



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
SEPTEMBER 11, 2024 AT 5:00 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

1. Special Meeting of the Historic Preservation Committee
2. Special Meeting of the Code Committee
3. Call to Order and Roll Call
4. Pledge of Allegiance
5. Approval of May 8, 2024 Minutes
6. V24-03 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Pierre's LLC for the properties known as 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The applicant requests a variance from Table 27-540-1 "Off-Street Parking Requirements" to permit a reduction in the required number of new parking spaces to serve a 152 seat bar from 19 total required parking spaces to 15 total required parking spaces. The property is in the CBD zoning district.
7. DP24-05 Application for Development Plan Modification as outlined in Chapter 27 Article II Division 2 Section 27-81 of the Unified Land Development Code of Neptune Beach for Pierre's LLC for the properties known as 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The request is to modify the DP23-01 approval of a ground level deck structure with outdoor seating, bar and event space to reduce the seating from 117 new seats to 82 new seats. The property is in the CBD zoning district.
8. Open Discussion
9. Adjourn

Residents and Board Members attending public meetings can validate their parking at no cost by using the parking code

DD14

After 5:00 on the date of the meeting, follow these steps:

- Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.
- To use a kiosk: Press the Start button and then select 2 to enter your plate and the validation code.
- To use the Flowbird app: Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" the price will show "Free."



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
HISTORICAL SUBCOMMITTEE
SEPTEMBER 11, 2024 AT 5:00 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

1. Call To Order and Roll Call
2. Board Discussion
3. Staff Observations and Suggestions
4. Public Comment
5. Adjourn

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AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
CODE SUBCOMMITTEE
SEPTEMBER 11, 2024 AT 5:30 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

1. Call To Order and Roll Call
2. Board Discussion
3. Staff Observations and Suggestions
4. Public Comment
5. Adjourn

Residents and Board Members attending public meetings can validate their parking at no cost by using the parking code

DD14

After 5:00 on the date of the meeting, follow these steps:

- Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.
- • To use a kiosk: Press the Start button and then select 2 to enter your plate and the validation code.
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**MINUTES
COMMUNITY DEVELOPMENT BOARD
MAY 8, 2024 AT 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person May 8, 2024, at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Greg Schwartzenberger, Chair
Rene Atayan, Vice-Chair
William Hilton, Member
Corrine Bylund, Member
Jonathan Raiti, Member
Marc Boran, Alternate Member

The following staff members were present:

Heather Whitmore, Community Development Director
Zachary Roth, City Attorney
Piper Turner, Code Compliance Supervisor

**Call to Order/Roll
Call**

Chair Schwartzenberger called the meeting to order at 6:01 p.m.

Pledge

Pledge of Allegiance.

Swearing in

Mr. Roth, City Attorney, asked anyone appearing before the board tonight to raise their right hand to be sworn in.

**Variance V24-02
450 Atlantic Blvd
LHV, LLC**

V24-02 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for LHV, LLC for the property at 450 Atlantic Blvd (RE# 172395-0060).
The applicant requests a variance from Section 27-328 (a) (1) d. to permit air conditioning units to be located 1.8 feet from the western side yard property, rather than the required ten-foot side yard setback. The property is in the C-3 zoning district.

**DP24-02
Preliminary
Development
450 Atlantic Blvd
LHV, LLC**

DP24-02: Preliminary Development Plan for LHV, LLC for the property at 450 Atlantic Blvd (RE# 172395-0060) for approval to permit a mixed-use facility to include mixed martial arts training, racquetball, pickleball, karaoke bar, and pool tables.

Heather Whitmore, Community Development Director, presented the staff report.

I. BACKGROUND: A preliminary development application and associated variance for a mixed-use facility has been submitted for 450 Atlantic Blvd (RE# 172395-0060). The existing building is approximately 20,000 square feet and the lot is approximately 30,000 square feet with 38 parking spaces.

DP24-02 requires a concurrent review of associated variance V24-02 from Section 27-328 (a) (1) d. to permit air conditioning units to be located 1.8 feet from the western side yard property, rather than the required ten-foot side yard setback.

The property has a Comprehensive Plan Commercial II Land Use designation and is zoned Commercial-3 (C-3). Recreation, amusement, and entertainment uses are permitted uses in this district, including billiard and pool hall, indoor athletic and exercise facilities, tennis, handball or racquetball facility, night club, private club and bar/tavern.

II. DISCUSSION:

Chapter 27 Article III Administrative and Enforcement Procedures Division 2

Development Review of the Unified Land Development Code of Neptune Beach requires a preliminary and final development plan (development order) approval when "Changing or expanding any use of a site so that the need for off-street parking is increased." *Section 27-76* states that "all development in non-residential districts" requires a development order.

The applicant requests to establish a mixed-use facility to include mixed martial arts training, racquetball, pickleball, karaoke bar, and pool tables in the existing building located at 450 Atlantic Blvd. The existing vacant 20,000 square foot two-story building was previously used as a sportsplex that included a wide variety of indoor recreational uses.

The Site:

The building is located off of the Lemon Steet access easement, immediately adjacent to the old Kmart and approximately 400 feet west of 3rd Street. The property is bound on the north by the 30-50-foot-wide driveway access easement provided to the City of Neptune Beach (Driveway Easement O.R.V. 4360, Pg. 929) attached. The site directly abuts the City of Neptune Beach owned stormwater retention area to the south.

Figure 1: 450 Atlantic Blvd, Neptune Beach, FL



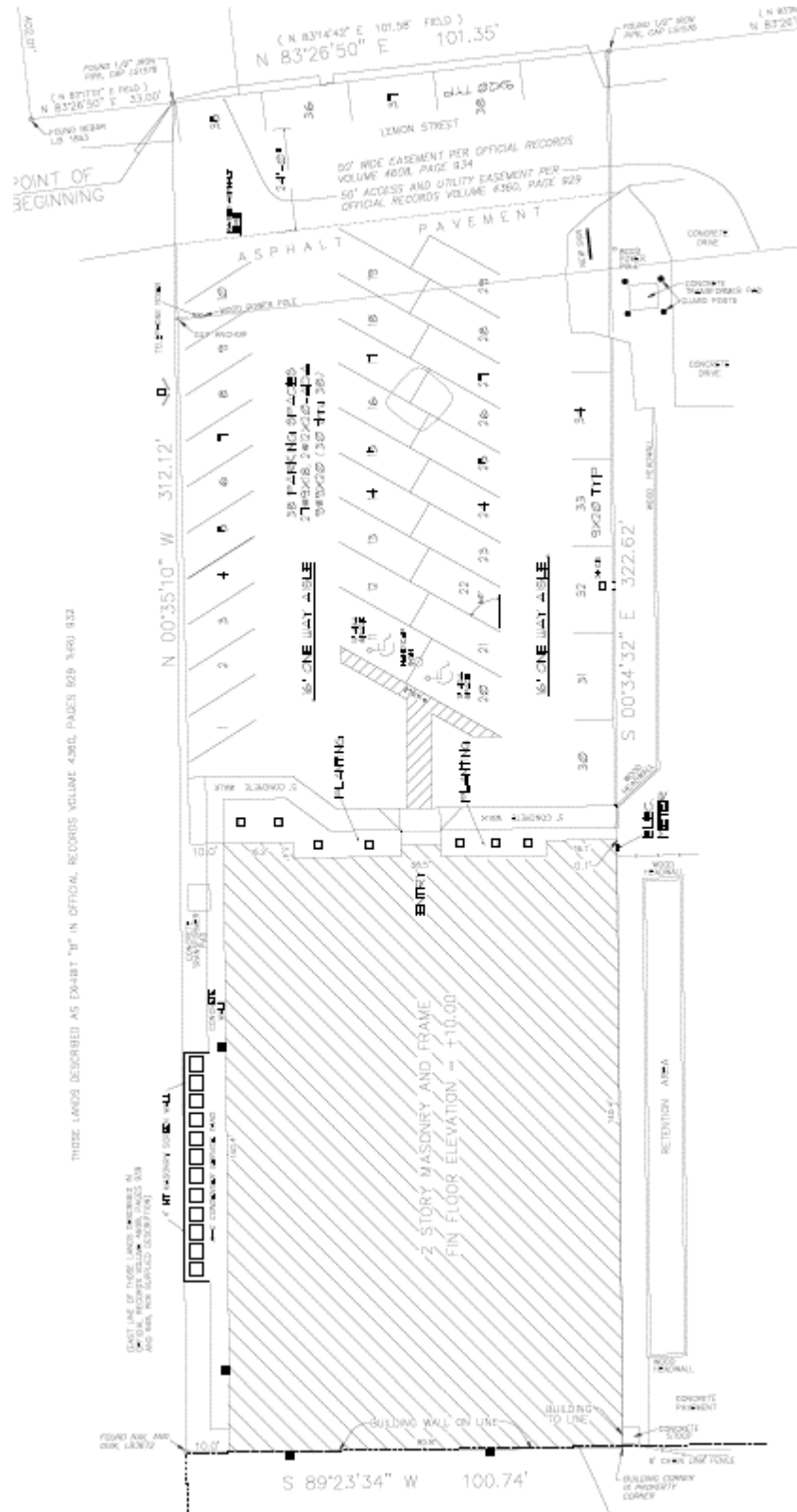


Figure 2: Proposed Site Plan 450 Atlantic Blvd, Neptune Beach, FL

The site's 38 parking spaces are accessed off of the Lemon Street public pedestrian and vehicle access easement. The 34 angled parking spaces adjacent to the building are south of the Lemon St driveway and four additional parallel parking spaces are north of the easement.

The change of use will include only minor exterior renovations, including significant landscape improvements and the replacement of air conditioning condensers on the west side of the building. The site currently has several air conditioning condensers in this location. The existing condensers are located less than two feet from the western property line and are not screened with a hard board or concrete screen.

Section 27-328 (a) (1) d. states "Air conditioning compressors serving central systems ...may be located in any required rear yards, but not in any front yard, and not less than ten (10) feet from any side lot line, except in the following instances: 1. *When any mechanical or electrical equipment is proposed within a yard and is enclosed by a masonry wall at least four (4) feet high, it may be located within two (2) feet of any side lot line.*"

The applicant will replace, improve, and expand these condensers. The new condensers will be located in the same location (less than two feet from the property line) and will be screened with a four-foot concrete wall. The applicant requests a variance (V24-02) from Section 27-328 (a) (1) d. to permit additional air conditioning units to be located less than feet from the western side yard property. As stated, these air conditioning units will be compliant with the required four-foot concrete wall enclosure.

The Building:

As stated, the applicant proposes a change of use to a mix of recreation, amusement, and entertainment uses. The applicant proposes a significant interior remodel of the existing 20,000 gross square foot building area. The interior will be converted to a mezzanine style layout with a full first floor, and a reduced floor area partial second floor overlooking the first floor.

The first floor will be the "The Gym" area, including four mixed martial arts combat training areas, three racquet ball courts, one pickleball court, and associated changing rooms. The first floor "Gym" will operate 6:00 a.m. to 8:00 p.m., seven days per week. Overlooking the first floor, the second floor "Bar" includes a karaoke lounge with six private karaoke rooms, one open bar seating area with stage, and three pool tables. The second floor "Bar" will operate 12:00 p.m. to 2:00 a.m., seven days per week.

Parking:

This change of use requires an increase in the required overall off-street parking. However, the interior uses qualify for an overall reduction in required off-street parking spaces for mixed or joint use of parking spaces.

