



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
OCTOBER 9, 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 Community Development Board Minutes
6. May 8, 2024 Community Development Board Transcripts
7. August 19, 2024 City Council Transcripts
8. Approval of September 11, 2024 Community Development Board Minutes
9. DP24-06 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for John Atkins of Atkins Builders for the property is currently known 500 Seagate Ave. 12-93 28-2S-29E JACKSONVILLE BEACH PARK LOTS 2,3 BLK 11 (RE# 173589-0000). The property is in the R-3 zoning district.
10. Subcommittee Reports
11. Discussion of ARTICLE XVIII. - NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS
12. Open Discussion
13. 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
OCTOBER 9, 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

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
CODE SUBCOMMITTEE
OCTOBER 9, 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.
- • 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."



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



[illegible]

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

Name and Address of Agent/Applicant:	Telephone: (904) 301-1269
Cyndy Trimmer and Steve Diebenow	E-Mail: ctrimmer@drivermcafee.com; sdiebenow@drivermcafee.com
One Independent Drive, Suite 1200 Jacksonville, Florida 32202	

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.

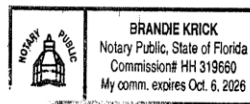
LHV, LLC, a New York limited liability company

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]
Signature of Owner

Hao Li

Print Name

Member
Its

Daytime Telephone Number: (917) 478-2278

State of Florida
County of Duval

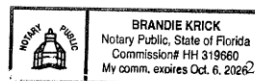
Signed and sworn before me on this 12th day of January, 20 24
By Hao Li

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

[Signature]

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*.

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:

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

May 8, 2024
(Updated 10/1/2024)

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-
0000) Jean
Bakkes

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 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.

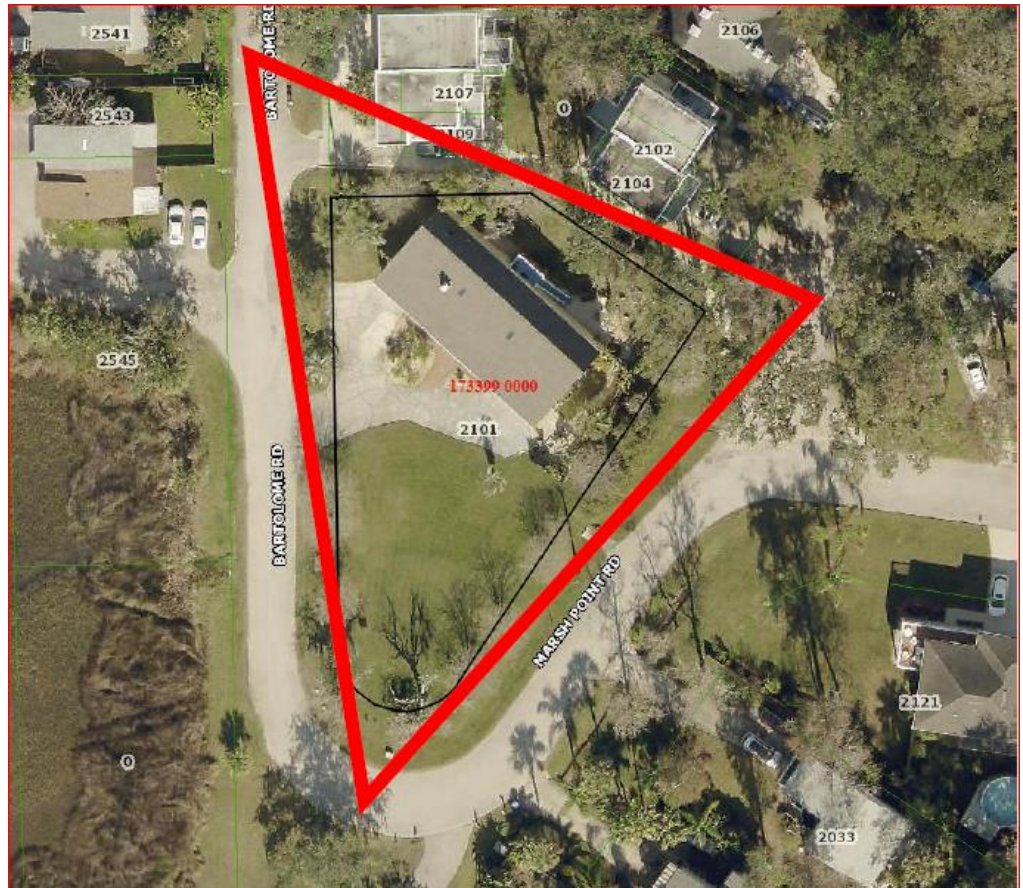


Figure 1: 2101 Bartolome Rd

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

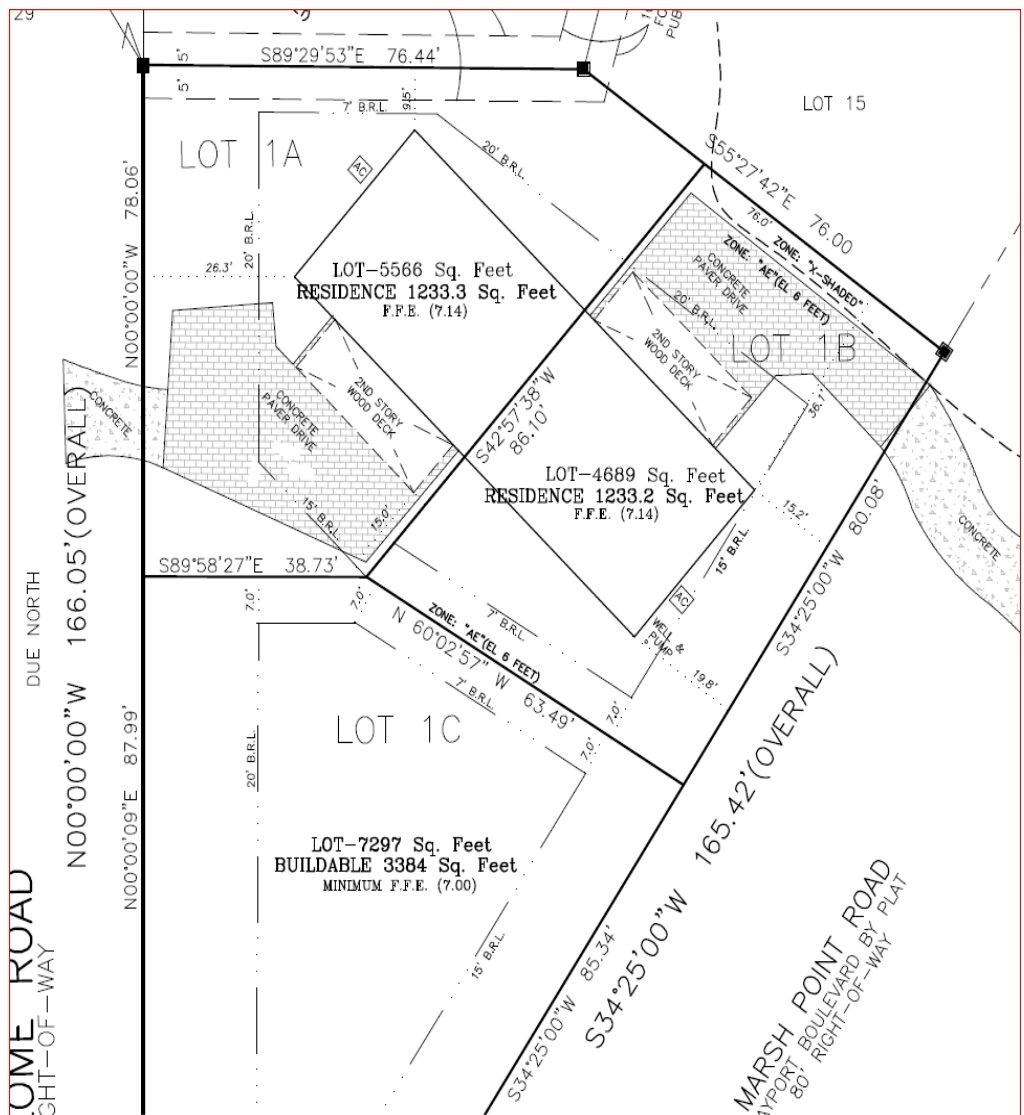
Staff recommends approval of application DP24-03 replat for 2101 Bartolome Rd.

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.



May 8, 2024
(Updated 10/1/2024)

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 Schwartzenberger: 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, Schwartzenberger

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.

It should be noted that a different development plan than what was in the original agenda was presented. The Board was handed a new redlined staff report when the meeting began. It is worth noting that the staff report changed from recommending denial to recommending approval.

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.

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%

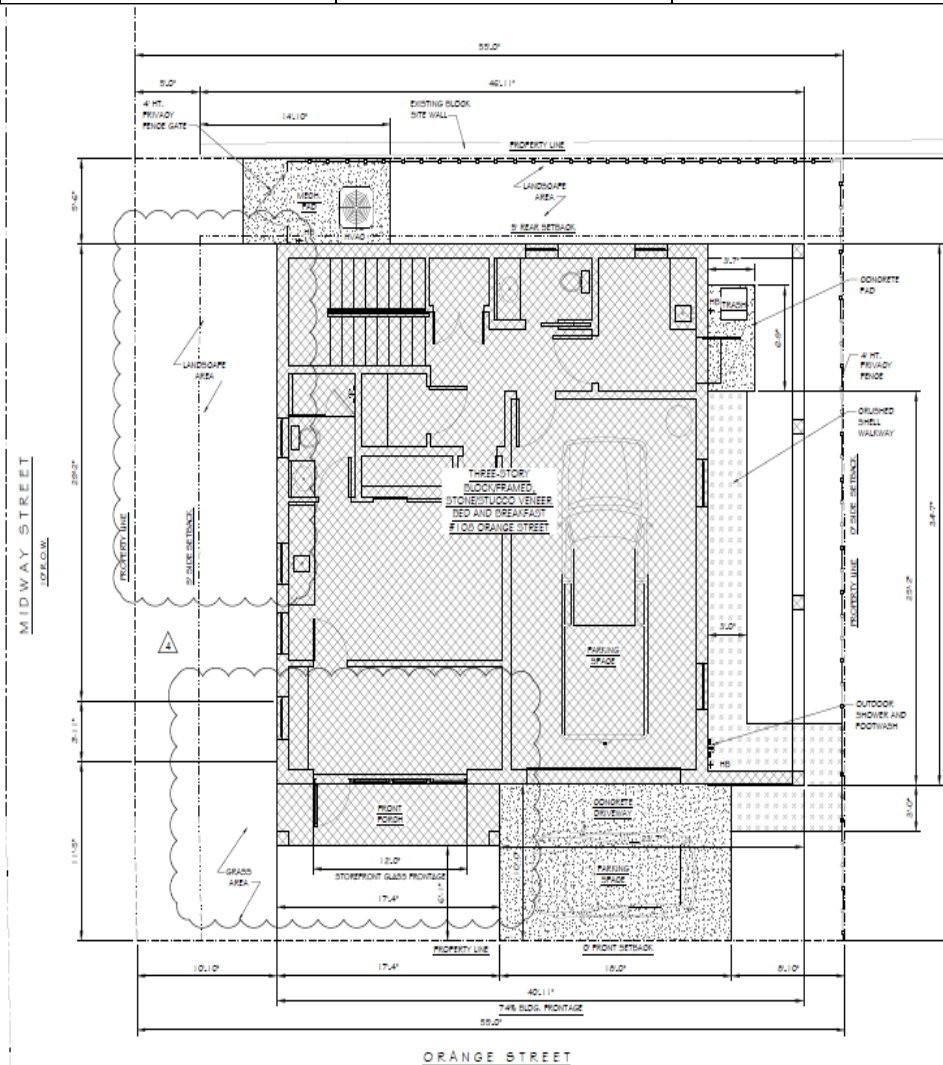


Figure 2: Proposed Site Plan 108 Orange St, Neptune Beach, FL

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.

Someone will be blocked in the garage and unable to leave if this plan is approved.

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.

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.

Judi Williams, formerly owned 98 Orange St, it is crowded and asked the board to look at the plans closely. Was concerned about parking.

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? Raised the concern of lack of notice because of the packet being switched at the time of the meeting. Also concerned that garage placement needs to be 12 inches behind the front face of the house.

Ray Len, 310 First St, I don't see how it will improve property values. It will diminish. It will not look like the old houses. Concerned this Bed and Breakfast plan will make Neptune Beach like Jacksonville Beach.

Heather Peters, 93 Orange St, lives across the street and as the owner stated, they cannot 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? The business plan is not believable. Are we saying it's a business when it's 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 addressed the board again and stated that he understands their concerns, and that the last two speakers 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. Noted that he changed the plan again to stated they really only wanted to rent out the first floor. The second guest room will likely be empty.

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:

Findings to be addressed by board members:

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
2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.
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.
4. Applicable regulations, review procedures, and submission requirements.
5. Concerns and desires of surrounding landowners and other persons.
6. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Note: Staff kept saying the plan was "permitted by right" as though the board did not have to address all of the factors, which included:

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

"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 meant that a B&B is a permitted use by right, but that the plan wasn't necessarily permitted by right, otherwise why would we have to do a quasi-judicial hearing?

Ms. Bylund: There are multiple factors to consider and there is discretion to deny the application. It is not black and white, and all factors must be considered. Residences are allowed with special exception, but the houses in that area were existing and then CBD was imposed later. Land use is residential despite being zoned commercial. The people who reside in that area have concerns that need to be considered. Parking is an issue. It is not realistic to have two spots for this business plan. Guests, visitors, workers and owners all need parking. It is not right to contribute to the pre-existing parking problem. Concerned about asking for permission for an unrealistic plan and then changing the use. The plan is out of keeping with the residential structures that are existing around the property.

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. That is the residential corner of the CBD with smaller cottage style homes. This plan is significantly larger. The degree to which it fits the site, and the surrounding area is important, even from the architectural renderings, you can see the surrounding buildings are lower (smaller), the mass of the building weighs as a consideration. You don't have to max out the building envelope and overwhelm or overshadow the neighborhood. Prior to this discussion for these variances, we had a historic preservation meeting, and as we consider the value of having neighborhoods that have a certain characteristic, it (the historic characteristics of the surrounding area) is something to bear in mind, we have one small central business district, many of which are retail establishments, many of those are in small historic buildings.

Mr. Schwartzenberger: Boarders Seahorse, Lemon Bar and we will see changes coming in the future. 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. The parking does comply, with the 50% reduction in the requirement. But there are other issues. As discussed before, characteristics of the site and surrounding area and the design of the proposed development do not comport.

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. Made a point that the applicant wants limited interaction and is down to one unit for rent as of his testimony.

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 muster.

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. Disagreed about the parking argument as a reason to deny the application, but stated the scale of the design is out of character.

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, Schwartzenberger

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 “enlarge or reduce” of part of a non-conforming property.

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 section of the code is very poorly written and should be reviewed. You can replace a non-conforming feature if it does not increase the non-conformity or if it decreases the non-conformity. This would not require a variance.

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

Page 1 1 2 3 4 5 6 7 NEPTUNE BEACH COMMUNITY 8 9 Community Development Board 10 May 8, 2024 11 12 Runtime: 03:58:32 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 3 1 and special character for generations to come. It has 2 always been my guiding philosophy that taxpaying 3 residents and public officials are stewards of a 4 community in which they reside. 5 I know I share that inner voice with our 6 Community Development Board Chair, Greg 7 Schwarzenberger, who graciously encouraged the 8 formation of the subcommittee late last year, those of 9 us who are serving, and the residents, particularly 10 Alison Ronzon, who's sitting, raise your hand, Alison, 11 for all these folks who may not know you, and 12 residents, particularly Alison Ronzon, who have been 13 the driving force behind this effort. 14 Additionally, this would be a difficult task 15 upon which to execute without the guidance and expert 16 opinion of our city's attorney, Zach Roth, and our CDB 17 director, Heather Whitmore, who I think is otherwise 18 occupied right now. But they've been very helpful in 19 -- you know, when we, when we talk about things that 20 need to put pen to paper, they've been very helpful 21 with that. 22 What we have determined, scores of 23 residents, both longtime natives and newcomers, have 24 voiced their desire to protect the special, family 25 centric, walkable, lower density and quiet but fun
Page 2 1 (Beginning of recording) 2 RENE ATAYAN: We run a Historical 3 Subcommittee meeting at five, and then after that, we 4 do our Code Committee, and then after that is our 5 Community Development Board meeting. That said, after 6 we get through our little notes here. (this meeting is 7 being recorded) Thank you. 8 That said, if people want to address us 9 regarding the business at hand with the Historical 10 Subcommittee, we welcome it. This is something that 11 we've been working on since November. And for any of 12 you who haven't been here, my name is Rene Atayan, I 13 chair the Historical Subcommittee. 14 Greg Schwarzenberger chairs the Community 15 Development Board. So we -- I normally like to open 16 with prepared remarks just so that I stay on track and 17 we'll do some discussion and talk to staff and, and 18 also, if folks in the audience would like to comment, 19 we welcome your comments. So actually, I'm going to 20 read from here. This is easier for me. Okay. 21 So with the 2003 historical survey located, 22 a comprehensive updated audit completed, and a first 23 blush at presenting actionable language to the Neptune 24 Beach City Council, we are on the cusp of empowering 25 Neptune Beach and its residents to preserve its unique	Page 4 1 nature of Neptune Beach. As we have proven, historic 2 preservation is fiscally prudent. When other cities 3 experience volatility in their property values, 4 studies show those preserving the unique character of 5 their community do not. 6 Property values for all residents remain 7 either stable or increase when preservation 8 initiatives are implemented. Public sentiment is 9 positively predisposed to this effort. When one 10 resident, Alison Ronzon, who graciously volunteered to 11 input the data in our spreadsheet, set up a Facebook 12 page when she can do such a thing, and it quickly 13 garners a local following of over 800 people, one 14 knows there is support. 15 So I urge you to all see Neptune Beach's 16 historical homes and buildings on Facebook, 17 administered by Alison. And with an implicit mandate 18 to provide affordable housing within our housing 19 stock, how many long-time residents have found 20 themselves priced out of their own homes because 21 renovations have become cost prohibitive? Healthy 22 communities span age ranges and provide a plethora of 23 living options. 24 Tearing down physically modest but 25 historically significant beach homes undermines that

Page 5 1 very goal. Our next step is to present more language 2 to the City Council at their May 20th workshop. Will 3 Hilton, who, who chairs the Code Committee, presented 4 our thoughts last month to gain insight and direction 5 from City Council. The good news is one of their 6 primary requests, how do we define historical, has 7 already been recently addressed in our City's 2021 8 through 2046 Comprehensive Plan. 9 Refer to section C.2.1 through subpoint 10 C.2.2.4, just as an example. While we appreciate some 11 of the reticence on the part of the board as they 12 voice concern over those who abuse loopholes, let not 13 perfection be the enemy of the good. We are confident 14 we can proceed carefully and judiciously, as there are 15 a number of safeguards in place to avoid such abuse. 16 This evening, I'd like to button up what we 17 would like to present in conjunction with the Code 18 Committee on May 20th. Let's get this right so we can 19 stave off more tear-downs and preserve what we have 20 left of Neptune Beach. And with that, I'm going to 21 look to my colleagues for comments. 22 CORRINE BYLUND: Thank you, Rene. I thought 23 that maybe tonight we would discuss the last City 24 Council workshop meeting and maybe pinpoint some items 25 that we can, I don't know, streamline for the City	Page 7 1 and must -- and it has to continue to have its 2 original character. You can't just tear it down to, 3 to a, you know, a chimney and, and take advantage of a 4 footprint and, and get away with that with the way 5 that we've written it. 6 They -- the question that came back to us, 7 Corri, was how do you define historical? But it's 8 already in the plan. It's in the Comprehensive Plan 9 already. And so I'm not sure, Zach, given the fact 10 that that was already approved by City Council, if 11 there is specific wording we should pull from the 12 Comprehensive Plan for this specific application to 13 make it even easier for them. 14 ZACHARY ROTH, CITY ATTORNEY: I think that's 15 really the critical analysis here, is just because 16 it's generally historic under the Comprehensive Plan, 17 should it be historic for purposes of this variance? 18 Is there a distinction or is there not a distinction? 19 I think that's where that analysis needs to 20 go to be able to then present it to the Council 21 coherently and not just saying we just relied on what 22 the Comp Plan says, because I anticipate their 23 question is going to be, well, did you consider 24 whether any of the stuff in the Comp Plan was even 25 relevant when you're talking about a variance? I
Page 6 1 Council as far as moving the code, Code Committee 2 forward. I think that Code Committee is waiting for 3 us to define historical so that they can finish 4 everything and then go back to City Council with 5 something that City Council would consider passing. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Was their 7 focus on our code recommendation or more on the 8 definition side? 9 RENE ATAYAN: Well, I think and I'm going to 10 look for you, Zach, to, to edit my comments, the way 11 that I took it -- I was sitting in the peanut gallery 12 observing -- the way that I took it, I think that they 13 were appreciative that there was a bit of a check and 14 balance with the way that we were going to approach 15 some of these things in terms of how we would vote on 16 applications that came before us, that they were 17 appreciative of the fact both entities would be 18 involved in decisions regarding this. 19 I alluded to some reticence on the part of a 20 couple of, of members about -- it's sort of an 21 evergreen issue where, where there are people who take 22 advantage of loopholes. Personally, I think that the 23 way the wording is now, that's going to be difficult 24 to do, because if you want the variance for something 25 historical, the House must remain relatively intact	Page 8 1 think that's -- I think just handing them, hey, here's 2 your Comp Plan, isn't going to be well received. 3 RENE ATAYAN: Well, let, let me -- I'll, I'll 4 read a couple of things. And, and then you tell me 5 and you don't have to do it now. I'm just putting it 6 out there. There's -- in the section C.2.1, it starts 7 out with historically significant housing. 8 The City shall preserve and protect 9 structures that have been identified with the Historic 10 Architectural Resources Survey of the beaches area as 11 historically significant for residential use. So we 12 have the survey and then we made it really extra easy 13 for them because we digitized it. That's all of the 14 time and effort that was put into pulling that 2003 15 survey and putting it into a spreadsheet. 16 So when somebody comes to the city and says 17 they want to do something, it's not going to be that 18 onerous for staff to literally push a button on an 19 Excel sheet and see what the recommendation was off of 20 that survey. 21 There's also -- you know, there are a lot of 22 other points in here that, you know, the City shall 23 discourage development actions that have the potential 24 to destroy or irretrievably damage the City's 25 identified historic and architectural resources. And

Page 9 1 that's described in the survey that we -- and I 2 alluded to that in a prior meeting that we were 3 described as a buffer zone. You guys haven't been 4 here for that, but we -- Neptune Beach was described 5 as a buffer zone historically between Atlantic Beach 6 and Pablo, which is Jax Beach. 7 And so its identity is, as we've described, 8 a relatively quiet, family centric community, not a 9 tourist type community. That is, that's our identity. 10 And, you know, that's kind of what residents have said 11 they want to keep it as, and how it was identified in 12 the survey to which the Comprehensive Plan points to. 13 The City shall encourage the rehabilitation 14 and adaptive reuse of historically significant housing 15 and will ensure that the event -- in the event that 16 any new density limits are created. These shall not 17 create nonconformities for properties in existence 18 prior to the establishment of these density limits. 19 I'll jump down to C.2.2.4, the City shall 20 support efforts of community-based organizations and 21 neighborhood improvement initiatives which contribute 22 to the stabilization, conservation, enhancement, and 23 improvement of existing housing structures and other 24 physical facilities within the neighborhoods. So -- 25 ZACHARY ROTH, CITY ATTORNEY: Let me give you	Page 11 1 necessarily telling us in each, each instance what 2 makes it historically significant for that purpose, 3 for the preservation that's occurring, the type of 4 preservation, the type of situation that it's 5 involved. 6 RENE ATAYAN: Okay. 7 ZACHARY ROTH, CITY ATTORNEY: I think we have 8 to -- I think a good way to use that is as the guiding 9 document to guide us to an answer -- 10 RENE ATAYAN: Mm-hmm. 11 ZACHARY ROTH, CITY ATTORNEY: -- but it may 12 not be an answer by itself. 13 RENE ATAYAN: Okay. So under the -- under -- 14 when we go through different presentations with 15 communities that have gone through this process, 16 particularly with the National Register, maybe I can 17 drill down on some of that to streamline it. So there 18 is, there is an automatic -- it's almost -- they kind 19 of weigh things, that things are sort of weighted, 20 let's say. 21 50 years old automatically puts you in the 22 pile of consideration. So it doesn't say you are 23 historical, but it automatically puts you in the pile 24 of consideration. And then you have to have at least 25 one of four things. An important event that took
Page 10 1 some thoughts to consider. 2 RENE ATAYAN: -- I have not -- I have to, I 3 have to condense some of that. Yes, sir. 4 ZACHARY ROTH, CITY ATTORNEY: First, the 5 Comprehensive Plan, the best way to think of that, in 6 my opinion, is to think of that like the Constitution 7 -- 8 RENE ATAYAN: Mm-hmm. 9 ZACHARY ROTH, CITY ATTORNEY: -- and to think 10 about our code, like statutes. 11 RENE ATAYAN: Mm-hmm. 12 ZACHARY ROTH, CITY ATTORNEY: So the 13 Constitution is rarely specific on how things are 14 handled. It tends to be broader and has aspirational 15 goals -- 16 RENE ATAYAN: Mm-hmm. 17 ZACHARY ROTH, CITY ATTORNEY: -- and the 18 statutes are how that's enforced. 19 RENE ATAYAN: Mm-hmm. 20 ZACHARY ROTH, CITY ATTORNEY: And I think 21 that's a good way to think about the Comprehensive 22 Plan is it's telling us to protect historically 23 significant properties. 24 RENE ATAYAN: Mm-hmm. 25 ZACHARY ROTH, CITY ATTORNEY: It's not	Page 12 1 place, you know, the Constitution was signed in my 2 house. The tax revolt of Neptune Beach took place in 3 my house, whatever. 4 Significant people who resided in the home, 5 architecture, engineering or landscape architecture 6 that is unique to the area. And then archeology. I 7 don't think that we have any archeological -- I don't 8 think we have anything archeological in Neptune Beach. 9 There -- it's further away or further south of us 10 from, from my understanding. 11 But things like the -- all of the cottages 12 with the sleeping porches and the -- and we've talked 13 about the materials like the pecky cypress and the 14 heart pine. And Alison has identified as well as the 15 surveyors had identified a handful of architects who 16 were very prominent. 17 You know, those things are called out in the 18 survey, so there's that. And then the other point is 19 you have to maintain historical integrity of the home, 20 and there are a number of, of bullet points with that. 21 There's the location. So usually you look at things 22 that are right on the oceanfront or properties that 23 had something to do with the rail line that came 24 through here. 25 Things like that, that, that are very

Page 13 1 particular to Neptune Beach. The design, the setting, 2 the materials, like we talked about, the workmanship. 3 And then they talk about the feeling and the 4 association. And when they talk about feeling, 5 feeling, I'll just read verbatim what they say. 6 Feeling is the quality through which a 7 historic property evokes the esthetic or historic 8 sense of a past time and place. And so with that, I 9 always go to the word authenticity. You kind of know 10 it when you see it. And I think that people who have 11 lived here for a long time know it when they see it. 12 And I'm a relative newcomer and I already 13 know it when I see it, just after, you know, studying 14 up and spending time down here and comparing and 15 contrasting this community with other beach 16 communities in Florida. 17 We're very unique and we just want to stay 18 that way. So if I'm going to narrow that down, Zach, 19 do I say -- I shouldn't say I -- should we say -- 20 like, do we just put three bullet points for them to 21 look at and consider? 22 ZACHARY ROTH, CITY ATTORNEY: I think that's 23 what they would like to see. Yeah. 24 RENE ATAYAN: Just to make it easy for them. 25 And we have -- so we'll give them like three bullet	Page 15 1 CORRINE BYLUND: There's -- and there's a 2 process for that. You know, I mean in in property 3 rights, you know? 4 RENE ATAYAN: Right. 5 CORRINE BYLUND: People are warned about 12 6 million times before they're revoked their certificate 7 of occupancy. 8 RENE ATAYAN: Right. 9 ZACHARY ROTH, CITY ATTORNEY: It would go 10 through the special magistrate. It would do all those 11 various things. 12 RENE ATAYAN: Okay. 13 ZACHARY ROTH, CITY ATTORNEY: Yeah. 14 GREG SCHWARTZENBERGER, CHAIRMAN: I heard 15 about the meeting, the workshop, and I think -- I 16 wasn't there, but, you know, I think Will was -- I 17 think he did good. He was thrown off guard a little 18 bit by the receipt of his presentation by City 19 Council, because I think ultimately, you know, this 20 work here with us started in November, but it, you 21 know, started well before that. 22 RENE ATAYAN: Mm-hmm. 23 GREG SCHWARTZENBERGER, CHAIRMAN: At least in 24 the context of the conversation. The subcommittee 25 started in November. And I think, you know, with all
Page 14 1 points that we think encompass, you know, what I just 2 rambled on about. 3 ZACHARY ROTH, CITY ATTORNEY: (inaudible) 4 significant, right. 5 RENE ATAYAN: We have a check and balance 6 between our board and their board. 7 ZACHARY ROTH, CITY ATTORNEY: Yeah. 8 RENE ATAYAN: And the, the process of voting, 9 we decided on a supermajority vote, so it makes it a 10 higher hurdle. And with all of that comes enforcement 11 where they, they can't take advantage of things. The 12 enforcement -- I have a question about the 13 enforcement, though, as to whether people are fined or 14 how, how are -- because some people flout this and 15 they're like, well, I don't care if I'm going to pay a 16 fine, it doesn't matter to me. How do we make it 17 punitive enough that people will not take advantage of 18 this? 19 ZACHARY ROTH, CITY ATTORNEY: Well -- 20 RENE ATAYAN: What is that process? 21 ZACHARY ROTH, CITY ATTORNEY: -- the most 22 extreme would be that we revoke a certificate of 23 occupancy, a building can't be occupied. I'm not 24 suggesting that would be the first place we would go, 25 but that is a power we have.	Page 16 1 the work we've done and she's done and how all this 2 stuff has come together, we were kind of hoping 3 Council would be a little bit more receptive and not 4 just a black and white no. 5 And I think that our biggest challenge with 6 the workshop May 20th is they're going to have to be 7 receptive and work with us, or they're going to have 8 to say out loud, they have no interest in helping 9 residents renovate and restore existing homes with a 10 little bit more ease. That's how it has to be framed. 11 And I think you're well on the way with this. 12 I think some tough questions are almost 13 going to be -- need to be asked of them. You know, 14 they've asked us the tough questions. We're putting 15 the work in. We're speaking on behalf of the 16 citizens. It's a cumulative effort. It's well 17 thought out. It's reasonable. You know, we're 18 looking for them to work with us a little bit here to 19 steer this in the right direction to get this through. 20 RENE ATAYAN: Mm-hmm. 21 GREG SCHWARTZENBERGER, CHAIRMAN: That's -- 22 I've been thinking about this a lot. And I think 23 ultimately that's how that conversation -- I mean, I'm 24 not stepping on your toes (inaudible) -- 25 RENE ATAYAN: No, no, I appreciate it.

Page 17 1 GREG SCHWARTZENBERGER, CHAIRMAN: Because 2 only, only one of us can say things in that workshop 3 because of the Sunshine Law. 4 RENE ATAYAN: Right. 5 GREG SCHWARTZENBERGER, CHAIRMAN: So I think 6 ultimately that's how I would try to frame it. 7 RENE ATAYAN: Mm-hmm. 8 GREG SCHWARTZENBERGER, CHAIRMAN: And I don't 9 think you're going to have, like, full success getting 10 them to sign off, but I think -- I'm hoping we can 11 move the needle forward with that sentiment, because 12 it's going to be tough for them to tell us, tell us 13 they have no interest in listening to 800 plus, really 14 a lot more people for such a simple, reasonable thing 15 we're trying to do. 16 RENE ATAYAN: Mm-hmm. 17 GREG SCHWARTZENBERGER, CHAIRMAN: So. 18 CORRINE BYLUND: I don't mean to cut you off. 19 Were you -- 20 GREG SCHWARTZENBERGER, CHAIRMAN: No, no I'm 21 good. I'm good. 22 CORRINE BYLUND: Okay. What I heard, and 23 Rene, tell me if you heard the same thing, what I 24 heard was that there was a concern that people were 25 going to try to be slick and get the variance through	Page 19 1 certain side setback. 2 RENE ATAYAN: Right. 3 CORRINE BYLUND: And we've said, sorry, no. 4 If you're raising the structure, you need to now build 5 something that complies to the code. 6 RENE ATAYAN: Right. 7 GREG SCHWARTZENBERGER, CHAIRMAN: We've 8 mistakenly granted some not following that line of 9 thinking as well. 10 RENE ATAYAN: Yeah, so. 11 GREG SCHWARTZENBERGER, CHAIRMAN: But this 12 whole process has also helped us streamline I think 13 how we're looking at variances too. 14 RENE ATAYAN: Mm-mm. 15 GREG SCHWARTZENBERGER, CHAIRMAN: Certain 16 ones. 17 RENE ATAYAN: Mm-hmm. 18 GREG SCHWARTZENBERGER, CHAIRMAN: I mean, you 19 sound right on. I love the -- because I did talk to 20 Alison and she sent me over the, the National Historic 21 Register guidelines -- 22 RENE ATAYAN: Mm-hmm. 23 GREG SCHWARTZENBERGER, CHAIRMAN: -- which I 24 read through. And you know, the authenticity, the 25 association, the feeling, that part of it is
Page 18 1 the historical designation. And then they were going 2 to turn around and, you know, years later, raise it -- 3 RENE ATAYAN: Right. 4 CORRINE BYLUND: -- and, and rebuild. 5 RENE ATAYAN: Mm-hmm. 6 CORRINE BYLUND: I mean, I just question 7 whether or not that's a valid -- I mean, I understand 8 the concern, but it seems like it would be easily 9 fixed through writing the permit and the variance. I 10 mean, I think that Zach chimed in and did say that we 11 could make the permit or the variance conditional on 12 maintaining the premises in the way you said. 13 RENE ATAYAN: And, and that's in, in every 14 document that you go through that -- and every 15 community. Riverside. Springfield. It doesn't 16 matter. I mean, I've gone to other states. I've 17 looked at other -- it's all the same. You cannot -- 18 you have to substantively maintain the historic nature 19 of the home. 20 CORRINE BYLUND: Well, and we've done it in 21 this committee. People have come to us where they're 22 raising the structure -- 23 RENE ATAYAN: Mm-hmm. 24 CORRINE BYLUND: -- and then they want us to 25 approve a variance because the old structure had a	Page 20 1 fantastic. 2 RENE ATAYAN: Mm-hmm. 3 GREG SCHWARTZENBERGER, CHAIRMAN: Because 4 that is such a big part of it. 5 RENE ATAYAN: Mm-hmm. 6 GREG SCHWARTZENBERGER, CHAIRMAN: And I think 7 you're right on, and I think that you are, you know, 8 eloquent enough in conversation to where you can 9 engage them at the workshop. On, on maybe not even so 10 much the technicalities, but on just what we're trying 11 to accomplish because it seems like, I don't know if 12 they're confused, but they're good at pivoting the 13 conversation. 14 RENE ATAYAN: Mm-hmm. If we want -- are we 15 slated to talk to them again on the 20th, Zach, or 16 what is -- 17 GREG SCHWARTZENBERGER, CHAIRMAN: I think 18 we're -- I think Heather can get it in. 19 ZACHARY ROTH, CITY ATTORNEY: There's time to 20 get it on the agenda. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. 22 RENE ATAYAN: Okay. And what do I need to 23 provide other than saying that we'd like to appear? 24 ZACHARY ROTH, CITY ATTORNEY: I think they're 25 going to want to see what you propose to be the

Page 21 1 definition of historically significant. 2 RENE ATAYAN: Okay. And when do I need to 3 provide that? 4 ZACHARY ROTH, CITY ATTORNEY: The Wednesday 5 before usually, so next Wednesday. 6 RENE ATAYAN: Okay. Okay. 7 CORRINE BYLUND: Wouldn't that be something 8 that we would need to -- would that be something we 9 vote on? 10 GREG SCHWARTZENBERGER, CHAIRMAN: No, I mean, 11 your chair, but we wouldn't -- 12 RENE ATAYAN: I think it's the three things 13 that we just talked about. 14 CORRINE BYLUND: Okay, sure. 15 GREG SCHWARTZENBERGER, CHAIRMAN: I mean, we 16 went last month. We need to go again or we'll lose 17 it. You know what I mean? 18 CORRINE BYLUND: Okay. 19 RENE ATAYAN: Do we have any -- 20 WILL HILTON: Can I say something? 21 RENE ATAYAN: Yes. 22 WILL HILTON: Because I won't get to talk to 23 you in the next meeting. I presented obviously -- 24 GREG SCHWARTZENBERGER, CHAIRMAN: We can 25 always go past --	Page 23 1 so that it doesn't lose steam, rather than -- I think 2 if we have a good definition, I think they will 3 understand what's being -- what we're trying to do, 4 so, if that helps you at all in your discussion. So. 5 RENE ATAYAN: Should we say that the variance 6 is for that singular renovation and doesn't move 7 forward? 8 ZACHARY ROTH, CITY ATTORNEY: I think a 9 better way of saying it is that the changes requested 10 in the variance have to be implemented within a 11 certain period. 12 RENE ATAYAN: Mm-hmm. 13 ZACHARY ROTH, CITY ATTORNEY: So what I'm 14 thinking there is -- if you say that it's -- the 15 variance is personal to that renovation. So then they 16 go to do another renovation in five years, it's that 17 renovation -- that variance goes away or you have to 18 reapply for that variance. I think it's basically use 19 it or be clear that it's use it or lose it. Once you 20 use it, it's good. And you get to keep it for what's 21 done. But you don't get to do more. 22 RENE ATAYAN: Right. 23 ZACHARY ROTH, CITY ATTORNEY: And if you 24 don't use it within a year, it goes away so we don't 25 have to worry about ten years down the line, someone
Page 22 1 WILL HILTON: Yeah. Y'all -- 2 GREG SCHWARTZENBERGER, CHAIRMAN: -- into 3 discussion. 4 WILL HILTON: And if y'all want to go past 5 5:30, because I, I probably have 15 minutes at the 6 most. 7 RENE ATAYAN: Okay. 8 WILL HILTON: Just to kind of recap what I 9 talked to City Council about. But City Council did 10 seem to be worried about the loophole and the variance 11 staying with the property, notwithstanding something 12 being done, but that variance staying with the 13 property. 14 But my take on it is the next time we go in 15 front of City Council as it relates to the definition 16 of, I think that needs to be pretty baked in, like we 17 need to have a pretty good handle on what that means, 18 because they seem to be more centered on what that 19 does mean and what we're going to, what we're going to 20 say that means. 21 I think they were okay with the process. 22 They want it to be a two-part process, and that's 23 fine. So we can figure that out through the Code 24 Committee. But I do think that definition needs to be 25 buttoned up pretty good before we get in front of them	Page 24 1 digs up, oh, there was a variance given and here's a 2 way I can manipulate that -- 3 RENE ATAYAN: Okay, good. 4 ZACHARY ROTH, CITY ATTORNEY: -- to do 5 something that wasn't the intent. 6 WILL HILTON: And maybe Zach, we can talk 7 about this, but maybe another way to do that is 8 through our conditional approval so that -- say, say 9 we grant a variance and then we say, you know, this 10 lasts for a year or what have you -- Zach, my fear on 11 that and maybe we'll get -- maybe that's more of a 12 Code Committee thing, but my fear is if, we if we 13 still grant the variance for the like, say, a side 14 yard setback, if they do bulldoze it in ten years, my 15 understanding is the variance still exists as to that 16 side yard setback. 17 So I think that was more of the concern. 18 Maybe not even, you know -- yes, definitely a concern 19 of you getting a variance and then not doing the work 20 and then building a complete new, new building and 21 then using that variance. I think it's also to the 22 extent of, you know, if a variance is granted to the 23 property now and then they raise it in ten years -- 24 RENE ATAYAN: I say start from square one. 25 WILL HILTON: -- (inaudible)

Page 25 1 ZACHARY ROTH, CITY ATTORNEY: That's 2 generally what the code is anyway. 3 RENE ATAYAN: Yeah. 4 ZACHARY ROTH, CITY ATTORNEY: You get a 5 variance for -- let's say you get a variance for a 6 side yard pool and then you demolish the house, 7 demolish the pool. You don't get to put another side 8 yard pool in when you have the opportunity to come in 9 -- 10 RENE ATAYAN: You have to start over. 11 ZACHARY ROTH, CITY ATTORNEY: (inaudible) -- 12 it's clear that you have to -- when, when you hit that 13 threshold, you have to (inaudible) 14 WILL HILTON: All right. So then if that's - 15 - 16 ZACHARY ROTH, CITY ATTORNEY: That already 17 exists. 18 WILL HILTON: That already exists, so I don't 19 think we need to worry about that. 20 ZACHARY ROTH, CITY ATTORNEY: Yeah, that 21 already exists. 22 WILL HILTON: So then I guess we'd need to 23 worry about the timing, you know. 24 RENE ATAYAN: I like the idea of putting a 25 time limit on it.	Page 27 1 years, right next to that, that that same street. 2 I know what Neptune Beach feels like. I 3 know Rosemary, who's in the audience, knows what 4 Neptune Beach feels like. Her family built their home 5 in the 30s, so we all know what it feels like, and 6 that's a big part. And that's one of the things that 7 the National Register looks at. 8 There are seven things. I wrote -- I'm not 9 going to read all this, but I wrote down something for 10 every single one of those seven things that fit 11 Neptune Beach. If it's good enough for the National 12 Register of Historic Places, it should be good enough 13 for Neptune Beach. I don't know what the argument is. 14 The other thing is not only on the, the 15 Comprehensive Plan, but in the Unified Land 16 Development Regulations of Neptune Beach, Historic 17 District means a geographical area designated pursuant 18 to this article that contains one or more landmarks 19 and which may have within its boundaries or other 20 buildings or structures that, while not of such 21 historical, cultural, archeological or architectural 22 significance as to warrant designations as landmarks, 23 nevertheless contribute to the overall visual setting 24 of or characteristics of the landmarks located within 25 the district.
Page 26 1 WILL HILTON: So. 2 RENE ATAYAN: Okay, thank you, sir. Anybody 3 in the audience like to speak? Alison. 4 ALISON: Two things. I'll be really quick. 5 Just so happens I was in California. I just got back 6 yesterday and just happens on the way to Joshua Tree. 7 We went to Redlands, and I don't know if you've ever 8 heard of Redlands, California, but there's a show 9 called Restored. And he restores their Spanish 10 Mission style homes. Victorian craftsman. 11 I mean, my jaw was on the ground just 12 walking around, seeing all these homes, and there was 13 definitely that feeling of being historic in that 14 neighborhood and people, they live there for that 15 reason. On the way back from Joshua Tree, we stopped 16 in Palm Springs, which I'd always wanted to visit. 17 And there are all these old mid-century, very modest, 18 but absolutely gorgeous. 19 And again, you have that feeling. Once you 20 start tearing down all the homes and start building 21 homes that don't fit the character, you lose that 22 feeling. It's not there anymore and you cannot get it 23 back. I've lived here in Jacksonville for almost 60 24 years. We used to come to the beach on Florida 25 Boulevard, and now I own a house and live there 30	Page 28 1 That comes off word for word off this -- the 2 historical site survey that we downloaded. That's my 3 house. That's Rosemary's house. That's every house 4 except for five houses or Pete's Bar in Neptune Beach. 5 They contribute. They're not a historical structure, 6 but they contribute to that feeling. And it's on the 7 survey. 8 Also historically significant -- again, this 9 comes out of the code, historically significant means 10 any structure area that is included or is eligible for 11 inclusion on the National Register of Historic Places 12 or the Florida master site file. That's what that is. 13 That's the Florida master site file or local historic 14 registry. They have their definition of historical. 15 It's already there. 16 We don't have to make it up. It's in there. 17 And the National Register of Historic Places is 18 already there. If it's good enough for them, why is 19 it not good enough for Neptune Beach? I got the 20 feeling when I was at that meeting that there was the 21 argument of somebody abusing it. Yeah, I used to 22 teach elementary school. 23 You make rules and routines, and the kids 24 are going to try to push you as far as they can go 25 unless you set guidelines, which I know this committee

Page 29 1 is perfectly able, you know, to do. So I don't think 2 that's an argument when 800 plus -- and I'm not 3 including all the older residents who aren't on 4 Facebook that I've actually met walking through the 5 neighborhood, taking pictures of their homes, them 6 thinking I'm the property appraiser, some other, you 7 know -- sitting down and talking to them. 8 They're the most interesting people to talk 9 to. They are not -- and I love newcomers, I love 10 Rene. She's been here a few years. You know, she 11 hasn't been here 30 years. But there are so many cool 12 people that have been here forever that I have met 13 just walking around learning about their homes. 14 They're being priced out. They can't go 15 down to Southern Grounds and eat breakfast for less 16 than \$35. And it's a little sandwich and a cup of 17 coffee. And going to all these places in California 18 this week made me see again why it's so important for 19 us to preserve, even in LA itself, all those little 20 motels and inns on the beach, just like Seahorse, 21 which still kills me what's going to happen there. 22 That's, that's 70 years old, that building. 23 That is one of the last oceanfront motels from that 24 era that could be made to be so cool, like your, your 25 hotel (inaudible) Inn. Why destroy it when you can	Page 31 1 PUBLIC COMMENTER: I just didn't know if we 2 were talking about the B&B. 3 CORRINE BYLUND: No, that's not until 6:00. 4 RENE ATAYAN: That's at 6:00. 5 PUBLIC COMMENTER: That, combined with this 6 being a historical building? 7 GREG SCHWARTZENBERGER, CHAIRMAN: That's a 8 new build (inaudible) 9 RENE ATAYAN: Yeah. Okay. So I'll gavel 10 out, Will, and then have you come up to do your thing. 11 WILL HILTON: I call to order the Codes 12 Committee and Subcommittee meeting. Hit that gavel 13 louder. All right, so I went in front of City Council 14 and spoke to them about what we've been doing. I 15 think it went pretty well. I think there's some -- 16 after the meeting, I do feel like they sort of 17 understood what we were doing. 18 There was some concern about -- I think 19 there was, just in general, concern about the 20 loopholes and, and whatnot. And you know, I advised 21 them that Gary and I sat on this board together. I 22 advised them that in the beginning, I was sort of 23 suspicious of this as well. 24 However, with the sentiment of the public, I 25 feel like it is worth exploring and trying to come up
Page 30 1 use it? That's what people come for. So I just think 2 that, and I hope residents here tonight will come back 3 to the City Council meeting, because it's usually me 4 and maybe two other people that sit there that talk. 5 They need to see that all of you think this 6 is important. If you're not here, they just think, 7 oh, you know, okay, they're on Facebook, but whatever. 8 They just want to see some old homes. You -- 9 RENE ATAYAN: May 20th. 10 ALISON: -- (inaudible) and voice your 11 opinion. So, sorry, I got a little heated. 12 RENE ATAYAN: May 20th. 6:00. Thank you, 13 Alison. 14 ALISON: You're welcome. 15 RENE ATAYAN: Thank you very much. Anybody 16 else have any comments? 17 PUBLIC COMMENTER: Are we talking about -- 18 I'm not sure what we're talking about. 19 RENE ATAYAN: We're talking about what we're 20 talking about with the historical stuff. If you have 21 like any thoughts or comments or -- we open the floor 22 for -- because it's a rule of order that we open the 23 floor for the public if they have any comments about 24 the things that we just talked about with regards to 25 the historic -- historical preservation.	Page 32 1 with something that we can do to allow a little bit 2 more lenient tests for historically significant 3 properties, whatever that is determined to mean. But 4 so anyways, the, the sort of takeaway was, for me, is 5 that we really need to hone down what historically 6 significant means as a definition, and not be as loose 7 as I wanted it to be, and sort of let that evolve. 8 And then two, is that City Council would 9 like to, to -- for this to be a sort of a two-part. I 10 tried to talk around that a bit, but it seemed like 11 they wanted a two-part sort of process where if we 12 deem it to be historically significant, then it would 13 go before City Council as sort of a, you know, a test 14 to make sure that that, you know, they're aligned with 15 what we're doing, and then they go back for the second 16 part of the variance request to hear the remainder of 17 the criteria, so that we can then decide whether we 18 move forward with the variance, which I think 19 ultimately, I don't -- my notes weren't great, but I 20 think ultimately then it would go back to City Council 21 for a final if we approve it, then it would go back 22 for a final. 23 So I sort of took a stab at the code. And 24 Zach, this is pretty loose, so it's going to need some 25 cleaning up probably, but the thought is, again, we're

Page 33 1 going to have to define historically significant in 2 this section of our newly proposed code provision. We 3 talked about this last time. Supermajority vote, 4 three out of four, four out of five, five out of -- 5 sorry, four out of six and five out of seven. 6 So the thought process would have been down 7 at E, is this -- the variance request will be 8 administered in two parts upon a finding the property 9 is considered a historically significant property. 10 Then upon a supermajority vote of the board, then that 11 finding should go to City Council at the next 12 available meeting. And then City Council will then 13 approve it, deny it, or approve with some condition. 14 And I'm not sure the conditions really happen at that 15 point. 16 You know, I think that's sort of -- I don't 17 -- I can't think of a reason why they would have some 18 condition at that point of not historical 19 significance, maybe. But then if it gets denied, then 20 I think it would come back to us under the standard 21 test. I think that's how it would have to be done. 22 We wouldn't be applying the new test if it gets 23 denied. 24 And then alternatively, or I guess it could 25 -- it would come back to us and I guess it could be	Page 35 1 they really are trying to preserve the property, I 2 don't know that that -- and maybe it does become a 3 problem if we didn't change that with City Council. 4 Maybe that's you know -- they sort of start 5 to understand that that's too long of a time period 6 because now we're talking about getting on -- you 7 know, applying for the variance, waiting for our 8 meeting, then going to City Council and coming back to 9 us and then going to City Council again. 10 GREG SCHWARTZENBERGER, CHAIRMAN: And be at 11 the mercy of City Council twice. 12 WILL HILTON: Yeah. Now, now maybe City 13 Council -- maybe, maybe, maybe we talk to City Council 14 when we do, and maybe our decision is final on the 15 second round, if they're more worried about -- you 16 know, if they are strictly worried about the 17 historically significant piece, we sort of short 18 circuited that already. Now we're applying the new 19 test. Maybe City Council doesn't need to see it a 20 second time. You know, maybe our determination is 21 final. 22 RENE ATAYAN: And what's the thought about 23 empowering our community development board director to 24 make that determination? 25 WILL HILTON: I don't think they're going to
Page 34 1 withdrawn by the applicant at that point. But it 2 would come to us and we'd have to apply the regular 3 test. Or if City Council approves or approves with 4 conditions, then we would then apply the remaining 5 test. And then upon a supermajority vote, we would 6 make a decision. 7 If we deny it, then I've kind of proposed 8 that it would be a final determination, but if we 9 approve it or approve it with conditions, then it 10 would go back to City Council for a final decision, if 11 that makes any sense. Does that make sense? 12 UNIDENTIFIED MALE SPEAKER: It does to me. 13 WILL HILTON: That was my thoughts on that. 14 RENE ATAYAN: So I -- 15 WILL HILTON: I kind of was hoping that we 16 would be able to make a determination and then go all 17 in on City Council. 18 UNIDENTIFIED MALE SPEAKER: That was my hope 19 too. 20 WILL HILTON: Yeah. Because I do think it 21 makes -- I mean, I do think anybody that's applying 22 for this, I don't think they're really as worried 23 about the timing of it taking 30 days. 24 GREG SCHWARTZENBERGER, CHAIRMAN: Two months. 25 WILL HILTON: Two months or three months. If	Page 36 1 -- I think they want to -- I think they're going to 2 want to, to see it. That's my -- almost everyone 3 there wanted to talk about that as being -- City 4 Council wanted to see that out of the gate to approve 5 it. If we -- if we've sent it down this other track, 6 they want to see it. 7 GREG SCHWARTZENBERGER, CHAIRMAN: I think 8 Rene's got a heavy lift on the 20th, getting the -- 9 getting movement on the definition. And she's going 10 to, she's going to get it or at least moving forward. 11 So I think we're going to have a chance to go back to 12 them with the two-part process. Because if you get in 13 the weeds with the two-part process on the 20th, 14 you're never getting out of that one. 15 WILL HILTON: No, I don't think it's worse -- 16 I think, I think right now what needs to be figured 17 out is what does historically significant mean to the 18 board. And then the rest of it's really easy to work 19 through. It's just a matter of drafting this right. 20 And, and then the only question would be, does City 21 Council want to see this thing twice for a final 22 determination? 23 And then, you know, I was a little unclear 24 of that walking away. And so I think that's something 25 we could clear up with City Council. I don't know

Page 37 1 that City Council is going to want to see it twice. 2 You know, they might, but I think if they see the 3 historically, you know, significant piece --. 4 GREG SCHWARTZENBERGER, CHAIRMAN: (inaudible) 5 WILL HILTON: -- then maybe they're okay with 6 whatever we decide, you know, based on the remaining 7 facts. So that's kind of the way I've envisioned 8 this. You know, so that's the only -- if you have to 9 go back to City Council twice, it does add some 10 (inaudible) time to the whole process. 11 GREG SCHWARTZENBERGER, CHAIRMAN: It does. 12 WILL HILTON: Anyways, and I don't -- I'm 13 okay with the, the way -- either way, I think the 14 thought is by coming here to try to preserve a house, 15 they're probably not as worried, but I mean, it could 16 be pretty significant. You know, the timing between 17 when you want to start and when you're applying for 18 the variance based on the way this works now. 19 RENE ATAYAN: Yeah. And we were -- what we 20 were trying to do was make it less onerous for people. 21 WILL HILTON: Yeah. And I mentioned that, 22 so. I did mention that. But I think they are a 23 little bit more worried about a potential loophole for 24 the system going down this way, and want to police 25 that a little bit. And that's -- I think that's a	Page 39 1 before them may not be on the survey right now because 2 the survey was done in 2003. Now the -- if you're 50 3 years old, you hit the first screen. But a lot of 4 the, the properties that were on there have already 5 been designated by their own words as historic. So 6 then the next question is -- 7 ZACHARY ROTH, CITY ATTORNEY: They were 8 designated as historic when there wasn't an extra 9 variance that existed that could be taken advantage 10 of. 11 RENE ATAYAN: Right. And, and what I'm 12 saying is so they, they meet that and then the next 13 question is, for the board to consider, will they be 14 allowed to do x, y, z? I'm not saying they're 15 automatically allowed to do x, y, z. I'm saying 16 they've met that condition. 17 Then the next condition that they have to 18 meet is, does the variance significantly alter the 19 feel, etc., whatever, all of that kind of stuff? And 20 they may, and they may turn that down. They may say 21 no, which is fine. 22 ZACHARY ROTH, CITY ATTORNEY: What I'm 23 getting at is it sounds like what you're trying to say 24 is for all the properties on the list in 2003, 25 (inaudible) one has already been decided. And I'm
Page 38 1 valid concern. 2 RENE ATAYAN: Well, what, what loophole other 3 than what we just talked about, would you envision? 4 WILL HILTON: I think that was the big one. 5 And then what -- I think really what the definition 6 is, you know, that's more what they're worried about. 7 Okay, what can somebody -- what, what historically 8 significant means and who can apply for it and who can 9 craft that without much of a definition, then they 10 feel like there could be loopholes, right? 11 RENE ATAYAN: Well, one of the easy ones, and 12 this was prior to you coming in, one of the easy ones 13 is that 200 homes have already been designated, and 14 they've already agreed in their Comprehensive Plan 15 that they will abide by it. So if that address comes 16 up -- 17 ZACHARY ROTH, CITY ATTORNEY: Not for a new 18 made-up (inaudible) variance. 19 RENE ATAYAN: No. But for the -- it's, it's 20 deemed as historic. And they said if it's on the 21 survey -- if we're going -- if I'm talking about what 22 is the definition of historic, then it's automatic -- 23 ticks that box. I'm not saying you can -- that those 24 are the questions. The question was, what is 25 historic? So some, some of the properties coming	Page 40 1 telling you, Council is not interested in that. 2 WILL HILTON: I think what -- 3 RENE ATAYAN: But they asked specifically, so 4 maybe I'm not -- maybe I'm making a mistake here. 5 They asked specifically, how do you define historic? 6 We need to be able to tick that box. 7 ZACHARY ROTH, CITY ATTORNEY: No. They asked 8 give us a definition of historic for us to apply. 9 WILL HILTON: I think there's a different 10 analysis. 11 ZACHARY ROTH, CITY ATTORNEY: Don't tell us 12 if it's historic. Tell us how to decide if it's 13 historic, and we'll decide. 14 WILL HILTON: I think I think that the 15 definition of historic, to me, if I were going to -- 16 I'm probably ultimately going to have to talk about 17 it, too, on drafting of the codes. But, Zach, I think 18 the takeaway was, hey, it should meet some condition 19 of the following. So maybe two out of the following, 20 you know, like, one, it's designated on this 21 (inaudible) 22 ZACHARY ROTH, CITY ATTORNEY: The things you 23 were saying earlier. (inaudible) 24 WILL HILTON: (inaudible) significant 25 property shall meet at least two of the following

Page 41 1 criteria. It's designated on this list of this survey 2 as historical. It is over, I don't know what, the 3 past 60 or 70, I don't know, whatever. It is -- it 4 was, it was designed by this -- these three 5 architects. 6 RENE ATAYAN: But that's why it -- that -- 7 WILL HILTON: By these three builders and, 8 and I think you say a historically significant 9 property shall mean a property that meets at least two 10 of the following conditions. 11 RENE ATAYAN: Right. And we're saying the 12 same thing. What I'm saying is, is that the surveyor 13 went through that list and for a handful of 14 properties, went through that list and said, check, 15 check, check, yes. They already did it. 16 ZACHARY ROTH, CITY ATTORNEY: And did they 17 run that by the Council when they did it? 18 RENE ATAYAN: The Council, the Council refers 19 to it in their Land Development Code as honoring the 20 decision that the survey took. 21 ZACHARY ROTH, CITY ATTORNEY: It's referenced 22 generally in the Comprehensive Plan. 23 RENE ATAYAN: It's -- well, I can find the 24 wording. 25 ZACHARY ROTH, CITY ATTORNEY: The	Page 43 1 property hasn't been altered since 2003, in the last 2 21 years, such that it's not really a historic 3 building anymore? 4 WILL HILTON: Yeah. 5 RENE ATAYAN: No, that's an excellent point. 6 And we can put that in there to say that it has -- 7 ZACHARY ROTH, CITY ATTORNEY: That's my 8 point, is address those types of things. 9 RENE ATAYAN: I get it. That, I get. That, 10 that nugget, I get. We'll put that in there because 11 that's, that's important. 12 WILL HILTON: I think you're going to 13 (inaudible) -- 14 RENE ATAYAN: There's illustrations of that 15 in these presentations of where something has been 16 significantly altered and can't be changed back. 17 WILL HILTON: And here's what -- I guess 18 maybe a different way of saying it is, I don't think 19 Council wants us to have complete discretion on what 20 that means. 21 ZACHARY ROTH, CITY ATTORNEY: I can say for 22 certainty that's the case. 23 WILL HILTON: For sure that's the case. And 24 so they want a definition that we, as the board can 25 apply to come up with a determination that it is
Page 42 1 Comprehensive plan that was adopted when a separate 2 variance process didn't exist. 3 WILL HILTON: So I think you're going to have 4 to (inaudible) -- 5 ZACHARY ROTH, CITY ATTORNEY: I'm trying to 6 make sure that you don't waste a bunch of time. And 7 I'm telling you, the Council is not interested in 8 saying the survey already exists, the decision has 9 been made. 10 WILL HILTON: I think you say -- I agree with 11 you. So I think you say, historically significant -- 12 a historically significant property shall mean a 13 property that has at least how many, two, three, 14 whatever it is, conditions or criteria, whatever it 15 is, colon. 16 And then maybe you take some of the things 17 from the survey, whatever those are, that those 18 properties became historically designated by; its at 19 least X amount of years old, It's created -- it was 20 designed by these three architects, it was built by 21 these contractors of the time, whatever -- 22 ZACHARY ROTH, CITY ATTORNEY: Because I'll 23 give you a perfect example of what the Council is 24 going to say. Okay, this was done in 2003. How do we 25 know that this substantially historical nature of the	Page 44 1 historically significant and that the evidence and the 2 testimony presented at the variance request can, can 3 flow to make our decision and then ultimately City 4 Council's decision and then come back to us and make 5 (inaudible) other decision. 6 RENE ATAYAN: Yeah, we'll see how many 7 overtime -- if we get through this, we'll see how many 8 over time come before the board and whether or not it 9 can be amended. There may be a time when they do just 10 say that Heather can handle this, or we can handle it 11 or whatever. 12 But, but, but I appreciate -- I, I 13 appreciate and I understand their reticence and their 14 need for caution because any decision that we make, 15 any decision that they make is generational in its 16 consequences. So I appreciate that. 17 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah, 18 they're tearing down houses left and right, right now. 19 So at least this conversation is on the floor. 20 RENE ATAYAN: Yeah. 21 WILL HILTON: And I feel like -- I mean, I 22 still feel like this is going to be a minority of, of 23 variance requests that are going to try to apply this 24 test. I think that's the sort of concern is that if 25 it gets too broad, then everyone starts to apply this

Page 45 1 test. And that's, that's what City Council's concern 2 was, we need to have something specific that makes 3 sense that will not be overbroad. 4 RENE ATAYAN: Okay. So what do we want to do 5 on the 20th? Since I can't talk to you and you can't 6 talk to me. 7 GREG SCHWARTZENBERGER, CHAIRMAN: You got to 8 go in there and you got to get some forward momentum. 9 RENE ATAYAN: (inaudible) 10 GREG SCHWARTZENBERGER, CHAIRMAN: With the 11 definition. And it's going to be combative, and 12 you're going to have to really get the point across 13 that you want to get across. 14 RENE ATAYAN: Okay. So you want me to use 15 this outline? You want me to do the -- 16 ZACHARY ROTH, CITY ATTORNEY: I'll give you 17 two bits of advice. 18 RENE ATAYAN: Yes. 19 ZACHARY ROTH, CITY ATTORNEY: One, you can 20 talk to Council members directly and not violate 21 Sunshine Law. 22 RENE ATAYAN: Okay, so I get to run things by 23 you. 24 ZACHARY ROTH, CITY ATTORNEY: Beforehand. 25 You can talk to them any time. It's not a Sunshine	Page 47 1 making -- 2 RENE ATAYAN: Okay. 3 GREG SCHWARTZENBERGER, CHAIRMAN: I'll be, 4 I'll be making -- 5 RENE ATAYAN: But I'm going to talk to you 6 first. 7 ZACHARY ROTH, CITY ATTORNEY: Okay. 8 RENE ATAYAN: I want you to make sure my 9 wordsmithing is done properly. 10 ZACHARY ROTH, CITY ATTORNEY: That's fine. 11 RENE ATAYAN: So I'm going to take that -- 12 can you -- 13 ZACHARY ROTH, CITY ATTORNEY: I would suggest 14 (inaudible) -- 15 RENE ATAYAN: Can he send this to me? 16 UNIDENTIFIED MALE SPEAKER: (inaudible) 17 RENE ATAYAN: Yeah, but I want to cut and 18 paste. I don't want to have to retype it. 19 WILL HILTON: I can. 20 RENE ATAYAN: Can you enter it into the -- 21 enter it into the minutes? 22 WILL HILTON: I have it, I can forward it to 23 the board. No problem. 24 RENE ATAYAN: (inaudible) type it. 25 WILL HILTON: My, my thought would be that --
Page 46 1 violation. 2 RENE ATAYAN: Okay, so I'll -- I can run 3 things by you. 4 ZACHARY ROTH, CITY ATTORNEY: Two, if it 5 becomes combative, as you know, it's not going to be 6 productive. The Council is just going to shut you 7 down. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Combative 9 might be the wrong word, but she's going to have to 10 steer the conversation, or else they're going to get 11 off on whatever they want to talk about. 12 ZACHARY ROTH, CITY ATTORNEY: That's, that's 13 why I suggest talking to them before, because they're 14 going to get off on whatever they want to talk about 15 either way, I can assure you. 16 RENE ATAYAN: But I can't talk to them 17 before. 18 ZACHARY ROTH, CITY ATTORNEY: Yes, you can. 19 You're not on the same Council. You're not on the 20 same (inaudible) 21 GREG SCHWARTZENBERGER, CHAIRMAN: We can talk 22 individually (inaudible) 23 ZACHARY ROTH, CITY ATTORNEY: Any one of you 24 can talk to any one of them. 25 GREG SCHWARTZENBERGER, CHAIRMAN: And I'll be	Page 48 1 just my thought is I wouldn't worry about this so much 2 because I think we can get past -- I think if you get 3 caught up in the process, then you're going to waste 4 time. 5 ZACHARY ROTH, CITY ATTORNEY: The process is 6 an easy fix. 7 WILL HILTON: Yeah. 8 ZACHARY ROTH, CITY ATTORNEY: The process is 9 an hour of effort on my part. 10 WILL HILTON: I would, I would -- they, they 11 have -- Council has seen this already and, and did not 12 have any comment on the new test. They, they seem to 13 be on board with the new test. That wasn't 14 (inaudible). So the only thing that they focused on 15 was the definition of historically significant and the 16 two-part process of for approval. 17 So I wouldn't even, I wouldn't even put this 18 in front of Council because it's just going to get 19 them off track. I would probably just work on the 20 definition of being of historically significant, and 21 then just put that in front of them. Personally, 22 that's my (inaudible) 23 RENE ATAYAN: Okay. 24 ZACHARY ROTH, CITY ATTORNEY: I agree. I 25 think right now what they care the most about, they've

Page 49 1 made their point clear on process. 2 RENE ATAYAN: That they're good with it. 3 ZACHARY ROTH, CITY ATTORNEY: That it's going 4 to be two steps. But other than that, it's okay. 5 What they're not clear on is historical significance. 6 If they get clarity on that, we can then package the 7 two together in a proposed final product. 8 RENE ATAYAN: And we need to touch what you 9 touched on about whether or not something has been 10 substantively altered between the time it was deemed 11 as historically significant, and the time that they're 12 applying to the (inaudible) 13 ZACHARY ROTH, CITY ATTORNEY: Council is not 14 going to be interested in some idea that something has 15 previously been historically significant, regardless 16 of what the Comp Plan says or regardless of the 17 definition used in the code, like the Florida master 18 site file, for example. 19 All you have to do to be eligible for that 20 is be old. They've already said they're not 21 interested in old, meaning historic. So it's got to 22 be more than that or they're not going to be 23 interested in it. 24 WILL HILTON: And I don't know that it's even 25 been altered since, since that survey was done. I	Page 51 1 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 2 We will call to order the Community Development Board 3 Meeting dated May 8th. Piper, can you call the roll? 4 PIPER TURNER: Mr. Raiti. 5 JONATHAN RAITI: Here. 6 PIPER TURNER: Mr. Boran. 7 MARC BORAN: Here. 8 PIPER TURNER: Mr. Hilton. 9 WILL HILTON: Here. 10 PIPER TURNER: Ms. Bylund. 11 CORRINE BYLUND: Here. 12 PIPER TURNER: Ms. Atayan. 13 RENE ATAYAN: Yes. 14 PIPER TURNER: Mr. Schwartzberger. 15 GREG SCHWARTZENBERGER, CHAIRMAN: Here. Can 16 we stand for the pledge? 17 THE ROOM: I pledge allegiance to the flag of 18 the United States of America, and to the Republic for 19 which it stands, one nation, under God, indivisible, 20 with liberty and justice for all. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Before we 22 get into the agenda items, does anyone -- let's do ex- 23 parte disclosures to start. We'll start with you, 24 Corri. 25 CORRINE BYLUND: Sure. On the first one at
Page 50 1 mean, if it wasn't on the original survey and it was 2 built in 1950, and it's been significantly altered 3 since 1950, I don't know that that meets it, you know? 4 Do you follow me? 5 RENE ATAYAN: I do. And this is, this is 6 like I -- I'll work through it at 6:00. I'll work 7 through it. I just -- I get caught up in the fact 8 that they have specifically put very specific words in 9 the Comprehensive Plan that they approved. And now, 10 you know, my perception is they're ignoring them. And 11 so, and so I have to work my way through that. 12 ZACHARY ROTH, CITY ATTORNEY: Those words are 13 included in the Comprehensive Plan without considering 14 the existence of this process. 15 WILL HILTON: They want a definition not 16 related to the Comp Plan. They want a definition for 17 this process, if that makes more sense. Like, they 18 want us to have a, a -- something that we can rely on. 19 And I think it's good for us. 20 You know, they want something for us to rely 21 on that we can make sure it meets this test or has 22 several conditions of this -- these factors to be able 23 to give it that definition and move forward. You 24 know, that's my thought. All right. Anybody? All 25 right. Adjourned.	Page 52 1 450 Atlantic, I don't have any. On the, the lot 2 split, I have been by that lot. I have seen the 3 duplex that's on it and how the lot is situated with 4 respect to the neighborhood. I've also been contacted 5 by many people regarding this application. And on the 6 last one, I've also been contacted by many people 7 about that application. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 9 Thank you. Rene? 10 RENE ATAYAN: I've also done site visits. 11 I've had no conversations with any individuals. 12 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 13 JONATHAN RAITI: For the 450 Atlantic, I had 14 actually looked at that building several years ago and 15 had talked to the owner. That was probably four or 16 more years ago. 17 MARC BORAN: For -- 18 JONATHAN RAITI: Additionally, I received a 19 text message this afternoon inquiring whether or not I 20 had received a letter from a member or a letter from a 21 member of the public pertaining to the 108 Orange 22 Street Bed and Breakfast. 23 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 24 MARC BORAN: I have been by 105 Orange. I 25 did not talk to anybody.

