



PALATKA PLANNING BOARD MINUTES FEBRUARY 7, 2012

Meeting called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Earl Wallace, Anthony Harwell, Daniel Sheffield, Joseph Petrucci and George DeLoach. **Members absent:** Kenneth Venables, Joe Pickens and Sharon Buck. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Chairman Stewart welcomed new Board member George DeLoach.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to approve the minutes as submitted for the January 3, 2012 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.

OLD BUSINESS

Case 11-54 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to add policies pertaining to the protection of the municipal airport from incompatible uses (tabled from January meeting).

Mr. Crowe reminded Board members that this was tabled from the January meeting. It is required by the state that jurisdictions revise their comprehensive plans by July, 2012 to include criteria to achieve compatibility of land uses near airports when a formal noise study has not been conducted for a public airport. He added that one of the unique problems we have is that the city is not that big, therefore some of the zones tend to include large areas. He advised that he consulted with County Planning, School District, and St. Johns River College staff, as well as the City's Airport Consultants to come up with ideas on this. He explained that the residential restriction zone is an area measured outward directly from runways that is one-half the distance of the longest runway. This area, when measured out from the main east-west runway and the secondary north-south runway, comprises a zone that includes much of the northwest part of the City. In the restricted residential zone the City would essentially commit to no new land use changes going to medium or high density categories. He explained that the educational facilities exclusion zone comprises an even larger area that includes most of the City north of St. Johns Avenue and the area between Moody Road and Zeagler Drive. Staff is recommending that new school facilities not be allowed in the restricted zone, but that existing schools would be able to expand and maintain facilities in their current locations. He noted that the College is exempted because it has a required state-approved master plan, and this separate process can address airport compatibility issues. He recommended approval of the proposed amendment as submitted in the staff report.

No one was present to speak for or against the amendment.

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

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NEW BUSINESS

Case 12-02 Conditional Use request for expansion of existing church in single-family residential zoning district; and for excess grass parking spaces

Location: 2009 President St.

Owner: Hillcrest Baptist Church

Applicant: John Stokes

Mr. Sheffield recused himself from this case as his property is located adjacent to the church property and he did not want it to appear that he had a personal interest in the outcome of the decision one way or the other.

Mr. Crowe explained that the use predates the code and is recognized as a grandfathered use, and that the expansion triggers the requirement for conditional use consideration. He reviewed the proposed site plan submitted by the applicant, stating that the proposed plan shows that parking requirements are being exceeded, with more paved spaces than required. The Church will be adding considerable landscaping, meeting and in fact exceeding landscape code requirements. He recommended approval of the request.

Willie McKinnon, Pastor of the Church stated that the church originally started in 1912 on the corner of 15th and President Streets. In the 1950's this facility was developed and they have been there ever since. He believes the expansion will not only be an attractive addition but will allow them to serve more people.

John Stokes said he was hired by the Church to provide the design and construction of this project. This will be the last building added to this site. The new building will seat 350 people, a number that was tied to the available parking.

Mr. Petrucci asked if notice was sent to surrounding property owners.

Mr. Crowe answered that notices were sent out to surrounding property owners within 150 feet and no responses were received. He read the following approval conditions into the record:

1. Uses on the property shall be limited to a church and school, with the uses not operating simultaneously.
2. Site development shall occur in keeping with the approved site plan.
3. Per Zoning Code Sec. 94-261, grass parking areas shall be surfaced with grass typically used for permanent lawns in the City and must be maintained in a well-graded fashion. If such grass ceases to grow, then paving of areas shall be required.
4. Per Zoning Code Section 261 parking lot lighting on the site must be designed and arranged so that no source of such lighting is visible from adjoining residential properties. All site lighting shall be shielded or downcast to eliminate glare on adjoining properties and roadways.
5. The refuse area shall be screened on three sides with a six-foot tall privacy or stockade fence.
6. All other applicable standards of the Municipal Code must be met.

Mr. Harwell asked with regard to public interest, is he allowed to base his decision of compatibility on the quality of the architecture of the proposed building.

Mr. Crowe advised that the Conditional Use criteria mainly deal with site design as opposed to specific architectural styles of buildings.

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Mr. Holmes explained that it is primarily a land use issue and agreed with Mr. Crowe that architecture and building material is probably only relevant from the perspective of compatibility issues. If the structure was going to be totally out of character with everything out there that may be a compatibility issue to discuss. But if the proposed building materials are generally in accordance with the use of brick, concrete block, and metal roofing that is already used for the current building, there should not be an issue.

Discussion ensued regarding design and compatibility.

Mr. Stokes explained that this will be a concrete block building with a brick exterior and a metal hip roof with four sides, and the building will be architecturally compatible with the existing building. The lighting and landscaping will meet code requirements and that it will be a dramatic improvement to Moseley Avenue.

