

**Minutes of Planning Commission Meeting
held Monday, February 14, 2011, 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 Greg Sutton.

Roll Call

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

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

Approval of Minutes

Mr. Dorson made a motion to approve the January 10, 2011 meeting minutes as presented, seconded by Mr. Jones. Motion carried unanimously.

Correspondence

Mr. Mann stated that staff had received no correspondence.

New Business

- (A) **PC #1-11 (11-100003) – Conditional Use Approval**
Conditional Use Approval to operate a drinking establishment and microbrewery in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342(d)(3) and Section 34-342(d)(19) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant would like to establish a microbrewery business, with tap room, in the existing vacant commercial building located on the southwest corner of 3rd Street and 2nd Avenue North. The building was most recently used by a scooter shop, and prior to that was occupied by a retail tile store. The business would primarily produce beer for

ultimate sale by other establishments, but would also have a tap room, or tasting room, in the front of the building. For this reason, they have applied for both microbrewery and drinking establishment approvals. By Land Development Code definition, a microbrewery may produce a maximum of 8,000 barrels, or 248,000 gallons of beverages per year. (Ref Ord. No. 96-7681)

Microbreweries have been listed as a conditional use in C-1 zoning districts since 1996, but, if approved, this establishment would be the first one permitted in a C-1 district. The city currently has one other permitted microbrewery, the *Engine 15 Brewing Company*, located on Beach Boulevard. There also used to be one other microbrewery, associated with *Tortugas* restaurant on 1st Street North, but it has since closed. Staff has no record of any complaints or problems related to the operation of either of those microbrewery operations.

Since the request involves potential approval of a drinking establishment, the application has been reviewed for compliance with our LDC distance standards relative to same. In this case, the two potentially impacted facilities relative to this request would be the main school building of St Paul's Catholic Church, and the Brix bar. By most direct pedestrian route, the primary portals (entrances) of both of these facilities lie more than 500 feet from the main portal, or front door, of the proposed establishment. (Mr. Mann referred to an aerial photograph exhibit handed to each of the commissioners and shown on a display board to the audience). The Brix bar does lie within a 500 foot direct line of sight of the proposed establishment. However, that direct line of sight is not the most direct pedestrian route, since the new A-1-A median has been installed at the 2nd Avenue North intersection. The current closest legal pedestrian crossing across 3rd Street is now located to the south at 1st Avenue North. By this most direct pedestrian route, the Ritz, and the Brix bar as well, are more than 500 feet from the proposed establishment.

Adjacent uses include office uses to the immediate south and west, and automotive repair facility across 2nd Avenue to the north, and a bank and shopping center across 3rd Street to the east. Given the lack of problems with the operation of the other two cited microbreweries in the city, the fact that the subject property is buffered from the residential properties to the west by developed commercial properties, and that it is oriented with its main entrance onto 3rd Street, its use as a microbrewery with associated tasting room should not detract from the existing character of the surrounding neighborhood. Adjacent values should not be affected.

Recommendation: Approval.

Applicant:

The applicant, Mark Stallman, 2717 Christopher Creek Road North, Jacksonville, FL 32217, stated that he concurred with the staff report presented by Mr. Mann.

Mr. DeLoach asked Mr. Stallman if he is planning on making improvements to the building. Mr. Stallman replied that he will be improving the front of the building, landscaping, and major improvements to the inside of the building.

Mr. Jones inquired about off-street parking. Mr. Mann stated that the parking requirement for the brewery portion of the building would be 1 space/1000 square feet, similar to warehouse space. Mr. Mann stated that he had not spoken with the applicant about the parking requirements, but that it would be taken up as part of the permit review for the proposed facility. There is also additional room for parking on the property in the rear of the building.

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 spoke neither for nor against the application:

Scott Chestnut, 210 South 22nd Avenue #B, Jacksonville Beach, inquired about the location, parking, and food.

Mr. Stallman replied that the clientele will be very quiet and the microbrewery was not aimed at the general bar crowd, but more to the beer connoisseur. There will be no food served at this time.

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

Motion: It was moved by Mr. DeLoach, seconded by Mr. Dorson, to approve the conditional use approval as requested.

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

(B) PC #2-11 (11-100004) – Conditional Use Approval

Conditional Use approval for outdoor restaurant seating, related to a change in ownership of an existing restaurant with approved outdoor seating located in a *Commercial General: C-2* zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant is in the process of re-opening the recently closed *Homestead* restaurant,

under the new name of the *Coppertop Kitchen*. He has applied to transfer the current outdoor seating conditional use approval associated with the restaurant into his name. The existing outdoor decks were originally approved in July of 2002 via application PC #32-02 (Malcolm Marvin, applicant). That approval carried with it the condition that there would be no amplified music on the decks. In September 2002, Mr. Marvin applied again, to have the prohibition of outdoor music repealed, so he could install low level background music outside. That request (PC#41-02) was approved with the three conditions that (1) that any speakers on the decks be oriented back towards the building; (2) that the music not be audible past any property lines; and (3) that the approval be for a one-year time period only. There were no records of any incidents related to the operation of the decks over that year, and in 2003, Mr. Marvin re-applied as required, with the request that the one-year stipulation be removed. That application, PC#45-03, was approved in October of 2003. There have been no records of any incidents related to the operation of the outdoor decks since that time.

Adjacent uses to the restaurant include *Adventure Landing* to the west, a new commercial strip center and the *Jardin de Mer* condominiums to the east and southeast, a church and funeral home across Beach Boulevard to the north, and a wetland area to the south. Both the strip center and the condominiums have been developed since the *Homestead's* decks were originally approved. The continued operation of the decks should not negatively affect the character of this stretch of Beach Boulevard, and adjacent property values should not be negatively impacted.

Since the applicant's request is for approval of existing outdoor seating areas approved and constructed prior to the enactment of our current outdoor seating standards (Section 34-407), any existing aspects of the decks that do not meet Section 34-407 standards, such as the amplified low level music or residential proximity, simply exist as legal nonconformities. The original conditions placed on outdoor seating areas related to the orientation of the speakers back toward the building, and that any outdoor music not be audible past any property line would remain in effect, should this application be approved.

Recommendation: Approval.

Applicant:

The applicant, Mike Pessagno, 2237 Woodbridge Drive, Jacksonville, FL, stated that he concurred with the staff report presented by Mr. Mann.

Public Hearing

Mr. Sutton 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. Sutton closed the public hearing.

Motion: It was moved by Mr. Jones, seconded by Mr. Dorson, to approve the conditional use approval as requested.

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

(C) **PC #3-11 (11-100007) – Conditional Use Approval**

Conditional Use approval for a new single-family dwelling located in a *Residential, Multiple-Family: RM-1* zoning district, pursuant to Section 34-339(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant owns the subject property and, per her application, has lived there most of her life. Due to a recent fire, the small single family home on the property is no longer inhabitable and must be torn down. She has applied to re-establish a single family dwelling on the lot, per our RS-3 zoning standards. She is aware that, if approved, whatever house she could re-build on the lot would also likely require some sort of dimensional variance, as the lot is only 37.5 feet wide by 125 feet deep.

Adjacent uses include two duplexes on the lot immediately to the west, and small, single family uses to the east, behind the home to the south, and across 3rd Avenue to the north. Her request to continue the former single family use, then, is consistent with the surrounding neighborhood. Adjacent values should not be negatively impacted by the construction of a new single-family dwelling at this location.

Recommendation: Approval.

Applicant:

The agent for the applicant, Patrick Mulligan, 533 10th Avenue North, Jacksonville Beach, stated that he concurred with the staff report presented by Mr. Mann.

Public Hearing

Mr. Sutton 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. Sutton closed the public hearing.

Motion: It was moved by Mr. Dorson, seconded by Mr. DeLoach, to approve the conditional use approval as requested.

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

Planning & Development Director's Report

Mr. Mann advised the board that the next meeting will be February 28, 2011 with approximately 3 cases.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton
Chairman

Date: February 28, 2011