Page 53 1 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 2 WILL HILTON: I'm kind of jealous because I 3 haven't talked to anybody. 4 CORRINE BYLUND: Don't be jealous. 5 GREG SCHWARTZENBERGER, CHAIRMAN: I've been 6 by all the properties. I had a conversation with Mr. 7 Baucus on the agenda item seven, Marshpoint 8 Properties. All right. We have a lot of people here 9 tonight. We're going to swear in everyone at the 10 beginning here. So no matter which particular item 11 you're here to speak on, Zach is going to swear you 12 guys in. 13 ZACHARY ROTH, CITY ATTORNEY: So if you plan 14 to speak on any of the items that have come, please 15 stand and raise your right hand. Do you swear or 16 affirm the testimony you give will be the truth, the 17 whole truth, and nothing but the truth? 18 THE ROOM: Yes. 19 ZACHARY ROTH, CITY ATTORNEY: When you come 20 up to the podium. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Heather, 22 with, with five and six cases, both for the same 23 property, do we want to do those presentations 24 together or should we do them separate? 25 HEATHER WHITMORE: Well, they're, they're one	Page 55 1 additional units that we will put the required 2 screening around that of a masonry wall. So that is 3 one of the requests. The second has to do with 4 parking. We have 38 parking spaces. The uses that 5 are proposed in the building will have offsetting 6 hours. 7 Kimley-Horn has prepared a parking demand 8 study that's in your file. Pursuant to their report, 9 they have shown that even with the uses that are 10 proposed, the most that we would need at a peak hour 11 for any of those uses would be 35 spaces. There are 12 38 available. 13 So we have demonstrated that we will be able 14 to take care of all parking on site. So we would ask 15 for your support of the project. I have a lot of 16 materials I can show you, but hopefully this one's 17 pretty straightforward and I can get out of your way. 18 But we have everybody available for questions. 19 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 20 Go ahead and take a seat for now. Heather, I 21 mistakenly skipped right past you there. I'm sorry. 22 HEATHER WHITMORE: That's fine. 23 GREG SCHWARTZENBERGER, CHAIRMAN: We'll have 24 you back up because we will have questions. Can you 25 run us through that, Heather?
Page 54 1 staff report. 2 GREG SCHWARTZENBERGER, CHAIRMAN: Okay, so 3 we'll present them together. Okay. All right. So 4 we'll move to V24-02 for the property at 450 Atlantic 5 Boulevard. Is the applicant here? Okay. Would you 6 like to come up? 7 CYNDY TRIMMER: Thank you so much, Cyndy 8 Trimmer, One Independent Drive, Suite 1200, on behalf 9 of the applicant, I have with me the architect, 10 Michael Dunlop, as well as our planner, Blair 11 Nighting, and Alex Harden, who worked with me on the 12 applications. This is for the property right next to 13 the Kmart. 14 It has historically been a series of uses; 15 fitness, entertainment. The person that we're doing 16 right now is proposing to do a mixed-use project, all 17 uses permitted by right. We have two pending 18 requests. One is for a variance for the side yard. 19 There are existing AC condenser units on the side 20 yard. If they were keeping them as-is, no, no relief 21 would be needed. But we do need to add more of those 22 to the side yard so we lose the nonconforming status. 23 We have worked with Heather. 24 Currently the screening around those units 25 is not up to code, so we have agreed with adding the	Page 56 1 HEATHER WHITMORE: Absolutely. And I don't 2 know, Piper (inaudible) coming up on the screen, I 3 don't know that it matters. Let's see if I can 4 (inaudible) work. 5 PIPER TURNER: Well, can it? It's plugged in 6 now. Will it work? 7 HEATHER WHITMORE: Yeah. This is not going 8 to work tonight, is it? Typically it pops up, doesn't 9 it? 10 PIPER TURNER: I don't know how to switch it 11 to get it to work. 12 HEATHER WHITMORE: (inaudible) switch it. 13 PIPER TURNER: This thing has not been 14 working very well lately. 15 HEATHER WHITMORE: Well, we have copies, 16 additional copies of the staff report available for 17 review. So can we just get started? All right. This 18 is a request. It combines the staff report for 19 variance 2402 and development plan 24-02 for property 20 located at 450 Atlantic Boulevard. 21 The variance is from 27-238 [sic] (a)(1) d 22 to permit air conditioning units located at 1.5 -- 23 excuse me, 1.8 feet from the western property line in 24 lieu of the ten-foot side yard setback and the 25 proposed development plan is to permit a mixed-use

Page 57 1 facility that includes (audio issues) As stated, the 2 applicant proposes a change of use to a mix of 3 recreational amusement and entertainment uses. The 4 applicant proposes a significant interior model of the 5 existing 20,000 square foot gross interior of the 6 building. 7 It will be converted into a mezzanine style 8 layout, with a full first floor and a reduced second 9 floor overlooking the first. The first floor will be 10 what they refer to as the gym area, including four 11 martial art combat training areas, three racquetball 12 courts, one pickleball court, and associated changing 13 rooms. 14 The first-floor gym will operate from 6 a.m. 15 to 8 p.m., seven days per week. Overlooking the first 16 floor will be the second-floor bar, including a 17 karaoke lounge with six private karaoke rooms, one 18 open bar seating with a stage, three pool tables. The 19 second-floor bar will operate from 12 p.m. to 2 a.m., 20 seven days a week. 21 Parking. The change of use requires an 22 increase in the overall off-street parking 23 requirements. However, the interior uses qualify for 24 an overall reduction in the required off-street 25 parking for a mix of joint uses of parking spaces.	Page 59 1 shared parking, the analysis shows that the proposed 2 uses are projected to have a maximum parking need of 3 35 spaces during workday hours. 4 So does that make sense how you guys looked 5 at that study, how they're offset hours? So you have 6 peak, very much like a traffic study, where you've got 7 peak times of the use, where you're going to have your 8 higher volumes. And when they're offset, you can 9 basically assign the parking lot to one use or, you 10 know, at the peak time and then to another use of the 11 other peak time. 12 Section 27-540(c)3 provides for a reduction 13 of off-street parking requirements for mixed or joint 14 uses. The shared use parking adheres to these 15 standards to permit a reduction for the mixed uses. 16 The City Council, after review of the Community 17 Development Board, may authorize a reduction in the 18 total number of required parking spaces for two or 19 more jointly provided uses when their respective hours 20 of need for maximum parking do not overlap. 21 Looking at the variance here quickly, it's, 22 it's not a huge one, so I'm not going to get too much 23 depth. But the property has unique and particular 24 circumstances. There does appear to be a unique 25 hardship in staff's opinion. The existing building
Page 58 1 This is a passage of code we don't use all the time. 2 You -- you've seen ones in the past where it's a 3 shared use parking agreement between uses, where you 4 actually have to do a conditional use. This is not a 5 conditional use or a special exception. 6 This is something that our code allows for 7 by right. With a development plan, if you have offset 8 hours, you can use the joint -- it's called joint 9 parking. So that's what we're looking at right now. 10 Due to the variation in interior uses and operating 11 hours, the interior uses will be reviewed based on the 12 net floor area to determine the required parking. 13 Parking requirements were applied to each 14 interior use to determine required parking areas as 15 follows, and there's a table there. So what you see 16 overall when you break it out, I'm not going to go 17 itemize each one. But you've got a total of 50 18 parking spaces that are required if you break it out 19 and you don't apply the, the joint use allowance and 20 the site's got 38. 21 The overall total required parking area is 22 50 and it has 38. And the shared parking analysis was 23 conducted by Kimley-Horn and Associates to evaluate 24 the project's maximum parking demand for the proposed 25 development. Based on data published by ULI for	Page 60 1 already has AC conditioning equipment less than two 2 feet from the property line. 3 It's a very small side yard setback already 4 on the side of that building. The condensers will be 5 located in the same location less than two feet from 6 the property line, and will be screened with the 7 required four-foot concrete wall enclosure. Is it the 8 minimum necessary? Yes, the variance is the minimum 9 necessary to permit the building's reuse to allow the 10 replacement of those AC units. 11 The proposed variance will not adversely 12 affect neighbors or the general public. Staff's 13 opinion that the proposed variance would not adversely 14 affect adjacent or nearby properties. The building 15 already has AC units less than two feet from the 16 property line, and the condensers will be screened 17 with a required four-foot concrete enclosure, which 18 they don't have right now. 19 The proposed variance will not substantially 20 diminish property values. Staff's response is that 21 the proposed variance has -- should not substantially 22 diminish property values or alter the essential 23 character of the area. Is it the effect of the 24 proposed variance to be in harmony with the general 25 intent? Staff responds yes.

Page 61 1 The variance request appears to be in 2 harmony with the general intent of ULDC. The need for 3 the variance has not been created by the actions of 4 the property owner. It's staff's opinion that the 5 proposed variance request for AC equipment in the 6 setback location is not created through the actions of 7 the property owner. 8 How the building is laid out right now, 9 that's where the AC units are. They would just like 10 to be able to replace them. Granted, the variance 11 will not confer on the applicant any special 12 privileges. Staff's opinion that granting the 13 variance for the AC equipment would not confer any 14 special privileges in the district. Ready to move on 15 to the development plan review? All right. So (beep) 16 -- 17 ZACHARY ROTH, CITY ATTORNEY: Well, that was 18 the first one. You have ten more minutes for the 19 second one. 20 HEATHER WHITMORE: Oh, I do? 21 RENE ATAYAN: You are like right on time 22 girl. 23 HEATHER WHITMORE: I'm tearing it up. All 24 right, so findings, reviewing the development plan 25 review characteristics of the site and surrounding	Page 63 1 Staff's recommendation is that the site contains an 2 existing building and parking area. So we're not 3 going to be doing a rebuild of the site here. The 4 uses are all approved by right. The shared parking 5 adheres to standards to permit a reduction for mixed 6 use or joint parking. 7 So it's in accordance with 27-540, as we 8 reviewed, for the ability to have a shared use 9 parking. We do have comments in here from Public 10 Works. The property is served by a private lift 11 station, and the water main extends across the front 12 of the property line, and it has a hydrant just to the 13 west. 14 So it meets -- it has all of its necessary 15 public utilities and complies with site development 16 standards. Conformity with the proposed development 17 with Comp Plan and other applicable regulations. The 18 properties in a Comp Plan, C-2 land use, and a C-3 19 zoning district, all the uses are permitted by right 20 and the Shared Use Parking Agreement standards to 21 permit the joint use parking are consistent with 22 what's required. 23 All applicable zoning regulations have been 24 provided for. And again, I'm going to -- it's 25 approved by right. We've got -- they've met all
Page 62 1 areas, I should say procedures for applying for and 2 issuing a preliminary and final development order for 3 the Community Development Board, Development Board 4 shall conduct a quasijudicial public hearing, and we 5 shall review the following factors. So here we go. 6 Characteristics of the site surrounding 7 uses, including important natural and man-made 8 features. Staff responds, the use is consistent with 9 the surrounding zoning. The site is surrounded by 10 commercial uses to the north, east and west. The -- 11 whether the current requirements of the code will be 12 met if the development were built, and staff's 13 response is that the concurrency requirements will be 14 met. 15 This will not generate significant trips 16 over the prior use. There is water and sewer to serve 17 the building. School concurrency is not applicable 18 and drainage is not applicable because no impervious 19 surface will be added. The nature of the proposed 20 use, including land use types and densities and other 21 improvements will -- let's see -- I don't want -- it's 22 such a long one. 23 Will it, will it protect natural features? 24 It will. Are the proposed parking areas consistent? 25 Are the internal traffic circulations consistent?	Page 64 1 standards and comments for planning and zoning. 2 There's nothing outstanding from land development or 3 public utilities. The only thing that there could be 4 is additional fire or building comments as they do a 5 building finish, because they haven't done a complete 6 interior review of the fire building. 7 But as for public utilities and planning and 8 zoning, they meet all of the applicable regulations. 9 Concerns and desires of surrounding landowners. The, 10 the development order -- the variance for the 11 development order was noticed as required, and the 12 code to people within 300 feet. A sign was posted on 13 the property according to all the requirements. 14 Staff has actually not received comments 15 specific to this application. You may have received 16 some, but I have not received any specific. Other 17 applicable factors. There's nothing outstanding. 18 Staff's review of the variance is approval. 19 Recommendation of approval for V24-02 regarding the AC 20 units as well as the development plan. Staff 21 recommends approval of the preliminary development 22 plan as presented here. 23 Again, all the uses are permitted by right. 24 They have complied with the shared parking 25 requirements, and this would be forwarded on to the

Page 65 1 Council to make the final decision on whether or not 2 that joint use parking is allowed, but they have met 3 the standards of the code. The developer shall submit 4 a final development plan that complies with staff's 5 conditions for review. 6 If there is anything outstanding for Council 7 and the final development plan as submitted must be 8 consistent with the preliminary development plan you 9 have before you now, and any outstanding comments must 10 be addressed. Staff's recommendation is approval for 11 both. If you have questions, I'm happy to answer 12 them. 13 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 14 Before we have the applicant come back up for 15 questions, do we have any questions for Heather? 16 Let's start down here. 17 CORRINE BYLUND: I don't at this point. 18 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 19 CORRINE BYLUND: Until I hear from everyone. 20 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 21 Rene? 22 RENE ATAYAN: Ditto. 23 MARC BORAN: Yeah, I do. I'm sorry. So -- 24 GREG SCHWARTZENBERGER, CHAIRMAN: No, please. 25 MARC BORAN: -- it may be a silly question.	Page 67 1 HEATHER WHITMORE: Yes. 2 JONATHAN RAITI: Okay. 3 HEATHER WHITMORE: So the -- there's a pretty 4 good illustration -- site plan shows you -- which one 5 is that? 6 JONATHAN RAITI: So -- 7 HEATHER WHITMORE: It's the property 8 (inaudible) -- 9 JONATHAN RAITI: -- that section of Lemon 10 Street actually crosses the property. 11 HEATHER WHITMORE: Yeah, that's, that's not 12 Lemon Street. I mean, it's by name, by name only. 13 It's actually -- it's an easement. 14 ZACHARY ROTH, CITY ATTORNEY: It's not a 15 public right of way there. 16 JONATHAN RAITI: Okay. 17 HEATHER WHITMORE: Yeah. So those parking 18 spaces and that driveway of Lemon actually belongs to 19 the property owner for the subject of this. 20 JONATHAN RAITI: Okay. My second question 21 comes to -- because I've been through this building 22 and I've looked at it. I remember there being a set 23 of stairs coming off the second floor. It was either 24 on the side or the back of the building. I don't know 25 if that's still there.
Page 66 1 Tell me I'm wrong, but the variance request, I don't 2 understand the need for it when it says -- when 3 they're meeting the requirement. 4 HEATHER WHITMORE: It's going to be closer 5 than two feet. So the code only lets you. I know 6 it's kind of weird the way it's written, but it's 7 supposed to be ten feet. 8 MARC BORAN: Right. 9 HEATHER WHITMORE: You can be as close as 10 five feet if you have a hardy board wrap-around. You 11 can be as close as two feet if you have a concrete 12 masonry wall, and this is closer than two feet. 13 MARC BORAN: I read it as within two feet, 14 which to me sounds -- 15 HEATHER WHITMORE: Yeah, I know, it's 16 terribly written, isn't it? Yeah. 17 MARC BORAN: Okay, all right. Got it. 18 Thanks. 19 HEATHER WHITMORE: Yeah. 20 JONATHAN RAITI: I have a couple questions. 21 For the additional four parking spaces that are on the 22 other side of the street, are those included on the 23 property or they are excluded? 24 HEATHER WHITMORE: Yes. 25 JONATHAN RAITI: They're included?	Page 68 1 I haven't been by the building in the last 2 year, but I remember that that was either already over 3 the property line or right -- or it was going to need 4 to be over the property line in order to use the 5 building. So when we get to life safety plans later 6 on, is this something where it's going to come back to 7 us again, seeking a variance? 8 HEATHER WHITMORE: I'm not familiar with the 9 stairs that you're referring to, but I will tell you 10 this. If the stairs are over the property line, 11 that's a title issue. It's not as much a setback 12 issue. 13 JONATHAN RAITI: I mean, maybe -- 14 HEATHER WHITMORE: In terms of stairs being 15 in the setback, stairs do not apply to setbacks. It's 16 the one thing in our code and setback section -- 17 there's one thing that gets an exception and that's 18 stairs. If you'd like for me to reference that 19 section of the code, I'm happy to. 20 JONATHAN RAITI: Okay. I don't know if I 21 need -- 22 HEATHER WHITMORE: But I just want to be 23 clear that it wouldn't be, that it wouldn't be 24 material because stairs do not apply to setbacks. 25 JONATHAN RAITI: Okay. (inaudible) I'm

Page 69 1 operating off of recollection, so. 2 MICHAEL DUNLAP: Yeah, afternoon, Michael 3 Dunlap, the architect of record, 1120 Second Avenue 4 North, Jacksonville Beach. We have a, a concept plan 5 that's been essentially approved by the fire marshal. 6 The stairs that you were speaking of was across the 7 property line at the back of the building on the park 8 side. 9 That was removed in the last renovation in 10 2020. The new plan has an existing stair that was 11 upgraded to a smoke-proof enclosure directly to the 12 outside. And there will be another interior stair 13 that exits to the outside. And John Rowley's looked 14 at it. He seems to think everything's good there. 15 HEATHER WHITMORE: John Rowley no longer 16 works for the City of Neptune Beach. I just want to 17 say, for the record, that's not -- 18 MICHAEL DUNLAP: Say that again. 19 HEATHER WHITMORE: John Rowley no longer 20 works for the City of Neptune. So we'd have it 21 inspected by another fire marshal for the use. 22 MICHAEL DUNLAP: Okay. Fair enough. 23 HEATHER WHITMORE: (inaudible) to be clear. 24 MICHAEL DUNLAP: At the time it was looked 25 at, John was around.	Page 71 1 for discussion. Okay. 2 GREG SCHWARTZENBERGER, CHAIRMAN: We -- could 3 the applicant come back up? Do we have any questions 4 for the applicant at this time? I'm sorry to go out 5 of order on you there. 6 CYNDY TRIMMER: I was just going with the 7 flow. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. Me 9 too. 10 CORRINE BYLUND: I do have one. I didn't see 11 any outside space, you know, for entertainment on the 12 proposal. And I just want to clarify that there is no 13 outside space proposed for this. 14 CYNDY TRIMMER: Let me confirm, because we 15 talked about it several different times. We brought 16 it all inside or are we going to have --? 17 MICHAEL DUNLAP: It's all inside. 18 CYNDY TRIMMER: We brought it all inside. 19 CORRINE BYLUND: Thank you. 20 RENE ATAYAN: I had one quick question. Not 21 that it would affect a vote, but I'm always looking 22 for when people are redoing a building, whether or not 23 there's room anywhere. And I know it's tight, but for 24 bike racks. 25 MICHAEL DUNLAP: That will be integrated into
Page 70 1 JONATHAN RAITI: Okay. Thank you. 2 MICHAEL DUNLAP: Sure. 3 JONATHAN RAITI: And last question for you, 4 Heather. 5 HEATHER WHITMORE: Yes, sir. 6 JONATHAN RAITI: In the event that the -- I 7 understand if you have 50% or more of the building 8 expense of the total property gets tripped by the 9 budget for the, the project. So if it's like, 10 whatever, it's a 100 maybe it's \$1 million renovation 11 and the, the purchase price is \$2 million. Then you 12 would trip a Tencent review, then that would come back 13 later on, right? 14 HEATHER WHITMORE: I'm not familiar with what 15 you're referring to. 16 JONATHAN RAITI: I think if you have a -- 17 PIPER TURNER: It wouldn't come back to you 18 guys. 19 JONATHAN RAITI: It wouldn't come back to. 20 PIPER TURNER: The Tencent review would be 21 what you're doing with Public Works and all that, but 22 wouldn't come back here because that's a building 23 issue, not a zoning issue. 24 JONATHAN RAITI: Okay. All right. I mean, 25 other than that, I mean, I'm -- we can, we can wait	Page 72 1 the next round of documents. So that is -- 2 RENE ATAYAN: Okay, cool. Thank you. 3 MICHAEL DUNLAP: Yeah. We like bikes. 4 RENE ATAYAN: Yes. Thank you. 5 WILL HILTON: Just curious as to whether 6 does, does this include any like soundproofing or 7 anything like that as it relates to design? It's 8 mainly related to the, the courts and the, and the 9 karaoke. 10 MICHAEL DUNLAP: The beauty of building a 11 racquetball court is that it's basically eight inches 12 of solid concrete, and the walls are 40 feet high and 13 they're reinforced. Sound coefficients are off the 14 charts. Plus plaster, you know, it adds up. 15 MARC BORAN: Similar as may not apply -- 16 doesn't relate to the vote, but you have a package 17 store in here. What is that going to be? 18 CYNDY TRIMMER: The liquor license for the 19 property. There's a small portion on the first floor 20 for to-go. 21 MARC BORAN: Okay. All right. Thanks. 22 GREG SCHWARTZENBERGER, CHAIRMAN: No 23 questions? All right. We may bring you back up. 24 Zach, proponents, anyone for or against before party 25 intervenors?

Page 73 1 ZACHARY ROTH, CITY ATTORNEY: No, it would be 2 party intervenors next, which we don't have any. 3 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 4 ZACHARY ROTH, CITY ATTORNEY: Then you would 5 go to proponents and then opponents. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. Do 7 you guys have anyone speaking on your behalf? Okay. 8 Do we have anyone here speaking against the 9 development or against this plan that would like to 10 come up? No? 11 PIPER TURNER: I have no public comments for 12 this one. 13 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 14 APPLICANT 1: I wanted to make a public 15 comment, if I may, if now is the time. 16 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah, come 17 on up. 18 APPLICANT 1: This building sits right north 19 of a big residential area, and I understand the 20 hardship. I think the hardship is reasonable, but I 21 think that a sound study for all these air 22 conditioning units and how noise might affect that 23 neighborhood should be considered in any approvals 24 that are granted. 25 I understand their problem, but some	Page 75 1 addition. In addition. 2 CYNDY TRIMMER: We believe four additional. 3 It could be as many as six additional. 4 GREG SCHWARTZENBERGER, CHAIRMAN: And those 5 all stay to the west? 6 CYNDY TRIMMER: They -- correct. 7 GREG SCHWARTZENBERGER, CHAIRMAN: (inaudible) 8 west? 9 MICHAEL DUNLAP: Correct. 10 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 11 CYNDY TRIMMER: Mm-hmm. 12 GREG SCHWARTZENBERGER, CHAIRMAN: Thanks, 13 Zach. All right, we'll move into board discussion. 14 Corri? 15 CORRINE BYLUND: Okay. I have the same 16 thought as Mr. Baucus when I first saw this, because 17 this property is very close to the, the new Publix. 18 And I was thinking that the people from Neptune by the 19 Sea might come to have something to say about the AC 20 units, but the more I read in the packet about the AC 21 units and the screening that's provided, I don't see 22 that it's going to be an issue. 23 And certainly it's -- the proposal is within 24 the bounds of the code. So on that level, it seems 25 that, you know, they're acceptable. The other
Page 74 1 soundproofing of the air conditioning units themselves 2 might be necessary for that not to create a humming 3 noise for all those residents behind the property. 4 It's just a thought. I don't know how to incorporate 5 that, but that's something that comes to mind. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 7 All right. Let's move into board discussion. Corri, 8 we'll start with you. I'm sorry. 9 ZACHARY ROTH, CITY ATTORNEY: Since there was 10 a comment from the public, we should give the 11 applicant the last chance to speak before you end your 12 discussion. 13 CYNDY TRIMMER: Thank you, to the chair. The 14 request for the variance on the side yard is for an 15 existing condition. We will be improving that 16 existing condition by installing the masonry wall. 17 Today it is a chain link fence that just has some 18 fabric screening on it. And that is the side yard 19 next to the former Kmart. It is not the rear anywhere 20 near any residential uses. 21 GREG SCHWARTZENBERGER, CHAIRMAN: How many 22 additional ACs are you putting in there? 23 CYNDY TRIMMER: Four? 24 MICHAEL DUNLAP: That's about right. 25 GREG SCHWARTZENBERGER, CHAIRMAN: In	Page 76 1 questions that I had were really about parking. I'm 2 always the person who's beaten the parking drum on 3 this board. I, I hesitate to accept a parking study 4 that says that there's only going to be 1.25 parking 5 spaces needed by employees during the weekday. 6 I looked at that and I thought, you know, 7 maybe that might not be accurate, or that for the 8 health club that the employees will need 0.4 of a 9 parking space during the weekday. But at the, at the 10 end of the day, if we -- are we required to accept the 11 reduction? 12 HEATHER WHITMORE: Well, the site would need 13 a variance if you don't accept it. 14 CORRINE BYLUND: Right. 15 HEATHER WHITMORE: It would not be in 16 compliance. 17 CORRINE BYLUND: Okay. All right. So that's 18 something to think about. 19 GREG SCHWARTZENBERGER, CHAIRMAN: (inaudible) 20 CORRINE BYLUND: Yeah, of course. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Just to 22 talk out loud (inaudible) 23 CORRINE BYLUND: And I guess -- 24 GREG SCHWARTZENBERGER, CHAIRMAN: I'm sorry, 25 go ahead.

Page 77 1 CORRINE BYLUND: That's okay. That's my last 2 thing. 3 GREG SCHWARTZENBERGER, CHAIRMAN: We'll come 4 back (inaudible) 5 RENE ATAYAN: Let's see here. I generally 6 have no objections to this. I think it's kind of 7 exciting that this rather large building is going to 8 be reinvigorated with a lot of fun activities for the 9 residents. I like the landscaping plan. I also 10 wondered, as did a lot of people, about the rear. But 11 there's a park there on top of it. 12 So there is a little bit of a buffer zone. 13 And, and the ACs are on the west side of that -- of 14 the, the building. And a wall is going up. So that 15 satisfied all that. It's a good thing that you have 16 private karaoke suites because if I went in there to 17 sing I would be in the private karaoke suite, so as 18 not to torture anybody. So I'm happy with everything. 19 WILL HILTON: I still have a -- I think it's 20 great. I think it's nice that this build is going to 21 get a brew hall and do some fun with it. I am a 22 little nervous about the bleeding of -- from the 23 second floor. I know that we talked about the 24 concrete, but I still am worried about a little bleed 25 noise levels going through the top of the roof,	Page 79 1 It looks like you guys put a lot of good 2 thought into it. The park is large. There are large 3 oak trees there, so that should offset a lot of the 4 noise. That said, I do have concerns still about 5 karaoke late at night. 6 So the extent you can determine the best 7 ways to prevent any noise complaints emerging from the 8 development, I think that would greatly alleviate 9 concerns for the community, and you don't want to 10 create a nuisance type project. 11 The parking, yeah, I'm sure the parking 12 study has some aggressive elements to it. And from 13 what you pointed out, Corri, those are, those are 14 elements. But I think it's, it's in the interest of 15 the community to try to bring an old building back to 16 life here. 17 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah, it's 18 a cool concept. Significant investment obviously. 19 Thank you, guys, for all the discussion. Does anyone 20 have anything else from the board or any questions for 21 Heather or the applicant before we have a motion. Do 22 we have motion? 23 RENE ATAYAN: I make a motion to approve. 24 GREG SCHWARTZENBERGER, CHAIRMAN: Okay, hang 25 on one second.
Page 78 1 especially in your neighborhood. 2 And, and we all know how, how wonderful 3 karaoke singers are. So it would be a problem for the 4 surrounding community. So that is a concern for me. 5 You know, it's operations till 2 a.m. it looks like 6 for the karaoke side. It's going to be on the second 7 floor. That's a concern for me. 8 MARC BORAN: Yeah, I have the same, let's 9 say, kind of skepticism for the parking survey and the 10 number of occupancies or people that will be visiting 11 during peak hours, so on and so forth. But I can take 12 it at face value. You know, this noise as well. 13 I think about the pickleball courts, you 14 know, that I live three blocks from and I can hear 15 them until they go out at night and granted, it's 16 inside, but if there's any noise reduction associated 17 with -- internally, the building would be a, would be 18 a concern. But, but certainly I think it's fantastic 19 that we're reinvigorating that entire area. 20 JONATHAN RAITI: I think my comments are 21 basically this is an exceptionally difficult building 22 to, to try to restore and bring back to life. And 23 it's sat empty for, I'm not even sure how many years, 24 at least four or five. So I'm very sympathetic to all 25 the design challenges.	Page 80 1 ZACHARY ROTH, CITY ATTORNEY: I would 2 recommend we make motions for each one just so it's 3 clear what the vote is on each. 4 GREG SCHWARTZENBERGER, CHAIRMAN: Let's, 5 let's go with the first one first. 6 RENE ATAYAN: The first was the AC, right? 7 ZACHARY ROTH, CITY ATTORNEY: Yes, the first 8 is the variance 24-02. 9 RENE ATAYAN: Yes. I'll make a motion to 10 approve the AC scheme. Approving the setback and 11 installing the concrete wall. 12 WILL HILTON: Is the, the variance 13 (inaudible) 14 RENE ATAYAN: Yeah, yeah. 15 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. 16 Which is in the design. 17 ZACHARY ROTH, CITY ATTORNEY: I would 18 summarize what you said as motion to approve variance 19 24-02. Everything she stated was what's contained in 20 the variance. All right, then second. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 22 Piper? 23 PIPER TURNER: Mr. Boran? 24 MARC BORAN: Yes, sorry. 25 PIPER TURNER: Ms. Bylund?

Page 81 1 CORRINE BYLUND: Yes. 2 PIPER TURNER: Mr. Raiti? 3 JONATHAN RAITI: Yes. 4 PIPER TURNER: Mr. Hilton? 5 WILL HILTON: Yes. 6 PIPER TURNER: Ms. Atayan? 7 RENE ATAYAN: Yes. 8 PIPER TURNER: Mr. Schwartzberger? 9 GREG SCHWARTZENBERGER, CHAIRMAN: Yes. 10 GREG SCHWARTZENBERGER, CHAIRMAN: Do we have 11 a motion for DP 24-02? 12 MARC BORAN: I recommend approval of DP 24- 13 02. 14 GREG SCHWARTZENBERGER, CHAIRMAN: Do we have 15 a second? 16 RENE ATAYAN: I'll second. 17 PIPER TURNER: Mr. Hilton? 18 WILL HILTON: Yes. 19 PIPER TURNER: Ms. Bylund? 20 CORRINE BYLUND: Yes. 21 PIPER TURNER: Mr. Raiti? 22 JONATHAN RAITI: Yes. 23 PIPER TURNER: Ms. Atayan? 24 RENE ATAYAN: Aye. 25 PIPER TURNER: Mr. Borland [sic], Boran?	Page 83 1 the Land Development Code for Marshpoint Properties, 2 property located at 2101 Bartolome Road, lot one, 3 block 29 of Florida Beach plat number two. 4 Applicant requests to subdivide the one 5 existing lot into three lots. This is a request for a 6 subdivision as outlined in our code. The subject 7 property is located at the north side of Marshpoint 8 Road and Bartolome Road in the R4 zoning district. 9 The lot is 0.4 acre, approximately 17,859 square foot, 10 and contains one two-family duplex. 11 The applicant has requested to subdivide the 12 .41 acre lot into three conforming lots. Granting the 13 subdivision would create three lots for a total of two 14 additional lots. The R4 zoning has a minimum lot size 15 of 4,356 square feet. The front rear yard setbacks 16 are variable but must equal 35 feet in total. So it's 17 -- if you want, I can provide you with a copy of the 18 development table. But it's got a variable setback, 19 neither one of which can be less than 15 feet. 20 Side yard interior setback is seven and the 21 side street setback is eight feet. Duplexes comprised 22 of two attached homes are exempt from the interior 23 side setback, where the units meet in an R4 district. 24 The applicant is requesting to subdivide the 0.41-acre 25 parcel into three conforming lots.
Page 82 1 MARC BORAN: Yes. 2 PIPER TURNER: Sorry. And let's see, who 3 else do I have? Mr. Schwartzberger? 4 GREG SCHWARTZENBERGER, CHAIRMAN: Yes. 5 PIPER TURNER: Did I call (inaudible)? This 6 does have to go to City Council for final approval. 7 GREG SCHWARTZENBERGER, CHAIRMAN: Thanks, 8 guys. Good luck. 9 HEATHER WHITMORE: My pleasure. Have a good 10 one, guys. 11 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. We 12 will move into DP24-03 application for a Replat as 13 outlined in Chapter 27 Article 3 of the ULDC of 14 Neptune Beach for Marshpoint Properties. Heather? 15 HEATHER WHITMORE: Yeah, this is a request 16 for a lot split at 2101 Barton Road DP24-03. We do 17 have public comment that was received by way of email 18 and distributed to everyone. You should have that at 19 your seats. We did just receive one email. Do you 20 all have a copy of this? Just want to confirm. 21 MARC BORAN: Yes. 22 HEATHER WHITMORE: Yes? 23 JONATHAN RAITI: Yes. 24 HEATHER WHITMORE: Okay. The applicant 25 requests a replat as outlined in 27 of article 3 of	Page 84 1 As stated, would create three total for a 2 total of two additional. Each lot would meet the 3 minimum 4,356 square foot minimum lot size. The 4 existing lot contains one two-family unit. The 5 existing duplex would be divided into two lots along 6 the shared lot line, yielding a 5,500 square foot lot 7 to the west, which is 1A, a 4,689 square foot lot to 8 the east, which is 1B, and the balance parcel, 1C, 9 would be 7,279 square feet. 10 The existing structures will adhere to the 11 setbacks. I noticed that the staff report, as Mr. 12 Raiti pointed out, does mention some additional 13 standards. So I'm gonna bring them up now. Lot 14 coverage in the R4 is 50% maximum, 1A is 48% lot 15 coverage, so it adheres. All of the parcels adhere. 16 1B is a 48% lot coverage that also adheres 17 to the minimum -- the maximum lot coverage. And 1C is 18 of course a 0% because it's got no impervious -- lot 19 width is 50 feet in an R-4 and lot 1A is a 78-foot 20 width lot. Lot B is an 80-foot width lot and lot C is 21 at 80. 22 The proposed lot split complies with all 23 minimum area setback, lot coverage, and lot width 24 requirements. Staff recommends approval of the 25 application for D403 for the replat for 2101 Bartolome

Page 85 1 Road. I'm happy to answer any questions that you 2 have. 3 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 4 Corri, anything for Heather at this time? 5 CORRINE BYLUND: No, I don't have anything. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Rene? 7 WILL HILTON: I have one question. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Wait one 9 second. 10 RENE ATAYAN: I am a little baffled by this 11 one, just because -- and I know you'll clarify it for 12 me, but the planning is going through an existing 13 building. 14 HEATHER WHITMORE: Yes, and it can, because 15 it's -- we did this only a few months ago. We did a 16 plot right through a building, or we looked at a plot 17 that was right through a building. I should say we 18 didn't (inaudible) -- 19 GREG SCHWARTZENBERGER, CHAIRMAN: It was the, 20 the 2, 3 stories on the (inaudible) -- 21 HEATHER WHITMORE: In the same, in the same 22 area. Yeah, we -- right up on. 23 PIPER TURNER: Marshpoint King Circle. 24 HEATHER WHITMORE: So in this area, it's 25 pretty standard fare that you have lot lines running	Page 87 1 staff review. So there was not a new application 2 submitted. Just -- we just had the new plat submitted 3 and worked through all the technical comments and just 4 submitted a new plat. 5 If you want the applicant to submit a new 6 application that represents that it's for three, we 7 can certainly do that, but it was the material request 8 of the replat itself to get it compliant. 9 MARC BORAN: So the letter that that talks 10 about this becoming a townhouse when it's not actually 11 a townhouse, I mean, does that apply? 12 HEATHER WHITMORE: The zoning district allows 13 for attached units. So that's what this is. And if 14 it meets the Florida Building Code for townhouse 15 standard with the shared wall, then it can be 16 detached. 17 JONATHAN RAITI: And the intent here is to 18 replat into three lots, but not to tear down and 19 rebuild this duplex? 20 HEATHER WHITMORE: No, sir. Yes, that, that 21 is correct. It is to divide the building down the 22 middle to allow for a townhome-style configuration 23 where you could have -- sell the yards off, just kind 24 of like any of the townhomes we have in (inaudible) -- 25 GREG SCHWARTZENBERGER, CHAIRMAN: Has the
Page 86 1 through shared walls because it's a zero setback line 2 on the shared wall. 3 RENE ATAYAN: Okay. That's it for now. 4 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 5 Will? 6 WILL HILTON: It's three lots, correct? Not 7 four. 8 HEATHER WHITMORE: Correct. And the, the 9 comment that was made here in the, in the public 10 comment was concerned about the fact that initially 11 when the applicant had come in, they had wanted to do 12 four, and I should say, staff worked pretty 13 rigorously, rigorously with the applicant because this 14 is -- you know, it's an oddly configured lot in order 15 to get it compliant. 16 So I think if you look at the application, 17 it came in -- (inaudible) date we got on that is -- 18 let's see, I want to say it was what -- I was going to 19 say it was September. It was September of '23 that we 20 got this application in initially. And so staff has 21 worked a lot with the applicant. 22 And what it turned out was that initially 23 they had requested for, but you could not get a 24 configuration that worked with four. And so it had to 25 be reduced to three. So what you see now is after	Page 88 1 duplex already been renovated? 2 HEATHER WHITMORE: What's that? 3 GREG SCHWARTZENBERGER, CHAIRMAN: Has the 4 duplex already been renovated? 5 PIPER TURNER: It was majorly renovated 6 within the last year and the firewalls were added at 7 that time. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 9 JONATHAN RAITI: And the third lot, this 10 newly created lot kind of on the corner -- 11 HEATHER WHITMORE: Yes, sir. 12 JONATHAN RAITI: -- is there any building 13 application in or what's the -- 14 HEATHER WHITMORE: No, sir. 15 JONATHAN RAITI: Is there -- 16 HEATHER WHITMORE: There's no proposed 17 development. 18 JONATHAN RAITI: Is there an intended -- is 19 there any statement or discussion in the application 20 about the intended use? 21 HEATHER WHITMORE: It wouldn't be not at the 22 point -- not at the subdivision point, because that's 23 not substantial to the lot split question and the 24 future build-out is not relevant. 25 JONATHAN RAITI: I mean my -- yeah, my

Page 89 1 concern -- oh, we'll get -- we'll -- discussion. 2 GREG SCHWARTZENBERGER, CHAIRMAN: We'll do a 3 discussion. 4 JONATHAN RAITI: Yeah. 5 GREG SCHWARTZENBERGER, CHAIRMAN: But answer 6 any questions you need to get there. Or excuse me. 7 Ask any questions (inaudible) -- 8 JONATHAN RAITI: Yeah. Yeah. We can 9 continue. I'll -- I have a question I'm formulating. 10 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 11 WILL HILTON: I have one that I just -- I'm, 12 I'm struggling, maybe -- 13 GREG SCHWARTZENBERGER, CHAIRMAN: For 14 Heather? 15 WILL HILTON: Yeah. I'm trying to figure out 16 visually what this is going to look like. There's no 17 elevation, so I can't really see, obviously. The, the 18 so-called front of each townhouse, where is that going 19 to look? 20 HEATHER WHITMORE: There's -- they have two 21 different frontages. So you can see they're actually 22 oriented in two different directions. 23 WILL HILTON: Right. Your driveway is sort 24 of catty -- 25 HEATHER WHITMORE: Correct.	Page 91 1 the community? 2 ZACHARY ROTH, CITY ATTORNEY: It's whether 3 the proposed lots comply with the provisions of the 4 code. 5 JONATHAN RAITI: Which, per the staff report, 6 these are going to be conforming lots. 7 HEATHER WHITMORE: Correct. Yes, that's how 8 we review plats. Do they meet the minimum lot 9 standards? It's not a matter of context or 10 compatibility when it comes to platting. It's a 11 matter of by right whether or not you have the lot 12 area. 13 GREG SCHWARTZENBERGER, CHAIRMAN: When you 14 looked at this for four -- I'm sorry, when you looked 15 at this for four originally -- 16 HEATHER WHITMORE: Correct. And it did not 17 work. 18 GREG SCHWARTZENBERGER, CHAIRMAN: Right 19 because of the existing duplex. 20 HEATHER WHITMORE: Well, I mean, the whole 21 lot. 22 GREG SCHWARTZENBERGER, CHAIRMAN: I'm just 23 curious. 24 HEATHER WHITMORE: I mean, it was just the 25 whole lot. You know, it was about trying to get the
Page 90 1 WILL HILTON: Yeah. And so will the front be 2 -- that's going to be the front of the house that sort 3 of is facing -- 4 HEATHER WHITMORE: The front yards are 5 established to be oriented north-south on the site and 6 there are side exterior yards on the street. So you 7 have a side interior yard, you have a front yard. 8 WILL HILTON: So, one is sort of gonna 9 somewhat look towards Marshpoint and one is sort of 10 going to look towards Bartolome, but not like a -- 11 HEATHER WHITMORE: Yeah. 12 GREG SCHWARTZENBERGER, CHAIRMAN: This is the 13 (inaudible) structure. 14 JONATHAN RAITI: Either Heather or Zach said 15 -- one of the questions I had earlier was trying to 16 understand this is coming before us because the 17 Community Development Board has to do the first review 18 and approval for a replat. So the criteria -- is 19 there a defined criteria for acceptance or rejection 20 of a replat in a circumstance like this? 21 ZACHARY ROTH, CITY ATTORNEY: Not since we 22 amended the code in 2022. It's absorbed into the same 23 standards for all planning and treated the same. 24 JONATHAN RAITI: So it's basically based upon 25 whether or not we think it's in the best interest of	Page 92 1 existing duplex to have the required setbacks that it 2 needed on the lot split, and in doing so you thereby 3 reduce the, the, the, the newly-created lot as you 4 just -- right? So then when you made a little -- you 5 reconfigured the existing lot lines or excuse me, the 6 existing building lot lines, it -- you couldn't get 7 necessarily a conforming parcel out of the balance. 8 Does that make sense? She had to move 9 around and make them -- yeah. So once we got -- I 10 worked with the applicant to establish -- I mean, you 11 know, I worked quite a bit -- he did lots of 12 iterations of this configuration. Once we got it to 13 where it met -- the existing building would meet all 14 the required setbacks, lot coverage and lot area, this 15 is the balance parcel that was left. 16 And this balanced parcel could not be turned 17 into two. There just wasn't enough area to create two 18 conforming lots. Does that answer the question? 19 GREG SCHWARTZENBERGER, CHAIRMAN: It does. 20 It does. Thank you. 21 RENE ATAYAN: It looks like it also allows 22 him to change the configuration of the driveways. Is 23 that part of the purpose here too? I'm looking at the 24 replat with lot 1B. That's a separate driveway? 25 HEATHER WHITMORE: Yes.

Page 93 1 RENE ATAYAN: So it allows them to kind of 2 make the units look distinctly different from one 3 another in terms of the approach. 4 HEATHER WHITMORE: Correct. 5 RENE ATAYAN: Yeah. 6 JONATHAN RAITI: And this is R-4? 7 HEATHER WHITMORE: Correct. 8 JONATHAN RAITI: And R-4 has a minimum lot 9 width of 40 or 50 feet? 10 HEATHER WHITMORE: 50. 11 JONATHAN RAITI: 50. And where are we? When 12 I'm looking at the survey, I'm trying to -- I see a 13 3873. There's a 6349. 14 HEATHER WHITMORE: 78. And we're talking 15 about street frontage, the lot (inaudible) street 16 frontage, so let me try to (inaudible) 17 JONATHAN RAITI: I mean, it's an irregular 18 shape. 19 HEATHER WHITMORE: Correct. It's an 20 irregular shape but they have 78 feet on their 21 frontage on Bartolome for lot 1A, 80 feet along their 22 frontage on Marshpoint Road for the -- for lot 1B, and 23 then lot C has got 78, 85. 24 JONATHAN RAITI: So this other between 1A and 25 1C where you only have 38 feet and some change.	Page 95 1 applicant here? 2 APPLICANT 1: I failed to say that I was 3 sworn in at the beginning. I'm (inaudible), 2009 4 Marshpoint Road. I live across the street from this 5 property, and (inaudible) the survey that shows the 6 lots already shows how the driveways have already been 7 reconfigured, so that work has already been completed. 8 There is an aerial that shows the original driveway 9 that only went one direction, but that work was 10 already done last year. 11 Piper did mention we did add a shared 12 firewall and the building was fully redone to meet 13 today's standards within the last 12 months, give or 14 take. It's a pretty big lot. It is irregularly 15 shaped. We -- well, I try in most every case to save 16 the original building when I can. And in this case, 17 we were able to. We were able to improve on it. It 18 was a single family house, not in great shape, built 19 in the 80s. And we brought it back to life. 20 We did split it, which is more in line with 21 the majority of the houses in the neighborhood, there 22 are a lot of attached duplex buildings. The 23 subdivision would create an individually titled or 24 deeded townhouse on each side that would be attached. 25 Each side has four bedrooms, three baths, 1,800 square
Page 94 1 HEATHER WHITMORE: What's -- you took the 2 width (inaudible) 3 JONATHAN RAITI: Between lot 1C and lot 1A, 4 you've got 38 feet and some change. 5 HEATHER WHITMORE: Mm-hmm. 6 JONATHAN RAITI: So is there nothing in our 7 code that defines a minimum there? It's just purely 8 about frontage? 9 HEATHER WHITMORE: It's along the building 10 setback line. 11 ZACHARY ROTH, CITY ATTORNEY: Yeah. 12 HEATHER WHITMORE: Which, in this instance, 13 is -- 14 ZACHARY ROTH, CITY ATTORNEY: There's not, 15 there's not a minimum side yard length. 16 HEATHER WHITMORE: Yeah. (inaudible) 17 ZACHARY ROTH, CITY ATTORNEY: That gets into 18 that -- your total lot area. You have your frontage 19 and your total lot area that confirms that you're 20 going to have at least a certain amount to deal with 21 irregular size shape or irregular shaped lots like 22 this. 23 GREG SCHWARTZENBERGER, CHAIRMAN: Let's, 24 let's get the applicant up, because I can already tell 25 there's going to be some board discussion. Is the	Page 96 1 feet with a two-car garage. The plan would be to 2 build a single-family residence on the additional 3 parcel in the future, but we have not retained an 4 architect to draw up a plan for that at this stage. 5 GREG SCHWARTZENBERGER, CHAIRMAN: Corri, 6 anything for the applicant at this time? 7 CORRINE BYLUND: I do have a question. 8 APPLICANT 1: Yes, ma'am? 9 CORRINE BYLUND: How tall is this building? 10 I mean, I imagine it must be 28 feet or under to 11 conform with the code. 12 APPLICANT 1: It was an existing structure, 13 so we improved an existing structure. I don't know 14 how tall the building is, but it was built in 1983 15 originally, '82 maybe. 16 PIPER TURNER: I can tell you -- I could go 17 get the plans, but it's, it's not over 28 feet. 18 CORRINE BYLUND: Okay. 19 APPLICANT 1: It has an odd-shaped roof. 20 I've never seen a roof with that odd shape before, but 21 we were able to use the benefit of the roof angles to 22 create vaults inside, which made the space inside look 23 really nice. So we did the best we could with what 24 was there. And personally, I think it looks a lot 25 better than it once did.

Page 97

1 CORRINE BYLUND: I have no further questions
2 for the applicant right now.
3 RENE ATAYAN: I'm good.
4 GREG SCHWARTZENBERGER, CHAIRMAN: No?
5 JONATHAN RAITI: No.
6 APPLICANT 1: Thank you very much.
7 GREG SCHWARTZENBERGER, CHAIRMAN: I might
8 call you back up. Is there anyone here to speak on
9 the applicant's behalf?
10 PIPER TURNER: I have three people that have
11 put in requests.
12 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. Any
13 party intervenors for this?
14 ZACHARY ROTH, CITY ATTORNEY: No.
15 GREG SCHWARTZENBERGER, CHAIRMAN: No? Okay.
16 PIPER TURNER: Mr. Gary Flagler.
17 MR. GARY FLAGLER: Thank you, Board, and I
18 have been sworn in. I'm on 2121 Bay Road, Neptune
19 Beach. I'd be on the east side of Marshpoint
20 Properties and it is angled a little differently. The
21 property owner is an R-4 zoning. Probably the single-
22 family neighborhood is mostly R-1 zoning in that
23 neighborhood.
24 I'm very concerned about what's going on
25 now. The multi -- the multifamily are subdivided into

Page 98

1 what is now expected three lots. No one wanted to buy
2 a house knowing that things come up like this. You
3 know, the nature and the beauty of -- attracted me to
4 Neptune Beach is the natural beauty, and disrupting
5 it, you know, it just -- it's getting to me.
6 The other has been, I don't -- I never
7 received a packet, number one. This is -- everything
8 that you're talking about other than when he first
9 applied, I received a little notice and that was it.
10 And I've asked -- I had an attorney ask for the
11 packet, the plot. Nothing.
12 So I'm coming at this blindfolded and I'm
13 just the neighbor across. And so being a neighbor,
14 you come down the road and it's absolutely beautiful.
15 And I don't want to wreck the structure of that
16 neighborhood. Has there been any traffic studies that
17 can support the higher capacity? Is there any -- been
18 flood studies that they overrun coming in? Because
19 during the hurricanes and the tropical storm, it came
20 up.
21 It came -- there was pictures a couple of
22 years ago everybody submitted. It came up in my front
23 yard. And I'm very concerned about the flooding
24 around there. The intercoastal -- and then I
25 submitted this to everybody. I don't know if you --

Page 99

1 you've read up on it, but the intention of the zoning
2 rule --
3 PIPER TURNER: (inaudible) in the letter that
4 you received from Mr. Gibson?
5 MR. GARY FLAGLER: Yeah.
6 PIPER TURNER: Okay.
7 MR. GARY FLAGLER: And that's the same one.
8 I did talk to Mr. Gibson, very concerned also. And
9 the neighbors behind me are, you know, so that's,
10 that's what I -- I'm totally against it. I really am,
11 just because of the nature and the beauty.
12 And I'm worried about -- well, the -- you
13 know, if you came down -- you can't drive down there
14 during the flooding. Actually, when the last flood
15 is, we were pushing some kind of containers. My wife
16 was trying to help Marshpoint get them off because
17 they were floating out in the intercoastal, you know.
18 So if he elevates the house is one thing. I don't
19 know. I mean, I don't know any of the plot.
20 I have no idea what's going on because I
21 never received it or near the -- the other neighbors
22 haven't either. So, you know, I just feel like you
23 can go in there and do what you want to, and, you
24 know, too bad for us. So, if this passes, I'm
25 considering moving now, you know. So it's not -- it's

Page 100

1 not a good thing. I'm 60 years old. I thought this
2 was going to be my retirement. I want to thank you
3 for your time.
4 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you,
5 sir.
6 PIPER TURNER: Jessica Bradstreet.
7 JESSICA BRADSTREET: Hello. Good evening.
8 I've been sworn in. My name is Jessica Bradstreet.
9 My husband, William Gibson, sent in an email. He was
10 unable to make it this evening. I know in his email,
11 he mentioned some discrepancies with the application
12 and some conflicting reports of whether it was a
13 duplex or a townhome and the requirements of each.
14 We also wanted to mention that neighbors
15 weren't notified by mail that this was happening. I'm
16 not here to talk about that. I'm, I'm here to support
17 my neighbor. Mr. Baucus, I would do the same thing
18 for you if someone was trying to develop right in
19 front of your home.
20 The Uniform Land Development Code says that
21 we are here to preserve the natural beauty, to protect
22 the residential character of the city, and to maintain
23 and improve property value. And by approving this lot
24 split, the application doesn't state the actual use of
25 what will happen with this lot.

Page 101 1 It doesn't specify, but it does say that 2 it's going to be buildable land that will come up in 3 front of not only Mr. Flagler's home, but pretty much 4 everyone on the street so that it only, of course, 5 benefits Mr. Baucus. So, thank you. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 7 PIPER TURNER: Scott Mullan. 8 SCOTT MULLAN: I was sworn in earlier. Scott 9 Mullan, 2102 Acacia Road, Neptune Beach. I'm here to 10 support the, the negative of dividing this lot. The - 11 - it would affect -- actually, I would oppose any 12 division of any lots in Neptune Beach. 13 That's what makes us different from the 14 other cities that are around here. That's what makes 15 Neptune Beach, Neptune Beach. That's why I moved to 16 Neptune Beach. And that's why I was glad that I got 17 here early, to listen to the historical people talk 18 about trying to preserve Neptune Beach. This is in my 19 neighborhood at the same time. 20 So there I will oppose it for two reasons. 21 It would absolutely destroy every -- people come here 22 to watch the sun go down in this lot and stand in the 23 street to watch it happen. And now we'll be looking 24 at the back of the house. Thank you. 25 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you.	Page 103 1 concerns. They are correct that there is a beautiful 2 view from this specific vantage point. Unfortunately, 3 the way the street turns, a lot of houses does look 4 across this lot to see the sunset. 5 Unfortunately, the, the property does not 6 belong to any of these neighbors. It belongs to my -- 7 to me. I paid for it. And any of them had the 8 opportunity to buy it if they wanted to, and if it was 9 their property and the neighbors wanted to use their 10 property rights, I'm sure they would feel the way I 11 do. But that's my opinion. 12 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 13 Thank you. 14 APPLICANT 1: All right. Thanks. 15 GREG SCHWARTZENBERGER, CHAIRMAN: So we can 16 bring the applicant back up if you'd like, but we'll 17 jump into board discussion. A couple things to -- 18 just for me to mention out loud to make sure I'm on 19 the same page here. So we're not speculating at all 20 on what may be built here, if this is to be replated. 21 This is just about a replat only. 22 ZACHARY ROTH, CITY ATTORNEY: Do the lots as 23 proposed comply with the code? 24 GREG SCHWARTZENBERGER, CHAIRMAN: Right. 25 That would be --
Page 102 1 PIPER TURNER: That's the last one I have. 2 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 3 Thank you. Anyone else? Like to come up? 4 MS. FLAGLER: I was sworn in. I just want to 5 mention there was another -- 6 GREG SCHWARTZENBERGER, CHAIRMAN: Come on up. 7 Come on up. 8 MS. FLAGLER: I don't have a last name. But 9 -- 10 GREG SCHWARTZENBERGER, CHAIRMAN: Are you 11 sworn in? 12 MS. FLAGLER: I was sworn in, yes. 13 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 14 MS. FLAGLER: (inaudible) Flagler. There was 15 another email sent in, and I mentioned that to you 16 from a Susan. So I don't know -- I know exactly who 17 she sent it to. Was it Beth? I'll find out. There 18 was another email. 19 She said make sure that she -- and I can 20 text her and find out, but she definitely had -- she 21 was out of town and could not be at the meeting, so -- 22 and I know she's against it as well. Thank you. 23 GREG SCHWARTZENBERGER, CHAIRMAN: Applicant 24 response. Would you like to respond? 25 APPLICANT 1: I understand my neighbor's	Page 104 1 ZACHARY ROTH, CITY ATTORNEY: That's the 2 question being asked. 3 GREG SCHWARTZENBERGER, CHAIRMAN: -- a 4 separate building permit process. 5 ZACHARY ROTH, CITY ATTORNEY: Right. 6 GREG SCHWARTZENBERGER, CHAIRMAN: And that 7 would also -- 8 ZACHARY ROTH, CITY ATTORNEY: The concept of 9 flood, for example, that will be dealt with the 10 floodplain ordinance of our code. 11 GREG SCHWARTZENBERGER, CHAIRMAN: Flood 12 traffic, anything like that would be part of that 13 permitting process. 14 ZACHARY ROTH, CITY ATTORNEY: Right. 15 HEATHER WHITMORE: We're not going to review 16 for traffic. 17 ZACHARY ROTH, CITY ATTORNEY: Not traffic -- 18 GREG SCHWARTZENBERGER, CHAIRMAN: Sorry, for 19 -- 20 ZACHARY ROTH, CITY ATTORNEY: -- single 21 family homes, there's no traffic analysis. 22 HEATHER WHITMORE: (inaudible) density and 23 then -- 24 ZACHARY ROTH, CITY ATTORNEY: But if there 25 was a variance request or something that would come

Page 105 1 back before. This is not -- you're not granting carte 2 blanche to build whatever (inaudible) 3 WILL HILTON: Can I ask a question? 4 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. Go 5 ahead, go ahead. 6 WILL HILTON: Why, why do these come to us? 7 HEATHER WHITMORE: It's pretty -- I think 8 it's state statute that it goes through the local 9 planning agency for its state statute. 10 GREG SCHWARTZENBERGER, CHAIRMAN: When you 11 say why, do you mean a replat? 12 HEATHER WHITMORE: Plats go through the local 13 planning agency and then their reported -- their final 14 recordation copy is approved by the Council or the 15 Commission (inaudible) 16 WILL HILTON: I'm trying to figure out what - 17 - I'm just asking that general question of -- like we 18 have no -- 19 HEATHER WHITMORE: Your role is -- you're a 20 technical body. In this instance, you're -- 21 WILL HILTON: We're just saying what we 22 believe that you're (inaudible) -- 23 ZACHARY ROTH, CITY ATTORNEY: We've reviewed 24 what it says. It complies with the code and we agree. 25 Yes or no.	Page 107 1 WILL HILTON: Does Council have discretion? 2 ZACHARY ROTH, CITY ATTORNEY: Discretion, 3 generally no. It either complies or doesn't. 4 WILL HILTON: Okay. 5 GREG SCHWARTZENBERGER, CHAIRMAN: If this was 6 not a replat, could the property owner build in this 7 swath of grass anyhow? 8 HEATHER WHITMORE: No. 9 GREG SCHWARTZENBERGER, CHAIRMAN: No? 10 Because it's detached? 11 HEATHER WHITMORE: Well, because he's got two 12 units on the lot right now, so -- 13 GREG SCHWARTZENBERGER, CHAIRMAN: Gotcha. 14 HEATHER WHITMORE: -- it's not -- I don't 15 think you can have (inaudible) -- 16 PIPER TURNER: It's all, it's all one single 17 parcel of land right now. 18 HEATHER WHITMORE: Yeah. 19 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 20 HEATHER WHITMORE: You couldn't build a third 21 unit as a freestanding -- 22 GREG SCHWARTZENBERGER, CHAIRMAN: Without 23 replating. 24 HEATHER WHITMORE: Hmm? 25 GREG SCHWARTZENBERGER, CHAIRMAN: Without
Page 106 1 WILL HILTON: And the code being specifically 2 what's permitted for lot sizes. 3 HEATHER WHITMORE: Right. Yeah. 4 ZACHARY ROTH, CITY ATTORNEY: Lot size and -- 5 HEATHER WHITMORE: And then -- 6 ZACHARY ROTH, CITY ATTORNEY: -- composition 7 of that. 8 HEATHER WHITMORE: I'm sorry, I didn't mean 9 to -- 10 ZACHARY ROTH, CITY ATTORNEY: No. 11 HEATHER WHITMORE: And your, your job is to 12 do the technical review. The Council's job is to do 13 the, the lot approval, the actual creation. Because 14 Councils and Commissions are the only bodies that can 15 actually create plats or create lots to bestow 16 entitlements upon land, so. 17 WILL HILTON: One of the -- I guess if we, if 18 we were to say -- I'm just trying to think, if we were 19 to disagree with -- if we were to say that it conforms 20 with lot but disagree with the approach, could we make 21 that recommendation to Council? 22 HEATHER WHITMORE: I don't understand what 23 the -- 24 ZACHARY ROTH, CITY ATTORNEY: Yeah. What do 25 you mean by the question?	Page 108 1 replating. 2 HEATHER WHITMORE: Yes. 3 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. 4 WILL HILTON: Because -- oh, okay, I see. So 5 if, if it were -- 6 HEATHER WHITMORE: You couldn't have three 7 units on a single lot in R-4 -- 8 ZACHARY ROTH, CITY ATTORNEY: It would 9 violate our, our code regarding how many units you can 10 have on an individual lot. 11 WILL HILTON: I see. 12 GREG SCHWARTZENBERGER, CHAIRMAN: Gotcha. 13 Corri? 14 CORRINE BYLUND: Thank you. So I guess what 15 I'm understanding is that despite the fact that our 16 Comprehensive Plan says under section A161, that land 17 development within the city shall be permitted only 18 where such development is compatible with 19 environmental limitations of the site and only when 20 submitted plans demonstrate appropriate recognition of 21 the site characteristics, that doesn't matter. 22 ZACHARY ROTH, CITY ATTORNEY: You're not 23 approving any development with this. All you're doing 24 is splitting the lot on paper. 25 CORRINE BYLUND: Right but --

Page 109 1 ZACHARY ROTH, CITY ATTORNEY: (inaudible) 2 development applications (inaudible) 3 CORRINE BYLUND: -- splitting a lot is 4 development. 5 ZACHARY ROTH, CITY ATTORNEY: Not -- after 6 you do this, after -- if it's approved, if it's 7 approved, it's the exact same property as it is now 8 physically. It's just on paper how it's divided. 9 Everything for development has to go back before a 10 review to confirm it complies with our code and our 11 Comprehensive Plan. 12 HEATHER WHITMORE: And the density is already 13 granted by the zoning and by the Comprehensive Plan. 14 CORRINE BYLUND: So we wouldn't stop it here. 15 That would be up to City Council. 16 HEATHER WHITMORE: I don't know. 17 ZACHARY ROTH, CITY ATTORNEY: It depends on 18 the nature of the development that's requested in the 19 future. Nothing's been requested, so we don't know 20 what it is. If he wants to build a zero lot line on 21 all four, it would come before you for a setback 22 variance and you would have control over that. 23 CORRINE BYLUND: It just seems very 24 problematic to me because we're saying that it's not 25 development because there's no building happening.	Page 111 1 anyway. That's where you don't have discretion. 2 GREG SCHWARTZENBERGER, CHAIRMAN: This is 3 pretty similar to the one we heard closer to Florida 4 Boulevard a couple months ago, with the odd-shaped 5 lot, right? We did the replat. The guy had the 6 heavily wooded area. 7 ZACHARY ROTH, CITY ATTORNEY: Yes. 8 GREG SCHWARTZENBERGER, CHAIRMAN: And we 9 granted the replat for him to develop -- 10 ZACHARY ROTH, CITY ATTORNEY: (inaudible) was 11 over, over -- that was the -- it had the old property 12 on it. It had like kind of a triangle that came back 13 behind it. 14 CORRINE BYLUND: Yeah. 15 ZACHARY ROTH, CITY ATTORNEY: (inaudible) 16 Yeah. It's in the same general area. 17 HEATHER WHITMORE: Yeah. 18 ZACHARY ROTH, CITY ATTORNEY: That, that one 19 was a little bit north of this one. 20 HEATHER WHITMORE: Yeah. It's in the 21 (inaudible) 22 ZACHARY ROTH, CITY ATTORNEY: But then it was 23 closer to Florida Boulevard. 24 GREG SCHWARTZENBERGER, CHAIRMAN: (inaudible) 25 HEATHER WHITMORE: (inaudible) okay.
Page 110 1 But if we approve this replat, which I'm hearing, we 2 must approve the replat and we don't really have any 3 discretion, so I'm not sure why we even have to hear 4 it if we have zero discretion on it. 5 We've heard all of the -- right -- I -- and 6 I understand that, but we've heard all these people 7 how they're upset. And I certainly understand a 8 property owner's rights to do with their property as 9 they wish. I, I get that, too. There are competing 10 interests at play here, and it's very difficult. But 11 what I'm, what I'm hearing is that we essentially have 12 no discretion. 13 HEATHER WHITMORE: Well, you always have 14 discretion. I mean, that's why you're a board. If 15 you want to make a, if you want to make a motion and - 16 - you're free to make that motion that you don't 17 believe that it's consistent with the land development 18 code and that you don't believe that the plat is, you 19 know, technically compliant -- 20 ZACHARY ROTH, CITY ATTORNEY: Yeah. So to 21 clarify, your discretion is to determine whether you 22 agree with staff's analysis that it complies with the 23 code. Your discretion is not to say, we believe it 24 complies with the code, but we don't like the idea of 25 future development here, so we're going to say no	Page 112 1 CORRINE BYLUND: What about the notice issue? 2 Is the City required to give written notice to the 3 neighbors? 4 HEATHER WHITMORE: Not if -- only variances 5 and special exceptions. 6 CORRINE BYLUND: Gotcha. 7 PIPER TURNER: And we checked twice to make 8 sure. 9 HEATHER WHITMORE: Checked multiple times. 10 CORRINE BYLUND: Okay. So there was no 11 requirement. So there's no due process issue there. 12 What about the argument with respect to flooding? We 13 are not to -- I mean, have any information on 14 (inaudible)? 15 ZACHARY ROTH, CITY ATTORNEY: There's no 16 development application. 17 CORRINE BYLUND: Because of that. 18 ZACHARY ROTH, CITY ATTORNEY: There's nothing 19 to consider. 20 HEATHER WHITMORE: The plat has the -- has 21 the floodplain delineated the base flood elevation, 22 which is the minimum standards for a plat? The plat, 23 as you see here, complies with all the planning 24 requirements in our code to address flooding. It does 25 have the, the zones identified on there.

