

**Minutes of Planning Commission Meeting
Held Monday, July 28, 2008 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
Greg Sutton
Fred Jones
Bill Callan *Absent*

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

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Williams to approve the July 14, 2008 minutes as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

PC #18 -08 –Conditional Use Approval

Request 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 property is located at 1724 3rd Street North (*Landshark Café*).

Staff Report -

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

The applicant leases the northern most tenant space, now the *Landshark Café* restaurant, in the commercial strip center on the west side of North 3rd St., between 16th and 17th Avenue North and would like to establish a 720 s.f. outdoor seating deck over three of the existing parking spaces immediately in front of the tavern.

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Staff reviewed this application in the context of our recently adopted outdoor seating regulations (LDC Sec 34-407). The applicant's restaurant is 4,000 s.f., so by our new standards it could have a maximum of 700 s.f. of outdoor seating area. The sketch that the applicant submitted shows a proposed area of 18' by 40', or 720 s.f. In terms of proximity to residential uses, there is only one property that could potentially cause the proposed outdoor deck to violate the minimum 300' distance standard, if no building is present separating the deck from the residence. That residence is located diagonally to the northwest of the center, on the northwest corner of 17th Ave North and 4th Street. The presence of this residential use led to the approved configuration of the seating area for the former tenant, via PC# 36-06. If installed pursuant to that approved layout, the *Landshark Cafe's* outdoor seating would conform to Sec 34-407 residential proximity standards. The seating area would then not be visible from the subject residential use. A copy of the PC #36-06 layout is also provided for your reference.

The existing center requires 111 parking spaces. With the proposed outdoor seating area, the requirement would increase to 116. The attached parking lot plan shows that even with the outdoor seating area displacing three or four existing spaces, the center still provides the minimum required on-site parking.

Adjacent uses to the restaurant include the balance of the commercial center to the south, commercial and office uses across 3rd Street to the east, a telephone communications facility across 17th Avenue to the north, and residential uses across 4th Street to the west, behind the center. Provided that the proposed deck is located as proposed, but pulled back off of the northerly line, adjacent uses should not be negatively affected. The applicant is aware that there shall be no operation or playing of any speakers, instruments or other sound producing devices within an approved outdoor seating area, and this should further ensure that neighboring uses won't be impacted. Adjacent property values should not be affected by the approval and establishment of the proposed outdoor seating area.

Recommendation: Approval, with two conditions:

1. The deck area shall be limited in size and location to that approved for the prior tenant, via PC #36-06.
2. The outdoor seating area shall be contained by a minimum forty-inch (40") high fence or wall.

Applicant:

The applicant, Robert Gearing, 1928 10th Street North, Jacksonville Beach, stated that he will not have any outside music and concurred with Mr. Mann's staff report.

Mr. Williams asked if there will be a gate located to the north of the property.
Mr. Gearing responded that he has no plans to install a gate.

Public Hearing

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

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

Amended Motion: It was moved by Mr. Williams, seconded by Mr. Dorson, to approve the request with two conditions:

1. The deck area shall be limited in size and location to that approved for the prior tenant, via PC #36-06.
2. The outdoor seating area shall be contained by a minimum forty-inch (40”) high fence or wall with no direct egress onto the parking lot.

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

Planning & Development Director’s Report

Mr. Mann advised the board that there would be a meeting on August 11, 2008 with one case.

Adjournment

There being no further business coming before the Board, Mr. Schmidt adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Terry DeLoach
Chairman

Date: September 22, 2008