



CITY OF PALATKA PLANNING BOARD MINUTES July 2, 2013

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 and Joe Petrucci. **Members absent:** Joe Pickens, Lavinia Moody and Anthony Harwell. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Motion was made by Mr. DeLoach and seconded by Mr. Sheffield to approve the minutes for May 7, 2013 meeting. All present voted affirmative, motion carried.

Chairman Stewart recognized Mr. Crowe for the lifetime achievement award that he recently received from the Florida Planning and Zoning Association.

OLD BUSINESS

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 requested that this item be tabled for additional staff review.

Motion made by Mr. Sheffield and seconded by Ms. Gooding to table the request. All present voted affirmative, motion carried.

NEW BUSINESS

Case 13-24: administrative request to amend the Municipal Code Sec. 62-1 Sign definitions to modify definitions for Banner Signs and to provide for clarification.

Mr. Crowe requested tabling this item for further research and assessment of existing conditions.

Motion made by Mr. Sheffield and seconded by Ms. Gooding to table the request. All present voted affirmative, motion carried.

Case 13-25: administrative request to amend the Municipal Code Sec. 94-145 to reduce the R-3 density from 31 to 18 units per acre to match the Residential High Future Land Use Map category.

Mr. Crowe explained that the Comprehensive Plan allows up to 18 units per acre for Residential High density, while the zoning code for R-3 (Residential multi-family) allows a much higher 31 units per acre, and which the Comprehensive Plan take precedence. He added that this density is sufficient for multi-family developments.

Motion made by Mr. DeLoach and seconded by Mr. Petrucci to recommend approval. All present voted affirmative, motion carried.

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Case 13-27 Preliminary and final plat approval (lot split)
Location: 201 Zeagler Dr.
Owner: Kiva of Palatka LLC, Thomas D Scarborough

Mr. Sheffield stated for the record that his mother is a resident of the Kiva assisted living facility.

Mr. Wallace stated for the record that he did the boundary survey for this lot split.

Mr. Crowe explained that this request is for the City's recognition of a recorded easement that accesses the undeveloped rear portion of the lot, which the Subdivision Code defines as a platting action. The front portion of the lot is developed as a medical clinic. The applicant plans to He recommended approval of the 35-foot wide easement running along the north side of 201 Zeagler Drive and accessing the lot to the rear of this property.

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

Case 13-26: Conditional Use request to locate a church within 300 feet of an alcohol serving establishment.

Location: 211 St. Johns Avenue
Owner: Ruth Burke
Applicant: The River Community Church, Pastor Chad Perry

Mr. Crowe explained that the zoning code requires both churches and alcohol serving establishments to be subject to a distance restriction of 300 feet from one another. He said that even though churches are a permitted use in the downtown zoning districts, because they are within 300 feet of an alcohol serving establishment the Alcoholic Beverage Code requires that such uses be considered through the conditional use process, which comes with its own set of review criteria. He said that the building's owner received a grant for a fitness center at this location but this use did not pan out. He added that the church is currently holding regular worship services at the riverfront Quality Inn. Mr. Crowe reviewed the evaluation criteria, stating that there was sufficient vehicular and pedestrian access and parking. He added that the downtown zoning districts are exempt from parking, landscaping and buffering requirements except for parking lot landscaping requirements. Staff's main concern pertains to compatibility. More specifically, this building is located in the retail core of Downtown and removing this large storefront area out of the potential for retail use could create what is called a "dead zone," where you have less pedestrian life and retail activity. This dead zone is accentuated by the relatively wide frontage of the building (approximately 90 feet). Studies of successful and walkable downtowns have found that concentrations of retail and restaurant uses greatly increase pedestrian traffic and street life, benefitting downtown businesses in general. Narrow storefronts contribute to increasing the interest and appreciation of pedestrians with the changing scenery of storefront window displays, signs and architecture. The combination of this property's wide frontage and removal from retail/service use would exacerbate the dead zone effect and staff has concerns that the lack of foot traffic and activity as generally generated by retail, restaurant and personal service uses will hamper downtown businesses. He added that the intent of the downtown zoning districts is to provide a pedestrian orientated retail, entertainment and personal service area. In the context of a downtown, a necessary ingredient for lively street life includes businesses with day and evening activities - churches do not provide that kind of activity. He emphasized that this assessment should not discount churches as an important component of downtown, pointing out several established churches in the periphery of the downtown retail corridor which complement the downtown retail core.

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Mr. Petrucci asked if there were any restrictions with the church locating next to the Bingo Hall. Mr. Crowe replied that distance restriction is related to alcohol and that there were no distance restrictions between those two uses.

