

**MINUTES OF THE MAY 23, 2017
REGULAR MEETING
GREEN COVE SPRINGS PLANNING AND ZONING BOARD**



CALL TO ORDER

The regularly scheduled meeting of the Green Cove Springs Planning and Zoning Board was held on Tuesday, May 23, 2017 in the City Council Chambers, 321 Walnut Street, Green Cove Springs, Florida.

Chairman Haddock called the meeting of the Planning and Zoning Board to order at 5:00 p.m.

ROLL CALL

Board Members Present: Ed Gaw
Robert Lewis
Sara Spurrier
Henrietta Francis, Vice-Chairman
Marilyn Haddock, Chairman

Staff Members Present: Danielle Judd, City Manager (entered at 5:02)
Janis Fleet, Development Services Director
Kimberley Farnsworth, Development Services Rep.

Board Members Absent: None

Staff Members Absent: L.J. Arnold, III, City Attorney

ELECTION OF CHAIR AND VICE CHAIR

A MOTION WAS MADE BY CHAIRMAN HADDOCK TO ELECT VICE-CHAIRMAN FRANCIS AS THE NEW CHAIRMAN AND BOARD MEMBER GAW AS THE NEW VICE-CHAIRMAN. THE MOTION WAS SECONDED BY BOARD MEMBER LEWIS. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – BOARD MEMBERS GAW, LEWIS, AND SPURRIER, VICE-CHAIRMAN FRANCIS AND CHAIRMAN HADDOCK.

APPROVAL OF MINUTES

A MOTION WAS MADE BY BOARD MEMBER LEWIS TO APPROVE THE MINUTES OF MARCH 30, 2017 AND MAY 1, 2017. THE MOTION WAS SECONDED BY BOARD MEMBER SPURRIER. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – BOARD MEMBERS HADDOCK, LEWIS, AND SPURRIER, VICE-CHAIRMAN GAW AND CHAIRMAN FRANCIS.

PUBLIC HEARING

201700255 - A SPECIAL EXCEPTION TO ALLOW RETAIL SALE AND SERVICE OF BEER AND WINE FOR ON-PREMISES CONSUMPTION AT THE HILLTOP FOOD MART LOCATED AT 1606 IDLEWILD AVENUE.

Ms. Fleet introduced the item. She went over conditions for the Special Exception as well as site compliance.

Chairman Francis opened the Public Hearing.

Ms. Francis asked the applicant to the podium.

Mr. MA Islam, Manager, Hilltop Food, came to the podium to speak about his application.

Russell Franklin, Pastor of Hickory Grove Baptist Church 310 S Oakridge Ave, spoke in opposition of the Special Exception. His concern is for the local school children and their safety walking to and from school and crossing at the crosswalk. He fears that people coming from the Hilltop Food Mart who have been drinking, may pose a danger.

Mr. Islam, in response to the Pastor, said he believes this will not be an issue and feels his customers would come to drink after work, not during school hours.

Ms. Judd asked Mr. Islam what his operating hours are, to which he responded 7:00 am – 11:00 pm. He said the restaurant will keep the same hours as well. Ms. Judd asked if he would be willing to operate different hours for the alcohol consumption. He said if there were a problem, then he would be ok with the approval was revoked. But he said if everything is fine, then they should be allowed to continue. But he does not feel there is a risk regarding the children.

Ms. Haddock asked if this would be considered a lounge. Ms. Fleet responded by saying they will have to have food service and not just alcohol.

Ms. Spurrier stated that she was appalled that this is an issue. She feels this would be the worst place in Green Cove to serve alcohol especially with all the kids coming and going through the area. She will not even consider voting yes.

Vice Chairman Gaw asked how long the current store has been in business. Mr. Islam replied with 10 years.

Vice Chairman Gaw asked the applicant about the 50/50 food alcohol sales. He asked what kind of food they would be serving. Ms. Islam said it would be mostly fast food. The restaurant can seat about 40 people and feels they would be successful because as of right now, their sale of food is about 30%. Mr. Gaw verified with the applicant that he feels the only way they will be successful is if they serve alcohol. He responded, yes.

Ms. Spurrier asked about the age limit for entering the restaurant that serves alcohol. She also asked if they kids are allowed to come into the store now. Mr. Islam replied by saying that kids would not be allowed on the food / alcohol side without parents.

Mr. Jim Torrible, 659 Magnolia Ave, wanted to make a suggestion to the Board to contact the division of alcohol and tobacco to see if this location have ever received a violation for underage drinking.

Ms. Haddock asked if the location would be divided between the restaurant and the store. Mr. Islam stated they are divided by a partial wall on the inside but there is only one entrance.

Chairman Francis closed the Public Hearing.

Ms. Spurrier asked if there were parking requirements for this location. Ms. Fleet stated that there is one space for every 333 square feet but it will need to be restriped.

Mr. Lewis stated that a possible condition would be to start serving alcohol after school hours. Ms. Francis asked about restrictions for summer time when school is out. Ms. Haddock stated it may be too difficult to change operating hours with the seasons.

