CITY OF PALATKA
PLANNING BOARD AGENDA
March 3, 2015

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the February 3, 2015 meeting.

4. Appeal procedures and ex-parte communication.

5. OLD BUSINESS:

Case 15-03: Administrative request to amend Zoning Code Sec. 94-149 (C-2; Intensive commercial), Sec. 94-161 (DR; Downtown Riverfront district) and 94-162 (DB; Downtown Business district) revising downtown overlay design standards. (Tabled from February 3, 2015 meeting) - **withdrawn by staff.**

6. NEW BUSINESS:

Case 15-07: A conditional use request to locate an alcohol serving establishment within 300 ft. of another licensed establishment and a church.

Location: 113. S. 3rd Street
Applicant: Alex Sharp

Case 15-09: Annex, amend the Future Land Use from County US (Urban Service) to City COM (Commercial) and rezone from County CPO (Commercial, Professional Office) to City C-1A (neighborhood commercial)

Location: 3314 Crill Ave
Applicant: Errol & and Andrea Findlater

Case 15-10: A conditional use request to locate an indoor entertainment in a C-2 zoning district.

Location: 306 S. State Rd. 19
Applicant: Parkash Patel

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 PLEASE CONTACT THE CITY BUILDING DEPARTMENT AT 329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

Case 15-11: Administrative request to amend Zoning Code Sec. 94-261(f) to reduce parking space width for public parking.

7. OTHER BUSINESS:

8. ADJOURNMENT

Case PB 15-07

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

114 S. 3rd St.

Applicant: Alex Sharp

STAFF REPORT

DATE: February 24, 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 alcohol sales in the old Elks Club building in the form of a SRX alcohol license (alcohol sales in conjunction with a restaurant, with more than 50% of revenues from food sales). The Applicant has proposed a restaurant in this location with 175 seats. 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 other alcohol establishments, churches, and schools. The subject property is within 300 feet of a church (St. Monica Catholic Church) and also within 300 feet of another alcohol establishment (Steamboat Willie's Bar). 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 property is in the downtown area and also at the very northern fringe of the South Historic District.

Table 1: Site and Surrounding Land Uses

	Actual Use	**Future Land Use Map**	**Zoning**
Site	Vacant building	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District
North (St. Johns Ave.)	Vacant building Bar	COM (Commercial)	DR (Downtown Riverfront)
East	Triplex residence	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District
South	Duplex residence	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District
West	Parking lot Retail use	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District

Figure 1: Project Site.

Figure 2: Property from S. 3rd St.

Figure 3: Duplex residence to the south

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 complies with applicable elements of the Comprehensive Plan and its implementing elements including the Zoning Code. Several relevant plan policies are included in the following section. Future Land Use Element Policy A.1.9.3 describes the COM Future Land Use Map (FLUM) category as follows:

> "Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts. The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use."

Restaurants are referenced in this policy, and alcohol sales in conjunction with food service are a customary arrangement for restaurants.

The property lies within the Central Business District Community Redevelopment Area, referenced within the Future Land Use Element by Policy A.1.2.2 below.

> "The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: the North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan's original sunset of December 27, 2013 has been extended by the Agency and the City Commission to continue with an amended sunset of December 27, 2043."

The Community Redevelopment Area Plan, adopted by the City Commission in 2010, recommends that the downtown be an entertainment-oriented district. A variety of restaurants within walking distance is the most effective way to promote that goal.

In addition, the applicant intends to re-use and renovate the building on the site. The Elks Club building was built in 1940, and while there have been some inappropriate exterior alterations on the building, it is considered to be a historic contributing building within the South Historic District. The attached Florida Master

Site File, while not paying homage to the building, indicates that it is contributing to the historic district. The Comprehensive Plan encourages the preservation and use of such buildings, as noted in Future Land Use Element Policy A.1.5.2 below.

> "…Adaptive reuse of historic structures shall be given priority over actions that would harm or destroy the historic value of such resources. Adaptive reuse shall include the permitting of historic structures to be remodeled or rehabilitated for a use that would be non-conforming to adjacent properties so long as the remodeling/rehabilitation does not affect the historical significance of the structure and the proposed use is or can be made compatible with adjacent land uses."

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.
Per Zoning Code Sec. 94-262 (Required number of parking spaces) and Sec. 94-161(i)(2) (DR zoning district off-street parking and loading), nonresidential properties and contributing properties within historic districts are both exempt from minimum parking requirements. That being said, ample public parking is available in the vicinity, including 18 on-street parking spaces in the 300 block of S. 3rd St., a 34-space public parking lot across S. 3rd St. from the property, and a 38-space public lot is available just to the west (behind the Property Appraiser office). The image below shows other public and useable private lots and on-street parking that provide hundreds of parking spaces within a three-block radius.

Figure 2: East end of St. Johns Ave., downtown Palatka

As Figure 1 shows, the property includes a currently unpaved driveway that accesses Oak St with the potential for loading and limited parking spaces in the rear of the building. If utilized, the driveway and loading space should be paved to reduce erosion and dust. Staff does not object to loading on S. 3rd St as the on-street parallel parking spaces will provide for such activity.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.
A screened refuse area will be provided in the rear of the building or on the north side 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.
The Zoning Code emphasizes screening and buffering between residential and nonresidential uses. In this case screening will be needed if the rear area is used for any loading or parking. If parking or loading occurs in the rear, Staff recommends that a privacy fence be erected along the property line adjacent to the residential property that is south of this property. An alternative to this would be a tall hedge or wall.

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 and the Zoning Code, including Downtown Overlay Zoning standards.

h. Required yards and other open space.
See f. above.

i. General compatibility with adjacent properties and other property in the district.
Zoning Code Sec. 94-161 defines the Downtown Riverfront zoning district as a "pedestrian oriented, retail/entertainment area" of "unique character with balanced commercial, residential, and public and other places." The district's intent is to "discourage uses that are likely to create friction with pedestrian movement and the primary activities for which the district is intended." A restaurant is fully in keeping with the intent of this zoning district and is allowed by right, therefore the proposed use along with the alcohol sales is compatible with this zoning district. The building functioned for many decades as a club and essentially as a restaurant during much of that time. Historic district regulations will ensure that the exterior of the building and any site improvements are compatible with the historic and architectural character of the South Historic District and the immediate surrounding neighborhood. Installation of a screening buffer along the rear driveway will enhance compatibility with the residential structure to the south if this driveway is utilized.

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. In keeping with the character of a restaurant and recognizing the adjacent residential uses, Staff recommends that the hours of operation not go beyond 10 PM

on weekdays and 11 PM on weekends, and that any outdoor activities, already limited by the City's noise ordinance, not occur beyond 9 PM on weekdays and 10 PM on weekends.

k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.
Any exterior alterations or site improvements must be approved by the Historic Preservation Board.

