CITY OF PALATKA
PLANNING BOARD AGENDA
March 5, 2013

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the February 12, 2013 meeting.

4. Appeal procedures and ex-parte communication.

5. OLD BUSINESS - None

6. NEW BUSINESS

   Case 13-09 A request for a conditional use for non-temporary outdoor sales.
   Location: 3523 Reid St.
   Applicant: Ahearn & Dennis Investments, LLC

7. Other Business: Discussion of proposed riverfront trailhead facilities.

8. Adjournment

CITY OF PALATKA
PLANNING BOARD MINUTES – DRAFT COPY
February 12, 2013

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

Mr. Motion was made by Mr. DeLoach and seconded by Mr. Pickens to approve the minutes for the December 4, 2012 and the January 8, 2013 meetings. 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 13-05 A request for a conditional use to locate an alcohol serving establishment within 300 feet of another licensed alcohol serving establishment.
Location: 101 S. 10th Street
Applicant: Donald L Hersey Jr.

Mr. Crowe explained that this is a reopening of a bar use that was formerly located there, but had been closed for more than one year. Conditional use approval is required due to distance limitations that are established in the alcohol ordinance (in this case when one alcohol-serving establishment is within 300 feet of another). The application is not in conflict with applicable elements of the Comprehensive Plan. There is good vehicle and pedestrian access to the use with sidewalks on both sides of the street. He added that there is sufficient parking, although there are no parking requirements for the downtown area, they will have one striped handicapped space. He added that bar is immediately adjacent to homes to south and suggested to maintain a viable mixed-use area protective measures are needed for adjacent residences. He recommended lessening impacts to the adjacent residential uses by installing "Resident Parking Only" signs in front of nearby residences, prohibiting outdoor patio use after 10 PM, and prohibiting live entertainment & amplified sound in outdoor areas. There are some appearance issues that need addressing; the unsightly chain link fence around outdoor patio should be replaced with some sort of decorative fencing, landscape areas/planters should be added to improve site appearance and any exterior lighting must be shielded. Also, screening of the refuse area is required and the changeable copy sign must be removed. He recommended approval with the following conditions:

1. The City shall install "resident parking only" signs in front of the nearby residences on S. 10th St. and Oak Street.
2. Refuse storage area to be provided within the parking lot (or within alternative area as approved by Staff), fenced on all sides with six-foot tall wood privacy fence, with one of those sides including a gate.
3. Changeable copy sign in the landscape area along St. Johns Avenue must be removed.
4. Exterior lighting shielded and downcast to minimize glare.
5. Outdoor patio closed off to customers after 10 PM.
6. Live entertainment and amplified music or other sounds not allowed in outdoor areas.
7. Window covering will be removed, window tinting shall be prohibited, and windows shall be kept free of excessive signage and graphics (not to exceed 25% of window area).

8. Planter landscape boxes shall be installed bordering the outdoor fenced area.
9. Applicant to maintain attractive landscaped area both in the green area along St. Johns Avenue and along S. 10th St. A shade tree shall be planted in one of these areas, and both areas should be planted with shrubs, groundcovers, and flowers (not grass). Applicant shall present a sketch landscape plan to Staff for approval prior to the opening of the business, and shall install planting within six months of commencing operations.
10. Replace chain link fence with decorative aluminum fence.
11. All other applicable Code standards to be met.

Mr. Holmes asked what alcohol serving establishment was within 300 feet. Mr. Crowe answered that Pizza Boyz restaurant was immediately next door.

Donald Hersey Jr. stated that he lives in San Mateo and has lived here all his life, his father was part of the Palatka government for 28 years and he is very proud of that and that they would do everything in their power to work with the City with regards to beatification and provide a good safe entertainment establishment. The last thing he would want to do is something to degrade this City.

Mr. Petrucci asked the applicant if he had any issues with the staff recommendations. Mr. Hersey stated that he believed that an aluminum wall around the outside patio would close that space in and make that area hot. He added that they did intend on doing some landscaping and making that place more presentable.