Page 113 1 CORRINE BYLUND: Okay. Understood. And then 2 my last question and I'll let, let you go down the 3 line is you said no traffic study is required for a 4 single-family residence. Is there a traffic study 5 required for a multifamily or a -- 6 HEATHER WHITMORE: I mean, if it -- only if 7 it's a development plan that exceeds over 50 trips 8 from the p.m. peak of what was previously there or 9 the existing use, so. 10 CORRINE BYLUND: Sure. 11 HEATHER WHITMORE: So, no -- 12 ZACHARY ROTH, CITY ATTORNEY: So no use that 13 could be done on this lot -- 14 CORRINE BYLUND: Okay. 15 ZACHARY ROTH, CITY ATTORNEY: -- would 16 trigger a traffic study. 17 HEATHER WHITMORE: Yeah. 18 CORRINE BYLUND: And how long has it been a 19 duplex? It's been a duplex for a little while. 20 PIPER TURNER: The second address has only 21 been added since the remodeling. It's -- it was 22 basically built like a duplex, but the previous owners 23 always used it as a single family. 24 CORRINE BYLUND: Okay. 25 PIPER TURNER: But when they did the remodel	Page 115 1 understand what discretion we have. I understand that 2 we're not approving development, but by replating, we 3 trigger the ability for redevelopment, so. 4 ZACHARY ROTH, CITY ATTORNEY: It's not 5 redevelopment, it's development. 6 RENE ATAYAN: Or development. 7 ZACHARY ROTH, CITY ATTORNEY: It's never been 8 developed. 9 RENE ATAYAN: So it -- it's -- it triggers 10 it. If we don't do it, there can be no development. 11 Correct? But if we approve it, it can trigger 12 development. And that development is at the 13 discretion then of the owner. And it passes through 14 the building department and may or may not require a 15 variance. 16 ZACHARY ROTH, CITY ATTORNEY: And if it 17 complies with our code. 18 RENE ATAYAN: Right. 19 ZACHARY ROTH, CITY ATTORNEY: Just like any 20 other property owner. 21 RENE ATAYAN: So the reason that this is -- 22 explain again the reason this has come before us. 23 HEATHER WHITMORE: Because you see every 24 plat. 25 ZACHARY ROTH, CITY ATTORNEY: It has to come
Page 114 1 and put the firewall in, it separated all the 2 utilities, a second address was added at that time. 3 CORRINE BYLUND: Piper, do you know what, 4 what year that was or when that was? 5 PIPER TURNER: When the, the remodel was 6 done? 7 CORRINE BYLUND: Yeah. 8 PIPER TURNER: It was within the last year. 9 I mean, I could probably give you the -- 10 CORRINE BYLUND: I can pull up (inaudible) 11 PIPER TURNER: Yeah. If you pull up Iworks, 12 look at 2101 and 2103 --. 13 HEATHER WHITMORE: It was pretty recent. 14 PIPER TURNER: It's pretty recent. 15 CORRINE BYLUND: Has -- was there, was there 16 a traffic study done when they made it into a 17 multifamily? 18 HEATHER WHITMORE: We wouldn't do a traffic 19 study in a residential area because it doesn't qualify 20 for the threshold at which you need a traffic study. 21 CORRINE BYLUND: Okay. Okay. 22 GREG SCHWARTZENBERGER, CHAIRMAN: Rene. 23 RENE ATAYAN: I'm probably going to express 24 some level of the same frustration with having this 25 come before us, because I'm not sure I fully	Page 116 1 through you (inaudible) 2 RENE ATAYAN: No, but, but judicially why, 3 why -- it's a, it's a, it's a virtual as of right 4 thing. So where is the wiggle room for us? We don't 5 seem to have discretion. 6 ZACHARY ROTH, CITY ATTORNEY: You don't have 7 discretion if you find that it does confirm comply. 8 But the staff could be wrong. Staff could say the 9 square footage is 10,000 square feet, it complies. 10 And you do the math and you say, no, it's not, it's 11 2,000 square feet, so it doesn't comply. 12 RENE ATAYAN: Okay. 13 ZACHARY ROTH, CITY ATTORNEY: And so we're 14 not going to allow it. The better answer is, the 15 State requires it. So if you want to know why the 16 State requires it, ask the State. I think you can 17 tell we don't have any desire to have this in front of 18 you any more than you do. 19 RENE ATAYAN: Yeah, okay. Fair enough. 20 WILL HILTON: I mean, my guess is (inaudible) 21 -- are we in floor discussion? 22 GREG SCHWARTZENBERGER, CHAIRMAN: Discussion 23 (inaudible) 24 WILL HILTON: So I will say I'm not in favor 25 of it. However, we -- I'm looking at this now in the

Page 117 1 R-4 district, the minimum lot size is 4,000. Sorry, 2 4,000. Where is that? I just saw it. 3 PIPER TURNER: 4,300 -- 4 HEATHER WHITMORE: 4,356. Yep. 56. 5 WILL HILTON: Yeah. 4,356, R-4. That's the 6 lot. It has to be that minimum. To me, all three of 7 these lots are over that. Pretty difficult. 8 RENE ATAYAN: You can't deny it. 9 WILL HILTON: I, I don't like the development 10 concept. I wish you could have zero lot lines between 11 two properties. I know that we're not here to hear 12 that tonight. That has nothing -- that wouldn't come 13 at a later date if, if -- and so be it if something 14 was out of the code in order to seek a variance. 15 But I -- I'm struggling because I don't 16 think we have anything that we can do as a board. 17 Seems like it meets the code as presented. I don't 18 like it personally, but I don't like the 1,200-foot -- 19 two 1200-square foot townhomes in Neptune Beach and a 20 residential neighborhood. 21 ZACHARY ROTH, CITY ATTORNEY: One thing to 22 consider, not relevant to this application, but to 23 that comment, is this is an R-4 zoning district, which 24 is the same as east of Third Street. It doesn't have 25 to be that zoning district. So if the Board thought	Page 119 1 this area. 2 GREG SCHWARTZENBERGER, CHAIRMAN: So, by 3 making that recommendation, we'd just be asking for 4 more nonconformities. 5 WILL HILTON: And maybe that's (inaudible), 6 maybe that's okay. I think me personally, I think at 7 least allow council for us to make that suggestion for 8 -- we've had enough complaints tonight that maybe 9 should be looked into. 10 You know? That's my thought, but I don't 11 see how we can avoid the square footage. It's set 12 right there. And I don't know how we avoid that, 13 other than making some recommendation to Council to 14 consider whether this is appropriately designated. 15 GREG SCHWARTZENBERGER, CHAIRMAN: Marc? 16 MARC BORAN: Yeah. So I have this -- pretty 17 much the same reservations about this and same 18 conclusions that there's not much we can do about it 19 because not only here, but this is also if he puts in 20 an application to build a lot that's within the code, 21 there's nothing you're going to be able to do about 22 that either. 23 You know, I think the applicant has, has 24 been here many times and sort of uses the code to what 25 fits. I've heard in the past about density and
Page 118 1 it might make sense to change the zoning, you can 2 always make that recommendation to the Council. 3 WILL HILTON: I think if we approve it, I 4 would make that recommendation to Council to consider 5 if this is an appropriately designated zoning district 6 for, for this particular type of property. 7 HEATHER WHITMORE: I would say that the 8 property is abutted by numerous -- it's directly 9 abutted by townhomes. 10 RENE ATAYAN: Yeah, there's (inaudible) 11 HEATHER WHITMORE: And it's surrounded by 12 townhomes. This is -- I would say, if there's one 13 place in town where we have townhomes, this is it. 14 RENE ATAYAN: Yeah. 15 GREG SCHWARTZENBERGER, CHAIRMAN: And some -- 16 and east of Third. 17 HEATHER WHITMORE: What's that? 18 GREG SCHWARTZENBERGER, CHAIRMAN: East of 19 Third too, there's quite a -- 20 HEATHER WHITMORE: Yeah, but I mean, I don't 21 know if this is where I think you see the greatest 22 concentration. You're right. There's sections of -- 23 off of Atlantic Boulevard. And this is, this is -- 24 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. 25 HEATHER WHITMORE: -- mostly townhomes in	Page 120 1 maintaining and living up to the -- you know, to what 2 we're trying to do in Neptune Beach. And I think it's 3 a little disingenuous, you know, with this 4 application. So that's, that's all I have to say. 5 JONATHAN RAITI: Okay. Thank you for 6 bringing up density again. My question is about 7 density. In the R-4, the, the density, as I recall, 8 is ten dwelling units per square mile. 9 PIPER TURNER: Per acre. 10 JONATHAN RAITI: Per square acre. When I 11 look at this, I'm already seeing six in close 12 proximity with another -- and I'm not sure how many 13 other duplexes around there, but it looks like if you 14 try to put another in there, you might be over that 15 ten per-acre limit. 16 So has any -- prior to discussing whether or 17 not this applies to the replat right now, but when we 18 go down to the next phase of development, is this 19 going to be already over the line for ten dwelling 20 units per acre? 21 HEATHER WHITMORE: The subject property of 22 this lot split is well within the density of -- it's 23 well -- in fact, it's below, you know, ten units per 24 acre. Well, we don't evaluate whether or not a lot 25 split is permissible based on the density of the

Page 121 1 (inaudible) 2 JONATHAN RAITI: Right. I'm asking down the 3 road when it comes to development. 4 ZACHARY ROTH, CITY ATTORNEY: This isn't 5 considering the surrounding properties. It's saying, 6 okay, so if this unit is 3/10 of an acre, then can it 7 have three units? It's by property, not taking any 8 one square acre and counting how many buildings are in 9 it. So if you have -- if this was a one-acre lot, it 10 could fit ten buildings on it. If it's a half-acre 11 lot, it can fit five, regardless of how many are on 12 the property. 13 JONATHAN RAITI: And that -- where is that 14 defined? Cause I remember when we went through 15 (background talking) yeah, I remember, I remember 16 going through this Dover Kohl asking this question. 17 ZACHARY ROTH, CITY ATTORNEY: I can't recite 18 you the specific provision of the code, but that's 19 what it is, and that's how it's always done. 20 HEATHER WHITMORE: Yeah. 21 JONATHAN RAITI: I know that's how it's been 22 done. I'm just wondering if that's actually defined 23 anywhere. 24 HEATHER WHITMORE: I think (inaudible) 25 entitlement issue. I mean, I would say that it's a,	Page 123 1 enough square footage. 2 CORRINE BYLUND: That's exactly what it is. 3 It's math. Math is not hard. And it's been done for 4 us. We've double checked it, all of us. It complies 5 with the code. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Do you want 7 to make a motion? 8 MARC BORAN: I move to approve application 9 DP24-03 replat for 2101 Bartolom Road. 10 WILL HILTON: I'm sorry, can I, can I ask, 11 are you making that -- can you -- 12 MARC BORAN: Can I withdraw my motion? 13 WILL HILTON: -- you're making that 14 condition? No. 15 MARC BORAN: Can I withdraw my motion? 16 WILL HILTON: The motion's on the floor, so - 17 - but I don't know if we want to make that condition 18 (inaudible) City Council for this to be -- 19 GREG SCHWARTZENBERGER, CHAIRMAN: With the 20 condition to reevaluate (inaudible) zoning district 21 would be appropriate to apply to this. 22 ZACHARY ROTH, CITY ATTORNEY: So, under 23 Robert's Rules of Order, there's a motion on the 24 floor. The next thing should be happening either is 25 there should be a second or should fail. But it can
Page 122 1 it's a -- I mean -- 2 ZACHARY ROTH, CITY ATTORNEY: Think about it 3 from, from the other perspective, if I have a property 4 that's the southernmost property, and then I have 5 Hopkins Creek south of me, I could create a one square 6 acre that includes all the marsh, and I could have all 7 ten. 8 JONATHAN RAITI: Mm-hmm. 9 ZACHARY ROTH, CITY ATTORNEY: But if I went 10 north, I could find ten houses that prevent me from 11 doing it. It's an illogical way of applying this. 12 That's not what it means. It means for this lot, for 13 the date, if you had one acre, you could have ten. So 14 now when you take this lot by its total size, how many 15 can you have? And are you above or below that? 16 JONATHAN RAITI: Well, I mean, I think this 17 is maybe a discussion for another day because it's off 18 topic for the replat obviously. But yeah, it's 19 something that's for a long time sat in my mind. 20 And I think when we look at these and think 21 about density, it's good to be intellectually honest 22 about how we're drawing those lines and making the 23 count. I think -- yeah, I mean, unfortunately I've 24 got, I've got no other questions. I mean, I think 25 it's a question about whether or not they've got	Page 124 1 always be seconded. And then there can be a motion to 2 amend the motion so you can second it to put it in 3 proper order, and then discuss the idea of whether you 4 want to amend the motion. 5 WILL HILTON: I second, but, but I do believe 6 we should discuss whether -- I think this should be 7 two lots, not one lot, three lots. So I would -- I'd 8 like for us to, to talk about whether this should be 9 conditioned upon at least having Council evaluate 10 whether this is appropriately designated. 11 ZACHARY ROTH, CITY ATTORNEY: I want to 12 clarify, this, this will go to Council either way. 13 Just, just to clarify. They will have to find that 14 it's -- it complies with the code. 15 WILL HILTON: Complies with the code. But I 16 think we should at least consider whether or not there 17 should be changes to the zoning designation in this 18 area. 19 RENE ATAYAN: But what about all of the 20 properties that are already there? 21 WILL HILTON: I'm just making that 22 recommendation to Council. We should consider that. 23 ZACHARY ROTH, CITY ATTORNEY: So, to -- I 24 don't think you can tie -- because that's not a 25 condition related to this application. I don't think

Page 125 1 you can tie approval or denial of this application to 2 that. I think you could make a separate motion on 3 behalf of the Board that the Council consider, but I 4 don't think it can be tied to this motion. 5 WILL HILTON: So, I've seconded it. I don't 6 think we need to go into any more discussion about 7 that. 8 PIPER TURNER: At this point, we're, we're, 9 we're -- the motion is that -- to approve application 10 DP24-03 Replat for 2101 -- 11 MARC BORAN: Yes. 12 PIPER TURNER: -- Bartolome Road as 13 submitted. 14 UNIDENTIFIED MALE SPEAKER: Yes. 15 PIPER TURNER: Is that -- okay. Mr. Borland 16 [sic] Boran? 17 MARC BORAN: Yes. 18 PIPER TURNER: I don't know why I'm having -- 19 Mr. Raiti? 20 JONATHAN RAITI: Yes. 21 PIPER TURNER: Mr. Hilton? 22 WILL HILTON: Yes, but I -- yes. 23 PIPER TURNER: Ms. Bylund? 24 CORRINE BYLUND: Yes. Also problematic, but 25 yes.	Page 127 1 staff report. 2 RENE ATAYAN: Right here. 3 HEATHER WHITMORE: There are about 15 more 4 copies of (inaudible) 5 PIPER TURNER: You can take them into the 6 (inaudible) 7 GREG SCHWARTZENBERGER, CHAIRMAN: There's 8 still pertinent information, though, in the original 9 staff report. 10 HEATHER WHITMORE: The original staff report, 11 yes, sir, represents a different development plan than 12 they're bringing before you now. So the development 13 plan that we are reviewing is the one that's in your 14 handout. 15 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 16 HEATHER WHITMORE: It has been in response 17 (inaudible) 18 ZACHARY ROTH, CITY ATTORNEY: Is it fair to 19 say, so they can to help them go along, if it was in 20 the prior report and it's still relevant, it's black? 21 HEATHER WHITMORE: Correct. 22 ZACHARY ROTH, CITY ATTORNEY: And if it's in 23 red, it's not. It's different because this is what's 24 been updated? So everything that's still relevant is 25 in this.
Page 126 1 PIPER TURNER: Ms. Atayan? 2 RENE ATAYAN: Yes. 3 PIPER TURNER: Mr. Schwarzenberger? 4 GREG SCHWARTZENBERGER, CHAIRMAN: Yes. 5 PIPER TURNER: It still has to go to Council. 6 Okay. Thank you. 7 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 8 You guys ready for the last one? All right. So we're 9 going to move to DP24-03 application for a replat. 10 Excuse me, I'm sorry, DP24-04 Application for 11 Preliminary Development Plan as outlined in Chapter 27 12 Article 3 Division 2 of the ULDC of Neptune Beach for 13 Douglas Driver III for the property at 108 Orange 14 Street. 15 HEATHER WHITMORE: Yes, sir. (inaudible) 16 copy of the updated staff report. As staff stated 17 earlier, we've had response to comment by the 18 applicant to all comments received, and they have 19 resubmitted a site plan and elevation set of floor 20 plan. So staff has presented an updated staff report 21 based on the new information we've received that -- 22 that's what we would be looking at tonight. 23 GREG SCHWARTZENBERGER, CHAIRMAN: The staff 24 report in a separate -- 25 HEATHER WHITMORE: I've handed out separate	Page 128 1 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. So 2 we can -- 3 HEATHER WHITMORE: It's the same staff 4 report. 5 GREG SCHWARTZENBERGER, CHAIRMAN: We can flip 6 to this. 7 HEATHER WHITMORE: Yes, sir. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Fully. 9 HEATHER WHITMORE: Yes, sir. 10 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 11 HEATHER WHITMORE: You see red is what has 12 been updated. 13 GREG SCHWARTZENBERGER, CHAIRMAN: Okay, cool. 14 HEATHER WHITMORE: Moving forward. 15 GREG SCHWARTZENBERGER, CHAIRMAN: Yes, ma'am. 16 HEATHER WHITMORE: The updated staff report 17 and development plan as submitted, everybody's got 18 that? 19 WILL HILTON: Yes. 20 HEATHER WHITMORE: So this is a Preliminary 21 Development Plan request as outlined in 27 -- Chapter 22 27 Division 2 of the Land Development Code for Douglas 23 Driver for the property located at 108 Orange Street. 24 The applicant requests the development plan approval 25 to permit a bed and breakfast.

Page 129 1 Background on the case. Preliminary. 2 There's a preliminary development plan. Application 3 was submitted for a bed and breakfast. The property 4 has a Comprehensive Plan Town Center Land Use 5 designation is zoned Central Business District. Bed 6 and breakfast is permitted by right in the district. 7 We've got -- there's -- was, was some case 8 history with the property that's mentioned here in the 9 background. That has not changed. Discussion here. 10 Preliminary Development Plan for the application 11 submitted before you is a -- is now a 3,507 square 12 foot, three-story bed and breakfast for the property 13 located at 108 Orange. 14 This is an existing lot of record, 50 by 55 15 feet. This is an existing vacant property located at 16 the northeast corner of Orange and Midway. The 17 property is within the Central Business District, 18 surrounded by Central Business District zoning on the 19 east, north, and west. Properties to the south are 20 zoned RC, R-4. 21 Properties -- the immediate properties 22 surrounding the big lot consist of single family and 23 multifamily. The proposed bed and breakfast has two 24 guest bedrooms and one owner's suite, and provides for 25 a total of two parking spaces, which is updated from	Page 131 1 This is how we would measure it along the 2 frontage building line. There's a minimum and a 3 maximum front yard setback of ten feet. Zero -- 4 there's a zero minimum and a ten-foot maximum. This 5 has got a ten-foot setback. So it, it adheres. 6 There's a minimum and a maximum corner setback as 7 well. So it would be 5 foot is the minimum, 15 is the 8 maximum on a corner. 9 And this is 11. So it's within that. Rear 10 yard setback is five, and this is five. Maximum lot 11 coverage in this district is 85%. And this current 12 configuration is a 53.7% lot coverage with impervious. 13 Maximum building height allowed is 35 feet and this is 14 35 feet. 15 And what's called the minimum building 16 frontage, which this is the only district that has 17 this, but it basically requires that the building 18 itself be a certain amount of frontage along the front 19 setback line, if that makes sense. So you have to 20 have 70% of your building built out to the lot width, 21 if that makes sense. 22 You can't have like a building that's narrow 23 and small. It has to be at least 70%. So this one is 24 74%. So this meets that. A copy of your site plan is 25 shown here. This is an updated site plan receipt from
Page 130 1 the prior plan, which is the reduction of one. 2 Initially they had three and this is going to be two. 3 The ground floor consists of an interior parking 4 garage for one parking space and a guest bedroom. 5 Second floor consists of a living area, 6 lobby, and a kitchen. And the third floor is a guest 7 room and an owner's suite. There's a chart outlining 8 here showing the development standards for the Central 9 Business District for the proposed bed and breakfast, 10 and how they compare. 11 So minimum lot width. There's -- excuse me, 12 minimum lot area here. This -- there's none -- it's 13 relevant. This is -- well, I shouldn't say -- this is 14 an existing lot of record. So we're not creating a 15 new parcel. This one is 2,750. So we're not going to 16 be evaluating it for lot area. It's an existing lot 17 of record. The minimum lot width in this district, 18 there's none actually. 19 So -- I'm sorry. You know what? So there 20 is no minimum lot area. I keep thinking that it's R- 21 4. It's not. Central Business District. That's 22 where I was going with -- so yeah, there's no minimum 23 lot area in the Central Business District. I think 24 the proposed is 2,750. There's no minimum lot width. 25 This one has got 50 feet along the frontage.	Page 132 1 the applicant and that's also in the packet. The 2 building complies with all setback, lot coverage, 3 height, and frontage building requirements in the 4 Central Business District. 5 The building complies with the elevation and 6 frontage requirements for the Central Business 7 District as well. The building has one primary 8 frontage on Orange Street. Orange Street has a first- 9 floor frontage, including a lobby door and a garage 10 door, which that's, as you can see, that's a change. 11 It is -- initially the last configuration we 12 had, they did not have the lobby frontage and that's 13 required. So they now have a lobby frontage. The 14 building frontage lobby style is accessible from the 15 first floor at the sidewalk level. So that's a 16 modification to the plan. 17 And the building's first floor facade is 35% 18 transparent, and the second floor is 40% transparent. 19 That's an update from what there was before. So you 20 can see in your plans what the updated facade is, as 21 long as it's along the (inaudible). 22 I've got just the language here because for 23 what the frontage requirements and standards are in 24 the Central Business District that we're looking at, 25 and they have complied with all of those regarding the

Page 133 1 store front or the lobby design, the entrances, and 2 access off of, off of the frontage of the building is 3 accessible off of the street front, as well as 4 transparency requirements of 30% on the ground floor 5 and at least 25% on the second floor. 6 So what is proposed now and updated as 7 received today does comply with all those standards. 8 The driveway and parking, the site is served by now 9 two parking spaces. Initially it had three. Now it 10 has two. One parallel space and one garage space. 11 Per the parking requirements in our development code, 12 you can have -- you need one parking space per guest 13 room and two parking spaces per operator room. 14 So this would need a total of four spaces. 15 But the Central Business District is given a 50% 16 reduction for parking. That's, that's given to 17 everything in the Central Business District, bringing 18 the required spaces down to two. So they need their 19 two. The site layout parking access configuration 20 complies with driveway standards and maximum driveway 21 width apron. 22 So that speaks to the prior iteration they 23 had. They had had two aprons, one off of Midway and 24 one off of Orange that exceeded the maximum allowable 25 apron width that you can have. So it was 18 and 18.	Page 135 1 School concurrency is not relevant. 2 Drainage, the site may require a stormwater permitting 3 from Saint, Saint John s Water Management District or 4 an exemption. And that's one of staff's requirements, 5 is that they provide that as we move forward, either 6 they get a determination of exemption or if they need 7 to provide retention up. 8 Looking at the site now with, with about 53% 9 lot coverage, they probably are going to get an 10 exemption because it's now a pretty significant green 11 space on it. But we're going to -- we've already 12 requested that of the applicant. The nature of the 13 proposed development, including land uses, placement 14 of the buildings and internal traffic or parking 15 areas, and sewer and, sewer and water access. 16 Staff's response is that the bed and 17 breakfast is permitted by right. So the development 18 plan does -- and the development plan now, as 19 presented, does comply with all development 20 requirements, driveway access and frontage treatment 21 requirements. As stated, the site will require 22 additional utility planning. You can see the public 23 works comments there. 24 As would any site that were to develop that 25 lot, they would need to comply with the same standards
Page 134 1 They were asking for 36. They've taken one away, now 2 it complies. It's an 18-foot-wide driveway on Orange. 3 So, findings here. 4 When staff reviews a preliminary and final 5 development plan or the Board reviews it, you have to 6 conduct a quasijudicial hearing and review the 7 following factors. These are the ones that we looked 8 at in the last case. Consideration of the site and 9 surrounding area, including important natural or 10 manmade features. 11 Staff's response is the use is consistent 12 with the surrounding zoning and uses. The site is 13 surrounded by majority residential, but it is adjacent 14 to commercial along First Street. Whether the 15 concurrency requirements would be met in terms of 16 traffic, the proposed development does not generate 17 more than 50 p.m. peak hours, so traffic study is not 18 warranted. 19 Water and sewer. The -- as with the other, 20 the other item we had, we did get public utility 21 review. The project will have -- will require water 22 and sewer extension. So you'll see that there's 23 Public Works comments there. So there are lines 24 available. But they are going to need to be extended 25 along the frontage.	Page 136 1 to extend the utilities. Does the project conform 2 with the Comprehensive Plan of the code? And again, 3 the bed and breakfast is, is permitted by right in the 4 district, in the Central Business District. 5 And they have complied with all minimum 6 development requirements. Reviewing applicable 7 regulations. This is where the staff work starts to 8 just repeat itself. Bed and breakfast is permitted by 9 right. They have -- they they've actually done 10 several iterations again to make sure that it complies 11 with all development standards. 12 They have received copies of the fire review 13 comments, and typically we don't get that big of a 14 set. But we did get a nice thorough fire review, and 15 they have acknowledged what would need to be done to 16 meet the commercial standards of a bed and breakfast. 17 Concerns from property owners. The sign was posted on 18 the property, and as we, we talked about before, we 19 didn't really get into the weeds on it. 20 But the only thing that we need to send 21 notices out are special exceptions and variances. So 22 for development plans and plats, we post a sign and we 23 advertise it in the paper that's been done here. In 24 this instance we have received comments. None of them 25 were in writing. So I didn't give you anything.

Page 137 1 But I had had folks come in and ask for 2 copies of the plan set, so. But no one submitted 3 anything formal. But just I'd like to let you know I 4 have had people come in. And all applicable other 5 standards by the Comp Plan. All of the planning and 6 zoning comments have been addressed. 7 The site plan will require additional 8 utility planning. Fire comments will need to be 9 addressed. Staff's recommendation has been revised, 10 as you can see in red from what it was prior to is 11 approval of the proposed application. (inaudible) 12 stop. So you can read that there. We've gotten 13 preliminary revisions and responses to all the staff's 14 comments and the current plan you have right now, we 15 recommend approval. 16 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 17 Is the applicant here? 18 APPLICANT DOUG DRIVER: Yes. 19 GREG SCHWARTZENBERGER, CHAIRMAN: Come up. 20 APPLICANT DOUG DRIVER: Thank you. We've got 21 a big crowd. I think we have a lot of architecture 22 fans here. It's going to be a beautiful house, so I'm 23 sure that's why. So, yeah. So, good evening. My 24 name is Doug Driver. My family's owned 108 Orange 25 Street since 1989. When we first purchased it, there	Page 139 1 RENE ATAYAN: Oh, actually, I did have one 2 question. 3 GREG SCHWARTZENBERGER, CHAIRMAN: Yes. 4 RENE ATAYAN: There -- 5 GREG SCHWARTZENBERGER, CHAIRMAN: For the 6 applicant? 7 RENE ATAYAN: No. 8 GREG SCHWARTZENBERGER, CHAIRMAN: For 9 Heather? 10 RENE ATAYAN: For Heather. 11 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 12 RENE ATAYAN: Sorry. The fire department has 13 its recommendations. There was one notice in there 14 about the tight turning radiuses and so forth, because 15 he has done away with that apron issue. Does that -- 16 that gives more wiggle room in that area. Okay. 17 MARC BORAN: I have a couple questions for, 18 for Heather as well. 19 GREG SCHWARTZENBERGER, CHAIRMAN: For the 20 applicant or Heather? 21 MARC BORAN: Heather. How many Airbnbs do we 22 know that we have? 23 HEATHER WHITMORE: We don't allow Airbnbs. 24 MARC BORAN: Not Airbnb. I'm sorry, not 25 Airbnbs. Bed and breakfasts.
Page 138 1 was a duplex on the lot. It's since been torn down. 2 Now it's used by neighbors and visitors 3 alike as a trash dumping site. And illegal parking 4 occurs on a daily basis there on the lot. We've tried 5 to stop it as best we can. So our plan is to invest a 6 substantial sum of money in a bed and breakfast that 7 will generate revenue for the city and improve the 8 property values for the benefit of all the neighbors. 9 My family and our architect have worked 10 closely with, with Heather over the last year to 11 ensure we meet all city ordinances and we are well 12 within our legal rights to build this. There's no 13 question about that at all. So, thank you for your 14 time, and I look forward to working with you on this 15 project. Thank you. 16 GREG SCHWARTZENBERGER, CHAIRMAN: I should 17 have asked before. Questions for Heather? 18 CORRINE BYLUND: I don't have any at this 19 time. 20 GREG SCHWARTZENBERGER, CHAIRMAN: Questions 21 for the applicant? 22 CORRINE BYLUND: Not at this time. 23 JONATHAN RAITI: Not at this time. 24 GREG SCHWARTZENBERGER, CHAIRMAN: Not at this 25 time? All right.	Page 140 1 HEATHER WHITMORE: I'm not aware of any. Are 2 you? 3 PIPER TURNER: We used to have one. We 4 don't. It's no longer working. 5 MARC BORAN: Thanks. 6 WILL HILTON: I have a question for the 7 applicant. 8 GREG SCHWARTZENBERGER, CHAIRMAN: Do you want 9 to come back up? 10 APPLICANT DOUG DRIVER: Sure. 11 WILL HILTON: Originally there were three 12 parking spaces. Now we're down to two. Where's the 13 other guest park? 14 APPLICANT DOUG DRIVER: So we're only 15 required to have 50% for the code. 16 WILL HILTON: I didn't ask that. I said 17 where's -- where do you -- where did the other guest - 18 - where does the other guest park? 19 APPLICANT DOUG DRIVER: Sorry. I mean, okay. 20 Yeah. I mean, they're going -- there's somebody going 21 to be in the garage. There's the apron right in front 22 of it, so. (background talking) 23 WILL HILTON: Why don't you have a 24 kitchenette in the guest room two? 25 GREG SCHWARTZENBERGER, CHAIRMAN: Hang on,

Page 141

1 guys. Give him a chance to answer the questions,
2 please.
3 WILL HILTON: Yeah, yeah.
4 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you.
5 WILL HILTON: Why no kitchenette in the guest
6 room two?
7 APPLICANT DOUG DRIVER: Okay, so to answer
8 your first question, we did have an extra parking
9 space, but we were told we had to remove it because it
10 wasn't in compliance. The apron was, was too big of
11 an apron, so we removed it. And then why no
12 kitchenette?
13 WILL HILTON: Yeah. It looks like there's a
14 kitchenette in guest room one, but not two.
15 APPLICANT DOUG DRIVER: Right. Because we
16 just deemed that we didn't need one in there.
17 WILL HILTON: And then you're not proposing a
18 rooftop deck, correct? It's just the --
19 APPLICANT DOUG DRIVER: No.
20 WILL HILTON: - there's no rooftop deck.
21 APPLICANT DOUG DRIVER: There's no rooftop
22 deck, no.
23 WILL HILTON: Okay. And then guest number --
24 looks like the guests would -- I was a little
25 confused. Just -- I'm just trying to figure out the

Page 142

1 lay of the property. So it looks like there's a lobby
2 that goes into guest room one. So guest two, if there
3 was an occupancy in guest one, they would come in
4 through the laundry or the garage?
5 APPLICANT DOUG DRIVER: Well, I mean, we're
6 really planning for guest number one on the first
7 floor to be the primary guest room. And the second
8 one is probably going to be (inaudible) --
9 WILL HILTON: I guess, how do you get in?
10 How do you get in to, to the property? If you're the
11 owner or the -- if someone's occupying guest room one,
12 how do you get into the property?
13 APPLICANT DOUG DRIVER: Go through the front
14 door.
15 WILL HILTON: I thought that was the lobby.
16 No? Am I'm missing that?
17 APPLICANT DOUG DRIVER: The lobby goes -- so
18 there's a door into the lobby, and then behind that,
19 there's another door into the guest room.
20 WILL HILTON: Right. I'm saying the other
21 folks that are coming in and out of the property. How
22 do you get in and out?
23 APPLICANT DOUG DRIVER: Yeah, my architect's
24 here, so (inaudible) answer that question?
25 HEATHER WHITMORE: Do you want a copy, Mr.

Page 143

1 Driver?
2 APPLICANT DOUG DRIVER: Sure.
3 GREG SCHWARTZENBERGER, CHAIRMAN: Okay, let's
4 start over. I think all those questions are probably
5 better for the architect.
6 WILL HILTON: Sure.
7 GREG SCHWARTZENBERGER, CHAIRMAN: Let's just
8 go ahead and start over so we can all get the same,
9 the same answer.
10 WILL HILTON: So --
11 KEVIN SOLOMON: Good morning. Hi. Kevin
12 Solomon, architect for 108.
13 WILL HILTON: So I'm just trying to figure
14 out the lay of the land --
15 KEVIN SOLOMON: Sure.
16 WILL HILTON: -- and to get it -- if you're -
17 - I notice there's a lobby which looks like the front
18 door. Am I mistaken on that or?
19 KEVIN SOLOMON: No, that's, that's correct.
20 That's, that's for -- the lobby is accessing that
21 first bedroom. The second bedroom and the owner's
22 suite will be accessed through the, the side door.
23 WILL HILTON: The laundry.
24 KEVIN SOLOMON: Correct.
25 WILL HILTON: Okay. I think that's all I

Page 144

1 have for now.
2 GREG SCHWARTZENBERGER, CHAIRMAN: While he's
3 up, do you guys have anything else for architect? You
4 can obviously bring it back up if you want. Thank
5 you.
6 KEVIN SOLOMON: You're welcome.
7 GREG SCHWARTZENBERGER, CHAIRMAN: All right.
8 Do we have anyone speaking on behalf of the applicant?
9 Anyone speaking against the applicant?
10 PIPER TURNER: Yes.
11 WILL HILTON: (inaudible) intervening?
12 GREG SCHWARTZENBERGER, CHAIRMAN: Any party
13 intervening?
14 UNIDENTIFIED MALE SPEAKER: No.
15 GREG SCHWARTZENBERGER, CHAIRMAN: Okay.
16 Anyone?
17 PIPER TURNER: I have, Mrs. Schoonover,
18 you're first.
19 MS. SCHOONOVER: Can I come around to give
20 you copies?
21 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah,
22 absolutely.
23 RENE ATAYAN: We can share.
24 HEATHER WHITMORE: Did you get a copy?
25 PIPER TURNER: That's okay, I can get one at

Page 145 1 the end. I'll pick one up for the pile. 2 MS. SCHOONOVER: Good evening. I've been 3 sworn in. My name is Henny Schoonover. I live at 214 4 Oceanfront, and I oppose the applicant's request to 5 build a B&B at 108 Orange Street. Deja vu. I am 6 opposed to having a 35-foot bed and breakfast beside 7 my house and in my neighborhood. The proposed 8 building replaces a 1,268 square foot, two-story house 9 that once stood on that lot. 10 The land development code includes bed and 11 breakfast, as one of numerous permitted uses in the 12 Central Business District, along with hotels, motels, 13 interior service, restaurants, carryout and delivery 14 restaurants. Government uses. Buildings and 15 utilities, public parks, recreation areas, libraries, 16 museums, art galleries, recreation, amusement and 17 entertainment, including billiard and pool halls, and 18 the list goes on. 19 None of these permitted uses are compatible 20 within the residential section of the CBD. Our 21 established neighborhood is made up of single and two- 22 family homes that have two stories, none taller than 23 28 feet. This proposed building at 35 feet will stand 24 a full story above all the other houses around it. It 25 just doesn't fit. That's what it looks like.	Page 147 1 other car is gone -- 2 GREG SCHWARTZENBERGER, CHAIRMAN: How much 3 more do you have? 4 MS. SCHOONOVER: Oh, just a few more seconds. 5 Esthetically speaking, the proposal is oversized and 6 already discouraged by the City of Neptune Beach. 7 Regarding privacy, the proposed height of 35 feet is 8 not sensitive to the surrounding neighbors. 9 Allowing this proposal to go forward will 10 set a bad precedent for our neighborhood and the city 11 of Neptune Beach. Regardless of zoning designation, 12 the extra traffic created and parking hassles with a 13 B&B is not fitting with our neighborhood ambiance. 14 Please listen to the concerns of the people 15 living in this neighborhood. The City of Neptune 16 Beach's own Unified Land Development Regulations will 17 not permit this land usage as proposed. Thank you. 18 PIPER TURNER: Mr. Schoonover. 19 MR. SCHOONOVER: I've been sworn in. My name 20 is George Schoonover. I live at 214 Oceanfront. And 21 I oppose the applicant's request to build a B&B on 108 22 Orange Street. We are a neighboring property to the 23 north. As outlined in the Florida Statutes, the 24 Community Development Board shall consider the 25 following factors.
Page 146 1 According to section 27-222 of the Unified 2 Land Development Regulations Purpose and Intent of 3 Zoning Districts, this is very important, what I'm 4 going to say, and this is in quotes from the Unified 5 Land Development Regulations Purpose and Intent of 6 Zoning Districts. 7 Quote, this zoning article must impose 8 certain appropriate restrictions on the use of land 9 within the city limits of Neptune Beach to ensure that 10 future development is in keeping with the existing 11 development. Regarding neighborhood design, the 12 proposal, as it stands now, is not in scale or 13 character with the neighborhood. 14 Regarding scale, mass, and bulk, the ratio 15 of square footage to land of this building is 1 to 16 0.94, while existing homes in this neighborhood have a 17 ratio anywhere from 1 to 1.8 to 1 to 4.14, further 18 illustrating the fact that this proposed building is 19 out of proportion and density with surrounding 20 buildings. 21 The building proportion -- the building will 22 stand a story taller than surrounding homes. Its 23 height will obstruct the views and breezes for homes 24 in all directions. A car sitting on the proposed 25 driveway will block the car in the garage and the	Page 148 1 The nature of the proposed development, 2 including land use types and densities, proposed 3 parking areas, and further concerns and desires of 4 surrounding landowners and other persons. These are 5 the stated goals and objectives of Neptune Beach's 6 Code of Ordinance. 7 Purpose and Intent of Zoning District, the 8 design goals for new construction are to preserve the 9 natural beauty of Neptune Beach and protect, and 10 protect the residential character of the effects of 11 inharmonious and out of scale developments. Site 12 improvements should be compatible with structures 13 existing on neighborhood parcels, and should be 14 sensitive to their designs and property rights. 15 Designs which conflict with the use and enjoyment of 16 any property should be avoided. 17 Buildings should be designed to -- in scale 18 with the neighborhood, and should complement the 19 character of the neighborhood, rather than conflict 20 with it. Buildings should not present excessive 21 visual mass or bulk to public view or to adjoining 22 properties. Large box-like buildings can appear 23 massive. When viewed from the public right of way, 24 excessive mass detracts from the character of Neptune 25 Beach's individual neighborhoods.

Page 149 1 When viewed from adjoining properties, which 2 would be our property, excess mass can effectively, 3 effectively act as a wall that dominates neighboring 4 structures and interferes with enjoyment of open space 5 and the free passage of light and air. The design 6 should respect views enjoyed by neighboring parcels. 7 It is the intent of this objective to balance the 8 rights -- private rights to views from all parcels 9 that will be affected by a proposed building or 10 addition. 11 No single parcel should enjoy a greater 12 right than other parcels, except for the natural 13 advantages of each site's topography. Buildings which 14 substantially eliminate an existing view enjoyed on 15 another parcel should be avoided. Certainly, a 35- 16 foot-high flat wall certainly qualifies for that 17 characterization. 18 Another consideration for a bed and 19 breakfast on this parcel is the lack of surrounding 20 infrastructure. The parcels on Midway Street at 21 Orange and Midway is a narrow one-way street to Lemon 22 Street. There's no sidewalk, no curb. There's one 23 dim street light at the corner of Orange and Midway, 24 as well as confusing street signage with Do Not Enter. 25 It would be, it would be harrowing for a	Page 151 1 pleasure of living in the house directly in front of 2 the proposed building site for 43 years. We fought 3 this battle before, and fortunately were able to 4 overcome obstacles that were thrown in our faces as 5 far as nightmares that would propose to come in and 6 take over that little lot. 7 Unless you live there, you can't really 8 appreciate how crowded everybody is. And if you've 9 never been down Midway, you have no idea of how busy 10 it is. It's kind of maniacal down there. So anyway, 11 I would ask you all to use your wisdom in looking at 12 these plans. The dearth of parking that will be 13 available and is even shown and all the other things 14 that Mrs. Schoonover said and Mr. Schoonover said, 15 and I'm sure that somebody else will say. Thank you. 16 PIPER TURNER: Shelly Thull. 17 SHELLY THULL: My name is Shelly Thull, 310 18 Oleander Street. And I have not been sworn in. 19 ZACHARY ROTH, CITY ATTORNEY: Raise your 20 right hand. Do you swear or affirm the testimony you 21 give will be the truth, the whole truth, and nothing 22 but the truth? 23 SHELLY THULL: I do. So, I didn't plan on 24 speaking today, but when I received this packet, it 25 made me pretty mad. Every single page has been
Page 150 1 driver or pedestrian to navigate these handicaps 2 without prior knowledge. For these reasons, I oppose 3 the proposed application. 4 PIPER TURNER: Thank you. Miss Bane. 5 MS. BANE: Hi. My name is Julianna Bane. 6 I've been sworn in. I'm writing -- reading a letter 7 from a -- from Ronald and Diane Wingate at 700 8 Oceanfront. Dear Neptune Beach Community Development 9 Board, we are writing this letter in hopes that this 10 committee will vote against the application to 11 establish the Driver Inn at 108 Orange Street in 12 Neptune Beach. 13 There is absolutely no parking for a 14 business on that small section of Orange Street. 15 Also, most people that live at that beach have many 16 visitors because we live at a safe beach. This warm 17 weather has already brought many people. We live at 18 the end of Cedar Street public access, and have never 19 seen so many headed to the beach than we have now. 20 Sincerely yours. Ronald and Diane Wingate. So, thank 21 you. 22 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 23 PIPER TURNER: Judy Williams. 24 JUDY WILLIAMS: Hi. I've been sworn in. I 25 don't live here anymore, but my husband and I had the	Page 152 1 changed in this packet. It's not the same packet we 2 all read. Heather, she is very competent and no one 3 can argue this is a really important decision, but I 4 bet you were surprised when you got the packet and 5 every single page was changed. 6 The point of the board and the city attorney 7 spoke today was for the board to decide if what 8 Heather recommends is you agree with. How can you 9 know if you agree with it if you had no time to even 10 read the packet? When you were at work today, this 11 was being changed. 12 So my point is, how can you make an educated 13 decision on this packet? I think it should be delayed 14 till next month. And one other point about this, and 15 I don't know about the code, but I do know that the 16 code for residential has been changed, that our 17 garages have to be, I believe, 12 inches behind the 18 front of the house. 19 I don't know if that it -- also applies to 20 CBD, but it is definitely -- might be a problem. But 21 my biggest problem is, we can't be doing this. We 22 can't be changing a packet. You guys are supposed to 23 be making educated decision when you don't have time 24 to even understand what the packet is about. Thank 25 you.

Page 153 1 PIPER TURNER: That's the last speaker 2 request I have. 3 RAY LYNN: Can I speak? I have not been 4 sworn in yet. 5 GREG SCHWARTZENBERGER, CHAIRMAN: Come on up, 6 sir. 7 RAY LYNN: I have not been sworn in. 8 ZACHARY ROTH, CITY ATTORNEY: Raise your 9 right hand. Do you swear or affirm the testimony you 10 give will be the truth, the whole truth, and nothing 11 but the truth? 12 RAY LYNN: I do. My name is Ray Lynn. I 13 live in 316 First Street. I've lived in Neptune Beach 14 for 25 years. I've lived right there for 18 years. I 15 work with Chief Ricky to get the parking between 16 Orange and Cherry taken off a year ago because of the 17 parking hazard we have. 18 We still have an issue crossing over. I was 19 not planning on speaking here at all, but the way it 20 was presented, that all -- of that needed to be done 21 was a sign needed to be posted. No packets needed to 22 go out. I heard about this because a friend sent me a 23 picture of it. I'd never seen any of the packets, so 24 the bare minimum was done. And then quickly it said, 25 we can do this, we can do this.	Page 155 1 the, the guns and stuff. The year before that, 2022, 2 there was someone celebrating like 35th birthday. 3 What was that at? 4 A short-term rental. They were killed. I 5 bought in Neptune Beach 25 years ago and not in Jax 6 Beach for a reason. I want to keep it in Neptune 7 Beach. That's all I got. 8 PIPER TURNER: I have another one, Heather 9 Peters. 10 HEATHER PETERS: I've been sworn in. My name 11 is Heather Peters. I live directly across the street 12 from this lot. As the applicant stated, they can't 13 even control the parking right now on the lot that 14 they own. So how are they going to control the people 15 that are coming in? 16 I'll tell you that I'm a native. I grew up 17 in Ocean Walk, and now my husband and I live right 18 across the street. We love it here, but the issue is, 19 as I love -- I loved living here and loved growing up 20 here, and I want to raise my babies. 21 We want to start our family later this year, 22 and I can't imagine teaching my babies how to ride 23 their bikes when there's a B&B across the street and 24 complete strangers. The other part of this I can tell 25 you all the reasons why I don't want it. But like
Page 154 1 And then also quote unquote improved 2 property value. I don't see that. Has the study been 3 done? What will happen if a B&B goes next to it? 4 I've been in risk management for over 30 years, and I 5 can tell you when something happens, you know, you 6 look at something, you start doing a slippery slope. 7 You let one B&B in there. And I really love what the 8 one lady said about all her reasons why not to. 9 RAY LYNN: But if you let a B&B come in, then 10 someone comes, hey, we want to put an Airbnb. I know 11 it's completely different. I'm not an attorney. I'm 12 a risk management guy. And if you let one thing 13 happen, it starts to slide. 14 And the bottom line is it's going to look 15 ugly in a residential neighborhood. It's going to 16 depreciate property value, not appreciate property 17 value. It's going to depreciate it. And we don't 18 want that around here. I mean the existing house that 19 was there, this looks nothing like it. 20 And I walk on that road every day and I see 21 the golf carts come flying by and the electric bikes 22 coming all through here, and you're going to have 23 somebody from out of town come in here. Also thinking 24 about 2023. You had a short-term rental in 25 Jacksonville Beach. The feds busted in and found all	Page 156 1 from a logical perspective, how is a business going to 2 be successful with two parking spots? Like what -- 3 that doesn't make any sense. 4 So my question is, are we saying that we're 5 going to do this B&B, but we're actually really going 6 to live here? There's so many questions that are 7 going off in my head, because you're not going to 8 spend all this money and have no profit. So let's say 9 we're going to have two parking spots so the family 10 can live there. 11 But we got approved as a business. So 12 that's something that's in the back of my head, 13 because if I was running a business -- I'm a realtor, 14 everybody has to make money. I totally understand 15 that. But two parking spots will not make a 16 successful business. And right now, when we moved in, 17 there was a huge issue. 18 I have on record how many times I've called 19 the non-emergency line. Drugs, people in my front 20 yard on a Sunday morning blocking my driveway. We've 21 had multiple reports with police having to come out. 22 But my question really to you all is how can you look 23 at these plans and say, oh yeah, a B&B and two parking 24 places. (inaudible) the issues that we have right 25 now.

Page 157 1 And you had mentioned earlier when you were 2 discussing other plans that you really try to talk 3 about parking. We still have a major issue. Even the 4 applicant's, like, hey, I can't even control people 5 parking in the lot. We've tried to help them. We'll 6 call the non-emergency line. 7 I've been told because I don't own the lot 8 or I don't own the neighboring house that I can't call 9 anymore. So I only call when people park in my 10 parking spot. Like, this is going to be so bad for us 11 in our community. And growing up here, I've seen it 12 excel. 13 And it's great, we love it, but this is not 14 something that I want to see happen. And my question 15 is for all of you right now, what is the logic behind 16 the two parking spots. Do we have any? Has anybody 17 discussed any of that? 18 CORRINE BYLUND: We'll discuss it. 19 HEATHER PETERS: Okay. Thank you. 20 GREG SCHWARTZENBERGER, CHAIRMAN: Would the 21 applicant like to respond? 22 WILL HILTON: Yes, absolutely. 23 MARC BORAN: We have one more. 24 CORRINE BYLUND: Oh, is there another 25 speaker?	Page 159 1 be developed. I do commend the architect for making a 2 single home look like a bed and breakfast. And in 3 this case, I really want the owners of the lot to make 4 an effort to use the lot. 5 I mean, we all want that. I think that's 6 valuable for the, for the community and for the people 7 who live in that street, but make a use of this lot to 8 be responsible and neighborly friendly. So that's all 9 I have to say. Thank you. 10 APPLICANT DOUG DRIVER: So the last two 11 people that just spoke sort of made my point. With 12 all the drugs and people going over on the lot, 13 parking there and everything. That's why we want to 14 build a house here and use it as a bed and breakfast. 15 All right? 16 To the point that was mentioned earlier by 17 you, sir. You were talking about why we didn't have a 18 kitchenette in the second floor or the third floor, 19 excuse me. We do have the kitchen on the second 20 floor, which is access to that room. In addition, 21 we're primarily going to just look to rent out the 22 first-floor bedroom. So, I mean, two parking spots 23 should be ample space for that. 24 WILL HILTON: So why are you renting if you 25 have a B&B?
Page 158 1 PIPER TURNER: Yes. 2 PIPER TURNER: Dr. Leoni, everybody, this is 3 the gentleman that saved my husband's life. 4 DR. JUAN LEONI: I just come as a citizen. 5 Juan Leoni, 111 Orange Street. You know, I live 6 diagonal to the -- 7 ZACHARY ROTH, CITY ATTORNEY: You've been 8 sworn in already? 9 DR. JUAN LEONI: Yeah. Oh, I haven't, no. 10 ZACHARY ROTH, CITY ATTORNEY: Do you swear or 11 affirm the testimony you give will be the truth, the 12 whole truth, and nothing but the truth? 13 DR. JUAN LEONI: I swear. So, anyways, I 14 live diagonal to the property, and, you know, I've 15 been there for seven years and definitely I would like 16 to have something filled there, you know. And, you 17 know, it's an empty lot. 18 We see people putting their, their dogs 19 there, cars coming around sometimes at night. And 20 I'll see people just parking there for unknown 21 reasons. So definitely it's a, it's a, a bit of an 22 eyesore. And you know, I'm the only neighbor I think, 23 that have kids in that street. 24 So I do feel that that transit there, it's 25 a, it's a problem. So I do, I do want the property to	Page 160 1 APPLICANT DOUG DRIVER: That's, that's what 2 should I call it? 3 UNIDENTIFIED FEMALE SPEAKER: That's a VRBO. 4 APPLICANT DOUG DRIVER: Okay. It's a -- 5 UNIDENTIFIED FEMALE SPEAKER: No. 6 UNIDENTIFIED FEMALE SPEAKER: Yes. 7 GREG SCHWARTZENBERGER, CHAIRMAN: Hey, guys, 8 the gentleman's at the podium (inaudible) 9 APPLICANT DOUG DRIVER: Okay. Sounds pretty 10 combative. All right. Yeah, so I'm hearing a lot of 11 feelings from people talking about how they don't like 12 it. If they don't like it, they should work to change 13 the laws and the ordinances that the City has. 14 I mean, you guys have ordinances in place 15 for a reason, and we're just trying to follow those. 16 We've been meeting with Heather for the last year. 17 Yes, there have been some changes. That's because 18 we're trying to just do everything we can to meet, to 19 meet all the rules and regulations that you all have 20 in place. It's a very complex build. 21 This is going to be a \$2 million property. 22 So to hear people say that it's going to be ugly is a 23 joke. It's \$2 million. We're putting all of my life 24 savings into this house -- into this bed and 25 breakfast, whatever you want to call it. We'll have

Page 161 1 security cameras. We're going to look at building a 2 gate down the road. So we're not going to have people 3 just randomly parking on our property. It's not 4 something that's going to happen. So that's all I 5 have. Thank you. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 7 RENE ATAYAN: I think we have to get the 8 nomenclature down correctly. Okay? Because a B&B 9 doesn't rent out a room. You handle a hotel, you're - 10 - you reserve a room for a period of time unless 11 you're a residential hotel. So I think we have to 12 just be careful that we're using the correct 13 terminology. 14 ZACHARY ROTH, CITY ATTORNEY: (inaudible) 15 between transient and non-transient. 16 RENE ATAYAN: Right. 17 ZACHARY ROTH, CITY ATTORNEY: And so VRBO, 18 that kind of stuff is non transient. Under the 19 definitions, transient is talking about basically 20 where you're booking it a day at a time like a hotel. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Let's move 22 to floor discussion. Do you want to start it? 23 CORRINE BYLUND: Sure. So, unlike the 24 replat, here we have factors to consider. So we do 25 have discretion in this case. This is not just a	Page 163 1 to all the people who reside in that area. And that 2 is another one of the factors. You heard me beating 3 on the parking drum before. 4 I think that that's a huge consideration. I 5 come from a family that was in the hospitality 6 industry, and I do not think it's realistic at all to 7 have two parking spots for an Airbnb. It's just not. 8 You're going to have the people coming to stay there. 9 You're going to have people who live there, you say. 10 Possibly you're going to have people working 11 there, and then you're going to have people who are 12 going to want to visit the people who are staying 13 there. That math doesn't jive at all. At all. 14 And I have a real problem with contributing 15 to the parking problem that's already existing in our 16 city. It's, it's a serious problem. And I, for that 17 reason, have a huge problem with this. Also, you 18 know, we were talking about people, you know, asking 19 for a variance or an approval and then changing the 20 use of the property. 21 And we were talking about it in the 22 Historical Subcommittee earlier. You know, somebody 23 receives this permission to do something, and then 24 they go on and they do something else. What I see 25 here is somebody who wants to have a 35-foot house.
Page 162 1 black and white situation at all. I take this very 2 seriously considering all of the factors. Under 3 factor number one, characteristics of the site and 4 surrounding area, including important natural and man- 5 made features, the size and accessibility of the site 6 and surrounding land uses. 7 So my understanding is that this area of the 8 city was and is zoned commercial, but people came in 9 and built residences in that area. 10 HEATHER WHITMORE: Residences are allowed 11 with a special exception. But, you know, my 12 assumption is just that they were probably preexisting 13 and the commercial business district was just 14 established in that area. 15 ZACHARY ROTH, CITY ATTORNEY: I think that's 16 a better description, is there were existing 17 residential properties and then the commercial -- the 18 Central Business District was imposed upon that area. 19 CORRINE BYLUND: Later, okay. 20 GREG SCHWARTZENBERGER, CHAIRMAN: Like the 21 (inaudible) 22 CORRINE BYLUND: Exactly. So the land use 23 right now is residential despite being zoned 24 commercial. So I think that we need to consider that. 25 And I think that we need to give proper consideration	Page 164 1 UNIDENTIFIED FEMALE SPEAKER: Yes, 2 absolutely. 3 CORRINE BYLUND: And although it's zoned 4 commercial and they could do a B&B out of that 5 property right now, if, if that were even realistic, I 6 -- what, what I see happening is that it's not going 7 to be realistic to have a B&B there. 8 That -- it'll just be a 35-foot house that's 9 out of keeping with all the other houses that are 10 around it. So those are really my biggest issues with 11 this application. 12 RENE ATAYAN: So my comments are going, going 13 to dovetail with Corri's in the sense that this, this 14 -- it is a commercial district, but we also look at 15 the intensity of businesses quite often. And that can 16 affect whether or not we grant a permit. 17 This seems to me to be too high of an 18 intensity application, whether it's for its use and 19 also just its physical nature for the area. We, we 20 kind of went down this path with the prior application 21 of whether we were going to revisit the zoning for an 22 area of town. For this area of town, I would suggest 23 maybe we do revisit the zoning for it and maybe define 24 -- more, more finely define the nature of the 25 commercial use.

Page 165 1 And an example that I'd like to give that I 2 think has been nice for people is what Pete's did. 3 You know, they, they kept the historic nature of the 4 bar area, but they also purchased the two cottages 5 next to them. And instead of knocking them down and 6 putting up a 35-foot building, they maintained the 7 small footprint, the quaint nature of the 8 architecture. 9 The architecture is complementary to the 10 other neighboring homes. So I understand that -- and 11 I understand that this is a dream of yours to, to 12 build this home. The, the height and size of it, 13 however, is something that does give me pause in terms 14 of being out of keeping with the nature of, of that 15 part of town. It's just very tight there. 16 And so I -- you know, that's what gives me 17 pause. And I would also like to just think forward in 18 possibly revisiting that part of the Central Business 19 District for what we do there, because we've got some 20 really nice things happening down there right now. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Will? 22 WILL HILTON: I don't have anything at the 23 present time. 24 GREG SCHWARTZENBERGER, CHAIRMAN: Marc? 25 MARC BORAN: I don't have anything at the	Page 167 1 think you mentioned that. This, this borders 2 Seahorse. So this (inaudible) house is between 3 Seahorse Lemon Bar and then this empty lot. 4 So this is obviously a very desirable swath 5 of land for people who are going to end up developing 6 whatever happens to go at Seahorse, right? I mean, 7 we're all going to see changes there in the probably 8 near future. I mean, I think that's inevitable. 9 Just kind of something I'm just saying out 10 loud to think about. When I look at permitted uses in 11 the, in the CBD bed and breakfast hotel motel, if 12 it's, if it's done right, I think it'd be a very 13 desirable place to host people from out of town. I 14 say that from someone who works day to day hosting 15 people from out of town (inaudible). 16 Now, I'm not speaking on design or esthetics 17 because it's not really my intention to, to, to opine 18 on design and esthetics. I'm just saying the area, 19 there is a permitted use there, and it would be a 20 lovely place to stay for someone who's from out of 21 town. There's no doubt about that in my mind. So I 22 know the parking is problematic. 23 I have a business, the parking is 24 problematic. I'm in a neighborhood, too. Just 25 talking out loud, guys. People figure out how to get
Page 166 1 moment. 2 GREG SCHWARTZENBERGER, CHAIRMAN: Jon? 3 JONATHAN RAITI: I mean, I tend to agree with 4 some of the general comments that have been made that 5 the, the size and bulk of the building seems to be 6 very much not in keeping with the other neighboring 7 properties. And I think when we look at the, the 8 characteristics for assessment here, size, man-made 9 features and surrounding land uses apply. 10 Whether or not it's consistent with the 11 Comprehensive Plan is an issue because there it comes 12 into, into -- scale with the neighborhood comes into 13 consideration. And I think that we have a very 14 special corner of the downtown Central Business 15 District. 16 It is the residential corner of the Central 17 Business District, and that's more characterized by 18 these older cottage style houses, whereas this would 19 be a much larger structure you know, by, by at least 20 one calculation, you know, significantly larger. 21 GREG SCHWARTZENBERGER, CHAIRMAN: So this is 22 a tough one. For many reasons. And I just wrote down 23 some thoughts. I was just going to talk about that 24 for the purposes of board discussion. One thing when 25 you talk about the zoning, revisiting the zoning, I	Page 168 1 to good places. That's, that's just the way it is. 2 You know, what would we like to see there? Well, 3 maybe you guys would like to see a single-family home 4 built there. Well, that's not allowed. 5 That's a special exception. That's not even 6 a permitted use. So that's just something else to 7 point out. There are other things you could, you 8 could put there and go through this same process with 9 the development plan. 10 So going back to what Rene said, this is a 11 tricky zoned area that it's hard to make sense of this 12 particular swath. In this same area, there are a 13 couple really cool things. We pointed out the Pete's 14 (inaudible), like Lubeck's Jewelry Store is right 15 there too, in an older home. 16 He doesn't have an older home to work with. 17 He's got a piece of land. He owns it. He's trying to 18 get creative to develop that, so I can respect that. 19 So those are just my thoughts as we continue our board 20 discussion. So does anybody have anything else? 21 CORRINE BYLUND: I do want to say that I 22 think that it's good that they're wanting to build on 23 and improve the lot. I do like that. I just wonder 24 if there's something that they could do differently to 25 take care of that parking issue and maybe, even, maybe

Page 169 1 even the height, although the height is conforming at 2 35. 3 GREG SCHWARTZENBERGER, CHAIRMAN: We'll -- 4 hey, we'll bring, we'll bring you back up. 5 APPLICANT DOUG DRIVER: Okay. 6 CORRINE BYLUND: But with the parking, if 7 there's something that they could do about the 8 parking, that, that could be a game changer. 9 WILL HILTON: Heather, if a, if a -- I'm not 10 sure that -- I just feel like I need to ask this 11 question. If someone were to get a -- come before us 12 to get a special exception to put a residential home, 13 how -- what would the height be for that? 14 HEATHER WHITMORE: It has to conform to the 15 R-4/RC overlay standards (inaudible) 16 JONATHAN RAITI: And also, Heather, when we 17 look at the commercial nature of this development, 18 you're looking -- normally when you have this 50% 19 parking reduction, that's normally thinking about 20 stores, retail establishments. Is that also 21 considering hotel usage and overnight parking? 22 HEATHER WHITMORE: It applies to all the 23 Central Business District. There is public parking 24 less than 200 feet away. I mean, I'm just -- that's 25 just a fact.	Page 171 1 a difference. 2 Even when you look at the architectural 3 renderings, you can see the surrounding buildings are 4 lower. So I think that the density or the mass itself 5 of the building weighs on my mind is a consideration. 6 I mean, you could have -- I mean, you have the right 7 to have a bed and breakfast. 8 That is in the CBD. But it doesn't 9 necessarily have to be that size. You don't have to 10 fill out the maximum envelope area and kind of 11 overwhelm or overshadow the neighborhood. I mean, 12 prior to this discussion for these four variances, 13 there was a historic preservation meeting. 14 And I think as we consider the, the value of 15 having neighborhoods which have a, a certain 16 characteristic something to bear in mind. We have one 17 small Central Business District, many of which have 18 retail establishments that have used what would 19 probably now be deemed historic buildings. 20 GREG SCHWARTZENBERGER, CHAIRMAN: You guys 21 (inaudible) bring the applicant back up? I know that 22 he has a comment. 23 CORRINE BYLUND: Sure. 24 GREG SCHWARTZENBERGER, CHAIRMAN: You guys 25 good with that? All right. Would you like to come
Page 170 1 JONATHAN RAITI: Sometimes when there's a 2 development, there'll be a separate parking agreement 3 that's done, which designates where like overflow 4 parking goes. 5 HEATHER WHITMORE: There -- by zoning -- I 6 mean, what you're asking for in positions that go 7 beyond the zoning code. So that's going to be -- you 8 know, we don't have a demand for them to have more 9 than two parking spaces. 10 So I'm not -- we don't -- we wouldn't have 11 a, a right to ask for the development of something 12 like overflow parking. I mean, I don't, I don't 13 (inaudible) you know, we can't impose standards that 14 aren't in the zoning. I can't. You (inaudible) 15 ZACHARY ROTH, CITY ATTORNEY: We can't 16 unilaterally do that. The, the Board can evaluate the 17 proposal, even in compliance with the code to 18 determine if it meets these factors. But staff can't 19 say even though it meets these factors, we as staff 20 want to require this additional obligation, staff. 21 That's not within discretion staff has. 22 JONATHAN RAITI: And in terms of just kind of 23 assessing the degree to which it fits with the, the 24 characteristics of the site, of the site and the 25 surrounding area, I mean, it seems to me that there is	Page 172 1 back up, sir? 2 APPLICANT DOUG DRIVER: Yeah. So I just 3 wanted to speak to the intent, the question posed 4 there. So we absolutely intend to rent this out and, 5 you know, have someone occupy the bed and breakfast. 6 It's not just going to be a house. We did have an 7 extra parking space, but we were told we needed to 8 remove that to comply with the ordinance. 9 So that's been our goal the whole time is 10 just try to meet every ordinance that's laid before 11 us. I mean, if we need, we're -- I'm happy to add 12 that parking space back. We would prefer that, 13 actually. The goal really is to have one couple, you 14 know, come in and stay there routinely as a, you know, 15 and as a vacation-style rental day in and day out. 16 So I'm not going to have 25 plus people, you 17 know, visiting the house. I live there. I don't want 18 to see 25 people myself. I would prefer not to see 19 them at all and have them come in and out a separate 20 entrance. So that's, that's, that's the intent. So I 21 just wanted to make that known. 22 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 23 Well, guys, we have a tricky one here. 24 JONATHAN RAITI: Is anyone ready to make a 25 motion?

