



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, July 10, 2017

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Bill Callan, Dave Dahl, Georgette Dumont, Britton Sanders
Alternates:, Margo Moehring, Jason Lee
3. **Approval of Minutes:** May 22, 2017, June 12, 2017
4. **Correspondence:** None
5. **Old Business:**
 - (A) **Findings of Fact** PC#20-17
 - (B) **Findings of Fact** PC#23-17
 - (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 34-342(d)(15) of the Jacksonville Beach Land Development Code. (Transfer of ownership)
 - (D) **PC#31-17**
Land Development Code Text Amendment Application to amend Sections 34-340, 34-341, 34-342, 34-343, 34-344, 34-345, and 34-346 and Section 34-407, to revise the regulations for outdoor restaurants and bars.
6. **New Business:**
 - (A) **Vice Chair Nomination and Vote**

(B) PC#32-17 1954 South 3rd Street (#2230)

Conditional Use Application for outdoor restaurant seating, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code. (*Another Broken Egg*)

(C) PC#33-17 610 South 3rd Street

Conditional Use Application for outdoor restaurant seating, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code. (*Jax Beach Brunch Haus*)

7. Planning Department Report:

- a. The next meeting is scheduled for July 24, 2017.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: July 3, 2017
RE: July 10, 2017 - Planning Commission Meeting

The following information is provided for your consideration regarding four agenda items for the upcoming July 10, 2017 Planning Commission meeting.

OLD BUSINESS:

PC#30-17 Conditional Use Application (carried over from 6/26/17 meeting)

Owner: BCEL, 9 LLC
7563 Philips Highway
Jacksonville, FL 32256

Applicant: JWB Real Estate
7563 Philips Highway
Jacksonville, FL 3225

Agent: Steve Jarrett
3741 1st Street South

Location: 217 and 219 12th Avenue North

Request: **Conditional Use Approval** for multiple family residential use of property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code. (*Transfer of ownership*)

Comments: 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.

Land Development Code Text Amendment Application

(carried over from 6/26/17 meeting)

Applicant: Planning and Development Department
11 N. 3rd Street
Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment** to amend Sections 34-340, 34-341, 34-342, 34-343, 34-344, 34-345, and 34-346 and Section 34-407, to revise the regulations for outdoor restaurants and bars.

Comments: 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 (in C-1, C-2 and CBD), 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).

NEW BUSINESS:

PC#32-17 **Conditional Use Application**

Owner: Equity One, (Pablo Plaza) INC
1 Independent Drive, Suite 114
Jacksonville, FL 32202

Applicant: Jake Alleman, Cojak Investments
112 Rue Promenade
Lafayette, LA 70508

Agent: Ben Palmer-Ball
3980 Hooper Station
Shelbyville, KY 40065

Location: 1954 South 3rd Street (#2230). (*Another Broken Egg*)

Request: **Conditional Use Approval** for outdoor restaurant seating, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located in Pablo Plaza at 1954 South 3rd Street in the same tenant space as the former *Jason's Deli*. The previous restaurant tenant did not have any outdoor seating. The new tenant, *Another Broken Egg* restaurant, would like to provide outdoor seating to its customers. The applicant was informed by staff that conditional use approval would be required for the outdoor seating.

Outdoor seating is subject to the current size limitations provided for in the City's Land Development Code. Pursuant to Section 34-407(b) of the LDC, and based on the size of the associated tenant space, the applicant would be limited to 629 square feet of outdoor restaurant seating, and a 42-inch high wall or fence is required as the applicant will have a beer and wine license and there can be alcohol consumed in the outdoor seating area. The applicant's site plan shows a proposed 476 square feet of outdoor seating.

Adjacent uses include commercial in the balance of the shopping center to the north and west, parking to the east, commercial to the south and single family residential to the west. The addition of outdoor seating at this location should not negatively impact adjacent properties and is consistent with other dining establishments' outdoor seating in the vicinity.

PC#33-17 **Conditional Use Application**

Owner: Marios Unlimited, Inc.
c/o Pete Modica
150-B Roscoe Blvd
Ponte Vedra Beach, FL 32082

Applicant: J. Daniel Altman
2237 2nd Street South
Jacksonville Beach, FL 32250

Location: 610 South 3rd Street (*Jax Beach Brunch Haus*)

Request: **Conditional Use Approval** for outdoor restaurant seating, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

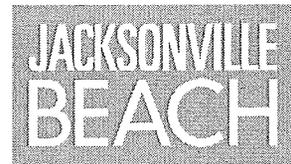
Comments: The applicant recently opened the *Jax Beach Brunch Haus* restaurant in a vacant restaurant building located on the southwest corner of 3rd Street and 6th Avenue South, in a *C-1* zoning district. The building was previously occupied by the *Loving Cup Hash House*. The applicant wishes to provide outdoor seating on an existing patio on the south side of the building's main entrance on 3rd Street. The previous restaurant received conditional use approval for outdoor seating via PC#6-15, however the area was never used for outdoor seating as a variance for parking was required but never applied for.

The existing restaurant building was constructed in 1993, and the property owner at that time secured a parking variance to allow its construction. (Ref. Application BOA #36-92) That variance remains in place today, but it does not address an additional three parking space requirement associated with the proposed outdoor seating. If this application is approved, the applicant will either need to provide three spaces somewhere on-site, and in compliance with LDC standards, or apply for a variance for relief of same.

The proposed 288 square foot outdoor space is within Section 34-407 standards relative to maximum area allowed for a 2,800 square foot restaurant. The applicant is aware that the patio will need to be contained by a minimum 42" high wall or fence if alcohol is to be served there.

Adjacent uses include a residential neighborhood to the west, and various commercial uses across 6th Avenue to the north, across 3rd Street to the east, and adjacent to the subject property to the south. Given that the restaurant exists in a developed commercial setting, oriented on a busy commercial thoroughfare, and also given that the proposed outdoor seating area is proposed for the east side of the existing building, away from any residential uses, there should be no negative effects on the character the surrounding neighborhood, and adjacent properties should not be negatively impacted.

**Minutes of Planning Commission Meeting
held Monday, May 22, 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 Chairman Sutton.

Roll Call

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

Alternates
Britton Sanders
Margo Moehring

Also present were Bill Mann, Director of Planning, Heather Ireland, Senior Planner, and Staff Assistant Amber Lehman.

Approval of Minutes

Ms. Dumont moved approval of the minutes of April 10, 2017 and April 24, 2017, seconded by Mr. DeLoach. Motion to approve the minutes was approved unanimously.

Correspondence

Ms. Ireland reported that there were e-mails for 23-17 and 20-17. Copies were provided.

Old Business

There was no old business.

New Business

Mr. Sutton moved Item C to Item E on the agenda, with other items moving up.

(A) PC #18-17 1850 3rd Street South

Conditional Use Application for an outdoor restaurant, located in a *Commercial Limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code. (*Pieology*).

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located in Pablo Plaza at 1850 South 3rd Street. The tenant, *Pieology* restaurant, would like to provide outdoor seating to its customers. The applicant was informed by staff that conditional use approval would be required for the outdoor seating.

Outdoor seating is subject to the current size limitations provided for in the City's Land Development Code. Pursuant to Section 34-407(b) of the LDC, and based on the size of the associated tenant space, the applicant would be limited to 440 square feet of outdoor restaurant seating, and a 42-inch high wall or fence is required if alcohol is to be consumed in the outdoor seating area.

Adjacent uses include a tire store and auto repair shop to the east, a bank to the north, commercial in the balance of the shopping center to the west, and parking to the south. The addition of outdoor seating at this location should not negatively impact adjacent properties and is consistent with other dining establishments in the vicinity.

Applicant:

The applicant was not present.

Public Hearing:

Mr. Sutton 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:

Mr. DeLoach asked Ms. Ireland about the subject property. Ms. Ireland responded that it was a pizza restaurant.

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

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

(B) PC #19-17 217 12th Avenue North

Conditional Use Application for multiple family residential use of property located in a *Commercial, Limited: C-1* pursuant to Section 32-342(d)(15) of the Jacksonville Beach Land Development Code.

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 duplex structure on the north end of the property, constructed prior to 1940. A transfer of conditional use for the existing duplex in C-1 was approved for a previous owner in 2000 via PC#11-00. The current owner would like to maintain the existing duplex on the property and add a third dwelling unit to the property facing 12th Avenue North. Since

multi-family conditional uses are non-transferable, the applicant was advised by staff that the proposed improvements would require conditional use approval.

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, proposed use of the subject property should not negatively impact adjacent properties.

Applicant:

The applicant, Mr. Steve Jarrett, 3741 South 1st Street, stated that this is a candidate for this area becoming more family-oriented. He stated that this was built in the 20's and they are using the front half to allow someone to have an investment property so that this didn't need to be a teardown.

Mr. Sanders asked about parking for the back building. Mr. Jarrett responded that it was on the street, but they anticipate driveway parking and a garage for this proposal. In response to a question, Ms. Ireland stated that the lot coverage is 65%.

Public Hearing:

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

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

(C) PC #21-17 136 19th Avenue North

Conditional Use Application for a miscellaneous health office located in a *Residential, multiple family; RM-2* zoning district, pursuant to Section 340-340(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The applicant owns the subject property on 19th Avenue North. She received conditional use approval via PC#17-16 to relocate her existing acupuncture business to a portion of the first floor of the building, while maintaining the upstairs as her primary residence. Business and professional offices, including miscellaneous health offices, are allowable conditional uses in *RM-2* zoning districts. The applicant's request in 2016 was approved with the following conditions: there will be no additional employees, other than the applicant; hours of operation will be Monday through Friday from 12:00 to 7:00 pm; and the conditional use was approved for a period of one year from the date of its approval. The applicant is now seeking continuation of her approved conditional use.

The subject property has adequate residential parking for the second-floor dwelling unit, and the applicant has provided three off-street commercial parking spaces at the rear of the property to accommodate the business use, including one handicapped space. If the office use is continued, its approval would not be transferable to another owner, occupant, or business.

Adjacent uses include multi-family and single-family residential. There have been no documented complaints or issues with the use of the subject property as a miscellaneous health office. Due to the low intensity of the existing and proposed use, adjacent properties should not be negatively impacted by its continuation.

Applicant:

The applicant, Ms. Joy Esler, 136 19th Avenue North, stated that there was a positive response from the neighbors. She stated that she has been told that it is less noisy than before, and she has had positive feedback on exterior renovations. She said that she had neighbors sign an affidavit in support of the continuation of the conditional use and provided copies to the Board.

Ms. Dumont inquired whether the hours would remain the same and no new employees would be hired. Ms. Esler affirmed that the hours wouldn't change, but there could be emergency hours in atypical situations. She stated that she would like the hours to be from 8 to 8 in such a situation.

Public Hearing:

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

Mr. Sutton noted that he had a number of cards from people who wished not to address the Board but were in favor of the application – Diana McCool, Judy Shaffer, Jill Snodgrass, Dr. Frank Cervone, Ms. Sandra Kirkland-Bunkley, Robert Bunkley, and Ms. Beth Acheson,

Mr. David Kozeruba, 27 Fairway Lane, spoke in favor of the application. He stated he has never seen any issues when he went to his appointments.

Ms. Katherine Kozeruba, 27 Fairway Lane, reiterated her support for the service. She stated that there has never been a parking issue and she is an asset to the community.

Discussion:

Ms. Dumont stated that they needed to discuss the hours of operation. She stated that 8:00 a.m. might be a little early. Mr. DeLoach stated that he was hesitant to put guidelines on a business such as this. He stated that he did not think they needed a stipulation on the operating hours. Ms. Dumont asked about weekends. Mr. DeLoach stated that he didn't think it was a problem if she needed to see someone on weekends. Ms. Dumont stated that given the location she would not be comfortable with not putting restrictions on the weekend.

Mr. Dahl concurred with Mr. DeLoach. Ms. Dumont asked about no additional employees. Ms. Esler stated that she did not want employees. Mr. DeLoach asked if Ms. Dumont

would be ok if they dropped the hours but still wanted to prohibit weekend hours. Ms. Esler stated that she was not planning any weekend hours.

Motion: Ms. Dumont made a motion to approve the application with the condition that there be no additional employees. The motion was seconded by Mr. Dahl.

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

(D) PC #22-17 520 4th Street North

Conditional Use Application for religious organization use by an existing church located in a *Residential, multiple family: RM-1* zoning district, pursuant to Section 34-339(d)(4) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property consists of two contiguous lots located on the southwest corner of the intersection of 4th Street North and 5th Avenue North. One of the lots currently exists as a single family structure used by the applicant, and the other lot is vacant. The applicant would like to demolish the single-family structure and utilize the two contiguous lots as parking for the adjacent church immediately to the west. The applicant was informed by staff that conditional use approval would be required.

Adjacent uses include a religious organization (applicant) directly to the west, single-family residential to the south, multi-family and an existing daycare center to the north, and residential and commercial uses to the east. Due to the mixed use nature of the surrounding area, and proximity to other surface parking lots, the use of the subject property as parking for the existing church should not negatively impact adjacent properties.

Applicant:

The applicant, Mr. Joel Dalrymple, 2160 Covington Circle, East, Jacksonville, stated that they wanted to relocate their parking. They are selling some properties they own which necessitates the need to relocate the parking.

Ms. Dumont asked about five spots that were on city easement. Mr. Dalrymple stated that they already exist and were put in at the request of the City.

