



## Zoning Board of Appeals Agenda January 14, 2014

1. **Call to Order**
2. **Roll Call**
3. **Approval of August 13, 2013 Minutes**
4. **Appeal Procedures**
5. **Old Business: none**
6. **New Business:**

- A) **Case:** 13-55  
**Address:** 3621 Reid Street  
**Parcel Number:** 02-10-26-0000-0180-0000  
**Applicant:** Brain S. Crawford  
**Agent:** Concept Development, LLC  
**Request:** Variance request to increase driveway width at property line from 24ft to 28ft; and at edge of pavement of Reid St from 40ft to 105ft, per Section 94-261(s)(4).

7. **Adjourn**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE ZONING BOARD OF APPEALS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS THAT INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

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



**ZONING BOARD OF APPEALS**  
**Minutes for the August 13, 2013 Meeting**

The Zoning Board of Appeals meeting was called to order by Chairman Ellsworth Lowery Taylor III at 4:00 pm. Other members present included Betty Willis, Eddie Collins and Marcia Lane. The following members were absent: Rufus Borom, Blanch Rogers and Cleveland Hobbs.

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

**Appeals Procedure-** Ms. Mccamey read the appeals procedure.

**Motion** made by Mr. Collins to approve the April 19, 2013 minutes, seconded by Ms. Willis. All present voted affirmative, motion passed.

**OLD BUSINESS-** None

**NEW BUSINESS-**

<b>Case:</b>	13-34
<b>Address:</b>	1618 Green St.
<b>Parcel:</b>	12-10-26-3320-0000-0070
<b>Owner:</b>	Marilyn Robbins
<b>Agent:</b>	Handi House, Inc.
<b>Request:</b>	Variance from minimum required distance between buildings from 5 to 0 feet between proposed storage building and existing garage, and from 5 to 0 feet between proposed storage building and proposed carport, per Zoning Code Section 94-183(a)

Mr. Crowe stated this is a request for reducing the minimum required building separation for one storage building and one garage. The carport will be placed on the existing foundation and the storage building will be placed next to the carport. That is why the zero setbacks are required. He went over the photographs regarding this property and identified each location where the requested buildings will be placed. He mentioned the storage building has already been placed and this is an after-the-fact request. He then discussed the variance criteria for this case.

**First** criterion: there were no special circumstances regarding the shape, size or other things pertaining to the physical elements to the lot.

**Second** criterion was met; the applicant has acted in good faith in perusing this variance.

**Third** criterion: he didn't believe there was any special privilege that would be granted to the applicant. It is pretty typical in this neighborhood to have outdoor sheds close to each other in this manner, and these buildings will not be located close to the property lines and thus impact neighbors.

**The fourth** criterion states that literal interpretation of the building separation rule would deprive the applicant of rights commonly enjoyed by other properties. While there are a lot of accessory buildings on this lot, the code does not limit that, therefore property owners should not be denied the use of multiple outbuildings..

**Fifth** criterion: no variance may be granted for a use that is not allowed in that zoning district. He said this is not a use issue.

**Sixth** criterion: is this the minimum variance necessary to alleviate the hardship. In order for the applicant to get the amount of storage they want this is.

**Motion-** made by Mr. Collins to approve, seconded by Ms. Lane. All present voted affirmative, motion passed.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

**Case:** 13-41  
**Address:** 100 Memorial Parkway  
**Parcel:** 42-10-27-6850-0010-0000  
**Applicant:** City of Palatka C/O City Hall  
**Agent:** Jonathan Griffith  
**Request:** Variance request to reduce parking space width from 10 to 9 feet and parking space depth from 20 to 18 feet, per Section 94-261(f)

Mr. Crowe said this request applies to the proposed hotel that will be located in the downtown lot where the Frank George building used to be. He said the City is in the final stages of an agreement with a Hampton Inn® hotel franchise owner. Since the City is now the property owner Project Manager Jonathan Griffith is working as the agent for the City. He then went over the criteria for this application.

**First criterion** pertained to the shape and size of the property; he did not believe that the property size or shape pertained to this request.

**Second criterion** was met; the applicant did act in good faith.

**Third criterion** pertained to special privilege; he said this request would not grant special privilege as this board has allowed this type of smaller parking space variance in the past, most recently for the Family Dollar® store off Crill Avenue where 50% of the parking spaces were approved for the smaller size. He said this property will need this variance in order to allow the 70 parking spaces the Hampton Inn® requires. It is common in other jurisdictions to utilize the standard nine-by eighteen foot parking space instead of the City's larger ten-by-twenty space and he didn't believe the one foot reduction would be that substantive. He said he understood the Board's concern of larger vehicles that are used in the City, but believed the parking spaces will most likely be used by out of town visitors who were more likely to drive smaller vehicles.

**The fourth criterion** seeks to avoid depriving that applicant of rights commonly enjoyed by other properties. He said that the downtown area does have many nine-by-eighteen parking spaces including public parking lots along with on-street parking. He said the precedent has been made for these slightly smaller parking spaces downtown.

**Fifth criterion:** this is not a use variance.

**Sixth criterion:** this is a minimum variance necessary to alleviate the hardship. This is a small compact urban site, and reducing the space size will allow the redevelopment of this site with the intent desired by the City.

**Seventh criterion:** regarding public health, welfare and safety issues, he did not believe this applied. The neighboring property owners were notified and the site was posted, and the department did not receive any comments.

**Eighth criterion:** the variance would not impair the intent of the code.

Chairman Taylor asked the board members if they had any questions for Mr. Griffith.

Ms. Lane said that this board compromised on parking space size before for the Family Dollar store and said they should not allow any more compromises. She said the people that will be driving there will not be parking smaller vehicles, and since she works in St. Augustine she had a fair idea of the size of cars driven in a city similar in size to Palatka, and there are an enormous amount of parking spaces and buildings. She said she did not see smaller cars in general. She said she noticed on the site plan there are spaces on the property for future retail/residential and a restaurant. She suggested they should make those buildings smaller to allow for regular size parking spaces. If the Board gives up they are making it more difficult for people to park. She then asked if the applicant asked for this change.

Jonathan Griffith, Project Manager, Grants Administer for the City of Palatka, 201 N 2<sup>nd</sup> St. asked for clarification by asking did she mean the hotel developer or the City of Palatka.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Ms. Lane replied she knew he was speaking for the proposed hotel owner, she asked if they specifically asked for this reduction.

Mr. Griffith replied that they had asked for the variance.

Ms. Lane asked how come they were not there.

Mr. Griffith replied the Applicant could not be there, this is some of the facilitation that is provided by the City and CRA to make this project move forward.

