CITY OF PALATKA
PLANNING BOARD MINUTES
August 4, 2015

Chairman Sheffield opened the meeting at 4 PM. Board members present included Chairman Daniel Sheffield, Vice-Chairman Joe Pickens, George DeLoach, Charlie Douglas, Anthony Harwell, Earl Wallace, and Tammy Williams. Members absent included Joseph Petrucci and Charles Douglas Jr. Staff members present included City Attorney Don Holmes, Planning Director Thad Crowe, and Recording Secretary Pam Sprouse.

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

OLD BUSINESS:

Case 15-25 A request for rezoning from M-1 (Light Industrial) to PUD (Planned Unit Development).
Location: 405 – 409 Pine St.

(Public Hearing)

Mr. Crowe explained that this is a quasi-industrial area, much of it unincorporated. The property is located in an area with existing commercial and even industrial establishments and also the presence of undeveloped properties with the potential for such development. Properties to the south have commercial zoning and those to the west have industrial zoning. Part of the appeal of this PUD is to provide for suitable buffers through transitional zoning and property appearance upgrades for the residential properties to the north and east. He showed pictures of the proposed property and explained that the owner has made extensive fencing and landscaping improvements. The applicant is seeking relief from certain zoning code provisions regarding land subdivisions. There were some problems with setbacks, and essentially the applicant wants a zero setback between the north and south parcel, following the common wall between the two buildings. The applicant is seeking to subdivide these three large parcels. The Code allows this to be done through the vehicle of a PUD, which provides some relief from the code in exchange for public benefit. Mr. Crowe showed some before and after pictures to show some of the site improvements the applicant has already made. Some of those improvements include replacing an old chain link fence with a wooden stockade fence, so that the vehicles of various stages of disrepair from the existing automotive repair shop are no longer in view. The buildings have been pressure washed and painted, landscaped has been added with palms and shrubs in the front. He explained that the Future Land Use Map designation is Commercial but the Zoning is Industrial, which is a conflict. In cases of conflict, the Comprehensive Plan rules, therefore this is a Commercial site and essentially the Commercial PUD designation would correct that inconsistency. He added that the applicant is proposing for some limited industrial uses, which are allowed by conditional use. There is a mix of uses in the surrounding area including some county industrial uses such as Florida Power & Light yard (with some heavy truck use), a cabinet maker as well as a distribution warehouse building not currently in use. Staff believes that the Commercial PUD would be a good transition zoning, moving from the industrial areas to the west and residential areas to the northeast, and this PUD provides a fair amount of upgrades in the way of fencing landscaping including improved buffers for future development. He reviewed the following list of proposed PUD attributes:

Parcel Arrangement; This PUD will allow for three parcels, known as Parcel A (north parcel), Parcel B (south parcel), and Parcel C (east parcel. Parcel A contains the northern auto repair building, Parcel B contains the southern day care building, and Parcel C includes the undeveloped portion of the parcel to the east.

Allowable uses; Mr. Crowe explained that these are ones that the Applicant and Staff have agreed upon, and stated that these uses are generally low-parking, non-intensive uses, although auto repair is included as this is one of the existing uses. Additionally, the applicant is requesting clean, light manufacturing use, which is currently allowed by conditional use in the C-2 zoning district.

1. Service establishments such as repair and service garages and motor vehicle body shops (Parcel A only), rental of automotive vehicles, auction houses, commercial laundries or dry cleaning establishments, book binding, pest control, carpenter or cabinet shops, job printing or newspaper establishments, sign shops, upholstery shops, air conditioning & heating sales & service.
2. Professional and business offices, and medical or dental clinics.
3. Child care centers.
4. Adult vocational schools.
5. Personal indoor storage (not warehousing or outdoor storage).
6. Light manufacturing in enclosed buildings; with any associated outdoor storage completely secured and screened-from-view from streets and adjacent properties with walls or fences; and no noticeable emission of dust, smoke, odors, fumes, radiation, noise, or vibration.

Parking; Staff recommends that at least four striped spaces, one of these a handicap space, be located along the north buffer north of the auto shop, and that the area east of this be fenced in as a vehicle storage area. For the existing childcare center, which is currently accessed by Pine St. and is not allowed by the Zoning Code now, will remain as a nonconforming characteristic of us in the PUD, however, any facility expansions will required additional paved parking. Parking for the east parcel will have to meet applicable off-street parking and related landscaping provisions of the Zoning Code. For the e

Vehicular and pedestrian access; Access for the North Parcel shall utilize the existing driveway just north of the building. Access to the South Parcel shall be directly from Pine St. utilizing the existing pull-in parking spaces. Access for the East Parcel (future development) shall use the South Parcel driveway. There are no sidewalks on this street, and no opportunity on this site to provide for such sidewalks.

