



**MINUTES**  
**ROUNDTABLE CITY COUNCIL MEETING**  
**TUESDAY, MARCH 29, 2022, 6:00 P.M.**  
**NEPTUNE BEACH CITY HALL**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Roundtable City Council Meeting of the City Council of the City of Neptune Beach was held on Tuesday, March 29, 2022, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

**Attendance:**

**IN ATTENDANCE:**

Mayor Elaine Brown  
 Vice Mayor Kerry Chin  
 Councilor Lauren Key (*absent*)  
 Councilor Nia Livingston  
 Councilor Josh Messinger

**STAFF:**

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Community Development Director Samantha Brisolara  
 Code Compliance Supervisor Piper Turner  
 City Clerk Catherine Ponson

**Community Development Board Members:**

Rene Atayan, Bob Frosio, Charles Moore, William Randolph, Greg Schwartzenberger, Anthony Mazzola, Jonathan Raiti

**Call to Order/Roll  
Call/Pledge**

Mayor Brown called the Roundtable Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

City Manager Stefen Wynn explained where the City is in the process of the Land Development Code (LDC) revision. The City is in Phase 3 of the Vision Plan, which is the LDC rewrite. The LDC rewrite is 80% completed. He stated there would be 12 opportunities for public comment. If someone wants to speak they can fill out one form and list the topics they want to address. There are some topics that the City wants further clarification on, so we can write a Code that is tailored to our residents.

The decisions that are made at this meeting are not the final draft. This is giving staff direction in the way that residents and Council approve. The Community Development Board (CDB) will have a chance to review at their meeting on the second Wednesday in May. There would be opportunity for public comment again. The first read of the LDC draft in its entirety will be the first Council meeting of the month on June 6. This will be another opportunity for public comment. There will be a Council workshop on June 20 and then the final read on July 5.

**1. Section 27-239, Table 27-239: Side Setbacks in the RC Overlay**

**Presentation of  
Item**

Community Development Director Samantha Brisolara explained the proposed side setback in the RC (Residential Conservation) Overlay is five feet. It is measured from the side of the structure to the property line. The optional language would be to have seven-foot setbacks. The current Code requires seven feet.

Council Comments Councilor Livingston asked how the RC Overlay is defined

Ms. Brisolara remarked that the RC Overlay is specific to east of Third Street. It has specific architectural elements that are required for that area. The idea for the setback is to allow a garage to the side with a 40 or 50-foot lot.

Councilor Livingston commented that she thinks the side setback should be kept at seven feet. The RC Overlay areas is already fighting for space. We need to keep whatever distance between homes that we can for privacy.

Councilor Messinger stated that, as he stated in the last meeting, he believes the setback should stay at seven. It differentiates us from our neighbors to the south. It leaves more space for greenery. We have looked at our tree language and we are protecting trees and encouraging more trees on the property. For this item, it should remain at seven.

Vice Mayor Chin agrees to keep side setback at seven feet. This is something that has already existed. If it is reduced, you start introducing issues that we already face with homes that don't have a seven-foot setback, such as storing garbage cans in front. The law states it should be on the side of your house, but if you don't have any room to do that, then it starts to contribute to a look of blight. It is also good for safety reasons if emergency personnel services need to get to the backside of the house, they won't be able to if we start encroaching on the side yard setbacks. In that case, he would agree with his fellow Councilors.

Mayor Brown remarked that she agrees with staff and Council to leave the setback at seven feet.

Public Comment

Sharon Jachim, 1716 Strand Street, Neptune Beach, stated the overlays are extraneous to our communities and reduces the eclectic charm. She does not know why this is being discussed. She is opposed to any overlay, not only the RC but also the NC Overlay.

David Blais, 800 1<sup>st</sup> Street, Neptune Beach, agreed with Ms. Jachim. He is not sure where the changes came from and it seems like we shouldn't be up here. He agrees the setbacks should be kept at seven feet. We love the way that things are now and anything that is going to allow rampant development and larger houses is not going to make the neighborhood better.

Nicole De Venoge, 617 Oak Street, Neptune Beach, spoke regarding flood control. She added that when greenspace is reduced, we are directly impacting our flood mitigation and resiliency.

Staff Clarification

Ms. Brisolara summarized that seven-foot side setbacks are beneficial for fire safety, enhanced privacy, larger side yards, and reduction of structure size.

