

**Minutes of Planning Commission Meeting  
held Monday, May 26, 2015, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order Chairman Sutton.

**Roll Call**

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

Alternates  
Britton Sanders *Absent*  
Jeffrey Jones

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

**Approval of Minutes**

There were no minutes to approve

**Correspondence**

There was no correspondence.

Mr. Sutton announced a deviation from the order of the agenda. Item E, Case PC #13-15, will be moved up from last to the fourth item on the agenda.

**New Business**

- (A) **PC #9-15 - 1712 2<sup>nd</sup> Street South**  
**Conditional Use approval** to convert an existing multifamily dwelling into a single-family dwelling located in a *Residential, Multiple Family: RM-2* zoning district, pursuant to Sections 34-340(d)(12) of the Jacksonville Beach Land Development Code.

**Staff Report:**

The owners of the subject property wish to convert the existing duplex on it into a single family home for their use. They were instructed that conditional use approval would be

required, and if such approval were granted, they could then develop a single family home on the lot pursuant to *Residential, single-family: RS-3* standards.

Adjacent uses include the City's Huguenot Park to the west across 2<sup>nd</sup> Street, multifamily townhouses to the immediate north, a single family home to the east behind the subject property, and a vacant single family house across 18<sup>th</sup> Avenue to the south. Approval of this request should not alter the existing character of the surrounding neighborhood, and adjacent property values should not be negatively affected by the proposed conversion.

**Public Hearing:**

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

Ms. Vicki Siebold, 1717 2<sup>nd</sup> Street, South, stated that her property shared a fence with the subject parcel. She asked about the setbacks and requested to see the blueprints. She stated that there was a shed on the parcel on their property line.

Mr. Mann stated that this was a simple use request and they were not required to have a site plan for approval. He reviewed the setback requirements for the parcel.

Ms. Siebold stated that she approved as long as it didn't affect her property.

Mr. Mann stated that this was a less intense use than a duplex and would be built to current standards. Mr. DeLoach stated that any exceptions would be required to be heard by the Board of Adjustment.

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

**Motion:** It was moved by Ms. Dumont, seconded by Mr. Callan, to approve the conditional use application.

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

**(B) PC #10-15 - 112 12<sup>th</sup> 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.

**Staff Report:**

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

The applicants would like to purchase the existing vacant property on the south side of

12<sup>th</sup> Avenue South, one lot west of 1<sup>st</sup> Street, and construct a single family home on it. They were instructed that conditional use approval would be required, and if such approval were granted, they could then develop a single-family home on the lot pursuant to *Residential, single-family: RS-3* standards.

Adjacent uses include a three unit apartment building to the east, a four unit apartment building to the west, a mix of single-family and two-family use properties across 12<sup>th</sup> Avenue to the north, and the surface parking lot for a condominium across the alley to the south.

The subject property was formerly a single-family home up until 2006 when that structure was demolished. Construction of a new single family home on the subject property would be consistent with the property's former use, and is seen as reasonable today, given the relatively narrow 45' width of the property. Adjacent property values should not be negatively affected by the proposed use.

**Applicant:**

The applicants, Randy Jackson and Nancy Eckstein, 917 First Street South, Unit 202, both realtors, had nothing further to add to Mr. Mann's statement.

**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 board, Mr. Sutton closed the public hearing.

**Motion:** It was moved by Ms. Dumont, seconded by Mr. Callan, to approve the conditional use application.

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

(C) **PC #11-15 - 2510 2<sup>nd</sup> Avenue, North**

**Conditional Use approval** for a transfer of ownership of an existing outdoor restaurant seating area 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 applicant is leasing the subject property from the City, and his proposed use of the property for a restaurant, as outlined in his lease and included in his application materials, has been approved by the City Council. This application represents the transfer of

approval for the outdoor seating component of the restaurant use from the former tenant, *Crazyfish* restaurant to the applicant. *Crazyfish's* outdoor seating was approved in March 2009, via Application PC# 4-09. The business will complement the public recreational amenity of the county boat ramp, and the outdoor seating area's proposed location on the south side of the existing building is not proximate to any residential neighborhoods. The applicant has a proven track record in starting and managing high quality restaurants in Northeast Florida, and this venture should prove to be no exception.

Adjacent uses include the *Beach Marine* marina to the south, the county boat ramp to the west, and vacant conservation-protected land to the north, across 2<sup>nd</sup> Avenue. None of the surrounding properties should be negatively impacted by approval of the proposed outdoor seating area.

