

**Minutes of Planning Commission Meeting
held Monday, November 9, 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 were Steven Lindorff, Director of Planning, Bill Mann, Senior Planner, and Recording Secretary Amber Lehman.

Approval of Minutes

As per Mr. Dorson, there are three corrections to be made to the August 24, 2009 minutes as presented; therefore, the minutes were not approved. The corrected minutes will be presented for approval at the next meeting.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

- (A) **PC #20-09** – **Conditional Use for Outdoor Restaurant Seating - *Philly's Finest Cheese Steak***

Conditional Use approval for proposed outdoor restaurant seating

Staff Report:

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

The applicant has operated his restaurant, *Philly's Finest Cheesesteak*, at this location since 2001. He has recently leased an adjacent tenant space to expand his existing restaurant, and with that expansion, he wants to provide a small outside restaurant seating area on the sidewalk in front of his newly expanded tenant space. He has provided a sketch of the restaurant layout, including the requested outdoor area.

The application has been reviewed against our Sec 34-407 outdoor restaurant and bar standards, and it does comply with the size standards therein. The restaurant is roughly 2,700 s.f. in area and the proposed outdoor area totals 312 s.f., or 11.5 % of the indoor area. The location of the proposed seating area relative to adjacent uses was reviewed on the Duval County Property Appraiser's GIS system, and the nearest residential use is at least 150 feet away. The applicant is aware that no amplified music or sound devices will be allowed on the outdoor area. He is also aware that if alcoholic beverages can be served or consumed within the outdoor area, the area must be contained by a minimum 42" wall or fence. He informed staff that he planned to leave three feet of sidewalk outside of the required fence to allow for passerby pedestrian traffic. Off-street parking for the center is adequate for the proposed use.

Adjacent uses include the balance of the strip center's tenants to the immediate north and south, an apartment complex across 15th Ave. to the north, commercial uses, and a residential condominium across 14th Ave to the south, and a strip center across 3rd St. to the west. There is a church across 2nd St., to the east, behind the subject property and within 500' of the restaurant, but if the restaurant provides a minimum of 150 seats, not including the outdoor seating area, then it would be exempt from the Sec 34-393 alcoholic beverage establishment locational standards.

Given that the applicant has operated his restaurant at this location since 2001 without incident, and that the location proposed for the outdoor area is buffered from off-site residential uses by other tenant spaces on both sides, the proposed outdoor seating area should not negatively affect the character of the surrounding neighborhood. Adjacent property values should not be impacted.

Recommendation: Approval.

Applicant:

Applicant, Jeff Harris, stated that he 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.

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.

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

(B) **PC #19-09 – Land Development Code Text Amendment: Off-Street Parking Regulations**

Amendment to the text of the Land Development Code (LDC) Article VIII, Division 1. Parking and Loading Standards, to modify Section 34-377: *Off-Street Parking Space Requirements* by reducing the off-street parking requirements for various uses in the Central Business District: CBD and Redevelopment District: RD zoning districts, and to add a new section, Section 34-380: *Payment In Lieu of Off-Street Parking*.

Staff Report:

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

Staff has prepared a proposed amendment to our LDC parking standards in response to a recommendation from the adopted Downtown Vision Plan. Our consultants for that plan reviewed our current parking requirements in the context of their efforts to create a more vibrant and walkable downtown area. Their initial recommendation was to eliminate the off-street parking requirements for downtown uses entirely, and accommodate the demand for parking downtown by one or more strategically located public parking structures and/or surface lots.

Staff concurs with the concept of having several strategically located parking facilities serving the downtown area, and it is agreed that land in the central business district is too valuable to be tied up in the provision of excessive private parking, but it is also recognized that it is not financially feasible that existing or even expanded public parking be expected to entirely meet the demands of new development downtown.

This proposed amendment to the current parking regulations would only affect development in the Central Business District: CBD and Redevelopment District: RD zoning districts. Parking requirements elsewhere in the city would remain unchanged. In the CBD and RD districts, the off-street parking requirement for a majority of uses would be cut in half. Notable exceptions are that residential use and drinking establishment use

parking requirements would not be reduced, and the requirements for hotels would only be slightly reduced.

