



**AGENDA**  
**Regular City Council Meeting**  
**Monday, August 5, 2019, 6:00 PM**  
**Council Chambers, 116 First Street, Neptune Beach, Florida**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE
3. APPROVAL OF MINUTES p. 3
  - A. July 1, 2019, Regular City Council Meeting
  - B. July 15, 2019, Special City Council Meeting
4. COMMUNICATION / CORRESPONDENCE / REPORTS
  - Mayor
  - City Council
  - City Manager
  - City Attorney
  - City Clerk
  - Departmental Reports
5. COMMENTS FROM THE PUBLIC
6. CONSENT AGENDA / NONE
7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS
  - A. CDB 19-07, Application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Community First Credit Union of Florida for the property known as 1425 Atlantic Blvd. (177392-0000). Proposing to construct two additions to the existing building. p. 9
  - B. CDB SE19-07 Application for a special exception as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The application is for off-site parking and outdoor dining for a new restaurant. p.19
  - C. CDB V19-07 Application for variances as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The request is to vary section 27-330(a) (1) for the height of a fence. The applicant is proposing to install a fence that is a total of 10 feet tall with an 8 foot opaque surface and 2 foot open area with posting connecting to a 3 foot overhang to provide shade p. 65

- D. CDB 19-06 An application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). Proposing to construct a 12' by 40' awning on the western face of the building and an 8' by 16' service bar for outdoor seating for a new restaurant. Pursuant to the approval of CDB SE19-07 and V19-07. p. 93
8. ORDINANCES / NONE
9. OLD BUSINESS / NONE
10. NEW BUSINESS
- A. Proposed Historical Marker in Jarboe Park p. 103
- B. Beaches Town Center Lighting Project Proposal p. 109
- C. Approval of Comprehensive Plan and Land Development Code RFQ Revision Consultant Recommendation p.117
- D. Enterprise Fund Budget Discussion p. 118
11. CONTRACTS / AGREEMENTS / NONE
12. COUNCIL COMMENTS
13. ADJOURN





**MINUTES  
REGULAR CITY COUNCIL MEETING  
MONDAY, JULY 1, 2019, 6:00 P.M.  
CITY HALL, 116 FIRST STREET  
NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held Monday, July 1, 2019 at 6:00 pm in the Council Chambers, City Hall 116 First Street, Neptune Beach, Florida.

**Attendance:**

**IN ATTENDANCE:**

**STAFF:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Scott Wiley  
Councilor Josh Messinger  
Interim City Manager/ Public Works Dir.  
Leon Smith

Director of Finance Peter Kajokas  
Commander Gary Snyder  
Deputy Public Works Director Megan  
George

Also present, Zachary R. Roth, Ansbacher  
Law

**Call to Order  
/Pledge**

Mayor Brown called the meeting to order asked Vice Mayor Jones to lead the Pledge of Allegiance.

**AWARDS / PRESENTATION / RECOGNITION OF GUESTS / NONE**

**APPROVAL OF MINUTES**

**Minutes**

Made by Messinger, seconded by Wiley.

**MOTION:** **TO APPROVE THE MINUTES FOR THE MAY 29, 2019 SPECIAL MEETING, JUNE 3, 2019 REGULAR MEETING, JUNE 17, 2019 WORKSHOP AND THE JUNE 17, 2019 SPECIAL CITY COUNCIL MEETING, AS SUBMITTED.**

**Roll Call Vote:**

Ayes: 5-Chin, Wiley, Messinger, Jones, Brown  
Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS AND CORRESPONDENCE**

**CITY MANAGER REPORT**

Interim City Manager Smith reported the following:

- City Hall and Public Works will be closed for the July 4<sup>th</sup> holiday.
- The traffic counter is here and is being tested.
- The DOT project is on schedule.

**PUBLIC COMMENTS**

Diana Kelly, 208 Walnut Street, Neptune Beach, spoke on the parking meters. She stated she had concerns. Some spots have not been addressed, especially the one adjacent to City Hall. She questioned how the roll out work would work. The church parking lot is going to be chained off. Where are the employees going to park? She felt the City is not charging enough. All day long would be about \$15, and the fee needs to be reconsidered. The south side of Orange Street is residential zoning, not commercial. She requested to keep the cars from creeping in to the residential areas.

Linda Padra, 1113 First Street, Neptune Beach, addressed code enforcement. Trash cans are left out 24-7. She questioned if code enforcement is reactive or proactive. The house being built in the 600 block of First Street as a third story, and stated that someone needs to explain how this is possible. A complaint about a neighbor adding concrete to their bricks was made and no one has addressed it.

**CONSENT AGENDA / NONE****VARIANCES / SPECIAL EXCEPTION / DEVELOPMENT ORDERS****ORDINANCES**

Ord. 2019-06  
Police Officer's  
Retirement  
System

Ordinance No. 2019-06, Chapter 2, Article V, Section 2-348, Second Read and Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 2, Administration, Article V, Employee Benefits, Division 4, Police Officers' Retirement System of the Code Of Ordinances of the City of Neptune Beach; Amending Section 2-348, Finances and Fund Management; Expanding Prudent Investment Mandates; Providing For Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date.

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

Made by Wiley, seconded by Jones.

**MOTION:** **TO PASS ORDINANCE 2016-06 ON SECOND READ.**

Roll Call Vote:

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

**MOTION CARRIED**

Ord. 2019-07  
Controlled &  
Metered Parking

Ordinance No. 2019-07, Chapter 22, Article IV, Section 22-44—22-56, Second Read and Public Hearing, An Ordinance Amending the Code of the City of Neptune Beach, Florida, Amending Chapter 22, Traffic and Motor Vehicles, by Adding a New Article IV, Sections 22-44—22-56, Controlled and Metered Parking, and Providing an Effective Date

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

Council Discussion:

Mayor Brown reminded everyone that this is a pilot program and could be changed.

Councilor Chin stated there were 3 minor typos.

- 1) Section 22-45 first line strikethrough "at the direction of the City Manager"
- 2) Section 22-47(b) at the end of the paragraph add "22-51."
- 3) Section 22-49(b) strikethrough the word "commission" and replace with "Council".

Councilor Wiley stated he had questions that need to be answered.

- 1) How many spaces do we have?
- 2) What is the rate going to be for Neptune and Atlantic Beach citizens?
- 3) In section 22-51 under rates, it says the City Manager is authorized to modify rates. Why doesn't say that City Council has the final say?

Mayor asked Mr. Rimmer to address the council. Mr. Rimmer stated there are 165 spaces and that 39 of those are on Second Street between Atlantic Blvd. and Cherry Street. During the pilot program, the two City Managers can meet to adjust to can the rates. The rate flexibility is built in. The first 30 minutes is free, after that everyone pays. South of Cherry Street will be free parking.

Made by Chin, seconded by Messinger.

**MOTION: TO PASS ORDINANCE 2019-07, AS AMENDED.**

Roll Call Vote:

Ayes: 4-Chin, Messinger, Jones, Brown  
Noes: 1- Wiley

**MOTION CARRIED**

#### **OLD BUSINESS**

City Attorney  
Contract

Attorney Michael Abel structured the City Attorney's contract and both parties should benefit from it. Zachary Roth of Ansbacher Law Firm was present and stated he is looking forward to working with the City. They would be opening a new office at the Beach in the next two weeks.

Made by Messinger, seconded by Wiley.

**MOTION: TO APPROVE THE CONTRACT WITH ANSBACHER LAW FIRM.**

Roll Call Vote:

Ayes: 5-Chin, Messinger, Wiley, Jones, Brown  
Noes: 0

**MOTION CARRIED**

**NEW BUSINESS**

City Manager  
Interview Questions  
and Format

Jim Hanson and George Forbes with FCCMA Senior Advisors addressed the Council. They will be posting the announcement for the City Manager position and will go out to about 10,000 people. The information will also go on the City's website. The website posting will give an applicant more information about the City itself and what the job entails. They are asking Council to give them permission to work with the Mayor, acting City Manager and City Clerk in preparing interview questions and format. They will sort through the applications and rate the applicants. Mr. Hanson suggested that the Council do the interviews as a whole rather than individually. The timeline is 45 days for the applications to be out on the streets. The announcement will be done right away.

The Mayor asked for a show of hands who agreed with having staff working with Mr. Hanson and Mr. Forbes. Everyone raised their hands in agreement.

**APPROVED BY CONSENSUS****COUNCIL COMMENTS**

Vice Mayor Jones stated the planner labor market is very tight right now. He has reached out to people he knows in that field and with their feedback. He suggested increasing the salary and changing the job title to Community Development Director.

Adjournment

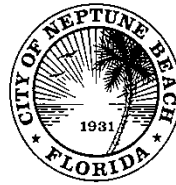
There being no further business, the meeting adjourned at 6:45 p.m.

Attest:

\_\_\_\_\_  
Elaine Brown, Mayor

\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved: \_\_\_\_\_



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**MONDAY, JULY 15, 2019, AT 6:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

Pursuant to proper notice a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, July 15, 2019, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance	<b>IN ATTENDANCE:</b> Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Josh Messinger Councilor Scott Wiley	<b>STAFF:</b> Leon Smith, Interim City Manager Richard Pike, Police Chief Catherine Ponson, City Clerk Zachary Roth, City Attorney
Call to Order	Mayor Brown called the special meeting to order at 6:00 p.m. and Councilor Wiley led the Pledge of Allegiance.	
Appointment of Evaluation Committee	<p>Mayor Brown explained that the RFQ for the revision of the Comprehensive Plan and Land Development Code had been issued and submittals had been received. The RFQ states that there would be an evaluation committee that would be selecting the firm who would be completing that project. She asked that Vice Mayor Fred Jones chair that committee. All of the respondents would be invited to present their proposals at a meeting to be scheduled.</p> <p>City Attorney Zachary Roth clarified that the Council as a whole would be the committee. The intention would be that at that scheduled meeting the recommendation would be made and approved at the next Council meeting.</p> <p>Mr. Roth confirmed Vice Mayor Jones inquiry that a preliminary scoring be done and then after the presentations, then the final evaluation be completed.</p> <p>Councilor Chin questioned the budget for this project. Vice Mayor Jones stated that the big issue of this project is that it is imperative that the City show it is taking action.</p> <p>Councilor Messinger stated that this has been discussed financially and the City is prepared.</p> <p>Made by Messinger, seconded by Chin.</p>	

**MOTION:**      **TO APPROVE:**

**THE COMMITTEE CONSIST OF ALL COUNCIL MEMBERS;**

**VICE MAYOR FRED JONES BE APPOINTED CHAIR;**

**THE COMMITTEE WOULD RECEIVE THE PROPOSALS AFTER THIS MEETING;**

**THE SELECTION COMMITTEE WOULD BE TASKED WITH THE EVALUATION AND SELECTION CRITERIA IN EXHIBIT 5;**

**THE COMMITTEE WOULD SCHEDULE A MEETING WITHIN APPROXIMATELY TEN DAYS WHERE ALL THE PARTIES WOULD BE GIVEN UP TO 30 MINUTES TO PRESENT WITH NO OTHER PARTIES PRESENT;**

**THE COMMITTEE WOULD EVALUATE THE PROPOSALS IN ACCORDANCE WITH EXHIBIT 5 OF THE RFQ;**

**THE BIDDERS WOULD BE INVITED AND BE ADVISED OF THE DECISION OF THE COMMITTEE;**

**VICE MAYOR JONES WOULD MAKE THE RECOMMENDATION TO THE COUNCIL AT THE AUGUST 5<sup>TH</sup> COUNCIL MEETING.**

Made by Messinger, seconded by Chin.

Roll Call Vote:

Ayes: 5—Chin, Messinger, Wiley, Jones, Brown.  
Noes: 0

**MOTION PASSED**

Public Comments Diana Kelly, 207 Walnut Street, Neptune Beach, questioned citizen community involvement in the process. She requested that the citizens be kept informed in order to get on board.

Vice Mayor Jones stated that the process would be completely built on citizen participation, There would be kick off meetings, workshops and charrettes.

Council Comments Councilor Chin requested a way to track issues until they are resolved. Mayor Brown agreed and added that a process could be put together and possibly schedule a meeting to discuss this issue.

Councilor Chin also questioned the lights of the oceanfront homes. Police Chief Richard Pike reported that those homes had been identified and been addressed.

Councilor Wiley mentioned the recent emails that been received that are potential scams containing dangerous material. Mayor Brown stated that the City takes these very seriously and precautions are being made.

Councilor Messinger reported that he and the City Clerk had been working on comprehensive tracker that tracked citizen issues as well as ongoing projects.

Adjournment There being no further business, the special meeting adjourned at 6:26 p.m.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved: \_\_\_\_\_



**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

**AGENDA ITEM:** CDB 19-07, Application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Community First Credit Union of Florida for the property known as 1425 Atlantic Blvd. (177392-0000). Proposing to construct two additions to the existing building.

**SUBMITTED BY:** Community First Credit Union of Florida

**DATE:** July 31, 2019

**BACKGROUND:** The development permit application is to add 400 square feet of non-habitable space to an existing bank building, modify parking and add ADA parking. The property is located at 1425 Atlantic Boulevard and is located in the C-2 zoning district and is the former Atlantic Coast Bank.

**BUDGET:** N/A

**RECOMMENDATION:** The Community Development Board approved the request by a 6-1 vote on July 10, 2019.

**ATTACHMENT:** 1. CDB 19-07

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

Made by Frosio, seconded by Randolph.

**MOTION: TO APPROVE OF CDB V19-02 PART B FOR FRONT YARD SETBACK WITH THE CONDITION OF MAXIMUM LOT COVERAGE OF 50%.**

Roll Call Vote:

Ayes: 6- Miller, Randolph, Frosio, McPhaul, Dill, Goodin

Noes: 1- Kelly

**MOTION APPROVED AND REQUESTS GRANTED WITH CONDITIONS.**

CDB 19-07  
Development Order  
1425 Atlantic Blvd

**CDB 19-07** An application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Community First Credit Union of Florida for the property known as 1425 Atlantic Blvd. (RE#177392-0000).

Christopher Noel, 4290 Great Lakes Lane, architect addressed the board. The property is not asking for any exception, the parking complies. The property was formerly a bank and the plan are to add two architectural fixtures and the entrance would be moved to the west side of the building. The ADA parking spaces would be modified to be closer to the new entrance. The red brick building will be painted white. The inside will be a more modern look with beach accents. One palm tree has removed and will be replaced.

Chairperson Goodin opened the floor for public comments. There being none the public comments were closed.

Made by Kelly, seconded by Randolph.

**MOTION: TO RECOMMEND APPROVAL OF DEVELOPMENT ORDER FOR 1425 ATLANTIC BLVD.**

Roll Call Vote:

Ayes: 6- Kelly, McPhaul, Randolph, Frosio, Miller, Goodin

Noes: 1- Dill

**MOTION APPROVED.**

The applicant was informed that the request would be forwarded to City Council for their final review on Monday August 5, 2019 at 6:00 and that they should attend that meeting.

Adjournment

The next board meeting will be August 14 at 6:00om. There being no further business, the meeting adjourned at 9:17 p.m.

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Chairperson Christopher Goodin



City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432

Development  
Order  
1425 Atlantic  
19-07



## MEMORANDUM

**TO:** Community Development Board  
**FROM:** Staff  
**DATE:** June 24, 2019  
**SUBJECT:** CDB19-07 / 1425 Atlantic Blvd – Development Order

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### Background

A development permit application to add 400 square feet of non-habitable space to an existing bank building, modify parking and add ADA parking located at 1425 Atlantic Blvd.

### Analysis

The property is located in the C-2 zoning district is the former site of the Atlantic Coast bank. The new business will be a credit union. The commercial C-2, zoning district is intended to provide for retail sales and services for one (1) or more neighborhoods. This district corresponds to the commercial medium designation on the adopted future land use map.

The proposal is to add tower type structure to the northwest corner of the existing building not to exceed 24 feet 6 inches in height and a smaller structure to the west elevation to create a new entrance. The parking lot will be modified to move the handicap parking to the new entrance. The additions do not require any additional parking and the property has onsite retention.



## APPLICATION FOR DEVELOPMENT PLAN REVIEW

CITY OF NEPTUNE BEACH PLANNING AND DEVELOPMENT DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-6140  
PH: 270-2400 Ext 4 FAX: 270-2432

**Application Fee: \$300 Residentially Zoned Property  
\$500 Commercially Zoned Property plus \$.0050 (1/2 cent) for each square foot of land or \$1,500  
whichever is greater**

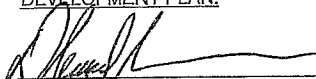
**Date Filed: June 6, 2019**

Name and address of the applicant requesting development review: (Note: if the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows:

Name & Address of Property Owner:	Telephone: 904-354-8537
Community First Credit Union of Florida	E-Mail: sami@c1cuf.org
637 N. Lee Street Jacksonville, FL 32204	Real Estate #: 177392-0000
Property Address (if different from mailing):	Lot Block:
1425 Atlantic Blvd	Subdivision: 00000 SECTION LAND
Neptune Beach FL 32266	Zoning District: NC-2

Name and Address of Agent/Applicant:	Telephone: 904-296-2555
Auld & White Constructors LLC 4168 Southpoint Pkwy Ste 101 Jacksonville, FL 32216	E-Mail: mhill@auld-white.com
Describe Request being made: Renovation to existing bank building. Exterior work to include minor landscape, modify parking and add ADA parking space, new monument sign(permitted separately), modify portion of building to accommodate new tower addition (400 sf, non-habitable), add egress door, window replacement, new ATM, building signage, replace existing round columns with modern square columns.	

PLEASE BE ADVISED THE COMMUNITY DEVELOPMENT BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS IN ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE DEVELOPMENT PLAN.

  
Signature of the Owner

State of Florida  
County of Duval

Signed and sworn before me on this 4th day of June, 20 19.

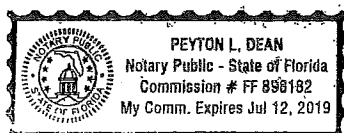
By D. Samuel Inman

Identification verified: Personally Known Oath sworn: ☒ Yes ☐ No

Peyton L. Dean

Notary Signature

My Commission expires: July 12, 2019



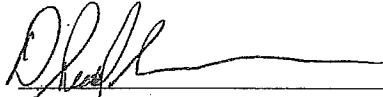
**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

Auld & White Constructors, LLC \_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF  
Community First Credit Union of Florida, the owner(s) of those lands described within the attached application,  
and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune  
Beach, Florida, for an application related to Development Permit or other action pursuant to a:

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> Rezoning    | <input type="checkbox"/> Special Exception                |
| <input type="checkbox"/> Variance    | <input type="checkbox"/> Commercial Dev. Order            |
| <input type="checkbox"/> Appeal      | <input type="checkbox"/> Comp. Plan Amendment             |
| <input type="checkbox"/> Concurrency | <input checked="" type="checkbox"/> Other/Building Permit |

BY:



Signature of Owner

D. Samuel Inman

Print Name

Signature of Owner

904-371-7906

Print Name

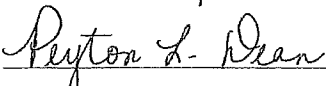
Daytime Telephone Number

State of Florida  
County of Duval

Signed and sworn before me on this 4th day of June, 2019

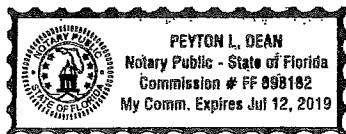
By D. Samuel Inman

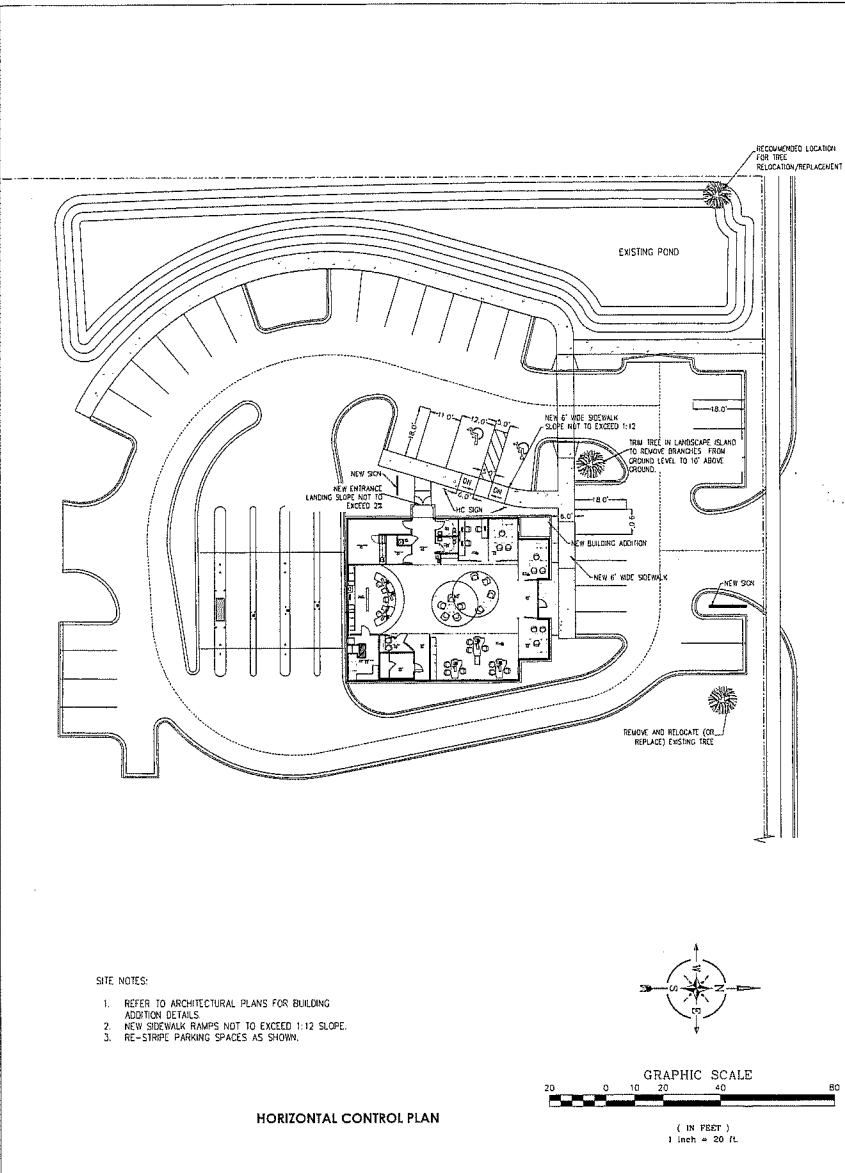
Identification verified: personally known Oath sworn: ☒ Yes ☐ No