Ms. Ruth Burke, 510 Mulholland Park, owner of the property under consideration, spoke in favor of the request and stated that she was happy to have the River Community Church in her building and believes that this would be a good fit.

Pastor Chad Perry, 2370 Westover Dr., gave the Board members a handout, outlining basic information about the church and thanked them for their consideration. He explained that the church has been meeting at the Quality Inn, renting out all of their ballroom space on Sundays, while looking for a place to call home for the church. They are a one-year old unconventional, non-denomination church with several small groups throughout the County. He referenced some Bible passages, referring to the Church's desire to make Palatka a better place and the benefit of the righteous (Proverbs Chapter 11; 8 and Genesis 18 & 19). He read letters of support included in his submittal from the following persons: Jeanine Smith (one of Pastor Perry's Advisory Board members), Amanda Deffendall, Marianne B Honer (Assistant Manager of the Quality Inn & Suites), T.J. Smith (Beef O'Brady's), Robin Robinson (Hope FM radio station), Linda Faw (Women's Resource Center), Herbert and Sandra Smith (members of The River Community Church), Aray Woodward (Bingo Palace), and Ruth Burke, property owner.

City Attorney Holmes addressed the Chairman regarding the applause and comments coming from the audience. Mr. Holmes explained that the request to be considered is a process of deciding land use. It is not to decide whether a church is a good thing or if the church's people are good people. It is not a contest of who is in favor or who is against the request, nor is it one based on emotion, it is a land use decision with a review process that has to be applied consistently case by case. From that perspective, he reminded the Board to base their decision not on emotion, or cheers or boos but based upon the rules that apply to every applicant.

Pastor Perry shared a letter of support from John Lyon, owner of Steamboat Willies and said that he had also received verbal support from the people of the Elks Lodge. He stated that the only real issue is whether the Church should locate within 300 feet of a bar. He shared a power point presentation, showing existing churches in the proximity of bars within the downtown area which he believes sets precedence. He referred to several more Bible scriptures related to alcohol in Psalm 60 and John II, and said the bottom line is that the Bible says if you are going to drink you must drink responsibly- the bible stands against drunkenness. He referred to an e-mail he had received on July 1 and another on July 2, 2013 from the Planning Director Thad Crowe, stating that the Church needed to complete a business registration application with the City of Palatka and also needed to apply for a Conditional Use approval for the Beef O'Bradys' location, as that location was also within the distance restriction of an alcohol serving establishment. He pointed out that the Mr. Crowe had added in that letter, that if the Church were to apply for a Conditional Use at the hotel, Staff would support that request, which he found disconcerting as Staff is recommending denial for this location, and so it appeared to him that the distance restriction is not really the issue. He then noted that this property, the old McCrory's building, was important to him as his father had worked at a McCrory's in another city and shared some of his family retail history.

Mr. Petrucci asked Mr. Perry how his family retail experience relates to the Church use.

Pastor Perry answered that he believes his retail experience will help him create wonderful window displays to attract foot traffic, as he was taught the importance of this by his father. He plans to turn the vacant storefront

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and “dead space” around with clean, interesting window displays, creating traffic and curb appeal. They intend to bring this building, which has been empty for 20 years, back to a “lively space.” He added that they will have multiple environments within that space. The church would have an open door policy during the listed regular office hours, and would institute activities such as a coffee area, a media center, reading and study areas, and indoor gaming and play areas. He added that they may even develop a retail area of books CD’s and tapes sometime in the future. He mentioned that the County had just recently purchased another piece of property in the 300 Block area, calling it “office space” which he believes is also classified as “dead space.” He said that they want to be good neighbors and believes that this Church will actually bring business to the downtown establishments. He added that they have no intention of feeding the homeless at the 211 St. Johns Ave. that they may assist them with their needs but it would be at the program location. He said the Church has no intention of hurting the businesses downtown by their functions, only to enhance them.

Ms. Burke commented that even if the Church moves into the building it would remain on the tax rolls.

