



**MINUTES OF THE REGULAR MEETING OF THE
COMMUNITY DEVELOPMENT BOARD
June 18, 2013**

1. CALL TO ORDER. – 6:02pm

Chair Brea Paul verified the presence of a quorum with the attendance of Jason Burgess, Kirk Hansen, Harley Parkes, Brea Paul, and Sylvia Simmons. The meeting was called to order at 6:02pm. Also present were Principal Planner Erika Hall, Redevelopment and Zoning Coordinator Jeremy Hubsch, and Building and Zoning Director Michael Griffin. Board members Kelly Elmore and Patrick Stratton were absent.

2. ADOPTION OF MEETING MINUTES – MAY 21, 2013.

Ms. Paul called for a motion to approve the minutes of the May 21, 2013 regular meeting. Mr. Hansen moved that minutes be approved as written. Mr. Burgess seconded the motion and it carried by a vote of 5-0.

3. OLD BUSINESS. *None.*

4. NEW BUSINESS.

A. UBEX-13-00100056, Cantina Maya Sports Bar & Grille (Perez), 1021 Atlantic Boulevard

Public Hearing – Request for use-by-exception as permitted by Section 24-111(c)(3), to allow on-premises consumption of alcoholic beverages in accordance with Chapter 3 of the Municipal Code and a 4-COP SRX alcoholic beverage license issued by the Florida Department of Business and Professional Regulation, Division of Alcohol and Tobacco. The applicant is Javier U Perez on behalf of Cantina Maya Sports Bar & Grille, located at 1021 Atlantic Boulevard, within a Commercial General (CG) zoning district.

***Staff
Report***

Ms. Hall summarized the request and explained that a 4-COP alcoholic beverage license, which allows sales and on-premises consumption of beer, wine and liquor, is permitted as a use-by-exception within the Commercial General zoning districts. The SRX designation, which stands for “special restaurant” means that the license is exempt from quota restrictions set for the county because certain other conditions are met. In particular, the Florida Department of Business and Professional Regulation, Division of Alcohol and Tobacco (FL DBPR-ABT) requires the following of establishments receiving this designation: (1) a minimum of twenty-five hundred (2,500) square feet of floor space under permanent cover; (2) a minimum of one hundred fifty (150)

permanent seats for patrons; and, (3) a minimum of fifty-one (51) percent of gross revenue generated by the sale of food and non-alcoholic beverages. Though these conditions are monitored by FL DBPR-ABT, Ms. Hall confirmed that the applicant's leased space is approximately three thousand one hundred fifty (3,150) square feet in area, according to the site plan, and the number of permanent seats provided is one hundred fifty-eight, according to the floor plan, both of which are submitted to DBPR-ABT for review.

***Applicant
Comment***

The applicant declined the opportunity to comment on his request.

***Public
Comment***

No one from the public came forward to comment on the request.

***Board
Discussion***

Mr. Hansen stated that he saw no issues with this request, as previous occupants of the location had held the same 4-COP SRX license, and monitoring of the conditions for the "special restaurant" provision is done by the DBPR-ABT.

Motion

Mr. Burgess moved that the Community Development Board recommend to the City Commission approval of UBEX-13-00100056, request by Cantina Sports Bar & Grille, located at 1021 Atlantic Boulevard within a Commercial General (CG) zoning district, for a use-by-exception to allow on-premises consumption of alcoholic beverages, finding that said request is consistent with provisions of Section 24-64, Section 24-111(c)(3), and Chapter 3 of the Municipal Code for the City of Atlantic Beach, and in accordance with the requirements for a 4-COP SRX alcoholic beverage license, as regulated by the Florida Department of Business and Professional Regulation, Division of Alcohol and Tobacco. Mr. Hansen seconded the motion and it carried by a vote of 5-0.

