

Planning Board meeting
Minutes and proceedings
November 3, 2009

Meeting called to order by Chairman Carl Stewart at 4:00PM. **Members present:** Earl Wallace, Phil Leary, Zachary Landis, and Anthony Harwell. **Members absent:** Ezekiel Johnson, Sue Roskosh, Randy Braddy, and Clem Saccareccia. **Also present:** Building & Zoning Department Director, Debbie Banks; Recording Secretary, Pam Sprouse and City Attorney, Donald Holmes.

Motion made by Phil Leary and seconded by Zachary Landis to approve the minutes of the October 6, 2009 meeting (w/correction to page 2; 36 units total for case # 09-02). All present voted affirmative, motion carried.

Debbie Banks read **“To Appeal Any Decision.”**

Carl Stewart requested that disclosure of any **“Ex Parte Communication”** be made prior to each case.

NEW BUSINESS

Case PB 09-31 **Address:** 719 S State Rd. 19
 Parcel: 11-10-26-0000-0510-0021
 Applicant: Walgreen Co.
 Agent: Babette Ashley/Douglas Myers

 Request: for a conditional use to sell alcohol within 300’ of another established licensed premise selling alcohol.

(Public Hearing)

Ms. Banks advised that no responses were received from the mailings or advertisements and departmental reviews did not have any comments.

Douglas Myers, agent for applicant, was present.

(Regular Meeting)

Motion made by Phil Leary and seconded by Zachary Landis to approve the request for a conditional use to sell alcohol within 300’ of another established licensed premise selling alcohol with the stipulation that staff recommended conditions of state and local licensing be maintained. All present voted affirmative, motion carried.

OLD BUSINESS

Case PB 09-02 **Address:** 3310 Crill Ave
 Parcel: 11-10-26-0000-0100-0000
 Applicant: Palatka Housing Authority
 Agent: John Nelson

Case PB 09-02 3310 Crill Ave - continued.

Request: for Annexation, Future Land Use amendment from County Urban Service to City High Density Residential and Rezone from County Single-family Residential (R-1) to City Multi-family Residential (R-3).

Tabled for Land Use Restriction Agreement at the October 6, 2009 hearing.

(Public Hearing)

Ms. Banks explained that the Land Use Restriction Agreement had been included in the packet for the Board's review. She stated that this agreement could be more restrictive if the Board wished.

Earl Wallace recused himself and filed form 8-B.

Ben Bates, 3400 Crill Ave, advised that he and Jerry Mattox own businesses and property next to this property and stated that neither one of them are against senior housing. He questioned why there was not a Planned Unit Development considered for this development, so safeguards can be put in place. He wanted to know what safeguards are in place to ensure this will always be "senior only" housing. He further stated that they have questions and concerns about the design, of the ingress and egress of the development, that the surrounding uses are commercial, and that they believe that this is spot zoning.

John Nelson, Palatka Housing Authority, stated that HUD has approved a "senior only" housing development of 36 one-bedroom units. He stated that this property is located in a very convenient location to meet the needs of seniors and that they will be developing 36 one-bedroom units.

Discussion took place regarding the intended design plan of 9 quadplexes with a retention pond area.

(Regular Meeting)

Anthony Harwell stated that until he had additional information he does not feel comfortable taking a valuable piece of property and changing the zoning.

Phil Leary stated that he fully supports senior housing and from the estimated calculations with regards to impervious development, it appears that this project would be well within acceptable planning standards, but without additional site plan information, he would have a difficult time recommending approval of this request.

Case PB 09-02 3310 Crill Ave - continued.

Motion made by Anthony Harwell and seconded by Zachary Landis to make a recommendation to deny the request of rezoning to the City Commission for case PB 09-02, due to incompatibility with surrounding land uses. **DISCUSSION:** Phil Leary asked if Mr. Nelson could bring back information that may resolve some questions and concerns that may provide a different outcome. Mr. Nelson advised that until the design build submittals can be reviewed, the only thing we know is that, whatever comes in will meet all city codes. Discussion continued regarding the possibility of annexing the property without changing the Future Land Use amendment or assigning the zoning designation at this time. **Motion was withdrawn** by Anthony Harwell and second withdrawn by Zachary Landis.

