



**CITY OF PALATKA
PLANNING BOARD MINUTES
August 6, 2013**

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

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

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.
(tabled from the July Meeting)

Staff recommended tabling this item to the September meeting to allow continued research and to refine the ordinance.

Motion made by Mr. Pickens and seconded by Ms. Moody to table. All present voted affirmative, motion carried.

NEW BUSINESS

Case 13-32: Conditional Use request to locate a church within 300 feet of an alcohol serving establishment.
Location: 806 St. Johns Avenue
Owner: Hector R. Corzo, MD
Applicant: Holy Word Revival Center, Vivian Johnson

Mr. Crowe reviewed the staff report and explained that the applicants are currently operating a church in this location. The building was built around 1930 as a three-unit retail building. The building has been used mostly as retail but has also been used intermittently as a church as it was when the historic survey was done in the 1980's. He said that the Board had approved a church in this location in the past (2010) but the applicant never completed the registration process to establish there. The rule with conditional uses is that one must commence the use within six months from approval date or the approval goes away and a new application would be required, unless the Planning Board approves a longer time period, which did not happen in this case. Mr. Crowe reviewed the evaluation criteria, stating that there was sufficient vehicular and pedestrian access and parking, as this location has its own parking lot, which the applicant has stated they let the public use during their off hours. He explained that there are a few differences between this request and a similar request last month. One thing that stands out is that there is no continuity in buildings in the 800 block of St. Johns Ave., as there are several scattered vacant lots and parking areas in this block. However he noted that another way to look at this was that it is even *more important* to hang onto the potential for retail when the building continuity is lacking. Another distinction from last month's request is that this is a free standing, single-use building with

additional parking on the property. He added that the City needs to be consistent with its approach, as it now has a Main Street program that is strong and working very hard to turn things around. When the church use was approved in 2010 the City did not have a Main Street program, a Main Street manager or the special event program now underway. He suggested that the City would not want to squander the momentum that has been achieved. Staff is trying to stay in sync with the City's downtown revitalization efforts.

City Attorney Donald Holmes made the statement that this is a land use question, not whether a church is a good thing or not, just where it should go. He reiterated that as the Planning Director had indicated; because a conditional use threshold had been tripped specific criteria must be considered for all conditional use requests. He read the definition of the conditional use.

Vivian Johnson, 720 N. 11th Street, Pastor of Holy Word Revival Center shared photographs of the interior renovations they had made to the building that they have rented since November of 2012. She stated that they were not aware that they needed a conditional use until they went to register the church with the City. She added that the church does not have any conflict with the bars and believes that all of their events will bring in lots of people to shop and patronize the downtown area.

Charles Rudd, Palatka Main Street Manager, spoke to the issue of compatibility and upholding the efforts of a community vision for St. Johns Avenue; to revive and recreate a thriving retail restaurant district. He added that he understands that sometimes it can be difficult to stick to that vision over time, but that is what they are asking everyone to do. Right now approximately 25% of downtown storefronts are vacant, and about 50% are non-retail uses (offices, professional services, churches and so forth) which leaves about 25% for retail/restaurant use. This means the City is a long way away from the 75 to 80% retail/restaurant density/critical mass needed to attract an audience and keep people strolling downtown. He ended with saying that even if all vacancies were to fill with retail/restaurant use these uses would still only occupy 50% of the storefronts, so every space is very important including the vacant lots to have available for retail/restaurant use and to link the blocks together. He asked the Board to deny the request.

Mr. Pickens pointed out a conundrum with lack of continuity of the 800 block between the 700 and 900 blocks; how do you break up continuity if you do not have it? Or are you preventing continuity from occurring by granting this request?

Mr. Rudd stated that with the strolls and events planned for the downtown area they always have to kind of skip over that block, and the hope is that the vacant lots will one day fill in with retail/restaurant uses, which would be a milestone, when new construction begins. He added that the goal of Main Street is to increase the retail/restaurant density around this area and would be a real milestone of success to see infill.

Dean Motes, 1621 Cleveland Ave, an Elder of Holy Rd revival, spoke in favor of the request and re-emphasized that the church members would be beneficial to the city and the local business of St. Johns Ave. He added that their food ministry would be for preparation and delivery only.

Veda Holmes, 106 Belmont Dr. spoke in favor of the request. She mentioned that after reading the staff report and understanding what Main Street are trying to accomplish, they have come to the conclusion that we all want the same things for downtown and believes they will be an asset and benefit to the community.