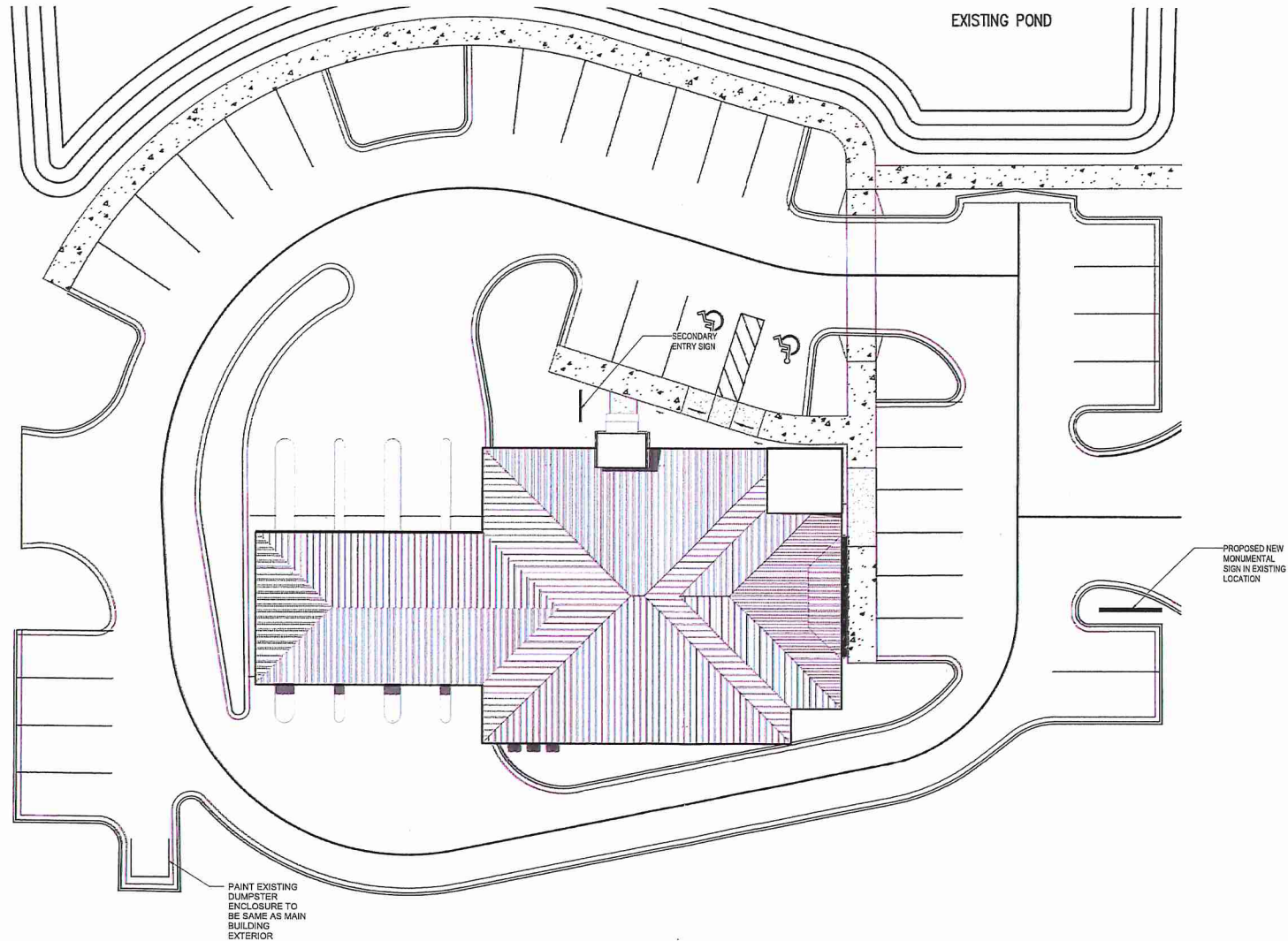


Notary Signature

My Commission expires: July 12, 2019







1 SITE PLAN  
3/22/19

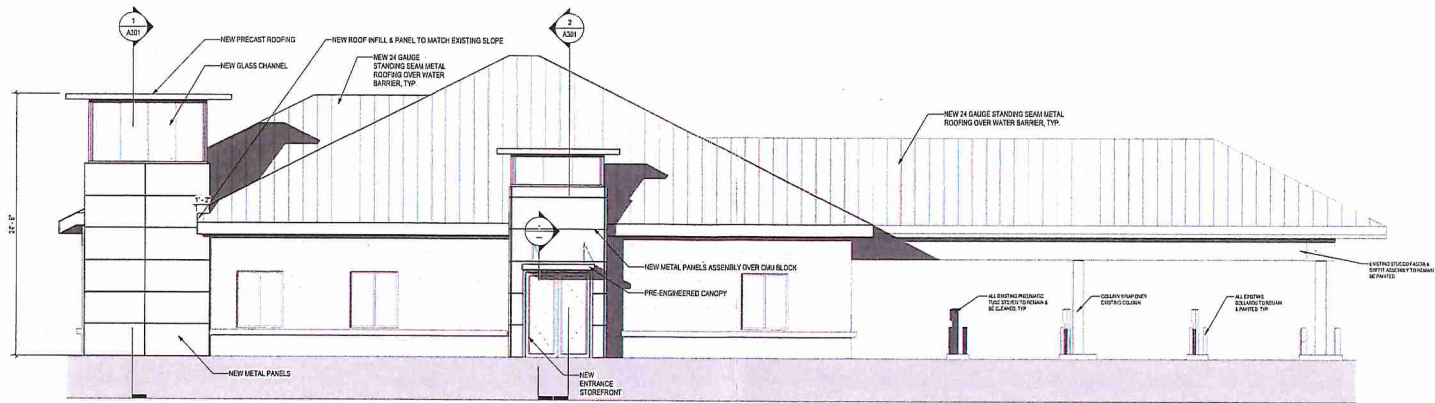
DATE	BY	FOR	REVISION
3/22/19	W.D.H.	ARCHITECTURAL	1
3/22/19	W.D.H.	ENGINEERING	1
3/22/19	W.D.H.	STRUCTURAL	1
3/22/19	W.D.H.	MECHANICAL	1
3/22/19	W.D.H.	ELECTRICAL	1
3/22/19	W.D.H.	PLUMBING	1
3/22/19	W.D.H.	HAZARDOUS WASTE	1
3/22/19	W.D.H.	ENVIRONMENTAL	1
3/22/19	W.D.H.	LANDSCAPE	1
3/22/19	W.D.H.	TRAVEL	1
3/22/19	W.D.H.	UTILITY	1
3/22/19	W.D.H.	WATER	1
3/22/19	W.D.H.	SEWER	1
3/22/19	W.D.H.	TELEPHONE	1
3/22/19	W.D.H.	CABLE	1
3/22/19	W.D.H.	TELEVISION	1
3/22/19	W.D.H.	RADIO	1
3/22/19	W.D.H.	TELEGRAPH	1
3/22/19	W.D.H.	TELETYPE	1
3/22/19	W.D.H.	TELEFAX	1
3/22/19	W.D.H.	TELEPHONE	1
3/22/19	W.D.H.	CABLE	1
3/22/19	W.D.H.	TELEVISION	1
3/22/19	W.D.H.	RADIO	1
3/22/19	W.D.H.	TELEGRAPH	1
3/22/19	W.D.H.	TELETYPE	1
3/22/19	W.D.H.	TELEFAX	1

**Community First Credit Union**  
**Neptune Beach Branch**  
1425 Atlantic Boulevard  
Neptune Beach, Florida 32266

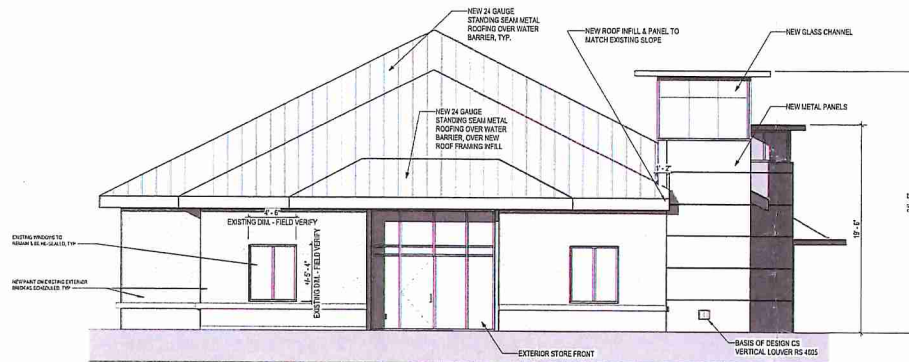
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RETRIEVAL SYSTEM, WITHOUT THE  
EXPRESSED WRITTEN PERMISSION OF  
TTV ARCHITECTS, INC.

DATE	3/22/19
DRAWN BY	W.D.H.
CHECKED BY	W.D.H.
PROJECT NO.	1182

ARCHITECTURAL  
SITE PLAN



WEST ELEVATION



NORTH ELEVATION

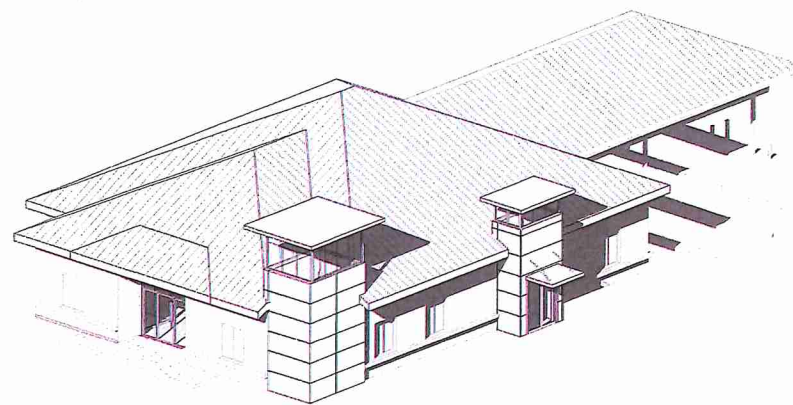
# EXTERIOR BUILDING MATERIAL



CHANNEL GLASS W/ BLUE LED INTERNAL LIGHT  
FOR INFORMATION



BLUE METAL PANELS  
FOR INFORMATION

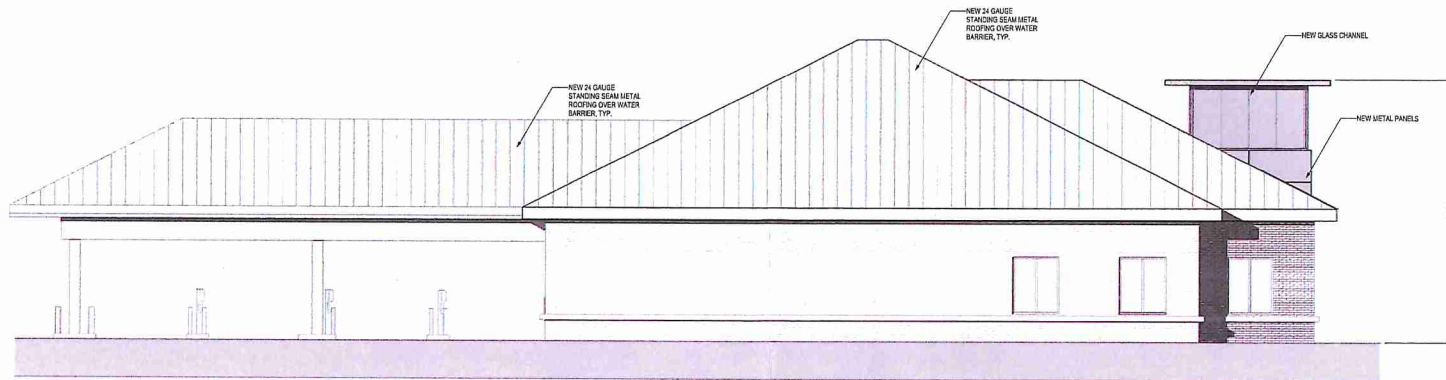


EXTERIOR PERSPECTIVE-NW CORNER

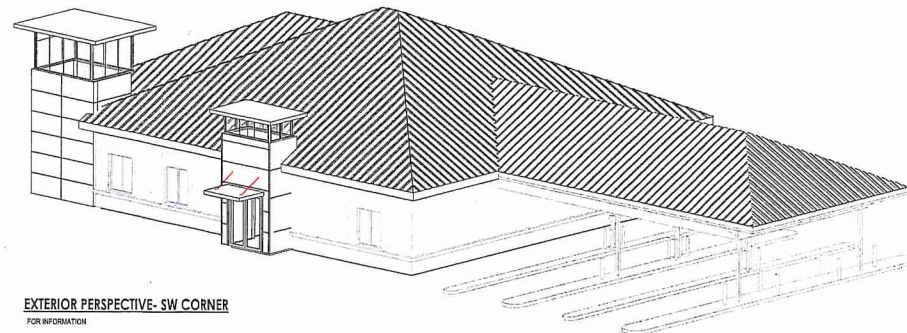
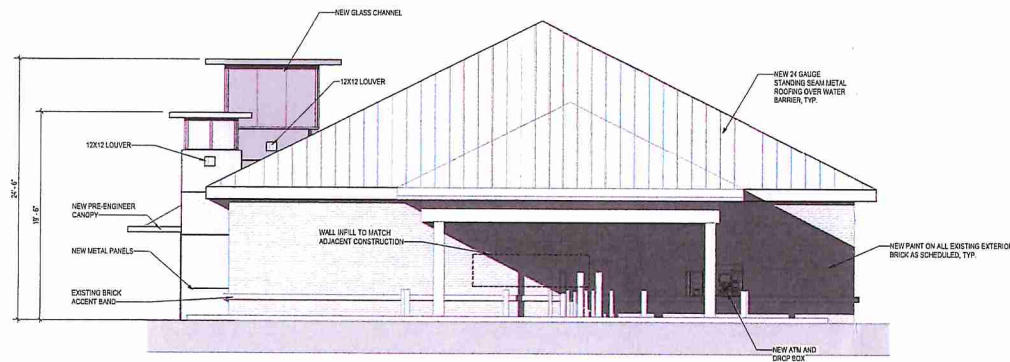
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2	01/15/2024	ISSUED FOR PERMIT
3	01/15/2024	ISSUED FOR PERMIT
4	01/15/2024	ISSUED FOR PERMIT
5	01/15/2024	ISSUED FOR PERMIT
6	01/15/2024	ISSUED FOR PERMIT
7	01/15/2024	ISSUED FOR PERMIT
8	01/15/2024	ISSUED FOR PERMIT
9	01/15/2024	ISSUED FOR PERMIT
10	01/15/2024	ISSUED FOR PERMIT



EAST ELEVATION



SOUTH ELEVATION



EXTERIOR PERSPECTIVE- SW CORNER  
FOR INFORMATION

**itv architects, inc.**  
115 EAST FORTSMYTH STREET  
JACKSONVILLE, FLORIDA 32202  
T 904.798.1233  
F 904.798.1235  
WWW.ITVARCHITECT.COM  
FL Lic#MA0000289

PROJECT ARCHITECT  
WILLIAM DENT BAO PEANIS

LICENSE NO. AWR-50036

Original

DATE	BY	REVISION
10/21/11	WDB	1.00
10/21/11	WDB	1.01
10/21/11	WDB	1.02
10/21/11	WDB	1.03
10/21/11	WDB	1.04
10/21/11	WDB	1.05
10/21/11	WDB	1.06
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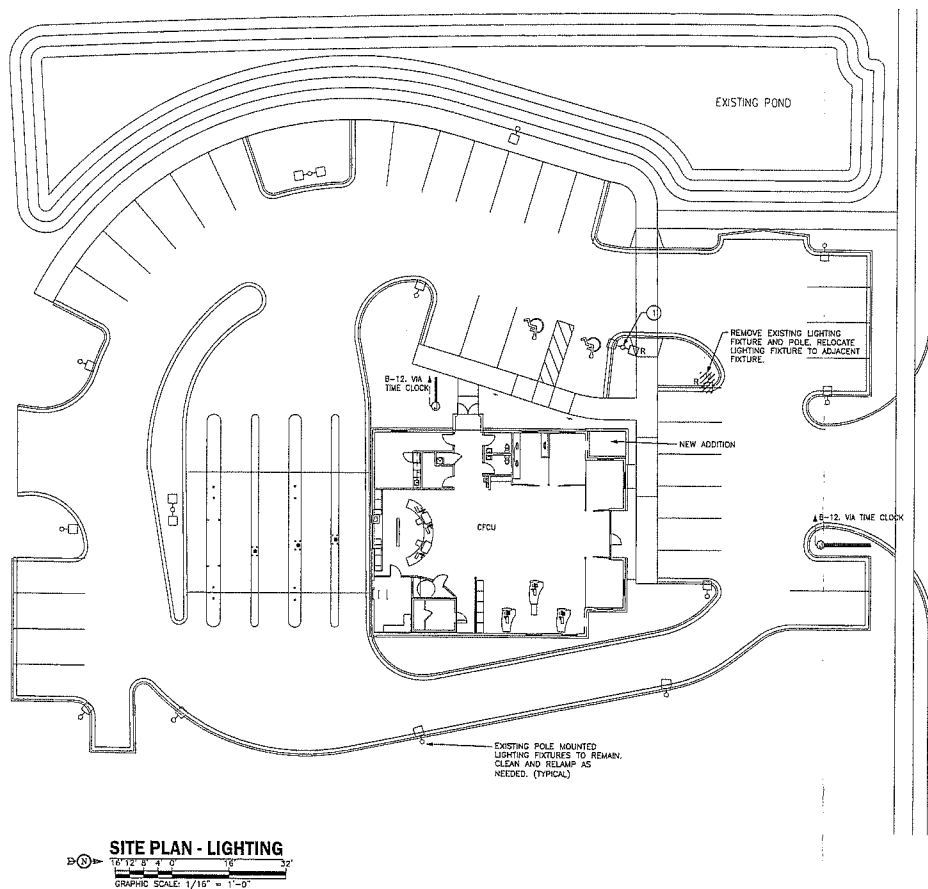
**Community First Credit Union**  
**Neptune Beach Branch**  
1425 Atlantic Boulevard  
Neptune Beach, Florida 32266

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SUB DATE	BY	REVISION
10/21/11	WDB	1.00
10/21/11	WDB	1.01
10/21/11	WDB	1.02
10/21/11	WDB	1.03
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10/21/11	WDB	1.08
10/21/11	WDB	1.09
10/21/11	WDB	1.10

EXTERIOR  
ELEVATIONS

**A401**



# **NOTES:**

- ① REMOVE EXISTING SINGLE HEAD TENON AND REPLACE WITH NEW 160' TENON. RECONNECT EXISTING LIGHTING FIXTURES AND RELOCATE ONE FIXTURE FROM ADJACENT POLE.

REV.	DATE	DESCRIPTION
1	02/11/18	ISSUED FOR PERMIT

Community First Credit Union  
Neptune Beach Branch  
1425 Atlantic Boulevard  
Neptune Beach, Florida 32266

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SUB. DATE	02.11.18
DRAWN BY	BT
CHECKED BY	ML
PROJECT NO.	1801

SITE PLAN -  
LIGHTING

E101





**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

**AGENDA ITEM:** CDB SE19-07 Application for a special exception as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The application is for off-site parking and outdoor dining for a new restaurant.

**SUBMITTED BY:** Huron-Sophia, LLC

**DATE:** July 31, 2019

**BACKGROUND:** This is a special exception application for off-site parking and outdoor dining for a new restaurant located at 301 Atlantic Boulevard (RE # 172982-0000). The existing commercial building is located at the corner of Atlantic Blvd and Second Street, the site of the former 7-11 store and ice cream shop. The property is in the Central Business District (CBD).

**BUDGET:** N/A

**RECOMMENDATION:** The Community Development Board denied the off-site parking by a 5-2 vote on July 10, 2019.

The Community Development Board approved the outdoor dining by a 5-2 vote on July 10, 2019.

**ATTACHMENT:** 1. CDB SE 19-07

CDB  
SE19-07 Application  
for a special  
exception  
301 Atlantic Blvd  
off-site parking &  
outdoor seating

CDB SE19-07 Application for a special exception as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The application is for off-site parking within 400 feet and outdoor dining for a new restaurant.

Ted Stein, Business owner, addressed the board. Has a signed an agreement with Regions Bank to lease 13 spaces. The agreement is signed by A1A Valet and Scott Riley, Vice President of Regions Bank. Stated that if for any reason the agreement was ever revoked, he would be willing to give up the seats. There are 13 spaces within 37 feet of the back of the building available. The lease is through the Valet company for insurance purposes. If something would happen and the if Valet was no longer involved, then we would have to secure our own insurance.

The exit from the parking lot to Atlantic Blvd. is going to be closed off to be safer and add 3 onsite parking spaces. Bike racks will be added to accommodate 30 bikes.

Would be willing to take 2 onsite parking spaces and make them into 4 golf cart parking giving us 27 spots with the off-site spaces. Having the outdoor seating will allow for an SRX license and would be willing to make the seats permanently fixed to avoid them being moved for a dance floor and close earlier than 2 am to avoid the bar type crowds. The patio would be a family area for all ages. Kids like to eat outside for some reason.

The approval would allow funds to become available to add a mural to the Second St. side of the building, repave the parking lot and create a functional piece of art out of the bike rack.

All the other restaurants have SRX licenses.

Chair Goodin opened the floor for public comments.

Ray Grass, 512 Davis St, impressed with the design. Jax Beach is a party atmosphere this is a blue shirt type of establishment. Staff commitment is great.

J.R. Pitcairn, owner of the Starbucks property, there is a lot of stuff in a small space. Concerned about how people will get from the off-site parking to the outdoor seating. The fence across the back of the building and the bank will cause people to cut through his drive thru area to get to the outdoor seating. This could be dangerous.

Rachel Cassosla, 1212 First St Jax Beach, concerned about the liquor license. Violent crime is up 26% in Jax Beach. Additional licenses will add to this.

Shellie Thole, 217 Oleander St, this is a self-created hardship. Why did they pick this property? Did they know that the code already gives them a 50% discount for parking?

Matt McGarvey, 313 North St, enjoys biking to the local restaurants to eat.

Chris Reiman, 236 Florida Blvd., will reduce the wait time for a restaurant. The original local is different, full of families.

Paul Helow, 204 Davis St, supports the Local, it is a welcome addition.

Julio Esteban III, 140 Sand Castle Way, does not think it will be for locals only.

The new BBQ place in Atlantic Beach is using the old Kmart property for parking now.

John Goelz, 1359 Beach Ave Atlantic Beach, owns 218 First St and is favor. The in-town restaurant is kid friendly.

John Baker, 810 Oceanfront, echoes the other folks in favor. Town Center is very crowded, so he walks or bikes to eat. Plans look fantastic.

Kelly Harrell, 810 Oceanfront, supports and love the in-town restaurants.

Omar Brown, 2265 Mayport Rd Atlantic Beach, does not support the variance for parking.

Ken Brown, 42 3<sup>rd</sup> St Atlantic Beach, supports the concept.

