

**Minutes of Planning Commission Meeting  
held Monday, November 22, 2010, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Greg Sutton.

**Roll Call**

Terry DeLoach (Vice Chairperson)  
Lee Dorson  
Greg Sutton (Chairperson)  
Fred Jones  
Bill Callan  
David Dahl  
Tom Baker

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

**Approval of Minutes**

Mr. Dorson made a motion to approve the September 13, 2010, September 27, 2010 and October 11, 2010 meeting minutes as presented, seconded by Mr. DeLoach. Motion carried unanimously.

**Correspondence**

Mr. Mann stated that staff had received no correspondence.

**New Business**

- (A) **PC #26-10 (10-100149) – Conditional Use Approval**  
**Conditional Use Approval** for transfer of ownership of outdoor restaurant seating in a Commercial General: C-2 zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code. The property is located at 2309 Beach Blvd.

**Staff Report:**

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

The applicant is in the process of renovating and remodeling the former *Fast Boys Wings* restaurant tenant space in the *Beach Marine* complex into a new restaurant, *Nipper's Beach Grill*, and is requesting to utilize 1,460 s.f. of existing deck area adjacent to their

restaurant for outdoor seating. The applicant was informed that he would need to obtain conditional use approval for any outdoor seating and, if approved, it would be subject to Section 34-407 outdoor restaurant and bar seating regulations. The applicant provided a sketch of the proposed area to be used for outdoor seating, along with the floor plans of the inside restaurant space, with the application. The outdoor space is the same outdoor area that was approved for *Fast Boys Wings*, the former restaurant tenant, in August of 2007 (ref. PC #22-07).

The application has been reviewed against our LDC Section 34-407 standards, and it has been determined to be compliant with those standards. There are no existing residential use properties within 150 feet of the proposed outdoor seating area. The size of the outdoor seating area is within the limits allowed for a 12,380 s.f. restaurant. The applicant is aware that no music or amplified sound devices will be allowed within the approved outdoor seating area. Parking is available on-site for the proposed restaurant and its outside seating area.

Adjacent uses to the tenant space include an office building and *Billy's Boathouse* restaurant (with outdoor seating) to the west and *Beach Marine's* marina and dry storage facilities to the north and east.

Given the mixed-use nature of the property, the immediate former use of the subject tenant space, and the presence of another restaurant with a long history of outdoor seating, the applicant's request is not out of character with surrounding uses. As stated, the seating area would be subject to the new regulations governing outdoor seating areas, including the prohibition of outdoor music or loudspeakers, so there should not be noise-related problems for adjacent properties.

**Recommendation:** Approval, subject to LDC Section 34-407 standards, and with the outdoor seating area limited to the 1,460 s.f. area shown on the sketch provided with the application materials.

**Applicant:**

The applicant, Rudy Theale, 2309 Beach Blvd, Jacksonville Beach, stated that he grew up in Jacksonville Beach and remembers *First Street Grill* fondly and would like to recreate that type of atmosphere with *Nippers*. Mr. Theale also stated that the outdoor seating is extremely important to the restaurant, and it adds an ambiance to the property.

Mr. DeLoach asked the applicant if he understood that there was to be no outdoor music. Mr. Theale replied that he understood that he can only have indoor music.

Mr. DeLoach asked Mr. Mann if the applicant could apply for a special permit to have outdoor music for special occasions. Mr. Mann replied that he could not answer that question.

Mr. Dorson asked the applicant to show [on the sketch] where the music/entertainment

would be located inside the restaurant. Mr. Theale pointed to an area on the sketch and replied that it will be in the lounge/bar area.

### **Public Hearing**

Mr. Sutton 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:

Lisa Brusso, Beach Marine marina manager and resident, 2315 Beach Blvd, Jacksonville Beach.

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

**Motion:** It was moved by Mr. DeLoach, seconded by Mr. Dorson, to approve the request pursuant to LDC Sec 34-407 standards, and with the outdoor seating area limited to the 1,460 s.f. area shown on the sketch provided with the application materials.

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

### **Planning & Development Director's Report**

Mr. Mann advised that the next meeting is tentatively scheduled for January 10, 2011.

### **Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton  
Chairman

Date: January 10, 2011