



MINUTES
PLANNING DEVELOPMENT REVIEW BOARD
OCTOBER 20, 2009 AT 6:00 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 October 20, 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:

Amy Cole, Member
Todd Bosco, Member
Paulette Adler, Member
Todd Russell, Member
J. B. McLeroy, Alternate Member
Richard Keene, Alternate Member

Staff members in attendance:

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

Call to Order Acting Chair Bosco called the meeting to order at 6:00 p.m.

Approval of Minutes Motion: **TO APPROVE THE SEPTEMBER 15, 2009 MINUTES, AS SUBMITTED.**

Moved by Cole, seconded by Adler.

APPROVED BY CONSENSUS

PDRB09-15
Special Exception
for Outdoor Dining
at 1585-1589
Atlantic Blvd.

PDRB09-15 Application of Tradewind Plaza and Wipeout Grill for a Special Exception as defined by Division 9 of the ULDC and Table 27-226-1. The special exception would be for outdoor dining and the removal of two parking spaces.

Daryl Grubbs, property owner, addressed the board. The Seafood Galore had originally applied for and received approval for outdoor dining but went out of business before using the special exception. Wipeout Grill will be the new tenant and would like to have outdoor dining. Two parking spaces would be removed and a wood deck would be constructed to hold tables and booths. There will be a 3 foot high fence on the north and south sides of the deck. The deck would be level with the sidewalk and could be removed if necessary. The deck would be constructed to allow water to flow through it. Five additional tables will be placed on the sidewalk adjacent to the restaurant.

Acting Chair Bosco opened the public hearing, there being no comments the hearing was closed.

FINDINGS OF FACTS

- 1) The proposed use is consistent with the comprehensive plan;
Russell: Consistent
McLeroy: Consistent.
Adler: Consistent.
- 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;

Russell: Consistent

McLeroy: Compatible.

- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;
Russell: Consistent
McLeroy: No impact.
Adler: None identified.
- 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;
Russell: Consistent
McLeroy: No impact.
Adler: None identified.
- 5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
Russell: Consistent
McLeroy: No impact.
- 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;
Keene: No, limit hours of operation to 11:00pm weekdays, 1:30am Friday and Saturday.
Russell: Consistent
McLeroy: No impact.
Adler: Consistent with existing regulations.
- 7) The proposed use would not overburden existing public services and facilities; and in this Code.
Russell: Consistent
McLeroy: No impact.
- 8) The proposed use meets all other requirements as provided for elsewhere in the code.
McLeroy: No impact.
Russell: Consistent.

Made by Cole, seconded by Adler.

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

Roll Call

Ayes 5—Cole, McLeroy, Adler, Russell, Bosco

Noes: 1- Keene

MOTION APPROVED.

Made by Adler, seconded Cole.

Motion: **TO RECOMMEND APPROVAL OF PDRB09-15 APPLICATION OF TRADEWIND PLAZA AND WIPEOUT GRILL FOR A SPECIAL EXCEPTION AS DEFINED BY DIVISION 9 OF THE ULDC AND TABLE 27-226-1 FOR OUTDOOR DINING.**

Roll Call

Ayes 5—Cole, McLeroy, Adler, Russell, Bosco

Noes: 1- Keene

MOTION APPROVED.

Applicant informed that their application would be forwarded to the City Council for final decision on November 2, 2009 and that applicant must attend this meeting.

PDRB09-16
Special Exception
for Outdoor Dining
at 211 Third Street

PDRB09-16 Application of Retail Strategies and The Loop for a Special Exception as defined by Division 9 of the ULDC and Table 27-226-1. The special exception would be for outdoor dining and the removal of two parking spaces.

Mark Gonzalez, owner of The Loop, addressed the board. The previous owner had concrete tables out in front of the restaurant and was told by the City to remove them until a special exception was applied for and approved. The previous owner decided just to remove the concrete tables and leave the benches. As the new owner, would like to apply to place 3 tables on the walkway in front of the restaurant.

Amanda Askew, Community Development Director, asked Mr. Gonzalez the hours of operation. He stated that they currently close at 9:00am during the week and midnight on Friday and Saturday. She asked if he would agree to not use the tables after 1:30am since he was in the Central Business District and this would be in line with the proposed ordinance for city leased property. Mr. Gonzalez stated he would agree not to use the tables after 1:30am.

Acting Chair Bosco opened the public hearing, there being no comments the hearing was closed.

