



CITY OF PALATKA PLANNING BOARD AGENDA

February 1, 2011

1. Call to Order.
2. Roll Call.
3. Approval of Minutes of December 7, 2010.
4. Read "To Appeal Any Decision" and request disclosure of any "Ex Parte Communication" be made prior to each case.
5. **OLD BUSINESS** – none.
6. **NEW BUSINESS**

Case 10-39 **Address:** 820 Reid Street
 Parcel #: (42-10-27-6850-0610-0010)
 Owner: Huntley W.T. Land Trust
 Agent: Sheila McCoy

Request a conditional use for a church to locate within 300' of a licensed establishment selling alcohol.

1. Public Hearing
2. Regular Meeting

Case 11-05 **Address:** 7309 Crill Avenue
 Parcel #: (09-10-26-0000-0340-0000)
 Owner: Daryll Futch
 Agent: April Annis

Request for a conditional use to operate a child care facility in a C-1A zoning district

1. Public Hearing
2. Regular Meeting

7. **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.

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

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.

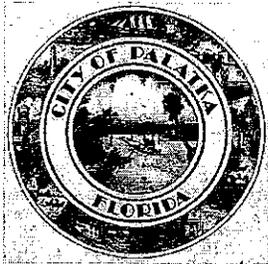
(Regular Meeting)

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 form 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.



PLANNING BOARD REPORT – February 1, 2011

CASE: PB 10-39

ADDRESS: 820-2 Reid Street

Parcel #: 42-10-27-6850-0610-0010

REQUEST: Request for a conditional use to locate a church within 300' of a licensed establishment selling alcohol.

APPLICANT: Sheila McCoy

OWNER: W. T. Huntley Land Trust

Departmental Review

Departmental Review Requests were forwarded to the Fire, Police and Building Departments. The Police and Fire Departments responded with "No Comment." The Chief Building Official stated concerns that the church would say "No" if someone applied in a reverse situation. No responses were received as a result of the advertisement or notices sent to surrounding property owners.

Compliance with Conditional Use Requirements

The applicant has applied for conditional use approval to locate a church within 300' of a licensed establishment (Dollar General) selling alcohol. Churches are permitted uses in the C-2 zoning district however, locating within 300' of an establishment licensed to sell alcohol requires conditional use approval.

Section 94-3 of the Code contains the following definition that should be used by the Planning Board as a guide when considering conditional use requests. According to this section of the Code:

"A conditional use is 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. Such conditional uses may be permissible in a zoning district if specific provision for such a conditional use is made in this chapter."

In accordance with Section 94-3:

"Findings. Before any conditional use shall be approved, the planning board shall make a written finding that the granting of the conditional use will not adversely affect the public interest and certifying that the specific requirements governing the individual conditional use, if any, have been met by the petitioner."

From Sec. 94-3(4) of the Palatka Municipal Code:

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

The property and requested use are in compliance with the comprehensive plan. Surrounding properties have future land use designations of Commercial. The zoning pattern of the site and surrounding area is C-2 (Intensive Commercial) to the north, south, east and west which are zoning designations consistent with the comprehensive plan.

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.

Ingress and egress is off of Reid, N 8th and N 9th Streets.

c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection [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.

The parking requirement for commercial uses has been met and the church should not be operating at the same time as the commercial uses already permitted for this address/suite.

d. Refuse and service areas, with particular reference to the items mentioned in subsections [b] and [c] of this section.

The applicant will be using dumpster already onsite.

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

Utilities are available to the site and are compatible with the needs of the proposed conditional use.

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

Table 94-304A does not indicate a requirement for screening and buffering.

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.

The applicant does not indicate any signage on the application. A sign permit will be required for the installation of any new signage and must be in compliance with the Municipal Code and applicable building codes.

h. Required yards and other open space.

There are no requirements for yards/open space.

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

This proposed Conditional Use is generally compatible with adjacent properties.

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 listed in the City's Municipal Code other than registration with the Building & Zoning.

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

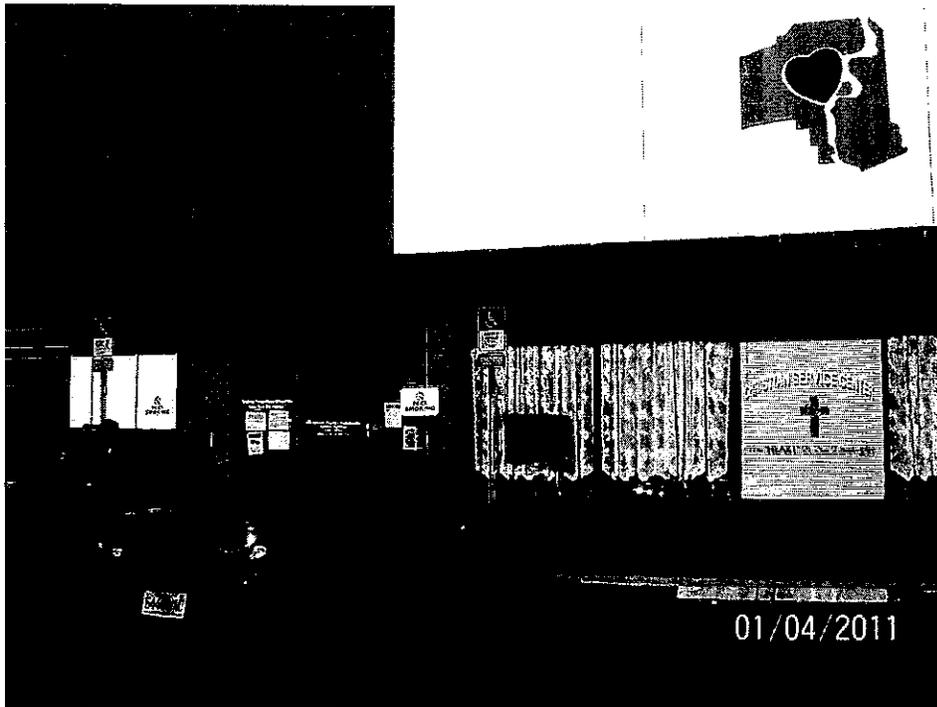
This parcel is not located in a Historic District.

