

**Minutes of Planning Commission Meeting  
held Monday, July 10, 2017, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Sutton

**Roll Call**

Greg Sutton (Chairperson)  
Britton Sanders *absent*  
Bill Callan  
David Dahl  
Georgette Dumont

**Alternates**

Jason Lee *absent*  
Margo Moehring

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

**Approval of Minutes**

Chairman Sutton stated that there were meeting minutes from the May 22 and June 12. Ms. Dumont noted that the minutes from May 22 needed to note the professions of the speakers. She noted that Thompson was the principal, Fleming was the developer, and Ms. Delegal was the realtor. She noted that on Page 9 "if" should be "it" and noted additional typos on following pages. For the June 12 minutes noted that it should read Mr. Dahl and the ordering of words on Page 9 addressing flood mitigation. Ms. Dumont moved approval of the minutes as amended, seconded by Mr. Dahl. Motion to approve the minutes as amended was approved unanimously.

**Correspondence**

Ms. Ireland stated that there were copies of an e-mail regarding Case 33-17.

**Old Business**

**(A) Findings of Fact PC#20-17**

Ms. Ireland noted that they were waiting for the May 22 meeting minutes for the two cases on the 12-unit townhouse developments. Mr. Dahl noted that he had asked the City Attorney if personal knowledge was allowed in the determination and that should be added. Ms. Moehring asked if the Land Use Policies were redundant or if that was written correctly.

**(B) Findings of Fact PC#23-17**

(C) **PC #30-17- 217 12<sup>th</sup> 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)

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property is located on the north side of 12<sup>th</sup> Avenue North, between 3rd and 2nd Streets North. The property currently exists in multi-family residential use, with a two-story, two-unit apartment structure on the north end of the property, constructed prior to 1940. Conditional use for multi-family in C-1 was approved on May 22, 2017, via PC#19-17 for the previous owner. The new owner would like to maintain the existing duplex on the property and add a third dwelling unit to the property in front of the existing apartment structure. Since multi-family conditional uses are non-transferable, the agent was advised by staff that the proposed improvements would require conditional use approval for the new owner.

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

**Applicant:**

The applicant, Mr. Steve Jarrett, 3741 1<sup>st</sup> Street South, stated that the application for the new owner was put in after approval at the last meeting.

Ms. Dumont stated in the May meeting there was a question about parking. Mr. Jarrett stated there are no changes from the May meeting.

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

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

(D) PC #31-17

**Land Development Code Text 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.

**Staff Report:**

Ms. Ireland read the following into the record:

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

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

The proposed changes in the attached ordinance would allow restaurants to have up to 200 square feet of outdoor seating areas without having to receive conditional use approval (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) of 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).

**Applicant:**

The applicant is the City. Ms. Ireland stated that she or Mr. Mann could respond to questions about the changes made because of comments at the June 26 meeting.

Ms. Dumont noted that there were some changes made and thanked the staff. Ms. Dumont reviewed the concerns from the last meeting. She stated that there were concerns that anyone serving alcohol would have to get a permit. She added that they were concerns about anyone taking up a parking space from the outdoor seating. Mr. Mann stated that the review of those concerns was monitored as part of the permit process. Mr. Mann thought that these issues could be formulated as recommendations to the Council for consideration by the Council.

Ms. Dumont noted that “which” should be “that” on Page 4, 1<sup>st</sup> paragraph, 3<sup>rd</sup> line. She said the same applied for Subsection A.

Ms. Dumont stated that she would like any proposal to serve alcohol outside to be a conditional use and this should be included as a recommendation to the City Council. Mr. Mann stated that they could work it in so that no alcohol service on the 200 feet outside would be permitted without conditional use approval. Ms. Dumont stated that she would like it to be a conditional use and not a permitted use.

**Public Hearing:**

Mr. Sutton noted that they heard public testimony on this subject at the prior meeting.

**Motion:** Mr. Dahl made a motion to accept the ordinance with the edits noted and the recommendation that any restaurant with outdoor seating that serves alcohol should be a conditional use. The motion was seconded by Ms. Dumont.

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

**NEW BUSINESS**

**(A) Vice Chair Nomination and Vote**

**This item was moved to July 24.**

**(B) PC #32-17- 1954 South 3<sup>rd</sup> 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. (*Another Broken Egg*)

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property is located in Pablo Plaza at 1954 South 3<sup>rd</sup> 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.

**Applicant:**

The applicant representative, Mr. Sarah DePalma, 1954 3<sup>rd</sup> Street South, introduced herself.

Mr. Callan asked about the one handicapped parking space. Ms. Ireland noted there are several handicapped spots for the entire plaza and there are enough handicapped spaces in the plaza.

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

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

**(C) PC #33-17- 610 South 3<sup>rd</sup> 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*)

**Staff Report:**

Ms. Ireland read the following into the record:

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.

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.

Ms. Ireland corrected the staff report noting that the applicant did not need a parking variance for the extra space as stated in the staff report. She noted that there were e-mails from residents expressing concern about parking issues for the old restaurant.

**Applicant:**

The applicant, Mr. J. Daniel Altman, 223 2<sup>nd</sup> Street South, stated that he would like to have full use of the space as they had before.

Ms. Ireland noted in response to Ms. Dumont that there is adequate parking.

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

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

**Planning & Development Director's Report**

The next meeting is scheduled for July 24, 2017.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:47 P.M.

Submitted by: Amber Maria Lehman

Approval:

Chairman:

Date:

Aug 28, 2017