A MOTION WAS MADE BY BOARD MEMBER LEWIS TO APPROVE, WITH CONDITIONS STATED BY THE BOARD MEMBERS, THE SPECIAL EXCEPTION APPLICATION TO ALLOW ONSITE CONSUMPTION OF BEER AND WINE AT HILLTOP FOOD LOCATED AT 1606 IDLEWILD AVE. THE MOTION WAS SECONDED BY BOARD MEMBER HADDOCK. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL: AYES – BOARD MEMBERS HADDOCK AND LEWIS, VICE-CHAIRMAN GAW AND CHAIRMAN FRANCIS. NAYS – BOARD MEMBER SPURRIER.

201700324 - A SPECIAL EXCEPTION TO ALLOW AN ACCESSORY BUILDING WITH HEIGHTS IN EXCESS OF 12 FEET FOR THE PROPERTY LOCATED AT 611 MYRTLE AVENUE.

Ms. Fleet introduced the item. She went over the requirements and conditions for the Special Exception.

Chairman Francis opened the Public Hearing.

Ms. Francis asked the applicant to the podium.

Mr. Bruce Wilde, 612 Myrtle Ave, came to the podium to speak about his application. He referenced the pictures of his house and the surrounding houses and said the structure he is looking at will not be compatible with the house because the house is brick and the structure is metal. He said the structure will be more compatible with the surrounding houses on his street.

Pete Gomes, 600 N Magnolia Ave, spoke in favor of the applicant. He said he had some buildings built by Space Age Structures about 5 years ago and feels they look good. The structure is a metal building that is taller than 12 feet and does not see a problem with the height of the structure.

Mr. Gaw inquired about the lot for which he would like to build the structure. Mr. Wilde stated that it is actually 2 lots based on the size. Ms. Fleet responded by saying that according to the Property Appraiser, it is 1 large lot.

Ms. Spurrier asked the applicant if he intends to build the structure himself. He said he will not be building it himself and it will be one big garage but will want to make it look like a residence.

Ms. Fleet wanted to make note that to meet the requirements, it would need to be less than 50% of the size of the principal structure.

Mr. Wilde says he will be moving into the house while the house he is currently living in is demolished and rebuilt into a much nicer house.

Mr. Gaw asked if there is anything the company can construct that would match the house since there are no metal buildings on this street. Mr. Wilde said there is nothing that they [Space Age Structures] can construct that will tie it into his brick house on the property. Mr. Gaw asked about the possibility of a brick wall or accents. Mr. Wilde stated that he is not even sure he could buy that brick anymore because the house was built so long ago. Mr. Wilde stated that is why he is here for an approval or disapproval.

Mr. Lewis stated that he has seen some of these types of buildings and did not realize they were metal until he went up to them. He doesn't feel the look of this building would any way interfere with the compatibility of the neighborhood because the neighborhood is a "hodge-podge" of different kinds of construction.

Ms. Haddock asked the applicant if he would consider building a garage to match the house. Mr. Wilde said he would consider it if he had to and asked about attaching the building to the house. Ms. Fleet responded by saying that when construct a detached garage, it cannot exceed 12 feet in height without a Special Exception. The request is for the accessory structure to be 15 feet in height. Mr. Gaw stated that something as simple as a breezeway would attach the structure.

Mr. Lewis said that he doesn't care what the building is made of as long as the appearance looks good and is acceptable to the neighborhood. He doesn't feel there should be a restriction about whether he should build it as long as it looks good.

Ms. Haddock asked about the ordinance that would make this kind of structure "compatible".

Ms. Spurrier asked if this would be a temporary building or permanent. Mr. Wilde said this would be a permanent building and he plans to keep the house.

Ms. Haddock asked if the structure was not going to be 15 feet in height, would it still have to match the house. Ms. Judd responded by saying that the Code doesn't require the structure be the "same as" just compatible.

Ms. Fleet read a letter from an adjoining property owner. (See attachment A).

Ms. Fleet reviewed our procedures for advertising and sending letters to neighbors within 300 feet.

Mr. Gaw asked if Mr. Wilde gave any consideration to the portion of code where it state "compatible with architectural finishes". Mr. Wilde stated that is why he is here and has pursued this so far. He said he realizes that it is up to the Board to approve or disapprove and that he knows he doesn't comply by building this structure.

Jim Torrible, 659 Magnolia Ave, spoke in favor of the applicant.

Mr. Wilde restated that if the building is detached, then he will have to comply but if it is attached, then he wouldn't have to.

Chairman Francis closed the Public Hearing.

A MOTION WAS MADE BY BOARD MEMBER HADDOCK TO APPROVE 201700324, A SPECIAL EXCEPTION TO ALLOW AN ADDITION OF AN ACCESSORY STRUCTURE IN EXCESS OF 12 FEET IN HEIGHT ON THE PROPERTY AT 611 MYRTLE AVENUE THAT COMPLIES WITH THE CONDITIONS INCLUDED IN THE STAFF RECOMMENDATION. THE REQUEST MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION CRITERIA IN SECTION 90-281 OF THE MUNICIPAL CODE. THE MOTION WAS SECONDED BY VICE-CHAIRMAN GAW. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL: AYES – BOARD MEMBERS HADDOCK, LEWIS, SPURRIER, VICE-CHAIRMAN GAW AND CHAIRMAN FRANCIS. NAYS – NONE.

ADJOURNMENT

There being no further business to come before the Planning and Zoning Board, this meeting was adjourned at 7:13 p.m.

City of Green Cove Springs, Florida

Henrietta Francis, Chairman

Janis K. Fleet, AICP
Development Services Director