



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Amended Agenda

Planning Commission

Monday, September 27, 2021

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

CALL TO ORDER

ROLL CALL

Greg Sutton (Chair), Dave Dahl (Vice-Chair), Britton Sanders, Margo Moehring
Alternates: Colleen White, Justin Lerman

APPROVAL OF MINUTES

- A. Regular Planning Commission meeting held August 23, 2021
- B. Regular Planning Commission meeting held July 26, 2021

CORRESPONDENCE

OLD BUSINESS

- A. None

NEW BUSINESS

- A. **PC# 10-21** 241 13th Avenue North
Conditional Use Application for outdoor restaurant area at a property located in the Commercial: C-1 zoning district, pursuant to Section 34-342(d)20 of the Jacksonville Beach Land Development Code. The property is located at 241 13th Avenue North, legally described as Lots 9, 10, 11 & 12, Block 143, *Pablo Beach North Replat and Part of closed alley, per Ordinance #7400 (Cookies-n-Creme)*

PLANNING DEPARTMENT REPORT

- A. The next meeting is tentatively scheduled for Monday, October 25, 2021.

ADJOURNMENT

NOTICE

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented before the Commission. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are

available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Commission when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Case Number, and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to planning@jaxbchfl.net, (2) Postal mail to Planning and Development, Planning Commission - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Commission and attached to the related agenda item before the start of the meeting. All comments received are public record.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting.

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Minutes of Planning Commission Meeting
held Monday, August 23, 2021, 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 Colleen Murphy White
Alternates: Justin Lerman

Also present were Senior Planner Christian Popoli and Administrative Assistant Jodilynn Byrd.

Approval of Minutes

It was the consensus of the Board to defer the following minutes for further review and future approval at the September 27, 2021 meeting:

- July 26, 2021

Correspondence - None

New Business

(A) PC#09-21 Conditional Use Application
Owner: For His Ultimate Glory
238 Ponte Vedra Park Drive, #201
Ponte Vedra Beach, FL 32082

Applicant: Eric Griggs
932 1st Street North, #602
Jacksonville Beach, FL 32250

Location: 134 1st Street South

Conditional Use Application for a single-family dwelling at property located in the Commercial Limited: CBD Zoning District, pursuant to Section 34-345(d)9 of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli read the following report into the record:

The subject property is located on the northwest corner of 1st Street South and 2nd Avenue South. The site currently has a two-unit multifamily structure, which is likely a converted single-family. In 2017, the Land Development Code was amended by Ord. 2017-8097, which added single-family dwellings as a Conditional Use, using the RS-3 zoning district standards. Though the CBD district is predominantly commercial and multifamily structures, there are areas of existing single-family and room for additional infill.

The proposed use would be a three-story single-family home with a two-car garage. Though the home will lack driveway space for overflow parking in on the site, it does have a large driveway apron and access to two on-street parking spaces adjacent to the 2nd Avenue South side of the property. The proposed single-family design reflects a similar footprint to the existing multifamily structure. The new design will take into account the requirements for clear sight triangle visibility by having chamfered first-floor corner at the intersection. For all other uses in the CBD zoning district, lot coverage is 80-90% of the lot, with front and corner side setbacks of zero and rear and a size ranging from zero to five feet. Because the RS-3 zoning standards are more akin to residential subdivision design, this project will require a subsequent variance slated to be heard by the Board of Adjustment early next month. The proposed single-family dwelling is consistent with the mixed residential and commercial character of the area and should not negatively impact adjacent properties.

Public Hearing:

Applicant Eric Griggs, 932 1st Street North, #602, Jacksonville Beach, stated he would be building a single-family home.

Discussion: None

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

Roll call vote: Ayes – David Dahl, Margo Moehring, Britton Sanders, Colleen M. White, and Greg Sutton

The application was unanimously approved.

Old Business

(A) PC#08-21 PUD Amendment Application
Owner: Regency Centers LP
c/o Patrick McKinley
One Independent Drive, Suite 114
Jacksonville, FL 32202

Applicant: Steve Diebenow
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Location: 3818 3rd Street South (South Beach Regional Shopping Center)

Planning Unit Development: PUD Zoning Amendment Approval to amend Ordinance No. 7411, as amended, for the South Beach Regional Shopping Center Planned Unit Development, to allow for outdoor restaurant areas in four (4) locations; and to allow for outdoor retail display and sales areas.

Staff Report:

Mr. Popoli read the following report into the record:

At the previous hearing on July 26, the Planning Commission and the applicant agreed to a deferral of the proposed PUD amendment, allowing the applicant and staff to develop and attempt to reach a consensus on new conditions related to the proposed PUD. The previous memo has been provided for reference.

