

**Minutes of Planning Commission Meeting
Held Monday, June 8, 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. DeLoach, seconded by Mr. Sutton, and passed, to approve the minutes of the May 11, 2009, Planning Commission meeting, as presented. Motion unanimously approved.

Correspondence

Mr. Mann advised that there was no correspondence.

Old Business

There was no old business.

New Business

(A) PC #8-09 – Conditional Use Approval

Request for **Conditional Use approval** for proposed outdoor restaurant seating in a *Commercial Business District: CBD* zoning district, pursuant to Section 34-345 (d)(7) of the Jacksonville Beach Land Development Code. The proposed seating area is 160 square feet. The property is located at 514 North 1st Street, (Lynch's Irish Pub).

Staff Report:

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

The applicant has applied to provide additional outdoor seating to *Lynch's Irish Pub* located in our Central Business District. They currently have a 640 s.f. outdoor seating area in the back of the establishment (approved via PC# 36-07), but they want to add a small area in the front of the building, along their 1st St. Frontage.

The enclosed area of the establishment is 5,087 s.f. Based on Sec 34-407 outdoor seating standards; they are allowed a maximum of 800 s.f. of outdoor seating area. Subtracting the 640 s.f. of outdoor area they already have in the back, leaves a balance of 160 s.f. left available to them, which they could develop should this application be approved.

The building containing *Lynch's* is built right up to the 1st St. property/right of way line, so to provide the 160 s.f. of outdoor area they are contemplating, they would actually have to remove portions of the exterior wall and the entry door along 1st St. and recess them back to the west to create small seating areas on both sides of the entry door. The applicant has provided a sketch showing the proposed seating area.

Since *Lynch's* is located in the CBD, there is no distance requirement from any residential uses. The proposed outdoor space is being created from existing indoor space, so there is no net increase in square footage. There would be no additional parking requirement.

Creating visual breaks and variations in street front building facades, and providing pedestrian oriented amenities such as outdoor seating are elements that are encouraged and promoted by our Downtown Vision Plan and new CBD development standards. By keeping the proposed seating area at a relatively small size, it will be more easily managed as well. The applicant is aware of the standards governing outdoor seating areas, including the fencing requirement, and the music /amplified sound prohibition. The pedestrian character of this portion of 1st St. would be enhanced by the location of the proposed seating area, and adjacent property values should not be negatively impacted.

Recommendation: Approval.

Applicant:

Agent for the applicant, Craig Sommers, 370 15th Avenue South, Jacksonville Beach, explained that he has met with the Fire Marshall and discussed adding double doors to facilitate egress out of the building. With nothing else to add, Mr. Sommers 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.

The following person spoke in favor of the application:

Mudo Gonzales, 320 1st Street, Jacksonville Beach.

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

Discussion

Mr. Sutton asked Mr. Mann if there had been any nuisances/complaints of outside music. Mr. Mann replied no.

Motion: It was moved by Mr. Dorson, seconded by Mr. Sutton, to approve, pursuant to staff's recommendation.

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

(B) PC #9-09 – Conditional Use Approval

Request for **Conditional Use approval** for a medical office and a single family dwelling unit in a Residential Multi-Family: RM-1 zoning district, pursuant to Section 34-339 (d)(12) and (d)(14) of the Jacksonville Beach Land Development Code. The property is located at 502 South 5th Avenue.

Staff Report:

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

The applicant has contract to purchase the subject vacant lot on the southwest corner of 5th St. S. and 5th Ave. S. He would like to develop the lot into a small office for his medical Sleep Disorder practice. He would also like to have a single residential unit as part of the overall structure. Both medical office and single-family residential use are listed as conditional uses in the RM-1 district in which the subject property is located.

Adjacent uses include multifamily public housing units to the immediate west, and across 5th Ave. to the north, a small church to the south across the unimproved alley, and single and two family uses across 5th St. to the east.

Given that, the proposed uses of the property would have to be developed to a similar scale to permitted uses in the RM-1 district, and that the applicant does appear to have room on his property to provide required parking for both proposed uses, the character of the surrounding neighborhood should not be impacted. The applicant is aware that since he is in a residential district, signage for the medical office use would be limited to a

single professional nameplate, not to exceed one (1) s.f. in size. Adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

Applicant, Hubert Zachary, 7835 Chase Meadows Drive, Jacksonville, FL, stated that with his practice, he would be conducting sleep studies for approximately 2-3 patients each evening. With nothing further to add, Mr. Zachary concurred with staff's 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.

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

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

(C) **PC #9-09 – Concept Plat Approval**

Request for **Concept Plat Approval** of a proposed replat of Lots 1 through 3, Sanctuary Unit Five S/D. The subject property is located on the west side of Snowy Egret Way, in the Sanctuary Planned Unit Development.

Staff Report:

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

The applicant is the developer of *Sanctuary Unit Five* subdivision, on the north side of the Sanctuary Blvd. leading into the balance of the *Sanctuary* development. *Unit Five* was originally platted into single-family lots in 2005, providing a total of 12 lots. Since that time, five of the lots have been developed.

Via the submitted conceptual plat plan, the developer is asking to re-subdivide three of the large undeveloped lots (Lots 1, 2, and 3) in Unit Five into four slightly smaller lots, presumably to improve their marketability. The proposed new four lots to be created

from Lots 1, 2, and 3 would still each be a minimum of 80' wide, consistent with the lots on the east side of the road.

The proposed concept plat has been reviewed against the PUD ordinance governing the *Sanctuary* (Ordinance No.7335), and the net increase of one lot is still leaves the *Sanctuary* below the maximum of 735 dwelling units permitted in the PUD. The overall density of *Unit Five* will also remain consistent with the Comprehensive Plan Future Land Use map designation of the property (Residential Low Density, 0-6 units per acre).The proposed lots are also comparable in size to the lots of the other units of the *Sanctuary* across the lake and to the north, so the character of the subdivision should not change. Adjacent property values should not be negatively affected.

Recommendation: Approval, with the condition that any single family home constructed within the replat shall have a minimum of 1,600 square feet of conditioned living area, and no structure constructed shall exceed 35 feet in height. (Ref. Ord. 7335).

Applicant:

Agent for the applicant, Joe Loretta, 9822 Tapestry Park, Jacksonville, FL, stated that there are three lots that will be replatted into four smaller lots. Three of the lots will be 80 feet wide and the remaining lot will be 90 feet wide.

Mr. Dorson asked if the Sanctuary Board of Directors has submitted approval for the replat.

Mr. Loretta replied that he has not received it, but is anticipating it any day.

Public Hearing

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

The following person spoke neither in for or against the application:

Al Rosenblack, President of The Sanctuary, Jacksonville Beach.

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

Mr. Jones asked Mr. Mann if the minimal house size is 1600 square feet. Mr. Mann replied in the affirmative.

Motion: It was moved by Mr. Dahl, seconded by Mr. Williams, to recommend approval with staff's recommendation.

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Roll call vote: Ayes – Sutton, Jones, DeLoach, and Williams; motion carried by a
vote of 4 to 1.

Planning & Development Director's Report

Mr. Mann advised the board that there would be a meeting on June 22, 2009, with two cases.

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