Mr. Crowe clarified that he was referring to a fence, a decorative wrought iron type fence, so you would still have the openness.

Mr. Pickens stated that in reading the packet, it appears that there has been a significant attempt to improvement of what was there before and what is there now, which is a boarded up building. He expected some resistance to replacing the fencing of the outside area and the absence of outdoor music, and appreciates that there wasn't any.

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

Case 13-04 Administrative request to amend Zoning Code Sec. 94-141 to allow churches by conditional use permit in residential zoning districts on properties less than 40,000 square feet.

Mr. Crowe explained the intent of this administrative request is to provide small churches with the same opportunity that larger churches have to apply for conditional use approval. Currently the Zoning Code only allows residentially zoned churches through the Conditional Use process and only on lots greater than 40,000 square feet. There are a number of small churches in residential neighborhoods that do fit in well. This rule discriminates against small churches and encourages larger churches that can more negatively impact neighborhoods through traffic, parking etc. He recommended approval of this Zoning Code text change.

Mr. Pickens asked if Staff's intent was to simply remove the words "on lots greater than 40,000 square feet" he would be in favor of that.

Motion was made by Mr. Pickens and seconded by Mr. Petrucci for the removal of the words "on lots greater than 40,000 square feet" as it currently exists in the Code. All present voted affirmative, motion carried.

Case 13-03 Administrative request to amend Zoning Code Sec. 94-200 to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmers' markets; and to extend the maximum sale period of 30 days to 45 days for sales of seasonal goods and commodities; and to provide for an appeal process for such staff decisions.

Mr. Crowe advised that as the Board had directed, the proposed amendment would allow for more reasonable time period for Christmas tree sales, fireworks, etc. extending the sale period for seasonal goods and commodities from 30 to 45 days. The proposed amendment would also minimize the delay to the applicant from the public hearing process by allowing Staff reviews of outdoor promotional sales, seasonal goods sales, temporary goods sales, and farmers' markets. He added that Staff would utilize the conditional use criteria to determine compliance, the site would be posted and neighbor letters sent regarding staff review. Any appeals of staff decisions would to go to Planning Board. He stated that he believes that the proposed amendment would encourage businesses and reduce the regulatory burden on applicants and is supported by the Comprehensive Plan.

Mr. Holmes asked if there was anything in the amendment that would affect temporary automobile sales, or are they just not allowed. Mr. Crowe advised that was correct, they are only allowed in conjunctions with Credit Unions car sales events.

Mr. Petrucci asked if this would affect stores placing goods on their sidewalks. Mr. Crowe replied no, that actually covered last month under non-temporary outdoor sales.

Motion was made by Mr. DeLoach and seconded by Ms. Moody to approve the amendment as submitted. All present voted affirmative, motion carried.

Case 13-02: Administrative request to amend Zoning Code section 94-161 and 94-162 to revise dimensional standards for ground signs fronting on Reid Street within Downtown zoning districts.

Mr. Crowe explained this is somewhat of a clean-up effort, since regulations that restrict freestanding signs to smaller ground signs in the Downtown zoning districts extend to certain parts of the south side of Reid Street on the south side, while other properties on the north side and south side of this road are in the C-2 zoning district, where much larger signs are allowed. The allowable signs in the downtown districts are as follows: directional signs; ground signs (maximum six feet high, eight feet wide, 30 square feet in size); wall signs and sandwich board signs. The allowable signage in the C-2 zoning district is varied and includes ground, pole signs (maximum 35 feet high, 96 square foot size). The proposed amendment would allow slightly larger freestanding signs in Downtown zoning, along the south side of Reid Street while limiting such sign types to ground signs. He recommended going from six feet to eight feet in height and 30 to 60 square feet in total size for these properties fronting Reid Street. He believes this amendment would reduce the discrepancy between C-2 and Downtown zoning sign size along the Reid Street corridor while still retaining a less cluttered appearance of ground signs for this area, which serves as a gateway for downtown. He recommended approval of the amendment.

