

City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432 • Suncom 852-2400



**MEMORANDUM**

**TO: Jim Jarboe, City Manager**

**FROM: Amanda Askew, Community Development Director**

**DATE: October 14, 2008**

**SUBJECT: 240 Third Street – V08-15 Revised variance request**

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Since the October 6, 2008 city council meeting the applicant has revised the site plan showing an increase of one parking space. Therefore, the variance request is reduced.

**The revised request is for a reduction of 4 parking spaces.**

The required parking is:

150 seats = 38 parking spaces (1 space per 4 seats)  
8 employees = 4 parking spaces (1 space per 2 employees)  
42 spaces plus one handicapped space / 50% CBD reduction = **21**  
**required spaces plus one handicapped**

The applicant is requesting to reduce the total number of parking spaces by 4 for a total of 17 spaces plus one handicapped. However it is important to note that there is room for three (3) public parking spaces directly in front of the building along the right-of-way of Third Street. Of course there is additional public parking along Third Street. Since these parking spaces directly in front of the building are on public property and are shared by other area business they are not allowed to be counted towards the required parking count.

Parking Provided on site: 17 spaces (plus one handicapped)  
Parking on State R.O.W.: 3 spaces  
20 spaces (plus one handicapped)

Roberta Robson  
240 3<sup>rd</sup> Street  
Neptune Beach, FL 32266  
October 13, 2008

Honorable Mayor and City Council  
116 First Street  
Neptune Beach, FL 32266

Dear Honorable Mayor and City Council,

In order to address many of your comments and concerns after the last City Council meeting, I will place voluntary restrictions on the outdoor dining area. These restrictions are based on the city's regulations for sidewalk leases for outdoor dining on public property (Chapter 27 of the Unified Land Development Code, Section 27-479). Please note that all of the proposed outdoor dining is on private property. I agree to place the following restrictions on the outdoor dining area:

1. Alcoholic beverages shall not be allowed outside the limits of the outdoor seating area, and measures shall be taken to educate customers of the prohibition of alcohol leaving the premises. The outdoor area will be secured by all customers entering through the interior of the building at the hostess desk. This will alleviate any possibility of underage consumption as well as securing the operation at all times.
2. Meals will be served as long as alcohol beverages are being served. Due to our 4COP-SRX licensing we will abide by all food and beverage requirements.
3. We will abide by the same rules of our neighbors Sun Dog and Carribee Key regarding sound and noise issues. We will be proactive rather than reactive regarding this matter. Therefore, we will follow Neptune Beach noise ordinance laws and regulations. Our establishment will be good law abiding neighbors.
4. Lighting to serve outside areas shall be white in color and shall not project onto adjacent property.
5. The outdoor dining area shall be designated non-smoking. There will be an area by the entry door for smoking availability.

We are really excited about this redevelopment project and feel like it will greatly enhance the Central Business District as well as the overall community.

Sincerely,

Roberta Robson

A handwritten signature in black ink that reads "Roberta Robson". The signature is written in a cursive style with a long horizontal flourish at the end.

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## MEMORANDUM

**TO:** Planning Development Review Board  
**FROM:** Amanda L. Askew, Community Development Director  
**DATE:** September 8, 2008  
**SUBJECT:** V08-15/ Roberta Robson

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**Location:** 240 Third Street (Former Taco Bell property)  
**Legal Description:** Horne's Neptune Acres, Plat Book 13, Page 87  
**Property Owner:** Roberta Robson  
**Applicant:** Same  
**Existing Use:** Vacant (former fast food restaurant)  
**Proposed Use:** Interior service restaurant with outdoor seating  
**Zoning:** Central Business District (CBD)

**Variance Request by Applicant:**

1. Section 27-540 (a) variance to reduce the minimum number of required parking to 16 spaces in lieu of the required 21 (5 space shortfall)

**Background**

The property is located at 240 Third Street in the Central Business District (CBD) and was formally occupied by Taco Bell. It has been vacant for over three (3) years. The applicant is also submitting a special exception for outdoor seating (PDRB 08-06) and a preliminary development order (PDRB 08-08) in conjunction with the variance request.

The current building is 1,705 square feet. The property to the north is in the CBD and current land use is an interior service restaurant (Village Inn). The property to the east on the east side of Third Street is also in the CBD and is developed as a retail shopping center. The property to the south is zoned C-1 and is used as an office building with multiple tenants. The property immediately to the west is owned by the city and is zoned C-3 and is undeveloped, further to the west is also zoned C-3 and consist of retail and a gym.