Screening and Buffering; A good vegetative buffer along its north side (where the auto repair shop is located) that includes a fence – this buffer needs to be maintained and planted as need be to provide an effective visual screen from the residential property to the north. The property frontage along Pine St. will require the following improvements that are intended to improve the appearance of the property and also to provide shade for this section of roadway – these improvements are complete.

1. Replacement of chain link fence along Pine St., between the two buildings and south of the South Parcel building, with a black decorative aluminum or wrought iron fence.
2. Pressure washing, repair, and painting of building facades which required to be maintained in a clean and neat appearance.
3. Create new landscape bed in front of North Parcel building to be planted with shrubs (Beautyberry, Florida Privet, Gallberry, or Wax Myrtle), to be maintained at height of three to four feet.

The East Parcel buffer shall provide for a minimum fifteen feet wide landscape area from any residential property line. This landscape area shall contain an effective visual screen, achieved by a fence, wall, or hedge,

or combination of these elements. Shade trees shall be planted or preserved at least every 20 feet. Driveways shall be from the South Parcel, not from Peters St., although an emergency access point may be provided there. Parking shall be located away from the residential uses in the southern part of the site.

Staff recommended rezoning to PUD for 405-409 Pine St., subject to the submitted site plan and narrative and with the following recommendation conditions of approval.

1. The following uses are permitted by right: service establishments such as repair and service garages and motor vehicle body shops (Parcel A only), rental of automotive vehicles, auction houses, commercial laundries or dry cleaning establishments, book binding, pest control, carpenter or cabinet shops, job printing or newspaper establishments, sign shops, upholstery shops, air conditioning & heating sales & service; professional and business offices, and medical or dental clinics; child care centers; adult vocational schools; personal indoor storage (not warehousing or outdoor storage); light manufacturing in enclosed buildings; with any associated outdoor storage completely secured and screened-from-view from streets and adjacent properties with walls or fences; and no noticeable emission of dust, smoke, odors, fumes, radiation, noise, or vibration.
2. Staff recommends that at least four striped spaces, one of these a handicap space, be located along the north buffer north of the auto shop, and that the area east of this be fenced in as a vehicle storage area. This would require relocation of the newly constructed fence to the east/rear to provide for visual screening of vehicles in various states of disrepair.
3. Parking for the child care center on the South Parcel is provided by 14 paved spaces, one of them handicap, immediately adjacent to the Pine St. right-of-way, and these spaces will remain as a nonconforming character of use in this PUD. Minimum parking is set by the Florida Building Code Handbook, State Requirements for New Educational Facilities Construction, which requires one space for each member and one space for every 100 students. The facility is currently licensed for 157 children and now has 13 employees, so any facility expansions will require additional paved parking.
4. The north buffer adjacent to Parcel A shall be maintained and planted as need be to provide an effective visual screen from the residential property to the north.
5. Black decorative aluminum fence shall be maintained along the frontage of Parcel B adjacent to the building and a wood stockade privacy fence along the frontage of Parcel A.
6. Owner will maintain and repair visible facades of building to keep a clean and attractive appearance.
7. Landscape bed in front of North Parcel building to be planted with shrubs (Beautyberry, Florida Privet, Gallberry, or Wax Myrtle), to be maintained at height of three to four feet.
8. Shade trees shall be provided to the south of the Parcel B building at a spacing of every 50 feet to the southern boundary of Parcel B, and along that southern boundary for at least 100 feet. Shade tree(s) shall be planted along the south perimeter of the outdoor play area to provide for cooling play shade.
9. Parcel C buffer shall provide for a minimum fifteen feet wide landscape area from any residential property line. This landscape area shall contain an effective visual screen, achieved by a fence, wall, or hedge, or combination of these elements. Shade trees shall be planted or preserved at least every 30 feet.
10. Driveway serving Parcel C shall be from Parcel B, not from Peters St., although an emergency access point may be provided there. Parking shall be located away from the residential uses and shall be located in the southern part of the site.