Motion made by Anthony Harwell and seconded by Phil Leary to recommend approval of the request to annex the parcel in question. All present voted affirmative, with one recusal, motion carried.

Motion made to by Anthony Harwell and seconded by Zachary Landis to recommend denial of the request for high-density residential, citing incompatibility with the surrounding area. With a show of hands, the vote resulted in 4 yeas and 0 nays, with one recusal, motion carried.

Motion by Zachary Landis and seconded by Anthony Harwell to recommend denial of the request to rezone to R-3, Multi-family Residential because the land use amendment was denied. With a show of hands, the vote resulted in 4 yeas and 0 nays, with one recusal, motion carried.

NEW BUSINESS

Case PB 09-27 **Address:** Viking Street between 4th Manor and 5th Manor
 Applicant: Kenneth Downs
 Request: to close Viking Street between 4th Manor and 5th Manor

(Public Hearing)

Phil Leary recused himself from this request and filed form 8-B.

Mr. Downs, 2020 Ashbrooke Lane, explained that he had requested the street closure once before around 18 years ago. He explained that at that time, his subdivision was nearly 20% complete and that he and Tommy Clay, who owned the entire parcel, except for the lots that Mr. Downs had bought, had agreed to request closure of the street. The request was taken to the Planning Board and received a unanimous recommendation of approval. The request was then forwarded the City Commission and denied at that level. He addressed several concerns that were brought up at that time. He stated that Mr. John Browning and Mr. Charles Smith had told the City Commission that they were going to build like kind houses on the 20 lots that would abut their development, and that closing the street would impede traffic. Access was an issue, as the Fire Marshal had stated that the fire trucks could not turn around if the road was closed,

which later was determined to be incorrect and a letter of confirmation was written by the Fire Chief. It was also thought that closing the road would impede the drainage, which is not the case,

as a survey showed the elevations near the proposed road closure revealing the crown of the subdivision that forces water to flow the other way. He also stated that the subdivision has a lot of excess traffic with people using the road as a cut-through. There are safety concerns with speeders even more so now than before, and he read from a crime report that he received from the police department. He stated that the Police Chief wrote a letter in support of the road closure. He added that they are not asking to vacate the road and take city property, they just want to put a fence across it, with a breakaway gate for emergency services, but the city would still own the street. He stated that alternate routes from Viking Manor to the library, shopping or the hospital would take essentially the same amount of time to travel. He ended by saying that there are two different subdivisions, and he asked that the Board vote to close the road so there will be two separate subdivisions.

Christopher Hernandez, 301 Viking Street, spoke in opposition to the request. He stated that his child walks along Viking Street to go to the library and to play with his friends in the Deerwood subdivision and is not allowed to travel along College Road as it is not as safe for pedestrian travel. He stated that some of the biggest offenders of speeding are coming from the Deerwood Subdivision, and asked what would be the problem with putting up speed bumps. He ended by saying that he purchased his home with two entrances and believed that this request was based on economic discrimination.

Vernon Bender, 6005 5th Manor East, spoke in opposition to the request, stating that in the two years that he has lived there, he has not seen one police incident. He goes to the library and the doctors quite frequently and he calculated that this street closure would increase his trips, with the alternate routes that he would have to make, to approximately 90 additional miles a year, and that with these times, every dollar counts. He also forwarded information gathered from the Putnam County Sheriff's department (as City Police calls are dispatched through there) which did not show excessive calls to that area. He further stated he also believed that this was blatant prejudice.

Lillian Vivans, 6006 5th Manor E. since 1996, spoke in opposition to the request. She stated that she has been teaching for 17 years and that she has not seen any crime problems. She stated concerns with no sidewalks for children to get to the library on the suggested alternate route of College Rd. With a lot of elderly in the area, with respect to the medical facility, the loss of access could prove to extend valuable time in case of an emergency.

