

**Minutes of Planning Commission Meeting  
Held Monday, July 13, 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)  
Greg Sutton  
Fred Jones  
Bill Callan  
David Dahl

Also present was Steve Lindorff, Planning Director and Recording Secretary Amber Lehman.

**Approval of Minutes**

It was moved by Mr. Dorson, seconded by Mr. Sutton to approve the minutes as presented for December 8, 2008, April 27, 2009, May 11, 2009, June 8, 2009 and June 22, 2009.

**Correspondence**

Mr. Lindorff stated that there was no correspondence.

**Old Business**

Mr. DeLoach asked Mr. Lindorff if there had been any mention by staff about modifying zoning regulations to bring buildings closer to the street front and move parking behind the buildings to fall more in line with Gladding Jackson recommendations.

Mr. Lindorff replied stating that he was not familiar with any discussions about it but is certainly not opposed to it and he will discuss with staff.

**New Business**

**(A) PC #13-09 – Conditional Use Approval**

Request for a Conditional Use Approval for automotive motorcycle (automotive) repair in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342 (d) (6) of the Jacksonville Beach Land Development Code.

The property is located at 731 North 3<sup>rd</sup> Street, Tenant # 791 (Jax Biker Gear).

**Staff Report:**

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

The applicant has recently leased a commercial tenant space on the northeast corner of North 3<sup>rd</sup> Street and 8<sup>th</sup> Avenue North and operates a retail motorcycle accessories store there. She contacted staff to ask if the sales and installation of motorcycle accessories purchased at the store could be installed on-site, and if she could also perform minor maintenance type work on motorcycles there.

Staff informed the applicant that the work she described would fall under the larger zoning classification of “automotive repair”, and was only allowed C-1 districts by conditional use approval. She was further informed that if she were approved, the parts installation and maintenance work that the store performed on motorcycles would have to take place within the enclosed building, and could not be performed outdoors. She indicated that she has sufficient space within the store to perform the work, and can get the motorcycles in and out of the store, through an existing set of doors on the north side of the building.

Adjacent uses to the subject property include a florist to the south, apartments to the east towards the beach, an insurance office across 7<sup>th</sup> Avenue to the north, and Beaches United Methodist Church and the former Post Office facility owned by the church, across North 3<sup>rd</sup> Street to the west. Since the applicant has acknowledged that the requested motorcycle maintenance activity must and can be performed within the existing enclosed building, and given that there are no other changes to the property proposed in conjunction with the requested use, the character of the surrounding neighborhood should not be impacted. Adjacent property values should not be affected.

While examining the subject property, staff did notice that there is a trailer sitting on blocks on the north side of the building. The property owner indicated that the trailer is not part of the applicant’s business. It is a FDEP temporary groundwater monitoring facility, placed on the property as part of required environmental mediation related to the property’s former use as a dry cleaner.

**Recommendation:** Approval, limited to motorcycle repair and maintenance only; no work permitted on automobiles or trucks.

**Applicant:**

Applicant, Melissa Scheeser, 11431 Willet Park South, Jacksonville, FL 32235 stated that she would like to open a motorcycle parts and clothing apparel store. Ms. Scheeser stated that there will be no repair work done on the premises.

**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:

Theodore Scheeser, 615 16<sup>th</sup> Street North, Jacksonville Beach.

The following person spoke neither in favor nor against the application:

Harry Schnabel, owner of Seahorse Florist, stated that he was concerned about the noise level and asked that if the request was approved that there be a provision that there will be no motor work or banging on metal.

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

**Motion:** It was moved by Mr. Sutton, seconded by Mr. Dorson, to recommend approval with staff's recommendation with the condition that no open motor work, other than oil and lube, be done on site.

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

**(B) PC #14-09 – Conditional Use Approval**

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

**Staff Report:**

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

This application is a request to transfer a recently approved conditional use application, PC#6-09, to a new business name. The applicant for PC#6-09 was listed as Harry's of Jacksonville Beach, and was represented by Mr. Greg Saig, one of the owners of that business.

Subsequent to the approval of PC#6-09, Mr. Saig informed staff that he and the other owners of Harry's were still interested in the location of their restaurant, but that they were going to develop a new concept, and the new restaurant would not be a Harry's. He

has now applied to gain the conditional use approval granted to Harry's under the new name of the ownership group, Florida Restaurant Group.

