



**AGENDA**  
**COMMUNITY DEVELOPMENT BOARD MEETING**  
**September 10, 2025 AT 6:00 PM**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FL 32266**

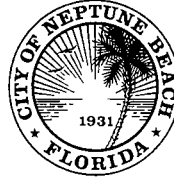
1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Approval of August 13, 2025 Minutes**
4. **V25-06** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Linward Development Corp. for the property 1621 5th Street, Neptune Beach, Florida (northeastern corner of Lora Street and 5<sup>th</sup> Street - RE Parcel 173086-0000). The applicant requests a variance from Table 27-239 R-3 interior side yard setback to permit the construction of a single-family residence with a four foot interior side yard minimum setback in lieu of the required seven foot interior side yard setback. The property is in the R-3 zoning district.
5. **Florida Senate Bill 180 Legal Discussion**
6. **Historic Subcommittee Report**
7. **Code Committee Report**
8. **Open Discussion**
9. **Adjourn**

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

**DD14**

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

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



**MINUTES  
COMMUNITY DEVELOPMENT BOARD  
AUGUST 13, 2025, 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 on Wednesday August 13, 2025, at 6:00 p.m. in the Council Chambers.

Attendance Board members were in attendance:

Greg Schwartzberger, Chair  
Rene Atayan, Vice-Chair  
Tony Mazzola, Member  
Lynda Padrta, Member  
William Hilton, Member  
Hillary Weatherhead, Member  
Charles Miller, Member

The following staff members were present:  
Heather Whitmore, Community Development Director  
Paul Waters, City Attorney  
Piper Turner, Code Compliance Supervisor  
Dallas Alvarez, Administrative Assistant

Coral Messina and Jeff DeAngelis, Alternate Members, were in attendance. Kathy Lahr-David was not present.

Call to Order & Roll Call Chair Schwartzberger called the meeting to order at 6:00 p.m.

Pledge Pledge of Allegiance.

Minutes Approval of Minutes for the May 14, 2025 meeting.

Made by Miller, seconded by Padrta

**MOTION: TO APPROVE MAY 14, 2025 MINUTES, AS SUBMITTED.**

Roll Call Vote:  
Ayes: - Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan & Schwartzberger  
Noes: 0

**MOTION CARRIED**

Election Election of Chair and Vice-Chair for a period of one year.

Made by Atayan, seconded by Mazzola.

**MOTION: TO ELECT MR. SCHWARTZBERGER AS CHAIR FOR ONE YEAR.**

Roll Call Vote:  
Ayes: 7- Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan & Schwartzberger  
Noes: 0

**MOTION CARRIED**

Made by Schwartzberger, seconded by Weatherhead.

**MOTION: TO ELECT MRS. ATAYAN AS VICE-CHAIR FOR ONE YEAR.**

Roll Call Vote:

Ayes: 7-Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan & Schwartzberger

Noes: 0

**MOTION CARRIED**

Swearing In City Attorney Waters asked anyone appearing before the board tonight to raise their right hand and be sworn in.

Ex Parte Mr. Miller stated he had spoken with the applicant about the project.

**V25-05  
Application for  
Variance  
for front yard  
setback**

**V25-05:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for 1112 Third Street, LLC for the property 1102 and 1112 Third Street, Neptune Beach, Florida (RE Parcels 172851-0000 and 172852-0000). The applicant requests a variance from Table 27-239 C-1 front yard setback to permit the construction of an office building with a +/- 150-foot front yard maximum setback in lieu of the required 25-foot yard maximum setback. The property is in the C-1 zoning district.

**SE25-01  
Special  
Exception for  
off-site parking**

**SE25-01:** Application for Special Exception as outlined in Chapter 27 Article III Division 9 of the Unified Land Development Code of Neptune Beach for 1112 Third Street, LLC for the property 1102 and 1112 Third Street, Neptune Beach, Florida (RE Parcels 172851-0000 and 172852-0000). The applicants are requesting a special exception for off-site parking in accordance with Sec. 27-540 Parking requirements (e) Offsite Parking for an office. The property is in the C-1 zoning district.

**DP25-01  
Preliminary  
Development  
Plan for the  
property known  
as 1102 & 1112  
Third Street**

**DP25-01:** Application for Preliminary Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach at 1112 Third Street, LLC for the property 1102 and 1112 Third Street, Neptune Beach, Florida (RE Parcels 172851-0000 and 172852-0000). The applicant requests a Development Plan approval to permit a 27,346 SF office building with associated parking and landscaping. The property is in the C-1 zoning district.

**Background**

The applicant requests a development plan approval to permit a 27,346 SF office building with associated parking and landscaping. The property is in the Commercial- 1 (C-1) zoning district and has a Walkable Commercial Corridor comprehensive plan for future land use designation.

DP25-01 requires a concurrent review of associated variance V25-05 from Table 27- 239 C-1 front yard setback to permit the construction of an office building with a +/- 150-foot front yard maximum setback in lieu of the required 25-foot yard maximum setback, as well as a concurrent review of associated special exception SE25-01 for off-site parking in accordance with Sec. 27-540 Parking requirements (e) Offsite Parking.

The “developers” 1112 Third Street LLC request approval of the attached development plan, variance, and special exception for Parkside Office Complex located at 1102 and 1112 Third Street, Neptune Beach, Florida. The developers propose to construct a two-story, 24 foot high, 27,346 SF office building with associated 54 onsite parking spaces and landscaping, as well as seven publicly shared parking spaces in the Magnolia Street right-of-way along the site’s northern boundary, and 13 shared parking spaces in the North Street right-of-way along the site’s southern boundary and Jarboe Park.

The property is shown in attached vicinity maps and is located adjacent to Jarboe Park, lying northwest of the intersection of Third Street and Florida Boulevard. The one-acre lot now contains two single story office buildings, and an older single-family home. The site's current impervious lot coverage is 70%, composed largely of concrete parking.

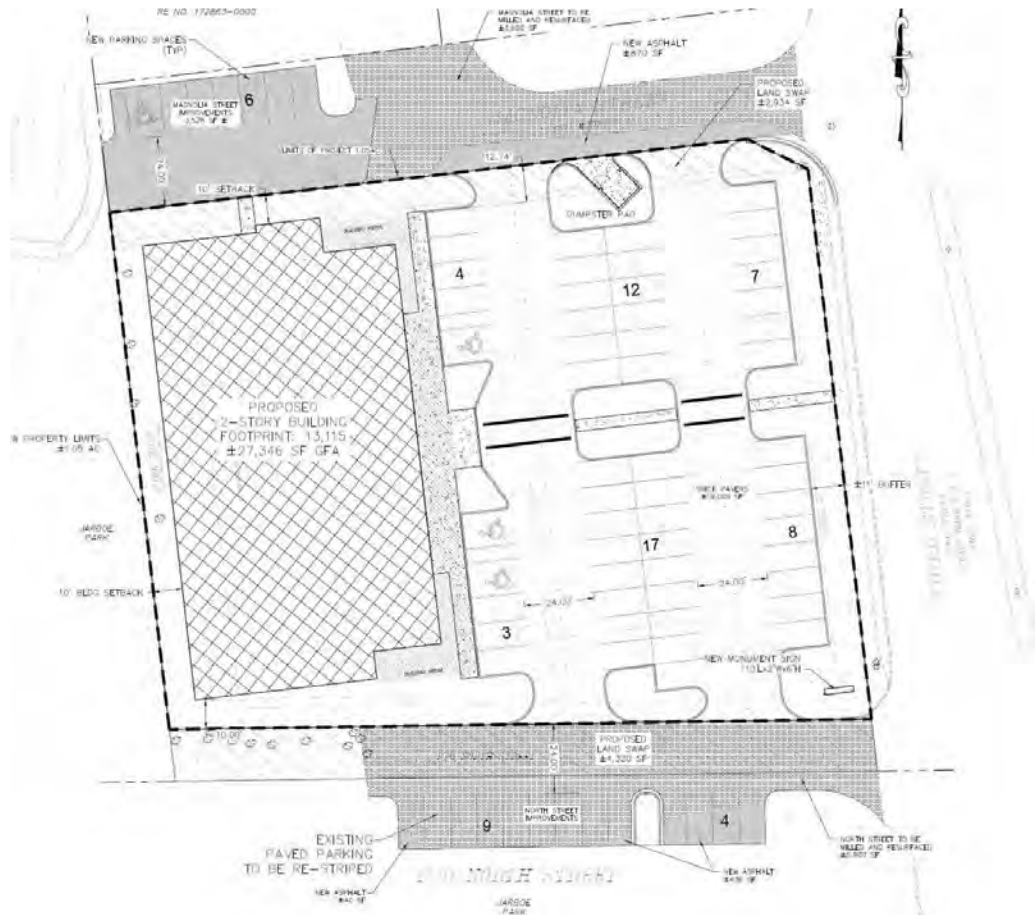
The site is bound to the north by multi-family, to the south by Jarboe basketball/baseball and single-family homes along Florida Blvd, to east by Third Street and single-family homes, and to the west by Jarboe Park and single family homes along Florida Blvd.



The proposed office building will be in a modern architectural style, with large glass panes and cantilevered balconies (as indicated in attached elevation renderings). The architectural style will be consistent with other offices recently developed along Third Street. The proposed office site is oriented with the parking area on the east side of the lot abutting Third Street, with the building on the west side of the lot adjacent to the park and single-family homes along Florida Boulevard. Site building orientation and lighting are designed to minimize glare and prevent light intrusion on single family homes to the south and west (see attached lighting plan). The office building requires a minimum of 69 parking spaces: however, the developer has committed to providing 74 parking spaces and four bicycle parking spaces. As stated, the site is served by a total of 74 parking spaces, with 54 onsite parking spaces, seven publicly shared parking spaces (including handicap) in Magnolia Street right-of-way along the site's northern boundary, and 13 shared parking spaces in North Street right-of-way along the site's southern boundary and Jarboe Park. The parking lot will be densely landscaped with grass and palm hedges and a variety of palm, live oak, and magnolia trees (as indicated in attached landscape plans). The proposed parking area will replace the site's existing concrete with pervious pavers to improve stormwater management conditions. The site's post-development impervious lot coverage will be reduced 69%. The project has been issued a Certificate of Concurrency (attached) for traffic. The

project traffic volume will not decrease the current level of service on the immediate traffic network. The project will generate approximately 141 net new trips per day. Both Florida Boulevard and Third Street have adequate available traffic capacity to permit 141 new trips without a reduction in level of service.

On July 21, 2025 the Neptune Beach City Council approved a development agreement (attached) for Parkside Office Complex to permit 1) a land exchange of public right-of-way, 2) 20 public parking spaces and paving improvements in public rights-of-way, 3) a shared parking agreement for developer improved parking spaces in the right-of-way, and 4) abandonment of a public utility easement.



On July 21, 2025 the Neptune Beach City Council approved a development agreement (attached) for Parkside Office Complex to permit 1) a land exchange of public right-of-way, 2) 20 public parking spaces and paving improvements in public rights-of-way, 3) a shared parking agreement for developer improved parking spaces in the right-of-way, and 4) abandonment of a public utility easement.

The City Council agreed to a land swap by vacating a 2,936 SF portion of Magnolia Street to be provided to the developer in exchange for the developer giving the City a 4,318 SF portion of private property to be dedicated to the North Street right-of-way.

The developer commits to repaving the Magnolia Street right-of-way and providing seven (one handicap) publicly shared parking spaces adjacent to Jarboe park, as well as repave the North Street right-of-way and provide 13 publicly shared parking spaces adjacent to the ball fields.

The City granted the developer a shared parking agreement to utilize the 20 newly improved public parking spaces as off-site parking to serve the office during regular business hours.

Following the City Council's authorization of this development agreement, the developer will return to the City Council to obtain a development order approval and

associated off-site parking special exception and setback variance. Furthermore, the developer will return to the City Council to request formal execution of the land swap and utility easement termination.

