



# CITY OF PALATKA PLANNING BOARD MEETING MINUTES April 3, 2012

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

**Motion** made by Mr. Pickens and seconded by Mr. DeLoach to approve the minutes as submitted for the March 6, 2012 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.

## NEW BUSINESS

**Case 12-16** Request for a Conditional Use for a temporary outdoor sales event, in a C-2 (Intensive Commercial) zoning district.

**Location:** 111 Town & Country Drive

**Owner:** Revenue Properties Town & Country

**Applicant:** Missy Wise, Town and Country Select

Mr. Crowe said this type of sale is allowed by conditional use and similar events have occurred in the past. The event would take place in the K-Mart shopping center parking lot between May 2<sup>nd</sup> and May 6<sup>th</sup>. He said that the code restricts this type of sales event to 72 hours and staff interprets this to be cumulative sale hours. He stated some concerns with the location of the sales area shown on applicant's site plan and that an observation of traffic patterns in the shopping center revealed that there is regular use of the informal north-south driveway that runs along the west side of the parking lot. He recommended that the applicant reposition the sales area away from the buildings in more of a rectangular shape so as to not block the driveway and to minimize parking displacement. The applicant intends on having two tents and a balloon which would serve as a sign. He recommended approval with the following conditions:

1. Cumulative sales hours cannot exceed 72.
2. North-south driveway along western property boundary shall remain unobstructed.
3. Event area shall be shifted to the north and shall be more rectangular in nature so as to displace less parking, particularly parking in front of Bealls.
4. Any temporary on-site lighting shall be shielded and aimed downward to reduce glare.
5. Any signage must be reviewed and approved prior to installation.
6. Tent permits are required.
7. All vendors must possess current City occupational licenses.

Mr. Stewart asked if there were any comments received regarding this request.

Mr. Crowe answered that there were no comments received.

Ms. Buck asked if the balloon was allowed by code and wondered why an out-of-town car dealer would come in and sell cars here when there is a plethora of car dealerships.

Mr. Crowe said that the Code does not discriminate against folks who want to come in and do this. A certain percentage of the sales inventory value is collected, to defray some of the potential impacts on the local economy. He added that the balloon would be treated like a banner sign, with a 50 square foot size maximum and a thirty-five foot height limit.

John Hawkins, 410 Park Glen Dr. Tavares, FL, explained that the balloon is a very minimal part of the sale and that they will abide by the City's guidelines, as they do in other areas. He said they sell used cars and have two sales per week all over the state.

**Motion** made by Mr. Sheffield and seconded by Mr. Pickens to approve the request subject to staff recommendations. All present voted affirmative, motion carried.

**Case 12-17** Request to amend the Future Land Use Map from COM (Commercial) to PB (Public Buildings and Grounds) and rezone from C-2 (Intensive Commercial) to PBG-1 (Public Buildings and Grounds).

**Location:** 410 S. State Road 19 (Putnam County Emergency Operations Center)

**Owner:** Board of County Commissioners Putnam County

**Applicant:** Mike Brown, Putnam County Emergency Services

Mr. Stewart said that this case has been withdrawn by the applicant.

**Case 12-18** Request for a Conditional Use for two wall murals in a DB (Downtown Business) zoning district.

**Location:** 706 St. Johns Avenue

**Owner(s):** Michael & Laura Shoenberger

**Location:** 900 St. Johns Avenue

**Owner(s):** Alexander M. Sharp & Jeannie L. Ely

**Applicant:** John Alexander, Conlee Mural Committee.

Mr. Crowe said that the 706 St. Johns Avenue mural has been withdrawn from this request by the applicant. He explained that the Comprehensive Plan has an emphasis on historic preservation. Staff believes that these murals help to foster a civic pride and knowledge of local history and is in support of the request.

John Alexander, Chairman of the Conlee-Snyder Mural Committee, stated that all of their murals are of a historic nature. This mural represents the opening of the Palatka Union Depot in 1909. It represents a time when this area was booming. He said that they would like to make it a sort of three-dimensional type of painting.

Ms. Buck asked if the rendition was what was actually going to be put up on the wall.

Mr. Alexander replied yes.

