

**Minutes of Planning Commission Meeting
held Tuesday, April 29, 2014, 2014, 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

Greg Sutton, Chairperson
Terry DeLoach, Vice Chairperson
Bill Callan
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 Terry DeLoach, seconded by Georgette Dumont, and passed, to approve the April 14, 2014 meeting minutes as presented.

Correspondence

There was no correspondence.

New Business

- (A) **PC #9--14 (14-100060) – 1183 Beach Boulevard (Marlin Moon Grille)**
Conditional Use Application for proposed outdoor restaurant seating at an existing restaurant located in a Commercial General: C-2 zoning district, pursuant to Section 34-343(d) (14) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The subject property is located on the north side of Beach Boulevard, across the street from the Beach Plaza shopping center. The applicant leases the property and existing restaurant building on it from its owner, and operates it as the Marlin Moon Grille seafood restaurant. He has applied for conditional use approval to be able to use portions of his existing front patio for outdoor restaurant seating.

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Staff met with the applicant's agent while the application was being processed to review the request and reviewed the LDC Section 34-407 standards. He was informed that, if approved, there was a maximum square footage he would be allowed, and that based on a restaurant size of approximately 2,670 s.f., the maximum amount of outdoor seating would be 534 s.f. (20% of the inside restaurant space). The concrete patio in front of the restaurant building is 27' ft. by 60' ft., or 1,620 s.f., so the agent was instructed to provide a sketch showing how the allowable 534 s.f. of outdoor seating would be arranged on the existing patio. He was also informed that the seating area would have to be fenced, since it would function as part of the applicant's licensed alcoholic beverage premises, and that there would be a five space parking requirement associated with the approved new outdoor space.

Included with the application is a response letter from the applicant's agent, together with a site plan showing the proposed extents and location of the proposed outdoor seating area. The letter also provides information concerning the parking for the restaurant. Staff cannot reach a conclusion as to whether or not the applicant can meet the LDC parking requirements based on that information. If the application is approved, though, the applicant's ability to provide the required parking must be approved by Planning and Development prior to signing off on the applicant's modification to his restaurant liquor license to include the outdoor area as part of his licensed premises.

Adjacent uses include a professional office to the west, a restaurant with outside seating to the east, single family homes across 1st Avenue to the north, and *Beach Plaza* shopping Center across 3rd Street to the south. The subject property has been in restaurant use since at least the early nineties, with *Marlin Moon Grille* being the ninth successive restaurant use.

Given the proposed location of the outdoor restaurant area on the south side of the restaurant building, facing Beach Boulevard, and also given the prohibition of outdoor music or amplified within approved outdoor restaurants and bars, approval of this request should not negatively impact the residential neighborhood across 1st Avenue to the north. Given the existing commercial setting of the property and also that the restaurant is already established here, adjacent property values should not be affected.

Recommendation: Approval.

Applicant:

The agent for the applicant, Mark Pennington, 225 5th Street, Atlantic Beach, stated that the restaurant will be entering into an agreement with the neighbor next door to allow the use of the additional 5 parking spaces that are required.

Public Hearing

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

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

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

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

(B) PC #10-14 (14-100061)– 506 Beach Boulevard

Conditional Use Application for outdoor seating for a proposed restaurant located in a Commercial General: C-2 zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The owner would like to redevelop the subject property on the southwest corner of 5th Street South and Beach Boulevard to accommodate a new restaurant, Jimmy John's sandwich shop. The property and its existing structure are currently in use as an arts and crafts retail store, but for many years prior it was in use as the Bar-B-Q Ltd restaurant.

The application site plan shows that the owner proposes to demolish the existing building and redevelop the site to support a new 1,800 s.f. single-story restaurant, with 360 s.f. of outdoor seating. The outdoor seating requires conditional use approval.

Staff has reviewed the application against LDC Section 34-407 standards for outdoor restaurant and bar seating. The proposed 360 s.f. of outdoor restaurant space would be the maximum allowed for the proposed 1,800 s.f. restaurant building. The property owner has indicated that the restaurant would not serve alcoholic beverages, so the outdoor area would not need to be fenced. The applicant is aware of the noise/music prohibition related to outdoor restaurant and bar areas. The application site plan also shows the required parking for the proposed use.

Adjacent uses include the historical park across Beach Boulevard to the north, a vacant fast food restaurant property to the west, the new Publix shopping center to the east across 5th Street, and several retail businesses across Shetter Avenue to the south. Given the long history of restaurant use of the subject property, its redevelopment into a new restaurant use would not be out of character with the surrounding commercial neighborhood. Adjacent property values should not be negatively affected.

Recommendation: Approval.

Applicant:

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The applicant, Elizabeth Scott, 8269 Seven Mile Road, Ponte Vedra Beach, stated that she concurred with the staff report presented by Mr. Mann and had nothing further to add.

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 members, Mr. Sutton closed the public hearing.

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

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

(C) PC #11--14 (14-100068)

Land Development Code Text Amendment to amend **Land Development Section 34-453 Permitted Signs** by modifying the regulations regarding changing copy signs to increase the frequency of allowable electronic sign image changes.

Staff Report:

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

Based on feedback received from business owners over the last year, primarily via contact with our Code Enforcement Division, staff has reviewed the City's current regulations relative to electronic message board signage.

Electronic variable message board signage is a sign, or an area within a sign, where the message and/or image portrayed on an electrified screen panel can be changed electronically, as opposed to having to change the sign image and text manually. An example of this type of sign is the City's new surfboard-themed LED message board sign on the east side of the Beach Boulevard/A-1-A intersection.