Staff Recommendation

Staff recommends approval of the applicant's request for a church, subject to the conditions as listed in the Code and the following conditions:

1. That the church be registered with the City;
2. That all ADA and Florida Building Codes must be met;
3. 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.
4. That all conditions shall be met within six (6) months of approval of this Conditional Use.

PHOTOGRAPH



This is located in the old Winn Dixie strip center which now houses the Christian Service Center and the Dollar General Store.

Debbie Banks

From: Gary Getchell
Sent: Friday, January 21, 2011 8:11 AM
To: Debbie Banks
Subject: RE: 820-2 Reid St. Conditional Use for a Church

No comment

From: Debbie Banks
Sent: Tuesday, January 11, 2011 4:09 PM
To: Joff Filion; Mark Lynady; Gary Getchell
Subject: 820-2 Reid St. Conditional Use for a Church

Please review and comment. The applicant wishes to operate her church next to the Dollar store which was approve to sell beer/wine.

Thank you,
Debbie

Debbie Banks

From: Mark Lynady
Sent: Thursday, January 13, 2011 3:10 PM
To: Debbie Banks
Subject: RE: 820-2 Reid St. Conditional Use for a Church

I do not have any issues about the conditional use.

From: Debbie Banks
Sent: Tuesday, January 11, 2011 4:09 PM
To: Joff Filion; Mark Lynady; Gary Getchell
Subject: 820-2 Reid St. Conditional Use for a Church

Please review and comment. The applicant wishes to operate her church next to the Dollar store which was approve to sell beer/wine.

Thank you,
Debbie

Debbie Banks

From: Joff Filion
Sent: Tuesday, January 18, 2011 8:19 AM
To: Debbie Banks
Subject: RE: 820-2 Reid St. Conditional Use for a Church

I guess that I wasn't clear on what I was asking. If a new business wants to sell alcohol the Church could say no during the Conditional Use process, just as any one else that is affected. I feel that they should not be able to do that due to the circumstances.

Joff

From: Debbie Banks
Sent: Thursday, January 13, 2011 10:12 AM
To: Joff Filion
Subject: RE: 820-2 Reid St. Conditional Use for a Church

The church cannot prohibit anything – if someone wanted to sell alcohol they would have to apply for a conditional use. The fact that they were not registered is how Pam discovered they were holding church. Not sure how it all played out but she did discover it and that is why they are applying for the conditional use.

Deb

From: Joff Filion
Sent: Thursday, January 13, 2011 8:25 AM
To: Debbie Banks
Subject: RE: 820-2 Reid St. Conditional Use for a Church

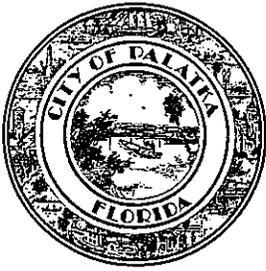
Because the church violated the ordinance, have the church agree in writing that they will not prohibit **any** future business that sells alcohol from operating within the propitiated distance from their church. If they do not agree then I recommend NO. Is this church registered with us?

Joff
CBO

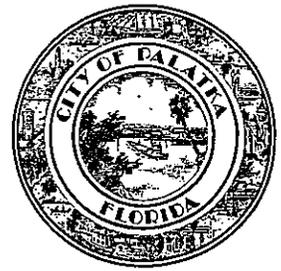
From: Debbie Banks
Sent: Tuesday, January 11, 2011 4:09 PM
To: Joff Filion; Mark Lynady; Gary Getchell
Subject: 820-2 Reid St. Conditional Use for a Church

Please review and comment. The applicant wishes to operate her church next to the Dollar store which was approved to sell beer/wine.

Thank you,
Debbie



City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177
386-329-0103 • Fax 386-329-0172



As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:

PUBLIC NOTICE

Notice is hereby given that the City of Palatka PLANNING BOARD will hold a public hearing at their regular meeting on Tuesday, February 1, 2011 at 4:00PM at City Hall, 201 North 2nd Street, Palatka, FL for the purpose of hearing a:

Request for a conditional use for a church to locate within 300' of a licensed establishment selling alcohol.

Location: 820-2 Reid St.
Parcel #: 42-10-27-6850-0610-0010
Owner: W. T. Land Trust
Agent: Sheila McCoy

All interested parties are invited to attend this public hearing.

Debbie Banks
City of Palatka
Director of Building & Zoning

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, AND FOR SUCH PURPOSE THE CITY COMMISSION WILL REQUIRE A VERBATIM TRANSCRIPT BE MADE AT THE EXPENSE OF THE APPELLANT THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED F.S. 286.0105.

PERSONS WITH DISABILITIES INTERESTED IN ATTENDING THIS MEETING AND REQUIRING ACCOMMODATIONS, SHOULD CONTACT THE CITY BUILDING DEPARTMENT AT 329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

42-10-27-6850-0680-0050
PALATKA LAND TRUST (THE)
PO BOX 115
BOSTWICK FL 32007
PB 10-39

42-10-27-6850-0690-0031
DAVOS FAMILY LAND TRUST
PO BOX 2326
Palatka, FL 32178
PB 10-39

42-10-27-6850-0600-0030
NELSON DIANE L
812 MAIN ST
Palatka, FL 32177
PB 10-39

42-10-27-6850-0600-0031
POMPI KENNETH+ROGER WALKER
7555 WALDEN CT
JACKSONVILLE FL 32244
PB 10-39

42-10-27-6850-0600-0061
FLORENCE HENRY LAMAR SR
300 N 8TH ST
Palatka, FL 32177
PB 10-39

42-10-27-6850-0570-0021
MACK CEPHUS + HELEN
708 MAIN ST
Palatka, FL 32177
PB 10-39

42-10-27-6850-0550-0010
BETHEL AFRICAN MET EP CH OF
PO BOX 1026
PALATKA FL 32177
PB 10-39

42-10-27-6850-0620-0050
JENKINS CLARICE C + CLEOTA CLARK
5818 BALTIMORE AVE
PHILADELPHIA PA 19432
PB 10-39

42-10-27-6850-0620-0010
RONI'S INC
5519 ORTEGA BLUFF LANE
JACKSONVILLE FL 32244
PB 10-39

42-10-27-6850-0670-0050
SHEFFIELD CLIFTON E + DEBRA L
201 FEDERAL POINT ROAD
E PALATKA FL 32131
PB 10-39

42-10-27-6850-0680-0010
PALATKA GAS LLC
900 REID ST
Palatka, FL 32177
PB 10-39

42-10-27-6850-0600-0022
LEE LINDA J
301 N 9TH ST
Palatka, FL 32177
PB 10-39

42-10-27-6850-0600-0060
FLORENCE HENRY LAMAR SR +GEORGIA
300 N 8TH ST
Palatka, FL 32177
PB 10-39

42-10-27-6850-0560-0010
VENUS BAHMAN+NAHID CHA REM UNITRUST
917 FIRST ST SOUTH APT 1102
JACKSONVILLE BEACH FL 32250
PB 10-39

