

**Minutes of Planning Commission Meeting
held Monday, January 11, 2010, 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) *Absent*
Greg Sutton
Fred Jones
Bill Callan *Absent*
David Dahl

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

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Sutton, to approve the minutes for December 14, 2009 as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old Business

There was no old business.

New Business

(A) PC #21-09 (09-100177) - Notice of Zoning Change

Zoning change from Commercial, Professional Office: CPO to Planned Unit Development: PUD

Staff Report:

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

The applicant has contracted to purchase the subject property on the north side of

Jacksonville Drive, just west of State Road A-1-A, and wants to redevelop it into a 4,500 s.f. veterinary practice. The property is approximately 0.5 acres in size and is currently zoned Commercial professional office: CPO. It currently contains two one-story, 2,500 s.f. multi-tenant office buildings and a parking lot accessed by a single driveway onto Jacksonville Drive.

The applicant wants to totally redevelop the subject property into a 4,500 s.f. veterinary practice, as shown on the provided site plans. PUD rezoning is required for two reasons. First, veterinary offices and services are not listed as permitted uses in the CPO district that the subject property is located in, and second, the location of the proposed office building in the approximate location of the existing buildings to be demolished, does not conform to CPO building setbacks.

Staff has reviewed the application against Land Development Code PUD and site development standards, and concurs with the presentments contained in the application narrative. The property is under single ownership. Safe and adequate access is being provided to the development, and is actually being enhanced by the relocation of the existing driveway. Public facilities are in place to serve the proposed development, which is actually a de-intensification of use of the property (5,000 s.f., down to 4,500 s.f.). The project provides the minimum 20% open space, including a 25' x 113' public access easement along the west side of the property granted to the City. This easement was a critical component of the recently completed rework and signalization of the intersection of A-1-A and Jacksonville Drive.

A range of permitted uses for the PUD, derived from the list of CPO district permitted uses, has been requested by the applicant to allow long term flexibility in use of the property, without having to revisit the PUD ordinance. Staff has no objections to the list of proposed other permitted uses of the property.

Adjacent uses include a two-story office building to the north, a bank and office park to the south across Jacksonville Drive, and residential neighborhoods to the west beyond the public access easement, and to the east across 3rd Street. The subject property has a history of use as professional offices, but the two modular buildings on-site now are dated and in need of replacement. The proposed new building, together with new landscaping and allowable monument signage, will positively contribute to the character of the area.

Recommendation: Approval, with the condition that the existing buildings on-site be removed and that a Development Plan application be filed with the City, within twelve (12) months of PUD adoption.

Applicant:

The applicant's agent, Greg Kupperman, 200 First Street, Suite B, Neptune Beach, FL 32266, stated that he concurred with the staff report presented by Mr. Mann but did wish to speak more about the application.

Mr. Kupperman submitted pictures of the parcel in question for the record.

Mr. Kupperman explained that the rezoning will keep with the overall intensity and density of the area. The applicant will demolish the two existing structures to make way for a veterinary office and future office space designed for possibly a photography studio, art galleries, and a dance studio. Mr. Kupperman further stated that the project will meet all requirements dictated by the Land Development Code.

Mr. Kupperman made one final comment stating that he did agree with the recommendations for approval with the condition placed by staff.

Mr. Dahl asked the applicant if there would be any outdoor kennels that would house animals. Mr. Kupperman replied that there would not be outside kennels.

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 opposition to the application:

Kim Nichols, 400 Lower 36th South Street, Jacksonville Beach stated that she was concerned with having a veterinary clinic that housed kennels outside and would have noise pollution.

The applicant, Jeff Woods, 303 6th Street, Atlantic Beach, FL, responded to Ms. Nichols' concerns stating that the facility will be completely encased and that there will not be any kennels outside nor will there be a dog walk. The only time that an animal will be outside is to complete a diagnosis of the animal.

Lauren Johnson, 115 36th Street South, Jacksonville Beach, stated that her objection is due to the zoning change.

Tim Franklin, 418 Seagate Avenue, Neptune Beach, attorney representing the landowners to the north [retained on Friday, January 8, 2010], requested a deferral to allow time to speak with the applicant and resolve objections brought by the land owners. Mr. Franklin expressed concerns that the parcel is located within the CPO zoning districts, but the applicant is seeking uses appropriate in C-1 and CU zoning. This would appear to be spot zoning. The proposal to tear down buildings on the parcel does meet open space standards as well as PUD standards in the Code for parking and streets. Mr. Franklin submitted a document containing suggestions to address these concerns.

Mr. Kupperman stated that he would be willing to defer the application and work with Mr. Franklin and his clients addressing their concerns.

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

Motion: It was moved by Mr. Dorson, seconded by Mr. Sutton, to table the application until the next meeting on January 25, 2010.

Roll call vote: Ayes – DeLoach, Jones, Sutton, Dorson and Dahl. Motion carried unanimously.