Due to the variation in interior uses and operating hours, the interior uses were reviewed based on net floor area to determine required parking. *Section 27-540 "Parking Requirements"* were applied to each interior net use to determine required parking spaces by use as follows:

USE QUANTITY RATE SQ. FT. SPACES

FIRST FLOOR

EMPLOYEE 2 # EMPL/2 N/A 1

OFFICE 327 SF 1/400 SF 327 1

PACKAGE STORE 146 SF 1/300 SF 146 0

MMA TRAINING 2,776 SF 1/500 SF 2,776 6

RACQUETBALL/PICKLEBALL 4 COURTS 2 PER COURT 4,586 8

STORAGE 282 SF (employee above) 282 0

SECOND FLOOR

KARAOKE SEATING AREAS 120 SEATS 1 PER 4 SEATS 3,685 30

BILLIARD 3 TABLES 2 PER 3 TABLES 826 2

STORAGE 267 SF (employee above) 267 0
EMPLOYEE 3 # EMPL/2 N/A 2

PARKING SPACES REQUIRED: 50

EXISTING SPACES: 38

The overall total required parking spaces based on interior net uses is 50 spaces. The site provides 38 parking spaces. A shared parking analysis was conducted by Kimley-Horn and Associates to evaluate the projected maximum parking demand for the proposed development, based on data published by ULI in Shared Parking, Third Edition. A memorandum detailing the analysis is attached as Exhibit F. The analysis finds that the proposed uses are projected to have a maximum parking need of thirty-five (35) spaces during both weekdays and weekends.

Section 27- 540(c)(3) provides for a reduction of off-street required minimum parking for mixed or joint use of parking spaces. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. The City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

III. V24-02 FINDINGS:

1. The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.

Staff Response: There does appear to be a unique hardship. The existing building already has air conditioning equipment less than two feet from the property line. The new condensers will be located in the same location (less than two feet from the property line) and will be screened with the required four-foot concrete wall enclosure.

2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

Staff Response: Yes, the variance is the minimum necessary to permit the building reuse.

3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.

Staff Response: The proposed variance would not adversely affect adjacent and nearby properties or the public in general. The existing building already has air conditioning equipment less than two feet from the property line. The new condensers will be screened with the required four-foot concrete wall enclosure.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

Staff Response: The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

Staff Response: The variance request is in harmony with the general intent of the LDC.

6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.

Staff Response: The proposed variance request for AC equipment setback is not created through the actions of the property owner.

7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

Staff Response: Granting the variance request for an AC equipment setback would not confer upon the applicant a special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

IV. DP24-02 FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders states the community development board shall conduct a quasi-judicial public hearing and shall consider the following factors when issuing a development order:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The use is consistent with the surrounding zoning and uses. The site is surrounded by commercial uses to the north, east, and west side.

2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Staff Response:

Traffic: The proposed redevelopment will NOT generate more than 50 pm peak trips over the prior use; therefore, a traffic study is not required.

Water/Sewer: This project area has water and sewer.

School: Not applicable

Drainage: Not applicable. No new impervious surface will be added.

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff Response: The site contains an existing building and parking area. All uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. In accordance with 27-540 (c) 3, the City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

The property is serviced by a private lift station. The water main extends across the front of the property and ends at the hydrant just west of the lot.

4. Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

Staff Response: The property has a Comprehensive Plan Commercial II Land Use designation and is zoned Commercial-3 (C-3) in the Neighborhood Commercial (NC) zoning district. Recreation, amusement, and entertainment uses are permitted uses in this district, including billiard and pool hall, indoor athletic and exercise facilities, tennis, handball or racquetball facility, night club, private club and bar/tavern. All proposed uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces.

5. Applicable regulations, review procedures, and submission requirements.

Staff Response: All proposed uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. There are no outstanding land development or public utility comments. There may be additional Fire or Building comments to address at permitting.

6. Concerns and desires of surrounding landowners and other persons.

Staff Response: The variance for development order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff has not received any comments from the public.

7. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Staff Response: Nothing outstanding.

V. STAFF RECOMMENDATION

V24-02:

Staff recommends approval of V24-02 variance from Section 27-328 (a) (1) d. to permit air conditioning units to be located 1.8 feet from the western side yard property as presented.

DP24-02:

Staff recommends approval of the application for DP24-02 Preliminary Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for LHV, LLC for the property at 450 Atlantic Blvd (RE# 172395-0060) to permit a mixed-use facility to include mixed martial arts training, racquetball, pickleball, karaoke bar, and pool tables. All uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. In accordance with 27-540(c) 3, the City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

The developer shall submit a Final Development Plan that complies with staff conditions for review by the City Council. The Final Development Plan shall be consistent with the Preliminary Development Plan and staff comments and shall contain no land uses different than those approved in the Preliminary Development Plan.

VI. RECOMMENDED MOTION:

- a. I recommend approval of V24-02 and DP24-02
- OR
- b. I recommend denial of V24-02 and DP24-02



APPLICATION FOR DEVELOPMENT PLAN REVIEW

CITY OF NEPTUNE BEACH PLANNING AND DEVELOPMENT DEPARTMENT
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266-6140
PH: 270-2400 Ext 34 CDD@NBFL.US

Application Fee: \$400

Date Filed: _____

Name and address of the applicant requesting development review. (Note: if the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows:

Name & Address of Property Owner: LHV, LLC, a New York limited liability company 8130 Baymeadows Way West, Suite 303 Jacksonville, Florida 32256	Telephone: (904) 301-1269 E-Mail: ctrimmer@drivermcafee.com; sdiebenow@drivermcafee.com Real Estate #: 172395-0060
Property Address (if different from mailing): 450 Atlantic Boulevard Neptune Beach, Florida 32266	Lot: Part of Government Lot 1 Block: Section 21, Township 2 South, Range 29 East, Duval County, Florida. Subdivision: N/A Zoning District: Commercial C-3
Name and Address of Agent/Applicant: Cyndy Trimmer and Steve Diebenow One Independent Drive, Suite 1200 Jacksonville, Florida 32202	Telephone: (904) 301-1269 E-Mail: ctrimmer@drivermcafee.com sdiebenow@drivermcafee.com

Describe Request being made:

See attached.

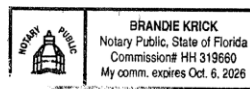
PLEASE BE ADVISED THE COMMUNITY DEVELOPMENT BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS IN ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE DEVELOPMENT PLAN.

LHV, LLC, a New York limited liability company

Hao Li, Member
Dated: 1/12/2024

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 12th day of January, 2024, by Hao Li, as manager of LHV, LLC a New York limited liability company, on behalf of said company. S/he ☐ is personally known to me or ☒ has produced Florida Driver License as identification.



Brandie Krick
Notary Public, State of Florida
Brandie Krick

Notary's Printed Name
My Commission Expires: Oct. 6, 2026

OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT

THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.

Driver, McAfee, Hawthorne & Diebenow is hereby authorized TO ACT ON BEHALF OF LHV, LLC, a New York limited liability company, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to Development Permit or other action pursuant to a:

- | | |
|--------------------------------------|---|
| ☐ Rezoning | ☐ Special Exception |
| ☐ Replat | ☒ Commercial Development Order |
| ☐ Appeal | ☐ Comp. Plan Amendment |
| ☐ Concurrency | ☐ Other/ Champion or heritage tree removal |

BY: _____

Signature of Owner

Hao Li

Print Name

Member
Its

Daytime Telephone Number: (917) 478-2278

State of Florida
County of Duval

Signed and sworn before me on this 12th day of January, 20 24
By Hao Li

Identification verified: Florida Driver License Oath sworn: ☒ Yes ☐ No

Notary Signature

My Commission expires: Oct. 6, 2026



APPLICATION FOR DEVELOPMENT PLAN REVIEW

PROJECT SUMMARY

450 ATLANTIC BOULEVARD

April 10, 2024

LHV, LLC ("Applicant") files this Development Plan Review Application for the property located at 450 Atlantic Boulevard in Neptune Beach, Florida 32226 (RE# 172395 0060) (the "Property") for THE infill use of the existing, vacant building with a mixed-use development as depicted on the Site Plan, Floor Plans and Elevations filed herewith as Exhibits A(the "Project").

The proposed uses include training areas, indoor racquetball and pickleball courts locker rooms on the first floor, and a karaoke-themed bar on the second floor.

As a part of this Application, the Applicant requests a parking reduction pursuant to Section 27-540(c)(3) of the Neptune Beach Unified Land Development Code ("ULDC") for joint use of Property's thirty-eight (38) parking spaces. The proposed Project

includes a mix of uses on the first and second floors of the building, which are proposed to be managed by separate entities:

- Neptune Beach Sports and Recreation Center, Inc. will manage the first-floor operations, which include the MMA training areas, pickleball courts, and racquetball courts (the "Gym")
 - o First-floor hours of operation: 6:00 a.m. to 8:00 p.m., seven days per week.
 - Iron First Hospitality, LLC will manage the second-floor operations, which include the karaoke-themed bar, lounge, and pool tables ("the Bar")
 - o Second-floor hours of operation: 12:00 p.m. to 2:00 a.m., seven days per week.
- A shared parking analysis was conducted by Kimley-Horn and Associates to evaluate the projected maximum parking demand for the Project, based on data published by ULI in *Shared Parking, Third Edition*. A memorandum detailing the analysis is attached as **Exhibit F**. The analysis finds that the proposed uses are projected to have a maximum parking need of thirty-five (35) spaces during both weekdays and weekends. Concurrently submitted with this Development Review Application is an Application for Variance, requesting a reduction in the accessory structure side yard requirements of 27-328(a)(1)(d) of the ULDC to allow for additional A/C Units located in the western side yard consistent with the existing units.

QUANTITATIVE DATA

March 6, 2024

I. GROSS FLOOR AREA BY USE

FIRST FLOOR

Office 327 sq. ft.
 Package Store 146 sq. ft.
 MMA Training 2,776 sq. ft.
 Racquetball/Pickleball 4,586 sq. ft.
 Storage
 282 sq. ft.

SECOND FLOOR

Karaoke Bar 3,685 sq. ft.
 Billiards 826 sq. ft.
 Storage 267 sq. ft.

II. PARKING SCHEDULE

QUANTITY RATE1 SQ. FT. TOTAL

FIRST FLOOR

EMPLOYEE 2 # EMPL/2 N/A 1
 OFFICE 327 SF 1/400 SF 327 1
 PACKAGE STORE 146 SF 1/300 SF 146 0
 MMA TRAINING 2,776 SF 1/500 SF 2,776 6
 RACQUETBALL/PICKLEBALL 4 COURTS 2 PER COURT 4,586 8
 STORAGE 282 SF (employee above) 282 0

SECOND FLOOR

KARAOKE SEATING AREAS 120 SEATS 1 PER 4 SEATS 3,685 30
 BILLIARD 3 TABLES 2 PER 3 TABLES 826 2
 STORAGE 267 SF (employee above) 267 0
 EMPLOYEE 3 # EMPL/2 N/A 2

PARKING SPACES REQUIRED: 50

EXISTING SPACES: 38

The overall total required parking spaces based on interior net uses is 50 spaces. The site provides 38 parking spaces. A shared parking analysis was conducted by Kimley-Horn and Associates to evaluate the projected maximum parking demand for the proposed development, based on data published by ULI in *Shared Parking, Third Edition*. A memorandum detailing the analysis is attached as Exhibit F. The analysis

finds that the proposed uses are projected to have a maximum parking need of thirty-five (35) spaces during both weekdays and weekends. Section 27- 540(c)(3) provides for a reduction of off-street required minimum parking for mixed or joint use of parking spaces. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. The City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

III. V24-02 FINDINGS:

- 1. The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.**

Staff Response: There does appear to be a unique hardship. The existing building already has air conditioning equipment less than two feet from the property line. The new condensers will be located in the same location (less than two feet from the property line) and will be screened with the required four-foot concrete wall enclosure.

- 2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**

Staff Response: Yes, the variance is the minimum necessary to permit the building reuse.

- 3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**

Staff Response: The proposed variance would not adversely affect adjacent and nearby properties or the public in general. The existing building already has air conditioning equipment less than two feet from the property line. The new condensers will be screened with the required four-foot concrete wall enclosure.

- 4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**

Staff Response: The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

- 5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.**

Staff Response: The variance request is in harmony with the general intent of the LDC.

