



CITY OF PALATKA PLANNING BOARD AGENDA December 4, 2012

The meeting was called to order by Chairman Carl Stewart at 4:00 pm. **Other members present:** Vice-Chairman Daniel Sheffield, Earl Wallace, George DeLoach, Judith Gooding, Anthony Harwell and Joseph Petrucci. **Members absent:** Joe Pickens and Lavinia Moody. **Also present:** Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion was made by Mr. Sheffield and seconded by Mr. DeLoach to approve the minutes for the November 13, 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 12-53 Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2022 (tabled from the November Agenda).

Mr. Crowe advised that this task is becoming more complex and requested more time for research.

Motion made by Mr. DeLoach and seconded by Mr. Petrucci to table until the February meeting. All present voted affirmative, motion carried.

NEW BUSINESS

Case 12-57: Annex, amend the Future Land Use map from Putnam County UR (Urban Reserve) to RL (Residential, Low Density) and Rezone from Putnam County R-1A (Residential Single-Family) to R-1A (Single-Family Residential) for 2406, 2408, 2412 Tommy Avenue and 2419 Leigh Street.

Owner(s): Multiple
Applicant: Administrative

Mr. Crowe advised that these requests are city water-related annexations and are administratively processed. He advised that these properties are contiguous to the City limits and meet the state requirements for annexation. He added that these requests are not in conflict with the Comprehensive Plan and meet the criteria for amending the Plan as well as rezoning the property. He recommended approval of the request.

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

Case 12-59: Request for conditional use to relocate a child care facility in a C-2 zoning district.

Location: 625 S. State Rd. 19
Owner: Terwilleger GH 1983 Trust Et Al
Agent: Cimone Coring

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.

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Mr. Crowe gave an overview of the request and displayed site photos, explaining that the building takes up most of the property creating a unique parking situation. He stated that the City does not have parking standards for child care centers in its zoning code. He recommended a minimum parking standard of two spaces per employee, which would require 14 spaces (this is in the middle range of what other comparable cities require). Mr. Crowe explained that the neighboring property (currently occupied by Lee & Cates Glass) uses very little of their parking spaces and if some overflow parking was to occur there, it would not impact the glass company negatively. He recommended that the child care center parking occur behind the fenced-in area on paved and striped parking surface. He stated that this application meets applicable conditional use criteria if the following conditions of approval were applied.

1. The use of a child care center shall be permitted with a maximum number of 80 students and seven employees.
2. Fourteen parking spaces are required in the rear area that is currently fenced in for the child care use. This area must be improved to meet code requirements pertaining to paving, striping, and landscaping. The applicant shall provide small directional signs directing patrons and employees to this parking area to minimize the use of Lee and Cates parking spaces.
3. The first adjacent three spaces to the building shall be utilized for drop-off and pick-up and shall be designated as such by small directional signs. An additional small directional sign will prohibit the blocking of the driveway.
4. Within six months of issuance of a certificate of occupancy the existing chain link fence shall be removed or replaced with a picket fence, preferably of aluminum material, but with wood as an acceptable material if it is maintained.
5. A roadway buffer is required along SR 19 with two canopy trees and 28 shrubs (planted to form a hedge).
6. The roadway buffer area shall be replanted and maintained in a healthy fashion with grass or groundcover.
7. Two four-inch caliper shade trees are required in order to eventually shade the outdoor play area. As an alternative a shade structure such as an open air canopy may be used to shade this area.
8. Within one year of issuance of certificate of occupancy, terminal landscape islands are required at the end of parking rows with shade trees planted within them.
9. The outdoor play area shall be a grassy area, or an area with mulch or some other forgiving surface for the safety of children.
10. Additional landscaping may be required at the time of landscape code revision.
11. A dumpster or trash cans area shall be screened in accordance with the 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).
12. Any exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
13. Signs must conform to the sign code, including the requirement that a freestanding pole sign be landscaped at its base.
14. The applicant or owner shall apply for and receive any necessary state approvals for the expansion of the child care use.
15. All other applicable standards of the Municipal Code must be met.

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Mr. Holmes pointed out that Lee & Cates and the proposed childcare center properties are owned by the same party.

Cimone Coring, 140 E. Cracker Swamp Rd., advised that she was amenable to the conditions as discussed with Mr. Crowe, that most of what they discussed she had already planned on implementing. She agreed with Mr. Crowe and explained that there would three closest parking spaces would be utilized for deliveries.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve the request with staff recommendations. All present voted affirmative, motion carried.