**Applicant:**

The applicant, Eric Williams, 205 St. Lucie Way, St. Augustine, introduced himself and stated his position with his company.

**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 board, Mr. Sutton closed the public hearing.

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

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

**(E) PC #13-15 - 1266 Beach Boulevard**

**Conditional Use approval** for transfer of ownership of an existing outdoor restaurant seating area 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 applicant is in the process of opening the *Due Amici* restaurant in the former *Primo Italian* (and former *Twisted Sisters*) restaurant space in the Beach Plaza shopping center, and this restaurant space has an approved conditional use outdoor seating area (Ref. PC#3-12 for *Primo Italian*). Staff informed the new owner that the outdoor seating use was not automatically transferable, and that he would need to apply for approval of the space under his name.

*Nolan's Sports Grille* received the original approval for outdoor restaurant seating at this location in 2003, via PC#44-03, with the condition that no amplified music or public address system be audible from off of the sidewalk area immediately in front of the tenant space. *Twisted Sisters* was subsequently established in the tenant space in 2004, and the seating area was approved for them via PC#30-04. After *Twisted Sisters* closed in 2010, the tenant space was briefly occupied by the *Rocbar Cafe* restaurant, but the conditional use outdoor seating was never transferred to that business, and it closed shortly after it opened.

There are no records of any outstanding or recurring problems with the operation of the subject outdoor seating area when it was approved for its various past tenants.

Adjacent uses include the balance of the shopping center to the east and west, and an apartment complex and mini storage facility to the south across Shetter Avenue and a mix of office and service establishments across Beach Boulevard to the north. The requested outdoor seating area will not alter the character of this predominantly commercial area, and approval of this request should not negatively affect adjacent property values, so long as it is properly managed. The outdoor seating area falls within the allowable square footage for the tenant space size, and it is properly fenced pursuant to Sec. 34-407 standards. The applicant has been provided with a copy of Sec. 34-407 standards and is aware of the restrictions related to the use of the seating area.

**Applicant:**

The applicant, Walter Bianchi, 12214 Silver Saddle Drive, Jacksonville, stated that he was not aware of the prohibition of music. Mr. Mann stated that outdoor music was not an option with the current outdoor seating regulations.

**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 board, Mr. Sutton closed the public hearing.

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

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

**(D) PC #12-15 - 323 10<sup>th</sup> Avenue North**

**Conditional Use approval** for a proposed drinking establishment 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.

**Staff Report:**

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

Following the Planning Commission's denial of Application PC#5-15 (same applicant, same location, same request) the applicant addressed the Planning Commission at the scheduled April 27, 2015 meeting to ask for the ability to re-apply for the same approval at the same location, based on what he described as, and which the Commissioners in attendance ultimately agreed was, a denial based on an inaccurate description of how the existing parking situation in areas west of 4<sup>th</sup> Street was partly attributable to the shopping center that he wanted to locate in. Section 34-158 *Successive Applications* of the Land Development Code specifically provides for this type of request, and with the Commission's approval, he has now re-applied for the same approval.

The applicant would like to lease a tenant space located west of the Sprint store, in an existing commercial shopping center on the northwest corner of 3rd Street and 10th Avenue North, in a *Commercial limited: C-1* zoning district. He would like to operate a small retail beer store whose main business is the sale of full "growler" beer containers for off-site consumption, and where customers could also sample "flights" of beer prior to purchase, and also buy pints of beer for on-site consumption while waiting on growler fills. Beer would be the only alcoholic beverage stocked and sold in the store.

The applicant was recently approved for this same conditional use request at a location in the *Pablo Plaza* shopping center with his former business partner (reference PC#31-14). They have since dissolved their partnership, and the applicant is seeking the same approvals, in his name only, and in a new location.

The proposed location has been reviewed against the locational criteria in Land Development Code Sec. 34-393, and it is located more than 500' from the main entry of the nearest church, school, or other drinking establishment by most direct pedestrian route. There are two restaurants across 10th Avenue to the south that both have alcoholic beverage licenses, but each contains 150 or more seats, which exempts them from the Sec. 34-393 distance standards relative to the applicants proposed business.

Adjacent uses consist of the other tenant spaces of the commercial center to the immediate east and west, a mix of small residential and commercial uses behind the center to the north, and commercial and restaurant uses across 10th Avenue to the south. The applicant's proposed location is in a shopping center with a long established commercial character and adequate on-site parking.