Mr. Wallace asked what difference would two feet make; rather than allow for more clutter on the south side of Reid Street he would rather see more restrictive sign standards placed on the north side to put everyone on an even playing field.

Mr. Crowe advised that is another option, but a little taller ground sign would be a little more of an advantage especially if you have multiple tenants. In speaking with existing business owners several noted that they would be content with a six foot tall ground sign. The thought was also, that in the future there was the possibility of using CRA funds to retire some of these big signs and encourage business owners to put up more attractive signs with

associated landscaping. This item is sort of a stopgap measure, as there as some people on the south side that are hamstrung in regards to putting in signs.

Mr. Petrucci commented that eight feet would put the sign at eye level for cars driving by.

Motion was made by Ms. Moody and seconded by Mr. DeLoach to accept staff recommendation to increase ground signs from six feet to eight feet in height and 30 to 60 square feet in total size. A vote resulted with 5 yeas and 1 nay from Mr. Wallace. Motion carried.

Case 12-53: Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2018 (tabled from December meeting).

Mr. Crowe explained that per statutes the Capital Improvement Plan (CIP) of the Comprehensive Plan is required to be updated annually. The plan is for the City's public facilities includes "hard" costs for equipment, infrastructure, vehicles, etc. and allows for ongoing capital facilities planning. This provides a basis for impact fee calculation, covering the following areas; Wastewater, Stormwater/Drainage, Solid Waste, Potable Water, Streets, Parks, Fire, Police and Airport. He recommended approval of the amendment to the Comprehensive Plan.

Mr. Petrucci asked if this is something the city would look at when doing their budget.

Mr. Crowe replied yes, and each department provides input.

Mr. Motion was made by Mr. DeLoach and seconded by Mr. Pickens to approve the minutes for the December 4, 2012 and the January 8, 2013 meetings. All present voted affirmative, motion carried.

With no further business, meeting adjourned.

Case 13-09
Request for a Conditional Use for Non-Temporary Outdoor Sales
3523 Reid St. (Palatka Market)
Applicant: Chad Dennis

STAFF REPORT

DATE: February 26, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing non-temporary outdoor sales. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

The Applicant is currently conducting outdoor sales at 3523 Reid Street (east of SR 19). After discovering that this activity was in violation of the Zoning Code, the applicant applied for a Zoning Code text change to allow for non-temporary outdoor sales. Outdoor sales are limited to limited periods of time or in the context of a produce market, as noted below:

- outdoor promotional sale (limited to 72 hours in duration, "midnight madness" type sale);
- seasonal goods sale (limited to 30 days, Christmas trees or 4th of July fireworks);
- special event sale (associated with special event like Blue Crab Festival);
- temporary goods sale (other outdoor sales, not to exceed 30 days in duration); and
- farmers' market (intended for food and produce goods). The Applicant filed an application to amend the Code to allow non-temporary outdoor sales, which forestalled code enforcement action on the specific use.

The Board recommended approval of such non-temporary sales at their January meeting, and Staff anticipates that the City Commission will adopt the enabling ordinance at their February 28th meeting.