Johnny Brown, 107 S. 9th Street, spoke in favor of the request. He said that the southeast corner of 9th Street and St. Johns Ave. is their family home and they own the Church next door as well as the vacant lot next to it and that their family has no intention of leaving or developing any of those properties. With that said, he added that there will never be continuity between 9th Street and 8th Street. He also said that until the churches came into the area they had problems with prostitution on St. Johns Ave., which has since been eradicated partly due to the churches being there. He believes that it does in fact attract people to the area and make it seem somewhat alive and vibrant again.

Robert Lemon, 111 Easement Lane, Welaka, spoke in favor of the request and said that there is conflict as to what compatibility actually means, particularly in downtown areas when churches are specifically listed as an allowed use in these zoning districts. He added that surely compatibility and its meaning were considered when the code was modified to list 'houses of worship' as an allowed use, compatibility would have already been determined. If the City of Palatka has a different vision, since the time that the list of allowed uses was established, then maybe they need to take a look at the list. He said that more to the point, with regard to the church that is before the Board today and the one from last month, so long as it is listed as a permitted use, compatibility has already been established and that even with the additional scrutiny of the conditional use criteria, due to the 300 foot distance restriction, churches do not pose a conflict with the criteria to be considered.

Mr. Crowe explained that compatibility from a land use and zoning perspective pertains to the mix of land uses, how they do or don't work together, how they have synergy. Downtown is a critical area because obviously there is a lot of work to be done. While this is a permitted use in downtown area, the conditional use process looks beyond what is permitted such as whether uses are ideal at a particular location, and what the area really needs more of at a particular location.

Mr. Holmes referenced conditional use criterion i (general compatibility with adjacent properties and other property in the district). He explained that compatibility is to be considered for adjacent properties and other properties in the district. He said that staff's thinking is that in a downtown district of this size there is some concern that a high concentration of churches could basically turn the area into a church district. If the desire is to have a retail district downtown, then compatibility comes into play.

Ms. Gooding stated that there are so many buildings downtown that will never be rented unless they are taken care of and fixed up. She said she is not concerned with the alcohol thing and likes to see variety in each block such as the 700, 800 and 900 blocks. She does not believe that this request is as comparable to last month's request as much as some people would like to think, as it stands alone and that they have already spent their own money to fix it up.

Mr. Holmes replied that he would hope that the applicant's expenditure of funds would not be a consideration in this review, as this is not part of the criteria to be considered. The applicant did not come to the Planning Department for guidance to determine if permits were required, if the zoning was appropriate or if there were any other requirements to operate at this location; if they had, it would have placed this location on the radar screen for the City to help guide them through any required processes. He is not suggesting penalizing them for not inquiring, but at the same time they should not be given credit for conducting business and spending money before having checked with the local planning department for requirements.

Ms. Moody stated that this "is what it is," and for her the decision is an opportunity to take a good look at the overall vision for revitalizing downtown.

Dean Mote of Welaka stated that of all the interior work that has been done, none of it required a permit and the Church was under the understanding that the conditional use approval had already been granted to the previous tenant.

Pastor Johnson stated that they did not know about the required procedures, they signed a lease and when they went to transfer their business tax receipt they were advised of these requirements. She asked the Board to please grant the approval and assured them they would not be sorry if they did so.

Ms. Holmes stated that she attended services there and there was a sign on the building and does not understand how the City did not know they were operating there.

Mr. Crowe advised that the City does not have the resources to regularly patrol the streets of the City for zoning compliance and that it has to rely on the property owner to follow the code. There is not a requirement in the code that requires that a sign be taken down when the business closes, and with the City's limited resources code violations are acted upon as they come up.

Ms. Sprouse stated that the previous applicant the Board had approved for this location never completed the business registration process. That applicant received conditional use approval in July 2010. This previous tenant filed a business tax receipt application to register the church and scheduled a building and fire safety inspection that resulted in deficiencies that required correction. They never called back for a re-inspection and did not activate a city utility account. Subsequently the conditional use approval expired.

Dorothy Moody, 604 E Washington St. Interlachen, stated that she also has a church located at 417 N. 9th St. and spoke in favor of the request. She stated that she believes that this is a good use and that on her street they had prostitution and drug problems until a church moved in.

Mildred Lewis, 2405 St. Johns Ave., stated that she went to a church that was located there in the past and believes that this is a good use for any location.