#### **Variance 25-05**

As stated, the applicant requests a variance from Table 27-239 C-1 front yard setback to permit the construction of an office building with a +/- 150-foot front yard maximum setback in lieu of the required 25-foot yard maximum setback. Table 27-239 requires that new development in the C-1 corridor along Third Street place parking in the rear of the building to allow the building placement setback no more than 25 feet from Third Street.

#### **1112 Third Street Parkside Office Complex: V25-05/SE25-01/DP25-01**

August 13, 2025 Community Development Board Staff Report

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The purpose of the variance is to allow a site and building orientation that minimizes light, sound, and aesthetic impacts that a parking area adjacent to a residential corridor may present. The building orientation is designed to abate light and noise intrusion for the single-family homes to the south and west.

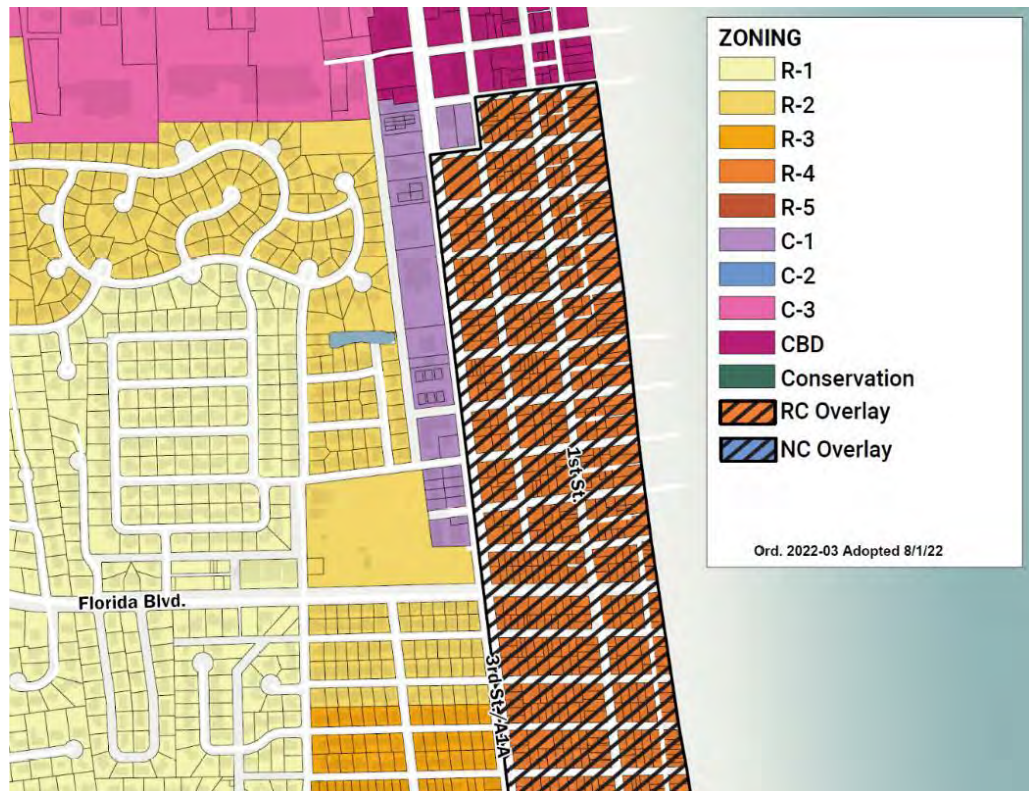
#### **SE25-01**

27-540 "Parking Requirements" requires one parking space per 400 square feet of office gross floor area. The proposed office building requires a minimum of 69 parking spaces; however, the developer has committed to providing 74 parking spaces with 54 onsite parking spaces and 20 publicly shared parking spaces in the Magnolia Street right-of-way and North Street right-of-way.

The City granted the developer a shared parking agreement to utilize those 20 newly improved public parking spaces as off-site parking to serve the office during regular business hours. The shared parking spaces are an asset that improve accessibility to Jarboe Park and City ball fields.

The applicant is now requesting a Special Exception SE25-01 for off-site parking in accordance with 27-540 (e) "Parking Requirements" "Off-site parking" to permit twenty (20) off-site parking spaces. Section 27-540 (e) "off-site parking" outlines the conditions under which an off-site parking special exception may be approved. The proposed twenty (20) off-site parking spaces comply with the standards outlined in 27-540 (e), specifically:

1. *The site has practical difficulty preventing the placement of the required parking spaces on the same lot as the premises they are intended to serve.*
2. *The off-site parking spaces are located within four hundred (400) feet of the premises they are intended to serve.*
3. *The off-site parking spaces are located within the same zoning district classification as the premises which the parking spaces will serve, or a classification allowing business or commercial activities.*
4. *The off-site parking spaces are not located in any residential district.*
5. *The location of the off-site parking spaces will adequately serve the use for which it is intended.*
6. *The location of the off-site parking spaces will not create unreasonable:*
  - i. *Hazards to pedestrians*
  - ii. *Hazards to vehicular traffic.*
  - iii. *Traffic congestion*
  - iv. *Interference with access to other parking spaces in the vicinity*
  - v. *Detriment to any nearby use.*
  - vi. *The developer has supplied a written agreement, approved in form by the city attorney, assuring the continued availability of the offsite parking facilities for the use they are intended to serve.*



### III. V25-05 FINDINGS:

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

**a. Applicant Response:** The property exhibits unique and peculiar circumstances due to its immediate adjacency to the City's park amenities on the western boundary while being bounded by 3rd Street to the east. Unlike other parcels in the same zoning district, the rear yard's proximity to the park creates a significant constraint, as placing parking in the rear would disrupt the park's aesthetic and functional value, potentially encroaching on public recreational space. This creates an exceptional hardship, as strict adherence to the 25-foot front yard setback would force parking into the rear, negatively impacting the adjacent public amenity in a way not shared by other properties in the zoning district.

**b. Staff Response:** The site is uniquely situated on a corner abutting single family residential to the south and west. The building orientation is designed to abate light and noise intrusion for the single-family homes to the south and west.

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

**a. Applicant Response:** The proposed variance to exceed the 25-foot front yard setback is the minimum necessary to allow reasonable use of the parcel. By relocating parking to the front yard, the development maintains adequate parking to support the commercial use while preserving the rear yard to avoid conflicts with the adjacent park. The extent of the setback exceedance is limited to what is required to accommodate the necessary parking spaces, ensuring compliance with the City's parking requirements without excessive deviation from the setback standard.

**b. Staff Response:** The parcel can reasonably be used today under the current use. The requested setback variance is not the minimum necessary to permit use of the parcel or building. However, the building orientation is situated to abate parking lot light and noise nuisances for residents.

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

**a. Applicant Response:** The proposed variance will not adversely affect adjacent or nearby properties or the public. The front yard parking area will be designed **1112 Third Street Parkside Office Complex: V25-05/SE25-01/DP25-01** August 13, 2025 Community Development Board Staff Report 8 of 16 with appropriate landscaping, screening, and buffering to minimize visual impacts on neighboring properties and the streetscape. Pedestrian and vehicular access will be managed to ensure safety, and the preservation of the rear yard protects the adjacent park's functionality and public enjoyment, thereby benefiting the community as a whole.

**b. Staff Response:** The variance will not adversely impact adjacent and nearby properties. The variance is requested to abate adverse effects on adjacent and nearby properties resulting from the parking and drive area.

**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:** The variance will not substantially diminish property values or alter the essential character of the surrounding area. The variance will allow for a substantial improvement to both the subject property and by extension, the surrounding parking and park amenities. The front yard parking will be designed to blend with the commercial district's aesthetic, incorporating high-quality landscaping, low-impact lighting, and compliance with City design standards. By preserving the rear yard's open space adjacent to the park, the development maintains the area's recreational and aesthetic character, supporting property values and community identity.

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

**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:** The proposed variance is in harmony with the general intent of the City's LDC to promote orderly, safe, and aesthetically pleasing development while supporting the specific intent of the commercial zoning district to facilitate viable commercial uses. Allowing front yard parking ensures the property can be developed for its intended commercial purpose while protecting the adjacent park, aligning with the City's goals of balancing development with community welfare and public space preservation.

**b. Staff Response:** The variance request from the required maximum setback of 25 feet 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.**

**a. Applicant Response:** The need for the variance arises from the property's unique physical constraints, specifically its adjacency to the City's park amenities to the west, and how the site is bounded by a well-trafficked 3rd Street to the east; additionally, it is bound by Magnolia Street to the North and North Street to the south (where it plans to implement upgraded parking improvements). Thus, this is a function of the site's configuration and circumstances, and not from actions or disregard by the property owner or developer. The proximity of the park to the rear of the building (to the west) inherently limits the feasible placement of parking, and the variance request is a direct response to this site-specific condition rather than a self-imposed hardship or intentional deviation from the City's LDC requirements.

**b. Staff Response:** The proposed variance request from the required maximum setback of 25 feet is not created through the actions of the property owner. Staff

recommended the building orientation to protect neighbors.

**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:** Granting the variance will not confer special privileges denied to other properties in the same zoning district. The variance is necessitated by the property's unique configuration and adjacency to the City's park system to the west and to the south, a condition not shared by other parcels. Other properties in the zoning district without similar constraints can comply with the standard setback and parking requirements, and the variance is tailored solely to address the site-specific hardship without providing an undue advantage to the applicant.

**b. Staff Response:** Granting the variance request from the required maximum setback of 25 feet 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. SE25-01 FINDINGS:**

**1. The proposed use is consistent with the comprehensive plan.**

**a. Applicant Response:** The proposed offsite shared parking arrangement aligns with the comprehensive plan's goals of promoting efficient land use and sustainable development. By utilizing shared parking facilities, the project optimizes space, reduces the need for excessive parking lot construction, and supports the plan's objectives of fostering walkable, mixed-use communities while minimizing urban sprawl.

**b. Staff Response:** The proposed office building and off-site parking are consistent with Comprehensive Plan *Walkable Commercial Corridor* Land Use which states:

*These areas shall include offices, professional services, and retail sales which promote and advance walkability, service the routine and daily needs of residents, and are compatible with and have no measurable or noticeable adverse impacts upon surrounding residential uses.*

**2. The proposed use would be compatible with the general character of the area, considering the population density; the design; density; scale; location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses.**

**a. Applicant Response:** The offsite shared parking facility is compatible with the area's character, as it integrates with the existing population density, design, and scale of nearby structures. The parking facility is strategically located near similar commercial or mixed-use developments, ensuring it blends with permissible uses and maintains property values. Its design respects the aesthetic and functional orientation of surrounding buildings, contributing to a cohesive urban environment. It will be a mutually beneficial parking arrangement for users of the nearby City park amenities and invitees of the business on the subject property.

**b. Staff Response:** The proposed office is compatible with the general area.

**3. The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community.**

**a. Applicant Response:** The shared parking arrangement minimizes environmental impact by reducing the footprint of new parking infrastructure, preserving green spaces and limiting impervious surface runoff. The facility complies with stormwater management regulations and incorporates modern-day design practices, ensuring no adverse effects on the community's health, safety, or welfare. All developments will meet federal, state and local requirements. This is a beneficial community upgrade to 2 parking areas on 2 City streets that will enhance the overall community spaces in that area of the City.

**b. Staff Response:** There are no environmental impacts generated by the off-site

parking. There are no hazardous materials used for this type of use. The use would not have an environmental impact inconsistent with the health, safety, and welfare of the community.

**4. The proposed use would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety and welfare of the community.**

a. **Applicant Response:** The shared parking plan has been designed so as to minimize any disruption to that general area, and in fact enhance existing City infrastructure. It will not exacerbate vehicular congestion or disrupt pedestrian movement. The parking facility is located just adjacent to the subject development to the north and to the south, while also adjacent and abutting the City's premier park amenities providing better improved access for the general public in that community, with safe pedestrian pathways and crosswalks. Shared parking optimizes space by leveraging complementary parking demands (e.g., daytime commercial or office uses while complementing general public access and park usage), ensuring adequate parking availability without compromising community safety or welfare.

b. **Staff Response:** The parking will not have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety and welfare of the community. The developer is improving the public right-of-way and providing public parking spaces. The City granted the developer a shared parking agreement to utilize the newly improved public parking spaces as offsite parking because the shared parking spaces are an asset that improve the accessibility of Jarboe Park and City ball fields.

