

**Minutes of Planning Commission Meeting  
held Monday, September 23, 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**

Greg Sutton, Chairperson  
Terry DeLoach, Vice Chairperson  
Bill Callan *Absent*  
David Dahl  
Georgette Dumont

Alternates:  
Rick Knight  
Lee Dorson

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

**Approval of Minutes**

It was moved by Mr. DeLoach, seconded by Mr. Dahl, and passed, to approve minutes for the meetings of August 26, 2013 and September 9, 2013, as presented.

**Correspondence**

There was no correspondence.

**Old Business**

**Finding of Fact, PC #25 -13 (13-100170) – 2092 Beach Blvd.**

**Motion:** It was moved by Mr. DeLoach, seconded by Ms. Dumont to approve the Finding of Fact.

**Roll call vote:** Ayes – DeLoach, Dumont, Sutton, Knight, Dahl  
Motion carried unanimously.

**New Business**

(A) **PC #26 -13 (13-100171) – 500 South 3<sup>rd</sup> Street**

Planned Unit Development: PUD Zoning Amendment application to amend the approved Preliminary PUD Development Plan to allow 12,055 square feet of additional floor space within the existing South Beach Regional Shopping Center PUD (Equity One, Inc., shopping center owner – applicant)

**Staff Report:**

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

The applicant has applied to amend the existing PUD ordinance governing the *South Beach Regional* Shopping Center to amend the preliminary PUD development plan, to increase the total square footage allowed within the PUD, and to allow for a 90 square foot increase in the allowable wall signage on the east (3rd Street) faces of the *Sandcastle* center building. The proposed increases in square footage and wall signage are to accommodate a proposed new retail tenant in an expanded tenant space (a 5,066 s.f. addition to the tenant space immediately west of the existing AT&T tenant space), and to allow development of a free-standing 7,000 s.f. commercial use building, west of the *Sandcastle* building. The use of the combined 12,066 s.f. of new space would be limited to the same uses approved for the overall PUD, including restaurant and retail uses. The applicant has not indicated a specific tenant for either space, but indicated that the initial phase would be to add on to the referenced *Sandcastle* building tenant space, and then a second phase would be to construct the freestanding 7,000 s.f. building. If this application is approved, the total permitted building area allowed within the PUD would be 315,285 s.f.

Staff has reviewed the application for consistency with relevant Comprehensive Plan and Land Development Code (LDC) regulations. The Comprehensive Plan Future Land Use Map designation of the shopping center is *South Beach District*, reflective of it being located in the city's Southend Redevelopment Area. The requested commercial additions are consistent with the Southend Community Redevelopment Plan's designation of the subject property for commercial use. Parking within the center will remain consistent with the LDC minimum requirement for shopping centers of one space per 250 s.f. Open space will remain in excess of the required minimum 20%. A traffic study was required for this application, pursuant to Ordinance No. 2006-7915. Staff secured the services of Prosser Hallock, Inc. to perform the study. That study has yielded that the adjacent roads will not exceed their maximum service volumes due to traffic generated by the proposed additions to the existing center. Adequate water supply and sewer treatment capacity are available for the proposed use, and the additional impervious area from the expansion would be handled by the shopping center's existing storm water management system.

Finally, concerning signage, given the fact that the *Sandcastle* building is set back over 300' from 3rd Street, the request by the applicant for a minor increase in wall signage along the 3rd Street side of the *Sandcastle* building is not unreasonable.

**Recommendation:** Approval.

### **Applicant:**

The agent for the applicant, Doug Skiles, 2002 San Marco Blvd., Jacksonville, referred to the elevations that he had displayed and discussed both Building A and Building B. Building A will be increased by 5,066 square feet while building B will be a brand new building with 7,000 square feet.

Mr. Dorson asked Mr. Skiles if he could explain how the proposed changes will handle the storm water drainage in the area. Mr. Skiles responded that the analysis of both ponds indicate that they have excess capacity to handle any additional drainage while meeting requirements by the SJWMD.