Mary Frosio, 1830 Nightfall Dr., supports the restaurant. The San Marco one serves beer and wine with great food. Does not see a compelling reason to give off-site parking, when the code already gives a 50% disconnect in parking in CDB. They need 150 seats to service alcohol. Against the exception for parking. Paid for parking rolls out in 11 days, we need to get a handle on the parking situation and unravel all the agreements in place first. We don't know who is double dipping and who is triple dipping. Other restaurants that don't serve liquor is Doro, Fancy Sushi, Joseph's, M-shack and others. The Local will have great food and will be successful.

Ingrid Smalling, 1708 Strand, and Ginny Thurson, 1200 7<sup>th</sup> St, sent emails to the board asking them to deny the request.

Adam Rigel, Neptune Beach, and Alexander Sifakis, Atlantic Beach, wrote letters in support of the request.

There being no comments, the public hearing was closed.

Questions from the Board to the applicant:

Ms. Kelly asked the following:

What are the hours of operation? Hours have not been set yet. Open to discussing the closing times on Fridays and Saturdays based on the board's approval.

The lease agreement does not start till 5:00pm. How do you handle the daytime parking? Dinner and brunch makes up the majority of the sales.

What is the previously approved outdoor seating? The Dreamette had outdoor seating. It is not a new special exception just an expansion.

How many employees will you have? We conservative have said 12, it could be as low as 6.

Where will the employees park? Onsite, at the Church or across Third Street.

Mr. Randolph: What is the current percentage of revenue made at your other location from beer and wine? 11%.

Ms. McPhaul asked the square footage of the building? 3526

Has the FDOT given you approval to close off the entrance from Atlantic? To close the north side which is our parking lot we don't need their permission. If the south side is to be closed the City would need to connect FDOT. I could not put in a curb without the City's approval, but I could put up bollards to stop



traffic and create the parking spaces on my property.

How will a patron coming to the restaurant for the first time know where to go and where to park? There will be signs put up with Local signage at the valet area and there will also be signs inside of the building. There will be an employee assigned to monitor the off-site parking and give people directions. Where will your employees be parking before 5pm? In our lot.

Why are you adding the awning? The awning is to give the neighborhood a covered area.

How many people can you fit inside? 150 seats. The gem is the outdoor area. They are the first to fill up.

Mr. Miller asked how the patrons will get from the off-site parking at the bank to the front of the restaurant. There is a sidewalk at Third Street to travel north then east on Atlantic Blvd. We are in talks with the City to add a sidewalk on the Second Street side. There is grass to walk on but most people walk down Second on the west side to avoid the Police Department. We can have an employee who hands out the validation tickets point then towards the Third Street sidewalk.

Is there a walkway from the Atlantic side into the restaurant? That would be a good idea.

Questions for Staff:

Section 27-548(g) states code states "the developer supplies a written agreement, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve." How does a lease with time restrictions meet that? Mr. Arline stated that there was testimony from the applicant that the hours of operation will be accommodated at the bank. You can conclude there is continuous availability. It is not a legal issue but a factual issue. The agreement is attached and for at least the next 12 months are provided for by that agreement. If it was concluded down the road and this was approved, and there was not off-site not provided during the leased time, then it would become a code enforcement issue. They would either find additional spaces or reduce the number of seats.

The attorney reminded the board that they were looking at 2 items tonight, outdoor seating and off-site parking. Each one has their own required finding of facts.

**FINDING OF FACTS FOR SPECIAL EXCEPTION**  
**SECTION 27-160 REQUEST #1 SECTION 27-548**  
**OFF-SITE PARKING WITHIN 400 FEET**

- 1) The proposed use is consistent with the comprehensive plan.  
 Goodin: Consistent.  
 Dill: Inconsistent with comprehensive plan.  
 Kelly: Yes. Redevelopment is consistent with enhancing the CBD.  
 Miller: Several other restaurants nearby.  
 McPhaul: Central Business District.  
 Frosio: It is consistent.  
 Randolph: Redevelopment of vacant business.
- 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;  
 Goodin: Compatible with area.

Dill: The site is not adequate to hold the required parking. The offsite parking seems viable but not proven.

Kelly: No, it would not be compatible as design requests for additional offsite parking.

Miller: Yes.

McPhaul: CBD.

Frosio: Beautiful addition.

Randolph: Restaurant fits character.

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

Goodin: Similar to neighboring properties.

Dill: Not impacting health & welfare.

Kelly: No. There is an impact on parking & public safety with pedestrian traffic.

Miller: No other way to access entrance of building on Second St and there is no walkway from Atlantic Blvd. to the building.

McPhaul: There are no sidewalks (valet) to get to location. Parking is too dense. Where will cars park if the current Regions space is gone.

Frosio: No impact.

Randolph: Exasperate parking problem.

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;

Goodin: Additional parking is available at bank.

Dill: Would cause more parking in inconsistencies.

Kelly: No. It would cause issue with pedestrian and vehicular traffic including bicycle.

Miller: Same comment as #3.

McPhaul: Increase in vehicle needing plans to park during hours that off-site plan doesn't account for. Before 5 pm.

Frosio: The special exception requirements area met.

Randolph: 50% CDB parking discount already in effect.

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

Goodin: Consistent with comp plan and neighboring feel.

Dill: may contribute to the parking shortage. Offsite parking seems viable plan by not tested.

Kelly: No. It would have an effect. If Regions redevelops or sells leases would be lost short/or long term.

Miller: Yes.

McPhaul: In the future we open ourselves up to compounding the parking problem by granting special exception.

Frosio: It raises the bar.

Randolph: Restaurant is consistent with area.

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;

Goodin:

Dill: No extra noise, light, etc.

Kelly: No. Its hours for business are not curved it will affect residential.

Miller: Consistent with setbacks.

McPhaul: By creating parking spots that area currently used by another business where will the cars that normally park there, park?  
Driving around to find spots.

Frosio: None.

Randolph: Would not create additional fumes.

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

Goodin:

Dill: Offsite plan form parking is an existing lot.

Kelly: No, it would overburden existing traffic/parking situation.

Miller: Over burden existing parking.

McPhaul: Was already a business there.

Frosio: All requirements met.

Randolph: Exasperates parking problem.

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

Goodin:

Dill: As far as discussed and brought forward in this evening's discussion.

Kelly: No, parking lot yet to be determined with vehicle or gold cart spaces.

Miller: Yes.

McPhaul: 27-548(a)(1) g. assuring continued availability of off-site parking.

Frosio: No impact.

Randolph: Meets other requirements.

**CONCLUSION ON REQUIRED FINDINGS #1**  
**PURSUANT TO SEC. 27-160, ORDINANCE CODE**

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

Made by Dill, seconded by Frosio.

**MOTION: TO APPROVE THE FINDING OF FACTS.**

**APPROVED BY CONSENSUS**

Made by Randolph and motion failed due to the lack of a second.

**MOTION: TO RECOMMEND DENIAL OF THE SPECIAL EXCEPTION CDB SE19-07 OFF-SITE PARKING WITHIN 400 FEET.**

Made by Frosio, seconded by Goodin.

**MOTION: TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION CDB SE19-07 REQUEST #1 FOR OFF-SITE PARKING WITHIN 400 FEET.**



## Roll Call:

Ayes: 2-Frosio, Goodin

Noes: 5-Kelly, Randolph McPhaul, Miller, Dill

**MOTION FAILED AND RECOMMEND DENIAL TO CITY COUNCIL.****FINDING OF FACTS FOR SPECIAL EXCEPTION**  
**SECTION 27-160 REQUEST #2 SECTION 27-227**  
**OUTDOOR SEATING**

- 1) The proposed use is consistent with the comprehensive plan.  
Goodin: Consistent.  
Dill: Consistent with the plan.  
Kelly: Yes, City has approved. Restaurants with outdoor seating.  
McPhaul: Consistent.  
Frosio: Is consistent.  
Randolph: Outdoor seating consistent.
- 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;  
Goodin: Similar to neighboring properties.  
Dill: Very compatible and fit with existing similar uses.  
Kelly: Yes. Compatible without extra seating that requires extra parking.  
Miller: Same as other businesses in the area.  
McPhaul: None.  
Frosio: Compatible.  
Randolph: Compatible
- 3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community;  
Goodin: Consistent with adjacent properties.  
Dill: No environmental impact that is inconsistent.  
Kelly: No. There is concern with safety of pedestrian and vehicle (including bicycle) safety.  
Miller: No negative impact.  
McPhaul: None.  
Frosio: No impact.  
Randolph: No environmental impact.
- 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;  
Goodin: No effect for outdoor seating.  
Dill: Will not cause any detrimental effects on movement.  
Kelly: No. There is concern with safety of pedestrian and vehicle (bike) safety.  
Miller: Not enough parking.  
McPhaul: None.  
Frosio: No detriment.

Randolph: Outdoor seating would.

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

Goodin: Consistent with comp plan.

Dill: Will not cause detrimental effect on future development.

Kelly: yes, it would not have a detrimental effect.

Miller: Incompatible with city plan.

McPhaul: None.

Frosio: No detriment.

Randolph: No determinate effect.

- 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;

Goodin: Similar to surrounding uses.

Dill: Not create excessive noise to neighbors

Kelly: No, unless hours are curbed.

Miller: Consistent with permissible uses.

McPhaul: None.

Frosio: No excess.

Randolph: No excessive noise.

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

Goodin: No overburden.

Dill: Not overburden existing services.

Kelly: Yes, without additional seating would not overburden.

Miller: Would overburden parking.

McPhaul: None.

Frosio: No overburden.

Randolph: No overburden.

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

Goodin: Consistent.

Dill: Meets all requirements as provide in this meeting.

Kelly: Yes, it meets other requirements.

Miller: See #7 & #4.

McPhaul: None.

Frosio: Yes, all requirements.

Randolph: Meets requirements.

**CONCLUSION ON REQUIRED FINDINGS #2**  
**PURSUANT TO SEC. 27-160, ORDINANCE CODE**

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

Made by McPhaul, seconded by Miller.



**MOTION: TO APPROVE THE FINDING OF FACTS.**

**APPROVED BY CONSENSUS**

Made by McPhaul, seconded by Kelly.

**MOTION: TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION CDB SE19-07 REQUEST #2 FOR OUTDOOR SEATING.**

Roll Call:

Ayes: 5-Frosio, McPhaul, Randolph, Dill, Goodin

Noes: 2- Kelly, Miller

**MOTION APPROVED AND RECOMMENDATION TO CITY COUNCIL IS APPROVAL OF THE SPECIAL EXCEPTION FOR OUTDOOR SEATING.**

CDB V19-07  
Application for  
variance  
301 Atlantic Blvd.  
Fence height

CDB V19-07 Application for variance as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The request is to vary section 27-330(a) (1) for the height of a fence. The applicant is proposing to install a fence that is a total of 10 feet tall with an 8-foot opaque surface and 2-foot open area with posts connecting to a 3-foot overhang to provide shade.

The 10-foot-tall fence would be only on the west side next to the Starbucks drive thru isle.

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

Board questions and comments:

The board asked Mr. Stein to speak with the owner of the Starbucks to discuss a solution for patrons who may try cutting through the Starbucks drive thru area to get to his restaurant. He agreed to do that.

Made by McPhaul, seconded by Dill.

**MOTION: TO DO THE FINDING OF FACT FOR CDB V19-07.**

**APPROVED BY CONSENSUS.**

**MOTION CARRIED**

**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.*

*City of*  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432

*Special  
Exception*



## MEMORANDUM

**TO:** Community Development Board  
**FROM:** Staff  
**DATE:** June 24, 2019  
**SUBJECT:** CDB SE19-07 / 301 Atlantic Blvd  
Off-site Parking and Outdoor Seating

---

### Background

A special exception application for off-site parking and outdoor dining for a new restaurant has been submitted by Huron-Sophia LLC Associates for the property located at 301 Atlantic Blvd. (RE # 172982-0000). The existing commercial building is located at the corner of Atlantic Blvd and Second Street, the site of the former 7-11 store and ice cream shop. The property is in the Central Business District (CBD).

The properties surrounding the subject property consist of various types of commercial business.

**The first request for a special exception is to Section 27-548 for off-site parking within 400 feet. The board must determine if the request meets the criteria set forth in the code section below.**

Per 27-548 (a) (1) (b) The location of required off-street parking and loading areas shall conform to the following criteria:

- (1) All required off-street parking spaces and the use they are intended to serve shall be located on the same parcel; provided, however, that the city council, as a special exception, with a recommendation by the community development board, may allow the establishment of off-site or remote off-street parking facilities, provided that all of the following conditions are met:
  - a. Practical difficulties prevent the placement of the required parking spaces on the same lot as the premises they are intended to serve.
  - b. The off-site parking spaces are located within four hundred (400) feet of the premises they are intended to serve.

- c. The off-site parking spaces are located within the same zoning district classification as the premises which the parking spaces will serve or a classification allowing business or commercial activities.
- d. The off-site parking spaces are not located in any residential district.
- e. The location of the off-site parking spaces will adequately serve the use for which it is intended.
- f. The location of the off-site parking spaces will not create unreasonable:
  - 1. Hazards to pedestrians.
  - 2. Hazards to vehicular traffic.
  - 3. Traffic congestion.
  - 4. Interference with access to other parking spaces in the vicinity.
  - 5. Detriment to any nearby use.
- g. The developer supplies a written agreement, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

The applicant is request a special exception to allow the use of off-site parking within 400 feet. Thirteen (13) parking spaces of the required 26 (25 regular & 1 handicapped) spaces, will be in the Regions Bank parking lot at 115 Third Street.

The application has 2 different onsite parking plans which staff has marked as Plan "A" and Plan "B".

Plan "A" shows 13 onsite spaces with one handicap with 13 spaces in the adjacent bank parking lot. This plan would comply with the required number of spaces for total of 175 guest and 12 staff members.

Plan "B" shows 11 onsite spaces with one handicap, 13 spaces in the adjacent bank parking lot and 4 spaces for golf cart parking. The code currently does not allow golf cart parking spaces to be counted towards the required spaces needed making this plan 2 spaces short. This plan require a variance of 2 spaces.

**The second request for a special exception is to Section 27-227(5) (e) for Outdoor Seating.**

The proposed outdoor seating is consistent with the outdoor seating for surrounding restaurants. The proposal is to add 83 seats in the front and to the west side of the existing building. A portion of this area will covered by an awning is the development order is also approved tonight.

### **Analysis**

Section 27-160 outlines the findings for the board to review for special exceptions.



Sec. 27-548, - Design standards for off-street parking and loading areas.

(a) *Location.* The location of required off-street parking and loading areas shall conform to the following criteria:

- (1) All required off-street parking spaces and the use they are intended to serve shall be located on the same parcel; provided, however, that the city council, as a special exception, with a recommendation by the community development board, may allow the establishment of off-site or remote off-street parking facilities, provided that all of the following conditions are met:
  - a. Practical difficulties prevent the placement of the required parking spaces on the same lot as the premises they are intended to serve.
  - b. The off-site parking spaces are located within four hundred (400) feet of the premises they are intended to serve.
  - c. The off-site parking spaces are located within the same zoning district classification as the premises which the parking spaces will serve or a classification allowing business or commercial activities.
  - d. The off-site parking spaces are not located in any residential district.
  - e. The location of the off-site parking spaces will adequately serve the use for which it is intended.
  - f. The location of the off-site parking spaces will not create unreasonable:
    1. Hazards to pedestrians.
    2. Hazards to vehicular traffic.
    3. Traffic congestion.
    4. Interference with access to other parking spaces in the vicinity.
    5. Detriment to any nearby use.
  - g. The developer supplies a written agreement, approved in form by the city attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- (2) All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:
  - a. Resident parking: ..... 200 feet
  - b. Visitor parking: ..... 250 feet

Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

- (3) Each off-street parking space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space, except as provided for in tandem parking.

- (4) Each off-street loading space shall be directly accessible from a street or alley without crossing or

(5) *Interior service restaurant:* Restaurants that sell alcoholic beverages shall conform to the following conditions:

- a. The alcoholic beverages shall be sold only for consumption on the premises.
- b. Said restaurant shall have an inside seating capacity of and be equipped to serve not less than thirty (30) people meals at one (1) time.
- c. Said restaurant shall derive at least fifty-one (51) percent of its gross revenue from the sale of food and nonalcoholic beverages.
- d. Any alcoholic beverage license issued to any such restaurant under the general law of the state shall not be moved to a new location, such licenses being valid only on the premises of such restaurant.
- e. Outdoor seating may be permitted as a special exception, and shall only be provided in a controlled area, attached to the main interior service area and shall also be situated in a manner that allows for unimpeded pedestrian access along adjacent sidewalks or pedestrian ways. Outdoor seating requests for public property not owned by the interior service restaurant must follow the provisions outlined in subsection 27-479(d).
- f. All drive-thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

(6) *Retail, general:*

- a. Outdoor sales must be an accessory use to the principal use and shall be limited to one (1) sale display area per retail store. Neptune Beach general retail stores may have outside sales on the premises of their licensed store. The sale shall be conducted by employees of the store and items offered for sale shall be property of the store and not a consignment operation or arrangement. Only products normally sold at these stores may be sold outside. Stores must apply for a yearly permit approved by the city manager or designee.
  1. Outdoor sales and the outdoor display area must be on private property and located only in the central business district (CBD), C-2 and C-3 zoning districts.
  2. Outdoor sales cannot occur in the right-of-way.
  3. The outdoor sale display area cannot exceed one hundred fifty (150) square feet.
  4. No outdoor sales shall be allowed in the area set aside, required or designated for parking, ADA routes, drive isles, driveways, maneuvering areas or unloading/loading areas. An ADA clear path must be maintained around all items in display area.

SE 19-07

## APPLICATION FOR SPECIAL EXCEPTION

CITY OF NEPTUNE BEACH PLANNING AND DEVELOPMENT DEPARTMENT  
 116 FIRST STREET  
 NEPTUNE BEACH, FLORIDA 32266-6140  
 PH: 270-2400 ext 4 FAX: 270-2432



Date Filed: RECEIVED JUN 21 2019

Application Fee: \$300 Residential / \$500 Commercial

Name & Address of Property Owner:	Telephone:
Huron-Sophia, L.L.C., 3733 University Blvd. W., Suite 204	E-Mail:
Jacksonville, FL 32217	Real Estate #: 172982-0000
Property Address (if different from mailing):	Lot 2 (ex W 35 Ft) Block: 15 and Lot 1 Block 50
301 Atlantic Blvd., Neptune Beach, FL 32266	Subdivision: Horne's Subdivision and Neptune
	Zoning District: CBD

Name and Address of Agent:	Telephone: 904-301-1269
Steve Diebenow and Cyndy Trimmer	E-Mail: sd@drivermcafee.com
1 Independent Dr., Ste 1200	
Jacksonville, FL 32202	ckt@drivermcafee.com

Describe Special Exception Request:
Off-site parking pursuant to Sec. 27-548 (a)(1)(b)
Outdoor seating pursuant to Sec. 27-227 (5)(e)

The Unified Land Development Code (ULDC) requires that the Community Development Board may not recommend for approval unless it makes a positive finding, based on substantial competent evidence, outlined in Section 27-160
1. Based on the required findings needed to issue a special exception in Section 27-160 explain the following (attach additional sheets as necessary):
<p>A. How the proposed is consistent with the comprehensive plan:</p> <p>The proposed off-site parking and outdoor seating allows for redevelopment of a vacant building on a prominent street corner in the Central Business District by an established local brand. Allowing for such infill development within the Central Business District ensures that commercial activity will be restricted to the designated commercial core thus preserving the residential character of the surrounding areas.</p> <p>B. Indicate how the proposed special expectation (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.</p> <p>Applicant proposes to enter into the attached agreement with Regions Bank for exclusive use of thirteen (13) parking spaces at 115 3rd Street, which is immediately to the south of the property, during the bank's off hours. The proposed off-site parking is consistent with the criteria established for off-street parking in the zoning code and compatible with the general character of the Central Business District where shared off-site and valet parking arrangements are common. The proposed additional outdoor seating is an appropriate expansion of the outdoor use previously approved for the property consistent with other restaurants in the area.</p>



<p>C. Indicate how the proposed special exception (use) would not have an environmental impact inconsistent with the health, safety and welfare of the community.</p> <p>The proposed special exception will permit utilization of off-street parking on an immediately adjacent lot pursuant to a parking agreement when the business occupying the property is closed. The proposed outdoor seating is an expansion of the outdoor area previously approved for the property and is consistent with outdoor seating for neighboring restaurants. As such, the proposed use will not have any environmental impact inconsistent with the health, safety, and welfare of the community.</p>
<p>D. 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.</p> <p>Applicant proposes closing one entrance onto Atlantic Boulevard, which will improve traffic flow at a congested intersection, to provide additional on-site parking, and providing the remaining parking off-site on the immediately adjacent lot. The special exception will allow Applicant to provide the number of spaces required by the zoning code within the designated area in order to ensure that there is no detrimental effect on traffic, pedestrian movement, or parking. The proposed additional outdoor seating will be located adjacent to the western and front sides of the building and will not have any such impacts.</p>
<p>E. Explain how the proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan.</p> <p>The proposed use is entirely consistent with the comprehensive plan, which provides that commercial development should be concentrated in existing commercial corridors such as the Central Business District in order to protect the residential character of the surrounding areas. Within the Central Business District, redevelopment such as the proposed restaurant use that creates a mix of urban-intensive, pedestrian oriented development is encouraged.</p>
<p>F. Indicate how the proposed use would not overburden existing public services and facilities.</p> <p>Redevelopment of an existing vacant property along the established commercial corridor will not overburden existing public services and facilities.</p>
<p>G. Explain how the proposed use meets all other requirements as provided for elsewhere Chapter 27.</p> <p>The proposed use is consistent with regulations established for the Central Business District and satisfies all other requirements of the zoning code as show on the attached conceptual site plan.</p>

**THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETINGS.**

Per 27-163, If a special exception is granted the use or construction, must be commenced within twelve (12) months following the date the special exception is rendered or the special exception shall expire and be of no further force, validity, or effect.

