

**Minutes of Planning Commission Meeting
held Monday, April 27, 2015, 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 Vice-Chairman DeLoach.

Roll Call

Greg Sutton, Chairperson *Absent*
Terry DeLoach, Vice Chairperson
Bill Callan *Absent*
David Dahl
Georgette Dumont

Alternates
Britton Sanders *Absent*
Jeffrey Jones

Also present were Bill Mann, Planning & Development, and Recording Secretary Amber Lehman.

Approval of Minutes

It was moved by Mr. Dahl, seconded by Mr. Jones, to approve the minutes of February 23, 2015 and March 9, 2015, as submitted. Motion passed unanimously.

Correspondence

There was no correspondence.

New Business

(A) PC #6-15 - 610 3rd Street South

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

Staff Report:

The applicant recently opened *The Loving Cup Hash House* restaurant in the vacant restaurant building located on the southwest corner of 3rd Street and 6th Avenue South,

in a C-1 zoning district. He has applied to be able to put outdoor café style seating on a 12' x 24' paver patio on the south side of the building's main entrance on 3rd Street.

The application has been reviewed against relevant LDC standards. The proposed 288 s.f. outdoor space is within Section 34-407 standards relative to maximum area allowed for a 2,800 s.f. restaurant. The applicant is aware that no music or amplified sounds would be allowed in the outside seating area, and that the area would need to be contained by a minimum 42" high wall or fence if it was proposed to be used as part of the applicant's licensed alcoholic beverage premises.

The existing restaurant building was constructed in 1993, and the property owner at that time secured a parking variance to allow its construction. (Ref. Application BOA #36-92) That variance remains in place today, but it does not address a three parking space requirement associated with the proposed outdoor seating. If this application is approved, the applicant will either need to provide three spaces somewhere on-site, or apply for a variance for relief of same.

Adjacent uses include residential properties to the west, and various commercial uses across 6th Avenue to the north, across 3rd Street to the east, and adjacent to the subject property to the south. Given that the restaurant exists in a developed commercial setting on a busy commercial thoroughfare, and also given that the proposed outdoor seating area is planned for the east side of the existing building, away from any residential uses, there should be no negative effects on the character the surrounding neighborhood. Adjacent property values should not be impacted.

Applicant:

The applicant, John Shuler, 320 1st Street North, Unit 803, stated that there were four parking spots at the south of the building. Ms. Dumont asked to clarify where the pavers were.

Dan Altman, 2237 2nd Street South, stated they opened three months ago and already see the need for more space. They are a local company and believe that additional seating will help to improve the experience.

Pete Modica, 150-B Roscoe Blvd., stated that he was the landlord and had known these people for nine years and they were making the building look nice and this would be an asset to his building.

Public Hearing:

Mr. DeLoach 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 board, Mr. DeLoach closed the public hearing.

Motion: It was moved by Ms. Dumont, seconded by Mr. Dahl, to approve the Application.

Roll call vote: Ayes – Dahl, DeLoach, Dumont and Jones; the application was approved unanimously.

(B) PC #8-15 - 614 and 624 2nd Avenue North

Conceptual Plat approval for a proposed five unit, fee-simple townhouse development located in a Residential, multi-family: RM-1 zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant owns two adjacent platted lots (subject property) on the south side of 2nd Avenue North, between 6th and 7th Streets North. He would like to demolish the two existing houses on the lots and redevelop the two properties together as a five-unit townhouse. 2nd Avenue serves as a zoning boundary in this area between RM-1 multifamily zoning on the south side of the road, and RS-2 single-family zoning on the north side of the road.

Staff has reviewed the concept plat for conformance with relevant Comprehensive Plan and zoning regulations. The subject property is zoned RM-1, which permits townhouse developments. The Comprehensive Plan Future Land Use designation of the subject property is Residential- High Density, consistent with its RM-1 zoning designation. Both designations permit the use of the subject property for multifamily residential use, including townhouses. Additionally, the lot size for each of the proposed five townhouse units complies with RM-1 standards for townhouse development (2,500 s.f minimum lot size, exterior units, 1,500 s.f. minimum lot size for interior units), as do the yard setbacks and lot coverage for the overall five unit townhouse structure. This proposal, then, is consistent with the subject property's Comprehensive Plan and zoning designations.

Mr. Mann explained why they were moving this case ahead of PC#7-15.

Applicant:

The applicant, Losandro Gonzalez, 7563 Philips Highway, Suite 109, Jacksonville, stated that he had submitted his letter of authorization. He noted that there was a similar project built just to the north.

Public Hearing

Mr. DeLoach 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 board, Mr. DeLoach closed the public hearing.

