Minutes of Planning Commission Meeting
held Monday, April 10, 2023, 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 7:03 P.M. by Chair Margo Moehring.

OATH OF OFFICE FOR NEW APPOINTMENTS:
Chair Moehring confirmed the Oath of Office was administered.

ROLL CALL:

Chairperson:	Margo Moehring	
Vice-Chairperson:	Colleen White	
Board Members:	David Dahl	Justin Lerman
Alternates:	Nicholas Andrews	Justin Henderson

Senior Planner Christian Popoli, City Attorney Sandra Robinson, Administrative Assistant Callie Rayeski-Bowling and Recording Secretary Haley Thomas were also present.

APPROVAL OF MINUTES:
It was moved by Mr. Lerman, seconded by Mr. Dahl, and passed unanimously to approve the following minutes:

- Regular Planning Commission Meeting held on February 13, 2023

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

- Regular Planning Commission Meeting held on March 21, 2023

CORRESPONDENCE:
Mr. Popoli noted an email and letter from the applicant on the dais given to all Board Members.

OLD BUSINESS: None

EX PARTE COMMUNICATION
No Board Member had ex-parte communication.

NEW BUSINESS:

(A)	**PC# 07-23**	Conditional Use Application
	Owner/ Applicant:	Walker Capital Holdings, LLC 4530-15 St. Johns Avenue, #406 Jacksonville, FL 32210
	Agent:	Steve Diebenow 1 Independent Drive, Suite 1200 Jacksonville, FL 32202
	Location:	201 5th Avenue North

Conditional Use Request for Bar/Drinking Establishment and Outdoor Bar for an existing structure located in the Central Business District: CBD zoning district, Pursuant to Section(s): 34-345(d)2 and 34-345(d)7 of the Jacksonville Beach Land Development Code.

Staff Report:
Mr. Popoli summarized the following report for the record:

The subject property is located at the southwest corner of 5th Avenue North and 2nd Street North. 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 nonconforming 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 had previously requested to rezone the property from Central Business District: CBD to Redevelopment District: RD to accomplish this goal. The application was denied by City Council in 2022. 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 could not 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 2nd Street North. The applicant is choosing to apply for Conditional Use Approval for the Bar use and has a companion Variance application submitted to address some of the site's existing non-conformities. The project will also include a small retail location and office space. The applicant proposes 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.

Included in the previous RD rezoning request, the applicant requested an exemption from the 500-foot alcohol exclusion area per Section 34-393(2), as they were 450 feet from Mangos, as measured from the main entrance to the main entrance. The Conditional Use application includes more detailed routes to various existing drinking establishment locations that could be considered in compliance with the code for the sake of the distance requirement, and appears to demonstrate that they are, in fact, 500 or more feet away with the relocation of the main entrance, therefore no longer needing relief from the 500-foot proximity requirement.

Staff agrees with the applicant's assessment that the redevelopment of this property will serve to eliminate a blighted condition on a prominent downtown property and is consistent with the Downtown Redevelopment Plan. The re-establishment of a drinking establishment and the addition of other commercial uses is not out of character with the existing mix of uses in the downtown area and on adjacent properties and provides for the reactivation of property that has sat vacant for over three and a half years. Staff finds that the proposed project is not inconsistent with the adopted Comprehensive plan and agrees with the applicant's assessment of consistency provided for in the application materials.

Staff does have concerns with the proposed site plan, particularly with the size of the office and retail uses and the proposed amount of parking. Staff would recommend the following considerations for the Planning Commission to consider:

- A minimum aggregate square footage for the office and retail component of the mixed-use project of 1,000 square feet
- One paved ADA-accessible parking space will be provided onsite in compliance with the LDC
- The rear deck will be removed to provide more onsite parking.

Chair Moehring asked for clarification on the conditions related to Conditional Use. Mr. Popoli reviewed the conditions and applicable standards.

A brief discussion ensued about parking.

Applicant:
Scott McAlister, 1941 Beach Avenue, Atlantic Beach, provided background on the item.

A discussion ensued about the dumpster corral, retail and office spaces, parking and square footage.

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

- Steve Diebenow, 1 Independent Drive, Suite 1200, Jacksonville
- Tony Morgan, 13045 Sawpit Road, Jacksonville

The following spoke in opposition of the application:

- Ken Marsh, 1211 Gail Avenue, Jacksonville Beach, distributed handouts [on file] to the Board.

Steve Diebenow, acting as the agent on behalf of the applicant, addressed the public comments.

Chair Moehring closed the public hearing.

Motion: It was moved by Mr. Andrews, seconded by Mr. Lerman, to approve #PC 07-23.

Discussion:
Discussion ensued about outdoor seating, parking, retail and office space square footage.

Mr. Diebenow stated the applicant would agree to the 1,000 square feet condition.

Motion to Amend: It was moved by Mr. Lerman, seconded by Mr. Andrews, to amend the motion to require a minimum of 1,000 square feet of mixed-use.

Discussion:
A brief discussion ensued about the amendment.

Motion to Amend Roll Call Vote: Ayes – David Dahl, Colleen White, Justin Lerman, Nicholas Andrews, and Margo Moehring.

The motion to amend was unanimously approved.

Amended Motion Roll Call Vote: Ayes –Colleen White, Justin Lerman, Nicholas Andrews, David Dahl, and Margo Moehring.

The motion, as amended, was unanimously approved.

PLANNING DEPARTMENT REPORT:
The next regular meeting would be held on Monday, April 24. There is one scheduled case.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:
There being no further business, the meeting adjourned at 8:05 P.M.

Submitted by: Callie Rayeski-Bowling
Administrative Assistant

The minutes were reviewed by Planning & Development.

Approval:

Chairperson

5/8/23
Date