

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 9, 2010

SUBJECT: PDRB 10-04/ Security Brothers Investment Group, LLC – 750 Third Street/ Special Exception

Background

A special exception has been submitted by the property owner for 750 Third Street in the C-1 zoning district for a day spa. This is the two story Secure One building on Third Street. This property is fully developed and the first floor contains offices and the day spa is proposed on the second floor. The day spa would be fully contained within the building.

The C-1 zoning district is located on the west side of Third Street between Orange Street and North Avenue (just north of the ball field at Jarboe Park). The property to the north and south of the subject site is zoned C-1 and developed as light commercial. The property to the west is zoned R-2 and developed as single family homes. The property to the east (across Third Street) is zoned as R-4 and is developed as single family homes and duplexes.

Analysis

Please note that the preceding agenda item was to add a definition for day spa, update the use chart including a day spa and update parking regulations. The board's finding for the special exception will need to be based on your recommendations for adding a day spa to the Unified Land Development Code (ULDC) and subject to city council final approval of adding the day spa information to the ULDC.

The second floor is approximately 2,640 square feet. Under the proposed parking update they would be required 9 parking spaces. The existing offices on the first floor require 7 parking spaces. The site has 13 parking spaces with one additional

handicapped space. This site has a recorded reciprocal parking easement agreement with the building to the north to accommodate its parking needs.

The building to the north has medical uses and has a medical spa. The medical spa is run by doctors and is considered a medical type use and did not require a special exception. A day spa is slightly different in that it has more personal service type uses.

This area is designed in the comprehensive plan as commercial light and is consistent with the other uses in this area.

The day spa would be fully contained within the building and would not cause any environmental issues.

**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: 5-26-10 Zoning Classification: C-1

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).

750 3RD ST 13-87 21-28-29E .314 HORNES NEPTUNE ACRES PT RECD 989B-2080
Legal description property: Lot Block Subdivision

Plat Book Page Real Estate No. 172912-0020

Street Address: 750 THIRD ST.

Name and Address of Owner <u>SECURITY BROTHERS INVESTMENT GROUP, LLC 750 THIRD ST. STE 2, NEPTUNE BEACH, FL 32266</u>	Name and Address of Agent, If Any: <u>N/A</u>
Phone No. <u>246-5600 5091100</u>	Phone No. _____

Describe Request being made: SPECIAL EXCEPTION

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

Signature of Owner: _____

JAMES J. SMITH, JR., MGRM

Subscribed and sworn to before me on this 26th day of May, 2010.

James Jay Smith Jr who is personally known to me or has presented FL DL as identification.

Rosemary A. Marrero
Notary Public



ROSEMARY A. MARRERO
MY COMMISSION # DD 627578
EXPIRES: February 27, 2011
Bonded thru Budget Notary Services

↑ North

JAXGIS Property



Neptune Beach City Council

I hereby respectfully request 'special exception' (if required) for a new tenant at the SecureOne Building 750 Third St.

The tenant intends to occupy the upper floor of the building and operate as an upscale Cosmetic Day Spa. This would be an 'APPOINTMENT ONLY' type business. Services and professionals would include a cosmetology esthetician for make up, skin consulting and facial and skin treatments. A massage therapist, hair stylists, and a doctor/plastic surgeon on site periodically for cosmetic treatments. There are similar businesses located in the Atrium Building immediately next door and sharing our parking lot. In accordance with Sec. 27-160 of required findings needed to recommend a special exception, We believe;

- 1) The proposed use to be consistent with the comprehensive plan;
- 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;
- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;
- 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;
- 5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;
- 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;
- 7) The proposed use would not overburden existing public services and facilities; and
- 8) The proposed use meets all other requirements as provided for elsewhere in this Code.

Because of a previously recorded 'Reciprocal Easement Agreement' with our immediate neighbor 'The Atrium Building', we have 88 parking spaces available, a number far exceeding our requirement. Please see attached site plan.

The current tenant is vacating the space on June 1 and half the building will be vacant at that time. The cosmetic day spa is the only potential tenant at this time and we believe they would be an ideal fit and use for this space.

