

**Minutes of Planning Commission Meeting
held Monday, October 27, 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 - Lee Dorson
Britton Sanders

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 following meeting, as presented:

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Correspondence

There was no correspondence.

Old Business

Mr. Mann reviewed the Finding of Facts for PC#24-14. Mr. Sutton asked Mr. Mann to confirm the meeting date for this item. Mr. Mann responded that it was October 13, 2014 and explained that this was to adopt the Finding of Facts that was the basis for the action.

Motion: It was moved by Mr. DeLoach, seconded by Mr. Callan, to approve the Finding of Facts.

Roll call vote: Ayes - DeLoach, Dahl, Sutton, and Callan
Nays – Dumont
Motion passed with a 4 to 1 vote.

New Business

(A) PC #25--14 – 202 21st Avenue South

Conditional Use Approval for a proposed single-family dwelling located in a *Residential, Multiple Family: RM-2* zoning district, pursuant to Section 34-340 (d)(12) of the Jacksonville Beach Land Development Code.

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Staff Report:

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

The applicant would like to build a single-family home on the subject property located on the southwest corner of the intersection of 2nd Street South and 21st Avenue South in an RM-2 multifamily district.

Staff has reviewed the application and it has been found sufficient in content for processing and for consideration by the Planning Commission. The property is 35' by 80' in size, or 2,800 - s.f. Based on its small size and on its existence as a platted lot of record, the only permitted RM-2 use that the lot could support would be a two-family dwelling.

The subject property was formerly in use as a duplex, but that structure has recently been demolished and the lot is currently vacant. Adjacent uses to the subject property are multifamily residential in all four directions, primarily attached townhouses. In terms of parking and utilities demand, the requested use of the subject property would be less impactful to the surrounding neighborhood than would be a potentially permissible two-family use.

Applicant:

The applicant, Tim Millard of Bottom Line Ventures, 230 15th Street South, stated that the lot is 35 ft. X 80 ft., and it is too small to build a duplex. The problem is having two parking spaces per unit. This proposal is better for the value of the neighborhood.

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:

There was none.

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

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

(B) PC #26--14 – 328 9th Avenue North #384

Conditional Use Approval for a proposed drinking establishment and package liquor store located in a *Commercial, limited: C-1* zoning district, pursuant to Sections 34-342(d)(3) and 34-342(d)(4) of the Jacksonville Beach Land Development Code.

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Staff Report:

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

The applicant would like to lease a tenant space in the Times Square shopping center on 3rd Street between 9th and 10th Avenues North in a Commercial limited: C-1 zoning district. The space he is interested in is located near the west end of the multi-tenant commercial building on the south side of 9th Avenue North. His proposed business is essentially a beer store where patrons could both buy beer for consumption on-site, as well as purchase beer for off-premise consumption. There is no other information about the proposed business in the application, other than that the conditional use approvals are requested in conjunction with the applicant's application for a liquor license.

Staff informed the applicant that the business he described would have to be approved for conditional use as both a drinking establishment, and as a package liquor store. The application was subsequently filed and has been reviewed and found sufficient in content for consideration by the Planning Commission. The proposed location has been reviewed against the locational criteria in Land Development Code Sec. 34-393 standards, and it is more than 500 ft. from the nearest church, school or other drinking establishment. The two closest such establishments to the applicant's proposed location are Beaches United Methodist Church, 600 feet to the south by most direct pedestrian route, and St. Paul's Episcopal Church and School, over 900 feet to the north by most direct pedestrian route.

Adjacent uses consist solely of other tenant spaces of the Times Square center to the immediate east and west, and to the north across 9th Avenue. This proposed location is in a shopping center with a long established commercial character.

Applicant:

The applicants, Brian Slucker, 103 Quail Cove, Ponte Vedra, and Tim Griffin, 9480 Echen Overlook, Johns Creek, Ga., stated that the proposed use is not a bar. They are a retail store for craft beers. They need a consumption license to allow for consumption on premises as well.

Mr. DeLoach asked about the hours. Mr. Slucker stated that they would definitely close by ten. They will not be open in the mornings and will not be open on Mondays.

Ms. Dumont asked if they are only selling growlers and tastes. Mr. Slucker responded that the main purpose is to taste the beer and go. There would be pints and "flights" served on premise. However, there should be no problem with people congregating, as no food would be served.

Mr. Britton asked if there would be seating. Mr. Slucker responded that there would be some limited seating, maybe a dozen seats or so. Mr. Griffin stated that they would like to have 40 taps and open up 20 taps to local brews.

Mr. Griffin stated that you cannot do 64 oz. growlers in Florida. Ms. Dumont stated that they could not fill anyone else's beer in a different brewery. Mr. Griffin stated that they were not brewers therefore, they could sell other beers.

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Mr. Dahl stated that he was concerned about the vagueness of the application. He wanted to see actual hours, and other hard facts. Mr. Slucker stated he thought they submitted what he was told to submit. Mr. Dahl stated that instead of denying it because of the vagueness he would like to see more information. He added that it could be conditioned so that they come back in a year to see how things are going. Mr. Slucker and Mr. Griffin stated that he would have no problem with coming back in a year.

Mr. Dahl questioned whether the applicants understood the options available to them with respect to their application.

Mr. Mann added that they could be continued to the next meeting. He added that they could put a time frame as a condition of approval. Mr. Dahl added that they could also withdraw or it could be denied.

