

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: June 3, 2009

SUBJECT: PDRB 10-01/Roberta R. Robson for P.J.'s Bar and Grill– 240 Third Street/ Preliminary Development Order

Background

A preliminary development order has been submitted for 240 Third Street (P.J.'s Bar and Grill) in the Central Business District (CBD). The subject property is currently used as a restaurant. The applicant is proposing to add a roof extending 12 feet from the front of the building over the patio area. There will be no increase to the size of the building or total square footage of dining area.

City Council approved the previous development order on October 20, 2008. The property has been remodeled and the new outdoor seating area was added. The applicant is proposing to cover a portion of the outdoor seating area.

Concurrency

- **Traffic:** The proposed redevelopment will NOT be generating any additional traffic because they are not adding tables or square footage.
- **Water/Sewer:** This project area has water and sewer
- **School:** Not applicable
- **Drainage:** No new additional hard surfaces area will be added.

Analysis

The applicant constructed the outdoor seating area but the addition of a roof changes the development order. They are not proposing to heat or cool this area. The proposed roof addition would be connected to the existing building and would be in the same architectural style. No additional seating will be added therefore, there is no additional demand for parking. Technically, this is a change to the building façade but our code requires a change to the existing development order. The look of the proposed roof will match the existing roof.



MINUTES
SPECIAL CITY COUNCIL MEETING
OCTOBER 20, 2008 AT 7:05 P.M
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held October 20, 2008 at 7:05 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Mayor Richard A. Brown
Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Attorney Chris White
City Manager James Jarboe
Deputy City Clerk Karla Strait,
CMC

Community Development Director Amanda Askew
Senior Center Director Leslie Lyne
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith

Order Call

Mayor Brown called the special meeting to order at 7:05: p.m.

240 Third Street

V08-15, VARIANCE REQUEST FOR PARKING, PDRB 08-06, SPECIAL EXCEPTION FOR OUTDOOR DINING & PDRB 08-08 DEVELOPMENT ORDER FOR ROBERTA ROBSON, 240 THIRD STREET, (FORMER TACO BELL PROPERTY)

Moved by Pardee, seconded by Pruette.

Motion: TO APPROVE THE VARIANCE FOR PARKING.

For the Record

Councilor Weldon felt he would be impacted financially and abstained from voting.

Roll Call Vote:

Ayes: 3 – Pardee, Pruette, Brown

Noes: 1 – Lee

Abstain: 1 – Weldon

MOTION CARRIED

Moved by Pardee, seconded by Pruette.

Motion: TO APPROVE THE SPECIAL EXCEPTION WITH THE LETTER FROM THE OWNER PROVIDING THE STIPULATIONS ATTACHED AND THAT THERE BE NO OUTDOOR AMPLIFIED MUSIC.



October 20, 2008

Roll Call Vote
Ayes: 3
Noes: 1
Abstain: 1

MOTION CA

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For the Record

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Roll Call Vote
Ayes: 4
Noes: 0
Abstain: 1

MOTION CA

Ord. No. 2008-13

ORDINANCE
HEARING: A
CHAPTER 1
SECTION 17-

Moved by Pru

Motion: T
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Mayor Brown

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Roll Call Vote:
Ayes: 5 -
Noes: 0

MOTION CA

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MINUTES
PLANNING DEVELOPMENT REVIEW BOARD
SEPTEMBER 16, 2008 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 September 16, 2008 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
Joanne Doherty, Member
Fred Cattar, Member
Todd Bosco, Member
Kara Tucker, Member
James Niss, Member

Staff members in attendance:
Amanda Askew, Community Development Director
Karla Strait, Deputy City Clerk

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

Approval of Minutes Motion: **TO APPROVE THE AUGUST 19, 2008 MINUTES, AS SUBMITTED.**

Moved by Cattar, seconded by Doherty

APPROVED BY CONSENSUS

V08-15 Variance
Request Robson
240 Third Street

V08-15 VARIANCE REQUEST OF ROBERTA ROBSON FOR THE PROPERTY LOCATED AT 240 THIRD STREET (FORMER TACO BELL SITE) TO SECTION 27-540 (B) REQUIRED PARKING. This request is in conjunction with PBRB 08-06 & PDRB 08-09.

Roberta Robson explained the variance for parking would be necessary in order for the proposed new restaurant to serve alcohol it would have to have a total occupancy of 150 patrons. The intent was to build a 915 square foot outdoor deck with a metal awning and 54" rail around the perimeter. The outdoor deck would hold 70 seats and the interior of the building would house seating for 80.

Community Development Director Amanda Askew advised the required number of parking spaces was 21 and there were only 15. She added that parking was available along Third Street in front of the building, but because they were public spaces they could not be included in the total of required spaces.

Chairperson Chin asked Ms. Robson if she had spoken with a representative from Village Inn regarding sharing parking spaces. Ms. Robson replied she attempted to speak with a representative, however Village Inn was the tenant and the owner of the property had not contacted her.

Board Member Catter questioned if the restaurant would have more business during the day or evening hours because parking spaces would be available at the nearby business park during the evening hours. Ms. Robson replied the restaurant would have more

business during the evening hours.