**Policy Analysis**

The CBD is unique in that it allows a mixture of commercial uses in an urban intensive and pedestrian oriented environment. It encourages the continuation of the present built environment yet providing sufficient space for development. One of the tools used to encourage an intensive built environment is to reduce setbacks and increase lot coverage. This tends to bring the built environment up closer to the street thus creating an atmosphere that is in scale with the pedestrians. In addition, a reduction of fifty (50) percent of the required parking is allowed in the CBD. This again reemphasizes the pedestrian atmosphere by promoting alternate modes of transportations.

**NUMBER OF PARKING SPACES:** The applicant has requested a variance in the total number of required parking spaces. The applicant is requesting a reduction of 5 parking spaces.

The required parking is:

150 seats = 38 parking spaces (1 space per 4 seats)  
8 employees = 4 parking spaces (1 space per 2 employees)  
42 spaces plus one handicapped space / 50% CBD reduction = 21

**required spaces plus one handicapped**

The applicant is requesting to reduce the total number of parking spaces by 5 for a total of 16 spaces plus one handicapped. However it is important to note that there is room for three (3) public parking spaces directly in front of the building along the right-of-way of Third Street. Of course there is additional public parking along Third Street. Since these parking spaces directly in front of the building are on public property and are shared by other area business they are not allowed to be counted towards the required parking count.

Parking Provided on site: 16 spaces (plus one handicapped)  
Parking on State R.O.W.: 3 spaces  
19 spaces

At one time there was an agreement with the property to the north (Village Inn site) for the use of there parking however, there does not appear to be a legally binding agreement at this point.

# APPLICATION FOR ZONING VARIANCE

THIS APPLICATION MUST BE TYPED OR PRINTED IN BLUE OR BLACK INK AND SUBMITTED TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-6140  
PH: 270-2400 ext 4 FAX: 270-2432

**IMPORTANT NOTE: THE BOARD OF APPEALS/PLANNING AND DEVELOPMENT REVIEW 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: <u>8/4/08</u>	Zoning District: <u>CBD</u>	Real Estate Parcel Number: <u>172912-0062</u>
Name & Address of Owner of Record: <u>Roberta Robson</u> <u>6016 Lower 8<sup>th</sup> Ave. South</u> <u>Jax. Beach FL 32250</u> HM # _____ Daytime Telephone # <u>874-1145</u> e-mail address _____		Property Address: <u>240 Third St.</u> Number of units on property <u>1</u> Have any previous applications for variance been filed concerning this property? <u>NO</u> 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): <u>Requesting to reduce the number of required parking spaces by 5.</u>		
2. Explain the purpose of the variance (if granted)? <u>Need relief from parking spaces to redevelop the site for a sit down style restaurant with outdoor seating.</u>		
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? <u>Existing building is placed on the lot extremely close to the northern lot line and does not maximize the full property. In addition, the existing east/west easement limits the full use of property on the southern end.</u>		

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

Without reduction in total number of parking quality redevelopment of the site is difficult.

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

Redevelopment of the site will enhance the central Business district and additional on-street parking is available if necessary.

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

The character will greatly be enhanced by the redevelopment and increase property values.

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

The redevelopment of the site is in harmony w/ the code and will greatly enhance this property and surrounding properties.

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

The original placement of the building on the site did not maximize the best use of the property.

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.

The relief being sought enables this property to be used to the fullest potential.

4. **Required Attachments**-Applicant must include the following: **(INCOMPLETE PACKAGES WILL BE RETURNED)**

A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. **WHICH HAS NOT BEEN REDUCED.**

B. Survey of the property certified by licensed surveyor dated within one year of application date. **WHICH HAS NOT BEEN REDUCED.**

C. Copy of Deed
D. Pictures of the property as it currently exists
5. Letter of authorization for agent to make application (Required only if not made by owner)
6. NON-REFUNDABLE FEE: \$250.00

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 BOARD OF APPEALS. 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.

\*IN THE EVENT THAT THIS VARIANCE REQUEST IS GRANTED, 30 DAYS MUST PASS BEFORE ANY REQUISITE 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)

NAME OF AUTHORIZED AGENT

*Roberta K Hobson*

\_\_\_\_\_

ADDRESS OF PROPERTY OWNER

ADDRESS OF AUTHORIZED AGENT

240 3rd St.