FINDINGS OF FACTS

- 1) The proposed use is consistent with the comprehensive plan;
Russell: Consistent.
McLeroy: Compatible.
Adler: Consistent.
- 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;
Russell: Consistent.
McLeroy: Compatible.
- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;
Russell: Consistent.
McLeroy: No impact.
Adler: None identified.
- 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;
Russell: Consistent.
McLeroy: No impact.
Adler: None identified.
- 5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
Keene:
Russell: Consistent.
McLeroy: No impact.
Adler: None identified.
- 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;
Russell: Consistent.
McLeroy: No impact.

Adler: Consistent.

Keene: No, limit hours of operation to 11:00pm weekdays, 1:30am Friday and Saturday.

- 7) The proposed use would not overburden existing public services and facilities; and in this Code.

Russell: Consistent.

McLeroy: No impact.

- 8) The proposed use meets all other requirements as provided for elsewhere in the code.

Russell: Consistent.

McLeroy: No impact.

Made by Cole, seconded by McLeroy.

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

Roll Call

Ayes: 5—Cole, McLeroy, Adler, Russell, Bosco

Noes: 1—Keene

MOTION APPROVED.

Made by Keene.

Motion: **TO RECOMMEND APPROVAL OF PDRB09-16 WITH THE LIMITATION THAT THE HOURS OF OPERATIONS BE LIMITED SUNDAY THROUGH THURSDAY TO 11PM AND FRIDAY AND SATURDAY TO 1:30AM.**

Motion died for lack of a second.

Made by Cole, seconded Adler.

Motion: **TO RECOMMEND APPROVAL OF PDRB09-16 APPLICATION OF RETAIL STRATEGIES AND THE LOOP FOR A SPECIAL EXCEPTION AS DEFINED BY DIVISION 9 OF THE ULDC FOR OUTDOOR DINING AS WRITTEN.**

Roll Call

Ayes: 5—Cole, McLeroy, Adler, Russell, Bosco

Noes: 1—Keene

MOTION APPROVED.

Applicant informed that their application would be forwarded to the City Council for final decision on November 2, 2009 and that applicant must attend this meeting.

PDRB09-17
Special Exception
for Outdoor Dining
at 309 Atlantic Blvd.

PDRB09-17 Application of Roxie Merrill Et Al and Atomic Flying Fish for a Special Exception as defined by Division 9 of the ULDC and Table 27-226-1. The special exception would be for outdoor dining and the removal of two parking spaces.

Gerard Vermay, Architect, addressed the board for the applicant. A wood deck would be constructed on the west side of the existing business which would be access by using the covered walkway. The deck would be built around the existing trees and have 1/8th inch gap between the board to allow water to flow through it. The deck will be level with the sidewalk. Atomic Flying Fish is currently open from noon to 9:00pm.

Amanda Askew, Community Development Director, stated that the business would be limited to 56 seats inside and out based on the available parking.

Acting Chair Bosco opened the public hearing, there being no comments the hearing was closed.

FINDINGS OF FACTS

- 1) The proposed use is consistent with the comprehensive plan;
Russell: Consistent.
McLeroy: Consistent.
Adler: Consistent.
- 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;
Russell: Consistent.
McLeroy: Compatible.
Adler: Consistent.
- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;
Russell: Consistent.
McLeroy: No impact.
Adler: None identified.
- 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;
Russell: Consistent.
McLeroy: No impact.
Adler: No issues.
- 5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
Russell: Consistent.
McLeroy: No impact.
Adler: None identified.
- 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;
Keene: No, without time limits on hours of operation. 11pm Sun-Thurs; 1:30am Fri-Sat.
Russell: Consistent.
McLeroy: No impact.
Adler: Consistent.
- 7) The proposed use would not overburden existing public services and facilities; and in this Code.
Russell: Consistent.
McLeroy: No impact.
- 8) The proposed use meets all other requirements as provided for elsewhere in the code.
Russell: Consistent.
McLeroy: No impact.

Made by Adler, seconded by Cole.

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

Roll Call

Ayes 5--Cole, McLeroy, Adler, Russell, Bosco

Noes: 1- Keene

MOTION APPROVED.

Made by Adler, seconded Russell.

Motion: **TO RECOMMEND APPROVAL OF PDRB09-17 FOR THE SPECIAL EXCEPTION FOR OUTDOOR DINING FOR ATOMIC FLYING FISH AT 309 ATLANTIC BLVD.**

Roll Call

Ayes: 5–Cole, McLeroy, Adler, Russell, Bosco

Noes: 1- Keene

MOTION APPROVED.

