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|  | **MINUTES****COMMUNITY DEVELOPMENT BOARD****OCTOBER 14, 2020 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 on October 14, 2020 at 6:00 p.m. in the Council Chambers. |
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| Attendance | Board members were in attendance: Christopher Goodin, Chair Ryan Dill, Vice-Chair Aaron Evens, MemberW. Jeremy Randolph, MemberBob Frosio, MemberNia Livingston, MemberGreg Schwartzenberger, Alternate MemberMr. Raitti attended the meeting via the internet. |  |
|  | The following staff members were present:Stefen Wynn, City Manager |
|  |  | Zachary Roth, City AttorneyKristina Wright, Community Development DirectorPiper Turner, Code Compliance Supervisor |
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| Call to Order/Roll Call | Chair Goodin called the meeting to order at 6:00 p.m.  |
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| Disclosure of ex-parte communications | Mr. Frosio, Mr. Schwartzenberger and Mr. Goodin disclosed they received emails concerning application V20-09 for 241 Atlantic Blvd. Chairperson Goodin also disclosed that he would be recusing himself from application V20-08 for 98 Walnut Street due to a working relationship of the property owner.  |
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| Minutes | Made by Livingston, seconded by Randolph. |
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| **MOTION:** | **TO APPROVE SEPTEMBER 16, 2020 MINUTES AS AMENDED.**  |
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| Roll Call Vote: |
|  Ayes: |  6-Randolph, Schwartzenberger , Livingston, Frosio, Dill, Goodin |
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| Noes: |

