

[← Back](#)

District Court of Appeals upholds Neptune Beach City Council decision

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Following a protracted legal battle, the District Court of Appeals upheld the decision to block construction of a 175-unit apartment complex at 500 Atlantic Blvd. in the former K-Mart location. The decision was announced Aug. 3. and sided with the Neptune Beach City Council's denial of a zoning variance the developers needed to move forward with the project.

TriBridg Residential filed a lawsuit after the rezoning designation was denied by city officials, blocking the development of a 175-unit apartment complex and above retail space on the corner of Atlantic Boulevard and 3rd Street. The community grassroots group NeptuneSTRONG opposed the project because of inconsistencies with the surrounding character and negative impact on the city's infrastructure.

"The city provided substantial evidence showing that the apartment complex would have an adverse effect on the community -the water, the sewer, the services, the police, the fire," said group founder Mary Frosio.

The property owner stated they "wanted to work with locals and create something with community input that served the needs of the local community." However, city officials denied the mixed-use development based on concerns of increased density and traffic.

Developers returned to the city last year with a new plan eliminating the apartment units. Instead, the project consisted of three commercial buildings, totaling approximately 30,000 square feet, which included 44 boutique hotel rooms above retail space. That project was approved by the city's Community Development Board.

Neptune Beach City Councilman Kerry Chin said the lawsuit resulted from a Land Use code that had grown inconsistent and conflicted with the city's Comprehensive Plan. "Over many years, as the code accrued new sections, 'fixed' some sections, and forgot about other older sections, we ended up with what is called a 'Frankenstein' code," he said. "It has led our community to undesirable development outcomes, and has encumbered us with the aforementioned lawsuits that grew out of ambiguous and deficient protections in our code as well as bad actors seeking to take advantage of our little city."

After exhausting its appeals, Atlanta-based TriBridge can still proceed with city-approved plans to put a boutique hotel as well as shops and restaurants at the location. The team did not respond to a request for comment.

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Page: A3

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