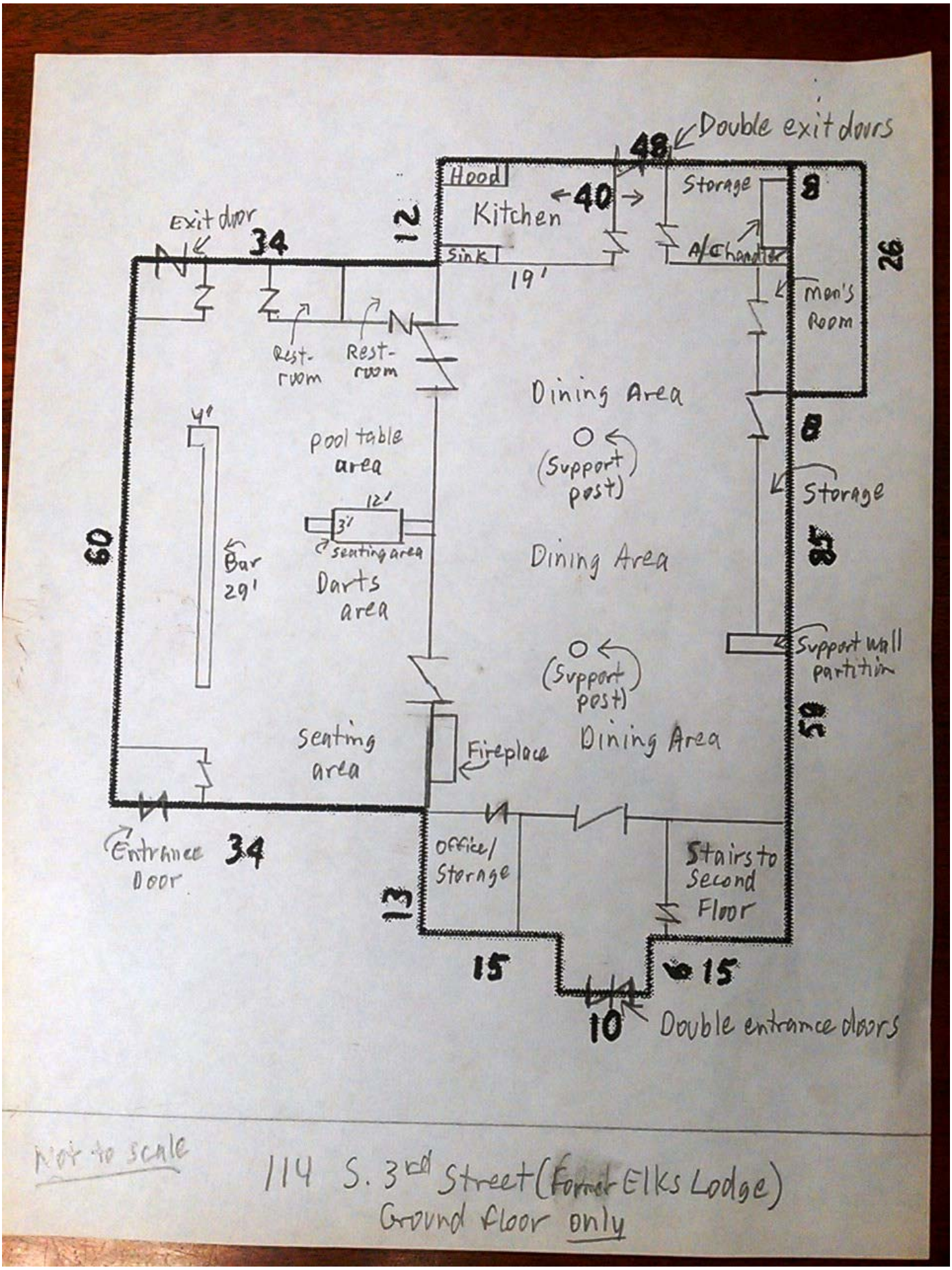
Impact on Public Interest
City Departments offered no objections or comments on the application. Based on meeting the criteria above, and also based on the proposed restaurant's contribution to the entertainment-based character of downtown, Staff believes that this use will have a positive impact on the public interest.

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 Application 15-07 meets applicable conditional use criteria if the following recommendations are met.

1. On-premises consumption of alcohol associated with a restaurant is allowed.
2. Seating shall not exceed 175 seats.
3. Hours of operation shall not go beyond 10 PM on weekdays and 11 PM on weekends, and any outdoor activities, already limited by the City's noise ordinance, shall not occur beyond 9 PM on weekdays and 10 PM on weekends.
4. If the rear driveway from Oak St. is utilized for loading purposes and parking, the driveway, parking, and loading areas shall be paved per Zoning Code standards.
5. If the driveway is utilized, screening in the form of a fence, wall, or hedge with a minimum height of six feet shall be provided along the property lines adjacent to the residence to the south and shall be located to screen out any parking, loading, vehicle maneuvering, refuse, or any other outside activity.
6. Signage is subject to the Sign and Zoning Codes, including Downtown Overlay Zoning standards.
7. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.

ATTACHMENTS: APPLICANT'S SITE PLAN
JUSTIFICATION
FLORIDA MASTER SITE FILE



Not to scale

114 S. 3rd Street (Former Elks Lodge)
Ground floor only

Hale Real Estate Inc. (Owner of Record)

Agent-Alex Sharp

Thursday, January 22, 2015

<u>Background on 114 South 3rd Street-property and Justification for use:</u>

1. Exclusively the local Elks Lodge historically has used the target property since 1921. It consists of a main floor that includes a lounge area, commercial kitchen, two dining rooms, several offices, three bathrooms, an upstairs meeting hall, and outdoor courtyard and utility shed, with approximately 9,000 square feet of total mixed use.
2. The building was at the time of construction in 1921 was also utilized as the area hurricane shelter for many years to follow.
3. Under the Elks Lodge, the 1st floor was utilized as restaurant and lounge, the upper hall was strictly for meetings.
4. The building in this writer's opinion has great historical value to the citizens and City of Palatka.
5. The existing neighborhood is already a mixed use with the adjacent buildings being currently used as apartments, retail sales, government offices and one standalone bar.

6. There are two churches in close proximity but this writer is not sure they would trigger the required 300 feet setback for alcohol sales. However, we would concur to staff's evaluations if they find they are in that zone.
7. The building has adequate egress and exits that access from Oak Street, and two main entrances along South 3rd Street.
8. Parking is mixed with spaces available on the Oak Street Side and street parking along South 3rd and the City of Palatka parking lot which spans South 3rd and South 2nd Street.
9. There is an existing area for waste disposal or additional space in the Oak Street access right of way.
10. Utilities are electric and gas and in good working order. There is an existing sign that can be converted to the intended us of restaurant. There is an existing commercial kitchen with a hood system that meets current fire codes that was in full use up to March 2014.
11. Currently the 1st floor is rated at 200 occupancy but we anticipate a fixed max occupancy of 175.
12. The property falls currently in the Downtown Business District area and is not subject to any Historical Preservation oversight. However, it is the intended owner's intention to maintain the integrity of the current building as it looks today.

13. The intent and request is to utilize the 1st floor to a restaurant with alcohol. The Alcohol licensing would be under an SRX license and would require that food sales be the primary income generated. Alcohol would be available only to compliment dining not as a primary use to generate revenue.

14. Alcohol sales would trigger a variance and or conditional use approval due to the close proximity to the existing stand-alone bar. (Steamboat Willies) This agent has already advised the current owner of the bar of the intent to seek this use; there were no objections at that time.