Staff sent their revised conditions to the Applicant on August 4th Staff has reviewed the proposed conditions with the applicant and believes that the proposed conditions meet the spirit of the Planning Commission's comments and concerns as well as address the concerns of the applicant where appropriate. The applicant may have other concerns to address with the Planning Commission. Staff recommends the following revised conditions:

1. Outdoor restaurant areas shall be allowed as shown on Exhibit H (Site Plan) hereto (Ordinance No. 2021-XXXX) and shall not require a Conditional Use approval but will be permitted. All outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the Land Development Code except those portions amended by this ordinance as they pertain to seating and seating allocation.
2. All outdoor restaurant areas shall adhere to the general requirements as described in Section 34-425(h) with regards to visibility at sight triangles at intersections for internal drive lanes and parking isles.
3. Outdoor restaurant areas adjacent to drive aisles shall provide some form of hardened barrier to protect outside dining areas from potential vehicle conflict. Creative forms of barriers may be considered under Crime Prevention through Environmental Design (CPTED) best practices. Final designs of barriers to be determined through the standard design review process.
4. Outdoor restaurant areas may have outside speakers, but shall be limited to Low Volume Outdoor amplified and acoustic sound, as defined in Sec. 18-7 of the municipal code, in effect at the time of adoption.
5. Outdoor restaurant areas shall cease operation at 11:00 p.m. Monday - Saturday and 10:00 p.m. Sundays.
6. Outside display of merchandise shall be permitted at all retail sales locations, as shown on Exhibit H (Site Plan) hereto (Ordinance No. 2021-XXXX), however, clear sidewalk access shall be maintained to the balance of the shopping center spaces at all times, and a clear ADA compliant path be maintained at all times along any sidewalk or walkway.

Mr. Popoli added all sprinkler requirements would go through the Fire Marshall.

Public Hearing:

Applicant Steve Diebenow and Owner Representative Patrick McKinley reviewed the proposed PUD Zoning Amendments. Conversation ensued regarding the proposed amendments to the PUD language. Restrictions and limitations were discussed.

Discussion:

Conversation ensued regarding proposed amendments to the current PUD. The Board came to a consensus to the following:

Motion: It was moved by Mr. Sanders and seconded by Ms. White to approve the PUD Zoning Amendment Application as follows:

As submitted by staff, the Board approves the following changes:

- 1- None
- 2- None
- 3- Outdoor restaurant areas adjacent to the northern drive aisle leading in and out to Jacksonville Drive shall provide protective barriers for the entire exterior perimeter, meaning the side that are not adjacent to the business of the seating area. Barriers should have a minimum ASTM-C40 rating and shall be placed no further than 48 inches apart. Creative forms of barriers may be considered under Crime Prevention through Environmental Design (CPTED) best practices. Final designs of barriers to be determined through the standard design review process.
- 4- As written with the exception of the following sentence: Restaurant areas adjacent to Jacksonville Drive shall have speakers oriented to the South. This condition shall be revisited in 12 months.
- 5- Outdoor restaurant services shall cease operations at 10:00 P.M. Sunday through Thursday, 11:00 P.M. Friday and Saturday.
- 6- As written with the addition of the sentence: There shall be no overnight merchandise or displays left on sidewalks outside of parcel four.

Roll call vote: Ayes – David Dahl, Margo Moehring, Britton Sanders, Colleen M. White, and Greg Sutton

The application was unanimously approved.

Planning & Development Director's Report

Mr. Popoli announced the next meeting was scheduled for Monday, September 27, 2021.

Adjournment

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 8:18 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:

Chairman

Date

**Minutes of Planning Commission Meeting
held Monday, July 26, 2021, 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*) Colleen Murphy White
Alternates: Justin Lerman

Also present were Senior Planner Christian Popoli and Administrative Assistant Jodilynn Byrd.

Approval of Minutes

The following minutes were passed unanimously by a voice vote:

- June 14, 2021

Correspondence - *None*

New Business

(A) PC#07-21 Conditional Use Application

Owner: Ameris Bank
7825 Baymeadows Way, Ste 200-B
Jacksonville, FL 32256

Applicant: John Atkins
PO Box 51262
Jacksonville Beach, FL 32240

Location: 1315 3rd Street South

Conditional Use Application for Multi-family dwellings (townhomes) at property located in the Commercial Limited: C-1 Zoning District, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code

Staff Report:

Mr. Popoli read the following report into the record:

The subject property is located on the southeast corner of the intersection of 13th Avenue South and 3rd Street South. The site contains a commercial banking establishment built in 1986. The site has dual street frontage, stretching from 3rd Street South to 2nd Street South. The majority of the property is currently developed as paved parking. The proposed new use would encompass the east half of the property (Lots 1 and 2) with frontage on 2nd Street South. The existing bank currently has an excess of parking. Once the property is split, the east half would be devoted to the proposed multi-family use,

and the remainder would be reconfigured to accommodate the required number of code compliant parking spaces for the exiting bank use, with all required landscaping to be provided.