- 6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.**

Staff Response: The proposed variance request for AC equipment setback is not created through the actions of the property owner.

- 7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.**

Staff Response: Granting the variance request for an AC equipment setback would not confer upon the applicant a special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

IV. D24-02 FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders states the community development board shall conduct a quasi-judicial public hearing and shall consider the following factors when issuing a development order:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The use is consistent with the surrounding zoning and uses. The site is surrounded by commercial uses to the north, east, and west side.

2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Staff Response:

Traffic: The proposed redevelopment will NOT generate more than 50 pm peak trips over the prior use; therefore, a traffic study is not required.

Water/Sewer: This project area has water and sewer.

School: Not applicable

Drainage: Not applicable. No new impervious surface will be added.

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff Response: The site contains an existing building and parking area. All uses are approved by right. The shared parking use adheres to standards to permit reduction for mixed or joint use of parking spaces. In accordance with 27-540 (c) 3, the City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

The property is serviced by a private lift station. The water main extends across the front of the property and ends at the hydrant just west of the lot.

4. Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

Staff Response: The property has a Comprehensive Plan Commercial II Land Use designation and is zoned Commercial-3 (C-3) in the Neighborhood Commercial (NC) zoning district. Recreation, amusement, and entertainment uses are permitted uses in this district, including billiard and pool hall, indoor athletic and exercise facilities, tennis, handball or racquetball facility, night club, private club and bar/tavern. All proposed uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces.

5. Applicable regulations, review procedures, and submission requirements.

Staff Response: All proposed uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. There are no outstanding land development or public utility comments. There may be additional Fire or Building comments to address at permitting.

6. Concerns and desires of surrounding landowners and other persons.

Staff Response: The variance for development order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff has not received any comments from the public.

7. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Staff Response: Nothing outstanding.

V. STAFF RECOMMENDATION

V24-02:

Staff recommends approval of V24-02 variance from Section 27-328 (a) (1) d. to permit air conditioning units to be located 1.8 feet from the western side yard property as presented.

DP24-02:

Staff recommends approval of the application for DP24-02 Preliminary Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for LHV, LLC for the property at 450 Atlantic Blvd (RE# 172395-0060) to permit a mixed-use facility to include mixed martial arts training, racquetball, pickleball, karaoke bar, and pool tables. All uses are approved by right. The shared use parking adheres to standards to permit reduction for mixed or joint use of parking spaces. In accordance with 27-540(c) 3, the City Council, after review from the community development board, may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap.

The developer shall submit a Final Development Plan that complies with staff conditions for review by the City Council. The Final Development Plan shall be consistent with the Preliminary Development Plan and staff comments and shall contain no land uses different than those approved in the Preliminary Development Plan.

VI. RECOMMENDED MOTION:

a. I recommend approval of V24-02 and DP24-02

OR

b. I recommend denial of V24-02 and DP24-02

Cindy Trimmer, with Driver, McAfee, Hawthorn and Diebenow and representing the property owner, addressed the board.

This will be a mixed-use facility including a package store for liquor to go. A masonry wall will be added to screen the air conditioning units on the west side of the building. There are thirty-eight parking spaces on the site.

Questions from the board:

May 8, 2024

Mr. Raiti: Are there four parking spaces to the north part of the property? Staff's reply: Yes, they are north of the Lemon Street easement. This section is called Lemon Street however it is not a City owned right-of-way, it is a privately owned egress and ingress easement.

Mr. Raiti: Are the stairs to the second floor still on the south side of the building? Mr. Dunlap, Architect, stated the stairs at the rear of the property had been removed when the building was remodeled in 2021.

Public Comments Chairperson Schwartzenberger opened the floor for public comments.

Mr. Jean Bakkes, 2009 Marsh Point Road, stated that he understood the air conditioning units will create noise and is concerned about the residential neighborhood that is behind this building.

There being no comments, the public hearing was closed.

Board Discussion.

Ms. Bylund stated: The property is close to the Neptune By the Sea neighborhood, but the noise will be contained by the masonry wall.

Mr. Hilton stated: Noise from the second floor and roof can be heard. This may be a concern.

Mr. Boran stated: That pickleball is noisy.

Chairperson Schwartzenberger stated: It was a cool concept.

Made by Atayan, seconded by Hilton.

MOTION: MOVE TO RECOMMEND APPROVAL OF VARIANCE 24-02, AS SUBMITTED.

Roll Call Vote:

Ayes: 6-Bylund, Hilton, Raiti, Boran Atayan, Schwartzenberger

Noes: 0

MOTION APPROVED.

Made by Boran, seconded by Atayan.

MOTION: MOVE TO RECOMMEND APPROVAL OF PRELIMINARY DEVELOPMENT PLAN DP24-02.

Roll Call Vote:

Ayes: 6-Bylund, Hilton, Raiti, Boran Atayan, Schwartzenberger

Noes: 0

MOTION APPROVED.

The applicant's agent was informed that the board only makes recommendations and that these cases would be forwarded to the City Council for their final review on June 3, 2024 at 6:00 pm. They should attend this meeting.

Replat DP 24-03
2101 Bartolome
Rd (RE#173399-

DP24-03: Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Marshpoint Properties Three, LLC for the property is currently known as 2101 Bartolome Rd. Lot 1 Block 29 of Florida Beach

0000) Jean
Bakkes

Plat No. 2 (RE# 173399-0000). The applicant requests to subdivide one existing lot into three lots.

Background

This is a request for a subdivision plat approval as outlined in chapter 27, division 3. – “Platting Requirements” for a property currently known as 2101 Bartolome Rd, (PIN:173399 0000). The subject property is located on the north side of Marsh Point Road and Bartolome Road in the R-4 zoning district. The lot is .41 acre (17,859 square foot) and contains one two-family duplex.

The applicant is requesting to subdivide the .41-acre (17,859 square feet) parcel into three conforming lots. The granting of the subdivision would create three lots for a total of two additional lots.

The R-4 Zoning has a minimum lot size of 4,356 square feet. The front and rear yard setbacks are variable but must equal 35 feet total and neither can be less than 15 feet. The side interior setback is seven feet. The side street setback is eight feet. Duplexes comprised of two attached homes are exempt from the interior side setback where the units meet.

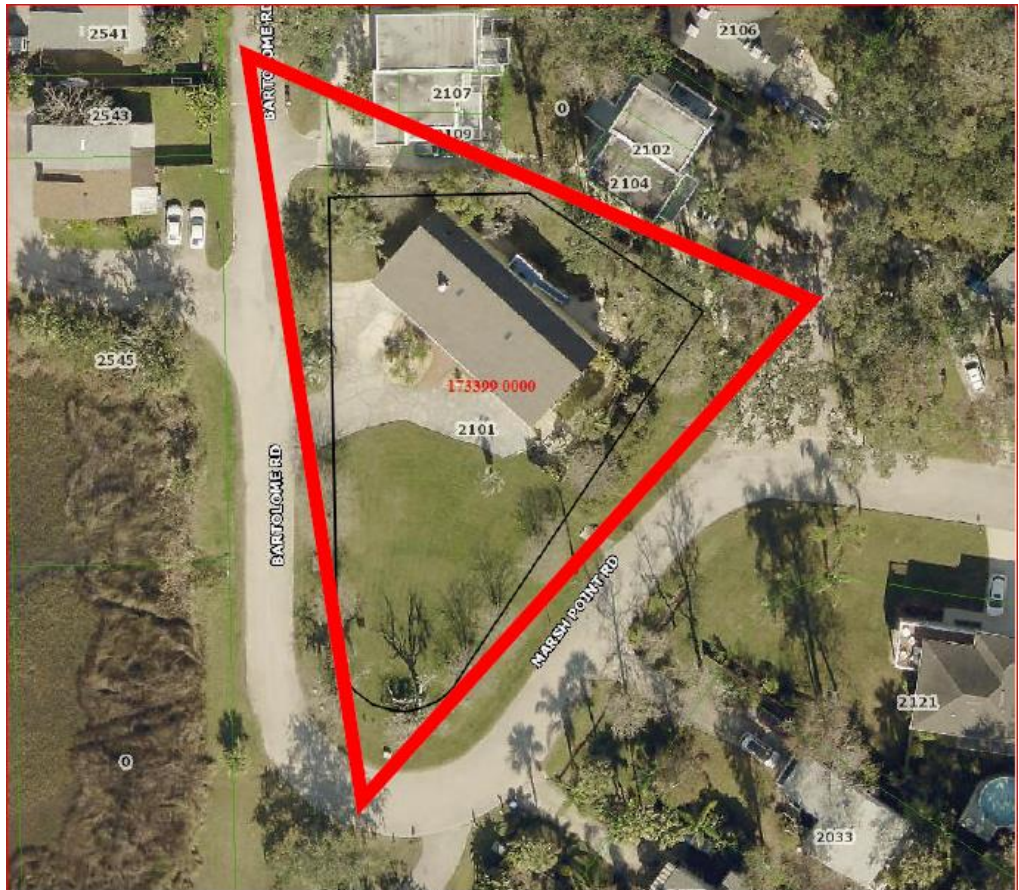


Figure 1: 2101 Bartolome Rd

Summary

The applicant is requesting to subdivide the .41-acre (17,859 square feet) parcel into three conforming lots. The granting of the subdivision would create three lots for a total of two additional lots. Each lot would meet the 4,356 square foot minimum lot size.

The existing lot contains one two-family duplex. The existing duplex will be divided into two lots along the shared wall, yielding a 5,566 square foot lot to the west (1A) and a 4,689 square foot lot to the east (1B). The balance of the parcel (1C) will be 7,297 square feet. The existing structure will adhere to all setbacks.

Staff Recommendation

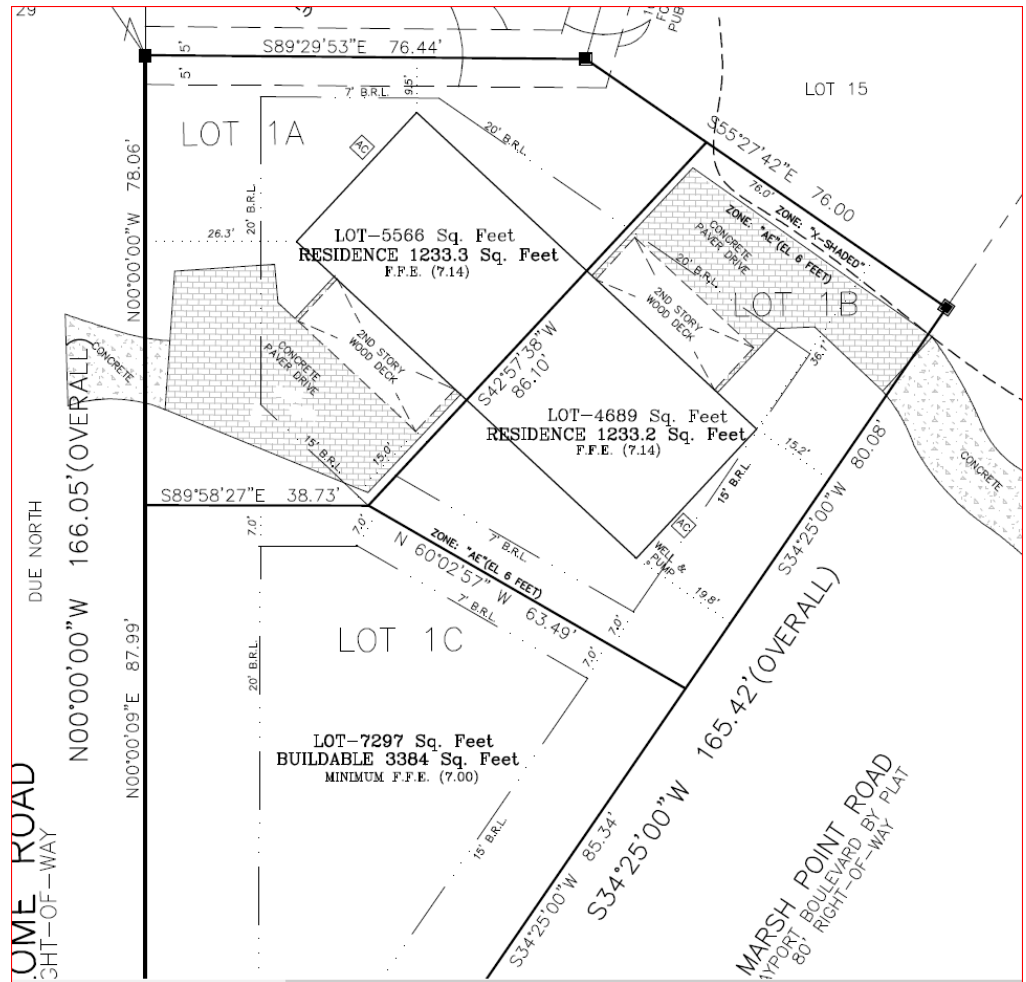
Staff recommends approval of application DP24-03 replat for 2101 Bartolome Rd.