Mr. Pickens commented regarding the applause and comments coming from the audience that this is a tough enough job as it is, it requires making tough decisions which are sometimes unpopular. There is a reason people are not lined up for this job, but trying to appeal to his Christianity or his emotions is not fair when he is a good citizen trying to make a legal decision on what is appropriate and what is not.

Dawn Perry, 2370 Westover Dr., spoke in support of this request and stated that she is grateful that this is still American and we are free to express our opinions. She honored Pastor Johnson, stating that the Holy Word Church has been a blessing to her. They have welcomed her church and other churches into their church. She referred to a Federal Statute "Religious Land Use and Intuitional Persons Act (RLUIPA) that was passed in 2000, to provide stronger protection for religious freedom in the land use and prison concepts (Items 1-4). She then read the words to the "Star-Spangled Banner."

Steven Holmes, 106 Belmont Dr., asked if the previous church was approved and if they would have completed their processes to operate, would we be here today to consider this request.

Mr. Crowe advised that we would not, provided the use continued without interruption of more than 12 months.

Patricia Lemmon, 111 Easement Lane, Welaka, spoke on behalf of the request and stated that in speaking of revitalizing downtowns, she had gone out of town for many years for entertainment, and comes to Palatka to fellowship and believes that the churches that are here bring people to shop and eat.

Ms. Moody thanked the audience for their input stating that it is valuable to her when having to make these difficult decisions.

Mr. Crowe reviewed the criteria and stated that most are met but the compatibility criterion is not met and does rise to a level of significance. From a professional planning perspective achieved by his 25 years of planning and zoning experience, compatibility in this case means uses that work well with each other, that are harmonious and support each other and that create a certain atmosphere and environment of an entertainment district. When the Board can approve or disapprove uses in the downtown retail core it has the ability to look at uses that do or don't fit the model of supportive and symbiotic land uses. Not using this approach could deny the Board's ability to help the downtown succeed, bit by bit, piece by piece, street by street, and block by block. He added that churches are a critical component to our downtown area, but are better suited in the larger peripheral area off St. Johns Ave. If the Board approves this, then it could be pressured to approve any church along St. Johns Ave. in the downtown area, and in his professional opinion and as the Main Street Manager had

stated, the downtown is in dire need of a steady hand, long view, and the ability to stay with the program for eventual success.

Mr. Pickens stated that while he appreciated Mr. Rudd's comments regarding the importance of trying to maintain continuity between this block and the adjoining blocks, Mr. Brown's comments had more impact to him, in his description of the block, what it has been for a long, long time and what it is going to be. He does not believe that this church, in this block, is going to break up continuity that does not exist.

Motion made by Mr. Pickens seconded by Ms. Gooding to approve the request. **DISCUSSION:** Mr. Wallace stated he believes that it will slow up and even break up efforts being made for downtown. Chairman Stewart asked for a show of hands, which resulted in (4) yays and (3) nays, with Mr. DeLoach, Ms. Gooding, Chairman Stewart and Mr. Pickens voting in favor and Ms. Moody, Mr. Wallace and Mr. Harwell voting against the motion. Motion carried.

Case 13-33 Request to amend the Municipal Code Sec. 62 and Sec. 94 revising standards for temporary A-frame, sandwich, and menu board signs for special events held within the Downtown Business and Downtown Riverfront zoning districts.

Applicant: Palatka Main Street, Charles Rudd

Mr. Crowe advised that this request to allow sandwich signs for promoting special events in downtown zoning districts. "A-frame" type sandwich signs are currently allowed for storefront businesses in downtown zoning districts with the following standards: one sign is allowed per building front placed on a public sidewalk and all signs shall be a uniform size of two feet in width and three feet in height, as measured by any single face. The signs are to be placed on the sidewalk leaving a minimum of 48 inches of clear area on the adjacent sidewalk for pedestrian passage and the signs are to be made of rigid, weather resistant material such as wood, metal, or plastic. These standards limit such signs to specific advertising for an individual storefront business. Staff is proposing the ability to place sandwich signs in the downtown area that promote special events approved by the City Commission.

Charles Rudd, Palatka Main Street Manager, stated that special events are a vital part of any comprehensive approach for revitalization and believes it is in the best interest of the common good. He believes that it is a good approach to reach people about the upcoming public events.

Motion made by Mr. Pickens and seconded by Ms. Moody. All voted affirmative. Motion carried.