\_\_\_\_\_

SIGNATURE OF OWNER OR AUTHORIZED AGENT:



**BELOW THIS LINE FOR CITY USE ONLY.**

BOARD PUBLIC HEARING DATE:	BOARD DECISION: APPROVAL                      DENIAL
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**PLANNING DEVELOPMENT REVIEW BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: September 16, 2008

Applicant: 240 Third Street

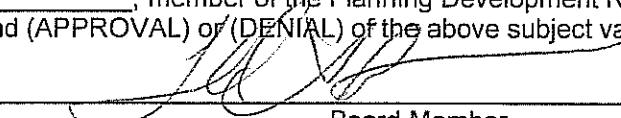
V08-15

27-540(b) Required parking.

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; IF FINDING IS "NO", YOU MUST JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Oct. 4, 2004	Justification/Reason for Finding	Finding Yes/No
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. <i>(answer "yes" if you think it does, or "no" if it does not)</i>		YES
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. <i>(answer "yes" if you think it does, or "no" if it does not)</i>		YES
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. <i>(answer "yes" if you think it would not, or "no" if it would)</i>		YES
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. <i>(answer "yes" if you think it will not, or "no" if it will)</i>		YES
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. <i>(answer "yes" if you think it is, or "no" if it is not)</i>		YES
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. <i>(answer "yes" if you think it has not, or "no" if it has)</i>		YES
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. <i>(answer "yes" if you think it will not, or "no" if it will)</i>		YES

I, Todd A. Bosco, member of the Planning Development Review Board, base on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

  
 \_\_\_\_\_  
 Board Member

**PLANNING DEVELOPMENT REVIEW BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: September 16, 2008

Applicant: 240 Third Street

V08-15

27-540(b) Required parking.

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; IF FINDING IS "NO", YOU MUST JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Oct. 4, 2004	Justification/Reason for Finding	Finding Yes/No
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. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	yes	The building is staying. They can only fit parking
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	yes	Thats all that can fit on property
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. <i>(answer "yes" if you think it would not, or "no" if it would)</i>	yes	It would enhance
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	yes	It would help
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. <i>(answer "yes" if you think it is, or "no" if it is not)</i>	yes	
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. <i>(answer "yes" if you think it has not, or "no" if it has)</i>	yes	Preexisting condition
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. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	yes	New Business to the Area

I, Kayla Tucker, member of the Planning Development Review Board, base on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

Kayla Tucker  
Board Member

**PLANNING DEVELOPMENT REVIEW BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: September 16, 2008

Applicant: 240 Third Street

V08-15

27-540(b) Required parking.

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; IF FINDING IS "NO", YOU MUST JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Oct. 4, 2004	Justification/Reason for Finding	Finding Yes/No
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. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	<i>pre-existent positioning of building ties up space</i>	<i>YES</i>
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	<i>that's all the parking they can squeeze in</i>	<i>YES</i>
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. <i>(answer "yes" if you think it would not, or "no" if it would)</i>	<i>would enhance</i>	<i>YES</i>
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	<i>  </i>	<i>YES</i>
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. <i>(answer "yes" if you think it is, or "no" if it is not)</i>	<i>code requires minimum 150 seats, need this</i>	<i>YES</i>
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. <i>(answer "yes" if you think it has not, or "no" if it has)</i>	<i>variance to satisfy code pre-existing</i>	<i>YES</i>
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. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	<i>everybody in CBD is in same boat</i>	<i>YES</i>

I, KERRY COHN member of the Planning Development Review Board, base on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

Kerry Cohn  
Board Member

**PLANNING DEVELOPMENT REVIEW BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: September 16, 2008

Applicant: 240 Third Street

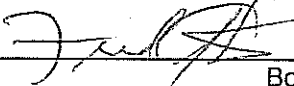
V08-15

27-540(b) Required parking.

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; IF FINDING IS "NO", YOU MUST JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Oct. 4, 2004	Justification/Reason for Finding	Finding Yes/No
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. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	<i>preexisting develop property.</i>	<i>yes</i>
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. <i>(answer "yes" if you think it does, or "no" if it does not)</i>		<i>yes</i>
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. <i>(answer "yes" if you think it would not, or "no" if it would)</i>	<i>enhance other properties</i>	<i>yes</i>
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	<i>improve site</i>	<i>yes</i>
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. <i>(answer "yes" if you think it is, or "no" if it is not)</i>	<i>code require 150 seats to sewer drain</i>	<i>yes</i>
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. <i>(answer "yes" if you think it has not, or "no" if it has)</i>	<i>preexisting</i>	<i>yes</i>
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. <i>(answer "yes" if you think it will not, or "no" if it will)</i>		<i>yes</i>

I, FRED CATTAR, member of the Planning Development Review Board, base on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

  
Board Member

**PLANNING DEVELOPMENT REVIEW BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: September 16, 2008

Applicant: 240 Third Street

V08-15

27-540(b) Required parking.