42-10-27-6850-0620-0023
LEWIS MARIE R LIVING TRUST
4400 SAN JOSE LANE
JACKSONVILLE FL 32207
PB 10-39

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

Notice is hereby given that t

Was published in said newspaper 1 time(s) with said publication being made on the following dates:

01/14/2011

The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

Vicki Rafuse

Sworn to and subscribed to before me this 14th day of January, 2011 by Vicki Rafuse, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

Mary Kaye Wells

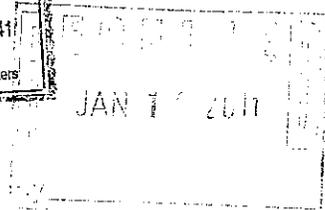
Mary Kaye Wells, Notary Public
My commission expires July 22, 2011

Notary Seal
Seal of Office:

 Personally known to me, or
 Produced identification:
 Did take an oath



PUBLIC NOTICE
Notice is hereby given that the City of Palatka PLANNING BOARD will hold a public hearing at their regular meeting on Tuesday February 1, 2011 at 4:00 PM at City Hall, 201 North Second Street, Palatka, FL for the purpose of hearing a Request for a conditional use for a church to locate within 300' of all licensed establishment selling alcohol.
Location: 820-2 Reid St.
Parcel #: 3842-10-27-6850-0610-0010
Owner: Huntley, W. T. Land Trust
Agent: Sheila McCoy
All interested parties are invited to attend this public hearing.
Debbie Banks
Director of Bldg. & Zoning
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 AND FOR SUCH PURPOSE THE CITY COMMISSION WILL REQUIRE A VERBATIM TRANSCRIPT BE MADE AT THE EXPENSE OF THE APPLICANT THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
F.S. 286.010
PERSONS WITH DISABILITIES INTERESTED IN ATTENDING THIS MEETING AND REQUIRING ACCOMMODATIONS SHOULD CONTACT THE CITY BUILDING DEPARTMENT AT (329-0103) AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.
LEGAL NO. 05510218
1/14/2011



Applicant Submittals

Application for Conditional Use

This application must be typed or printed in black ink and submitted with all required attachments and application fee of \$130 (Checks payable to the City of Palatka) to:

City of Palatka Planning & Zoning
 201 N 2nd Street
 Palatka, FL 32177

329-0103

Application Number: PB - 10 - 39
RECEIVED
Date Received: <u>NOV 22 2010</u>
Hearing date: <u>2/2/11</u>

FOR INFORMATION REGARDING THIS FORM, CALL (386)329-0103

TO BE COMPLETED BY APPLICANT		
Property Address: <u>820-2 REFO ST</u>	Parcel Number: <u>42-10-27-6850-0610-0010</u>	Current Property Use:
Lot size/acreage: <u>2.23 ACRES</u>	Number & types of structures on property:	Required Attachments:
Current Zoning Designation: <u>C-2</u>	Closest Intersecting Streets: <u>REFO ST, SE 9 ST & MAIN ST</u>	<input checked="" type="checkbox"/> Site Plan* <input type="checkbox"/> Letter of Authorization** <input type="checkbox"/> Legal Description <input type="checkbox"/> Dept. of Children & Family Services Letter (if daycare) <input type="checkbox"/> Copy of Recorded Deed <input checked="" type="checkbox"/> Fees <input checked="" type="checkbox"/> Justification Statement*** <input type="checkbox"/> Tree Survey (if applicable)
Type of Request: <u>PERMISSION TO OFFER COUNSEL SERVICES TO OUR CLIENTS</u>		
* Owner Name: <u>Bill & Bonnie Huntley Investments LTD.</u> Owner Address: <u>1890 Kingsley Avenue Suite 102</u> <u>Orange Park, Florida 32078</u> Phone Number: <u>904-272-0435</u>		
Agent Name: <u>SHEILA MCOY</u> Agent Address: <u>115 PINYON LN, PALATKA FL 32177</u> Phone Number: <u>386 328 3569-HOME</u>		

*Site Plan to include placement of structures on property, proposed ingress, egress, parking, loading/unloading area, refuse services area, and if applicable, signage, landscaping, screening & buffering and lighting. One copy to be 8 1/2 x 11 and 2 copies 11 x 17 or larger.

**Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.

*** Justification Statement should address the items as listed on the attached page.



Application Number: PB
Hearing date: 2/1/11

10. This application submitted by:

Signature of owner(s): W.T. Huntley

Print owner(s) names(s): W.T. Huntley

Signature of Agent(s): Sheila McCoy

Print Agent(s) names: SHEILA MCCOY

STATE OF Florida

County of Putnam

Before me this day personally appeared William T. Huntley who executed the foregoing application and acknowledged to and before me that he executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this 22nd day of November A.D. 2010.



John Key
Notary Public

My commission expires: June 1, 2011 State of Florida at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted <u>11/22/10</u>	2. Received By: <u>PS.</u>	3. Current Zoning: <u>C-2</u>	4. Future Land Use Category: <u>COM</u>	5. Preliminary review by: <u>OB</u>
7. Sign(s) Posted Date: <u>1/4/11</u> By: <u>EG</u>	8. Surrounding property owners notices sent: Date: <u>1/11/11</u> By: <u>OB</u>	9. Legal Ad Ran: Date: <u>To run 1/14/11</u>	10. Attachments Reviewed: <input checked="" type="checkbox"/> Site Plan* <input type="checkbox"/> Letter of Authorization** <input type="checkbox"/> Legal Description <input type="checkbox"/> Dept. of Children & Family Services <input type="checkbox"/> Letter (if daycare) <input type="checkbox"/> Copy of Recorded Deed <input checked="" type="checkbox"/> Fees <input checked="" type="checkbox"/> Justification Statement <u>Requested (12/22 recd)</u> <input type="checkbox"/> Trce Survey (if applicable)	
11. Conditions: <u>Obtain inspections from EBO + FM + comply w/ findings</u>				
12. Adjacent property zoning/FLU: North _____ South _____ East _____ West _____				

Sec. 94-3. Conditional uses.

God's Manna Inc.

After much prayer and seeking GOD to be sure of his assignment for our lives we began the steps to bring the vision to fruition.

The church was incorporated on Dec. 21, 1999, with the purpose to strengthen, develop and enhance people of the christian faith. To actively recruit and encourage new members of this faith. (In other words we are seeking people who do not attend church). Members will provide spiritual and emotional support to the community as needed.

We began in the living room of the home of James and Sheila McCoy. Our first task was to began a mission in the Deland area. After approximately a year we came back to assist at Mt. Tabor First Baptist Church. We left Mt Tabor and began services at the Ravine Gardens. After the pastor began working with the Palatka Christian Service Center and saw the need coming in the center we decided to move from a remote location to a more accessible location. We are a teaching ministry and casual dress code.

Currently we use the 880 sq ft lobby. We have 40 chairs. As we grow we plan to move to the 1000 sq ft conference room.

RECEIVED
DEC 28 2019
BY: _____

9th St

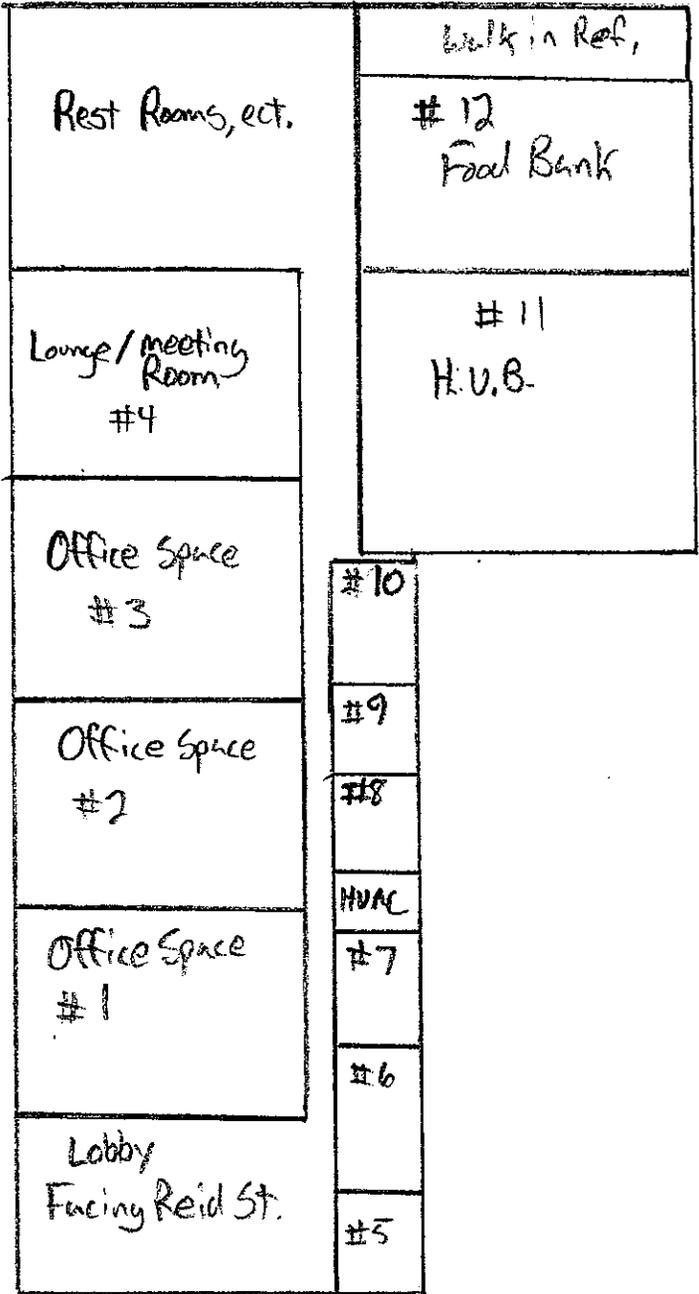
Reid St

Parking Lot

Dollar
General

Heart of Attnam

8th St.



PLANNING BOARD REPORT – FEBRUARY 1, 2011

CASE: PB 11-05

ADDRESS: 7309 Crill Avenue

REQUEST: Request for a conditional use to locate a childcare facility in C-1A zoning district

OWNER: Daryll Futch **AGENT:** April Annis

SUMMARY: The site is designated commercial on the City's adopted future land use map. The zoning is C-1A and the applicant is requesting approval to operate a childcare facility. If allowed, a new 4,200 square foot building will be constructed. The Municipal Code requires conditional use approval of this request. The applicant states she plans to be licensed for 94 children aged 3 months to 5 years and employ 8 –9 people. Operating hours will be Monday – Friday from 6:45AM to 6:00PM. In the future, other activities will be planned such as a "Parent's Night Out" and birthday parties.

Departmental Review Requests were forwarded to the Fire, Police, Sanitation, Public Works and Building Departments. Building & Police Departments responded with "No Comment." The Fire Marshal had no problem with the occupancy and will have further input on actual plans at submittal. Public Works noted a Florida Dept. of Transportation access permit will be required for Crill Ave. (HWY 20). No responses were received as a result of the advertisement or notices sent to surrounding property owners.

Compliance with Conditional Use Requirements

1. The applicant has applied for conditional use approval of a childcare facility. The zoning for the subject parcel is C-1A. Childcare facilities are permissible in the C-1A district as conditional use.
2. Section 94-3 of the Code contains the following definition that should be used by the Planning Board as a guide when considering conditional use requests. According to this section of the Code:

"A conditional use is 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. Such conditional uses may be permissible in a zoning district if specific provision for such a conditional use is made in this chapter."

