

City of
Neptune Beach

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MEMORANDUM

TO: Planning and Development Review Board (PDRB)

FROM: Amanda L. Askew, Community Development Director

DATE: April 14, 2009

SUBJECT: PDRB09-06 / 630 Atlantic Blvd. , Regency Centers Seminole Shoppes
(Preliminary Development Order) –REVISED STAFF REPORT

Background

A preliminary development application for a retail shopping center, has been submitted by Regency Centers on behalf of Lakeshore Village for the property located at 630 Atlantic Blvd. The subject property is located on the south side of Atlantic Blvd just southeast of the intersection of Atlantic Blvd and Seminole Road. The site currently consists of a vacant 142,700 square foot retail shopping center and a separate occupied 5,500 square foot retail building (Blockbuster). The subject property is zoned C-3. The property to the north (across the street in Atlantic Beach) is zoned commercial. The property to the east is zoned C-3 and developed as a fast food restaurant (KFC), a moving company (Uhaul) and another retail shopping center. The property to the south is zoned R-2 and developed as single-family homes. The property to the southwest is zoned R-2 and is undeveloped. The property to the northwest is zoned C-3 and developed as retail (Tucker Tool Rental & Aqua East).

The proposed retail shopping center consists of three lots. The lot numbers refer back to the numbering system on the proposed replat (PDRB09-04).

- Lot 1 (labeled as out parcel 1 on the site plan, sheet C-7): 4,300 square foot bank with drive thru lanes
- Lot 2 (labeled as junior anchor on the site plan, sheet C-7): is 20,000 square foot junior anchor tenant. This building is proposed to be an extension of the building on lot 3.
- Lot 3 (labeled as retail space A & B and anchor store on the site plan, sheet C-7): Retail space B (the building closest to Atlantic Blvd.) is 9,100 square feet of flexible retail space. The anchor space is 54,340 square feet and retail space A is 9,800 square feet of flexible space, both of these spaces are to be built as one building.

The proposed site plan indicates this development will be developed in various phases. The first phase of development consist of the anchor tenant and retail space A and the associated infrastructure and landscaping. The subdivision of the lots allows for the potential of separate ownership entities. Even if they are developed in phases, the proposed shopping center will look like one unit. The plans show one building crossing over Lot 2 & 3 with a contiguous facade. In addition, the applicant will be required to execute an agreement to operate abutting properties as one contiguous parking facility. The agreement shall be executed by the owners of the abutting properties, and shall bind their successors, heirs and assigns. This must occur prior to the issuance of any building permit (Section 27-457 (2) (b)).

In addition, the current property owners are under code enforcement action by the Code Enforcement Board, for the existing building on site. Some aspects of the code enforcement action have been met however, the property owners have made an appeal to circuit court regarding the findings of the Code Enforcement Board. If the building is demolished the code enforcement issues will be resolved or if they address all of the violations they will be in compliance.

This development order can only be approved in the submitted design (layout) if the replat on case # PDBR09-04 and variances on case # V09-05 are granted for this property.

Concurrency

The city manager has issued a concurrency certificate for this project.

Traffic: It was determined that a reduction in the number of trips will occur because the proposed retail shopping center is smaller than what is currently onsite.

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

School: Not applicable

Drainage: The applicant has submitted to the Saint Johns River Water Management District. (Our code requires this approval prior to the issuance of the building permit.)

Analysis:

The proposed project is consistent with the zoning district and other land uses in the C-3 zoning district. They are proposing a large retail shopping center with no one tenant exceeding 55,000 square feet. This building is on two lots and will share the same architectural façade (see attached façade plans). The other two buildings are independent.

The proposed project has also requested a total of nine variances for the current configuration. Five of these are related to Lot 2 and the fact that one building will be spanning two lots and lot 2 does not have any street frontage. Some of the other variances are related to the independent lots however, collectively they would meet the C-3 zoning district requirements. It is the intent of the developer to treat this as one development even with the possibilities of separate owners.

