CITY OF PALATKA
PLANNING BOARD AGENDA
February 12, 2013

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the December 4, 2012 and January 8, 2013 meetings.

4. Appeal procedures and ex-parte communication.

5. OLD BUSINESS - None

6. NEW BUSINESS

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).

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.

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 farmer's 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.

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.

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.

7. Other Business

8. Adjournment

CITY OF PALATKA
PLANNING BOARD MINUTES
December 4, 2012

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

Motion was made by Mr. Sheffield and seconded by Mr. DeLoach to approve the minutes for the November 13, 2012 meeting. All present voted affirmative, motion carried.

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

OLD BUSINESS

Case 12-53 Administrative request to amend the City's Comprehensive Plan Capital Improvement Plan for fiscal years 2012-2013 through 2017-2022 (tabled from the November Agenda).

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

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

NEW BUSINESS

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

Owner(s): Multiple
Applicant: Administrative

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

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

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

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

Mr. Crowe gave an overview of the request and displayed site photos, explaining that the building takes up most of the property creating a unique parking situation. He stated that the City does not have parking standards for

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

1. The use of a child care center shall be permitted with a maximum number of 80 students and seven employees.
2. Fourteen parking spaces are required in the rear area that is currently fenced in for the child care use. This area must be improved to meet code requirements pertaining to paving, striping, and landscaping. The applicant shall provide small directional signs directing patrons and employees to this parking area to minimize the use of Lee and Cates parking spaces.
3. The first adjacent three spaces to the building shall be utilized for drop-off and pick-up and shall be designated as such by small directional signs. An additional small directional sign will prohibit the blocking of the driveway.
4. Within six months of issuance of a certificate of occupancy the existing chain link fence shall be removed or replaced with a picket fence, preferably of aluminum material, but with wood as an acceptable material if it is maintained.
5. A roadway buffer is required along SR 19 with two canopy trees and 28 shrubs (planted to form a hedge).
6. The roadway buffer area shall be replanted and maintained in a healthy fashion with grass or groundcover.
7. Two four-inch caliper shade trees are required in order to eventually shade the outdoor play area. As an alternative a shade structure such as an open air canopy may be used to shade this area.
8. Within one year of issuance of certificate of occupancy, terminal landscape islands are required at the end of parking rows with shade trees planted within them.
9. The outdoor play area shall be a grassy area, or an area with mulch or some other forgiving surface for the safety of children.
10. Additional landscaping may be required at the time of landscape code revision.
11. A dumpster or trash cans area shall be screened in accordance with the Zoning Code Sec. 94-311 (screened by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening on three sides).
12. Any exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
13. Signs must conform to the sign code, including the requirement that a freestanding pole sign be landscaped at its base.
14. The applicant or owner shall apply for and receive any necessary state approvals for the expansion of the child care use.
15. All other applicable standards of the Municipal Code must be met.

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

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

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

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

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

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

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

- **Meeting space and limited retail sales as an accessory use to hotels** (currently prohibited). Mr. Crowe commented that it is a common practice for hotels to use meeting rooms for civic groups, training, professional organization meetings, and similar activities. This would allow for a small internal gift or convenience store intended for hotel guests, but would not include full-fledged retail activities such as gold sales (popular at hotels in other communities) as this would undercut local businesses and is not in keeping with the ordinary hotel activities.
- **Open air dining on public sidewalks** provided a minimum horizontal clearance of four feet is maintained (currently allowed only as a conditional accessory use). Mr. Crowe reiterated that this is another common practice associated with downtown restaurants; there is no point in requiring the burden of public hearings and reviews for such an activity.
- **Making of goods for sale at retail on the premises** (currently allowed as conditional accessory use), with no odor, fumes, or other emissions detectable to normal senses from off the premises.

- **Manufacturing, fabrication, and assembly activities** (currently allowed as conditional accessory use), associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises. Mr. Crowe commented that allowing such activities would encourage art galleries where artists could both craft artwork and sell it on-site, while not allowing industrial side-effects.
- **Other uses** that are customarily accessory and clearly incidental and subordinate to permitted or permissible uses provided they are located on the same premises as the permitted or permissible use or structure, and do not involve operations not in keeping with the character of the district. If accessory uses are not approved by Staff, such uses may be considered by the Planning Board as conditional accessory uses).

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

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

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

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

(a) no change

(b) no change

(c) Permitted accessory uses, activities, and structures. Permitted accessory uses, activities, and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures are allowed and must be located on the same lot as the permitted or permissible use or structure, or on a contiguous lot in the same ownership. The operations and/or structures must be consistent with the character of the district. Unless otherwise expressed herein, uses not specifically listed as accessory shall be prohibited. Permitted accessory uses, activities, and structures are as follows:

(1) Appurtenant structures (i.e. garages, sheds, swimming pools, decks, boat houses) as an accessory to existing residential dwellings.

(2) Boat repair and sales as an integral part of a marina.

(3) Laundry facilities as an integral part of a hotel or marina.

(4) Outside sale and display of goods at city approved functions and events.

(5) Warehousing and/or storage completely enclosed within the principal building.

(6) <u>Meeting space and limited retail sales as an accessory use to hotels.</u>

(7) <u>Open air dining on public sidewalks provided a minimum horizontal clearance of four feet is maintained.</u>

(8) *Making of goods for sale at retail on the premises, with no odor, fumes, or other emissions detectable to normal senses from off the premises.*
(9) *Manufacturing, fabrication, and assembly activities associated with the retail sale of arts and crafts, with no odor, fumes, or other emissions detectable to normal senses from off the premises.*
(10) *Other uses that in the written opinion of the Planning Director are customarily accessory and clearly incidental and subordinate to permitted or permissible uses, are located on the same premises as the permitted or permissible use or structure, and do not involve operations not in keeping with the character of the district (if not approved by Staff, such uses may be considered as conditional accessory uses).*

(d) *Prohibited uses, activities, and structures. In addition to the expressly prohibited uses, activities, and structures listed herein, any uses, activities, or structures not specifically listed shall be prohibited. Prohibited uses, activities, and structures are as follows:*
(1) *Adult entertainment establishments, uses, and activities (as defined and regulated by chapter 3 of the Municipal Code).*
(2) *Communication towers.*
(3) *Drive-through facilities.*
(4) *Manufacturing, fabrication, and assembly activities, except as an accessory use or a conditional accessory use.*
(5) *Outside sale, display, rental, or storage of construction equipment, rental trucks and trailers.*
(6) *Residential dwellings on the first floor constructed or converted after May 1, 2003.*
(7) *Roadside vending.*
(8) *Rooming and boarding houses.*
(9) *Warehousing and/or storage, except as an accessory use.*

(e) through (i) no change

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

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

Discussion ensued regarding the zoning and land use designations for the Riverfront Park and its possible relevance to this amendment. Mr. Crowe clarified that the Planning Board had recommended to change the zoning designation for the Riverfront Park to Recreation/Open Space and that the accessory use text amendment would only apply to Downtown zoning districts and not to the Riverfront Park, which is scheduled for consideration for first reading of rezoning by the Commission on December 13, 2012.