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; IF FINDING IS "NO", YOU MUST JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Oct. 4, 2004	Justification/Reason for Finding	Finding Yes/No
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. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	<i>unique hardship</i>	<i>yes</i>
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	<i>minimum nec.</i>	<i>yes</i>
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. <i>(answer "yes" if you think it would not, or "no" if it would)</i>	<i>would enhance + would not affect</i>	<i>yes</i>
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	<i>would enhance</i>	<i>yes</i>
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. <i>(answer "yes" if you think it is, or "no" if it is not)</i>	<i>It is in harmony</i>	<i>yes</i>
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. <i>(answer "yes" if you think it has not, or "no" if it has)</i>	<i>not created by property owner preexisting</i>	<i>yes</i>
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. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	<i>No special privilege public parking on street available</i>	<i>yes</i>

I, Joanne Doherty, member of the Planning Development Review Board, base on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

Joanne Doherty  
Board Member

**PLANNING DEVELOPMENT REVIEW BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: September 16, 2008

Applicant: 240 Third Street

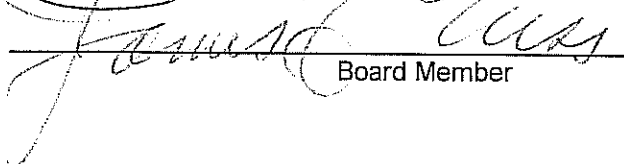
V08-15

27-540(b) Required parking.

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; IF FINDING IS "NO", YOU MUST JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Oct. 4, 2004	Justification/Reason for Finding	Finding Yes/No
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. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	LOT SIZE FULLY UTILIZED BY EXISTING BLD	Yes
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. <i>(answer "yes" if you think it does, or "no" if it does not)</i>	- ONLY REQUIRES 3 SPACES Reduc	Yes
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. <i>(answer "yes" if you think it would not, or "no" if it would)</i>	- APPROVE CBD	Yes
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	- WILL UTILIZE UNLST BLD	Yes
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. <i>(answer "yes" if you think it is, or "no" if it is not)</i>	" "	Yes
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. <i>(answer "yes" if you think it has not, or "no" if it has)</i>	EXISTING BLD	Yes
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. <i>(answer "yes" if you think it will not, or "no" if it will)</i>	WILL NOT CONFER - SPECIAL PRIVILEGE	Yes

I, JAMES NISS, member of the Planning Development Review Board, base on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

  
Board Member

City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432 • Suncom 852-2400



## MEMORANDUM

**TO:** Planning and Development Review Board Members

**FROM:** Amanda L. Askew, Community Development Director

**DATE:** September 8, 2008

**SUBJECT:** PDRB 08-06/ Special Exception for outdoor dining / 240 Third Street (former Taco Bell site)

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### Background

A special exception application for outdoor dining (80 seats) has been submitted by the property owner for the 240 Third Street (former Taco Bell site). In addition, the applicant has submitted an application for a preliminary development order. The proposed restaurant is located west side of Third Street 565 feet south of Atlantic Blvd. This property is zoned as the Central Business District (CBD). The applicant is proposing to remodel the existing building and add additional seating in an outdoor dining area.

Section 27-229-1 of the Unified Land Development Code (ULDC) requires outdoor seating within the CBD to obtain a special exception permit. The proposed outdoor seating is located on private property and is not on public right-of-way. The proposed outdoor seating will be on a new deck at the front of the building facing Third Street. Since this variance request is in conjunction with the other related cases it can only be approved if the variance (V08-15) is granted for this property.

Since the outdoor seating occurs on private property they do not have to enter into a lease agreement with the city and they do not have to conform to Section 27-479 (d) (4) that limits outdoor seating area to a maximum of 15% of the total enclosed area of the restaurant.

### Analysis

The proposed outdoor seating will be located on a new deck adjacent to the building between the front of building and front of the lot. This location is not near any residential uses and is close to other commercial/retail type uses.