**Motion** made by Ms. Buck and seconded by Mr. Pickens to approve the request as submitted.

Mr. Sheffield noted that the applicant had requested a waiver of fees and asked if there was a provision to wave the fees. Mr. Crowe said that the fees are in the Municipal Code and Staff does not have the provision to wave the fees at this point. Staff will be looking into revising the code to have some specific criteria to be able to possibly wave the fees for a public interest. All present voted affirmative, motion carried.

## OLD BUSINESS

**Case 11-43** Request to amend the Future Land Use Map from RL (Residential Low-density) to PB (Public Buildings and Grounds) and to allow for a Planned Unit Development as an overlay district in the PB category and to rezone from R-1A (Single-family Residential) to PBG-1 (Public Buildings and grounds).

**Location:** 1001 Husson Ave.

**Owner:** Putnam County District School Board

**Applicant:** James L. Padgett

Mr. Crowe referred the Board to a PowerPoint slide of an aerial photo of the site that showed the existing buildings, the current vehicular access points and the loading & unloading areas. He said that the property was in a residential land use and zoning district, both of which allow schools. He stated that this is a very complex subject, explaining that the city has been making an effort to put all schools and all public facilities into what is called the Public Buildings (PB) land use category. This property was included in a list of “housekeeping” comprehensive plan amendments developed last year by the former Planning Director. This property was removed from that list and from further consideration at the June, 2011 Planning Board meeting by the Board, based on testimony of nearby residents. He stated that public participation has been a strong element in this and briefly reviewed the following timeline of events;

- July 28, 2011 - the Mayor called a meeting with the residents and the Planning Director.
- August 1, 2011 - onsite meeting with the Mayor, the Schools Superintendent and the residents.
- August, 2011 - School District cited for zoning violation.
- October, 2011 - School District filed an application to change the land use and the zoning.
- February 27, 2012 Staff noticed property owners within 400 feet of the property for a meeting with the Mayor, Planning Director and School District staff to discuss the Planned Unit Development (PUD) and potential PUD conditions, asking for input from the residents as well.
- March 8, 2012 - City Commission, upon the Planning Board’s recommendation, approved standards to the PUD Ordinance that would allow a PUD in the Public Buildings Future Land Use Map category, therefore, allowing this application to proceed.
- March 26, 2012 - follow-up neighborhood meeting on draft conditions presented by the School District.

Mr. Crowe said that the Board must use specific criteria in considering this item. He pointed out that within the City’s Comprehensive Plan a Future Land Use goal requires that land uses are harmonious with surrounding neighborhoods and there is not conflict between land uses. He discussed compatibility and stated that in terms of impacts, looking at this objectively, the annex use has less of an impact than a school or comparable commercial use, in terms of trips. There are fewer people working there and it is an underutilized site, compared with an active school, a commercial or an office building. However, there are some intangibles that are still important. Some of what the residents have conveyed, and staff believes is legitimate, is that there is a difference between a school and a public facility like the Annex. A school is something that people tend to want in their neighborhood. Kids walk to school, there is kind of a neighborhood bond – a bond that doesn’t seem to exist for a detached type of office/warehouse complex, where you don’t have those kinds of physiological or aesthetic considerations. These perceptions are harder to quantify but are still important considerations. Some of the tangible issues are the 18 wheelers, the forklifts and the unloading that occurs where residents can see it from their front yards and porches, which create an incompatible land use arrangement. While the impacts may be less from the annex use than from a school or a comparable office use, the aesthetic considerations are important and can’t be discounted. Unless there are some standards put in place that work, the office/warehouse would not be compatible. He reviewed the following proposed PUD conditions:

The following are previous commitments made by the School District to address neighbor concerns, activities that shall continue to occur as a requirement of the PUD)

1. No surplus vehicles on property.
2. No surplus sales on property.
3. All signs including front sign to use the language "Putnam County School District Annex."
4. Limit use of front paved area (along Prospect St).
5. Mute forklift alarm to the OSHA minimum sound level.
6. Upgraded alarm system to avoid false alarms.
7. No unused surplus playground equipment along Prospect St.
8. Storage shed behind warehouse continued to be utilized.
9. Modified schedules for deliveries.
10. Fenced in lawn crew's equipment and trailers with high privacy fence.
11. Limited storage of items in halls (only in case of emergency).

