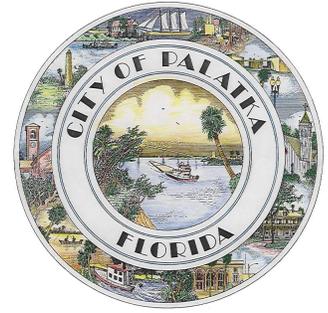


**CITY OF PALATKA**  
**PLANNING BOARD AGENDA**  
December 6, 2016



1. Call to Order
2. Roll Call
3. Appeal procedures and ex-parte communication
4. Approval of the August 2, 2016 and November 1, 2016 meeting minutes.

**5. OLD BUSINESS:**

- Case 16-40** Request for final plat for subdivision ó tabled from the November 1<sup>st</sup>, 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 16-57** Request for annexation, rezoning to C-1 (General Commercial), and future land use map amendment to COM (Commercial)  
**Location:** 3803 and 3805 Crill Ave. and 102 Highlawn Ave.  
**Applicant:** Richard Johnson
- Case 16-58** Request for substantive change to approved PUD (Planned Unit Development/Neighborhood Commercial) for Adult Education (Putnam County School District)  
**Location:** 1001 Husson Ave.  
**Applicant:** Scott Gattshall
- Case 16-59** Request for conditional use permit for Bed & Breakfast  
**Location:** 603 Emmett St.  
**Applicant:** Tate Miller
- Case 16-60** Request for conditional use permit to locate alcohol sales (associated with a restaurant) within 300 ft. of a bar selling alcohol  
**Location:** 318 St. Johns Ave.  
**Applicant:** David Harrell (Owner) & Lawrence Yancy (Agent)
- Case 16-61** Request for conditional use permit to locate alcohol sales (associated with a Vapor Lounge) within 300 ft. of a bar selling alcohol  
**Location:** 324 St. Johns Ave.  
**Applicant:** Christopher Wilson & Shasta Lievers
- Case 16-62** Request for conditional use permit for shed sales  
**Location:** 3311 & 3317 Reid St.  
**Applicant:** Jack Smith
- Case 16-63** Request for conditional use permit for child care within 300 ft. of a licensed alcohol serving facility  
**Location:** 1001 N. State Rd. 19  
**Applicant:** Ronnie Williams
- Case 16-64** Request for conditional use permit for child care  
**Location:** 1209 Carr St.  
**Applicant:** Beverly Robinson
- Case 16-65** Request for Zoning Code change to allow changing signs in C-2 (General Commercial) zoning districts  
**Applicant:** Chuck Knight Heritage Signs

**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.*



*Minutes*  
*September 6<sup>th</sup> 2016*

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES**  
September 6, 2016



Members present: Chairman Daniel Sheffield, Earl Wallace, George DeLoach, Edie Wilson, Tammy Williams, Anthony Harwell, Ed Killebrew and Joseph Petrucci, who arrived at 4:10 p.m. Members absent: Vice-Chairman Joe Pickens. Staff present: Planning Director Thad Crowe, Recording Secretary Pam Sprouse, and City Attorney Donald Holmes.

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

**Motion** to approve July 5, 2016 Minutes made by Mr. DeLoach and seconded by Mr. Killebrew. All present voted affirmative. Motion carried unanimously.

**OLD BUSINESS:**

Chairman Sheffield said that Items 15-33 and 16-46 would be moved to end of meeting, to allow for those in attendance to have their items of interested considered sooner.

**Case 16-25** Administrative request to rezone and remove a portion of property (southwest corner of River and Morris Streets) from local Historic District Designation (South Historic District). Approval recommended by the Historic Preservation Board, tabled from the August 2<sup>nd</sup> meeting.  
**Parcel:** 42-10-27-6850-0001-026043

Mr. Wallace recused himself from this case, saying that the City retained Mr. Wallace to review district boundaries for this case. Mr. Crowe confirmed this assertion.

Mr. Crowe narrated a power point presentation for this item. He noted that Staff's original conclusion for this case was that there was an error in the Municipal Code boundary description of the South Historic District. However after this item was tabled at the August Planning Board meeting and Staff reviewed the files, it came to light that the property owner's recommended historic district boundary description was mistaken for the formal boundary description. The property owner was correct in his assertion that the historic district and CRA boundary were not the same as the former continued the line from the rear lots along Morris St. to the river, while the latter jogged east to Morris St. and then to the river. So the property was in the historic district but not in the CRA. He noted that there are two other properties in both historic districts that are not in the CRA District (this property and two in the North Historic District). This was relevant since the other two properties would logically be removed from the historic district if this property was so that precedent would be set. Removal of these properties would not be as injurious to the historic districts since they were all on the fringe of the districts and would not create an enclave/donut hole.

Mr. Crowe said that contrary to the previous finding, there was a building on this property during historic times, which was a gas station. However there was no documentation that indicated historical or architectural significance of this building. Determination of historic significance was the purview of the Historic Preservation Board, and the Planning Board was bound to rezoning criteria. He then reviewed the zoning criteria and their relevance to this case.

He noted that in the item's favor, the action would not result in an isolated zoning district, a violation of a rezoning criterion, as it is on fringe of Historic District and would not create an enclave. An aspect that could be held against the request is the criterion concerning adverse impacts to neighboring historic district properties, which could occur due to the lack of historic preservation design review and the possible resulting incompatible new development. He said that the change would not grant special privilege to property owner, as a rezoning criterion discourages, as it was a vacant property on the fringe of the district. However if this request was approved, the other two similar properties would also be justified for removal. A rezoning criterion not favoring the request pertained to the fact that the property could be developed in current zoning, just requiring design review.

In summary Mr. Crowe said that the pros include the alignment of historic district and CRA boundaries, the removal of the split zoning of property, and not grant special privilege to this property owner. The cons included the justification of the other two similar parcels removal and the potential adverse impacts of neighboring properties through reduced design review. Either action (approval or denial) is justified, but in the interests of protecting historic district integrity and protecting neighborhoods, Staff recommended denial.

Chairman Sheffield then opened up the public hearing.

Norm Jutras, 412 Mulholland Dr., Palatka, said that Mr. John Turner previously owned the subject property, and did not want any of his properties in the Historic District. He said that the other two properties mentioned by staff were also owned by Mr. Turner and why the other two are not in the Historic District (Editor's note the other two properties were not owned by Mr. Turner, and are in the historic district, but not in the CRA district). He read a letter from Larry Pritchard, a former property appraiser, in which a recommendation was made to the City Manager to true up the historic district and CRA boundaries. He said that his proposed boundaries are the same as those proposed by the firm that the City hired to create the Historic District and follows the legal description on record at the National Register of Historic Places. He added that this is only a small portion of the 74-acre parcel and is wetland. He believes this was a mapping error made after the historic district was formed. He said that the State of Florida Butler Act legislation supports this action.

Allegra Kitchens, 1027 S 12<sup>th</sup> St., Palatka, said that legal descriptions do not have to have a book & page reference. She said that removing the portion would put an indentation in the historic district and would negatively affect the properties across the street. She added that the Butler Act only pertains to the claiming of public sovereign wetlands or submerged lands by private property owners when such clear private ownership can be established.

Chairman Sheffield then closed the public hearing.

**Motion** to approve request made by Mr. Killebrew and seconded by Ms. Willison. Motion approved on a vote of four to two, with Ms. Williams and Mr. Harwell dissenting.

**Case 16-39** Request to rezone from R-1 (Residential Single-family) to PUD/C-1A (Planned Unit Development/Neighborhood Commercial) and amend the Future Land Use Map from RH (Residential High Density) to COM (Commercial).

**Location:** 623 and 625 Laurel St.

**Applicant:** Charles R. and Tina M. Duck

Mr. Crowe narrated a power point presentation, first showing an aerial map and photos of the property. He noted that the property was located on the southern fringe of the downtown area, within the residential Hammock neighborhood (South Historic District). It was a very small parcel, mostly covered by a 4,560 square foot building. The building, constructed in 1947, has been in residential zoning since the Zoning Code was

adopted (1982) and the zoning nonconformity and isolation from established commercial areas have contributed to its ongoing lack of repair and occupation. A number of small-scale commercial uses have operated in the building over the years, but now the building has lost the commercial legal nonconforming status, and can only be used for residential purposes. The new owners of the property intend to renovate the building for mixed use development: first floor offices and a small retail space, and a second floor apartment.

Mr. Crowe began the process of demonstrating conformance with the rezoning criteria. He showed the zoning and FLUM (Future Land Use Map) maps and pointed out how Laurel St. acts as a line of demarcation between the downtown area and the residential Hammock neighborhood. Other than the Florida Baptist Convention offices a block to the west, there are no other structures on the south side of Laurel St. Most Laurel St. properties are residential, despite the Downtown Business zoning which allows for office and retail uses.

Mr. Crowe showed the elevations of the building, and said the exterior would be stuccoed and the windows replaced with operational windows that were in keeping with the historic district.

Mr. Crowe said that Staff recommended limiting commercial uses to office uses such as real estate, travel agent, attorney, or similar uses; beauty or barber shops not to exceed three chairs, and antiques or gift stores with display areas not to exceed 600 square feet.

Mr. Crowe noted that Staff's primary concern was with the limited parking for the proposed uses. The site had room for only one pass-through parking space, in front of the building. Staff recommended that the Applicant stripe five parallel spaces along the front of the property at the direction of the City Public Works Dept. These spaces would not be immediately adjacent to any residences. He also recommended that the Applicant provide for additional overflow parking within 1,200 feet.

Mr. Crowe said that pedestrian access was good, with sidewalks on all vicinity streets. He noted that the Applicant could not meet the screening and buffering standards as there was very little green space on the property. He did say that the triangular point of property caused by the intersection of Laurel and Kirby Streets did provide an opportunity for landscaping, which the Applicant will do.

Mr. Crowe noted that the request was in keeping with Goals, Objectives, and Policies of the Comprehensive Plan, which supported mixed-use, efficient, and infill development like this project. He said that while the rezoning would create somewhat of an isolated district on the south side of Laurel St., there was commercial (Downtown) zoning on the north side of the street. Impacts to residential uses would be limited by the small size of the project and the use and number of employee limitations. The trend toward mixed-use development (live-work) supported projects like this. The rezoning would allow for improvement of this property, long constrained by zoning, and this improvement would improve property values on and around this property. He concluded that this would not be a grant of special privilege but more of a recognition of long standing commercial use.

Mr. Crowe said that Staff recommended approval with the following conditions for the PUD.

1. Rezone to Planned Unit Development/Commercial Neighborhood (PUD/CN).
2. Approval for office storefront & limited retail/service storefront, or two office storefronts.
3. Office uses limited to real estate, travel agent, attorney or similar uses; beauty or barber shops allowed not to exceed three chairs/stations; & antiques or gift stores allowed with display area not to exceed 1,000 square feet.
4. Total employees at peak time for all uses not to exceed five.
5. Upstairs space approved for one residential unit.
6. Driveway widened to a 17' length to serve as one handicapped only space, as a two-way drive through (no backing out) space.

7. Five parallel striped spaces shall be created along the south side of Laurel St., starting east of the driveway and continuing east 100ø along Laurel St., with Applicant to fund & arrange for striping, under supervision of cityø Public Works Department.
8. Utilize simple, no-decorative columns instead of proposed Doric columns.
9. Provide minimum 4ø landscape strip along the Kirkland St. side of the corner building with hedge/shrub plantings, or as alternative provide for planters along the building.
10. Planting of triangle landscape area with low shrubs and groundcover.
11. Future exterior alterations to the building, lighting, awnings, signage, etc. are subject to downtown overlay standards.
12. PUD to conform to Applicantø elevations and landscape plan.

Mr. Crowe added that building exterior alterations may have to go before the Historic Preservation Board for review and approval.

Mr. Harwell asked if there was a way to get the handicap parking on Laurel or Kirkland. Mr. Crowe answered that there is not sufficient space (17-foot parking space width) on the street for such parking.

Chairman Sheffield opened up the public hearing.

Applicant Ms. Tina Duck, 109 Macon Rd. Palatka said that she grew up in the neighborhood and remembers the little businesses operating out of the building. She said it was a goal of her and her husband to bring the property back to being an attractive and functional part of the community.

Ms. Allegra Kitchens, 1027 S. 12<sup>th</sup> St., spoke in favor of the request. She remembered it has always been a commercial use regardless of how the zoning has changed over the years. She mentioned that she thought the five employee limitation would be too little.

J Norman Jutrus, 412 Mulholland, spoke in favor of the request and looks forward to the improvements to this property.

Chairman Sheffield then closed the public hearing.

**Motion** made by Mr. DeLoach and seconded by Mr. Killebrew to approve the request as recommended. The motion was approved, six votes to one, with Mr. Harwell voting no.

**Case 16-43** Request for conditional use to locate a church within 300 ft. of a licensed alcohol serving facility  
**Location:** 114-2 N. 19<sup>th</sup> St.  
**Applicant:** Karina Rodriguez

Mr. Crowe narrated a power point presentation, noting that the Middleton Shopping Plaza (at Reid St. and N. 19<sup>th</sup> St.) had three conditional uses approved since 2011 including alcohol sales by the dollar store, a bar (since closed down), and an internet café. He said that the dollar store was working on property upgrades that were conditions of approval, including tree planting along N. 19<sup>th</sup> St. and improvement of the rear buffer along Moseley Ave.

Mr. Crowe then spoke to how this application met the conditional use criteria. He noted that Criterion a (Comprehensive Plan compliance) was met as the property was in commercial land use and zoning, and application was not in conflict with any goals, objectives, or policies of the Plan. Criterion b addressed traffic issues, and Mr. Crowe said that the 19<sup>th</sup> St. improvements would include curbing along N. 19<sup>th</sup> St., which would create a more formal entrance to the shopping center, increasing traffic safety. The existing driveways on St.

Johns Ave. and Reid St. would remain. Criterion c concerned parking, and Mr. Crowe said that there was adequate parking for the shopping center at this time, and the Church would operate mostly at off-peak times and not result in any parking shortages. Criterion d requires that the dumpster is screened, and it is (behind the store along Moseley Ave.). Criterion e requires that the site be served by utilities, and it is. Criterion f is concerned with screening and landscape buffering ó Mr. Crowe noted that with the Moseley St. hedge and pending tree planting soon to occur, Staff does not recommend additional landscaping. The small scale of the proposed use does not trigger additional improvements. Criterion g requires sign code compliance, achieved at this site. Criterion h concerns open space, which is impractical on this almost-completely impervious site. Criterion i addresses compatibility, and Mr. Crowe noted that visual compatibility will be improved with the landscaping. Criterion j concerns special requirements for use, and there were none. Criterion k is not applicable (historic preservation requirements). Mr. Crowe concluded his presentation by concluding that this application would not have a substantive negative affect on the public interest.

Mr. Crowe recommended approval of a church, limited to 100 members (up from 50 members in the staff report) with services allowable on Sunday 10:00 AM to 9:00 PM (advanced from 2 PM in staff report) and Wednesday and Friday evenings 6:30 to 9:00 PM, and with the space available during daylight hours of the week for meetings, office activities, and fellowship.

Chairman Sheffield then opened up the public hearing.

Motion made by Mr. DeLoach and seconded by Mr. Harwell to approve the request with staff recommendations and the amended recommendations from staff. Motion carried unanimously.

**Case 16-44** Request for conditional use to locate alcohol sales (associated with a restaurant) within 300 ft. of another licensed facility.

**Location:** 829 & 831 S. State Rd. 19

**Applicant:** LiYing Zang

Mr. Crowe narrated a power point presentation, noting that the proposed 56-seat restaurant is located in two units of the Winn Dixie Shopping Center. The restaurant is requesting service of beer and wine, and the required conditional use permit is triggered by the proximity of another establishment serving alcohol (Winn Dixie) within 300 feet. He said the property is within an established commercial corridor.

Mr. Crowe then spoke to how this application met the conditional use criteria. He noted that Criterion a (Comprehensive Plan compliance) was met as the property was in commercial land use and zoning, and application was not in conflict with any goals, objectives, or policies of the Plan. Criteria b and c addressed traffic and parking issues, and Mr. Crowe said that the parking was sufficient for this and other uses. Loading occurred in the rear of the building. Criterion c concerned parking, and Mr. Crowe said that there was adequate parking for the shopping center at this time, and the Church would operate mostly at off-peak times and not result in any parking shortages. Criterion d requires that the dumpster is screened, but the dumpsters behind the building were not unscreened and visible from adjacent homes on Florida Ave. Criterion e requires that the site be served by utilities, and it is. Criterion f is concerned with screening and landscape buffering ó Mr. Crowe noted that the site is partially compliant with the landscape and buffering code, except it is lacking shade trees in the front parking lot, and the rear buffer is insufficient. He said that the City Commission had previously requested that Staff look for opportunities to require improvement this rear buffer, which this conditional use request provides. Criterion g requires sign code compliance, achieved at this site. Criterion h concerns open space, the overall site has around 15% open space, which is short of the now-required 30%, but the site was developed prior to this requirement and it would be very burdensome to comply with this standard. Criterion i addresses compatibility, and Mr. Crowe noted that visual compatibility from the Florida St. homes would be greatly improved with the improved landscape buffer. Criterion j concerns special requirements for use, and

there were none. Criterion k is not applicable (historic preservation requirements). Mr. Crowe concluded his presentation by concluding that this application would not have a substantive negative affect on the public interest.

Mr. Crowe said that Staff recommends approval of the request with the following conditions.

1. On-premises consumption of alcohol associated with a restaurant allowed.
2. No alcohol service past 10 pm.
3. Applicant/property owner to screen dumpsters on three sides with opaque fencing, walls, or plants with a height of at least six feet.
4. Within three months of the approval date (December, 2016), the applicant & property owner shall submit to staff a landscape planting plan for rear buffer along Florida Ave. to achieve 85% effective screening, by supplementing the existing vegetation with shrubs and understory trees and/or fencing. The City will provide at least five understory trees for this buffer, and the applicant/owner shall procure the remaining vegetation or fencing. Installation shall occur within six months of approval (March 6, 2017). Note ó effective screening will not require dumpster screening.
5. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.

Chairman Sheffield then opened the public hearing.

Applicant LiYing Zang stated that she understand the conditions and want to help improve the community. They hope to open the restaurant by the end of September.

Chairman Sheffield then closed the public hearing.

Motion to approve made by Mr. Harwell and seconded by Ms. Williams to approve the request as recommended by Staff. Motion carried unanimously.

**Case 16-49** Request for conditional use to locate an indoor recreation facility (bounce house) in a C-2 (Intensive Commercial) zoning district.

**Location:** 3206 Crill Ave.

**Applicant:** Tyler McClellan

Mr. Crowe narrated a power point presentation, noting that the proposed indoor recreation use would be located in the Westgate Shopping Center at Crill and Palm Avenues. The use would include bounce houses, obstacle courses, slides, and similar physical games, along with food and drink concessions. The property is within an established commercial corridor.

Mr. Crowe then spoke to how this application met the conditional use criteria. He noted that Criterion a (Comprehensive Plan compliance) was met as the property was in commercial land use and zoning, and application was not in conflict with any goals, objectives, or policies of the Plan. Criteria b and c addressed traffic and parking issues, and Mr. Crowe said that the parking was sufficient for this and other uses ó 150 parking spaces served the approximate 30,000 square feet of the shopping center, meeting Code. Loading occurred in the rear of the building. Criterion d requires that dumpsters are screened, but the dumpsters behind the building were not unscreened and visible from Palm Ave. and the City Cemetery. Criterion e requires that the site be served by utilities, and it is. Criterion f is concerned with screening and landscape buffering ó Mr. Crowe noted that there was a narrow buffer along Crill Ave. with oak trees, which unfortunately have been severely pruned due to overhead power lines. No rear buffer was provided. Palm Ave. had three landscape islands adjacent to the right-of-way, which presented the best opportunities for strategic landscaping. Criterion g requires sign code compliance, achieved at this site. Criterion h concerns open space, which is impractical on this almost-completely impervious site. Since the site was developed prior to the open space requirement it

would be very burdensome to comply with this standard. Criterion i addresses compatibility, and Mr. Crowe noted that the proposed use is compatible with the vicinity commercial structures ó there were no nearby residential uses ó and the limited hours of operation and family orientation would lessen any compatibility-oriented concerns. Criterion j concerns special requirements for use, and there were none. Criterion k is not applicable (historic preservation requirements). Mr. Crowe concluded his presentation by concluding that this application would not have a substantive negative affect on the public interest.

Mr. Crowe said that Staff recommended approval with the following conditions:

1. Use to conform to floor plan and description.
2. Hours of operation shall not extend beyond 7 pm during weekdays and 9 pm on weekends, and shall not be before 9 am any day.
3. Expand three existing landscape islands along Palm Ave. and add a shade tree to each island (applicant/property owner to expand islands, install curbing around them, install needed fill, and City to provide trees).
4. Applicant/property owner to screen dumpsters on three sides with opaque fencing, walls, or plants with a height of at least six feet.

Motion to approve made by Mr. DeLoach and seconded by Ms. Wilson to approve the request subject staff recommendations. All present voted affirmative, motion carried unanimously.

**Case 15-33** Evaluation and Appraisal Report (EAR) addendum, Comprehensive Plan ó Sea Level Rise Policies.

Mr. Crowe narrated a power point presentation, noting that the EAR had already been reviewed and recommended for approval by the Board, and since that time the City Commission had requested that Staff add to the EAR policies pertaining to Sea/River level rise. The EAR will be transmitted to state agencies for review later this fall. He noted that research indicated that the pace of rise had quickened and that a five-foot rise was probable in 100 years. If nothing is done to address carbon emissions, a 25-foot rise is anticipated. Fifty percent of the at-risk population in the USA was in Florida.

Mr. Crowe said that the City was fortunate that much of the riverfront was publicly-owned and therefore would not be developed, including 45.5 acres owned by the City in the northeastern part of the City and 908 acres in the southeastern City owned by the St. Johns River Water Management District. However there was 240+ acres of privately owned riverfront land in the northeastern part of the City that could be developed. He added that the City was taking active steps to improve stormwater infrastructure, including a new pond at Booker Park on the Northside that would receive stormwater from a 200-acre area.

Mr. Crowe said that Staff recommended approval of the following policy recommendations as part of the EAR:

1. identify vulnerable areas;
2. develop timeframe for rise;
3. acquire privately owned lands in vulnerability zones;
4. develop master plan for connected greenway system that provides flood control & recreation;
5. develop shoreline protection strategy concentrating on vegetated wetland creation and expansion;
6. cluster riverfront development; and
7. provide notice to vulnerable zone property owners.

Chairman Sheffield then opened the public hearing. There were no members of the public present to speak to this item, so the Chairman then closed the public hearing.

Motion made by Mr. DeLoach and seconded by Mr. Killebrew to approve as recommended by Staff. All present voted, motion carried unanimously.

**Case 16-46** Administrative request to amend the Zoning Code to implement standards for internet café/electronic gaming establishments.

Mr. Crowe narrated a power point presentation, summarized as follows.

Research indicates that simulated slot machines, using gambling-related symbols like poker, roulette, craps, tempt those susceptible to gambling, even if no gambling is involved. Internet cafes have strayed from simulated games into actual gambling, or have rigged machines so that they are neither games of chance nor skill. In 2012 the Florida legislature tackled the problem after a particularly busy year of illegal gambling in internet cafes. Fl. House Bill 155 did the following.

- Tackled widespread illegal gambling at internet cafes throughout the state.
- Clarified that a device is an illegal slot machine if it simulates gambling (game of chance) and awards something of value.
- Disallowed gambling exemption for charitable raffles using slot machines or other games of chance
- Clarified that the gambling exemption that allows sweepstakes (used by McDonald's and other businesses) is only for promotions truly incidental to main activity of sale of products or services.
- Exempted from gambling establishments arcades with 50 or more amusement games and arcade games in truck stops.
- Clarified that permissible amusement machines operate by insertion of a coin, involve the application of skill, and may award points or coupons to be redeemed for merchandise.
- Limited the cost value of earned points or coupons to 75 cents per game played, excluding "free plays."
- Clarified that merchandise cannot be gift cards, gift certificates, or other cash equivalents.
- Broadened the definition of "racketeering activity" in Florida's criminal RICO statute to include any violation of Chapter 849 relating to gambling.

However the law of unintended consequences soon put the legality of traditional arcade games into doubt, so the Legislature passed corrective legislation in 2015. Fl. Statute 546.10 did the following.

- Classified amusement games into 3 types: A, B, and C.
- Type A games only rewards are replays (pinball, for example) and no state regulation
- Type C games directly dispense prizes (the claw, for example).
- Type B games are the Internet Café type games, and the law identified regulations for ticket/prize redemption game of skill, including a prize limit of \$5.25 per game, a total value prize limit of \$525 (numbers adjusted for inflation), and banning casino games / games of chance simulated gambling games.
- Game of chance was defined as random number generation or other non-discernible factors and this was clarified to be illegal as it was gambling.
- The law prohibited manipulation by operators to prevent players from winning or to predetermine what player will win.

Despite 2013 and 2015 laws, problems have persisted. A recent sweep in Jacksonville resulted in the shutting down of Internet Cafes and arrests of multiple employees of such businesses for illegal gambling and violation of state laws. Palatka has experienced a proliferation of internet cafes, with no regulations to ensure compliance with state law and protect citizens. The intent of this ordinance is to institute state regulations along with local locational, design, and operational standards for such uses. The mechanism for these laws would be the conditional use permit process and distance regulations between gaming establishments and other gaming establishments as well as churches, schools, and parks.

Mr. Crowe said that the criteria for Zoning Code text changes included the need and justification for the text change, and conformance with the Comprehensive Plan. The need for the changes pertained to public safety and welfare ó regulations were needed to prevent deceptive practices that steal from citizens and also to enforce very specific state laws in local codes. Local law clarification is needed to distinguish between non-gambling oriented arcade games and illegal/simulated gambling. The proposed changes would not be contrary to any goals, objectives, and policies of the Comprehensive Plan. Electronic gaming establishments would be allowed in C-2 zoning, which covers most of the City's main roadways. Mr. Wallace asked if this would place such uses along St. Johns Ave. Mr. Crowe responded that much of this area would be restricted from the use due to the 1000-foot distance restriction from churches, schools, parks, and other gaming establishments. Mr. Wallace asked if Staff had taken a compass and determined areas not subject to distance requirements. Mr. Crowe said Staff had not done this, but in the downtown and CRA areas the presence of churches in particular would inhibit the gaming uses.