Mr. Dahl asked Mr. Skiles if there will be plans for underground drainage for Building B. Mr. Skiles replied that chambers will be installed under Building B. He said the same concept has most recently been used for the new Wendy's on 3<sup>rd</sup> Street South.

### **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 Commission, Mr. Sutton closed the public hearing.

Mr. DeLoach asked Mr. Mann if the proposed changes will still meet the 20% green space requirement. Mr. Mann replied yes.

Mr. Dahl asked Mr. Mann if he could explain the findings of the traffic study completed by Prosser Hallock. Mr. Mann replied that the Land Use Code that was used for the study was General Shopping Center and the trips generated would be 648 daily trips and 34 peak time hour trips.

Mr. Dahl spoke about the heavy traffic exiting the shopping center, and asked the applicant if there could be an additional traffic lane added to what is currently there to accommodate the heavy traffic.

Mr. Knight stated that customers will find other ways to exit the shopping center.

Mr. Skiles replied that a double lane could be constructed exiting onto 3<sup>rd</sup> Street.

Mr. Mann stated that it could possibly be a paint-only change, to accommodate a double right turn lane.

Mr. Sutton asked if a ground sign is allowed. Mr. Mann replied yes.

Mr. Dahl asked the leasing agent with Equity One if there were provisions in place to relocate the Navy Federal Credit Union. The reply was yes.

**Motion:** It was moved by Mr. DeLoach, seconded by Ms. Dumont to recommend approval of the PUD zoning amendment with the submitted and discussed elevations presented.

**Roll call vote:** Ayes – DeLoach, Dumont, Sutton, Knight, Dahl.  
Motion carried unanimously.

**(B) PC #28 -13 (13-100178) – 1266 Beach Blvd.**

Conditional Use application for approval of existing restaurant seating located in a Commercial general: C-2 zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code. (Roma's Italian Restaurant – applicant. New tenant in Beach Plaza Shopping Center)

**Staff Report:**

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

The applicant opened the *Roma's Italian* Restaurant in August in the former *Primo Italian* Restaurant space in the *Beach Plaza* shopping center. This tenant space has an established conditional use for outdoor seating area. Staff informed the new owner that the outdoor seating use was not automatically transferable and that he would need to apply for approval of the space under his name.

The original approval for outdoor restaurant seating at this location was for *Nolan's Sports Grille* in 2003, via PC#44-03, with the condition that no amplified music or public address system be audible from off the sidewalk area immediately in front of the tenant space. *Twisted Sisters* was subsequently established in the tenant space in 2004, and the seating area was approved for them via PC#30-04. After *Twisted Sisters* closed in 2010, the tenant space was briefly occupied by the *Rocbar Cafe*, but the conditional use outdoor seating was never transferred to that business, and it closed shortly after it opened.

The next approval was for *Iguana's Cantina* in 2010. The most recent approval of the outdoor seating area was in 2012, for the referenced former tenant in the space, *Primo Italian* via PC#3-12. There are no records of any major problems with the operation of the subject outdoor seating area when it was approved for the two most recent former tenants.

Adjacent uses include the balance of the shopping center to the east and west, an apartment complex and mini storage facility to the south across Shetter Avenue and a mix of office and service facilities across Beach Boulevard to the north. The requested outdoor seating area should not alter the character of this predominantly commercial area, and approval of this request should not negatively affect adjacent property values, so long as it is properly managed. The outdoor seating area falls within the allowable square

footage for the tenant space size, and it is properly fenced pursuant to Section 34-407 standards. The applicant has been provided with a copy of these standards and is aware of the restrictions related to the use of the seating area, including the prohibition of live music or amplified sound within the outdoor seating area.

**Recommendation:** Approval.

**Applicant:**

The applicant, Gac Lukaj, 1266 Beach Blvd., Jacksonville Beach, stated that he concurred with the staff report presented by Mr. Mann. He further explained that the outdoor seating will only be used by the customers who wish to have a cigarette or glass of wine.

Mr. DeLoach asked the applicant if understood that there was to be no outside amplified music. Mr. Lukaj replied yes.