Mr. Dahl asked if there were any plans to secure the parking when the church is not in use. Mr. Dalrymple stated that they chain it off when the church is not in session.

Mr. DeLoach asked about the property being sold. Mr. Dalrymple stated that the buyer will be building town homes.

Mr. Sanders asked if there was an increase in space. Mr. Dalrymple stated that they may be losing a few but was not certain.

Public Hearing:

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

Mr. John Tipton, 503 6th Street North, stated that if they pave the parking lot there will be more paved surface that will contribute to flooding. He recommended that they put permeable surface there.

Discussion:

Ms. Ireland stated that they were just paving the drive aisle and not the actual parking spaces. Mr. Dalrymple agreed with Ms. Ireland that the parking would be on the grass with only the driveway paved.

Ms. Dumont asked about the current lot. Mr. Dalrymple responded that it was not paved. Mr. Dahl noted that NAS Jax they have constructed a permeable lot with concrete block that is permeable. Ms. Dumont asked if a condition was included that any surface was permeable would be a hardship. Mr. Dalrymple responded that it would not.

Motion: Ms. Dumont made a motion to approve the application with the condition that any surface had to be permeable. The motion was seconded by Mr. DeLoach.

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

(E) PC #20-17 417 and 429 2nd Avenue North

Concept Plan Application for a proposed twelve-unit townhouse project in a *Residential, multiple family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on northwest corner of 2nd Avenue North and 4th Street North, and consists of five contiguous lots under common ownership. The property currently contains two single-family residential structures with detached garage apartments, all of which were built prior to 1947. The applicant wishes to redevelop the property, providing two multi-family buildings, each containing six attached fee-simple townhomes. The concept plat provided shows 12 townhouse lots that meet the minimum townhouse lot sizes and street frontages for *Residential, multiple family: RM-1* zoning district, (2500 square foot exterior lots, and 1,500 square foot interior lots.) The two six-unit buildings are separated by at least 20 feet as required.

Adjacent uses include religious organization use directly to the west and south, church parking, commercial, and multiple family residential to the north, and commercial to the east. The proposed 12-unit townhouse project is consistent with the mixed use character of the surrounding area, and the proposed plat conforms with *RM-1* zoning district requirements.

Ex-Parte Communication:

Mr. DeLoach noted the e-mails and letters that he had received, as well as phone calls from concerned citizens. Mr. Callan noted the phone calls that he has received and e-mails as well. Mr. Dahl also stated that he had received a number of phone calls and e-mails. Ms. Dumont also received written communication and e-mails from a number of concerned citizens, as well as a number of phone calls. Mr. Sanders summarized the e-mails and phone calls he received. Ms. Moehring stated that she had received letters from the same people. Mr. Sutton then stated the correspondence that he had received.

Applicant:

The agent for the applicant, Mr. D.R. Repass, 4503 Coquina Drive, stated that he represented Mr. Ossi. He stated that the density is already permitted, and this was plat approval as required by State law.

Mr. DeLoach asked if they had to go before the Board of Adjustment for a driveway variance. Mr. Repass stated that they would have to adjust the location of the driveways.

Ms. Dumont stated that if they moved the driveway it would not be in front of the garage. Mr. Repass responded that they would have to brainstorm to consider what to do. Ms. Ireland then reviewed what variance they would need for the driveways. Mr. Mann stated that the question of variance is premature at this time. Mr. Mann explained the process that will occur if the application is approved tonight, as well as what else could go on the parcel.

Mr. Dahl asked if the parking requirement would be the same for apartments. Mr. Mann stated that it would basically be the same, but depending on the design they may not be able to back out into the public right-of-way. Mr. Mann then reviewed the Comprehensive Plan objectives and policies that would pertain to this project.

Mr. DeLoach asked about the elevation of the project. Mr. Ossi confirmed it was two stories. In response to Mr. Dahl, Mr. Ossi stated that they didn't have the rough elevations so did not have the exact height, but it would be less than 35 feet.

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. Mackenzie Robinson, 406 3rd Avenue North, stated the historic use in this neighborhood was single-family dwellings. She provided letters from her mother, who owned a parcel nearby. Ms. Robinson stated that there were concerns with the increase in traffic that could occur.

Mr. Todd Robinson, 406 3rd Avenue North, stated that the application is not in keeping with the character of the neighborhood. He stated they chose to raise their family in the City because it was family-friendly, and these developments are not in keeping with that nature.

Mr. Tony Komarek, 533 11th Avenue South, requested denial of the application because of concerns with the proposed density. He stated the proposal is out of character with the neighborhood.

Ms. Cheryl Komarek, 533 11th Avenue South, agreed that this proposal should not be approved. She agreed that the densities are out of character with the neighborhood.

Mr. Ty Wallace, 709 4th Avenue North, expressed concern with the traffic and densities.

Mr. Bill Stevens, 733 2nd Avenue North, stated that this project would need a lot of variances. He stated that he thought they needed more than the required setbacks on the side.

Ms. Mary Hall, 614 3rd Avenue North, expressed her concerns with the land use and traffic issues. She stated that the project was not compatible with the single-family homes in the neighborhood. She stated that there were already traffic and parking problems in the area, which would be made worse by the project.

Ms. Suzanne Ferreira, 523-525 4th Avenue North, stated that she agreed with all that was said earlier. She stated that she left South Florida to get away from the congestion. She stated that she thought the growth was not well-planned in Jacksonville Beach.

Ms. Monica Bernhardt, 623 2nd Avenue North, stated that traffic backs up on many roads in the area because of the schools. She added that all of the construction that is going on has made it tough for the residents to back out of their driveways. She added that there are flooding issues and that will be made worse by the development.

Mr. Sutton stated that he had cards from Connie Rifkin and Penny Yamamoto/Tammy Nishiyama who did not wish to address the Board but were in opposition.

Mr. Art Graham, 602 3rd Avenue North, stated that he agreed with what was said earlier. He stated that the number of units should be reduced if the Board approved the application. He stated that he feared that his property value would go down if these units were approved.

Mr. John Tipton, 503 6th Street, North, asked Mr. Mann about the recent discussions about densities in the City. He added that when the plan was written these types of units were never contemplated for this area.

Ms. Kristi Thompson, 700 Magnolia Street, Neptune Beach, stated that the Board needed to take into account the safety and security of the school children and expressed concern about parking and traffic.

Mr. Howard Fleming, 523 3rd Avenue North, stated that there is no reason that the applicant had to maximize the density as was proposed in this amendment. He stated that he was renovating existing homes and they were being overrun by increases in density.

Ms. Donna Delegal, 629 3rd Avenue North, stated that, while Mr. Ossi is a respectable builder, this property would be better used to build less, but larger homes.

Mr. Jason Lommel, 630 3rd Avenue North, asked the Board to stop developments like this in the neighborhood.

Ms. Whitney Clark, 703 4th Avenue North, stated that she was concerned with traffic, housing values, and opposed the proposal.

Mr. Jim Gillis, 800 10th Street North, opposed the proposal. He stated that the result would be 24 units in the middle of 3 churches. He stated that while school is in the traffic flow is

too much. He stated that this is not in character with the area.

Ms. Sheila Harper, 623 4th Avenue North, expressed her concern with safety as a result of the increase in traffic from the project. She stated that the increase in traffic in this 3-block area would increase the number of units for a total of 132 cars. She stated that there were concerns about safety to pedestrians, particularly the students.

Ms. Elizabeth Teague, 612 4th Avenue North, expressed concern about the types of people that are coming to the City with all the development. She also stated concern about the safety issue with the traffic.

Mr. Todd Dunavant, 503 4th Avenue North, stated that he has submitted a letter to the Board. He stated that the issues in his letter have been brought up tonight. He referred to portions of the Land Development Code that he thought applied to this project. Mr. Sutton noted how some of the portions did not apply to this project.

Mr. Austin Dutcher, 1122 3rd Avenue North, expressed his opposition to the proposal. He stated that less units on the parcel would be preferable.

Ms. Lisa Sandstrom, 1171 3rd Avenue North, stated that there is a lift station at the end of the street and the smell that will increase from more people will be a negative.

Mr. Jim Clark, 703 4th Avenue North, noted that his family came from Panama City Beach and he didn't want to see the same things happen here.

Discussion:

Mr. Ossi stated that the goal was to create a product that was more affordable.

Mr. Mann stated that this is a plat that would subdivide properties. He reviewed the sideyard setbacks required for such lots.

Ms. Dumont asked about traffic studies and how they would apply. She asked if they could reduce the number of units. Mr. Mann responded that the charge of the body was to determine if the application was consistent with the Code.

Mr. Dahl asked Mr. Mann to explain how the City got to a mobility fee. Mr. Mann stated that it was in response to the issues of traffic and the greater flexibility in what could be done to address the traffic issue. Mr. Mann stated that the mobility fee is dollar based and the money goes back to transportation facilities.

Mr. DeLoach asked if the BOA would be obligated to recognize the hardship if this was approved. Mr. Mann stated that it would not.

Ms. Erdelyi reminded the Board that this was a quasi-judicial hearing and the decision must be made by weighing the evidence. Ms. Dumont stated that if the project follows the LDC it must follow the Comprehensive Plan, so she asked what the function of the Board was? Ms. Erdelyi responded that the hearing provides the public with input on the application. She further explained the process of the hearing. Ms. Dumont responded that the citizens do not have time to hire the experts to provide the evidence. Ms. Dumont asked if she could use her observations as evidence. Ms. Erdelyi responded that the Court considers the evidence in determining factual testimony versus hearsay.

Mr. Dahl asked about personal knowledge. Ms. Erdelyi explained how personal knowledge could be used and how it differed from hearsay.

Mr. DeLoach asked if a realtor in the audience would qualify as an expert witness. Ms. Erdelyi stated that the witness would have to state that she did not do an assessment but in her experience the property values would be affected.

Mr. Sutton reminded everyone that this was an approved use in the area, and he stated his concern about putting the City at risk if they denied applications consistent with the Code.

Ms. Dumont stated that the density issue in the City made the news tonight. She added that this is a quantity versus quality issue. She expressed her concern about the observations that she made on the traffic issues. She stated that with cars backing out of the parcel it would make it even less safe.

Mr. DeLoach concurred with Ms. Dumont about the parking and driveway issues. He also expressed concern about the effect on property value and the inconsistency of the proposal with the character of the neighborhood.

Mr. Sanders expressed his concern with the safety and property values.

Motion: Ms. Dumont made a motion to deny the application based on the criteria stated by the Board in their discussion. The motion was seconded by Mr. DeLoach.

Roll call vote: Ayes – Dahl, DeLoach, Dumont, and Callan. Nays – Sutton. The motion to deny the project was approved 4-1.

(F) **PC #23-17 505 N. 3rd Avenue and 426 N. 5th Street**

Concept Plan Application for a proposed twelve-unit townhouse project in a *Residential, multiple family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject properties are located on the west side of 5th Street North, and consists of four contiguous lots under common ownership. The properties currently exist as two vacant lots to the south of the 12-foot alley, and two lots to the north of the alley, that are all used by the church. The applicant wishes to redevelop the properties into two buildings, each with six attached fee-simple townhomes. The concept plat provided shows 12 townhouse lots that meet the minimum townhouse lot sizes and street frontages for the *Residential, multiple family: RM-1* zoning district, in which they are located (2500 square foot exterior lots, and 1,500 square foot interior lots.) The two six-unit buildings are separated by at least 20 feet as required.

Adjacent uses include single and multi-family to the north and west, church parking and single family to the east, and a religious organization to the south. Fourth Avenue North in this block serves as a boundary between *RM-1*, and *RS-2* zoning districts. The proposed 12-unit townhouse project is consistent with the mixed use character of the surrounding area, and the proposed lots meet the *RM-1* zoning district requirements.

Applicant:

The agent for the applicant, Mr. Josh Hogan, 7529 North Coral Street, stated that the proposed 12-unit townhome development is consistent with the surrounding area. He stated that home values are based on square footage, and this development would increase property values. He added that the engineer will address drainage. The purpose of the development is to allow young families move to the Beach community.

Mr. Sanders stated that when you show a property people look at the neighbors. Mr. Hogan stated that they were going fee simple because they recognize that people will get to own the unit. He added that there were one-car garages with driveways.

Mr. DeLoach asked about church parking and the overflow lot and pointed out that these cars would park elsewhere. Ms. Dumont asked Mr. Hogan to explain the parking situation. Mr. Hogan did not know where the overflow parking would go.

Public Hearing:

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

Mr. Sutton stated that he had cards from Kristen Brice, Mary Kay Hall, Marcelle Gillis, Connie Rifkin, Penny Yamamota and Tammy Nishiyama, and Christa Murphy in opposition but did not wish to speak.

Mr. Jason Lommel, 630 3rd Avenue North, stated that he had the same concerns as before with traffic creating safety issues for his children. He stated that he probably wouldn't have bought the house if the project was already there. He added that there were issues with drainage as well.

Mr. Todd Dunavant, 503 4th Avenue North, stated that they lived directly to the north and would be looking at the side of a townhome. He stated that the density if not consistent with the area and has submitted a letter to the Board. He stated that people would be parking in his yard. He also expressed concern about the number of garbage cans with the new development as well as traffic.

Ms. Mary Hall, 614 3rd Avenue North, stated her concerns were the same as stated for the last project.