Chairperson Chin opened the public hearing.

Community Development Director Askew advised a letter supporting the variance and the development order was received from the nearby Winter Law Firm.

There being no further comments from the public, the public hearing was closed.

<u>Request</u>	<u>Section</u>	<u>Requesting</u>	<u>Leaving</u>	<u>Required</u>
Required Parking	27-540(b)	6 spaces	15 spaces	21 spaces

FINDINGS OF FACTS

1) The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.

Written comments of the board:

- Chin: Pre-existing positioning of the building ties up space
- Cattar: Pre-existing developed property
- Doherty: Unique hardship
- Niss: Lot size fully utilized
- Tucker: The building is staying. They can only put parking

2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

Written comments of the board:

- Chin: That's all the parking they could get
- Doherty: Minimum necessary
- Niss: Only requires 3 spaces reduction
- Tucker: That's all that can fit on the property

3) The proposed variance would not adversely affect adjacent and nearby properties or the public inn general.

Written comments of the board:

- Chin: Would enhance
- Cattar: Would enhance other properties
- Doherty: Would enhance and would not adversely affect
- Niss: Improve CBD
- Tucker: It would enhance

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

Written comments from the board:

- Chin: Would enhance
- Cattar: Improve the site
- Doherty: Would enhance
- Niss: Will utilize vacant building
- Tucker: It would help

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 from the board:

Chin: Code requires minimum 150 seats, need this variance to satisfy Code

Code required 150 seats to serve drinks

Doherty: it is in harmony

Niss: Will utilize vacant building

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 from the board:

Chin: Pre-existing

Cattar: Pre-existing

Doherty: Pre-existing – not created by property owner

Niss: Pre-existing building

Tucker: Pre-existing condition

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 from the board:

Chin: Everybody in the CBD has parking issues

Doherty: No special privilege – public parking the street available.

Niss: Will not confer special privilege

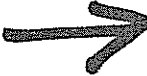
Tucker: New business to the area

Moved by Cattar, seconded by Bosco.

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

APPROVED BY CONSENSUS

Moved by Doherty, seconded by Tucker.



Motion: **TO RECOMMEND APPROVAL OF V08-15 VARIANCE REQUEST.**



Roll Call:

Ayes 6 – Bosco, Catter, Doherty, Niss, Tucker, Chin

Noes: 0

MOTION APPROVED.

PDRB08-06
Special Exception
for Outdoor Seating
for 240 Third St

PDRB 08-06 APPLICATION FOR A SPECIAL EXCEPTION FOR OUTDOOR SEATING AS DEFINED BY DIVISION 9 AND TABLE 27-226-1 OF THE ULDC FOR THE FORMER TACO BELL SITE LOCATED AT 240 THIRD STREET FOR ROBERTA ROBSON. The request is to remodel the existing building and the addition of an outdoor dining area to be used as a restaurant.

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

Community Development Director Askew explained the outdoor dining area was necessary in order to have the 150 required amount of seating to serve alcohol. She added Council has been concerned in the past about glass containers and amplified music outdoors.

Mr. Cattar questioned if smoking would be allowed in the outdoor area. Ms. Robson stated she had not discussed the smoking issue with the tenant. Mrs. Askew stated the outdoor area for Village Inn was approved without smoking restrictions.

Mr. Cattar asked if animals would be allowed to dine in the outdoor area. Mrs. Askew explained in order for animals to be allowed to dine at outdoor restaurants an ordinance would need to be adopted by the Council.

Made by Niss, seconded by Doherty.

Motion: TO RECOMMEND APPROVAL OF PDRB08-06 FOR OUTDOOR DINING AT 240 THIRD STREET SUBJECT TO ALL OUTDOOR BEVERAGES BEING SERVED IN PLASTIC, NO AMPLIFIED OUTDOOR MUSIC, AND THE OUTDOOR DINING AREA TO HAVE A DESIGNATED SMOKING AREA.



Richard Arthur felt the plastic beverage containers were not necessary on a wooden deck and they may create an issue with trash.

Friendly Amendment TO REMOVE THE PLASTIC BEVERAGE REQUIREMENT FROM THE MOTION AND HAVE THE RESTAURANT OWNERS BE RESPONSIBLE FOR POLICING THE AREA.



Roll Call:

Ayes 6 – Bosco, Cattar, Doherty, Niss, Tucker, Chin

Noes: 0



MOTION APPROVED

PDRB08-08
Preliminary
Development Order
240 Third Street

PDRB 08-08 APPLICATION FOR PRELIMINARY DEVELOPMENT ORDER TO REMODEL THE EXISTING BUILDING AND ADD AN AREA FOR OUTDOOR DINING FOR THE SITE LOCATED AT 240 THIRD STREET FOR ROBERTA ROBSON. The request is to remodel the existing building and the addition of an outdoor dining area to be used as a restaurant.

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

Community Development Director Askew explained the development order met the setback requirements, had an exterior dumpster, met the landscape code, concurrency was not an issue, water and sewer was available, and they would reduce the imperious surface.

