

# TOWN OF WELAKA

## REGULAR ZONING BOARD MEETING

### AGENDA

November 16, 2023 at 6:00 PM  
Honorable Willie Washington, Jr. Town Council Room  
400 4<sup>th</sup> Ave., Welaka, FL 32193

*(This meeting will be broadcasted, for view only, on the Town of Welaka Facebook page)*

1. **CALL TO ORDER:** by Chairman David Jeltos
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** by Town Clerk, Meghan Allmon
  - Chairman David Jeltos
  - Lenore Toole
  - Les Thomas
  - Pamela Washington
  - Jennifer Burres
  - Town Attorney Patrick Kennedy
4. **APPROVAL OF CURRENT AGENDA**
5. **APPROVAL OF PREVIOUS MINUTES:** October 19, 2023 Meeting Minutes
6. **REQUEST TO SPEAK**
  - a. **Melissa Clemons**
    - Zoning Interpretation Request to allow a mobile food vendor in C-1 zoning
7. **NEW BUSINESS**
  - a. **Andrew (AJ) Flateau, Outback Smoke Shack & Brewhouse**
    - Rezoning Application & Conditional Use Permit Packet
  - b. **Chad Hutchinson, S&A Leisure & More, LLC**
    - Rezoning Application & Conditional Use Permit Packet
  - c. **David Johnson, Shrimp R Us**
    - New Tiki Bar Architectural Review
8. **OLD BUSINESS**
  - a. Review of the proposed Land Development Code
9. **PUBLIC COMMENT**
10. **ADJOURN**

**AGENDA ITEM # 5.**

**October 19, 2023 Zoning Board Meeting Minutes**

**TOWN OF WELAKA  
REGULAR ZONING BOARD MEETING  
October 19, 2023 @ 6:00 PM**

Honorable Willie Washington, Jr. Council Room  
400 4<sup>th</sup> Avenue, Welaka FL 32193

**MINUTES**

*(This meeting was broadcasted for view only on the Town of Welaka's Facebook page)*

1. **CALLED TO ORDER** by Chairman David Jeltres at 6:00 PM
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALLED** by Town Clerk, Meghan Allmon:  
Chairman David Jeltres - present; Lenore Toole - present; Les Thomas - present; Pamela Washington - present; Jennifer Burres - absent, and Town Attorney Patrick Kennedy - present.  
Four members are present, we have a quorum.
4. **APPROVAL OF CURRENT AGENDA:**  
Motion Made by Thomas to accept the 10/19/23 Meeting Agenda and seconded by Toole. Passed 4/0.
5. **APPROVAL OF PREVIOUS MINUTES:**  
**Corrections:** Page 2 bottom, Kennedy read line a. in Section 2-4-05. It's not stated clearly in the code. Same places go from the road. Can we say this from the property boundary line to the home?  
Kennedy – typo – should say “roof line” and not road line.  
Thomas – easier from the wall and not the roof line.  
Jeltres – should discuss in the meeting.  
  
Page 5 – Code Enforcement when a person makes a complaint. The county or the Town did not make it SB -60 form the state. It was not the county or the Town. Just clarifying, no corrections.  
  
County allows you to put a shed and there's a \$25 permit. Fill out a zoning application for review for the County. Is Welaka going to do the same thing?  
Kennedy – we can talk about that in the meeting and not during the correction of prior minutes.  
  
Motion Made by Thomas to accept the 9/21/23 Meeting Minutes with corrections and seconded by Washington. Passed 4/0.
6. **REQUEST TO SPEAK:**
  - a. **Andrew (AJ) Flateau, Outback Smoke Shack & Brewhouse**  
**- Interpretation Request - Beer & wine included in restaurant use in the Zoning Code**  
BB-Q guy here in Town. A few months ago, he looked into serving beer and wine at his restaurant. He did his research and the zoning requirements. The Town kicked it back and said he

needed a Zoning Board approval letter. Town Attorney said he needed a zoning interpretation since the original 1983 ORD. C-1 allows for his restaurant. Previous owners have not sold it there and he wants to do it the right way. He loves Welaka and has been here over 30 years. Asking for the Zoning Board to consider this. Another restaurant here is zoned C-1 and they serve alcohol. He wants to better his business and what he pays in and feels like he loses business without it. Jeltel – is it true that another restaurant serves alcohol and is zoned as C-1?

Kennedy – he will give the details when he researches it more. Shrimp R Us does not have a Conditional Use Permit and they serve alcohol. Told AJ he may need a Conditional Use Permit. If he wants to sell beer and wine as a restaurant owner, possibly the Zoning Board can look at this. The Town has been signing off on the annual license renewal for the past 15 years. It was not handled the way it should have been, and we cannot put the genie back in the bottle.

Toole – new owners. Has the license been reviewed?

Kennedy – we can't shut it down since it's been in business and is actively running.

Toole – is this what we have to do and be non-conformant? Every restaurant that comes to Town will try this now. Is Shrimp's grandfathered in?

Kennedy – alcohol has always been treated differently than food sales. AJ is asking this since beer and wine is a typical rule.

Thomas – there's a 51% rule.

Toole – she doesn't see the restaurant category under C-1.

Washington – it's Number 24. In C-1, you cannot serve alcohol, If we give it to him, we have to give it to everyone. Shrimp's went from a bait shop initially and nobody has caught it.

AJ – Is C-1 accurate in today's times since this was 40 years ago? He takes his kids to any place they frequently eat at, and there's always beer and wine served.

Washington – there's probably a Conditional Use Permit at those other places. We don't want to hinder them in any way.

Thomas – what are your recommendations? Change the Rezoning designation or apply for the Conditional Use Permit? C-1 does not allow for it in C-1.

Kennedy – Rezoning may be around \$750 or so.

Toole – the other places in Town that serve alcohol only serve food that is take-out.

Kennedy – the surrounding area around AJ's restaurant is all zoned C-1.

Toole – if you want to sell your business, it may be perfectly legal. It would be to your benefit to do this.

Thomas – how long would it take to rezone this?

Kennedy – fill out the Rezoning and CUP application ASAP as the Zoning Board must review it before bring it to the Town Council.

Michelle Bomba – told AJ that she will pay for it.

Toole – can this be done prior to Christmas?

Kennedy – the final approval would be in January. The Town Clerk needs enough time to advertise in the newspaper and notify the surrounding property owners via letters mailed. We need the applications completed by the middle of next week.

Toole – if he puts in an application, can we get him a pending, provisional permit?

Washington – no because the state license would need to say approved.

Jeltel – the way things are written today, the language now a days is almost the same.

Kennedy – this would be further down the road.

Jeltel – special permit would be needed.

AJ – yes, we would do it. Would love to rezone and 3 months from now may be too long. We're losing customers every day and if the banana pudding runs out, people want beer and wine.

Washington – if you go to C2, it will help you and the property in the long run. We can fix this to help you.

Kennedy – can email him the application.

Michelle Bomba – will pay for this and help AJ with the application first thing in the morning.

AJ – thanked the Zoning Board.

**b. Chad Hutchinson, S&A Leisure & More, LLC**

**- Property zoning changes discussion**

Hutchinson - Zoning Board needs to modernize this code. They've been trying to sell mobile storage units. Would like to add a meat market to their place also. Willing to do the right thing and needs guidance. Meat Market may be covered under the current zoning as it used to be a grocery store.

Kennedy – C-1 allows meat markets but with no slaughtering. Slaughtering is not listed in another place either. It's an industrial zoning category that's not used.

Toole – see Number 13 under C-1, as long as no slaughtering is involved.

Hutchinson – we are zoned as C-1 but everything around us is zoned as C-2.

Kennedy – nothing was accidentally zoned back then as there were actual rezoning changes done in the past. If you want to re-zone to C-2, make sure it will fit your needs.

Jeltes – C-2 may be the closest to accept the sheds.

Hutchinson – they'll gladly move through the process as needed.

Toole – suggests rezoning to C-2 for the long term benefit.

Kennedy – dual permit with an additional fee.

Toole – sheds need to be placed towards the back and not along the front of the property.

Kennedy – we don't deal with slaughter houses, and as of right now it's not allowed in Town.

They can explore the options, if necessary.

Hutchinson – very vague and very brief code.

Toole – we've been reviewing and editing for weeks and weeks.

Kennedy – the code is too specific. There are use categories and may give you room to fit into a category.

Hutchinson – if he moves forward with the Rezoning Application and Conditional Use Permit, you'll be fine with the sheds and meat market?

Jeltes – yes.

Washington – where will you be selling the meats at?

Hutchinson – the landowners are deciding for the future. There's another side of the building that was a pharmacy/storage building years ago.

Washington – the building was a grocery store, and it was shut down years ago. Other things went in there. It's been with you now, and you're doing what you're doing.

Kennedy – if an electric update or inspection is needed, that may be reviewed also.

Hutchinson – can submit the application tomorrow.

**7. NEW BUSINESS:** None.

**8. OLD BUSINESS:**

**a. Review of the proposed Land Development Code**

Kennedy - Section 4 – the last meeting's hand-out. Please look over this section.

Town Clerk will email Section 4 to the Zoning Board.

Allmon – agreed to email it them all tomorrow.

**9. PUBLIC COMMENT:** None.

**10. ADJOURNED:** 6:38 PM

**AGENDA ITEM # 7.a.**

**Zoning Case #: R2023-01 / CUP2023-01**

**Chad Hutchinson, S&A Leisure & More, LLC**

**Rezoning Application & Conditional Use Permit Packet**



# Welaka, FL

## River of Lakes

### REZONING APPLICATION

1. Name of property owner(s) Leslie Ann Smith Address(es)(Street, City, State, Zip) 185 Pinecrest Ct  
San Mateo Fl 32187

Property 911 Address(es) 580 3rd Ave (1300 County Rd 309) Welaka

2. Parcel ID number(s): 33-11-26-0000 - 0120 - 0000  
3. Subdivision name: N/A (If applicable)  
4. Driving directions to property from Palatka: 175 to 309 Welaka

5. Size of the property to be covered by the rezoning: \_\_\_\_\_ acres  
6. Current zoning: C1 Future Land Use designation: \_\_\_\_\_  
Proposed Zoning: C2 Current Use: mini storage

7. Purpose of the Rezoning: additinal land use to include sale of portable storage buildings / meat market.  
8. Attach the following to the application form:  

- Agent Designation form (if applicable)
- Recorded Deed(s)
- Legal Description(s)

9. Date of required pre-application meeting with planning staff: \_\_\_\_\_

**YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.**

10. Signature(s) of Property Owner(s):

Leslie A Smith

(Sign) Leslie A Smith

(Print)

(Sign)

(Print)

Telephone Number(s):

386.643.5820

STATE OF Florida

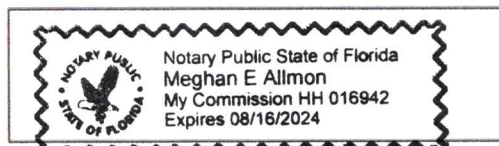
COUNTY OF Putnam

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this 20<sup>th</sup> day of October 2023, by Leslie A. Smith

(Print Name of Person(s) Acknowledging)

Meghan E. Allmon  
Signature of Notary Public



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced



## **REQUIREMENTS**

1. Application Complete, Correct, signed and notarized.
2. Application Fees apply and are set by the Town Council and are subject to change at any time by resolution of the Town Council. In addition to the application fee, the applicant will be responsible for any fees incurred by the use of third party experts/consultants which are necessary to review and analyze technical submittals. (e.g. environmental assessments, housing studies, traffic studies, level of service analysis, etc.)
3. AGENT DESIGNATION FORM – This form is applicable if the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings.
4. RECORDED DEED - A copy of the recorded deed to the property involved in the request must be provided.
5. LEGAL DESCRIPTION - A legal description of the area for the rezoning must be provided, if the area is different from the legal description in the deed to the property.

**Note:** All owners of record must sign the application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. If the owner is a corporation or a business entity, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Towb is provided establishing that the one person has been delegated authority to represent the corporation or business entity.

**AGENT DESIGNATION FORM**

The applicant(s) does (do) hereby appoint and designate       n/a        
as agent in fact for the owner(s) of parcel(s) \_\_\_\_\_

to present an application for a rezoning for all or a portion of the referenced parcel(s)  
and to present all evidence in support thereof to the Zoning Board and the Town  
Council and to respond to and furnish all information and data requested by said same.

