CITY OF PALATKA
PLANNING BOARD AGENDA
January 3, 2017

1. **Call to Order**

2. **Roll Call**

3. **Appeal procedures and ex-parte communication**

4. **Approval of Minutes**
   December 6, 2016 meeting

5. Election of Chairperson and Vice-chairperson

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

7. **NEW BUSINESS:**
   Case 16-67 Request for conditional use permit for alcohol service and sales in association with a restaurant.
   Location: 114 S. 3rd St.
   Applicant: Brad & Corry Kay, Hawgwash BBQ

   Case 16-68 Request for text change to Zoning Code Sec. 94-200(e) for revisions of standards for non-temporary outdoor sales.
   Applicant: Building and Zoning Dept.

   Case 16-69 Request for de-annexation of land.
   Location: southern portion of 203 Central Ave. (Lot 3)
   Applicant: Building & Zoning Dept.

8. **OTHER BUSINESS: None**

9. **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

December 6, 2016

CITY OF PALATKA
PLANNING BOARD MINUTES
December 6, 2016

Members present: Chairman Daniel Sheffield, Vice-Chairman George DeLoach, Earl Wallace, Edie Wilson, Joseph Petrucci, Anthony Harwell, and Ed Killebrew. Staff present: Planning Director Thad Crowe, Recording Secretary Karen Gilyard, and City Attorney Donald 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 September 6, 2016 and November 1, 2016 meeting. Motion made by Vice-Chairman DeLoach to approve the minutes, seconded by Edie Wilson. All present voted in the affirmative and motion was approved unanimously.

OLD BUSINESS:

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

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. Mr. Crowe advised the Board to only table it for one more month. The Applicant would have to start the process over again when ready.

Chairman Sheffield asked the Board if they wanted to table the discussion for another month.

Motion made by Vice-Chairman DeLoach and seconded by Mr. Petrucci to table the request until the next regular meeting for the last time. All present voted affirmative and motion was approved unanimously.

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

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for annexation, rezoning to C-1 (General Commercial, and future land use map amendment to COM -Commercial). Mr. Crowe identified the location as a 2/3-acre property which includes two parcels. The property has frontage on three streets (Crill, Highlawn, and 1st Ave). 3803 Crill Ave,

the interior lot, is undeveloped. 3805 Crill & 102 Highlawn is one parcel with an office building on Crill and a residence behind it fronting on Highlawn. Mr. Crowe then narrated a power point presentation as follows:

- Property is in county commercial FLUM (UR) & Zoning (C-1, General Comm.)
- Segment of Crill from Westover to SR 19 – transitioning to County & mixed Residential Commercial to City & Commercial
- Voluntary annexation intended to connect to city water & sewer (runs down 1st Ave)

Annexation criteria are met

- Contiguous and compact

FLUM criteria are met

- In established commercial corridor with both city and county commercial designations
- Close proximity to urban services – Water & Sewer along 1st St
- Does not represent urban sprawl
- No grant of special privilege

Rezoning criteria are met

- In established commercial corridor with City And County Commercial Zoning
- No isolated zoning district created
- Infrastructure capacity available (Roads & Utilities)

Recommend approval of annexation and change to COM FLUM & C-1 zoning

Mr. Crowe summarized that 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.

Chairman Sheffield asked Mr. Crowe if the zoning would not allow s gas stations. Mr. Crowe responded it would not allow automotive repair or sales, but would allow gas stations and convenience stores. Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Hearing none, Chairman Sheffield opened the meeting to the public and asked if anyone wanted to address the board. No one commented and Chairman Sheffield closed the public hearing. Chairman Sheffield asked the Board members if they were ready for a motion.

Motion made by Mr. Petrucci and seconded by Mr. Killebrew to approve the request as recommended by Staff. Motion carried unanimously.

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

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for annexation all of the property in to city's limits and to zone to C-1 (General Commercial), and future land use map amendment to COM (Commercial) Mr. Crowe then narrated a power point presentation including staff recommendations, as follows.

CURRENT PUD

- Allows school, admin. Offices, & training (warehouse & grounds keeping operations now gone)
- Operations limited to 7 am to 6 pm
- School District has authorized 1st Coast Technical Institute to hold evening classes at this location

PUD MODIFICATION REQUEST

- Allow night school use- up to 10 pm & 8 am to 5 pm every other weekend
- Open up rear gate to Cleveland Ave. to allow for easier access to rear parking lot

ISSUES

- Potential parking shortage
- Traffic impact of opening rear Cleveland Ave. Gate
- Unscreened dumpster
- 56 parking places (21 in Husson/Prosper lot with ability to add 9 more parallel spaces to old bus drop-off lane, 20 in rear lot, and six in Husson loop)
- Proposed expansion – up to 80 students & teachers on site
- Parking not sufficient
- 2 parking lots not connected, reducing parking efficiency and requiring navigation of bumpy dirt driveway or leaving campus to drive around block
- Possible overflow parking across Husson at Moseley Elementary
- Lots of room on property for additional parking; but…
- Zoning code does not allow non-hard surfaced parking (due to erosion & dust impacts)
- Compromise – PUD can provide flexibility to allow for pervious parking

Staff recommendations were as follows.

1. Along with current allowable uses, allow night classes ending by 10 PM and weekend classes between 8 AM and 5 PM.
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 6 PM.
4. Restriped faded parking lot spaces.
5. Provide for at least 15 new parking spaces adjacent to or in the vicinity of the rear parking.
6. Pave rear driveway.
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. Allow for continued limited grass parking south of training center only for School District staff, until such time that improved parking can be provided.
9. The City shall work with Applicant to stripe at least 20 parallel spaces along the east side of Husson St., adjacent to the buildings.
10. Plant 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.
11. Erect signs (and enforce) parking only in striped spaces in rear parking lot.
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. Improvements shall be completed within six months of the approval date.
16. To ensure adequate parking for activities, the School District will coordinate with the First Coast Technical College 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.

Chairman Sheffield asked Mr. Crowe is there a time limit on his talks with the School Board on this issue. Mr. Crowe explained to the Board that if School District Facilities Director Scott Gattshall and he could have about a week or two to talk they could come to an agreement on the parking. Chairman Sheffield also asked for Mr. Crowe to summarize the number of parking spaces do they have or how many they need. Mr. Crowe answered that there was 51 paved spaces, and the Applicant agreed to provide 15 additional spaces in the rear of the buildings.

Chairman Sheffield asked the Board if they had any questions for Mr. Crowe. Mr. Wallace asked Mr. Crowe what else the night class consisted of besides nursing. Mr. Crowe answered G.E.D classes.

Mr. Harwell asked Mr. Crowe what consisted with joining the two parking lots together. Mr. Crowe answered that this could be done by paving the dirt driveway that currently connects them.

Mr. Petrucci asked if the gate off Husson Ave. would be accessible instead of opening back up the Cleveland St. gate. Mr. Crowe said that would be a question for Mr. Gattshall, but from his understanding the School Board didn't want to use that gate for First Coast Technical College activities, just for the School Board employees.

Mr. Petrucci asked if putting the parallel parking spaces on Husson Ave. would impact the bus coming from Moseley Elementary School. Mr. Crowe answered that it was not a problem the spaces aren't new, they just need to be repainted. Mr. Killebrew added that the buses would not be impacted because the bus loop is in the back of Moseley and they don't use Husson Ave.

Mr. Killebrew asked if the back gate was closed because the neighborhood complaining about the big trucks being present in the early morning and most of the day when it was being used as a warehouse. Mr. Crowe explained that it was not the back gate on Cleveland Ave. but was the front gate off of Prosper St. & Husson Ave where the truck activity was. Mr. Wallace added that the last time it came before the Board the issue was the noise the big semi-trucks were making.

Mr. Killebrew asked if it was the south end where current School District employees are now parking. Mr. Crowe replied that this was correct. Mr. Killebrew asked if the School District was going to put pervious or paved parking in that area. Mr. Crowe answered that he thinks that the School District wanted to continue parking on the grass but that would be a question for Mr. Gattshall.