Tim Knowles, 6002 4th Manor E., spoke in support of the request. He stated that in addition to other amenities, he bought with the understanding that the road would be closed once the majority of the homes were sold and a homeowner's association would be created. He stated safety concerns of speeders. He added that he also uses the road and will lose that convenience - as will others, but he believes safety is the important item to be considered.

Case PB 09-27 Viking Street between 4th Manor and 5th Manor – continued.

Betty Clark, 206 Viking Street, spoke in opposition to the request. She forwarded a signed petition of opposers to this request. She stated that she has had one medical emergency with her husband since she has lived there and if there had been a gate there he could have lost his life.

Dwight Parker, 6110 3rd Manor W., stated that they also bought there with the understanding that the road would one day be closed, and a homeowners association would be developed. He said that he uses the road himself, but is in favor of the request due to speeders and children standing and playing in the road all hours of the day and night, and that this road is also used as a cut through for other areas as well.

James Hedge, 6002 E 5th Manor, concurred with Mr. Downs regarding the speeding traffic, but spoke in opposition of the request, suggesting that speed bumps could be a solution to that problem.

Mr. Downs presented a police report from the City Police department, and a signed petition in favor of the request.

Bill Sellers, 2nd Manor W., spoke in favor of the request suggesting that a gate with a side gate for pedestrians would help stop the through traffic and speeders and also allow for compromise.

Molly Hernandez, 301 Viking St., spoke in opposition to the request. She stated that she has lived there over a year and has not seen any drug problems or crime. She added that on more than one occasion, Mr. Downs has told them to stop driving through and told her child that he needs to go back to his home.

Alma Morris, 5th Manor West, spoke in opposition to the request, and agreed that speed bumps were a great idea.

Sandra Knowles, 6002 4th Manor E., expressed support for the request, and stated that she is not prejudice as she once lived in a trailer and has many friends in Viking Manor, but agrees there is a problem with speeders and has been a problem in the past with drug dealings.

Charles Brooks, 6101 W. 2nd Manor, spoke in favor of the request, and stated that as a law enforcement officer for over 20 years and that as a trained observer, he can attest to the speeders in the area and stated that his main concern is the safety of the children.

James Clark, 206 Viking St., spoke in opposition of the request, stating that he served 30 years in the US Navy to keep our county free of Nazism and countries like Japan, fighting to keep these roads clear, freedom of speech and WWII. He said that he did not believe in closing of Viking Street and believed it was only to benefit a few. He believes it should remain open to all people as it is a clear way out. He ended by saying that he has not seen a problem with drugs and has not even seen the police in his neighborhood.

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Case PB 09-27 Viking Street between 4th Manor and 5th Manor – continued.

Mary Counts, 6104 W. 5th Manor, spoke in opposition of the request, stating that she and many others walk regularly through this area in the evenings and she has not seen the crime that has been expressed and believed it was a very nice neighborhood.

(Regular Meeting)

Discussion took place regarding Viking Manor and Deerwood both being one subdivision (Viking Manor), that all the streets were platted and developed at one time as public streets. That the finding of the Board must be that closing of the street is for the public good.

Motion made by Zachary Landis and seconded by Earl Wallace to make recommendation to the City Commission to deny the request. All members present voted affirmative, with one recusal, motion carried.

Ms. Banks advised that this case would be forwarded to the City Commission probably for the December 10, 2009 meeting.

Case PB 09-29 **Address:** Vacant parcel off St. Johns Avenue
Parcel: 09-10-26-0000-0010-0021
Applicant: Putnam County (Board of County Commissioners)

Request: for Annexation and Future Land Use amendment from
County Urban Reserve (UR) to City Industrial (IN).

(Public Hearing)

Earl Wallace recused himself and filed form 8-B.

Ms. Banks stated that she did not receive any response from any of the mailings or the advertisement. The Departmental reviews did not include any comments. Request is being made to join this parcel with the rest of the property for the County's Planned Unit Development of the Business Park to be considered in the future plan.