Print name of property owner(s):

Signature(s) of property owner(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF _____
COUNTY OF _____
The foregoing instrument was acknowledged before me by means of <input type="checkbox"/> physical presence or <input type="checkbox"/> online notarization.
this _____ day of _____ 20____, by _____ <i>(Print Name of Person(s) Acknowledging)</i>
<div style="border: 1px solid black; width: 150px; height: 50px; margin: 0 auto;"></div> <i>(Print, Type, or Stamp Commissioned Name of Notary Public)</i>
_____ Signature of Notary Public
Personally Known <input type="checkbox"/> OR Produced Identification _____ Type of Identification Produced



**-THIS PAGE IS FOR OFFICE USE ONLY -**

Pre-application Meeting Verification: Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm

Staff Signature: \_\_\_\_\_

**Staff Sufficiency Review Comments:**

1. Submittals Check List:

- |   |   |
|---|---|
| <input type="checkbox"/> Application Fee                        | <input type="checkbox"/> Completed Application form |
| <input type="checkbox"/> Agent Designation form (if applicable) |   |
| <input type="checkbox"/> Recorded Deed                          | <input type="checkbox"/> Legal Description          |
| <input type="checkbox"/> Parcel Map (full section)              |   |

2. Property is currently/proposed to be serviced by:

central sewer \_\_\_\_\_ package treatment plant \_\_\_\_\_ septic tank \_\_\_\_\_  
central water \_\_\_\_\_ public supply well \_\_\_\_\_ private well \_\_\_\_\_

3. Case Number: \_\_\_\_\_

4. Hearing Dates:

Zoning Board \_\_\_\_\_ T

Town Council \_\_\_\_\_

5. Special Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed by:

Date:

**-THIS PAGE IS FOR OFFICE USE ONLY -**



# Welaka, FL

River of Lakes

## CONDITIONAL USE PERMIT APPLICATION

1. Name of property owner(s): Leslie Ann Smith Address(es): 185 Pinecrest Ct  
San Mateo Fl 32187

911 Address: (Street) 580 3rd Ave (1300 County Rd 309) Welaka  
(City) Welaka (State) Fl (Zipcode) 32193

2. Parcel ID number(s): 33-11-26-0000-0120-0000

3. Subdivision name: N/A (If applicable)

4. Driving directions to property: 17 E to 309 WELAKA

5. Size property to be covered by the Special Use Permit: \_\_\_\_\_ acres

6. Zoning Designation: C1 Future Land Use designation: C2

7. Current Use: C1

8. Proposed Conditional Use: sale of portable storage buildings  
Applicable Ordinance Section(s) \_\_\_\_\_

9. Prior zoning actions on this property (include case number): \_\_\_\_\_

10. Attach the following to the Application Form:

- Application Fee
- Site Plan
- Agent Designation Form
- Legal Description(s)
- Recorded Deed(s)

**YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.**

10. Signature(s) of Property Owner(s):

Leslie A. Smith

Telephone Number(s):

586-643-5820

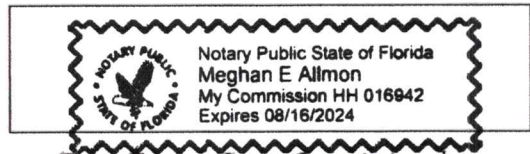
STATE OF Florida

COUNTY OF Putnam

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this 20<sup>th</sup> day of October 2023, by Leslie A. Smith  
*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



*(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

# CONDITIONAL USE PERMIT APPLICATION

## WHAT IS A CONDITIONAL USE PERMIT?

In certain cases, a particular use is deemed conditional in certain zoning designation(s). The only way to conduct the desired special use legally is for the owner(s) to obtain a Conditional Use Permit.

## PROCESS

1. Call Staff at (386) 467-9800 about your interest in a Conditional Use Permit, as well as to schedule your pre-application meeting.
2. Submit all required materials to the Town Clerk complete and correct.
3. The application will be given a case number and scheduled for a hearing with the Planning and Zoning Board (PZB).

Note: The current schedule for the PZB is on the Town's website.

4. Staff will:
  - a. Notify all property owners within 400 feet of the subject parcel(s) via US Mail.
  - b. Post advertisement in the local newspaper with the case number, purpose of the case, 911 address, and the hearing dates.
5. Staff will conduct at least one site visit to the parcel that is the subject of the application. While staff will only be reviewing the site as it pertains to the rezoning, you may request that you be present when the site visit occurs. Site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday) between the date of submittal of a completed application and the date of the hearing. The express purposes of the site visit is to place signs noticing the hearing, verify information submitted with this application and complete an analysis of the proposed use for consistency with the Comprehensive Plan and compliance with Town ordinances.

**Note:** Submittal of a completed application represents express permission to Town staff to enter onto the property to conduct a site visit. Denial or refusal to grant such access shall be grounds rejecting the application.
6. You will receive a copy of a staff report, prior to the PZB public hearing, which analyzes the application for consistency with the applicable objectives and policies of the Town's Comprehensive Plan and ordinances, and makes a recommendation to the PZB.

**Note:** Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, you are responsible for payment of the original application fee and any cost incurred by the Town for additional public notices.

7. There will be one hearing before the PZB for Conditional Use Permit. The PZB hearing is conducted in the following fashion:
  - a) The case number will be called for discussion.
  - b) Staff will present the staff report to the Board.
  - c) Those who are in favor will be given the opportunity to share their views and evidence. The applicant will be given the first opportunity to speak in favor of their application.
  - d) Those who are in opposition of the application are given the opportunity to speak.
  - e) The Board will close public comments and deliberate.
  - f) After deliberation, the Board will vote. If the PZB denies the application, the applicant will be notified of their right to appeal.

## **REQUIREMENTS**

1. Completed application, one that is correct, signed and notarized.
2. Application fee.

**Note:** Fees are subject to change at any time by resolution of the Town Council. In addition to the application fee, the applicant will be responsible for any fees incurred by the use of third party experts/consultants which are necessary to review and analyze technical submittals. (e.g. environmental assessments, housing studies, traffic studies, level of service analysis, etc.)

1. **SITE PLAN** – Site plan must be provided on a sheet of paper no smaller than 11" x 17" and must be legible. Failure to provide a site plan with all required details will result in a finding that the application is insufficient. Insufficient applications will not be scheduled for public hearings until they are made sufficient. The site plan shall include the following:
  - a) Name, location and owner.
  - b) Present zoning.
  - c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
  - d) Date, north arrow and graphic scale.
  - e) Location, number, dimension and surface type of all proposed parking areas and loading areas.
  - f) Location, size and design of landscaped areas and building screens or architectural enclosures.



- g) The location of all existing and proposed structures and major features and complete dimensions of same. Also included shall be setbacks, distances between structures, floor areas, width of driveways, property or lot lines and the percentage of the property covered by structures.
- h) Location and acreage of open space, recreational, recharge and landscaped areas.

2. AGENT DESIGNATION FORM – This form is applicable if the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings.
3. RECORDED DEED - A copy of the recorded deed(s) to the property involved in the request must be provided.
4. LEGAL DESCRIPTION - A legal description of the area for the rezoning must be provided, if the area is different from the legal description in the deed to the property.

**Note:** All owners of record must sign the application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. If the owner is a corporation or a business entity, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Town is provided establishing that the one person has been delegated authority to represent the corporation or business entity.





# Quitclaim Deed

RECORDING REQUESTED BY Leslie Ann Smith

AND WHEN RECORDED MAIL TO:

Leslie Ann Smith, Grantee(s)  
185 Pinecrest Circle  
San Mateo Fl 32187

Consideration: \$ 10.00

Property Transfer Tax: \$ \_\_\_\_\_

Assessor's Parcel No.: see list

41-12-26-9200-0530-0011  
33-11-26-0040-0120-0000  
41-12-26-9200-0530-0010  
41-12-26-9200-0520-0011  
41-12-26-9200-0520-0020  
41-12-26-9200-0520-0021  
31-11-27-0000-0080-0000  
41-12-26-9200-0520-0022  
41-12-26-9200-0510-0050

PREPARED BY: Leslie Ann Smith certifies herein that he or she has prepared this Deed.

Leslie Ann Smith  
Signature of Preparer

4-2-21  
Date of Preparation

Leslie Ann Smith  
Printed Name of Preparer

THIS QUITCLAIM DEED, executed on April 2, 2021 in the County of Putnam, State of Florida

by Grantor(s), Ashley Morgan Wilkinson,  
whose post office address is 185 Pinecrest Circle San Mateo Fl 32187,  
to Grantee(s), Leslie Ann Smith,  
whose post office address is 185 Pinecrest Circle San Mateo Fl 32187,

WITNESSETH, that the said Grantor(s), Ashley Morgan Wilkinson,  
for good consideration and for the sum of ten dollars  
(\$ 10.00) paid by the said Grantee(s), the receipt whereof is hereby acknowledged,  
does hereby remise, release and quitclaim unto the said Grantee(s) forever, all the right, title

EXHIBIT "A"

THE NORTH 122 FEET OF THE BLOCK 53 OF THE TOWN OF WELAKA THAT LIES EAST OF 3<sup>RD</sup> AVENUE (COMMONLY KNOWN AS WELAKA-SATSUMA HARD SURFACED ROAD), EXCEPT THAT PART CONVEYED TO PUTNAM COUNTY BY DEED DATED MARCH 11, 1957 AND RECORDED IN DEED BOOK 244, PAGE 131, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA. MAP OF THE TOWN OF WELAKA BEING RECORDED IN MAP BOOK 1, PAGE 51 OF THE PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA.

AND

A PORTION OF BLOCK 52, OF THE TOWN OF WELAKA, AS RECORDED IN ORIGINAL PLAT BOOK #1, PT # 1 PAGE 51, PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA, LOCATED IN SECTION 33 AND SECTION 45, TOWNSHIP 11 SOUTH, RANGE 26 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A CONCRETE MONUMENT SET AT THE NORTHWEST CORNER OF SAID BLOCK 52, RUN THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF FOURTH AVENUE, A DISTANCE OF 460.20 FEET TO A CONCRETE MONUMENT SET AT THE SOUTHWEST CORNER OF SAID BLOCK 52 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE RUN ALONG THE NORTHERLY RIGHT OF WAY LINE OF BROAD STREET A DISTANCE OF 273 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE NORTH 163 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE WEST 273 FEET TO THE NORTHWEST CORNER OF SAID PROPERTY; THENCE 163 FEET SOUTH AND ENDING AT THE CONCRETE MONUMENT SET AT THE SOUTHWEST CORNER OF SAID PROPERTY. EXCEPTING those lands described in O.R. Book 1292, page 622 of the public records of Putnam County, Florida. TOGETHER WITH THAT CERTAIN 1981 ALLA SINGLE-WIDE MOBILE HOME, IDENTIFICATION #AAFLA0536, TITLE # 21501199, PERMANENTLY AFFIXED THEREON AND MADE A PART THEREOF.

AND

THE EAST 186 FEET OF THE SOUTH 226 FEET OF BLOCK 52, TOWN OF WELAKA, AS RECORDED IN MAP BOOK 1, PAGE 51 OF THE PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA.

TOGETHER WITH THAT CERTAIN 1971 FRWA SINGLE-WIDE MOBILE HOME, IDENTIFICATION #7100887, TITLE #4569401, PERMANENTLY AFFIXED THERON AND MADE A PART THEREOF.

AND

THE NW 1/4 OF THE NW 1/4 OF THE SE 1/4, OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 27 EAST, PUTNAM COUNTY, FLORIDA.

AND

All that part of Block 53 of the TOWN OF WELAKA that lies East of 3<sup>rd</sup> Avenue EXCEPT the North 122 feet (commonly known as WELAKA-SATSUMA hard surfaced road); EXCEPT that part conveyed to PUTNAM COUNTY by deed dated March 11, 1957 and recorded in Deed Book 244, Page 131, Public Records of Putnam County, Florida.

AND

All that part of the Southeast 1/4 of Section Thirty Three (33), Township Eleven (11) South, Range Twenty Six (26) East, situated at Welaka, Putnam County, State of Florida, which lies East of Third Avenue (commonly known as the Satsuma to Welaka hard surface County Road) and North of Welaka Blocks numbered 52 and 53. Excepting therefrom a strip of land for road purposes Twenty (20) feet in width for the entire length along the Eastern Boundary. Also, excepting therefrom that part conveyed for right of way as described in deed recorded in Deed Book 244, page 122 of the public records of Putnam County, Florida.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:**

Part of the Southeast 1/4 of Section 33, Township 11 South, Range 26 East, Putnam County, Florida, and being part of Official Records Book 580, Page 370 and more particularly described as follows:

From a 6" x 6" concrete monument marking the Southeast corner of said Section 33, Bear North 6 degrees 31'40" West along the East lines of Section 33, a distance of 412.16 feet; Thence North 74 degrees 33'23" West leaving said section line a distance of 21.57 feet to the West line of a 20.00 foot road Right-of-Way and to the POINT OF BEGINNING of this description.

Thence continue North 74 degrees 33'23" West a distance of 467.60 feet to the East Right-of-Way line of County Road 309 (R/W 80'), thence North 35 degrees 46'37" East along the East Right-of-Way line a distance of 345.21 feet to the POINT OF CURVATURE, Thence Northeasterly along a curve to the left 393.94 feet, having a radius of 995.37 feet, a Central Angle of 22 degrees 40'33", a chord distance of 391.37 feet and a chord bearing of North 24 degrees 26'2" East to the West line of a 20.00 foot road Right-of-Way line, thence South 6 degrees 31'40" East along the West Right-of-Way line a distance of 765.88 feet to the POINT OF BEGINNING of this description.

AND

Block 52, Town of Welaka, according to the plat recorded in Plat Book 1, Pages 51 and 52, of the Public Records of Putnam County, Florida, less and except those portions recorded in Official Records Book 804, Page 864 and Official Records 644, Page 1607, more particularly described as follows:

A portion of Block 52, Town of Welaka, according to the plat recorded in Plat Book 1, Pages 51 and 52 of the Public Records of Putnam County, Florida, located in Sections 33 & 45, Township 11 South, Range 26 East; and Being more particularly described as follows:

Commence at a concrete monument set at the Northwest corner of said Block 52; thence South  $04^{\circ} 00' 00''$  East, along the Easterly right of way line of Fourth Avenue, a distance of 460.20 feet to a concrete monument set at the Southwest corner of said Block 52 and the Point of Beginning of this description; (1) THENCE North  $85^{\circ} 52' 46''$  East, along the Northerly right of way line of Broad Street, a distance of 460.50 feet to the Southeast corner of said Block 52; (2) thence North  $04^{\circ} 00' 00''$  West, along the Westerly right of way line of Bryant Avenue, a distance of 226.70 feet; (3) thence South  $85^{\circ} 52' 46''$  West, a distance of 186.60 feet; (4) thence South  $04^{\circ} 00' 00''$  East, a distance of 63.45 feet; (5) thence South  $85^{\circ} 52' 46''$  West, a distance of 273.90 feet; (6) thence South  $04^{\circ} 00' 00''$  East, along the Easterly right of way line of said Fourth Avenue, a distance of 163.25 feet to the Point of Beginning.

