parking, even though the residences next door currently access that drive for their parking and he believes they may have issue with blocking that area with a wall or such.

George Head, 232 East River Rd. East Palatka, Pastor of the First Presbyterian Church stated that he was not aware of this agenda and said that they have a traditional sanctuary and a contemporary sanctuary both of which are used for worship regularly and that building is within 275 feet of this establishment. He asked the Board to table this request until they could speak with the restaurateur, as he believes with little to no buffer, it may be of impact to the Church.

Discussion continued regarding public notice. Mr. Crowe stated that this can be confusing; there are principal uses and accessory uses that have to be defined in a way that is consistent and makes sense to be able to measure, therefore the principal main sanctuary is the property that was used for measurement. He added that in addition to the 150 foot written notice requirement (which included the Presbyterian Church as property owners of the nearby Westminster Hall parcel), public notice was also advertised in the newspaper and notices were posted at property site, at City Hall on the public notice board, and also posted on the City website. However, additional notices to property owners outside of the required notification area can become risky, in that the City must be consistent, if you notify additional property owners for one case and not anther, this can constitute inequitable administration. He believes it is much safer and legal for staff to strictly follow the code. It is really up to the property owners to be vigilant and to look at the advertisements and the big ugly yellow signs that the city places on the proposed properties.

Mr. Holmes stated that it appears from what has been presented that the notice was not deficient from a technical perspective, that it was up to the Board if they wanted to table the request but would not be required to.

Susan Pickens, 217 Carr St. Palatka, stated that wanted to clarify regarding proximity of the Church, all services and activities except Sunday morning services are conducted in the fellowship hall. She also stated that when Mr. Griffith and Mr. Czymbor came to speak to their Session meeting regarding the riverfront restaurant, they had assured the Church that when the next three applications that came up that would affect the distance requirements (this being one of them) the Church would be notified and part of the process.

(Regular Meeting)

Mr. Sharp stated that delaying a decision would induce a financial hardship for him and the potential business if he had to postpone asked that the Board make a decision here today. He said that he does this is not believe this use of a restaurant will be more intrusive that the use that had been established there for many years by the Elks Lodge, which was a good neighbor. He professed that with his reputation and prior business experiences he will be a good neighbors as well. He does not have a problem with meeting with the congregation and addressing any of their concerns, but asked that the Board not table this item and push it out another 30 days. Mr. Petrucci asked if the Elks Lodge served alcohol. Mr. Sharp replied yes.

Motion made by Mr. DeLoach and seconded by Ms. Williams to approve the request as recommended by Staff. All present voted in favor, motion passed unanimously.

Case 15-08: Annex, amend the Future Land Use from County US (Urban Service) to City COM (Commercial) and rezone from County CPO (Commercial, Professional Office) to City C-1A (neighborhood commercial)

Location: 3314 Crill Ave
Applicant: Building and Zoning Dept. (Errol & and Andrea Findlater, owners)

Mr. Crowe stated that this request is being made to obtain city utilities. This is an existing commercial development (medical offices) currently in the County and part of an unincorporated enclave. The application is being administratively processed due to the following rationale; revenue recovery; the taxes collected will defray the administrative expense of annexation fairly quickly; it is supported by the Comprehensive Plan's Public Facilities Element Policy which encourages the City to proactively work to diminish enclaves. Also by encouraging voluntary annexation the City is working to increase utility and other service provisions efficiency, enhance system revenues and encourage growth. Mr. Crowe said

that the property is within a commercial corridor that is suitable for the proposed neighborhood commercial zoning and Commercial Future Land Use designation and he recommended approval.

Motion made by Mr. DeLoach and seconded by Mr. Petrucci to approve as recommended by Staff. All present voted, motion carried unanimously.

Mr. Sheffield stated that he has had an ex-parte communication with the owner of Sherwin Williams Mr. Frank, in regard to the upcoming item.

Case 15-10 A conditional use request to locate an indoor entertainment in a C-2 zoning district.

Location: 306 S. State Rd. 19
Applicant: Parkash Patel

Mr. Crowe reviewed the evaluation criteria and stated that the request does not conflict with the Comprehensive Plan. He said that the currently the existing parking does not meet code. There are 45 spaces in the front and 21 spaces in the rear. With regards to minimum parking the code requirement, the calculation is one space per 200 square foot on non-storage space (which has not been backed out). With that in mind, unit inspections may, in the end, result in a parking shortage of somewhere between five and 20 spaces. Staff visited the site and interviewed several employees, determining that there was not a current parking problems. With regards to criterion no. 7; Landscaping and Buffering, he recommended a middle ground solution for existing uses; that two shade trees be planted in the front landscape area. He mentioned that there is also a problem with the clutter of snipe signs. He recommended approval of the request with the following conditions, adding that these conditions are to be worked out between the Applicant and the Property Owner prior to final approval:

(1) Dumpster shall be screened.
(2) Required planting of terminal island shade trees in front parking lot (two trees, one at the south end of the streetside parking row, and the other in the landscape island in the middle of the northern streetside parking row);
(3) Replacement of dead shrub/hedges along the front parking row.
(4) Removal of illegal snipe signs.
(5) Limitation of two banners.
(6) Paving of connection to north or blocking off said connection.

Mr. Petrucci stated that some of the recommendations, such as the snipe signs which seem to be more of a property owner or Code Enforcement issue versus the applicant. Mr. Crowe replied yes and no that his emphasis on conditional uses is looking at maximizing compliance with the zoning code; he is compelled to point out code deficiencies. The Planning Board can determine which ones, if any, they want to address. He added that in the past, the Board has been pretty consistent in trying to bring properties up to code. To be very frank, one of the problems the City has very few triggers and thresholds to bring properties into compliance is the Landscape code and to a lesser degree with parking requirements. The barren appearance of its commercial corridors is something that prevents the City from improving its appearance of its commercial corridors, which in turn discourages property investment, keeps property taxes high, keeps property values low and creates a general atmosphere of unsightly appearance. Mr. Sheffield agreed with Mr. Petrucci that some of these items seem to be landlord issues and not so much tenant issues. Mr. Crowe stated that as this application is tenant driven, the conditions run with the property and that it is really up to the applicant to work it out with the property owner, the City cannot act as middle man or negotiator.

Mr. Jay Patel, 2908 US Highway 301 S. Wilson NC., addressed the concerns for potential for parking. He explained that he has discussed this with the landlord agent, Marc Spalding. Mr. Patel agreed to steer their customers to the rear, and in the evening to the front. He added that nights and weekends are their peak times, which would be off-peak hours for most of the existing businesses. Discussion continued regarding the blind driveway around to the rear of the building. Mr. Patel suggested a traffic mirror.

Mr. Douglas recused himself due to business relationships with some of the property owners.