Mr. Crowe then summarized the proposed Staff recommendations as follows:

- defining the following terms as noted in the staff report: amusement games (Type A, B, and C), electronic gaming establishments, and indoor recreational facilities;
- Allowable by conditional use in C-2 zoning;
- Hours of operation between 10 am to 10 pm;
- No food or drink served;
- Minors prohibited;
- Signs posted by each station stating that games are not gambling;
- No signs allowed utilizing common gambling symbols;
- Windows not to be obstructed by tinting and signage, maximum 20% opacity;
- No outdoor operations, seating, or loitering allowed;
- Annual registration and inspection of machines and software required; and
- City may require independent inspection of machines and software.

Mr. Crowe said that the ordinance would require that existing gaming establishments to come into conformity with the operational standards within 90 days, and illegal uses must shut down.

Chairman Sheffield asked Board members if they had any questions. He noted that a group of staff members including the City Manager, City Attorney, Police Chief, and Planning Director had developed the proposed standards. Mr. Crowe confirmed this, and said City staff believed this approach was preferable only allowing them in industrial zoning, for example, because this approach was more legally defensible.

Ms. Wilson asked if there would be limits on the number of establishments. Mr. Crowe answered that there would not be limits, as that seems like an arbitrary approach. He said that Clay County and St. Johns County had each limited the use to nine establishments across the whole county. He said that his discussion with Clay Co. indicated that they shut down all the uses and then required them to re-apply, which none have done so far. Chairman Sheffield said he had talked to a Putnam County commissioner to see if there was some interest in adopting a similar ordinance.

Mr. Holmes stated that the limiting factor is based upon the distance restriction, similar to what was done with the adult entertainment establishments. When you look at a city block as being 300 square feet, putting a 1000-foot circle around every church, park, school, and like kind use will limit areas where these uses can occur. The alternative of coming up with a specific number limit for such uses is very difficult and there is a question of how such an approach would survive a legal challenge. Distance regulations along with alcohol prohibition would go a long way toward limiting such uses. He said that his opinion was that Staff's approach is much more defensible and along with enforcement of the State Laws, he believes this is a better way to protect the community. Mr. Wallace said that the City could determine a proportionate number compared to the St. Johns

County limitation of nine, based on population. He favored that approach. Mr. Holmes said he would oppose such an approach at the City Commission level.

Chairman Sheffield then opened the public hearing, and closed it after no members of the public came forward.

Mr. Killebrew said he believed there was misrepresentation that establishments don't give out cash as prizes but only give out gift cards. He noted that this ordinance does not allow gift cards.

Mr. Harwell asked how this is enforced. Mr. Crowe answered that a system of store and machine registration will be set up along with a regular inspection schedule. Mr. Suggs added that it will fall under the City Police Department and the Florida Department of Law Enforcement. Mr. Harwell asked if it would be complaint-driven. Mr. Suggs answered that the City will be proactive in enforcing this ordinance. Chairman Sheffield asked when this went to the City Commission, and Mr. Suggs answered that it went to the Commission for first reading next Thursday, and would be adopted at the following meeting.

Mr. Harwell asked if there could be changes to hours of operation, maybe instead of 10 AM to 10 PM, 9 AM to 5 PM? Chairman Sheffield answered that he thought that the City staff proposal was what the Board wanted.

Mr. (name and address unintelligible, from Georgia), requested to speak, and at the advice of Mr. Holmes, Chairman Sheffield re-opened the public hearing. The speaker said that the hours of operations be extended through the evening hours as most people like to enjoy the entertainment after work hours.

With no other members of the public requesting to address the Board, Chairman Sheffield then closed the public hearing.

Motion made by Mr. Wallace and seconded by Mr. Killebrew to recommend approval to the City Commission of this request as recommended by Staff. Motion carried unanimously.



*Minutes*  
*November 1<sup>st</sup> 2016*

**CITY OF PALATKA**  
**PLANNING BOARD MINUTES**  
November 1, 2016



Members present: Chairman Daniel Sheffield, Mr. Wallace, George DeLoach, Tammy Williams, and Ed Killebrew, who arrived at 4:08 p.m., Members absent: Vice-Chairman Joe Pickens, Anthony Harwell, Joseph Petrucci and Edie Wilson. Staff present: Planning Director Thad Crowe, Recording Secretary Karen Gilyard, and City Attorney Mr. Holmes.

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

Chairman Sheffield asked for an approval of minutes from August 2, 2016 meeting. Motion made by Ed Killbrew to approve the August 2, 2016 minutes, seconded by George DeLoach.

Chairman Sheffield notified the Board that Vice-Chairman Joe Pickens resigned from the Board. Chairman Sheffield proceeded to ask the Board to nominate a replacement as Vice-Chairman. Tammy Williams nominated George DeLoach, and the motion was seconded by Ed Killebrew. All present voted affirmative and motion was approved unanimously.

**OLD BUSINESS:**

- Case 16-40** Request for final plat for subdivision – tabled from the August 2<sup>nd</sup> 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

Chairman Sheffield introduced the item and recognized Mr. Crowe. Mr. Crowe said the Applicant wanted to table the discussion once again. Mr. Crowe advised the Board that he explained that the Board has the right to table the discussion again or end it. If ended, the Applicant would have to start the process over again when ready.

Motion made by George DeLoach and seconded by Tammy Williams to table the request until the next regular meeting. All present voted affirmative and motion was approved unanimously.

**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

Chairman Sheffield introduced the item and recognized Mr. Crowe, who initiated a power point presentation.

Mr. Crowe said the property in question is within 300 feet of two churches and a convenience store selling alcohol, which triggered the conditional use permit requirement. The property is at the corner of 9<sup>th</sup> St. and Reid St. and was in past years a gas station/convenience store, but has been vacant for a number of years.

Addressing the conditional use criteria, Mr. Crowe noted that Criterion a (Comprehensive Plan compliance) was met, since the use was allowed in the commercial zoning and future land use.

Mr. Crowe said that Criteria b and c (parking and vehicular issues) must be met with a site plan that meets Zoning Code standards for parking and driveway configuration, since the site was an older developed that did not meet the current standards. The property was at the corner of two busy state roads and there was no curbing to separate the site paved area from the adjoining roads, which raised traffic concerns. These concerns centered on vehicles entering and exiting the site onto the adjoining roads in a disorganized fashion. Staff suggested that this concern could be addressed with the installation of landscape buffers along the rights-of-way that would define driveways and also improve the appearance of the site. The good news was that there was sufficient room on the site for needed parking, driveways, and buffers.

Mr. Crowe noted that Criterion d would require the screening of any refuse areas.

The intent of Criterion f (Screening and Buffering) would be partially met with the recommended right-of-way buffers.

In discussing Criterion h, Mr. Crowe noted that the open space standards were not applicable to this urbanized area.

As far as Criterion i, Mr. Crowe said that the use would be compatible with the commercial character of Reid St. Reduced hours of operation would lessen the potential of late-night crime and calls for service.

Mr. Crowe noted that other criteria are met, and that the proposed use would not negatively impact the public interest, unless the Board determined that there was an undue concentration of similar uses in this area.

Chairman Sheffield asked Mr. Crowe is this for a convenience store that sales beer and wine or is this liquor store. Mr. Crowe answered that it would be both. He added that the Zoning Code did not differentiate between beer/wine and liquor and that both were lumped into a general category of off-premises alcohol sales. His discussions with the Police Chief led him to believe that there may be some "quality of life" problems associated with liquor stores such as loitering, but there is no data that confirms higher calls for service for this use. Chairman Sheffield asked Mr. Nou if the gas pumps would be added, and Mr. Nou said no, not at this time.

Chairman Sheffield asked if there were any other questions from the Board.

Ms. Williams asked if the gas pumps are no longer there could the gas pump canopy be taken away. Mr. Crowe answered yes, but said that Mr. Nou's has not discussed this with Staff and unless an approval condition prohibited such canopies, they could be added along with gas pumps in the future (as long as minimum parking still remained). Tammy Williams asked about the parking in the back, was there an entrance to Tire Kingdom in that rear area, and does Tire Kingdom use that parking as well. Mr. Crowe answered that there was an alley in the rear that provided access for both businesses he was not sure if Tire Kingdom used the parking.

Chairman Sheffield opened up the public hearing.

Mr. David Nou, Applicant, stated that the side canopy was removed two years ago. Also the front gas pumps and tanks were removed five years ago. They will not be selling gas. Due to the nearby churches and the safety of nighttime drivers, the hours of operation would be reduced and the store will not be open till 11 p.m., maybe even by 9 p.m. or 10 p.m. Chairman Sheffield asked if Mr. Nou was requesting an earlier closing time. Mr. Nou answered that he preferred to keep it at 11 p.m. due to some Friday or holidays being busy and not being able to

close by 10 p.m. due to demand. Mr. Nours stated that the store will be open about 9 or 10 a.m. but will only sell alcohol during the City's permitted alcohol sale times.

Mr. Wallace asked where his previous business was. Mr. Nou answered that they owned the convenience store/gas station at Palm & Crill for about 10 years and had no problems there.

Chairman Sheffield asked Mr. Nou if he had seen the Staff-recommended conditions and agrees with them. Mr. Nou answered that he had not but added that he did not have a problem with the conditions presented. His only concern was with this being a corner lot, plants could not be placed at the intersection as they would block driver vision. Mr. Crowe said the Zoning Code vision triangle standards would keep plantings out of the intersection area.

Mr. Holmes asked Mr. Nou if this was going to be a convenience store that sold liquor opposed to just a convenience store that sales beer and wine.

Mr. Nou responded that he they are going to carry around 40% of what ABC Fine Wine & Spirits carries in their store. Mr. Holmes also asked did they already have a State of Florida liquor license. Mr. Nou answered no, it's pending approval and should be approved by December, 2016. Mr. Crowe stated that the Building and Zoning Dept. would have to sign off on the state liquor license.

Mr. Wallace asked if liquor was sold at the Palm & Crill location. Mr. Nou answered no because my parent didn't want to mix gas and liquor. Mr. Wallace asked did they have any problems there. Mr. Nou answered that there were some minor problems like two break-ins in 10 years of business.

Mr. Holmes asked if this business the one that had the check cashing services, and Ms. Williams asked if the EBT scandal happened during Mr. Nou's family's ownership or after. Mr. Nou answered that it happened a year after they sold the business.

Chairman Sheffield thanked Mr. Nou and asked him not to go too far away in case they needed to ask additional questions. He then opened up the public hearing, and closed it when no members of the public rose to address the Board.

Motion made by Tammy Williams and seconded by George DeLoach to approve the request as recommended by Staff. Motion carried unanimously.

**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

Chairman Sheffield introduced the item and recognized Mr. Crowe, who initiated a power point presentation.

Mr. Crowe explained that this request was for annexation of the property into the City, to zone the property to C-1 (General Commercial) zoning, and to assign the COM (Commercial) future land use map designation to the property.

Mr. Wallace said that he had given a proposal on the property for a survey, and asked he if needed to recuse himself. Mr. Holmes asked him had he been retained to do anything as of yet. Mr. Wallace answered not at this time. Mr. Holmes said no, he didn't see any problem with it if he had no monetary investment in the property.

Mr. Crowe said that 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.

Chairman Sheffield opened up the public hearing.

Project Agent Robert Benjamin, 3955 Riverside Ave., Jacksonville, FL, said he was there to answer any questions the Board may have. Chairman Sheffield thanked Mr. Benjamin, and as there were no questions closed the public hearing.

**Motion** made by George DeLoach and seconded by Ed Killebrew to approve the request as recommended by Staff. Motion carried unanimously.

**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

Chairman Sheffield introduced the item and recognized Mr. Crowe, who initiated a power point presentation.

Mr. Crowe explained that this request for conditional use to allow a church within 300 ft. of an establishment serving alcoholic beverages. The proposed church was next to Bradley's Restaurant, which served alcohol. The church was part of a four-building complex on a 2.6-acre parcel. The proposed church building was a warehouse, built in 1971, and there were two buildings utilized in the past as dormitories, part of a residential treatment facility. A fourth building was formerly used as an office. The proposed sanctuary building was 4,950 SF which could potentially accommodate up to 300 worshipers, requiring 75 parking spaces. The request was just for a 30-member church, which would just require 8 parking spaces.

Addressing the conditional use criteria, Mr. Crowe noted that Criterion a (Comprehensive Plan compliance) was met, since the use was allowed in the commercial zoning and future land use.

Criteria b and c (parking and vehicular issues) was met as the driveway was narrow but useable, and the paved area could be striped to yield up to 20-25 parking spaces. There were no wheelstops or curbing present.

Criterion d would require the screening of any refuse areas.

The intent of Criterion f (Screening and Buffering) was met with the plentiful shrubs and trees along the property lines and SR 19 right-of-way.

In discussing Criterion h, Mr. Crowe noted that over half the site was green open space.

As far as Criterion i, Mr. Crowe said that the use would be compatible with the commercial/institutional character of SR 19 between Reid St. & US 17.

Mr. Crowe noted that other criteria are met, and that the proposed use would not negatively impact the public interest.

Mr. Crowe said that Staff recommended approval of the application, with attendance capped at 80 members (or the Fire Marshal's capacity figure if that is less), and with the following conditions.

1. Use is approved generally subject to and conforming with the site plan.

2. Parking layout shall conform to 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.

Chairman Sheffield asked Mr. Crowe how he figured the parking space was it by the space already there. Mr. Crowe said no it was by the size of the parking lot. Chairman Sheffield asks the board if any question for Mr. Crowe. Chairman Sheffield moved it to public meeting and asked if anyone wanted to address the board. Chairman Sheffield moved it to public meeting and asked if anyone wanted to address the board. The deacon of the church step up to address the board stated he was David Donaldson 165 Blackberry St., Lake Como, Florida. Mr. Donaldson stated that Mr. Crowe exactly what the church wants and is doing. Mr. Donaldson also asked the board did they have any questions for him. Chairman Sheffield asked Mr. Donaldson did he have any issue with the recommendation that Mr. Crowe had. Mr. Donaldson said no. Chairman Sheffield asked was they ok with the membership cap Mr. Crowe gave. Mr. Donaldson said yes because they only have a membership of 35 and that allowed for growth. Chairman Sheffield thanked Mr. Donaldson. Chairman Sheffield asked did anyone from the audience want to address this case. Chairman Sheffield closed the public meeting went back to the regular meeting for a motion to approve or deny the business.

**Motion** made by George DeLoach and seconded by Tammy Williams to approve the request as recommended by Staff. Motion carried unanimously.

**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

Chairman Sheffield introduced the item and recognized Mr. Crowe, who initiated a power point presentation.

Mr. Crowe explained that this request for conditional use to locate alcohol sales (associated with a restaurant) within 300 ft. of a convenience store selling alcohol. The request was associated with Leo's Fine Sushi, located in the rear of the Palatka Buffet restaurant building. The property was within an established commercial corridor. Mr. Crowe reminded the Board that their policy for conditional uses was to work toward achieving incremental Zoning Code compliance.

Addressing the conditional use criteria, Mr. Crowe noted that Criterion a (Comprehensive Plan compliance) was met, since the use was allowed in the commercial zoning and future land use.

Criterion b and c (parking and vehicular issues) was met as the parking lot had ample parking and the driveways functioned adequately. There were sidewalks along Reid St. (but not along 17<sup>th</sup> St.). The parking lot did not have wheelstops or curbing, and there was vegetative encroachment on paved areas.

Criterion d was not met, as the dumpster was not screened.

Criterion f (Screening and Buffering) was partially met, as this was an older site which did not comply with the landscape and buffer codes. The parking lot and buffers contained no shade trees for shade and aesthetics and some grassy areas were weedy or dead. There were some palm trees planted along 17<sup>th</sup> St. and shade trees

adjoining the rear of the parking lot. Full compliance would require eight parking lot landscape islands and six to 12 trees throughout the parking lot. Staff recommended partial compliance with two understory trees on each side of the Reid St. driveway, shrubs along the restaurant side of the Reid St. sidewalk, and shrubs along 17<sup>th</sup> St. back to the driveway entrance.

In discussing Criterion g, Mr. Crowe said that the existing banners should be better maintained.

As far as Criterion I, Mr. Crowe said that the landscaping improvements and dumpster screening would improve the appearance and compatibility of the property.

He concluded by saying Staff believed no negative impacts would be produced by the granting of this request.

Mr. Crowe said that 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. 17<sup>th</sup> 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.

Chairman Sheffield asked Board members if there were any questions for Mr. Crowe. Chairman Sheffield told Mr. Crowe that he appreciated the effort Staff has put into zoning-related landscaping improvements.

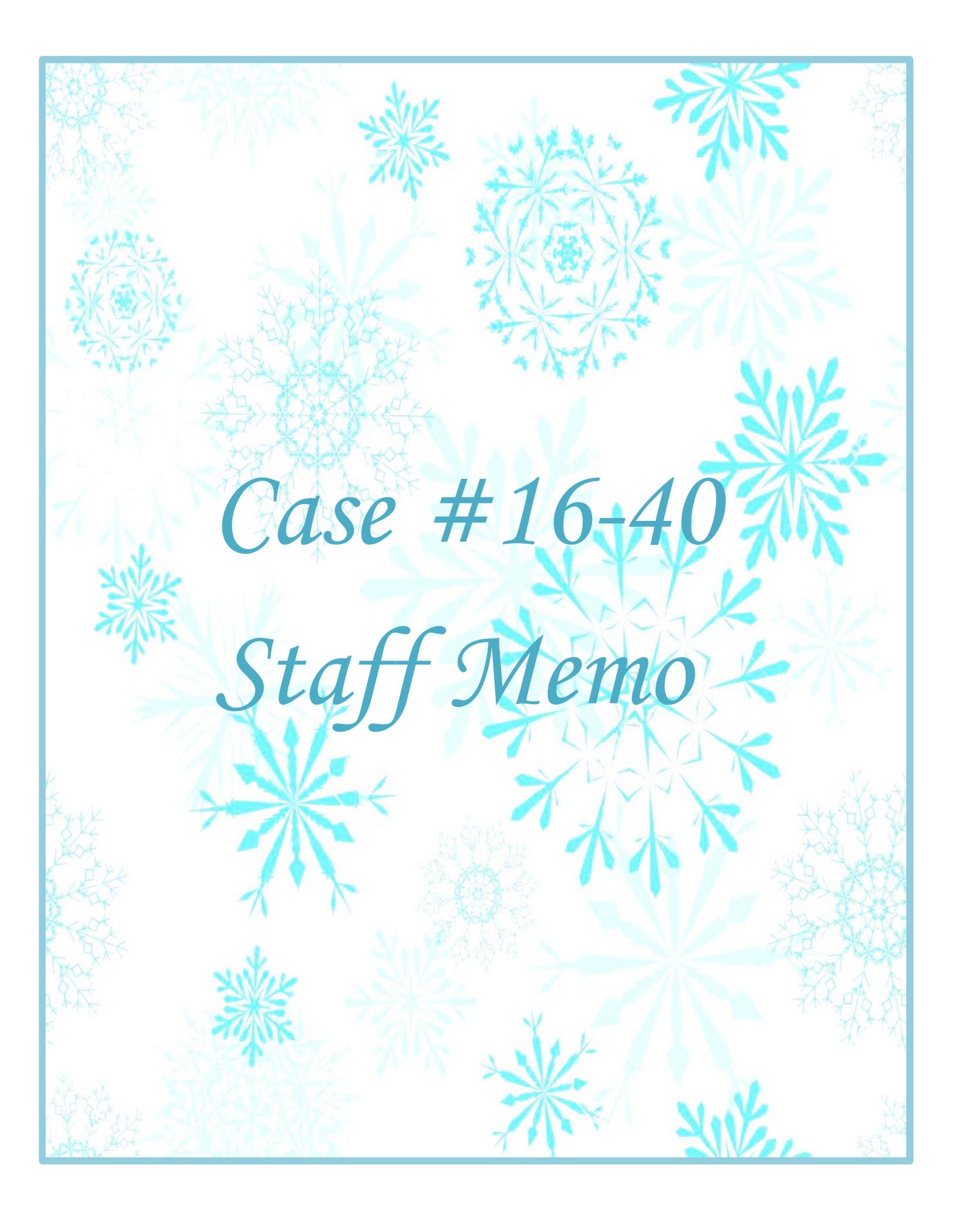
Chairman Sheffield opened the public hearing and with no members of the public present to speak, closed the public hearing.

**Motion** made by Tammy Williams and seconded by Ed Killebrew to approve the request as recommended by Staff. Motion carried unanimously.

Mr. Crowe stated that the Heart of Putnam Food Pantry wanted to address the board about the problems they are having with improving the parking lot. This was a conditional use approval condition, but there was no deadline for it. Jared Dollar, representative for the Food Pantry, said it has been hard to find a contractor. They did find one that gave them an estimate of \$13,000 for a concrete parking lot. They also tried to talk with the asphalt company that Clay Electric is using for their project with no reply. He said they were trying to get the City to

assist more since it was a City-owned property. Chairman Sheffield thanked him for updating the Board, and said the Pantry is a worthy cause, but like Mr. Crowe stated there are no time limits on this being done.

The meeting was adjourned at 4:57 pm.



*Case # 16-40*  
*Staff Memo*

# Case 16-40

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

### STAFF MEMO

**DATE:** November 28, 2016

**TO:** Planning Board members

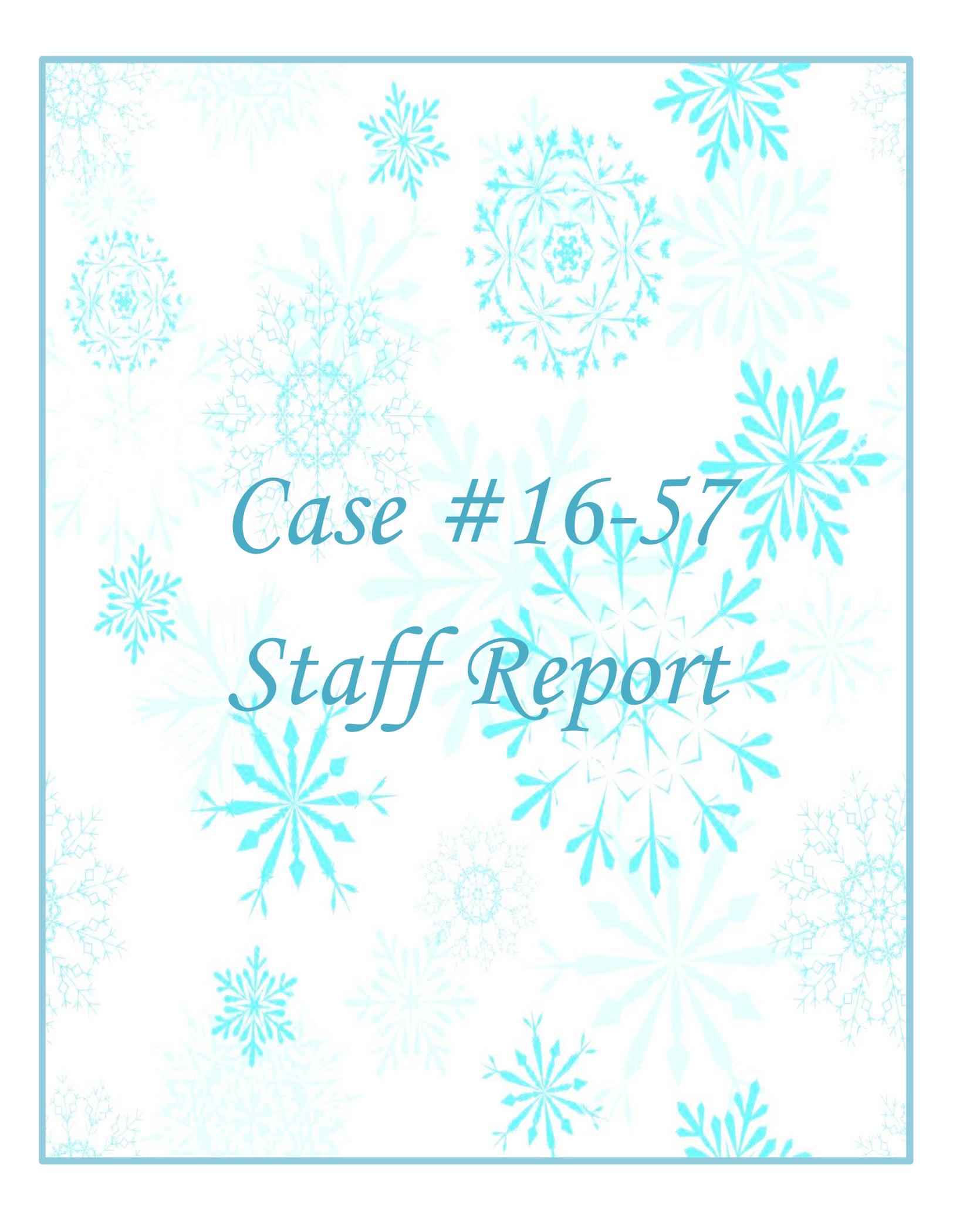
**FROM:** Thad Crowe, AICP  
Planning Director

#### **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, and again from the November meeting to the December meeting.

Staff recommends one last tabling of the item to the January Planning Board meeting.



