

**MINUTES OF THE JANUARY 30, 2018  
REGULAR MEETING  
GREEN COVE SPRINGS PLANNING AND ZONING BOARD**



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**CALL TO ORDER**

The regularly scheduled meeting of the Green Cove Springs Planning and Zoning Board was held on Tuesday January 30, 2018 in the City Council Chambers, 321 Walnut Street, Green Cove Springs, Florida.

Chairman Francis called the meeting of the Planning and Zoning Board to order at 5:05 p.m.

**ROLL CALL**

**Board Members Present:** Marilyn Haddock  
Robert Lewis  
Ed Gaw, Vice Chairman  
Henrietta Francis, Chairman

**Staff Members Present:** L.J. Arnold, III, City Attorney  
Janis Fleet, Development Services Director  
Micah O'Shields, Development Services Rep.

**Board Members Absent:** Sara Spurrier

**Staff Members Absent:** Danielle Judd, City Manager

**BOARD BUSINESS**

**A MOTION WAS MADE BY BOARD MEMBER LEWIS TO APPROVE MINUTES FROM THE FOLLOWING MEETINGS AUGUST 24, 2017 AND OCTOBER 26, 2017, THE MOTION WAS SECONDED BY BOARD MEMBER HADDOCK. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL: AYES – BOARD MEMBERS HADDOCK, LEWIS, VICE CHAIRMAN GAW AND CHAIRMAN FRANCIS. MOTION PASSES 4-0.**

**PUBLIC HEARING**

**201700664 - AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA AMENDING THE FUTURE LAND USE MAP FOR 1.88 ACRES OF PROPERTY BOUNDED BY MAGNOLIA AVENUE, CLAY STREET, ST. JOHNS AVENUE AND HOUSTON STREET, IDENTIFIED AS TAX ID # 017568-000-00, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" FROM RLD, RESIDENTIAL LOW DENSITY (4 UNITS PER ACRE) TO RMD, RESIDENTIAL MEDIUM DENSITY (8 UNITS PER ACRE).**

Ms. Fleet introduced the item. This is for the FLUM amendment only. The applicant originally submitted a FLUM amendment for RHD – Residential High Density for up to 12 units per acre along with a PUD in August, 2017. The City was asked by the applicant to defer the item for a few cycles and was asked to put it back on the agenda.

Ms. Fleet states that staff reviewed the PUD and felt it wasn't as specific as it needed to be and required additional information to move it forward. In addition, staff felt that RHD was more intense than it needed to be given the surrounding RLD neighborhood. The applicant subsequently decided to amend the application to request RMD, Residential Medium Density and only process the FLUM at this time. The applicant intends to submit a PUD in the future. A rezoning and FLUM amendment will be required to develop the property for a density higher than four units per acre. We are just here today to move forward with land use only.

Ms. Fleet stated that this hearing was advertised in the Clay Today, letters were sent to property owners within 300' and two signs were posted on each side of the property to ensure people knew it was the entire block.

Ms. Fleet pointed out that the applicant is asking to for a FLUM amendment RLD, Residential Low Density, which is 4 dwelling units per acre to RMD, Residential Medium Density, which allows up to 8 dwelling units per acre. Ms. Fleet stated that this parcel is 1.88 which is considered a small scale FLUM amendment.

Staff recommends approval of this FLUM amendment because it would provide a transition between the RLD uses which are on the east, north and south of this property and the commercial high intensity properties that are west of this property on Orange Ave.

Chairman Francis asked the board members if they had any exparte communication regarding this issue. To which Vice Chairman Gaw responded that he had spoken with Ms. Spurrier in Publix January 29, 2018. He stated that she was unable to attend the meeting but did drive by the property and she was surprised at how large the parcel was.

The following citizens were sworn in Wanda Duncan of 610 St. Johns Ave, Clara Freeman of 1000 St. Johns Ave, John and Diane Whiteman of 723 N. Magnolia Ave and Julie Cook of 840 St. Johns Ave.

John Whiteman, 723 N. Magnolia Ave stated he objects to the land use map amendment without the accompanied PUD. They should come before the board at the same time.

