



CITY OF PALATKA PLANNING BOARD AGENDA

June 5, 2012

1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the May 1, 2012 meeting.
4. Appeal procedures and ex parte communication.
5. OLD BUSINESS

Case 11-43 Request to rezone from R-1A (Single-Family Residential) to PUD (Planned Unit Development)/PBG-1 (Public Buildings and Grounds) - item remanded to the Planning Board from the City Commission on May 10, 2012
Location: 1001 Husson Ave. (School District Annex)
Owner: Putnam County District School Board
Applicant: James L Padgett, Esq.

6. NEW BUSINESS

Case 12-23 Request for a conditional use for wall graphics (murals).
Location: 429 Kirby Street (Hammock Hall)
Owner: City of Palatka
Applicant: South Historic Neighborhood Association

Case 12-27 Request for a conditional use to re-establish a nonconforming use (barbecue restaurant take-out), in an R-2 (Two-Family Residential) zoning district.
Location: 1322 Washington St.
Applicant: Herman and Pamela G Roberts

Case 12-28 Request for a conditional use for a temporary outdoor sales event (firework sales).
Location: 1024 State Rd. 19 (Walmart parking lot)
Owner: Walmart Stores East, LP
Applicant: TNT Fireworks, Inc.

Case 12-29 Administrative request to amend Zoning Code Sec. 94-200 to require that in the case of outdoor promotional sales and temporary goods or commodities sales, sales shall be limited to items that are customarily offered for sale by the principal use which occupies the property where the sale is to be held, and that only the business or entity occupying the principal structure may sell such merchandise.

Case 12-31 Administrative request to amend Comprehensive Plan Public Facilities Element Policy D.1.2.1 to provide for exceptions, based on economic development and system efficiency considerations, to the requirement that properties receiving City water or sewer that are

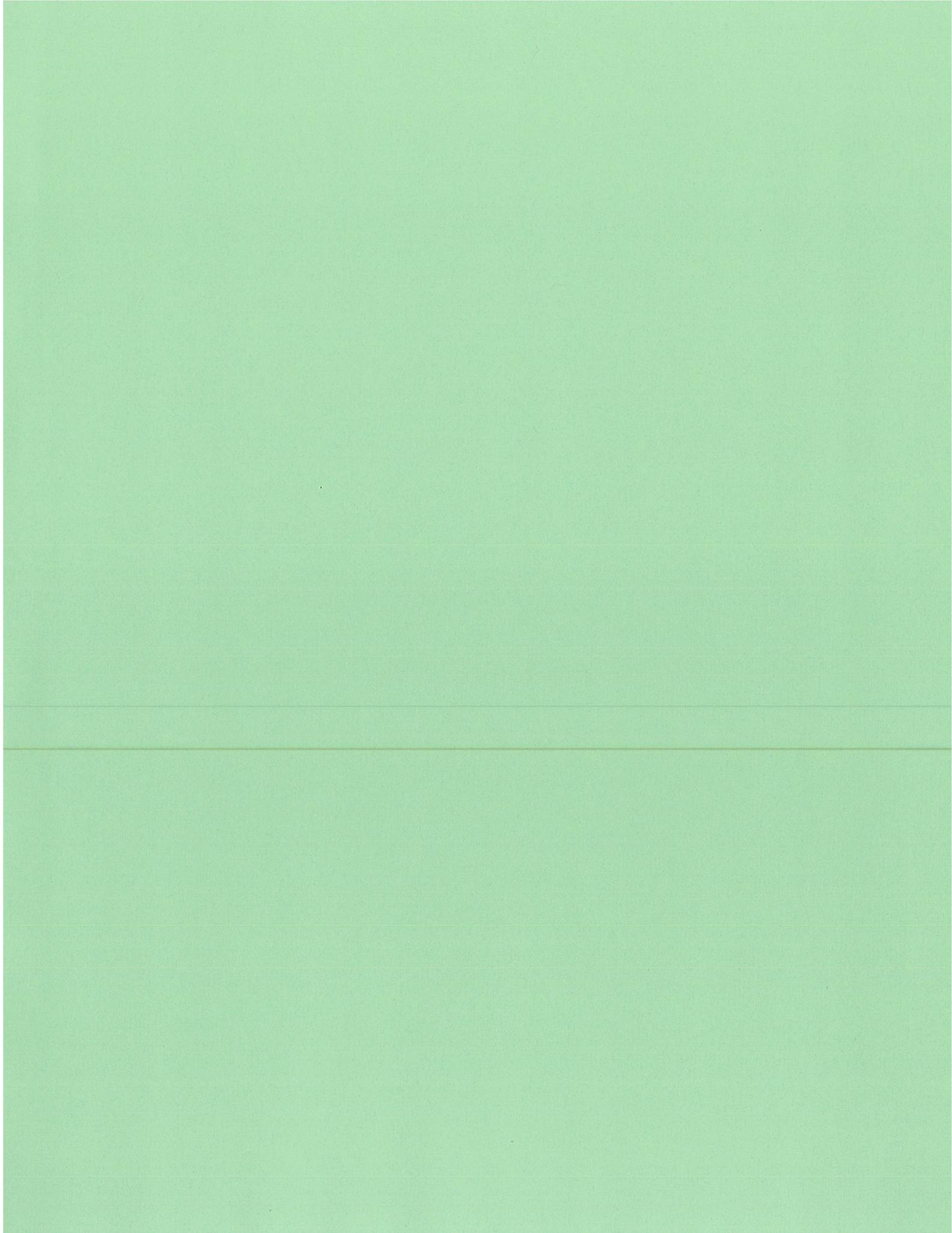
Planning Board Agenda
June 5, 2012

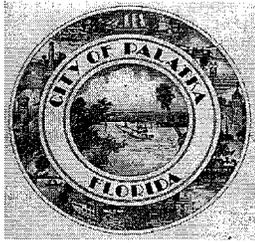
contiguous to the city limits be annexed, and the requirement that properties receiving City sewer service be within the City limits.

- Case 12-32** Request for a conditional use to construct a warehouse, in a C-2 zoning district.
Location: 410 S. State Road 19 (Putnam County Emergency Operations Center)
Owner: Putnam County Board of County Commissioners
Applicant: Mike Brown, Putnam County Emergency Services
- Case 12-33** Administrative request to amend Comprehensive Plan Future Land Use Element Policy A.1.9.3 to remove height limitations for structures within future land use map categories.
- Case 12-34** Administrative request to amend Zoning Code Sec. 94-151 to allow outdoor pistol or rifle ranges as a conditional use in the M-1 (Light Industrial) zoning district.

7. **OTHER BUSINESS** – discuss July meeting date.

8. **ADJOURNMENT**





CITY OF PALATKA PLANNING BOARD MEETING MINUTES MAY 1, 2012

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

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve the minutes as submitted for the April 3, 2012 meeting. All present voted affirmative, motion carried.

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

OLD BUSINESS

Case 11-42 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)

Mr. Crowe stated that this is a pretty straightforward amendment to the Comprehensive Plan which is intended to recognize the Community Redevelopment Area (CRA) and Plan and to allow for the extension of the program for 30 years. He added that there are three separate tax increment financing districts within the overall CRA; the Central Business District, the North Historic District, and the South Historic District. He said that all of the notice requirements have been met for the extension and the next step, should this item get the board's recommendation for approval, will be to go to the City Commission for transmittal to state agencies for review and then for final adoption.

Mr. Harwell asked who establishes the guidelines for the tax increment financing (TIF) funds.

Mr. Crowe said the CRA is comprised of the City Commission and several other members.

Mr. Holmes added that the distribution of TIF funds is subject to the statutes, which state that funds can only be spent by for a project that is within the district and that the expenditure has to be something that was contemplated within the adopted CRA plan. He explained that there are currently some pretty clear rulings on how the money is to be spent and to whom it is given to from the State Attorney General's office.

Discussion continued regarding the accumulation and distribution of the CRA funds.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve the request. All present voted affirmative. Motion carried.

NEW BUSINESS

Case: 12-21 To consider Adoption of amended Flood Map as part of Future Land Use Map series of the Comprehensive Plan

Mr. Crowe explained that this is a housekeeping measure that we really have to do. The Future Land Use Map has a series of maps, one being a Flood Plains Map. This map stems from Federal Emergency Management Administration (FEMA) flood zone maps. FEMA is systematically updating flood maps across the country and our update occurred in February. The City also recently replaced its existing Floods Code with the new model code, developed by FEMA, which conforms to the Florida Building Code regarding rules for construction and development in flood hazard areas and administration of other floodplain management standards. He added that it was important that the Comprehensive Plan floods map had same boundaries that FEMA has established and that any development within that area would have to meet the flood plain requirements. Communities that conform to the FEMA flood requirements and have consistent maps continue to be eligible to participate in the National Flood Insurance Program which helps to prevent higher flood insurance costs for City property owners. He recommended approval.

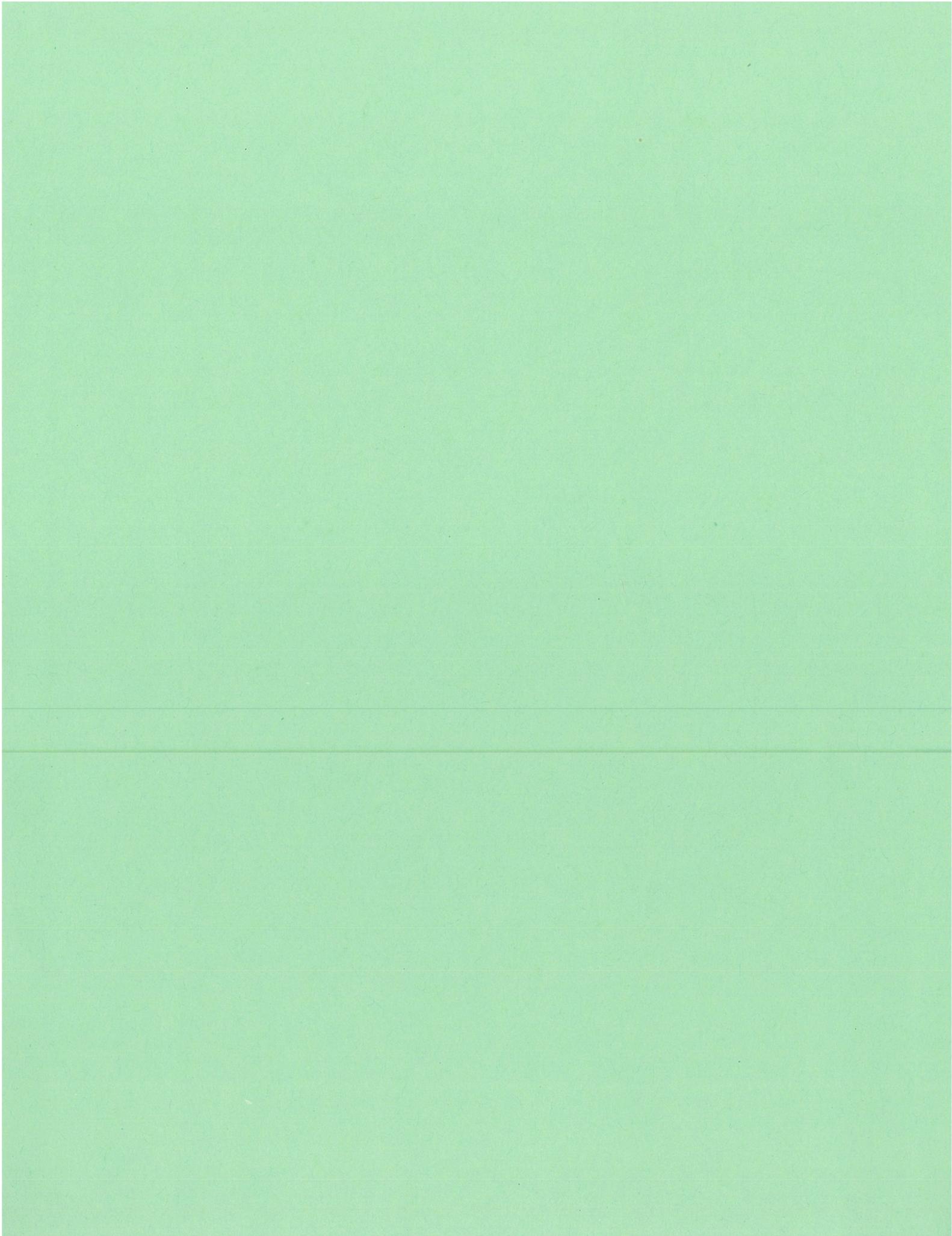
Discussion continued regarding the National Flood Insurance Program.

Motion made by Mr. Sheffield to recommend approval of this item to the City Commission for adoption. All present voted affirmative. Motion carried.

Other Business:

The Board members requested a card be sent to Mrs. Venables on behalf of the Board.

With no further business, meeting adjourned at 4:20 pm.



Case 11-43 1001 Husson Ave.

**Request to Amend Comprehensive Plan Map from RL to PB,
and Rezone to from R-1A to PUD/PBG-1**
Applicant: James Padgett on behalf of Putnam County School District

STAFF REPORT

DATE: May 24, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To amend Comprehensive Plan Future Land Use Map (FLUM) from RL (Residential Low Density) to PB (Public Buildings and Grounds and rezone from R-1A (Residential, Single Family) to PUD (Planned Unit Development)/PBF-1 (Public Buildings and Grounds). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).



Figure 1:
Property
Location

APPLICATION BACKGROUND

The Board heard this item at their May meeting, and while members were supportive of a compromise between the School District and adjacent residents, they did not feel that either side had reached consensus and recommended denial of the applications based in particular on the incompatibility of the warehouse use with the adjacent residential neighborhood.

The item went to the May 10, 2012 City Commission meeting (see attached minutes) and after lengthy discussion and public input, the Commission voted 4-1 to remand this matter back to the Board. This decision was based on the premise that the School District was amending their application significantly enough to warrant reconsideration by the Board, specifically in regard to the length of time for the "sunset" of the warehouse function, and possibly for closing the Cleveland Avenue vehicle access.

Staff has repeated the conditions that went to the Planning Board with the exception of the two shaded conditions, which are based on the Commission discussion and the need to firmly resolve residents' concerns. Please note that as this is the School District's application they must agree to these conditions, and if they do not Staff would recommend denial of the rezoning request.

RECOMMENDATION

Staff recommends approval of the Comprehensive Plan Map from RL to PB, and of rezoning from R-1A to PUD/PBG-1 with the following conditions:

1. *Surplus vehicles shall not be stored on the property.*
2. *Surplus sales shall not be held on property.*
3. *Forklift alarm shall be maintained at the OSHA minimum sound level.*
4. *Fenced in lawn crew's equipment and trailers shall be stored in areas with high privacy fence.*
5. *Outdoor hallways will limit items stored in halls (only in case of emergency).*
6. *All ~~delivery trucks~~ vehicles shall enter and exit the facility from Husson Ave., specifically from the loop driveway, and the Cleveland and Prosper Streets vehicle exits shall be closed.*
7. *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.*
8. *The warehouse use shall cease by July 1, 2013.*
9. *Building uses and all other activities are limited to what is shown on site plan.*
10. *Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.*
11. *All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.*
12. *The PUD will 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.*
13. *Existing trees on the site shall be preserved.*

ATTACHMENTS: CITY COMMISSION MINUTES, 5/10/ 2012
 PLANNING BOARD MINUTES, 4/3/2012
 PLANNING BOARD STAFF REPORT FOR APRIL MEETING
 FUTURE LAND USE AND ZONING MAP
 BUILDING LAYOUT MAP
 APPLICATION PROJECT NARRATIVE
 NEIGHBORHOOD MEETING NOTES

Case 11-43 Attachment:

City Commission Minutes, 5/12/2012

Elizabeth Van Rensburg, 310 N. 3rd Street, said she is part of the Main Street Promotions Committee. She wanted to mention she was one of the people who vetted the public groups and organizations the City wanted represented when they began the branding process. An incredible cross-section of the Community attended the public meetings and many people made comments. She appreciates their positive vision and work on behalf of Palatka. They did a lot of work and came up with many different brands under the same theme for events, government agencies, and local companies. With her background in tourism and marketing, she thinks this is comprehensive and covers everything, and she looks forward to using this. She'd like to see the Commission adopt it; it can be tweaked after it's adopted. She'd like to see Palatka put on the map.

3. **CONSENT AGENDA:**

a. **Authorize PPD to submit the following grant applications:**

1. **Federal 2012 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation** in the amount of \$11,118.00 (no match required)

2. **Federal 2012 Edward Byrne Memorial Justice Assistance Grant Program – JAG Countywide - State Solicitation** in amount of \$16,030.60 (no match required)

b. **Authorize execution of Change Order #4 to Masci Corp. contract in the amount of \$70,305.68**, for a new total contract amount of \$ 1,011,509.05 to amend the scope of work to add a chlorination system to the Wastewater Treatment Plant Improvements project, per City Manager's recommendation.

Commissioner Brown moved to approve all items on Consent as presented. Commissioner Kitchens seconded the motion, which passed unopposed.

4. **RESOLUTION** extending the Community Redevelopment Area (CRA) Plan to December 27, 2043, per Community Redevelopment Agency Recommendation – Adopt – the Clerk read a Resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, AMENDING AND ADOPTING THE COMMUNITY REDEVELOPMENT AREA PLAN AMENDMENT TO EXTEND THE CRA PLAN TO DECEMBER 27, 2043 BY WAY OF THIS RESOLUTION AS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE. Commissioner Brown moved to adopt the Resolution as read. Commissioner Leary seconded the motion. There being no discussion, a roll-call vote was taken with the following results: Commissioners Brown, Kitchens, Leary, Norwood and Mayor Myers, yes; Nays, none. The resolution was declared adopted.

5. **PUBLIC HEARING/ORDINANCE** – Planning Board Recommendation to amend the Large Scale Comprehensive Plan Future Land Use Element to add Policy A.1.2.2 extending the timeframe of the Community Redevelopment Area Plan through December 27, 2043 – **Authorize transmittal of Draft Ordinance to state agencies for review** – City of Palatka, Applicant – The Clerk read a draft ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING FOR NEW POLICY A.1.2.2 OF THE FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN TO EXTEND THE COMMUNITY REDEVELOPMENT AREA PLAN THROUGH DECEMBER 27, 2043, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Leary moved to approve transmittal of the draft ordinance to state agencies for review. Commissioner Norwood seconded the motion, which passed unopposed.

6. **PUBLIC HEARING/ORDINANCE** – 1001 Husson Avenue - Planning Board Recommendation to deny request to rezone from R-1A (Residential) to PUD-PBG1 (Planned Unit Development/Public Buildings & Grounds) – Moseley School Warehouse – Putnam County School District, Applicant – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE OFFICIAL ZONING MAP OF

THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTY LOCATED IN SECTION 12, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 1001 HUSSON AVENUE FROM R-1A (SINGLE-FAMILY RESIDENTIAL) TO PUD/PBF-1 PLANNED UNIT DEVELOPMENT/PUBLIC BUILDINGS AND GROUNDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Commissioner Norwood moved to uphold the recommendation of the Planning Board and deny passage of the ordinance on first reading. Commissioner Kitchens seconded the motion. Mayor Myers opened the public hearing.

Planning Director Thad Crowe said the Commission does have a recommendation of denial from the Planning Board. They have worked for some time to reach an agreement between the residents of the surrounding neighborhood and the Putnam County School District. They have some options. The recommendation from the Planning Board is to deny the request to rezone. Another option is to remand this to the Planning Board for further work. Staff understands the two main issues at hand are 1) the incompatibility of the warehouse use with the residential nature of the neighborhood and 2) increased traffic on residential streets. There has been movement as of late on the part of the PCSD to better address those issues. Staff and some residents of the neighborhood have indicated they would be satisfied with the warehouse use being phased out during the next year, and all traffic closed off to the Cleveland Street access. All traffic would have to use the Husson Avenue ingress/egress. There is some play with the time frame on this last issue. If they think this would be worth looking at again, he recommends they send this back to the Planning Board where he would recommend a quicker time frame than that proposed by the PCSD to vacate the warehouse use, and he'd also recommend closing off the Cleveland Avenue entrance.

Mr. Holmes said if a denial of the application occurs, there cannot be another application made for a similar use for a year from the date of denial. Mr. Crowe said it would have to be substantially different than the PUD before them now. Mr. Holmes said if there is to be consideration of a different PUD, the preferred method would be to remand this back to the Planning Board. Mr. Crowe said the denial would affect all the uses for the property; it could also not be used as offices. The only thing that could operate there would be single family homes. Commissioner Norwood asked if there are assurances that an agreement would be reached. Mr. Holmes said there is no guarantee. You don't just rezone if there is a total agreement between the parties. You have to decide whether the proposal is a legitimate land use decision. It may not make everyone happy on both sides. At this time the recommendation is for denial from the Planning Board because what was put before them was not something they felt comfortable with. There may not be an agreed upon use.