Ms. Lane asked how much the City was spending by giving the lot to the hotel developer.

Mr. Griffith replied the City is not spending anything on that lot. The City will receive \$162,000 for the property..

Ms. Lane said the City has already spent two million of taxpayer money on that lot. She said this seemed to be like before when staff asked to have all the parking spaces citywide smaller.

Mr. Crowe replied yes, that is correct.

Ms. Lane said this request seemed to be a continuous move in that direction and said it was not a good idea. She said there was enough sufficient space on the property for parking, there are other parking areas where they could park, or they could reduce the number of parking spaces that the business needed.

Mr. Crowe reminded the board that parking is not a requirement for in the Downtown district, so parking is exempt. He also said that in his professional opinion, he believed in the benefits that will be received by reducing the spaces. Such benefits include more open space along with less pavement and associated expenses. He did not believe the one foot would make a substantive difference in the ease of parking and the increased incidence of car "dings."

Mr. Griffith said Beef O'Brady's ® and the Quality Inn ® have an established parking lot that people from Palatka and Putnam County frequent and said he measured their parking spaces and they are nine foot in width and he said he has not seen any problems in that parking lot.

Ms. Lane asked if he would go outside and look at the number of dings on the cars, she said those are caused by the fact that there is no space to open the car door from having a smaller parking space. She also said it does make a difference when getting in and out of cars.

Mr. Collins asked Mr. Griffith if he was up against a certain amount of rooms and that the hotel requires parking places to match every room and there isn't any room to get all seventy in there correct.

Mr. Griffith said that is correct. If they went to a nine-by-eighteen foot space the City was protecting the interest of the citizens by maximizing the amount of residential and retail space on that property, and the last thing the City wanted was just a hotel with a huge parking lot around it. He reviewed multiple site plans with their architect and he also drew his own, and by moving the location of the hotel footprint, the additional future retail along St. Johns Ave. is maximized. The variance would minimize the amount of pervious space that doesn't contribute to the economy, pervious space meaning parking. He also reminded the board that just as Mr. Crowe mentioned there is no requirement for parking in the Downtown, and staff was trying to meet the requirements of the Hilton® franchise.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Ms. Lane replied so the rooms don't have to match the parking.

Mr. Griffith replied that is a Hilton ® requirement, not a City of Palatka requirement.

Chairman Taylor asked will there be a conference room or something of that nature in the hotel where there will be additional traffic flowing in and out of the parking lot.

Mr. Griffith said there will be a small conference room. He said there are approximately 60 to 90 parking spaces immediately adjacent to the hotel either on street or in adjacent parking lots. If there is an overflow from a meeting or a conference there will be parking available.

Ms. Lane said not in the particular block, but it will spill over into the other parking lots and spaces.

Mr. Griffith said yes that was correct.

Ms. Willis asked why they couldn't reduce the amount of rooms from 70 to 60. If they reduced the amount of rooms, that would cure the parking problem. In a large town like Palatka you wouldn't need a large hotel.

Mr. Griffith replied the he is not a hotel developer. He said that he trusts the developer's judgment and marketing, basically the project cash flows at 70 rooms.

Ms. Lane suggested the hotel developer rethink his target for 70 rooms.

Mr. Griffith said the board seemed to be going outside of the request which was for minimizing the parking dimension.

Ms. Lane replied it's not a good idea, as it has been seen time and again. Staff has tried to make the board allow parking lots smaller.

Chairman Taylor asked about accessing the street, from 2<sup>nd</sup> St. will there be a standard business drive opening to the curb.

Mr. Griffith asked when you say standard you mean by code.

Chairman Taylor said his drawing was hard to read.

Mr. Griffith said the driveway will be the typical 24-foot wide entrance.

Chairman Taylor asked how many feet will there be between the sidewalk and the parking.

Mr. Griffith said there will be approximately eight to ten feet from the edge of the parking to the back of the curb of the roadway. He also told the board there will be a proposed decorative brick wall that will surround the parking area.

Chairman Taylor asked if staff knew how tall that wall will be.

Mr. Griffith replied at this time there is not an accurate detail, but the rendering shows the fencing to be approximately a two foot tall brick wall with a decorative aluminum fence on top.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Ms. Lane asked how high that will be.

Mr. Griffith replied he did not have an accurate detail, but guessed the whole thing was approximately six feet. He added this was one of the requests from staff in negotiations with the developer.

Ms. Lane asked six feet all around or on three sides.

Mr. Griffith replied anywhere parking meets the roadway. The fencing will be opaque to allow some view into the site, but there will be some screening from the street to the parking. Obviously the City wouldn't want to view just a parking lot similar to the old Frank George high rise apartments. The fence would also be an extension of the building wall, an extension of the building continuity so the connection between the riverfront and downtown can be strengthened. Right now there is a large disconnect from the intersection of 2<sup>nd</sup> St. and St. Johns Ave. to the riverfront.

Mr. Collins replied, if this is going to be a Hampton ® it will be done well. He said he was familiar with their requirements. They are known for doing a very good job.

Ms. Lane replied for what they are.

Mr. Collins asked what she meant.

Ms. Lane replied this hotel chain is not exactly a Hilton®.

Mr. Collins replied for a medium priced hotel the customer gets a lot for their money.

Chairman Taylor asked if the fencing will be coming to the board, because it is not the normal setback fencing requirements, or is this request going to be the final.

Mr. Crowe replied this is the final, the applicant submitted a previous site plan that would have required more variances but they were able to meet all the requirements except the parking, so this is the final variance request.

Chairman Taylor said the parking and the off street fencing was not included in their packet or the request.

Mr. Crowe replied the fencing would not require a variance.

Chairman Taylor said he was under the impression a variance would be required for stockade type fences.

Mr. Crowe replied the code does not apply to commercial uses as they are exempt from fence requirements.

Mr. Collins replied it will not be a stockade fence it will be open.

Chairman Taylor asked for further comments from the board.

Chairman Taylor closed the public comments.

Chairman Taylor agreed the board did make a compromise with the Family Dollar ® as the reduction went, and keeping that in mind there are larger cars and there are cars that are smaller. He said the trend is to reduce

ZONING BOARD OF APPEALS  
CITY OF PALATKA

everything and this board needs to decide if they go with the trend, compromise or deny the request and asked the Board for their comments before any motions were presented.

Mr. Collins said he has hoped for 25 years that there would be progress downtown. The City got rid of the high rise and he couldn't see holding progress up for one foot of a parking space.

Ms. Lane asked how many parking spaces there will be.