Ms. Monica Bernhardt, 623 2nd Avenue North, expressed concern about why they were here given the statements of the Planning Director and City Attorney. She wondered why there were not reports on the drainage, etc., with these approvals. She expressed concern with the traffic from the project.

Mr. Ty Wallace, 709 4th Avenue North, stated that he opposed this development for the same reasons as spoken earlier.

Ms. Sheila Harper, 623 4th Avenue North, stated that she had the same concerns as earlier, and noted additional issues. She wondered if it was guaranteed that a sidewalk could not be blocked by a parked car. She questioned the year of the traffic study and stated that it may be time to update it. She added that Neptune Beach and Atlantic Beach managed to restrict growth and that kept the values up. She also wondered when the zoning ordinance

was adopted and added that there is not enough time for the citizens to get evidence to oppose these applications.

Mr. John Tipton, 503 6th Street, North, reiterated his concerns as expressed before. He added that there are concerns with utilities in this area. He stated that the water line has ruptured three times this month, and this will increase the load on utilities.

Mr. Howard Fleming, 523 3rd Avenue North, disagreed that property values are done by the square feet, and these will not compare to the single-family units. He also stated that these units were smaller than the last one.

Mr. Jim Gillis, 800 10th Street North, stated that this was not compatible with the neighborhood and requested that it be denied.

Ms. Whitney Clark, 703 4th Avenue North, expressed concern with the lack of open space that will result and if they would have known something was going in they wouldn't have bought there.

Ms. Michelle Dunavant, 503 4th Avenue North, stated that with all the rain they had recently showed there was flooding in the street, and this would exasperate the situation.

Mr. Todd Robinson, 406 3rd Avenue North, stated that same issues that applied previously apply to this application.

Mr. Austin Dutcher, 1122 3rd Avenue North, expressed concerns with density and noted that there was a small house near his house that had a number of vehicles parked there and this would make it worse.

Ms. Marcelle Gillis, 800 10th Street North, stated that there is a sidewalk on 4th Street. When there are events or parties the people park on the sidewalks and hedges and you can't walk on the sidewalks. She stated that she opposed the proposal.

Ms. Donna Delegal, 629 3rd Avenue North, stated that the net from these homes would not be any more than if he built less units at better quality.

Ms. Mackenzie Robinson, 406 4th Avenue North, agreed with the points made earlier. She noted that the traffic from this proposal will have a negative impact on her house and her business.

Ex-Parte Communications:

All Board members stated that they were contacted by the same as stated earlier.

Discussion:

Mr. Hogan stated that drainage would be addressed by engineers. He added that we don't know who will be moving into the townhomes and they may have the same concerns with parking and we don't know they will park there. He added that piece has been zoned for this development already.

Ms. Dumont asked if they could table the application to address the opinions expressed. Mr. Mann stated that they could have asked that before the vote on the first case. Ms. Dumont responded that her first vote was based on what she observed in the morning.

Mr. Sanders asked about abutting property. Ms. Ireland noted that single-family bordered to the north.

Mr. Dahl stated that he had personal knowledge about traffic and flooding in the area. He stated that the standard is based on consistent with the Comprehensive Plan and listed the policies that the project was inconsistent with.

Motion: Mr. DeLoach made a made a motion to deny the application based on the findings noted by Mr. Dahl of those policies that this project was inconsistent. The motion was seconded by Ms. Dumont.

Roll call vote: Ayes – Dahl, DeLoach, Dumont, and Callan. Nays – Sutton. The motion to deny the project was approved 4-1.

Planning & Development Director’s Report

The next meeting is scheduled for June 12, 2017.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 10:47 P.M.

Submitted by: Amber Maria Lehman

Approval:

Chairman:

Date:

**Minutes of Planning Commission Meeting
held Monday, June 12, 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 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, and Staff Assistant Amber Lehman.

Approval of Minutes

Mr. DeLoach moved approval of the minutes of May 8, 2016, seconded by Mr. Dahl. Motion to approve the minutes was approved unanimously.

Correspondence

Ms. Ireland reported that there was additional correspondence received.

Old Business

There was no old business.

New Business

(A) PC #24-17- Northeast Corner of 4th Avenue North and 5th Street North

Concept Plat Application for a proposed six-unit townhouse project in a *Residential, multiple family; RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located at the northeast corner of the intersection of 4th Avenue North and 5th Street North. The property is currently used by the Jacksonville Beach Church of Christ for parking. The applicant wishes to develop the property with six partially

attached fee-simple townhouses. The concept plat provided shows six proposed townhouse lots that meet the minimum townhouse lot sizes and street frontages for the *Residential, multiple family: RM-1* zoning district, in which they are located (2500 square foot exterior lots, and 1,500 square foot interior lots.)

Adjacent uses include single and multi-family to the west and south, multi-family and religious organization to the north, and single family to the east. Fifth Street North in this block serves as the boundary between *RM-1* and *RS-2* zoning districts. The proposed multi-family use is consistent with the mixed use character of the surrounding area, and the proposed lots meet the *RM-1* zoning district requirements.

Applicant:

The applicant, Mr. Curtis Hart, 8051 Tara Lane, Jacksonville, provided a representation of the units to the Board. He stated that this request was consistent with the mixed-use character of the area. He added that they could have asked for seven units, but are asking for six to provide for variety.

Ms. Dumont asked about the garages. Mr. Hart explained the number of garages proposed at the project.

Public Hearing:

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

Mr. Joel Dalrymple, 2160 Hovington Circle East, Jacksonville, spoke on behalf of the church. He stated that the church has been there since 1957, and it was an aged building that needed improvements, which is why they are selling the parcel.

Ms. Christa Murphy, 519 6th Street North, did not wish to speak to the Board but was in opposition to the proposal.

Ms. Mackenzie Robinson, 406 Third Street, did not wish to speak to the Board but was in opposition to the proposal.

Ms. Leah Hudson, 404 3rd Avenue North, expressed concern about the density as these developments encroach on single family neighborhoods. She provided pictures of flooding from other multi-family units, adding that flooding will be exasperated by more development. She added that traffic is an issue as well.

Mr. John Tipton, 503 6th Street North, expressed concern about the number of cars that will result from this project.

Mr. Jim Gillis, 800 10th Street North, expressed his concern with flooding and the incompatibility of this project with the character of the neighborhood. He also stated that these many new units would be unsafe due to the traffic.

Mr. Tony Komarek, 533 11th Avenue South, recommended denying of the proposal, stating

that the plan was basically the same as what we denied at a previous meeting. He explained that these properties will be rental properties.

Ms. Michelle Dunavant, 503 4th Avenue North, stated her concerns were density, drainage, and traffic. She stated that they would prefer single-family units than these types of units. She stated that the flooding in the area is a concern. She stated that there is much traffic on 4th Street and this will increase that problem.

Mr. Todd Dunavant, 503 4th Avenue North, expressed his opposition to the density proposed in this development. He stated that the number of garbage cans were a safety issue on garbage day.

Ms. Mackenzie Robinson, 406 Third Avenue North, stated that this is the same issue as was addressed before and the proposal was not consistent with the Comprehensive Plan.

Mr. Hart reminded the Commission that they exceeded the requirement of the Code and these units would be less dense than allowed by code. He stated that they will be required to retain their water on site, so drainage should not be an issue. He added that they would not be asking for a parking variance. In response to Mr. DeLoach, he noted that the units were 2200 square feet.

Ms. Dumont asked about green space and about the attachments. She asked if there was a shared wall. Mr. Hart said no. Ms. Dumont asked if it was like the one nearby; Mr. Hart stated yes.

Mr. Sutton asked if they could do an 8-unit apartment. Ms. Ireland stated yes they could.

Discussion:

Mr. DeLoach stated that this was different than the last meeting, where they were dealing with a total of 24 units. He added that they knew it was coming when they approved the parking for the church. He stated that they would have to address the drainage with public works. Mr. DeLoach stated that the problem is with the zoning not the application.

Mr. Dahl stated that this project still had many of the same issues as the previous cases. He asked Mr. Hart why all the units couldn't have 2-car garages.

Ms. Dumont stated that she was not as opposed to this one as the last case. She liked the fact that there is more green space. She stated that she also thought that all units should have 2-car garages.

Mr. Sanders noted that the parcel is right across the street from RS-2, so there is no buffer. He stated that he was concerned that the project would have a negative impact on values, but not as much as an apartment building.

Mr. Hart stated that the 2-car garage issue was a marketing issue and they would consider it. Mr. DeLoach asked if it would be better to delay this over a denial. Mr. Sutton asked Ms. Ireland if they were at the point of approving the number of car garages. Mr. Hart stated that he could agree with six 2-car garages.

Ms. Dumont asked if they could put a condition on a concept plat. Ms. Ireland stated that you could. Ms. Dumont asked staff if they could put duplexes on the three lots. Ms. Ireland stated yes.

Motion: Mr. DeLoach made a motion to approve the application with the condition that all units have 2-car garages. The motion was seconded by Ms. Dumont.

Roll call vote: Ayes – Dahl, DeLoach, Dumont and Sutton. Nays – Sanders. The motion was approved 4-1.

(B) PC #25-17- 322 and 514 1st Street North

Conditional Use Application for a miscellaneous amusement and recreation services business pursuant to Section 32-345(d)(4) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property, *Lynch's Irish Pub*, is located on 1st Street North, directly across from the pier's public parking lot. The applicant has received permission from the property owner to use a small outside space on the south side of the building to locate a docking station for rental bicycles (*SWARM*). Bicycles are rented through a smart phone app, and renters are not required to interact with anyone at the subject location. The applicant was advised by staff that conditional use approval would be required for any proposed location(s) as bicycle rental falls under "miscellaneous amusement and recreation services" as identified in the Land Development Code.

Adjacent uses include commercial to the south, mixed-use to the north, public parking to the east, and a museum to the west. Considering the mixed-use nature of the surrounding area, and the low intensity of the proposed use, adjacent properties should not be negatively impacted.

Applicant:

The applicant, Mr. Jeff Dennis, 14252 Palmetto Springs Street, Jacksonville, stated that it was a simple idea where an app is used to rent bikes. He stated that there will be ten bikes and 18 docking stations at two locations.

Public Hearing:

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

Mr. Tony Hall, 221 1st Street, stated he doesn't have a problem with competition, but expressed concern about taxes not coming back to Jacksonville Beach. He added that the other bike rentals keep the money local. He also stated that all permits should have been secured before opening the business.

Ms. Jameer Shriver, 225 North 3rd Street, asked if they were going to expand beyond ten bicycles.

Mr. Dennis stated that the company was young and there were no plans for expansion at this time. Ms. Dumont asked about the sales tax. Mr. Dennis responded he had no knowledge about that. In response to Mr. DeLoach, Mr. Dennis stated that they had talked to the City and there was confusion about what was required. Ms. Dumont noted that the County redistributed sales tax based on population but not into the municipality where collected.

Discussion:

Ms. Ireland noted that a building permit was not needed for a bike rack. Ms. Dumont asked if they could set it up anywhere. Ms. Ireland responded because it's associated with bike rentals there was the need for a conditional use approval, and stated that she didn't know if a permit was pulled.

Additionally, Ms. Ireland said that they did complete a local business tax license with the City of Jacksonville Beach City Clerk's office.

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

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

(C) **PC #26-17- 922 9th Street South**

Land Development Code Text Amendment Application to amend Section 34-346 to add "Firearm manufacturing and retail sales" to the list of Permitted Uses in *Industrial: I-1* zoning districts. (*Applicant: Coastal Heating and Cooling*)

Staff Report:

Ms. Ireland read the following into the record:

The applicant contacted staff to discuss the idea of adding a firearms manufacturing and associated firearms retail sales business at a property he currently owns for his heating and air conditioning business, located in an *Industrial: I-1* zoning district. The applicant was informed by staff that neither the manufacturing of firearms, nor any kind of retail were listed as permitted or conditional use in *I-1* zoning districts, so the Land Development Code would have to be amended to allow those uses.

The Florida Bureau of Alcohol, Tobacco, and Firearms classifies the applicant's activity as "manufacturing," due to the number of parts required to assemble each firearm that would be sold retail. The applicant's location where he wishes to conduct the proposed firearm manufacturing and retail is located on the west side of 9th Street South in an existing *I-1* zoning district, at an existing business establishment that is permitted in *I-1* (building contractor). The applicant stated in his application that the retail space would be

less than 700 square feet and that he has no intention of making changes to the existing building, signage, or lighting.

Currently, firearms manufacturing or assembly is not permitted in any zoning district in the city. "Gunsmith" is currently a permitted use in the *C-1* zoning district, under miscellaneous repair shops and related services. Gunsmith activities include adjustments, repairs, customizations, and cleaning of firearms. Miscellaneous retail, which would include the sale of firearms, is currently permitted in *C-1*, *C-2*, and *CBD* zoning districts. There is currently not a zoning district where the applicant could conduct both firearms manufacturing and retail sales at the same location.

Other manufacturing establishments currently permitted in *I-1* zoning districts include bakery products, apparel, wood cabinets, newspaper printing and publishing, commercial printing, luggage, computer and office equipment, jewelry, and sign and specialty advertising. No stand-alone retail establishments are currently permitted in *I-1* zoning districts.

Staff feels that permitting these types of establishments in *I-1* zoning districts as a conditional use would give the City the opportunity to review and control each individual site requested. This type of light manufacturing or assembly with associated retail activity would not be generally incompatible with the range of other permitted and conditional uses in the *I-1* zoning district.

