Minutes of Planning Commission Meeting
Held Monday, August 14, 2006, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida

Call to Order

The meeting was called to order by Chairperson DeLoach.

Roll Call

Terry DeLoach (Chairperson)
Paul Schmidt (Vice Chairperson)
Lee Dorson
Greg Sutton
Julio Williams
Fred Jones
Bill Callan (Absent)

Steve Lindorff, Planning Director, Bill Mann, Senior Planner, and Amber Lehman, Recording Secretary were also present.

Approval of Minutes

It was moved by Mr. Dorson, seconded by Mr. Schmidt, and passed to approve the June 26, 2006 and July 10, 2006 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

It was moved by Mr. Sutton, seconded by Mr. Schmidt, and passed to change the order of the agenda to allow PC#16-06 be first on the agenda.

PC#19-06 – Fionn MacCool's Irish Pub & Restaurant

Request for conditional use approval for outdoor/bar seating in the *Central Business District: CBD* zoning district, pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.

Staff Report

Mr. Mann provided the following staff report:

He stated that the applicant is a tenant in the *Beach Village* commercial complex on the southeast corner of 1st St. and the 3rd Ave. N. street-end. There is an existing outdoor patio area immediately east of the restaurant that the applicant's would like to use for outdoor seating for their customers.

Per Ordinance No. 2006-7918, outdoor seating areas are subject to certain proximity, size, noise, and parking regulations in addition to requiring Planning Commission approval. Such areas can be no more than 20% of the first 3,000 s.f. enclosed restaurant area, plus 10% of the enclosed area over 3,000 s.f. In this case, the restaurant is 4,875 s.f. in area, so the largest an outdoor seating area could be is 785 s.f. The applicant's plan shows an outdoor seating area of roughly 753 s.f. This area is smaller than the existing patio to the east of the building, and the applicant has shown how they are only using the allowed square footage within that patio. A 750 s.f. outdoor seating area would require eight parking spaces, and the owner of the subject property, and of the *Metropolitan* property across the street, has provided a letter indicating that eight spaces within the Metropolitan parking garage would be available to the applicant. Staff has verified that there is sufficient extra parking within the *Metropolitan* garage to allocate eight spaces for this use. In terms of proximity, Ordinance No. 2006-7918 provides that there be no minimum spacing requirement between outdoor seating areas and residential uses if they are located in the Central Business District.

Adjacent uses include the balance of the *Beach Village* complex to the immediate south and east, the *Ocean Club* bar across the street end top the north, a City parking lot across the intersection ton the northwest, and the referenced *Metropolitan* building across 1st St. to the west. Given the nature of the immediately surrounding businesses, the location of the proposed seating area, which is really only open to the 3rd Ave. street-end and surrounded by buildings on all other sides, and given the Ordinance No. 2006-7918 restriction against outdoor music or other similar noises, adjacent uses should not be negatively affected by this request. Also, given the location of the proposed seating area and its proximity to other restaurants and bars at this intersection, limiting hours of its operation beyond those of the restaurant is not deemed necessary. Adjacent property values should not be affected by the approval of this request.

Staff recommends approval.

Applicant

The applicant had nothing further to add to the staff report presented by Mr. Mann.

Mr. DeLoach opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the request.

The following person spoke in favor of the applicant:

Jim Overby, 21 Burley Way, Jacksonville Beach

Seeing no one else who wished to address the board, Mr. DeLoach closed the public hearing.

Motion: It was moved by Mr. Schmidt, seconded by Mr. Dorson to approve the request with the condition that parking spaces reserved for the additional outdoor seating is inline with the conditional use amendment.

Roll call vote: Ayes- DeLoach, Schmidt, Dorson, Sutton, and Williams

Motion carried unanimously.

PC#23-06 – Jacksonville Beach

Request for conditional use for a government use in a *Residential, Single Family: RS-2* zoning district, pursuant to Section 34-337 (d) (14) of the Jacksonville Beach Land Development Code.

Staff Report

Mr. Mann provided the following staff report:

He stated that staff has initiated this request as part of the ongoing development of the South Beach Park. The planning of this park began in 1999. Following three well-attended public meetings, a proposed master plan for the park was mutually agreed upon by the citizens, staff and the park consultants. This plan was presented to City Council for their approval on September 18, 2000, and was unanimously approved.