AND LESS

The North 233.50 feet of the East 186.60 feet of Block 52, Town of Welaka, according to the plat recorded in Map Book 1, Pages 51 and 52 of the Public Records of Putnam County, Florida being more particularly described as follows;

Commence at the Northeast corner of said Block 52, thence South  $04^{\circ} 10' 00''$  East, along the East line of said Block 52, a distance of 233.50 feet; thence South  $85^{\circ} 50' 00''$  West, perpendicular to the last described line. A distance of 186.60 feet; thence North  $04^{\circ} 10' 00''$  West, parallel to the said East line of Block 52, a distance of 233.50 feet to a point on the North line of said Block 52, thence North  $85^{\circ} 50' 00''$  East, along said North line of Block 52, a distance of 186.60 feet to the Point of Beginning and to close.

Said property also known as:

That part of Block 52, Town of Welaka, described as follows:

As a point of reference, begin at the North right of way of Broad Street and the West right of way of Bryant Avenue as marked by a 4" x 4" concrete P.R.M., thence North  $03^{\circ} 10' 42''$  East along the West line of Bryant Avenue 226.13 feet; thence North  $86^{\circ} 59' 00''$  West 186.51 feet; thence North  $03^{\circ} 12' 21''$  East 74.80 feet; the Point of Beginning; thence North  $86^{\circ} 47' 58''$  West 273.34 feet to a Point on the East right of way of 4<sup>th</sup> Avenue; thence North  $03^{\circ} 09' 32''$  East along the East right of way line of 4<sup>th</sup> Avenue 159.20 feet; thence South  $86^{\circ} 47' 58''$  East 273.47 feet; thence South  $03^{\circ} 12' 21''$  West 159.20 feet to the Point of Beginning.

A portion of Block 52, TOWN OF WELAKA, as recorded in Original Plat Book 1, PT. 1, Page 51, Public Records of Putnam County, Florida, located in Sections 33 and 45, Township 11 South, Range 26 East, and being more particularly described as follows:

COMMENCE at a concrete monument set at the Northwest corner of said Block 52; thence South 04 degrees 00 minutes 00 seconds East, along the Easterly Right-of-Way line of Fourth Avenue, a distance of 460.20 feet to a concrete monument set at the Southwest corner of said Block 52 and the POINT OF BEGINNING of this description; (1) run thence North 85 degrees 52 minutes 46 seconds East, along the Northerly Right-of-Way line of Broad Street, a distance of 136.95 feet; (2) thence run North 04 degrees 00 minutes 00 seconds West, a distance of 163.25 feet; (3) thence run South 85 degrees 52 minutes 46 seconds West, a distance of 136.95 feet (4) thence South 04 degrees 00 minutes 00 seconds East, along the Easterly Right-of-Way line of said Fourth Avenue, a distance of 163.25 feet to the POINT OF BEGINNING and to close.

Parcel #: 41-12-26-9200-0510-0050

The South 150 feet of the West 200 feet of Block 51 of the Town of Welaka, according to plat thereof recorded in Map Book 1, pages 51 and 52 of the public records of Putnam County, Florida.

Together with a 1981 NOBI single wide mobile home, I.D. Number N11407, Title Number: 19128688



interest and claim which the said Grantor(s) have in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Putnam, State of Florida and more specifically described as set forth in EXHIBIT "A" to this Quitclaim Deed, which is attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF**, the said Grantor(s) has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

**GRANTOR(S):**

Ashley Wilkinson  
Signature of Grantor

\_\_\_\_\_  
Signature of Second Grantor (if applicable)

Ashley Wilkinson  
Print Name of Grantor

\_\_\_\_\_  
Print Name of Second Grantor (if applicable)

Reginald Turner  
Signature of First Witness to Grantor(s)

Alece J. Smith  
Signature of Second Witness to Grantor(s)

Reginald Turner  
Print Name of First Witness to Grantor(s)

Alece T. Smith  
Print Name of Second Witness to Grantor(s)

**GRANTEE(S):**

YIMU Ann Smith  
Signature of Grantee

\_\_\_\_\_  
Signature of Second Grantee (if applicable)

Leslie Ann Smith  
Print Name of Grantee

\_\_\_\_\_  
Print Name of Second Grantee (if applicable)

Reginald Turner  
Signature of First Witness to Grantee(s)

Alece J. Smith  
Signature of Second Witness to Grantee(s)

Reginald Turner  
Print Name of First Witness to Grantee(s)

Alece T. Smith  
Print Name of Second Witness to Grantee(s)

NOTARY ACKNOWLEDGMENT

State of FLORIDA

County of POTMAN

On April 2, 2021, before me, Gene Scott Smith, a notary public in and for said state, personally appeared, Ashley Wilkinson AND Keele ANN SMITH

who are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Gene Scott Smith  
Signature of Notary

Affiant Known  Produced ID \_\_\_\_\_

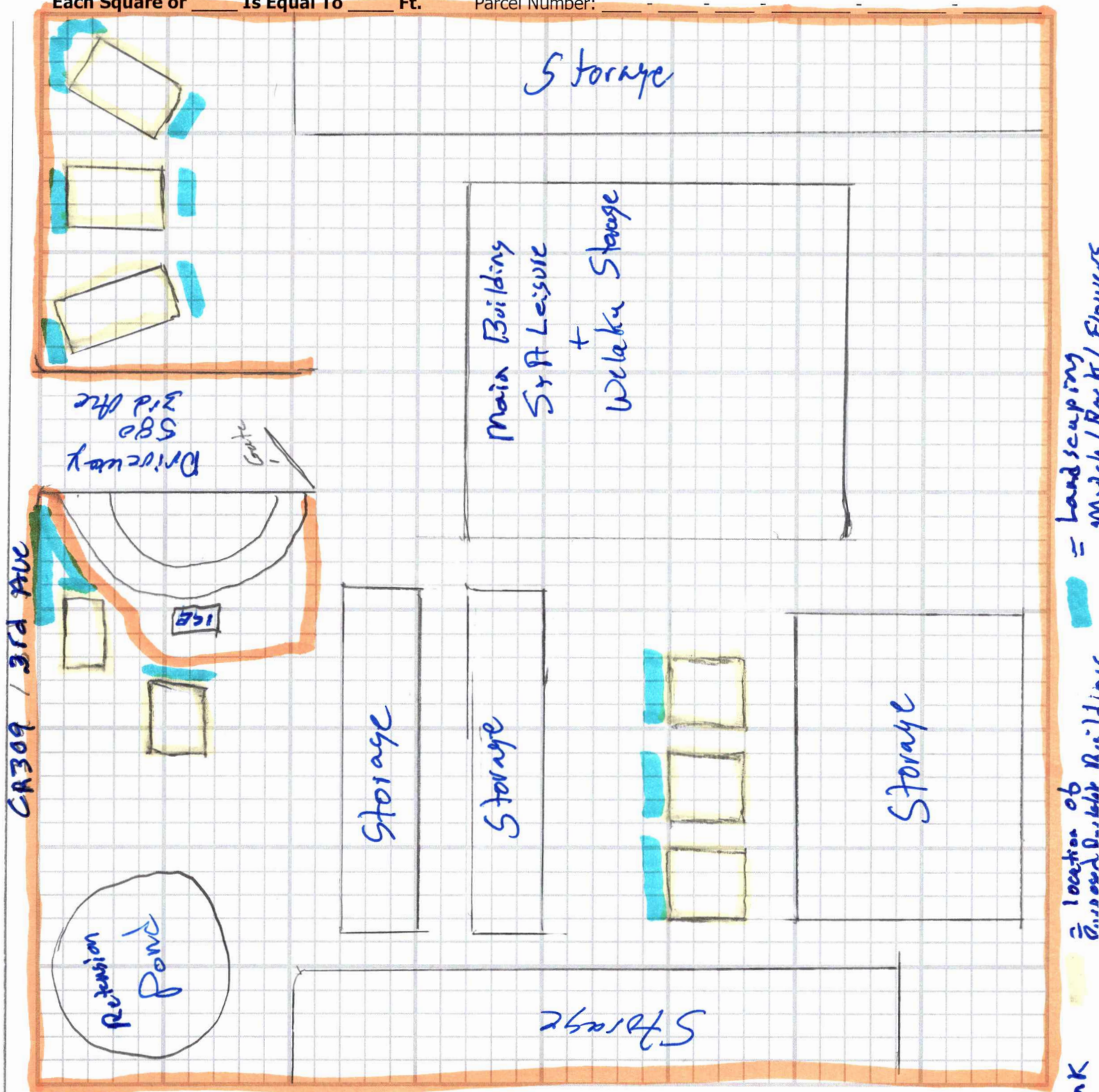
Type of ID \_\_\_\_\_

(Seal)



# SITE PLAN

Each Square or \_\_\_\_\_ Is Equal To \_\_\_\_\_ Ft. Parcel Number: \_\_\_\_\_



Property Owner: Leslie Smith

Address: 580 3rd Ave

Name of Preparer (if different than above): Chad Hutchinson

Zoning: \_\_\_\_\_

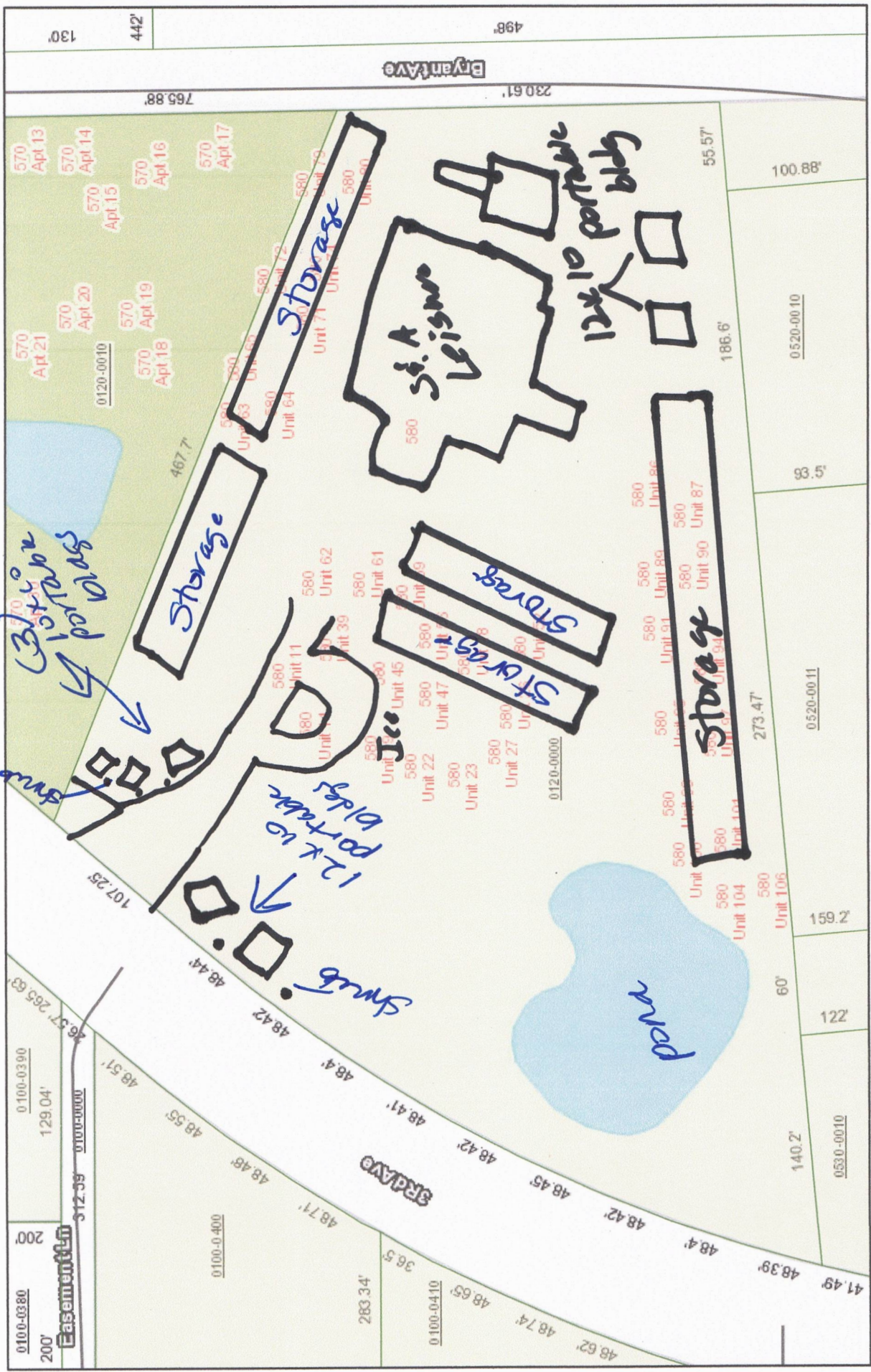
THIS PLOT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

(Signature of Applicant or Agent) \_\_\_\_\_

DATE: 10/20/23

= Landscaping  
 = Chain Link  
 = Location of  
 Retention Pond  
 = 580 3rd Ave / 3rd Ave