Applicant:

The applicant, Mr. David Dick, 1831 Mauva Juan Avenue, Jacksonville, stated that this was a text amendment to allow sales of a retail product. He added that there were 3 dealers of firearms in Jacksonville Beach. He stated that ATF has already approved the application. He added that this would be a very small portion of his shop.

Ms. Dumont asked about background checks. Mr. Dick stated that anyone who wants to buy a gun on-line must have it shipped to someone such as he, who would run the background check before proving the gun.

Mr. DeLoach asked about hours. Mr. Dick responded 10-2 Monday & Tuesday. He added that the rest are by appointment only.

Public Hearing:

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

Mr. Sutton noted that Ms. Leah Hudson, 404 3rd Avenue North, was in opposition but did not wish to speak.

Mr. Sutton noted that Ms. Mackenzie Robinson, 406 3rd Avenue North, was in opposition but did not wish to speak.

Mr. Sutton noted that Ms. Christa Murphy, 519 6th Street North, was in opposition but did not wish to speak.

Mr. Jim Gilliis, 800 10th Street North, expressed his concern with the vicinity of this business with the local school.

Mr. Tony Komarek, 533 11th Avenue South, stated his concern about changing the municipal code and the potential to sell guns in the entire island district. He thought that this was not the right place to establish this type of use.

Ms. Dahl noted that if he was in C-1 that would be close to schools and he could put this business there.

Discussion:

Ms. Dumont asked if the wording was changed could they have a brewery of some type in this location. Ms. Ireland stated that when they changed the code to allow distillery it only allowed the manufacturing of liquor, so this would only be specific to this manufacturing.

Mr. Dahl stated that he would be putting components together for a firearm, so it was more of an assembling of a firearm than manufacturing. Mr. Dick noted that anything more than 9 parts would require to be a manufacturer. He noted that there were 8 security cameras, and the building is concrete block with a metal roof. He added that ATF required him to be more than 500 yards from a school.

Ms. Dumont stated that she was concerned about the implications were for other businesses in the district. Mr. Dahl stated that if manufacturing was added to the Code it allowed the City to address all manufacturing uses proposed.

Ms. Ireland noted that it was written as a permitted use just for firearm manufacturing and sales.

Motion: Ms. Dumont made a motion to approve the application, amending the request so that it was a conditional use and not a permitted use. The motion was seconded by Mr. DeLoach.

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

(D) PC #27-17- 918 2nd Avenue North

Concept Plat Application for a proposed five-unit townhouse project in a Residential, multiple family: RM-1 zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located in the south side of 2nd Avenue North, between 10th Street and 9th Street North. The property currently exists as a triplex with the fourth unit in a detached structure built in 1959 and 1972 respectfully. The applicant would like to redevelop the property with a proposed five-unit partially attached fee-simple townhouse project. The concept plat provided shows five proposed townhouse lots that meet the minimum townhouse lot sizes and street frontages for the *Residential, multiple family: RM-1* zoning district, in which they are located (2500 square foot exterior lots, and 1,500 square foot interior lots.)

Adjacent uses include single-family to the north and single and multi-family to the west, south, and east. Second Avenue North in this block serves as the boundary between *RM-1* and *RS-2* zoning districts. The proposed townhouses would not be inconsistent with the mixed use character of the surrounding area, or the existing multi-family use of the subject property. The proposed and the proposed lots meet the *RM-1* zoning district requirements.

Applicant:

The applicant, Mr. Oliver Kraut, 226 Tallwood Road, provided the Board with an overview of the subject property. He showed that multi-family development is prevalent in this area of the City. He stated that it met all of the standards of the City, and has proposed less than what could be allowed. He stated that all units would have 2-car garages. He stated that there are already four units on the parcel.

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. Leah Hudson, 404 3rd Avenue North, expressed her concerns about density and sprawl. She stated that there were concerns about drainage issues.

Mr. Sutton noted that Ms. Mackenzie Robinson, 406 3rd Avenue North, was in opposition but did not wish to speak.

Mr. Sutton noted that Ms. Christa Murphy, 519 6th Street North, was in opposition but did not wish to speak.

Mr. Sutton noted that Ms. Marcelle Gilliis, 800 10th Street North, was in opposition to this application as well as 24-17.

Mr. John Tipton, 503 6th Street North, recognized the Board for their efforts and stated that he agreed with this development and its 2-car garages.

Mr. Tony Komarek, 533 11th Avenue South, reviewed the handout given earlier. He noted the amount of parking that was required at apartment units. He reiterated his concern that density was a problem in the City.

Discussion:

Mr. Kraut noted that flooding issues are a problem in the City, but it is not because of the townhouse developments.

Ms. Dumont asked if there was flood mitigation required. Ms. Ireland stated that all buildings will need gutters, which would need to be tied to stormwater system.

Mr. Sanders stated that the applicant should be commended for only proposing five units and stated he did not have an issue with it. Ms. Dumont agreed that this plan helped address concerns of the Board and the residents.

Mr. Dahl noted that the character of this neighborhood has already been established.

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

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

Planning & Development Director's Report

The next meeting is scheduled for June 26, 2017. Mr. Sutton noted that he would not be present and Mr. DeLoach will be chairing his final meeting.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:47 P.M.

Submitted by: Amber Maria Lehman

Approval:

Chairman:

Date:

FINDINGS OF FACT
PC#20-17

June 28, 2017

SUBJECT: **Concept Plat Application** for a proposed 12-unit townhouse development located in a *Residential, multiple family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The subject property is comprised of the adjacent properties at 417 and 429 2nd Avenue North.

Pursuant to Article IX, Section 34-503(6) of the Land Development Code of the Jacksonville Beach Code of Ordinances, when considering an application for development permit for a concept plan for plat, the planning commission shall consider the following:

- (6) Standards. A concept plan for plat shall comply with the following standards.
 - a. Consistency with comprehensive plan. It shall be consistent with the goals, objectives and policies of the comprehensive plan.
 - b. Compatible with surrounding land uses. It shall be compatible with surrounding land uses.
 - c. Design and layout. It shall be adequately designed so that the general layout of the proposed development will be compatible with surrounding land uses and not be at such variance with other development so as to cause a substantial depreciation in property values.

Based on a review and discussion of the application, staff report, and applicant and public testimony received at the public hearing on Application PC#20-17 on May 22, 2017, the Planning Commission **denied** the application, finding that:

- 1. Based on testimony from the public, the proposed 12-unit multiple family development is not consistent with following goal, objectives, and policies of the Comprehensive Plan:
 - a. Goal LU.1
 - b. Objective LU.1.4
 - c. Policy LU.1.4.3
 - d. Policy 1.4.3
- 2. Based on testimony from the public, the proposed 12-unit townhouse multiple family development is not consistent with surrounding land uses.

FINDINGS OF FACT

PC#23-17

June 28, 2017

SUBJECT: **Concept Plat Application** for a proposed 12-unit townhouse development located in a *Residential, multiple family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The subject property is comprised of the adjacent properties at 505 N. 3rd Avenue and 426 N. 5th Street.

Pursuant to Article IX, Section 34-503(6) of the Land Development Code of the Jacksonville Beach Code of Ordinances, when considering an application for development permit for a concept plan for plat, the planning commission shall consider the following:

- (6) Standards. A concept plan for plat shall comply with the following standards.
- a. Consistency with comprehensive plan. It shall be consistent with the goals, objectives and policies of the comprehensive plan.
 - b. Compatible with surrounding land uses. It shall be compatible with surrounding land uses.
 - c. Design and layout. It shall be adequately designed so that the general layout of the proposed development will be compatible with surrounding land uses and not be at such variance with other development so as to cause a substantial depreciation in property values.

Based on a review and discussion of the application, staff report, and applicant and public testimony received at the public hearing on Application PC#23-17 on May 22, 2017, the Planning Commission **denied** the application finding that:

1. Based on testimony from the public, the proposed 12-unit multiple family development is not consistent with following goal, objectives, and policies of the Comprehensive Plan:
 - a. Goal LU.1
 - b. Objective LU.1.4
 - c. Policy LU.1.4.3
 - d. Policy 1.4.3
2. Based on testimony from the public, the proposed 12-unit townhouse multiple family development is not consistent with surrounding land uses.



CONDITIONAL USE APPLICATION

PC No. 30-17
AS/400# 17-100101
HEARING DATE 6/26/17

MAY 26 2017

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: BCEL 9, LLC
Mailing Address: 7563 Phillips Hwy
Jacksonville, FL 32256

Telephone: (904) 677-6777
Fax: _____
E-Mail: acq@jwbcompanies.com

Applicant Name: JWB Real Estate
Mailing Address: 7563 Phillips Hwy Suite 109
Jacksonville, FL 32256

Telephone: (904) 677-6777
Fax: _____
E-Mail: acq@jwbcompanies.com

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: Steve Jarrett
Mailing Address: 3741 1st St South
Jacksonville Beach, FL 32250

Telephone: (904) 247-7000
Fax: _____
E-Mail: Steve@OldBeach.com

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 217-219 12th Av N, JB 174660-0000

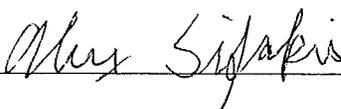
Legal Description of property (attach copy of deed): Lot 9 Blk 133 Pablo Beach North R/P

Current Zoning Classification: C-1 Future Land Use Map Designation: Commercial

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-342(d)15

Describe the proposed conditional use and the reason for the request: (Transfer)
Improvements to existing multifamily use

Applicant Signature: 

Date: 5-25-17

May 24, 2017

Heather Ireland, AICP
Senior Planner
Planning and Development Dept
City of Jacksonville Beach, FL 32250

Re: 2178 12th Ave N, Jax Bch

Heather,

I am an authorized officer of JWB Real Estate the Manager of BCEL 9, LLC. I hereby authorize **Steve Jarrett and or Luke McCann of Old Beach Realty Group** as agents to represent our interests in the above referenced property as it relates to any variance or conditional use applications. Please contact me if further discussion is needed.

Thanks so much,



Alex Sifakis
JWB Real Estate
7563 Phillips Hwy Suite 109
Jacksonville, FL 32256
(904) 566-6400

MAP SHOWING BOUNDARY SURVEY OF
 LOT 9 BLOCK 133 ACCORDING TO THE PLAT OF
PABLO BEACH IMPROVEMENT COMPANY'S PLAT
OF PART OF NORTHERN PORTION OF PABLO BEACH
 AS RECORDED IN PLAT BOOK 5, PAGE(S) 66 OF THE CURRENT
 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
 MICHAEL McCANN,
 FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK,
 GIBRALTAR TITLE SERVICES
 AND SUNTRUST MORTGAGE, INC.

3rd STREET NORTH
 (100' R/W)

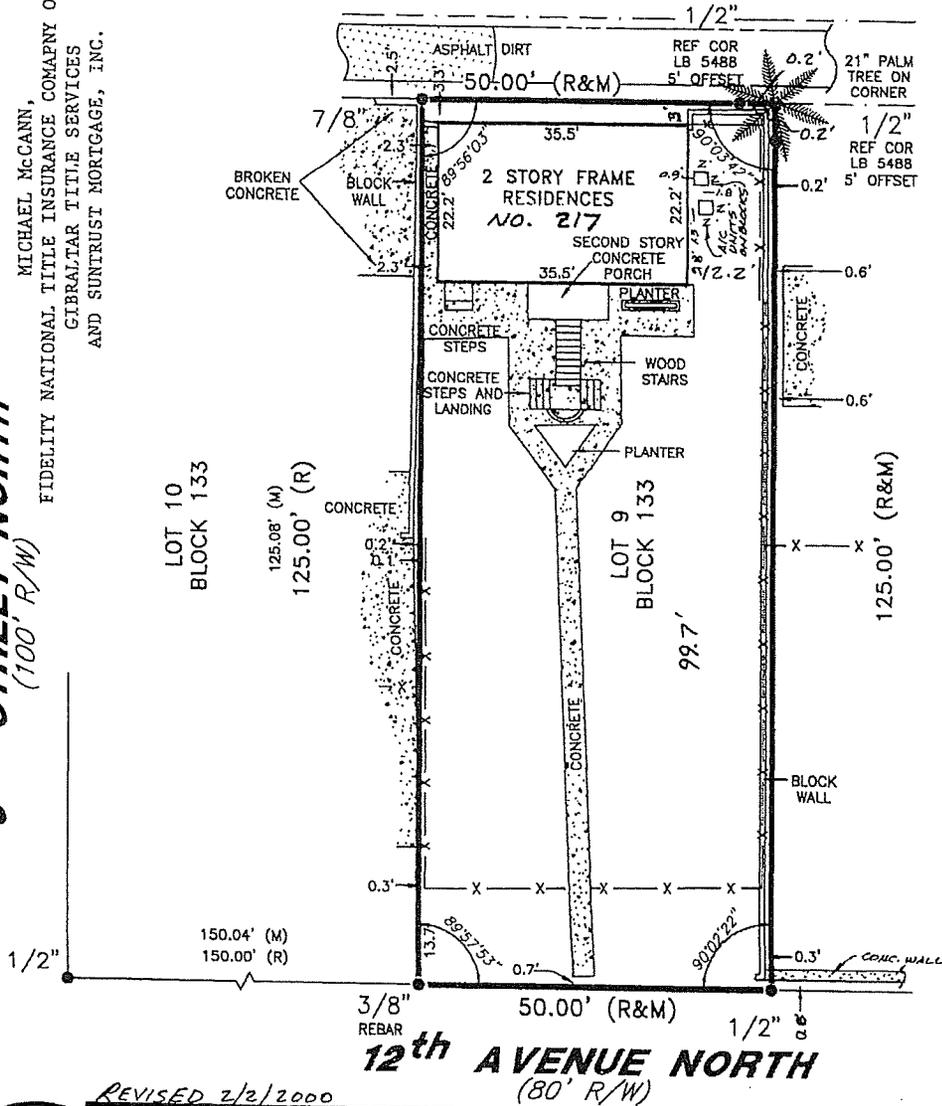
LOT 10
 BLOCK 133

125.08' (M)
 125.00' (R)

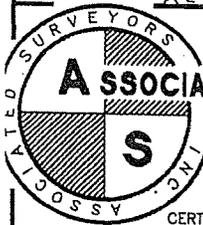
LOT 9
 BLOCK 133

125.00' (R&M)

LOT 8
 BLOCK 133



REVISED 2/2/2000



ASSOCIATED SURVEYORS INC.
 LAND & ENGINEERING SURVEYS
 3846 BLANDING BOULEVARD
 JACKSONVILLE, FLORIDA 32210
 904-771-6468

CERTIFICATE OF AUTHORIZATION NO. LB 0005488

I HEREBY CERTIFY THIS SURVEY WAS DONE UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, FLORIDA ADMINISTRATION CODE, CHAPTER 172, F.S.