Figure 1: Property from Reid St

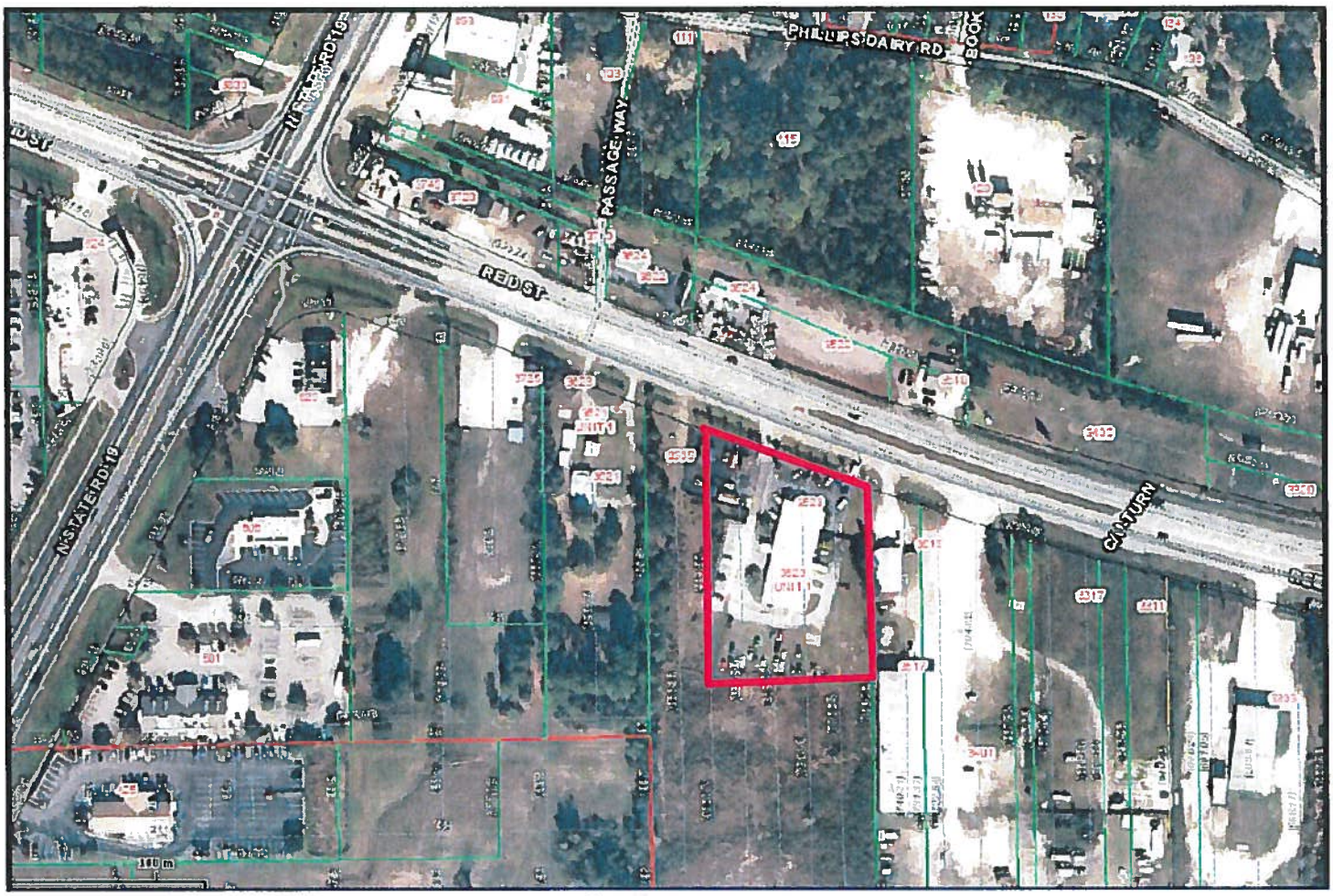


Figure 2: Property Location

PROJECT ANALYSIS

Per Section 94-200(c)(3) the Planning Board shall review such an application to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential.

Traffic Flow and Auto Safety

A single vehicular entrance provides right-in, right-out access to Reid Street and is of sufficient width and configuration to allow for safe access to the property.

Pedestrian Safety

This section of Reid Street does not have a sidewalk but there is sufficient room for pedestrians to walk on the road shoulder. Most customers will arrive in vehicles.

Effect on Surrounding Uses

The area is a fairly intensive retail commercial area with few nearby residences. Staff believes there is adequate parking to serve this sales event and the normal activities of the store. No adverse impacts on surrounding uses are anticipated.

