

**CITY OF PALATKA  
PLANNING BOARD AGENDA  
October 6, 2015**



Call to Order

**1. Roll Call**

**2. Approval of Minutes of the August 4, 2015 meetings.**

**3. Appeal procedures and ex-parte communication**

**5. OLD BUSINESS:** None

**6. NEW BUSINESS:**

(a) A request for a conditional use to locate an alcohol serving establishment within 300 feet of another alcohol serving establishment located at **3810 Crill Ave.**

**Owner:** EPF Investments, LLC

**Applicant:** George H. Ashby, Jr.

(b) Administrative request to amend the Palatka Zoning Code Sec. 94-149, 94-153, 94-161, 94-162 allowing produce truck sales and food trucks under certain conditions and restrictions in downtown, public, and commercial zoning districts.

(c) Administrative request to amend the Palatka Zoning Code Sec. 94-2 to add definition of “food pantry” and “charitable institutions”, and to allow such uses in the PBG-1 (Public Buildings and Grounds) and C-2 (Commercial Intensive) zoning districts as a conditional use.

(d) Administrative request to amend the Future Land Use Map from RL (Residential Low) to B (Public Buildings); and to rezone from R-1A (Single-family) to PBG-1 (Public Buildings and Grounds) located at 521 & 523 S. 13th St.

(e) Administrative request to amend the Palatka Municipal Code Sec. 70-31 revising restrictions applicable to mobile food vendors and push carts operating on public sidewalks in downtown zoning districts.

(f) Administrative request to Annex, amend the Future Land Use map from County UR (Urban Reserve) to City RL (Residential Low-density) and rezone from County R-2 (Residential, Mixed) to City R-1A (Single-family Residential)  
Located at - **202 Florida Dr.**

**7. Other Business:**

**8. ADJOURNMENT**

*ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105*

*FOR ADDITIONAL INFORMATION OR FOR PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING PLEASE CONTACT THE CITY BUILDING AND ZONING DEPARTMENT AT 329-0103, AT LEAST 24 HOURS IN ADVANCE WHEN REQUESTING DISABILITY ACCOMMODATIONS.*

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES**  
**August 4, 2015**



Chairman Sheffield opened the meeting at 4 PM. Board members present included Chairman Daniel Sheffield, Vice-Chairman Joe Pickens, George DeLoach, Charlie Douglas, Anthony Harwell, Earl Wallace, and Tammy Williams. Members absent included Joseph Petrucci and Charles Douglas Jr. Staff members present included City Attorney Don Holmes, Planning Director Thad Crowe, and Recording Secretary Pam Sprouse.

Chairman Sheffield read the appeal procedures and requested that any ex-parte communications be expressed prior to each case.

**OLD BUSINESS:**

**Case 15-25** A request for rezoning from M-1 (Light Industrial) to PUD (Planned Unit Development).

**Location:** 405 – 409 Pine St.

**(Public Hearing)**

Mr. Crowe explained that this is a quasi-industrial area, much of it unincorporated. The property is located in an area with existing commercial and even industrial establishments and also the presence of undeveloped properties with the potential for such development. Properties to the south have commercial zoning and those to the west have industrial zoning. Part of the appeal of this PUD is to provide for suitable buffers through transitional zoning and property appearance upgrades for the residential properties to the north and east. He showed pictures of the proposed property and explained that the owner has made extensive fencing and landscaping improvements. The applicant is seeking relief from certain zoning code provisions regarding land subdivisions. There were some problems with setbacks, and essentially the applicant wants a zero setback between the north and south parcel, following the common wall between the two buildings. The applicant is seeking to subdivide these three large parcels. The Code allows this to be done through the vehicle of a PUD, which provides some relief from the code in exchange for public benefit. Mr. Crowe showed some before and after pictures to show some of the site improvements the applicant has already made. Some of those improvements include replacing an old chain link fence with a wooden stockade fence, so that the vehicles of various stages of disrepair from the existing automotive repair shop are no longer in view. The buildings have been pressure washed and painted, landscaped has been added with palms and shrubs in the front. He explained that the Future Land Use Map designation is Commercial but the Zoning is Industrial, which is a conflict. In cases of conflict, the Comprehensive Plan rules, therefore this is a Commercial site and essentially the Commercial PUD designation would correct that inconsistency. He added that the applicant is proposing for some limited industrial uses, which are allowed by conditional use. There is a mix of uses in the surrounding area including some county industrial uses such as Florida Power & Light yard (with some heavy truck use), a cabinet maker as well as a distribution warehouse building not currently in use. Staff believes that the Commercial PUD would be a good transition zoning, moving from the industrial areas to the west and residential areas to the northeast, and this PUD provides a fair amount of upgrades in the way of fencing landscaping including improved buffers for future development. He reviewed the following list of proposed PUD attributes:

**Parcel Arrangement;** This PUD will allow for three parcels, known as Parcel A (north parcel), Parcel B (south parcel), and Parcel C (east parcel). Parcel A contains the northern auto repair building, Parcel B contains the southern day care building, and Parcel C includes the undeveloped portion of the parcel to the east.

**Allowable uses;** Mr. Crowe explained that these are ones that the Applicant and Staff have agreed upon, and stated that these uses are generally low-parking, non-intensive uses, although auto repair is included as this is one of the existing uses. Additionally, the applicant is requesting clean, light manufacturing use, which is currently allowed by conditional use in the C-2 zoning district.

1. Service establishments such as repair and service garages and motor vehicle body shops (Parcel A only), rental of automotive vehicles, auction houses, commercial laundries or dry cleaning establishments, book binding, pest control, carpenter or cabinet shops, job printing or newspaper establishments, sign shops, upholstery shops, air conditioning & heating sales & service.
2. Professional and business offices, and medical or dental clinics.
3. Child care centers.
4. Adult vocational schools.
5. Personal indoor storage (not warehousing or outdoor storage).
6. Light manufacturing in enclosed buildings; with any associated outdoor storage completely secured and screened-from-view from streets and adjacent properties with walls or fences; and no noticeable emission of dust, smoke, odors, fumes, radiation, noise, or vibration.

**Parking;** Staff recommends that at least four striped spaces, one of these a handicap space, be located along the north buffer north of the auto shop, and that the area east of this be fenced in as a vehicle storage area. For the existing childcare center, which is currently accessed by Pine St. and is not allowed by the Zoning Code now, will remain as a nonconforming characteristic of us in the PUD, however, any facility expansions will require additional paved parking. Parking for the east parcel will have to meet applicable off-street parking and related landscaping provisions of the Zoning Code. For the e

**Vehicular and pedestrian access;** Access for the North Parcel shall utilize the existing driveway just north of the building. Access to the South Parcel shall be directly from Pine St. utilizing the existing pull-in parking spaces. Access for the East Parcel (future development) shall use the South Parcel driveway. There are no sidewalks on this street, and no opportunity on this site to provide for such sidewalks.

**Screening and Buffering;** A good vegetative buffer along its north side (where the auto repair shop is located) that includes a fence – this buffer needs to be maintained and planted as need be to provide an effective visual screen from the residential property to the north. The property frontage along Pine St. will require the following improvements that are intended to improve the appearance of the property and also to provide shade for this section of roadway – these improvements are complete.

1. Replacement of chain link fence along Pine St., between the two buildings and south of the South Parcel building, with a black decorative aluminum or wrought iron fence.
2. Pressure washing, repair, and painting of building facades which required to be maintained in a clean and neat appearance.
3. Create new landscape bed in front of North Parcel building to be planted with shrubs (Beautyberry, Florida Privet, Gallberry, or Wax Myrtle), to be maintained at height of three to four feet.

The East Parcel buffer shall provide for a minimum fifteen feet wide landscape area from any residential property line. This landscape area shall contain an effective visual screen, achieved by a fence, wall, or hedge,

or combination of these elements. Shade trees shall be planted or preserved at least every 20 feet. Driveways shall be from the South Parcel, not from Peters St., although an emergency access point may be provided there. Parking shall be located away from the residential uses in the southern part of the site.

Staff recommended rezoning to PUD for 405-409 Pine St., subject to the submitted site plan and narrative and with the following recommendation conditions of approval.