BY: CHARLES B. HATCHER
 FLORIDA CERTIFICATE NO. 3771

JOB NO. 37795
 SCALE: 1" = 20'

DATE 12 SEPT, 2003
 DRAFTER J.L.H./CLS

GENERAL NOTES:

1. ANGLES ARE SHOWN FOR THIS SURVEY.
2. STRUCTURE NO. 217 SHOWN HEREON LIES WITHIN FLOOD ZONE X AS BEST DETERMINED FROM F.E.M.A. FLOOD MAPS PANEL NO. 1 DATED 4-17-1989.
3. THIS IS A SURFACE SURVEY ONLY. THE EXTENT OF UNDERGROUND FOOTINGS, PIPES AND UTILITIES, IF ANY, NOT DETERMINED.
4. JURISDICTIONAL AND/OR ENVIRONMENTALLY SENSITIVE AREAS IF ANY, NOT LOCATED BY THIS SURVEY.
5. THIS SURVEY WAS BASED ON LEGAL DESCRIPTIONS FURNISHED AND THE PUBLIC RECORDS WERE NOT SEARCHED BY THIS SURVEYOR FOR EASEMENTS, TITLE, COVENANTS OR RESTRICTIONS THAT MAY AFFECT THIS PARCEL.
6. UNLESS OTHERWISE STATED ALL IRON PIPES FOUND HAVE NO IDENTIFICATION.
7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGEND/ABBREVIATIONS

- SET IRON PIPE OR REBAR
- "ASSOC. SURVEY" OR L.B. 5488
- ◆ FOUND IRON PIN OR PIPE (IP)
- FOUND CONCRETE MONUMENT (C.M.)
- X CROSS CUT OR DRILL HOLE
- (R) = RECORD (M) = MEASURED
- R = RADIUS L = ARC LENGTH
- O.R.B. = OFFICIAL RECORD BOOK
- O.R.V. = OFFICIAL RECORD VOLUME
- P.R.M. = PERMANENT REFERENCE MONUMENT
- B.R.L. = BUILDING RESTRICTION LINE
- E.T. = ELECTRIC TRANSFORMER & PAD
- J.E.A. = JACKSONVILLE ELECTRIC AUTHORITY
- P.C. = POINT OF CURVE COV'D = COVERED
- P.T. = POINT OF TANGENCY CH = CHORD
- P.R.C. = POINT OF REVERSE CURVE
- P.C.C. = POINT OF COMPOUND CURVE
- C/L = CENTER LINE R/W = RIGHT OF WAY
- CONC. = CONCRETE B.T. = BUILDING TIE
- A/C = AIR CONDITIONER (E.T.) = EAVE TIE
- W = WATER METER P.E.O. = POOL EQUIPMENT
- GUY ANCHOR
- O.U.- = OVER HEAD UTILITIES
- X-X CHAIN LINK FENCE
- W-W WIRE FENCE E.B. = ELECTRIC BOX
- D-D WOOD FENCE BTN. = BETWEEN

MAP SHOWING BOUNDARY SURVEY OF
LOT 9 BLOCK 133 ACCORDING TO THE PLAT OF
PABLO BEACH IMPROVEMENT COMPANY'S PLAT
OF PART OF NORTHERN PORTION OF PABLO BEACH

AS RECORDED IN PLAT BOOK 5 , PAGE(S) 66 OF THE CURRENT
 PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
 MICHAEL McCANN,
 FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK,
 GIBRALTAR TITLE SERVICES
 AND SUNTRUST MORTGAGE, INC.

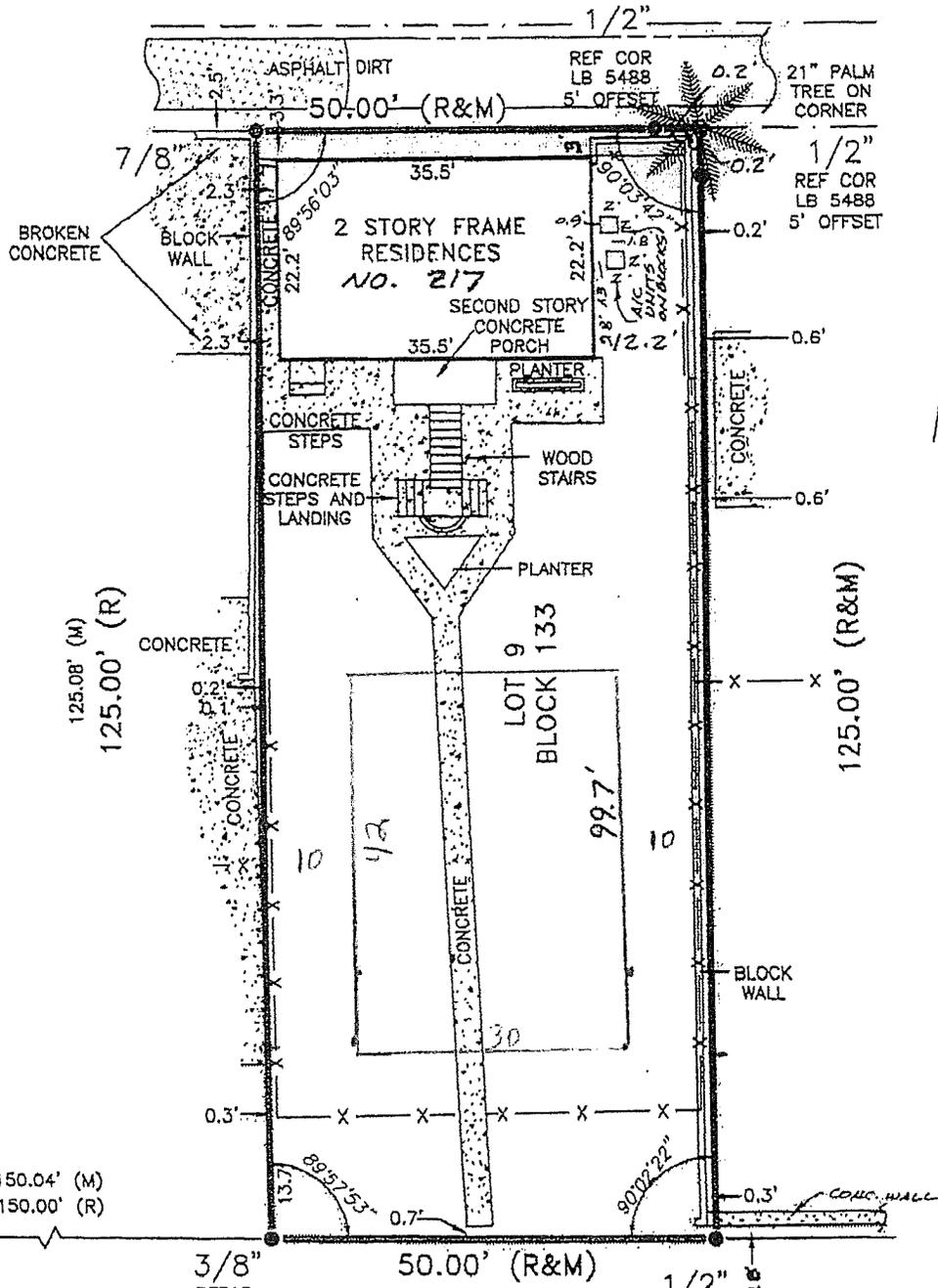
3rd STREET NORTH
 (100' R/W)

LOT 10
 BLOCK 133

125.08' (M)
 125.00' (R)

125.00' (R&M)

LOT 8
 BLOCK 133



12th AVENUE NORTH
 (80' R/W)

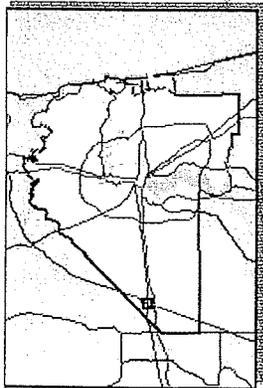
REVISED 2/2/2000

GENERAL NOTES:

1. ANGLES ARE SHOWN FOR THIS SURVEY.



PC#30-17





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7718

May 26, 2017

Michael McCann
2311 Oceanwalk Drive W.
Atlantic Beach, FL 32233

RE: **Planning Commission Case: PC# 19-17**
Conditional Use Application for multiple family residential use of property located in a *Commercial, limited: C-1* zoning district, for property located at 217 12th Avenue North.

Mr. McCann,

The City of Jacksonville Beach Planning Commission met on Monday, May 22, 2017 in Council Chambers to consider your **Conditional Use Application** for multiple family residential use of property located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

The request was **Approved**.

Please remove the public notice posted on your property. Should you have any questions please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





REZONING/TEXT AMENDMENT APPLICATION

PC No. 31-17

AS/400# 17-100102

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: _____

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Applicant Name: Planning and Development Department

Telephone: (904) 247-6231

Mailing Address: 11 N. 3rd Street - City Hall

Fax: (904) 247-6107

Jacksonville Beach, FL 32250

E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____

Telephone: _____

Mailing Address: _____

Fax: _____

E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: _____

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): _____

Current Zoning Classification: _____ Future Land Use Map Designation: _____

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Sec. 34-340, 341, 342, 343, 344, 345, 346, and 34-407

	<u>REQUESTED INFORMATION</u>	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		✓
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;		✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature:

Date: 5/31/17

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2017-8093

AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING DIVISION 2. ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS, SECTIONS 34-340, 34-341, 34-342, 34-343, 34-344, 34-345, AND 34-346 OF ARTICLE VII. ZONING DISTRICTS, AND BY AMENDING DIVISION 2. SUPPLEMENTAL STANDARDS, SECTION 34-407 *OUTDOOR RESTAURANTS AND BARS* OF ARTICLE VIII. SITE DEVELOPMENT STANDARDS TO MODIFY THE LIMITATIONS AND CONDITIONS FOR OUTDOOR RESTAURANTS AND BARS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That Division 2, Section 34-340, Paragraph (d), Items (21) and (24) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-340. Residential, multiple-family: RM-2.

(d) *Conditional uses.*

- (21) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area, excluding drive-ins.
- (24) Outdoor restaurants greater than 200 s.f. in area, associated with a restaurant.

SECTION 2. That Division 2, Section 34-341, Paragraph (d), Items (1) and (18) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-341. Commercial professional office: CPO.

(d) *Conditional uses.*

- (1) Restaurants, ~~except~~ and associated outdoor restaurants less than or equal to 200 square feet in area, excluding drive-ins.
- (18) Outdoor restaurants greater than 200 s.f. in area, associated with a restaurant.

SECTION 3. That Division 2, Section 34-342, Paragraph (b), Item (7) and Paragraph (d), Items (3) and (20) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-342. Commercial limited: C-1.

(b) *Permitted uses.*

- (7) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area. ~~Except,~~ excluding drive-ins.

(d) *Conditional uses.*

- (3) Bar, lounge, nightclub, tavern or other drinking place, and associated outdoor bars less than or equal to 200 square feet in area.
- (20) Outdoor restaurants or bars greater than 200 s.f. in area, associated with a restaurant or drinking establishment.

SECTION 4. That Division 2, Section 34-343, Paragraph (b), Item (11) and Paragraph (d), Items (1) and (14) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-343. Commercial general: C-2.

(b) *Permitted uses.*

- (11) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area.

(d) *Conditional uses.*

- (1) Bar, lounge, nightclub, tavern or other drinking place, and associated outdoor bars less than or equal to 200 square feet in area.
- (14) Outdoor restaurants or bars greater than 200 s.f. in area, associated with a restaurant or drinking establishment.

SECTION 5. That Division 2, Section 34-344, Paragraph (d), Items (4) and (5) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-344. Commercial service: CS

(d) *Conditional uses.*

- (4) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area, except excluding drive-ins.
- (5) Outdoor restaurants greater than 200 s.f. in area, associated with a restaurant.

