



MINUTES
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 6, 2019, 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held Monday, May 6, 2019, at 6:00 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance	IN ATTENDANCE: Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Scott Wiley ABSENT: Councilor Josh Messinger	STAFF: City Manager Andrew Hyatt Deputy City Manager Amanda Askew City Attorney Patrick Krechowski Finance Director Peter Kajokas Commander Michael Key Public Works Director Leon Smith Senior Center Director Leslie Lyne City Clerk Catherine Ponson Denise May, Marks Gray, P.E.
Call to Order/Pledge	Mayor Brown called the meeting to order at 6:00 p.m. and Councilor Chin led the Pledge of Allegiance.	

AWARDS / PRESENTATION / RECOGNITION OF GUESTS

North Florida TPO Presentation	Denise Bunnewith, Planning Director, North Florida Transportation Planning Organization, presented the Transportation Improvement Program (TIP) for Fiscal Years 2019/2020 through 2023/2024. She informed the City Council as to the projects planned and programmed for the area.
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APPROVAL OF MINUTES

Made by Wiley, seconded by Jones.

MOTION: **TO APPROVE THE FOLLOWING MINUTES:**

April 1, 2019, Regular City Council Meeting
April 15, 2019, Workshop City Council Meeting

Roll Call Vote:

Ayes:	4—Chin, Wiley, Jones, and Brown.
Noes:	0

MOTION CARRIED

CITY MANAGER REPORT**City Manager
Report**

City Manager Andy Hyatt reported the following:

- The City Attorney process is getting closer to a decision.
- \$232,000 has been received from FEMA for hurricane reimbursement.

**Police
Department
Report**

Commander Michael Key reported May is Mental Health Awareness Month. Dancin' in the Streets planning is nearing completion, which is scheduled for Saturday, May 18, 2019. He announced the Police Department has received the Justice Assistance Grant for 2017 in the amount of \$56,427.00.

COMMENTS FROM THE PUBLIC

Public Comment John Pearson, 1416 Forest Avenue, Neptune Beach, spoke in opposition to CDB 19-05, the replat for 1229 Forest Oaks Drive. He stated he had concerns that splitting the lot into two smaller lots would lessen the value of the rest of the property in that area.

BeeJay Lester, 907 2nd Street, Neptune Beach, thanked the Police Department for the Chief's Walk recently held on April 3, 2019. She spoke regarding the dog leash ordinance and stated she had concerns regarding the nature of her neighborhood.

CONSENT AGENDA

Resolution No. 2019-07, PORF Board Members Resolution No. 2019-07, A Resolution of the City of Neptune Beach Reappointing Members to the Police Officers' Retirement Board.

Resolution No. 2019-06, Flood Coalition Resolution No. 2019-06, A Resolution of the City of Neptune Beach Joining the American Flood Coalition.

Made by Wiley, seconded by Chin.

MOTION: TO APPROVE THE CONSENT AGENDA

Roll Call Vote:

Ayes: 4—Wiley, Chin, Jones, and Brown.
Noes: 0

MOTION CARRIED**VARIANCES / SPECIAL EXCEPTION / DEVELOPMENT ORDERS****CDB 19-05,
1229 Forest
Oaks Drive**

CDB 19-05 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Leigh Broward for property known as 1229 Forest Oaks Drive, (RE# 177653-1039). The subject property is located on the east side of Forest Oaks Drive. The applicant is requesting to divide one lot into two.

Deputy City Manager Amanda Askew explained that this item failed at the Community Development Board on April 10, 2019. What is before the Council is an application to subdivide an existing lot into two lots. It is a large lot in the R-1 zoning district. The R-1 zoning district requires a minimum of 100 feet of lot width at the building restriction line. The first lot has 100 feet at the right-of-way where it meets the street. On the second proposed lot, the building restriction line has been moved back so it meets that requirement. The proposed

subdivision meets the minimum lot requirements and has the necessary utilities to serve the project.

Councilor Chin stated he had concerns that the Council would potentially be creating conditions where a variance would be needed from a future homeowner. He agreed with the CDB regarding the concerns that the home that would be further back would be looking into the back of the adjacent lots. He also added he had concerns that there are Code provisions regarding building facades should not vary more than six feet from each other along a streetscape.

Ms. Askew stated that this subdivision was developed in the early 1980s. Several homes have no true street frontage and do not meet that area of the Code.

Vice Mayor Jones stated that in this case there is no justification for impacting property values and it is the peculiar nature of Forest Oaks. He added it would not create a precedent.