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| **MOTION CARRIED** |

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| Proposed Ordinance 2020-11Allowable Uses & Definitions for Microblading, Permanent Cosmetics, Micropigmentation and Similar Care Services as tattoo artistry  | Proposed ordinance amending Chapter 27, Unified Land Development Regulations; Article IV, Land Use; Sections 27-226(i)(2)(f) and 27-226(j)(2)(e)-Allowable uses within zoning districts (add Microblading, Permanent Cosmetics, Micropigmentation and similar care services to be considered as tattoo artistry as regulated by FL 381.00771-381.00791 and Chapter 64E-28 of the Florida Administrative Code yet restricting tattoo artistry that is not specific to permanent cosmetics, where microblading is incorporated as a supplemental yet permitted use in the zoning district in which personal services including beauty salons are a permitted use in C-2 and C-3 zoning districts) and Section 27-15-Definitions adding definition of microblading and permanent cosmetics. |
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|  | Kristina Wright, Community Development Director, explained that Ordinance 2020-11 Microblading and Permanent Cosmetic Artistry is a request to amend Chapter 27, Unified Land Development Regulations; Article IV, Land Use; Sections 27-226(i)(2)(f) and 27-226(i)(2)(e)-Allowable uses within zoning districts (add Microblading, Permanent Cosmetics, Micropigmentation and similar care services to be considered as tattoo artistry as regulated by FL 381.00771-381.00791 and Chapter 64E-28 of the Florida Administrative Code yet restricting tattoo artistry that is not specific to permanent cosmetics, where microblading is incorporated as a supplemental yet permitted use in the zoning district in which person services including beauty salons are a permitted use in C-2 and C-3 zoning districts) and Section 27-15-Definitions adding definition of microblading and permanent cosmetics.There is demand within the community to provide microblading and permanent cosmetic artistry at beauty salons and personal service establishments to best serve anyone who’s quality of life would be enhanced by microblading and permanent cosmetic artistry. Currently, the LDC prohibits tattoo establishments, and the Florida Department of Health requires Microblading and permanent cosmetic artistry is considered a form of tattooing within the State of Florida. The practice of tattooing in Florida requires licensure as a tattoo artist and microblading must occur within a licensed tattoo establishment. As such, a text amendment to the LDC to allow a specific form or tattoo artistry that only includes microblading and permanent cosmetic artistry via Ordinance 2020-11 is necessary to provide the specific path forward to allow microblading within beauty establishments while continuing to prohibit establishment devoted to tattoos that are not restricted to microblading and permanent cosmetic artistry. As a result, the definitions have been amended to clarify this distinction within Appendix “B” and the allowable uses were updated within the Commerical-2 (C-2) and Commercial-3 (C-3) zoning districts as indicated within Appendix “A.”  |
|  | Chairperson Goodin opened the floor for public comments. |
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|  | Cheryl Diss, 12651 Enchanted Hollow Drive Jacksonville, spoke about the need to microblading for cancer patients. She is the owner of All About You Cosmetics and does microblading for cancer patients. It helps to rebuild their confidence. They can feel good about themselves. Elizabeth Smith, 1225 Atlantic Blvd Neptune Beach, franchise owner for My Salon Suites stated that My Salon Suites has 35 individual suites and is the largest in Florida. We have added a small area which has been designated as a quiet zone. There are a lot of women out there know have gone through chemotherapy and everything changes. Your skin changes and hair change and falls out sometimes not to return or it comes back gray and wiry. We appreciate your consideration.  |
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|  | There being no further comments, the floor was closed.  |
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|  | Made by Randolph, seconded by Dill .  |
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| **MOTION:** | **TO RECOMMEND APPROVAL TO CITY COUNCIL FOR PROPOSED ORDINANCE 2020-11 FOR ALLOWABLE USES & DEFINITIONS FOR MICROBLADING, PERMANENT COSMETICS, MICROPIGMENTATION AND SIMILAR CARE SERVICES AS TATTOO ARTISTRY AS SUBMITTED.** |
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| Roll Call Vote: |
| Ayes: | 6-Randolph, Schwartzenberger , Livingston, Frosio, Dill, Goodin |
| Noes: | 0 |
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| **MOTION APPROVED.**  |
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|  | The applicants were informed this would be forwarded to City Council and that two reads would be required. The next Council meeting would be on November 2, 2020 at 6:00 pm and that they are welcome to attend that meeting. |
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| Special Exception & Preliminary Development Permit Neptune Square LV, LLC & Seminole Shoppes, LLC 628 Atlantic Blvd Suite #1Outdoor Seating/Dining | CDB20-03SE Application for a special exception and preliminary development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for the property owner Neptune Square LV, LLC Et AL/Seminole Shoppes LLC. The request is to add a covered outdoor seating/dining area on private property in front of the property known as for 628 Atlantic Blvd. Suite #1 (RE# 172394-1700) per Section 27-226(j)(3)b-Allowable uses within zoning districts. |
|  | Kristina Wright, Community Development Director, stated : Outdoor seating areas have |
|  | become increasingly popular as a result of the current COVID-19 pandemic. The applicant is proposing to construct a 16’ by 31.19’ covered seating area within a 33.69’ by 18.5’ space using 3 extra parking spaces within the front of 628 Atlantic Boulevard, Suite #1. The LDC allows outdoor seating as a special exception within the C-3 Zoning District per Section 27-226(j)3(b). The subject property, as well as the overall property owned by the same property owners, contains an excess of parking. The applicant is proposing to construct an outdoor seating area with additional planter boxes while preserving the existing palm tree to provide a shaded fresh air open space for outdoor seating. The location of the request is the former Smashburger site and is in front of the Publix and is west of the Kentucky Fried Chicken restaurant. **Section 27-160 Required Findings Needed to Recommend a Special Exception:**1. **How the proposed is consistent with the comprehensive plan:** *The proposed outdoor seating is consistent with the goals, objectives and policies of the comprehensive plan and is consistent with the current implementation of the comp plan.*
2. **Indicate how the proposed special exception (use) would be compatible with the general, considering the population density; the design, density scale, location and orientation of existing and permissible structures in the area; property values; and location of existing similar uses.** *The proposed outdoor seating is compatible with the general character of the area and is consistent with the commercial designation on the future land use map. Typical uses along the corridor include retail shopping centers, restaurants with drive through facilities and outdoor seating, and other intensive uses. The design is consistent with businesses located in the same shopping center and others along the corridor. The orientation of the building and outdoor seating area is appropriate for the location when considering the existing uses in the area and property values.*
3. **Indicate how the proposed special exception (use) would not have an environmental impact inconsistent with the health, safety and welfare of the community.** *The proposed outdoor seating would NOT create environmental impacts that would be inconsistent with the health, safety, and welfare of the community. There are several such uses along the corridor which have shown to be a very desired use in the beach community.*
4. **Explain how the proposed special exception (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.** *The proposed outdoor seating would NOT cause conditions that would have a detrimental effect on vehicular traffic, pedestrian movement or parking that is inconsistent with the health, safety and welfare of the community. A railing will separate the outdoor seating from traffic and parking. The ADA route for the shopping center will not be affected by this modification to the property.*
5. **Explain how the proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.** *The proposed use would not have a detrimental effect on the future development of the area. The outdoor seating will add to the vibrancy along the corridor and promote a beneficial business environment.*
6. **Indicate how the proposed use would not overburden existing public services and facilities**. *The proposed outdoor seating would not overburden existing public services and facilities. All public services were accounted for in the current permitted facility and are available to the property without affecting adjacent properties. A variance was previously obtained for the shopping center to exceed the maximum parking provided, so the loss of 3 parking spaces will not affect the function of the property.*