# Property Appraiser - Welaka Storage



11/7/2023, 9:36:11 AM

Site Address Points   
  Subdivisions   
  Parcels   
  Dimensions   
  Municipalities  
 Road Centerlines   
  Lots   
  PLSS Townships   
  Parcels   
  Town of Welaka  
 Parcel Lines   
  Blocks   
  PLSS Sections   
  Streets   
  Local

PC GIS | Putnam County GIS | PC SOE | PC E911 | PCGIS | PC PDS, PC GIS | PCPA, PCGIS | PCPA | Putnam County Property Appraiser, Putnam County GIS | Putnam County, FL

580 3rd Ave

← some bldgs



11/6/2023, 1:20:39 PM

- Subdivisions
- Parcels
- Streets
- Lots
- Local

# Aerial View

1:1,000





# Welaka, FL

River of Lakes

Town of Welaka  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800

October 20, 2023

**INVOICE NO. 1109**

**TO:**  
Leslie Ann Smith  
185 Pinecrest Circle  
San Mateo, FL 32187

**PROPERTY ADDRESS:**  
1300 County Road 309  
Welaka, FL 32193

Welaka's  
**COPY**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
<b>ZONING CASE #: R2023-01 / CUP2023-01</b>	
REZONING APPLICATION	\$ 350.00
CONDITIONAL USE PERMIT APPLICATION	\$ <u>300.00</u>
<b>TOTAL DUE</b>	<b>\$ <u><u>650.00</u></u></b>

CASH \_\_\_\_\_

CHECK  No. 1844

MONEY ORDER \_\_\_\_\_

CREDIT / DEBIT CARD \_\_\_\_\_

**Payments Accepted:** Cash, Check, Credit / Debit Card, Cashier's Check or Money Order  
**Made Payable To:** TOWN OF WELAKA

-----  
**Mail To:** Address above, Attn: Ellen Dickason, Assistant Town Clerk, or  
**Pay at Town Hall** in Welaka, FL, or  
**Drop** in Outdoor Payment Box

Town of Welaka  
P.O. Box 1098  
Welaka, FL 32193  
(336) 467-9800

Receipt: 3559-3  
Date: 10/20/2023 11:00:42 AM

ZONING FEES	\$650.00
LESLIE SMITH	
1300 CR 309	
CONDIT. USE PERMIT/REZONING	
ZONING FEES	
Total Paid:	----- \$650.00
Check 1844	\$650.00
LESLIE SMITH	
Total Tendered:	----- \$650.00
Change Due:	\$0.00



# Welaka, FL

River of Lakes

Town of Welaka  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800

November 6, 2023

**INVOICE NO. 1118**

**TO:**  
Leslie Ann Smith  
185 Pinecrest Circle  
San Mateo, FL 32187

**PROPERTY ADDRESS:**  
1300 County Road 309  
580 3<sup>rd</sup> Avenue  
Welaka, FL 32193

*Welaka's*  
**COPY**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
<b>ZONING CASE #: R2023-01 / CUP2023-01</b>	
PALATKA DAILY NEWS PUBLIC HEARING AD	\$ 72.08
<b>TOTAL DUE</b>	<b>\$ <u>72.08</u></b>

CASH \_\_\_\_\_  
CHECK  No. 1145  
MONEY ORDER \_\_\_\_\_  
CREDIT / DEBIT CARD \_\_\_\_\_

**Payments Accepted:** Cash, Check, Credit / Debit Card, Cashier's Check or Money Order  
**Made Payable To:** TOWN OF WELAKA

-----  
**Mail To:** Address above, Attn: Ellen Dickason, Assistant Town Clerk, or  
**Pay at Town Hall** in Welaka, FL, or  
**Drop** in Outdoor Payment Box



Town of Welaka  
P.O. Box 1098  
Welaka, FL 32193  
(336) 467-9800

Receipt: 3624-1  
Date: 11/13/2023 2:52:41 PM

ZONING FEES	\$72.08
LESLIE SMITHV-S&A LEISURES	
580 THIRD AVE	
PALATKA NEWS AD	
ZONING FEES	

Total Paid:	----- \$72.08
-------------	------------------

Check 1145	\$72.08
LESLIE SMITHV-S&A LEISURES	

Total Tendered:	----- \$72.08
-----------------	------------------

Change Due:	\$0.00
-------------	--------

STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

PUBLIC HEARING Case #: R2023-0

Was published in said newspaper 1 time with said being made on the following dates:

11/01/2023

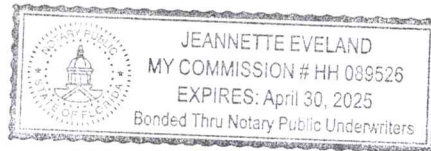
The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

*Debra Whitaker*

Sworn to and subscribed to before me this 1st day of November, 2023 by Debra Whitaker, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Jeannette Eveland*

Jeannette Eveland, Notary Public  
My commission expires: April 30, 2025



Notary Seal  
Seal of Office:

- Personally known to me, or
- Produced identification:
- Did take an oath

**PUBLIC NOTICE**

**PUBLIC HEARING**  
Case #: R2023-01/CUP2023-01

The Zoning Board for the Town of Welaka will hold a hearing on November 16, 2023, at 6:00 p.m., to hear Case # R2023-01/CUP2023-01, concerning an application to rezone the property located 1300 County Road 309 (580 3rd Avenue), Welaka, Florida (Parcel #33-11-26-0000-0120-0000) from C-1 to C-2 and a companion application to obtain a Conditional Use Permit to allow for portable storage building sales. The hearing will be held in the Town Council Meeting Room at Welaka Town Hall, located at 400 4th Avenue, Welaka, Florida. All interested persons are invited to attend this meeting.

Persons with disabilities requiring accommodation to participate in this meeting should contact Town Hall at (386) 467-9800 or by writing to 400 4th Avenue, Welaka, Florida at least 24 hours in advance to request accommodation.

Legal No. 00098792  
11/01/23

# Advertising Invoice

**Palatka Daily News**

1/1

P.O. Box 777  
Palatka FL 32178

Phone: 386-312-5200

Fax: 386-312-5209

URL: [www.palatkadailynews.com](http://www.palatkadailynews.com)

Town of Welaka  
P.O. Box 1098  
Welaka, FL 32193

Acct. #: 00002092

Phone #: (386)467-9800

Date: 11/01/2023

Ad #	Pub.	Start	Stop	Description	Cols.	Inch	Days	Amount
00098792	01	11/01/2023	11/01/2023	PUBLIC HEARING Case #: Affidavit	1	2.89	1	70.08 2.00

Please return a copy with payment

**Total Due**

**72.08**



# Welaka, FL

River of Lakes

Town of Welaka  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800

**\*EXAMPLE OF LETTER MAILED OUT TO EVERYONE WITHIN 400 FEET OF PROPERTY**

October 25, 2023

<Name>  
<Street Address>  
<City, State, Zip>

RE: Notice of Zoning Board Hearing

Hello,

The Town of Welaka Zoning Board will hold a hearing on November 16, 2023, at 6:00 PM, to hear Case # R2023-01/CUP2023-01, concerning an application to rezone the property located at 1300 County Road 309, Welaka, Florida (Parcel #33-11-26-0000-0120-0000) from C-1 to C-2, and a companion application for Conditional Use Permit to allow for portable storage building sales at this same location.

These applications will be considered concurrently on November 16, 2023, starting at 6:00pm or as soon thereafter as it may be heard in the Town Council Meeting Room at Welaka Town Hall, located at 400 4<sup>th</sup> Avenue, Welaka, Florida.

All interested people are invited to attend this meeting. Any person wishing to appeal any decision made with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes §286.105).

Persons with disabilities requiring accommodation to participate in this meeting should contact Town Hall at (386) 467-9800 or by writing to 400 4<sup>th</sup> Avenue, Welaka, Florida 32193 at least 24 hours in advance to request accommodation.

Very Best Regards,

Meghan E. Allmon  
Town Clerk  
TownClerk@welaka-fl.gov



**The Parties:** Owner – Leslie Smith  
Agent – Chad Hutchinson

**The Request:**

Rezone the Property from its current zoning of C-1 to C-2 and a companion request for a conditional use permit for the express purpose of being able to set up prefabricated shed displays in order to market these buildings for sale.

**Attachments:**

Rezoning Application and Conditional Use Permit Application  
Warranty Deed showing legal description of the property and verifying ownership.

**Surrounding Land Uses and Zoning:**

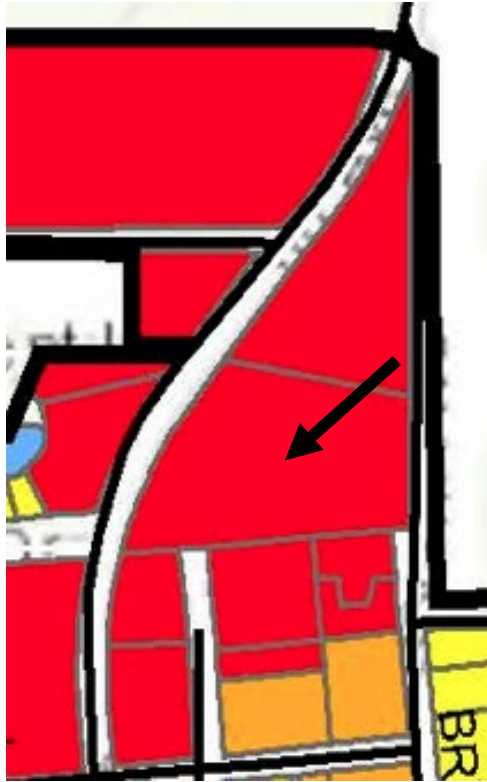
Direction	Land Use	Zoning	Future Land Use
North	Multi-family residential	C-1	Commercial
East	Large lot residential (10 acres)	AG(County)	County AG
South	Vacant Commercial/Residential	C-2/SR-1	Commercial/Res. Med. Density
West	Vacant/Residential	C-1	Commercial

**Map Series:**

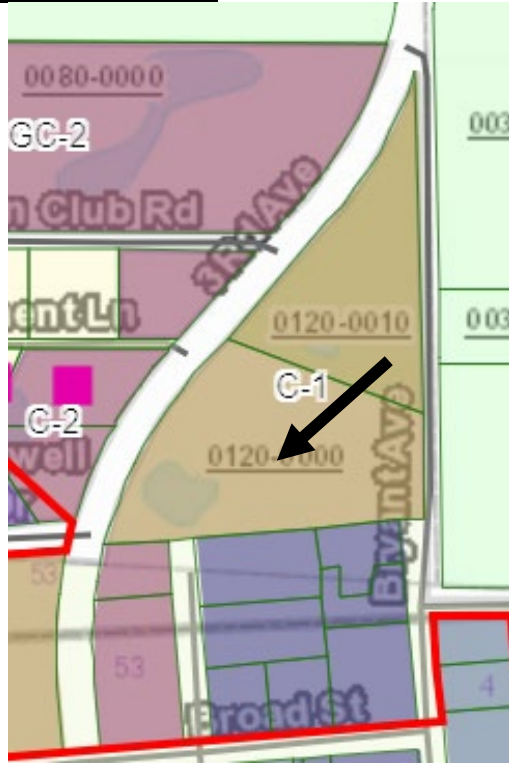
Aerial



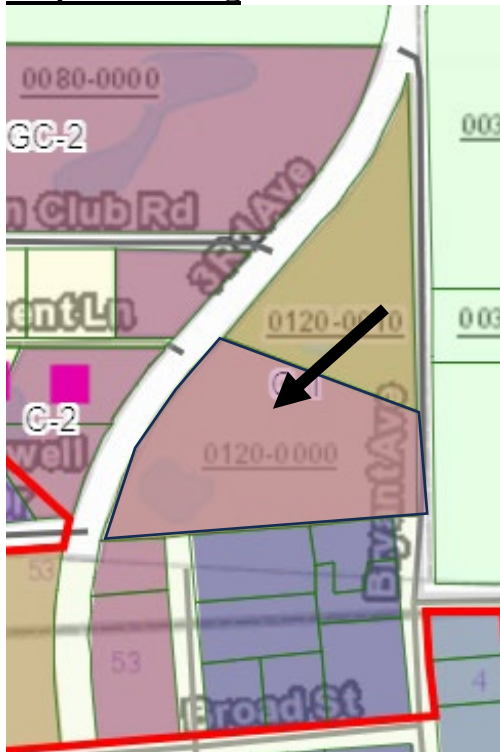
**Future Land Use**



**Current Zoning: C-1**



**Proposed Zoning: C-2**



## **Background**

The property under consideration for the proposed rezoning and conditional use permit is a little over 5 acres in size and currently zoned C-1. The applicant came before the Planning and Zoning Board (PZB) to seek an interpretation of the C-1 and C-2 zoning to determine whether portable building sales may be permitted in either zoning category. The PZB determined that because C-2 allows for the outdoor display and sale of vehicles by conditional permit, the outdoor display of portable sheds was similar enough to at least allow them to consider an application for conditional use permit for the use if the property was zoned C-2. This interpretation did not constitute approval – just an opportunity for a conditional use permit to be heard.

There are currently multiple uses on the property, including mini-storage and a marina parts and equipment dealership. The aerial above gives an idea of the current intensity of the development this location.

## **Analysis**

We are addressing two different applications and while we are addressing them concurrently, it is necessary to address the rezoning first. If, after hearing the evidence presented, the Planning and Board determines that the rezoning is not appropriate, the conditional use permit is, by default, denied. There is also an added wrinkle to the conditional use permit approach to this matter – if approved by the PZB, the Town Council is going to be required to approve the interpretation that sheds might be allowed by conditional use permit before it can move forward.