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

Mr. Crowe explained that there are a lot of things in the code that have to be interpreted, that are not completely black & white or clear. Whenever a proposed accessory use comes along, he as a Certified Planner has to make an interpretation that it is something that is appropriate and customarily incidental and does not harm the

character of the district it is in. If it something that is not associated with the principal use or not in keeping with the district, it would not meet the test and he would not approve it. In that regard there is no worst case scenario since accessory uses would be in keeping with the nature of the use and the district and neighborhood.
Mr. Sheffield asked if the sidewalk cafés would require fencing around the seating.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Crowe explained that this request is to extend the allowance of education/interpretive signs in the historic districts which is not currently allowed. The North and South Historic Neighborhood Community Redevelopment Areas are seeking to erect neighborhood gateway kiosks signs. These signs fit into the Educational/Interpretative sign category, and as noted above are currently only allowed in the downtown and Recreation and Open Space zoning districts. The South Historic District kiosk sign has been erected on the northwest corner of River and Laurel Streets, and the North Historic District sign is proposed for the northeast corner of N. 3rd and Main Streets. He added that all of the signs in the Historic District will require a review of the Historic Preservation Board, to include public notice within 150 feet

Mr. Harwell expressed his concern that some people are not doing the right thing and getting prior approval before putting up signs, such as the Bronson Mulholland House and the one at the park on Main Street between 4th and 5th Streets and he would not want to see signs put up on every corner. He doesn't believe that it is a good idea to have any signs in any residential districts, historic or otherwise. Mr. Harwell referred to a town called Lincolnville and stated that there, every other house has some kind of plaque, some that several feet off the ground that say "Martin Luther King" was here or "Jessie Jackson was here" and believes that it demeans the character of the neighborhood. He added that he would like to know that type of information, just as he believes others would, but he does not want it in his face. He stated that part of the mystique of a neighborhood is to come in and discover the information on your own, not having it blatantly placed in your face, especially for the people that are living there.

Mr. Crowe advised there are certain signs that such a directional signs and those that identify a particular site, such as a shopping plaza or a park are allowed by right. However when things "happen" without the required approvals, this department requires that they go through the necessary reviews, even after-the-fact. If the Board

should deny the request, it could mean removal. As far as putting obtrusive signs all over the place, the city would be sensitive to that. The educational type signs would be located within parks or within city right-of-way and are meant to educate and draw attention to the significant historical, cultural, and environmental aspects of the City of Palatka.

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

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

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

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

With no other business, meeting adjourned.

CITY OF PALATKA
PLANNING BOARD MINUTES – DRAFT COPY
January 8, 2013

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

Mr. Motion was made by Mr. Sheffield and seconded by Ms. Moody to have the minutes for the December 4, 2012 meeting be brought back to the February, 2013 meeting with additional comments from Mr. Harwell for consideration. 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 12-66: Annex, amend the Future Land Use Map from Putnam County UR to RM and Rezone from Putnam County R-3 to City R-3.

Location: 100 Kelley Smith School Rd. and 119 and 121 Round Lake Rd.
Parcel No.: 09-10-26-0000-0340-0090
Owner(s): Billy S. & Betty J. Russ

Mr. Crowe explained that this parcel is located at the intersection of Kelley Smith School Rd. and Round Lake Rd. and that there are three duplexes on the site. He added that staff is proposing Residential Low Density because this designation allows for two-family uses and that the Residential Medium Density category is too intense. With the current density of this property, R-2 would also be an appropriate zoning designation as well. He stated that this request meets Comprehensive Plan and rezoning criteria and he recommended approval of the request.

Motion made by Mr. Sheffield and seconded by Mr. Pickens to approve the request to annex, amend the Future Land Use and Zoning designations as recommended by staff. All present voted affirmative, motion carried.

Case 12-65 Request to amend the Zoning Code Section 94-149 to allow flea markets in the C-2 zoning district through the conditional use process.

Applicant: The Palatka Market, Chad Dennis

Mr. Crowe explained that there is an existing flea market located on Reid Street that is currently in violation of the Zoning Code. The operator, Mr. Dennis, has requested to amend the zoning code to allow this type of non-temporary outdoor sales. Given the state of the economy and the need to encourage small businesses, Staff's thought was to allow this use in a limited manner through the conditional use process, with development standards to control the appearance and function of such activities. He added that currently the zoning code allows for five types of outdoor sales through the conditional use process and as part of either 1) a outdoor promotional sale (limited to 72 hours in duration, "midnight madness" type sale, 2) seasonal goods sale, limited

to 30 days, Christmas trees or 4th of July fireworks, 3) special event sale associated with special event like Blue Crab Festival, 4) temporary goods sale (other outdoor sales, not to exceed 30 days in duration), and 5) farmers market which is intended for food and produce goods. In response to Mr. Dennis's request, Mr. Crowe proposed amending the zoning code Sec. 94-200 to add the following two outdoor sales categories subject to the following design standards and conditions;