The proposed seating area would need to leave an area clear for pedestrians to meet ADA standards for accessible access. They have to maintain a clear area of 48 inches from the door.

The applicant has proposed 70 interior seats and is proposing up to 80 exterior outdoor seats (total of 150 seats). There are a maximum of 8 employees per shift.

150 seats = 38 parking spaces (1 space per 4 seats)  
8 employees = 4 parking spaces (1 space per 2 employees)  
42 spaces plus one handicapped space

However, since this property is located within the CDB they get a 50% reduction. Therefore, our code requires **21 spaces plus one handicapped space**. The V08-15 the applicant has requested a reduction in the total number of parking spaces.

The comprehensive plan designates this area as “Commercial High” which is intended to provide retail sales and services that serve the overall community. Given the size of the proposed redevelopment compared with the proposed use, it will not exceed the commercial high limitations.

The proposed use is consistent and compatible with the existing uses in the area.

City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432 • Suncom 852-2400



## MEMORANDUM

**TO:** Planning and Development Review Board Members

**FROM:** Amanda L. Askew, Community Development Director

**DATE:** September 8, 2008

**SUBJECT:** PDRB 08-08/Roberta R. Robson – 240 Third Street/ Preliminary Development Order

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### Background

A preliminary development order has been submitted by Roberta R. Robson for a proposed restaurant located at 240 Third Street (former Taco Bell site). The configuration (site plan) of this development order is also in conjunction with a variance to reduce parking and a special exception application for outdoor dining. This property is zoned as the Central Business District (CBD).

The applicant is proposing to remodel the existing building and add additional seating on a deck off the front of the building. The interior modifications will convert the building from a fast food restaurant to a sit down style restaurant. The existing outdoor patio will be converted into the building area for a total of 2,316 square feet with the addition of a 915 pervious deck area. The deck area will contain the outdoor seating.

Since this request is in conjunction with the other related cases it can only be approved if the variance (V08-15) and the special exception for outdoor seating (PDRB 08-08) is granted for this property.

### Concurrency

- **Traffic:** The proposed redevelopment gets credit for the previous fast food restaurant traffic counts. Sit down style restaurants generate fewer trip a fast food restaurants and the additional outdoor dining area will be generating less than 500 average daily trip and/or 50 or less peak hour trips therefore a traffic study is not required.
- **Water/Sewer:** This project area has available capacity for water and sewer.

- **School:** Not applicable
- **Drainage:** Not applicable since no additional impervious surface area will be added.

### Analysis

The reuse of the existing building and parking lot does not add any new impervious surface area. One new parallel parking space will be in the rear of the building. The existing curb cuts and sidewalks will be utilized. The addition of a bike rack will be placed along the north side of the building. The exterior elevations of the building will be modified.

The landscape area in front of the outdoor dining along Third Street will be planted with a combination of Palm trees and shrubs. The landscaping shown the site plan will greatly enhance the existing lot.

City of  
**Neptune Beach**



116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2417 • Suncom 852-2400

City of Neptune Beach Commercial Development Review Application

Applicant or authorized representative must be present in order for the Board to make a recommendation to the City Council. The undersigned hereby applies for a commercial development review as follows:

Application Fee: \$200.00      Date Filed: 7/14/08      Zoning Classification: CBD

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

Street Address: 240 N. 3rd Street      Real Estate Parcel Number: \_\_\_\_\_

Legal description of property: \_\_\_\_\_

Name and Address of Property Owner	Name and Address of Agent, if any:
Robertta R. Robson 606 Lower 8th Ave. South Jacksonville Bch, FL 32250	
Phone No: <u>241-6176</u>	Phone No: _____
Name and Address of Applicant, if different.	
	Phone No: _____

Describe request being made: Development order + special exception to add outdoor dining area (80 seats outdoors) and remodeling of existing bldg.

**PLEASE BE ADVISED THAT THE PLANNING DEVELOPMENT REVIEW 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 COMMERCIAL DEVELOPMENT.**