Jim Smith
Owner/Mgr
Security Brothers Investment Group, LLC

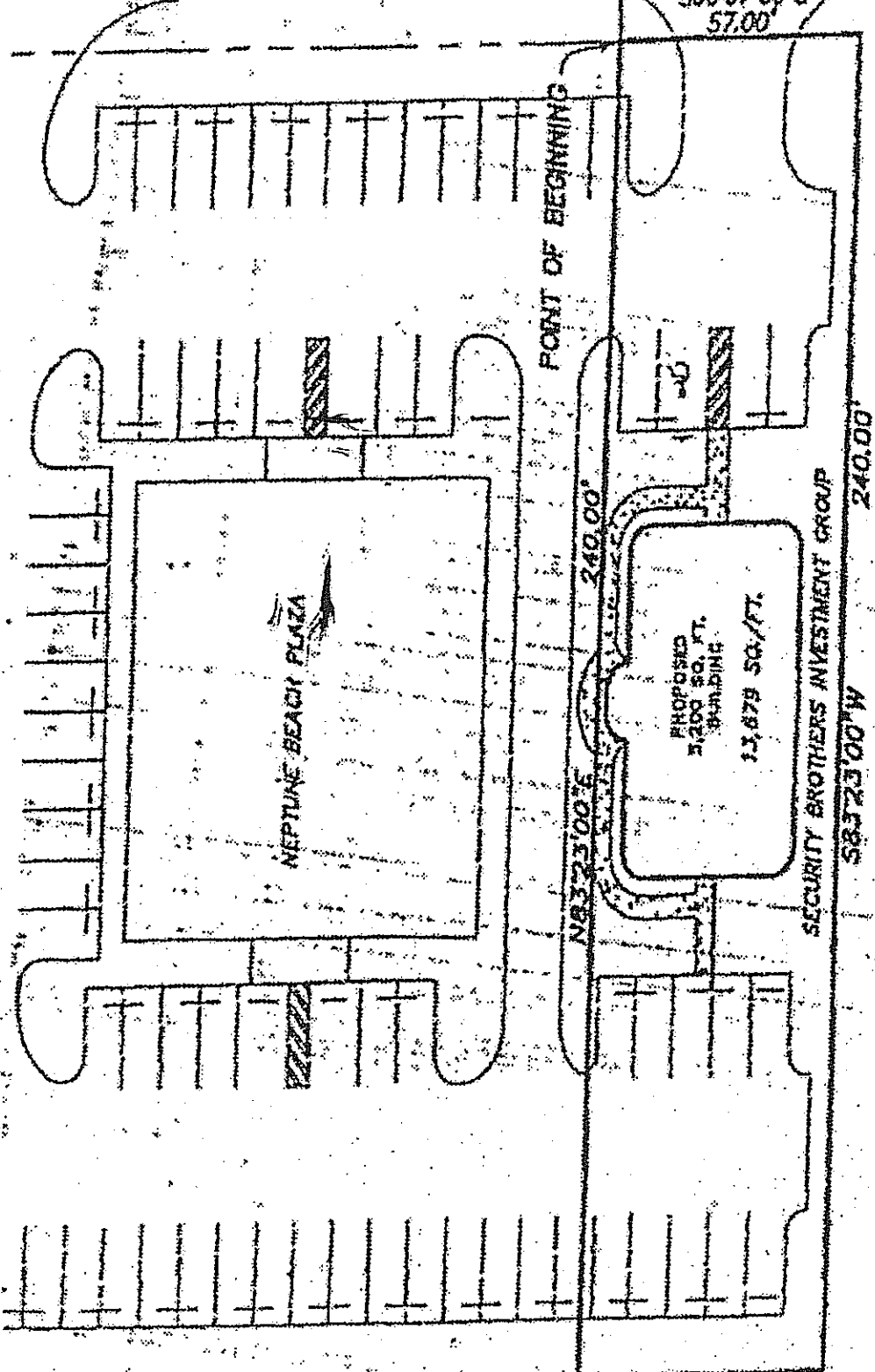
POINT OF REFERENCE
200' Corner of Lot 22, Avenue 100
Lot 22, Block 14, Page 24

THIRD (3RD) STREET AND/OR STATE ROAD A-1-A
(SEE MAP OF 1948)

As per
10/1/50

S08°37'00"E
57.00'

POINT OF BEGINNING



NEPTUNE BEACH PLAZA

PROPOSED
5,200 SQ. FT.
BUILDING
\$3,879 SQ./FT.

