



CITY OF PALATKA
PLANNING BOARD
Meeting Minutes
December 6, 2011

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Earl Wallace, Daniel Sheffield, Anthony Harwell, Kenneth Venables, Joe Pickens, Joseph Petrucci and Sharon Buck. **Members absent:** None. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Motion made by Mr. Venables and seconded by Ms. Buck to approve the minutes as amended for the November 1, 2011 meeting. All present voted affirmative. Motion carried.

Chairman Stewart read the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

NEW BUSINESS

Case 11-42 Request to annex property into the Palatka city limits, amend the Future Land Use Map from County US (Urban Service) to RL (Residential Low density) and rezone from County R-1 (Residential, Single-family) to R-1 (Single-family Residential).

Location: 718 Elmwood Ave. (11-10-26-0000-0300-0000)
Owner: John W White and Larue Greathouse

Mr. Crowe gave an overview of the request, advising that the request is being made as required to obtain city utilities and that this parcel is contiguous to the city limits. He further stated that the size of the existing enclave would be reduced by this annexation and that the request meets applicable annexation, future land use amendment, and rezoning criteria. He recommended approval of the requests.

Motion made by Mr. Venables and seconded by Mr. Pickens to approve the requests as submitted. All present voted affirmative. Motion carried.

Case 11-47 Request for a conditional use for a fast food restaurant in a C-1 zoning district.

Location: 700 S. Palm Ave.
Parcel #: 11-10-26-0000-0220-0000
Owner: Schiano Family Trust
Applicant: Larry Raikes

Mr. Crowe explained that there is a mix of uses in this area and that this is an existing building that has operated as a fast food restaurant in the past. A copy of the applicant's site plan was handed to the Board members. Mr. Crowe stated that there are no changes proposed to the previously existing development including parking area, building, sign, and drive-through and that he did not receive any comments from City departments.

PLANNING BOARD

Meeting Minutes

December 6, 2011

Ms. Buck asked if there has already been a fast food restaurant before, why they would need to get approval again.

Mr. Crowe replied because the use was discontinued and since it is in the C-1 zoning district, it is required.

Mr. Pickens commented that it makes you wonder why it was zoned that way 25 years, or more, ago when KFC went in there in the first place.

Mr. Crowe speculated by saying that Palm Avenue is not a major road corridor. It is more of a secondary corridor and that the thought behind that may have been that General Commercial was more appropriate with it being a four lane road without turn lanes. He ended by saying that this request meets applicable conditional use criteria and recommended approval of the request with the following conditions:

1. At the Applicant's choice, the use must either comply with existing landscape buffering and screening standards or any such revised standards upon their adoption. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval;
2. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways, and;
3. All other applicable standards of the Municipal Code must be met.

Larry Rakies, president of Larry's Giant Subs, stated that he looks forward to coming back to Palatka and doing it right. The past restaurant was a franchise and that this will be a corporate store and their manager will be moving to Palatka next month. He explained that they have 8 corporate stores and over 85 Franchises and he intends to hire at least 15 to 20 people locally.

Motion made by Mr. Pickens and seconded by Mr. Venables to approve the request subject to staff recommendations. All present voted affirmative. Motion carried.

Mr. Sheffield asked if the new sign ordinance for landscaping around signs would come into play with this existing sign.

Mr. Crowe advised that the ordinance has not yet been passed, that the City Commission has tabled that item and it will actually be coming back to the Planning Board for some tweaking - possibly in February or March, however, if the applicant chooses to landscape around the existing pole sign, Staff would definitely support that.

Case 11-48 Request for a rezoning from County AG (Agriculture) to R-3 (Multi-family Residential)

Location: 6805 St. Johns Ave.
Parcel #: 09-10-26-0000-0010-0011
Owner: Arbor Place Partners, LLP
Applicant: Robert A Guirlinger

Mr. Crowe explained that this parcel is located on the south side of St. Johns Avenue, just west of Zeagler Drive. This request is for the east half of property that was previously changed to a Residential High-Density land use. He said that there is a fair amount of high density residential uses and some mixed uses in the area and that this request will "true up" the zoning with the assigned land use category. He said that

PLANNING BOARD

Meeting Minutes

December 6, 2011

there is a development agreement (included in the packet) that runs with the land and limits density to 12 units per acre. He noted that for illustrative purposes, the applicant submitted a potential site plan for the property.