Commissioner Kitchens read Mr. Pickens' comments from the Planning Board minutes, wherein he stated the warehouse use is not acceptable in a neighborhood. Mr. Sheffield, another Planning Board member, said he views this as strictly a land use issue and it is not compatible. Commissioner Brown asked if there is something else this property is now being used for besides a warehouse. Mr. Crowe said the School Board has a lot of miscellaneous offices there. All of these uses would go away if this is denied tonight. Commissioner Kitchens asked if the office use would constitute traffic from trucks due to the purchasing office. Mr. Crowe said there are 25 employees and an 18-wheeler that comes in several times a week. It is not frequent, but regular. Commissioner Leary said he'd like to hear from the School Board counsel as to consequences on these actions.

Jim Padgett, Esquire, 113 N. 4th Street, representing the Putnam County School District, said he can speak about the entire application, or address the remand issue, which is what the District has requested take place tonight. There has been a definite change in circumstances and they want to resolve this to the Commission and Community's satisfaction. Mr. Scott Getchell,

facilities supervisor for the PCSD, can answer any questions about the day-to-day activities at the site. He believes the more appropriate matter would be to deal with the request to remand, which was discussed with the City Attorney in a meeting last week, and who recommends the remand take place. It is his understating there are two lingering serious issues regarding the current use of the property. One is the warehouse. The media attention and community perception that the District is seeking permission to operate a warehouse at this site is not accurate. The District wants to phase out the warehouse use that is there now in a reasonable amount of time. They initially asked for a five-year period. Staff recommended a two-year period. The Planning Board recommended denial of the entire request. The District has met since then, reviewed the concerns of all, and will commit to discontinuing use of the warehouse in September 2013, or 15 months. This is quite a bit shorter timeframe than staff recommended. The Planning Board did not have the benefit of that compromise of thinking. They'd like the opportunity to go back and change this.

Mr. Padgett said the second issue is the access. In the past there has been honest debate on that. When it was used as a school, access was achieved from several points. The neighborhood now wants it restricted to Husson Avenue. They can limit the access to Husson and this is accessible. They'd like to share this with the Planning Board and give them a fresh view of this. This is not about a warehouse. They aren't fighting for the desire to continue to operate the warehouse there. The present warehouse use is less than 20% and closer to 15% of the total premises. Eighty-five percent of the 15 buildings, or a total of 40,000 sq. ft, is being used as offices. The public has the perception that the application is to operate a 40,000 sq. ft. warehouse. As to the purchasing offices, this is the administrative side of that. When the warehouse is discontinued, there will be no more big trucks. There will be office supplies used there, but no more warehouse use. Purchasing would be there, but no vendors would deliver there. He knows they are responsible for the public perception because the sign in front of the building says "Putnam Co. School District Warehouse," but 85% of the use is for non-warehouse purposes. They will get rid of the 15%, but need a reasonable amount of time to do this. They chose Sept 1, 2013 to cease that warehouse use, as this is a question of economics; they are looking at an \$800,000 - \$1 million shortfall, which may get worse. They wanted to construct a free-standing warehouse several years ago, but those funds had to be used for other things. The money for the warehouse dried up; that's when the decision was made to convert the school site to a non-school use yard.

Mr. Padgett said these new decisions weren't made by the District until after the Planning Board's May meeting. They want the opportunity to bring the Planning Board up to date and present these compromises, so the Planning Board can make a fresh recommendation. They may still recommend denial of this still. The City gave this property to the School District for use as a school. If the Public Buildings and Grounds use is denied, they will be left with a residential zoning classification. This is not R-1A property and it would never be used as R-1A; they would be further in violation of the zoning ordinance. Although the City gave the property to the school district for use for school purposes, he does not want to place blame; they've made use of this property as it is currently being used since 2009. It never occurred to them that this would not be permissible. The administration was acting in good faith when the decision was made. It never crossed his mind to contact the City B&Z Department to check to see if could be used for this purpose. He does not want blame assessed. They are trying to save money, but want to satisfy residents. They want to keep their offices there and want a public buildings & grounds designation. It would be a nightmare if the zoning classification remained R-1A. He has a lot of additional information if they would like a more complete presentation. The City changed all other school sites to PBG (Public Buildings & Grounds) except this one.

Commissioner Leary asked if the transition from school to office space occurred first, or simultaneously to the warehouse use. Mr. Padgett said it occurred simultaneously. Commissioner Leary asked why this campus was not included in the Planning Board land use change. Mr. Crowe said the Planning Board pulled this site from the list of sites being considered for the change because of residents' concern with this issue. Commissioner Leary asked if they can use this as a school, or neighborhood business activities, if this is changed. Mr. Crowe said there are two things going on; they want to rezone and change the land use. This was not rezoned in order to let a compromise come forth through the PUD process. Commissioner Leary asked if the School Board wants to maintain the warehouse under the PBG designation. Mr. Crowe said originally the School Board wanted to maintain the warehouse indefinitely.

Commissioner Kitchens asked Mr. Padgett if the operation could be grandfathered in as office operations. The school had an office when it was in operation. It existed as a school prior to the blanket rezoning. Mr. Crowe said the zoning code distinguishes schools from other public uses. Schools are allowed in residential districts by conditional use. The schools are all grandfathered in as a legal non-conforming use as they were there before conditional uses were established. Once the use was discontinued for six months, this school lost its "grandfathering" as a legal non-conforming use. It ceased to operate as a school when offices were moved in there. Commissioner Kitchens asked Mr. Padgett if he could give assurance the warehouse would be moved out by 9/1/13 and asked if there would be a legally binding document that would assure this even if there were a change of administration or members of the legislative body. Mr. Holmes said a PUD allows the City to attach specific conditions to the zoning. They can specify that the amount of warehouse use cannot be increased over what it is now, and it would terminate as of 9/1/13, and that can be a condition of the PUD. Commissioner Kitchens said previously the school warehouse was at the old Browning Pearce school; at some point it was moved from there to a rental warehouse, and then to the former Moseley Elementary School. She understands there is an adult education center at the old Browning Pearce site, and a new middle school is looking for a house. It seems it would be better to move the warehouse back to the old Browning Pearce location and move school activities into Moseley. Mr. Padgett said this District will give this consideration. The plan was to build a new warehouse, but when the money went away, they made this decision. It was done to address a need and made under difficult circumstances. As the district became more aware of the public sentiment, the attitudes changed. They wanted to stay forever, but are willing to be out by September 1, 2013. They will likely have to lease space somewhere to do so and will have to find those funds.

Commissioner Brown said some of the residents are bothered by large trucks loading and unloading, and asked if they can take care of those irritants quickly. Mr. Padgett said they would love to make everyone happy with this, but even when the facility was a school they had complaints about traffic and noise. There were complaints about the bells. They want to make everyone as reasonably happy as they can. They have gone to great lengths to count the number of big truck deliveries, which would be eliminated by September 1, 2013. They have less than one "big truck" delivery per day and the unloading time is less than 10 – 12 minutes, and they receive one to two pallets per delivery. That is not insignificant, but those deliveries will be eliminated. Commissioner Brown asked if they can be unloaded between the buildings so the noise can be buffered until the use goes away. Mr. Padgett said if they can, they will. They have done numerous things to minimize the discomfort to the neighborhood since the discourse arose. They have muted the forklift alarm, upgraded the alarm system to avoid false alarms, moved traffic patterns, and modified delivery schedules, among other things. Mr. Crowe said one of Staff's recommendations is to relocate the big truck loading/unloading from Prosper Street to Husson Avenue.

Commissioner Norwood asked how soon the traffic would be out of the community if this is remanded to the Planning Board tonight. Mr. Padgett said they are down to less than one "trip" per day now.

Scott Getchell, facilities supervisor, PCSD, said they can modify the ingress/egress to Husson Avenue relatively quickly. If they have to relocate, they don't want to make modifications to accommodate this request. If the Commission allows them to stay there, they can make the modification within a week.

Mr. Holmes asked Mr. Crowe, if there is a remand, how long a delay are they talking? When can he get this to the Planning Commission? Mr. Crowe said they can have a late May/June Planning Board and can bring this back to the June 14 Commission meeting. They can have this back in one month for a decision.

RECESS – There was consensus of the Commission to call a short recess at 7:10 p.m.

CALL TO ORDER - Mayor Myers called the meeting back in session at 7:15 p.m. and continued with the Orders of the Day.

Mayor Myers opened the floor to Public Comment.

Rissi Cherie, 517 S. Francis Street, Interlachen FL, President, Putnam Citizens Alliance, said the Alliance is committed to promoting fair and responsive government to citizens. They rights of individual citizens should take precedence over the school board, which is a political entity. They stand with the homeowners in their stance against the granting of this PUD application and urge the Commission to deny and continue to deny the request to rezone. It is important that local government listen to citizens and local boards. This is a serious issue. If the School Board is allowed to continue to use this as anything but a school it is a violation of zoning laws and a serious violation of the rights of the property owners in the neighborhood. She distributed a position paper (filed). They are committed to helping citizens and government to work together. Their lifestyle exceeds the needs of the PCSD.

Fran Martin, 501 Tropic Avenue, Interlachen, said this is being used as a school warehouse, as the sign says. She, too, is a member of the Putnam Citizens Alliance. This is a Political Action Committee made up of citizens throughout the County. Their goal is to enhance communication between citizens and government. There is plenty of government involved in this action. All this can be overwhelming and intimidating for the average citizen. This has been a nightmare for the residents who live next to this warehouse. At the core of this is the PUD application. During her term as an Interlachen commissioner, she came to believe a PUD is a scary tool to be used against citizens to allow the government to do whatever they want to citizens. The Commission needs to do what's right and uphold the Planning Board's recommendation to deny this rezoning. She urges them to reject this.

Robert Cavuoti, 2206 Prosper Street, Palatka, urged the Commission to uphold the Planning Board's recommendation to deny. He provided a brief history on events. In June 2009 the PCDS started the warehouse operation at this location. He made a complaint then, and was told by B&Z representatives that it was not zoned for use as a warehouse. There was no public notice for this. The Planning Board and City were not consulted nor asked for input. The PCSD put a warehouse in a residential area and also a school zone, across the street from the present Moseley Elementary. They voiced concerns to the School Superintendent, who said he was not moving the warehouse unless the City made him. He said he'd get back with them in two weeks and never did, and only did so after repeated calls to his office over several months. When they

got the City involved, the Superintendent agreed to meet with them. At that time he stated he would not move the warehouse.

Mr. Cavuoti said the Planning Board met on April 3 and unanimously recommended to deny this rezoning. They took this issue seriously. He hopes this Commission does the same thing. He has stated in the past that he does not mind the facility being used as an office; it was the warehouse use he and his neighbors object to. If it continues to be used for offices, they would need to put safeguards in for the neighborhood. This is reasonable to him. Having a warehouse there brings blight to the neighborhood. This has been going on for three years. The school year wants another year to manipulate this issue. He'd like to see them deny the request, get rid of the warehouse within 60 days, as it only took them 60 days to put it there. As for the truck traffic, this is the end of the school system's fiscal year and they won't be ordering supplies now. In July they will start ordering again, and the truck traffic will increase again. There are trucks coming in all the time from Staples, UPS, etc. They did muffle the loader and he appreciates that. That warehouse does not belong there. If this had been done properly, the Planning Board would have denied it in 2009. They PCSD just did this and that's not the way government should operate. There is nothing in zoning law to justify this. They want this warehouse removed within 60 days. They don't mind the City continuing to allow this to be used as office space.

Commissioner Kitchens said the current zoning wouldn't allow this to be used as office space. If this is voted down tonight, they can't use it for anything but a school. Mr. Cavuoti said at this time there should be nothing there; the school is no longer grandfathered in. It will have to be rezoned. It is reasonable to him to meet the School District halfway and leave the offices there, but get the warehouse out. He does not object to offices, but he objects to this being remanded back to the Planning Board.

Janet Cavuoti, 2206 Proper Street, Palatka, said she does not like that it has taken over three years to get to this point. A normal person would have given up. They banded together to try to work this out. They need a decision tonight of yes or no. They need to uphold the decision of the Planning Board. She's not in agreement with any other decision; the office space is not the issue. The issue is zoning. What the School Board does after that is not the neighborhood's problem.

Bobby Richardson, 2204 Prosper Street, said they don't want this in their neighborhood. They don't want the big trucks in their neighborhood. Husson Avenue is busy from 7 – 9 am and in the afternoon with school traffic. There are a lot of school children using Husson Avenue. They don't want the warehouse there.

Tom Townsend, 605 N. 3rd Street, Superintendent of Schools, PCSD, said he understands the neighbors don't want this there. He thanked them for their patience. They were in crisis three years ago and made this decision. It saved jobs, saved money and helped kids. He hears the Citizens' Alliance and believes everyone has legitimate complaints. The property was never kept up as well as it is now. They have to make a decision and the School District has resigned itself to the fact that the warehouse has to go away. They asked for five years' leniency, as this financial crisis isn't over. They have to serve the children and taxpayers. He's asking the City to consider the remand as they need time to make this change. He understands the neighborhood's position. He's met with them many times. There is no way to fix this except to move the warehouse operation, but they need time to do this. The school system has served the taxpayers and children of this community in a time of need. If they are forced to leave they will, but there will be a financial consequence to the school system. If the Planning Board says no to the revised request, he will again be back.

Commissioner Brown said they understand they want the warehouse gone and the resulting noise. They need to know how to save the office space.

Mr. Crowe said they have two options. One is to keep the PUD and allow for the office use and the warehouse within the PUD. The second option is less likely and that is to shift over to the PBF1 classification, which may not be as intensive. He asked Mr. Holmes for his opinion. Mr. Holmes said he has concerns over bringing something into a zoning classification that has not been applied for, nor heard by the Planning Board. He'd be uncomfortable with voting on this tonight. They have a PUD pending in front of them that includes a warehouse component. If the applicant asks them to remove the warehouse component and adopt the PUD, he would not have a problem with that as it is a lesser intensity than what was advertised. If the applicant doesn't ask for that, the City can't change the PUD. They can vote it up, down, or send it back to the Planning Board level. The other option is for the applicant to request changes now, which are 1) to eliminate traffic on Cleveland and Prosper and put all the traffic on Husson Avenue, and 2) limit the warehouse use to 16 months. If those modifications are requested, the City Commission can consider that. Whether or not that's preferable to allowing the Planning Board to hear the request remains the question. The Planning Board has not heard this revised request. They voted on a different request, not on this new request. The traffic limitation was not on the table and the request was to leave the warehouse use for five years. The Planning Board did a good job of letting both sides weigh in. If the time delay is not too great, they should hear it again.

Commissioner Leary said he believes the applicant can withdraw this PUD application and resubmit within the 12 month time frame. Mr. Holmes said there are people anxious to resolve this; if they withdraw, that will delay this for 3 or 4 more months. Commissioner Leary said they can reapply under the PBG1 category. Mr. Holmes said there have been demands for Code Enforcement actions. Commissioner Leary said the PCSD administration has done a deplorable job of communications, so here they are. There are tax implications and other implications. The administration has put the City in between a rock and a hard place.

Commissioner Kitchens noted the city attorney said the Commission can consider a modified request tonight, which would make the citizens happy. Where there is an incompatible zoning use, a business has to go before the BOZA to keep it a non-conforming use. They can do this to keep the office space.

Mayor Myers said the School Board has stated they will do away with the warehouse and keep the office facility, which is agreeable to the neighborhood. The other issue is closing traffic access to all entrances except Husson Avenue. The remaining issue is the time the warehouse remains. He asked if the School Board would agree to a shorter time frame tonight.

Mr. Padgett said they've offered 9/1/13, which is the soonest they can relocate the warehouse. Whether they can accomplish this within a few months is debatable. The 9/1/13 date is a real push.

Mr. Townsend said if they are told to leave tomorrow, they will have to pack up and leave. They need to do this in a way that works best for everyone. The way parking is set up, and the way they are using their training facility, the parking isn't such now that they can do that. These are cars and teachers. They had a driveway and curb cuts construction coming off Prosper, and can have employees using that. They want to be good neighbors. They need a reasonable time line to transition the warehouse out. Commissioner Kitchen asked if big trucks can be restricted to Husson Avenue ingress/egress; Mr. Townsend said they can do that. Mr. Padgett said the staff's concern was Cleveland Avenue access, not Prosper Street, but the Prosper access has crept

into the conversation. Commissioner Leary said they are limiting this to truck traffic. Commissioner Norwood asked if they deny this tonight, what would be the timeline to comply. Mr. Crowe said they would immediately take this to the next Code Enforcement Board meeting, which would be in June. Commissioner Norwood asked how long it would take to go through the Code Enforcement process. Mr. Holmes said they'd send a Notice of Violation first, which would give the violator a certain period of time to correct the use. If that didn't happen, they will set a date for a hearing, which is another 30 days or more. Commissioner Norwood noted it seems there will be a transitional phase anyway; they can't shut it down immediately.

At Commissioner Kitchens' request, the Clerk read into the record a letter received by Commissioner Kitchens, from Jimmy & Betty Jean Bryan, 2106 Kirby Street, opposing this zoning change.

Mayor Myers noted the motion is to deny, and said if this passes, the property would remain at R-1A zoning, and the location couldn't be used as offices. If they vote to remand it would go back to the Planning Board, and this is Staff's recommendation. The PCSD Administration is willing to make significant changes to the application, doing away with the warehouse use and changing traffic patterns. From the testimony he's heard, citizens don't have a problem with the offices remaining here. Commissioner Leary said he heard counsel say they can approve the PUD tonight with the School Board withdrawing any warehouse use. Mr. Holmes said they can amend their application tonight for any use that is less than that intended. The Planning Board makes a recommendation on such applications; the Planning Board is not making the 'appealable' decision. The Commission is not bound to the Planning Board's recommendation.

Commissioner Norwood asked if the PCSD is in a position to recommend a modification of the PUD. Mr. Padgett said they are willing to amend or modify their application to not expand the present warehouse use at all and totally eliminate it by 9/1/13, and to eliminate truck ingress/egress to all entrances except Husson Avenue. He understands citizens have no issue with that. He would make those requests tonight.

Mr. Cavuoti said he worked for the school system for 40 years under four superintendents. When he hears "they are doing this for the children" he questions the sentiment. If they were doing this for the children, they would never have closed that school, which has been in continuous operation since the 1950s. It has always been a school. At the Planning Board meeting Mr. Pickens said this is a zoning issue; that's the bottom line. That is why he voted to recommend denial. Commissioner Norwood asked if he is amenable to office space remaining there. Mr. Cavuoti said yes, as long as it is just office space, but they also have a maintenance department there. He doesn't mind offices. Commissioner Kitchens asked if the PCSD would remove the warehouse request tonight and be out within 3 months; it will be 3 months if this is denied, anyway. They can put this in the PUD and it will be legally binding. Mr. Padgett said he can't commit the District to something it can't possibly do. Mr. Townsend said they have to do this in a way to preserve jobs. They aren't diminishing the concerns of the citizens, and are asking this be remanded. They will comply with whatever decision is made. Mr. Padgett said they ask it either be remanded, or approved with the legal protections and concession they have stated: the warehouse use will not be expanded upon, will be totally eliminated by 9/1/13, and they will limit access to Husson Avenue.

Mr. Holmes said when he met with Mr. Padgett and Mr. Crowe, part of what he took into consideration was the appeals process. If the City denies the application tonight, the first option would be to allow the PCSD to file an appeal with the Circuit Court. They can keep this in court for a year. Whether they would or they wouldn't, as the Commission's legal advisor, he tries to consider all options and possibilities. If they can't comply, the City can file a Code Enforcement

action and start putting a fine on the School Board. The School Board can file an appeal. They can spend a year in court. They are asking for 15 months now; if they spend a year in court they will be at 15 months. He did not participate as an advocate at this lower hearing, but there was a lot of talk about negative sentiment towards the school system and desire on the part of the citizens that things change. This is a land use decision. There was not any testimony provided on traffic counts, levels or times of noise, only general statements made. Nothing was provided regarding property values or land use. There were a lot of heartfelt and sincere statements being made, but on terms of evidence, there was not a lot of that, and there was a staff recommendation in favor of allowing this. A remand will serve the best interests of everyone concerned. If the Commission denies this, they will take this one step at a time. He believes the 15 month time frame was a compromise based upon spending a year in court on an appeal. This is why this compromise is a good solution.

