CITY OF PALATKA
PLANNING BOARD AGENDA
November 1, 2016

1. Call to Order

2. Roll Call

3. Appeal procedures and ex-parte communication

4. Approval of the August 2, 2016 meeting minutes.

5. **OLD BUSINESS:**

Case 16-40 Request for final plat for subdivision ï tabled from the August 2nd 2016 meeting.
Location: Parcels #04-10-26-0000-0010-0000; 04-10-26-0000-0021-0000; 04-10-26-0000-0021-0030; 04-10-26-0000-0010-0030; 09-10-26-0000-0030-0000; and 09-10-26-0000-0010-0021 (a.k.a. a portion of Putnam Co. Business Park).
Applicant: Putnam County Port Authority/Brian Hammons, Putnam Co. Planning Director

6. **NEW BUSINESS:**

Case 16-45 Request for conditional use for alcohol sales (convenience store & liquor store) within 300 feet of two churches and a convenience store selling alcohol
Location: 819 Reid St.
Applicant: David Nou

Case 16-52 Request for annexation, rezoning to C-1 (General Commercial), and future land use map amendment to COM (Commercial)
Location: 2704 and 2706 Reid St.
Applicant: Mom Meang

Case 16-54 Request for conditional use for church within 300 ft. of a licensed alcohol serving facility
Location: 1001 N State Rd 19
Applicant: Ronnie Williams

Case 16-56 Request for conditional use to locate alcohol sales (associated with a restaurant) within 300 ft. of a convenience store selling alcohol
Location: 1701 Reid St.
Applicant: Li Dong

7. **OTHER BUSINESS: None**

8. **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.

Attachment A

Case 16-40

Application for Final Plat for Subdivision (Putnam County Business Park)

STAFF MEMO

DATE: October 24, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

This is a request for a subdivision final plat for the Putnam County Business Park. The Applicant (Putnam County) has requested a third tabling of this item, initially submitted for the August meeting. The reason for this tabling is to pair this application up with a rezoning modification to the Planned Industrial Development (PID) for the Business Park. This modification would provide a schedule of plat-required improvements for the Business Park.

This item was continued to the October meeting from the September meeting. Since the October meeting did not occur, the Board can accept the tabling with the understanding that the intent was to push the item to the next meeting, or reject the tabling since strictly speaking the item was continued to a meeting that did not occur.

Staff recommends tabling the item to the December Planning Board meeting.

Attachment B

Case PB 16-45

Request for a conditional use permit for alcohol sales within 300 feet of two establishments selling alcoholic beverages & three churches 819 Reid St.

STAFF REPORT

DATE: October 24, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing an establishment serving alcohol within 300 feet of a similar establishment and two churches. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

Figure 1: Property Location

APPLICATION BACKGROUND

This request is for alcohol sales in this small (1,588 square feet) vacant commercial building, located on a 0.34-acre parcel at the southeast corner of Reid and N. 9th Streets. The building has been vacant and listed for sale for several years. The Applicant proposes to lease the store to another party who will be operating a convenience/liquor store and selling alcohol, cigarettes, drinks, and snacks. Chapter 10 of the Municipal Code regulates alcoholic beverages, and the Zoning Code does not distinguish between types of alcohol such as beer/wine and liquor. 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 property is within 300 feet from three churches (Bethel AME Church at 719 Reid St., St. Mary's Episcopal Church at 809 St. Johns Ave., and Holy Word Revival Center at 806 St. Johns Ave.), and is also within 300 feet of two establishments that sell alcohol off-premises (Dollar Store at 820 Reid St. and convenience store at 900 Reid St.). 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. Since Zoning Code Sec. 94-3(1) steers the Board to demonstrate that the conditional use "will be in harmony with the general intent and purpose of this chapter," Staff has sought to identify instances of Zoning Code noncompliance and to recommend reasonable levels of compliance without requiring full compliance when such upgrades would be markedly burdensome.

The table below shows site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Land Uses

	Actual Use	**Future Land Use Map**	**Zoning**
Site	Vacant commercial building	COM (Commercial)	C-2 (Commercial Intensive)
North (across Reid St.)	Shopping center	COM (Commercial)	C-2 (Commercial Intensive)
East	Tire store	COM (Commercial)	C-2 (Commercial Intensive)
South	Funeral home	COM (Commercial)	C-2 (Commercial Intensive)
West (across N. 9th St.)	Pawn shop	COM (Commercial)	C-2 (Commercial Intensive)

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.

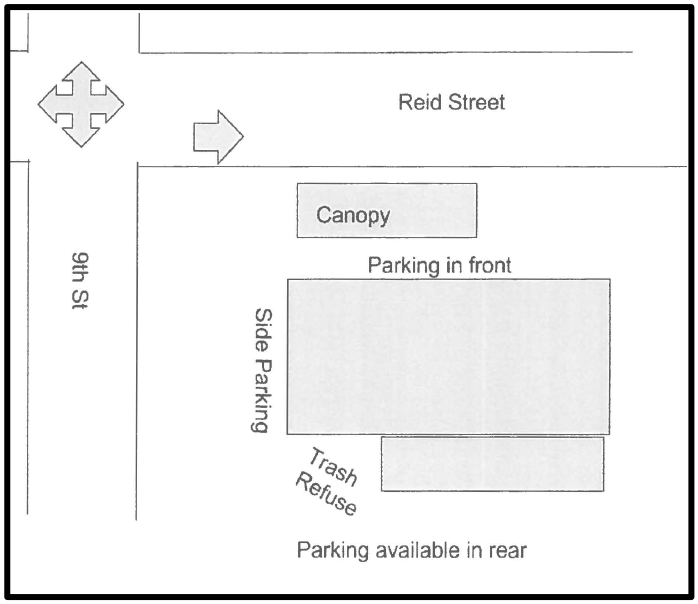
a. Compliance with all applicable elements of the comprehensive plan.