- B. UBEX-13-00100059, Moto Electric Vehicles (Jackrel), 58 West 10th Street**
Public Hearing – Request for use-by-exception as permitted by Section 24-111(c)(10), to allow the sale of new and used automobiles, specifically low speed electric vehicles commonly referred to as "street legal" golf carts. The applicant is property owner Ted Jackrel and the proposed location is a vacant lot on the south side of West 10th Street having a legal description of Lots 5, 6, and 7, Block 41, Atlantic Beach Section "H" and a physical address of 58 West 10th Street, within a Commercial General (CG) zoning district.

***Staff
Report***

Mr. Hubsch summarized the request and explained that per Section 24-111(c)(10), a use-by-exception is required for the sale of new and used automobiles. However, he explained this request is unique in that the proposal is to develop a vacant lot, which will be

owner-occupied by an establishment specializing in the sales of low speed electric vehicles commonly referred to as “street legal” golf carts, and that sales are primarily – estimated at ninety (90) percent – internet-driven. He added that due to the nature of the business being primarily internet-driven, the applicant is also requesting a variance for reduction in required off-street parking, which is listed as item 4C on this agenda.

Mr. Hubsch continued, describing the two alternative site plans provided by the applicant’s architect. The first presents a seven thousand seven hundred thirty-one (7,731) square foot building positioned to the rear of the lot with parking fronting on West 10th Street, while the second presents a seven thousand four hundred sixteen (7,416) square foot building positioned on the eastern side of the lot with parking on the west side of the building. He noted that the second plan offers better visual screening of the parking area from Mayport Road, provides better opportunities to landscape the front of the property and makes the site more pedestrian friendly. Therefore, staff prefers the second plan over the first.

Mr. Hubsch described the surrounding uses as follows: to the east is a parcel that fronts on Mayport Road, currently vacant, but previous occupied by used car sales, moving truck leasing and a car detailing business; to the south is Advanced Lens Technologies, a manufacturer of sunglass lenses; to the west is vacant residential property, soon to be developed by Beaches Habitat for Humanity; and to the north, directly across West 10th Street is the First Baptist Church. He added that the final plan submitted for a building permit would have to strictly adhere to provisions of the landscaping, buffering and signage regulations, and that all goods, services and business activities are to be completely enclosed in the proposed building. So it is anticipated that the property would remain clean and free of the crowded and cluttered appearance that is typical of most automotive sales establishments.

***Applicant
Comment***

Jason Canning introduced himself as the architect for the project and described the parameters of the site and proposed business which had led to the two conceptual plans submitted in support of these applications.

***Public
Comment***

Mark Hendry (800 Camelia Street) stated that he had come to the meeting to gain clarification on the use, as he envisioned a typical car lot. With a better understanding of the proposed use and the site plan, including knowledge that there would be no outside display or sales area and that approximately ninety (90) percent of

sales would be internet-based, he said he did not really have much concern over the parking issue. Instead, he expressed more concern over the potential traffic increase that would be introduced into the neighborhood, referring to the substantial traffic increase West 10th Street had already experienced with the construction of the Mayport Road medians.

Ana Rivera (77 West 9th Street) reminded the Board that West 10th Street is now the first and only left-turn access to the neighborhood south of Plaza for northbound traffic on Mayport Road. Since the construction of the medians, traffic on West 10th Street has increased significantly. She said she and many other homeowners in the neighborhood are fighting to recover their property values and she is concerned that besides additional traffic, the neighborhood streets may become a test-drive track for the low-speed vehicles. She added that the vacant lots to the west of the subject property are soon to be developed by Beaches Habitat for Humanity.

***Board
Discussion***

Ms. Paul asked which uses would be permitted by-right on the subject parcel. Mr. Hubsch responded, reading from the list of permitted uses detailed in Section 24-111(b). Mr. Parkes noted there seems to be many uses listed that would not require a use-by-exception but would generate more traffic and parking needs. Mr. Burgess added that the property would be owner-occupied also, meaning that there would be a vested interest to preserve the property values of the neighborhood.