These reduced parking requirements should serve as an excellent incentive for new downtown development, but to go one step further, the proposed amendment also creates a 'payment in lieu of parking' program for use in the CBD and RD districts. This program would allow a developer to further reduce or even eliminate his or her on-site parking requirement by paying into a downtown parking fund, at some pre-determined 'dollars per parking space' rate. Funds collected through this program would allow the City to acquire land, finance, design, construct, operate, and maintain both existing and new public parking facilities. Taken together, the reduction in the space requirement and the payment in lieu of parking program place the onus on the developers to decide how many on-site parking spaces they want to provide.

The actual fee to be collected per parking space would be established by the City Council and then reviewed annually, and would factor in such variables as land cost, amount of land needed per space including circulation and amenities, and the cost of physical improvements such as design and construction, lighting, landscaping, and other amenities.

The proposed amendment is not in conflict with any other portion of the Land Development Code. It is consistent with Comprehensive Plan policies encouraging the revitalization of the existing downtown area, and it directly supports the implementation of the adopted Downtown Vision Plan

Recommendation: Approval.

Mr. Williams asked if there were future plans to make the CBD pedestrian friendly, such as closing off 1st Street to vehicles. Mr. Lindorff replied that they were in the process of developing plans for ways that portions of 1st and 2nd street and the avenues in the CBD could be temporarily closed off, as needed, but not on a permanent basis.

Mr. Jones asked about the minimum standards for off-street parking, noting that the Gladding Jackson Study recommended no off-street parking and asked how 50% became the figure to use.

Mr. Lindorff explained that there was no magical calculation for 50% and that there was not any discussion with the consultants about establishing a maximum number of spaces for a development.

Mr. Jones commented that he liked the direction that it was going and asked if there was a way to put the maximum amount of parking in the recommendation, based on use.

Mr. Dahl asked how the cost per space was assessed.

Mr. Lindorff responded that there are a number of cities similar to Jacksonville Beach and their models were reviewed in developing the proposed program.

Mr. DeLoach inquired if the 50% rate was based on an existing model.

Mr. Lindorff responded in the negative, stating that staff took existing regulations and cut them in half, but that for some uses, such as residential and bars, the requirements did not change.

Mr. Jones remarked that he was not sure that he agreed with the 50%.

Mr. Lindorff stated that staff is currently looking to bring a consultant in to study paid parking with a tentative workshop scheduled for November 30, 2009. Mr. DeLoach asked if the workshop would include discussion about 3rd Street (moving buildings off-street and making parking available in the rear of the buildings). Mr. Lindorff responded that the workshop would not include that discussion.

Mr. Williams asked about how this will affect street ends. Mr. Lindorff replied that the street ends are not private parking and this amendment will not affect them.

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 people spoke in favor of the request:

Sandy Golding, 1203 18th Avenue North, Jacksonville Beach.
Thad Mosley, 3701 Duval Drive, Jacksonville Beach.
Scott Chestnut, 210 22nd Avenue South, Jacksonville Beach.

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

Mr. Jones asked how this comes into play with the new legislation in SB 360 that removes the concurrency requirement for the City. He also asked whether the City could pool parking money with the mobility fee that is to be developed.

Mr. Lindorff replied that if money is accepted in lieu of parking, it should be used for parking.

Mr. DeLoach inquired as to why the City needs to be moving on this amendment now.

Mr. Lindorff responded the current economic slowdown was a good time to look at parking requirements. He added staff has been working hard on the study and the requirements need to be in place before development is active again.

Mr. Dahl asked how the price is determined for parking.

Mr. Lindorff responded that there is a perception of inequality that if one buys spaces at a more costly amount than another does; there needs to be a plan on how to deal with that situation.

Mr. Dahl advised that he thought the market should set the price and questioned as to how to set market price. He also asked what qualifications and guidelines would be used.

Mr. Lindorff responded that the fee would be determined based on a number of factors, and that it would be reviewed on an annual basis.

Motion: It was moved by Mr. Dorson, seconded by Mr. Williams, to recommend approval.

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

Planning & Development Director's Report

Mr. Mann advised the board that the next meeting would be on December 14, 2009, with two cases.

Adjournment

There being no further business coming before the Commission, Mr. DeLoach adjourned the meeting at 7:55 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Terry DeLoach
Chairperson

Date: December 14, 2009