

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: July 10, 2009
SUBJECT: PDRB09-09/Aqua East Surf Shop/Shauga Moore

Background

A preliminary development order application has been submitted by Shauna Moore for the property located at 696 Atlantic Boulevard. The property is zoned C-3. The 2001, 2005 and 2007 variances and development orders for the building expansion have expired. These previous plans showed a one-story 10,663 square foot addition to the existing building.

The applicant is now proposing a detached one-story 2,016 square foot retail building. The new building is on the eastern side of the existing building towards the rear of the property. The existing parking lot will be utilized. The existing landscape and sidewalks will not be changed. The area in front of the proposed detached building will be landscaped.

Concurrency

- **Traffic:** The proposed addition will be adding less than 10% of the total currently generated trips for the existing retail building, therefore concurrency is met.
- **Water/Sewer:** This project area has available capacity for water and sewer.
- **School:** Not applicable
- **Drainage:** The development permit (building permit) process requires that the approval from Saint Johns River Water Management District be in place prior to granting a building permit.

Analysis

This development order can only be approved in the submitted design (layout) if the variance on case # V09 – 07 is granted for this property. However, the building could be rearranged on the site to avoid the need for a variance.

Since the passage of ordinance # 2009-04, regarding additions to non-conforming development, the existing non-conformities do not need to be addressed or variances granted. All new development must meet codes or variances granted.

The one-story 2,016 square foot detached retail building is located towards the back of the lot on the east side of the existing building. It is connected to the main building via a sidewalk. Additional landscaping will be added to meet our landscape requirements in this area of the lot. In addition, the applicant is adding a screen around the existing dumpster.

The existing on site parking is adequate however, additional parking is provided off site (behind Blockbuster) via an easement. The plans do show a new loading space in the area in front of new retail building.

The applicant will be required to submit approval from the SJWRMD at the time of a building permit (Section 27-352 of the ULDC) so this does not effect development order.

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: 6-8-09 Zoning Classification: C-3

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: 696 Atlantic Blvd; Neptune Beach, FL Real Estate Parcel Number: 172394-0010

Legal description of property: A part of government Lot 1, Section 20, Township 2 South, Range 29 east as recorded in official records volume 6397, page 2214 of the current public records of Duval County, Florida.

<u>Name and Address of Property Owner</u>	<u>Name and Address of Agent, if any:</u>
Pam Titlow, President & CEO Aqua East Surf Shop 696 Atlantic Blvd. Neptune Beach, FL 32266	
<u>Phone No:</u>	<u>Phone No:</u>
<u>Name and Address of Applicant, if different.</u>	<u>Phone No:</u>

Describe request being made: A 2016 s.f. building addition adjacent to the existing Aqua East Surf Shop.

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

Daniela R. Titlow
Signature of Owner

Subscribed and sworn to before me on this 4th day of JUNE, 2009.

X who is personally known to me or has presented FL. DRIVERS LICENSES
as identification.

Kathleen A. Skoblow
Notary Public



Chin: Minimal impact.
Niss: Adds to possible hazard.

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

Written comments of the board:
Chin: Improves value.
Niss: 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 of the ULDC.

Written comments of the board:
Chin: Commercial development in proper scale.

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 provision from which relief is sought.

Written comments of the board:
Chin: Could have reoriented the addition.
Niss: Could flip retention.
Cole: Alternative site planning is available.

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.

Written comments of the board:
Chin: The adjacent properties have similar setback.
Niss: Could be precedent.

Moved by Cole, seconded by Arthur.

Motion: **TO APPROVE THE FINDING OF FACTS**

APPROVED BY CONSENSUS

Moved by Adler, seconded by Arthur.

Motion: **TO RECOMMEND APPROVAL OF VARIANCE REQUEST V09-07 TO REDUCE THE REAR YARD SETBACK TO 8 FEET FOR AQUA EAST.**

Roll Call:
Ayes: 4-Russell, Adler, McLeroy, Arthur
Noes: 3-Cole, Niss, Chin

MOTION APPROVED.



PDRB09-09
Preliminary
Development Order
for 696 Atlantic Blvd.

PDRB09-09 Application for a Preliminary Development Order as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for 696 Atlantic Blvd. The request is to build a 2016 square foot retail building subsequent to the approval of variance request V09-01.

Questions from the board:

How would the issue of security between the Tucker Rental and new building be addressed?

Mr. Simmons stated that lighting would be added to the rear of the building and that they did not propose windows on the building as an added security measure.

Moved by Niss, seconded by Arthur.

Roll Call:

Ayes 7–Russell, Cole, Niss, Adler, McLeroy, Arthur, Chin

Noes: 0

Motion: **TO APPROVAL PDRB09-09 FOR THE PRELIMINARY DEVELOPMENT ORDER FOR AQUA EAST SURF SHOP FOR 696 ATLANTIC BLVD AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL**

MOTION APPROVED.

Applicant informed that the PDRB recommendation would be forwarded to the City Council for discussion on August 3, 2009 and that applicant must attend this meeting.

PDRB09-10 Petition and Preliminary Development Order to use Pine Street R-O-W

PDRB09-10 PETITION AND PRELIMINARY DEVELOPMENT ORDER TO USE PINE STREET PUBLIC RIGHT-OF-WAY FOR PRIVATE PARKING FOR G & G CORAL INVESTMENTS AT 900 THIRD STREET.

Mr. McLeroy recused himself.

Donald Padgett, Building Manager, made the presentation to the board. They are proposing to use a portion of the Pine Street right-of-way for 14 parking spaces. Previously a portion of the right-of-way had been used by piping the drainage ditch and then this area was covered and landscaped. This was done at the expense of the developer and not the City.

More parking is needed to attract new tenants. Currently, the property has the required number of parking spaces however, prospective tenants have a higher need for more parking than the City requires.

Amanda Askew, Community Development Director, stated this is public property being used for a private use and would be a change in policy for the City.

Chairperson Chin opened the public hearing.

Bob Harding, 839 Fourth Street, owns the property directly behind the proposal and request that the board deny the application. Mr. Harding presented a petition signed by 10 neighbors outlining the reasons for denial.

Theresa Zirkle, 843 Fourth Street, ask the board to deny the application. She presented a letter to the board.

Mr. Padgett stated that the new parking area could be made out of pervious material if they are required to do so.

Made by Niss, seconded by Adler.

MOTION: TO TABLE APPLICATION PDRB09-10 UNTIL THE CITY COUNCIL HAS ESTABLISHED POLICIES FOR ALL TRANSFERS REGARDING CONVEYANCE OF PUBLIC PROPERTY FOR PRIVATE USE AND THE LEGAL IMPLEMENTATIONS.

Roll Call

Ayes: 5—Russell, Cole, Niss, Adler, McLeroy, Chin

Noes: 1- Arthur

Abstain 1-McLeroy

MOTION CARRIED.

Applicant informed that the PDRB recommendation would be forwarded to the City Council for discussion on August 3, 2009 and that applicant must attend this meeting.

OPEN DISCUSSION There will be a meeting next month.

NEXT MEETING **NEXT MEETING:** August 18, 2009.

ADJOURNMENT **ADJOURNMENT:** There being no further business before the Board, Chairperson Chin opened the floor for a motion to adjourn.

MOTION: TO ADJOURN.

Moved by Cole, seconded by Niss.

MOTION CARRIED BY UNANIMOUS VOTE.

Meeting adjourned at 7:17 p.m.

Kerry Chin, Chairperson