



CITY OF PALATKA PLANNING BOARD

Meeting Minutes October 4, 2011

Meeting called to order by Chairman Carl Stewart at 4:00 pm. Mr. Stewart welcomed new members Sharon Buck and Daniel Sheffield. **Other members present:** Kenneth Venables, and Joseph Petrucci. **Members absent:** Sue Roskosh, Earl Wallace, Anthony Harwell and Joe Pickens.

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

Motion made by Mr. Petrucci and seconded by Mr. Venables to approve the minutes of the August 23, 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

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Case 11-39	Address:	104 N. 19th Street
	Parcel #:	37-10-26-6850-3560-0000
	Owner:	SISL Inc.
	Applicant:	Pravin Patel

Request for a conditional use for an indoor recreational facility (Internet Café) in a C-2 zoning district

Mr. Crowe gave an overview of his staff report. He advised that this is a mixed-use area with two residential dwellings on St. Johns Avenue to the south of this commercial strip plaza, which is a concern. He advised that Internet Cafes are allowed by conditional use and are narrowly defined by case law. He referred to his staff report, recommending some suggested limitations for such approval. From Staff's perspective, it is beneficial (for ease of administration) to know as much as possible about the use, so that it is easier to confirm that the use is operating within the constraints of their approval. He added that as this use is governed by the regulatory authority of state law, he believed that the City has a hand in enforcing that. The applicant is requesting to operate from 8:00 a.m. until midnight during the week and 8:00 a.m. until 2:00 a.m. on the weekend. He further advised that the department review requests were sent out. The Building Official advised that a business inspection would be required and a general inspection would be advisable, to make sure there are not any code issues with a change of use, prior to opening. The Fire Marshal responded that the business would have to comply with all fire and safety codes and the Water and Sewer department responded with no comment. He mentioned that he had hoped to get something back from the Police Department, but did not due to resource issues in that department. He added that is not the first request of this type and that the City has approved others, therefore we are looking at impact more than use itself in terms of the approvability. He recommended approval of this request with the recommended conditions as listed in the staff report.

Mr. Holmes advised that this is a land use consideration and the Board should determine if it is an appropriate use at that location based on the level of traffic impact, hours of operation, etc.

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Mr. Petrucci asked if the owners across the street were noticed and Mr. Venables asked if there were any comments received.

Mr. Crowe advised that all property owners were noticed within 150 feet of this parcel and that his office did not receive any comments for or against the request either from the advertisement or the notices sent out.

Ms. Buck asked how many parking spaces were there, and stated that she was concerned with the lounge at one end, the Internet Café and the other businesses there if there would be adequate parking and if not, that could potentially impact our Police Department.

Mr. Crowe advised that there is upward of 100 + spaces and that the other various uses there are mainly daytime uses. He advised that staff believed that there would be adequate parking, and this would be confirmed during the final site approval stage.

Mr. Sheffield questioned how many gaming stations would be established.

Mr. Crowe advised that level of information was not received. That basically the Board considers a use and it's up to the business owner to meet the parking and occupancy standards, which are calculated by square foot and use, and will be considered when the business inspection is made prior to opening.

Mr. Patel advised that he owns another game room in Jacksonville and has been in business for five years. He advised that they searched this location out based on the parking availability and access. He feels that it is the perfect location. He has 60 machines but will only be putting in 40 at this time.

Mr. Stewart asked Mr. Patel what his operating hours in Jacksonville were and if he has ever had a police call at the Jacksonville location.

Mr. Patel advised that he is open 10: a.m. until midnight during the week, on the weekend from 10:00 a.m. until 2:00 a.m., and that he has not had any problems with the police being called. Once they get established they will have security in place. He added that they expect on average to see 70 to 100 customers throughout the day, not all at one time.

Mr. Petrucci asked Mr. Patel what made him want to open up in Palatka.

Mr. Patel stated that he saw other sweepstakes businesses here and the software that they use. He believes his business will be a success because he has different software to offer that is very competitive here at this time.

Discussion continued regarding parking capacity and hours of operation and the sweepstake game play.

Mr. Holmes stated that with a conditional use, the Board can absolutely limit the activity in any fashion that is rational.

Mr. Petrucci stated that he did not believe parking was going to be an issue.

Mr. Venables added that most days that parking lot is mostly bare; that if people cannot park there they won't go there and said he believes any that problem with parking will fix itself. He checked with the convenience

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store across the street and they stay open until midnight each night and that there is probably more people in and out of that store in ten minutes than Mr. Patel will get in a half hour to an hour. There is a lot of foot and vehicular traffic at that store and he doesn't see that as being an issue for the nearby residences, in light of the fact that none of them responded to the notices. He ended by saying that he does not believe that the Board should limit the gaming stations, that right now with the economy the way it is, if Mr. Patel can fill that place up God bless him.

Motion made by Mr. Venables to approve with Staff recommendations with amendment to recommendation number two, to allow the business to operate until 11:00 p.m. Sun through Thursday, and closing Friday and Saturday nights at midnight. Mr. Petrucci seconded the motion. All members voted affirmative, motion carried.

Mr. Crowe introduced Charles Rudd as the new Main Street Manager and said that he has been helpful in some of the things we are getting ready to talk about right now.

Mr. Rudd said he was thrilled to be here, excited about Downtown Palatka and getting the organization rolling and making things happen.

Case 11-41

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

Mr. Crowe explained that there are five items for the Board to consider and this is just a continuing cleanup of the sign code. He added that the main goal he has with the Board's assistance, is to fix the sign code so that it is responsive to businesses and help people to know where they are, while at the same time, keeping some limitations so as not to leave the City cluttered and unsightly.

1. **Sign Standards:** Amend Chapter 62 (Signs) Section to amend definition and provide design standards for changeable copy signs and directional signs; add definitions and provide design standards for bulletin board signs, downtown gateway signs, downtown street art signs, educational/interpretative signs, electronic changeable copy signs, gasoline price signs, menu pricing boards, and promotional banners; clarify the maximum sign square footage for freestanding signs; eliminate the exclusion from maximum number of signs for owner identification signs; and require landscaping areas around new signs.

A. Bulletin Board Signs. After consulting with the Assistant to the City Manager and the Main Street Manager, Staff recognized the need for informational signs in the downtown area for businesses, residents, and officials to post flyers and notices of varying content. Staff recommends that bulletin board signs be freestanding public signs allowed in the Downtown Business and Downtown Riverfront Zoning districts with the following standards:

- 1) signs shall be located within the public right-of-way on sidewalks within two feet of the curb;
- 2) signs are intended to accommodate flyers, event notices, public notices, by means of stapling;
- 3) not more than one bulletin board sign is allowed for each two-block area of St. Johns Ave.;
- 4) sign structures shall be multi-sided with maximum two-foot overhang length to protect copy;
- 5) maximum six-foot height and three-foot width; and
- 6) sign area to be contained within brick structure.

Mr. Crowe advised that what staff is trying to encourage and allow effective and attractive communication.

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Discussion: Mr. Venables said that he would not want to see the two feet from curb requirement changed to ten feet as it may create a maze, that the two feet from the curb creates a pattern and we already have success with that. He added that if we were to allow the bulletin board signs, he would want to see the two foot overhang removed as well. Ms. Buck expressed concern about potential problems from bulletin boards with flyers falling off the bulletin board and littering the area. Mr. Crowe responded that such flyers are going up on telephone poles and other surfaces anyway, and this is a move to concentrate information in areas where they can all be viewed. Mr. Petrucci said that he supported the idea of providing signs for information and communication.

Motion made by Mr. Venables and seconded by Mr. Sheffield to approve the sign standards for Bulletin Board signs as submitted with the following modifications; that language be inserted that no overhang shall be permitted and the sign is limited to not more than two feet from the curb. All present voted, resulting in 4 yeas and 1 nay. Motion carried.

- B. *Changeable Copy Signs.*** Changeable Copy signs are defined in Section 62-1 as signs “on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.” Allowable signs for commercial zoning districts does not include changeable copy signs at this time.

Mr. Crowe explained that while these signs were approved in the past, the Code does not allow them. Staff recently conducted a windshield survey, observing the great majority of signs in the City, and determined that changeable copy signs are widespread within the City – of the approximately 240 freestanding signs in the City, 85 or 35% have changeable copy elements within the sign (two of these being stand-alone changeable copy signs). He stated that he believes that there are *three options available to the City* regarding changeable copy signs; 1) to continue to prohibit changeable copy signs, 2) to allow changeable copy signs with a maximum size limitation, or 3) to allow changeable copy signs with no limitations. Mr. Crowe added that the first option would result in a high number of nonconforming signs. The third option could result in an even higher level of visual clutter than what now exists along the City’s roadways, worsening both driver distraction and the general appearance of the City. He recommended Option # 2, given that the maximum sign size is 96 square feet; a 25% of sign size limitation seems a logical choice in this case since it would put sign size around 24 square feet, which is fairly standard in other jurisdictions that allow such signs. He noted that this is the size of the new Zaxby’s changeable copy sign component. However using this percentage could have the unintended consequence of an applicant making their overall sign bigger than a size normally requested to maximize the changeable copy element. Therefore he recommended a flat cap of 30 square feet for changeable copy signs.

Mr. Venables asked if there was a clear definition of changeable copy sign versus electronic sign.

Mr. Crowe advised that there are separate and distinct definitions with changing sign considered to be electronically controlled and changeable copy being manually controlled.

Motion made by Mr. Sheffield and seconded by Ms. Buck to approve the sign standards for Changeable Copy signs as presented with a maximum of 30 square feet. All present voted affirmative. Motion carried.

- C. *Directional Signs.*** Directional signs are defined in the Sign Code as “indicating vehicular or pedestrian traffic pattern or route, private directional signage allows for one directional sign per access drive entrance into a commercial, office, or industrial development not to exceed four feet in height and four square feet.” The current definition does not take into account public directional signage. Staff proposes to add language noting that public directional signage includes regulatory,

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statutory, and traffic control signs erected on public property with permission as appropriate from the State of Florida, the United States, Putnam County, or the City of Palatka.

Mr. Crowe added that they want to allow public signs for directing people to areas of public interest as mentioned in the staff report and he recommends a limitation of 12 square feet. He said that he consulted with the Assistant to the City Manager to recommend allowable public directional sign destinations that would include historical and culturally significant structures and sites. districts or areas: environmentally significant areas; government building; hospitals; libraries; museums; public parking; and parks and recreation areas. He recommended adding the definition of public directional signs with a 12 square foot limitation.

Motion made by Mr. Venables and seconded by Ms. Buck to approve the sign standards as submitted for Directional signs with a maximum of 30 square feet. All present voted affirmative. Motion carried.

D. *Downtown Gateway Signs.* Staff consulted with the Assistant to the City Manager and Main Street Manager regarding the need for public signs located within the public-right-of-way at key intersections that serve as entryways to Downtown Palatka. Such signs will attract visitors to downtown as well as providing definition and positive structure for this area. The following standards are recommended:

- 1) only ground signs allowed, permanent structure housing a sign copy area;
- 2) maximum sign height eight feet, maximum size 100 square feet;
- 3) designed to accommodate promotional banners; and
- 4) externally illuminated only.

Mr. Crowe explained that this is kind of a welcoming sign, defining a gateway that says you are entering the downtown area and makes you feel that you are entering into something special. He added that the way it is designed would also allow a home for temporary banners (actually incorporated into the sign area) ie. special events etc... so they are not just thrown up anywhere.

Mr. Venables asked why we would not want to include internal illumination.

Mr. Crowe replied that this would not be in keeping with the historic character of downtown.

Ms. Buck asked if there was a limitation for these gateway signs so as not to be inundated with these at ever entry point.

Mr. Crowe advised that these would be public signs and it would be reasonable to limit these signs as Staff was anticipating a total of four gateway signs.

Motion made by Mr. Venables and seconded by Ms. Buck to approve the sign standards for the Downtown Gateway signs as submitted with maximum number of four signs and no banners allowed above the sign, with the City determining the locations of such signs. All present voted affirmative. Motion carried.

E *Downtown Street Art Signs.* Again recommended after consultation with the Assistant to the City Manager and the Main Street Manager, this sign type is intended to provide an outlet for artists while advertising downtown businesses in a unique manner. Much like the murals, downtown street art has the potential to create a lively, interesting environment to attract shoppers and other visitors. This sign is defined as a private freestanding, three-dimensional, non-moving object that

is not merchandise, and is used to attract the attention of potential customers. Examples of street art, enabled by sign codes, can be found in downtown Orlando and in the Riverside Avondale historic commercial district of Jacksonville. Local examples of (unpermitted) street art are the “Blues Brothers” located in the 700 block of St. Johns Avenue. Such objects would be allowed in the Downtown Business and Downtown Riverfront District on private property and on sidewalks within the public right-of-way with the following applicable standards:

- 1) objects must be inanimate and non-electrified;
- 2) objects shall not exceed six foot in height and 30 square feet;
- 3) one allowed per street address;
- 4) requires a minimum storefront width of 20 feet;
- 5) objects shall not encroach into the right-of-way more than two feet;
- 6) objects shall not be secured to the tree guards or tree grates or disturb the sidewalk pavement within the right-of-way;
- 7) maximum sign area on objects shall be eight square feet;
- 8) objects shall be constructed of durable materials such as decorative metal, wrought iron, wood with treated edges, or durable plastic, shall have a professional, finished appearance, and shall be maintained in good condition; and
- 9) the use of cardboard, plywood, paper, canvas or similar impermanent material is prohibited.

Mr. Crowe explained that Staff likes this type of sign and it scared them at first, but it is something that other towns have done to kind of liven things up a bit and we have some already, with the Downtown Blues Bar and it is also a great opportunity for collaboration between FLOARTs students and Downtown businesses. Such objects could make things interesting, call attention to businesses, and give a sense of activity and vitality going on.

Discussion took place regarding the different types of Street Art signs versus holiday displays, which determined that seasonal displays would fall under the sidewalk permits of wares and displays and are not considered signage.

Mr. Holmes suggested that the word “inanimate” be replaced with “unmoving.”

Motion made Mr. Venables and seconded by Mr. Sheffield to approve the sign standards for the Downtown Street Art signs as submitted by staff with the correction above. All present voted affirmative. Motion carried.

F. Educational/Interpretative Signs. Staff consulted with the Assistant to the City Manager and Main Street Manager when determining the need to allow for this sign type.

Mr. Crowe advised that these are public signs located within parks that are meant to educate and draw attention to the significant historical, cultural, and environmental aspects of the City of Palatka, St. Johns River, and Putnam County. These signs are designed for pedestrian viewing and oriented at an angle that is between 45 and 60 degrees. Sign area shall not exceed 20 square feet.

Motion made Mr. Venables and seconded by Ms. Buck to approve the sign standards for the Educational/Interpretative signs as submitted by staff. All present voted affirmative. Motion carried.

G. Electronic Changeable Copy Signs. This is a new sign type not recognized in the Sign Code.

Mr. Crowe explained that although this sign was mistakenly permitted within the City for six businesses in recent years it is not allowed in the Sign Code in any zoning district. This type of sign has proved to be controversial in a number of jurisdictions. The nature of the controversy hinges on two aspects: potential driver distraction caused by jarring colors and moving text of electronic copy this has led to ongoing studies of these signs by the Federal Highway Administration. Some jurisdictions prohibit them while others take a careful approach to allow them with restrictions. He noted that Staff recommended to continue to prohibit these signs, but if they are going to be allowed, they should be restricted to intensive commercial (C-2) zoning districts with the following standards:

- 1) allowed only on major commercial roadways and C-2 zoning,
- 2) sign area the lesser of 20 square feet and 25% of total sign,
- 3) message change time to not less than one minute,
- 4) intensity decreased to 30% of maximum illumination from dusk to dawn,
- 5) light emanation no greater than 0.3 foot-candles measured 200 feet from the sign,
- 6) single color on black background,
- 7) no scrolling, flashing, or other movement other than change of text

Ms. Buck asked how the six existing managed to get out there and if there were height limitations.

Mr. Crowe stated that he can't speak to what previous Staff did in the past, but from discussion with existing Staff, he determined that the previous interpretation was that if something wasn't specifically prohibited, then it was allowed. He does not agree with that assessment because our code states specifically what IS allowed in each zoning district, there is not a prohibited sign section - this is not needed because if something is not allowed, then it is not allowed.

Discussion took place regarding the existing sign standards for changeable signs versus the proposed standards for electronic changeable copy signs and the rules of existing non-conformities.

Motion made Mr. Petrucci and seconded by Mr. Petrucci to allow electronic signs in the C-2 zoning district with the standards as submitted by staff. All present voted affirmative. Motion carried.

H. Gasoline Price Signs: This is more of a housekeeping measure intended to recognize existing gas price signs.

Mr. Crowe stated that the recommendation is to allow one gasoline price sign be permitted per gasoline station (this sign is not currently recognized in our code) to provide the price of gasoline only, not exceeding 16 square feet in area per side. The sign shall be affixed to a permanent sign structure or to a building, and should not be considered in the limitation of two signs per business.

Motion made Mr. Sheffield and seconded by Mr. Venables to approve Gasoline Price signs as submitted by staff. All present voted affirmative. Motion carried.

I. Menu Pricing Sign: This changeable copy sign is used for drive-through restaurants for the purpose of displaying a menu selection/pricing board.

Mr. Crowe stated that this sign is located in the area between the building and the drive-through lane and is not noticeably visible from a public right-of-way. Typically this sign has a sign face that does not exceed 25 square

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feet and shall not exceed a height of seven feet. This sign should also not be considered in the limitation of two signs per business.

Motion made by Mr. Sheffield and seconded by Ms. Buck to approve Menu Pricing signs as submitted by staff. All present voted affirmative. Motion carried.

J. Owner identification signs: The Sign Code defines this sign type as “any sign where the matter displayed is used principally to indicate the name or character of the primary use.” Owner identification signs are excluded from the limitation of not more than two (permitted) signs per property (Sec. 62-5). Given the large sign size allowed (96 square feet for freestanding signs and signs attached to buildings and 200 square feet for wall signs).

Mr. Crowe stated that Staff does not support this exclusion as the business name or logo is usually the main part of a sign in any case. He recommended eliminating the exclusion of the owner identification sign from Sec. 62-5.

No action was taken on the proposed Owner Identification sign amendment, as Mr. Petrucci had to excuse himself from the meeting, at which point the quorum was lost.

Mr. Stewart stated that the balance of the agenda items would be continued until the November 1, 2011 meeting.

Meeting adjourned at 5:00 p.m.