

Case 12-31

Request to Amend Comprehensive Plan Text
Public Facilities Element
(Exceptions to Required Annexation for Water and Sewer Connection)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to 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 contiguous to the city limits be annexed, and the requirement that properties receiving City sewer service be within the City limits. Public notice included legal advertisement.

APPLICATION BACKGROUND

The City of Palatka is the sole provider of central water and sewer service in the Palatka urban area. As interpreted from the following Comprehensive Plan policy, sewer service is only provided within the City limits, while water service is available for properties outside the City with the requirement that if and when such properties become contiguous to the city limits they must annex into the city.

Public Facilities Element Policy D.1.2.1

The City of Palatka shall establish a coordinating relationship with the Putnam County Board of County Commissioners to discuss future development plans adjacent to City borders and to discuss the City supporting development beyond their border with water/sewer service. Areas served by Palatka water and sewer will be annexed into the City; however, the distribution of potable water for areas outside of City limits is conditioned upon annexation only when those properties become contiguous.

There has been an ongoing dialogue among elected officials and staff about water and sewer provision and annexation for a number of years. Some see water and sewer service provision as one of the few incentives that the City has to encourage property owners to annex into the City – such incentives are important to overcome the economic fact that annexation results in additional City taxes. Others make the argument that denying urban service provision hampers economic development within the urban area, which may ultimately dampen the City's ability to expand through annexation. Other problems go with both sides of the discussion, from the need for expensive expansions to the utility system¹ that go with system growth to the problem of the status quo not addressing septic tank proliferation and continuation.

At the request of the former City Manager, staff has developed a middle ground approach for the Board's consideration that would provide the City with the alternative approach of allowing on a case-by-case basis: a)

¹ While the sewer system is currently just at 50% of capacity, the potential service area covers an area that is almost three times the City's population, and serving this larger area would require a new sewer plant.

sewer service outside the City; and b) water service outside the City without required annexation when city limit contiguity occurs. Such exceptions would be allowed only when a meaningful and substantive outcome will result in the area of system efficiency, economic development, or system revenue increase. Such exceptions would be needed when a property owner either was not contiguous and thus could not annex and receive sewer service, or when a contiguous property owner did not want to annex into the City, for taxation or other reasons.

PROJECT ANALYSIS

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

The potential of urban sprawl must be examined in the context of this amendment. It is possible that providing water and sewer service in outlying areas could create urban sprawl and work against infill and downtown revitalization, when the following urban sprawl tests are examined.

- *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.*

The City is already required to discourage urban sprawl in all of its actions by Future Land Use Element Policy A.1.6. However a decision regarding urban services is not subject to state and agency scrutiny, which in the past has provided a base level of urban sprawl review. It may be useful to include language with this policy that reinforces the need with each service provision decision to consider urban sprawl impacts.

On the issue of water and sewer provision in relation to annexation, there are no relevant Comprehensive Plan policies other than the policy proposed for amendment. The policies below guide the City to plan for future system growth and encourage infill and discourage urban sprawl.

Policy D.1.1.2

9J-5.011 (2)(c)2

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

Policy D.1.2.2

Upon reaching ninety (90) percent of system capacity, the City Commission shall review the City's current debt service (for consideration of issuing bonds), federal/State grant potential and other sources of funding to determine future policies relating to system expansion.

Policy D.1.4.2 93-5.011 (2)(c)

Within twelve (12) months, the City shall adopt zoning incentives, including a density bonus, for development in-fill within areas already serviced by City water/sewer systems.

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

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

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

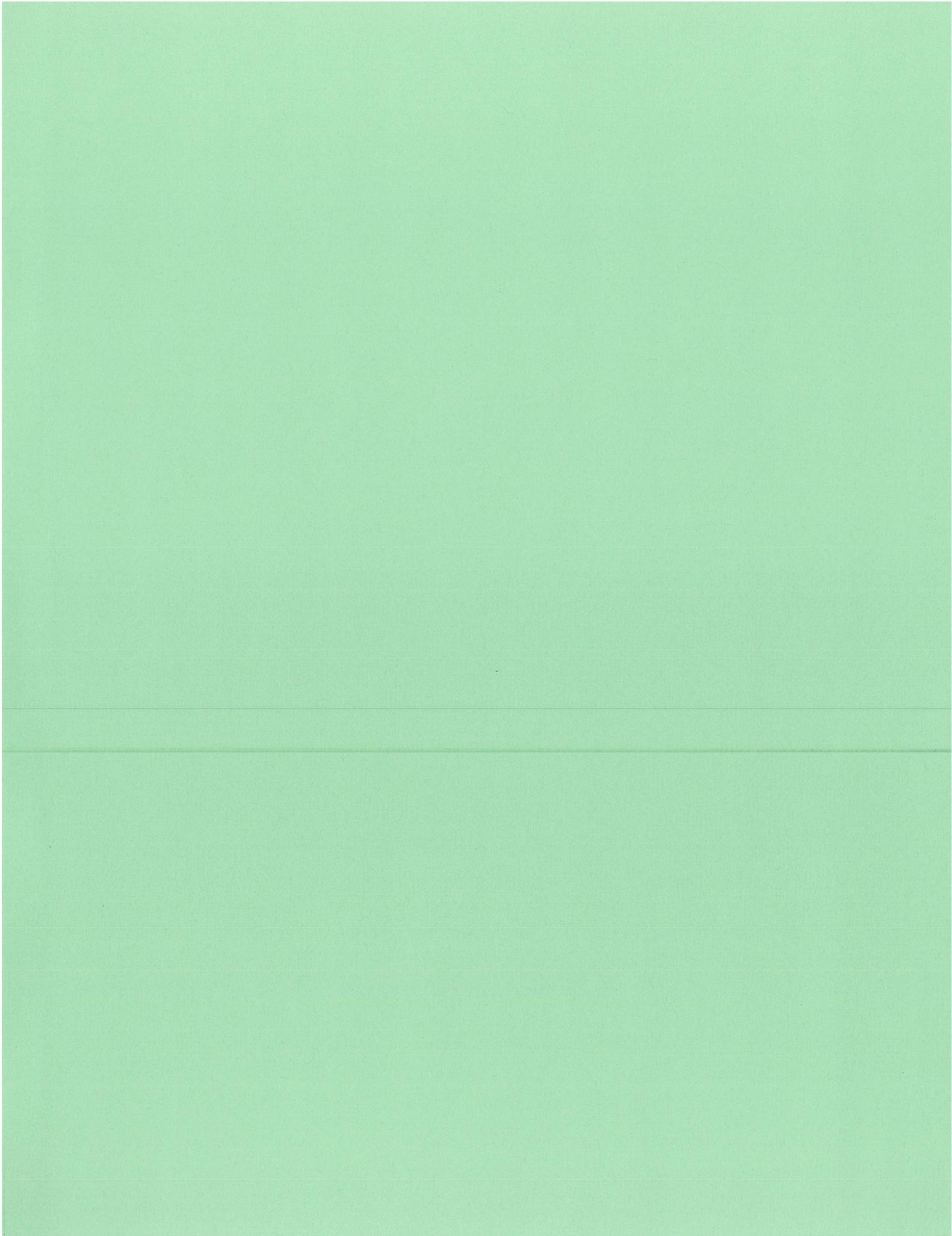
Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

STAFF RECOMMENDATION

Staff recommends the following revised policy:

Public Facilities Element Policy D.1.2.1

The City of Palatka shall establish a coordinating relationship with the Putnam County Board of County Commissioners to discuss future development plans adjacent to City borders and to discuss the City supporting development beyond their border with water/sewer service. Areas served by Palatka water and sewer will be annexed into the City; however, the distribution of potable water for areas outside of City limits is conditioned upon annexation only when those properties become contiguous. Annexation of property receiving water or sewer service shall not be required if provision of service to a property, in substantive terms, improves the efficiency of the collection system, supports the system through additional service and user fees, or promotes economic development; and does not promote urban sprawl.



Request for Conditional Use

Warehouse at 410 S. SR 19 (Putnam County Emergency Operations Center)

Applicant: Mike Brown

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 a warehouse to be associated with the existing Emergency Operations Center. Public notice included newspaper advertisement, letters to nearby property owners (within 150 feet), and property posting.

APPLICATION BACKGROUND

Per Zoning Code Section 94-149(e)(1), the C-2 zoning district allows warehouses by conditional use.

PROJECT ANALYSIS

The table below and accompanying maps show site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Properties Land Use

	Actual Use	Future Land Use Map	Zoning
Site	Offices, vehicle storage	COM (Commercial)	C-2 (Intensive Commercial)
North	Undeveloped	COM (Commercial) County US (Urban Service)	C-2 (Intensive Commercial) County C-1 (Commercial Light)
East	SR 19 Retail Uses	COM (Commercial)	C-2 (Intensive Commercial)
South	Bank Apartments	COM (Commercial) RH (Residential, High Density)	C-2 (Intensive Commercial) R-3 (Multiple-family Residential)
West	Apartments	RH (Residential, High Density)	R-3 (Multiple-family Residential)

Criteria for consideration include the following (*italicized*) as well as the general finding that the conditional use will not adversely affect the public interest.

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

The application is not in conflict with applicable elements of the Comprehensive Plan.

b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Vehicular Access and Traffic Flow.

The site has an existing driveway looping around the building, which will allow trucks servicing the warehouse to enter on the north side of the office building, unload, and exit on the south side of the office building.

Pedestrian Safety

SR 19 is not an area that is frequented by pedestrians, and the specialized use of the EOC will not attract pedestrians. That being said, there is a sidewalk along both sides of this section of SR 19.

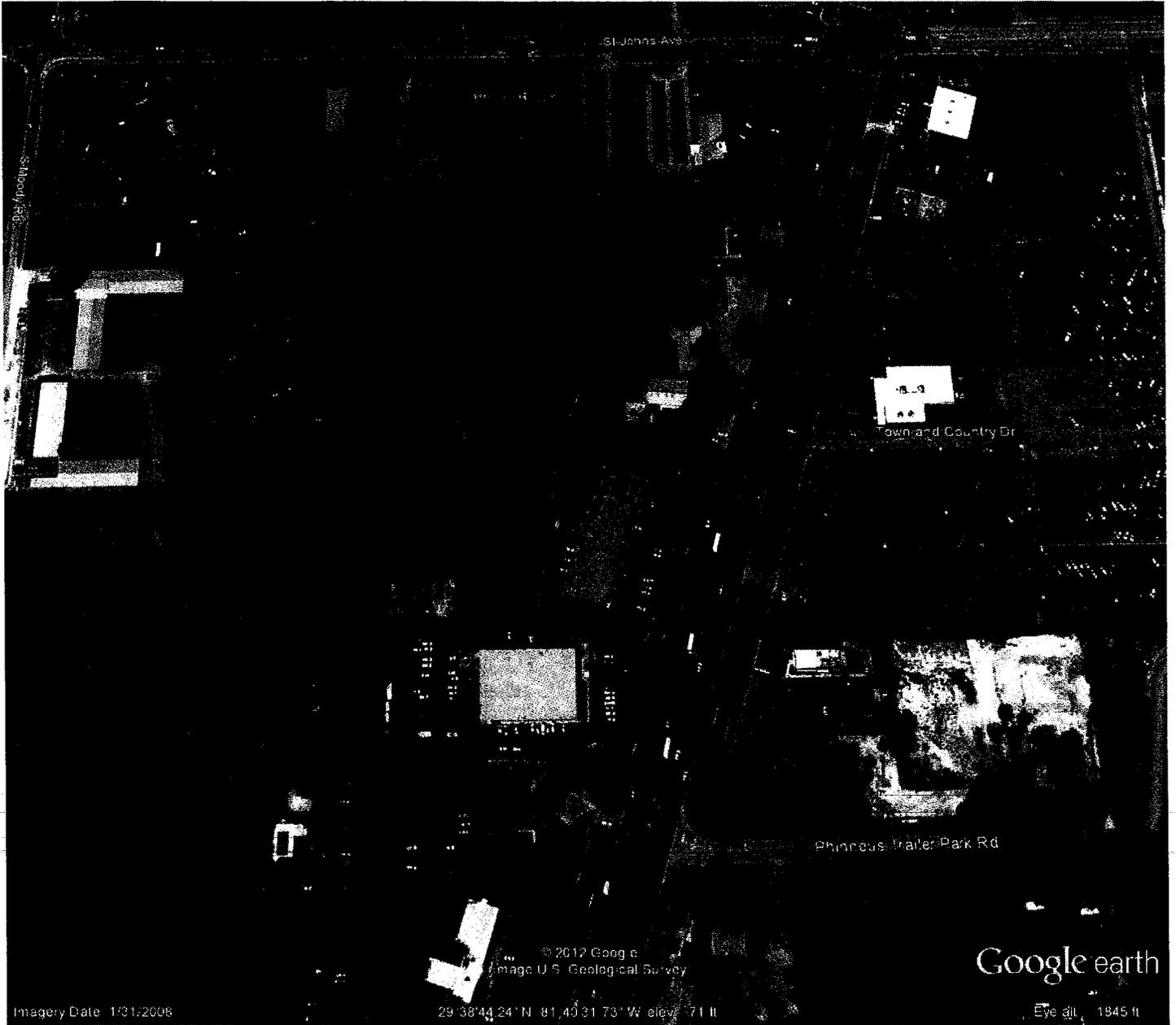




Figure 2: EOC office building from S. SR 19



Figure 3: Rear of office building. Building is in right foreground, adjacent apartments can be seen to the rear

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.* 1

There are 36 parking spaces in the front/office portion of the site, and there are around 70 defined spaces in the rear area behind the gates. The Zoning Code requires one parking space for every 200 square feet of nonstorage area for the main office use, which when applied to the 19,550 square feet requires 98 parking spaces. The warehouse use requires one space per 1,000 square feet plus one space for each company vehicle. When applied to the 8,000 square foot warehouse and the five company vehicles, this requires 13 parking spaces. Therefore the office and warehouse uses are 5 spaces short of meeting Code minimum parking requirements. There is an existing 9,000 square foot paved area adjacent and north of the rear parking lot, which the Applicant has agreed to utilize a portion of to stripe the 5 parking spaces.

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

The dumpster, located in the rear area, will require screening.

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

The property is appropriately served by utilities.

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

Staff was mostly concerned about potential project impacts to the existing and potential future residential area west of the proposed warehouse area. The Applicant had originally met with Staff and requested a six-foot tall chain link fence with privacy slats and barbed wire on top, which would run up the east property line that is behind the retail use to the north, along the north property line, and then down the northern part of the west property line. The Applicant requested to retain the existing chain link fence that runs along the extreme southern part of the west property line and also the southern property line. Staff informed the Applicant that only wooden stockade fences and masonry walls were allowed within buffers, but based on the intent¹ of Article VII of the Zoning Code (Screening and Buffering Requirements) Staff would make the following interpretational recommendations to the Planning Board for this conditional use:

- Existing fencing including chain link fencing would be “grandfathered” only where adjacent to commercial or undeveloped property AND not visible from a public right-of-way;
- New chain link fences would be allowed within buffer areas where adjacent to commercial or undeveloped property AND not visible from a public right-of-way;
- Barbed wire allowed in horizontal arrangements atop new chain link fences but coiled arrangements not allowed;
- A six to eight foot tall stockade fence would be required adjacent to or visible from existing residential development to the west and south, and if and when new residential development occurred, would be required adjacent to or visible from that as well;

¹ Zoning Code Sec. 94-300 (a) Reduce adverse impacts between uses and zones; and (b) Buffer intensive land uses from less intensive land uses.

The Applicant will meet other applicable standards of the Landscape Code. It should be noted that a proposed retention area is planned between the warehouse and the western residential property line – this is acceptable if it can be planted with required shrubs and trees.

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.

No new signage is proposed.

h. Required yards and other open space.

See f. above.

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

The warehouse use is generally compatible with adjacent intensive commercial uses. Issues of compatibility with the existing residential uses to the west and south will be mitigated by the buffer along this property line, which will have a width that is between 10 and 30 feet, and will require the installation of an effective visual screen. The warehouse is not oriented toward the adjacent residential area and will be placed 75 feet away from that property line.

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

There are no special requirements set forth in the Zoning Code for this type of use.

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

Not applicable.

Impact on Public Interest

While not a land use or zoning issue, it should be pointed out that the purpose of the warehouse is to store emergency supplies that would be utilized during and after disasters. This provides a positive impact on the public interest.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use for a warehouse at 410 S. SR 19 with the following conditions.

- development to conform with approved site plan as submitted with application, dated 5/10/2012, including tree preservation indicated;
- existing fencing including chain link fencing would be “grandfathered” only where adjacent to commercial or undeveloped property AND not visible from a public right-of-way;
- new chain link fences would be allowed within buffer areas where adjacent to commercial or undeveloped property AND not visible from a public right-of-way;
- barbed wire allowed in horizontal arrangements atop new chain link fences but coiled arrangements not allowed;

- an eight foot tall stockade fence would be required adjacent to or visible from existing residential development to the west and south, and if and when new residential development occurred, would be required adjacent to or visible from that as well;
- the proposed retention area planned between the warehouse and the western residential property line is allowable if it can be planted with required shrubs and trees;
- dumpster shall be screened on three sides with opaque fencing material; and
- the Applicant will meet other applicable standards of the Landscape and Zoning Codes.

ATTACHMENTS: APPLICANT NARRATIVE & JUSTIFICATION
 SITE PLAN
 FUTURE LAND USE AND ZONING MAPS

Statement of Justification

This is a request for a Conditional Use for a storage warehouse in the C-2 (Intensive Commercial) zoning district. The property is located at 410 South S.R. 19 in the City of Palatka. The parcel is the location of the Putnam County Emergency Operations Center (EOC). The subject property is identified as Commercial Land Use as depicted on the adopted City's Future Land Use Map and is zoned as C-2, Intense Commercial. Pursuant to Sec 94-149(e)(1) of the City's Municipal Code warehouse or storage uses are allowable as a conditional use in the C-2 district.

The purpose this request is to allow for the construction of an 8,000 square foot logistical storage warehouse to provide a location for the storage of equipment and the stockpiling of commodities that would be available for response and recovery efforts following a disaster event. This will allow County Emergency Services to provide a more timely response to the needs of the citizens of the County immediately following a disaster.

The existing EOC facility is located on approximately 3 acres of the total 4.78 acre parcel. The new logistical storage facility will be constructed on a portion of the remaining 1.78 acres which is to the rear and the north of the existing EOC building. Access to the proposed warehouse will be via rear parking area for the EOC which is secured.

Comprehensive Plan Consistency

The conditional use requested for the property is consistent with adopted City of Palatka Comprehensive Plan. Any analysis of Comprehensive Plan consistency is attached to this application.

Signs and lighting

The EOC has a single existing legally permitted sign along SR 19. No other signage is proposed associated with development of the storage warehouse. All new lighting will be interior to the parcel and shielded from the residential land uses to the west.

Access and Parking

The existing EOC facility is a 20,750 square foot, single story structure situated on 4.78 acres. The EOC property is accessed via two (2) driveways off on SR 19. There is parking in front (15 spaces), south side (13 spaces), and north side (3 spaces) of the existing building. There is additional parking (70 spaces) in the rear of the existing building. The City's parking requirements are 1 space per 1,000 square feet of warehouse space. This can be accommodated within the existing parking areas of the EOC. Loading areas will be located both inside and outside the warehouse.

Surrounding Uses

The parcel is fronted on the east by SR 19. North and south of the parcel are existing commercial land uses with C-2 zoning. The entire western portion of the property abuts Residential High Density (RH) Land Use with R-3 Zoning and is within the City of Palatka. The northwest corner of the property abuts a parcel located in unincorporated

Putnam County which is designated as Urban Service Land Use on the County FLUM with C-1 Zoning on the County Zoning Map.

	Existing Use	FLUM	Zoning
Subject Property	County EOC	COM (Commercial)	C-2 Intense Commercial
East	Retail Uses	COM (Commercial)	C-2 Intense Commercial
West	Apartments	RH (Residential High Density)	R-3 Residential Multi-Family
North	Strip Retail	COM (Commercial) US (Urban Service-County)	C-2 Intense Commercial C-1 Commercial-County
South	Bank	COM (Commercial)	C-2 Intense Commercial

Infrastructure

Water and Wastewater

Three (3) acres of the total 4.78 acre parcel is already developed and is the site of the County Emergency Operations Center. Water and wastewater is and will continue to be provided by the City of Palatka. The City has adequate capacity to support the additional needs for the proposed 8,000 s.f. warehouse.

Transportation

The parcel is fronted on the east by State Road (SR) 19. SR 19 runs north-south from U.S. 17 to the Marion County line, passing through the City of Palatka. S.R. 19 is classified as a minor arterial roadway by the Florida Department of Transportation and is a 6 lane facility in the area of the subject property. Recent traffic counts indicate that S.R. 19 carries approximately 23,851 vehicles a day north of St. Johns Avenue. The City has adopted Level of Service (LOS) D on SR 19. According to Generalized Annual Daily Volumes for Florida’s Urbanized Areas, a 6-lane state signalized arterial with 2 to 4.65 signals per mile has a service volume capacity of 37,275 vehicle per day. Therefore, SR 19 meets the adopted LOS for the facility.

St Johns Avenue between SR 19 and SR 20 is classified as a 2-lane, urban minor arterial. The most recent traffic counts indicate that ST. Johns Avenue carries 11,398 vehicles per day on this segment of the roadway. The City has adopted LOS D for this facility. According to Generalized Annual Daily Volumes for Florida’s Urbanized Areas, a 2-lane state signalized arterial with 2 to 4.5 signals per mile has a service volume capacity of 15,200 vehicles per day. Based on the recent traffic count of 11,398 vehicles per day, St. Johns Avenue meets the adopted LOS as adopted by the City.

Traffic volume estimates generated by the new construction were developed using the trip generation equations contained in the Eighth Edition of the Institute of Transportation’s (ITE) Trip Generation Manual. The table below calculates the daily and gross peak hour traffic volumes anticipated to be generated by the new development.

EOC Logistical Warehouse				
ITE Code	Size	Units	Rate	Gross Trip Ends
PM PEAK HOUR				
150	8,000	Sq Ft	0.32	3

DAILY				
150	8,000	Sq Ft	3.56	28

There is adequate available capacity on both SR 19 and St. Johns Avenue to support the new development proposed for this conditional use.

COMPREHENSIVE PLAN CONSISTENCY

This requested Conditional Use is for the development of an 8,000 square foot logistical warehouse in C-2 zoning district. The purpose of the warehouse is to facilitate the storage of equipment and commodities which would be available for the immediate response following disaster event impacting Putnam County. The conditional use is consistent with Policies of the City of Palatka Comprehensive Plan. The following is an assessment of the proposed change with the objectives and policies of the City's Comp. Plan.

FUTURE LAND USE

Objective A.1.1

Upon Plan adoption, the City shall coordinate future land uses with the appropriate topography, adjacent land uses, soil conditions, and the availability of facilities and services.

The subject property is developed with the Putnam County Emergency Operations Center located on approximately 3.08 acres of the total 4.78 of the parcel. The development associated with this Conditional Use request would be located on the 1.7 acres of the parcel not presently developed. Adequate infrastructure and facilities are in place to support the existing development. The property has commercial uses adjacent to it fronting SR 19. The land use change from Commercial to Public Buildings & Grounds is consistent with this objective and it associated policies.

Policy A.1.1.1

The City of Palatka shall use the latest version of the Flood Insurance Rate Maps promulgated by FEMA to determine the location of the 100-year floodplain and flood prone areas in the City. The City shall, within its Land Development Regulations provide specifications for regulating construction/development within these areas. These specifications will include:

A. Development within the FEMA 100-year flood hazard zone is to be constructed so that the lowest floor elevation is at least one foot above the base flood elevation as established by the FEMA Flood Insurance Rate Maps;

B. Dredging and filling of lands within floodplains shall be limited to that approved by federal and State agencies having the authority to regulate and police such activities. All proposed development shall be clustered and located on the non-floodplain portions of the site, or, for proposed development areas that lie entirely within the 100-year floodplain, all structures shall be required to be elevated on pilings; and

C. In addition, the following criteria will apply to development in the 100-year floodplain:

1. No hazardous materials or waste shall be stored within the 100-year floodplain;
2. Clearing of native vegetation will be minimized in the 100-year floodplain by establishing the following open space ratios for the land uses identified below:
Residential land use 60% open space
Commercial land use 50% open space
Industrial land use 45% open space
3. Use of septic tanks in flood prone areas will be restricted as specified by the County Health Department. Existing Development shall be required to connect to central sewage systems when system collection lines are within 250 feet of subject property. New development will be required to connect to centralized sewer pursuant to Public Facilities Element Policy D.1.4.1.
4. Any development within a flood prone area will maintain the natural topography and hydrology of the development site.

Policy A.1.1.7

The City Building Official shall not issue a building permit or other final development order, or issue final plat approval, until it has been certified that infrastructure facilities and services exist or shall be available pursuant to an executed development agreement to satisfy demands generated by the development in accordance with adopted City levels of service standards. By June 1, 2008, the City shall incorporate into the land development regulations a method for establishing transportation proportionate fair share. Availability of infrastructure will be certified through the Building Official issuing a "Certificate of Concurrency."

Existing infrastructure facilities and services are adequate to meet existing and proposed development on the subject property. The development proposed by the Conditional Use request will be required to meet adopted levels of service standards.

Objective A.1.4

Upon Plan adoption the City shall ensure the protection of natural resources and historic resources through implementing the following policies.

The subject property does not contain any wetlands, floodplains, historic resources, or other environmentally significant areas as identified by the City's Comprehensive Plan.

Policy A.1.4.1

Development in wetland/flood prone areas will be restricted to low density residential land use at a density no greater than 1 unit per 5 acres with permitted development clustered on the upland portion of the site or in that portion of the site least affected by construction activities. The City shall utilize the "City of Palatka Wetlands Protection Ordinance" contained in Chapter 30 of the Land Development Regulations to ensure that wetlands are adequately protected from development activities.

There are no wetland or flood prone areas within the subject property.

Policy A.1.4.2

Public water well fields shall be protected from adverse impacts of development by requiring a 500-foot radial setback buffer consistent with the definition of a "Wellhead Protection Area" as defined in 62-521.200, F.A.C. Non-polluting land uses shall include Recreation and Conservation land uses, low and medium density residential land use and commercial land uses that do not, in their operations, produce, store, use nor sell toxic materials as defined in SARA Title III (consolidated list of hazardous materials). Any non-conforming land use located within 500 feet of a well serving the public will not be permitted to expand or be improved.

The subject property is not located within the Wellhead Protection Area of any public water well field.

Policy A.1.4.3

The City shall ensure, through regular review, that the Land Development Regulations specify acceptable erosion control practices to be implemented during construction (such as

temporary covering of straw, hay-bale obstruction in drainage swales, etc.) to reduce soil erosion from wind and water during the construction phase of development.

All future development on the site will comply with erosion control requirements set forth in the City's Land Development Regulations.

Policy A.1.4.5

A vegetated, upland buffer a minimum width of fifteen (15) feet and an average width of twenty-five (25) feet shall be required in any new development abutting a wetland.

There are no wetlands on or abutting the subject property.

Policy A.1.4.6

Every two years, the City shall review the City of Palatka and Ravine State Gardens Stormwater Quality Master Plan to ensure that it continues to meet the needs of the City.

Policy A.1.4.7

The City shall adopt Land Use Regulations which will provide for maintaining the quality of surface waters in accordance with the standards specified in Policy D.1.1.1.

Existing development on the subject parcel meets the City's regulations for surface water quality. Future development will meet the City's regulations for surface water quality.

Policy A.1.4.8

Riverfront and lakefront development shall be designed so as not to affect the water quality of adjacent waters through stormwater run-off.

Design standards shall include: limitation of density; a 50-foot set back of buildings from waterfront; set back of sanitary sewer drainfield (septic tank) from water's edge as specified in the Department of Health issued construction permit HRS-H Form 4016; based upon Rules 10D-6.063(1)(a)1 through 3 for siting of a septic tank and drainfield "within the mean high water line of tidal water bodies or of the ordinary high water line of lakes, ponds or other non-tidal surface waters and a 50-foot vegetative buffer required between building site and water body.

The subject parcel is not located along any waterfront.

Objective A.1.5

Upon Plan adoption, The City, through implementing the following policies, shall increase public awareness of the historical significance of the City and provide incentives to maintain and restore historically significant areas and structures within the City limits.

There are no historic sites or resources located in the subject property. The requested amendment is consistent with this objective and all its associated polices.

Objective A.1.6

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

The subject property is located in an already developed portion of the City along S.R. 19 where existing commercial, service and retail development is located.

Policy A.1.6.1

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

City water and waste water lines already serve the subject property.

Policy A.1.6.2

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

The subject property is located in an already developed portion of the City along S.R. 19 where existing commercial, service and retail development is located.

Objective A.1.7

Upon Plan adoption, the City shall ensure the availability of suitable land for utility facilities necessary to support proposed development.

Policy A.1.7.3

Land required for utility facilities to support future development, when identified, shall be designated on the Future Land Use Map by Plan amendment procedures and a means shall be established for acquiring the sites through either private or public acquisition.

Existing development on the subject parcel has adequate set back from S.R. 19 to accommodate any FDOT long range road improvements for the facility.

Objective A.1.10

Upon Plan adoption, the City shall coordinate land development with adjacent jurisdictions or may pursue annexation of surrounding areas whose proposed land uses may adversely impact the City.

The northwest corner of the property abuts a parcel located in unincorporated Putnam County which is designated as Urban Service Area Land Use on the County FLUM with C-1 Zoning on the County Zoning Map. The County's Urban Service Area category consists of areas where urban type infrastructure has been provided or will be provided in the next 10 years. Urban type infrastructure includes central water and sewer systems,

storm water management systems, and major paved streets or highways. The proposed conditional use will not have an adverse impact on the abutting property. Discussions with County Planning staff indicated no concern with the proposed land use change.

Policy A.1.10.1

The City shall monitor and take positive action to guide development in a manner that is consistent with the comprehensive plan and land development regulations.

The proposed conditional use is consistent with the comprehensive plan and land development regulations.

TRAFFIC ELEMENT

Objective B.1.1

Upon plan adoption, the City shall provide for a safe, convenient and efficient motorized and non-motorized transportation system by correcting, to the maximum extent feasible, all existing roadway deficiencies identified in this plan and maintain acceptable operating conditions in the future on a priority basis.

Policy B.1.1.1

The State-wide minimum acceptable operating Level of Service (LOS) standards for the State Highway System and City Street System shall be the base LOS standards listed herein, except for those conditions provided in the Policy B.1.1.1.A.

The City hereby adopts the following LOS standards for each listed facility type:

- principal arterials - LOS C
- collectors and minor arterials -LOS D
- local City streets – LOS D
- Florida Intrastate Highway System
- LOS B – Rural
- LOS C – Urban and transition urban

Any modification to the LOS standards shall be submitted as a Comprehensive Plan amendment. The LOSS for the FIHS shall not be different than the standards adopted by FDOT.

All state and local roadways in the area of the subject property meet the adopted Level of Service for the facility. The development proposed by this Conditional Use application will generate three (3) PM Peak Hour Trip and 28 Daily Trips. There will be no adverse impact to the transportation system resulting from this development.

Policy B.1.1.7

The City shall ensure that the necessary transportation facilities, including motorized and non-motorized vehicle parking, are in place when a development permit is issued or a development permit is issued subject to the condition that the necessary transportation facilities will be in place when the impacts of development occur.

Adequate transportation facilities are in place to meet the demand generated by the proposed development on subject property.

Policy B.1.1.8

The City of Palatka shall reduce the amount of existing on-street parking permitted along major and minor arterials except in those areas in which on-street parking provides the only customer parking for the adjacent commercial properties.

There is no on street parking along SR 19 in the vicinity of the proposed land use amendment.

Objective B.1.3

The City shall encourage growth to develop in a planned and orderly manner which is compatible with the framework established in the Future Land Use Element.

The proposed warehouse facility is allowable as a conditional use in C-2 zoning category per the City of Palatka Municipal Code.

Policy B.1.3.2

The City shall review all proposed development for impact upon the adopted LOS standards and consistency with the Comprehensive Plan. The adopted Concurrency Management System requires review of impacts of proposed developments by City Planning/Engineering Department. If impacts are beyond the traffic impact thresholds set by the City's concurrency management system then the City will implement an administration section within a City department, utilize the Northeast Florida Regional Council to administer the concurrency management system, or contract with a qualified Planning consultant.

There is adequate capacity available on SR 19 and St. Johns Avenue to meet the demand from the proposed development on the subject property.

PUBLIC FACILITIES ELEMENT

Objective D.1.1

Upon Plan adoption, the City of Palatka shall enforce adopted Concurrency Management System procedures to ensure that at the time a building permit or other development order is issued, infrastructure facility capacity is available to meet the demand of development without lowering adopted Levels of Service Standards (LOSS).

The proposed development, 8,000 SF of warehouse will not result in adverse impact to infrastructure

Policy D.1.1.1

The following level of service standards shall be as the basis for determining the availability of facility capacity against the demand generated by development.

Policy D.1.1.2

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

Policy D.1.1.3

Potable water facilities, including all structures designed to collect, treat, or distribute potable water, including wells, treatment plants, reservoirs, and distribution mains, are to be authorized concurrent with development approval.

Policy D.1.5.2

The City shall ensure that an adequate water supply is available through coordinating land use decisions with the St. Johns River Water Management District and their water supply plan. Prior to the approval of a development order, the City shall ensure that the municipal water supplier's Consumptive Use Permit issued by the St. Johns River Water Management District has available capacity to serve the new development.

Policy D.2.2.3

Upon Plan adoption the City, through its Building Official and Public Works Director shall implement the following programs to contain and/or channel stormwater runoff:

- A. The Public Works Director shall implement a routine maintenance program of semi-annual inspection of drainage facilities.
- B. The Building Official shall not permit to be removed buffers of native vegetation adjacent to water bodies and wetlands which provide filtration of stormwater pollutants.
- C. The Public Works Director shall design its new streets to direct storm drainage to be filtered through soils and native vegetation before the runoff enters the drainage system.
- D. The Building Official shall not issue a building permit until permits from jurisdictional agencies for dredge and fill, stormwater, and drainage are secured.
- E. The Public Works Director shall continue to provide monthly drainage status reports to the City Manager.

Prior to any further development on the subject property permits for storm water and drainage will be secured from the appropriate jurisdictional agency.

Objective D.2.4

In order to protect, and maintain the functions of natural groundwater aquifer recharge areas within the City, upon Plan adoption, the City through its policing officials shall control the siting of development so that no additional loss of recharge occurs to the aquifer due to runoff.

CONSERVATION ELEMENT

Objective E.1.1

Upon Plan adoption, the air quality in the City of Palatka shall be maintained with no further degradation.

No impact on air quality will result from this proposed land use change. No other pollution producing uses are located on or proposed for the site.

Objective E.1.2

Upon Plan adoption, the City through enforcing adopted objectives and policies shall ensure that no degradation will occur in either the quality or quantity of the St. Johns River and current projected water sources.

The existing development is permitted for storm water by the St. Johns River Water Management District. New development of the warehouse will require stormwater permit from the SJRWMD. There will be no degradation of water quality or quantity resulting from this request.

Policy E.1.2.2

The City Building Official shall not issue a building permit or other development order until the Department of Health has provided a permit for sizing and siting of an on-site sewage disposal system. Septic tanks may be installed only in accordance with Policy D.1.4.1.

Sewage disposal for the site is provided by the City of Palatka.

Policy E.1.2.17

New development shall utilize and/or preserve native vegetation, or use drought-resistant plants for landscaping to the greatest practicable extent. Native or drought tolerant plants include, but are not limited to those in the Florida Native Plant Society's Native Plants for Landscaping in Florida, or comparable guidelines.

Any future development will comply with adopted City's landscape ordinance.

Policy E.1.3.2

The Building Official shall continue to enforce the City tree and landscape ordinance.

This ordinance specifies:

- A. The permitting requirements for clearing a parcel prior to development;
- B. The allowable trimming limits for preservation of tree canopy in developed areas;
- C. The number of trees to be preserved or replaced in a development site; and
- D. The requirements for xeriscape planting.

An occupancy permit Certificate of Occupancy shall not be issued by the Building Official unless the standards required by the ordinance are adhered to.

All future development will comply with City's tree and landscape ordinance. A permit for removal of protected trees will be submitted to the City prior to any land clearing for the warehouse facility.

Policy E.1.3.3

The City shall enforce the Future Land Use Element and Future Land Use Map density, and use provisions to ensure that existing natural reservations identified in the Future Land Use and the Recreation and Open Space Elements are protected from development intrusion.

The existing and proposed development and uses on the subject parcel will be consistent with the Future Land Use intensity and use provisions in the adopted City Comprehensive Plan. There are no natural reservations identified in the City's Comprehensive Plan on or adjacent to the subject property.

Policy E.1.4.1

The City shall continue to enforce its tree and landscape ordinance to control potential destruction of wildlife habitat within the City limits that has been identified by the Florida Fish and Wildlife Conservation Commission as a known habitat of listed endangered or threatened wildlife or plant species of special concern.

Any future development on the parcel will meet the requirements of the City's tree and landscape ordinance.

INTERGOVERNMENTAL COORDINATION

Policy G.1.1.5

The City shall coordinate all land use amendments to its Comprehensive Plan that impact on development sites that abut the City/county boundary with the Putnam County Planning, Building and Zoning Department. The City shall provide written notification to the county of all amendments to the Comprehensive Plan, including text amendments and amendments to the Future Land Use Map series.

The northwest corner of the property abuts a parcel located in unincorporated Putnam County which is designated as Urban Service Area Land Use on the County FLUM with C-1 Zoning on the County Zoning Map. The County's Urban Service Area category consists of areas where urban type infrastructure has been provided or will be provided in the next 10 years. Urban type infrastructure includes central water and sewer systems, storm water management systems, and major paved streets or highways. The proposed land use change will not have an adverse impact on the abutting property. Discussions with County Planning staff indicated no concern with the proposed land use change.

CAPITAL IMPROVEMENTS ELEMENT

Policy H.2.1.2

The City of Palatka shall not issue a building permit or other development order until the designated City official certifies that required public facilities and services will be provided concurrent with the impact of development or that infrastructure and services are in place consistent with the requirements of FAC 9J-5.0055.

Policy H.3.1.2

The City shall require new development orders and development permits to undergo concurrency review by each agency or department having responsibility for the impacted facility(s) prior to the issuance of development orders, permits or certificates of occupancy pursuant to the Comprehensive Plan.

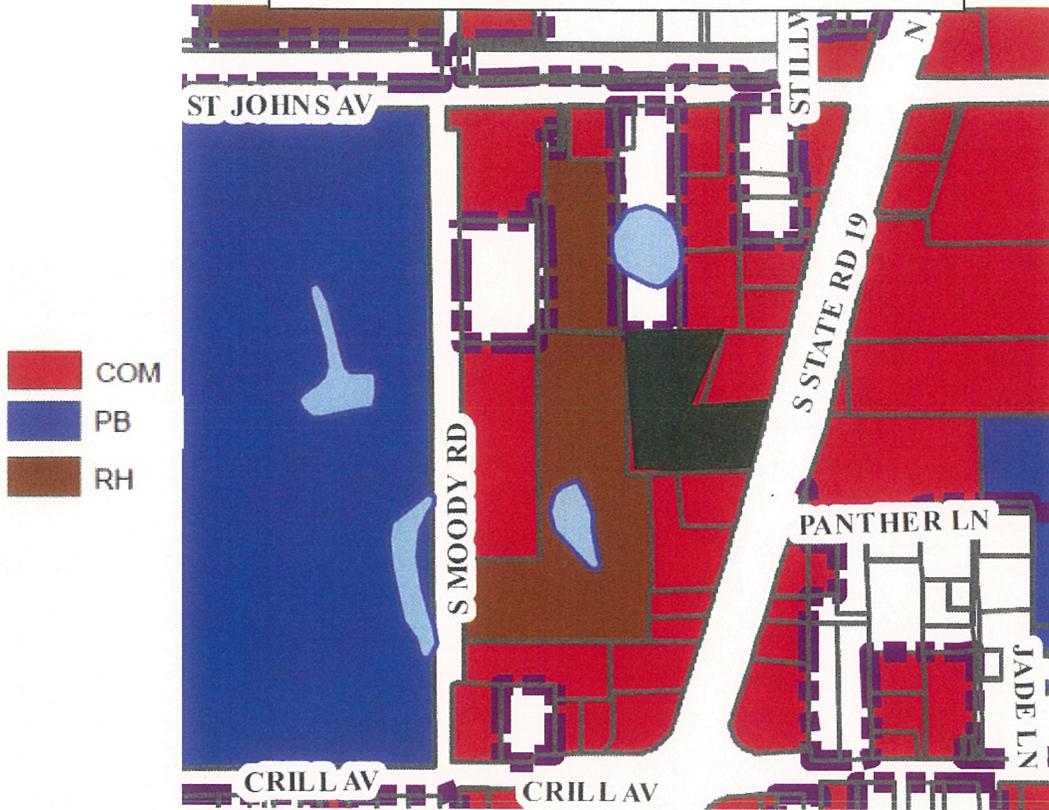
The parcel is already developed. The future warehouse development will be required to meet concurrency prior to issuance of permits or certificate of occupancy. There is adequate capacity available to handle to impacts associated with the new development.

Objective H.4.2

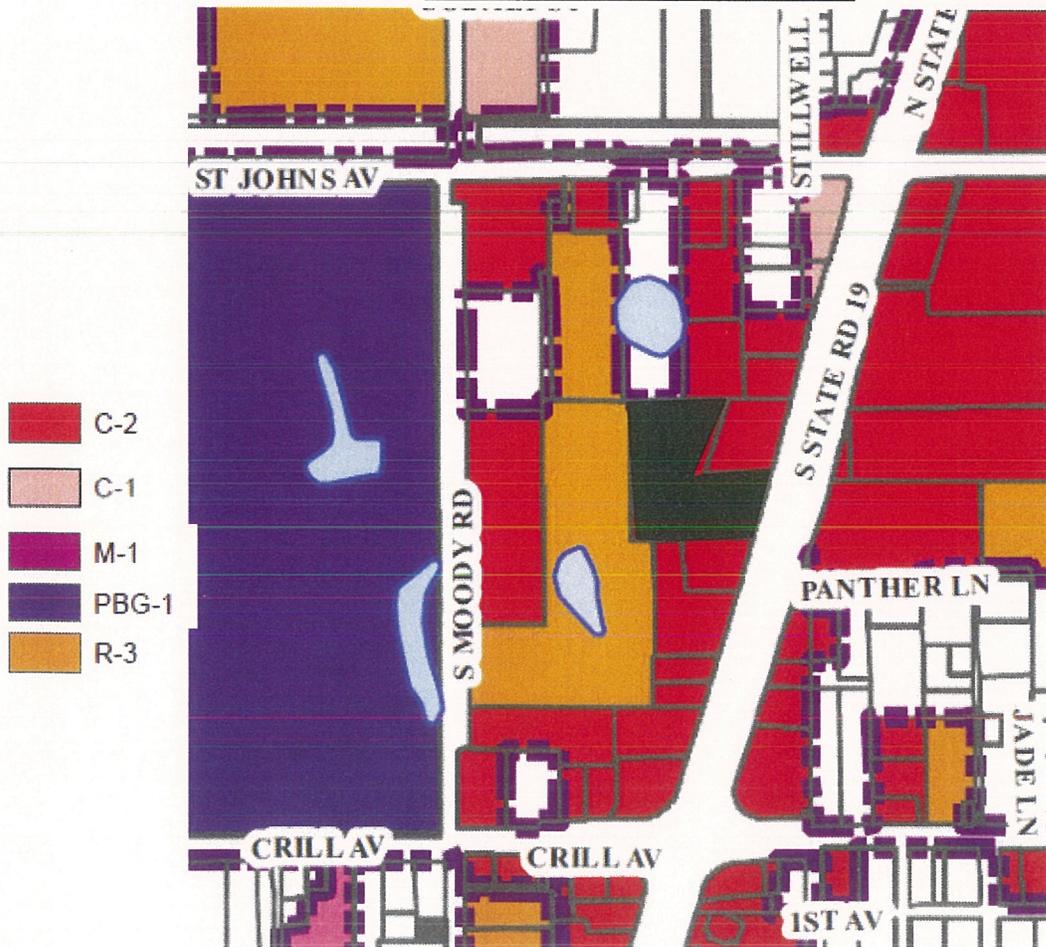
Upon Plan adoption, all new and existing construction shall include plans for infrastructure in order to meet: (1) the Level of Service Standards, and (2) Rule 9J-5.0055(2) (a) 1 through 4; (b) 1, 2, and (c).