The new proposed use will consist of 4 townhomes with individual driveways fronting on 2nd Street South. Adjacent uses consist of multi-family structures to the north, south, and east, and business professional uses to the west. The overall density is consistent with Limited Commercial Future Land Use category. The proposed design will meet the dimensional standards for lot size, area, and width, and lot coverage pursuant to RM-2 zoning district standards. The rear yard setbacks proposed are less than required by code, and the applicant has submitted a variance application scheduled for an August 3rd public hearing, pending the outcome of the Conditional Use application. The proposed multi-family residential project is consistent with the mixed residential and commercial character of the area and should not negatively impact adjacent properties.

Public Hearing:

Applicant John Atkins clarified the application is for 1/3 of the property, not 1/2 of the property. He stated the property is currently an unused parking lot for a bank. Mr. Atkins stated he had built projects like this before in the same zoning district.

The following spoke in support of the application:

- Mike Watson, 1330 2nd Street South, Unit B, spoke in support of the application.

Mr. Sutton closed the Public Hearing.

Discussion:

There was no discussion by the Board.

Motion: It was moved by Mr. Lerman and seconded by Ms. White to approve the Conditional Use Application.

Roll call vote: Ayes – David Dahl, Margo Moehring, Colleen M. White, Justin Lerman, and Greg Sutton

The application was unanimously approved.

(B) PC#07-21 Planned Unit Development: PUD Zoning Amendment Application

Owner: Regency Centers LP
One Independent Drive, Suite 114
Jacksonville, FL 32202

Applicant: Steve Diebenow
One Independent Drive, Suite 114
Jacksonville, FL 32202

Location: 3818 3rd Street South

Planning Unit Development: PUD Zoning Amendment Approval to amend Ordinance No. 7411, as amended, for the *South Beach Regional Shopping Center* Planned Unit Development, to allow for outdoor restaurant areas in four (4) locations, and to allow for outdoor retail display and sales areas.

Staff Report:

Mr. Popoli read the following report into the record:

The owners and representatives of the *South Beach Regional Shopping Center, located at the southeast corner of South 3rd Street and Jacksonville Drive*, approached staff to discuss the options for outdoor restaurant areas and outdoor retail displays and sales in the commercial shopping center. The applicant was informed that the current existing Planned Unit Development (PUD) Ordinance governing the commercial shopping center especially limited outdoor retail display and sales to a small area adjacent to the Home Depot retail store only. Additionally, there are no provisions in the PUD to allow for application for Conditional Use approval for outdoor restaurant areas.

In response, the owner of the *South Beach Regional Shopping Center* has submitted an application to amend the Planned Unit Development originally established under Ordinance No. 7411 in 1989, and as was subsequently amended, to accommodate the proposed uses of four (4) outdoor restaurant areas and outdoor retail sales and display areas within the commercial shopping center as shown on Exhibit H of the application. Additionally, the applicant is specifically requesting to also allow for development of “up to 60% of the enclosed space at each of these locations (the “Restaurants”) for outdoor restaurant areas. Outdoor restaurant areas may take the place of the current vehicular drive through lanes. Owner may continue to use the drive through windows as walk-up windows if outdoor restaurant areas is established.” This would be a departure from the current Land Development Code (Section 34-707) requirements that only 25% of the restaurant seating can be allocated towards outdoor restaurant areas.

When it was adopted in 1989, PUD Ordinance No. 7411 included specific "Conditions of Approval of Final Development Plan." Specifically, condition No. 11 stated, "There will be no outside storage of any kind on the shopping center property, including, but not limited to use of palletized storage or semitrailers." In 2006, the PUD was amended to allow Home Depot to replace the former K-Mart store at the east end of the center. Ordinance No. 2006-7928, approving the Home Depot store, specifically reiterated and expanded on the prohibition of outside storage and display of merchandise contained in Ordinance No. 7411. Further, in 2016, the PUD was amended to allow for some limited outside sales and storage of merchandise, and the following (relevant) amended conditions were adopted:

1. There shall be no outside speakers permitted.
2. There shall be no outside storage of goods or services offered or empty cartons/pallets at any time, to include but not limited to storage in portable storage units, except that empty pallets, baled cardboard, and recyclable items may be stored within the truck well area, adjacent to the compactor, at the northwest corner of the building, and merchandise may be stored and staged along the outside of the north wall of the Home Depot store building, as shown on Exhibit A hereto (Ordinance No. 2016-8077).
3. There shall be no outside storage or display of propane bottles except in the area of the truck well or the north side of the garden center.
4. All shopping carts and lumber dollies shall be stored in the building or in parking lot cart corrals during business hours and within the building before and after business hours, but may be stored in front of the building, as shown on Exhibit A hereto (Ordinance No. 2016-8077), during

business hours.

