Minutes of Planning Commission Meeting
held Monday, June 23, 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 *Absent*
David Dahl
Georgette Dumont

Alternate:
Lee Dorson

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 #15--14 (14-100086)– 602 1 Street North
Zoning Amendment Application to rezone two parcels of land totaling +/- 0.39 acres located on the northwest corner of 1st Street North and 5th Avenue (currently Mango's Bar) from Central Business District: CBD to Redevelopment District: RD to allow redevelopment of the property into a mixed use, concept bar/office/retail use. (Surfworks, LLC - applicant)

Staff Report:

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

Staff is currently processing a rezoning application for a redevelopment project containing a two-story 7,889 sf. 'Concept Bar' (drinking establishment) building, together with a separate one-story building with 1,000 sf. leasable commercial space. The developer is also proposing a parking pad in the parking lot immediately adjacent to

the bar building for a mobile food vendor. A copy of the application, including project narrative, site plan, building floor plans and elevations, and perspective drawings of the project, is included in your agenda package for reference. The two-story drinking establishment building of the project will be configured as follows:

- 3,605 sf. interior (conditioned) space
- 918 sf. ground floor outdoor bar space
- 2,297 sf. second floor outdoor lounge space
- 400 sf. second floor outdoor bar area
- 669 sf. second floor enclosed ancillary space

One reason for the requested rezoning of the subject property is that, pursuant to LDC Section 34-407(b) standards, a 4,274 s.f indoor bar or restaurant would be limited to a total of 727 sf., or 2,888 sf. less than the 3,615 sf. proposed by the applicant.

One other area of departure from the conventional zoning criteria requested in the rezoning application is from the 500-foot separation requirement between alcoholic beverage establishments. (Ref. LDC Section 34-393) The subject property, which is currently the grandfathered location of *Mango's Bar*, is located approximately 190 feet from *Lynch's Irish Pub* and 436 feet from *Bo's Coral Reef Lounge*. If the rezoning is approved, the applicant would restore the 4-COP quota alcoholic beverage license held by *Mango's* for use at the new establishment.

These characteristics are allowed to be addressed and modified from the normal standards as part of the RD zoning process, which was created to allow flexibility from traditional standards in an effort to encourage redevelopment activity in the Downtown Redevelopment Area. In addition, it should be noted that the proposed project does meet the Land Development Code definition of a "shopping center" (a group of retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership which is adjacent to and utilizing a common off-street parking area.) for the purposes of calculating the parking requirements. The standard for a shopping center in the underlying CBD zoning district is one space per 500 s.f. of total floor area, including any outdoor seating areas. Based on that ratio, the proposed project would require a total of 16 off-street parking spaces, including one ADA space. The application site plan shows 22 parking spaces on the property, including one ADA space.

The City staff has reviewed the RD zoning application, and a pre-application meeting was held with the applicant. The applicant's proposed development has been specifically reviewed against the LDC standards for RD rezonings (Section 34-347(c) (3) i), and it has been determined that:

- The land area proposed for the applicant's redevelopment project is adequate and appropriate, in part because it currently exists as a drinking establishment.

- The project contains no uses prohibited for RD rezonings.

- The project is generally consistent with the lot layout and design guidelines of our CBD zoning district, which were adopted several years ago specifically to further the principles put forth in the Downtown Vision Plan, a major component of the overall Downtown Redevelopment Plan.

- Maximum building heights will not exceed 35 feet.

- Traffic circulation and parking are arranged to safely tie in to the existing downtown road network.

- The provision of open space, landscaping, stormwater retention, and signage will per LDC standards.

- Adequate public facilities exist to serve the proposed development. In addition, the project will be subject to the recently adopted mobility fee, to address traffic impacts.

- The proposed development is consistent with relevant Comprehensive Plan Future Land Use policies, including Policies LU.1.2.2, LU.1.2.3, LU.1.2.6, Policy LU.1.2.7, LU.1.3.1, and LU.1.5.10.

Pursuant to Section 34-347(c)(3)(d) of the Jacksonville Beach Land Development Code, the Community Redevelopment Agency (CRA) has the responsibility to review and offer comments to the City Council on applications to rezone properties in the Downtown Community Redevelopment Area to the RD: Redevelopment District classification. The CRA met and considered this application on Monday, June 16, 2014, and voted to recommend approval by the City Council without condition.