The consensus is to keep side setbacks in the RC Overlay at seven feet

## **2.Section 27-239(c)(1): Upper Point of Reference for Building Height**

Presentation of Item

Ms. Brisolara stated that the proposed Code language is The upper point of reference for determining the height of a structure shall be the average of the highest and lowest point on the roof, not including any of the exceptions in subsection (b). Subsection (b) lists church steeples, chimneys, flag poles, water towers, heating and air conditioning units, solar collectors, and similar fixtures (with additional restrictions).

The optional language is the upper point of reference for determining the height of a building or structure shall be the ridge, or highest point of the roof structure excluding all exceptions in subsection (b).

## Council Comment

Councilor Messinger likes the proposed staff recommendation, but his concern is he does not want to encourage all flat roofs. He is okay with not getting into a formula. He asked if there was a mechanism that can allow a little bit more of a point or shape on the roof architecturally speaking. He would also like to see if there is a way to keep building height down and not go outside of the 28 feet, but still allow for character

One of his biggest concerns is seeing a lot of spec homes come in that are just trying to put as much as they can and not being respectful of the community or character of the community.

Ms. Brisolara advised that we can always add a requirement for a sloped roof. The Code currently is 5:12.

Councilor Messinger stated he does not want to prevent someone from being able to build a modern house. There have been beautiful modern houses built in Neptune Beach and they add to our eclectic character. He does not want a Code that forces people more into the modern approach just because that allows them to get their ceiling height when doing calculations. He does not want anything that would compromise the 28-foot building height.

Vice Mayor Chin supports the proposed language from staff which is to simplify where you determine the upper point. He does not want people to be able to try figure out a way to game the system and get as high as they can by using the average calculation language and working around it. In terms of whether or not there is an issue with a flat roof, that may be something that can be controlled by making requirements or through the much demonized form-based code, which is what actually determines what people can build in terms of form and shape. He is fine with staff language as it is. He added that intentions of Councils in the past, especially with the height limit, were to keep as much as possible residential homes, east of Third, at two stories. He can't totally speak for those past Councils, but he thinks that was their intention.

Councilor Livingston stated that this seems to be wrapping up a little bit tighter rather than the general description that we currently have. With the proposed language, we now have a lower point of reference and an upper point of reference. Since we are going through the entire process of rewriting the Code, this is the time to make it tighter.

Ms. Brisolara clarified that currently there wasn't an actual upper point of reference for staff to measure building height. The City was using the ridge because it was the highest point to go to.

Mayor Brown stated that she supports staff recommendation and consistency is what we need.

## Public Comment

Mary Frosio, 1830 Nightfall Drive, Neptune Beach, spoke regarding building height measurement. She stated that we want to be sure our Code prohibits the use of weighted average height calculation. She stated in San Marco, a developer was able to build a 49.5-foot apartment building in a 35-foot maximum height area using weighted average height calculation. She explained with weighted averages, you take the average of several heights. They used some existing buildings that were very, very short.

Jonathan Raiti, CDB member, asked for consideration on how the ground level is being raised.

David Blais, 800 1<sup>st</sup> Street, Neptune Beach, agreed with Council that it is appropriate to leave the height at 28 feet, especially with what is being built now.



Nicole De Venoge, 617 Oak Street, Neptune Beach, stated that a lot of cities are putting in flat roofs to offset the heat island effect. A lot of things should be considered when saying no and look at what's happening around us.

Sharon Jachim, 1716 Strand Street, Neptune Beach, stated the proposals we are looking at don't include the current language. She requested to keep things simple and not require interpretation.

Staff Clarification Ms. Brisolara clarified that to enforce the height limitation, it is more efficient to measure the height to the ridgeline of the structure or highest point of the structure. This ensures consistent measurement throughout the City and there are no loopholes in measurement standard.

**3.Section 27-236(e)(2)-(labeled (c)(2) on p. 38 of draft): Use of Arcades in the CBD (Central Business District)**

Presentation of Item Ms. Brisolara explained that arcades are an architectural option for redevelopment in the Central Business District. The proposed language includes arcades in the CBD. Arcades are a series of arches supported by columns or piers. This provides a sheltered walkway for pedestrians.