**5. The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.**

a. **Applicant Response:** The offsite shared parking arrangement supports the comprehensive plan's vision for future development by maximizing land use efficiency and preserving space for higher-value uses, such as commercial development and public access. The shared parking model encourages coordinated development patterns, ensuring that future growth in the area remains consistent with planned zoning and land use designations.

b. **Staff Response:** The proposed use is consistent with other uses in the Walkable Commercial Corridor District. The office and shared parking are consistent with area and would not have a detrimental effect on the future development as allowed in the comprehensive plan.

**6. The proposed use would not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area.**

a. **Applicant Response:** The offsite shared parking facility is designed to minimize disturbances, incorporating features such as shielded lighting to prevent glare, noise-reducing development, and proper ventilation. The development is designed and will be constructed and maintained according to modern-day improved commercial, retail, office standards. The product will be a total upgrade to the site both in terms of function and aesthetics. The facility's operations align with existing and permissible uses in the area, ensuring no excessive noise, vibration, odors, dust, or physical activities that would disrupt the community.

b. **Staff Response:** The office and shared parking will not result in the creation of objectionable or excessive noise, light, vibration, fumes, odors, dust or physical activities inconsistent with existing or permissible uses in the area. The office and shared parking spaces are an asset that improve the area and accessibility to Jarboe Park and City ball fields.

**7. The proposed use would not overburden existing public services and facilities.**

a. **Applicant Response:** The shared parking arrangement does not place undue strain on public services or facilities, such as water, sewer, or emergency

services. By consolidating parking needs, the project actually reduces the demand for new infrastructure, allowing existing public services to adequately support the development without requiring costly expansions or upgrades and is a valuable amenity to the City without costing the taxpayer.

**b. Staff Response:** The developer is improving existing public services and facilities and providing public parking spaces. The City granted the developer a shared parking agreement to utilize the newly improved public parking spaces as off-site parking because the shared parking spaces are an asset that improve the accessibility of Jarboe Park and City ball fields

**8. The proposed use meets all other requirements as provided for elsewhere in this Code.**

**a. Applicant Response:** The proposed offsite shared parking plan adheres to all relevant provisions of the city's land development code, including zoning regulations, parking standards, and design guidelines. The project has undergone a thorough review to ensure compliance with setback requirements, accessibility standards, and any additional conditions outlined in the code, as well as any necessary agreements for shared parking management.

**b. Staff Response:** All provisions of this code are met by the proposed office development plan and proposed parking agreement.

**V. DP25-01 FINDINGS:**

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders state 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 proposed development plan is consistent with the surrounding zoning and uses. The site is surrounded by commercial uses to the north. Residentially zoned property borders the site to the south, east, and west. The proposed office building will be in a modern architectural style, with large glass panes and cantilevered balconies (as indicated in attached elevation renderings). The architectural style will be consistent with other offices recently developed along Third Street.

The office site will be densely landscaped to seamlessly integrate into Jarboe Park. The parking lot will be densely landscaped with a grass and palm hedge and a variety of palm, live oak, and magnolia trees (as indicated in attached landscape plans). The site's building orientation and lighting minimizes glare and prevents light intrusion on single family homes to the south and west (see attached lighting plan).

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

**Staff Response:**

**Traffic:** The project has been issued a Certificate of Concurrency (attached) for traffic. The project traffic volume will not decrease the current level of service on the immediate traffic network. The project will generate approximately 141 net new trips per day. Both Florida Boulevard and Third Street have adequate available traffic capacity to permit 141 new trips without a reduction in level of service.

**Water/Sewer:** This project has been issued a water and sewer letter of available from City of Neptune Public Works.

**School:** Not applicable

**Drainage:** A new on-site parking area will be constructed using "permeable" pavers to reduce the stormwater runoff leaving the site. A portion of the existing asphalt pavement on Magnolia Avenue will be removed as part of this construction. Stormwater runoff from the new property will flow into the city-owned ditch system by means of a piped collection system. A smaller portion of the runoff from the site will continue to flow into the Third Street FDOT system and into the same collection system as the remainder of the site. As shown in the attached calculations the impervious surface ratio for the proposed development is 69 percent, which is less than the existing conditions. Therefore, no additional stormwater treatment or retention system is proposed for this development. St. Johns River Water

Management District has issued an Environmental Resource Permit Exemption Letter (attached).

**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 proposed development plan is designed to compliment the surrounding office corridor, park, and neighborhood. The proposed office building site plan complies with density, height, open space, landscaping, lighting, and public utility, parking and traffic circulation standards.

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

**Staff Response:** The office site plan and building are consistent with comprehensive plan Walkable Commercial Corridor land use which states:

*These areas shall include offices, professional services, and retail sales which promote and advance walkability, service the routine and daily needs of residents, and are compatible with and have no measurable or noticeable adverse impacts upon surrounding residential uses.*

The proposed development plan for DP25-01 "1112 Third Street Parkside Office Complex", as presented, requires a concurrent review of associated variance V25-05 from Table 27-239 C-1 front yard setback to permit the construction of an office building with a +/- 150-foot front yard maximum setback in lieu of the required 25 foot yard maximum setback, as well as a concurrent review of associated special exception SE25-01 for off-site parking in accordance with Sec. 27-540 Parking requirements (e) Offsite Parking.

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

**Staff Response:** The proposed development plan is designed to compliment the surrounding office corridor, park, and neighborhood. The proposed office building site plan complies with density, height, open space, landscaping, lighting, and public utility, parking and traffic circulation standards.

**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:** The proposed development is designed to compliment the surrounding office corridor, park, and neighborhood. The proposed office building site plan complies with density, height, open space, landscaping, lighting, and public utility, parking, and traffic circulation standards.

## **VI. STAFF RECOMMENDATION**

Staff recommends approval of variance V25-05 from Table 27-239 C-1 front yard setback to permit the construction of an office building with a +/- 150-foot front yard maximum setback in lieu of the required 25-foot yard maximum setback as requested.

Staff recommends approval of special exception SE25-01 for 20 off-site parking in accordance with Sec. 27-540 Parking requirements (e) Offsite Parking.

Staff recommends approval of the application for development plan DP25-01 "1112 Third Street Parkside Office Complex" to permit a 27,346 SF office building with associated parking and landscaping, as presented.

The developer shall submit a final development plan for review by the City Council. The final development plan shall be consistent with the preliminary development

Plan shall contain no land uses different than those approved in the preliminary development plan.

**VII. RECOMMENDED MOTION:**

**V25-05**

- a. I recommend approval of V25-05
- OR
- b. I recommend denial of V25-05

**SE25-01**

- a. I recommend approval of SE25-01
- OR
- b. I recommend denial of SE25-01

**DP25-01**

- a. I recommend approval of DP25-01
- OR
- b. I recommend denial of DP25-01

**VIII. Exhibits:**

- A. Variance, Special Exception, and Development Order Application
- B. Development Plan
- C. Vicinity Maps
- D. Elevation/Building Renderings
- E. Landscape Plan
- F. Lighting Plan
- G. Certificate of Concurrency and Traffic Analysis
- H. Water and Sewer Service Availability Letter
- I. St. Johns River Water Management District Environmental Resource Permit Exemption Letter
- J. Signed Development Agreement with City of Neptune Beach (including shared parking agreement)

**APPLICATION FOR DEVELOPMENT PLAN REVIEW**

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



**APPLICATION FEE:** Residential Developments (not including SFD) - \$200.00/ unit (plus cost of any outside review or other departmental reviews)

Commercial Development - \$2,000.00

Replat Plan Review-\$400.00

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: 1112 Third Street, LLC – Marc Hassan 9803 Old St. Augustine, Rd Suite 1 Jacksonville, FL 32257 Contact phone # 904-389-7311 e-mail address: mhassan@spectrumrealttyco.com	Property Address: 1112 Third Street Neptune Beach, FL 32266 Real Estate ID # 172852-0000, 172851-0000 Lot 1-8 Block 1 Subdivision: Neptune Gardens Zoning District: C-1	
Name and Address of Agent/Applicant Means Engineering, Inc – Tripp Means 1414 Kingsley Ave, Suite 3 Orange Park, FL 32073		Telephone # 904-264-9902 Email: TMeans@meansengr.com
Describe request being made: 1112 Third Street, LLC is proposing to construct a 2-story commercial office building and associated parking at 1112 Third Street. The gross floor area for the proposed building is 27,346 square feet.		
<p align="center"><b>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.</b></p>		

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.\*

Means Engineering, Inc \_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF 1112 Third Street, LLC \_\_\_\_\_, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a development review:

<input checked="" type="checkbox"/> Development Order	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Comp Plan Amendment
<input type="checkbox"/> Replat	<input type="checkbox"/> Concurrency
<input type="checkbox"/> Appeal	<input type="checkbox"/> Other/Tree Champion or Heritage Tree Removal

BY [Signature] \_\_\_\_\_ Marc Hassan for 1112 Third Street, LLC  
Signature of Owner Print Name

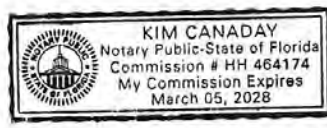
\_\_\_\_\_  
Signature of Owner Print Name

Signed and sworn before me on this 15<sup>th</sup> day of July, 2025

BY: Marc Hassan

Identification Verified: personally know Oath Sworn: Yes No

[Signature]  
Notary Signature My Commission Expires 3-5-2028



CHECKLIST FOR DEVELOPMENT PLAN REVIEW

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

Commonly required items needed for development reviews.

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

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

**APPLICATION FOR ZONING VARIANCE**

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



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

Date Filed: 07-15-2025	Zoning District: C-1	Real Estate Parcel Number: 172852-0000, 172851-0000
Name & Address of Owner of Record: 1112 Third Street LLC – Marc Hassan 9803 Old St. Augustine Road, Suite 1 Jacksonville, FL 32257 Contact phone number# 904-389-7311 e-mail address: mhassan@spectrumrealityco.com		Property Address: 1112 Third Street Neptune Beach, FL 32266  Number of units on property: 1 (Lots 1-8)  Have any previous applications for variance been filed concerning this property? No, not that are known to applicant.  If Yes, Give Date: n/a
Name & Address of Agent:  Jason Gabriel, Esq. & M. Scott Thomas, Esq. Burr Forman 50 N. Laura Street, Suite 3000 Jacksonville, Florida 32202 e-mail address: jgabriel@burr.com & mstthomas@burr.com		
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s):  Owner is proposing to construct a 2-story commercial office building and associated parking on the subject site. The variance request is to allow the owner/applicant/developer to exceed the standard building setback of 25 foot on the subject property's eastern boundary (the front yard setback) in the C-1 District.		
2. Explain the purpose of the variance (if granted)?  The purpose of seeking relief from the max front yard setback is to alleviate the need to place parking on the westerly side of the building proximate to the City's premier park amenities optimizing both function and aesthetics in the design and implementation of the new improved development. The unique placement of the subject site in between the City's established park system to the west and the well-traveled 3rd Street road system to the east justifies the proposed configuration.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary).		