Recommended Motion

I move to approve application DP24-03 replat for 2101 Bartolome Rd.

Or

I move to deny application DP24-03 replat for 2101 Bartolome Rd.



Mr. Jean Bakkes, 2009 Marsh Point Road and owner of the property addressed the board. Purchased the property in February of 2022. There was an existing house on the property that has recently been renovated into a two-unit townhouse. Each townhouse has 4 bedrooms and 3 baths with a firewall dividing them. Each townhouse will be sold and owned separately. The remainder part of the lot will be used for a new single-family dwelling.

Public Comments

Chairperson Schwartzenberger opened the floor for public comments.

Gary Flagler, 2121 Bay Road, lives across the street from the property. Concerned about the multi-family versus a single-family dwelling. Stated he never received a notice. Was any traffic or flood studies done? Very concerned. Against the request due to the nature and the beauty.

Jessica Bradstreet, 2146 Acacia Road, stated her husband (Mr. Gibson) had sent an email to the board. No notification was sent either. The purpose of the ULDC is to protect natural beauty. The use is not specified.

Scott Mollan, 2102 Acacia Road, supports keeping the land together. Try to preserve the neighborhood. People watch the sunset from this property.

Also Mr. Wil Gibson. 2142 Acacia Road emailed a letter to be saved by each member. This email included in the minutes.

From: Will Gibson <gibson_w@outlook.com>
Sent: Monday, May 6, 2024 10:40:54 PM
To: cdb@nbfl.us <cdb@nbfl.us>
Cc: gflagler3@aol.com <gflagler3@aol.com>
Subject: May 8 CDB Meeting Agenda Item #7

Members of the Community Development Board,

I am writing in regard to agenda item #7 of the May 8, 2024 CDB meeting which reads, "DP24-03 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Marshpoint Properties Three, LLC for the property is currently known as 2101 Bartolome Rd. Lot 1 Block 29 of Florida Beach Plat No. 2 (RE# 173399- 0000). The applicants are requesting to subdivide one existing lot into 3 lots. The property is in the R-4 zoning district." I am unable to attend the meeting due to a schedule conflict but would like to register my concerns for the following reasons:

1. The application filed by Marshpoint Properties Three, LLC is either incorrect or out-of-date (as this matter was previously tabled). The application provided in the package, in the "Describe Request Being Made" section states, "Subdivide existing lot into **4** lots. No variances requested. Split duplex into 2 townhouses." All other documents say 3 lots, but the applicant requests 4 in the application provided as evidence. **The applicant should present a corrected application or be denied.**
2. Can the CDB confirm the height of the structure currently on the lot? Is it less than 28 ft. tall? I cannot find any documentation listing the height. If the structure is greater than 28 ft. tall, then subdividing the lot would make it non-compliant. As it stands on its current lot, it would be grandfathered under previous ordinances if it were greater than 28 ft., but subdividing into new lots would make it noncompliant if the height of the structure exceeds 28 ft. **Please investigate this and provide the height of the structure and deny the application if the structure will be non-compliant on the new lots.**
3. The property at 2101 Bartolome Rd. is zoned as a duplex, which is defined in the ULDC as "**Duplex** (two-family residence) means a building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall. A common stairwell exterior to both dwelling units may be provided." The applicant requests that the duplex be split into 2 townhouses. The definition for a townhouse is "**Townhouse** means a single-family dwelling constructed in a series or group of attached units in which each unit has its own front and rear access to the outside and no unit is located over another unit, with property lines and fire walls as required by the Florida Building Code, separating each unit." Duplexes and townhouses are defined differently. No evidence has been provided that shows that these units conform to the definition of a townhouse, including property lines AND fire walls as required by the Florida Building

Code. **Please provide evidence that these structures will be compliant as townhouses if the lot is split. Were development permits issued to convert this structure from a duplex to a townhouse? If so, please provide evidence. If not, this application should be denied.**

4. The applicant does not specify the land use for proposed LOT 1C as is required by the ULDC, other than it is buildable land. **What type of structure is proposed? If the proposed structure is something other than a single-family dwelling, would that type of dwelling be compliant on that parcel?**
5. Gary Flagler (Cc'd) is an adversely affected person in this matter, as the plot lies directly west of his property within a 300 ft. radius of the subject property. **He did not receive notice by mail of this hearing as is required.**
6. The intent of zoning rules in the ULDC includes "To regulate density of population and thus prevent the overcrowding of land in order to facilitate the provision of adequate community facilities and services such as water, sewerage, schools, parks and similar city functions." **Approving this application would increase population density and would deteriorate our already inadequate services in this neighborhood, including streets, sewers, water, and storm drainage.**
7. The ULDC states that the design goals and design objectives for new construction or improvements include:
 - a. To preserve the natural beauty of Neptune Beach and protect the residential character of the city from the effects of inharmonious and out of scale developments.
 - b. To conserve the city's natural beauty and visual character and charm by ensuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of buildings, structures, and other improvements.
 - c. To protect and enhance the city's aesthetic and natural appeal.
 - d. To maintain and improve property values.
 - e. Neighborhood design. Site improvements should be compatible with structures existing on neighboring parcels and should be sensitive to their designs and property rights. *Designs which conflict with the use and enjoyment of any property should be avoided.* Buildings should be designed in scale with the neighborhood and should complement the character of the neighborhood, rather than conflict with it.
 - f. **The proposed division of plots and resulting construction of additional dwelling(s) does not meet the above goals of the ULDC. This would allow a structure to be placed directly in front of the home of Gary Flagler and other nearby residents and block their access/views of the natural beauty of the intracoastal waterway and potentially diminish the value of the nearby properties as a result.**
8. The R-4 district is permitted for single-family residences and two-family (duplex) residences. It is not permitted for multi-family residences, which includes townhouses. The applicant has requested that the units be designated as townhouses, not duplexes. Therefore, they are not allowed in R-4. One

reason why the applicant requests designation as a townhouse (multi-family residence) is that townhouses do not require side yards for interior units. In the Background section of the Staff Package it states, "The R-4 Zoning has a minimum lot size of 4,356 square feet. The front and rear yard setbacks are variable but must equal 35 feet total and neither can be less than 15 feet. The side interior setback is seven feet. The side street setback is eight feet. *Duplexes comprised of two attached homes are exempt from the interior side setback where the units meet.*" That is not correct – words have meaning, and duplexes and townhouses carry different definitions in the ULDC. The interior side setback rule does not apply to duplexes according to the ULDC – it applies to townhouses, which the applicant wants as a designation. **Apply the rules based on the definitions listed in the ULDC. Townhouses are not allowed in R-4 and this application should be denied.**

Based on the concerns listed above, I do not believe that this application should be approved, and I request that you reconsider your position on this matter. Thank you for your time and consideration.

Kind regards,
Will Gibson
2146 Acacia Rd., Neptune Beach

Mr. Bakkes stated that he understands their concerns, but he is the owner of the property.

Heather Whitmore, Community Development Director, cleared points made. This is a request for a replat and not a variance or special exception. The code does not require neighbors to be notified by mail for replats. The Code only requires that the property to be posted and a public notice to be published in the local newspaper.

There being no comments, the public hearing was closed

Board discussion:

Chairperson Schwarzenberger: Is this solely for a replat? Yes, it is.

Mr. Hilton: The City Council should look at changing this block from R-4 to single family zoning.

Made by Boran, seconded by Hilton.

MOTION: MOVE TO RECOMMEND APPROVAL OF THE REPLAT TO THE CITY COUNCIL, AS SUBMITTED.

Roll Call Vote:

Ayes: 6-Bylund, Raiti, Atayan, Boran, Hilton, Schwarzenberger

Noes: 0

MOTION APPROVED.

The applicants were informed that the City Council must make the final approval and they should attend the meeting on June 3, 2024 at 6:00 pm.

Replat DP 24-04
108 Orange Street
(RE#172769-0000)
Douglas Driver, III

DP24-04: Preliminary Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for Douglas Driver III for the property at 108 Orange St (RE# 172769-0000). The applicant requests a Development Plan approval to permit a bed and breakfast.

I. BACKGROUND: A Preliminary Development Plan application for a Bed and Breakfast has been submitted for 108 Orange St (RE# 172769-0000). The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District (CBD). Bed and breakfast is a permitted use in this district.

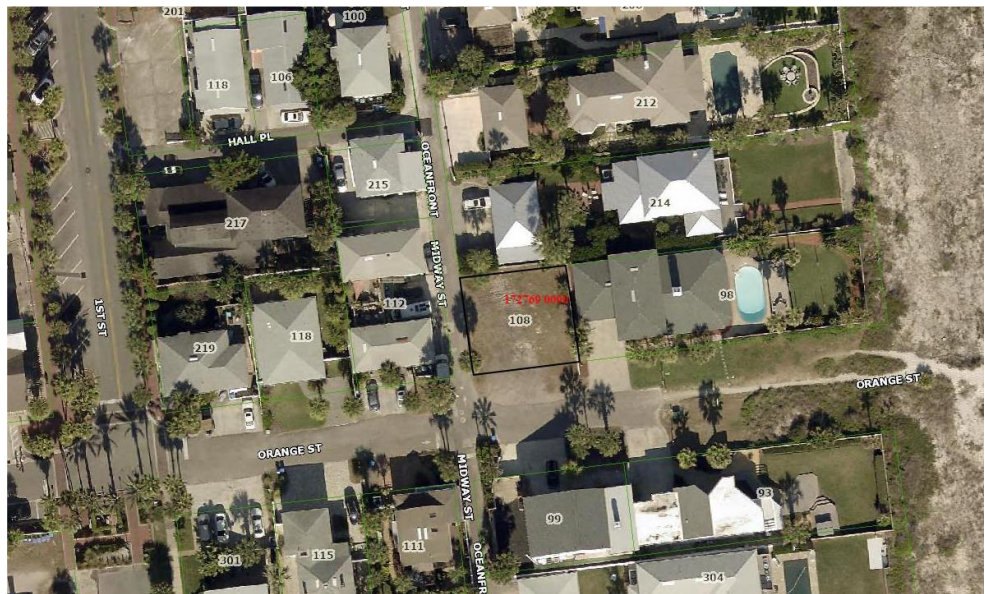
In 2015, the Drivers made an application for a Special Exception application for a Single-Family Home for 108 Orange St. The City denied the application and the Drivers sued the City for a petition for writ of certiorari for the City denying their application. This writ of certiorari ordered the lower court (Neptune Beach) to deliver its record in a case so that the higher court (Circuit County of Duval County) may review it.

There were two separate items that were denied and for which the Drivers filed writs of certiorari. One was the Special Exception for the Single-Family Home and one was a variance for setbacks and height. In 2022 the Duval Court agreed that the City had sufficient competent substantial evidence on both to deny it, and the City prevailed (See attached Case No. 16-2022-AP-18 Final Order Denying Petition for Writ of Certiorari).