Brian Hammons, Putnam County Planning and Development Director advised that this piece of land was acquired subsequent to the original annexation of the Business Park. He stated that they want to bring this parcel into the city to be included in a request to forward to the Board for PUD rezoning and a plat.

(Regular Meeting)

Motion made by Phil Leary and seconded by Zachary Landis to recommend approval to the City Commission for Annexation and Future Land Use amendment from County Urban Reserve (UR) to City Industrial (IN). All members present voted affirmative, with one recusal, motion carried.

Case PB 09-30 **Address:** Northwest corner of Comfort Rd. and Crystal Cove Dr.
Parcel: 37-09-26-0000-0060-0082
Applicant: Thirty-ninth Avenue Professional Center, Inc.
Agent: James Meehan

Request: for review of preliminary plat for 42 single-family dwellings.

(Public Hearing)

Ms. Banks stated that this case was properly advertised and noticed and that she received some calls inquiring about the project from some of the citizens who were encouraged to attend the meeting. She forwarded comments she received, after the Board packets had gone out, from the City Manager from the interdepartmental review.

Jim Meehan, 3207 NW 96th Street, Gainesville, FL, introduced himself as the Engineer for the applicant and stated that the reason for the request was so they could subdivide the property.

Ms. Banks advised that one of the comments forwarded by the City Manager was to do away with the secondary access because it was in quite close proximity to the Crystal Cove entrance.

Discussion ensued regarding the density for this project and ingress/egress.

Charles Myers, 244 Crystal Cove Dr., spoke of concerns with compatibility with the surrounding area, density, and traffic as well as sewage capacity with the existing lift station.

Chevy Davis, 226 Crystal Cove Dr., stated his concerns of traffic, the condition of the existing roads and the drainage as there is a problem with the existing water retention pond in that area.

Rick Leary, 206 Crystal Cove Dr., spoke of concerns regarding the size of the lots, as he did not believe that the preliminary plat is in keeping with the surrounding neighborhoods. He stated that he hoped that the Board would request a revised preliminary plat with less density.

Bob Taylor, 241 Crystal Cove Dr., concurred with the previous concerns expressed and stated some additional concerns including, staff comments of buffers would not be required for this development, citing different surrounding zoning designations. He was concerned of the actual acreage of the development. He stated that the Police Departments recommendations need to be seriously considered, which include strong recommendation that all roads adjacent and leading to the development, including Highway 17 be annexed into the city.

John Kayhill, owner of property across Comfort Rd. zoned industrial, stated his concerns of incompatibility, density and necessity, as there is more of a need for industry and current road conditions.

Case PB 09-30 Northwest corner of Comfort Rd. and Crystal Cove Dr. – continued.

Don Holmes spoke of limitations in terms with what the City can or cannot do with the property and of the Future Land Use Element of the City's Comprehensive Plan.

Bobby Humphries, 222 Crystal Cove Dr., stated that he feels that they were misled by the previous request for condos. He wanted more information regarding the type of homes that are going to be built.

Jim Meehan explained that that is just preliminary, that there would be curbs and gutter streets with curbed inlets with underground concrete drain pipes, retention ponds and that a lot more of the design build questions will be answered as they go forward, requesting the appropriate approvals.

Bill Stephens, 216 Crystal Cove Dr., agreed with Mr. Humphries and stated that he was concerned for compatibility with the surrounding area with regards to value, square foot of the homes and lot size.

Garry Woods, 207 Crystal Cove Dr. stated that the previous developer agreed to put up a wall between the developments and wanted to know what their intention was.

Ron Baulkman, 246 Crystal Cove Dr., agreed with the comments of his neighbors and suggested a meeting with who ever to discuss putting something there that is comparable to the existing neighborhood.

Caroline Tingle, 232 Crystal Cove Dr., shared concerns of potential increase of drainage problems with this kind of density. She stated that she supports a development but wants compatibility that supports the existing neighborhood.

Pat Baulkman, 246 Crystal Cove Dr., asked why they were not going to put in the condos, adding that it would make more sense.

Discussion continued regarding the possibility of rezoning to R1-A and the possibility of a community meeting with the developer.

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