Commissioner Kitchens said there was discussion at the Planning Board level regarding truck traffic. Mayor Myers said they are talking about official traffic counts. Commissioner Norwood said it is his understanding if they appeal it will take over a year to get them out, regardless of their action tonight. If they are only asking for 15 months, this can be considered. He asked why it will take this long. Mr. Townsend said it will take that long to find another location and then transfer the operation. They have not found a suitable spot yet. This is not the citizens' problem it's the School District's problem. Commissioner Norwood said if they are willing to remove the warehouse operation within one year and will get traffic off Prosper and Cleveland immediately, he is willing to consider that, if they make those changes tonight.

Mayor Myers said this although this is an illegal use, he doesn't think this was done maliciously. The City and Planning Dept. have worked hard to resolve this issue. They adopted changes to the PUD provisions. The neighbors have been patient. They want to do away with the warehouse and resolve the traffic issues. The City has an obligation to cooperate intergovernmentally with the School Board. He asked Mr. Holmes to provide his opinion as to whether it is better to remand this back to the Planning Board to act upon a revised application, or act upon the revised PUD tonight.

Mr. Holmes said the lowest amount of time the school board has asked for is 16 months; Commissioner Norwood said he'd be willing to consider approving 12 months. Mr. Padgett said they want to amend the application tonight and would be willing to amend to allowing the PCSD 12 months to do away with the warehouse use.

Commissioner Norwood withdrew his motion to deny the rezoning request. Commissioner Kitchens withdrew her second. Mr. Crowe said there are other uses they need to consider, like maintenance use and outdoor storage, and there are other things that need to be worked through. Mr. Holmes noted the Staff recommendation would remain the same with the exception of non-expansion of the warehouse use, elimination of truck traffic from any road other than Husson Avenue, and to discontinue the warehouse use within 12 months. The PCSD has also agreed to close off Cleveland Avenue ingress/egress for all traffic. Mr. Holmes asked if they are clear enough on what's being voted upon tonight. Mr. Crowe said they also want to include staff recommendations. Mr. Townsend said they have a legal curb cut on Cleveland Avenue and cars have been coming and going from that point for a long time. Mayor Myers said it is his recommendation to remand this to the Planning Board. Mr. Padgett said it was his understating that Cleveland Avenue would be closed to all traffic. Mr. Townsend said they want to close it to truck traffic only.

Commissioner Norwood moved to remand the Putnam County School Board's revised application for PUD zoning to the Planning Board, with the direction to Staff to bring this back

before the City Commission at a time certain of June 14, provided the revised application can be legally heard by the Planning Board to make this date and all advertising deadlines are met. Commissioner Brown seconded the motion.

Mr. Townsend said they appreciate the opportunity to take this back to the Planning Board. It will be a real challenge to remove this warehouse operation in a year. They aren't trying to drag this out. Commissioner Norwood said they are here now because of principle. The citizens tried to work with the PCSD and were willing to work with the PCSD, but they became frustrated when no compromise was offered. They got beyond the issues, and it became a matter of principle. He is glad to see that the grass roots process works. They don't want to get into the principle of issues, but want to deal with the issues themselves. There being no further discussion, the motion to remand the application was passed upon a vote of four in favor, opposed by Commissioner Kitchens.

RECESS – There was consensus of the Commission to call a short recess at 8:25 p.m.

CALL TO ORDER - Mayor Myers called the meeting back in session at 8:30 p.m. and continued with the Orders of the Day.

7. **PUBLIC HEARING** – 3205 & 3209 Crill Avenue and 1108 S. Palm Avenue - Planning Board Recommendation to annex, rezone 3205 & 3209 Crill Avenue from Putnam County C-2 (Commercial, Light) to City of Palatka C-2 (Intensive Commercial) and rezone 1108 S. Palm Avenue from Putnam County R-1A (Residential, Single Family) to City of Palatka C-1A (Neighborhood Commercial) – Donald E. Holmes, J. Dale Hewitt Life Estate and Richard Richter, owners; Guy Parola, Applicant/Agent. Mr. Holmes recused himself from discussion as he is an owner of the property.

ORDINANCE annexing 3205 & 3209 Crill Ave. & 1108 S. Palm Ave – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF PALATKA, FLORIDA CERTAIN ADJACENT TERRITORY IDENTIFIED AS 3205 CRILL AVENUE, 3209 CRILL AVENUE, AND 1108 SOUTH PALM AVENUE, LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA CONTIGUOUS TO THE BOUNDARIES OF THE CITY OF PALATKA; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE rezoning 3205 & 3209 Crill Ave. & 1108 S. Palm Ave – 1st Reading – The Clerk read an ordinance entitled AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF PALATKA, FLORIDA BE AMENDED AS TO THAT CERTAIN PROPERTIES LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST, LOCATED AT 3205 AND 3209 CRILL AVENUE AND 1108 SOUTH PALM AVENUE, FROM PUTNAM COUNTY C-2 (COMMERCIAL, LIGHT) TO CITY OF PALATKA C-2 (INTENSIVE COMMERCIAL) FOR 3205 AND 3209 CRILL AVENUE, AND FROM PUTNAM COUNTY R-1A (RESIDENTIAL SINGLE FAMILY) TO CITY OF PALATKA C-1A (NEIGHBORHOOD COMMERCIAL) FOR 1108 SOUTH PALM AVENUE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Commissioner Norwood moved to pass both the Annexation and Rezoning ordinance on first reading as read. Commissioner Leary seconded the motion. Mayor Myers opened the public hearing portion of the meeting and opened the floor to the public.

Susan Gilmore, 1104 S. Palm and Laurie Parker, 1014 S. Palm, also representing Edith Vanderpool, a neighbor, said they have a lot of questions and concerns with this. They understand the Crill Avenue property is to be commercial and she has no problem with this.

Case 11-43 Attachment:

Planning Board Minutes, 4/3/2012

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. 14th 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.

Location: 702 N. 19th Street
Owner: Makhlou Wasim
Applicant: 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

Case 11-43 Attachment:
Planning Board Staff Report
for April 3, 2012 meeting

Case 11-43 1001 Hisson Ave.

**Request to Amend Comprehensive Plan Map from RL to PB,
and Rezone to from R-1A to PUD**

Applicant: James Padgett on behalf of Putnam County School District

STAFF REPORT

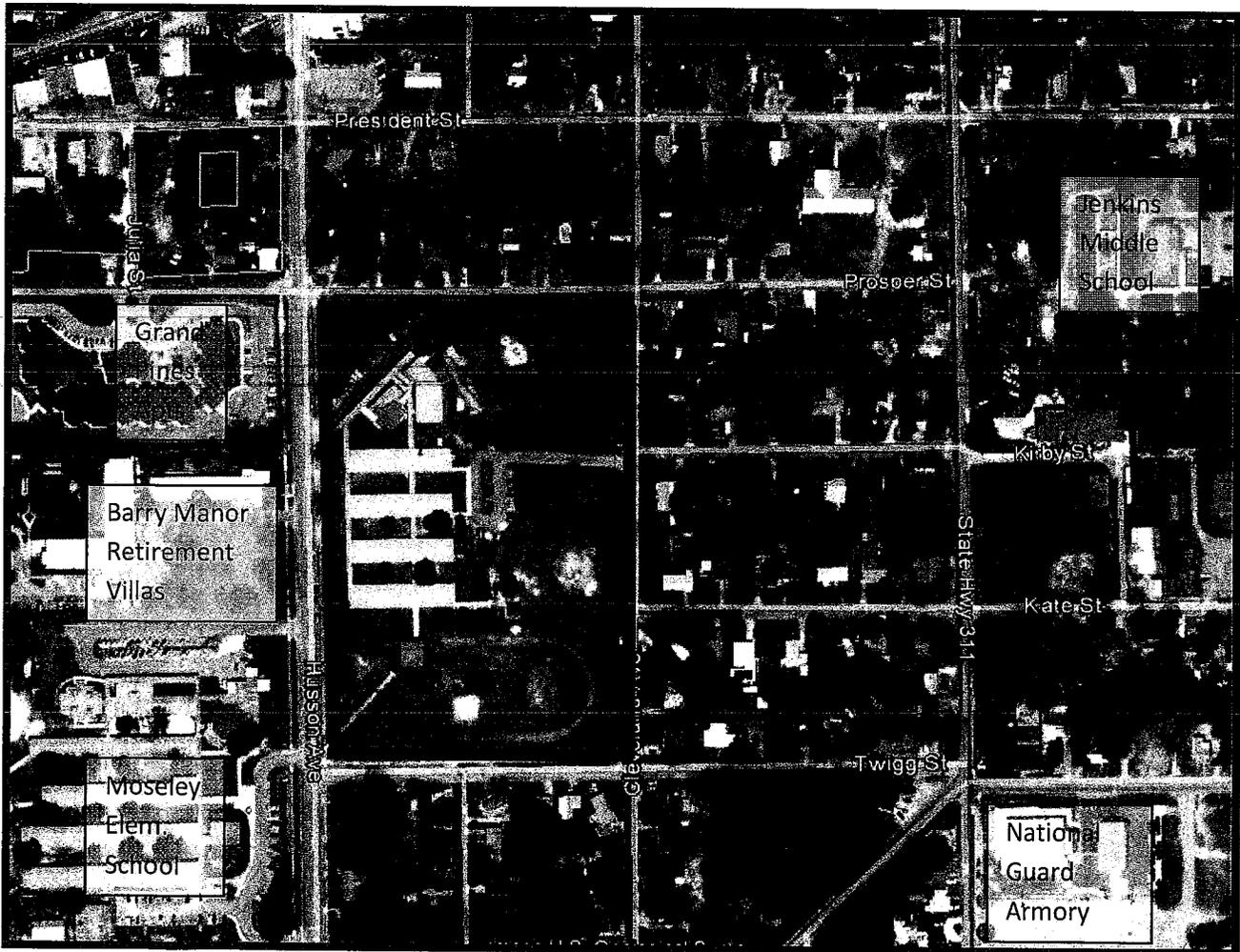
DATE: March 27, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To amend Comprehensive Plan Future Land Use Map (FLUM) from RL (Residential Low Density) to PB (Public Buildings and Grounds and rezone from R-1A (Residential, Single Family) to PUD (Planned Unit Development). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).



*Figure 1:
Property
Location*

APPLICATION BACKGROUND

The Putnam County School Board made the decision to close the elementary school at this location due to declining enrollment in April, 2009, and in August of that year decided to use the facility for district offices and other functions. The complex was re-utilized for offices, training and for the District's warehousing function, which had formerly taken place at the Matthews Storage warehouse on Reid St. The property is referred to as the Annex in this report.

Schools are allowed by Conditional Use in residential land use and zoning districts (current schools predate this requirement and are considered legal nonconforming uses). The cessation of the school use and commencement of the office/warehouse activity constituted a violation of the Comprehensive Plan and Zoning Code. The principal office use of the property, with accessory uses of training and warehousing, requires nonresidential land use and zoning. School District staff have stated that at the time this change occurred they were not aware of the violation. The description of the RL FLUM category in the Comprehensive Plan's Future Land Use Element notes that lands within this land use category are "intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density." While schools are considered to be compatible with residential uses, office and warehouse uses are not.

Prior to this Planning Director's tenure, this property was included in a list of "housekeeping" comprehensive plan amendments developed last year by the former Director. At their June, 2011 meeting the Planning Board considered this and other amendments for School District properties that were designed to create Comprehensive Plan Map conformance, with school and other public properties to receive the PB (Public Buildings and Facilities) land use designation. At this meeting residents living near the Annex voiced objections to the land use change for the subject property and the Board voted to remove this property from the recommended list of FLUM changes that went on to the City Commission for consideration. Therefore the FLUM amendment that would have been the first step to legitimize the warehouse use went no further.

Shortly before the Planning Board action a formal Code Enforcement complaint was received on June 1, 2011 regarding the School District warehouse at 1001 Husson Ave. Staff visited the site on June 20th and observed that the site was being used for warehouse purposes. On that day an 18-wheeler and a smaller delivery truck were both parked in the driveway in front the building that faces Husson Ave. and Prosper St. and workers were unloading trucks using forklifts. This activity was occurring within around 130 feet of adjacent single-family homes along Prosper St. and the noise of the truck's idling engines and the beeping of a forklift was easily heard from those properties. There was also a sign in front of the building noting "School District Warehouse."

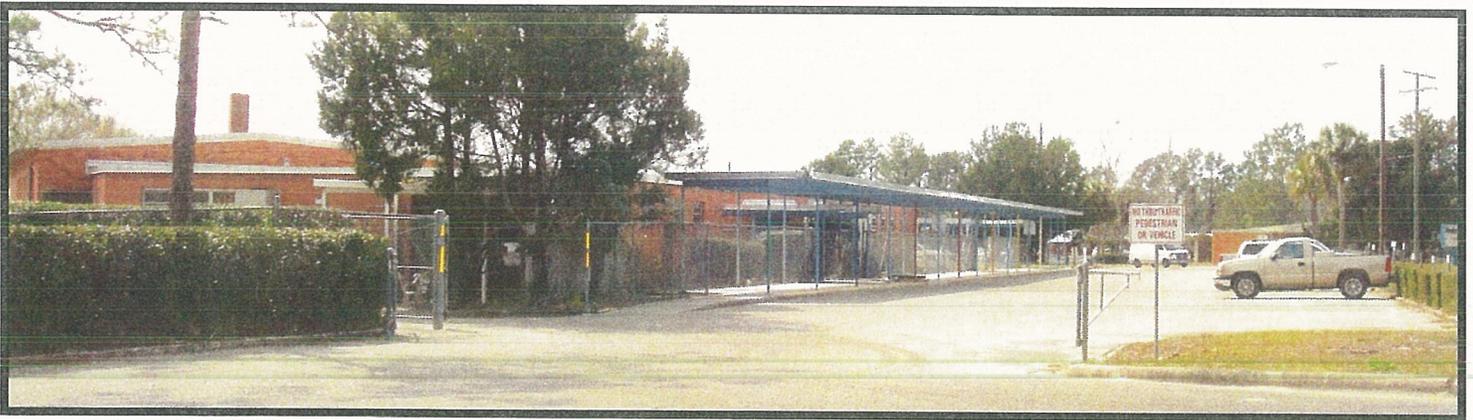
After reviewing applicable codes, Staff sent two code violation notice letters to the School District (see attached Aug. 5 & Aug 8, 2011 letters) and set a 60-day time period in which the School District either had to cease the warehouse use or file land use amendment and rezoning applications to allow the Annex activities. The School District's attorney filed an application for FLUM amendment to PB and a rezoning application to Planned Unit Development. The PUD zoning was chosen in order to provide the opportunity to reach agreement with the neighborhood on how the Annex might continue to operate with specific conditions of approval. At the time of application Staff was in the process of amending the Zoning Code to allow PUDs in a wider range of land use categories including PB and also to revise the PUD standards to provide for higher

quality development and neighborhood protection. The applications remained in a pending status and the code violations were stayed until the PUD changes were adopted by the City Commission on March 8, 2012. At that time the applications were scheduled for public hearings.

Public participation has been an important part of this process. Residents have attended Planning Board and City Commission meetings regarding the original Annex FLUM change and changes to the PUD standards. Twelve residents provided input at a meeting with the Mayor and Staff on July 28th, 2011 and following that meeting residents met with the Mayor and School Superintendent twice, once on the property. The Mayor, Planning Director, School District Facilities Director, and School District Attorney met with residents on February 27, 2012 – a letter noticing this meeting was sent to all property owners within 400 feet of the Annex. A final follow-up meeting was held on March 26, 2012 to present draft PUD conditions to residents. Meeting notes are attached with this report.

PROJECT ANALYSIS

This property is located in the Husson Ave. corridor in the southwestern part of the City, and comprises a full block bounded by Husson Ave. to the west, Prosper St. to the north, Cleveland Ave. to the east, and Twigg St. to the south.



*ight
ground*



Table 1: Use Classifications

Property	FLUM	Zoning	Existing Use
Site	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	School District Annex
Property to North	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	Single-family residences
Property to South	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	Single-family residences
Property to West	RH (Residential, High Density) PB (Public Buildings & Grounds)	R-3 (Residential, Multiple-Family)	Grand Pines Apts. Barry Manor Retirement Villas Moseley Elementary School
Property to East	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	



Figure 4 (above): Adjacent Prosper St. Residences from front of Warehouse

Figure 5 (below): 18-wheeler Parked in Front of Warehouse as Seen from Prosper St. residences



The Moseley Warehouse is in the RL (Residential, Low Density) comprehensive plan map (land use) category and the R-1A (Single-Family Residential) zoning district. As a standalone use the warehouse use would require the more intensive OPF (Other Public Facilities) or IN (Industrial) FLUM category. (Lands within the OPF category are intended for use as “potable water, sanitary sewer treatment facilities, transportation, stormwater/drainage control structures, etc.”) However as an accessory use to the main office use, the warehouse use is allowed in the COM or PB category, the latter being preferable as it is intended for public uses like a School District-owned facility.

Once within the PB FLUM category, the facility would require either the PBG-1 zoning accompanied by a conditional use for outdoor (warehouse activities), PBG-2 zoning which allows as permitted uses “public use and/or public service activities which are of a more intense level than the PBG-1 district,” or a PUD zoning classification. A PUD is a “negotiated”/customized zoning district that could provide for special provisions that addressed neighborhood concerns.

The issue of compatibility between the Annex and surrounding residential uses is important and should be defined and compared with other nonresidential uses. The compatibility of schools and residences is attributable to the connection of such facilities with surrounding neighborhoods. Neighborhood children often walk to school and residents view schools as familiar neighborhood institutions and as a public good, benefiting from the green space that school facilities provide. While hundreds of people travel to and spend time at schools, most of these aren’t driving and therefore traffic does not impact residential neighborhoods the way that commercial or industrial uses of a comparable size and scale would. The traffic that does occur is limited to peak hour times in the morning and mid-afternoon, and by 3:00 PM and over the weekend schools are empty and quiet, while many other commercial uses continue to function.

More specifically, the following additional elements are accepted elements of compatibility, some of which are more measurable than others.

- Development and building scale
- Vehicle and pedestrian impact
- Visual, noise, and other sensory impacts (noise, glare, odor)
- Aesthetic considerations
- Psychological factors
- Property values

The table below compares the school use and the annex use in regard to compatibility factors.

Table 2: Compatibility Table

Compatibility Indicator	School Use	Annex Use
Scale		Same
Vehicle trips - daily	388 ¹ – concentrated at AM & PM peak hours	125 ¹ occurring throughout the day
Pedestrian trips - daily	36 ¹	0 ¹
Employees/Students	60/400	25/0
Visual impacts	Bldgs/Grounds, School Buses, vehicles, employees, students	Bldgs/Gounds, vehicles, employees, 18-wheelers & delivery trucks
Aesthetic considerations	Neighbors do not seem to have concerns	Trucks and unloading present an industrial appearance that is out of context with neighborhood
Psychological factors	Neighbors view as positive neighborhood institution	Neighbors view warehouse use negatively, while not objecting to office & training use
Property values		Unknown

1. based on March 7, 2012 traffic counts and estimates by Staff – each trip is a round trip

Based on the comparison above the inference can be made that while a school use might present higher traffic impacts and have the appearance and impacts that are out of scale with a residential area, these factors are outweighed by positive perceptions of residents. However the warehouse use presents aesthetic and psychological impacts that negatively affect the neighborhood. Industrial activities such as the unloading of 18-wheelers and forklift loading, however sporadic these might be, are objectionable to residents. Another factor of neighborhood concern is the cut-through traffic on Prospect St. and Twigg St. by employees and visitors of the Annex, some of whom are traveling from Beasley Middle School two blocks to the west or are just avoiding Crill Ave. traffic when traveling from the downtown administration building or other areas. The point was made at one of the neighborhood meetings that while employees and students travel to a school in the morning and leave in the mid-afternoon and the time period between arrival and departure is relatively quiet with most in the schools staying on site, a use like the Annex generates traffic throughout the day that winds through the neighborhood. Now that the Annex functions as a use disconnected from the neighborhood, the traffic issues are amplified.

Future Land Use Analysis

F.S. 163-3187 provides amended criteria for consideration of small scale comprehensive plan amendments under, shown in italics below (staff response follows each criterion, and comprehensive plan extracts are underlined). Please note that while this property exceeds the small-scale amendment threshold of 10 acres, F.S. 163.3187(c)4 provides a Rural Economic Development Incentive for amendments that are up to 20 acres (the property is 12.4 acres in size).

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

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

Goal 1 9J-5.006(3)a; F.S.187.201(16)3

Preserve and protect the City's natural resources and quality of life by establishing a pattern of development that is harmonious with the City's natural environment and provides a desired lifestyle for City residents.

Staff Response: the residents living near the Annex have framed their objections to the Annex as quality of life issues and have made the case that this use is not harmonious with the surrounding neighborhood. School District staff have made the case that the use is less intense than the former school use due to the relatively small number of people working on this site and lower traffic levels, particularly school bus traffic and loading/unloading. The compatibility table presented in this report indicates that aesthetic and psychological impacts are the basis of the lack of harmony between the Annex use and surrounding residential uses.