15. The upper area or 2nd floor is intended to be converted to a single family residence. A second entrance would allow access to the proposed living area that does not utilize the above mentioned access ways to the restaurant area. If need the Oak street access could be converted to the required parking for a mixed use residential. There would upon the remodeling be a residential entrance and secondary exit to meet any existing fire codes.

16. Historically the local Elks Lodge operated the property as a restaurant and lounge for the last 100 years. Their membership and attendance was in the hundreds for these services with no adverse impact on the neighboring properties.

17. This proposed usage would be the best and most appropriate use of the building and greatly enhance our downtown area.

18. Last, I would like to remind everyone of the current owner's record of restoring and maintaining property in the downtown area of Palatka. Currently, we own, manage and lease: 210 and 212 Saint Johns Ave, 900, 902, 904, 906, and 908 Saint Johns Ave, 919 Saint Johns Ave, and 1005 Saint Johns Ave. All occupied by business and contributing to the economic revitalization of Palatka.

I will be available to answer any questions as needed and appreciate your time and energy in reviewing this application. We look forward to beginning another successful project in the downtown Palatka area

Sincerely,

Alex Sharp,

Agent for Hale Real Estate Inc. (Owner of Record)

Alex.Sharp@hotmail.com

Page 1
[X] original
[ ] update

HISTORIC STRUCTURE FORM
FLORIDA MASTER SITE FILE

Version 1.1: 3/89

PU01155
Site ~~Non-contributing~~

Recorder # _____

Site Name 114 South Third Street: Palatka Elks Lodge
Historic Contexts Palatka South Historic District
Nat. Register Category Building
Other Names or MSF Nos. _____
County Putnam Ownership Type Private
Project Name Palatka Redevelopment Plan DHR No. 4025

LOCATION (Attach copy of USGS map, sketch-map of immediate area)

Address 114 S. 3rd. St.
Vicinity of / Route to _____
Subdivision Palatka Block No. 14 Lot No. pt. of 5
Plat or Other Map _____
Township T10S Range R27E Section 42 1/4 _____ 1/4-1/4 _____
Irregular Section? __ yes X no Land Grant _____
USGS 7.5 Map Palatka
UTM: Zone _____ Easting _____ Northing _____
Coordinates: Latitude 29 D 38 M 77 S Longitude 81 D 37 M 99 S

HISTORY

Architect: F Unknown M _____ L _____
Builder: F Unknown M _____ L _____
Const. Date: post 1930 Circa __ Restoration Date(s) _____
Modification Date(s): _____
Move: Date NA Original Location _____
Original Use(s) Assembly Hall
Present Use(s) Assembly Hall

DESCRIPTION

Style Masonry Vernacular
Plan: Exterior Irregular
Interior _____
No. of: Stories 2 Outbuildings 0 Porches 0 Dormers 0
Structural System(s) Masonry bearing wall
Exterior Fabric(s) Stucco
Foundation: Type Continuous Materials Concrete block & stucco
Infill _____
Porches Covered entrance
Roof: Type Gable & flat Surfacing Composition Shingles & Built-up
Secondary Structures _____
Chimney: No. 2 Mtls Brick Locns south side near rear and 1/4 back from front
Windows Metal Awning
Exterior Ornament Metal railing around edge of roof, stucco brackets at lower entrance
Condition Good Surroundings Commercial
Narrative (general, interior, landscape, context; 3 lines only)
Very large assembly building. Primary volume is a tall 2 story building with entrance on both floors. Major symmetric stair rises to 2nd floor entrance. Major 1 story addition has been located on the south side of primary volume. Building has attractive minimal care landscaping.

ARCHAEOLOGICAL REMAINS AT THE SITE

FMSF Archaeological form completed? __yes X no (If yes attach)
Artifacts or Other Remains _____

RECORDER'S EVALUATION OF SITE

Areas of Significance Very large and non-descript building located adjacent to main business street. Building design shows some sign of detail to make it compatible with the historic character of the district but those efforts were not very successful.

Eligible for National Register? __Yes X No __Likely __need info. __insf. info.
Significant as part of district? X Yes __No __Likely __need info. __insf. info.
Significant at local level? X Yes __No __Likely __need info. __insf. info.

SUMMARY ON SIGNIFICANCE (Limit to three lines provided; see page 3)
Utilitarian building with some effort to dress up the entrance. Building is out of scale and character with the historic district.

* * * DHR Use Only * * * * * * * * * * * * * DHR Use Only * * *

Date Listed On National Register _____
Keeper Determination of Eligibility (Date): Yes _____ No _____
SHPO Evaluation of Eligibility (Date): Yes _____ No _____
Local Determination of Eligibility (Date): Yes _____ No _____
Office _____

* * * DHR Use Only * * * * * * * * * * * * * DHR Use Only * * *

Recorder Information: Name F Richard M W. L Pohlman
Date: Month 3 Year 94 Affiliation University of Florida

Photographs (Attach a labeled print bigger than contact size.)
Location of Negatives DAHRM
Negative Number A11

PHOTOGRAPH

Attach a B/W photographic print here with plastic clip. Label the print itself with at least:
the FMSF site number
(Use survey number or site name if not available)
Direction and Date of photograph.
Prints larger than contact size are preferable.

MAP
Street/Plat Map
(Not USGS Map)