One component of this park master plan is a recreational center that would provide indoor space for various community functions. As this recreation center was being designed, staff determined space for Parks and Recreation administrative staff could also be incorporated into the building. The administrative function of the center characterizes the building as a government use building and requires conditional use approval, since the park is located in an RS-2 zoning district. Attached are a site plan of the proposed 7,000 s.f. Recreation Center, and a layout of the building's interior space. The building is one-story, with a residential looking exterior to blend in with the similarly designed fire station and with adjacent residential development.

The City has a significant investment in the South Beach Park, and it is highly used by the community. There is an economic benefit to including the proposed administrative function with the Recreation Center as opposed to tearing down and rebuilding at the existing Parks Administrative Building on Penman Rd. at 2nd Ave. N. That building is no longer adequate to house the administrative staff, and having their offices at the South Beach Park increases the

City's presence at the park, as does the South Beach Fire Station. Daytime security and maintenance for the Recreation Center and the park in general are also enhanced by the weekday presence of Parks Department staff.

Adjacent uses include the balance of the park's facilities, the City's Water Treatment Plan #2, and single family residential subdivisions adjacent to the park on all four sides. Parking will be provided on-site for the Recreation Center, and utilities are available to serve it. As an element of the approved park master plan, it is deemed to be consistent with the balance of uses in and surrounding the park. Adjacent property values should not be impacted by locating a recreational center within the park property.

Staff recommends approval.

Applicant

Steven Lindorff, Planning Director for Jacksonville Beach, stated that what is currently a two building facility will now be a single building facility. Mr. Lindorff also reported that this was being paid for by the South Beach tax increment; no general monies are being used for this project.

Mr. DeLoach opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the request.

Sandy Golding, Jacksonville Beach did not speak in favor or in opposition, but did ask a question about the future of the current recreation facility at Penman Road.

Mr. Lindorff responded by saying that currently there are no plans for development or disposal.

Seeing no one else who wished to address the board, Mr. DeLoach closed the public hearing.

Motion: It was moved by Mr. Dorson, seconded by Mr. Schmidt, to approve the request.

Roll call vote: Ayes- DeLoach, Schmidt, Sutton, Williams, and Dorson

Motion carried unanimously.

PC#17-06 – Home Depot

Planned Unit Develpment: PUD Zoning Amendment. Amendment to Ordinance No. 7411, as amended, governing the *South Beach Regional Shopping Center*, at 3790 South 3rd Street. The applicant proposes to amend the project narrative for the PUD to include SIC 5211 (lumber and building materials dealers) to the list of permitted uses applicable to the *K-Mart* parcel within the shopping center to allow a *Home Depot* retail store. The applicant also proposes to modify the

parking layout within their leased parcel, including changing certain angled parking to perpendicular parking.

Staff Report

Mr. Mann provided the following staff report:

Home Depot USA, Inc. has submitted an application to amend the PUD ordinance governing the *South Beach Regional Shopping Center*. Specifically, they have requested to amend the PUD ordinance governing the shopping center by revising the project narrative to add SIC 5211 and NAICS 444110 retail classifications (Lumber and other Building Materials dealers, and Home Centers, respectively) to the listed of permitted uses within the *K-Mart* parcel. They also propose to amend the portion of the approved development plan containing the *K-mart* parcel by relocating the garden center to the west side of the building, by changing from angled one-way aisle parking, to two-way 90-degree parking in front of the *K-Mart* tenant space, and by modifying the parking lot aisle in front of the *Steinmart* tenant space to provide additional parking spaces in that area. These proposed modifications are shown on the site plan drawing filed with the application, Sheet FL-513t, received August 2, 2006.

The applicant originally filed an application to amend this PUD in 2004 (Ref. PC #40-04). That request was also to amend the PUD to allow a *Home Depot* store to go into the former *K-Mart* tenant space and to modify their parking layout. However, it was also to allow the construction of approximately 20,000 s.f. of additional floor space for the store. Because that amendment involved increasing the square footage of commercial space within the shopping center, their request also involved review by the City Council and the Community Redevelopment Agency to modify the Development Order for the Southend DRI, to allow the increase in commercial square footage.

The Planning Commission heard application PC #40-04 on January 10, 2005, and voted unanimously to recommend approval of the PUD amendment with the following conditions:

- Wall signage to be limited to 250 s.f. maximum (per LDC sign standards).
- The approval would be subject to the City Council's approval of a resolution modifying the DRI to allow the requested additional square footage requested by the applicant.
- No outside speakers would be allowed.