An audience member (name unknown) asked if there were any drawings showing the proposed development. Mr. Crowe provided a site plan to the person.

Motion was made by Mr. Harwell and seconded by George DeLoach to approve the request as submitted, subject to staff recommendations. All present voted affirmative, except for Mr. Sheffield who abstained, motion carried.

Case 12-03 Request to revise Sec. 94-114 to allow for process for re-establishing a legal nonconforming use.
Applicant: Herman and Pamela Roberts

Mr. Crowe explained that this request began with the applicants' attempts to re-establish the non-conforming use of a longstanding takeout establishment on Washington St. that had been operating for decades. In 2009 the operation ceased to exist. The current code prohibits allowing the use to operate again because once a non-conforming use ceases for six months, it cannot be re-established. In an effort to work with the applicant, he researched other jurisdictions for possible ways to re-establish a non-conforming use and found that a few jurisdictions provide for this type of action. He recommended approval of the proposed code amendment to allow for the re-establishment of nonconforming uses, in unusual cases where nonconforming uses are grounded in the community due to historical precedent and community. Should such uses cease to operate, applicants could petition for re-establishment within 36 months of the date the use ceased to function. Consideration of such requests would be through the Conditional Use process.

Mr. Crowe reminded the Board that it was important to separate this first step of creating a mechanism to re-establish nonconforming uses from the second step of actually applying for the re-establishment of specific uses.

The Applicant, Mr. Herman Roberts, was present but did not address the Board. No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Harwell to approve the amendment as submitted by staff. All present voted affirmative, motion carried.

Case 12-04 Planning Board and Administrative request to revise Section 94-113 to provide rezoning intensity and density thresholds that would require the use of Planned Unit Development (PUD) overlays; revise Sec. 94-157 and 94-232 to eliminate the requirement that nonresidential uses

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within Planned Unit Development (PUD) serve only residents of that PUD; revise Sec. 94-157 to eliminate required amendment to Comprehensive Plan for PUDs; revise Sec. 94-233 to reduce the minimum PUD size of two acres; revise Sec. 94-233 to limit requirement for undergrounding utilities only to new development; revise Sec. 94-233 to link PUDs with a base zoning district; and revise Sec. 94-235 to eliminate requirement that PUD applicants confer with the Planning Board prior to application.

Mr. Crowe reminded the Board that these amendments were initiated by members at their last meeting. When Staff reviewed the PUD standards as requested there were a number of problematic elements that were flagged, all of which are part of this amendment package. He suggested the Board may want to vote on each item separately for discussion purposes.

1. Eliminate requirement that PUD nonresidential component only serve residents of PUD.

Mr. Crowe noted that this requirement prohibited standalone commercial or industrial PUDs, and he believed that the City needed the ability to consider such applications. Board members briefly discussed the amendment and agreed that this change was needed. No one was present to speak for or against the amendment.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to approve item no. 1 as submitted. All present voted affirmative, motion carried.

2. Eliminate requirement that PUD rezoning be accompanied by Comprehensive Plan amendment that allows the PUD.

Mr. Crowe explained that it did not make sense to tie a rezoning to a comprehensive plan amendment and that the statutes did not require such an action. No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Sheffield to approve item no. 2 as submitted by staff. All present voted affirmative, motion carried.

3. Provide density and intensity thresholds, above which a PUD shall be required.

Mr. Crowe reminded the Board that they had requested at the last meeting that Staff come back with suggestions for thresholds above which a PUD would be required. He said that while it was unusual for jurisdictions to have have such thresholds, he did find that Jacksonville Beach required all commercial rezonings with more than 50,000 square feet of building area and almost all development in northwest St. Johns County must come in as PUDs. He said that the Board was correct in believing that requiring PUDs for more intense and dense development would provide safeguards for the City and ensure higher quality development. In response to a question from Mr. Holmes, Mr. Crowe noted that the difference between a PUD and a regular rezoning was that a PUD required a scaled site plan and a justification, which usually makes applicants put more thought and care into their proposed development.

The Board discussed appropriate thresholds, and Mr. Wallace noted that Staff's thresholds looked to him to be high. He cited the example of a development with five homes that could have been a much better development with the use of a PUD.

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No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach to approve item no. 3 as recommended by staff. With no second the motion failed.

After discussion, it was the general consensus of the Board that lower thresholds were in order.

Motion made by Mr. Wallace and seconded by Mr. Sheffield to approve the following rezoning thresholds that would require use of a PUD: 5 units, 5 units per acre, and 20,000 square feet. Mr. Wallace stated that this gives the City a tool and an opportunity for better quality developments. Mr. Crowe agreed and stated that it allows the City to be able to put protections and assurances in place to protect property values and the quality of life. All present voted affirmative, motion carried.

4. Reduce minimum PUD size of two acres.

Mr. Crowe reminded the Board that Board members had brought this up at the last meeting as a potentially positive action. He said that he had presented this as a reduction of the minimum PUD size, but the minimum size could also just be eliminated. Sometimes the small sites were the best candidates for PUDs due to the greater likelihood of impacts on surrounding properties and the need to carefully craft PUD design criteria. Board members agreed that no minimum size should be required.

No one was present to speak for or against the amendment.

Motion made by Mr. Wallace and seconded by Mr. Harwell to reduce the minimum PUD size to zero acres. All present voted affirmative, motion carried.

5. Apply current requirement of undergrounded utilities only to new development.

Mr. Crowe said that this requirement would create a burden for redevelopment and adaptive reuse projects that used the PUD process. It was much more expensive to retrofit an existing site for undergrounding than it was to underground utilities in new development.

No one was present to speak for or against the amendment.

Motion made by Mr. Petrucci and seconded by Mr. Sheffield to approve as submitted item no. 5. All present voted affirmative, motion carried.

6. Link PUDs with a base zoning district.

Mr. Crowe noted that this change would provide a basis for a development to start with, instead of the current free-floating PUD structure now in the Code. PUDs would be tied to a zoning district – for example R-3, or C-2 – and would then request specific deviations from that district whether that be differing lot dimensions, allowable uses, etc. He said that it was good for citizens to be able to look at a zoning map and not just see a PUD, but a “PUD-R-3” or “PUD-C-2” – something that gives them an idea of what is allowed. Mr. Holmes expressed concern that tying PUDs to zoning categories would misrepresent such PUDs if they substantially

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deviated from the base zoning districts. After discussion, Mr. Crowe suggested that this portion of the request be tabled to allow for him to confer with the City Attorney on this issue.

Item tabled per Board consensus.

7. Eliminate requirement that PUD applicants confer with Planning Board prior to application.

Mr. Crowe advised that this requirement was problematic and unnecessary – it was not appropriate for applicants to confer with the Planning Board at such an early stage, but preferred for coordination between the applicants and staff to occur. No one was present to speak for or against the amendment.

Motion made by Mr. Wallace and seconded by Mr. Sheffield to approve staff recommendation. All present voted affirmative, motion carried.

Case 12-05 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to revise Policy A.1.9.3 to eliminate the requirement that Planned Unit Development overlays require a land use amendment and that nonresidential components of PUDs serve PUD residents.

Mr. Crowe advised that this plan amendment is a companion to the Zoning Code change the Board just approved, it eliminates the requirement that a land use amendment accompany a PUD rezoning and that PUDs must be a mixed use. He recommended removing the language. No one was present to speak for or against the amendment.

Motion made by Mr. Sheffield and seconded by Mr. DeLoach to revise the Code per staff recommendations. All present voted affirmative, motion carried.

Case 12-06 Administrative request for a text amendment to the Comprehensive Plan Future Land Use Element to revise Policy A.1.9.3 to allow for colleges and universities in the Public Buildings and Grounds (PB) land use category.

Mr. Crowe advised that the next two requests are companion housekeeping amendments to the Comprehensive Plan and the Zoning Code that would allow colleges and universities in the PB land use category and the PBG-1 zoning category. This will make the college conforming. No one was present to speak for or against the amendment.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve staff recommendation. All present voted affirmative, motion carried.

Case 12-07 Administrative request to revise Sec. 94-153 to allow colleges and universities including associated student residences, administrative uses, sports facilities, and other ancillary uses associated with the principle use.

No one was present to speak for or against the amendment.

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Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve staff recommendations for cases 12-06 and Case 12-07. All present voted affirmative, motion carried.

Case 12-08 Historic Preservation Board request to revise Sec. 94-187 to clarify standards for fences and to require a permit for the installation of a fence.

Mr. Crowe advised that this case was requested by the Historic Preservation Board. He stated that fences do not require permits in the City, and that it was the Historic Preservation Board's hope that requiring a fence permit will eliminate people putting up fences in the wrong locations and having to remove them and suggested a \$25.00 permit fee.

Mr. DeLoach asked if this was specifically in the historic districts.

Mr. Crowe stated that it would apply citywide.

Mr. Sheffield stated that he believed that was getting a little too restrictive in the residential areas.

Discussion continued regarding the potential burden on property owners.

No one was present to speak for or against the amendment.

Motion made by Mr. Sheffield and seconded by Mr. Harwell to deny staff recommendations for cases 12-08. All present voted affirmative, motion carried.

There was board consensus to have Mr. Crowe prepare an amendment to the code for pool fence heights to match current state requirements.

OTHER BUSINESS

Mr. Stewart suggested that the Election of Chairman & Vice-Chairman be done at a time when more members can participate. Board members agreed.

Meeting adjourned at 5:43 pm.