**Explain how the proposed use meets all other requirements as provided for elsewhere Chapter 27.** *The current facility has been permitted and shown to meet all other requirements of the ULDC and Chapter 27* |
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|  | Staff recommends approval of application CDB20-03SE for 628 Atlantic Blvd. Suite1. |
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|  | Mr. Roth asked anyone appearing before the board to raise their right hand to be sworn in. |
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|  | Wade Olzeweski, representing Regency Centers addressed the board and stated Staff had done a great job covering the project. Excited about bring a new business to the area and outdoor seating adds to the view of Neptune Beach. |
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|  | Board questions for Mr. Olszewski: Will the outdoor seating be a permanent structure? Yes, it will be built to be permanent structure and will meet the wind and building codes. Is there a drive thru planned? No, there will not be a drive thru. Chairperson Goodin opened the floor for public comments. There being no comments, the hearing was closed.  |
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|  | Board Discussion: Outdoor seating is a great idea and goes with the Beach community.  |
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|  | Made by Frosio, seconded by Randolph.  |
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| **MOTION:** | **TO APPROVE CDB20-03SE FOR A SPECIAL EXCEPTION FOR OUTDOOR SEATING AND DINING AT 628 ATLANTIC BLVD SUITE 1 AND RECOMMEND APPROVAL TO CITY COUNCIL AS SUBMITTED.** |
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| Roll Call Vote: |
| Ayes: | 6-Randolph, Schwartzenberger , Livingston, Frosio, Dill, Goodin |
| Noes: | 0 |
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| **MOTION APPROVED.**  |
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|  | The applicants were informed their application would be forwarded to City Council for their final decision on November 2, 2020 at 6:00 pm and that they should attend that meeting. |
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| V20-09 Variance Application for Southcoast Beaches II, LLC/Jax Surf & Paddle 241 Atlantic Blvd Ste 102 | V20-09 Application for variance as outlined in Chapter 27, Article 3 Division 8 of the Unified Land Development Code of Neptune Beach for the property owner Southcoast Beaches, II, LLC and tenants Jax Surf and Paddle, LLC. Variance request to Special restrictions and conditions on allowable uses within zoning districts Sections 27-227(6)(1), 27-227(6)(2) & 27-227(6)(3). The request is to enclose a space of the City’s right-of-way adjacent to 241 Atlantic Blvd Suite 102 (RE#172787-0020) in order to extend their retail offerings. |
|  | Kristina Wright, Community Development Director, stated that application V20-09 for 241 Atlantic Blvd. Suite 102 is a request for a variance that seeks to provide relief from Section 27-227(6)(1), 27-227(6)(2) and 27-227(6)(3) to enclose a space on the City’s right-of-way in order to extend their retail offerings.  |
|  | Many businesses have been impacted by the COVID-19 pandemic, and outdoor retail and display areas can help attract additional commerce. However, according to Section 27-227 Special Restrictions and Conditions on Allowable Uses within Zoning Districts, Outdoor sales require applying annually for a permit that is approved by the City Manager or designee (Sec. 27-227(b)6(a)). The LDC also states that the outdoor sales and the outdoor display area must be on private property, cannot occur in the right-of-way, and the outdoor sale display area cannot exceed one hundred fifty (150) square feet (Sec. 27-227(b)6(a)1-3). Additionally, an ADA path must always be kept clear and maintained, and items outdoors can only be displayed during the hours when the business is open to the public (Sec. 27-227(b)6(a)4-6). 1. **Explain the proposed relief being sought from the code(s):** *Jax Surf & Paddle LLC (”JSP”) is seeking a variance to allow it to lease and utilize a portion of the City’s right-of-way on the North-facing front exposure of its premises. A sketch of the proposed space for lease is attached hereto. JSP desires to utilize the area to extend its retail offering and increase its floor space to allow accommodations to social distancing and other COVID-19 considerations for heath and public safety.*
2. **Explain the purpose of the variance (if granted)?** *JSP desires to lease sidewalk space to the north of its store, to enclose the area as appropriate with a fence and to utilize the space to offer its retail products and apparel in the space. At present, while the City allows food and beverage sales to occur on the City’s property, the City’s Municipal Code does not allow for retail sales to be conducted in a similar manner.*

However, staff asserts that the code does allow outdoor retail sales displays, but applications must meet the criteria established within 27-227 Special restrictions and conditions on allowable uses within zoning districts. 1. **Based on the required findings needed to issue a variance in Section 27-147 explain the following (Attach additional Sheets as necessary**
2. **How does your property have unique and peculiar circumstance, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel ant shared by other property owners. The hardship cannot be created by or be the result of the property owner’s action.**

*The property has a zero-lot line, which makes it impossible for JSP to otherwise extend any degree of its business outside its immediate footprint. It is JSP’s belief that there are very few, if any, other retail shops in the CBD that have a similar hardship or limitation. The property is Zoned CBD. It is intended for retail use and essentially cannot be utilized for any other purpose due to seating and parking limitations that cannot be changed.**Also, while not directly attendant to the property, the CDC guidelines relating to COVID-19 have impacted and limited the use of the property because of distancing and other concerns. JSP had to reduce its retail items in the store to allow wider channels for customers to move about the store. To allow the retail space to expand to the outside would allow JSP to continue to ensure the health and welfare of its customers while also displaying its full product offering as was previously done.*1. **How is the proposed variance the minimum necessary to allow reasonable use of the property?**

