

**Minutes of Planning Commission Meeting  
Held Monday, April 22, 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 7:05 PM by Chairman Greg Sutton.

**Roll Call**

**Chairman:** Greg Sutton  
**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** None

**New Business**

(A) **PC#6-19**      **117 South 7<sup>th</sup> Avenue**  
  
**Owner/** Pamela Fellabaum  
**Applicant:** 117 7<sup>th</sup> Avenue South  
Jacksonville Beach, FL 32250

**Conditional Use Approval** for an existing single-family dwelling 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 record:

The subject property is located on the north side of 7<sup>th</sup> Avenue South between 1<sup>st</sup> and 2<sup>nd</sup> Streets South and has existed as a single-family dwelling since the structure was built in 1909. The applicant/owner wished to make substantial improvements to the property and was advised by staff that conditional use approval would be required, as the current house pre-dates the current Land Development Code as a legal nonconforming use.

Adjacent uses include multiple-family to the north, west, and east, and single- and multiple-family to the south across 7<sup>th</sup> Avenue South. The continued use and improvement of an existing single-family dwelling is consistent with the mixed residential character of the area and should not negatively impact adjacent properties.

**Applicant:** Pamela Fellabaum, 117 7<sup>th</sup> Avenue South, Jacksonville Beach, approached the Commission to answer questions. Ms. Moehring asked where the applicant is planning on expanding on the parcel, and Ms. Fellabaum answered there are no firm plans yet, but a garage addition in back is a possibility. The old home was purchased in 1991 and is currently 1,100 square feet.

**Public Hearing:**

The following residents spoke in favor of the Conditional Use Application:

- Patrick J Cantin, 2815 Corinthian Avenue, Jacksonville, FL 32210
- Thomas Heusinger, 112 7<sup>th</sup> Avenue South, Jacksonville Beach

Mr. Sutton closed the public meeting.

**Discussion:**

There was no further discussion regarding this case.

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

**Roll call vote:** Ayes –David Dahl, Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton.

The application was approved unanimously.

**(B) PC#7-19 1237 Penman Road (former location of *Homestead* restaurant)**

**Owner:** JBCT Sunrise, LLC  
100 Fairway Park Blvd. Suite 1200  
Ponte Vedra Beach, FL 32082

**Applicant:** Beer: 30, Inc.  
1271 King Street  
Jacksonville, FL 32204

**Conditional Use Approval** for a proposed beer and wine drinking establishment and package store located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(3) and (4) of the Jacksonville Beach Land Development Code. (Applicant – *Keg and Coin* Arcade)

**Staff Report:**

Ms. Ireland read the following into record:

The subject property is located on the east side of Penman Road, south of 13<sup>th</sup> Avenue North, and exists as the Penman Square commercial center with several commercial tenants. The applicant, *Beer: 30, Inc.*, currently owns a coin-operated arcade in Jacksonville that includes classic games along, beer and wine service, and package beer sales. The applicant would like to open a second location of its business, *Keg and Coin*, in Jacksonville Beach in the tenant space on the subject property that was formerly occupied by the *Homestead* restaurant.

Pursuant to Section 34-342(b)(16), the arcade is permitted in *C-1* zoning. However, a drinking establishment and package sales are both listed conditional uses in *C-1* districts. The applicant was advised by staff that since they may only have limited food service and do not plan at this time to become a full-service restaurant, that conditional use approval would be required to serve beer and wine, and for the package sale of beer. There are no bars or other drinking establishments within 500 feet, and there are no schools or churches within 500 feet.

Adjacent uses include a Beaches Energy Services facility to the west across Penman Road, commercial tenants in the balance of the shopping center, commercial uses to the north across 13th Avenue North, and a single-family residential neighborhood directly to the south and east. The proposed use of coin-operated arcade with beer and wine service should not negatively impact adjacent properties as long as reasonable efforts are made to mitigate potential noise from the inside of the establishment.

**Agent:** Ronnie Penna, 837 6<sup>th</sup> Avenue North, Jacksonville Beach, commented this establishment would resemble *Keg and Coin* Arcade in the Riverside area. It would contain '80s and '90s classic arcade machines, have a family atmosphere and serve and sell local craft beer. Liquor would not be sold. The average age of visitors in the Riverside location ranges from 28 to 35. They are highly rated on social media platforms and local magazines. The average ticket is approximately \$10.00.

Mr. Penna explained there is no intention to target the Jacksonville Beach bar crowds. The goal of the establishment is to create a nostalgic effect on customers. This location's hours are set to resemble Riverside's and would be open every day from 11:00 am to 2:00 am. The owners found there is no need for on-site security, as the 18-month-old establishment in Riverside attracts older ages, and there is already police presence in the area. Music would be played only on the inside and should not affect the surrounding neighbors.

Concerns have been raised regarding the access area to the rear of the property and adjacent to businesses. Mr. Penna commented there are no plans to use the rear area, except for dumpster and storage usage. There is multi-residence housing behind the property in Riverside, and there were never any noise complaints. Trash disposal would occur during the day to not cause any disturbance.