The application is not in conflict 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.*"*

Figure 2 (above): Property (in foreground) and nearby church (Bethel AME Church, in left background)
Figure 3 (below & to right): Applicant's site 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.

The site is an older developed site, with no defined driveways and ill-defined parking places. With the exception of a few isolated curbs, the paved area opens up directly onto the surrounding streets as continuous driveway space. This raises a traffic safety issue as vehicles are entering and exiting the site without any constraints of defined driveway, and in fact can directly access the intersection of two busy state roads. Staff recommends utilizing curbing and modest landscape

strips to limit Reid St. access to a single right-out only driveway and similarly limiting N. 9th St. access to one full driveway located at least 80 feet back from the intersection, which would place it behind the canopy along St. Johns Ave.

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.

There is an old canopy in the middle of the parking lot that limits available parking, but there is a parking area behind the store. No parking layout has been provided, but Staff has concerns about disorganized parking adding to the potential traffic conflicts referenced above. The Zoning Code requires at least seven parking places for this use, but it is not clear if those spaces are available. Staff recommends provision of at least seven striped spaces that meet dimensional requirements of Zoning Code Sec. 94-262.

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

The site plan shows a trash refuse area behind the building. This is not present on the site at this time as there is a dumpster in front of the store facing Reid St. (not shown in the Google Earth photo of Figure 2). It is a Zoning Code requirement that dumpsters be screened with fencing or vegetation on three sides, with a gate on the access side.

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 property was developed long before the Zoning Code and landscape requirements. During the past several years the Board has encouraged Code compliance through the conditional use process with incremental improvements on nonconforming sites. There is an opportunity to provide for some right-of-way landscaping that will also serve to define driveways. This will improve the appearance of this site while also enhancing traffic safety.

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.

There is an existing sign as shown in Figure 3. This sign is nonconforming, as only ground signs are allowed in this zoning and location, the sign is not set back five feet from property lines including right-of-way lines, and the sign does not have the required landscape area around its base. Staff believes an appropriate trade-off would be to allow the use of the nonconforming sign while providing a landscape area around its base with a minimum size of the sign square footage. This will dovetail with the other recommended right-of-way improvements.

Figure 4: Existing pole sign

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

i. General compatibility with adjacent properties and other property in the district.
Alcohol sales are allowed in conjunction with a convenience or other store and restaurant in the C-2 zoning district. While retail uses are compatible with each other, there are several adjacent churches nearby that have triggered this conditional use review. Nearby property owners often determine and define compatibility, so input at the Board's meeting will be helpful. The definition of conditional use also helps in the evaluation of this criterion: "a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare." Reid St. has several retail and convenience stores that sell alcohol, including the Dollar Store at 820 Reid St. and the convenience store at 900 Reid St. In my experience, liquor stores typically have a higher number of calls for service and crime, with convenience stores having a lower (but still high) rate. Staff has discussed this proposal with the Police Chief, whose primary concern was how much space the liquor store would take up. Staff contacted the Applicant and has not yet received an answer to this question. The Chief's position was that a use that was primarily a convenience store would not constitute a substantive public safety problem at this location. Potential crime incidence is reduced by the relatively earlier closing hours of 11:00 p.m. during the week and 9:00 p.m. on Sunday. And the "flip-side" of the compatibility argument is that as a vacant and obsolete property like this provides a blighting influence that is not compatible with the efforts of the City to revitalize the downtown area – property improvements and business occupation will benefit the public.

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, which the Planning Board can restrict further if it is determined it is in the public interest and would better meet these criteria. Hours of operation for alcohol sales are Monday through Saturday from 7 a.m. to 2:00 a.m. and Sunday from 1:00 p.m. until 12 midnight. Requested hours of operation would not go beyond 11:00 p.m. Monday through Saturday and 9:00 p.m. on Sunday.

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
City Departments offered no objections to the application. As mitigated by the Staff conditions, Staff believes that the application generally meets the conditional use criteria and will not have a negative 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 16-44 meets applicable conditional use criteria if the following recommendations are met.