Robert Gurlinger, with Central Modular Systems, stated that this piece of property has a bit of history, that they went through the entire process originally when the land use was changed and then the property got caught up in that land use “debacle” (due to the state moratorium on comprehensive plan amendments) in 2008. When the economy had gotten to a place where they thought they would go ahead with their plans, they found out the rezoning never got completed, so this is just a housekeeping measure. He referred to the conceptual plan and stated that back in 2008 they had originally planned to build 110 units on that piece, but based on the economy and the market they have backed it off to 60. He said that they are using the same site plan; they just chopped off some buildings.

Mr. Pickens asked if they had a target population.

Mr. Gurlinger replied that it was intended to be general, whatever the market will bear - no subsidies.

Mr. Holmes asked why the applicant was only applying for rezoning on half of the property.

Mr. Gurlinger replied that they don't know what the market is going to do and if they decided to never develop that piece of property they would be paying taxes on a piece that was rezoned high-density residential.

Discussion took place regarding county zoning on a parcel located in the city.

Mr. Gurlinger stated that their will buffering on the side of the single-family subdivision of fifty feet from this site's property line.

Mr. Pickens asked if those fifty feet included the drainage easement.

Mr. Gurlinger replied yes, a thirty foot drainage easement and then 20 feet more.

Rodney Bergbower, 7034 Foxwood Lane, expressed concerns of increased traffic on St. Johns Avenue.

Mr. Crowe advised that from the standpoint of the zoning code, where there are adjacent uncomplimentary uses (single-family next to multi-family), buffering is required to provide visual screen and space of approximately 30 of 40 feet.

Mr. Pickens added that during class changes that it is very congested out there, but he said in all fairness to the developer, he believed that the college is what is creating the congestion far more than the residents of the existing apartment complexes that are out there. He agreed with Mr. Bergbower that we are all hoping for the development of a four lane St. Johns Avenue out there one day, if there is room for that.

Mr. Crowe stated that the staff report referenced the results of a study that was done in 2008 at the time of the Comprehensive Plan amendment, which indicated that there was available capacity on vicinity roadways. He stated that he believed that St. Johns Avenue is considered to be a major collector. Our concurrency standards use the P.M. peak hour (afternoon rush hour traffic) to determine traffic levels, which

PLANNING BOARD

Meeting Minutes

December 6, 2011

is what was utilized in that study. He added that there are standards that will be looked at when the applicant comes in with a final plan and the capacity will be re-evaluated.

Motion made by Mr. Venables and Seconded by Mr. Pickens to approve the rezoning request as presented. All present voted affirmative. Motion carried.

Case 11-49 To consider a new administrative text amendment to the Future Land Use Element of the Comprehensive Plan to allow for the Community Redevelopment Area Plan to be extended through November 10, 2043 (Policy A.1.2.2).

Mr. Stewart stated that the applicant requested this case be tabled.

Motion made by Ms. Buck and seconded by Mr. Sheffield to table this case. All present voted affirmative. Motion carried.

Case 11-50 Amend Zoning Code Section 94-201 to allow for additional goods to be sold at Farmer's Markets.

Mr. Crowe advised that the Planning Board reviewed and recommended approval (at the August meeting) to allow Farmer's markets by right in the downtown zoning districts and to expand allowable products to include the sales of arts and crafts, cottage foods, fresh seafood, eggs, house plants, etc., and provide for operational standards. The City Commission approved the item at their October 13 meeting. At that meeting the Keep Palatka Beautiful Coordinator requested that additional items be sold that require a permit from the Department of Agriculture (which must be prominently displayed), items such as fresh or dried meat or meat products including jerky; canned fruits, vegetables, vegetable butters, salsas and similar products; fish or shellfish products; refrigerated bakery goods, barbeque sauces, etc. Staff supports the sale of these additional items.