*To utilize the additional space for retail, JSP requires not only the space for its retail display, but also to maneuver the retail display out in the morning and back into the store in the evening, and to allow for its customers to come have access and move around its displays.*1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.**

*Hawkers Restaurant is the only neighbor that could potentially be adversely affected. Hawkers’ management is supportive of JSP proposed variance. The proposed additional space essentially matches the space that Hawkers leases for the City.**The public will not be adversely affected in that the sidewalk on the northside of the building is sufficiently wide to accommodate the JSP lease and enclosure and still leave plenty of room for general foot traffic. Moreover, the addition of the enclosure will add aesthetic appeal to the prominent corner.*1. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.**

*The NB CBD is intended to be a pedestrian-friendly area with local shops and restaurants. The proposed variance will allow JSP to lease and enclose space that would match its neighbor’s fence and enclosure. In the area, it will display its beach-related items, including paddleboards and surfboards and other items as are appropriate. The intended use will not diminish property value and will enhance the character of the area.*1. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.**

*The ULDC’s primary objective is to ensure that future development within the city will enhance the quality of life for the community. JSP’s plan to lease and maintain the outdoor area is directly in line with the ULDC by following the high standard of construction present in the central business district and conforming to the use of public right-of-way leased by Hawkers. This plan is both visually appealing and will allow for uniformity along the south side of Atlantic Blvd.*1. **Explain how the need for the proposed variance has been created by you or the developer?**

*The need for the variance was largely created by the “new normal” associated with the coronavirus pandemic. In response to the CDC guidelines, JSP removed products and offering from its retail floor. The new space would allow JSP to replenish its retail offering while also maintaining appropriate distance and spacing.*1. **Indicate how granting of the proposed variance will not confer upon any special privileges that is denied by the code to other lands, building or structure in the same zoning district.**

*As noted, in the CBD, there are very few, if any, other retail-focused business that have a zero lot-line, as such, JSP is not aware of any other similarly situated businesses that would desire or need a similar variance.* |
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| Staff recommends approval of applicationV20-09 with conditions. 1-The City Manager must approve the annual permit prior to the installation. 2-Installation shall be of a temporary nature and must be removed before the close of business each day. 3-The outdoor area must be reduced in size to a maximum of 150 square feet to adhere to the LDC. 4-The outdoor area is restricted to retail sales only.  |
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| Mr. David Burns, attorney representing the applicant, addressed the board. Jax Surf & Paddle was funded in 2009 and have 2 spaces in Neptune Beach. They do rentals and surf camps out of Orange Street location and retail on Atlantic Blvd. There are 3 core income sources for them, retail, rentals and lessons including summer surf camp. COVID has devastated their surf camp and surfboard rentals portions of the business. They had to reformat the way they ran summer camp including increasing staff. They were shut down for a period of time. Trip Advisor has rated Jax Surf and Paddle the number one thing to do in Neptune Beach and were in an article in the Atlantic Journal-Constitution last week. Agree with the recommendation of Staff to reduce the size to a maximum of 150 square feet. The one point to consider is number two relating to the installation being of a temporary nature, the proposal is something that would be utilized every day. Their intent of the proposal is to expand the retail space in order to allow for flow and ingress and egress. They propose something permanent in nature that would match Hawkers in terms of appearance, presentation but also take elements from across the street at the Coop with the planter boxes. It would be something that would be esthetically pleasing to encourage pedestrian traffic and visitors. Number 2 that it be temporary in nature defeats a lot of that.  The intent of the application is to increase the flow and allow for expanded retail space, to require Jax Surf and Paddle to set up the external space each day, each morning in and bring it inside each night, would really require additional space within the premises to be set aside for storage of whatever retail items would be used in the presentation.  |