Recommendation: Pursuant to LDC Section 34-347(a), "The RD zoning district classification is designed to achieve a diversity of uses in a desirable environment through the application of flexible land development standards and to foster creative design and planning practices in the Jacksonville Beach Downtown Redevelopment Area in order to encourage economic vitality and redevelopment pursuant to the objectives of the Jacksonville Beach Community Redevelopment Plan." If the Planning Commission feels that this RD rezoning application achieves this purpose and intent, then it should recommend the application's approval by City Council, otherwise it should recommend its disapproval.

Applicant:

The agent for the applicant, Steve Diebenow, 1 Independent Drive, Suite 1200, Jacksonville, distributed handouts. He stated that there were changes to the written description. The first is to change the retail of the mixed use component from 1000 square feet to 3000 maximum square feet. This still stays within the parking code requirements.

The other change is the request to have TVs and music speakers within the outdoor bar areas. This would require a specific departure from Section 34-407(e). He stated that should not vastly change the request.

Mr. Diebenow stated that this plan of redevelopment will be good mixed use project for this part of the City. Mr. Diebenow then presented a slide presentation of the proposed project.

Mr. Mann inquired if there was a change to the proposed site plan. Mr. Diebenow responded that the handout does have a revised site plan showing the office and retail footprint of 1500 sq. ft. per floor, with a potential of two stories.

Ms. Dumont asked what the current square footage of Mangoes. Mr. Diebenow responded about 3900 square feet.

Mr. Sutton questioned the parking and Mr. Mann confirmed that the parking was sufficient per LDC standards.

Ms. Dumont stated that she had concerns with outdoor speakers and TVs, and concerns with parking for the bar. Mr. Diebenow responded that the outdoor speakers could be reviewed and discussed. He stated that parking was up to code and added that this should be a nice addition to the neighborhood.

Mr. DeLoach agreed that the outdoor music was a problem. He also stated that if the parking requirement needed review that is what they needed to do. The redevelopment area should not be parking driven – it should be a more walkable area. The spaces at your restaurant will be full even if the people are not going to the bar. He thought that replacing a bar with a bar that is a nice facility would be welcome.

Ms. Dumont agreed that downtown should not be one parking lot, but we need to look at this as a system. The condos to the north will have guests and it may not make it easier for the community to find parking. She added that another bar will not bring the diversity to the City.

Mr. DeLoach stated that our charge is not to dictate what type of businesses come here; if it falls under RD zoning it is allowable. He added that there is no magic number of parking spaces – they are meeting the parking requirements as required by the City.

Ms. Dumont stated that adding almost 4000 square feet of bar and the open area up top will bring many more vehicles.

Mr. DeLoach responded that bars currently don't have enough parking, but parking doesn't drive these concepts. We still have more parking than Neptune Beach, Ponte Vedra and Atlantic Beach combined.

Mr. Mann added, per the applicant's narrative, that the existing bar is 3880 square feet.

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 application:

Aaron Mizenhimer, Jacksonville Beach, stated he was in favor of the concept. His business is VOID Magazine. He stated that parking will always be a problem, but we need greater attractions for the beach area to pull more people here. Other big brands will follow if we bring a big brand like this to the beach.

Curtis Loftis, 2815 St. Martins Court, Jacksonville Beach, agreed that this is an international brand. This is the type of business that we need in Jacksonville Beach. The St. Johns Town Center will attract business away from Jacksonville Beach unless we attract these types of international brands.

The following people spoke in opposition of the application:

Lance Folsom, 1022 23rd Street North, stated that this was not recommended for approval by Staff. He stated that development should be family friendly to be consistent with the Downtown Vision. The land use policies are easy to meet. The policy that should apply is that redevelopment should be consistent with redevelopment policies, such as diversity, downtown vision, and adequate off-street parking. If approved, make certain that it has adequate security.

Jim Overby, 21 Burling Way, stated don't let the developer mislead you, this is about the bar. There is going to be noise that will carry into the next door neighbors. This should not be rezoned if not consistent with the CBD requirements.

William Stand, 1020 19th Street North, stated that he liked the concept and asked if they knew the seating capacity. Mr. Mann stated that is set by the Fire Marshal. Mr. Stand agreed that parking is a problem for this type of development – the line has to be drawn somewhere.

Vince Caballa, 525 3rd Street North, expressed concerns about noise in the evenings. He stated that there has to be a time limit for outdoor use – it would be a negative with

people talking and tires squealing. The other concern is that there seemed to be a food truck attached to this building; he would like to see a restaurant instead of a food truck.

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

Rebuttal:

Steve Diebenow reiterated that the brand name was important. He added that the use is not changing; it will continue as some type of bar regardless. He stated there already is a City process that charges developers for parking and that money goes into a fund to build and maintain public parking. This applicant is playing by the rules and meeting the requirements.