Policy A.1.8.1 9J-5.006(3)(c)5

The Land Development Regulations shall include alternative available land use control techniques and programs such as Planned Unit Developments. Planned Unit Developments may be used to protect safety restricted or environmentally sensitive areas but also may be used to increase the potential for developing water/sewer systems and more effective drainage systems. PUDs also shall benefit from the potential of receiving "density bonuses" for incorporating benefits which serve a public good into the development (See Policy A.1.9.3.8 Overlays).

Staff Response: while parts of this policy are unclear ("protect safety restricted"), one can glean from this that PUDs provide an alternative development agreement intended to benefit the public. The proposed PUD

presents a dual public good of allowing a public function that saves taxpayer dollars while providing mitigation annexation impacts to the surrounding neighborhood.

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

5. Public Buildings and Grounds (11 acres)

Lands designated in this category of use include a broad variety of public and quasi-public activities such as schools, churches, government buildings, hospitals, etc. The intensity of development in this land use category, as measured by impervious surface, shall not exceed 65 percent. The maximum height shall not exceed 40 feet.

Staff Response: this land use category is suitable for the Annex uses. Development on the property does not exceed the impervious surface and height limitations above.

Provide analysis of the availability of facilities and services.

Staff Response: The property is in close proximity to a range of urban services and infrastructure.

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.

Staff Response: not applicable as the site is developed.

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

Staff Response: 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*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of 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.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

Staff Response: the Annex's location within the City's urbanized area ensures that urban services are available and provides a centralized location for the County school system. This use does not represent urban sprawl.

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.

Staff Response: as noted in the FLUM amendment analysis, rezoning to allow the Annex uses perpetuates a certain level of disharmony between this use and surrounding uses, the mitigation of which can be achieved through PUD conditions.

b. The existing land use pattern.

Staff Response: the school was more compatible with the adjacent residential neighborhood than the Annex uses due to neighborhood connections and the positive perception of the institution by nearby residents. Husson Ave. is an appropriate location for a more intense use like the Annex as it is a collector road with moderate traffic levels and higher density development, but the other adjacent streets are residential in nature and are not appropriate for nonresidential development.

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

Staff Response: this criterion is not necessarily problematic when applied to a PUD and a public use. A PUD is often by its nature an isolated district due to the need to fashion a customized development plan that allows unrelated uses to co-exist in a harmonious manner. Public uses are also often isolated uses as they occur relatively infrequently and are not always grouped together.

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

Staff Response: the site is currently underutilized, with relatively low traffic and other impacts.

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

Staff Response: The proposed boundaries, which comprise a city block, are appropriate.

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

Staff Response: School District staff have stated that the warehouse use at this location is necessitated by the lack of state funding, which is a product of changed conditions attributable to the economic slowdown.

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

Staff Response: Staff recognizes the adverse impacts of the existing facility and believes that there are PUD development controls that can at least partially mitigate such impacts. Such controls can include restricting delivery access to the facility to Husson Ave. and moving warehouse activities away from adjacent residences.

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

Staff Response: as noted in the compatibility table, traffic for the Annex is less than that of a school or a nonresidential development on property of this size. However employee parking in particular noticeably impacts surrounding residential streets throughout the workday due to the main parking area entrance to the rear of the property on Cleveland St. This is a difficult problem to solve as replacing the Cleveland St. access with Husson Ave. access with a new driveway from the latter street is hampered by the presence of buildings along this street and the permitted stormwater retention area in the southwest part of the site. Putting a driveway from Husson Ave. through this part of the complex would require expensive site and building retrofitting and would present a hazard to pedestrians within the complex. The School District has proposed a future access point, unfunded at this point, from Twigg St. to the south, but this would present similar impacts to adjacent residences. The most feasible driveway route from Husson Ave. would be to use the northwest parking lot to access the unpaved driveway that runs behind and east of Building # 2 (warehouse). While preferable to the last two options this is a circuitous route with grade changes.

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

Staff Response: no drainage problem exists on the site and with no new development planned; no future drainage problems are anticipated.

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

Staff Response: as no new development is planned no impacts in this area will occur.

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

Staff Response: some nearby residents have expressed concerns that the Annex could affect their property values. There are instances where intensive uses have negative effects on residential property values, but Staff has no documentation indicating impacts to property values from this use.

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

Staff Response: one can only speculate if the Annex will inhibit property improvement in the area due to the negative perception of the warehouse use.

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

Staff Response: the intent of the PUD is to meet the needs of the School District while mitigating impacts on the surrounding neighborhood, the result of which would not be a grant of special privilege.

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

Staff Response: only single-family homes would be allowed under the existing zoning. A substantial public investment has been made to the property in the form of a facility that can only be used as a school or as the Annex use of offices, training, and warehouse activities.

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

Staff Response: as a school the facility met the needs of the neighborhood and the City, but as an office, training, and warehouse complex the property has no ties with the neighborhood.

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

Staff Response: School District staff have stated that no other school-owned facilities can allow for the warehouse function without considerable expense of public funds. Prior to the warehouse use at this location the School District storage occurred at a private facility at a cost exceeding \$60,000 per year.

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.

Staff Response: not applicable.

CONCLUSIONS AND STAFF RECOMMENDATIONS

The plan amendment and rezoning applications are at odds with several key criteria in the preceding analysis. Residents have identified the warehouse use specifically as an activity that is not harmonious or compatible with the quality of life of their residential neighborhood. However the large size of the property and location along a collector road provides some potential to re-locate problematic warehouse activities and accompanying traffic. It is also evident that changed conditions in the form of funding shortages attributable to the worsening economy have made it difficult for the School District to change the location of the warehouse function without substantial expenditures of public funds.

Based on the analysis of this report Staff has concluded that without development standards that mitigate impacts of this use, the request should not be approved due to the incompatibility of the use with the surrounding neighborhood. However Staff believes that such impacts are reduced with conditions that work to divert traffic and the warehouse function away from adjacent residences. Staff recommends approval with the following conditions as proposed by School District staff as shown in italics below.

The School District previously took the following steps to address neighbor concerns, and these activities shall continue to occur as a requirement of the PUD:

- 1. Discontinued locating surplus vehicles on property.*
- 2. Discontinued locating surplus sales on property.*
- 3. Reworded all signs, including front sign, from "Putnam County School District Warehouse" to "Putnam County School District Annex".*
- 4. Limited use of front paved area (along Prospect St).*
- 5. Muted forklift alarm to the OSHA minimum sound level.*
- 6. Upgraded alarm system to avoid false alarms.*
- 7. Removed unused surplus play area along Prospect St.*
- 8. Purchased storage shed, placed behind warehouse.*
- 9. Modified schedules for deliveries.*
- 10. Fenced in lawn crew's equipment and trailers with high privacy fence.*
- 11. Limited items stored in halls (only in case of emergency).*

The following are additional conditions of the PUD.

- 12. All delivery trucks shall enter and exit the facility from Husson Ave.*
- 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.*

Staff is supportive of these conditions with the exception of # 12 and 14 above. Condition 12 merely requires delivery from Husson Ave. which would continue the practice of truck unloading in close proximity to Prosper St. residences. Furthermore with the understanding that the trucks cannot use Prosper St. they would then have to back out onto Husson Ave., which is a safety problem. Staff believes that the goal of moving the warehouse function away from residential areas would be accomplished by conducting unloading in the loop driveway that is adjacent to Building # 6 (see Figure 4 below). Staff can then move materials with the forklift internally through the building complex along the sidewalks located on the south side of each building, a practice that Staff has observed on several site visits. Condition # 14 provides what seems like an overly long (5-year) time period for cessation of the warehouse use. Staff recommends a shorter time period with the requirement that the School District then justify an extension based on ongoing budget problems.

Finally Staff recognizes the impact of employee traffic on the surrounding neighborhood and the potential solution of limiting access to a driveway from the northwest parking lot to the rear parking area, as discussed in Rezoning Criterion h. and shown in Figure 6 on the next page. However at this time site and budget constraints make this option impractical, but it should be re-examined at the time the School District applies for extension of the warehouse use, should the City require such an extension application as described in revised condition # 14 below.

Staff recommends approval of the land use amendment and also of the PUD rezoning with the previously stated conditions and with the revision of Conditions # 12 and 14 as follows, along with a new 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.

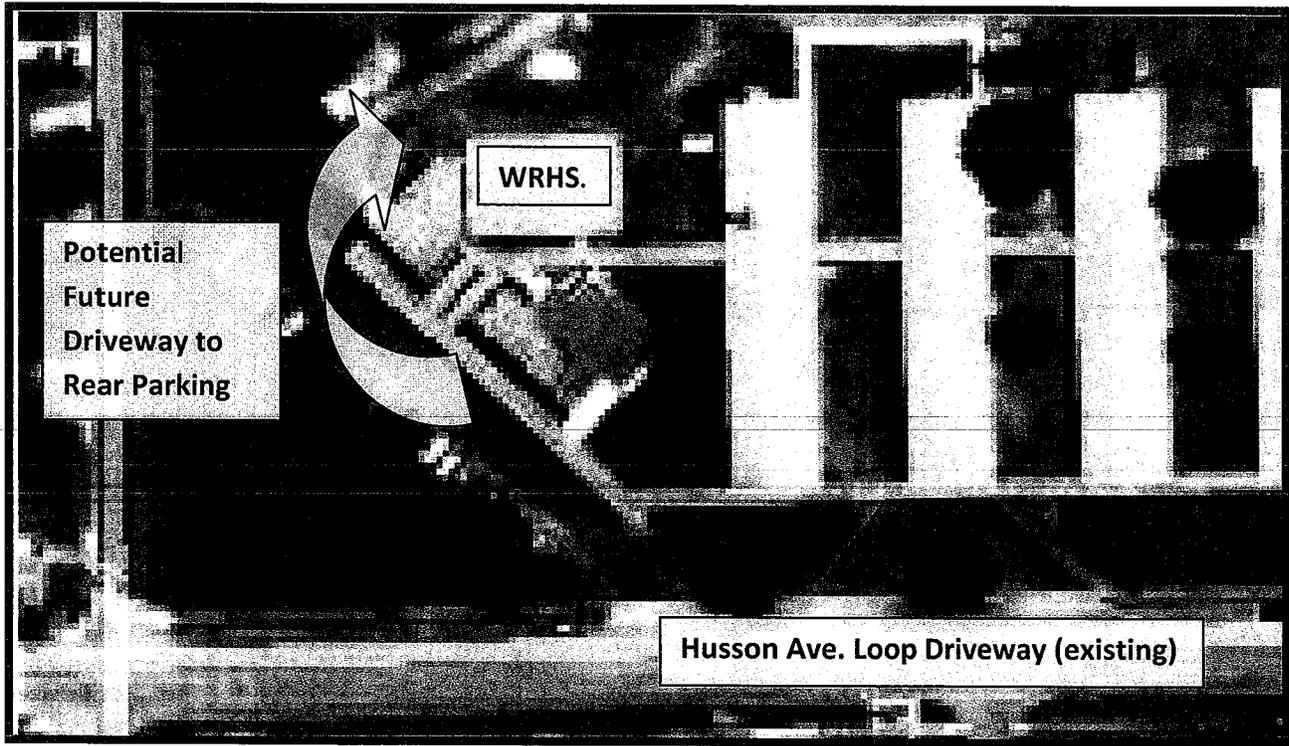


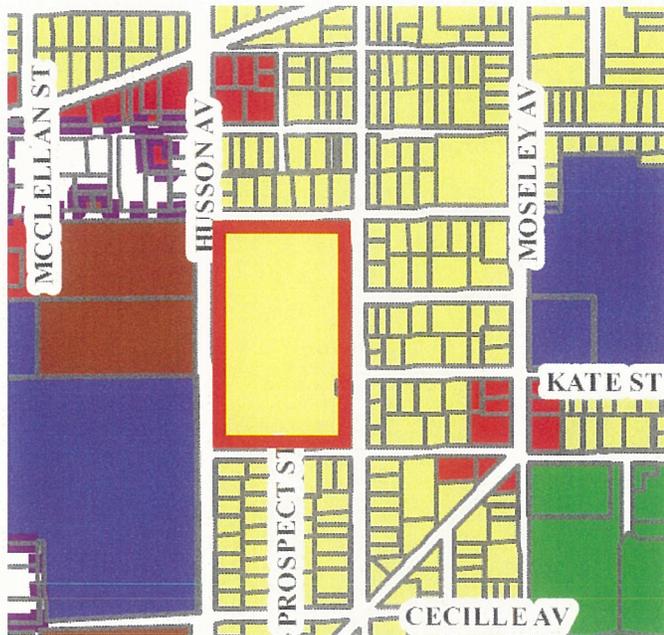
Figure 6: Recommended Current Delivery Location and Potential Future Employee Access

- ATTACHMENTS:
- FUTURE LAND USE AND ZONING MAP
 - BUILDING LAYOUT MAP
 - APPLICATION PROJECT NARRATIVE
 - AUG. 5 & 8 LETTERS TO SUPERINTENDANT
 - NEIGHBORHOOD MEETING NOTES

Case 11-43 Attachment:

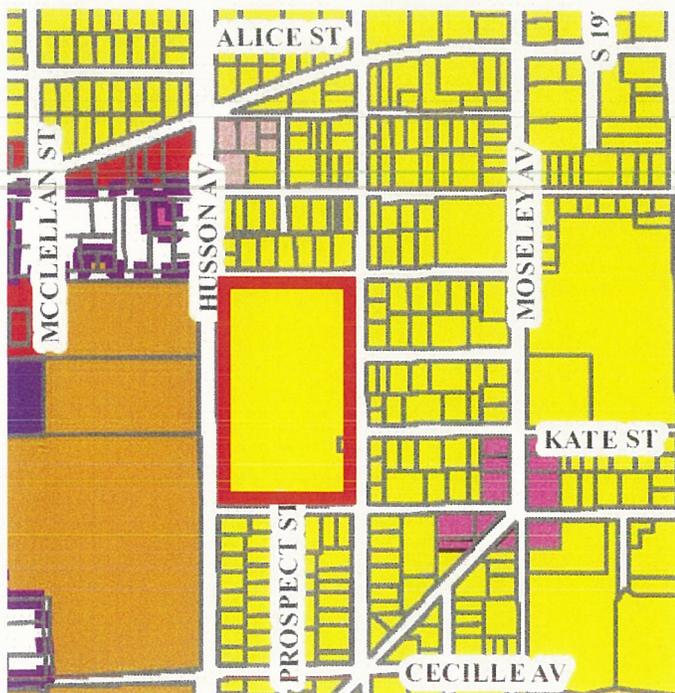
Future Land Use and Zoning Map

FUTURE LAND USE MAP



- COM
- PB
- REC
- RH
- RL
- RM

ZONING MAP



- C-2
- R-1A
- R-1A'
- R-2
- R-3
- R-4
- ROS

Case 11-43 Attachment:

Building Layout Map

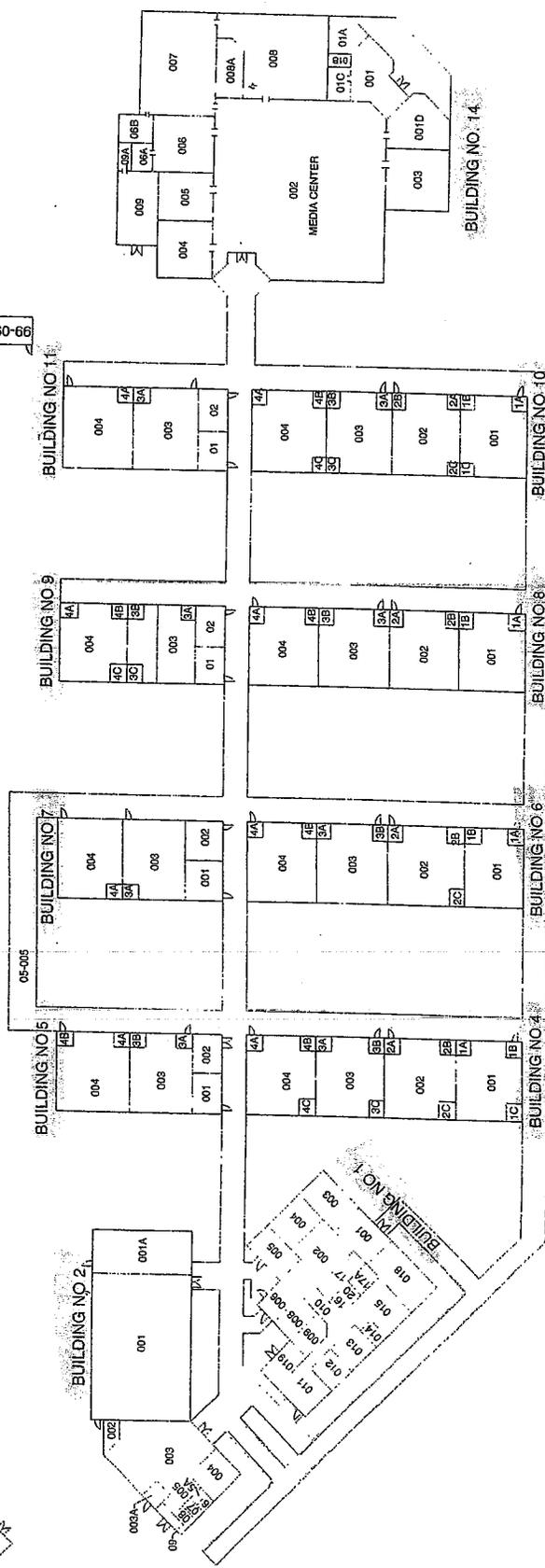
CLEVELAND

Husson Ave

99-097

99-097

BLDG NO 13
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PAPER

Moseley Purchasing / Training

Case 11-43 Attachment:
Application Project Narrative

PROJECT NARRATIVE

The immediate past use of the property was for Moseley Elementary School. Due to distressed economic conditions it was necessary for the District to discontinue using the site as an elementary school and convert it to a facility for multiple uses. At the present time the District uses portions of the structures for office space for various District employees, consultants, grant writers, etc. The District Purchasing Department also maintains its offices at this location and a portion is used for a media training center. The District also stores various items of personal property owned by the District at this location.

Case 11-43 Attachment:
Neighborhood meeting notes

From: Thad Crowe
Sent: Monday, March 05, 2012 5:02 PM
To: 'marula13@hotmail.com'; 'jcavuoti@bellsouth.net'; 'rwinters64@bellsouth.net'; 'shirl528@yahoo.com'; 'fgriswell@att.net'; Mark Lynady
Cc: 'Scott Gattshall'; 'padgettlaw1@aol.com'; 'ttownsend@putnamschools.org'; 'vernonmyers@comcast.net'; Woody Boynton
Subject: Update on Husson Ave. School District Annex Rezoning

Thanks to all of you who attended last week's meeting. The following is a brief recap of the meeting and what will happen next (please let me know if I missed anything important or mis-spoke). We will mail this email to those who did not provide emails but provided addresses.

A neighborhood meeting was held on Monday, February 27 at the Price Martin Center to bring neighbors of the Annex up to speed on where the applications for comprehensive plan map amendment and rezoning of the property, and also to get input from neighbors. Letters were sent to property owners within 400 feet of the property. Eighteen residents attended.

Mayor Myers opened the meeting and stressed the importance of protecting and strengthening the City's neighborhoods. I said that the requested changes would allow the School District to continue the office, training, and warehouse use at the facility – this use is currently in violation of the Comp Plan Map and Zoning Code as the zoning and land use of the property only allows for residential uses. City staff has encouraged the use of a Planned Unit Development (PUD) overlay zoning for the property. A PUD would allow for a negotiated solution that would govern uses on the site. The PUD could include a variety of regulations tailored to the site, anything from where specific uses and activities occur, parking, hours of operation, etc.

Scott Gattshall, Facilities Director for the School District said that the District wanted to be good neighbors and had already done the following things in response to neighbor input:

- Discontinued locating surplus vehicles on property.
- Discontinued locating surplus sales on property.
- Front (swing) gates now kept open (to allow for resident parking in parking area fronting Prospect St. in off-hours).
- Reworded all signs, including front sign, from "Putnam County School District Warehouse" to "Putnam County School District Annex".
- Limited use of front paved area (along Prospect St).
- Muted forklift alarm to the OSHA minimum.
- Upgraded alarm system to avoid false alarms.
- Limited grass parking.
- Removed unused surplus play area along Prospect St.
- Purchased storage shed, placed behind warehouse.
- Modified schedules for deliveries.
- Fenced in lawn crew's equipment and trailers with high privacy fence.
- Limited items stored in halls (only in case of emergency).
- Allowed for the use of the right of way along Prospect St. adjacent to School Board property for resident yard debris disposal.

Several residents noted the warehouse use was never allowed there and the School District should face the consequences of violating zoning just like others. They have gotten themselves into a predicament of their own making, and the warehouse should just relocate. Another issue that was brought up several times was the traffic impacts – residents agreed that access should be only from Husson Ave. and the Cleveland Ave. vehicle access should be blocked. Other issues raised by residents included the following:

- What exactly occurs at the facility?
- Facility traffic impacts the surrounding neighborhood with employee and delivery traffic.
- An 18-wheeler enters the site every day before lunch from the rear/Cleveland St. entrance.
- Noise from trucks and forklifts disturb nearby neighbors – the warehouse operation (truck delivery and loading and unloading) should be moved away from the perimeter of the site that abuts residential areas to the site interior.
- Could soundproof walls be used to muffle noise?
- The Annex operations were not bad compared to nighttime noise and traffic generated by drug houses in the neighborhood – at least the facility was not operating evenings and weekends when people were home, unlike the drug houses and other problem properties.
- Part of the property should be used for a pocket park (along Husson) for neighborhood kids who now have to take a long trek to Bryant Park.

Mr. Gattshall responded that the School District never intended to use the facility for warehouse purposes except on a temporary basis, but the severe lack of funding due to poor economic circumstances and state support have not allowed them to move the warehousing somewhere else. The School District does want to move the operations when there is available funding. He said that the facility was used by Purchasing, Facilities, Home School Bookstore, Training, Media Center, and Custodial & Equipment. He noted that soundwalls would be prohibitively expensive. He said that he was not aware of any 18-wheeler delivery on the Cleveland St. side, but would look into it and stop it if it was occurring.

There was discussion about the operation being moved to another School District facility, but Mr. Gattshall noted that there was not any facility that would allow for the operations at this time.

Mr. Padgett, School District Attorney asked residents if they could agree to an “amortization” clause in the PUD that would require that the warehouse function cease within a specified timeframe. There seemed to be some interest in this on the residents’ part, and suggested time frames by the residents ranged from 60 days to one year.

Based on the discussion, it was agreed that more work was needed to examine how to better buffer the warehouse use from the neighborhood and reduce traffic impacts to the adjoining residential streets. Mr. Crowe suggested that the item be tabled to the Planning Board’s April meeting to give City and School District more time to work on the PUD negotiation. Residents requested that a final neighborhood meeting occur prior to the Planning Board meeting, and I agreed to this.

In order to give me a better understanding of the issues, I will be on the site for most of the day this Wednesday to observe operations and activities, including the warehouse operations, the movement of schoolchildren and delivery and employee traffic and parking. If there is anything you want me to observe in particular, please let me know.

Best regards,

Thad

Thad Crowe, AICP
 Planning Director
 City of Palatka
 205 N. 2nd St.
 Palatka, FL 32177
 386-329-0103

SCHOOL DISTRICT ANNEX NEIGHBORHOOD MEETING
PRICE-MARTIN CENTER
MARCH 26, 2012, 6 PM

In attendance: Betty Jean Brian, Jimmy Bryan, Janet Cavouti, Robert Cavouti, Phyllis Criswell, Thad Crowe (City Building & Zoning Dept.), Chris Devito (Palatka Daily News), Stephen Euzor, Linda Freese, Scott Gottshall (Putnam Co. School District), Frances Griswell, Chuck Horner, Shirley Horner, Allegra Kitchens (City Commission) Fran Martin, Chelsea Merritt, Vernon Myers (City Commission), Bobby Richardson, Nyta Richardson, Shirley Saunders, Patty Sheffield, Danny Sheffield (Planning Board), Carl Steward (Planning Board).

Mayor Myers opened up the meeting and asked Mr. Crowe to bring everyone up to speed. Mr. Crowe said that the School District had drawn up a list of PUD conditions (shown in italics below). Staff was evaluating the conditions and finalizing the staff report for this item in preparation for next Tuesday's (April 3) Planning Board meeting. The Planning Board provides a recommendation of approval with conditions or denial to the City Commission, which makes the final decision. Mr. Gattshall then went over the PUD conditions.

It is understood that the School District took the following steps to address neighbor concerns, and these activities shall continue to occur as a requirement of the PUD:

1. *Discontinued locating surplus vehicles on property.*
2. *Discontinued locating surplus sales on property.*
3. *Reworded all signs, including front sign, from "Putnam County School District Warehouse" to "Putnam County School District Annex".*
4. *Limited use of front paved area (along ~~Prospect~~ Prosper St).*
5. *Muted forklift alarm to the OSHA minimum sound level.*
6. *Upgraded alarm system to avoid false alarms.*
7. *Removed unused surplus play area along ~~Prospect~~ Prosper St.*
8. *Purchased storage shed, placed behind warehouse.*
9. *Modified schedules for deliveries.*
10. *Fenced in lawn crew's equipment and trailers with high privacy fence.*
11. *Limited items stored in halls (only in case of emergency).*

The following are conditions of the PUD.

1. *All delivery trucks shall enter and exit the facility from Husson Ave.*
2. *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.*
3. *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.*
4. *Building uses and all other activities are limited to what is shown on site plan.*
5. *Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.*
6. *All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.*
7. *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.*
8. *Existing trees on the site shall be preserved.*

Ms. Cavouti pointed out that it should be Prosper St., not Prospect St.

Mr. Gattshall was asked what type of outdoor storage would occur. He answered mostly old school furniture.

Mr. Bryant noted that the five-year timeframe to allow for the warehouse use seemed long. Mr. Gattshall replied that this was the result of the poor economy and resulting lack of state funding, which he didn't see getting better soon. He discussed the District's plan for a new central warehouse and bus garage at a site near Jenkins Middle School, which had been partially funded in the past, but there were not sufficient funds to develop the facility.

Ms. Criswell asked what happened to past funding for the new warehouse approved by the previous School Board administration. Mr. Gattshall said that he believed these funds were withheld for a "safety net" for the District.

Mr. Cavuoti pointed out that the playground equipment that had been stored near Prosper Street had been auctioned off, but some fell apart while being removed and remained on the site for a period of time until it was finally cleaned up.

A resident made the point that five years was too long for the warehouse to remain and at the last meeting timeframes ranging between six months and two years were mentioned.

Mr. Cavuoti went over the history of this issue and noted that the Superintendent had told the residents that they would not do anything unless forced to by the City.

Ms. Bryan noted that for several days last week she counted 25 cars coming and going from the Annex back parking lot onto Cleveland Ave., and this was just part of the day. Mr. Gattshall pointed out that when it was a school there was more traffic from school employees. Ms. Bryan responded that when it was a school the traffic consisted of employees arriving at around 8 AM, and then leaving around 4 PM, with no activity between the two times. Now all through the day there is traffic coming and going from the Cleveland St. entrance, which she believes should be closed. Mr. Cavuoti added that the training center gets between 50 to 75 cars for events. He referenced a June 2011 email from Mr. Crowe that noted the presence of an 18-wheeler unloading in the front parking lot and noise of forklifts and the fact that this was a zoning violation. He said that all traffic should access the rear parking areas with a new driveway that could be located between Wings 2 and 3 – there was 30 or 40 feet of space that would allow for this. Mr. Gattshall responded that it would cost \$75,000 to \$100,000 to pave a new road into the back and there was no funding for this.

Mr. Cavuoti noted that the warehouse just should not be there. Mr. Gattshall said that it cost \$60,000-\$75,000 annually to use Matthews Storage for the warehouse, again there was no funding for this.

Mr. Bryant noted that the US Foods 18-wheeler truck was back and had been seen twice last week cutting through the neighborhood to get to the elementary school. Mr. Gattshall noted that the driver had been told not to do this and he would make sure the message got through.

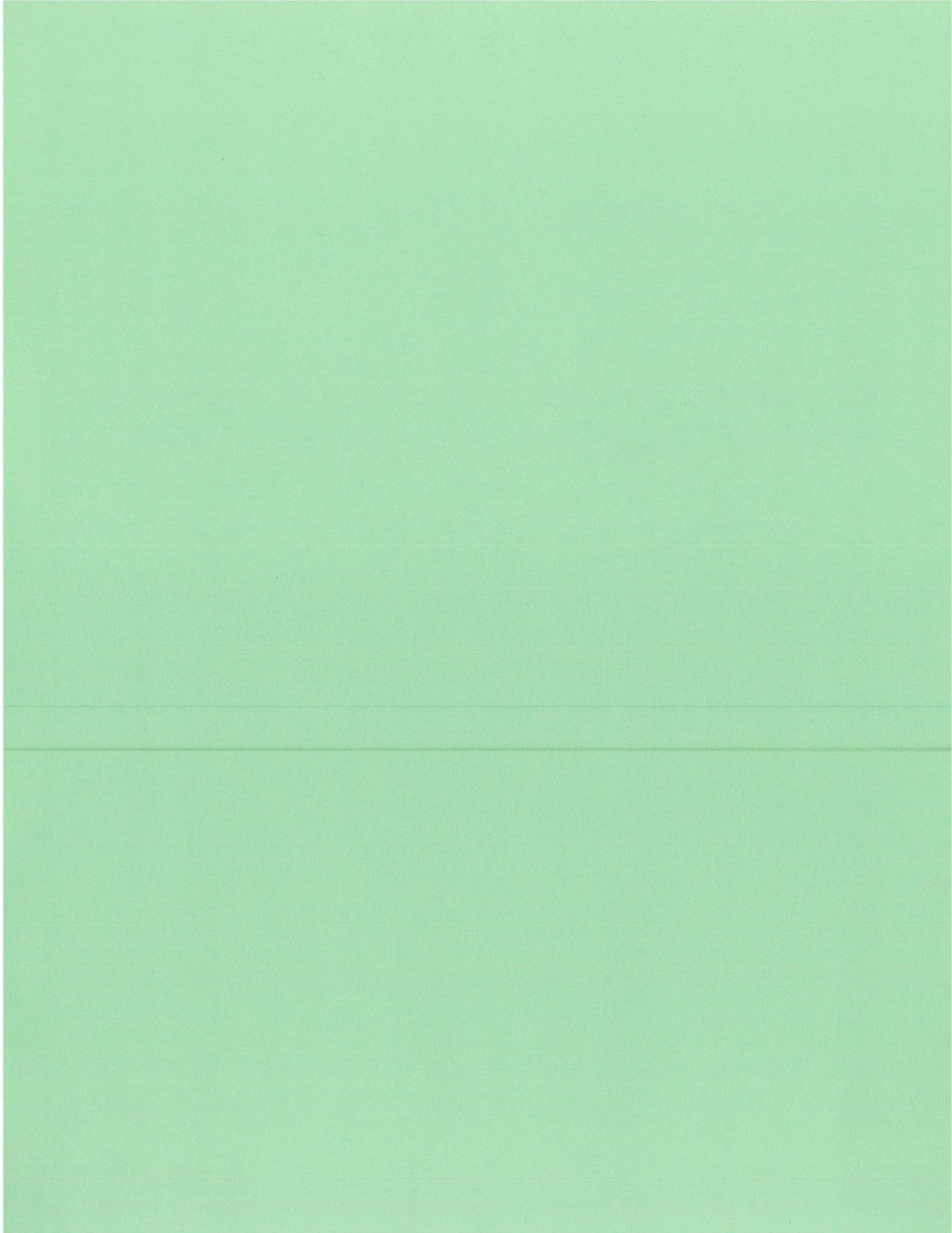
Mr. Euzor said he used to deliver supplies to schools, which got regular deliveries of food, classroom supplies - each school had a warehouse function. A resident pointed out the difference was this warehouse is a central hub on a larger scale.

Mr. Cavuoti said that the neighbors did not want the pocket park and this was recommended by someone who lived two blocks away. Mr. Gattshall said the School District did not have the funding for this park. Mr. Crowe said that this was suggested for the PUD but would not happen unless the neighbors supported it.

Mr. Crowe was asked about some confusion about the PUD already being considered by the City. Mr. Crowe said that this was another issue that involved revamping the PUD ordinance to allow PUDs in public land use categories. This change did allow the use of a PUD for the warehouse. Commissioner Kitchens said that she had opposed this ordinance and had voted against it. Mayor Myers noted that this PUD ordinance change provided the City with more flexibility to deal with development issues and neighborhood protection.

Mr. Crowe again went over the next steps of the Planning Board meeting and then City Commission consideration of this item. Mayor Myers thanked everyone for attending and the meeting ended at 6:55 PM.

Meeting summary by Thad Crowe.



Case 12-23
Request for Conditional Use
Wall Graphics: 429 Kirby St.

Applicant: Michael Gagnon, on behalf of South Historic Neighborhood Assoc.

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider a request for a conditional use for wall graphics, in this case murals, on building walls at 429 Kirby St. Public notice included newspaper advertisement, letters to nearby property owners (within 150 feet), and property posting.

APPLICATION BACKGROUND

This application is for eight murals to be painted on the east and north exterior walls of the Hammock Hall community center. The applicant, the South Historic Neighborhood Association, proposes to work with the Arts Council in directing middle and high school students in this effort (see attached letter). The Applicant is requesting approval of the overall project, which will be completed over a general timeframe of four to five years. The murals received approval in the form of a Certificate of Appropriateness from the Historic Preservation Board, a review that that focused on mural colors and arrangement and the impact of these factors on adjacent historic properties.



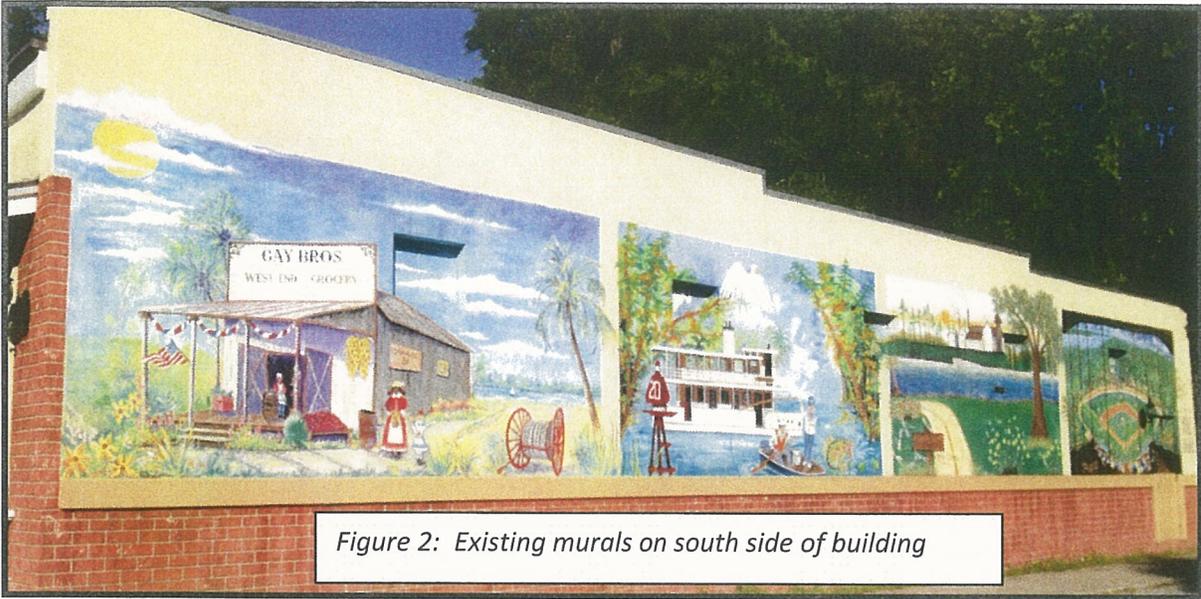


Figure 2: Existing murals on south side of building

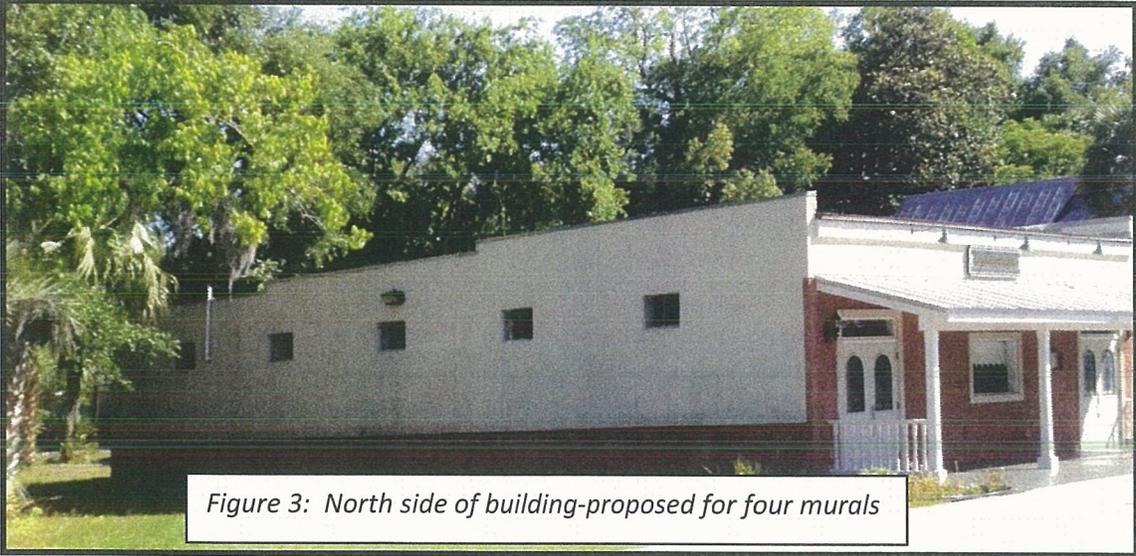


Figure 3: North side of building-proposed for four murals

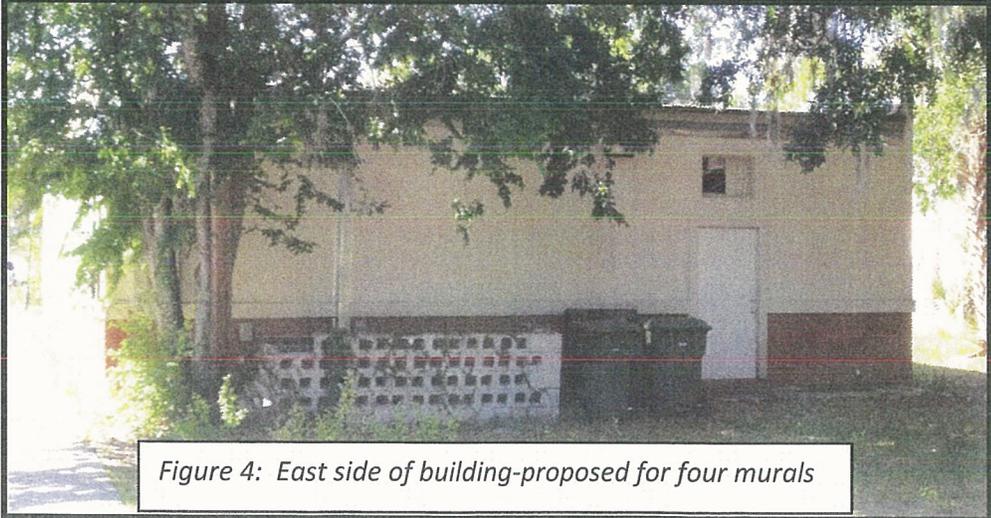


Figure 4: East side of building-proposed for four murals

The Sign Code allows for wall graphics through the conditional use process when mural space exceeds 25% of a building wall. A conditional use is a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

The subject property is located at the northeast corner of Kirby and Kirkland Streets in the South Historic District. The property is occupied by Hammock Hall, a city-owned community center. The building is not historic but in fact is a 1960s-era building.

There are four existing mural panels on the south side of the building, immediately adjacent to Kirkland St. (Figure 2). These murals were approved at the June, 2010 Historic Preservation Board meeting and the July, 2010 Planning Board meeting.

As the attached sketches show, there would be four mural panels on the east side, each with a 12-foot square frame, and four mural panels on the north side of the building, each with a 12-foot tall by 18-foot wide frame. The east side (Figure 4) is the rear of the building, visible from the Kirkland St. public right-of-way and the (vacant) lot to the east on Kirkland St. (this vacant lot wraps around to the north side of the Hammock Hall property as well). The north side (Figure 3) of the building is visible from the public right-of-way of Kirby St. and the homes on this street.

As stated the Applicant has requested approval of the number of murals and also their arrangement, size, and location. One mural concept sketch has been submitted, the location of which has not been identified. The Applicant has verbally indicated that the mural theme will be environmental with depictions of natural settings. The Applicant is requesting that the Board approve the mural over all. The Historic Preservation Board approved the murals with the following conditions:

1. Mural panels shall be arranged in keeping with the submitted plans in regard to dimensions and placement of the murals.
2. Murals shall have an environmental theme and consist of natural settings.
3. Appropriate colors shall be used within the murals that would not clash with the common earth tones, white home color, and greenery of the historic district. Fluorescent and other overly bright colors that do not represent colors associated with outdoor settings shall not be used.
4. The concept sketch depicting animals along a riverbank shall be allowed for the first mural.
5. Future murals shall require the development of concept sketches for approval by the Historic Preservation Board.

PROJECT ANALYSIS

The following criteria are used for evaluation of conditional uses.

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

Staff Comment: the application is not in conflict with goals, objectives, and policies 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.*
- 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.*
- d. *Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.*
- e. *Utilities, with reference to location, availability and compatibility.*
- f. *Screening and buffering, with reference to type, dimensions and character.*

Staff Comment: these criteria are not applicable

- 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.*

Staff Comment: the Planning Board in the past have approved similar murals and have not found that there are negative issues pertaining to such wall graphics. The downtown murals depict events or people that are associated with the City's past and help to foster a sense of community pride and interest in local history. Staff believes that the environmentally-themed murals would provide a similar positive impact on the neighborhood.

- h. *Required yards and other open space.*

Staff Comment: not applicable.

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

Staff Comment: see g. above.

- j. *Any special requirements set out in the schedule of district regulations for the particular use involved.*

Staff Comment: no special requirements are set forth in the Zoning Code for wall graphics.

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

Staff Comment: not applicable.

Relevance of application to number of similar uses in regard to the area, location or relation to the neighborhood, and how the use would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Staff Comment: Staff believes that this location is relatively close to, can benefit from, and contribute to the downtown murals. While it would not be appropriate to allow murals on residential buildings, allowing murals on an isolated public building such as this does not result in a substantive and negative impact on the neighborhood.

Appropriate conditions and safeguards in conformity with the Zoning Code.

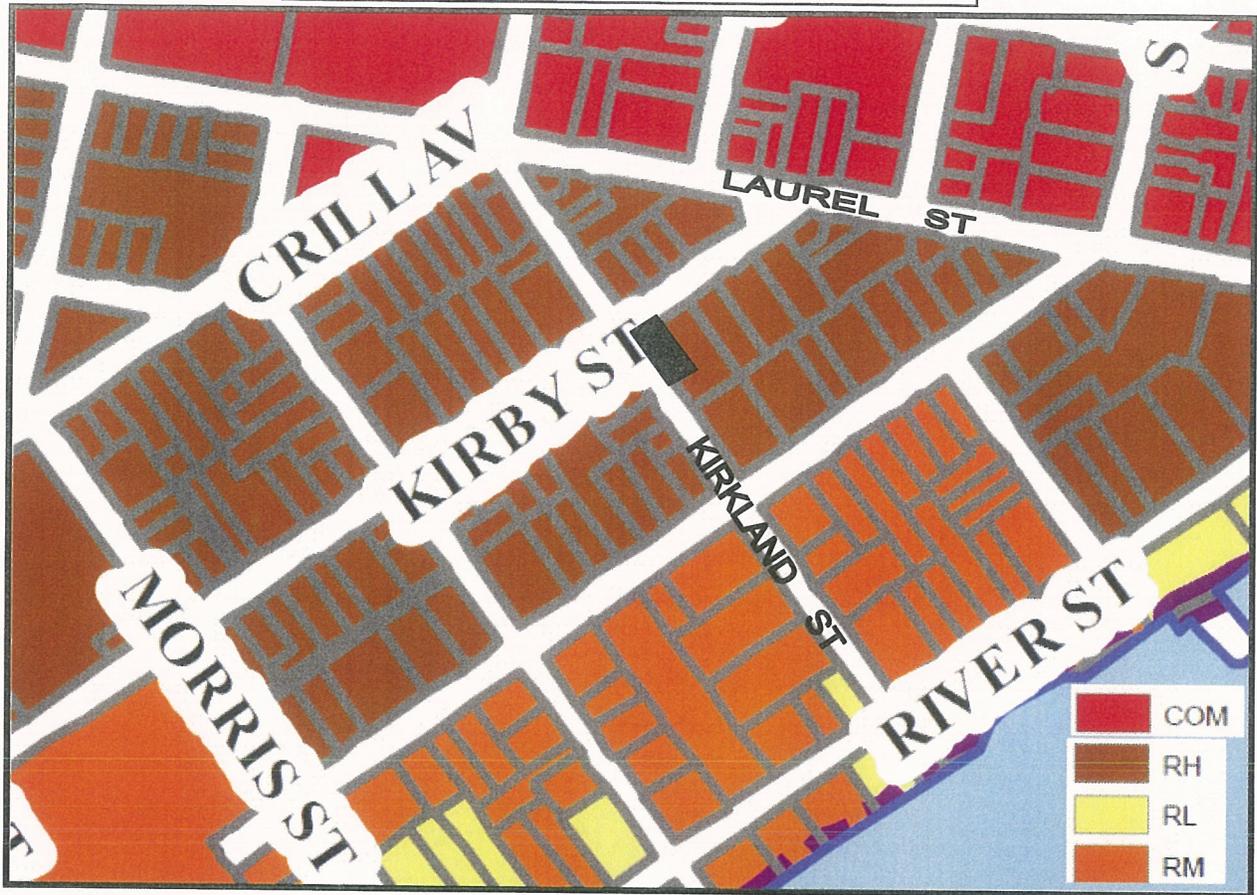
Staff Comment: no conditions are required.

STAFF RECOMMENDATION

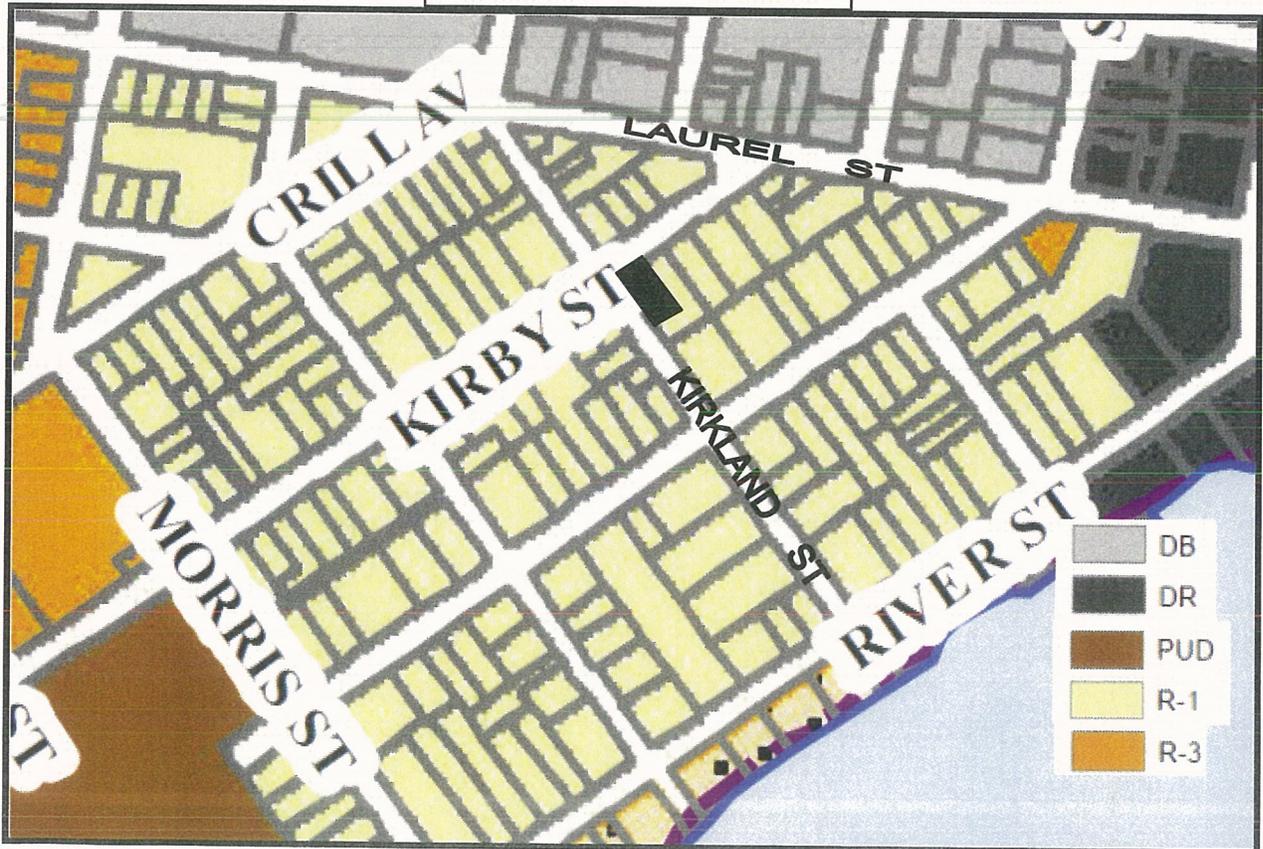
The Planning Board's review pertains mostly to conditional use criteria that are mostly not applicable to this request. The Historic Preservation Board's review criteria are more specific as they allow for gauging the impacts of colors and mural arrangement on adjoining properties and the historic district in general. It is also problematic to require review of murals by two boards, both in terms of potential conflicting Board opinions and the sheer expense of multiple application fees. With these factors in mind, Staff recommends approval of the request for a Conditional Use for the eight environmentally-themed murals in the proposed arrangement at this location, and further recommends that the Planning Board approve for specific review of future murals on this building by the Historic Preservation Board.

ATTACHMENTS: FUTURE LAND USE AND ZONING MAP
 APPLICANT NARRATIVE & JUSTIFICATION AND SKETCHES
 HISTORIC PRESERVATION BOARD MINUTES EXCERPT

FUTURE LAND USE MAP



ZONING MAP





SOUTH HISTORIC DISTRICT
PALATKA, FLORIDA

Thad Crowe
Planning Director
City of Palatka
201 N 2nd Street
Palatka, FL 32177

Dear Thad,

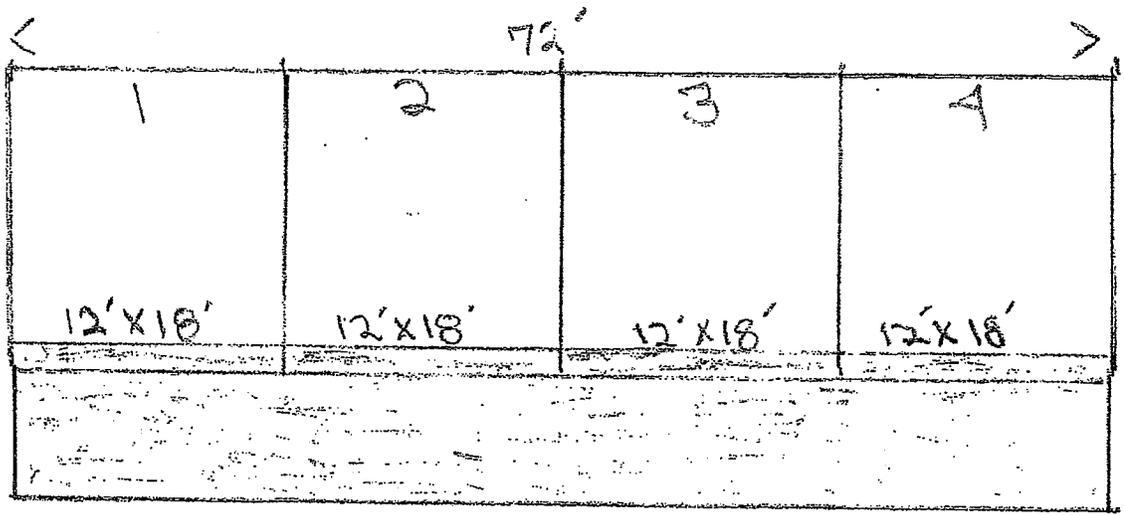
The South Historic Neighborhood Association is embarking on a program to assist young local artists and instructors to paint murals at Hammock Hall (429 Kirby Street). These murals will be located on the East and North sides of the building. The Arts Council will be the co-chair of the project. Summer courses for younger children and Autumn/Winter courses will include opportunities for Middle and High School students. Each side of the building will be themed and will proceed at 1-2 murals per year. The time to total completion will be 4-5 years. Any mural started will be finished during the designated timed period for that year. A rendering and size description for each mural will be brought forward to this Board for opinion on continuity before starting. We are requesting that the Board allow an open ended application under these conditions.

Attached:

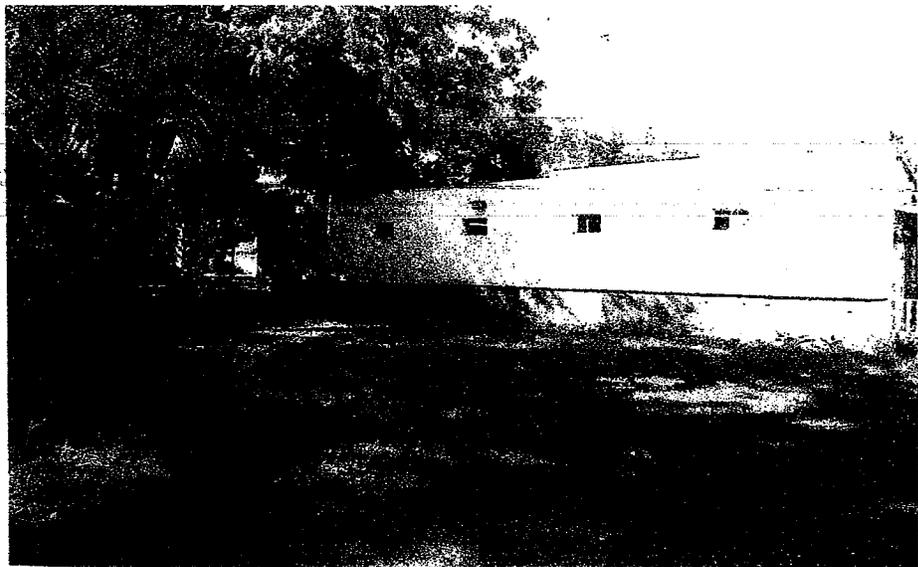
Rendering for summer mural 2012
Photos of building East and North
Approximate murals sizes NTS

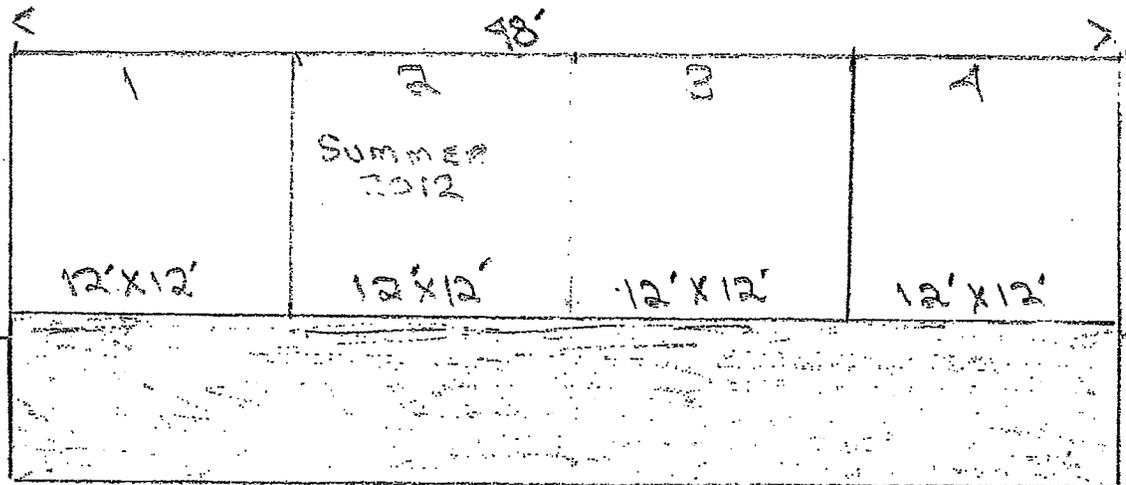
Thank-you

Michael Gagnon
President, SHNA

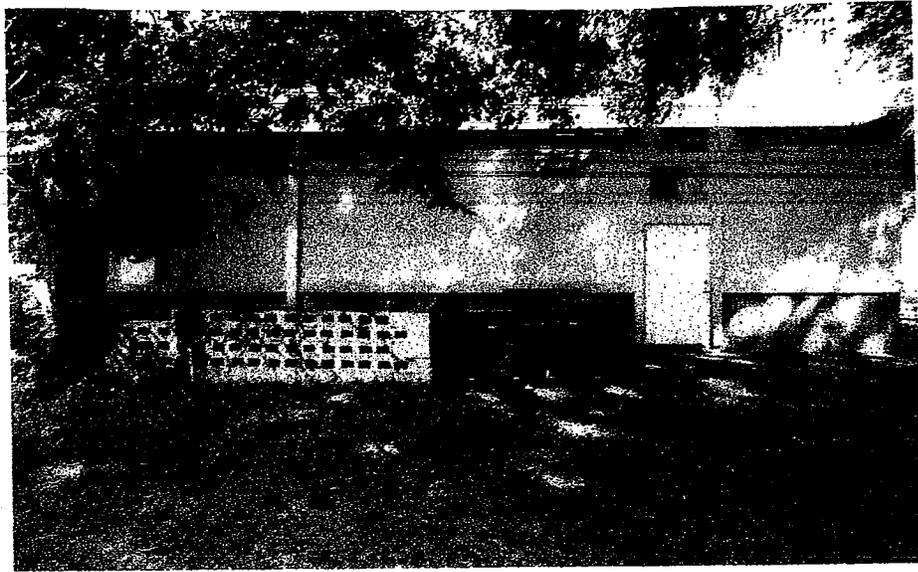


NORTH SIDE

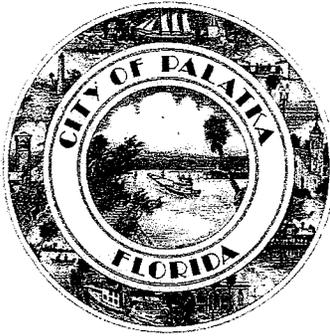




EAST SIDE







HISTORIC PRESERVATION BOARD CITY OF PALATKA

Minutes for the May 3, 2012 Meeting

The meeting was called to order by Chairperson Roberta Correa at 4:04 pm. Other members present included Elizabeth van Rensburg, Mark Miles, Lynda Little Crabill, Robert Goodwin and Larry Beaton. The following member was absent: Gilbert Evans Jr.

Staff present: Planning Director Thad Crowe and Recording Secretary Deena McCamey.

Motion made by Ms. van Rensburg and seconded by Mr. Miles to approve the January 5, 2012 minutes. All those present voted affirmative, motion passed.

Chairperson Correa read the appeal procedures.

NEW BUSINESS

Case: HB 12-22
Address: 429 Kirby St. (Hammock Hall)
Parcel number: 42-10-27-6850-0450-0050
Applicant: South Side Neighborhood Association
Item: Request for Approval for wall graphics

Mr. Crowe stated that this application was for eight murals to be painted on the east and north exterior walls of the Hammock Hall community center. The applicant, the South Historic Neighborhood Association, proposes to work with the Arts Council in directing middle and high school students in this effort. The Applicant is requesting approval of the overall project, which will be completed over a general timeframe of four to five years, but is proposing that the Board review and approve each individual mural as its design is approved. The murals also require a conditional use approval by the Planning Board, a review that is concentrated on evaluating compatibility with adjacent properties and the neighborhood. Public notice was provided by letters to nearby (within 150 feet) property owners and posting of the property.

Mr. Crowe noted that since there are currently murals on one wall of the building and the building is non-conforming to the district he did not see any issues with this request. He reminded the Board members they had approved a wall mural for the south side of the building at the June 3rd, 2010 meeting and said that the minutes reflected positive comments from the Board about the murals from that meeting. He said Staff was recommending that the colors will need to be limited to those found in natural – in keeping with the environmental theme of the project – to avoid a visually jarring impact to adjacent properties.

**Historic Preservation Board meeting minutes
May 3, 2012 Meeting**

Ms. van Rensburg asked if each mural will come in front of the board for approval and will the board get something showing what will be painted.

Mr. Crowe responded in the affirmative, stating that the intent of this request was to establish the mural theme and overall placement of the murals on the two walls. Specific mural designs will have to come back before the Board under this initial approval, with the applicant paying for the neighbor letters and placard posting. This will greatly reduce the administrative and Board burden as well as save the applicant considerable money in application fees, which otherwise would be charged for each of the eight murals.