Case 12-60: Administrative request to amend Zoning Code Section 94-161 and 94-162 (Downtown Business and Downtown Riverfront zoning districts) regarding permitted accessory uses.

Mr. Crowe explained that there has been some confusion attributed to this request. In an effort to clarify he used the Quality Inn Hotel on North 1st Street as an example of a business with accessory, ancillary, and subordinate activates that occur there. He gave common examples of accessory hotel uses such as a restaurant, gift shop or meeting rooms. He explained that in all zoning districts you have allowable principal uses and accessory uses, with accessory uses being subordinate to, but different from the principal or main use. He further explained that the downtown zoning districts replaced the old C-3 zoning designation for the downtown area. The Downtown Business and Downtown Riverfront districts are separate zoning districts that are essentially the same. Unlike other commercial zoning categories that allow a broad array of accessory uses, the Downtown zoning categories do not. The Downtown zoning designations only allow for a few specifically listed accessory uses and conditional accessory uses – disallowing all other accessory uses. He added that you cannot anticipate every type of principal or ancillary use especially with today's ever-evolving technology. The commercial zoning districts accessory use standards were written differently from the Downtown districts, with the intent to allow more varied uses. In these commercial districts accessory uses may be allowed upon the administrative interpretation that such uses:

1. are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
2. are located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership; and
3. do not involve operations or structures not in keeping with the character of the district.

He added that this application originated when someone requested a zoning verification letter to hold a training seminar at the Quality Inn, and as demonstrated this use is not allowed in the downtown districts per the specificity of the code, but for years and years these activities have occurred. He stated that the intent for this code revision is to allow the following additional accessory uses to the downtown districts:

- **Meeting space and limited retail sales as an accessory use to hotels** (currently prohibited). Mr. Crowe commented that it is a common practice for hotels to use meeting rooms for civic groups, training, professional organization meetings, and similar activities. This would allow for a small internal gift or convenience store intended for hotel guests, but would not include full-fledged retail activities such as gold sales (popular at hotels in other communities) as this would undercut local businesses and is not in keeping with the ordinary hotel activities.

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- **Open air dining on public sidewalks** provided a minimum horizontal clearance of four feet is maintained (currently allowed only as a conditional accessory use). Mr. Crowe reiterated that this is another common practice associated with downtown restaurants; there is no point in requiring the burden of public hearings and reviews for such an activity.
- **Making of goods for sale at retail on the premises** (currently allowed as conditional accessory use), with no odor, fumes, or other emissions detectable to normal senses from off the premises.
- **Manufacturing, fabrication, and assembly activities** (currently allowed as conditional accessory use), associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises. Mr. Crowe commented that allowing such activities would encourage art galleries where artists could both craft artwork and sell it on-site, while not allowing industrial side-effects.
- **Other uses** that are customarily accessory and clearly incidental and subordinate to permitted or permissible uses provided they are located on the same premises as the permitted or permissible use or structure, and do not involve operations not in keeping with the character of the district. If accessory uses are not approved by Staff, such uses may be considered by the Planning Board as conditional accessory uses).

Mr. Crowe concluded that staff believes that this amendment would encourage uses and encourage a more lively Downtown. He wants the ability to use the same three criteria used to determine accessory uses in all other commercial districts because the City cannot identify every single accessory use that is going to come along. Staff should be able to make a quick determination using the three criteria that a use is an obvious accessory use, which Staff already has the ability to do in other commercial districts. He clarified that this amendment would only apply to the Downtown zoning districts and not within the recommended recreation zoning for the Riverfront Park.

Mr. Petrucci stated that he believed that this was the right direction to be going in and asked if staff knew why the restrictions for accessory uses within the downtown zoning districts were put in place.