*Case #16-57*

*Staff Report*

**Case # 16-57**  
**3803 & 3805 Crill Ave., 102 Highlawn Ave.**  
**Request to Annex, Amend Future Land Use Map and Rezone**

# STAFF REPORT

**DATE:** November 28, 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.

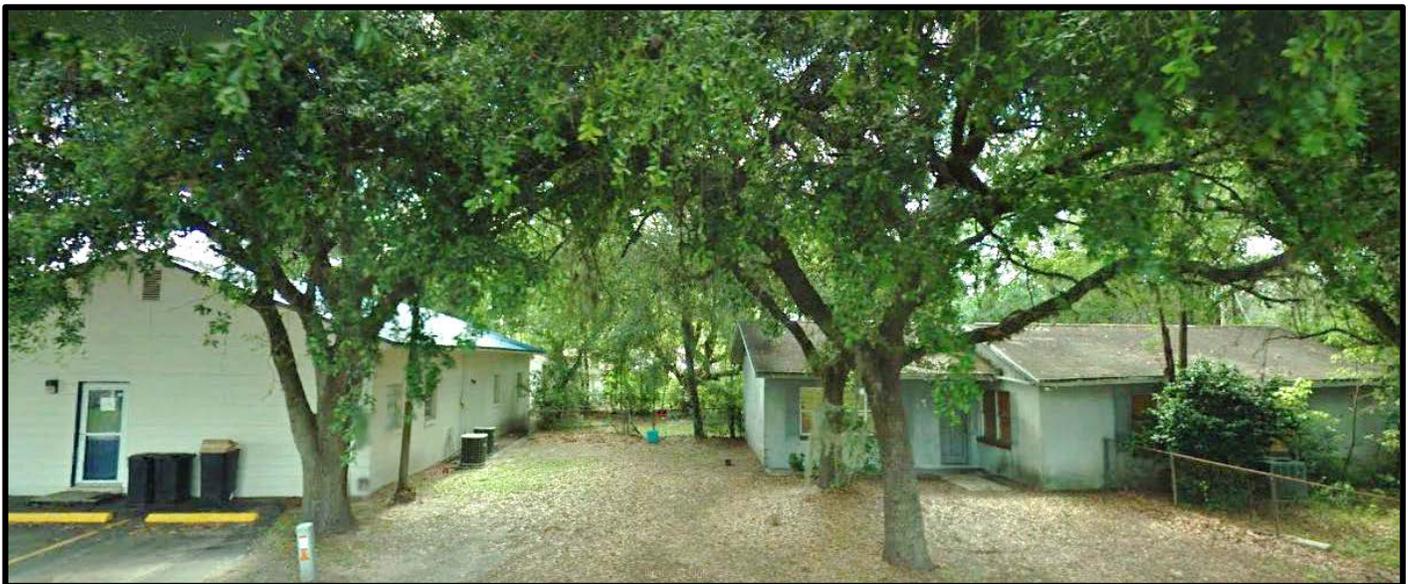


Figure 1: Site and Vicinity Map (property outlined in red, properties within City limits shown with purple overlay)



Figure 2 (above): property from Crill Ave.

Figure 3 (below): property from Highlawn Ave., showing office along Crill and single family home behind it fronting Highlawn Ave.



**APPLICATION BACKGROUND**

The property under consideration currently has a County mixed-use Future Land Use Map (FLUM) designation and commercial zoning. The site is mostly wooded, with a small office building on the Crill Ave. frontage (3805 Crill Ave.), a narrow undeveloped lot (3803 Crill Ave.), and a dwelling unit in the rear portion of the lot (102 Highlawn Ave). 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
UR (Urban Reserve)	COM (Commercial)	C-2 (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 (across Highlawn Ave.)	Multiple single-family detached homes & mobile homes	County UR (Urban Reserve)	County C-2 (Commercial, General Light)
East	Undeveloped	County UR (Urban Reserve)	County C-2 (Commercial, General Light)
North (across Crill Ave.)	Convenience store with gas pumps, child care facility	COM (Commercial)	C-2 (Intensive Commercial)
South	Apt. building (under 10 units)	County UR (Urban Reserve)	County R-2 (Residential, Two Family)

The owner is voluntarily annexing into the City for the purpose of hooking up to City utilities (City water and sewer). Staff is presenting these applications as administrative actions, as opposed to an action by the 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.

**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 does not create an enclave, pocket, or finger area, as evidenced by the map to the right, but in fact reduces the larger enclave shown in Figure 4 on the next page. Several other properties in the Highlawn subdivision have annexed into the City within the last several years to hook up to City water and sewer.



Figure 4 (above): Crill Ave. enclave (purple-shaded properties are in City)  
 Figure 5 (below): Future Land Use Map Designations

**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).

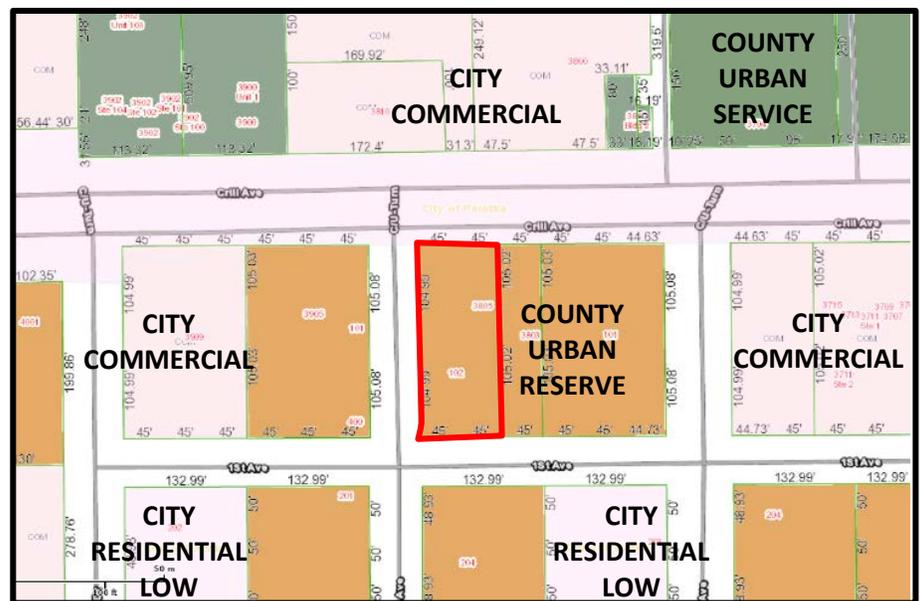
*List Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

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 Urban Reserve FLUM category, which allows a range of residential and nonresidential uses. The proposed City FLUM category is Commercial – intended for a mix of retail, service, and office uses. Municipal Code Section 94-111(b) allows the 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 1<sup>st</sup> Ave.

*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.

*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.

b. *The existing land use pattern.*

**Staff Comment:** the existing land use pattern is varied. This section of Crill Ave. is a commercial corridor with retail and office uses, but also with homes and institutional uses.

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

**Staff Comment:** no isolated zoning district would be created. Adjacent properties along the south side of Crill Ave. have the same general commercial zoning classification.

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

**Staff Comment:** infrastructure capacity is available. Water and wastewater lines are present on 1<sup>st</sup> Ave. and both utilities have sufficient capacity to serve future development on this site. Recent traffic counts indicate that around 15,000 vehicles travel daily along this four-lane segment of Crill Ave., which is around half of the maximum capacity of this roadway.

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.*

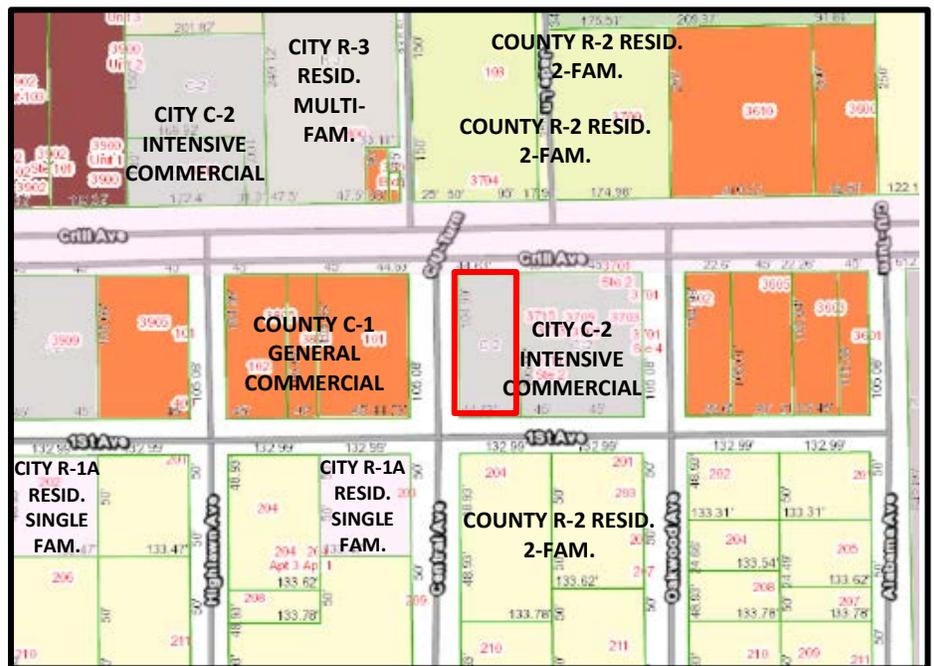


Figure 6: Zoning Map

**Staff Comment:** not applicable.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

**Staff Comment:** rezoning the property to a designation similar to the current County zoning will not adversely affect neighborhood living conditions.

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

**Staff Comment:** as indicated in d. above, ample traffic capacity is available in the form of around 15,000 available daily vehicle trips.

*i. Whether the proposed change will create a drainage problem.*

**Staff Comment:** any future redevelopment of this site will require compliance with water management district and City stormwater standards that retain most rainfall on the site.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

**Staff Comment:** development under City Codes will not seriously reduce light and air to adjacent areas since buffers are required for commercial projects.

*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:** City commercial land use and zoning classifications 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 due to the zoning and FLUM classifications proposed for the property, similar to what is around it.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

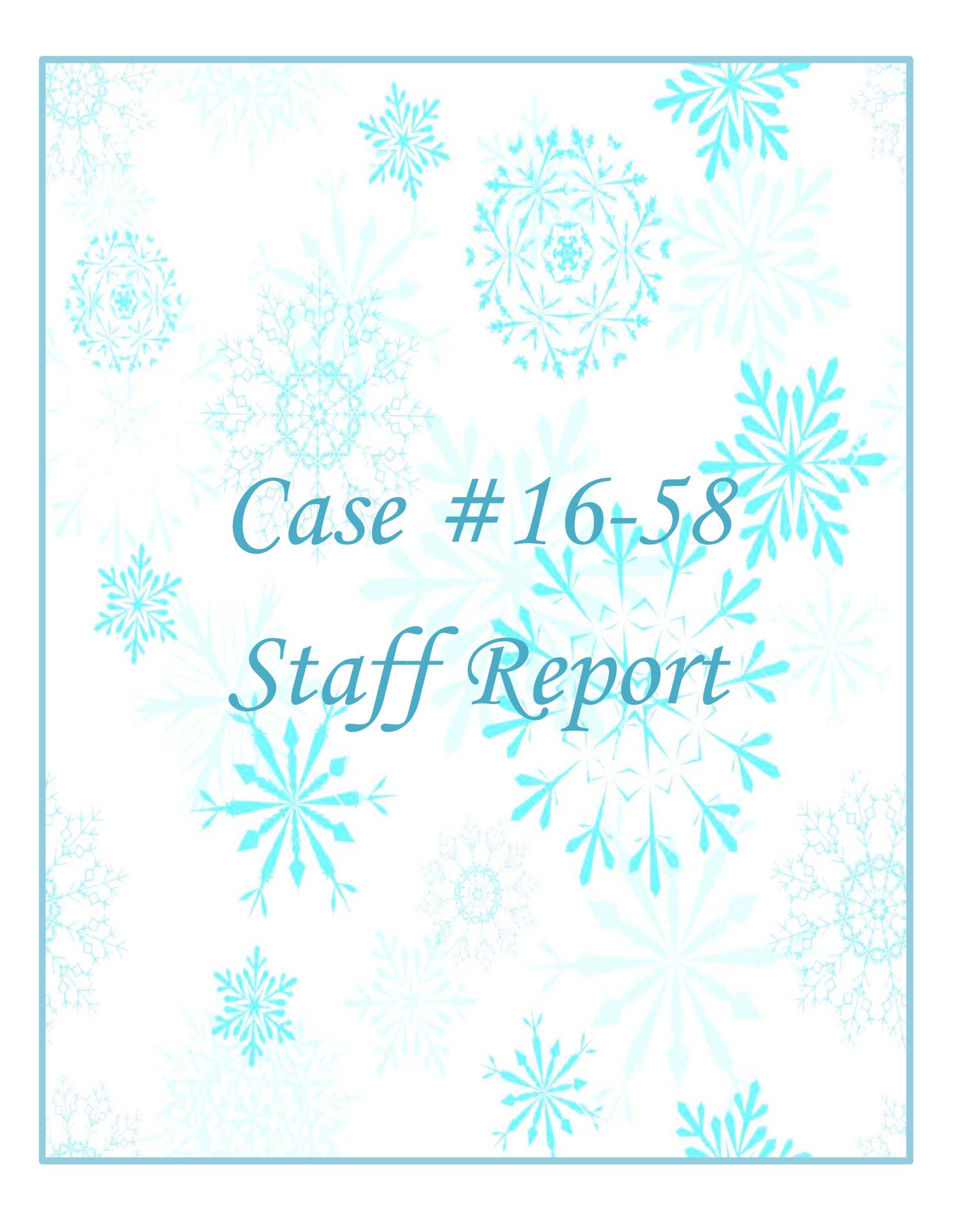
**Staff Comment:** not applicable.

*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 Case # 16-57, including the annexation, amendment of Future Land Use Map category to COM (Commercial), and rezoning to C-1 (General Commercial) for 3803 and 3805 Crill Ave. and 102 Highlawn Ave.



*Case # 16-58*

*Staff Report*

# Case 16-58 - 1001 Husson Ave. Substantive Change to Planned Unit Development

Applicant: Scott Gattshall, Putnam County School District

## STAFF REPORT

DATE: November 29, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

To substantively modify an approved Planned Unit Development (PUD). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).



Figure 1: Property Location

**APPLICATION BACKGROUND**

This former elementary school is a PUD allowing for Putnam County School District administrative offices. This PUD, which lists schools as an ongoing allowable use, was approved by the City Commission in 2012, after a long process including several neighborhood meetings and Planning Board and City Commission meetings and workshops. The PUD was initially prompted by the School District establishing a warehouse use at this location, an industrial activity that was not allowed in the then-residential zoning district. Many nearby residents attended meetings and voiced strong concerns about higher traffic levels from employees. In particular, Prosper St. residents objected to the Husson/Prosper parking lot, where multiple cars exited and shone headlights into residences. Residents also objected to the unloading of semi-tractor trailer trucks in this parking lot – the truck noise and back-up beeping noises were disruptive to nearby residents. The final PUD incorporated elements that were negotiated between the neighborhood and School District, shown below. Under the PUD the warehouse use relocated off the property, and the approved site plan (Figure 5) only allows for vehicle access to Husson Ave., which is accomplished by a gate that blocks off the Prosper St. driveway to the Husson/Prosper parking lot. The original staff report is attached, and applicable criteria and associated analysis still apply. This report focuses on the PUD changes, namely the new activities and parking issues.

**Current PUD Conditions:**

1. *Surplus vehicles shall not be stored on the property.*
2. *Surplus sales shall not be held on property.*
3. *Forklift alarm shall be maintained at the OSHA minimum sound level.*
4. *Lawn crew's equipment and trailers shall be stored in areas with high privacy fence.*
5. *Outdoor hallways will limit items stored in halls (only in case of emergency).*
6. *All deliveries shall be made in the Husson Ave. loop driveway.*
7. *All vehicles shall enter and exit the facility from Husson Ave., and no vehicle access is allowed from Cleveland Ave., Prosper St., and Twigg St.*
8. *The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.*
9. *The warehouse use shall cease by July 1, 2013.*
10. *Building uses and all other activities are limited to what is shown on site plan.*
11. *Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.*
12. *All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.*
13. *The PUD will allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.*
14. *Existing trees on the site shall be preserved.*

This application was prompted by the First Coast Technical Institute (FCTI), which is now run by the St. Johns County school system, plans to offer adult vocational classes at this location. FCTI plans to have around five daytime classes and two night classes, with an estimated new 75-80 new student and teachers on site. The school use is an allowable use in the current PUD, but the proposed nursing classes and GED classes (aimed at working adults) would be in the evening, which is not allowed by the PUD ordinance as activities cannot occur after 6 PM (classes would also be held from 8 AM to 5 PM every other weekend). The justification letter from the School District, included with this report, notes that the evening classes would end by 10 PM. The School

District is also requesting to re-open up the back gate onto Cleveland Ave, to allow for use of the 20-space back parking lot. This gate has been closed since the PUD approval of 2012. This parking lot provides direct access to buildings where the classes will be conducted (there are no other paved vehicular connections to this parking lot from the approved Husson Ave. vehicle entrances). The rear driveway is slightly off-set with Kirby St., and therefore vehicle headlights would not be shining directly into homes during the later evening hours when students are leaving. However opening up this rear parking area could result in a noticeable traffic impact to Cleveland St., first of all since the gate's been closed for five years, and secondly since there are large grassy areas around the rear paved parking lot that could be utilized for additional parking if the night school function grows.



Figure 2 (above): Cleveland Ave. – school property is to right, with back gate in upper right of picture

Figure 3 (below): back gate at Cleveland Ave., with 20-space parking lot behind tree. In the right of the picture, a dirt driveway connects the rear parking area with the parking lot at Husson Ave. & Prosper St.



Staff has concerns about impacts to Cleveland Ave. residents from entering and particularly exiting cars in later hours. The two classes will have two instructors and up to 40 students when occurring simultaneously and while it is not allowable under the Zoning Code, there is nothing to prevent additional cars from parking in the grassy areas around this rear paved lot. This could double traffic impacts to 40+ cars. A preferred solution would be to connect the Husson/Prosper parking lot with the rear lot along the existing dirt driveway and keep the Cleveland gate closed. The School District made the case in 2012 that the elevation change and

narrow driveway width would make such a connection problematic and expensive for a paved driveway connection. It will be useful for the Board to seriously consider the input of any Cleveland Ave. residents, since they were noticed of this PUD change. A lack of concern or participation by residents in itself may help to support the reopening of the Cleveland Ave. gate, either during daytime hours or for both day and night classes. In any case, it is important to point out that opening up the Cleveland gate is not the only way to utilize the rear parking since the dirt driveway could be improved to connect to that rear parking area.



Figure 4 (above): dirt driveway that connects the Husson/Prosper St. parking lot, from Husson/Prosper lot  
Figure 5: (below): dirt driveway from rear parking lot



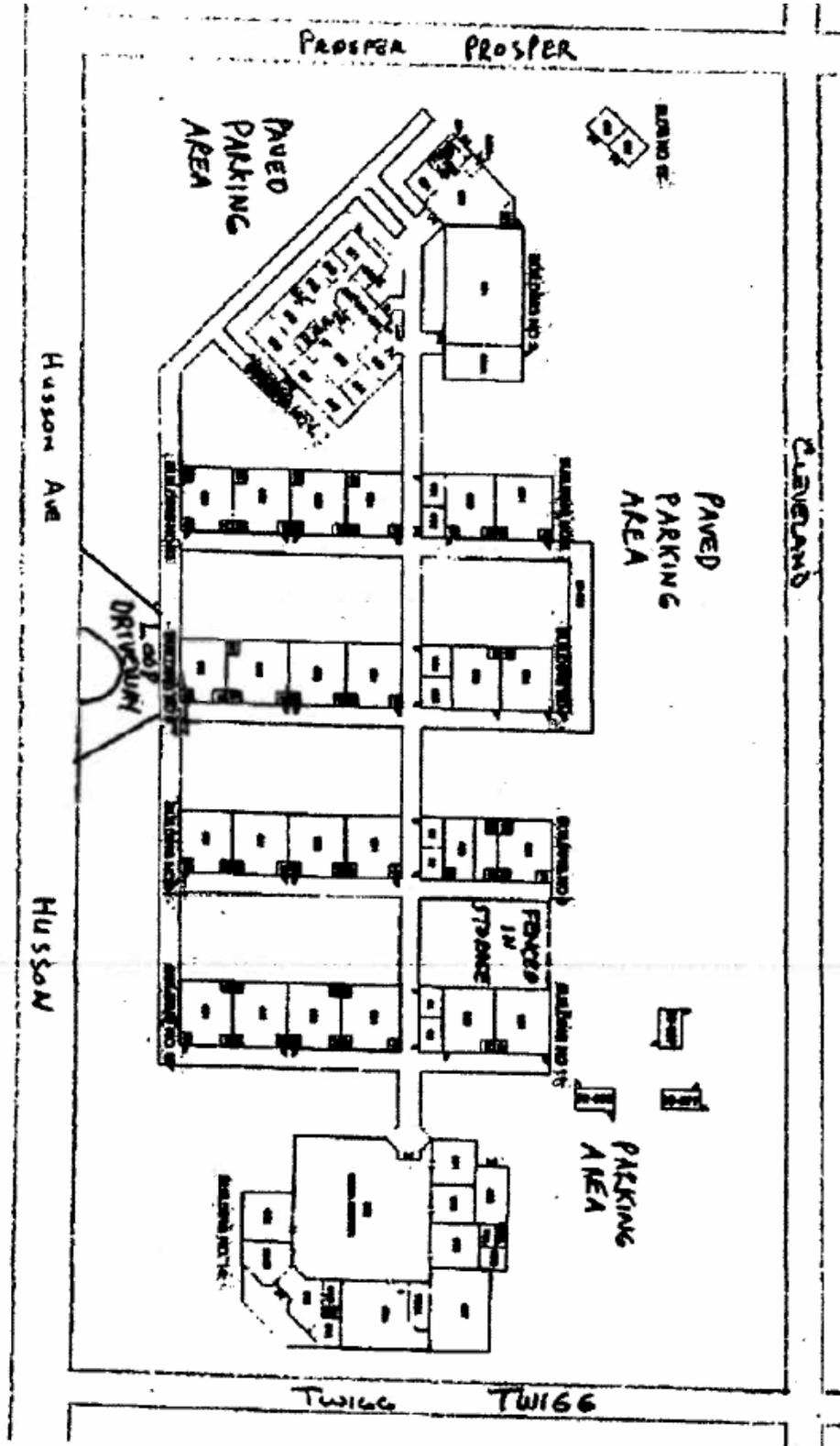


Figure 6:

**SITE PLAN**

Another issue of concern is the overall provision of parking that will be sufficient to meet the growing needs of the facility. The rear lot now includes 20 spaces, the Husson/Prosper lot has 21 spaces with the ability to add nine more parallel spaces, and the front Husson loop driveway provides six spaces. This totals to 56 parking spaces to accommodate the peak number of employees and students. This would inhibit peak time activity to two to three classes, but the Applicant has indicated that there will be up to 80 students and teachers on site, along with the existing School District employees and a cosmetology class. Without specifics on existing and proposed activities, the simplest mechanism for ensuring adequate parking is to link activities to parking capacity.

The final issue is the unscreened dumpster in the Husson/Prosper parking lot, located next to the previously referenced driveway, as shown in Figure 7. This dumpster is viewed by visitors and residents across Prosper St. The Zoning Code requires screening of dumpsters with fencing, and the side with the gate should not face the residences on Prosper St.



Figure 7: unscreened dumpster

### **RECOMMENDATION**

Staff recommends approval of the substantive change to this approved Planned Unit Development, Case # 16-58, with the following conditions as the Applicant's responsibility, unless otherwise indicated:

1. along with current allowable uses, allow night classes ending by 10 PM and weekend classes between 8 AM and 5 PM; and
2. screen dumpster with wood privacy or stockade fencing on three sides, with swing gate on fourth side that does not face residences or public rights-of-way.
3. Open Cleveland Ave. gates for vehicle entry and exit between 7 AM and 10:30 PM; **OR**
4. continue blocking of Cleveland Ave. gate and require internal driveway access to rear parking lot (from Husson/Prosper parking lot).
5. Restriped faded parking lot spaces;
6. provide for at least 15 new parking spaces adjacent to or in the vicinity of the rear parking;
7. allow for future paved areas to be pervious paver material, with at least 40% of pervious pavement being hard-surfaced, and such areas regularly maintained/vacuumed to ensure proper drainage;
8. prohibit parking on non-paved areas such as gravel, mulch, etc., as set forth in Zoning Code to reduce erosion and fugitive dust;
9. planting of hedge and understory trees spaced minimum of 20 feet apart along Cleveland Ave. right-of-way, between Kate and Prosper Streets, to buffer the rear parking lot from Cleveland Ave. residences;
10. erect picket fence or other similar/simpler fence type not to exceed four feet in height) along the driveway, and around the parking area to prevent grass parking and limit Cleveland vehicular impact;
11. erect signs (and enforce) parking only in striped spaces in rear parking lot; and
12. erect sign directing overflow cars to Husson/Prosper parking lot.
13. City to put no parking signs along Cleveland – the grass strip is too narrow for parking and such parking would impact nearby residences, and this area needs to be utilized for landscaping.
14. Required parking may be reduced by the commitment of overflow parking spaces at Moseley Elementary School, if Staff confirms that excess parking is available and accessible, and there is signage directing visitors to such overflow parking.

15. To ensure adequate parking for activities, the School District will coordinate with the First Coast Technical Institute to develop an ongoing schedule of activities, provided to the City Building & Zoning Dept. at the outset and as revised on an ongoing basis. This schedule must demonstrate that available parking shall serve programmed activities, and such activities shall only occur if adequate parking is available.

ATTACHMENT:        APPLICATION JUSTIFICATION  
                              2012 STAFF REPORT



October 5<sup>th</sup>, 2016

Mr. Thad Crowe  
City of Palatka – Planning and Zoning  
201 N. 2<sup>nd</sup> Street  
Palatka FL 32177

**RE: PUD Rezoning Request for First Coast Technical Collage - 1001 Husson Ave., Palatka FL**

Mr. Crowe:

The Putnam County School District, in conjunction with the St. Johns County School District and First Coast Technical Collage, are respectfully requesting a rezoning of the existing PUD for the property located at 1001 Husson Ave., Palatka FL. The modification to the existing PUD is to accommodate an evening Nursing class and an Adult Education class.

