

**Minutes of Planning Commission Meeting  
held Monday, December 9, 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  
David Dahl *Absent*  
Georgette Dumont *Absent*

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. Callan, and passed, to approve the minutes of the November 25, 2013 meeting.

**Correspondence**

There was no correspondence.

**Old Business**

There was no old business.

**New Business**

**(A) PC #40 -13 (13-100234) – 3502<sup>nd</sup> Avenue South**

Conditional Use application for transfer of ownership of an existing automotive repair facility 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 350 2<sup>nd</sup> Avenue South (former Aslan's Automotive).

**Staff Report:**

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

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The applicant has recently purchased the subject property from its previous owners, and wishes to continue the operation of an auto repair business on the property. Since the former owner's business, *Aslan's Auto Clinic*, exists as an approved conditional use in a C-1 district, the applicant was informed that she would have to obtain conditional use approval in her name to be able to continue the business after purchasing the property.

The building on the subject property was built in the mid 1980's, and was originally used as the office, maintenance and storage facility for a taxicab company. *Aslan's* received conditional use approval for auto repair use in 1993 (reference PC# 3-93) and has been in business since that time.

Adjacent uses include the City's main Fire Station and an above-ground water tank across 2nd Avenue to the north, a mixed-use residential and commercial building next door to the east, a vacant City-owned lot to the west, and a restaurant, a duplex and an office building across the alley behind the property to the south.

Given that the existing structure on the property was originally designed for auto related use, and has been in such use since the 1980's, its continued use for same is not out of character with the surrounding neighborhood. The new owner is aware that the only vehicles that may be stored on the property are those under active repair or awaiting pick-up by their owners. As long as the new owner maintains the property in presentable condition, adjacent property values should not be affected simply by a change in ownership and name of the existing auto service facility.

**Applicant:**

The applicant, Kerry Ann Doran, 18 Amberjack Road, Ponte Vedra Beach, stated that she concurred with staff report presented by Mr. Mann.

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

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

**(B) PC #41-13 (13-100235) – 831 North 1<sup>st</sup> Street**

Conditional Use application for outdoor restaurant seating in conjunction with the renovation and expansion of an existing restaurant building located in a Commercial Limited: C-1 zoning district, pursuant to Section 340342(d) (20) of the Jacksonville Beach Land Development Code. The property is located at 831 North 1<sup>st</sup> Street (former Blues Rock Café).

**Staff Report:**

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

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On Tuesday, November 12, 2013, the Planning Commission voted to allow the applicant to re-apply for conditional use outdoor restaurant approval, as a follow-up to Application PC#30-13, which was denied by the Commission on October 14, 2013.

The applicant owns the subject property that contains the former *Blues Rock Cafe* restaurant and bar on the southeast corner of 7th Avenue North and 1st Street North. That establishment was a permitted restaurant use in a C-1 zoning district, but it had no approved outdoor seating areas.

The areas now proposed for outdoor seating by the applicant in conjunction with his new restaurant are shown on the application site plan. They include the existing narrow deck along the 1st Street (west) side of the building and wrapping around to the north side and a proposed new covered ground floor deck area on the northeast corner of the building, under a proposed second story indoor addition to the restaurant. The latter is requested in conjunction with the applicant's plans to renovate and expand the existing building establishing a more formal entrance to what is proposed to be a new restaurant venue, *Seachasers*.

In the review of the application, staff contacted the applicant to learn more about his plans for the property. He designed a two-story addition to the oceanfront side of the existing building, to provide dining room space for the new restaurant. He also now has detailed plans and elevations showing his proposed renovations to the exterior of the existing building to update its appearance and to bring a different look to the property.

Staff informed the applicant that the additional building square footage and requested outdoor seating areas would require off-street parking at a ratio of 1 space per 100 square feet. The applicant's site plan shows a total of 33 spaces along the north and east sides of the building to address the parking requirement.

The subject property has a history of hotel and restaurant/bar use. Property records indicate the original building on the subject property was built in 1957. It was initially operated as the *Hilsmoore* motel, and included a small gift shop and restaurant. In the late 1990's the restaurant portion of the building was renamed *Paradise Alley* and the outdoor deck on the south side of the building was added. In 2004 the hotel portion of the property was closed after fairly significant storm damage, but *Paradise Alley* remained open until the property was sold in 2008. The property then sat vacant for several years, and in 2011, the *Blues Rock Café* opened.

Adjacent uses include the *Acquilus I* condominium across the street-end to the north, which was completed in 2005, the *Acquilus III* condominium to the immediate south, completed in 2009 on the former site of the *1st Street Grille* restaurant, and a single family home, a triplex and a vacant lot across 1st Street to the west. The latter was the former off-site parking lot for the *1st Street Grille*, and is now under permitting for a mixed use 18 unit apartment/commercial development. Each of these residential uses, with the exception of the single family home, exists as an approved conditional use in a C-1 commercial district.