Additional conditions of the PUD proposed by the School District:

12. All delivery trucks shall enter and exit the facility from Husson Ave only.
13. The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.
14. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within 60 months of adoption of this ordinance.
15. Building uses and all other activities are limited to what is shown on site plan.
16. Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.
17. All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.
18. The PUD should allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.
19. Existing trees on the site shall be preserved.

Mr. Crowe noted that Staff recommended approval of the land use amendment and also of the PUD rezoning with the previously stated conditions, except with the revision of Conditions # 12 and 14 as follows (new language underlined), along with the addition of Condition # 20:

12. All delivery trucks shall enter and exit the facility from Husson Ave. using the loop driveway adjacent to Building # 6. No parking of non-delivery vehicles shall be allowed within this loop driveway. A sign shall be placed at the loop driveway entrance directing such delivery.
14. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within ~~60~~ 24 months of adoption of this ordinance, with the ability to apply to the Planning Board for not more than two 16 month extensions with conclusive findings by the Board that specific circumstances prevents relocation of the warehouse use and that the interim use as approved is not negatively impacting the neighborhood.
20. At the time of the first extension request the Board shall also evaluate the replacement of the Cleveland St. vehicle entrance with a Husson Ave. entrance and driveway.

Ms. Buck asked how the School District managed to not apply for this back in 2009, was there no due diligence in locating the warehouse there, and she also wanted to know why the City allowed this to go on for three years.

Mr. Crowe stated that he did not want to speak for the School District, and maybe that question could be posed to their representative. He explained that when he came here in February of 2011, his predecessor had composed a list of what was called "housekeeping items" of land use amendments for public properties, which included this property. Several residents including Mr. Cavuoti called him, and concurrently while learning about the warehouse and the violation, the housekeeping items had already been advertised and proceeding to the Planning Board. The Planning Board made what he thought was a rational decision to remove it from the list. At that point and time, the School District was clearly in violation of the Zoning Code and Comprehensive Plan, and Staff then sent a notice of violation. From that point the case was considered a code enforcement issue and handled as such.

Ms. Buck asked if the School Board was fined for being in violation.

Mr. Crowe explained that the violation notice allows for a 30 period where violators either have to come into compliance or file for an application to amend the land use and zoning. The process allows for a 30 day extension. The applicant did file the rezoning and land use amendment applications within that 60 day time period. At that time there was also a pending application to amend the PUD ordinance to allow PUDs in all land use districts, as is called for in the Comprehensive Plan. Since this action would allow for a PUD to be utilized in this case, the application and violation were both considered to be in abeyance until the PUD ordinance application was considered.

Mr. Holmes said that without advocating either side of this request, he wanted a clean record that is based on the legitimate factors that are appropriate for consideration of a land use request. He stated that he didn't believe that the School Board's knowledge or lack of knowledge could be considered, as this is purely a land use decision. He stated that he was a little perplexed about considering economic circumstances in a land use consideration, but if such factors are going to be considered in this case, then that would need to be a consideration from this point forward, for each case and not just for the school board. The factors in the report should be considered but the Board must base their decision on the factors in the code. He asked Mr. Crowe why he had made a recommendation for a time limitation, if it is an appropriate land use now why would it not also be appropriate in two or five years. He added that he would not want to lead off into an area that would allow someone a fruitful area for appeal. He also stated he would not want to see too much time spent on what the school board did in the past on this site, because it is not really relevant to the question of whether this is an appropriate use now and whether the application meets the criteria for the PUD rezoning.

Mr. Crowe commented that he agreed with Mr. Holmes that this request must be treated like any fresh application and that the rezoning decision should be focused on compatibility and the other criteria in the Code. The point of entry for discussion of economic circumstances was, in Staff's interpretation, item f. of the rezoning criteria: "whether changed or changing conditions make the passage of the proposed amendment necessary." In this case changed conditions are locational and funding constraints pertaining to the warehouse, constraints that were not present prior to the economic circumstances of the past four years.

Ms. Buck questioned the Staff analysis regarding impacts on page #8, item d. of the staff report stating that the site is currently underutilized, with relatively low traffic and other impacts. She wanted to know where the happy medium is, as it is generally either way too much or way too little.

Mr. Crowe said that there are a number of considerations on which a planner would base their assessment of impacts such as traffic counts - if this site was compared to an active school or an office complex, it would not generate the traffic of these uses.

Mr. Holmes stated that his concern would be how the time limitation for the warehouse would be justified. He wondered if this would be enforceable if nothing has changed in two years and there are no criteria in the land use code to support that limitation. If the warehouse is compatible now, why would it not be compatible in two years?

Mr. Crowe said that in no way did he believe the warehouse use in itself was a “good fit,” adding that he believes that the PUD assigns some controlling factors that will mitigate impacts and thus lessen incompatibility. What is agreed upon is that the warehouse use should be relocated, what is not settled is the timeframe for the removal of the use. He said a sunset provision and certain conditions could be an acceptable compromise.

Ms. Buck asked what difference it would make to change the sign from Warehouse to Annex.

Mr. Crowe said that it is his understanding that this comes from the negotiations between the neighboring residents and School District staff. The residents did not want a sign with the word “warehouse.”

Chairman Stewart asked the Applicant to come forward.

Scott Gattshall, 4400 N.W. 14<sup>th</sup> Place, Gainesville, introduced himself as the facilities director for Putnam County School District. He spoke of budget constraints since the market crash that have created extreme economic constraints for the district. He explained that operating the warehouse at this location was an effort to minimize laying people off and other drastic cuts that would have been required. Prior to establishing this warehouse it cost around \$67,000 per year for the warehouse function. Not having to rent warehouse space has allowed the District to save approximately \$220,000 to date and has also saved jobs. This site was not being used and it seemed like a good fit at the time. It is not the District’s intention to permanently locate a warehouse here but in fact to eventually reestablish this facility as a school, which would benefit all of the community. The District is not a private business moving into Palatka, setting up shop and wanting to rezone something in a residential district. If the warehouse activities are not allowed to remain at this time there is no space available for storage and if relocation is required the District will have to rent warehouse space, which will come out of taxpayers’ money. He said that the deliveries do not even average out to one per day and when the deliveries do come in, it may amount to one or two pallets, as big deliveries go directly to the schools. He also added that when it was a school, the semi-trucks would pull up to the front parking lot to unload but does agree with the suggestion to put an access road around to the back, to a true loading dock. This would assist operations when the Annex is turned back into a school, since the warehouse area would convert to a cafeteria.

Discussion among Board members continued regarding the recommended conditions including noise, the proposed rear driveway and the timeline for the warehouse. Mr. Gattshall said the 60 months is a more realistic timeframe for phasing out the warehouse.

Mr. Robert Cavuoti, 2206 Prosper Street, asked the Board to vote against the request. He said that in October of 2009 he spoke with Debbie Banks regarding his concerns, and she said that the property was not zoned for the warehouse use. He stated that he and his neighbors were not notified of the ordinance changing PUD standards. He referred to a memo between from Mr. Crowe to Elizabeth Hearn, Code Enforcement Officer, stating that while schools are compatible uses with residentially zoned property, the current utilization of this property is not in keeping with the Comprehensive Plan as well as the Zoning Code. Mr. Cavuoti stated that the bottom line is really that the way this was done and the way it has affected their neighborhood, has been a negative experience. He said that a PUD may not be a terrible thing, to kind of tweak the zoning a little bit in some circumstances, but if it negatively impacts the community such as in this case, it would just be wrong. He suggested a compromise could be to rezone the property to R-3 (Multiple-family Residential). This would allow for a low intensity office use (allowed by Conditional Use), but not a warehouse. He appreciated the efforts of the School District to mute

the sounds of the forklifts, and the rewording of the sign from warehouse to annex, but in regard to the sign change he said a duck is a duck. He also commented that the media center generates approximately 50 to 60 cars on any given day, and that traffic should be rerouted as recommended by Mr. Crowe.

Mr. Petrucci asked Mr. Cavuoti how many trucks has he sees delivering supplies and how that compares with when it was a school in terms of traffic.

Mr. Cavuoti explained that on some days there can be 3 to 6 trucks and then none for a day or two. He said there are certain things you would expect to see from a school being there, such as the busses in the morning and in the afternoon, children walking to and from school. When he bought his home the school was already there.

Mr. Pickens reiterated previous comments made by Mr. Holmes regarding the need to focus on the criteria to be considered for a land use consideration. He stated that it appears that with all staff has recommended and all that the School Board has talked about, it does not seem to appease the concerns of the neighbors.

Mr. Wallace asked Mr. Cavuoti what it would take to make the current use compatible.

Mr. Cavuoti replied that the offices and training center are acceptable, but the warehouse is not.

Rissi Cherie, 517 S. Francis Street, Interlachen introduced herself as president of Putnam Citizens Alliance explained that she is here to stand with the neighborhood. She spoke in opposition of the request and explained that Citizens Alliance is dedicated to a better Government, one that works for and protects the people. She stated that she believes that it took a lot of thought and planning to create a Comprehensive Plan for the City and this Plan should not be changed lightly. She believed that this action would be nothing more than spot zoning which is not appropriate in every way for this location. If the City approves to place a warehouse in an established neighborhood that has been there for thirty or more years, then where are the neighborhood's protections from more of this type of thing happening. This is a slippery slope, and if a warehouse is allowed there, then things that are sort of like a warehouse can go there. She urged the Board to vote no to protect these citizens and the rest of the City.

Betty Jean Bryant, 2016 Kirby St. stated that she lived in the neighborhood for over 50 years, and understands that these are tough times. She stated this is a big disturbance for the residential area and agreed that all the traffic should be rerouted off of Husson Ave. She does not believe the warehouse should stay there.

**Motion** made by Ms. Buck to approve the requests with staff conditions except that the warehouse must be terminated after two years, with no extension. Additionally during that two-year time frame, Staff's recommendation for requiring delivery to take place on the Husson Ave. u-shaped driveway should be utilized. Motion seconded by Mr. Petrucci.

Mr. Holmes said that the Board has two separate items before them and the motion must be couched in the framework of approving or denying those two separate requests.

Mr. Petrucci asked if the PUD would limit this use to what occurs on the site right now, as there were concerns that once the land use was changed the District could do other things. Mr. Crowe said that the PUD would definitely limit activities to the current uses as stated in the approval conditions.

Mr. Petrucci stated that he has driven by this facility several times and has never even realized that this was a warehouse, as there was not a significant amount of traffic to the warehouse at the times that he drove past. He saw this as being a good idea as a temporary place holder, until it could be used as a school again, as long as it did not get elevated to a different level.

Mr. Gattshall stated that the District has safety concerns with locating delivery at the loop driveway since Moseley Elementary School was just across the street.

Mr. Pickens stated that he wanted to explain why he would be voting against the requests, as he worked as the School Board Attorney for many years and has a great affinity for the school district and would want to accommodate them in any way legally possible, especially during these very difficult times. He said that he had an ex-parte communication with the Mr. Townsend. He believes that the decision the District made to do this was one in which the District did not knowingly violate codes and that it was a very frugal, prudent and practical fiscal move. He agreed with a lot of the things that Mr. Holmes has said in that the Board is here to make a land use and zoning decision, most specifically whether or not a warehouse is appropriate in a residential area. He thinks that staff has made a herculean effort at trying to bring the parties together through this mechanism and through dialogue and conversation, including the Mayor and the School District, and he applauded those efforts. He added that of all the things he wished, he wishes that the accommodations that the District was willing to make and the overlays that staff had put together, did appease the neighbors. But in the end the warehouse is not compatible and he will side with the residents that bought near a school. He understood the type of traffic associated with a neighborhood school is a positive thing and that of a warehouse is not and understands the psychological difference between the two.

Ms. Buck withdrew her motion after Mr. Petrucci withdrew his second.

Mr. Sheffield stated that he views this as strictly a land use issue and does not believe that this would be harmonious zoning, and for that reason he was against the request.

Charles Horner, 2019 Kate Street, spoke in opposition to the request, stating that what the School Board is asking the Board to do is to spot zone, this has been going on for years and we do not have quality growth in Putnam County.