The request is to assist local adults that have day jobs further their education and carriers in the field of nursing. The Adult Education class is to assist local adults that work during the day obtain their GED's. The nursing program consists of one (1) staff person and up to 20 students. Classes are in the evenings during the week until no later than 10:00pm and every other weekend from 8:00am to 5:00pm. The adult education program consists of one (1) staff person and up to 20 students. Classes are in the evenings during the week until no later than 7:00pm.

With this, we are respectfully requesting that the back gate to the old bus loop from Cleveland Avenue be allowed to be reopened to allow for student parking during hours that students are on campus. Now that the campus is again a school and occupied, there are safety concerns as far as traffic flowing around the campus between buildings and on the grass due to the current PUD and access to the campus.

Your assistance with this is greatly appreciated. Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

Scott Gattshall  
Facilities Supervisor  
Putnam County School District  
Cell 386-937-6070

c: file

Case 11-43 1001 Husson Ave.  
Request to Amend Comprehensive Plan Map from RL to PB, and  
Rezone to from R-1A to PUD

Applicant: James Padgett on behalf of Putnam County School District

## STAFF REPORT

DATE: March 27, 2012

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

### APPLICATION REQUEST

To amend Comprehensive Plan Future Land Use Map (FLUM) from RL (Residential Low Density) to PB (Public Buildings and Grounds and rezone from R-1A (Residential, Single Family) to PUD (Planned Unit Development). Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).



Figure 1:  
Property  
Location

**APPLICATION BACKGROUND**

The Putnam County School Board made the decision to close the elementary school at this location due to declining enrollment in April, 2009, and in August of that year decided to use the facility for district offices and other functions. The complex was re-utilized for offices, training and for the District's warehousing function, which had formerly taken place at the Matthews Storage warehouse on Reid St. The property is referred to as the Annex in this report.

Schools are allowed by Conditional Use in residential land use and zoning districts (current schools predate this requirement and are considered legal nonconforming uses). The cessation of the school use and commencement of the office/warehouse activity constituted a violation of the Comprehensive Plan and Zoning Code. The principal office use of the property, with accessory uses of training and warehousing, requires nonresidential land use and zoning. School District staff have stated that at the time this change occurred they were not aware of the violation. The description of the RL FLUM category in the Comprehensive Plan's Future Land Use Element notes that lands within this land use category are "intended to be used primarily for housing and shall be protected from intrusion by land uses that are incompatible with residential density." While schools are considered to be compatible with residential uses, office and warehouse uses are not.

Prior to this Planning Director's tenure, this property was included in a list of "housekeeping" comprehensive plan amendments developed last year by the former Director. At their June, 2011 meeting the Planning Board considered this and other amendments for School District properties that were designed to create Comprehensive Plan Map conformance, with school and other public properties to receive the PB (Public Buildings and Facilities) land use designation. At this meeting residents living near the Annex voiced objections to the land use change for the subject property and the Board voted to remove this property from the recommended list of FLUM changes that went on to the City Commission for consideration. Therefore the FLUM amendment that would have been the first step to legitimize the warehouse use went no further.

Shortly before the Planning Board action a formal Code Enforcement complaint was received on June 1, 2011 regarding the School District warehouse at 1001 Husson Ave. Staff visited the site on June 20<sup>th</sup> and observed that the site was being used for warehouse purposes. On that day an 18-wheeler and a smaller delivery truck were both parked in the driveway in front the building that faces Husson Ave. and Prosper St. and workers were unloading trucks using forklifts. This activity was occurring within around 130 feet of adjacent single-family homes along Prosper St. and the noise of the truck's idling engines and the beeping of a forklift was easily heard from those properties. There was also a sign in front of the building noting "School District Warehouse."

After reviewing applicable codes, Staff sent two code violation notice letters to the School District (see attached Aug. 5 & Aug 8, 2011 letters) and set a 60-day time period in which the School District either had to cease the warehouse use or file land use amendment and rezoning applications to allow the Annex activities. The School District's attorney filed an application for FLUM amendment to PB and a rezoning application to Planned Unit Development. The PUD zoning was chosen in order to provide the opportunity to reach agreement with the neighborhood on how the Annex might continue to operate with specific conditions of approval. At the time of application Staff was in the process of amending the Zoning Code to allow PUDs in a wider range of land use categories including PB and also to revise the PUD standards to provide for higher

quality development and neighborhood protection. The applications remained in a pending status and the code violations were stayed until the PUD changes were adopted by the City Commission on March 8, 2012. At that time the applications were scheduled for public hearings.

Public participation has been an important part of this process. Residents have attended Planning Board and City Commission meetings regarding the original Annex FLUM change and changes to the PUD standards. Twelve residents provided input at a meeting with the Mayor and Staff on July 28<sup>th</sup>, 2011 and following that meeting residents met with the Mayor and School Superintendent twice, once on the property. The Mayor, Planning Director, School District Facilities Director, and School District Attorney met with residents on February 27, 2012 – a letter noticing this meeting was sent to all property owners within 400 feet of the Annex. A final follow-up meeting was held on March 26, 2012 to present draft PUD conditions to residents. Meeting notes are attached with this report.

**PROJECT ANALYSIS**

This property is located in the Husson Ave. corridor in the southwestern part of the City, and comprises a full block bounded by Husson Ave. to the west, Prosper St. to the north, Cleveland Ave. to the east, and Twigg St. to the south.



*Figure 2 (above): Complex from north/Prosper St. – warehouse is to left, offices to right  
Figure 3 (below): Complex from south, looking up Husson Ave. – training center in foreground*



**Table 1: Use Classifications**

Property	FLUM	Zoning	Existing Use
Site	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	School District Annex
Property to North	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	Single-family residences
Property to South	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	Single-family residences
Property to West	RH (Residential, High Density) PB (Public Buildings & Grounds)	R-3 (Residential, Multiple-Family)	Grand Pines Apts. Barry Manor Retirement Villas Moseley Elementary School
Property to East	RL (Residential, Low Density)	R-1A (Residential, Single-Family)	



Figure 4 (above): Adjacent Prosper St. Residences from front of Warehouse

Figure 5 (below): 18-wheeler Parked in Front of Warehouse as Seen from Prosper St. residences



The Moseley Warehouse is in the RL (Residential, Low Density) comprehensive plan map (land use) category and the R-1A (Single-Family Residential) zoning district. As a standalone use the warehouse use would require the more intensive OPF (Other Public Facilities) or IN (Industrial) FLUM category. (Lands within the OPF category are intended for use as “potable water, sanitary sewer treatment facilities, transportation, stormwater/drainage control structures, etc.”) However as an accessory use to the main office use, the warehouse use is allowed in the COM or PB category, the latter being preferable as it is intended for public uses like a School District-owned facility.

Once within the PB FLUM category, the facility would require either the PBG-1 zoning accompanied by a conditional use for outdoor (warehouse activities), PBG-2 zoning which allows as permitted uses “public use and/or public service activities which are of a more intense level than the PBG-1 district,” or a PUD zoning classification. A PUD is a “negotiated”/customized zoning district that could provide for special provisions that addressed neighborhood concerns.

The issue of compatibility between the Annex and surrounding residential uses is important and should be defined and compared with other nonresidential uses. The compatibility of schools and residences is attributable to the connection of such facilities with surrounding neighborhoods. Neighborhood children often walk to school and residents view schools as familiar neighborhood institutions and as a public good, benefiting from the green space that school facilities provide. While hundreds of people travel to and spend time at schools, most of these aren’t driving and therefore traffic does not impact residential neighborhoods the way that commercial or industrial uses of a comparable size and scale would. The traffic that does occur is limited to peak hour times in the morning and mid-afternoon, and by 3:00 PM and over the weekend schools are empty and quiet, while many other commercial uses continue to function.

More specifically, the following additional elements are accepted elements of compatibility, some of which are more measurable than others.

- Development and building scale
- Vehicle and pedestrian impact
- Visual, noise, and other sensory impacts (noise, glare, odor)
- Aesthetic considerations
- Psychological factors
- Property values

The table below compares the school use and the annex use in regard to compatibility factors.

**Table 2: Compatibility Table**

Compatibility Indicator	School Use	Annex Use
Scale		Same
Vehicle trips - daily	388 <sup>1</sup> – concentrated at AM & PM peak hours	125 <sup>1</sup> occurring throughout the day
Pedestrian trips - daily	36 <sup>1</sup>	0 <sup>1</sup>
Employees/Students	60/400	25/0
Visual impacts	Bldgs/Grounds, School Buses, vehicles, employees, students	Bldgs/Gounds, vehicles, employees, 18-wheelers & delivery trucks
Aesthetic considerations	Neighbors do not seem to have concerns	Trucks and unloading present an industrial appearance that is out of context with neighborhood
Psychological factors	Neighbors view as positive neighborhood institution	Neighbors view warehouse use negatively, while not objecting to office & training use
Property values		Unknown

1. based on March 7, 2012 traffic counts and estimates by Staff – each trip is a round trip

Based on the comparison above the inference can be made that while a school use might present higher traffic impacts and have the appearance and impacts that are out of scale with a residential area, these factors are outweighed by positive perceptions of residents. However the warehouse use presents aesthetic and psychological impacts that negatively affect the neighborhood. Industrial activities such as the unloading of 18-wheelers and forklift loading, however sporadic these might be, are objectionable to residents. Another factor of neighborhood concern is the cut-through traffic on Prospect St. and Twigg St. by employees and visitors of the Annex, some of whom are traveling from Beasley Middle School two blocks to the west or are just avoiding Crill Ave. traffic when traveling from the downtown administration building or other areas. The point was made at one of the neighborhood meetings that while employees and students travel to a school in the morning and leave in the mid-afternoon and the time period between arrival and departure is relatively quiet with most in the schools staying on site, a use like the Annex generates traffic throughout the day that winds through the neighborhood. Now that the Annex functions as a use disconnected from the neighborhood, the traffic issues are amplified.

### **Future Land Use Analysis**

F.S. 163-3187 provides amended criteria for consideration of small scale comprehensive plan amendments under, shown in italics below (staff response follows each criterion, and comprehensive plan extracts are underlined). Please note that while this property exceeds the small-scale amendment threshold of 10 acres, F.S. 163.3187(c)4 provides a Rural Economic Development Incentive for amendments that are up to 20 acres (the property is 12.4 acres in size).

*Goals, Objectives, and Policies of the Comprehensive Plan that support the proposed amendment.*

The application is in keeping with the following objective and policies (underlined) of the comprehensive plan, and does not conflict with other plan elements.

#### **Goal 1** 9J-5.006(3)a; F.S.187.201(16)3

Preserve and protect the City's natural resources and quality of life by establishing a pattern of development that is harmonious with the City's natural environment and provides a desired lifestyle for City residents.

Staff Response: the residents living near the Annex have framed their objections to the Annex as quality of life issues and have made the case that this use is not harmonious with the surrounding neighborhood. School District staff have made the case that the use is less intense than the former school use due to the relatively small number of people working on this site and lower traffic levels, particularly school bus traffic and loading/unloading. The compatibility table presented in this report indicates that aesthetic and psychological impacts are the basis of the lack of harmony between the Annex use and surrounding residential uses.

#### **Policy A.1.8.1** 9J-5.006(3)(c)5

The Land Development Regulations shall include alternative available land use control techniques and programs such as Planned Unit Developments. Planned Unit Developments may be used to protect safety restricted or environmentally sensitive areas but also may be used to increase the potential for developing water/sewer systems and more effective drainage systems. PUDs also shall benefit from the potential of receiving "density bonuses" for incorporating benefits which serve a public good into the development (See Policy A.1.9.3.8 Overlays).

Staff Response: while parts of this policy are unclear ("protect safety restricted"), one can glean from this that PUDs provide an alternative development agreement intended to benefit the public. The proposed PUD

presents a dual public good of allowing a public function that saves taxpayer dollars while providing mitigation annexation impacts to the surrounding neighborhood.

### Policy A.1.9.3

Land Development Regulations adopted, to implement this Plan shall be based on the following land use standards:

#### A. Land Use Districts

##### 5. Public Buildings and Grounds (11 acres)

Lands designated in this category of use include a broad variety of public and quasi-public activities such as schools, churches, government buildings, hospitals, etc. The intensity of development in this land use category, as measured by impervious surface, shall not exceed 65 percent. The maximum height shall not exceed 40 feet.

Staff Response: this land use category is suitable for the Annex uses. Development on the property does not exceed the impervious surface and height limitations above.

*Provide analysis of the availability of facilities and services.*

Staff Response: The property is in close proximity to a range of urban services and infrastructure.

*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 Response: not applicable as the site is developed.

*Provide analysis of the minimum amount of land needed as determined by the local government.*

Staff Response: not applicable, as this is to be determined at the next revision of the overall Comprehensive Plan.

*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 Response: the Annex's location within the City's urbanized area ensures that urban services are available and provides a centralized location for the County school system. This use does not represent urban sprawl.

## Rezoning Analysis

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria, which are shown in *italics* (staff response 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 Response: as noted in the FLUM amendment analysis, rezoning to allow the Annex uses perpetuates a certain level of disharmony between this use and surrounding uses, the mitigation of which can be achieved through PUD conditions.

*b. The existing land use pattern.*

Staff Response: the school was more compatible with the adjacent residential neighborhood than the Annex uses due to neighborhood connections and the positive perception of the institution by nearby residents. Husson Ave. is an appropriate location for a more intense use like the Annex as it is a collector road with moderate traffic levels and higher density development, but the other adjacent streets are residential in nature and are not appropriate for nonresidential development.

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

Staff Response: this criterion is not necessarily problematic when applied to a PUD and a public use. A PUD is often by its nature an isolated district due to the need to fashion a customized development plan that allows unrelated uses to co-exist in a harmonious manner. Public uses are also often isolated uses as they occur relatively infrequently and are not always grouped together.

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

Staff Response: the site is currently underutilized, with relatively low traffic and other impacts.

*e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.*

Staff Response: The proposed boundaries, which comprise a city block, are appropriate.

*f. Whether changed or changing conditions make the passage of the proposed amendment necessary.*

Staff Response: School District staff have stated that the warehouse use at this location is necessitated by the lack of state funding, which is a product of changed conditions attributable to the economic slowdown.

*g. Whether the proposed change will adversely influence living conditions in the neighborhood.*

Staff Response: Staff recognizes the adverse impacts of the existing facility and believes that there are PUD development controls that can at least partially mitigate such impacts. Such controls can include restricting delivery access to the facility to Husson Ave. and moving warehouse activities away from adjacent residences.

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

Staff Response: as noted in the compatibility table, traffic for the Annex is less than that of a school or a nonresidential development on property of this size. However employee parking in particular noticeably impacts surrounding residential streets throughout the workday due to the main parking area entrance to the rear of the property on Cleveland St. This is a difficult problem to solve as replacing the Cleveland St. access with Husson Ave. access with a new driveway from the latter street is hampered by the presence of buildings along this street and the permitted stormwater retention area in the southwest part of the site. Putting a driveway from Husson Ave. through this part of the complex would require expensive site and building retrofitting and would present a hazard to pedestrians within the complex. The School District has proposed a future access point, unfunded at this point, from Twigg St. to the south, but this would present similar impacts to adjacent residences. The most feasible driveway route from Husson Ave. would be to use the northwest parking lot to access the unpaved driveway that runs behind and east of Building # 2 (warehouse). While preferable to the last two options this is a circuitous route with grade changes.

*i. Whether the proposed change will create a drainage problem.*

Staff Response: no drainage problem exists on the site and with no new development planned; no future drainage problems are anticipated.

*j. Whether the proposed change will seriously reduce light and air to adjacent areas.*

Staff Response: as no new development is planned no impacts in this area will occur.

*k. Whether the proposed change will adversely affect property values in the adjacent area.*

Staff Response: some nearby residents have expressed concerns that the Annex could affect their property values. There are instances where intensive uses have negative effects on residential property values, but Staff has no documentation indicating impacts to property values from this use.

*l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.*

Staff Response: one can only speculate if the Annex will inhibit property improvement in the area due to the negative perception of the warehouse use.

*m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*

Staff Response: the intent of the PUD is to meet the needs of the School District while mitigating impacts on the surrounding neighborhood, the result of which would not be a grant of special privilege.

*n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.*

Staff Response: only single-family homes would be allowed under the existing zoning. A substantial public investment has been made to the property in the form of a facility that can only be used as a school or as the Annex use of offices, training, and warehouse activities.

*o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.*

Staff Response: as a school the facility met the needs of the neighborhood and the City, but as an office, training, and warehouse complex the property has no ties with the neighborhood.

*p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.*

Staff Response: School District staff have stated that no other school-owned facilities can allow for the warehouse function without considerable expense of public funds. Prior to the warehouse use at this location the School District storage occurred at a private facility at a cost exceeding \$60,000 per year.

*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 Response: not applicable.

### **CONCLUSIONS AND STAFF RECOMMENDATIONS**

The plan amendment and rezoning applications are at odds with several key criteria in the preceding analysis. Residents have identified the warehouse use specifically as an activity that is not harmonious or compatible with the quality of life of their residential neighborhood. However the large size of the property and location along a collector road provides some potential to re-locate problematic warehouse activities and accompanying traffic. It is also evident that changed conditions in the form of funding shortages attributable to the worsening economy have made it difficult for the School District to change the location of the warehouse function without substantial expenditures of public funds.

Based on the analysis of this report Staff has concluded that without development standards that mitigate impacts of this use, the request should not be approved due to the incompatibility of the use with the surrounding neighborhood. However Staff believes that such impacts are reduced with conditions that work to divert traffic and the warehouse function away from adjacent residences. Staff recommends approval with the following conditions as proposed by School District staff as shown in italics below.

*The School District previously took the following steps to address neighbor concerns, and these activities shall continue to occur as a requirement of the PUD:*

- 1. Discontinued locating surplus vehicles on property.*
- 2. Discontinued locating surplus sales on property.*
- 3. Reworded all signs, including front sign, from "Putnam County School District Warehouse" to "Putnam County School District Annex".*
- 4. Limited use of front paved area (along Prospect St).*
- 5. Muted forklift alarm to the OSHA minimum sound level.*
- 6. Upgraded alarm system to avoid false alarms.*
- 7. Removed unused surplus play area along Prospect St.*
- 8. Purchased storage shed, placed behind warehouse.*
- 9. Modified schedules for deliveries.*
- 10. Fenced in lawn crew's equipment and trailers with high privacy fence.*
- 11. Limited items stored in halls (only in case of emergency).*

*The following are additional conditions of the PUD.*

- 12. All delivery trucks shall enter and exit the facility from Husson Ave.*
- 13. The School District Annex is to be utilized primarily for school district offices and training, with accessory and ancillary uses of a warehouse and storage of equipment and materials for the District's custodial and landscaping maintenance functions. The use of a school is also allowable.*
- 14. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within 60 months of adoption of this ordinance.*
- 15. Building uses and all other activities are limited to what is shown on site plan.*
- 16. Operations limited to Monday-Friday, 7 AM to 6 PM, except that training activities may occasionally occur on the weekend.*
- 17. All outdoor storage shall be fenced or screened from view from adjacent public rights-of-way.*
- 18. The PUD should allow for a pocket park that would include playground equipment, picnic tables, and an informal ball field. Additional uses and location of such a pocket park would be determined at a future date following meetings with neighbors in the vicinity of the site.*
- 19. Existing trees on the site shall be preserved.*

Staff is supportive of these conditions with the exception of # 12 and 14 above. Condition 12 merely requires delivery from Husson Ave. which would continue the practice of truck unloading in close proximity to Prosper St. residences. Furthermore with the understanding that the trucks cannot use Prosper St. they would then have to back out onto Husson Ave., which is a safety problem. Staff believes that the goal of moving the warehouse function away from residential areas would be accomplished by conducting unloading in the loop driveway that is adjacent to Building # 6 (see Figure 4 below). Staff can then move materials with the forklift internally through the building complex along the sidewalks located on the south side of each building, a practice that Staff has observed on several site visits. Condition # 14 provides what seems like an overly long (5-year) time period for cessation of the warehouse use. Staff recommends a shorter time period with the requirement that the School District then justify an extension based on ongoing budget problems.

Finally Staff recognizes the impact of employee traffic on the surrounding neighborhood and the potential solution of limiting access to a driveway from the northwest parking lot to the rear parking area, as discussed in Rezoning Criterion h. and shown in Figure 6 on the next page. However at this time site and budget constraints make this option impractical, but it should be re-examined at the time the School District applies for extension of the warehouse use, should the City require such an extension application as described in revised condition # 14 below.

Staff recommends approval of the land use amendment and also of the PUD rezoning with the previously stated conditions and with the revision of Conditions # 12 and 14 as follows, along with a new Condition # 20.

- 12. All delivery trucks shall enter and exit the facility from Husson Ave. using the loop driveway adjacent to Building # 6. No parking of non-delivery vehicles shall be allowed within this loop driveway. A sign shall be placed at the loop driveway entrance directing such delivery.
- 14. It is the intent of the School District to continue the warehouse use as an interim use, and when funding becomes available, the use shall be relocated to another property. The warehouse use shall cease within ~~60-24~~ months of adoption of this ordinance, with the ability to apply to the Planning Board for not more than two 16 month extensions with conclusive findings by the Board that specific circumstances prevents relocation of the warehouse use and that the interim use as approved is not negatively impacting the neighborhood.
- 20. At the time of the first extension request the Board shall also evaluate the replacement of the Cleveland St. vehicle entrance with a Husson Ave. entrance and driveway.

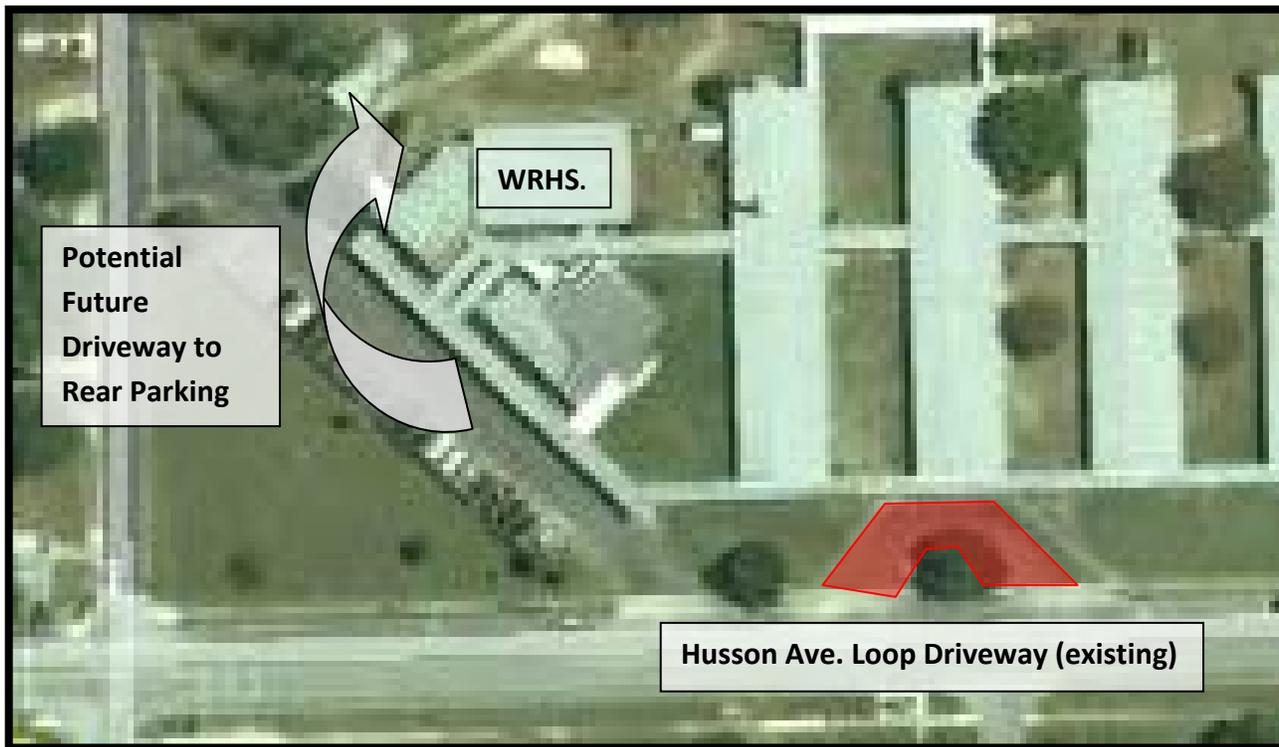
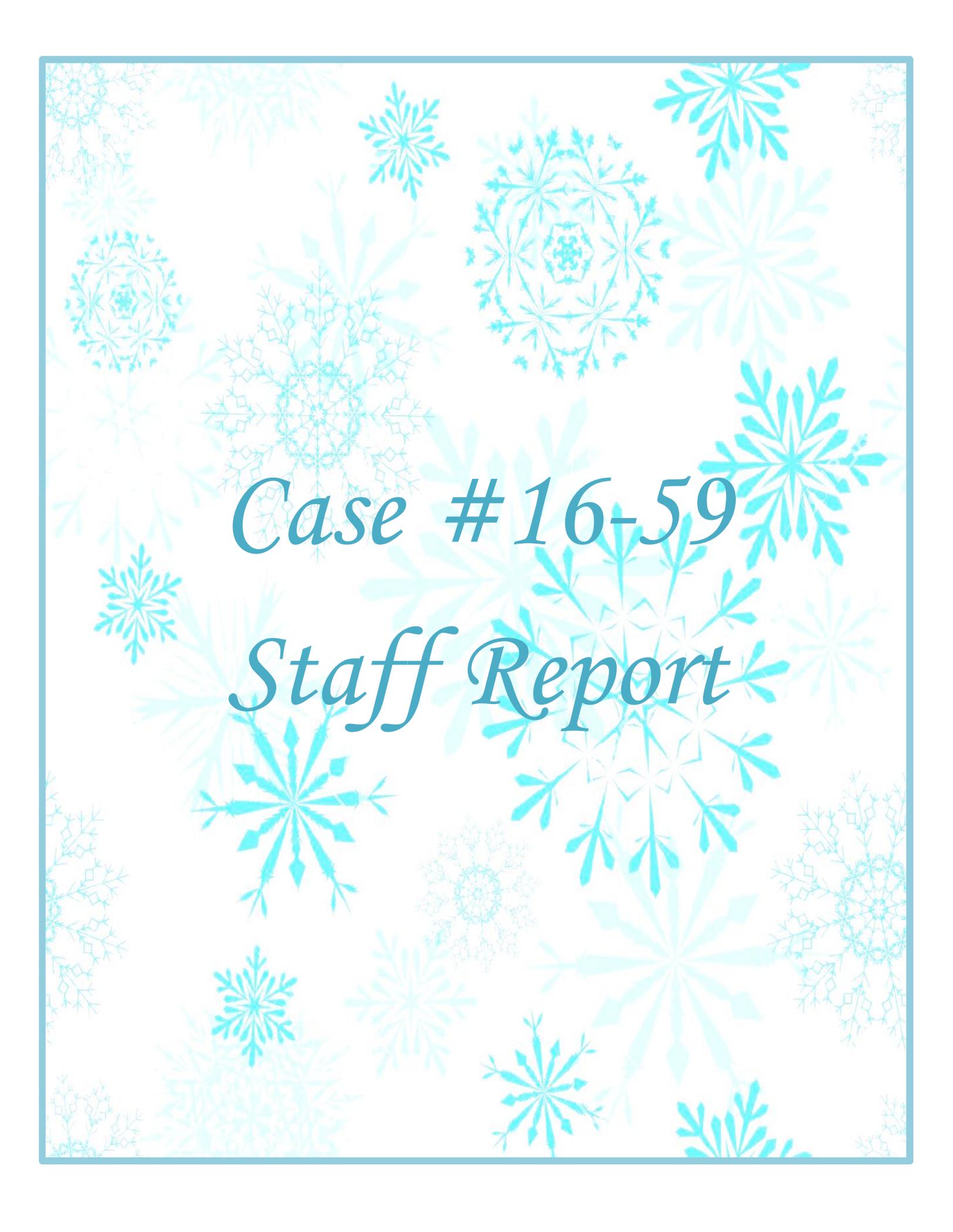


Figure 6: Recommended Current Delivery Location and Potential Future Employee Access

- ATTACHMENTS:
- FUTURE LAND USE AND ZONING MAP
  - BUILDING LAYOUT MAP
  - APPLICATION PROJECT NARRATIVE
  - AUG. 5 & 8 LETTERS TO SUPERINTENDANT
  - NEIGHBORHOOD MEETING NOTES



*Case # 16-59*

*Staff Report*

## STAFF REPORT

**DATE:** November 28, 2016

**TO:** Planning Board members

**FROM:** Thad Crowe, AICP  
Planning Director

### **APPLICATION REQUEST**

Conditional Use allowing for Bed & Breakfast in R-1 and historic zoning districts. Public notice included newspaper advertisement, property posting, and letters to nearby property owners (within 150 feet).

