

Planning Board meeting
Minutes and proceedings
May 4, 2010

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Members present:** Phil Leary, Ezekiel Johnson, Ken Venables, Zachary Landis and Anthony Harwell. **Members absent:** Sue Roskosh, Earl Wallace and Randy Braddy. **Also present:** Building and Zoning Director, Debbie Banks; Recording Secretary, Pam Sprouse and City Attorney, Donald Holmes.

Motion made by Phil Leary and seconded by Kenneth Venables to approve the minutes of the April 6, 2010 meeting. All present voted affirmative, motion carried.

Debbie Banks read "To Appeal Any Decision."

Carl Stewart requested that disclosure of any "Ex Parte Communication" be made prior to each case.

Case PB 10-11	Address:	109 N 9 th Street
	Parcel:	42-10-27-6850-0620-0020
	Owner:	Mary Lawson Brown
	Agent:	Clint Snyder
	Request:	for a conditional use for a wall mural to exceed 25% of the wall in the Downtown Business District.

(Public Hearing)

Ms. Banks advised that she only received one response which was from Mr. Smothers (the owner of Dairy Queen) with concerns as to whether his parking would be taken up with scaffolding.

Mr. Snyder, 7300 Crill Ave. #32, shared a rendering of the proposed mural of the former hospital that operated from 1915 to 1948. He shared a bit of history and advised that the mural is to be located on the South side wall of what is now a funeral home.

Zachary Landis asked how long it was expected to take to paint the mural.

Mr. Snyder advised that the painting will be worked on 3 days a week and probably not to actually get started until end of summer, somewhere around September or October.

Lynda Little Craybill, 609 S 14th St., advised that the primary picture is of the hospital and will include the founders but they are still trying to locate more pictures of the attending physicians which will be included in the mural as cameos on either side. She commented that the only change may be if they have to adjust the number of photos. There probably won't be more than 2 parking spots at a time taken up for the painting. She also stated that Ms. Lawson Brown believes that her property goes ten feet out from the building.

Ms. Banks advised that with regards to parking, a real concern of Mr. Smothers was that the summertime is his busiest time of year and that even if the conditional use requested was approved, it would not include any approval to take up parking on private property and that the Board could stipulate that the painting not start until September.

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Case PB 10-11 **Address:** 109 N 9th Street

John Alexander, 919 Carr St., stated that the artist assured them that she would only take up one parking space during some of the painting and advised that Mr. Smothers had asked that the artist be done painting by 2:00 p.m., when his business is at its busiest and that he preferred the painting start late September or early October and further advised that they are working out those details.

(Regular Meeting)

Motion made by Phil Leary and seconded by Ezekiel Johnson to approve this request. Discussion took place regarding private property issues. All present voted affirmative, motion carried.

Case 10-14 **Address:** 1024 State Road 19 South
Parcel: 10-10-26-0000-0210-0000
Owner: Wal Mart
Agent: Edna E. Gertz/TNT Fireworks

Request: for a conditional use for a temporary sales event (sparklers)

(Public Hearing)

Ms. Banks advised that Ms. Gertz has been ill and is not here today. She advised that this is a reoccurring request with no changes and that they always comply with all of the fire and safety codes. She received no comment from the notices or the advertisement and recommended approval.

(Regular Meeting)

Motion made by Ken Venables and seconded by Zachary Landis to approve this request for the period of June 23, 2010 through July 4, 2010. All present voted affirmative, motion carried.

Case 10-12 **Address:** 3310 Crill Avenue
Parcel: 11-10-26-0000-0100-0000
Owner: Palatka Housing Authority
Agent: John Nelson

Request: to annex into the city limits of Palatka, to amend the Future Land Use Map of the City of Palatka from County Urban Service to City High Density Residential and Rezone from County R-1 (Single-family residential) to City R-3/PUD (Multi-family Residential Planned Unit Development for 2.75 +/- acres of property.

(Public Hearing)

Ms. Banks advised that the Board had previously heard this request but the applicant had pulled it before it went to the City Commission. It has been resubmitted this time with a request for a Planned Unit Development, which allows for flexibility in planning for the developer and the city.

Case 10-12 3310 Crill Avenue – continued.