1. The following uses are permitted by right: service establishments such as repair and service garages and motor vehicle body shops (Parcel A only), rental of automotive vehicles, auction houses, commercial laundries or dry cleaning establishments, book binding, pest control, carpenter or cabinet shops, job printing or newspaper establishments, sign shops, upholstery shops, air conditioning & heating sales & service; professional and business offices, and medical or dental clinics; child care centers; adult vocational schools; personal indoor storage (not warehousing or outdoor storage); light manufacturing in enclosed buildings; with any associated outdoor storage completely secured and screened-from-view from streets and adjacent properties with walls or fences; and no noticeable emission of dust, smoke, odors, fumes, radiation, noise, or vibration.
2. Staff recommends that at least four striped spaces, one of these a handicap space, be located along the north buffer north of the auto shop, and that the area east of this be fenced in as a vehicle storage area. This would require relocation of the newly constructed fence to the east/rear to provide for visual screening of vehicles in various states of disrepair.
3. Parking for the child care center on the South Parcel is provided by 14 paved spaces, one of them handicap, immediately adjacent to the Pine St. right-of-way, and these spaces will remain as a nonconforming character of use in this PUD. Minimum parking is set by the Florida Building Code Handbook, State Requirements for New Educational Facilities Construction, which requires one space for each member and one space for every 100 students. The facility is currently licensed for 157 children and now has 13 employees, so any facility expansions will require additional paved parking.
4. The north buffer adjacent to Parcel A shall be maintained and planted as need be to provide an effective visual screen from the residential property to the north.
5. Black decorative aluminum fence shall be maintained along the frontage of Parcel B adjacent to the building and a wood stockade privacy fence along the frontage of Parcel A.
6. Owner will maintain and repair visible facades of building to keep a clean and attractive appearance.
7. Landscape bed in front of North Parcel building to be planted with shrubs (Beautyberry, Florida Privet, Gallberry, or Wax Myrtle), to be maintained at height of three to four feet.
8. Shade trees shall be provided to the south of the Parcel B building at a spacing of every 50 feet to the southern boundary of Parcel B, and along that southern boundary for at least 100 feet. Shade tree(s) shall be planted along the south perimeter of the outdoor play area to provide for cooling play shade.
9. Parcel C buffer shall provide for a minimum fifteen feet wide landscape area from any residential property line. This landscape area shall contain an effective visual screen, achieved by a fence, wall, or hedge, or combination of these elements. Shade trees shall be planted or preserved at least every 30 feet.
10. Driveway serving Parcel C shall be from Parcel B, not from Peters St., although an emergency access point may be provided there. Parking shall be located away from the residential uses and shall be located in the southern part of the site.

11. Open space must exceed what is required by the Comprehensive Plan and Zoning Code by at least 15%.
12. Phase 1, which are improvements required for Parcels A & B, must be complete within one year of approval. Phase 2, development of Parcel C must commence within five years of approval.
13. Any future development of Parcel C must have underground utilities.
14. All properties must be subject to unified control in regard to approval conditions, to be accomplished by a binding maintenance and development agreement signed by all owners of the parcels and recorded with the County Clerk.
15. A screened refuse area must be provided to the rear of the buildings and roll-out carts shall not be left in view in front or in the sides of the building.

Mr. Harwell asked what side of the property is the fifteen foot buffer intended for. Mr. Crowe replied that it would be required along the entire east, part of the west and the northern property lines along Peters St.

Mr. Harwell asked if there was another avenue that could be used instead of a PUD. Mr. Crowe advised that their only options are a variance or go through the PUD process, and staff does not believe it meets the variance criteria, with a self-created hardship, as the parcels do not have to be sub-divided.

Discussion took place regarding the proposed parcel separation.

**(Regular Meeting)**

Mr. Harwell stated that he did not believe it was the best vehicle for this. Mr. Holmes asked what the emphasis was for the application. Mr. Crowe stated that the property owner wants to subdivide to sell them to different family members. Mr. Holmes asked if any of the uses proposed for the PUD in conflict with the underlying zoning of the respective parcels of property. Mr. Crowe replied no, that the commercial zoning and land use category allows limited industrial activity in enclosed spaces with on byproducts by conditional use. Essentially we are replacing the conditional use with this PUD. If a use were to be expanded or desired that is not currently there it would require a PUD modification. Mr. Holmes stated that he does not see a PUD as being something the City or County would be doing to their disadvantage, from his prospective, he has viewed it as a tool by which the city or county may place more restrictions on a property than would otherwise be available through a straight rezoning. Mr. Crowe agreed that he sees not as strictly an opportunity to circumvent zoning, but as a trade-off. On one hand the city provides some flexibility for some prescribed set of uses that are not as broad as what could be allowed with straight zoning, as well as property improvement with landscaping and tree preservation that also could not be required with allowed uses. Mr. Pickens stated that he agreed with Mr. Holmes.

**Motion** made by Mr. Pickens and seconded by Mr. Wallace to approve the request as recommended by Staff with conditions 1 – 15. All present voted, resulting with six yeas and one nay (Mr. Harwell), motion carried.

**NEW BUSINESS:**

Mr. Pickens stated that he has had long standing exparte' communications with Mr. Sloan and has an ownership interest in the neighboring property, but does not believe he stands to benefit financially directly or indirectly.

**Case 15-26:** a request to annex, amend the Future Land Use map from County US (Urban Service) to COM (Commercial), and rezone from County IH (Heavy Industrial) to C-2 (Intensive Commercial), for property located at 276 N Highway 17.

Vice-Chairman Pickens said he has had longstanding ex-parte communication with and has legally represented the property owner, Mr. Beck, but he did not think he needed to recuse himself from this case as he anticipated no financial gain as a result of tonight's actions.

Mr. Holmes recused himself from discussion of the item, stating he currently represents the applicant, and left the meeting room.

Mr. Crowe then gave a brief PowerPoint presentation of the case, noting that the property was proposed for a boutique car wash for Beck vehicles and also for the public at large. The site had previously received approval from the Zoning Board of Appeals for a variance to reduce the front setback (along N. Highway 17) to zero – there was a very large grassed right-of-way that provided ample distance and buffering from the roadway in this case.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative, motion carried unanimously.

**Case 15-28** A request to annex, amend the Future Land Use map from County US (Urban Service) to RL (Residential Low-Density) and rezone from County R-1A (Single-family Residential) to R-1A (Residential Single-Family), located at the northwest corner of Lane & Williams St. (Parcel #01-10-26-5200-0170-0010).

Chairman Sheffield opened the public hearing, with no individuals speaking, and then closed the public hearing.

**Motion** made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative.

**Case 15-29:** A request to rezone from County IH (Heavy Industrial) to M1 (Light Industrial), located at 161 Comfort Rd.

Mr. Crowe explained that this is a housekeeping effort since this property currently has residential zoning that is in conflict with its over-riding Commercial Future Land Use Map (FLUM) category. Staff recommended tabling the item due to an advertising error.

**Motion** to table by Mr. DeLoach and seconded by Vice-Chairman Pickens to table this request until next month to allow for corrective advertising. All present voted affirmative, motion carried.

**Case 15-30:** A request to annex, amend the Future Land Use map from County IN (Industrial) to RL (Residential Low-Density) and rezone from IH (Heavy Industrial) to R-1AA (Residential Single-Family), located 163 Comfort Rd.

Mr. Crowe gave a brief PowerPoint presentation, saying that this parcel is directly behind the industrial parcel referenced in the previous case, and the owner of both properties had expressed a desire to annex this rear parcel and assign it residential land use and zoning. Staff supported this as the residential zoning would provide a buffer from adjacent industrial uses for the Crystal Cove residences to the south.

Chairman Sheffield opened up the public hearing and adjacent property owner and resident Chevy Davis, 26 Crystal Cove Dr. expressed his concerns about incompatible development. He asked if there was any architectural or landscaping control over a builder on a residential lot such as this. Mr. Crowe responded that there were no such development standards except for dimensional standards such as setbacks, minimum lot

coverage, and building height. Vice-Chairman Pickens asked Mr. Crowe what were building height limits in industrial and residential zoning districts, and Mr. Crowe answered that the R-1AA zoning had a 35-foot height limit and the M-1 zoning had a 48-foot height limit. Mr. Crowe added that the irony was that there was more ability to protect trees and regulate architecture in the industrial zoning. Vice-Chairman Pickens said that an industrial use would be a much worse neighbor in terms of noise, building height, and other impacts. Board discussion continued about the reduction of impacts from this action. As there were no others wishing to speak, Chairman Sheffield closed the public hearing.

**Case 15-31** Request for conditional use for mural, located **100 Block of N. 3<sup>rd</sup> St.**  
**Applicant:** Conlee-Snyder Mural Committee

Mr. Crowe said that conditional use criteria were by and large not applicable to the review of murals. The only relevant criterion pertains to compatibility and the public interest. He said that the mural theme of natural history was appropriate for the area and maintained the ongoing mural theme of local history, culture, and environment. He recommended approval of the request.