**I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A SPECIAL EXCEPTION AS REQUESTED.**

NAME (S) OF PROPERTY OWNER (S)

Huron Sophia LLC

By: Harlan D. Haring, Managing member

Signature

NAME OF AUTHORIZED AGENT



Signature Cynoy TRIMMER + Steve Dieben  
DRIVER McAfee Hawthorne + Dieben



**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

Driver, McAfee, Hawthorne & Diebenow, PLLC \_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF  
Huron-Sophia, L.L.C. \_\_\_\_\_, the owner(s) of those lands described within the attached application, and  
as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune  
Beach, Florida, for an application related to Development Permit or other action pursuant to a:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Rezoning    | <input checked="" type="checkbox"/> Special Exception     |
| <input checked="" type="checkbox"/> Variance    | <input checked="" type="checkbox"/> Commercial Dev. Order |
| <input type="checkbox"/> Appeal                 | <input type="checkbox"/> Comp. Plan Amendment             |
| <input checked="" type="checkbox"/> Concurrency | <input type="checkbox"/> Other/Building Permit            |

BY: Huron Sophia LLC  
Harlan D. Helming, managing member  
Signature of Owner

Harlan D. Helming, managing member  
Print Name Huron Sophia LLC

Harlan D. Helming, managing member Huron Sophia LLC  
Signature of Owner Huron Sophia LLC

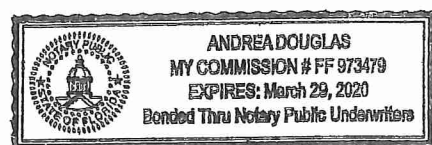
Harlan D. Helming, managing member Huron Sophia LLC  
Print Name ANDREA DOUGLAS  
Daytime Telephone Number (904) 355-3519 State of Florida  
County of DUVAL

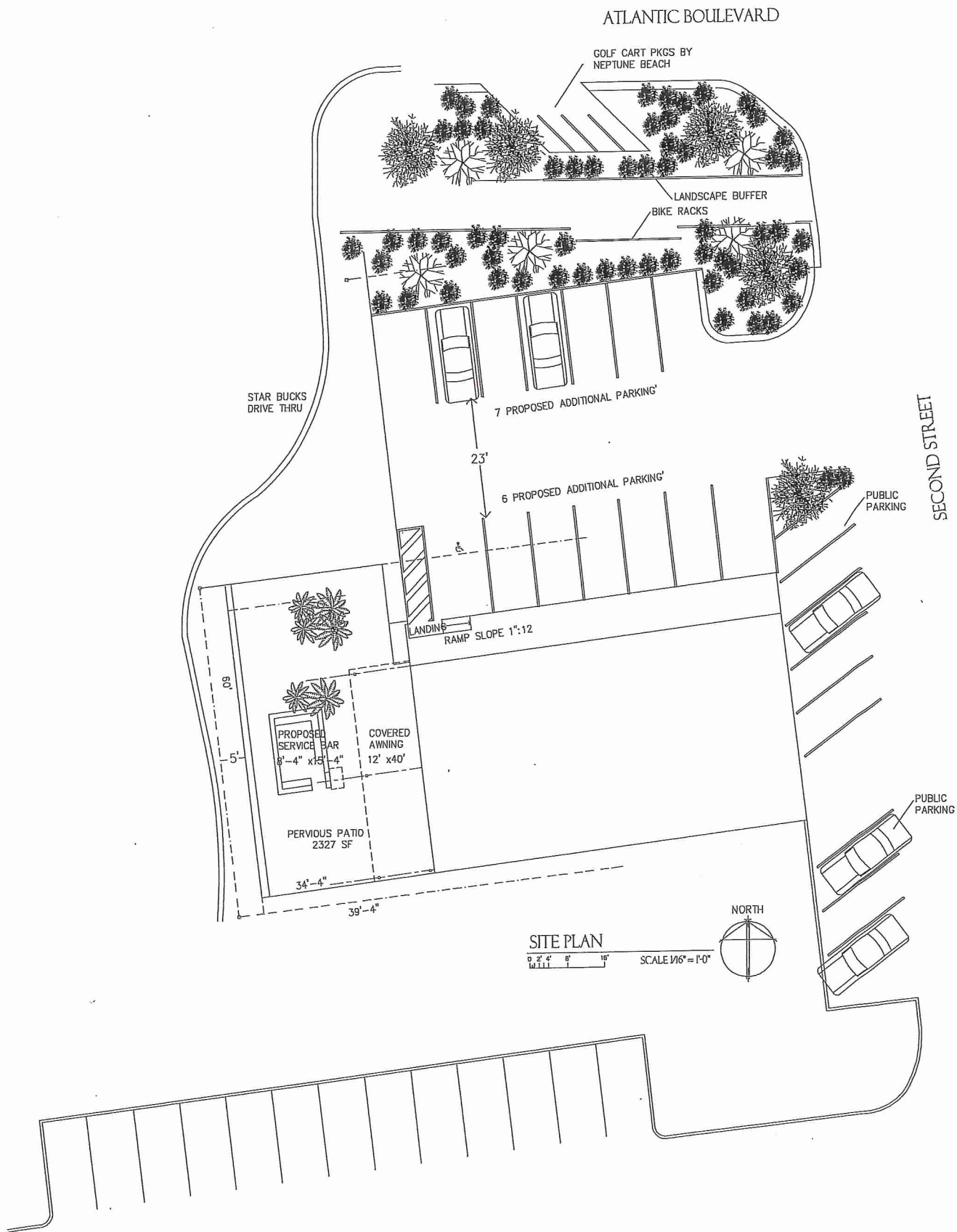
Signed and sworn before me on this 19TH JUNE day of, 2002019  
By HARLAN D. HELMING

Identification verified: ✓ Oath sworn: Yes No

Andrea Douglas  
Notary Signature

My Commission expires: MARCH 29, 2020





ATLANTIC BOULEVARD

GOLF CART PKGS BY  
NEPTUNE BEACH

LANDSCAPE BUFFER  
BIKE RACKS

STAR BUCKS  
DRIVE THRU

7 PROPOSED ADDITIONAL PARKING

4 PROPOSED ADDITIONAL PARKING

GOLF CART  
PKGS

PUBLIC  
PARKING

SECOND STREET

LANDING  
RAMP SLOPE 1":12

PROPOSED  
SERVICE BAR  
8'-4" x 15'-4"

COVERED  
AWNING  
12' x 40'

PERVIOUS PATIO  
2327 SF

PUBLIC  
PARKING

SITE PLAN

0 2' 4' 8' 16'

SCALE 1/16" = 1'-0"

NORTH







## PARKING LOT AGREEMENT

THIS PARKING LOT AGREEMENT (the "Agreement") is made and entered into as of the 14th day of May, 2019, but is effective as of August 1, 2019 (the "Effective Date"), by and between ALA VALET PARKING OF JACKSONVILLE, INC., a Florida corporation (the "Manager"), and ROOST RESTAURANTS, LLC, a Florida limited liability company (the "Local").

### RECITALS

WHEREAS, Regions Bank, an Alabama state banking corporation ("Regions") is the owner of certain real property and improvements thereon located at 115 3rd Street, Neptune Beach, Florida (the "Property"), which Property includes a parking lot (the "Parking Lot") containing twenty-six (26) parking spaces and two (2) handicapped spaces (collectively, the "Parking Spaces");

WHEREAS, Regions and Manager have entered into that certain parking management agreement (the "Management Agreement"), whereby, among other things, Manager has the right to use the Parking Lot and Parking Spaces for its customers during periods when Regions is not open for business (currently those hours are after 5:00 p.m. on weekdays and after 12:00 on Saturday, and all day on Sunday but in all events subject to change without notice) (the "Non-Banking Hours");

WHEREAS, pursuant to the Management Agreement, Manager is authorized to grant the right to third parties to use the Parking Lot and Parking Spaces during the Non-Banking Hours;

WHEREAS, Manager desires to grant Local the right to use the thirteen (13) Parking Spaces more particularly identified on Exhibit "A" attached hereto (the "Local Spaces"), and Local desires to use the Local Spaces, all under the terms and conditions hereinafter set forth; and

WHEREAS, Regions consents to Manager's entering into this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and each and all of the covenants, terms, provisions, conditions, and agreements hereinafter set forth, the parties agree as follows:

### AGREEMENT

1. GRANT OF LOCAL SPACES. On the terms and conditions set forth herein, Manager hereby grants to Local and its customers, employees and other invitees (the "Local Parties"); the exclusive right to use the Local Spaces, together with the right to access the Parking Lot for purposes of accessing and using the Local Spaces, during the Non-Banking Hours.

2. DURATION OF AGREEMENT. This Agreement shall commence on the Effective Date and shall continue for a period of twelve (12) months thereafter (as may be extended, the "Term"), unless earlier terminated as provided herein. The term of this Agreement

shall automatically renew for additional periods of twelve (12) months each, on the same terms and conditions set forth herein. Local shall have the right to terminate this Agreement by delivering written notice of such termination at least thirty (30) days prior to the termination date. In the event Regions cancels the Management Agreement, this Agreement shall automatically terminate as of the date of such cancellation. Upon notice of any cancellation of the Management Agreement, Manager shall deliver written notice of such cancellation to Local providing the date this Agreement will terminate along with evidence of Regions' cancellation of the Management Agreement.

3. PAYMENT. As consideration for this Agreement, commencing as of the Effective Date, and continuing on the first (1st) day of each month during the Term of this Agreement, Local shall pay to Manager the monthly sum of Two Thousand Dollars (\$2,000.00) for the use of the Local Spaces. The parties shall prorate the first and last month of the Term based on the number of days Local has the right to use the Local Spaces in such month.

4. USE OF LOCAL SPACES. Local Parties shall use the Local Spaces solely for parking during the Non-Banking Hours. Local shall have the right to install temporary signage adjacent to the Local Spaces notifying others that the Local Spaces are reserved for the exclusive use of the Local Parties provided that Local shall remove such temporary signage each day after Local closes its restaurant. Local shall also have the right to reasonable enforcement of its parking rights granted herein; provided, however, Local shall have no right to tow or remove any vehicles from the Local Spaces.

5. MAINTENANCE OF PROPERTY AND SECURITY. Pursuant to the Management Agreement, Manager is responsible to maintain the Parking Lot and Parking Spaces. Local shall have no obligation to maintain the Local Spaces; provided, however, Local shall repair any damage to the Parking Lot caused by any of the Local Parties. Neither Manager nor Regions shall have any responsibility to secure or illuminate any portion of the Parking Lot or provide any security for the Local, its patrons, and/or their vehicles and personal property. All parking shall be at the sole risk of the Local and their patrons who shall be responsible for themselves, as well as, securing their vehicles and personal property as they deem appropriate.

6. NOTICES. All notices required hereunder shall be delivered by United States mail, registered or certified mail, postage prepaid, return receipt required, and addressed as follows:

If to Manager: AIA Valet Parking of Jacksonville, Inc.  
1171 Beach Blvd., #108  
Jacksonville Beach, FL 32250  
Attention: Nicholas Csorna

If to Local: Roost Restaurants, LLC  
One Independent Drive, Suite 3120  
Jacksonville, Florida 32202  
Attention: J. C. Demetree, Jr.

or such other address as either party may from time to time specify in writing to the other in the manner aforesaid.

7. **INSURANCE.** During the Term of this Agreement, Local shall maintain a policy of commercial or comprehensive general liability insurance, or its equivalent, at Local's sole expense, insuring against all claims, demands, or actions for bodily injury or physical damage to tangible property arising out of or in connection with Local Parties' use of the Local Spaces. The limits of such policy or policies shall be Five Hundred Thousand and No/100 Dollars (\$500,000.00) per occurrence and One Million and No/Dollars in the aggregate. Any combination of primary or excess liability policies is acceptable. All such insurance maintained by Local shall name Regions and Manager as an additional insured, as evidenced by a valid ACORD (or equivalent) certificate of insurance to be delivered to Landlord prior to the Effective Date of this Agreement. Not less than ten (10) days before the expiration of such policies, copies of the renewals thereof shall be delivered to Regions and Manager. Local shall indemnify and hold Regions and Manager and their respective officers, directors, employees, agents, and members harmless from and against any and all claims, actions, liens, demands, expenses, and judgments for loss, damage, or injury ("Claims") to tangible property or persons resulting or occurring by reason of the Local or the Local Parties' use of the Parking Lot and the Local Spaces, except for Claims caused by Manager's negligence or willful misconduct.

[Remainder of Page Intentionally Blank]



IN WITNESS WHEREOF, the Manager and the Local have executed this Agreement on the date and year first above written.

WITNESSES:

Mitch Kaufmann  
Print Name: MITCH KAUFMANN  
Kellie M. Smirnoff  
Print Name: Kellie M. Smirnoff

MANAGER:

AIA VALET PARKING OF JACKSONVILLE,  
INC., a Florida corporation.

By: [Signature]  
Name: Nicholas Liorina  
Its: Owner

WITNESSES:

Sage C. DeAndrea III  
Print Name: Sage C. DeAndrea III  
Wesley McKenney  
Print Name: Wesley McKenney

LOCAL:

ROOST RESTAURANTS, LLC, a Florida limited  
liability company

By: [Signature]  
Name: Martin (Ted) Stein  
Its: President

Regions consents to Manager allowing the Local use of the thirteen (13) parking spaces referenced herein.

REGIONS BANK, an Alabama  
state banking corporation.

By: Scott Riley  
Name: Scott H. Riley  
Its: SVP



EXHIBIT "A"

Local Spaces





# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	consistent	yes
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; (answer "Yes" if compatible or "No" if it is not)	compatible with area.	yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	similar to neighboring properties	yes
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	additional parking is available at bank	yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	consistent with comp plan & neighboring feel.	yes
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	no additional use. inconsistent with neighboring area.	yes
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	additional parking in adjacent lot.	yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	meets all requirements	yes

I, Christopher Goodin, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	INCONSISTENT WITH COMPREHENSIVE PLAN	NO
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; (answer "Yes" if compatible or "No" if it is not)	THE SITE IS NOT ADEQUATE TO HOLD THE REQUIRED PARKING THE OFFSITE PARKING SEEMS VIABLE BUT NOT PROVEN	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	<del>IMPACT</del> NOT IMPACTING HEALTH & WELFARE	YES
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	WOULD CAUSE MORE PARKING INCONSISTENCIES	NO
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	MAY CONTRIBUTE TO THE PARKING SHORTAGE <del>THE</del> OFFSITE PARKING PLAN SEEMS VIABLE BUT NOT TESTED	NO
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	NO EXTRA NOISE, LIGHT, ETC.	YES
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	OFFSITE PLAN FOR PARKING IS AN EXISTING LOT	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	AS FAR AS DISCUSSED AND BROUGHT FORWARD IN THIS EVENING DISCUSSION	YES

I, RYAN DILL, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

<b>Required Findings Section 27-160</b>	<b>Justification/Reason for Finding</b>	<b>Finding Yes/No</b>
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	REDEVELOPMENT YES. IS CONSISTENT W/ ENHANCING THE CBD.	Y
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; (answer "Yes" if compatible or "No" if it is not)	NO. IT WOULD BE NOT COMPATIBLE W/ AS DESIGN REQUESTS FOR ADDITIONAL OFF SITE PARKING	N
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	NO-THERE IS AN IMPACT ON PARKING & PUBLIC SAFETY W/ PEDESTRIAN TRAFFIC.	N
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	NO-IT WOULD CAUSE ISSUE W/ PEDESTRIAN & VEHICAL TRAFFIC INCLUDING BICYCLE.	N
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	NO. IT WOULD HAVE AN EFFECT. IF REGIONS REDEVELOPS OR SELLS LEASES WOULD BE LOST SHORT & OR LONG TERM.	N
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	NO-IT HOURS FOR BUSINESS ARE NOT CURBED IT WILL EFFECT RESIDENTIAL.	N
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	NO, IT WOULD OVERBURDEN EXISTING TRAFFIC/PARKING SITUATION.	N
8) The proposed use meets all other requirements as provided for elsewhere in this Code.(answer "Yes" if it meets all other requirements, "No" if it does not)	NO, PARKING LOT YET TO BE DETERMINING W/ VEHICLE OR GOLF CART SPACES	N

I, DIANA KELLY, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	SEVERAL OTHER RESIDENTS WILL BE	YES
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; (answer "Yes" if compatible or "No" if it is not)	SIMILAR TO OTHERS IN NEIGHBORHOOD	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	NO WITH WAY TO REDUCE OF POLLUTION AND SMOKE ST AND WASTEWATER FROM PLANT, C BLVD TO BUILDING	NO
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	SAME AS OTHERS	NO
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)		YES
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	CONSISTENT WITH ZONING	YES
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	OVER BURDEN EXISTING PARKING	NO
8) The proposed use meets all other requirements as provided for elsewhere in this Code.(answer "Yes" if it meets all other requirements, "No" if it does not)		YES

I, [Signature], based on the above findings, recommend  
(APPROVAL) or (DENIAL) of the Special Exception.

Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

## Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	C. Business District	Yes
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; (answer "Yes" if compatible or "No" if it is not)	CDB	Yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	There are no sidewalks (valley) to get to location. parking is so dense. @ where will cars park if the current region's space is gone	NO
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	increase in vehicles needing places to park during hours that off site plan doesn't account for. before 5pm	NO
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	In the future we open ourselves up to compounding or parking problem by granting Special Exception	NO
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	by creating parking spots that are currently used by another business (valley) where will the cars that normally park there park? during arrival	NO
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	was already business there -	Yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	27-548 (a)(1) g. assuring continued avail. of off	NO

I, Lauren McPhaul, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	<i>it is consistent</i>	<i>yes</i>
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; (answer "Yes" if compatible or "No" if it is not)	<i>beautiful addition</i>	<i>yes</i>
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	<i>no impact</i>	<i>yes</i>
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	<i>the special exception requirements are met</i>	<i>yes</i>
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	<i>it raises the bar</i>	<i>yes</i>
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	<i>none</i>	<i>yes</i>
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	<i>no impact</i>	<i>yes</i>
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	<i>all requirements met</i>	<i>yes</i>

I, Bob Frosio, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #1 Section 27-548 off-site parking within 400 feet

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	REDEVELOPMENT OF VACANT BUSINESS	YES
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; (answer "Yes" if compatible or "No" if it is not)	<del>EXAGGERATED</del> PARKING PROBLEM RESTAURANT FITS CHARACTER	<del>NO</del> YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	EXAGGERATED PARKING PROBLEM	NO
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	50% CBD PARKING DISCOUNT ALREADY IN EFFECT	NO
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	RESTAURANT IS CONSISTENT WITH AREA	YES
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	WOULD NOT CREATE ADDITIONAL FUMES	YES
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	EXAGGERATED PARKING PROBLEM	NO
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	MEETS OTHER REQUIREMENTS	YES

I, Diana Rando, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature

## REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

### Request #2 Section 27-227(5)(e) outdoor seating

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	consistent	yes
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; (answer "Yes" if compatible or "No" if it is not)	similar to neighboring properties	yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	consistent with adjacent properties	yes
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	no effect for outdoor seating	yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	consistent with comp plan.	yes
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	similar to surrounding uses.	yes
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	no overburden <del>concern</del>	yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	consistent similar	yes

I, Christopher Goodin, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

A handwritten signature in black ink, appearing to be "C. K. ...", written over a horizontal line.

Signature



## REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #2 Section 27-227(5)(e) outdoor seating

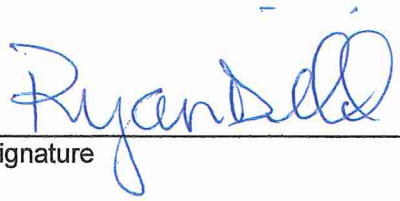
Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	CONSISTENT w/ the plan	YES
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; (answer "Yes" if compatible or "No" if it is not)	Very compatible. # fit w/ existing similar uses	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	No environmental impact that is inconsistent	YES
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	No with WILL NOT cause any detrimental effects on movement	YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	Will not cause detrimental effect on future develop.	YES
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	Not create excessive noise to neighbors	YES
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	Not overburden. existing services	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	meets all requirements as provided in this meeting	YES

I, RYAN DILL, based on the above findings, recommend

0 (APPROVAL) or (DENIAL) of the Special Exception.

  
Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

## Request #2 Section 27-227(5)(e) outdoor seating

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

<b>Required Findings Section 27-160</b>	<b>Justification/Reason for Finding</b>	<b>Finding Yes/No</b>
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	YES, THE CITY HAS APPROVED RESTAURANTS W/OUT DOOR SEATING	Y
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; (answer "Yes" if compatible or "No" if it is not)	YES, COMPATIBLE W/O EXTRA SEATING THAT REQUIRES EXTRA PARKING.	Y
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	NO - THERE IS CONCERN W/ SAFETY OF PEDESTRIAN + VEHICLE (INCL. BICYCLE) SAFETY	N
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	NO - THERE IS CONCERN W/ SAFETY OF PEDESTRIAN + VEHICLE SAFETY (BIKE)	N
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	YES, NO IT WOULD NOT HAVE A DETRIMENTAL EFFECT.	Y
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	NO - UNLESS HOURS ARE CURBED.	N
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	YES, WITHOUT ADDITIONAL SEATING WOULD NOT OVERBURDEN	Y
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	YES, IT MEETS OTHER REQUIREMENT.	Y

I, DIANA KELLY, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

  
Signature



# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #2 Section 27-227(5)(e) outdoor seating

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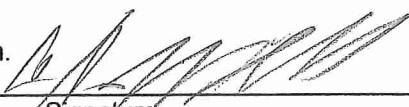
**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

<b>Required Findings Section 27-160</b>	<b>Justification/Reason for Finding</b>	<b>Finding Yes/No</b>
1) The proposed use is consistent with the comprehensive plan; <b>(answer "Yes" if use is consistent or "No" if it is not)</b>		
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; <b>(answer "Yes" if compatible or "No" if it is not)</b>	SAME AS OTHER BUILDINGS IN AREA	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; <b>(answer "Yes" if there is no impact or "No" if there is)</b>	NO NEG IN PROT	YES
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; <b>(answer "Yes" if there is no detrimental effect or "No" if there would be)</b>	NOT EXCESSIVE PARKING	NO
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; <b>(answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)</b>	IN COMPLIANCE WITH ZONING PLAN	YES
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; <b>(answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)</b>	COMPLIANT WITH PERMITS AND USE	YES
7) The proposed use would not overburden existing public services and facilities; and <b>(answer "Yes" if no impact to public services, or "No" if it would overburden)</b>	WOULD NOT OVERBURDEN	NO
8) The proposed use meets all other requirements as provided for elsewhere in this Code. <b>(answer "Yes" if it meets all other requirements, "No" if it does not)</b>	YES 7, 8, 9	NO

I, CH MILLER, based on the above findings, recommend



(APPROVAL) or (DENIAL) of the Special Exception.

  
\_\_\_\_\_  
Signature

# REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #2 Section 27-227(5)(e) outdoor seating

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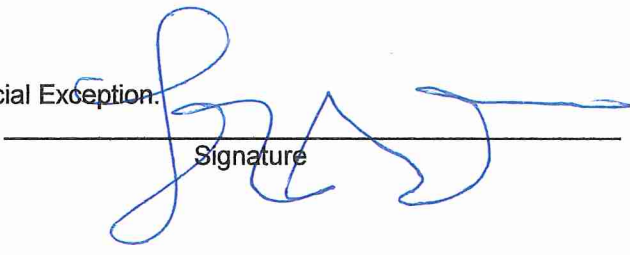
**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

<b>Required Findings Section 27-160</b>	<b>Justification/Reason for Finding</b>	<b>Finding Yes/No</b>
1) The proposed use is consistent with the comprehensive plan; <b>(answer "Yes" if use is consistent or "No" if it is not)</b>	<del>consistent</del>	yes
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; <b>(answer "Yes" if compatible or "No" if it is not)</b>	<del>NONE commercial district</del>	yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; <b>(answer "Yes" if there is no impact or "No" if there is)</b>	<del>NONE commercial district</del>	yes
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; <b>(answer "Yes" if there is no detrimental effect or "No" if there would be)</b>	<del>NONE commercial district</del>	yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; <b>(answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)</b>	none	yes
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; <b>(answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)</b>	none	yes
7) The proposed use would not overburden existing public services and facilities; and <b>(answer "Yes" if no impact to public services, or "No" if it would overburden)</b>	None	yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code. <b>(answer "Yes" if it meets all other requirements, "No" if it does not)</b>	none	yes

I, [Signature], based on the above findings, recommend

(APPROVAL)

or (DENIAL) of the Special Exception.