Councilor Wiley remarked that he did not see how this would benefit the area. He stated this would add density.

Mayor Brown commented that staff recommended approval and she did not see where property value would be affected.

Councilor Chin reiterated that through his experience on the Planning Board and Community Development Board, his concern would be the requests for variances that would occur due to the shape of the lots.

Vice Mayor Jones questioned how many code enforcement issues had been reported on the current property.

Ms. Askew answered that there had been numerous inquiries regarding mosquitos, tall grass and the condition of the property.

Councilor Wiley questioned the distance of the lot that would be in the back.

Leigh Broward, 1229 Forest Oaks Drive, Neptune Beach, stated that there was not a full survey. He stated that the lot is 220 feet deep and the intent would be for an equal split. He stated that density is not the issue.

Councilor Wiley stated he had communications with Mr. Broward, John Pearson, Alda Sheckells, Benny Rodriguez, Susan and Randy Pfahler, Robert Stewart and Tom Cannon regarding the property.

Made by Jones, seconded by Chin.

MOTION: **TO APPROVE CDB 19-05, REPLAT/SUBDIVISION OF 1229 FOREST OAKS DRIVE**

Roll Call Vote:

Ayes:	2-Jones, Brown
Noes:	2-Chin, Wiley

MOTION DENIED

CDB 19-04,
500 Atlantic

CDB 19-04 Application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Neptune Beach FL Realty, LLC for the properties known as 500 Atlantic Blvd (RE# 172395-0120). Proposing to remove 90,000 square feet building at 500 Atlantic Blvd to build 3 buildings of 4,700sf, 16,100sf and 10,500sf with 2 courtyards and associated site work. The purpose of the request is to redevelop the site for a shopping center and hotel.

Ms. Askew explained that this is the application for a final development permit for the property known as 500 Atlantic. The proposed site plan would remove the existing Kmart building and includes three buildings. It is shown as a shopping center with 44 hotel rooms. The application for concurrency also includes the Kmart building and the two Belmarmi buildings.

She continued that the application for concurrency includes all of the trips associated with those uses. The applicant is looking at Phase 1, which is the former parking lot area of the Kmart site. The parking meets the shopping center parking and hotel parking requirements. If a potential use comes in that is a permitted use, then those would be looked at when they are submitted. Staff recommended allowing vested trips to be continuous over five years. The CDB recommended keeping those at two years with the chance for renewal up to five years. An agreement has been reached to work on the water and sewer concurrency and put in the necessary requirements based on the pro rata share of development occurring now and in future phases. The applicant asked to be able to shop for water and sewer upgrades. The applicant indicated if there were overages, the City would incur those costs but that could be discussed this evening.

The Council and Mayor then disclosed ex parte communications.

Mayor Brown stated she stated she had met with the applicant and they presented their plans.

Councilor Chin stated he had met with the applicant.

Vice Mayor Jones reported he had a phone conversation with the applicant.

Councilor Wiley stated he had spoken with some of the parties involved but had not met with the applicant.

Made by Jones, seconded by Wiley.

MOTION: **FOR DISCUSSION OF CDB 19-04**

Vice Mayor Jones commented that he had no issue but he stated the City should update their concurrency regulations which could be done as part of the update of the Land Development Code. He remarked that he would like to have seen an alternative site plan that has more walkable space.

Councilor Chin stated he had concerns regarding the parking and the intent to bring in restaurants, which would bring more variance requests. He also added that future phases have not been detailed.

Ms. Askew stated the application was submitted as a shopping center. She read the definition of shopping center: "A group of retail stores or service establishments planned and developed as a unit by one operator, owner, organization, or corporation for sale or for lease upon the site on which they are built."

She commented that shopping centers are typically retail and office spaces. Restaurants are permitted uses. If there is a different parking demand, other than retail, then those would be

looked at as submitted. No business tax receipts would be issued if there is not sufficient parking.

Councilor Wiley stated he had questions that had been answered by City Staff. He also commented that he feels confident that the City can keep up with the number of parking spaces assigned to the businesses that go into these locations.

Katherine Mosely, Vice-President of Development for TriBridge Residential, addressed the Council. She stated this is for Phase 1 and is 4.59 acres. It is for a 31,300 square-foot shopping center and 44 hotel rooms. It is completely self-contained, meets all Code requirements and no variances are being requested.