Mr. Charles Rudd, Main Street Manager; stated that he was speaking on behalf of the Main Street Board of Directors and as a professional. He has been a Main Street Manager and a downtown revitalization professional for 16 years. Palatka is the fourth community he has had the pleasure to serve, working here for the past two years. He networks with at least 1,500 other Main Street professionals across the Country. One of the things Main Street professionals strive toward in revitalizing a downtown is “critical mass” of retail uses. There are approximately 100 storefronts on St. Johns Ave. including those businesses occupying multiple spaces. Of those, 25% are vacant and of the occupied spaces, 50% are non-retail. This leaves approximately 25% retail within the downtown retail corridor. Mr. Rudd explained that one of the things a developer looks at when considering a new project is the critical mass that is required to attract an audience for a project such as a plaza. This critical mass must hold that audience for four hours, where people can eat and browse from shop to shop for it to be a viable project. The downtown is the shape of a barbell, with the middle (400 to 600 blocks) being office professional and the ends (200-300 blocks and 700-900 blocks) being retail nodes which need to be strengthened to better connect to each other. This is very important to work toward the goal of creating a viable downtown. If the 25% of vacancies were occupied with retail uses the overall retail percentage would still only be at 50%. At least 75% of the downtown should be a mix of retail/restaurant/entertainment. He added that every space is important to create a thriving downtown environment. One of the indicators that a downtown is in distress is the presence of storefront churches and offices. The presence of these uses indicates that rents are low and even though they may increase lunch traffic, those uses generally do not contribute to the retail corridor. The central business district is very large and there are already ten churches downtown, along with lots of offices and professional uses with some residential as well. These uses are all important to the mix but it is very important to have a retail/restaurant corridor that supports the surrounding mix. He summarized by saying that Main Street is concerned about trying to preserve retail corridor and the pedestrian, walkable environment – it is not about the church but that particular location within the retail core.

Ms. Burke stated that she owns a lot of the large vacant buildings and has spent a fortune, advertising all over the area including St. Augustine and Jacksonville. They come and fall in love with the buildings but the bigger stores do not want to pay the rents and they say that it is a dead downtown. She stated that it is easy to get the little stores.

Robert Taylor, 710 St. Johns Ave., He agreed with Staff’s report findings as well as the concerns Mr. Rudd’s had stated regarding the importance of the location in the revitalization efforts of the downtown core. He added that zoning has been established for a reason and in an effort to protect and preserve the downtown. The McCrory building was developed for retail and should return to retail, it could be sub-divided which would enhance its

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opportunity for retail. He pointed out that a concerted effort has been made by the City of Palatka and Palatka Main Street to establish a viable retail core. He also believes it is extremely important to have a pedestrian corridor with lots of shops & restaurants to help enhance the development of this core. He said that he is not against churches, he is a Christian and he loves and serves God. While he applauds the Applicants' efforts to establish a church, he does not believe that this is the right location for a church and recommended denial of the request.

Alex Altman, 5256 Silver Lake Dr., spoke in support to the request, and stated that he does not believe there is issue with the proximity between the church and the bar, as the church has received support from the institutions that are being addressed. He said that in his opinion this is a loophole requiring them to establish why this request has viability and he believes that it does. He believes that the points that have been brought forward by staff and others are based on history and different circumstances and have no relevance in this individual and unique case, as this is not your typical church. He believes that the only consideration that should be made is the proximity to a bar, in which there is no issue because it has been addressed and signed off on.

Discussion: Mr. Holmes commented that the proximity to alcohol serving establishment is not the only issue, it is also compatibility with the surrounding land use. Mr. Crowe reiterated the point that the 300 foot distance restriction is what triggered the conditional use requirement, and that is when the criteria for conditional uses must be considered by the Board. Mr. Holmes agreed with Mr. Crowe and added that some uses are permissible by right and some can be allowed by conditional use considerations. Regardless of why one has to apply for a conditional use, the request must be guided and considered by the very specific conditional use criteria, including compatibility with surrounding land uses.

Dawn Perry, 2370 Westover Dr., thanked the Board for the opportunity to proclaim and promote downtown, that their hope to be a part of the revitalization of the downtown area. She stated that she believes that their request meets all of the required criteria and that she believes precedence has been set in the past and wanted to emphasize that since the mid eighteen hundreds churches have been located Downtown which is zoned to allow churches by right. She quoted the definition of a conditional use found in the Municipal Code, Definitions and Rules of Construction; Sec. 94-2(b). She said that their church should not be considered as dead space, but rather a positive contribution to the area, as they will have longer than usual hours with all of the activities they have planned. She added that they want to be a part of the revitalization of Downtown; they are a service use and believe that their church will provide lots of foot traffic with their extended hours.

Mr. Holmes stated that the same criteria is applied to all requests that require a conditional use approval and is intended to provide consistency in the review process.

Webster Marlow, 120 Kirkland St., spoke in support of the request, stating that he has looked at the vacant spaces along St. Johns Ave. and believes it time to have someone there doing something.

Ms. Janet Sikes, 113 Green Dr., former owner of Special Occasions Bridal Shop, spoke in favor of the request. She stated that she has several friends that have gone out of the retail business in the retail corridor of downtown, as it is a bad economy and doesn't believe any large retail business will be able to prosper downtown in that location.