Chairman Sheffield opened the public hearing. Mr. Scott Gattshall, 4400 14th Place, Gainesville, Florida, introduced himself and Frank McElroy, Administrator of Operations for First Coast Technical College (FCTC). Mr. Gattshall said that the School District is working in conjunction with the St. Johns County School District, which now administers FCTC, which has moved from their Comfort Rd. location to the Husson Ave. site. Mr. Gattshall said their primary purpose was not to address parking issue but to extend the hours of operation so that FCTC could resume night class, and to also utilize the back gate on Cleveland. They are trying to limit the cost and if they have to use tens of thousands of taxpayer dollars on parking this funding would not be available for other programs for FCTC students. Currently FCTC uses most of the campus for their daytime classes and the School District is using one wing and the media center as a training facility. The School District is not looking to change or improve the current grass parking for their employees, but just to accommodate parking needs of FCTC. The School District has already put in $1.5 million dollars in renovation into that campus for the Adult Ed. Program for FCTC. Mr. Gattshall said that to be frank, the School District doesn't have $200,000 to put in a new parking lot around the PCSD training center for School District Employees. Mr.

Gattshall also stated that he didn't understand the problem with reopening the Cleveland St. gate because back years ago when it was used as an elementary school there were 20 buses using that entrance twice a day, and also 30-40 teachers driving in and out of that same area a day through that gate and parking on the grass. So that this point all the School District is asking for is to extend the hours and opening of the gate on Cleveland St.

Chairman Sheffield thanked Mr. Gattshall for his comments. He noted that closing the gate on Cleveland St. was for the neighborhood to keep the traffic down in the residential neighborhood, for the quality of life of the neighborhood. He said that if you join the two parking lots together there would not be a need to open that gate on Cleveland St., but he senses that the School District is resistant to that due to the cost. Mr. Gattshall stated more of a safety precaution due to the narrowness of the driveway. Mr. McElroy added that if they join the front and back parking lot that it would be tight fit between two buildings. They have talked to Architect Bob Taylor who said he could come up with a functional design that will work, but it's really tight. Mr. Gattshall added that there enough State funds complete the driveway improvement.

Chairman Sheffield asked Mr. McElroy if he said Bob Taylor was the School District's architect in this matter. Mr. McElroy answered yes. Chairman Sheffield told Mr. Holmes that he may have a conflict of interest because he was working for Mr. Taylor. Mr. Holmes said it would be wise for Chairman Sheffield to recuse himself to avoid the appearance of conflict. Chairman Sheffield stated with that being said he would recuse himself from this case and turn things over to Vice-Chairman George DeLoach.

Vice-Chairman DeLoach asked Board members if there were any questions. Mr. Petrucci asked if there were any lights in that back parking lot for the nighttime students. Mr. McElroy answered yes and added only if more parking was provided in that back lot would more lighting be needed.

Mr. Harwell asked if the School District offices would be open 8:00 am to 11:00 pm or just normal business hours. Mr. Gattshall answered just a normal eight hour day, usually 7:30 am to 3:30 pm. Mr. Harwell asked if the FCTC classes would be just in the day or just in the evening. Mr. McElroy said that it will be both. FCTC classes have been operating since mid-spring with just day classes and have been shutting down at 5pm because of the existing PUD prohibition of evening activities. Mr. Harwell asked if the students park on the south end of the campus or is it just the School District that uses this parking. Mr. McElroy answered that the students are currently parking on the north end parking lot (Prosper and Husson). Mr. Harwell asked so is the north parking area adequate for FCTC parking needs. Mr. McElroy answered that with the current number of students there is not a problem, but that he understood Mr. Crowe's concern for future growth and being able to meet increased parking needs. Mr. Harwell asked if there was enough parking on the south end of the campus where School District employees park in the grass for FCTC growth with students if need be. Mr. McElroy answered that there is a huge grass area on the south end of the campus with lots of room for parking. Mr. Harwell said he understood the difficulty of connecting the two north end parking lots together and noted that there could be just as much room on the south end for all parking. Mr. McElroy answered that all entire student parking could be accommodated on the south end in the grass, but he understood that Mr. Crowe's desire is for there to be paved or pervious pavement parking for the students. Mr. Crowe interjected and explained that it was not his desire but that what the Zoning Code requires. Mr. Harwell said he did not understand why add to parking on the north end of campus when there is all that room for parking on the south end of the campus. Mr. McElroy answered that if it would be a problem to reopen the back gate on Cleveland Ave. they could find a way around that, using the front north and south gate access. Mr. Gattshall said that if the students were to park in the south parking lot that would be a long journey. Mr. Harwell stated that was not what he was getting at.

Vice-Chairman DeLoach stated at he remember a time when it was Moseley Elementary and he had to drop off and pick his kids up from school there. It would be 80-100 cars going in and out of that back gate twice a day. So with that being said he didn't see a problem with that gate being open. Mr. Crowe responded that the gate was closed due to neighborhood opposition to the warehouse. The neighbors were fine with the facility being a school, but not something else like warehouse and offices, and now that the gate has been closed for five years it would be a big change for the neighborhood to open it. Mr. Killebrew stated that it will be going back to a school, and asked where most of the School District offices are located within the facility. Mr. Gattshall answered that the School District offices were in the south end of the campus along with the old media center, which is now the School District training center.

Mr. Petrucci asked how close the gate is to Kirby St. Mr. Crowe said there is a slight jog between the driveway and Kirby St., and that no headlights would shine into any homes leaving from that back parking lot at night. He added that he would be reluctant to open the back gate for the evening or night classes.

Vice-Chairman DeLoach asked was there any more questions or comments from the public, and hearing none, closed the public hearing. Vice-Chairman DeLoach asked Board members if they had any questions before a motion was made. Mr. Killebrew asked was this advertised to the public. Mr. Crowe stated yes: letters was sent out to property owners within 150 feet of the property, a notice was run in the newspaper, and four signs were put on each frontage of the property.

Mr. Harwell asked Mr. Crowe what was his thought on utilizing the south end grass parking area. Mr. Crowe stated that as the Zoning Administrator, all he could do is was interpret the code, which requires that all parking lots have paved or pervious pavement surfaces. Mr. Harwell asked Mr. Crowe if the current PUD excluded schools. Mr. Crowe stated no, schools were left as an allowed use in hopes that a school would come back.

Mr. Petrucci asked with FCTC wanting to start classes in January will there be any grace period for the parking lot to be ready. Mr. Crowe answered that the Board usually gives Applicants a six-month grace period to make required improvements.

Motion made by Mr. Petrucci and seconded by Mr. Killebrew to approve the request as recommended by Staff, with the exception of the requirement that fencing be erected around the rear parking area and driveway. Motion carried unanimously.

Chairman Sheffield rejoined the Board.

Case 16-59 Request for conditional use permit for Bed & Breakfast
Location: 603 Emmett St.
Applicant: Tate Miller

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for conditional use permit for Bed & Breakfast. Mr. Crowe narrated a power point presentation, including staff recommendations.

- CRITERION a (Comp Plan)
  - Policies in Future Land Use and Housing Elements support historic preservation and adaptive reuse of historic structures
- CRITERIA b & c (parking/traffic)
  - Use of 4 guest bedrooms plus owner requires six parking places
  - Applicant provides 6 (one HC in Dodge St driveway, 2 in Emmett Driveway, & 3 in Emmett St ROW
  - City Public Works has no objections to utilizing ROW and the use of brick pervious pavers
- CRITERION d (screened refuse area)
  - Required
- CRITERION e (utilities)
  - Present
- CRITERION d (screened refuse area)
  - Required
- CRITERION f (screening & buffering)
  - Driveways & parking screened with fencing or vegetation
- CRITERION g (signs)
  - Two signs at each entrance
  - Ground sign 15 SF also allowed
- CRITERION i (compatibility)
  - Owner/Manager-occupation & limited lodging (4 guest rooms) reduces impacts & increases compatibility
- CRITERION j (use requirements)
  - Owner must live on site and operate the business
  - Length of stay may not exceed one week – LENGTHEN?
- CRITERION k (Hist. Pres. Board)
  - Landmark structure in South Historic District as "finest Queen Anne style home in Palatka."
  - Sheer size, ornamental woodwork, multiple roofs, and other factors increase maintenance & restoration costs, and quasi-commercial B&B use will help to defray such expenses
- CRITERION - Impact on Public Interest
  - With limitations provided by conditions, B&B use would have positive impact on public interest

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 storm water drainage so that storm water 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. Historic bricks shall be utilized as brick pavers.
8. A handicap space is required that is 12 foot wide with a five-foot wide ramp on the passenger side.
9. 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 street side of the front walls of the building & six feet elsewhere.

10. 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.
11. 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.
12. The use must commence within six months of approval.
13. All other applicable standards of the Municipal Code must be met including Fire Code and Life and Safety Code.