**Motion** made by Mr. Sheffield and seconded by Ms. Buck to recommend denial of the application to amend the Future Land Use Map from RL (Residential Low-density) to PB (Public Buildings and Grounds) and to allow for a Planned Unit Development as an overlay district in the PB category and to rezone from R-1A (Single-family Residential) to PBG-1(Public Buildings and Grounds). All present voted affirmative, motion carried.

## **NEW BUSINESS**

**Case 12-19** A request for a Conditional Use for an indoor recreation facility in a C-1 (General Commercial) zoning district.

<b>Location:</b>	702 N. 19 <sup>th</sup> Street
<b>Owner:</b>	Makhlou Wasim
<b>Applicant:</b>	George E. Moore

Mr. Crowe gave an overview of the request, stating that this property is an existing retail building located on a commercially-zoned property within a residential neighborhood. In the C-1 (General Commercial) zoning district this use is allowed by conditional use. He stated that the request meets the criteria and does not conflict with the Comprehensive Plan. He spoke of some deficiencies with the parking striping, the dumpster screening and the fact that there really is no landscaping to speak of. In terms of compatibility with the surrounding neighborhood, Staff believes that a recreation center that serves children also serves the neighborhood. He also noted that the Police Chief departmental review reported crime problems at that commercial location. He said when evaluating this request, the Board should focus on the use and not the overall property, but once the issue of crime is brought into play, the potential concern is that kids may be impacted. The conditional use criteria

should be considered in evaluating this request, which also includes the general public safety, health and welfare, so it is appropriate to look at any potential problems associated with the established instance of crime on the property. He added that this is a double-edged sword, as this request could provide a place for kids to get off the streets. Staff recommended approval with the following conditions:

1. Applicant shall comply with Landscape Code provisions upon their adoption.
2. New lighting shall be installed on the site to provide for better visibility on the east and west side of the property while being shielded and downcast to minimize off-site glare.
3. Parking spaces shall be designated with clearly marked striping.
4. Per recommendation from the Police Chief due to concern for the safety of children given crime incidence on the property, facility shall not be open later than 9 PM.
5. Dumpster shall be screened.

Mr. Moore, Palm Coast, stated that his goal is to help, inspire, and reach out to the youth that otherwise have no place to go, to keep them from hanging around on the street and getting into trouble.

Ms. Buck asked what he would be putting in there.

Mr. Moore said that he would be putting in video games, Pac Man, ping-pong, pool table and air hockey.

Mr. Sheffield asked if there would be any outdoor activities.

Mr. Moore said there would not, but there might be an occasional birthday party.

Mr. Pickens asked Mr. Moore if he wanted to speak to the recommended closing time of 9:00 pm.

Mr. Moore said that when he was growing up there was a stricter curfew on the weeknights and on Friday and Saturday nights children got to stay out later. He was thinking about closing when the convenience store closed, he thought that was around 10:30 or 11:00 PM.

Discussion ensued regarding the Board's ability to include specific restrictions of activities not to include alcohol and internet gaming.

Mr. Petrucci stated that he believed what Mr. Moore is trying to do is great. He asked Mr. Moore how he would deal with the crime in that area.

Mr. Moore stated that he planned on managing the facility and is not going to tolerate bad behavior, and that he would contact law enforcement quickly when needed.

Theresa Jackson, born and raised in Putnam County and is a co-adventurer of this venture. She stated that she understand what is going on in this neighborhood and the intent is to provide an outlet where kids could play video games, shoot pool and communicate with some positive people, people who have done positive things and "made it out of the hood." Maybe if there was an outlet for these kids this might be able to change someone's life.

Marian Session, business owner at 702 N. 19<sup>th</sup> St. Suite 3, spoke in favor of the request. She stated that she has been there for eight years, and believes that the crime rate has gone down in the past three to four years. She believes that this will be something good for the neighborhood kids.

Mr. Holmes stated that the criteria call for consideration of the safety and welfare based on the information in the police report, but it is also not enough to consider a denial of the request.

Mr. Pickens said that he had an ex-parte communication with the Pastor of the Church located in that same commercial complex works with him at the College and that this gentleman did not have enough information about the nature of the request to have an opinion one way or the other. He stated that he also spoke with Mr. Holmes and shares his concerns that just because a criminal element has frequented this area in the past, this is not related to the Applicant and his potential customers, so he would agree that this is an appropriate request.