1. On-premises consumption of alcohol associated with a convenience store/liquor store is allowed.
2. Hours of operation are limited to Monday through Saturday, 9:00 a.m. to 11:00 p.m. and Sunday, 1:00 p.m. to 9:00 p.m.
3. Applicant to install curbing and four-foot wide right-of-way landscape strips to limit Reid St. access to a single right-out only driveway, located east of the existing canopy, and similarly limiting N. 9th St. access to one full-access driveway located at least 80 feet back from the intersection, which would place it behind the canopy along St. Johns Ave. Applicant to provide within this landscape strip two understory trees along Reid St. and three understory trees along St. Johns Ave. and a continuous hedge within this strip.
4. Approval and operation of use are contingent on installation of right-of-way landscape strip along Reid St. within six months of Board approval.
5. Applicant to provide of at least seven striped spaces that meet dimensional requirements of Zoning Code Sec. 94-262.
6. Applicant/Property Owner to screen refuse area on three sides with opaque fencing, walls, or plants with a height of at least six feet, with gated entrance to face south or west.
7. Applicant to utilize existing nonconforming pole sign with the provision of a landscape area with a minimum size of the sign square footage. This area shall be planted with groundcover such as shrubs or flowering plants.
8. Landscape areas shall be maintained in good order on an ongoing basis.
9. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.

ATTACHMENTS: JUSTIFICATION

APPLICANT JUSTIFICATION

Lucky 17, Inc
819 Reid Street
Palatka, FL 32177
904.993.8777

Lucky 17, Inc will be a new business in The City of Palatka, Florida, County of Putnam. We will be a convenience store and liquor store. We will provide customers with quick honest service and normal products that most stores carry. Some products included will be alcohol, cigarettes, drinks, snacks, money orders and other things. This will not be a bar, this will be a store and consumption of alcohol must take off premises.

Hours of operation will be 7 Days a week excluding major holidays and certain days of the year. These hours are estimates but will not exceed the evening hour.

Sunday	1 :00 PM - 9:00 PM
Monday – Saturday	9:00 AM- 11:00 PM

Storefront usage of building will be around 1300 sq ft.

On the comer of Reid and 9th Street, customers will have easy access in and out of the business and the location has a large parking lot. Entrance and exit is possible from Reid and 9th. All customers will be advised of a Drug Free, weapon free, non-smoking inside and no alcohol drinking inside business.

Utilities are provided by Florida, Power & Light. Refuse/trash is in the rear of the building.

Signs have not been put up until we receive notification of approval.

Attachment C

Case # 16-52

2704 & 2706 Reid St.

Request to Annex, Amend Future Land Use Map and Rezone

STAFF REPORT

DATE: October 24, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To annex, amend FLUM, and rezone the property below from County to City commercial. 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.