**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 Commission, Mr. Sutton closed the public hearing.

**Motion:** It was moved by Mr. Dahl, seconded by Mr. DeLoach, to approve the Conditional Use as presented and discussed.

**Roll call vote:** Ayes – DeLoach, Dumont, Sutton, Knight, Dahl  
Motion carried unanimously.

(C) **PC #29 -13 (13-100181) - 391 North 1<sup>st</sup> Avenue**

Conditional Use application to approve renewal of a motor vehicle dealer and automotive repair business located in a Commercial limited: C-1 zoning district, pursuant to Sections 34-342(d)(2) and (d)(6) of the Jacksonville Beach Land Development Code. (Milton Knox, Cool Cars – applicant)

**Staff Report:**

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

The applicant was initially approved to run his automotive A/C repair business and electric vehicle (GEM) dealership at this location in September 2010, via PC#21-10. That approval was for a one year period and included the conditions that the repair business be limited to automotive air conditioning and associated work, and that the dealership only be allowed to display a maximum of three vehicles on the property. The applicant

subsequently received approval in 2011 and 2012 for the same uses, with the same conditions for two more one-year periods. His current approval expires on October 7, 2013, so he has applied again, this time for long term approval to continue his business.

Staff has periodically driven by the subject property and while there were issues with the appearance of the property, the types of repair being done, and with personal storage on-site during the first year the business operated, the property has been kept generally presentable over the past several years, and staff is unaware of any major issues with any of the neighbors over the past year. The national GEM business has been bought out by the Polaris Company, but the applicant still provides maintenance and occasionally displays and sells those newly branded electric cars.

Adjacent uses remain the same as they have been over the past several years and include a catering business to the immediate east, an office use across the alley to the north, *St. Paul's School* across 4<sup>th</sup> Street to the west, and *Willard's Automotive* to the south across 1<sup>st</sup> Avenue North. As long as the existing building on the subject property remains in good physical condition, continuation of the current uses of the property without need for annual renewal, and subject to certain conditions, should not impact the surrounding neighborhood, and adjacent property values should not be affected.

**Recommendation:** Approval with the following conditions:

1. Automotive repair, other than that of electric vehicles, be limited to air conditioning/heating and related repair and service.
2. There shall be no more than three new electric vehicles displayed for sale at any time within the parking lot in front of the building.
3. No vehicles under repair/service or waiting for repair/service shall be stored in the rights-of-way adjacent to the subject property.

**Applicant:**

The applicant, Milton Knox, stated that he agreed with the staff report presented by Mr. Mann.

Mr. Sutton asked the applicant if he agreed with the conditions that Mr. Mann recommended for approval. Mr. Knox replied yes.

Ms. Dumont asked Mr. Mann what would happen if the conditions are broken. Mr. Mann replied that all the conditions are enforceable by Code Enforcement.

Mr. Knight stated that he feels that the one-year approval should be eliminated, stating that Mr. Knox has been a good steward of the community and there has not been any issues reported in the last year.

### **Public Hearing**

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

Correspondence was submitted by Heath Aldridge, 316-318 1<sup>st</sup> Avenue North, Jacksonville Beach, in favor of continuing the annual renewal of the Conditional Use.

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

**Motion:** It was moved by Mr. DeLoach, seconded by Ms. Dumont, to approve the Conditional Use with the following conditions and with the elimination of annual renewal:

1. Automotive repair, other than that of electric vehicles, be limited to air conditioning/heating and related repair and service.
2. There shall be no more than three new electric vehicles displayed for sale at any time within the parking lot in front of the building.
3. No vehicles under repair/service or waiting for repair/service shall be stored in the rights of way adjacent to the subject property.

**Roll call vote:** Ayes – DeLoach, Dumont, Sutton, Knight, Dahl  
Motion carried unanimously.

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

Mr. Mann advised the Commission that the next meeting is scheduled for October 14, 2013 with one conditional use application.

### **Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:00 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton  
Chairman

Date: October 14, 2013