

**Minutes of Planning Commission Meeting  
held Monday, August 14, 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 Chairman Sutton.

**Roll Call**

Greg Sutton (Chairperson)

Britton Sanders

Bill Callan *absent*

David Dahl

Georgette Dumont

Alternates

Jason Lee

Margo Moehring

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

**Approval of Minutes**

It was moved by Ms. Dumont, and seconded by Mr. Sanders, and passed unanimously, to approve the minutes from the July 24, 2017, Planning Commission.

It was moved by Ms. Dumont, and seconded by Mr. Sanders, to approve the minutes from the July 12, 2017 Planning Commission, with the following amendments:

- Item Number 7, was an approval of the project and the vote was not unanimous.
- Mr. Sanders needs to be removed from the roll call vote as he was absent.

The motion was approved unanimously.

**Correspondence**

Ms. Ireland reported that there no correspondence.

**Old Business**

There was no old business.

**New Business**

- (A) **PC #35-17- 223 11<sup>th</sup> Avenue South**  
**Conditional Use Application** for a proposed multiple-family residential use located in a *Commercial limited; C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property is located on the north side of 11<sup>th</sup> Avenue South between 2<sup>nd</sup> and 3<sup>rd</sup> Streets South. The property, which consists of two lots (9 and 10) is zoned *Commercial, limited: C-1* and currently contains a legal non-conforming single family dwelling, constructed in 1964.

The applicant is requesting conditional use approval for multi-family residential use of the subject property pursuant to Section 34-342(d)(15) of the LDC. Multiple family residential development of the property would be subject to *Residential, multiple-family: RM-2* zoning standards, if approved. The applicant has indicated that he would like to build either townhouses or apartments on the subject property.

Adjacent uses include a medical office owned by the applicant directly to the west, multiple family residential to the east, commercial to the south across 11<sup>th</sup> Avenue South, and commercial and residential to the north. Considering the mixed use character of the area, multi-family residential use of the subject property should not negatively impact adjacent properties.

**Applicant:**

The applicant, Mr. Mark Marco 3535 1<sup>st</sup> Street South, stated that Dr. Harrison wanted to build multi-family in an area that can't be single-family. He added that the property values for adjacent residents should be improved.

Ms. Dumont asked townhouse or apartments. Mr. Marco responded 3 to 4 townhouses. In response to Mr. Sanders, he stated the intent to demolish the existing house.

**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 read the cards that were received that were in favor of the application that did not wish to address the Board.

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

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

**(B) PC #36-17- 175 21<sup>st</sup> Avenue South**

**Conditional Use Application** for a proposed single-family residential use located in *Residential, multiple family: RM-2* zoning district, pursuant to Section 34-340(d)(12) 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 21<sup>st</sup> Avenue South between 1<sup>st</sup> and 2<sup>nd</sup> Streets South. The property, which consists of two lots (Lots 3 and 6, Block BB, Atlantic Camp Grounds) is zoned *Residential, multiple family: RM-2* and currently contains one single family dwelling on Lot 6, constructed in 1985.

The applicant is requesting conditional use approval for single-family use of the property pursuant to Section 34-340(d)(12) of the LDC, to construct one single-family dwelling on each existing lot. Single-family residential development of the property would be subject to *Residential, single family RS-3* zoning standards, and any required variances, if approved. Each existing lot would support one single-family dwelling.

Adjacent uses include single and multiple family to the north, multiple family to the west and south, and single family to the east. Considering the existing single-family use of the subject property, and adjacent single and multiple family uses, two new single-family dwellings should not negatively impact adjacent properties.

**Applicant:**

The agent, Mr. John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated that these lots are too small for multi-family use.

**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 there was one card from someone in opposition but did not wish to address the Board.

**Discussion:**

Ms. Dumont addressed concerns that were noted in the application. She stated that this was a decrease in density of what could be built. She added that variance to the setbacks would have to go to the Board of Adjustment.

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

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

**(C) PC #37-17- 235 8<sup>th</sup> Avenue South**

**Conditional Use Application** for outdoor restaurant use for an existing restaurant located in a *Commercial limited: C-1* zoning district pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code. (*Breezy Coffee Shop*)

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property is located on the northeast corner of 8<sup>th</sup> Avenue South and 3<sup>rd</sup> Street South, and is currently occupied by *Breezy* coffee shop. The applicant, the owner and operator of *Breezy*, would like to provide outdoor seating to her customers on an existing deck between the coffee shop and the retail store to the north. She was advised by staff that conditional use approval would be required for the outdoor seating area.

Based on the size of the enclosed coffee shop space, the applicant could have a maximum of 140 square feet of outdoor restaurant seating. The space will have to be enclosed by a 42 inch high wall or fence if alcohol is permitted outside.

Adjacent uses include a retail store the north on the same property, a pre-school directly to the east, an auto and tire repair store to the south, and commercial uses across 3<sup>rd</sup> Street to the west. The addition of a small outdoor seating area on the existing deck adjacent to the north of the coffee shop should not negatively impact adjacent properties.