Changeable copy signage is regulated in Article VIII, Div. 4 Sign Standards of the Land Development Code. Currently, per Section 34-453(6), Subparagraphs b, d, e, and g, electronic changeable copy signs are only allowed to change their sign 'copy' once in a 24 hour period. This is seen by current owners of such signs as overly restrictive, especially in light of the cost and capabilities of these types of signs, compared to more traditional types of signage.

The attached ordinance amends Section 34-453 to increase the frequency of allowable electronic sign image changes to a maximum of once every eight seconds. This frequency is consistent with the City of Jacksonville's regulations concerning 'changing message device' signage, and is also consistent with several model sign codes reviewed by staff. Eight seconds

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is seen as a minimum reasonable time for a sign display to remain static, while being not overly distracting to motorists it might be oriented towards. The proposed amendment also prescribes a maximum of one second for any copy/image changes to be accomplished, and requires these types of electronic signs to have auto-dimming capabilities so that they are lit at appropriate intensities at all times, based on the surrounding varying ambient light. All proposed text changes in the attached ordinance are indicated in the strike-through deletion/underline addition format.

This amendment does not change the current prohibition of animated signs, which involve active motion of sign copy, regardless of display duration, and are deemed to be very distracting to motorists and pedestrians alike.

Recommendation: Approval.

Applicant:

Ms. Dumont asked if the recommendations were based on empirical data. Mr. Mann responded that they had researched other cities' codes. He stated that the amendment was discussed at a Council workshop, where the change in allowable frequency was discussed and determined to be an appropriate threshold.

Ms. Dumont asked if they had received any input from businesses. Mr. Mann replied only indirectly

Mr. DeLoach stated that there was so much research on food trucks. Everybody will be able to afford these types of signs and everyone will have the ability to change at different times at 8 seconds at every single place that can afford the sign. He stated that we don't have to change just because it came out of a workshop and was suggested by a few people. Mr. DeLoach added that the Board should get the visual in your mind of signs up and down Third Street that have signs changing at an interval 8 seconds.

Ms. Dumont added that she did find an analysis of roadside safety for a 10 year period between 2000 - 2010 that heavily critiques that electronic display signs can have a negative impact on driving.

Need to pay attention to the height of the sign and the impact on the drivers' gaze and when there is a lane shift there is less reaction time. Must take into account the variables of the sign itself and the geographical area. We need to consider safety for the driving public and the aesthetics.

Mr. DeLoach added that a study by Virginia Tech revealed that these types of signs can lead to crashes for signs that change every two seconds. The study looked at the colorful rapidly changing billboards – the recommendation is for a significantly longer change.

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Mr. Dahl stated that there is an aesthetic issue with these types of signs.

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 in favor of the text amendment:

Bruce Recht, representing Don Bell Sign Company, stated that surfboard signs, including electronic signs, don't have any negative impact. The cost was \$25,000 - \$30,000 for an electronic sign.

The following people spoke in opposition to the text amendment:

Sandy Golding, 1203 18th Avenue North, stated that Jacksonville Beach residents don't want to be consistent with the City of Jacksonville. Other beach communities of Atlantic Beach and Neptune Beach do not have this sign code. She added that proven research should be conducted to address issues of public safety and aesthetics.

Jim Overby, 21 Burling Way, stated that there is the potential for signage along Beach Blvd. and on 3rd Street for all of the properties from north to south. Third Street is classified as a constrained highway and is a failing segment. Electronic signs are designed to attract attention and could affect driver safety.

The sign ordinance is not well managed by the Planning Department as it is – there are signs that are permitted that should not have been. Policing the signs has become an issue.

George Candler, 507 16th Avenue South, stated that he was in favor and that 8 seconds may be too much, but if it was 5 minutes that seems reasonable. It may not be a vibe that we are looking for – the electronic signs only work if the neighbors have the same type of sign.

Discussion:

Mr. Mann stated that he understands the concerns; the staff was directed by City Council to look at the issue. The appropriate thing would be to make a recommendation; you could suggest that the council have more info.

Mr. Dahl added that aesthetics are important and brought up the issue with monument signs. If we are going to consider this ordinance at all go outside of the 8 seconds – maybe 6 hours.

Mr. DeLoach stated that there is no evidence on what the ideal time is. We are basing it on other cities' requirements. The country is going in another direction of electronic signs.

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Mr. Mann responded that many of the citations brought up were for billboards, and we are not comparing apples to apples.

Mr. DeLoach stated that if you take the monument signs, even if they are changing 3 signs, every sign will be changing 3 times a day. This is a knee jerk response and not a measured response. He would oppose because of a risk to health and safety. Defer this and take a closer look at this and the safety issues; we need more data. Mr. DeLoach stated that he would like to see a motion to defer action.

Ms. Dumont agreed, stating that the data is not there.

Mr. Knight stated that the problem with getting data is that you have to have experiments to get data. He agreed that we need the data, but how do you get the data.

Mr. DeLoach stated that we move to defer action until we have more information from the Planning Department. Ms. Dumont agreed.

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

Motion: It was moved by Mr. DeLoach, seconded by Ms. Dumont, to table the text amendment until further data can be compiled by the Planning Department.

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

Planning & Development Director’s Report

Mr. Mann advised that the next meeting is tentatively scheduled for Tuesday, May 27, 2014.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:15 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton

Chair

Date: May 27, 2014

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