

**Minutes of Planning Commission Meeting
held Monday, January 25, 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 *Absent*
Bill Callan
David Dahl *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. Sutton, to approve the minutes for January 11, 2010 as presented.

Correspondence

Mr. Mann stated that there was no correspondence.

Old 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 stated that this item was carried over from its January 11, 2010 public hearing, at the request of a speaker at that hearing.

Applicant:

Applicant's agent, Greg Kupperman, stated that his client has worked very closely with his neighbors to meet their concerns from the previous meeting. Mr. Kupperman displayed for the board, two new PUD site plans, with the first being Phase I showing a 3,500 square foot building, and Phase II providing additional parking and an additional 1,000 square feet of building space, for total of 4,500 square feet.

Mr. Kupperman provided for the record a revised PUD project narrative that outlined the permitted uses for the property as well as additional development standards pertaining to the setbacks, square footage, parking and landscaping requirements.

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:

John Weldon, 101 8th Street, Neptune Beach

It was also noted that 11 people raised their hands when asked if anyone else in the audience was in favor of the application.

No one spoke in opposition.

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 of the request.

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

Mr. Mann stated that he will need to draft the PUD ordinance to the City Council for approval, but that he would also need the applicant to clarify Item K in his written description to reference “the public access easement” as opposed to “4th Street South”. Also, on the PUD maps the math calculations should be revised to show Phase 1 – 3,500 square feet and Phase II – 1,000 square feet, for a total project not to exceed 4,500 square feet.

PC #24-09 (09-1000192) - Conditional Use Approval

Outdoor restaurant in the Central Business District, per LDC Section 34-345(d)(7).

Staff Report:

Mr. Mann stated that this case was a carryover from the January 11, 2010 meeting due to some questions about the outdoor seating and whether or not the Fire Marshal had approved the seating on the third deck. Mr. Mann distributed the applicant’s new site plan that included all of the requested outdoor restaurant area.

Applicant:

Applicant, Anthony Largura, 726 2nd Street South, Jacksonville Beach, stated that he had seen and concurred with the site plan that Mr. Mann distributed.

Mr. DeLoach asked the applicant how the second and third floor decks would be policed/managed.

Mr. Largura replied that he will have managers on duty for both the upstairs and downstairs areas, as well as waitress/bartender staff.

Mr. DeLoach asked how many tables will be on the upstairs deck.

Mr. Largura replied that there will be three seating tables on the 2nd floor deck, and a bartender and a waitress on the upper level.

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:

Cliff Koschnicek, 2215 Clearlake Drive, Henderson, Nevada stated that he is the landlord for this part of the property and he knows that Mr. Largura operates very nice establishments and can only see this as an improvement to the area.

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

Mr. Mann stated that he was aware that the Fire Marshal was requiring the restaurant to provide an emergency access from the upper deck to the balance of the deck and stairs to the west, but he [Fire Marshal] had not indicated that the applicant needed to provide such access to the portion of the deck to the north of their requested outdoor area, in front of an adjacent tenant space.

Mr. Largura indicated that they would secure customer access from the portion of the existing deck to the north of their approved area.

Mr. DeLoach asked the applicant if he felt that he could maintain the minimum requirement of 51% revenue from food, as a restaurant.

Mr. Largura indicated that he was aware of the 51/49% rule, and that they needed to abide by that. He stated that their main focus was on the food part of the restaurant.

Mr. Sutton asked Mr. Largura if he is aware of any outdoor speakers that are still in existence from the previous owners.

Mr. Largura replied that he thought there were, and that they would remove all outside speakers associated with the premises.

Motion: It was moved by Mr. Sutton, seconded by Mr. Dorson to approve the request.

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

New Business

(B) PC #25-09 (09-100198) - Conditional Use Approval

Conditional Use Approval to allow a single family dwelling, per Residential, single family: RS-3 standards, in a Residential, multiple family: RM-1 zoning district.

Staff Report:

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

The applicant recently purchased the subject vacant lot on the southwest corner of 4th Avenue S., and 5th Street S., and wants to construct a single family dwelling on it to sell. He was informed that single-family dwellings were only allowed by conditional use approval in the RM-1 district that the property is located in. The house would be approximately 1,224 s.f. in size, and have a one-car garage.

Adjacent uses to the west, behind the property to the south, and across 5th Street to the north consist entirely of one-story single-family homes. Across 5th Street to the east are multifamily properties of the Jacksonville Housing Authority.

Construction of a new single family home would complement the existing low intensity character of the neighborhood west of 5th Street. Adjacent property values should not be negatively affected.

Recommendation: Approval.

Applicant:

The applicant, Tim Millard, 2301 11th Avenue North, Jacksonville Beach, FL 32250, stated that he concurred with the staff report presented by Mr. Mann.

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 approve the request.

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

(C) **PC #26-09 (09-100199) – Conditional Use Approval**

Conditional Use Approval to allow a single family dwelling, per Residential, single family: RS-3 standards, in a Residential, multiple family: RM-1 zoning district.

Staff Report:

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

The applicant recently purchased the subject vacant property on the south side of 4th Avenue S., one lot east of 7th Street S., and wants to construct a single-family dwelling on it to sell. He was informed that single-family dwellings were only allowed by conditional use approval in the RM-1 district that the property is located in. The house would be approximately 1,224 s.f. in size, and have a one-car garage.

Despite the multifamily zoning of the area, the subject property is entirely surrounded by one-story single-family homes. Construction of a new single family home would complement the existing low intensity character of the neighborhood. Adjacent property values should not be negatively affected.

Recommendation: Approval.

Applicant:

Applicant, Tim Millard, 2301 11th Avenue North, Jacksonville Beach, FL 32250, stated that he concurred with the staff report presented by Mr. Mann.

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 approve the request.

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

Planning & Development Director's Report

Mr. Mann advised the board that the next meeting will be on February 8, 2010 with three cases.

Adjournment

There being no further business coming before the Commission, Mr. DeLoach adjourned the meeting at 7:35 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Terry DeLoach

Chairman

Date: February 8, 2010