



PALATKA PLANNING BOARD

Minutes of Regular Meeting

July 5, 2011

Meeting called to order by Chairman Carl Stewart at 4:30 pm.

Other members present: Sue Roskosh, Earl Wallace, Joseph Petrucci and Joe Pickens and Kenneth Venables.

Members absent: Anthony Harwell.

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

Motion made by Sue Roskosh and seconded by Joe Pickens to approve the minutes of the June 7, 2011 meeting. All present voted affirmative, motion carried.

Chairman Stewart read "To Appeal Any Decision" and requested that disclosure of any ex parte communication be made prior to each case.

OLD BUSINESS

Case 11-14 **Address:** 118-1 N. 19th Street
 Parcel #: (37-10-26-6850-3560-0000)
 Owner: SISL Inc.
 Agent: Craig Z Sherar

Request for a Conditional Use for an alcohol serving establishment within 300 ft. of a licensed establishment selling alcohol

Mr. Pickens expressed the nature of ex parte communications that he had with Leta Clark (who was present at the meeting) that consisted of her request to deny this application, if the nature of the establishment was going to either now or in the future be allowed to evolve from a lounge or bar to an establishment that had live entertainment in the form of women dancing either clothed or without clothes. He stated that the recommendations for the conditions specify that the live entertainment shall be limited to music, so he believes that her concerns are addressed with that.

Mr. Crowe advised that the reason for the request is that there are other retail stores in the near vicinity that also sell alcohol, and that the code requires a conditional use approval when such uses are within 300 feet of a proposed alcohol establishment. He stated that there is no conflict in with the Comprehensive Plan, and that there is sufficient access and parking. He stated that one of the criteria for consideration is screening for refuse of a fence or wall and that the current refuse area along Moseley Avenue is not screened, he recommends screening for this dumpster as a condition of approval. He stated that the applicant does have to meet the landscape requirements, currently they are quite strict, requiring approximately 9 – 19 trees and 237 to 285 shrubs around the entire perimeter of the shopping center. He added that the code does not take into consideration existing development; it assumes kind of a clean slate. With regard to this criterion, staff does not believe that buffering would be required as this property is surrounded by like commercial uses. He stated that while the applicant does need to meet the landscape code; he proposes to hold this provision in abeyance while staff works to develop some more reasonable standards that are proportionate to this kind of existing development. There are some practical difficulties to putting extensive buffers like this in, especially in the case of a tenant in an existing shopping center such as this. He recommended approval of the request with the following conditions:

1. Live entertainment shall be limited to music, including live bands, karaoke, and DJs; and no outdoor entertainment is allowed.

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2. The use shall operate within the following hours: Sunday-Thursday 12 Noon to 12 Midnight, Friday-Saturday 12 Noon to 2 AM, and Sunday 1 PM to 12 Midnight.
3. At the Applicant's choice, the use must either comply with existing landscape buffering and screening standards or any NO TABBING, BUSTED!!! such revised standards upon their adoption. Such planting requirements shall be determined after the specific Landscape Code changes are made and would not require Planning Board approval.
4. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
5. All other applicable standards of the Municipal Code must be met.

Craig Sherar, 147 Pine Tree Rd. East Palatka, Counsel for the proposed business owner, stated that he has been dealing with Ms. Conklin about finding a location in Putnam County for two years for her liquor license, and that she intends to operate a regular bar establishment for an older and more mature crowd as opposed to a younger crowd. He added that somehow it has gotten out that the intention is for a strip club and that is not her intention and was never part of the plan, sometimes things get lives of their owner and no one knows where it comes from. He has spoken to Mr. Crowe, the Chief of Police, Commissioner Kitchens and a couple of other people about this.

Mr. Pickens directed the question to Mr. Holmes and Mr. Sherar's that if the request is approved, is it his understanding as her attorney, that condition number 1 is limited to music, that would preclude other types of entertainment, such as female or male dancing, because of the concerns expressed to him that it may not be this business owner's intention, but there was a concern that future owners might allow such activities.

Mr. Sherar replied that they understood the limitations under condition number 1; and added that the concerns that some people seem to have would fall under the Adult Entertainment Ordinance, and under that ordinance she would be subject to a whole other set of criteria.

Mr. Holmes agreed and stated that if this applicant or any future owner tripped over into the conduct that some of the people are concerned about, that would fall under the Adult Entertainment Ordinance.