Ms. Simmons noted that the staff report stated the intended use furthered Comprehensive Plan, particularly Policy A.1.10.5, which provides “Along the Mayport Road corridor, the continuation and proliferation of light industrial uses, automotive sales and repair businesses, and other more intensive commercial business activities shall be discouraged in favor of those businesses and uses that provide neighborhood serving retail products and services that generate daily activity and interaction between residents of the surrounding neighborhoods”. However, she questioned how this business which is both automotive sales – though not as typically seen – and primarily internet-based, could be viewed as “neighborhood serving...that generate daily activity and interaction between residents of surrounding neighborhoods”. She continued, saying that she took the neighbors’ concerns regarding traffic on 10th Street, and the potential for it to be used as a testing ground for inexperienced drivers to heart.

Mr. Parkes asked for verification that these vehicles had a low-

speed designation, to which Mr. Jackrel replied they did. Ms. Simmons inquired as to the safety of slow-moving vehicles. Mr. Burgess responded that they are typically referred to as “street legal” and are allowed to legally operate on streets with posted speed limits of no greater than thirty-five (35) miles per hour. Ms. Simmons asked if this was a local regulation, to which Mr. Burgess replied it was a state regulation.

Mr. Hansen, referring again to Comprehensive Plan Policy A.1.10.5, said in his mind, this proposed use was not an intensive commercial use when compared to the average used car lot where there was typically also heavy automotive repairs done. Referring to the estimate of ninety (90) percent internet-driven sales, he asked if a high inventory would be maintained or if they would receive frequent drop-shipments.

Mr. Canning replied that the goal was to lessen travel to and from a warehouse maintained in Gainesville, and that the design of the site plan is being driven by the inventory to be maintained on site. He said the vehicles are customized and fitted with equipment per order and then shipped. Currently, a couple hundred units are sold per year. Ms. Jackrel added that she anticipated much less traffic and fewer disruptions to the neighborhood by this business than their previous business which supplied transit buses.

Mr. Hansen asked about the origination and make-up of the other ten (10) percent of business. Mr. Jackrel replied that Fleet Landing was a high-volume local customer. He estimated approximately one to two retail clients visited the bricks-and-mortar store weekly. Other than the showroom, the planned structure would house business offices and a conference room.

Motion

Mr. Hansen moved that the Community Development Board recommend approval to the City Commission of UBEX-13-00100059, a request for a use-by-exception to allow the sale of new and used automobiles, specifically low speed electric vehicles commonly referred to a “street legal” golf carts within the Commercial General zoning district at 58 West 10th Street, finding that the request advances the goals, objectives and policies of the adopted 2020 Comprehensive Plan as it relates to the redevelopment of the Mayport Road corridor and surrounding residential neighborhoods, and also finding that it is consistent with Section 24-111(c) and in accordance with the provisions of Section 24-63 of the Land Development Regulations. Mr. Burgess seconded the motion and it carried by a vote of 5-0.

- C. **ZVAR-13-00100058, Moto Electric Vehicles (Jackrel), 58 West 10th Street**
Public Hearing – Request for variance from the provisions of Section 24-161(h)(3), to reduce the required number of off-street parking spaces for a proposed retail automotive sales establishment, from nineteen (19) to eleven (11). The applicant is property owner Ted Jackrel, and the proposed location is a vacant lot on the south side of West 10th Street having a legal description of Lots 5, 6, and 7, Block 41, Atlantic Beach Section “H” and a physical address of 58 West 10th Street, within a Commercial General (CG) zoning district.

**Staff
Report**

Mr. Hubsch summarized the information provided in support of the previous item (UBEX-13-00100059) and reiterated that the nature of the business was internet sales, with only about ten (10) percent of sales resulting from customer visits to the showroom. He emphasized that the proposed automotive sales use is not the typical new or used car lot with which most people are familiar. Rather, the Jackrels are proposing an establishment specializing in highly desirable alternative transportation well suited for our community. However, because there is no guarantee that there will not be a shift in allocation of on-site sales versus internet sales, he proposed as a condition to approval of the parking variance that the property owners provide an executed shared parking agreement with the First Baptist Church, located directly to the north, across West 10th Street.

**Applicant
Comment**

Property owner Debra Jackrel addressed the Board, and summarized the nature of her business and how she has maintained her property over the last fifteen (15) years, and asked for clarification regarding the need for a shared parking agreement.