Given the history of uses of the subject property, and that its commercial use pre-dates nearly all of the surrounding residential uses, its future use as a restaurant is reasonable. As long as

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they are properly managed, the proposed outdoor restaurant areas, in the locations shown on the application site plan, should not necessarily be problematic for the surrounding residential uses, especially given the LDC prohibition of any outside music or other amplified sounds with approved outdoor restaurant areas. The applicant is aware of the parking requirements for the outdoor restaurant space, and he has been provided with a copy of the LDC Section 34-407 Outdoor Restaurants and Bars regulations.

Recommendation: Approval, with the following conditions:

1. The restaurant building shall be renovated in compliance with the renovation drawings dated 10-24-13, as submitted for consideration by the applicant at the November 12, 2013 Planning Commission meeting.
2. The applicant shall cease food and beverage service within the approved outdoor restaurant areas no later than 10:00 PM nightly.

**Applicant:**

The agent for the applicant, Jeff Tyer, 12652 Creek Springs Drive, Jacksonville, stated that he had some clarifications regarding the first floor plan labeled A-2, where there is an existing dwelling unit - this will not remain as a dwelling unit. This space will become additional restaurant space. There will be no dwelling units on the property.

**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 people spoke neither in favor nor against the application:

Greg Warner, 932 1<sup>st</sup> Street, Jacksonville Beach - questioned the size of the building footprint

The following people spoke in favor of the application:

- Jerry Bittner, 2315 Beach Blvd., Jacksonville Beach

The following people spoke in opposition to the application:

- David Shields, 917 1<sup>st</sup> Street North, Unit 1201, Jacksonville Beach
- Diane Sollee, 917 1<sup>st</sup> Street North, Unit 101, Jacksonville Beach
- Mark Shwan, 917 1<sup>st</sup> Street North, Jacksonville Beach

Through the Chairman, Mr. Mann addressed Ms. Sollee's question if the westerly side of the building will be used for outdoor seating. Mr. Mann replied yes, that the existing decks along the 1<sup>st</sup> Street side of the building would be utilized for outdoor seating.

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Mr. Mann also addressed Mr. Shwan's question regarding the restaurant closing hours. He explained that 10:00 pm is only as a staff recommendation and the members would have to approve it. Mr. Mann further informed Mr. Shwan that outdoor music is not allowed. Anything above 75 decibels would be in violation of the noise ordinance.

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

**Rebuttal:**

Mr. Tyer answered Mr. Warner's question regarding the footprint extension and explained that the building will extend four feet from the existing structure.

Jeff Tyer concurred with Mr. Mann regarding the noise ordinance and reaffirmed that there will be no outside music.

**Discussion**

Discussion ensued about the new proposed plan, noting it was an improvement from what had been previously presented in October. Mr. Knight stated that he would like to see the outdoor seating area be closed at 10:00pm.

John Messner, 5101 Atlantic Blvd., Atlantic Beach, stated that he has been hired by Mr. Franks to oversee and manage the restaurant. The restaurant outdoor seating area will be limited to 34 people. This will be a professional upscale restaurant.

Mr. DeLoach asked Mr. Messner to give examples of the restaurants where he has been involved.

Mr. Messner replied that he has worked with Mundo Grill, Pussers, and has been a restaurant consultant with Bonfish Grill Corporate office.

Mr. DeLoach stated that all these restaurants that Mr. Messner has been involved in are more food oriented and not a bar. Mr. DeLoach further stated that he does not want to overregulate a business and agrees with the staff recommendations provided by Mr. Mann. He does not feel that extra limitations are needed.

Mr. Knight stated that he only wants the residents to have some protection should patrons become loud and obnoxious in the outside seating area.

Through the Chair, Mr. Mann offered an alternative condition for approval:

The application shall cease food and beverage service within the approved outdoor seating restaurant areas no later than 10:00 pm nightly, and shall prohibit consumption of alcohol with the approved outdoor restaurant areas after 10:00 pm nightly.

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**Motion:** It was moved by Mr. Knight, seconded by Mr. Dorson, to approve the conditional use as presented with the following conditions:

1. The restaurant building shall be renovated in compliance with the renovation drawings dated 10-24-13, as submitted for consideration by the applicant at the November 12, 2013 Planning Commission meeting.
2. The applicant shall cease food and beverage service within the approved outdoor seating restaurant areas no later than 10:00 pm nightly, and shall prohibit consumption of alcohol with the approved outdoor restaurant areas after 10:00 pm nightly.

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

**Planning & Development Director's Report**

Mr. Mann advised the members that the next meeting is scheduled for January 13, 2014 with two conditional use applications.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Greg Sutton

Chair

Date: January 13, 2014