**STATE OF FLORIDA  
COUNTY OF DUVAL**

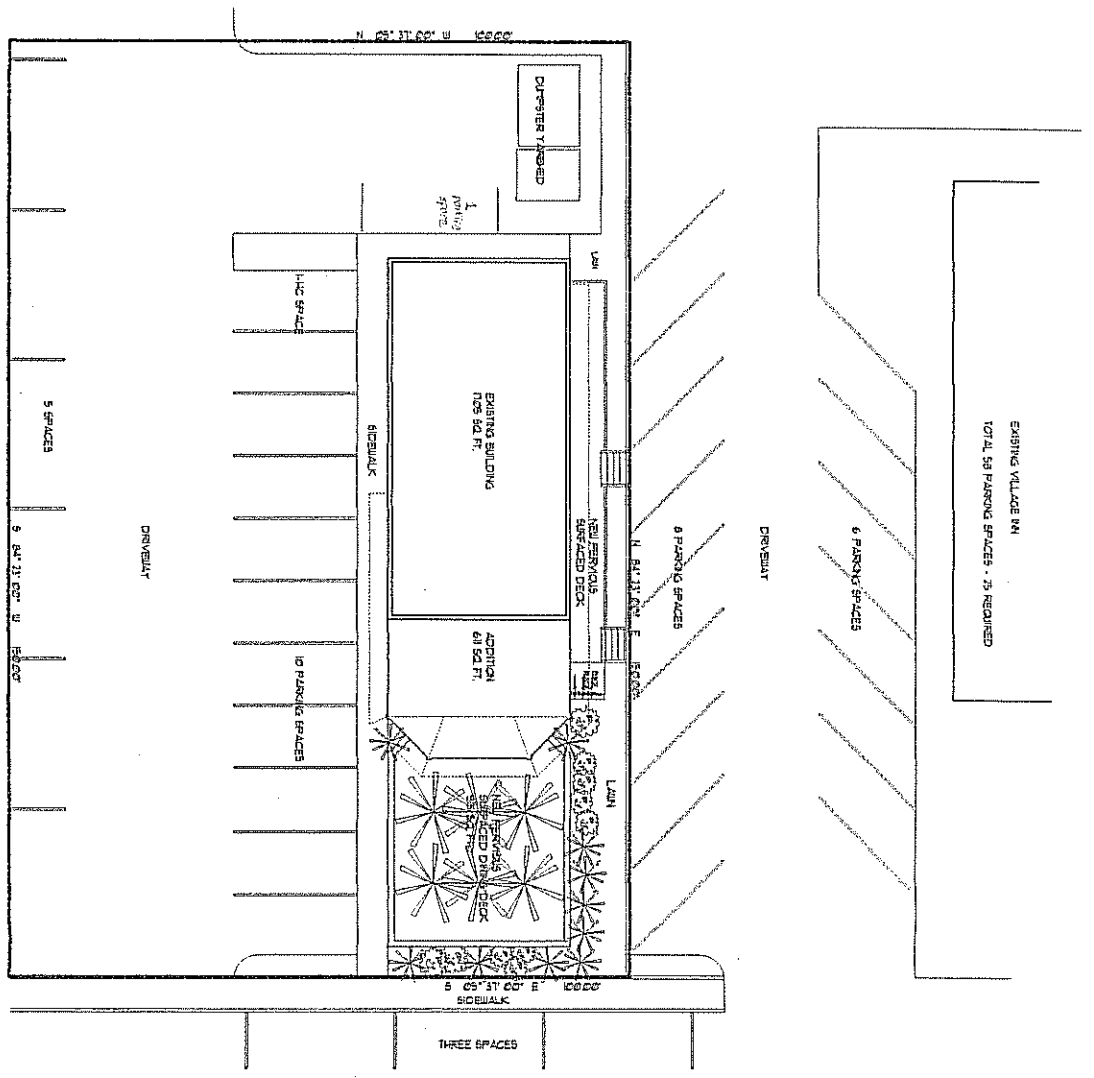
Robertta R Robson  
Signature of Owner

Subscribed and sworn to before me on this 14th day of July, 2008.  
Robertta Robson who is personally known to me or has presented FLDL as identification.

Rosemary A Marrero  
Notary Public



ROSEMARY A. MARRERO  
MY COMMISSION # DD 627578  
EXPIRES: February 27, 2011  
Bonded Thru Budget Notary Services



**SITE PLAN**  
SCALE: 1" = 10'-0"

**THIRD STREET**

**INDEX OF DRAWINGS**

- A-1 SITE PLAN DATA
- A-2 FLOOR PLAN ELEVATION

**PRELIMINARY LANDSCAPE SCHEDULE**

PLANT	QUANTITY	PLANT TO BE DETERMINED	PLANT TO BE DETERMINED	PLANT TO BE DETERMINED
PAINT - SPECIES TO BE DETERMINED		17' TRUNK HEIGHT	17' TRUNK HEIGHT	17' TRUNK HEIGHT
PAINT - SPECIES TO BE DETERMINED		8' HEIGHT	8' HEIGHT	8' HEIGHT
PAINT - SPECIES TO BE DETERMINED		5' HEIGHT	5' HEIGHT	5' HEIGHT
PAINT - SPECIES TO BE DETERMINED		5' HEIGHT	5' HEIGHT	5' HEIGHT