Specific Criteria

The following underlined criteria apply specifically to non-temporary outdoor sales, with staff comments immediately following each criterion. The applicant has provided a sketch plan to show the general layout of parking and vendor spaces, attached with this report.

- Minimum lot size of 1.0 acres, with a minimum frontage of 200 feet and a minimum lot depth of 300 feet. *Staff comment*: the property meets this standard, with a lot size of 1.89 acres, a frontage of 272', and an average lot depth of 337'.
- A 30-foot setback is required from any right-of-way for outdoor display areas and parking areas, and shall include a landscaped area with a three to four-foot high visual screen consisting of a hedge, masonry wall, or wood or aluminum fencing, maintained in a neat appearance. One shade tree every fifty feet is required to further screen activities (when powerlines or other obstructions are present, understory trees may be utilized, or trees may be planted in the right-of-way with the approval of the controlling jurisdiction). *Staff comment*: while the property line is very close to the parking and vendor area, a measurement on the aerial indicates that the green space area on the property and adjacent right-of-way exceeds 30 feet. The vendor space shown just east of the sign should be moved back in line with the other vendor spaces to provide for more of an organized appearance. The site plan does not show the required three to four-foot tall visual screen that is required. As there are power lines involved, shade tree planting is not required and the existing palm trees meet the understory tree requirement above, however staff recommends that the palms or another acceptable understory tree be planted in a 20-foot spacing along the side property lines from the front property line to the front wall of the main building. This is a Landscape Code requirement.
- When adjacent to residential uses or zoning, six-foot high masonry wall, privacy fence, or hedge contained within thirty foot landscape buffer, and 100-foot setback from residential property lines. *Staff comment*: Adjacent properties along Reid Street are commercially developed and zoned. The property to the rear/south is undeveloped, but is residentially zoned. Staff accepts a condition that requires the screening at the time that residential development occurs.
- Adequate refuse containers must be provided and must be screened with a six-foot tall privacy fence with a swinging gate. *Staff comment*: the trash receptacle area is shown at the rear of the parking row to the west of the building. As noted above it must be screened on three sides with a gate on one side.
- All outdoor areas shall be cleaned of litter and refuse after each day of operation. *Staff comment*: this is an operational standard that should be included as a condition of approval in the approval letter.
- Adequate restroom facilities must be provided. Restrooms facilities are not shown on the site plan but are required – this should be referenced in the approval letter.
- Sales may be operated by an individual vendor or by multiple vendors under the control of a central sales manager. *Staff comment*: the approval letter should designate Mr. Chad Dennis as the

market manager, and he will be the point of contact and the responsible party for this conditional use permit.

- One parking space for each vendor must be provided, with an additional space for every 300 square feet of outdoor and indoor sales area. *Staff comment*: the site plan shows four outside vendor spaces and the Property Appraiser records indicate that the building is 9,276 square feet including the canopy overhand area in front of the building. This requires 35 parking spaces. The site plan shows 33 spaces. The applicant will have to provide more parking spaces or limit the sales area to a slightly smaller area.
- Uses are subject to Sign Code. Signs are allowed for individual vendors and displays, limited to each display area and not more than 20 square feet in size. The following signs are prohibited: "human" signs, inflatable figures or objects, pennants and banners other than the allowance of two banners as defined in the Sign Code, snipe signs, and any other sign not allowed by the Sign Code. *Staff comment*: These conditions should be included in the approval letter.
- Display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles. *Staff comment*: These conditions should be included in the approval letter.
- No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; or personal services shall be offered for sale. *Staff comment*: These conditions should be included in the approval letter.
- All merchandise shall be brought into the building at the end of each business day except for larger items that are not easily moved, with such items being screened by fencing or vegetation that shall be maintained in an attractive and neat appearance. *Staff comment*: These conditions should be included in the approval letter.
- The conditional use site plan shall require at a minimum the following elements: access roads, entrances and exits, parking, traffic lanes, fire lanes, refuse containers, fences, buildings, restroom facilities, lighting, landscaping and other improvements as required. *Staff comment*: The site plan should be revised to show fire lanes, restrooms, exterior lighting, and additional required landscaping.
- The conditional use site plan or narrative shall include verbiage regarding days and hours of operation; the means, such as stalls, tables or other structures by which merchandise is to be displayed; and the specific types of goods requested for sale. *Staff comment*: the site plan or narrative should be revised to include the above information.
- The Planning Board may assign additional restrictions and standards to the use to ensure that the conditional use criteria will be satisfied. *Staff comment*: this will be determined by the Board.