  
Signature



## REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #2 Section 27-227(5)(e) outdoor seating

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**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	is consistent	yes
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; (answer "Yes" if compatible or "No" if it is not)	compatible	yes
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	no impact	yes
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	no detriment	yes
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	no detriment	yes
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	no excesses	yes
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	no overburden	yes
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	all yes requirements	yes

I, Bob Frosto, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

  
\_\_\_\_\_  
Signature



## REQUIRED FINDINGS NEEDED TO ISSUE A SPECIAL EXCEPTION

Public Hearing Date: 7/10/19

Applicant: Huron-Sophia

Case # CDB SE19-07

Property Address: 301 Atlantic Blvd

Request #2 Section 27-227(5)(e) outdoor seating

Section 27-160. The Community Development Board may not recommend for approval a special exception unless it makes a positive finding, based on substantial competent evidence, on each of the following, to the extent applicable:

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO"; YOU MUST JUSTIFY YOUR REASON.**

Required Findings Section 27-160	Justification/Reason for Finding	Finding Yes/No
1) The proposed use is consistent with the comprehensive plan; (answer "Yes" if use is consistent or "No" if it is not)	OUTDOOR SEATING CONSISTENT	YES
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; (answer "Yes" if compatible or "No" if it is not)	COMPATIBLE	YES
3) The proposed use would not have an environmental impact inconsistent with the health, safety, and welfare of the community; (answer "Yes" if there is no impact or "No" if there is)	NO ENVIRONMENTAL IMPACT	YES
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; (answer "Yes" if there is no detrimental effect or "No" if there would be)	OUTDOOR SEATING WOULD	YES
5) The proposed use would not have a detrimental effect on the future development of the area as allowed in the comprehensive plan; (answer "Yes" if there is not a detrimental effect on future development or "No" if it would affect future development)	NO DETRIMENTAL EFFECT	YES
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; (answer "Yes" if there is no creation of excessive noise, light vibration, fumes ext. or "No" if any the above would occur)	NO EXCESSIVE NOISE	YES
7) The proposed use would not overburden existing public services and facilities; and (answer "Yes" if no impact to public services, or "No" if it would overburden)	NO OVERBURDEN	YES
8) The proposed use meets all other requirements as provided for elsewhere in this Code. (answer "Yes" if it meets all other requirements, "No" if it does not)	MEETS REQUIREMENTS	YES

I, William Randoan, based on the above findings, recommend

(APPROVAL) or (DENIAL) of the Special Exception.

Signature



**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

**AGENDA ITEM:** CDB V19-07 Application for variances as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The request is to vary section 27-330(a) (1) for the height of a fence. The applicant is proposing to install a fence that is a total of 10 feet tall with an 8 foot opaque surface and 2 foot open area with posting connecting to a 3 foot overhang to provide shade

**SUBMITTED BY:** Huron-Sophia, LLC

**DATE:** July 31, 2019

**BACKGROUND:** The applicant is seeking a variance to Section 27-330 of the LDC to increase the height of a fence. The applicant is requesting to install a fence that is a total of 10 feet tall with an eight-foot opaque surface and a two-foot open area with posts connecting to a three-foot overhang to provide shade.

The subject property is located at the southwest corner of Atlantic Boulevard and Second Street. The vacant building was the former 7-11 convenience store and an ice cream store. The property is located in the CBD.

**BUDGET:** N/A

**RECOMMENDATION:** The Community Development Board approved the variance request by a 6-1 vote on July 10, 2019.

**ATTACHMENT:** 1. CDB V19-07



**MOTION: TO APPROVE THE FINDING OF FACTS.**

**APPROVED BY CONSENSUS**

Made by McPhaul, seconded by Kelly.

**MOTION: TO RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION CDB SE19-07 REQUEST #2 FOR OUTDOOR SEATING.**

Roll Call:

Ayes: 5-Frosio, McPhaul, Randolph, Dill, Goodin

Noes: 2- Kelly, Miller

**MOTION APPROVED AND RECOMMENDATION TO CITY COUNCIL IS APPROVAL OF THE SPECIAL EXCEPTION FOR OUTDOOR SEATING.**

CDB V19-07  
Application for  
variance  
301 Atlantic Blvd.  
Fence height

**CDB V19-07** Application for variance as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). The request is to vary section 27-330(a) (1) for the height of a fence. The applicant is proposing to install a fence that is a total of 10 feet tall with an 8-foot opaque surface and 2-foot open area with posts connecting to a 3-foot overhang to provide shade.

The 10-foot-tall fence would be only on the west side next to the Starbucks drive thru isle.

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

Board questions and comments:

The board asked Mr. Stein to speak with the owner of the Starbucks to discuss a solution for patrons who may try cutting through the Starbucks drive thru area to get to his restaurant. He agreed to do that.

Made by McPhaul, seconded by Dill.

**MOTION: TO DO THE FINDING OF FACT FOR CDB V19-07.**

**APPROVED BY CONSENSUS.**

**MOTION CARRIED**

**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.*

Goodin: Drive through next door.

Dill: Unique hardship as It is up against the property with a thrive through.

Kelly: No, not unique as Mezza and Fly Iguana have parking that backs up to outdoor seating.

Miller: Is unique as a drive thru land with outside dining next door.

McPhaul: Lines up to drive thru where hundreds of cars a day go through.

Frosio: Limited space & parking.

Randolph: Unique circumstances due to Starbucks drive through lane

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

Goodin: Stops lights from neighboring cars.

Dill: Yes, this is a minimum request.

Kelly: No, 6 ft is the minimum.

Miller: Height needed to block vehicle noise, lights and emissions.

McPhaul: Safety, purposes & shade for outdoor seating.

Frosio: Expand the seating with a beautiful covered area.

Randolph: Design is.

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

Goodin: No affect.

Dill: Will not adversely affect the adjacent property.

Kelly: Will not adversely affect the adjacent property.

Miller: No negative affect adjoining property.

McPhaul: Yes, it would not adversely affect adjacent properties.

Frosio: Improve it.

Randolph: Fence should not interfere with other businesses.

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

Goodin: Improve the areas.

Dill: Will not diminish property values.

Kelly: Yes, it would not diminish property values.

Miller: Will not.

McPhaul: It will enhance. Currently chain link fence.

Frosio: It will increase them.

Randolph: Should not negatively affect property values.

- 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.*

Goodin: Harmony with area & intent of ULDC.

Dill: Yes, in harmony with the ULDC this is making a community enjoyable space.

Kelly: Yes, in harmony with special intent.

Miller: In harmony.

McPhaul: It provides privacy & safety from thrive through.

Frosio: Encloses the area.

Randolph: Fits ULDC.

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.*

Goodin: Created by neighboring drive through.

Dill: No, not created by the actions of the property owner. The adjacent property creates a unique situation.

Kelly: No, it has been created with desire for privacy.

Miller: Was not created by applicant.

McPhaul: The property lines up to drive through. Unsafe for customers without it or shade family space.

Frosio: Drive thru adjacent.

Randolph: Necessary for proposed use.

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.*

Goodin: Unique property.

Dill: No special privilege.

Kelly: Yes, it will confer special privilege.

Miller: No special privilege due to uniqueness.

McPhaul: Each situation is unique.

Frosio: It will not.

Randolph: No special privilege.

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

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

Made by Dill, seconded by Frosio.

**MOTION: TO APPROVE VARIANCE REQUEST CDBV09-07 FOR  
10-FOOT-TALL FENCE AT 301 ATLANTIC BLVD.**

Roll Call Vote:

Ayes: 6-Frosio, McPhaul, , Miller, Randolph, Dill, Goodin

Noes: 1-Kelly

**MOTION APPROVED AND REQUEST RECOMMENDED FOR APPROVAL.**

CDB 19-06 An  
application for a  
development permit  
301 Atlantic Blvd

CDB 19-06 An application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). Proposing to construct a 12' by 40' awning on the western face of the building, fence and an 8' by 16' service bar for outdoor seating for a new restaurant. Pursuant to the approval of CDB SE19-07 and V19-07.

The awning would be attached to the west side of the building. The service



City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432



## MEMORANDUM

**TO:** Community Development Board

**FROM:** Staff

**DATE:** June 24, 2019

**SUBJECT:** CDB V19-07 301 Atlantic Blvd., (RE # 172982 0000)

---

**Location:** 301 Atlantic Blvd.  
**Property Owner:** Huron Sophia, LLC  
**Proposed Use:** Restaurant  
**Zoning:** Central Business District (CBD)

**Variance Request:**

1. Vary section 27-330(a)(1) to install a fence that is a total of 10 feet tall with an 8 foot opaque surface and 2 foot open area with posts connecting to a 3 foot overhang to provide shade.

**Background**

The subject property is located on the southwest corner of Atlantic Blvd. and Second Street. The vacant building was formerly a 7-Eleven convenience store and an ice cream store. The property is located in the CBD. The applicant is seeking a variance to Section 27-330 of the Unified Land Development Code (ULDC) to increase the height of a fence.

The fence will be used as a buffer between the outdoor dining on the west side of the property and the Starbucks drive-thru.

V19-07



## APPLICATION FOR ZONING VARIANCE

TO THE CITY OF NEPTUNE BEACH BUILDING DEPARTMENT  
 116 FIRST STREET  
 NEPTUNE BEACH, FLORIDA 32266-6140  
 PH: 270-2400 ext. 4 FAX: 270-2432

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date <b>RECEIVED JUN 21 2019</b>	Zoning District: CBD	Real Estate Parcel Number: 172982-0000
Name & Address of Owner of Record: Huron-Sophia, L.L.C., 3733 University Blvd W 204 Jacksonville, FL 32217  Contact phone number# _____  E-mail address _____		Property Address: 301 Atlantic Blvd., Neptune Beach, FL 32266  Number of units on property <u>1</u>  Have any previous applications for variance been filed concerning this property? <u>N/A</u>  If Yes, Give Date: _____
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s):  Applicant requests approval to install a fence that is a total of 10 feet tall with an 8 foot opaque surface and 2 foot open area with posts connecting to a 3 foot overhang to provide shade. <div style="text-align: right; margin-top: 10px;"><i>Section 27- 330(a)(1)</i></div>		
2. Explain the purpose of the variance (if granted)?  Applicant proposes to develop a restaurant with an outdoor seating area between the building and the western boundary of the property. The 10 foot fence is requested in order to provide shade and adequate buffering between the outdoor seating area and the neighboring Starbucks drive through including ordering call box and delivery window which runs immediately along the property line.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):  A. How does your 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.  Applicant intends to develop his property with the setbacks as required by code. The property is located immediately adjacent to a Starbucks, which has a drive through that runs along the property line with little buffering. The buffering that does exist consists of short hedges along the edge of the drive through. Applicant estimates that the ordering call box is 7 feet from the proposed outdoor seating area and that the delivery window is 11.5 feet away.		



<p>B. How is the proposed variance the minimum necessary to allow reasonable use of the property?</p> <p>Applicant proposes to install a fence that has 8 feet of opaque surface area and includes a 2 foot open area at the top with poles that support a 3 foot overhang. This height will ensure that the neighboring drive through is obscured and allow sufficient clearance for a small overhang to provide shade to the outdoor area.</p>
<p>C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.</p> <p>The proposed fence will be located along the boundary between the property and a Starbucks drive through. The Starbucks drive through use will not be negatively impacted by the presence of a fence, and its location on an interior boarder between the drive through and restaurant building will not adversely affect the surrounding properties.</p>
<p>D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.</p> <p>The proposed fence will be visible to patrons of the Starbucks drive through and diners enjoying the outdoor seating of the restaurant. Due to the location of the fence on an interior boarder of the property, it will be nominally visible from and unobtrusive to any surrounding properties and will not impact the character of the area.</p>
<p>E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.</p> <p>The proposed variance is in harmony with the intent of the Unified Land Development Code in this instance because its necessity arises from the unique characteristics of the CBD area where compact and dense commercial development is desired, as well as site characteristics that are unique to the property. Specifically, Applicant's property is the only one in the CBD with a drive through running along the interior property line, which makes granting relief that is specific to the property appropriate.</p>
<p>F. Explain how the need for the proposed variance has not been created by you or the developer?</p> <p>Applicant desires to erect the proposed fence due to the fact that a drive through is located along the property line immediately adjacent to his property.</p>
<p>G. 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.</p> <p>As detailed above, the proposed variance is warranted in this case due to the location of the Starbucks drive through that runs along the internal boundary line immediately adjacent to the property. This condition is unique to the property and does not exist for any other location within the CBD zoning district. Granting the requested relief in light of these circumstances is appropriate and does not confer a special privilege over the other property owners in the CBD.</p>
<p>4. <b>Required Attachments</b>-Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b></p>
<p>A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. <b>WHICH HAS NOT BEEN REDUCED.</b></p>
<p>B. Survey of the property certified by licensed surveyor dated within <b>one year of application date.</b> <b>WHICH HAS NOT BEEN REDUCED.</b></p>
<p>C. Copy of Deed</p>
<p>D. Pictures of the property as it currently exists</p>
<p>5. Letter of authorization for agent to make application (Required only if application is not made by property owner)</p>
<p>6. <b>NON-REFUNDABLE FEE: \$300.00 (Residentially zoned property) / \$500 (Commercially zoned property)</b></p>



NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.

\*If a residential zoning variance is granted a 30 day wait period must pass before any requisite building permits can be released, in order to allow time for appeals.

\*If a commercially zoned variance is granted by council a 30 day wait period must pass before any requisite building permits can be released, in order to allow time for appeals.

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.

NAME (S) OF PROPERTY OWNER (S)

Huron Sophie LLC  
By: Harlan D. Helming, Managing Member

ADDRESS OF PROPERTY OWNER

3733 UNIVERSITY BLVD W #204  
Jacksonville, FL 32217

NAME OF AUTHORIZED AGENT

Cindy Trimmer & Steve Diebenow  
Owner MacFee Hawthorne Diebenow

ADDRESS OF AUTHORIZED AGENT

1 Independent Dr Ste 200  
Jacksonville, FL 32202

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

Huron Sophie LLC By: Harlan D. Helming, Managing Member

BELOW THIS LINE FOR CITY USE ONLY.

BOARD PUBLIC HEARING DATE:

BOARD DECISION:

APPROVAL \_\_\_\_\_ DENIAL \_\_\_\_\_

**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

Dr. McAffee Hawthorne & Debra is hereby authorized TO ACT ON BEHALF OF Huron Sophia LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to Development Permit or other action pursuant to a:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Rezoning    | <input checked="" type="checkbox"/> Special Exception     |
| <input checked="" type="checkbox"/> Variance    | <input checked="" type="checkbox"/> Commercial Dev. Order |
| <input type="checkbox"/> Appeal                 | <input type="checkbox"/> Comp. Plan Amendment             |
| <input checked="" type="checkbox"/> Concurrency | <input type="checkbox"/> Other                            |

By: Huron Sophia LLC  
Signature of Owner Harlan D. Helming, managing member

BY: Harlan D. Helming, managing member  
Print Name Huron Sophia LLC

BY: Harlan D. Helming, managing member  
Signature of Owner Huron Sophia LLC

BY: Harlan D. Helming, managing member  
Print Name ANDREA DOUGLAS  
Daytime Telephone Number (904) 355-3519 State of Florida  
County of DUVAL

Signed and sworn before me on this 19TH day of JUNE 2019  
By Harlan D. Helming

Identification verified: ✓ Oath sworn: Yes No

Notary Signature Andrea Douglas  
My Commission expires: MARCH 29, 2020

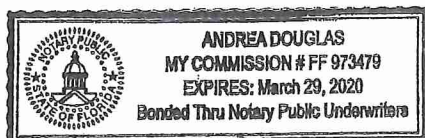
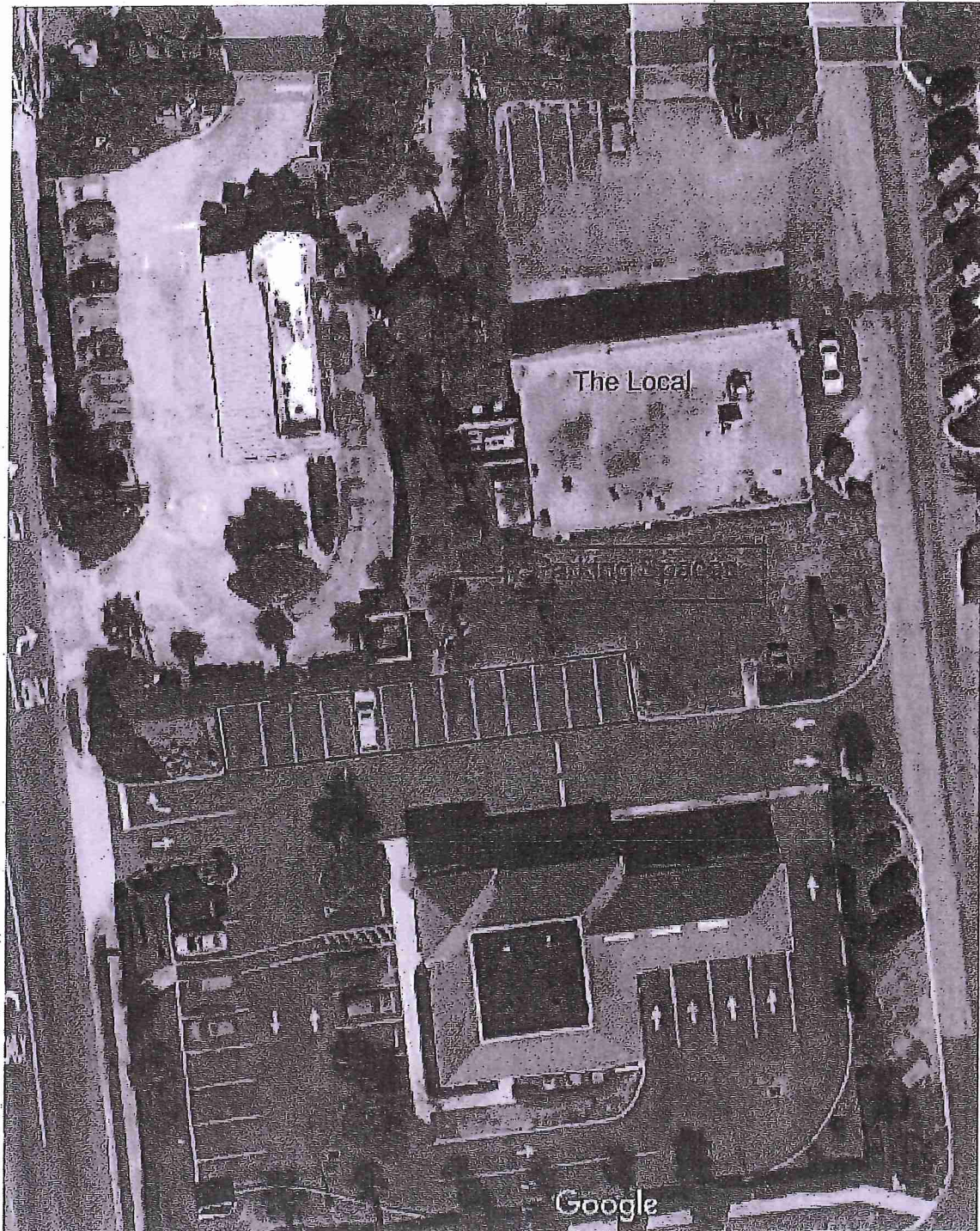




EXHIBIT "A"

Local Spaces











The western side of the building and the neighboring Starbucks drive through at the property line



The rear of the building and neighboring Regions parking lot





Approaching property on Atlantic Blvd. from the East



Viewing property from Atlantic Blvd.







Prepared By:

Murphy Mahon Keffler & Farrier LLP  
505 Pecan Street, Suite 101  
Fort Worth, TX 76102  
Attn: Chris Baker

Return To:

Huron-Sophia LLC  
Attn: Harlan Helming  
3733 W. University Blvd., Suite 204  
Jacksonville, FL 32217

Property Appraisers ID #: 172982-0000

**SPECIAL WARRANTY DEED**

STATE OF FLORIDA

§

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DUVAL

§

§

FOR VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, **VRE 301 ATLANTIC, LLC**, a Texas limited liability company having a address of 2311 Cedar Springs, Suite 100, Dallas, Texas 75201 ("**Grantor**"), hereby grants, bargains, sells and conveys to **HURON-SOPHIA, L.L.C.**, a Florida limited liability company having an address of 3733 W. University Blvd., Suite 204, Jacksonville, Florida 32217 ("**Grantee**"), that certain real property located in the County of Duval, State of Florida, more particularly described as follows:

PARCEL 1:

Lot 1, Block 50, NEPTUNE, according to the plat thereof as recorded in Plat Book 2, Page 12 and in Plat Book 4, Page 46, of the current Public Records of Duval County, Florida.

PARCEL 2:

Lot 2, Block 15, HORNE'S SUBDIVISION, according to the plat thereof as recorded in Plat Book 15, Page 84, of the current Public Records of Duval County, Florida, LESS AND EXCEPT the Westerly 35 feet thereof.

(the "**Land**"), together with all of Grantor's right, title and interest in and to the fixtures and improvements located on the Land (the "**Improvements**"), and together with all rights, privileges and easements appurtenant to the Land, all water, wastewater and other utility rights relating to the Land and any and all easements, rights-of-way and other appurtenances used in connection with the beneficial use and enjoyment of the Land, in each case to the extent assignable (the "**Appurtenances**") (the Land, Improvements and Appurtenances collectively referred to as the "**Property**").



This conveyance is being made by Grantor and accepted by Grantee subject only to those certain title exceptions (the "Permitted Exceptions") set forth in Exhibit "A" attached hereto and made a part hereof for all purposes, but only to the extent that such exceptions are valid, existing, and, in fact, affect the Property.

**TO HAVE AND TO HOLD** the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject to the Permitted Exceptions, Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through or under Grantor, but not otherwise, subject to the Permitted Exceptions.

