



CITY OF PALATKA
PLANNING BOARD MINUTES (DRAFT)
May 7, 2013

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

Chairman Stewart read the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

Motion was made by Mr. Pickens and seconded by Mr. DeLoach to approve the minutes for April 2, 2013 meeting. All present voted affirmative, motion carried.

Case 13-12: administrative request to amend the Municipal Code to revise various landscaping and tree protection standards as set forth in Zoning Code Chapter 94, Article VI and VII.

Mr. Crowe advised that this is a complex issue regarding the standards and would like more time to put some graphics and easy to follow explanations regarding the proposed changes and recommended tableing this item.

Motion made by Mr. Pickens and seconded by Mr. Sheffield to table the request. All present voted affirmative. Motion carried.

NEW BUSINESS

Case 13-17 request for a conditional use for expansion of a previously approved nursing home.

Location: 6400 St Johns Avenue
Owner: North Central Florida Hospice Inc.

Mr. Crowe explained that this is an existing 11 bed nursing home and that the building expansion of 4800 s.f. for the additional beds and associated office space was previously reviewed and approved by the Board and approved as a future development. The addition of the outdoor decking and the 938 s.f. screened in patio was not part of the original planned expansion. He stated that the request does meet the evaluation criteria. He recommended approval with the following conditions:

1. Improve screening for front dumpster or locate to reduce its visibility from the entrance.
2. Replace missing fence on north side of rear dumpster.

Mr. Pickens recused himself as he does have interest in the outcome of the request as a member of their Board.

Motion made by Mr. Sheffield and seconded by Ms. Moody to approve the request as recommended by staff. All voting members voted affirmative. Motion carried.

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Case 13-18 request for a conditional use for an existing nonconforming school use and feeding program.

Location: 200 Main Street
Owner: Episcopal Church In The Diocese Of Florida Inc
Applicant: St. Marks Episcopal Church

Mr. Crowe explained that both uses are occurring currently and are in violation of the code. He said that in the past the Planning Board had approved a school use at this location, with certain stipulations, however since that time, the use had ceased for a period of time requiring a conditional use approval for a new use. The applicant states that the feeding program has occurred on and off over the years but this has not previously been reviewed or approved by the Board. He reviewed the evaluation criteria, and explained that Staff had difficulty in evaluating this case and the level of impacts to the neighborhood as it was not possible to perform field observations over a sustained period of time to gauge such impacts. This is best identified by residents. Any testimony received tonight will help the Board make a decision as to whether or not these impacts rise above the level of what might be considered a normal residential type neighborhood, much like a home occupation, it should not be something that does not overwhelm the neighborhood. On several site visits, Staff noticed that there were some noise impacts from the school from students outside in the courtyard area. He added that there does seem to be a concentration of social services uses nearby, the Bread of Life operation a couple of blocks away and other feeding programs in the downtown area in general. The question the Board will try to determine is whether this activity is appropriate in a residential neighborhood. He reviewed the recommended conditions as listed in the staff report, should the request be approved:

1. Activities are to be in accordance with the attached site plan and narrative.
2. All activities to occur indoors.
3. School parking, pick-up, and drop-off to occur only on N. 2nd St. and/or utilize any excess parking of businesses located across N. 2nd St., "employee only" parking allowed on Madison St. and Madison St. driveway (signage to be erected accordingly).
4. Eight-foot tall stockade fence to be erected on the west side of the school to buffer the adjacent residence.
5. Six-foot tall stockade fence to be installed in a location that continues the front wall of the educational building facing Madison Street in a manner that visually screens the courtyard from street view.
6. Hours of operation limited to Monday, Tuesday, Thursday, and Friday 4 to 6 PM for feeding, and regular weekday school hours for the school.
7. Garbage cans to be kept within screened enclosure not visible from rights-of-way or adjacent property owners.
8. External lighting to be shielded and downcast so as not to produce glare for surrounding properties and rights-of-way.
9. Signage within both facilities to be erected to request curtailing noise outside out of respect for neighbors. The Church shall designate an on-site staff individual or an individual associated with both activities and provide contact information for these individuals to the North Historic District Neighborhood Association and the Palatka Police Department.
10. Approval is specifically granted to St. Mark's Episcopal Church, which is the responsible party, in concert with the Teen Outreach Program/Banner School and Putnam Coalition of Care, Inc. Transfer of conditional use to other entities shall not be allowed without Planning Board approval through conditional use process.
11. Repeated and documented violations of the conditions of approval shall result in revocation of conditional use permit.

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Chris France, 415 Mulholland Park, spoke on behalf of the church as a Senior Warden of the Vestry. He stated that these are activities that every church does, and that is feed the hungry, teach children and that these are activities that have occurred throughout the history of St. Marks. Mr. France stated that the Church would be responsive to the limitations if the Board sees fit to approve the request. He referenced a Charter School that was approved in 2003 and run by Geri Melosh. He noted that the current school has been in existence since August, it is less than half the number of students and less hours per day of operation than the previous school.

