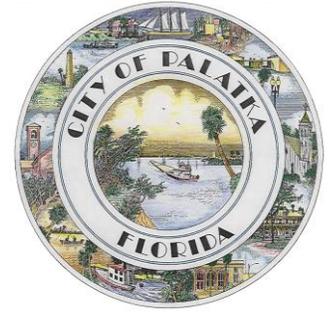


**CITY OF PALATKA
PLANNING BOARD AGENDA
February 25, 2015
Special Called Meeting**



1. Call to Order.
2. Roll Call.
4. Appeal procedures and ex-parte communication.

Case 15-05: Request for a conditional use to allow for an alcohol serving establishment within 300 feet of a church (in association with a restaurant and ship's store within the riverfront park).

Location: 301 River St.

Applicant: City of Palatka/Jonathan Griffith Special Projects Manager

9. ADJOURNMENT

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

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

Case PB 15-05

Request for a conditional use permit for alcohol sales within 300 feet of a church

301 River St.

Applicant: City of Palatka

STAFF MEMO

DATE: February 17, 2015

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

This request is for beer and wine sales at the future Riverfront Park ship's store, with package sales and on-premises sales within a 150-seat restaurant (see attached staff report). It was heard at the Board's January meeting, where it failed on a 3-3 vote after numerous members of the First Presbyterian spoke in opposition to alcohol sales associated with the proposed restaurant. Since that meeting Staff met with church representatives, heard their concerns, and crafted the conditions below in an attempt to address these concerns. Staff has also filed an appeal to the City Commission of the Board's decision, which will be pursued if the Board does not approve the amended application. In discussions with church representatives, the two following points were re-emphasized: package sales would be limited to beer and wine, and off-premises alcohol consumption was prohibited (outside of the restaurant premises). Open containers in the park are prohibited unless allowed by specific special event permission (Blue Crab, etc.).