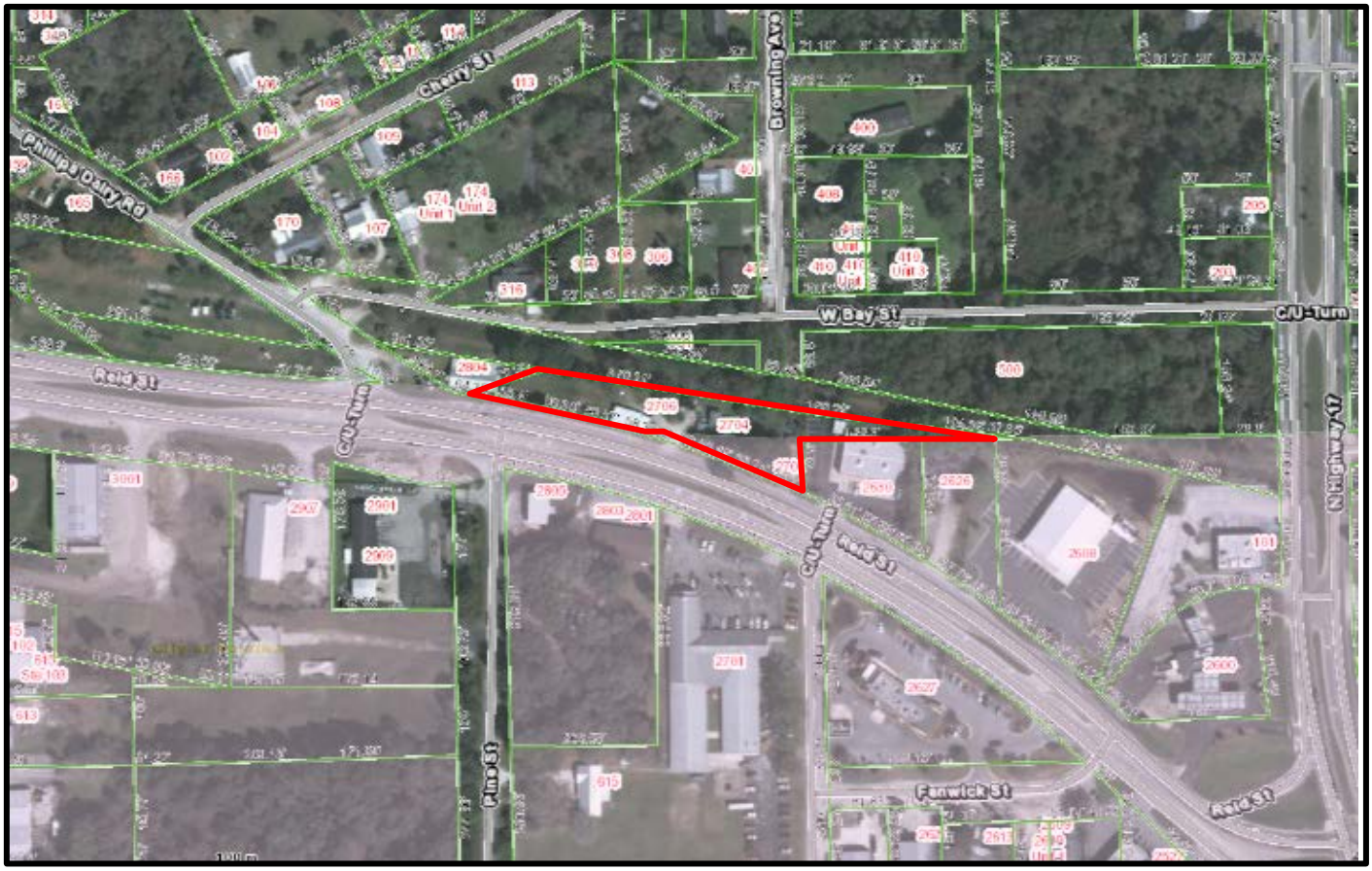


Figure 1: Site and Vicinity Map (property outlined in red, properties within City shown with purple overlay)

APPLICATION BACKGROUND

The property under consideration currently has a County Commercial Future Land Use Map (FLUM) designation and County commercial zoning. The property and its current and proposed FLUM and zoning classifications are shown below.

Table 1: Future Land Use Map & Zoning Designations

Future Land Use Map Category		Zoning	
Current Putnam Co.	**Proposed City**	**Current Putnam Co.**	**Proposed City**
COM (Commercial)	COM (Commercial)	C-1 (Commercial, General Light)	C-1 (General Commercial)

Table 2: Adjoining Properties Land Use Map & Zoning Designations

Adjacent Properties	Existing Land Use	Future Land Use Map	Zoning
West	Church	County US (Urban Service)	County C-2 (Commercial General Light)
East	Used appliance store	City COM (Commercial)	C-2 (Intensive Commercial)
South (across Reid St.)	Retail commercial (5 units)	COM (Commercial)	C-2 (Intensive Commercial)
North	Closed railroad spur, residential	RL (Residential Low)	C-2 (Intensive Commercial)

The owner is voluntarily annexing into the City for the purpose of hooking up to City utilities (City water).

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. 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. 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.

Figure 2: property from Reid St, looking east

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 to the south and north.

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, as evidenced by Figure 1.

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

2. Commercial (1,210 acres)

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. 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 Commercial FLUM category and the proposed City FLUM category is also the Commercial category, intended for a mix of retail, service, and office uses. Municipal Code Section 94-111(b) allows the proposed C-1 zoning category within the COM land use category, which provides Comprehensive Plan category conformance.

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 that run down Reid St.

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: Staff is not aware of any soil or topography conditions that would present problems for development, or of any natural or historic resources on this developed site.

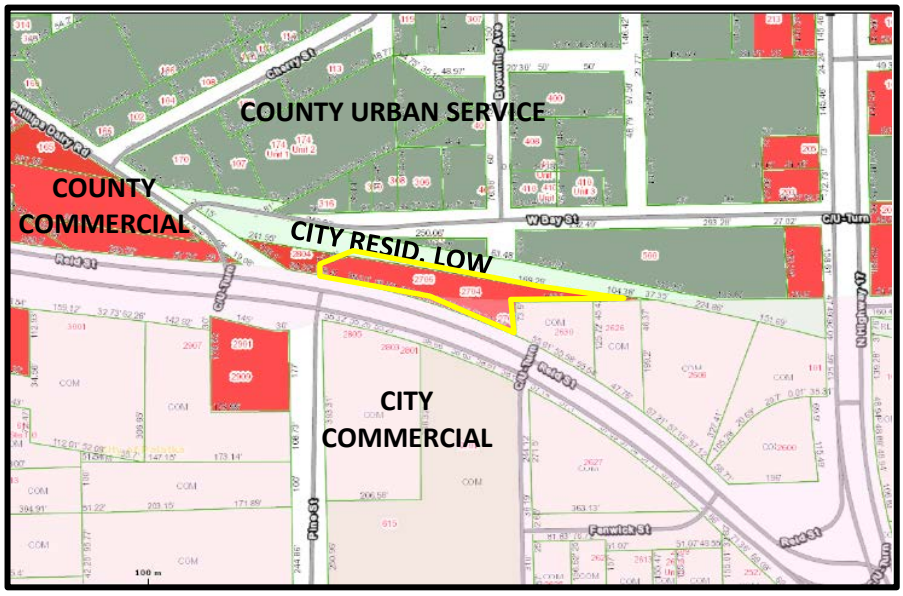


Figure 3: Vicinity Future Land Use Map Designations

Provide analysis of the minimum amount of land needed as determined by the local government.
Staff Comment: not applicable.

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.*
- *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. This action does not represent urban sprawl.

Rezoning Analysis

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.

