

**Minutes of Planning Commission Meeting
held Monday, February 13, 2012, 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 Chairman Greg Sutton.

Roll Call

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

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

Approval of Minutes

It was moved by Mr. Dahl, seconded by Mr. DeLoach, to approve the meeting minutes for the January 9, 2012 meeting as presented.

Correspondence

There was no correspondence.

New Business

(A) PC #1-12 (12-10003)– Conditional Use

Conditional Use approval for transfer of ownership of an existing outdoor restaurant seating area located in the *Commercial Business District: CBD* zoning district, pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code. The property is located at 333 1st Street North, #100 (Paco's Mexican Grill).

Staff Report:

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

The applicant is the new owner of *Paco's Mexican Grille* in the *Beach Village* commercial complex on the southeast corner of 1st Street North and 3rd Avenue North. He would like to continue to use the established outdoor seating area approved for the

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restaurant's original owner in 2007, via application PC#13-07, so he has now applied for its continued use under his name.

Staff is unaware of any major problems associated with this restaurant's outdoor seating since its establishment over three years ago. Outdoor seating areas, such as this one and the seating area across the street at *Chicago Pizza* will actually complement and enhance the pedestrian friendly environment that the City is seeking to create in this portion of the Central Business District via the recently approved Downtown Vision Plan. This portion of 1st Street is currently being reconstructed pursuant to the Vision Plan, eliminating the street curbing, replacing the asphalt paving with patterned pavers, and installing landscaping and on-street parking.

Adjacent uses include the balance of the *Beach Village* complex to the immediate north and east, the *Best Western* hotel next door to the south, and the *Metropolitan* mixed use building across 1st Street to the west. Approval of the continued use, under new ownership, of this existing outdoor restaurant seating compliments the City's Vision Plan implementation for this portion of North 1st Street, and its continued operation should have no affect on adjacent property values. The applicant will be subject to LDC Sec. 34-407 Outdoor Restaurant and Bar regulations, and he has been provided with a copy of those regulations.

Recommendation: Approval.

Applicant:

The applicant, Robert Rizzo, 320 1st Street North, #912, Jacksonville Beach, stated that he concurred with the staff report given 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. DeLoach, seconded by Mr. Dahl, to approve the conditional use, as requested.

Roll call vote: Ayes – DeLoach, Sutton, Dahl, and Baker; motion carried unanimously.

(B) PC #2-12 (12-100012) – Conditional Use

Conditional Use approval for transfer of ownership of an existing carwash located in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342(d)(6) of the Jacksonville Beach Land Development Code. The property is located at 1177 3rd Street South.

Staff Report:

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

The applicants are in the process of taking over the operation of the existing self-service carwash located on the northeast corner of 3rd Street South and 12th Avenue South from its current operator, who was approved for operation of the carwash by the Planning Commission in 1995, via application PC#12-95.

The Property Appraiser's database indicates that the carwash was originally built in 1974. Staff visited the property prior to drafting this recommendation, and the improvements on the property are as shown on the applicant's site plan. (The items listed as 'proposed' on that plan have since been constructed.) The structures on-site are in sound shape structurally, but the field of concrete between the wash bays and the covered vacuum area is in serious disrepair, and standing, soapy water was observed in several areas. The concrete apron leading from the wash bays onto 3rd Street are also beginning to deteriorate. Staff observed no on-site stormwater or drainage facilities, with all of the paving except for that lying beneath the covered wash bays and vacuum bays, sheet flow draining directly onto 3rd Street, the alley, or into a ditch in the right-of-way on 12th Avenue. There does appear to be sufficient green space areas on-site to accommodate some level of stormwater retention, but it is not being utilized for that purpose. There are signs on the fence bordering the east side of the property warning patrons of a fine for the playing of loud music, and prohibiting patrons from such activities as car waxing and other maintenance, and the Jacksonville Beach Police Department's phone number is provided for the reporting of violators. There is no landscaping on-site, except for grass covering the unpaved areas.

Adjacent uses include apartments to the immediate east, a veterinary clinic across the alley to the north, an auto repair facility across 3rd Street to the west, and a small commercial strip center across 12th Avenue to the south.

The continued use of the subject property as a carwash, as it has been used since 1974, is not necessarily out of character with the surrounding neighborhood. However, the current condition of the paving on-site, the lack of stormwater management, and lack of any landscaping give the property a decidedly old and unattractive appearance. If allowed to continue to decline, the property could well begin to negatively impact the character of the surrounding neighborhood, and could, ultimately have a negative impact on adjacent

property values. There are, however, measures that the applicant and/or the property owner could take to positively address these issues.

Recommendation: Approval, subject to the following conditions, which shall be met within twelve (12) months of approval of this application:

1. Replace the concrete paving between the vacuum bays and wash bays, and the concrete apron between the wash bays and 3rd Street, and provide a reasonable level of stormwater retention, to the satisfaction of the Jacksonville Beach Public Works Department. This work must be completed within twelve (12) months of approval of this application.
2. Clean and paint/repaint the structure containing the carwash bays, and the concrete equipment pedestals located in various locations on the property. This work must be accomplished within four (4) months of approval of this application.
3. Provide landscaping, including a minimum of three Washingtonian Palm trees, (minimum 8' height), within green space areas not utilized for above required stormwater retention, within four months of approval of this application.
4. Failure to comply with approval conditions 1 through 3 above shall render this Conditional Use approval null and void. Modification of any of approval conditions 1 through 3 shall require prior approval from the Jacksonville Beach Planning Commission, following public notice pursuant to Land Development Code Sec. 34-154(c)(2), with all costs for said notice to be paid by the applicant prior to consideration by the Planning Commission.

Applicant:

The applicants, Penny and Tammy Nishiyama, 821 3rd Avenue North, Jacksonville Beach stated that their mother had previously leased out the carwash to tenants that have not been maintaining the property. The lease has not been renewed and the applicants will now control the carwash and will be investing money to update the facilities. They both stated that they agreed with the conditions; read by Mr. Mann, should the request be granted.

Mr. Baker asked the applicants if they were willing to have the application reviewed within 12 months, should the request be approved.

Penny and Tammy Nishiyama both responded in the affirmative.

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. DeLoach, seconded by Mr. Dahl, to approve the application, subject to the aforementioned four conditions, and for a twelve(12) month period.

Roll call vote: Ayes – DeLoach, Sutton, Dahl and Baker; motion carried unanimously.

Planning & Development Director’s Report

Mr. Mann advised the Commission that there will not be a meeting on February 27, 2012, however there is a meeting tentatively scheduled for March 12, 2012.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman
City Clerk’s Office

Approval:

/s/Greg Sutton
Chairman

Date: March 26, 2012