Mr. Diebenow added that the mixed use component is about 28 % retail – it is not a token part of the development. He stated that there is room for a food truck and there is a separate permit application requirement for that.

He agreed that RD zoning is designed to have creative land use decisions and felt that they met the criteria. Mr. Diebenow stated that the noise issues should be addressed and he would like to discuss that further.

Mr. DeLoach asked if Mangoes served food. Mr. Mann was not certain, but Mr. DeLoach did not think so. Mr. DeLoach added that he does not oppose them showing a food truck area and thought it would be a good idea. He stated that there is a bar there right now – if we don't do something it can remain the same establishment 20 years from now. This would be an upgrade to the existing eyesore in the community.

Mr. Diebenow stated that the TV's are only an alternative and will agree with the will of the Planning Commission.

Mr. Dahl asked if there were TVs allowed would they contain any type of advertising. Mr. Diebenow responded that the TVs would be for the patrons.

Mr. DeLoach asked if the 35-foot height restriction would be a hindrance in the design of the project. Mr. Diebenow replied no.

Mr. DeLoach asked about the sign ordinance. Mr. Diebenow responded that they were not asking for any deviation of the sign ordinance so it wasn't an issue.

Mr. Diebenow responded that they wanted an outdoor experience, which is the reason for the request.

Ms. Dumont expressed concerns with that many people on the top floor. The noise would be loud for the neighborhood.

Mr. Diebenow responded that the retail space will provide a great buffer for this use to the west. In addition, the elevator and stairs will help dampen the noise. A significant portion of the space will be covered and there will be a good deal of separation by the structures.

Mr. Sutton stated that Mr. Folsom had very good points. The last hot item that we had was Home Depot and we placed 14 conditions on them which they abide by (at least most of them). He thought any motion for approval should take out amplified music. He suggested considering limiting the upper deck hours, require the office/retail space to be two stories, and put a provision that some walls extend to the outdoor deck to provide a noise buffer.

Ms. Dumont state that the amount of outdoor space that would be approved is 727 square feet given the square footage of the bar – they have more than that on the first floor alone.

Mr. Sutton asked for clarification on the amendment that was provided by the applicant. It appears that the most southern wall extends to the southernmost deck.

Joe Cronk, 214 Beaver Place, St. Augustine, responded that the revised site plan has the second floor piece block the west for sound. He added that they could put in a screen wall and bring in landscape as additional noise buffer.

Mr. Sutton stated that they had achieved what was intended on the southern portion of the property and they could address the northern part with something.

Mr. Cronk thought they could create another wing wall to act as a noise buffer.

Mr. Diebenow asked Mr. Cronk to draw that on the exhibit. Mr. Mann stated when the plans go forward the RD ordinance will not include the drawings that they see. They should not set minimum retail square footage for the project, only maximums.

Mr. Diebenow presented the revised sketch where Mr. Cronk outlined the addition of the screened walls.

Mr. Sutton stated that the architect has provided an update with an architectural screen wall that extends at least to the southernmost edge of the upper deck and will be at least 6-8 feet in height, and also along west to east toward the stairwell wall where it indicates railing, that will have architectural screen wall that extends up 6 to 8 feet. He stated that the northern boundary backs up to an existing retail space.

Ms. Dumont stated that on the other side of that retail space, we have approved 2 or 3 story condos that will be looking at that second floor.

Mr. DeLoach stated that there was someone who lives there who constantly complained about things in the redevelopment area. Hopefully an architect will put double pane

glass, but someone who moves there would be cognizant of the area in which they were moving. One of the main attractions is the open-air second floor.

Mr. Mann added that the rezoning to the north reverted back to CBD zoning last Tuesday.

Ms. Dumont stated that she didn't believe that this application meets Section 34-347-A. It is not a diversity of uses.

Motion: Mr. DeLoach made a motion, seconded by Mr. Dahl, to approve with the conditions that were set forth by Planning Commission. Mr. DeLoach recommended that there be no amplified music and set forth that in the final architectural plans, the drawings presented tonight should be part of the recommendation.

Mr. Mann stated that "as amended by the applicant on the floor" should suffice.

Roll call vote: Ayes - DeLoach, Sutton, Dahl
Nays – Dumont, Dorson
Motion carried with a 3 to 2 vote.

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is scheduled for Monday, July 14, 2014.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:30 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Greg Sutton

Chairman

Date: July 14, 2014