Mr. Bosco was concerned about the outdoor deck and railing being maintained. Mrs. Askew responded that would be a code enforcement issue. Ms. Robson stated she could put in the lease agreement that the wooden deck and railing be maintained by the tenant.

Mr. Cattar stated there was not an application for a sign. Mrs. Askew explained the tenant would be submitting the sign application. They would be allowed to place an 8 foot, 96 square foot area monument sign and 24.9 square feet of building signage.

Made by Niss, seconded by Doherty.



Motion: TO APPROVE PDRB08-08 FOR THE PRELIMINARY DEVELOPMENT ORDER AND RECOMMEND APPROVAL.



Roll Call Vote:

Ayes: 6 – Bosco, Cattar, Doherty, Niss, Tucker, Chin

Noes: 0

MOTION APPROVED

Applicant was informed the request would be forwarded to City Council for the October 6,



MINUTES
PLANNING DEVELOPMENT REVIEW BOARD
FEBRUARY 16, 2010 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 February 16, 2010 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
James Niss, Member
Amy Cole, Member
Paulette Adler, Member
Richard Keene, Alternate Member
J.B. McLeroy, Alternate member

Staff members in attendance:

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

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

Approval of Minutes Motion: **TO APPROVE THE DECEMBER 15, 2009 MINUTES, AS AMENDED.**

Moved by Cole, seconded by Keene.

APPROVED BY CONSENSUS

V10-01 Preliminary Development Order 240 Third Street PDRB10-01 Application for a Preliminary Development Order as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for JTAM Enterprises, Inc d/b/a PJ's Bar and Grill. The property is 240 Third Street. The request is to extend the roof 12 feet over the patio on the east side of the building.

The business owner explained they would like to cover half of the patio with a solid roof. They had tried to use umbrella over the tables but due to the high winds at the beach it did not work well. The roof would provide cover from the weather while the open space would provide an area for smokers to eat. The new roof line would be approximately two feet lower than the existing roof line. The sign would be removed and reinstalled on the façade of the new roof.

Amanda Askew, Community Development Director, explained that this was the last property in the Central Business District. The property to the south of this one is in the C-1 zoning district. The C-1 zoning district has a front yard setback of 25 feet whereas the CBD has no front yard setback.

Made by Arthur, seconded by Cole.

MOTION: TO APPROVE PDRB10-01 AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL.

Roll Call:

Ayes 7-Niss, McLeroy, Keene, Adler, Cole, Arthur, Chin
 Noes: 0

MOTION APPROVED.

The applicant was informed that the preliminary development order was approved and that the application would be forwarded to the City Council for final approval on March 1, 2010. The applicant is to attend that meeting.

Proposed Ordinance
2010-01

Proposed Ordinance 2010-01, amending section 27-548 Design Standards for off-street parking and loading.

The board discussed changing the parking space size from 10 feet by 20 feet to 9 feet by 18 feet. Every variance that has been request to reduce the parking space size has been approved, by changing the ordinance it would eliminate the need for variances in the future and reduce the amount of impervious pavement.

Made by Cole, seconded by Adler.

MOTION: TO APPROVE CHANGES TO SECTION 27-548 AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL.

Roll Call:
 Ayes 7-Niss, McLeroy, Keene, Adler, Cole, Arthur, Chin
 Noes: 0

Friendly amendment: TO UPDATE THE FIGURE/DRAWING OF THE REQUIRE PARKING SPACE SIZE TO MATCH THE CHANGE.

MOTION APPROVED.

Proposed Ordinance
2010-03

Proposed Ordinance 2010-03, amending section 27-581 Prohibited signs.

The purpose of this code change is to make it clear that all snipe signs are prohibited.

The board discussed whether the definition for snipe sign could also apply to political signs. Amanda Askew explained political signs were addressed in section 27-580 of the code.

Made by Niss, seconded by Arthur.

MOTION: TO APPROVE CHANGES TO SECTION 27-581(30) AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL.

Roll Call:
 Ayes 5-Niss, McLeroy, Adler, Cole, Arthur
 Noes: 2-Keene, Chin

MOTION APPROVED.

Proposed Ordinance
2010-04

Proposed Ordinance 2010-04, amending section 27-163 Expiration of Special Exception Permits.

Amanda Askew explained that currently a special exception expires after one year unless construction has actually commenced. There are cases where no construction is needed for the special exception to be used, so by adding "the use" into the section it would cover those properties without construction.

Made by Cole, seconded by Adler.

MOTION: TO APPROVE CHANGES TO SECTION 27-163 AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL.

Roll Call:

Ayes 7-Niss, McLeroy, Keene, Adler, Cole, Arthur, Chin

Noes: 0

MOTION APPROVED.

- Open Discussion There was discussion about requiring cart corrals in parking lots. If the parking space size is smaller it would leave room for a shopping cart collection area. The Community Development Director is to research other city's ordinance and discuss it with the board next month.
- Next Meeting March 16, 2010 at 6:00 p.m.
- Adjournment There being no further business, the meeting adjourned at 6:42 p.m.

Kerry Chin, Chairperson