Kelly Hartwig, 1834 Shoal Creek, representative of the applicant was sworn in. Mr. Hartwig states this property is currently platted for eight single family homes, which is impossible as the lots are only 45' to 50' wide. What is being proposed is a very nice upscale townhome project. Probably attached dwellings with four units per building. The only way this can be done is to modify the land use to RMD, Residential Medium Density. The PUD will contain restrictions on the property so it has to be architecturally compatible within the neighborhood. There will have to be common space and each unit will have individual driveways with garages. It also allows them to put single family homes and they would have to meet the guidelines of R1.

Wanda Duncan, 610 St. Johns Ave indicated she would like to see the land use remain at the lowest density and not increase medium density. She hopes the lot to be kept intact with the fewest number of residences.

Clara Freeman states that she is against this proposal to put this land at a higher density as this is a single family neighborhood.

Julie Cook, 840 St. Johns Ave bought her home in July and if she has known townhomes would be built across the street she would never have bought it. She doesn't want to see the beautiful trees removed. She expressed concern about property values decreasing. She sees no reason there needs to be a transition from U.S.17 to the beautiful 1 acre lots along St. Johns Avenue. She states she had no choice and put in a purchase agreement for the subject parcel.

Diane Whiteman, 723 N. Magnolia Ave, spoke in opposition of the FLUM amendment.

Kelly Hartwig, addressed the concerns about the trees. He states that if it stays single family then all the trees could be cut down and nothing could be done to stop that. The approval of this land use change does not give anyone the authority to build townhomes. A PUD would show how those townhomes would be placed on the property and it would also show you that trees will be saved.

Mr. Whiteman questioned if there was a contract on the property.

Mr. Gaw states we received sworn testimony this evening that this property is under contract.

Ms. Fleet states that the application states there is no contract for purchase and she isn't aware of any contract.

Ms. Cook came back to the podium and stated it is under contract and earnest money has been applied.

Ms. Fleet advised that as the future land owner, Ms. Cook could ask for the application to be pulled.

City Attorney Arnold states that whoever the current landowner is has the right to apply for zoning and land use changes.

Ms. Cook indicated that she has no interest in rezoning or FLUM change.

Ms. Fleet stated that the Board can have items that can be brought before them where there is a contingent sale. This is not uncommon because you don't want to purchase a piece of property and not be able to develop it as you intend to. The Board has to rely on what is before them and make a recommendation. After you close the hearing I will provide the Board with your options.

Mr. Hartwig stated he just found out about the contract four days ago and had no idea that it was Ms. Cook. He stated that he doesn't believe the owner would have a problem continuing this item until property is sold. He stated that he is unaware of any of the contract terms.

Chairman Francis asked if there were any additional comments to which there were none.

Public Hearing closed.

Ms. Fleet stated the board has to move forward with the application that is before them. At any point between application and City Council's 2<sup>nd</sup> and final hearing there could be changes. Your options today are to recommend to Council to approve the FLUM amendment, recommend to deny it or you can recommend deferral until such time as the ownership changes or until the PUD is submitted. Ms. Fleet reminded the Board that just because you have a contract on the property that doesn't mean the sale will go through. This will not go any further as City Council can't act until they get a recommendation from the Board.

Ms. Haddock questioned why the filing date on this application was August 29, 2017 and it was just coming before the board now. Ms. Fleet replied that although our planning application can be submitted until such time as the associated fees are paid the application is not complete. The application has to be paid for regardless of win or loss. It took a few months before the applicant paid the filing fee. At another point, the staff was asked for it to be deferred.

Ms. Haddock asked that if the land use is changed to RMD, could fifteen dwelling units be developed without a PUD? Ms. Fleet responded stating that currently the FLUM of the property is Residential Low Density, which only allows for single family residential dwellings on individual lots with a density of up to four units per acre. The 1.88 acre parcel could be developed for 7 lots. If there are lots of record, which Mr. Hartwig has mentioned, they could be developed on, but the dwelling units must meet all setback requirements. By changing the land use category to RMD, which allows for up to eight units per acre, the property could be developed with fifteen dwelling units.

Ms. Fleet stated that RMD, allows for a mix of multifamily dwellings, townhomes and single family dwellings. Based on this parcel you could have up to fifteen dwelling units.

Ms. Haddock asked Ms. Cook to the podium. She asked as to when the contract was signed to which Ms. Cook responded, yesterday. Ms. Haddock then asked Ms. Cook if she was aware of this meeting and the request. Ms. Cook said yes. Ms. Haddock asked if there was a signed the contract with earnest money. Ms. Cook replied yes.

Mr. Gaw asked Ms. Cook when the contract was scheduled to close. She responded June 30, 2018.