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|  | Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed. |
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|  | Board Discussion and questions for the applicant:  |
|  | Ms. Livingston: Thinks local businesses are suffering, however at the same time is optimistic that COVID will not be forever and has a hard time agreeing to a permanent structure. Asked if there would be coffee, beer and wine and tables in the area? Mr. Burn stated that this would be an extension of the retail experience. No seating is to be provided. Chair Goodin: 1-How far will it be extended? Will it be in line with Hawkers and are you willing to reduce the size to make to increase walkability on the west end at the corner? Mr. Burns: Yes, they are willing to work with the City. 2-What type of items will be offered? Long and surf boards and beach merchandise. Generally, not your 3 for $10 t-shirts. He feels of the shop is higher end. You could extend into the sidewalk a bit without impacting ingress and egress foot traffic. |
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|  | Questions for Staff: Mr. Randolph asked it the 150 square feet is a solid number based on the size of the establishment? Ms. Wright stated the 150 square feet is a permanent number for everyone and is established by the code. Mr. Dill: How do we measure the sidewalk being left from? What would the be standards we consider when we are reviewing this that we confirm that there is signicant room left? It is very tight. Ms. Wright stated that ADA requires a minimum of 5 feet.  |
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|  | Ms. Wright explained the difference in the lease and Hawker’s next door. Hawkers is a restaurant and the code does allow for a restaurant to apply for a special exception for outdoor seating area. Tn this case, they are applying for possibly obtaining a variance based on retail sales. This is not a restaurant asking for an outdoor seating area. This is a retail establishment asking for an outdoor retail sales area. The items for sale would need to be taken inside each night, the fence will need to be address with the lease agreement. There is still another level of approval within the lease agreement. This to be reviewed on an annual basis.  |
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|  | Mr. Wynn, City Manager, explained that there would have to be a written development agreement with the City, since the applicant would be leasing the space on the right-of-way from the City. That lease would detail the lease amount, the use of the space, ADA compliance, city liability. Ultimately, we are looking at allowing JSP a variance for retail sales. The displays have to be temporary in nature. Don’t know what the intent of putting a fence around the retails space would be. Jafee’s across the street brings clothes out a rack and then takes it back inside at night but that is on private property so there is nothing wrong with that. If you bring merchandise outside the issue is ADA. If somebody can’t get a wheelchair through the City runs into the risk that we are responsible. As the City Manager, the onus is placed on me to make a lease agreement that will work and the idea of that it is temporary in nature and reviewed in a year helps. It me the definition of temporary means it does away every night including the fencing that could collapsed. This is a lease and is not free. The City charges for all lease spaces. |
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|  | Made by Livingston, seconded by Schwartzenberger .  |
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| **MOTION:** | **MOVE TO RECOMMEND APPROVAL TO CITY COUNCIL OF VARIANCE V20-09 FOR 241 ATLANTIC BLVD. SUITE 102 WITH THE FOLLOWING CONDITIONS:** **1-City Manager must approval the annual permit prior to installation.****2-Installation shall be of a temporary nature and must be removed before the close of business each day. To be negotiation by the City Manager in the terms of the lease.** **3-The outdoor area must be reduced in size to a maximum of 150 square feet to adhere to the LDC.** **4-The outdoor area is restricted to retail sales only.**  |
| Roll Call Vote: |
| Ayes: | 6-Randolph, Schwartzenberger , Livingston, Frosio, Dill, Goodin |
| Noes: | 0 |
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| **MOTION APPROVED.**  |
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|  | The applicants were informed their application would be forwarded to City Council for their final decision on November 2, 2020 at 6:00 pm and that they should attend that meeting. |
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| CDB20-05 Application for Art ProjectSeahorse NB 120 Atlantic Blvd | CDB20-05 Application for Art Project as outline in Chapter 27 Section 27-596 for the property owned by Seahorse NB, LLC located at 120 Atlantic Blvd. The request is to paint a mural on the south wall facing Lemon Street of the Seahorse Oceanfront Inn. |
|  | Kristina Wright, explained, the applicant is proposing to create a painted mural on the south wall of the Seahorse facing Lemon Street using exterior, aerosol paints. The project will take four (4) days to complete and will feature a “Welcome to Neptune Beach” message with seagulls. According to **Section 27-596 Art Project:** *Any proposed art project in the commercial districts that in the opinion of a majority of the community development board is found to be public art that enhances the commercial district may be recommended to the city council for its approval. If approved by the City Council, such an art project will be permitted as long as it is maintained in good condition. The City Council may place conditions for approval on the proposed project. Any such art project which deteriorates over time shall be removed by the applicant at the sole discretion of the City Council.* **Questions used in making a determination:**1. **Where will the proposed art project be located?** *South side.* The applicant is proposing to create a painted mural on the south wall of the Seahorse facing Lemon Street.
2. **Give the Dimensions of the proposed art project. (also attach a scaled drawing of proposed art project.):** *Dimensions: 18.3 ft High x 33.5 ft Wide (Will Follow-up with Scale Drawing of proposed art project)*
3. **How will the proposed art project enhance the aesthetic beauty of the surrounding area in its proposed location*:*** *The proposed art project will enhance the aesthetic beauty of the surrounding area by bringing a sense of energy and vibrance to an already highly traveled area. The mural is meant to engage visitors and viewers by encouraging interaction on a social level. Take a photo, post and repeat! Think interactive post card art installation meets approachable art for everyone.*
4. **Provide evidence that the artist is capable of completing the work in accordance with the plan submitted:** The applicant has indicated that the project will only take 4 days. They have attached examples of the artist’s artwork and have included the following timeline:

***Day 1:*** *Background Blue Painted* ***Day 2: “****Welcome to Neptune Beach” stenciled in white, Black, Pink, etc. (colors of sunset)****Day 3:*** *“Seagulls” stenciled in white, black & gray.****Day 4:*** *Touch up and Final photo!*1. **Explain the durability of the materials used to create the proposed art project (i.e. manufactures specs on the materials, etc.) List of materials needed to complete art project:** The applicant is proposing to useExterior aerosol paints that are extremely durable. Other materials to be used include ladders or lifts, tape, paint brushes & rollers.
2. **What is the maintenance schedule?** The applicant is proposing an annual maintenance check to reapply any paint and is offering to have any blemishes if necessary fixed at any time.
3. **How long will it take to complete the proposed art project?** The project will take four (4) days to complete.

Chairperson Goodin opened the floor for public comments.Leslie Lynn, 501 Hopkins St and Staff, supported the project. The City is planning for the 90th anniversary celebration for Neptune Beach and if this isn’t appropriate, I don’t know what is. It resembles a postcard with an old Florida feeling, we are looking at a photo op that promotes the City. There being no further comments the public hearing was closed. Board Discussion: Some members did not care for the look saying it looked like a billboard while others thought it would be used as an interactive postcard online.  |
|  | Made by Dill, seconded by Schwartzenberger.  |
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| **MOTION:** | **MOVE TO RECOMMEND APPROVAL TO CITY COUNCIL OF CDB 20-05 FOR AN ART PROJECT AT 120 ATLANTIC BLVD.**  |
| Roll Call Vote: |
| Ayes: | 5-Randolph, Schwartzenberger , Livingston, Frosio, Dill  |
| Noes: | 1- Goodin |
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| **MOTION APPROVED.**  |
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|  | The applicants did not attend the meeting and would be informed that they should attend the City Council meeting on November 2, 2020 at 6:00 pm. |
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| CDB20-05SE Application for a special exception & preliminary development permit City of Neptune Beach2004 Forest Ave Senior Center | CDB20-05SE Application for a special exception and preliminary development permit as outlined in Chapter 27, Article 3 Section 27-226(c)(3)a of the Unified Land Development Code of Neptune Beach for the property formerly known as 2004 Forest Avenue (Re#177490-0000). This property is owned by the City of Neptune Beach. The request is to construct a new Senior Center in the R-1 zoning district. |
|  | Ms. Wright explained the property is owned by the City of Neptune Beach and the request is to build a new Senior Center in the R-1 zoning district. The subject property is situated between Strickland Road and the Public Works Department on Forest Avenue. **Section 27-160 Required Findings Needed to Recommend a Special Exception:*** 1. **How the proposed is consistent with the Comprehensive Plan:**

*The proposed location of the Neptune Beach Senior Activity Center is at 2004 Forest Ave. The location is currently zoned R-1, which allows for a Governmental use or building by special exception. The proposed location is in the same location as the original Senior Activity Center location.**The City posits that allowing the Special Exception for the Senior Activity Center is consistent with the Comprehensive Plan, specifically through Goal A.1. The Senior Activity Center provides services to over 1,200 senior residents within Neptune Beach and surrounding communities.*  *Specifically, the Senior Activity Center is believed to meet the requirements of Goal A.1 through the following:*1. *The proposed location is within the same location as the old center that was demolished, near the existing development.*
2. *Will improve the future redevelopment of the area by providing for a senior activity center building that will also double as a community center, and by its very nature, a Senior Activity Center. Enhances the quality of life for residents.*
3. *By filling the location again with a senior center, it will minimize the threat to health, safety and welfare posed by high density, traffic congestion, commercial and industrial intrusion and environmental degradation by removing the lot form any potential development or redevelopment opportunities.*
4. *The style of the Senior Activity Center will enhance the pleasant residential character of the surrounding neighborhood and will act as a buffer between the Public Works Yard and the residential neighborhood.*
5. *Allowing for the Senior Activity Center to be constructed in this area will help to clean up the lot and may spur further recreational opportunities towards the marsh.*
6. *By replacing the Senior Activity Center building within the original location, it will preserve and enhance the environmental, coastal, natural historic and cultural resources of the community.*
7. *N/A*
8. *The new building’s specifications are more energy efficient than the original, demolished building; and the new building by its nature encourages the use of renewable resources and is more energy efficient.*
9. **Indicate how the proposed special exception (use) would be compatible with the general, considering the population density; the design, density scale, location and orientation of existing and permissible** **structures in the area;** property values; and location of existing similar uses. *The city posits that the proposed special exception for a government building and community center…will enhance property values and open new opportunities for community events and potentially new recreation activities. The proposed location for the Senior Activity Center is within its original location. The new building will act as a buffer between the residential neighborhood and the Public Works “Yard,” which houses the Wastewater Treatment Plant.*
10. **Indicate how the proposed special exception (use) would not have an environmental impact inconsistent with the health, safety and welfare of the community.** *The proposed location for the Senior Activity Center is within the original, now demolished location of the first Senior Activity Center. The construction of the Senior Activity Center in its original location will not have an environmental impact inconsistent with the health, safety, and welfare of the community; and will enhance the area through improvements.*
11. **Explain how the proposed special exception (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**. *The City posits that approving this special exception wouldn’t* (affect) *the vehicular traffic, pedestrian movement, or parking for the center, but would rather enhance it. The construction plan calls for multiple improvements to off street parking areas, improvements to the sidewalk stock within the area and offers possible future improvements to recreational activities.*
12. **Explain how the proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.** *The City posits that granting the special exception would enhance the area by providing a community gathering space once again within the residential neighborhood and the building itself would provide a buffer between the residential neighborhood and the City’s Public Works “Yard.” In the past, the Senior Activity Center also housed an election poll location and potentially could become another polling location once again.*
13. **Indicate how the proposed use would not overburden existing public services and facilities.** *The proposed location of the Senior Activity Center within its original location already has utilities to the site and would not perpetuate a burden on the existing public utilities.*
14. **Explain how the proposed use meets all other requirements as provided for elsewhere Chapter 27.** *The City posits that Sec. 27-226(c)3, specifically allows for a Governmental Building by Special Exception.*

