

**Minutes of Planning Commission Meeting
held Tuesday, October 13, 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 (*Absent*)
Georgette Dumont

Alternates - Lee Dorson (*Absent*)
Britton Sanders (*Absent*)

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

Approval of Minutes

Motion: It was moved by Ms. Dumont, seconded by Mr. DeLoach, and passed, to approve the August 25, 2014 meeting minutes, as presented.

Correspondence

There was no correspondence.

New Business

(A) PC #22--14 – 1315 2nd Avenue North

Conditional Use Approval for transfer of ownership of a one-hundred (100) bed *elderly-oriented group home* located in a *Residential, Multiple-Family: RM-1* zoning district, pursuant to Sections 34-339(d)(1) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The original applicant, *Pablo Gardens LLC*, received conditional use approval in September 2010, via PC#18-10, for a 100-bed Assisted Living Facility (ALF) on the former Beaches Women's Club property on 2nd Avenue North, just east of Penman Road. Following the initial approval of this project by the Planning Commission, the project was further refined, and, as a

**Minutes of Planning Commission Meeting
held October 13, 2014**

result, in 2011 the applicant sought and obtained a rear yard and lot coverage variance for the project via Application BOA#11-100161.

The project is currently nearing completion, and though the original applicant is still affiliated with the project, the actual ownership of the facility has changed to PSL Jax Beach House, LP. This application represents the request to reflect that change of ownership entity in the project's zoning approval.

Staff has reviewed the application and it has been found sufficient in content for processing and for consideration by the Planning Commission. The project is being developed consistent with both its approved Development Plan and Building Permit applications.

Applicant:

The applicant, Dodd Crutcher, 8214 Westchester Drive, Suite 600, Dallas, Texas, stated that the owners are the original applicant. They created a new entity to own and operate the facility, making the name change a mere formality.

Ms. Dumont asked if everything else would remain the same. Mr. Crutcher stated that it would.

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.

Discussion

Mr. Sutton asked Mr. Mann to verify that everything was being built consistent with what was approved. Mr. Mann confirmed that it was.

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

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

(B) PC #23--14 – 265 5th Avenue North (*Graffiti Junktion*)

Conditional Use Approval for proposed 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:

**Minutes of Planning Commission Meeting
held October 13, 2014**

The applicant is in the process of obtaining a building permit to remodel and expand the former *Burger King* restaurant building located on the northeast corner of 3rd Street and 5th Avenue North to accommodate a new restaurant, *Graffiti Junktion*. As part of that new restaurant, the applicant would like to construct a 589 s.f. outside dining area on the front of the existing building.

Staff has reviewed the application and it has been found sufficient in content for processing and for consideration by the Planning Commission. As the request is for outdoor restaurant seating, staff has also reviewed the application against LDC Sec. 34-407 Outdoor Restaurants and Bars standards. The subject property and the adjacent strip center to the north are co-owned, and parking is available for current and proposed uses. The applicant's request for 589 s.f. of outdoor seating is within the prescribed allowance for a 4,100 s.f. restaurant. The applicant has been provided with a copy of the Sec. 34-407 standards, and is aware that no live music or amplified sounds devices may be operated within approved outdoor restaurant spaces, and that the approved area must be fenced off if it is to be considered as part of the business' licensed premises for alcohol consumption. If the application is approved, and the existing restaurant building is expanded, the project will be subject to City's mobility fee for any increase in average daily trips associated with the subject property.

Applicant:

Applicant's representative, Tom Hughes, 530 Bayside Drive, Orlando, FL, concurred with staff report.

Mr. Sutton requested an overview of the proposed business "*Graffiti Junktion*".

Mr. Hughes responded that it was mainly a burger restaurant and this will be their 10th location in Florida – they have locations in Orlando and Tampa.

Ms. Dumont asked about the parking situation. Mr. Mann responded that there is adequate parking for the shopping center and this restaurant, and that a copy of the cross easement agreement between the two properties was provided to staff.

Mr. Sutton asked if there would be alcohol served at this location. Mr. Hughes replied that alcohol would be served.

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 approval.

**Minutes of Planning Commission Meeting
held October 13, 2014**

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

(C) PC #24--14 – 102 6th Avenue North, Suites 1 through 6 (*Ocean City Church*)

Conditional Use Approval for a proposed religious organization located in the *Central Business District: CBD* zoning district, pursuant to Section 34-345(d)(5) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant has applied for conditional use approval to operate a religious organization, Ocean City Church, in Suites 1 through 6 of the recently renovated commercial center on the south side of 6th Avenue North, between 1st and 2nd Streets in the Central Business District: CBD zoning district. The applicant states in the application that he wants to use the subject tenant spaces as a church and for church gatherings.

Staff has reviewed the application and it has been found sufficient in content for processing and for consideration by the Planning Commission. The shopping center containing the subject tenant space(s) was reviewed and approved for zoning compliance via Building Permit No. 12-2233, issued for the center's recent renovation project. The applicant will have the opportunity to address how the application is consistent with Land Development Code standards at the October 13, 2014 meeting.

Applicant:

The agent for the application, Alan Jensen, 935 North 3rd Street, stated that the zoning states that the purpose of the CBD is to provide the city with diversity of uses. Other uses allowed at this location are retail trade, garden centers, auto leasing, fitness centers, etc., which are allowed without a conditional use.

Mr. Jensen added that in the 2030 Comprehensive plan it also states that the City is looking for diversity uses in the downtown use. He stated that it was consistent with the Plan and was consistent with the adjacent uses. The Casa Marina was right across the street.

The facility will use existing space as well, and there aren't any signs that would cause glare or adversely affect traffic. He added that it was a small church, and this was a family-friendly use of the property.