1. Non-temporary outdoor display as an accessory use in conjunction with existing principal commercial use, to occur as an allowable activity (conditional use approval not required) only on sidewalks adjoining the building entrance, with the following standards applicable:
   a) a clear pedestrian pathway of at least 48" must be maintained at all times on the sidewalk, along the sidewalk perpendicular to the business and to the building entrance;
   b) building entrances must not be blocked;
   c) display items shall be limited to outdoor-oriented merchandise such as plants, lawn equipment, and barbecue grills; clothing on tables or upright racks; vending machines; or other non-perishable items on tables;
   d) display items shall be brought inside the store or secured at the end of each business day; and
   e) display areas shall present an orderly and organized appearance
2. Non-temporary outdoor sales as a principal use to occur in the C-2 zoning district through conditional use approval in conjunction with a permanent enclosed structure that is minimum 1,500 square feet in size and is used for storage of goods, sales and display area, office, restrooms, etc. The following standards shall be met:
   a) Minimum lot size of 1.5 acres, with a minimum frontage of 200 feet and a minimum lot depth of 300 feet.
   b) 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 power lines 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).
   c) 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.
   d) Adequate refuse containers must be provided and must be screened with a six-foot tall privacy fence with a swinging gate.
   e) All outdoor areas shall be cleaned of litter and refuse after each day of operation.
   f) Adequate restroom facilities must be provided.
   g) Sales may be operated by an individual vendor or by multiple vendors under the control of a central sales manager.
   h) One parking space for each vendor must be provided, with an additional space for every 300 square feet of outdoor and indoor sales area.
   i) 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.
   j) Display items are to be arranged in an organized and neat manner, on tables or racks, and may not be sold from vehicles.
   k) No automobiles, motorcycles, boats, or other motorized vehicles; heavy equipment; live animals; perishable goods or produce; or personal services shall be offered for sale.

l) 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.
m) 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.
n) 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.
o) The owner or operator must provide and maintain an ongoing record of inventory of articles for sale and provide to City upon request. Such list must include origin of goods, including name and contact information of seller, and transaction details.
p) The Planning Board may assign additional restrictions and standards to the use to ensure that the conditional use criteria will be satisfied.

Mr. Holmes asked for clarification as to how onerous a burden keeping an ongoing record of inventory was expected to be.

Mr. Crowe explained that obviously some records may be easier to obtain than others and this is an attempt to try to forestall any fencing or sales of stolen goods.

Mr. Pickens stated that if the spaces are rented spaces, the owner who is subject to this requirement would have no control over the vendor's information. He stated that the Board is trying to make something fit to accommodate a use that previously did not exist in the City and it is necessary to determine whether this should be done. He asked Mr. Holmes if the use was appropriate.

Mr. Holmes stated that he did not offer an opinion but does not know of any reason the use would not be inappropriate for its zoning district.

Mr. Crowe advised that such a use is appropriate only within an intensive commercial district.

Discussion continued regarding setting specifics of certain conditions for enforcement.

Mr. DeLoach asked if Mr. Dennis had contracts with his vendors, and if so maybe it would be good to include the inventory requirements in their contracts.

Mr. Dennis, 3523 Reid St. replied that he has lease agreements ranging from one day to 30 days. He explained that keeping inventory for every vender would be next to impossible especially for people that sell household dishes and "what-knots." He added that he did not want to be responsible for others' merchandise inventory, it should be the vendor's responsibility and the police could come on to his property at any time and make sure nothing is being fenced. He added that he is not a pawn shop and the majority of his business is produce sales and that of his merchandise inventory, 90% of it is new and 10% is resale. The stuff that is displayed outside is outdoor furniture and yard ornaments and that all the other items he and his vendors would sell outdoors would be displayed neatly on tables.

Mr. Sheffield asked what zoning designation did car lots fall under, as they display their items outside and what is covered under the farmers market at the courthouse.

Mr. Crowe advised that car lots are allowed as a specific principle use, with regulations that allow for display of vehicles. A farmers market is intended more for food, produce and perishables.

Mr. Sheffield asked for clarification that the staff has recommended no perishables, and would that include such items as produce and food sales etc.

Mr. Dennis reiterated that the majority of his business is fruits and vegetables that is why it is called the "Palatka Market" and that what he has is almost identical to what was allowed at the courthouse. The difference is that you could sell any kind of handmade crafts, and produce but you could not sell commercial or used items. He added that he has sold a lot of designer clothing and other items that otherwise some people might not afford new, but were glad to pay a few dollars for something in good shape, gently used.

Mr. Harwell asked Mr. Crowe if there was a requirement that a building be on the property in the list of recommended conditions. Mr. Crowe answered there was a requirement for a minimum size building of 1500 square feet.

Mr. Sheffield asked staff where the 1.5 acre minimum lot size came from.

Mr. Crowe advised that he researched other jurisdiction's requirements and also looked at a number of real life examples to determine the space needed for display areas, parking and traffic flow. He stated that the intent is that these uses have a tendency to grow and be successful. He believes you need a space of at least an acre to make these types of operations work.

Mr. Holmes asked what the harm would be to allow the sale of perishables with the other conditions in place.

Mr. Crowe advised that he was not aware that produce sales took place as during a site visit he only observed outdoor sales activities (produce sales occurred within the existing building). He added that he did not have any issue with allowing produce and food products, but that the original intent was to keep a clear distinction between a "farmer's market and a "flea market."

Mr. Dennis stated that his property is currently zoned appropriately for indoor sales and that is where his produce is kept, but he would like to expand some of that to the outdoor sales area. He added that he was planning on getting an "old time" type wagon to place some fruits & vegetables on for display.

Mr. Pickens asked Mr. Crowe for his thoughts, regarding a compromise on lot size from 1.5 acres to 1 acre, removing the prohibition of perishable items being taken out of the conditions and to remove the requirement of the owner to provide and maintain an ongoing record of inventory of articles for sale. He also asked Mr. Crowe to confirm that if those were only the changes the board made to the conditions, would they need to add language to the affect that the sale of produce and perishables could be allowed. He added that with those considerations, he would move to adopt staff recommendations.

Mr. Crowe stated that he did not have a problem with those changes and suggested that language can be placed in the conditions that the outdoor sales area shall be limited to not more than 40% of perishable food sales. Mr. Crowe advised that 1.5 acres, was his best attempt to be conservative, but that one acre would work as well.

Motion by Mr. Pickens and seconded by Ms. Moody to approve the request as submitted with staff recommendations except that the minimum lot size be one acre, and to allow the sale of perishable foods but not to exceed 30% of the outdoor display area, and to remove the condition to require owner provide list of inventory items. All present voted affirmative, motion carried.

Mr. Crowe asked the Board to consider an item he is contemplating placing on the Agenda; to extending the time limitation of seasonal sales from 30 days to 45 days and relinquishing the review of the existing criteria to Staff. Mr. Holmes stated that if someone disagreed with a Staff decision, an appeal process should be built into the ordinance. Board consensus was for staff to prepare the item for consideration.