The application was subsequently scheduled to be heard by the City Council on February 7, 2006. It was placed on that agenda and after consideration of the resolution to modify the Southend DRI to allow the requested additional commercial square footage; the City Council denied the DRI modification resolution. The subsequent PUD amendment request was therefore not considered. *Home Depot* has now applied again to locate in the shopping center, but without requesting additional square footage.

The existing K-Mart store contains approximately 86,479 s.f. of gross floor area, with a 9,200 s.f. outdoor garden center. As the proposed site plan shows, the garden center will be relocated to the west side of the store adjacent to the *Steinmart* space; and a customer loading area will be constructed on the east side of the building. Parking displaced in that area is accommodated by the additional parking in front of the stores. The applicant's redesigned parking area in front of the store preserves a majority of the existing parking lot trees, but eliminates several trees, and certain landscape strips between the landscape islands to accommodate the change to 90-degree parking bays, and adds spaces to the parking lot aisle in front of *Steinmart*. The applicant has indicated that the shopping center owner, *Equity One, Inc.*, has approved the proposed PUD modifications.

A pre-application meeting was held with the applicant's representatives on May 31, 2006, and staff reviewed the criteria potentially applicable to the proposed amendment with the applicant's representatives. A summary of that meeting is included with the application materials for your reference. (Planning and Development Director Letter dated June 2, 2006) An important point to recognize in the review of this application is that it is <u>not</u> a request to rezone the subject property to Planned Unit Development: PUD. It is a requested amendment to a previously approved PUD ordinance governing an existing developed shopping center to include an additional type of retail store. The center was approved as a PUD in 1989, pursuant to the standards that were in effect at that time.

The pre-application meeting served as a means for staff to convey potential issues to the applicant related to their proposal, including the compatibility of the proposed use with the balance of the center and with adjacent development. As the meeting summary indicates, staff brought up issues specific to pre-application meetings, per LDC Sec 34-348(e)(4), issues relative to Planned Unit Development preliminary development plan standards (Sec 34-348 (j)(3)), and issues relative to rezoning and text amendments generally (Sec 34-211(c)). Questions raised but not answered at the meeting were addressed via subsequent revisions to the application narrative and site plan, a City-procured traffic analysis, and through correspondence and materials submitted by the applicant after the meeting. (See attached Greenberg Farrow letters dated June 23, 2006 and July 7, 2006, and Site Plan FL-513t received August 2, 2006).

As a result of the pre-application meeting and review of the entire application package, supplemental correspondence, and the traffic analysis, staff concludes the following:

- The physical characteristics of the site, with the exception of landscaping, are not at issue as the property currently exists in a fully developed state. The applicant proposed that the parking lot landscaping would be reduced from the current 23.3 % of the vehicular use area (VUA) to 12.7% of the VUA. The LDC minimum requirement for VUA landscaping is 10%.
- In regards to compatibility with adjacent land uses, the idea of adding a buffer along the northern property line was discussed, and staff indicated that the existing landscaping in that area formed an adequate buffer, but that it should be augmented in some "thin" areas.

As opposed to a continuous wall being erected along this boundary which would destroy a good portion of this landscaping, staff suggested that a solid eight-foot high wall be constructed along the north side of the truck loading dock at the northwest corner of the building as an effective means of minimizing noise and visual impacts to the north.

- Public facilities, including transportation, exist and are in place to serve the proposed store. No expansion of the existing development is proposed. All public facilities, such as drainage, water, wastewater and solid waste facilities have adequate capacity to serve the proposed use and no additional impacts on the adopted levels of service for these facilities will result from the proposed use.
- As for transportation impacts, staff procured the services of a professional transportation engineer, as required by Ordinance 2006-7915, to assess the impact of a large shopping center with a *Home Depot* in comparison to the same size center with currently permitted uses only. A copy of the engineer's traffic assessment, which shows that no additional daily traffic or peak hour traffic will be generated by the proposed use, is provided for your reference. (England Thims & Miller, Inc. Traffic Assessment, dated June 20, 2006) Moreover, pursuant to LDC Article X. Adequate Public Facilities Standards, Sec. 34-523(a)(4), the proposed amendment is exempt from these standards because it is an amendment which does not increase the density or intensity of development such that there is an additional impact on adopted LOS standards for public facilities.
- The proposed amendment does not reduce the quantity of common open areas approved and in place to serve the shopping center, nor does it in any way affect the measures or procedures in place to maintain these common areas.
- The proposed use is consistent with the Southend Community Redevelopment Area DRI. The continued use of an anchor tenant space in an existing shopping center for retail sales, with no additional floor area, is consistent with the type and intensity of use previously specified for the subject property in the DRI. In addition, consistency was initially confirmed when the Community Redevelopment Agency approved and filed the previously discussed DRI modification for the *Home Depot* use.