<p>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.</p> <p>The property exhibits unique and peculiar circumstances due to its immediate adjacency to the City's park amenities on the western boundary while being bounded by 3rd Street to the east. Unlike other parcels in the same zoning district, the rear yard's proximity to the park creates a significant constraint, as placing parking in the rear would disrupt the park's aesthetic and functional value, potentially encroaching on public recreational space. This creates an exceptional hardship, as strict adherence to the 25-foot front yard setback would force parking into the rear, negatively impacting the adjacent public amenity in a way not shared by other properties in the zoning district.</p>
<p>B. How is the proposed variance the minimum necessary to allow reasonable use of the property?</p> <p>The proposed variance to exceed the 25-foot front yard setback is the minimum necessary to allow reasonable use of the parcel. By relocating parking to the front yard, the development maintains adequate parking to support the commercial use while preserving the rear yard to avoid conflicts with the adjacent park. The extent of the setback exceedance is limited to what is required to accommodate the necessary parking spaces, ensuring compliance with the City's parking requirements without excessive deviation from the setback standard.</p>
<p>C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.</p> <p>The proposed variance will not adversely affect adjacent or nearby properties or the public. The front yard parking area will be designed with appropriate landscaping, screening, and buffering to minimize visual impacts on neighboring properties and the streetscape. Pedestrian and vehicular access will be managed to ensure safety, and the preservation of the rear yard protects the adjacent park's functionality and public enjoyment, thereby benefiting the community as a whole.</p>
<p>D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.</p> <p>The variance will not substantially diminish property values or alter the essential character of the surrounding area. The variance will allow for a substantial improvement to both the subject property and by extension, the surrounding parking and park amenities. The front yard parking will be designed to blend with the commercial district's aesthetic, incorporating high-quality landscaping, low-impact lighting, and compliance with City design standards. By preserving the rear yard's open space adjacent to the park, the development maintains the area's recreational and aesthetic character, supporting property values and community identity.</p>
<p>E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.</p> <p>The proposed variance is in harmony with the general intent of the City's LDC to promote orderly, safe, and aesthetically pleasing development while supporting the specific intent of the commercial zoning district to facilitate viable commercial uses. Allowing front yard parking ensures the property can be developed for its intended commercial purpose while protecting the adjacent park, aligning with the City's goals of balancing development with community welfare and public space preservation.</p>
<p>F. Explain how the need for the proposed variance has not been created by you or the developer?</p> <p>The need for the variance arises from the property's unique physical constraints, specifically its adjacency to the City's park amenities to the west, and how the site is bounded by a well-trafficked 3rd Street to the east; additionally it is bounded by Magnolia Street to the North and North Street to the south (where it plans to implement upgraded parking improvements). Thus, this is a function of the site's configuration and circumstances, and not from actions or disregard by the property owner or developer. The proximity of the park to the rear of the building (to the west) inherently limits the feasible placement of parking, and the variance request is a direct response to this site-specific condition rather than a self-imposed hardship or intentional deviation from the City's LDC requirements.</p>

<p>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.</p> <p>Granting the variance will not confer special privileges denied to other properties in the same zoning district. The variance is necessitated by the property's unique configuration and adjacency to the City's park system to the west and to the south, a condition not shared by other parcels. Other properties in the zoning district without similar constraints can comply with the standard setback and parking requirements, and the variance is tailored solely to address the site-specific hardship without providing an undue advantage to the applicant.</p>
<p>4. <b>Required Attachments</b>-Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b></p>
<p>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. <b>WHICH HAS NOT BEEN REDUCED.</b></p>
<p>B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date. SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b></p>
<p>C. Copy of Deed</p>
<p>D. Pictures of the property as it currently exists</p>
<p>5. Letter of authorization for agent to make application (Required only if not made by owner)</p>
<p>6. <b>NON-REFUNDABLE FEE:</b> <b>\$300.00 (Residentially zoning property) / \$1,000.00 (Commercially Zoned Property)</b></p>

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)

1112 Third Street, LLC

ADDRESS OF PROPERTY OWNER  
 9803 Old St. Augustine Rd, Suite 1  
 Jacksonville, FL 32257

NAME OF AUTHORIZED AGENT

Jason Gabriel, Esq. & M. Scott Thomas, Esq.

ADDRESS OF AUTHORIZED AGENT  
 50 N. Laura Street, Suite 3000  
 Jacksonville, FL 32202

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

*[Handwritten Signature]*

**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.\***

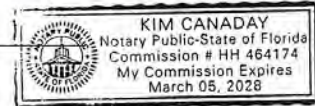
Jason Gabriel, Esq. or M. Scott Thomas, Esq. are hereby authorized TO ACT ON BEHALF OF 1112 Third Street LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: *[Handwritten Signature]*

Signature of Owner

Marc Hassan FOR 1112 THIRD STREET, LLC  
Print Name

Signature of Owner



Print Name

Daytime Telephone Number 904.389.7311 State of Florida  
County of Duval

Signed and sworn before me on this 15<sup>th</sup> day July of 2024.

By marc Hassan

Identification verified:  personally known  oath sworn:  Yes  No

*[Handwritten Signature: Kim Canaday]*

**APPLICATION FOR SPECIAL EXCEPTION**

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



**Application Fee: \$300 Residential / \$800 Commercial**

**Date Filed:**

Name & Address of Property Owner:	Email: mhassan@spectrumrealtyco.com
1112 Third Street, LLC – Marc Hassan	Telephone: 904-389-7311
9803 Old St. Augustine Rd, Suite 1, Jacksonville, FL 32257	Real Estate #: 172852-0000, 172851-0000
Property Address (if different from mailing):	Lot 1-8Block: 1
1112 Third Street	Subdivision: Neptune Gardens
Neptune Beach, FL 32266	Zoning District: C-1

Name and Address of Agent:	Telephone: 904-232-7200
Jason Gabriel, Esq. & M. Scott Thomas, Esq., Burr & Forman LLP	E-Mail: JGabriel@burr.com and mstthomas@burr.com
50 N. Laura St., Suite 3000, Jacksonville, FL 32202	
Describe Special Exception Request:	
Requesting Special Exception for offsite parking (shared parking of 13 spaces on or near North Street & 7 spaces on or near Magnolia Street)	

The Unified Land Development Code (ULDC) requires that the Community Development Board may not approve any special exceptions unless it makes a positive finding of fact, based on substantial competent evidence, outlined in Section 27-160
Required findings needed to issue a special exception in Section 27-160: (attach additional sheets as necessary):
1. How the proposed use consistent with the comprehensive plan?  The proposed offsite shared parking arrangement aligns with the comprehensive plan's goals of promoting efficient land use and sustainable development. By utilizing shared parking facilities, the project optimizes space, reduces the need for excessive parking lot construction, and supports the plan's objectives of fostering walkable, mixed-use communities while minimizing urban sprawl.

<p>2. Indicate how the proposed special expectation (use) would be compatible with the general character of the area, considering the population density; the design, density, scale, location, and orientation of existing and permissible structures in the area; property values; and the location of existing similar uses:</p> <p>The offsite shared parking facility is compatible with the area's character, as it integrates with the existing population density, design, and scale of nearby structures. The parking facility is strategically located near similar commercial or mixed-use developments, ensuring it blends with permissible uses and maintains property values. Its design respects the aesthetic and functional orientation of surrounding buildings, contributing to a cohesive urban environment. It will be a mutually beneficial parking arrangement for users of the nearby City park amenities and invitees of the business on the subject property.</p>
<p>3. Indicate how the proposed special exception (use) would not have an environmental impact inconsistent with the health, safety, and welfare of the community:</p> <p>The shared parking arrangement minimizes environmental impact by reducing the footprint of new parking infrastructure, preserving green spaces and limiting impervious surface runoff. The facility complies with stormwater management regulations and incorporates modern-day design practices, ensuring no adverse effects on the community's health, safety, or welfare. All development will meet federal, state and local requirements. This is a beneficial community upgrade to 2 parking areas on 2 City streets that will enhance the overall community spaces in that area of the City.</p>
<p>4. Explain how the proposed special exception (use) would not generate or otherwise cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement, or parking inconsistent with the health, safety, and welfare of the community:</p> <p>The shared parking plan has been designed so as to minimize any disruption to that general area, and in fact to enhance existing City infrastructure. It will not exacerbate vehicular congestion or disrupt pedestrian movement. The parking facility is located just adjacent to the subject development to the north and to the south, while also adjacent and abutting the City's premier park amenities providing better improved access for the general public in that community, with safe pedestrian pathways and crosswalks. Shared parking optimizes space by leveraging complementary parking demands (e.g., daytime commercial or office uses while complimenting general public access and park usage), ensuring adequate parking availability without compromising community safety or welfare.</p>
<p>5. Explain how the proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan:</p> <p>The offsite shared parking arrangement supports the comprehensive plan's vision for future development by maximizing land use efficiency and preserving space for higher-value uses, such as commercial development and public access. The shared parking model encourages coordinated development patterns, ensuring that future growth in the area remains consistent with planned zoning and land use designations.</p>
<p>6. Explain how the proposed use would not result in the creation of objectionable or excessive noise, light vibration, fumes, odors, dust, or physical activities inconsistent with the existing or permissible uses in the area:</p> <p>The offsite shared parking facility is designed to minimize disturbances, incorporating features such as shielded lighting to prevent glare, noise-reducing development, and proper ventilation. The development is designed and will be constructed and maintained according to modern-day improved commercial, retail, office standards. The product will be a total upgrade to the site both in terms of function and aesthetics. The facility's operations align with existing and permissible uses in the area, ensuring no excessive noise, vibration, odors, dust, or physical activities that would disrupt the community.</p>

7. INDICATE HOW THE PROPOSED USE WOULD NOT OVERBURDEN EXISTING PI FACILITIES.

THE SHARED PARKING ARRANGEMENT DOES NOT PLACE UNDUE STRAIN ON I FACILITIES, SUCH AS WATER, SEWER, OR 8MERGENCY SERVICES. BY CONSOLIDA THE PROJECT ACTUALLY REDUCES THE DEMAND FOR NEW INFRASTRUCTURE.

G EXPLAIN HOW THE PROPOSED USE MEETS ALL OTHER REQUIREMENTS AS PROVI CHAPTER 27.

THE PROPOSED OFFSITE SHARED PARKING PLAN ADHERES TO ALL RELEVANT PROV LAND DEVELOPMENT CODE, NCLUDING ZONING REGULATIONS, PARKING STAN GUIDELINES. THE PROJECT HAS UNDERGONE A THOROUGH REVIEW IO ENSUR

**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 MEETINGS.**


Per 27-163, If a special exception is granted the use or construction, must be commenced within twelve (12) months following the date the special exception is rendered or the special exception shall expire and be of no further force, validity, or effect.

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

NAME (S) OF PROPERTY OWNER (S)  
1112ThirdStreet, LLC

NAME OF AUTHORIZED AGENT  
Jason Gabriel, Esq./ M. Scott Thomas, Esq.

Signature

  
Signature

**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.\***

Jason Gabriel, Esq. or M. Scott Thomas, Esq. are hereby authorized TO ACT ON BEHALF OF

1112 Third Street LLC, the owner(s) of those lands described within the attached Special Exception 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 Special Exception or other action pursuant to a:

BY: [Signature]  
Signature of Owner

Marc Hassan for 1112 THIRD STREET, LLC  
Print Name

\_\_\_\_\_  
Signature of Owner



\_\_\_\_\_  
Print Name  
904.389.7311  
Daytime Telephone Number

State of Florida  
County of Duval

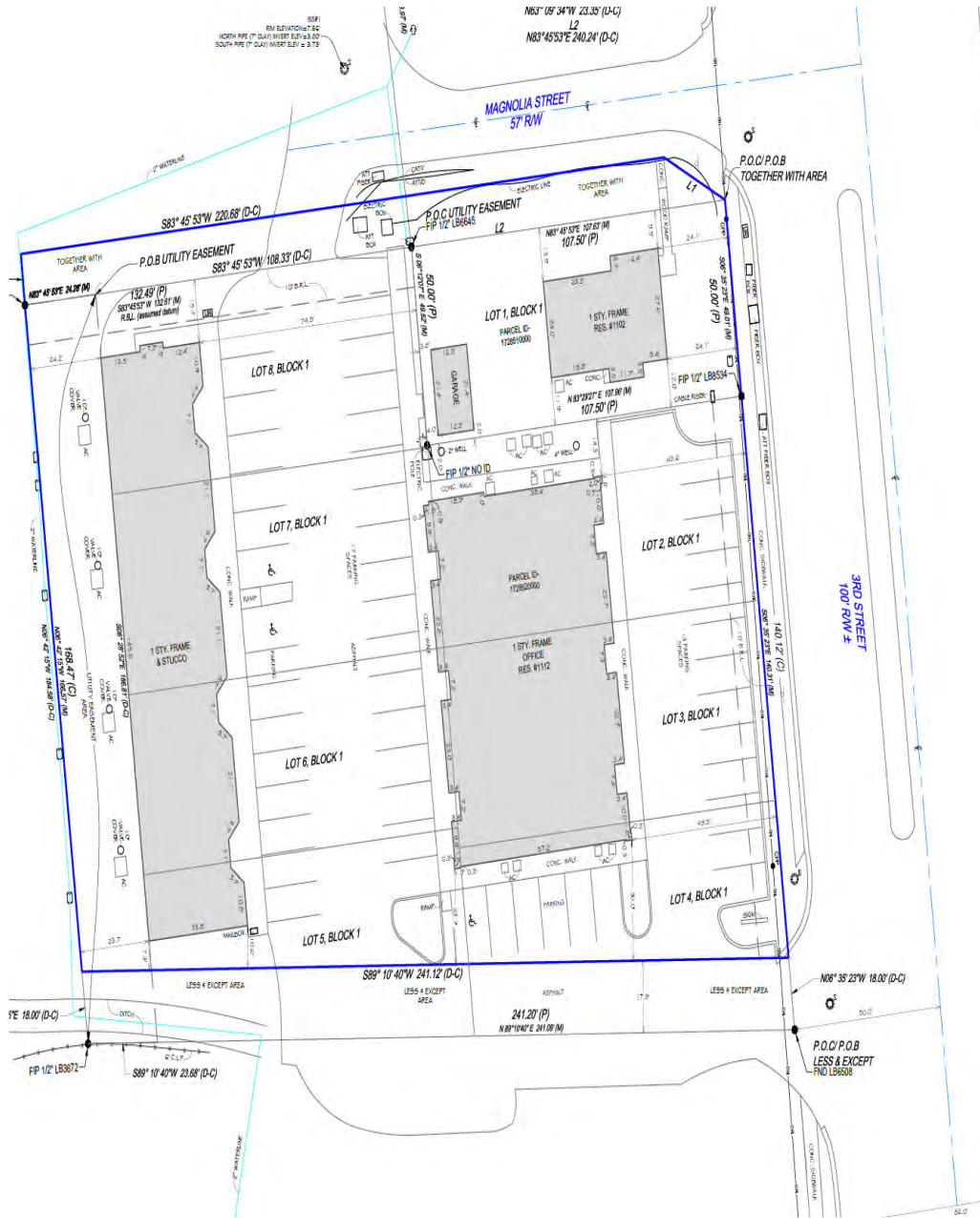
Signed and sworn before me on this 15<sup>th</sup> day of July, 2025

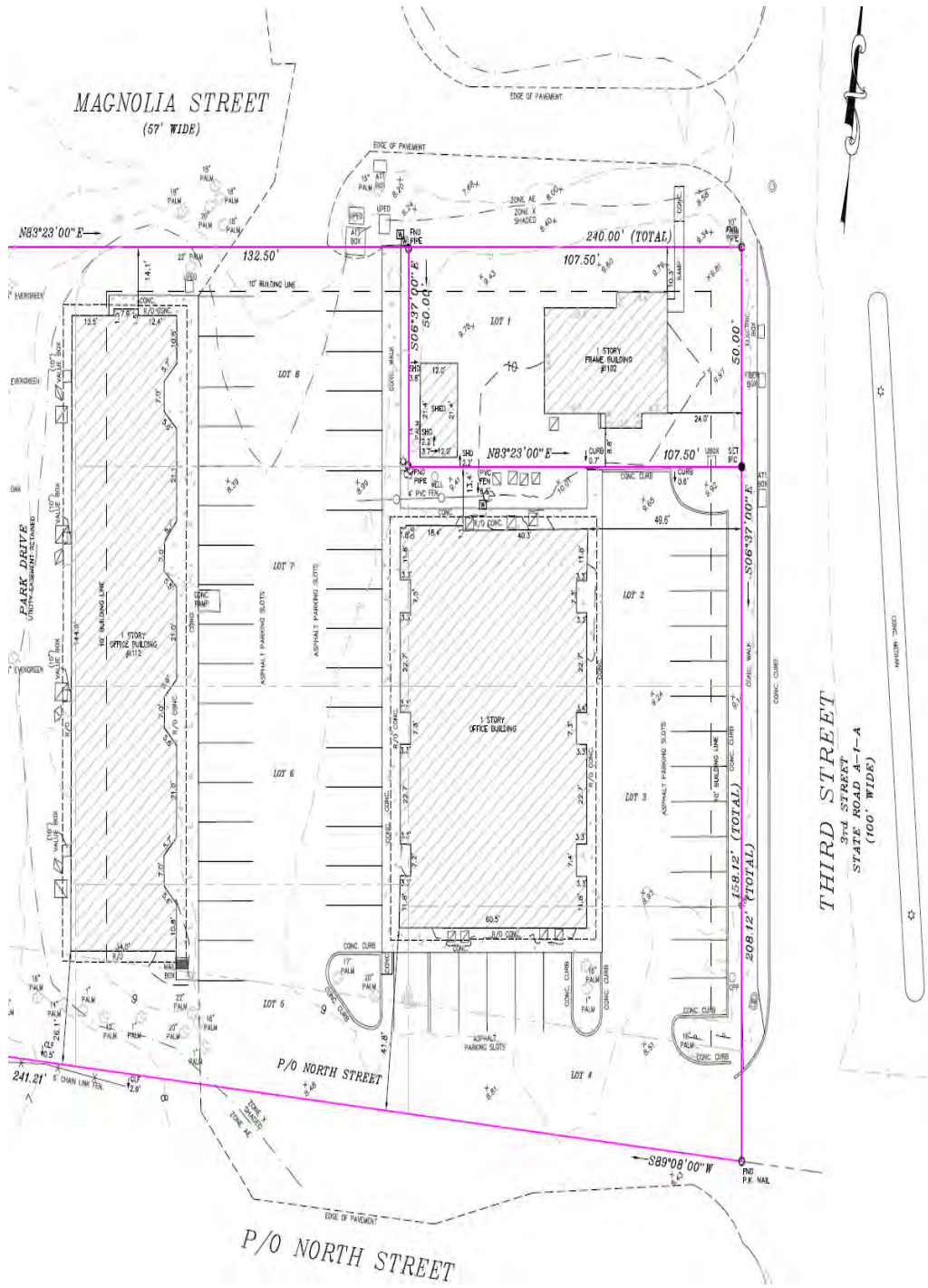
By Marc Hassan

Identification verified: personally know Oath sworn: X Yes    No

[Signature]  
Notary Signature

My Commission expires: 3-5-28





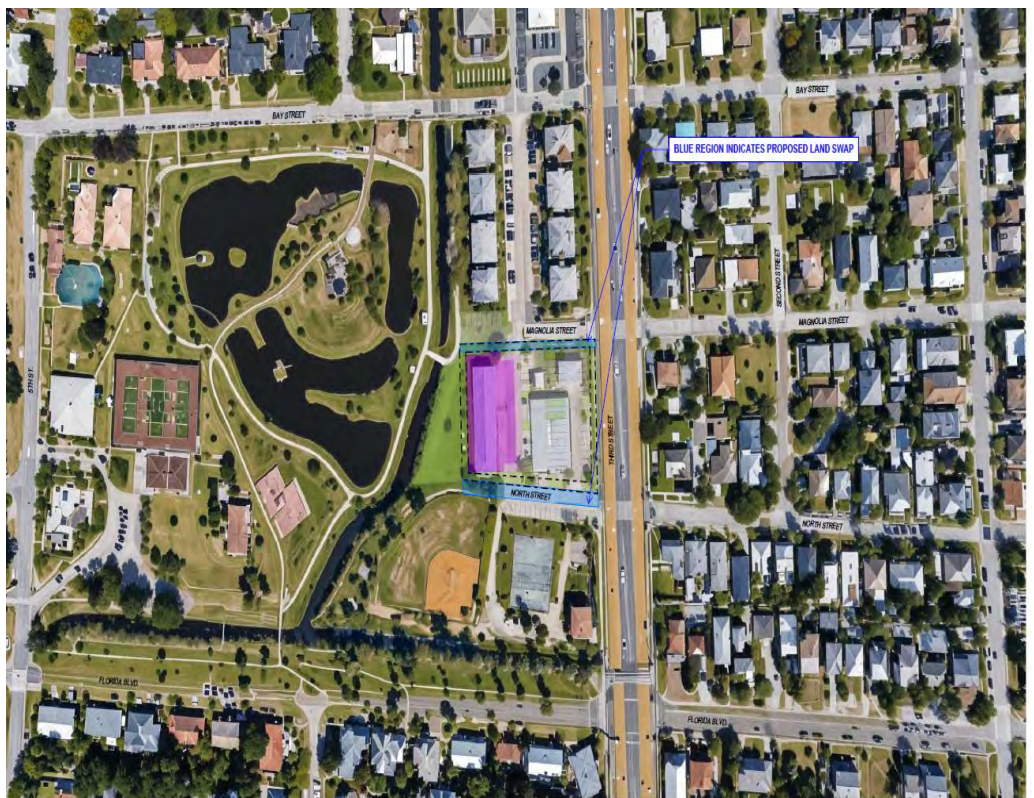






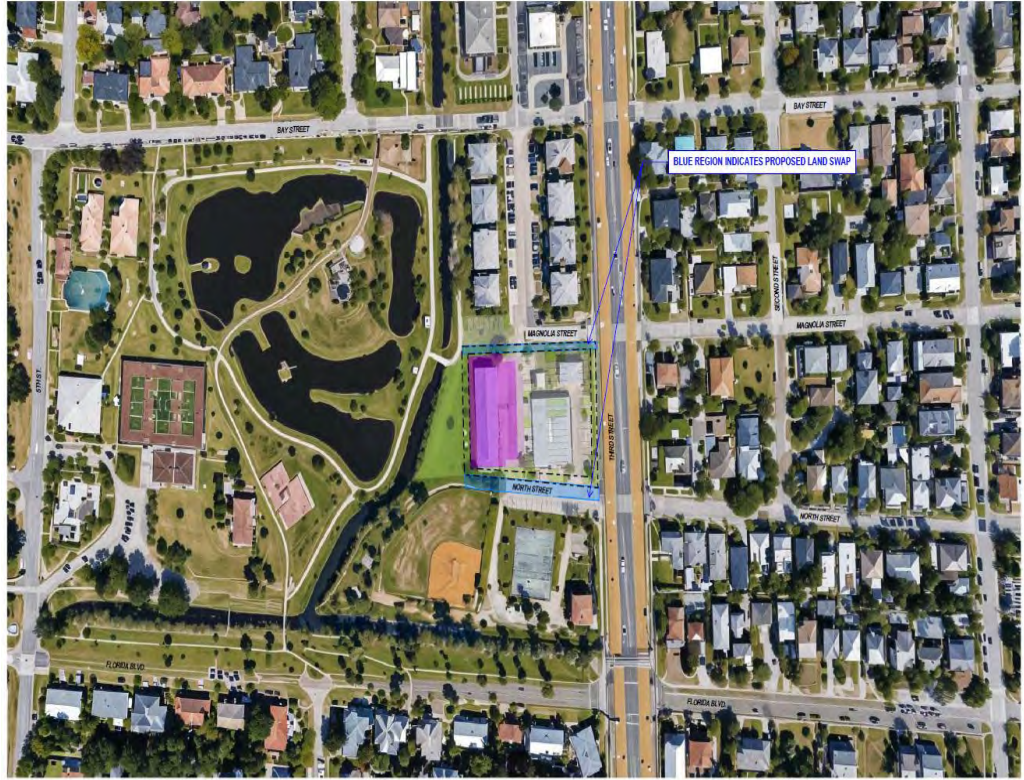
RDB INVISION RDB\_INV PROJECT No.: 2024-003  
PLANNING | ARCHITECTURE | INTERIORS  
UPDATED: 06/11/2025

1112 Third Street Office Shell Building | Neptune Beach  
VICINITY MAP [EXISTING]



RDB INVISION RDB\_INV PROJECT No.: 2024-003  
PLANNING | ARCHITECTURE | INTERIORS  
UPDATED: 06/11/2025

1112 Third Street Office Shell Building | Neptune Beach  
VICINITY MAP [OVERLAY NEW SITE]



BLUE REGION INDICATES PROPOSED LAND SWAP

**RDB INVISION** RDB\_INV PROJECT No.: 2024-003  
PLANNING | ARCHITECTURE | INTERIORS  
UPDATED: 06/11/2025

1112 Third Street Office Shell Building | Neptune Beach  
VICINITY MAP [OVERLAY NEW SITE]



**RDB INVISION** RDB\_INV PROJECT No.: 2024-003  
PLANNING | ARCHITECTURE | INTERIORS  
UPDATED: 06/11/2025

1112 Third Street Office Shell Building | Neptune Beach  
VICINITY MAP [NEW SITE]





**RDB INVISION** RDB INV PROJECT No.: 2024-003  
PLANNING | ARCHITECTURE | INTERIORS  
UPDATED: 06/11/2025

1112 Third Street Office Shell Building | Neptune Beach  
SOUTHEAST SITE VIEW FROM THIRD STREET





Questions from the board:

TONY MAZZOLA asks about traffic analysis and parking spaces based on sq footage of office building.