5. There shall be no use of semi-trailers at any time to either store items in or sell merchandise from.
6. Outside display of merchandise shall be allowed adjacent to the entry and exit doors to the building and garden center, as shown on Exhibit A hereto (Ordinance No. 2016-8077), however, clear ingress and egress shall be required to be maintained to the building and garden center, and clear sidewalk access shall be maintained to the balance of the shopping center spaces to the west at all times. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinkled.
7. There shall be no loading/unloading of any type of semi-trailers from any other entrance other than the primary loading area at the northwest corner of the Home Depot building, except that the loading and unloading of lumber shall be permitted between the hours of 9:00 PM and Midnight through the customer pick-up canopy on the east side of the building. During such outdoor loading/unloading operations, the engine of any vehicle being loaded or unloaded shall be turned off, and any audible backup alarms of vehicles loading and unloading materials shall be de-activated
8. There shall be no vendors of any type operating outside of the building.

The property owner is requesting that the PUD language in Ordinance 2016-8077 be amended to permit the outside display and retail sales of merchandise throughout the entirety of the PUD. The requested change in language can be found in the attached PUD proposed written description.

Staff would suggest that if a recommendation for approval were considered to allow the outside display and storage and retail sale of merchandise and the addition of four (4) outdoor restaurant areas, the following conditions be retained/ amended/ added in addition to the re-adoption of all other conditions contained in the PUD per ordinance 2016-8077:

1. Outdoor restaurant areas shall be allowed as shown on Exhibit X (Site Plan) hereto (Ordinance No. 2021-XXXX), however, all outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the Land Development Code in effect at the time of adoption.
2. Any outdoor restaurant area shall adhere to the requirements for corner visibility, as described in Sec. 34-395 of the Land Development Code in effect at the time of adoption.
3. There shall be no outside speakers permitted for outdoor restaurant areas adjacent to Jacksonville Drive.
4. Outdoor restaurant areas shall cease operation at 11:00 p.m. Monday-Friday and 10:00 p.m. Sundays
5. Outside display of merchandise shall be allowed as shown on Exhibit H (Site Plan) hereto (Ordinance No. 2021-XXXX), however, clear sidewalk access shall be maintained to the balance

of the shopping center spaces at all times, and a clear ADA compliant path be maintained at all times along any sidewalk or walkway. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinkled.

Public Hearing:

Applicant Steve Diebenow and Owner Representative Patrick McKinley reviewed the proposed PUD Zoning Amendments. Conversation ensued regarding the proposed amendments to the PUD language to permit the outside display and retail sales of merchandise throughout the entirety of the PUD. Restrictions and limitations were discussed.

Mr. Diebenow reviewed the proposed amendments to allow outdoor seating to add four (4) outdoor restaurant areas. Conversation ensued regarding the following conditions:

- Outdoor restaurant areas shall be allowed as shown on Exhibit X (Site Plan) hereto (Ordinance No. 2021-XXXX), however, all outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the Land Development Code in effect at the time of adoption.
- Any outdoor restaurant area shall adhere to the requirements for corner visibility, as described in Sec. 34-395 of the Land Development Code in effect at the time of adoption.
- There shall be no outside speakers permitted for outdoor restaurant areas adjacent to Jacksonville Drive.
- Outdoor restaurant areas shall cease operation at 11:00 p.m. Monday-Friday and 10:00 p.m. Sundays
- Outside display of merchandise shall be allowed as shown on Exhibit H (Site Plan) hereto (Ordinance No. 2021-XXXX), however, clear sidewalk access shall be maintained to the balance of the shopping center spaces at all times, and a clear ADA compliant path be maintained at all times along any sidewalk or walkway. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinkled.

Mr. Sutton closed the Public Hearing.

Discussion:

Conversation ensued regarding proposed amendments to the current PUD. It was the consensus of the Board and Mr. Diebenow to postpone voting on the proposed amendments until the next Planning Commission meeting on August 23, 2021, to allow time for staff to work with Mr. Deibenow to revise the proposed amendments.

Motion: It was moved by Ms. White and seconded by Mr. Dahl to defer the case to the August 23, 2021 meeting.

Roll call vote: Ayes – Margo Moehring, Colleen M. White, David Dahl, Justin Lerman, and Greg Sutton

The motion to defer was unanimously approved.