<u>PUD preliminary development plan issues. The following comments apply to the proposed preliminary PUD development plan. (Site Plan FL-513t, received August 2, 2006):</u>

- The applicant has provided written authorization from the shopping center and property owner to apply to amend the PUD ordinance governing the shopping center.
- Access to the PUD property from public streets is not being altered or compromised by changes shown on Site Plan FL-513t. Internal traffic circulation across the front of the center will remain unchanged with the location of the customer loading area on the east side of the building, as opposed to a location in front of the store that was shown on the 2004 amendment application. The truck freight loading/unloading dock also remains at the northwest corner of the store, away from the shopping center's northern and eastern entry drives.
- The parking shown on Site Plan FL-531t complies with, or exceeds the minimum LDC parking and loading requirements for shopping centers. (One parking space per 250 s.f.

gross floor area, or four spaces per 1,000 s.f., and four loading spaces, minimum 12' x 40' each, for an 80,001 to125,000 s.f. store).

- The common open space required by the LDC for the PUD is unaffected by this amendment.
- The proposed use of this shopping center tenant space is consistent with the subject property's "South Beach District" future land use map designation. This designation reflects the property's existence within the Southend DRI. This portion of the DRI is designated Commercial, and the total amount of amount of approved commercial space within the DRI is not being exceeded.
- If the Planning Commission reiterates its 2004 recommendation that there be no outside speakers allowed at the proposed store, and provided that the applicant develops and maintains the site in accordance with the improvements shown on Site Plan FL-531t, such as the eight–foot high screening wall along the loading dock area and the landscape buffer along the northerly property line, adjacent properties should not be adversely impacted by the proposed use of the property.

<u>Zoning amendment issues:</u>

- Based on a review of the application and supplemental materials, the proposed amendment is consistent with the Southend Community Redevelopment Plan, the Southend Redevelopment Area DRI, the 2010 Comprehensive Plan, and 2010 Future Land Use Map; and is not in conflict with any portion of the Land Development Code. In addition, the Comprehensive Plan specifically directs that new commercial needs within the City be accommodated either in a designated redevelopment area or through infill in existing commercial areas. The Southend DRI is a designated redevelopment area, and this specific proposal constitutes infill in an existing commercial area. The proposed amendment expressly complies with and furthers this Comprehensive Plan policy.
- The proposed use is currently listed as a permitted use in the City's, C-1, C-2, CS, and CBD zoning districts. While there may have been sufficient land in one of those districts when the PUD was originally approved in 1989 to accommodate the proposed use, that condition has changed today. There are currently no vacant parcels of sufficient size in the, C-1, C-2, CS, or CBD districts to support the proposed commercial use.
- The change of occupancy of a tenant space to the proposed use in this developed shopping center should not have any significant adverse impact on the natural environment.

Recommendation: Staff recommends approval of the amendment to the PUD ordinance and development plan, subject to the following conditions:

- There shall be no outside speakers permitted.
- There shall be no net reduction in landscaping within the PUD.
- The building elevations dated 7-6-06 shall be incorporated by reference into the PUD amendment ordinance to be considered by the City

Council, as well as Site Plan FL-513t received August 2, 2006, which may be amended to address condition 2, above.

Mr. Jones, Mr. Schmidt, Mr. Williams, Mr. Dorson, and Mr. Sutton submitted all ex-parte communications for the record.

Applicant

Doug Sheppard, 1755 The Exchange, Atlanta, GA, agent for the applicant stated that he agrees with the staff report and does accept the conditions as noted. Mr. Sheppard displayed a site rendering with the building elevations for the record.

The following discussion ensued:

Mr. Schmidt: Explain the patter for the vehicular traffic for delivery area.

Mr. Sheppard: The traffic will go through the service drive; we are currently making modifications to the delivery service entrance. There will be an 8 foot solid masonry wall to reduce noise.

Mr. Schmidt: Will all pickup and deliveries be at the main delivery dock?

Mr. Sheppard: We would like to reserve a secondary location, making it a Will Call, possibly for a scheduled pick up by a customer. It will be a professional pick up and delivery area in the rear of the store.