The site is served by three curb cuts on Atlantic Blvd. Any improvements in the right-of-way will require Florida Department of Transportation approval prior to the issuance of a building permit. As submitted, improvements will be made to the main entrance. This entrance also serves Aqua East and it also has a traffic light. The second entrance is in front of the proposed Retail space B, it will not allow west bound traffic turning movement onto Atlantic Blvd. The third entrance is to the east of KFC and has associated median improvements. It too will not have any west bound traffic turning onto Atlantic Blvd. All west bound traffic will have to use the main entrance at the light.

Both Lots 2 & 3 have encumbrances placed on them via parking and access easements. Lot 3 has a parking and access easement that allows the KFC property access to a curb cut on Atlantic Blvd and parking. Lot 2 has the same type of easement which allows Aqua East access and parking.

The applicant is also providing the necessary buffer between the single-family homes in the rear and their project.

A complete landscaping plan has been submitted and meets our code provided that the associated variances are granted.

A façade plan has been submitted for the retail shopping center. It does not exceed the zoning district height requirements and it shows the intent of the scale, mass and bulk of the Unified Land Development Code (27-222 (2)(c)) is met.

A rendering of the sign for the retail shopping center has been submitted and it is in compliance with Section 27-584 (freestanding monument signs).

This development order can only be approved in the submitted design (layout) if the replat on case # PDRB09-04 and variances on case #V09-05 are granted for this property.

OWNER'S AUTHORIZATION FOR AGENT/AFFADAVIT 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.

Christopher Ruen w/ Rezoning Center 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 Development Permit or other action pursuant to a:

- | | |
|--|---|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Exception |
| <input checked="" type="checkbox"/> Variance | <input checked="" type="checkbox"/> Commercial Dev. Order |
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Comp. Plan Amendment |
| <input type="checkbox"/> Concurrency | <input type="checkbox"/> Other/Building Permit |

BY: Michael Plasker

Signature of Owner

MICHAEL PLASKER

Print Name

Signature of Owner

Print Name

Daytime Telephone Number

State of Florida Georgia
County of Fulton

Signed and sworn before me on this 12th day of, 200 9.

By Michael Plasker

Identification verified: _____ Oath sworn: Yes No

Michelle L Snyder
Notary Signature

My Commission expires: _____

MICHELLE L. SNYDER
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Aug. 31, 2010

March 11, 2009

Amanda L. Askew, AICP
Community Development Director
City of Neptune Beach
116 First Street
Neptune Beach, FL 32266

RE: Preliminary Development Plan Submittal for "Seminole Shoppes"

Dear Ms. Askew:

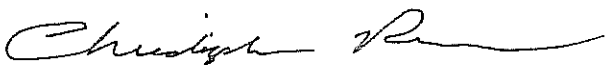
We are pleased to submit the attached Commercial Development Review Application along with the related exhibits and application fee for your review and comment. We are well aware of the history of this site and are excited to bring this proposed Retail Center to the city of Neptune Beach.

The proposed project consists of an anchor tenant along with integrated retail shops and two outparcels to be separately platted. The shopping center will be platted into three separate parcels, but the outparcels have been designed to work in synergy with the project as a whole. One of the outparcels will be located on the northwest corner of the site, and likely end up with a single user. The second outparcel will be platted for separate ownership, but will remain a part of the interior shopping center that will replace the existing abandoned shopping center on the south side of the site. The outparcels will require variances as described on the attached application due to being platted as separate parcels, yet developed as a single Retail Center. An agreement to operate abutting properties as essentially one (1) contiguous parking facility will be recorded between all parcels per Section 27-457 (2)b.

The variance application also includes requests for a change to the City's tree requirement, primarily in the landscape islands that will contain light poles and an increase to the allowable parking to improve the functionality of the project. The total greenspace of the project will exceed the City requirements for the overall parcel and we believe the reduced access points and better onsite pedestrian connectivity make this project a great improvement over the existing vacant shopping center.

