

City of
Neptune Beach

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(904) 270-2400 • FAX (904) 270-2432



MEMORANDUM

TO: Planning and Development Review Board Members
FROM: Amanda L. Askew, Community Development Director
DATE: October 13, 2007
SUBJECT: PDRB09-17/Atomic Flying Fish (309 Atlantic Blvd) Special Exception/The Pantry Inc.

Background

A special exception application for outdoor seating has been submitted by The Pantry, Inc on behalf of Roxie Merrill for a restaurant (Atomic Flying Fish) located at 309 Atlantic Blvd. The building is at the southwest corner of Atlantic Blvd. and Second Street. The Atomic Flying Fish shares the same building as a convenience store. The property is zoned as the Central Business District (CBD).

The proposed outdoor seating is located on the interior sidewalk between the building and parking lot. In addition to the sidewalk they propose to build a deck area for outdoor dining. The deck area will be connected to the internal sidewalk. All of this area is on private property. Section 27-227 of the Unified Land Development Code (ULDC) requires interior service restaurants to apply for a special exception permit for outdoor seating. The code also requires that restaurants serving alcoholic beverages must have the outdoor the seating attached to the building and not impede any pedestrian access along the sidewalk.

The applicant will be limited to 56 seats based on the current parking. The deck area is west of the building and will meet all setbacks. They also will not be allowed to block any ADA routes.

Analysis

The proposed outdoor seating is located on the sidewalk attached to the building and the deck area on the western side of the building. This location is not adjacent to any residential use. All outdoor seating will have to leave a clear path to the front door.

The proposed special exception does not add the need for additional parking spaces because the parking calculations are based on the total number of parking spaces. There are a total of 12 parking spaces available. The convenience store requires 5 parking spaces and that leaves the remaining 7 spaces for the restaurant. Because the CBD allows a 50% reduction in parking (27-540 b) the 7 spaces really total 14 spaces. This would allow a total of 56 seats (14 spaces x 4 seats per space = 56 seats). This restaurant could split the seats between the inside, sidewalk and deck area.

This location is not adjacent to any residential use and the proposed use is consistent with the surrounding land uses and commercial high designation on the comprehensive plan.

The outdoor seating will not have an environmental impact or detrimental effect on traffic or pedestrian safety.

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: _____ Zoning Classification: CBD

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).

Legal description property: Lot _____ Block _____ Subdivision _____

Plat Book _____ Page _____ Real Estate No. _____

Street Address: 309 Atlantic Blvd, Neptune Beach

Name and Address of Owner <u>The Pantry, Inc.</u> <u>8930 Western Way, Suite 4</u> <u>Jacksonville, FL 32256</u>	Name and Address of Agent, If Any: _____ _____
Phone No. <u>(904) 414-7267</u>	Phone No. _____

Describe Request being made: outdoor seating on wooden deck (and installation of deck)

PLEASE BE ADVISED 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

T. Spencer
Signature of Owner

Subscribed and sworn to before me on this _____ day of _____.

Tula Spencer, Property Manager who is personally known to me or has presented _____ as identification.

Beth Thomas
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
Beth Thomas
Commission # DD568161
Expires: JUNE 26, 2010
BETH THOMAS & COMPANY, INC.

309 Atlantic Blvd. / Atomic Flying Fish



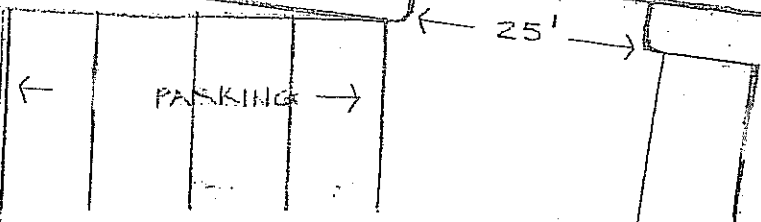
Proposed outdoor seating

ATLANTIC BOULEVARD

85.42

STARBUCK COFFEE

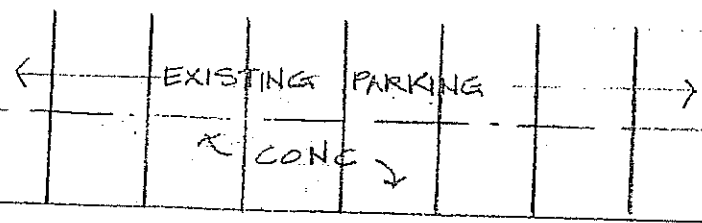
66.63



ASPHALT

PROPOSED WOOD DECK

35.0



EXIST. PALM TREES

30'

COVERED WALK

20.0

60.0

Atomic Flying Fish

EXISTING BUILDING

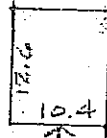
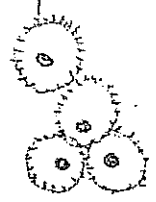
64.0

20'

4'

43.7

43.7

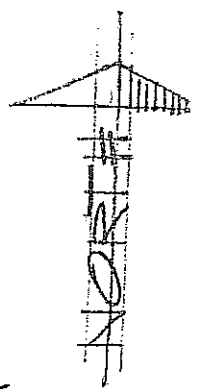


EXISTING COOLER

120.0'

120.72

2ND STREET (60' R.O.W.)



20' x 30' = 600 S.F. - TREE WELLS = 525 S.F.

PROPOSED WOOD DECK

SITE PLAN @ 1" = 20'-0"

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: October 20, 2009

Applicant: Roxie Merrill/Atomic Flying Fish Case # 09-17

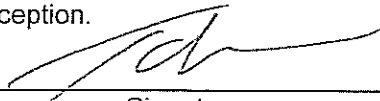
Property Address: 309 Atlantic Blvd-outdoor dining

Section 27-160. The planning and development review board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	<i>CONSISTENT</i>	<i>YES</i>
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;	<i>CONSISTENT</i>	<i>YES</i>
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	<i>CONSISTENT</i>	<i>YES</i>
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;	<i>CONSISTENT</i>	<i>YES</i>
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	<i>CONSISTENT</i>	<i>YES</i>
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;	<i>CONSISTENT</i>	<i>YES</i>
7) The proposed use would not overburden existing public services and facilities; and	<i>CONSISTENT</i>	<i>YES</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	<i>CONSISTENT</i>	<i>YES</i>

JOJO RUSSELL, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.



Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: October 20, 2009

Applicant: Roxie Merrill/Atomic Flying Fish Case # 09-17


Property Address: 309 Atlantic Blvd-outdoor dining

Section 27-160. The planning and development review board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;		YES
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;		YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;		YES
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;		YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;		YES
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;		YES
7) The proposed use would not overburden existing public services and facilities; and		YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code.		YES

I, AMY N. COLE, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.



Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

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ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;		YES
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;		YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;		YES
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;		YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;		YES
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;		YES
7) The proposed use would not overburden existing public services and facilities; and		YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code.		YES.

I, Todd A. Bosco, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.



 Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: October 20, 2009

Applicant: Roxie Merrill/Atomic Flying Fish Case # 09-17

Property Address: 309 Atlantic Blvd-outdoor dining

Section 27-160. The planning and development review board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	<i>Consistent</i>	<i>Yes.</i>
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;	<i>Consistent</i>	<i>Yes</i>
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	<i>none identified</i>	<i>Yes</i>
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;	<i>No issues</i>	<i>Yes</i>
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	<i>None identified</i>	<i>Yes</i>
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;	<i>Consistent</i>	<i>Yes</i>
7) The proposed use would not overburden existing public services and facilities; and		<i>Yes</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code.		<i>Yes</i>

I, *Approved*, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.

Paulette Adley
Signature

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Public Hearing Date: October 20, 2009

Applicant: Roxie Merrill/Atomic Flying Fish Case # 09-17

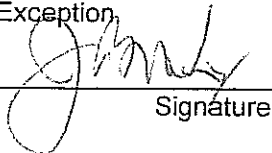
Property Address: 309 Atlantic Blvd-outdoor dining

Section 27-160. The planning and development review board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;	CONSISTENT	YES
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;	COMPATIBLE	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	NO IMPACT	YES
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;	NO IMPACT	YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	NO IMPACT	YES
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;	NO IMPACT	YES
7) The proposed use would not overburden existing public services and facilities; and	NO IMPACT	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	NO IMPACT	YES

I, B McLery, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.



 Signature

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ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan;		yes
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;		yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;		yes
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;		yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;		yes
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;	No - without time limits or hours of operation (11AM for Thurs, 10 PM for Sat)	
7) The proposed use would not overburden existing public services and facilities; and		yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code.		yes

I, Davey, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.

Shelby Greene
Signature