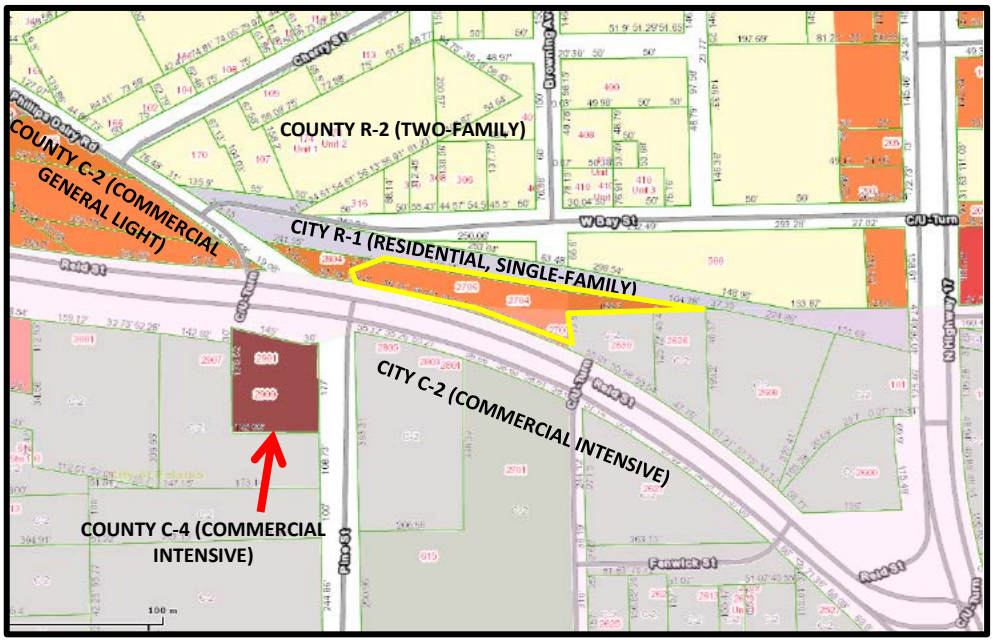


Figure 4: Vicinity Zoning

b. The existing land use pattern.

Staff Comment: Reid St. is a commercial corridor.

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

Staff Comment: no isolated zoning district would be created, and the zoning is very similar to the current County zoning. While the requested zoning is a less intensive commercial zoning category, it is similar enough to the more intensive C-2 commercial zoning found along this corridor.

d. The population density pattern and possible increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.

Staff Comment: not applicable, as this is existing development.

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: retaining the same type of zoning will not adversely influence vicinity living conditions. .

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Staff Comment: minimal traffic impacts will be created by this existing use.
i. Whether the proposed change will create a drainage problem.
Staff Comment: not applicable as this is a developed site.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Staff Comment: not applicable as this is existing development.

k. Whether the proposed change will adversely affect property values in the adjacent area.
Staff Comment: Staff does not believe that this action will adversely affect property values.

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 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 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 will not be 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 (Commercial), and rezoning to C-1 (General Commercial) for 2704 and 2706 Reid St.

Attachment D

Case 16-54

Request for a Conditional Use for Church within 300 feet of establishment serving alcoholic beverages
1001 N. State Rd. 19

STAFF REPORT

DATE: October 24, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A conditional use to allow a church within 300 feet of an establishment serving alcoholic beverages. Public notice included newspaper advertisement, property posting, and letters to nearby property owners (within 150 feet). As noted in the attached Applicant narrative, this proposal is for a currently 30-member church, Harvest Baptist Church to be located on a 2.5-acre site on N. State Rd. 19 just north of Bradley's Restaurant.

Figure 1: Property Location- purple shaded areas indicate City

APPLICATION BACKGROUND

According to Property Appraiser records and Zillow information, the warehouse building that fronts on SR 19 was built in 1971 as an industrial use. The three additional buildings were built in 1990 and included several residential units, a dormitory, meeting hall, dining hall, and full kitchen. Total building square footage is 12,111 and the proposed church building is 4,950 square feet in size. The property's last use, a number of years ago, was as a social service facility with residential care.

PROJECT ANALYSIS

Per Section 94-200(c)(3) the Planning Board shall also review conditional use applications using the following criteria. Since Zoning Code Sec. 94-3(1) steers the Board to demonstrate that the conditional use "will be in harmony with the general intent and purpose of this chapter," Staff has sought to identify instances of Zoning Code noncompliance and to recommend reasonable levels of compliance without requiring full compliance when such upgrades would be markedly burdensome.

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

Staff comment: while no specific comprehensive plan goals, objectives, and policies are applicable to this application, the application does not conflict with the same. The table below shows site and adjacent zoning and FLUM classifications, demonstrating that the use is in conformity with zoning and the future land use map.

Table 1: Site and Surrounding Land Uses

	Actual Use	**Future Land Use Map**	**Zoning**
Site	Warehouse, residential, and meeting/dining buildings	COM (Commercial)	C-2 (Intensive Commercial)
North	Auto sales	County US (Urban Service)	C-2 (Intensive Commercial)
East	Single-family dwelling	County US (Urban Service)	County R-2 (Residential, Two-Family)
South	Seafood restaurant	COM (Commercial)	C-2 (Intensive Commercial)
West (across SR 19)	Church	County US (Urban Service)	AG (Agricultural)