(B) PC #23-09 – Conditional Use Approval

Microbrewery in a Commercial general: C-2 zoning district, per LDC Sec 34-343(d)17.

Staff Report:

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

The applicant would like to open the “*Engine 15 Brewing Company*” restaurant/brew-on-premises (BOP) establishment in a 1,600 s.f tenant space in the middle building of the *Boulevard* retail center on the southwest corner of Beach Boulevard and 15th Street South. A detailed description of the business is included in the application materials. It would essentially be a small restaurant/retail operation with a beer and wine license, and with the equipment and supplies for small-scale “brewing-on-premises.” This allows the proprietor to brew beer for consumption in the restaurant, and, with the same equipment, allows customers to come in and select from a variety of beer ingredients, (hops, grains, etc.) have/help the proprietor brew it up, and return in several weeks to bottle up their own beer.

The *Boulevard* center was completed in 2006. The applicant would be the second tenant in the middle building, next to an existing bank. Another restaurant, *Mojo Kitchen*, is located in the eastern building, and the western building is currently vacant. Adjacent to the south, behind the center, are the *Jardin de Mer* condominiums. Across the recently widened Beach Blvd. to the north are the City cemetery, and several office buildings. Given the nature and small size of the proposed establishment, and its location in the center, approval of this request should not impact the commercial character of the area. Adjacent property values should not be affected. The applicant does not plan to have any outside seating at this point, and he is aware that it would require conditional use approval.

Recommendation: Approval.

The applicant, Luciano Scremin, stated that he concurred with Mr. Mann’s 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 people spoke in favor of the request:

Scott Chesnut, 210 22nd Avenue South, Jacksonville Beach.

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

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

Roll call vote: Ayes – DeLoach, Jones, Sutton, Dorson and Dahl. Motion carried unanimously.

(C) **PC #24-09 – Conditional Use Approval**

Outdoor restaurant seating in the Central Business District: CBD, per LDC Sec 34-345(d)(7).

Staff Report:

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

The applicant is in the process of opening a new Caribbean themed restaurant, *Jamrock Bar and Grille*, in the former *Mario's Pizza* tenant space on the east side of 1st Street North, immediately north of the Seawalk bandshell. He was instructed that he would need conditional use approval if he wanted be able to use the 2nd story deck adjacent to the tenant space for outdoor restaurant seating as the prior tenant had. Outdoor restaurants are listed as conditional uses in the CBD, and are not transferable from owner to owner.

The former tenant, *Mario's Pizza*, received conditional use approval to use the outdoor deck for seating in January, 2004, via PC#59-03. That application was approved prior to the enactment of the Sec 34-407 regulations that now govern outdoor bar and restaurants, but the Planning Commission approved that application with the condition that no live music be permitted on the outside deck, and that only low level background music be allowed, which could not be audible from off of the premises.

Since 2004, the City has enacted the LDC Sec 34-407 regulations governing outdoor restaurant and bar areas. The applicant has been provided a copy of Sec 34-407, and if approved, he would be subject to those regulations. Data on the floor plan sheet included with the application shows interior space totaling 4,598 s.f. The maximum allowable outdoor area, by Section 34-407 standards, would be 760 s.f. The floor plan sheet shows a total of 522 s.f. of outdoor area.

The applicant is aware that since the approved deck would be part of his licensed alcoholic beverage premises, he must control access to and from this part of the restaurant. A gate at the stair landing on the northeast corner of the deck will be required, otherwise the deck is adequately contained.

Adjacent uses include *Bukkets* to the immediate east, a vacant tenant space and two surf shops to the immediate north, and the *Freebird Café* across 1st Street. Approval of this existing outdoor restaurant deck for a new tenant should not impact the character of this portion of North 1st Street, so long as the deck is managed properly and in conformance with Sec 34-407 standards. Adjacent property values should not be affected.

Recommendation: Approval.

The applicant, Anthony Largura, 726 2nd Street South, Jacksonville Beach, stated that he concurred with Mr. Mann's staff report, however he submitted plans that introduced a third deck area that he would like to use 238 s.f. of his allowed 760 s.f. of outdoor space.

Mr. Sutton asked for clarification by Mr. Mann about the 522 s.f. and the third level. Mr. Mann stated that the 522 s.f. of the request only includes the second deck and does not include the third deck, which Mr. Largura is presenting/requesting at this time.

Mr. Mann also stated that the Fire Marshall has not issued a CO for this property as of yet and that the applicant may find that he may not be able to use the third deck. There are factors that are not known at this time.

Motion: It was moved by Mr. Dorson, seconded by Mr. Sutton, to table the application until the next meeting on January 25, 2010.

Roll call vote: Ayes – DeLoach, Jones, Sutton, Dorson and Dahl. Motion carried unanimously.

Planning & Development Director's Report

Mr. Mann advised that the next meeting will be on January 25, 2010 with two new cases, and the two carried over cases from tonight's meeting.

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

Approval:

/s/ Terry DeLoach
Chairman

Date: January 25, 2010