HEATHER WHITMORE explains traffic analysis, trips and office volume. There are 223 existing spaces and will be 271 spaces with proposed project. Florida Blvd and Third St have plenty of available capacity for new traffic volume.

RENE ATAYAN asks about traffic capacity in office buildings verses restaurants, bars, etc.

HEATHER WHITMORE responds that bars and restaurants are prohibited in that area.

RENE ATAYAN states that there should be more bike racks and that may be a negotiating point with the builders.

HEATHER WHITMORE agrees and says the builders will likely address that.

WILLIAM HILTON addresses the North St and Magnolia parking. Also asks about ROW parking to park.

HEATHER WHITMORE explains the stormwater management plan and permeable pavers.

CHARLES MILLER asks about City Council Development Agreement, the easement of the utility area and the size.

HEATHER WHITMORE responds that it will be 25 ft wide and run the length of property. She shows example in large site plan.

LYNDA PADRTA asks if city council abandoned the easement.

HEATHER WHITMORE explains that a land swap will be approved once the council approves the development agreement.

WILLIAM HILTON asks if there is discussion with the city to extend the walking path to North St.

HEATHER WHITMORE answers no, but the CDB can recommend this to the council.

Attorney JASON GABERIAL introduces himself and the applicant, Mark Hasen, and engineer Tripp Means. He acknowledges great staff and efforts on behalf of CONB

as a premier example of a public and private partnership. Explains Variance, Special Exception and Development Plan going back to council.

JASON GABERIAL explains parking, buffer, light spillage, integrity of land swap to the north. 4000+ vs 2000+ sq foot swap and purpose.

GREG SCHWARTZENBERGER asks to run through the visuals. (Extra large site plans and posters brought in by the applicant)

Mark Hasan explains plans for the property they own on North St., land swap, ROW and easement on their property. There are no utilities in the easement. Applicant has agreed to upgrade parking in the area and the CONB benefits by hundreds if not thousands of dollars. While going over the posters he highlights the benefits for Jarboe Park, parking and the adjacent condos. He points out that Magnolia and North St will be newly paved from Third St extending west to Jarboe Park. As well as the Hardwood trees and landscaping for visual appeal.

CHARLES MILLER asks about Park Drive.

MARC HASSAN explains that Park Drive has been in place since before Jarboe Park or plans of new.

HILLARY WEATHERHEAD asks about plans for light spillage. Will there be lighting in ROW?

MARC HASSAN responds that building will shield lights on parking lot and that downlighting will shine down on the trees located in the parking lot. As of now there will be no lighting in ROW.

RENE ATAYAN asks if there will be a fence erected.

MARC HASSAN answers yes, a 6' fence will be built between the new building and existing condos. He also states that there will be a pump track.

LYNDA PADRTA asks what a pump track is.

HEATHER WHITMORE defines a pump track as a bike path.

GREG SCHWARTZENBERGER asks for public comments and requests. There are none.

#### Board Discussion:

LYNDA PADRTA states that she is comfortable with the concept of the office building and improved parking but would like to see a commuting connection between the park and new building.

TONY MAZZOLA states that this project is a win win for him.

GREG SCHWARTZENBERGER acknowledges C1 uses and development. Also highlights the cooperation between the developer and city on this proposed project.

RENE ATAYAN appreciates Heather Whitmore and the suggestion to move the office building to the back of the property and thinks this project will be a wonderful addition the CONB.

WILLIAM HILTON thinks this development will be great with no reason to not approve and hopes that the city council suggests connecting a path to the basketball courts and park fields.

GREG SCHWARTZENBERGER is pleased that the CONB is taking steps to make Jarboe Park nicer.

HILLARY WEATHERHEAD states that this is a great step in the right direction of the CONB.

CHARLES MILLER thanks Heather Whitmore and Piper Turner for the presentation. He hopes having the building as a buffer will lessen the noise for the residents in the park and in the adjacent neighborhoods.

LYNDA PADRTA thanks Heather Whitmore for thinking outside of the box with a solution of what could have been a problem.

Chair Schwartzberger opened the floor for public comments, there being none the public hearing was closed.

Made by Hilton, seconded by Padrta.

**MOTION: TO APPROVE VARIANCE V25-05 FOR THE FRONT YARD SETBACK, AS SUBMITTED.**

Roll Call Vote:

Ayes: 7-Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan & Schwartzberger

Noes: 0

**MOTION CARRIED**

Made by Hilton, seconded by Padrta.

**MOTION: TO APPROVE SPECIAL EXCEPTION SE25-01 FOR OFF-SITE PARKING, AS SUBMITTED.**

Roll Call Vote:

Ayes: 7- Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan & Schwartzberger

Noes: 0

**MOTION CARRIED**

Made by Hilton, seconded by Padrta.

**MOTION: TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN AND TO RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT PLAN TO CITY COUNCIL.**

Roll Call Vote:

Ayes: 7-Weatherhead, Mazzola, Miller, Padrta, Hilton, Atayan & Schwartzberger

Noes: 0

**MOTION CARRIED**

The applicant was informed their application would be forwarded to the City Council Wednesday September 3, 2025 at 6:00 p.m. meeting for final approval and that they must attend this meeting.

Historical Committee:

RENE ATAYAN informs everyone that the Historical Review committee has been approved and celebrates the new ordinances that will follow. Asks about applicants and the application process.

HEATHER WHITMORE says 4 applicants but only 3 eligible.

RENE ATAYAN asks Heather Whitmore to explain what the process will look like for homeowners seeking a certificate of appropriateness and determination of historical significance.

HEATHER WHITMORE responds that when an applicant wants to utilize historical rights afforded to them with exceptions like age and other criteria that a site plan and certificate will need to be present.

GREG SCHWARTZENBERGER asks if the Building Permit ties to the certificate.

HEATHER WHITMORE answers yes.

RENE ATAYAN asks if it takes the step out of coming to the CDB.

HEATHER WHITMORE answers yes.  
 GREG SCHWARTZENBERGER asks if the Building Department will catch historical circumstances for building permits before it gets to the CDB.  
 HEATHER WHITMORE gives examples of who may benefit from the Historical Board and a resident who has already learned of it and how it changes the circumstances of the property. She explains how this will be like other communities and it's standard practice, not variance. Homeowners will receive an exceptionality with certain rights and privileges regarding setbacks, lot coverage and floor plan ratio.  
 RENE ATAYAN suggests getting the word out to builders and real estate agents about the new circumstances regarding historical homes in Neptune Beach. She asks about the Sunset Clause and ordinances. (Sunset Clause states that if the ordinance isn't utilized within 18 months from July that it will be repealed)  
 WILLIAM HILTON asks if one can sit on both CDB and Historical Committee.  
 PAUL WATERS will look into this and check to see if there will be any issues or conflict of interest.  
 GREG SCHWARTZENBERGER requests that Heather Whitmore share the application with the CDB and asks who appoints the committee.  
 HEATHER WHITMORE answers that the City Council votes on the committee members and the city clerk will accept the applications.  
 CORAL MESSINA asks if there is a timeline and deadline.  
 HEATHER WHITMORE answers no.  
 GREG SCHWARTZENBERGER asks if there are any topics that need to be discussed and the response is no. He welcomes Jeff DeAnglis to his first meeting as the new alternate member and thanks him for serving.

Open Discussion      GS asks if there are any topics that need to be discussed and the response is no. He welcomes Jeff DeAnglis to his first meeting as the new alternate member and thanks him for serving.

Adjournment      The meeting adjourned at 7:16 p.m.

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Chairperson

ATTEST:

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Dallas Alvarez, Board Secretary

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CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** September 10, 2025  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V25-06

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**TO:** Community Development Board  
**FROM:** Heather Whitmore, AICP, PTP Community Development Director  
**DATE:** September 5, 2025  
**SUBJECT:** Variance Request 1621 5th Street (RE Parcel 173086-0000)

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**I. BACKGROUND:**

Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Linward Development Corp. for the property 1621 5th Street, Neptune Beach, Florida (northeastern corner of Lora Street and 5th Street - RE Parcel 173086-0000). The applicant requests a variance from Table 27-239 R-3 interior side yard setback to permit the construction of a single-family residence with a four foot interior side yard minimum setback in lieu of the required seven foot interior side yard setback. The property is in the R-3 zoning district.

**II. DISCUSSION:**

The property owner of 1621 5th Street requests a variance from Table 27-239 for the east interior side yard to allow a four-foot setback rather than the required seven foot. The property is in the R-3 zoning district. The purpose of the request is to construct a single-family home.

The existing 13,334 square foot “double lot” is 113 feet wide by 117 feet deep. The owner recently demolished the lot’s original 1954 home to subdivide the property into two single-family 55’ x 116’ lots. Although the double lot has adequate area and dimensions to accommodate two single-family homes, the westernmost frontage along 5<sup>th</sup> Street contains a 25 foot City water main utility easement, thereby making

50% of the western lot unbuildable. The utility easement contains a water main located ten feet east of the western property line.

The applicant has requested a five foot vacation of the 25 foot easement but still needs to shift the home site eastward to accommodate a standard +/- 27' wide home. The applicant is therefore requesting a variance on the east interior side yard to allow a four-foot setback rather than the required seven foot. The five foot easement vacation in conjunction with three foot setback variance, will allow the owner to construct a standard-width home on the western lot.

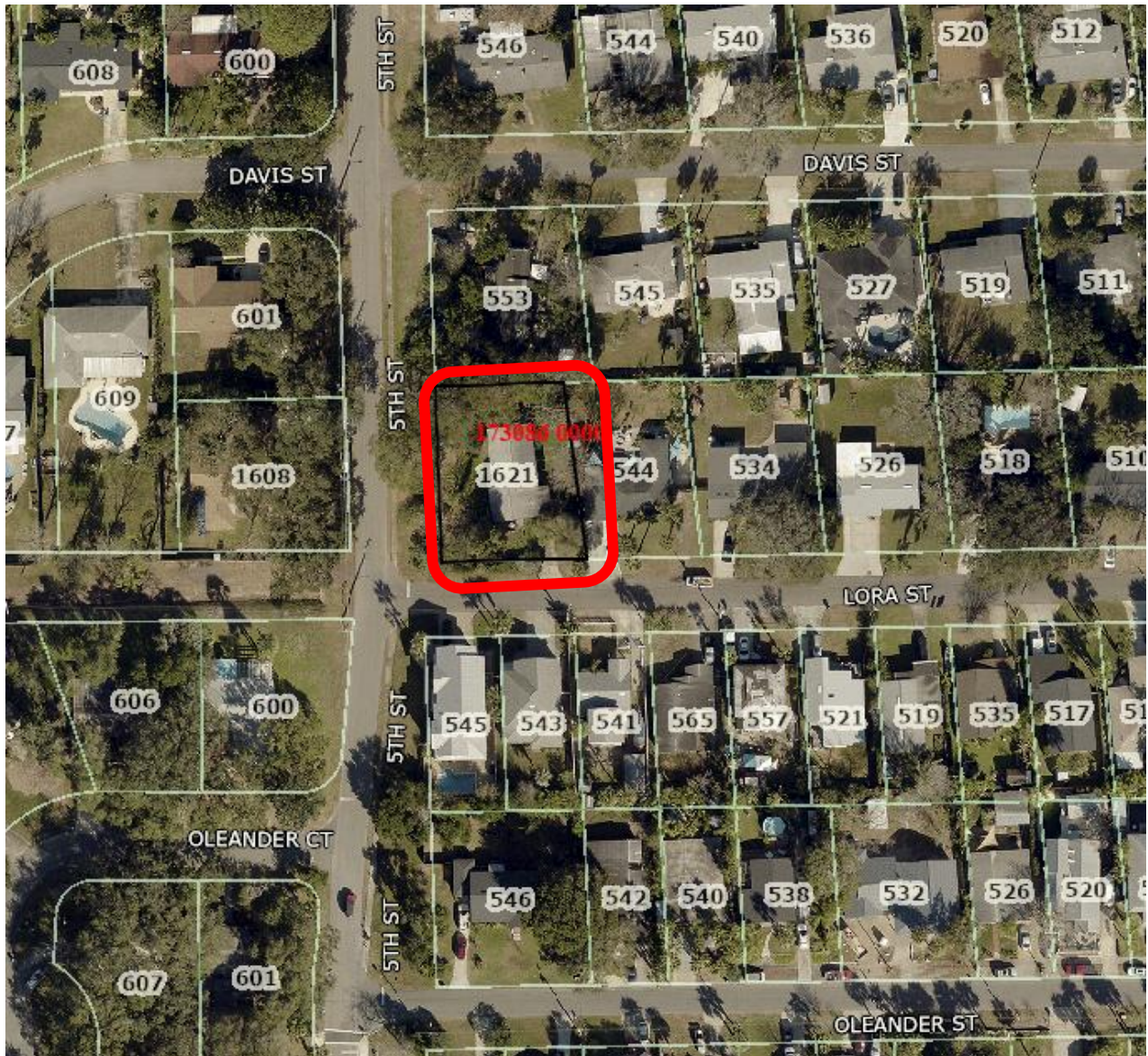


Figure 1: 1621 5<sup>th</sup> Street

### III. FINDINGS:

1. **The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.**
  - a. **Applicant Response:** On June 6, 1994, the City of Neptune Beach passed an ordinance vacating the Easterly 25 feet of 5th St. right of way between South St. and Lora St. They also in the same ordinance retained an easement right over the land being vacated. This easement creates a hardship because it reduces the buildable area on this lot to less than 25’
  - b. **Staff Response:** The property is unique in size or peculiar in circumstances. All the homes in the R-3 district or along 5<sup>th</sup> Street do not have a 25 foot utility easement. This lot does have unique hardship.
  
2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**
  - a. **Applicant Response:** By reducing the side yard setback from 7’ to 4’ on the east side (side opposite the easement) it provides a better opportunity to build on the lot.
  - b. **Staff Response:** The requested variance for the side setbacks is the minimum necessary to allow for construction of a single-family home expansion. The easement conditions are unique.
  
3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**
  - a. **Applicant Response:** The lot is bordered by 5th St. on the West and by another lot owned by the applicant on the East so no adjacent property owners will be impacted.
  - b. **Staff Response:** It’s unknown if the proposed variances to the side setbacks would negatively impact adjacent and nearby properties or the public in general. In staff’s opinion, the variance is minimal to accommodate the hardship.

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

- a. **Applicant Response:** Property values will be enhanced. This property is currently occupied by a small house scheduled for demolition. The new home to be constructed will not only create more tax revenue for the City but increase market values for the other houses in the area.



# APPLICATION FOR ZONING VARIANCE



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

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

Date Filed: 08-25-2025	Zoning District: R-3	Real Estate Parcel Number: 173086-0000
Name & Address of Owner of Record: Linward Development Corp. <hr/> 3570 St. Augustine Rd., Jacksonville, Fl. 32207 <hr/> Contact phone number# 904-424-9333  e-mail address: ed@linwardmortgage.com	Property Address: 1621 5 <sup>th</sup> St., Neptune Beach, Fl. 32266 <hr/> Number of units on property ___one_____  Have any previous applications for variance been filed concerning this property? ___No_____  If Yes, Give Date: _____	
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): Reduce the side yard setback on the East side of the corner lot from 7 feet to 4 feet. The current set back under Table 27-239 in zoning district R-3 is 7 feet.		
2. Explain the purpose of the variance (if granted)? The variance is needed in order to be able to fit a house on the lot while not encroaching on the City of Neptune Beach 25 foot easement on the West side of the lot.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):		

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

On June 6, 1994, the City of Neptune Beach passed an ordinance vacating the Easterly 25 feet of 5<sup>th</sup> St. right of way between South St. and Lora St. They also in the same ordinance retained an easement right over the land being vacated. This easement creates a hardship because it reduces the buildable area on this lot to less than 25'

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

By reducing the side yard setback from 7' to 4' on the east side (side opposite the easement) it provides a better opportunity to build on the lot

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

The lot is bordered by 5<sup>th</sup> St. on the West and by another lot owned by the applicant on the East so no adjacent property owners will be impacted

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

Property values will be enhanced. This property is currently occupied by a small house scheduled for demolition. The new home to be constructed will not only create more tax revenue for the City but increase market values for the other houses in the area.

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

The Unified Land Development Code provides guidelines to ensure orderly development. A minor variance of the type being requested is still in harmony with the general intent of the code

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

If there was a way to build on the lot without encroaching on the city easement, there would be no need for a variance. There is nothing the current owner did to create the need for the variance.

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.

4. <b>Required Attachments</b> -Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b>	
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. <b>WHICH HAS NOT BEEN REDUCED.</b>	
B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date.</b> <b>SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b>	
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. <b>NON-REFUNDABLE FEE:</b> <b>\$300.00 (Residentially zoning property) / \$1,000.00 (Commercially Zoned Property)</b>	

**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)

Linward Development Corp.

NAME OF AUTHORIZED AGENT

ADDRESS OF PROPERTY OWNER

3570 St. Augustine Rd., Jacksonville, Fl. 32207

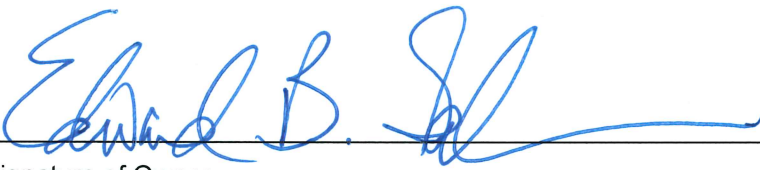
ADDRESS OF AUTHORIZED AGENT

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

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

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

BY:   
Signature of Owner

Edward B. Salem, President  
Print Name

\_\_\_\_\_  
Signature of Owner

Print Name  
Daytime Telephone Number 904-424-9333 State of Florida County of Duval

Signed and sworn before me on this 25th day August of 2025.

By Edward B Salem

Identification verified: FL DL Oath sworn:  Yes  No

  
Notary Signature

  
My Commission expires: \_\_\_\_\_

Prepared by and return to:

**Maria Coutu**  
**Atlantic Coast Title & Escrow**  
**1525-B The Greens Way, Suite 100**  
**Jacksonville Beach, FL 32250**  
**(904) 372-4834**  
File Number: **2025-22938**  
Will Call No.:

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 7th day of August, 2025 between **Malcolm Stone, a single person, Trustee of the Theodora B. Stone Living Trust and Malcom Stone, a single person** whose post office address is **1621 5th St, Neptune Beach, FL 32266**, grantor, and **Linward Development Corporation, a Florida Corporation** whose post office address is **7002 Epping Forest Terrace, Jacksonville, FL 32217**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situated, lying and being in **Duval County, Florida** to-wit:

**Lot Twelve (12) and the Westerly Seventeen (17) feet of Lot Thirteen (13), Block Thirty (30), Merimar, according to plat thereof recorded in Plat Book 8, page 30, current public records of Duval County, Florida.**

**TOGETHER WITH the adjacent portion of the easterly twenty-five (25) feet of Fifth Street which was closed by Ordinance recorded in O.R. Book 9104, Page 2196, City of Neptune Beach Ordinance #1994-10.**

**Parcel Number: 173086-0000**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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 **12/31/2024**.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

M. Coutu  
Witness  
Printed Name: Maria Coutu  
P.O. Address: 1525B The Greens Way  
Jax Beach, FL 32250

Savannah League  
Witness  
Printed Name: Savannah League  
P.O. Address: 1525B The Greens Way  
Jax Beach, FL 32250

The Theodora B. Stone Living Trust, a Florida Trust

By: Malcolm Stone, Trustee  
Malcolm Stone, Trustee

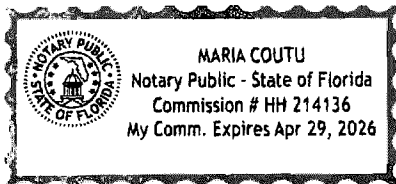
Malcolm Stone  
Malcolm Stone

State of Florida  
County of Duval

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 7th day of August, 2025 by Malcolm Stone, Trustee of the The Theodora B. Stone Living Trust and Malcom Stone who  are personally known or  have produced drivers' licenses as identification.

[Seal]

M. Coutu  
Notary Public  
Print Name: Maria DiMartino Coutu  
My Commission Expires: April 29, 2026



# LEGEND

- = SITE BENCHMARK
- = SET 1/2" IRON ROD LB#9139
- = FOUND 1/2" IRON PIPE LB#2672
- = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION
- = POWER POLE
- = CABLE/INTERNET UTILITIES BOX
- = CATCH BASIN
- = SANITARY SEWER MANHOLE
- = SANITARY GRAVITY VALVE
- = 4" WOOD FENCE
- = 6" WOOD FENCE
- = EXISTING ELEVATION
- = PROPOSED ELEVATION
- = EXISTING GROUND ELEVATIONS
- = EXISTING DRAINAGE FLOW
- = EXISTING TREE
- = TREE TO BE REMOVED

## SURVEYOR'S NOTES:

1. Major description has been furnished by client and/or his/her agents.
2. The survey was conducted in accordance with the Florida Statutes and the Florida Board of Surveying and Mapping. The survey was conducted in accordance with the Florida Statutes and the Florida Board of Surveying and Mapping. The survey was conducted in accordance with the Florida Statutes and the Florida Board of Surveying and Mapping.
3. Measurements herein are in accordance with U.S. Standard Feet, date acquired.
4. REVISIONS: BEARING, DISTANCE, OR AREA BASED ON A FLORIDA DEPARTMENT OF REVENUE BEARING AND DISTANCE RECEIVED FROM THE FLORIDA DEPARTMENT OF REVENUE. BEARING AND DISTANCE RECEIVED FROM THE FLORIDA DEPARTMENT OF REVENUE. BEARING AND DISTANCE RECEIVED FROM THE FLORIDA DEPARTMENT OF REVENUE.
5. TYPE OF SURVEY: BOUNDARY SURVEY.
6. PURPOSE OF SURVEY: TO DETERMINE THE BOUNDARY OF THE PROPERTY DESCRIBED HEREIN.
7. STATE LEGAL PURPOSE OF SURVEY: ACQUISITION, SALE, MORTGAGE, PERMIT, PLANNING, OR OTHER LEGAL PURPOSE.
8. TO BEASURE OF THIS SURVEY HAS BEEN MADE OR REQUESTED FOR THIS PROPERTY DURING THE COURSE OF THIS SURVEY.
9. THIS SURVEY IS NOT INTENDED TO LOCATE ANY SUBSURFACE/UNDERGROUND OBJECTS, IMPROVEMENTS, UTILITIES, ENCROACHMENTS, SURVEY REFLECTS ABOVE-GROUND CONDITIONS ONLY.
10. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP OF LAND OR TENURE.
11. THE SURVEY IS NOT INTENDED TO DETERMINE THE BOUNDARY OF THE PROPERTY DESCRIBED HEREIN.
12. CONSTRUCTION IMPROVEMENTS TO BE WORKERS ON DESCRIBED ONLY, WOODEN STAKES/WIRE.
13. ALL ABOVE-GROUND EVIDENCES OF UTILITIES ARE WITHIN THEIR RESPECTIVE ESCHEMATS.
14. MEASUREMENTS OF DISTANCES AND BEARINGS ARE TO BE MADE TO THE POINTS DESCRIBED HEREIN.
15. DIRECTIONS IF GIVEN ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
16. FOUNDATION POINTS: THE PROPOSED RESIDENCE SHOWN HEREON ARE FROM THE PROVIDED FOUNDATION POINT.
17. SEE HOUSE POINT "2232 RB/CL" FOR ADDITIONAL DETAILS.
18. CURRENT FEMA FIRM MAPS SHOW PROPERTY IN FLOOD ZONE "X" WITH 0.2% ANNUAL FLOODING TO FLOOD INSURANCE RATE MAP PANEL: #2203020121.
19. SEE HOUSE POINT "2232 RB/CL" FOR ADDITIONAL DETAILS.

## Special Note - Liability Notice

THIS SURVEY IS NOT INTENDED TO DETERMINE THE BOUNDARY OF THE PROPERTY DESCRIBED HEREIN. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.

## Surveyor's Certification

I, the undersigned, being a duly licensed Surveyor in the State of Florida, do hereby certify that I am the author of this survey and that I am a duly licensed Surveyor in the State of Florida. I am a duly licensed Surveyor in the State of Florida. I am a duly licensed Surveyor in the State of Florida.

Signature: *John Brandon*  
 Date: 2025.08.21  
 License No: 109936544899  
 Board: Surveyors  
 Surveyors@mevl.com

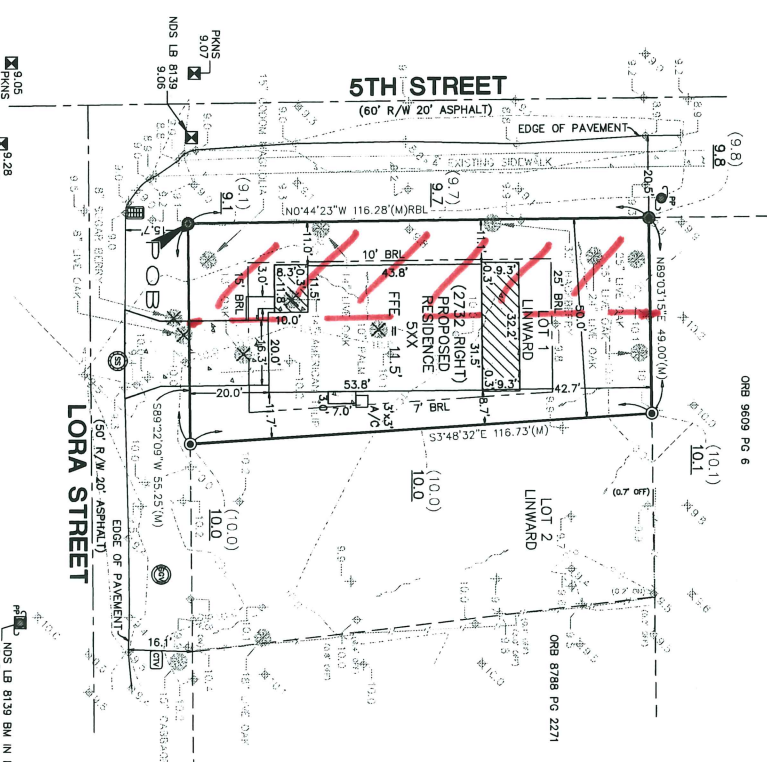
- A/C = AIR CONDITIONER ON PAD
- FEE = FINISHED FLOOR ELEVATION
- STY = STORY
- BRL = BUILDING RESTRICTION LINE (SETBACK) LINE
- R/W = RIGHT-OF-WAY LINE
- EOP = EDGE OF PAVEMENT
- CODOM = CO-DOMINANT
- PSM = PROFESSIONAL SURVEYOR AND MAPPER
- PKNS = PARKER KALON NAIL SET
- NBS = NAIL AND DISK SET
- PSM = LICENSED SURVEY BUSINESS
- ORB = OFFICIAL RECORDS BOOK
- BBG = BOUNDARY BEARING
- (P) = PLAT CALL
- (M) = FIELD MEASURED VALUE
- (R) = RECORD VALUE

LOT AREA TABLE: FT <sup>2</sup>	PROPOSED CONCRETE
6088.45	PROPOSED CONCRETE
2000.58	PROPOSED CONCRETE
9.00	EXISTING CONCRETE
358.05	EXISTING CONCRETE
2385.63 (39.02)	EXISTING CONCRETE



## LEGAL DESCRIPTION

LOT 1 UNWARD, BEING A PORTION OF LOT TWENTY (20), BLOCK THIRTY (30), MENHARR, DIVISION COUNTY, FLORIDA, BEING MORE FULLY DESCRIBED AS TO LOWER BEING AT THE SOUTHWEST CORNER OF SAID LOT 12, MENHARR; THENCE N 00°44'23" W ALONG THE EAST RIGHT OF WAY LINE OF 5TH STREET (A 60' RIGHT OF WAY), A DISTANCE OF 116.28 FEET TO THE POINT OF BEGINNING; THENCE S 03°40'32" E, DEPARTING SAID SOUTH LINE, A DISTANCE OF 116.73 FEET TO THE NORTH LINE OF LORA STREET (A 60' RIGHT OF WAY); THENCE S 89°22'09" W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 55.28 FEET TO THE POINT OF BEGINNING.



TREE REMOVAL SUMMARY
8" SUGAR BERRY
8" LIVE OAK
10" PALM
13" OAK
14" AMERICAN TULIP

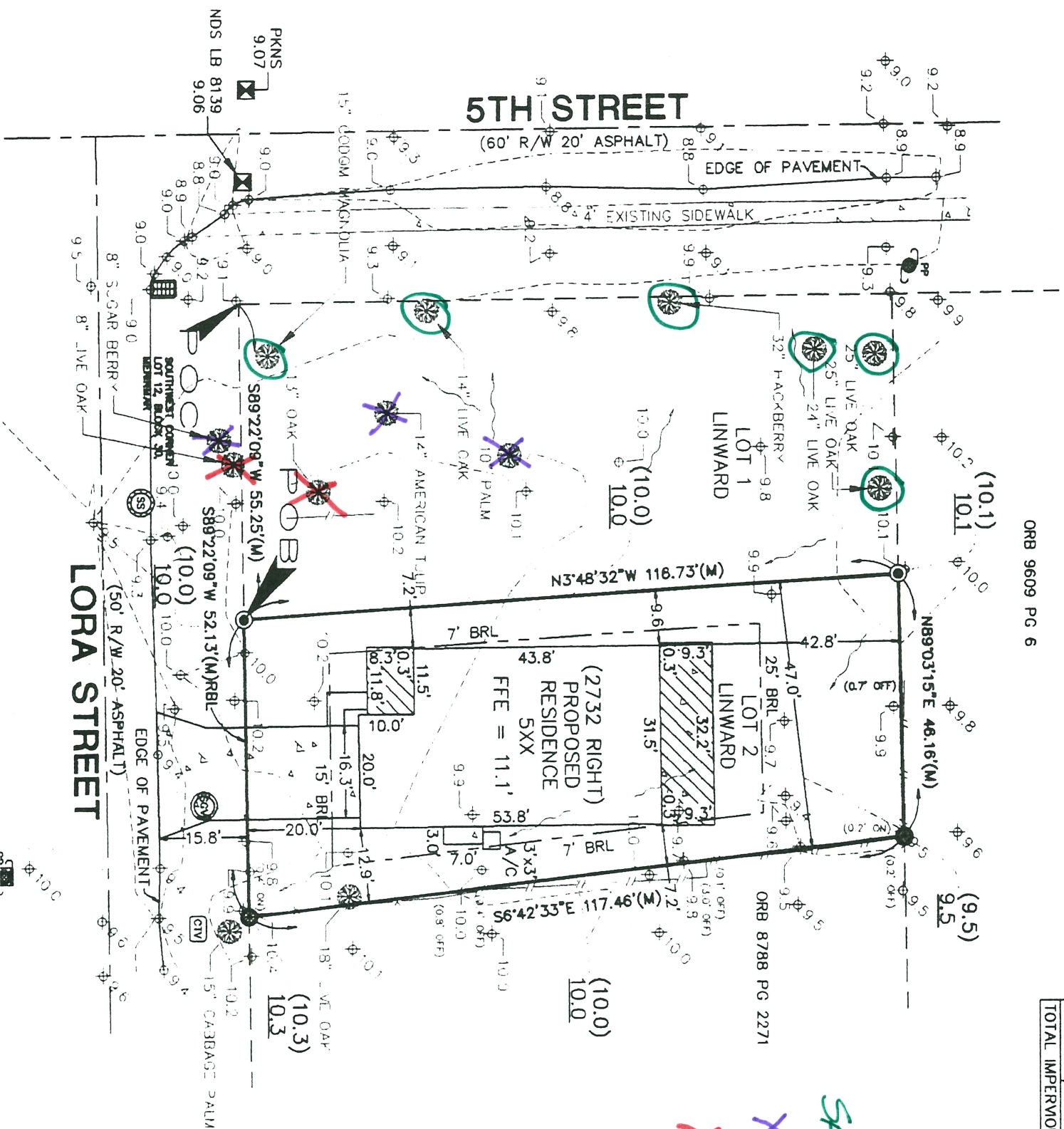
## IME CIVIL & SURVEYING, LLC

1870 COUNTY ROAD 214  
 ST AUGUSTINE, FLORIDA 32084  
 WWW.IMECIVIL.COM  
 904-429-7764  
 Licensed Survey Business #8139  
 Certificate of Authorization #33025  
 Copyright © Do not copy or reproduce without permission.

## ADDRESS OF PROPERTY SHOWN HEREON:

FOR: XL PROPERTIES  
 AT: 5XX LORA STREET  
 NEPTUNE BEACH, FL 32266  
 Driver: BY VS  
 Field Survey Date: 07/28/2025  
 FB/PO: 134-45  
 Scale 1" = 30 Feet  
 Drawing/File # 071025.1  
 Additional Information/Certifications:  
 XXXXX

DRIVEWAY/SW TO R/W	356.05
TOTAL IMPERVIOUS AREA:	2365.63 (41.3%)



SAVE 6 TREES

X 3 Non-Protected

X 2 Protected

ORB 8788 PG 2271

LORA STREET

5TH STREET

(60' R/W 20' ASPHALT)

EDGE OF PAVEMENT

EXISTING SIDEWALK

S89°22'09"W 55.25'(M)

S89°22'09"W 52.13'(M)RBL

N3°48'32"W 116.73'(M)

N89°03'15"E 46.16'(M)

(2732 RIGHT) PROPOSED RESIDENCE SXX FFE = 11.1'

S6°42'33"E 117.46'(M)

(10.3)

(10.0)

(9.5)

(10.1)

PKNS 9.07

NDS LB 8139 9.06

SOUTHWEST CORNER LOT 12, BLOCK 20, EDWARDS

EDGE OF PAVEMENT

(50' R/W 20' ASPHALT)

8" SUGAR BERRY

8" LIVE OAK

15" LIVE OAK

15" CABBAGE PALM

15" GROUND MAGNOLIA

14" AMERICAN TULIP

14" LIVE OAK

10" PALM

25" LIVE OAK

24" LIVE OAK

32" HACKBERRY

LOT 1 LINWARD

LOT 2 LINWARD

3'x3' A/C

(10.0)

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BRL  $\frac{3}{4}$  52.12'

Midpoint 53.75'

BRL

216 Bowles Plan  
 25.5'  
 + 25.0' EASEMENT  
 + 4.0' SET BACK  


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 54.5' NEEDED

LORA