

**Minutes of Planning Commission Meeting
held Monday, June 25, 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
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

There were no minutes to approve.

Correspondence

There was no correspondence.

New Business

(A) PC #6 - 12 Conditional Use

Conditional Use approval for proposed religious organization and child daycare uses located in a Residential, multiple-family: RM-1 zoning district, pursuant to Section 34-342 (d)(4) and Section 34-342(d)(18), respectively, of the Jacksonville Beach Land Development Code. The property is located at 121 6th Street South.

Staff Report:

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

The applicant is the existing church adjacent to the north of the subject property. They would like to place a 900 s.f. modular structure and parking on the subject property, to be used by the church for religious activities as well as for child daycare and pre-K functions, citing a need for such facilities to serve the surrounding Pablo Beach South neighborhoods. A site plan of the proposed facilities is included in with the application.

Adjacent uses include the applicant's church to the north across the alley, owner and rental residential uses to the east, to the west across 6th Street, and to the south across 2nd Avenue. Given the relatively small size of the proposed structure and the fact that it would be an accessory use to the applicant's existing established church, the

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proposed facilities should not negatively affect character of the surrounding neighborhood, nor should adjacent property values be affected. The use of modular structures should not be problematic, so long as they are screened between ground level and the bottom of the structures themselves, and as long as any transport equipment is removed upon their placement on the site.

Recommendation: Approval.

Applicant:

The applicant, Reverend Gregory Austin of the Good Samaritan Life Changing Ministries, 119 6th Street South, stated that he concurred with the staff report presented by Mr. Mann. He also wanted to add that the church may build a permanent structure in place of the modular, depending on the cost.

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:

Lotti Reynolds, 615 2nd Street South, Jacksonville Beach.

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. Jones, to approve the conditional use as presented.

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

(B) PC #9 - 12 Conditional Use

Conditional Use approval for transfer of ownership of an existing outdoor restaurant/bar seating located in a C-1: Commercial, Limited zoning district, pursuant to Section 34-342(d)(20) 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 relocating the *Fionn MacCool's Irish Pub and Restaurant* from its former location on the southeast corner of 1st Street and 3rd Avenue North, two blocks west to the subject property on the northwest corner of 3rd Street and 3rd Avenue North. In conjunction with this relocation, they would like to be able to use the existing outdoor seating patio in front of their new building. They were informed that the outdoor seating area was approved by conditional use for the former tenant, *Dicks Wings* (ref PC #26-03), and, as such, its use was not automatically transferrable, but required conditional use approval. The applicant has now applied for the use of the patio for his restaurant.

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The applicant included a site plan of the property showing the building, parking layout, and the location and extents of the existing outdoor seating area. The patio is roughly 620 sq.ft. in area, which complies with Sec 34-407 standards for the existing 3,600 sq.ft. restaurant space. The applicant is aware of the balance of the Sec 34-407 regulations, including the fencing requirement related to the service of alcohol, and also that there will be no music or amplified sound allowed within the outdoor seating area. Since the outdoor seating was originally established prior to the enactment of our Sec 34-407 standards regarding residential proximity, the fact that it lies within 150' of existing residential uses (to the north) is simply an element of legal non-conformity related to it.

Adjacent uses include an office building to the immediate west, office and multifamily uses to the immediate north, a NAPA store across 3rd Avenue to the south, and office and commercial uses across 3rd Street to the east. Property values of these neighboring uses should not be affected by the transfer of ownership of this existing outdoor restaurant space, and the character of this predominantly commercial neighborhood should not be negatively impacted

Recommendation: Approval.

Applicant:

Applicant, Paul Glaser, 410 3rd Street North, Jacksonville Beach stated that he concurred with the staff report presented by Mr. Mann.

Mr. Sutton asked Mr. Glaser if he had received a copy of a letter that was sent to the Planning Commission from Bobby Rose, CEO of Bar Code Equipment Service.

Mr. Glaser stated that he did have a chance to review it before the beginning of the meeting.

Mr. Sutton did state for the record that the letter written by Bobby Rose addressed prior tenants (Dicks Wings) and not the new future tenant (Finn McCool's).

Mr. Glaser addressed a couple of the concerns in the letter and stated that he operates a very successful restaurant/bar and the problems created by the previous tenant will not be an issue once Fionn McCool's is established in this space.

Mr. Glaser did ask for clarification from Mr. Mann about the outdoor perimeter.

Mr. Mann stated that a 42-inch wall or fence is required around the outdoor seating.

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.

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

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

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is July 23, 2012 with four scheduled cases.

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
Senior Secretary

Approval:

/s/Greg Sutton

Chairman

Date: July 23, 2012