Council Comment Vice Mayor Chin stated he already commented to staff he is opposed to having arcades in the CBD. It calls into questions a lot of issues with no insurance and indemnification. There are a lot of risks when there is a private use overhanging the right-of-way. Plus, the way our agreements work is that there are businesses that are leasing the use of the City right-of-way. If we let them overhang a section of building over it and the City takes that back, how would we reclaim that. He thinks we should remove the proposal of arcades.

Councilor Livingston concurred with Vice Mayor Chin.

Councilor Messinger commented as he expressed at the last meeting, it's a hazard. The slippery slope of allowing not just a temporary structure or outdoor seating, but a physical structure that can be multiple stories high to be over the right-of-way, not only just from a utility standpoint, is not a path we want to go down. He is in concurrence with the staff recommendation of removing arcades.

Mayor Brown concurs with her colleagues and staff.

Public Comment None

Staff Clarification Ms. Brisolara provided that arcades structurally hold a second level of building area and it can be very difficult to reclaim something that has a structural building over the top of it, especially in the City's right-of-way. It is difficult to service underground utilities and shallow right-of-way creates more conflict points for malfunction.

**4.Section 27-235(a)(5): Encroachment of Porches and Stoops into Setbacks**

Presentation of Item Ms. Brisolara explained that in the proposed language, porches and stoops are permitted to encroach 10 feet into the front and side setbacks. Optional code language is porches and stoops are permitted to encroach the front setback by five feet. Encroachment on the side setback shall only be 3 feet.

Council Comment Councilor Livingston stated she agrees with the proposed optional language. She commented that if we are talking about encroaching up to ten feet, even though it is a porch or a stoop, the purpose and goal of our quaint community is not taking a lot and covering it with concrete and porch. It is nice to have a yard and greenspace. We need to have as much space between our neighbors as we can.



Councilor Messinger supports the optional language as well. He added that the CDB has approved variances for small porches on the front because they add to the character of the Community and support the neighborly culture.

Vice Mayor Chin stated in the Code it states a porch and stoops could never be enclosed. His concern is someone will build a porch into the setback, and later on have it enclosed, and now they have an interior space violating the setback requirement. He asked if we could say that you cannot ask for a variance for that purpose.

Ms. Brisolara answered that as part of the permitting process, the City can make it a condition of the permit.

Vice Mayor Chin responded he is okay with the language if a condition is applied. He is not so sure that he agrees with the side setback of three feet.

Mayor Brown stated she agrees with what we need the encroachments and setbacks to be for privacy and to protect the neighborhood. She agrees with staff recommendation.

Ms. Brisolara explained that the most someone could go into a setback is three feet.

Vice Mayor Chin expressed that he is not sure he agrees on allowing a side encroachment for a side porch. People have mentioned there are concerns about privacy and noise from neighbors on the side. This would encourage generating noise from the side and he is weary of encouraging something on the side.

Public Comment

Jonathan Raiti, CDB Member, 224 Bowles Street, Neptune Beach, agrees with Councilor Messinger regarding front porches in fostering a neighborly community. He agrees with Vice Mayor Chin on the side setbacks.

David Blais, 800 1<sup>st</sup> Street, Neptune Beach, echoed Vice Mayor Chin's comments that the side would encroach too much and not be fair to neighbors.

Ms. Brisolara asked for a consensus on the side setback.

Vice Mayor Chin proposed striking the encroachment on the side setback.

Councilor Livingston stated that she sees Vice Mayor Chin's point and we should be consistent.

Councilor Messinger he is okay with the language that allows the three feet for functional purposes but it can't be a ground floor structure. He would agree with eliminating the encroachment for a ground structure and things of that nature, but we allow the encroachment for an awning or that type of structure to keep someone out of the rain.

Staff Clarification

Ms. Brisolara explained that encroachment of the entire front setback is not beneficial to property owners or the city, future sidewalk placement could be compromised, visibility issues when pulling into traffic, and allowing for a smaller encroachment provides a buffer to mitigate the issues listed.

**5. Section 27-235(a)(8): Encroachment of Uncovered/Unenclosed Outdoor Structures into Setbacks**

Presentation of Item

Ms. Brisolara explained that she had spoken with Councilor Messinger and since this is for the entire City, the proposed language should stay, which is "uncovered or unenclosed outdoor structures may encroach a maximum of 15 feet into the required rear yard setback but shall be no closer than five feet from any rear property line."

Council Comment Councilor Messinger stated that the proposed language is perfect for the character of the City. The optional language would have created a huge problem in some of the other sections of the City with massive structures being able to spring up.

Vice Mayor Chin concurs and has nothing to add.

Councilor Livingston commented that with some of these sections, we are trying to make it a little too convoluted and that is where the CDB is going to have problems. If we can keep it tight, that is the way to go.

Mayor Brown concurs with her colleagues.

Public Comment None

Staff Clarification Ms. Brisolara summarized that this language refers to outdoor structures for the entire city and mitigates placement of very large structures close to property lines on larger lots west of 3<sup>rd</sup> Street.

**6. Section 27-239, Table 27-239: Lot sizes in R-4 and RC Overlay**

Presentation of Item Ms. Brisolara explained that lot sizes in R-4 and the RC Overlay are proposed as 40-foot lots. She stated the optional code language would be 50-foot lots with a superscript stating that lots 49 feet or less platted prior to November 1, 2021, shall be considered conforming lots. That was the date of the established moratorium.

Staff recommends requiring 50-foot lots but allowing 49-foot and smaller lots be deemed conforming as of the date of the moratorium. The larger lot sizes help to accommodate architectural standards required, provide additional space for off-street parking, and aid in the future reduction in density for the area.

City Attorney Zachary Roth stated that before the moratorium in place, people were subdividing 80-foot lots into two 40-foot lots or 120-foot lots into three 40-foot lots and did so legally under our Code. They had certain investment-backed expectations. Once we put them on notice that we put the moratorium in place and intended to change the lot sizes.

Council Comment Councilor Messinger stated that what Mr. Roth stated is one of the reasons he implemented the lot split moratorium. With what we are addressing with these Codes, we will be able to save a lot of our community character. He is in support of the staff recommendation.

Vice Mayor Chin supports the staff recommendation. He gave a history of the lot size. He reported that many years ago, the City had a minimum lot width of 50 feet in R-4. There were a small number of lots that were smaller at 40 feet. If they wanted to do something on their property, within the zoning requirements, they still had to request a variance because their lot was nonconforming. The Community Development Director back then stated if the lot width was changed to 40 feet, those lots would become compliant. The City did not contemplate people would buy up multiple lots and divide them into many 40-foot lots.

Councilor Livingston stated she agrees with what has been said. There was a lot of lot splitting before the moratorium but we had to go by the way the Code was written.

Mayor Brown stated she concurs with her colleagues.

Public Comment Mary Frosio, 1830 Nightfall Drive, Neptune Beach, stated she is in total agreement and thanked Councilor Messinger for putting the moratorium on lot splitting in place. No one wants to have a house on a 40-foot lot next to them.

Staff Clarification Ms. Brisolara remarked that the standard platted lot size in the RC Overlay is 50 feet. Smaller lots are able to continue to exist as conforming lots with the suggested caveat. It helps reduce the density of the area and allows for additional green space.

**Section 27-239, Table 27-239: Lot Coverage in the RC Overlay**

Presentation of Item Ms. Brisolara reported that the proposed lot coverage in the RC Overlay is 60%. Currently, the lot coverage is 50%. Staff is recommending keeping the lot coverage at 50%.

Council Comment Vice Mayor Chin commented he agrees with the staff. We are dealing with more frequent heavy storm events and resiliency issues. The green space helps to mitigate ambient heat. More green takes away from the heat island effect we would have if we were all starting to concrete up. He reiterated he fully supports staff recommendation.

Councilor Livingston stated it has been at 50% and should stay at 50%. She does not see a reason to change it.

Councilor Messinger remarked that he fully agrees and it should stay at 50%. Not only are we having more frequent, but also heavier storm events which affect our infrastructure. Additionally, when we look at bringing in more trees, this continues to build on that trend by not reducing our coverages. He is in full support of the recommended language.

Mayor Brown is in support of the recommended language.

Public Comment Jonathan Raiti, CDB Member, 224 Bowles Street, questioned earlier drafts and it was going off of gross site area. He asked if that includes that section of the right-of-way.

Ms. Brisolara stated that needs further tightening up. The right-of-way that is included is for new development.

Mr. Raiti likes the idea of 50% just with the caveat to not include that section of right-of-way.

Scott Wiley, 723 Davis Road, Neptune Beach, stated that he agrees with Mr. Raiti and the lot coverage should be your lot and not the right-of-way.

David Blais, 800 1<sup>st</sup> Street, Neptune Beach, agrees with Mr. Raiti and Mr. Wiley.