Mr. Sheffield asked how many driving students they had enrolled in the school and how many meals are provide for of the feeding program.

Mr. France replied that they only have one driving student and if additional parking was required they would be able to accommodate that. He then introduced Ms. Cave to speak on behalf of the feeding program.

Brenda Haridman "Cookie" Cave, 1104 Moseley Ave., President of the Putnam Coalition of Care explained that they were previously located at the Palatka Christian Service Center but had outgrown that facility with 45 clients. She stated that this program was developed to ensure that these people of need would get two meals per day as the Bread of Life does not provide an evening meal four days per week from 4:00pm to 6:00 pm. She added that they also provide these people with other things, like hygiene products, hats, gloves and coats etc. The majority of the people walk to the facility and some use bicycles. The feeding program relocated to the Church in January and that they have had as little as 15 and as many as 60 clients.

Mr. Holmes asked what part of the facility is used for providing the meals. Mr. France answered that the meals are provided indoors in the parish hall.

Mr. Pickens asked what the nature of instruction at the school is. Jami Clark, 124 Motes Rd. stated that this is an umbrella virtual school with Florida Virtual for five years and incorporated since 1989. They collaborate with St. Johns State River College and the students are dual enrolled with college classes. They provide T.O.P.S. and Abecca program as well. She added that most of the classes are online classes and that their goal is to rehabilitate those students that are at risk of falling through the cracks. The age range is middle school and high school as well as some adult education for those that have dropped out. They maintain between 25 to 30 students on site, but not necessarily at the same time everyday due to scheduling and dual enrollment. Most of these students do not drive, but are dropped off and picked up or they stop by to pick something up or sign off on something. She added that visitors have access to extra parking across N. 2nd Street at the RCMA office or can mandate parking on N. 2nd Street. The program is five days per week, from the end of August through the end of May and most of the students are gone by 1:30 PM.

Ray Gates, 349 Alabama Avenue, spoke in favor of the feeding program. He stated that he used to be homeless and disabled from normal society and credited Ms. "Cookie" stating that if not for her and the feeding program, he does not know where he would be today. He said that he no longer needs the feeding program.

Lynnette Morgan, 137 Crestwood Ave., spoke in favor of the feeding program. She stated that it is not just adults that are homeless that there are also children and some as old as 73. She stated that she believes that we should all provide a helping hand as there are many reasons that people become homeless.

Roberta Sweet, 2501 Prosper St., spoke in favor of the feeding program stating that she is part of the feeding ministry, bringing food to the elderly on Thursdays. She stated that she has been homeless before and thank the Board for understanding that this program is really needed.

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Garland Beverage, 700 Olive St., expressed support for the feeding programs and stated that his house had been burnt down and found himself in need. He believed this program is a blessing to the community.

Coenraad vanRensburg, 310 N 3rd St., President of the North Historic Neighborhood Association spoke on behalf of the association. He explained that there are approximately 65 homes in the district and is made up of quite a diversity of people from young families to frail and elderly. The Association is very active trying to improve the appearance and the neighborhood as a whole with frequent socials and they have improved over 43 houses. He added that both of these issues have been extensively discussed at their meetings. No one in the association denies that the feeding program is a great program. The concerns they have with both of these programs is the traffic, parking, noise and trash. There is a lot of through traffic with the extra drop off and pickup traffic. There is also a lot of walking traffic through the neighborhood, traveling down Main, Olive and Bronson Streets. Sometimes they are going onto vacant properties spending time, even going to the bathroom outside. He added that there is already an affirmative facility at the Bread of Life 4 blocks up. He stated that the school and the feeding program are not for the residents of the neighborhood. He ended by saying that they are not against the program, just the location of it.

Mr. Sheffield asked if there were any law enforcement involvement with the feeding program. Mr. vanRensburg stated that he could not answer that question.

Tammy Shehann, 218 Madison St., lives directly across the street from the Church and stated that she was not against the feeding program, or the homeless and is not against education as she has been employed by the Putnam County School Board since 1998. She stated that she is concerned with the foot traffic, the noise and litter. She added that she is aware of police related issues with the feeding program, with at least one person in particular who has been arrested 3 times since September. She also has narrowly missed hitting cars parked along Madison St. at her driveway, because they are located in her blind spot as she tries to back out of her driveway. She reiterated that she is not against helping but that this is a neighborhood and that she bought her home there because it is a nice quiet neighborhood.

Holly Shuffle, 516 N 4th Street, spoke in opposition of the request and stated that they purchased the home in a Historic District partly because there are standards that protect property owners. She added that more things have been stolen out of the people's yards since the program.

