

**Minutes of Planning Commission Meeting
Held Monday, November 26, 2018, 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 at 7:00 P.M. by Vice-Chairman David Dahl.

Roll Call

Chairman: Greg Sutton (*absent*)
Vice-Chairman: David Dahl
Board Members: Margo Moehring Britton Sanders
Alternates: Jon Scott Walker Bill Spann

Also present was Senior Planner Heather Ireland.

Approval of Minutes None

Correspondence None

Old Business

Mr. Dahl moved, with no objection, to move PC#27-18 to the first item heard.

New Business

(B) PC#27-18 524 3rd Street South
Owner: TH&R, LLC
129 Lamplighter Lane
Ponte Vedra Beach, FL 32082

Applicant: Jacksonville Academy of Beauty and Esthetics
2136 Walnut Creek Ct N.
Jacksonville, Florida 32246

Conditional Use Application for an educational service, located in a Commercial, limited: C-1 zoning district, pursuant to section 34-342(d)(12) of the Jacksonville Beach Land Development Code. (*Jacksonville Academy of Beauty and Esthetics*)

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the west side of South 3rd Street, between 5th and 6th Avenues South. The property exists as a mixed use commercial and residential property and has been the location of a variety of retail and commercial uses on the first and second floors. The applicant wishes to lease a tenant space in the building for her business, the *Jacksonville Academy of Beauty and Esthetics*. The applicant's business is a continuing education institution offering classes for cosmetologists, estheticians, nail technicians and

other beauty professionals. The applicant was informed by staff conditional use approval would be required because her business falls under “educational service.”

Adjacent uses include a heating and air business to the south and west, offices and commercial to the north, and a car rental agency and apartments to the east across 3rd Street. The use of the tenant space for the applicant’s business of small educational classes, should not negatively impact adjacent uses.

Agent:

The agent, Isabelle Bou Mechrek, is the director of *Jacksonville Academy of Beauty and Esthetics*. She stated the staff report acknowledged the purpose of the business and added her business would provide help to the beauty industry in Jacksonville Beach.

Public Hearing:

No one wished to speak at this time about the application.
Mr. Dahl closed the public meeting.

Discussion:

There was no discussion regarding this application.

Motion: It was moved by Mr. Sanders and seconded by Ms. Moehring, to approve the Conditional Use Application.

Roll call vote: Ayes - Margo Moehring, Britton Sanders, Bill Spann, Jon Scott Walker, and David Dahl.

The application was approved unanimously.

Old Business

(A) PC#26-18 Land Development Code Text Amendment

Prior to hearing the case, Ms. Moehring disclosed she received ex-parte communication in the form of an email from Tye Wallace on November 3, 2018, in regards to the postponed November 13, 2018, Planning Commission meeting; she replied she would not be in attendance. Mr. Sanders added he exchanged emails with Mr. Wallace, but did not meet with him. Mr. Spann stated he received the same email, but declined to comment. Mr. Walker announced he received an email and was able to meet with the applicant to observe the establishment.

Applicant: Bold Brands, LLC
PO Box 51266
Jacksonville Beach, FL 32240

Land Development Code Text Amendment to amend Section 34-344 to add “Newspaper and magazine publishing” to the list of Permitted Uses, and “Microbrewery” and “Bar, nightclub, tavern or other drinking establishment” to the list of Conditional Uses in the

Commercial Service: CS zoning district. (Applicant – *Bold Brands*) Application deferred from 11/13/18 meeting.

Staff Report:

Ms. Ireland read the following into the record:

The applicants, who represent *Bold Brands* and *Void Magazine*, are looking to purchase a piece of property located at 602 Shetter Avenue for their growing operations. The property they are looking to purchase is located in the *Commercial Service: CS* zoning district, and is currently occupied by a lawn mower retail and repair business. The combination of uses proposed by *Bold Brands* are not currently permitted uses in that zoning district. In addition to the relocation of their office space, the applicants also are interested in adding a microbrewery with a tasting room (drinking establishment) at the same location.

After meeting with staff, the applicants were advised that “publishing,” “microbrewery” and “drinking establishment” uses are not permitted in the *CS* zoning district and that the Land Development Code would have to be amended to allow these uses at their desired location. The applicants have applied to amend the Land Development Code in order to add “Newspaper and magazine publishing” to the list of Permitted Uses, and “Microbrewery” and “Bar, nightclub, tavern, or other drinking establishment” to the list of Conditional Uses, all in the *CS* zoning district.

Currently, restaurants and outdoor restaurants are listed conditional uses in the *CS* zoning district, though none presently exist. Adjacent to the north of the *CS* zoning district boundary is the *Commercial, general: C-2* zoning district, which allows newspaper publishing, and restaurants as permitted uses, and also allows outdoor dining areas, microbreweries, and drinking establishments as conditional uses.

The *Commercial Service: CS* zoning district is bounded by Shetter Avenue, 5th Street South, 10th Street South, and half the block south of 1st Avenue South. As mentioned, to the north of the *CS* zoning district is the *Commercial, general: C-2* zoning district. To the west lies an *Industrial: I-1* district, to the east a PUD district containing the *Publix* shopping center, and to the south are areas zoned *Residential multi-family: RM-1*.

Existing establishments operating in the *CS* zoning district include open storage, building contractors, building material sales, warehousing and storage, auto repair, light manufacturing, retail, dog boarding, floriculture, and a few non-conforming residential properties. A copy of the *CS* district regulations, Section 34-344, is attached for reference.

The proposed permitted use of newspaper and magazine publishing is consistent with other permitted uses in adjacent zoning districts and should not be problematic relative to other uses in the district. Allowing microbrewery and drinking establishment uses as conditional uses would provide the Planning Commission with the opportunity to review any proposed establishment on a location by location basis to determine compatibility in a particular area, and to possibly require certain conditions of use as may be deemed necessary and appropriate.