Page 173 1 WILL HILTON: I would propose that -- I mean, 2 like we've done in the past, I would propose to 3 approve it, and then -- I've not made that motion yet. 4 But then if you were to vote against that, you would 5 obviously say denied rather than doing the 6 alternative, rather than making a motion to deny it. 7 I think we should make a motion to approve it, and 8 then we can either say yes if you approve it or no if 9 you don't approve. 10 JONATHAN RAITI: So keep in mind, if you make 11 that motion, then you are obligated to vote in favor 12 of (inaudible) 13 ZACHARY ROTH, CITY ATTORNEY: (inaudible) 14 motion to approve must vote. 15 MARC BORAN: I guess I have another question. 16 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah, for 17 who? 18 MARC BORAN: Well, for the applicant, because 19 he keeps talking about rental, then he -- 20 GREG SCHWARTZENBERGER, CHAIRMAN: Do you mind 21 coming back up? 22 APPLICANT DOUG DRIVER: Oh, sure. 23 MARC BORAN: Then you, then you mentioned 24 maybe you're going to have somebody there for a long 25 period of time to take care of it. You're going to	Page 175 1 properties. So I may be using the incorrect 2 terminology, but I have plenty of experience to get in 3 to the B&B. 4 WILL HILTON: And where are you planning on 5 living? 6 APPLICANT DOUG DRIVER: In the property. 7 WILL HILTON: Okay. 8 APPLICANT DOUG DRIVER: Yes. 9 WILL HILTON: You're not -- you're -- you're 10 no longer a resident of North Carolina? 11 APPLICANT DOUG DRIVER: South Carolina, but 12 no. No, sir. 13 RENE ATAYAN: So the other guest room 14 upstairs is like a family guest. 15 APPLICANT DOUG DRIVER: I mean, that will 16 probably just be, I mean, empty for the most part. I 17 don't expect -- I expect the first-floor guest, you 18 know, someone to stay in the first floor and -- 19 RENE ATAYAN: Okay, so, so now you've brought 20 up something that's causing me a question. So you're 21 living on the property and you've stated that you 22 would prefer to have limited contact with whoever is 23 utilizing the property as a B&B for their privacy and 24 for your privacy. 25 APPLICANT DOUG DRIVER: Okay.
Page 174 1 live there. So bed and breakfast is a commercial 2 establishment housing a building or part thereof, 3 other than a motel or hotel that offers overnight 4 accommodations and a breakfast for a daily charge of 5 which also serves as the primary residence of the 6 operator or owner. So who is the operator or owner? 7 APPLICANT DOUG DRIVER: That's me. 8 MARC BORAN: You? 9 APPLICANT DOUG DRIVER: Yes. 10 MARC BORAN: Okay. 11 APPLICANT DOUG DRIVER: I meant, I didn't 12 want to have undue interaction with guests. They'll 13 have a separate entrance for that first-floor bedroom 14 and then, you know, obviously feed them. I'm not 15 going to avoid that, but I'm just saying I'm not going 16 to be hanging out with people. 17 MARC BORAN: Yeah, I mean, I understand that, 18 but I just -- because I think you've -- when you 19 talked about renting it, you sort of just caused 20 confusion. And as Rene said, we -- whether we needed 21 to define that or not, as long as I understand what 22 your intent is, which I -- 23 APPLICANT DOUG DRIVER: So, so yes, I had a 24 long term -- I owned a house in South Carolina that I 25 rented out. So I have experience with rental	Page 176 1 RENE ATAYAN: Correct? But then you also 2 have a guest room up on the floor where your bedroom 3 is. So you're sharing a floor. You're in direct 4 contact now with someone who is also a guest, who is, 5 who is a B&B guest or a family guest or friend? 6 APPLICANT DOUG DRIVER: It's just -- it's 7 just another room in the house. I mean, you know, 8 whether or not it's rented, I don't understand how 9 that's relevant. 10 MARC BORAN: So your Airbnb is a one-bedroom 11 Airbnb. It's a -- 12 APPLICANT DOUG DRIVER: It's a bed and 13 breakfast. 14 WILL HILTON: With a kitchenette. 15 MARC BORAN: Bed and Breakfast. 16 BECKY DRIVER: May I come up? May I come up 17 and talk? 18 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. One 19 second. 20 BECKY DRIVER: Okay. 21 GREG SCHWARTZENBERGER, CHAIRMAN: Sorry, 22 ma'am, one second. So we're kind of bringing up 23 Airbnb. Now, just to, just to say, hotels can list on 24 Airbnb. Okay? 25 MARC BORAN: I'm sorry. I don't mean to say.

Page 177	Page 179
1 GREG SCHWARTZENBERGER, CHAIRMAN: No, no, 2 it's okay. 3 MARC BORAN: I don't mean to say Airbnb. I 4 mean a bed and breakfast. 5 WILL HILTON: I think B&B and Airbnb are 6 getting mixed up. 7 MARC BORAN: Sorry. Your bed and breakfast 8 is going to have one single room that you plan on. 9 APPLICANT DOUG DRIVER: I have a full-time 10 job. This is going to be in addition to my regular 9- 11 5, so. 12 MARC BORAN: I'm not, I'm not -- I'm just 13 curious. I just want to make sure I understand the 14 layout because I originally understood this as you 15 know, typically multi-room. When I think -- 16 APPLICANT DOUG DRIVER: Right, it is, it is, 17 it is an option. Right. I can always do that. 18 Absolutely. 19 MARC BORAN: Okay. 20 APPLICANT DOUG DRIVER: And you know maybe 21 down the road I'll decide to start renting out the 22 second room, so. 23 WILL HILTON: I guess I get a little confused 24 because -- and I'm trying not to overtake this, I'm 25 trying to -- in my experience, bed and breakfast are	1 dry. My son intends to live in the property and also 2 rent out the bedrooms. Perhaps the -- and the one 3 downstairs as bed and breakfast. He will also hire 4 someone to come in and prepare the breakfast in the 5 kitchen area that's on the second floor. 6 Same place as the bedroom. So there will be 7 that atmosphere, but his room is going to be on the 8 third floor, so he can come down and have breakfast or 9 whatever in the kitchen with the guest. But if his 10 job takes him where he's not going to be living here 11 anymore, he's going to be moved away, then he could 12 possibly hire someone to be the manager of the bed and 13 breakfast and prepare breakfast, and they would live 14 there. So, sorry. 15 GREG SCHWARTZENBERGER, CHAIRMAN: Okay. 16 BECKY DRIVER: Does that explain some of the 17 things? 18 RENE ATAYAN: It sort of, it sort of does. 19 But I keep getting back to there is a guest room on 20 the third floor. 21 BECKY DRIVER: That's the owner's suite on 22 the third floor. 23 RENE ATAYAN: No. 24 BECKY DRIVER: That's the owner's suite. 25 RENE ATAYAN: Yes. There's a guest room on
Page 178	Page 180
1 typically a place where you go and you stay within the 2 home, and the person that owns the home does serve you 3 multiple meals generally. 4 And there is -- I don't stay at bed and 5 breakfasts because it is a little bit uncomfortable 6 for me to be involved with the owner of the home that 7 I -- me personally, I don't enjoy that as much. And 8 so that's where I guess I'm getting a little confused 9 because what I view as a bed and breakfast is 10 typically where the owner of the home has multiple 11 rooms where someone stays and they congregate, and 12 they serve a nice dinner and you eat with the person 13 that owns, you converse, you have conversations with 14 the people. 15 The bed and breakfast owner typically enjoys 16 that. That's why they do it, invite people in their 17 home. So I'm, I'm just -- I'm getting a little 18 confused on the model. 19 BECKY DRIVER: May I? 20 GREG SCHWARTZENBERGER, CHAIRMAN: (inaudible) 21 legitimate analysis. 22 BECKY DRIVER: May I come up? 23 GREG SCHWARTZENBERGER, CHAIRMAN: Yes, ma'am. 24 BECKY DRIVER: Okay. So I'm Becky Driver and 25 I have been sworn in, thank you. My mouth is very	1 the third floor. This is where I'm getting -- 2 BECKY DRIVER: Okay. 3 RENE ATAYAN: -- I'm getting mixed up. 4 BECKY DRIVER: Okay. 5 RENE ATAYAN: There's a guest room on the 6 third floor. 7 BECKY DRIVER: So he can, he can use that. 8 So, family -- 9 RENE ATAYAN: I'm just listening to what is 10 being said. I don't have problems with people wanting 11 to conduct business, I don't. But I'm listening to 12 things that have been said. But then there are things 13 that contradict. 14 I'm trying to sort through it so that, you 15 know, if it's a misunderstanding on my part, fine. 16 But what was said was you were going to live on the 17 third floor. You preferred to have the guests on the 18 first floor where you would have minimal contact with 19 them. There is another guest room on the third floor 20 next to the master suite. Is that being rented out as 21 another commercial guest room? 22 BECKY DRIVER: Only if he relocates somewhere 23 else and then rents the entire building as -- and 24 someone, and someone runs it for him. Perhaps someone 25 manages it, has kids, and that's where their kids will

Page 181 1 stay. I don't know, but we -- 2 CORRINE BYLUND: I think (inaudible) 3 BECKY DRIVER: Yeah. The lot coverage is a 4 minimum of 70%. We're at 72. 5 CORRINE BYLUND: Yes, ma'am. So what I 6 understand is that those third-floor rooms -- 7 BECKY DRIVER: Right. 8 CORRINE BYLUND: -- are meant to be the 9 owner's suite. 10 BECKY DRIVER: Yes. 11 CORRINE BYLUND: They're not meant to be 12 rented out to third parties. 13 BECKY DRIVER: Not starting out. But if 14 something happens and he gets -- 15 CORRINE BYLUND: But if something happens, 16 then the entire third floor would be rented out to a 17 third party as the manager. 18 BECKY DRIVER: Yes, ma'am, it could. 19 CORRINE BYLUND: I understand you. 20 BECKY DRIVER: Absolutely. Yes. 21 CORRINE BYLUND: Did I -- 22 RENE ATAYAN: The transient, the transient 23 guest, there's only one bedroom that is for a 24 transient guest. Is that what we're saying? The one 25 on the bottom, on the bottom floor.	Page 183 1 CORRINE BYLUND: And I do understand, you 2 know, Covid -- 3 GREG SCHWARTZENBERGER, CHAIRMAN: Okay, so 4 we're in board discussion. Keep going. But we're in 5 board discussion. 6 CORRINE BYLUND: Sure. And so for me, I -- 7 this is -- just seems like it is, it is not what it's 8 presented. And the parking, I think is the reason 9 that I would use to reject it. And that is a legal 10 reason, and I think that that would pass muster. 11 RENE ATAYAN: I have nothing more to say. 12 MARC BORAN: I wholeheartedly agree. I think 13 it's a facade of putting up a big home and (inaudible) 14 but presenting it as a bed and breakfast. And 15 parking, the -- you know, he mentioned, you know, two 16 or three other people coming in just to provide the 17 services because he works as well. And so parking to 18 accommodate those people as well becomes very 19 difficult. 20 JONATHAN RAITI: I think I've expressed my, 21 my feelings before. I think that when we look at the 22 character of the site and the surrounding area, that 23 important natural and man-made features are not kind 24 of comporting with the design of the, of the 25 structure.
Page 182 1 BECKY DRIVER: (inaudible) Oh, no, just the 2 first and the third. Okay. 3 GREG SCHWARTZENBERGER, CHAIRMAN: So 4 (inaudible) floor discussion. 5 CORRINE BYLUND: Yeah. 6 GREG SCHWARTZENBERGER, CHAIRMAN: Thank you. 7 Thank you. 8 CORRINE BYLUND: So, more than ever, I feel 9 like this is a request to make a 35-foot home that you 10 want to have a legalized Airbnb. Because a bed and 11 breakfast, you check in the guest, they, they come and 12 they check in. They see you. 13 Maybe there's a happy hour, then there's 14 some breakfast in the morning. Sandwiches. That's 15 what a bed and breakfast is. I mean, people have been 16 to bed and breakfasts. 17 BECKY DRIVER: Right. But then Covid hit and 18 a lot of things changed. A whole lot of things 19 changed. 20 CORRINE BYLUND: Okay. But -- 21 WILL HILTON: I think we should move into 22 (inaudible) 23 GREG SCHWARTZENBERGER, CHAIRMAN: Hey, we'll 24 bring you back up for, for more questions. We do 25 respect --	Page 184 1 I, I respectfully disagree about the 2 parking. I think that the parking has been addressed 3 because of the nature of the 50% reduction. So, I 4 mean, they intend to have as many as four spaces, but 5 only required to have two. 6 So I don't think that gives a suitable 7 grounds for, for that. But I think there's, there's 8 other issues that present themselves here, which I've 9 addressed. 10 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 11 Do we have a motion? 12 CORRINE BYLUND: I'll motion -- I'll make a 13 motion to deny the application. I'm looking for the 14 number. 15 PIPER TURNER: DB24-04. 16 CORRINE BYLUND: DB? 17 PIPER TURNER: 24-04. 18 CORRINE BYLUND: DP24-04. 19 UNIDENTIFIED MALE SPEAKER: Yeah, I'll second 20 it. 21 ZACHARY ROTH, CITY ATTORNEY: I always like 22 to do the reminder. A yes vote means denied. A no 23 vote means approved. So if you vote yes, you're 24 voting to deny. If you vote no, you're voting to 25 approve.

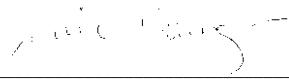
Page 185 1 WILL HILTON: Motion to deny. Gotcha. 2 PIPER TURNER: Mr. Raiti? 3 JONATHAN RAITI: Yes. 4 PIPER TURNER: Mr. Borland [sic]? 5 MARC BORAN: Yes. 6 PIPER TURNER: Ms. Atayan? 7 RENE ATAYAN: Yes. 8 PIPER TURNER: Ms. Bylund? 9 CORRINE BYLUND: Yes. 10 PIPER TURNER: Mr. Hilton? 11 WILL HILTON: Yes. 12 PIPER TURNER: And Mr. Schwarzenberger? 13 GREG SCHWARTZENBERGER, CHAIRMAN: Yes. 14 PIPER TURNER: So it was 6 to 0 to deny the 15 application. It still has to go to City Council. 16 ZACHARY ROTH, CITY ATTORNEY: Guys, 17 (inaudible) should gavel down the discussion and the 18 Board should speak where everyone can hear. 19 WILL HILTON: It's getting late, so I hope we 20 don't have to stay very long, but I do -- I want -- 21 that one was very long. So can we go back to just 22 talking about the other one? Because that one -- 23 GREG SCHWARTZENBERGER, CHAIRMAN: The plat? 24 WILL HILTON: The plat. 25 GREG SCHWARTZENBERGER, CHAIRMAN: Yes.	Page 187 1 WILL HILTON: Do you all think that there's a 2 problem for -- enough of a problem over there that 3 (inaudible) 4 RENE ATAYAN: It's just, you want to know 5 why? Well, here's the reason why. It's because so 6 many of them are already there. 7 WILL HILTON: Yeah. 8 RENE ATAYAN: So then you're -- I mean, what 9 do you do with them? That's my only question about 10 that. 11 WILL HILTON: Well, I don't, I don't have 12 anything else. Oh, other than I'm happy to help if -- 13 I can't help. If, if we wanted to schedule -- I'd say 14 if we wanted to, I would volunteer to attend another 15 meeting if we were to schedule one before you talk to 16 Council if we wanted to work on that code provision. 17 I would be willing to go to another meeting 18 for an hour or so if we wanted to try to have a -- if 19 we wanted to try to have another -- I don't know if we 20 need it. I'm just saying I -- 21 GREG SCHWARTZENBERGER, CHAIRMAN: I think she 22 goes with what she's got because we can -- they're not 23 -- they're going to kick start that anyways. You know 24 what I mean? 25 WILL HILTON: Well, that's fine. I'm just
Page 186 1 WILL HILTON: So and we obviously have voted 2 to approve that. I didn't feel great about that in a 3 sense, because he basically was trying to -- I mean, 4 it seems like the only thing that's going to be left 5 over for that lot is probably another smaller home 6 that he's probably going to be renting. So instead of 7 putting three on a, on a property, there's a loophole 8 to get three basically in and -- 9 GREG SCHWARTZENBERGER, CHAIRMAN: So, what 10 you're saying is you would let the two (inaudible) 11 single family home (inaudible) other? 12 WILL HILTON: Well, I think it seemed like he 13 couldn't get three in by right. So we obviously 14 allowed three by subdivision. So I don't think that - 15 - that's still not going to be a huge single-family 16 home on that other lot, I don't think, when you when 17 you finally configure it, because of the way the lot 18 shape is. 19 It's going to be very difficult to figure 20 that. So anyways, I'm just saying that, that to me -- 21 there was a situation where three (inaudible) 22 RENE ATAYAN: And that's part of why I was 23 asking these weird, oblique questions. 24 GREG SCHWARTZENBERGER, CHAIRMAN: Okay, well, 25 do you think --	Page 188 1 saying I would, I would -- if we thought it was 2 necessary, I'd be happy to get together. 3 RENE ATAYAN: They're telling me that I'm 4 allowed to talk to City Council members, and I'm 5 allowed to talk to Zach. 6 WILL HILTON: Yeah. 7 RENE ATAYAN: So I'm going to try to do that. 8 I have a -- kind of a tight schedule. I'm flying to 9 New Mexico on the 14th, and I'm scheduled to be back I 10 think on the 17th or the 18th. I tried not to do it 11 on the 19th for fear I'd missed the 20th. So there's 12 only a couple of days for me to hopefully do that, but 13 the direction that Zach gave earlier on, I think will 14 be helpful. 15 ZACHARY ROTH, CITY ATTORNEY: Yeah, just 16 along those lines, my schedule is I'm virtually 17 unavailable the remainder of the month. 18 RENE ATAYAN: You are or you are not? 19 ZACHARY ROTH, CITY ATTORNEY: I am not 20 available. So I'm taking my first vacation in five 21 years. And because I'm doing that, I'm being punished 22 by everything. I have more closings between next 23 Friday and when I get back from my vacation than I've 24 had the entire year combined. 25 RENE ATAYAN: Okay. Well, here's -- let me

Page 189 1 just throw this out then. Since we have a lot on the 2 line, when's the next -- because I'm not looking at 3 the calendar, when's their next workshop? The 20th? 4 When's the one in June? 5 ZACHARY ROTH, CITY ATTORNEY: 17th. 6 RENE ATAYAN: 17th of June? 7 GREG SCHWARTZENBERGER, CHAIRMAN: If we go to 8 May, though, there's no reason we can't go again in 9 June. 10 RENE ATAYAN: Well, I don't know -- I don't 11 want to get them angry. 12 ZACHARY ROTH, CITY ATTORNEY: You can go as 13 much as they'll tolerate it. 14 RENE ATAYAN: They might not like it. 15 GREG SCHWARTZENBERGER, CHAIRMAN: In the 16 spirit of (inaudible) to try to get it done, to try to 17 work with them. 18 WILL HILTON: I personally think you should 19 have a definition ready to go. But that's me. 20 PIPER TURNER: If you wait until June, you'll 21 have your meeting prior to that. This meeting, you 22 could hash everything out (inaudible) 23 ZACHARY ROTH, CITY ATTORNEY: You could have 24 a proposed definition for the committee and the Board 25 to evaluate. So then you feel very confident going	Page 191 1 Grease the skids. 2 GREG SCHWARTZENBERGER, CHAIRMAN: I won't be 3 here, June, for either this or that. 4 RENE ATAYAN: Okay. 5 JONATHAN RAITI: Greg -- 6 RENE ATAYAN: Thank you. 7 JONATHAN RAITI: -- I know it's been a really 8 long meeting, and maybe something we want to push off 9 to the next one, but there is an item that came up two 10 meetings ago, and I tried to have it added to today's, 11 which is about the nonconforming code and 12 interpretation of a particular aspect of that. It's 13 probably too late. 14 ZACHARY ROTH, CITY ATTORNEY: I have it open 15 if you want to ask the specific question. 16 JONATHAN RAITI: Okay, maybe you can read it 17 out and it should be fairly clear. 18 HEATHER WHITMORE: What passage? 19 UNIDENTIFIED MALE SPEAKER: What are you 20 talking about? 21 HEATHER WHITMORE: I want to make sure we're 22 talking about the same passage. 23 ZACHARY ROTH, CITY ATTORNEY: When we look at 24 the nonconforming code, you can rebuild something 25 which is nonconforming. And as the code says it,
Page 190 1 into your meeting with the Council, which is what I 2 think the Council will receive better. 3 RENE ATAYAN: I'd rather push it, guys. 4 CORRINE BYLUND: Yeah, I agree with you. 5 RENE ATAYAN: Like I've been trying to move 6 this along. 7 UNIDENTIFIED MALE SPEAKER: (inaudible) tell 8 Alison. 9 RENE ATAYAN: Dude, I will tell her. I will 10 tell her. I've been trying to move this along but -- 11 ZACHARY ROTH, CITY ATTORNEY: I think what 12 you should tell her is pretty simple, would you rather 13 that the Council shut you down because you came too 14 quick or would you rather the Council listen? 15 MARC BORAN: Tell her you're taking a trip to 16 New Mexico to do some more research. (inaudible) 17 appreciate that. 18 WILL HILTON: I mean, I was the one that was 19 in front of the Council, and it was a hot bench. 20 RENE ATAYAN: No, I was sitting in the back 21 watching. 22 GREG SCHWARTZENBERGER, CHAIRMAN: We can talk 23 to some of them individually in the couple of months 24 leading up anyways. 25 RENE ATAYAN: Yeah. Grease the skids, guys.	Page 192 1 right now, you can neither expand nor reduce the size 2 of the nonconformity. So if something's 3 nonconforming, so, for example, it's whatever a wing 4 of a house, height, a balcony, something like this. 5 And it's been nonconforming and it was -- 6 and somebody has to rebuild that, it doesn't 7 necessarily have to come before us if they don't 8 either expand or reduce it. They just rebuild exactly 9 whatever it is. If you have, if you have, for example 10 -- 11 WILL HILTON: They would get a reroof then. 12 HEATHER WHITMORE: This is a particularly 13 about the deck. 14 JONATHAN RAITI: Well that was the example 15 that raised. But it could be applied to many -- 16 ZACHARY ROTH, CITY ATTORNEY: So the 17 situation you're talking about only applies if it was 18 conforming and then subsequently made nonconforming. 19 JONATHAN RAITI: Is that that's the situation 20 there. It was once upon a time conforming? 21 ZACHARY ROTH, CITY ATTORNEY: No. What I'm 22 telling you is the provision that you're referring to 23 only applies in situations where it was conforming and 24 then we changed the code and make it nonconforming. 25 JONATHAN RAITI: Okay.

Page 193 1 ZACHARY ROTH, CITY ATTORNEY: It doesn't 2 apply in any other situation. 3 JONATHAN RAITI: Right. 4 ZACHARY ROTH, CITY ATTORNEY: So if it's 5 already nonconforming, it doesn't apply. It's only if 6 there are future changes to the code that make it 7 nonconforming. 8 WILL HILTON: So if someone got a valid 9 building permit to build a building and they built it, 10 and then something in the code changed and now they 11 come, they want to get a reroof, for example, then 12 they don't have to come to get a variance to get a new 13 roof put on their house. 14 ZACHARY ROTH, CITY ATTORNEY: And what it 15 says is you can't change, you can't increase or 16 decrease the nonconformity, but you can change 17 everything else. The nonconformity has to stay the 18 same. You can't use the excuse of you wanted to 19 change other things to change the nonconforming. The 20 nonconformity has to remain what it is. 21 JONATHAN RAITI: So just taking the example 22 of a deck. The deck is nonconforming. It wasn't 23 originally. We changed the code and then there's such 24 and such a setback. And there you go. Now it's 25 nonconforming. So we wanted to reduce the size of the	Page 195 1 talked about this back and forth when we've had 2 nonconforming structures not unlike the ACs, but the 3 ACs. They were trying to intensify the ACs. Right? 4 Nonconforming situation. Nonconforming 5 structure. The deck was nonconforming. They wanted 6 to replace a nonconformity. We had them get a 7 variance to replace the nonconformity because they 8 want to replace the deck one for one. 9 So I guess the question to us is, are we 10 misinterpreting the code? Should we allow them? 11 Should we allow -- because it starts to get dicey. 12 ZACHARY ROTH, CITY ATTORNEY: What I can say 13 is it's a very poorly drafted provision. I mean, I'm 14 reading it eight times to get to this analysis, and 15 I'm still not going to tell you I would bet my 16 daughter's life on it. 17 I mean, because it says thereafter -- change 18 shall thereafter be made in such characteristics of 19 use, which increases or -- no change shall thereafter 20 be made in such characteristics of use, which 21 increases nonconformity with the regulations set out 22 in this chapter. 23 However, changes may be made that do not 24 increase, or that -- actually, no, we're reading it 25 wrong. You can do it if it does not increase it or
Page 194 1 deck, but still wanted to have a deck, that would not 2 be permitted. 3 ZACHARY ROTH, CITY ATTORNEY: If they're only 4 changing the deck, that's right. Unless they 5 eliminate the nonconforming. Can't change the 6 nonconformity, but you can eliminate it. 7 JONATHAN RAITI: Okay. 8 ZACHARY ROTH, CITY ATTORNEY: So, keep in 9 mind, many situations of what you're talking about, 10 there's a decent chance that the nonconformity is 11 gonna have to be gotten rid of entirely, because in a 12 lot of those cases you're talking about C coming into 13 play where you have, you know, substantial damage to 14 the structure or something like that, where you're 15 hitting that threshold of substantial change, which 16 requires the nonconformity to go away. 17 But yeah, so I'm using the deck as an 18 example, the deck has to remain the same size. If it 19 was, if it was conforming and then made nonconforming, 20 or you have to get rid of it. You can't say, well, we 21 want a nonconformity, but we want it to be a different 22 nonconformity. 23 JONATHAN RAITI: Okay. 24 HEATHER WHITMORE: So then the question was 25 with the deck and this is what we -- remember we	Page 196 1 you can do it if it decreases it. That's actually 2 what it says. 3 RENE ATAYAN: Yeah, you can. Which is much 4 more logical. 5 ZACHARY ROTH, CITY ATTORNEY: Yes, correct. 6 You just have to read it ten times to figure it out. 7 HEATHER WHITMORE: So then the interpretation 8 is I'm going to use the deck for example. Right? 9 This was that deck -- 10 ZACHARY ROTH, CITY ATTORNEY: So they could 11 have made it half the size. They could have made it 12 smaller -- 13 HEATHER WHITMORE: And they would not have 14 needed a variance. 15 ZACHARY ROTH, CITY ATTORNEY: Correct. 16 HEATHER WHITMORE: That was the question. 17 Okay. We had them go through the variance, which is 18 what we've done traditionally. Same thing if you have 19 a preexisting garage that's right on the property line 20 to replace, we've had you go through variance. 21 ZACHARY ROTH, CITY ATTORNEY: Yeah, the 22 reason is because of this extra word that there. 23 HEATHER WHITMORE: Yeah. 24 ZACHARY ROTH, CITY ATTORNEY: It says changes 25 may be made that do not increase or that decrease such

Page 197 1 conformity. So if it said do not increase or 2 decrease, that would be a different grammatical 3 interpretation because it says that do not increase or 4 that decrease means you can do either. 5 JONATHAN RAITI: That makes -- that's what I 6 recall when we went through this code rewrite. But 7 then on that particular day when we were looking at it 8 -- 9 HEATHER WHITMORE: Yeah. 10 JONATHAN RAITI: -- I think that -- 11 HEATHER WHITMORE: We've had -- we've talked 12 about this before. I don't know if you've got a 13 consistent, you know, determination on it. 14 JONATHAN RAITI: But I ask in part because 15 people come before us. It takes their time, it takes 16 your time. But this is actually a bunch of things 17 that we probably don't need to hear that staff could - 18 - 19 HEATHER WHITMORE: So this means if we've got 20 a garage that is on the property line zero property 21 line 0 to 0, we're going to let them replace it. If 22 they do it one for one, the same (inaudible) or -- 23 ZACHARY ROTH, CITY ATTORNEY: If it was 24 conforming and then made nonconforming. If it's 25 always been nonconforming.	Page 199 1 The zoning code. Not this exact 2022 version. 2 Correct. Yeah. 3 HEATHER WHITMORE: Okay, so that changes -- I 4 mean, that really changes the way that our office has 5 operated for historically ever. So, I mean, just to 6 be clear, if that's what we're you know -- if that's 7 the interpretation we're going to make right now, 8 which is fine. 9 I mean, I don't really care one way or 10 another. I -- you know, I don't want to make people's 11 lives harder, but we have never permitted the 12 replacement of a nonconforming structure. 13 ZACHARY ROTH, CITY ATTORNEY: So when you 14 replace the structure, that's different. The entire 15 structure is different. If you're replacing the deck, 16 that's one thing, but C comes into play if the 17 principal structure has been destroyed, which you have 18 to do to replace it, then you have to bring it into 19 conformity. You don't get (inaudible) 20 HEATHER WHITMORE: But I'm using an example 21 of like the garage. That's what I mean by structure. 22 I don't mean principal. I mean just, you know, or 23 even I mean, if we had a single-family home, they'd be 24 right on the property line. I don't know (inaudible) 25 ZACHARY ROTH, CITY ATTORNEY: If a single-
Page 198 1 HEATHER WHITMORE: The question is -- 2 ZACHARY ROTH, CITY ATTORNEY: So if they got 3 a variance from the beginning, there's not (inaudible) 4 HEATHER WHITMORE: But there's no date 5 effective on this, right? I mean, to, to that point, 6 I would say that the deck example or the garage 7 example, both of those examples were nonconforming 8 prior to the adoption of this (inaudible) 9 ZACHARY ROTH, CITY ATTORNEY: 90% of the 10 things that we have are going to be in East to Third, 11 because that's where all the problems are. 12 HEATHER WHITMORE: Correct. And they've been 13 there well before this -- the last code. 14 ZACHARY ROTH, CITY ATTORNEY: Pretty much all 15 those buildings were there before the code. So absent 16 evidence that we've granted a variance for it, it's -- 17 I think you're safe to assume that it was conforming 18 and made nonconforming. 19 GREG SCHWARTZENBERGER, CHAIRMAN: Yeah. 20 JONATHAN RAITI: Just one other question. 21 ZACHARY ROTH, CITY ATTORNEY: Because there 22 was no code. So it means it's conforming. 23 HEATHER WHITMORE: You just mean before the 24 code is in capital code, capital -- 25 ZACHARY ROTH, CITY ATTORNEY: That's right.	Page 200 1 family home is destroyed, that's the principal 2 structure. You don't get it back. 3 HEATHER WHITMORE: Yes. But this is -- I 4 find -- okay -- I just -- maybe we need more help in 5 how to interpret it, but this would be replacing a 6 garage or a deck or -- but not a principal structure? 7 JONATHAN RAITI: Correct. An attached 8 bedroom, for example. Something that could be. 9 Somebody could remove it and move it back. 10 Potentially. 11 ZACHARY ROTH, CITY ATTORNEY: Well and -- or 12 substantially damaged as defined in section 2715. I 13 don't have 2715 in front of me to determine what 14 substantially damaged is. 15 PIPER TURNER: That's, that's the definition. 16 ZACHARY ROTH, CITY ATTORNEY: I'm assuming 17 it's the 50% threshold? 18 HEATHER WHITMORE: Yeah. That actually 19 should have been probably removed. Characteristics of 20 a user may not conform by this code adopted or 21 amended. No change shall thereafter be made in such 22 characteristics of use, which increase the 23 nonconformity with the regulations set out in the 24 chapter. However, changes may be made that do not 25 increase or that decrease. So, somebody can replace a

Page 201 1 nonconforming garage. 2 ZACHARY ROTH, CITY ATTORNEY: Unless it's 3 destroyed, substantially damaged, or falls under the 4 other categories of C. 5 CORRINE BYLUND: That just doesn't make any 6 sense. 7 HEATHER WHITMORE: So if it's, if it's 8 damaged, they can't replace it? But if they want to 9 replace it, they can replace it? 10 ZACHARY ROTH, CITY ATTORNEY: If the 11 principal structure. 12 HEATHER WHITMORE: Okay. Are you following 13 this, Piper? I'm not following it. We'll have to 14 talk about it more because I'm not following. 15 JONATHAN RAITI: The reason I raised this in 16 part is, Greg, do you remember when we went through 17 all the code rewrite? You and I talked a lot about 18 the need to get the nonconforming code section 19 correct? 20 GREG SCHWARTZENBERGER, CHAIRMAN: We talked 21 in here about it. 22 JONATHAN RAITI: Yeah, so, I mean, it seems 23 like it's still a little bit muddy. So I don't know 24 if the guys in the code -- I forgot what the -- what 25 that subcommittee is.	Page 203 1 ZACHARY ROTH, CITY ATTORNEY: Yeah, because 2 the logic is that if it's substantially damaged, now 3 is an opportunity to come into conformity because 4 you're going to have to do significant renovations 5 anyway. 6 But if you just have an accessory structure 7 or a deck or something like that, then you can do that 8 because that's not -- doesn't require you to 9 completely tear down the building and restart, and you 10 don't have an opportunity to bring it into conformity 11 in the same way. 12 GREG SCHWARTZENBERGER, CHAIRMAN: All right. 13 ZACHARY ROTH, CITY ATTORNEY: (inaudible) 14 dovetail into all of this. I don't know how many of 15 you -- any of you watched Monday night's meeting, but 16 I submitted my resignation on Monday. 17 GREG SCHWARTZENBERGER, CHAIRMAN: So how long 18 will you be with us still? 19 ZACHARY ROTH, CITY ATTORNEY: It's TBD. 20 UNIDENTIFIED MALE SPEAKER: Based on the 21 replacement? 22 ZACHARY ROTH, CITY ATTORNEY: Correct. 23 JONATHAN RAITI: Well, thank you, Zach, for 24 all the time -- 25 ZACHARY ROTH, CITY ATTORNEY: (inaudible)
Page 202 1 JONATHAN RAITI: It might be worth, you know, 2 having us take a look at and at least understand that 3 the -- how it's written right now. 4 ZACHARY ROTH, CITY ATTORNEY: Structure as a 5 whole. 6 JONATHAN RAITI: All right. I didn't want to 7 have, like, a long discussion. 8 PIPER TURNER: Structurally altered, is that 9 the definition? 10 ZACHARY ROTH, CITY ATTORNEY: Substantially 11 damaged. 12 PIPER TURNER: Substantially. 13 JONATHAN RAITI: And it's, it's something 14 that staff needs to do frequently. 15 ZACHARY ROTH, CITY ATTORNEY: Probably 16 doesn't even have a definition. 17 PIPER TURNER: There's nothing under 18 substantially. 19 HEATHER WHITMORE: Yeah. 27-706-B4. 20 ZACHARY ROTH, CITY ATTORNEY: But then C1 21 refers to or is substantially damaged as that term is 22 defined in 27-15. (inaudible) defined. 23 HEATHER WHITMORE: I just don't understand. 24 But you can replace it if you want to. But if it's 25 substantially damaged, it can't be replaced/	Page 204 1 staying until we have a replacement in place. 2 ZACHARY ROTH, CITY ATTORNEY: It took me all 3 of one day to draft the RFP to try to find a new 4 attorney, if that gives you an idea. So I'm asking 5 the Council to vote on that on the 20th so that that 6 can be published and applications received at the 7 beginning of July and then start that process. So I'm 8 going to guess end of summer. 9 JONATHAN RAITI: Okay. Well thanks for all 10 your help. 11 RENE ATAYAN: Thank you. 12 UNIDENTIFIED MALE SPEAKER: It's been a great 13 resource. 14 ZACHARY ROTH, CITY ATTORNEY: I am not 15 moving. I'm staying in the exact same place and just 16 not doing this. 17 JONATHAN RAITI: So you want to do something 18 else in your free time? 19 ZACHARY ROTH, CITY ATTORNEY: If I build 20 private clients, I can make more money and work half 21 as much. Like, they pay twice as much as the City 22 pays. 23 JONATHAN RAITI: You can officiate more 24 games. 25 ZACHARY ROTH, CITY ATTORNEY: Well that's

Page 205 1 part of it. I have a 20-month-old daughter and I'm 2 traveling every weekend. My first nine games were in 3 nine different states last year. And so I'd rather 4 spend Monday and Wednesday nights with my family than 5 here. 6 GREG SCHWARTZENBERGER, CHAIRMAN: 7 Congratulations. 8 ZACHARY ROTH, CITY ATTORNEY: Appreciate it. 9 Looking forward to just being a resident again. 10 PIPER TURNER: Then he can come to the 11 meetings and complain. 12 ZACHARY ROTH, CITY ATTORNEY: I gave a small 13 piece of how I felt about things on Monday night, but 14 I said once it cools down, then may come as a resident 15 and give my true opinion. 16 GREG SCHWARTZENBERGER, CHAIRMAN: You have 17 way more than three minutes. Yeah. 18 PIPER TURNER: He's the only one that can do 19 the clock, so he's got it made. 20 ZACHARY ROTH, CITY ATTORNEY: Despite the 21 fact that it says push these buttons in this order, 22 I'm the only one that knows how to do it. 23 GREG SCHWARTZENBERGER, CHAIRMAN: All right, 24 everyone else, we all good? So we'll gavel out at 25 9:02.	Page 207 1 CERTIFICATE OF TRANSCRIPTIONIST 2 3 I, JAMIE YOUNG, hereby certify that I was 4 authorized to and did transcribe the provided 5 recording and that the foregoing transcript is a true 6 transcript of said electronic recording to the best of 7 my ability. 8 I FURTHER CERTIFY that I am not a relative, 9 employee, attorney, or counsel of any of the parties, 10 nor am I a relative or employee of any of the parties' 11 attorneys or counsel connected with the action, nor am 12 I financially interested in the action. 13 14 DATED this 24th day of September, 2024. 15 16  17 18 Jamie Young 19 20 21 22 23 24 25
Page 206 1 (End of recording) 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 1-4

Page 1	Page 3
1 2 3 4 5 6 7 NEPTUNE BEACH COMMUNITY 8 9 Special Meeting & City Council Workshop 10 August 19, 2024 11 12 Runtime: 03:43:04 13 14 15 16 17 18 19 20 21 22 23 24 25	1 COUNCILOR JOSH MESSINGER: Here. 2 CATHERINE PONSON: Vice Mayor Chin. 3 VICE MAYOR KERRY CHIN: Here. 4 CATHERINE PONSON: Mayor Brown. 5 MAYOR ELAINE BROWN: Here. And would you all 6 please stand and join us as Ms. Key will lead us in 7 the pledge. 8 THE ROOM: I pledge allegiance to the flag of 9 the United States of America and to the Republic for 10 which it stands. One nation under God, indivisible, 11 with liberty and justice for all. 12 MAYOR ELAINE BROWN: All right. So this is 13 always very exciting and we are always honored when we 14 have police officers to be sworn in. And tonight we 15 have five. And we are so pleased to have them and the 16 Chief and I are going to kind of rearrange things a 17 little bit up here, and we are going to be swearing 18 them all in at the same time. 19 And so I'm glad you're all here to see this 20 and get to see the promotions and the new officers. 21 And I'm going to join you down there and let you just 22 choreograph this, okay? 23 CHIEF OF POLICE: Sounds good. Can we have 24 the new officers come up front? So this is a great 25 evening ladies and gentlemen. We have a honor to
Page 2	Page 4
1 (Beginning of recording) 2 MAYOR ELAINE BROWN: It is ready? All right. 3 I'd like to call this meeting to order. I want to 4 welcome everybody. We're happy to have you here 5 tonight. We have a lengthy agenda tonight, and I just 6 -- I would like to start this meeting by saying how 7 much we appreciate each of you. Your input is 8 important. 9 But I'm going to ask you, no applause, be 10 respectful of everyone as they speak, and let's just 11 be the wonderful community that we are. If you 12 disagree with something, you know, you might, but 13 again, let people have their say. And I'm just asking 14 for you tonight to do what, you know, the way you 15 would like to be treated. 16 And so if there's something you disagree 17 with, please, just, you know, contain that and be the 18 wonderful neighbors that I know that you are. So this 19 is August 19th and we'd like to -- I've called the 20 meeting to order, and would you please call the roll? 21 CATHERINE PONSON: Councilor Key. 22 COUNCILOR LAUREN KEY: Here. 23 CATHERINE PONSON: Councilor Livingston. 24 COUNCILOR NIA LIVINGSTON: Here. 25 CATHERINE PONSON: Councilor Messinger.	1 officially swear in several new members and promote 2 others within our agency tonight. It is always a 3 humongous honor for the Chief of Police to do this. 4 And I just want to say a couple of things before we 5 get started. This is more than just a formality. 6 It is a commitment to uphold the values that 7 we all cherish. The badge that you wear is not just a 8 piece of metal. It represents authority, respect and 9 the public's trust. It is a sacred symbol that rests 10 close to your heart. It's alongside your last name. 11 The placement isn't just symbolic. It signifies that 12 your last name and your actions are bound to the trust 13 and the expectations of the public that have in it. 14 The badge is also a physical manifestation 15 of the oath that you will take tonight. It embodies 16 honor, integrity, and excellence, our core values. 17 The values are not just words they are the principles 18 that guide every decision you make, every action that 19 you take. Remember, wearing this badge is a privilege 20 and it comes with great responsibility. 21 Any misstep doesn't just reflect on you it 22 reflects on the entire agency. In a small 23 organization like ours, errors are magnified and the 24 consequences are felt more deeply than in larger 25 organizations with thousands of members. As you take

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 5-8

Page 5 1 this oath tonight, remember the weight of your 2 responsibility. Strive to uphold the highest 3 standards, not just for yourself, but for the agency 4 and the community that you serve. Mayor, if you could 5 come up and swear in the new officer's -- I'm sorry, I 6 got ahead of myself. 7 MAYOR ELAINE BROWN: Tell me what to do, 8 Chief. 9 CHIEF OF POLICE: I got two media types. I 10 got an iPad and a piece of paper, so. All right, I 11 want to real quick, if you'll indulge me just for a 12 second. This is only going to take less than ten 13 minutes. 14 I want to read a quick bio for each 15 individual, because while there's five officers 16 standing in front of you, there's five unique 17 individuals that are going to add a tremendous amount 18 of forward momentum and integrity to our organization 19 and to our city. So with that, to my immediate left 20 here is Commander Stucki. 21 Commander Stucki is a native to the Beaches 22 community. He was born at the former Beaches Hospital 23 and raised here in Atlantic Beach. His interest in 24 public service was cultivated during his upbringing, 25 observing his father's tenure as the Atlantic Beach	Page 7 1 is Sergeant Haynes. 2 Sergeant Haynes was born and raised in 3 Allentown, Pennsylvania, where he graduated from 4 Parkland High School. After graduation, he enlisted 5 in the United States Coast Guard, spending nearly his 6 entire career assigned to the tactical law enforcement 7 team. Following his service, Jason worked as a 8 private military contractor, which ultimately led to 9 his residency in Jacksonville Beach. 10 After nearly ten years in the private 11 sector, Jason joined the Jacksonville Sheriff's Office 12 in 2018. His role as a patrol officer on 13 Jacksonville's Northside ended in 2020, when he was 14 offered the opportunity for employment with Neptune 15 Beach Police Department. 16 Since joining the MBPD, Jason has functioned 17 as a patrol officer, officer in charge, law 18 enforcement high liability instructor and now police 19 sergeant. In conjunction with his professional 20 career, Jason is a graduate of the Pennsylvania State 21 University Smeal College of Business and FSCJ of 22 Jackson with a degree in accounting and Criminal 23 Justice, respectively. 24 He is an exercise and automotive enthusiast 25 who enjoys these recreational activities while
Page 6 1 police Chief, which is pretty special. 2 Commander Stucki received his education from 3 the Beaches public school system and graduated from 4 Fletcher High. In 81, Commander Stucki embarked on 5 his public service as a lifeguard for the city of 6 Neptune Beach. Following five successful summer 7 seasons, he was sponsored by the Neptune Beach Police 8 Department to attend the police Academy. 9 Upon completing his training, he commenced 10 his law enforcement journey as a patrol officer with 11 the Atlantic Beach Police Department, and in 88 he 12 transitioned to the Jacksonville Sheriff's Office, 13 where he dedicated 28 years of service. During his 14 tenure with the JSO, he spent two decades in the 15 homicide unit, contributing to the investigation of 16 310 homicide cases, over 1200 death investigations and 17 161 officer involved shootings. 18 Following his retirement from the 19 Jacksonville Sheriff's Office in 2016, Commander 20 Stucki continued his commitment to public safety by 21 joining the Neptune Beach Police Department. He 22 assumed the role of detective in Charge of the 23 Criminal Investigations Division, where he brought his 24 wealth of experience and expertise to the assignment. 25 Commander Stucki, join me up here. Welcome. Next up	Page 8 1 fathering his five-year-old German Shepherd, Dolly. 2 Next up is Officer Kellen Ronquil. Kellen is a native 3 of Northeast Florida -- is a native of Northeast 4 Florida, has always been passionate about protecting 5 and helping others. 2021 he graduated from the 6 Florida School of Arts with a degree in Musical 7 theater. 8 Following college, he served with Clay 9 County Sheriff's Office for two years as a deputy 10 patrol officer and DUI deputy before coming to the 11 Neptune Beach Police Department. 12 Kellan is not only passionate about 13 community engagement, but also about dispelling 14 conceptions about law enforcement. He is eager to do 15 his part to keep the citizens of Neptune Beach safe 16 and sound. If you'll join me up here. Welcome. Next 17 up is Officer Matthew Tanner. 18 Matthew was born and raised in Jacksonville, 19 and he attended Bishop Kenny -- sorry, Bishop Jay 20 Snyder High School, where he played football. He 21 excelled on the field, earning an athletic scholarship 22 to Eastern Arizona Junior College in Thatcher, 23 Arizona. 24 After two years at Eastern Arizona College, 25 he was offered a four year, a four-year different

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 9-12

Page 9 1 athletic football scholarships to major university. 2 Matthew chose Bowling Green State University in Ohio 3 to finish his education and football career. After 4 graduating in 2020 with a bachelor's degree in 5 criminal justice and a minor in sociology, he moved 6 back to Jacksonville. 7 Once home, Matthew enrolled in the police 8 academy, pursuing his aspirations of becoming a law 9 enforcement officer. He completed the police academy 10 and began his career with the Clay County Sheriff's 11 Office, serving the community for a year and a half. 12 His hobbies include working out, watching football, 13 and spending time with his family and friends. 14 CHIEF OF POLICE MICHAEL KEY: Matthew's 15 favorite part of law enforcement is helping people who 16 cannot do for themselves, and making a positive impact 17 in their lives. Matthew, can you join me up here? 18 Welcome. Last but certainly not least, is Officer Sam 19 Williams. 20 Sam grew up in the beaches with his parents 21 and siblings. He's married to Pam Williams, and they 22 have two children, Emily, 28, and Austin, 22. Since 23 1990, Sam has served as a law enforcement professional 24 for the Daytona Beach Police Department and the Saint 25 John s, John's County Sheriff's Office in many	Page 11 1 Constitution of the United States. 2 POLICE OFFICERS: That I will support the 3 Constitution of the United States. 4 MAYOR ELAINE BROWN: The Constitution of the 5 State of Florida. 6 POLICE OFFICERS: The Constitution of the 7 State of Florida. 8 MAYOR ELAINE BROWN: And the Charter and 9 Ordinances of the City of Neptune Beach. 10 POLICE OFFICERS: And the Charter and 11 Ordinances of the City of Neptune Beach. 12 MAYOR ELAINE BROWN: And that I will to the 13 best of my ability. 14 POLICE OFFICERS: And that I will to the best 15 of my ability. 16 MAYOR ELAINE BROWN: Faithfully perform the 17 duties of. 18 POLICE OFFICERS: Faithfully perform the 19 duties of a police officer. 20 MAYOR ELAINE BROWN: During my continuance 21 therein. So help me God. 22 POLICE OFFICERS: During my continuance 23 therein. So help me God. 24 MAYOR ELAINE BROWN: Congratulations. 25 Congratulations. So glad to have you.
Page 10 1 capacities in 2020. 2 He retired as a director of corrections for 3 the Saint John's County Sheriff's Office. Sam 4 graduated from the Fletcher High School in 5 Jacksonville Beach. He graduated cum laude from 6 Vincennes University with an Associate of Arts degree. 7 Sam holds a Bachelor of Science degree from Flagler 8 College in Saint Augustine. 9 His law enforcement training includes over 10 3000 hours of various certifications to include the 11 FBI National Academy. Sam enjoys time on the water, 12 fishing, and other outdoor activities. Sam is also 13 looking forward to the opportunity to serve the 14 community where he grew up. Sam, if you'll join me up 15 here. I heard a clap too, I think so. 16 MAYOR ELAINE BROWN: When we say your duties, 17 would you state what your title is, okay? Would you 18 mind if I do one other thing? 19 CHIEF OF POLICE MICHAEL KEY: Great. 20 MAYOR ELAINE BROWN: There are a lot of 21 families here of these officers. Would you guys 22 stand, please? Okay. Gentlemen, please raise your 23 right hand. I, state your name. Do solemnly swear. 24 POLICE OFFICERS: Do solemnly swear. 25 MAYOR ELAINE BROWN: That I will support the	Page 12 1 CHIEF OF POLICE MICHAEL KEY: Don't run off 2 yet. 3 MAYOR ELAINE BROWN: All right. I'm going to 4 get out of your way. 5 CHIEF OF POLICE MICHAEL KEY: I know I've 6 taken up a lot of time, and I know there's another -- 7 more business to attend to. But I want to say 8 something real quick before we, we let the officers 9 go. Some of the officers have been working for us for 10 a couple of months, and it's just so happened that we 11 were able to finally get officially able to do a 12 swearing in ceremony as well with promotions as well. 13 But in the bios, I'm sure everybody heard as 14 well that every single one of these officers came from 15 a different agency. They came to the Neptune Beach 16 Police Department, they came to our city, and they 17 came to our great community because it is such a great 18 community, and they came to make a difference. And I 19 fully expect that they will do that. So thank you 20 guys so much. 21 MAYOR ELAINE BROWN: All right. We have a 22 lot on our agenda. Again, thank you for being here. 23 And as we go through this, the first thing that we 24 have tonight that is a part of our business is the 25 city of Neptune Beach is in the process of hiring a

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 13-16

Page 13 1 new attorney, a general counsel, that will serve the 2 city. 3 Because our fabulous and I don't mind saying 4 that word, attorney Zach is going to be leaving us. 5 So the first thing we're going to do tonight is to go 6 ahead and have the attorneys that have applied, that 7 have applied, give a short presentation to this 8 council. And I'm glad that there's so many members of 9 the, of the community here as well. So I am going to 10 -- I'm sorry. 11 COUNCILOR LAUREN KEY: I'd like to call a 12 point of order. 13 MAYOR ELAINE BROWN: Yes. 14 COUNCILOR LAUREN KEY: If you don't mind. 15 During the swearing in, there was a snarky comment 16 made about integrity from that side of the room from a 17 female, and I'd like to call a decorum and ask that 18 that please not happen again. 19 Officers are in the middle of getting sworn 20 in, and to do something like that is completely 21 inappropriate. And like, let's not start out this 22 meeting in such a manner where we're behaving that 23 way, please. Thank you. 24 MAYOR ELAINE BROWN: All right. No more 25 applause. And again, respect is what we ask for from	Page 15 1 experience of over 120 years. 2 We're currently city attorney for nine 3 cities around the state, including four beach cities. 4 The city of Cocoa Beach on the other coast. The Town 5 of Fort Myers Beach. City of Daytona Beach shores and 6 the city of Anna Maria on the West Coast. We also 7 serve as city attorney for the city of South Daytona, 8 the Village of Indiantown, the newest municipality in 9 the state, the City of Brooksville, the City of 10 Bunnell, and the little town of Oakland. 11 We also serve as general counsel for two 12 independent special districts and as county attorney 13 for Okeechobee County. We provide myriad different 14 specialized local Government legal services for cities 15 and counties all over the state. Our firm takes a 16 team approach direct representation that's worked out 17 very well for our local Government clients over the 18 decades. 19 So I want to tell you a little bit about 20 just some of the members of our team and start out 21 with Becky Vose, our founding partner, my law partner, 22 and my mother. Becky's been practicing local 23 Government law for 51 years. After she graduated 24 number one in her class from the University of Florida 25 Law School.
Page 14 1 each and every one of you. And so I'd like to start 2 with the Vose Law Firm. I'd like to welcome you to 3 our town, our city, and to this City Council. We 4 would love to hear from you and thank you for 5 applying. We appreciate it. 6 WADE VOSE: Absolutely. Thank you very much, 7 Mayor, Councilors, good evening. My name is Wade 8 Vose. I'm the managing partner of the Vose Law Firm. 9 And with me today is my law partner, Paul Waters. 10 We're very happy to be here today to talk with you 11 about our proposal to be city attorney for the city of 12 Neptune Beach. 13 As we've detailed in our proposal, I want to 14 be very respectful of your time because you all got a 15 very thick proposal. I'm not going to go through all 16 of it. But as we noted in our proposal, our firm 17 specializes in local Government representation, and 18 our eight attorneys of our firm have extensive local 19 Government experience. 20 Among us, we provided legal counsel to over 21 100 local Government entities throughout the state of 22 Florida, including serving as city attorney, town 23 attorney, village attorney, and county attorney for 25 24 different local Government entities and having 25 collective local Government, land use, and litigation	Page 16 1 She went on to become the first female 2 assistant city attorney in the City of Orlando City 3 Attorney's Office. There she was for an assistant 4 city attorney for seven years. The last two years she 5 was there, she was the attorney in the City Council 6 meetings, providing legal advice to the Orlando City 7 Council. After she left the City Attorney's office, 8 she became the founding partner of the Orlando office 9 of Shutts and Bowen. 10 After a decade there, in 1990 she left and 11 started our firm, Vose Law Firm. Over the many 12 decades since then and since that initial time 13 beginning her practice, she has represented numerous 14 cities throughout the state of Florida. Second, I'd 15 like to tell you a little bit about myself. I've been 16 practicing local Government law for the last 20 years 17 after graduating from law school with honors from the 18 University of Florida. 19 I'm board certified by the Florida Bar and 20 city, county, and Local Government Law, and I'm rated 21 AV preeminent by Martindale-Hubbell. I currently 22 serve as county attorney for Okeechobee County. City 23 attorney for the City of South Daytona. Village 24 attorney for the Village of Indiantown. Co-city 25 attorney with Becky for the city of Cocoa Beach.

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 17-20

Page 17 1 And I'm special magistrate for the city of 2 Satellite Beach. I also currently do very highly 3 specialized work around the state. I'm currently 4 serving as General Counsel for the 2024 Orange County 5 Charter Review Commission and the 2024 Pinellas County 6 Charter Review Commission. 7 Finally, let me talk to you about my law 8 partner, Paul Waters, who we're proposing to be your 9 city attorney here with you in your city Council 10 meetings on a day-to-day basis. Paul's practiced 11 Governmental law for the vast majority of his 20-year 12 legal career. And he is also rated an AV preeminent 13 by Martindale-Hubbell. 14 Prior to joining our firm, Paul amassed a 15 wealth of Government representation experience, 16 holding various supervisory, legal, and administrative 17 executive positions at the Florida Department of 18 Business and Professional Regulation, DBPR, over an 19 11-year period. 20 While he was there, he served as a Deputy 21 secretary, which is the agency's most senior position 22 in charge of regulating almost 1 million licensees in 23 20 of the state's largest regulatory boards, many of 24 which directly impact local Government, including the 25 State Construction Industry Licensing Board, the	Page 19 1 just wanted to let everyone know that you will have an 2 opportunity if you'd like to ask questions tonight and 3 certainly do that, but we will do the voting on 4 Wednesday at our special meeting for the budget 5 hearing. 6 And so if you have another burning question, 7 you could call them. I know each of you have received 8 their resumes. You've had a chance to look them over. 9 I don't know if you've actually spoken to them, but 10 right now I'll start with our vice mayor. And if any 11 of you have questions, we're going to go around. And 12 certainly, we'd like to have those answered by all of 13 you. So, vice mayor, any questions you might have? 14 VICE MAYOR KERRY CHIN: Yes. Thank you, 15 mayor, and thank you Wade for coming today. I think 16 one of the chief questions I would have is that one of 17 your -- the main selling points of your firm is that 18 it's a flat, fixed fee. 19 WADE VOSE: That's right. 20 VICE MAYOR KERRY CHIN: And I'd like to hear 21 a little bit more about that to understand the scope 22 of it. 23 WADE VOSE: Absolutely. So thank you very 24 much for that tee-up, Vice Mayor. So we are pretty 25 unique. There are a small number of local Government
Page 18 1 Building Code Commission, the Building Code 2 Administrator's Board, and the Florida Real Estate 3 Commission, just to name a few. 4 Paul currently serves as city attorney for 5 the City of Bunnell, and he lives in Saint Augustine, 6 just about 45, 50 minutes away from Neptune Beach. In 7 fact, Paul used to be a resident of Neptune Beach 8 years ago when he was in law school, and he's excited 9 about the prospect of being able to spend much more 10 time back in Neptune Beach. 11 In closing, we would be thrilled and honored 12 to have the opportunity to serve as City Attorney for 13 the City of Neptune Beach. And we're ready, willing, 14 and able to immediately take over representation of 15 the city. Based on our firm's vast experience in 16 local Government representation, we believe we are 17 uniquely, well qualified to fulfill the duties of City 18 Attorney for the City of Neptune Beach. 19 And I can assure you that no one will be 20 more passionate and dedicated to representing the city 21 and each one of you on this Council, and I promise 22 that we will do an outstanding job for you. Thank you 23 all very much. I'll be glad to answer any questions. 24 MAYOR ELAINE BROWN: Thank you. And before I 25 go to questions from any of the council members, I	Page 20 1 firms in the state that focus very strongly or 2 sometimes exclusively in local Government 3 representation. To our knowledge, we are the only 4 firm of any meaningful size in the state that 5 uniformly represents their local Governments on a 6 fixed fee basis, including litigation. Okay. 7 And including what had been noted in your 8 RFP special projects or, you know, special matters and 9 so on. I can very much understand, you know, where, 10 you know, in a traditional billing practice, you might 11 want to have something like that built-in. However, 12 for decades now, our firm has focused on being able to 13 represent our local Governments on a fixed fee basis 14 without any more cost. 15 Whether we have a little project, big 16 gargantuan project, no litigation comes in, a whole 17 bunch of litigation comes in and what have you. And 18 let me tell you the practical reality of it. The 19 practical reality is typically for the first couple of 20 years when we represent a local Government, we may 21 lose money. Okay. 22 But we see it in the long run as an 23 investment in a fantastic relationship. Ultimately, 24 what we tend to find, and sometimes it's, it's not 25 that bad. Everything's going great. We go in and

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 21-24

Page 21 1 it's fine. There are some times where we get into a 2 new local Government, a new city or what have you, and 3 there's a lot of work to get things sorted out. 4 I have not gotten that impression with the 5 outstanding city attorney you have that's going to be 6 going on to other things. But in some instances, it 7 ends up being a whole lot of work sorting things out, 8 cleaning things up and what have you. In those 9 instances, we dive right in, we get everything squared 10 away, and we try to get things trucking as well as 11 possible. 12 In addition, the fundamental reason why we 13 think it's so important to have a fixed fee model like 14 that is to align interests. We do not want the city 15 manager, department heads, councilors, the mayor, 16 feeling any compunction at all about picking up the 17 phone and talking to us day or night. Talk through an 18 issue. Get out in front of it at the very beginning 19 of something, starting with staff or what have you. 20 In the end, it leads to a better product. 21 In the end, when there's that open 22 communication and no worry about starting the 0.1 23 ticking or anything like that. It ends up with a 24 better product that we're not having to clean up on 25 the back end. So it's worked out very well for us.	Page 23 1 been very spoiled that Zach lives locally. 2 So, you know, meetings, calls, it's pretty 3 easy to get in touch with them and meet with them to 4 go over things. For you, I mean, how, how do you see 5 that working? 6 PAUL WATERS: I am 45 minutes away. I also 7 represent the city of Bunnell, which is about 45 8 minutes away from my house. Just about the same 9 distance as Neptune Beach is from my house. Their 10 meetings are, by the way, there is no conflict because 11 their meetings are the second and fourth Mondays and 12 yours are the first and third, so it works out 13 perfectly. 14 Just as with the city of Bunnell, I'm often 15 at city hall meeting with planning and zoning staff, 16 meeting with code enforcement staff, meeting with city 17 manager, meeting individually so as there's not a 18 sunshine violation with the mayor and the vice mayor 19 and the city commissioners. So I am just a phone call 20 away. If you need me, if you need to meet me in 21 person, I'd be happy to drive down and sit in City 22 Hall. 23 I'd be happy to sit in Shelby, I keep saying 24 Shelby's coffee shop and now it's Southern -- I'm 25 dating myself. I probably spent 1000 hours in Shelby
Page 22 1 And so even what I've seen in different places 2 considered special projects like, say, we're going to 3 have a charter review. 4 We're going to have a new board and go 5 through the whole charter. We're going to do a 6 complete review of the land development regulations so 7 we're going to do this or do that. All of that's 8 included. I hope that helps. 9 VICE MAYOR KERRY CHIN: Yeah, thank you. 10 MAYOR ELAINE BROWN: Thank you. 11 Councilwoman? Okay. Councilwoman Livingston. 12 COUNCILOR NIA LIVINGSTON: Hi. This might be 13 unconventional but is that, is that Paul behind you? 14 WADE VOSE: Yes. 15 COUNCILOR NIA LIVINGSTON: Do you mind if, 16 since you're saying he would be representing, do you 17 mind if he -- 18 WADE VOSE: Please. I've been talking way 19 too much. Yes. Paul, Paul would be glad to speak. 20 PAUL WATERS: Good evening. I'm Paul Waters. 21 COUNCILOR NIA LIVINGSTON: Hi, Paul. I just 22 have a couple of questions. So I think that Wade was 23 just saying that you live in Saint Augustine. Which I 24 get, it's not so far, but it's not, you know, 25 Jacksonville proper. I think a big benefit, we've	Page 24 1 studying for the bar. I used to live in Neptune 2 Beach, so it's near and dear to my heart. 3 So I am very close to you. I'm just a phone 4 call away. And with all of our clients, they have 5 access to us 24/7. I often am on the phone at 6 midnight with our chief of police because they often 7 have problems at midnight. So if you need me, I'm 8 just a few minutes away. 9 COUNCILOR NIA LIVINGSTON: And so I know you 10 already addressed that the city of Brunel meetings are 11 the second and fourth Monday, Monday or Tuesday of the 12 month. But let's say, hypothetically, we call a 13 special meeting or something. I'm assuming that's 14 where the team sort of aspect comes into place. 15 PAUL WATERS: Yes. 16 COUNCILOR NIA LIVINGSTON: Someone else would 17 be here? 18 PAUL WATERS: We have eight attorneys. So if 19 for some reason I would not -- the highly unlikely 20 event, I would not be available. We have seven other 21 attorneys that would be available. 22 COUNCILOR NIA LIVINGSTON: I don't have other 23 questions right now. 24 MAYOR ELAINE BROWN: Okay. Councilman, 25 Messinger?