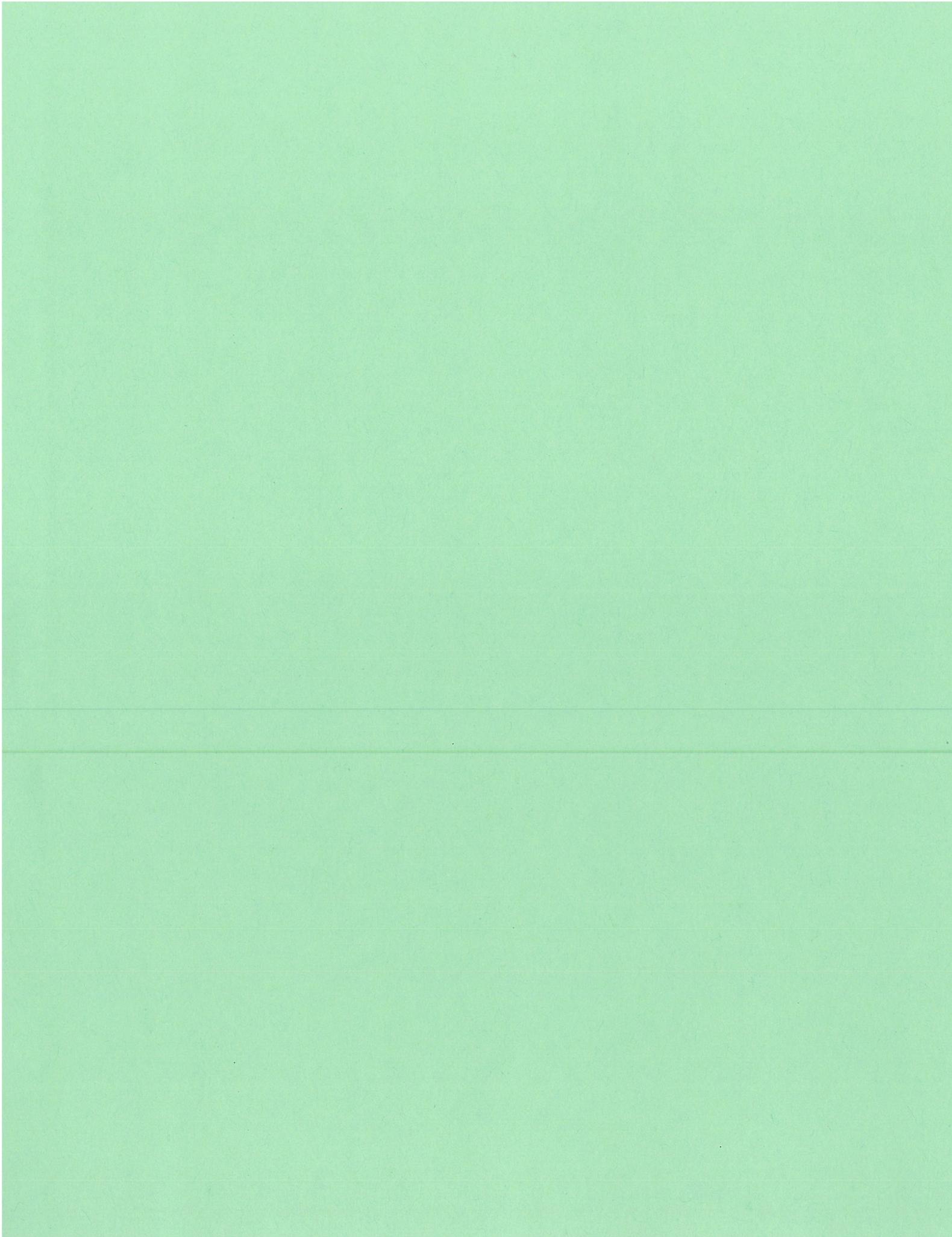
All levels of service adopted in the City's Comprehensive Plan will be met for any future development.

FUTURE LAND USE MAP



ZONING MAP





**Request to Amend Comprehensive Plan Text
Remove Height Limits from Future Land Use Categories
Applicant: Building and Zoning Dept.**

STAFF REPORT

DATE: May 29, 2012

TO: Planning Board Members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider an administrative text amendment to Comprehensive Plan Future Land Use Element (FLUE) Policy A.1.9.3 removing height limits from Future Land Use Map categories. Public notice included legal advertisement.

APPLICATION BACKGROUND

The following table shows height limits for structures as set forth for FLUM categories as well as for zoning categories.

Table 1: Comprehensive Plan and Zoning Code Structure Height Limits

FLUM category	Height Limit	Zoning Category	Height Limit
Residential	None	R1AA, R-1A, R-1, R-2	35 feet
		R-3, R-4, HD (historic)	None
Commercial	40 feet	C-1A	35 feet
		C-1, C-2, C-3	None
		DB & DR (downtown)	60 feet
Industrial	45 feet	M-1	50 feet
		PID (industrial)	45 feet
Recreation	None	ROS	
Public Buildings and Grounds	40 feet	PBG-1	None
Other Public Facilities	None	PBG--2	
		AP-1 & AP-2 (airport)	Det. By FAA
Conservation	None	CON	20 feet
Agriculture	None	OR	35 feet
All FLUMs		PUD	None

It is not clear why some Future Land Use Map categories have height limits and others don't. The table also demonstrates that FLUM height limits often contradict allowable heights for zoning categories within specific FLUM categories. Since the Comprehensive Plan "trumps" zoning, commercial and public categories that have no height limits would be subject to the FLUM height limit. Notwithstanding the general confusion of these contradictions, the FLUM restrictions could also hamper potential development projects. For example, the St. Johns River State College plans for a performing arts center and residence buildings, both of which would probably exceed the 40-foot height limitation set in the Public Buildings and Grounds category. Or a potential

downtown or SR 19 multi-story building would be disallowed by the overall Commercial FLUM category 40-foot height limit.

On a more basic level, the Comprehensive Plan is intended to be more of a vision document and should not be “cluttered” up with specific development standards, which are more appropriate within zoning regulations.

For the reasons above, staff recommends that height limits be eliminated for FLUM categories. If the Board is concerned about zoning height limits, staff can revisit these in a future application.

