



MINUTES
PLANNING DEVELOPMENT REVIEW BOARD
SEPT 15, 2009 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a meeting of the Planning and Development Review Board for the City of Neptune Beach was held September 15, 2009 at 6:00 p.m. in the Neptune Beach Council Chamber 116 First Street Neptune Beach, Florida.

The following Board members were in attendance:

Kerry Chin, Chairperson
Richard Arthur, Vice-chairperson
Paulette Adler, Member
Todd Bosco, Board Member
Todd Russell, Board Member
Amy Cole, Board Member
James Niss, Board Member

J. B. McLeroy, Alternate Member was in the audience.

Staff members in attendance:

Amanda Askew, Community Development Director
Piper Turner, Administrative Assistant to Building Official

Call to Order

Chairperson Chin called the meeting to order at 6:00 p.m.

Approval Of Minutes

MOTION: **TO APPROVE THE AUGUST 18, 2009 MINUTES, AS SUBMITTED.**

Moved by Cole, seconded by Arthur.

Roll Call

Ayes: 7-Adler, Bosco, Cole, Russell, Niss, Arthur, Chin

Noes: 0

MOTION APPROVED.

V09-11
Variance Requests
Southcoast Beaches II,
241 Atlantic Blvd.

V09-11 Variance Request of Southcoast Beaches, LLC for the property located 241 Atlantic Blvd. to the west side yard of a corner lot, Sections 27-548(b)(1) parking space size, 27-540(b) required parking, 27-457(2)(a)(1) landscape perimeter, 27-563 dumpster, and 27-547-1 loading space.

Request	Section	Requesting	Leaving	Required
#1 Corner Side Yard (west side)	Table 27-229-1	7 feet	0 feet	7 feet
#2 Corner Side (Second Street)	Table 27-229-1	5.5 feet encroach over R-O-W	-5.5 feet on 2 nd story	none
#3 Front Yard (2 nd story balcony on Atlantic Blvd)	Table 27-229-1	5.5 feet encroach over R-O-W	-5.5 feet on 2 nd story	7 feet
#4 Parking Space size	27-548(b)(1)	1' by 2'	9' by 18'	10' by 20'
#5 Required Parking	27-540(b)	1 spaces	19 spaces	20 spaces

#6 Landscape Perimeter	27-457(2)(a)(1)	No landscape area	0 landscape area	9ft landscape area
#7 Dumpster	27-563	No dumpster	No dumpster	dumpster
#8 Loading Space	27-547-1	No loading space	No loading space	1 loading space

Lindley Tolbert, representing Southcoast, explained to the board that the approvals they had received last year had expired. They have demolished the old building but due to the economy it is not feasible to building the new building at this time.

Chairperson Chin asked Ms. Tolbert if they were agreeable to the conditions placed on the approval last year and she stated yes.

For the record those conditions were:

- 1) THERE WILL BE AN INDEMINICATION AGREEMENT BETWEEN THE APPLICANT AND THE CITY AND GENERAL LIABILITY INSURANCE IN THE AMOUNT OF ONE MILLION (\$1,000,000) PER PERSON AND TWO MILLION (\$2,000,000) PER OCCURRENCE WITH THE CITY NAMED AS ADDITIONAL INSURED.
- 2) THE DEVELOPER AGREES TO MAINTAIN THE RIGHT OF WAY LANDSCAPING WHICH WOULD BE COMPATIBLE WITH OTHER LANDSCAPING IN TOWN CENTER.
- 3) THE DEVELOPER AGREES TO HAVE LIGHTING IN THE PARKING LOT IN THE SAME STYLE TO TOWN CENTER LIGHTING.
- 4) THE DEVELOPER AGREES TO KEEP THE SIDEWALK CLEAN.
- 5) VEHICLE ACCESS BETWEEN THE EXISTING PARKING AND NEW PROPOSED PARKING WILL BE ADDED.
- 6) ANY INTENSIFICATION OF USE ON THE PROPERTY WOULD NEED A DEVELOPMENT ORDER TO DEAL WITH TRAFFIC CONCURRENCY.