Mr. Dean Quigly, 2845 1<sup>st</sup> Avenue - St. Augustine, FL noted that the mural's subject, William Bartram, was a globally-known botanist and adventurer of the 1700s. Bartram took great interest in the Palatka area, and the wildlife sketches of the mural come straight from his etchings in his book *Travels of William Bartram*.

**Motion** made by Vice-Chairman Pickens and seconded by Mr. Wallace to approve the request as proposed. All present voted affirmative.

**Case 15-27** A request for conditional use to locate an alcohol serving establishment within 300 ft. of another located at **114 N. 19th St.**

Mr. Crowe explained that the owner of the dollar store in the Middleton Shopping Center wanted to add beer & wine sales. In a PowerPoint presentation he reviewed the conditional use criteria and noted that one of the strong elements of the Comprehensive Plan is landscaping and tree planting, and this application could be the vehicle to bring the property more into compliance with the Landscape Code. The conditional use provides that point of entry for code upgrades while not making such conditions completely onerous on the property/business owner. He shared some slides showing some proposed landscape buffering along St. Johns Ave and N. 19<sup>th</sup> St. He explained that he has worked with City Project Manager Jonathan Griffith to come up with a proposal to partner with the owner to plant a minimal buffer through the City's Tree Mitigation program.

The Chairman opened up the public hearing, hearing from Allegra Kitchens, 1027 S. 12<sup>th</sup> St., who said there is uncertainty about the precise location of the right-of-way line along St. Johns Avenue at the center. Mr. Crowe said that any motion could be stated in a way that ensured tree planting in either public or private property around that line.

**(Regular meeting)**

**Motion** made by Vice-Chairman Pickens and seconded by Mr. DeLoach to approve the request subject to staff's recommendations. All present voted affirmative.

#### **OTHER BUSINESS**

Jonathan Griffith, Project Manager, 205 N. 2<sup>nd</sup> St. in the absent of a recreation board he is requesting feedback and direction from the Planning Board on the proposed grant-funded improvements to Booker and Hank Bryan Parks. These grants would be through the Florida Recreation Development Assistance Program (FRDAP).

**(Public meeting)**

Hank Bryan Park improvements included adding a small parking area to the east end of the park, restoring the basketball courts and removing the tennis courts, and improving trails, lighting, and facilities throughout the park.

Vice-Chairman Pickens inquired of the grant amount. Mr. Griffith answered \$50,000 for each request, and the program goes up to \$200,000.

Allegra Kitchens stated that she was on the Mayor's recreation task force and said the parking lot is not a bad idea, citing some parking problems in the recent past with different events that had been held in the park. She was not in favor of removing the tennis courts and said that the courts were very much used until they fell into disrepair. Mr. Griffith stated he was that there could be a revision to design them as multi-use courts. Mr. Harwell asked how many parking spaces were proposed. Mr. Griffith explained that these projects were lightly presented to the Recreation Task Force however, not being appointed by the Commission, there was some discussion about sunshine law, so there was not an extensive discussion about the projects. For the purposes of the grant, they could not advise him on how to develop the grant application. It is going to the City Commission this week for approval. Mr. Griffith stated that the City could develop a multi-use court that could be used for tennis, basketball or pickle ball form a use and maintenance prospective inviting year round play. Mr. Harwell asked how many additional spaces were anticipated. Mr. Griffith said estimated approximately 20 parking spaces to cover the daily traffic. Mr. Pickens stated that the proposed improvements to Hank Bryan park seem to be a decent compromise in accommodating the recreational tennis users and certainly the more consistent use, which is basketball.

**(Regular meeting)**

**Motion** by Vice-Chairman Mr. Pickens and seconded by Mr. DeLoach to recommend approval of the grant request with the exception that a multi-purpose court be included to accommodate both tennis and basketball. All present voted affirmative, motion carried unanimously.

**(Public meeting)**

Mr. Griffith explained that the proposed improvements for Booker Park include resurfacing two existing courts. Additions include a multi-use basketball court, additional fencing, signage, lighting, some landscaping to include canopy trees with buffer landscaping and one handicap parking space. Also some land clearing to provide for some overflow grass parking. Mr. Crowe noted that the Zoning Code only allowed unpaved parking for churches, and this was only for excess parking. Mr. Griffith and board members agreed it might be worthwhile to allow overflow unpaved parking for public parks – Mr. Crowe noted that this would require a code change which Staff could propose. Mr. Griffith said the one thing the City does not have is a multi-surface play field and suggested that Booker would be a great area for that. Mr. Sheffiled asked if this proposal included additional parking. Mr. Griffith stated that he is still working on that issue, but there is not ample parking for a real ball game or even most private events. He may need to request a code change, to allow grass parking, as he does not believe it is in the best interest of the public or the environment to create a large surface area for parking that is only used on an infrequent basis. Mr. Holmes added that would also trip retention requirements. Mr. Wallace recommended that Staff propose a code change to allow for recreational facilities to have grass parking. Mr. Griffith stated that there is some latitude to move money around if needed so the city doesn't lose the entire grant if there are points given for grass parking and for some reason the proposed amendment does not go through. Mr. Crowe stated that he would present the proposal in the next couple of months.

Allegra Kitchens, 1027 S. 12<sup>th</sup> St. spoke in support of the idea of allowing grass parking to parks and the multipurpose courts.

**(Regular meeting)**

**Motion** made a Mr. DeLoach and seconded by Mr. Harwell to recommend approval the grant as submitted. All present voted affirmative, motion carried unanimously.

**Case 15-32:** an administrative request for amendments to the City's Capital Improvements Program (CIP), a table of the Capital Improvements Element of the adopted Comprehensive Plan.

**(Public meeting)**

Mr. Griffith said that the City's CIP should anticipate these park improvements and that FRDAP and other grant applications require that projects be on the City's CIP. Mr. Crowe noted that while the Board had not received the CIP in the packet, the only requested change was to add these two park items.

**(Regular meeting)**

**Motion** made by Vice-Chairman Pickens and seconded by Mr. Wallace to approve the CIP as presented. All present voted in the affirmative, motion carried unanimously.

**Discussion:**

EAR (Evaluation Appraisal Report) of the Comprehensive Plan: Mr. Crowe explained that the City is required by the State to update this plan every seven years. This major Comp Plan update will be reviewed over the next several months.

At the request of the Chairman, Mr. Holmes advised that the City has received service through the Chairman regarding Ms. Kitchen's lawsuit against the Planning Board with approximately 10 to 15 days left to respond. As of today, the City received a request for admissions an inauguratories and request for production. The suit is calling into question the propriety of the action of approving the use of alcohol sales within 300 feet of a church and basically requesting that the Courts deem invalid the action by the Planning Board. Mr. Pickens asked if this Board have the ability to have these discussions regarding pending litigation in an executive session. Mr. Holmes stated that in his opinion they did. Mr. Pickens then suggested that if the board is going to discuss pending litigation, whether the discussion is perfunctory or material, that the Board follows a process that is outside of the public and preserved with a court reporter, which is then made public, but it would allow the Board to freely and openly ask questions of Mr. Holmes. Mr. Holmes added that the only relief Ms. Kitchens has sought is what amounts to revocation of the Board's actions for that case.

With no further business Meeting adjourned at 6:04 p.m.

# Request for a Conditional Use Permit for Alcohol Sales within 300 feet of Similar Establishment

3810 Crill Ave

Applicant: George Ashby, Jr.

## STAFF REPORT

DATE: September 29, 2015

TO: Planning Board members

FROM: Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

Conditional Use allowing an establishment selling alcohol within 300 feet of a similar establishment. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

### APPLICATION BACKGROUND

This request is for alcohol sales in a now-vacant convenience store/full-service gas station. The property owner has proposed to re-establish the former full-service gas station on the site, a scenario where goods were also purchased and brought out to the customer in the same full-service manner.

Chapter 10 of the Municipal Code regulates alcoholic beverages. Section 10-3 of this chapter provides specific distance/separation requirements, including a 300-foot separation between establishments licensed to sell alcohol and other alcohol establishments, churches, and schools. The subject property is within 300 feet of another establishment that sells alcohol (Walgreens). Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an "aggrieved" person.

The table below shows site and surrounding uses and land use/zoning designations. The property is located on the north side of Crill Ave., approximately 600 feet east of State Road 19.