Sandy Smith, 415 Olive Street, spoke in opposition of the request stating that she lives a few houses away and does see the trash left on the sides of the road.

Elizabeth vanRensburg, 304 and 310 N 3rd Street, spoke in opposition of both requests stating concerns for safety, noise, trash and increased non-neighbor traffic. She these are things that they as an association, feel are detrimental to them as a neighborhood and believes that these programs defeat everything they have done to make their neighborhood safe. She added that in working with the Police Department regarding their neighborhood Watch Program, they are advised that they should call whenever they see people that do not belong in the neighborhood. This is difficult to do with the large numbers of people walking through the neighborhood. She added that they as a neighborhood are concerned for safety and the quality of life for their neighborhood.

Ms. Cave commented that she has gone before the Board of the Bread of Life asking if they could utilize their building for the evening feeding and was turned down because they did not want the liability of having the

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establishment opened in the evening. She added that she has tried to contact other property owners with empty buildings asking for permission to locate somewhere. She added that there is a hunger problem here in Putnam County and she has regular clients from St. Augustine, and Hastings in St. Johns County, and even one family from Georgia.

Ms. Morgan added that she is a teacher at the school and also helps with the feeding program. She added that we all want the best neighborhoods, however believes these programs are needed. She added that there are other programs like the Boy Scouts and AA Counseling Services that are located at the Church, so who's to say that all the problems are from the feeding program or the school.

Mr. Vandenberg reiterated that this use requires a conditional use because it is a zoning issue.

Ms. Moody asked what kind of safeguards are in place if the request were to be approved. Mr. Holmes explained that the Board has the ability to set guidelines and restrictions but they would have to be enforceable to be effective.

Mr. Pickens stated that he had issues with both requests, not because of the value of the services being provided, but because of the location. He added that he heard much more anecdotal reasons versus opposition, why this may not be the right location for a very valuable program. He asked the audience if there was less opposition to the activities of the school as it relates to the neighborhood than that of the feeding program.

Mr. vanRensburg replied that he believed that there was more testimony given regarding the feeding program because it impacts a greater section of the neighborhood. There is a lot more walking traffic which is slow moving and more people hear them, while school noise and traffic impacts affect mostly those properties immediately adjacent so not as much testimony is given. He added that this is not a regular residential neighborhood; the Historic District comes with additional rules attached to protect the historic integrity of it. This is also located at the entry point to that side of the district and believes that any impact at all is eventually impacting the entire district.

Mr. Sheffield stated that he does not believe that the school impacts the neighborhood as greatly as the feeding center. There has been a school there previously and, eliminating the emotional side of this, he would be in favor of the school as presented with the caveat the Staff be responsible for determining that the conditions of approval be met.

Mr. Crowe added that testimony has been given tonight that there are some incompatible activities that are occurring with the uses there, that is something that the Board needs to gauge when considering the review criteria for general compatibility with adjacent properties and other properties in the neighborhood.

Motion made by Mr. Sheffield and seconded by Ms. Gooding to approve the request for a school with staff recommendations to include a parking plan submitted by the applicant and approved by Staff.

Mr. DeLoach stated that should the school be approved, a stipulation that parking should occur in the lot across the street and not on the street. Discussion continued regarding alternative parking options; utilizing businesses that may have extra parking across 2nd street and utilizing on street parking on 2nd St. whenever possible. Ms. Moody said that she thought a trial run would be a good idea. Mr. Crowe added that a stipulation could be made that if Staff reached professional conclusions that the level of problems had risen to the point where the City needed to look at terminating the use, then he would collect that information in the form of a report and bring it back to the board for consideration. Mr. Holmes stated that a conditional use approval runs with the land and

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does not usually come with a set expiration date, but if the Board were to consider the request on a trial run bases, the Board would need to be specific as to what would be reviewed and thresholds. He added that item numbers 1 through 10 seem to be objectively determinable, but that item no. 11 is not so easily determined. He gave examples, citing such things as more trash being noticed in the neighborhood – and replied who is to say that it came from the students, or if the students are making too much noise - what is this to be gaged by or even an increase of traffic without a traffic count, and if you do have traffic counts, can you attribute the increase to the school or the feeding program. Mr. Holmes asked Mr. France how the Church would feel about the concept of the Board approving a 1 year trial run for the school and/or feeding program. Mr. France replied sure, they would absolutely agree to that for the feeding program, however with the school, if they had to do site improvements then they would incur expenses. Mr. Holmes added that from a legal perspective, issues for concern are definitely raised when you speak of bringing people over from Hastings and other out of town areas to provide services in a residential neighborhood. It doesn't support the idea of a residential neighborhood when the church is being used in a fashion that is not compatible with the neighborhood and he believes that is much of what Staff was struggling with in the staff report. Those are the problems you face, making it difficult to determine, if you cannot be completely and objectionably determined. Mr. Holmes ended by saying that this is a land use question, not whether it is a good thing. He doesn't believe anyone here feels that it is not a good thing, the question is, is it a good thing at this location. Mr. Pickens stated that he agreed with Mr. Holmes, in that this is a zoning decision, the fact that this is a difficult one doesn't make it anything other than a zoning decision. He said that he had the same opinion when there was talk about converting a school to a warehouse and how that changed the neighborhood. He feels very strongly that the residents of this neighborhood have the right to the quiet enjoyment of their neighborhood. He quoted a section from the staff report under 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." A roll call vote resulted in 4 yeas; (Carl Stewart, Daniel Sheffield, George DeLoach and Judith Gooding) and 2 nays (Joe Pickens & Lavinia Moody). Motion carried.