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 25-28

Page 25 1 COUNCILOR JOSH MESSINGER: Perfect. Yeah, 2 thank you. Thank you both for being here tonight. So 3 that's what I was going to -- the same thread of 4 question from the practical implementation standpoint 5 of this, you're representing a lot of municipalities a 6 lot of direct phone calls from elected officials. So 7 when we're calling and reaching out for you right now, 8 we're spoiled in a way, because we, we call and deal 9 with Zach. 10 He may have some support staff that augments 11 him, but at the end of the day, that's who we're 12 talking to. That's the work product we're getting. 13 Is it the same situation in this case where Paul, 14 we're calling you and talking to you and that's where 15 the line of communication is? Not a paralegal that 16 you know is augmenting you. I just want to, you know, 17 make sure we level-set expectations. 18 PAUL WATERS: You, and thank you for the 19 question and you will have my personal cell phone 20 number. And when I see a council member or a mayor or 21 a vice mayor or city manager call I answer immediately 22 regardless. 23 If there's some special circumstance where I 24 can't, you'll hear from me within five minutes, ten 25 minutes. So you have my personal cell phone. You	Page 27 1 shut down their business for three months out of the 2 year. So they challenged the city's ordinance. It 3 took us to court. They sued us. We went to the 4 District Court of Appeal. 5 I won that case on oral argument. They 6 argued that the application of fertilizer was 7 preempted by the state. My argument was we're not 8 regulating the -- I'm sorry, they argued that 9 fertilizer regulation was preempted by the state. Our 10 argument was we are not regulating fertilizer, we're 11 regulating the application of fertilizer locally. 12 We won the case. That is a huge 13 environmental victory that not only helped the city of 14 Naples, it helped the entire state of Florida. And 15 it's a career win. It's one of the biggest wins that 16 I've ever had in my career. It's a huge win for the 17 firm and a huge win for the entire state of Florida. 18 Very challenging to fight an entire industry. Little 19 old me. 20 COUNCILOR JOSH MESSINGER: Perfect. Thank 21 you. 22 PAUL WATERS: Yes, sir. 23 MAYOR ELAINE BROWN: Council members, I had 24 the pleasure of meeting for 45 minutes today with both 25 Paul and Wade and I think they've answered most of my
Page 26 1 will not have to go through a call center or a 2 paralegal or an administrative assistant to get to me. 3 You have direct access. 4 PAUL WATERS: Perfect. And then if you could 5 describe one of the more challenging situations you've 6 experienced with one of your clients. Not from the 7 client, whether it's litigation or code rewrites or 8 things where it's taken an extra level of effort to 9 maybe compromise or get across the finish line, just 10 trying to get a feel for you as an individual. 11 PAUL WATERS: Another good question. I've 12 had a recent win in the Sixth District Court of Appeal 13 where one of our clients fertilizer ordinance was 14 challenged by the industry. And you've seen the folks 15 that spray lawns. 16 Those are multi-million dollar corporations 17 that are nationwide. The ordinance banned applying 18 fertilizer during the rainy season. And the reason is 19 because that leaches into the ground and because we're 20 a coastal city, this is applicable here into the 21 Intracoastal Waterway, into our ocean, into our ponds. 22 It causes algae blooms and fish kills. 23 So the City doesn't want phosphate and 24 nitrogen use during the rainy season. Well, obviously 25 the industry wasn't very happy about that because that	Page 28 1 questions. I may come up with something else between 2 now and Wednesday. And the only thing I didn't ask 3 you today. Where in Saint Augustine do you actually - 4 - I'm not -- don't give me your address it's okay. 5 PAUL WATERS: I live -- are you familiar with 6 the Palencia area? 7 MAYOR ELAINE BROWN: Yes. 8 PAUL WATERS: I live near the Palencia area. 9 MAYOR ELAINE BROWN: Okay. 10 PAUL WATERS: So near the Saint Augustine 11 airport. So I'm closer to you. 12 MAYOR ELAINE BROWN: You're closer to, yeah. 13 Okay. All right, great. Gentlemen, any further 14 questions? All right. Thank you very much for your 15 presentation, for being here. We appreciate it very 16 much. 17 PAUL WATERS: Thank you for having us. 18 MAYOR ELAINE BROWN: Thank you. All right. 19 And Ian Brown, where is Ian? Ian, come on up. And 20 again Council I spent a good 45 minutes with Ian 21 today. He answered a lot of my questions. Some that 22 you guys might have anyway. And I'm going to let him 23 introduce himself and tell a little bit about himself. 24 Ian, the floor is yours. 25 IAN BROWN: Thank you. Ian Brown, I'm here

Page 29 1 to apply for the position of city attorney. I 2 appreciate everyone's time and meetings before this. 3 I'm a little bit of a -- probably a little bit of a 4 different applicant. I am an attorney of 11 years in 5 the state of Florida. I'm gonna go ahead and use my 6 slides, I made them. Let's see here. Don't worry, 7 there's not too many. And I read that Jeff Bezos 8 doesn't use PowerPoint, so I may reconsider this. 9 But anyway, we're going to get through a few 10 of these. Okay. That's not me, but that guy has a 11 stronger head of hair than me. But it is my avatar. 12 He embodies me, I am local, I do like to surf. And so 13 he made the cover. I don't have a photo of myself 14 quite that nice. So this is my agenda. I offer a 15 unique local perspective. 16 I'll give you my qualifications. I'm going 17 to go a little bit fast and leave time for Q&A. I was 18 guided to move, to move promptly. And we can do that. 19 I have practical experience that's more adjacent to 20 the position and we'll talk to it. Long-term 21 commitment to this community and neighborhood, and 22 we'll finish with some takeaways. I realize this is a 23 little bit small. I do have the handout as well. Who 24 am I? I am a unique hybrid professional. 25 I'm a local beaches resident. I'm an	Page 31 1 It was a good trial by fire. 2 I've been a Florida broker or sales license 3 holder for 18 years. I've been a broker for a long 4 time, sales first. A certified general appraiser for 5 14-plus years. So that's where it gets into this kind 6 of unique cross-disciplinary background. Business 7 law, Government appraisal, underwriting brokerage. 8 You'll see education and coaching. 9 I actually taught high school and coached 10 football and track and field for a couple years, right 11 out of Florida State. The only reason I left that in 12 there is I'm pretty good at synthesizing complex 13 things and explaining them on fairly straightforwardly 14 in a simple manner. I feel like that's a bit of a 15 superpower for me. I won't just spin legalese around 16 people. 17 My wife is also in public legal service for 18 ten-plus years. So we have, you know, public service 19 in the family. I already mentioned FSU. There's a 20 typo. I'm not fifth generation. I called my 21 historian aunt. She said we're ninth generation. So 22 the Menorcan settlement in 1757 is my notes there. 23 That's where and I said, great, we're 24 founders and they said no, we were like gypsies and 25 outlaws that banded together. But that's okay. You
Page 30 1 involved father. I have my little Harper, and then I 2 have Connor and Chloe went off to FSU this week. So 3 I'm 15 years spread in my children, two in school here 4 at the beach and one off to college. Go Noles. 5 Florida attorney for 11 years. I -- what made me, I 6 say inspired what made me believe this could be a nice 7 fit for me. After a preliminary meeting with current 8 attorney Zach Roth is largely my real estate planning 9 and special magistrate background. 10 So for the, for the past four years ending 11 in the fall of 23, I've been a planning commissioner, 12 which is like your community development board for the 13 city of Jacksonville. And I finished his chair. We 14 heard -- I'll talk about each of these things in a 15 little more detail, but 2000 applications for comp 16 plan amendments, zoning variances, PUDs, proposed 17 ordinances, heavy, heavy, heavy volume. 18 We had meetings that would run nine hours 19 into the evening. A younger version of myself sat as 20 a special magistrate hearing tax appeals, property tax 21 appeals for the city of Jacksonville for the value 22 adjustment Board. That was interesting. It was about 23 a six-by-six room with a recorder, property appraiser, 24 and a hostile property owner. And I had to maintain 25 professionalism and the record and render decisions.	Page 32 1 know, I'm still going to claim it. So my expertise 2 and experience -- you'll see a picture of anyone 3 that's in this room. That's local, that's brew hound. 4 I did the legal, the title, the brokerage, the 5 negotiation with Mr. Ross predecessor attorney here, 6 Patrick. 7 And so a lot of my background is real world 8 and local business development, real estate, 9 entitlements. Other things that I would do in the 10 firm, a lot of title and escrow, commercial and 11 residential preparations of deeds, notes, mortgages, 12 closing statements, title affidavits, hold harmless 13 releases, indemnifications, pre and post-occupancy, 14 and all related legal to facilitate commercial and 15 development deals. 16 I was a title agent for nine years. It can 17 be surprisingly helpful because you run into a lot of 18 adjacent real estate and legal issues. And then I had 19 to review a lot of municipal code in my time as an 20 attorney and honestly, a lot of overlap with 21 development investment and brokerage. This is where 22 the Governmental experience starts to come in more in 23 2014. I mentioned the special magistrate work. 24 I'm not going to read this word for word, 25 but it is a quasi-judicial hearing with just me, the

Page 33 1 record and applicant, and a property appraiser. So 2 that got me, you know, you have to maintain 3 professionalism in the heat of hostility. Some people 4 are quite upset with their tax assessment. They don't 5 necessarily -- they may or may not have a good reason 6 why they believe they should be reassessed. And it's 7 a small room with poor air conditioning. 8 And I had to hold it together and maintain 9 the public face. Keep everybody you know, I'm 10 familiar with hostile, open public settings that you 11 know aren't going to go the way everybody always 12 wants. I just can't statistically, it can't happen. 13 So you need to follow the code and follow procedure. 14 So that was a great experience. This is the 15 experience that I referenced earlier, the planning 16 commission for the city of Jacksonville. 17 I finished as chair in the fall of 2023. 18 Again, that was a heavy, heavy dose 2000 or more 19 applications for zoning, land use waivers, exceptions, 20 variances, planned unit developments, and comp plan 21 changes and in amendments and any new proposed 22 legislation for comp plan, and it would all come 23 through us first for an initial vote to then go to 24 lose and then City Council. 25 So, tremendous experience. It also got me	Page 35 1 VICE MAYOR KERRY CHIN: Okay. Thank you, 2 mayor. And thank you, Ian, for coming in today. I'm 3 struck by your experience serving with the Planning 4 Commission. Can you talk a little bit about that? 5 Because obviously you probably know that a lot of what 6 our city deals with are, you know, planning issues and 7 variances and exceptions. And a lot of times that's 8 where, you know, people start butting heads. And so 9 give us a little background about, you know, something 10 that might have happened there where you were able to 11 work out something that, you know, help the city and 12 the applicant. 13 IAN BROWN: Certainly. We had so many 14 applications and we call them hot applications when we 15 knew usually ahead of time, if you have a subdivision 16 in Mandarin, you're going to have 15 matching shirts 17 and it's going to be hostile, you knew right away. 18 So I would say the Planning Commission gets 19 you used to the fact that I would love pure harmony in 20 my city or anywhere where they work, but I've learned 21 that that's not, that's really not achievable. You 22 need to follow a code and you need to follow -- I 23 don't want to say your gut because it's not about gut. 24 There is a code for a reason and you and you need to 25 stand firm.
Page 34 1 in a position that I think would be more akin to this, 2 where a lot of collaboration in that seat with the 3 Office of General Counsel, with the planning 4 department staff, and forward facing the public. So 5 just getting used to -- and maintaining the record and 6 taking testimony and following procedure and Robert's 7 Rules. So that that was a tremendous experience. 8 Don't worry. We're almost there. So key 9 strengths and takeaways. You know why might I be the 10 right fit? Local understanding I certainly have and 11 I'm not here to disparage any other applicant. I just 12 know that I have a good understanding of the beaches. 13 I'm raising my family here. I'm not going anywhere. 14 Practical expertise. 15 My expertise, my expertise is very real- 16 world. A very problem-solving, very broad cross- 17 discipline. Availability. I am a local resident. 18 I'm here to fulfill right away and a long-term 19 partnership. My goal would be to spend all my years 20 here at the beach and serve as long as I am fit. So 21 with that, a thank you and I'll stand by for 22 questions. 23 MAYOR ELAINE BROWN: Thank you Ian, I 24 appreciate it. I'll again start with our vice mayor 25 and we'll go around if you have any questions.	Page 36 1 So that really taught me to stiffen up and 2 have a spine, but maintain professionalism as forward 3 facing did not want to give the city of Jacksonville 4 the wrong image. And I feel like I did a good job 5 with that. We had fueling depots coming off of rails 6 that were literally contiguous to thousands of homes 7 that were already approved by our board. We had -- 8 that wasn't passed while I was there, but we had 9 composting facilities next to thousands of residential 10 community --units where the notices we know a lot of 11 them weren't getting to the landlord. 12 So you had like a disproportionate number of 13 people in the room getting the notices to possibly 14 object. Also, the process had never been actually 15 demonstrated in Jacksonville. No one knew if it was 16 noxious or smelly or not, and no one could really 17 demonstrate it. So having to vote, having to vote 18 daycares that may be near a sex offender. Alcohol, 19 near a church, near a school. 20 So here comes the pastor. Here comes the 21 principal. I mean, the, the list goes on and on and 22 on of the level of the various applications, all types 23 of conflict and just trying to follow the code, take 24 evidence, and get to a reasonableness standard on your 25 conclusions. So and know that you must get your

Page 37 1 opinion on the record, or you face appeals and 2 overturn. 3 So and of course, we're a planning 4 commission. We're not elected. We're appointed. So 5 then these go up to LUZ, which is a subcommittee of 6 City Council and then City Council. We also may hear 7 from a City Council person if they don't like the way 8 the Planning Commission voted something. And certain 9 things we were final and binding and certain things we 10 were not. 11 All the alcohol-related stuff we were final. 12 So if we put a bar near a church or a school and it's 13 final, that district council person is going to hear 14 all about it. But they never had a vote in whether or 15 not the bar was near the school. I could give a lot 16 of examples, but there's some texture there. 17 VICE MAYOR KERRY CHIN: Okay. Thank you. 18 MAYOR ELAINE BROWN: Okay. Councilwoman? 19 COUNCILOR LAUREN KEY: How do you go about, 20 if you could just remind me, billing for special 21 projects? 22 IAN BROWN: So I applied just kind of per the 23 RFP guidelines. I can tell you that my plan was to 24 essentially mirror as close as possible the current 25 financial situation on compensation. I can also tell	Page 39 1 Councilwoman? 2 COUNCILOR NIA LIVINGSTON: I actually went to 3 law school with Ian and work with his wife, so just 4 disclosure there. So I know your work ethic, but just 5 to kind of -- I'm going to throw you some curve balls. 6 And you kind of touched on this with Counselor Key in 7 saying that, like, some of this, you don't currently 8 represent a city. 9 So in things that you wouldn't know, like 10 have you thought about what your plan is? Like, are 11 you -- have you looked up like is there continuing 12 legal education in this realm? Like what have you 13 found? 14 IAN BROWN: There is. And the previous 15 applicant mentioned some of these. The Florida, the 16 Florida Bar has a certification for city, county, and 17 local Government. I would seek that certification as 18 soon as eligible. There's also city county attorney 19 trade groups. 20 There's a couple in the state of Florida. 21 Some have over 500 members. Specialized CLE events 22 resources. Also, one benefit that I've noticed as 23 being small and local and from Jacksonville, I was 24 president of an all-attorney real estate board in 25 Jacksonville. And I think because I was young and
Page 38 1 you that I am not looking for Neptune Beach to pay me 2 to learn. 3 So if I feel like I'm spending time on 4 something that Zack would know quickly, then I don't 5 see that as billable. So I would like to, you know, 6 do all I can to -- I also run -- I've always run a 7 lean, small, personal, professional operation. I 8 would rather bring in inexpensive support staff. I 9 have a good relationship with the deans at the law 10 school that's now Jacksonville University. 11 But, you know, I'd rather have clerks or 12 assistants before I start trying to build more full- 13 weight legal. So my quick answer would be to try to 14 stay right on top and mirror what's already going on 15 with the compensation package. Special projects and 16 the RFP where I believe on their face ten hours or 17 more. 18 I would just try to be strict about it, you 19 know, and if I think that it's something that somebody 20 that's had the position for a longer period of time 21 could do in ten hours or less, then then I seem to 22 suck it up and do it. Not look to you, to, you know, 23 to subsidize my learning. 24 COUNCILOR LAUREN KEY: Thank you. 25 MAYOR ELAINE BROWN: Thank you. All right.	Page 40 1 willing to host the events, but I became president. 2 All of those attorneys are just a quick 3 phone call away with extensive decades of real estate 4 related and Governmental experience. So I've been 5 very good at becoming one call away for resources. 6 But I would seek the certification and the CLE that's 7 concentrated on local Government. 8 COUNCILOR NIA LIVINGSTON: And I'm assuming 9 that would be like you would be willing to kind of do 10 that as a learning experience at your own expense. 11 IAN BROWN: Correct. On my tab and at my own 12 expense and time. Yeah. 13 COUNCILOR NIA LIVINGSTON: My other question 14 is you touched on some of your business, business 15 transactions, and such. I'm assuming, then, that you, 16 I mean, just for everyone else's purpose of knowing no 17 conflicts like you wouldn't be taking anything here. 18 You'd recuse yourself or not take any transactions 19 here. 20 IAN BROWN: Correct. I would do -- because I 21 do -- as a real estate professional, I have had 22 investments and rentals, but I would not -- I would no 23 longer transact within the city of Neptune Beach. 24 Yeah. And I would -- I have in the past done variance 25 and entitlement applications on behalf of property

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 41-44

Page 41 1 owners and builders. Obviously I would no longer do 2 that. I've stood at this podium before, but with a 3 different job, so I would no longer do that. 4 COUNCILOR NIA LIVINGSTON: And it just being 5 you, like, again, we asked the last applicant, 6 applicant, like, if I need something or I have a 7 question, I'm calling you. You're available. But 8 sometimes if you couldn't be here, like, what is your 9 backup plan? 10 IAN BROWN: No, I'm glad you asked that. So 11 Zach might not know this yet, but my plan was to 12 possibly -- we did have some preliminary meetings, and 13 if he's willing, I would love to take his mentorship. 14 And if there's not room for some co-counsel 15 arrangement, then I would, I would seek others that I 16 have been on with, with boards. 17 But my preference would be to start with, 18 with Mr. Roth and just see what we could work out for 19 mentorship and overlapping. I wouldn't want to lean 20 on him too hard, but I have a whole flowchart of 21 people that I would have in mind. But I would never - 22 - I don't want to be set up to where I'm the I'm the 23 only option. Of course, like the previous applicant, 24 you have my cell phone and I'll be available and not 25 billing by the 10th of an hour.	Page 43 1 probably will feel more like full-time in all honesty, 2 but it doesn't mean I'm going to, you know, try to 3 bill extra for it. I'm just going to -- I'm going to 4 give it all the time it needs. And so I wouldn't take 5 any outside work until I felt completely comfortable. 6 COUNCILOR JOSH MESSINGER: Okay, perfect. 7 And you already gave plenty of examples of, you know, 8 situations similar to what I asked the other 9 applicant. So I'm good mayor, thank you. 10 MAYOR ELAINE BROWN: Okay. Ian, it was a 11 pleasure meeting with you today. I certainly asked 12 you an awful lot of questions. I told you how spoiled 13 we have been in calling Zach at all times of the 14 night. And whenever we've called, he's answered. And 15 that's very important to me. And I express that to 16 you today. Again, the council will have a chance to 17 give you a call if they think of something between now 18 and Wednesday. 19 IAN BROWN: Certainly. 20 MAYOR ELAINE BROWN: I want to thank you so 21 much for being here. 22 IAN BROWN: Okay. Thank you, all. 23 MAYOR ELAINE BROWN: All right. Thank you. 24 All right. Clayton, where is Clayton? Clayton. 25 Knowles. Clayton, welcome. Thank you for being here.
Page 42 1 MAYOR ELAINE BROWN: Thank you. Okay. 2 Councilor Messinger? 3 COUNCILOR JOSH MESSINGER: Perfect. Thank 4 you. So, I guess to follow Councilwoman Livingston's 5 in spirit of full disclosure, I believe you helped do 6 title work for me once. So if anybody ever thinks 7 there was a relationship, I had to write Ian a check. 8 So -- but all that being said, thank you for being 9 here today. 10 You mentioned you run a small, lean 11 practice. And it's kind of under the same vein of 12 Councilwoman Livingston. We do have developers or 13 things of that nature that may have been past clients 14 or are always looking for you know, a potential 15 opening and things of that nature. So you would not 16 be taking any additional cases or doing any additional 17 business that had any impact on Neptune Beach. 18 IAN BROWN: So and the answer is correct. So 19 I would not take anything that is adjacent or in 20 Neptune Beach. And what I have -- essentially to say 21 it more plainly, if somebody wanted maybe some zoning 22 work in Jacksonville done, maybe. But nothing down 23 here. And this job would be first and foremost. 24 So I expect in the beginning, although it 25 was advertised as part-time for me, I mean, it	Page 44 1 CLAYTON KNOWLES: Thank you for having me. 2 MAYOR ELAINE BROWN: We appreciate it. 3 CLAYTON KNOWLES: Thank you for having me. 4 So I know all these wonderful people are here to see 5 me tonight. So I will be as long as possible. I'm 6 kidding, I'll try and be as brief as possible. But 7 thank you for having me. I appreciate the opportunity 8 to interview. As I'm sure all of you know, I'm from 9 Tallahassee, Florida. 10 So a little bit further away, I've heard 11 some of the questions tonight about, well, how can you 12 service us from Tallahassee? I'd argue that that's 13 probably a good thing. I have no political 14 allegiances here. I don't know many people here, but 15 I'd love to get to know the folks here. I think we 16 all work for the people. We all work for the 17 citizens. And so that is the sort of one thing that 18 hasn't been imbued in me coming into this local 19 Government experience that I've had through my legal 20 journey. 21 A little bit about me. I am a 2010 Florida 22 State University law graduate. 2006, I believe, now 23 Florida State University undergraduate graduate and a 24 die-hard Seminole fan. So please don't hold that 25 against me. If there are any Gators or Hurricanes or

Page 45 1 anyone else in the room that we beat. Also, I work 2 with my father. 3 Well, actually, now he works with me. It's 4 kind of great. So that might answer some of the 5 questions that some of you all had a little bit 6 earlier. He is a city attorney. He'll be turning 77 7 in about 12 days. So he is semi-retired, but he 8 enjoys coming to the beach, coming to Amelia Island, 9 I'm hanging out with my mom, his bride of 50 years, as 10 of August 10th. So he'll be my wonderful backup and 11 I'll be his boss, so that'll be great. 12 So a little bit also about me, I've got two 13 wonderful young little children. I've got a four- 14 year-old or three-and-a-half-year-old, she thinks 15 she's four, daughter. She just started pre-K three 16 this week or this past week, and I've got a two-year- 17 old going on 22-year-old son who is currently in 18 daycare. He's going to be a little bit behind, given 19 his birthday is next month, so he'll be starting a 20 little bit later than our daughter. 21 But I do want to just touch on a couple of 22 things that maybe some of the other applicants touched 23 on. I am sort of a one-man operation. I do not have 24 a direct phone line other than this, so if you need 25 me, you call me and that picture will go away and I'll	Page 47 1 housing, and then also work with the State Attorney's 2 office and the public defender's office to try and 3 assist with our adult citation program. 4 So these folks aren't going to jail. 5 They're getting the treatment they need in order to be 6 able to try and become productive members of society 7 again. So again, I will not belabor the point. I'm 8 sure you all probably have more questions, and I can 9 probably give you more answers than standing up and 10 speaking all night. So thank you again for having me 11 and I appreciate the opportunity. 12 MAYOR ELAINE BROWN: Thank you. Thank you, 13 Ian. And again, I'll turn to our vice mayor for first 14 question. 15 VICE MAYOR KERRY CHIN: Okay. Thank you, 16 mayor. And thank you, Clayton, for coming tonight. 17 Obviously, the biggest thing that stands out, of 18 course, is that you're from Tallahassee. And while 19 some might look at that as a negative, I'm wondering 20 if it could be a positive in that perhaps you're 21 closer to the wheels of Government that are turning at 22 the state level. 23 One of the biggest things that we're dealing 24 with right now are Airbnb's. And our city was 25 fortunate enough to pass some regulation before the
Page 46 1 get one of your numbers and you'll be able to speak to 2 me directly. I do have a paralegal assistant, but she 3 is mostly administrative and billing, more so than 4 actually trying to assist me with the day-to-day. 5 Currently, I serve as the county attorney in 6 Gadsden County. I've been in that capacity for 7 approximately four and a half years, and I also 8 represented the city of Tallahassee for their Code 9 Enforcement Board, the Leon County Code Enforcement 10 Board, the joint Tallahassee, Leon County, and City of 11 Tallahassee Board of Adjustment and Appeals, the City 12 of Jacob as city attorney, and then also the 13 Appalachian Regional Planning Council, which is a 14 intergovernmental agency that gets its funding from 15 the state to help fiscally disadvantaged and counties 16 that can't afford their own planning and zoning 17 departments and their general counsel. 18 That doesn't conflict, I think, with any of 19 you, I don't think they reach quite this far east. So 20 I represent them in the general counsel capacity. I 21 also serve on the board of DISC Village, and we are a 22 organization which deals with primarily drug abuse and 23 reentry of offenders and folks who have drug abuse 24 problems back into society, trying to make sure that 25 they not only are able to get jobs, but transitional	Page 48 1 preemption came down. And I'm just wondering, is that 2 something that you would be able to help us keep tabs 3 on in terms of preemptions or things like that that 4 might be coming down the road so you can warn us ahead 5 of time? 6 CLAYTON KNOWLES: So it's funny, Vice Mayor, 7 you asked that I was speaking with one of the other 8 applicants about the legislative process. While I 9 don't like it, I certainly can follow it. My wife is 10 a lobbyist, so and I always love to quote staff 11 analysis when I'm fighting other lawyers because they 12 typically don't go and look at those. 13 So certainly it's something that we could 14 build track if it goes through as it moves through 15 committees, as it moves through its different sort of 16 machinations of Government. And then certainly I 17 expect that a lot of you or some of you may attend 18 Small Cities Day. We have rural counties days come to 19 the capital. I'm there. Not often, but it's right 20 around the way. 21 So certainly that's something that I have 22 the capability to do. I am not a registered lobbyist. 23 I will readily admit that. But yes, certainly can and 24 will be happy to follow up on that. 25 VICE MAYOR KERRY CHIN: Okay. Thank you.

Page 49 1 CLAYTON KNOWLES: Thank you. 2 MAYOR ELAINE BROWN: Councilwoman Key? 3 COUNCILOR LAUREN KEY: I don't have any at 4 this time. Thank you. 5 CLAYTON KNOWLES: Thank you. Councilwoman 6 Livingston? 7 COUNCILOR NIA LIVINGSTON: Just one question. 8 So just kind of piggybacking on what Vice Mayor Chin 9 was asking you about it. You know, it can be seen as 10 a positive of you being in Tallahassee, but at the 11 same time you know, you've kind of heard us address so 12 far with the other applicants that, you know, someone 13 being available you know, to meet, to talk at all 14 times. 15 And I get you talked about your phone and I 16 appreciate that. But as far as, like, physically 17 being here, like, what would your plan be for that? 18 CLAYTON KNOWLES: So, as I understand it, you 19 meet the first or the second and fourth Mondays? 20 COUNCILOR NIA LIVINGSTON: First and third. 21 CLAYTON KNOWLES: First and third Mondays. 22 So I'd certainly be here. I would probably come over 23 either on a Saturday or a Sunday. I would love to be 24 able to meet with all of you in advance of the 25 meetings. Typically, my commissioners now will give	Page 51 1 in that? What is your fee schedule? 2 CLAYTON KNOWLES: So the fee was the 250 per 3 hour and then 275 for litigation. I'll cover all the 4 travel and all the expenses. It's just gas. 5 COUNCILOR NIA LIVINGSTON: I'm sorry? 6 CLAYTON KNOWLES: It's just gas. 7 COUNCILOR NIA LIVINGSTON: I don't have any 8 other questions. Thank you. 9 CLAYTON KNOWLES: Okay. Thank you, 10 Councilman Messenger? 11 COUNCILOR JOSH MESSINGER: No, my questions 12 have already been answered. But thank you for your 13 time and being here tonight. 14 CLAYTON KNOWLES: Thank you for having me. 15 MAYOR ELAINE BROWN: I enjoyed being with you 16 today. Thank you. I think you've answered most of my 17 questions as well. And as I told you in the 18 beginning, all the applicants, I thank you and we will 19 take this up at our next meeting on Wednesday, okay? 20 CLAYTON KNOWLES: Thank you all. 21 MAYOR ELAINE BROWN: Thank you for being 22 here. We appreciate it. All right. And I'd like to 23 just kind of go over with the format for the item 24 number 4, P24-04. And we are going to have Heather 25 staff will -- thank you. I spread out too much -- and
Page 50 1 me a call either the day before the meeting or the day 2 the agenda comes out. 3 So meetings in person, I think we would have 4 to certainly admittedly, schedule those in advance and 5 make time for that. But as far as availability 6 otherwise, my other portion of my practice is wills, 7 estates, and trusts. So there's not a lot of court 8 involved in that. That's a lot of form work. It's 9 just something that I enjoy doing and helping folks. 10 And we have a lot of heir property in the area that 11 I'm in now. 12 So the availability issue, I certainly 13 understand it. The mayor and I had a similar, I'll 14 say, agreeably, disagreeable conversation about that 15 earlier, but I think that again, it's something that 16 we could work with and work around. There's Zoom, 17 there's FaceTime, there's phone calls. And then of 18 course, if you all are the client, then I can be here 19 whenever you need me. 20 COUNCILOR NIA LIVINGSTON: And I'm trying to 21 pull it up, but just kind of on board with what you're 22 talking about that that you might come up like the day 23 before, a couple days before, or whatnot, and you're 24 traveling here. So as far as like your fee schedule, 25 like would travel would I mean, what would be included	Page 52 1 then the applicant can address us and then we'll have 2 public comment. And then staff can answer and do any 3 rebuttals. 4 And finally the applicant and then it'll 5 come back to us. And Zack lined this up for us. And 6 I think it's a good working order. And I just want to 7 once again say, I know this is emotional to a lot of 8 people, but no applause, no booing, just no outbursts, 9 please. And let's just try to be, you know, above 10 board with everything and treat people the way you 11 would want to be treated. 12 I don't want to call a recess or ask 13 someone, you know, to leave if there are outbursts. 14 But you know, and that's hardly ever done. And I know 15 you guys, I know a lot of you that are here today, and 16 I know you're emotional, but I appreciate and hope you 17 will have that same respect. So we're going to start 18 by having Heather Whitmore come on up. And would you 19 go ahead and describe the (inaudible)? 20 Heather, I apologize, some of the audience 21 and some council members would like to take a little 22 five-minute break. So we're going to just go ahead 23 and break for five minutes and would the clerk please 24 time us? We'll be back. All right. Welcome back. 25 We are now going to go to our item number 4. This is

Page 53 1 a P24-04. Heather, would you come on up and we'll 2 continue? 3 HEATHER WHITMORE: Yes, ma'am. Heather 4 Whitmore, Community Development Director this is DP- 5 24-04. This is a request for a development plan as 6 outlined in chapter 24. 7 VICE MAYOR KERRY CHIN: Mayor, if I can 8 interrupt, we should probably just swear witnesses in 9 now. 10 MAYOR ELAINE BROWN: You what, I'm sorry? 11 VICE MAYOR KERRY CHIN: We should swear 12 witnesses in now rather than having to do it one at a 13 time. 14 MAYOR ELAINE BROWN: Oh, okay. 15 VICE MAYOR KERRY CHIN: So I guess everyone 16 who plans to speak on this application, can you please 17 stand and be sworn in? 18 MAYOR ELAINE BROWN: If you're going to 19 speak, please stand. All right. 20 VICE MAYOR KERRY CHIN: Raise your right 21 hand. Do you swear or affirm the testimony you give 22 will be the truth, the whole truth, and nothing but 23 the truth? There you go. 24 MAYOR ELAINE BROWN: Okay, thank you. Okay, 25 Heather, you're eventually going to get to speak here,	Page 55 1 any use of a site. The preliminary development Plan 2 application for a 3500 square foot, approximately 3 three-story bed and breakfast was submitted by the 4 property owners, as indicated here at 108 Orange. 5 The existing is a lot of record 50 by 55. 6 It's vacant property northeast corner of Orange and 7 Midway. As stated before, Central Business District 8 zoning and is surrounded by Central Business District 9 to the east, north and west. The properties to the 10 south are zoned RC, R-4 overlay. The immediate 11 properties surrounding the vacant lot consist of a 12 single family to the east, and multifamily and 13 commercial properties to the west. 14 The proposed bed and breakfast has two 15 rental guest bedrooms, and one owner's suite provides 16 a total of two parking spaces. Ground floor consists 17 of the interior parking, two parking spaces, and a 18 guest bedroom. Second floor consists of a living 19 area, lobby, and kitchen. The third floor consists of 20 a guest bedroom and an owner's suite. The building 21 complies with all setbacks, lot coverage, height, 22 frontage building requirements of the central business 23 district. 24 The building complies with all of the 25 elevation and frontage requirements for the central
Page 54 1 honey. 2 HEATHER WHITMORE: I'm looking forward to it. 3 So this is a request for a development plan as 4 outlined in chapter 27, article three, division two of 5 the LDC of Neptune Beach for Douglas Driver for the 6 property at 108 Orange. The applicant requests the 7 development plan approval to permit a bed and 8 breakfast. This item was seen at the May 8th 9 Community Development Board meeting May 8th, 2024 10 Community Development Board meeting. 11 I am not going to read the staff report in 12 its entirety. I'm going to run through the highlights 13 of it. If you have specific questions about staff 14 report, the request, findings of fact, or any other 15 site context issues, I'm happy to answer them. So you 16 can interrupt me or you can ask me later. So 17 development plan application for a bed and breakfast 18 has been submitted for 108 Orange. 19 Property has a comprehensive plan town 20 center land use designation and zoned central Business 21 district. Bed and breakfast is a permitted use by 22 right in the district. Chapter 27, article three 23 Administrative Enforcement Procedures of the LDC 24 states that a preliminary and final Development Plan 25 approval must be obtained when changing or expanding	Page 56 1 business district. The building has one primary 2 frontage on Orange. A first-floor frontage lobby with 3 a garage door, has a lobby style entrance to the front 4 at sidewalk level. It has a 35% facade, a glass 5 facade, transparent facade on the first floor, 40% on 6 the second floor. It meets all of the frontage 7 requirements in the central business district. 8 I won't go through all of them, but they 9 include things like storefront design, entrances and 10 access, lot width, and transparency. The site is 11 served by two parking spaces, which are interior 12 garage spaces per the parking requirements of 27-540. 13 The development is required to have one parking space 14 for the guest room and two parking spaces for the 15 owner, for a total of four. 16 In the central business district, there is a 17 50% reduction of parking, however, therefore the site 18 requires two parking spaces and the site provides 19 those two parking spaces as interior garage spaces. 20 The site layout. Parking access configuration 21 complies with driveway standards. Maximum driveway 22 width lot coverage. Staff recommends approval of the 23 proposed application for DP-24-04. 24 For the development plan of 108 Orange, as 25 presented herein. Development plan complies with all

Page 57 1 planning and Zoning development standards. Complies 2 with all commercial building standards and all 3 commercial fire code standards. If you have any 4 questions, I'm happy to answer them. 5 MAYOR ELAINE BROWN: Okay. And I open this 6 up -- I'm just going to open it up. If anybody has a 7 question for Heather. 8 VICE MAYOR KERRY CHIN: No, not at this time. 9 MAYOR ELAINE BROWN: Okay. Councilwoman, 10 Key? 11 COUNCILOR LAUREN KEY: Sorry. Can we -- can 12 I know the order again? Can I see the order again so 13 I'm making sure that I'm asking -- 14 MAYOR ELAINE BROWN: Heather and then the 15 applicant, and then we'll take three minutes each from 16 the public. And I'd also like to let you know, 17 public, that if someone says exactly what you were 18 going to say and 2 or 3 people have, you're welcome to 19 say, you know, I disagree or I agree with having this, 20 you can make it as short as you wish. 21 HEATHER WHITMORE: I also have a copy of the 22 site plan available for review. First floor, second, 23 and third floor if you'd like to see those. 24 MAYOR ELAINE BROWN: Okay. And just to 25 conclude, the staff will have a rebuttal after the	Page 59 1 points. This is not a zoning. This is not a 2 variance. This is not a special exception. 3 This is a development plan. It meets every 4 part of your code. It meets every part of your 5 central business district. This is just whether the 6 permit meets the code. I put up this slide because if 7 you notice that there's two parking spaces interior. 8 If this were just a residence, the parking could be 9 tandem. If this was just a way to try to get around 10 your code to do a single-family residence when your 11 code does not allow a single-family residence except 12 by exception, you wouldn't go to the effort of having 13 two parking spaces interior. 14 That is a requirement for commercial zoning. 15 This is what the property is zoned at. These are all 16 the uses allowed by right. We're not rezoning the 17 property. We're not asking for a variance. We're not 18 asking for an exception. You've got hotel/motel, 19 you've got restaurant, you've got professional office, 20 you've got library, you've got recreation, amusement, 21 entertainment, billiards, theater, nightclub, private 22 club, bar and tavern. 23 The reason I bring this up is that bed and 24 breakfast is easily the least intensive use other than 25 public park, and even though this was entreated by
Page 58 1 applicant and the public. And then the applicant will 2 have the final rebuttal and then it will come back to 3 the commission. 4 COUNCILOR LAUREN KEY: Okay. I'll probably 5 save my questions for then. Thank you. 6 MAYOR ELAINE BROWN: Okay. Okay. And the 7 applicant. Hi, come on up. Name and address for the 8 record. 9 ZACH MILLER: Good evening. Zach Miller, 10 3203 Old Barn Court. I have a very brief 11 presentation. 12 MAYOR ELAINE BROWN: Okay. 13 ZACH MILLER: Thank you. Again, Zach Miller 14 representing the applicant. The drivers who own the 15 property at 108 Orange Street. You're probably all 16 familiar with this. I've probably done a few hundred 17 of these zonings. This is easily the only time where 18 we've been within 1000ft of the location while I'm 19 giving a presentation on that zoning. 20 Everyone knows this property. It's not that 21 far away. In fact, I think we parked closer to the 22 site tonight than we parked to the city hall. The 23 property is approximately 0.06 acres. It's been 24 vacant for probably over a decade. It is in the 25 central business district for Neptune Beach. A couple	Page 60 1 some people as such, this is not public, of all the 2 uses that are allowed by right on the property. I 3 also bring up the definition of bed and breakfast 4 because I know this came up during the CBD meeting. 5 There has to be a person actually occupying it for it 6 to be a bed and breakfast. So the owner actually has 7 to live on site. 8 That is part of your requirements and the 9 definitions of your code. This is a view. This is 10 sort of facing northeast. That's the southwestern 11 exposure of the property. The road to your right 12 would be Orange and Midway, which I believe is only 13 about 10 to 12ft wide. The reason I show this picture 14 is because it's a commercial development. 15 We had to comply with the facade standards 16 in your central business district. Meaning that, and 17 I think Heather read this into the record, we had to 18 have a certain percentage of transparency on the first 19 floor at a certain amount of transparency on the 20 second floor. We also have a certain setback reliefs 21 on different floors. 22 These are things you wouldn't have to do if 23 it was just a single-family residential. Again, this 24 is why your staff recommended approval on it, because 25 the applicant has bent over backwards to try to comply

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 61-64

Page 61 1 with your code for the uses allowed. This is just 2 another view. You can see those transparent facades 3 of the street level on Orange, and then you can see 4 them going up. 5 This is just another view of the property. 6 I actually received late a letter from an attorney 7 representing one of the neighbors, Mr. Carl Sanders. 8 I work with Mr. Sanders a lot, and obviously respect 9 him a lot. But one issue that might come up and that 10 your attorney might address was, well, has this 11 already been issued, been come up before you? And is 12 this issue already been decided by a court? That 13 previous application was for over 5,500 square feet of 14 a bed and breakfast. 15 The property that's -- the application 16 that's before you is 3,500 square feet of air 17 conditioning space. And then the total when you 18 include the porches and the garages are 39. That is a 19 material difference in the application. And I think 20 that's very important and something that your attorney 21 will talk to you about. There's been a lot of 22 discussion I've seen on what is the appropriate 23 criteria. 24 Your staff read to you what the appropriate 25 criteria. And that's in your staff report. They have Page 62 1 said that we meet the criteria. As a matter of law, 2 that is competent substantial evidence. We have the 3 applicant here. We have the architect. I'm happy to 4 try to answer any questions you have. Otherwise, I'll 5 try to address any concerns the public has. 6 MAYOR ELAINE BROWN: Okay. And we may have 7 questions. I'll start with our vice mayor. And these 8 are questions that can be directed to you or the 9 applicant? 10 ZACH MILLER: Or the, or the architect. 11 MAYOR ELAINE BROWN: Okay. 12 ZACH MILLER: Who have all been sworn in. 13 MAYOR ELAINE BROWN: Okay. 14 VICE MAYOR KERRY CHIN: Okay. I think that 15 I'm going to hold my questions until I've heard from 16 all parties. 17 MAYOR ELAINE BROWN: Okay. All right. 18 VICE MAYOR KERRY CHIN: Thank you. 19 MAYOR ELAINE BROWN: Councilwoman, same? 20 COUNCILOR LAUREN KEY: Same. 21 MAYOR ELAINE BROWN: Okay. All right. Thank 22 you. 23 ZACH MILLER: Thank you very much. 24 MAYOR ELAINE BROWN: I appreciate it. All 25 right. We are now going to go to the public, and we	Page 63 1 have about 11 people that wish to speak. And you're 2 going to have three minutes to, you know, state what 3 you need and what you need to say. And then we will 4 go back to the staff for rebuttal or any corrections, 5 and then the applicant come at the end. All right. 6 Before we get into the council. 7 CATHERINE PONSON: Candy Sullivan. 8 MAYOR ELAINE BROWN: Candy Sullivan? 9 UNIDENTIFIED FEMALE SPEAKER: She had to 10 leave. She left. 11 MAYOR ELAINE BROWN: Oh. 12 CATHERINE PONSON: Rosemary Naughton. 13 MAYOR ELAINE BROWN: Rosemary? Hi, Rosemary 14 come on up and state your name for the record. Name 15 and address. 16 ROSEMARY NAUGHTON: Okay. I'm Rosemary 17 Naughton, 516 First Street in Neptune. I'm Rosemary 18 Naughton. I live at 516 First Street. I'm a third- 19 generation 77-year native of Neptune. My grandfather, 20 a McCollum, was actually the first mayor, and the lot 21 that I live on, he actually gave to my mother and 22 daddy for \$200. I thought that was interesting in 23 1935. 24 As my roots run very deep to the core of 25 Neptune, my commitment is more concerned than ever as Page 64 1 a citizen. Our very unique Neptune is respected for 2 its old-fashioned village lifestyle. Which we all 3 love, we want to protect, and which is very hard to 4 find these days. That's why we all choose to live 5 here. We take pride in our family-focused 6 neighborhoods. 7 We care about each other. We live in homes, 8 not houses. We know our neighbors. Many of our 9 neighbors become friends. Neptune is a real community 10 of homes. To surrender any of these qualities due to 11 a misplaced business in the midst of these family 12 homes would be a mistake. To even permit a storefront 13 business sitting precisely contiguous to two 14 residential homes and only steps from countless other 15 homes would be a violation that just makes no sense. 16 Zoning criteria repeatedly states that a 17 property is to be consistent and compatible with 18 surrounding homes, and not invade or violate the 19 privacy of the surrounding properties. While a 3705 20 square foot B&B may meet some of these legal criteria, 21 it is not compatible with, not in harmony with, not 22 befitting of, or appropriate to this neighborhood. 23 The other homes in the area are 28 feet, 28 24 feet tall as required by Neptune, and to allow a 35- 25 foot towering structure would diminish and compromise
---	---

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 65-68

Page 65 1 the rights of useful enjoyment of the existing homes. 2 Ongoing congestion is already a major issue and 3 getting worse by the day. 4 The parking situation in that area is awful, 5 much less on weekends and summer months. Let's assume 6 that the guests and the owner each have only one car, 7 and even if they only rent one of the two guest 8 quarters as purported, still, where do they park when, 9 heaven forbid they have a family member or a guest 10 come to visit? And what about any ancillary customary 11 recurring persons like a cleaning service or a food 12 prep person? 13 All of this congested area would become 14 overbearingly a nightmare. The actual 35-foot 15 structure would significantly impede the views of 16 neighboring homes. Looking at the side or the back of 17 a business is certainly obtrusive. Oh, on a final 18 note, we, the residents of Neptune Beach, count on 19 you, our City Council, to listen to our voice. We 20 voted for you, so you'll listen to us and help us 21 preserve Neptune so we can maintain the treasure that 22 it is. 23 MAYOR ELAINE BROWN: We appreciate it. 24 ROSEMARY NAUGHTON: Please. Thank you. 25 CATHERINE PONSON: Judith Williams.	Page 67 1 So I left Neptune Beach, but my heart stayed 2 there with my neighbors and my friends. So that's why 3 I'm here. First of all, there's one thing that was 4 flashed again before my face, and I feel like I have 5 to bring it up because it's very important. It's 6 called the by-right phrase that you've heard, and I 7 don't know if it's in your packet. It was in the 8 original packet that was distributed. 9 The term by-right actually refers to a 10 procedure that is not under the auspices of any other 11 Governmental control, meaning a quasi or judicial 12 proceeding. Just the fact that we are here tonight, 13 the fact that we were at a community development 14 meeting before, knocks out that by-right, right off 15 the bat. So the by-right is by wrong. Does not apply 16 to these situations. Throw that out of the way, I 17 agree with everything that Rosemary said. 18 It's very succinct and to the point. And I 19 know you've received a lot of information regarding 20 the request to build the B&B. They've got now is a 21 two bedroom but in the last meeting, Mr. Driver 22 actually stated that it was going to be a one unit, 23 one unit for rental. You'll hear or you'll hear the 24 codes 27-222, 27-160, and 27-161 many times tonight, 25 probably. These codes and how they relate to existing
Page 66 1 MAYOR ELAINE BROWN: I'm sorry? 2 CATHERINE PONSON: Judith Williams. 3 MAYOR ELAINE BROWN: You just wanted to say 4 that you agreed with what she said. Okay. Thank you. 5 All right. 6 CATHERINE PONSON: Henny Schoonover. 7 UNIDENTIFIED FEMALE SPEAKER: You called Judy 8 Williams. I thought I heard Williams. 9 UNIDENTIFIED FEMALE SPEAKER: She did. 10 MAYOR ELAINE BROWN: Oh, we did. 11 UNIDENTIFIED MALE SPEAKER: Yeah. 12 MAYOR ELAINE BROWN: Okay, maybe there's two 13 in the whole room, I don't know. Here we go. Who do 14 we have next? 15 CATHERINE PONSON: So Judith Williams. 16 MAYOR ELAINE BROWN: Okay. Come on up, 17 Judith. We were not overlooking you, come on. All 18 right. Name and address for the record. 19 JUDITH WILLIAMS: Okay. My name is Judith 20 Williams. My address is 771 Providence Island Court, 21 32225. So you've got my name and everything. And my 22 husband Craig and I lived at 98 Orange Street for 40 23 years. This is the property directly adjacent to and 24 in front of the property that we're speaking of 25 tonight.	Page 68 1 structures of the neighboring properties are not just 2 numbers. 3 They're considered the essential elements in 4 considering any new structure, be it a commercial 5 structure or a residence in the CBD. This is a very 6 sensitive area. It is surrounded by residences and it 7 abuts the true R4 residential zone. This isn't just 8 any area. And by the way, none of the houses that are 9 in there, they were never under a special exception. 10 They have been there for decades. They are 11 not interlopers. The houses were there before the CBD 12 was ever formed, and the special exception was never 13 thought about and they all refer to the same thing. 14 To the height, the scale, the architectural style, the 15 mass, the sensitivity to the surrounding neighbors' 16 existing views. 17 And it clearly state -- the codes clearly 18 state that one person's right cannot supersede those 19 of existing residents, nor may they ask for more than 20 existing residents or current residents are allowed. 21 Nobody there was allowed over 28ft. Thank you very 22 much for your time. Please go with the 23 recommendation. Vote it down six to nothing. Thank 24 you. 25 MAYOR ELAINE BROWN: Thank you.

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 69-72

Page 69 1 CATHERINE PONSON: Now, Henny Schoonover. 2 MAYOR ELAINE BROWN: Schoonover? Henny? 3 Henny, come on up and give your name and address for 4 the record, please. 5 HENNY SCHOONOVER: I have some information to 6 give to you. 7 MAYOR ELAINE BROWN: To pass out? Just hand 8 it over here to the clerk and we'll -- or Heather, 9 thank you -- get it passed out. 10 HENNY SCHOONOVER: Okay. Good evening. My 11 name is Henny Schoonover. I live at 214 Oceanfront, 12 and I oppose the applicant's request to build a B&B at 13 108 Orange Street. Currently, our neighborhood is a 14 happy mix of shingle, lopsided, and board and batten 15 cottages. All are relative in scale to one another. 16 While most homes were built before 1940, no 17 one ever had to file for a special exception to build 18 a house. Houses are allowed in the CBD, with a 19 special exception, and we welcome houses that fit the 20 scale and character of the neighborhood. The proposed 21 B&B does not fit the scale or character of the 22 neighborhood, and I've included the years the houses 23 were built in your packet. 24 Compare and contrast the proposed B&B with 25 the existing neighborhood homes. With its three	Page 71 1 Buildings should be in scale with the neighborhood and 2 should complement the character of the neighborhood 3 rather than conflict with it. And I have a scale 4 drawing of the size of it compared to the homes on 5 either side. Number two scale, mass, and bulk. 6 The ratio of square footage to land of this 7 building is upside down. The building is out of 8 proportion in scale with surrounding homes and will 9 stand a story taller than surrounding homes. And 10 there's a comparison chart for you to look at. And 11 it's just obvious if you look at it. Private views. 12 Can I finish? 13 MAYOR ELAINE BROWN: No, your time is up. 14 HENNY SCHOONOVER: Okay. I just want to say, 15 no single parcel should enjoy a greater right than 16 other parcels, except the natural advantages of each 17 site's topography. Thank you. 18 MAYOR ELAINE BROWN: Thank you. 19 CATHERINE PONSON: Heather Peters. 20 MAYOR ELAINE BROWN: Heather? Hi, Heather. 21 HEATHER PETERS: Hi. 22 MAYOR ELAINE BROWN: Name and address for the 23 record, please. 24 HEATHER PETERS: My name is Heather Peters 25 and I live at 99 Orange Street, directly across the
Page 70 1 stories, 35-foot height, and storefront design, this 2 building follows the commercial building standards for 3 the CBD and Neptune Beach. On the other hand, 4 acknowledging the neighborhood's historic development 5 pattern, the residential conservation, or RC overlay 6 in the CBD, limits residences to two stories and 7 heights of 28ft. 8 The proposed commercial build of a B&B of 9 this B&B is simply incompatible with the existing 10 single-family homes and residential uses that surround 11 it. Purpose and intent of zoning districts states, 12 and this is very important, this zoning article must 13 impose certain appropriate restrictions on the use of 14 land within the city limits of Neptune Beach to ensure 15 that future development is in keeping with the 16 existing development. 17 All one needs to know to deny application 18 for this B&B can be found in the City of Neptune 19 Beach's Land Development Code, section 27-222. Number 20 one neighborhood design. Site improvements should be 21 compatible with structures existing on neighboring 22 parcels, and should be sensitive to their designs and 23 property rights. 24 Designs which conflict with the use and 25 enjoyment of any property should be avoided.	Page 72 1 street from the vacant proposed lot. As a native of 2 Atlantic Beach who grew up in Ocean Walk, I cherish my 3 childhood memories of biking to Shelby's and enjoying 4 our small beach town. 5 Over the years, I've witnessed significant 6 changes in our community. During the busy summer 7 months, beachgoers often block our driveway to drop 8 off their belongings, leading to frequent non- 9 emergency calls to authorities. It feels like I'm 10 calling every weekend since we received the news of 11 this proposed B&B, the experience has been less than 12 neighborly. Many residents before me have fought to 13 keep our (inaudible) of a city the way that it is 14 today, and I plan to do the same. After learning that 15 this is not the first time this has been proposed. 16 I'm so hurt by this. 17 This is not who we are in Neptune Beach. 18 We're a tight-knit community and this is very 19 unfortunate for all of us. I'm not going to stand 20 here today in front of you all and say that I do not 21 think these owners should have their rights taken away 22 to develop their land. I have a photograph I want to 23 show you all of a man relieving himself at the lot. 24 This happens more often than not and people are there 25 and do not belong there, all of the time.

Page 73 1 There are days that I have been so 2 uncomfortable walking outside to walk our dogs because 3 of the people hanging out in the lot that clearly do 4 not belong there. I can't speak for everyone here 5 today, but I do think it would be nice to have a 1 to 6 2-story residential home that fits our neighborhood 7 instead of a vacant lot. 8 My husband and I plan to grow our family in 9 the next year, and the prospect of having a business 10 across the street raises concerns about our family's 11 well-being. At the last meeting, the owner stated 12 that he had no intention of interacting with guests. 13 This lack of oversight is troubling, especially 14 considering the incidence of Airbnb related gang like 15 violence in Jacksonville Beach. 16 When we purchased our home, we believed we 17 would be in a residential neighborhood. Our house 18 sits directly adjacent to what we now know as a part 19 of the CBD, but the area appears residential, with 20 single and two-family residents and no visible 21 businesses. This is a residential part of the CBD. 22 As neighboring residents, we must defend our right to 23 not have a 35-foot high, massive out of character B&B 24 squeezed into a tiny parcel of land. 25 The City of Neptune Beach allowance as a	Page 75 1 rest of my life, okay? I bought this home. I paid it 2 off. I plan on staying here forever. Okay. 3 I also have another property, one street 4 over 99 Cherry Street, which is a triplex. And then 5 I've got another property off of Lower Street, which 6 is a duplex. So in saying this, I've been here for 20 7 years. I own those properties. I'm also a 8 firefighter for JFRD. I'm a small business owner at 9 the beach. 10 I have unique viewpoints as this as an 11 entrepreneur, and also as a firefighter. Short term 12 rentals are statistically higher on crime, drugs, 13 overdoses, working firsthand in Jacksonville Beach and 14 Neptune Beach as a firefighter. These are real 15 issues. Normal people don't see this, and I do. And 16 I've been to -- I was at two drug overdoses just last 17 week in Jacksonville Beach. 18 I've worked in Neptune Beach, and I could 19 tell you how many times I've called the public line to 20 get drug deals. You can pull all this up as public 21 record. You can also pull up the call volume for 22 these properties and obviously in the district of the 23 town center. These people staying here at the bed and 24 breakfast are not background checked and they're a 25 higher abundance of traffic booking two blocks away
Page 74 1 business imposes on our community. Anyone reviewing 2 the plans would see this as a residence with a small 3 downstairs rental unit, complete with a kitchenette. 4 Calling this a business is baffling as the rental unit 5 occupies a minimal portion of the residence. This 6 bedroom takes up 1/13 of the entire house, and with 7 its kitchenette, it resembles a short-term rental more 8 than a traditional Airbnb. 9 Common sense tells me that after we heard 10 the owners at the last meeting without saying it, 11 they're simply trying to get ocean views. I do not 12 think a business will be ran here, and who is going to 13 be responsible for making sure that it is? I urge you 14 to consider the impact of the development will have on 15 our neighborhood, and to protect the character and 16 safety of our community that I so dearly love. Thank 17 you. 18 MAYOR ELAINE BROWN: Thank you. 19 CATHERINE PONSON: Russell Peters. 20 MAYOR ELAINE BROWN: Russell. Welcome. Name 21 and address for the record, please. 22 RUSSELL PETERS: Hi. My name is Russell 23 Peters. I live at 99 Orange Street, so I'll be one of 24 the individuals that wakes up to this 35-foot property 25 right in front of my house every single day for the	Page 76 1 from Pete's and obviously the strip. 2 If this bed and breakfast shows two parking 3 spots on the front that said, facing my house directly 4 and if just like they said, if there's four rooms and 5 if me and my wife are there staying there, there's 6 possibly 1 or 2 cars per parking lot. Then what also 7 -- you have the cleaning lady, you have the obviously 8 the chef or the person that's booking. 9 So we have a huge parking problem there in 10 itself. It's been addressed here in multiple things. 11 Nothing's really been done about it. It just says 12 call the nonpublic line. So I say this, I say, hey, 13 if I got this property that's literally five houses, I 14 can walk away. That's a triplex. 15 Why don't I just follow this and say, hey, 16 let me run a short-term rental there and along with my 17 other property that's there too. So it opens up a can 18 of worms and saying, you know, why can't we just stick 19 with the long-term rentals that are there? I said, 20 how would you feel as a homeowner with young kids 21 playing outside every week you're getting a new random 22 person in front of the standing in front of this 35- 23 foot towering building? 24 Okay, so remember every week you're getting 25 -- or it could be every day you're getting new people

Page 77 1 because it's not a 30-day minimum. So that's really, 2 really important. As stated under the policies that 3 everyone else went through to, I don't want to go 4 through a lot of other things. I'll end with this. 5 How many people are here to actually promote this? I 6 think everyone's here for against it. 7 And then so we talk about this. Besides the 8 owners, look at how many people here don't want this. 9 They have changed this meeting so many times. I can't 10 even count how many times this is -- I've had to try 11 and reschedule and try and be here for numerous 12 reasons. They've submitted multiple plans. This has 13 gone again. So now we're fighting something that was 14 denied multiple times in the past. 15 So the direct neighborhood with the property 16 line the neighbor that's on the east side, this would 17 be massively over theirs and then obviously would be 18 looking at ours and we'd be huge of looking at that. 19 So you look at 3,500 square feet. 20 If you look at when we looked at the, the 21 property, it's a 12-foot road that goes from north to 22 south. And if you ever try and put a fire truck 23 through there, it'll be really tough. So in saying 24 that, I do obviously deny. 25 MAYOR ELAINE BROWN: Thank you. Appreciate	Page 79 1 detrimental and non-compatible land uses, also to 2 increase the safety and security of home life and 3 preserve and create a more favorable living 4 environment. 5 Approving a bed and breakfast in this 6 neighborhood block would not preserve the pleasant 7 environment, or be conducive to the retaining the 8 quality of the existing neighborhood. It would allow 9 for the encroachment of a non-compatible land use. 10 Residents do not want to live next to a bed and 11 breakfast. 12 Living next to a bed and breakfast where 13 strangers are coming and going does not increase a 14 resident's feeling of safety and security of home 15 life. It definitely does not create a more favorable 16 living environment. 17 Building a bed and breakfast in this section 18 of Neptune Beach could be cause for residents in this 19 area to move away, and it could deter people from 20 buying a home in this part of Neptune Beach in the 21 future. Thus, the erosion of this section of the 22 neighborhood begins, allowing commercial properties to 23 be built next to residential properties can slowly 24 kill a neighborhood. 25 Also, this property sits on Midway and I
Page 78 1 it. 2 CATHERINE PONSON: Alison Ronzon. 3 MAYOR ELAINE BROWN: Alison. Hi, Alison. 4 ALISON RONZON: Hi. Alison Ronzon. Yeah. 5 221 South Street. I have to talk fast here. I'm 6 strongly opposed to approving the property at 108 7 Orange Street for a bed and breakfast. Yes, it's 8 zoned commercial residential. 9 However, a bed and breakfast does not fit in 10 with the other residences in the neighborhood block in 11 which it is proposed. The bordering properties are 12 all residential. Residents in this area are 13 neighbors, not tourists. There's a sense of community 14 that would be disrupted. The CDB has already denied 15 this variance request and with good reason. 16 I have been to every CDB meeting for the 17 past 20 months. They do not take variance requests 18 lightly. They look at them from every angle and have 19 serious discussions before making any decision that 20 they want what's best for Neptune Beach and its 21 residents. I thoroughly trust this CDBs judgment. 22 One of the primary goals of the Land 23 Development Code of Neptune Beach is to retain the 24 quality of our existing residential neighborhoods, 25 protect these areas from the encroachment of	Page 80 1 won't go into the tight congested area that that is 2 because someone's already done that. I don't 3 understand why this property owner does not ask to 4 build a private residence here. That would surely be 5 approved. There once was a private residence on this 6 property. 7 I'm confused about why he is so adamant 8 about spending \$2 million to build a bed and breakfast 9 when he clearly stated at a prior CDB meeting, which I 10 was there, to hear his last variance request, that he 11 wanted absolutely no contact with the guests that 12 would be staying in his bed and breakfast. It 13 confuses me that he's asked repeatedly to have a bed 14 and breakfast approved that he wants nothing to do 15 with. 16 Again, why not build a private residence? 17 What's the difference between the two? Private 18 residence can only be built to 28ft, while a bed and 19 breakfast, which is zoned commercial, can be built to 20 35ft. There is also a two-story private residence 21 directly in front of this property to the east. 22 The property owner's bedroom or suite would 23 be on the third floor of the B&B. Make your own 24 inference about why he is so adamant on building a bed 25 and breakfast instead of a private residence, although

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 81-84

Page 81 1 his request has been denied several times and he lost 2 a lawsuit over it. 3 Please deny this variance request. The City 4 council can reject a commercial property that is out 5 of character, and a bed and breakfast in this 6 neighborhood block most certainly is out of character. 7 If approved, it would set a dangerous precedent. 8 Approving a bed and breakfast for an owner 9 that clearly stated he wants absolutely nothing to do 10 with that business, and opening the door for possibly 11 more of the same in this block. If you approve this 12 variance, it will be to the detriment of all the 13 neighbors who live in the vicinity of this property, 14 and to the future of that neighborhood block. 15 In general, your job as city Council is to 16 consider the rights of all residents of Neptune Beach 17 and not just one. Thank you. 18 MAYOR ELAINE BROWN: Thank you. 19 CATHERINE PONSON: Amy Wolfson. 20 MAYOR ELAINE BROWN: Amy. Hi, Amy. Welcome. 21 AMY WOLFSON: Hi. 22 MAYOR ELAINE BROWN: Name and address for the 23 record, please. 24 AMY WOLFSON: I apologize. A question of 25 order. I signed in as myself. I am a resident, 215	Page 83 1 that this is an insidious maneuver to create a, a 2 large residence, and they're trying to go through the 3 proper channels. I can respect that. 4 But this has already been voted down by the 5 Community Development Board. I don't think there is 6 much more to discuss. And as a resident, I'm 7 adamantly opposed, and I appreciate everybody that 8 came out tonight to express their grievances. Thank 9 you. 10 MAYOR ELAINE BROWN: Thank you. 11 CATHERINE PONSON: Brian Flaherty. 12 MAYOR ELAINE BROWN: Brian? 13 BRIAN FLAHERTY: Good evening. 14 MAYOR ELAINE BROWN: Good evening, Brian. 15 Come on up. Give us your name and address for the 16 record. 17 BRIAN FLAHERTY: Yes, ma'am. I'm Brian 18 Flaherty. I live at 501 Second Street here in Neptune 19 Beach. All the prior speakers have really articulated 20 some really interesting thoughts. I won't try to 21 repeat them. I'll just share this. 22 I've been here in Neptune Beach for 26 23 years. I've lived in other places. I grew up in 24 Boston. This is a unique place. It's blessed. 25 Truly, I'm very happy here. Hopefully spend the rest
Page 82 1 Midway Street. But I wanted to read a letter from 2 another resident. Can I still go on the record as 3 just echoing the sentiment of the protest? 4 MAYOR ELAINE BROWN: You can submit the 5 letter to the clerk and it will become part of the 6 record. 7 AMY WOLFSON: Oh, wonderful. 8 MAYOR ELAINE BROWN: You can go ahead and 9 talk. 10 AMY WOLFSON: Oh, great. Okay. Sorry. 11 Thank you. I would just like to really echo 12 everything what Heather and her husband said. I feel 13 like this is a bit of a scam. It's been voted on. 14 It's been discussed. I also have a young son. 15 Again, I live at 215 Midway Street, so Cob 16 Corner. I feel like the level of traffic, drug abuse, 17 drunken revelers that I have seen, the increase of 18 that over the past three years, is alarming. And I've 19 only lived here for three years. And I have grave 20 concerns about essentially expanding what is a tourist 21 district into the residential part of the 22 neighborhood. 23 In addition, we live in kind of a historic 24 part of Neptune Beach. The oldest house in Neptune 25 Beach is just 1000ft from my house. I just feel like	Page 84 1 of my life here. So I appreciate the changes I've 2 seen over the years. 3 I want to see this city preserve as much of 4 its ability to preserve the residential flavor that 5 has been here for 26 years I've been here as a 6 resident. And I would ask that this petition be 7 denied because I don't think that the construction of 8 this particular project is consistent with the 9 development and the best interest of the city and the 10 residents of the city of Neptune Beach. 11 And I just wanted to share that thought. 12 And I know there are some people have some very 13 emotional things about this, and I can respect that. 14 But I think the residential character, a lot of times 15 you won't appreciate what you've lost until it's gone, 16 truly. 17 And I don't want to see that change because 18 I've seen the changes over the years. I just want to 19 see the continuation of the residential flavor that 20 I've had the blessing of experiences over the last 26 21 years. Thank you. 22 MAYOR ELAINE BROWN: Thanks, Brian. 23 CATHERINE PONSON: I can't read the first 24 name, Mr. Sherouse? 25 MAYOR ELAINE BROWN: Sherouse?

