

**Minutes of Planning Commission Meeting
held Monday, November 22, 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 Vice-Chairman David Dahl.

ROLL CALL

Chairman: Greg Sutton (absent)
Vice-Chairman: David Dahl
Board Members: Margo Moehring Britton Sanders Colleen M. White (absent)
Alternate: Justin Lerman

Director of Planning and Development Heather Ireland, Senior Planner Christian Popoli, and Deputy City Clerk Jodilynn Byrd were also present.

APPROVAL OF MINUTES:

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

- Regular Planning Commission meeting held September 27, 2021

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

(A) PC# 11-21 Land Development Code Text Amendment

Applicant: Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 32250

Agent: Heather Ireland, Director Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 322550

Land Development Code Text Amendment to amend Chapter 34, Section 34-407 related to outdoor restaurant areas, and amending Article IV. Definitions, and Article VII Zoning Districts.

Staff Report:

Senior Planner Christian Popoli read the following report into the record:

At the August 9, 2021, City Council Briefing, the Council indicated support for amendments to Section 34-407 of the Land Development Code (LDC) in regards to outdoor restaurants and bars, specifically as it

pertains to the ratio of allowable outdoor restaurant seating, and the seating calculations for restaurants to qualify for a special restaurant (SRX) alcoholic beverage license (4COP).

The outcome of the discussion on August 9th is summarized as follows:

- Support for amendments to Section 34-407 of the LDC to increase the ratio for allowable outdoor seating areas at restaurants Citywide at a minimum of a 50% ratio.
- Support for amendments to Section 34-407 of the LDC to allow outdoor restaurant seating areas Citywide to count towards the 150 seats required to qualify for a 4COP (SRX) alcoholic beverage license. It was discussed that establishments with a 4COP (SRX) and outdoor restaurant seating areas would potentially not be eligible for extended hours of operation permits in an effort to avoid the creation of additional RINOs (restaurants in name only). Additionally, 4COP (SRX) establishment's outdoor restaurant areas would remain subject to Section 4-2.(e)(1)b.4, which requires 4COP (SRX) establishments to keep all tables and chairs upright and in place during all hours of operation as per diagram submitted to the city during the permitting process.
- Consider amendments to Section 34-407 of the LDC to increase the ratio for allowable outdoor bar areas, but perhaps at a future date.
- Consider amendments proposed in Ordinance 2017-8093 that would allow outdoor restaurant areas approximately 200 sq. ft. in size that do not serve alcohol to be permitted without having to receive conditional use approval and without having to provide for additional parking.
- Support for reviewing and considering amending any definitions related to restaurants and outdoor restaurant areas to ensure clarity and consistency with other parts of the City's Code of Ordinances.

The Council also expressed some concern with potential consequences of the proposed changes discussed, such as the potential creation of new RINOs, impacts on parking, compatibility concerns with other uses, and unintended loopholes. Staff addresses these concerns with the Council.

Staff took Council's requests and concerns into consideration and provided some proposed amendments to the Land Development Code at a subsequent September 13, 2021, Council Briefing. Council confirmed their preferred amendments to the Land Development Code, and staff has prepared the attached draft Ordinance for consideration by the Planning Commission prior to final review and consideration by City Council.

The proposed suggestions for amendments to pertinent sections of the Land Development Code in relation to outdoor restaurant areas are summarized as follows:

- Update the definition of outdoor restaurant area to match the definition in Section 18- Noise of the City's Code of Ordinances.
- Allow outdoor restaurant areas of 250 square feet or less, at establishments where alcohol is not served, as a permitted use in certain commercial zoning districts where restaurants are a permitted use.

- Remove the parking requirement for outdoor restaurant areas less than 250 square feet.
- Amend the outdoor restaurant area allowable ratio from 25% of the indoor restaurant area to 50% of the indoor restaurant area.
- Allow outdoor restaurant seating areas to be used to compute the minimum seating area required to qualify for a 4COP (SRX) alcoholic beverage license.
- Require a buffer around outdoor restaurant or bar areas that are immediately adjacent to residential uses.

The proposed amendments are currently scheduled for an upcoming December 20th, 2021, City Council Meeting.

Public Hearing:

No one came before the Commission to speak on this case.

Mr. Dahl closed the Public Hearing.

Discussion: Conversation ensued regarding Land Development Code (LDC) Text Amendment regarding Chapter 34, Section 34-407 related to outdoor seating areas and amending Article IV, definitions, and Article VII Zoning Districts.

Ms. Ireland offered to add the following recommended language to the LDC "any expansion of existing outdoor seating would require review by the Planning Commission."

Motion: It was moved by Mr. Lerman and seconded by Mr. Sanders to approve PC# 11-21 with the conditions discussed that restaurants expanding outdoor seating from 25% to 50% come before the Planning Commission for approval.

Roll Call Vote: Ayes – Margo Moehring, Britton Sanders, Justin Lerman, and David Dahl.

The motion was unanimously approved.

PLANNING DEPARTMENT REPORT

Motion: It was moved by Mr. Sanders and seconded by Mr. Lerman to cancel the December 28, 2021 meeting.

Roll Call Vote: Ayes – Britton Sanders, Margo Moehring, Justin Lerman, and David Dahl.

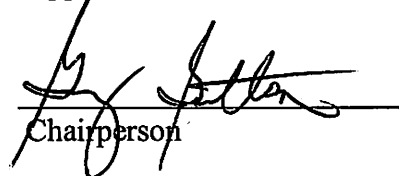
The motion was unanimously approved.

ADJOURNMENT

There being no further business coming before the Board, Vice-Chairman Dahl adjourned the meeting at 7:45 P.M.

Submitted by: Jodilynn Byrd
Deputy City Clerk

Approval:


Chairperson

1-10-2022
Date