

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:** April 19, 2010

**SUBJECT:** PDRB 10-03/ Shivam Neptune, LLC – 1401 Atlantic Blvd./ Preliminary Development Order

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### Background

A preliminary development order has been submitted for 1401 Atlantic Blvd (Golden Ox Liquor Store) in the C-3 zoning district. This property is fully developed and a change to the façade and parking lot flow is being sought.

The purpose for the preliminary development order is to add a drive-thru window to the existing liquor store. The subject property is currently used as a liquor store and is attached to the Days Inn hotel. The applicant is proposing to replace an existing window with a window that will open and serve as a drive-thru. The window is on the front of the building facing Atlantic Blvd. There will be no increase to the size of the building.

### Analysis

Our Unified Land Development Code addresses drive-thru window locations for fast food restaurants (27-227 (3)). It requires the window to be located to the rear of the building facing away from the principal abutting thoroughfare. However, our code does not address the locations of drive-thru windows for other uses.

The proposed location of the drive-thru window would allow stacking space for three (3) vehicles. The window would functionally operate in a one-way maner; allowing cars to drive up to the window and place the order. The plans do not show an order board and if such board was to be added it would be considered signage. An order board would increase the need for additional stacking space.

The stacking spaces do not block any existing parking spaces nor does it increase the demand for parking. There will be no changes to the existing curb cuts.

### 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: 3/8/10    Zoning Classification: CB

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: 1401 ATLANTIC BLVD. NEPTUNE BEACH, FL 32266

Name and Address of Owner <u>BOBBY BHIKHA</u> <u>3512 WATERCHASE WAYE.</u> <u>JACKSONVILLE, FL 32224</u>	Name and Address of Agent, If Any: _____ _____
Phone No. <u>904 2544406</u>	Phone No. _____

Describe Request being made: Add DRIVE-THRU WINDOW FOR THE  
GOLDEN OX LIQUOR STORE.

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.

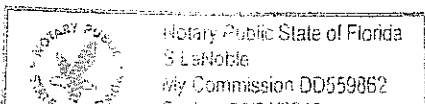
STATE OF FLORIDA  
COUNTY OF DUVAL

B. Bhikha  
Signature of Owner

Subscribed and sworn to before me on this 8<sup>th</sup> day of March, 2010

Bobby Bhikha who is personally known to me or has  
presented \_\_\_\_\_ as identification.

[Signature]  
Notary Public





MINUTES  
PLANNING DEVELOPMENT REVIEW BOARD  
APRIL 20, 2010 AT 6:00 P.M.  
CITY HALL, 116 FIRST STREET  
NEPTUNE BEACH, FLORIDA

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Pursuant to proper notice a meeting of the Planning and Development Review Board for the City of Neptune Beach was held April 20, 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  
Paulette Adler, Member  
Todd Russell, Member  
Todd Bosco, Member  
James Niss, Member  
Amy Cole, Member

Richard Keene and J.B. McLeroy, alternate members were in the audience.

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 6:03 p.m.

Approval of Minutes Motion: **TO APPROVE THE APRIL 20, 2010 MINUTES, AS SUBMITTED.**

Moved by Cole, seconded by Adler.

**APPROVED BY CONSENSUS**

PDRB10-03  
Preliminary  
Development Order  
1401 Atlantic Blvd

PDRB10-03 Application for a Preliminary Development Order as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Shivam Neptune, LLC (Day's Inn). The property is currently known as 1401 Atlantic Blvd and listed as parcel number 177547-000 in the records of the Property Appraiser of Duval County. The request is to construct a drive-thru window for the existing package store.

Bobby Bhikha and Sean LaNovelle representing Shivam Neptune LLC and Day's Inn stated:

Golden Ox Liquors has been at the Day's Inn for a year and a half. Currently they close 10 pm and the drive up window would allow their elderly customers to be served without having to get out of the car. The window would stay open until midnight but the doors to the store will still be locked at 10pm. This would add additional security to the employee working at the store.

Shivam owes five hotels in the Jacksonville area. It is very important to be involved in the community. They donate old towels and sheets to the homeless shelters. They have tried to clean up the Day's Inn and improve its reputation by remodeling the building, closing the restaurant and raising the quality of the hotel. Since taking ownership of the hotel, crime has been reduced.