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Mr. Harwell asked are the bollards necessary. Mr. Crowe stated it was something the owner proposed with the intent of separating the parking lot from the sidewalk. Mr. Wallace they asked about the length of stay Mr. Crowe wanted extend. Mr. Crowe stated there need to be something longer than a week stay. It would be up to the Board of how long of a time. But for some people a week it not longs enough. Chairman Sheffield asked is it a rule. Mr. Crowe stated yes it a transit lodging you cannot stay longer than one week. Mr. Killebrew asked what the reason is for that. Mr. Crowe stated it was a somewhat archaic rule to stop people from living in transit lodging. Mr. Harwell asks are there any in Palatka now. Mr. Crowe asked if he meant extended stay hotels or flop houses. Mr. Harwell stated both. Mr. Crowe stated not to his knowledge.

Chairman Sheffield opened the meeting to the public. Tate Miller, 169 Johns Rd., Palatka, Florida representing Green Gable Bed & Breakfast introduced himself and d said he would utilize social media to attract customers for the bed and breakfast. He added that the bollards would also keep vehicles from blocking the sidewalk. Chairman Sheffield then opened up the public hearing. A neighbor (name inaudible) asked if someone would be living there full time. Chairman Sheffield answered yes, as required by zoning.

Chairman Sheffield closed the public hearing. Mr. Harwell said he was concerned that the bollards did not match the architecture of the house and detracted from its appearance. Mr. Holmes said that is not for the Board to discuss architecture and building exterior issues, it is the duty of the Historic Preservation Board and they have already approved it. Vice-Chairman DeLoach said the maximum stay length should be increased to 30 days.

Motion made by Vice-Chairman DeLoach and seconded by Mr. Killebrew to approve the request as recommended by Staff and to lengthen maximum stay length to 30 days. Motion carried 6 to 1, with Mr. Harwell opposing.

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)

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for conditional use to locate alcohol sales (associated with a restaurant) within 300 ft. of a bar selling alcohol. Mr. Crowe narrated a power point presentation and provided staff recommendations, as follows.

- DR (Downtown Riverfront) Zoning, COM (Commercial) Future Land Use Map designation
- Longtime restaurant location (former City Café)
- Request for allow alcohol sales/service in conjunction with full-fledged restaurant
- Alcohol sales requires conditional use due to proximity to alcohol establishment (Steamboat Willie's Bar, across the street)
- Evaluation Criterion # a – compliance with Comp Plan – supported by objective & policies promoting downtown infill development
- Does not conflict with plan –allowable use in FLUM & zoning, no conflict with GOPs
- Alcohol sales in conjunction with restaurant is legitimate accessory activity
- Evaluation criteria # b & c – ingress & egress, parking
- In downtown parking exempt area (parking not required)
- 500+ on and off-street public parking spaces within the retail core east of 9th St.
- Evaluation Criterion # d – refuse areas
- Unscreened rollouts behind building. Screening required by Code.
- Evaluation Criterion # f – screening or buffering – downtown is exempt from landscaping standards except for parking lot landscaping, and this property does not have a parking lot. However there is a landscape strip behind the building on the Reid side, which at this time includes yucca plants on each side of the door. A pair of understory trees on each side would further"dress up" the entrance.
- Evaluation Criterion # g – signs
- Signs must be approved per Sign and Zoning Codes (wall, window, & ground sign(s) allowed)
- Applicant has received permit for wall sign facing Reid St (right)
- Evaluation Criterion # g – signs
- Signs must be approved per Sign and Zoning Codes (wall, window, & ground sign(s) allowed)
- Applicant intends to utilize historic projecting sign
- Evaluation Criterion # h – required yards or open space - open space not required downtown
- Evaluation Criterion # i – restaurant use is compatible with downtown zoning district intent of entertainment district

Alcohol sales and service of wine and beer approved subject to following recommended conditions:

1. On-premises consumption of alcohol associated with bona fide restaurant allowed.
2. Alcohol service shall not occur past 10 PM.
3. Historic projecting sign on St. Johns Ave. side to be retained and utilized.
4. Reid St. pole sign can be used by 318 & 320 St. Johns Ave, but if destroyed, or sign area damaged more than 50%, or building improvements exceed 50% of value of buildings, signage must conform to Sign & Zoning Codes.
5. Wall sign allowed on Reid St. frontage of building, and a sandwich board sign is allowed outside the St. Johns Ave. & Reid St entrance.
6. Any roll outs and/or dumpster(s) utilized by restaurant shall be screened with wood fencing and swing gate that does not face Reid St.
7. Any roll outs and/or dumpster(s) utilized by restaurant shall be screened with wood fencing and swing gate that does not face Reid St.
8. A pair of palm tree or other understory trees shall be planted on each side of the Reid St. entrance.
9. Use must commence within six months of approval.
10. Other applicable Municipal, Building, Fire, and Life 7 Safety Code requirements must be met.

STAFF RECOMMENDATION

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 buildings, 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. Wall sign allowed on Reid St. frontage of building, and a sandwich board sign is allowed outside the St. Johns Ave. & Reid St entrance.
6. Any roll outs and/or dumpster(s) utilized by restaurant shall be screened with wood fencing and swing gate that does not face Reid St.
7. A pair of Palm trees or other understory trees shall be planted on each side of the Reid St. entrance

8. The use must commence within six months of approval.
9. 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.

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Chairman Sheffield asked if the pole sign on Reid St. had multiple businesses advertised on it. Mr. Crowe said yes, but from his understanding Mr. Harrell owns the properties and the pole sign can only be utilized by these properties , otherwise the sign would be considered outside adverting, which is not allowed in the Downtown Riverfront zoning district.

Chairman Sheffield then asked if the tree planting location was on the Owner's property. Mr. Crowe said yes, the City's property stops at the parking lot pavement. Mr. Wallace then asked was there was a minimum requirement on the size of the palms. Mr. Crowe said no.

Mr. Killebrew asked Mr. Crowe if requiring a screened dumpster would remove any parking since that parking lot is already tight. Mr. Killebrew said he was concerned that loss of parking could hurt the business, and speculated that the last restaurant in this location may have been impacted by the lack of parking. Mr. Killebrew added that there is a dumpster off to the right, and asked if they can use it. Mr. Crowe stated yes this existing dumpster could be utilized if allowed by its owner, and this condition would just require that this existing dumpster be screened.

Chairman Sheffield opened the meeting to the public. David Harrell (Property Owner), 271 E. River Road, East Palatka, Florida spoke in favor of the application for this Mexican restaurant and the conditional use for alcohol. Lawrence Yancy (Agent) representing Mariachiles Bar & Grill, 10959 Oak Ridge Dr. N,, Jacksonville, Florida introduced himself to the Board. Mr. Yancy stated that he was in agreement with all of the Staff recommendations. The only thing the Applicant was concerned with was the 10 PM closing time on Friday and Saturday, and asked if this could be extended to 10:30. Chairman Sheffield asked was there anymore comments or questions from the public.

Chairman Sheffield closed the public meeting and opened it back to the regular meeting.

Motion made by Vice-Chairman DeLoach and seconded by Mr. Killebrew to approve the request as recommended by Staff, with the exception of a closing time of 10:30 p.m. on Fridays and Saturdays. Motion carried unanimously.

Case 16-61 Request for conditional use permit to locate alcohol sales (associated with a Vapor Lounge) within 300 feet of a bar selling alcohol
Location: 324 St. Johns Ave.
Applicant: Christopher Wilson & Shasta Lievers

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for conditional use to locate alcohol sales (associated with a Vapor Lounge) within 300 ft. of a bar selling alcohol. Mr. Crowe narrated a power point presentation, including staff recommendations, as follows.

- DR (Downtown Riverfront) Zoning, COM (Commercial) Future Land Use Map designation
- Request for allow alcohol sales/service in conjunction with existing vapor lounge

- Vapor lounge – customers utilize "e-cigarettes" to vaporize & inhale flavored "e-liquids" (nicotine, propylene glycol, glycerine, & flavorings). No smoke, just vapor.
- Alcohol sales requires conditional use due to proximity to alcohol establishment (Steamboat Willie's Bar, across the street)
- Applicant indicated that recent FDA regulatory involvement may affect or even close vapor lounges
- Applicant therefore is looking to branch out into other activities within this storefront
- Back room would be converted into bar, limited to 21+
- Intent is to have ancillary rear craft bar similar to Lady Bug's

Evaluation Criterion # a – compliance with Comp Plan – supported by objective & policies promoting downtown infill development

- Does not conflict with plan –allowable use in FLUM & zoning, no conflict with GOPs
- Vapor Lounge is allowable principal use in DR zoning, alcohol service is a related activity – would be similar to a cigar bar
- While Applicant has indicated they have no intent of creating a "full-blown" bar, the similarities between the two activities would at least give the impression of a bar

Evaluation criteria # b & c – ingress & egress, parking

- In downtown parking exempt area (parking not required)
- 500+ on and off-street public parking spaces within the retail core east of 9th St.