Mr. Griffith said 70 parking spaces for 70 rooms.

Ms. Lane said it wouldn't be just one foot; it would be 70 feet plus two more feet on the depth and asked what the total square foot that would result in.

Mr. Griffith said he calculated 2800 square feet.

Ms. Lane replied that would be a good size house.

Chairman Taylor asked if the future restaurant, retail/residential uses would use the hotel's parking or other parking.

Mr. Griffith replied there is no parking requirement for Downtown.

Ms. Lane replied the hotel will not provide parking for those future businesses.

Mr. Griffith replied that was correct.

Ms. Lane said that was more than just one foot.

Mr. Collins asked what one foot was.

Ms. Lane said the 2800 square feet.

Mr. Collins replied she was taking that amount and putting in into just one block, this will actually be taken in increments of one foot per parking place width and two feet in parking place length.

Ms. Lane replied this is only one block.

Chairman Taylor asked if the fencing will be closed; meaning if it will go the hotel walls.

Mr. Griffith said no there will be pedestrian areas for them to move in and out of the lot and staff has also negotiated to have courtyard areas for outdoor dining and seating and they also have what they term as a outdoor living room area. The Hampton Inn® concept has a required outdoor seating area in addition to the pool. He also said that the 2800 square feet in the Downtown setting is better preserved for retail and residential space. He said the City does not have a parking problem downtown, it has a walking problem and if an additional 2800 square feet can go toward potential retail space and residential the City will be better off in the next 20-30 years.

Ms. Lane asked if the future retail/residential location could be a shopping or a housing complex.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Griffith said the City is proposing mixed use development with commercial on the ground floor and residential in the second and third floors.

Ms. Lane asked it will be how high the buildings can be.

Mr. Griffith replied the buildings can be up to 60ft.

Ms. Willis asked if the parking lot was private and just for the hotel.

Mr. Griffith said yes.

Ms. Willis asked if all of a sudden the hotel decided the future restaurant, retail, and residential users can't park there and they put a chain up across the driveway.

Mr. Griffith replied that would be up to the future owner of the property to decide. What the City and CRA is looking at strategic parking lots and increasing on-street parking. He said an example of that would be the project that was just completed which gave the City approximately 80 new parking spaces, not including the spaces we kept on the street, and with the improvements to the south Riverfront Park they are looking at adding well over 100 parking spaces where some of those will be used as flexible spaces for boat trailer or passenger vehicles. He then asked the board members to look at the request as part of the whole downtown. He also said that if there is future demand for this property if the owners of the retail/residential want to make that space viable they may want to look at constructing a garage or first floor parking. They will have to be creative and that burden will be put on the private developer. The City wants to incentivize development and requiring parking would put a burden on developers. An additional 2800 square feet of asphalt would not get a return on the dollar.

Ms. Lane replied that would be iffy since they can't look at what they will be doing, she said there are trees shown on the plans, but asked about the green space, and she said it didn't look like there would be much green space. She asked how much green space would be in the triangular portion known as the outdoor living area.

Mr. Griffith said it appeared to be approximately around the 2000 square foot range.

Ms. Lane said that is not very much space, she asked if that would be the major amount of greenery.

Mr. Griffith said there will be greenery surrounding the building and also the landscape islands.

Ms. Lane said it shows shrubs but little grass.

Mr. Griffith replied the landscape design has not been depicted on the drawing and all they are showing is the shade trees.

Ms. Lane said it seemed to be a little early and that she would like to be able to see what it will look like.

Mr. Griffith reminded the board that the greenery and landscape was not part of their seven criteria for reviewing this request.

Chairman Taylor asked for clarification of text on the drawing.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Griffith replied the word was “plaza.” The plaza would be an extension of the retail area; it could be used as outdoor dining or a display space.

Chairman Taylor asked if that will be green space.

Mr. Griffith replied there will be some canopy trees and maybe some paving. It will be more of a pedestrian downtown environment. He said the City was not looking at creating a lot of lawn there.

Chairman Taylor asked if there any more questions. He then asked for a motion.

Ms. Willis asked the Chairman if she had to vote for this.

Chairman Taylor replied regardless of what people said, this board needs to look ahead in a future way and they also need to keep their eyes on the green and trees because if they don't no one will. He said regarding the motion for this criterion he asked if this was preliminary.

Ms. Lane said this Board is committed to it.

Mr. Crowe said the Board's decision for the parking spaces will be final unless it is appealed to the City Commission.

Mr. Griffith asked if Chairman Taylor was asking about the terms of the negotiation for the hotel.

Chairman Taylor said yes.

Mr. Griffith replied there is a letter of intent by the City to sell the property that has been executed by both parties, and the purchasing agreement will be presented to the City Commission at a special called meeting on August 29<sup>th</sup>.

Chairman Taylor asked this request is preempting that agreement.

Mr. Griffith said yes.

Ms. Lane said she agreed this board needs to look into the future and said that was partially why she has concerns over the parking space sizes. She said since they were advised by staff they had compromised their standard before like they did with the Family Dollar ®, this was another reason to continue to compromise their standards. She said to change the Board's standard just because someone wants to come in and possibly develop the property very nicely and maybe it will stay nice. But she said she did not know what the other two future spaces will be.

Mr. Griffith said if the developer had their way the hotel would be built in the center of the property and it would have parking all around it. He said that the city staff and the CRA committee are looking out for the citizens. When Staff and the CRA committee sat down with the developer they made sure they were eliminating the amount of property needed for the hotel so the City can get more out of that property and the developer has committed to buying that property in its entirety and has committed to try and fill the retail/residential spaces.

Ms. Lane said the City was only selling the property in its entirety; it wasn't being sold piecemeal. She said since the City talked to the developer they would have had to buy the whole property then.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Griffith said no, the City could develop a sketch and legal to separate out those future portions of what the City would want to retain.

Ms. Lane replied could you imagine the City doing that.

Mr. Griffith said yes, the City already has a sketch and legal separating the portions they are giving to the purchasing developer.

Ms. Lane asked if he could imagine that getting past without the public coming after you.

Mr. Griffith replied yes he could.

Ms. Lane replied his bet is much different than her bet.

Ms. Willis said there should be a signed letter of intent first.

Ms. Lane commented the developer had not signed a letter of intent yet.

Mr. Griffith said yes they have.

Ms. Lane asked if the special called meeting on the 29<sup>th</sup> was that for the letter for intent.

Mr. Griffith said no that meeting is for the purchase agreement. It will outline the actual details of the purchase, details of the closing, how much the developer will be willing to pay and the responsibilities of the buyer and seller.

