

**Clements, Jeff**

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**From:** bill.natter40@verizon.net  
**Sent:** Tuesday, May 18, 2021 10:41 AM  
**To:** Diamond, Rory; CCMEETING05252021; Conner, Makenzi  
**Cc:** scorbin@coab.us; eglasser@coab.us; 'Michael Winters'; Mike Lanier; Robert Tubbs; 'Curtis Hart'; Alex Calder; Beth C Richardson; Kerry Brothers ; Jody Brothers; 'Eaton Jamie'  
**Subject:** Luz Committee Meeting 5:00pm May 18, 2021; Application # L-5524-21C, Ordinance # 2021-193, 2021-194  
**Attachments:** Rezoning Application Agreement bet Dev and ABCC Ver 5.05.17.2021 MW BN.docx

**EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.**

Councilman Diamond, et al:

Attached please find a draft Memorandum of Understanding between the Atlantic Beach CC Homeowner's Association (ABCCHOA) and Mr. Curtis Hart, Hart Resources, LLC pertaining to the subject application.

Parties of the agreement intend to sign it asap, subject to concurrence of Mr. Hart's partners. Once done, we will forward the signed agreement to you and others addressed on this email.

We appreciate this agreement being acknowledged at the LUZ meeting tonight. Mr. Hart, a professional real estate developer has been a pleasure to work with, considering and mitigating planned CCG-2 development impact on the neighboring residential community of ABCCHOA, subsequent to obtaining proposed rezoning and land use change of the subject.

Appreciatively,

Bill Natter  
VP ABCCHOA Board  
RE Developer, Licensed Md. RE Broker  
410-562-4786

**MEMORANDUM OF UNDERSTANDING REGARDING DEVELOPMENT OF LAND LOCATED AT MAYPORT ROAD AND DUTTON ISLAND ROAD E. REFLECTED ON SITE PLAN IDENTIFIED AS MAYPORT OFFICE/RETAIL DATED 3/29/2021 AND PREPARED BY AVA ENGINEERS, INC.**

**As a result of the rezoning application L-5524-21C of two parcels totaling 0.77 acres located between Mayport Rd and ABCC, E Dutton Is Rd and Fairway Villas Drive: 707 Clearview Ln and 741Brazeale Ln.**

Meeting discussion May 11, 2021 at the site among developer Curtis Hart, Hart Resources LLC, Roy Diamond, COJ Council member representing Beaches District, Atlantic Beach Mayor Ellen Glasser, Atlantic Beach City Manager Shane Corbin, ABCC Homeowner Michael Winters, Pres. ABCC HOA Michael Lanier, VP ABCC HOA, and Bill Natter. The following is generated by Bill Natter (410-562-4786), and Michael Winters (813-230-9197) May 17, 2021.

Curtis Hart presented his development plan, subject to the rezoning of the two RMD-A parcels totaling approximately 0.77ac to CCG-2 to achieve zoning compatibility with the surrounding CCG-2 parcels that he and others own. Development plan notable features discussed and agreed to among the parties include the following and shall be incorporated within developer's plans presented to the COJ planning commission, its Land Use & Zoning Committee, and the City Council for its approval. Reference attached developer's preliminary plan, exhibit A.

1. **Building Placement.** The office-warehouse flex space building complex shall be placed so that all buildings shall be located immediately west and opposite of the Atlantic Beach Country Club (ABCC) golf course maintenance yard and its buildings. The planned building complex shall be limited to an area north of E Dutton Island Rd to the existing northern terminus of the ABCC maintenance yard (MY). A 10' setback from the common property line shall be established in placement of buildings. Only pedestrian, not vehicular, doors shall be placed within the buildings' rear walls immediately opposite the ABCC MY complex for emergency egress from said buildings.
2. **Building Height.** All buildings heights shall be limited to thirty-five feet (35') from approximate existing ground elevations. Building colors shall be generally recognizable as professional, void of visually bright or offensive in nature.
3. **Building Lights.** Building security lighting shall be installed so as not to be obtrusive to residents on ABCC properties east of the subject.
4. **Property Line Fencing.** Developer shall install a six-foot high galvanized chain link fence along the common property line with ABCC, where a fence does not exist or is in disrepair. The fencing shall be "dipped-painted" in flat black paint prior to installation. Developer shall make all reasonable efforts to retain existing wooded and landscaping buffer while installing said fence.
5. **Traffic Study.** Prior to permitting and construction of the first building, the developer agrees to have a Traffic Study completed of Dutton Island Road and Mayport Road intersection and traffic signal. The Traffic Study shall include analysis of the Dutton Island/Mayport Rd traffic light timing and sequencing. It shall also address the appropriateness of a left turn light and a right turn lane at E Dutton Is Rd. The Traffic Study will determine the impact of traffic generated by