3. In accordance with Section 94-3:

"Findings. Before any conditional use shall be approved, the planning board shall make a written finding that the granting of the conditional use will not adversely affect the public interest and certifying that the specific requirements governing the individual conditional use, if any, have been met by the petitioner."

From Sec. 94-3(4) of the Palatka Municipal Code:

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

Surrounding properties have future land use designations of County Urban Reserve to the north, south and west with City low density residential to the west of the subject property. The zoning pattern of the site and surrounding area is County AG (Agriculture) to the north, south and west, with City R-2 (Two-family residential) and County C-2 (Commercial) to east. The existing land use pattern in the area is mixed commercial and single-family residential. This request complies with the Comprehensive Plan elements.

- 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.

The site plan shows ingress and egress off of Crill Avenue and Round Lake Rd. The Florida Department of Transportation will evaluate and permit for Crill Avenue access. The Public Works Director, Fire Marshal and Building Official will evaluate and sign off on final plans for Round Lake Rd.

- c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection [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.

Staff is satisfied that the existing parking area meets the parking requirements of 1 space per 2 employees plus one handicap space. They anticipate having 8-9 employees which will require 5 regular parking spaces. The plans shown exceed the amount of required parking. Further evaluation will be done at final plan submittal.

- d. Refuse and service areas, with particular reference to the items mentioned in subsections [b] and [c] of this section.

The applicant has requested use of the green roll-out containers. No screening or buffering is required but containers must be placed behind the building when not at the curb for pick-up on the allocated days. In the future, if the owner opts to have a dumpster to be used by all occupants, then it must be screened.

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

Utilities are available to the site and are compatible with the needs of the proposed conditional use.

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

Screening and buffering per Table 94-304A. Category B is required for proposed uses in C-2 zoning districts where they abut property in the C-1 zoning district. However, the parcels adjacent to the east and west are County C-1 and no buffer is required. The State will required a fenced play area.

- 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.

The applicant does not indicate any signage on the application. A sign permit will be required for the installation of any new signage and must be in compliance with the Municipal Code and applicable building codes.

- h. Required yards and other open space.

The sketch plan that was submitted shows a play area but the applicant will have to meet State licensing requirements on this. The structure will comply with all City development standards.

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

This proposed Conditional Use is generally compatible with adjacent properties and other properties and uses in the district.

- 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 listed in the City's Municipal Code except that of a conditional use.

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

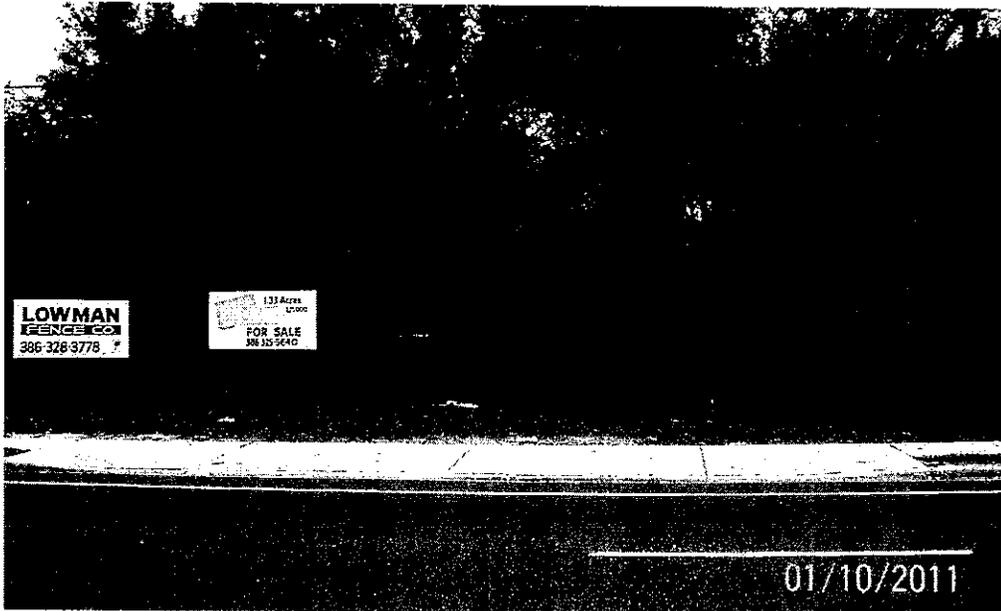
This parcel is not located in a Historic District.

Staff Recommendation

Staff recommends approval of the applicant's request for a childcare facility, subject to the conditions as listed in the Code and as listed previously in this report and the following conditions:

1. That a Business Tax Receipt be obtained from the City and the County and be maintained in an active status for the duration of the use;
2. That the grant of a Conditional Use for a child care facility shall substantially conform to the presentation made by the applicant in the application and public hearing for the Conditional Use;
3. 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.
4. That all conditions shall be met within six (6) months of approval of this Conditional Use.
5. That the applicant meets all State licensing requirements for a child care facility.
6. That a maximum of 94 children (per statement by applicant) will be allowed and operating hours will not exceed those indicated as Monday – Friday, 6:45AM – 6:00PM.
7. Other activities proposed for Parent's Night Out and birthday parties shall be approved.
8. That no occupancy is allowed prior to the issuance of a Certificate of Occupancy.

PHOTOGRAPHS



Villa Farms and a single family residence are north of this parcel and the Chevron Station is to the east. A mobile home park is to the west with single family homes to the south.

Debbie Banks

From: Mark Lynady
Sent: Thursday, January 13, 2011 3:07 PM
To: Debbie Banks
Subject: RE: plan

The plans submitted has very little information on it, but have no problem with that type of occupancy on that property. Water source and life safety code requirements will be evaluated, after full set of plans are submitted.

From: Debbie Banks
Sent: Thursday, January 13, 2011 2:00 PM
To: Gary Getchell; Joff Filion; Mark Lynady; Rhett McCamey; Woody Boynton
Subject: FW: plan

This is the plan that goes with the 7309 Crill Ave. conditional use request for the child care facility.

