

**Minutes of Planning Commission Meeting
held Monday, June 26, 2017, 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
David Dahl
Georgette Dumont

Alternates

Britton Sanders *absent*
Margo Moehring

Also present were Heather Ireland, Senior Planner, and Staff Assistant Amber Lehman.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

Old Business

Ms. Ireland stated that today was Mr. DeLoach's last meeting. She then introduced Mr. Jason Lee, new Planning Commissioner, and Stacy Tinker, new Permit Specialist. Ms. Ireland notified the Board that a copy of the Outdoor Seating Ordinance was provided. Mr. Dahl thanked Mr. DeLoach for all of his assistance.

New Business

(A) PC #28-17- 950 Marsh Landing Parkway, Suite #370

Conditional Use Application for outdoor seating at an existing restaurant, located in a *Planned Unit Development: PUD* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code. (*Whiskey Jax*).

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located at 950 Marsh Landing Parkway Suite #370. The site is located within the South Beach Mixed Use Commercial Phase 2 PUD on the southwest corner of South Beach Parkway and Marsh Landing Parkway.

The subject tenant space is at the western most end of the westerly shopping center building. The applicant received outdoor seating approval via PC#25-16 in July of 2016 with a condition of approval that the applicant must reapply in one year from the date of the original approval. There have been no documented code enforcement complaints or issues related to the existing outdoor seating over the last year.

Adjacent uses include retail and personal services to the east in the balance of the shopping center, Butler Boulevard directly to the north, a hotel and offices to the west, and a storm water retention pond and condominiums to the south. Adjacent uses should not be negatively impacted by the continuation of the existing approved outdoor seating.

Applicant:

The applicant's agent, Mr. Tom Fisher, 88 Oakwood Road, introduced himself.

Ms. Dumont asked about the sound protection curtain. Mr. Fisher stated that they were too expensive but had no noise issues there.

Public Hearing:

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

There was no one present to speak in favor of or in opposition to the application.

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

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

(B) PC #29-17

Land Development Code Text Amendment to amend Section 34-344(b) to add "Commercial art, photography, and stenographic services" to the list of permitted Business Service Establishment uses in the *Commercial service: CS* zoning district.

Staff Report:

Ms. Ireland read the following into the record:

The applicant owns property on 1st Avenue South in the Commercial service: CS zoning district. He has historically used the property for storage, including his personal photography equipment. General warehousing and storage is a permitted use in the CS zoning district. The applicant now wishes to make the space available to other

photographers to use as a photography studio. Since this use is not currently permitted in the CS zoning district, the applicant was informed by staff that a Land Development Code Text Amendment would be required.

Currently, "Commercial art, photography, and stenographic services" are a listed permitted use under "Business service establishments" in the City's C-1, C-2, CBD and I-1 zoning districts. The use would not be out of character with the currently permitted uses under "Business service establishments" in the CS zoning district, which include: building services; medical and other equipment rental and leasing; and computer programming, data processing and other computer services. The addition of commercial art, photography, and stenographic services as permitted uses in the CS zoning district should not negatively impact adjacent properties.

Applicant:

The applicant, Mr. Keith Moody, 1182 24th Street North, introduced himself.

Public Hearing:

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

There was no one present to speak in favor of or in opposition to the application.

Discussion:

Ms. Dumont asked about what could be permitted with these new land uses. Ms. Ireland responded that they were permitted uses and not conditional. She explained what could be done with the new commercial art, photography and stenographic uses.

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

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

(C) PC #30-17- 217 12th Avenue North

Conditional Use Application for multiple family residential use of property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 342(d)(15) of the Jacksonville Beach Land Development Code. (Transfer of ownership)

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the north side of 12th Avenue North, between 3rd and 2nd Streets North. The property currently exists in multi-family residential use, with a two-story, two-unit apartment structure on the north end of the property, constructed prior to

1940. Conditional use for multi-family in C-1 was approved on May 22, 2017 via PC#19-17 for the previous owner. The new owner would like to maintain the existing duplex on the property, and add a third dwelling unit to the property in front of the existing apartment structure. Since multi-family conditional uses are non-transferable, the agent was advised by staff that the proposed improvements would require conditional use approval for the new owner.

Adjacent uses include multi-family residential and commercial to the west and east, multi-family to the north, and multiple and single-family uses to the south. Based on the historical and current use of the property as multiple family residential, and other adjacent residential properties, the existing and proposed multi-family use of the subject property should not negatively impact adjacent properties.

Applicant:

The applicant or agent was not present. Mr. DeLoach noted that it was unusual for the agent, Mr. Jarrett not to be here.

Ms. Dumont noted that she did have questions for the applicant and requested that it be tabled until the applicant was able to attend.

Motion: Ms. Dumont made a motion to table the application. The motion was seconded by Mr. Callan.

Roll call vote: Ayes – Dahl, DeLoach, Dumont, Sutton, and Callan. The motion was to table the item was approved unanimously.

(D) PC #31-17

Land Development Code Text Amendment Application to amend Sections 34-340, 34-341, 34-342, 34-344, 34-345, and 34-346 and Section 34-407, to revise the regulations for outdoor restaurants and bars.

Staff Report:

Ms. Ireland read the following into the record:

The Land Development Code currently permits restaurants, outdoor restaurants, bars, and outdoor bars, as either permitted or conditional uses in commercial zoning districts and in Residential multiple family: RM-2. To implement various approved Vision Plan objectives, staff has proposed to revise certain regulations relative to outdoor restaurants and bars by:

- (1) Making the allowable area calculations simpler and more consistent, and;
- (2) By allowing restaurants to have small (under 200 sq. ft.) outdoor areas by right, and without a requirement for additional required parking.