### **APPLICATION BACKGROUND**

The Applicant has requested approval for a Bed and Breakfast facility at this location that provides five transient bedrooms. The property is located in a single-family residential zoning district (R-1) and also within the South Historic District. The Zoning Code defines a Bed and Breakfast (B&B) accommodation as *“a private residential-type facility where there are one or more bedrooms for the accommodation only of those who are accepted as guests by the owner for definite periods of time, and where meals, primarily breakfast, are served to the guests by the owner family style in a common dining room. It shall not be a public place where persons may go and demand lodging as a matter of right and is to be distinguished from a roominghouse (where no meals are served) and a boardinghouse (where people stay for indefinite periods of time).”* Staff interprets this definition to mean that the homeowner must reside on site and manage the facility. While there are no specifics as to length-of-stay restrictions, Staff would note that the definition of hotel defines transient occupancy as less than a week, which would apply to these uses.

B&Bs are allowed through the conditional use process in residential zoning districts, but are only allowed within local historic districts. The final decision is made by the Planning Board, which must take into account any recommendations of the Historic Preservation Board. This is somewhat unusual, as the Historic Preservation Board usually only reviews exterior design, but in this case must also use the conditional use criteria, with an emphasis on exterior alterations (there are none proposed), signage (there is signage), landscaping (shrubs and fencing are recommended), and paving (of driveways and right-of-way). The Historic Preservation Board considers this item at their December 1 meeting, so their ruling will be provided to the Planning Board at the Planning Board meeting.

### **PROJECT ANALYSIS**

The property is in the R-1 (Residential Single-Family) zoning district and Residential Low Future Land Use Map designation. Adjacent and vicinity properties are single-family detached homes.



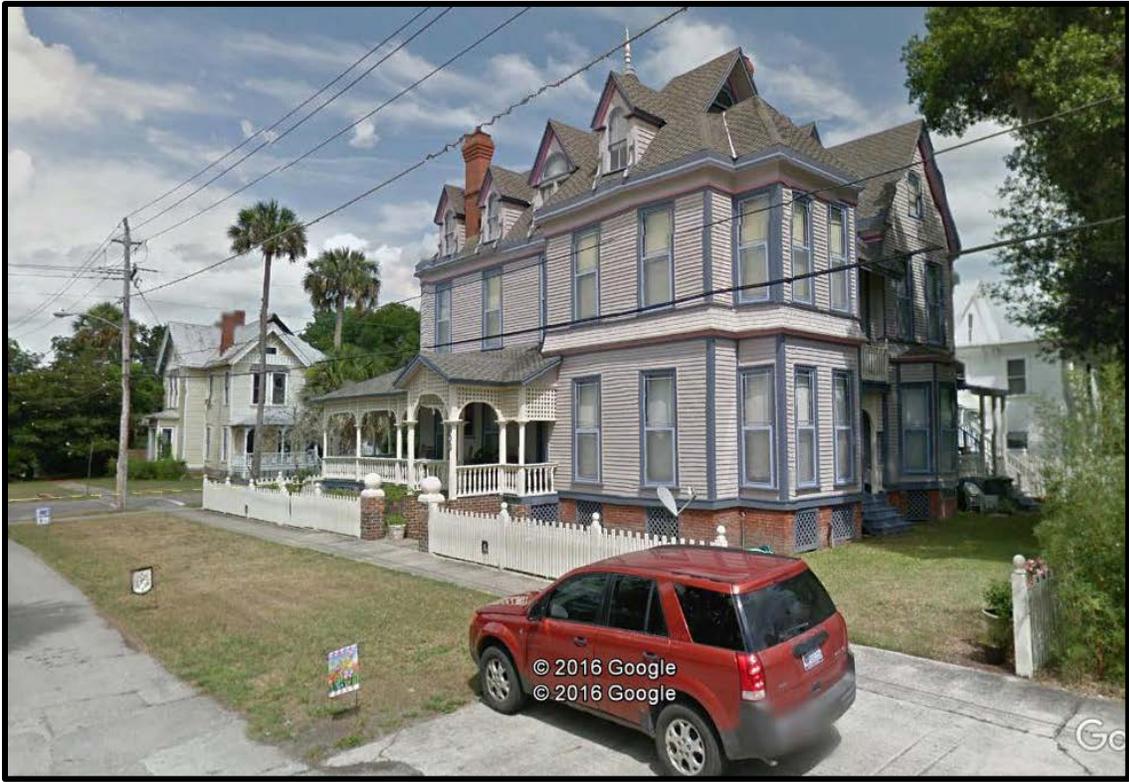


Figure 3 (above): site from Emmett St.  
Figure 4 (below): site from Dodge St.



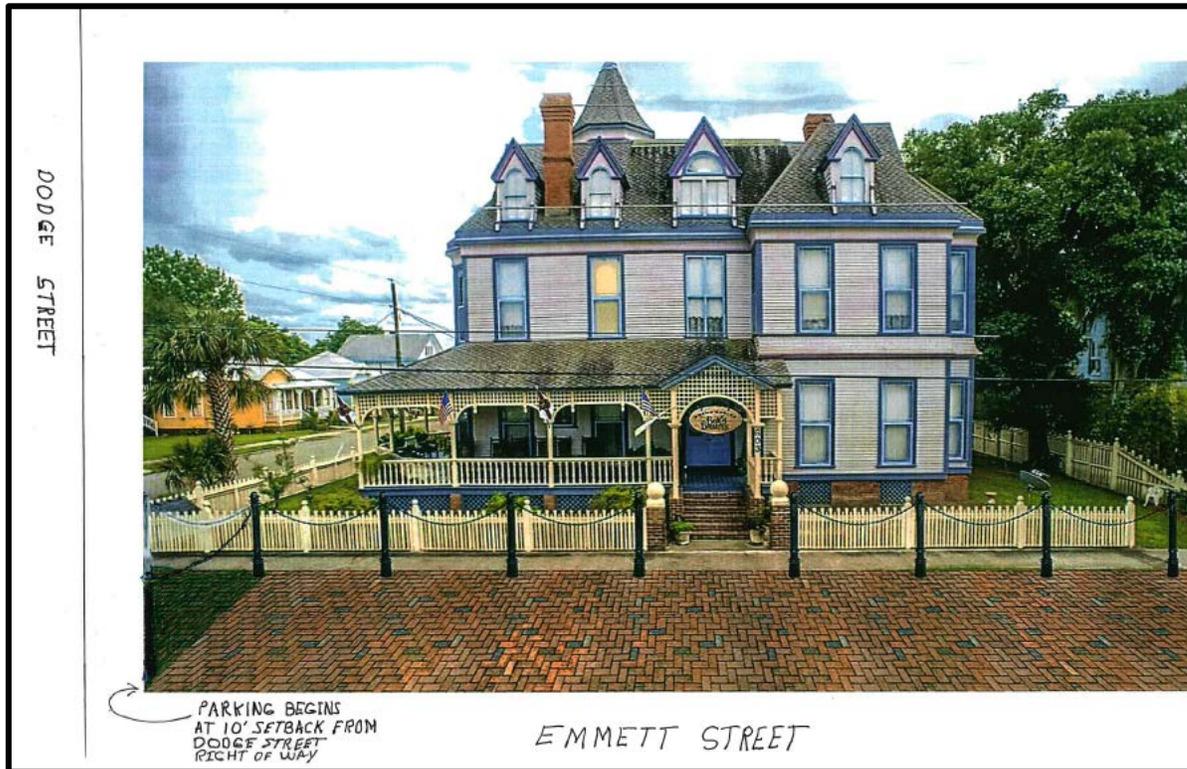


Figure 5: Applicant's schematic of signage, fencing, and right-of-way parking (from Emmett St.)

Criteria for consideration follow (italicized) and include a general finding that the conditional use will not adversely affect the public interest.

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

**Staff Comment:** The application is not in conflict with applicable elements of the Comprehensive Plan. The following Future Land Use Element objective and policy (in shaded text) support the application.

**Objective A.1.5** 9J-5.006(3)(b)4; F.S. 187.201(16)(a)(b)5

Upon Plan adoption, The City, through implementing the following policies, shall increase public awareness of the historical significance of the City and provide incentives to maintain and restore historically significant areas and structures within the City limits.

**Policy A.1.5.2** 9J-5.006(3)(c)8

Neither the owner of, nor the person in charge of, a structure within a historic district, or a structure that has been designated a national, State or local historical landmark shall permit such structure to fall into a state of disrepair which may result in the deterioration of exterior appurtenances or architectural features so as to produce or tend to produce, in the judgment of the board, a detrimental effect upon the character of the district as a whole or the life and character of the structure in question.

Adaptive reuse of historic structures shall be given priority over actions that would harm or destroy the historic value of such resources. Adaptive reuse shall include the permitting of historic structures to be remodeled or rehabilitated for a use that would be non-conforming to adjacent properties so long as the remodeling/rehabilitation does not affect the historical significance of the structure and the proposed use is or can be made compatible with adjacent land uses.

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.*

Staff Comment: Vehicular Access, Traffic Flow, and Parking.

The property has two driveways: one on Emmett St. and the other on Dodge St. The Emmett St. driveway allows for two spaces, the Dodge St. allows for two , and the Applicant would brick the Emmett St. right-of-way to allow for an additional three spaces. The six spaces meets Zoning Code parking requirements (1.1 space per guest room and two spaces for the residential unit). Potential peak/overflow parking will have to rely on off-site Emmett St. right-of-way parking, as the Dodge St. right-of-way is too narrow to allow for parking. Driveways and parking must be hard-surfaced, which can include asphalt, concrete, brick, paver blocks, etc. A turn-around stub will be require for driveway parking spaces, to preclude cars backing into the street.

Pedestrian Safety

There are sidewalks along Emmett and Dodge Streets with sidewalks connecting to the house.



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

Staff Comment: Refuse will be collected curbside as a residential use. As a requirement of the Zoning Code, the garbage containers msut be screened with fencing or vegetation.

e. *Utilities, with reference to location, availability and compatibility.*

Staff Comment: The property is appropriately served by utilities.

Figure 6: proposed right-of-way brick parking surface

f. *Screening and buffering, with reference to type, dimensions and character.*

Staff Comment: as the use operates as a quasi-commercial use, Staff recommends that the driveways and parking areas be screened with fencing or vegetation along the property lines and elsewhere.

*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: The Applicant proposes two signs for both entrances. These will be wood signs that are approximately three feet wide by two feet tall.



Figure 7: proposed signs

*h. Required yards and other open space.*

Staff Comment: No new construction is planned for the site and existing buildings conform to their historic building pattern.

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

Staff Comment: Staff does not believe that the proposed limited lodging use will be incompatible with the surrounding residential neighborhood. The four guest bedrooms will not result in a large number of guests, and there is adequate parking on site for guests. The Code requirement that the owner live on site will provide for monitoring of activities on the site.

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

Staff Comment: As noted, the definition of the B&B use sets forth the requirements that the owner must live on site and operate the business, and that length of stays may not exceed one week.

*k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.*

Staff Comment: approved conditions of the Historic Preservation Board will be forwarded as recommendations to the Planning Board, which will make the final decision after taking into account the Preservation Board's input.

This structure is significant as a landmark structure within the South Local and National Register Historic District. The Master Site File (attached) describe it as architecturally significant and "the finest Queen Anne style home in Palatka." Distinctive Queen Anne elements are noted in the varying size dormers, gable roofs, polygonal turret, and wraparound porch with ornamental woodwork. The home was built in 1886 for a Florida railroad magnate and was later occupied by the President of the Wilson Cypress Mill. Staff would note that the B&B use would help to generate revenues needed for expensive maintenance needs of this eight-bedroom, three-story Victorian structure.

*Impact on Public Interest*

Staff Comment: A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. Staff believes that B&Bs often have a positive impact on historic neighborhoods and would allow for visitors to experience the exceptional architecture and other qualities of the South Historic District.

**STAFF RECOMMENDATION**

As demonstrated in this report, this application generally meets the conditional use criteria. Staff recommends approval with the following conditions.

1. Site utilization and design shall conform to the intent of the submitted site plan and narrative.
2. Uses on the property shall be limited to a single-family residence and no more than four Bed and Breakfast rooms for guests with stays not to exceed one week.
3. Property owner must live on site and oversee and manage the business.
4. A minimum of six parking spaces are required.
5. Parking areas must meet Zoning Code standards, including not counting as a required parking place one that is blocked by another space, back-up stub required that is at least ten feet deep by eight feet wide, parking place size is 10' by 20', and driveways & parking must be hard-surfaced – asphalt, concrete, brick, paver blocks, etc. – not gravel, shell, mulch, etc, except that new brick/paver block parking shall allow for grass strips between bricks not to exceed 1 ½ inches, and overall paved surface to constitute at least 75% of parking area.
6. Three brick right-of-way parking spaces along Emmett St. are allowed, dimensioned at ten feet in width by 20 feet in length, and any remaining width be utilized as vegetated strip for stormwater drainage so that stormwater does not flood the sidewalk. The grassy area must be retained ten feet back from the Dodge St right-of-way line, to provide for vision triangle safety by limiting obstruction to drivers at the intersection. The Owner shall maintain bollards connected with a chain to provide for sidewalk pedestrian safety as presented in Figure 5.
7. A handicap space is required that is 12 foot wide with a five-foot wide ramp on the passenger side.
8. A hedge or privacy picket fence (white wood or black decorative aluminum/iron is required along property lines adjacent to driveway & parking areas. Its height is limited to four feet streetside of the front walls of the building & six feet elsewhere.
9. Refuse area shall be screened on three sides with a six-foot tall privacy or stockade fence or hedge material, gated, or with the open side not visible from rights-of-way or adjoining properties.
10. Two signs shall be allowed: wall signs by each entrance beside entrance doors not to exceed six square feet, and a ground sign located five feet from intersection right-of-way lines, not to exceed 15 square feet. The signs will not be internally lit but may have external lighting that does not cause any glare to occur toward the street or neighboring properties, and such lights shall be turned off after 11 PM.
11. The use must commence within six months of approval.
12. All other applicable standards of the Municipal Code must be met including Fire Code and Life and Safety Code.

ATTACHMENTS:        APPLICANT JUSTIFICATION AND SITE PLAN  
                              MASTER SITE FILE

## **Applicant Justification Statement for Conditional Use at 603 Emmett St**

**Requested Use as a Bed and Breakfast:** This application seeks conditional use to allow 603 Emmett St in the City of Palatka to be used as a Bed and Breakfast. Current zoning is R-1. The structure at 603 Emmett St is a 2-1/2 story, 6300 sq. ft., 8 BR, 6 bath residence. Only 4 of the 8 bedrooms will be used for the B&B.

**Structure:** The Pellicer family remodeled the structure to comply with Florida State Bed and Breakfast code requirements, including a sprinkler system, emergency exit signage, new electrical, plumbing and HVAC.

**Parking:** All spaces will be hard-surfaced with asphalt, concrete, brick or concrete pavers.

- 1 (one) handicap, ADA compliant off-street parking space on the north side. The ADA space will be 12-foot-wide with a five-foot wide ramp on the passenger side.
- The Plot also shows 2 (two) standard parking spaces on the south side which will be 10' X 20' with a 10' deep, 8' wide back-out stub.
- We request that 3 (three) spaces be allowed in the right-of-way area between Emmett St and the residence, as shown in the Plot Map and Photos. These spaces would begin ten feet back from the Dodge St right-of-way line to ensure a visual safety triangle limiting obstructions to driver's line-of-site at the intersection.
- We are requesting permission to install brick inlay for the Emmett St parking space along with bollards and chain to clearly distinguish the three requested parking spaces from the street and the sidewalk. The bollards and chain would serve as both a visual aid to drivers and a safety feature for pedestrians using the sidewalk.
- The two water meters would also be protected by 4 bollards for protection from autos and to allow unrestricted access to the meters.

**Signage:** As shown in the accompanying drawings, signage will be designed and installed in compliance with City of Palatka codes. Sizes to be between be approximately 30"-36" wide and 18"-24" high. It is requested that one sign be permitted beside the door of the West (Emmett ST) entrance and one on the North (Dodge ST) side. Signs would be wooden and unlit. We request one dual-sided sign as shown on the plot map to be placed inside the fence of the intersection of Emmett and Dodge.

**Screening & Buffering:** A hedge or privacy picket fence (white wood or black decorative aluminum/iron along property lines adjacent to driveway & parking areas, of no more than four feet height at streetside of the front walls of the building & six feet elsewhere

**Fire Egress:** Both the first and second floors have at least two doorway egress points in the event of fire or other catastrophes. Each room will have a code approved, hand-held fire extinguisher, with at least one fire extinguisher placed strategically in the hallways of each floor.

**Refuse:** Refuse would be placed in code compliant receptacles and placed on the street for the weekly pickup dates by the waste management authorities. All utilities are connected and currently in use.

GREG MALTBY

STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Archives, History  
and Records Management  
DS-HSP-3AAA Rev. 3-79

FLORIDA MASTER SITE FILE  
Site Inventory Form

FDAHRM 802 ==  
1009 ==

Site Name Conant House 830 == Site No. \_\_\_\_\_  
Address of Site: 603 Emmett St., Palatka, FL 32077 Survey Date 8011 820 ==  
Instruction for locating \_\_\_\_\_ 905 ==

Location: Palatka 49 pt. 1 813 ==  
subdivision name block no. lot no. 868 ==

County: Putnam 808 ==

Owner of Site: Name: Bingham, Charles William and Carol A. ;  
Address: 2050 Riverland Rd.  
Ft. Lauderdale, FL 33312 902 ==

Type of Ownership private 848 == Recording Date \_\_\_\_\_ 832 ==

Recorder:  
Name & Title: Historic Property Associates ;  
Address: 120 Lobelia Rd., St. Augustine, FL 32084

Condition of Site: Integrity of Site: Original Use priv. residence 838 ==

Check One Check One or More Present Use vacant 850 ==  
 Excellent 863 ==  Altered 858 == Dates: Beginning +1886 844 ==  
 Good 863 ==  Unaltered 858 == Culture/Phase American 840 ==  
 Fair 863 ==  Original Site 858 == Period 19th Century 845 ==  
 Deteriorated 863 ==  Restored ( ) (Date: ) ( ) 858 ==  
 Moved ( ) (Date: ) ( ) 858 ==

NR Classification Category: Building 916 ==

Threats to Site:

Check One or More  
 Zoning ( ) ( ) 878 ==  Transportation ( ) ( ) 878 ==  
 Development ( ) ( ) 878 ==  Fill ( ) ( ) 878 ==  
 Deterioration ( ) ( ) 878 ==  Dredge ( ) ( ) 878 ==  
 Borrowing ( ) ( ) 878 ==  
 Other (See Remarks Below): 878 ==

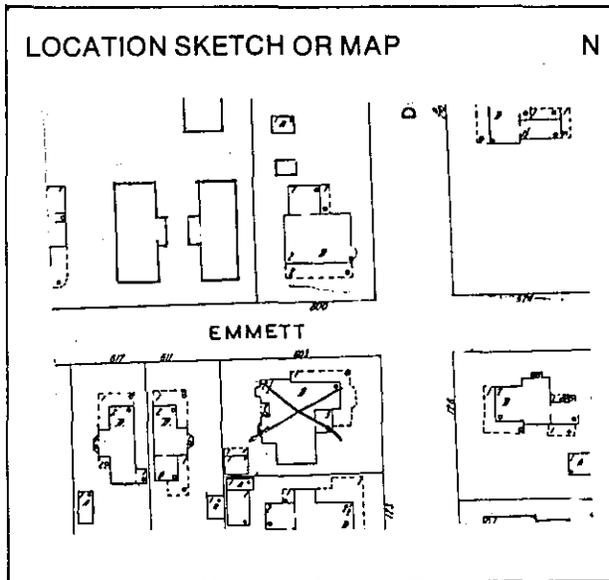
Areas of Significance: Architecture, Transportation, Industry 910 ==

Significance: The finest Queen Anne style home in Palatka. A massive residence built in 1886 occupying a large corner lot. A very rich asymmetrical composition of varying size dormers, gable roofs and a polygonal turret with a tent roof. Encircling verandah with ornamental woodwork; turned posts and balusters, lattice frieze, and curvilinear brackets. An important landmark and is central within its well-defined residential district.

This classic structure was built for Sherman Conant, the General Manager of the Florida Southern Railway and Vice-President of the Palatka National Bank and was sold by his wife, Fannie, in 1894 to Asad E. Wilson, General Manager, Vice-President, and later President of Wilson Cypress Co. Mr. Wilson resided in the former Conant home until 1920 when he sold it to Charles Burt, co-owner of Burt Brothers Real Estate Agents who resided there throughout the twenties. Fanny H.R. Burt, wife of prominent realtor James Burt, lived there as well after the Burt Mansion in the Heights was destroyed by fire.

911 ==

ARCHITECT \_\_\_\_\_ 872 ==  
 BUILDER \_\_\_\_\_ 874 ==  
 STYLE AND/OR PERIOD Queen Anne 964 ==  
 PLAN TYPE irregular 966 ==  
 EXTERIOR FABRIC(S) wood: weatherboard with cornerboards 854 ==  
 STRUCTURAL SYSTEM(S) wood frame: platform 856 ==  
 PORCHES N&W/1-story verandah with lattice frieze, brackets, turned posts and balustrade 942 ==  
 FOUNDATION: piers: brick, block pierced (added) 942 ==  
 ROOF TYPE: intersecting gables 942 ==  
 SECONDARY ROOF STRUCTURE(S): gable dormers # hip over verandah 942 ==  
 CHIMNEY LOCATION: W: end, interior # S: end, interior # center: 942 ==  
 WINDOW TYPE: DHS, 9/9, wood # DHS, 2/2, wood # semi-hex 942 ==  
 CHIMNEY: brick with corbelled caps 882 ==  
 ROOF SURFACING: composition shingles 882 ==  
 ORNAMENT EXTERIOR: wood 882 ==  
 NO. OF CHIMNEYS 4 952 == NO. OF STORIES 2½ 950 ==  
 NO. OF DORMERS 10 954 ==  
 Map Reference (incl. scale & date) USGS Palatka 7.5MTN 1968 809 ==  
 Latitude and Longitude: \_\_\_\_\_ 800 ==  
 Site Size (Approx. Acreage of Property): \_\_\_\_\_ 833 ==



Township	Range	Section	
T10S	R27E	42	812 ==

UTM Coordinates:

17	438420	3279080	890 ==
Zone	Easting	Northing	

Photographic Records Numbers \_\_\_\_\_ 860 ==

Contact Print

CONTINUATION SHEET

SIGNIFICANCE CONTINUED:

Since its ownership by Mr. Burt, the building has had several owners and served as a residence for number of tenants under the name Putnam Apartment House and the Thornton Apartments. It is currently in the process of being rehabilitated.