With no further business, meeting adjourned.

Case 12-53
Request to Amend Comprehensive Plan Text
Capital Improvement Element
(Capital Improvement Plan)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

To consider the revision of the City's 5-year Capital Improvement Plan (CIP), part of the Capital Improvement Element (CIE) of the Comprehensive Plan. Public notice included legal advertisement.

APPLICATION BACKGROUND

The CIP is a component of the CIE of the City's Comprehensive Plan and is intended to identify public facility improvements needed to accommodate future City growth and redevelopment. The Plan includes a schedule of projects accompanied by anticipated revenues for such projects. The CIP is required under the Florida Statutes under Section 163.2514 and other sections as part of the state-mandated comprehensive planning process. The CIP is a tool that helps the City to proactively plan for future capital needs.

PROJECT ANALYSIS

Florida Statutes do not provide specific criteria for the review of text amendments, other than the requirement that amendments to the Future Land Use Element (FLUE) must discourage the proliferation of sprawl, and that any such amendments must be in keeping with other Goals, Objectives, and Policies of the Plan. The CIP helps the City to plan for the improvement of public facilities in a manner that is the antithesis of sprawl, and the adoption of the CIP is set forth in the Capital Improvement Element. The CIP is intended to also assist the City to stay on course in regard to long-term public facility planning in its annual budgeting process.

STAFF RECOMMENDATION

Staff recommends approval of the attached Capital Improvement Plan.

Case 13-02
Request to Amend Zoning Code
(Revise dimensional standards for ground signs for properties along Reid St. in Downtown zoning districts)

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

An administrative request to amend the Zoning Code to allow revise dimensional standards for properties fronting on Reid Street in the Downtown Riverfront and Downtown Business zoning districts. Public notice included legal advertisement.

APPLICATION BACKGROUND

As the map below indicates, the downtown section of Reid Street includes several zoning districts, namely Downtown Business (DB), Downtown Riverfront (DR), and C-2 (Intensive Commercial).

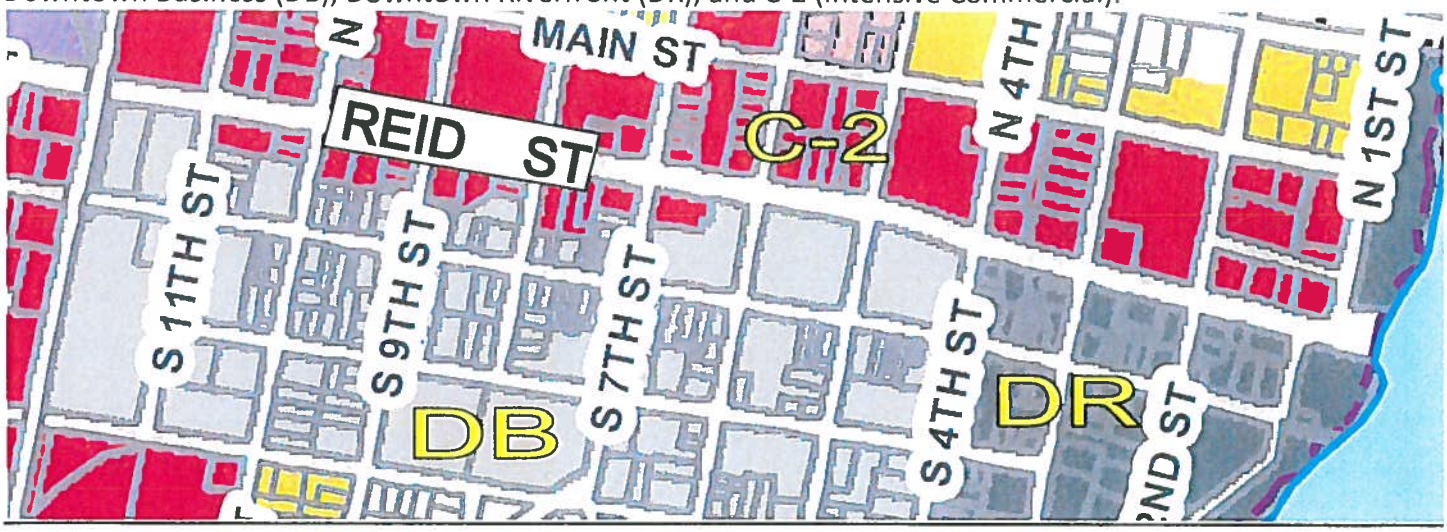


Figure 1: Reid Street zoning

Signs in the two Downtown zoning districts are limited to the following types:

- directional signs;
- ground signs (limited to six feet in height, 30 square feet in size, and eight feet in width);
- wall signs; and
- sandwich signs.

C-2 signs allow a wider variety of signs, including pole signs and ground signs that are up to 35 feet in height and up to 96 square feet. This creates a discrepancy for properties on the south side of Reid Street that are either in the C-2 or DB/DR zoning districts, with the DB/DR properties limited to a much smaller sign size and height. While Staff supports the continued limitation in the DB/DR districts to ground and wall signs, due to

the need to present a less cluttered and more attractive entrance to downtown, it seems reasonable to allow a larger ground sign size on Reid Street given its intensive commercial nature. Reid Street is an automobile oriented street with multiple small businesses and associated parking lots, creating the need for stand-alone signage that can attract the eyes of drivers, as opposed to the pedestrian-orientation of St. Johns Avenue, where wall signs suffice for business identification. Staff supports increasing sign height from six feet to eight feet and sign size from 30 square feet to 60 square feet for Reid Street frontage in the DB and DR zoning districts.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would lessen the discrepancy between current C-2 and DB/DR maximum sign dimensions.
- The amendment would still require the less-cluttered appearance of ground signs in the DB/DR zoning districts, albeit in a larger size.
- The amendment would encourage additional business development and job creation, important in these unfavorable economic circumstances.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved

"mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

Policy A.1.1.5 *9J-5.006(3)(c)1*

Upon Plan adoption, the City Building Official shall review the City Zoning Code to ensure that current signage regulations preserve the character of the City. Where, through citizen participation, it is determined that current signage regulations regarding location, size, height, motion, etc., should be revised, changes to the current regulation shall, be discussed in public hearing and proposed changes considered for adoption by the City Commission. By June 2008, the City shall review the land development regulations to ensure that signage maintains the character of the City and does not adversely impact adjoining properties, public rights-of-way, and the St. Johns River.