The proposed changes in the attached ordinance would allow restaurants to have up to 200 square feet of outdoor seating areas without having to receive conditional use approval, and without having to provide for additional parking. Any outdoor bars and outdoor restaurants over 200 square feet would continue to require conditional use approval as well as require additional parking to be provided. Changes to the current regulations are provided in the strike through deletion/underlined addition format. These changes would apply to the following zoning districts: RM-2, CPO, C-1, C-2, CS, CBD, and I-1.

The proposed changes also include revisions to Section 34-407, Outdoor Restaurants and Bars. Section 34-407, Paragraph (b). As proposed, the changes would now allow for the maximum area of outdoor customer service areas of restaurants or bars to not exceed 25% of the total enclosed area of the related restaurant or bar. Currently, the Code allows for 20% of the first 3,000 square feet, and 10% of the enclosed space over 3,000 square feet. Parking for outdoor seating would only be required for outdoor restaurant and bar areas over 200 square feet, and then at the same ratio as for the enclosed area of the restaurant or bar.

The final proposed change to the LDC is to update Paragraph 34-407(e) that currently prohibits amplified sound and music within approved outdoor seating areas. This change is necessary to maintain consistency with the new Chapter 18 "Noise" of the City's Code of Ordinances, adopted by the City Council on June 5, 2017. A copy of the Ordinance No. 2016-8082 is provided for your reference. As a result of the new provisions in that ordinance for the issuance of Low Volume Outdoor Amplified and Acoustic Sound Permits, Paragraph (e) of Section 34- 407 has been updated to reference those provisions. Paragraph (e) has been updated to eliminate the prohibition of amplified and other sounds, and to reflect the new outdoor sound permit regulations adopted by the City Council on June 5, 2017, as part of the new Chapter 18.

A new Paragraph (f) to Section 34-407 has also been proposed, moving the regulations concerning animals in outdoor restaurants and bars from Paragraph (e), and adding language referencing the Dogs in Outdoor Dining Area permit process, administered by the City Clerk's office, as a new subsection (f).

The approved changes to Chapter 18 of the City Code of Ordinances allow for "low volume outdoor amplified and acoustic sound" through a valid permit issued by the City Clerk's office. Section 18-7(b)(4) of the new Chapter 18 provides standards applicable to outdoor entertainment sound. The changes proposed to Section 34-407(e) of the Land Development Code in the attached ordinance reflect and reference the proposed changes to Chapter 18 of the City's Code of Ordinances.

Applicant:

The applicant is the City Planning and Development Department. Ms. Ireland noted that the main difference that was in the hand out was so that no one does stand alone outdoor seating. She then reviewed the proposed changes. She noted that zoning districts where outdoor seating of less than 200 square feet would be a permitted use and no longer a conditional use.

She noted that they were changing how they calculate the area of outdoor seating and who would not need to provide additional parking.

Ms. Dumont asked about the intent if an establishment was to move tables that would allow people to be packed in. She also asked what would happen if the pilot program dies and how to differentiate between a bar and a restaurant. Ms. Ireland noted that if the pilot program gets repealed or sunset they would come back to revisit the ordinance. Ms. Ireland then explained how a bar and a restaurant differ and noted that the Planning Department does not deal with the issue of moving tables and chairs.

Mr. Dahl asked if they would have to impose conditions at time of the hearing. He stated that there have been issues about noise with other outdoor seating. Ms. Ireland noted that all bars would have to come before the Planning Commission. Ms. Ireland noted the area from the Code that addresses violations.

Mr. DeLoach asked if they could revisit this in a year. Ms. Dumont stated that her concern that if it kept being changed that it may not be fair.

Ms. Dumont asked if they put a time limit on the sound portion of the Ordinance after the Council makes its determination on the pilot program. Ms. Ireland noted that the staff would bring it back if the pilot program was discontinued.

Public Hearing:

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

Mr. James Sorrell, 1410 Pinewood Road, expressed his concern about the parking issues. He stated that bars and restaurants would have an unfair advantage over other businesses. He thought that outside dining area should be added to a section of the new code. He added that anyone who had outside dining should have to get a conditional use approval from the Planning Commission.

Ms. Ireland stated that they had the same concern about knowing where these 200 foot areas will be. She said through an alcohol permit, or porch building permit, may be possible sources.

Discussion:

Ms. Dumont asked if they could provide this drinking area without approval, stating they would have no control over the location of these areas. Ms. Ireland noted that any alcohol permit would come to the Planning Department.

Motion: Ms. Dumont made a motion to amend the proposed language with the condition that any area under 200 square feet serving alcohol has to come to the Planning Commission. Discussion followed on how to enforce the new proposed conditions. Mr. Dahl stated that it may be better to send this back with their concerns noted, thinking that the problem may not be adequately identified. Ms. Dumont agreed, noting that there are

portions of the proposal that also should be addressed, noting the calculation of space and that you can't use up a parking spot. She also stated that an area that is disruptive but doesn't serve alcohol there has to be a way to take it away. Mr. Dahl reworded it as enforcement of outdoor seating that did not receive a conditional use approval. Ms. Dumont modified her motion to say that it be sent back to address these issues before being brought back before the Planning Commission, with the issues being that all alcohol should required a conditional use, prohibition of encroachment of parking spots for outdoor seating, and a basis for revocation of violation if there is no conditional use. The motion was seconded by Mr. Dahl.

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

Planning & Development Director's Report

The next meeting is scheduled for July 10, 2017. Ms. Ireland reiterated her appreciation to Mr. DeLoach for his service.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:58 P.M.

Submitted by: Amber Maria Lehman

Approval:

Chairman:

09 Oct 17

Date: