



MINUTES
COMMUNITY DEVELOPMENT BOARD
January 10, 2018 AT 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held January 10, 2018 at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Christopher Goodin, Chair
Ryan Dill, Vice-chair
Bob Frosio, Member
Tony Mazzola, Member
Diana Kelly, Member
Alan Martin, Member
Aaron Evens, Member

Vice-Mayor Wiley, Nia Livingston and Colin Moore, alternate members, were also in attendance.

The following staff members were present:

Amanda Askew, Deputy City Manager and Community Development Director
Piper Turner, Administrative Assistant to the Building Official

Call to Order/Roll Call

Chair Goodin called the meeting to order at 6:00 p.m.

Minutes

Made by Evens, seconded by Martin.

MOTION: TO APPROVE THE DECEMBER 13, 2017 MINUTES AS SUBMITTED.

APPROVED BY CONSENSUS

MOTION CARRIED

CDB 18-01
Replat of Lots 5,6
& 7 Blk 29 of
Florida Beach
Prado Ferrer 2

CDB 18-01 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Marsh Point Properties, LLC for the properties known as 0 Rosewood Dr, 0 Bartolome Rd Lots 5, 6 & 7 Block 29 of Florida Beach Plat No. 2 (RE# 173402-0000 and 173400-0010). The applicants are requesting to subdivide 3 existing lots into 4 lots.

Mr. Walker Mason, representing the property owner addressed the board. He stated there are 3 lots and is request a replat to create 4 lots with a minimum width of 40 feet each.

Mrs. Askew, Deputy City Manager, stated the lots are in the R-4 zoning district south of Pine Place and east of Waters Edge Rd. The proposed lots meet the standards and have a minimum of 4356 square feet each. This is raw land and the code requires the developer to install all improvements including the utilities, drainage and road.

Chairperson Goodin opened the floor for public comments.

Bob Zimper, 2545 Waters Edge Rd, inquired if a traffic study would be done. He is concerned that more traffic would use Waters Edge which is a private road.

There being no comments, the public hearing was closed.

Made by Evens, seconded by Frosio.

MOTION: TO APPROVE CDB 18-01 TO REPLAT LOTS 5, 6 AND 7 AS SUBMITTED.

Roll Call Vote:

Ayes: 7-Mazzola, Frosio, Kelly, Martin, Evens, Goodin

Noes: 1-Dill

MOTION APPROVED.

The applicant was informed that the request for replat would be forwarded to City Council for their final review on Wednesday February 5, 2018 at 6:00 and that they should attend that meeting.

CDB V18-02
525 Pine St
Andrew Davis

CDB V18-02 Application for variance as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Andrew Davis for the property known as 525 Pine St. (RE# 172489-0000). They are seeking a variance from section 27-329 for a pool to be construction in the front yard (5th St.) on a corner lot.

Mr. Davis, property owner, stated they would like to add a swimming pool area to the west side of the property. They have 2 front yards and the pool would be fenced.

Mrs. Askew, state that this is a corner lot at the southeast corner of Pine and 5th Street. 5th Street is 90 feet wide and Pine St. is 100 feet wide with the house facing Pine. There is a fence on the 5th Street right-of-way that will have to be removed from the city's property onto the owner's property.

Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

STATEMENT 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.

Martin: This is a corner lot.

Frosio: They live on a corner lot with 2 "front yards". They should be able to position the pool in the side yard.

Kelly: Other corner lots in NB would have similar requests.

Evens: Existing mailbox orientation, etc. suggests it isn't front yard.

Dill: Side yard/front yard circumstance due to the unique nature of corner lot and

house is set back on parcel. Creates large space that is not usable in "fair" manor unless allowing for variance.

Mazzola: There is no unique hardship.

Goodin: Property built with Pine St. being front yard.

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

Martin: The back side yard is considered the best location of this pool.

Frosio: This is reasonable use.

Kelly: Has minimum necessary.

Evens: Minimum for a pool.

Dill: Minimal adjust.

Mazzola: It is the minimum.

Goodin: Minimal impact.

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

Martin: No effect of other properties.

Frosio: A pool does not affect the public nor adjacent properties.

Kelly: Would not affect adjacent properties.

Evens: Will not.

Dill: Enhancement and likely increase value.

Mazzola: May impact properties on 5th St. negatively.

Goodin: Fenced & further from neighbors.

4. The proposed variance will not substantially diminish property values in or alter the essential character of the area surrounding the site.

Martin: Property value would not be affected.

Frosio: It will improve property values.

Kelly: Yes, it will not diminish property values.

Evens: Will not. Twin/same character/pool orientation few houses down.

Dill: See # 3.

Mazzola: There is potential to diminish property value along 5th Street.

Goodin: Similar to surrounding areas/fenced.

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.

Frosio: In harmony.

Kelly: Yes, it is in harmony.

Evens: Is in harmony with INTENT of code.

Dill: Intent is consistent w/city plan.

Mazzola: It is in harmony with the ULDC.

Goodin: Consistent.

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 provisions from which relief is sought.

Martin: 1960's development. Code changed property grandfathered as is.

Frosio: The house was built on a corner lot

Kelly: Yes, it was being created by owner. They desire pool.

Evens: Result of house orientation.

Dill: Builder set home back property built before many codes w/side yard.

Mazzola: The needs has been created by the applicant. The can be placed entirely in the back yard.

Goodin: /code changes created hardship/variance.

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.

Martin: Only pool and associated structure for the safe use of the pool.

Frosio: Other examples in Neptune Beach.

Kelly: It will confer privilege allowing other corner lot owners to apply.

Evens: No special privilege. Same as others on the street.

Dill: Unique to these side yards.

Mazzola: It will give the applicant special privilege.

Goodin: No special privilege.

CONCLUSION ON REQUIRED FINDINGS
PURSUANT TO SEC. 27-147, ORDINANCE CODE

Sec. 27-147(1)	Positive 5-2
Sec. 27-147(2)	Positive 7-0
Sec. 27-147(3)	Positive 5-2
Sec. 27-147(4)	Positive 5-2
Sec. 27-147(5)	Positive 7-0
Sec. 27-147(6)	Positive 6-1
Sec. 27-147(7)	Positive 5-2

Made by Evens, seconded by Frosio.

MOTION: TO APPROVE THE FINDING OF FACTS.

APPROVED BY CONSENSUS

MOTION CARRIED

Made by Evens, seconded by Frosio.

MOTION: TO APPROVAL VARIANCE REQUEST V18-02.

Roll Call Vote:

Ayes: 7-Evens, Kelly, Frosio, Martin, Dill, Goodin

Noes: 1- Mazzola

MOTION APPROVED, AND VARIANCE REQUEST GRANTED.

CDB 18-03 Special
Exception for Outdoor
Seating & Pre.
Development Order
and Southcoast
Capital/Island Cigar
Bar 108 First St

Mr. Robert Feidnt, owner of Island Cigar Bar, addressed the board. Requesting to add a rooftop bar. Customers like rooftop bars and want to be able to see the ocean. The second story of 100 First Street use to be open to the customers and has since been closed in. Have contracted with the valet service to lease 6 spaces in the Bank of America parking lot for the additional parking demand.

Mrs. Askew stated the outdoor addition will be elevated 5 feet above the roof structure and equipment. About half of the structure will be covered and the other will be open.

The uncovered portion will be closer to First St. This addition will increase the number of seats which does increase the number of required parking spaces by 8. An elevator would be installed, and a handicap restroom constructed on the rooftop.

Chair Goodin opened the floor for public comments.

Chris Polidoro, owner of Doro restaurant, supports the concept.

The board discussion:

The board has approved outdoor seating in the past with the condition of no smoking at this same business previously. The no smoking requirement was the area is at the Mezza Luna restaurant's entrance.

The increased seating would allow for the sale of liquor. The board asked Mrs. Askew to address this. If the business derives 51% or more of their sales from liquor, then they would be considered a bar. The code prohibits bars within 800 feet of churches, schools or other established bars.

There were safety concerns about the use of glass, ashes and parking as well as music being heard by the neighbors.

Mr. Feidnt agreed to the use of plastic ware on the upper floor and stop outdoor music at 10:00 pm.

There being no comments, the public hearing was closed.

STATEMENT OF FACTS

- 1) The proposed use is consistent with the comprehensive plan.

Martin: CBD expansion of existing property.

Frosio: Roof top is allowed.

Kelly: Consistent w/comp plan.

Evens: ULDC.

Dill: Consistent w/plan.

Mazzola: The application is consistent with the comp plan.

Goodin: Consistent & added value.

- 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.

Martin: Over the business already then roof top view.

Frosio: Yes, these are all met.

Kelly: Consistent.

Evens: Are 2nd story commercial services in same area.

Dill: Similar to North Beach addition roof top seating likely an enhancement to the CBD.

Mazzola: No other establishments have roof top seating. Other applicants have been denied.

Goodin: Similar in character and allowed per code.

- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community.

Martin: Safety. No glass used upstairs.

Frosio: Being elevated, no environmental impact.

Kelly: It could propose safety issue.

Evens: Minimal-no glass.

Dill: No.

Mazzola: No significant environmental impact.

Goodin: So long as glass & amplified music not on property.

- 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.

Martin: Meets guidelines of current code.

Frosio: Parking requirements are met. Elevated so pedestrian movement is not a concern.

Kelly: Safety issue potential.

Evens: Will not with 50% parking reduction.

Dill: Increased vehicles.

Mazzola: No detrimental impact.

Goodin: Same parking spots as previously shown.

- 5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.

Martin: CBD zoning area.

Frosio: No detrimental effect.

Kelly: Other owners could propose roof top venues

Evens: Will not. 2nd stories may be the future.

Dill: Addition to building likely upgrade. More revenue +.

Mazzola: No impact on future development.

Goodin: Similar to other properties in size.

- 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.

Martin: No amplified music after 10pm.

Frosio: No issue with it being roof top.

Kelly: Noise if not complied.

Evens: Should not. No amplified music after 10.

Dill: More traffic with current lack of parking in overall Town Center.

Mazzola: This application has the potential to be a significant safety issue.

Goodin: Odors from cigars.

- 7) The proposed use would not overburden existing public services and facilities.

Martin: Existing were available.

Frosio: Meets requirements.

Kelly: Would not overburden.

Evens: Minimal impact.

Dill: Burden to facilities parking issue.

Mazzola: Yes.

Goodin: Has parking per code.

- 8) The proposed use meets all other requirements as provided for elsewhere in this Code.

Martin: Yes.

Frosio: Meets all.

Kelly: Meets code.

Evens: Meets code.

Dill: As presented.

Mazzola: Meets all requirements.

Goodin: Meets code.

CONCLUSION ON REQUIRED FINDINGS
PURSUANT TO SEC. 27-160, ORDINANCE CODE

Sec. 27-160(1)	Positive 7-0
Sec. 27-160(2)	Positive 6-1
Sec. 27-160(3)	Positive 5-2
Sec. 27-160(4)	Positive 6-1
Sec. 27-160(5)	Positive 7-0
Sec. 27-160(6)	Positive 4-3
Sec. 27-160(7)	Positive 5-2
Sec. 27-160(8)	Positive 7-0

Made by Dill, seconded by Evens.

MOTION: TO APPROVE THE FINDING OF FACTS WITH THE CONDITIONS THERE WILL BE NO AMPLIFIED MUSIC AFTER 10:00 PM AND NO GLASSWARE WILL BE USED ON THE SECOND FLOOR.

APPROVED BY CONSENSUS

MOTION CARRIED

Made by Evens, seconded by Frosio.

MOTION: TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION FOR OUTDOOR SEATING FOR CDB 18-03 APPROVAL TO THE CITY COUNCIL WITH THE CONDITIONS THERE WILL BE NO AMPLIFIED MUSIC AFTER 10:00 PM AND NO GLASSWARE WILL BE USED ON THE SECOND FLOOR.

Roll Call Vote:

Ayes: 4-Evens, Kelly, Frosio, Martin

Noes: 3-Mazzola, Dill, Goodin

MOTION APPROVED.

Made by Dill, seconded by Frosio.

MOTION: TO APPROVAL THE PRELIMINARY DEVELOPMENT ORDER FOR A COVERED ROOF TOP DECK AND OUTDOOR SEATING FOR CDB 18-03 AND RECOMMEND APPROVAL TO THE CITY COUNCIL AS SUBMITTED.

Roll Call Vote:

Ayes: 6-Evens, Kelly, Frosio, Martin, Mazzola, Goodin

Noes: 1-Dill

MOTION APPROVED.

The applicant was informed that the special exception and development request would be forwarded to City Council for their final review on Wednesday February 5, 2018 at 6:00 and that they should attend that meeting.

Open Discussion Board training is scheduled for January 24, 2018 and the next regular meeting will be Feb. 14, 2018 at 6:00p.m.

Adjournment There being no further business, the meeting was adjourned at 7:12 p.m.

Chairperson Christopher Goodin

ATTEST:

Piper Turner, Board Secretary Date