

**Minutes of Planning Commission Meeting
held Monday, July 13, 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 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 Director, and Recording Secretary Amber Lehman.

Approval of Minutes

Mr. Dumont stated that she abstained from approval of the minutes of the past meetings.

Mr. DeLoach made a motion to approve the minutes of April 27, 2015, May 26, 2015, and June 22, 2015 as submitted. The motion was seconded by Mr. Dahl and all three minutes were approved unanimously.

Correspondence

There was no correspondence.

Old Business

There was none.

New Business

(A) PC #17-15 - 115 5th Avenue South

Conditional Use Approval for a proposed outdoor seating restaurant area and for transfer of ownership of an existing hotel and restaurant, more specifically a bed and

breakfast, located in a *Residential, multiple family, RM-2* zoning district, pursuant to Sections 34-340(d)(24), 34-340(d)(20), and 34-340(d)(21) respectively, of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant would like to re-establish the former Bed and Breakfast and restaurant uses of the existing main structure on the subject property, located on the north side of 5th Avenue South, one lot west of 1st Street. She would also like to have outside restaurant seating on the building's up and downstairs porches. If approved, the applicant would manage the facility for the owners of the property.

The subject property was initially approved as a Bed and Breakfast hotel for a former owner in May of 1998, via PC#12-98. At that time, meals were provided for the B&B guests only, with no other restaurant service. In December of 2000, the current owners of the property purchased it, and gained approval for the B&B in their name, and continued its operation. In 2002, the current owners authorized an applicant to seek conditional use restaurant approval for the food portion of the business, and he desired to be able to serve other patrons in addition to the hotel's guests. That application, PC# 07-02, was approved in February 2002, and was limited to a maximum of 15 seats.

Sometime during 2002, the use of the subject property as a B&B and restaurant ceased, and its use reverted back to its pre-1998 use as rental apartments (four units). In December 2002, a local doctor applied for, and was approved for, use of two of the apartment units for her medical practice (Ref. PC# 05-03). She maintained her office there for approximately six months. Then, in December of 2004, a couple received conditional use approval to operate their real estate office out of one of the first floor units, which they did for approximately a year (Ref. PC# 39-04). Since 2006, the subject property has again reverted back to use as rental apartments.

The applicant has now applied to re-establish the former B&B and restaurant uses of the subject property, and would also like to enhance the restaurant component by putting several tables on the outside porches. The inside restaurant area of the building is approximately 550 s.f., so, if approved, the maximum square footage of any outside seating would be 100 s.f. in total.

Staff has no records of any major problems associated with any of the prior or current uses of the subject property. Adjacent uses include a small vacant lot and a duplex property to the immediate east, both fronting 1st Street, a condominium across 5th Avenue to the south, a single-family property adjacent to the west, and a condominium across the alley to the north behind the property. The alley provides access to the subject property's on-site parking, in the back yard behind the main building.

Given the mixed history of use of the subject property, including the requested use, approval of this request should not impact the existing character of the surrounding neighborhood, even with the addition of very limited outside seating on the front porches. Adjacent property values should not be negatively affected.

Applicant:

The applicant, Ivy Wolf, 225 Bowles Street, Neptune Beach, stated that she was looking at a limited menu with limited hours. The plan was to bring in more extended stay higher end professionals. Mr. Sutton asked about the porches. Ms. Wolf stated that they were on both floors but would only have two tables each. Ms. Wolf said that they anticipate service from 7 a.m. to 3 p.m. and that they were not interested in serving dinner on a regular basis.

Mr. Sutton asked Mr. Mann if the restaurant portion would have to be cordoned off if there was alcohol. Mr. Mann stated that they would have to have a 42 inch fence with gate if alcohol was served.

Ms. Wolf stated that they did not anticipate amplified music, and they did not anticipate providing beer and wine.

Public Hearing:

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

Jim Burgener, 112 5th Avenue South, represented the condominium across the street. The concerns they had were parking. He noted that it was hard to park in the area during weekends. He also expressed concern with noise levels even from 7 to 3. He added that if they did serve beer and wine that would make even more noise.

Mr. Sutton asked if the condos were there when a bed and breakfast was open before. Mr. Burgener responded that the condos were built in 2007 so they were not there when the previous bed and breakfast was there.

Kirk Williams, 125 5th Avenue South, stated that he is immediately adjacent to the property. He did not have concerns about a bed and breakfast going there, but had questions about the restaurant. If the menu was limited to coffee and cakes it should not be a problem. His concern was something that was open late at night. He also expressed concerns about parking.

Ms. Wolf stated that they anticipate many people to get there by foot, so that will help the parking impact. She added that they will be conscientious of the noise levels. Mr. Callan asked how many parking spaces are available. Mr. Wahby, owner, stated that there are seven spaces available.

Ms. Dumont asked about the seating when it was first approved. Ms. Wolf responded that there were 15 seats for the restaurant and they would not be asking for any more than that.

Mr. Jones asked if there would be on-site cooking facilities. Ms. Wolf responded that on-site cooking facilities have always been there.

Discussion:

Mr. Deloach noted that typical bed and breakfast residents tend to be quieter than renters. He stated that this should be better than renters. Mr. Mann added that parking requirements for a bed and breakfast are less than for rental units.

Ms. Dumont stated that she would like to restrict hours of operation from 7 a.m. to 3 p.m. for the general public.

Motion: Ms. Dumont made a motion to approve the application with conditions that the public hours of operation be from 7 a.m. to 3 p.m. Mr. Dahl seconded the motion.

Roll call vote: Ayes – Dahl, Dumont, and Callan
Nays – Deloach, Sutton

The application was approved with a vote of 3 to 2, with Ms. Dumont's recommended condition.

Mr. Deloach stated that his nay vote was for the restriction of hours added to the motion.

(B) PC #18-15 - 604 2nd Avenue North

Conditional Use Approval to demolish and rebuild an existing single family dwelling located in a *Residential, Multiple Family: RM-1* zoning district, pursuant to Section 34-339(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

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

The applicant owns a single-family residence property on the southwest corner of 2nd Avenue North and 6th Street North in an RM-1 multifamily zoning district. It is, and has been historically, used by St. Paul's Catholic Church as a rectory (residence) for various staff and visiting clergy. The applicant would now like to demolish the existing single-family structure built on the property in 1956 in order to construct a new one in its place. Because the property is located in a multifamily zoning district, the applicant was informed that conditional use approval would be required. If approved, the applicant could then redevelop the property into a single family use consistent with RS-3 zoning standards.

Adjacent uses include the St Paul's playfield across 6th Street to the east, single family homes adjacent to the south and west, and single- and multi-family residential uses across 2nd Avenue to the north. Approval of this request would be consistent with the existing low density use of the surrounding neighborhood, and adjacent values should not be negatively impacted by the construction of a new single-family home at this location.

Applicant:

The applicant, Ed Goodson, 10175 Fortune Parkway, Suite 403, Jacksonville, stated that the church may not go ahead with the project, but wanted to know their options if they wanted to replace the existing dwelling.

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: Mr. DeLoach made a motion to approve the application, seconded by Mr. Dahl.

Roll call vote: Ayes – Sutton, Dahl, DeLoach, Dumont, Callan
The application was approved unanimously.

Planning & Development Director's Report

Mr. Mann advised that the July 27th meeting would include the presentation of the Downtown Action Plan for a determination of its consistency with the Comprehensive Plan.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:36 P.M.

Submitted by: Amber Maria Lehman

Approval:

//s/ Greg Sutton
Chairman

Date: September 14, 2015