

**Minutes of Planning Commission Meeting  
held Monday, October 26, 2020, 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 7:02 P.M. by Chairman Greg Sutton.

**Roll Call**

*Chairman:* Greg Sutton  
*Vice-Chairman:* David Dahl  
*Board Members:* Margo Moehring Britton Sanders Jon Scott Walker  
*Alternates:* Colleen Murphy White Justin Lerman

Also present were Senior Planner Heather Ireland and Administrative Assistant Jodilynn Byrd.

**Approval of Minutes**

It was moved by Mr. Sanders, seconded by Mr. Dahl, and passed unanimously to approve the following minutes:

- September 14, 2020

**Correspondence**

None.

**New Business**

(A) **PC#19-20** Conditional Use Application

**Owner:** Daniel Wahby  
385 Royal Tern Rd S.  
Ponte Vedra Beach, FL 32082

**Applicant:** Ivy Wolf  
617 Pine Street  
Neptune Beach, FL 32266

**Conditional Use Application** to request an amendment to an existing conditional use approval condition for an existing restaurant located in a Residential, multiple-family: RM-2 zoning district, pursuant to Section 34-340(d)(21) of the Jacksonville Beach Land Development Code.

**Staff Report:**

Ms. Ireland read the following report into the record:

The subject property is located on the north side of 5th Avenue South, west of 1st Street. Historical uses on the property include a bed and breakfast hotel with meal service for guests and a restaurant open to the public, multiple-family residential, and various office uses. Current uses on the property include residential, and a restaurant with both indoor and approved outdoor seating.

The current restaurant tenant, The Ugly Cupcake Muffinry, received approval for opening a restaurant with outdoor seating in conjunction with the reopening of a bed and breakfast. The request was approved

in 2015 via application PC#17-15. The request was approved with the condition that the restaurant only be open to the non-guest public from the hours of 7:00 A.M. to 3:00 P.M. daily. At the time of the 2015 application, the applicant was not interested in dinner service on a regular basis.

The applicant is now applying to amend the approval condition placed on the restaurant use approval in 2015. She is requesting additional operating hours on Thursday, Friday and Saturday, until 10:00 P.M. in order to provide a light dinner service with a limited menu. Detailed information on the proposed expanded dining service was provided with the application. The reason for the request is for the business to recover from the restaurant closure and restricted dine-in capacity during the current COVID-19 emergency.

Adjacent uses include a duplex and a private park to the east, single family to the west, multiple-family condos to the south across 5th Avenue South, and multiple family to the north across the alley. The alley provides access to the subject property's approximately 8 on-site parking spaces behind the main building.

**Public Hearing:**

Applicant Ivy Wolf stated because her business is small, she was unable to collect any government resources offered due to COVID-19. Ms. Wolf stated by extending her hours of operation to 10:00 P.M., it would allow her restaurant to serve dinner in the hopes of regaining financial stability from the pandemic.

Conversation ensued regarding hours of operation, outdoor seating, the number of tables, and outdoor sound.

The following people spoke in support of the application:

- George Winsten, 149 Vista Grande Court, Ponte Vedra Beach
- Haley Davis, 1003 Marsh Grove Court, Ponte Vedra Beach
- Daniel Wahby, 385 Royal Tern Road South, Ponte Vedra Beach

The following people spoke in opposition of the application:

- Lawrence Halstead, 112 5<sup>th</sup> Avenue South, Unit 901, Jacksonville Beach
- Lynn Duncan, 112 5<sup>th</sup> Avenue South, Unit 901, Jacksonville Beach
- Christen Hall, 112 5<sup>th</sup> Avenue South, Unit 401, Jacksonville Beach

Mr. Sutton closed the Public Hearing.

Ms. Wolf stated the majority of the parking on the side of 5<sup>th</sup> Avenue South are from beach patrons. Ms. Wolf said most outdoor tables are placed on the East side of the building, which faces the public art park.

**Discussion:**

Mr. Sutton asked about Code Enforcement issues on the property. Ms. Ireland stated there was a previous code issue for a banner, but the issue had been corrected.

Mr. Sutton asked about the number of tables allotted for outdoor seating. Ms. Ireland stated there were fire safety issues with the tables on the first and second-floor patio, and to compensate for the loss of

those outdoor tables, Ms. Wolf placed tables in the yard. Ms. Ireland stated there is not a set number of tables allowed in the yard.

Conversation ensued regarding the adjustment of requested evening hours of operation to better suit the residents' needs. Ms. Wolf was advised of her option to postpone the application process to allow for time to adjust the requested hours of operation for dinner. Ms. Wolf stated she did not want to postpone her application.

**Motion:** In accordance with Section 34-231 Standards applicable to all conditional uses, it was moved by Mr. Dahl and seconded by Ms. Moehring, to approve, with the limit of 8:00 P.M. for Thursday, Friday, and Saturday nights, six months revisit to see if there are any problems with the neighbors and that is in accordance with Section 34-231(2), which talks about consistency of the character and “harmonious development of the zoning district in which it is proposed;” Section 34-231(3), which talks about “minimizes adverse effects,” visual impact, adjacent properties, screening and buffering traffic. Section 34-231(4), which is proposed conditional use could “have an adverse effect on the permitted zoning district where it is located;” and Section 34-231(8), which is “ingress” and “egress” traffic.

Mr. Sanders asked for clarification regarding the hours of operation and if the applicant needs to come back for an additional meeting. Mr. Dahl clarified his motion by stating it would allow the request, except the closing time would be 8:00 P.M. on Thursday, Friday, and Saturday, and come back in six months to see if that was acceptable to the neighbors.

Mr. Sutton asked if the motion, as stated, for Sunday through Wednesday, the closing time would be 3:00 P.M. Ms. Ireland confirmed.

**Roll call vote:** Ayes – Jon Scott Walker, David Dahl, Margo Moehring, and Greg Sutton  
Nays – Britton Sanders  
The application was approved by a 4-1 vote.

### **Planning & Development Director's Report**

Ms. Ireland announced the next meeting was tentatively scheduled for Monday, December 14, 2020. Ms. Ireland stated the Commission could choose to cancel the December 28, 2020 meeting due to the holidays.

**Motion:** It was moved by Mr. Dahl and Seconded by Mr. Sanders to cancel the December 28, 2020, meeting.

**Voice Vote:** The Motion was unanimously approved.


Ms. Ireland stated there would be no meeting for November 23, 2020, due to no applications being received. Ms. Ireland stated a copy of Robert’s Rules of Order cheat sheet was provided to each Board Member.

### **Adjournment**

There being no further business coming before the board, Mr. Sutton adjourned the meeting at 8:05 P.M.

Submitted by: Jodilynn Byrd  
Administrative Assistant

Approval:

  
Chairman

1-11-2021  
Date