Ms. Lane asked if then the hotel developer owns the property.

Mr. Griffith said no. The developer will have a certain amount of days to execute the contract and certain number of days to close.

Ms. Lane asked if the developer had approval from the Hampton Inn® franchise.

Mr. Griffith said the developer will need control of the property to get through the franchise application. He reminded the board the parking variance and purchase will need to happen concurrently in order for this project to move forward.

Chairman Taylor asked if there were further questions. He said this board is here of their own accord and they are looking out for the citizens and they would like to see what is going on as far as their part of it with the greenery and things that are involved with the street. He said he understood downtown parking is different than other locations in the city. He said this request seems to be a closed in parking area by the drawing that shows fencing around the parking lot.

Mr. Griffith reminded the board that the fencing was a requirement that the City and CRA requested because there was not enough room to construct a 10-15 foot-wide vegetative buffer. In downtown settings you will see more ornamental fences or walls that delineate the parking from pedestrian promenade and that were what they wanted something to see through but yet still define the parking spaces.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Ms. Lane said if the developer had his way he would have put up the hotel in the middle of the space with parking.

Mr. Griffith replied the developer first started with putting the hotel on 2<sup>nd</sup> St. and parking between the hotel and river front park.

Ms. Lane replied then the developer would not have been required to put in any greenery or anything like that.

Mr. Crowe said the Downtown is exempt from landscape except for the requirement for landscape islands with shade trees.

Chairman Taylor then asked for a motion or if the board needed more discussion.

Mr. Collins said this town is not going anywhere unless there is a compromise.

**Motion** made by Mr. Collins to approve the variance request.

Chairman Taylor asked for a second.

Ms. Willis said she can't.

Ms. Lane said she won't.

Chairman Taylor said a motion won't carry without a second and asked if it would need to be discussed further.

Mr. Crowe said the chair could pass the gavel to second the motion. He asked if the vice chair was present.

Ms. Mccamey replied no.

Mr. Crowe said the board could assign one. Either Ms. Willis or Ms. Lane would need to accept the vice chair position because there really needs to be a vice chairman.

Ms. Lane asked if they pass the gavel would Ms. Willis be able to vote.

Mr. Crowe clarified that Chairman Taylor would relinquish his chairmanship to second the motion and then take the gavel back for discussion and vote.

Ms. Lane asked if Ms. Willis will be able to vote.

Mr. Crowe said yes.

Ms. Willis then seconded the motion.

Chairman Taylor asked for a vote.

**Call for votes-** Yes: Mr. Collins and Chairman Taylor; No: Ms. Lane and Ms. Willis. **Motion** failed.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Crowe told the board he wanted them to understand this was an important project for the City. He said the Board could vote to reconsider this item. He said staff had been working on this project for some time now and he didn't want to think this vote could result in a possible problem with the project.

Chairman Taylor asked to table this discussion until after the next case is heard.

**Case:** 13-42  
**Address:** 1624 Bronson St.  
**Parcel:** 42-10-27-6850-3080-0110  
**Applicant:** Sherman and Beverly Canty  
**Request:** Variance request to reduce the number of paved parking places from 29 to four per Zoning Code Section 94-262(a)(3), and to reduce minimum distance from driveway to property line from 20 to four feet per Zoning Code Section 94-261(s)(3)

*(Note – draft minutes not complete for this item)*

**BOARD DISCUSSION**

Chairman Taylor asked the Board to reconsider case 13-41.

Mr. Crowe reminded the Chairman they would need to vote to re-consider this case.

Chairman Taylor said the Board is not going to reconsider this case but will discuss their decision before they decide to reconsider. He asked to close the public portion of this meeting so the Board can discuss this case.

Mr. Crowe said the discussion would have to be informal.

Ms. Lane asked if this would be in violation of any sunshine laws.

Mr. Crowe said no this is still a public meeting and this was an item on the agenda.

Chairman Taylor said he agreed the City does need to move ahead with something. He said the drawing made it look like the parking lot was closed in and he said it looked like it had a courtyard with the fence around it, looking like it to be more self-contained. He said he understood the reduction of the parking space size and commented that he is good for a compromise, like half and half for shopping centers and such. He said with this case the developer is there to make a business and his money, he said the Hampton Inn ® chains are real nice.

Mr. Collins said when you are in business and restricted in the amount of money to spend, Hampton Inn® is the way to go.

Chairman Taylor said he didn't have an issue with the parking variance and said there should have been a compromise since it was open and it appeared to be real close to the allowed size and since there were no requirements in the downtown, he said he didn't have as much of an issue with it. He said the Board needs to allow compromises.

Ms. Lane said that each case has to be considered on an individual basis.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Chairman Taylor said he did not want to set precedence where all reductions are approved. He said this is a preliminary case and it was vague, the drawing was not legible.

Mr. Crowe said staff gets this a lot, when people come for a variance they are at the stage of purchasing the property, or no commitment had been made so they wouldn't have any engineering or detailed plans and said the applicant shouldn't have to go out and pay large amount of money if they are then not approved for the variance.

Ms. Lane said her concern was that if Mr. Griffith and the other City staff had been talking with the developer, and this has been reworked several different ways, she said there should be some sort of drawings somewhere to show the detail that the City has been looking at.

Chairman Taylor agreed.

Ms. Lane also said her other concern was that Mr. Griffith said the City would have sold the property piecemeal and she said she disagreed, because that then becomes a big project that would make a difference. She said she agreed something does need to happen, but said her concern was there are two pieces of property set aside for the future and the Board did not know what he was talking about and now he mentioned a possible garage for the residential parking.

Chairman Taylor said what Mr. Griffith meant was for future growth if they needed more parking it would be up to the chain to provide that parking.

Ms. Lane asked how much square footage did the future lots for the retail/residential and restaurant end up being. She asked why the parking spaces couldn't go there.

Mr. Crowe said what Mr. Griffith meant was in order to attract people from downtown to the park the City wants building continuity for pedestrian interest.

Ms. Lane said the City needed to think about people driving big cars too. She said she understood the City would like to have pedestrians, but people will want to be walking close to where they park so they can throw what they had bought into their vehicle. She said the City has all that extra space, she didn't understand what was going there and said if the hotel needed space then use 3600 square feet for parking and the City would then still have enough room for the future restaurant or one of the other retail uses.

Chairman Taylor asked if that future spot will be chain related.

Mr. Crowe said he did not know, but said the applicant does have a number of prospects including Outback Restaurant®.

Ms. Lane said Palatka did not have the demographics to support this kind of chain restaurant.