Jason Canning, architect and representative of the property owners Ted and Debra Jackrel, expressed concern over staff’s recommendation that the variance be conditioned upon the Jackrels securing a shared parking agreement with the First Baptist Church when they already own four platted lots directly to the southeast of the subject property, two of which front on Mayport Road and two of which front on West 9th Street. Mr. Canning said the Jackrels would likely be parking their personal vehicles on the adjacent parcels, and their employees could do the same.

**Public
Comment**

Mark Hendry (800 Camelia Street) stated that he had come to the meeting to gain clarification on the use, as he envisioned a typical car lot. With a better understanding of the proposed use and the site plan, including knowledge that there would be no outside display or sales area and that approximately ninety (90) percent of sales would be internet-based, he said he did not really have much

concern over the parking issue. Instead, he expressed more concern over the potential traffic increase that would be introduced into the neighborhood, referring to the substantial traffic increase West 10th Street had already experienced with the construction of the Mayport Road medians.

Ana Rivera (77 West 9th Street) reminded the Board that West 10th Street is now the first and only left-turn access to the neighborhood for northbound traffic on Mayport Road. Since the construction of the medians, traffic on West 10th Street has increased significantly. She said she and many other homeowners in the neighborhood are fighting to recover their property values and she is concerned that besides additional traffic, the neighborhood streets may become a test-drive track for the low-speed vehicles. She added that the vacant lots to the west of the subject property are soon to be developed by Beaches Habitat for Humanity.

***Board
Discussion***

Ms. Paul asked if such a variance would be tied to the property if the business ceased to operate or the property was sold. Ms. Hall responded that generally dimensional variances – being those that affect yard setbacks – are tied to the property and do transfer. However, parking is calculated based upon use, so any new occupant would be reassessed and required to provide off-street parking consistent with the use. She added that this variance request is specifically associated with the use-by-exception request just heard by the Board, and while the Board may move to approve this variance, it is conditioned upon the approval of the use-by-exception by the City Commission. If the Commission were to deny the use-by-exception, this variance would become null and void.

Motion

Mr. Burgess moved that the Community Development Board approve ZVAR-13-00100058, request for a variance from the provisions of Section 24-161(h)(3), to reduce the number of off-street parking spaces for a proposed retail automotive sales establishment from nineteen (19) to eleven, for a property located within the Commercial General (CG) zoning district at 58 West 10th Street, conditioned upon the procurement of an executed shared parking agreement with the First Baptist Church, also located within the Commercial General (CG) zoning district at 1050 Mayport Road, finding that the request is consistent with the provisions of Section 24-161(b)(6) regarding variance from standard parking calculations and in accordance with the provisions of Section 24-64(d) regarding the granting of a variance. Further, the shared parking agreement would be consistent with the provisions of Section 24-161(f)(2). Ms. Simmons seconded the

motion and it carried by a vote of 4-1, with Mr. Parkes dissenting.

Mr. Parkes then explained his opposition to the motion solely on the requirement of the shared parking agreement, stating the applicants' inability to secure such a shared parking agreement could result in the failure to obtain the necessary use-by-exception since the two applications are bound together. Mr. Hansen said he understood Mr. Parkes' dissent and thought it was a good point, but he was unsure as to how it could be justified. Mr. Parkes replied that [per Section 24-64(b)(1)] each application for a variance shall be considered on a case-by-case basis, and the grounds for approval of this particular case are due to the nature of the business, being primarily internet-driven.

Mr. Hansen, as a member of the prevailing vote moved to reconsider the vote approving ZVAR-13-00100058, to strike the requirement to procure the shared parking agreement with the First Baptist Church, finding that there exists exceptional circumstances particular to the proposed use and that absolute conformance with the required off-street parking provisions of Section 24-161(h)(3) would prevent the reasonable use of the property as compared to other properties in the area. Mr. Parkes seconded the motion and it carried by a vote of 4-1, with Mr. Burgess dissenting.

5. **REPORTS.** *None.*

6. **ADJOURNMENT - 6:50 PM**

Brea Paul, Chair

Attest