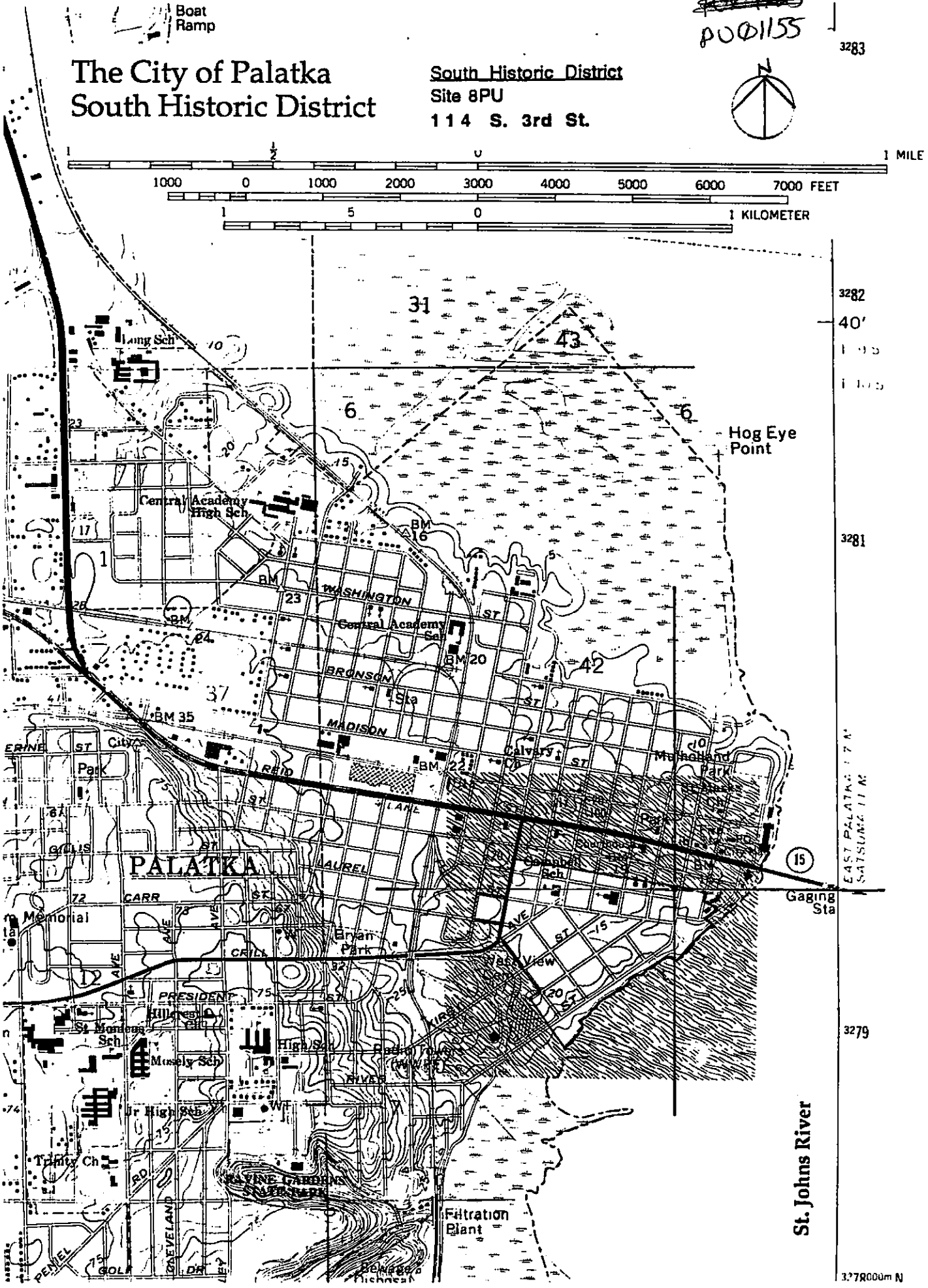
1994 Redevelopment Plan

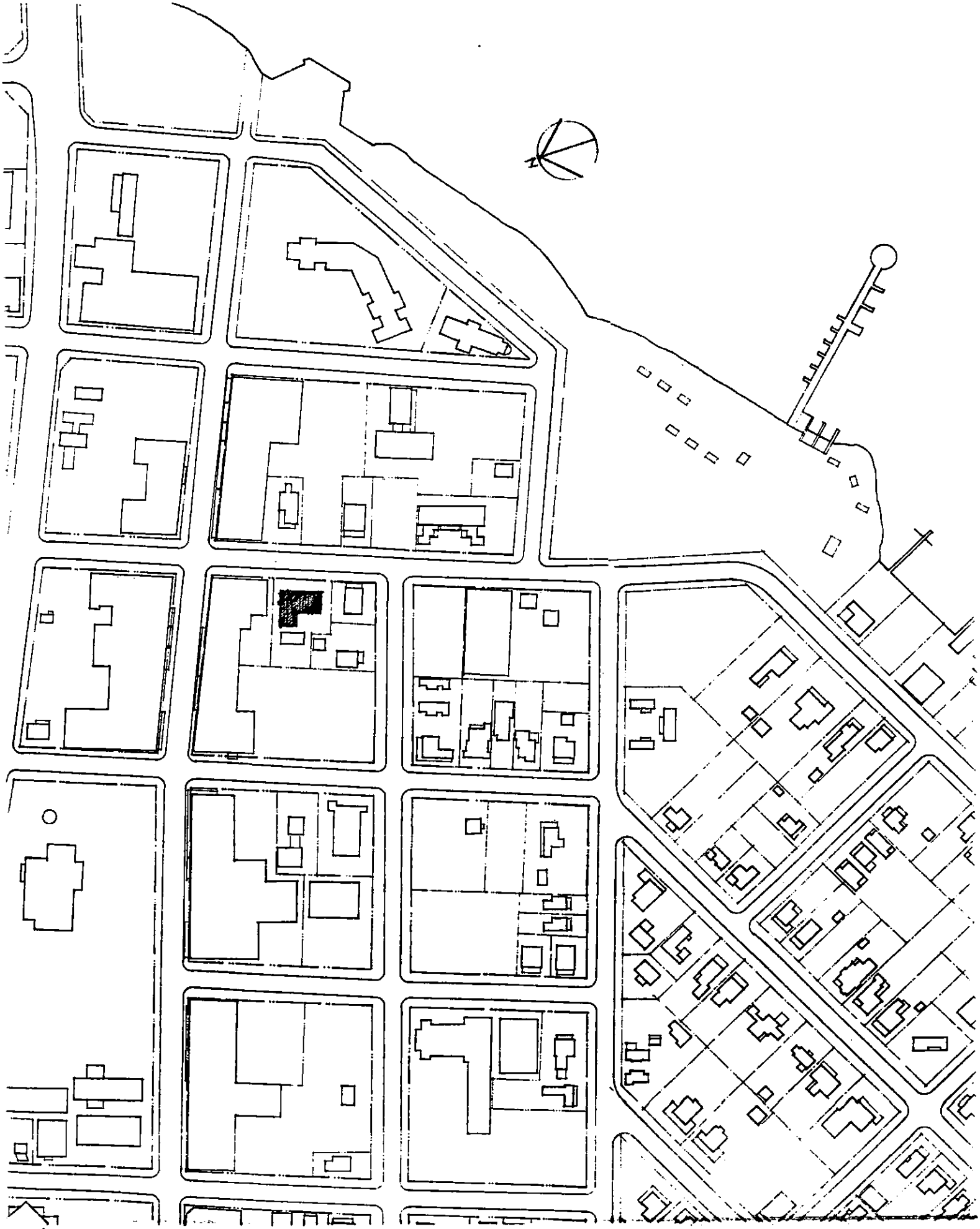
REQUIRED: USGS MAP OR COPY WITH SITE LOCATION MARKED

PU01155

The City of Palatka
South Historic District

South Historic District
Site 8PU
114 S. 3rd St.





PALATKA ELKS LODGE
1232
BINGO

1 1 4 S. 3rd St.
East Elevation
M. Arias / M. Mondell
March, 1994
A11; DAHRM
Photo No. 1 of 1
Site 8PU 611.55

Case 15-09: 3314 Crill Ave.
Request to Annex, Amend Future Land Use Map and Rezone
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: February 25, 2015

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To annex, amend FLUM, and rezone the following property as noted below. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). City departments had no objections to the proposed actions.

Figure 1: Site and Vicinity Map (property outlined in red)

Figure 2: Property – Annie Spells public housing complex to right.

APPLICATION BACKGROUND

The property under consideration currently has a County mixed-use Future Land Use Map (FLUM) designation and multi-family zoning. There is a four-unit office building on the property.

The property and its current and proposed FLUM and zoning classifications are shown below.