II. DISCUSSION:

Chapter 27 Article III Administrative and Enforcement Procedures Division 2 Development Review of the Unified Land Development Code of Neptune Beach requires a preliminary and final development plan (development order) approval when "Changing or expanding any use of a site so that the need for off-street parking is increased." Section 27-76 states that "all development in non-residential districts" requires a development order.

A Preliminary Development Plan application for a 3,507 square foot three story bed and breakfast has been submitted by the property owners for the property located at 108 Orange St. (RE # 172769-0000). The existing lot of record is 50' x 55'. The existing vacant property is located on the northeast corner of Orange St. and Midway St. The property is within the Central Business District (CBD) and is surrounded by CBD zoning on the east, north and west. The properties to the south are zoned RC/R-4. The immediate properties surrounding the vacant lot consist of single family and multi-family properties.



The proposed bed and breakfast has two rental/guest bedrooms and one owner's suite and provides a total of two parking spaces. The ground floor/1st floor consists of an interior parking garage for one parking space and guest bedroom, the 2nd floor consists of living area, lobby and kitchen, and the 3rd floor consists of a guest room and the owner's suite.

Site Plan/Building Plan:

Below is a chart showing development standards for the CDB are and the proposed bed and breakfast:

	Per Code	Proposed
Min. lot area	none	2,750 sq. ft.
Min. lot width	none	50 ft.
Min/Max front yard setback (Orange St.)	0/10 feet	10 feet
Min/Max corner yard setback (Midway)	5/15 feet	11 feet
Min. rear yard setback	5 feet	5 feet
Max. lot coverage	85%	53.7%
Max. building height	35 feet	35 feet
Min. Building frontage buildout	70%	74%

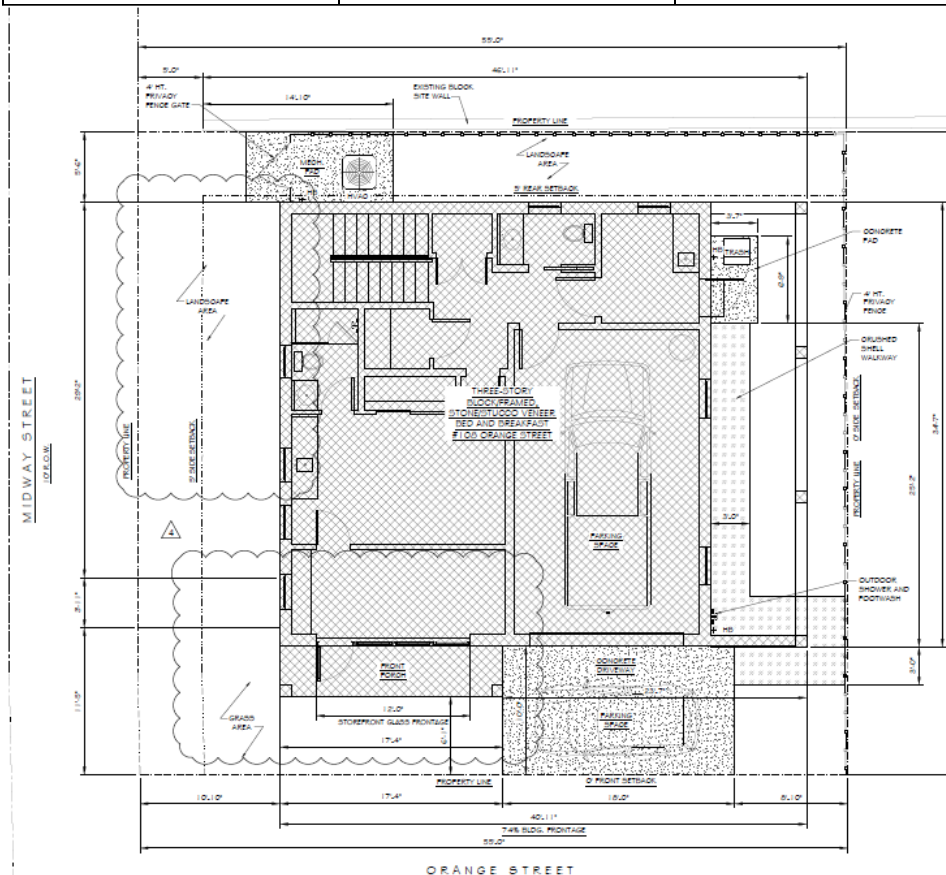


Figure 2: Proposed Site Plan 108 Orange St, Neptune Beach, FL

The building complies with setbacks, lot coverage, height, and frontage buildout requirements in the CBD.

The building complies with the elevation frontage requirements and standards of the CBD.

The building has one primary frontage on Orange St. The Orange St. first-floor frontage included a Lobby door and garage door. The building frontage is a Lobby style and an accessible front entry from the first floor at sidewalk level. The building's first floor façade is 35% transparent. The building's second floor façade is 40% transparent.



Figure 3: Proposed Frontage Elevation (Southern Elevation facing Orange St) 108 Orange St, Neptune Beach, FL

Sec. 27-236. – “Frontage requirements and standards” and Sec. 27-246. – “Central Business District (CBD) zoning district – special regulations” require all building frontages in the CBD to be either Storefront or Lobby with 30%-70% façade transparency. Storefronts and Lobby’s shall be accessible from the sidewalk level.

Section 27-246 (b) and (c) state:

(b) Commercial building frontage standards. New commercial development shall comply with the required frontage types and associated standards detailed in Section 27-236

(c) Commercial building design standards.

(1) Storefront design. The storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefronts are required for the ground floor of all buildings located on streets designated with Required Retail Frontage and may be incorporated on any building in the Central Business District (CBD), Neighborhood Center Overlay (NC), and C1 districts. Storefronts are frequently shaded by awnings. Storefronts shall be directly accessible from sidewalks;

(2) Entrances and Access. All new buildings should have the main entrance oriented to and in full view from a street or public open space. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas. Building on corner lots shall use design elements that emphasize the importance of both streets.

(3) Transparency. All building facades which face onto a street or public open space, shall meet the following minimum transparency requirements:

a. Buildings with Shopfronts (Figure 27-246-3)

i. Minimum building façade transparency for ground story: 70% and should allow a view of at least 5' of interior space

ii. Minimum building façade transparency for upper stories: 40%

b. Building without Shopfronts (Figure 27-246-4)

i. Minimum building façade transparency for ground story: 30%

ii. Minimum building façade transparency for upper stories: 25%

Driveway/Parking:

The site is served by a total of two parking spaces, one parallel space and one garage space. Per the parking requirements in 27-540-1 the development is required to have one parking space per guest room and two parking spaces for the owner/operator for a total of four spaces.

Per, 27-540 (c) the CBD is given a 50% reduction in parking however; therefore the development requires two parking spaces. The site layout parking access configuration complies with driveway standards and maximum driveway apron width.

III. D24-04 FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders states the community development board shall conduct a quasi-judicial public hearing and shall consider the following factors when issuing a development order:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The use is consistent with the surrounding zoning and uses. The site is surrounded by majority residential uses, as well as commercial uses along First St.

2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Staff Response:

Traffic: The proposed redevelopment will NOT generate more than 50 pm peak trips; therefore a traffic study is not required.

Water/Sewer: This project area will require water and sewer extensions (See attached Public Works Comments)

School: Not applicable

Drainage: Site may require stormwater permitting from Saint John's Water Management District (See attached Public Works Comments).

- 3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.**

Staff Response: The Bed and Breakfast use is permitted by right, the development plan complies with minimum development requirements, driveway access, frontage treatment requirements.
The site will require additional utility planning (See attached Public Works Comments).

- 4. Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.**

Staff Response: The Bed and Breakfast use is permitted by right, the development plan complies with minimum development requirements, driveway access, frontage treatment requirements.
The site will require additional utility planning (See attached Public Works Comments).

- 5. Applicable regulations, review procedures, and submission requirements.**

Staff Response: The Bed and Breakfast use is permitted by right, the development plan complies with minimum development requirements, driveway access, frontage treatment requirements.
The site will require additional utility planning (See attached Public Works Comments).

See attached Fire review comments.

- 6. Concerns and desires of surrounding landowners and other persons.**

Staff Response: A sign was posted on the property according to requirements. Staff has received comments from the public.

- 7. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.**

Staff Response: The site will require additional utility planning, See attached Public Works Comments See attached Fire review Comments

IV. STAFF RECOMMENDATION

Staff recommends approval of the currently proposed application for DP24-04 Preliminary Development Plan for the property at 108 Orange St (RE# 172769-0000) to permit a bed and breakfast (as presented).

See attached Planning and Zoning Comments

See attached Public Works Comments

See attached Fire Comments

The applicant provided a preliminary response to staff comments on May 3, 2024 and provided an updated revised site plan (see attached). The applicant responded to all Planning and Zoning comments on May 8, 2024 and provide a revised site plan, floor plan, and elevations. The revised proposed Preliminary Development Plan as updated on May 8, 2024 complies with all planning and zoning development standards.

The developer shall submit a Final Development Plan that complies with staff conditions for review by the City Council. The Final Development Plan shall be consistent with the Preliminary Development Plan and staff comments and shall contain no land uses different than those approved in the Preliminary Development Plan.

V. RECOMMENDED MOTION:

a. I recommend approval of DP24-04

OR

b. I recommend denial of DP24-04

Mr. Douglas Driver, III, 1150 Penman Road and owner of the property addressed the board. His family purchased the property in 1989. There was an existing duplex on the property that was demolished in 2007.

The property is being used for parking and dumping site by the neighbors and beach goers. Would like to build a bed and breakfast. Will generate revenue and increase property values for the neighbors. Legally allowed to build a bed and breakfast on the property.

Questions for Staff and applicant:

Ms. Atayan: The fire review had one question about tight turning since the curb has been removed.

Mr. Moran: How many B & B do we have? None

Mr. Hilton: There was originally 3 parking spaces. Where will the other guest park? Mr. Driver stated that they were only required to provide two. One will be in the garage and the other one in front of it. The extra parking space had to be removed, because of the allowable driveway width.

Mr. Hilton: Why is there no kitchenette in guest room number 2? We deemed that it was not necessary and removed it.

Is there a roof top deck planned? No, roof top deck.

Guest #1 will enter through the lobby and guest #2 will enter through the laundry area or garage. Mr. Driver stated that guest #1 will be the primary guest room. Mr. Kevin Solman, architect, the lobby is access to the first floor and the second guest room and owner's suite will be accessed by the side door through the laundry.

Public Comments

Chairperson Schwartzenberger opened the floor for public comments.

Henny Schoonover, 214 Oceanfront, opposes the application. Passed a drawing on how this property will compare in height to the surrounding buildings. Opposes the 35-foot-tall Bed and Breakfast beside my house and in my neighborhood. This proposed building will replace a 1268 square foot two-story house that once stood on that lot. The land development code includes Bed and Breakfasts as one of numerous "permitted uses" in the CBD along with Hotels, Motels, interior service restaurants, carry-out and delivery restaurants, government uses, utilities, public park, recreation, amusement, and entertainment, including billiard and pool halls and the list goes on. None of these permitted uses are compatible within the residential section of the CBD. Our established neighborhood is made up of single and two-family homes that are two-story, none being taller than 28 feet. The proposed building of 35-feet will stand and full story above all the other houses around it. It just does not fit. According to Section 27-222 of the ULDC-Purpose and Intent of zoning district "this zoning article must impose certain appropriate restrictions on the use of land within the city limits of Neptune Beach to ensure that future development is in keeping with the existing development."

Regarding neighborhood design: The proposal as it stands now is not in scale or character with the neighborhood.

Regarding scale, mass and bulk: The ratio of square footage to land of this building is 1:.94 while existing homes in this neighborhood have a ratio anywhere from 1:1.8 to 1:4.14, further illustrating the fact that this proposed building is out of proportion and density with surrounding buildings.