11. Open space must exceed what is required by the Comprehensive Plan and Zoning Code by at least 15%.
12. Phase 1, which are improvements required for Parcels A & B, must be complete within one year of approval. Phase 2, development of Parcel C must commence within five years of approval.
13. Any future development of Parcel C must have underground utilities.
14. All properties must be subject to unified control in regard to approval conditions, to be accomplished by a binding maintenance and development agreement signed by all owners of the parcels and recorded with the County Clerk.
15. A screened refuse area must be provided to the rear of the buildings and roll-out carts shall not be left in view in front or in the sides of the building.

Mr. Harwell asked what side of the property is the fifteen foot buffer intended for. Mr. Crowe replied that it would be required along the entire east, part of the west and the northern property lines along Peters St.

Mr. Harwell asked if there was another avenue that could be used instead of a PUD. Mr. Crowe advised that their only options are a variance or go through the PUD process, and staff does not believe it meets the variance criteria, with a self-created hardship, as the parcels do not have to be sub-divided.

Discussion took place regarding the proposed parcel separation.

(Regular Meeting)

Mr. Harwell stated that he did not believe it was the best vehicle for this. Mr. Holmes asked what the emphasis was for the application. Mr. Crowe stated that the property owner wants to subdivide to sell them to different family members. Mr. Holmes asked if any of the uses proposed for the PUD in conflict with the underlying zoning of the respective parcels of property. Mr. Crowe replied no, that the commercial zoning and land use category allows limited industrial activity in enclosed spaces with on byproducts by conditional use. Essentially we are replacing the conditional use with this PUD. If a use were to be expanded or desired that is not currently there it would require a PUD modification. Mr. Holmes stated that he does not see a PUD as being something the City or County would be doing to their disadvantage, from his prospective, he has viewed it as a tool by which the city or county may place more restrictions on a property than would otherwise be available through a straight rezoning. Mr. Crowe agreed that he sees not as strictly an opportunity to circumvent zoning, but as a trade-off. On one hand the city provides some flexibility for some prescribed set of uses that are not as broad as what could be allowed with straight zoning, as well as property improvement with landscaping and tree preservation that also could not be required with allowed uses. Mr. Pickens stated that he agreed with Mr. Holmes.

Motion made by Mr. Pickens and seconded by Mr. Wallace to approve the request as recommended by Staff with conditions 1 – 15. All present voted, resulting with six yeas and one nay (Mr. Harwell), motion carried.

NEW BUSINESS:

Mr. Pickens stated that he has had long standing exparte' communications with Mr. Sloan and has an ownership interest in the neighboring property, but does not believe he stands to benefit financially directly or indirectly.

Case 15-26: a request to annex, amend the Future Land Use map from County US (Urban Service) to COM (Commercial), and rezone from County IH (Heavy Industrial) to C-2 (Intensive Commercial), for property located at 276 N Highway 17.

Vice-Chairman Pickens said has had longstanding ex-parte communication with and has legally represented the property owner, Mr. Beck, but he did not think he needed to recuse himself from this case as he anticipated no financial gain as a result of tonight's actions.

Mr. Holmes recused himself from discussion of the item, stating he currently represents the applicant, and left the meeting room.

Mr. Crowe then gave a brief PowerPoint presentation of the case, noting that the property was proposed for a boutique car wash for Beck vehicles and also for the public at large. The site had previously received approval from the Zoning Board of Appeals for a variance to reduce the front setback (along N. Highway 17) to zero – there was a very large grassed right-of-way that provided ample distance and buffering from the roadway in this case.

Motion made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative, motion carried unanimously.

Case 15-28 A request to annex, amend the Future Land Use map from County US (Urban Service) to RL (Residential Low-Density) and rezone from County R-1A (Single-family Residential) to R-1A (Residential Single-Family), located at the northwest corner of Lane & Williams St. (Parcel #01-10-26-5200-0170-0010).

Chairman Sheffield opened the public hearing, with no individuals speaking, and then closed the public hearing.

Motion made by Mr. DeLoach and seconded by Mr. Harwell to approve the request as requested. All present voted affirmative.

Case 15-29: A request to rezone from County IH (Heavy Industrial) to M1 (Light Industrial), located at 161 Comfort Rd.

Mr. Crowe explained that this is a housekeeping effort since this property currently has residential zoning that is in conflict with its over-riding Commercial Future Land Use Map (FLUM) category. Staff recommended tabling the item due to an advertising error.

Motion to table by Mr. DeLoach and seconded by Vice-Chairman Pickens to table this request until next month to allow for corrective advertising. All present voted affirmative, motion carried.