Grantee acknowledges that, except for the special warranty of title contained in this Deed, neither Grantor nor its representatives have made any representations or warranties as to the Property or its environmental or physical condition, upon which Grantee has relied. Grantee further acknowledges and agrees that (1) **GRANTEE RELEASES GRANTOR FROM CLAIMS BASED ON GRANTOR'S NEGLIGENCE AND CLAIMS BASED ON STRICT LIABILITY, AND (2) GRANTOR HAS NOT MADE, DOES NOT MAKE AND EXPRESSLY DISCLAIMS, ANY WARRANTIES, REPRESENTATIONS, COVENANTS OR GUARANTEES, EXPRESSED OR IMPLIED, OR ARISING BY OPERATION OF LAW, AS TO THE MERCHANTABILITY, HABITABILITY, QUANTITY, QUALITY OR ENVIRONMENTAL CONDITION OF THE PROPERTY OR ITS SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE. GRANTEE AFFIRMS THAT IT (a) HAS INVESTIGATED AND INSPECTED THE PROPERTY TO ITS SATISFACTION AND IS FAMILIAR AND SATISFIED WITH THE CONDITION OF THE PROPERTY, AND (b) HAS MADE ITS OWN DETERMINATION AS TO (i) THE MERCHANTABILITY, QUANTITY, QUALITY AND CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE POSSIBLE PRESENCE OF TOXIC OR HAZARDOUS SUBSTANCES, MATERIALS OR WASTES OR OTHER ACTUAL OR POTENTIAL ENVIRONMENTAL CONTAMINATES, AND (ii) THE PROPERTY'S SUITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR USE. GRANTEE HEREBY ACCEPTS THE PROPERTY IN ITS PRESENT CONDITION ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS", INCLUDING ENVIRONMENTAL, BASIS AND ACKNOWLEDGES THAT (a) WITHOUT THIS ACCEPTANCE, THIS CONVEYANCE WOULD NOT BE MADE, AND (b) THAT GRANTOR SHALL BE UNDER NO OBLIGATION WHATSOEVER TO UNDERTAKE ANY REPAIR, ALTERATION, REMEDIATION OR OTHER WORK OF ANY KIND WITH RESPECT TO ANY PORTION OF THE PROPERTY. GRANTOR IS HEREBY RELEASED BY GRANTEE AND ITS SUCCESSORS AND ASSIGNS OF AND FROM ANY AND ALL RESPONSIBILITY, LIABILITY, OBLIGATIONS AND CLAIMS, KNOWN OR UNKNOWN, INCLUDING, WITHOUT LIMITATION (1) ANY OBLIGATION TO TAKE THE PROPERTY BACK OR REDUCE THE PRICE, OR (2) ACTIONS FOR CONTRIBUTION, THAT GRANTEE OR ITS SUCCESSORS AND ASSIGNS MAY HAVE AGAINST GRANTOR OR THAT MAY ARISE IN THE FUTURE BASED IN WHOLE OR IN PART UPON THE PRESENCE OF TOXIC OR HAZARDOUS SUBSTANCES, MATERIALS OR WASTES OR OTHER ACTUAL OR POTENTIAL ENVIRONMENTAL CONTAMINATES ON, WITHIN OR UNDER THE SURFACE OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ALL RESPONSIBILITY, LIABILITY, OBLIGATIONS AND CLAIMS THAT MAY ARISE UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, AS AMENDED 42**

**U.S.C. § 9601 ET SEQ. GRANTEE FURTHER ACKNOWLEDGES THAT THE PROVISIONS OF THIS PARAGRAPH HAVE BEEN FULLY EXPLAINED TO GRANTEE AND THAT GRANTEE FULLY UNDERSTANDS AND ACCEPTS THE SAME.**

Ad valorem taxes for the year of this deed have been prorated; accordingly, by its acceptance of this Deed, Grantee assumes responsibility to pay all ad valorem taxes on the Property for such year and all subsequent years.

Grantee's mailing address:      Huron-Sophia, L.L.C.  
Attn: Harlan Helming  
3733 W. University Blvd., Suite 204  
Jacksonville, FL 32217

[Remainder of page intentionally left blank]

Executed as of this 17 day of February, 2014.

**WITNESSES:**

*Scott Parr*  
Printed Name: Scott Parr

*Joshua Canabax*  
Printed Name: Joshua Canabax

**GRANTOR:**

**VRE 301 ATLANTIC, LLC,**  
a Texas limited liability company

By: LG 7-Eleven Neptune, LLC, a Texas limited liability company, its Manager

By: LG Capital, LLC, a Texas limited liability company, its Manager

By: Leon Capital Partners, LLC, a Texas limited liability company, its Manager

By: Leon Capital Group, LLC  
a Texas limited liability company, its Manager

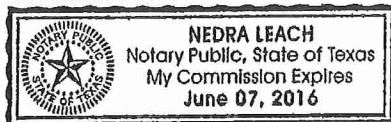
By: *Fernando De Leon*  
Name: Fernando De Leon  
Title: Sole Manager

**THE STATE OF TEXAS**

§  
§  
§

**COUNTY OF DALLAS**

This instrument was acknowledged before me on February 17<sup>th</sup>, 2014, by Fernando De Leon, as Sole Manager of Leon Capital Group, LLC, a Texas limited liability company, Manager of Leon Capital Partners, LLC, a Texas limited liability company, Manager of LG Capital, LLC, a Texas limited liability company, Manager of LG 7-Eleven Neptune, LLC, a Texas limited liability company, Manager of VRE 301 ATLANTIC, LLC, a Texas limited liability company, on behalf of said limited liability company, who is personally known to me or has produced \_\_\_\_\_ as identification.



My Commission Expires:  
6/7/2016

*Nedra Leach*  
Notary Public, State of Texas

Nedra Leach  
Printed/Typed Name of Notary



**EXHIBIT "A"**  
**PERMITTED EXCEPTIONS**

1. Taxes and assessments for the year 2014 and subsequent years not yet due and payable.
2. Rights of tenants in possession under (a) Shopping Center Lease by and between VRE 301 Atlantic, LLC, a Texas limited liability company, as lessor, and 7-Eleven, Inc., a Texas corporation, as lessee, dated January 18, 2012, and (b) Retail Lease Agreement by and between VRE 301 Atlantic, LLC, a Texas limited liability company, as lessor, and YB Urbana, Inc. d/b/a Yobe Frozen Yogurt, as lessee, dated September 13, 2012.

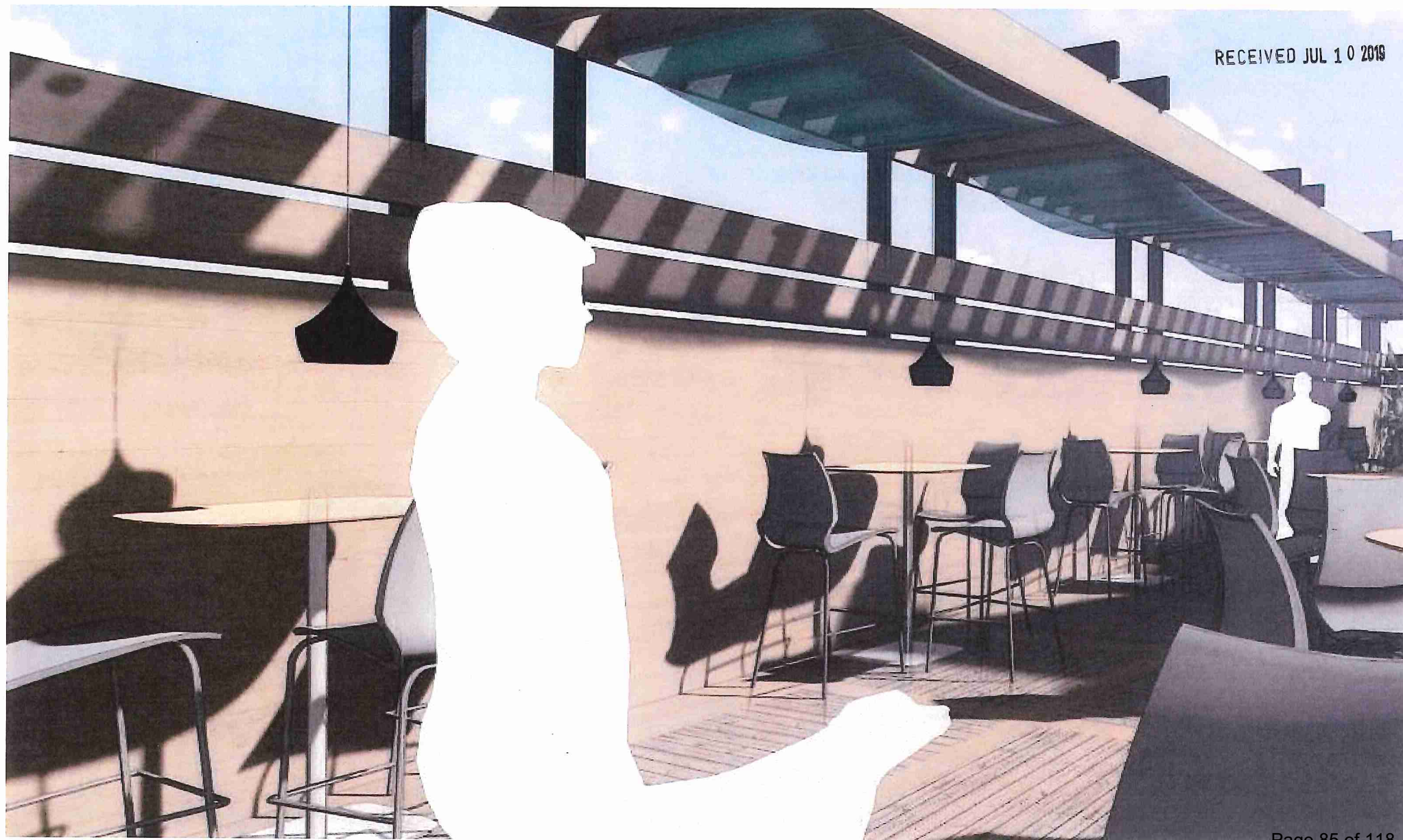
3. The following noted by survey discloses the following matters:

Survey prepared by: Stephenson, Wilcox & Associates, Inc.

Field date of survey: November 1, 2011

- (a) Encroachment of air station and protective bollards into the Second Street right-of-way.
- (b) Encroachment of handicap parking ramp into the Second Street right-of-way.
- (c) Encroachment of trash dumpster into the Second Street right-of-way.
- (d) Encroachment of clean-out into the Second Street right-of-way.
- (e) Electric meter located along the Southerly boundary line of the subject property evidencing electric utility easement rights.
- (f) Traffic control sign (Do Not Enter) encroaches into subject property along the Westerly boundary line of subject property.
- (g) Light pole encroaches into adjacent property along the Westerly boundary line of subject property.

RECEIVED JUL 10 2019





**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

Applicant: 301 Atlantic Blvd

CDB V19-07

Request: Vary Section 27-330(a)(1) for fence height to 10 feet tall

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO" AND JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

<b>Required Findings Section 27-147</b> Adopted Sept. 7, 2010	Finding Yes/No	Justification/Reason for Finding
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. (answer "yes" if you think it does, or "no" if it does not)	yes	drive through next door.
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)	yes	stops fights from neighboring cor's.
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)	yes	no affect.
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)	yes	improve the areas
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)	yes	harmony with area & intent of ULDC
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. (answer "yes" if you think it has not, or "no" if it has)	yes	created by neighboring drive through
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)	yes	<del>no special privilege</del> unique property

I, Christopher Goodin, member of the Community Development Board, based on the above findings, recommend  
(APPROVAL) or (DENIAL) of the above subject variance.

CL Keach

(Board Member)



**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

Applicant: 301 Atlantic Blvd

CDB V19-07

Request: Vary Section 27-330(a)(1) for fence height to 10 feet tall

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO" AND JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Sept. 7, 2010	Finding Yes/No	Justification/Reason for Finding
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. (answer "yes" if you think it does, or "no" if it does not)	YES	UNIQUE HARDSHIP AS IT IS UP AGAINST THE PROPERTY W/ A DRIVE THROUGH
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)	YES	YES this is a minimum request
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)	YES	Will not adversely affect the adjacent property - <del>it will be a loss</del>
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)	YES	Will not diminish property values
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)	YES	Yes in harmony w/ the ULDC this is making a community enjoyable space
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. (answer "yes" if you think it has not, or "no" if it has)	YES	No, not created by the actions of the property owner - the adjacent property created a unique situation
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)	YES	No special privilege

I, RYAN DILL, member of the Community Development Board, based on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

Ryan Dill (Board Member)

**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

Applicant: 301 Atlantic Blvd

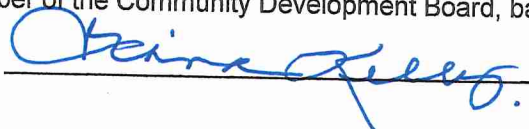
CDB V19-07

Request: Vary Section 27-330(a)(1) for fence height to 10 feet tall

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO" AND JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

Required Findings Section 27-147 Adopted Sept. 7, 2010		Finding Yes/No	Justification/Reason for Finding
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. (answer "yes" if you think it does, or "no" if it does not)		NO	NO - NOT UNIQUE AS MEZZA-FLYING IGUANA HAVE PARKING THAT BACKS-UP TO OUTDOOR SEATING.
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)		NO	NO - 6 FT IS THE MINIMUM
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)		YES	YES - IT WOULD NOT ADVERSELY AFFECT ADJACENT PROPERTIES
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)		YES	YES - IT WOULD NOT DIMINISH PROPERTY VALUES
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)		YES	YES - IN HARMONY WITH SPECIAL INTENT.
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. (answer "yes" if you think it has not, or "no" if it has)		NO	NO - IT HAS BEEN CREATED WITH DESIRE FOR PRIVACY.
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)		YES	YES, IT WILL CONFER SPECIAL PRIVILEGE

I, DIANA KELLY, member of the Community Development Board, based on the above findings, recommend  
(APPROVAL) or (DENIAL) of the above subject variance.

 (Board Member)



**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

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Request: Vary Section 27-330(a)(1) for fence height to 10 feet tall

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<b>Required Findings Section 27-147</b> Adopted Sept. 7, 2010	Finding Yes/No	Justification/Reason for Finding
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. (answer "yes" if you think it does, or "no" if it does not)	YES	IS UNIQUE AS R DRIVING THRU LANE WITH OUTSIDE PARKING IS NOT ON R
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)	YES	WENT NEEDED TO BECAUSE VISIBILITY, NOISE, LIGHTS AND NEIGHBORS
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)	YES	NO NEG AFFECT ADJACENT PROPERTIES
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)	YES	WILL NOT
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)	YES	IN HARMONY
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. (answer "yes" if you think it has not, or "no" if it has)	YES	WAS NOT CREATED IS APPLICABLE
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)	YES	NO SPECIAL PRIVILEGE DOES NOT

I, CR MBLING, member of the Community Development Board, based on the above findings, recommend  
(APPROVAL) or (DENIAL) of the above subject variance.

CR MBLING (Board Member)



**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

Applicant: 301 Atlantic Blvd

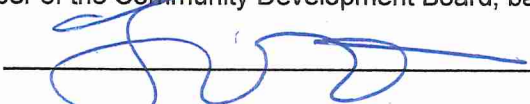
CDB V19-07

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Required Findings Section 27-147 Adopted Sept. 7, 2010	Finding Yes/No	Justification/Reason for Finding
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. (answer "yes" if you think it does, or "no" if it does not)	yes	Lines up to drive-thru where hundreds of cars a day go through privacy
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)	yes	safety, purposes & shade for out door seating
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)	yes	Lines up to drive thru restaurant
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)	yes	It will enhance - currently chain link fence
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)	yes	It provides privacy & safety from drive through rest.
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. (answer "yes" if you think it has not, or "no" if it has)	yes	The property lines up to drive through - unsafe for customers who sit or shade family space
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)	yes	<del>reasonable</del> each situation is unique

I, Approval, member of the Community Development Board, based on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

  
(Board Member)

**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

Applicant: 301 Atlantic Blvd

CDB V19-07

Request: Vary Section 27-330(a)(1) for fence height to 10 feet tall

**ALL MEMBERS MUST GIVE FINDINGS OF "YES" OR "NO" AND JUSTIFY YOUR REASON. IF YOU ANSWER "NO" TO ONE OR MORE OF THE FINDINGS, YOU ARE REQUIRED TO VOTE TO DENY REQUEST.**

<b>Required Findings Section 27-147</b> Adopted Sept. 7, 2010	Finding Yes/No	Justification/Reason for Finding
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. (answer "yes" if you think it does, or "no" if it does not)	yes	limited space for parking
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)	yes	expand the seating with a beautiful covered area
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)	yes	improve it
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)	yes	it will increase them
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)	yes	encloses the area
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. (answer "yes" if you think it has not, or "no" if it has)	yes	drive thru adjacent
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)	yes	it will not

I, Bob Froese, member of the Community Development Board, based on the above findings, recommend (APPROVAL) or (DENIAL) of the above subject variance.

[Signature]  
(Board Member)



**COMMUNITY DEVELOPMENT BOARD  
REQUIRED FINDINGS NEEDED TO ISSUE A VARIANCE**

Public Hearing Date: 7/10/19

Applicant: 301 Atlantic Blvd

CDB V19-07

Request: Vary Section 27-330(a)(1) for fence height to 10 feet tall

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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. (answer "yes" if you think it does, or "no" if it does not)	YES	UNIQUE CIRCUMSTANCES DUE TO STARBUCKS DRIVE THROUGH LAND
2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land. (answer "yes" if you think it does, or "no" if it does not)	YES.	DESIGN IS
3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general. (answer "yes" if you think it would not, or "no" if it would)	YES	FENCE SHOULD NOT INTERFERE WITH OTHER BUSINESS
4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. (answer "yes" if you think it will not, or "no" if it will)	YES	SHOULD NOT NEGATIVELY EFFECT PROPERTY VALUE
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(s) of the ULDC. (answer "yes" if you think it is, or "no" if it is not)	YES	FITS ULDC
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. (answer "yes" if you think it has not, or "no" if it has)	YES	NECESSARY FOR PROPOSED USE
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 in the same zoning district. (answer "yes" if you think it will not, or "no" if it will)	YES	NO SPECIAL PRIVILEGE

I, Erica Rose, member of the Community Development Board, based on the above findings, recommend  
(APPROVAL) or (DENIAL) of the above subject variance.

(Board Member)





**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

**AGENDA ITEM:** CDB 19-06 An application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). Proposing to construct a 12' by 40' awning on the western face of the building and an 8' by 16' service bar for outdoor seating for a new restaurant. Pursuant to the approval of CDB SE19-07 and V19-07.

**SUBMITTED BY:** Huron-Sophia, LLC

**DATE:** July 31, 2019

**BACKGROUND:** The applicant is requesting a development permit to construct a 12' by 40' awning on the western face of the building located at 301 Atlantic Boulevard and an 8' by 16' service bar to facilitate outdoor seating for the proposed restaurant.

**BUDGET:** N/A

**RECOMMENDATION:** The Community Development Board approved the request by a vote of 6-1 on July 10, 2019.

**ATTACHMENT:** 1. CDB 19-06

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.*

Goodin: Created by neighboring drive through.

Dill: No, not created by the actions of the property owner. The adjacent property creates a unique situation.

Kelly: No, it has been created with desire for privacy.

Miller: Was not created by applicant.

McPhaul: The property lines up to drive through. Unsafe for customers without it or shade family space.

Frosio: Drive thru adjacent.

Randolph: Necessary for proposed use.

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.*

Goodin: Unique property.

Dill: No special privilege.

Kelly: Yes, it will confer special privilege.

Miller: No special privilege due to uniqueness.

McPhaul: Each situation is unique.

Frosio: It will not.

Randolph: No special privilege.

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

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

Made by Dill, seconded by Frosio.

**MOTION: TO APPROVE VARIANCE REQUEST CDBV09-07 FOR 10-FOOT-TALL FENCE AT 301 ATLANTIC BLVD.**

Roll Call Vote:

Ayes: 6-Frosio, McPhaul, , Miller, Randolph, Dill, Goodin

Noes: 1-Kelly

#### **MOTION APPROVED AND REQUEST RECOMMENDED FOR APPROVAL.**

CDB 19-06 An application for a development permit 301 Atlantic Blvd

**CDB 19-06** An application for a development permit as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Huron-Sophia, LLC for the property known as 301 Atlantic Blvd. (RE#172982-0000). Proposing to construct a 12' by 40' awning on the western face of the building, fence and an 8' by 16' service bar for outdoor seating for a new restaurant. Pursuant to the approval of CDB SE19-07 and V19-07.

The awning would be attached to the west side of the building. The service

bar would be constructed between the awning and fence structure.

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

Made by Dill, seconded by Frosio.

**MOTION: TO APPROVE THE PRELIMINARY DEVELOPMENT ORDER FOR CDB 19-06 AT 301 ATLANTIC BLVD. TO CONSTRUCT AN AWNING, SERVICE BAR AND FENCE FOR A NEW RESTAURANT.**

Roll Call Vote:

Ayes: 6-Frosio, McPhaul, , Miller, Randolph, Dill, Goodin

Noes: 1-Kelly

**MOTION APPROVED AND RECOMMENDING TO CITY COUNCIL TO APPROVE THE FINAL DEVELOPMENT ORDER.**

The applicant was informed that all requests would be forwarded to the City Council for final approval on August 5, 2019 at 6:00 pm and that someone should attend that meeting.

CDB V19-02  
823 First Street  
Roger & Jane Park

CDB V19-02 Application for a replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach for Mr. and Mrs. Roger Park for the property known as 823 First St (RE #172691-0000) North 50 feet of Lot 1 Block 17 of Neptune. The applicants are requesting to vary sections 27-229-1 and 27-247(4) in order to construct a 1<sup>st</sup> floor porch addition, 2<sup>nd</sup> floor balcony, roof top deck and enclosed storage. This application was tabled at the January 9<sup>th</sup> meeting.

Ms. Jane Park, property owner of 823 First St. addressed the board. Had appeared before the board previously and the decision was appealed. Spoke to the neighbors and they were in agreement with the new design. The front porch has been reduced to 5 ½ wide. The contractor is looking at several ways to remodel second floor. It would be more expensive to keep the old framing then it would be to remove the entire second floor and build a new one with a pitched roof. Only the concrete block first floor would remain. Either by taking it down entirely or by removing and replacing each board one a time. The code requires the applicant to come into compliance with the current setbacks.

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

Member Frosio asked the removing of the second floor in order to rebuild would allow the construction to be done quicker and safer.

The board discussed the reason why the code would require someone must come into compliance if the second floor was removed.

Board Discussion:

The board discussed placing a condition on each of the request that the lot coverage must be reduced to not exceed 50%.

The new porch will be 5 ½ by 18' 11 ½ inches. A variance required of 9.5 feet to the minimum front yard setback leaving 5.5 feet to the front property line in



City of  
**Neptune Beach**

116 First Street • Neptune Beach, Florida 32266-6140  
(904) 270-2400 • FAX (904) 270-2432



## MEMORANDUM

**TO:** Community Development Board

**FROM:** Staff

**DATE:** June 24, 2019

**SUBJECT:** CDB19-06 / 301 Atlantic Blvd – Development Order

---

### Background

A development permit application to construct a 12' by 40' awning, 10 foot fence with ledge to provide shading and an 8' by 16' service board for outdoor seating been submitted by Huron-Sophia, LLC. The property is located at 301 Atlantic Blvd. The new restaurant is located at the corner of Atlantic Blvd. and Second Street, the site of the former 7-11 store and ice cream shop. The awning will cover a portion of the outdoor dining on the western side of the existing. The service bar will provide seating and service to patrons.