Regarding privacy. The proposed height of 35 feet is not sensitive to the surrounding neighbors.

Allow this proposal to go forward will set a bad precedent for our neighborhood and the City of Neptune Beach. Regardless of zoning designation, the extra traffic created and parking hassles with a B&B is not fitting with our neighborhood ambience. Please listen to the concerns of the people living in this neighborhood. The City of Neptune Beach's own ULDC will not permit this land usage as proposed.

George Schoonover, 214 Oceanfront, opposes the applicant's request to build a B&B at 108 Orange Street. As outlined in Florida Statutes, the Community Development Board shall consider the following factors: The nature of the proposed development, including land use types and densities; proposed parking areas, "and the concerns and desires of surrounding landowners and other persons".

The following stated goals and objectives are taken directly from NB's codes. Purposes and Intent of Zoning districts. The design goals for new construction are; to preserve the natural beauty of NB and protect the residential character of the effects of inharmonious and out of scale developments in order to maintain and improve property values.

Site improvement should be compatible with structures existing on neighboring parcels and should be sensitive to their design and property rights. Designs which conflict with the use and enjoyment of any property should be avoided. Buildings should be designed in scale with the neighborhood and should complement the character of the neighborhood, rather than conflict with it.

Buildings should not present excess visual mass or build to public view or to adjoining properties. Large box-like buildings can appear massive. When viewed from the public right of way, excessive mass detracts from the character of NB's individual neighborhoods. When viewed from adjoining properties, excess mass can effectively act as a wall that dominates neighboring structures and interferes with the enjoyment of open space and the free passage of light and air.

Design should respect views enjoyed by neighboring parcels. It is the intent of this objective to balance the private rights to views from all parcels that will be affected by a proposed build or addition. No single parcel should enjoy a greater right than other parcels except for the natural advantages of each site's topography. Building which substantially eliminates an existing view enjoyed on another parcel should be avoided. A 35-foot-high flat wall certainly qualifies for that characterization.

Another consideration for a bed and breakfast on this parcel is the lack of surrounding infrastructure. The parcel is on Midway, a narrow one-way street to Lemon. There is no sidewalk or curb. There is one dim streetlight at the corner of Orange and Midway as well as confusing street signage. It would be harrowing for a driver or pedestrian to navigate these handicaps without prior knowledge. For these reasons, I oppose the application.

Dreanna Bane, 600 Second St, read a letter from Ronald and Diane Wingate of 700 Oceanfront: "Dear Neptune Beach Community Development Board, We are writing this letter in hopes that this committee will vote against the application to establish the Driver Inn at 108 Orange Street in Neptune Beach, FL. There is absolutely no parking for a business on that small section of Orange Street. Also, most people that live at the beach have many visitors because we live at a safe beach. This warm weather has already brought many people. We live at the end of Cedar Street (public access) and have never seen so many headed to the beach that we have we have never seen before. Sincerely Yours, Ronald and Diane Wingate.

Judy Williams, formerly owned 98 Orange St, it is crowded and asked the board to look at the plans closely.

Shellie Thole, 310 Oleander St., this is not the same packet that has been changed since it was originally sent out. How do you make a decision, if you have not had a change to look over it?

Ray Lin, 310 First St, I don't see how it will improve property values. It will diminish. It will not look like the old houses.

Heather Peters, 93 Orange St, lives across the street and as the owner stated, they can not control the parking as it is now. How are they going to control it in the future. How does a business become successful with only two parking spaces? Are we saying it's a business when its not? Does not want to see this happen. What is the logic behind the two parking spaces?

Dr. Juan Leoni, 111 Orange St, owns property diagonally from 108. Would like to have something to be built there. People are using the lot to hang out. The owners should use the lot to be neighborly and friendly.

Mr. Driver stated that he understands their concerns, and that the last two speaks made a point with the property being vacant and being used for drugs. This is why we want to build a house here and use it as a bed and breakfast. As for the reason why there is not a kitchenette on the third floor. There is a kitchen on the second floor with access to that room. In addition, we are primarily looking to just rent out the first floor bedroom, so two parking spots should be ample space for that.

I hear a lot of feelings from people say that don't like it, if they don't like it, then they should work towards changing the law. We are trying to meet all the rules and regulations. Putting all of his life savings into this house/bed and breakfast, whatever you want to call it. There will be security cameras, looking at building a gate in the future.

There being no comments, the public hearing was closed.

Board Discussion:

Ms. Bylund: This is not a replat and we do have factors to be considered. #1 Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses- this is zoned commercial and but people came in and built in this area. The land use is residential even though it is zoned commercial. Parking is a huge consideration. It is not realist to have two parking spaces. There is the people living there, the people staying there, possibly people working there and people visiting the guests. The math do not add up at all. Has a problem will be contributing to the parking problem. Someone wants to have a 35-foot house that is out of keeping with all the other houses around it. Wonderful if there is something they could do differently. Especially the park.

Ms. Atayan: We look at the intensity of the businesses, it is too high of an intensity for this area. We may need to revisit the zoning district and redefine the uses. The height and size of it is out of nature of the surrounding area.

Mr. Raiti: The size and bulk of the building is not in keeping of the neighboring properties.

Mr. Schwartzenberger: Boarders Seahorse, Lemon Bar and we will see changes coming in the futures. There is a permitted use, it would be a lovely area for someone to stay. A single-family is what everyone want, but a single-family house is not allowed by right.

Mr. Hilton: If someone were to come before the board to build a single-family dwelling on the property, what would the height be? Ms. Whitmore stated it would have to comply with the RC overlay requirements and the height of 28 feet.

Mr. Raiti: The mass of the building weighs on him. You don't have to overshadow the neighborhood.

Mr. Driver was given the floor again. He stated the intent is to rent this out and the intent is not to just have a house. As for the parking, there was 3 spaces originally planned but was told that he could not have more than an 18-foot wide driveway. Would be happy to reinstate that parking space. The goal is to have one couple come and stay at the B&B routinely as a vacation style rental. Does not want twenty-five plus people visiting the house. I will be living there, I don't want to see 25 people myself. In fact I would prefer not to see them at all. They will come in and out a separate entrance. That is the intent, just wanted to make that know.

Mr. Boran asked Mr. Driver: Who is the owner/operator? Mr. Driver stated that he would be the owner/operate but that he did not want to have undue interaction with the guest. They will have their own entrance for the first floor. They will have a bedroom and I will feed them, but not hanging out with them.

Ms. Atayan: You stated that you wanted limited contact with the guest on the first floor and you also have a guest room on the same floor as your bedroom. You will have direct contact with that guest and sharing facilities with them. Is a B&B guest or a family member? Mr. Driver stated it is just another room in the house and does not see if it is rented or not that it is relative.

Mr. Boran: So, your B&B is a one single bedroom with a kitchenette. Yes, I have a full time job and maybe in the future I will rent the other guest room.

Mr. Hilton: I'm confused. In my experience with Bed and Breakfasts, you typically go to someone's home, they have multiple bed and bathrooms, and they service you several meals and they interact with their guest. I don't normally go to B&B's because I am not comfortable with this. I'm confused about the model.

Becky Driver, the owner, stated that her son plans to come in and service the breakfast and that he plans to live there.

Ms. Atayan: There is a guest room on the third floor where he plans to live. For the transient guest, there will only one bedroom for guest? Yes.

Ms. Bylund: This seems to be not as what it has been presented and the parking. This a reason I would use to reject, and I believe it is a legal reason and would pass mustard.

Mr. Boran: Parking cannot accommodate the people coming in.

Mr. Raiti: The natural man-made features are not in coordinate with the design. The parking does comply with the 50% reduction.

Made by Bylund, seconded by Hilton.

MOTION: MOVE TO RECOMMEND DENIAL DP24-04 TO THE CITY COUNCIL.

Roll Call Vote:

Ayes: 6-Bylund, Raiti, Atayan, Boran, Hilton, Schwarzenberger

Noes: 0

MOTION APPROVED.

The applicants were informed that the City Council makes the final decision and the applicant should attend the meeting on June 3, 2024 at 6:00 pm.

The board discussed the need for a definition of “Historically Significate” before presenting anything to City Council.

Mr. Raiti asked about the non-conforming section of the code. In particular, you can not “enlarge or reduce” of a non-conforming.

Mr. Roth stated: Conforming is the only part that cannot be changed. The section only applies if it was built correctly but then the code changes after the fact. This second of the code is very poorly written and should be reviewed.

The non-conforming is very muddy and the board needs to look at it in the future.

Zack Roth, City Attorney, informed the board that he has given his resignation and will be leaving once a replacement has been found.

Greg Schwarzenberger, Chairperson

ATTEST:

Piper Turner, Board Secretary

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



STAFF REPORT

MEETING DATE: September 11, 2024
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: V24-03/DP24-05

TO: Community Development Board

FROM: Heather Whitmore, AICP, Community Development Director

DATE: September 7, 2024

SUBJECT:

V24-03 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Pierre’s LLC for the properties known as 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The applicant requests a variance from Table 27-540-1 “Off-Street Parking Requirements” to permit a four parking space reduction in the required number of new parking spaces to a serve a 152-seat bar from 19 total required parking spaces to 15 total required parking spaces.

DP24-05 Application for Development Plan Modification as outlined in Chapter 27 Article II Division 2 Section 27-81 of the Unified Land Development Code of Neptune Beach for Pierre’s LLC for the properties known as 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The request is to modify the DP23-01 approval of a ground level deck structure with outdoor seating, bar and event space to reduce the seating from 117 new seats to 82 new seats.

-
- I. BACKGROUND:** A development plan modification request has been submitted for the properties known as Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). The request is to modify the previous DP23-01 approval of a ground level deck structure with outdoor seating, bar and event space to reduce the approved seating from 117 new seats to 82 new seats.

DP24-05 includes a concurrent review of associated variance V24-03 from Table 27-540-1 “Off-Street Parking Requirements” to permit a reduction in the required number of new parking spaces to a serve a 152-seat bar from 19 total required parking spaces to 15 total required parking spaces.

*V24-03/DP24-05 Pete’s Bar Development Plan Modification and Associated Variance
September 7, 2024*

The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district. The building was built in 1931, and Pete's Bar was established in 1933.



Figure 1: Pete's Bar, 117 First Street, 120 & 110 Lemon Street, Neptune Beach, FL

The existing building is 3,956 square feet with 70 seats located inside and on the western smoking patio. The 2023 DP23-01 development plan approval permitted a 1,700 square foot deck addition, outdoor bar, and event space with 117 new seats, bringing the site total seat count to 187 seats.

At the time of the 2023 approval, the site had five parking spaces including two handicap spaces. Section 27-540 "Parking Requirements" requires 1 parking space per 4 seats for restaurants and bars. Section 27-540 (1) permits a 50% parking reduction for uses located in CBD. The 2023 approval of 187 seats required 24 total parking spaces ($((187/4) \times 50\% = 24)$). The site had five parking spaces, therefore the development approval required the addition of 19 parking spaces ($24 - 5 = 19$). The site requires 1 bicycle space, and 3 are provided. The site's five parking spaces was 19 spaces short of the required 24 spaces.

Upon conditional approval of DP23-01 by the City Council, the applicant agreed to mitigate the 19 parking space deficiency with a “Payment in-lieu of providing off-street parking.” LDC Section 27-541 “Payment in-lieu of providing off-street parking in the Central Business District” establishes a waiver for a portion or all of the required non-ADA off-street parking spaces through payment of a fee-in-lieu of providing required parking pursuant to section 27-540. The purpose of the “Payment in-lieu of providing off-street parking” program is to fund the capital costs associated with new, upgraded, or expanded off-street parking areas serving land uses within the Central Business District.

II. DISCUSSION:

The applicant is now returning to the Community Development Board and City Council to request a modification to the previously approved DP23-01 to reduce the number of additional seats in the development plan from 117 to 82. LDC Section 27-81 “Changes to a development permit or development order” states:

“After a development permit or development order has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from its terms or conditions without first obtaining a formal modification. A modification may be applied for in the same manner as the original.”

