



CITY OF PALATKA PLANNING BOARD AGENDA

December 6, 2011

1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the November 1, 2011 meeting.
4. Appeal procedures and ex parte communication.
5. **NEW BUSINESS**

Case 11-42 Request to annex property into the Palatka city limits, amend the Future Land Use Map from County US (Urban Service) to RL (Residential Low Density) and rezone from County R-1 (Residential, Single-family) to R-1 (Single-family Residential).

Location: 718 Elmwood Ave. (11-10-26-0000-0300-0000)

Owner: John W White and Larue Greathouse

Case 11-47 Request for a conditional use for a fast food restaurant, in a C-1 zoning district.

Location: 700 S. Palm Ave.

Parcel #: 11-10-26-0000-0220-0000

Owner: Schiano Family Trust

Applicant: Larry Raikes

Case 11-48 Request for a rezoning from County AG (Agriculture) to R-3 (Multi-family Residential).

Location: 6805 St. Johns Ave.

Parcel #: 09-10-26-0000-0010-0011

Owner: Arbor Place Partners, LLP

Applicant: Robert A Guirlinger

Case 11-49 To consider an administrative text amendment to the Future Land Use Element of the Comprehensive Plan to extend the Community Redevelopment Area Plan through November 10, 2043 (Policy A.1.2.2):

Case 11-50 Amend Zoning Code Section 94-201 to allow for additional goods to be sold at Farmer's Markets.

Case 11-29 To consider an administrative text amendments to the City of Palatka Municipal Code amending Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered landscape architect or a similarly qualified and regulated professional.

6. 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.





CITY OF PALATKA PLANNING BOARD

Meeting Minutes November 1, 2011

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Earl Wallace, Anthony Harwell, Kenneth Venables and Sharon Buck. **Members absent:** Joe Pickens and Joseph Petrucci. **Also present:** Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion made by Mr. Sheffield and seconded by Mr. Venables to approve the minutes of the October 4, 2011 meeting. All present voted affirmative. Motion carried.

Chairman Stewart read the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

OLD BUSINESS

Case 11-41 (continued from the October 4, 2011 meeting)

Request for the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

Sign Standards:

In Section 62.1 amend definition for banner signs to exempt such signs from review and clarify allowable size and materials; provide definitions for bulletin board signs, downtown gateway signs, downtown street art signs, educational/interpretative signs, gasoline price signs, and menu pricing boards, amend definitions for changeable copy signs, (electronic) changing signs, and directional signs, and indicate where such signs are allowed; and indicate where such signs are allowed; eliminate the exclusion from maximum number of signs for owner identification signs; clarify the maximum sign square footage for freestanding signs; eliminate the restriction that walls signs only be allowed in C-1, C-2, C-3, and M-1 zoning districts; prohibit portable signs; and require landscaping areas around new signs.

Promotional Banner signs: banners are currently only allowed in association with special events 30 days prior to event, must be on temporary structures, and require 8' feet of vertical clearance above sidewalk). Other than these types of temporary banners, the Code does not allow banners (including Grand Opening, Going Out of Business, and Promotional Sales banners, as well as public/quasi public banners not part of Special Events that announce various events or activities.)

Mr. Crowe advised that there has been a shift in gears somewhat with regards to the banners, after continued discussions with the City Manager, the special event folks and some business owners. It was determined from staff's perspective that probably the best thing to do during these current times with new businesses trying to get off the ground and limited enforceability as complaint driven code enforcement would be to allow banners for new businesses, not to exceed 50 square feet on buildings or on signs. Such signs would be temporary signs and limited to 60 days and made of a durable material. They would not be reviewed or permitted or regulated, much like fences but they would have to meet standards.

Mr. Venables asked if this would pertain to the banners we talked about for across the street.

Mr. Crowe advised that those are special event banners and are under the auspice of Special Events.

Ms. Buck asked if this would allow the banners that are put up on the overpass on 9th street.

Mr. Crowe replied no, that those are illegal signs.

Motion made Mr. Venables and seconded by Mr. Sheffield to approve owner Identification signs as submitted by staff. All present voted affirmative. Motion carried.

Owner Identification Sign: The Sign Code defines this sign type as “any sign where the matter displayed is used principally to indicate the name or character of the primary use.” Owner identification signs are excluded from the limitation of not more than two (permitted) signs per property (Sec. 62-5).

Mr. Crowe explained that given the large sign size allowed (96 square feet for freestanding signs and signs attached to buildings and 200 square feet for wall signs). He stated that he does not support this exclusion as the business name or logo is usually on their main sign. He recommended eliminating the exclusion of the owner identification sign from the code.

Motion made by Mr. Sheffield and seconded by Mr. Venables to approve the amendment to owner identification signs with staff recommendations. All present voted affirmative. Motion carried.

Clarify the maximum sign square footage for freestanding signs: to amend this section to state that the two-sign limitation refers to sign structures, is for lots with less than 200 feet of frontage, and does not include window signs.

Mr. Crowe explained that there is confusion with maximum size as it refers to sign, leaving it unclear as to whether that applies to each sign or each component of a sign. In the past, staff has viewed the multiple component type signs as one sign. He added that the recommended change would clarify that the maximum sign square footage is for overall structure. Secondly the two-sign limitation would be for lot with less than 200 feet of frontage.

Motion made by Mr. Venables to approve as presented. Question called: Ms. Buck wanted Mr. Crowe to confirm the proposed maximum square feet of sign structure. Mr. Crowe advised that it would remain at 96 sq. ft. Motion seconded by Mr. Sheffield. All present voted affirmative. Motion carried.

Wall Sign Prohibition in Certain Zoning Districts: the Sign Code limits wall signs to the C-1, C-2, C-3, and M-1 zoning districts. This prevents its use in downtown and public zoning districts, where such signs are commonly found and are appropriately located. Staff recommends eliminating this prohibition.

Mr. Crowe explained that this revision is intended simply to eliminate the restriction that walls signs “only” be allowed in the commercial and industrial zoning districts, that the way the code is written now, all zoning districts list the types of signs that are allowed and there are a number of other districts that wall signs would be appropriate, including the Downtown districts.

Motion made by Mr. Sheffield and seconded by Mr. Wallace. All present voted affirmative. Motion carried.

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Prohibit portable signs - there currently are no real standards in place if the planning board would agree that they are unsightly, also that banners have pretty much replaced these temporary portable signs, for such things as grand openings.

Discussion took place regarding grandfathered existing permitted signs and windsock type inflatables.

Motion made by Mr. Venables and seconded by Ms. Buck to approve by as submitted. All present voted affirmative. Motion carried.

Landscaping around signs. Landscaping effectively frames signs and provides an attractive entry point for a business, and also “softens” the appearance of signs, particularly with large and tall signs allowed in the City. Staff recommends a simple standard that requires landscaping areas around the base of the sign, sized at or above the square footage of the sign to be installed, and including shrubs and groundcover plants.

Mr. Crowe advised that unlike the sign codes of many other jurisdictions, the City’s code does not require any landscaping around signs. He stated that the language would be pretty simple, just that there would be some landscaping or shrubs, to provide a little bit of an attractive area around. Typically you will see this when new business comes in.

Motion made by Mr. Sheffield and second by Mr. Venables to approve staff’s recommendation for landscaping requirement around signs as submitted. All present voted affirmative. Motion carried.

Discussion ensued regarding policing the amendments being put in place. Mr. Crowe advised that the proposed revisions are basically for new signs coming in. That he has been working towards making the sign code reflect more accurately what is out there, and get some coherency to it, so when a new business comes in they won’t have such restrictive standards that they cannot get a sign that is generally similar in size to their neighboring businesses and compete fairly.

NEW BUSINESS

Case 11-40 **Address:** **3303 Reid Street**
Parcel #: 02-10-26-0000-0090-0021
Owner: Tony Alfiero
Applicant: Brian & Julia Warwick

Mr. Crowe gave an overview of the proposed request and reviewed the applicant’s site plan. He stated that the proposed use is for repair of industrial equipment to be repaired inside the building. This is an existing commercial building in a pretty heavy commercial area. The request meets all applicable standards for conditional use consideration. He stated that the landscaping code issues have been discussed with the applicant and he recommended approval with the following conditions:

1. The use is approved for a machine shop and also fabrication.
2. Repair and fabrication must occur within the building.
3. At the Applicant’s choice, the use must comply with existing landscape buffering and screening standards or any such revised standards upon their adoption. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval.

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4. Parking spaces should be striped.
5. The dumpster must be screened according to standards of Zoning Code.
6. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
7. All other applicable standards of the Municipal Code must be met.

Mr. Warwick was present and advised that he will employ approximately 15 persons and eventually expects to expand and add a piping division. Primarily this will be a base location for services that they provide elsewhere, and when the need for repairs that cannot be done offsite, then they will do them inside this building. He advised that they provide these services now, working out of a warehouse type situation but that they needed a bigger building with offices and conference/plan review area. He ended by saying that there are business opportunities now that he is losing out on because he does not have the facility to accommodate the need.

Ms. Buck asked Mr. Warwick if this was a tool and die type shop.

Mr. Warwick replied that no, that the equipment they repair can range from the size of a car to something that would fit on your desk.

Ms. Warwick advised that this is primarily a base for their field operations that 80 to 90% of the repair services are provided as onsite services. Occasionally they must remove the pump or motor and bring it in for repair or servicing.

Motion made by Mr. Venables and seconded by Ms. Buck to approve the request with staff recommendations. All present voted affirmative. Motion carried.

Case 11-44	Address:	500 N. State Rd. 19
	Parcel #:	02-10-26-0000-0420-0020
	Owner:	Lowe's Home Center Inc.
	Applicant:	D. Eagle Rentals

Request for a conditional use; for the sale of seasonal goods or commodities (Christmas Trees) in a C-2 zoning district.

Mr. Crowe gave an overview explaining that the main reason that these types of things are reviewed as a conditional use is because generally they are set up in the parking lot and certain safety aspects can be reviewed. He stated that he did have some concern regarding the north entrance area where the trucks enter and then loop out, as the tent sales area will be set up in that area, but he did speak to the tent installer and the store manager and they advised him that their vehicles will have plenty of room to navigate as well as the option to continue around the back of the store. He recommended approval of the request seasonal goods sale of Christmas trees for 30 days, between November 15th through December 15th, in accordance with the Applicant's site plan, and with the condition that a clear path for pedestrian traffic be present from the store entrance and garden center entrance to the tree tent. A tent permit will be required with a copy of the fire retardant certificate at the time of permit issuance. An additional business regulatory fee is required, equal to .5 percent of the total value of goods offered, not to exceed \$1,500. Proof of the value of the goods must be provided at the time of the fee payment prior to the event.

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Heather, a Human Resource Manager for Lowes was present and stated that they would like the ability to continue the tree sales for longer than the 30 days.

Discussion ensued regarding the Board's desire to have staff review this portion of the code for a possible amendment to the 30 day limitation.

Motion made by Mr. Sheffield and seconded by Mr. Harwell to approve the request with staff recommendation. All present voted affirmative. Motion carried.

OLD BUSINESS continued

Allow PUDs in PB & OPF Amend Chapter 94 (Zoning) Section 94-111(b) to allow the Planned Unit Development Zoning District within the Public Buildings and Grounds and the Other Public Facilities (comprehensive plan map) land use categories.

Mr. Crowe advised that PUD's are allowed in most other non-residential zoning districts and realized the need for this as there has been discussion of the Emergency Management Services considering locating a warehouse near a multifamily zoning district and an application for rezoning was received from the School District for the Moseley warehouse on Husson Avenue. He recognized the objection of the neighbors for the warehouse facility. He stated that the goal is to try and work with the two parties in an effort to come up with a middle ground solution possibly. If you have the ability to do a PUD it might give the applicant and the City a tool to come up with a more unique, customized zoning district that looks to protecting residential areas protecting compatibility and we would like to have that in these two land use categories, as we do have some pretty intense public uses.

Mr. Stewart commented that this consideration would not mean that the Board is necessarily in favor of the warehouse being over there.

Mr. Venables asked if the hours of operation could be negotiated into the PUD.

Mr. Crowe agreed, and said that everything is on the table, and both parties have to agree to the conditions of the PUD but it is ultimately up to the School board to submit the application and be in charge of what it is they are ultimately requesting. Stating that his job is to work with the applicant and the neighborhood to hopefully come up with a compromise that would allow the use to remain and provide conditions to protect the neighborhood.

Motion made by Mr. Venables and seconded by Mr. Harwell to approve the request authorizing Mr. Crowe the ability to move forward with this request. All present voted, resulting in 5 yeas and 1 nay. Motion carried.

Required Parking Exemption for Downtown Single Residential Units Amend Chapter 94 (Zoning) Section 94-161(i) and Section 94-162(i) to exempt the minimum parking requirement for single residential units within buildings within the Downtown Business and Downtown Riverfront zoning districts.

Mr. Crowe explained we have had a number of requests in the downtown area for upper floor residences and the hardship is that most of these buildings do not even have parking so the intent is to exempt the single residential uses on the upper floor them, and that it is typical for small cities and downtowns to have what is called de minimums exemptions.

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Mr. Venables requested clarification as to whether the exemption was referring to each building with multiple single residential units or one building with only one unit.