Applicant Michael Gagnon said that the school will have students paint each mural at different times as a nature scene with the main focus being the river flowing through and connecting on both sides of the building.

Ms. Crabill asked if the river portion will be painted initially before other elements are added.

Mr. Gagnon said he had no problem with doing that.

Ms. van Rensburg asked if it would be a little busy with all three sides of the building painted with murals.

Mr. Gagnon said that other large cities have done the same concept and the art that the children did is beautiful. He did not think it would be busy, he said when people drive down Kirkland St. they will know it was painted by children. He reminded the board that if the murals turn out bad it can always be painted over.

Ms. Correa said the building is kind of blah it is not an attractive building and is not historical.

Mr. Miles asked how the mural will affect the rental of the building for weddings and such with the building being decorated in this manner. Would it affect the property values of the building or the neighboring building?

Mr. Gagnon said he did not feel it would affect renting out the building, since the building is not attractive now the murals will only enhance it.

Mr. Miles asked since it is going to be "children's art" wouldn't it be better if the murals were painted on a park building rather than a neighborhood community building. He said he supports and encourages children's art, but he is trying to satisfy himself that this building is the right place to have this type of art.

Mr. Gagnon replied that the SSNHA requested that the children do their art on this building.

Mr. Miles asked staff if the property was advertised and posted because he did not see a sign there.

Mr. Crowe said it was posted and legal ads are not required.

**Historic Preservation Board meeting minutes
May 3, 2012 Meeting**

Ms. van Rensburg asked if there were any responses from the neighbors.

Mr. Crowe said no.

Mr. Miles also asked if the artists will be covered for injury.

Mr. Gagnon answered that the activity would fall under the City of Palatka's insurance policy since it is their building.

Pam Garris, 603 Emmitt St. asked if the bathrooms at the boat ramp could have murals. She also commented that the Hank Bryan Park is desolate and could use some sprucing up she thought that maybe the women's club or some other organization could plant some azaleas or something there to help with the appearance there.

Ms. Correa said the restroom buildings at the boat ramp will be renovated or demolished as part of the river front park, but it would be great for in the future to have children's art there.

Ms. Crabill said Hank Bryan Park is under the auspices of the Palatka Pilot Club, which had set it up and added the handicap pavilion. She suggested presenting the sprucing up to them.

Motion made by Ms. van Rensburg and seconded by Ms. Crabill to approve the project with four panels per side of the lengths indicated, using colors found in nature, carrying an environmental theme throughout and requiring that the Applicant come back with future mural designs. All those present voted affirmative, motion passed.

Mr. Miles asked if in the future you stand back, look, and say really cool or get out the paint brushes what group or panel will determine that.

Mr. Gagnon replied nobody; this will be art and art is how each person sees it.

Ms. Correa commented that if this mural is horrible and needs to go away it would fall under the SSNHA's decision, requiring a vote of this entity.

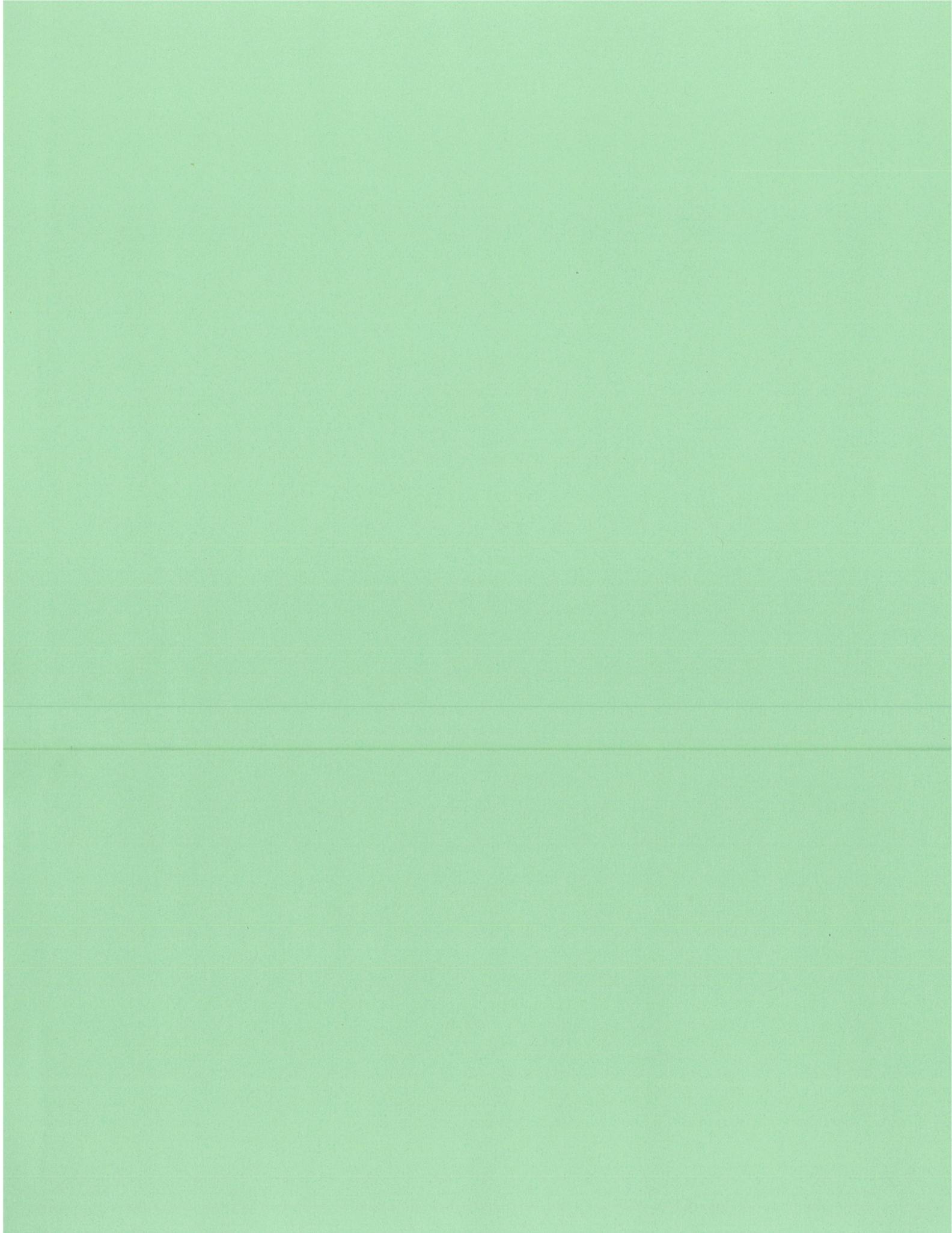
OTHER BUSINESS

Preservation of the "100 Block"

Mr. Crowe said the board asked to agenda this item and he attached a copy of the resolution for the board members with the packet. This was for members who were absent for the initial voting and may wish to have their vote counted and presented to the City Commission.

Ms. van Rensburg asked staff since the board members that were absent for the initial proclamation are present, she wondered if it would be good to show they are in support. She was uncertain what could be done at this stage. She asked if the board would need to reissue the proclamation since the majority of the board members are present.

Mr. Crowe said the board has the option to reaffirm it, revote the resolution or take another action. That is all up to the board.



Request for Conditional Use

Re-establish Nonconforming Use in an R-2 District, 1322 Washington St.

Applicant: Herman & Pamela Roberts

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider a request for a Conditional Use for the re-establishment of a nonconforming use in a R-2 (Two-Family Residential) zoning district. Public notice included newspaper advertisement, property posting, and letters to adjacent property owners (within 150 feet).

APPLICATION BACKGROUND

The mechanism for allowing for re-establishment of a nonconforming use was heard by the Board at their February 7, 2012 meeting and was approved by the City Commission on March 8.

Zoning Code Section 94-114(c) defines a nonconforming use as a lawful use of land existing prior to the adoption of the Code (1981), and made nonconforming by the Code. Nonconforming uses may continue indefinitely but cannot be enlarged, increased, expanded, or moved, and if the use ceases for more than six months its continuation is prohibited.

The approved ordinance for the re-establishment of nonconforming uses provides that *“in unusual cases where nonconforming uses are grounded in the community due to historical precedent and community support, should such uses cease to operate, their re-establishment shall be allowed within 36 months of the date the use ceased to function.”* Conditional use approval is required.

PROJECT ANALYSIS

The following table provides a land use description for the site and surrounding properties. The site is located in a residential neighborhood and consists of a single-family home, facing N. 14th St. and a shed located behind the house and fronting on Washington St., where the takeout activities historically occurred. Building and Zoning Dept. records indicate the business active became inactive in September, 2009 and the owners have indicated that the business operated until late 2010.

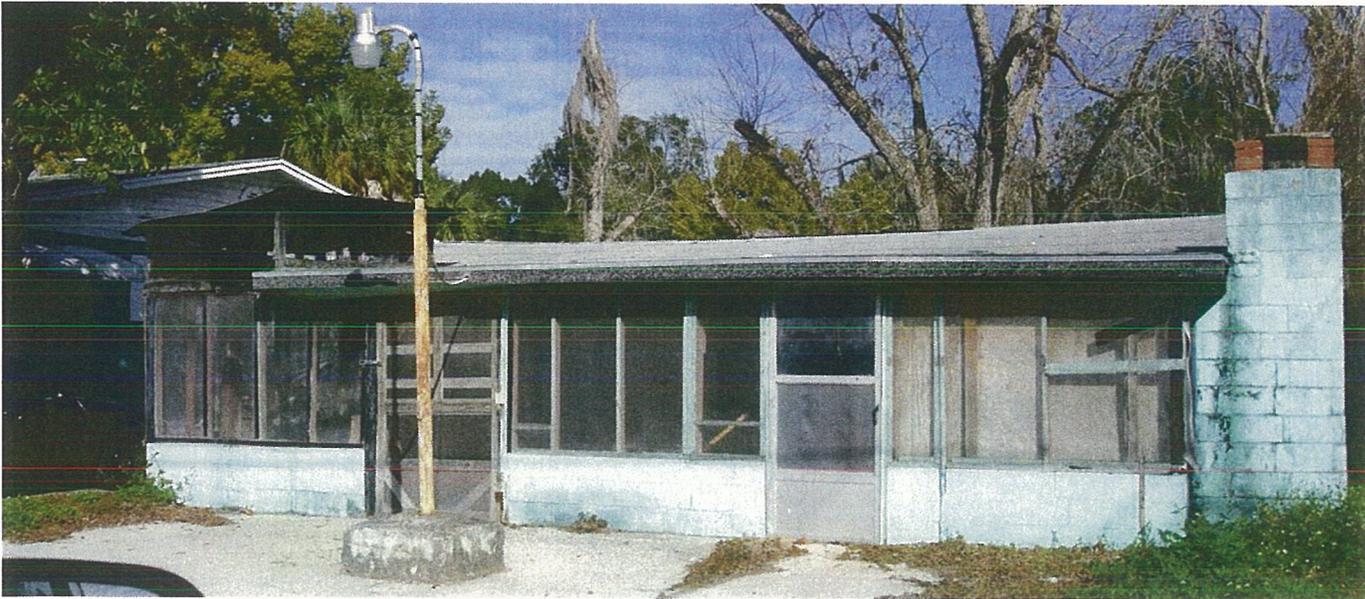
Table 1: Land Uses

	Actual Use	FLUM	Zoning
Site	Single-Family Residence	RM (Residential, Medium Density)	R-2 (Residential, Two Family)
East	Undeveloped	RM (Residential, Medium Density)	R-2 (Residential, Two Family)
West	Undeveloped	RM (Residential, Medium Density)	R-2 (Residential, Two Family)
North	Single-Family Residence	RM (Residential, Medium Density)	R-2 (Residential, Two Family)
South	Single-Family Residences	RM (Residential, Medium Density)	R-2 (Residential, Two Family)



Figure 1: Site Location (above)

Figure 2: Shed (below)



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

Staff Comment: the application is not in conflict with goals, objectives, and policies 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.*

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.*

Staff Comment: Parking for the proposed takeout use is provided in an unpaved area in front of the shed building. The area is around 70 feet in width, and would allow for up to seven cars to pull in using 90 degree parking. Staff believes that this was the historical parking arrangement associated with the nonconforming use, and as a re-established nonconforming use this can continue. Washington St. and N. 14th St. do not carry very much traffic and it is anticipated that the parking can accommodate the use. There is a sidewalk on the south side of Washington Street and it is anticipated that some customers will be walk-ups.

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

Staff Comment: Given the amount of potential refuse associated with a takeout restaurant, Staff recommends that a refuse area screened with a six-foot tall stockade fence on three sides from neighbors and Washington Street be required.

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

Staff Comment: The site is served by a full range of utilities.

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

Staff Comment: Staff recommends that if and when the undeveloped lot to the east is developed that the Applicants install a hedge along that property line to screen the shed from the neighbors.

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.*

Staff Comment: No signs are proposed. There is an existing light on a pole in front of the shed, which should be shielded to prevent glare from trespassing to neighbors and the street.

h. *Required yards and other open space.*

Staff Comment: it appears that the building complies with relevant required yards (setbacks) of the R-2 zoning district.

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

Staff Comment: Compatibility is often defined by adjacent and vicinity residents. Staff has not received any responses from neighbors on the proposed use, and if the Board does not hear opposition testimony, this is an indication that the use is compatible. However Staff would note that the shed is in need of improvement as it presents somewhat of an unsightly appearance. Staff recommends a fresh coat of paint and repairing any

deteriorated features on the structure. In addition, Staff is cognizant of the need for close supervision of a potentially incompatible use like this, and thus recommends a requirement that the operators of the use reside on the site to better monitor activities and address any neighbor concerns that might come up.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.

Staff Comment: No special requirements are set forth in the Zoning Code for outdoor activities in the C-1 zoning district or elsewhere in the Code.

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

Staff Comment: Not applicable.

Relevance of application to number of similar uses in regard to the area, location or relation to the neighborhood, and how the use would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Staff Comment: This is a very unusual situation in that takeout restaurants are rarely found in residential neighborhoods. However Staff understands that zoning rules do not recognize all acceptable arrangements such as longstanding uses like this. If the Board does not receive public input that is in opposition to the request, it can be inferred that the use does not negatively affect the public health, safety, welfare, morals, order, comfort, appearance, prosperity, or general welfare of the neighborhood and the City as a whole. However as noted by the Fire Marshall, the use must comply with all applicable fire codes and state licensing.

Appropriate conditions and safeguards in conformity with the Zoning Code.

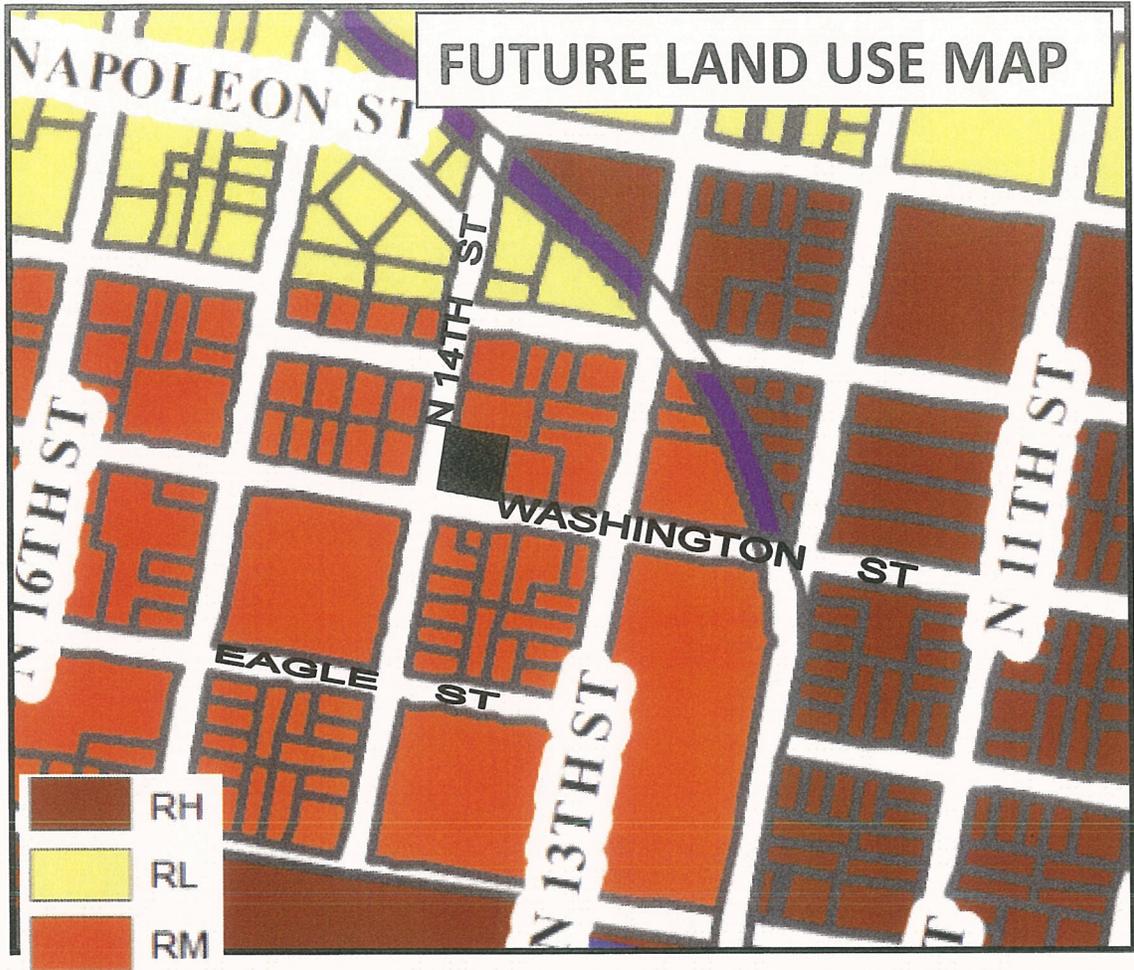
Staff Comment: The recommendations below address Staff's concerns, and the Planning Board is able to apply additional conditions that they think are necessary to meet the intent of Conditional Use approval as described in this report.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use for takeout food only at 1322 Washington Street, with the following conditions.

1. Refuse area shall be screened with a six-foot tall stockade fence on three sides from neighbors and Washington Street.
2. Existing light in front of shed shall be shielded so light is downcast and does not present glare to neighbors and nearby street.
3. Shed shall be repainted and any deteriorated features must be repaired so that a neat and pleasing appearance results.
4. At the time of development of the property to the west, Applicant shall install a hedge along the property line to effectively screen the shed.
5. Operator of use shall live on the property.
6. Use shall comply with all applicable fire codes and state licensing.
7. All other applicable standards of the Municipal Code shall be met.