Mr. Schmidt: Will the building be torn down and reconstructed with the same square footage?

Mr. Sheppard: Yes, however, we will bring the building up to code.

Mr. Schmidt: How different will the building be from what is currently there?

Mr. Sheppard: It will be generally the same, maybe 30 square feet difference, and the delivery dock.

Mr. Schmidt: What time are the deliveries?

Mr. Sheppard: The business hours for the store are 6:00 a.m. - 10:00 p.m.

George Rankin, 213 South Roscoe Blvd, General Manager for Home Depot, stated that deliveries are conducted at night, typically between the hours 9:00 p.m. - 2:00 a.m.

Mr. Dorson: Explain the egress and ingress for the delivery area.

Mr. Sheppard: Access will go from east to west.

Mr. Williams: Will forklifts be used?

Mr. Sheppard: Forklifts will be used for assisting in loading and unloading for customers. But this will only occur in the rear of the building.

Mr. DeLoach: Why haven't we heard of an alternate Will Call access door?

Mr. Lindorff: On the schematics that are displayed the alternate access Will Call door is located in the Fire Lane. It is against the law for the Fire Lane to be blocked for any purpose. The alternate Will Call access door will either need to be moved or eliminated.

Mr. Sheppard: Was not aware that it was located in the Fire Lane.

Mr. DeLoach: Will you eliminate the alternate Will Call access door?

Mr. Sheppard: Yes.

Mr. Schmidt: Do you characterize this as a regular Home Depot store?

Mr. Sheppard: This store will be smaller than the store on Atlantic.

Mr. Schmidt: What amenities will this store have?

Mr. Sheppard: This store will have a full line of products, garden center, and a specialty center for customization.

Mr. Sutton: Where will the unloading of large lumber orders and garden materials take place?

Mr. Sheppard: This will take place in the truck well.

Mr. DeLoach: Could you use barrel tile roofing on the east side to dress up the loading area?

Mr. Sheppard: We would be glad to add barrel tile roofing.

Mr. Jones: Will this store be and EXPO store?

Mr. Sheppard: No, but it will have a full line of bath fixtures and cabinets.

Mr. Rankin: Since this store will be smaller than other stores in Jacksonville, it will be geared toward higher end products and special order items.

Mr. DeLoach opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the request.

The following people spoke in favor:

Monte Monserrate, 3515 Sanctuary Blvd, Jacksonville Beach
James McLaughlin, 945 Gonzales Avenue, Jacksonville Beach
William A Crawl Sr., Jacksonville Beach.
Marsha Proctor, 2293 2nd Street South, Jacksonville Beach
Gwen Watson, Jacksonville Beach
Neil Robard, Jacksonville Beach
Norma Jeanne, 1655 Greensway, Jacksonville Beach
Kim Boyle, Ponte Vedra Beach
Mitch Kinsey, 5571 Sea Breeze Avenue, Jacksonville
Mike Reagen, 1414 Constitution Court, Jacksonville Beach

The following people spoke in opposition:

Dean Thompson, 2067 Green Heron Ct, Jacksonville Beach
Sheila Page, 3332 Anhinga Court, Jacksonville Beach
Jim Overby, 21 Burling Way, Jacksonville Beach
Darryl Shields, Jacksonville Beach
Karen Ostergren, 530 Jacksonville Drive, Jacksonville Beach
Michael Freed, 76 South Laura Street, #2110,
Edward Young, 530 Jacksonville Drive, Jacksonville Beach
Carol Larson, 101 Lake Julia Drive North, Jacksonville Beach
Trip Smith, 526 Upper 8th Avenue, Jacksonville Beach
Craig Meek, 1470 Peach Street, Jacksonville Beach
Frank Sorbonne, Jacksonville Beach
Debbie Young, 530 Jacksonville Drive, Jacksonville Beach
Bill Love, 530 Jacksonville Drive, Jacksonville Beach
Collette Corisellers, 1901 1st Street, Jacksonville Beach
Gretchen Alter, Ponte Vedra Beach,
Jennifer Deryiker, 1748 Horn Street, Jacksonville Beach

Mr. Sutton asked Dr. Ostergren if she thought that the additional 8 foot wall would help reduce the noise.

Dr. Ostergren stated that she was not sure.

Seeing no one else who wished to address the Board, Mr. DeLoach closed the public hearing.

Gary Hunter, Hopper and Sans, stated that he would like to address some critical points that were mentioned in the public comment.

