



## A G E N D A

**GREEN COVE SPRINGS PLANNING & ZONING BOARD  
321 WALNUT STREET, GREEN COVE SPRINGS, FLORIDA  
REGULAR SESSION**

**THURSDAY, AUGUST 3, 2017 – 5:00 P.M.**

**ANYONE WISHING TO ADDRESS THE PLANNING & ZONING BOARD REGARDING ANY TOPIC ON THIS EVENING'S AGENDA IS REQUESTED TO COMPLETE A CARD AVAILABLE AT THE CLERK'S DESK. SPEAKERS ARE RESPECTFULLY REQUESTED TO LIMIT THEIR COMMENTS TO THREE (3) MINUTES.**

**THE PLANNING & ZONING BOARD PROHIBITS THE USE OF CELL PHONES AND PAGERS WHICH EMIT AN AUDIBLE SOUND DURING ALL MEETINGS WITH THE EXCEPTION OF LAW ENFORCEMENT, FIRE AND RESCUE OR HEALTH CARE PROVIDERS ON CALL. PERSONS IN VIOLATION WILL BE REQUESTED TO LEAVE THE MEETING.**

### **ROLL CALL**

### **PUBLIC HEARING**

**This item was deferred from the June 22, 2017 meeting.**

- 1. 201700345 - A SPECIAL EXCEPTION TO ALLOW A HOME OCCUPATION FOR HOME BASED BUSINESS TO BE LOCATED AT 1703 SPRUCE STREET.**

### **BOARD BUSINESS**

- 1. BOARD DISCUSSION / COMMENTS.**
- 2. STAFF COMMENTS.**
- 3. ADJOURNMENT.**

### **NEXT MEETING**

**THURSDAY, AUGUST 24, 2017 – 5:00 PM**

The Planning & Zoning Board meets the fourth Thursday of each month beginning at 5:00 p.m., except when changed due to holidays. Meetings are held in City Hall at 321 Walnut Street and audio recordings of the meetings are posted in the City's website at [www.greencovesprings.com](http://www.greencovesprings.com). The City may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

**Public Participation:** Pursuant to Section 286.0114, Florida Statutes, effective October 1, 2013, the public is invited to speak on any "proposition" before a board, commission, council, or appointed committee takes official action regardless of whether the issue is on the Agenda. Certain exemptions for emergencies, ministerial acts, etc. apply. This public participation does not affect the right of a person to be heard as otherwise provided by law.

**Exparte Communications:** Oral or written exchanges (sometimes referred to as lobbying or information gathering) between a Planning & Zoning Board Member and others, including staff, where there is a substantive discussion regarding a quasi-judicial decision by the Planning & Zoning Board. The exchanges must be disclosed by the Planning & Zoning Board so the public may respond to such comments before a vote is taken.

Minutes of the Planning & Zoning Board meetings can be obtained from the City Clerk's office. The Minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recordings, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

Persons who wish to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**CITY OF GREEN COVE SPRINGS, FLORIDA  
PLANNING AND ZONING BOARD  
STAFF REPORT  
FOR MEETING OF AUGUST 3, 2017**



**SUBJECT: PUBLIC HEARING FOR 201700345 - SPECIAL EXCEPTION TO  
ALLOW HOME OCCUPATION FOR HOME BASED BUSINESS AT THE  
PROPERTY LOCATED AT 1703 SPRUCE STREET**

**APPLICANT /OWNER** Israel Cervantes Pascual  
1703 Spruce Street  
Green Cove Springs, FL 32043

**PROPERTY LOCATION:** 1703 Spruce Street

**FILE NO.:** 201700345

**PARCEL NUMBER:** 017960-003-88

**CURRENT ZONING:** R-1

**FUTURE LAND USE:** RLD – Residential Low Density

**SURROUNDING LAND USES:** Single Family Residential/Vacant Land

**BACKGROUND:**

**This item was deferred from the June 22, 2017 P&Z Meeting.**

The applicant is seeking approval for a Special Exception to allow a home occupation for a home based business at the property located at 1703 Spruce Street. The applicant owns Pascual Grading & Concrete, Inc. The applicant agrees to comply with regulations for a home occupation included in City Code Section 102-415, which are:

*A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:*

1. *No person other than members of the family residing on the premises shall be engaged in such occupation.*
2. *The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.*

3. *There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one square foot in area.*
4. *No home occupation shall occupy more than 20 percent of the first floor area of the residence.*
5. *No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood.*
6. *No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.*
7. *Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition and providing no retail sales are made at the home.*
8. *Outdoor storage of materials shall not be permitted.*
9. *A home occupation shall be subject to all applicable city local business tax receipt requirements, fees, and other business taxes.*

**STAFF COMMENTS:**

The following are staff's comments concerning review of the special exception criteria of Section 90-281 of the Municipal Code:

1. The special exception is in compliance with all elements of the Comprehensive Plan.

**The special exception is in compliance with all elements of the Comprehensive Plan.**

2. The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety or welfare, or contrary to established standards, regulations or ordinances of other governmental agencies.

**The use of the dwelling unit on this property for a home occupation at this property is not detrimental to the public health, safety, or welfare of the City of Green Cove Springs. The applicant will be required to comply with all applicable city, state, and federal regulations, including Section 102-415, that contains specific regulations for a home occupation.**

3. Each structure or improvement is so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Green Cove Springs and the zoning district in which it is proposed.

**The request will not impede or adversely affect the orderly development of neither Green Cove Springs nor the zoning district that it is located within. The Special Exception will require the continued use of the dwelling unit and the home occupation will not hinder the orderly development of the area.**

4. The special exception will not adversely impact the permitted uses in the zoning district or unduly restrict the enjoyment of other property in the immediate vicinity or substantially diminish or impair property values within the area.

**The approval of a home occupation use at the dwelling unit will not adversely impact the uses in the zoning district nor restrict the enjoyment of other property in the immediate vicinity or substantially diminish or impair property values within the area.**

5. The establishment of the special exception will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.

**The approval of the Special Exception for a home occupation at this property will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

6. Adequate water supply and sewage disposal facilities will be provided in accordance with State and County Health Departments.

**The building shall comply with the applicable water and sewer requirements for residential use. Public water and sewer facilities are available on-site.**

7. Adequate access roads, onsite parking, onsite loading and unloading berths and drainage have been or will be provided where required.

**Access to the site is available with existing roads. The dwelling unit is located on Spruce Street, a paved right-of-way in the City.**

8. Adequate measures have been taken to provide ingress and egress to the property and are designed in a manner to minimize traffic congestion on local roads.

**The dwelling unit has direct access off of Spruce Street. The home occupation will not alter the exterior of the dwelling unit or its ingress or egress.**

9. Adequate screening and buffering of the Special Exception will be provided, if needed.

**No additional screening or buffering will be required. All activities related to the home occupation will occur inside the dwelling unit.**

10. The Special Exception will not require signs or exterior lighting, which will cause glare, adversely impact area traffic safety, or have a negative economic effect on the area. Any signs or exterior lighting required by the Special Exception shall be compatible with development in the zoning district.

**All signs required for the Special Exception shall comply with the sign regulations of the Municipal Code and any exterior lights must be directed to not have a negative impact on surrounding properties. The applicant will not alter the exterior of the dwelling unit with the home occupation and is only allowed one (1) sign not exceeding one (1) square foot in area.**

11. The special exception will conform to all applicable regulations of the zoning district in which it is proposed.

**The Special Exception requested for allowance of a home occupation conforms to all applicable regulations of the zoning code.**

**STAFF RECOMMENDATION:**

Upon a site visit to the property, staff noticed code enforcement violations at the property. Staff recommends these violations be abated prior to issuance of a business license at the 1702 Spruce Street. Staff recommends the Planning and Zoning Board approve 2017000345, a Special Exception to allow a home occupation at 1703 Spruce Street, with compliance to Section 102-415 of the City Code and that prior to a business license being issued that all code enforcement violations are abated.