Mr. Crowe advised that it is per building with one residential unit, that those commercial buildings with multiple residential units would have to provide parking for those residential units. He further explained that eventually all cities have to do this. That the current infrastructure project going on at the riverfront includes renovating and providing additional parking. Eventually there will have to be small structured parking lots scattered throughout downtown, and possibly sometime in the distant future, there will have to be a parking structure as well. He stated that this is a judgment call, but he believed that at this time, the collective impact of the single residential units above the first floor will not have significant to the available parking downtown.

The overall consensus of the Board was that they liked the idea of encouraging people to move downtown.

Motion made by Mr. Venables and seconded by Mr. Harwell to approve as submitted. All present voted affirmative. Motion carried.

Reduction of Minimum Parking Space Size Amend Chapter 94 (Zoning) Section 94-261(f) to reduce the minimum size of parking spaces from 10 feet by 20 feet to 9 feet by 18 feet, and to allow for compact car spaces sized at 7.5 feet by 16 feet with compact spaces not to exceed 25% of total required parking spaces.

Mr. Crowe advised that he has looked a lot of other communities and it is pretty standard to have 9 feet x 18 feet standard parking spaces. We currently have a 10 feet x 20 feet standard space requirement and provide no compact car space requirements. He said that the City has embarked on a green sustainable program, it is in the infant stages of that, but we are looking at ways that we can reduce not only environmental impacts, but costs for new developments,

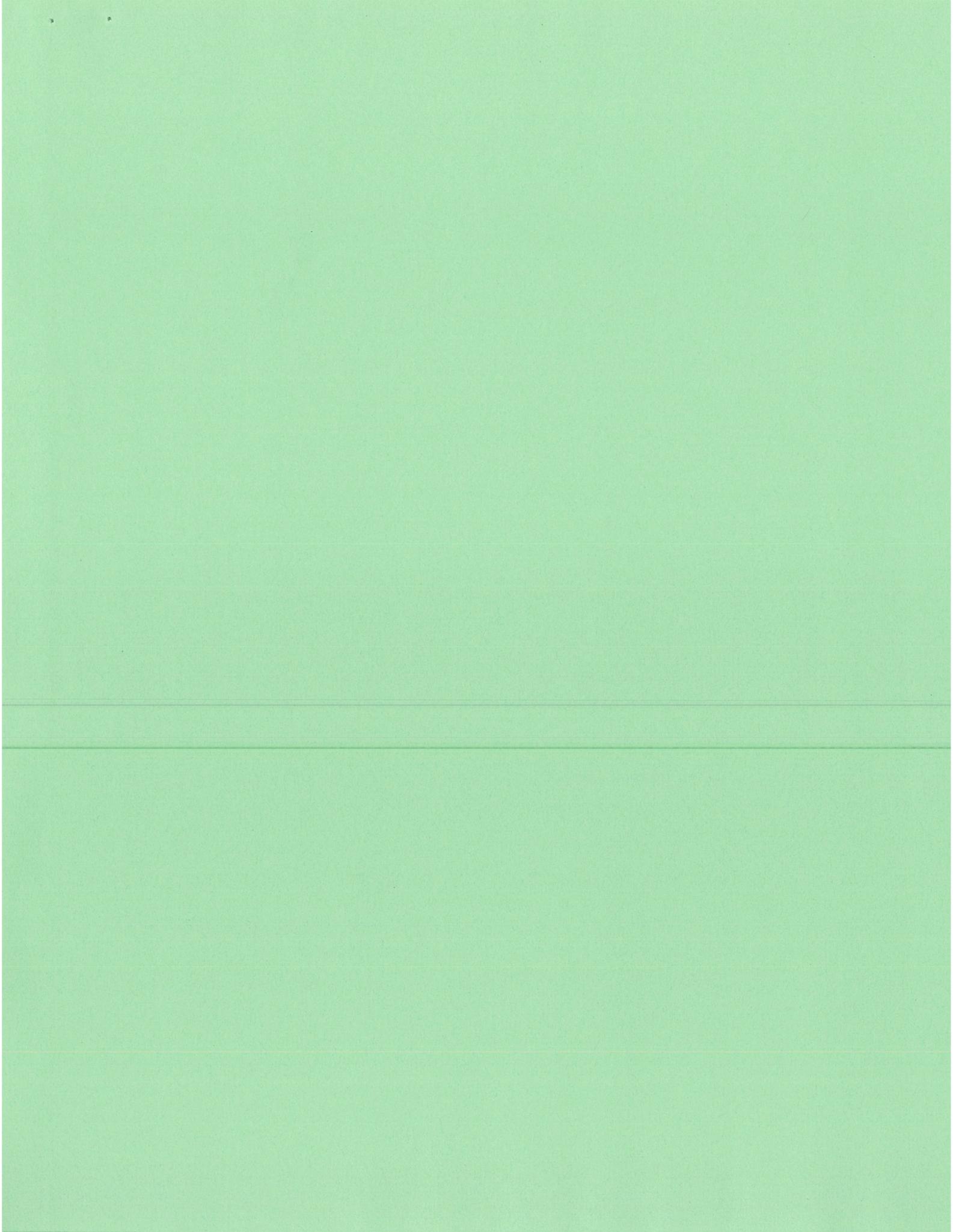
Ms. Buck asked how many parking spaces this change would create for the downtown area.

Mr. Crowe advised that this was not so much geared toward downtown, but rather parking lots and new developments.

Discussion regarding keeping the parking spaces size requirements.

Motion made by Ms. Buck and seconded by Mr. Sheffield to deny the request as submitted. Discussion continued regarding keeping the parking spaces size requirements. Ms. Buck amended the motion to approve the portion of this request to require compact spaces not exceed 25% of the total required parking spaces, but to deny the portion of the request pertaining to standard parking space size reduction. All present voted affirmative on the amended motion. Motion carried.

With no further business, meeting adjourned at 5:00 p.m.



Case 11-42: 718 Elmwood Ave.
Request to Annex, Amend Comprehensive Plan Map to RL,
and Rezone to R-1
Applicant: John W. White & Larue Greathouse

STAFF REPORT

DATE: November 29, 2011
TO: Planning Board members
FROM: Thad Crowe, AICP, Planning Director

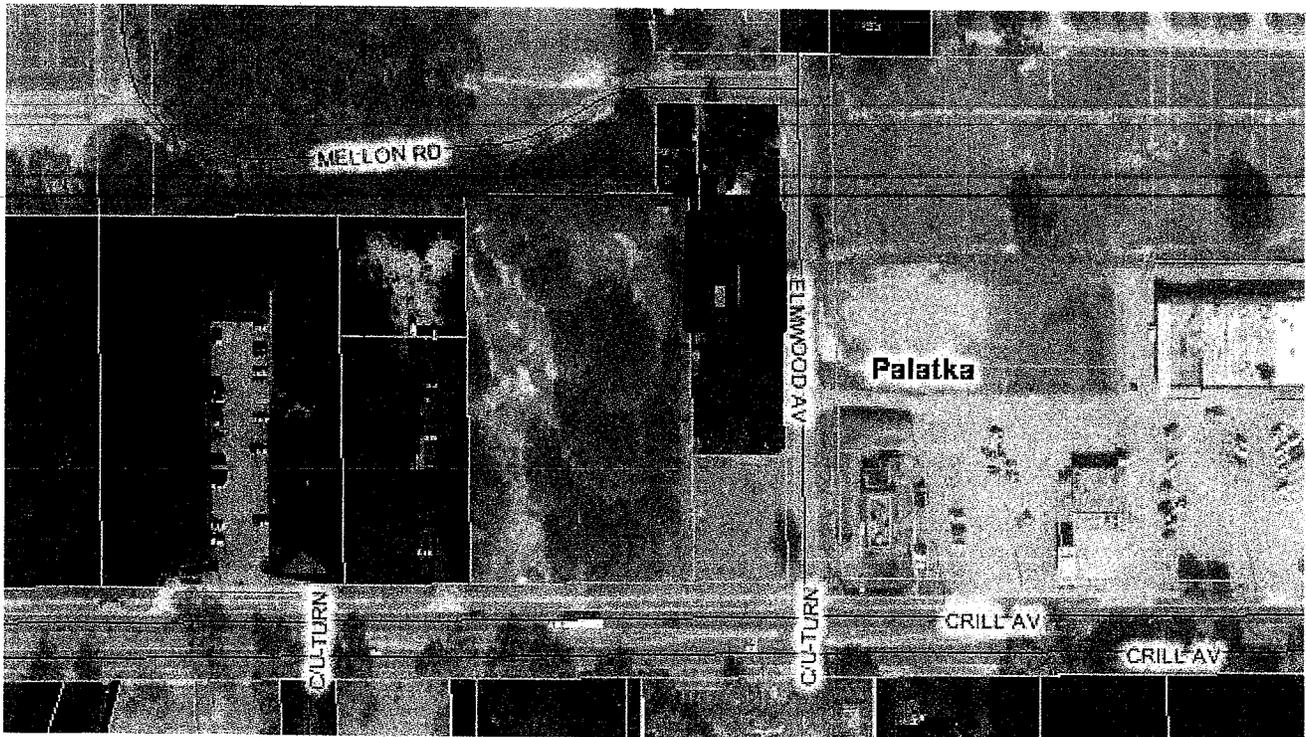
APPLICATION REQUEST

To annex, amend FLUM from County US (Urban Services) to RL (Residential Low Density), and rezone from County R-1A Residential, Single Family) to R-1 (Single-Family Residential). Required 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.

APPLICATION BACKGROUND

This property is located on this residential street three lots north of Crill Avenue. Six homes on the 26 residential properties on this three-block stretch of Elmwood have been annexed into the city.

Figure 1: Sites and Vicinity Map



The properties under consideration currently have County single-family land use and zoning. The following table shows site and surrounding property use classifications (see also attached maps).

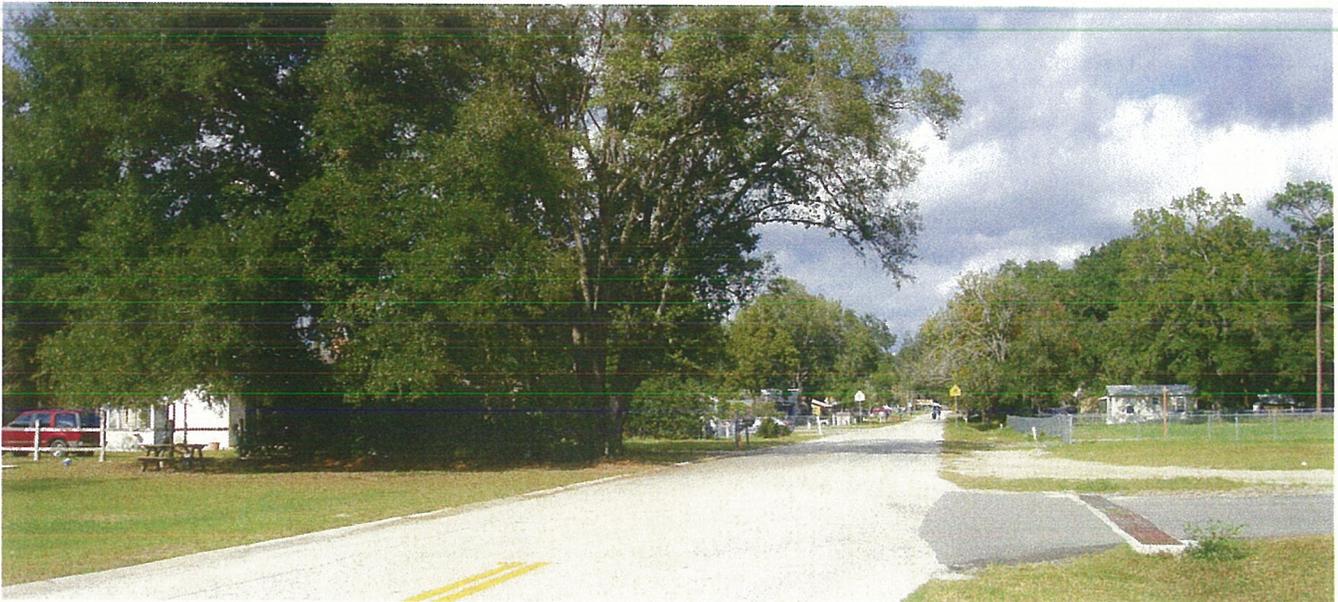
Table 1: Use Classifications

Property	FLUM	Zoning	Existing Use
Site	(County) US (Urban Services)	(County) R-1A (Single Family)	Single-family home
Property to North	(County) US (Urban Services)	(County) R-1A (Single Family)	Single-family home
Property to South	OPF (Other Public Facilities)	(County) R-1A (Single Family)	Single-family home
Property to West	RH (Residential High Density)	R-3 (Multi-Family Residential)	Senior housing complex
Property to East (across Elmwood)	COM (Commercial)	C-2 (Intensive Commercial)	undeveloped



Figure 2: Site (above)

Figure 3: Elmwood Ave. north of site (below)



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. The definition further states that a road that comes between property boundaries and the municipal boundary shall not prevent annexation. The properties are contiguous to the city limits, which run along the east side of Elmwood Avenue, as well as to the west of the property. Therefore the properties are considered to be contiguous.

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 create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the properties meets the standard of compactness as it is reducing an existing enclave.

Future Land Use Analysis

The 2011 Florida House Bill 7129 provides amended criteria for consideration of comprehensive plan amendments under F.S. 163-3187, shown in italics below (staff response follows each criterion, and comprehensive plan extracts are underlined).

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

The application 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

Land Development Regulations adopted, to implement this Plan shall be based on the following land use standards:

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.

The existing residence on the property in question is in keeping with the description of the Residential Low Density FLUM category above.

Provide analysis of the availability of facilities and services.

The properties are in close proximity to a range of urban services and infrastructure. Both a water line and sewer line runs along Elmwood Avenue adjacent to the properties.

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.

Assigning a City FLUM category to the properties is appropriate given that the small size of the lots in the surrounding Palatka Heights neighborhood is more in keeping with an urban designation. Also with small lots there is potential for septic tank failure and environmental degradation – City FLUM designation carries with it the connection to City sewer and water, which is not an option for County FLUMs.

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

Lots in the neighborhood are generally around 1/3 acre in size, which is not considered to be low-density development.

- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*

The location is not a rural area and is within the Palatka urban area.

- *Radial, strip, isolated, or ribbon development patterns.*

Not applicable since this is not commercial development.

- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*

Not applicable since this is existing development.

- *Development that fails to maximize use of existing and future public facilities and services.*

These properties are well-situated to utilize 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.*

Given their location with an urban service area, these properties can be efficiently served.

- *Development that fails to provide a clear separation between rural and urban uses.*

These properties are within an urban area.

- *Development that discourages or inhibits infill development and redevelopment.*

Not applicable as these properties are within a developed urban area.

- *Development that fails to encourage a functional mix of uses.*

Not applicable as these properties are single residential parcels.

- *Development that results in poor accessibility among linked or related land uses.*

Not applicable as these properties are single residential parcels.

Rezoning Analysis

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff response 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.

As previously noted, the application is in keeping with the following objective and policies of the comprehensive plan, and does not conflict with other plan elements.

b. The existing land use pattern.

The property is an existing use and is consistent with current County and proposed City single-family residential FLUM and zoning designation.

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

Both the City and County portions of Elmwood Avenue are already zoned for single-family uses.

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

As an existing single-family use, impacts to City facilities will be marginal.

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

See response to c. above.

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

Conditions have not changed.

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

The change will not adversely affect living conditions in the surrounding neighborhood as the use is a compatible single-family use.

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

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

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

Not applicable as this is an existing use.

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

See response to g. above.

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

Not applicable as this is an existing use.

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

Providing a zoning designation to a property that is compatible with the existing use and surrounding neighborhood is not a grant of special privilege.

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

Not applicable as the City single-family zoning will be the same as the current County zoning.

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

See response to g. above.

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

Not applicable due to existing use.

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.*

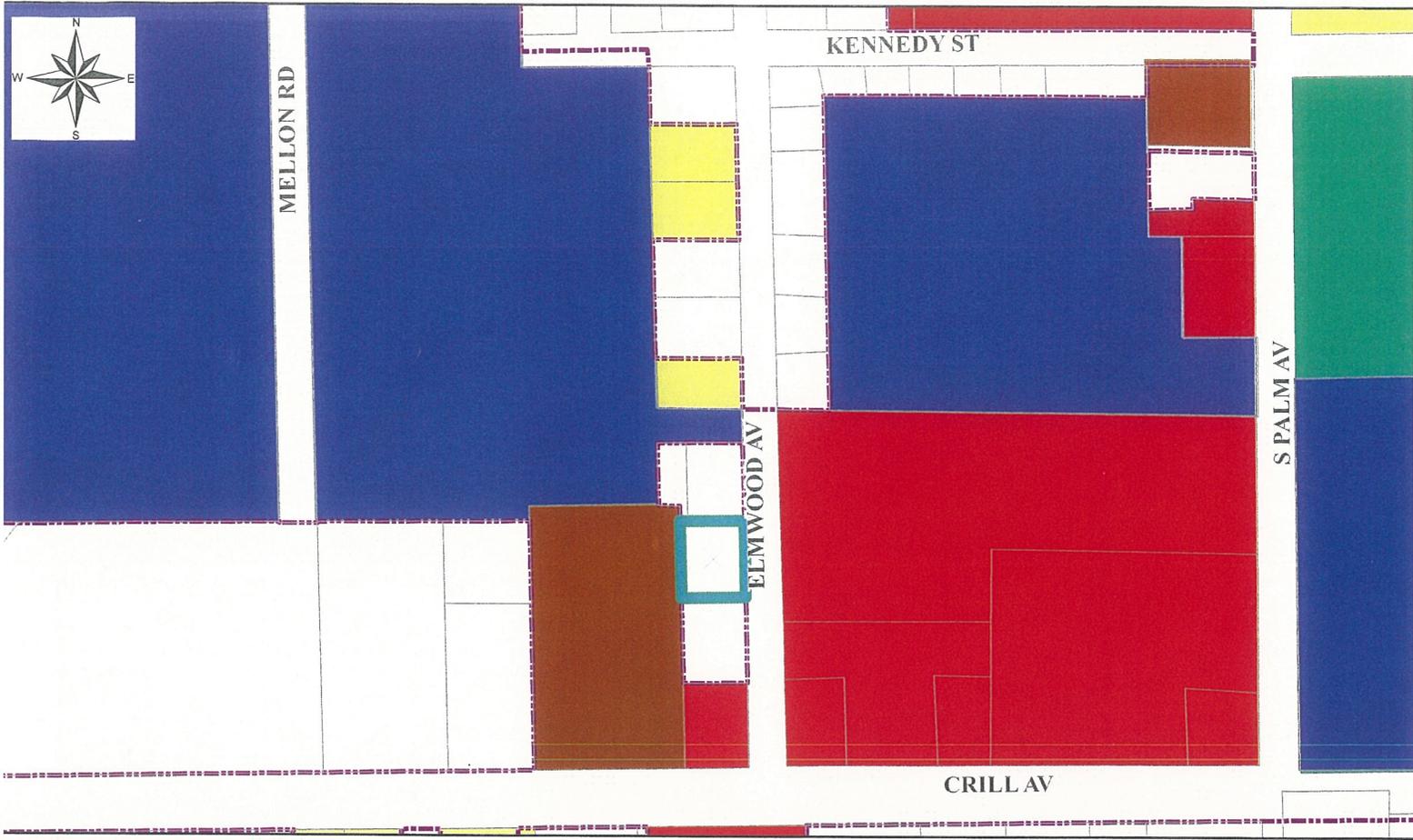
Not applicable.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of Case 11-42: annexation, amendment of future land use map category to RL, and rezoning to R-1 for 718 Elmwood Avenue.

ATTACHMENTS: FLUM & ZONING MAPS

718 Elmwood Ave FLUM



Legend

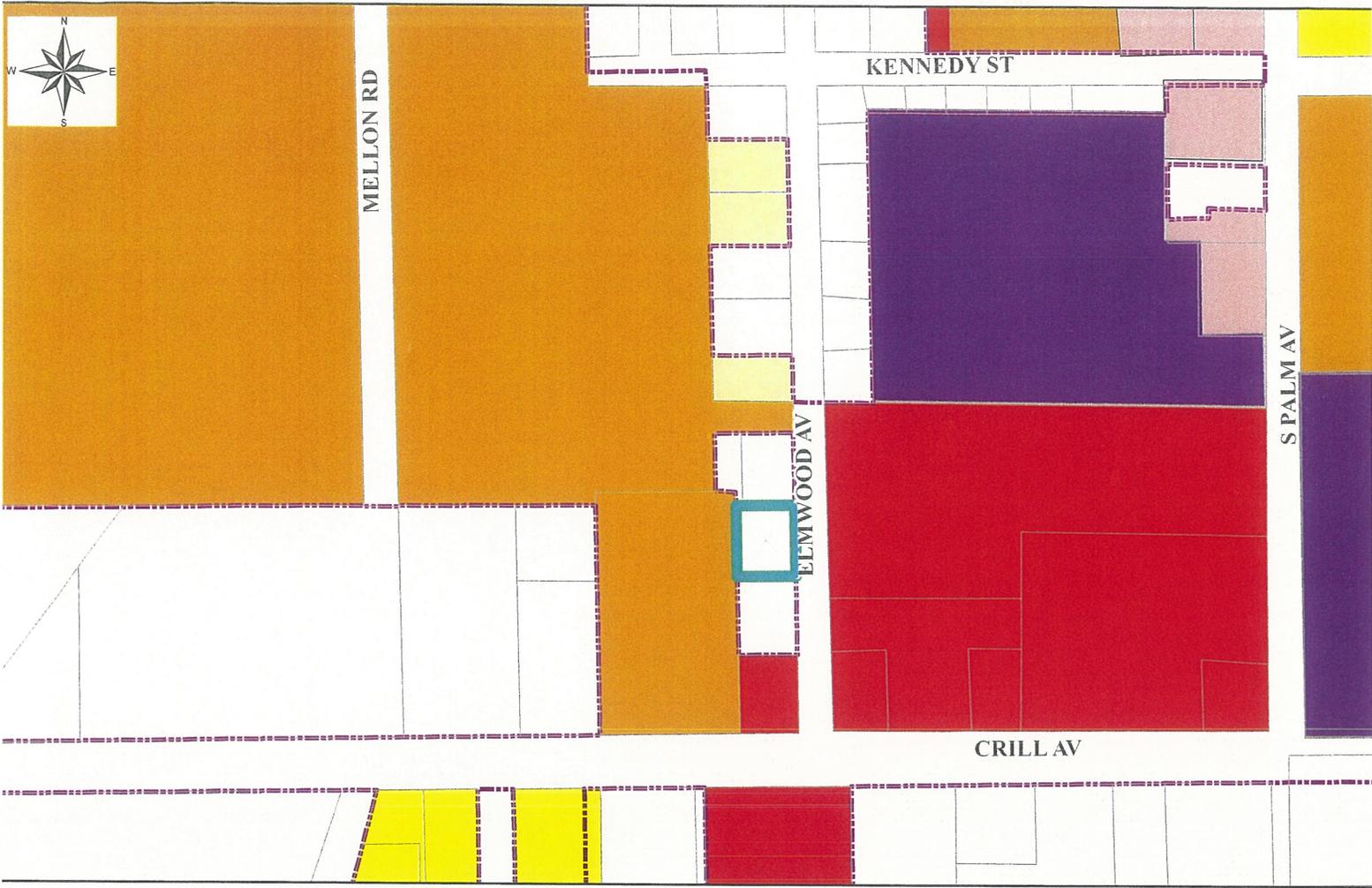
-  City Limit
-  Parcels

Palatka FLUM

-  COM
-  OPF
-  PB
-  RH
-  RL

Site(s)	Current FLUM	Proposed FLUM
718 Elmwood Ave	County US (Urban Service)	RL (Low Density Residential)

718 Elmwood Zoning



Legend

City Limit

Parcels

Palatka Zoning

General Commercial

Intensive Commercial

Public Buildings and Grounds

Single Family Residential

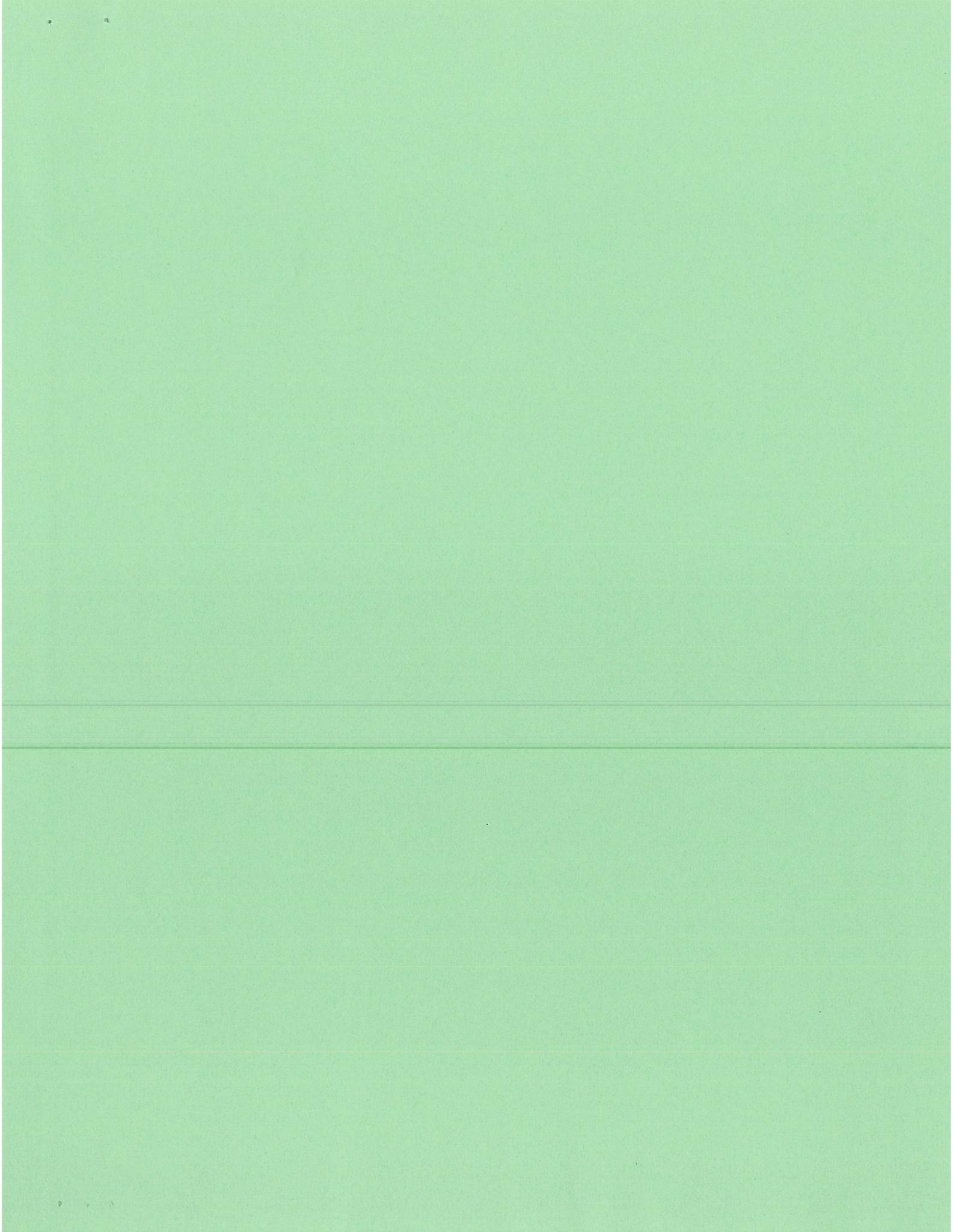
Single Family Residential

Multi-Family Residential

Site(s)
718 Elmwood Ave

Current Zoning
County R-1
(Single Family)

Proposed Zoning
R-1
(Low Density)



Request for a Conditional Use for Fast Food Restaurant**700 S. Palm Ave.****Applicant: Larry Raikes****STAFF REPORT****DATE:** November 29, 2011**TO:** Planning Board members**FROM:** Thad Crowe, AICP,
Planning Director**APPLICATION REQUEST**

Conditional Use allowing for fast food restaurant in a C-1 zoning district. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the request.

APPLICATION BACKGROUND

The property in question is located on the west side of Palm Avenue, between Crill Avenue and Kennedy Street. The site is occupied by an existing drive-through restaurant building that has been vacant for more than a year. The following table shows site and surrounding properties land use characteristics.

Table 1: Site and Vicinity Land Use and Zoning Classifications

Property	FLUM	Zoning	Existing Use
Site	COM (Commercial)	C-1 (General Commercial)	Existing restaurant building
Property to North	COM (Commercial)	C-1 (General Commercial)	Office complex
Property to South	PB (Public Buildings and Grounds)	PBG-1	City Cemetery
Property to West	PB (Public Buildings and Grounds)	PBG-1	City Cemetery
Property to East (across S. Palm Ave.)	OPF (Other Public Facilities)	R-3	Nursing Home



Figure 1: Aerial Map of Site and Vicinity



Figure 2: Note screened dumpster to right in rear of parking area, and drive-through window on left side of building.



Figure 3: S. Palm Ave. north of the site – a mix of retail, office, institutional, and residential uses

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.

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. Please note that at this time the Applicant has not provided the required site plan and has indicated that it will be presented to the Board at the meeting. The lack of a site plan at this point does not present as much of a problem as would a new development, since there are no changes proposed to the previously existing development including parking area, building, sign, and drive-through.

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

The application is not in conflict with applicable elements of 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.

There is adequate vehicular access for the center from developed curb cuts on S. Palm Ave., with a driveway entrance and exit north of the building and a one-way exit on the south side of the building. Staff considered the potential traffic problems presented by the fact that S. Palm Avenue has no central turn lane and there are also no right turn lanes into the property. Therefore vehicles turning into the property could tie up traffic and present a potential hazard. However this potential is somewhat alleviated by several factors. One is the lower level of traffic of this roadway compared to other main city roadways – the 2011 traffic counts indicate that S. Palm Ave. carries approximately 9,500 daily trips and approximately 950 PM peak hour trips, which compares to the approximately 16,000 daily trips of Crill Ave. and the approximately 18,000 trips of SR 100. Another mitigating factor is the smaller size of the restaurant – at just below 1,000 square feet, this facility is at least one-quarter the size of a typical new McDonald's restaurant. Based on a study of fast food restaurants by the Institute of Traffic Engineers, this restaurant would generate around 150 daily trips, 21 lunch hour trips, and 15 peak hour trips, which are considerably less than a larger fast food restaurant. The C-1 district allows uses with relatively similar traffic impacts, such as pharmacies, which for a building of this size would generate 8+ peak hour trips. Furthermore the existing credit union on this roadway generates more trips than this proposed use. Finally, the building was approved and constructed to be a drive-through fast food restaurant and it would be a burden to remodel it for a differing use.

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.

Section 94-262 of the Zoning Code requires one parking space for three seats. Given that there are 17 parking spaces, the restaurant would be limited to 51 seats. Seating capacity could be further limited at the time of Certificate of Occupancy by the Fire Marshall's limitation of occupancy.

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

An existing screened dumpster is provided east of the building.

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 the City's landscape ordinance, mainly in that there are no roadway or other buffers and no parking lot landscaping. The Code requires a five to eight foot wide landscaped roadway buffer and a 10 to 20 foot wide landscaped buffer along the south and west property lines, as well as several hundred square feet of parking lot landscaping. Staff has confirmed with the City Attorney that Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Conditional Use applicants in the recent past have not been required to conform to such Landscape Code requirements. Staff is currently revising the landscape ordinance and under the advice of the City Attorney recommends postponing compliance with the landscape code pending the completion of code revisions. As far as this criterion, there are no special circumstances that would require screening and buffering that is beyond what is required by the Landscape Code, particularly since there are no adjacent residential uses.

Therefore Staff believes that meeting the current code or whatever code changes are applicable will be adequate for the applicability of this criterion to this application.

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 property which the applicant intends to utilize. As with other conditional uses, Staff also proposes to include a condition that would include such a prohibition for future exterior lighting for this use.

h. Required yards and other open space.

See f. above.

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

The Comprehensive Plan and Municipal Code view compatibility in light of nonresidential uses impacting residential uses. As there are no adjacent residential uses, this criterion is not relevant.

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-1 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

Staff does not believe there would be any negative impacts on the public interest caused by the proposed use. The only potential public safety negative impacts could be traffic congestion created by higher numbers of turning vehicles on S. Palm Avenue, but as previously stated Staff believes that the small size of the building will reduce potential traffic impacts.

A motion for approval should include any relevant conditions and the staff findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

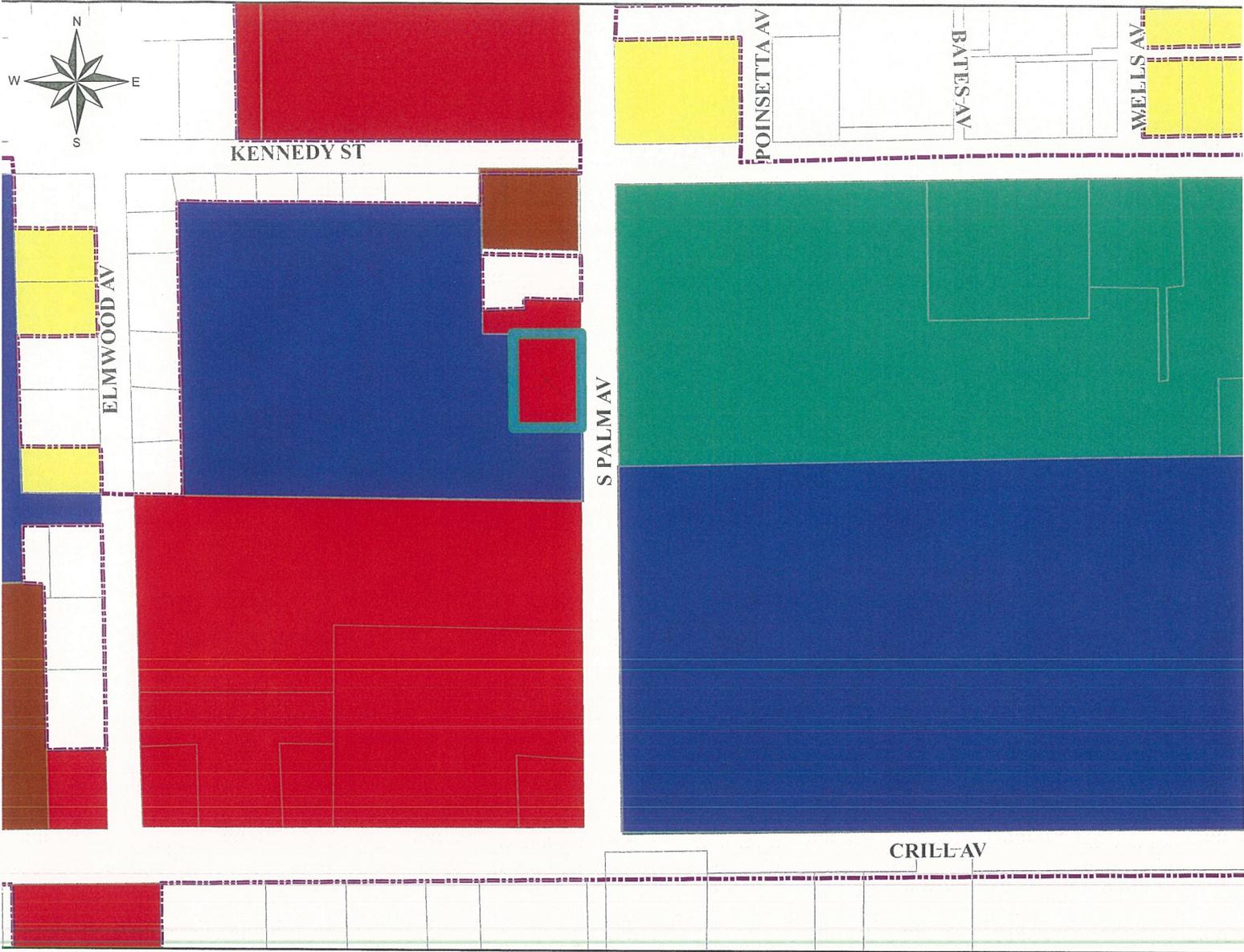
STAFF RECOMMENDATION

As demonstrated in this report, this application generally meets applicable conditional use criteria. Staff recommends approval of Case 11-47, conditional use for a fast food restaurant with a drive-through with the following conditions:

1. At the Applicant's choice, the use must either comply with existing landscape buffering and screening standards or any such revised standards upon their adoption. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval.
2. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
3. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS: FLUM AND ZONING MAPS & APPLICANT'S NARRATIVE

700 S Palm Ave FLUM



Legend

 City Limit

 Parcels

Palatka FLUM

 Commercial

 Other Public Facilities

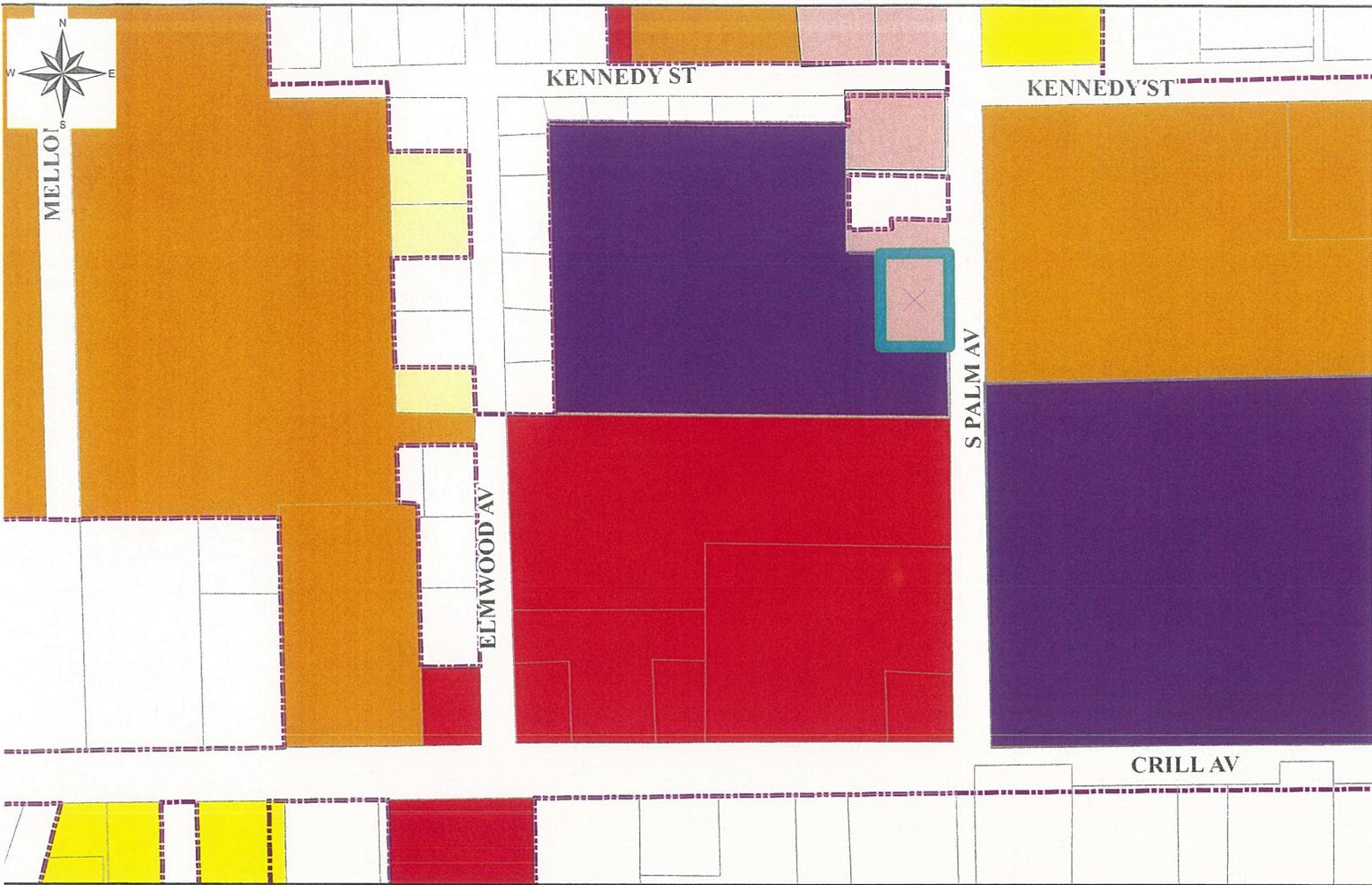
 Public Building

 High Density Residential

 Low Density Residential

Site(s)	Current FLUM
700 S Palm Ave	COM (Commercial)

700 S Palm Ave Zoning



Legend

 City Limit

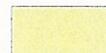
 Parcels

Palatka Zoning

 General Commercial

 Intensive Commercial

 Public Buildings and Grounds

 Single Family Residential

 Single Family Residential

 Multi-Family Residential

Site(s)
700 S Palm Ave

Current Zoning
C-1 (General Commercial)



Larry's Giant Subs, Inc.
New York Style Subs – Home of the Big One!

Corporate Office:
4479 Deerwood Lake Pkwy. Ste. 1
Jacksonville, FL 32216
(904)739-9069—Phone
(904)739-1218—Fax

Justification Statement

My brother and I would like to open a Larry's Giant Subs Franchise shop in Palatka Florida at the address of 700 S. Palm Ave. We originally opened our first Larry's Giant Subs 29 years ago, and we have 75 existing Larry's Giant Subs Franchises open at locations in Florida, Georgia, South Carolina, Texas, and Missouri. We corporately operate four stores in Jacksonville, Florida, and one in Bonaire Georgia. We have the experience and expertise to operate a successful business. We use only the finest available products, such as U.S.D.A. Certified Angus Roast Beef, a fully natural Turkey Breast, and a 97 % fat free natural juice Ham. We are a very health orientated company as many of our products are organic and we also care about the environment shown by our green paper products use. We will be able to provide revenue to the City and State, and we will employ several local Palatka workers.

Thank You for your Consideration;

Larry Raikes pres

Mitchell Raikes v.p.

THE "HOME OF THE BIG ONE" CAN BE YOURS

by Larry Raikes and Kathy Horner

The American Dream. Success, money, to be your own boss, to choose your own destiny, and to have peace of mind... It really can happen, and has happened for the owners of Larry's Giant Subs franchises.

Larry Raikes realized the beginnings of his dream back in 1982 with the opening of the first Larry's Giant Sub shop in Jacksonville, Florida. After moving from Buffalo, New York in 1981, Larry worked as a bartender in Jacksonville until opening his first Larry's Giant Subs store.

Business at the tiny carry-out store grew quickly and Mitchell Raikes left his career as a metallurgist to join his brother build the "Sub Empire." They wanted to give Florida a great tasting, high quality submarine sandwich, the likes of which they could not get anywhere else except New York City. By November, 1984, the brothers were ready to open a second store, this time a full Sub and Deli Sandwich shop with a dining room to boot. The second store, located in a business section of Jacksonville grossed over \$300,000 in it's first year.

Further expansion came with the opening of the first Larry's Giant Subs franchise store in Jacksonville, and they have continued to grow. Currently there are 25 stores operating in Jacksonville, Florida. Other franchises can be found in Daytona, Tampa, St. Augustine, Orlando, Gainesville and Charleston, South Carolina. There are currently 8 new franchises in the works and Larry and Mitch are also currently working on opening franchises in Australia.

So, what makes Larry's Giant Subs so successful as a store and a franchise? Larry's Giant Subs stores carry a commitment to quality and customer satisfaction. Only the finest quality products available are used; USDA choice extra lean roast beef, imported hams, caramel roasted Golden Supreme turkey breast, real smoked provolone cheese, fresh baked bread, and Larry's own home made Italian dressing. Each order, hot or cold is made up fresh

and to the customers specifications. The extensive menu offers over 50 varieties of New York-style submarine sandwiches, deli sandwiches and salads. Orders can also be custom made to suit any taste!

The success of the franchises lies also in the hands on, open relationship between the franchise owners and the corporate owners. Larry and Mitch personally work with each new franchise owner on every aspect of the business; from assistance in setting up a new store all the way to training the owner and employees how to make the subs, salads and sandwiches. Training is hands on, so that by the time the new owner's store opens, they will have the experience and know how to be able to run it right! There is an extensive, thorough operations manual, training video and Larry or Mitch are always available for any kind of questions or assistance before, during and after the franchise opens with a 24 hour hot line.

Becoming a franchise owner with Larry's Giant Subs requires no prior experience. What it does require is a sense of commitment to quality, dedication and hard work. Cost to open a new franchise store is dependent largely on the location of the store. The initial franchise fee is \$15,000 and there is a 5% royalty, one of the lowest in the industry. The owner is responsible for buying or renting the space for the store and must bring it to the Larry's specification guidelines. Larry and Mitch work closely with new owners to make all this happen and will even assist in lease negotiations, finding the equipment and training new staff! We have national contracts with our vendors which helps to keep costs down through volume buying. Larry's also offers quarterly rebates based on volume.

If you are interested in joining a company that has been rated 39th out of the country's top 100 franchises by *Success Magazine*, or for more information, call or write: Larry's

Giant Subs

(904) 739-2498

8616 Baymeadows Road

or

Jacksonville, FL 32256

(800) 358-6870

Larry and Mitch also encourage you to contact any of our franchise owners to find out directly from them what it is like to be part of the Larry's team. A complete listing of franchise locations, addresses and phone numbers can be obtained from the above address and phone.

Larry's BIG Formula for Success:

Quality...

Honesty...

Reliability...

Set the standard!

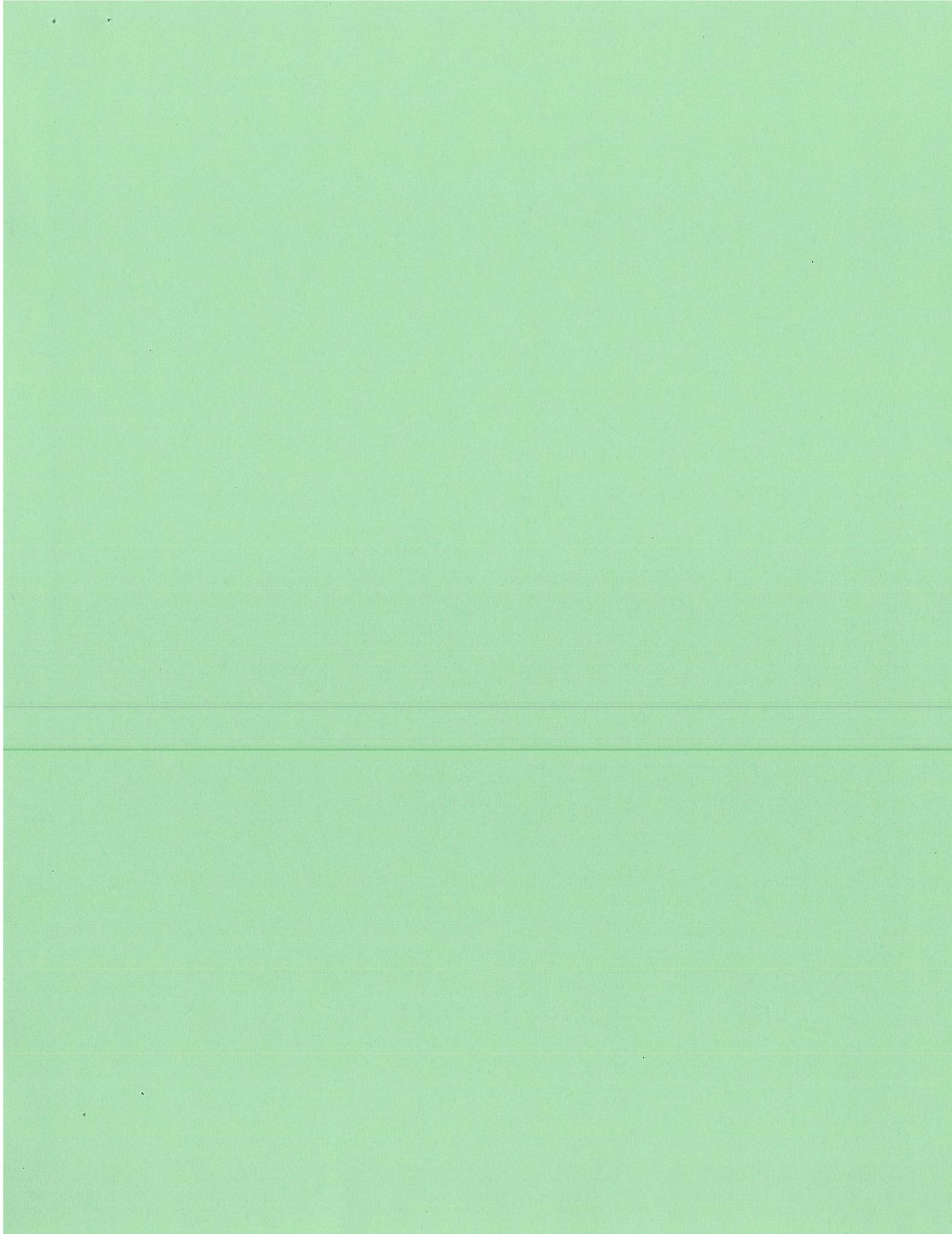
The Raikes brothers, Larry & Mitch, built their first submarine sandwich shop in Jacksonville, Florida in 1982. They made their very first subs using the highest quality deli meats and cheeses available, topped off with fresh produce delivered daily; like iceberg lettuce, vine ripe tomatoes and the finest Spanish onions. Today, the ingredients have not changed and neither has the brothers' commitment to quality. After seeing the response the first store received, the two were inspired to branch out and take their concept nationwide. With more than 28 years of hands on experience, the Raikes brothers built a tradition of quality that has never been surpassed. Larry's Giant Subs has achieved growth and success with a continuing commitment to making the best sub sandwiches on the planet.

Larry's Giant Subs is the only sub chain out there that continually uses the highest quality meats. We use Black Angus USDA Choice roast beef with NO injections - that means it is all natural with nothing added but just the right amount of pure salt & fresh ground pepper. Our grilled chicken is all natural Coleman chicken breast; it is antibiotic free & sustainably farmed. Our award winning bread comes straight from Costanzo's bakery, right in the heart of Buffalo, New York. We only sell first-cut National Deli pastrami & corned beef brisket. We use Chicken of the Sea Albacore Tuna & our chicken salad is made by Sally Sherman using all white meat chicken and Hellmann's Real Mayonnaise. We are proud to give our customers what no one else out there can, premium products at every day affordable prices

Larry's Giant Subs has happy customers, happy employees & happy franchisees- We're family!

"We serve great food with integrity."

Larry and Mitch Raikes, Founders



**Case 11-48: 6805 St. Johns Ave.
Request to Rezone to R-3
Applicant: Robert A. Guirlinger**

STAFF REPORT

DATE: November 29, 2011
TO: Planning Board members
FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To rezone from County AG (Agriculture) to R-3 (Multi-Family Residential). Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

This 9.86-acre parcel is located on the south side of St. Johns Avenue, approximately 600 feet west of Zeagler Drive. The following table shows site and surrounding property use classifications (see also attached maps).



Figure 1: Site and Vicinity Map



Table 1: Use Classifications

	Future Land Use Designation	Zoning	Current Land Uses
Site	RH (Residential, High Density)	County AG (Agriculture)	Undeveloped
North	IN (Industrial) & RH (Residential, High Density)	M-1 (Light Industrial) R-3 (Multi-Family Residential)	Woodland Point Apartments, Business Park
South	County AG (Agriculture)	County AG (Agriculture)	Undeveloped
East	Residential Low Density	R-3 (Multi-family Residential), R-1 (Single Family Residential)	Single-family Residential (Foxwood Subdivision), Multi-family Residential (Cherry Tree Apartments)
West	County AG (Agriculture)	County AG (Agriculture)	Undeveloped

PROJECT ANALYSIS

On December 30, 2008, the City Commission passed Ordinance No. 08-21, approving a large scale future land use amendment for 18.55 acres of land from Agricultural (AG) to Residential, High Density (RH). The lands of this amendment included the property in question and a similarly sized property immediately to the west. Citing concerns about the high density allowed by this category (up to 18 units per acre), the Planning Board recommended a density cap of 12 units per acre, which was agreed to by the property owner and approved by the City Commission. The density is enforced through a development agreement approved by the City Commission.

The existing land use pattern in the area is a wide ranging mix of undeveloped land, single family residential, apartments, industrial, and airport use. The proposed apartment use is consistent with what is developing into a relatively intense medical, institutional, and multi-family area.