Applicant informed that their application would be forwarded to the City Council for final decision on November 2, 2009 and that applicant must attend this meeting.

Proposed
Ordinance 2009-11

Proposed amended to Section 27-479(10) regarding outdoor dining and the hours of operation.

Amanda Askew, Community Development Director, explained this change was only for the outdoor dining that was has leased from the City and not privately owned property which would have outdoor dining. Sun Dog Diner and Caribee Key have leases with the City and would like to serve alcohol until 1:30am. This would be the last call for alcohol and still give the restaurants time to clean up and shut down service to the tables before closing at 2:00am. There have not had a police incidents and an off-duty police officer does work on the weekend.

The board discussed the proposed changes to section 27-479(10). Mr. Keene felt the City should have a consistent ordinance for all outdoor dining, regardless of City owned or private property. He suggested Sunday through Thursday till 11:00pm and Friday and Saturday till 1:00am, based on it taking 30 minutes to an hour to get the property cleared and the tables moved inside.

Made by Adler, seconded by Russell.

Motion: **TO RECOMMEND APPROVAL OF ORDINANCE 2009-11 TO EXTENDING THE HOURS TO 1:30AM AS SHOWN IN SECTION 27-479(10).**

Roll Call

Ayes: 5–Cole, McLeroy, Adler, Russell, Bosco

Noes: 1-Keene

MOTION APPROVED.

Open Discussion

The board discussed why outdoor dining was in the code as a special exception rather than an allowable use with stated restrictions. The board would like to have the topic of outdoor dining placed on the November agenda for discussion.

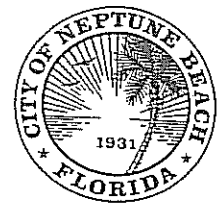
There is an application for the November meeting which is currently scheduled for November 17, which is the week before Thanksgiving. The board was asked if they would like to move the meeting up a week. Mrs. Askew will send the members an email to see what date would work best.

Adjournment

There being no further business, the meeting adjourned at 6:55 p.m.

City of
Neptune Beach

116 First Street • Neptune Beach, Florida 32266-6140
(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 Pentry, Inc</u> <u>8930 Western Way, Suite 4</u> <u>Jacksonville FL 32256</u> Phone No. <u>(904) 464-7267</u>	Name and Address of Agent, If Any: _____ _____ _____ Phone No. _____
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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 _____.

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

Boeth Thomas
Notary Public

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

309 Atlantic Blvd. / Atomic Flying Fish



Proposed outdoor seating

ATLANTIC BOULEVARD

85.42

25'

PARKING

ASPHALT

66.63

STACKBUCK COFFEE

PROPOSED WOOD DECK

35.0

EXIST. PALM TREES

EXISTING PARKING

CONC

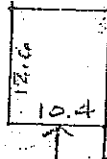
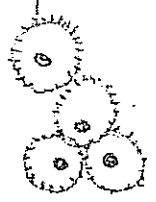
COVERED WALK

120.72

30'

Atomic Flying Fish

EXISTING BUILDING

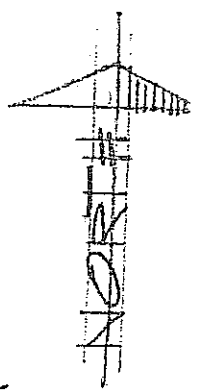


EXISTING COOLER

120.0'

43.7

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

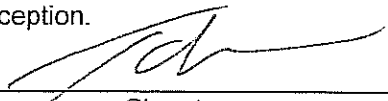
Property Address: 309 Atlantic Blvd-outdoor dining

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>

TEOD 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

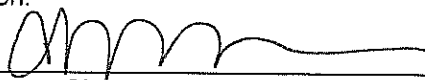
Property Address: 309 Atlantic Blvd-outdoor dining

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

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, 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.

Patricia Adley
Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: October 20, 2009

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

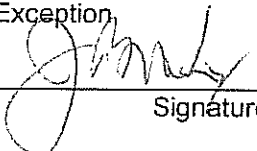
Property Address: 309 Atlantic Blvd-outdoor dining

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;	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, S B McLery, 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;	No - without time limits on 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, Derry, based on the above findings, recommend (APPROVAL) or (DENIAL) of the Special Exception.

Shelby Greene
Signature