



**MINUTES**  
**COMMUNITY DEVELOPMENT BOARD**  
**NOVEMBER 13, 2019 AT 6:00 P.M.**  
**COUNCIL CHAMBERS**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

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Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held November 13, 2019 at 6:00 p.m. in the Council Chambers.

**Attendance**

Board members were in attendance:  
Christopher Goodin, Chair (arrived at 6:05 pm)  
Ryan Dill, Vice-chair  
Bob Frosio, Member  
Aaron Evens, Member  
Nia Livingston, Member  
Diana Kelly, Member  
Charles Miller, Member

The following staff members were present:  
Zachary Roth, City Attorney  
Kristina Wright, Community Development Director  
Piper Turner, Code Compliance Supervisor

**Call to Order/Roll Call**

Vice-Chair Dill called the meeting to order at 6:01 p.m.

**Minutes**

Made by Livingston, seconded by Evens.

**MOTION: TO APPROVE THE OCTOBER 9, 2019 MINUTES AS SUBMITTED.**

Roll Call Vote:

Ayes: 6-Kelly, Frosio, Miller, Evens, Livingston, Dill  
Noes: 0

**MOTION CARRIED**

Chair Goodin arrived and assumed control of the meeting.

**Public Comment on  
non-agenda items**

Mr. Raiti, 224 Bowles St, read a prepared statement concerning the cutting of branches of a heritage tree at 212 Bowles St. by the new property owner of 214 Bowles Street. Limbs from the tree overhung the property line. Copy of his statement and pictures are included with the minutes.

Ms. Andrea Valdovinos, 212 Bowles St., addressed the board. The tree has been on her family's property for over 40 years. Believes some of what was cut was on her side. Feels damage was done and would like to stop this from happening in the future.

Swearing in

Mr. Roth asked anyone appearing before the board to raise their right hand and be sworn in.

CDB 19-11 An  
application for a  
development permit  
Brewhound  
1848 Kings Circle S  
RE#173290-0000

CDB 19-11 Application for Development Permit review as outlined in Chapter 27, Article 2 of the Unified Land Development Code of Neptune Beach for Brewhound Coffee Bar Company for the property known as 1848 Kings Circle South (RE# 173290-0000). This property is in the C-2 zoning district. The applicant is proposing to build an 8' by 8' accessory structure to serve as a Kiosk for customer check-in and reception.

Staff stated the Brewhound Coffee Bar was requesting a development order to construct an 8' by 8' structure. The property is in the C-2 zoning district. The structure will replace a tent currently used for customer check-in and reception.

Lauren Wyckoff, applicant and property owner, addressed the board. Proposing to build a shed type building for check ins and out.

Chairperson Goodin opened the floor for public comments.

Randy Osborn, 117 Magnolia Street, spoke. He lives in Neptune Beach and also has a business south of the Brewhound property. Stated the request was reasonable but is concerned about public safety issues due to parking. There could be as many as 60 cars parking on the right-of-way during the weekends. The cars block the entrances to his and other businesses and access to the dumpster. If there was to be a fire, there are real safety concerns, no way for the fire truck to get through. Dog crap has to be picked up by the surrounding neighbors. He is against any new development until which time these items are addressed.

There being no comments, the public hearing was closed.

Board comments: The structure does not increase the parking demand. It is tactically a shed. Had concerns about the complaints and hoped the Brewhound would be a good neighbor. The issues need to be addressed by Code Enforcement and the Police Department.

Made by Livingston, seconded by Evens.

**MOTION: TO APPROVE THE PRELIMINARY DEVELOPMENT ORDER FOR CDB 19-11.**

Roll Call Vote:

Ayes: 7- Kelly, Frosio, Miller, Evens, Livingston, Dill, Goodin

Noes: 0

**MOTION APPROVED AND RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT ORDER TO CITY COUNCIL.**

The applicant was informed that their request would be forwarded to the City Council for final review on December 2, 2019 at 6:00 pm and that

someone should attend that meeting.

CDB 19-12  
Application for  
Replat for 324 Myrtle  
Street to face Myrtle  
instead of Third St

CDB 19-12 Application for Replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for 324 Myrtle Street, LLC. The property is currently known as 324 Myrtle Street, (RE# 172976-0000). The subject property is located on the northeast corner of Third and Myrtle Streets. The applicants are requesting to demolish the existing structures and subdivide the property into two conforming lots that will front on Myrtle Street.

