

Planning Board meeting
Minutes and proceedings
December 7, 2010

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

Motion made by Sue Roskosh and seconded by Joe Pickens to approve the minutes of the November 2, 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.

NEW BUSINESS

Case 10-37 **Address:** 823 Laurel Street
 Parcel #: (42-10-27-6850-1550-0010)
 Owner: Shirley Kennedy
 Agent: Julia K. Diehl Heneger

Request a conditional use for a home occupation for a Wellness Educator in an R-1 zoning district.

(Public Hearing)

Ms. Banks advised that this case was properly advertised and notices were sent to surrounding property owners and that she did not receive any comments from either effort. She also advised that of the Department heads reports, all of them responded with no comments. She recommended approval of the request.

Ms. Julia Diehl Heneger, 3305 12th St., Elkton, FL advised that in her practice she is a wellness educator, a licensed Massage Therapist and a certified Trigger Practitioner, helping people with neuromuscular disorders. She stated that currently she sees approximately 4 patients per day. She stated that she conducts business Tuesday through Friday from 10:00 a.m. - 5:00 p.m. and that she would only have one client at a time and they would park in her driveway or the allowed right-of-way. She added that the purchase of the house is contingent upon approval of this request and that she did have a walkthrough inspection of the house with the Building Official and he said she would be in compliance with this request.

Mr. Pickens asked if she planned on making this her full time permanent residence before she started business there.

Ms. Heneger advised yes, that there were many steps she needed to complete, first it would be to buy the home and then she would move in as the license transfer would take approximately 30 days.

Case 10-37 823 Laurel Street-continued.

Pam Garris, 603 Emmett St., asked if approved, would this use be allowed to continue for the next owner.

Ms. Banks advised that the use would stay with the property, and could be allowed to continue provided there were no changes in the use.

Mr. Holmes commented that the Board could apply restrictions and conditions to the request.

Discussion ensued regarding continued use and Mr. Holmes advised that this is a land use question and whether it meets the required criteria. He agreed with Ms. Banks, that as the approval goes with the land and not with the person then as long as the same terms and conditions are complied with, the use would be allowed to continue.

Mr. Pickens stated that he got the impression that Ms. Heneger does other related and peripheral things besides massage therapy.

Ms. Heneger replied yes, that she provides other related therapy within the scope of her licenses and certifications.

Lucy Visnaw, 819 Laurel St., stated she was concerned with increased traffic, with who will monitor the conditions and with parking. She stated that with the current traffic that comes through there, the buses and the ball field right there, she feels like it will be an additional problem with the parking. She also commented that she would be concerned for the value of her home and that there are 3 out of 4 homes on that block for sale.

Mr. Pickens stated that he appreciates the concerns stated and that if he were to motion approval of this request, he would not have a problem adding a condition that the clients be scheduled in a manner as to limit the number of cars there during business hours. He said that he saw the limited traffic that her business would generate as inconsequential and would be inconsequential to the traffic that passes by the home every day in comparison to the very limited use she is proposing to make of her driveway and the on street parking. He added that if this conditional use goes through there would only be two houses for sale instead of three.

Mr. Stewart explained that in his experience, some people don't always follow things like they should and the neighbors are usually the ones who will know this first and Code Enforcement can then get involved.

Ms. Heneger advised that she built her practice here in Palatka approximately 7 years ago and is now ready to make her home here, and that she has established clients and does not see herself closing her business anytime soon.

Mr. Petrucci asked if Ms. Heneger could fit more than one car in her driveway, for such times when there may be congestion from special events.

Case 10-37 823 Laurel Street-continued.

Ms. Heneger said she believed she could possibly fit two or three if she were to open up the gate.

Discussion continued.

(Regular Meeting)

Motion made by Joe Pickens and seconded by Earl Wallace to approve the request pursuant to staff recommendations as stated in the staff report:

1. The applicant must obtain a Business Tax Receipt from the City and the County;
2. That this grant of Conditional Use shall expire twelve (12) months following the discontinuance of the approved use for any reason and may not be recommenced once expired without another grant of Conditional Use.
3. That all conditions shall be met within six (6) months of approval of this Conditional Use.
4. That this Conditional Use approval is contingent upon the applicant using the home as her principal place of residence and;

the additional condition that the business operations only occur between 9:00 a.m. and 5:00 p.m. on weekdays, and that no more than two customer cars be parked there at one time. All members voted affirmative, motion carried.

Mr. Holmes asked Ms. Banks if the right to appeal had been covered.

Ms. Banks replied yes, that it was covered in the beginning.

Case 10-38 **Address:** 7309 Crill Avenue
 Parcel #: (09-10-26-0000-0340-0000)
 Owner: Daryll Futch
 Agent: April Annis

Request to annex, amend the Future Land Use Map and Future Land Use Element form County Urban Reserve to City Commercial and rezone from County AG (Agriculture) to City C-1A (Neighborhood Commercial).

(Public Hearing)

Ms. Banks advised that this case was properly advertised and noticed for all three requests and that no comments were received from those efforts. She advised of the departmental reviews, comments received from the Fire Marshal requested that a fire hydrant be put in place when the water lines are installed, and that the Public Works Director responded that water and sewer is available off of Round Lake Rd. She added that a lift station would be necessary. The Police chief determined that no extra personnel would be needed. She recommended approval of the request.

April Annis, 512 North Tree Garden Dr. St. Augustine, stated that she intends to build a childcare center on this property of about 4,000 sq ft with approximately 90 children and is requesting to annex to get

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Case 10-38 7309 Crill Avenue – continued.

City utilities along with other benefits of being in the City.

Ms. Banks advised that the Handy Way that was annexed in many years ago, at the corner of Round Lake Rd. is incorrectly zoned Residential and that will need to be corrected sometime in the future. She added that there is appropriately zoned residential land directly behind and across the property and that the C-1A is a transitional zoning which would be appropriate for this property and allow this use by a conditional use approval which was discussed with the applicant.

Discussion continued regarding the surrounding zoning.

(Regular Meeting)

Motion made by Joseph Petrucci and seconded by Sue Roskosh to approve the request for annexation. All present voted affirmative, motion carried.

Motion made by Joseph Petrucci and seconded by Sue Roskosh to amend the Future Land Use Map and Future Land Use Element from County Urban Reserve to City Commercial. All present voted affirmative, motion carried.

Motion made by Joseph Petrucci and seconded by Sue Roskosh to rezone from County AG (Agriculture) to City C-1A (Neighborhood Commercial). All present voted affirmative, motion carried.

Motion made by Joseph Petrucci and seconded by Sue Roskosh to adjourn. All present voted affirmative, motion carried.