**IMPERVIOUS SURFACE CALCULATION:**

LOT SITE: 15,000 SQ. FT.  
 BUILDING EXISTING: 1,705 SQ. FT.  
 BUILDING ADDITION: 611 SQ. FT.  
 EXISTING DRIVEWAY, PARKING AND WALLS: 5,013 SQ. FT.  
 NEW LOT COVERAGE: 0,448 SQ. FT.  
 TOTAL LOT COVERAGE & FURNISH COVERAGE ALLOWABLE: 6,877 SQ. FT.

**PARKING REQUIREMENTS:**

31 SEANS: 26 SPACES  
 28 SPACES  
 TOTAL: 42-11HC  
 W/ 50% COB REDUCTION: 31-11HC

PROPOSED:  
 ON STREET: 16-11HC  
 AT VILLAGE PH: 14 SPACES  
 TOTAL: 30-11HC

ON STREET SPACES: 3 SPACES

HARLESTON G. PARKER R.A.

**ARCHITECT**

ATLANTIC BEACH, FL 32112  
 315 224-9696  
 ARCHITECTURAL RESEARCH & DESIGN

**YUCATAN**

140 THIRD STREET  
 NEPTUNE BEACH, FLORIDA

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SCALE: \_\_\_\_\_

PROJECT NO. \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_  
**A-1**



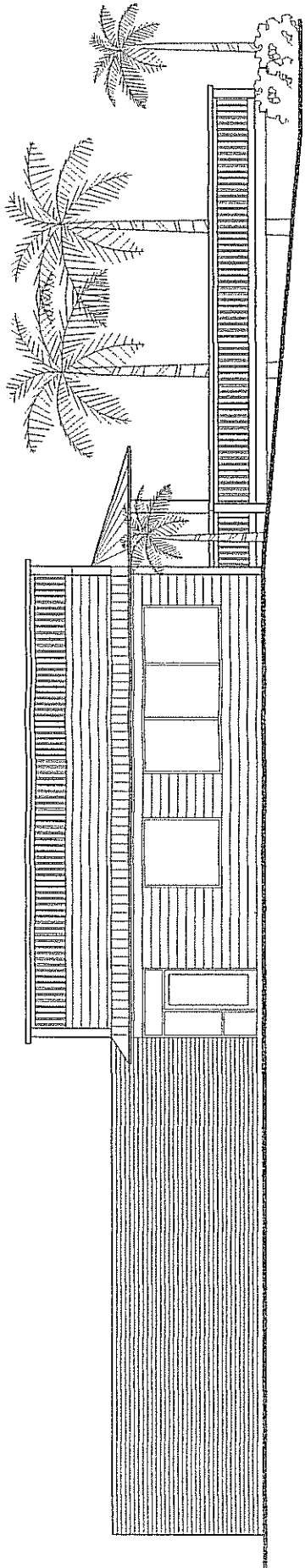
REVISIONS

YUCATAN  
240 THIRD STREET  
NEPTUNE BEACH, FLORIDA

ARCHITECT  
ARCHITECTURE DESIGN CENTER  
ARCHITECT

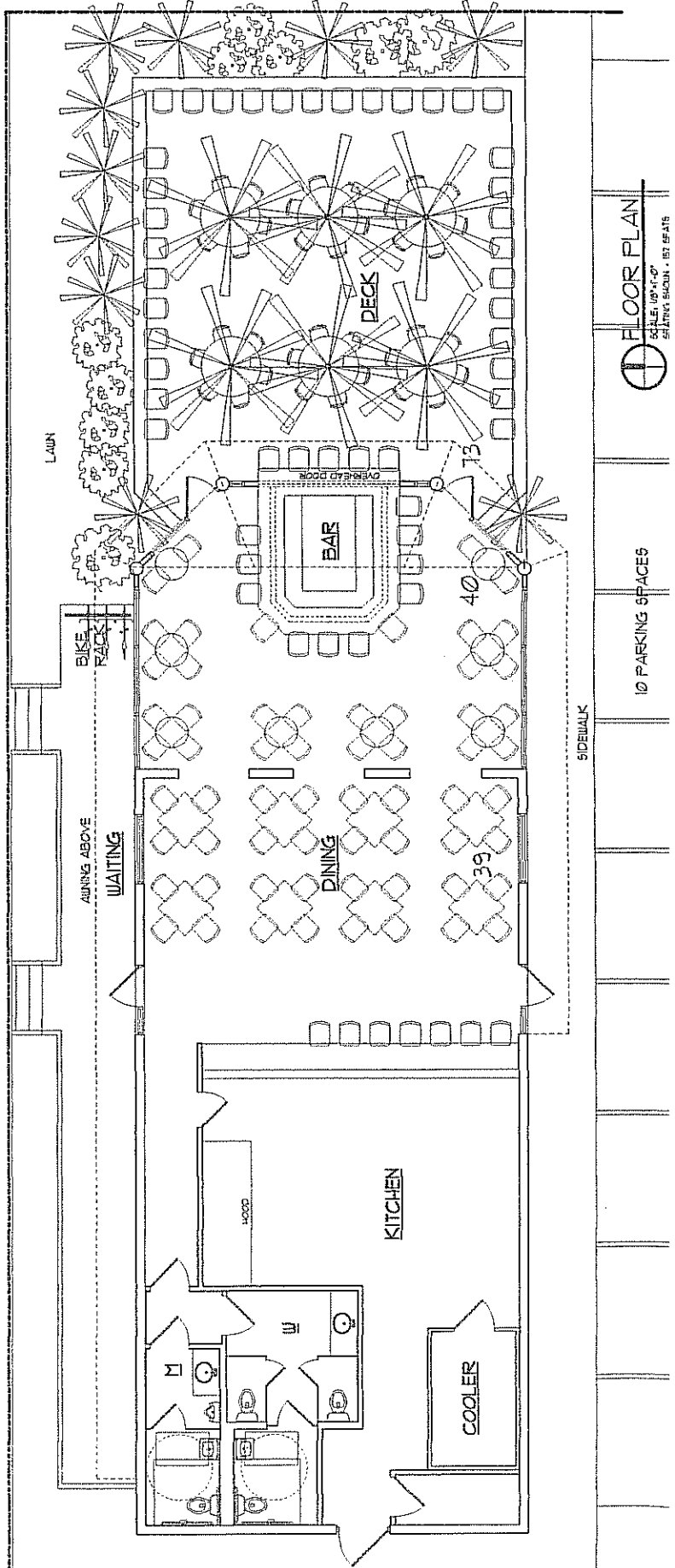
DATE: 04-08  
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SHEET NO. YUCATAN  
A-2



SOUTH ELEVATION  
SCALE: 1/8"=1'-0"

PARKING



FLOOR PLAN  
SCALE: 1/8"=1'-0"  
TOTAL SEATING - 87 SEATS

10 PARKING SPACES

SIDEWALK

# Winter Law Firm

PROFESSIONAL ASSOCIATION  
310 THIRD STREET  
