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# NB approves development agreement for former Lucky's

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Publix is one step closer to occupying the former Lucky's Market location in Neptune Beach. The City Council approved a Development Agreement Monday for the property known as 540-580 Atlantic Boulevard.

The 3-1 vote was contingent on modifications to the site that would better adhere to the variance requirements including the addition of bicycle parking and public lease provisions. Councilor Lauren Key cast the sole consenting vote.

Last year, property owners Neptune Beach, FL LLC approached city staff about acquiring the lease for the former 29,810-square-foot Lucky's space. Lucky's entered into a 20-year lease in September, 2015 within Neptune Beach Plaza.

The smaller Publix concept will focus on grab-and-go prepared foods, organic groceries and a "POURS" station.

City staff designed a development agreement to address specific improvements, activity, landscaping and other updates to the property. The developer will be required to meet those deadlines at various stages in terms of building permits, plan submissions, initial instruction and construction deadlines.

Andrew Greene, Vice-President of TLM Realty, presented placemaking enhancements for the proposed area, including vehicular connection to 630 Atlantic Boulevard, a new pedestrian plaza on Lemon Street, expanded front walk and new courtyard. Landscaping will be installed

along Atlantic Boulevard with a new monument sign in a style similar to the architecture.

A series of coordination meetings will give staff the opportunity to review the latest design plan and confirm that those plans align with the development agreement.

Key questioned how the city can ensure that Publix will move into the space. A condition in the development agreement that a lease get signed from Lucky's Market to Publix. Publix is contractually obligated to open in that location within 19 months.

According to City Attorney Zach Roth, staff would include an obligation to open it that is enforceable by specific performance. Greene noted that there are other small shops opening within the renovated shopping center and those tenants want to be sure that Publix will open.

The terms of the lease are confidential but Greene said council members could review that provision with the City Attorney, adding that the lease would probably be terminated if Publix did not open.

During the Feb. 16 special meeting, Vice Mayor Fred Jones questioned whether the developer had any active discussion with Seminole Shoppes at 630 Atlantic Boulevard regarding that parcel connection. Greene said that a requirement for the construction of a roadway is included in the 2010 development of 630 Atlantic, which has completed its section.

Councilor Kerry Chin urged developers to align with the city's desire to create a more walkable community and encourage bicycling as alternate modes of transportation. Greene said bicycle parking would allow for 30 bicycle spaces.

Councilor Josh Messinger said that the overall plan has a significant increase of over 70 hardwoods and he had expressed during the feedback that he wanted more tree canopy. He agreed with Councilor Chin regarding bicycles and it would be ideal to increase bike parking.

Vice Mayor Jones said the project is an outstanding opportunity to engage local artists to provide concepts for sculptural bike parking. City staff are working with a metal worker to create the functional installation.

Key said it was important to understand that they would be doing improvements to the property in order to get a variance that is not in compliance with the city's big box ordinance. Roth said that the intention of the modifications outlined in the Development Agreement is to improve

opportunity for a variance approval. Key said the property has been an eyesore for the community and a variance on an ordinance city has mandated against is required for improvements to begin.

According to Roth, the Development Agreement is tied to the variance that would vary the provision of the city's Code regarding the big box ordinance in recognition of the improvements, modifications and alterations.

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