Minutes of Planning Commission Meeting
held Monday, September 27, 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 Office Assistant Sheila Boman.

Approval of Minutes

The following minutes were passed unanimously by a voice vote:

- August 23, 2021
- July 26, 2021

Correspondence - *None*

New Business

(A) 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 Street North, Unit 3 (241 13th Avenue South)

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.

Staff Report:

Mr. Popoli read the following report into the record:

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.

Applicants:
Jennifer and Ray Enzenbacher, 225 Hopkins Street, Unit B, Neptune Beach, stated they would like to add outdoor seating to their restaurant.

Public Hearing:
The following were in support of the Conditional Use Application but did not wish to speak:

- Corey Opper, 1207 2nd Street North, Apartment B, Jacksonville Beach
- Katherine Way, 426 3rd Street North, Jacksonville Beach
- Liz and Mike Yerington, 12 17th Avenue North, Jacksonville Beach
- Sean Cantlon, 3175 Merrill Boulevard, Jacksonville
- Barbara Scholz, 1st Street North, Jacksonville Beach

The following spoke in support of the Conditional Use Application:

- Eileen Kampfe, 118 12th Avenue North, Jacksonville Beach
- Brandon Long, 132 13th Avenue North, Apartment A, Jacksonville Beach
- Tanya Cornau, 1728 Inwood Terrace, Jacksonville Beach

- Isaac Amaya, 114 6th Avenue South, Jacksonville Beach
- Patty Mickens, 420 Timberwalk Court, Jacksonville Beach
- Mark Juliano, 1647 3rd Avenue North, Jacksonville Beach
- CJ McAlister, 1001 Hagler Drive West, Neptune Beach
- Levy Green, 2850 Post Street, Apartment 1, Jacksonville
- Josiah Pritchard, 525 3rd Street North, Unit 413, Jacksonville Beach
- Matthew Dearwent, 8544 Iron Mill Court, Jacksonville
- Sally McAffee, 222 14th Avenue North, Unit 207, Jacksonville Beach
- Kendra Cantlon, 3175 Merrill Boulevard, Jacksonville Beach
- Mary Hart, 222 13th Avenue North, Jacksonville Beach

The following spoke in opposition of the Conditional Use Application:

- Sara Wallace, 221 13th Avenue North, Unit# 214, Jacksonville Beach

Mr. Enzenbacher addressed the concerns of Ms. Wallace. He stated there was no alcohol served at the restaurant, nor was it allowed on the property. He further advised they have relocated the outdoor speakers to not disturb the residents living next to his business.

Mr. Sutton closed the Public Hearing.

Discussion: Discussion ensued regarding the safety of the outdoor seating area, changing the weeknight closing time to 9:00 p.m. during the school year to help minimize any potential noise complaints, and seating and outdoor games are taken inside each night after closing.

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

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

The application was unanimously approved.

Planning & Development Director's Report

Mr. Popoli announced the next meeting was scheduled for Monday, October 25, 2021.

Adjournment

There being no further business coming before the Board, Mr. Sutton adjourned the meeting at 8:14 P.M.

Submitted by: Sheila Boman
Office Assistant

Approval:

Chairman

22 Nov 21

Date