**Applicant:**

The applicant, Ms. Nancy Barber, 1294 Edgewood Avenue South, Jacksonville, stated that the deck is already there and they just need to add a door. Mr. Sutton asked about alcohol. Ms. Barber stated she has a beer and wine license.

**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 there were two speaker cards from people that were in support of the application but did not to address the Board.

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

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

**(D) PC #38-17- 1300 Beach Boulevard**

**Conditional Use Application** for outdoor restaurant use for a new restaurant located in a *Commercial, general: C-2* zoning district pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code. (*The Mini Bar*)

**Staff Report:**

Ms. Ireland read the following into the record:

The subject property is located on the south side of Beach Boulevard in Beach Plaza, which is located between 12<sup>th</sup> Street South and Penman Road. The applicant plans to lease tenant space that is located to the south of an existing courtyard located between an existing restaurant and a microbrewery. The subject space was previously used as a ball room for a tenant that previously occupied an adjacent space. The applicant plans to open a small restaurant and he wishes to provide outdoor seating for his customers in a portion of the existing courtyard.

The applicant was advised by staff that conditional use approval would be required for the outdoor seating area. Based on the size of the enclosed area of the proposed restaurant, the outdoor seating area would be limited to 550 square feet.

Adjacent uses include commercial in the balance of the shopping center, commercial to the north across Beach Boulevard, and commercial and multi-family residential to the south behind the shopping center. The addition of outdoor seating in the existing courtyard adjacent to the proposed restaurant should not negatively impact adjacent properties.

**Applicant:**

The applicant, Mr. Chase Sams, 1592 Blue Herring Lane East, stated that they are looking at using a third of the space for outdoor seating.

Ms. Dumont asked about the patio with the gate. Mr. Sams stated that there is a gate there now. Ms. Moehring asked about the use of the rest of the courtyard. Mr. Sams stated that would be a place for animals, corn hole, etc.

Ms. Dumont asked how they would delineate between the two areas. Mr. Sams stated that they would have unmovable furniture.

**Public Hearing:**

Mr. Sutton opened the public hearing; however, there were no speakers.

**Discussion:**

Ms. Dumont asked what kind of restaurant it would be. Ms. Ireland stated that it would be mini-donuts with a milk/coffee bar.

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

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

(E) PC #39-17

**Land Development Code Text Amendment Application** to modify Section 34-407, *Outdoor Restaurants and Bars*, of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into the record:

This is a staff initiated application required as a result of recent changes to the City's Noise Ordinance, Chapter 18, that creates a pilot Low Volume Outdoor Amplified and Acoustic Sound permit process. Staff is also proposing changes to Section 34-407 of the Land Development Code in order to simplify the allowable outdoor seating area calculations. Changes are reflected in documentation provided with the application in a ~~strike through~~ deletion/underlined addition format.

Related to outdoor music, the proposed change to the LDC is to delete sub-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. The new Chapter 18 permits the issuance of Low Volume Outdoor Amplified and Acoustic Sound Permits. The prohibition on animals in outdoor seating areas is also being deleted from sub-paragraph (e), as restaurants with an approved Dogs in Outdoor Dining Areas Permit, administered by the Clerk's office, can allow animals in approved outdoor seating areas.

As currently proposed, the changes would also allow for the maximum size of outdoor customer service areas associated with restaurants or bars to not exceed 25% of the total enclosed area of the associated 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. The proposed change would simplify the area calculation for outdoor seating areas.

**Applicant:**

The applicant is the City of Jacksonville Beach Planning Department. Mr. Sanders asked about the word enclosed not being struck out in the latest draft. Ms. Ireland clarified the most recent draft under review tonight.

Mr. Sutton stated that it seemed consistent with what they already have seen.

**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.

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

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

**(F) PC #40-17- 115 12<sup>th</sup> Avenue North**

**Conditional Use Application** for a single-family residential use located in a Residential, multiple-family: RM-2 zoning district, pursuant to Section 34-340(d)(12) of the Jacksonville Beach Land Development Code.

**Staff Report:**

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 1<sup>st</sup> and 2<sup>nd</sup> Streets North. The property is zoned *Residential, multiple family: RM-2* and currently contains a residential building constructed in 1932. The property historically existed as a duplex. The current owners are using the structure as a single-family dwelling. Due to the extent and repair costs associated with building damage that was caused by Hurricane Matthew in October, 2016, the property is now required to be brought into compliance with the current zoning code.

Staff informed the owners that this process requires both conditional use approval for the single-family use in *RM-2*, and setback variance approvals in order to be able to complete the necessary repairs.

Adjacent uses include vacant residential land, and existing multiple-family uses to the north, and multiple-family to the south, east and west. The proposed continued use of the subject property should not negatively impact adjacent properties.