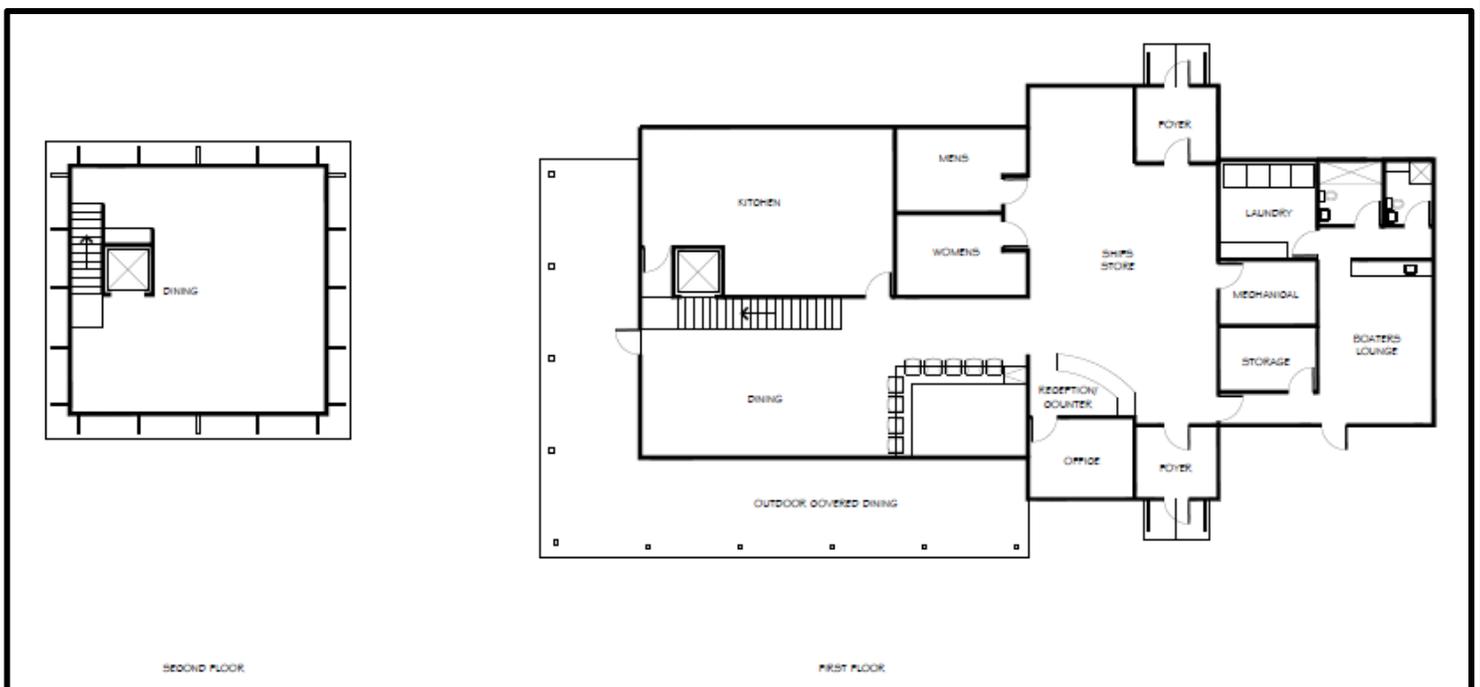


Figure 1: proposed restaurant floor plan (outdoor area overlooks river)