Stefen Wynn, City Manager, spoke on behalf of the City and show the board proposal. The Senior Center will be going back to the site of the former Center that was demolished due to the condition of the building. The Center is just east of the Public Works City Yard. The new building will be set on piers and will be built up above the floodplain. The marsh is beautiful and the City would like to improve access to the marsh through the City’s property with a walkway. Leslie Lyne, Senior Center Director, addressed the board the Center is a much needed for the physical and mental health for our senior population. Since COVID they have been limited to their homes and need to socialize with others. The new building is 5000 square feet, about 200 feet bigger than the old one. This one will be off grade which will eliminate water intrusion and be energy efficient. Depending on COVID we could possibly open in mid-January 2021. There are 300 individual donors who have contributed to the purchase of the building and a grant has been secured to build the porch. Chairperson Goodin opened the floor for public comments.Zach Roth, 1907 Strickland Rd, as a resident that lives around the corner from the site, it is clear that something is missing from the neighborhood since the old one was torn down. Right now, it is just an empty lot looking into the City Yard. Is excited to see it come backThere being no further comments the public hearing was closed.  |
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|  | **MOTION:**  | **MOVE TO APPROVE APPLICATION CDB20-05SE FOR 2004 FOREST AVENUE.** |
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|  | Made by Frosio, seconded by Livingston . |
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|  | Roll Call:  |
|  | Ayes: | 6-Randolph, Schwartzenberger, Livingston, Frosio, Dill, Goodin |
|  | Noes: | 0 |
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|  | **MOTION APPROVED.** |
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|  | The applicants were informed their application would be forwarded to City Council for their final decision on November 2, 2020 at 6:00 pm and that they should attend that meeting. |
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|  | Chairperson Goodin announced that he would recuse himself due to finance interest in application V20-09 and turned the meeting over the Vice-Chairperson Ryan Dill.  |
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| V20-08 Variance Application for Edward Skinner Jones Trust 98 Walnut St | V20-08 Application for variance as outlined in Chapter 27, Article 3 Division 8 of the Unified Land Development Code of Neptune Beach for Edward Skinner Jones Revocable Trust for the property known as 98 Walnut Street (RE#172746-0000). The request is to vary Table 27-229-1 R-4 flexible front yard and interior side yard setbacks to construct a new home and pool. |
|  | Ms. Wright explained that the applicant is seeking a variance for a five (5) foot side yard setback from the required seven (7) feet setback and a variance for a 10-foot front yard setback from the required 15-foot front yard setback. The current building has a five (5) foot side yard setback and a five (5) foot front setback. The purpose of the variance is to rebuild a project with the same side setback (5’), but with an improved, greater (street) front yard setback of 10 feet. As such, this request will improve the front setback and the overall appearance that will also result from a redeveloped property while continuing to allow the same existing five (5) foot side yard setback. The property owner also owns an adjacent parcel. **Section 27-147 Required Findings Needed to Issue a Variance:**1. **How does the property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners**). **The hardship cannot be created by or be the result of the property owner’s own action.** *This property is unique due to the following reason:* (the applicant) *is the owner of the 2 adjacent lots (to the north) and only wants to develop this property for a pool and pool house (1-bedroom house-approx. 1600 sf) versus a large primary residence.*
2. **How is the proposed variance the minimum necessary to allow reasonable use of the property?** *Minimum Necessary to allow reasonable use of the property:*

