



PLANNING BOARD DRAFT MINUTES

April 7, 2015

Members Present; Chairman Daniel Sheffield, Anthony Harwell, Joseph Petrucci, Earl Wallace, and Tammy Williams. Members absent: George DeLoach, Charlie Douglas, and Vice-Chairman Joe Pickens. Staff present; City Attorney Don Holmes, Planning Director Thad Crowe, Recording Secretary Pam Sprouse.

Chairman Sheffield called the meeting to order at 4: 01 PM.

Motion made by Mr. Petrucci and seconded by Mr. Harwell to approve the minutes from the February 25, 2015 meeting. Motion carried unanimously.

Chairman Sheffield read the appeal procedure and requested that any ex-parte communications be expressed prior to each case.

Case 15-14: Administrative request to amend Zoning Code Sec. 94-147; 94-148 and 94-149 to allow schools by conditional use permit in the following commercial zoning districts; C-1A (neighborhood commercial district), C-1 (general commercial district) and C-2 (intensive commercial district).

(Public Hearing)

Mr. Crowe explained that ten nonresidential zoning districts do not allow schools at all. Schools are only allowed by right in the PBG-1 zoning district, and by conditional use permit in all residential zoning districts (except for mobile home zoning). This is standard practice in many local zoning codes in Florida. While he was not familiar with the rationale behind this standard in Palatka, he said that in other jurisdictions the intent was expressed that schools should be in residential areas to allow for pedestrian access and more traffic safety. This change would only allow for the consideration of schools through the conditional use process. This review would be on a case-by-case basis, so approval would not be guaranteed. He said that currently vocational schools are allowed by right in commercial districts and day cares are allowed by conditional use in commercial zoning districts. These are similar uses. He said that the request does not conflict with the goals, objectives and policies of the comprehensive plan and Staff believes that the City should at least provide the opportunity for such a consideration, and with that he recommended approval.

Mr. Sheffield asked if Staff knew of any issues with this kind of allowance in other jurisdictions. Mr. Crowe advised that he is not aware of any, that this is a community standards issue and he has seen jurisdictions loosen up restrictive zoning and depart from the barriers and downright prohibitions. He said that it seems the old paradigm was to keep schools in residential

neighborhoods and now the new paradigm is to take a look at them and see where they fit the best, regardless of the existing land use.

Mr. Petrucci asked if Staff's intent was to allow for all commercial districts. Mr. Crowe replied yes, but only by conditional use review. He noted that approximately 85% of the commercial zoning districts within the City, discounting the Downtown districts, are zoned C-2 (intensive commercial). Discussion continued.

(Regular meeting)

Mr. Petrucci asked why the code amendment approach, versus having an applicant apply for a rezoning to the Public Grounds designation, and cited concerns of new commercial uses being deterred by existing schools. Mr. Crowe responded that to rezone could be spot zoning and that zoning and land use categories should be kept in more broad strokes with a more coherent structure to our zoning map. Mr. Holmes agreed and added that in addition to the "allowed by right consideration," the conditional use vehicle the opportunity to be more restrictive. He added that a new commercial use might look at being next to a school as a readymade customer base. Mr. Petrucci expressed concerns that intensive commercial activities might harm schools in commercial districts. Mr. Crowe answered that whether a use is allowed or not, they must meet the code including parking, traffic patterns that will allow customers to safely enter and exit the establishment, and landscaping/buffering. Mr. Harwell expressed his concern for stifling commercial growth in the area by assigning prime retail land to non-retail uses.

Motion made by Mr. Wallace and seconded by Ms. Williams to approve the request as recommended by Staff. All present voted, with 4 yeas and 1 nay (Mr. Petrucci). Motion carried.

Case: 15-15: A request for a conditional use permit to locate a school in a C-1 (general commercial) zoning district – 310 S. Palm Ave.

