

**Minutes of Planning Commission Meeting
held Monday, October 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 Britton Sanders (*absent*) Jon Scott Walker
Alternates: Colleen Murphy White Bill Spann

Also present was Senior Planner Heather Ireland.

Approval of Minutes

None

Correspondence

None

New Business

(A) **PC#18-19** 602 North 1st Street
Owner: John Kowkabany
602 North 1st Street
Jacksonville Beach, FL 32250
Applicant: John Kowkabany & Robert Tilka
1506 Prudential Drive
Jacksonville, FL 32207

Conditional Use Application to request a modification of approval conditions for outdoor bar seating at an existing establishment pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code. (Applicant – Mango's)

Staff Report:

Ms. Ireland read the following report into the record:

The subject property is located on the northwest corner of North 1st Street and 5th Avenue North and has existed as a drinking establishment since the 1960s. In 2007, the owner requested conditional use approval for the existing bar with outdoor seating to rectify the legal nonconforming use. Staff recommended at that time that, if approved, the applicant be required to install opaque screening to a height of six (6) feet adjacent to the westerly and southerly sides of the outdoor deck area as a means of mitigating noise and visual impacts to adjacent residential uses and be subject to the provisions of Section 34-407 of the LDC.

The Planning Commission approved the request with the condition that the recommended six (6) foot tall opaque screening be installed on the south and west sides of the outdoor bar area and the outdoor bar would be subject to the provisions of Section 34-407 of the Land Development Code.

Since approval of outdoor seating with conditions in 2007, the text of Section 34-407 of the Land Development Code has been changed to reflect the updated Section 18 of the City Code of Ordinances regulating Noise. More specifically, Ordinance No. 2018-8106 allowed Low Volume Outdoor Amplified and Acoustic Sound permits to be issued to licensed establishments. Based on this change, Mango's was eligible to apply for a permit, which they have received. City code enforcement has received some recent noise complaints regarding Mango's, and the establishment responded and addressed the complaints according to the Code Enforcement officer.

The establishment is under new management and wishes to open up the outdoor seating by removing the six (6) foot tall screening that was required as a condition of approval of PC# 31-07. The owners were informed by staff that they would have to apply to modify or remove the approval condition from 2007.

Adjacent uses to the subject property include multiple family to the immediate west, a commercial shopping center to the north, and the Casa Marina hotel and pier parking lot across 1st Street to the east and a mixed use commercial and residential property across the avenue to the south. Since the six (6) foot tall screening wall was required due to concerns with potential noise and visual impacts to the adjacent residential uses, if the request were to be approved, it would be appropriate to condition such approval with an expiration date to allow the Planning Commission to then revisit the request to discuss any issues that may have arisen during that time period.

Applicant:

Robert Tilka, 3584 Trident Court, Jacksonville Beach, stated he recently took over the management of Mango's and would like to make the atmosphere more relaxing and welcoming. Mr. Tilka said that removing the current fencing, it would open the outside patio area to a better view and offer better air circulation. Acting City Attorney Denise May explained the ambient noise rules.

Mr. Tilka stated since there has been new management of the establishment, he was not aware of any noise complaints. He stated the sound system is regulated, and the establishment always complies with the current noise ordinance of the City.

Public Hearing:

No one came before the Commission to speak about this case.

Mr. Sutton closed the Public Hearing.

Discussion:

Ex-parte was received from David Smith regarding previous complaints about Mango's. Conversation ensued regarding the validity of the complaints. The time frame of the complaints was also discussed.

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

Roll call vote: Ayes – David Dahl, Margo Moehring, Jon Scott Walker, and Colleen Murphy White
Nays – Greg Sutton

The application was approved by a 4-1 vote.

(B) **PC#29-19** 2017 N. Third Street
Owner: 2017 N. Third Street, LLC
700 Third Street #2013
Neptune Beach, FL 32266
Applicant: Margaret Cornelius
218 Bay Street
Neptune Beach, FL 32266

Conditional Use Application for a proposed four-unit residential townhouse project located in a Commercial, limited: C-1 zoning district pursuant to Section 34-342(d)(15) of Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following report into the record:

The subject property is located on the east side of North 3rd Street between 20th Avenue North and 19th Avenue North and exists as a vacant commercially zoned lot approximately 12,000 square feet in size. The applicant is proposing to develop a four-unit, fee-simple townhouse project on the property, and was advised by staff that conditional use approval would be required.

In 2005, a different applicant applied for and received conditional use approval under PC#18-05 for a multi-family residential development. In 2018 another applicant applied for and received approval for a townhouse project under PC# 15-18. Neither project was developed. The current proposal is similar to the 2018 proposed project.

Adjacent uses include medical office and multi-family residential to the south, single and multi-family to the east, commercial office to the north, and Fletcher Middle School directly to the west across 3rd Street. The proposed use of a four-unit townhouse development is consistent with the RM-2 zoning standards, and is consistent with surrounding multi-family development.

Applicant:

Ms. Margaret Cornelius stated she had nothing further to add to Ms. Ireland's report.

Public Hearing:

The following person spoke in opposition to the case:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach, had concerns about the vehicle turning radius.

Mr. Sutton closed the Public Hearing.

Discussion:

Conversation ensued regarding the initial plan design submitted with the application. Ms. Ireland reminded the Board the vote is regarding a Conditional Use Application and not the plan design. Ms. Ireland stated she has spoken with Ms. Cornelius (applicant) about appearing before the Board of Adjustment for any required variances.

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

Roll call vote: Ayes – Margo Moehring, Jon Scott Walker, David Dahl, and Greg Sutton.
Nays – Colleen Murphy White

The application was approved by a 4-1 vote.

Planning & Development Director's Report

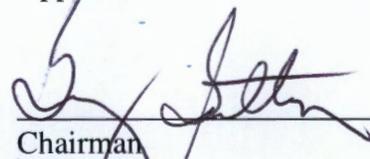
Ms. Ireland noted the next meeting is scheduled for Monday, October 28, 2019.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:33 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:



Chairman

11-12-2019

Date