Rezoning Analysis

Per Section 94-38 of the Zoning Code, the Planning Board considers the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff response 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.

The application is in keeping with the following objective and policies of the comprehensive plan (indicated by underlined text), and does not conflict with other plan elements.

Future Land Use Element Objective A.1.6 (9J-5.006(3)(b)7)

Upon Plan adoption, the City shall discourage urban sprawl.

The property is within an existing urbanized area that is served by city infrastructure and services, including water, sewer, solid waste collection, schools, and a nearby library. City sewer and water lines are located adjacent to the site, and there is sufficient available capacity for both to maintain existing level of service standards.

Housing Objective C.1.1 (9J-5.010(3)(a))

Upon Plan adoption, the City shall promote the provision of adequate and affordable housing in the City.

In the past 20+ years, no new market-rate apartment developments have been built. The existing supply maintains high occupancy rates, which is indicative of the need for additional, new market-rate apartments. While new subsidized apartments have been added in the recent past, these units are full and do nothing to relieve the pent-up demand for market-rate rentals. The project will also provide an influx of modern code-compliant residential units to the City's aging housing stock. Given its location, this project has the potential of drawing residents from throughout the County and providing a new housing alternative to people working in Palatka and unincorporated Putnam County.

Public Facilities Element Policy D.1.1.2 (9J-5.011 (2)(c)2)

All improvements for replacement, expansion, or increase in capacity of facilities shall be compatible with the adopted level of service standards for the facilities and that distribution of these facilities/services is consistent with the Future Land Use Map.

Throughout the development review process all adopted levels of service standards will be maintained.

- Potable Water: 325 gallons per day (2.5 persons per unit) multiplied by 118 units is 38,350 gallons per day at build-out. The City's water plant has a capacity of 6 million gallons per day, with current peak usage at approximately 3,200,000 gallons per day. Therefore available capacity exists for build-out of the project.

- Central Sanitary Sewer System: 312.5 gallons per day (2.5 persons per unit) multiplied by 118 units is 36,875 gallons per day at build-out. The sewer plant has a capacity of 3.5 million gallons per day with available capacity at 1.7 million gallons per day, therefore capacity exists for build-out of the project.

- Solid Waste: 6.4 lbs per person per day multiplied by 295 persons (2.5 persons per unit multiplied by 118 units) is 1,888 lbs per day. The City has a contract with Putnam County to use the Central Landfill. The Central Landfill has 40 permitted acres with an additional 140 acres of raw land. Current capacity is for 8.23 years with existing cells. Capacity exists for build-out of the project.

- Drainage: Consistency with the City of Palatka drainage standards and minimum requirements of the St. Johns River Water Management District.

- Transportation: The City required the applicant to prepare a Traffic Impact Analysis that would review the traffic impact of build-out of the site. This impact analysis indicated that none of the study roadway segments were adversely impacted by project trips at build-out. Also, the analysis demonstrated sufficient capacity exists to accommodate project traffic on all roadways within the project study area.

Recreation and Open Space Element Objective F.1.1 (9J-5.0143(3)(b)1)

Upon plan adoption, the City shall implement the following policies to ensure public access to all identified recreational facilities.

Policy F.1.1.2 (9J-5.014(3)(c)3)

The City shall adopt the following Level of Service Standards: Regional Park/ 1 acre per 50, Community Park/ 1 acre per 500, Neighborhood Park/ 1 acre per 500, Equipped Play and Tot Lot/ 1 Per 2,000, Baseball/Softball Fields/ 1 per 5,000, Football/Soccer Fields/ 1 per 6,000, Equipped Play area/ 1 play area per 10,000, Basketball

Courts/ 1 per 5,000, Boat Ramp (Lanes)/ 1 lane per 5,000, Tennis Court/ 1 court per 2,000, Swimming Pools/1 pool per 25,000, Hiking (miles)/ 1 Mile per 6,750, and Picnic Areas (Tables) 1 Table per 6,000.

At build-out the project will generate an additional 295 people (2.5 persons per unit multiplied by 118 units). Capacity exists for all recreational Level of Service Standards for this additional population.

b. The existing land use pattern.

This site is adjacent to similar apartment uses north and east of the site, and is across the street from a major employment center (Putnam County Business Park). The proposed use of apartments is consistent with adjacent uses, as there are existing apartments located north and east of the site. Additional buffering requirements are required by the Zoning Code for the portion of the site adjacent to Foxwood Subdivision.

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

The rezoning would expand an existing R-3 area located north and east of the site.

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

As noted, there is available capacity of urban services for the project.

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

See response to c. above.

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

Conditions have not changed.

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

The change will not adversely affect living conditions in the surrounding neighborhood as the use would be a compatible multi-family use, and buffering would be provided to ensure compatibility to the adjacent Foxwood-subdivision.

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

As noted, there is available road capacity for the project.

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

Any development must comply with City and St. Johns River Water Management district requirements.

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

The City's landscape code provides for open space through the use of roadway and other buffers. Limiting the density to 12 units per acre instead of the allowable 18 units per acre will also increase open space.

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

See response to g. above.

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

See response to g. above.

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

Providing a zoning designation to a property that is compatible with the future land use map designation and surrounding area is not a grant of special privilege.

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

The existing AG zoning is not in keeping with the RH future land use map designation and must be changed to conform with the Comprehensive Plan Map.

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

See response to g. above.

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

It is not impossible to find other sites with the R-3 designation, but those sites are limited.

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.

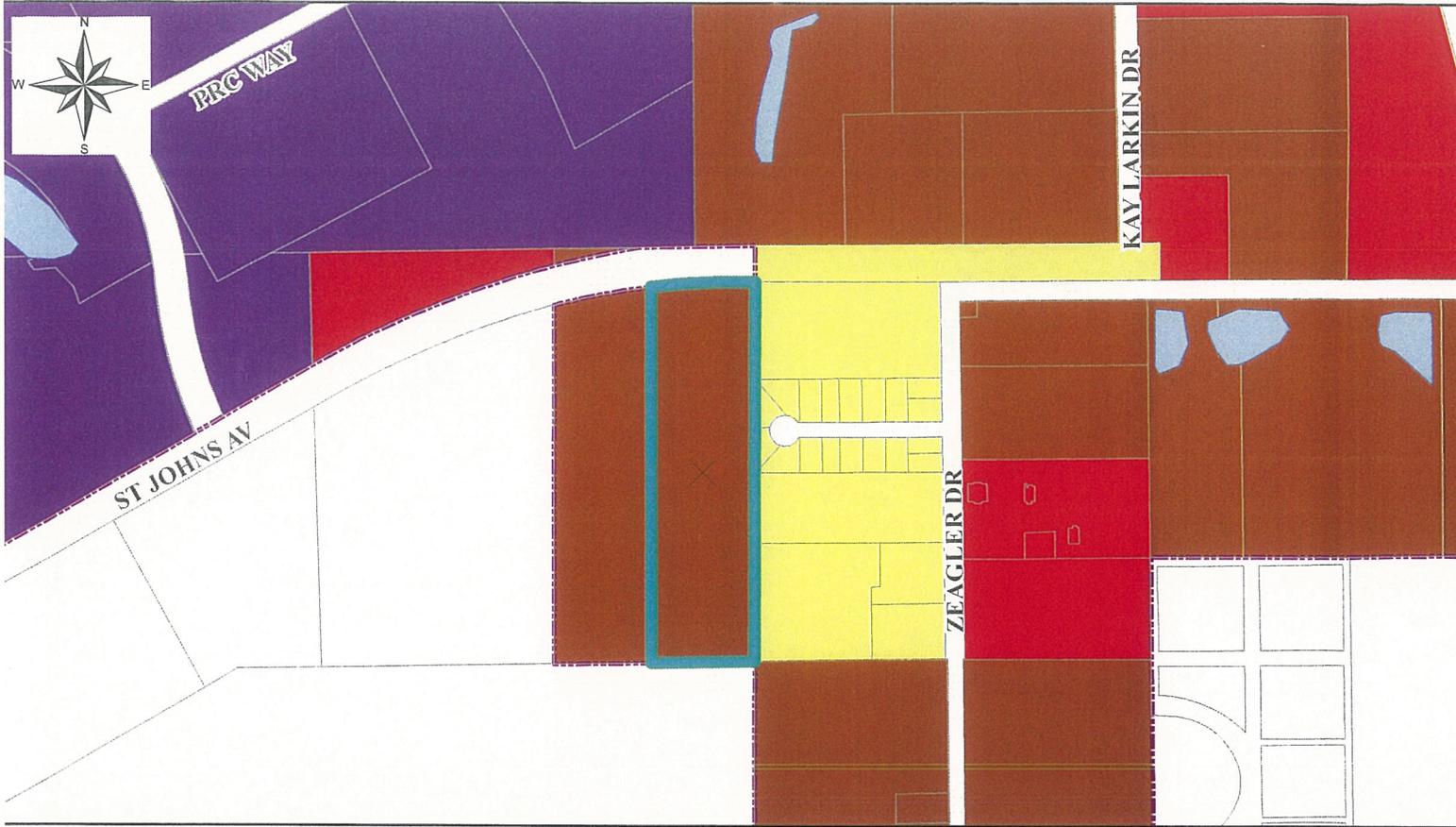
Not applicable.

STAFF RECOMMENDATION

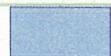
As demonstrated in this report, this application meets applicable rezoning criteria. Staff recommends approval of Case 11-48: rezoning to R-3 for 6805 St. Johns Avenue.

ATTACHMENTS: FLUM & Zoning Maps
Applicant's Narrative
Site Plan (not required or binding)

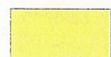
6805 St. Johns Ave FLUM



Legend

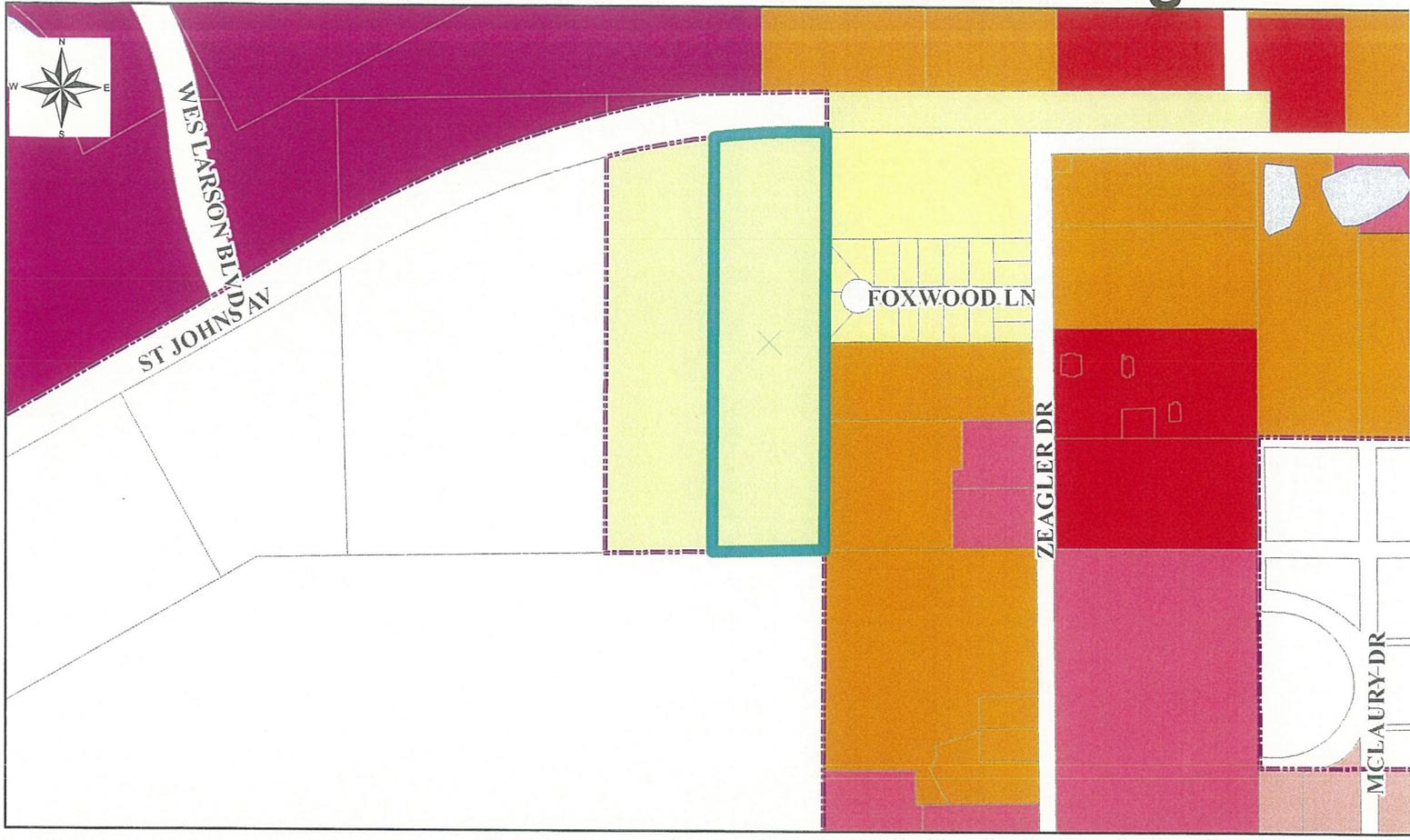
-  City Limit
-  Parcels
-  Rivers, Lakes

Palatka FLUM

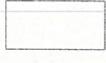
-  COM
-  IN
-  RH
-  RL

Site(s)	Current FLUM
6805 St. Johns Ave	AG (Agriculture)

6805 St. Johns Ave Zoning



Legend

-  City Limit
-  Parcels
-  Rivers, Lakes

Palatka Zoning

-  General Commercial
-  Neighborhood Commercial
-  Intensive Commercial
-  COUNTY
-  Light Industrial
-  Single Family Residential
-  Multi-Family Residential

Site(s)	Current Zoning	Proposed Zoning
6805 St. Johns Ave	AG (Agriculture)	R-3 (Multi - Family)



Proposed Property Rezoning

Parcel # 09-10-26-0000-0010-0011

9.86 acres

Current Land Use Designation: High Density Residential

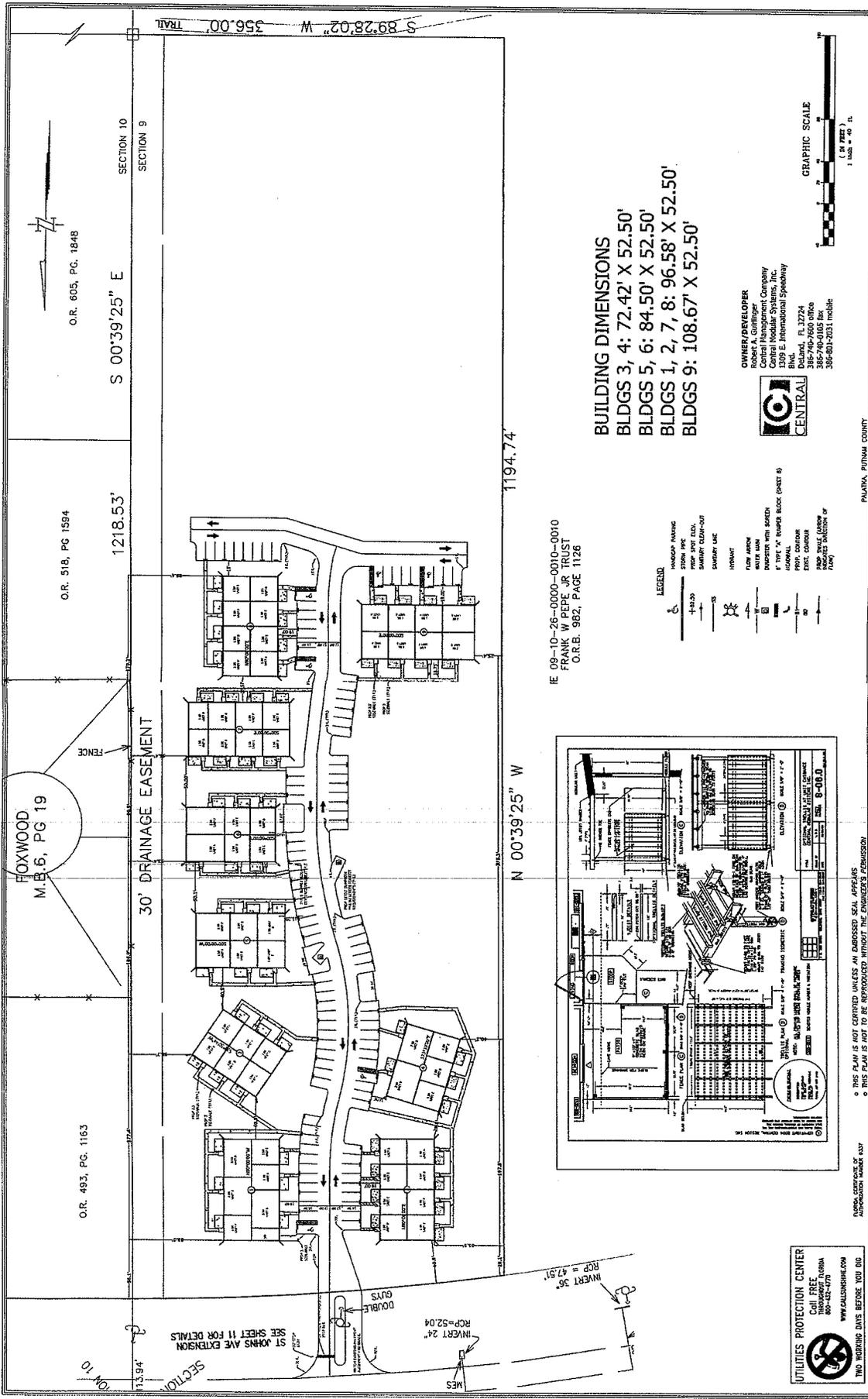
Current Zoning: County Agricultural

Requested Zoning: R-3

The subject property underwent a Land Use Designation change in 2008 from County Agricultural to High Density Residential. The change was made to accommodate the development of an apartment community, for which a Development Agreement was subsequently issued by the City.

It was a very confusing time in Palatka as the Land Use Map had not been properly amended in quite some time and the City was involved in the monumental task of coming into compliance. It would seem that, in the confusion of everything that was going on at the time, the rezoning of this particular parcel was overlooked.

What we are requesting is really a matter of housekeeping. The proper Land Use Designation was obtained, and a Development Agreement for the project was issued. We respectfully request that the proper zoning, R-3, also be granted.



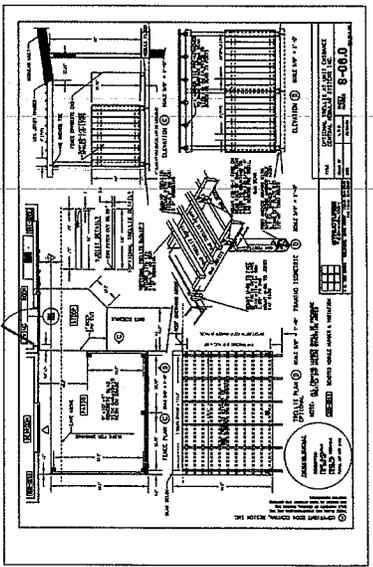
BUILDING DIMENSIONS
 BLDGS 3, 4: 72.42' X 52.50'
 BLDGS 5, 6: 84.50' X 52.50'
 BLDGS 1, 2, 7, 8: 96.58' X 52.50'
 BLDGS 9: 108.67' X 52.50'

OWNERS/DEVELOPER
 Central Management Company
 Central Modular Systems, Inc.
 1209 E. International Speedway
 Oakland, FL 32724
 385-740-7600 office
 385-601-2031 mobile



- LEGEND**
- INDICATED PARKING
 - STREET LIGHT
 - SMALL CLEAR-CUT
 - SWAMPY LAKE
 - HOBART
 - FLAME ARREST
 - WATER MAIN
 - WATER SERVICE
 - 4" TYPE "C" DRAINER BLOCK (PART 4)
 - 10" DRAINAGE
 - PROP. CONDUIT
 - EDGE CONDUIT
 - REINFORCED CONCRETE (PART 1)
 - REINFORCED CONCRETE (PART 2)

IE 09-10-26-0000-0010-0010
 FRANK W PEPE JR TRUST
 O.R.B. 982, PAGE 1126



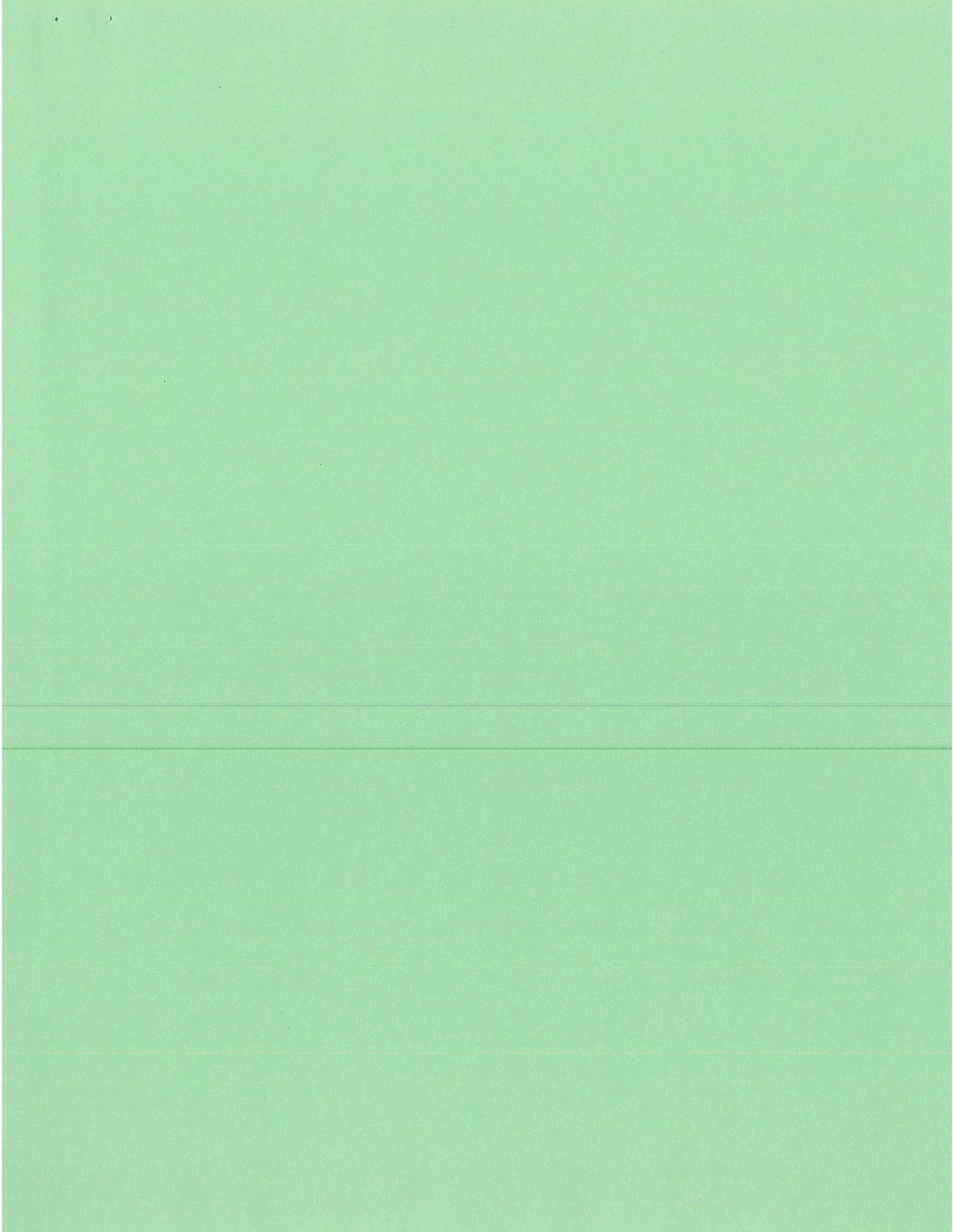
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 Atlanta Georgia 30339
 Tel. (770) 435-2733 Fax. (770) 435-7639
 civil engineers - land planning - development services

NO.	DATE	DESCRIPTION
1	08/12/2011	ISSUED FOR PERMIT

ARBOR PLACE APARTMENTS

SITE DIMENSION PLAN



Case 11-49
Request to Amend Comprehensive Plan Text
(CRA Timeframe Extension)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: November 29, 2011

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to the Comprehensive Plan that would add new Future Land Use Element Policy A.1.2.2 to extend the Community Redevelopment Area Plan through November 10, 2043. Public notice included legal advertisement.

APPLICATION BACKGROUND

The City Commission adopted its Community Redevelopment Area Plan through resolution for the central business district and surrounding historic districts in 1983. At that time the Community Redevelopment Agency (CRA) was also established. The Community Redevelopment Plan was updated and adopted by the CRA in 2009. The CRA “sunsets” in 2013, and in order to approve and adopt an extension it is necessary to create a Comprehensive Plan amendment and a resolution. The proposed Comprehensive Plan amendment will be located in the **Future Land Use Element** identified as **Policy A.1.2.2**. Per Florida Statutes, since the CRA Plan was adopted by a resolution, any amendment to the CRA Plan must also be adopted by a resolution.

PROJECT ANALYSIS

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan.

This text amendment represents the antithesis of sprawl – encouraging redevelopment in the City’s historic urban core.

Furthermore, the amendment is in keeping with the following Objectives and Policies of the Comprehensive Plan.

Objective A.1.6 9J-5.006(3)(b)7

Upon Plan adoption, the City shall discourage urban sprawl. Land Development Regulations shall be adopted that implement the following policies:

Policy A.1.6.1 9J-5.006(3)(c)

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses

through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 9J-5.006(3)(c)3

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

STAFF RECOMMENDATION

This proposed text amendment is in keeping with the Comprehensive Plan. Staff recommends approval of Case 11-49, CRA Timeframe Extension.

Attachments: CRA Extension Ordinance and Resolution

This instrument prepared by:
Lara Diettrich
Diettrich Planning LLC
1332 Avondale Avenue
Jacksonville, FL 32205

ORDINANCE NO. 11 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED TO ALLOW FOR THE COMMUNITY REDEVELOPMENT AREA PLAN TO BE EXTENDED THROUGH NOVEMBER 10, 2043 (POLICY A.1.2.2), PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Subsection 163.187(3), Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, Section 163.3187(3)(b)1-4, Florida Statutes, as amended, provides that the City Commission may transmit the proposed amendment ordinance and supporting data and analysis to state reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body, and

WHEREAS, Section 163.3187(3)(b)2-4, Florida Statutes, as amended, provides that state agencies shall transmit to the City of Palatka comments regarding adverse impacts on important state resources and facilities by the amendments, and

WHEREAS, Section 163.3187(3)(c)1, Florida Statutes, as amended, provides that the City Commission shall hold a second public hearing to adopt the amendment within 180 days after receipt of agency comments, and

WHEREAS, the Planning Board conducted a public hearing on December 6, 2011, and recommended approval of this amendment to the City Commission, and

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Amendment

That the creation of Policy A.1.2.2, to be inserted into the Future Land Use Element of the adopted Comprehensive Plan of the City of Palatka, is hereby created as shown below to allow for the Community Redevelopment Area Plan to be extended through November 10, 2043.

Policy A.1.2.2

The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan's original sunset of November 10, 1983 has been extended by the Agency and the City Commission to continue with an amended sunset of November 10, 2043. (NOTE: 163.362(10), F.S.)

Section 3. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 5. Effective date

This Ordinance shall become effective thirty-one (31) days after notification by the state land planning agency notifies the City of Palatka that the plan amendment is complete, or if timely

challenged when the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this ___ day of ____, 2011.

CITY OF PALATKA

BY: _____
Its Mayor

ATTEST:

City Clerk

RESOLUTION NO. (ENTER NUMBER)

A RESOLUTION OF THE PALATKA CITY COMMISSION AMENDING AND ADOPTING THE COMMUNITY REDEVELOPMENT AREA PLAN AMENDMENT BY WAY OF THIS RESOLUTION AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

WHEREAS, on September 8, 1983, the City Commission adopted Resolution 4-7 finding the existence of blighted areas in the City of Palatka; finding the need for rehabilitation, conservation or redevelopment; to establish a community redevelopment area as provided in Part III, Chapter 163, Florida Statutes (The "Redevelopment Act"); and establishing boundaries for the redevelopment area specified as the downtown Palatka area (NOTE: Now known in the Plan as the Central Business District); and

WHEREAS, on November 10, 1983, the City Commission adopted Resolution 4-11 finding the need for the creation of a Community Redevelopment Agency to carry out the Community Redevelopment purposes as provided in Part III, Chapter 163, Florida Statutes (The "Redevelopment Act"); and

WHEREAS, on November 10, 1983, the City Commission adopted Resolution 4-12 declaring itself to be the Community Redevelopment Agency and to carry out the Community Redevelopment purposes; and

WHEREAS, on December 27, 1983, the City of Palatka adopted Resolution 4-14 adopting the Community Redevelopment Area Plan (NOTE: original Plan referred to as the Center City Plan); and

WHEREAS, on March 22, 1984, the City of Palatka adopted Ordinance 84-4, which added Section 14-61 to the Code of Ordinances of the City of Palatka, that established the boundaries of the North Historic District and the South Historic District to be added to the Community Redevelopment Area; and

WHEREAS, on February 14, 1985, the City of Palatka adopted Resolution 4-38 for approval of the amended Community Redevelopment Area Plan (NOTE: original Plan referred to as the Center City Plan); and

WHEREAS, on September 10, 2009, the City of Palatka's Community Redevelopment Agency amended the Community Redevelopment Area Plan, expanding the Plan to incorporate more comprehensive Critical Elements and Recommendations; and Goals, Objectives and Implementation Items for Action Plan (NOTE: the original Plan name of Center City Plan has been removed as is now referred to as the Community Redevelopment Area Plan); and

WHEREAS, on December 10, 2009, the City Commission adopted the amended Community Redevelopment Area Plan; and

WHEREAS, the Community Redevelopment Agency has determined that the Amended Plan requires a further amendment; and

WHEREAS, the City of Palatka's Planning Board, as the local planning agency for the City of Palatka, has reviewed the proposed amendment to the Plan for consistency with the City's Comprehensive Plan and has submitted comments, if any, to the Community Redevelopment Agency; and

WHEREAS, the Community Redevelopment Agency has considered the proposed amendment to the Plan and the Building and Zoning Department comments, if any, and has recommended to the City Council that the proposed Plan amendment be approved; and

WHEREAS, the Palatka City Commission, upon the recommendation of the Community Redevelopment Agency, deems it necessary or desirable to amend the Palatka Community Redevelopment Area Plan;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, THAT THE FOLLOWING COMMUNITY REDEVELOPMENT PLAN AMENDMENT TO EXTEND THE LIFE OF THE COMMUNITY REDEVELOPMENT PLAN THROUGH DECEMBER 27, 2043 SHALL HENCEFORTH BE DEEMED.

SECTION 1. The City Commission does hereby find, based upon information presented to the City Commission at the public hearing, the proposed amendment to the Community Redevelopment Area Plan, a copy of which is attached hereto as Exhibit "A", that the Plan Amendment:

- a) Conforms to the Comprehensive Plan of the City of Palatka pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act;
- b) The Plan Amendment conforms to the general plan of the municipality as a whole;
- c) The Plan Amendment will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by public and private enterprise.

SECTION 2. That the Community Redevelopment Agency recommended to the City Commission an amended Community Redevelopment Plan, and the Palatka City Commission, finding it necessary or desirable to amend such Plan, does hereby amend the Community Redevelopment Plan as attached hereto as Exhibit "A" and incorporated herein by reference. Said Amended Community Redevelopment Plan is hereby adopted as authorized by the Community Redevelopment Act, as amended, Chapter 163, Part III, Florida Statutes.

SECTION 3. The Community Redevelopment Agency is hereby authorized and directed to proceed with the implementation of the Plan Amendment.

SECTION 4. If it becomes necessary or desirable to subsequently amend or modify the Amended Plan, the City Commission may amend such plan upon the recommendation of the Community Redevelopment Agency. The City Commission shall hold a public hearing on the proposed modifications to the Community Redevelopment Plan after public notice thereof by publication in a newspaper having a general circulation in the

area of operation of the Community Redevelopment Agency. The City Commission may adopt an amended plan by ordinance or resolution. (NOTE: The original Community Redevelopment Area Plan was adopted by Resolution 4-14 on December 27, 1983, therefore, it must be amended by resolution).

SECTION 5. Severability. In the event that any portion or section of this resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this resolution which shall remain in full force and effect.

SECTION 6. Effective Date. This resolution shall take effect immediately upon its adoption by the Palatka City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PALATKA, FLORIDA ON THIS _____ DAY OF _____, 2011.

CITY OF PALATKA

BY: _____
It's Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

EXHIBIT "A"

The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan's original sunset of December 27, 1983 has been extended by the Agency and the City Commission to continue with an amended sunset of November 10, 2043. [NOTE: 163.362(10); and 163.387(1)(a)(2), F.S.]



Case 11-50
Request to Amend Zoning Code
(Farmers' Market Additional Allowable Goods)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: November 29, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider additional goods for sale at Farmer's Markets. Public notice consisted of newspaper advertisement.

APPLICATION BACKGROUND

This is a staff-initiated Municipal Code revision which was reviewed and recommended approval of by the Board at their August meeting. The action proposed to allow Farmer's markets by right in the downtown zoning districts, expand allowable products to include sales of arts and crafts, cottage foods (per recent state legislation allowing home-based preparation of baked goods, jams, cookies, etc.), fresh seafood, eggs, house plants, etc., and provide for operational standards for this use. The Commission approved the item at their October 13 meeting. At that meeting the Keep Palatka Beautiful Coordinator requested that additional items be sold that require a permit from the Department of Agriculture (which must be prominently displayed), items such as fresh or dried meat or meat products including jerky; canned fruits, vegetables, vegetable butters, salsas and similar products; fish or shellfish products; refrigerated bakery goods, barbeque sauces, etc. Staff supports these additional items.

The definition of this use is shown below, with proposed new language shown as underlined text.

Farmers markets means the sale of fruits and vegetables in an unprocessed state or condition; arts and crafts, cottage foods including but not limited to breads, cakes, cookies, candies, jams, jellies, and fruit pies; house plants; eggs; herbs; nuts; fresh seafood; and prepared food. The following products are also allowed for sale with a permit from the Department of Agriculture which must be prominently displayed: fresh or dried meat or meat products including jerky; canned fruits, vegetables, vegetable butters, salsas and similar products; fish or shellfish products; canned pickled products such as corn relish, pickles, and sauerkraut; raw seed sprouts; bakery goods which require any type of refrigeration such as cream, custard, or meringue pies and cakes or pastries with cream cheese icings or fillings; milk and dairy products including hard, soft and cottage cheeses and yogurt; cut fresh fruits and/or vegetables and juices made from fresh fruits or vegetables; ice and/or ice products; barbeque sauces, ketchups, and/or mustards; and foccaccia-style breads with vegetables and/or cheeses. A vendor, whether stationary or mobile, locating along a roadside or on a parcel with prominent frontage, shall not be considered a farmers market for purposes of this section.

APPLICATION ANALYSIS

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria (if applicable), which are shown in *italics* (staff response 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.

The change does not conflict with the Comprehensive Plan.

b. The existing land use pattern.

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

The change does not pertain to land uses.

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

The proposed change would not overtax public facilities.

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

Not applicable as this is not a zoning map change.

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

The proposed change for both this and the previous Farmer's market changes pertain to the need for more flexibility for allowable products. The ongoing economic downtown has made it more difficult to attract shoppers and visitors to downtown Palatka, and a thriving market can help to increase traffic and sales.

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

The proposed change will not adversely affect living conditions.

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

Allowing additional items for sale will not adversely affect businesses and nearby residences.

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

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

The above criteria are not applicable

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

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

See response to g. above.

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

This change does not constitute a grant of special privilege.

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

Not applicable.

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

See response to g. above.

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

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.

The above criteria are not applicable.

STAFF RECOMMENDATION

This proposed Zoning Code text amendment is in keeping with applicable criteria. Staff recommends approval of the following Code revision of Case 11-50 to allow for the sale of the following products at Farmer's markets with a permit from the Department of Agriculture prominently displayed: fresh or dried meat or meat products including jerky; canned fruits, vegetables, vegetable butters, salsas and similar products; fish or shellfish products; canned pickled products such as corn relish, pickles, and sauerkraut; raw seed sprouts; bakery goods which require any type of refrigeration such as cream, custard, or meringue pies and cakes or pastries with cream cheese icings or fillings; milk and dairy products including hard, soft and cottage cheeses and yogurt; cut fresh fruits and/or vegetables and juices made from fresh fruits or vegetables; ice and/or ice products; barbeque sauces, ketchups, and/or mustards; and foccaccia-style breads with vegetables and/or cheeses.

Case 11-29
Request to Amend Municipal Code
(Requiring Landscape Architect for Landscape Plan Preparation)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: November 29, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To re-consider the requirement that licensed Florida-registered landscape architects prepare required landscape plans for nonresidential new construction excluding renovations and additions. This change would also allow for the preparation of such plans by a licensed Florida-registered architect. Public notice was provided in the form of a newspaper advertisement.

APPLICATION BACKGROUND

Requiring Landscape Architect for Landscape Plan Preparation

The Board heard this item at their August meeting and recommended approval with the added stipulation that this requirement would only apply to new construction. The City Commission considered this item on first reading at their September 22, 2011 meeting. At this meeting they requested that staff add language that would specify that this only pertained to nonresidential new construction excluding renovations and additions. In addition, an architect who was present at the meeting spoke to the item and pointed out that architects are also qualified to develop landscape plans. Staff researched this issue and found several state statutes that supported this argument. For example Paragraph 481.219 (13), which governs the practice of architects, states that "nothing on this section prohibits corporations, limited liability companies and partnerships from joining together to offer architectural engineering, interior design, surveying and mapping and landscape architectural services (emphasis added) or any combination of such services to the public provided that each corporation, limited liability company or partnership otherwise meets the requirements of the law." Paragraph 482.221 (4) states "No registered architect shall affix or permit to be affixed her or his seal or signature to any plan specification drawing or other document which depicts work which she or he is not competent or licensed to perform."

Staff supports limiting this standard to new nonresidential construction, and also allowing architects who are competent in the area of landscape design to prepare landscape plans.

PROJECT ANALYSIS

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria (if applicable), which are shown in *italics* (staff response 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.*

The change does not conflict with the Comprehensive Plan.

b. *The existing land use pattern.*

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

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

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

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

The above criteria are not applicable.

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

The change will not adversely influence living conditions in any neighborhood.

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

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

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

The above criteria are not applicable.

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

See response to g. above.

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

See response to g. above.

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

This change would apply to multiple properties, and does not constitute a grant of special privilege.

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

Not applicable.

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

See response to g. above.

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

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.

The above criteria are not applicable.

STAFF RECOMMENDATION

These proposed Zoning Code text amendments are in keeping with applicable criteria. Staff recommends approval of the following Code revision of Case 11-29:

“Landscape plans for new nonresidential construction only, excluding renovations and additions, shall be prepared by a licensed, Florida registered Landscape Architect, or a licensed, Florida registered Architect who is competent in the area of landscape design.”