Ms. Dumont asked if they needed two approvals, and could there be a condition where they are just tasters and pints. She added that intent is one thing but what could happen is different. Mr. Mann stated that the Planning and Development department could not easily enforce a container size limit.

Mr. Mann stated that they could approve one request and not both, if they chose to.

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 opposition to the application:

- Mary Phillips, 934 10th Street North, filled out a comment card but did not wish to speak.
- Nick Altenberger, 402, 9th Avenue north, stated that he was concerned with noise and traffic.
- Carl Ransin, no address given, asked how they could limit it to just beer and if the owners have determined how many people could come there and how much parking they would take up. He questioned whether they looked at other commercial spaces in the area.
- Robin Donahour, 1028 Forest Street North, provided pictures for the Board. She stated that there is no place to park. She expressed concern about the number of drinking establishments in their neighborhood.

Mr. DeLoach asked how close she was to the proposed site. Ms. Donahour responded that she was within 300 feet.

- Susan Bashford, 9th Avenue North, expressed concern about the proposed use. There were other types of beer places in the area. Parking is a big concern, and this type of use will result in more traffic than if it was a sit-down bar. She added that they needed a stop sign on their street to get people to slow down.

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- Lisa Balter, 406 9th Avenue North, stated she had concerns with potential noise and the increase in traffic. She did not think the proposed use would enhance the neighborhood.
- Elaine Hinson, 1028 North 4th Street, stated that she has seen an increase in traffic in this area. This is not a good location because of traffic and parking issues.

Rebuttal:

Mr. Mann pointed out to Ms. Balter that she should contact the City Police Department to ask for a stop sign.

Mr. Slucker stated that these stores have been empty, and they should not generate any more traffic than any other use that will move in. As for parking, there will be two spots with 15 minute parking. He would do anything they wanted as far as signage, but did not know what could be done to address the issue.

Mr. Slucker added that if there were questions left unanswered they would defer to the November 10th meeting.

Mr. DeLoach responded that he would prefer a deferral and there was not enough information to address issues.

Mr. Slucker stated that the empty stores would be filled with or without them. Mr. DeLoach stated he did not have enough information and expressed concerns about impact to the neighborhood.

Mr. Dahl explained what they were doing there tonight and asked if they looked at the Land Development Codes. Mr. Dahl spelled out the standards from the Land Development Code.

Ms. Dumont added that she was fine with the concept, but expressed concerns about approving the consumption on-site. She added that they could defer but this does not look like a use that would mesh with the neighborhood.

Mr. Mann pointed out that the state license would limit the types of alcohol and they could limit it to beer only.

Mr. Slucker stated that the concern was with the site that they selected. Mr. Sutton stated that this was a conditional use and this area was not one that made approval of this type of use very difficult.

Mr. Dahl added that they had to follow the rules of the Land Development Code.

Mr. Slucker asked how quickly they could move on it if they were to find a new site. Mr. Mann stated that they could not make the November 10th meeting.

Mr. DeLoach added that a denial would be applicable to the location in question only and if they found a new location, the denial of this application would not apply. At this location though, if denied they would have to wait 12 months until applying again. Mr. Sutton suggested they look at other locations, but was not necessarily against the concept.

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WITHDRAW APPLICATION

Mr. Slucker stated that he would withdraw the application.

(C) PC #27--14 – 1515 3rd Street North #1585

Conditional Use Approval for proposed outdoor restaurant seating located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant would like to open a 9,500 s.f. grocery store in the vacant tenant spaces on the north end of the North Beach Village commercial center on the east side of 3rd Street North, between 14th and 15th Avenues North. In conjunction with the fresh food and delicatessen portions of the proposed store, the applicant would like to provide a small amount of indoor and outdoor dining seating. The grocery store and indoor seating (restaurant) are permitted by right in C-1 districts, but the applicant was informed that the 221 s.f. of outdoor seating that is shown in front of the tenant space on the application site plan would require conditional use approval.

Staff has reviewed the application and it has been found sufficient in content for processing and for consideration by the Planning Commission. The requested 221 s.f. of outdoor seating is within Sec. 34-407 allowances for a 9,500 s.f. business. The applicant is aware of the fencing requirement of the space if alcoholic beverages are available for consumption, and of the prohibition of music or amplified sound devices within the approved outdoor space. Data on the application site plan demonstrates that the shopping center contains adequate off-street parking for its existing and proposed uses, including the proposed outside dining area and one other approved outdoor seating area for another tenant, *Philly's Finest* restaurant (Reference PC# 20-09).

Adjacent uses include the balance of the center's tenants to the south, an apartment complex north across 15th Avenue, and a multi-family property and a church across 2nd Street to the east, behind the center. The distance between the main entry to the subject tenant space and the front door of that church is approximately 537 feet by the most direct pedestrian route.

Applicant:

The applicant was not present.

Public Hearing:

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

There was no one who wished to speak in favor or in opposition.

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

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Discussion:

Ms. Dumont stated that since Philly's Finest already had seating there, there should not be a problem with approving outdoor seating at this store.

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

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

Planning & Development Director's Report

Mr. Mann advised the Planning Commission that the next meeting is scheduled for Monday, November 10, 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
Staff Assistant, City Clerk's Office

Approval:

/S/ Greg Sutton

Chair

Date: November 10, 2014