* *The property as built today has a street yard setback of 5’* (to) *provide greater relief and match all adjacent properties, the owner proposes a 10’ street setback.*
* *The property is on the ocean and has been built low. Then new house will be raised slightly (stem wall slab and some fill) to help against storm resiliency.*
* *Being located on the ocean, the owner is restricted by the Coastal Construction line on the ocean side. The owner does not want to develop into the coastal construction* (line) *and does not want to impede views of adjacent homes.*
* *The owner* (could) *renovate the home in its existing location but would prefer to build new with the proposed setbacks.*
* *The property is adjacent to a city right of way (beach access point) to the south.*
* *All the properties along Midway do not conform to the current setback lines.*
1. **Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.** *The proposed home at approximately 1600 SF will have a minimal impact. The Coastal Construction Line provides greater restrictions not imposed to most homes in Neptune Beach. The proposed improvement will enhance the area and surrounding values.*
2. **Indicate how the proposed variance will not diminish property values nor alter the character of the area.** *The proposed improvements will enhance the area and surrounding values.*
3. **Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code*.*** *The proposed property is in harmony with the ULDC as it is improving the overall value of the community* (and) *keeps in character with our village and eclectic feel.*
4. **Explain how the need for the proposed variance has not been created by you or the developer.**The applicant is seeking to “*keep within the coastal construction line, have an appropriate setback from the adjacent Right of way, and construct a small home”* that presents an improved condition from the existing property. As such, the need for the proposed variance was not originally created by the applicant and the applicant is seeking to improve the existing front yard setback.

**Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.** *Due to the many unique aspects as outlined above, along with the ownership and adjacent property setbacks, this will not confer any special privileges* |
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|  | Mr. Edward Jones, property owner, lives at 430 Oceanfront and owns the property to the north and south of 98 Walnut. Stated that the house is very old on ground level and is seeking to build a very small 1600 square foot house with a pool. The house will be basically as a pool house with a rec room. It will have a dual purpose as friends could stay there. The main thing is to keep everything behind the coastal construction line. We will be moving the garage back from its existing location near the road and making the garage inline with the other garages on the street. The garage will be used for parking. Mr. Christopher Goodin, 220 Hopkins stated that going down Midway all the structures are right up on the street. It is a great improvement by pushing it back to allow for parking. This is small in nature that’s going to fit along with the two adjacent properties that Mr. Jones owns and he is going to tie it in to really feel like one property.Hope Van Northwick, Designer form Form + Space, was asked to design a small oceanfront house with Olympic size pool. Mr. Jones was a competitive swimmer in college. There will be a lot of vegetation to create a better street scape.  |
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|  | Vice-Chairperson Dill opened the floor for public comments. |
|  | Margaret Julian, 2738 Arapahoe Ave Jacksonville stated that she co-owes 112 Walnut Street which is across the alley and is concerned about flooding and drainage and how it will impact her property.  |
|  | Mr. Dekle Day, 112 Walnut St, owns the only affected property and is concerned about the view. This would be vast improvement to the neighborhood and of course gorgeous but looking at the measurements on the plan it indicates that the new building would be going west and that concerns me. We don’t have a lot of a view from the second floor but we don’t want it taking about either. Article 3 Division 8 says for variance must not adversely affect adjacent properties. The goals are to provide for adequate light, air, open space and scenic views that would not have adverse effects on others. Design should respect views enjoyed by a neighboring parcel. No single parcel should enjoy greater rights than other parcels except the natural advantage. Has had the view for at least 45 years. Mr. Jones is a great neighbor and just want to put it on record.  |
|  | There being no further comments the public hearing was closed |
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|  | Mr. Jones stated that new house will be 8 feet from the city’s beaches access on the south side which is a larger setback then the current house has. As for the flooding, I agree that there is a flooding problem that the city needs to take care of.  |
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| **MOTION:** | **TO APPROVED V20-08 FOR 98 WALNUT STREET.**  |
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| Made by Frosio, seconded by Livingston . |
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| Roll Call: |  |
| Ayes: | 5-Randolph, Schwartzenberger , Livingston, Frosio, Dill |
| Noes:  | 0 |

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|  | **MOTION APPROVED.** |
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| Open Discussion | The next board meeting will be November 4, 2020 at 6:00 pm. The meeting was moved up due to the holiday.  |
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| Adjournment | There being no further business, the meeting adjourned at 7:49 p.m. |
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|  |  |  Chairperson Christopher Goodin  |
|  | ATTEST: Piper Turner, Board Secretary |  |
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