Table 1: Current and Proposed Future Land Use Map and Zoning designations

Future Land Use Map Category		Zoning	
Current Putnam Co.	**Proposed City**	**Current Putnam Co.**	**Proposed City**
US (Urban Service)	COM (Commercial)	CPO (Commercial Professional Office)	C-1A (Neighborhood Commercial)

The applicant is voluntarily annexing into the City to hook up to the City's water and sewer systems. Staff is presenting these applications as administrative actions, as opposed to an action by each property owner, due to the rationale presented below.

1. Revenue Recovery. The taxes collected from this property will defray the administrative expense of the annexation fairly quickly.
2. Comprehensive Plan Support. Public Facilities Element Policy D.1.2.1 directs the City to proactively annex properties served by water and sewer into the City. Language in the adopted Evaluation and Appraisal Report of the Comprehensive Plan compels the City to again proactively work to diminish and eventually eliminate enclaves. City staff believes this directive is sufficient to submit these actions as administrative applications.
3. Economic Development. By encouraging voluntary annexation and requiring annexation of agreement properties, the City is working to increase utility and other service provision efficiency, enhance system revenues, and encourage growth.

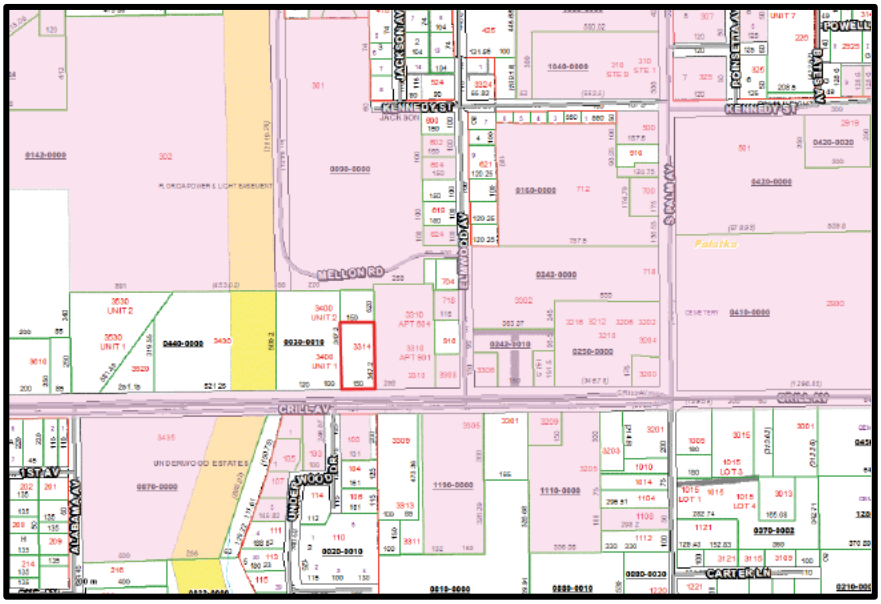
PROJECT ANALYSIS

Annexation Analysis

Florida Statute 171.044 references voluntary annexation requirements and requires that property proposed for annexation must meet two tests. First, properties must be contiguous to the annexing municipality and second, properties must also be "reasonably compact."

Contiguity. F.S. 171.031 provides a definition for contiguous and requires that boundaries of properties proposed for annexation must be coterminous with a part of the municipality's boundary. As indicated in Figure 1, the property is contiguous to the City limits, which are across Kelley Smith Road (statutes do not consider rights-of-way and interrupting contiguity).

Compactness. The statute also provides a definition for compactness that requires an annexation to be for properties in a single area, and also precludes any action which would create or increase enclaves, pockets, or finger areas in serpentine patterns. Annexing the property meets the standard of compactness as it is does not create an enclave, pocket, or finger area but in fact reduces the greater County enclave along the section of Crill Ave. (see map below).



Future Land Use Map Amendment Analysis

Criteria for consideration of comprehensive plan amendments under F.S. 163-3187 are shown in italics below (staff Comment follows each criterion, and comprehensive plan extracts are underlined).

List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.
The proposed amendment is in keeping with the following objective and policies of the Comprehensive Plan, and does not conflict with other plan elements.

Policy A.1.9.3
A. Land Use Districts
1. Commercial

Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts (Ordinance # 11-22). The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. (Ordinance # 12-50). Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use. See Policy A.1.3.2.

Staff Comment: the property is now in the County's Urban Service FLUM category, which allows nonresidential uses limited by a Floor Area Ratio of 1.0 [1] and a maximum impervious surface [2] ratio of 85%. The City's COM FLUM allows a higher FAR of 1.5 and a slightly lower impervious surface of 70%, with both being comparable to the County's intensity limits**.** Section 94-111(b) allows the C-2 zoning category within the COM land use category.

Provide analysis of the availability of facilities and services.
Staff Comment: the property is in close proximity to urban services and infrastructure including city water and sewer lines (both within the Crill Ave. right-of-way).

Provide analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
Staff Comment: The property is within a commercial corridor that is suitable for the proposed commercial FLUM designations. Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on these developed sites.

Provide analysis of the minimum amount of land needed as determined by the local government.
Staff Comment: not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

Demonstrate that amendment does not further urban sprawl, as determined through the following tests.

- *Low-intensity, low-density, or single-use development or uses*
- *Development in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.*
- *Radial, strip, isolated, or ribbon development patterns.*
- *Development that fails to adequately protect and conserve natural resources and agricultural activities.*
- *Development that fails to maximize use of existing and future public facilities and services.*

[1] Floor Area Ratio is a measurement of intensity defined as the size of the property divided by the square footage of a building. For example a FAR of 1.0 allows a building of 43,560 square foot on a lot of the same size.
[2] Impervious surface is the area that will not absorb rainwater, including paved areas, building areas, and pond/water areas.

- *Development patterns or timing that will require disproportional increases in cost of time, money and energy in providing facilities and services.*
- *Development that fails to provide a clear separation between rural and urban uses.*
- *Development that discourages or inhibits infill development and redevelopment.*
- *Development that fails to encourage a functional mix of uses.*
- *Development that results in poor accessibility among linked or related land uses.*

Staff Comment: the location of this property within the City's urbanized area ensures that urban services are available. These uses do not represent urban sprawl.

<u>Rezoning Analysis</u>

Per Section 94-38 of the Zoning Code, the Planning Board shall study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff comment follows each criterion).

1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity with the comprehensive plan.

Staff Comment: as previously noted, the application is supported by the Comprehensive Plan.

b. The existing land use pattern.

Staff Comment: The property is located in an established commercial corridor.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

Staff Comment: Properties in the vicinity to the east have the C-2 zoning designation (Sav A Lot shopping center, Family Dollar at Crill & Palm, etc). Rezoning the property to C-1A provides a similar commercial zoning category that employs a step-down in intensity, appropriate due to the adjacent residential uses.

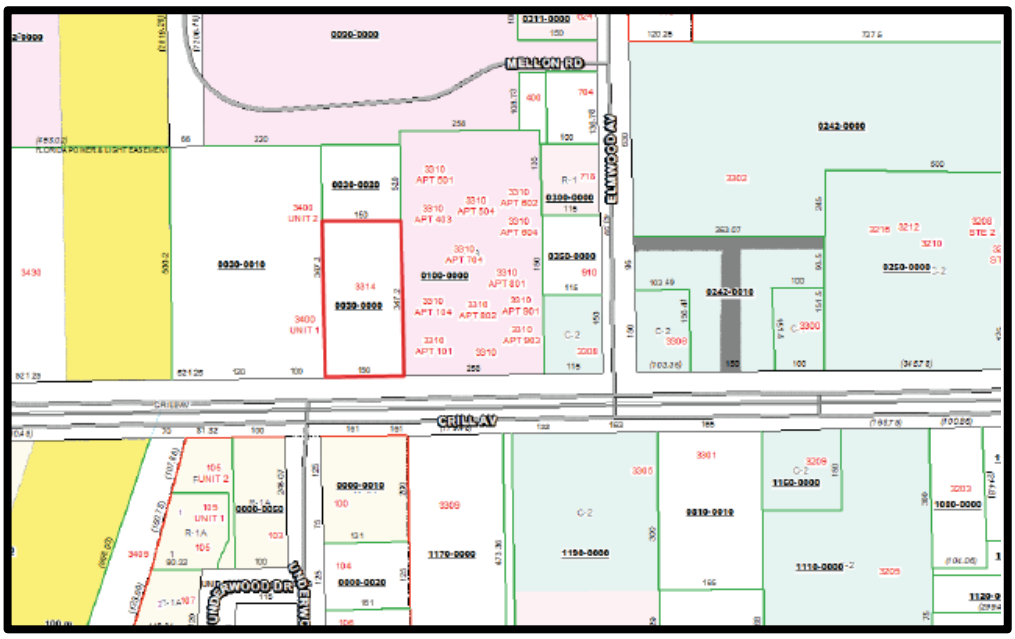


Figure 4: Vicinity zoning – R-3 (multi-family) immediately to east, C-2 further east

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.
Staff Comment: Roadway capacity is available on area roadways and the impacts of these uses on road and utility capacity will be negligible, particularly since the uses are already present.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
Staff Comment: See response to c. above.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.
Staff Comment: Not applicable.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.
Staff Comment: Rezoning the property to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
Staff Comment: the property proposed for rezoning is already developed and thus traffic congestion or public safety will not be affected.

i. Whether the proposed change will create a drainage problem.
Staff Comment: No drainage problems are anticipated for this already-existing use.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Staff Comment: The already-developed property does not have excessive height, density, or intensity to reduce light and air to existing adjacent areas.

k. Whether the proposed change will adversely affect property values in the adjacent area.
Staff Comment: see response to g. above.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
Staff Comment: based on the previous responses, the changes will not negatively affect the development of adjacent properties.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
Staff Comment: providing a FLUM and zoning designations to property that are similar to the designation of surrounding properties and are similar to the existing County FLUM and zoning is not a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Staff Comment: The City commercial land use and zoning are in keeping with the existing use.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
Staff Comment: the property and its use are not out of scale with the neighborhood and City.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
Staff Comment: not applicable.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.
Staff Comment: not applicable.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable annexation, future land use amendment, and rezoning criteria. Staff recommends approval of the annexation, amendment of Future Land Use Map category to COM, and rezoning to CPO for 3314 Crill Ave.

Case 15-10
Request for Conditional Use
Indoor Recreation Use at 306 S. State Rd 19
Applicant: Parkash Patel

STAFF REPORT

DATE: February 24, 2015

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To consider a request for a Conditional Use for an indoor recreation use (internet café). Public notice included newspaper advertisement, letters to nearby property owners (within 150 feet), and property posting.

APPLICATION BACKGROUND

The C-2 zoning district allows by conditional use indoor commercial recreational facilities "such as motion picture theaters, billiard parlors, swimming pools, bowling alleys and similar uses, provided such uses shall be in soundproof buildings."

PROJECT ANALYSIS

The subject property is occupied by one commercial building with nine occupied units and one vacant unit. The uses include a paint store, antique store, mobile phone store, hair salon, embroidery store, flooring/carpet store (occupying two units), check cashing store, and consumer loan store. The table below and accompanying maps show site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Properties Land Use

	Actual Use	**Future Land Use Map**	**Zoning**
Site	Retail buildings	COM (Commercial)	C-1 (General Commercial)
North	Single-family residence	RL (Residential, Low Density)	R-1 (Single-family Residential)
East	Church	RM (Residential, Medium Density)	R-2 (Two-family Residential)
South	Single-family residence Undeveloped lot	RH (Residential, High Density)	R-3 (Multi-family Residential)
West	Single-family residence Undeveloped lot	RL (Residential, Low Density)	R-1 (Single-family Residential)

Figure 1 (above): Location Map *Figure 2 (below): Site from N. 19th St.*

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

a. Compliance with all applicable elements of the comprehensive plan.
The application is not in conflict with applicable elements of the Comprehensive Plan.

b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
Vehicular Access and Traffic Flow.
The property has a single vehicle access point to S. State Rd. 19. On the site there is a loop driveway around the building. Adequate vehicular access is provided to the property and proposed use.

Pedestrian Safety
There is an existing sidewalk along both sides of State Rd. 19. The property is reasonably safe in regard to pedestrian movement and access.

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.
The parking lot includes 45 spaces in the front and 21 in the rear. Minimum required parking for general business, commercial, or personal service establishments (which include existing uses and the proposed use) is one space for every 200 square feet of nonstorage space. It is not known how much storage space each store has, but by code the parking would only support 13,000 square feet of nonstorage space, which would imply that the 17,595 square foot building would have 4,595 square feet of storage space, which would be a 26% storage percentage, which is unlikely. It is Staff's opinion that this shopping center could experience a parking shortage, particularly since the businesses are all "daytime" businesses, open generally at the same time. There are no opportunities for off-site parking, with the Emergency Operations Center to the south and a business with a small parking lot to the north. However Staff cannot conclusively determine if there is a current parking problem or if the use will create a parking problem – it should be noted that a wide variety of businesses that do not require a conditional use would not be scrutinized for minimum parking, since the parking is a nonconforming/grandfathered condition of use. Conditional uses by definition require a careful review of code compliance. Business owners in the shopping center would be able to address parking problems if they attend the meeting or provide information to Staff. It should be noted that by code the only use that would require a lower amount of parking would be a medical office with one or two doctors or dentists.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.
There is an unscreened dumpster in the rear parking lot.

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.
Given the difficulty of meeting the landscape code for existing businesses, Staff has following the Board's policy of calling for a reasonable level of code compliance, which in this case would include the following:

(1) planting of terminal island shade trees in front parking lot (two trees, one at the south end of the streetside parking row, and the other in the landscape island in the middle of the northern streetside parking row); and
(2) replacement of dead shrub/hedges along the front parking row.

The Board can require full landscape code compliance which would include the following:

(3) additional terminal island shade trees in front and rear parking areas, including installation of new landscape islands (four in the front, two in the rear);
(4) creation of two new landscape islands with a shade tree in each in the middle of the front and rear building-side parking row (to meet standard of not more than 15 spaces without a landscape island);
(5) two shade trees along the right-of-way buffer (between the streetside parking row and the sidewalk);
(6) proper maintenance of landscape areas with grass, ground cover, and/or mulch; and
(7) two new understory trees along the southern perimeter.