**Table 1: Site and Surrounding Land Uses**

	<b>Actual Use</b>	<b>Future Land Use Map</b>	<b>Zoning</b>
Site	Vacant convenience store/gas station	COM (Commercial)	C-2 (Intensive Commercial)
North	Undeveloped property	COM (Commercial)	C-2 (Intensive Commercial)
East	Child care center	COM (Commercial)	R-3 (Multi-Family Residential)
South	Office building, single-family residence	Putnam Co. UR (Urban Reserve)	C-2 (Commercial, General, Light)
West	Office building	Putnam Co. UR (Urban Service)	C-4 (Commercial, Intensive)



## **PROJECT ANALYSIS**

Criteria for consideration include the following (*italicized*) as well as the general finding that the conditional use will not adversely affect the public interest.

*a. Compliance with all applicable elements of the comprehensive plan.*

The application complies with applicable elements of the Comprehensive Plan and its implementing elements including the Zoning Code. Several relevant plan policies are included in the following section. Future Land Use Element Policy A.1.9.3 describes the COM Future Land Use Map (FLUM) category as follows:

“Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts. The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use.”

Retail uses are referenced in this policy, and off-premises alcohol sales in conjunction with convenience stores customarily occur.

*b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

*c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.*



As Figure 3 indicates, the site is mostly occupied by the building, gas pumps covered by a canopy, and a large paved area. There are four striped parking spaces and one handicap parking space along the west property line. The Property Appraiser lists the existing building size as 704 square feet, which under the parking standards (one space for each 200 non-storage square feet) would require four parking spaces. In addition, there is paved area on the eastern part of the site available for parking. Staff is

Figure 2: Property from Crill Ave.

recommending that parking be restriped to include at least one handicapped and three other regular spaces.

Another issue is the state of the pavement, which is cracked and un-level in places, creating the potential for trip hazards as well as an unsightly appearance. Staff recommends that the pavement be repaired to result in a neat appearance and safe pedestrian and vehicle travel.

*d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.*

The former use had an unscreened dumpster, which has been removed. Any future dumpster or solid waste containers will be required to comply with the dumpster screening, with plantings, opaque fencing, or masonry walls on three sides with a height that is between six and eight feet) to effectively screen the dumpster from public view.

*e. Utilities, with reference to location, availability and compatibility.*

The property is appropriately served by utilities.

*f. Screening and buffering, with reference to type, dimensions and character.*

The property does not comply with screening and buffering standards of the Landscape Code, which in this case would require a Type C buffer to the east and a Type A buffer to the north and west. A Type A has two options, a five-foot wide buffer with a hedge and a six-eight foot tall stockade fence or masonry wall, or a ten-foot wide buffer with a hedge and two understory trees per 100 linear feet. A Type C buffer has two options, a 20-foot wide buffer with a hedge and three understory trees per 100 linear feet or a 10-foot wide buffer with a hedge and stockade fence or wall. Shade trees are also required in terminal islands that flank the parking row. Staff does not believe that a six-foot wall or fence is advisable between commercial properties, for reasons of practicality and security.

The Board has supported Staff's recommendation to work toward some level of incremental landscape code compliance. This would accomplish the intent of conditional uses to "promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare" (emphasis added).

Staff recommends that the Board consider some if not all of the following measures to work toward meeting Code, beautifying the site, and improving the image of the Crill Ave. corridor (in order of priority):

- Removal of pavement in driveways down to a 24-foot width adjacent to the right of way to allow for minimum 150 SF landscape islands, with each containing a shade tree (the driveway width is well in excess of the required 24 feet). (Zoning Code Section 94-305.)
- Installation of terminal landscape islands with shade tree at the end of any parking row [Zoning Code Section 94-296(b)].
- Installation of landscape area around base of sign with concentrated shrubs or flowering plants that exceeds the square footage of the sign (Sign Code Section 62-14).

*g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.*

There is an existing pole sign on the eastern side of the property. Staff recommends limiting other signage to wall signs, window signage not to exceed 25% of windows, and not more than two banners.

*h. Required yards and other open space.*

See f. above.

*i. General compatibility with adjacent properties and other property in the district.*

Given the commercial nature of the area, Staff does not believe there will be a compatibility problem in this case.

*j. Any special requirements set out in the schedule of district regulations for the particular use involved.*

There are no special requirements for this use in regard to the C-2 zoning district.

*k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.*

Not applicable.

***Impact on Public Interest***

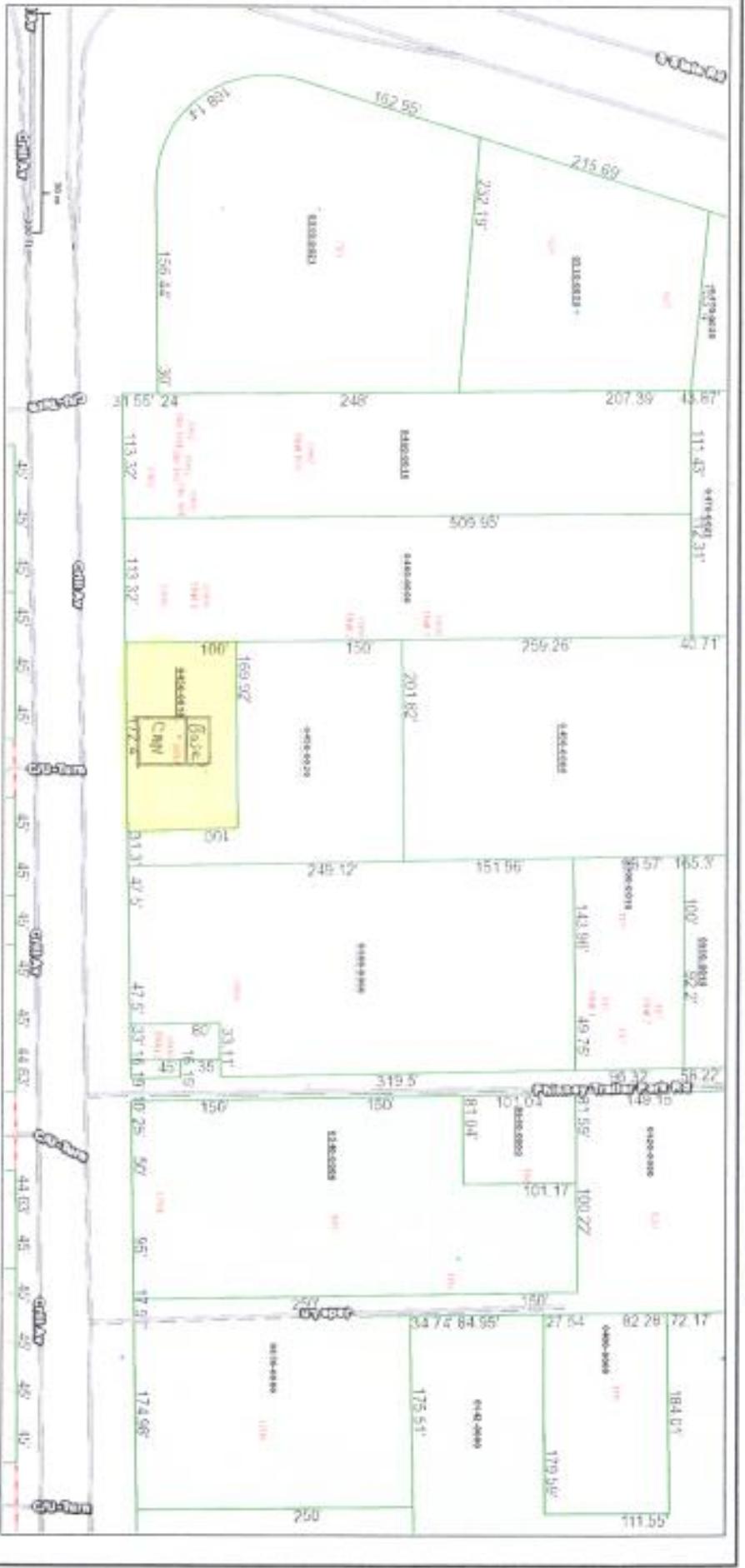
The Comprehensive Plan and Zoning Code compel the City to work toward tree preservation and planting. Landscape Code improvements will greatly accomplish this goal.

**STAFF RECOMMENDATION**

As demonstrated in this report, Staff believes that this request for alcohol sales (beer and wine) meets applicable conditional use criteria if the following recommendations are met.