Sources: Deed Book 5, p.667; City Directories 911= =

SECONDARY ROOF STRUCTURE(S) CONTINUED:

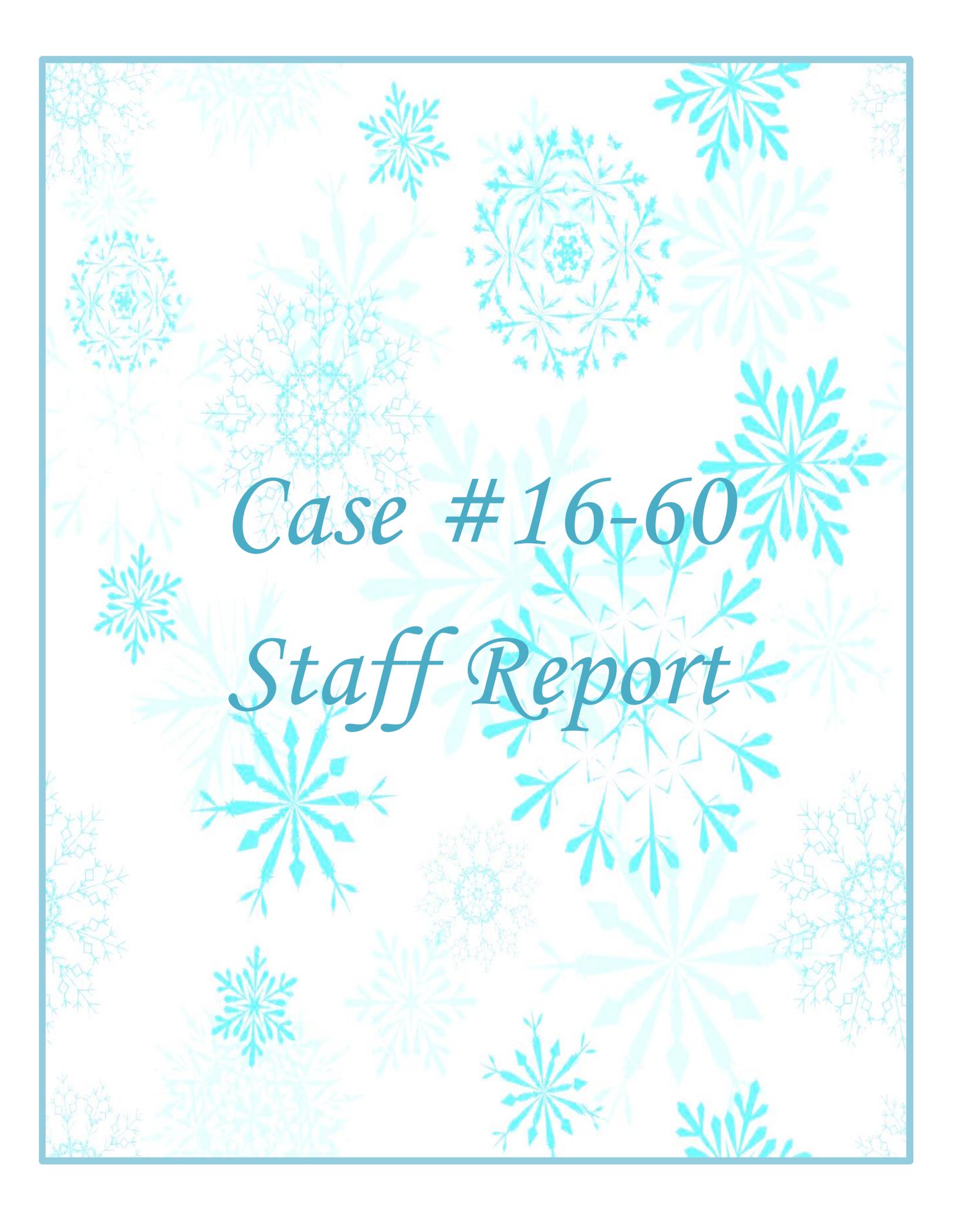
#polygon turret with tent roof 942= =

CHIMNEY LOCATION CONTINUED:

rear slope # S: interior 942= =

WINDOW TYPE CONTINUED:

bay on N and S 942= =



*Case # 16-60*

*Staff Report*

# Case PB 16-60

## Request for a conditional use permit for alcohol sales within 300 feet of alcohol establishment 318 St Johns Ave.

# STAFF REPORT

DATE: November 28, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

Conditional Use allowing an establishment serving alcohol within 300 feet of another alcohol-serving establishment. 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 a 150-seat Mexican restaurant to open in the old City Café location. Proposed hours of operation are Monday-Thursday and Sunday 11 AM to 10 PM, and Friday & Saturday 11 AM to 10:30 PM. Recent restaurant-related alcohol conditional use permits have included sales up to 10 PM (Magnolias and This and That Café). 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 alcohol establishment, Steamboat Willies Bar, located across St. Johns Ave. 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.

The property is in the downtown area and is zoned DR (Downtown Riverfront) and is in the COM (Commercial) Future Land Use Map category.



Figure 2: photo of former City Café, when still operating

## **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.*

Staff comment: 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.

The Zoning Code describes the Downtown Riverfront zoning district “is established for the purpose of providing a pedestrian oriented, retail/entertainment area.” This zoning is described as shaping an “area of unique character with balanced commercial, residential, and public and other places in which people feel safe and comfortable.” “It is also intended that this district discourage uses within the retail core that are likely to create friction with pedestrian movement and the primary activities for which the district is intended.” Restaurants fit these descriptions.

The property lies within the Central Business District Community Redevelopment Area, referenced within the Future Land Use Element by Policy A.1.2.2 below.

“The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: the North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan’s original sunset of December 27, 2013 has been extended by the Agency and the City Commission to continue with an amended sunset of December 27, 2043.”

The Community Redevelopment Area Plan, adopted by the City Commission in 2010, recommends that the downtown be an entertainment-oriented district. A variety of restaurants within walking distance is the most effective way to promote that goal.

*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.*

Staff comment: per Zoning Code Sec. 94-262 (Required number of parking spaces) nonresidential properties are exempt from minimum parking requirements in downtown zoning districts. It should be noted that there are around 400 parking places within a two-block diameter, including a 30-space lot immediately next to the rear (Reid St.) entrance to the building.

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

Staff comment: a screened dumpster is located in the Reid St. parking lot behind the building.

*e. Utilities, with reference to location, availability and compatibility.*

Staff comment: the property is appropriately served by utilities.

*f. Screening and buffering, with reference to type, dimensions and character.*

Staff comment: not applicable.

*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: any future signage shall meet the Sign Code and the Zoning Code, including Downtown Overlay Zoning standards. There is an existing nonconforming multi-tenant pole sign in the public parking lot (facing Reid St.) which serves this and other businesses located on this property (facing Reid St.). The City has determined that when the property owner sold the parking lot to the City, he retained the rights to this sign. Therefore this sign can continue to be used (only for tenants of this building), but cannot be expanded, and if it is destroyed, future signage must conform to the Sign Code. The building also has a historic Art Deco projecting sign on the St. Johns Ave. side, which is an iconic downtown symbol that should be preserved with this and future uses. Similar signs, like the old Elgin's Jewelers sign, have been removed to the detriment of Downtown's historic character.



Figure 3: Historic City Café Sign

*h. Required yards and other open space.*

Staff comment: not applicable.

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

Staff comment: a restaurant use is allowed by right in the Downtown Riverfront zoning district, and such uses are essential parts of the downtown retail core. Alcohol service in conjunction with the principal food service use is a common occurrence with restaurants. In fact alcohol service as a principal use is allowed in the form of nightclubs and bars. What makes alcohol service a conditional use in this case is the relatively close presence of other alcohol establishments, in this case a bar.

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

Staff comment: 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.*

Staff comment: not applicable.

*Impact on Public Interest*

Staff comment: City Departments offered no objections or comments on the application. Based on meeting the conditional use criteria, and also based on this restaurant's beneficial impact on downtown visitation, Staff believes that this use will have a positive 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 16-60 meets applicable conditional use criteria if the following recommendations are met.

1. On-premises consumption of alcohol associated with a bona fide restaurant is allowed.
2. Alcohol service shall not occur past 10 PM.
3. The Reid St. pole sign can continue to be used for adjacent businesses (units within the two buildings identified as 318 and 320 St. Johns Ave.) but cannot be expanded, and if it is destroyed, or damaged to a point that is more than 50% of the sign area, or when cumulative improvements exceed 50% of the market value (as set by the Putnam County Property Appraiser) of these two properties, all future signage must conform to the Sign and Zoning Codes.
4. The historic St. Johns Ave. projecting sign shall be retained and utilized.
5. The use must commence within six months of approval.
6. All applicable standards of the Municipal Code shall be met, including but not limited to the Downtown Overlay Zoning Standards and the Alcoholic Beverage Code.

ATTACHMENT:        APPLICANT JUSTIFICATION

Justification Letter  
Mariachiles Bar&Grill  
318 St. Johns Ave

A. Mariachiles will comply with the elements of the comprehensive plan required by the city of Palatka.

B. Mariachiles will comply with 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. Mariachiles will comply with 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.

D. Mariachiles will comply with refuse and service area, with particular reference to the items mentioned in subsection (4)b and c of this section.

E. Mariachiles will comply with utilities, with reference to location, availability and compatibility.

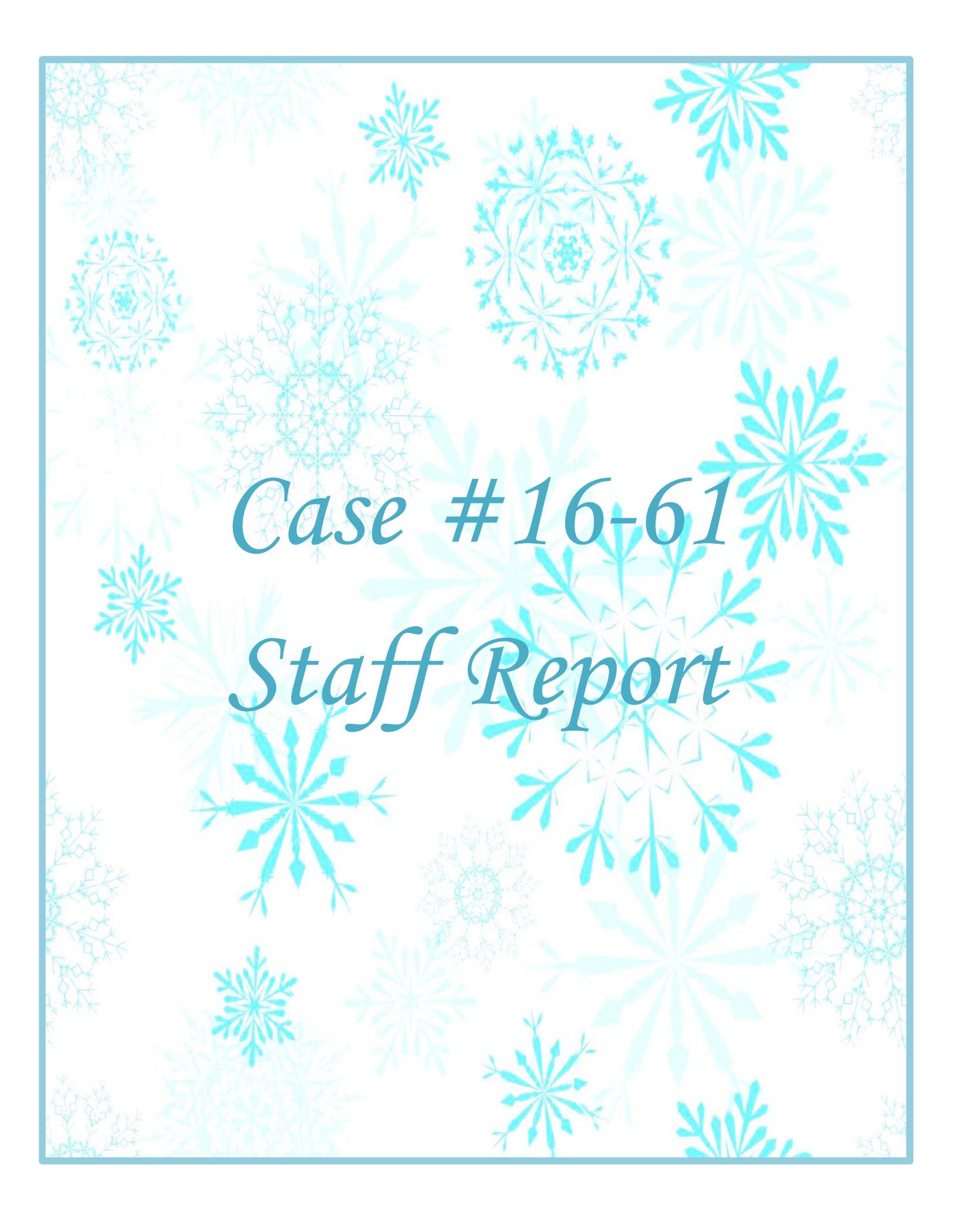
F. Mariachiles will not reduced the already approved screening and buffering, with reference to type, dimensions and character.

G. Mariachiles will have a permitted sign installed as required by the city of Palatka. Signs, if any and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district. H. Mariachiles will not reduce the required yards and open space.

I. Mariachiles will comply with general compatibility with adjacent properties and other property in the district.

J. Mariachiles will comply with any special requirements set out in the schedule of district regulations for the particular use involved.

K. Mariachiles will comply with the recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.



*Case # 16-61*

*Staff Report*

# Case PB 16-61

## Request for a conditional use permit for alcohol sales within 300 feet of alcohol establishment 324 St Johns Ave.

# STAFF REPORT

DATE: November 28, 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 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 in conjunction with an existing vapor lounge, which has been operating at this location for two years. A vapor lounge provides a variety of “e-liquids,” which are made of nicotine, propylene glycol, glycerine, and flavorings. Customers utilize “e-cigarettes” to vaporize the liquid and to inhale the vapor. E-cigarettes have been promoted as a healthy alternative to smoking, but their long term health risks are not known. Uncertainty about health risks has led the FDA to extend its regulatory power over re-cigarettes, as of August, 2016. The FDA will now evaluate ingredients, product features, and health risks and also the appeal of e-cigarettes to non-users and minors – the use of e-cigarettes has risen to over 16% with high-schoolers. Product packages must now contain nicotine and tobacco warnings, and vapor lounges are now subject to



Figure 2: existing vapor lounge establishment

various registration and regulatory requirements. Given these factors, the owners of this business are looking for other activities that could replace the vapor lounge use. One activity would be to expand the flavoring processing and sales from strictly e-liquids to food, candy, deserts, soaps, lotions, and shampoos. Another would be the accessory use of a “craft bar,” similar to the activity approved by the Board for Lady Bug’s Gift Shop on S. 3<sup>rd</sup> St. downtown. The owner has indicated through email correspondence that he has no interest at this time into expanding the alcohol use into a full bar.

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 alcohol establishment; Steamboat Willies Bar, located across St. Johns Ave. 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.

The property is in the downtown area and is zoned DR (Downtown Riverfront) and is in the COM (Commercial) Future Land Use Map category.



Figure 2: Red Beard’s Vapor Lounge is the middle unit.

## **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.*

Staff comment: 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.”

The Zoning Code describes the Downtown Riverfront zoning district “is established for the purpose of providing a pedestrian oriented, retail/entertainment area.” This zoning is described as shaping an “area of unique character with balanced commercial, residential, and public and other places in which people feel safe and comfortable.” “It is also intended that this district discourage uses within the retail core that are likely to create friction with pedestrian movement and the primary activities for which the district is intended.” While vapor lounges, also known as hookah lounges, are a relatively new use, and as previously discussed their future is uncertain, such uses provide a level of activity that favors an entertainment district.

The property lies within the Central Business District Community Redevelopment Area, referenced within the Future Land Use Element by Policy A.1.2.2 below.

“The City has one Community Redevelopment Area that is comprised of three Tax Increment Finance (TIF) districts: the North Historic District, the Central Business District, and the South Historic District. These three TIF districts are governed by the Community Redevelopment Agency and guided by the Community Redevelopment Area Plan. This plan’s original sunset of December 27, 2013 has been extended by the Agency and the City Commission to continue with an amended sunset of December 27, 2043.”

The Community Redevelopment Area Plan, adopted by the City Commission in 2010, recommends that the downtown be an entertainment-oriented district. A variety of restaurants and entertainment-related activities within walking distance is the most effective way to promote that goal.

*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.*

Staff comment: per Zoning Code Sec. 94-262 (Required number of parking spaces) nonresidential properties are exempt from minimum parking requirements.

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

Staff comment: this and other nearby businesses use the screened dumpster in the public parking lot behind the building (fronting Reid St.).

*e. Utilities, with reference to location, availability and compatibility.*

Staff comment: the property is appropriately served by utilities.

*f. Screening and buffering, with reference to type, dimensions and character.*

Staff comment: not applicable.

*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: any future signage shall meet the Sign Code and the Zoning Code, including Downtown Overlay Zoning standards. Current signage includes window signs.

*h. Required yards and other open space.*

Staff comment: not applicable.

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

Staff comment: the vapor lounge use is allowed by right in the Downtown Business zoning district. What makes alcohol service a conditional use in this case is the relatively close presence of other alcohol establishments, in this case a bar. Staff does have some concern that the vapor lounge use lends itself to a bar operation more so than a restaurant or gift shop. The Applicant/Owner has expressed that it is not their intent to transform the Vapor Lounge into a bar. Approval conditions can verify this intent.

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

Staff comment: 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.*

Staff comment: not applicable.

*Impact on Public Interest*

Staff comment: City Departments offered no objections or comments on the application. Based on meeting the conditional use criteria, and also based on this restaurant's beneficial impact on downtown visitation, Staff believes that this use will not have a positive negative 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 16-61 meets applicable conditional use criteria if the following recommendations are met.

1. On-premises consumption of alcohol associated with a vapor lounge or retail use that is allowable in the DR zoning district is permitted.
2. Alcohol service shall not occur past 10 PM. Wine bar and/or craft beer bar to be an ancillary and accessory use, with physical space for this activity to be less than 40% of the non-storage space and total revenues, respectively.
3. Wine or beer shall be served in a structured and identifiable area in the rear of the store from behind a counter/bar.
4. Alcohol signs in the window are not permitted, as this would give the appearance of a bar or nightclub. Generic window signage advertising wine and/or beer is allowed, if such lighting is not illuminated.
5. The use must commence within six months of approval.
6. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.

ATTACHMENT: JUSTIFICATION

Red Beard's Vapor Lounge Business Hours

Mon- Thurs 10am- 7pm

Fri- Sat 10am-9pm

Closed on Sundays

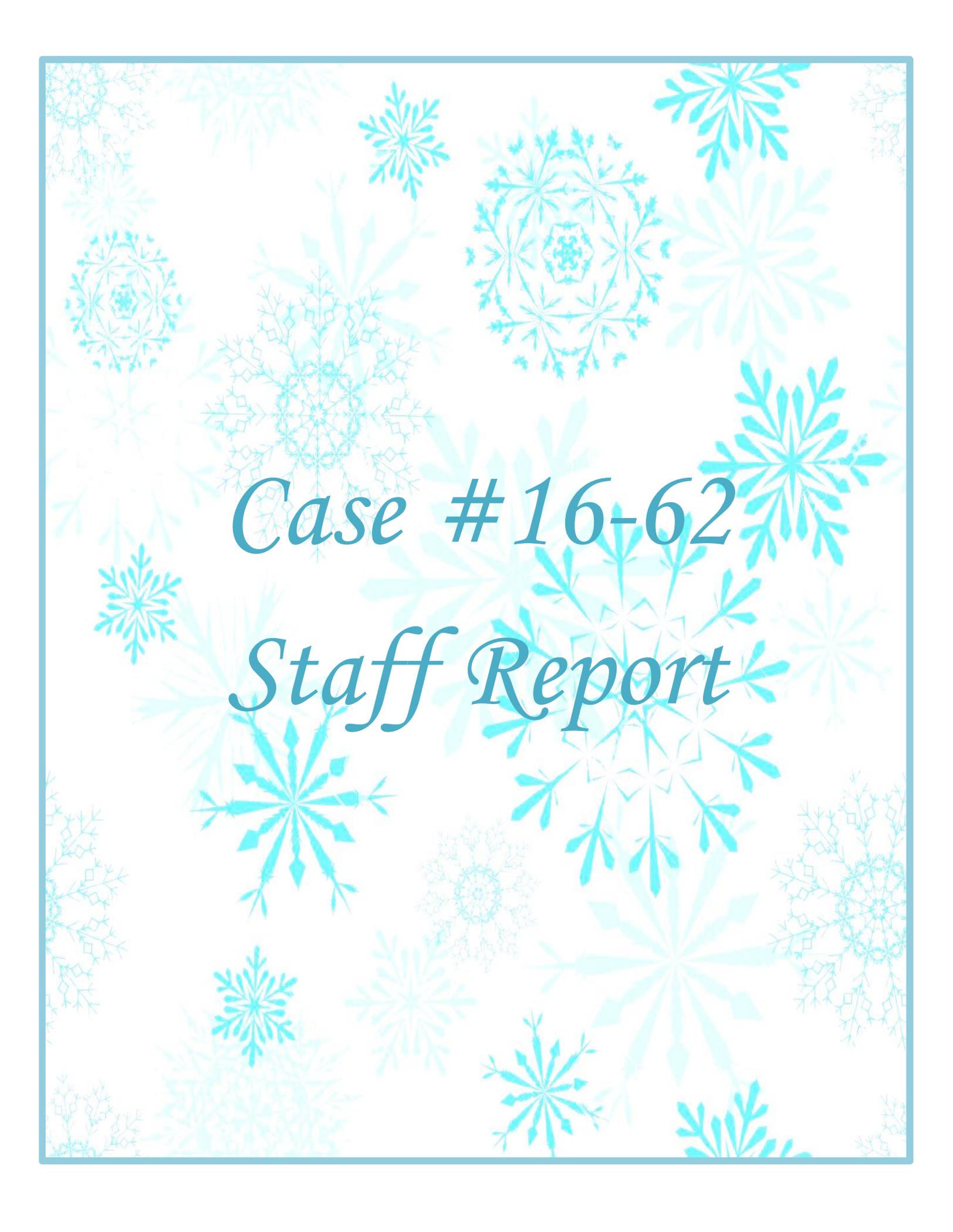
We are seeking the permissions to serve beer and wine at Red Beards Vapor Lounge. The lounge is located 324 St Johns Ave. We have resided at this location for 2yrs and have had numerous requests to serve drinks at this locations.

Our current space will allow for a back area separated from the normal vapor lounge. We also have a backroom separated by just a wall to the back area, Where 21 +would reside for the beer and wine section of our store. The intent would be to cut the upper half of that wall and place a bar on the newly formed half of the wall. The back room would become the bartenders section, and the back area for the customers, completely separating the back area from the vape shop area. Anyone remaining under 21 will remain in the from area where the normal vape shop currently resides.

We are not looking to become a full blown bar. We would like to offer some very nice craft beers and local made wines. We are not looking to compete with any bars in our area. We will not have any domestic beer on tap .. The customers can go to the bar for that. We are also a smoke free environment so it would be another option for people that dont want to be in a smoky room. We have no plans no plans to change our business hours or to seeks a liquor license. We want to bring craft and micro-brews of high quality to downtown Palatka. Something beyond your normal watering hole. We are only open during legal serving hours in Putnam County. We close early during the week so we will not be catering to your "late night" out-goers. We will enforce a drink limit if needed. We simply want to offer a little more to our customers and to the people who want a little something different.

We have yet to start any remodeling. Once we know we are approved for the beer and wine we will take the next step.

Thank you  
Shasta Lievers  
Chris Red Beard Wilson  
and The Red Beards Crew and Customers



*Case # 16-62*

*Staff Report*





Figure 2: Property from Reid St (proposed office is on left)

### **APPLICATION BACKGROUND**

With the exception of non-temporary outdoor sales, the Zoning Code limits outdoor sales to specific periods of time or as a produce market. There are six types of allowable outdoor sales:

- outdoor promotional sale (limited to 72 hours in duration, "midnight madness" type sale);
- seasonal goods sale (limited to 30 days, Christmas trees or 4th of July fireworks);
- special event sale (associated with special event like Blue Crab Festival);
- temporary goods sale (other outdoor sales, not to exceed 30 days in duration);
- farmers' market (intended for food and produce goods); and
- **non-temporary outdoor sales.**

The Planning Board has approved non-temporary outdoor sales has been approved for two properties since the enabling ordinance was adopted in 2013. These property is 3523 Reid St., approved for the Palatka Flea Market, which operated for a short time before closing, and 920 S. Moody Rd., approved for shed sales. Another shed sales applicant is considering making application for the Moody Rd. site for the January agenda.

### **PROJECT ANALYSIS**

Per Section 94-200(c)(3) the Planning Board shall review such an application to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential. Conditional use and additional specific criteria must be met, in this case specific criteria pertaining to non-temporary outdoor sales, as outlined in Zoning Code Section 94-200(e).