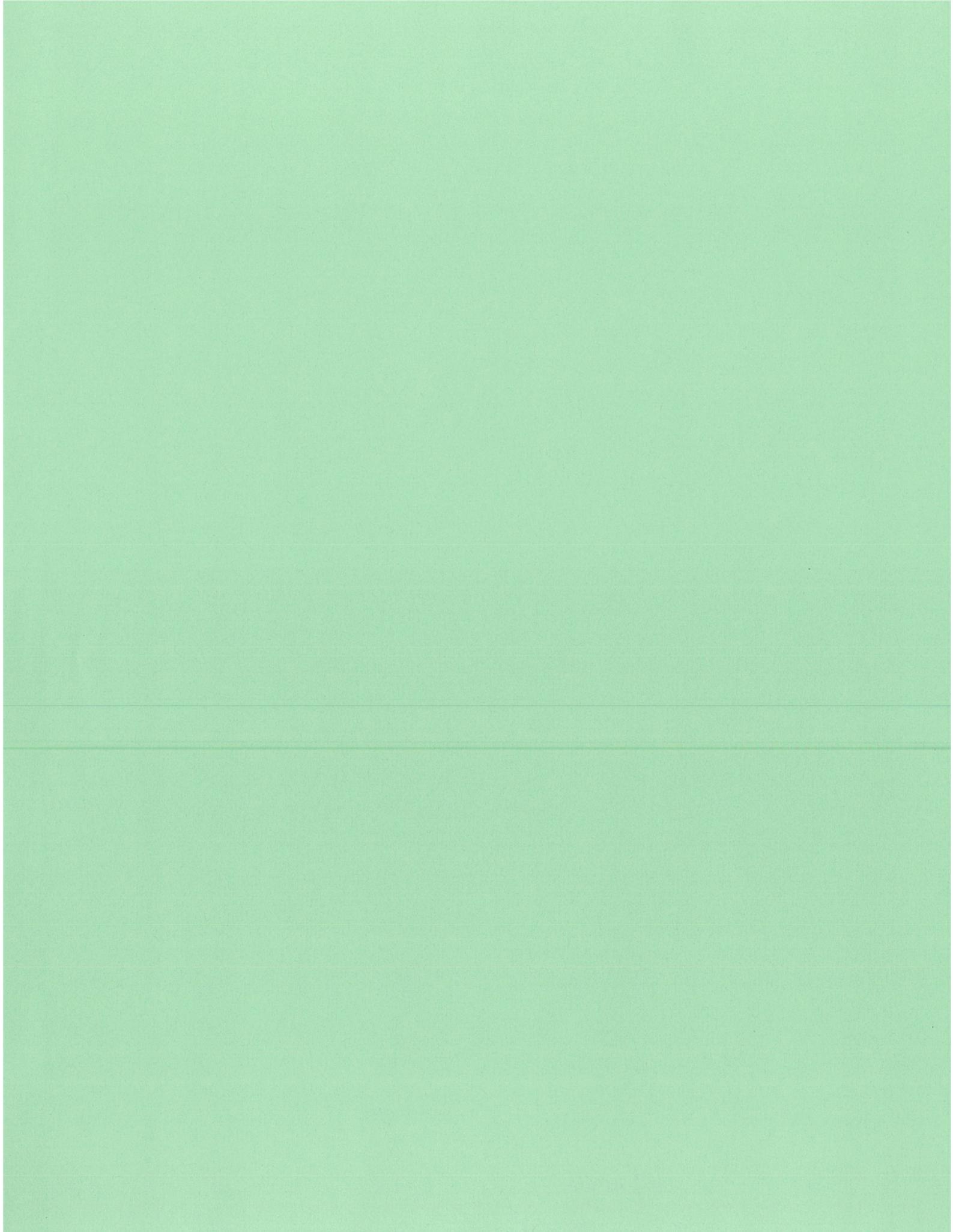
PROJECT ANALYSIS

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

This policy change would not further urban sprawl as it merely clarifies that a height limit is a specific development standard more suitable for a zoning code than a comprehensive plan.

STAFF RECOMMENDATION

Staff recommends eliminating height limits in the Commercial, Industrial, and Public Buildings and Grounds Future Land Use Map categories of the Comprehensive Plan.



Case 12-34

Request to Amend Zoning Code
(Allowing Pistol or Rifle Ranges as Conditional Use in M-1 Zoning District)
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 amend the Zoning Code to allow outdoor pistol or rifle ranges as a conditional use in the M-1 (Light Industrial) zoning district. Public notice included legal advertisement.

APPLICATION BACKGROUND

Staff was contacted by a Palatka police officer inquiring about upgrades to the Police Department's shooting range, which is located on the water plant property off North Moody Road, just east of the municipal airport. This property is in the M-1 zoning district. The Police Department wants to expand the range area, replace a pole barn, construct a storage building, add bathrooms to the existing tower, and make other improvements to the facility. The only City zoning district that current allows shooting ranges is the C-2 district, which only allows indoor ranges through the conditional use process. Therefore this outdoor range is a nonconforming use in the M-1 district and the Zoning Code does not allow for its any expansion or other improvements.

Staff believes it is appropriate in certain cases to allow for outdoor shooting ranges, as there is a need for such a use both for public and private firearms owners. For this reason Staff is proposing to allow this use through the conditional use process only in the M-1 district. The conditional use process requires a careful evaluation of the location for the use, an important factor given the potential noise impacts of the use as well as issues pertaining to soil contamination by lead from bullets.

There are no outdoor gun ranges in the City, but Cliffhanger's River City Gun Range, in the 700 block of St. Johns Avenue is an indoor gun range (approved under the old C-3 district and now a legal nonconforming use under the current Downtown Business district). Outdoor gun ranges in the unincorporated County include Palatka Skeet Club (just south of the Airport) and River City Gun Range off Round Lake Road near State Road 19 South.

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 following Comprehensive Plan, Future Land Use Element policies pertain to the request in that the main byproduct of a shooting range, noise, is referenced.

Policy A.1.3.2 9J-5.006(3)(c)2, 7

By June 2008, the Building Official shall review the City's Zoning Code and Subdivision Regulation to ensure that current buffering and separation standards between land uses of different densities or intensities of use remain sufficient to ensure compatibility between uses, or mitigate the effects of more dense / intense uses on less dense / intense uses.

Issues of compatibility shall include considerations for noise, sight, and level of traffic generation. The primary tool of ensuring capability between land uses shall be the Future Land Use Map and the elimination of non-conforming land uses. Other techniques shall include:

Noise and sight incompatibility -- screening by either a 6' solid physical wall or landscape plantings to reach, within 18 months, a height of at least 5 feet and an opacity of 80 percent.

(From Future Land Use Policy A.1.9.3)

3. Industrial (258 acres)

Land designated for industrial use is intended for activities that are predominantly associated with the manufacturing, assembly, processing, or storage of products. Industrial land use provides for a variety of intensities of use including heavy industry, light industry, and industrial park operations. Land Development Regulations shall provide requirements for buffering industrial land uses (i.e., sight, access, noise) from adjacent land uses of lesser density or intensity of use. The intensity of industrial land use, as measured by impervious surface shall not exceed 90 percent of the parcel. The maximum height of development shall not exceed 45 feet.

These policies require effective buffering between an outdoor shooting range and any adjacent or nearby residential areas, but do not preclude the allowance of this use in a particular zoning district.

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: Not applicable to text changes.

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: Changed or changing conditions do not justify this amendment.

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

Staff Comment: This change would only apply to M-1 zoning districts. A survey of these districts indicate that there are M-1 zoning districts in various locations along Reid Street, along the FEC Railroad line, on North US Highway 17, and around the municipal airport. The required conditional use process would address the issue of impact on living conditions through compatibility criteria.

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: This change does not constitute a grant of special privilege, but would provide the opportunity (but not certainty) for a particular use in all properties under this zoning.

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: While at this point in time there is no proposed use being considered, as the PPD range is used as an example of a potential use, it is the case that outdoor shooting ranges are not allowed in any zoning district within the City.

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 text, with existing text *italicized* and new text *underlined and italicized*.

- (e) *Conditional uses. (Conditional uses are permissible after public notice and hearing and subject to the provisions of section 94-3.) Conditional uses in the M-1 district are as follows:*
- (1) *Automotive service stations and truckstops, provided that all structures, including underground storage tanks, are placed not less than 30 feet from any property line. Points of access and egress shall be located not less than 20 feet from the intersection of street lines.*
 - (2) *Bulk storage of flammable liquids subject to the provisions of city or state fire codes.*
 - (3) *Radio and television transmitting towers.*
 - (4) *Temporary storage yards for materials to be recycled; provided such storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than six feet high.*
 - (5) *Any industrial use not specifically permitted or prohibited which is otherwise lawful.*
 - (6) *Child care facilities.*
 - (7) *Planned Industrial Developments (PID).*
 - (8) *Outdoor pistol or rifle ranges.*