- Removal of pavement in driveways down to a 24-foot width adjacent to the right of way to allow for landscape islands, minimum 150 SF in size, each containing a shade tree.
- Installation of landscape islands with shade tree at the end of any parking row.
- Installation of landscape area around base of sign with concentrated shrubs or flowering plants that exceeds the square footage of the sign.
- Pavement shall be repaired to result in a neat appearance and safe pedestrian and vehicle travel.
- Improvements to be made within six months of approval, with signed agreement by both parties. Tree type to be determined by mutual consent, with shade trees planted where there are no power lines, and understory trees near power lines.
- Dumpsters or solid waste containers shall be located in the rear of the property and shall be properly screened on three sides with a six to eight foot high stockade fence, masonry wall, or hedge.
- Any new exterior lighting shall be hooded and downcast to reduce glare, and if practicable the under-canopy lighting shall be recessed or otherwise hooded to reduce glare.
- Any other applicable standards of the Municipal Code shall be met.

ATTACHMENT:           APPLICANT'S NARRATIVE & SITE PLAN



NO NEW DEVELOPMENT (OR) PARKING EX PANSION



**Title Here**  
Subtitle Here

All provided Putnam County GIS data are to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. The Putnam County Board of County Commissioners as well as the constitutional offices including the Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector assume no responsibility associated with its misuse.

STATEMENT NARRATIVE  
Application for Conditional Use  
3810 Crill Avenue

The subject property, applying for conditional use, is in compliance with all applicable elements of the comprehensive plan to the best of our knowledge.

There are no proposed structures for the location. Existing ingress and egress to the facility has worked well in the past, regarding traffic flow, control, and safety to pedestrians.

There are no known extraordinary conditions, pertaining to the subject property, that effect any off-street parking and/or loading areas. There is adequate space for refuse and/or service areas.

The layout of the existing facility has worked well for many years, in regard to existing signage and exterior lighting. We are not aware of any compatibility issues relating to adjacent properties or nearby businesses.

In summary, the subject property has been well received from the general public in prior years, and there is no information to suggest otherwise for the future.

# Request to Amend Zoning Code

(Amend Zoning Code to allow Produce Trucks)

Applicant: Building & Zoning Dept.

## STAFF REPORT

**DATE:** September 29, 2015

**TO:** Planning Board Members

**FROM:** Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

A request to amend the Zoning Code to allow for “farm-to-family” produce trucks, under certain conditions and restrictions, spelled out under Supplementary District Regulations. The use/activity would be allowed in commercial intensive, downtown, and public zoning districts. Public notice was provided through newspaper advertisement.

### APPLICATION BACKGROUND

Many parts of Palatka are considered a “food desert”, where residents have limited to no access to fresh and healthy food. The intent of programs such as Farm-to-Family, out of St. Johns County, is to connect local farmers with nearby markets now including Duval and St. Johns Counties. This addresses the food desert problem, while helping farmers by reducing transport costs and establishing a stronger local market. Regularly scheduled stops are generally on a weekly basis, and local volunteers and health professionals accompany the truck to provide support for customers in areas such as recipe and cooking instruction. This type of activity is currently not an allowable outside activity in the Zoning Code, with the closest activity being farmer’s markets, which now requires conditional use approval on a case-by-case basis. Staff proposes to allow produce truck sales, which are essentially mobile farmer’s markets, under certain conditions as outlined below.

1. Allowable sales items include of fresh produce and cottage foods grown/produced in Flagler, Putnam, St. Johns, and Volusia Counties.
2. Dispensation is allowed from box or tractor-trailer trucks, or goods may be placed on a system of orderly-arranged tables outside such trucks.
3. Produce trucks are limited to parking lots or other paved areas.
4. Property owner must provide written permission for the activity.
5. Trucks shall not block driveways, emergency access lanes, sidewalks, or streets.
6. Trucks shall not utilize required minimum parking, but may utilize excess parking, or may utilize minimum parking outside hours of operation associated with the owner/user of the parking area.
7. Hours of operation are limited to daylight hours.
8. Produce trucks are allowed in the following zoning districts: DB (Downtown Business), DR (Downtown Riverfront), PBG-1 (Public Buildings and Grounds), and C-2 (Intensive Commercial), and are also allowed in all City-owned parking lots with the written approval of the City Manager.
9. Produce trucks must be parked at least 150 feet from a residentially-zoned property.
10. Produce truck locations must be kept neat and clean at all times. Any solid waste must be removed immediately after an event.
11. Produce truck programs must be run by a 501-c3 nonprofit organization, and must hold and display all required local, state, or federal licenses required for such a use.

Staff proposes to define produce trucks as “box or semi-tractor trailer trucks utilized to deliver and dispense fresh produce or cottage foods that are directly produced in Flagler, Putnam, St. Johns, and Volusia Counties to approved locations within the City.”

**PROJECT ANALYSIS**

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

**Staff comments:** while produce truck programs are not recognized and allowed in the Zoning Code, such programs can serve an important need in the community by reducing the food desert effect that is now experienced by many local residents.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** This action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances.

**STAFF RECOMMENDATION**

Staff recommends approving the definition of produce truck, as presented above; amending Zoning Code Section 94-149, 94-153, 94-161, and 94-162 to allow produce truck sales in C-2, DB, DR, and PBG-1 zoning districts; and adding a new section to Article III (Districts), Division 3 (Supplementary District Regulations) to provide the standards outlined previously in this report.

# Request to Amend Zoning Code

(Amend Zoning Code to allow Food Trucks)

Applicant: Building & Zoning Dept.

## STAFF REPORT

**DATE:** September 29, 2015

**TO:** Planning Board Members

**FROM:** Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

A request to amend the Zoning Code to allow for food trucks, under certain conditions and restrictions, spelled out under Supplementary District Regulations. The use/activity would be allowed in commercial intensive, downtown, and public zoning districts. Public notice was provided through newspaper advertisement.

### APPLICATION BACKGROUND

Food trucks are becoming increasingly popular in towns and cities throughout the country. This type of activity is currently not an allowable outside activity in the Zoning Code, and now occurs only in approved Special Events such as Main Street downtown street parties. Staff proposes to define a food truck as “a readily moveable, licensed, motorized wheeled vehicle, containing a mobile food unit or a towed wheeled vehicle, designed and equipped to serve food, which is temporarily stored on a privately-owned lot or public-right-of-way where food items are sold to the general public.”

The following standards are proposed for food trucks.

1. Uses must be located on private property, except that in the Downtown Overlay Zone, food trucks shall be allowed in right-of-way parking areas, excluding St. Johns Avenue frontage, and only on spaces adjacent to undeveloped lots or parking lots. Food trucks must be at least 200 feet from a residentially-zoned property.
2. Property owner’s written permission is required.
3. Required state and local permits and business licenses must be maintained and displayed.
4. Uses are limited to a self-contained truck/trailer.
5. Vehicles must be located at least 200 feet from the main entrance to any eating establishment (including other food truck), unless the owner of the establishment provides a letter of no objection.
6. Signage is limited those signs that are painted on or attached to the truck.
7. Hours of operation are limited to 6 a.m. to 10 p.m.
8. Available parking is required: in the C-2 and PBG-1 zoning districts, food trucks shall only occupy and utilize excess parking (above and beyond minimum parking requirements for existing uses), and in the downtown zoning districts food trucks shall have available public parking in the immediate vicinity (within 500 feet).
9. Vehicles must be maintained in a clean and orderly manner, litter and debris must be removed quickly.
10. Lidded trash can is required, no unscreened plastic bags or loose objects allowed.
11. Vendor must remove waste or trash at the end of each day or as needed to maintain the health and safety of the public. Liquid waste or grease shall be disposed of at an approved location and not placed in such places as storm drains or onto any sidewalk, street or other public space.
12. Due to temporary nature of use, public bathroom facilities and parking are not required, however nearby toilet facilities are required for employees. An agreement with a nearby property owner (within 500 feet) to provide bathroom facilities for food truck workers is required.

13. Up to four outdoor tables seating sixteen customers are allowed, which shall be maintained in an orderly appearance and not block pedestrian movement along sidewalks. Outdoor seating shall require bathroom facilities for customers.
14. Operators must hold and display all required local, state, or federal licenses required for such a use.
15. Proof of insurance shall be required. For operation on public property, insurance is required naming the business owner as insured and naming the city as additional insured with regard to coverage for claims for personal injury, death, and property damage in the amount of \$500,000.00 per person and \$1,000,000.00 per accident for personal injury/death and \$300,000.00 for property damage.

**PROJECT ANALYSIS**

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

- a. The need and justification for the change.