Page 85 1 CATHERINE PONSON: He's speaking for Mr. 2 Schoonover 3 GLENN SHEROUSE: Oh, that's me. Sherouse. 4 I'm sorry. 5 MAYOR ELAINE BROWN: Glenn? 6 GLENN SHEROUSE: I was a doctor in a past 7 life. 8 MAYOR ELAINE BROWN: Name and address for the 9 record. 10 GLENN SHEROUSE: Well, I'm the stunt double 11 for George Schoonover. My name is George Schoonover. 12 I live at 214 Oceanfront, and I oppose the applicant's 13 request to build a B&B on 108 Orange Street. We are a 14 neighboring property to the north. Judicial 15 precedence has already been established. 16 The case for a three-story B&B was 17 adjudicated in 2015. The applicant filed for a 18 preliminary development order for a three-story B&B at 19 108 Orange Street. The application was denied on 20 grounds of incompatibility. The applicant then sued 21 the city of Neptune Beach. 22 The City of Neptune Beach prevailed in both 23 civil and circuit civil court and in appellate court. 24 As outlined in section 27-82 of the Land Development 25 Code, the Community Development Board shall consider	Page 87 1 duplex. Homes built on Orange Street were built long 2 before the CB designation was imposed on the 3 neighborhood. It was then and is now residential. 4 There has never been a business on this block of 5 Midway nor Orange Street. 6 In section 27-243 special requirements in 7 the RC Residential Conservation Overlay acknowledged 8 the historic development pattern of our neighborhood, 9 and that new development should be sensitive to the 10 character and history of the surrounding neighborhood. 11 Allowing a 35-foot-high business to tower over a 12 neighborhood of houses capped at 28ft would be 13 negligent. 14 The proposed commercial development is 15 simply incompatible with the surrounding residential 16 developments. The council is required to consider and 17 follow the specific facts, along with numerous 18 references to the provisions of the city's land 19 development codes. 20 Allowing this proposal to go forward would 21 set a bad precedent for our neighborhood and the city 22 of Neptune Beach. Regardless of zoning designation, 23 the extra traffic created, and parking hassles with a 24 B&B is not fitting with our neighborhood ambiance or 25 our land development codes. For these reasons. In
Page 86 1 the following factors. 2 Quote, the nature of the proposed 3 development, including land use types and densities, 4 proposed parking areas, and the concerns and desires 5 of the surrounding landowners and other persons, I 6 don't know what that means, but anyway, from the 7 stated goals and objectives in the Neptune Beach's 8 Code of Ordinances, purposes and Intent of Zoning 9 districts, the design goals for new construction are 10 to preserve the natural beauty of Neptune Beach and 11 protect the residential character from the effects of 12 inharmonious and out of scale development. 13 Found in section 27-222 under Neighborhood 14 Design. Quote, buildings should not present excess 15 visual mass or bulk to public view or to adjoining 16 properties when viewed from the public right of way, 17 excessive mass detracts from the character of Neptune 18 Beach's individual neighborhoods when viewed from 19 adjoining properties, excess mass can effectively act 20 as a wall that dominates neighboring structures and 21 interferes with the enjoyment of open spaces and free 22 passage of light and air. 23 108 Orange Street is located in the 24 residential area of the CBD. Until 2007, this non- 25 conforming lot held a 1268 square foot, two-story	Page 88 1 summary, I oppose the B&B at 108 Orange Street. 2 MAYOR ELAINE BROWN: Thank you. 3 GLENN SHEROUSE: And I got five seconds. 4 CATHERINE PONSON: Shellie Thole. 5 MAYOR ELAINE BROWN: Shellie? 6 CATHERINE PONSON: Mayor, I'm not sure if Ms. 7 Thole was sworn in. 8 SHELLIE THOLE: I did not swear in. I'm so 9 sorry. 10 MAYOR ELAINE BROWN: You were not sworn in? 11 SHELLIE THOLE: I was not. 12 VICE MAYOR KERRY CHIN: Do you swear or 13 affirm the testimony you give will be the truth, the 14 whole truth, and nothing but the truth? 15 SHELLIE THOLE: I do. 16 MAYOR ELAINE BROWN: Name and address for the 17 record. 18 SHELLIE THOLE: Oh, I'm so sorry. Shellie 19 Thole, 310 Oleander Street. So the words that keep 20 coming to my brain. I'm sure we all heard it many 21 times. Is competent, substantial evidence. This 22 House already went to court. This whole thing has 23 already gone to court. And the court found it was not 24 in character with the neighborhood. 25 So I really -- I'm kind of confused why

Page 89 1 we're standing here and they're getting another look 2 back there taking notes and they're getting another 3 bite at the apple. And I really don't understand it. 4 But the other issue I have with what's going on here 5 today is we have a community Development Board meeting 6 of people seven, I think it's seven people, that use 7 their time. They're smart people. 8 We have an attorney who's in the room. 9 She's on the board. And unanimously they said this is 10 a no-go. So the fact that we're standing here and we 11 have seven people that said that who we volunteer 12 their time, I really hope that you all will see that 13 these are the correct things and it's unanimous. I 14 did not plan on speaking. I hate when I do that 15 because I'm never eloquent, but there is zero things 16 that say that this should be approved legally. Thank 17 you. 18 MAYOR ELAINE BROWN: Thank you. 19 CATHERINE PONSON: Andreina Zubizarreta. 20 ANDREINA ZUBIZARRETA: Thank you. 21 MAYOR ELAINE BROWN: Andreina. Welcome. 22 Hope we didn't destroy that last name too bad. Name 23 and address for the record. 24 ANDREINA ZUBIZARRETA: Yep. Andreina 25 Zubizarreta, 111 Orange Street. So, dear sirs, I'm	Page 91 1 ideal. It just needs to comply with existing code and 2 zoning that specifically says section 27-222 number 3 one, the design goals for new construction or 4 improvement are as follows. 5 A, to preserve the natural beauty of Neptune 6 Beach and protect the residential character of the 7 city from the effects of Inharmonious and Out-of-scale 8 developments. 2, B, neighborhood design. Site 9 improvements should be compatible with the structures 10 existing on neighboring parcels, and should be 11 sensitive to their designs and property rights. 12 Designs which conflict with the use and enjoyment of 13 any property should be avoided. 14 Buildings should be designed in scale of the 15 neighborhood and should complement the character of 16 the neighborhood, rather than conflict with it. 17 Please deny this request. Thank you. 18 MAYOR ELAINE BROWN: Thank you. 19 CATHERINE PONSON: I don't have anymore. 20 MAYOR ELAINE BROWN: No? Okay. Public 21 hearing is closed, and we're going to now go back to 22 Heather. And Heather, the applicant or anything that 23 was brought up that you would like to correct or make 24 sure that is clear to the council and to the audience. 25 HEATHER WHITMORE: I have nothing to correct.
Page 90 1 supportive of all my neighbors and their opinions. My 2 name is Andreina Zubizarreta. I'm a resident of 3 Neptune Beach since 2016. My house is located at 111 4 Orange Street. 5 I'm strongly opposed to the construction of 6 a bed and breakfast across my house at 108 Orange 7 Street. It will be very disruptive for our lovely 8 residential neighborhood. The design, height, and 9 scale doesn't match the look and feel of our area. I 10 have two small kids, ages four and six years old, that 11 enjoy playing outside our house on a daily basis. 12 If this massive scale bed and breakfast is 13 built, it will have an enormous impact on our quality 14 of life as our usually quiet, residential, and family- 15 friendly street will turn into a commercial space with 16 random people visiting and struggling to secure 17 parking spots for their cars. Neptune Beach has a 18 land development code that was created for a reason 19 and should be enforced to avoid these types of 20 problems that will negatively impact our residential 21 neighborhood. 22 We would love to see a house built there 23 that is harmonious with the neighborhood, instead of 24 the empty lot that we have now that our neighbors have 25 explained things that happened there that are not	Page 92 1 MAYOR ELAINE BROWN: Okay. 2 HEATHER WHITMORE: If I have questions, happy 3 to answer them. 4 MAYOR ELAINE BROWN: Okay, great. Thank you. 5 And the applicant has a rebuttal time. 6 ZACH MILLER: Yes. Can I have my PowerPoint 7 put up? I just wanted to show a couple of items. The 8 nice lady who just spoke. I couldn't agree with her 9 more. She says you have a land development code and 10 we should apply that. 11 I agree on your land development code lot 12 area. We meet it lot width. We meet it. Front yard 13 setback. We meet it. Corner lot setback. We meet 14 it. Rear yard setback. We meet it. Lot coverage. 15 We meet it by over 30%. Building height. There's 16 been a lot of talk about that. Your code made 35ft 17 the building height for this property. Your code made 18 it a commercial zoning. This is the least intense use 19 allowed for this property. 20 My understanding is, is that this entire 21 area was proposed to be rezoned out of the CBD to 22 residential, and there was a concern for property 23 rights that the residents would sue because they would 24 lose value if they could only build residences on this 25 property. It's stayed. It's community development.

Page 93 1 It's a central business district. 2 The RC area is to the south of this 3 property. Our property is not in that. Our property 4 is zoned for bed and breakfast. On competent 5 substantial evidence, your staff report by law is 6 competent substantial evidence. If you note in your 7 staff report, 27-222 is not listed anywhere in there. 8 Why is that? You've heard a lot about that 9 section. 222 is the overriding guidelines that your, 10 that your code gives you in drafting the particular 11 code for each district. That was the guidepost for 12 the drafting of 27.82, which is the criteria you're 13 supposed to apply, and all the criteria that is very 14 specific to the CBD. 15 And again, per your staff report, per your 16 code, we meet all of that. There was some discussion 17 about misplaced that this shouldn't be a business. 18 Again, the decision that this has to be a business was 19 made by the city when it was zoned that way. 35ft is 20 allowed by code. 21 Again, that wasn't a decision my clients 22 made that was a decision the city made. That 35ft is 23 appropriate for this area. For people that have lived 24 in the area for over 40 years, and I understand I'm a 25 beach resident, I'm actually, I think, fifth	Page 95 1 seven-foot setback, a five-foot setback, and 71% lot 2 coverage. 3 We're currently at 53.7%. We are a 4 materially different application than was before you 5 before. I touched on 222, if you look in your staff 6 report again, you're not going to see any reference to 7 that because your code is what effectuates 222. 8 Respectfully, this is what we're left with. 9 If we can't do a bed and breakfast. We have 10 no other uses for this property. We're stuck with 11 what is essentially a taking by the city of Neptune 12 Beach of a vacant property that we can't do anything 13 with. I understand residents might like that, but 14 that is not fair to the property rights of my client. 15 With that, I'm happy to answer any questions 16 that you might have or you might have for the 17 applicant or you might have for our architect. 18 MAYOR ELAINE BROWN: Okay. Thank you. I'm 19 going to start with our vice mayor, and we'll go 20 around and the applicant can come forward if needed 21 for any of the questions. And I'll start with our 22 vice mayor. 23 VICE MAYOR KERRY CHIN: Okay. Thank you. 24 Mayor. I guess since there's been so much talk about 25 these specific sections of code, I'm going to ask our
Page 94 1 generation. 2 My grandfather served on the City of 3 Jacksonville Beach Planning Commission. Respectfully, 4 he would look at this and say, what does the code say? 5 He would look to staff. What does the code say? We 6 meet code. There's no requirements there. There was 7 some discussion of whether we need a variance or not. 8 We don't need a variance at all. 9 Is this not the right scale for the 10 property? Respectfully we're at 1.4 Florida area 11 ratio. The property across the street is at 12 approximately 1.8 Florida area ratio. Your code sets 13 what is appropriate for the massing. Your code sets 14 what's appropriate for this area. I didn't write 15 that. My client didn't write that. 16 That was the city's decision to make this 17 property, have this zoning requirements, to have these 18 setback requirements, to have these height 19 requirements, to have the two parking spaces inside, 20 to have the transparent facade. 21 That's what your code requires and my client 22 has bent over backwards to meet it. There is some 23 discussion about the lawsuit in 2015 and 2016. Again, 24 this is a different application. That was for 5671ft. 25 That was for a one-foot setback, a six-foot setback, a	Page 96 1 city attorney if he's ready to weigh in on the 2 applicability of, say, 27-222, or even 27-82. 3 CITY ATTORNEY ZACHARY ROTH: Yeah, I agree 4 with counsel's analysis of 222, that it's really this 5 is the guiding principle for how we create the rest of 6 our code. It's not a threshold test in and of itself. 7 That's why it uses the word should and not shall or 8 must. So I believe that it is 27-82 that is the 9 operative provision for analyzing this application and 10 making a determination, not 222. 11 COUNCILOR LAUREN KEY: And by counsel you 12 mean counsel. 13 CITY ATTORNEY ZACHARY ROTH: S-E-L, yes, not 14 C-I-L. 15 COUNCILOR LAUREN KEY: Just wanted to clarify 16 that for anyone who may be confused. 17 ZACH MILLER: For the record, the other Zack, 18 who is not as good as your Zack. 19 CITY ATTORNEY ZACHARY ROTH: And I will say 20 too, since it's related to that, I guess this is a 21 separate application. The fact that there was a prior 22 lawsuit has nothing to do with this. You should 23 analyze this application on its own merits and not 24 consider what happened in the prior application. 25 VICE MAYOR KERRY CHIN: All right. Thank

Page 97 1 you. Now, I do have a question for the architect. 2 ZACH MILLER: Okay. 3 MAYOR ELAINE BROWN: Welcome. And name and 4 address for the record, please. 5 KEVIN SOLOMON: Kevin Solomon, 678 Fort 6 Williams Drive, Saint John s County. 7 VICE MAYOR KERRY CHIN: Okay. Thank you for 8 coming tonight. You know, my questions surround the 9 plans for this bed and breakfast. And I see that you 10 have a unit on the first floor, but there is also a 11 lobby that fronts it. 12 KEVIN SOLOMON: Correct. 13 VICE MAYOR KERRY CHIN: Now, the lobby is 14 isolated from the rest of the interior space because 15 it looks like there's some common areas that are on 16 the back side of that first-floor unit, and the stairs 17 to reach the upper levels are in that back section, 18 but the lobby is totally cut off from all of that. 19 The staff who is manning the lobby, what are they 20 going to do if they have to go upstairs? Describe 21 that process to me. 22 KEVIN SOLOMON: The process would be to go in 23 the lobby, check-in, and do that, that -- have that 24 business, and then go out into the garage to go 25 through that up to the second floor.	Page 99 1 VICE MAYOR KERRY CHIN: Okay. Mr. Driver, 2 thank you for coming. You've heard some of the 3 testimony where people were questioning, you know, the 4 parking situation, you know, because you're going to 5 have two units plus your own unit there. 6 And normally the parking would require one 7 vehicle per, you know, guest unit plus two for you, 8 but there's a 50% reduction in the CDB. But there are 9 also concerns with staff. How are you going to 10 accommodate staff parking? 11 DOUG DRIVER: The parking is in accordance 12 with all the code as was discussed before. So, I 13 mean, we'll find a way, you know, to get the staff 14 there to take care of business. So, you know, we're I 15 mean, I don't know what more to say to than that. 16 Your requirements were met as far as parking. 17 VICE MAYOR KERRY CHIN: Okay. But -- so you 18 won't have like a concern that they may not, you know, 19 your staff may not actually find parking. 20 CATHERINE PONSON: The staff will find 21 parking. So whether it's, you know, paid parking in 22 the in the city, I mean, there are open parking spaces 23 that you can put money down and park there for 24 reserved amount of time. They'll commute together, 25 you know, if there's cleaners coming together,
Page 98 1 VICE MAYOR KERRY CHIN: So like the staff 2 member would, if they needed to go upstairs for some 3 particular reason, they'd have to go through the 4 garage. 5 KEVIN SOLOMON: Correct. 6 VICE MAYOR KERRY CHIN: And then to the 7 interior space go upstairs. Okay. Now. Listening to 8 the testimony from the Community Development Board, it 9 seemed unclear how dedicated, you know, Mr. Driver was 10 going to be to operating this as a full-fledged bed 11 and breakfast. There is, I'll admit to you some 12 skepticism just because of the layout and his own 13 testimony. 14 MAYOR ELAINE BROWN: Do you want him to come 15 up? 16 VICE MAYOR KERRY CHIN: Sure. 17 MAYOR ELAINE BROWN: Okay. Would the 18 applicant come up, please? Name and address for the 19 record. 20 DOUG DRIVER: Doug Driver. What'd you say, 21 sorry? 22 MAYOR ELAINE BROWN: And your address. 23 DOUG DRIVER: Address? 1150 Florida 24 Boulevard. 25 MAYOR ELAINE BROWN: Thank you.	Page 100 1 multiple of them will ride in one car. And that's so. 2 PAUL WATERS: And your guests who are -- I 3 assume you're going to have them both parking in the 4 garage? And then where would you be parking? 5 DOUG DRIVER: So I will park there because 6 I'm going to be living there. And I just wanted to 7 say, every square inch of this is going to be used as 8 a bed and breakfast. I know, you know, you're trying 9 to use my testimony against me. 10 But, you know, I was badgered last time, and 11 I understand that I may have said or misspoke, but 12 this is going to be operated as a bed and breakfast 13 100%. And so I'm fully dedicated to that. And 14 that's, you know, it is what it is. As far as parking 15 is concerned, I would imagine that most guests are 16 going to be coming from out of town, probably from, 17 you know, other places. It's, you know, it's going to 18 --it's essentially a vacation spot, right? The beach 19 is highly sought after. So I think parking will be 20 fine. 21 VICE MAYOR KERRY CHIN: Okay. And how -- 22 DOUG DRIVER: Can I say one thing, actually? 23 I want to rebut. So he just spoke out and said we can 24 park at his house, but he actually asked our family to 25 use that lot. So for the last year or two --

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 101-104

Page 101 1 MAYOR ELAINE BROWN: Wait hold on. No, we're 2 not going to (inaudible) the audience. 3 DOUG DRIVER: Okay, well he spoke out. 4 MAYOR ELAINE BROWN: And I'm going to ask the 5 audience one more time, please, you know, try to just 6 refrain from saying things while someone is speaking 7 and please treat people the way you want to be 8 treated. So don't rebut him, but go ahead and say 9 what you need to say, okay? 10 DOUG DRIVER: Thank you. So yeah, I mean, 11 neighbors have asked us to park there on the lot. 12 They've been using that property as if it was their 13 own. And I can see why they're upset that we're 14 trying to build something there. 15 MAYOR ELAINE BROWN: Okay. 16 VICE MAYOR KERRY CHIN: So your guests would 17 have to have access to the garage. I mean, you would 18 -- you're going to have like a code or are you going 19 to give everyone a controller or something like that? 20 DOUG DRIVER: So the first-floor bedroom has 21 an exterior entrance so they can come in from outside 22 and then also if they need to, yes, we'll get them in 23 the garage as needed to go upstairs. 24 VICE MAYOR KERRY CHIN: Okay. The same 25 garage that you share?	Page 103 1 quasi-judicial hearing, so bear with. 2 ZACH MILLER: I understand. Just on the 3 criteria, on parking. Again, your code sets out the 4 amount of parking that is required. Here we meet 5 that. If it's supposed to be more parking, the way to 6 address that is to change your code, not to require 7 more parking for this particular applicant. 8 There was some discussion of traffic. Your 9 staff actually analyzes that in the staff report. You 10 meet your local concurrency requirements. Again we 11 meet all parts of your code. If you don't like the 12 fact that there's not enough parking, if you don't 13 like the traffic, if you don't like the setbacks, 14 there's a way to address it. You can vote to change 15 it at any time. Thank you. 16 CITY ATTORNEY ZACHARY ROTH: Mayor, can I say 17 something to clarify on that point? That ignores the 18 87 -- 827.82(f)(3), it talks about one of the elements 19 that you consider is the nature of the proposed 20 development, including proposed parking areas. 21 So that says the nature of it, not just the 22 amount of it. So in my opinion, the nature of the 23 proposed parking area, in addition to the number of 24 spaces, is relevant for your analysis. 25 ZACH MILLER: I respect your attorney greatly
Page 102 1 DOUG DRIVER: Correct. 2 VICE MAYOR KERRY CHIN: Okay. 3 MAYOR ELAINE BROWN: Are you good for now? 4 VICE MAYOR KERRY CHIN: Yeah, I'm good for 5 now. I'll have a follow-up, probably. 6 MAYOR ELAINE BROWN: Okay. Councilwoman? 7 COUNCILOR LAUREN KEY: I don't have any 8 questions of the applicant. 9 MAYOR ELAINE BROWN: Okay. Do you have 10 questions for -- 11 COUNCILOR LAUREN KEY: Yes. 12 MAYOR ELAINE BROWN: Would you like to? 13 COUNCILOR LAUREN KEY: I have questions of 14 Heather. Just confirmation questions of Heather. No, 15 it's still their time, right? Sorry. 16 MAYOR ELAINE BROWN: Yeah, well. 17 COUNCILOR LAUREN KEY: I'm trying to follow 18 the procedure. 19 MAYOR ELAINE BROWN: This is open for you, 20 ma'am, you can go ahead and ask whatever questions, we 21 want you to get your answers. 22 COUNCILOR LAUREN KEY: Well, I'll wait -- 23 I'll let you guys wrap up your portion. And then I 24 have just more confirmation questions for Heather, and 25 I'll ask those at that time. Sorry. This is my first	Page 104 1 on it. Your code doesn't make any differential on you 2 need to have this amount of parking for this kind of 3 use and this amount of parking for this kind of use 4 here, it just says two spaces. 5 MAYOR ELAINE BROWN: Okay. 6 ZACH MILLER: Thank you. 7 MAYOR ELAINE BROWN: All right. And, 8 Councilwoman, did you have any other questions at this 9 time for anyone? 10 COUNCILOR LAUREN KEY: Yes. 11 MAYOR ELAINE BROWN: Okay. 12 COUNCILOR LAUREN KEY: Heather? 13 HEATHER WHITMORE: Yes, ma'am. 14 COUNCILOR LAUREN KEY: Can you confirm that 15 that block has been zoned in the central business 16 district since the map was drawn, which I believe was 17 in 1959? 18 HEATHER WHITMORE: Correct. And that was 19 confirmed this morning. We did a little bit of 20 research on that because the question has come up, how 21 long is this property been central business district? 22 COUNCILOR LAUREN KEY: And if we were to take 23 away the property rights of -- or change the zoning 24 and downgrade it to just residential only, we would 25 open ourselves up to a Bert Harris claim, is that

Page 105 1 correct? 2 UNIDENTIFIED MALE SPEAKER: Potentially. 3 COUNCILOR LAUREN KEY: Because we would be 4 taking away a property right? 5 UNIDENTIFIED MALE SPEAKER: Potentially. 6 COUNCILOR LAUREN KEY: Okay. My second 7 question is, my understanding is there was an attempt 8 to rezone this property back in the 90s? 9 HEATHER WHITMORE: Between 1991 and 1994. 10 COUNCILOR LAUREN KEY: And it failed. 11 HEATHER WHITMORE: And it failed, correct. 12 COUNCILOR LAUREN KEY: And then there was a 13 time in our history in which we changed the zoning and 14 we heard from the state. 15 HEATHER WHITMORE: It was during that period. 16 Piper and I did the research, and she's trying to find 17 the exact files. But we -- the state intervened and 18 actually submitted a letter of objection that it was a 19 Bert Harris claim during that same review. 20 So it was that same review. It was it was 21 initially going to be passed and then it was revoked. 22 It was never adopted. 23 COUNCILOR LAUREN KEY: So I think kind of 24 where I'm at on this is like the thought of making it 25 a residential opens a new can of worms, essentially.	Page 107 1 HEATHER WHITMORE: Correct. 2 COUNCILOR LAUREN KEY: Okay. So that's all I 3 have for Heather right now. Thank you. 4 HEATHER WHITMORE: Thank you. 5 MAYOR ELAINE BROWN: All right. Councilwoman 6 Livingston? 7 COUNCILOR NIA LIVINGSTON: I actually have a 8 question for Zach. If we could -- 9 MAYOR ELAINE BROWN: Go right ahead. 10 COUNCILOR NIA LIVINGSTON: If we could break 11 for a few minutes I might be able to just ask him in 12 private. 13 MAYOR ELAINE BROWN: Oh, I'm sorry. 14 COUNCILOR NIA LIVINGSTON: I'll be very 15 brief. 16 MAYOR ELAINE BROWN: We've been asked to have 17 a break for two minutes while the discussion is made 18 with the council member and our attorney. So I'm 19 going to a two-minute recess. All right. 20 Councilwoman Livingston, you have the floor. 21 COUNCILOR NIA LIVINGSTON: Thank you. I 22 think -- one of my questions, I think, was for the 23 applicant. I know as you've heard, we've -- most of 24 us right now, like I have also listened to, you know, 25 the community development board meeting and whatnot.
Page 106 1 But I have put a lot of energy into researching this 2 entire thing because I know it's very concerning for a 3 lot of residents, but the entire western side of that 4 block is occupied with commercial uses such as retail 5 and office or very high-density residential. There 6 are 4 to 6 units in an adjacent building. 7 HEATHER WHITMORE: Correct. 8 COUNCILOR LAUREN KEY: The eastern side of 9 the block is six residential buildings. Of those six, 10 only three are single family and the rest are duplexes 11 and one triplex. Is that correct? 12 HEATHER WHITMORE: Correct. 13 COUNCILOR LAUREN KEY: And only three single 14 family units in the subject block. 15 HEATHER WHITMORE: Correct. 16 COUNCILOR LAUREN KEY: Okay. There's one 35- 17 foot building in the block, which is at 101 Lemon. 18 HEATHER WHITMORE: Correct. 19 COUNCILOR LAUREN KEY: So it wouldn't be the 20 only 35-foot property on the block. 21 HEATHER WHITMORE: Correct. 22 COUNCILOR LAUREN KEY: And then the only 23 block -- only the block to the south is composed of 24 single-family residential neighborhood uses and that 25 is because that's where that zoning starts.	Page 108 1 But you're here in front of us now, so also 2 just in line, I think you touched on this earlier, but 3 just to, to double check, like we kind of talked with 4 the architecture about the architect, how people would 5 be entering the residence where the lobby is. So, 6 like, what areas of the home would they have access 7 to? 8 DOUG DRIVER: Well, so essentially everything 9 except the top floor, it's the owner's suite. So. 10 COUNCILOR NIA LIVINGSTON: So like if you're 11 living there, then like the kitchen that you would be 12 using for your, like everyday meal prep or whatnot is 13 the same kitchen that I guess the guests would have 14 access to. 15 DOUG DRIVER: Yes. 16 COUNCILOR NIA LIVINGSTON: Okay. Living room 17 like I mean, I guess it's also, I mean, I guess it's 18 the top floor like you would be leaving them alone, I 19 guess, essentially. I mean, I guess if you want to 20 address kind of some of your past comments about the 21 whole not have contact with them, things like that. 22 DOUG DRIVER: Right, I mean, I'm obviously 23 going to see them, interact with them, but I'm not 24 going to do is, you know, become best friends and, you 25 know, that sort of thing. I mean, it's, it's, it's a

Page 109 1 business, you know, it's a bed and breakfast. 2 So I'm going to operate it as such. I'm 3 going to, you know, maintain it. I'm going to, you 4 know, take care of the guests, be friendly with them, 5 and do it, you know, from that perspective. And it's 6 going to be a professional relationship. So that's 7 how I plan to operate it. 8 COUNCILOR NIA LIVINGSTON: Who's preparing 9 the breakfast? 10 DOUG DRIVER: That decision hasn't been made 11 yet. I mean, it could be myself. It could be my 12 mother. It could be someone that we hire. We've also 13 thought about maybe giving gift cards to go to 14 Southern Grounds, for instance. So there's different 15 options on the table there. 16 COUNCILOR NIA LIVINGSTON: And like, how 17 would you be advertising? 18 DOUG DRIVER: Internet most likely. 19 COUNCILOR NIA LIVINGSTON: I mean internet 20 like you can apply to be on Travelocity. Are you -- 21 is it just your own website? Word of mouth? Sort of 22 -- 23 DOUG DRIVER: Well, I mean, there's, there's 24 multiple options. So I'm just trying to get -- we'll 25 get there, you know. So there's like I said, we could	Page 111 1 there's right, we're not sure if it's going to get 2 approved. 3 So I'm not going to waste time, money, and 4 energy doing all these things that you're talking 5 about now until I have the permit in hand and then 6 move forward. The building itself is going to take a 7 year minimum to construct. We have builders that have 8 given us quotes. We're going to have to go back now 9 and get another quote because we've made all these 10 changes to comply with code. 11 I mean, we like I said, we, you know, the 12 lawyer said, we've been working hand in hand with, 13 with Heather to try to meet code as much as we can. I 14 mean, we've been thrown different things left and 15 right, constantly changing the plans. 16 I've spent so much money trying to update 17 the plans to get them right by you all, so that we 18 could build this. And so that's been my focus up 19 until now. And then, you know, from here moving 20 forward, obviously, it'll be the business. So. 21 COUNCILOR NIA LIVINGSTON: And then I guess, 22 is this going to be then like, let's say this all gets 23 approved and everything, and then you figure out your 24 business plan and whatnot. Is this going to be your 25 full-time job or are you -- do you travel often for
Page 110 1 do, you know, Airbnb or other such websites that allow 2 for short-term vacation rentals. And obviously this 3 is a bed and breakfast, but it could still be 4 presented on, you know, business websites like that. 5 So. 6 COUNCILOR NIA LIVINGSTON: I guess the 7 question then with Zach, I mean, advertising as an 8 Airbnb that's -- 9 CITY ATTORNEY ZACHARY ROTH: The short-term 10 rentals are not prohibited in the central business 11 district, only in the residential districts. 12 COUNCILOR NIA LIVINGSTON: Okay. I mean, I 13 guess I'm also just trying to get at, normally people 14 that are planning on starting a business, they have a 15 business plan, they have a business model, a mission 16 statement, whatnot. 17 They have some of these ideas, a plan for 18 them. So I get that like you're going to put it on 19 the internet, but like this is a business you need to, 20 you know, I'm assuming be able to rent it out X amount 21 of times a month in order to probably like cover 22 certain costs and things like that. So. 23 DOUG DRIVER: Right, I understand. So yeah, 24 just to give you a bit more perspective. So this has 25 been in the works for a year and a half. Obviously,	Page 112 1 work? Do you have like, you know, another job? 2 DOUG DRIVER: I do have another job. I work 3 remote 100% of the time. So I'm able to dedicate, you 4 know, a lot of time and effort into this business and, 5 you know, nights, weekends, whatever it takes. 6 COUNCILOR NIA LIVINGSTON: I don't have any 7 other questions right this moment, but. 8 MAYOR ELAINE BROWN: Okay. Councilman 9 Messinger? 10 COUNCILOR JOSH MESSINGER: I don't have any 11 questions for the applicant at this time, but I would 12 like to continue the kind of line or thread that 13 Councilwoman Key had started with Heather. 14 MAYOR ELAINE BROWN: Did you have any 15 questions for anyone you want to bring any of them up? 16 COUNCILOR JOSH MESSINGER: Yeah, Heather. 17 Yeah. Thank you. And thanks, Heather and Zach, I'll 18 kind of piggyback because we talked about this earlier 19 to a degree, but it's something Councilwoman Key 20 brought up. So I started researching this very 21 heavily. I followed the last case very closely as 22 well. So the central business district has been in 23 line since 1959. 24 And the boundaries of the central business 25 district or the term they used for it has remained

Page 113 1 static. It hasn't expanded beyond those boundaries 2 from 1959. Okay. And then the height that we passed 3 as a charter amendment in 2004, The central business 4 district was 35ft and the rest of the community was 5 28ft, and that has remained static. 6 We have not made those -- we have not 7 changed the height at all since 2004, which is when we 8 capped it. And before that, the -- and we made the 9 central business district 35ft, and the rest of the 10 community 28ft and the central business district has 11 been in place since 1959. Do I have those data points 12 correct? 13 HEATHER WHITMORE: The central business 14 district, along with the C1, C2. 15 CITY ATTORNEY ZACHARY ROTH: Commercial 16 districts. 17 COUNCILOR JOSH MESSINGER: Commercial 18 districts. Okay. So I wanted to level set that, and 19 then there's been a lot of discussion about why didn't 20 this area get rezoned during Dover, Kohl to purely 21 residential. We want to keep the area residential, 22 which I mean I respect that mightily. 23 Our character is what makes us what we are. 24 That's what makes us special. I understand that even 25 before the Dover, Kohl code rewrites that in give or	Page 115 1 you're not going to have a Bert Harris claim. 2 COUNCILOR JOSH MESSINGER: Okay. So -- but 3 as there's been so much discussion about why can't we 4 go back and make this residential. It was looked at 5 in the 90s, attempted to be approved, and the state 6 preempted it, and the state struck it down. 7 And then before the Dover, Kohl process in, 8 you know, around 2015/16, the board had conversations 9 about it, looked at all the mechanisms, and even in 10 that process, multiple residents said, we're not going 11 to sign that type of document and give up our values 12 to change, you know, what we're allowed to build in 13 that space. So I think that's just very important 14 history and context for, you know, that street line 15 and then everything really to the north of it. 16 The south is where we hit residential and 17 then north of that, where this parcel is in the CD, 18 Central Business District, CBD. Okay. So I just 19 wanted to clarify all of, all of those points as I 20 understand them. Okay. So even if we wanted to, we 21 could not change the height limits in that area or 22 remove the vested property rights. I guess this is 23 for Zach now, without having a Bert Harris claim filed 24 against -- 25 CITY ATTORNEY ZACHARY ROTH: (inaudible)
Page 114 1 take 2015/16, around that time, there was an effort 2 where when we had the previous attorney that the board 3 looked at what it would take to modify some of the 4 homes in the central business district to purely 5 residential. 6 And the Bert Harris claim was the first item 7 that anyone would say you're downgrading the value of 8 my property, sue, we would lose because it's pretty 9 cut and dry. 10 But there was one mechanism, as I understand 11 it, and Zach, if you could provide a little color to 12 that, there would be a way to provide basically a 13 foreign document to the neighborhood and say, if you 14 sign this and give up your property rights, you have 15 to sign this, notarize this, and then that is the only 16 way that and the whole area has to agree to relinquish 17 the property rights and the value without the city 18 being a taking entity. Can you give a little color 19 around that? 20 CITY ATTORNEY ZACHARY ROTH: Yeah, I mean, 21 it's basically a scenario where you get everyone's 22 permission in advance so then they can't complain 23 afterwards because they said they were okay with it. 24 I mean, that is essentially what you're talking about. 25 That's the only way you can do it and feel comfortable	Page 116 1 legal exposure. 2 COUNCILOR JOSH MESSINGER: Yeah, we couldn't 3 do it legally. Okay, those are -- that's what I 4 wanted to ask with Heather. I had my research -- we 5 talked, but I just wanted to have that for the 6 edification is that's, that's very important 7 information that we have to weigh in all of this 8 because with Bert Harris claims that isn't something 9 covered by our insurance for liability coverage. 10 That isn't something -- some case legal 11 cases it's a \$2,500 deductible for the city. Others 12 were paying the hourly that we heard all the attorneys 13 talk about, you know, earlier. So that's all I have 14 for Heather at this time. Oh no, one other point, 15 Heather, I'm sorry. There's been certain items in the 16 plan that don't necessarily comply with landscaping as 17 of today or certain items, but they're allowed to 18 submit those designs right before construction starts 19 and be in compliance. 20 Like, I know there was conversation and I 21 looked at fire suppression. Do they have to put in 22 fire suppression? Do they have to put in commercial 23 building standards for kitchens and things of that 24 nature? 25 And correct me if I'm wrong, but you

Page 117 1 mentioned that yes, they will have to comply with all 2 the fire codes. They're going to have to comply with 3 the commercial requirements of planning X number of 4 trees. All of that still has to be done. 5 HEATHER WHITMORE: Correct. And many of 6 those comments have been provided to the architect, 7 wherever he is, I saw there has been a building review 8 and a fire review with notations of everything they're 9 going to need to do to be able to make sure that the 10 building -- when it comes to permit time, is going to 11 meet the standards. 12 COUNCILOR JOSH MESSINGER: Okay, thank you. 13 MAYOR ELAINE BROWN: All right. A lot of my 14 questions have been answered, but I'd like to ask the 15 applicant if you don't mind coming back up again. 16 COUNCILOR LAUREN KEY: Through the chair, I 17 just have a quick question, if you don't mind. 18 MAYOR ELAINE BROWN: I'm sorry? 19 COUNCILOR LAUREN KEY: I just have a quick 20 question, if you don't mind. 21 MAYOR ELAINE BROWN: For? 22 COUNCILOR LAUREN KEY: For Zach. 23 MAYOR ELAINE BROWN: Oh, for Zach. 24 COUNCILOR LAUREN KEY: Was our height -- was 25 that -- when we put a cap on the height limit was that	Page 119 1 actual operation of it. 2 I have, I have experience owning a rental 3 property in South Carolina that I, that I worked on, I 4 owned for five years. So I have experience in this 5 space. Not necessarily, obviously bed and breakfast, 6 but, you know, when a guest comes to stay, obviously 7 they're going to get treated very well. They're going 8 to go into their room, you know, they're going to get 9 made breakfast in the morning. 10 They're going to have access to the beach 11 right there. You know, they're going to have all the 12 amenities that this house provides that we have built 13 in. I think Heather did mention that, you know, we 14 have to meet fire code and all that, and that's 15 absolutely going to be the case. So I'm not sure what 16 else I would need to say, but I think that, you know, 17 people are going to want to stay there and it's going 18 to be, you know, quality individuals. 19 We're not going to bring in hoodlums or, you 20 know, anyone. People are going to want to stay there 21 that have money and are going to, you know, bring 22 money to the community. So it's going to definitely 23 be beneficial for all my neighbors and everyone in the 24 area. 25 MAYOR ELAINE BROWN: Would you go back
Page 118 1 done by a resolution? 2 CITY ATTORNEY ZACHARY ROTH: It was done by 3 referendum. The charter amendment. 4 COUNCILOR LAUREN KEY: Okay, thank you. 5 MAYOR ELAINE BROWN: Okay. A lot of 6 technical questions have been answered. We have a 7 great planner that works for us, and she and our 8 attorney are people I truly believe in. However, I 9 would just like to say that I'd like for you to 10 explain to me as a guest coming to stay with you just 11 what it would really entail. 12 In other words, I've got my husband, I've 13 got my two kids, I've got my suitcases, and I'm 14 expecting breakfast in the morning, it's a bed and 15 breakfast. And who was going to cook the breakfast? 16 I mean, just kind of tell me, I know you have a plan 17 for running this. I'd like to hear it. 18 DOUG DRIVER: Right. So I mentioned that 19 earlier to Ms. Livingston. 20 MAYOR ELAINE BROWN: I heard that, yeah. 21 DOUG DRIVER: But yeah, the plan's still in 22 progress. Like I said, I've been working on this for 23 a year and a half, you know, making the designs and 24 everything, I've been solely focused on that. The 25 city hasn't asked for a requirement for a plan for the	Page 120 1 through when you appeared before the Community 2 Development Board? It was pretty clear that you 3 really didn't want to interact. And a lot of us in 4 this room, myself included, I've been to a lot of 5 B&Bs. 6 Saint Augustine right down the street, and a 7 couple of others that I've really fell in love with, 8 like in Cedar Key. The owner is usually there for a 9 while or greets guests. And then there's the staff. 10 And the staff usually is the people that are taking 11 care of it with changing sheets and, you know, making 12 sure the rooms are good. 13 And then you have those that are doing the 14 cooking. A lot of times it's the owner that, you 15 know, does it. Then they come in early and they 16 prepare the breakfast and get it ready for the guests. 17 It looks to me as though your kitchen is your personal 18 kitchen. It's the only kitchen in there. 19 And that your guest would be on the bottom 20 floor. And where are they eating? Where are they 21 having breakfast? Kind of, you know, just tell me 22 this guest experience that you're envisioning. 23 DOUG DRIVER: Okay. Well, there's a guest 24 room on the first floor. That's true. They do have a 25 kitchenette in there, but there's also access for them

Page 121 1 to go upstairs if they'd like to access the main 2 kitchen. 3 The second floor is going to have a bedroom. 4 It's right next to the kitchen actually. So they have 5 access there. They're not going to have a kitchenette 6 in that second-floor bedroom. So they're going to 7 only be able to use the main kitchen in the house. 8 So guests are going to come and go as they 9 want. They're going to have access to the house with 10 a key separate for them. You know, there's going to 11 be security. I'm going to have cameras. So you know, 12 that's definitely -- if that's a concern. I know 13 that, you know, obviously I want to -- yeah, all 14 right, so yeah, I mean that's it's going to be it's 15 going to operate as a typical bed and breakfast. 16 The CBD, when I met before them, they were 17 very hostile. Members of the CBD were staring at me 18 like they wanted to fight me. So I got flustered. I 19 may have said some things out of hand. But, you know, 20 like I said, I'm fully invested in this to run the bed 21 and breakfast. 22 MAYOR ELAINE BROWN: And I just kind of see 23 it as you're really going to be just renting the 24 bottom floor and, you know, then they'll be -- they'll 25 have access to your kitchen, you know, the owner's	Page 123 1 piggybacking on that. I mean, we're not trying to be 2 hostile towards you, we're just trying to get a bigger 3 picture of what's going on. So, like, kind of 4 piggybacking on that. And I don't know if this is a 5 question for the architect or yourself. 6 I think you described earlier that the 7 entrance, like you would go check into the lobby, and 8 then you'd go back out to the garage, and then you'd 9 go into the first-floor bedroom. 10 And then I think the second-floor bedroom, 11 if I, I don't know if you mentioned or the plans, 12 there's a separate -- you'd go to the lobby and then 13 there's some separate entrance to go to the back. So 14 like, how are they getting to this kitchen and this 15 shared space to be able to enjoy that? 16 DOUG DRIVER: Okay. So the first-floor 17 bedroom, it has an outside entrance, but it also has 18 an indoor interior door leading to the rest of the 19 house. So they will still have access to the full, 20 the full house, whether they want to go into the 21 living room, watch TV, or go in the kitchen or 22 whatever the case is. 23 So, you know, it's going to all be 24 available. Like I said, the only part of the house 25 that's not really going to be available is where I'm
Page 122 1 kitchen upstairs, and you're going to have a breakfast 2 there for them. Is that kind of your thoughts? 3 DOUG DRIVER: So I'm under oath right, sir? 4 And I said that I'm going to be using the whole, the 5 whole house, so. Are you telling me that my testimony 6 is not accurate here? Because I'm saying that -- 7 MAYOR ELAINE BROWN: I'm not telling you, I'm 8 asking you. 9 DOUG DRIVER: Okay, well, I'm saying. 10 MAYOR ELAINE BROWN: I'm asking you my 11 experience coming to your bed and breakfast. It's 12 important to me that if it were to be a bed and 13 breakfast, that that's what it is. And that's why I 14 just want to hear that guest experience from you, the 15 owner, and the person who's going to be running it. 16 DOUG DRIVER: Okay. I think I've mentioned 17 it a few times. Is there any other aspect that you'd 18 like me to talk about around that? 19 MAYOR ELAINE BROWN: No, that's okay. All 20 right. So I have no further questions. 21 COUNCILOR NIA LIVINGSTON: I have some. 22 MAYOR ELAINE BROWN: And I'm going to back 23 around. You'll be first and then anybody else. Just 24 let me know. Go right ahead. 25 COUNCILOR NIA LIVINGSTON: Well, just	Page 124 1 staying on the third floor, the owner's suite. 2 COUNCILOR NIA LIVINGSTON: And like, do you 3 have you said you've been like working on this for a 4 year and a half? Like, do you have a proposed name? 5 DOUG DRIVER: I've thought about a few names, 6 all probably Neptune related. So -- but yeah, I mean, 7 I don't have anything right now to say so, I don't 8 know, I haven't, you know, met with anyone for 9 reviewing those names and actually putting them, you 10 know, through like a business, whatever the state 11 requires to maintain and operate a business. 12 I know I have to go through that process to 13 find a name, so I can't just, you know, say like, I 14 don't want to just say anything because I don't know 15 what's already acquired by other companies or, you 16 know, who owns what in terms of naming but. 17 COUNCILOR NIA LIVINGSTON: And I know you 18 mentioned earlier, like, we're not going to be just 19 like renting it to Riff Raff and stuff like I it's 20 kind of hard to say because you don't know, like who 21 the other person on the other end of the computer is, 22 but like, what sort of price range are you thinking 23 of, of like how much by the night or something that 24 this would, would go for? 25 DOUG DRIVER: Sure. So it will absolutely be

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 125-128

Page 125 1 between \$150 to \$250 a night. So you know, that's 2 going to be upper end. It's not going to be low- 3 income. You know, people are going to have to be able 4 to afford it to stay there. So. 5 COUNCILOR NIA LIVINGSTON: I don't have any 6 other questions. 7 MAYOR ELAINE BROWN: Are you finished? Okay. 8 All right. Go back around. Does anyone have 9 questions? No further questions? No further 10 questions. All right. Thank you very much. We 11 appreciate it. 12 DOUG DRIVER: Thank you. 13 MAYOR ELAINE BROWN: Okay. We are back now 14 on item 4A P24-04. I would like to certainly open 15 this up for a motion, and we will move from there. A 16 motion to approve. 17 COUNCILOR JOSH MESSINGER: I have one 18 clarification, Mayor. 19 MAYOR ELAINE BROWN: Certainly. 20 COUNCILOR JOSH MESSINGER: From the outline 21 of the procedures laid out earlier, is this now a time 22 for discussion? 23 VICE MAYOR KERRY CHIN: Yeah. You're in 24 council discussion. 25 COUNCILOR JOSH MESSINGER: We're still in	Page 127 1 the facts of the case, I feel a different way about 2 it. 3 So you know, I think that they meet, I think 4 they meet the requirements and I don't see how not 5 approving this is not going to end up in a lawsuit. 6 But I believe in property rights. I think they're 7 allowed to do this by right. 8 I know there was a statement earlier that 9 they can't, but it is -- they meet all of their 10 requirements. And I know one of the things that was 11 discussed was, you know, it would block a view or it 12 would create a, you know, no one's entitled to a view 13 for their property. Property owner is not entitled to 14 somebody else's view like it's that way. 15 And I know that there's concern about the 16 amount of traffic in the neighborhood. I've lived at 17 a beach access before, and they're filled with 18 individuals all the time now. I live on First Street. 19 It's like if you live east of third, there's just a 20 lot of people. 21 And in the eight, almost nine years I've 22 lived here, there's more and more people. It's 23 something I don't know that denying this would 24 improve. But you know, like I said, I struggle with 25 it because I feel for the neighbors, and I understand
Page 126 1 council discussion. 2 MAYOR ELAINE BROWN: We can discuss first. 3 COUNCILOR JOSH MESSINGER: Okay. 4 MAYOR ELAINE BROWN: A lot of times we can 5 get in order and go. But if you have more questions, 6 let's go ahead and get them out. 7 COUNCILOR JOSH MESSINGER: Well, I think I 8 was just wondering if this is now just council 9 discussion amongst ourselves. 10 MAYOR ELAINE BROWN: It is. 11 COUNCILOR JOSH MESSINGER: Before making -- 12 having to make a motion because I know in other items 13 we have to procedurally -- 14 MAYOR ELAINE BROWN: No. It is time for you 15 to ask any more questions. 16 COUNCILOR JOSH MESSINGER: I don't have any 17 more questions. It's just for discussion. 18 MAYOR ELAINE BROWN: Do you have discussion? 19 COUNCILOR JOSH MESSINGER: I don't want to 20 kick it off. I just wanted to make sure we were in 21 proper procedure. 22 MAYOR ELAINE BROWN: Any discussion amongst? 23 COUNCILOR LAUREN KEY: I'll kick it off. 24 This is hard for me because, like, emotionally, I feel 25 one way about it. But when I take -- when I look at	Page 128 1 that it's not something that that they would want, and 2 it's not something that I would want either, 3 necessarily. 4 But, you know, I live, I live next to 5 single-family homes in a, in a district where that is. 6 So it's not, you know, it's kind of it just is what it 7 is like. I don't know. I feel bad, but I also think 8 that it's important to apply, apply our codes 9 properly. 10 MAYOR ELAINE BROWN: Okay. Thank you. 11 VICE MAYOR KERRY CHIN: I see, I see both 12 sides of the argument. You know, I understand that, 13 you know, from a technical standpoint, you know, they 14 fulfill, you know, some technical requirements. 15 But on the other hand, I know that they, 16 they also don't -- they're not compatible with the 17 existing character that's immediately around them. So 18 that's something that we need to be able to take into 19 account, you know, and that's part of 27-82, not the 20 222. 21 This has come before me a couple of times. 22 You know, I was on the planning board, I think, when 23 it was, when it first came through and it had some, 24 you know, similar issues. You know, there's, there's 25 something to be said for trying to fit into the

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 129-132

Page 129 1 context and to be sensitive to the neighborhood. And 2 I think that our code tries to guide us towards 3 creating things that are sensitive to the context. 4 And I think this is one of those cases where 5 we really do have to weigh that and judge what will be 6 better for the development pattern of an area. And, 7 you know, to Councilor Messinger's earlier points 8 about the efforts to convert the zoning of this area 9 to something more residential. And, you know, I 10 understand that we're not taking away a usage here. 11 We're not saying that you can't do a bed and 12 breakfast, but you have to do it that's in a way 13 that's sensitive to the area and that doesn't 14 adversely impact the area. You know, like I said, I 15 have some concerns about how they're handling the 16 parking. I have concerns about, you know, safe 17 pedestrian access around that area. 18 You know, with a private home, you know, you 19 don't have to worry about that. But with a, you know, 20 something that's considered part of the public space, 21 you're going to have to worry about safe pedestrian 22 access or even like, you know, people being able to 23 get around that safely. So those are the kind of 24 things that I worry about and that I'm struggling 25 with.	Page 131 1 I mean, number six, concerns and desires of 2 surrounding landowners and other persons. We heard 3 from 11 people tonight. That's not including the 4 emails that we've received, phone calls, and 5 everything else over the last few weeks or months that 6 this has been pending. I mean, I, I have my own 7 comments about whether this is actually going to act 8 as a bed and breakfast or not, but that's not looking 9 at, you know, what these findings are. 10 I just don't believe that it necessarily 11 conforms with the proposed -- this doesn't conform 12 with the comprehensive plan as number four the desire 13 is to, you know, maintain the integrity of our 14 residential small-town community. 15 And although this is an allowable use, I 16 just don't think that this what is presented in front 17 of us tonight is the proper use under 27-82F. I don't 18 think it meets the criteria, and a lot of that is 19 echoing things that Vice Mayor Chin has already 20 brought up. 21 MAYOR ELAINE BROWN: Councilman, Messinger? 22 COUNCILOR JOSH MESSINGER: Perfect. Thank 23 you, Mayor. So I really, I really struggle with this. 24 Because I look at the history and I look at a lot of 25 the concerns from the community and the reason I
Page 130 1 MAYOR ELAINE BROWN: Okay. Councilwoman, 2 Livingston? 3 COUNCILOR NIA LIVINGSTON: I mean, I know 4 that councilor Key already touched on this, but I feel 5 like I've already been all but, I mean, told that if 6 we don't vote for this, this is going to be a lawsuit. 7 But I don't think that that's a reason to 8 just go with what they're saying. I do believe that, 9 yes, a bed and breakfast is an allowable right, but it 10 is also subject to the provisions of the code. And I 11 look at 27-82F and I go through the analysis and I 12 don't think it meets the criteria. 13 And I will be very short and brief with what 14 I say, just because this is all going to be looked at 15 and scrutinized when this lawsuit happens. I don't 16 believe that it fits in with the nature of the, of the 17 neighborhood. This is a 35-foot residence bed and 18 breakfast compared to the 28-foot small bungalows that 19 are surrounding it. 20 The frontage compared to the other housing. 21 And I get that they are meeting the requirement of a 22 bed and breakfast in the sense of the, I forget the 23 word used, it's been a long night, I'm sorry, but all 24 of the windows, but it doesn't conform with what is 25 around it, what is in the neighborhood.	Page 132 1 brought up the history is because there is not a 2 mechanism before us to strip and make that purely a 3 residential area. 4 It's not, it's not possible. We -- it can't 5 be done. The state of Florida has stopped it before. 6 Bert Harris claims would arise. Multiple residents, 7 when it was discussed, who still lived there and still 8 reside in those homes. And I'm not going to shame 9 them because then you'd have people picketing, have 10 said we want the CDB designation we don't want that to 11 leave our property because there's more value in it. 12 On the other hand, I see a lot of the points 13 raised by Vice Mayor Chin and Councilwoman Livingston 14 about compatibility and design. But I then go back 15 and go, well, in the, in the land use and zoning 16 process, many people in the room tonight didn't want 17 design restrictions put on properties. They didn't 18 want character restrictions put on properties. 19 The statement was we don't want to be an 20 HOA. Don't tell us how to build or what to build. So 21 I struggle with which, kind of which, which is it? Do 22 we prescribe more and put more design restrictions in 23 that block? Because I agree and I feel for that area. 24 People are really concerned about an esthetic and the 25 design and a feel and a place of character. So how do

Page 133 1 we, how do we achieve that? 2 I mean, if we vote no tonight on this and it 3 ends up in a lawsuit, it'll either -- they'll either 4 prevail and we'll lose a lot of money and it'll still 5 get built or will win, but it'll still be an empty lot 6 that has vagrants on it at times. And, you know, the 7 neighbors who came in and spoke said they see public 8 urination there. 9 So and they want to see it developed. So 10 it's how do we, how do we help that district remain -- 11 maintain its character without, without taking rights 12 and without us getting in litigation, without, you 13 know, the state preempting us again. So those are the 14 struggles that are going back and forth in my head 15 right now. 16 And I do think there's some holes in the 17 presentation. And I do believe, you know, I've stayed 18 in plenty of Airbnbs but there is a concern there. 19 But does that concern outweigh the potential 20 litigation and does it outweigh potentially taking of 21 rights. Those are the things -- I have not made up my 22 decision yet. But those are the things that, you 23 know, for the edification of the rest of the board. 24 It's something we weigh on very heavily. 25 And the history of this, you know, that's, that's why	Page 135 1 that they were asking for in association with that. 2 This looking at 27-82F, it's, it's not 3 saying I mean they can have a bed and breakfast, but 4 it's not this bed and breakfast. I think that there's 5 a way that you can go about using the land and 6 building on it and being a bed and breakfast, but 7 maybe coming forward with something that conforms 8 better to the neighborhood. 9 We can't just always say no because it's a 10 bed and breakfast and we don't want that based off of 11 the history and everything that you've described. But 12 there's a way of, of doing it that still falls under 13 27-82F complies with it, and is more in tune with the 14 neighborhood. And this just in my opinion, this just 15 isn't it. 16 MAYOR ELAINE BROWN: Councilwoman Key? 17 COUNCILOR LAUREN KEY: When we're talking 18 about the existing character, it's a modern-looking 19 building. And while that might not be everyone's 20 esthetic, I believe that it's within someone's right 21 to build what they believe is beautiful for them. And 22 part of that is that we didn't -- and maybe they don't 23 think it's beautiful, I don't know, but part of that 24 is what we went through with the whole Dover, Kohl 25 thing.
Page 134 1 I go back and say we can't make it 28ft. I know a lot 2 of people would like that, but it's not possible. So 3 when we, when we come to roadblocks where we can't do 4 something, it's what is, what is a solution? Because 5 something needs to be built there. 6 And, and we can't take the 35-foot height 7 requirement away there because it's always been a 8 vested right under certain applications. So is it the 9 applicant comes back and all cedar shake and looks 10 like a nice cottage, but it's still the same height is 11 that then -- there's so many what, what ifs. And 12 those are what we all have to weigh. So I hope that 13 was helpful to some of my fellow councilors. 14 MAYOR ELAINE BROWN: I think that many of us 15 are struggling. Did you have something else that you 16 would -- was your hand waving at me or? 17 COUNCILOR NIA LIVINGSTON: I mean, I guess 18 just briefly, I guess just to add on, I think you, 19 Councilmember, you bring up a good point. I think 20 that it's also just though. I know we've talked a lot 21 about the history and the prior litigation. I know 22 that has nothing to do with this, but it's, it's also, 23 though to look back and say, okay, you know, they did 24 try and bring forward a single-family home. It was 25 denied. But there were a lot of special exceptions	Page 136 1 I mean, how many people said that they did 2 not want restrictions on -- they didn't infringe their 3 property rights. They didn't -- they wanted to be 4 able to build what they wanted to build. Well, people 5 do that. And like if you're spending your hard-earned 6 money on building a home or a business or whatever it 7 may be like, you kind of get to choose what you want 8 that to look like, and your neighbors may not like it 9 if you paint your house hot pink, but unless the city 10 says you can't, you're kind of allowed to. 11 So like I go back and forth, I know one of 12 the things is and when we're talking about the 13 frontage and how this home looks, is it -- I just need 14 further clarification there meeting commercial design 15 standards. So it's like we're saying, well, this 16 house doesn't fit because it -- but it's meeting the 17 commercial design standards. 18 I'm like I'm having a hard time 19 understanding why -- I understand why everyone's upset 20 and they don't like it, I get that, but I'm also 21 empathetic to the fact that they're trying to do what 22 they believe is correct, and they're following the 23 rules that are prescribed in our code, and yet they're 24 kind of being dumped on for it. So I don't, I don't 25 know how to fix this.

Page 137 1 But I do, you know, like I said, I don't 2 think it's anyone's place to tell other people what to 3 do with their property in terms of how it looks. I 4 also think that it's important to understand and take 5 into consideration the concerns and desires of 6 surrounding landowners. 7 But at the end of the day, what someone does 8 with their property is their business. And you might 9 not like the hot pink house, but it's their right to 10 paint it hot pink. So I'm not so sure that it's even 11 constitutional for us to have conversations and taking 12 into consideration certain things like that. So, you 13 know, I'm a big property rights person. 14 MAYOR ELAINE BROWN: Are you finished? Okay. 15 Vice mayor? 16 VICE MAYOR KERRY CHIN: I think that when 17 we're talking about character, we're not really 18 talking about style. So I think that, you know, we're 19 not going to be arguing about, you know, the look of a 20 place. I think it has more to do with the scale, 21 mass, and bulk of the, of the structure. 22 You know, that it's definitely going to be 23 different than the, the square footage or the size of 24 things that are adjacent to it. I think that that's 25 probably what people are objecting to. You know, I	Page 139 1 the community in any way. And I do understand meeting 2 the criteria. I am -- I don't believe it meets the 3 character of the neighborhood. 4 I have -- I'm having a real hard time 5 envisioning this as a true bed and breakfast in the 6 true sense. It's convoluted and, you know, sharing 7 the owner's kitchen and going through the garages. 8 There's so much about it that says to me, Airbnb or 9 short-term rental and not really a bed and breakfast 10 and the compatibility with the neighborhood. 11 And you know, I again, you do have that 12 right. And would I love to have you have your dream 13 great bed and breakfast that kind of fits in and our 14 community. I would love that, but I'm struggling as 15 the rest of this council is. We have a lot of what 16 this bed and breakfast really represents and the 17 character and the incompatibility. 18 And I'm also struggling a lot in B&Bs, you 19 know, you have a lot of people that work there. You 20 have people that come in that are doing a lot of the 21 cleaning and the bed changing, and there's laundry to 22 be done. I haven't seen that kind of look, you know, 23 to take care of all that. 24 Parking for all of them, traffic for all of 25 them, it's very worrisome for me. So again, I think
Page 138 1 do, you know, I have this -- I have the same conflict 2 that everyone else feels. 3 But at the end of the day, I think it, I 4 think it really is a matter of it being out of scale 5 compared to the surrounding area. You know, just for 6 clarification, I don't think that they were denied the 7 exception for residents. I think it was just that the 8 condition was applied, that you can have the private 9 residence, but it has to be 28ft to match the 10 surroundings, right? 11 CITY ATTORNEY ZACHARY ROTH: Yeah. That's 12 correct. It was approved with conditions. 13 PAUL WATERS: Right. So it was approved. 14 They weren't denied that. So they could have built 15 that first application, the residents but they -- in 16 the end I think ultimately want 35ft. So that's the 17 real question. 18 MAYOR ELAINE BROWN: Are we good over here on 19 this side? Anything else? All right. 20 COUNCILOR NIA LIVINGSTON: I just think Vice 21 Mayor Chin kind of, I think was able to articulate 22 what I was trying to say a lot better than myself. 23 MAYOR ELAINE BROWN: And this is rough. This 24 is our neighbors. These are the things that, you 25 know, we have hoped that would never come to divide	Page 140 1 we're all struggling with it. I think that all of us 2 know that, you know, the criteria, the attorney has 3 explained it very well. Applicant, you have explained 4 what you're doing very well, and I just agree with 5 every one of the council members here that the sad 6 part about this is that, you know, it's divisive. 7 People have been angry, a lot of emails, 8 etc. and we are going to have a vote shortly. And 9 again, I'm going to ask all of you just to, you know, 10 please, you know, be those good neighbors that you 11 really are. 12 And I'd like to have you conduct yourself in 13 that way. So is there any more discussion? Are there 14 any more questions? Because I don't want to limit 15 this in any way. 16 CITY ATTORNEY ZACHARY ROTH: Just before you 17 asked for a motion, we need to disclose ex parte 18 communications. Just make sure we do that before we. 19 MAYOR ELAINE BROWN: I'm sorry we what? 20 CITY ATTORNEY ZACHARY ROTH: You need to 21 disclose any ex parte communications that council 22 members have had. So did you talk to the applicant 23 and received emails? That kind of stuff. You need to 24 disclose that. 25 MAYOR ELAINE BROWN: Okay. Has anyone had

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 141-144

Page 141 1 any ex parte with the applicant? 2 CITY ATTORNEY ZACHARY ROTH: Or anyone else? 3 MAYOR ELAINE BROWN: Or anyone else? 4 CITY ATTORNEY ZACHARY ROTH: If you've gone 5 to the site to look at it or anything like that. 6 Anything you've done outside of this room that could 7 impact your decision? 8 MAYOR ELAINE BROWN: Okay, declare what 9 anything that you've done, yeah. 10 COUNCILOR NIA LIVINGSTON: I've received 11 emails. I believe I spoke with the Schoonover's. I'm 12 not sure if I pronounce that right. Councilor Diamond 13 called me about it. I think that was all. 14 MAYOR ELAINE BROWN: Okay. 15 COUNCILOR JOSH MESSINGER: Yeah. I've 16 received numerous phone calls against the property. I 17 know we've spoken with the Schoonover's a few times. 18 Other members within the room. I know representatives 19 from the applicant have called to ask if I had 20 questions and things of that nature, and then I 21 obviously spoke with staff. 22 MAYOR ELAINE BROWN: Okay, fine. Vice mayor? 23 VICE MAYOR KERRY CHIN: I received numerous 24 emails. I spoke with the Schoonover's and with 25 Councilor Rory Diamond.	Page 143 1 COUNCILOR NIA LIVINGSTON: I would make a 2 motion and make a motion to recommending denial of 3 DP24-04. 4 MAYOR ELAINE BROWN: Okay. Do I have a 5 second? 6 COUNCILOR JOSH MESSINGER: Second. 7 MAYOR ELAINE BROWN: Okay. I have a motion 8 and a second. And I'll now go into discussion and I 9 will start with our vice mayor. And vice mayor, we 10 have a motion and we have a second on the floor. 11 VICE MAYOR KERRY CHIN: I don't have anything 12 further to add. I think we've made, you know, 13 everything that we could. 14 MAYOR ELAINE BROWN: Okay. Councilwoman Key, 15 anything? No? Okay. I have a motion and a second. 16 Please call the roll. 17 CITY ATTORNEY ZACHARY ROTH: And before we 18 do, I'd just like to remind on these backward ones 19 that yes means no and no means yes. So, if you want 20 to deny it -- 21 MAYOR ELAINE BROWN: You would be saying yes 22 to the motion to deny. 23 CITY ATTORNEY ZACHARY ROTH: -- you'd vote 24 yes. If you want to approve it, you vote no. 25 COUNCILOR LAUREN KEY: Can we reframe the
Page 142 1 MAYOR ELAINE BROWN: Okay. 2 COUNCILOR LAUREN KEY: I've received emails. 3 I visited the site I spoke with the Schoonovers, I've 4 spoken with Councilor Diamond and I've had 5 conversations with counsel. Not this council. Sorry. 6 COUNCILOR NIA LIVINGSTON: Oh, I guess I've 7 spoken with staff too. 8 COUNCILOR LAUREN KEY: And staff and staff. 9 MAYOR ELAINE BROWN: Okay. I'll declare ex 10 parte visiting the site. Several attorneys have 11 called me and I've received a lot of emails. Is there 12 anything that I need to define any more than that? 13 Okay. All right. Is there -- 14 COUNCILOR JOSH MESSINGER: I've also visited 15 the site just so we're level set here. Okay. Thank 16 you. 17 MAYOR ELAINE BROWN: Get them all out. 18 COUNCILOR JOSH MESSINGER: Yep. Got them 19 all. 20 MAYOR ELAINE BROWN: Get them all out there. 21 COUNCILOR JOSH MESSINGER: We're good. 22 MAYOR ELAINE BROWN: All right. And are we 23 now on posture? Okay. And I will entertain a motion. 24 All right. Could I have a motion to approve? Could I 25 have a motion to decline this applicant?	Page 144 1 motion to just be a motion to approve and then let it 2 go through? 3 CITY ATTORNEY ZACHARY ROTH: The motion on 4 the table would have to be -- 5 MAYOR ELAINE BROWN: The motion on the table 6 is to deny. And so if you go along with -- 7 CITY ATTORNEY ZACHARY ROTH: Just vote yes if 8 you want to deny it, no if you want to approve. 9 COUNCILOR LAUREN KEY: All right. 10 MAYOR ELAINE BROWN: Understand? If you go 11 along with the motion, it's a yes. 12 COUNCILOR LAUREN KEY: Yes. 13 MAYOR ELAINE BROWN: Okay, all right. 14 COUNCILOR LAUREN KEY: Yes. 15 MAYOR ELAINE BROWN: Kind of reversed from 16 what we usually have before us. Please call the roll. 17 CATHERINE PONSON: Councilor key? 18 COUNCILOR LAUREN KEY: Yes. 19 CATHERINE PONSON: Councilor Livingston? 20 COUNCILOR NIA LIVINGSTON: Yes. 21 CATHERINE PONSON: Councilor Messinger? 22 COUNCILOR JOSH MESSINGER: Yes. 23 CATHERINE PONSON: Vice Mayor Chin. 24 VICE MAYOR KERRY CHIN: Yes. 25 CATHERINE PONSON: And Mayor Brown.