**Applicant:**

The applicant, Tim Brack, 2886 Merrill Blvd., and Autumn Berrans, 347 Ahern Street, Atlantic Beach, introduced themselves. Mr. Brack noted that they were not going to sell pints as was stated in the report.

Ms. Berrans reviewed the concept of the proposal. She stated that the target groups were parents and working professionals that would not consume the growlers on the premises, but were allowed to taste the beers. She provided an overview of the look and feel of the proposed store. She stated that the proposed use would help address the parking situation by not having people stay for a long period of time. She noted that there was usually parking at the center and the owner did a good job of policing the lot.

### **Public Hearing**

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

Michael Meiners, 833 2<sup>nd</sup> Street South, spoke in favor of the proposed use.

Spencer Hyatt, 3638 Valverde Court, expressed his support for the proposal.

Josh Harrison, 1268 Zephyr Way South, supported the proposal.

Greg Russell, 1252 Zephyr Way South, expressed his support.

David Reed, 418 4<sup>th</sup> Ave. South, expressed his support stating that this would be an asset to the community.

Lyndsay Plemmons, 1002 11<sup>th</sup> Street, North, stated that she agreed with the others, and noted that you couldn't get these craft beers at most locations that sell beer.

John Harris, 39 17<sup>th</sup> Ave. North, Unit 3, stated that he experienced the breweries in Asheville and thought this type of option would do well here.

Brian Struebing, 802 9<sup>th</sup> Avenue North, stated he agreed with the proposal.

Lisa Rice, 4331 Tideview Drive, supported the applicants and the proposed use.

David Laurie, 139 32<sup>nd</sup> Ave. South, offered his support for the proposed use even though he was a non-beer drinker. As a representative of the landlord, he reiterated that there was no parking problem at this center.

Stewart Plemmons, 1002 11<sup>th</sup> Street North, stated that he grew up in Asheville and this type of use was a benefit to the community.

Robin Dannehower, 1028 4<sup>th</sup> Street North, stated that this establishment should be taken to the south part of the Beach. She stated that she opposed it because she lived there.

Elaine Hinson, 1028 North 4<sup>th</sup> Street, Unit A, stated that they did not need all the traffic that would be generated in this area. Parking will be an issue with this use. She stated that people are parking off the lot and disturbing the neighborhood. Ms. Hinson stated

that she has to go to the traffic light because of how bad the traffic is.

James Sorrell, 428 10<sup>th</sup> Ave. North, stated that the Mellow Mushroom moved in and there wasn't enough parking. He expressed concern about the serving of alcohol at this site. He added that many people are parking in the residential neighborhood. He thought this use would lower his property values.

Carl Ranson, 1030 4<sup>th</sup> Street North, asked about seating at the establishment. He said that this was a better proposal, but he still had concerns about the parking and the serving of alcohol.

**Discussion:**

Ms. Berrans stated that several people in favor lived in the neighborhood. She added that there would only be a maximum of 4 tastes and there wouldn't be heavy consumption. No one would drink on the premises. She added that the delivery trucks are smaller than most delivery trucks. Ms. Berrans stated there would be no seats on the premises and they plan to close at 9 pm on the weekdays, and 10 pm on weekends.

Mr. DeLoach asked about the design of the operation. Ms. Berrens stated these were sketches and that is what they are planning. She said it would look more like a store than a bar.

Mr. Sutton stated that the problems with parking were related to two very successful restaurants - no matter what goes in, the parking issues will continue. He thought the center's parking was well-managed.

Mr. Dahl agreed that this use would not exacerbate the alcohol problems.

Ms. Dumont thought that there should be conditions put on the hours of operation and conditions for only samplers. Mr. Mann stated as long as there was a reasonable nexus then conditions could be imposed but staff could only enforce such conditions during city working hours. Mr. Mann added that if they wanted to expand they would have to go through the same process.

Mr. Callan did not see the need to restrict the hours. Ms. Dumont responded that the restriction on hours would be due to alcohol.

Mr. DeLoach stated he was hesitant putting conditions on a business that is starting up. Ms. Dumont responded that business models change and these restrictions would help.

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

**Roll call vote:** Ayes – Sutton, Dahl, DeLoach, and Callan  
Nays - Dumont

The application was approved with a 4 to 1 vote.

**Planning & Development Director's Report**

Mr. Mann advised the Planning Commission that the next meeting is scheduled for Monday, June 22, 2015.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 9:25 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:

/s/ Greg Sutton  
Chairman

Date: July 13, 2015