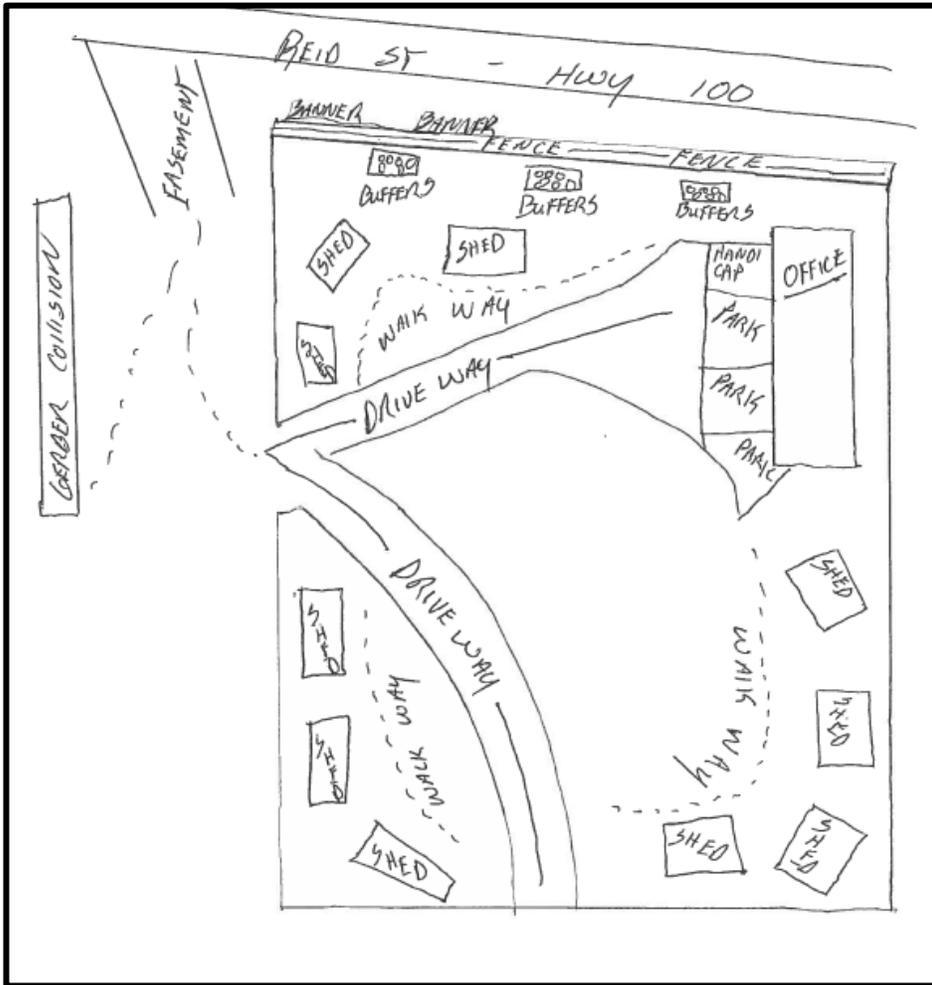


Figure 3: Applicant's site plan

The Applicant's site plan is shown in Figure 3. This conceptual sketch plan generally conforms with applicable code standards. A driveway enters this property from the neighboring property (Gerber Collision) to the west, which has a right-in, right-out driveway to Reid St. This property has no driveway access to Reid St. (but by FDOT and City rules, has the right for such a driveway). The Applicant intends to only use less than half the property for the shed sales activity, approximately 300 feet back from Reid St. Four parking places including a handicapped space are provided in front of the office building, which according to the Property Appraiser is a 900 SF building. Sheds are spaced around the perimeter of the development area, and a walkway follows the circular shed display.

Per Zoning Code Section 94-3 the Planning Board shall review conditional use applications using the following criteria.

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.

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.*

Staff comment: The driveway and parking arrangement is acceptable, however Zoning Code Sec. 94-261(c)(2) requires that driveways and parking areas be paved. Parking spaces must be striped at 10 by 20 feet, and the handicapped space at 12 by 20 feet, with a five-foot wide aisle on the passenger side. The four parking spaces allow for up to 1,200 SF display area (at one space per 300 SF), which Staff has interpreted to be shed space only. Depending on the size of the sheds, this would allow for six to eight or so sheds – the Applicant is

proposing ten display sheds. Staff is considering a change to reduce parking requirements for this use, which would provide some relief from the parking requirements. Finally, since the access is through the neighboring property, cross-access easement is required from that property owner.

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

Staff comment: no refuse areas are shown on the site plan. It is anticipated that solid waste will be accommodated by a roll-out cart, which must still be screened as required by Code.

*e. Utilities, with reference to location, availability and compatibility.*

Staff comment: the site is fully served by utilities.

*f. Screening and buffering, with reference to type, dimensions and character.*

*h. Required yards and other open space.*

Staff comment: as new development this property is required to meet the Landscaping and Tree Protection requirements (Zoning Code Article VI) and Buffering and Screening requirements (Zoning Code Article VII), as shown below. The Planning Board can provide relief for existing development, but not for new development. A rear buffer is not required due to the Applicant not using the large rear part of the site and the presence of natural vegetation along the rear property line. The following buffers and buffer plantings are required.

**Table 1: Roadway Buffer Planting Standards (along Reid St.)**

<b>212' roadway frontage footage</b>	<b>Code Standard</b>	<b>Required</b>
Buffer width	30 feet	30 feet
Canopy trees per 100 linear feet	1	3
Shrubs per 100 linear feet	20	43

*Note – trees must be spaced ten feet away (inward) from power lines*

**Table 2: Buffer “A” Standards for Each Side Property Line (only to rear of display area)**

<b>300' roadway frontage footage</b>	<b>Code Standard</b>	<b>Required</b>
Buffer width	10 feet	10 feet
Canopy trees per 100 linear feet	2	6
Shrubs per 100 linear feet	15	45

*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. No signage has been requested. Two banner signs are shown along the Reid St frontage.

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

Staff comment: the property fronts on a busy four-lane arterial road, with predominantly commercial uses. This section of Reid St. has a number of outdoor storage uses (in the unincorporated County) and intensive commercial uses, so this activity will be compatible with these uses. There are no nearby residential uses to be impacted. Proposed business hours are Monday through Friday, 9 AM to 5:30 PM, Saturday 9 AM to 4 PM, and closed on Sundays. Staff believes that if the outdoor sales standards are met, which emphasize screening and organized storage, then the element of incompatibility caused by the outdoor display is minimized and mitigated.

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

Staff comment: there are specific standards set forth for non-temporary outdoor sales, outlined in the next part of this report.

*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: with approval conditions, the proposed use would not adversely impact the public interest.

#### Specific Criteria

The following underlined criteria apply specifically to non-temporary outdoor sales, with staff comments immediately following each criterion. The applicant has provided a sketch plan to show the general layout of parking and vendor spaces, attached with this report.

- Non-temporary outdoor sales require a permanent enclosed structure that is minimum 1,200 square feet in size. The Property Appraiser indicates the building is 900 square feet, which does not meet the minimum building size requirement.
- Minimum lot size of 1.0 acres, with a minimum frontage of 200 feet and a minimum lot depth of 300 feet. *Staff comment*: the property meets this standard, with both lots (3311 & 3317) at 2.83 acres, a roadway frontage of 212', and an lot depth well in excess of 300 feet.
- A 30-foot setback is required from any right-of-way for outdoor display areas and parking areas, and shall include a landscaped area with a three to four-foot high visual screen consisting of a hedge, masonry wall, or wood or aluminum fencing, maintained in a neat appearance. One shade tree every fifty feet is required to further screen activities (when powerlines or other obstructions are present, understory trees may be utilized, or trees may be planted in the right-of-way with the approval of the controlling jurisdiction). *Staff comment*: the site plan is not dimensioned or scaled, but it appears that this buffer width is provided.
- When adjacent to residential uses or zoning, six-foot high masonry wall, privacy fence, or hedge contained within thirty foot landscape buffer, and 100-foot setback from residential property lines. *Staff comment*: there are no adjacent residential uses.
- Adequate refuse containers must be provided and must be screened with a six-foot tall privacy fence with a swinging gate. *Staff comment*: as noted in the response to the conditional use criteria, no

refuse area is shown, but any such areas must be screened as required.

- All outdoor areas shall be cleaned of litter and refuse after each day of operation. *Staff comment:* this is an operational standard that should be included as a condition of approval in the approval letter.
- Adequate restroom facilities must be provided. *Staff comment:* restroom facilities are not shown on the site plan but are required – this should be referenced in the approval letter and the site plan should be revised to verify that the sales building includes a restroom(s).
- Sales may be operated by an individual vendor or by multiple vendors under the control of a central sales manager. *Staff comment:* this is an operational provision to be repeated in the approval letter.
- One parking space for each vendor must be provided, with an additional space for every 300 square feet of outdoor and indoor sales area. *Staff comment:* as stated in the response to the conditional use parking criterion, parking will allow for somewhere around six to eight sheds, depending on their size. In addition, all parking spaces and driveways must be paved.
- Uses are subject to Sign Code. Signs are allowed for individual vendors and displays, limited to each display area and not more than 20 square feet in size. The following signs are prohibited: "human" signs, inflatable figures or objects, pennants and banners other than the allowance of two banners as defined in the Sign Code, snipe signs, and any other sign not allowed by the Sign Code. *Staff comment:* two banners are shown along the frontage, as allowed.
- Display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles. *Staff comment:* the site plan shows that the arrangement of sheds is acceptable in its orderly and organized manner.
- No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; or personal services shall be offered for sale. *Staff comment:* this condition should be included in the approval letter.
- All merchandise shall be brought into the building at the end of each business day except for larger items that are not easily moved, with such items being screened by fencing or vegetation that shall be maintained in an attractive and neat appearance. *Staff comment:* sheds are too large to be moved in this manner, so the site plan should be revised to show how sheds will be screened. Staff has interpreted this to provide for temporary picket fences and/or potted plants to be interspersed around sheds or grouping of sheds – such arrangements do not have to be continuous.
- The conditional use site plan shall require at a minimum the following elements: access roads, entrances and exits, parking, traffic lanes, fire lanes, refuse containers, fences, buildings, restroom facilities, lighting, landscaping and other improvements as required. *Staff comment:* the driveway provides sufficient emergency access, and the approval letter will emphasize these other requirements.
- The conditional use site plan or narrative shall include verbiage regarding days and hours of operation; the means, such as stalls, tables or other structures by which merchandise is to be displayed; and the specific types of goods requested for sale. *Staff comment:* hours and days of operation are included on the site plan (Monday through Friday, 9 AM to 5:30 PM, Saturday 9 AM to 4 PM, and closed on Sundays). Staff has no objections to these operation hours/days.
- The Planning Board may assign additional restrictions and standards to the use to ensure that the conditional use criteria will be satisfied. *Staff comment:* as determined by the Board.

**STAFF RECOMMENDATION**

Staff believes that this application meets applicable non-temporary outdoor sales criteria, if the recommendations below are included as conditions of approval (revised language is shown as underlined text). Staff recommends approval of Case 16-62, non-temporary outdoor sales at 3311 and 3317 Reid St. with the following conditions:

1. site development is subject to the submitted site plan;
2. the sales building must be at least 1,200 square feet in size;
3. a cross-access easement allowing access through the property to the west (3315 Reid St.) is required;
4. parking areas and driveways must be paved and parking space dimensions must meet Zoning Code minimums; and
5. screened refuse area shall be required and shall be shown on the site plan.
6. Site buffering and landscaping requirements are as follows:

<b>212' roadway frontage footage</b>	<b>Code Standard</b>	<b>Required</b>
Buffer width	30 feet	30 feet
Canopy trees per 100 linear feet	1	3
Shrubs per 100 linear feet	20	43

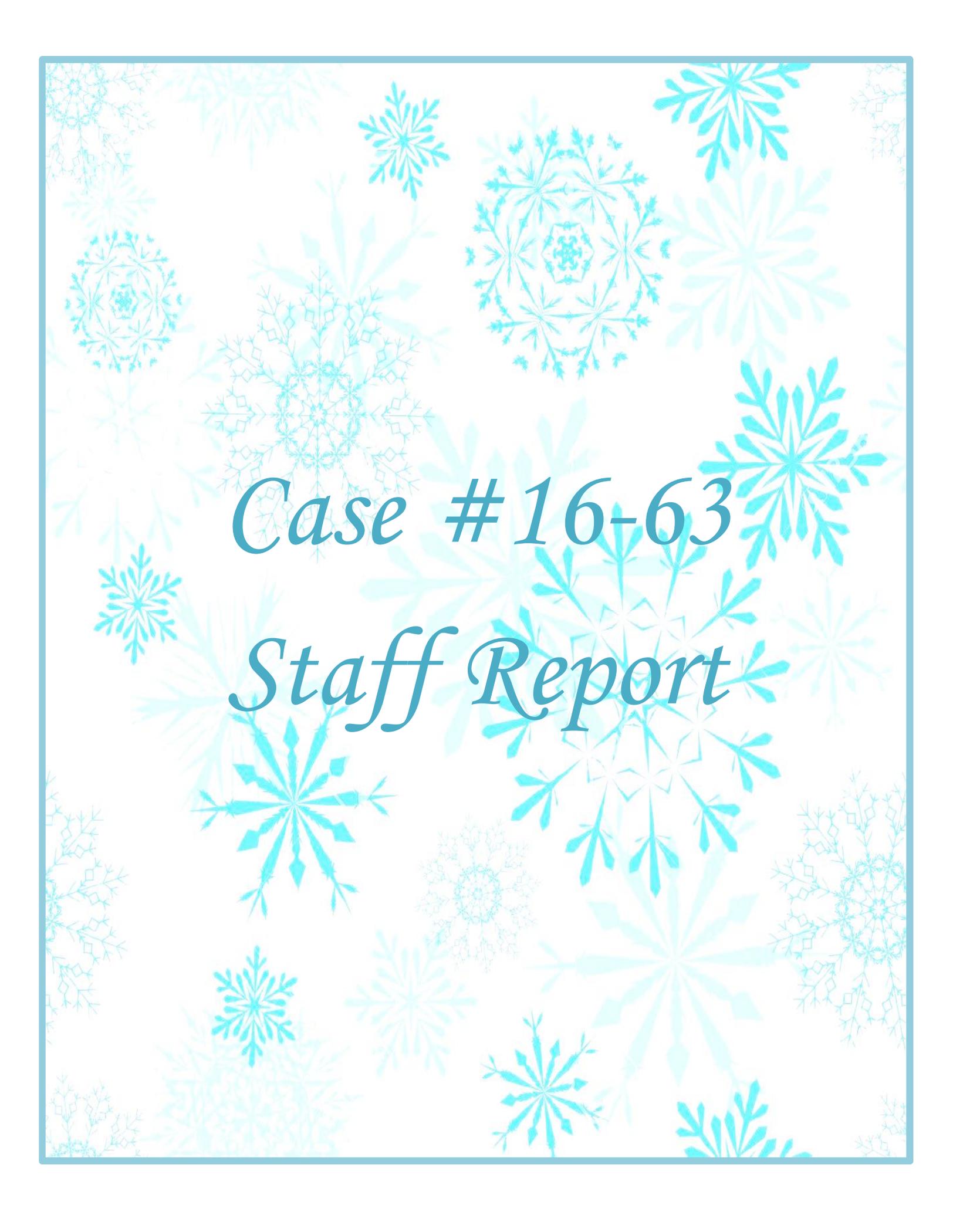
*Note – trees must be spaced ten feet away (inward) from power lines*

**Table 2: Buffer “A” Standards for Each Side Property Line (only to rear of display area)**

<b>300' roadway frontage footage</b>	<b>Code Standard</b>	<b>Required</b>
Buffer width	10 feet	10 feet
Canopy trees per 100 linear feet	2	6
Shrubs per 100 linear feet	15	45

Applicant shall submit landscape plan for City review, and subsequently install landscaping prior to commencement of use;

7. two banner signs are allowed, one ground sign is allowed, and wall sign(s) are allowed subject to Sign Code requirements - the following signs are prohibited: "human" signs, inflatable figures or objects, pennants and banners other than the allowance of two banners as defined in the Sign Code, snipe signs, and any other sign not allowed by the Sign Code;
8. business hours shall be limited to 8 AM to 6 PM;
9. the use must commence within six months of approval; and
10. activities must comply with operational requirements as stated in Zoning Code Sec. 94-200(e).



*Case # 16-63*

*Staff Report*

# Case 16-63

## Request for a Conditional Use for Child Care Facility

### 1001 N. State Road 19

## STAFF REPORT

DATE: November 28, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP  
Planning Director

### APPLICATION REQUEST

The application is a request for a conditional use for a child care facility. Required public notice was met, including legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

### APPLICATION BACKGROUND

The facility would be located on the east side of North State Road 19, north of Reid St. (see Figure 1 below). The property was approved for a conditional use permit for a church at a recent Planning Board meeting. Despite repeated attempts to contact the Applicant, he has not responded, so Staff does not have information on number of children, employees or hours of operation. Therefore these factors will mostly be driven by available parking. The table on the following page shows Future Land Use Map, zoning, and actual use of the site and surrounding properties.



Figure 1: Property Location

**Table 1: Site and Vicinity Land Use and Zoning Classifications**

	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 (above): entrance from SR 19

Figure 3 (below): aerial photo of site – Bradley’s Restaurant parking lot to the east/right, rear portion of property is open area along Carver 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.

## **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.*

Staff comment: the amendment is in line with stated purposes of promoting infill and mixed-use development, renewing blighted properties, encouraging the use of existing commercial areas, and mixing uses and reducing travel times, demonstrated by Comprehensive Plan Future Land Use Element objectives and policies below.

**Objective A.1.2** 9J-5.006(3)(b)2

*Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.*

**Policy A.1.6.1** 9J-5.006(3)(c)

*Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.*

**Policy A.1.6.2** 9J-5.006(3)(c)3

*Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.*

**Objective A.1.8** 9J-5.006(3)(b)9; F.S. 187.201(16)(b)3

*Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:*

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

*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.*

Staff comment: 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 four seats, so the current 30-members by Code will need eight parking spaces. In determining minimum required parking for the child care use, it should be noted that Zoning Code Sec. 94-262 does not specifically list child care in the table of required parking spaces, which notes that if the use is not listed in this

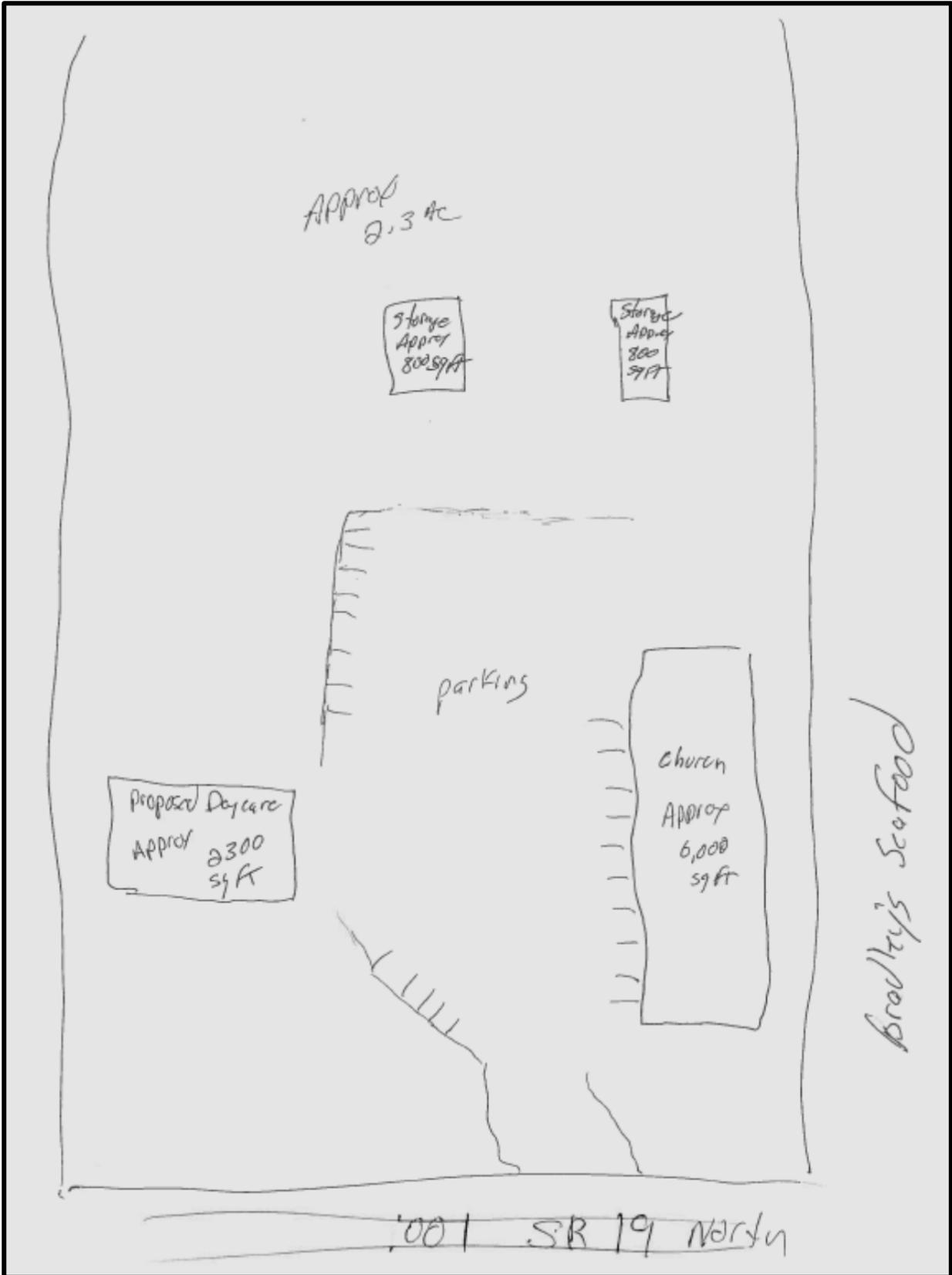


Figure 4: Applicant's Site Plan

table the parking requirements shall be determined by the Planning Board (this approval can be given in the context of conditional use approval). The Board has in the past accepted the standard of two spaces per employee standard for the child care use, which should cover peak-time employee and visitor parking adequately. With the 20 parking places, this would allow for up to ten employees at peak operating times.

As allowed by Zoning Code Sec. 94-261(h), the church and child care facility can share parking as long as the Planning Board finds that the periods of usage of each use will not overlap.

The parking lot functions as central driveway into the site with parking on the sides - along the side of the church and on the child care side and then at the rear. The Applicant has striped spaces along the church side, but those spaces are too short to meet code, which requires a depth of 20 feet. The Applicant has shown nine spaces including one handicap space on the site plan (Figure 4). Staff has met the Applicant on site and determined that the current parking place would yield around 20 spaces, with some modifications to the site plan. However the parking spaces along the side of the church building must restriped as angled parking because the interior driveway is so close to the church. The central driveway must have at least 22 feet of width not blocked by parking.

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

Staff comment: a dumpster or trash can(s) must be screened in accordance with Zoning Code Sec. 94-311 (screened by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening).

*e. Utilities, with reference to location, availability and compatibility.*

Staff comment: the property is appropriately served by utilities.

*f. Screening and buffering, with reference to type, dimensions and character.*

Staff comment: as Figures 2 and 3 show, 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.



As Figure 5 demonstrates, the buffer along Carver Rd. has not been maintained properly. The Applicant/Owner should properly trim trees, mow groundcover, and clear out dead vegetation and debris.

*Figure 5: Carver Rd. buffer*

*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: no sign has been proposed yet. Signs must conform to the sign code. Any exterior lights shall be hooded and downcast to minimize glare to adjacent roadways and properties.

*h. Required yards and other open space.*

Staff comment: see f. above.

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

Staff comment: the Comprehensive Plan and Municipal Code generally deal with compatibility usually (but not always) in light of nonresidential uses impacting residential uses. Carver St., part of the unincorporated neighborhood to the southeast, has only a few scattered residences that are far enough away from the use to be impacted by substantive noise impacts. An indicator of compatibility is the input of nearby residents, who were notified by letter and property posting of the proposed use (at the time of packet distribution the department had received no questions or comments from the public).

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

Staff comment: there are no special requirements for child care facilities in the Municipal Code. Child care facilities are licensed and regulated by the state and must provide a certain amount of indoor and outdoor play space, among other things.

*k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.*

Staff comment: not applicable.

*Impact on Public Interest*

Staff comment: a review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. Due to the large size of the property, its relative isolation, inward orientation of the buildings, and the adequate space for parking and child care activities, Staff does not believe there will be any adverse impacts from the proposed church.