Planning & Development Director's Report

Mr. Popoli announced the next meeting was scheduled for Monday, August 23, 2021.

Adjournment

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 8:18 P.M.

Submitted by: Jodilynn Byrd
Administrative Assistant

Approval:

Chairman

Date

MEMORANDUM



TO: Planning Commission Members

FROM: Christian Popoli, Senior Planner

DATE: September 20, 2021

RE: September 27, 2021 - Planning Commission Staff Report

The following information is provided for your consideration regarding the following agenda item(s) for the upcoming **Monday, September 27, 2021** Planning Commission meeting.

NEW BUSINESS:

PC#10-21 Conditional Use Application

Owner: Patricia Wallace, MMRG
Seahorse Real Estate, LLC
2305 Greenside CT.
Ponta Vedra Beach, FL 32250

Applicant: Jennifer Enzenbacher
Cookies & Crème Jacksonville Beach
241 13th Avenue North,
Jacksonville Beach, FL 32250

Agent: Carter McKinnon Jr.
588 Charlton CT NW
Marietta, GA 30064-1451

Location: 1403 3rd ST N, Unit 3 (241 13th Avenue South)

Request: **Conditional Use Approval** for outdoor restaurant seating at an existing restaurant, for property located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located at the northeast corner of 3rd Street North and 13th Avenue North. The site is a multi-tenant site with the primary use of a retail trade / fuel dealer, with an attached convince store. The third use on the site is the applicant's business of restaurant / ice cream store. The existing restaurant operates in the evening only, from 5:00 p.m. to 10:00 p.m. Sunday through Thursday, and 5:00 p.m. to 11:00 p.m. Friday and Saturday. The site currently has a large shared parking lot, with parking

in both traditional spaces, as well as the gas island. Based on the parking calculations, there are several more spaces than required by the code. The parking space immediately in front of the Cookies and Crème storefront is also in close proximity to the fenced dumpster location for the whole site. The ability to use this space is severely limited by the lack of maneuvering space between the dumpster and the parking space, leaving this space underutilized by all except the smallest cars. The applicant desires to use this space for outdoor restaurant seating.

Outdoor restaurant areas are limited to 25% of the gross indoor area of the restaurant. The proposed outdoor restaurant area with the parking space and adjacent grassed area would meet this requirement.

Adjacent uses include a multifamily uses to the east, multifamily and retail uses to the south across 13th Avenue North, retail and office uses to the west across 3rd street north, and retail uses adjacent to the north. The proposed use of a new outdoor restaurant seating area is consistent with other outdoor seating areas in the C-1 zoning district and adjacent properties should not be negatively impacted. In addition to the standards applicable to all conditional uses, all outdoor restaurant seating areas are subject to the limitations and conditions in Section 34-407 of the Land Development Code.

Based on the proposed location, and its proximity to drive lanes and parking spaces, staff proposes the following conditions:

1. *The outside restaurant area shall be separated from the rest of the parking area with the use of temporary barrier, to be place at the open of business and removed at close of business. The barrier may consist of reflective cones, temporary fencing, or other such devices that will ensure separation from vehicular activity.*
2. *The outside restaurant area shall be limited to the area noted on the attached site plan dated August 27, 2021.*

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and

evidence upon which the appeal is to be based.



CONDITIONAL USE APPLICATION

RECEIVED

AUG 27 2021

PC No. 10-21
AS/400# 21-100147
HEARING DATE 9.27.21

PLANNING & DEVELOPMENT

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$500.00.

APPLICANT INFORMATION

Land Owner's Name: PATRICIA WALLACE, MMRG
Mailing Address: SEAHORSE REAL ESTATE, LLC
2305 GREENSIDE CT., PVB FL 32082

Telephone: _____
Fax: _____
E-Mail: McKINNONCRE@gmail.com

Applicant Name: COOKIES & CREME JAX BEACH
Mailing Address: 241 13TH AVEN. JB FL 32250
= JENNIFER ENZENBACHER -

Telephone: 904-254-1485
Fax: _____
E-Mail: JENENZ@outlook.com

NOTE: Written authorization from the property owner is required if the applicant is not the owner. ✓

Agent Name: CARTER MCKINNON, JR.
Mailing Address: 588 CHARLTON CT NW
MARIETTA, GA 30064-1451

Telephone: 404-580-7222
Fax: _____
E-Mail: McKINNONCRE@gmail.com

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 1403 3RD ST. N. UNIT 3 JB FL 32250
(AKA: 241 13TH AVEN. JB FL 32250)