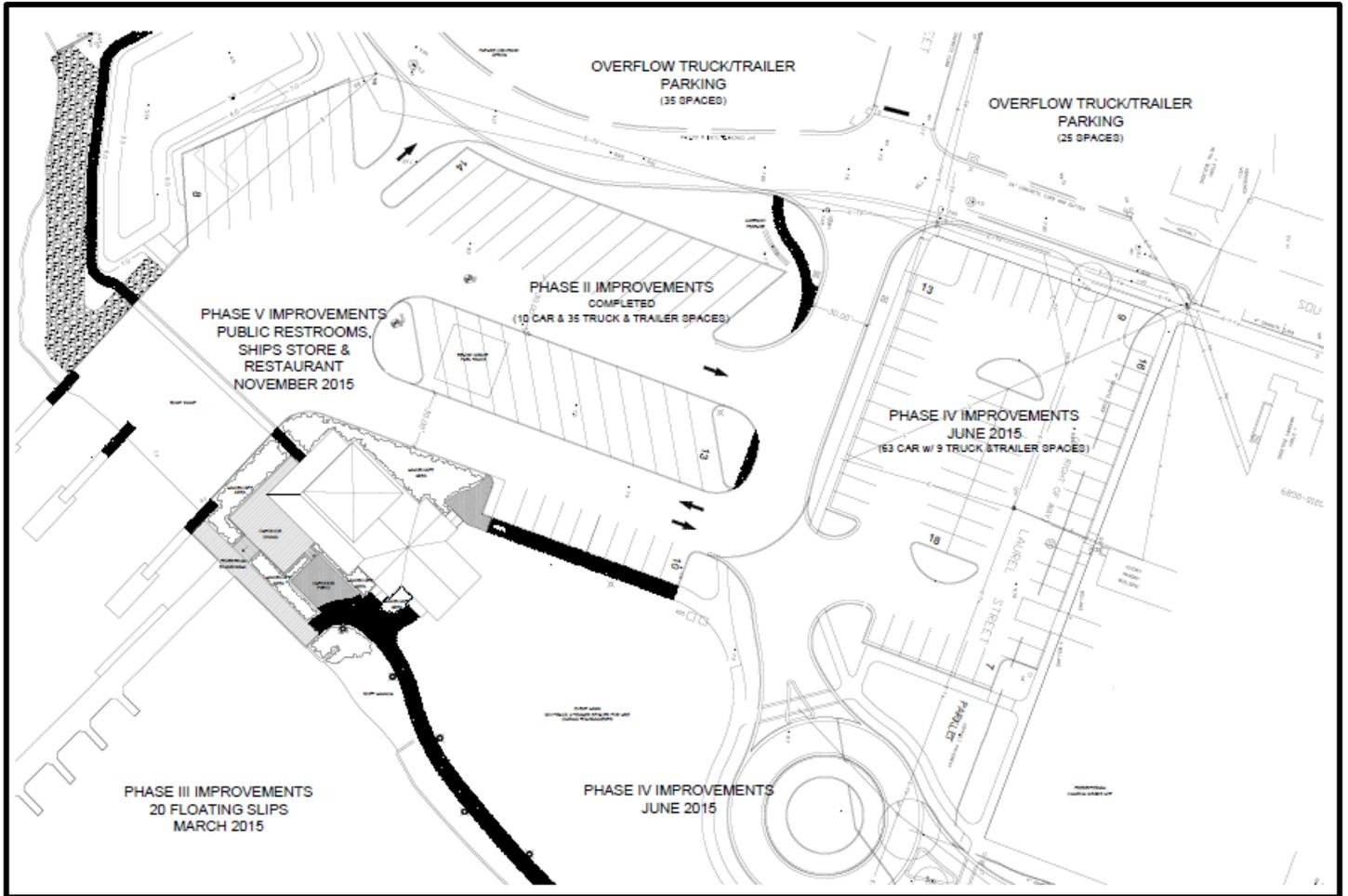


Figure 2: Riverfront Park site plan

Staff recommends approval of Case 15-05, conditional use for alcohol sales, in keeping with the submitted site plan, meeting all applicable standards of the Municipal Code, including the Alcoholic Beverage Code, and subject to the revised conditions below.

1. The restaurant can only obtain a SRX alcohol license – alcohol served only in association with restaurant with at least 51% of sales from food.
2. The restaurant must meet noise ordinance, with amplified sound not exceeding sound level limits set in the Municipal Code for commercial uses (65 db 7 AM to 11 PM, and 60 db 11 PM to 7 AM). Noise ordinance waivers are only allowed in association with approved Riverfront Park Special Events.
3. Total restaurant seats (including internal bar seating) will not exceed 160.
4. Building entrance will orient toward the river, with usable outdoor restaurant space facing in this direction.
5. The building will have no beer or other alcohol signs in windows or on walls.
6. No package sales are allowed except for beer and wine.
7. Open alcohol containers not allowed outside of restaurant premises.
8. The design of the two-story building will be in keeping with Old Florida architecture, with features such as overhanging wide eaves, porches, balconies, and metal roofs.

Case PB 15-05

Request for a conditional use permit for alcohol sales within 300 feet of a church

301 River St.

Applicant: City of Palatka

STAFF REPORT

DATE: January 28, 2015

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing an establishment serving alcohol within 300 feet of a church. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

This request is for beer and wine sales at the future Riverfront Park ship's store, with package sales and on-premises sales within a 150-seat restaurant.

Chapter 10 of the Municipal Code regulates alcoholic beverages. Section 10-3 of this chapter provides specific distance/separation requirements, including a 300-foot separation between establishments licensed to sell alcohol and similar establishments. The required license in this case is from the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an "aggrieved" person.

The table below shows site and surrounding uses and land use/zoning designations. The building site is in the interior of Riverfront Park, a community park facility, and is more than 300 feet from the nearest residence to the south (on River St.) and around 400 feet from the church (to the north).

Table 1: Site and Surrounding Land Uses

	Actual Use	Future Land Use Map	Zoning
Site	Park & Boat Launch	REC (Recreation)	ROS (Recreation & Open Space)
North	Church, Dentist Office, Apartments	COM (Commercial)	DR (Downtown Riverfront)
East	Park	REC (Recreation)	ROS (Recreation & Open Space)
South	St. Johns River	N/A	N/A
West	Residence Vacant lot	RL (Residential Low) RH (Residential High)	DR (Downtown Riverfront)



Figure 1: Project Site – red rectangle (not to scale) represents approximate location of ship’s store. Presbyterian Church in upper right, Boathouse Marina in lower left, with residence adjacent to the southwest boundary of the park.