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Dwayne Johns, 206 Belmont Dr., spoke in favor of the request and stated that he has lived here for over 20 years and has not seen the revitalization of the downtown area and believes that at least this request is going to interject life.

Steve Rodrique, 305 Moseley Ave., asked who would be the one to pay for the suggested splits to the existing building.

Jerry Haffner, 122 Hilty Lane East Palatka, member of the Main Street Board, read a letter from Downtown Palatka Inc. (representing the majority of the businesses downtown). That letter endorsed by unanimous consent the Palatka Main Street Board of Directors letter dated June 21, 2013 and of the Community Vision for a revived retail corridor along St. Johns Avenue and supports denial of this request. He said that he has been involved in trying to help Downtown Palatka to be something better for the past 28 years, and in all of the activities he has been to, including his visits to this Planning Board, the Putnam County Board of Commissioners and Palatka City Commission he did not recall seeing these people before tonight for this request. He said there is a problem with that, that most people only become involved when the need arises to become involved.

Jerry Haffner spoke again as an individual and said that he was personally insulted and extremely disappointed in the way that this request was presented. He stated that he also is a Christian and that he was here tonight with regard to the agenda item for consideration, and that the sermon that was given tonight had nothing to do with the points for consideration. He added that the approach demonstrated exactly why he did not believe this church would fit downtown, because on numerous occasions here tonight there were comments made by this Board that the speaker should have picked up on with regards to sticking to the points for consideration, and to cut out all the emotional and irrelevant information. He added that the way you help a City is by being involved in the City, not to reach an objective that you have for yourself, but to help a City reach an objective.

David Church, 103 S 7th Street, spoke in opposition of the request. He stated that considers himself to be a successful business owner and owns several buildings downtown. He said that he has heard a lot of comments about nothing happening downtown and that kind of affects him, as he has been on the Main Street Design Committee for about 12 years and believes he and others have done quite a bit to help in the efforts. He applauded the Main Street Manager, Charles Rudd in his effort to make a difference. He added that there have been a lot of improvements made to the area and new businesses coming in. In his opinion, the vacant building owners have neglected their buildings year after year, sitting on the buildings and have done nothing with them. He believes if the building owners would take care of their buildings and maintain them they could rent them out, otherwise they should sell them.

Bonnie Buck, 208 S. 9th St., moved here in April, spoke in opposition of the request. She said that she leases a space on St. Johns Ave. across the street from Steamboat Willie's. She stated that since she first opened up her business has been doing better and better, month after month. She thanked Main Street and the people that care there. She stated that her store needs more retail nearby and that she supports the retail/entertainment corridor vision of Downtown.

Adam George, 232 West River Rd., previously a minister of Music at First Presbyterian Church, said they did not have any parking issues, during their Wednesday and Sunday evening services, with the Bingo Palace.

Ed Killebrew, owner of Servpro, 608 Main St., stated that he is not in support of or against the request. He added that this use is not what he had envisioned for downtown, but does believe that this church could bring foot traffic to the Downtown area.

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Robert Lemon, 111 Easement Lane, Welaka spoke to compatibility, and stated that seems to be the biggest hurdle. He added that compatibility depends upon which eyes you are looking through and believes that churches have already been approved as compatible with other businesses in that area.

Edward Hawkstar, 101 Winchester Avenue, Interlachen, spoke in support of the request. He stated that the focus seems to be compatibility, but there are two businesses that have already experienced an entire year with this congregation and have expressed that their experiences with church have been positive.

Abigail Maxwell, 7437 Crill Ave., spoke in support of the request. She stated that she has been involved with the Church and its outreach programs since its inception.

Mellissa Botley, 841 Bardin Rd., spoke in favor of the request and stated she believes the use will help restore downtown.

Francine Modrique, 305 Moseley Ave., spoke in support of the request and stated that she has patronized the antiques and other storefront shops downtown on two occasions, which were both during festivals. She believes that for her the shopping sprees might be a couple of times per week rather than a couple of times per year.

Kirby Kennedy, 106 Lisa Lane, Pastor of First Baptist Church, spoke in support of the request.

Ms. Burke stated that she hopes the Board will make an exception for this request.

Mr. Sheffield stated that this Board is chartered by the City of Palatka to give consideration to land use issues and does not believe that this use is compatible with the downtown retail area.

Motion made by Mr. Sheffield and seconded by Mr. Wallace to deny the request. Motion carried with a unanimous affirmative vote.

With no further business, meeting adjourned at 6:44 p.m.