Legal Description of property (attach copy of deed): 174682-0050

Current Zoning Classification: C-1

Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: _____

Describe the proposed conditional use and the reason for the request: WE OPENED ON JUNE 29, 2019
WE HAVE HAD SEATING, TABLES, GAMES OUT THERE THIS WHOLE TIME -
OUR COMMUNITY HAS COME TO LOVE IT - FAMILY FRIENDLY - SAFE -
NO ALCOHOL - IT IS REALLY DIFFICULT TO ENJOY ICE CREAM AND
STANDING UP -

Applicant Signature: Jennifer Enzenbacher

Date: 8/27/21

RE: C'nC contact

Christian Popoli <cpopoli@jaxbchfl.net>

Wed 8/25/2021 9:52 AM

To: 'Jen Enzenbacher' <JenEnz@outlook.com>

Cc: Heather Ireland <hireland@jaxbchfl.net>

Jen,

RECEIVED

21-100147

AUG 27 2021

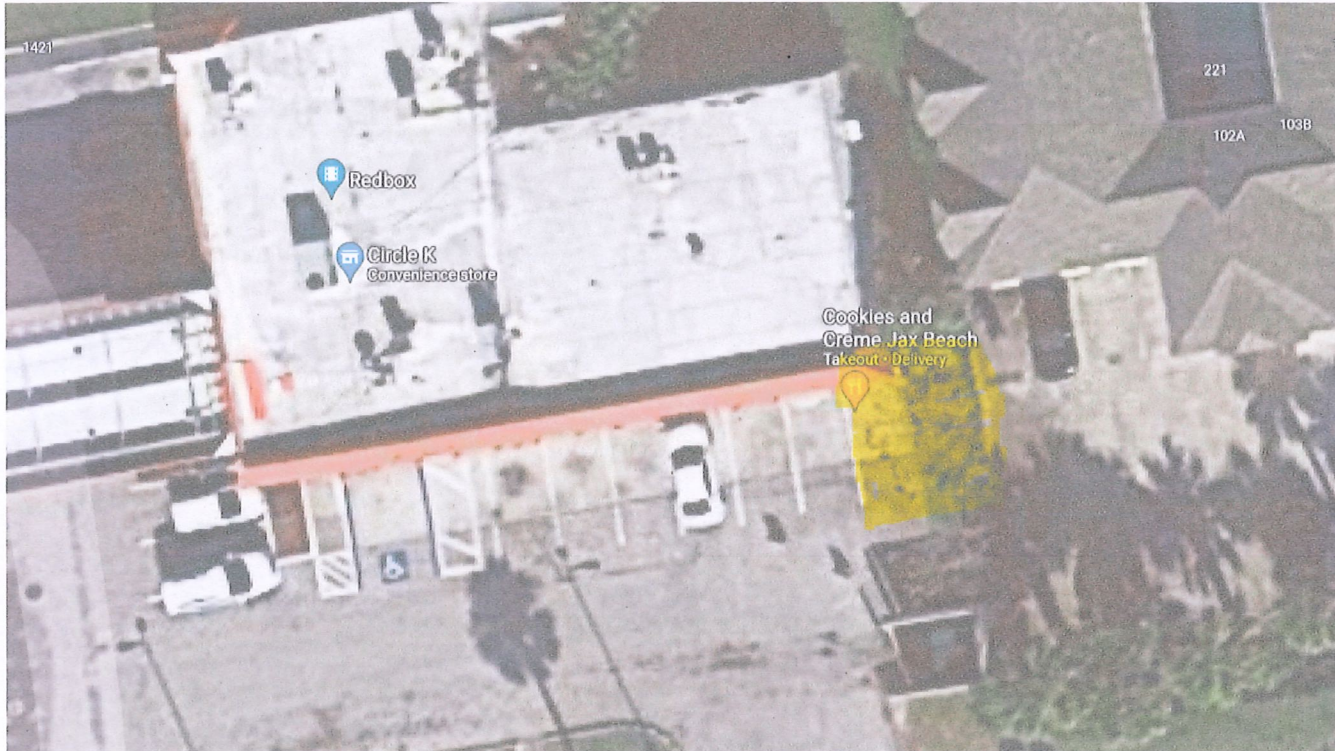
It was nice meeting you all. I wanted to get back to you with the answers to your various questions.

First, below is a very rough sketch of the area we discussed. I have confirmed, this one parking space can be used for your outside restaurant area and the greenspace next to it.

Second, I spoke with the building official, and there's no need for a second bathroom with the use of this outside area as proposed, so there is no need for the porta-potty we discussed.

Lastly, though not what you wanted to hear, the Director and I could not find a way the code would allow the banner to be used, based on the wording of what a "sign" is because the surfing cookie is your logo. I've included the language below, it's a very strict definition. It specifically includes signs visible from the parking area too. I know that's a disappointment.

