



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, October 9, 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), Dave Dahl (Vice-Chair), Bill Callan, Georgette Dumont, Britton Sanders
Alternates:, Margo Moehring, Jason Lee
3. **Approval of Minutes:** June 26, 2017, August 14, 2017, August 28, 2017
4. **Correspondence:** None
5. **Old Business:**
 - (A) **PC#45-17 1704 N 3rd Street**
Conditional Use Application for outdoor restaurant use for a new restaurant located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code, for property located at 1704 N 3rd Street (*Spicy and Juicy Crawfish*). **Deferred from September 25, 2017.**
 - (B) **Findings of Fact PC#20-17**
 - (C) **Findings of Fact PC#23-17**
6. **New Business:** None
7. **Planning Department Report:**
 - (A) The next meeting is scheduled for October 23, 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.

Minutes of Planning Commission Meeting
held Monday, June 26, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida



Call to Order

The meeting was called to order Vice Chairman DeLoach.

Roll Call

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

Alternates

Britton Sanders *absent*
Margo Moehring

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

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

Old Business

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

New Business

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

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

Staff Report:

Ms. Ireland read the following into the record:

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

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

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

Applicant:

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

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

Public Hearing:

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

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

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

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

(B) PC #29-17

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

Staff Report:

Ms. Ireland read the following into the record:

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

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

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

Applicant:

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

Public Hearing:

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

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

Discussion:

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

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

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

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

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

Staff Report:

Ms. Ireland read the following into the record:

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

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

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

Applicant:

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

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

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

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

(D) PC #31-17

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

Staff Report:

Ms. Ireland read the following into the record:

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

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

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

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

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

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

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

Applicant:

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

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

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

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

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

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

Public Hearing:

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

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

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

Discussion:

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

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

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

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

Planning & Development Director's Report

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

Adjournment

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

Submitted by: Amber Maria Lehman

Approval:

Chairman:

Date:

**Minutes of Planning Commission Meeting
held Monday, August 14, 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)

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 11th 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 11th Avenue South between 2nd and 3rd 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 11th 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 1st 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 21st 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 21st Avenue South between 1st and 2nd 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 8th 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 8th Avenue South and 3rd 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 3rd 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 12th 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. Demont 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 Mr. 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 12th 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 12th Avenue North between 1st and 2nd 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 7th, 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 9th 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 were the hours of operation. Mr. Dick stated that it is all by business Monday and Tuesday 10-2 and Saturday 9- noon. 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 11th St. N. and 8th 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:

Date:

**Minutes of Planning Commission Meeting
Held Monday, August 28, 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 by Mr. Dahl.

Roll Call

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

Alternates

Jason Lee *absent*
Margo Moehring

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

Approval of Minutes

There were none.

Correspondence

Ms. Ireland reported that there no correspondence.

Old Business

There was no old business.

New Business

(A) PC #43-17- 255 18th Avenue North

Conditional Use Application for a proposed motor vehicle dealer business located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(2) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The subject property is a commercial building on the northeast corner of 18th Avenue North and 3rd Street North. The building is a multi-tenant use. The applicant wishes to lease a tenant space at the property for his motor vehicle dealer business. Staff advised him that conditional use approval would be required.

The applicant has stated that the tenant space would be used for his office only for internet motor vehicle sales, and that he would not be storing cars at the property, and that sales are by appointment only. He has obtained approval for his business at this location from the Florida Department of Motor Vehicles.

Adjacent uses include commercial in the balance of the building, commercial to the north, residential to the east, commercial to the south and commercial to the west across 3rd Street. The use of the subject property as an office for a motor vehicle broker with no auto storage on the site should not negatively impact adjacent property and is consistent with other offices in C-1.

Applicant:

The applicant, Mr. Brian Paphides, 334 9th Street, Atlantic Beach, FL, stated that this would be his third location. He stated his existing location is going in a different direction and he needs a place and would like to stay at the beach. He stated that there will never be a car stored on the site.

Ms. Dumont asked if there was a website. Mr. Paphides stated no, he uses other websites like eBay, etc. He added that when he wasn't using the car, and it was stored at this home.

Public Hearing:

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

Mr. Dahl noted that two cards were submitted from persons who opposed the proposal but did not wish to speak. However, Ms. Joy Esler, 136 19th Avenue North, stated that no cars should be stored on the property. She noted that the school was across the corner and worried about those test-driving the vehicles.

Mr. Paphides stated that test-drives would be infrequent, and they would have to follow all safety requirements.

Ms. Dumont stated that she would be comfortable approving this if no cars were stored on site.

Motion: Ms. Dumont made a motion to approve the application, with the condition that there will be no car storage on site. The motion was seconded by Mr. Callan.