STATEMENT OF FACTS

1. The property has unique and peculiar circumstances, which create an exceptional and unique hardship.
Chin stated: Trapezoidal lot or a corner.
Arthur stated: Yes in CBD. Building new construction in this zone.
2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
Chin stated: Optimal solution.
Arthur stated: Yes.
Niss stated: Reasonable use of property.
3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.
Chin stated: Not adversely affect.
Arthur stated: Yes.
Niss stated: No impact.
4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.
Chin stated: Enhance values.
Niss stated: May increase values.
5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area of the ULDC.
Chin stated: Harmonious because encourages pedestrian character.

Niss stated: Good visuals.

6. The need for the variance has not been created by the actions of the property owner or developer.

Chin stated: Best solution to meet city's needs.

Arthur stated: Non-conformity lot and property.

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.

Chin stated: Other lots in same situation can apply for variance.

Niss stated: No special privilege.

Made by Cole, seconded by Arthur.

MOTION: TO APPROVE THE FINDING OF FACTS FOR REQUEST.

Roll Call:

Ayes: 7-Bosco, Adler, Russell, Cole, Niss, Arthur, Chin

Noes: 0

MOTION APPROVED.

Made by Adler, seconded by Russell.

MOTION: TO RECOMMEND APPROVAL OF V09-11 WITH THE ORIGINAL STIPULATIONS FROM 2007.

Roll Call:

Ayes: 7-Bosco, Adler, Russell, Cole, Niss, Arthur, Chin

Noes: 0

MOTION APPROVED.

PDRB09-13 Preliminary
Development Order
Southcoast Beaches II,
241 Atlantic Blvd

PDRB06-08 Application for a Preliminary Development Order subsequent to the approval of the variance request as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Southcoast Beaches II, LLC. The property is currently known as 241 Atlantic Boulevard and is listed as parcel number 172787-0000 in the records of the Property Appraiser of Duval County. The request is to construct a new 13,808 square foot building.

Chairperson Chin opened the public hearing, there being no comments the hearing was closed.

Made by Cole, seconded by Adler.

MOTION: TO APPROVE PDRB09-13 FOR THE PRELIMINARY DEVELOPMENT ORDER AND RECOMMEND APPROVAL TO CITY COUNCIL.

Roll Call Vote:

Ayes: 7-Bosco, Adler, Russell, Cole, Niss, Arthur, Chin

Noes: 0

MOTION APPROVED.

Applicant was informed the request would be forwarded to City Council for the October 5, 2009 meeting for final review. Applicant is to attend this meeting.

Replat PDRB09-14
Penman Plaza

PDRB09-14 Application for Replat of 1209, 1223 and 1301 Atlantic Blvd. for Penman Plaza. The purpose of the replat is to subdivide one lot into four lots.

Timothy McClain of Flagler Properties stated that they had platted 6 pieces of properties into one with the recently approved development order so that there would not any issues with setbacks and the new buildings. However, this has causes problems with allocating out taxes to our leases. By separating the property into 4 pieces the taxes would be divided separated. Tire Kingdom, Bono's and Sonic will each be taxed separately from the main parcel. There is no change in frontage or parking requirements.

Made by Arthur, seconded by Bosco.

MOTION: TO RECOMMEND APPROVAL OF PDRB09-14 FOR THE REPLAT AT 1209, 1223 AND 1301 ATLANTIC INTO 4 PARCELS.

Roll Call Vote:

Ayes: 7-Bosco, Adler, Russell, Cole, Niss, Arthur, Chin

Noes: 0

MOTION APPROVED.

Open Discussion

Chairperson Chin introduced Mr. Richard Keene to the board. Mr. Keene had been appointed to the board as an alternate.

Next Meeting

October 20, 2009 at 6:00 p.m. Mr. Niss will be out of town on that date.

Adjournment

There being no further business, the meeting adjourned at 6:30p.m.

Kerry Chin, Chairperson