**MOTION:** To approve 2017000345, a Special Exception to allow a home occupation at 1703 Spruce Street, with compliance to Section 102-415 of the City Code that prior to a business license being issued that all code enforcement violations are abated. The request meets the requirements of the Special Exception criteria in Section 90-281 of the Municipal Code.

**SUBMITTED BY:**



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**Janis K. Fleet, AICP**  
**Development Services Director**





# City of Green Cove Springs Special Exception Application

### FOR OFFICE USE ONLY

PZ File # 201700345

Application Fee: \$150

Filing Date: 5/16/17 Acceptance Date: \_\_\_\_\_

Review Type: SDRT  P & Z

#### A. PROJECT

- Project Name: Pascual GRADING & CONCRETE, INC
- Address of Subject Property: 1703 Spruce St GREENCOVE SPRINGS
- Parcel ID Number(s) 38-06-26-018310-008-00
- Existing Use of Property: Residential Single Family
- Future Land Use Map Designation: \_\_\_\_\_
- Zoning Designation: \_\_\_\_\_
- Acreage: \_\_\_\_\_

#### B. APPLICANT

- Applicant's Status  Owner (title holder)  Agent
- Name of Applicant(s) or Contact Person(s): Israel Cervantes Pascual VP  
 Company (if applicable): Pascual Grading & Concrete, Inc.  
 Mailing address: 1703 Spruce St  
 City: Green Cove Springs State: FL ZIP: 32043  
 Telephone: (904) 657-9624 FAX: ( ) e-mail: \_\_\_\_\_

- If the applicant is agent for the property owner\*:  
 Name of Owner (title holder): Israel Cervantes Pascual  
 Company (if applicable): \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 Telephone: ( ) \_\_\_\_\_ FAX: ( ) \_\_\_\_\_ e-mail: \_\_\_\_\_

\* Must provide executed Property Owner Affidavit authorizing the agent to act on behalf of the property owner.

#### C. ADDITIONAL INFORMATION

- Is there any additional contact for sale of, or options to purchase, the subject property?  Yes  No  
 If yes, list names of all parties involved: \_\_\_\_\_  
 If yes, is the contract/option contingent or absolute?  Contingent  Absolute



**D. STATEMENT OF SPECIAL EXCEPTION SOUGHT**

- 1. Requested Special Exception: Home Occupation
- 2. Section of Land Development Regulations under which the Special Exception is sought \_\_\_\_\_
- 3. Reason Special Exception is requested: operate home business
- 4. Statement of Facts for Requested Special Exception (Use additional pages if necessary)

(PLEASE ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR ABILITY. THESE FACTS WILL BE USED BY THE STAFF TO MAKE A RECOMMENDATION AND THE PLANNING AND ZONING BOARD IN MAKING THEIR DECISION)

a. Is this exception in compliance with all elements of the Comprehensive Plan?

\_\_\_\_\_  
\_\_\_\_\_

b. Is the establishment, maintenance or operation of the special exception detrimental to or endanger the public health, safety or general welfare, or contrary to established standards, regulations or ordinances of other governmental agencies?

no  
\_\_\_\_\_  
\_\_\_\_\_

c. Is the structure or improvement so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Green Cove Springs and zoning district in which it is proposed?