Mr. Pickens stated that he did not want to repeat himself, but with regards to the feeding program, he believes that there are concerns over traffic, not the feeding program itself, he wishes it were in a church or some other location in less of a residential area, but if the board says no. But he feels even more strongly that it is incompatible given the collateral effects of the traffic.

Motion made by Mr. Pickens and seconded by Mr. Sheffield to decline the request of the feeding program to continue at the Church. Discussion: Mr. Sheffield stated that he believed that there needed to be a grace period to allow for a transition period. Mr. Sheffield withdrew his second to the motion. Motion failed for a lack of a second.

Discussion continued: Mr. Holmes stated that he has a lot of concern about the compatibility of the feeding program with the neighborhood that surrounds it and it being an ancillary use to a church. It is difficult invariably to take all of the discussion and thoughts about the worthwhile uses that are at stake from the zoning and locational issues, but that is the duty of the Board. Unless the Board finds that it is an acceptable location, essentially what you would be doing by allowing a long grace period is denying it but directing Staff not to enforce the zoning code for a period of time. From an administrative standpoint 30 days for them to make a transition is certainly acceptable, but if the Board is considering six months or a year, he believes that would be a problem.

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Mr. Crowe advised that 60 to 90 days would be acceptable for a transitional period, but he would want a specified time period to work with.

Motion made by Mr. Sheffield and seconded Ms. Gooding to deny the request for a feeding program but to allow a 6 month day grace period for the use to vacate the premises. With a tie vote motion failed.

Motion made by Pickens seconded by Mr. Sheffield to deny the request for the feeding program but allow a 30 day administrative period plus a 30 day code enforcement period, if necessary, for a total of a 60 day period to vacate the program at this location. All present voted affirmative, motion carried.

Case 13-14: administrative request to amend Municipal Code Sec. 94-149 to allow for residential uses for properties zoned C-2 (Intensive Commercial) in the CRA districts.

Mr. Crowe advised that this is a two part issue; one is to amend the zoning code to allow residential uses in the C-2 zoning district within the CRA districts and two, is to amend the Comprehensive Plan to allow residential uses in the Commercial land use category. He added that there are 14 residential structures in this area that are now non-conforming, which people cannot get loans on or fix up substantially. This creates a blighting influence. He recommended approval of this request as well as the next case on the agenda.

Motion made by Pickens seconded by Mr. Sheffield to approve the request. All present voted affirmative. Motion carried.

Case 13-15: administrative request to amend the Comprehensive Plan Future Land Use Element to allow for residential uses in the COM (Commercial) Land Use Category under certain conditions.

Mr. Crowe explained that this is the companion request of case 13-14; amending the Comprehensive Plan Future Land Use Element that coincides with the zoning amendment that was just approved. The Future Land Use Element of the Comp. Plan overrides the Zoning Code and in order to allow the CRA districts to allow residential uses we have to enable it in the Comp Plan. This basically lays the ground work in the Future Land Use Commercial category to allow for limited residential uses.

Motion made by Mr. DeLoach and seconded by Mr. Sheffield to approve request as submitted by Staff. All present voted in favor of the request. Motion carried unanimously.

Case 13-19: amend Municipal Code Sec. 94-145 to remove the requirement that conditional uses in the R-3 (multiple-family residential) zoning district be located on a major thoroughfare or highway.

Mr. Crowe stated that Staff believes that the Board should be allowed to give consideration for these uses without major thoroughfare requirement on a case by case basis. He added that he did not believe that it was appropriate in the R-3 district to allow hospitals, clubs and retail uses, as there is a neighborhood commercial zoning category that would be more appropriate for these uses. The intent of this request is to remove the intensive uses and also give the board the discretion to determine whether these conditional uses should be allowed regardless of whether they are on a major thoroughfare on a case by case basis.

Motion made by Joe Pickens and seconded by Mr. DeLoach to approve the request as submitted by Staff. All present voted affirmative, motion carried.

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Other Business: None

ADJOURNMENT

With no further business, meeting adjourned.