**Staff comments:** while food trucks are not recognized and allowed in the Zoning Code, Staff believes that allowing them under certain circumstances can serve an unfilled need, create jobs, provide more food choices for residents, invigorate a lagging business district, and provide an opportunity for trucks to transition into bricks-and-mortar restaurants. Given the small size and scale of food truck operations, traffic and other impacts are limited. In many communities, concerns from established restaurants regarding unfair competition have arisen, but the success of food trucks has often provided more trade for nearby businesses. The standards above also include a distance requirement (200 feet) from bricks-and-mortar restaurants. Further information and justification for food trucks is provided in the attached report from the American Planning Association: "Practice Food Trucks."

- b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** This action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances.

The standards above allow food trucks in the downtown area and in shopping center or public parking lots, vacant lots are also allowable locations. Food trucks must be parked on paved areas, cannot occupy required minimum parking spaces in commercial areas, and not block buildings in the downtown area. Food truck operators must make arrangements to utilize nearby restrooms to ensure sanity. Limited outdoor seating is allowed, and food trucks must be properly insured and licensed. Staff believes that the standards will allow food trucks in a safe, limited, and orderly manner.

**STAFF RECOMMENDATION**

Staff recommends approving the definition of produce truck, as presented above; amending Zoning Code Section 94-149, 94-153, 94-161, and 94-162 to allow produce truck sales in C-2, DB, DR, and PBG-1 zoning districts; and adding a new section to Article III (Districts), Division 3 (Supplementary District Regulations) to provide the standards outlined on the first page of this report.

# ZONING PRACTICE

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AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 9

## PRACTICE FOOD TRUCKS



# Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



Jill Bahm/Clearzone

➡ One of the hallmarks of the current food truck boom is an increased focus on “in-truck” preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business ([www.socalmfva.com](http://www.socalmfva.com)). And this fall, Roam—a first-ever industry conference for mobile food

## ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of September to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at [www.planning.org](http://www.planning.org) and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

### About the Authors

Rodney Arroyo, AICP, is president of Clearzoning, Inc. He holds a Master of City Planning degree from Georgia Tech and has more than 30 years’ expertise in planning and transportation. His experience includes master plans, zoning ordinances, form-based codes, corridor studies, and access management plans. Arroyo also serves as an expert witness in planning and zoning issues, is a national and state planning award winner, and serves as an adjunct professor for Wayne State University’s graduate urban planning program.

Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm’s professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry ([www.wsfcongress.com](http://www.wsfcongress.com)).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn’t really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

### WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today’s food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (§30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages “green carts” that offer fresh produce in certain areas of the city and has special regulations for these uses ([www.nyc.gov/greencarts](http://www.nyc.gov/greencarts)).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

### THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.** Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

#### ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (§5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66–74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Herschler

- ➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

### Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

community and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). In a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

### Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

### Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

### Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

### Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

### Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

### Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

### Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

### Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

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table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

### Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

### Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

### TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for “Food Vending Group Sites,” defined as “the stationary operation of three (3) or more ‘mobile food vendors’ clustered together on a single private property site, public property site, or within a specific section of public right-of-way” (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

Cover image by Rodney Arroyo; design concept by Lisa Barton

## VOL. 30, NO. 9

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**ZONING PRACTICE**  
AMERICAN PLANNING ASSOCIATION

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# HOW DOES YOUR COMMUNITY REGULATE FOOD TRUCKS AND OTHER MOBILE VENDORS?

# 9

# Request to Amend Zoning Code

(Define Food Pantry and Allow in PBG-1 Public Buildings & Grounds Zoning as Conditional Use)

Applicant: Building & Zoning Dept.

## STAFF REPORT

**DATE:** September 29, 2015

**TO:** Planning Board Members

**FROM:** Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

A request to amend the Zoning Code to allow the above referenced use in the PBG-1 zoning district as a conditional use. Public notice was provided through newspaper advertisement.

### APPLICATION BACKGROUND

Staff considers a food pantry as a quasi-public use, as they are utilized by the public and serve an important community need. This use is appropriate in public and intensive commercial zoning districts, but only as a conditional use so that impacts and compatibility can be considered on a case-by-case basis. A conditional use is defined in the Zoning Code as “a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.”

The following definition for food pantry is proposed: “a charitable entity that distributes at no or low cost non-perishable food, and can also distribute basic hygiene products, household supplies, and limited clothing.”

### PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

**Staff comments:** this change adds a logical allowable use to the PBG-1 zoning category. Food pantries are not recognized in the Zoning Code, but serve an important need in the community, particularly in this time of economic distress when residents are in need of assistance for basic food needs.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** This action is not in conflict with the goals, objectives, and policies of the Comprehensive Plan or other city ordinances.

### STAFF RECOMMENDATION

Staff recommends approving the definition of food pantry, as presented above, and amending Zoning Code Section 94-149(e) and Section 94-153(c) to allow food pantries as a conditional use in the C-2 and PBG-1 zoning districts.

**521 S. 13<sup>th</sup> St.**  
**Request to Amend Future Land Use Map and Rezone**  
Applicant: Building & Zoning Dept.

**STAFF REPORT**

**DATE:** September 29, 2015  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

**APPLICATION REQUEST**

To amend FLUM, and rezone the property below from residential to public use. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.

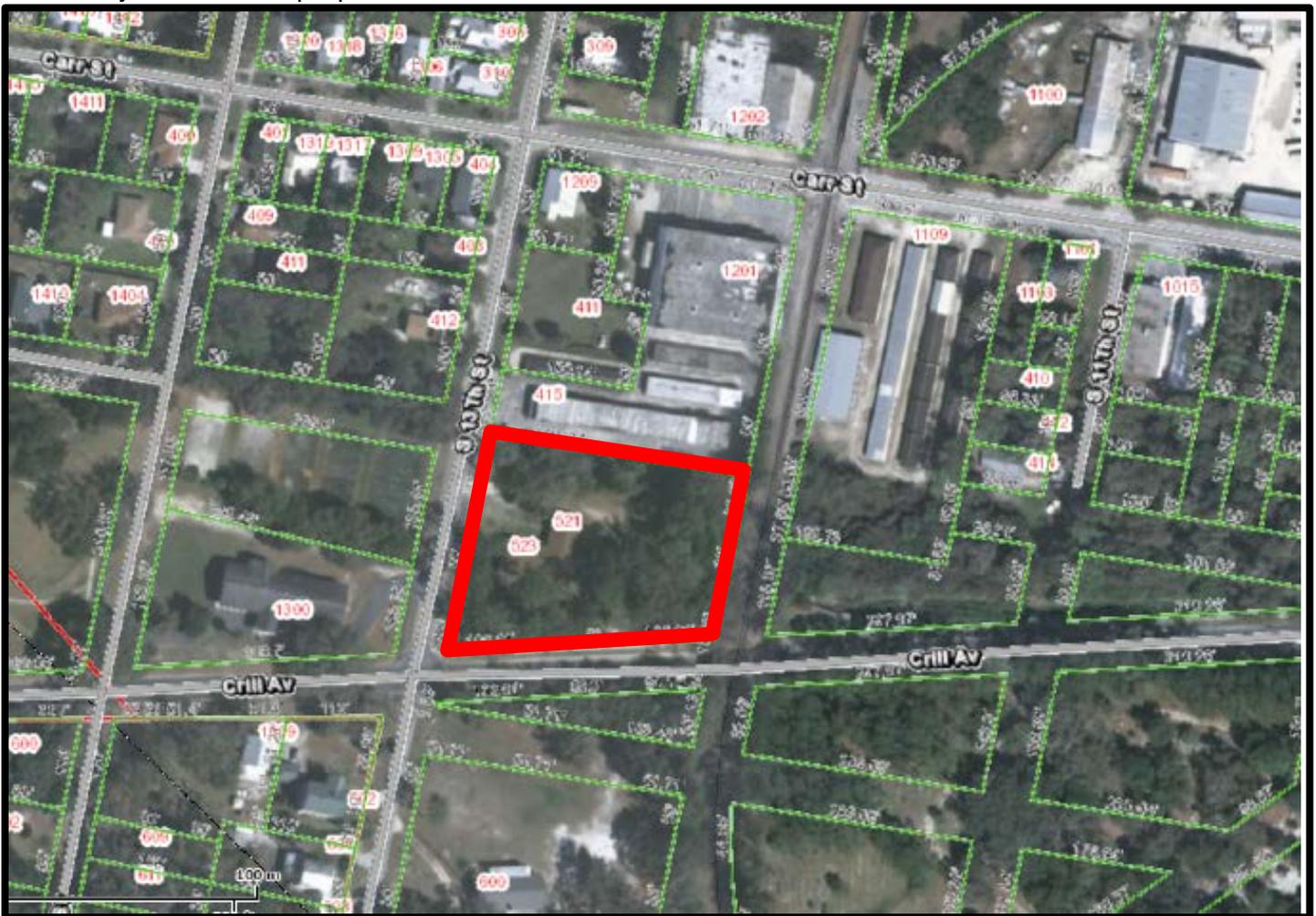


Figure 1: Site and Vicinity Map (property outlined in red)