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.
Site signage includes one freestanding multi-tenant sign, two freestanding individual tenant signs, and individual wall and window signs for each unit. No new signs are proposed.
Staff is compelled to point out the current sign code violations on the overall property:

(1) multiple snipe signs, which are illegal; and
(2) multiple banners which create visual clutter and driver distraction, as well as a "desperate" look to the property and its businesses; and

Figure 3 & 4: Illegal and unsightly signage along property frontage

h. Required yards and other open space.
See f. above.

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

As a commercial use, the proposed use is compatible on a general level with other surrounding commercial uses. Staff has not received any input from neighboring business owners as to the presence or lack of compatibility of the proposed use.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.
There are no special requirements set forth in the Zoning Code for this type of use.

k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.
Not applicable.

Impact on Public Interest
While the PPD in the past has expressed some concern about potential crime associated with internet cafes, no documentation has been provided that makes that connection. One additional public safety and interest concern is the unpaved, eroded, and unpermitted vehicular connection to property to north.

Figure 5: Unpermitted & unpaved connection to property to the north

With the inclusion of the report's recommendations Staff does not find there to be a negative impact of the proposed use on public interest, unless meeting testimony or documentation indicates there is such an impact, particularly in regard to parking shortages.

STAFF RECOMMENDATION

Staff recommends approval of the request for a Conditional Use for an indoor recreation facility at 306 S. State Rd 19 with the following conditions.

(1) Dumpster shall be screened.
(2) Planting of terminal island shade trees in front parking lot (two trees, one at the south end of the streetside parking row, and the other in the landscape island in the middle of the northern streetside parking row);
(3) Replacement of dead shrub/hedges along the front parking row.
(4) Removal of illegal snipe signs.
(5) Limitation of two banners.
(6) Paving of connection to north or blocking off said connection.

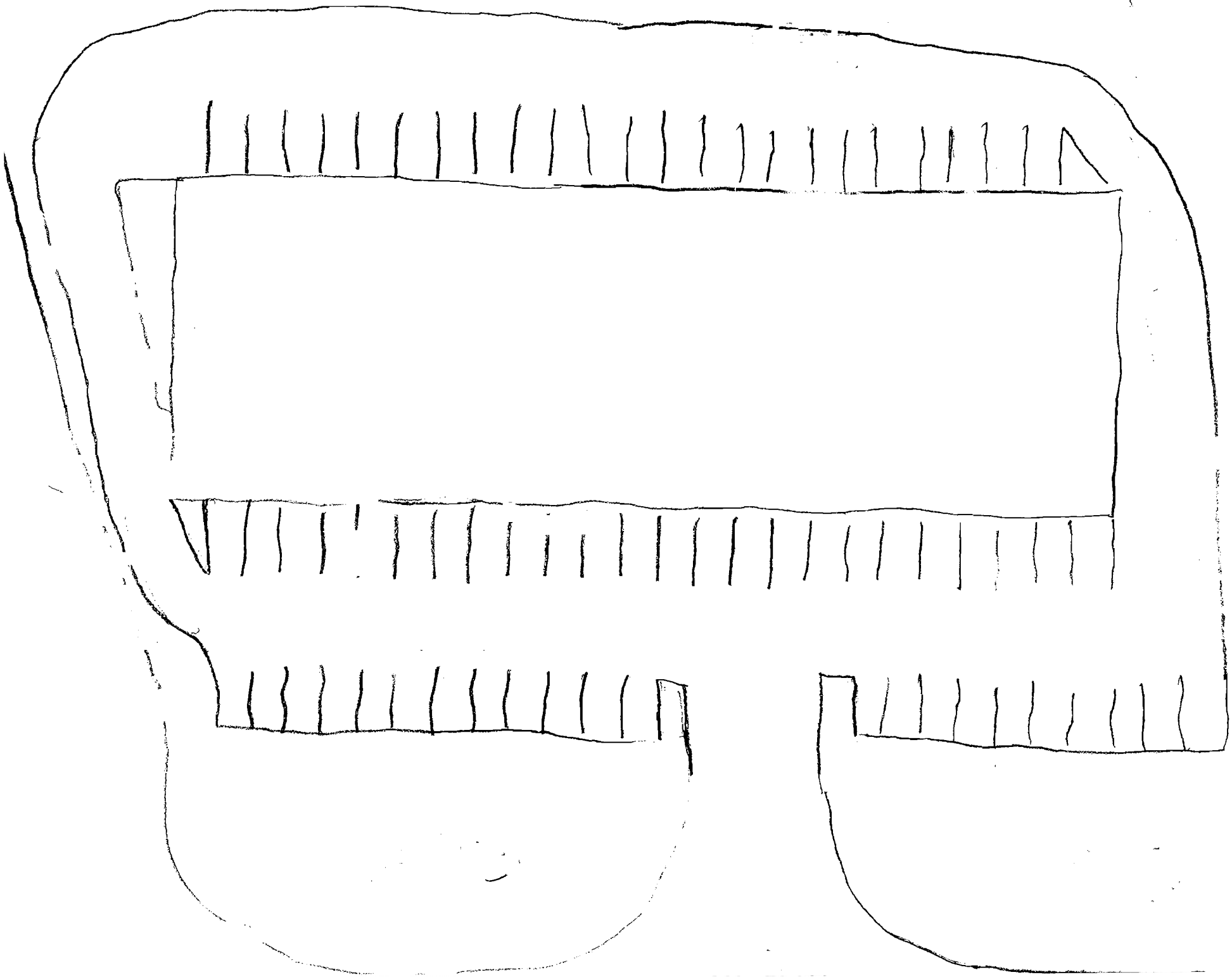
ATTACHMENTS: APPLICANT NARRATIVE & JUSTIFICATION
FUTURE LAND USE AND ZONING MAPS