Figure 2: Site from SR 19

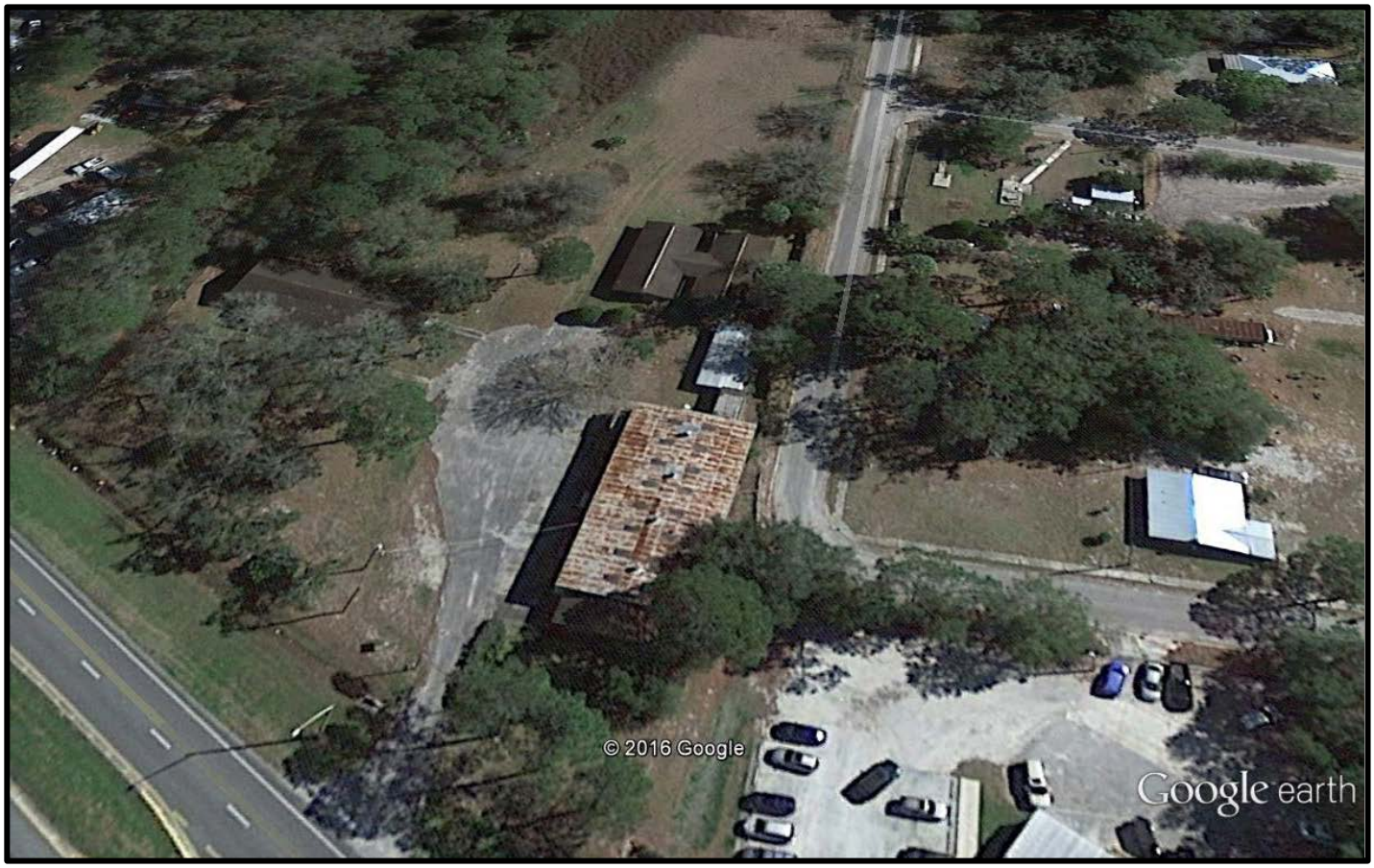
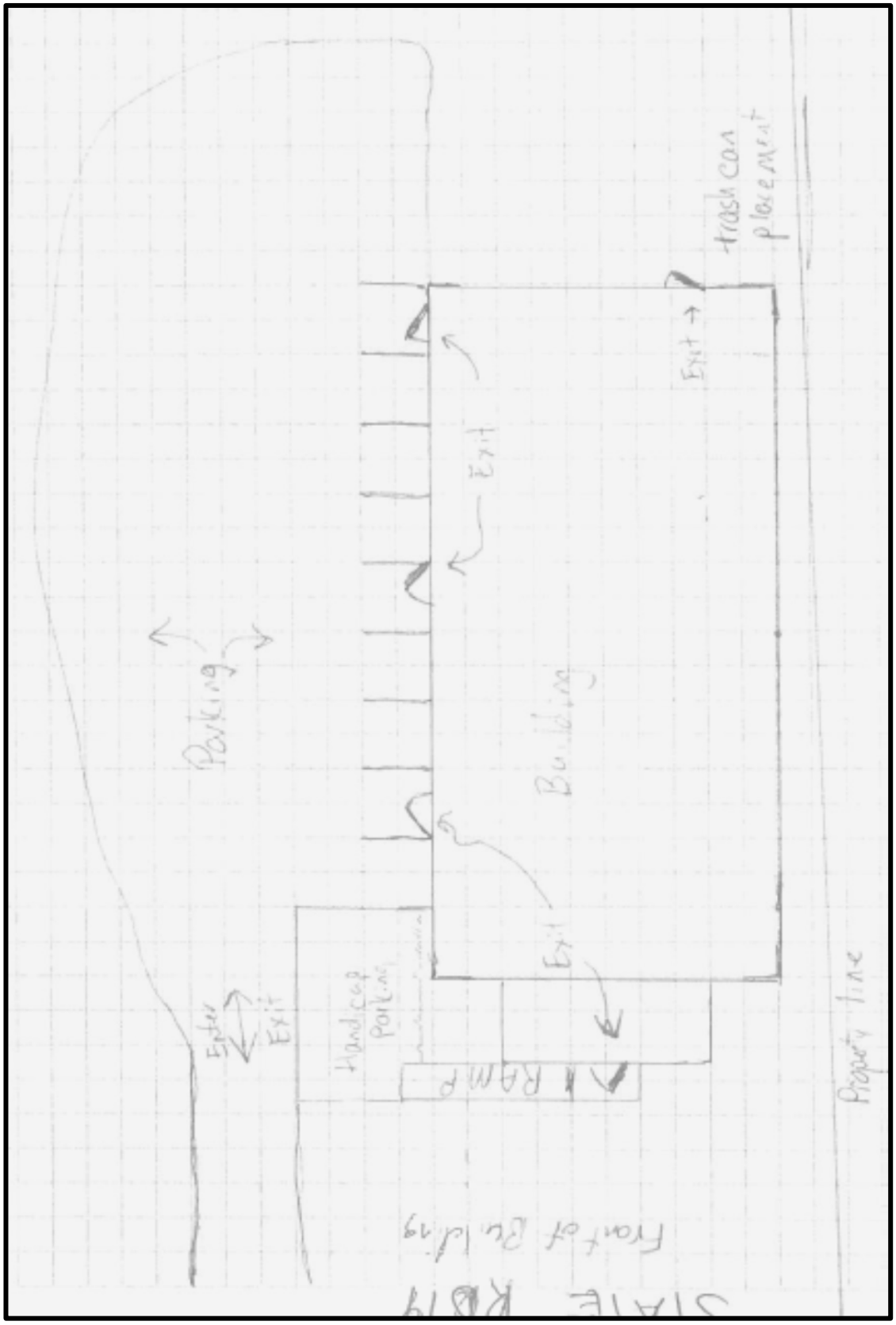