Case 15-30: A request to annex, amend the Future Land Use map from County IN (Industrial) to RL (Residential Low-Density) and rezone from IH (Heavy Industrial) to R-1AA (Residential Single-Family), located 163 Comfort Rd.

Mr. Crowe gave a brief PowerPoint presentation, saying that this parcel is directly behind the industrial parcel referenced in the previous case, and the owner of both properties had expressed a desire to annex this rear parcel and assign it residential land use and zoning. Staff supported this as the residential zoning would provide a buffer from adjacent industrial uses for the Crystal Cove residences to the south.

Chairman Sheffield opened up the public hearing and adjacent property owner and resident Chevy Davis, 26 Crystal Cove Dr. expressed his concerns about incompatible development. He asked if there was any architectural or landscaping control over a builder on a residential lot such as this. Mr. Crowe responded that there were no such development standards except for dimensional standards such as setbacks, minimum lot

coverage, and building height. Vice-Chairman Pickens asked Mr. Crowe what were building height limits in industrial and residential zoning districts, and Mr. Crowe answered that the R-1AA zoning had a 35-foot height limit and the M-1 zoning had a 48-foot height limit. Mr. Crowe added that the irony was that there was more ability to protect trees and regulate architecture in the industrial zoning. Vice-Chairman Pickens said that an industrial use would be a much worse neighbor in terms of noise, building height, and other impacts. Board discussion continued about the reduction of impacts from this action. As there were no others wishing to speak, Chairman Sheffield closed the public hearing.

Case 15-31 Request for conditional use for mural, located **100 Block of N. 3rd St**.
Applicant: Conlee-Snyder Mural Committee

Mr. Crowe said that conditional use criteria were by and large not applicable to the review of murals. The only relevant criterion pertains to compatibility and the public interest. He said that the mural theme of natural history was appropriate for the area and maintained the ongoing mural theme of local history, culture, and environment. He recommended approval of the request.

Mr. Dean Quigly, 2845 1st Avenue - St. Augustine, FL noted that the mural's subject, William Bartram, was a globally-known botanist and adventurer of the 1700s. Bartram took great interest in the Palatka area, and the wildlife sketches of the mural come straight from his etchings in his book Travels of William Bartram.

Motion made by Vice-Chairman Pickens and seconded by Mr. Wallace to approve the request as proposed. All present voted affirmative.

Case 15-27 **A** request for conditional use to locate an alcohol serving establishment within 300 ft. of another located at **114 N. 19th St**.

Mr. Crowe explained that the owner of the dollar store in the Middleton Shopping Center wanted to add beer & wine sales. In a PowerPoint presentation he reviewed the conditional use criteria and noted that one of the strong elements of the Comprehensive Plan is landscaping and tree planting, and this application could be the vehicle to bring the property more into compliance with the Landscape Code. The conditional use provides that point of entry for code upgrades while not making such conditions completely onerous on the property/business owner. He shared some slides showing some proposed landscape buffering along St. Johns Ave and N. 19th St. He explained that he has worked with City Project Manager Jonathan Griffith to come up with a proposal to partner with the owner to plant a minimal buffer through the City's Tree Mitigation program.

The Chairman opened up the public hearing, hearing from Allegra Kitchens, 1027 S. 12th St., who said there is uncertainty about the precise location of the right-of-way line along St. Johns Avenue at the center. Mr. Crowe said that any motion could be stated in a way that ensured tree planting in either public or private property around that line.
(Regular meeting)

Motion made by Vice-Chairman Pickens and seconded by Mr. DeLoach to approve the request subject to staff's recommendations. All present voted affirmative.

OTHER BUSINESS
Jonathan Griffith, Project Manager, 205 N. 2nd St. in the absent of a recreation board he is requesting feedback and direction from the Planning Board on the proposed grant-funded improvements to Booker and Hank Bryan Parks. These grants would be through the Florida Recreation Development Assistance Program (FRDAP).

(Public meeting)

Hank Bryan Park improvements included adding a small parking area to the east end of the park, restoring the basketball courts and removing the tennis courts, and improving trails, lighting, and facilities throughout the park.

Vice-Chairman Pickens inquired of the grant amount. Mr. Griffith answered $50,000 for each request, and the program goes up to $200,000.