Staff Clarification Ms. Brisolara reported that RC Overlay is prone to stormwater flooding. The reduction of lot coverage aims to mitigate stormwater on site through pervious surfaces and allows for reduction of building and accessory structure size.

**8. Section 27-239, Table 27-239: Minimum Lot Sizes for Duplexes**

Presentation of Item Ms. Brisolara stated that she had communicated with Councilor Key regarding this. The proposed language is minimum lot size for duplexes shall be 5,000 square feet or 2,500 square feet if fee simple. They may additionally have a lot width of 20' for two fee simple lots.

Optional code language would be minimum lot size for duplexes shall be 8,000 square feet. For fee simple lots, the minimum lot size shall be 5,000 square feet. The minimum lot width for a duplex is 80 feet. Fee simple duplex lots shall have a minimum lot width of 50 feet. All densities for residential uses shall be rounded to the nearest whole number

Ms. Brisolara added that Councilor Key thought that 8,000 square feet was a bit too big and that 6,000 square feet would be okay.



Staff recommends allowing duplexes with larger lot sizes and providing caveats to meet density calculations. Further language may be added in the land use section or non-conforming section (yet to come) to allow for retrofitting of existing duplexes to reducing any created non-conformities due to lot size restraints.

**Council Comment** Councilor Livingston commented that she supports the optional language is more consistent with what we have already been doing.

Councilor Messinger stated there are elements of the optional language he supports and then there are elements of the staff recommendation that he supports. He is for 8,000 square feet to allow two units to be placed, fee simple or otherwise, based on not wanting to increase density. He likes the language where staff says we further language can be added for nonconforming sections. We have a great community that is very eclectic and he does not want to get rid of all of our multi-family structures. He wants people to be able to improve those structures.

Vice Mayor Chin requested Ms. Brisolara to explain what is meant by fee simple.

Ms. Brisolara explained that fee simple means if you have a duplex and one side is owned by one owner and the other side is owned by another person.

Vice Mayor Chin stated we should stay with the 8,000 square feet all the way.

Councilor Messinger suggested we should write the Code so structures can't go fee simple but can make improvements and not be stuck in limbo.

Ms. Brisolara advised the language could be 8,000 square feet minimum lot size with a caveat for 40-foot lot for fee simple for duplexes only.

**Public Comment** Scott Wiley, 723 Davis Street, Neptune Beach, stated that density is a problem and agrees that 8,000 square feet is appropriate.

**Staff Clarification** Ms. Brisolara stated that to promote a reduction in density, duplexes will need to be on larger lots. Current duplexes on smaller lots will be considered conforming based on the lot size caveat of November 1, 2021. Major redevelopment (50% or more of the structure) outside of a natural disaster, would not allow for redevelopment of a duplex on a smaller lot.

**9. Section 27-243(b)(2)e., i., ii: (is labeled 27-243(b)(2)f.,i.,ii. on p. 54 of draft) Garage Setbacks in the RC Overlay**

**Presentation of Item** Ms. Brisolara reported that the proposed language is garages are required to be setback a minimum of 10 feet behind the primary building façade facing the street and sidewalk in the RC Overlay. The optional language is to remove the setback language.

**Council Comment** Councilor Messinger stated he hoped for more options. His concern is we would be losing our character if a home is mostly driveway or garage. He would like some kind of language to address this so First Street does not become a parking lot. He agrees the setback should be changed but this needs to come back to Council with more options so we don't lose our community character.

Vice Mayor Chin commented that he is okay with staff recommendation right now because looking at that section of the proposed language, it is a much more complicated issue than be simply solved in the immediate time. He is not opposed to seeing more options.

Councilor Livingston agrees with the staff recommendation. She is concerned that if we were to put something in there, from here on out, we will see the same thing. She is willing to see other options.

Mayor Brown stated she believes in allowing people to design their own home. There is a lot to do to make it conform and fit to the neighborhood. She supports the staff recommendation.

## Public Comment

Jonathan Raiti, CDB Member, 224 Bowles Street, Neptune Beach, stated that sensitivity to the facts of the marketplace right now. The more options we have, the better.

Chris Goodin, former chair of the CDB, 220 Hopkins Street, Neptune Beach, stated the main thing is character. He added that if we leave everything as it is, our character will change and will not be the eclectic character that we have today.