Motion: It was moved by Mr. Jones, seconded by Mr. Dahl, to approve the application.

Roll call vote: Ayes – Dahl, DeLoach, Dumont and Jones; the application was approved unanimously.

(B) PC #7-15 - 1313 Beach Boulevard, Suite B

Conditional Use approval for a proposed package store and drinking establishment located in a Commercial general: C-2 zoning district, pursuant to Sections 34-343(d)(1) and 34-343(d)(2) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Mann read the following comment into the record:

Application will be formally withdrawn by the applicant, Timothy Brack, at the April 27 Planning Commission meeting. Mr. Brack will then ask permission of the Commission to address his prior denial, for the property located at 301 10th Avenue North. (Ref PC#5-15, denied March 19, 2015)

Applicant:

The applicant, Tim Brack, 2886 Merrill Blvd., stated that he would like to withdraw the application. He stated that this location would not be optimal to do what they wanted. He requested that the Planning Commission do a re-vote for the location at 10th Avenue North. On March 9th they had a discussion and there were many people who were against the proposed use due to traffic concerns. Mr. Brack provided pictures.

Mr. Mann explained how the Land Development Code addressed re-hearings. An application shall not be heard within one year unless the decision-making body determines that the prior decision was made on a material mistake of fact.

Mr. DeLoach clarified that the motion and the vote would be to re-hear the denial. Mr. Mann agreed and stated that it would be heard fresh if the Commission approved his request.

Mr. Brack provided information on the company and the physical location of the store. He provided pictures of the parking lot and various times of the week. He stated that the landlord makes a point to have the parking lot policed. Mr. Brack stated that they thought that they could actually help reduce traffic in that his business provided an opportunity for patrons to sample craft beer and then leave.

Mr. Jones asked about the location in the plaza. Mr. Brack showed on a picture where the proposed location was. Mr. Jones asked if the business would be subject to the

growler law. Mr. Brack responded that it would. Mr. Mann clarified that he was also applying to allow patrons to purchase pints.

Mr. Brack stated that there would be no seating in the store.

Ms. Dumont asked about the Beer 101 classes. Mr. Brack responded that they would pick the times to have those classes during off-peak times of the other businesses in the building.

Mr. Dahl stated that there should be documentation of the process for policing the lot if they allowed the re-hearing.

Ms. Dumont asked if there were photos of the summer months for these businesses. Mr. Brack responded no but noted that there were available spaces this weekend.

Mr. DeLoach added that he visited the location and they policed this parking lot very well. He thought this location was better than the applicant's first location. He reminded the Commission that they were deciding whether to allow a re-hearing, and not approve the proposed use.

Mr. Brack then noted that he had people here who wished to speak in favor of the proposal. Mr. Mann noted that this should be done at the public hearing to allow anyone to speak in favor or opposition. Mr. DeLoach stated that people who filled out cards should be allowed to speak.

John Harris, 39 17th Avenue North, Apt. 3, stated that he thought that this concept was great. He stated that many people don't like the bar scene but like to sample craft beer. This was new to Jacksonville Beach and would be an asset.

Cory Nichols, 1107 First Street South, stated that he was a member of the CRA, and this was a business that would be an asset. He agreed that the parking lot was well-policed and would not be a problem.

David Laurie, 139 32nd Avenue South, stated that he was the broker that handled this shopping center. He did not think that parking should be an issue with this proposal. He had the right to put a full liquor store or other tenants in there, which would be worse for parking than this proposal.

Mr. Dahl clarified that the use he was requesting and the parking use are two different issues. He stated that staff has determined that the applicant met the parking requirements and what they heard before were not the facts about whether this would exacerbate the parking issues.

Ms. Dumont stated that she agreed with the business concept. She stated that she understood the issues with parking from the neighbors. She stated that she was still concerned about the issue of pints. She questioned whether they could not have seating

and meet ADA requirements.

Mr. DeLoach agreed that it is important to note the businesses that could go in there now.

Motion: It was moved by Mr. Jones, seconded by Ms. Dumont, to approve the application.

Roll call vote: Ayes – Dahl, DeLoach, Dumont and Jones; the motion to allow the re-hearing was approved unanimously.

Mr. Mann stated to the broker to not reference liquor stores as permitted uses, because they would also have to go through this process.

Planning & Development Director's Report

Mr. Mann advised the Commission members that the May 11, 2015 meeting has been cancelled.

Adjournment

There being no further business coming before the Commission, Mr. DeLoach adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman
Staff Assistant

Approval:

/s/ Greg Sutton
Chairman

Date: July 13, 2015