

**Minutes of Planning Commission Meeting
held Monday, October 24, 2016, 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 Greg Sutton.

Roll Call

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

Alternates
Britton Sanders
Margo Moehring

Also present were Heather Ireland, Senior Planner, Catherine Ponson, Assistant City Clerk, and Jodilynn Byrd, Administrative Assistant.

Approval of Minutes

It was moved by seconded by to approve the following minutes as presented:

- Planning Commission meeting held on September 12, 2016
- Planning Commission meeting held on September 26, 2016
- Planning Commission meeting held on October 10, 2016

Correspondence

None

Old Business:

(A) PC #28-16 – 1198 Beach Boulevard

Conditional Use Application for outdoor seating at a new commercial shopping center 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:

Ms. Ireland read into the record the following:

The applicant owns vacant commercial property at 1198 Beach Boulevard. The site is a 30,000 square foot outparcel in the northeast corner of Beach Plaza shopping center, at the corner of 12th Street South. The property owner plans to develop the site into a 12,375 square foot commercial center. The proposed commercial building will contain multiple tenants, including prospective restaurants. The owner would like to provide the availability of outdoor seating space for his prospective tenants, specifically on the rooftop of the building.

Pursuant to Section 34-407 of the Land Development Code, the area of outdoor seating shall not exceed 20% of the first 3,000 square feet of total enclosed area, plus 10% of the enclosed area over 3,000 square feet. Based on the proposed size of the enclosed commercial building, the maximum amount of outdoor seating that could be permitted, if all tenants are restaurants, is 1,538 square feet. Each separate future restaurant tenant, pending conditional use approval, would then receive their proportionate share of the total allowable outside seating, based on the code allowances at the time of their application.

The applicant has been made aware that all restaurant tenants that want outdoor seating would have to apply for conditional use approval in their name for their allowable space, as conditional use approvals are not transferable. The applicant is applying now so he can plan for the potential outdoor space during the development plan process. He is considering placing the outdoor seating on the roof of the proposed building. The applicant is aware that all outdoor seating areas are required to be enclosed by a 42-inch high wall or fence if alcoholic beverages will be consumed and/or if the outdoor areas are on an upper level, and also that there is currently no amplification of sound or music allowed in outdoor seating areas. He is also aware that each conditional use outdoor seating area that is included as a licensed alcoholic beverage premises for an establishment must be maintained as distinctly separate from any other such approved seating area on the same property.

Adjacent uses to the north, south, east and west are all commercial. The proposed outdoor seating should not negatively impact adjacent properties. If approved, a parking variance would be required for the additional parking requirement generated by the approved outdoor seating, because additional on-site parking cannot be accommodated.

Applicant:

The attorney representing the applicant, Richard Withers, 6426 Bowden Road, Suite 201-A, Jacksonville, stated that all the information was covered in the staff report.

Ms. Dumont asked Ms. Ireland about the specific requirements for the outdoor seating. Ms. Ireland answered the same 42-inch wall or fence would be required.

Mr. Sanders asked about the parking concern from the September 26 Planning Commission meeting. Mr. Ireland there was a parking easement agreement between the property owner of this application and the property owner for the balance of the shopping center. The parking in the Department of Transportation right-of-way cannot be counted in the required parking.

Mr. Withers stated there is an easement that allows the applicant to park anywhere in the parking lot. He added that the applicant will go before the Board of Adjustment for parking approval due to rooftop seating being added.

Ms. Dumont asked if the parking agreement is still in effect upon sale of the property. Mr. Withers answered the agreement is perpetual.

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 Mr. DeLoach.

Roll call vote: Ayes – Dahl, DeLoach, Dumont, Sutton, and Sanders.
The motion was approved unanimously.

New Business:

(A) PC #34-16 – 200 N. First Street

Conditional Use Application for modification of approved outdoor seating at a restaurant and drinking establishment located in the *Central Business District: CBD* zoning district pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is located in the Central Business District on the northwest corner of 1st Street North and 1st Avenue North. The subject property is the former location of *Freebird Live*, and is the future location of *Surfer the Bar*. The applicant received conditional use approval for transfer of ownership of an existing drinking establishment with outdoor seating in 2015 under PC#24-15. At that time the only existing outdoor seating area was on the second floor balcony along the east and south sides of the building.

The applicants are proposing to reconfigure their approved outdoor seating by adding additional outdoor seating on the north side of the building at ground level while also decreasing the balcony space used for outdoor seating. The proposed patio would be fenced

and would be accessible through the first floor dining area and from 1st Street North. Due to the reconfiguration of the collective outdoor seating areas, the applicant was advised by staff that conditional use approval would be required for the new reconfigured space. The proposed second floor outdoor space is now 414 square feet. Based on the total size of the enclosed restaurant space, pursuant to Section 34-407 of the Land Development Code, the total allowable outdoor space is 1,153 square feet. This provides the additional availability of 739 square feet for the proposed first floor outdoor seating.

Adjacent property uses include the Latham Plaza public park and City parking lot across 1st Avenue to the south, a small hotel to the immediate west, restaurants across 1st Street to the east, and a retail store and a small City parking lot to the north across the alley. The reconfiguration of the proposed outdoor seating areas to provide outside first floor patio space is consistent with other downtown businesses and should not negatively impact adjacent properties.

Applicant:

The applicant's representative, Austin Towery, 115 9th Avenue South, Jacksonville Beach, stated he had nothing to add to Ms. Ireland's report.

Mr. Sutton asked Ms. Ireland if this property was part of the original purchase. Ms. Ireland answered it is a reconfiguration of the outdoor space. The patio area has been reduced to allow for an additional stairwell.

Ms. Dumont asked about the patio area. Mr. Towery answered it had always been planned for outdoor space.

Mr. Dahl asked about the gate on the north side. Mr. Towery answered that was to the parking area. Mr. Dahl asked if someone was walking on 1st Street North could they enter through that gate. Mr. Towery confirmed yes and someone would be at the gate.

Mr. Sutton asked Ms. Ireland if access from 1st Street through the gate is acceptable. Ms. Ireland confirmed it is.

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. DeLoach made a motion to approve the application. The motion to approve was seconded by Mr. Dahl.

Roll call vote: Ayes – DeLoach, Dumont, Sutton, Sanders, and Dahl.
The motion was approved unanimously.

(B) PC #35-16 Land Development Code Text Amendment

This agenda item was withdrawn.

Planning & Development Director's Report

The November 14, 2016, Planning Commission meeting has one agenda item.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:20 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approval:



Chairman

Date:



11-14-2016