Figure 3: warehouse building and driveway/parking area in foreground, kitchen and meeting space are to the rear of warehouse building, and the two buildings on the left contain residential units. Bradley's Restaurant is in the right foreground.

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.

The parking lot is serviceable, despite the lack of curbing around it and the narrow front driveway. The large size of the site will allow for future parking expansion if needed. Church parking is set at one space per 4 seats, so the current 30-members by Code will need eight parking spaces. The parking lot will accommodate this many spaces – Staff estimates that a central driveway with parking on either side would yield up to 20-25 spaces, which would accommodate up to 100 members. However to efficiently utilize this parking lot, striping will be required. The Applicant has shown nine spaces including one handicap space on the site plan (Figure 4).

Figure 4: Site Plan



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

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.
As Figures 2 and 3 shows, the shrubs, trees, and other vegetation along the roadway and other property lines are plentiful. More than half the site is open space, and around a third of the site is wooded.

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.
Staff comment: new signage and lighting must be in keeping with Zoning Code requirements.

h. Required yards and other open space.
Staff comment: buildings s on the property are in compliance with the required setbacks and open space standards. Buffers and other open space comprise over ½ of the site.

i. General compatibility with adjacent properties and other property in the district.
Staff comment: the property is on a busy four-lane arterial road, with predominantly commercial uses and institutional uses including two churches across SR 19. There are residential uses in the subdivision to the southeast, but buildings in the complex do not face or otherwise impact them. The existing use is compatible with the N SR 19 commercial/institutional corridor.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.
Staff comment: There are no conditional use special requirements for churches.

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

Granting the conditional use will not adversely impact the public interest.
Staff comment: due to the large size of the property, its relative isolation, inward orientation of the buildings, and the adequate space for parking and other church activities, Staff does not believe there will be any adverse impacts from the proposed church.

STAFF RECOMMENDATION

Staff recommends approval of the application to allow for a church at 1001 N. State Rd. 19, with attendance capped at 80 members (or the Fire Marshal's capacity figure if that is less), with the following conditions.

1. Use is approved generally subject to and conforming with the site plan.
2. Parking layout shall conform with Code requirements (parking spaces to be 10 by 20 feet, handicap parking spaces to be 12 by 20 feet with a five-foot ramp on the passenger side, driveway to be at least 20 feet wide). Parking spaces to be striped.
3. The Board shall delegate to Staff the ability to approve an increase of up to 50 more members based on additional required parking spaces provided.
4. Per Code, refuse shall be screened from public view with a six-foot tall fence, wall, or hedge.
5. All other applicable standards of the Municipal Code must be met, including any Building or Fire Code life and safety requirements required for places of assembly such as a church.

Attachment E

Case PB 16-56

Request for a conditional use permit for alcohol sales in conjunction with a restaurant within 300 feet of a convenience store selling alcoholic beverages

1701 Reid St. – Leo's Fine Sushi Restaurant

STAFF REPORT

DATE: October 25, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing an establishment (restaurant) serving alcohol. Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

Figure 1: Property Location

APPLICATION BACKGROUND

This request is for alcohol sales for Leo's Fine Sushi/Palatka Buffet restaurant. 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 convenience store which sells alcohol. 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. Since Zoning Code Sec. 94-3(1) steers the Board to demonstrate that the conditional use "will be in harmony with the general intent and purpose of this chapter," Staff has sought to identify instances of Zoning Code noncompliance and to recommend reasonable levels of compliance without requiring full compliance when such upgrades would be markedly burdensome.