### **Should Parcel 33-11-26-0000-0120-0000 be rezoned from C-1 to C-2?**

The Commercial future land use designation does permit C-2 zoning. However, this does not mean that a C-2 zoning designation must be approved at this location. The PZB and the Town Council must determine that C-2 zoning designation is compatible with the surrounding land uses and can be supported by the infrastructure (water, sewer, road, stormwater). They must also determine that the uses that could result from the C-2 zoning would be compatible with the surrounding uses.

C-2 will not result in any noticeable impacts to the infrastructure – at least not above and beyond what C-1 already allows. As a result, the key question is whether the uses allowed by C-2 will be compatible with the surrounding land uses. This list of uses allowed by C-1 and C-2 are attached as an addendum to this report and these lists should be reviewed so that you can understand what uses could be allowed to ascertain the compatibility.

In addition to understanding what C-2 will allow on the property, we must look at the surrounding area. The property is located at the north entry into the town on 3<sup>rd</sup> Avenue (CR309), and it is part of the core commercial corridor in the Town of Welaka. There is also C-2 zoning immediately south of this property and across 3<sup>rd</sup> Avenue to the west. Thus, C-2 uses are already allowed in much of the surrounding area. The property to the north is zoned C-1



being used as multi-family. To the west is unincorporated, large lot residential with agriculture zoning that is located across Bryant Ave. This use does not have access from Bryant and is sufficiently buffered from these properties to the east.

The only potential concerns would be related to the residential uses at the southeast corner of the property. However, if the property owner maintains the existing vegetative buffer this should not present a real impact to those properties. That said, any proposed changes to the use or facilities would require PZB approval and a demonstration that there is adequate protection, separation and buffering for nearby properties (Ordinance 83-02 Art VIII, pg. 31).

Based on the forgoing, it appears that the C-2 zoning at this location would be consistent with the Town of Welaka Comprehensive Plan and compatible with the surrounding land uses.

**Does application submittal for approval of the display and sale portable storage buildings at this location meet the criteria for approval of the requested conditional use permit?**

The only guidance provided in the Town's land develop regulations for reviewing conditional use permits is found in the C-2 zoning provisions quoted in the addendum to this report:

*When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District....*

If the PZB maintains that the display and sale of storage buildings is similar enough to the display and sale of vehicles to consider this request for a conditional use permit, then to approve the proposed use, the PZB also find that, **as proposed by the applicant**, it is consistent with the general zoning and related ordinances; and that it serves the public interest (or at least does not go against the public interest). The general zoning requirements and the requirements of other ordinances, at a minimum, require a proposed land use to be consistent with the comprehensive plan, compatible with the surrounding land use and able to meet the basic zoning requirements for C-2.

The applicant has provided a site plan illustrating the proposed layout for displaying the sheds. As of the writing of this report, there were no dimensions provided and no detail for the landscape plan. A new site plan showing dimensions and scale, as well as a description of the landscape plan must be provided prior to the hearing to make a final determination. The applicant has been advised and is planning to have this completed in time.

It is my opinion and recommendation that the proposed display and sale of portable storage buildings will be consistent the general zoning for this area and the related ordinances, and it will not conflict with the public interest, if approved with the following conditions:

1. The Town Council must approve the proposed rezoning to C-2.

2. The Town Council must confirm that the display and sale of portable storage buildings is substantially like the sale of vehicles so that it may be considered for a conditional use permit.
3. The number of sheds stored or displayed at any one time shall be limited to eight.
4. The location of the sheds shall be as shown on the approved site plan.
5. Sheds shall be delivered from the supplier/manufacturer directly to the customer and should not be delivered to the property except to replace one of the eight display sheds.
6. There will be no ingress or egress to the subject property from Bryant Avenue.
7. A 6 ft chain link fence shall be maintained along the perimeter of the property as shown in the site plan.
8. No existing trees will be removed to accommodate the use and the property owner will maintain this existing, natural vegetated buffer along the east and southern boundaries, and as well as the 3<sup>rd</sup> Avenue right of way.
9. Failure to meet the conditions of approval shall be subject to code enforcement wherein the Code Enforcement Board may determine to revoke the conditional permit if the failure is significant enough, continues despite notice to correct, or repeated more than once.

## ADDENDUM

### C-1 General Commercial.

Uses Permitted. Land uses and structures shall only be used for the following purposes:

1. Single family dwelling, but not mobile homes.
2. Multi-family residential uses conforming to the requirements of MR-1 zoning.
3. Art Museums
4. Bakeries where all goods are sold on the premises at retail.
5. Drug Stores
6. Electrical appliance sale and repair
7. Florist shops and greenhouses for retail trade only.
8. Funeral homes
9. Grocery, fruit or vegetable stores.
10. Hotels and motels
11. Indoor theaters and auditoriums
12. Laundromats and laundrettes
13. Meat markets and poultry stores if no slaughter or stripping involved.
14. Municipal buildings, excluding garages, shops, jails and correctional facilities.
15. Offices
16. Photographers' or artists' studios.
17. Professional offices
18. Radio and television sales and services shops.
19. Radio and televisions broadcasting studios
20. Signs conforming to the requirements of the Town's sign Ordinance.
21. Tailor and dressmaking shops.
22. Telephone exchange buildings
23. Temporary building incidental only to construction of a permitted use.
24. Restaurants, except drive-in and fast food restaurants.

Conditional Uses Permitted. When after review of an application and development plan pursuant thereto, the Planning and Zoning Commission finds as a fact that the proposed use is consistent with the General Development Plan for the Town of Welaka, the following uses may be permitted:

1. Shopping Centers
2. Banks

## USES PERMITTED

Land and structures shall be used only for the following purposes:

1. Athletic' Clubs and Health Studios.
2. Self-service and coin operated car wash establishments where no gasoline or service is provided.
3. Bowling Alleys
4. Business, music, dance, or commercial schools.
5. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using non-inflammable toxic dry-cleaning solvents.
6. Pet shops or animal hospitals, when conducted wholly within the enclosed building, provided no boarding facilities are provided.
7. Drive-in and fast-food restaurants.
8. Retail sale of alcoholic beverages for consumption off the premises.
9. Any uses permitted in C-1 zone.

## CONDITIONAL USES PERMITTED IN C-2

When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District:

1. Gasoline Service Stations.
2. Automotive, new and used, sales and service.
3. Drive-in Theaters.
4. Automotive body, repair and paint shops.
5. Sale of Alcoholic Beverages for consumption on the premises.

**AGENDA ITEM # 7.b.**

**Zoning Case #: R2023-02 / CUP2023-02**

**Andrew (AJ) Flateau, Outback Smoke Shack & Brewhouse**

**Rezoning Application & Conditional Use Permit Packet**



# Welaka, FL

## River of Lakes

### REZONING APPLICATION

- Name of property owner(s) Michelle Bomba Address(es)(Street, City, State, Zip) 37 Scott St. Welaka  
32193
- Property 911 Address(es) 413 Elm St Welaka Fl 32193
- Parcel ID number(s): 41-12-26-9200-0310-0300-97860
- Subdivision name: 9200/ (If applicable)
- Driving directions to property from Palatka: Heading South on Hwy 17 From Palatka; Right Turn on CR309, Left Turn on CR308B (elm St) Right Turn into parking lot (413 Elm St. Welaka Fl 32193)
- Size of the property to be covered by the rezoning: < 1 acres
- Current zoning: C1 Future Land Use designation: RESTAURANT/BREWERY  
Proposed Zoning: C2 Current Use: RESTAURANT
- Purpose of the Rezoning: ALLOW Sale of Beer & Wine
- Attach the following to the application form:
  - Agent Designation form (if applicable)
  - Recorded Deed(s)
  - Legal Description(s)
- Date of required pre-application meeting with planning staff: 10/19/23

**YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.**

10. Signature(s) of Property Owner(s):

Telephone Number(s):

Michelle Bomba

904 383-9759

(Sign) Michelle P. Bomba

(Print)

(Sign)

(Print)

STATE OF FLORIDA

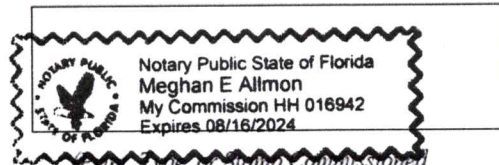
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this 24<sup>th</sup> day of October 2023, by Michelle Bomba

*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



*(Print Name, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

## **REQUIREMENTS**

1. Application Complete, Correct, signed and notarized.
2. Application Fees apply and are set by the Town Council and are subject to change at any time by resolution of the Town Council. In addition to the application fee, the applicant will be responsible for any fees incurred by the use of third party experts/consultants which are necessary to review and analyze technical submittals. (e.g. environmental assessments, housing studies, traffic studies, level of service analysis, etc.)
3. AGENT DESIGNATION FORM – This form is applicable if the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings.
4. RECORDED DEED - A copy of the recorded deed to the property involved in the request must be provided.
5. LEGAL DESCRIPTION - A legal description of the area for the rezoning must be provided, if the area is different from the legal description in the deed to the property.

**Note:** All owners of record must sign the application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. If the owner is a corporation or a business entity, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Town is provided establishing that the one person has been delegated authority to represent the corporation or business entity.



**AGENT DESIGNATION FORM**

The applicant(s) does (do) hereby appoint and designate Andrew Fiteau  
as agent in fact for the owner(s) of parcel(s) 413 Elm St Welaka FL 32193  
Parcel # 41-12-26-9200-0310-0300-97860  
to present an application for a rezoning for all or a portion of the referenced parcel(s)  
and to present all evidence in support thereof to the Zoning Board and the Town  
Council and to respond to and furnish all information and data requested by said same.

Print name of property owner(s):  
Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature(s) of property owner(s):  
[Handwritten Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.  
this 24<sup>th</sup> day of October 2024 by Michelle Bomba  
*(Print Name of Person(s) Acknowledging)*

[Handwritten Signature]  
Signature of Notary Public

Notary Public State of Florida  
Meghan E Allmon  
My Commission HH 016942  
Expires 08/16/2024

*(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced \_\_\_\_\_

**AGENT OATH AND SIGNATURE:**

The undersigned Andrew J Flateau, being duly appointed as agent in fact for the above named owner(s) of the property whereby said owners are seeking a rezoning and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: [Handwritten Signature]

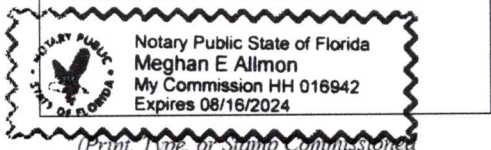
Address: 413 Elm St Welaka Fl 32193

Telephone Number: (386) 268-1381 Email: Andrew.Flateau@ICloud.com

STATE OF FLORIDA  
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.  
this 24<sup>th</sup> day of October 2023 by Andrew Flateau  
*(Print Name of Person(s) Acknowledging)*

[Handwritten Signature: Meghan E. Allmon]  
Signature of Notary Public

  
*(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced \_\_\_\_\_

**DO NOT WRITE BELOW THIS PAGE**

**-THIS PAGE IS FOR OFFICE USE ONLY -**

Pre-application Meeting Verification: Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm

Staff Signature: \_\_\_\_\_

**Staff Sufficiency Review Comments:**

1. Submittals Check List:

- |   |   |
|---|---|
| <input type="checkbox"/> Application Fee                        | <input type="checkbox"/> Completed Application form |
| <input type="checkbox"/> Agent Designation form (if applicable) |   |
| <input type="checkbox"/> Recorded Deed                          | <input type="checkbox"/> Legal Description          |
| <input type="checkbox"/> Parcel Map (full section)              |   |

2. Property is currently/proposed to be serviced by:

central sewer \_\_\_\_\_ package treatment plant \_\_\_\_\_ septic tank \_\_\_\_\_  
central water \_\_\_\_\_ public supply well \_\_\_\_\_ private well \_\_\_\_\_

3. Case Number: \_\_\_\_\_

4. Hearing Dates:

Zoning Board \_\_\_\_\_ T

Town Council \_\_\_\_\_

5. Special Comments:

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Reviewed by:

Date:

**-THIS PAGE IS FOR OFFICE USE ONLY -**



# Welaka, FL

River of Lakes

## CONDITIONAL USE PERMIT APPLICATION

1. Name of property owner(s): Michelle Bomba Address(es): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

911 Address: (Street) 413 Elm St. W<sup>th</sup> R<sup>oad</sup>  
(City) Welaka (State) FL (Zipcode) 32193

2. Parcel ID number(s): 41-12-26-9200-0310-0030-97860

3. Subdivision name: 9200/ (If applicable)

4. Driving directions to property: Heading South on Hwy 17 from Palatka; Right turn on CR 309, Left turn on CR 308B (Elm St) Right turn into parking lot (413 Elm St, Welaka FL 32193)

5. Size property to be covered by the Special Use Permit: < 1 acres

6. Zoning Designation: C2 Future Land Use designation: Restaurant/Brewery

7. Current Use: RESTAURANT

8. Proposed Conditional Use: Restaurant / Brewery w/ on premises consumption  
Applicable Ordinance Section(s) \_\_\_\_\_

9. Prior zoning actions on this property (include case number): Rezone C1 → C2

10. Attach the following to the Application Form:

- Application Fee
- Site Plan
- Agent Designation Form
- Legal Description(s)
- Recorded Deed(s)

**YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.**

10. Signature(s) of Property Owner(s):

Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number(s):

904 383-9759  
\_\_\_\_\_  
\_\_\_\_\_

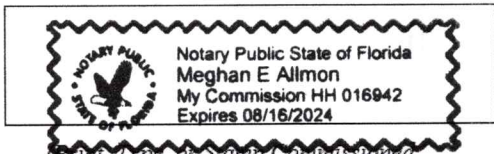
STATE OF FLORIDA

COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization.

this 24<sup>th</sup> day of October 2023, by Michelle Bomba  
*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



*(Print, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

## CONDITIONAL USE PERMIT APPLICATION

### WHAT IS A CONDITIONAL USE PERMIT?

In certain cases, a particular use is deemed conditional in certain zoning designation(s). The only way to conduct the desired special use legally is for the owner(s) to obtain a Conditional Use Permit.

