

**Minutes of Planning Commission Meeting
Held Monday, January 14, 2019, 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 Chairman Greg Sutton.

Roll Call

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

Also present was Senior Planner Heather Ireland.

Approval of Minutes

The following minutes were unanimously approved:

- November 13, 2018
- November 26, 2018
- December 10, 2018

Correspondence *None*

Old Business *None*

Announcement

Before discussing new business, Mr. Sutton acknowledged the passing away of a colleague and previous (2004-2012) City of Jacksonville Beach Mayor, Fland Sharp, on Friday, January 11, 2019. He commemorated Mr. Sharp's friendship, service, and accomplishments.

New Business

(A) **PC#31-18** 810 3rd Avenue South
Owner: First Missionary Baptist Church
810 3rd Avenue South
Jacksonville Beach, FL 32250
Applicant: Thomas Ceaser, Trustee
12287 York Harbor Drive
Jacksonville, FL 32225

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

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the southwest corner of 3rd Avenue South and 8th Street South and has existed as a church (*First Missionary Baptist Church*) since at least the 1980s. The building was constructed in 1946, and according to the applicant, is in need of substantial repairs and renovations to allow its continued use. Additionally, the church would like to add classroom space. Due to the fact that the repairs, renovations, and additions would qualify as a substantial improvement pursuant to the Land Development Code, and that the church was constructed prior to the current LDC requirement for conditional use approval, the applicant was advised by staff that approval would be required to proceed with the proposed substantial improvements and expansion of the building.

Adjacent uses include single-family to the west, multiple-family and a church to the south, a church to the east, and single-family to the north. Considering the history of the subject property as a church for decades, with no known problems, its continued use should not negatively impact adjacent properties.

Agent

Applicant Thomas Ceaser commented the church needs extensive renovations solely for its beautification.

Public Hearing:

The following spoke in favor of the application:

- James Bell, 2603 N US-301, Baldwin, FL

Mr. Sutton closed the public meeting.

Discussion:

Mr. Sanders noted he is in favor of renovating and upgrading the church.

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

Roll call vote: Ayes – David Dahl, Britton Sanders, Bill Spann, Jon Scott Walker, and Greg Sutton.

The application was approved unanimously.

(B) PC#32-18 Land Development Code Text Amendment Application

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

Land Development Code Text Amendment Approval to modify the definition of “microbrewery” to include a “tasting room,” and to add a definition for “tasting room,” to Article IV. Definitions, Section 34-41 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

On December 17, 2018, City Council considered a Land Development Code (LDC) text amendment (Ordinance No. 2018-8114) to add the use of “newspaper and magazine publishing” as a permitted use in the *Commercial service: CS* zoning district, and the uses of “microbrewery” and “bar, lounge, nightclub, tavern or other drinking place” as conditional uses in the CS zoning district. These uses were proposed by *Bold Brands*, the applicant for the text amendment. City Council approved the Ordinance but amended it to remove the use of “bar, lounge, nightclub, tavern or other drinking place,” due to community concerns regarding allowing that use throughout the entire CS zoning district.

City Council also directed staff to prepare a modified definition of microbrewery that would include a tasting room component and to prepare a definition of a “tasting room” that would satisfy both the request of the applicant and the concerns of the City.

These new definitions have been prepared as follows:

- *Microbrewery* means an establishment which produces, packages, and stores beer or other cereal beverages within an enclosed building, and which produces no more than 8,000 barrels or 248,000 gallons of beverages per year, and which may or may not include a tasting room on premises.
- *Tasting room* means the portion of a microbrewery that is located on the premises of the production facility at which guests may purchase and consume beverages produced on-site. Tasting rooms are limited to 800 square feet in area, and hours of operation may not extend past 10:00 PM daily.

The size limitations and hours of operation proposed would apply specifically to approved tasting rooms. Existing microbreweries that serve alcohol currently would not be impacted by this proposed change, as they either also exist as restaurants, or have approval to be drinking establishments.

Ms. Ireland also noted she and the City Attorney, Ms. Denise May, constructed the above terms, to the best of their ability and after extensive research, to satisfy the needs of both the requestor and the City Council.

Ex-Parte Communication:

Mr. Sanders, Mr. Walker, and Mr. Spann disclosed they received emails regarding a public meeting, organized by Tye Wallace, to further explain the purposes of the application. They did not attend.

Public Hearing:

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

- Cassandra Ashburn, 405 Lower 8th Avenue South, Suite B, Jacksonville Beach
- Jay Dodson, 1626 Park Terrace West, Atlantic Beach
- Nicole Parisher, 13813 Lion Gate Court, Jacksonville
- Mike Sasser, 208 Oceanwood Drive, Neptune Beach
- Scott Whatley, 224 Oleander Street, Neptune Beach

The following spoke in favor of the application:

- Tye Wallace, 709 4th Avenue North, Jacksonville Beach, is the agent of *Bold Brands* and the applicant for PC#33-18. He gave updates about the progress of his applications after being reviewed by City Council, which requested further clarification for the terminology used. Mr. Wallace commented he agrees with the definitions the Planning and Development department created, but would like to make three changes he wishes the Planning Commission would permit:
 - The ability to sell other local beer and wine products not created on site.
 - The ability to sell packaged products as part of the craft beer movement.
 - The ability to stay open until 12:00 am on Fridays and Saturdays only.
- Terry DeLoach, 405 32nd Avenue South, Jacksonville Beach
- Greg Burghardt, 510 Shetter Avenue, Jacksonville Beach

The following spoke in opposition to the application:

- Gregory Austin, 119 6th Street South, Jacksonville Beach, is the pastor of the church located near the property that is the subject of application PC#33-18. He spoke of the long-standing roots this church has in the area, in addition to the struggles the area underwent with its then-bad reputation to transform into the functioning community it is today.; He specified drugs and alcohol are the issue at hand and expressed his dismay at the establishment of the drinking business and the effects that might follow.