## Staff Clarification

Ms. Brisolara summarized that the requirement of garage setback encourages "cookie cutter" housing. Removing the garage setback encourages a variety in architectural choice. If a 7-foot setback is applied, having a garage on the side of a home would be difficult without side yard encroachment and too much encroachment violates Florida Fire Codes.

**10. Section 27-243(b)(2)e.,vi. (is labeled 27-243(b)(2)f.,vi. on p. 55 of draft): Garage Doors Visible from Street**

## Presentation of Item

Ms. Brisolara explained that the proposed language is no more than two garage doors shall be visible from the street, and they shall not exceed a maximum width of 9' each, though exceptions for garages meant to accommodate RVs and boat trailers may be allowed a width of 12 feet.

Optional Code language is to remove limitation on number and width of garage doors.

Staff recommends removing the limitations on garage doors, sizes, and types to promote off-street parking and encourage parking residents to park on their property and out of the right-of-way.

## Council Comment

Vice Mayor Chin agrees with the staff recommendation although he is not opposed to looking at additional ideas. He wants to let people build as they need to build depending on their specific context.

Councilor Livingston is open to looking at other language but she thinks it should be left up to what you want. Putting too much restriction removes some of the creativity.

Councilor Messinger stated we do need to protect the City from the cookie cutter spec nature but we need to have more options to look at how we can address some of the concerns addressed. If we don't have something in place, we would fundamentally lose our character.

Mayor Brown supports staff recommendation. She likes seeing the kind of diversity by leaving it up to the owner.

## Public Comment

Mary Frosio, 1830 Nightfall Drive, Neptune Beach, stated it is a balancing act. You are not going to make everyone happy. She thanked Council for all they do.

Mark Waddell, 617 Oak Street, Neptune Beach, agrees with the philosophy of not having cookie cutter houses. His concern is if you remove limitations, you could end up with an enormous garage doors. He doesn't understand how you can not have some sort of limitations.

## Staff Clarification

Ms. Brisolara stated that removal of the language allows for variety and choice. The size and number of garages also leads to housing looking the same ("cookie cutter"). You are unlikely to fit two-car garages on smaller lots and there are existing three car garages in the RC Overlay.

**11. Section 27-226(h): Proposed Addition of Uses to C-1****Presentation of Item**

Ms. Brisolara presented the proposed language as follows: C-1 Proposes to add the following uses: Bed and breakfast; Interior Service Restaurant, Carry-out, and Delivery Restaurants with outdoor seating on private property; Personal Service Establishments; Dance, Art, Dramatic, Gymnastics, Music Studio; Social, Fraternal Club, Lodge, and Union Hall.

Optional language is to remove bed and breakfast; Remove Outdoor Dining on Private and Public Property. Special Exception (means additional conditions): Interior Service, Carry-out, and Delivery Restaurants; Dance, Art, Dramatic, Gymnastics, and Music Studio; Social, Fraternal Club, Lodge, and Union Hall

Staff recommends reducing the intensity of the uses in the C-1 area and only allowing more intense uses by special exception. This will allow staff, the CDB, and City Council to thoroughly vet and review the potential impacts of the use to surrounding areas.

**Council Comment**

Councilor Livingston stated that she thinks that if there is going to be something as a special exception then it needs to be defined. I think that you look at what is appropriate for the location. She doesn't want to see anything that is increasing the C-1 area to a high intensity area. There are things you can do to safeguard that in the special exception. She likes that the outdoor seating was removed. She agrees with the staff recommendation but we need to add more restrictions and have it be clear.

Councilor Messinger agrees with Councilor Livingston. He stated that as it is written is too vague. He wants to encourage positive use while at the same time not allowing late night operations. He requested to come back with the best recommendation that is clear and not ambiguous. We want to make it appropriate for our community. This should be flushed out and come back in a very specific manner versus the vague manner it is currently written in.

Ms. Brisolara pointed out that bars and taverns had been removed previously.

Vice Mayor Chin reiterated he is wary of anything that increases the intensity of the usage, especially in that corridor. It could bring issues with traffic. He is initially opposed to the interior service restaurants. He is interested in Councilor Messinger's request to beef up the language. He would like to see if preconditions so that if you want to apply for a special exception interior service restaurant, you could be forewarned of the restrictions such as business hours, etc.

Mr. Roth confirmed Councilor Messinger's inquiry that if we put those requirements in the Code, this would remove any ambiguity and remove any ability future body to interpret it.