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the planned development and account for traffic from the adjacent communities located in the City of Atlantic Beach. The Traffic Study will be performed by an engineering company approved by the COJ like Kimberly Horn or similar.

Upon completion of the study, the developer shall consider the appropriateness of implementing the following traffic flow to/from the site:

- A. Incoming traffic shall access the site from Mayport road only (exclusive of an access point at E Dutton Island Rd). via existing entry point(s) (Brazeale Ln, Clearview Ln) now providing access to the site.
  - B. Exiting site traffic proceeding north shall exit the site via Mayport Rd.
  - C. Only site traffic proceeding south shall exit the site via E Dutton Island Rd and Mayport Rd.
  - D. A "No Left Turn" sign shall be posted at the site exit onto E Dutton Island Rd.
6. **Landscaping.** Developer shall install landscaping, of appropriate size/height in the applicable property setback areas and on the east and west sides adjacent to the storm water management pond installed per the referenced development plan in accordance with applicable municipal regulations.

**This agreement shall survive change of ownership and/or development of the properties.**

**Clements, Jeff**

**From:** Curtis Hart <CurtisHart@hartresources.net>  
**Sent:** Wednesday, May 19, 2021 10:07 AM  
**To:** Diamond, Rory; CCMEETING05252021; Conner, Makenzi; bill.natter40@verizon.net  
**Cc:** scorbin@coab.us; eglasser@coab.us; 'Michael Winters'; Mike Lanier; Robert Tubbs; Alex Calder; Beth C Richardson; Kerry Brothers ; Jody Brothers; 'Eaton Jamie'  
**Subject:** Re: Luz Committee Meeting 5:00pm May 18, 2021; Application # L-5524-21C, Ordinance # 2021-193, 2021-194

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We will not consider "not using Dutton"

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**From:** [bill.natter40@verizon.net](mailto:bill.natter40@verizon.net) <[bill.natter40@verizon.net](mailto:bill.natter40@verizon.net)>  
**Sent:** Tuesday, May 18, 2021 10:40:42 AM  
**To:** 'Diamond, Rory' <[RDiamond@coj.net](mailto:RDiamond@coj.net)>; [CCmeeting05252021@coj.net](mailto:CCmeeting05252021@coj.net) <[CCmeeting05252021@coj.net](mailto:CCmeeting05252021@coj.net)>; 'Conner, Makenzi' <[MSConner@coj.net](mailto:MSConner@coj.net)>  
**Cc:** [scorbin@coab.us](mailto:scorbin@coab.us) <[scorbin@coab.us](mailto:scorbin@coab.us)>; [eglasser@coab.us](mailto:eglasser@coab.us) <[eglasser@coab.us](mailto:eglasser@coab.us)>; 'Michael Winters' <[MWinters@osceolapartners.com](mailto:MWinters@osceolapartners.com)>; Mike Lanier <[mlanier1122@gmail.com](mailto:mlanier1122@gmail.com)>; Robert Tubbs <[ritubbs@me.com](mailto:ritubbs@me.com)>; Curtis Hart <[CurtisHart@hartresources.net](mailto:CurtisHart@hartresources.net)>; Alex Calder <[malexandercalder@gmail.com](mailto:malexandercalder@gmail.com)>; Beth C Richardson <[beth.c.richardson2@gmail.com](mailto:beth.c.richardson2@gmail.com)>; Kerry Brothers <[jkbrothers@me.com](mailto:jkbrothers@me.com)>; Jody Brothers <[jodybrothers@gmail.com](mailto:jodybrothers@gmail.com)>; 'Eaton Jamie' <[jamiekeaton@gmail.com](mailto:jamiekeaton@gmail.com)>  
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