Mr. Crowe replied that he did not, and continued that is the problem with being totally prescriptive and trying to lay everything out so specifically, you can never anticipate every possibility that might come along. He recommended approval of the following revisions to the Zoning Code shown in italics with new language in underlined text:

Section 94-161 & 94-162 – DOWNTOWN BUSINESS & DOWNTOWN RIVERFRONT ZONING DISTRICTS

- (a) no change
- (b) no change
- (c) *Permitted accessory uses, activities, and structures. Permitted accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted accessory uses, activities, and structures are as follows:*
 - (1) *Appurtenant structures (i.e. garages, sheds, swimming pools, decks, boat houses) as an accessory to existing residential dwellings.*

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- (2) *Boat repair and sales as an integral part of a marina.*
 - (3) *Laundry facilities as an integral part of a hotel or marina.*
 - (4) *Outside sale and display of goods at city approved functions and events.*
 - (5) *Warehousing and/or storage completely enclosed within the principal building.*
 - (6) *Meeting space and limited retail sales as an accessory use to hotels.*
 - (7) *Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.*
 - (8) *Making of goods for sale at retail on the premises, with no odor, fumes, or other emissions detectable to normal senses from off the premises.*
 - (9) *Manufacturing, fabrication, and assembly activities associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises.*
 - (10) *Other uses that in the written opinion of the Planning Director are customarily accessory and clearly incidental and subordinate to permitted or permissible uses, are located on the same premises as the permitted or permissible use or structure, and do not involve operations not in keeping with the character of the district (if not approved by Staff, such uses may be considered as conditional accessory uses).*
- (d) *Prohibited uses, activities, and structures. In addition to the expressly prohibited uses, activities, and structures listed herein, any uses, activities, or structures not specifically listed shall be prohibited. Prohibited uses, activities, and structures are as follows:*
- (1) *Adult entertainment establishments, uses, and activities (as defined and regulated by chapter 3 of the Municipal Code).*
 - (2) *Communication towers.*
 - (3) *Drive-through facilities.*
 - (4) *Manufacturing, fabrication, and assembly activities, except as an accessory use or a conditional accessory use.*
 - (5) *Outside sale, display, rental, or storage of construction equipment, rental trucks and trailers.*
 - (6) *Residential dwellings on the first floor constructed or converted after May 1, 2003.*
 - (7) *Roadside vending.*
 - (8) *Rooming and boarding houses.*
 - (9) *Warehousing and/or storage, except as an accessory use.*
- (e) through (i) no change

Mr. Holmes stated that he had no problem with the concept after speaking with Mr. Crowe, and agreed that it is often impossible to anticipate or articulate every possible use that may be accessory or acceptable in a particular zoning classification. He added that it is pretty common for a Planning Director to have discretion to make interpretations or decisions of a code. He asked Mr. Crowe if there was an appeal process provided for item numbered (10).

Mr. Crowe advised that all appeals of staff decisions currently go to the Zoning Board of Appeals. Mr. Holmes suggested the Board may want to consider moving the language regarding conditional accessory uses (# 10) to the Conditional Use section, and it might be good for the appeal process to be considered by the Planning Board and covered under the Conditional Use section.

Discussion ensued regarding the zoning and land use designations for the Riverfront Park and its possible relevance to this amendment. Mr. Crowe clarified that the Planning Board had recommended to change the

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zoning designation for the Riverfront Park to Recreation/Open Space and that the accessory use text amendment would only apply to Downtown zoning districts and not to the Riverfront Park, which is scheduled for consideration for first reading of rezoning by the Commission on December 13, 2012.

Mr. Harwell asked staff for an example of a worst case scenario for an accessory use.

Mr. Crowe explained that there are a lot of things in the code that have to be interpreted, that are not completely black & white or clear. Whenever a proposed accessory use comes along, he as a Certified Planner has to make an interpretation that it is something that is appropriate and customarily incidental and does not harm the character of the district it is in. If it something that is not associated with the principal use or not in keeping with the district, it would not meet the test and he would not approve it. In that regard there is no worst case scenario since accessory uses would be in keeping with the nature of the use and the district and neighborhood.

Mr. Sheffield asked if the sidewalk cafés would require fencing around the seating.

Mr. Crowe advised that our code does not require a fence, but there is a required clearance of free pedestrian passage along the sidewalk.

Sharon Buck, 610 S. 14th St., asked if the existing businesses (such as Honey Baked Ham and the Italian restaurant) downtown are in violation because they are creating good smells downtown or would they be grandfathered in.

Mr. Crower replied that those are principal uses, and we are only discussing accessory uses.

Mr. Holmes added that those criteria do not apply to a principal use, if a restaurant is zoned properly and an allowed use then there wouldn't be an issue as to the smells generated from that use.

Ms. Buck asked in regards to some of the staff decisions regarding accessory uses, would such decisions be made primarily by Mr. Crowe and is there a risk that the decisions would be subjective.