STAFF RECOMMENDATION

Staff recommends approval of Case 13-02 revising Zoning Code Section 94-161 and 94-162 to increase the maximum height of ground signs from six feet to eight feet and the maximum size of ground signs from 30 square feet to 60 square feet.

Case 13-03
Request to Amend Zoning Code
(Allow for Staff Approval of certain outdoor sales, extend sales period for seasonal sales, and provide appeal process)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmer's markets; 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. Public notice included legal advertisement.

APPLICATION BACKGROUND

The Zoning Code allows the following types of outdoor sales through the conditional use process : 1) outdoor promotional sale (limited to 72 hours in duration, "midnight madness" type sale), 2) seasonal goods sale (limited to 30 days, Christmas trees or 4th of July fireworks), 3) special event sale (associated with special event like Blue Crab Festival), 4) temporary goods sale (other outdoor sales, not to exceed 30 days in duration), and 5) farmers market (intended for food and produce goods). At the January, 2013 Planning Board meeting staff and board members discussed the potential merit of allowing certain types of outdoor sales through staff approval, reducing the administrative burden on applicants; and also extending seasonal sales to a more reasonable 45-day period. The Board requested that Staff come back with specific recommendations in these subjects.

Staff Review and Approval. All outdoor sales listed above currently only allowed through the conditional use process, which requires a public hearing before the Planning Board. This creates an expense and time delay for applicants. The conditional use criteria (below) provide Staff with specific factors to review proposals, reducing the burden on both applicants and the Board. Staff would recommend allowing for staff review for all types of sales except for special event sales, which would continue to go through a public hearing process at the City Commission.

Current Conditional Use Criteria

a. *Compliance with all applicable elements of the comprehensive plan.*
b. *Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*
c. *Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.*

d. *Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.*
e. *Utilities, with reference to location, availability and compatibility.*
f. *Screening and buffering, with reference to type, dimensions and character.*
g. *Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.*
h. *Required yards and other open space.*
i. *General compatibility with adjacent properties and other property in the district.*
j. *Any special requirements set out in the schedule of district regulations for the particular use involved.*
k. *The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.*

Seasonal Goods Sale Time Period. The current maximum 30-day time period for seasonal sales presents a problem for vendors, particular Christmas tree sales. Given the increasing length of the Christmas season, which some may view as either a blessing or a curse, the time period for tree sales has crept back into mid-November. Staff recommends a more reasonable 45-day time period for seasonal sales.

Appeals of Staff Decisions (outdoor sales). Appeals of administrative decisions go to the Zoning Board of Appeals, not the Planning Board. The ZBA is geared more toward straightforward appeals of dimensional standards (setbacks, sign size, etc.) and not toward more complex zoning-related decisions such as outdoor sales. Staff recommends that appeals of staff decisions regarding outdoor sales go before the Planning Board.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendments would promote additional business development, important in today's unfavorable economic circumstances.
- The amendment would reduce the regulatory burden on applicants and the Board while providing for protection of the public interest through retention of conditional use criteria.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive

Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends approval of Case 13-03 revising Zoning Code Section 94-200 to allow for staff approval of outdoor promotional sales, sale of seasonal goods or commodities, sale of temporary goods, and farmer's markets; 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 staff decisions before the Planning Board.

Case 13-04
Request to Amend Zoning Code
(Allow churches by conditional use permit in residential zoning districts on properties less than 40,000 square feet in size)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: February 4, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend the Zoning Code to allow churches on properties less than 40,000 square feet in size in residential zoning districts through the conditional use process. Public notice included legal advertisement.

APPLICATION BACKGROUND

Zoning Code Section 94-141(e)(6) allows churches in residential zoning districts through the conditional use process, but only if the property size exceeds 40,000 square feet. This is a strange standard that encourages larger and thus more disruptive churches in residential neighborhoods while prohibiting small churches that would by their lesser impacts be more compatible with residential uses. This change would eliminate this prohibition on small churches and allow the Planning Board to look at all churches in residential zoning districts on a case-by-case basis.

PROJECT ANALYSIS

Per Section 94-38(f)(2) of the Zoning Code, the Planning Board must study and consider proposed zoning text amendments in relation to the following criteria (if applicable), shown in underlined text (staff response follows each criterion).

The planning board shall consider and study:

a. The need and justification for the change.

Staff comments: the following justifications are applicable.

- The amendment would provide opportunities for small-scale, neighborhood-compatible uses.
- The amendment would legitimize current nonconforming uses.
- The amendment would eliminate the false distinction between small and large churches and their appropriate allowance in residential settings.
- The amendment would implement Comprehensive Plan policies as noted below.

b. The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive planning program and to the comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and other city ordinances, regulations and actions designed to implement the comprehensive plan.

Staff comments: the following Comprehensive Plan policies (shown in *italics*) are applicable to this amendment. This amendment is in keeping with the goals, objectives, and policies of the Comprehensive Plan. In regard to the policies listed below, the amendment is in line with stated purposes of promoting infill development, renewing blighted properties, encouraging the use of existing commercial areas, and practicing innovative development planning.

FUTURE LAND USE ELEMENT

Objective A.1.2 *9J-5.006(3)(b)2*

Upon Plan Adoption, the City shall implement the following policies in order to provide the means for redevelopment and renewal of blighted properties.

Policy A.1.6.1 *9J-5.006(3)(c)*

Provide incentives which direct development to infill in areas of the City with in-place water/sewer lines and paved road. These incentives may include, but not be limited to providing additional permitted land uses through special use designations under the City Zoning Code such as approved "mother-in-law" units with separate kitchens or home office operations for limited business activities.

Policy A.1.6.2 *9J-5.006(3)(c)3*

Minimize scattered and highway strip commercial by directing commercial development to occur in a planned and compact manner through in-filling within already developed commercial areas as identified on the Future Land Use Map.