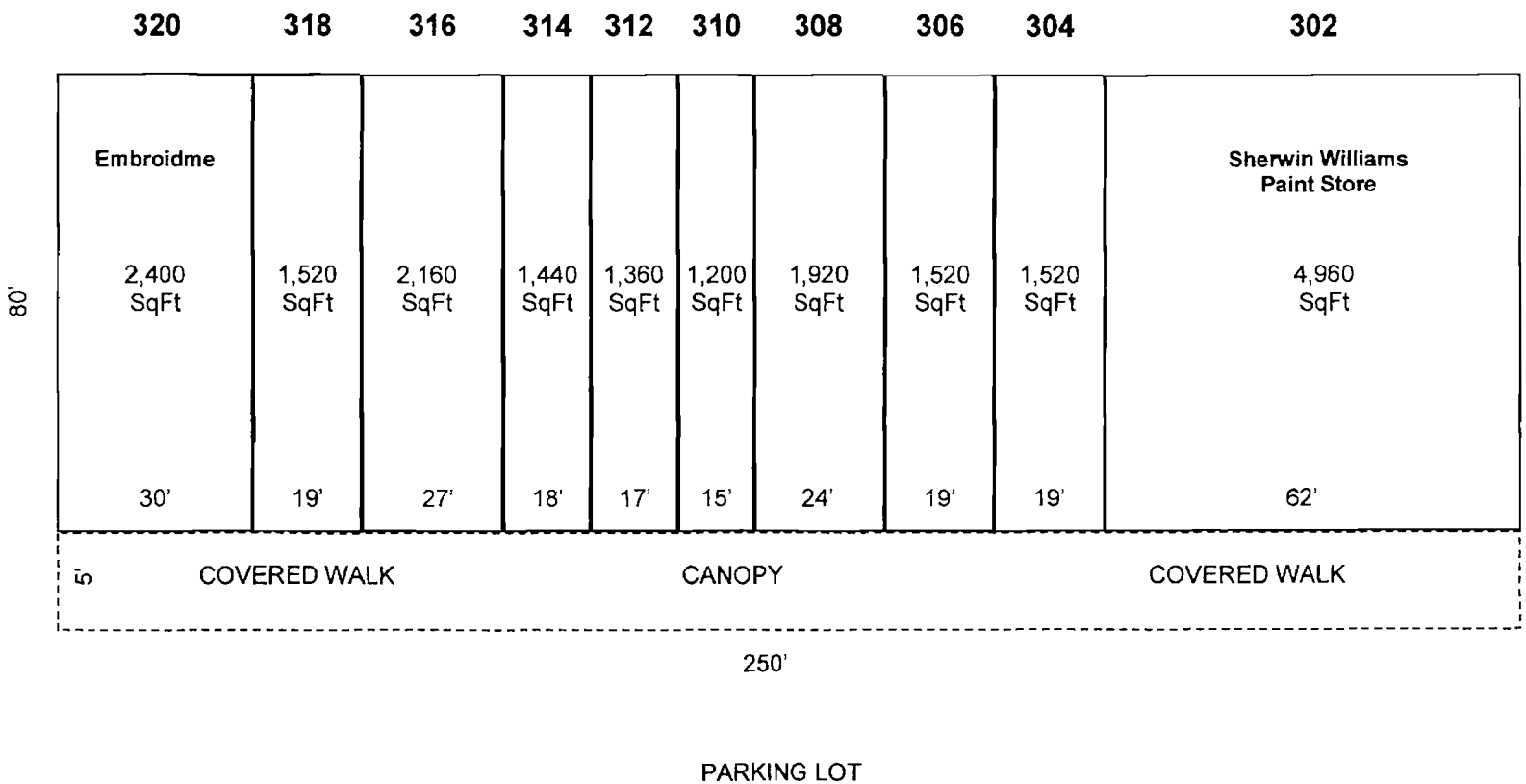
MARINER FINANCE
Mar Jean
Salon Everything
WALK - INS
WELCOME
boost

ST. JOHNS FLOORING
CARPET · VINYL
TILE · WOOD
386-325-3333
ADVANCE AMERICA
CASH ADVANCE CENTERS
ST. JOHNS
FLOORING
386-325-3333
VINYL
TILE
WOOD

boost
mobile
Smartphone
Repair
BUY · SELL
REPAIR
Antiques,
Collectibles
& More
386 385-5260

Antiques,
308
306
OPEN




320
318
316
314
312
310
308
306
304
302
Embroidme
Sherwin Williams Paint Store
2,400 SqFt
1,520 SqFt
2,160 SqFt
1,440 SqFt
1,360 SqFt
1,200 SqFt
1,920 SqFt
1,520 SqFt
1,520 SqFt
4,960 SqFt
80'
30'
19'
27'
18'
17'
15'
24'
19'
19'
62'
5'
COVERED WALK
CANOPY
COVERED WALK
250'
PARKING LOT

To Whom it May Concern,

Thank you for your consideration for a conditional permit for the proposed internet café. Just to give a little background on us. We have operated several service types businesses from franchise restaurants, hotels, to internet cafes. We are well versed in general business practices and have been doing it for several years not only in Florida but also in other states. We would like to mention that we do treat this as a business with all of the facets that go along with it. If there are any local regulations in place we will comply with the standards that are set. We do not allow smoking and food will not be prepared on location. However, we often do serve food and is prepared from local area restaurants. Please review the following answers to the questions and hopefully you will find the answers satisfactory.

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

   Existing Center

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.

   The location is inside of a shopping center with plenty of access in and out of premises do not forsee any issues with ingress/egress

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.

   The location has ample parking not only in front of the proposed location but also in the rear of the property our peak times will be on Friday and Saturday nights in which most of the business adjoining us will be closed or at worst case off peak.

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

   Internet cafes generally do not generate large amount of refuse and are not visited by a large number of delivery and service vehicles. Dumpsters are located in rear of center.

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

   The subject location is serviced with public electricity, water and sanitary sewer.

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

All landscape buffers are existing, location is surrounded by commercial businesses.

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.

present if a sign is to be placed in from of the center it will be properly permitted

h. Required yards and other open space.

Existing Center

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

The location sits off of highway 19 and is surrounded by commercial businesses.

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

Will comply with any regulations that will affect the business.

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

l. Will comply with any regulations that will affect the business.

Sincerely,

Parkash J. Patel
2-3-15
252-363-8857
riyaronak@gmail.com

p.s. if you have any questions please feel free to reach out to me.

Case 15-11
Request to Amend Zoning Code
(Reduce parking space width)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: February 24, 2015

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST
A request to amend the Zoning Code to reduce parking space width from ten-by-twenty feet to nine-by-eighteen feet.

APPLICATION BACKGROUND
Zoning Code Sec. 94-261(f) requires a minimum size of parking spaces of 10 feet (width) by 20 feet (length). This is larger than the industry standard of 9 feet by 18 feet allowed in most other jurisdictions, and results in unnecessary paving, which then results in a cost burden to businesses and the reduction of green space. Staff recommended the smaller size at the October, 2011 Board meeting, a proposal that was denied by both the Board and the City Commission. Since that time the Zoning Board of Appeals has allowed parking space reduction in one case for 50% of required parking (Family Dollar at Crill & Palm Avenues). The Zoning Board of Appeals denied a request from the downtown Hampton Inn for the smaller spaces, which was appealed successfully to the City Commission. Recently the Planning Board recommended and the City Commission adopted an ordinance allowing the nine-by-eighteen spaces for non-public parking (restricted parking including gated & fleet parking). The Board indicated by consensus at a recent meeting that it was willing to consider the request on an across-the-board basis again.

PROJECT ANALYSIS
Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.
Staff comments: the following justifications are apparent:
- vehicles are trending toward smaller sizes;
- reducing paved areas reduces project costs and increases green space;
- the proposed space size is in line with typical parking space sizes of other jurisdictions;
- the City in the past several years has formally approved requests for the nine-by-eighteen foot spaces; and

- many parking areas in the City already have the nine-foot wide spaces, as they predate the code requirement or the spaces were striped incorrectly.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan, more particularly with the objective below.

FUTURE LAND USE ELEMENT

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends approval of Case 14-37 revising Zoning Code Section 94-261(f) as follows.

(f) Dimensions of parking spaces; aisle width. Each parking space shall be a minimum of ~~ten feet by 20 feet in size, except for non-public parking areas including display, fleet, and restricted parking, which shall be a minimum of~~ nine feet by eighteen feet in size.