As shown in the application materials, the outdoor seating area would be 800 square feet (20'x40'), which is under the LDC allowance for the applicant's 5,260 square feet restaurant. 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 aware of the prohibition of music or other amplified sounds within the outdoor restaurant area, and has been provided a copy of the LDC Sec 34-407, *Outdoor restaurants and bars* regulations. The applicant also recently obtained a required parking variance for the proposed outdoor seating area, and that variance would be applicable to the proposed new restaurant.

Adjacent uses to the proposed restaurant includes the new Mellow Mushroom restaurant to the immediate 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:**

The applicant, Greg Saig, 1515 Beach Avenue, Atlantic Beach, FL stated that he concurred with the Staff Report.

Mr. Dorson asked Mr. Saig what the new concept of the restaurant will be.

Mr. Saig replied that it will be a seafood restaurant associated with the brand *Salt Life*.

**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. Sutton, to recommend approval with staff's recommendation.

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

(C) **PC #15-09 – Land Development Code Text Amendment**

Request to amend Section 34-446 (b) (13), Business Service Establishment(s), to add “Recording Studio, contract basis” to the list of Business Service Establishments in the Industrial I-1 zoning district. This request will allow the use of an existing warehouse space for a recording studio.

**Staff Report:**

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

The applicant currently uses a warehouse he owns for practice and recording for his band. His warehouse is on 11<sup>th</sup> Ave South, west of 9<sup>th</sup> Street, in an industrial zoning district. This is considered a “miscellaneous recreational use” of this property, which is listed as a permitted use in Industrial: I-1 districts.

The applicant recently discussed with staff the ability to also open up his warehouse “studio” for other musicians and groups to be able to use, on a contract basis. The commercial use of the property as a recording studio falls under a different zoning classification, as a type of business service establishment. Currently, a specific list of business service establishments is permitted in I-1 districts (Ref. LDC Sec. 34-346(b) (13)), but that list does not include “recording studio, contract basis,” which falls under the classification of “miscellaneous business services.” In light of this distinction, the applicant was instructed that the I-1 district regulations of the Land Development Code (LDC) would have to be amended to include “miscellaneous business services” in the list of permitted business services.

Miscellaneous business services, including recording studios, are listed as permitted uses in the City’s C-1, C-2, and CBD zoning districts. As stated, the applicant is using his industrially zoned property now for his own musical endeavors. The permissibility of the subject practice and recording studio use simply being expanded to cover use by bands and individuals on a fee basis should in no way change the manner in which it exists relative to surrounding permitted industrial uses. Staff has not received any complaints relative to the applicant’s use of the property.

Approval of the requested amendment would not be in conflict with any other portions of the Land Development Code, especially given that the proposed use is already permitted by right in the city’s two largest commercial zoning districts. The requested use is also consistent with the Comprehensive Plan policies and objectives relative to industrial land use areas.

**Recommendation: Approval.**

**Applicant:**

The applicant, Jimmy Gilbert, 1546 Emma Lane, Neptune Beach, FL 32266 stated that he concurred with the Staff Report.

Mr. Jones inquired if the studio is 24 track equipped and Mr. Gilbert replied that it was.

**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 opposition to the application:

Darryl Shields, Jacksonville Beach, stated that he is concerned with the level of decibels that will be maintained with the many bands that will be playing/recording. Mr. Shields requested that if this is granted that it will only be with the condition that zero decibels be audible.

Mr. Gilbert responded to Mr. Shields concerns stating that zero decibels would be nearly impossible. He advised that the area in which the bands rehearse and record is well insulated and there should be no noise pollution.

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

Mr. Williams asked what the hours of the recording studio would be.

Mr. Gilbert responded that he did not have any set hours in place as of yet.

**Discussion:** A discussion ensued amongst the board members and Mr. Lindorff about tabling this application to allow staff to further research the language change and possibly make this application a conditional use.

**Motion:** It was moved by Mr. Sutton, seconded by Mr. Dorson, to recommend tabling the application until the next meeting, July 27, 2009.

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

**Planning & Development Director's Report**

Mr. Lindorff advised the members that there would be a meeting on July 27, 2009.

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Mr. Sutton asked Mr. Lindorff if, by the next meeting, could staff provide a direction to take in modifying the zoning to allow for changes for store fronts to be closer to the streets and to allow the parking to remain behind buildings as Mr. DeLoach addressed in the old business section.

Mr. Lindorff replied that he will speak with staff.

**Adjournment**

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Terry DeLoach

Chairperson

Date: August 10, 2009