Terrill Hill, 206 N. 6<sup>th</sup> St., stated that he does a lot of work in this community, and he grew up four blocks from this property. He spoke of the positive impact that a similar use had on him when he was growing up called the Africano Club a teen club. This was a safe haven for kids with a game room, providing the opportunity for kids to go and gather until the curfew. This would be a structured environment and this is desperately needed now as a lot of programs have been cut back. He said that he understands the internet gaming thing and landscaping requirements but does not believe that it is the Board's place to limit what he sells or the hours of operation and that it is with great thought the City Commission has put a curfew in place. He asked that the Board allow this use, as idle hands are the devil's workshop.

Discussion took place regarding the current city curfew. Mr. Pickens asked if Mr. Moore was agreeable to his closing time matching that of the City curfew. Mr. Moore replied that would be fine.

**Motion** made by Mr. DeLoach and seconded by Ms. Buck to approve the request with staff recommendations, modifying condition item # 4; with closing hours of the operation to match the juvenile curfew in the municipal code, and to restrict the use as to not allow internet gaming. All present voted affirmative, motion carried.

**Case 12-20** Request to annex properties located at 3205 & 3209 Crill Avenue and 1108 S Palm Ave. into the Palatka city limits, amend the Future Land Use Map for the Crill Avenue parcels from County CR (Commercial) and UR (Urban Reserve) to COM (Commercial) and rezone from County C-2 (Commercial, Light) to C-2 (Intensive Commercial); and amend the Future Land Use Map for 1108 S. Palm Avenue from County CR (Commercial) to COM (Commercial) and rezone from County R-1A (Residential, Single-family) to C-1A (Neighborhood Commercial).

<b>Location:</b>	3205 & 3209 Crill Avenue and 1108 S. Palm Avenue
<b>Owner:</b>	J. Dale Hewett Life Estate + Donald E. Holmes Jr. + Richard S Richter
<b>Applicant:</b>	Guy Parola, Causseux, Hewett & Walpole, Inc.

Mr. Holmes excused himself to leave the meeting, stating that he is one of the owners of record for this request.

Mr. Crowe said that the property facing the south side of Crill Avenue has County C-2 (General Commercial) zoning, which is less intensive than the City's C-2 (Intensive Commercial) zoning and the property on Palm Avenue and all the neighboring lots on along this street have County Commercial land use and residential zoning which is in conflict with the land use taking precedence. The request does comply with the Future Land Use and rezoning criteria and staff recommends approval.

Mr. Pickens wanted to confirm that the land use requested is comparable to the shopping center across the street on Crill and less intensive than the used car lot across on the Palm Ave. side.

Mr. Crowe replied yes.

Mr. Guy Parola, said that it will not be a gas station. He said there was an end user and it will be a small enclosed retail use. The idea of the Palm Ave. property would be to use this lot for a secondary driveway. He added that the current County zoning allows for a larger floor area, meaning that this action will reduce the allowable intensity.

**Motion** made by Mr. Pickens and seconded by Ms. Buck to annex the properties located at 3205 & 3209 Crill Avenue and 1108 S Palm Ave. into the Palatka city limits. All present voted affirmative, motion carried.

**Motion** made by Mr. Pickens and seconded by Ms. Buck to amend the Future Land Use map for 3205 and 3209 Crill Avenue from County Commercial and Urban Reserve to City Commercial. All present voted affirmative, motion carried.

**Motion** made by Mr. Pickens and seconded by Ms. Buck to amend the Future Land Use map for 1108 S. Palm Avenue from County Commercial to City Commercial. All present voted affirmative, motion carried.

**Motion** made by Mr. Pickens and seconded by Ms. Buck to rezone 3205 & 3209 Crill Avenue from County C-2 (Commercial, Light) to C-2 (Intensive Commercial). All present voted affirmative, motion carried.

**Motion** made by Mr. Pickens and seconded by Ms. Buck to rezone 1108 Palm Avenue from County R-1A (Residential, Single-family) to C-1A (Neighborhood Commercial). All present voted affirmative, motion carried.

**OTHER BUSINESS – none.**

With no further business, meeting adjourned at 7:30 pm.