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 145-148

Page 145 1 VICE MAYOR KERRY CHIN: Yes. 2 MAYOR ELAINE BROWN: The application has been 3 denied. All right. We're going to move on now. And 4 I know it's been a late night, but we have item number 5 five, ordinance number 2024. 6 And this is the ordinance for the City of 7 Neptune Beach for the pension fund. And there is a 8 public hearing. I'm opening the public hearing right 9 now. Do we have people -- anybody? Name and address 10 for the record. 11 LEONA SHEDDAN: Leona Sheddin, 2010 Shadow 12 Lane. 13 MAYOR ELAINE BROWN: Okay. Let's let whoever 14 wants to leave. And if you'll be quiet, if you're 15 leaving, just kind of -- we have more business to 16 attend to. 17 LEONA SHEDDAN: Yeah. This one's going to be 18 fun. Okay, first. 19 COUNCILOR LAUREN KEY: Let's let everyone -- 20 COUNCILOR JOSH MESSINGER: Yeah, let them -- 21 let everybody clear out. 22 MAYOR ELAINE BROWN: You won't be heard. 23 We're ready for you, Leona. Go right ahead. Name and 24 address for the record. 25 LEONA SHEDDAN: Leona Sheddin, 2010 Shadow	Page 147 1 beneficiaries who retired before October 1, 2020, to 2 make October 1st the effective date of any cost of 3 living adjustment, directing the City Clerk to file a 4 copy of this ordinance with the Florida Department of 5 Management Services, Division of Retirement, providing 6 for the severability of provisions, repealing all 7 ordinances and conflict herewith, and providing an 8 effective date. 9 Whereas the Board of Trustees of the Neptune 10 Beach Police Officers Retirement Systems desires to 11 provide an annual cost of living adjustment benefit 12 for all members who retire on or after October 1, 13 2020. Under normal early disability and pre- 14 retirement death. 15 Whereas the Board of Trustees of the City of 16 Neptune Beach Police Officers Retirement System 17 desires to provide a one-time cost of living 18 adjustment benefit for all retirees. Disability, 19 retirees and beneficiaries who retired on or before 20 October 1, 2020, based on their respective credited 21 service periods. 22 Whereas the Board of Trustees of the City of 23 Neptune Beach Officers Retirement System desires to 24 make the effective date of any cost-of-living 25 adjustments October 1. Whereas an amendment to the
Page 146 1 Lane. I am a trustee on the Neptune Beach Police 2 Pension Board and have been for four years. Before 3 we, before we go any further, I'd like to introduce 4 the other members of the pension board. 5 Sergeant Dustin Campi, wave your hand. 6 There you go. Officer Joe Dзамko. There you are. 7 And Michael Phillips, trustee. There you go. Okay. 8 I want you to remember three things. One, the Neptune 9 Beach Police Pension Board is rated amongst the 10 highest in the state of Florida. 11 Two, that the officers of Neptune Beach 12 Police pay the -- among the highest contributions in 13 the state also. And lastly, just a note to remember 14 that the pension board, the pension fund, has a 15 \$735,000 credit with the state. Now, I'm going to 16 read you the ordinance that's proposed. An ordinance 17 of the City of Neptune Beach, Florida, amending 18 chapter two administration article five Employee 19 Benefits Division for Police Officers Retirement 20 System of the City of Neptune Beach. Section 2-349. 21 Contributions provide for an increase in the 22 member contribution rate to provide for an annual 23 benefit increase for members who retired on or after 24 October 1st, 2020, to provide for a one-time benefit 25 increase in retroactive benefits for retirees and	Page 148 1 City Code is necessary to permit such new conditions. 2 Whereas the Board of Trustees of the City of Neptune 3 Beach Police Officers Retirement System have requested 4 and approved such an amendment as being in the best 5 interest of the participants and beneficiaries, as 6 well as serving to improve the administration of the 7 retirement system. 8 Whereas the City Council has received and 9 reviewed an actuarial impact statement related to this 10 change and attached as such, whereas the City Council 11 deems it to be in the public interest to provide this 12 change to the retirement system for its police 13 officers and Whereas the City Council of Neptune 14 Beach, Florida has determined that it is necessary to 15 amend the following. 16 Now, therefore, be it ordained by the City 17 Council of the City of Neptune Beach, that, section 18 one, that, Chapter 2 Administration Article 5 Employee 19 Benefits Division for Police Officers Retirement 20 System of the Code of Ordinances of the City of 21 Neptune Beach is hereby amended by amending section 2- 22 349 contribution subparagraph A, member contributions 23 by adding the following underlined language and 24 deleting the stricken-through language as follows. 25 Section 2-349. Contributions.

Page 149 1 Member contributions. Amount. Effective 2 October 1, 2020, for each member of the system shall 3 be required to make regular contributions to the fund 4 in the amount of 9% of their salary. Member 5 contributions withheld by the City on behalf of the 6 member shall be deposited with the Board immediately 7 after each pay period. 8 The contributions made by each member to the 9 fund shall be designated as Employer Contributions 10 pursuant to Section 414H of the code. Such 11 designation is contingent upon the contributions being 12 excluded from the member's gross income for federal 13 income tax purposes. For all other purposes of the 14 system, such contributions shall be considered to be 15 member contributions. 16 Section two. That Chapter 2 Administration 17 Article 5 Employee Benefits Division for Police 18 Officers Retirement System of the Code of Ordinances 19 of the City of Neptune Beach is hereby amended by 20 amending section 2-349.1. Benefit amounts and 21 Eligibility subparagraph E, cost of Living adjustment 22 by adding the following underlined language and 23 deleting the stricken-through language as follows. 24 Section 2-349.1 benefit amounts and 25 eligibility. Cost of living adjustment. Effective	Page 151 1 subsection, sentences, clauses or phrases under the 2 application shall not be affected thereby. Section 3 six. That this ordinance shall become effective 4 immediately upon its passage and adoption by the City 5 Council. 6 MAYOR ELAINE BROWN: Thank you. And I'm 7 going to open this up for any questions. I'll 8 certainly start to my left with the Vice Mayor, if you 9 have any questions for Leona. 10 VICE MAYOR KERRY CHIN: Not exactly a 11 question for Leona, but a question for Zach. You 12 know, in the paragraph labeled E1 where it talks about 13 establishing the COLA. I know that in previous 14 language it would say, you know, provide the COLA cost 15 of living adjustment to their monthly benefits. Do we 16 need to add that language to be more specific here, 17 adding it to their monthly benefits, or do you think 18 it's okay as it exists? 19 CITY ATTORNEY ZACHARY ROTH: I don't think 20 it's necessary. 21 VICE MAYOR KERRY CHIN: Okay. 22 CITY ATTORNEY ZACHARY ROTH: But I would 23 defer as to the substantive question to the Pension 24 Board's attorney. 25 VICE MAYOR KERRY CHIN: Okay.
Page 150 1 October 1, 2024, provide an annual automatic cost of 2 living adjustment, COLA, for all who retired on and 3 after October 1, 2020 under normal early disability 4 and pre-retirement death, according to the schedule 5 below. Beginning 10/1/2024, 1%; 10/1/2025, 1.225%; 6 and increasing by 0.25% for the next years until it 7 reaches 3% in the year 10/1/2032. 8 Effective October 1, 2024, all retirees, 9 disability retirees, and beneficiaries who retired 10 prior to October 1, 2020 shall receive a one-time 11 increase of 2% to their monthly benefits for each full 12 year of retirement as of that date, with a maximum 13 increase of 10%. Effective October 1, 2024, an 14 increase in the member contribution rate from 8 to 9%. 15 Section three specific authority is hereby granted to 16 codify and incorporate this ordinance in the existing 17 Code of Ordinances of the City of Neptune Beach. 18 Section four. 19 All ordinances or parts of ordinances in 20 conflict herewith be and the same are hereby repealed. 21 Section five. If any section, subsection, sentence, 22 clause, phrase of this ordinance, or the particular 23 application thereof shall be held invalid by any 24 court, administrative agency, or other body with 25 appropriate jurisdiction, the remaining section,	Page 152 1 CITY ATTORNEY ZACHARY ROTH: As a separate 2 attorney, but from a form perspective, I don't think 3 it's necessary. I think it renders it ambiguous. 4 VICE MAYOR KERRY CHIN: Okay. All right. 5 And, and I see that we're ending at 3% at 2032. Do we 6 need any language to say that it caps at, at 3%? Or 7 is it just pretty much self-explanatory? 8 CITY ATTORNEY ZACHARY ROTH: I think it's -- 9 I don't think it's ambiguous. 10 VICE MAYOR KERRY CHIN: Okay. That's it. 11 MAYOR ELAINE BROWN: Okay. Councilwoman? 12 COUNCILOR LAUREN KEY: I'm going to recuse 13 myself out of an abundance of caution, because I have 14 a family member that may potentially benefit from this 15 vote. 16 MAYOR ELAINE BROWN: Okay, and Councilwoman? 17 COUNCILOR NIA LIVINGSTON: My question is not 18 necessarily for Leona, but maybe for the officers that 19 are on the pension board. May I ask them a question? 20 MAYOR ELAINE BROWN: Absolutely. 21 COUNCILOR NIA LIVINGSTON: Sergeant Campi, or 22 whoever wants to come up. Sorry to put you on the 23 spot. 24 SERGEANT DUSTIN CAMPI: No problem. 25 COUNCILOR NIA LIVINGSTON: I mean, it's just

Page 153 1 -- I think it's so great that here you are. You are 2 an -- you guys are officers. So, like what -- I'm 3 assuming you've talked to other people in the police 4 department -- I don't know if -- I can ask this, 5 right, about what the consensus is? Like what, what 6 are you -- how do you guys feel about this? 7 I mean, I know you're on the board, so it's, 8 it's a lot, you know -- it may not seem like that 9 much, you know, 9%, but overall, it kind of is when 10 it's your paycheck and these are your paychecks, not 11 mine. So I just want to ask, like, what are your -- 12 are you getting a lot of pushback from other officers, 13 or is this generally seen as like a -- everyone's 14 excited about this because of the benefits in the 15 future? 16 SERGEANT DUSTIN CAMPI: Yes, ma'am. So we 17 did hold a -- our, our union which the union president 18 is Officer Dзамko. We did hold a formal meeting and 19 took a vote for, for what you asked for and I believe 20 it was a unanimous vote that we did have -- we did 21 have a quorum, so. 22 COUNCILOR NIA LIVINGSTON: Okay, and so -- 23 SERGEANT DUSTIN CAMPI: And outside of those, 24 those that did not attend, nothing noteworthy. 25 COUNCILOR NIA LIVINGSTON: Okay. Thank you.	Page 155 1 so. 2 CITY ATTORNEY ZACHARY ROTH: It's not an 3 amendment to the ordinance. 4 COUNCILOR JOSH MESSINGER: It's a condition 5 of approval. 6 CITY ATTORNEY ZACHARY ROTH: It's a 7 condition, yeah. 8 COUNCILOR JOSH MESSINGER: So I motion to 9 approve ordinance number 24-04, under the condition 10 that the City use its credit to pay one-half of the 11 increase and then draw down that credit after the 12 first year and each year thereafter, contributing 10% 13 to the City's share. 14 MAYOR ELAINE BROWN: Okay. And tell me what 15 that does. Certainly, maybe you have discussed this 16 or were you aware of it? 17 COUNCILOR JOSH MESSINGER: Well, do we -- 18 hang on. Do I need a second before we can go into 19 discussion? 20 CITY ATTORNEY ZACHARY ROTH: Probably want 21 to, just to have it on the table so we don't have a 22 motion floating out there. 23 MAYOR ELAINE BROWN: We don't have a motion 24 yet. Well, we do have a motion. 25 CITY ATTORNEY ZACHARY ROTH: We made a
Page 154 1 That was it. 2 MAYOR ELAINE BROWN: Okay. Thank you. 3 Council Messenger? 4 COUNCILOR JOSH MESSINGER: I'm good. I'm 5 supportive of this. I know the, the Board has been 6 talking about this, something of this nature for a 7 long time. 8 LEONA SHEDDAN: For years. 9 COUNCILOR JOSH MESSINGER: Yeah. And so I'm 10 glad that you're able to stand here before us. I know 11 you're quite passionate about this. And for those in 12 the audience or those that are not aware, Ms. Sheddан 13 has a very extensive financial background. 14 So the fact that she's up here presenting 15 this and has, you know, family within law enforcement 16 is just, I think, a testament to what we're reviewing 17 tonight. And I don't take any of that lightly. So 18 I'm, I'm fully supportive of what's been done and 19 presented before us tonight. I do have a conditional 20 motion that I'm going to make that if Mayor -- if 21 you're okay, I'd like to make a motion that we approve 22 -- 23 MAYOR ELAINE BROWN: Is this an amendment? 24 COUNCILOR JOSH MESSINGER: Well, it's -- yes, 25 as prescribed, but I have talked about it with Zach,	Page 156 1 motion. We just need -- we don't have a second. 2 MAYOR ELAINE BROWN: All right. I have a 3 motion. Do I have a second? 4 COUNCILOR NIA LIVINGSTON: Second, I -- 5 MAYOR ELAINE BROWN: Right. So, I have a 6 motion and a second. And -- 7 LEONA SHEDDAN: By using half of the increase 8 from the credit and the City anteing up, so to speak, 9 the other half for the first year, the second year, 10 the half gets increased by 10% and 10% each following 11 year until the end, and you've reached 3%. Having 12 said that, at the end, the financial impact will be 13 negligible to the, to, to the City. 14 COUNCILOR JOSH MESSINGER: Yeah, the whole, 15 the whole goal of the amendment and the motion and 16 I've had conversations about this is what I expressed 17 in the last meeting. There was conversations about 18 using the whole chunk immediately, and then you're 19 stuck with the big bill versus this way you're 20 spreading those payments out, you're elongating that. 21 You're being more sustainable with your 22 payment methodology. And then by the time it comes to 23 term, you ultimately are having a very negligible 24 impact from a financial standpoint. So really what it 25 is, is it's about doing this, but it's about doing

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 157-160

Page 157 1 this in a very prudent and sustainable way, so there's 2 not a few years down the road when none of us are on 3 this board, a shock to the system that the other 4 boards have to clean up. 5 So that's why I made it, that's why I made 6 it. And the spirit of that is or, Zach, I don't know 7 if I have to state this, but that any change to that 8 would have to be voted on in a separate meeting 9 outside of the budget cycle. 10 MAYOR ELAINE BROWN: Okay. We have a motion 11 and a second. Discussion, questions? Vice Mayor. 12 VICE MAYOR KERRY CHIN: Can you go over that 13 whole 10% thing again? 14 COUNCILOR JOSH MESSINGER: So we have a 15 credit sitting out there that's an overpayment. So 16 you would take -- you'd lop half of that payment now. 17 You'd take half of that and put that towards the plan. 18 And then you would steadily do a 10% year increase 19 year over year because you had that credit sitting out 20 there. You're not burning that credit all at once. 21 And then the City's general fund is slowly 22 making up the other part. So it's not a large chunk 23 shock to the general fund. It's a low, gradual 24 increase. 25 VICE MAYOR KERRY CHIN: 10% is increasing --	Page 159 1 MAYOR ELAINE BROWN: Okay. And Councilman 2 Livingston, anything? Okay, so we have a motion and a 3 second. And just to be clear, will this motion be 4 embedded into the, the ordinance? Is this going to 5 take care of it, or is this a motion that is separate 6 from the ordinance as stated? 7 CITY ATTORNEY ZACHARY ROTH: This would take 8 care of it. 9 MAYOR ELAINE BROWN: Okay. So we have a 10 motion and a second. Any further discussion on the 11 motion as stated? And please call the roll. 12 CATHERINE PONSON: Councilor Livingston? 13 COUNCILOR NIA LIVINGSTON: Yes. 14 CATHERINE PONSON: Councilor Messinger? 15 COUNCILOR JOSH MESSINGER: Yes. 16 CATHERINE PONSON: Vice Mayor Chin? 17 VICE MAYOR KERRY CHIN: Yes. 18 CATHERINE PONSON: Mayor Brown? 19 MAYOR ELAINE BROWN: Yes. 20 MAYOR ELAINE BROWN: Thank you. And to the 21 pension board, to everyone that has put so much work - 22 - for coming back with this plan. We appreciate it. 23 We appreciate our police officers so much. So thank 24 you. 25 LEONA SHEDDAN: Thank you.
Page 158 1 LEONA SHEDDAN: Annually. 2 VICE MAYOR KERRY CHIN: -- of that -- 3 COUNCILOR JOSH MESSINGER: Annually, yes. 4 VICE MAYOR KERRY CHIN: (inaudible) So it's 5 50 first year, 60, 70. 6 COUNCILOR JOSH MESSINGER: Yes. And then -- 7 VICE MAYOR KERRY CHIN: Of whatever's left. 8 COUNCILOR JOSH MESSINGER: Within that 9 credit. And then the whole goal is to not have that 10 changed with just a standard budgetary process. So, 11 so many things happen within the budget. You don't 12 want them to say, oh, well, we're not going to do that 13 anymore. It passes in the budget. 14 People don't realize or don't see that it's 15 passed in the budget and the Council doesn't have a 16 discussion. So if they're to change it, it should 17 come back to the Council in a whole separate meeting 18 and be discussed if we're going to modify how we are 19 funding that. 20 It's just all to put guardrails on it, 21 protect it and be financially prudent in doing this 22 because it is an increase to the membership. But it 23 is also a, you know, long-term sustainable item that 24 we want to be conscious of for our budget. And that's 25 why.	Page 160 1 GARY FISK: Can I say one thing, please? 2 MAYOR ELAINE BROWN: I'm sorry? 3 GARY FISK: Can I say one thing? 4 MAYOR ELAINE BROWN: Of course you can. Get 5 up here, but make it short. 6 GARY FISK: Gary Fisk, 2232 Jadestone Drive, 7 32246. I just want to thank the pension board, Leona. 8 I've been dealing with her, and this has been going on 9 for years. Believe me, I've been to just about every 10 pension board meeting we've ever had here in City 11 Hall. And I just want to thank the Council. 12 I want to thank our board, Joe and Dustin, 13 thank you guys for pushing. I know Dustin gets tired, 14 you know, on the phone with him. But you know it's 15 been well, well done. I mean, I retired in 20 or not 16 20, but 1994 and hadn't had anything. And I'm the 17 second oldest still living police officer in Neptune 18 Beach. Dr. Harding has got me beat by, what, six -- 19 UNIDENTIFIED MALE SPEAKER: 20 years? 20 GARY FISK: Yeah, probably. But I just want 21 to thank the council. You know, it's been rough when 22 you retire on 42% of your salary. And we follow the 23 guidelines of the Florida State Pension Plan. So I 24 just want to thank everybody up here. Thank you all. 25 MAYOR ELAINE BROWN: Gary, thank you. Thank

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 161-164

Page 161 1 you for your service, too. All right. So moving 2 along here and we are on item number six. And Purvis 3 Gray, they've been -- please come up to the podium, 4 our CFO and I think that you're asking to go ahead and 5 continue with their contract (inaudible) 6 JAIME F. HERNANDEZ: Request a -- an 7 extension on their contract for them to perform the 8 audit for fiscal year '22-'23 and '23-'24. They're 9 going to start on October 1st of this year or around, 10 around that date. 11 The, the audit is supposed to be conducted 12 in about three months, presented to the, to the City 13 Council in January and then start the other audit in 14 March. So basically the two-year extension will go 15 ahead and be covered in, in about nine months. 16 MAYOR ELAINE BROWN: And they've been with us 17 seven years. Let's see. We've gone through Covid 18 with them. We've gotten through, you know, certainly 19 changes in our CFO a couple of times now, and I 20 certainly -- I trust your judgment. 21 We need to have the continuity right now as 22 we're moving forward. So I'm going to open this up 23 for any questions that the council might have. And 24 this is questions for Jaime. 25 VICE MAYOR KERRY CHIN: No questions. I	Page 163 1 COUNCILOR LAUREN KEY: Perfect. Because it's 2 -- you don't want to have the same auditor for too 3 long. And I think it would be in the City's best 4 interest to have someone new. 5 JAIME F. HERNANDEZ: I agree. 6 CLAYTON KNOWLES: And that's why they're 7 usually rotated every six to seven years. And -- but 8 in this case we asked the council. 9 COUNCILOR LAUREN KEY: Yeah, which makes 10 sense. So I'm good with it. But you know, looking 11 forward as, as I said I won't have a say, but I would 12 like to put it out there that I think it would be in 13 the City's best interest. Thank you. 14 JAIME F. HERNANDEZ: Absolutely. 15 (inaudible) 16 MAYOR ELAINE BROWN: Okay. Thank you. Nia, 17 any questions? 18 COUNCILOR NIA LIVINGSTON: I think Councilman 19 Key just took it out of my mouth, so. 20 CLAYTON KNOWLES: Okay, Josh? 21 JAIME F. HERNANDEZ: Thank you. 22 COUNCILOR JOSH MESSINGER: One question. 23 Don't, don't run off yet. So I know we're trying to 24 get caught up, and there are -- you explained the 25 timeline. Would there be any way. And I know it's --
Page 162 1 agree with you about maintaining that continuity. And 2 of course, Purvis Gray already has the institutional 3 knowledge of, you know, what we've been through. So, 4 you know, it seems prudent. 5 MAYOR ELAINE BROWN: Okay. Councilwoman? 6 COUNCILOR LAUREN KEY: Since I've been on 7 council, we've had numerous conversations about 8 getting a new auditor. I think for the sake of 9 continuity and probably too much to do an RFP and all 10 that stuff right now to get going on this next audit. 11 I'll be off council by the time it comes 12 back around, but I would like to see in the future 13 this next go-around, even though I won't be here for 14 us to -- I think it's really important. We've had 15 them for a long time. 16 JAIME F. HERNANDEZ: Yeah, the goal is to 17 just go ahead and have an RFP right after they finish 18 the -- 19 COUNCILOR LAUREN KEY: Perfect. 20 JAIME F. HERNANDEZ: -- with their audit. 21 So (inaudible) 22 COUNCILOR LAUREN KEY: I get that. I just 23 want to make sure. 24 JAIME F. HERNANDEZ: In the fall of next 25 year.	Page 164 1 half the time it's firms throwing bodies at this when 2 it comes to audits. 3 And it's how much bandwidth is the firm 4 going to give you, right? Because they have to do a 5 lot. I know there is some complications related to 6 this, but is there any way to expedite these, pay a 7 type of fee to where we get priority and they, you 8 know, speed up the timeline in which we can get out 9 from underneath you know, the -- some of the items 10 related to the audit? That's, that's just a question 11 for either Jaime or -- 12 JAIME F. HERNANDEZ: By the end of the, the, 13 the, the second audit, which is going to be around 14 June 30th -- 15 COUNCILOR JOSH MESSINGER: Okay. 16 JAIME F. HERNANDEZ: -- will be caught up. 17 And will we be able to just go ahead and provide the 18 State with the reporting that they require for us to 19 be in compliance. 20 COUNCILOR JOSH MESSINGER: Okay. I would 21 just like to say -- so I would like to see, a) if they 22 are able to dedicate more resources to, to reduce that 23 timeline, that would be ideal. But I understand we 24 have our own bandwidth issues. So that's just one 25 item I want to bring up.

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 165-168

Page 165 1 Second item is I would like a performance 2 clause in this because I know Purvis Gray, we were 3 slow with some items, but they also had turnover and 4 they had issues related to serving as our audit. And 5 I don't want to see a situation happen again where 6 they don't dedicate the right resources to us and that 7 causes issues for us. 8 So I would like to see this is -- you know, 9 we're effectively giving them two audit contracts. So 10 I'd like to have a performance item in there that 11 states that if they don't meet their timelines and if 12 we can speed these timelines up a little bit, that'd 13 be great. But if they don't meet them, there's 14 clawbacks related to the fee structure. So that's the 15 first item. 16 And then second item is I'm wondering, Zach, 17 if this is appropriate, but since it is in June and 18 we're passing this and there is a -- you know, 19 Councilwoman Key has been passionate about these items 20 in the past, I'm wondering if we can't make a motion 21 that says, yes, here's the two-year contract. But 22 that this council is making a motion that we have to 23 go out to RFP for a new audit or at the conclusion. 24 And that's done right here as we pass this, 25 I put a condition on the passage that this is it, and	Page 167 1 change? 2 COUNCILOR JOSH MESSINGER: To no longer do an 3 RFP and keep it with Purvis Gray would require a 4 supermajority vote of the council versus a simple 5 majority. 6 PAUL WATERS: All right, maybe I'm 7 misinterpreting, but it's curious that -- is this 8 resolution kind of like trying to impose a -- 9 COUNCILOR JOSH MESSINGER: An RFP. 10 VICE MAYOR KERRY CHIN: A rule on ourselves? 11 COUNCILOR JOSH MESSINGER: Yes. 12 VICE MAYOR KERRY CHIN: Kind of thing? 13 COUNCILOR JOSH MESSINGER: Yes. 14 VICE MAYOR KERRY CHIN: So what's to, what's 15 to hold our own feet to the fire? If we just -- if it 16 lapse? 17 COUNCILOR JOSH MESSINGER: (inaudible) 18 supermajority for us to go back on what we're doing 19 tonight. 20 COUNCILOR LAUREN KEY: Most of us won't be 21 here then. 22 COUNCILOR JOSH MESSINGER: I'm of the 23 opinion, I'm of the opinion that we have kept Purvis 24 Gray too long, and they have not performed well. But 25 I understand the need to keep them from a logical
Page 166 1 we, we have to go put it out to (inaudible) 2 CITY ATTORNEY ZACHARY ROTH: I don't know why 3 you couldn't. The council could in the future choose 4 not to follow it by a majority vote. 5 COUNCILOR JOSH MESSINGER: Really? Okay. So 6 it would just be -- 7 CITY ATTORNEY ZACHARY ROTH: I mean, it's 8 just like with anything, they can -- you can overrule 9 what you did last week when the majority vote 10 (inaudible) 11 COUNCILOR JOSH MESSINGER: That's true. I 12 just like some type of mechanism where it happens we 13 don't -- okay, so motion to approve agenda item number 14 six under the condition that there is a performance 15 obligation within the contract, and that an RFP is 16 done for subsequent audits, and to change such would 17 require a supermajority of the council. 18 MAYOR ELAINE BROWN: Okay. We have a motion. 19 Do we have a second? 20 COUNCILOR LAUREN KEY: Second. 21 MAYOR ELAINE BROWN: Okay. We have a motion 22 and we have a second. And now discussion. Any 23 questions we might have, Vice Mayor? 24 VICE MAYOR KERRY CHIN: Well, why were we 25 having the requirement to have a supermajority to	Page 168 1 standpoint to get through this final part. If we went 2 to an RFP now, it would elongate this and be a bigger, 3 bigger issue. 4 I don't think they're not a competent firm. 5 I think they had an issue related to staffing. Plenty 6 of businesses have that. But I also know changing 7 your auditors on a, on a certain level of intervals is 8 just prudent. 9 And so I don't want to see come June if the 10 makeup of the body changes and people go, well, let's 11 just keep on with Purvis Gray, I just want to put that 12 protection in now. That's, that's my motivation. 13 VICE MAYOR KERRY CHIN: Okay. 14 MAYOR ELAINE BROWN: Councilwoman Key. 15 COUNCILOR LAUREN KEY: I think there are 16 standards, right, like that are prescribed from some 17 organization that like does accounting practices that 18 says every X amount of years you should. 19 JAIME F. HERNANDEZ: Years and (inaudible) 20 years extension. (inaudible) 21 COUNCILOR LAUREN KEY: Okay, so right, we've 22 had them -- I mean we've had Purvis Gray for I don't 23 want to speak out of line here, but I'm -- close to -- 24 I think it's longer than that. But, but I -- you 25 know, if you're saying it's seven, it's seven. That's

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 169-172

Page 169 1 too long. But seven today, and then we're extending 2 it for another two. So that makes it nine, right? 3 JAIME F. HERNANDEZ: Yeah, for, for -- yeah. 4 It's one year basically extended to (inaudible) 5 COUNCILOR LAUREN KEY: So either way we're 6 going over. So like I think -- I understand, you know 7 -- we haven't been able to, to change them since I've 8 been on council. There were conversations because 9 it's always been so far behind. So I understand what 10 you're saying and I agree with it. 11 MAYOR ELAINE BROWN: Okay. Councilwoman 12 Livingston. Nothing? All right, so -- and you've 13 already spoken. You've given the motion. We're here. 14 All right. So, so that I am clear on the performance 15 clause and the RFP stating the supermajority. And it 16 was stated very well by the councilman, and I think we 17 are in a position to call the roll. 18 CATHERINE PONSON: Councilor Messinger? 19 COUNCILOR JOSH MESSINGER: Yes, 20 CATHERINE PONSON: Councilor Key? 21 COUNCILOR LAUREN KEY: Yes. 22 CATHERINE PONSON: Councilor Livingston? 23 COUNCILOR NIA LIVINGSTON: Yes. 24 CATHERINE PONSON: Vice Mayor Chin? 25 VICE MAYOR KERRY CHIN: Yes.	Page 171 1 So we obviously have an inflow and 2 infiltration problem there. The second slide, and 3 this was perfect timing for my request. But we had 4 Hurricane Debby come through. Oops. 5 CATHERINE PONSON: Sorry. 6 DERYLE CALHOUN: You're good. Should just 7 arrow down maybe? It was a two-page. There you go. 8 So we had a relatively dry period before Hurricane 9 Debby. And again, you can see August -- what is that, 10 5 or so, and then August 6th we had almost three 11 inches of rain. So the wastewater plant flow is in 12 the green. And you can see prior, we averaged about 13 725,000 gallons a day through the wastewater plant. 14 And we hit a peak a few days after Debby of 15 1.3 million. And as of this morning, we're finally 16 down to about 760,000 gallons. So it's taken us about 17 two weeks to get back to, quote unquote, normal. We 18 believe there might be as much as 200,000 gallons a 19 day of inflow and infiltration that are coming into 20 the system. So let's start with item seven. 21 We have about 31 miles of gravity sanitary 22 sewer in the system, and about nine miles of that is 23 vitrified clay, which was replaced as material of 24 choice by plastics in the 80s. Vitrified clay is 25 subject to leaking joints, cracks, and so on and so
Page 170 1 CATHERINE PONSON: Mayor Brown? 2 MAYOR ELAINE BROWN: Yes. The only thing 3 that I was unclear on that to all of you was, is it 4 going to be an amendment to this or what have you? So 5 I was taking the high road and just saying, let's go 6 with it. And we did. So thank you. And thank you 7 for your input, I appreciate that. All right. And 8 now, all right (inaudible) (background talking) 9 Brevity is appreciated. 10 DERYLE CALHOUN: (inaudible) Catherine to 11 bring up the slides, please. I got -- I have two 12 slides to support item seven and eight. Pretty 13 graphical there for you. So this is a, a plot of -- 14 the big bars are rainfall and this is January through 15 June. 16 The blue line is our potable water sales. 17 And then green is the wastewater that we're treating 18 at the wastewater plant. And so typically, just use 19 January as an example there, we sold about 18 million 20 gallons of water, and we treated about 23 million 21 gallons of sewer. You wouldn't expect that normally, 22 because the water that you run through your potable 23 meter gets -- you know, your car wash, you fill your 24 pool, you might irrigate if you don't have an 25 irrigation meter.	Page 172 1 forth. And of course, it's getting, it's getting old. 2 We've had Saltus Engineering assisting us in support 3 of our consent order with DEP for some overflows that 4 we had a few years back with looking at sources of 5 inflow and infiltration. 6 And we've looked at pump station runtimes 7 and other things. And if you recall, the council 8 approved some manhole monitors a number of months 9 back. We deployed two of those to the Indian Woods 10 subdivision and identified that as, as an area that we 11 would want to focus on. Just as a reminder, there are 12 two state statutes that deal with inflow and 13 infiltration. 14 403.086 is sewage disposal facilities, which 15 requires I&I studies and action plans. And then there 16 is 403.9301 wastewater services projections, which is 17 the 20-year look that gets updated every five years on 18 needs and funding sources. 19 So this request is to look at about 97 20 service laterals and I'll back up there. I missed 21 part of that. I gave you an EPA document that's 22 attached to the agenda that notes a Water Environment 23 Research Foundation study that found about 50% of 24 private sewer laterals are vitrified clay, and that 25 it's estimated to contribute laterals or about 40% of

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 173-176

Page 173 1 the system's inflow and infiltration. 2 This request, as I said, is for about 97 3 laterals in the Indian Wood subdivision. And if you 4 think about 30 feet a piece in the public right of 5 way, we're going to be looking at about 2,800 feet or 6 just over half a mile of service laterals. Indian 7 Woods is also in the 10 to 12 foot deep range. And of 8 course, it's right there near the intracoastal and we 9 know we have leaky manholes. 10 We've already looked at those, brick and 11 mortar. So this will be -- this company build, and I 12 gave you their history. They deploy a camera system 13 from the main line up into the lateral and give us the 14 video information that we need to then make decisions 15 about any potential rehab, either on our side or the 16 customer's side. 17 I've given you the budget information, the 18 repair and maintenance line is upside down at the 19 moment, but we are proposing a budget transfer from 20 Sewer Professional Services. And then one addition I 21 would make here, I asked for a 10% authorization for 22 change orders and went back and looked at some 23 footages, and I would request that that be increased 24 to 15% for this particular item. 25 There's also information in that EPA	Page 175 1 COUNCILOR LAUREN KEY: Second. 2 MAYOR ELAINE BROWN: All right. I have a 3 motion and a second. And please call the roll. 4 CATHERINE PONSON: Councilor Key? 5 COUNCILOR LAUREN KEY: Yes. 6 CATHERINE PONSON: Councilor Livingston? 7 COUNCILOR NIA LIVINGSTON: Yes. 8 CATHERINE PONSON: Councilor Messenger? 9 COUNCILOR JOSH MESSINGER: Yes. 10 CATHERINE PONSON: Vice Mayor Chin? 11 VICE MAYOR KERRY CHIN: Yes. 12 CATHERINE PONSON: Mayor Brown? 13 MAYOR ELAINE BROWN: Yes. Thank you. Good 14 presentation, too. 15 DERYLE CALHOUN: Thank you. Appreciate that. 16 Item eight is actually the main lines, the pipes that 17 -- the larger pipes that run essentially in the 18 street. This is a request to award to Insituform 19 Technologies, LLC for cleaning and televising 20 approximately 60 hundred -- 6,800 feet in the Indian 21 Woods subdivision, just over a significant -- about 22 1.3 miles, I should say. 23 Same situation, mostly clay pipe, as I 24 mentioned before, 10 to 12 feet deep. We believe that 25 there's quite a bit of I&I just from the two manhole
Page 174 1 document about examples of other Government models for 2 funding lining of private laterals or replacement of 3 private laterals. And so we'll be thinking about that 4 as we start to gain more information about what those 5 laterals look like. 6 In terms of, of rehabbing of our laterals, 7 BLD does CIPD lining at \$4,700 apiece. And so, you 8 know, if we just, just -- if we had to do all 97, 9 that's about half a million dollars. So there's, 10 there's a lot on the table here as we start to start 11 to look into the I&I problem. 12 MAYOR ELAINE BROWN: All right, so your 13 request is for \$48,050 with authorization to change 14 orders up to 15%? 15 DERYLE CALHOUN: Yes, ma'am. 16 MAYOR ELAINE BROWN: Okay. You've heard the 17 request. You've heard the presentation. Any 18 questions that anyone might have for Mr. Calhoun? 19 Seeing none, please call the roll. Oh, I need a 20 motion. Can I have a motion to approve? 21 COUNCILOR JOSH MESSINGER: Motion to approve 22 agenda item number seven with a 15% change order 23 variable. 24 MAYOR ELAINE BROWN: Second. Could I have a 25 second?	Page 176 1 monitors that were deployed and studied for a period 2 of time and then inspecting the brick-and-mortar 3 manholes. There's a piggyback contract with City of 4 St. Augustine that we've previously used. And I gave 5 you that information. Same, same budget area. And we 6 would do the same budget transfer from Sewer 7 Professional Services. 8 And I'll note for FY25, which we'll be 9 talking about Wednesday night, budgeting another 10 \$25,000 for cleaning and tv'ing of additional main 11 line footage, and then \$40,000 for rehab of 20 12 manholes and about \$120,000 for actual lining of main 13 line pipes. So if we find after we review the video 14 evidence, we have problems in this area, that will get 15 us significantly towards rehabbing Indian woods. 16 MAYOR ELAINE BROWN: Okay. Thank you. And 17 so the ask tonight is -- and you're sticking with the 18 10%? 19 DERYLE CALHOUN: Yes, ma'am, on this one, 20 10%. Thank you. 21 MAYOR ELAINE BROWN: Okay, so it's approval 22 to award Insituform Technologies in the amount of 23 \$42,084.10 with staff authorization for change orders 24 up to 10%. Could I have a motion to approve? 25 COUNCILOR JOSH MESSINGER: Said motion.

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 177-180

Page 177

1 MAYOR ELAINE BROWN: Okay, I have a motion.
2 Could I have a second?
3 COUNCILOR LAUREN KEY: Second.
4 MAYOR ELAINE BROWN: I have a motion and a
5 second. Discussion or comments or questions? Seeing
6 none, please call the roll.
7 CATHERINE PONSON: Councilor Livingston?
8 COUNCILOR NIA LIVINGSTON: Yes.
9 CATHERINE PONSON: Councilor Messinger?
10 COUNCILOR JOSH MESSINGER: Yes.
11 CATHERINE PONSON: Councilor Key?
12 COUNCILOR LAUREN KEY: Yes.
13 CATHERINE PONSON: Vice Mayor Chin?
14 VICE MAYOR KERRY CHIN: Yes.
15 CATHERINE PONSON: Mayor Brown?
16 MAYOR ELAINE BROWN: Yes. And --
17 DERYLE CALHOUN: Thank you. And item nine.
18 This is to replace various fencing at Lighty Lane ump
19 station, Camellia Terrace pump station and Oceanwood.
20 Lighty Lane will be an eight-foot stockade fence and
21 consult, and consult with a neighbor.
22 And Camellia Terrace and Oceanwood will have
23 the black-coated chain link with the privacy slats in
24 it. I gave you a photo showing the pretty poor
25 condition of, of all those fences that we'll be

Page 178

1 replacing. Budget is fine. We'll be awarding, or if
2 you approve, we'll award to Armstrong Fence Company
3 for \$30,453.01. We've, we've previously used
4 Armstrong and using a JEA piggyback contract.
5 MAYOR ELAINE BROWN: You've heard the
6 request. \$30,453.01 to Armstrong Fence Company.
7 Those fences needed to be replaced.
8 DERYLE CALHOUN: Yes, ma'am.
9 MAYOR ELAINE BROWN: And could I have a
10 motion to approve?
11 COUNCILOR JOSH MESSINGER: Said motion.
12 MAYOR ELAINE BROWN: I have a motion. Can I
13 have a second?
14 COUNCILOR LAUREN KEY: Second.
15 MAYOR ELAINE BROWN: I have a motion and a
16 second. Further discussion, comments? Seeing none,
17 please call the roll.
18 CATHERINE PONSON: Councilor Messinger?
19 COUNCILOR JOSH MESSINGER: Yes.
20 CATHERINE PONSON: Councilor Key?
21 COUNCILOR LAUREN KEY: Yes.
22 CATHERINE PONSON: Councilor Livingston?
23 COUNCILOR NIA LIVINGSTON: Yes.
24 CATHERINE PONSON: Vice Mayor Chin?
25 VICE MAYOR KERRY CHIN: Yes.

Page 179

1 CATHERINE PONSON: Mayor Brown?
2 DERYLE CALHOUN: Thank you all.
3 MAYOR ELAINE BROWN: Yes. And thank you,
4 Deryle, as always. And some of those things were very
5 badly needed. And we're hoping for the best as the
6 cameras go down. Yeah. Okay. All right.
7 Public comment? Do we have any cards? No
8 cards. All right. Public comment closed. And we are
9 adjourning this meeting and we are going into our
10 workshop meeting and I am calling the workshop to
11 order. Please call the roll.
12 CATHERINE PONSON: Councilor Key?
13 COUNCILOR LAUREN KEY: Yes. Here.
14 CATHERINE PONSON: Councilor Livingston?
15 COUNCILOR LAUREN KEY: Sorry.
16 CATHERINE PONSON: Councilor Messinger?
17 COUNCILOR JOSH MESSINGER: Here.
18 CATHERINE PONSON: Vice Mayor Chin?
19 VICE MAYOR KERRY CHIN: Here.
20 CATHERINE PONSON: Mayor Brown?
21 MAYOR ELAINE BROWN: Yes. Thank you. And we
22 are going to go right to any public comment. Do we
23 have any cards? All right. Public comment is closed
24 and we are going right to the Public Works expenditure
25 and project update.

Page 180

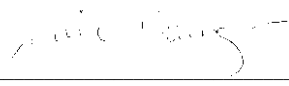
1 DERYLE CALHOUN: Catherine's got a couple of
2 slides for us here. City Manager Pike asked me to
3 take a look at what we've, what we've done over the
4 last 16 months or so, and I'm not going to read that,
5 obviously. Can you go up to the first page,
6 Catherine? We'll start with the general fund. There
7 you go.
8 So I looked at the three main buckets and
9 general fund. We've spent about \$1 million. The
10 three big ones were the City Hall, roof replacement,
11 senior center completion, and the City Hall exterior,
12 which I think turned out really, really nice. And,
13 and then also the milling and paving of various
14 streets that you all approved. I guess it was last
15 council meeting now. Over in the stormwater fund,
16 about \$600,000.
17 We're wrapping up the city-wide stormwater
18 model with, with Jones Edmonds, which will lead to
19 Colin being able to go pursue grants for us. Florida
20 Boulevard culvert, which began and finished before I
21 got here in March of '23. But that was a big project.
22 We cleaned, televised and lined with CIPP large pipes
23 in Bal Harbor, the ones that needed them anyway.
24 And we've also procured a new street
25 sweeper. Next slide. And then water and sewer, which

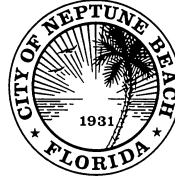
SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 181-184

Page 181 1 I've worn y'all out with. There you go. That was a 2 separate document of Wellfield, now that I think about 3 it. There you go. Water and sewer. Water and sewer. 4 No, no. Go with water and sewer. There you go. 5 Right there. Water and Sewer Fund. We've done a lot 6 of work over the last 16 months to, to get in, in 7 nearly permit compliance. 8 We should be rolling into permit compliance 9 in October for total nitrogen and then early spring 10 for phosphorus. Lots of work there. Again, I won't 11 read them all, but I'll point out for the wastewater 12 plant, the two big ones were the grip system 13 replacement and the fine bubbles. The fine bubble 14 system, which will be installed early October. 15 That was about \$330,000 total between those 16 two projects alone. But lots of work that was done 17 to, to get those plants back and functioning properly. 18 We're really doing well. On the wastewater pipe and 19 pump stations, we're fully in engineering, actually 20 completed engineering for the redundant crossing of 21 3rd Street. 22 The permit packages into D.O.T. We expect 23 to bid that and construct in FY25. And then on that 24 second line there, the force main extension down 25 Forest Avenue to take the load off of that trunk line.	Page 183 1 And total depths range between 600 feet and 2 1200 feet deep into the Floridan aquifer. Our recent 3 history is that well number two was removed for 4 service back in 2020 due to significant yield 5 decrease. And they think that was due to calcium and 6 magnesium build-up inside the, the casing and also 7 sand was found. 8 If you recall, I came here and asked for you 9 to approve some rehab on well number one, which is 10 also from the 30s. We pulled that failed well pump, 11 video logged it. They said, well, it's not the best 12 of shape, but you can put it back into service and 13 basically sit on it until we get well five fully 14 designed and constructed. 15 A number of weeks ago, we had a problem with 16 that well number one, pump would not rotate. They had 17 to bring a crane in and use a significant amount of 18 force to pull the, the pump out of the casing and it's 19 got sand in the volute, which is not a good sign. So 20 as the pump sits idle, sand has fallen down the casing 21 into the pump and filled it up. So the geologist is 22 concerned that we've had a failure of that casing. So 23 we video logged it. 24 I think I put it in there when we video 25 logged, but we didn't find anything earth shattering.
Page 182 1 We've had one small overflow at Hopkins Creek during 2 one of the heavy rain events, because that trunk line 3 gets so full during heavy rain events. 4 Again, back to the I&I situation. Both 3rd 5 Street Crossing and the force main extension down 6 Forest are both over \$1 million each. And again, 7 we'll talk about that on Wednesday night. The last 8 bullet there, the water plant pipes. We haven't done 9 anything on water because we've been so focused on 10 permit compliance and consent order compliance on the 11 wastewater side. 12 But the big, big takeaways here are we've 13 upgraded variable speed drives at the, at the 14 wastewater -- or at the water plant. Excuse me. 15 We've got the water tower back online after a 16 significant rehab period and then rolling into the 17 next topic, we've completed the design for well number 18 five. Now you can bring up the potable well, 19 Catherine. 20 Let's see, as a reminder, we've had -- we 21 have two wells that were drilled in the 1930s. Wells 22 three and four were drilled in the 1970s. And these 23 aren't your, your grandfather's wells. Municipal 24 wells are deep. The geology is complex. Our wells 25 are 10-inch and 12-inch diameter steel casings.	Page 184 1 But there's something going on where they're saying 2 they are suggesting that we take well number one out 3 of service. The recent history too was they looked 4 at, this was before my time, but they looked at 5 rehabilitating well number two, through a process 6 called acidification, where they put acid down the 7 main and they, you know, scour away the calcium, 8 magnesium and put it back into service. 9 But the concern is, is that the acid would 10 get slurped up by the other functioning wells, because 11 they're all in such close proximity. They also looked 12 at lining. If you line it, you got to scour the, the, 13 the casing. And they were worried that would destroy 14 the casing. 15 Plus the casing would, would be reduced from 16 a ten down to a six inch, which is effectively not 17 worth it. So based upon the condition of, of well 18 one, when we video logged it last year and knowing 19 that two was out of service, you all approved moving 20 forward with well five design to replace one and two. 21 Next slide. I already went through. 22 There it is. I'm so tired, I got, got out 23 of, got out of sync here. But we video logged, we 24 video logged well number one on July 29 after the, the 25 failure of the well. So just to be transparent here.

SPECIAL MEETING AND CITY COUNCIL WORKSHOP 081924 September 13, 2024
NEPTUNE BEACH COMMUNITY 185-188

Page 185 1 Well production capacity bullet there. Each of the 2 existing wells from the 1970s can serve our needs. 3 Just for perspective, we do about 800,000 gallons a 4 day at the most. 5 And during the drought period, maybe a 6 million gallons a day, that 1,200 to 2,100 gallons per 7 minute equates to 1.7 million gallons a day and 3 8 million gallons a day. So wells three and four can 9 serve our needs. But we, we know that there have been 10 failures. 11 And City of Atlantic Beach just went through 12 a replacement of two wells that failed, one from 1982 13 and one from 1993. 93. And of course, ours are from 14 the 70s. We budgeted \$1.4 million for well five 15 construction engineering support. And then the grout 16 filling of wells one and two, the abandonment of, of 17 the two that have failed. 18 And so what I'm, what I'm here to do tonight 19 is to make sure you're good with proceeding with, with 20 procuring services for well number five. We are 21 looking at me talking to Zach about it, but Atlantic 22 Beach, because of the few number of folks that do well 23 drilling, there's, there's five. 24 I called one today that has gotten rid of 25 their larger rig. They're only doing residential.	Page 187 1 MAYOR ELAINE BROWN: As usual, great 2 presentation. Thank you. 3 DERYLE CALHOUN: Appreciate it. 4 MAYOR ELAINE BROWN: A lot of work. And we 5 appreciate, you know, the goals that you have and 6 where we're headed. 7 DERYLE CALHOUN: Absolutely. Thank you. 8 MAYOR ELAINE BROWN: All right. Well, I'll 9 open this up for any questions that any of the council 10 members may have. Councilman Messinger? 11 COUNCILOR JOSH MESSINGER: Just one, one 12 quick question for you, Deryle. And, you know, we 13 trust you implicitly on this. 14 DERYLE CALHOUN: Thank you. 15 COUNCILOR JOSH MESSINGER: But with the, with 16 the two contractors that are local that would be able 17 to do it, and I definitely see the value of kind of 18 building our own proposal through applicable 19 contracts. But is the quality of the two companies, 20 would you say they're very similar and -- 21 DERYLE CALHOUN: Absolutely. They've been in 22 the business forever. They, they service -- JAJ has 23 over 100 -- was 135 wells when I left. But, but, but 24 it's basically these two, these two main, main folks 25 that do that work.
Page 186 1 One says it would be cost advantage for us. We 2 couldn't compete to come up this way. So we're left - 3 - I've got one other to call tomorrow. And then there 4 are two that do work in this area. 5 Atlantic Beach called those two and said, 6 give us a price for, for drilling the well. Then they 7 went to the continuing services contractor (inaudible) 8 for the mechanical portion and Limbaugh Electric for 9 the, for the electrical, and they put the package 10 together themselves versus going out on the street for 11 30 days, you know, and having, having the two 12 essentially respond. 13 So we'll be talking to Zach about that. And 14 I'm not so sure that that 1.4 million is accurate, 15 based upon what I've heard to what I've heard from 16 Atlantic Beach's experience. They were significantly 17 less expensive. This is our engineer maybe being a 18 little aggressive on the pricing expectation. And 19 then the other nice thing was one of the drillers has 20 a rig immediately available, and they, they popped the 21 hole in the ground for Atlantic Beach. 22 Within six months, they were up and running. 23 So we could, in theory, get this, this new well online 24 relatively soon. So just wanted to give that update 25 and I'll be happy to answer any questions.	Page 188 1 COUNCILOR JOSH MESSINGER: Okay. 2 DERYLE CALHOUN: Yeah. And the third, as I 3 said, I'm going to call tomorrow. I just didn't get 4 around to it today. But my point is I think we're 5 going to get the same response -- responders, even if 6 we put it out for formal bid and we could save, save 7 some time, you know, going with a request for quotes. 8 COUNCILOR JOSH MESSINGER: Okay. 9 DERYLE CALHOUN: Yes, sir. Thank you. 10 MAYOR ELAINE BROWN: Questions? Comments? 11 VICE MAYOR KERRY CHIN: How soon -- let's, 12 let's just say, you know, we, we approve and go ahead 13 with getting well five done. And you said that one of 14 the drillers can say that they can get the job done 15 within, like, say, six months. What does that 16 timeline look like? 17 DERYLE CALHOUN: So the six-month experience 18 was with, with Atlantic Beach. We have relationships 19 with GRU. And may we piggyback off of Atlantic 20 Beach's contract with Gruhn May. Gruhn May has been 21 very responsive to us on the work at the wastewater 22 plant. They are basically your heavy maintenance crew 23 for, for Neptune Beach. 24 Great relationship. They have availability. 25 I talked to Gordon Gruhn. They have -- they've had

Page 189 1 some work fall through, so I feel good about 2 mechanical electrical. We use Limbaugh. They're 3 homegrown. They service us. We pick up the phone 4 when they call. I have not spoken with them yet about 5 taking a look at the plan set or their availability, 6 but we could also fall back on Miller Electric. It's 7 a JEA piggyback that we've reached out to a few times. 8 But yeah, having that drill rig available and that, 9 that driller is supposed to come out and see us this 10 week. He looked -- he got the plan sets last week. 11 He's going to come visit the site this week. 12 So, so to answer your question, if we were to go 13 solicit quotes over the next couple of weeks, then 14 maybe four weeks to get, you know, all the contracts 15 inked, and then let's just go with the six months, the 16 same experience that Atlantic Beach has or had, so 17 let's say seven, eight, something along that line. 18 VICE MAYOR KERRY CHIN: Okay. So then by 19 mid-summer next year. 20 DERYLE CALHOUN: At worst. I would hope, I 21 would hope sooner. I'm naturally conservative. It 22 spooks me to think that we've got two wells from the 23 70s. And we don't -- as far as we know, they've never 24 been video logged, and I'm, I'm hesitant to take one 25 out of service and video log it and be just running on	Page 191 1 But I think it might be a prudent use of 2 everyone's time moving forward if there was -- you 3 know, if that was -- if anybody -- if everyone was 4 open to that to doing consent agenda for Deryle's 5 stuff. 6 MAYOR ELAINE BROWN: We will take that into 7 consideration, although I just love the long words 8 that you throw in there from time to time. And I have 9 to go back and look them up, not at 10:00 at night. 10 All right. Anything else for the good of the order? 11 Seeing none, meeting adjourned. 12 (End of recording) 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 190 1 one well. 2 The inner ties with Atlantic Beach and Jax 3 Beach would not, would not provide our full needs. So 4 -- and we are discussing about moving forward with the 5 grout filling of one and two sooner rather than later. 6 But the concern for the geologist is if you have a 7 catastrophic failure of the, of the casing of, of -- 8 we've got a lot of artesian pressure in those wells 9 that you would have a lot of water escaping what was 10 otherwise contained within that casing. So, yeah, one 11 day I'm going to get out of operations and do 12 something less stressful. 13 MAYOR ELAINE BROWN: Any other questions or 14 comments from council members? Mr. Calhoun, we thank 15 you very much. We appreciate it. All right. Public 16 comments? Do we have anyone? No? Public comments 17 closed. Council comments? 18 COUNCILOR LAUREN KEY: I -- sorry. Sorry 19 because I know everyone wants to leave, but I was 20 going to see if -- I know it's up to you, Mayor Brown, 21 if we could start doing maybe Deryle's items on a 22 consent agenda since we've never said no, and then he 23 can do his write-up of what it is, and then if there's 24 questions or things we can pull them for, you know, we 25 can pull them for discussion.	Page 192 1 CERTIFICATE OF TRANSCRIPTIONIST 2 3 I, JAMIE YOUNG, hereby certify that I was 4 authorized to and did transcribe the provided 5 recording and that the foregoing transcript is a true 6 transcript of said electronic recording to the best of 7 my ability. 8 I FURTHER CERTIFY that I am not a relative, 9 employee, attorney, or counsel of any of the parties, 10 nor am I a relative or employee of any of the parties' 11 attorneys or counsel connected with the action, nor am 12 I financially interested in the action. 13 14 DATED this 24th day of September, 2024. 15 16  17 18 Jamie Young 19 20 21 22 23 24 25



MINUTES
COMMUNITY DEVELOPMENT BOARD
SEPTEMBER 11, 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 September 11, 2024 at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Greg Schwartzenberger, Chair
Rene Atayan, Vice-Chair
Corrine Bylund, Member
Charley Miller, Member
Tony Mazzola, Member
Jonathan Raiti, Member
Lynda Padtra Alternate Member

The following staff members were present:

Heather Whitmore, Community Development Director
Paul Waters, City Attorney
Piper Turner, Code Compliance Supervisor

Pledge

Pledge of Allegiance.

**Call to Order/Roll
Call**

Chair Schwartzenberger called the meeting to order at 6:00 p.m.

Approval of Minutes

Approval of the May 8, 2024 minutes.

The members discussed the minutes and suggested that changes to be made. Due to the cases that were discussed at the May 8, 2024 meeting the City will be having a transcript made of the Community Development Board meeting. The members agreed that it would be best to table the approval of this meeting until the transcript could be included.

Made by Atayan, seconded by Raiti.

MOTION: TO TABLE THE APPROVAL THE MAY 8, 2024 MINUTES UNTIL THE TRANSCRIPT OF THE HAS BEEN COMPLETED.

APPROVED BY CONSENSUS.

Ex Parte
communication

Member Bylund stated that she would be abstaining because she was running for office and had received a donation from the applicant prior to this submitted. Member Atayan stated that she toured the property including the dumpster and parking areas. All members were familiar with the properties.

Swearing in

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

Variance V24-03
and
Development
Review
DP24-05
Pierre's, LLC
117 First, 110
& 120 Lemon St

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.

Heather Whitmore, Community Development Director, went over the staff report.

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.

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.



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.

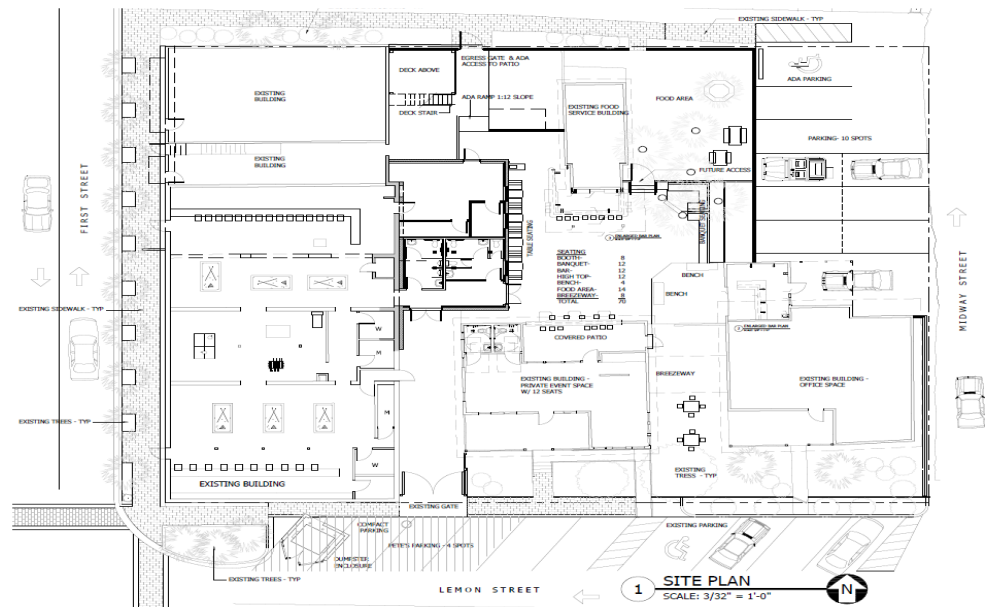
Upon conditional approval of DP23-01 by the City Council, the applicant agreed to mitigate the 19-parking space deficiency with a "Payment in-lieu of providing off-street parking." LDC Section 27-541 "Payment in-lieu of providing off-street parking in the Central Business District" establishes a waiver 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:

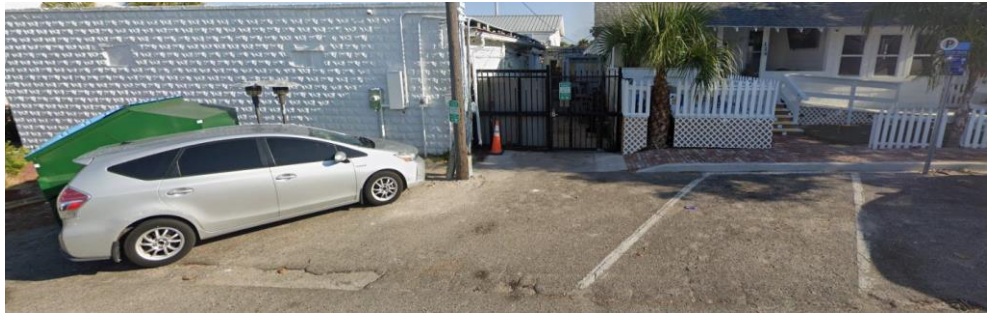


Section 27-540 "Parking Requirements" requires 1 parking space per 4 seats for restaurants and bars. Section 27-540 (1) permits a 50% parking reduction for uses located in CBD. DP24-05 proposes 152 total seats, requiring 19 total parking spaces $((152/4) \times 50\% = 19)$. The site has seven parking 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.



III. V24-03 FINDINGS:

3. 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 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 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 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.

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 FOR DEVELOPMENT PLAN REVIEW

TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT
 116 FIRST STREET
 NEPTUNE BEACH, FLORIDA 32266-6140
 PH: 270-2400 Ext 34 FAX: 270-2432
 CDD@NBFL.US



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

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 corporation 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 & Mailing address of Owner of Record:	Property Address:	117 1st St Neptune Beach, FL 32266 Real Estate ID # 172782-0000 Lot 1 Block 24 Subdivision 03151 Zoning District: CBD
Pierre's LLC 500 3rd St S Jax Bch, FL 32250 Contact phone # 904-588-4538 e-mail address deraz12@gmail.com		
Name and Address of Agent/Applicant:	Telephone #- 904-588-4538 Email: deraz12@gmail.com	
Describe Request being made: Outdoor Bar		
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.		

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.

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 Derazi

ADDRESS OF PROPERTY OWNER

NAME OF AUTHORIZED AGENT

ADDRESS OF AUTHORIZED AGENT

3

Shahab Derazi, agent for owner, addressed the board. He stated that they make sure that all their employees parked on their properties facing Midway or Lemon. The plan is to add a dumpster enclosure for the existing dumpster that currently sits on two City parking spaces on Lemon Street. The dumpster has been there for many years. Trying to make improvement to the area.

Robert Tilka, property owner, talked about the history of how Lemon Street was widened many years ago. According to the family of the original owner's of Pete's bar, this widening took part of the front yards from the houses facing Lemon Street. On Lemon St there is a large swinging gate that goes north behind Pete's, the plan is to put pavers in that area. The two spaces east of the dumpster will be used by Pete's employees, as they have done for many years.

Mr. Tilka stated that they had looked into the historical designation, however after talking with the state it was determined that it would place a restriction on what could be done to the property.