Mr. Crowe replied that he did not agree with that. He has 23 years' experience as a professional planner, is certified through the American Institute of Certified Planners, and has a Master's Degree in Planning and believes that he is qualified to make, to the best of his ability, objective decisions based on sound planning principles and practice.

Ms. Buck stated that while she respected and applauded Mr. Crowe for all of his qualifications, she was concerned that to the layperson, the administrative approval of accessory uses may appear to be subjective. She said that she did appreciate Mr. Holmes bringing up the appeal process.

Mr. Crowe replied that Ms. Buck had a good point. He explained that everything he does is subject to appeal and is not necessarily the final word. There is a balance and that the Planning Board and the City Commission have a responsibility to the citizens. The City must hire professionals, who to the best of their abilities implement and enforce the ordinances that are passed. He said that he tries to the best of his ability to ground his decisions based on criteria and such decisions have to be supported.

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Pam Garris, 603 Emmett St. stated that she feels that there should be more public input and comment on what is actually allowed to go into these places, to be really be democratic about this and make sure the public understands what is going to be allowed, and not just rest in the Planning Department.

Gary Patel, owner of Quality Inn Hotel stated that he appreciates what Mr. Crowe is trying to do to correct the code to reflect what has been happening for years. He believes that this is a necessary code change to allow the uses that are customary.

Ms. Garris expressed concerns regarding outdoor activities of existing bars and the possibility of an adult entertainment establishment being able to locate downtown.

Mr. Crowe responded that the current accessory use regulations would not allow outdoor events and entertainment establishment uses, and activities are expressly prohibited in the downtown zoning districts.

Mr. Holmes stated that one must put this into context of the entire zoning code, and remember that the zoning code has already been assigned with given zoning classifications, with permissible uses to a district - which has already been through a public hearing process to decide what uses are allowable in a particular business district. So one must meet the limitation of principal uses first of all, and then you have articulated accessory uses (items 1 through 9) that are self-explanatory. The only latitude that staff has is with item no. 10, which requires that other accessory uses must meet the three point test. He added that there are two sides to every coin, on one hand you allow a code to be broad enough that any use can go anywhere; on the other hand, you require every use be approved through a public hearing that the public needs to comment on it. He believes this amendment lies in the middle of this spectrum and reminded the Board that new businesses trying to come into an area also have a tolerance for bureaucracy and a level beyond which they will not go.

Motion made by Mr. Sheffield and seconded by Mr. Petrucci to approve the request to amend Zoning Code Section 94-161 and 94-162 (Downtown Business and Downtown Riverfront zoning districts) regarding permitted accessory uses as recommended by staff, with the exception to item No. (10); to remove the following proposed language; *if an accessory use is not approved by Staff, such uses may be considered as conditional accessory uses* and place that language under the conditional accessory uses section [Section 94-161(f)(6) & 94-162(f)(6)]. All present voted affirmative, motion carried.

Case 12-62: Administrative request to amend Zoning Code Section 94-156 to allow educational/interpretative signs in historic districts.

Mr. Crowe explained that this request is to extend the allowance of education/interpretive signs in the historic districts which is not currently allowed. The North and South Historic Neighborhood Community Redevelopment Areas are seeking to erect neighborhood gateway kiosks signs. These signs fit into the Educational/Interpretative sign category, and as noted above are currently only allowed in the downtown and Recreation and Open Space zoning districts. The South Historic District kiosk sign has been erected on the northwest corner of River and Laurel Streets, and the North Historic District sign is proposed for the northeast corner of N. 3rd and Main Streets.

Mr. Harwell expressed his concern of such signs popping up all over the place in residential areas.

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Mr. Crowe advised that the city would be sensitive to that. The educational type signs would be located within parks or within city right-of-way and are meant to educate and draw attention to the significant historical, cultural, and environmental aspects of the City of Palatka. He added that all signs in historic districts would be required to go before the Historic Preservation Board for a Certificate of Appropriateness as to sign design and location.

Ms. Buck stated that she thought that 20 square feet is quite large.

Ms. Garris protested that she would not want to see a large sign placed in front of her house.

Mr. Crowe stated that he believes that this amendment is supported by the Comprehensive Plan and that the City strongly supports historic preservation of the city. He added that the City would not want to be intrusive to a property owner and that such signs would be strategically placed with that in mind.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve the request with staff recommendations. The motion passed with six yeas and a dissenting vote cast by Mr. Harwell, motion carried.

With no other business, meeting adjourned.