Minutes of Planning Commission Meeting
held Monday, October 24, 2022, 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 Chair Margo Moehring.

ROLL CALL

Chair:	Margo Moehring		
Vice-Chair:	Colleen White		
Board Members:	David Dahl	Greg Sutton	Justin Lerman
Alternate:	Emily Stouffer	Nicholas Andrews	

Senior Planner Christian Popoli, Director of Planning and Development Heather Ireland, and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES:

It was moved by Mr. Sutton, seconded by Ms. White, and passed unanimously to approve the following minutes:

- September 26, 2022

CORRESPONDENCE:

Senior Planner Christian Popoli stated an email [on file] was sent to the Board earlier with attachments from the applicant.

OLD BUSINESS: None

NEW BUSINESS:

PC# 23-22 Redevelopment District: RD Rezoning Application for 201 5th Avenue North to allow for a mixed-use commercial project

Owner/ Applicant: Walker Capital Holdings, LLC
4530-15 St. Johns Avenue Unit 406
Jacksonville FL 32210

Agent: Driver, McAfee, Hawthorne & Diebenow, PLLC
One Independent Drive Suite 1200
Jacksonville, FL 32250

Location: 201 5th Avenue North

Redevelopment District: RD Rezoning Application to allow for a mixed-use project to include a drinking establishment, office, and retail uses.

Staff Report:
Ms. Ireland summarized the following report for the record, along with a presentation [on file]:

The property that is subject of this rezoning application is located on the northwest corner of Second Street North and Fifth Avenue North and consists of approximately 0.3 developed acres of land, located in the Central Business District: CBD Zoning District. The previous use of the property was a stand-alone drinking establishment with an outdoor bar area, Bo's Coral Reef, that operated from 1964 to January of 2019, when the doors were closed. The property existed as a non-conforming use, having pre-dated the Land Development Code, and did not have conditional use approval for the enclosed bar or outdoor bar area. The current owner, who purchased the property in March of 2020, desires to re-establish the commercial property with a new bar, retail, and office uses. The owner is requesting to rezone the property from Central Business District: CBD to Redevelopment District: RD to accomplish this goal. Currently, the commercial building sits vacant, although some permitted work has been accomplished.

The current owner applied for building permits to rehab the commercial property in 2020. However, the permits expired due to unforeseen circumstances, and consequently, the work was unable to be fully completed. Pursuant to Section 34- 622(6) of the Land Development Code, a nonconforming use that is discontinued or abandoned for a period of more than six (6) consecutive months, whether or not the equipment or furniture are removed, may not be re-established, or resumed, and any subsequent use shall conform to the provisions specified by the LDC. The Planning and Development Department deemed this property to be abandoned or discontinued, thus causing it to lose any grandfathering status in use, parking or other applicable standards.

The new owner wants to re-establish a drinking establishment, as was operational on the site for over 55 years and add a retail and office component to the site. The plan contemplates using the existing building, which was constructed in 1954, and maintaining the same outdoor bar area and parking adjacent to Second Street North. The applicant is choosing to apply for rezoning of the property to Redevelopment District: RD to provide more flexible land development standards to be able to reactivate the site. The applicant is proposing approximately 6,700 square feet of drinking establishment, including an outdoor bar area, 250 square feet of retail, and 200 square feet of office space. Specific permitted and conditional uses are listed on pages 6 through 8 of the project narrative and include specific uses currently permitted in the CBD zoning district, including conditional uses.

The exceptions to the Land Development Code (LDC) being requested are as follows:

1. The applicant requests to allow a drinking establishment as a permitted use, as opposed to a condition use;
2. The applicant requests to have relief from the distance requirements in Section 34-393(2)* of the LDC that requires drinking establishments to be 500 feet apart (the property is approximately 450+ feet away from the existing Mango's Bar)
3. Parking will be provided through a combination of on-site parking, payment-in-lieu-of parking, and off-site shared parking agreements, as approved by the Planning and Development Department. Existing parking is unpaved and backs up onto the right of way of Second Street North and does not comply with relevant portions of Section 34-373 of the LDC.