Mayor Brown remarked to leave C-1 alone. She would have to look at the language to see any of the changes.

**Public Comment**

The following speakers addressed Council regarding Item #11, Proposed Additions of Uses to C-1:

Mark Waddell, 617 Oak Street  
Nicole De Venoge, 617 Oak Street  
Darnelle Townsend, 1327 Trailwood Drive  
Joseph King, 517 McCollum Circle  
Steve Hould, 111 Walnut Street  
Bob Harding, 839 4<sup>th</sup> Street  
Monica Marrera, 415 McCollum Circle  
Brett Goddard, 541 Oleander Street  
Shellie Thole, 124 Margaret Street  
Scott Wiley, 723 Davis Street



Jonathan Raiti, 224 Bowles Street  
 David Blais, 800 1<sup>st</sup> Street  
 Matt Wilson, 218 First Street, President, BTC Merchants Association

**Staff Clarification** Ms. Brisolara stated from a planning perspective increase of telework (post COVID) reduces investor drive to fund office spaces diversifying the uses in C-1 promotes city viability; restaurants aid in job creation and community atmosphere. Due to required side setbacks in C-1, no strip malls would be permitted. Special exception allows for additional conditions such as required closing times, enhanced buffering, and other requirements to reduce conflict with neighboring residential uses. The removal of outdoor seating aids in noise abatement.

## **12. Sections 27-226 and 27-245: PUDs in C-1, C-2, C-3, and CBD**

**Presentation of Item** Ms. Brisolara stated that the proposed Land Development Code allows PUDs in C-1, C-2, C-3, and the CBD

Optional code language is to remove the PUD language is its entirety.

Staff recommendation is PUD's can enhance public benefits and allow for unique urban design if utilized and worded properly. Staff recommends removing the PUD language from this iteration of the Land Development Code and preparing a stringent and enforceable PUD section for future addition to the code.

**Council Comment** Councilor Messinger stated that one of the biggest concerns with the PUD was the residential component and how poorly written it was in the past and conflicted with our Comprehensive Plan. We introduced the moratorium as it was causing problems. They allow greater restrictions and creativity. He is in favor of the staff recommendation by keeping the PUD because of how it is written now.

Vice Mayor Chin commented that he was under the impression that there are places that would be considered PUDs and if we remove the PUD language, we would lose control of those properties. Ms. Brisolara stated there were no PUDs.

Vice Mayor Chin stated he is fine with the staff recommendation. We should take the time to get something that is super tight and add more to the public benefit.

Councilor Livingston stated she agrees with staff recommendation and tighten up the public benefit section.

Mayor Brown supports staff recommendation. She is against the PUD language as it has been. She would like to see the language that is coming forward.

**Public Comment** Nicole De Venoge, 617 Oak Street, Neptune Beach, stated that in terms of the PUD we are opening ourselves up to a lot of issues. The community would like more clarification.

Brett Goddard, 541 Oleander Street, Neptune Beach, stated that a PUD can be a useful tool and can also be a problem when a Council or staff does not pay attention. It should not be encouraged in this rewrite.

Scott Wiley, 723 Davis Street, Neptune Beach, stated we need to remove the PUD and he agrees with staff to look at it and bring it back later.

Mary Frosio, 1839 Nightfall Drive, Neptune Beach, stated the reason for the lawsuit with 500 Atlantic, was it was poorly written. She spoke regarding having a PUD without residential. She said she is satisfied as there will not be residential in the PUD.

Staff Clarification Ms. Brisolara stated that regarding the PUD, no residential components shall be allowed in Neptune Beach. Public benefit equals valuation of variance. Public benefits can be sidewalk installation, upgraded stormwater mitigation, and additional shade trees, benches, bicycle racks throughout the city.

Removal of the language in its entirety can be done and revisited in the future, but it is recommended that the PUD language be allowed for a public benefit option that is not as easily achieved through special exception

Final City Council Comments Mayor Brown thanked everyone that came forward and showed their concern for Neptune Beach and the quality of life.

City Manager City Manager Stefen Wynn reminded everyone of the Stormwater Study Open House with consultant Jones Edmunds scheduled for Wednesday, March 30, 5:00 p.m., in Council Chambers.

Adjournment There being no further business, the Special Meeting adjourned at 9:01 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City Clerk

Approved: 5-2-2022