Mr. Crowe showed PowerPoint slides of the site, noting the tree preserve area on the rear half, the one-way pair driveway around the building, with parent drop off to the north and buses along the Palm Ave. side (east). He then reviewed the applicable criteria, starting with conformance with the Comprehensive Plan. He said that the request complies with the Comprehensive Plan language for the Commercial Future Land Use Map category that references public/intuitional uses. He noted use compatibility with the Palm Avenue corridor, a mixed-use area with mostly institutional uses such as a church, funeral home, nursing home, and limited retail including credit union and sub shop. He stated that the Board has the ability to require full buffering or strike a balance by crediting existing and established trees. As there are so many trees preserved in the rear half of the site, Staff recommends only requiring three additional shade trees on the property, specifically in the front within the right-of-way buffer.

Mr. Crowe went over the site plan slide, noting driveways, parking, drop-off areas, solid waste enclosure, play area, and tree preservation area. He noted further criteria compliance regarding utilities, open space, and signage, but said that conditional use review must consider impact on the public interest. He said that while he believed it would be good public policy to use any leverage to collect an equitable fee for government services rendered, he agreed with Mr. Holmes advice that fiscal issues were too far removed from zoning and land use discussions. Therefore Staff was removing this condition, but said that if the Applicant wanted to volunteer such a payment through civic pride, the City would be glad to collect it.. Chairman Sheffield asked if staff had any discussions with the applicant on this issue. Mr. Crowe said he did discuss this with the applicant, and said that he believes the Applicant recognizes that the City is looking for ways to mitigate impacts from the fiscal bleeding. Mr. Crowe then recommended approval provided that the site development is in conformance with the submitted site plan and the following conditions are met:

1. The approval is for a middle charter school with an anticipated enrollment of 160 students, the presence of 13 employees, and two school buses. Enrollment shall not exceed 180 students, no more than 15 employees shall be present, and school buses shall not exceed two.
2. School hours are between 7:45 and 2:10, with teachers and administrators arriving earlier and leaving later.
3. Staff recommends a new shade tree in each terminal island of the existing parking row along S. Palm Ave. to meet the parking lot shading requirement, and a third shade tree in the middle of the landscape area. Recommended trees include Shumard Oak, Drake Elm, or Winged Elm. No other landscape plantings are recommended due to the extensive tree preservation on the site.
4. All other applicable standards of the Zoning and Municipal Code in general must be met.

Mr. Harwell asked if the entire site depicted in red on the staff report was to be considered in this request and what percent was impervious. Mr. Crowe explained that he calculated approximately 40 percent was impervious, and that development precedes the St. Johns River Water Management Storm water requirements, but the wooded area acts as an informal retention area for that site, and seems to receive that stormwater.

Ray Spofford, AICP, with ETM, 14775 Old St. Augustine Rd. in Jacksonville Fl., and resident of 132 Elgin Rd. East Palatka, representing the landowners Dr. & Ms. Raby and the applicant Putnam Academy of Arts and Sciences. He said that the Academy has a contract to purchase the property. The school is currently located on Putnam County Blvd. in East Palatka and needs to relocate by June 30th of this year. This is a middle school founded in 2001 by five Putnam County Teachers, focused on preparing students for high school and beyond. The founders of this school have over 135 years of experience, three teachers with master degrees, as well as three past Putnam County Teachers of the Year. He explained that the applicant is in

agreement with the conditions staff has recommended but with two exceptions; one) that that enrollment be matched with the maximum student level of 188. Secondly, the applicant requests that the Board not require the School to pay the fee in lieu of taxes. He said there are many other positive social as well as economic benefits to the community derived from a school like this, for instance education has significant economic benefits. It also helps to decrease crime rates and promote civic mindedness.

Allegra Kitchens 1027 S 12th St., spoke in favor of the request stating that she believes this is a good location for this school. Many would see it as being good for the economy and for future commercial growth and somewhat of a captive audience.

Motion made by Mr. Harwell and seconded by Mr. Petrucci to approve the request as recommended by Staff, except to allow a 188 student maximum and not requiring recommendation no. 5. Motion carried unanimously.

Mr. Crowe advised that the approval would of course be contingent upon the zoning code amendment being approved by the City Commission, first reading now set for April 23, 2015.

Other Business:

Mr. Crowe advised the Board as a matter of interest, that there is new medical office development scheduled for western St. Johns Avenue, namely a dentist office and an imaging center. With the dentist office clear-cutting there will be some tree mitigation with 48 trees to be planted in vicinity roadways and public properties, around the college.

Meeting adjourned.