In his written comments, the Fire Marshal said they would like to see another fire hydrant and the Police Department report stated that it would cost approximately \$21,000.00 per year for their services. This allows the City to ask for some or all of the funds. She advised that none of the staff that reviewed the request had any issues with the request. Additionally, she stated the requested Future Land Use change complies with the Housing Element of the Comprehensive Plan. She stated that our City Traffic Engineer (Mr. Woody Boynton) had no issues and he said that D.OT would put any stipulations in place, if required, for the highway. With regards to the rezoning portion of the request, staff recommends a fire hydrant at the entrance as well as one interior to the parcel; that the police service fees in lieu of taxes should be part of the PUD and there should be another easement along the back of the property for future water and sewer services. Mr. Nelson has been given a copy of this report. She ended by saying that staff had no issues with the codes for the development and this request meets the requirements of the Comprehensive Plan.

John Nelson, Palatka Housing Authority, 400 N. 15th St. explained that this site was picked primarily because it was very conveniently located for seniors (ages 60 +) for shopping (within 300 feet), banking and Doctors. He stated that they have selected an Engineer, Rudd Jones and a contractor, Synergy Construction to develop the 36 1-bedroom units for a senior only community. The traffic study indicated no negative impact on the traffic flow for this community. He added the site coverage more than meets the requirements and that the design for the buildings will comply with all the zoning regulations and that where variances are needed, requests will be made.

Ben Bates, 3400 Crill Ave., spoke for himself and Jerry Mattox, he contended that nothing has changed from the last meeting. He stated that it is an excellent project and no one is against the Housing Authority or an adequate place for seniors to live but he does not feel that this is a good location. He stated that he is sorry that the Housing Authority is in the box that they are in but a mistake on their part should not require the City making another mistake to fix theirs. He stated that most of the time when you buy a property it is usually part of the contract that the zoning and land use be in place. He stated concerns of traffic and pedestrians with a busy 4-lane road. He believes a better location can be found for this type of project and has talked to Mr. Nelson about a possible even trade. He stated, that he believed, that if he was asking for the same request, he would be told no and does not understand why government would be treated differently. That a mistake was made with the Frank George High-rise and he would not want to see another mistake like that. He ended by saying that he would question whether this would be considered spot zoning, as the school is not properly zoned and there is no other R-3 in the area.

Phil Leary stated that the Board is required to follow the Comprehensive Plan policies and as staff has reported it meets all of the required criteria.

Rudd Jones, PE & Associates, 209 S 4th Street, stated that R-3 is a transitional zoning from commercial to residential or commercial to commercial zoning and is very common to see. He did not believe this location was inappropriate. He stated that the traffic analysis met requirements and the P.U.D. agreement locks in what it's going to be with the approved land use and that additional prohibitions the city may want to place on this project can be made. He added that much of the buildings will be screened from the road.

Mr. Holmes stated that he is a part owner of a parcel in the vicinity. He commented in regards to the staff report that he respects staff's opinion on the various factors that staff evaluates but he also believes that the

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purpose of having a Board is for the Board to make decisions about many factors, including those that staff discusses. Some things are fact, such as appropriate zoning - and others are opinions, such as compatibility. He doesn't believe that a non-conforming use of property counts as a like-kind use of property to that which is being proposed. He gave the example of the school being zoned R-3 but is not being used as such, and doesn't believe it can be pointed to as being compatible next door.

Discussion took place regarding buffering requirements, ingress & egress from a safety standpoint, recommended easements and parking and the compatibility of use.

Ken Venables asked how wide the main entrance would be.

Mr. Nelson stated twenty feet, and that it meets the requirements for emergency vehicles and sanitation trucks.

Carl Stewart asked how many parking spots were planned.

Mr. Nelson advised there would be 43.

(Regular Meeting)

Mr. Stewart questioned the inconsistent zoning.

Ms. Banks reiterated that this is a transitional (in between commercial and residential zones) zoning designation and you have single-family residential and commercial on either side of this property. That it is her opinion, from research she has done, that the transitional zoning would be appropriate.

Zachary Landis stated that traffic report or no traffic report, he believed it is a catastrophe waiting to happen, to put high school drivers and senior drivers together. That he was against it in the beginning and still stands against it from a safety standpoint.