**APPLICATION BACKGROUND**

The property under consideration currently has residential zoning and land use designations, despite its public ownership (City) and institutional function (the building is occupied by the Bridge Club, Chess Club, and American Red Cross, each of which has a lease with the City). The Red Cross proposes to transfer its lease to the Heart of Putnam Food Pantry, which will propose to utilize the Red Cross’s part of the building for non-perishable food disbursement to the needy. The Pantry was recently forced to move from its location on 820 Reid St. as its lease was not renewed at that location. The property and its current and proposed FLUM and zoning classifications are shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current	Proposed	Current	Proposed
RL (Residential, Low)	PB (Public Buildings & Grounds)	R-1A (Residential Single-Family)	PBG-1 (Public Buildings & Grounds)

Staff is presenting these applications as an administrative action as it is the property owner, and a public FLUM and zoning designation are appropriate for the property. A companion amendment would add a food pantry use as a conditional use in the PBG-1 zoning district, and the Applicant is applying for conditional use approval to be heard at the November Planning Board meeting. The conditional use would be contingent on final City Commission review and approval of the Zoning Code changes described above.

**PROJECT ANALYSIS**

**Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

*Policy A.1.9.3*

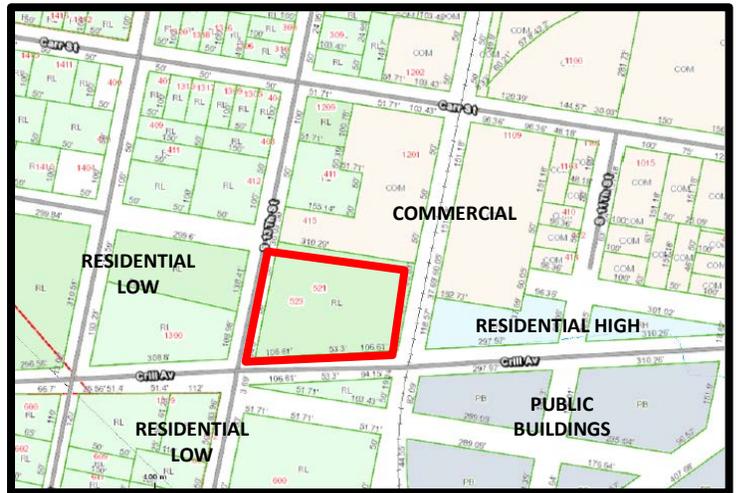
*A. Land Use Districts*

*5. Public Buildings and Grounds (11 acres)*

*Lands designated in this category of use include a broad variety of public and quasi-public activities such as schools, churches, government buildings, hospitals, colleges and ancillary uses including student residences, administrative offices, and sports facilities, and similar uses. The intensity of development in this land use category, as measured by impervious surface, shall not exceed 65 percent. Floor area ratios shall not exceed 1.0, and intensity may be further limited by intensity standards of the Zoning Code.*

**Staff Comment:** the property is now in the Residential Low FLUM category, which is mostly limited to single-family uses. The proposed City FLUM category is Public Buildings & Grounds – intended for public, quasi-public, and institutional offices and agencies. Municipal Code Section 94-111(b) allows the PBG-1 zoning category within the PB land use category, which provides Comprehensive Plan category conformance.

As the map to the right shows, the property is in a transitional land use area between the residential Palatka Heights neighborhood and the railroad industrial area southwest of the downtown. The PB FLUM is appropriate as a transitional land use category with an intensity level between that of commercial and residential uses.



*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is fully served by urban services and infrastructure including water and sewer.

Figure 2: Vicinity Future Land Use Map (FLUM) Designations

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City's urbanized area ensures that urban services are available. This action does not represent urban sprawl.

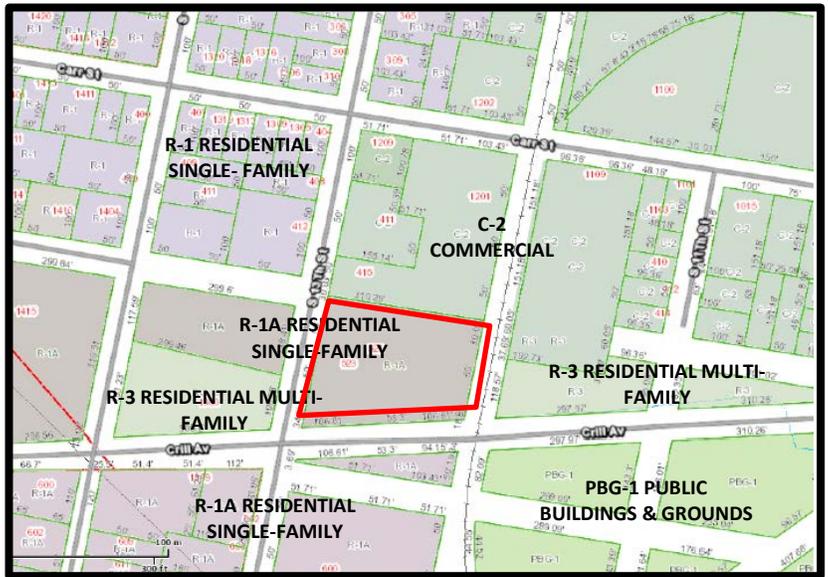
### **Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity with the comprehensive plan.

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.



b. The existing land use pattern.

**Staff Comment:** this property is in a transitional zoning area between the commercial/industrial uses around the railroad and southwest of downtown and the Palatka Heights neighborhood. The residential land use and zoning is not the best match due to the public and quasi-public uses taking place in the building, similar to the Masonic Hall to the west.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

**Staff Comment:** it is acceptable to have isolated public districts, since such uses can be sprinkled throughout a neighborhood without a great deal of negative impacts. Where it would not be appropriate to “spot-zone” commercial uses into neighborhoods, due to their outsized traffic and other impacts, low-intensity public and quasi-public uses fit better into a neighborhood setting. This property is a good example of that low intensity – the Bridge and Chess Clubs meet on a weekly basis at most, the Red Cross rarely uses the building, and the Pantry proposes to utilize it three half-days a week.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

**Staff Comment:** this existing use would have minimal impacts on public facilities.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

**Staff Comment:** see response to c. above.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

**Staff Comment:** not applicable.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

**Staff Comment:** the limited impacts of public and quasi-public uses will not adversely affect neighborhood living conditions.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

**Staff Comment:** residential and public traffic impacts are not too dissimilar. A single-family home produces around 20 trips a day, and just as an example of a public use the proposed food pantry according to the Applicant will generate a maximum of around 210 cars per week in a concentrated 14 hour time period, which averages to around 15 per hour and 70 per day. While S. 13<sup>th</sup> St. does carry some traffic between Crill Ave. & SR 100, most of the cars will be coming from Crill Ave., a state road and major thoroughfare. While the food pantry is being used as an example of a possible public use, it should be noted that this specific use is not under consideration, as that would occur in the form of a separate conditional use application.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** not applicable as this is an existing use.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** this existing developed site will not reduce light and air to adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** no adverse property values are anticipated since public/quasi-public uses (lodges, churches, public offices, community centers) are commonly found in established residential areas without significant detriment to property values and quality of life. Negative impacts are usually attributable to significantly higher levels of traffic, noise, light, and other impacts than would be found in a residential area, and uses like this are most often subject to conditional use review that provides a more careful and detailed review. This will occur at the November meeting for the proposed food pantry in the form of a conditional use application.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the changes will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to property that matches their public ownership and quasi-public use is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** the City public land use and zoning are in keeping with the existing use.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property and its proposed use will not be out of scale with the neighborhood and City. The site is adjacent to a mini-storage facility, which is an intensive commercial or even industrial use, and other intensive developments are further to the north. Crill Ave. to the south is an arterial roadway. The building is not oriented to the residential area that lies north and west of this property.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable future land use amendment and rezoning criteria. Staff recommends approval of the amendment of Future Land Use Map category to PB (Public Buildings & Grounds) and rezoning to PBG-1 (Public Buildings and Grounds) for 521 S. 13<sup>th</sup> Street.