Derrick Harmon, Lead Pastor with the church, 402 7th Avenue North, stated that they partnered with Jacksonville Beach Carver Center. They have people there every week who tutor lower income students, which they won an award from the City. They are also partnered with the ART program to help disadvantaged children learn to swim and surf.

**Minutes of Planning Commission Meeting
held October 13, 2014**

Mr. Harmon stated that he was a former restaurant and bar manager, and knows that a church could make people nervous, but this type of church will be complementary to the businesses in the CBD.

Mr. DeLoach stated that they have to be careful about stepping into the CBD; we do have a problem in that area with homeless. He added that they should not encourage an outreach program at the church location to prevent the homeless from gathering in this area. The commercial district is not suitable for this gathering – this could be detrimental to business. He asked if there would be those types of outreach programs.

Mr. Harmon responded that they are not a handout ministry, but are a redemption type ministry. They would abide by standards that the City sets for gathering of people. They do not want to be the church that causes problems.

Mr. DeLoach asked if the City could set that type of parameter in the conditional use. The commercial neighbors are looking at the City for direction in helping them protect their investments. He added that they need a comfort level and questioned whether the City can make certain that there is no problem.

Susan Erdelyi, City Attorney, discouraged these types of parameters and advised that more information was needed on the homeless problem before adding that type of criteria to this location.

Mr. DeLoach requested that the church be advised of this discussion if the proposed project moves forward.

Mr. Harmon stated that they would not have gatherings for the homeless in the church.

Ms. Dumont concurred with Mr. DeLoach. She stated that the findings of facts criteria were important and there is an issue with parking. Ms. Dumont asked how the church would address the parking issue.

Mr. Harmon responded that they were taking up 6,500 square feet, and someone else would be using the space if they were not. The benefit with the church is that they operate only a few hours on a Sunday. Any other business will be there 7 days a week and 15 hours a day. Additionally, the church will be low impact on parking needs compared to others.

Ms. Dumont asked about parking on Sunday mornings.

Mr. Harmon stated that they put together a team to address it, and law enforcement will be used to help with the parking issues. They will ask parishioners to park outside the CBD. In addition, the types of people to use the parking will be using the businesses in this area.

Mr. DeLoach asked how they would address growth in the church.

Minutes of Planning Commission Meeting held October 13, 2014

Mr. Harmon responded that if they outgrow the space they would go to multiple services, with another service during the week.

Mr. Mann added that the application met the parking requirements.

Ms. Dumont asked if the parking requirement was met for churches.

Mr. Mann reviewed the criteria and explained the requirements of one space per four seats only apply to stand-alone churches, and that the requirement for parking would be for a shopping center .

Mr. DeLoach asked if they contemplated providing day care. Mr. Harmon replied that they would not be offering day care.

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:

- Dan McFerrin, 34 26th Avenue South, Jacksonville Beach
- Elias Hionides, 11 South Street, Atlantic Beach, represented the property owner who is in support of the church locating in the center. He added that the adjacent owners are aware of the parking requirements in this area.
- Cory Nichols, 1107 1st Street Avenue South, Jacksonville Beach.

Mr. Sutton asked Mr. Hionides if the Casa Marina could help with the overflow of parking. Mr. Hionides responded that there was the potential.

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

Discussion

Mr. Sutton asked Mr. Mann about alcoholic beverage establishments and if nothing prevents a church from locating within 500 feet of alcoholic establishments. Mr. Mann responded that once the church is there it would have the effect of creating an element of non-conformity for existing bars within 500 feet, but the standards are intended to be used to site alcoholic beverage establishments. Ms. Dumont asked Mr. Mann to define alcoholic beverage establishments. Mr. Mann responded with the definition from the LDC.

Ms. Dumont asked if the ones downtown could redevelop greater than 15% of their use. Mr. Mann stated that it could have that effect as non-conforming uses.

**Minutes of Planning Commission Meeting
held October 13, 2014**

Mr. Sutton asked if a bar made application, after the church is approved, how it would be handled. Mr. Mann stated that a bar could not be located within 150 feet of the church, unless such a request was part of a rezoning request that may or may not be approved.

Mr. Mann added that they already have a certain level of non-conformity for drinking establishments. He advised that they could try to address it through a 'not-withstanding' clause in a zoning application, if it became necessary.

Mr. Sutton commented that there is a project approved as a first floor commercial and apartment uses above. He asked if an application was received for a bar in that location how it would be handled.

Mr. Mann stated that the alcoholic beverage establishment standards would apply.

Mr. Sutton remarked that they would be adding another non-conforming use for a potential bar.

Ms. Dumont commented that there were two bothersome issues:

- The City needs to address the lack of parking.
- The possible impact on the value of adjacent properties. She noted while the project is low impact for most of the week, Sunday mornings could create parking issues for area businesses.

Mr. Sutton asked what was within 500 feet from this proposed church. The concern is that this establishment might have an effect, but Bo's and Lynch already affect the uses.

Mr. DeLoach asked where the 500 foot rule came from. Mr. Mann stated that this type of regulation is common in smaller and older cities around the country. It has been on the books for quite some time. Mr. DeLoach added that many years ago the area was termed as 'blighted'.

Mr. DeLoach also concurred that Ms. Dumont brought up some good points, and the parking issues must be addressed, however, the City cannot deny applicants based on the overall parking issues. He also requested the word "homeless" be removed if the application is approved.

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

Roll call vote: Ayes - DeLoach, Sutton, and Callan
Nays - Dumont
Motion approved by a vote of 3 to 1.

**Minutes of Planning Commission Meeting
held October 13, 2014**

Planning & Development Director's Report

Mr. Mann advised the members that the next meeting is scheduled for Monday, October 27, 2014.

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
Administrative Assistant

Approval:

/s/Greg Sutton

Chair

Date: October 27, 2014