\_\_\_\_\_  
\_\_\_\_\_

d. Will the special exception adversely impact the permitted use in the zoning district or unduly restrict the enjoyment of the other property in the immediate vicinity nor substantially diminish or impair property values within the area?

no  
\_\_\_\_\_  
\_\_\_\_\_

e. Will the establishment of the special exception impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district?

no  
\_\_\_\_\_  
\_\_\_\_\_

f. Are adequate water and sewage disposal facilities provided?

no  
\_\_\_\_\_  
\_\_\_\_\_

g. Are access roads adequate, on-site parking, on-site loading and loading berths, and drainage have been or will be provided where required?

no on site parking require - no clients coming to house  
\_\_\_\_\_  
\_\_\_\_\_

h. Have adequate measures been taken to provide ingress and egress to the property and design in a manner to minimize traffic congestion on local roads?

N/A

i. Is adequate screening and buffering signs of the special exception provided, if needed??

N/A

j. Will the special exception require signs or exterior lighting, which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area? Any signs or exterior lighting required by the special exception shall be compatible with development in the zoning district?

N/A

k. Will the special exception conform to all applicable regulations of the zoning district in which it is proposed?

Yes

**E. ATTACHMENTS (One hard copy or one copy in PDF format)**

1. Copy of Warranty Deed or other proof of ownership
2. Legal description

**F. FEE.**

Home Occupation - \$150  
Residential property - \$250  
Non-residential - \$500

- a. The Cost of postage, signs, advertisements, and outside consultants are in addition to the application fee.
- b. The applicant is responsible to pay the cost of the advertisement and signs.
- c. All applications are subject 10% administrative fee and must pay the cost of any outside consultants' fees.

No application shall be accepted for processing until the required application fee is paid in full by the applicant. Any fees for advertising, signs, necessary technical review or additional reviews of the application by a consultant will be billed to the applicant at the rate of the reviewing entity. The invoice shall be paid in full prior to any action of any kind on the development application.

**Both attachments are required for a complete application. A completeness review of the application will be conducted within five (5) business days of receipt. If the application is determined to be incomplete, the application will be returned to the applicant.**

I/We certify and acknowledge that the information contained herein is true and correct to the best of my/our knowledge:

Israel Cervantes Pascual  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Israel Cervantes Pascual  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

5/15/17  
Date

\_\_\_\_\_  
Date

State of Florida County of Clay

The foregoing application is acknowledged before me this 16<sup>th</sup> day of May, 2017 by Israel

Cervantes Pascual who is/are personally known to me, or who has/have produced FL. Drivers License

as identification.  
NOTARY SEAL



Maria M. Quinn  
Signature of Notary Public, State of Florida

CFN # 2014052931, OR BK 3687 Pages 2196 - 2197, Recorded 10/16/2014 at 11:39 AM, TARA S. GREEN Clerk Circuit Court, Clay County, Doc. D \$413.00 Deputy Clerk ERECORD

Prepared by and return to:

Carmen L. Raimb  
Paralegal  
Rafael Fabian, P.A.  
10631 N Kendall Drive Suite 145  
Miami, FL 33176  
305-856-6700  
File Number: RE0914-1350

[Space Above This Line For Recording Data]

### Special Warranty Deed

This Special Warranty Deed made this 10th day of October, 2014 between Bayview Loan Servicing, LLC, a Delaware limited liability company whose post office address is 4425 Ponce De Leon Blvd., 5th Floor, Coral Gables, FL 33146, grantor, and Israel Cervantes Pascual and Lucila Jimenez Mora, husband and wife whose post office address is 451 S Vermont Avenue, Green Cove Springs, FL 32043, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Clay County, Florida, to-wit:

**THE EAST 66 FEET OF LOT 7 AND THE WEST 9 FEET OF LOT 8, BLOCK 2, OAKRIDGE TERRACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 24, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.**

Parcel Identification Number: 38-06-26-018310-008-00

"Grantor will defend the same against the lawful claims of all persons claiming by, through or under Grantor, and no others,"

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime



## LEGAL DESCRIPTION

**THE EAST 66 FEET OF LOT 7 AND THE WEST 9 FEET OF LOT 8, BLOCK 2, OAKRIDGE TERRACE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 14, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.**

**Parcel Identification Number: 38-06-26-018310-000-00**