Mr. Crowe said he did not know what will be brought in yet. He did say the City is trying to promote the downtown and if they separated all the buildings and added a lot of parking it would look like State Rd. 19 and they would lose the character that they are trying to preserve. He said the City needed to be strategic and provide the parking, but if the City allows parking to dictate design and development then he believed the City would lose again.

Ms. Lane said parking does need to dictate because you need somewhere to put people.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Crowe agreed but said that if you stick with the exact dimensions without any relief of the code requirements the City could be suffering again. He reminded the Board that Mr. Griffith said the City will be losing retail space and green space without the variance. He said all of this counts downtown and a nine-foot wide parking space worked fine. He reminded the board that half of downtown parking has the nine-foot wide parking spaces. He said the precedent is there.

Mr. Collins said it's the same in the county as their code requires nine-foot wide parking spaces.

Chairman Taylor agreed. He said this parking is more closed in, he said he would have had an issue if this was all open, but since there will be a barrier between the parking and sidewalk he did not have a problem with it. He said it is more encapsulated within itself and not open find your own parking spot.

Mr. Collins said like the Quality Inn ®.

Chairman Taylor said if it were more like a shopping center like Winn Dixie ® he then would have not agreed and kept the ten-foot width, but he said with the hotel he agreed with the nine-foot width because it is closed in.

Ms. Lane said her problem went back to people opening car doors on one another.

Mr. Crowe said he understood what Ms. Lane was getting at, because he has a newer car. He said that he makes sure to park way out away from other parked cars because of that, but said the two extra feet will not prevent any nicks. He said he knew there was discomfort with the Board for this request, but asked them to reconsider just this one case with this special circumstance and he promised the Board he will do his best to not bring any more of these requests to this Board in the future.

Chairman Taylor said this Board is setting precedence for themselves, because it rehashes and revisits them often and they do allow the variances they then get reminded of the comparisons. He said this is a unique and different case in its own.

Ms. Lane said she thinks back to the compromise for the Family Dollar ®, she said she thought about it and wished she had never agreed to that compromise, because the developer could have made it work with the bigger parking spaces. She said the developer said they were leaving more trees and maybe they did, but she said they could have worked it out.

Mr. Crowe said the Board is not obliged and next time they can say no. He said you can look at the special circumstances with each case. This Board can make a different decision every month.

Mr. Collins said that is what the whole purpose of a variance.

Ms. Lane said she understood, but reiterated that the Family Dollar ® is going to be brought up all the time.

Mr. Collins said it didn't matter each case is individual and will have different outcomes.

Chairman Taylor said the board still can say no to it.

Ms. Lane said she went back to her concerns for changing it. She believed there were ways that they could make the parking work without the reduction.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Crowe said he was looking at the plans and he said he likes compromises too, but the problem went back to the fact that the Hilton ® requires one parking space per room and it will be a 70-room hotel.

Ms. Lane asked if the brick and aluminum fence will be on the St. Johns Avenue side.

Mr. Crowe said yes.

Ms. Lane said she understood the point that the parking will all be enclosed. She suggested they cut out the plaza space, since that will be used by the hotel clients and they were getting a wonderful deal, she suggested the City work something out. She then asked what the size of the sidewalk will be.

Mr. Crowe said she was looking a portion that will be part sidewalk and landscape; he said it won't all be sidewalk.

Ms. Lane suggested they work around it, they can add a few more spaces.

Mr. Crowe said the configuration of the parking lot would not allow that as there are no areas where driveways can access parking spaces.

Ms. Lane suggested removing the future building spaces since there is no commitment; she said that would give the additional spaces.

Mr. Crowe said that would not allow for the additional parking spaces.

Ms. Lane questioned his remark.

Mr. Crowe said no, unless she could show him how.

Ms. Lane said she probably could if she had some time.

Mr. Crowe said staff had tried to squeeze in the 70 spaces and it just wouldn't work in order to retain the retail on St. Johns Avenue which is important to the City.

Ms. Lane said hopefully the 100 block will help retain the retail also.

Mr. Crowe said that was also another important component.

Ms. Lane also commented the GP center still needed to go in.

Chairman Taylor asked if the restaurant and retail will be chain related.

Mr. Crowe said he did not know he said if the developer's deal goes through, he has a specified amount of time to bring in a restaurant and if he doesn't do that the City gets the land back.

Ms. Lane asked if the start date for that time period would be on August 29th.

Mr. Crowe said yes.

Chairman Taylor asked how many handicap spaces there will be on the hotel property.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Crowe said there will be three handicap spaces.

Chairman Taylor asked if the landscape islands would be green space.

Mr. Crowe said yes.

Chairman Taylor asked Ms. Willis what her reason was for voting no for the variance.

Ms. Willis replied she was out of this one. She said it was like dropping candy in the dirt when they compromised for the Family Dollar® store.

Chairman Taylor asked Ms. Willis if that's where she was with it.

Ms. Willis said yes.

Chairman Taylor said the Board could table this or they could live with their decision that was made and asked for any other comments or feelings.

Ms. Lane said that there would be space if they removed the future retail/residential. She said the space is there.

Mr. Crowe said for the record he would respectfully not agree.

Ms. Lane said she knew he disagreed, but she said she had not been involved from the start like he has. She said it bothered her that the Board didn't have any idea of what the developer might put in the future spaces. She asked if the City is selling to the developer for a hotel, and the City is asking him to add the future retail/residential spaces.

Mr. Crowe said yes.

Ms. Lane asked if the square feet for those future lots a requirement the developer is asking for to make a profit, or is that what the City was requiring to make a profit.

Mr. Crowe said the provision of the retail/restaurant sites was dictated by staff, they consulted with people that knew how much room would be needed to make a successful commercial downtown type of development, he said if it went any smaller than the size of those lots then the smaller size stores could be unsuccessful.

Chairman Taylor asked Mr. Griffith for details of the drawing that was submitted for the parking regarding the parking, green space, pervious and impervious locations.

Ms. Lane asked what he called impervious if that would not be grass.

Mr. Griffith said impervious would be termed as hardscape concrete or bricks or things of that nature.

Ms. Lane said that area could be made into parking spaces there and asked what the difference would be.

Mr. Griffith replied this could not be done because of the geometry restraints. He stated that a 90 degree parking requirement in order to have a 24 foot driveway and there cannot be any more of an acute angle than a 90 degree without wasting space.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Ms. Lane asked whose requirement was that.

Mr. Griffith said it is the geometry.

Ms. Lane remarked she had not been a part of the planning process for this project.

Mr. Griffith said he and the architect have tried to move things around several times and a variance for the parking spaces was the only possible way.