Evaluation Criterion # d – refuse areas

- Screening of refuse area required by Code.

Evaluation Criterion # f – screening or buffering – downtown is exempt and this property has no open space

Evaluation Criterion # g – signs

- Signs must be approved per Sign and Zoning Codes (wall, window, & sandwich board signs allowed)

Evaluation Criterion # i – (compatibility) vapor lounge/bar is compatible with downtown zoning district intent of entertainment district, however similarity of uses could in effect result in a use that functions like and appears to be a bar (i.e. cigar bar)

- Planning Board *could* determine that a vapor lounge/bar was similar enough to bar across the street to constitute "undue concentration" of alcohol uses (related to frequency)

Should Planning Board find criteria met, alcohol sales and service of wine and beer approved subject to following recommended conditions:

1. On-premises consumption of alcohol associated with vapor lounge allowed.
2. Alcohol service shall not occur past 10 PM.
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 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. Refuse areas must be screened
6. Activity must commence within six months of approval.
7. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.

STAFF RECOMMENDATION

Staff believes that the application meets applicable conditional use criteria with 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. Refuse areas that are utilized must be screened.
6. The use must commence within six months of approval.
7. All applicable standards of the Municipal Code shall be met, including the Alcoholic Beverage Code.

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Mr. Holmes asked Mr. Crowe if the Vapor Lounge has to have an alcohol licenses. Mr. Crowe said the Vapor Lounge would pursue a

state alcohol license when the conditional use permit is approved. Mr. Holmes said he wasn't aware that there was a Vapor Lounge in town. Mr. Crowe said it had been there for several years.

Mr. Wallace asked Mr. Crowe how is serving beer and wine an accessory use? Mr. Crowe said that as like with the Ladybug Gift Shop, it's a growing trend now to serve alcohol as part of a retail experience. Chairman Sheffield asked Mr. Crowe if there was a rear entrance. Mr. Crowe said that he thinks it a rear entrance but he didn't think it was used by customers, only the employees.

Chairman Sheffield opened the meeting to the public. Eric Lievers, the proprietor of Red Beard Vapor Lounge, 108 Miller Road, Interlachen, Florida introduced himself to the Board. Mr. Lievers said that the Vapor Lounge has been open for 2 years. Mr. Wallace asked what a Vapor Lounge is. Mr. Lievers said that a Vapor Lounge helps people to stop smoking cigarettes.

Mr. Harwell then asked do these e-cigarettes do anything - do people feel any effects from them? Mr. Lievers said that all e-cigarettes do is deliver nicotine to the body. Mr. Holmes asked are these standard e-cigarettes? Mr. Lievers answered yes. There are a variety of brands, favors, and styles but they are all designed to get people to stop smoking cigarettes. Mr. Wallace asked if the nicotine levels could be adjusted. Mr. Lievers said yes, if a person has just started trying to stop smoking they can be given a higher level of nicotine and cut the dosage as time goes by. Chairman Sheffield asked if customers typically purchased their items and stayed to smoke the e-cigarettes in the shop. Mr. Lievers said yes there have customers all day long hanging out there. Mr. Wallace said yes whenever he passed by there's always people there.

Chairman Sheffield asked how the separation of the vapor lounge and the bar would work. Mr. Lievers said that the Vapor Lounge takes up the entire front of the store and the Craft beer and wine bar will be confined to the back of the store. Mr. Lievers said the e-cigarettes will be sold in the front and the craft beer and wine will be sold in the back. Mr. Wallace asked if is it was common to have a Vapor Lounge with craft beer and wine. Mr. Lievers said yes, North Florida was just behind the times. In South Florida there were a lot of Vapor Lounges and they all serve craft beer and wine. Mr. Harwell then asked Mr. Crowe will there be conflict with the alcohol accessory use with t Building Code. Mr. Crowe said he was only knowledgeable Zoning Code, and his zoning interpretation was that the craft bar area could not be no more than 40% of the business floor area. Mr. Harwell stated that he thought it was a lower percentage than that for the Building Code. Mr. Crowe said that if it was so, then they would have to comply with the more restrictive Building Code standard, and added that the Building Official and Fire Marshal will handle that. Mr. Wallace asks if he could he come to the Vapor Lounge and have a craft beer and not smoke e-cigarettes. Mr. Lievers said yes he could and they are trying to provide a place where you can come have a beer in a nonsmoking environment.

Chairman Sheffield asked was there anymore comments or questions from the public, and hearing none, closed the public hearing. He said that it was important to consider the frequency of alcohol establishments, and if that frequency/concentration was too high. He added that a denial must have a basis of fact.

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

Case 16-62 Request for conditional use permit for shed sales
Location: 3311 & 3317 Reid St.
Applicant: Jack Smith

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for conditional use permit for shed sales. Mr. Crowe narrated a power point presentation, including staff recommendations, as follows.

- C-2 (Commercial Intensive) Zoning, COM (Commercial) Future Land Use Map designation
- Request for allow outdoor sales of sheds
- Outdoor Sales requires conditional use approval

ZONING CODE -TYPES OF OUTDOOR SALES

- Outdoor promotional sales (72 hours, "midnight madness")
- Seasonal goods sales (30 days in a six-month period, Xmas trees, 4th of July or New Year's fireworks)
- Special event sale (with festival)
- Temporary good sales (30 days, non-seasonal outdoor sales)
- Farmers' markets
- Non-temporary outdoor sales

Evaluation Criterion # a – compliance with Comp Plan

- Does not conflict with plan –allowable use in FLUM & zoning, no conflict with GOPs

Evaluation criteria # b & c – ingress & egress, parking

- Parking area acceptable, but paving is required
- Parking limits shed storage, but future Code amendment would relax requirement
- Cross-access easement from adjacent property owner required

Evaluation Criterion # d – refuse areas

- No refuse area shown on site plan – screening is required

Evaluation Criterion # f – screening or buffering –

- Must meet landscape and buffering/screening Codes

Evaluation Criterion # g – signs

- None shown or requested at this time. Recommend signage limited to ground/monument sign maximum 50 SF; wall sign on building, and not more than two banners/temporary signs across frontage

Evaluation Criterion # i – compatibility

- Compatible with existing intensive commercial uses on this segment of Reid St.

Evaluation Criterion j – specific use standards

- Permanent structure minimum 1,200 SF required (not met, only 900 SF)
- Minimum lot size one acre (met, lot is 2.8 acres)
- 30 foot ROW setback for display areas and parking
- Limitation to two banners
- Shed display areas to include temporary picket fences, potted plants at strategic locations around sheds to improve appearance

STAFF RECOMMENDATION

Staff believes that this application meets applicable non-temporary outdoor sales criteria, if the recommendations below are included as conditions of approval.

1. Outdoor display and sale of sheds is allowed.
2. Site development is subject to the submitted site plan.
3. The sales building must be at least 1,200 square feet in size.
4. A cross-access easement allowing access through the property to the west (3315 Reid St.) is required.
5. Parking areas and driveways must be paved and parking space dimensions must meet Zoning Code minimums.
6. Refuse area must be screened..
7. Roadway buffer requires three trees and 43 shrubs and side buffers (each) require six canopy trees and 45 shrubs.

   Applicant shall submit landscape plan for City review, and subsequently install landscaping prior to commencement of use.
8. Shed display areas to include temporary picket fences, potted plants at strategic locations around sheds to improve appearance.
9. 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.
10. Business hours shall be limited to 8 AM to 6 PM.
11. The use must commence within six months of approval.
12. Activities must comply with operational requirements as stated in Zoning Code Sec. 94-200(e).

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Chairman Sheffield asked Mr. Crowe if the 900 square foot office did not meet the required minimum 1,200 square feet. Mr. Crowe said it did not meet this standard. Chairman Sheffield asked do there is any flexibility there. Mr. Crowe said no, but Staff is now working on some future Zoning Code changes that would reduce that building size requirement. Mr. Killebrew asked if the 900 square feet included the building and the canopy. Mr. Crowe stated that believed this was only the building interior space. Mr. Harwell asked if the building size referred to heated/air conditioned space Mr. Crowe said the standard did not specify what was considered to be building space and added that if the Board interpreted this to include the canopy, he would interpret it the same way. Mr. Crowe added that another future change would also be to revise the parking standards to be less restrictive.