**Request to Amend Sidewalks Code to Allow Pushcarts Downtown**  
**Applicant: Building & Zoning Dept.**

**STAFF MEMO**

**DATE:** September 29, 2015

**TO:** Planning Board members

**FROM:** Thad Crowe, AICP  
Planning Director

Pushcarts/hot dog stands are now allowed Downtown, but a restriction that prohibits sales within the right-of-way has effectively prevented them from operating. Staff proposes to remove this prohibition and provide some basic operational standards for these uses, which can add to vitality and food choices in the downtown area. Staff is withdrawing this application as the Board does not have jurisdiction over Chapter 70, Streets and Sidewalks. Staff will take this amendment directly to the City Commission.

**202 Florida Dr.**  
**Request to Annex, Amend Future Land Use Map and Rezone**  
Applicant: Building & Zoning Dept.

**STAFF REPORT**

**DATE:** September 29, 2015  
**TO:** Planning Board members  
**FROM:** Thad Crowe, AICP  
Planning Director

**APPLICATION REQUEST**

To annex, amend FLUM, and rezone the property below from County to City single-family residential. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.



Figure 1: Site and Vicinity Map (property outlined in red, properties within City shown with purple overlay)

**APPLICATION BACKGROUND**

The property under consideration currently has a County mixed-use Future Land Use Map (FLUM) designation and single-family residential zoning. The property is an existing single-family home. The property and its current and proposed FLUM and zoning classifications are shown below.

**Table 1: Current and Proposed Future Land Use Map and Zoning designations**

Future Land Use Map Category		Zoning	
Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
US (Urban Services)	RL (Residential, Low)	R-2 (Residential Mixed)	R-1A (Single-Family Residential)

The owner is voluntarily annexing into the City for the purpose of hooking up to City utilities.

Staff is presenting these applications as administrative actions, as opposed to an action by each property owner, due to the rationale presented below.

1. Revenue Recovery. The taxes collected from this property will defray the administrative expense of the annexation fairly quickly.
2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. Staff believes this directive is sufficient to submit these actions as administrative applications.
3. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

**PROJECT ANALYSIS**

**Annexation Analysis**

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be “reasonably compact.”

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality’s boundary. As indicated in Figure 1, the property is contiguous to the City limits, which are to the south and north.

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would



Figure 2: South-of-Crill Enclave (purple-shaded properties are City)

create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the property meets the standard of compactness as it does not create an enclave, pocket, or finger area, as evidenced by the map to the right, but in fact reduces the larger enclave shown in Figure 2.

### **Future Land Use Map Amendment Analysis**

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff comment follows each criterion, and comprehensive plan extracts are underlined).

*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

#### Policy A.1.9.3

#### A. Land Use Districts

#### 1. Residential

*Residential land use is intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density. Residential land use provides for a variety of land use densities and housing types.*

Low Density (1730 acres) - provides for a range of densities up to 5 units per acre.

**Staff Comment:** the property is now in the County's Urban Services FLUM category, which allows a range of residential and nonresidential uses. The proposed City FLUM category is Residential, Low – intended for single-family neighborhoods. Municipal Code Section 94-111(b) allows the R-1A zoning category within the RL land use category, which provides Comprehensive Plan category conformance.

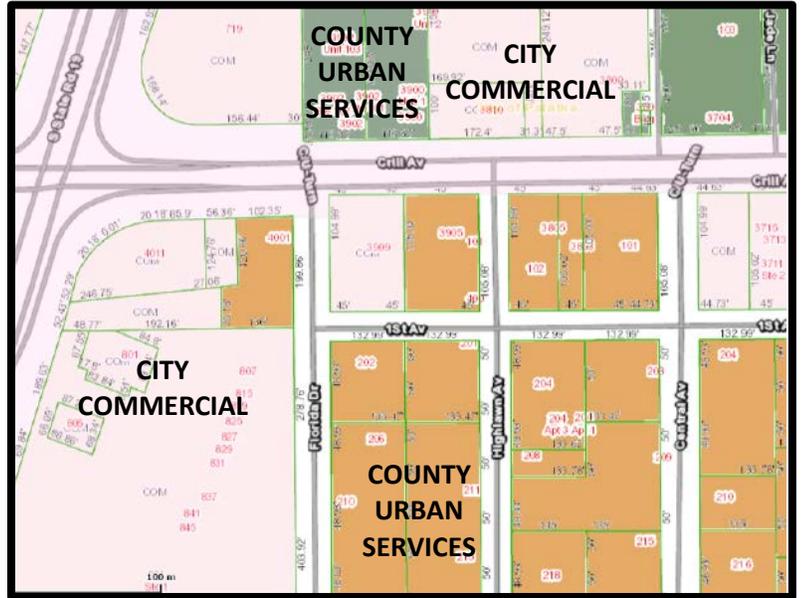


Figure 3: Vicinity Future Land Use Map (FLUM) Designations

*Provide analysis of the availability of facilities and services.*

**Staff Comment:** the property is in close proximity to urban services and infrastructure including City water and sewer lines that run down Florida Drive.

*Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.*

**Staff Comment:** Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on these developed sites.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

**Staff Comment:** not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*Demonstrate that amendment does not further urban sprawl, as determined through the following tests.*

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*
- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

**Staff Comment:** the location of this property within the City’s urbanized area ensures that urban services are available. This action does not represent urban sprawl.

**Rezoning Analysis**

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

1) *When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and*

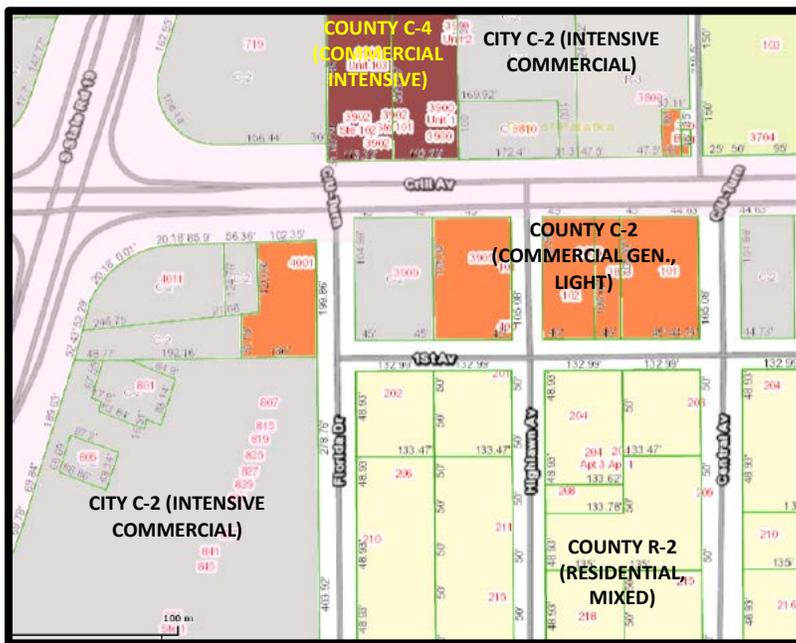


Figure 4: Vicinity Zoning

*considered the proposed change in relation to the following, where applicable:*

a. *Whether the proposed change is in conformity with the comprehensive plan.*

**Staff Comment:** as previously noted, the application is supported by the Comprehensive Plan.

b. *The existing land use pattern.*

**Staff Comment:** the existing single-family residential use and proposed zoning conform to the existing land use pattern.

c. *Possible creation of an isolated district unrelated to adjacent and nearby districts.*

**Staff Comment:** No isolated zoning district would be created. City staff has selected the

most appropriate zoning district that fits the neighborhood, based on lot size and predominant

single-family use.

d. *The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.*

**Staff Comment:** a single-family home would have minimal impacts on public facilities.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

**Staff Comment:** see response to c. above.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

**Staff Comment:** not applicable.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** rezoning the property to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

*h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.*

**Staff Comment:** no traffic impacts will be created by this existing use.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** not applicable.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** existing single-family development, by its nature and due to the lot coverage control, will not reduce light and air to adjacent areas.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

**Staff Comment:** this action will not affect property values.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

**Staff Comment:** based on the previous responses, the changes will not negatively affect the development of adjacent properties.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

**Staff Comment:** providing a FLUM and zoning designations to property that are similar to the designation of surrounding properties is not a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

**Staff Comment:** the City residential land use and zoning are in keeping with the existing use.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

**Staff Comment:** the property and its use will not be out of scale with the neighborhood and City.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

**Staff Comment:** not applicable.

*q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.*

**Staff Comment:** not applicable.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to RL (Residential, Low), and rezoning to R-1A (Single-Family Residential) for 202 Florida Drive.