Ms. Lane asked if the designated future retail/residential and restaurant can be made into parking, and asked if the developer knew what was planned to be put in those future locations.

Mr. Griffith said the developer has an idea of what type of retail and residential uses he would like there. He referenced Outback® Restaurant as an example.

Ms. Lane commented Palatka did not have the demographics to support a restaurant like Outback®.

Mr. Griffith replied yes, but stated he believed the City needed to be in a position to have vision and to promote growth.

Ms. Lane said the city needed to have something for those businesses to believe in so they would come. She said that the business would compete with the 100 block businesses.

Mr. Griffith said it would not be a competition but would be complementary. He said the more cluster of retail and residential the City brings downtown, the greater potential to reach critical mass and then you start to change your demographics. He said the City is trying to bring additional density of commercial and residential downtown as it used to be.

Chairman Taylor asked if the parking lot will be encapsulated by the fencing and not open like a Winn Dixie ® parking lot.

Mr. Griffith said no there will be openings for vehicular access and a 20-foot easement that will be deeded to the Presbyterian Church to allow pedestrian access through to the river front. He showed the Board locations where trees and vegetative landscaping will be located around the parking lot and on the right of ways along the sidewalks.

Chairman Taylor said he would consider that to be encapsulated and he said he understood the tightness. He said he was leaning towards a yes for the request because the parking will be encapsulated and the parking will be for the hotel guests, maybe future restaurant patrons. He said he supported the ten foot-width but said since this will be encapsulated he believed the nine-foot width will be ok.

Ms. Lane said she respected his opinion and said she had to go to a number of hotels in the last two weeks and would not have paid as much attention to how close some parking places were and how nice other places were.

Chairman Taylor replied Hilton ® gives you room.

Ms. Lane said looking at the parking she said she did not understand why the City couldn't find the space, she said she wasn't arguing it wasn't tried, she said she sees spaces that she believed there were ways to do it and if

ZONING BOARD OF APPEALS  
CITY OF PALATKA

you say it won't impinge on the City's view or parking why should the Board care, she said the Board still needs to care, because once it is allowed it will be allowed everywhere. She said there is a place for a future restaurant and retail/residential that will allow a flow of people downtown she said would be great, but she said how they can justify if they are asked to make the parking spaces seven feet then it could go in. She said they would start at ten feet and she said she could see the requests keep getting smaller and smaller then it could end up being let's not even bother about parking, commenting let's not even worry about it. She did not see just did not the point in changing what is in place because it will cause too many problems.

Ms. Willis commented the truth is they haven't planned for that.

Mr. Crowe said there was another way to look at this. He said they are not required to provide parking downtown, this was an extra on their part and was above and beyond what the City required, and with that he believed to a certain degree this provides the Board with some leeway to look at this request differently. He reminded the Board this was not something that they had to do and was told how to do it, this request was one that could give the developer a little relief and encourage them to proceed.

Ms. Lane said she thought the Hilton ® Corporation required the parking spaces.

Mr. Crowe said the Hilton ® is not the City.

Ms. Lane said the developer won't build unless he gets the approval from Hampton ®.

Mr. Crowe said the job of this Board is to look at the code and the Board is to review each case by what the code will allow and this parking request is not required by the code.

Ms. Lane questioned Mr. Crowe's comment.

Mr. Griffith said parking is technically not required, (in general) if the developer wanted to develop the site (in general) he would not be required to provide parking to meet code. He said what Mr. Crowe meant was Hilton ® requires one designated parking space per room, so this request is for a requirement the developer is trying to fulfill to meet the Hilton® requirements.

Ms. Lane asked if the developer was not offering the City a hotel would the City not look at him to develop that property.

Mr. Griffith said no the hotel was the proposal that the developer brought forward. Mr. Griffith said the City approached the developer and negotiated to have additional space for the future retail/residential and restaurant. He also reminded the Board that the City has a buy back provision. He reiterated the parking requirement is a requirement from the Hilton ® Corporation.

Ms. Lane said the City has been trying to get a hotel on that space for some time now and she said she kept going back to there was a need to keep the parking spaces the way that they were, and said she bet somehow there was space and if the developer was made to find it he would find it. She said she knew Mr. Griffith did not agree and said she was not arguing that he had not tried.

Mr. Griffith said he had spent many hours on auto cad designing different scenarios and it didn't work. He said what they have was the best use of that property.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Chairman Taylor said that was why the Board was rehashing this case. He said he felt flexible with this since it would be encapsulated, not being just a square it is oddly shaped and suggested the Board just let this request go at nine feet knowing they are determined case-by-case and not by setting a precedence. He said he understood that decisions the Board had made in the past have come back to haunt them, but said since it was encapsulated he was ok with the request.

Ms. Willis said they should put the hotel on stilts and have the parking underneath.

Ms. Lane said that would solve their problem.

Chairman Taylor asked staff if the motion should be left as unasked and move on and vote for a reconsideration of this case.

Mr. Crowe said unless Ms. Willis changed her mind there really wasn't a point to reconsider; the vote would hang on Ms. Willis.

Chairman Taylor asked Ms. Willis if she had changed her mind.

Ms. Willis asked about what.

Chairman Taylor said about the nine-foot parking space request. He asked her if she was ready to move on or leave her vote as it was.

Ms. Willis said she didn't care what they did.

Chairman Taylor said it was up to her if they were to revote or leave the votes as they stood. He reiterated would she vote yes or no.

Ms. Willis said she got in trouble the last time she voted yes, and asked what she would be saying yes to.

Chairman Taylor asked if she wanted to revote for the nine-foot parking or did she want to leave it.

Ms. Willis said it could be left as far as she was concerned.

Chairman Taylor then asked if there were any further comments.

Mr. Collins said he sits on the county zoning board and if this Board wanted to set precedence they should sit on that board sometime. He said every request is considered on an individual basis. He said they get a lot more cases than this Board gets and if something came back to haunt them it didn't bother them because they consider them as individual. He also commented this Board was being very short sided. He then asked Mr. Crowe if this case could be brought back up sometime.

Mr. Crowe said an appeal would go to the City Commission after the Board's decision and he suspected that is what they will do.

Mr. Collins said he would prefer a full Board to vote on this instead of just the four of them.

Mr. Crowe said that was an option for the Board to rehear it, but the Board has a denial and it's the City's prerogative to appeal, he said he was not sure if staff would want to go through all of this again.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Ms. Mccamey said it is hard to get Board members to attend the meetings.

Chairman Taylor said the Board needed to recruit some citizens who could come to these meetings.

Mr. Collins asked if this can go to the City Commission.