Thank you,
Debbie

Debbie Banks
Director of Building & Zoning
386.329.0103 (phone)
386.329.0172 (fax)
dbanks@palatka-fl.gov

From: jonathan_c_griffith@yahoo.com [mailto:jonathan_c_griffith@yahoo.com]
Sent: Thursday, January 13, 2011 1:31 PM
To: Debbie Banks
Subject: Fwd: plan

Debbie:

Here is the plan April chose. I was unable to label everything. I'll call you later today.

Jonathan

Sent from my iPhone

Begin forwarded message:

From: Jonathan Griffith <jonathan_c_griffith@yahoo.com>
Date: January 12, 2011 9:30:03 PM EST
To: april.annis@yahoo.com
Subject: plan

Debbie Banks

From: Woody Boynton
Sent: Thursday, January 13, 2011 5:21 PM
To: Debbie Banks
Subject: RE: plan

Maybe not the county it looks like round lake road in this area is ours.

From: Debbie Banks
Sent: Thursday, January 13, 2011 2:00 PM
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Subject: plan

Jonathan

Debbie Banks

From: Woody Boynton
Sent: Thursday, January 13, 2011 5:20 PM
To: Debbie Banks
Subject: RE: plan

Access permits will be required from the FDOT and the County.

From: Debbie Banks
Sent: Thursday, January 13, 2011 2:00 PM
To: Gary Getchell; Joff Filion; Mark Lynady; Rhett McCamey; Woody Boynton
Subject: FW: plan

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Date: January 12, 2011 9:30:03 PM EST
To: april.annis@yahoo.com
Subject: plan

Jonathan

Debbie Banks

From: Gary Getchell
Sent: Friday, January 21, 2011 8:10 AM
To: Debbie Banks
Subject: RE: 7309 Crill Ave. Child Care facility request

No comments

From: Debbie Banks
Sent: Thursday, January 13, 2011 12:06 PM
To: Gary Getchell; Joff Filion; Platt Drew; Rhett McCamey; Woody Boynton; Mark Lynady
Subject: 7309 Crill Ave. Child Care facility request

The attached is a request for a conditional use to open a child care facility in a C1A zoning district. If approval they will submit building plans which the CBO and Fire Marshal will review and approve. Please respond with comments or simply "No comment."

Thank you,
Debbie

Debbie Banks
Director of Building & Zoning
386.329.0103 (phone)
386.329.0172 (fax)
dbanks@palatka-fl.gov

Debbie Banks

From: Joff Filion
Sent: Tuesday, January 18, 2011 8:10 AM
To: Debbie Banks
Subject: RE: 7309 Crill Ave. Child Care facility request

Planning Director
Debbie Banks

I have no comment on the purposed child care facility.

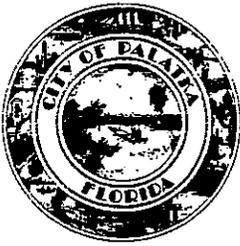
Joff Filion
CBO

From: Debbie Banks
Sent: Thursday, January 13, 2011 12:06 PM
To: Gary Getchell; Joff Filion; Platt Drew; Rhett McCamey; Woody Boynton; Mark Lynady
Subject: 7309 Crill Ave. Child Care facility request

The attached is a request for a conditional use to open a child care facility in a C1A zoning district. If approval they will submit building plans which the CBO and Fire Marshal will review and approve. Please respond with comments or simply "No comment."

Thank you,
Debbie

Debbie Banks
Director of Building & Zoning
386.329.0103 (phone)
386.329.0172 (fax)
dbanks@palatka-fl.gov



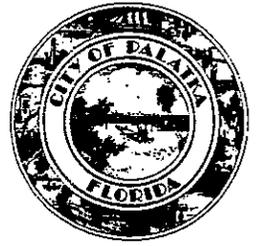
City of Palatka

Building & Zoning

201 N. 2nd Street

Palatka, Florida 32177

386-329-0103 • Fax 386-329-0172



As an owner of adjacent property, you are hereby notified of a pending action before the Planning Board which may be of concern to you:

PUBLIC NOTICE

Notice is hereby given that the **CITY OF PALATKA PLANNING BOARD** will hold a public hearing on February 1, 2011 at 4:00 P.M. at City Hall, 201 N 2nd St. for the purpose of hearing the following matter:

Request for a conditional use to operate a child care facility in a C-1A zoning district.

Case: PB 11-05

Location: 7309 Crill Avenue (09-10-26-0000-0340-0000)

Owner: Daryll Futch **Agent:** April Annis

All interested parties are invited to attend this public hearing.

Debbie Banks
Director of Building & Zoning

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 THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE BUILDING DEPT. AT (386)329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

09-10-26-0000-0340-0040
WICKS THOMAS A + DORIS A H/W
105 ROUND LAKE RD
PALATKA FL 32177

PB 11-05

09-10-26-0000-0800-0010
WOODARD JO + JO LEE FRENCH
106 ROUND LAKE RD
PALATKA FL 32177

PB 11-05

09-10-26-0000-0760-0020
HAYES DANA L+JON L REVELS REV TRUST
8950 COWPEN BRANCH RD
HASTINGS FL 32145

PB 11-05

09-10-26-0000-0290-0000 & 0290-0010
HERRINGTON W J + EDITH T LIFE EST
7320 CRILL AVE
PALATKA FL 32177

PB 11-05

09-10-26-0000-0270-0000
CLAY ELECTRIC COOPERATIVE INC
PO BOX 308
KEYSTONE HEIGHTS FL 32656

PB 11-05

09-10-26-0000-0330-0000
CAPLINGER HAROLD D + MARISSA L HW
7331 CRILL AVE
PALATKA FL 32177

PB 11-05

09-10-26-0000-0340-0100
GIBSON LLOYD T + LISA HW
7321 CRILL AVE
PALATKA FL 32177

PB 11-05

09-10-26-0000-0800-0000
MILLS MICHAEL M
3311 CRILL AVE
PALATKA FL 32177

PB 11-05

0280-0000

OR 468 P118

(BK 186 P544
BK 103 P176)

