

CITY OF PALATKA
PLANNING BOARD MINUTES
June 7, 2016



Members present: Chairman Daniel Sheffield, Earl Wallace, Joseph Petrucci, George DeLoach, Edie Wilson, Anthony Harwell, and Ed Killebrew.
Members absent: Tammy Williams and Vice-Chairman Joe Pickens.

Staff present: Planning Director Thad Crowe, Recording Secretary Pam Sprouse, and City Attorney Donald Holmes.

Motion made by Mr. DeLoach, and seconded by Mr. Wallace to approve April 5, 2016 meeting minutes. All present voted, motion carried unopposed.

The Chairman explained appeal procedures and requested that Board members express any ex-parte communication prior to hearing each case.

OLD BUSINESS:

Mr. Crowe shared a power point presentation that included report findings from Florida League of Cities (FLC). The patrons of these types of establishments play for prizes essentially. Patrons pay for telephone time, allowing entries for sweepstakes that allow them to play games on computers that have games for a chance to win various prizes. The games are modeled along the old slot machine premis, they are commonly compared to the scratch-off type games for prizes similar to the McDonald's Monopoly and Coca-Cola scratch offs, hence representing a game of chance. He said that much of the controversy in Florida has been that some people believe that this is gambling. He stated that a New York Times article mentioned that there are over a 1,000 of these internet cafes referred to as "convenience casinos" in Florida. That a single facility can generate more than \$100,000.00 per week. Per FLC reports, there are some impacts to crime associated with this type of business. He explained that conditional use criteria can limit number and distribution of uses, with findings that a concentration of such uses would negatively impact public interest such as crime statistics, property values etc. He said that there is little data on correlation of crime or reduction of property values and internet cafes, but there are several other reports and studies out there that say that internet cafés prey on the poor, that there have been some findings that indicate some ability to manipulating the machines to increase their revenue. He said that many cities in Florida had placed a moratorium on these types of businesses to get a handle on problems in their communities and to determine what could be done about them. A lot of these moratoriums went away with the 2013 law (HB 155) which was designed to fix the problem, however many believe the potential for abuse is still out there.

Mr. Holmes stated that constitutional issues are involved there must be requisite findings before a number can be used to limit them. On the other hand, zoning can be used to effectively limit a use, if it is determined that the use is most appropriate only in a certain zoning districts or possibly incompatible with other uses. In his opinion, there must be some foundation and evidence that is pretty impressive, for what number is appropriate for Palatka. If it is a legal use, then there must be some zoning district that allows them. He believes that the zoning is the venue to go through and further you can put distance restrictions in place if you believe it is incompatible or offensive to other allowed uses. He suggested that the Board may want to ask staff to come up with a conceptual draft of what type of considerations the Board would want to see in an ordinance, such as what district is most appropriate, and if there should be any distance restrictions, such as schools, churches, or like kind establishments and *not* weather it narrows the allowance down to one or two sites to take that to the Commission for consideration of an ordinance. Chairman Sheffield asked if he could meet with staff to discuss such an ordinance proposal. Mr. Crowe agreed.

Mr. Sheffield reminded the Board that July 1st is the deadline for turning in the financial statement.

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.

Mr. Crowe said that this is a corrective action to mitigate a small portion from the South Historic district from an erroneous description of the South Historic District survey. By ordinance, the Historic Preservation Board can only create not disassemble the Historic District. However, in the rezoning criteria, there is a requirement that the Planning Board will consult with the Historic Board. He recommended tabling this item until the August meeting date so this item could go to the Historic Board for their input.

Motion made by Mr. DeLoach and seconded by Mr. Killebrew to table the August Planning Board meeting. All present voted affirmative, motion carried.

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

(Public Hearing)

Chairman Sheffield recused himself from this case due to a potential financial interest in this case. He passed the gavel to the right in absence of the Vice-chairman. Mr. Holmes stated that Mr. Pickens asked that he convey that he had planned to attend but got tied up with a meeting.

Ms. Wilson expressed ex-parte communications with the owner of Ladybugs boutique where the business owner stated that she was expanding and had a request to go before the Planning Board at that point Ms. Wilson introduced herself as a Board member, no further ex-parte communications were expressed.

Mr. Crowe shared a power point presentation reviewing the conditional use criterion. He also shared a schematic of the floor plan submitted by the applicant showing where the proposed alcohol sales would occur. He stated that wine sales and tastings are becoming more and more of an accessory use in boutiques and even in grocery stores. He recommended approval of the request with the following conditions:

- 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.

Mr. Wallace asked if revenue was the indicator of accessory use. Mr. Crowe stated that floor ratio is considered; that he would have no way of monitoring revenue.

David Griffin, Co-owner of Lady Bug Gift Shop and All About Taxes located at 114 S 2nd St., they wish to expend to augment the gift shop as seen in in many other areas, such as Eustis. They would like to sell gift baskets with wine bottles and fine chocolates etc. They intended it to market to the professional working person, and for it to be a classy establishment. They may have some small scale entertainment along the line of an acoustic guitar, they did not intend for large scale bands.

Ms. Wilson asked what hours of operation were intended. Mr. Griffin stated that business will dictate that. Mr. Holmes asked what square foot would be dedicated. Mr. Griffin said approximately 800 sq. ft. of the area currently used as Wattles Office Supply.

Vernon Myers, 2500 Fairway Dr. Palatka FL – stated that he has been very active in the past in rejuvenating the downtown area and believes this is in line with the revitalization vision the community had wanted for the downtown entertainment district the said that the session of First Presbyterian Church met and were not opposed to the request.

Jerry Heffner, 122 Hilthy Lane East Palatka, said that he is still very much involved with the revitalization efforts of Downtown Palatka and is in favor of this request..

Marlene Lagasee, owners of Boathouse marina, spoke in favor of the request and said that she believes it will really add a lot to the downtown area, especially with the hotel across the street.

(Regular Meeting)

Mr. Harwell asked what was staff's requirement for the dumpster. Mr. Crowe replied that the code requires dumpsters are screened on three sides by a 6 ft. fence and a gate. He recommended that be a condition of approval.

Motion made by Eddie Wilson seconded by Mr. Harwell to approve the request subject to staff recommendations. All present voted, motion carried unanimously.

With no other business, meeting adjourned at 4:30 p.m.