Let me know if you have any further questions, my contact info is below.



• ARTICLE IV. - DEFINITIONS

• Sec. 34-41. - General.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). For the purposes of these regulations, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term "sign" for regulatory purposes shall not include the following objects: Grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising or a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area. The foregoing objects are not signs for purpose of regulation herein.

Christian Popoli, MAURP

Senior Planner

COJB Planning & Development

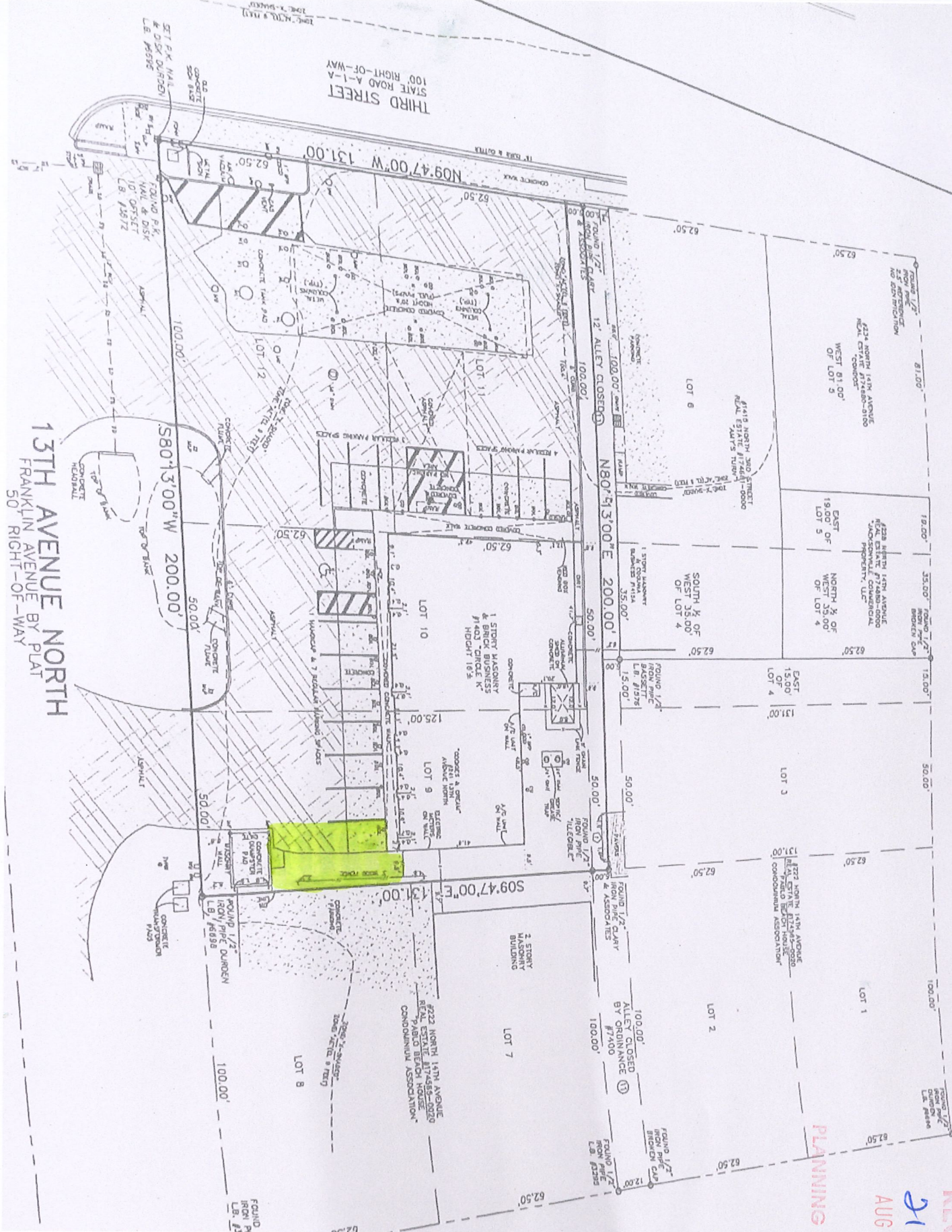
11 3rd Street North | Jacksonville Beach, FL 32250

(P) (904)247-6231 | (F) (904)247-6107

[Permitting and Zoning Applications and Checklists](#)

21.100147
AUG 27 2021

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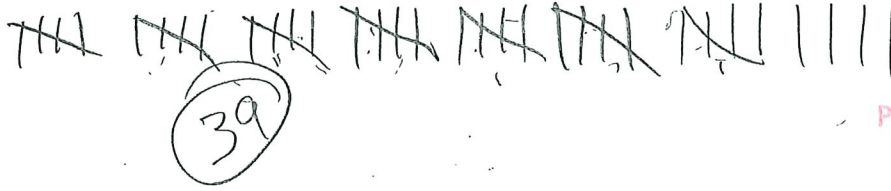


RECEIVED

21-100147

AUG 27 2021

PLANNING & DEVELOPMENT



25
24X
25.5

13 Ave N

Grassy area

Grassy area

All measurements are quite close to exact.