Anthony Harwell stated that he believed that this property would be more valuable as a commercial property in a commercial corridor to the citizens and the city.

Mr. Holmes commented that Mr. Harwell's comment could fall under the category of compatible land uses.

Mr. Leary stated from a Planner's perspective, he looks at things a little more technically, being a Professional Planner, and complimented Debbie on her staff reports, stating that she does a good job. He agreed with her analysis that this is a mixed commercial & residentially zoned area. Is it the best use for this piece of property - maybe not, but it is like one of those situations we dealt with last month at Crystal Cove where there are going to be times when you are not going to make everyone happy. He believed that there could be some safety issues, but that once D.O.T. puts in the lights and makes some other improvements to that intersection it will work. He ended by pointing out another multi-family type development on the other side of the high school, on the St. Johns Avenue side, and said that looking at the

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staff analysis with respect to Annexation, Future Land Use and Rezoning, as a planner, even if it is not the best scenario, he did not see any reason for the Board to deny any of the three recommendations. That this is a transitional area and R-3 multi-family is a transitional zoning.

Mr. Venables questioned what the typical density for this request with no variances was.

Ms. Banks advised that high-density residential would be 10 – 18 units per acre.

Mr. Holmes stated that is within the parameters of the land use requested, but you are judging it from what is around it.

Ken Venables questioned if this project has anything to do with the loss of units from Frank George apartments.

Mr. Nelson advised that this project was always anticipated to replace some of the units of the Frank George.

Mr. Venables questioned if the cost of Police protection payment in lieu of taxes of \$21,000.00 per year can be made part of the final decision here today and is the Housing Authority amenable to that amount, which would surely increase.

Mr. Nelson advised that those figures were projected by the Police Chief, but in 1962 there was cooperation agreement signed by the City and the State Department of Housing and Urban Development that stated the City would provide services for payment in lieu of taxes, there is a formula for making those payments which are also paid to other communities. It has been projected to be roughly \$4,000.00 per year.

Mr. Venables asked if there was going to be a traffic signal, if so, when would it go in and would there be a turn signal, as a u-turn would be required if coming east on Crill Ave. Would there be a pedestrian signal there as well. He added that looking at the building style for this project it appears to resemble the existing buildings and offices to the west of the proposed that it all seems to fit together that way. Given that this is senior housing he doesn't foresee a lot of night activity there, that they are quiet at night and they are not going to have bon fires, barbeques, loud parties, street dancing, kids or things like that. So given it is a transitional zoning being requested for where it sits, versus what's around it, he does see a significant problem with the request other than some of the technical issues that were raised.

Motion made by Phil Leary and seconded by Ken Venables to recommend approval of the request for annexation. With one member voting in opposition, motion carried.

Motion made by Ken Venables and seconded by Phil Leary to recommend approval of the requested land use change. With a show of hands, there were three yeas and two nays, motion carried.

Mr. Holmes commented that Mr. Stewart did not vote and reviewed the code book.

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Motion made by Ken Venables and seconded by Phil Leary to recommend approval of the requested rezoning. With a show of hands, there were three yeas and two nays, motion carried.

Mr. Holmes cited Section 54-32 membership; ex officio members. He stated that the code requires nine voting members and one non-voting member that it does not specify otherwise and in his opinion, if the Chairman does not vote he would need to abstain.

Discussion took place regarding previous practices and policies of the Board following Roberts Rules of Order.

Mr. Stewart added his vote. He voted no for all three portions of the request; citing the reasons were for the safety standpoints that were mentioned, the inconsistent zoning which could be a problem and come back on us at some time and the usage, as some of us feel it would be better used as a commercial use.

Resulting votes were as follows:

Recommendation to approve the request for Annexation into the city limits of Palatka; with 2 nays and 3 yeas, motion carried.

Recommendation to approve the request to amend the Future Land Use Map of the City of Palatka from County Urban Service to City High Density Residential; with 3 nays and 3 yeas, motion tied.

Recommendation to approve the request to rezone from County R-1 (Single-family residential) to City R-3/PUD (Multi-family Residential/Planned Unit Development); with 3 nays and 3 yeas, motion tied.

With no further business, meeting adjourned at 5:45 pm.