City Attorney Arnold confirmed with Ms. Cook she had a contract to purchase the property, she replied yes. He then asked what she would like to do with regards to the property zoning. Ms. Cook responded that she would like it to stay the way it is.

Ms. Haddock asked if Ms. Cook would like the property to remain undeveloped. She indicated that she would like it to remain low density and her intention at this time is only to protect her investment. What she does down the road, she is unsure, but she does know building these townhomes would decrease her property value.

City Attorney Arnold stated he has never seen a case like this before. If Ms. Cook buys this property, she can stop this process anytime she wants to before the City Council passes an ordinance. The best thing the Board can do is defer it to your next meeting.

Ms. Fleet added that you can also defer the item to see what the PUD looks like and review both applications at the same time.

Ms. Haddock inquired with Ms. Fleet if she knew that there was a contract on this property. Ms. Fleet responded that this is the first she has heard about it and she can only go by what she is provided on the application.

City Attorney Arnold advised that there are cases out there where a contract exists but there not recorded anywhere and you're not entitled to know. There is nothing illegal and wrong with that.

**BOARD MEMBER LEWIS MADE A MOTION TO RECOMMEND TO DEFER ACTION ON THE FUTURE LAND USE MAP AMENDMENT UNTIL PUD IS SUBMITTED.**

The motion died for a lack of second.

Vice Chairman Gaw added that motion should be modified to add until the PUD is submitted or either the property closes.

Vice Chairman Gaw responded that his concern with acting too early, as we did with another piece of property, we vacated the right of way without any return to the public. The City didn't receive a benefit to that action and acted prematurely.

City Attorney Arnold added that he would prefer it be deferred until a time set certain, 30, 60 or 90 days. City Attorney Arnold said the new owners will have 100% authority to do exactly what they want. Ms. Fleet added that if there was an ownership change before the ordinance is approved, the City would require the new owners to sign the application.

Mr. Lewis said that we could defer the item until to June 30<sup>th</sup>, to which Vice Chairman Gaw added that would be a long deferral. To which Mr. Lewis responded, that way we will know who owns the property.

Vice Chairman Gaw said that since City Attorney Arnold has already said a time certain whether it be 60 or 90 days. Vice Chairman Gaw suggested a two to three meeting deferral.

Chairman Francis asked for a motion with dates certain.

City Attorney Arnold reiterated that this would be the Planning & Zoning Board's deferral. The City Council can't take action on this item without a recommendation from the Board.

**MOTION WAS MADE BY VICE CHAIRMAN GAW TO DEFER UNTIL THE APRIL 24<sup>TH</sup> PLANNING AND ZONING BOARD HEARING. THE MOTION WAS SECONDED BY BOARD MEMBER HADDOCK. THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL: AYES – BOARD MEMBERS HADDOCK, LEWIS, VICE CHAIRMAN GAW AND CHAIRMAN FRANCIS. MOTION PASSES 4-0.**

Ms. Fleet advised the public that this item has been deferred until the April 24, 2018 meeting. The City will send out notification letters closer to that date. The signs on the property will be updated this week to reflect the change. For anyone who didn't speak at the hearing today and isn't within the 300' radius to receive notifications and would like to receive a notification letter, please give your information to the clerk.

**BOARD COMMENTS**

Board Member Lewis asked if it was true that the property across from McDonald's near the river has sold and an O'Reilly's Auto Parts is going in.

Ms. Fleet responded that she has spoken to representatives of O'Reilly's several times but she was not aware the property has been sold. The City has not received any applications. O'Reilly's would need to submit a site plan that would be reviewed by the Board.

Chairman Francis discussed the Lift Every Voice & Sing event going on at Green Cove Springs Jr. High this Saturday, kicking off our Black History Month Celebrations. There will also be a children's reading hour from 2-4 p.m. at the library after which there will be arts and crafts for the children. Also, on February 24th from 11 a.m. to 6 p.m. in Spring Park, will be the Augusta Savage Cultural Arts Festival.

Ms. Haddock added that on February 24<sup>th</sup> during the festival an announcement will be made about another historical marker in the City.

**ADJOURNMENT**

There being no further business to come before the Planning and Zoning Board, this meeting was adjourned at 6:15 p.m.

City of Green Cove Springs, Florida

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Henrietta Francis, Chairman

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Janis K. Fleet, AICP  
Development Services Director