**Applicant:**

The applicant, Mr. Chris Harmon, 2174 Featherwood Drive East, Atlantic Beach, stated that the summary explained what was proposed. Mr. Sanders asked if they were going to add anything. Mr. Harmon responded that technically they were putting back what was there on the same footprint.

**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.

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

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

**(G) PC #41-17- 922 Ninth Street South**

**Conditional Use Application** for a proposed firearms manufacturing and retail sales business located in an *Industrial: I-1* zoning district, pursuant to Section 34-346(d)(12) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into the record:

The applicant owns the subject property located in an *Industrial: I-1* zoning district, and currently operates his heating and air conditioning business there. As a result of the City Council's adoption of Ordinance No. 2017-8090 on August 7<sup>th</sup>, 2017, "Firearms manufacturing and retail sales" is now listed as a conditional use in *Industrial: I-1* zoning districts. The applicant has now applied for conditional use approval and informed staff that the proposed business would consist of manufacturing/assembly of firearms, and retail sale of same. The applicant has also indicated that the business would only occupy roughly 700 square feet of the existing building.

Adjacent uses include industrial to the north, south and west, and multiple family residential to the east across 9<sup>th</sup> Street South. Adjacent properties should not be negatively impacted by the proposed use especially since the operation is proposed for an existing industrial location within an existing commercial building.

**Applicant:**

The applicant, Mr. David Dick, 922 Ninth Street South, stated that they received the change to the Code to allow this as conditional use.

Ms. Dumont asked if this was a side business and what the hours of operation would be. Mr. Dick stated that it is a side business and the hours would be Monday and Tuesday, 10:00 A.M. - 2:00 P.M. and Saturday, 9:00 A.M. to 12:00 P.M. Ms. Dumont asked if Mr. Dick would accept these hours as conditions. Mr. Dick responded no. Ms. Dumont asked if they could limit the number of hours. Mr. Dick replied he would not like the number of hours be put as condition. Ms. Dumont asked staff if they could put conditions to ensure it would not be a storefront. Mr. Dahl asked Mr. Dick to explain the manufacturing process. Mr. Dick stated that it is assembly of more than 10 parts. He stated his clients would drop off and pick up. He added that there is a retail side as well.

Ms. Dumont stated that her concerns with that the business became just a firearms business. Mr. Dick responded that the concern was that it would be a shooting range.

Mr. Sutton asked if the license prohibits a gun range. Ms. Ireland stated yes. Mr. Sutton says he didn't want to add number of hours. Mr. Dahl agreed.

**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.

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

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

**(H) PC #42-17- Public Street right-of-way at the SW corner of 11<sup>th</sup> St. N. and 8<sup>th</sup> Ave. N.**

**Conditional Use Application** to eliminate the condition of approval requiring a fence around a proposed essential public facility (water well), in a *Residential, single family: RS-1* zoning district approved via Application PC#15-17, pursuant to Section 34-336(d)(4) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into the record:

On April 24, 2017 the Planning Commission approved application PC#15-17 to allow an essential public facility (water well) to be located in the right-of-way at the southwest corner of 11th Street North and 8th Avenue North. Based on public concerns and comments at the public hearing, application approval included a condition that a wall or fence around the facility be provided for screening, similar to the one at City Well #23. At the public hearing, Public Works Staff committed to working with concerned neighbors to identify appropriate fencing for the water well site.

Public Works reached out to concerned neighbors that provided their contact information at the public hearing. Residents were shown sample photographs of what different types of fencing would look like on the site, including one similar to Well #23. Following the meeting with the neighbors, all were in agreement that a fence similar to Well #23 would not fit within the character of the neighborhood, and would obstruct sight visibility at the intersection for cars. The neighbors were also in agreement that a building was the best option for this location.

The City is now requesting that the Planning Commission eliminate the approval condition of a wall similar to Well #23 that was placed on the subject water well location, based on meetings with and input from neighbors.

**Applicant:**

The applicant is the City of Jacksonville Beach.

Mr. Sutton asked if a fence is not possible from a safety standpoint. Ms. Ireland stated that it would obstruct view of cars at the intersection. City Public Works staff stated that they had discussed ideas of what could be put there by referring to site drawings and photographs.

Ms. Dumont asked about landscaping. Public Works staff stated that they would provide landscaping around the building. Mr. Dahl asked if they had affirmative indication from the citizens that had originally expressed concern. Public Works staff stated that they worked with them. Ms. Ireland stated that they were notified of this 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.

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

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

**Planning & Development Director's Report**

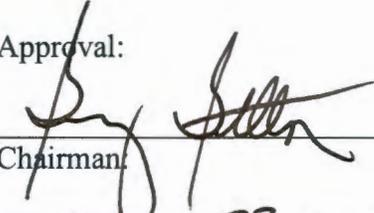
The next meeting is scheduled for August 28, 2017.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:55 P.M.

Submitted by: Amber Maria Lehman

Approval:

  
Chairman

OCTOBER 23, 2017  
Date: