams adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Terry DeLoach  
Chairperson

Date: July 13, 2009