Mr. Crowe said yes.

Mr. Griffith said the appeal has already been made and it has been placed on the August 29th agenda.

Ms. Lane asked if this was a special meeting.

Mr. Griffith said yes.

Chairman Taylor said the drawing was not clear and was hard for them to understand.

Mr. Griffith said that can happen when copies are made, sometimes the details are lost.

Chairman Taylor said then the Board will leave it as it stood and let the case be appealed and stick with their guns with that and to also try and recruit some members that can attend these meetings.

Mr. Griffith asked the Board for the terms this case was denied.

Mr. Crowe said it would be helpful if Ms. Lane would state her findings for her denial.

Ms. Lane said she had been through this, she said staff would only have to listen to find the causes.

Mr. Griffith asked if it was based per the Municipal Code.

Ms. Willis said the Commission would be on their money.

Ms. Lane replied she had problems with criteria #1, #2, #3 and possibly #4 and #6.

Mr. Griffith asked if she had a problem with the section that mentions that it was commonly enjoyed by other property owners in the same zoning district.

Ms. Lane said she had issues with other parts of it too. She said she would go through all of them if he wanted her to. She said she will come to the City Commission meeting, she said he did not have any idea how much she didn't want to be bothered.

Chairman Taylor asked Ms. Lane in her mind could there be a compromise that could be reached for a satisfactory result for this case. He asked if it could be that half of the 70 spaces be 10 ft.

Ms. Lane said she would like to see the other ways staff tried to work it, and she said that she wouldn't guarantee that would change her mind.

Chairman Taylor asked for further discussion.

ZONING BOARD OF APPEALS  
CITY OF PALATKA

Mr. Crowe said nothing further from staff.

Motion made by Ms. Willis to adjourn and seconded by Ms. Lane. All those present voted affirmative.

**Other Business-** None

**Motion to adjourn-** made by Ms. Willis and seconded by Ms. Lane.

**Meeting adjourned-** at 5:34 pm



Case 13-55  
Request for Variance from Maximum Driveway Width  
3621 Reid St.  
Applicant: Gina Goodyear, Causseaux, Hewett, & Walpole, Inc.

**STAFF REPORT**

**DATE:** January 7, 2014  
**TO:** Zoning Board of Appeals members  
**FROM:** Thad Crowe, AICP  
Planning Director

**APPLICATION REQUEST**

To consider the following requested variances: 1) a four-foot variance, increasing maximum driveway width at the street junction property line from 24 to 28; and 2) a 65-foot variance, increasing maximum driveway width at the property line edge of pavement at Reid St. from 40 to 105 feet. Public notice included property posting and letters sent to neighboring property owners (within 150 feet).



Figure 1: Subject Property

## **APPLICATION BACKGROUND**

This is a request associated with a proposed retail store on this property. The property is commercially zoned, with a Comprehensive Plan Future Land Use Map designation of Commercial and a zoning of C-2 (Intensive Commercial). This request is similar to the variance application approved by the Board at their March 12, 2013 meeting for the Family Dollar now under construction on Crill Ave. west of Palm Ave., except that the Family Dollar request was for a wider 46-foot driveway at the property line and a narrower 83-foot wide driveway at the edge of pavement of the adjacent roadway.

## **PROJECT ANALYSIS**

Per the City's Zoning Code, variances must be evaluated using the criteria shown below in italics. Staff's response to each criterion is also shown below.

1. *Special conditions and circumstances exist such as size, shape, topography, or other unique features that are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same vicinity or zoning district; and*

The peculiar conditions pertaining to the driveway variance request relate to a combination of the close proximity of the property line to the street and the wide radii needed for tractor-trailer delivery trucks to turn into the driveway. A wider right-of-way allows a more gradual and tapered transition from travel lane to internal driveway. Application of the maximum driveway widths to this shorter distance would result in a higher turning radius that would make it impossible for a delivery tractor trailer truck to turn into the driveway without taking up and possibly exceeding the entire driveway width and therefore presenting a safety hazard. The relative narrow width of the site excludes the use of a one-way loop type driveway system as an alternative.

2. *Such conditions and circumstances were not the result of the affirmative actions of the applicant and the applicant has acted in good faith; and*

The applicant has acted in good faith to develop a project that otherwise complies fully with the City's Zoning Code.

3. *Granting of the variance request will not confer on the applicant any special privilege that is denied by the Municipal Code to other lands, buildings or structures in the same zoning district; and*

Typical driveway associated with newer development along Reid St., Crill Ave., and SR 19 have driveway widths at the road that exceed 90 feet. Therefore this request is not dissimilar to existing driveway configurations in the C-2 zoning district.

4. *Literal interpretation and enforcement of the applicable standard would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Municipal Code, and would work unnecessary and undue hardship on the applicant; and*

The recognizable hardship would be the inability of trucks to service this store, an activity that occurs with other similar retail properties.

5. *No variance may be granted for a use of land or building that is not permitted; and*

The proposed retail use is allowed in the C-2 zoning district.

6. *The variance shall be the minimum variance necessary to alleviate the hardship; and*

The parking space width is an accepted industry standard. The driveway widths are the minimum allowable widths to allow for safe turning movements of large trucks.

7. *The variance would not cause substantial detriment to the public health, welfare, and safety of surrounding properties and community; and*

No detriment to public health, welfare, and safety will occur as a result of this variance.

*8. The variance would not impair the purpose and intent of Municipal Code.*

This variance would not impair the intent of the Code to provide for safe and reasonable vehicular access to properties.

**STAFF RECOMMENDATION**

Staff believes that this variance request is in keeping with the applicable variance criteria. Staff recommends approval of: 1) a four-foot variance, increasing maximum driveway width at the street juncture from 24 to 28; and 2) a 65-foot variance, increasing maximum driveway width at the property line from 40 to 105 feet.

ATTACHMENTS:      APPLICANT JUSTIFICATION  
                              SITE PLAN



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December 10, 2013

Thad Crowe  
Planning Director  
City of Palatka  
205 N. 2nd Street  
Palatka, Florida 32177-3707

Ref: Commercial Retail Store – Palatka  
Variance Review

Dear Mr. Crowe:

Please find attached the following items:

- One (1) 11x 17 Site Plan; and
- One (1) 11 x 17 Auto-turn plan of proposed driveway.

The above mentioned project requests a variance from the below Land Development Code Section.