1. Home Depot did try to sit down with the Doctors of the Professional center and discuss the potential impacts. We are still willing to discuss options with them. Home Depot certainly does not want them to leave.
2. Between Kmart and Food Lion (previous occupants of the space) all had high intensity stores that had traffic and that did not interfere with the surrounding areas.
3. The loading and unloading of deliveries will be at night, occurring during the time the Doctor's in the Professional Park will not be seeing patients.
4. As for parking, the site plan has been adjusted to accommodate parking for Steinmart as well as for other tenants.
5. Home Depot will adjust the garden center so that there is less impact on neighbors.

Discussion by Board members resumed:

Mr. Williams: What will the flow of traffic be for the picking up of lumber on the east side?

Mr. Sheppard: The flow will be from the rear around the lift station and exit into the front of the store.

Mr. Sutton: For the semi-truck access in the rear of the building; will the entry be from the east proceeding north onto the access road?

Mr. Mann: It will flow along the existing traffic pattern.

Mr. Sutton: What are the 4 loading areas?

Mr. Mann: Customer loading area, truck bay, surface area, and a 12X40 covered canopy area.

Mr. DeLoach: What is your policy for day laborers?

Mr. Rankin: We do not allow customers to solicit any type of business in the Home Depot parking lots. If such a practice did take place, we would ask them to leave, seeing that it would be private property or contact the local authorities.

Mr. Sutton: How will the shopping carts and the large lumber carts be stored after hours?

Mr. Rankin: They will be stored inside after hours.

Mr. Schmidt: What is the percentage of lumber is apart of this store?

Mr. Rankin: This will be a much smaller store than the store on Girvin Road; the lumber penetration is considerably lower than a normal store.

Mr. Schmidt: If you eliminated lumber from the store, could you still move into this location.

Mr. DeLoach: If lumber was eliminated, Home Depot could get into the space with out the PUD.

Mr. Sutton: Whether or not Home Depot met or intended to meet with the Doctor's from the Professional park, what has been the result of that?

Mr. Hunter: The meeting was cancelled by the Doctor's, but Home Depot is still willing to meet with them.

Mr. Lindorff, stated that he did try to attempt to broker a meeting between Home Depot and the Doctor's, but Home Depot ended up appealing the last ruling and it was in the middle of litigation, therefore the meeting was cancelled.

Mr. Williams: Was the code in affect in 1989?

Mr. Lindorff: The SIC codes came out in 1997, with a home center definition.

Mr. Sutton: Does the Doctor's group have recommendations for Home Depot?

Mr. Freed: Since the doctor's have not been contacted, no but would be willing to meet with Home Depot.

Motion: It was moved by Mr. Sutton, seconded by Mr. Dorson, to recommend approval of the amendment to the PUD ordinance and development plan, subject to the following conditions:

a. There shall be no outside speakers permitted
b. There shall be no net reduction in landscaping within the PUD
c. There shall be no outside storage of goods or services offered or empty cartons/pallets either during or after operating hours, to include but not limited to storage in portable storage units
d. There shall be no use of semi-trailers during or after hours to either store items in or sell merchandise from
e. There shall be no outside display of goods or services offered between the daily close of business and the subsequent daily opening of business

f. Assuming no significant facility interruption, installation of a 10' foot high concrete sound barrier wall along the northern property boundary, extending from the access drive at the northeast corner westerly to a point not before the western most edge of the Kmart Parcel
g. No loading/unloading of any type of semi-trailers from any other entrance other than the primarily loading dock kin the northwest corner
h. Canopy overt the lumber service area shall have a concrete barrel tile roof as amended to be consistent with existing elevation
i. There shall be no vendors of any type operating outside of the building
j. Home Depot shall not expand outside of the Kmart Parcel within South Beach Regional Shopping Center
k. The building elevations dated July 6, 2006 shall be incorporated by reference into the PUD amendment to be considered by the Jacksonville Beach City Council, aw well as Site Plan FL-513t received August 2, 2006, which may be amended to address the above referenced conditions.

Roll call vote: Ayes- DeLoach, Schmidt, Sutton, Dorson, and Williams

Motion carried unanimously.

Planning & Development Director's Report

Mr. Mann stated that the next Planning Commission meeting will be on August 28, 2006 with two cases on the agenda.

Adjournment

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 10:20 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approved:

/s/Terry DeLoach
Chairman

Date: November 13, 2006