SECURITY BROTHERS INVESTMENT GROUP

N83°23'00"E
240.00'

S83°20'00"W
240.00'

N08°37'00"W
57.00'

SEE MAP OF 1948 (AS PER CITY BOOK 1104 PAGE 113)

One parking space per every 300 square feet would be used as the requirement.

The definition was amended to read:

Day spa means any business that provides beauty, cosmetic and therapeutic services, administered by licensed professionals in which the customers are not lodged overnight. Day spas shall include non-surgical cosmetic treatments, periodic medical cosmetic treatments and massage therapy, excluding the application of tattooing and/or body art. Other allowable services are limited to: hair styling, facials, waxing, body wraps, salt scrubs, skin exfoliations, manicures, pedicures and aroma therapy.

Chairperson Arthur opened the floor for public comments. There being none the hearing was closed.

Made by Adler, seconded by Keene.

MOTION: TO RECOMMEND APPROVAL OF CHANGES TO CHAPTER 27 SECTIONS 27-15, AS AMENDED BY THE PLANNING DEVELOPMENT REVIEW BOARD, ARTICLE IV, TABLE 27-226-1 PERMISSIBLE USES AND ARTICLE XIII OFF STREET PARKING 27—540-1 TO THE CITY COUNCIL.

Roll Call:

Ayes 6-Chin, McLeroy, Keene, Russell, Adler, Arthur

Noes: 0

MOTION APPROVED.

PDRB10-04
Special Exception
For Day Spa
Security Brothers
Investment Group
750 Third Street

PDRB10-04 Application for a Special Exception as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Security Brothers Investment Group, LLC. The property is currently known as 750 Third Street and listed as parcel number 172912-0020 in the records of the Property Appraiser of Duval County. The request is to open a medical/cosmetic day spa. Subject to the approval of changes in Section 27-15 and Table 27-226-1.

Robert Smith representing Security Brothers Investments, Inc. and Security One stated:

Their new tenant wants to occupy the second floor and operate an upscale spa by appointment only. This is currently not a permitted use in the C-1 zoning.

The Secure One building shares parking with the Medical building to the north through a recorded easement. There are 13 parking spaces onsite and with the proposed parking requirements, 16 would be needed. This can be met with the shared parking agreement.

Amanda Askew, Community Development Director, explained the medical building next door at 700 Third Street is permitted to operate a medical spa under the City's currently definition of Medical/Dental clinic.

This definition reads: Medical/dental clinic means any establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a person or persons affiliated with a group practicing various specialties of the healing arts, whether the persons are medical doctors, chiropractors, osteopaths, chiroprodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the state.

Finding of Fact for Special Exception

Section 27-160

1) The proposed use is consistent with the comprehensive plan;	Adler: In compliance Keene: Because of the PDRB limits. McLeroy: Awarded by exception Arthur: In line with ULDC Chin: Allowed as special exception Russell: True
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	Adler: Similar businesses in same zoning district Keene: Already 2 or 3 in C-1 McLeroy: Consistent Arthur: Compatible businesses in area Chin: Similar business next door Russell: True
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	Adler: None noted McLeroy: Consistent Arthur: No, would not Chin: No extra impact Russell: True
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;	Adler: sufficient parking Keene: Ok for 3 rd Street usage McLeroy: No impact Arthur: Would not Chin: No extra traffic beyond existing Russell: True
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	Keene: Same as #1 McLeroy: No impact Arthur: Would not Chin: Does not expand beyond what is there Russell: True
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;	McLeroy: No impact Arthur: Would not Chin: No impact on area
7) The proposed use would not overburden existing public services and facilities; and	Adler: Sufficient to handle McLeroy: No impact Arthur: Would not Chin: No impact
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	Adler: meets all McLeroy: Consistent Arthur: Meets all requirements Chin: Allowed as special exception

Made by Keene, seconded by Adler.

MOTION: TO APPROVE THE SPECIAL EXCEPTION FINDING OF FACTS FOR PDRB10-04 FOR A DAY SPA AT 750 THIRD STREET.