NEW OWNER CONSIDERING REPAINTING LOT STRIPES

Unnecessary waste of parking space

Dumpster

Pipe Ballards

Wood Ballards

SEATING GAMES

TABLES, ETC.

EGRESS FROM 1ST PARKING SPOT

FENCE

PARKING

HC parking 40A

Walkway

Delivery Ramp

4'-04"



Sarah O'Neal
224 13th Avenue North #A
Jacksonville Beach, FL 32250

August 28, 2021

City of Jacksonville Beach
11 North 3rd Street
Jacksonville Beach, FL 32250

RECEIVED
21-100147
AUG 27 2021

PLANNING & DEVELOPMENT

Re: Letter of Support for Cookies and Crème Jacksonville Beach

To whom it may concern,

I reside at 224 13th Avenue North, directly across from Cookies and Cream. I was recently noticed that they are no longer able to have outdoor seating and tables. I am writing to offer support for our great neighbors at Cookies and Cream so that they can be allowed to utilize outdoor seating. Cookies and Cream is such a great addition to the neighborhood. It's a safe and a family friendly way to enjoy Jacksonville Beach. I love being outside and seeing people enjoying a quick snack and with COVID we need more options for kids to be able to eat outdoors. Ray and Jen have done so much to clean up that location and have been instrumental in ensuring that it is clean and safe. The traffic and noise is very low and they should be allowed to utilize outdoor tables and seating. They are a great addition to the Jacksonville Beach community and I love being their neighbors. Please allow them to be able to utilize outdoor use of picnic tables and chairs. I can be reached at 904-229-9022 should you have any questions.

Sincerely,

Sarah O'Neal-sign

Sarah O'Neal

Christopher LaTorre
221 13th Ave N, Unit 104
Jacksonville Beach, FL 32250

RECEIVED
21-100147
AUG 27 2021

PLANNING & DEVELOPMENT

August 26th, 2021

City of Jacksonville Beach,

I write to you today in support of a local business and family. I have had the privilege of living next to Cookies and Creme for around 6 months now. In fact, I happen to live in the condo unit closest to their business.

Ray and Jen are most respectful neighbors a person could ask for. They made it clear to me from day one that if there was ever an issue, noise or otherwise, I could come and talk to them about it. Thing is, there never has been. It's a quiet, family friendly environment where people can enjoy themselves at the beach.

The outdoor seating has never been an issue. And with the COVID-19 pandemic raging onward, taking away a local business's outdoor seating is a comical injustice. This serves no purpose other than to hinder a small business during a time when most can't even pay their bills.

Cookies and Creme is part of the Jax Beach community and they should be allowed their outdoor seating. If it doesn't cause me any disturbance, I really don't see how it could possibly be bothering anyone else.

Thank you for your time and consideration,



Christopher LaTorre, Superintendent, FL



o: 757-455-9600 | m: 904-397-8090



e: clatorre@ecrfab.com

a: 4100 Haines St, Jacksonville, FL, 32206

w: www.ecrfab.com

Jeff Schott
224 B 13th Avenue North
Jacksonville Beach, FL 32250

RECEIVED
21.100147
AUG 27 2021

August 26, 2021

PLANNING & DEVELOPMENT

City of Jacksonville Beach
11 North 3rd Street
Jacksonville Beach, FL 32250

Re: Letter of Support

City of Jacksonville Beach,

I reside at 224 B 13th Avenue North, directly across from Cookies and Creme and I have resided in Jacksonville Beach since 1992. I am writing to offer support for our neighbors at Cookies and Creme so that they can continue to utilize outdoor seating. I have notice positive changes in the neighborhood since they have opened. The area is quiet, neat, clean, and free of the homeless vagrants loitering which prior to them opening up, was a great concern. Cookies and Creme is such a great addition to the neighborhood. It's a safe and a family friendly way to enjoy Jacksonville Beach. With COVID we need more options for kids to be able to eat outdoors in a safe, family friendly setting.

They are a great addition to our neighborhood and I enjoying being their neighbors. Please allow Cookies and Creme Jax Beach to be able to utilize outdoor use of picnic tables and chairs. I can be reached at 904-554-3734 should you have any questions.

Respectfully,

Jeff Schott-esign

Jeff Schott