Mr. Sutton closed the public meeting.

Discussion:

When Mr. Spann and Mr. Sanders requested clarification regarding the three changes Mr. Wallace mentioned, Ms. Ireland commented the type of manufacturer's license required to operate the applicant's business might also permit the selling of packaged products produced solely by that business, meeting one of Mr. Wallace's requested changes. She also added no liquor would be sold at the establishment- as only beer and wine could be allowed to be sold. These proposed amendments to the Land Development code text would also get presented to City Council for approval.

Ms. May approached the commission and emphasized the application stems from Planning and Development and not Mr. Wallace, and the only thing being determined in this case is the approval of the definitions she and Ms. Ireland suggested. She also confirmed a growler license, which is different than a Package Sale License, would allow the business to sell products from other breweries. She proceeded with an explanation of how she and Ms.

Ireland constructed the definitions in regards to the extent of the research conducted to derive them.

Mr. Sanders asked whether Mr. Wallace can add his three conditional items in the next application if these definitions are to be approved by the Planning Commission. Ms. May reiterated in her response regardless of what the Commission approves, the City Council must also approve it before further changes and requests can be made from Mr. Wallace. She added this application would permit conditional use by not just the applicant of PC#33-18, but also any future businesses to be established in this zone.

Mr. Sanders concluded his comments by praising *Bold Brands* and the accomplishments it has made over the years in the Jacksonville Beach area. He believes allowing this application would help stimulate its economy.

Discussion ensued among the commission regarding the extent of the changes that can be made to the proposed definitions, specifically the *tasting room* definition, with respect to the wishes of the City Council. Ms. May added there are new Florida statutes recently passed regarding growlers and she would look into their specifications. Ms. Ireland clarified the *tasting room* definition cannot stand alone and must be attached to a *microbrewery*.

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

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

The application was approved unanimously.

(C) **PC#33-18** 602 Shetter Avenue

Owner: Jeffrey N. Lawler
Express Mower and Saw Inc.
7658 Philips Highway
Jacksonville, FL 32256

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

Conditional Use Approval for a proposed microbrewery located in a Commercial service: CS zoning district, pursuant to Section 34-344(d)(6) of the Jacksonville Beach Land Development Code, for property located at 602 Shetter Avenue (Applicant - *Bold Brands*).

Staff Report:

Ms. Ireland read the following into the record:

The subject property is located on the southwest corner of Shetter Avenue and 6th Street South and has existed as a lawn mower retail business since 2012. Prior to that, the property was occupied by an interior design studio. The applicant, *Bold Brands*, is planning to purchase the property and relocate their magazine publishing offices to the subject property. The use of “newspaper and magazine publishing” was approved as a permitted use in the Commercial Service: CS zoning district on December 17, 2018, via Ordinance No. 2018-8114.

The applicants also desire to operate a “microbrewery” at the new location. Microbrewery was also approved as a conditional use in the *Commercial Service: CS* zoning district by Ordinance No. 2018-8114. The applicant is now applying for approval for a microbrewery use at the subject property. The microbrewery will occupy less than half the available square footage at the new location.

In conjunction with the microbrewery, the applicants wish to have a tasting room where beer can be purchased for consumption on the premises. The proposed use of a “drinking place” that would have permitted a tasting room was not approved as part of Ordinance No. 2018-8114, therefore the use cannot be sought separately for approval at this time. However, following the consideration of Ordinance No. 2018-8114, City Council directed staff to propose a modified definition of “microbrewery” to include a tasting room component, and also to prepare a new definition for “tasting room” that would satisfy both the City’s concerns and the applicant’s request. The proposed amended definition and new definition are the subject of Application PC#32-18. The outcome of the ordinance associated with PC#32-18 will impact the proposed project that is the subject of this application.

Adjacent uses include commercial to the south and east and west and a package store and gas station to the north. The proposed use of a microbrewery at this location should not negatively impact adjacent properties. If application PC#32-18 is approved by City Council, the applicant would be able to include a tasting room as part of their business operations at the subject property according to the final definition of, and conditions placed on, tasting rooms.

Agent:

Mr. Wallace made no further comments.

Public Hearing:

The following spoke in opposition to the application:

- Gregory Austin, 119 6th Street South, Jacksonville Beach, who previously spoke in opposition of PC#32-18, made comments regarding the proximity of the establishment to his church and the laws that determine the minimum distance it must be from the church.

Mr. Wallace rebutted and clarified he measured the distance from the discussed establishment to the church to be 525 feet, which is beyond the legal limit and is therefore allowed. Ms. Ireland helped explain the measuring process.

Mr. Sutton closed the public meeting.

Discussion:

There was no discussion regarding this application.

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

Ms. May asked to clarify if the *tasting room* definition is included in the motion. Mr. Sanders withdrew his motion.

Motion: It was moved by Mr. Sanders and seconded by Mr. Spann, to approve the Conditional Use Application, for a *microbrewery*, with the addition of a *tasting room* as defined in Ordinance No. 2019-8115, when and if approved.

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

The application was approved unanimously.

Planning & Development Director's Report

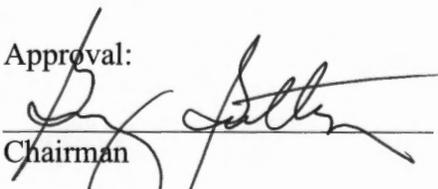
Ms. Ireland noted the next meeting is scheduled for Monday, January 28, 2019.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:00 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:


Chairman

2-25-2019
Date