There is 90 feet of stacking area from the window to the street and no menu board or speaker will be installed. The window will help sustain their property. They have tried numerous business adventures in the restaurant but still had to close the restaurant and

let go the employees. We are trying to put in an effort to keep the employees we have. We encourage the board to come take a look at the hotel and see the improvements that have been made.

Amanda Askew, Community Development Director, explained the code only addresses the location of drive up windows for fast food restaurants.

Chairperson Chin opened the floor for public comments.

Scott Wiley, 723 Davis Street, stated he had a couple of concerns. A drive thru window has a tendency to change over time and I want to make sure the safety factor is addressed coming off of Atlantic Blvd. If you come in at the first entrance eastbound on Atlantic Blvd. you would cross over the drive pattern that is already there. You are going to have parking places out there? I want to make sure putting cars back on to Atlantic Blvd is safe and it probably would be but that would be something to consider. Also, is there going to be any kind of a canopy or awning to build on the front of that business with a bell ringing? Is that something that could come up? The main thing is to keep it neat and safe in appearance. The hotel currently has a pizza restaurant and the board needs to insure that nothing else would be served through the window. If approved, only liquor should be served through the window.

Richard Keene, 733 Bay Street, it seems when the code was drafted and set into place for retail is was to keep the drive thru windows to the rear or side of the building and it was done for aesthetic purposes. If you are going to have an ancillary function it is going to be in the back or off to the side and not to detract from the front of the business. In this situation it started as a hotel then the bar and then a package store to outdoor service. This is outdoor sales particularly if the hours are going to be from 10am to 12am which is an extension to the time the doors are going to be closed. This is basically outdoor sales, the idea of outdoor is to do them in the manner that the code states. The code does not set forth any guidelines for package stores or liquor sales. The board needs to consider why the code was drafted that way and deny the request.

Public hearing was closed.

The board asked if there were other drive thru windows beside for restaurants. The board discussed that all the banks and pharmacies have drive up windows and Pete's Bar has a walk up window that is used for package liquor sales.

Chairperson Chin is concerned we are saying that the code allows for things that are not in the code but is like something else. So we are saying this is like a fast food restaurant but then the code also says in the definition of fast food drive thru restaurant, it is a place that serves consumable items that ready made food that is in packages and drinks that are in cups,. This is not exactly that because they are not serving drinks in cups that is ready to be consumed so that is not exactly falling into that definition. I am wondering if perhaps council should take a hard look at this to see what they intend since they narrow drive-thru definitions to particular uses.

Why is fast food called out specifically? We are reaching here?

Mr. Niss stated that by law the liquor could not be consumed in the automobile.

Ms. Cole asked if both driveways were in and out? Yes they are. There is no curb cut to go west without going east first. There is a concern of cross traffic if someone going east pulls into the hotel at the first driveway.

Vice-chair Arthur felt the window was an after thought.

Chairperson Chin identified two issues. Would it be in the spirit or intent of the code and also there is the question of cross traffic flow.

Made by Arthur, seconded by Niss.

**MOTION: TO APPROVAL PDRB10-03 FOR THE PRELIMINARY DEVELOPMENT ORDER FOR SHIVAM NEPTUNE, LLC TO CONSTRUCT A DRIVE-THRU WINDOW FOR THE EXISTING PACKAGE STORE.**

Roll Call:  
 Ayes 1-Niss  
 Noes: 6-Cole, Bosco, Russell, Adler, Arthur, Chin

**MOTION FAILED.**

The applicant was informed that the application would be forwarded to the City Council for final approval on May 3, 2010. The applicant is to attend that meeting.

Election

Election of Chairperson and Vice-Chair for a period of one year.

Made by Cole, seconded by Bosco.

**MOTION: TO ELECT RICHARD ARTHUR AS CHAIRPERSON.**

Roll Call:  
 Ayes 7-Cole, Niss, Bosco, Russell, Adler, Arthur, Chin  
 Noes: 0

**MOTION APPROVED.**

Made by Niss, seconded by Adler.

**MOTION: TO ELECT AMY COLE AS VICE-CHAIRPERSON.**

Roll Call:  
 Ayes 7-Cole, Niss, Bosco, Russell, Adler, Arthur, Chin  
 Noes: 0

**MOTION APPROVED.**

Open Discussion

Ms. Cole and Mr. Niss will be out of town for the May and June meetings.

Adjournment

There being no further business, the meeting adjourned at 6:37p.m.

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Richard Arthur, Chairperson