Andrew Greene, Director of Design for TLM Realty, LLC, presented different streetscapes in several Florida cities. The project is proposing a 95-foot width from the façade on the buildings on one side of the street to the façade of the buildings across that street. There would be plants and trees added to adjacent parking areas. The street design, parking, and landscaping would be similar in width to the Beaches Town Center.

Ms. Mosely continued the buildings would be within the 35-foot height limit. She stated they are very early in the planning process for tenants and have engaged Franklin Street as the broker. The timeline for when the doors are actually open is two and one-half years.

She stated that the Concurrency Application included was for the Master Development. Phase 1 would use some of the trips and water and sewer. The water and sewer would be paid by the developer, including material and administrative reimbursements, including labor. She also reviewed the timeline for the three phases included in the Master Development.

Denise May, MarksGray, P.A., reminded the Council that the motion was to discuss. There needs to be a motion to approve or deny. She also stated that if there are overages on the water and sewer costs, the decision on who would pay those overage charges should be made.

Councilor Chin asked Ms. Mosely if there were tenants what would be done if the tenants required higher intensity parking

Ms. Mosely answered that they control 16 acres adjacent to the property. They would include any overparking for Phase 1 into Phase 2. She also added she did not have any details for Phase 2.

Made by Jones, seconded by Wiley.

MOTION:

**TO APPROVE WITH THE CONDITIONS AS STATED BY THE
COMMUNITY DEVELOPMENT BOARD AND ADDED
ADDITIONAL CONDITIONS:**

1. PROHIBITION OF THE FUTURE OF THE HOTEL UNITS INTO APARTMENT UNITS.
2. DEMOLITION OF THE FORMER K MART 90,000 SQUARE FOOT BUILDING PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF PHASE 1.
3. TRAFFIC CONCURRENCY (VESTED TRIPS) FOR THE ENTIRE SITE OF 500, 436, AND 436-A ATLANTIC BOULEVARD. LIMITED TO TWO YEARS WITH AN

OPTION FOR ONE YEAR EXTENSIONS AND UP TO A MAXIMUM OF FIVE YEARS AFTER THE ISSUANCE OF THE FIRST PERMIT FOR PHASE 1 CONSTRUCTION.

4. ADD A TOTAL OF 36 BICYCLE PARKING SPACES SPREAD OUT OVER THE ENTIRE PHASE 1 DEVELOPMENT TO BE INSTALLED TO ENCOURAGE ALTERNATE WAYS TO THE SITE.
5. MUST ADHERE TO SECTION 27-540 AND TABLE 27-540-1 FOR PHASE 1.
6. ADHERE TO THE REQUIREMENTS OUTLINED IN THE WATER AND SEWER AVAILABILITY LETTER ISSUED BY THE DIRECTOR OF PUBLIC WORKS, LEON SMITH, DATED MARCH 11, 2019, WITH THE APPLICANT TO FUND UP TO 10% OF COST OVERAGES.

Roll Call Vote:

Ayes: 4—Wiley, Chin, Jones, and Brown.
Noes: 0

MOTION CARRIED

ORDINANCES

Ordinance No. 2019-05, Animals (Leash Length) Ordinance No. 2019-05, Chapter 6, Article I, Section 6-1 and Article II, Section 6-31, First Read and Public Hearing, An Ordinance of the City of Neptune Beach Amending Chapter 6, Article I, Section 6-1, Definitions, and Article II, Section 6-31(b)(1), Dogs on the Beach.

Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Made by Jones, seconded by Wiley.

MOTION: **TO ADOPT ORDINANCE NO. 2019-05 ON FIRST READ**

Roll Call Vote:

Ayes: 4—Chin, Wiley, Jones, and Brown
Noes: 0

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Comprehensive Plan and LDC RFQ Approval of Comprehensive Plan and Land Development Code RFQ.

Councilor Wiley stated that when we received the RFQs back, that the City should focus on doing an update on some areas rather than a rewrite.

Vice Mayor Jones commented that there would be elements that may just need updating and this speaks to the key recommendations to the ULI report.

Councilor Chin stated he agreed with seeking proposals and also added that our Code does needs updating but if the proposal IS not to our satisfaction, then the Council does not have to accept it.

Mayor Brown stated she is in favor of moving forward with the process and to issue the RFQ.

COUNCIL COMMENTS

Vice Mayor Jones announced that the City of Neptune Beach Complete Street Policy was chosen by the Complete Streets Coalition of Smart Growth America as one of the best in the nation.

Adjournment

There being no further business, the meeting adjourned at 7:16 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, City Clerk

Approved: 6/3/19