### Analysis

The CBD zoning district is intended to allow a mix of commercial uses and compatible residential uses that will encourage an urban intensive, pedestrian oriented neighborhood ambiance.

The proposed awning for outdoor seating is situated in west end of the existing building (facing Starbucks' drive-thru). Any proposed seating will have to meet all ADA requirements (size, location and spacing).

The development order cannot be approval without the applicant first receiving approval of the special exception for off-site parking and outdoor seating CDB SE19-07 and/or the variance for the height of the fence per CDB V19-07.

CBD 19.06



# APPLICATION FOR DEVELOPMENT PLAN REVIEW

CITY OF NEPTUNE BEACH PLANNING AND DEVELOPMENT DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-6140  
PH: 270-2400 Ext 4 FAX: 270-2432

**Application Fee: \$300 Residentially Zoned Property**  
**\$500 Commercially Zoned Property plus \$.0050 (1/2 cent) for each square foot of land or \$1,500**  
**whichever is greater**

Date Filed: **RECEIVED JUN 21 2019**

Name and address of the applicant requesting development review: (Note: if the applicant is other than all the legal owners of the property, notarized written consent signed by all the legal owners of the property shall be attached. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and the embossed with the corporate seal). The undersigned hereby applies for a development review as follows:

Name & Address of Property Owner:	Telephone:
Huron-Sophia, L.L.C., 3733 University Blvd W 204 Jacksonville, FL 32217	E-Mail:
	Real Estate #: 172982-0000
Property Address (if different from mailing):	Lot Lot 2 (ex W 35 ft) Block: 15 and Lot 1 Block 50
301 Atlantic Blvd., Neptune Beach, FL 32266	Subdivision: Horne's Subdivision and Neptune
	Zoning District: CBD

Name and Address of Agent/Applicant:	Telephone: 904-301-1269
Steve Diebenow and Cyndy Trimmer 1 Independent Dr., Ste 1200 Jacksonville, FL 32202	E-Mail: sd@drivermcafee.com ckt@drivermcafee.com

Describe Request being made:
Applicant requests development plan approval to construct a 12x40 awning on the western face of the building and a 8x16 service bar as depicted on the site plan to facilitate outdoor seating for the proposed restaurant to be developed on the site.

PLEASE BE ADVISED THE COMMUNITY DEVELOPMENT BOARD CONDUCTS A PUBLIC HEARING TO CONSIDER CERTAIN FACTORS IN ORDER TO MAKE A RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OR DISAPPROVAL OF THE DEVELOPMENT PLAN.

*Huron Sophia LLC*  
*By: Marlan D. Helming*

Signature of the Owner

State of FLORIDA  
County of DUVAL

Signed and sworn before me on this 19th day of JUNE, 2019

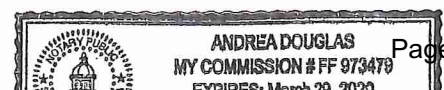
By MARLAN D. HELMING

Identification verified: ✓ Oath sworn: Yes No

Notary Signature

*Andrea Douglas*

My Commission expires: MARCH 29, 2020



**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

Driver McAfee Hawthorne & Debenaw is hereby authorized TO ACT ON BEHALF OF Huron-Sophia, LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to Development Permit or other action pursuant to a:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <b>Concurrency</b>  | <input checked="" type="checkbox"/> <b>Special Exception</b>             |
| <input checked="" type="checkbox"/> <b>Rezoning</b>   | <input checked="" type="checkbox"/> <b>Commercial Development Order</b>  |
| <input type="checkbox"/> <b>Appeal</b>  | <input type="checkbox"/> <b>Comp. Plan Amendment</b>                     |
| <input type="checkbox"/> <b>Replat</b><br>(Must submit current survey and surveys showing proposed parcels) | <input type="checkbox"/> <b>Other/ Champion or heritage tree removal</b> |

BY:

Huron Sophia LLC  
Harlan D. Helming, managing member  
Signature of Owner Huron Sophia LLC

Harlan D. Helming, managing member Huron Sophia LLC  
Print Name Huron Sophia

Harlan D. Helming, managing member Huron Sophia LLC  
Signature of Owner

Huron Sophia LLC  
By: Harlan D. Helming, managing member Huron Sophia LLC  
Print Name

Daytime Telephone Number

ANDREA DOUGLAS

State of Florida

County of

DUVAL

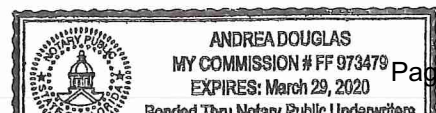
Signed and sworn before me on this 19TH day of JUNE, 2019.

By HARLAN D. HELMING

Identification verified: ✓ Oath sworn: Yes No

Andrea Douglas  
Notary Signature

My Commission expires: MARCH 29, 2020





## CHECKLIST FOR DEVELOPMENT PLAN REVIEW

### Application Type:

**Preliminary Development Plan Commercial**  
**Development Plan Commercial**  
**Champion/Heritage Tree Removal**

**Preliminary Development Plan Residential**  
**Development Plan Residential**  
**Replat** (Must submit current survey and surveys  
showing proposed parcels)

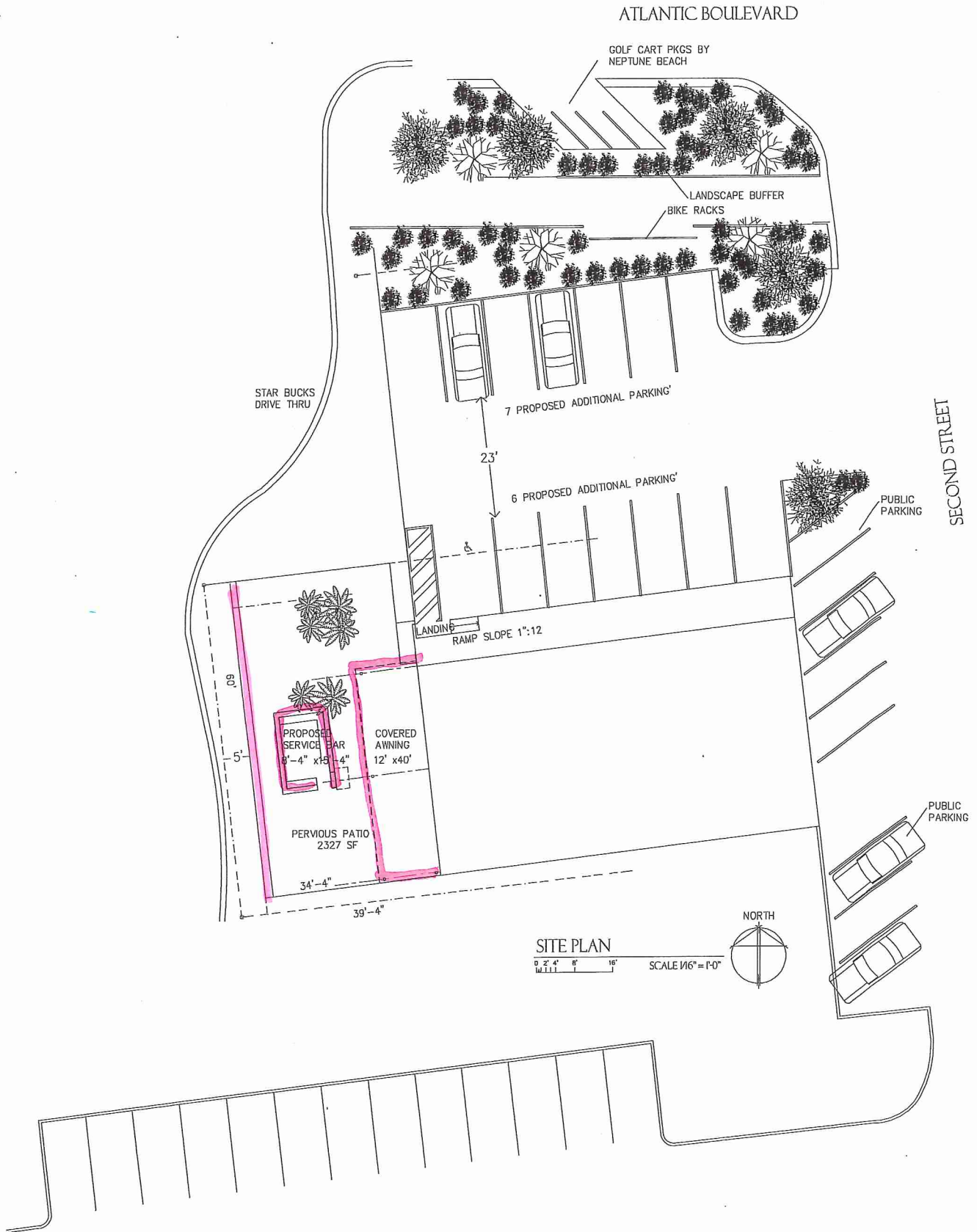
For the complete list of requirements see Article III in Chapter 27 of the Code of Ordinances.

Commonly required items for preliminary development review:

Material required: (check applicable items)

- ☐ ☒ Site Plan
- ☒ Floor Plan
- Elevation (four sides)
- Landscape Plan/ Existing Tree Survey
- ☒ Surveys (sometimes including Tree and/or Soils)
- Parking Plan (may be included on another plan)
- Impervious Surface Calculations
- Stormwater and drainage plan
- Lighting Plan (exterior only)
- Wetland Buffer
- Signage Plan
- Current Legal Survey
- Utility Plan
- Existing and proposed easements
- Existing and proposed easements

**Disclaimer:** This helpful guide is not intended to replace any or all of the Unified Land Development Regulations of the City of Neptune Beach, requirements for application and review procedures required for development orders and certain types of permits. The guide is meant to assist in the facilitation of the review process only. For a complete description of requirements, refer to Chapter 27 of the Unified Land Development Regulations.







ATLANTIC BLVD. —

BENCH MARK  
FOOT MONUMENT FND ■  
DL5737 M688  
ELEVATION = 12.01'  
SOUTHWEST OF ATLANTIC BLVD  
AND S.R. A-1-A INTERSECTION

S.R. A-1-A  
THIRD STREET (P))

- NOTE - WITH REGARD TO TABLE A, ITEM 11(E), SOURCE INFORMATION FROM PLANS AND MARKINGS WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.

4. X DISTANCE TO THE NEAREST INTERSECTING STREET AS SPECIFIED BY THE CLIENT.

RECTIFIED ORTHOPHOTOGRAPHY, PHOTOGRAMMETRIC MAPPING, AIRBORNE/MOBILE LASER SCANNING AND OTHER SIMILAR PRODUCTS, TOOLS OR TECHNOLOGIES IS THE BASIS FOR THE SHOWING THE LOCATION OF CERTAIN FEATURES (EXCLUDING BOUNDARIES) WHERE GROUND MEASUREMENTS AND OTHER METHODS ARE NECESSARY TO LOCATE THOSE FEATURES TO AN APPROPRIATE AND ACCEPTABLE ACCURACY RELATIVE TO A NEARBY BOUNDARY. THE SURVEYOR SHALL (A) DISCUSS THE RAMIFICATIONS OF SUCH METHODOLOGIES (E.G. THE POTENTIAL PRECISION AND COMPLETENESS OF THE DATA GATHERED THEREBY) WITH THE INSURER, LENDER AND CLIENT PRIOR TO THE PERFORMANCE OF THE SURVEY AND, (B) PLACE A NOTE OF DISCLOSURE EXPLAINING THE SOURCE, DATE, PRECISION AND OTHER RELEVANT QUALIFICATIONS OF ANY SUCH DATA.

- (A) LOCATE IMPROVEMENTS WITHIN ANY OFFSITE EASEMENTS OR SERVITUDES BENEFITING THE SURVEYED PROPERTY THAT ARE DISCLOSED IN THE RECORD DOCUMENTS PROVIDED TO THE SURVEYOR AND THAT ARE OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY (CLIENT TO OBTAIN NECESSARY PERMISSIONS).

(b) MONUMENTS PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF ANY OFFSITE EASEMENTS OR SERVITUDES BENEFITTING THE SURVEYED PROPERTY AND DISCLOSED IN RECORD DOCUMENTS PROVIDED TO THE SURVEYOR (CLIENT TO OBTAIN NECESSARY PERMITS)

PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE MINIMUM AMOUNT OF \$\_\_\_\_\_ TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM, CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.

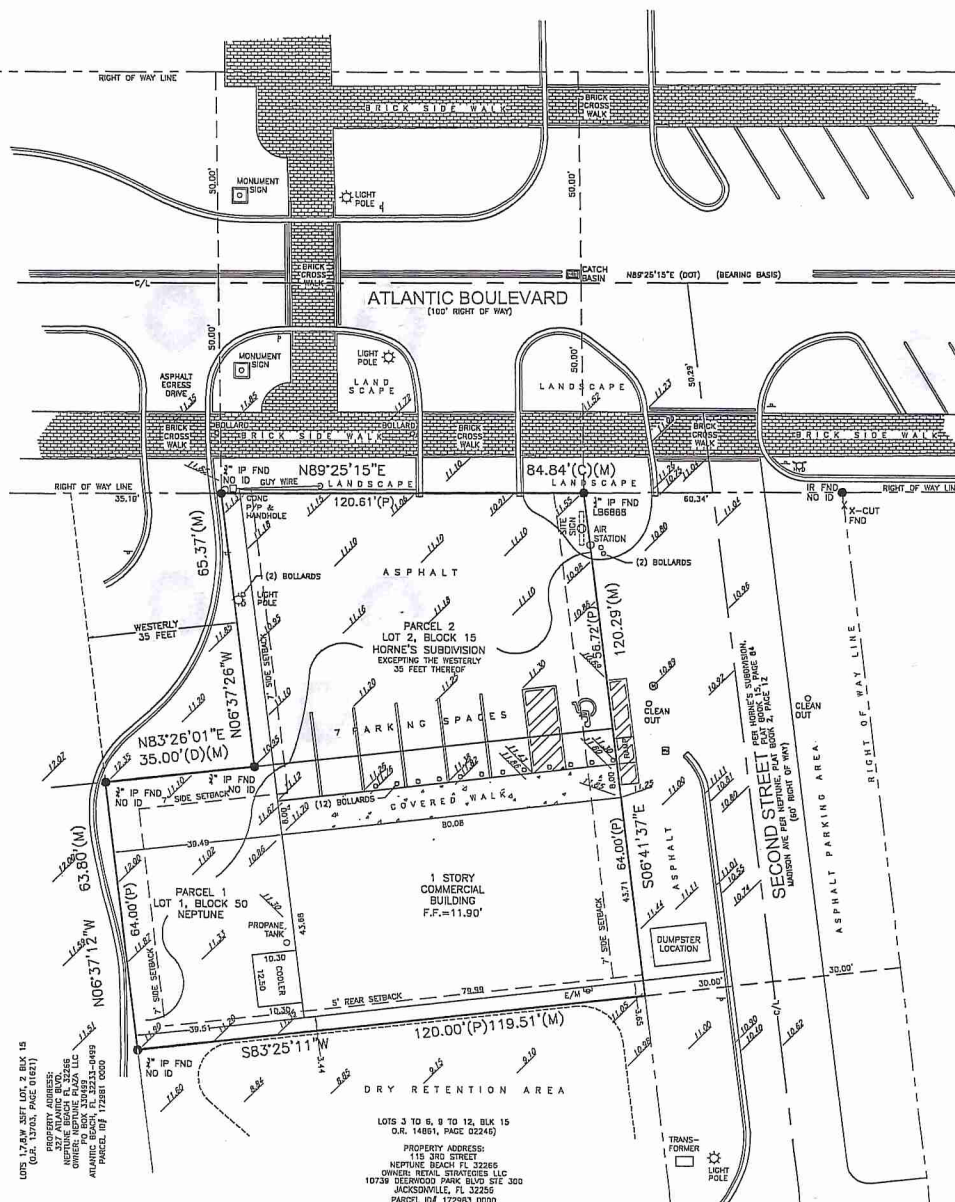
(AMERICAN LAND TITLE ASSOCIATION AND NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS A MEMBER ORGANIZATION OF THE AMERICAN CONGRESS ON SURVEYING AND MAPPING)

**LEGEND:**

○	IR&C	5/8"
●	IR&C	5/8"
●	IP	1/2"
○	N/D	Not a
○	N/D	Not a
⊙	PCP	Permo
⊙	CM	4"x4"
⊙	CM	4"x4"
⊙	FND	Found

C/L	Center Line
E/P	Edge of Pavement
R/W	Right of Way
PC	Point of Curvature
PI	Point of Intersection

\\alley\wd\usb (h)\SWA Server Backup\End Server\work\project\0000-Quota\Nashima\Ex 00 Lot 01.dwg



NOTES

1. THE ENTIRE MAP ENCOMPASSING THIS SECTION IS RECORDED IN PLAT BOOK 2, PAGE 12, PLAT BOOK 4, PAGE 46, AND PLAT BOOK 15, PAGE 84.
2. ELEVATIONS REFER TO MEAN HIGHS TIDE, BASED ON CHS MEAN 1953/57 DATUM.
3. UNDERGROUND IMPROVEMENTS AND UTILITIES NOT LOCATED.
4. BEARINGS REFER TO THE CENTRAL LINE OF ATLANTIC BOLLWORM AS BEING N082°52'15".
5. PROPERTY LINE IN FLOOD ZONE, 1/4" NORTH REPRESENTS THE FLOOD ZONE, EFFECTIVE DATE: 04/77/1978. THIS LOCATION IS BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINAL LOCATION AND FLOOD ZONE DETERMINATION REST WITH SAID AGENCY.
6. NO SEARCH FOR ELEVATIONAL INSTRUMENTS WAS MADE BY SURVEYOR.
7. ORDER OF CLOSURE WOULD ON EXCEEDS 10,000 FEET.
8. THE RIGHT OF WAY INFORMATION ATLANTIC BOLLWORM AS SHOWN ON THIS MAP WAS OBTAINED FROM FLORIDA DEPARTMENT OF TRANSPORTATION (DOT) RIGHT OF WAY MAP SECTION 72105, SHEET 19, AND MAP SECTION 7210-112.



I hereby certify that  
Section

DAN A. W  
Not valid with

**STEPHENSON, WILCO  
& ASSOCIATES, INC.**

CIVIL ENGINEERS • LAND SURVEYORS

the survey represented hereon meets or exceeds the minimum requirements of the Florida Statutes, and adopted in Chapter 53-1 of the Florida Statutes.

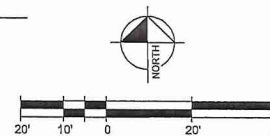
01/31/12

WILCOX JR., P.E. No. 5749, PE No. 57633

about the signature and the original raised seal of a Florida Professional Engineer.

204 N. Railroad Street PO Box 186 Bunnell FL 32110  
Phone: 386.437.2363 Fax: 386.437.0030  
Email: info.swa@gmail.com

SURVEYORS • CONSULTANTS • PLANNERS Minimum standards established pursuant to 17 Florida Administrative Code.	SHEET 1 of 1
DAVID T. WILCOX, PSM No. 5871 Florida licensed surveyor and planner.	



PROPERTY SIZE: 12,764 S.F.

ZONING CLASSIFICATIONS:  
TABLE 27-229-1

ZONING DISTRICT:	NCBD (CENTRAL BUSINESS DISTRICT)
MINIMUM LOT AREA:	NONE
MINIMUM LOT WIDTH:	NONE
MINIMUM FRONT SETBACK:	NONE
MINIMUM SIDE YARD CORNER LOT SETBACK:	7 FEET
MINIMUM REAR YARD SETBACK:	5 FEET
MINIMUM LOT COVERAGE:	85 PERCENT
MAXIMUM BUILDING HEIGHT:	35 FEET

NOTE: THE EXCEPTIONS AS OUTLINED IN SCHEDULE B - SECTION II OF THE TITLE COMMITMENT FT54-11005638 DO NOT AFFECT THIS PARCEL

PARCEL 1:  
LOT 1, BLOCK 50, NEPTUNE, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 12, AND IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PARCEL 2:  
LOT 2, BLOCK 15, HORNE'S SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGE 84, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, LESS AND EXCEPT THE WESTERLY 35 FEET THEREOF.

TO VIRE 301 ATLANTA, RIVERVIEW DEVELOPMENT, LLC, VERDAR REAL ESTATE, INC., COMMUNITY TRUST BANK, PATRICIA H. BARNES, AS TRUSTEE OF THE ROBERT M. BARNES, II AND DEBORAH A. BARNES IRREVOCABLE TRUST FOR ROBERT M. BARNES, II, AND DEBORAH A. BARNES IRREVOCABLE TRUST FOR ROBERT MAURICE BARNES, JR., ALL CO-TRUSTEES OF THE ROBERT M. BARNES, II AND DEBORAH A. BARNES IRREVOCABLE TRUSTS, W. ROBINSON FRAZIER, AS CO-TRUSTEES OF THE ROKE H. MERRILL REVOCABLE TRUST, L. J. KIRKILL AND W. ROBINSON FRAZIER, AS CO-TRUSTEES OF THE ROKE H. MERRILL REVOCABLE TRUST, MAY 02/05/2010, FIDELITY NATIONAL TITLE INSURANCE COMPANY, FIDELITY NATIONAL TITLE AGENCY, INC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CODE ANNOTATED, SPECIFICALLY ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDES ITEMS 1-4, (E)(A), 7(A), 7(1), 7(2), 7(C), 8, 9, 10(DA), 10(BB), 11(A), 13, 14, and 16-18 OF THE TABLE THEREOF.

01/31/12  
DAN A. WILCOX, JR. PSN NO 5746

01/31/12

DAN. A. WILCOX, JR. PSN. NO. 5740

204 N. Railroad Street PO Box 186 Bunnell FL 32110  
Phone: 386.437.2363 Fax: 386.437.0030  
Email: info.swa@gmail.com

01/31/12  
COX J., PSM No.5749, PE No. 57633 DAVID T. WILCOX, PSM No.587

SHEET  
1 of 1



**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

- AGENDA ITEM:** Proposed Historical Marker in Jarboe Park
- SUBMITTED BY:** Emma Hamilton, Ambassador Girl Scout, Troop 814
- DATE:** July 31, 2019
- BACKGROUND:** Ambassador Girl Scout Emma Hamilton is requesting placing a historical marker at Jarboe Park in memory of the Girl Scout's Beaches Little House, which stood in Jarboe Park for over 65 years.
- The historical marker would complete Miss Hamilton's gold award, the highest achievement in Girl Scouting, recognizing girls who demonstrate extraordinary leadership.
- BUDGET:** The historical marker will be completely paid for by fundraising and private donations raised by Ms. Hamilton and not be of any cost to the City of Neptune Beach.
- RECOMMENDATION:** The Land Use and Parks Committee recommended approval on July 24, 2019
- ATTACHMENT:** 1. GS Historical Marker Proposal-Emma Hamilton (1)

## **Proposal for a Historical marker at the site of the Community Center in Jarboe Park**

Prepared for: The City of Neptune Beach

Prepared by: Emma Hamilton  
Ambassador Girl Scout, troop 814  
emmahamilton@me.com

My name is Emma Hamilton; I am a senior at Fletcher High School and am an Ambassador Girl Scout here at the Beach. My goal is to complete my gold award by putting in a Historical marker at Jarboe Park in Neptune Beach in memory of the Girl Scout's Beaches Little House. I have been a Girl Scout since 2<sup>nd</sup> grade and my troop has used the Beaches Little House for many years to host meetings, campouts, and activities.

