

**Minutes of Planning Commission Meeting  
held Monday, October 10, 2016, 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 Greg Sutton.

**Roll Call**

Greg Sutton (Chairperson)  
Terry DeLoach (Vice Chairperson)(*absent*)  
Bill Callan (*absent*)  
David Dahl  
Georgette Dumont

Alternates  
Britton Sanders (*absent*)  
Margo Moehring

Also present were Heather Ireland, Senior Planner and Recording Secretary, Amber Lehman.

**Approval of Minutes**

None

**Correspondence**

None

**New Business**

**(A) PC #30-16 – 1436 Beach Boulevard**

**Conditional Use Application** for outdoor seating at an existing restaurant (*Angie's Subs*) located in a *Commercial, general: C-2* zoning district pursuant to Section 32-343(d)(14) of the Jacksonville Beach Land Development Code.

**Staff Report:**

The applicant owns property located at 1436 Beach Boulevard. The property is located on the south side of Beach Boulevard and east of 15<sup>th</sup> Street South. The subject property has been in operation as a restaurant since 1987. In 2009, the restaurant expanded into the tenant space to the entire single-story commercial building. The applicant now wishes to provide outdoor seating for its restaurant customers.

Outdoor seating at this location is subject to the current size limitations provided for in Section 34-407 of the City's Land Development Code. The applicant is proposing to replace three existing parking spaces on the north side of the building with approximately 570 square feet of outdoor dining area, which is well within the size limitations of Section 34-407. Currently, no outdoor amplification of sound or music is permitted and a 42-inch high wall or fence is required if alcohol is to be consumed in the outdoor seating area. The applicant also wishes to allow dogs in the outdoor dining area, which does not require Planning Commission approval, but which will require a Dogs in Outdoor Dining Area Permit from the City Clerk's Office.

Adjacent properties include a commercial shopping center to the west across 15<sup>th</sup> Street, residential condominiums to the south, and City owned cemeteries to the east and to the north across Beach Boulevard. The addition of outdoor seating in this location should not negatively impact adjacent properties and is consistent with other dining establishments in the vicinity.

**Applicant:**

The applicant, Edward Malin, 1436 Beach Blvd., stated that he will plan to serve beer and wine at the restaurant. Mr. Sutton asked about impacts to the sidewalk. Mr. Malin stated that they will have the same outdoor seating as Mojo's. He noted that they will lose four spaces with the outdoor seating.

Ms. Dumont asked if the back area would be enclosed. Mr. Malin stated that the fence was three-sided and he did not plan to fence that area, but would if it was a requirement. Ms. Ireland added that they will coordinate with the Fire Marshal to address access issues. Mr. Sutton stated that he believed that technically because alcohol was being served that he may need to fence it.

**Public Hearing:**

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

No one was present to address the application.

**Discussion:**

Ms. Dumont thanked Mr. Malin for his efforts to serve the personnel who were dealing with the hurricane impacts.

**Motion:** Ms. Dumont made a motion to approve the application. The motion to approve was seconded by Mr. Dahl.

**Roll call vote:** Ayes – Dahl, Dumont, Sutton, and Moehring.  
The motion to approve was approved unanimously.

**(B) PC #31-16 – 160 7<sup>th</sup> Avenue North**

**Conditional Use Application** for the transfer of an existing approved multiple family dwelling unit development located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

**Staff Report:**

The subject property is located on the south side of 7<sup>th</sup> Avenue north, west of 2<sup>nd</sup> Street North. The 16-unit apartment building known as *Ocean View* apartments was built in 1995 with Conditional Use approval for multiple-family in a *Commercial, limited: C-1* zoning district under PC#20-94. The subject property also has approved variances for minimum setbacks, lot coverage, and required parking. Pursuant to Section 34-233, conditional uses are not transferable, therefore the applicant wishing to purchase the property is requesting conditional use approval in his LLC's name.

Adjacent property uses include multiple-family to the north and west, and mixed-use commercial/residential planned for the vacant property to the east and south with approved RD rezoning. Transfer of the approved conditional use for the apartment building into a new owner's name should not negatively impact adjacent properties.

**Applicant:**

The applicant, Mark Kornhauser, 13738 Chatsworth Ave., Jacksonville, introduced himself and stated that he had nothing to add to the staff report.

**Public Hearing:**

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

No one was present to address the application.

**Motion:** Mr. Dahl made a motion to approve the application. The motion to approve was seconded by Ms. Dumont.

**Roll call vote:** Ayes – Dumont, Moehring, Sutton, and Dahl.  
The motion to approve was approved unanimously.

**(C) PC #32-16 – 320 5<sup>th</sup> Avenue South**

**Conditional Use Application** for a new two-family dwelling unit, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

**Staff Report:**

The subject property is a vacant lot located on the south side of 5<sup>th</sup> Avenue South between 3<sup>rd</sup> and 4<sup>th</sup> Streets and is located in a *Commercial, limited: C-1* zoning district. The applicant is requesting conditional use approval to construct a new two-family dwelling unit on the vacant parcel. If approved, any development would be subject to the *Residential, multiple-family: RM-1* zoning standards. The parcel size meets the requirements for a two-family dwelling unit per *RM-1* zoning standards.

Adjacent properties include a single-family home and multiple-family uses to the west, commercial to the east and south, and commercial and multiple-family to the north. A new two-family dwelling should not negatively impact adjacent properties and is consistent with the character of other newly developed two-family dwelling units to the west.

**Applicant:**

The agent for the applicant, John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated there was nothing he wished to add to the staff report.

**Public Hearing:**

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

No one was present to address the application.

**Motion:** Ms. Dumont made a motion to approve the application. The motion to approve was seconded by Ms. Moehring.

**Roll call vote:** Ayes – Sutton, Moehring, Dahl, and Dumont.  
The motion to approve was approved unanimously.

**(D) PC #33-16 – 135 17<sup>th</sup> Avenue South**

**Conditional Use Application** for a new single family dwelling unit, 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:**

The subject property is located on the north side of 17<sup>th</sup> Avenue north, just east of 2<sup>nd</sup> street on the corner. The existing structure, built in 1938, currently exists as a single-family dwelling unit. The applicants wish to redevelop the property as a new single-family dwelling unit for their primary residence. Conditional use approval is required for single-family in a multiple-family zoning district, and would be transferable.

Adjacent property includes single and multiple-family to the south, single and multiple-family to the east, townhouses directly to the north, and single and multiple-family to the west. Considering that the existing use of the subject property is single-family, as are adjacent property uses, the continuation of a single family use should not negatively impact adjacent properties and is consistent with the character of the neighborhood.

**Applicant:**

The applicant was not present. Mr. Lee Buck, 136 17<sup>th</sup> Avenue North, stated that this was a unique street in this part of the City. He added that seven out of eight houses in this neighborhood are single-family units, with the other being a duplex. He stated that even though this was zoned multifamily this is a single-family area.

**Public Hearing:**

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

No one was present to address the application.

**Motion:** Ms. Dumont made a motion to approve the application. The motion to approve was seconded by Mr. Dahl.

**Roll call vote:** Ayes – Dahl, Moehring, Sutton, and Dumont.  
The motion to approve was approved unanimously.

**Planning & Development Director's Report**

Ms. Ireland thanked all for coming in this busy time. She added that there will be a meeting on October 24. She stated that they will address the siting of medical marijuana dispensaries at that meeting.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:21 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval: \_\_\_\_\_  
Chairman  
Date: 10/24/16