Roll Call:

Ayes 6-McLeroy, Keene, Russell, Adler, Chin, Arthur

Noes: 0

MOTION APPROVED.

Made by Chin, seconded by Keene.

MOTION: TO RECOMMEND APPROVAL OF PD BR10-04 FOR THE SPECIAL EXCEPTION FOR SECURITY BROTHERS INVESTMENT GROUP, LLC TO OPERATE A DAY SPA AT 750 THIRD STREET SUBSEQUENT THE APPROVAL OF THE CHANGES TO SECTIONS 27-15, ARTICLE IV, TABLE 27-226-1 PERMISSIBLE USES AND ARTICLE XIII OFF STREET PARKING 27-540-1, AND PROPER NOTICE IS GIVEN FOR THE CITY COUNCIL MEETING.

Roll Call:

Ayes 6-McLeroy, Keene, Russell, Adler, Chin, Arthur

Noes: 0

MOTION APPROVED.

The applicant was informed that the application would be forwarded to the City Council for final approval on July 12, 2010. The applicant is to attend that meeting.

Open Discussion

The board will have a meeting in July. That meeting date will be July 20th.

Adjournment

There being no further business, the meeting adjourned at 6:58 p.m.

Richard Arthur, Chairperson

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: June 15, 2010

Applicant: Security Brothers Investment Group, LLC. Case # 10-05

Property Address: 750 Third Street-Medical/Cosmetic Day Spa

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>in compliance</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>Similar business to same good district</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 noted</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>sufficient parking</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>1</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>Yes</i>
7) The proposed use would not overburden existing public services and facilities; and	<i>sufficient to handle</i>	<i>Yes.</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	<i>meets all</i>	<i>Yes</i>

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

Pauline Adler
Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: June 15, 2010

Applicant: Security Brothers Investment Group, LLC. Case # 10-05

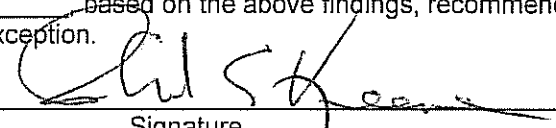
Property Address: 750 Third Street-Medical/Cosmetic Day Spa

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;	Because of the P&Z limits	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;	Already 2 or 3 in C-1 elsewhere.	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;	OK for 3rd Street work.	Yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	See # (1)	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, APPROVE 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: June 15, 2010

Applicant: Security Brothers Investment Group, LLC. Case # 10-05

Property Address: 750 Third Street-Medical/Cosmetic Day Spa

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;	ALLOWABLE BY EXCEPTION	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;	CONSISTANT	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	CONSISTANT	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.	CONSISTANT	YES

I, APPROVAL, 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: June 15, 2010

Applicant: Security Brothers Investment Group, LLC. Case # 10-05

Property Address: 750 Third Street-Medical/Cosmetic Day Spa

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;	in line with ULDC	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 Business in Area	yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	no would not	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;	would not	yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	would not	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;	would not	yes
7) The proposed use would not overburden existing public services and facilities; and	would not	yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	meets all requirements	yes

I, Richard A. [Signature], 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: June 15, 2010

Applicant: Security Brothers Investment Group, LLC. Case # 10-05

Property Address: 750 Third Street-Medical/Cosmetic Day Spa

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>allowed as special exception</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>similar business next door</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>no extra impact</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 extra traffic beyond existing</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>does not expand beyond what is there</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>no impact on area</i>	<i>yes</i>
7) The proposed use would not overburden existing public services and facilities; and	<i>no impact</i>	<i>yes</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	<i>allowed as special exception</i>	<i>yes</i>

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

Kerry Chan
Signature

REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: June 15, 2010

Applicant: Security Brothers Investment Group, LLC. Case # 10-05

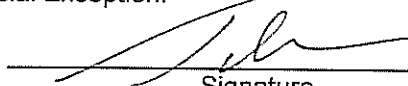
Property Address: 750 Third Street-Medical/Cosmetic Day Spa

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;	TRUE	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;	TRUE	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;	TRUE	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;	TRUE	YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan;	TRUE	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;	TRUE	YES
7) The proposed use would not overburden existing public services and facilities; and	TRUE	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code.	TRUE	YES

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



 Signature
JOJO RUSSEN