

**Minutes of Planning Commission Meeting  
held Monday, May 13, 2013, 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) *Absent*

Lee Dorson

Greg Sutton (Chairperson)

Bill Callan

David Dahl

**Alternates**

Georgette Dumont

Rick Knight

Also present were Bill Mann, Senior Planner and Recording Secretary Cathy Martinich.

**Approval of Minutes**

There were no minutes for approval.

**Correspondence**

There was no correspondence.

**New Business**

**(A) PC #13-13 (13-100076) - 51 South 3<sup>rd</sup> Street**

**Conditional Use approval** for outdoor restaurant seating located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345 (d)(7) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant owns the *McDonald's* restaurant on 3rd Street, just south of Beach Boulevard. He plans to demolish the existing 4,855 s.f. restaurant building and replace it with a new 4,317 s.f. building, also housing a *McDonald's*.

In conjunction with the new restaurant, the applicant would like to have a small 130 s.f. outside seating area in the front of the building.

The existing restaurant building was built in 1990, and it also replaced a former *McDonald's*. Both versions had outdoor seating, and the current outdoor seating on-site exists as a legal nonconforming use. Since the existing building and outdoor areas adjacent to it will be totally demolished as part of the proposed construction, the proposed new outdoor seating can only be provided if it is approved as a conditional use.

The project site plan included with the application shows that the applicant is providing all of the required parking for both the proposed indoor and outdoor restaurant space. The new building is located generally where the current building is, but it will be closer to 3rd Street, with all of the parking provided on the south and east sides of the restaurant. The redeveloped site will conform to our Land Development Code landscape and sign standards.

Adjacent uses include a vacant parcel to the north, a small office building across 2nd Street to the east, Pablo Towers to the west across 1st Avenue South, and a retail cell phone store across 3rd Street to the west. There should be no negative impacts to adjacent property values or to the character of the surrounding neighborhood from the proposed redevelopment of the subject property for the proposed new restaurant.

Recommendation:      Approval

**Applicant:**

The applicant, Mr. Brett Turner, CPH Engineers, 5200 Belfort Road, Suite 220 Jacksonville, FL 32256, representing McDonalds Corporation, 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. Dahl, to approve the conditional use as presented.

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

**(B) PC #14-13 (13-100089) - 314 North 1<sup>st</sup> Street**

**Conditional Use** approval for outdoor restaurant or bar seating for an existing restaurant building located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345 (d)(7) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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

The applicant is renovating the vacant restaurant property on the northwest corner of 1st Street North and 2nd Avenue North, to open the new *Habibi Restaurant and Hookah Bar*. He would like to utilize the existing covered outside deck adjacent to the building for outdoor seating so he has filed for conditional use approval.

The Property Appraiser's website indicates that the restaurant building was built in 1937. The outdoor deck was built in 1990, extended in 1994, and covered in 1995. Both the building and its deck pre-exist much of their surrounding development, including the Metropolitan to the immediate north, and the renovated Beach Village commercial complex across 1st Street to the east.

The most recent former tenant of the subject restaurant property was *Snapper's* restaurant and bar. During the time that establishment was in business, between April 2009 and November 2012, there were a total of 45 calls for police service, for an average of just over one call per month. Six of those calls specifically included notes concerning outdoor amplified music.

Staff has reviewed the application against LDC Section 34-407 standards. The area of the deck does exceed those standards, but that characteristic would be allowed as an existing legal nonconformity. The existing deck is not proposed to be expanded in area, so parking would not be an issue. The deck does contain the required 42-inch fence or containment wall. The applicant is also aware, if his application is approved, that the use, operation, or playing of any musical instrument, loudspeaker or other sound producing mechanism within the approved outdoor restaurant is prohibited.

So long as the applicant properly manages the activity on the outdoor deck area, and given that amplified music will not be a problem, there should be no detrimental effects on the existing character of the surrounding neighborhood, over that associated with the former tenant. Adjacent property values should not be impacted.

**Recommendation:** Approval, subject to LDC Sec 34-407 standards, including the prohibition of any outdoor music or other sound producing equipment within the approved outdoor seating area.

**Applicant:**

The agent for the application, Jerios El-cHaer [Habibi Bar] 11380-02 Beach Boulevard, Jacksonville, FL 32246, stated that he concurred with the staff report presented by Mr. Mann, however, he did request an explanation as to why he could not have approval for outside sound, as did the previous owners.

Ms. Deborah Left, 699 Seaspray Avenue, Atlantic Beach, FL 32233, owner of the property stated she has been instrumental in maintaining permission for her previous tenants to continue use of the existing deck with outside sound.

Mr. Mann explained that because the property has been vacant for six (6) months, the Land Development Code regulations governing outdoor seating are now applicable. This ordinance was passed in 2005 and states that outside sound permits are no longer given to businesses when a business is sold or closed, and reopened as a new establishment.

Mr. Sutton asked about the size of the existing deck. Mr. Mann reiterated that the size of the deck was a physical characteristic that could continue to exist as a legal nonconforming characteristic, and one that was not being changed.

**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. Callan, to approve the conditional use as presented contingent on the sale of the property.

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

(C) **PC #15-13 (13-100090) - 2731 Madrid Street**

**Conditional Use** approval for an existing Type II Home Occupation (*Colleen A. White, Attorney*) located in a *Residential, single family: RS-1* zoning district, pursuant to Section 34-336(d)(1) of the Jacksonville Beach Land Development Code.

