

CITY OF PALATKA
PLANNING BOARD AGENDA
June 7, 2016



Call to Order

1. Roll Call
2. Appeal procedures and ex-parte communication
3. **OLD BUSINESS** - None
4. **NEW BUSINESS:**

Case 16-25 Request for rezoning to remove HD (Historic District) overlay zoning designation.

Parcel: 42-10-27-6850-0001-0260
Applicant: Building & Zoning Dept.

Case 16-29 Request conditional use to locate an alcohol serving establishment within 300 feet of a church.

Location: 114 S. 2nd Street
Applicant: Linda McClarney
Agent: David & Kathy Griffffin

5. **Other Business:**

Discussion of Internet Café conditional use limitations

6. **ADJOURNMENT**

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

FOR ADDITIONAL INFORMATION OR FOR PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING PLEASE CONTACT THE CITY BUILDING AND ZONING DEPARTMENT AT 329-0103, AT LEAST 24 HOURS IN ADVANCE WHEN REQUESTING DISABILITY ACCOMMODATIONS.

Case 16-25

Case 16-25

**Rezoning of Property (removal of Historic District)
Portion of property adjacent to riverfront Morris St.**

STAFF REPORT

DATE: June 1, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

Staff requests the tabling of this item to the August meeting, to allow for input from the Historic Preservation Board at their July meeting.

Case 16-29

**Case 16-29 - Request for a Conditional Use Permit for Alcohol Sales & Service within 300 feet of Similar Establishment and Church
114 S. 2nd St.**

STAFF REPORT

DATE: June 1, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional use allowing an establishment selling alcohol, on and off-premises, within 300 feet of another establishment serving alcohol and also 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 and service in the Lady Bug's Gift Shoppe. This store is located in a three-storefront building, with the northern two storefronts of the building occupied by an office supply store. The conditional use permit is requested to sell wine in an in-store wine bar within the gift shop, and also to sell wine by the bottle, off-premises. 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 another establishment that sells alcohol (Magnolia Café on St. Johns Ave.) and a church (First Presbyterian Church). Section 94-3 of the Zoning Code governs Conditional Uses, and provides final 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.

Table 1: Property and Surrounding Land Uses

	Actual Use	Future Land Use Map	Zoning
Site	Gift shop	COM (Commercial)	DR (Downtown Riverfront)
North	Indoor recreation use (bingo hall)	COM (Commercial)	DR (Downtown Riverfront)
East	Motel	COM (Commercial)	DR (Downtown Riverfront)
South	Public parking lot	COM (Commercial)	DR (Downtown Riverfront)
West	Office (converted from residence)	COM (Commercial)	DR (Downtown Riverfront)



Figure 1: looking north on S. 2nd St., the subject property (Lady Bug's Gift Shop), is to the left with the striped awning. The Bingo Palace is behind this building and the Century Block (slated for redevelopment with first floor commercial and upper-floor residential) is to the right background. The Hampton Inn construction site is to the right foreground.



Figure 2: Project Site.



Figure 3: 114 S. 2nd St is the subject property (Lady Bug's Gift Shoppe), and 108 & 114 on the right are Wattles Business Solutions (office supply)

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.”

Retail uses are referenced in this policy, and limited wine and beer on-premises sales are becoming more prevalent in retail stores, including wine bars in specialty/gift shops and even grocery stores. Off-premises alcohol sales also occur in such stores usually as fine wines and craft beer. These activities are in the opinion of Staff "customarily accessory and clearly incidental and subordinate to permitted or permissible uses," and would be allowed as an accessory activity if it were not for the alcohol distance rules. The proposal does not conflict with goals, objectives, and policies 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.

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.

As Figure 3 indicates, the property is located within the downtown area, an area in which shoppers can currently expect to find parking fairly easily, especially with the current high commercial vacancy rate, although at times they have to walk a few blocks. There is ample on-street parallel parking and several small public parking lots, including an approximately 50-space lot immediately south of Lady Bug's Gift Shoppe. Recent parking counts by Staff have indicated there are over 300 public parking spaces within a two-block radius. These criteria are met.



Figure 3: Downtown riverfront area – note church & restaurant use that triggered this conditional use

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

As shown in Figure 4 below, this and several other nearby businesses utilize an unscreened dumpster, located in the public alleyway parking area just south of the building. Meeting this criterion, which the Board has required in other cases, would require that the City and business owners enter into a maintenance agreement, since the dumpster is on City property but is utilized by the businesses.



Figure 4: Unscreened dumpster south of business

e. Utilities, with reference to location, availability and compatibility.
The property is appropriately served by utilities. This criterion is met.

f. Screening and buffering, with reference to type, dimensions and character.
The Downtown area is exempt from screening and buffering requirements. This criterion is met.

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.

Existing wall and window signs serve the property. At this time no new signage is proposed in conjunction with the proposed activity - any future signage must comply with the zoning including the Downtown Zoning Overlay. This criterion is met, but Staff recommends that in order to avoid the appearance of being a nightclub or bar, specific alcohol window or wall signs be prohibited.

h. Required yards and other open space.

See f. above. This criterion is met.

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

Given the retail commercial nature of the area, Staff does not believe there will be a compatibility problem in this case. Limiting the extent and area of the alcohol sales/service area and not allowing for specific beer or wine signs will ensure for increased compatibility with adjoining property owners. This criterion is met.

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

The DR zoning district does not have any special requirements for the proposed use. This criterion is met.

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

Increased Downtown vitality through more specialty stores with successful accessory activities will positively impact the public interest.

STAFF RECOMMENDATION

As demonstrated in this report, Staff believes that this request for alcohol sales (beer and wine only), on and off premises, meets applicable conditional use criteria if the following recommendations are met.

- Wine bar and/or craft beer bar to be an ancillary and accessory use, with physical space for this activity and percentage of revenues to be less than 50% of the non-storage space and total revenues, respectively.
- Wine or beer shall be served in a structured and identifiable area in the rear of the store from behind a counter/bar.
- Alcohol signs in the window are not permitted, as this would give the appearance of a bar or nightclub, not a specialty gift store. Generic window signage advertising fine wine and/or craft beer sales and service is allowed, if such lighting is not illuminated and sign sizes do not exceed ten square feet, with a limitation of four signs.

ATTACHMENT: APPLICANT'S NARRATIVE AND SITE PLAN