### PROCESS

1. Call Staff at (386) 467-9800 about your interest in a Conditional Use Permit, as well as to schedule your pre-application meeting.
2. Submit all required materials to the Town Clerk complete and correct.
3. The application will be given a case number and scheduled for a hearing with the Planning and Zoning Board (PZB).

Note: The current schedule for the PZB is on the Town's website.

4. Staff will:
  - a. Notify all property owners within 400 feet of the subject parcel(s) via US Mail.
  - b. Post advertisement in the local newspaper with the case number, purpose of the case, 911 address, and the hearing dates.
5. Staff will conduct at least one site visit to the parcel that is the subject of the application. While staff will only be reviewing the site as it pertains to the rezoning, you may request that you be present when the site visit occurs. Site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday) between the date of submittal of a completed application and the date of the hearing. The express purposes of the site visit is to place signs noticing the hearing, verify information submitted with this application and complete an analysis of the proposed use for consistency with the Comprehensive Plan and compliance with Town ordinances.  
**Note:** Submittal of a completed application represents express permission to Town staff to enter onto the property to conduct a site visit. Denial or refusal to grant such access shall be grounds rejecting the application.
6. You will receive a copy of a staff report, prior to the PZB public hearing, which analyzes the application for consistency with the applicable objectives and policies of the Town's Comprehensive Plan and ordinances, and makes a recommendation to the PZB.  
**Note:** Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, you are responsible for payment of the original application fee and any cost incurred by the Town for additional public notices.

7. There will be one hearing before the PZB for Conditional Use Permit. The PZB hearing is conducted in the following fashion:
  - a) The case number will be called for discussion.
  - b) Staff will present the staff report to the Board.
  - c) Those who are in favor will be given the opportunity to share their views and evidence. The applicant will be given the first opportunity to speak in favor of their application.
  - d) Those who are in opposition of the application are given the opportunity to speak.
  - e) The Board will close public comments and deliberate.
  - f) After deliberation, the Board will vote. If the PZB denies the application, the applicant will be notified of their right to appeal.

## **REQUIREMENTS**

1. Completed application, one that is correct, signed and notarized.
2. Application fee.

**Note:** Fees are subject to change at any time by resolution of the Town Council. In addition to the application fee, the applicant will be responsible for any fees incurred by the use of third party experts/consultants which are necessary to review and analyze technical submittals. (e.g. environmental assessments, housing studies, traffic studies, level of service analysis, etc.)

1. SITE PLAN – Site plan must be provided on a sheet of paper no smaller than 11" x 17" and must be legible. Failure to provide a site plan with all required details will result in a finding that the application is insufficient. Insufficient applications will not be scheduled for public hearings until they are made sufficient. The site plan shall include the following:
  - a) Name, location and owner.
  - b) Present zoning.
  - c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
  - d) Date, north arrow and graphic scale.
  - e) Location, number, dimension and surface type of all proposed parking areas and loading areas.
  - f) Location, size and design of landscaped areas and building screens or architectural enclosures.

g) The location of all existing and proposed structures and major features and complete dimensions of same. Also included shall be setbacks, distances between structures, floor areas, width of driveways, property or lot lines and the percentage of the property covered by structures.

h) Location and acreage of open space, recreational, recharge and landscaped areas.

2. AGENT DESIGNATION FORM – This form is applicable if the applicant(s) choose to designate an agent other than an applicant to represent them at the public hearings.
3. RECORDED DEED - A copy of the recorded deed(s) to the property involved in the request must be provided.
4. LEGAL DESCRIPTION - A legal description of the area for the rezoning must be provided, if the area is different from the legal description in the deed to the property.

**Note:** All owners of record must sign the application. If all owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. If the owner is a corporation or a business entity, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Town is provided establishing that the one person has been delegated authority to represent the corporation or business entity.



**AGENT DESIGNATION FORM**

The applicant(s) does (do) hereby appoint and designate Andrew Fiteau  
as agent in fact for the owner(s) of parcel(s) 413 Elm St Weiraka Fl 32193

Parcel #  
to present an application for a vesting determination for all or a portion of the referenced parcel(s)  
and to present all evidence in support thereof to the Planning and Zoning Board, and to respond to  
and furnish all information and data requested by said Board.

Print name of property owner(s):  
Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

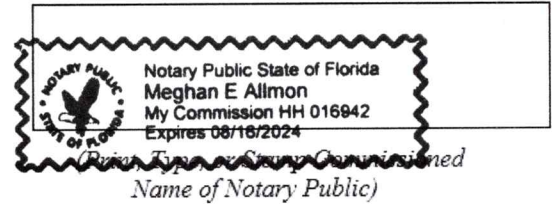
Signature(s) of property owner(s):  
Michelle Bomba  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA

COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization,  
this 24<sup>th</sup> day of October 2023, by Michelle Bomba  
*(Print Name of Person(s) Acknowledging)*

Meghan E. Allmon  
Signature of Notary Public



Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

**AGENT OATH AND SIGNATURE:**

The undersigned Andrew J Fiateau, being duly appointed as agent in fact for the above named owner(s) of the property whereby said owners are seeking a rezoning and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: [Handwritten Signature]

Address: 413 Elm St Welaka Fl 32193

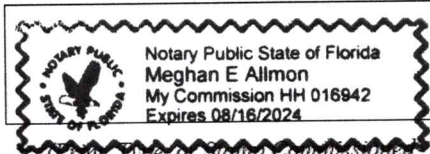
Telephone Number: (386)268-1381 Fax Number: \_\_\_\_\_

Email Address: Andrew.fiateau@icloud.com

STATE OF FLORIDA  
COUNTY OF PUTNAM

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 24<sup>th</sup> day of October 20 23, by Andrew Fiateau  
*(Print Name of Person(s) Acknowledging)*

[Handwritten Signature]  
Signature of Notary Public

  
*(Print Name, Type, or Stamp Commissioned Name of Notary Public)*

Personally Known  OR Produced Identification \_\_\_\_\_ Type of Identification Produced

This instrument was prepared by:  
**JOHN D. MUSSOLINE, P.A.**  
Attorney at Law  
415A St. Johns Avenue  
Palatka, Florida 32177  
PARCEL I. D.  
41-12-26-9200-0310-0020 & 0030

WARRANTY DEED  
Stamps: \$ 1,120.00  
Recording: \$ 10.00  
Total: \$ 1,130.00  
Price \$160,000.00

Inst: 202254005992 Date: 03/14/2022 Time: 1:51PM Doc Stamp-  
Deed: 1120.00 By: ST, DC, Matt Reynolds, Putnam, County Page  
1 of 1 B: 1659 P: 1395

SPACE ABOVE THIS LINE FOR RECORDING DATA

## THIS WARRANTY DEED,

Made this 14th day of March, 2022, Between  
**VOSOM PROPERTIES, LLC, a Florida Limited Liability Company,**  
of 115 Elvira Street, Crescent City, FL 32112, **GRANTOR,**  
AND  
**MICHELLE BOMBA, single**  
whose post-office address is 413 Elm Street, Welaka, Florida 32193, **GRANTEE,**

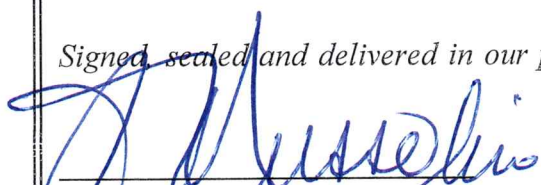
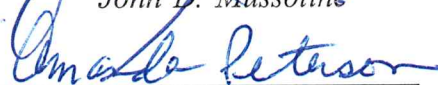
**Witnesseth:** That said grantor, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in Putnam County, Florida, to-wit:

**Lots 2 and 3, Block 31, TOWN OF WELAKA, according to plat thereof recorded in Map Book 1, Pages 51 and 52 of the public records of Putnam County, Florida.**

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF,** Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

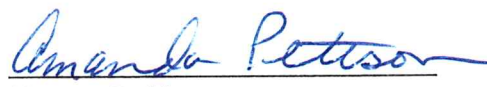
  
\_\_\_\_\_  
John D. Mussoline  
  
\_\_\_\_\_

Vosom Properties, LLC  
By:  (Seal)  
\_\_\_\_\_  
Susan R. Merritt, Manager  
By:  (Seal)  
\_\_\_\_\_  
Thomas K. Merritt, Manager

STATE OF FLORIDA, COUNTY OF PUTNAM

**I HEREBY CERTIFY** that the foregoing instrument was acknowledged before me this 14th day of March, 2022, by **Susan R. Merritt and Thomas K. Merritt as all of the member managers of Vosom Properties, LLC,** to me personally known or who produced a driver's license or voter's registration as identification and who executed the foregoing instrument under oath in my physical presence.

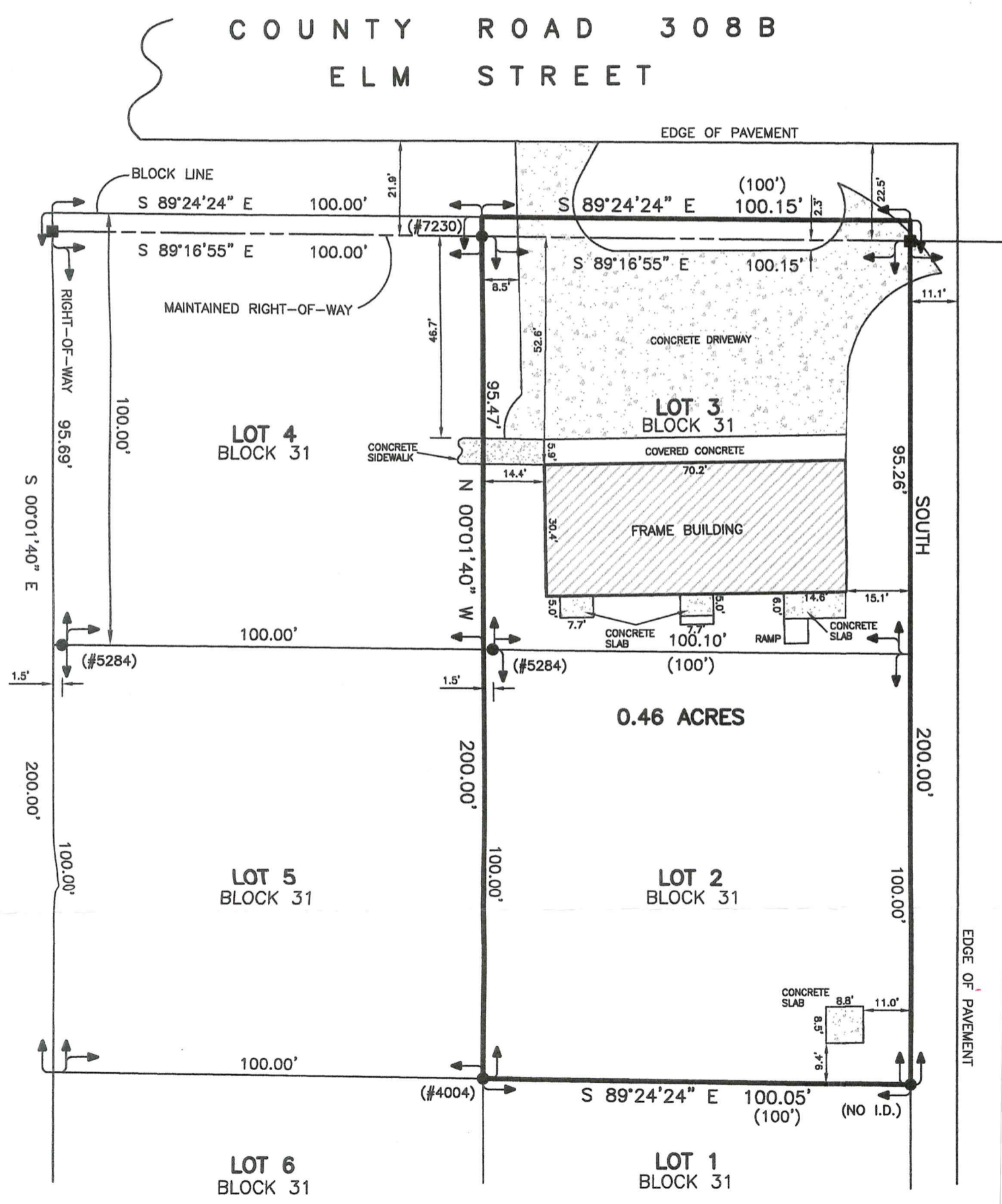
AMANDA PETERSON  
NOTARY PUBLIC  
STATE OF FLORIDA  
NO. GG 907632  
MY COMMISSION EXPIRES SEP. 13, 2023

  
\_\_\_\_\_  
Notary Public -  
Serial # (if any):

Address:  
 3 Elm Street  
 aka, Fl. 32193

**LEGAL DESCRIPTION:** As Furnished

LOTS 2 AND 3, BLOCK 31, ACCORDING TO THE MAP OF THE TOWN OF WELAKA AS RECORDED IN MAP BOOK 1, PAGE 51 AND 52 OF THE PUBLIC RECORDS OF PUTNAM COUNTY, FLORIDA.