SECTION 6. That Division 2, Section 34-345, Paragraph (b), Item (4) and Paragraph (d), Items (2) and (7) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-345. Central business district: CBD.

(b) *Permitted uses.*

- (4) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area; drug stores; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.

(d) *Conditional uses.*

- (2) Bar, lounge, nightclub, tavern or other drinking place, and associated outdoor bars less than or equal to 200 square feet in area.
- (7) Outdoor restaurants or bars greater than 200 s.f. in area, associated with a restaurant or drinking establishment.

SECTION 7. That Division 2, Section 34-346, Paragraph (d), Items (5) and (10) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

Section 34-346. Industrial district: I-1.

(d) *Conditional uses.*

- (5) Restaurants and outdoor restaurants less than or equal to 200 square feet in area, except excluding drive-ins.
- (10) Outdoor restaurants greater than 200 s.f. in area, associated with a restaurant.

SECTION 8. That Division 2, Section 34-407 of Article VIII. Site Development Standards of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is hereby amended, and as amended shall henceforth read as follows:

DIVISION 2.
SUPPLEMENTAL STANDARDS

Sec. 34-407. Outdoor Restaurants and Bars

In addition to the standards applicable to all conditional uses, as stated in Section 34-231, and in addition to the regulations of the zoning district in which the restaurant or bar is located, outdoor restaurants and bars which are permitted or allowed in any zoning district shall be subject to the following limitations and conditions:

(a) The unenclosed portion of the restaurant or bar shall be accessory to or under the same ownership or control as the restaurant or bar which is operated within a totally and permanently enclosed building located on the same lot.

(b) The area of unenclosed, outdoor customer service area of a restaurant or bar shall not exceed ~~twenty (20%)~~ twenty-five percent (25%) of the first 3,000 square feet of total enclosed area of the restaurant or bar, ~~plus ten (10%) percent of the enclosed area over 3,000 square feet in area.~~

(c) ~~For outdoor restaurants or bars exceeding 200 square feet in area, R~~required parking spaces shall be provided for the total customer service area outside of the building in excess of 200 square feet at the same ratio as required for the enclosed area of the restaurant or bar.

(d) The outdoor customer service area shall not be used to compute the minimum seating or customer service area required to qualify for a special restaurant (SRX) alcoholic beverage license. For any establishment selling alcoholic beverages for on-site consumption, the outdoor service area shall be enclosed by a minimum 42" high wall or fence. The wall or fence shall be constructed of wood, metal (except chain link), plastic, or other similar material. No rope of any kind shall be permitted.

~~(e) There shall be no use, operation, or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound within an approved outdoor restaurant or bar seating area. No animals except seeing-eye dogs shall be permitted within an approved outdoor restaurant or bar seating area. Pursuant to Chapter 18 of the City of Jacksonville Beach Code of Ordinances, Section 18-7, a Low Volume Outdoor Amplified and Acoustic Sound Permit is required for licensed establishments to provide outdoor amplified and acoustic entertaining to originate from within the property line of a licensed business, to utilize outdoor sound amplification equipment, and to otherwise permit the generation of amplified sound or noise in unenclosed parts if the licensed premises. All establishments with an approved Outdoor Amplified and Acoustic Sound Permit must adhere to Section 18-7(b)4, *Standards applicable to outdoor entertainment sound.*~~

Section 34-407(e) shall expire on June 5, 2018, unless the city council of the City of Jacksonville Beach amends said section by extending the expiration date or by repealing said section in its entirety. Should said section expire or be repealed, thereafter there shall be no use, operation, or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound within an approved outdoor restaurant or bar seating area.

(f) No animals except service dogs shall generally be permitted within an approved outdoor restaurant or bar seating area. However, pursuant to Ordinance No. 2010-7992, other dogs may be allowed in an outdoor restaurant area upon approval of a Dogs in Outdoor Dining Area permit application.

(fg) The Planning Commission is authorized to establish hours of operation for conditional use outdoor restaurant and bar seating areas as a means to ensure their compatibility with surrounding land uses.

(gh) If an approved outdoor restaurant or bar area violates any of the standards set forth in this section, or any other conditions placed on their approval by the Planning Commission, the violation shall be referred to the Code Enforcement Board Special Magistrate for a hearing. Upon finding that such a violation exists, the Special Magistrate may apply penalties as provided by law, including revocation of the conditional use approval for that outdoor seating area. Whenever the approval for a conditional use outdoor bar or restaurant seating area is revoked for a particular establishment, a conditional use application for outdoor bar or restaurant seating shall not be considered for any portion of that establishment for a period of two (2) years after the date of revocation.

SECTION 9. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 10. That this ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS ___ DAY OF _____, A.D., 2017.

William C. Latham, Mayor

Laurie Scott, City Clerk



RECEIVED
CONDITIONAL USE APPLICATION

JUN - 8 2017

PC No. 32-17
AS/400# 17-100110
HEARING DATE 7/10/17

This form is intended for submittal, along with the required attachments with requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: EQUITY ONE (FLORIDA PORTFOLIO) LLC Telephone: (904) 598-7630
Mailing Address: PABLO PLAZA, ONE INDEPENDENT DRIVE, SUITE 114 Fax: (904) 358-9344
ATTN: REGIONAL PROPERTY MANAGER, JACKSONVILLE, FL 32202 E-Mail: vickiburns@regencycenters.com

Applicant Name: JAKE ALLEMAN - COJAK INVESTMENTS Telephone: (337) 581-2391
Mailing Address: 112 RUE PROMENADE Fax: _____
LAFAYETTE, LA 70508 E-Mail: jake@cojakinvestments.com

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: BEN PALMER-BALL JR, ARCHITECT Telephone: (502) 345-9559
Mailing Address: 3980 HOOPER STATION Fax: _____
SHELBYVILLE, KY 40065 E-Mail: bpalmerball@earthlink.net

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 1954 3rd STREET SOUTH SUITE 40

Legal Description of property (attach copy of deed): SEE ATTACHED

Current Zoning Classification: C-1 Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-342(d)(20)

Describe the proposed conditional use and the reason for the request: _____

ADDITION OF PATIO DINING AREA AFTER INITIAL PERMIT FOR ANOTHER BROKEN EGG CAFE (PERMIT #16-2159) WAS APPROVED

Applicant Signature: [Signature] Date: 6/7/17

Regency
Centers.

One Independent Drive
Suite 114
Jacksonville, FL 32202

904 598 7000
RegencyCenters.com

June 14, 2017

City of Jacksonville Beach
Building and Zoning

**RE: LETTER OF AUTHORIZATION
FOR ANOTHER BROKEN EGG AT PABLO PLAZA**

To Whom It May Concern:

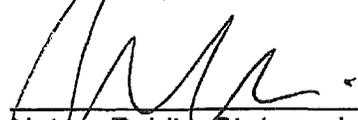
Another Broken Egg, who has leased 3,290 square feet of space at Pablo Plaza located at 1954 3rd Street South, Jacksonville Beach, Florida 32250 (Unit #40 on attached Regency Centers Site Plan), has our permission to apply for the conditional use permit for outdoor seating at this property.

To clarify property ownership, Regency Centers Corporation merged with Equity One, Inc. on March 1, 2017. Regency Centers Corporation is the sole surviving public company. Equity One, Inc. merged with and into Regency Centers Corporation and ceased its separate existence.

Please feel free to call me if you have any questions at 598-7710.

By: 
Ann Gallaher, Property Manager,
Regency Realty Corporation, As
Agent for Owner

STATE OF FLORIDA
COUNTY OF DUVAL



Notary Public, State and County Above
My commission Expires:



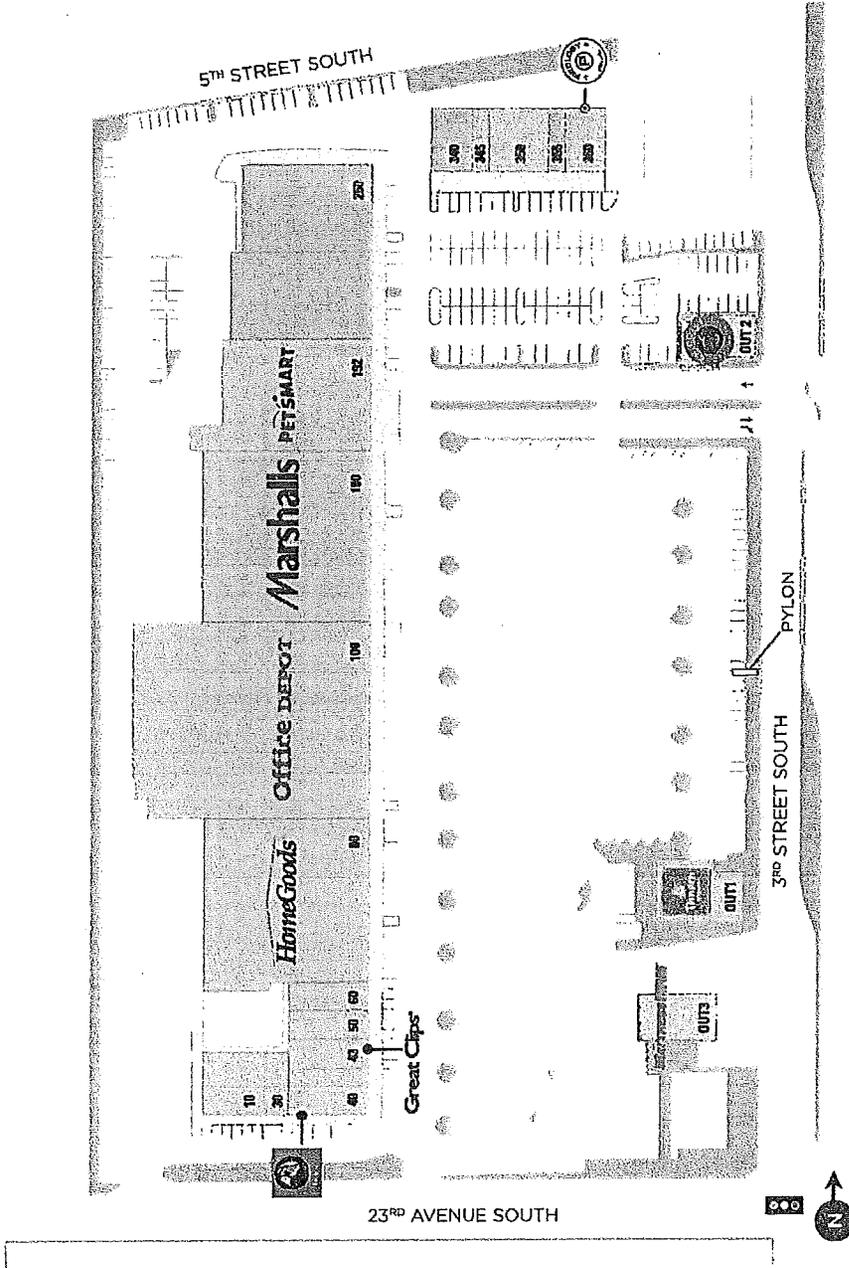
WENDI HALL
MY COMMISSION # FF 178391
EXPIRES: November 20, 2018
Bonded Thru Budget Notary Services

Pablo Plaza

9 1822 3rd Street South, Jacksonville Beach, FL 32250

Center Size: 149,255

SPACE	TENANT	SF
250	AVAILABLE	17,422
340	AVAILABLE	2,400
355	AVAILABLE	1,400
10	BACH TO ROCK	3,075
100	OFFICE DEPOT	34,400
190	MARSHALLS # 408	28,194
192	PETSMART # 2482	16,511
30	REACHES ALTERATIONS	750
345	121 FINANCIAL CREDIT UNION	1,400
350	DEFINE BODY & MIND	2,200
360	PIE LOOY	2,200
40	ANOTHER BROKEN EGG	3,290
43	GREAT CLIPS SALON	1,350
50	SUNNY NAILS	1,837
80	T'S COLOURS HAIR AND NAILS	1,837
80	HOME GOODS, INC # 475	24,723
OUT1	PANERA BREAD # 786	4,000
OUT2	CHIPOTLE MEXICAN GRILL	2,266
OUT3	MATTRESS FIRM	4,000



AVAILABLE LEASED NAP (NOT A PART)

1 of 1

Regency Centers.