Objective A.1.8 *9J-5.006(3)(b)9; F.S. 187.201(16)(b)3*

Upon Plan adoption, The City shall establish a program that provides the means for innovative development planning. The end goals of the program are to provide:

- *Flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns, and promote open space;*
- *Development that is adapted to natural features in the landscape such as wetlands, vegetation and habitat, and which avoids the disruption of natural drainage patterns; and*
- *A mix of land use to promote convenience in the location of related uses and to reduce travel congestion and costs.*

STAFF RECOMMENDATION

Staff recommends approval of Case 13-04 revising Zoning Code Section 94-141, allowing churches on properties less than 40,000 square feet to be eligible for conditional use application in residential zoning districts.

Case 13-05
Request for a Conditional Use for Establishment Serving Alcohol within 300 feet of a similar establishment
101 S. 10th St.
Applicant: Donald L. Hersey, Jr.

STAFF REPORT

DATE: February 5, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing an establishment serving alcohol within 300 feet of a similar establishment. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

This request is for a bar/nightclub at the old "Spurs" location on the southeast corner of St. Johns Avenue and South 10th Street. The owner wishes to serve wine, beer and liquor. The applicant provided a site plan and narrative supporting this request, attached with this report. The site plan shows two buildings that were joined together (101 and 111 S. 10th St.), a parking area along S. 10th St., and a covered outdoor patio enclosed to the north and west by a tall chain link fence.

Chapter 10 of the Municipal Code regulates alcoholic beverages. Section 10-3 of this chapter provides specific distance/separation requirements, including a 300-foot separation between establishments licensed to sell alcohol and similar establishments. The required license in this case is from the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

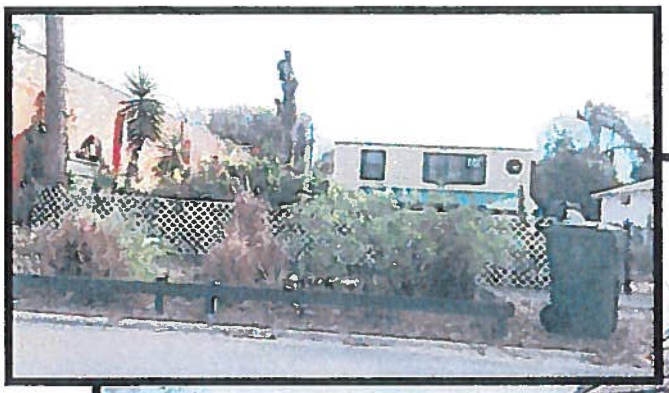
Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an "aggrieved" person.

The table below shows site and surrounding uses and land use/zoning designations.

Table 1: Site and Surrounding Land Uses

	Actual Use	Future Land Use Map	Zoning
Site	Vacant Nightclub	COM (Commercial)	DB (Downtown Business)
North (across St. Johns Ave.)	Retail, office, & residential (upper floor)	COM (Commercial)	DB (Downtown Business)
East	Restaurant (Pizza Boyz)	COM (Commercial)	DB (Downtown Business)
South	Vacant lot, residences	COM (Commercial)	DB (Downtown Business)
West (across s. 10th St.)	Vacant lot	COM (Commercial)	DB (Downtown Business)

Figure 1: Project Site – includes two originally separate buildings (101 & 111) now connected
Figure 2: 101 S. 10th St from S. 10th St. – note covered windows, roofed/fenced outside area to right



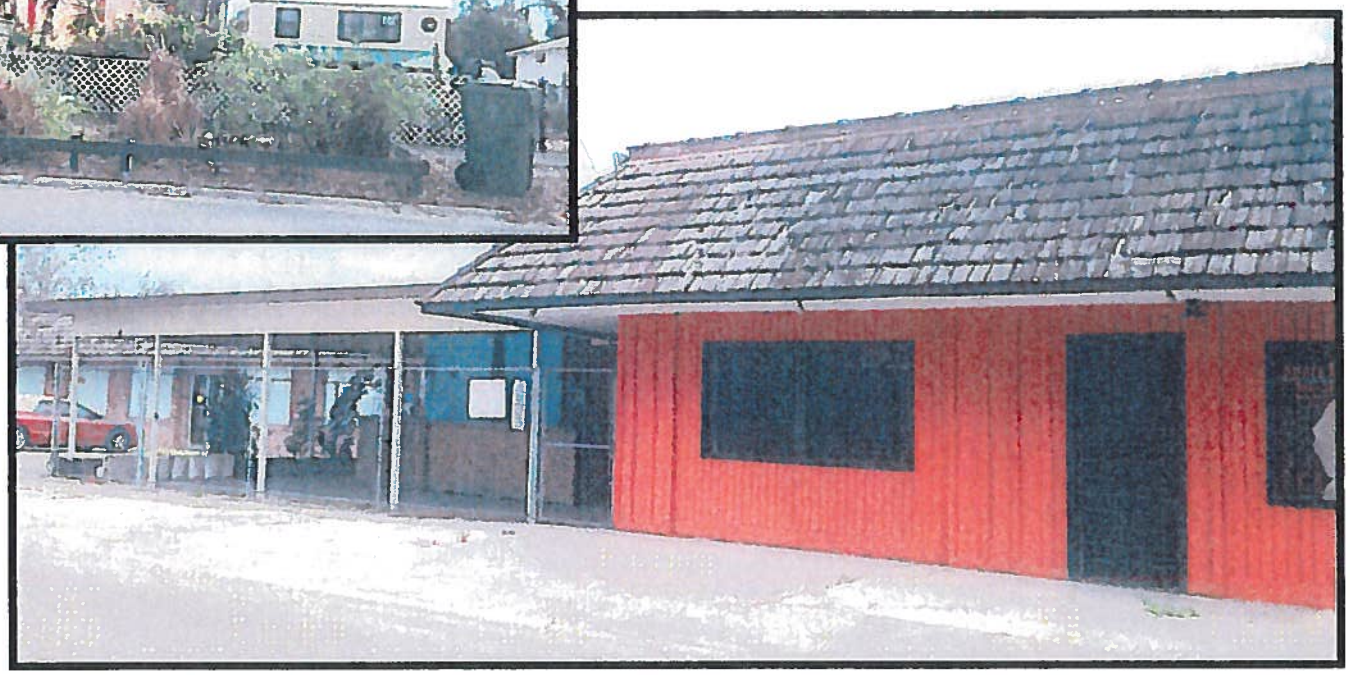


Figure 3: Residence is immediately to south of bar (top photo)
Figure 4: 111 S. 10th St. – former package store to right, outdoor fenced/roofed area is to left (bottom photo)