# Welaka, FL

River of Lakes

Town of Welaka  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800

October 24, 2023

**INVOICE NO. 1117**

**TO:**  
Michelle Bomba  
37 Scott Street  
Welaka, FL 32193

**PROPERTY ADDRESS:**  
413 Elm Street  
Welaka, FL 32193

*Welaka's*  
**COPY**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
<b>ZONING CASE #: R2023-02 / CUP2023-02</b>	
REZONING APPLICATION	\$ 350.00
CONDITIONAL USE PERMIT APPLICATION	\$ <u>300.00</u>
<b>TOTAL DUE</b>	<b>\$ <u>650.00</u></b>

CASH \_\_\_\_\_  
 CHECK \_\_\_\_\_ No. \_\_\_\_\_  
 MONEY ORDER \_\_\_\_\_  
 CREDIT / DEBIT CARD

**Payments Accepted:** Cash, Check, Credit / Debit Card, Cashier's Check or Money Order  
**Made Payable To:** TOWN OF WELAKA

-----  
**Mail To:** Address above, Attn: Ellen Dickason, Assistant Town Clerk, or Meghan Allmon, Town Clerk  
**Pay at Town Hall** in Welaka, FL, or  
**Drop** in Outdoor Payment Box

Town of Welaka  
P.O. Box 1098  
Welaka, FL 32193  
(336) 467-9800

Receipt: 3559-15  
Date: 10/24/2023 10:43:52 AM

PERMITS \$650.00  
PERMITS

Total Paid: -----  
\$650.00

Credit \$650.00  
MICHELLE BOMBA  
Acct: XXXX XXXX XXXX 7959  
Approval: 273459  
Reference: 200419032707

Total Tendered: -----  
\$650.00

Change Due: \$0.00

Convenience Fee  
Credit \$19.18  
MICHELLE BOMBA  
Acct: XXXX XXXX XXXX 7959  
Approval: 273456  
Reference: 200419032607

Total Convenience Fees: -----  
\$19.18



# Welaka, FL

River of Lakes

Town of Welaka  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800

November 6, 2023

**INVOICE NO. 1119**

**TO:**  
Michelle Bomba  
37 Scott Street  
Welaka, FL 32193

**PROPERTY ADDRESS:**  
413 Elm Street  
Welaka, FL 32193

*Welaka's*  
**COPY**

<u>DESCRIPTION</u>	<u>AMOUNT</u>
<b>ZONING CASE #: R2023-02 / CUP2023-02</b>	
PALATKA DAILY NEWS PUBLIC HEARING AD	\$ 72.08
<b>TOTAL DUE</b>	<b><u>\$ 72.08</u></b>

CASH

CHECK \_\_\_\_\_ No. \_\_\_\_\_

MONEY ORDER \_\_\_\_\_

CREDIT / DEBIT CARD \_\_\_\_\_

**Payments Accepted:** Cash, Check, Credit / Debit Card, Cashier's Check or Money Order  
**Made Payable To:** TOWN OF WELAKA

-----  
**Mail To:** Address above, Attn: Ellen Dickason, Assistant Town Clerk, or Meghan Allmon, Town Clerk  
**Pay at Town Hall** in Welaka, FL, or  
**Drop** in Outdoor Payment Box

Town of Welaka  
P.O. Box 1098  
Welaka, FL 32193  
(336) 467-9800

Receipt: 3559-38  
Date: 11/8/2023 2:43:13 PM

ZONING FEES	\$72.08
MICHELLE BOMBA	
413 ELM ST	
ZONING FEES	
	-----
Total Paid:	\$72.08
Cash	\$72.10
	-----
Total Tendered:	\$72.10
Change Due:	-\$0.02

4



STATE OF FLORIDA

County of Putnam

The undersigned personally appeared before me, a Notary Public for the State of Florida, and deposes that the Palatka Daily News is a daily newspaper of general circulation, printed in the English language and published in the City of Palatka in said County and State; and that the attached order, notice, publication and/or advertisement:

PUBLIC HEARING Case #: R2023-0

Was published in said newspaper 1 time with said being made on the following dates:

11/01/2023

**PUBLIC NOTICE**

**PUBLIC HEARING**  
Case #: R2023-02/CUP2023-02

The Zoning Board for the Town of Welaka will hold a hearing on November 16, 2023, at 6:00 p.m., to hear Case # R2023-02/CUP2023-02, concerning an application to rezone the property located at 413 Elm Street, Welaka, Florida (Parcel #41-12-26-9200-0310-0030), from C-1 to C-2 and a companion application to obtain a Conditional Use Permit to allow for the sale of beer and wine for on-premise consumption at the same location. The hearing will be held in the Town Council Meeting Room at Welaka Town Hall, located at 400 4th Avenue, Welaka, Florida. All interested persons are invited to attend this meeting.

Persons with disabilities requiring accommodations to participate in this meeting should contact Town Hall at (386) 467-9800 or by writing to 400 4th Avenue, Welaka, Florida at least 24 hours in advance to request accommodations.

Legal No. 00098793  
11/01/23

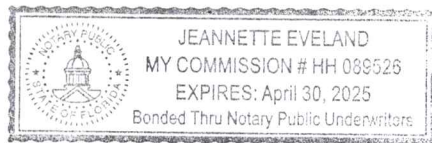
The Palatka Daily News has been continuously published as a daily newspaper, and has been entered as second class matter at the post office at the City of Palatka, Putnam County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice and/or advertisement.

*Debra Whitaker*

Sworn to and subscribed to before me this 1st day of November, 2023 by Debra Whitaker, Administrative Assistant, of the Palatka Daily News, a Florida corporation, on behalf of the corporation.

*Jeannette Eveland*

Jeannette Eveland, Notary Public  
My commission expires: April 30, 2025



Notary Seal  
Seal of Office:

- Personally known to me, or
- Produced identification:
- Did take an oath

# Advertising Invoice

**Palatka Daily News**

1/1

P.O. Box 777  
Palatka FL 32178

Phone: 386-312-5200

Fax: 386-312-5209

URL: [www.palatkadailynews.com](http://www.palatkadailynews.com)

Town of Welaka  
P.O. Box 1098  
Welaka, FL 32193

Acct. #: 00002092

Phone #: (386)467-9800

Date: 11/01/2023

Ad #	Pub.	Start	Stop	Description	Cols.	Inch	Days	Amount
00098793	01	11/01/2023	11/01/2023	PUBLIC HEARING Case #: Affidavit	1	2.89	1	70.08 2.00

Please return a copy with payment

**Total Due**

**72.08**



# Welaka, FL

River of Lakes

Town of Welaka  
400 4<sup>th</sup> Avenue  
Welaka, FL 32193  
(386) 467-9800

**\*EXAMPLE OF LETTER MAILED OUT TO EVERYONE WITHIN 400 FEET OF PROPERTY**

October 25, 2023

<Name>  
<Street Address>  
<City, State, Zip>

RE: Notice of Zoning Board Hearing

Hello,

The Town of Welaka Zoning Board will hold a hearing on November 16, 2023, at 6:00 PM, to hear Case # R2023-02/CUP2023-02, concerning an application to rezone the property located at 413 Elm Street, Welaka, Florida (Parcel # 41-12-26-9200-0310-0030) from C-1 to C-2, and a companion application for Conditional Use Permit to allow for the sale of beer and wine for on premise consumption at the same location.

These applications will be considered concurrently on November 16, 2023, starting at 6:00 pm, or as soon thereafter as it may be heard, in the Town Council Meeting Room at Welaka Town Hall, located at 400 4<sup>th</sup> Avenue, Welaka, Florida.

All interested persons are invited to attend this meeting. Any person wishing to appeal any decision made with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes §286.105).

Persons with disabilities requiring accommodation to participate in this meeting should contact Town Hall at (386) 467-9800 or by writing to 400 4<sup>th</sup> Avenue, Welaka, Florida 32193 at least 24 hours in advance to request accommodation.

Very Best Regards,

Meghan E. Allmon  
Town Clerk  
TownClerk@welaka-fl.gov

**The Law Offices of Patrick J Kennedy, PA**

PO Box 298

Welaka, Florida 32193

[patrickjkennedypa@gmail.com](mailto:patrickjkennedypa@gmail.com)

**MEMORANDUM**

To: Welaka Zoning Board

From: Patrick Kennedy

Date: November 6, 2023

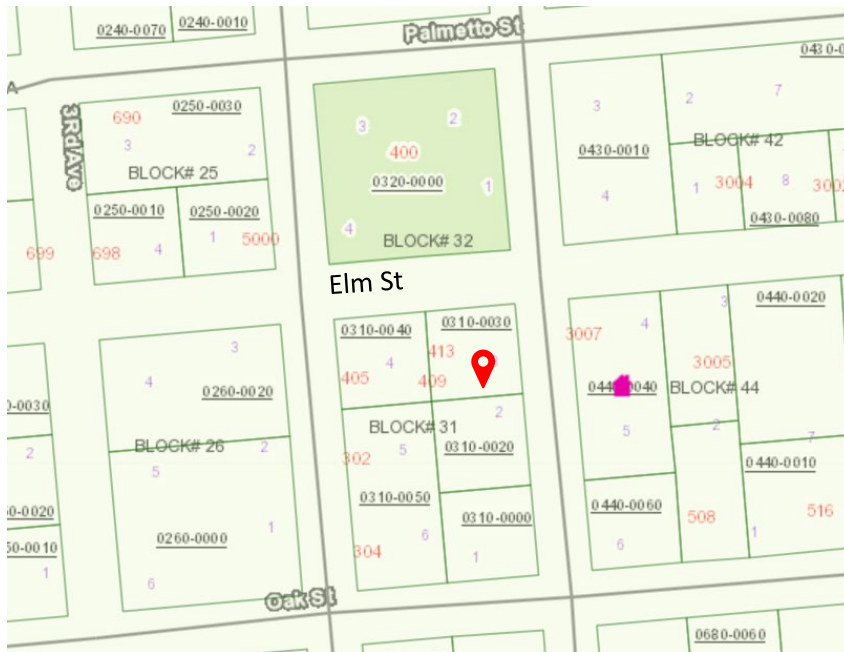
RE: Proposed Rezoning and Conditional Use Permit for 413 Elm St

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**The Property:** Parcel No.: 41-12-26-9200-0310-0030  
41-12-26-9200-0310-0020  
911 Address: 413 Elm St, Welaka, Florida

**Acreage:** 0.46 Acres

**Location Map:**



**The Parties:** Owner – Michelle Bomba  
Agent – AJ Flateau

**The Request:**

Rezoning the Property from its current zoning of C-1 to C-2 and a companion request for a conditional use permit for the express purpose of being able to sell beer and wine for on premise consumption in connection with the current use as a barbeque restaurant.

**Attachments:**

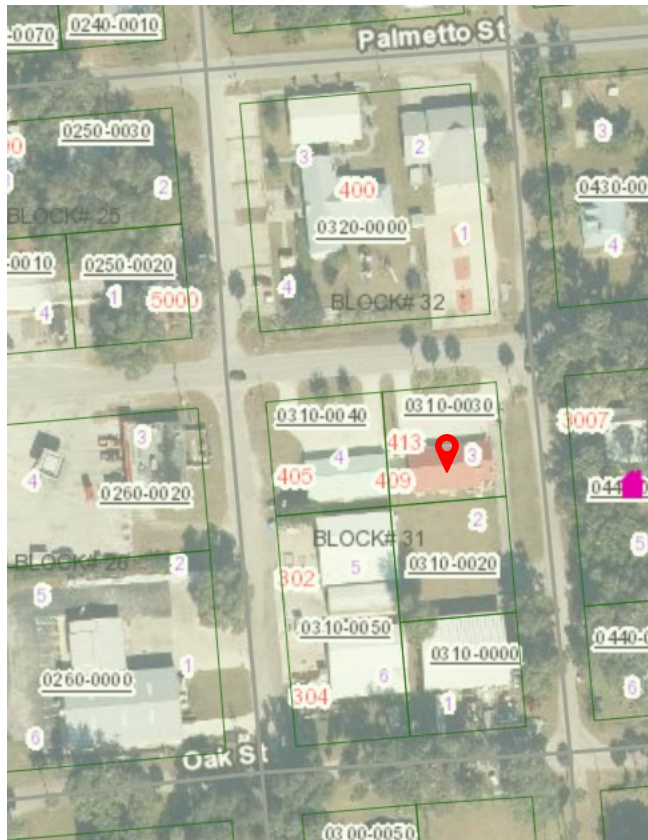
Rezoning Application and Conditional Use Permit Application  
Warranty Deed showing legal description of the property and verifying ownership.