Significance of the site in Jarboe Park:

The Beaches Little House stood in Jarboe Park for over 65 years and was given to the Girl Scouts by the Rotary Club in 1952. Over the years many Girl Scout troops have come to the Beaches Little House for meetings, camping trips, and many other events. This place was not only important to me as a Girl Scout but hundreds of others over those years. The property of the Beaches Little House was recently given up to the city of Neptune Beach and torn down. Placing a historical marker at the site, where The Beaches Little House once was would ensure the impact it had on the community as well as the Girl Scouts and having that history forever remembered.

Location of the marker:

The exact location of the marker is yet to be determined, however I propose that it be placed next to or in front of the current building that has replaced the Beaches Little House in Jarboe Park. Here, it will be easily accessible to the public and would not interfere or disturb any other important areas in the park. It could be placed on a pole as many historical markers are or mounted on the building.

Funding:

The historical marker will be completely paid for by fundraising and private donations that I have raised and will not be of any cost to the city of Neptune Beach. The marker could be made of bronze or aluminum to be matched like the current one on the side of the new community center, which lists the city official's names. The marker will also not be placed to preserve any land or site and is exclusively for historical remembrance.

Once this is completed, I would like to host a ceremony to invite GS troops past and present to see its completion as well as the Rotary Club to honor their part in this history.

Attached are photos of the proposed marker, possible location of its placement, and an example of a similar type in AB.







Current bronze marker on the side of the community center.



Potential site of the Historical marker I am proposing.





This is an example of a marker in Russell Park in Atlantic Beach.



**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Beaches Town Center Lighting Project Proposal
<b>SUBMITTED BY:</b>	Beaches Town Center Agency
<b>DATE:</b>	July 31, 2019
<b>BACKGROUND:</b>	<p>This project dates back to 2017 during discussions of installing new landscaping in the Town Center. The lighting project was initiated to enhance, illuminate, and increase safety to walkways, Cities of Neptune Beach and Atlantic Beach entrance monuments, the Neptune Beach jaguar, and uplift the landscaping.</p> <p>The system chosen is Dark Sky compliant, which minimizes glare while reducing light trespass and skyglow. All lights are required to be fully shielded.</p> <p>The conduit for this project was installed while installing the new landscaping to minimize rework and future install costs.</p> <p>Installation is to be completed by Limbaugh Electric, which already maintains a service contract for the Town Center and is familiar with the electrical layout of the Town Center.</p>
<b>BUDGET:</b>	Streets Improvement Fund (Town Center Expenditures)
<b>RECOMMENDATION:</b>	Consider approval of the Beaches Town Center Lighting Project
<b>ATTACHMENT:</b>	1. Lighting Project



# NiteLites®

—The Outdoor Lighting Professionals

Estimate #:

QB91186

Created: 9/11/18

**NiteLites of NE Florida**

134 Poole Boulevard St. Augustine FL 32095

904-779-9020

Rep: Sean Hogan

**Beaches Town**

**Center Agency**

Chris Goodin

200 1st St

Neptune Beach, FL

32266

cwgoodin@gmail.com

Project	Terms	Install Date
Neptune Beach Town Center	Due on receipt	

Product	Description	Spec	Price	Quantity	Total
NITE-124A	Commercial Stake	<a href="#">Link</a>	\$65.00	11.00	\$715.00
NITE-048	Commercial Grade Spread Light - Aged Brass LIFETIME WARRANTY ON BRASS HOUSING. EXCLUDES ACTS OF GOD AND OUTSIDER WRONG DOING.	<a href="#">Link</a>	\$240.00	11.00	\$2,640.00
NITE-435	11W Multiple Chip LED Module for Commercial Spread Light 5 YEAR WARRANTY EXCLUDES ACTS OF GOD AND OUTSIDER WRONG DOING.		\$160.00	11.00	\$1,760.00
NITE-209	Digital Astro Timer		\$65.00	2.00	\$130.00
SOP	Brilliance color changing bulbs that are controlled by app/blue tooth. 5 YEAR WARRANTY EXCLUDES ACTS OF GOD (lightning strike, hurricane) AND OUTSIDER WRONG DOING. *For control, the brilliance app must be downloaded and WiFi must be available to change colors. Bulbs can be grouped and named together for different events. All products are International Dark Sky approved and energy efficient/sustainable LED's		\$112.50	92.00	\$10,350.00
SOP-COGS	Replace light on jaguar with warm white LED flood light.		\$295.00	1.00	\$295.00



MISC	Miscellaneous 60 watt drivers to power tree rings. These will be hardwired into the existing power and controlled by same automation as street lights. Drivers to be Pricing includes 2 150 watt stainless steel transformers needed for up lights at entry into Neptune Beach from Atlantic and at round about prior to beach access.		\$195.00	14.00	\$2,730.00
NITE-825_GRP4	23 Aluminum Tree Ring with (4) Accent MR-16 Lights 12V - Architectural Bronze LIFETIME WARRANTY ON HOUSING (7 years is considered lifetime) WHICH PROTECTS AGAINST RUST, CORROSION. EXCLUDES ACTS OF GOD AND OUTSIDER WRONG DOINGS. Wiring will run up side of tree to ring with brown flex conduit to camouflage to the tree.	<a href="#">Link</a>	\$815.00	23.00	\$18,745.00
L	Lifts		\$2,500.00	1.00	\$2,500.00
NITE-800	Covers Labor, Cable, Wire Connection and all other misc. parts per transformer assumes access to all majewel beds. 1 YEAR WARRANTY ON ALL LABOR EXCLUDES ACTS OF GOD AND OUTSIDER WRONG DOING. Limbaugh Electric to mount transformers and install outlets as needed for any line voltage work.		\$650.00	21.00	\$13,650.00

NOTES: payment terms will be 25% up front deposit, 25% upon delivery of material to job, 50% upon completion of the job		
	Subtotal:	\$53,515.00
	Tax:	\$0.00
	<b>Total:</b>	<b>\$53,515.00</b>

## **NiteLites Legal Notice**

- CAUTION: KEEP MULCH, PINE STRAW, AND ANY OTHER COMBUSTIBLE MATERIALS FROM COVERING THE FIXTURES.
- Warranty information can be found on our website [www.nitelites.com](http://www.nitelites.com).
- Warranty does not cover Acts of God or Insured Perils, which are losses normally covered by an insurance policy.
- NiteLites Limit of Liability for any loss shall be limited to the actual loss or the cost of the lighting system installed, whichever is less.
- Some jobs will require electrical work in excess of our capability, the expense of the aforementioned work will be the responsibility of the property owner.
- Nitelites requires a 50% deposit to order materials and schedule installation.

### **Beaches Town Center Agency**

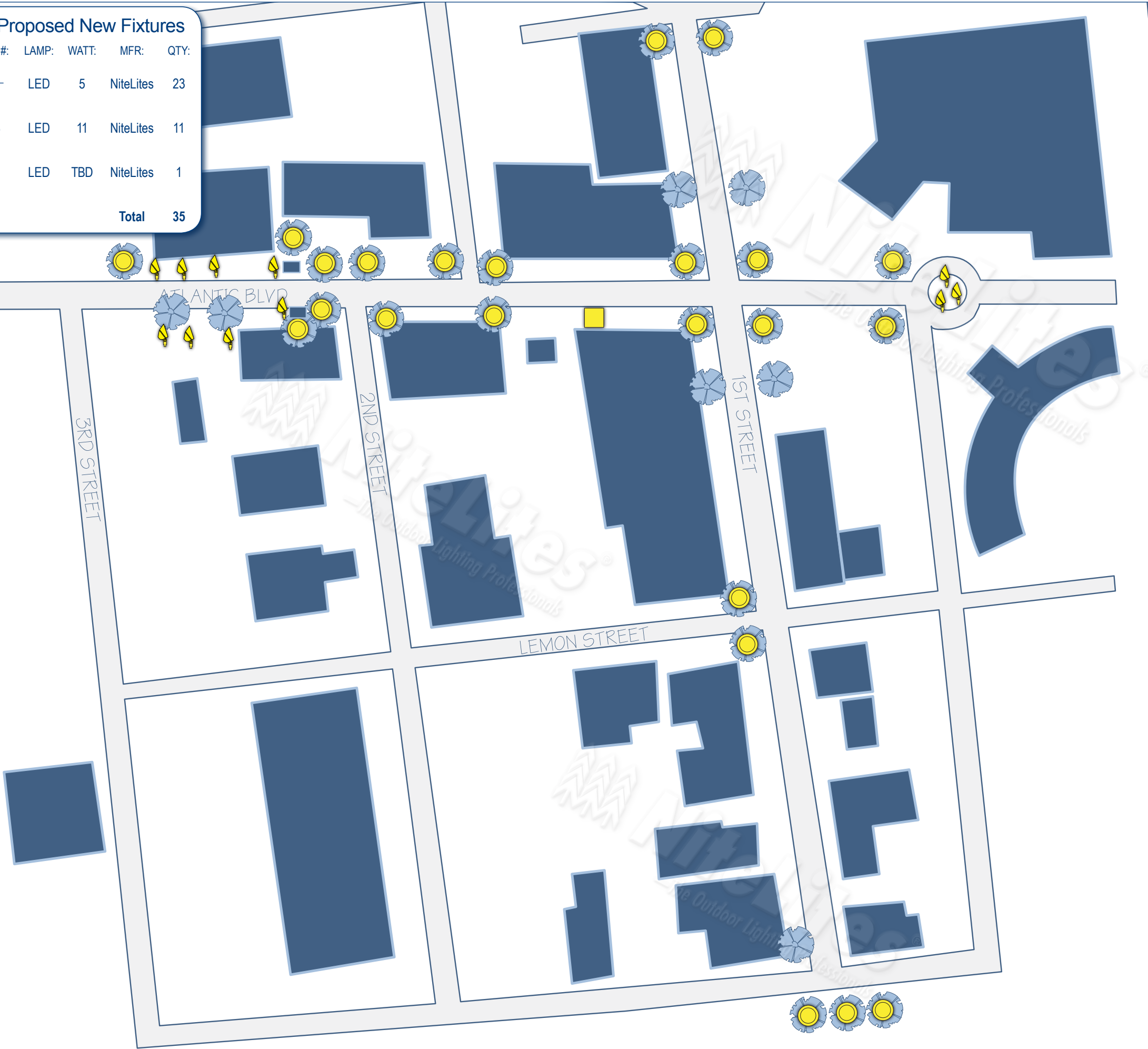
#### **CLIENT ACCEPTANCE**

Client accepts this estimate as presented and agrees to be bound by NiteLites Terms & Conditions. This estimate is subject to acceptance by the NiteLites home office. Any modifications to this estimate must be in writing.

**THANK YOU FOR YOUR BUSINESS**

LIGHTING LEGEND Proposed New Fixtures

SYM:	DESCRIPTION:	PRODUCT #:	LAMP:	WATT:	MFR:	QTY:
	Tree Ring (4)	Nite-825-GRP4	LED	5	NiteLites	23
	Spread Light	Nite-048	LED	11	NiteLites	11
	Jaguar Light	SOP	LED	TBD	NiteLites	1
Total						35



NiteLites Outdoor Lighting 2019® - This plan is the intellectual property of NiteLites Outdoor Lighting®. If the plan is used by the client or contractor in whole or in part, NiteLites reserves the right to charge the client or contractor for infringing on our design. The minimum NiteLites design fee is \$2500 per plan or \$50 per fixture and transformer, whichever is greater, as specified on the NiteLites Design Specification Sheet 2019®. For questions, please contact: 1-866-NiteLites www.NiteLites.com

**NiteLites®**  
—The Outdoor Lighting Professionals—

Outdoor Lighting Plan Prepared For:  
**NEPTUNE BEACH**  
Job Type:  
COMMERCIAL

Location:  
ATLANTIC BEACH, FL

DRAWING #:  
**NL-781**

SHEET:  
1 OF 1

NiteLites® Reg:  
**SEAN HOGAN**  
Drawn By:  
NiteLites

Date:  
4-1-2019



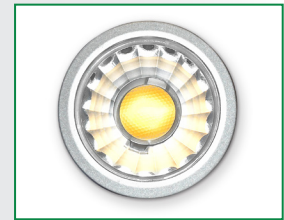


NITE-114  
(Antique Iron)

LED OPTIONS: (Not Included)

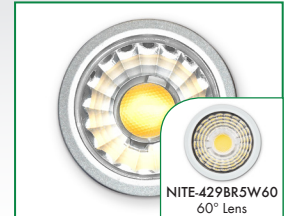
**NITE-429BR3W MR-16**

- Long Life - 40,000 Hrs
- Energy Savings - 3 Watts
- Color: Warm White
- Color Temp: 3000~3300K
- Luminous Flux: 280lm
- Beam Angle: 40°



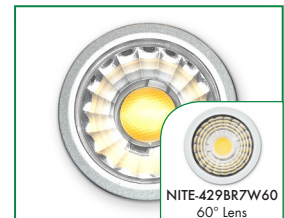
**NITE-429BR5W MR-16**

- Long Life - 40,000 Hrs
- Energy Savings - 5 Watts
- Color: Warm White
- Color Temp: 3000~3300K
- Luminous Flux: 490lm
- Beam Angle: 40°



**NITE-429BR7W MR-16**

- Long Life - 40,000 Hrs
- Energy Savings - 7 Watts
- Color: Warm White
- Color Temp: 3000~3300K
- Luminous Flux: 650lm
- Beam Angle: 40°



**NITE-5K429BR MR-16**

- Long Life - 40,000 Hrs
- Energy Savings - 5 Watts
- Color: Bright White
- Color Temp: 5000K
- Luminous Flux: 490lm
- Beam Angle: 40°



**Colored LED Lamps Available:**

- NITE-429BR-A – Amber
- NITE-429BR-B – Blue
- NITE-429BR-R – Red
- NITE-429BR-G – Green



**SPECIFICATIONS:**

MODEL:	NITE-004
MOUNTING:	1/2" NPT.
FINISH:	Aged Brass
SOCKET:	All Weather Ceramic
ELECTRICAL:	12V
LED:	3W, 5W or 7W MR-16
OTHER FINISH:	Antique Iron - NITE-114
SOP:	Custom finishes available upon request

**PRODUCT DESCRIPTION / APPLICATIONS:**

Designed to up light and down light larger trees, flag poles, and also can be used to down light large areas such as a sports court.

**Certification:**

Complies with the requirements of UL-1838 and CAN/CSA-C22.2 No. 250.7. Identified with the ETL and cETL Listed Mark. #4007735.



Sustainable Cost Effective Maintenance Free

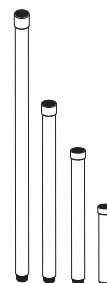
**MOUNTING ACCESSORIES:**



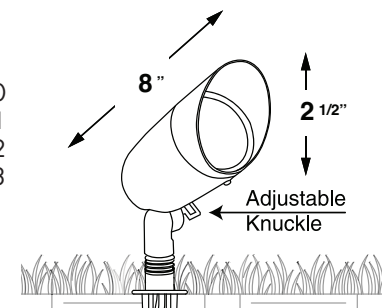
COMMERCIAL STAKE:  
NITE-124 A



SURFACE MOUNT:  
NITE-509



- RISERS:**
- 6" NITE-500
  - 12" NITE-501
  - 18" NITE-502
  - 24" NITE-503



DRAWN BY: NITELITES

BASE DESIGN: NITELITES

DATE: 11-14-2017



6107 Market Ave., Franklin, OH 45005  
Tel: (513) 424-5510  
Fax: (513) 433-0242  
www.NITELITES.com

Due to our continued efforts to improve our products, product specifications are subject to change without notice.



**SPECIFICATIONS:**

MODEL:	NITE-048
MOUNTING:	1/2" NPT.
FINISH:	Aged Brass
SOCKET:	All Weather Ceramic Bi-Pin
ELECTRICAL:	12V
LED:	11W Module
GRADE:	Commercial

**PRODUCT DESCRIPTION / APPLICATIONS:**

Solid Brass, heavy duty fixture with adjustable knuckle. Fixture will wash plants, rows, architectural features, and signs.

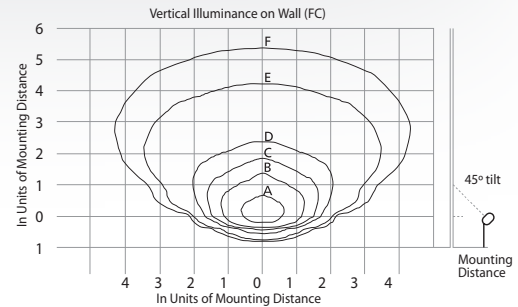


Sustainable Cost Effective Maintenance Free

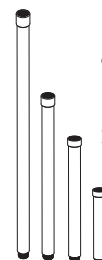
**LED OPTION: (Not Included)**

**NITE-435**

- Energy Savings - 11 Watts
- Color: Warm White
- Color Temp: 3000~3300K
- Luminous Flux: : 809~819lm



**MOUNTING ACCESSORIES:**



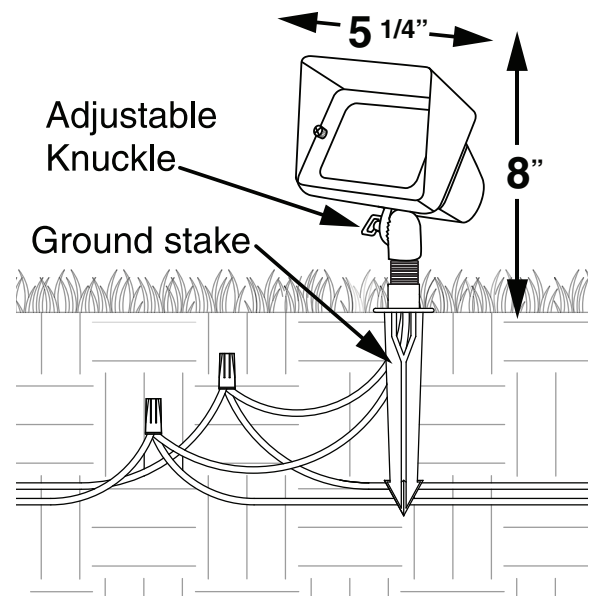
- RISERS:**
- 6" NITE-520
  - 12" NITE-521
  - 18" NITE-522
  - 24" NITE-523



COMMERCIAL STAKE:  
NITE-124 A



SURFACE MOUNT:  
NITE-510



DRAWN BY: NITELITES

BASE DESIGN: NITELITES

DATE: 12-4-2015



6107 Market Ave., Franklin, OH 45005  
Tel: (513) 424-5510  
Fax: (513) 433-0242  
www.NITELITES.com

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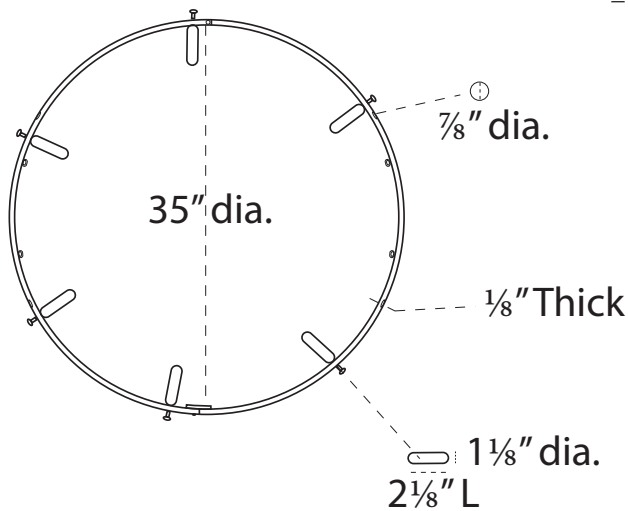
NITE-835\_GRP2



NITE-835\_GRP4



NITE-835\_GRP6



NITE-594  
Splice Box Accessory



## SPECIFICATIONS:

MODEL:	NITE-835
FINISH:	Architectural Bronze
GRADE:	Commercial
MATERIAL:	Aluminum with Stainless Steel hardware

## PRODUCT DESCRIPTION / APPLICATIONS:

Tree ring can hold up to 6 lights (NITE-021). Lights can be directed at any angle up or down.  
NITE-835\_GRP2 (2 lights), NITE-835\_GRP4 (4 Lights), NITE-835\_GRP6 (6 Lights).

## Tree Ring Sizing Guide

Tree Ring	Ring Size	Tree Circumference Range	
NITE-816	16"	19.6"	31.4"
NITE-821 - ALT*	21"	29"	40.8"
NITE-821	21"	35.3"	47.1"
NITE-825 - ALT*	25"	43.96"	54.95"
NITE-825	25"	50.2"	61.2"
NITE-830 - ALT*	30"	57.78"	69.08"
NITE-830	30"	64"	75.3"
NITE-835 - ALT*	35"	75.36"	87.92"
NITE-835	35"	81.6"	89.8"

\*ALT items include a longer screw set providing alternate circumference range options.

DRAWN BY: NITELITES

BASE DESIGN: NITELITES

DATE: 5-3-2017



6107 Market Ave., Franklin, OH 45005  
Tel: (513) 424-5510  
Fax: (513) 433-0242  
www.NITELITES.com

Due to our continued efforts to improve our products, product specifications are subject to change without notice.





**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

**AGENDA ITEM:** Approval of Comprehensive Plan and Land Development Code RFQ Revision Consultant Recommendation

**SUBMITTED BY:** Comprehensive Plan and Land Development Code RFQ Evaluation Committee

**DATE:** July 31, 2019

**BACKGROUND:** On May 7, 2019, the City issued an RFQ for the Comprehensive Plan and the Land Development Code Revision. Four firms submitted proposals based on the scope of work outlined in the RFQ. The Evaluation Committee heard presentations from all four firms on July 31, 2019, and will recommend a firm at the August 5, 2019, Regular City Council meeting.

**BUDGET:**

**RECOMMENDATION:** Consider approval of the Evaluation Committee recommendation

**ATTACHMENT:** None



**CITY OF NEPTUNE BEACH  
CITY COUNCIL MEETING  
STAFF REPORT**

**AGENDA ITEM:** Enterprise Fund Budget Discussion

**SUBMITTED BY:** Peter Kajokas, Finance Director

**DATE:** July 31, 2019

**BACKGROUND:** Enterprise Funds are used to account for operations that are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges.

These include the water and sewer fund, sanitation fund and stormwater utility fund.

**BUDGET:** N/A

**RECOMMENDATION:**

**ATTACHMENT:** None