Agent:

Tye Wallace, 709 4th Avenue North, Jacksonville Beach, referred to PowerPoint slides he constructed to facilitate the understanding of the type of business in the application [*on file*]. He stated he is part of a group of entrepreneurs seeking to grow the Beaches Community with projects like *VOID Magazine*, *Edible Magazine*, and *Bold Brands*. Mr. Wallace explained how their establishments served as a magnet for the cultural community, which has also helped other businesses grow.

He proceeded with explaining their new project involves starting a craft beer movement. The products would be made on-site to add authenticity to the tasting experience and falls under his request for adding "Microbrewery" to the permitted CS zoning district uses. Mr. Wallace emphasized it would not be a late-night drinking establishment, as they plan on closing the establishment at 10:00 pm on weekdays and possibly at 12:00 am on weekends. He referenced to slides containing visuals of the establishment and its location, in addition to on-site and off-site parking plans.

Mr. Spann inquired about an estimate of the taxes the business would pay and the salaries the employees would receive; Mr. Wallace responded he does not have these numbers with him at the moment. Mr. Sanders also asked about the establishment's hours of operation. Mr. Wallace stated they plan to open from 4:00 to 10:00 pm (Tuesday-Friday), and from 12:00 pm to 12:00 am (Saturday-Sunday); they would close on Monday. They have already hired eight full-time positions and plan to pay employees from a range of \$40,000 to \$50,000.

Public Hearing:

The following spoke in favor of the application:

- Terry Deloach, 405 32nd Avenue South, Jacksonville Beach
- Mikey Sasser, 208 Oceanwood Drive, Neptune Beach
- Christopher Griffith, 1102 6th Avenue North, Jacksonville Beach
- Aaron Meisenheimer, 102 6th Avenue North, Jacksonville Beach
- Jay Austin Dodson, 1626 Park Terrace West, Atlantic Beach

The following were in favor of the application, but preferred not to speak:

- Matthew Shaw, 102 6th Avenue North, Jacksonville Beach
- Kassandra Ashburn, 405 Lower 8th Avenue South, Suite B, Jacksonville Beach
- Scott Whatberg, 102 6th Avenue North, Jacksonville Beach
- Nicole Levy Parish, 13813 Zion Gate Court, Jacksonville
- Kiara Sanchez, 3050 Tamaya Boulevard, Suite 917, Jacksonville
- Casey Bagby, 1709 Tanglewood Road, Jacksonville Beach
- John Persons, 1628 3rd Avenue North, Jacksonville Beach
- Haley Guiette, 1716 1st Street, Neptune Beach
- Sara Shapiro, 51 Tallwood Road, Jacksonville Beach

The following were opposed to the application, but were not present:

- Debra Waters, 115 3rd Street South, Jacksonville Beach

- Mit Pendergraft, 115 3rd Street South, Suite 408, Jacksonville Beach
- Bonnie Gulliet, 115 3rd Street South, Suite 1411, Jacksonville Beach
- Ellen Hopkins, 1415 Pinewood Road, Jacksonville Beach

The opposed speakers were present at the November 13, 2018 meeting that was postponed until this date. Mr. Wallace stated he spoke with them during the postponed meeting and clarified the purposes of the establishment. He addressed to the Planning Commission those that were previously opposed to the request have changed their minds. He also added he has proof of email contact that indicate they are in favor of the application.

Mr. Dahl closed the public meeting.

Discussion:

Ms. Moehring expressed concerns to Ms. Ireland regarding parking if the establishment becomes a popular destination. Ms. Ireland referred to the slides explaining the business is close to meeting the parking requirements, and she added there are informal parking agreements that could help this situation. Mr. Sanders commented he has no doubt the establishment would be good for the community and is in support of it.

Motion: It was moved by Mr. Sanders and seconded by Ms. Moehring, to approve the Land Development Code Text Amendment Application.

Roll call vote: Ayes - Margo Moehring, Britton Sanders, Bill Spann, Jon Scott Walker, and David Dahl.

The application was approved unanimously. The application will be heard by City Council on December 3, 2018.

(C) Rules of Procedure Adoption

Denise May of Marks Gray, P.A., addressed the Planning Commission in regards to updates on the Rules of Procedure first discussed in the September 24, 2018 meeting. She pointed to adjustments made to Section III (Order of Business), Section IV (Hearing), and Section V (Voting).

Mr. Dahl commented it is important to notify those that would approach the commission in the upcoming meetings on these new procedures. Ms. May added this new approach would help the commission distinguish substantial and competent types of evidence.

Mr. Dahl, Mr. Sanders, and Ms. May discussed ways to reform the process of making and amending motions. The commission also discussed in depth the types of testimonials in Section IV, subsection d(i). Ms. Moehring inquired about the voting procedures in Section V, Subsection b, suggesting the words "the conditions" should be added before the phrase, "...can be monitored as required by City Staff," for clarification purposes.

Motion: It was moved by Ms. Moehring and seconded by Mr. Spann, to approve the Rules of Procedure, with the insertion of the words "the conditions" between the words "and" and "can" to Section V, Subsection b.

Roll call vote: Ayes - Margo Moehring, Britton Sanders, Bill Spann, and Jon Scott Walker, and David Dahl.

The motion was approved unanimously.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for Monday, December 10, 2018, with three agenda items.

Adjournment

There being no further business coming before the Commission, Mr. Dahl adjourned the meeting at 8:00 P.M. The Board Members decided the Planning Commission meeting for the week of the Christmas Holiday be cancelled.

Submitted by: Sama Kaseer
Recording Secretary

Approval:



Chairman

1-14-2019

Date