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

Planning & Development Director’s Report

Ms. Ireland noted that the next meeting is scheduled for September 11, 2017. There are three cases scheduled.

Adjournment

There being no further business coming before the Commission, Mr. Dahl adjourned the meeting at 7:12 P.M.

Submitted by: Amber Maria Lehman

Approval: _____

Chairman: _____

Date: _____

Draft

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: October 2, 2017
RE: October 9, 2017 - Planning Commission Meeting

The following information is provided for your consideration regarding one agenda item for the upcoming October 9, 2017 Planning Commission meeting.

OLD BUSINESS:

PC#45-17 Conditional Use Application (DEFERRED FROM 9/25/17 MEETING)

Owner: Heritage Retail, LLC
10739 Deerwood Park Blvd. Suite 300
Jacksonville, FL 32256

Applicant: Yong Chen
1704 North 3rd Street
Jacksonville Beach, FL 32250

Location: 1704 North 3rd Street

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

Comments: The subject property is located on the west side of North 3rd Street between 16th and 17th Avenues North at the southernmost end of the Holiday Plaza shopping center. The applicant's restaurant is located in the former 7-11 convenience store tenant space. He would like to use a new patio installed to the east of the restaurant for outdoor seating and was informed that conditional use approval would be required.

Adjacent uses include commercial in the balance of the shopping center, a medical office and a gas station to the south, commercial to the east across North 3rd Street, and single family residential to the west behind the shopping center. The proposed use of the new outdoor seating area by the restaurant is consistent with the seating area at the drinking establishment at the other end of the shopping center, and adjacent properties should not be negatively impacted, as the patio is on the opposite side of the building than the existing residential uses.



CONDITIONAL USE APPLICATION

RECEIVED

PC No. 45-17
AS/400# 17-100156
HEARING DATE 9/11/17

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: Heritage Retail, LLC
Mailing Address: 10739 Deerwood Park Blvd, Ste. 300
Jacksonville, FL 32256

Telephone: 904.367.5959
Fax: 904.367.5958
E-Mail: Cmanley@Steiman
development.com

Applicant Name: Yong Chen
Mailing Address: 1704 N 3rd Street JB, FL 32250

Telephone: 595-5998
Fax: 646-671-1178
E-Mail: spicyjuicycrawfish@hotmail.com
banana77374@hotmail.com

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

Agent Name: N/A
Mailing Address: N/A
N/A

Telephone: _____
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: 1704 Third Street, Jacksonville Beach
174747-0000

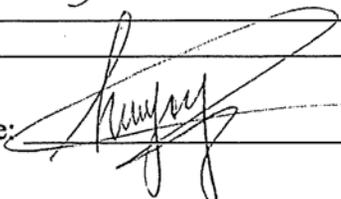
Legal Description of property (attach copy of deed): 3-28 28-25-29E Pablo Beach North
Lots 1 to 8, 12ft alley adjoining BLK 174.

Current Zoning Classification: _____ 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: Part II chapter 34-342(d)(20)

Describe the proposed conditional use and the reason for the request: a new patio for
outdoor seating

Applicant Signature: 

Date: 8/22/17

PC#45-17

Heritage Retail, LLC

10739 Deerwood Park Boulevard, Suite 300
Jacksonville, Florida 32256
Phone: 904-367-5959
Fax: 904-367-5958

August 3, 2017

RECEIVED

City of Jacksonville Beach
Planning and Development
City Hall
11 North 3rd Street
Jacksonville Beach, FL 32250

AUG - 8 2017

PLANNING & DEVELOPMENT

RE: Letter of Authorization
Spicy & Juicy Crawfish

To Whom It May Concern:

This letter authorizes Yong Chen to act as agent to obtain a conditional use permit for an outdoor seating patio for the property referenced below.

*Holiday Plaza
1704 Third Street
Jacksonville Beach, FL*

Heritage Retail, LLC

By: *Carrie Manley*
Carrie L. Manley, Manager

STATE OF FLORIDA
COUNTY OF DUVAL

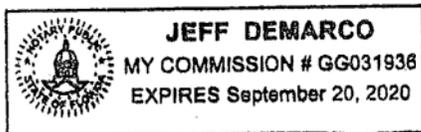
The foregoing instrument was acknowledged before me this 3rd day of August 2017, by Carrie L. Manley, as Manager of Heritage Retail, LLC, a Florida limited liability company, on behalf of said company, who did not take an oath and who:

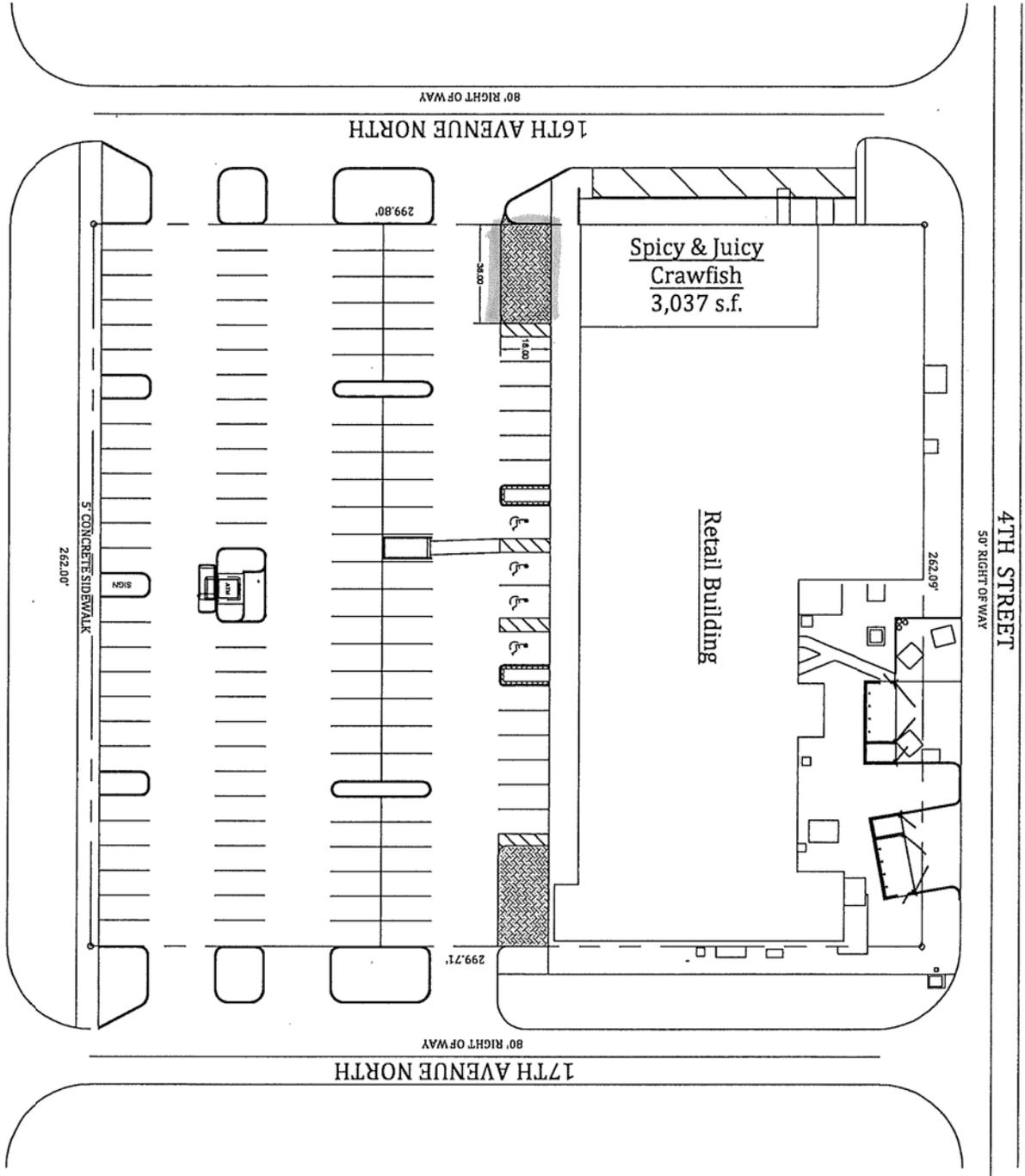
is personally known to me.

Produced current Florida driver's license as identification.

Jeff Demarco
Notary Public

Print Name: Jeff Demarco
My Commission expires: 9.20.20
Commission Number: GG031936



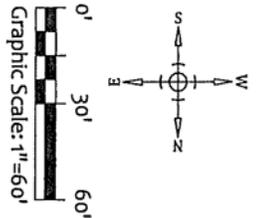


RECEIVED

PC#45-17

AUG - 8 2017

PLANNING & DEVELOPMENT



Holiday Plaza

1700 Third Street

Jacksonville Beach, FL 32250



10739 Deerwood Park Blvd., Suite 300
Jacksonville, FL 32256

P: (904) 367-5959
F: (904) 367-5958

August 1, 2017

Site Plan

C-1

FINDINGS OF FACT

PC#20-17

July 11, 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, and personal knowledge presented at the meeting, 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
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

July 11, 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, and personal knowledge presented at the meeting, 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
- 2. Based on testimony from the public, the proposed 12-unit townhouse multiple family development is not consistent with surrounding land uses.