They will be removing non-permanent seats. This includes the seats around the outside bar, most people prefer to stand. By modifying the number of seating would reduce number of required parking spaces needed.

The transformation is very needed while keeping the character

The permit for the dumpster enclosure also includes redoing and expanding the brick walkway running along the south side of Pete's. He would rather have \$50000 that would go for the spaces under the dumpster for improvement of the City's right of way then for it to go to the pay-in-lieu fund.

Questions from the Board:

Mr. Mazzola to staff: Are there any other private use of public parking? Yes, the Monahan Building on Kings Circle South leases two parking spaces from the City.

Mrs. Atayan: Is there any loading zones in the CBD? The parking lot behind City Hall is used as a loading zone.

Mr. Raiti asked about the history of the dumpster? The dumpster has been on the corner for a very long time.

The floor was opened for public comments. There being none, the public hearing was closed.

Board Discussion:

Mrs. Atayan: Are they using the 4 spaces to reduce the amount of money they would owe for parking. Yes.

Mr. Mazzola: Going forward, will those spaces be part of the pay for parking program?

Ms. Padtra: Is in favor of giving them credit for the spaces but not the ownership of them.

Mr. Miller: It comes down to the money. Either pay for all 4 or whatever the City decides.

Mr. Mazzola: Struggles with applying the code concerning hardship.

Mr. Raiti: Pete's is somewhat unique. Dumpster does not have a shared area like other businesses in the CBD.

Chair Schwarzenberger: Will this be the first business to pay into the parking in lieu fund? Yes

Made by Schwarzenberger, seconded by Atayan.

MOTION: TO APPROVE V24-03 VARIANCE FOR TABLE 27-540-1 TO PERMIT A REDUCTION FROM 19 TO 15 TOTAL PARKING SPACES WITH NO CONDITIONS.

Roll Call Vote:

Ayes: 2-Atayan, Schwarzenberger

Noes: 4-Padtra, Raiti, Miller, Mazzola

Abstained: 1-Bylund

MOTION FAILED.

Made by Raiti, seconded by Padtra.

MOTION: TO RECOMMEND THE APPROVAL V24-03 VARIANCE THE REDUCTION OF PARKING SPACES FROM 19 TO 17.

Roll Call Vote:

Ayes: 4-Padtra, Raiti Atayan, Schwartzenberger

Noes: 2-, Miller, Mazzola

Abstained: 1-Bylund

MOTION CARRIED

FINDING OF FACTS:

UNIQUE THAT IT IS AN ISOLATED DEVELOPMENT AREA IN THE CDB AND NO OTHER PLACE FOR THE DUMPSTER. THE PROPERTY IS EXISTING AND THE DUMPSTER HAS BE SITTING ON THE TWO PARKING SPACED PRIOR TO THE PAID FOR PARK PROGRAM. TWO PARKING SPACES IS THE MINIMUM SPACE REQUIRED BASED ON STAFF ASSESSMENT.

Made by Atayan, seconded by Schwartzenberger

MOTION: TO RECOMMEND APPROVAL OF DP24-05, REQUEST FOR THE 1700 SQUARE FOOT GROUND LEVEL DECK, OUTDOOR BAR AND EVENT SPACE AND EVENT SPACE FOR PETE'S BAR TO MODIFY DP23-01 TO REDUCE THE APPROVED NEW SEATING FROM 117 SEATS TO 82 SEATS AND SUBJECT TO WITH THE FOLLOWING CONDITIONS:

1-THE APPLICANT SHALL MITIGATE THE 10 PARKING SPACE DEFICIENCY WITH A PAYMENT IN-LIEU OF PROVIDING OFF-STREET PARKING. PLEASE REFERENCE V24-03 TO BE CONSISTANT WITH THE RECOMMENDED PRIOR VARIANCE REFERENCE IN THE MINUTES.

2-THE APPLICANT SHALL SUBMIT A FINAL DEVELOPMENT PLAN, AS DEFINED BY THE CODE FOR REVIEW BY CITY COUNCIL.

3-THE APPLICANT SHALL OBTAIN DEVELOPMENT ORDER APPROVAL.

4-THE APPLICANT SHALL COMPLETE THE RELATED SUBMITTED REMODILING BUILDING PERMIT.

5-THE APPLICANT SHALL RECEIVE A CERTIFICATE OF OCCUPANCY FOR THE SUBJECT BUILDING PERMIT IMPROVEMENTS.

Roll Call Vote:

Ayes: 6-Padtra, Raiti, Miller, Mazzola Atayan, Schwartzenberger

Noes: 0

Abstained: 1-Bylund

MOTION CARRIED

Board discussion: Add discussion of the non-conforming code section to next month's agenda. The historical committee will bring items to the next agenda to be discussed among the full board.

THE MEETING WAS ADJOURNED AT 8:00 PM.

Greg Schwartzenberger, Chairperson

ATTEST:

Piper Turner, Board Secretary

COMMUNITY DEVELOPMENT BOARD RESOLUTION 2024-01

RESOLUTION OF THE COMMUNITY DEVELOPMENT BOARD OF THE CITY OF NEPTUNE BEACH, FLORIDA RECOMMENDING APPROVING THE APPLICATION OF PIERRE'S LLC KNOWN AS "PETE'S BAR" 117 FIRST STREET, 120 & 110 LEMON STREET (RE# 172782-0000, 172783-0000 & 172784-0000) FOR 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; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach's Community Development (CDB) is created by Chapter 27, Article II, Division 1, City of Neptune Beach Code of Ordinances and in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, the CDB is hereby designated as the local planning agency; and

WHEREAS, the CDB is statutorily responsible under Chapter 163 Florida Statutes and Section 27-39 of the City of Neptune Beach's Land Development Code (LDC) for carrying out the functions of a local planning agency including, without limitation, conducting public hearings, gathering information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the comprehensive plan and provisions of this Code; and,

WHEREAS, Section 27-39 of the City of Neptune Beach's LDC grants the CDB authority to make recommendations to the City Council for certain matters; and,

WHEREAS, following proper notice and as required under the LDC and Florida Law. the CDB conducted a public hearing on **September 11, 2024** to consider an application for **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** submitted by **Pete's Bar**, which is hereby adopted and incorporated herein and made a part hereof by reference (Application).

NOW THEREFORE BE IT RESOLVED BY THE COMMUNITY DEVELOPMENT BOARD, that the CDB makes the following recommended order:

Section 1. Recitals. The above Recitals are hereby approved and adopted by the CDB.

Section 2. Order. After public hearing, Board deliberation and consideration of the Application, agenda materials and testimony; it is **HEREBY RECOMMENDED BY THE CDB** that the Application is **GRANTED IN PART WITH THE FOLLOWING SPECIAL CONDITIONS**:

Condition #1: permit a two parking space reduction in the required number of new parking spaces

Section 3. Findings of Fact and Conclusions are Law. The Findings of fact and conclusions of law, which are the basis of the CDB's **recommendation** in this matter, are found within the minutes of the meeting and in the agenda materials, which are hereby adopted and incorporated herein and made a part hereof by reference.

FINDING OF FACT #1:

PETE'S BAR IS UNIQUE IN THAT IT IS AN ISOLATED DEVELOPMENT AREA IN THE CDB AND NO OTHER PLACE FOR THE DUMPSTER

FINDING OF FACT #2:

THE PROPERTY IS EXISTING AND THE DUMPSTER HAS BE SITTING ON THE TWO PARKING SPACED PRIOR TO THE PAID FOR PARK PROGRAM. TWO PARKING SPACES IS THE MINIMUM SPACE REQUIRED.

Section 4. Conflicts and Severability. If any part of this Resolution conflicts with any local, State or Federal Law, the conflicting provision shall be stricken. The remaining provisions shall survive.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

(ADOPTION PAGE FOLLOWS)

THE FOREGOING RESOLUTION was enacted by the Community Development Board upon a motion by Board Member Made by Schwartzenger and seconded by Board Member Atayan and, upon being put to a vote, the result was as follows:

Greg Schwartzenger (Member / Chairman)	Aye
Rene Atayan (Member)	Aye
Charles Miller (Member)	No
Jonathan Raiti (Member)	Aye
William Hilton (Member)	Aye
Anthony Mazzola (Member)	No
Corrine Bylund (Member)	Abstain
Linda Padtre (Alternate)	Aye

DULY PASSED AND ADOPTED by the Community Development Board of the City of Neptune Beach, Florida, on this 11 day of September 2024.

**Community Development Board, City of
Neptune Beach, Florida**

Greg Schwartzenger, Chairman

Approved as to Form:

Vose Law Firm, City Attorney

Attest:

Piper Turner, Code Compliance Officer

Seal:

**BEFORE THE COMMUNITY DEVELOPMENT BOARD
OF THE CITY OF NEPTUNE BEACH, FLORIDA**

APPLICANT: Pierre’s LLC known as “Pete’s Bar”
PROPERTY ADDRESS: 117 First Street, 120 & 110 Lemon Street
PARCEL ID NO.: 172782-0000, 172783-0000 & 172784-0000
SUBJECT: Preliminary Development Order
CASE NO.: DP 24-05

PRELIMINARY DEVELOPMENT ORDER

This is a quasijudicial public hearing for a preliminary development order heard by the City of Neptune Beach Community Development Board (“CDB”) on the 11 day of September 2024, to approval a ground-level deck structure with outdoor seating, bar and event space with 82 new seats. Based upon the evidence and testimony presented, the Board finds as follows:

1. This Board has jurisdiction of the subject matter of this request.
2. The Applicant is the owner of real property located at 117 First Street, 120 & 110 Lemon Street, Neptune Beach, FL, which is more particularly described as 4-46 21-2S-29E .28 NEPTUNE R/P LOTS 1,2 BLK 24 and 4-46 21-2S-29E .14 NEPTUNE R/P LOT 3 BLK 24 in the Duval County Property Appraiser’s Records (the “Property”).
3. The Applicant requests approval of a 1,700 square foot ground level deck structure with outdoor seating, bar and event space with 82 new seats, including 70 seats on the outdoor deck bar areas and another 12 in the private event space.
4. The Applicant’s facility known as “Pete’s Bar “currently has 70 seats located inside and on the western smoking patio. The current proposal to add 82 seats in addition to the 70 existing will bring the overall seat count to 152.

5. 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 $((152/4) \times 50\% = 19)$.

6. Applicant’s facility known as “Pete’s Bar” Development Plan has seven parking spaces. 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.

7. 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. The CDB conditionally approved V24-03 to permit a two parking space reduction in the required number of new parking spaces from 19 total required parking spaces to 17 total required parking spaces.

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

9. Chapter 27 Article II Division 2 of the Unified Land Development Code of Neptune Beach 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.
- (2) Whether the concurrency requirements of article VI of this Code could be met if the development were built.

- (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.
- (4) Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.
- (5) Applicable regulations, review procedures, and submission requirements.
- (6) Concerns and desires of surrounding landowners and other persons.
- (7) Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

Thereupon and in consideration thereof, it is

ORDERED AND ADJUDGED:

The requested Preliminary Development Order approval of a 1,700 square foot ground level deck structure with outdoor seating, bar and event space with 82 new seats, including 70 seats on the outdoor deck bar areas and another 12 in the private event space attached hereto and incorporated herein by reference is **GRANTED**, subject to the following express conditions:

- (1) The applicant shall mitigate the 10 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.

THE FOREGOING PRELIMINARY DEVELOPMENT ORDER was enacted by the Community Development Board upon a motion by Board Member Made by Atayan and seconded by Board Member Schwartzberger and, upon being put to a vote, the result was as follows:

Greg Schwartzberger (Member / Chairman)	Aye
Rene Atayan (Member)	Aye
Charles Miller (Member)	Aye
Jonathan Raiti (Member)	Aye
William Hilton (Member)	Aye
Anthony Mazzola (Member)	Aye
Corrine Bylund (Member)	Abstain
Linda Padtre (Alternate)	Aye

DULY PASSED AND ADOPTED by the Community Development Board of the City of Neptune Beach, Florida, on this 11 day of September 2024.

**CITY OF NEPTUNE BEACH,
COMMUNITY DEVELOPMENT BOARD**

Dated: _____

By: _____
GREG SCHWARTZENBERGER
CHAIRMAN

Copies to: Chief Building Official
Recording Secretary

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



STAFF REPORT

MEETING DATE: October 09, 2024
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: DP24-06

TO: Community Development Board

FROM: Heather Whitmore, AICP, PTP Community Development Director

DATE: September 26, 2024

SUBJECT: Replat 500 Seagate Ave

DP24-06 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for John Atkins of Atkins Builders for the property is currently known 500 Seagate Ave. 12-93 28-2S-29E JACKSONVILLE BEACH PARK LOTS 2,3 BLK 11 (RE# 173589-0000).

Background

This a request for a subdivision plat approval as outlined in chapter 27, division 3. – “Platting Requirements” for a property currently known as 500 Seagate Avenue. The subject property is located on the northwest side of the intersection of 4th and Seagate Avenue/20th Avenue N in the R-3 zoning district. The lot is .28 acre (12,196 square feet) and contains one single family dwelling.

The applicant is requesting to subdivide the 12,196 square foot parcel into two conforming lots. The parcel is currently two north/south oriented lots, both of which front on Seagate Avenue. The applicant is replating the lots in order to reorient the lots east/west to front on 4th Avenue.

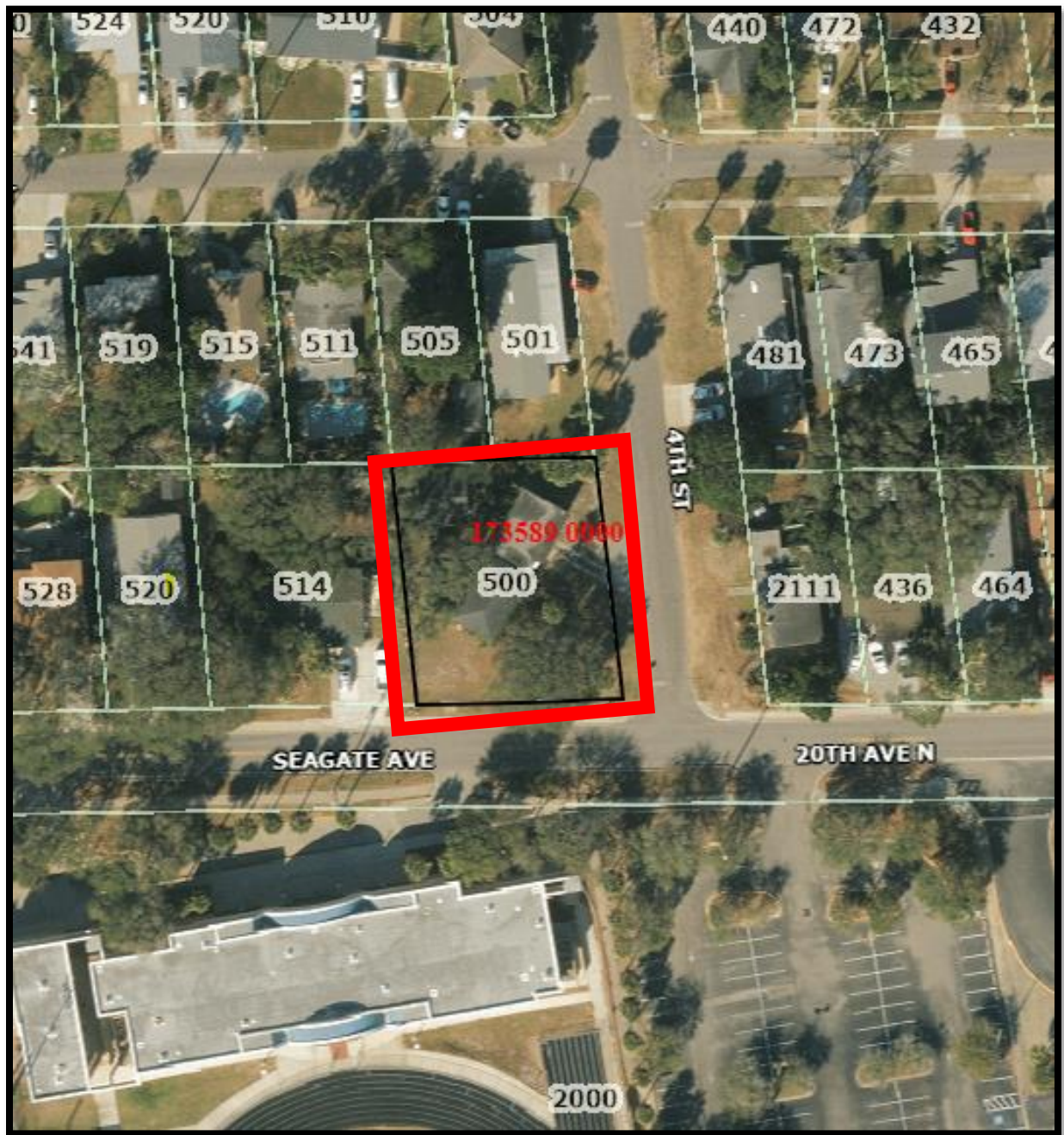


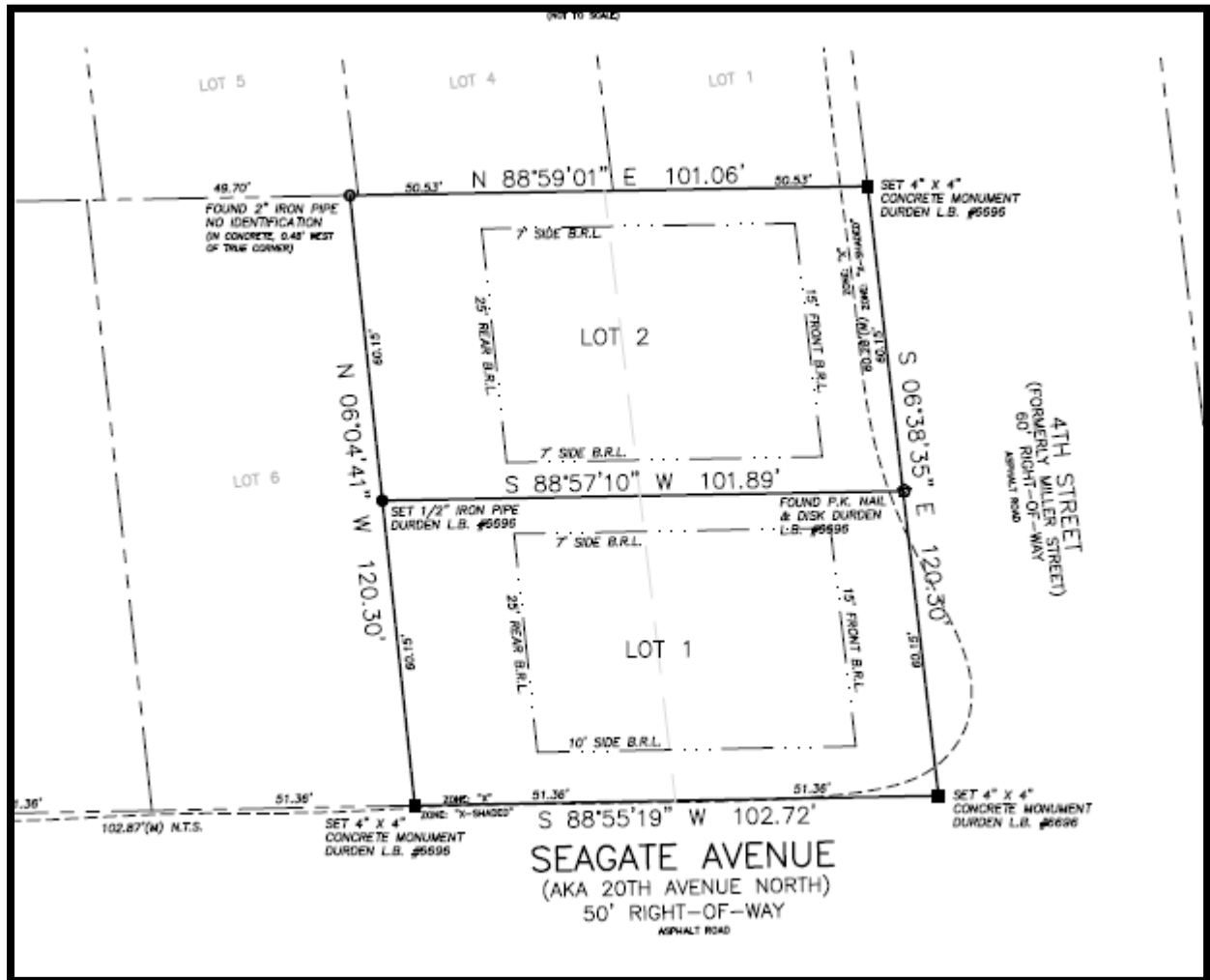
Figure 1: 500 Seagate Ave

Summary

The R-3 zoning has a minimum lot size of 5,000 square feet. The front yard setback is 15 feet, the rear yard setback is 25 feet, the side interior setback is seven feet, and the side street setback is ten feet. The lot width is 50 feet.

	R-3 ZONING	PROPOSED LOTS
MINIMUM LOT SIZE	5,000 SF	6,060 SF
MINIMUM LOT WIDTH	50'	60'

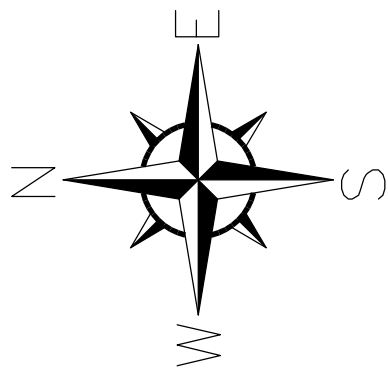
The proposed replat contains two 101' x 60', 6,060 square foot lots. Each lot exceeds the 5,000 square foot minimum lot size and 50 foot minimum lot width requirement.



Staff Recommendation

Staff recommends approval of application DP24-06 replat for 500 Seagate Avenue.

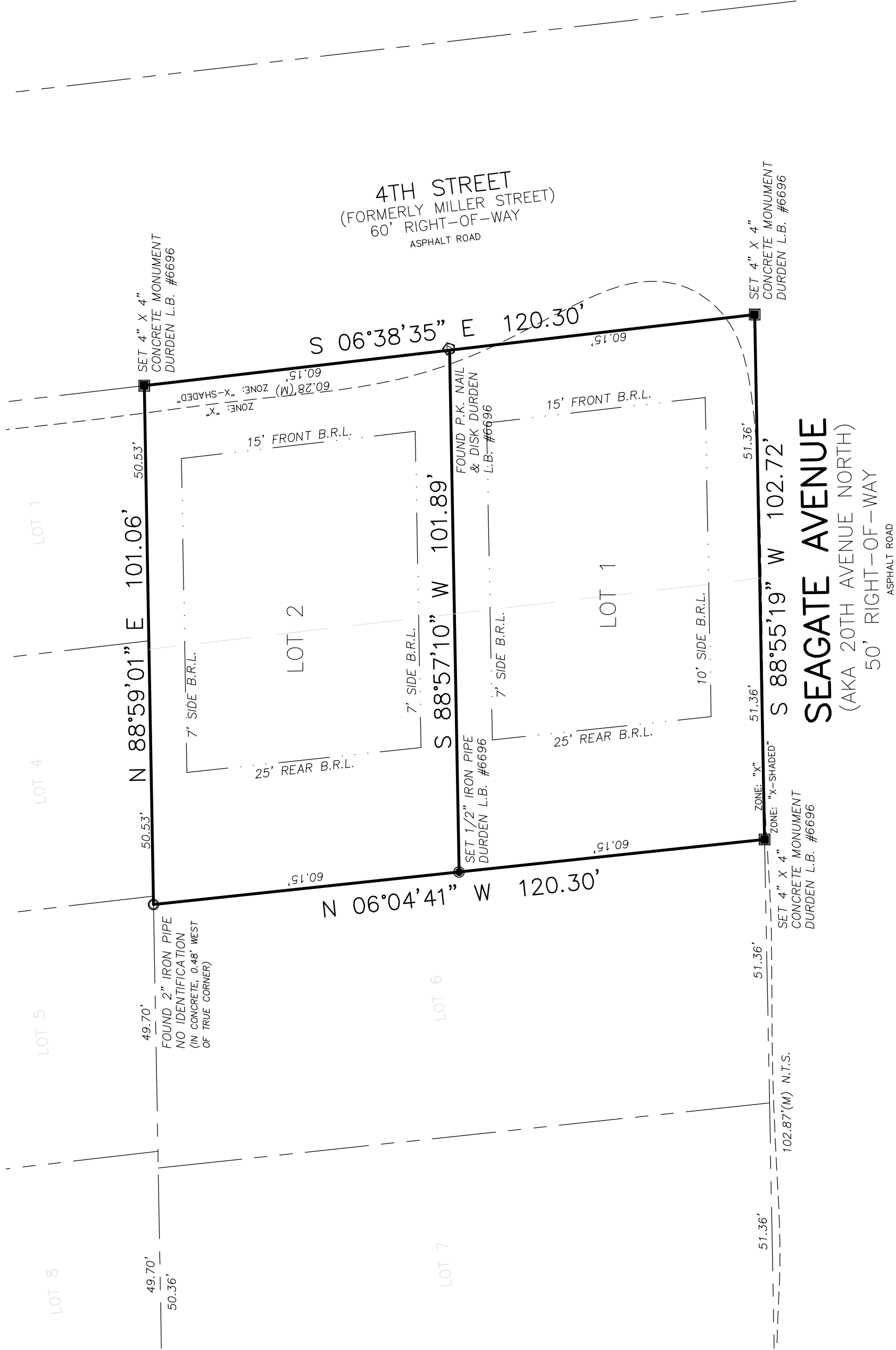
BEING A REPLAT OF LOT 2 AND LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



GRAPHIC SCALE

(IN FEET)

1 inch = 20 ft.



NOTES:

THIS PROPERTY LIES IN FLOOD ZONE "X". FLOOD ZONE AND "X-SHADED" PER FLOOD INSURANCE RATE MAP (FIRM). NEPTUNE BEACH, DUVAL COUNTY, COMMUNITY NO. 120079, MAP/PANEL NO. 12031C-0417-J, REVISED NOVEMBER 2, 2018

BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF SEAGATE AVENUE AS BEING S 88°55'19" W

THE AREA AS DEPICTED HEREON HAS NO APPARENT WETLANDS.

N.T.S. DENOTES NOT TO SCALE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

ZONING DATA:

CURRENT ZONING: "NR-3" (NEPTUNE BEACH RESIDENTIAL)

SITE REQUIREMENTS:

SETBACKS:

(NORTH LOT)

FRONT: 15 FEET

BACK: 25 FEET

SIDES: 7 FEET

(SOUTH LOT)

FRONT: 15 FEET

BACK: 25 FEET

SIDES: 7 FEET

NORTH SIDE: 10 FEET

SOUTH SIDE: 10 FEET

MINIMUM LOT SIZE: 5,000 SQUARE FEET

MAXIMUM DENSITY: 8.7 UNITS/ACRE

MINIMUM PARKING REQUIREMENTS: 2 PARKING SPACES PER SINGLE FAMILY DWELLING

CAPTION

BEING A REPLAT OF LOT 2 AND LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT ATKINS HOMES, IS THE LAWFUL OWNER OF THE LANDS DESCRIBED IN THE CAPTION HAVING CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED. THIS PLAT BEING MADE IN ACCORDANCE WITH SAID SURVEY IS HEREBY ADOPTED AS TRUE AND CORRECT PLAT OF THOSE LANDS.

ATKINS HOMES

IN WITNESS THEREOF, ATKINS HOMES, HAS CAUSED THESE PRESENCE TO BE SIGNED THIS _____ DAY OF _____, 2024.

WITNESS SIGNATURE

PRINT NAME

WITNESS SIGNATURE

PRINT NAME

STATE OF FLORIDA, COUNTY OF DUVAL

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024, BY ATKINS HOMES, OWNER, WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED _____, PAGES _____ OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA ON THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

PRINT NAME: _____

COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF CLERK

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND APPROVED AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND SUBMITTED TO ME FOR RECORDING, AND IS RECORDED IN PLAT BOOK _____, PAGES _____ OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA ON THIS _____ DAY OF _____, 2024.

CLERK OF THE CIRCUIT COURT

SIGNATURE OF DEPUTY CLERK

CITY OF NEPTUNE BEACH APPROVAL

EXAMINED AND APPROVED BY THE CITY COUNSEL OF NEPTUNE BEACH, THIS _____ DAY OF _____, 2024.

ELAINE BROWN, MAYOR

CATHERINE PONSON, CMC

CERTIFICATE OF PLAT REVIEW

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN REVIEWED AND FOUND IN CONFORMITY WITH PART 1, CHAPTER 177, FLORIDA STATUTES, THIS _____ DAY OF _____, 2024.

SIGNATURE OF REVIEWING PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA LICENSE NUMBER

PRINT NAME

PRELIMINARY

H. BRUCE DURDEN JR.
PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER 4707
DURDEN SURVEYING AND MAPPING, INC.
985 11TH AVENUE SOUTH
JACKSONVILLE BEACH, FL 32250

PREPARED BY:

DURDEN

SURVEYING AND MAPPING, INC.
985 11TH AVENUE SOUTH
JACKSONVILLE BEACH, FLORIDA 32250
PHONE (904) 853-6822
FAX (904) 853-6825
LICENSED BUSINESS NO. 6696

**BEFORE THE COMMUNITY DEVELOPMENT BOARD
OF THE CITY OF NEPTUNE BEACH, FLORIDA**

APPLICANT: John Atkins of Atkins Builders
PROPERTY ADDRESS: 500 Seagate Ave
PARCEL ID NO.: 172782-0000, 172783-0000 & 172784-0000
SUBJECT: Preliminary Development Order: Plat
CASE NO.: DP 24-06

PRELIMINARY DEVELOPMENT ORDER

This is a quasijudicial public hearing for a preliminary development order heard by the City of Neptune Beach Community Development Board (“CDB”) on the 9 day of October 2024, to approval a replat. Based upon the evidence and testimony presented, the Board finds as follows:

1. This Board has jurisdiction of the subject matter of this request.
2. The Applicant is the owner of real property located at 500 Seagate Avenue, Neptune Beach, FL, which is more particularly described as 12-93 28-2S-29E JACKSONVILLE BEACH PARK LOTS 2,3 BLK 11 (RE# 173589-0000) in the Duval County Property Appraiser’s Records (the “Property”).
3. The Applicant requests approval of a two lot subdivision plat.
4. The subject property is located on the northwest side of the intersection of 4th and Seagate Avenue/20th Avenue N in the R-3 zoning district. The lot is .28 acre (12,196 square feet) and contains one single family dwelling.
5. LDC Table 27-239 states the R-3 zoning has a minimum lot size of 5,000 square feet. The front yard setback is 15 feet, the rear yard setback is 25 feet, the side interior setback is seven feet, and the side street setback is ten feet. The lot width is 50 feet.

6. The proposed replat contains two 101' x 60', 6,060 square foot lots. Each lot exceeds the 5,000 square foot minimum lot size and 50 foot minimum lot width requirement.

Thereupon and in consideration thereof, it is

ORDERED AND ADJUDGED:

The requested Preliminary Development Order approval of a two lot plat attached hereto and incorporated herein by reference is **GRANTED/DENIED**.

ORDERED this ____ day of _____, 2024.

**CITY OF NEPTUNE BEACH,
COMMUNITY DEVELOPMENT BOARD**

Dated: _____

By: _____
**GREG SCHWARTZENBERGER
CHAIRMAN**

Copies to: Chief Building Official
Recording Secretary

APPLICATION FOR DEVELOPMENT PLAN REVIEW



TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266-6140
PH: 270-2400 Ext 34 FAX: 270-2432
CDD@NBFL.US

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

Date Filed: 8/30/24	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 corporation 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 & Mailing address of Owner of Record: John Atkins P.O. Box 51262, Jacksonville, FL 32240 Contact phone # 904-465-3749 e-mail address Atkinsbuilders@hotmail.com	Property Address: 500 Seagate Ave Neptune Beach, FL 32266 Real Estate ID # 173589-0600 Lot 263 Block 11 Subdivision Jacksonville Beach Park Zoning District: _____	
Name and Address of Agent/Applicant: Michael Atkins 1805 Bartram Cir W, Jacksonville, FL 32207	Telephone #- 904-651-4485 Email: MatKinsconstruction@outlook.com	
Describe Request being made: This lot is already 2 combined lots. We want to split it but change the property lines so that both lots have frontage on 4th street.		
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.		

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.*

MICHAEL ATKINS
ATKINS BUILDERS, INC. is hereby authorized TO ACT ON BEHALF OF
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]
Signature of Owner

JOHN ATKINS
Print Name

Signature of Owner

Print Name

State of Florida

County of _____

Signed and sworn before me on this 28th day of Nov, 2024.

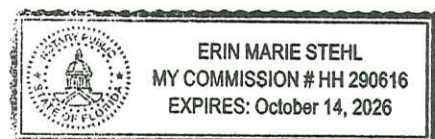
By _____

Identification verified: [Signature]

Oath sworn: ____ Yes X No

[Signature]
Notary Signature

My Commission expires: 10-14-26



City of Neptune Beach

Check Number 1046
Check Date Jul 18, 2024

Item to be Paid - Description

Check Amount \$300.00
Discount Take Amount Paid

1

300.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

Atkins Homes, Inc.
1805 Bartram Circle West
Jacksonville, FL 32207
USA

Regions Bank
Jacksonville, FL

1046

Jul 18, 2024

300.00

Memo:

Three Hundred and 00/100 Dollars

City of Neptune Beach
116 First St
Neptune Beach, FL 32266



[Handwritten signature]

Security features included. Details on back.

Prepared By:

Kristen Arranz
Gibraltar Title Services, LLC
4190 Belfort Road, Suite 475
Jacksonville, FL 32216

Return To:

David Ubbens
Gibraltar Title Services, LLC
4190 Belfort Rd., Suite 475
Jacksonville, FL 32216

Order No.: GTS-2480787

Property Appraiser's Parcel I.D. (folio) Number:
173589-0000

TRUSTEE'S DEED

THIS TRUSTEE'S DEED made and executed August 30, 2024 by John Alexander, III, Individually and as Successor Trustee of the Eleanor C. Alexander Revocable Living Trust dated August 1, 2008 (the "Grantor"), to Atkins Builders, Inc., a Florida corporation, whose post office address is 1888 Foss Lane, Jacksonville Beach, FL 32250-7459 (the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assign of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in County of Duval, State of Florida, viz:

Lots 2 and 3, Block 11, JACKSONVILLE BEACH PARK, a subdivision according to the plat thereof recorded in Plat Book 12, Page 93, of the Public Records of Duval County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Subject to easements, restrictions, reservations, and limitations of record, if any.

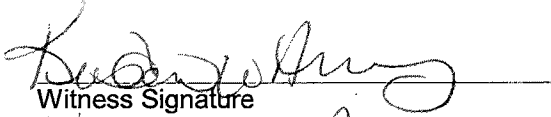
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in Fee Simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2023.

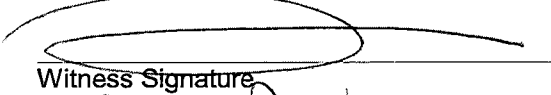
IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:


Witness Signature

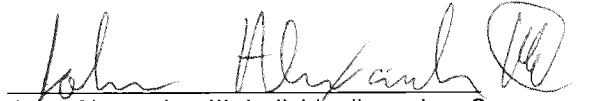
Kristen W. Arranz
Printed Name of First Witness

315 Atlantic Blvd
Atlantic Beach, FL 32233
Address of First Witness


Witness Signature

Tracey Paulsen
Printed Name of Second Witness

315 Atlantic Blvd Atlantic Beach, FL
32233
Address of Second Witness


John Alexander, III, Individually and as Successor
Trustee of the Eleanor C. Alexander Revocable
Living Trust dated August 1, 2008

Grantor Address:
2376 Foxhaven Drive West
Jacksonville, FL 32224-2010

State of Florida
County of Duval

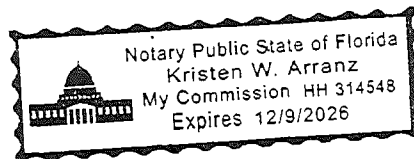
THE FOREGOING instrument was acknowledged before me by means of (X) physical presence or () online notarization, this 27th day of August, 2024, by John Alexander, III, Individually and as Successor Trustee of the Eleanor C. Alexander Revocable Living Trust dated August 1, 2008 who has produced a driver's license as identification.


Notary Public - State of Florida

Kristen W. Arranz
Name of Notary Typed, Printed or Stamped

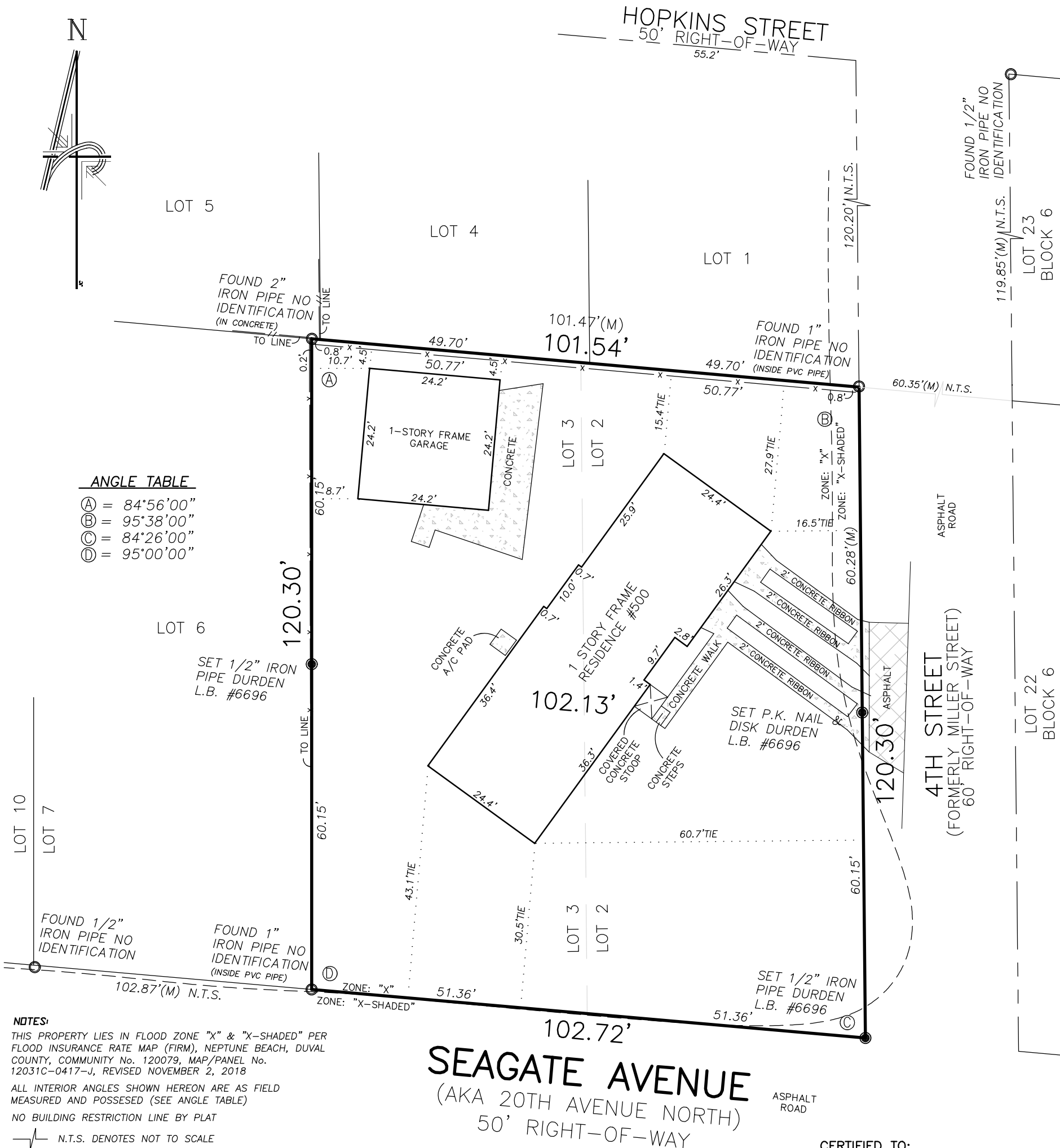
My Commission Expires: _____

(Notary Seal)



MAP SHOWING BOUNDARY SURVEY OF:

LOT 2 & LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



SEAGATE AVENUE
(AKA 20TH AVENUE NORTH)
50' RIGHT-OF-WAY

CERTIFIED TO:
ATKINS BUILDERS, INC.
GILBRALTAR TITLE SERVICES LLC
TITLE RESOURCE GUARANTY CO

8/23/2024 - REVISED TO UN-SPLIT BOUNDARY ONLY (NO NEW FIELD WORK CONDUCTED)[W/O#24293]
8/7/2024 - ADDED CERTIFICATIONS [W/O#24253]
7/19/2024 - CONDUCTED BOUNDARY & SPLIT [W/O#24253](B-10478 & B-10479)



SURVEYOR'S NOTE:
THE SURVEY HEREON WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE AND THEREFORE THE UNDERSIGNED AND DURDEN SURVEYING AND MAPPING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT OR SEARCH OF TITLE. THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

I hereby certify that this survey meets the standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

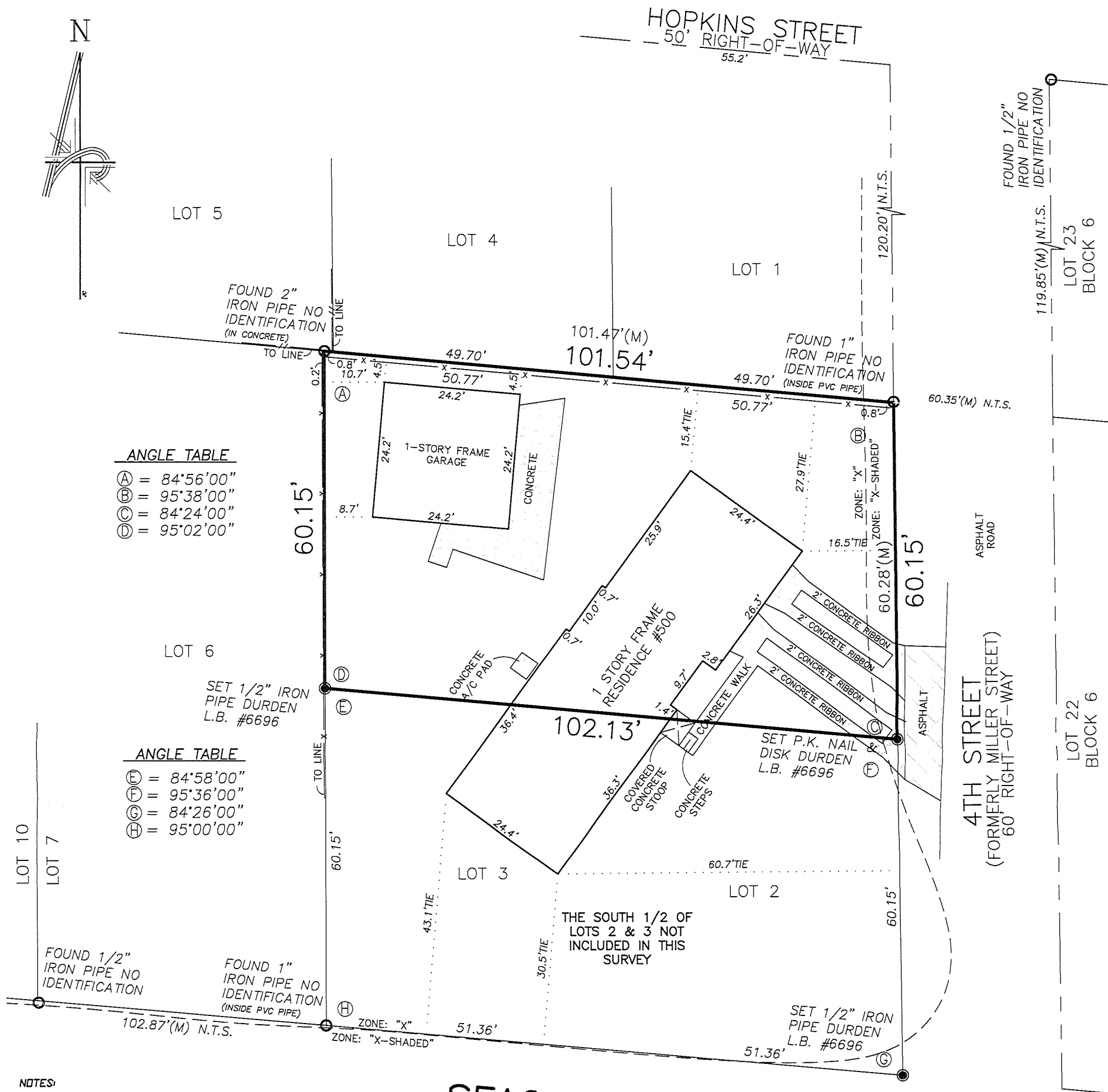
Bruce Durdan Jr.
FLORIDA REGISTERED SURVEYOR No. 4707
H. BRUCE DURDEN, Jr.

FIELD: JULY 19, 2024
CAD FILE NO. PTL-2&3,B-11(500 SEAGATE AVE).DWG
SCALE: 1" = 20'
WORK ORDER NUMBER: 24293

B-10489

MAP SHOWING BOUNDARY SURVEY OF:

THE NORTH 1/2 OF LOT 2 & LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS
RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA



ANGLE TABLE

(A)	=	84°56'00"
(B)	=	95°38'00"
(C)	=	84°24'00"
(D)	=	95°02'00"

ANGLE TABLE

(E)	=	84°58'00"
(F)	=	95°36'00"
(G)	=	84°26'00"
(H)	=	95°00'00"

NOTES:
THIS PROPERTY LIES IN FLOOD ZONE "X" & "X-SHADED" PER FLOOD INSURANCE RATE MAP (FIRM), NEPTUNE BEACH, DUVAL COUNTY, COMMUNITY No. 120079, MAP/PANEL No. 12031C-0417-J, REVISED NOVEMBER 2, 2018
ALL INTERIOR ANGLES SHOWN HEREON ARE AS FIELD MEASURED AND POSSESSED (SEE ANGLE TABLE)
NO BUILDING RESTRICTION LINE BY PLAT
— N.T.S. DENOTES NOT TO SCALE
(M) DENOTES FIELD MEASURED BEARING/DISTANCE
ALL LOTS SHOWN HEREON LIE WITHIN BLOCK 11 EXCEPT AS NOTED
—X— DENOTES 6' CHAIN LINK FENCE EXCEPT AS NOTED
—//— DENOTES 6' WOOD FENCE EXCEPT AS NOTED
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

SEAGATE AVENUE
(AKA 20TH AVENUE NORTH)
50' RIGHT-OF-WAY

DURDEN
SURVEYING AND MAPPING, INC.
985 11TH AVENUE SOUTH
JACKSONVILLE BEACH, FLORIDA 32250
(904) 853-6822 FAX(904) 853-6825
DURDENSURVEYING@GMAIL.COM
LICENSED BUSINESS NO. 6696

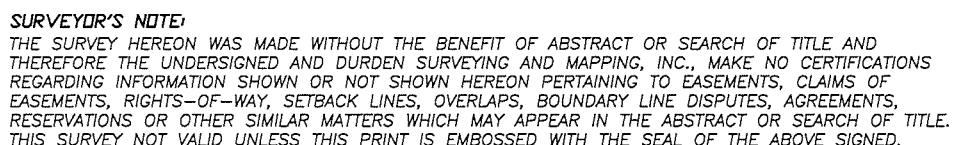
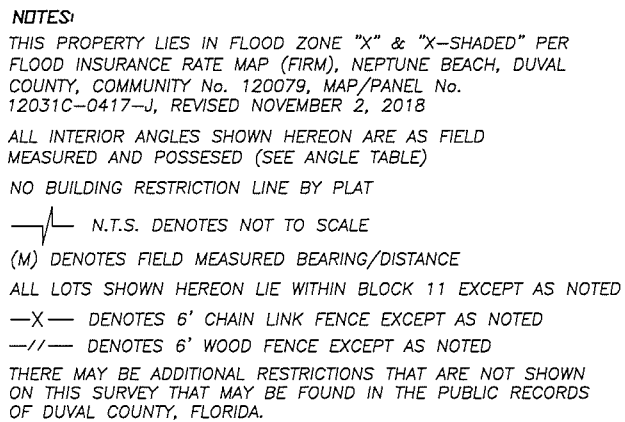
SURVEYOR'S NOTE:
THE SURVEY HEREON WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE AND THEREFORE THE UNDERSIGNED AND DURDEN SURVEYING AND MAPPING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT OR SEARCH OF TITLE. THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

I hereby certify that this survey meets the standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

FLORIDA REGISTERED SURVEYOR No. 4707
H. BRUCE DURDEN, JR.

FIELD: JULY 19, 2024
CAD FILE NO. PTL-2&3,B-11(500 SEAGATE AVE).DWG
SCALE: 1" = 20'
WORK ORDER NUMBER: 24253
B-10478

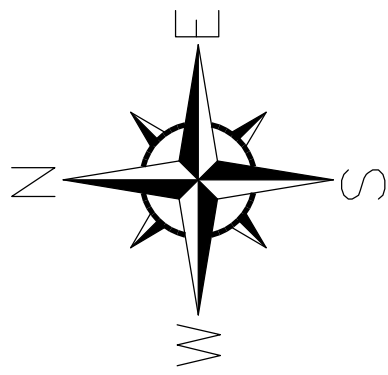
THE SOUTH 1/2 OF LOT 2 & LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS
RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA



FIELD: JULY 19, 2024
CAD FILE NO. PT-2&3.B-11(500 SEAGATE AVE).DWG
SCALE: 1" = 20'
WORK ORDER NUMBER: 24253 B-

B-10479

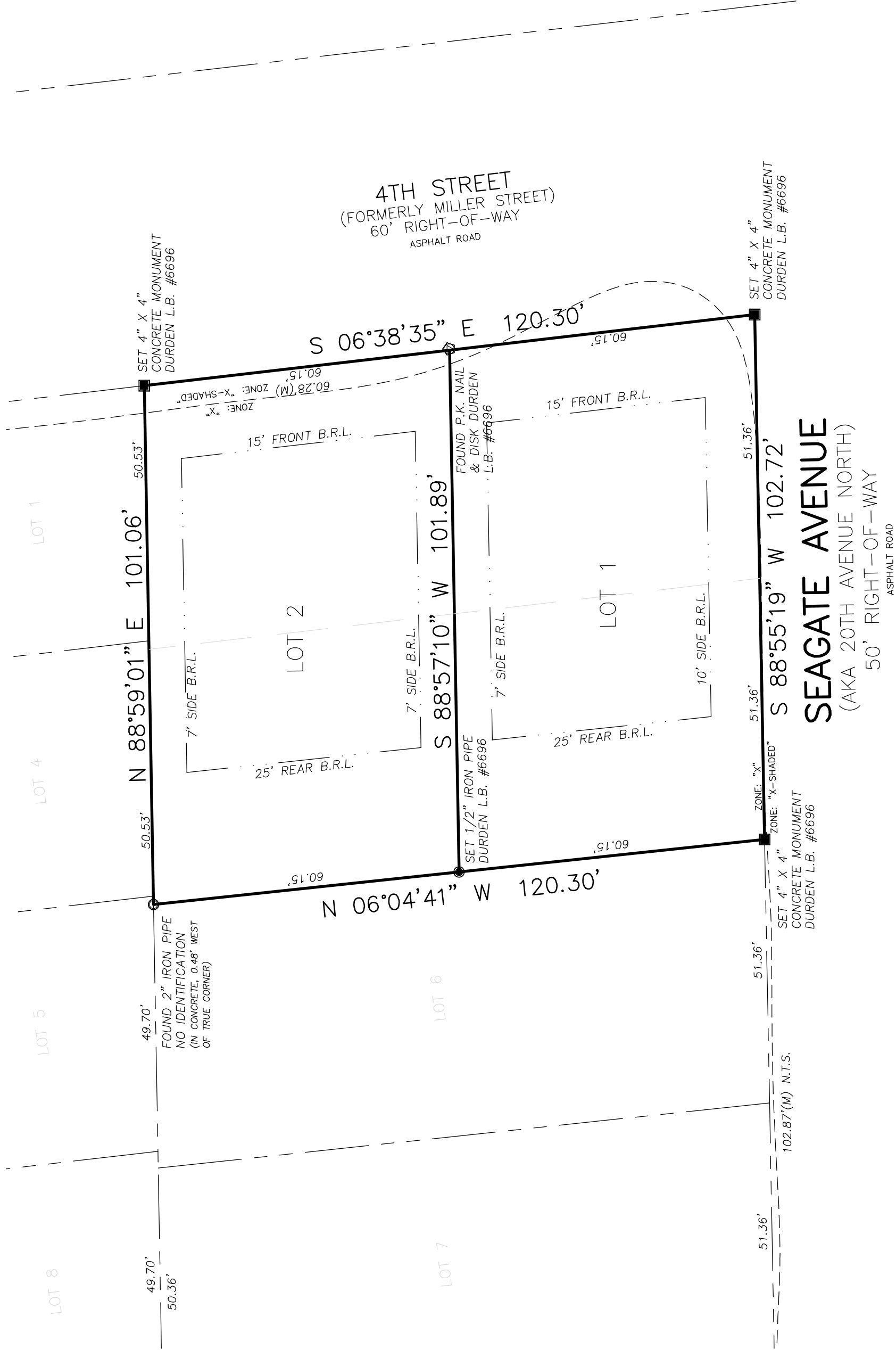
BEING A REPLAT OF LOT 2 AND LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



GRAPHIC SCALE

(IN FEET)

1 inch = 20 ft.



NOTES:

THIS PROPERTY LIES IN FLOOD ZONE "X". FLOOD ZONE AND "X-SHADED" PER FLOOD INSURANCE RATE MAP (FIRM). NEPTUNE BEACH, DUVAL COUNTY, COMMUNITY NO. 120079, MAP/PANEL NO. 12031G-0417-J, REVISED NOVEMBER 2, 2018

BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF SEAGATE AVENUE AS BEING S 88°55'19" W

THE AREA AS DEPICTED HEREON HAS NO APPARENT WETLANDS.

N.T.S. DENOTES NOT TO SCALE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

ZONING DATA:

CURRENT ZONING: "NR-3" (NEPTUNE BEACH RESIDENTIAL)

SITE REQUIREMENTS:

SETBACKS:

(NORTH LOT)

FRONT: 15 FEET

BACK: 25 FEET

SIDES: 7 FEET

(SOUTH LOT)

FRONT: 15 FEET

BACK: 25 FEET

SIDE: 10 FEET

NORTH SIDE: 10 FEET

MINIMUM LOT SIZE: 5,000 SQUARE FEET

MAXIMUM DENSITY: 8.7 UNITS/ACRE

MINIMUM PARKING REQUIREMENTS: 2 PARKING SPACES PER SINGLE FAMILY DWELLING

CAPTION

BEING A REPLAT OF LOT 2 AND LOT 3, BLOCK 11, JACKSONVILLE BEACH PARK, AS RECORDED IN PLAT BOOK 12, PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT ATKINS HOMES, IS THE LAWFUL OWNER OF THE LANDS DESCRIBED IN THE CAPTION HAVING CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED. THIS PLAT BEING MADE IN ACCORDANCE WITH SAID SURVEY IS HEREBY ADOPTED AS TRUE AND CORRECT PLAT OF THOSE LANDS.

ATKINS HOMES

IN WITNESS THEREOF, ATKINS HOMES, HAS CAUSED THESE PRESENCE TO BE SIGNED THIS _____ DAY OF _____, 2024.

WITNESS SIGNATURE

PRINT NAME

WITNESS SIGNATURE

PRINT NAME

STATE OF FLORIDA, COUNTY OF DUVAL

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF _____, 2024, BY ATKINS HOMES, OWNER, WHO IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED _____, PAGES _____ OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA ON THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

PRINT NAME: _____

COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF CLERK

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND APPROVED AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND SUBMITTED TO ME FOR RECORDING, AND IS RECORDED IN PLAT BOOK _____, PAGES _____ OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA ON THIS _____ DAY OF _____, 2024.

CLERK OF THE CIRCUIT COURT

SIGNATURE OF DEPUTY CLERK

CITY OF NEPTUNE BEACH APPROVAL

EXAMINED AND APPROVED BY THE CITY COUNSEL OF NEPTUNE BEACH, THIS _____ DAY OF _____, 2024.

ELAINE BROWN, MAYOR

CATHERINE PONSON, CMC

CERTIFICATE OF PLAT REVIEW

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN REVIEWED AND FOUND IN CONFORMITY WITH PART 1, CHAPTER 177, FLORIDA STATUTES, THIS _____ DAY OF _____, 2024.

SIGNATURE OF REVIEWING PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA LICENSE NUMBER

PRINT NAME

PRELIMINARY

H. BRUCE DURDEN JR.
PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER 4707
DURDEN SURVEYING AND MAPPING, INC.
985 11TH AVENUE SOUTH
JACKSONVILLE BEACH, FL 32250

PREPARED BY:

DURDEN

SURVEYING AND MAPPING, INC.

985 11TH AVENUE SOUTH

JACKSONVILLE BEACH, FLORIDA 32250

PHONE (904) 853-6822

FAX (904) 853-6825

LICENSED BUSINESS NO. 6696

Editor's note— Ord. No. 2017-11, § 1, adopted June 5, 2017, deleted Art. XVI §§ 27-601—27610 entitled "Architectural Review," which derived from: Ord. No. 91-1-5, § 2, adopted May 6, 1991; and Ord. No. 2010-14, § 56, adopted Sept. 7, 2010.

Secs. 27-601—27-620. - Reserved.

ARTICLE XVII. - RESERVED^[20]

Footnotes:

--- (20) ---

Editor's note— Ord. No. 2017-12, § 1, adopted June 5, 2017, deleted Art. XVII §§ 27-621—27-642 entitled "Historic Preservation," which derived from: Ord. No. 91-1-5, § 2, adopted May 6, 1991; Ord. No. 1996-28, §§ 11, 12, adopted Oct. 7, 1996; and Ord. No. 2010-14, §§ 57—65, adopted Sept. 7, 2010.

Secs. 27-621—27-700. - Reserved.

ARTICLE XVIII. - NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS^[21]

Sec. 27-701. - Reserved.

Sec. 27-702. - Generally.

Within the districts established by this Code, there exist lots, structures, uses, and signs which existed before the adoption of this Code or previous amendments, but which would be prohibited, or restricted under the provisions of this Code or future amendments. This article prescribes how these nonconformities may be continued, terminated, or made to comply with this Code.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-703. - Purpose and intent.

(a) The provisions of this article have been written to achieve the following purposes and intentions of the city council:

- (1) An existing lot that qualifies as a nonconforming lot of record may be used for the purposes allowed in its zoning district (see section 27-705).
- (2) An existing structure that is nonconforming due to the size of the structure or its placement on the lot, or due to noncompliance with other regulations in this chapter such as lot coverage or allowable signage, may be expanded only in compliance with this code (see section 27-706).
- (3) An existing use that is not permitted in its zoning district may not be expanded (see section 27-708).
- (4) Abandoned signs must be removed (see section 27-709).

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2017-24, § 1, 11-6-17)

Sec. 27-704. - Definitions.

Refer to article I for definitions.

(Ord. No. 2004-10, § 1, 10-4-04)

Sec. 27-705. - Nonconforming lots of record.

- (a) Lot of record means a parcel of land, the deed or plat of subdivision (which has been approved by the City of Neptune Beach) of which has been recorded in the Office of the Clerk of the Circuit Court of Duval County, Florida.
- (b) Nonconforming lot of record means any lot of record recorded prior to January 1, 1991 that does not conform to the lot area or width requirements established for the zoning district in which said lot is located. A lot of record recorded after January 1, 1991, will also be a nonconforming lot of record if the lot area or width requirements are later changed such that the lot no longer complies with the zoning district in which said lot is located.
- (c) Special requirements for lots in the R-3 zoning district are provided in section 27-242.
- (d) Special requirements for lots in the R-4 zoning district are provided in section 27-243.
- (e) Except in the R-3 and R-4 zoning districts, nonconforming lots of record may be developed and used for any use permitted in the district, provided:
 - (1) That residential uses must comply with density restrictions imposed by the adopted future land use map (see section 27-242).
 - (2) That such lots shall have a minimum width throughout their length of at least forty (40) feet; and
 - (3) That any new development shall conform to the required setbacks, lot coverage limitations, and building height limitations for the district in which it is located.
- (f) Wherever there exists a structure which by itself or with accessory structures exists on a parcel containing more than one (1) nonconforming lot of record, said building site shall not henceforth be reduced or diminished in dimension or area below the minimum requirements set forth in this chapter for the district in which it is located (regardless of whether the structure or accessory structures have been demolished, or removed therefrom, in whole or in part).

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. [2017-24](#), § 1, 11-6-17)

Sec. 27-706. - Nonconforming structures.

- (a) Nonconforming structure means any structure that does not conform with the provisions of the zoning district where the structure is located due to noncompliance with the dimensional standards in chapters 27 or 30.
- (b) A nonconforming structure may remain indefinitely, subject to the following limitations:
 - (1) The nonconforming structure may not be physically expanded in any manner that would increase the nonconformity.
 - (2) The nonconforming structure may not be physically expanded in any manner that would violate any additional physical standards in this code.
 - (3) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building, if a building permit was issued prior to the adoption or amendment of this Code causing the nonconformity; provided, that construction commences within six (6) months of issuance and continues in good faith,

- (4) If characteristics of use are made nonconforming by this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the regulations set out in this chapter; however, changes may be made that do not increase or that decrease such nonconformities.
- (c) A nonconforming structure will have its nonconforming status terminated, and shall not thereafter be used, repaired, or rebuilt except in conformity with the regulations of the district in which it is located, under the following conditions:
 - (1) If the principal structure has been destroyed or is substantially damaged, as that term is defined in section 27-15.
 - (2) Whenever the use of a nonconforming structure has been discontinued, as evidenced by the lack of use or a vacancy for a period of at least twelve (12) months, or whenever a conforming use is substituted, such nonconforming use shall not thereafter be re-established; and the future use shall be in conformity with the provisions of the district in which it is located.
 - (3) If a nonconforming structure or portion thereof becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the city to be an unsafe building, it shall not thereafter be repaired or rebuilt except in conformity with the regulations of the district in which it is located.
 - (4) All repairs and rebuilding must also comply with:
 - a. the Florida Building Code (see chapter 8, article II); and
 - b. the International Property Maintenance Code (see chapter 8, article III), which includes provisions for unsafe conditions and unsafe structures.

Sec. 27-707. - Reconstruction of residential buildings when destroyed or substantially damaged.

- (a) Notwithstanding any other provisions of this code, a residential building that is nonconforming as to its structure or use may be reconstructed if it is destroyed or substantially damaged, as defined in section 27-15, provided that:
 - (1) The reconstruction does not result in an increase in nonconformity of a lot area, yards, or setbacks;
 - (2) The number of dwelling units in such reconstructed structure does not exceed the number of units in existence prior to the destruction or substantial damage; and
 - (3) The repair or reconstruction is substantially completed within twenty-four (24) months of the date of such destruction or substantial damage. A twelve (12) month extension may be granted by the city manager or designee due to extenuating circumstances.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2009-04, § 1, 6-1-09; Ord. No. [2017-24](#), § 1, 11-6-17)

Sec. 27-708. - Nonconforming uses.

- (a) Nonconforming use means any use of a structure, or use outside a structure, that does not conform with the uses allowed for the parcel's zoning district or with density restrictions imposed by the adopted future land use map.
- (b) A nonconforming use may not be extended or enlarged:
 - (1) By having any buildings or structures replaced or expanded in physical size; or
 - (2) By having an additional structure erected for the nonconforming use; or
 - (3) By increasing the residential density; or

- (4) By increasing the land or water area for the nonconforming use.
- (c) Where open land, i.e., improved, or unimproved vacant land, is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

Sec. 27-709. - Abandoned signs and removal.

- (a) Abandoned signs shall be removed by the owner or property lessee within thirty (30) days of the cessation of business or activity conducted on the property where the sign is located.
- (b) A business shall be considered to have ceased or be inactive where the property: (1) is vacated; (2) no longer has a valid certificate of occupation or business tax receipt; (3) no longer provides the service or product advertised on the sign; (4) has no active utility service account(s); or (5) displays a blank sign.
- (c) Any sign which pertains to a business or occupation which is no longer using the property on which the sign is situated, or which relates to a time or event that no longer applies, constitutes abandonment, as well as false advertising or false identification.
- (d) A sign or sign structure shall also be considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer after receipt of notice from the city manager or designee of apparent abandoned status.
- (e) Failure to remove an abandoned sign shall result in a civil fine of one hundred (\$100.00) dollars per day of non-removal after notice from the city manager or designee and shall constitute a lien upon the property upon which the sign is affixed, subject to enforcement and collection, as provided in this Code and the Florida Statutes.

(Ord. No. 2007-15, § 1, 10-1-07; Ord. No. [2015-02](#), § 2, 3-2-15)

Secs. 27-710. - Reserved.