HERRINGTON, W.J., JR.
(VILLA FARMS)

ORD. 83-16

1326.35'

N 70° 32' 21" E

9005
0770
0002

TIERRA WINDS DIV

9005-0770-0000

ORD 85-15

OR 50 P1983

0290-0010

0290-0000

OR 325
P1182

BK 186 P542

0270-0000

BK 226 P660

CLAY ELECTRIC COOPERATIVE

460.75'

GRILL AVENUE

ORD 87-15

0770-0154

OR 872
P1816

0760-0010

0760-0000

BK 215
P 311

OR 284 P221

OR 397 P837

0760-0020

OR 461 P705
AYES

0800-0010

OR 257 P27 1/2

0800-0010

BK 178
P 191

0800-0000 BK 176 P191

0800-0020

OR 485 P1559

RUS

000

125'

0530-0020

OR 103 P672

130'

0420-0000

OR 104 P474

OR 864 P1156

OR 859 P1372

10-63'

0330-0000

BK 187 P30

0-0000

15 P342

31 P423)

ENNET

OR 358 P504

OR 358 P503

OR 358 P500

OR 358 P504

32.5'

0340-0010

OR 369 P49

0342-0000

OR 246 P540

0342-0000

OR 197 P393

0340-0032

OR 246 P451

0340-0031

OR 256 P667

0340-0033

OR 248 P37

0340-0090

OR 325 P618

0340-0100

OR 559 P1506

200.08'

43.99' 492.53 N89°30'41" W

90.0' 90.0' 90.0' 90.0' 90.0' 90.0'

KELLEY SMITH SCHOOL ROAD

16-10-26

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Request for a conditional use to operate a childcare facility in a C - 1A zoning district.
Case: PB 11 -05

Location 7309 Crill Avenue
(09-10-26-0000-0340-0000)

Owner: Daryll Futch
Agent: April Annis

All interested parties are invited to attend this public hearing.

Debbie Banks
Director of Bldg. & Zoning

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LEAGL NO. 02549584
01/15/2011

Legal

2011

*ok
w/correction
vicki 1:00
1/11/11
RDB*

Applicant Submittals

(386) 329-0172

Application for Conditional Use

This application must be typed or printed in black ink and submitted with all required attachments and application fee of \$130 (Checks payable to the City of Palatka) to:

City of Palatka Planning & Zoning
201 N 2nd Street
Palatka, FL 32177

Application Number: PB-11-05
Date Received: 1-7-11
Hearing date: 2-1-11

FOR INFORMATION REGARDING THIS FORM, CALL (386)329-0103

TO BE COMPLETED BY APPLICANT		
1. Property Address: 7309 Crill Ave	2. Parcel Number: 09-10-26-0000-0340-0000	3. Current Property Use: vacant
4. Lot size/acreage: 1.19	5. Number & types of structures on property:	6. Required Attachments: <input checked="" type="checkbox"/> Site Plan* <input checked="" type="checkbox"/> Letter of Authorization** <input checked="" type="checkbox"/> Legal Description <input type="checkbox"/> Dept. of Children & Family Services Letter (if daycare) <input checked="" type="checkbox"/> Copy of Recorded Deed <input checked="" type="checkbox"/> Fees <input type="checkbox"/> Justification Statement*** <input type="checkbox"/> Tree Survey (if applicable)
7. Current Zoning Designation: CIA	8. Closest Intersecting Streets: HW20 & Roundlake Rd.	
8. Owner Name: Daryll Futch		
Owner Address: _____		
Phone Number: 904-669-0138		
9. Agent Name: April Annis		
Agent Address: 512 N. Tree Garden Dr. St. Augustine, FL 32086		
Phone Number: 386-937-2379		

*Site Plan to include placement of structures on property, proposed ingress, egress, parking, loading/unloading area, refuse services area, and if applicable, signage, landscaping, screening & buffering and lighting. One copy to be 8 1/2 x 11 and 2 copies 11 x 17 or larger.

**Letter of Authorization for Agent is required if any person other than the property owner makes the application and acts on behalf of the owner.

*** Justification Statement is attached. These questions will be addressed by the Planning Board.

Application Number: PB - 11-05

Hearing date: 2/1/11

10. This application submitted by:

Signature of owner(s): [Signature]

Print owner(s) names(s): Darryll Futch

Signature of Agent(s): [Signature]

Print Agent(s) names: April Annis

STATE OF Florida

County of Putnam

Before me this day personally appeared Darryll Futch who executed the foregoing application and acknowledged to and before me that He executed this document for the purposes therein expressed.

WITNESS my hand and official seal, this 12 day of January A.D. 2011.



Kathy L. Popecki
Notary Public

My commission expires: Sept 18, 2011 State of Florida at Large

FOR OFFICIAL USE ONLY				
1. Date Submitted <u>1/7/11</u> <u>1/12/11</u>	2. Received By: <u>PS</u>	3. Current Zoning: <u>CIA</u>	4. Future Land Use Category: <u>COM</u>	5. Preliminary review by: <u>DB</u>
7. Sign(s) Posted Date: <u>1/7/11</u> By: <u>EG</u>	8. Surrounding property owners notices sent: Date: <u>1/7/11</u> By: <u>DB</u>	9. Legal Ad Ran: Date: <u>1/14/11</u>	10. Attachments Reviewed: <input checked="" type="checkbox"/> Site Plan* <input checked="" type="checkbox"/> Letter of Authorization** <input checked="" type="checkbox"/> Legal Description <input type="checkbox"/> Dept. of Children & Family Services <input checked="" type="checkbox"/> Letter (if daycare) <input type="checkbox"/> Copy of Recorded Deed <input checked="" type="checkbox"/> Fees <input checked="" type="checkbox"/> Justification Statement <input type="checkbox"/> Tree Survey (if applicable)	
11. Conditions:				
12. Adjacent property zoning/FLU: North <u> </u> / <u> </u> South <u> </u> / <u> </u> East <u> </u> / <u> </u> West <u> </u> / <u> </u>				

Sec. 94-3. Conditional uses.

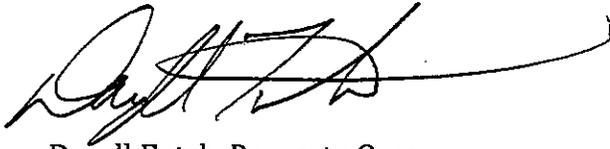
Justification Statement for 7309 Crill Ave. Palatka, Fl

The following justification statement is for the proposal for the conditional land use for childcare center on 7309 Crill Ave. Round Lake Academy, established in 2011, will be a mid-sized facility that will be licensed for 94 children. The 4,200s.f. facility will have 6 classroom for ages 3 months-5 yrs of age and a 1,200s.f. indoor gym. Our facility will be able to service ages 3mo-5 years old, as well as after school care. Our hours of operation will be Monday-Friday 6:45a.m.-6p.m. We will also have a "Parent Night Out" once a month from 6p.m. to 11p.m. on a Friday night. Birthday Parties will also be offered starting in 2012 and will be held on Saturday's and possibly Sunday's.

Round Lake Academy will bring a safe and secure preschool to the Putnam County area, providing parents with an excellent place where their children can be taken care of and learn.

To whom it may concern,

I (Daryll Futch) designate April Annis to be an agent for the 7309 Crill Ave. future land use and annexation process.



Daryll Futch, Property Owner



April Annis, Agent

RECEIVED
NOV 12 2010
BY: _____

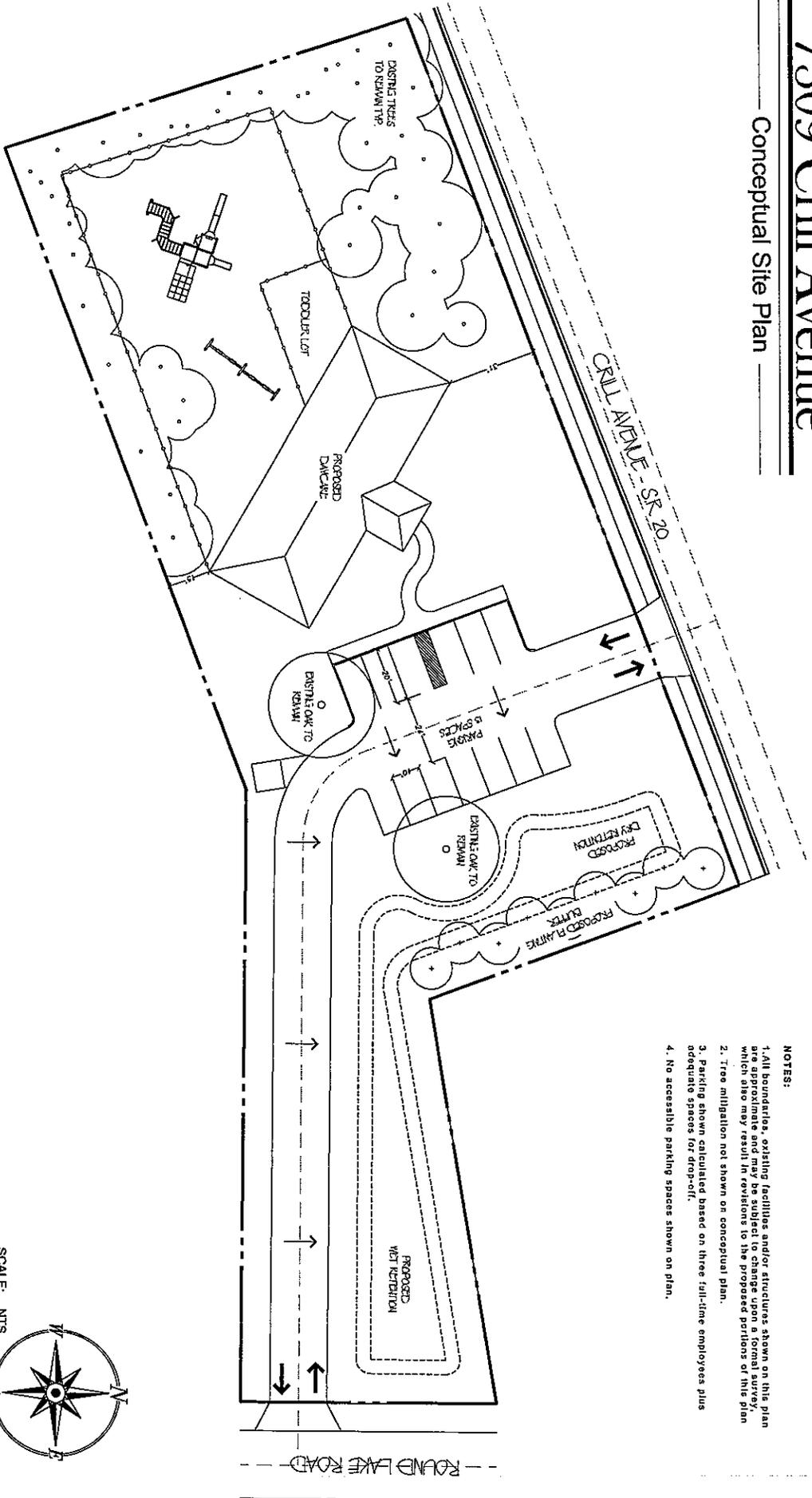


DONNA L. TAYLOR
Notary Public, State of Florida
My Comm. Expires Feb. 5, 2011
Comm. No. 00 636254

Donna L. Taylor
11/09/10

7309 Crill Avenue

Conceptual Site Plan



NOTES:

1. All boundaries, existing facilities and/or structures shown on this plan are approximate and may be subject to change upon a formal survey, which also may result in revisions to the proposed portions of this plan.
2. Tree mitigation not shown on conceptual plan.
3. Parking shown calculated based on three full-time employees plus adequate spaces for drop-off.
4. No accessible parking spaces shown on plan.

ETCHES LANDSCAPING

123 POOR FARM RD,
DALLAS, TEXAS 75217
TEL: 972-333-1111
WWW.ETCHESLANDSCAPING.COM

Jonathan Griffith Landscape Design

100 WATER OAK COURT
EAST WICHITA, KS 67218
TEL: 316-262-1111
WWW.JONATHANGRIFFITH.COM