Staff stated the property was in the R-4 zoning district. The property has a duplex sitting on lots 9 and 10 Block 11 of Hornes/Neptune Acres. The original lots were platted to face Third Street. The existing lots are 50' by 106' and 54' by 106' deep. The applicant is requesting the turn the lots to face Myrtle making the new lots 54 feet by 106 feet each. If the applicant wanted to demolish the existing structures today, they could legally build a new single-family dwelling on each lot with frontage on Third Street without Board approval. The replat is being requested due to the orientation of the lots. The property does have all the necessary utilities available.

Mr. Jason Porter, 1340 Trailwood Drive, addressed the board. His father is going to be purchasing the duplex with the plans to demolish the existing structures and build two single-family homes.

Chairperson Goodin opened the floor for public comments, there being none, the public hearing was closed.

Mr. Roth, City Attorney, explained the proposed moratorium on lot splitting does not affect this property.

Made by Evens, seconded by Kelly.

**MOTION: TO RECOMMEND APPROVAL OF THE REPLAT FOR CDB 19-12 AS IT COMPLIES WITH SECTION 27-109.**

Roll Call Vote:

Ayes: 7- Kelly, Frosio, Miller, Evens, Livingston, Dill, Goodin

Noes: 0

**MOTION APPROVED.**

The applicant was informed that their request would be forwarded to the City Council for final review on December 2, 2019 at 6:00 pm and that someone should attend that meeting.

Open Discussion

Mr. Roth explained how Florida Statute 163.045 for tree cutting on residential property has changed the way the City can enforce its tree ordinance. The City cannot require a notice, application, approval, permit, fee or mitigation from pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist that the tree present a danger. Larger cities in the State are perusing and challenging the statute.

There are no applications scheduled for the December meeting instead Board training will be December 11<sup>th</sup> at 6:00 PM.

Adjournment

The next board meeting will be December 11, 2019 at 6:00 pm. There being no further business, the meeting adjourned at 6:32 p.m.

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Chairperson Christopher Goodin

ATTEST:

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Piper Turner, Board Secretary

From MR. Raiti 224 Bowles St

I have come before the Community Development Board because I am deeply concerned that our city no longer cares enough about its environment to enforce its own written codes pertaining to the protection of our natural heritage.

I am talking about the decision by the city to abdicate authority and responsibility pertaining to tree cutting, specifically including very large old-growth trees which our code defines as "heritage trees" and for which it has very clearly defined protections.

The tree of which I speak is on 212 Bowles St. but about half of it overhangs (or over hung) onto 214 Bowles, a newly re-platted property. It has been there since the 1930's... as old as the City of Neptune Beach.

While the replat was between the CDB and City Council, the owner of 212 Bowles on whose property this tree sits, my neighbor Andrea Valdovinos, contacted arborist to have the tree certified as qualifying as a Heritage Oak. The arborist confirmed the tree was a heritage oak and she raised this issue in the City Council hearing for the replat.

She subsequently got a letter from the arborist to document this and we contacted NB to inquire how to go about obtaining the protections for the tree during the construction process.

The code states that:

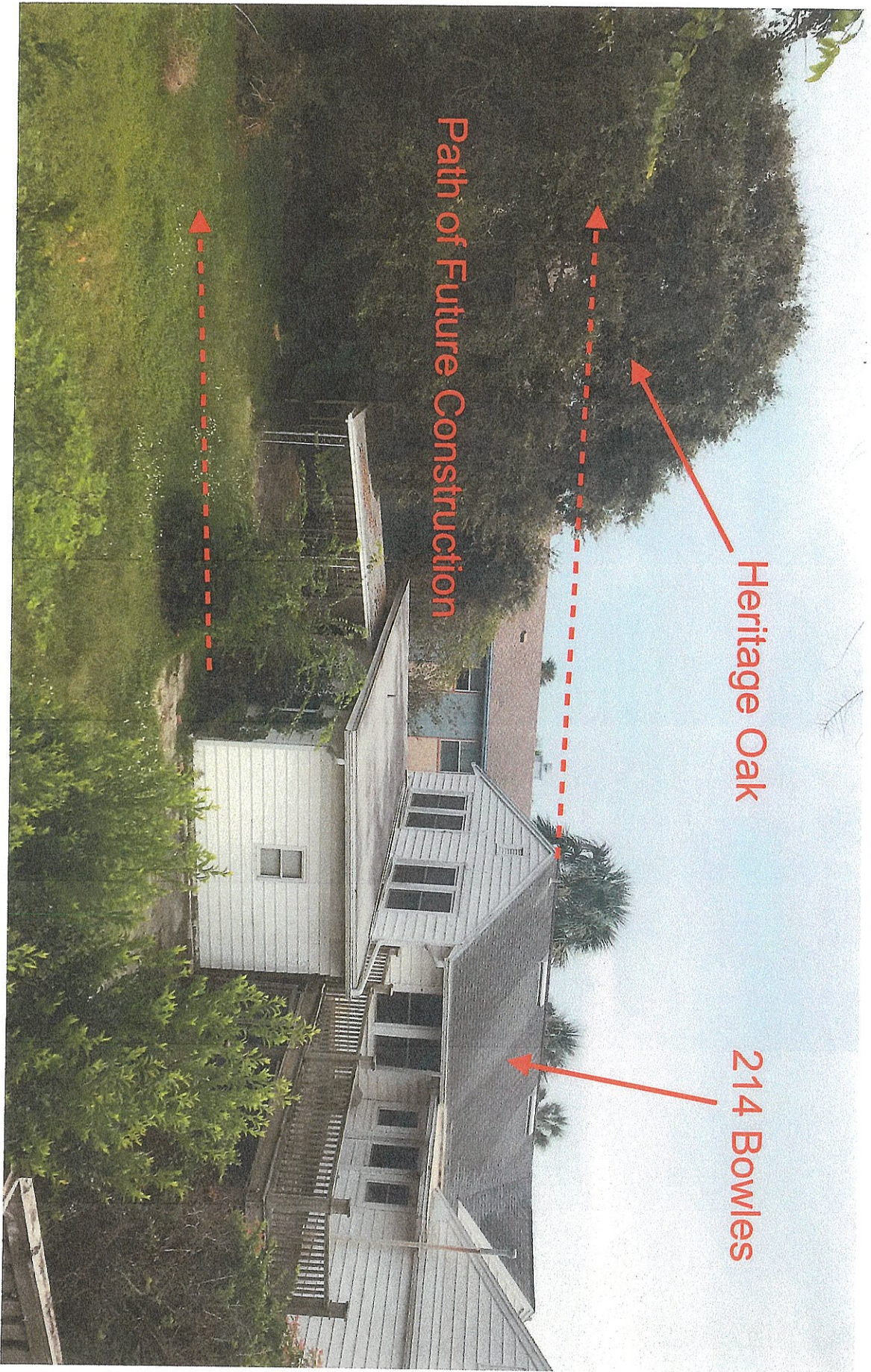
- Champion and heritage trees shall be considered regulated trees in all areas of the city, and their removal shall be strongly discouraged.
- For pruning of eight-inch or larger diameter limbs on regulated trees, an arbor permit will be required. This provision relates to pruning or alteration only, and applies to any development.
- Tree preservation during development and construction:
  - o (a) Barriers required. During construction, protective barriers shall be placed, as necessary, to prevent the destruction or damaging of trees. Trees destroyed or receiving major damage shall be replaced before issuance of a certificate of occupancy or use, if such certificate is required, unless approval for their removal has been granted under permit. The city manager or designee shall determine what trees, if any, require protection or replacement.
  - o (b) Barriers. All regulated trees not designated for removal shall be required by the terms of the permit to be protected by barriers erected prior to construction of any structures, road, utility service or other improvements.
  - o (c) [Encroachment prevention.] Such barriers shall be plainly visible and shall create a continuous boundary in order to prevent encroachment by machinery, vehicles or the storage of materials. Protective posts of nominal two (2) inches by four (4) inches or larger wooden posts, two (2) inches outer diameter or larger pipe, or other post material of equivalent size and strength shall be implanted deep enough in the ground to be stable with at least three (3) feet of the post visible above the ground.

- A certified arborist should be consulted so the development at this site does not do more unnecessary damage or even weaken or kill the tree.
- Follow the code, inspect the site, and put up some barriers to protect the root systems of this tree. The roots of a live oak spread out wide but are shallow, and if they need to be cut, this too should be done under supervision of a certified arborist.

What are some of the benefits of doing so:

- When we and other beach residents look at AB, one common observation is how beautify, green, and natural the neighborhoods are. There is a reason why AB real estate sells at a higher premium.
- Trees just provide shade and reduce the impact of heat islands.
- Trees also absorb storm water. At a time when residents are getting their water charges doubled or more, it seems like a very logical and prudent step to keep in place those elements of our environment that are helping us deal with flooding.





Heritage Oak

214 Bowles

Path of Future Construction



