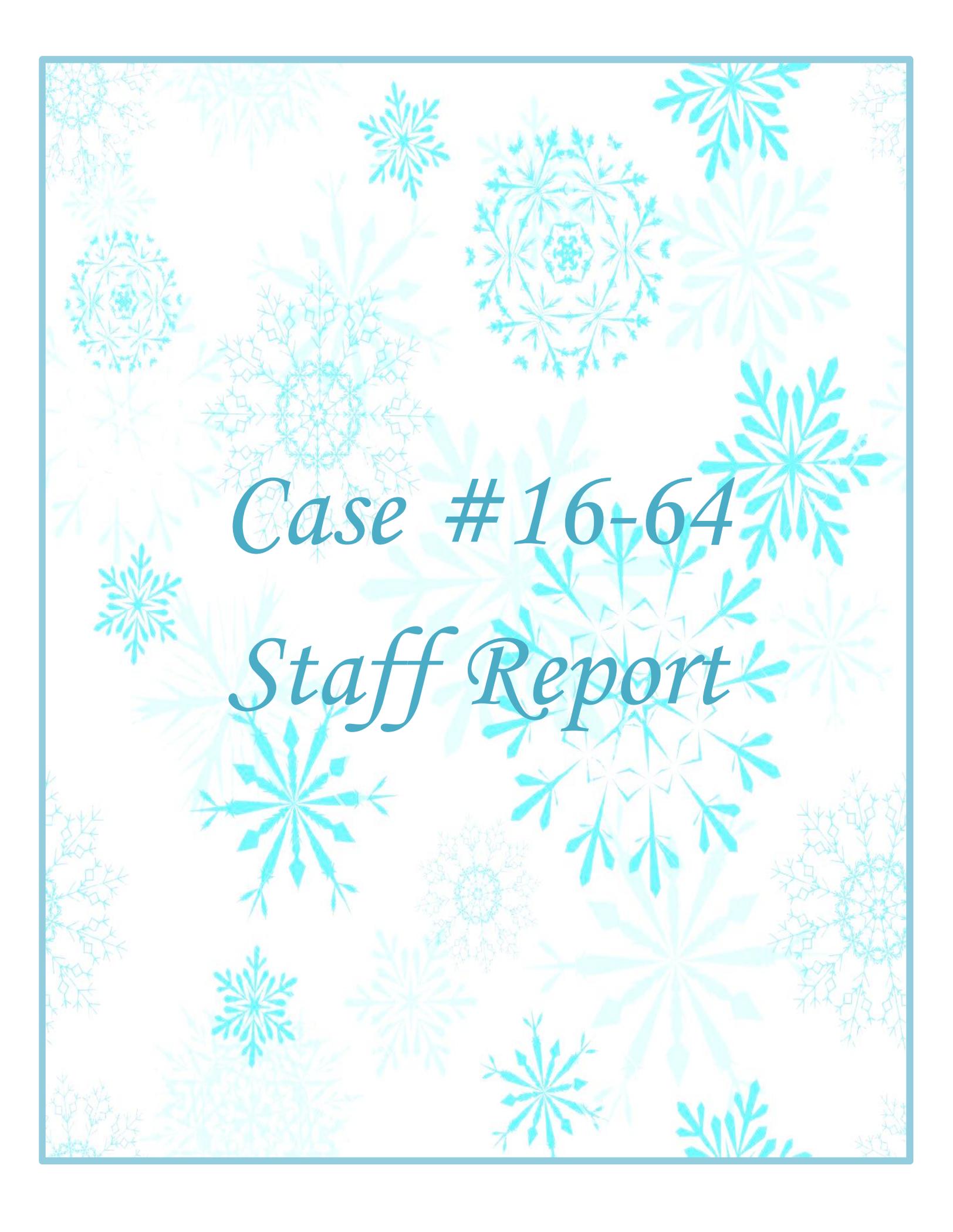
A motion for approval should include any relevant conditions and findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

**STAFF RECOMMENDATION**

As demonstrated in this report, Staff believes that this application meets applicable conditional use criteria (if the recommendations below are followed). Staff recommends approval of Case 16-63, conditional use for child care center with the following conditions:

1. the building on the north side of the site shall be utilized for child care, with a maximum of ten employees on premises at any given time; and
2. allowable hours of operation shall be Monday-Saturday, 6 AM to 8 PM. The child care center shall not operate during church services, unless such child care is just for church members.
3. The outdoor play area shall be the grassy area to the northeast of the child care building, or an area with mulch or some other forgiving surface for the safety of children;
4. outdoor play areas must be fenced if used by children younger than kindergarten age. Such fencing shall be continuous, be four to six feet in height, shall be wood picket or black aluminum/wrought iron, and shall have a gate or gates with child-proof latches;

5. a dumpster or trash can(s) must be screened in accordance with Zoning Code Sec. 94-311 (screened by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening on three sides and a gate on the other side, located in a manner that minimizes views into the enclosure from adjacent streets and properties);
6. any exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways; and
7. the other three buildings on the property may be only utilized for medical or professional offices, however the paved parking area will need to be expanded to accommodate the new uses. A single residential unit as a caretaker residence or rental unit is allowed as well.
8. The use is subject to standards set forth in Chapter 65C-22 of the Florida Administrative Code and handled by the State of Florida Department of Children and Families;
9. signs must conform to the Sign and Zoning Codes;
10. The use must commence within six months of approval.
11. the applicant or owner shall apply for and receive any necessary state approvals for the expansion of the child care use; and
12. all other applicable standards of the Municipal Code must be met.



*Case # 16-64*

*Staff Report*

**Case 16-64**  
**Request for a Conditional Use for Child Care Facility**  
**1209 Carr St.**

# STAFF REPORT

**DATE:** November 28, 2016

**TO:** Planning Board members

**FROM:** Thad Crowe, AICP  
Planning Director

## APPLICATION REQUEST

The application is a request for a conditional use for a child care facility. Required public notice was met, including legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

## APPLICATION BACKGROUND

The facility, located on the southeast corner of Carr and S. 13<sup>th</sup> Streets (see Figure 1 below), was approved for the proposed use in 2014 but the approval lapsed after no activity occurred in the initial six months. Staff determined that the Code-limited six month commencement deadline was not clearly communicated to the Applicant, and for that reason this application is being processed as an administrative application. The Applicant has reconfirmed that there would be up to 60 children, ten employees, and hours of operation would be Monday through Saturday, 6 AM to 6 PM. The table on the following page shows Future Land Use Map, zoning, and actual use of the site and surrounding properties.



*Figure 1: Property Location – former residence is in transitional area between industrial and residential uses. Matthews mini-storage is to bottom/south, Matthews warehouse is to east/right, far right is Ride Solution bus repair facility, and left/west is established residential area.*

**Table 1: Site and Vicinity Land Use and Zoning Classifications**

Property	FLUM *	Zoning	Existing Use
Site	RL (Residential Low Density)	C-2 (Intensive Commercial)	Vacant (former church converted from residence)
Property to North (across Carr St.)	RL (Residential Low Density)	R-1 (single-family residential)	Undeveloped
Property to South	RL (Residential Low Density)	C-2 (Intensive Commercial)	Undeveloped
Property to West (across S. 13 <sup>th</sup> St.)	RL (Residential Low Density)	R-1 (single-family residential)	Single-family home, duplex
Property to East	COM (Commercial)	C-2 (Intensive Commercial)	Warehouse building

\* Comprehensive Plan Future Land Use Map designation

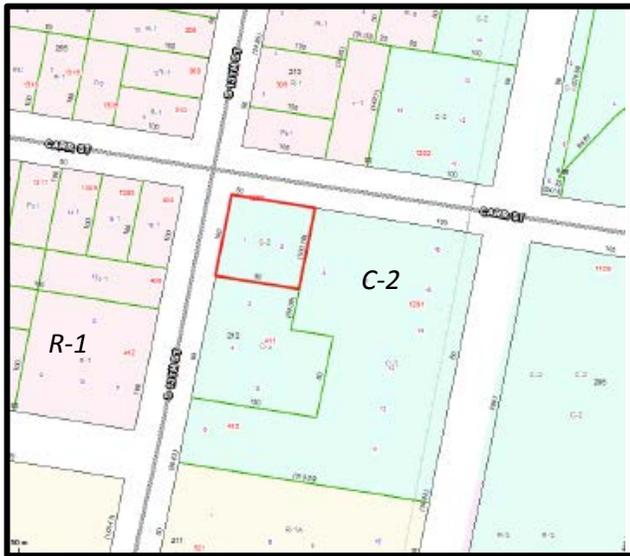


Figure 2: Zoning.

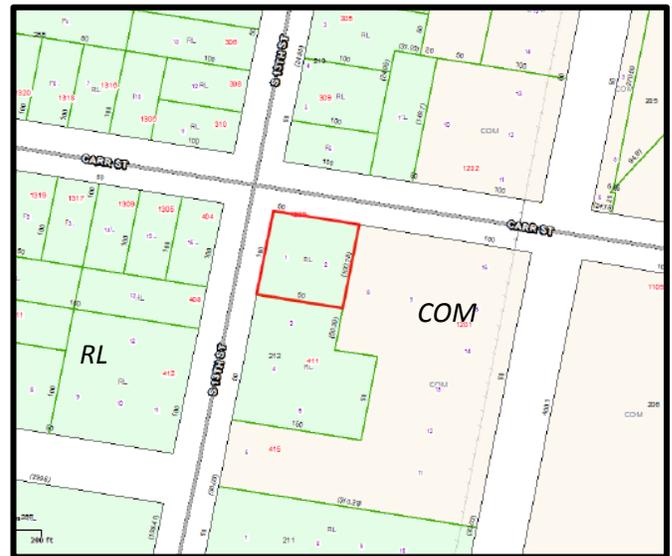


Figure 3: Future Land Use Map.

The C-2 zoning is shown in the dark sea green color above and also includes the vacant lot to the south. However the Future Land Use Map, which prevails, shows this area in light green as Residential Low Density (Staff is including these two properties in a future “glitch” land use and zoning that reconciles the two, in this case changing the future land use to commercial and the zoning to neighborhood commercial). Properties north and west of this site have residential land use and zoning.



Figure 4: Building from S. 13<sup>th</sup> St. The Matthews warehouse is to the right. The rear of the building would be fenced in and utilized for outdoor play area.



Figure 5: Building from Carr St. (Matthews warehouse is to left/east). Side yard was used by former church for parking, with resulting erosion, sidewalk damage due to uneven grade of dirt surface, and compaction of established tree roots.



Figure 6: Matthews warehouse property immediately adjacent, east of site – one alternative for off-site employee parking.

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.

## **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 amendment is in line with stated purposes of promoting infill and mixed-use development, renewing blighted properties, encouraging the use of existing commercial areas, and mixing uses and reducing travel times, demonstrated by Comprehensive Plan Future Land Use Element objectives and policies below.

**Objective A.1.2** 9J-5.006(3)(b)2

*Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.*

**Policy A.1.6.1** 9J-5.006(3)(c)

*Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.*

**Policy A.1.6.2** 9J-5.006(3)(c)3

*Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.*

**Objective A.1.8** 9J-5.006(3)(b)9; F.S. 187.201(16)(b)3

*Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:*

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

*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 property has good vehicular and pedestrian access, with a surrounding grid pattern network of streets and sidewalks. Staff did not observe a high level of traffic on Carr St or S. 13<sup>th</sup> St. that would present a problem in regard to on-street drop-off and pick-up, although S. 13<sup>th</sup> St. appears to have more traffic. While the paved width of Carr St. narrows considerably west of S. 13<sup>th</sup> St., the segment on this 1200 block is wide enough to allow the on-street loading and unloading to not interfere with through traffic.

*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.*

In determining minimum required parking for the child care use, it should be noted that Zoning Code Sec. 94-262 does not specifically list child care in the table of required parking spaces, which notes that if the use is not listed in this table the parking requirements shall be determined by the Planning Board (this approval can be given in the context of conditional use approval). The Board has in the past accepted the standard of two spaces per employee standard for the child care use, which would require 20 spaces. This should cover peak-time employee and visitor parking adequately.

While it was the Applicant's original intent, Figure 5 demonstrates the effect of past on-site unimproved parking with visible erosion and impacts to sidewalks and trees. The Zoning Code [Section 94-261(c)(2)] requires hard surfaces for parking, which includes asphalt, concrete, paver blocks, but not loose material like mulch, gravel, dirt, etc. Parking on the east side of the building would further harm the existing cedar trees on the site, so Staff recommends two options: 1) off-site parking on the Matthews warehouse property to the east; and 2) improved parking on the adjacent lot that is south of the site. Both of these alternatives would require written permission of this adjacent property owner.

The Zoning Code (Section 94-261(e)) allows for off-site parking that is within 600 feet of the use with an off-site parking agreement required between the owners of the use, owners of the property on which the parking will take place, the proposed use (child care facility), and the use for which the parking is designated (Matthews warehouse to the east and mini-storage to the south). However the Matthews use can only provide parking that is in excess of their own required minimum parking. Staff surveys indicate that the Matthews use requires 30 parking spaces, based on a total building size of around 30,000 square feet (based on one space per 1,000 square feet for industrial uses). The Matthews site provides around 44 parking spaces (around 18 on the warehouse site to the east and 27 on the mini-storage site to the south, therefore having 15 excess parking spaces. Staff recommends the spaces along the side/west fence line of the Matthews warehouse property closest to Carr St. be reserved for seven child care employee parking spaces. Staff would note that this is below the peak employee request of ten.

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

A dumpster or trash can(s) must be screened in accordance with Zoning Code Sec. 94-311 (screened by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening).

*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.*

Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. There are two applicable landscape code sections triggered by this action: Zoning Code Section 94-304 (rear and side yards) and 94-305 (street buffer). Table 94-304 requires an "A" type buffer along the east and south property lines with the following options.

**Table 3: Type “A” Buffer Planting Standards (east and south property lines)**

	<b>Option 1</b>	<b>Option 2</b>
Buffer Width	5 feet	10 feet
Understory Trees per 100 linear feet	0	2
<i>Understory Trees Required</i>	<i>0</i>	<i>4</i>
Shrubs per 100 linear feet	20	15
<i>Shrubs Required</i>	<i>40</i>	<i>30</i>
Six-foot tall fence required	Yes	No

**Table 4: Roadway Buffer Planting Standards (for Carr & S. 13<sup>th</sup> St. frontages)**

	<b>Option 1</b>	<b>Option 2</b>
Buffer width	8 feet	5 feet
Canopy trees per 100 linear feet	1	1
<i>Canopy trees required (200' frontage)</i>	<i>2</i>	<i>2</i>
Shrubs per 100 linear feet	20	15
<i>Shrubs required (200' frontage)</i>	<i>40</i>	<i>30</i>

The Applicant is credited with three canopy trees: two within or close to the Carr St. roadway buffer and another within the S. 13<sup>th</sup> St. roadway buffer. One new shade tree will be required along S. 13<sup>th</sup> St., behind the building. The shrubs above will be required, except that a six-foot tall fence is allowed along the south/rear property line as an alternative to the shrubs. The outdoor play area must be fenced in.

*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.*

No sign has been proposed yet. Signs must conform to the sign code. Any exterior lights shall be hooded and downcast to minimize glare to adjacent roadways and properties.

*h. Required yards and other open space.*

See f. above. Additionally, Staff recommends that the outdoor play area be a grassy area for the safety of children. An alternative would be the use of rubber or wood mulch or another substance that provides a forgiving surface for the children.

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

The Comprehensive Plan and Municipal Code generally deal with compatibility in light of nonresidential uses impacting residential uses. A child care facility would be considered a transitional use between the more intense industrial uses to the east and the low-intensity residential uses to the west. An indicator of compatibility is the input of nearby residents, who were notified by letter and property posting of the proposed use (at the time of packet distribution the department had received no questions or comments from the public).

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

There are no special requirements for child care facilities in the Municipal Code. Child care facilities are licensed and regulated by the state and must provide a certain amount of indoor and outdoor play space, among other things.

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*

A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. The property is in an area of transition that is not appropriate for residential use, due to the adjacent industrial uses. Occupancy along with landscaping and other improvements would have a positive affect on the appearance of the property and surrounding properties as well.

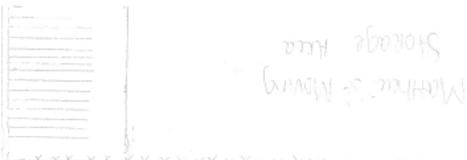
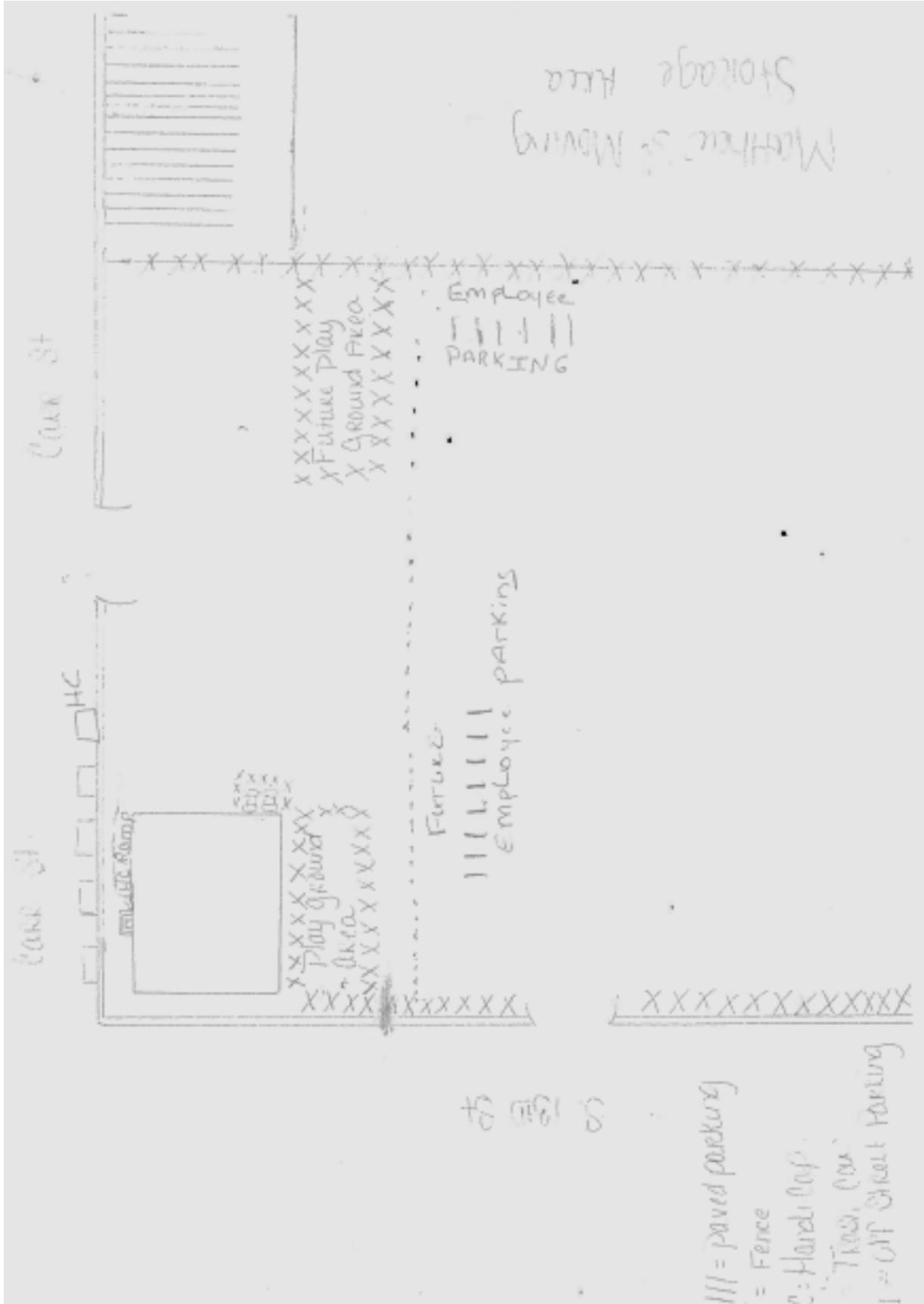
A motion for approval should include any relevant conditions and findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

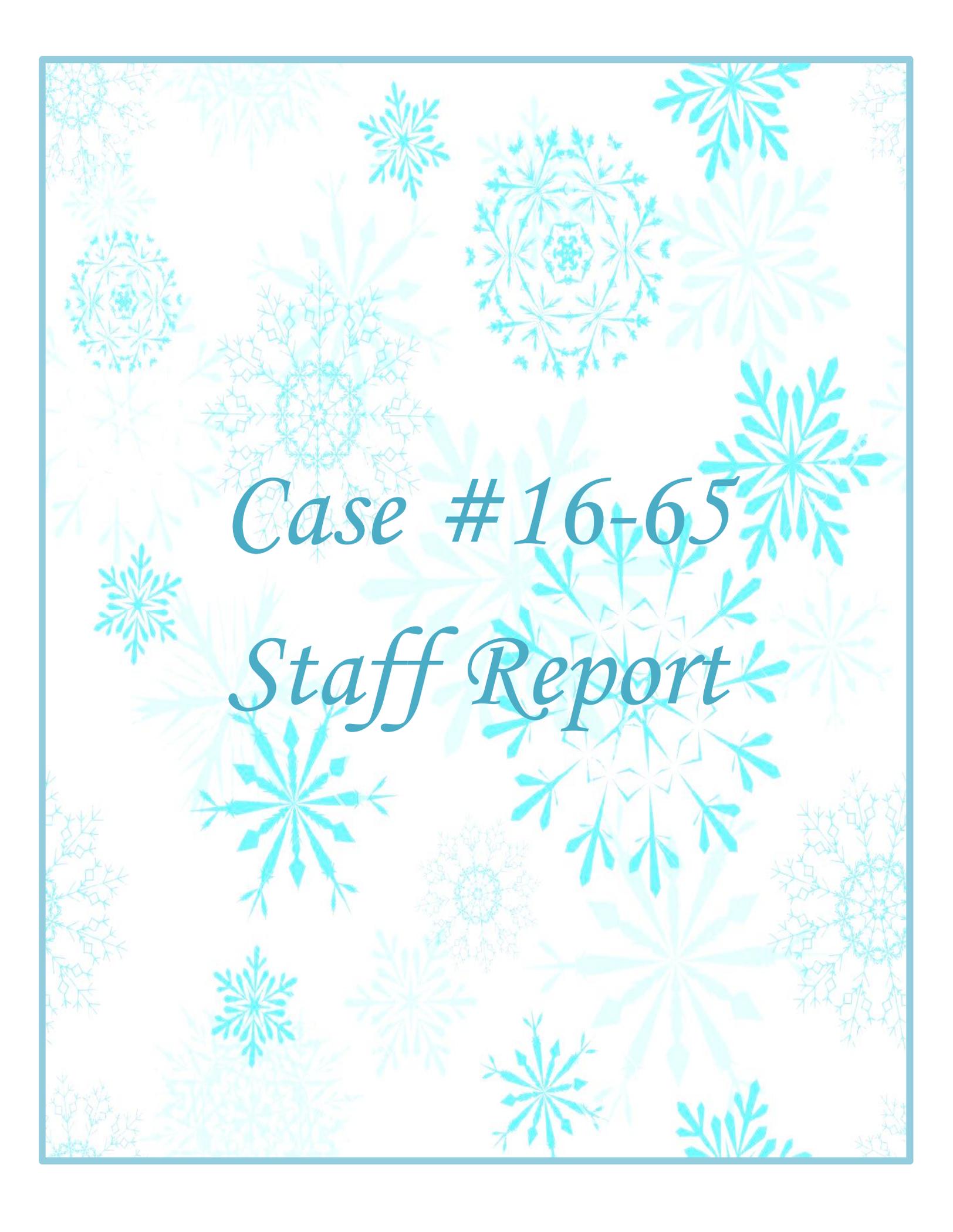
#### **STAFF RECOMMENDATION**

As demonstrated in this report, Staff believes that this application meets applicable conditional use criteria (if the recommendations below are followed). Staff recommends approval of Case 14-08, conditional use for child care center with the following conditions:

1. The use of a child care center shall be permitted with a maximum number of seven employees and 60 students.
2. Parking on the east side of the building will further harm the existing cedar trees on the site, so Staff recommends two options: A) off-site parking on the Matthews warehouse property to the east; or B) improved parking on the adjacent lot south of the site.
3. If the Matthews property off-site parking is utilized, only 14 excess parking spaces are available, limiting the number of child care employees on-site during all times to seven.
4. Drop-off and pick-up shall occur on the Carr St. eastbound lane and shall be designated as such by a small directional sign in the right-of-way.
5. A roadway buffer is required along Carr and S. 13<sup>th</sup> Street, with one canopy tree to be planted behind the building on S. 13<sup>th</sup> St., and other plantings as required in Tables 3 & 4.
6. Outdoor play areas must be fenced. Such fencing shall be continuous, be four to six feet in height, shall be wood picket or black aluminum/wrought iron, and shall have a gate or gates with child-proof latches.
7. The outdoor play area shall be a grassy area, or an area with mulch or some other forgiving surface for the safety of children.
8. A dumpster or trash can(s) must be screened in accordance with Zoning Code Sec. 94-311 (screened by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening on three sides).
9. Any exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
10. Signs must conform to the Sign and Zoning Codes.
11. Use is subject to standards set forth in Chapter 65C-22 of the Florida Administrative Code and handled by the State of Florida Department of Children and Families.
12. The use must commence within six months of approval.
13. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS:      APPLICANT'S SKETCH PLAN





*Case # 16-65*  
*Staff Report*

# STAFF REPORT

DATE: November 17, 2016

TO: Planning Board Members

FROM: Thad Crowe, AICP  
Planning Director

## **APPLICATION REQUEST**

A request to amend the Zoning Code to allow changing signs in the C-1 (General Commercial) zoning district.

## **APPLICATION BACKGROUND**

Zoning Code Sec. 94-149(g) allows the following types of signs in the C-2 zoning district: wall signs, awning signs, bracket signs, banner signs, pole signs, temporary signs, directional signs, ground signs, marquee signs, and projecting signs. Changing signs, which include signs with both manual and electronic changing copy, are not allowed. Changing signs are only allowed in the C-2 (Intensive Commercial) and PBG-1 (Public Buildings and Grounds) zoning districts.

## **PROJECT ANALYSIS**

Changing signs are defined in the Sign Code as noted below.

*Changing sign means a sign such with changing messages that are manually or electronically controlled to display public service time, temperature and date, game statistics and information on a scoreboard, and public and emergency services messages on a message center or reader board. Changing signs are allowed as permitted in chapter 62 and chapter 94.*

The Sign Code provides for the following standards for changing signs.

- (a) Changing sign size shall not exceed 36 square feet in size, except that scoreboards may be up to 200 square feet in size. Scoreboards in excess of 200 square feet may be approved by grant of variance.*
- (b) Electronic Changing signs shall display a message for at least eight seconds.*
- (c) Electronic Changing sign light emanation shall not exceed 0.3 footcandles measured from a preset distance that shall be determined by the following formula: Measurement distance the square root of the following: the area of sign square feet multiplied by 100.*
- (d) Electronic Changing signs shall automatically adjust the sign's brightness in direct correlation with ambient light conditions and no scrolling, flashing, or other movement shall be allowed other than change of image.*
- (e) Scoreboards are allowed in association with private or public ballfields, including school and park facilities.*

These standards were derived with the intention of limiting brightness and driver distraction in general, and to limit potential negative impacts that could be associated with large electronic signs.

The Applicant has requested a Zoning Code change to allow changing signs also in C-1 (General Commercial) zoning.

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

**Staff comments:** changing signs are already allowed in C-2 and PBG-1 zoning districts. The above-referenced standards referenced provide reasonable limitations on such signs to reduce driver distraction and aesthetic impacts. While Staff would not recommend changing signs in the C-1A (Neighborhood Commercial) zoning district due to the typical close proximity of residences, the General Commercial zoning district is appropriate for such signs.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

**Staff comments:** The change is not in conflict with the goals, objective, and policies of the Comprehensive Plan and other city ordinances and regulations.

#### **STAFF RECOMMENDATION**

Staff recommends approval of Case 16-65 revising Zoning Code Section 94-148 (C-1 general commercial zoning district) as follows.

(a) through (f) – no change

(g) *Permitted signs.* Wall signs, awning signs, bracket signs, banner signs, pole signs, temporary signs, directional signs, ground signs, marquee signs, changing signs, and projecting signs.