Mr. Pickens asked if there were any other similar establishments within 300 feet of this one with onsite consumption. Mr. Crowe answered in the negative.

Mr. Bonnie Conklin, 600 Stokes Landing Rd., advised that the bar was going to be named Legends Lounge and will cater to a more mature crowd. It will have a 50's and 60's music and décor and it will be a nice clean establishment.

Preston Owen, 3221 Blair Dr., spoke of concerns regarding it being a two story building and hoped that any safety issues that may be there are addressed.

Mr. Holmes recommended that the board may want modify condition item number 2; to add that the hours of alcohol sales/operations will be bound by the alcohol ordinance and modify condition item number 1; to also indicate that anything outside the walls of the building will not be used for anything other than parking.

Mr. Pattucci asked if this request were approved could the approval be restricted to just this applicant and that if a new person were to take over they would have to reapply.

Mr. Holmes advised that if the approval is tied to the property and use regardless of ownership or transfers, however, the conditions placed on the approval will remain.

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Motion made by Ken Venables and seconded by Sue Roskosh to accept staff recommendations and those of the City Attorney as conditions of approval and to approve the request. Motion passed 4-1.

NEW BUSINESS

Case 11-26 **Address:** 4109 Crill Ave.
 Parcel #: (11-10-26-0000-0573-0000)
 Owner: John W. Wolfenden
 Agent: Marc Spalding / Gene & Renda

Request for a Conditional Use to expand an existing child care facility in a C-2 zoning district.

Mr. Crowe advised that this is an existing business, in one unit of a small three-unit strip center. The applicant intends to expand to occupy the entire building. He stated the criteria are not in conflict with the comprehensive Plan. The current parking is adequate, staff was concerned about the single driveway and lack of a loop, but at this time informal connections exist to the adjacent undeveloped properties and from there to other driveways accessing St. Johns Avenue, SR 19, and Moody Drive. When these properties are developed a formal driveway interconnection will be required. He mentioned that as in the previous case, there is the need for the refuse area to be screened and that there are landscaping requirements that need to be met however, he would recommend in this case, of a tenant in an existing shopping center, holding this provision in abeyance while staff works to develop some more reasonable standards that would be more proportionate to this kind of existing development.

Mr. Morgante, 108 Ford Lane, stated that they have been there eight years and have the opportunity to expand.

Renda Morgante, 108 Ford Lane, explained that everyone knows that childcare does not make you a millionaire – she does it because she loves the children. She will be expanding from Pre-k to now include after-school age children. She stated that this is a learning center where they teach the children. She added that when the children go on to kindergarten, the children are graded and that her facility has received the second highest grade out of all of Putnam County.

Mr. Pickens questioned whether he should abstain from voting the college is a neighboring parcel and he is the president.

Mr. Holmes advised that he did not believe it would be necessary in this case as It has been ruled in the past, that just because you are a property owner in the vicinity or in Mr. Pickens’ case, the president of the College, unless you have a economic interest in the outcome you would not have to abstain from voting.

Motion made by Joe Petrucci and seconded by Ken Venables to approve the request subject to staff recommendations as conditions of approval. Motion carried 5-0.

Case 11-27 **Address:** 2400 St. Johns Ave.
 Parcel #: (02-10-26-7720-0280-0090)
 Owner: Lemmon Heights Baptist Church
 Agent: April Annis

Request for a Conditional Use to locate a child care facility in an R-2 zoning district.

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Mr. Crowe explained that the childcare facility would be locating within the existing church. He stated that the criteria are not in conflict with the Comprehensive Plan. He added that there was a little concern with the proposed entrance, as the residences along the other side of the street are fairly close by. He did not believe it would create an issue if it were kept to a small operation, this was discussed with the applicant and he suggested one that of the of the conditions be the number of children be kept at a maximum of 70 students, and if the enrollment exceeds 30 students, that the drop-off and pick-up be moved to the west side of the building. He said that this change of use also trips the landscape requirements and recommends that like the previous two requests, the applicant shall comply with either the existing landscape requirements or what is being proposed if passed.

Don Burnet, 111 Prospect St. stated that he is the Pastor of the Church and explained that this is going to be a Christian day care facility, and that the Church is not out to make any kind of profit, they just want to have a place for the children to go. He requested that the maximum number of children allow be increased from 30 to 38 before having to change the drop-off and pick-up area to the west side, as that is the maximum number of children that they can accommodate without having to make other modifications.