Ms. Buck asked if the Farmer's markets is referring to the one that is held in the Courthouse area or for vegetable & fruit stands in general.

Mr. Crowe advised that this is a continuation of the recent code amendment to allow Farmer's market in the Downtown area by right which previously was only allowed by Conditional Use approval and were limited to fruits and vegetables. This request is to expand the allowable products a bit further for items as permitted by the Department of Agriculture.

Mr. Sheffield asked if cottage foods were those that are cooked in a non-commercial kitchen.

Mr. Crowe replied that yes, and they have to put a disclaimer on their products that the item has not been state inspected.

Discussion continued regarding the Cottage Foods Act.

Motion by Mr. Sheffield and seconded by Mr. Pickens to approve the request as submitted. All present voted affirmative, motion carried.

PLANNING BOARD

Meeting Minutes

December 6, 2011

Case 11-29 To consider an administrative text amendments to the City of Palatka Municipal Code amending Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered landscape architect or a similarly qualified and regulated professional.

Mr. Crowe advised, for the newer members, that the Planning Board considered this item in the August meeting, which was brought about due to concerns and problems that the city has had in the past with landscape plans being prepared by non-professionals, who were providing the wrong plant materials and not providing for a harmonic arrangement of plantings. The Planning Board recommended approval but exempted small projects and additions, as well as single-family residential. The City Commission, at their September meeting, further limited this to non-residential projects and then also, at the request of an architect who was at the meeting, pointed out that an architect could prepare landscape plans under state law. The State Department of Business and Professional Regulations states that the services rendered that require licensing (referring to landscape architecture), may be performed by other properly licensed individuals in conjunction with projects such as engineers and architects. He added that the proposed amendment is a change that would allow landscape architects and qualified architects to prepare landscape plans.

Mr. Petrucci commented that when you require a landscape architect, you have just added a large amount of money to that project. He stated that he believes it is correct to permit an architect to do the landscaping, as they are qualified to do the landscaping. If anyone is doing a project that encompasses an extensive amount of landscaping, it would be more appropriate to hire a landscape architect to do that anyway, but when it is a limited amount of landscaping, an architect should be permitted to do this work.

Mr. Wallace replied that the way he interpreted the landscape licensure law is that, if you use the words "landscape design" on your plans, you have to have a licensed landscape architect do that part of the project, just as he would need to get a licensed land surveyor if he is going to do surveying.

Discussion took place regarding the definition of a "qualified individual."

Mr. Crowe advised that he did research this and, in his opinion, the statutes allow for architect to prepare landscape plans. That the statutes for good, bad or indifferent, allow architects to design landscapes, interiors and exteriors of buildings and a wide range of things which gives a lot of latitude for architects to include plantings in conjunction with building and site design.

Mr. Holmes added that it doesn't matter what you put in your code, if the Statute that defines licensure requirements does not allow for a professional to work in a particular discipline, then he can't.

Discussion ensued regarding the need for a landscape architect and the economic feasibility, a more comfortable threshold for requiring a landscape architect, such as value, size or scope of a project and possibly a threshold for staff review of smaller project sizes.

Mr. Venables expressed that he believed that Mr. Crowe's goal is to make the City look a little nicer, we have a lot of disasters around this City that do not enhance our appearance. He continued by saying he believed that Mr. Crowe's attempt at this code revision is to make sure that the landscaping is good, as it is the first thing you see in any type of project, be it small or large, and feels that Mr. Crowe is on the right track with this request as he has been with other Ordinance changes and modifications that we have made.

PLANNING BOARD

Meeting Minutes

December 6, 2011

Motion made by Mr. Venables and seconded by Mr. Sheffield to approve the request as submitted.

Discussion: regarding changing the wording of qualified individual. **Motion amended** by Mr. Venables and seconded by Mr. Sheffield to delete the proposed language after the word architect, and add the language; “or other licensed professional authorized by law to practice in the area of landscape design”. All present voted affirmative. Motion carried.

With no further business, meeting adjourned at 5:30 p.m.