Modified Development Plan DP24-05 adds 82 additional seats, including 70 seats on the outdoor deck and bar areas and another 12 in the private event space. The current proposal to add 82 seats in addition to the 70 existing will bring the overall seat count to 152. The applicant has also restriped the onsite parking area to provide seven parking spaces including two handicap spaces. The site will now have seven parking spaces, not including proposed tandem as tandem parking is not permitted in commercial districts per 27-548 (8). See DP24-05 Development Plan:

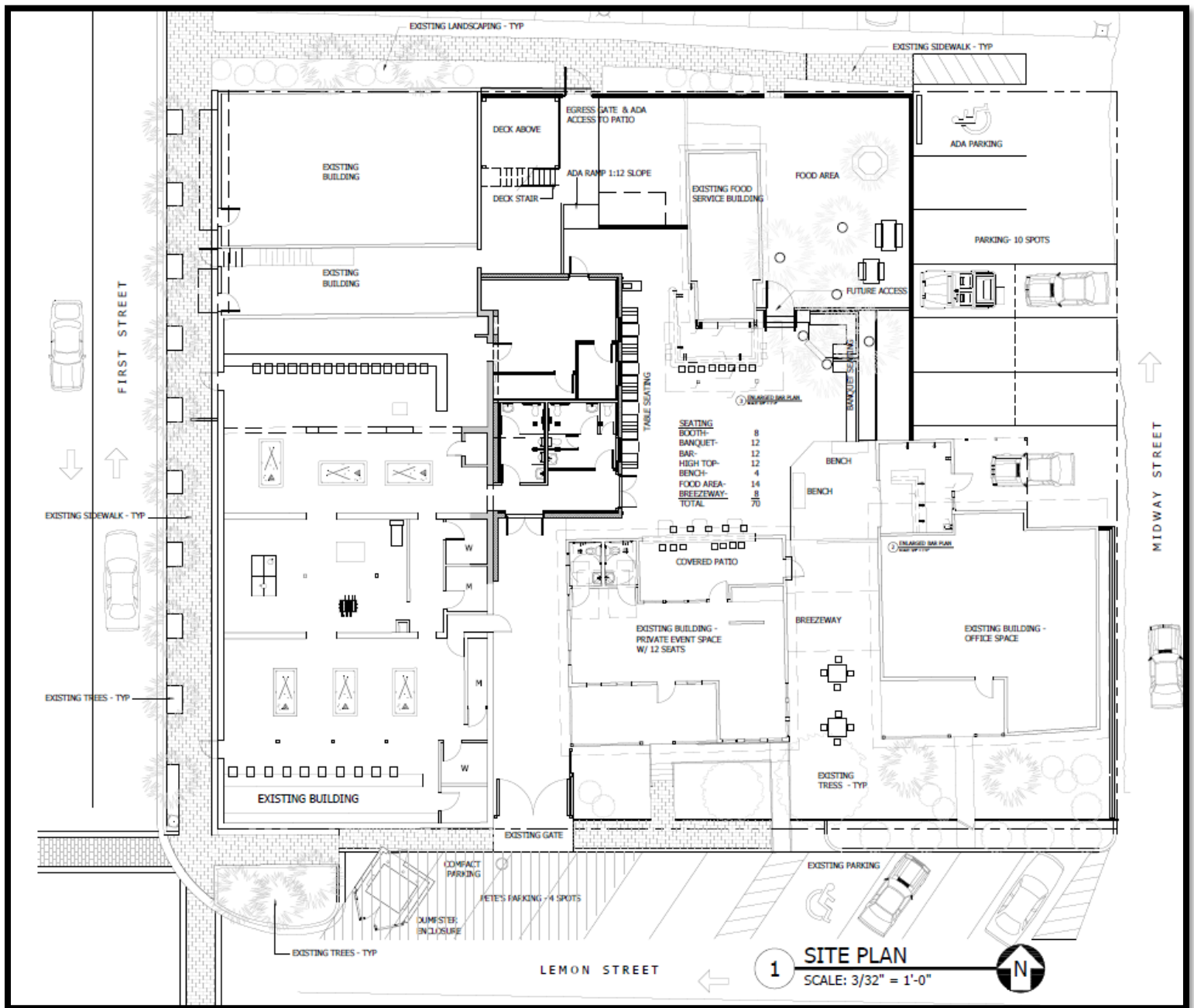


Figure 2: DP24-05 Pete's Bar Modified Development Plan

Section 27-540 "Parking Requirements" requires 1 parking space per 4 seats for restaurants and bars. Section 27-540 (1) permits a 50% parking reduction for uses located in CBD. DP24-05 proposes 152 total seats, requiring 19 total parking spaces $((152/4) \times 50\% = 19)$. The site has seven parking spaces, therefore the development approval requires 12 additional parking spaces $(19 - 7 = 12)$. The site requires 1 bicycle space, and 3 are provided. The site's seven parking spaces is 12 spaces short of the required 19 spaces. The applicant will mitigate the parking space deficiency with a "Payment in-lieu of providing off-street parking."

As stated, DP24-05 includes a concurrent review of associated variance V24-03 from Table 27-540-1 “Off-Street Parking Requirements” to permit a four parking space reduction in the required number of new parking spaces from 19 total required parking spaces to 15 total required parking spaces. With the seven spaces shown onsite, the applicant is requesting that they be required to mitigate an eight parking space deficiency, rather than a 12 parking space deficiency.

The purpose of associated variance V24-03 to permit a four parking space reduction is to account for four parking spaces in the Lemon Street right-of-way that the applicant states have been in the sole possession of Pete’s Bar for decades. The “four” parking space area is shown in hatched overlay on the attached Development Plan, and includes a dumpster and three parking spaces.

The applicant states that Pete’s has maintained and used the area since 1933. The applicant states that the spaces are used for employee parking, vendor parking and a private dumpster. The applicant states that the spaces are not a part of the metered parking program and have strictly been used by Pete's.

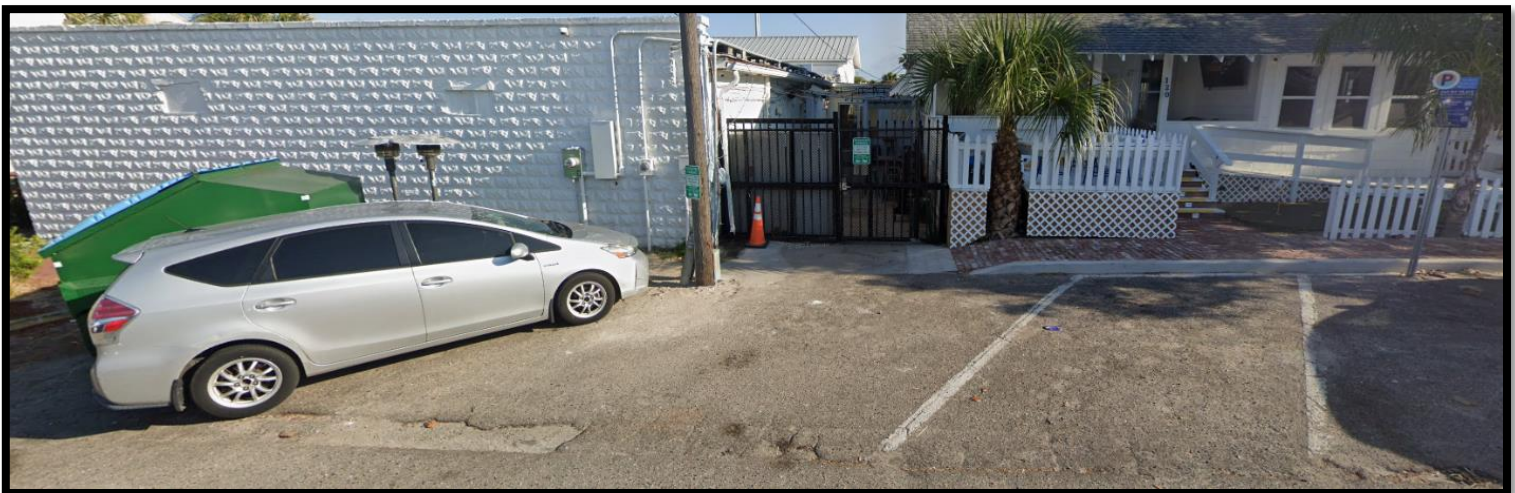


Figure 3: Google Street view of four parking space subject to V24-03 Dated May 2024

III. V24-03 FINDINGS:

1. **The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.**
 - a. **Applicant Response:** These parking spots have been used by Pete’s and only by Pete’s for decades. Taking these four spots from us takes away our dumpster and employee parking. It will require more public spaces used by our employees. Also,

all of our vendors use these spots for parking including electricians, plumbers and roofers. We have a permit from the city to construct a dumpster corral so it's no longer a public eyesore. We have always maintained this section. The hardship will only occur to us if these spaces are removed from our use.

- b. **Staff Response:** There does not appear to be a unique hardship. The spaces are located in the City right-of-way. The area is available for public use and is not being “taken from, or removed from the use of” anyone. The City does not have a lease agreement with Pete’s to utilize these spaces for their sole use. City staff has found no evidence of a record of ownership, development agreement, easement, parcel records, or recorded property ownership documents of any kind indicating that Pete’s Bar ever owned this area.

2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

- a. **Applicant Response:** These four spaces will allow a new dumpster corral and parking spaces for employees and vendors.
- b. **Staff Response:** The parcel can reasonably be used today under the current use as a bar. The building is in an existing condition. The requested parking variance is not necessary to permit use of the parcel or building.

3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.

- a. **Applicant Response:** It's in front of our gate entry on Lemon St. and our utility connections. These spaces have not been in the metered program. The new dumpster corral will now hide the dumpster and make it more pleasing to the public. We own the adjacent properties.
- b. **Staff Response:** The purpose of required on-site parking is to accommodate for parking demand generated by the proposed use. The variance may adversely impact adjacent and nearby properties by not providing adequate parking improvements to serve the business.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

- a. **Applicant Response:** We're improving the space by building a new dumpster corral, at our own cost and not the city, and maintaining the upkeep of the space.
- b. **Staff Response:** It is unknown how the variance will affect property values.

5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

- a. **Applicant Response:** We are in the guidelines of the ULD code.
- b. **Staff Response:** The variance request for a parking reduction and maximum is not in harmony with the general intent of the LDC.

6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.

- a. **Applicant Response:** Pete's has been established for 90 years and these spaces have been Pete's for decades. There has always been an agreement between Pete's and the City for the use of these spaces. Pete's granted the spaces to the City that are in front of the houses located at 110 and 120 Lemon Street. This variance is to make the agreement formal.
- b. **Staff Response:** The proposed variance request for a parking reduction and maximum allowable compact parking is created through the actions of the property owner by expanding the bar. The City does not have record of a lease agreement with Pete's for this portion of the right-of-way.

7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

- a. **Applicant Response:** There is no special privileges given to Pete's as these spaces have been directly managed and operated by Pete's for decades.
- b. **Staff Response:** Granting the variance request for a parking reduction would confer upon the applicant a special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

IV. DP24-05 FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders states the community development board shall conduct a quasijudicial public hearing and shall consider the following factors when issuing a development order:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff Response: The site is an existing established use and is not a new use. The property is located in the Central Business District. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking. The deck is a controlled area with a gate. The site accessibility will remain the same.

2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Staff Response:

Concurrency:

Water/Sewer: This project area has water and sewer.

School: Not applicable

Drainage: No new additional hard surfaces area will be added. The wood slatted deck is pervious to rain.

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff Response: The site is an existing established use and is not a new use. The property is located in the Central Business District. The use complies with density and lot coverage. The deck area was previously asphalted and dirt/gravel and used for storage, outdoor seating and smoking. The deck is a controlled area with a gate. The site accessibility will remain the same.

4. Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

Staff Response: The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this district.

5. Applicable regulations, review procedures, and submission requirements.

Staff Response: The existing building has previously been used for a bar and it has a current building permit for interior renovations. The applicant must obtain an exterior remodeling permit and Development Order for the outdoor improvements. The property has a Comprehensive Plan Town Center Land Use designation and is zoned Central Business District. Restaurants and Bars with outdoor seating are permitted in this

district. The applicant will mitigate the parking space deficiency with a “Payment in-lieu of providing off-street parking.”

6. Concerns and desires of surrounding landowners and other persons.

Staff Response: The Development Order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff has not received any comments from the public.

7. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Staff Response: None. The applicant must obtain a Development Order approval, complete the related submitted remodeling building permit, and successfully receive a certificate of occupancy for the subject improvements.

Staff Recommendation

Staff recommends approval of the development plan modification DP24-05 request for Pete’s Bar at 117 First Street, 120 & 110 Lemon Street (RE# 172782-0000, 172783-0000 & 172784-0000). Staff recommends approval of the request to modify DP23-01 to reduce the approved new seating from 117 new seats to 82 new seats.

Staff recommends denial of V24-03 from Table 27-540-1 “Off-Street Parking Requirements” to permit a reduction in the required number of new parking spaces from 19 total parking spaces to 15 total required parking spaces.

Staff recommends approval the DP24-05 with the following conditions:

- 1) The applicant shall mitigate the 12 parking space deficiency with a “Payment in-lieu of providing off-street parking.”
- 2) The developer shall submit a Final Development Plan, as defined in this Code, for review by the City Council.
- 3) The applicant shall obtain a Development Order approval.
- 4) The applicant shall complete the related submitted remodeling building permit.
- 5) The applicant shall receive a certificate of occupancy for the subject building permit improvements.

**APPLICATION FEE: \$300 Residentially Zone Property
\$500 Commercially Zone Property plus \$.005 (1/2 cent) for each square foot of land
or \$1500 whichever is greater**

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR DEVELOPMENT REVIEW AS REQUESTED.

OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT

THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.

_____ is hereby authorized TO ACT ON BEHALF OF _____, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a development review:

☒ Development Order	☐ Special Exception
☐ Rezoning	☐ Comp Plan Amendment
☐ Replat	☐ Concurrency
☐ Appeal	☐ Other/Tree Champion or Heritage Tree Removal

BY:

Signature of Owner

Print Name

Signature of Owner

Print Name

State of Florida

County of Duval

Signed and sworn before me on this 5th day of Sept, 2024.

By

Shahab Derazi

Identification verified: Personally Known Oath sworn: ___ Yes ___ No

Jessica A. Hatmaker

Notary Signature

My Commission expires:

5/7/25



CHECKLIST FOR DEVELOPMENT PLAN REVIEW

For a complete list of requirements see Article III, Chapter 27 of the Code of Ordinances

Commonly required items needed for development reviews.

- | | |
|---|--|
| ☐ Site Plan | ☐ Floor Plan |
| ☐ Elevations (all four sides) | ☐ Survey of property (dated within one year)
For replat must submit existing and propose surveys |
| ☐ Landscape Plan/Exiting Tree Survey | ☐ Parking Plan |
| ☐ Impervious Surface Calculations | ☐ Stormwater and drainage plan |
| ☐ Light Plan (exterior only) | ☐ Wetland Buffer |
| ☐ Signage Plan | ☐ Utility Plan with existing and/or proposed easements |

DISCLAIMER: This helpful guide is not intended to replace any or all of the Unified Land Development Regulations, requirements for application and review procedures required for development orders and certain types of permits. The guide is meant to assist in the facilitation of the review process only.

APPLICATION FOR ZONING VARIANCE



TO THE CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266-6140
PH: 270-2400 Ext 34 Email: CDD@NBFL.US

IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.

Date Filed:	Zoning District: CBD	Real Estate Parcel Number: 172782-0000
Name & Address of Owner of Record: ____ Pierre's LLC _____ ____ 500 3rd St S Jax Bch, FL 32250 _____ Contact phone number# _____ 904-588-4538 _____ e-mail address _____ deraz12@gmail.com _____		Property Address: ____ 117 1st St _____ ____ Neptune Beach, FL 32266 _____ Number of units on property ____ 2 _____ Have any previous applications for variance been filed concerning this property? ____ Yes _____ If Yes, Give Date: ____ 7/23 _____
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): Pete's is requesting the 4 parking spots in front of the gate on Lemon st that has in their possession for decades and holds the dumpster.		
2. Explain the purpose of the variance (if granted)? Petes has maintained and used the space since 1933. These spaces are used for employee parking, vendor parking and our dumpster. They are not in the metered parking program and they have always been used for Pete's solely. These spaces are located in front of our Gate and utility connections.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):		

A. How does your property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner's own action.

These parking spots have been used by Pete's and only Pete's for decades. Taking these 4 spaces from us, takes away our dumpster and employee parking. It will require more public spaces used by our employees. Also, all our vendors use these spots for parking i.e. electricians, plumbers, roofers. We have a permit from the city to construct a dumpster corral so it's no longer a public eye sore. We have always maintain this section. The hardship will only occur to us if these spaces are removed for our use.

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

These 4 spaces will allow a new dumpster corral and parking spaces for our employees and vendors.

C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.

It's in front of our gate entry on Lemon St and our utility connections. These spaces have not been in the metered program. The new dumpster corral will now hide the dumpster and make it more pleasing to the public. We own the adjacent properties.

D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.

We're improving the space by building a new dumpster corral (at our cost and not the city) and maintaining the up keep of the space.

E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.

We are in guidelines of the ULD code.

F. Explain how the need for the proposed variance has not been created by you or the developer?

Pete's has been established for 90 years and these spaces have been used by Pete's for decades. There has always been an agreement between Pete's and the City for the use of the spaces. Pete's granted the spaces to the city that are in front of the houses located at 110 and 120 Lemon Street. This variance is to make the agreement formal.

G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.

There is no special privileges given to Pete's as these spaces have been directly managed and operated by Pete's for decades.

4. Required Attachments- Applicant must include the following: (INCOMPLETE PACKAGES WILL BE RETURNED)
A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. WHICH HAS NOT BEEN REDUCED.
B. Survey of the property certified by licensed surveyor and dated within one year of application date. SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.
C. Copy of Deed
D. Pictures of the property as it currently exists
5. Letter of authorization for agent to make application (Required only if not made by owner)
6. NON-REFUNDABLE FEE: \$500.00 (Residentially zoning property) / \$1000.00 (Commercially Zoned Property)

NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.

***If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

***If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.

NAME (S) OF PROPERTY OWNER (S)

Shahab Deraz

ADDRESS OF PROPERTY OWNER

NAME OF AUTHORIZED AGENT

ADDRESS OF AUTHORIZED AGENT

 _____

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT

THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.

_____ is hereby authorized TO ACT ON BEHALF OF _____, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: _____

Signature of Owner

Print Name

Signature of Owner

Print Name

Daytime Telephone Number

State of Florida

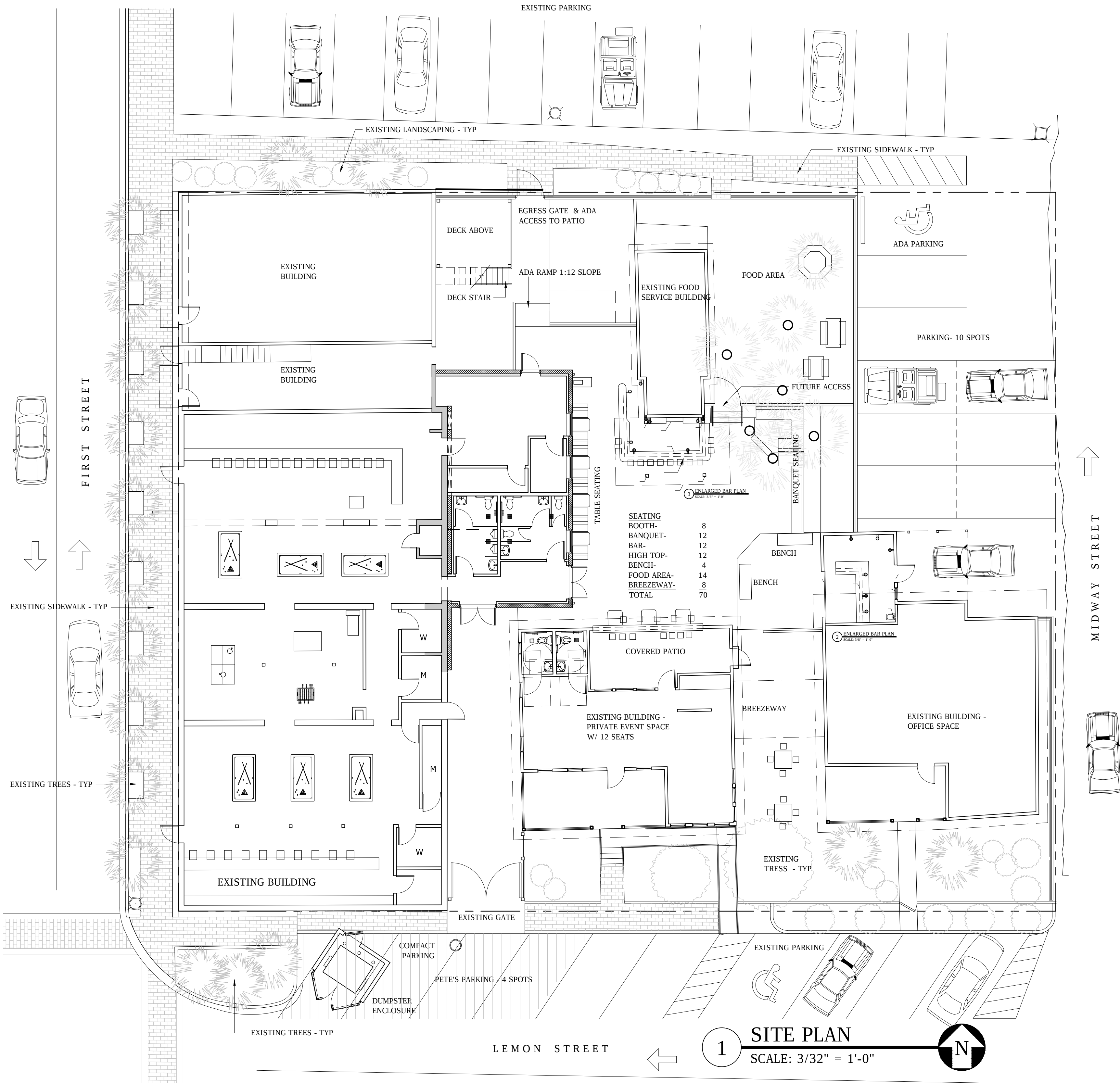
County of _____

Signed and sworn before me on this _____ day _____ of 2024.

By _____

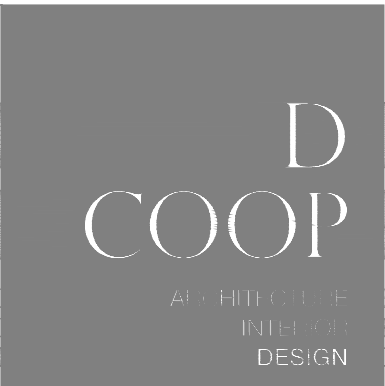
Identification verified: _____ Oath sworn: ☐ Yes ☐ No

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NOT ISSUED FOR PERMIT OR CONSTRUCTION

PETE'S COMPOUND



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JACKSONVILLE, FL 32207
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FAX / (904) 592-5892
www.dcoop.com
FL/AA26001646

CLIENT
AUSTIN TOWERY

LOCATION
117 First Street Neptune Beach

DATE: 8.21.2024

PROJECT NO: 21025

SITE PLAN
A001