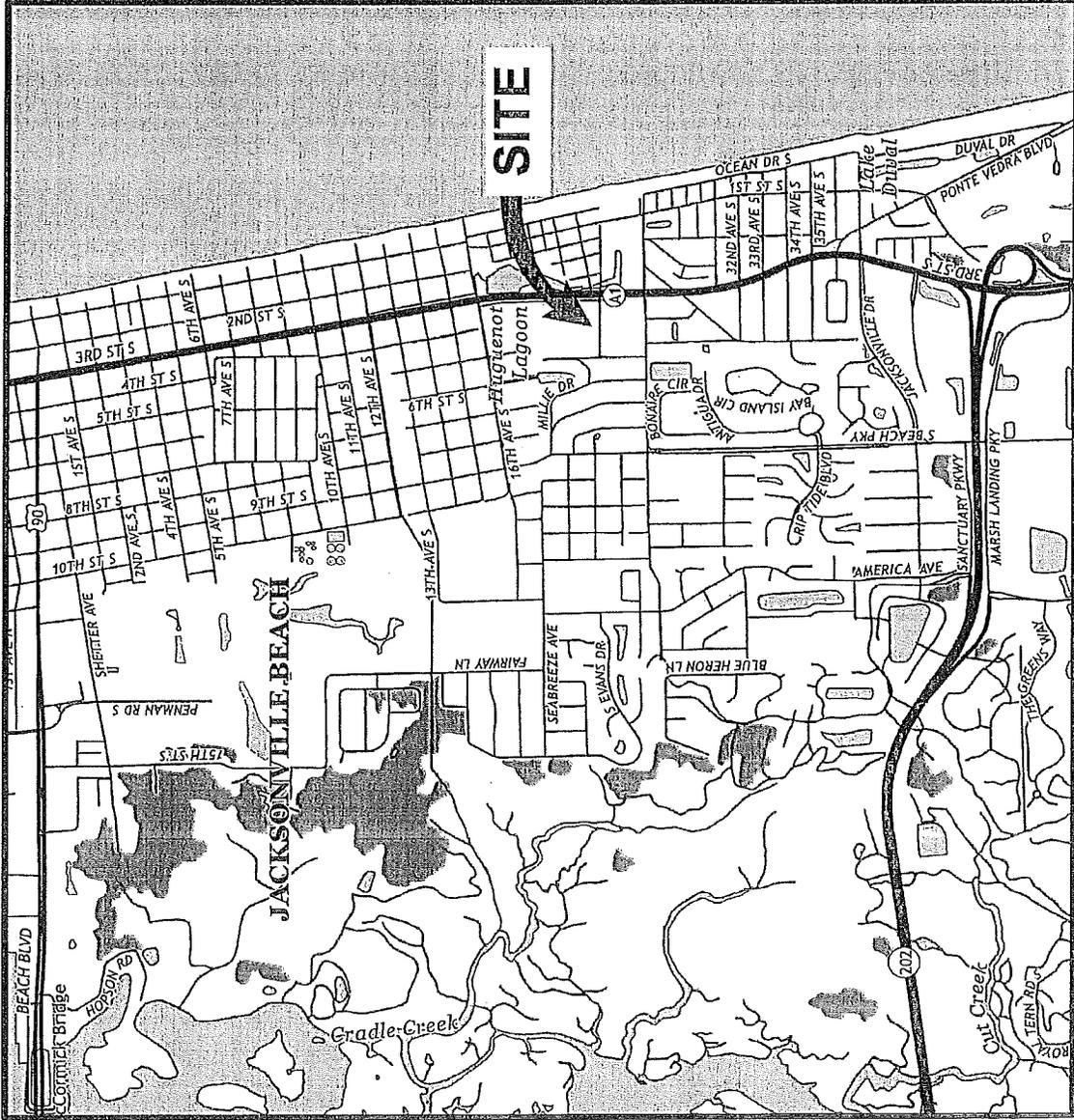
Patrick McKinley
Leasing Contact

904 598 7468

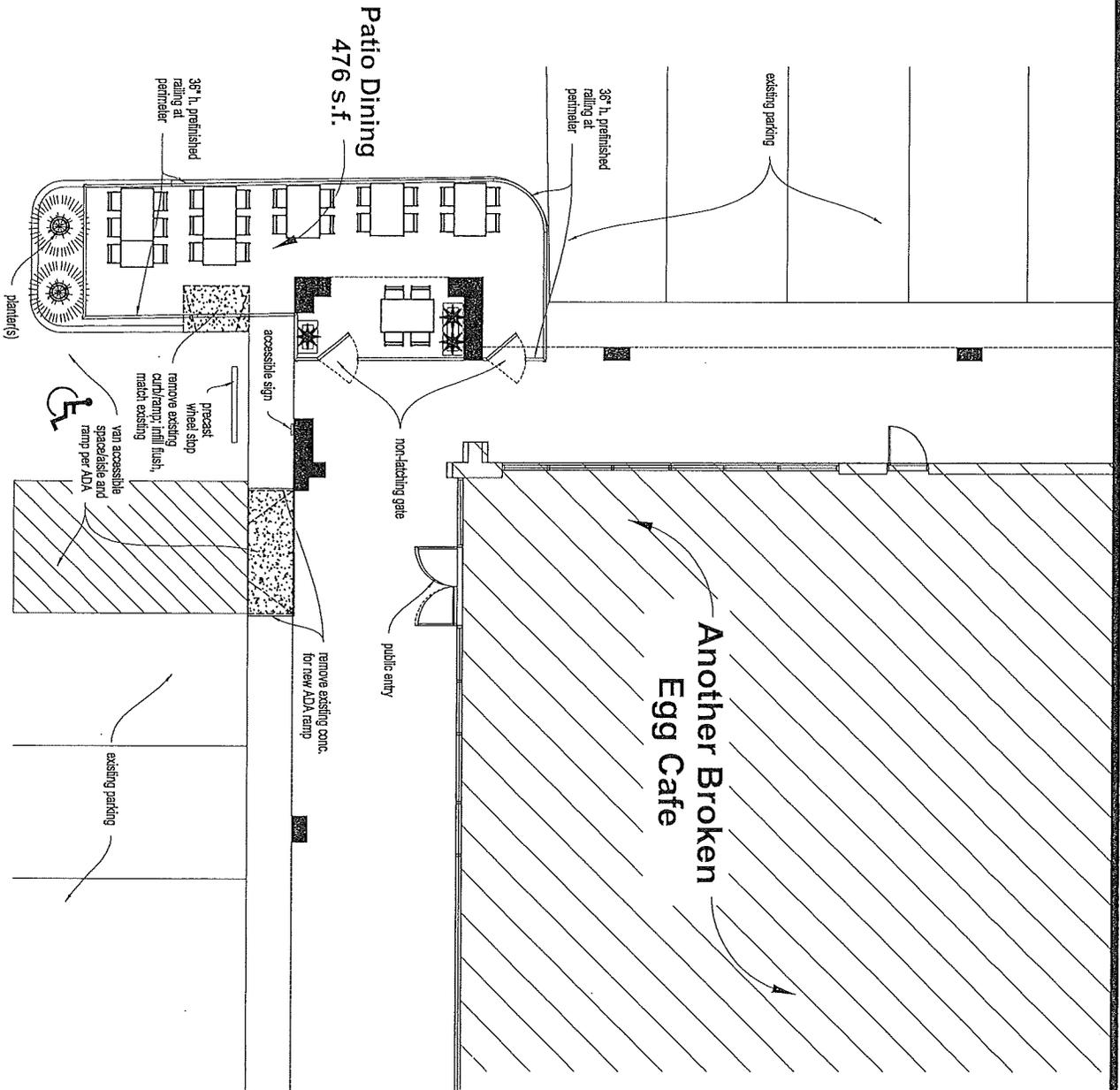
PatrickMcKinley@regencycenters.com

May 18 2017

This site plan is not a representation, warranty or guarantee as to size, location, identity of any tenant, the suite number, address or any other physical indicator or parameter of the property and for use as approximated information only. The improvements are subject to changes, additions, and deletions as the architect, landlord, or any governmental agency may direct or determine in their absolute discretion.



VICINITY MAP



PATIO & SITE PARTIAL PLAN 1/4"=1'-0"


ANOTHER BROKEN EGG CAFE
 1954 3RD STREET SOUTH STE 40
 JACKSONVILLE BEACH, FL 32250
Broken Egg Cafe

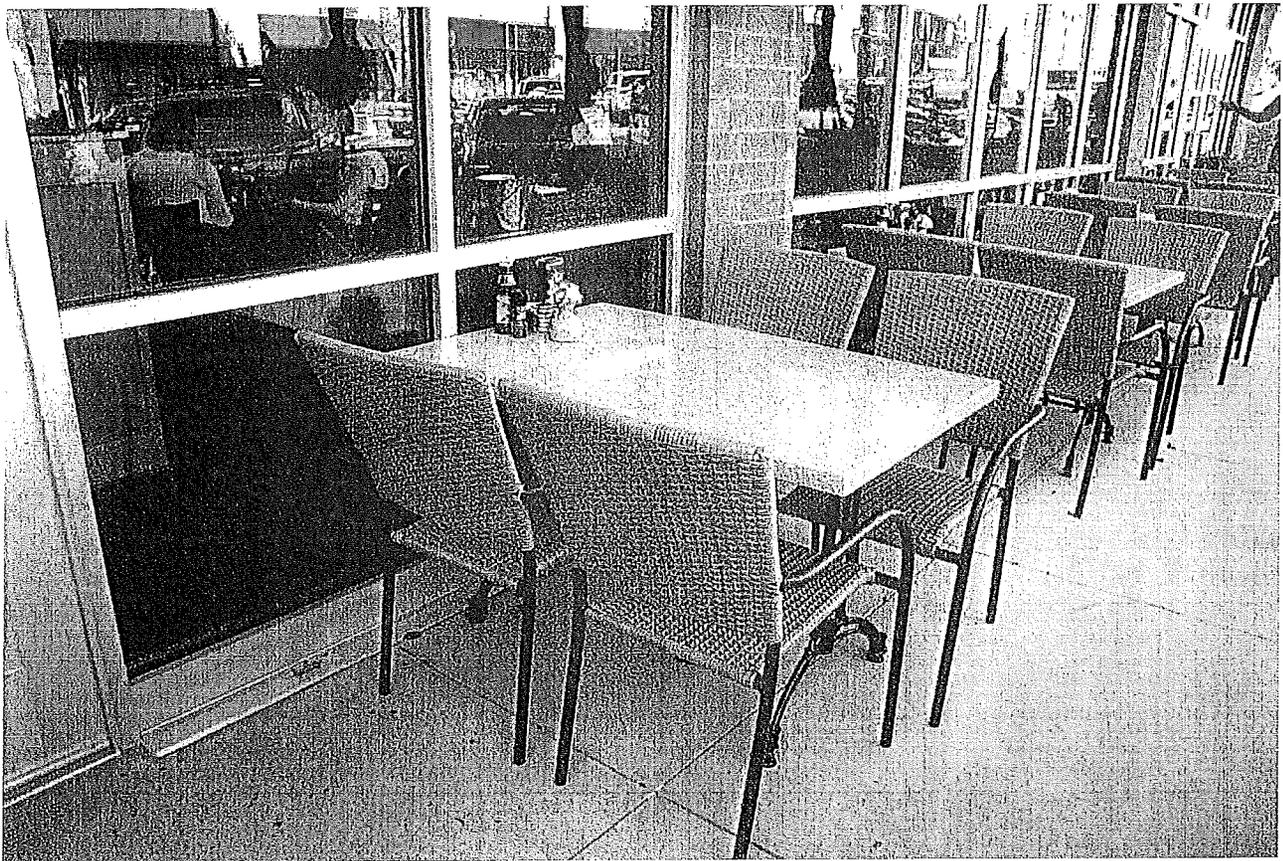
Ben Palmer-Bell, Jr.
 Architect
 3980 hooper station
 shelbyville, ky 40065
 502.345.9599
 bpalmerbell@earthlink.net

ideaSOURCE
 2216 plantside drive
 louisville, ky 40239
 502.753.0863
 502.491.1091 fax
 ideasourceky.com

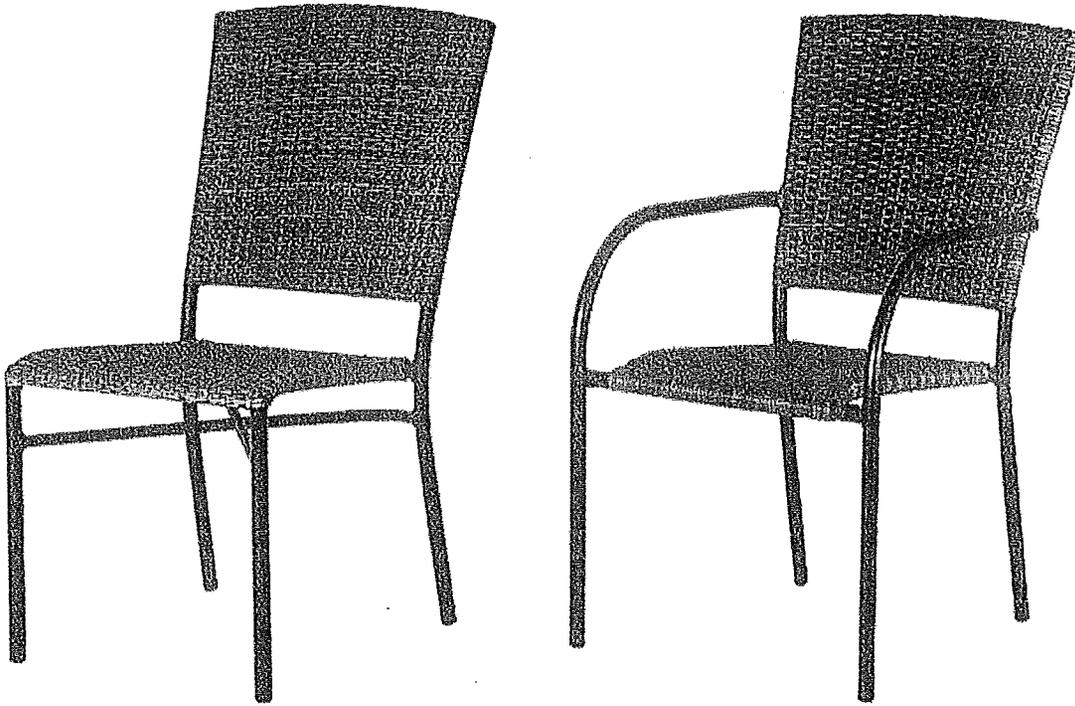
The Consultant/Owner shall provide all information, and permit information is provided to the Architect. The Architect shall be responsible for the design and construction of the project. The Architect shall be responsible for the design and construction of the project. The Architect shall be responsible for the design and construction of the project.