Chairman Sheffield opened the meeting to the public. Jack Smith and Kasey Smith, representing Graceland Portable Buildings, 7563 N US Hwy 441, Ocala, Florida, introduced themselves. Jack Smith explained his background with the Graceland Company and what all he and his brother had achieved with the company. He spoke to the quality of the products. Chairman Sheffield asked if the landscaping requirements were acceptable. Jack Smith replied yes because the owner of the building has a landscaping company and has agreed to do any plantings that the City requires. Kasey Smith said that the company has sold many sheds in the city from their Ocala office, which was one of the reasons for wanting to come here. He also talked about the smaller office space being sufficient because there are never have more than two customers at a time.

Chairman Sheffield opened up the public hearing, and hearing no one, closed it. Mr. Harwell asked Mr. Crowe if the parking lot had to be paved. Mr. Crowe said yes it did, with asphalt or some other impervious pavement. Mr. Harwell asked what about gravel? Mr. Crowe said gravel and other loose surfaces were not allowed due to the impacts of dust and erosion. Mr. Killebrew asked why they had to pave the parking lot because no one has ever been required to do this. Mr. Crowe answered that the unpaved parking was “grandfathered” as it predated the Zoning Code requirements for paved parking. Mr. Crowe added that there had not been a conditional use permit at this location that would have required the paving.

Chairman Sheffield closed the public hearing and asked the Board if they were ready for a motion.

Motion made by Vice-Chairman DeLoach and seconded by Mr. Killebrew to approve the request as recommended by Staff, with the addition that canopy space would be allowed when calculating building size, pervious parking could be utilized. Motion carried unanimously.

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

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for conditional use permit for child care within 300 ft. of a licensed alcohol serving facility. Mr. Crowe narrated a power point presentation, including staff recommendations, as follows.

- 4 buildings on 2.6-acre property
- 1 warehouse bldg. Built in 1971, 2 buildings formerly utilized as residential (rooms & dormitories)
- Former social service residential treatment facility
- 4,950 sf church proposed – could accommodate around 300 worshipers max (which would require by code 75 parking places)
- Along stretch of SR 19 formerly ag, now commercializing & annexing in

- Auto sales to north, restaurant to south, dwelling to the east, church across SR 19

Criterion a (comp plan compliance)

- In commercial land use and zoning, growing commercial corridor

Criterion b (vehicle/PED issues)

- Narrow but serviceable driveway
- Paved & unstriped parking area – yields 20 parking spaces, which allows for 10 employees at parking rate utilized for other child care centers (including 1 handicap space)
- No Curbing or Wheel stops (only required to protect landscape areas)

Criterion d (screened dumpster)

- Trash areas to be screened

Criterion e (served by utilities?)

- Yes

Criterion f (screening & buffering)

- Plentiful shrubs & trees along row & property lines.

Criterion g (signs)

- Any future signs must comply with sign code

Criterion k (historic preservation requirements)

- N/A
- Impact on public interest
- Due to large size of property & ability to accommodate 10-employee day care, no negative impacts are anticipated

STAFF RECOMMENDATION

Staff believes that this application meets applicable conditional use criteria (if the recommendations below are followed).

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.
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.
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.
12. All other applicable standards of the Municipal Code must be met.

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Mr. Harwell asked Mr. Crowe if the building had a handicapped ramp and was it raised. Mr. Crowe said that he wasn't sure but the applicant would have to answer that.

Chairman Sheffield opened the meeting to the public. Applicant David Wright, 2409 Tommy Ave. Palatka, Florida introduced himself. He answered Mr. Harwell's questions, noting that there was a handicapped ramp

and the building is raised, adding that it was one time it was a rehabilitation center. Chairman Sheffield asked Mr. Wright if he knew that last month the Board approved a church at this address. Mr. Wright said yes, and the two uses will be in separate buildings.

Chairman Sheffield closed the public hearing and asked the Board if they were ready for a motion.

Motion made by Vice-Chairman DeLoach and seconded by Mr. Killebrew to approve the request as recommended by Staff. Motion carried unanimously.

Case 16-64 Request for conditional use permit for child care
Location: 1209 Carr St.
Applicant: Beverly Robinson

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for conditional use permit for child care. Mr. Crowe narrated a power point presentation, including staff recommendations, as follows.

- C.U. approved in 2014, lapsed
- C-2 zoning requires conditional use
- Former church, converted from residence @ Carr & S. 13th St.
- In transitional area between heavy commercial (warehouse) and residential uses

Evaluation Criteria

- Comp Plan supports (infill & mixed use development)
- Small size of lot does not allow for on-site parking and drop-off – parking would also affect established trees.
- Drop-off on Carr St., which is wide enough to accommodate
- Parking – as allowed by Code, proposed off-site on Matthews warehouse property to east.
- At max. 10 employees, 20 spaces needed. Seven excess spaces can be provided.
- Garbage area must be screened.
- One shade tree (S. 14th behind house) & shrubs along property lines required
- Compatibility – use is a good transitional use between more intense heavy commercial (warehouse) to east, and residential to west
- Departmental review- no objections.

Recc. approval with following conditions:

- Child care limited to 60 students & 7 employees.
- Parking either off-site at warehouse to east or on vacant lot south of property (must be paved).
- Only 14 off-site spaces available at warehouse.
- Drop-off & pick-up on Carr St., with small directional sign indicating this
- Outdoor play area to be mulch or some other forgiving surface for the safety of children;
- Outdoor play areas 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, & shall have a gate or gates with child-proof latches;
- Exterior lighting shielded & downcast
- Use subject to standards set forth in chapter 65c-22 of the Florida admin. Code & handled by the state of Florida department of children and families

STAFF RECOMMENDATION

Staff believes that this application meets applicable conditional use criteria (if the recommendations below are followed).

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. 13th Street, with one canopy tree to be planted behind the building on S. 13th 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.

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe.

Chairman Sheffield opened the meeting to the public. Applicant Beverly Robinson, PO Box 831174 Ocala, Florida, introduced herself. Ms. Robinson stated that she wished that Mr. Crowe had updated the power point pictures because the building looks totally different now. It has been completely renovated and everything has been completed. She said she was just here today hoping the Board would approve the request.

Chairman Sheffield opened the public hearing, and hearing no comments asked the Board if they were ready for a motion.

Motion made by Mr. Killebrew and seconded by Ms. Wilson to approve the request as recommended by staff. Motion carried unanimously.

Case 16-65 Request for Zoning Code change to allow changing signs in C-1 (General Commercial) zoning districts
Applicant: Chuck Knight Heritage Signs

Chairman Sheffield introduced the item and recognized Mr. Crowe.

Mr. Crowe explained that this request for Zoning Code change to allow changing signs in C-1 (General Commercial) zoning district. Mr. Crowe narrated a power point presentation as follows.

CRITERION A: NEED & JUSTIFICATION FOR CHANGE
- Changing signs now only allowed in C-2 & PBG-1 zoning
- Standards are in place to limit visual impacts
- General Commercial zoning appropriate for such signs (Neighborhood Comm. would not be)

CRITERION B: COMPLIANCE WITH COMP PLAN & CODES
- Does not conflict with Plan & codes-

Mr. Crowe said that Staff recommends approval of allowing changing signs in the C-1 zoning district.

Chairman Sheffield asked Board members if they had any questions for Mr. Crowe. Mr. Wallace asked what kind of signs they were. Mr. Crowe answered that they are changing signs, which includes manual and electronic signs. Mr. Wallace recalled that years ago the City didn't want signs that changed or flashed because they were determined to be a safety hazard. Since that time the School Board and other places around town installed electronic signs that contradicted this. Mr. Crowe answered that previous Planning Directors interpreted the Sign and Zoning Codes in a manner that if a specific sign type was not called out, then it was allowed. This is how the 12 or so electronic signs in the City were approved. At the direction of the Planning Board and City Commission, and over his objections due to safety and aesthetic problems, Mr. Crowe put into place a Code change that clarified electronic signs and allowed them in C-2 zoning, and later in PBG-1 zoning as well. The signs are subject to standards that control sign brightness and intensity, for example prohibiting flashing and scrolling and establishing a minimum static display time of eight seconds. These standards are used by sign programmers when formatting electronic messages.

Mr. Harwell asked was there really complaints about the signs? Mr. Crowe answered yes, someone bought the issue up in a public meeting.

Chairman Sheffield opened the public hearing. Chuck Knight, representing Heritage Signs, PO Box 2366 Green Cove Springs, Florida and Dr. John Milanick, 136 Richwood Dr. Palatka, Florida both introduced themselves. Mr. Knight said that they are here today asking to change the C-1 list of allowable signs to include changing signs. This will increase options for your business owners. Another justification is that manual changing signs are being discontinued due to the advancing technology and affordability of electronic signs.

Chairman Sheffield thanked Mr. Knight and asked Board members if they had any questions for Mr. Knight and Dr. Milanick. Mr. Harwell asked are these sign LED and do they include text or graphics? Mr. Knight answered that they were LED electronic and are capable of a number of things including graphics and preprogram displays. He said that the City's ordinances have specific time changes and brightness standards. With such standards the sign software can be programed to dim down the brightness at night. The sign can be controlled at the site and by broadband by Dr. Milanick at home if need be. Mr. Harwell asked would they all be standard text allowed in the C-1 zone without any graphics. Mr. Crowe answered that only text was allowed. He added that the only area in town with much C-1 zoning is around the hospital so essentially it will allow the doctors' offices in that area to have electronic signs. Mr. Wallace commented that maybe the City should rename that street Blanding Blvd.

As there were no more questions or statements from the public, Chairman Sheffield closed the public hearing.

Motion made by Vice-Chairman DeLoach and seconded by Mr. Killebrew to approve the request as recommended by staff, and the motion carried 6 to 1, with Mr. Wallace voting against it. Chairman Sheffield reminded Mr. Knight that this will have to go before the City Commission and tonight's decision is only a recommendation.

The meeting was adjourned at 6:41 pm.

Case# 16-40

Staff Memo

Case 16-40

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

STAFF MEMO

DATE: December 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.

The Applicant has indicated that they intend to go no further with the platting process at this time. Therefore Staff recommends denial of the request.

Case# 16-67

Staff Memo

Case PB 16-67

Request for a conditional use permit for alcohol sales within 300 feet of churches

114 S. 3rd St.

Applicant: Brad & Corry Kay, Hawgwash BBQ

STAFF REPORT

DATE: December 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 two churches (First Presbyterian Church and St. Monica's Catholic Church). Public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet, property line to property line).

APPLICATION BACKGROUND

This request is for alcohol sales in the old Elks Club building in the form of a SRX alcohol license (alcohol sales in conjunction with a restaurant, with more than 50% of revenues from food sales). The Applicant has proposed a 175-seat restaurant in this location, which was approved for a similar conditional use permit in March of 2015 (the former restaurant closed down and the alcohol approval was voided after a year of use discontinuance). Chapter 10 of the Municipal Code regulates alcoholic beverages. Section 10-3 of this chapter provides specific distance/separation requirements, including a 300-foot separation between establishments licensed to sell alcohol and other alcohol establishments, churches, and schools. The subject property is within 300 feet of a church (St. Monica Catholic Church) and also within 300 feet of another alcohol establishment (Steamboat Willie's Bar). 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 building is a two story building with the first floor divided into a larger room in the northern portion of the building and smaller room in the southern portion of the building, the latter which includes a bar. Both areas are connected by doorways and will include restaurant seating. The upstairs consists of a large meeting/assembly room, a front covered balcony, and a rear open balcony. While the Applicant at this time intends to only utilize the first floor areas, there is the possibility of expansion of dining areas to the upstairs areas.

The following table shows site and surrounding uses and land use/zoning designations. The property is in the downtown area and also in the South Historic District, at its northernmost fringe.

Figure 1: aerial map of property

Table 1: Site and Surrounding Land Uses

	Actual Use	**Future Land Use Map**	**Zoning**
Site	Vacant building	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District
North (fronting on St. Johns Ave.)	Vacant building Bar	COM (Commercial)	DR (Downtown Riverfront)
East (across S. 3rd St.)	Triplex residence	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District
South	Duplex residence	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District
West	Parking lot Retail use	COM (Commercial)	DR (Downtown Riverfront) HD (Historic District

Figure 2 (below): building from S. 3rd St.

Figure 3 (below): duplex to the south.

PROJECT ANALYSIS

Criteria for consideration include the following (italicized) as well as the general finding that the conditional use will not adversely affect the public interest.

a. Compliance with all applicable elements of the comprehensive plan.
The application complies with applicable elements of the Comprehensive Plan and its implementing elements including the Zoning Code. Several relevant plan policies are included in the following section. Future Land Use Element Policy A.1.9.3 describes the COM Future Land Use Map (FLUM) category as follows:

> "Land designated for commercial use is intended for activities that are predominantly associated with the sale, rental, and distribution of products or the performance of service. Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. Residential uses are allowed within Downtown zoning districts, at an overall density of 20 units per acre and are subject to additional project density, design and locational standards set forth in these zoning districts. The intensity of commercial use, as measured by impervious surface, should not exceed 70 percent of the parcel and a floor area ratio of 1.5, except that a floor area ratio of up to 4.0 is allowed in downtown zoning districts. Intensity may be further limited by intensity standards of the Zoning Code. Land Development Regulations shall provide requirements for buffering commercial land uses (i.e., sight access, noise) from adjacent land uses of lesser density or intensity of use."

Restaurants are referenced in this policy, and alcohol sales in conjunction with food service are a customary arrangement for restaurants.

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.

In addition, the applicant intends to re-use and renovate the building on the site. The Elks Club building was built in 1940, and while there have been some inappropriate exterior alterations on the building, it is considered to be a historic contributing building within the South Historic District. The Comprehensive Plan

encourages the preservation and use of historic buildings, as noted in Future Land Use Element Policy A.1.5.2 below.

> "…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.
Per Zoning Code Sec. 94-262 (Required number of parking spaces) and Sec. 94-161(i)(2) (DR zoning district off-street parking and loading), nonresidential properties and contributing properties within historic districts are both exempt from minimum parking requirements. That being said, ample public parking is available in the vicinity, including 18 on-street parking spaces in the 300 block of S. 3rd St., a 34-space public parking lot across S. 3rd St. from the property, and a 38-space public lot is available just to the west (behind the Property Appraiser office). The image below shows other public and useable private lots and on-street parking that provide over 300 public parking spaces within a three-block radius.

Figure 4: parking counts, eastern end of downtown Palatka

As Figures 1 and 5 show, the property includes a currently unpaved driveway that accesses Oak St. The Property Owner has allowed the business to the northwest that fronts Oak St. (the yellow building on the left in Figure 5 below) to informally utilize the grassy area along that building for parking, and intends to continue that practice. The Applicant has not proposed to utilize this driveway for the business, but wishes to utilize the area along the outer edge of the courtyard for the limited purposes of catering equipment and vehicle storage and loading. Such relatively infrequent activities will not require paving, as the property is "grandfathered" for such limited use of the driveway. Staff does not object to loading on S. 3rd St as the on-street parallel parking spaces will provide for such activity, and the alley to the north of the building could also be utilized for loading.

Figure 5: vacant lot front Oak St. which is owned by Property Owner

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

An unscreened dumpster located on the north side of the building serves this property and surrounding properties. The Property Owner has agreed to screen this dumpster, as required by the Zoning Code.

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

The property is appropriately served by utilities.

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

The Downtown Riverfront zoning district exempts properties from the screening and buffering requirements, although the Planning Board can set conditions for screening when they are deemed necessary and in the public interest. No screening is necessary as activities are conducted within the building, or are already visually screened by buildings and walls.

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.

Any signage shall meet the Sign Code and the Zoning Code, including Downtown Overlay Zoning standards. The existing Elks Club sign is considered to be a historic sign and should be retained and re-utilized for the business.

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

i. General compatibility with adjacent properties and other property in the district.
Zoning Code Sec. 94-161 defines the Downtown Riverfront zoning district as a "pedestrian oriented, retail/entertainment area" of "unique character with balanced commercial, residential, and public and other places." The district's intent is to "discourage uses that are likely to create friction with pedestrian movement and the primary activities for which the district is intended." A restaurant is fully in keeping with the intent of this zoning district and is allowed by right, therefore the proposed use along with the alcohol sales is compatible with this zoning district. The building functioned for many decades as a club and essentially as a restaurant during much of that time. Historic district regulations will ensure that the exterior of the building and any site improvements are compatible with the historic and architectural character of the South Historic District and the immediate surrounding neighborhood.

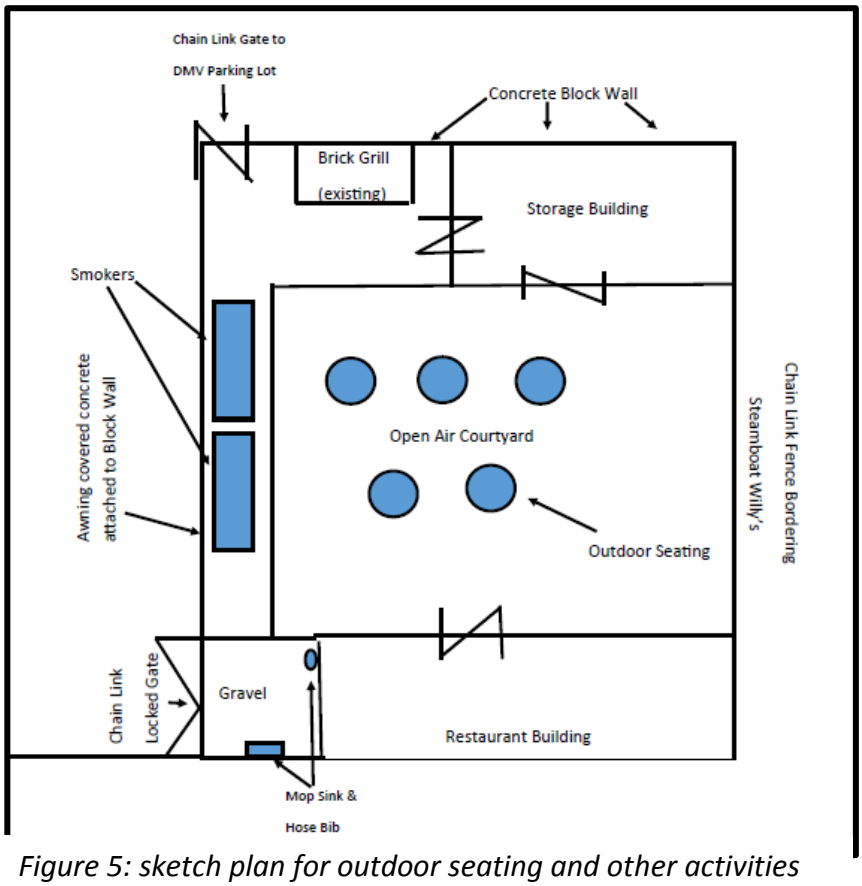

Figure 5: sketch plan for outdoor seating and other activities (the front of the building is on the bottom of the sketch

As the attached letter from the Applicant indicates, there will be up to 24 outdoor seats in the rear courtyard area. This courtyard (see Figure 5 below) is screened by the building in the front and walls around the sides and rear, with two pedestrian gates hat will be utilized, one in the southwest corner of the courtyard that opens up onto a public parking lot, and the other in the northeast corner of the courtyard that opens up onto the adjacent alley.

Staff wants to be clear that the proposed restaurant is a barbeque restaurant that will have outdoor smokers, operating between throughout the day and night. This will provide more of an odor impact than a typical restaurant, the impacts of which are limited to food smells from the kitchen exhaust fan. However Staff cannot quantify or compare such odor impacts, and would note that the commercial kitchens of a restaurant produce distinctive odor impacts, whether or not there is inside or outside cooking, and that this is an accepted by-product of a

restaurant use which is not typically found to be objectionable. The Property Owner has agreed to replace the kitchen exhaust fan with a new fan that meets the City's Noise Code standards and does not constitute a nuisance to the neighboring residential properties. Installation of a screening buffer around the outdoor seating and cooking area will enhance compatibility with the residential structure to the south.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.
The use must meet all requirements of Municipal Code Chapter 10 pertaining to alcoholic beverage establishments, including hours of operation limitations. The previous approval limited overall hours of operation to not exceed 10 PM on weekdays and 11 PM on weekends, and outdoor activities not to exceed 9 PM on weekdays and 10 PM on weekends. Since that time the Board has approved five downtown alcohol conditional use permits, none of which were adjacent to residential uses like this proposed use is. For that reason, Staff recommends that alcohol service and outdoor activities (not including the use of outdoor cookers) stop at 10 PM.

k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.
Any exterior alterations or site improvements must be approved by the Historic Preservation Board, which will review the application at their January 5, 2017 meeting.

Impact on Public Interest
City Departments offered no objections or comments on the application and Staff has not received any written or telephone comments from adjacent property owners or the public in general. Based on meeting the criteria above, including the Staff recommendations, and also based on the proposed restaurant's contribution to the entertainment-based character of downtown, 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 16-67 meets applicable conditional use criteria if the following recommendations are met.

1. The use shall generally comply with the submitted site plan.
2. Restaurant use is allowed, with the accessory activity of catering.
3. Both floors of the building may be utilized for the restaurant use.
4. On-premises consumption of alcohol as an accessory activity associated with the restaurant is allowed.
5. Seating shall not exceed 175 seats, with up to 24 outdoor seats in the courtyard area behind the building.
6. Hours of operation shall not go beyond 10 PM (except for use of outdoor cookers).
7. The existing dumpster located on the north side of the building shall be screened with a six-foot stockade or privacy fence and a swing gate, which shall be kept closed.

8. Kitchen exhaust fans and other outdoor equipment shall not exceed a noise level of 60 decibels at the south property line, as set forth in in the City's Noise Ordinance (Municipal Code Sec. 30-105).
9. Limited use of the rear driveway from Oak St. is only allowed for storage and loading of catering vehicles and equipment associated with the restaurant. To screen this equipment from public view from Oak St., a wood picket fence section which may include a swing gate, with the pickets spaced close together, shall extend eastward approximately 20 feet from the existing fence that runs from the building at 305 Oak St.
10. The existing chain link gate to the courtyard shall be replaced with a black decorative aluminum or wrought iron gate. The other courtyard pedestrian gates shall match this appearance of this gate.
11. Loading is allowable in the alley to the north of the building and along S. 3rd St. in front of the building.
12. The Elks Club sign shall be preserved in its current location, and may be re-utilized for the business name. Any other signage is subject to the Sign and Zoning Codes, including Downtown Overlay Zoning standards.
13. Required improvements noted above shall be completed within six months of approval.
14. The conditional use permit shall include any requirements of the Historic Preservation Board pertaining to exterior alterations or signage as is set forth within Sec. 54-78 through 54-80 of the City's historic preservation ordinance.
15. All applicable standards of the Municipal Code shall be met.

ATTACHMENTS: APPLICANT'S SUPPORTING DOCUMENTS

Case# 16-68

Staff Memo

Case 16-68
Request to Amend Zoning Code
(Revisions to standards for non-temporary outdoor sales)

Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: December 28, 2016

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

This is a request to amend Zoning Code standards associated with non-temporary outdoor storage and sales. Public notice included newspaper advertisement.

APPLICATION BACKGROUND

The Board at its April, 2013 meeting recommended that non-temporary outdoor sales be allowed within C-2 zoning districts as a principal use, with the condition that there be a permanent building on the site that was at least 1,500 square feet in size. The code change included the following additional standards:

a. *Minimum lot size of 1.0 acres, with a minimum frontage of 200 feet and a minimum lot depth of 300 feet.*
b. *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 power lines 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).*
c. *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.*
d. *Adequate refuse containers must be provided and must be screened with a six-foot tall privacy fence with a swinging gate.*
e. *All outdoor areas shall be cleaned of litter and refuse after each day of operation.*
f. *Adequate restroom facilities must be provided.*
g. *Sales may be operated by an individual vendor or by multiple vendors under the control of a central sales manager.*
h. *One parking space for each vendor must be provided, with an additional space for every 300 square feet of outdoor and indoor sales area.*
i. *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.*

j. Display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles.

k. No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; or personal services shall be offered for sale.

l. The sale of perishable goods or produce is allowed with a limitation that sales area not exceed 30% of outdoor display area.

m. 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.

n. 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.

o. 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.

p. The Planning Board may assign additional restrictions and standards to the use to ensure that the conditional use criteria will be satisfied.

These standards were adopted by the City Commission.

Since that time, one non-temporary outdoor sales use was approved by conditional use permit, the Palatka Flea Market at 3523 Reid St. This business is no longer operating and the conditional use permit has expired. Earlier this year the Board approved a conditional use for a non-temporary outdoor sales use at 920 S. Moody St. Several potential shed sales businesses have considered this location, but were discouraged by the expense of the required connection to water and sewer. Staff has received feedback from shed sales businesses on how to revise the standards to better encourage such businesses, as outlined below.

<u>Building size</u>. Receiving a positive recommendation from the Board and Staff, the City Commission in 2013 amended the standards to reduce the minimum office building size for non-temporary outdoor sales uses from 1,500 to 1,200 square feet. Staff believes that the building size can be even smaller, as long as the use provides office and restroom space. Infrequent visitors and small staffing allows for a smaller building size. Staff recommends that the minimum building size be reduced to 600 square feet.

<u>Minimum parking</u>. The standards require one space per 300 square feet of sales display area, which is high for a use with infrequent visitation and small staffing. Staff has surveyed other jurisdictions and found a range of required parking ranging from one space per 1,000 SF of display area to over one space per 15,000 SF of display area. A reasonable standard would be in the middle of that range, at one space per 5,000 SF of display area (display area defined as shed footprint), and a minimum of four spaces.

<u>Buffering</u>. The current standards require a continuous hedge, wall, or fence along the rights-of-way and also one shade tree every 50 linear feet. Understanding that shed and other outdoor sales are often temporary and transitional uses that occur prior to the re-utilization of such properties for more permanent commercial usage, Staff accepts some relaxation of the buffering/landscape standards that do not diminish the overall intent of the Landscape Code, and proposes the following revisision.

A 20 ~~30~~ foot setback is required from any right-of-way for outdoor display areas and parking areas, and outdoor display areas shall be buffered by a landscaped buffer area that is maintained in a neat appearance. One shade tree every 50 feet is required to screen activities (when power lines 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). Gaps of more than 50 feet without vegetative screening shall be planted with a centrally-located grouping of at least five shrubs or two understory trees.

PROJECT ANALYSIS

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: this amendment would encourage new businesses and jobs within the City, while retaining Zoning Code standards that strive to improve the appearance of the City's commercial corridors.

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: no specific Comprehensive Plan policies are applicable to this amendment and the amendment is not in conflict with the goals, objectives, and policies of the Comprehensive Plan. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval of Case 16-68 revising Zoning Code Section 94-200(e) as noted below.

a. Uses shall have a minimum 600 square foot office building.

b. Minimum lot size of 1.0 acres, with a minimum frontage of 200 feet and a minimum lot depth of 300 feet.

c. A 20 foot setback is required from any right-of-way for outdoor display areas and parking areas, and outdoor display areas shall be buffered by a landscaped buffer area that is maintained in a neat appearance. One shade tree every 50 feet is required to screen activities (when power lines 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). Gaps of more than 50 feet without vegetative screening shall be planted with a centrally-located grouping of at least five shrubs or two understory trees.

d. 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.

e. Adequate refuse containers must be provided and must be screened with a six-foot tall privacy fence with a swinging gate.

f. All outdoor areas shall be cleaned of litter and refuse after each day of operation.

g. Adequate restroom facilities must be provided.

h. Sales may be operated by an individual vendor or by multiple vendors under the control of a central sales manager.

i. One parking space for each vendor must be provided, with an additional space for every ~~300~~ 5,000 square feet of outdoor and indoor sales area, with a minimum of four spaces.

j. 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.

k. Display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles.

l. No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; or personal services shall be offered for sale.

m. The sale of perishable goods or produce is allowed with a limitation that sales area not exceed 30% of outdoor display area.

n. 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 temporary fencing or vegetation spaced around display areas that shall be maintained in an attractive and neat appearance.

o. 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.

p. 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.

q. The Planning Board may assign additional restrictions and standards to the use to ensure that the conditional use criteria will be satisfied.

Case# 16-69

Staff Memo

Case # 16-69: 203 Central Ave.
Request to De-Annex Portion of Parcel
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: December 28, 2016

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To de-annex the southern third of 203 Central Ave. from County to City single-family residential designations. 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.

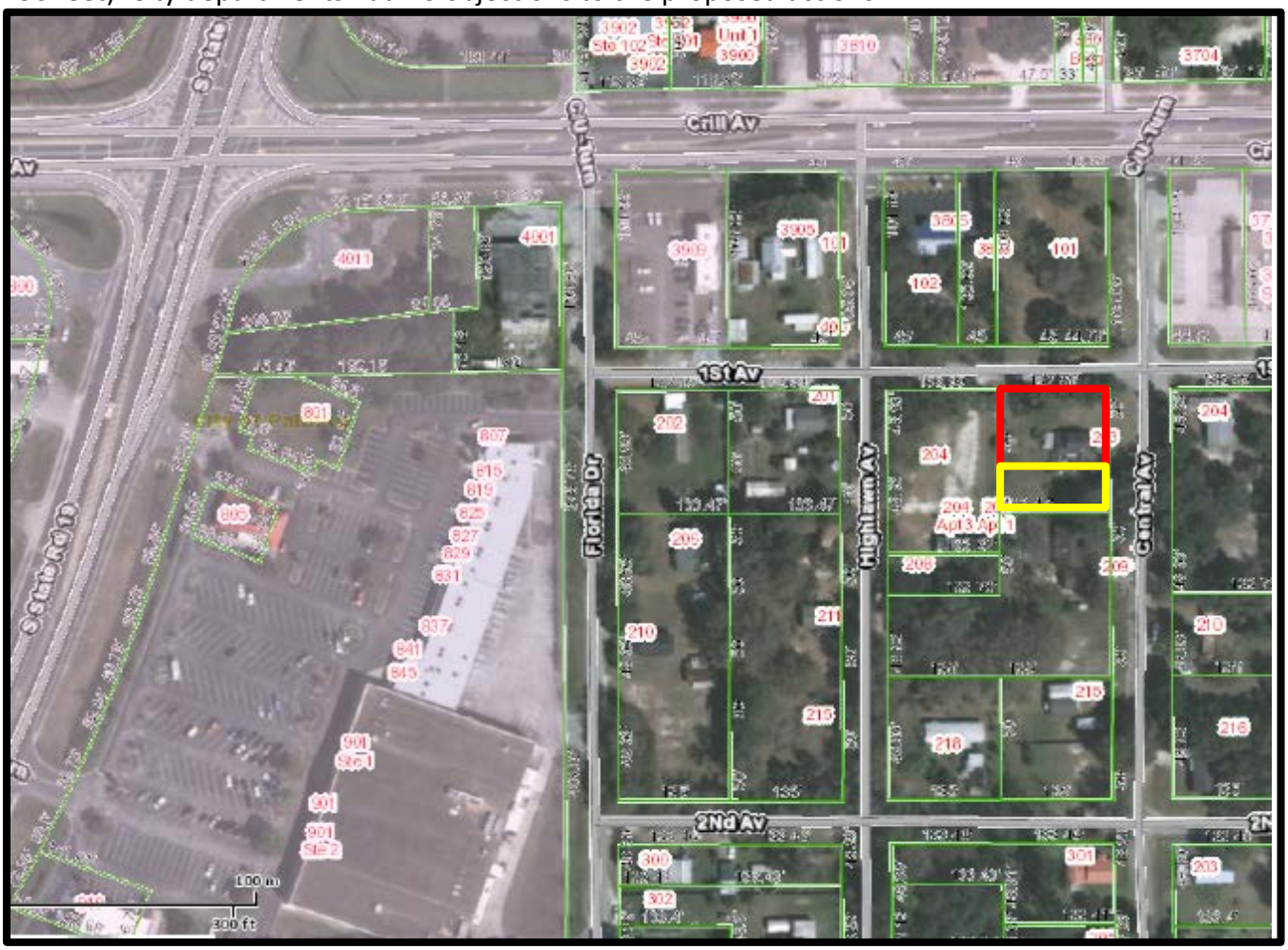

Figure 1: Site and Vicinity Map-red outlined area is property to stay annexed within the City, yellow outlined area is property to be de-annexed

APPLICATION BACKGROUND AND ANALYSIS

This property was recommended for annexation by the Board at their January 5, 2016 meeting, and the annexation was adopted by the City Commission on May 12, 2016. As Figure 2 shows, the Highlawn Subdivision includes 50-foot wide "lots" that were combined to create parcels of varying size. These smaller lots are not legal lots of record/parcels. In this case, Lots 1, 2, and 3 combine to create one legal lot of record known as 203 Central Ave., a parcel that has a home in the Lot 2 part of the parcel. The Applicant requested the annexation of Lots 1 and 2 only on his application. Staff assumed an error on the application as the whole parcel was not requested for annexation, and proceeded to annex the whole parcel. However Staff did not inform the Applicant of this, and after the annexation was finalized, the Applicant determined that the Lot 3 portion of the parcel had been annexed against his wishes. Staff did not find any criteria or rules which prohibited the reversal of the Lot 3 portion annexation, and the County expressed a willingness to accept the land back into the unincorporated County.

STAFF RECOMMENDATION

Staff recommends approval of de-annexing the Lot 2 portion of 203 Central Ave., land which comprises the south 50 feet of the parcel which is also known as Tax Parcel ID # 11-10-26-3770-0060-0010.