Allegra Kitchens stated that she was on the Mayor's recreation task force and said the parking lot is not a bad idea, citing some parking problems in the recent past with different events that had been held in the park. She was not in favor of removing the tennis courts and said that the courts were very much used until they fell into disrepair. Mr. Griffith stated he was that there could be a revision to design them as multi-use courts. Mr. Harwell asked how many parking spaces were proposed. Mr. Griffith explained that these projects were lightly presented to the Recreation Task Force however, not being appointed by the Commission, there was some discussion about sunshine law, so there was not an extensive discussion about the projects. For the purposes of the grant, they could not advise him on how to develop the grant application. It is going to the City Commission this week for approval. Mr. Griffith stated that the City could develop a multi-use court that could be used for tennis, basketball or pickle ball form a use and maintenance prospective inviting year round play. Mr. Harwell asked how many additional spaces were anticipated. Mr. Griffith said estimated approximately 20 parking spaces to cover the daily traffic. Mr. Pickens stated that the proposed improvements to Hank Bryan park seem to be a decent compromise in accommodating the recreational tennis users and certainly the more consistent use, which is basketball.

(Regular meeting)

Motion by Vice-Chairman Mr. Pickens and seconded by Mr. DeLoach to recommend approval of the grant request with the exception that a multi-purpose court be included to accommodate both tennis and basketball. All present voted affirmative, motion carried unanimously.

(Public meeting)

Mr. Griffith explained that the proposed improvements for Booker Park include resurfacing two existing courts. Additions include a multi-use basketball court, additional fencing, signage, lighting, some landscaping to include canopy trees with buffer landscaping and one handicap parking space. Also some land clearing to provide for some overflow grass parking. Mr. Crowe noted that the Zoning Code only allowed unpaved parking for churches, and this was only for excess parking. Mr. Griffith and board members agreed it might be worthwhile to allow overflow unpaved parking for public parks – Mr. Crowe noted that this would require a code change which Staff could propose. Mr. Griffith said the one thing the City does not have is a multi-surface play field and suggested that Booker would be a great area for that. Mr. Sheffiled asked if this proposal included additional parking. Mr. Griffith stated that he is still working on that issue, but there is not ample parking for a real ball game or even most private events. He may need to request a code change, to allow grass parking, as he does not believe it is in the best interest of the public or the environment to create a large surface area for parking that is only used on an infrequent basis. Mr. Holmes added that would also trip retention requirements. Mr. Wallace recommended that Staff propose a code change to allow for recreational facilities to have grass parking. Mr. Griffith stated that there is some latitude to move money around if needed so the city doesn't lose the entire grant if there are points given for grass parking and for some reason the proposed amendment does not go through. Mr. Crowe stated that he would present the proposal in the next couple of months.

Allegra Kitchens, 1027 S. 12th St. spoke in support of the idea of allowing grass parking to parks and the multipurpose courts.

(Regular meeting)

Motion made a Mr. DeLoach and seconded by Mr. Harwell to recommend approval the grant as submitted. All present voted affirmative, motion carried unanimously.

Case 15-32: an administrative request for amendments to the City's Capital Improvements Program (CIP), a table of the Capital Improvements Element of the adopted Comprehensive Plan.

(Public meeting)

Mr. Griffith said that the City's CIP should anticipate these park improvements and that FRDAP and other grant applications require that projects be on the City's CIP. Mr. Crowe noted that while the Board had not received the CIP in the packet, the only requested change was to add these two park items.

(Regular meeting)

Motion made by Vice-Chairman Pickens and seconded by Mr. Wallace to approve the CIP as presented. All present voted in the affirmative, motion carried unanimously.

Discussion:

EAR (Evaluation Appraisal Report) of the Comprehensive Plan: Mr. Crowe explained that the City is required by the State to update this plan every seven years. This major Comp Plan update will be reviewed over the next several months.

At the request of the Chairman, Mr. Holmes advised that the City has received service through the Chairman regarding Ms. Kitchen's lawsuit against the Planning Board with approximately 10 to 15 days left to respond. As of today, the City received a request for admissions an inauguratories and request for production. The suit is calling into question the propriety of the action of approving the use of alcohol sales within 300 feet of a church and basically requesting that the Courts deem invalid the action by the Planning Board. Mr. Pickens asked if this Board have the ability to have these discussions regarding pending litigation in an executive session. Mr. Holmes stated that in his opinion they did. Mr. Pickens then suggested that if the board is going to discuss pending litigation, whether the discussion is perfunctory or material, that the Board follows a process that is outside of the public and preserved with a court reporter, which is then made public, but it would allow the Board to freely and openly ask questions of Mr. Holmes. Mr. Holmes added that the only relief Ms. Kitchens has sought is what amounts to revocation of the Board's actions for that case.

With no further business Meeting adjourned at 6:04 p.m.