PROJECT ANALYSIS

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

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

The application is not in conflict with applicable elements of the Comprehensive Plan and its implementing elements including the Zoning Code. Future Land Use Element Policy A.1.9.3 describes the ROS Future Land Use Map (FLUM) category as follows:

Land designated for recreation is intended for a variety of leisure time activities. Included in this land use classification are both resource-based and activity-based sites and facilities. Resource-based sites and facilities are oriented toward natural resources; activity-based sites and facilities are those that require major development for the enjoyment of a particular activity. Activity-based sites and facilities include ball fields, golf courses, tennis courts, etc.; resource-based facilities include lakes, trails, picnic areas, etc.

New recreational facilities must be sited in locations which are compatible or can be made compatible with adjacent land uses.

Impervious surface land coverage of recreation land use shall not exceed 50 percent for active recreational development; 10 percent for passive recreational development. Floor area ratios shall not exceed 0.1, and intensity may be further limited by intensity standards of the Zoning Code).

The Riverfront Park is considered an activity-based park due to the boat launch activity. The ship's store is considered to be a marina-associated use, which is a permitted use under the ROS zoning category. Compatibility with the residential uses to the south and west has been enhanced by locating the store several hundred feet away from these uses. The current buffer between the boat launch area is now a grassy open area of around 20 feet in width. The improved buffer includes a dry stormwater retention pond, ornamental grass, and trees increased to a width of around 50 feet. Development standards set forth in the policy above are met. Finally the building has been set back 50 feet away from the river shoreline, as is required in FLUM Policy A.1.4.8.

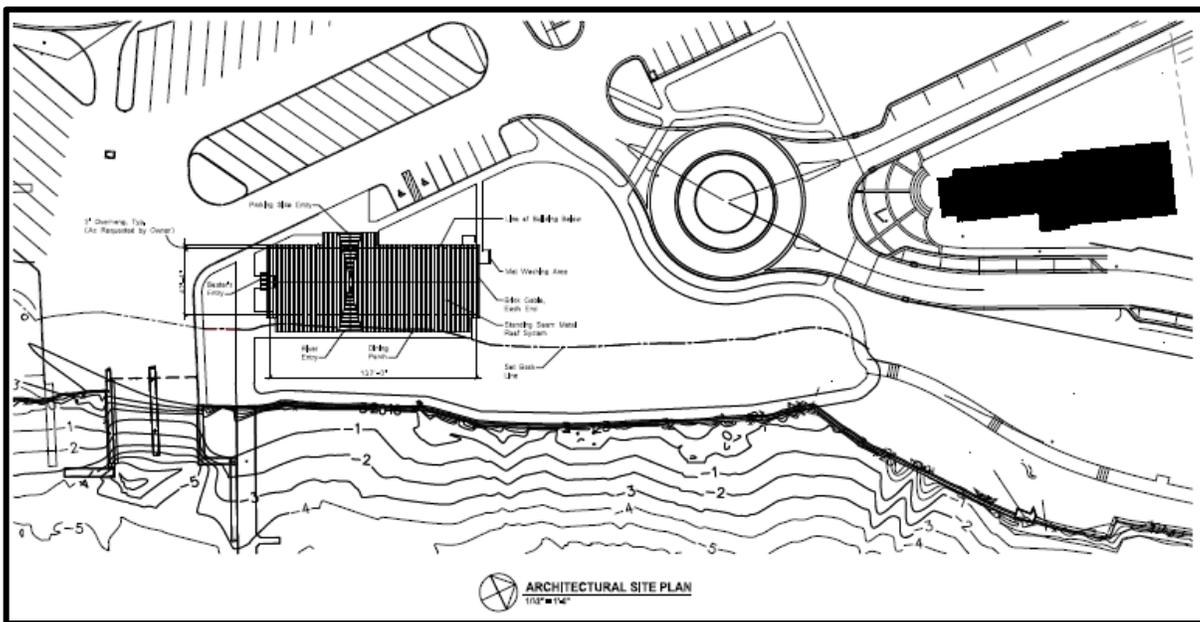


Figure 2: Site Plan. Ship's store shown in middle left, church shown to right.