Please let us know if you have any questions or comments, we look forward to working with the City of Neptune Beach to make this a successful project in this challenging time.

Sincerely



Christopher Ruen
Senior Project Manager

Enclosures

**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: \$250.00 Date Filed: 3-11-2009 Zoning Classification: C-3

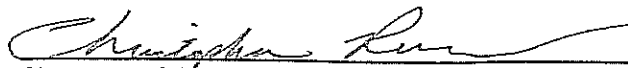
Name and address of the applicant requesting development review: (Note: if the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporate ownership, the authorized signature shall be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

Street Address: 630 Atlantic Blvd. Real Estate No. 1723920000

Legal description property: See Attached Legal Description

Name and Address of Owner: Lakeshore Village c/o M&P Shopping Centers or Assignees	Name and Address of Agent, If Any: Regency Centers
5025 Winters Chapel Road Atlanta, GA 30360 Phone No. 770/698-0403	One Independent Drive Suite 114 Jacksonville, FL 32202 Phone No. 904/598-7642

Describe Request being made: Request for Commercial Development Order and plat into three parcels.

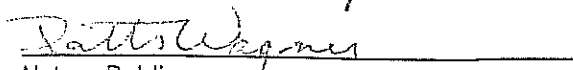


Signature of Owner
Christopher M. Ruen
Senior Project Manager

Subscribed and sworn to before me on this 11 day of MARCH, 2009.

CHRISTOPHER Ruen, who is personally known to me or has

Presented N/A, as identification.


Notary Public

PATTI WAGNER
Notary Public, State of Florida
My comm. exp. Jun. 24, 2010
Comm. No. DD 557176

LEGAL DESCRIPTION

A PART OF SECTIONS 20 AND 21, TOWNSHIP 2 SOUTH, RANGE 29 EAST, CITY OF NEPTUNE BEACH, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF ELEVENTH STREET (A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AND WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 89° 58' 43" EAST ALONG LAST SAID LINE, 255.47 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 58' 43" EAST ALONG SAID RIGHT-OF-WAY LINE, 669.00 FEET; THENCE SOUTH 00° 07' 54" EAST, 399.22 FEET; THENCE NORTH 89° 56' 21" EAST, 200.33 FEET; THENCE SOUTH 00° 07' 54" EAST, 353.99 FEET; THENCE SOUTH 89° 36' 40" WEST, 11.91 FEET; THENCE SOUTH 00° 23' 20" EAST, 125.00 FEET; THENCE SOUTH 89° 36' 40" WEST, 886.44 FEET TO THE POINT LYING ON THE EASTERLY LINE OF OCEANWOOD REPLAT, AS RECORDED IN PLAT BOOK 31, PAGES 8 AND 8A OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 06° 40' 38" WEST ALONG SAID LINE, 125.76 FEET; THENCE NORTH 89° 36' 40" EAST, 131.07 FEET; THENCE NORTH 06° 46' 17" WEST, 763.67 FEET TO THE POINT OF BEGINNING.
CONTAINING 15.04 ACRES MORE OR LESS.

LESS AND EXCEPT:

A PORTION OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 29 EAST, CITY OF NEPTUNE BEACH, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF ELEVENTH STREET (A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 89° 58' 43" EAST ALONG LAST SAID LINE, 784.47 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00° 07' 54" EAST, 165.00 FEET; THENCE NORTH 89° 58' 43" EAST, 100.00 FEET; THENCE NORTH 00° 07' 54" WEST, 165.00 FEET TO A POINT LYING ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD; THENCE SOUTH 89° 58' 43" WEST, ALONG LAST SAID LINE, 100.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 16,499.97 SQ. FT. OR 0.38 ACRES MORE OR LESS.
TOTAL ACREAGE 638,751 SQ. FT. OR 14.66 ACRES MORE OR LESS.