1. Sec. 94-261(s)(4), Driveways shall not exceed 40 feet in width at their juncture with the street or highway pavement, and in all districts except M-1 shall not exceed 24 feet in width at the property line. Driveways in the M-1 district shall not exceed 40 feet in width at the property line.
  - The proposed project driveway at the juncture of Reid Street (SR 100) is +/- 105' and +/-28' at the property line. Note this will be the only driveway for the project and will be used by both customers and deliveries vehicles. Also the driveway connection to Reid Street (SR 100) will be reviewed and permitted by FDOT.

*Variances shall be considered for development standards only unless otherwise authorized in this chapter and other chapters of the Municipal Code. The following criteria shall be utilized in evaluating a requested variance:*

*(1) Special conditions and circumstances exist such as size, shape, topography, or other unique features that are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same vicinity or zoning district.*

- **Without the approval of this variance, delivery trucks would not be able to access the proposed commercial retail store.**

132 NW 76th Drive  
Gainesville, Florida 32607

Phone: (352) 331-1976  
Fax: (352) 331-2476  
www.chw-inc.com

*(2) Such conditions and circumstances were not the result of the affirmative actions of the applicant and the applicant has acted in good faith.*

- **This variance request complies with the above requirement.**

*(3) Granting of the variance request will not confer on the applicant any special privilege that is denied by the Municipal Code to other lands, buildings or structures in the same zoning district.*

- **The proposed building use is permitted in this zoning district.**

*(4) Literal interpretation and enforcement of the applicable standard would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Municipal Code, and would work unnecessary and undue hardship on the applicant.*

- **Without the approval of this variance, delivery trucks would not be able to access the proposed commercial retail store.**

*(5) No variance may be granted for a use of land or building that is not permitted;*

- **The proposed building use is permitted in this zoning district.**

*(6) The variance shall be the minimum variance necessary to alleviate the hardship.*

- **This variance request complies with the above requirement.**

*(7) The variance would not cause substantial detriment to the public health, welfare, and safety of surrounding properties and community.*

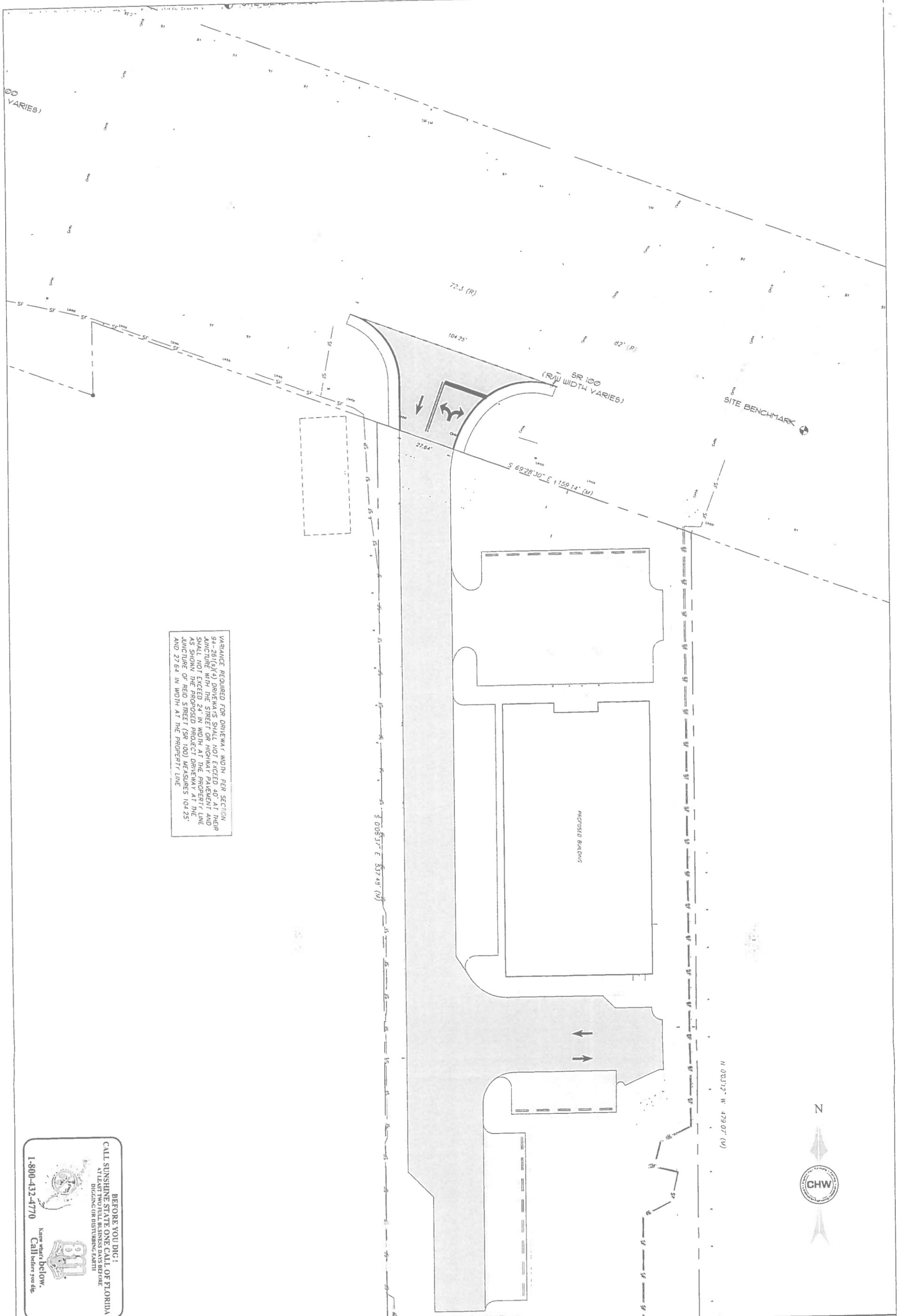
- **This variance request complies with the above requirement.**

We trust you will find the attached items sufficient for your review and approval. If you have any questions, please contact me directly at (352) 519-5940 or [daniely@chw-inc.com](mailto:daniely@chw-inc.com).

Sincerely,  
Causseaux, Hewett, & Walpole, Inc.



Daniel Young, P.E.  
Senior Project Manager



VARIANCE REQUIRED FOR DRIVEWAY WIDTH PER SECTION 94-261(3)(4) DRIVEWAYS SHALL NOT EXCEED 40' AT THEIR JUNCTURE WITH THE STREET OR HIGHWAY PAVEMENT AND SHALL NOT EXCEED 24' IN WIDTH AT THE PROPERTY LINE AS SHOWN THE PROPOSED PROJECT DRIVEWAY AT THE JUNCTURE OF REID STREET (SR 100) MEASURES 104.25' AND 27.64' IN WIDTH AT THE PROPERTY LINE

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