She reviewed the proposed site plan and staff analysis. If the Planning Commission recommends the approval of this application to the City Council, staff propose the following conditions for the Planning Commission to consider:

1. A change in ownership of the "drinking establishment" from the original would require conditional use approval by the Planning Commission;
2. A minimum square footage for both the office and retail component of the mixed-use project of 500 square feet;
3. Parking will be "provided" prior to a certificate of use being issued for any of the uses;
4. There will be no internal access between uses, and no shared bathroom facilities;
5. One paved ADA accessible parking space will be provided on site in compliance with the LDC; and
6. Consider requiring the removal of the entire rear outdoor bar deck area to be replaced with additional on-site parking

She noted the Community Redevelopment Agency (CRA) reviewed the application and agreed with the staff's analysis and proposed conditions except for Condition 6. Additionally, the CRA recommended the existing gravel parking be paved.

Ex-Parte Communication:
Ms. Moehring disclosed she received a call from Scott McAllister on October 14, 2022, and an email from him.

Ms. White disclosed she received a call from Scott McAllister.

Mr. Lerman disclosed he received a call from Scott McAllister.

Mr. Sutton disclosed he received phone messages and an email from Scott McAllister.

Mr. Dahl had no ex-parte communication.

Ms. Stouffer disclosed she received an email from Scott McAllister.

Applicant:
Scott McAllister, 1941 Beach Avenue, Atlantic Beach, distributed a copy of the email [on file] he sent to the Board. He provided a timeline overview of the project.

A discussion ensued about the requested exceptions to the LDC and recommended conditions by staff.

Public Hearing:
The following spoke in support of the application:

- Tony Morgan, 13045 Sawpit Road, Jacksonville
- Matt Winegeart, 525 Margaret Street, Neptune Beach

The following spoke in opposition to the application:

- David Smith, 130 5th Avenue North, #201, Jacksonville Beach
- Frank Fraser, 525 3rd Street North, Jacksonville Beach

Ms. Moehring closed the public hearing.

Discussion:
A discussion ensued about Covid extensions, parking, and the recommended conditions from staff.

Motion: It was moved by Mr. Lerman to approve PC# 23-22 with amendments.

Motion failed due to lack of a second.

Motion: It was moved by Mr. Andrews, seconded by Mr. Dahl, to approve PC #23-22 with proposed staff recommended conditions amending condition 2 to a minimum square footage of 1,000 square feet combined mixed-use of office and retail space and removing condition 6.

Roll Call Vote: Ayes – Colleen White, Justin Lerman, David Dahl and Margo Moehring
Nays – Greg Sutton

The application was approved 4-1.

(B) PC# 24-22 Land Development Code Text Amendment to amend Section 34-406 pertaining to fence height

Applicant: Planning and Development Department Staff

Land Development Code Text Amendment Application to allow eight-foot fences on single-family residential uses when adjacent to commercial or industrial uses.

Staff Report:
Ms. Ireland provided background on the item.

A discussion ensued about clarifying the adjacent side yard language.

Public Hearing:
No one came forth to speak on the item. Ms. Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Dahl, seconded by Mr. Lerman, to approve PC# 24-22.

Roll Call Vote: Ayes – Justin Lerman, David Dahl, Greg Sutton, Colleen White, and Margo Moehring

The application was unanimously approved.

PLANNING DEPARTMENT REPORT

Mr. Popoli stated the joint Planning Commission, Board of Adjustment and Community Redevelopment Agency meeting would be held on October 27, 2022.

Motion: It was moved by Mr. Sutton, seconded by Mr. Dahl, to cancel the December 27, 2022, meeting.

Roll Call Vote: Ayes – David Dahl, Greg Sutton, Colleen White, Justin Lerman, and Margo Moehring

The motion was unanimously approved.

ADJOURNMENT

There being no further business, Ms. Moehring adjourned the meeting at 8:16 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning and Development.

Approval:

Chairperson

11/28/22

Date