Figure 3: front of site – staff is recommending that the palm trees, or another type of understory tree, be continued along each side property line to the front of the building, with similar 20-foot spacing

STAFF RECOMMENDATION

Staff believes that this application meets applicable non-temporary outdoor sales criteria, if the recommendations below are included as conditions of approval. Staff recommends approval of Case 13-09, non-temporary outdoor sales at 3523 Reid Street with the following conditions:

1. the vendor space shown just east of the sign shall be moved back in line with the other vendor spaces to provide for more of an organized appearance – the site plan shall be revised to reflect this;
2. a three to four-foot tall visual screen shall be provided between the right-of-way and parking and

display areas, consisting of a hedge, masonry wall, or wood or aluminum fencing;

3. palm trees or another acceptable type of understory tree(s) shall be planted along the side property lines on a 20-foot spacing from the front property line to the front wall of the main building;
4. a six-foot high masonry wall, privacy fence, or hedge contained within a thirty foot landscape buffer shall be required along the rear property line at the time that adjacent residential development occurs;
5. the trash receptacle area shown at the rear of the parking row to the west of the building must be screened on three sides with a gate on one side – the site plan or narrative shall be revised to reflect this;
6. all outdoor areas shall be cleaned of litter and refuse after each day of operation - this is an operational standard that shall be included as a condition of approval in the approval letter;
7. adequate restroom facilities shall be shown on the site plan;
8. Mr. Chad Dennis will be the designated market manager, and the point of contact and the responsible party for this conditional use permit;
9. given that the site plan shows 33 parking spaces and four outside vendor spaces and the Property Appraiser records indicate that the building is 9,276 square feet including the canopy overhand area in front of the building, 35 parking spaces are required (based on one parking space per vendor and one parking space per 300 square foot of sales area), therefore the applicant will have to provide two more parking spaces or remove 600 square feet of sales area from use;
10. uses are subject to Sign Code, signs are allowed for individual vendors and displays, limited to each display area and not more than 20 square feet in size;
11. the following signs are prohibited: "human" signs, inflatable figures or objects, pennants and banners other than the allowance of two banners as defined in the Sign Code, snipe signs, and any other sign not allowed by the Sign Code;
12. display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles;
13. No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; or personal services shall be offered for sale;
14. all merchandise shall be brought into the building at the end of each business day except for larger items that are not easily moved, with such items being screened by fencing or vegetation that shall be maintained in an attractive and neat appearance;
15. The site plan shall be revised to show fire lanes, restrooms, exterior lighting, and additional required landscaping; and
16. The site plan or narrative shall include verbiage regarding days and hours of operation; the means, such as stalls, tables or other structures by which merchandise is to be displayed; and the specific types of goods requested for sale.