April Annis, 512 N. Tree Garden Dr., St. Augustine, stated that the staff will be parking on the paved parking lot and the other area will be used for drop-off and pick-up only. She stated that this is a temporary facility as she is planning to build her permanent facility at 7309 Crill Avenue.

Mr. Petrucci asked the applicant how many cars she expected in the drop-off/pick-up area at one time.

Ms. Annis stated that they close at 6:00 pm and she would not expect that the all children would be picked up at the same time, possibly 5 or 6 cars at a time and staff will be parking in the other parking area.

Mr. Stewart asked what staff's thoughts were on the impact of 38 children versus 30.

Mr. Crowe advised that it was a judgment call, and that he did not believe that increasing the enrollment limit from 30 to 38 would be that significant of an impact.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the request subject to staff recommendations as listed as conditions of approval, with the change to enrollment not exceeding 38 children or drop-off/pick-up area shall be moved from the east to the west side of the classroom building. Mr. Pickens added that the enrollment adjustment was considered, as there was a logical reason the Pastor gave for requesting 38 as the maximum enrollment number before requiring drop-off and pick-up changes and noting for the record; notwithstanding that the Board understands that Staff had to pick a number. Motion passed 5-0.

Case 11-29

To consider the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director.
2. Create new Section 62-15 to provide sign setbacks.
3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
4. Require that licensed Florida-registered landscape architect prepare required landscape plans.

Mr. Crow explained that these corrections started with the Evaluation and Appraisal Report (EAR), and the consultants that were hired went through the Comprehensive Plan and kind of zeroed in on the responsibilities of local officials. At one time, before the City had a Planning Director, the Building Official acted in that capacity, so prior to the Comp Plan

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be amended there were many references to the Building Official doing many Planning and Zoning activities. He added that this is a housekeeping measure, when the public reads the code, they are going to try to find the Zoning Administrator and the City does not have a Zoning Administrator.

He explained that the sign code does not spell out any sign setbacks from property/right-of-way lines, except for the requirement that real estate signs and portable signs must be five feet off the right of way, and he believes that by providing a minimal setback from the right-of-way line this will help to reduce visual clutter as well as reduce potential visual obstructions for drivers. Additionally, he recommends that the five-foot property line setback be applicable to all property lines to reduce the congregation of signs at property lines.

He advised that that item no. 3; to amend Section 94-5 to clarify relationship of Code to Comprehensive Plan be removed from consideration at this time, as it needs to be addressed as some point in the future, he would like more time to prepare it.

With regards to the proposed requirement for a Landscape Architect, he said at this time anyone can draw and submit a landscape plan. They can be hard to read, and can present problems with a lack of knowledge of appropriate plantings, which in turn has resulted in appearance and functionality problems of the landscape areas and. Staff recommends adding a requirement that landscape plans be prepared by a Florida registered landscape architect and that such a professional provide a letter that the landscape installation complies with the approved landscape plan.

Mr. Holmes asked if the requirement for a Landscape Architect would kick in any time you would need to add landscape to a sight.

Mr. Crow advised that is the way it is being presented, and he has thought about that and believes that there could be some sort of threshold included for consideration of smaller projects.

Discussion continued regarding limiting the requirement for a Florida Landscape Architect to new construction for today's purposes and not preclude future Board examination and consideration of adding thresholds for the Landscape ordinance.

Motion made by Joe Pickens and seconded by Earl Wallace to accept staff recommendations as presented for item no. 4 to amend Section 94-296 to require that landscape plans be prepared by a licensed, Florida registered Architect, with the requirement that it be applicable for new construction only, having understood that there is a threshold for when renovation becomes considered new construction is already established in the Code. Motion passed 5-0.

It was established by consensus, that the Board shall address threshold issue more fully in the revision of the Landscape Ordinance.

Motion made by Joe Pickens and seconded by Ken Venables to approve item no. 1 as presented. Motion passed 5-0.

Motion made by Ken Venables and seconded by Sue Roskosh to approve item no. 2 as presented. Motion passed 5-0.

Mr. Stewart expressed his appreciated and thanked the Board and Staff for their thoughtfulness and condolences during his family's loss over the past few months.

With no further business, meeting adjourned at 5:00 pm.