NO.	DESCRIPTION	DATE
1	PROJECT & SITE INFORMATION	1-30-17
2		
3		
4		
5		
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7		
8		
9		
10		

Date: 1-30-17
 Checked by: AAK
 Drawn by: BPD
C1.1

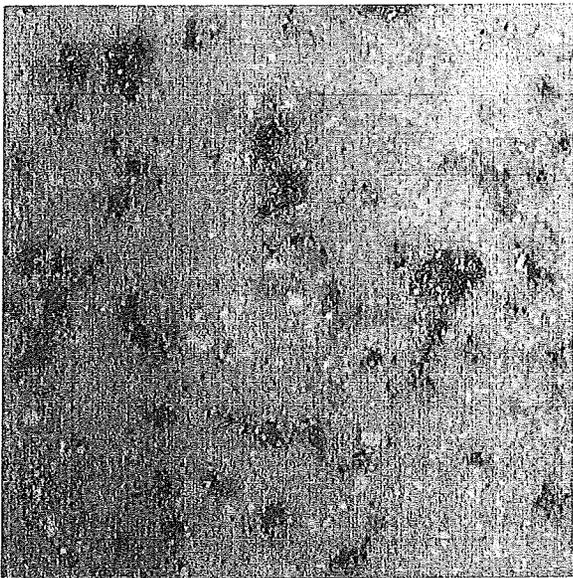


Jake uses the side chair:

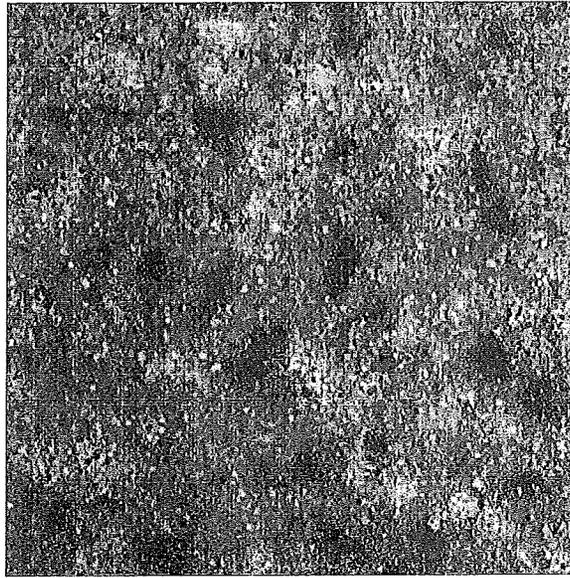


New color Taupe

Table tops: Sierra Solid Acrylic



GOLDEN OAK

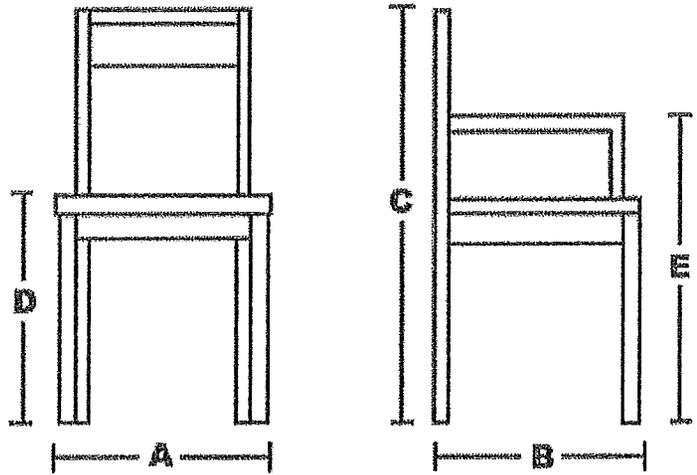
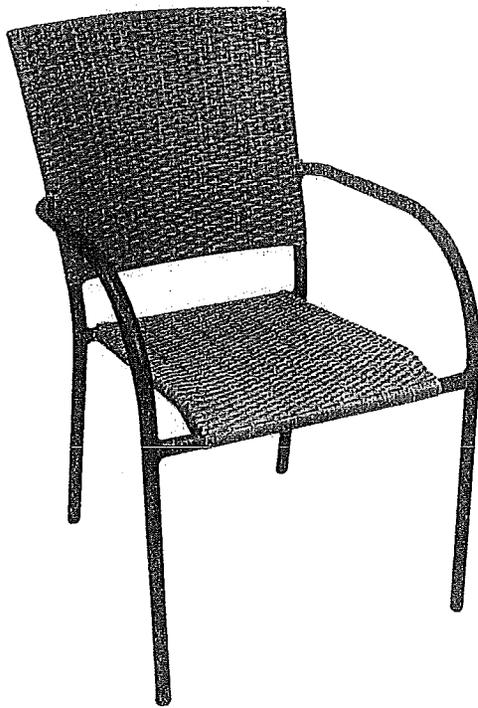


PEZZA

AMERICAN TRADING COMPANY – NEW CHAIR

CONTACT: MARLIN B. DONHAM, 504-394-3695

Aruba II features an upgraded two ply-flat polyethylene "Win-Tech" Cappuccino Color Woven.



All dimensions are in inches

Style	A	B	C	D	E	Weight
Aruba Arm Chair	21.5	24.8	35.8	17	25.5	9 lbs.
Aruba Side Chair	19.3	24.3	36.4	16.8		
Aruba Barstool	21	25	45	29.3	37.5	14 lbs.

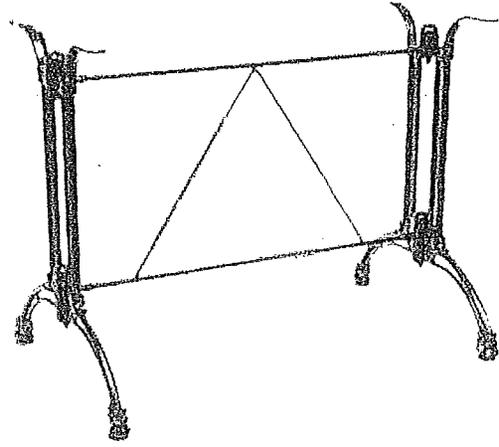
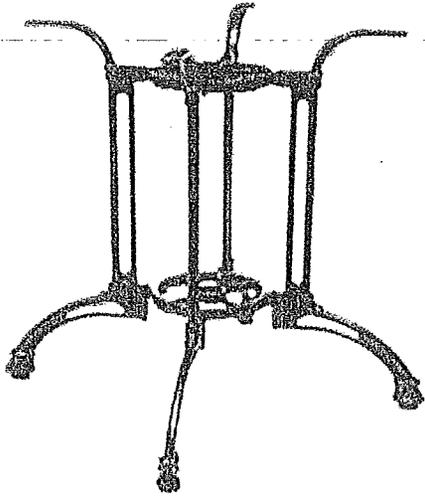


Table Bases



Octagon Umbrella – 7 Foot

This 7 foot octagon umbrella uses Fiberglass 8 rib construction, with a Black or Platinum finish Aluminum Pole. Features a Push-up with Locking Pin.



CONDITIONAL USE APPLICATION

RECEIVED

PC No. 33-17
AS/400# 17-100112
HEARING DATE 7/10/17

JUN - 9 2017

7-10

PLANNING & DEVELOPMENT

This form is intended for submittal, along with the required attachments, with requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$250.00.

APPLICANT INFORMATION

Land Owner's Name: Pete Medica (Marios unlimited) Telephone: 904-864-6493
 Mailing Address: 150 B Roscoe Blvd N Fax: _____
Ponte Vedra Bch FL 32082 E-Mail: _____

Applicant Name: J. Daniel Altman Telephone: 404-226-1965
 Mailing Address: 2237 2nd St S Fax: _____
Jax Beach FL 32250 E-Mail: dan@jaxbeachkunchhaus

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: _____ Telephone: _____
 Mailing Address: _____ Fax: _____
 E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 610 3rd St S Jax Bch FL 32250
 Legal Description of property (attach copy of deed): 13-28 33-25-29E .43 & PABLO BEACH
South Lots 1, 2, 3, 4, 5, Unnumbered Lot lying w Lot 5 Blk 64
 Current Zoning Classification: Commercial JC-1 Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-342 (d)(20)

Describe the proposed conditional use and the reason for the request: Seating for Restaurant

Applicant Signature: [Signature] Date: 6-8-17

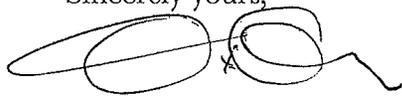
June 13, 2017

Heather Ireland, AICP
Senior Planner
Planning and Development Department
City of Jacksonville Beach
11 N. 3rd Street
Jacksonville Beach, FL

To Whom it May Concern,

I hereby grant authority to The Altman Brothers Restaurant Group DBA Jax Beach Brunch Haus, to apply for the conditional use for outdoor seating at 610 3rd St. S Jax, Beach FL 32250.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Pete Modica". The signature is stylized with a large loop on the left side and a horizontal line across the middle.

Pete Modica

Owner Mario's Unlimited Inc

Duval Map



June 29, 2017

1:1,128



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

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~~The Louisa Cup Hash House~~
Jax Beach Brunch Haus

JUN - 9 2017

PLANNING & DEVELOPMENT

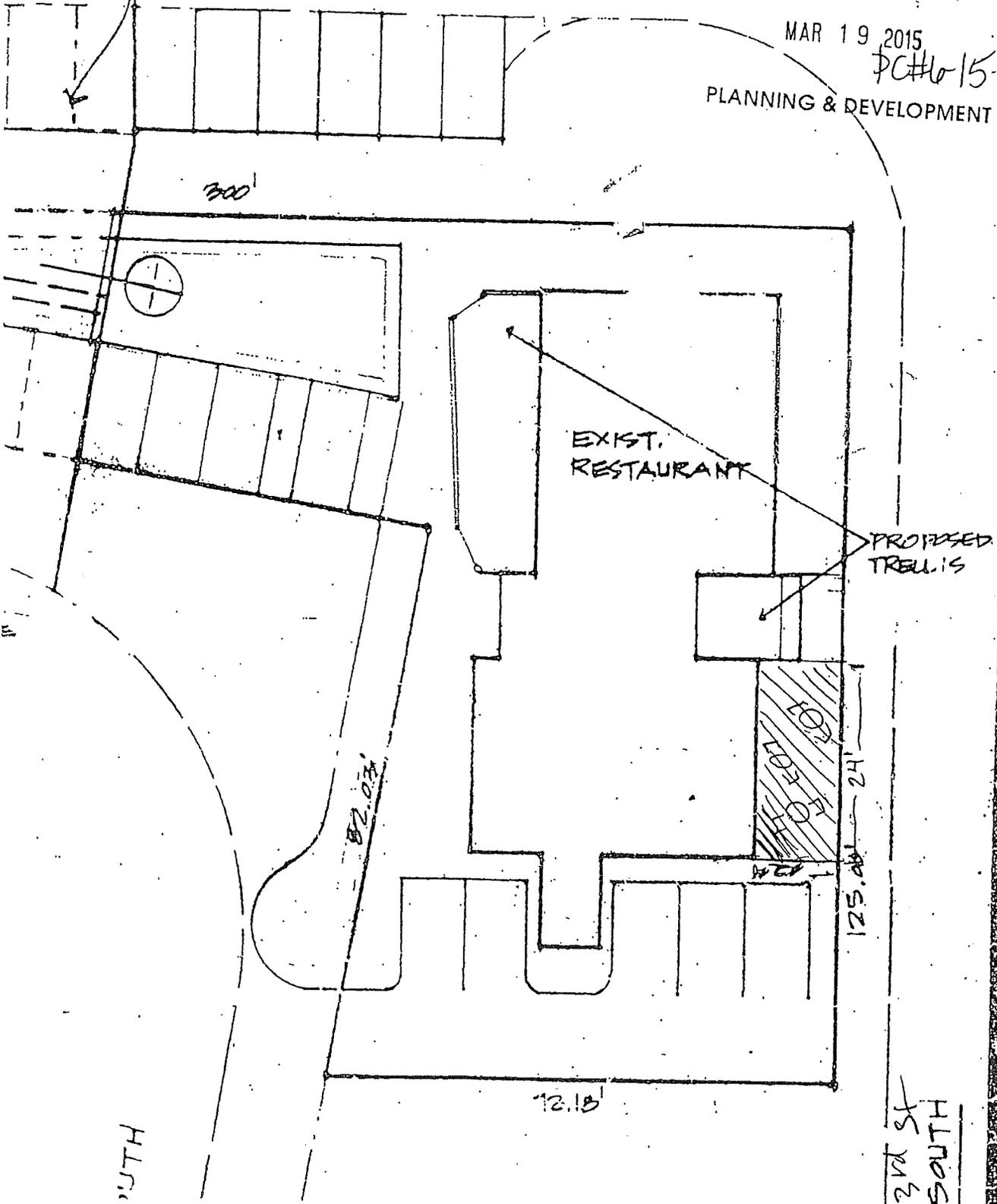
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MAR 19 2015

PC# 15

PLANNING & DEVELOPMENT

PRIVATE
PARKING



SOUTH

3rd St
SOUTH