**Public Hearing:**

The following residents spoke in opposition to the Conditional Use Application:

- Russell May, 31 San Pablo Circle South, Jacksonville Beach, provided handouts [*on file*] to the Commission containing images of the property's area. He addressed concerns regarding the hours of operation, potential noise, and the lack of a barrier between the establishment and the adjacent residential area in the back.
- April Howard, 29 San Pablo Circle South, Jacksonville Beach, addressed concerns regarding the clientele, possible noise, hours of operation, and how this would impact a ballet studio located nearby. She is also worried about how deliveries would arrive, as they almost always have a direct impact on adjacent residential properties.
- Susan Solomon, the owner of the business directly adjacent to the proposed establishment, stated she was neither for or against the application, but expressed parking, noise, and security concerns.

Mr. Penna addressed some of the neighbor's issues by comparing this business with the already-

operating Riverside business. They both have residential neighborhoods directly behind them, and there have not been any complaints at the Riverside property. They plan to clean up the property every day. He stated the type of activities available to customers would most likely prevent the overconsumption of alcohol and read some comments from reviewers on social media complimenting the “family” and “nostalgic” atmospheres the business presents to its customers. The Riverside business also has a ballet studio located nearby, and there have been no issues. Packages can be delivered in the front of the property and there is no intention to park cars behind the building. Employees are not allowed to drink while working.

Mr. Sutton closed the public meeting.

**Discussion:**

Mr. Spann questioned the applicant about the late hours of operation. Mr. Penna stated the business’s success is heavily dependent on these hours; the latest time alcohol can be served is 1:30 am. Mr. Sanders also agreed about timing issues and explained the year-long trial the Commission gives to businesses with desired late hours of operation. Businesses would first be permitted to operate until 10:00 pm or 11:00 pm and can apply again for extended hours if no complaints have been reported. Mr. Penna reiterated the necessity of these late hours, as 20% of the business income is generated during that time. Discussion ensued regarding timing complications, parking, and alternative approaches the Commission may take.

Mr. Sutton commented this business should have no impact on the ballet studio, as they have different hours of operations, and added he also has an issue with the perspective hours of operation. Mr. Sanders agreed.

**Motion:** It was moved by Mr. Sanders and seconded by Ms. Moehring, to approve the Conditional Use Application, with the condition of an 11:00 P.M. time restriction and approval expires in one year.

**Roll call vote:** Ayes –Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton  
Nays– David Dahl

The application was approved by a vote of 4-1

(C) **PC#8-19**      **353 6<sup>th</sup> Avenue South**  
**Owner:**       Shine Holistic Wellness  
                     353 6<sup>th</sup> Avenue South  
                     Jacksonville Beach, FL 32250

**Applicant:**    Carla Morello  
                     353 6<sup>th</sup> Avenue South  
                     Jacksonville Beach, FL 32250

**Conditional Use Approval** for a proposed educational service (massage therapy academy) located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(12) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following into record:

The subject property is located on the north side of 6<sup>th</sup> Avenue South between 3<sup>rd</sup> and 4<sup>th</sup> Streets South. The original use of the existing structure on the property, built in 1986, was a child day care center. Since the closure of the day care center, the property has been the location of a variety and mix of commercial uses including massage, yoga instruction, and therapy.

The owner/applicant now wishes to open a massage therapy academy in a small portion of her building and was advised by staff that, since this use falls under "educational service," conditional use approval would be required. According to the applicant, classes would have no more than eight to ten students, and classes would be in the evening. Existing uses at the building including massage, yoga instruction, and acupuncture would continue in the balance of the building.

Adjacent uses include office directly to the west and residential to the west across 4<sup>th</sup> Street, public and private parking to the south across 6<sup>th</sup> Avenue South, an A/C contractor to the east, and commercial and one nonconforming single-family residential structure to the north behind the subject property. The addition of a massage therapy academy is consistent with, and would complement, the miscellaneous medical and personal service uses that currently occupy the property and is consistent with the mixed commercial use nature of the area.

**Agent:** Carla Morello, 811 1<sup>st</sup> Street South, Jacksonville Beach, and Theresa Matthews, 5751 Hesston Road, Jacksonville, clarified the hours of the school would be during the evening and not daytime (corrected in the Staff Report). The school would be open from 5:00 pm to 10:00 pm. The classroom would encompass eight to ten students, but there would be clinic days where clientele can receive massages from the students, and hence, more people would be present. During these particular days, it is not likely the students would all be present at once.

**Public Hearing:**

No one came before the Commission to speak regarding the application.  
Mr. Sutton closed the public meeting.

**Discussion:**

There was no further discussion regarding this application.

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

**Roll call vote:** Ayes – David Dahl, Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton.

The application was approved unanimously.

**Planning & Development Director's Report**

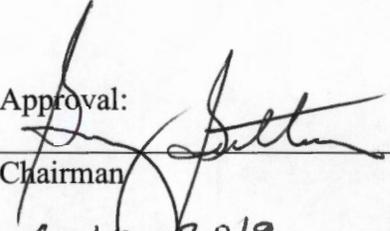
Ms. Ireland noted the next meeting is scheduled for Monday, May 13, 2019. Ms. Ireland stated Denise May with the City Attorney's office would be providing members with procedural training possibly in early Summer.

**Adjournment**

There being no further business coming before the Commission, Mr. Dahl adjourned the meeting at 7:50 P.M.

Submitted by: Sama Kaseer  
Administrative Assistant

Approval:

  
Chairman

6-10-2019  
Date