- b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*
- c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.*

This current reconstruction of the southern Riverfront Park which includes the store was designed to meet current traffic, parking, and other codes. There is excellent vehicle and pedestrian access to the use including the boat launch parking area, which will include a loop driveway and adjacent parking serving this use, and

nearby sidewalks along streets and the riverfront. The driveway connects to Laurel St. to the north and River St. to the west.

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

Screened refuse areas will be provided to the rear of the building.

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

The property is appropriately served by utilities.

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

See previous response to criterion a. above regarding the park's west buffer.

g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

Any signage shall meet the Sign Code, no specific signs are proposed in association with alcohol sales.

h. Required yards and other open space.

See f. above.

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

As discussed, the park improvements and this store have been designed to be compatible with surrounding uses through placement several hundred feet away from residences and the church, along with extensive plantings. As required by historic district regulations (the southern park is within the South Historic District) the building itself was reviewed and approved by the Historic Preservation Board in two separate public hearings, with extensive public input received and processed. Figures 3 and 4 show the approved design for the building, which is intended to improve compatibility through attractive and functional architecture.

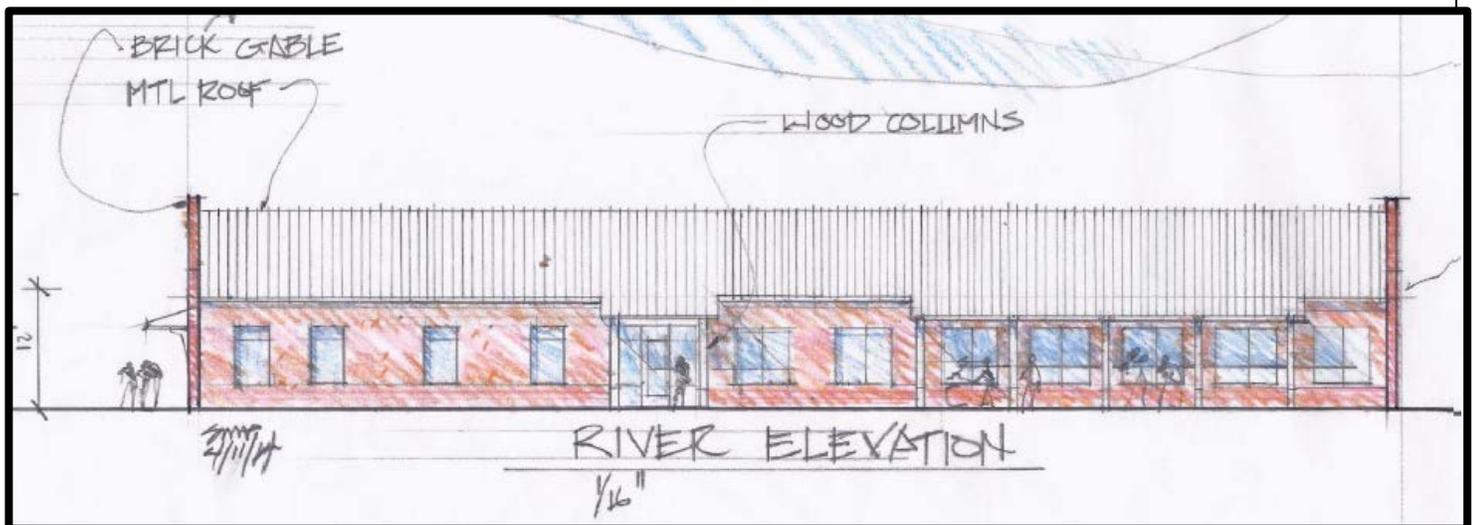


Figure 3: Ship's store riverfront elevation

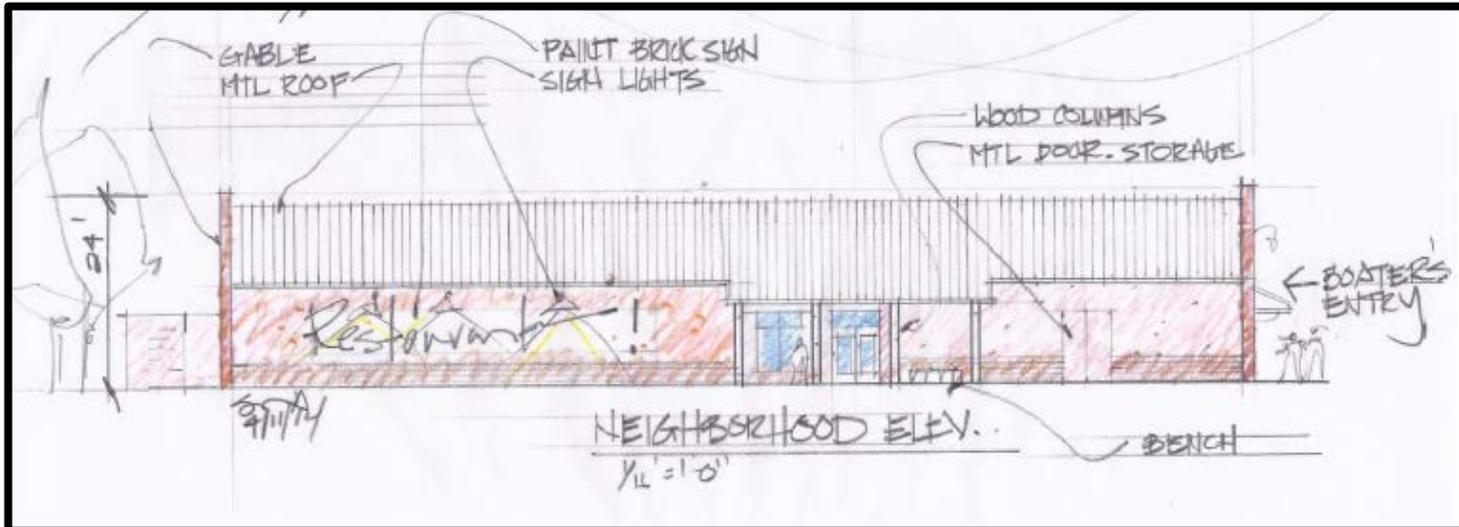


Figure 4: Ship's store west elevation

j. Any special requirements set out in the schedule of district regulations for the particular use involved. The use must meet all requirements of Municipal Code Chapter 10 pertaining to alcoholic beverage establishments, including hours of operation limitations.

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

See previous response to Criterion i regarding architectural design approved by Historic Preservation Board.

Impact on Public Interest

City Departments offered no objections or comments on the application.

A motion for approval should include any relevant conditions and the staff findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

STAFF RECOMMENDATION

As demonstrated in this report, Staff believes that this application meets applicable conditional use criteria if the following recommendations are met. Staff recommends approval of Case 15-05, conditional use for package sales of beer and wine associated with the ship's store and on-premises consumption of beer and wine associated with restaurant with seating not to exceed 150 seats, in keeping with the submitted site plan, and meeting all applicable standards of the Municipal Code, including the Alcoholic Beverage Code.

ATTACHMENTS: APPLICANT'S SITE PLAN AND JUSTIFICATION