The table below shows site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Land Uses

	Actual Use	**Future Land Use Map**	**Zoning**
Site	Restaurant	COM (Commercial)	C-2 (Commercial Intensive)
North (across Reid St.)	Undeveloped	COM (Commercial)	C-2 (Commercial Intensive)
East	Auto dealership	COM (Commercial)	C-2 (Commercial Intensive)
South	Undeveloped commercial	COM (Commercial)	C-2 (Commercial Intensive)
West	Office building	COM (Commercial)	C-2 (Commercial Intensive)

PROJECT ANALYSIS

Figure 2: Site from Reid 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 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.

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.
The parking lot has more than 50 parking spaces, which more than accommodates the restaurant. There is a right-out/right in driveway entrance on Reid St. and a full-access driveway entrance on N. 17th St. Other than a lack of curbing and wheelstops, vegetation encroachment, and no interior shade tree landscape islands, the parking lot meets Code standards.

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 3, there is an unscreened dumpster in the rear parking lot. It is a Zoning Code requirement that dumpsters be screened with fencing or vegetation on three sides, with a gate on the access side.

Figure 3: unscreened dumpster in 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.

As shown in Figure 4, the property like many other older Reid St. sites does not comply with the Landscape and Buffering Code, as it is lacking shrubs along the right-of-way to screen out the parking area, and there are no shade trees to provide comfort and improved aesthetics in the parking lot. Grassy areas are weedy or dead, and weedy areas have encroached unevenly into the east parking row. The building does have a hedge and grassy area along its front, and there are palm trees planting along S. 17th St. The Planning Board upon the advice of Staff has adopted an informal policy of requiring incremental Code upgrades for conditional use permits, particularly when this provides the opportunity to help upgrade the appearance of somewhat blighted main corridors like Reid St. Vicinity properties have also installed Code-required landscape improvements including the Beck dealership and distribution warehouse by the railroad.

Figure 4 (above): Warehouse at Reid & CSX railroad

Figure 5 (left): Beck landscaping on N. 17th st., across from Palatka Buffet

Full compliance would require the following:

- eight interior parking lot landscape islands with shade trees; and
- three-four foot tall hedges and six to 12 shade trees along Reid, 17th, & St. Johns rights-of-way to screen and shade parking lot;

Staff recommends a reasonable yet strategic level of improvement that is geared toward upgrading the Reid St. frontage, as follows:

- planting of two understory trees in the landscape island on each side of the Reid St. entrance;
- planting of shrubs along restaurant side of sidewalk (or relocation of existing hedge to this location; and
- planting of shrubs along N. 17th St. in right of way, going back to the driveway entrance.

Figure 6: Property from Reid St. driveway entrance

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.
Signs include a pole sign along Reid St and a wall sign facing N. 17th St as well as two temporary banner signs along Reid St. and St. Johns Ave., which are often in disrepair. Any future signage shall meet the Sign Code and the Zoning Code.

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

i. General compatibility with adjacent properties and other property in the district.
A restaurant use is allowed by right in the C-2 zoning district. Alcohol service in conjunction with the principal food service use is a common occurrence with restaurants and is compatible with the Reid St. commercial corridor. As recommended with other recent restaurant alcohol requests, Staff recommends that alcohol service end at 10 PM, to avoid the transition of the use to a later night bar.

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.

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
City Departments offered no objections to the application. Based on generally meeting the conditional use criteria (with the inclusion of Staff recommendations), Staff believes that this use will not have a negative 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 16-07 meets applicable conditional use criteria if the following recommendations are met.

1. On-premises consumption of alcohol associated with a restaurant is allowed.
2. Alcohol service shall not occur past 10 PM.
3. Within three months of the approval date (February, 2017), the Applicant and Property Owner shall submit to Staff a landscape planting plan for the front and side buffer to include planting of two understory trees in the landscape island on each side of the Reid St. entrance; planting of shrubs along restaurant side of sidewalk (or relocation of existing hedge to this location; and planting of shrubs along N. 17th St. in right of way, going back to the driveway entrance. If funding is available from the City's Tree Fund, the City will provide the two understory trees, and the Applicant/Owner shall procure the remaining vegetation or fencing. Installation shall occur within six months of approval (March 6, 2017).
4. Applicant/Property Owner to screen refuse area on three sides with opaque fencing, walls, or plants with a height of at least six feet, as required by Code.
5. Applicant to install landscape area with a minimum size of the sign square footage around the base of the pole sign along Reid St. This area shall be planted and maintained with groundcover such as shrubs or flowering plants.
6. Landscape areas shall be maintained in good order on an ongoing basis - per Landscape Code requirements the open space and buffer areas shall be frequently maintained by mowing, irrigating, pruning, edging, etc. Dead groundcover shall be replaced.
7. The site shall have no more than two temporary banner signs which shall meet Sign Code requirements, being composed of durable and weather-resistant material such as canvas, cloth, heavy plastic, or similar materials, and shall be maintained in a neat and orderly appearance.
8. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.