**Surrounding Land Uses and Zoning:**

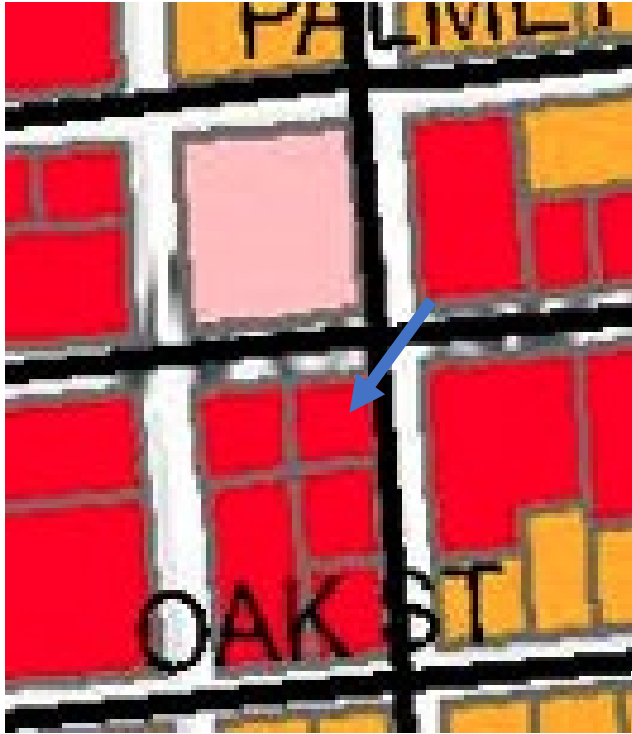
Direction	Land Use	Zoning	Future Land Use
North	Government Offices/Recreation/residential	P-1/C-1	Public Facilities/Commercial
East	Residential	C-1	Commercial
South	Commercial	SR-1	Commercial
West	Medical Office	C-1	Commercial

**Map Series:**

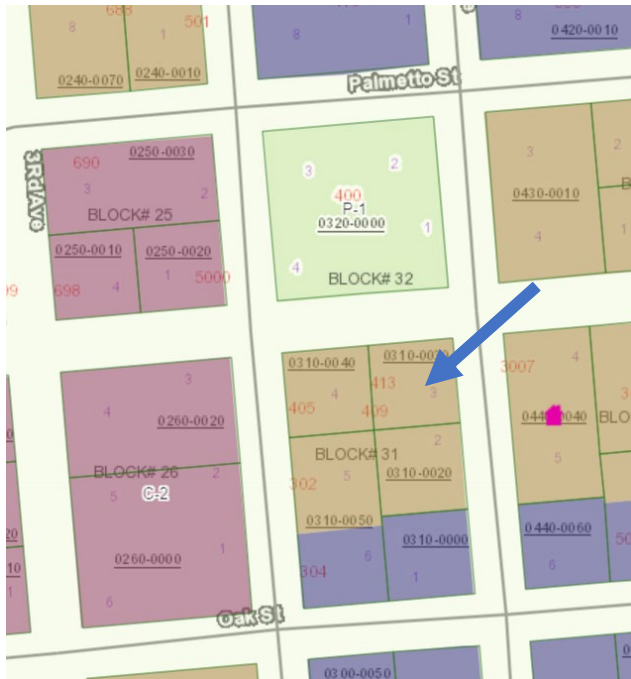
Aerial



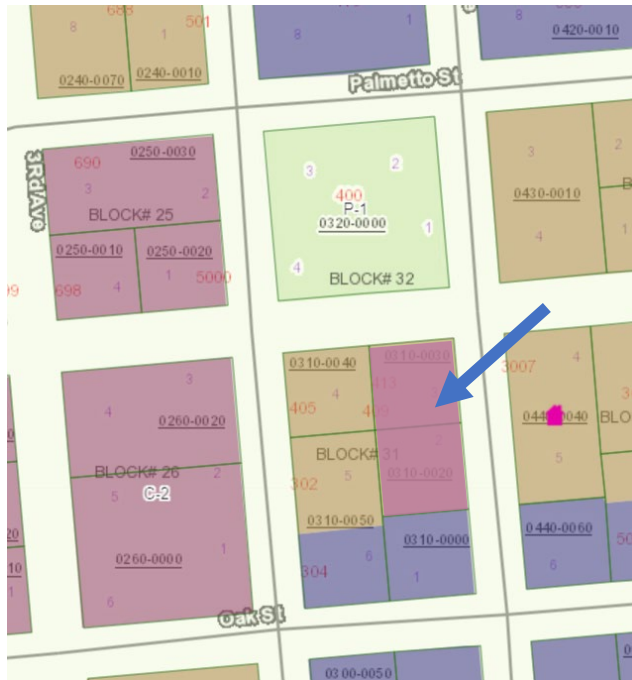
Future Land Use Map



**Current Zoning:** C-1



**Proposed Zoning: C-2**



**Background**

The property under consideration for the proposed rezoning and conditional use permit is currently comprised of two parcels, each 0.23 acres in size. Both are currently zoned C-1, which allows for restaurants and the front parcel has a history of being used as a restaurant. However, C-1 does not allow for the consumption of alcohol products on premise; this requires a C-2 zoning and a conditional use permit. (See Ordinance 90-11)

There are currently two occupants in the building shown in the application submittals – a coffee shop/roastery in the western half of the building and a BBQ restaurant in the eastern half. It is the operator of the BBQ restaurant operation that desires to add the sale of beer and wine to the operation. For this to occur, the Town Council must approve the application to rezone the property and the Planning and Zoning Board (PZB) must approve the conditional use permit.

**Analysis**

Technically, we are addressing two different applications, and while we are addressing them concurrently, it is necessary to address the rezoning first. If, after hearing the evidence presented, the PZB determines that the rezoning is not appropriate, the conditional use permit is, by default, denied.

**Should Parcels 41-12-26-9200-0310-0030 and 41-12-26-9200-0310-0020 be rezoned from C-1 to C-2?**

It is not difficult to conclude that the Commercial future land use designation does permit C-2 zoning. However, this does not mean that a C-2 zoning designation must be approved at this location. The PZB and then the Town Council must determine that C-2 zoning designation is compatible with the surrounding land uses and can be supported by the infrastructure (water, sewer, road, stormwater). Without belaboring a lengthy analysis, this section of CR308 is a part of the core commercial corridor in the Town of Welaka. The additional uses that may allowed by the proposed C-2 will not result in any noticeable impacts to the infrastructure – at least not above and beyond what C-1 already allows. As a result, primary question for this case is - will uses allowed by C-2 be compatible with the surrounding land uses.

This list of uses allowed by C-1 and C-2 are attached as an addendum to this report. The lists for each zoning district should be reviewed to understand what uses are allowed now and what will be allowed if rezoned to C-2. Several of the allowed uses under C-2 would not be allowed to develop at this location simply because of the size and configuration of the property. For example, a bowling alley or a drive through restaurant are highly unlikely given the size and shape of the property.

Perhaps the most concerning uses that might be allowed if the property is rezoned to C-2 are the conditional uses. However, the potential compatibility issues are precisely why these uses require a conditional use permit before they can be established, and it is not automatic that they would be approved.

Of course, a compatibility analysis requires observation of the surrounding uses as well as the proposed uses. In this case, the surrounding land uses abutting this property and within one block include auto detailing and repair, metal roofing supply, gas station, medical clinic, coffee shop, town hall, town park and some residential. And while the residential might normally cause some pause, these residential properties along Elm St are zoned commercial (C-1). The Town of Welaka has a somewhat unique approach to its commercial zoning districts, in that both C-1 and C-2 allow for single family residential uses.

Based on the forgoing, it appears that the C-2 zoning at this location would be consistent with the Town of Welaka Comprehensive Plan and compatible with the surrounding land uses.

**Does the proposed sale of alcohol for on premise consumption meet the criteria necessary for approve the conditional use permit application?**

The only guidance provided in the Town’s land develop regulations for reviewing conditional use permits is found in the C-2 zoning provisions quoted in the addendum to this report:

*When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public*



*interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District....*

The general zoning requirements and the requirements of other ordinances, at a minimum, require a proposed land use to be consistent with the comprehensive plan, compatible with the surrounding land use and able to meet the basic zoning requirements for C-2. If the PZB has concerns that the use will not meet this test as proposed, it might consider whether certain conditions would address those concerns (i.e., buffering, landscaping, limited hours of operation, noise controls, etc.). Thus, if the PZB finds that the sale of alcoholic beverages for onsite consumption is consistent with the general zoning and related ordinances, which means finding the proposed use to be consistent with the comprehensive plan, compatible with the surrounding properties and serving the public interest (or at least does not go against the public interest), then the PZB should approve the proposed use.

It is my opinion and recommendation that the proposed use for onsite consumption of alcohol will be consistent the general zoning for this area and the related ordinances, and it will not conflict with the public interest if approved with the following conditions:

1. The Town Council must approve the proposed rezoning to C-2.
2. The permit is limited to the sale of malt beverages and wine-based beverages as currently defined by a 2COP license from the Division of Alcoholic Beverages and Tobacco.
3. The proposed use for the sale and consumption of beer and wine is limited to the interior of the existing building. Any expansion of the use either by expanding the existing structure or providing outside seating for customers shall require a new application for a conditional use permit to expand the use. (The biggest concerns with expansion is parking and stormwater management.)
4. The PZB should set the permissible hours of operation. Staff would recommend that the use not be open to the public any earlier than 11 am so that it does not create a parking problem with the coffee shop already operating at this location (which is only open in the morning). I would suggest a 10 pm closing for patrons Sunday – Thursday and no later than 11 pm on Friday – Saturday and holiday weekends.
5. The two parcels that make up the property under consideration must be combined into one parcel prior to establishing the use. The conditional use permit does not represent a separate permission for each parcel.
6. Failure to meet the conditions of approval shall be subject to code enforcement wherein the Code Enforcement Board may determine to revoke the conditional permit if the failure is significant enough, continues despite notice to correct, or repeated more than once.

## ADDENDUM

### C-1 General Commercial.

Uses Permitted. Land uses and structures shall only be used for the following purposes:

1. Single family dwelling, but not mobile homes.
2. Multi-family residential uses conforming to the requirements of MR-1 zoning.
3. Art Museums
4. Bakeries where all goods are sold on the premises at retail.
5. Drug Stores
6. Electrical appliance sale and repair
7. Florist shops and greenhouses for retail trade only.
8. Funeral homes
9. Grocery, fruit or vegetable stores.
10. Hotels and motels
11. Indoor theaters and auditoriums
12. Laundromats and laundrettes
13. Meat markets and poultry stores if no slaughter or stripping involved.
14. Municipal buildings, excluding garages, shops, jails and correctional facilities.
15. Offices
16. Photographers' or artists' studios.
17. Professional offices
18. Radio and television sales and services shops.
19. Radio and televisions broadcasting studios
20. Signs conforming to the requirements of the Town's sign Ordinance.
21. Tailor and dressmaking shops.
22. Telephone exchange buildings
23. Temporary building incidental only to construction of a permitted use.
24. Restaurants, except drive-in and fast food restaurants.

Conditional Uses Permitted. When after review of an application and development plan pursuant thereto, the Planning and Zoning Commission finds as a fact that the proposed use is consistent with the General Development Plan for the Town of Welaka, the following uses may be permitted:

1. Shopping Centers
2. Banks

## USES PERMITTED

Land and structures shall be used only for the following purposes:

1. Athletic' Clubs and Health Studios.
2. Self-service and coin operated car wash establishments where no gasoline or service is provided.
3. Bowling Alleys
4. Business, music, dance, or commercial schools.
5. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using non-inflammable toxic dry-cleaning solvents.
6. Pet shops or animal hospitals when conducted wholly within the enclosed building, provided no boarding facilities are provided.
7. Drive-in and fast-food restaurants.
8. Retail sale of alcoholic beverages for consumption off the premises.
9. Any uses permitted in C-1 zone.

## CONDITIONAL USES PERMITTED IN C-2

When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses-in the C-2 District:

1. Gasoline Service Stations.
2. Automotive, new and used, sales and service.
3. Drive-in Theaters.
4. Automotive body, repair and paint shops.
5. Sale of Alcoholic Beverages for consumption on the premises.

**AGENDA ITEM # 7.c.**

**David Johnson, Shrimp R Us**

**New Tiki Bar Architectural Review**

Revisions  
 Date

DESIGN LOADS:  
 THE STRUCTURAL SYSTEM HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING WIND LOAD REQUIREMENTS: IN ACCORDANCE WITH 7TH EDITION 2020 FLORIDA BUILDING CODE - BUILDING, CHAPTER 16, STRUCTURAL DESIGN SECTION 1609 AND ASCE 7-16, WERE USED IN THE DESIGN OF THE STRUCTURE.  
 THE FOLLOWING SUPERIMPOSED LOADINGS HAVE BEEN UTILIZED:  
 LIVE LOAD- 30 PSF  
 DEAD LOAD- 25 PSF  
 LIVING AREAS:  
 LIVE LOAD-40 PSF  
 DEAD LOAD-15 PSF  
 WIND:  
 SECTION 1609 OF THE 7TH EDITION 2020 FLORIDA BUILDING CODE FOR THE 130 MPH WIND ZONE.  
 CHAPTER 5 ( BUILDING HEIGHTS & AREAS )  
 HEIGHT < 20 FT  
 CHAPTER 6 ( TYPE OF CONSTRUCTION ) ( VB)  
 FULLY ENCLOSED  
 IMP = 1  
 EXP-C  
 RISK CAT #2

STRUCTURAL CALCULATIONS USING GRAVITY LOADS HAVE BEEN PERFORMED AT THE DISCRETION OF THIS STRUCTURE. THE STRUCTURAL SYSTEM FOR THIS BUILDING HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING CODES & AS NOTED:  
 1) THE 7TH EDITION 2020 FLORIDA BUILDING CODE

WIND ZONE	WIND SPEED (MPH)	WIND ZONE	WIND SPEED (MPH)
10	28.78	28.78	28.78
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70	21.28	21.28	21.28
80	20.03	20.03	20.03
90	18.78	18.78	18.78
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