ATTACHMENTS: APPLICANT NARRATIVE
APPLICANT SITE PLAN

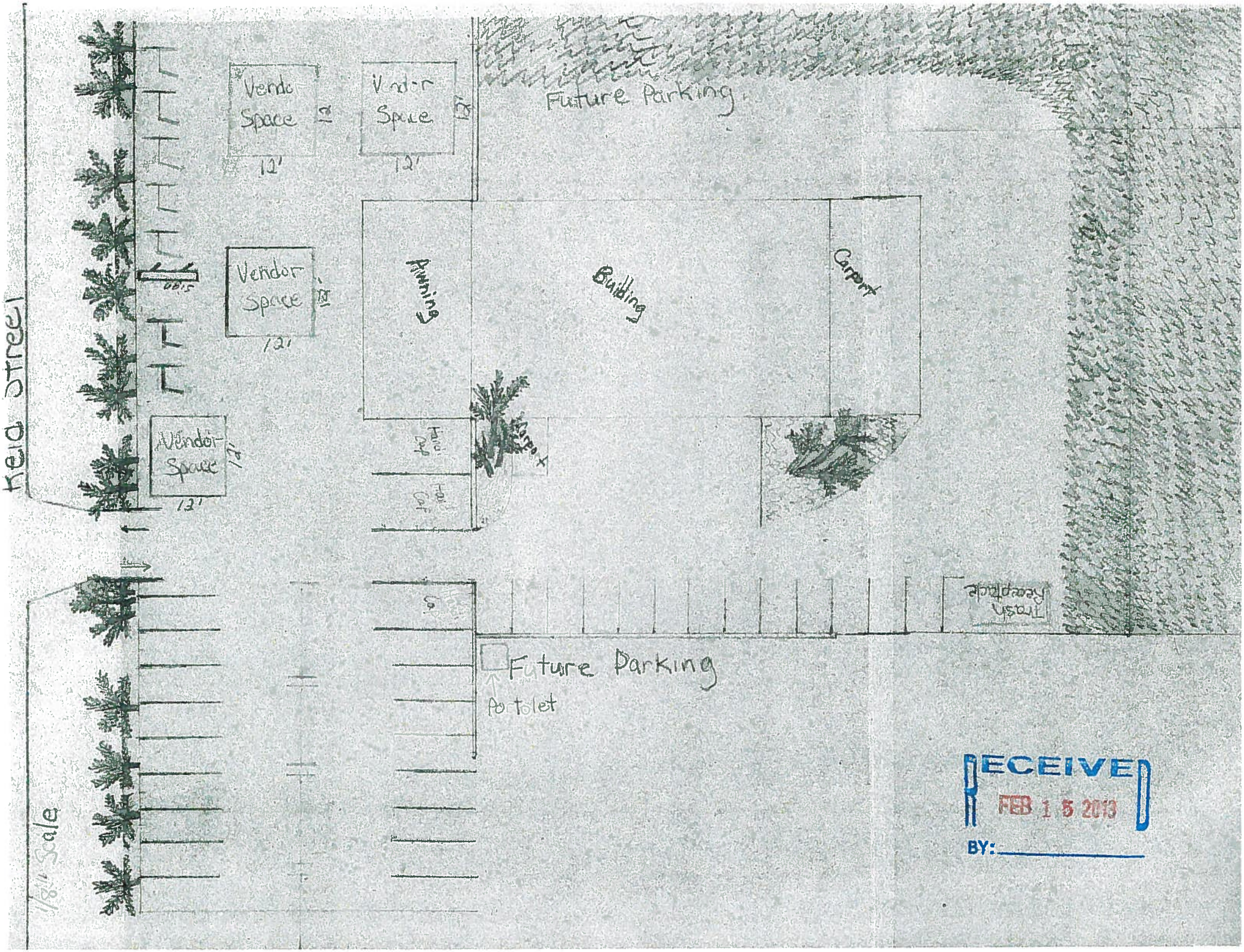
The Palatka Market
3523 Reid Street
Palatka, Florida 32177

RECEIVED
FEB 27 2013
BY:

City of Palatka Planning and Zoning,

We would like to sell produce and other miscellaneous items inside the building and around the outside of the property. We would also like to rent spaces to other venders so they too can also sell misc. items.

We are trying to make a safe and inexpensive place for families during this economy. We would like to keep our residents in Putnam instead of having to travel to other surrounding counties... in doing so, maybe bring outside residents into Putnam to shop all of or local businesses.



RECEIVED
FEB 15 2013
BY: