

**Minutes of Planning Commission Meeting
Held Monday, August 10, 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 *Absent*
David Dahl *Absent*

Also present was Bill Mann, Senior Planner and Recording Secretary Amber Lehman.

Approval of Minutes

Mr. Dorson made a motion, seconded by Mr. Williams, to approve both July 13, 2009, and July 27, 2009, meeting minutes as presented.

Vote – Motion unanimously approved.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

(A) PC #16-09 – Conditional Use Approval

Request for a retail automotive parts store located in a Commercial Limited: C-1 zoning district, pursuant to Section 34-342 (d) (2) of the Jacksonville Beach Land Development Code. The property is located at 370 South 3rd Street, more specifically described as Lots 9 through 12, Block 34, Pablo Beach South (O'Reilly Auto Parts).

Staff Report:

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

Mr. Mann stated that the applicant wants to put a retail auto parts and supplies store in the vacant one-story commercial building on the northwest corner of 4th Ave South and 3rd Street South. The building on the property was constructed in 1994 as a *Pinch-a-Penny* retail pool supply store. The business had been the only occupant of the building, until they recently relocated several blocks south on 3rd Street.

Adjacent uses include vacant commercial properties to the north and south across 4th Avenue, and a convenience/gas station and retail stores across 3rd Street to the east. Adjacent behind the property is a small commercial/residential use on a 25' by 125' lot behind the store.

The former Pinch-a-Penny store had a large outdoor chlorine storage tank in their back lot, but that has been removed. The property has a 14-year history of use as a retail store. The simple change of product line from pool supplies to automotive parts and accessories should in no way impact the existing commercial character of the area. In a conversation with the current property owner, staff was informed that the new owners were planning to "dress-up" the property in conjunction with establishing their new store. Adjacent property values should not be affected by the establishment of the proposed use.

Recommendation: Approval

Applicant:

The agent for the applicant, Daniel Grandquest, 2623 Creek Ridge Drive, Green Cove Springs, stated that he concurred with the staff report.

Mr. Jones asked Mr. Grandquest if there would be any additional improvements to the building.

Mr. Grandquest stated that there would be improvements made to the landscaping.

Mr. Mann advised that a site plan was not required for the project.

Mr. Dorson asked how tractor-trailer deliveries would be handled.

Mr. Gibson, owner of the property, explained that there is a roll up garage door in the rear of the property to accommodate deliveries.

Mr. Mann added that there is a rear parking lot for off-street loading.

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 with staff's recommendation.

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

(B) PC #17-09 – Conditional Use Approval

Request for **Conditional Use approval** for a drinking establishment located in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342 (d) (3) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant has leased the remaining facilities of the former Hilsmore hotel/ Paradise Alley commercial operation on the southeast corner of 1st Street North, and 8th Avenue North, in a C-1 zoning district. He wants to open a blues club, with a beer and wine license. He was informed that he would have to get conditional use approval as a drinking establishment in order to run such a business in this location.

The subject property has been vacant for roughly a year. Historically, the property was the site of the Hilsmore hotel, one of many small oceanfront hotels we had dotting our coastline. Two buildings on the property contained hotel rooms, and the third building, fronting on 1st Street, was the hotel lobby and gift shop. The property also contains a strip of off-street parking spaces along the south side of 8th Avenue.

In 1998, the front building was converted into a restaurant/bar and beer store named Paradise Alley. Over time, that business added a front and side outside deck and a small bandstand where they provided musical entertainment. The hotel use remained at that time, but it was discontinued after the 2005 storm season, when the oceanfront building suffered significant damage.

There has been code enforcement activity relative to the subject property over the last few years, and the oceanfront building has been demolished. The applicant has done a good job over the last few months on getting the property cleaned up and secure, and he is now to the point that he has completed the work on the front building and he is ready to open his business, subject to the

approval of this application. The other building on the property will remain, and will be used for storage. The front building that would contain the club is approximately 1,700 square feet in size.

Adjacent uses include a residential condominium across 8th Avenue to the north, residential uses across 1st Street to the west, and a new, but vacant, condominium adjacent to the south.

All of the adjacent uses were developed while the former restaurant/bar and hotel were in operation, so the continued commercial use of the subject is not necessarily out of character with the existing neighborhood. The applicant understands, though, that since the former restaurant/bar's outdoor deck existed as a legal nonconforming outdoor bar area, due to its size and close proximity to residential uses, and since the use of the deck had ceased for a period of more than six months that it cannot be used in conjunction with his proposed club. Any major incompatibility issues with the former business and its neighbors would likely have stemmed from the use of, and activities on, the outside deck.

As long as the business is properly managed, adjacent property values should not be affected by the proposed use of the subject property, since it is very similar to recent past uses of the property. Further, security of and around the subject property will be enhanced by the presence of people on a daily basis, as opposed to the property remaining vacant.

Recommendation: Approval for a one-year period.

Applicant:

The applicant, Michael Neverett, 207 Laura Street, Neptune Beach, stated that he concurred with staff's report. Mr. Neverett also stated for the record that he has been making the property much nicer by trying to blend with the surrounding neighbors.

Mr. Williams asked if there would be live bands performing at the establishment.
Mr. Neverett replied yes on Saturday nights only.

Mr. Williams asked about the outdoor decks.
Mr. Neverett replied that they would only be for bicycle parking and smoking. Absolutely no drinking will be allowed outside.

Mr. Williams asked what the hours of operation would be.
Mr. Neverett replied that the establishment would be open from 10:00am - 1:30 am six days a week.

Mr. DeLoach asked how the decks would be policed for outside drinking.
Mr. Neverett stated that he would be hiring off duty police officers to control the area. In addition, the General Manager or Mr. Neverett will be at the establishment while it is opened.

Mr. Neverett stated that he has owned several bars in the past and he operates very successful operations. He also stated that he has a license to serve beer and wine that he will be transferring to this current location.

Mr. Mann advised that the license is not transferrable.

Mr. Dorson asked how noise would be controlled.

Mr. Neverett stated that there will be acoustic tiles on the both the ceiling and the walls.

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:

Joan Lomanto, 917 First Street North, Jacksonville Beach.

Mr. Mann stated that there were two letters received in opposition to the application.

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

Discussion:

Mr. DeLoach stated that he has concerns with granting the approval for one year. The surrounding residents have a right to a certain quality of life that does not include a bar with music. Mr. DeLoach also expressed concerns with the lack of Code Enforcement for the property.

Mr. Sutton stated that he is hesitant to deny the application since that will affect the Detwiler's leasing of the property.

Motion: It was moved by Mr. Dorson, to recommend denial of the application.

Motion died due to lack of a second.

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

Roll call vote: Ayes – Sutton, Jones, and Williams;
Nays – Dorson and DeLoach; motion carried by a vote of 3 to 2.

Planning & Development Director's Report

Mr. Mann stated that there would be a meeting on August 24, 2009 with one case.

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Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Terry De Loach

Chairperson

Date: August 24, 2009