Case 13-35 Conditional Use request for a pawn shop located at 701 St. Johns Ave.

Owner: Thomas V. Kavanaugh

Applicant: David Buth

Mr. Crowe reviewed the evaluation criteria and stated that this request is for an established retail merchant that is currently operating at this location. The Applicant wishes to expand the business to include pawn services. Staff believes that this application meets applicable conditional use criteria and recommended approval with the following conditions:

- the wall sign facing St. Johns Ave. shall be centered on the building façade;
- the wall sign facing S. 7th St. shall be located as shown on the schematic or alternatively located between the north end of the building and the center of the building along that street; and
- the garbage can shall be placed along the side of the building toward the rear so as not to completely block the sidewalk.

Motion made by Ms. Moody and seconded by Ms. Gooding. All present voted affirmative. Motion carried.

Case 13-36 Conditional Use request to expand an existing Church use in an R-3 zoning district.

Location: 1624 Bronson Street
Owner: Sherman and Beverly Canty

Mr. Crowe advised that the applicant has been operating at this location on and off for many years. It is located within an R-3 zoning district. While the applicant advised staff that a church operated in the building historically, the church use ceased sometime before a conditional use for a day care center was approved in 1996. In 2000 a conditional use was approved for a youth indoor recreation center. After the cessation of this use, the church occupied the building without receiving the required conditional use approval. When the applicant contacted staff regarding the addition of a multi-purpose building they were notified that conditional use approval for the church use would be required for the existing facility and expansion as well. This neighborhood church currently has 100 seats in the approximately 1,400 square foot building and is staffed by volunteers for its Sunday morning and Wednesday night services. The church proposes to construct a new modular all-purpose building for fellowship, bible study, prayer, and other activities for church members. As demonstrated in this report, this application generally meets the conditional use criteria. Staff recommends approval with the following conditions:

1. Uses on the property shall be limited to a maximum 100-seat church and 16-seat multi-purpose building.
2. Site development shall occur in keeping with the approved site plan.
3. Per Zoning Code Section 261 any exterior lighting on the site must be designed and arranged so that no source of such lighting is visible from adjoining residential properties. All site lighting shall be shielded or downcast to eliminate glare on adjoining properties and roadways.
4. The refuse area shall be screened on three sides with a six-foot tall privacy or stockade fence.
5. The Applicant shall plant a continuous hedge and three regularly-spaced shade trees along the east property line to visually screen the parking area and new building.
6. The Applicant must either provide 25 paved parking spaces on the property and on undeveloped lots within 600 feet of the property, or obtain a variance from this requirement from the Board of Zoning Appeals. The Applicant must also seek a variance of driveway distance from property lines from 20 feet to four feet from the Board of Zoning Appeals, to allow for the planned driveway on the eastern part of the property.
7. All other applicable standards of the Municipal Code must be met.

Mr. Harwell commented that the building does not appear that it will accommodate 100 seats regarding occupant load. He questioned how the seats would be monitored.

Mr. Crowe advised that occupancy is determined by the fire marshal, who inspects such facilities annually.

Beverly Canty, Church Minister, 225 Stillwell Ave., said that the multipurpose building is not intended for an increase of congregation but for use with the youth and other church activities that currently occur in the sanctuary area.

Motion made by Mr. Pickens and seconded by Mr. Wallace to approve the request subject to staff conditions. All present voted affirmative.

CASE: 13-37 Administrative request to amend the Comprehensive Plan Future Land Use Element Policy A.1.9.3.A.2 to eliminate impervious surface minimums from Downtown zoning districts.

Mr. Crowe explained that the term “impervious surface” refers to surfaces that do not retain rainfall such as pavement, buildings, and water bodies. Conversely, pervious surfaces are those surfaces that absorb rainfall such as grass, landscape areas, woods, or properly maintained pervious pavement. The rationale for the elimination of required pervious surfaces in the downtown is to encourage new development and redevelopment

that is in keeping with the character of the downtown area. He added that downtown properties, particularly along St. Johns Avenue, are generally mostly or fully covered by building and/or parking. While it is appropriate to call for a base level of landscape area in suburban areas, the intense urban development pattern of downtown should not be hamstrung by such a requirement. Mr. Crowe said that this change would not eliminate the current Zoning Code requirement for parking lot landscaping, and the City will continue to strive to plant street trees in the downtown areas to provide for public landscaping and shade. He recommended approval of the plan revision.

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

With no other business, meeting adjourned at 6:40.