The applicant currently has an approved Type II Home Occupation at her residence, which allows her secretary to be able to work at her home with her. Her Type II application was approved last May (PC# 8-12), for a period of one year. That year will expire on May 29, 2013, so the applicant has re-applied to continue her Type II Home Occupation at her residence.

The applicant's home is located on the east side of Madrid Street, west of 2<sup>nd</sup> Street South, in a single-family residential neighborhood. The subject property is surrounded on all four sides by other single family residences. The applicant's residence has a two-car garage and is served by a wide driveway, so there is adequate parking on-site for one additional automobile. The applicant is aware that her home business cannot generate excessive vehicular traffic, and also that her home address cannot be used in conjunction with any advertising of her business.

Staff has received no complaints relative to the operation of this Type II Home Occupation. Approval of this request to continue it should not affect the established residential character of the surrounding neighborhood, nor should adjacent property values be impacted.

Recommendation: Approval

**Applicant:**

The applicant, Colleen White, 2731 Madrid Street, Jacksonville Beach, FL 32250, stated that she 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. Callan, to approve continuation of an existing Type II Home Occupation (*Colleen A. White, Attorney*) located in a *Residential, single family: RS-1* zoning district, pursuant to Section 34-336(d)(1) of the Jacksonville Beach Land Development Code.

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

**(D) PC #16-13 (13-100091) - Concept Plat for Subdivision**

**Applicant:** Salt Marsh II, LLC, c/o Richard Johnston, 6384 Philips Highway, Jacksonville, FL 32216

**Location:** Approximately 125 feet west of Hopson Road, at 2100 Beach Boulevard

**Concept Plat** Approval for a proposed three lot, single-family residential subdivision of two parcels totaling +/- 1.6 acres, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

The applicant is under contract to purchase two adjacent parcels of land located on the south side of Beach Boulevard, one lot west of Hopson Road, and would like to re-subdivide the combined parcels into a three lot, single family subdivision, consistent with the subject properties' *RS-1* zoning and *Residential Low Density* Future Land Use designations.

One of the two subject properties, the Allen property, is a large waterfront property that lays one lot west of the easternmost Hopson Road residence along the north side of the turning basin. The other is a property along the north side of the first property, owned by the Goodloe family. They are owners of other properties in this area, and this property was held until this point to provide access to the residential lots west of Hopson Road that had no road frontage or access. There is an existing driveway easement on this property now, for access to Hopson Road by the adjacent property owner to the north. This easement can be accommodated within the proposed plat.

The applicant proposes to subdivide the combined subject properties into three single-family residential lots, served by a private street. That street would access both Beach Boulevard and Hopson Road. The utilities for the lots would either be provided in the private street right-of-way or through an easement running parallel to it. Each of the lots meets the minimum 10,000 s.f. size for *RS-1* zoned properties, and each provides the minimum *RS-1* lot widths of 90 feet at the building line and 35 feet at the street. As a private street, the short roadway would be maintained by the homeowners' association established by the developer.

The three proposed lots are consistent in size with those in the developed Hopson Road neighborhood to the immediate east. To the west is the former *Lighthouse Grille* property. This property is zoned C-2 and has been vacant for several years. The latest inquiries into the development of that property have involved proposals for residential use.

The applicant's concept plat is consistent with adjacent residential development and development of the proposed plat should not negatively affect adjacent property values.

Recommendation: Approval

**Public Hearing:**

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Mr. Ty Gordon, 2 Hopson Road, Jacksonville Beach, FL 32250, expressed his concerns regarding the proposed private road near his property. Mr. Dahl, Mr. Sutton and Mr. Dorson asked Mr. Gordon to show them on the map in the agenda packet what his exact concerns were.

Mrs. Michele Killdays, 6831 Pottsberg Drive, owner of 0 Hopson Road, Jacksonville Beach, FL, 32250, expressed concerns regarding access to her property and driveway.

Mr. Mann explained in detail the easements and access around her property. Discussion ensued regarding access for existing residents and owners of the vacant lots. Mr. Mann stated for the benefit of the Board and audience that this concept plat is showing only the division of a 1.7 acre parcel, which needs to meet the Comprehensive Plan and Zoning requirements. This concept plan is only the first item of consideration and approval.

Mr. Johnson assured the Board and audience, that they have reached out to property owners and have had positive communications with them, addressing their concerns and saying that he intends the building design to complement the surrounding area.

Mr. Rick Knight, (2nd Alternate, not voting) asked Mr. Mann when the easements would be defined. Mr. Mann explained the development process and said that the final plat would show all required private and public easements. Mr. Knight asked what the standards were for building the private roads. Mr. Mann explained that they are required to meet the same standards as public roadways. Discussion continued regarding easement and road plans.

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

**Motion:** It was moved by Mr. Dorson., seconded by Mr. Callan, for Concept Plat approval for a proposed three lot, single-family residential subdivision of two parcels totaling +/- 1.6 acres, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

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

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

Mr. Mann advised that the next meeting is scheduled for *Tuesday*, May 28, 2013 with one conditional use application.

### **Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:43 P.M.

Submitted by: Cathy M. Martinich  
Senior Secretary

Approval:

/s/Greg Sutton

Chairman

Date: May 28, 2013