ATTACHMENTS: APPLICANT JUSTIFICATION
 FUTURE LAND USE AND ZONING MAPS



The Gilley Boutique Business was
own and operated by Edward and Edna Gilley
until his wife health failed, after her death
it was ran by Edward Gilley and his son-in-law
until he rented it out to a friend, and at
that time we didn't know he was working
without a License until we tried to reopen
the Business after Mr. Gilley Passed away.
His daughter (Pam) and son-in-law (Herman)
would like to keep this Family Business
open. we are asking at this time for Permission
for that.

we would like to open Tues - Sat

Thanks

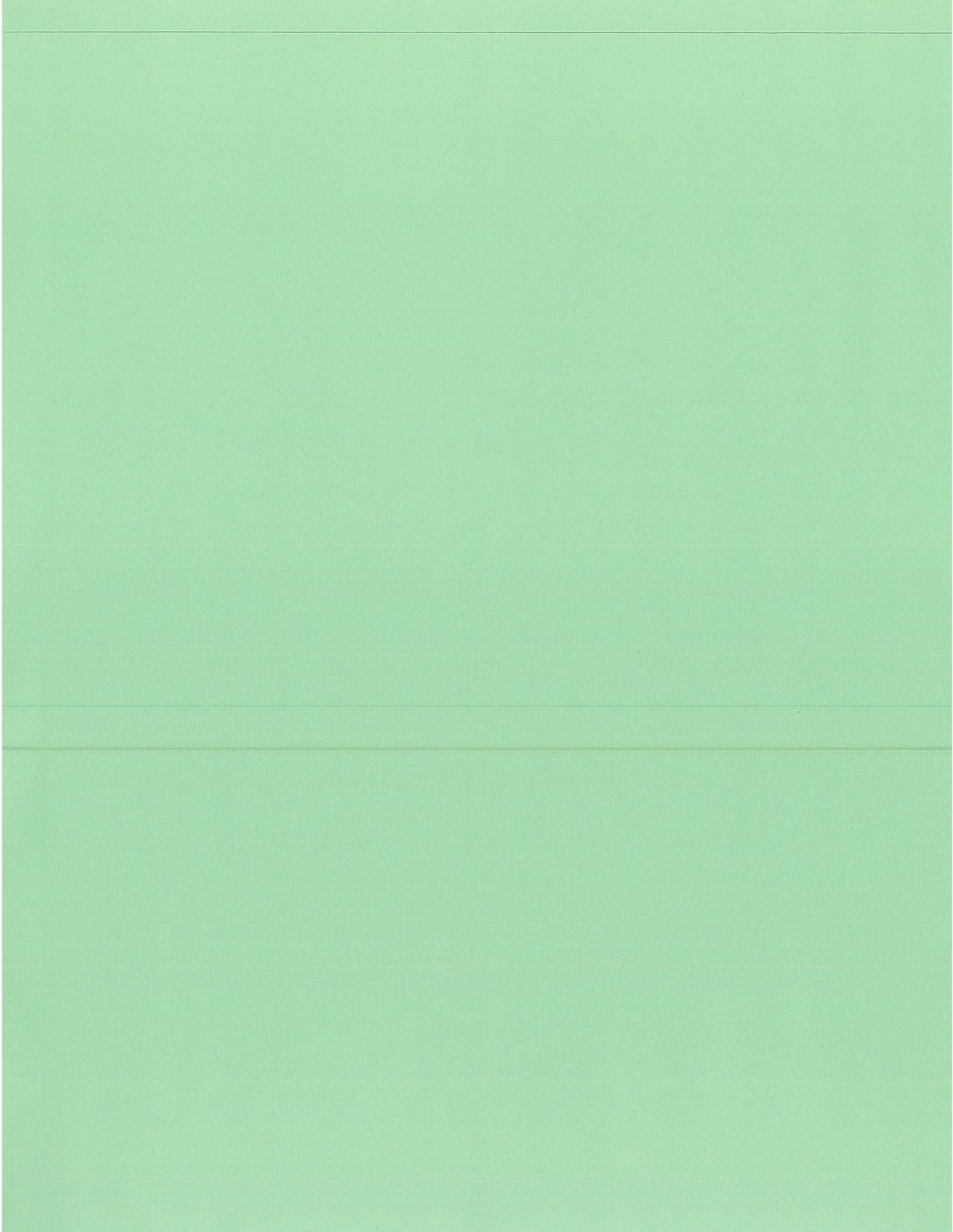
Herman & Pamela J Roberts

Time of operation

Tues. - wed. 7^{am} - 10^{pm}
Thurs - Sat. 7^{am} - Closing 12^{pm}

Bar-b-q business
Started in 1970
and continued
until 2010

(Walter Felder Jr.)
Pastor H. Roberts
Family operated
one Employee
Rocketmail.com



Case 12-28

Request for a Conditional Use for Sale of Seasonal Goods
1024 S. Hwy 19 (WalMart)
Applicant: TNT Fireworks/Wesley Reid

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

Conditional Use allowing sale of seasonal goods (fireworks) in the WalMart parking lot. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

Sales of seasonal goods is regulated by Zoning Code Section 94-200. The applicant plans to sell 4th of July fireworks, and has applied for this conditional use for a number of years, including 2011, when the fireworks sales ban forced cancellation of the event. The event would take place within the WalMart parking lot between June 24 and July 5, 2012. The zoning code provides the following definitions for the types of events that are requested.

Seasonal goods or commodities means a temporary sale not to exceed 30 days in duration for the purpose of vending or selling goods or commodities relevant to the season to include but not be limited to spring plant sales, Fourth of July fireworks sales, and Christmas tree sales.

PROJECT ANALYSIS

The Zoning Code provides several restrictions on seasonal goods sales:

- No activities on public rights-of way.
- Not more than one event in a six month timeframe.
- 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.
- Nonprofit organizations are exempt from the fee if proof of nonprofit status is provided.
- A tent permit will be required; applicant will need to forward a copy of the fire retardant certificate at the time of permit issuance.

Regarding these restrictions, the tent will not occur on any public rights-of-way. All sides of the tent will be accessible to emergency vehicles. The additional fee is waived as the event is sponsored by the First Assembly of God Church, a non-profit. The Church will retain the proceeds from the sales.

Per Section 94-200(c)(3) the Planning Board shall review such an application to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.

Traffic Flow

The tent will be located at the southern end of the parking lot, approximately 400 feet south of the main store at the southern end of the parking lot. No driveways will be blocked as the tent will be located within a single parking row.

Auto Safety

No driveways will be blocked to allow for the current vehicle circulation pattern to continue.

Pedestrian Safety

There are no sidewalks that provide access to the tent site. Customers will drive up and park nearby to purchase fireworks.

Effect on Surrounding Uses

The area is a fairly intensive retail commercial area with no nearby residences. A church is immediately to the south with undeveloped residential areas to the west. Staff has determined that there is adequate parking to serve both WalMart and this sales event – this WalMart, like most, is “overparked.” No adverse impacts on surrounding uses are anticipated.

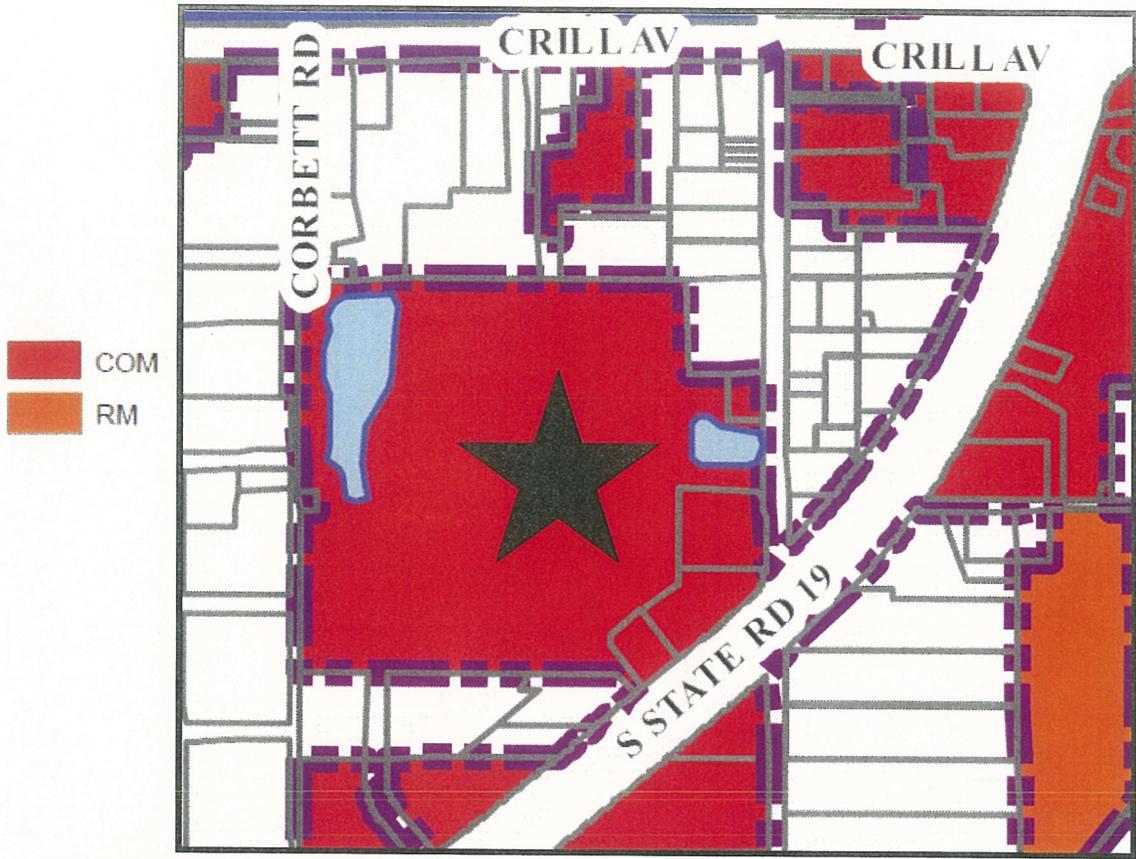
STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable seasonal goods sales criteria. Staff recommends approval of Case 12-28, seasonal goods sales of fireworks in the WalMart parking lot.

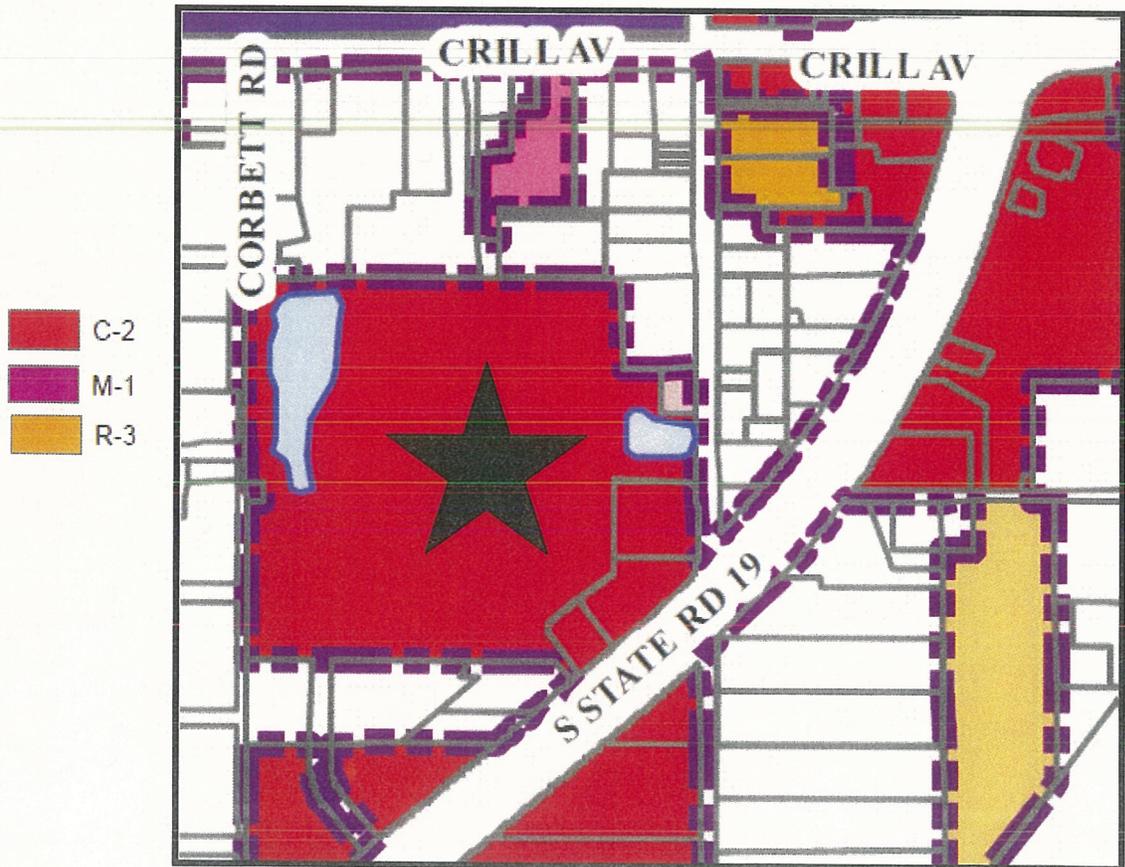
ATTACHMENT: SITE PLAN/AERIAL
 FUTURE LAND USE AND ZONING MAP
 APPLICANT NARRATIVE



FUTURE LAND USE MAP



ZONING MAP



April 27, 2012

Thad Crowe
City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177

Re: Conditional Use Request

Dear Thad Crowe:

I am requesting permission for a conditional use permit for the sale of Florida State Approved Sparklers in the Wal-Mart Parking Lot. The tent will go up between the 21 or 22 of June. The sale will begin on the 24, 25 and end on July 5. We would want the permit for the year 2012, 2013. The same Church will be running this location; First Assembly of God, Inc of Palatka. Enclosed is their Certificate of Exemption for your file.

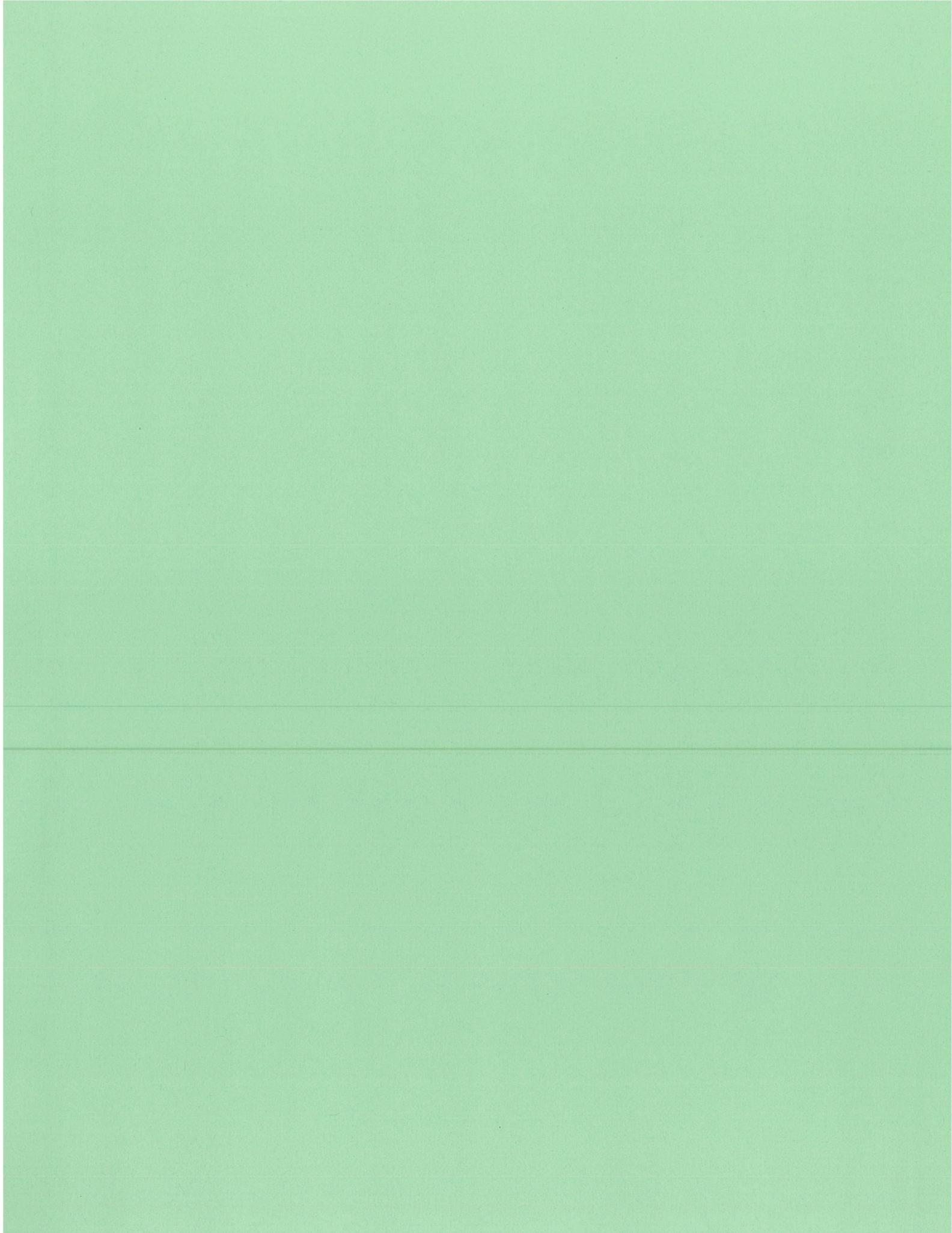
The above addresses paragraph 1. Listed below are the appropriate required:

- A. Site plan attached. (I have marked where we place it last year).
- B. A portable generator will be used.
- C. The tent will be a 30x45 and will stay within the parking spaces and not restrict any driveways
- D. There will be no trees, or shrubs affected
- E. We will have vinyl signs on the tent. Most of them are 3/17'. They are "Buy One Get One Free" and "TNT fireworks".
- F. Ingress and egress to – there will be neither obstruction to any drives nor entrances. The tent will be 30x45 and be within 9 parking spaces. An emergency vehicle would have access to all sides of the tent.
- G. There is no-street parking and only unloading of product when it arrives. The truck can pull into parking spaces and not block a drive.
- H. Refuse service – the Church takes away their rubbish every evening.

I am attaching a flame spread, letter of permission from Wal-Mart, my check and the application.

Sincerely,

Wesley Reid



Case 12-29
Request to Amend Zoning Code
(Limitations on outdoor promotional sales and temporary goods sales)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

An administrative request to require that in the case of outdoor promotional sales and temporary goods or commodities sales, sales shall be limited to items that are customarily offered for sale by the principal use which occupies the property where the sale is to be held, and that only the business or entity occupying the principal structure may sell such merchandise. Public notice included legal advertisement.

APPLICATION BACKGROUND

Staff has received numerous comments from local businesses, citizens, and elected officials regarding recent outdoor promotional and temporary goods sales that are held by out-of-town businesses. The main concerns relate to impacts on local businesses and possible unfair advantages of the out-of-town businesses who do not directly pay property taxes and who do not have a stake in the community.

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.

Staff Comment: The request does not conflict with goals, objectives, and policies of the Comprehensive Plan.

b. The existing land use pattern.

Staff Comment: Not applicable to text changes.

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

Staff Comment: Not applicable to text changes.

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

Staff Comment: Depending on the scale of the activities, the current more lenient allowance of outdoor and temporary sales could noticeably impact streets with additional traffic.

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

Staff Comment: Not applicable as this is not a zoning map change.

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

Staff Comment: The changed conditions of the economic downturn and the resulting difficulties experienced by local businesses support this amendment.

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

Staff Comment: Protecting local businesses will help to support local jobs and households and therefore positively impact City neighborhoods.

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

Staff Comment: Not applicable.

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

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

Staff Comment: 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.

Staff Comment: 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.

Staff Comment: Staff would argue that the current allowance of outdoor sales isolated from and in competition with local businesses is in itself a special privilege, as such uses do not directly pay property taxes and out-of-county employees do not pay sales taxes, both of which go toward supporting the local economy and government.

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

Staff Comment: Not applicable.

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

Staff Comment: Not applicable.

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

Staff Comment: Not applicable.

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.*

Staff Comment: The above criteria are not applicable.

STAFF RECOMMENDATION

Staff recommends the following revisions to existing Zoning Code Sec. 94-151, with existing text *italicized* and new text *underlined and italicized*.

- (c) *Procedures for review and approval. The planning board may approve a conditional use for the sale of certain goods and commodities which are strictly of a temporary nature, other than for farmers markets, in commercial zoning districts where sales of specific goods and commodities are included as permitted or accessory uses, provided the following conditions and requirements are met:*
- (1) *Such sales shall not be permitted on public rights-of-way; provided, however, that in areas zoned C-3, such sales and displays may be permitted on sidewalks only; and provided, further, that parades and art shows may be permitted on public rights-of-way under such conditions as are otherwise provided by ordinances and policies of the city commission.*
 - (2) *No more than one conditional use per location shall be issued in any given six-month period for seasonal and temporary-type sales, and no more than one conditional use per location shall be issued in any given 90-day period of time for promotional sales.*
 - (3) *Application for a conditional use under the provisions herein shall be reviewed by the planning board to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.*
 - (4) *The vendor, merchant, or applicant shall be required to remit to the city, following approval of the conditional use by the planning board, a business regulatory fee, which shall be in addition to any occupational license previously applied for or issued by the city, or as required by the city for vendors or merchants operating within the city. The business regulatory fee shall be subject to the following:*
 - a. *The business regulatory fee shall be based on the real value of goods and commodities offered or displayed for sale, and shall be equal to one-half of one percent of the total real and just value of all goods and commodities offered or displayed, but in no instance shall the business regulatory fee exceed \$1,500.00 for any single sale.*
 - b. *Proof of real and just value shall be required to be provided to the city at the time of fee payment. Such proof shall be in the form of an invoice, bill of lading, or other reasonable verification of the actual value of goods and commodities offered for sale.*
 - c. *Non-profit and not-for-profit designated charitable or philanthropic organizations, possessing the appropriate Internal Revenue Service designations for corporations exempt from taxes, shall be exempt from the payment of the business regulatory fee, provided that each organization operating as a temporary vendor or merchant provide verification of the designation to the city. Such verification shall be provided prior to initiating the use.*

- (5) All applicable licenses, fees, and permits, including, but not limited to, special use, tent, and sign permits, shall be required as provided for within this Code. No provision within this section shall render any other section, article, or chapter of this Code as invalid.
- (6) Sales of items at outdoor promotional sales and temporary goods or commodities sales shall be limited to items that are customarily offered for sale by the principal use which occupies the property where the sale is to be held, and that only the business or entity occupying the principal structure may sell such merchandise.