NEPTUNE BEACH, FLORIDA 32266

W. ALAN WINTER  
awinter@winterlawfirm.com

TELEPHONE (904) 242-0222  
FAX (904) 242-7051

Tuesday, September 02, 2008

Building and Zoning Department  
City of Neptune Beach  
116 First Street  
Neptune Beach, Florida 32266-6140

**Re: V08-15, PDRB 08-06 and PDRB 08-08**

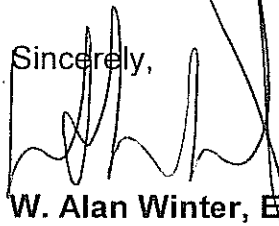
To Amanda Askew, Zoning Department:

As a land owner, neighbor and businessman close to the former Taco Bell, I received the Public Notice by the City of Neptune Beach on the referenced matters. I strong urge the Board, the Council and the City to approve the variance and exceptions requested by Ms. Robson and to look favorably on her requests.

I purchased the property located at 310 Third Street in 2000 and have been a continuous business owner at that location since that time. It is my hope that my neighbors and the City of Neptune Beach see my presence as a positive upgrade to the community. It would be my hope that the former Taco Bell would be improved to the point that it too would become a true asset and member of the community.

I ask that this letter be included in the Board's and Council's consideration and I give my permission for its publication. Thanking you in advance for your prompt consideration of this matter.

Sincerely,



**W. Alan Winter, Esquire**

WAW/rd