Figure 5: Additional dwellings to south (111 S. 10th St. is orange building to left)
Figure 6: Uses across St. Johns Avenue include retail, office, and 2nd floor residential

Figure 7: Pizza Boyz Restaurant immediately to east of building, 101 S. 10th St. is building to right

PROJECT ANALYSIS

Criteria for consideration include the following (italicized) as well as the general finding that the conditional use will not adversely affect the public interest.

a. Compliance with all applicable elements of the comprehensive plan.
The application is not in conflict with applicable elements of the Comprehensive Plan.

b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
Vehicle access for the restaurant is by S. 10th St., which has a sidewalk on both sides of the street. There is good vehicle and pedestrian access to the use.

c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
The Downtown Business district exempts commercial uses from on-site parking requirements. There is a parking area in front of the building facing S. 10th St. with cars pulling in and backing out directly into the street from the parking area in front of the building, which is not allowed by current Code. However this type of parking is a "grandfathered" non-conforming characteristic of use that occurs with several downtown area businesses, and is acceptable at this location as 10th Street is not a busy street. There is also an unpaved parking area owned by the City across S. 10th St. (identified on the site plan as "overflow parking area") as well as on-street parking along St. Johns Ave. To reduce impacts on adjacent residences on S. 10th St. and Oak St., the City should put up "resident parking only" signs in front of those homes.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.
The applicant indicated the use of "refuse containers" but it is not clear whether this means a dumpster of wheeled carts. No location for refuse storage was indicated on the site plan or the narrative. It appears that the only location for refuse storage will be in the parking lot along S. 10th St. This area, per Code, must be

screened on three sides by six-foot tall privacy fence or wall. Staff recommends that the gate be constructed of wood privacy fencing material instead of chain link fencing.

e. Utilities, with reference to location, availability and compatibility.
The property is appropriately served by utilities.

f. Screening and buffering, with reference to type, dimensions and character.
Per the Zoning Code the downtown area is exempt from buffering and screening standards.

g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
Signs in the Downtown Business zoning district are limited to wall signs, limited window signage, sandwich board signs, and ground signs set back at least five feet from the property line and limited to six feet in height and 30 square feet in size. The decrepit changeable copy sign now placed in the landscape area long St. Johns Avenue is an illegal sign and must be removed prior to this business re-opening. Lighting must be shielded and downcast to minimize glare to adjacent properties (particularly residential properties to the south) and passing motorists.

h. Required yards and other open space.
See f. above.

i. General compatibility with adjacent properties and other property in the district.
The Comprehensive Plan and Municipal Code view compatibility in light of nonresidential uses impacting residential uses. Noise, parking, and late night activity of customers will impact residential uses immediately to the south (the residential property next to the bar is less than 50 feet from the outside area). If downtown is to be a viable mixed-use residential/commercial area, measures must be taken to ensure that incompatible land use impacts be reduced. Staff recommends the following measures to lessen such impacts:

- The City shall place "resident parking only" signs in front of adjacent homes on S. 10th St. and Oak St.
- The outdoor patio shall be closed off to customers after 10 PM.
- Live entertainment and amplified music or other sounds shall not be allowed in outdoor areas.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.
The use must meet all requirements of Municipal Code Chapter 10 pertaining to alcoholic beverage establishments, including hours of operation limitations.

k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.
Not applicable.

Impact on Public Interest
A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. The Palatka Police Department provided an impact analysis that concluded the use would generate approximately 17 calls-

for-service per year. The PPD did not provide any specific recommendations pertaining to the design and operation of the proposed use.

One final issue is the appearance of the property. The growth of weeds, window coverings, and chain link fencing around the outside area presents an unattractive look that reflects negatively on the business and the downtown. The Applicant has indicated that they will remove the window covering to give the bar a "clean, bright atmosphere." This will also be a public safety improvement as law enforcement surveillance will improve. The Applicant will be installing planter landscape boxes in the outdoor areas, which will also improve the appearance. Staff recommends the additional measures of providing an attractive landscaped area both in the green area along St. Johns Avenue and the green area public right-of-way along S. 10th St. A shade tree should be planted in one of these areas, and both areas should be planted with shrubs, groundcovers, and flowers (not grass). Finally, the unattractive chain link fence that barricades the outdoor area should be replaced with decorative aluminum.

A motion for approval should include any relevant conditions and the staff findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

STAFF RECOMMENDATION

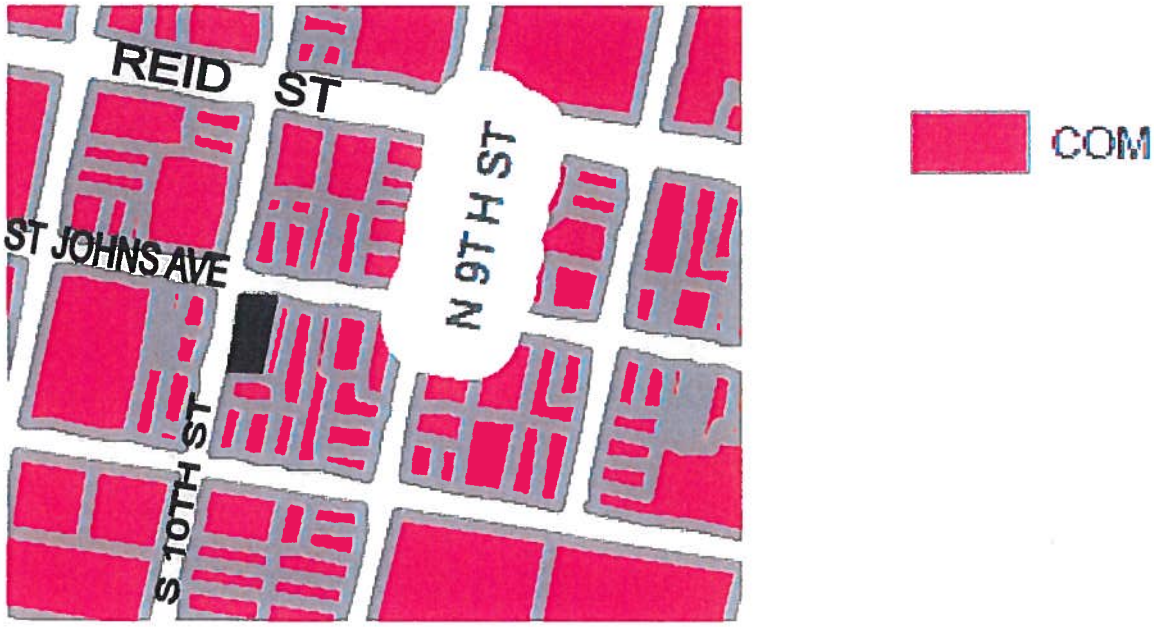
As demonstrated in this report, Staff believes that this application meets applicable conditional use criteria if the following recommendations are met. Staff recommends approval of Case 13-05, conditional use for alcoholic beverage establishment (bar/nightclub) with the following conditions:

1. The City shall install "resident parking only" signs in front of the nearby residences on S. 10th St. and Oak St.
2. A refuse storage area shall be provided within the parking lot (or within alternative area as approved by Staff) and shall be fenced on all sides with six-foot tall wood privacy fence, with one of those sides including a gate
3. The changeable copy sign in the landscape area long St. Johns Avenue is an illegal sign and must be removed prior to this business re-opening. Signs in the Downtown Business zoning district are limited to wall signs, limited window signage, sandwich board signs, and ground signs set back at least five feet from the property line and limited to five feet in height and 30 square feet in size.
4. Exterior lighting must be shielded and downcast to minimize glare to adjacent properties (particularly residential properties to the south) and passing motorists.
5. The outdoor patio shall be closed off to customers after 10 PM.
6. Live entertainment and amplified music or other sounds shall not be 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%).
8. Planter landscape boxes shall be installed bordering the outdoor fenced area.
9. The Applicant will maintain attractive landscaped area both in the green area along St. Johns Avenue and the green area public right-of-way along S. 10th St. A shade tree should be planted in one of these areas, and both areas should be planted with shrubs, groundcovers, and flowers (not grass). The 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. The chain link fence that barricades the outdoor area should be replaced with decorative aluminum.
11. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS: FUTURE LAND USE AND ZONING MAPS
PALATKA POLICE DEPT. IMPACT REPORT
APPLICANT'S SITE PLAN AND JUSTIFICATION

FUTURE LAND USE MAP



ZONING MAP

PALATKA
POLICE DEPARTMENT

LAW ENFORCEMENT IMPACT REVIEW

911 ADDRESS:
101 S. 10TH STREET
PARCEL # 42-10-27-6850-0660-0012

(CONDITIONAL USE PERMIT)

CONCEPTUAL REVIEW 01/31/13

SISL., INC. (ENG YOU IV)
PARCEL # 42-10-27-6850-0660-0012
101 S. 10TH STREET
SPECIAL USE – ALCOHOL ESTABLISHMENT

PURPOSE

The Police Department's review of the proposed development/annexation is designed to provide City staff, planners, reviewers, elected officials, and citizens with projected impacts to municipal law enforcement services. This review is designed to promote the City's strategic public safety goals, which include crime prevention and reduction, call-for-service management, and timely response to the needs of citizens.

IMPACTS TO POLICE DEPARTMENT STAFFING

- **Sworn officer (Police)**
  - Police Department (PPD) service standard = 469.20[1] calls-for-service (CFS) per year per officer.
  - On average, every citizen generates 1.60[2] CFS per year.
  - Every 1,000 new residents generate 1,600 additional CFS per year.
  - Every 1,600 additional citizen generated CFS would equate to 3.41 additional police officer positions.
  - The owner has applied for a proposed a special use to open an alcohol establishment within 300' of another licensed facility. Currently this property is unoccupied vacant.
  - **Police Impacts:**
    - **Review Based on Similar Businesses/Uses:**
      - **Based on a review of three (3) similar businesses/uses within the City of Palatka, the proposed special use business would generate 0.0205 police related calls-for-service per square foot.**

[1] Source: City of Palatka Police Department Staffing Standards; 2003

[2] Source: City of Palatka Police Department Staffing Average CFS; 2003

- **The address under consideration has 3,017 square foot of usable space; thus, projected police related calls-for-service are projected at 61.84 per year.**

- **Review Based on City of Palatka Impact Fee Study**

  - Based on the City of Palatka Impact Fee Study, published in March of 2007, the "Annual Law Enforcement Incidents Per Unit of Development" factor is **.0055** incidents per square foot for Resturauant/Bar/Entertainment land use.

  - A review conducted by the Police Department, once this project has been completed and functional, the development/annexation has the potential of generating **16.59 CFS** per year.

OTHER IMPACTS/ISSUES

- N/A

STRATEGIES FOR REDUCING IMPACTS TO LAW ENFORCEMENT

UPON REQUEST

CFS BASED ON SIMILAR BUSINESS/USE

CALLS_FOR_SERVICE	DEAN'S STILL	SPURS SALOON	VIC's	PROJECTED PROPERTY
2009	50	85	90	
2010	61	108	77	
Average of 2 years	55.5	96.5	83.5	
Square Footage	3,985[3]	2,660[4]	7,268[5]	3,017[6]
CFS PER SQ FT				
Average of 3 similar businesses	**0.0139**	**0.0362**	**0.0114**	**.0205**
PROJECTED POLICE CFS			**(.0205X3017)**	**61.84**
Average CFS Per Officer Per year				469.2[7]
Officers Need to managed CFS				**.13**

[3] Source: Putnam County Property Appraiser 2010 Certified Assessment Information; http://putnam-fl.com/palookup; 2413 Reid Street

[4] Source: Putnam County Property Appraiser 2010 Certified Assessment Information; http://putnam-fl.com/palookup; 111 South 10th Street

[5] Source: Putnam County Property Appraiser 2010 Certified Assessment Information; http://putnam-fl.com/palookup; 207 N. 18th Street

[6] Source: Putnam County Property Appraiser 2010 Certified Assessment Information; http://putnam-fl.com/palookup; 111 S. 10th Street.

[7] Source: City of Palatka Police Department Staffing Average CFS; 2003

POLICE IMPACT PROJECTIONS

BASED ON 2007 IMPACT FEE STUDY

911 ADDRESS: 101 S. 10TH STREET

PARCEL # 42-10-27-6850-0660-0012

Property Category	Annual Law Enforcement Incidents Per Unit of development	Projected growth by Sq Ft or Units	Annual CFS
Residential	2.9549	**0**	0.00
Bank	0.0073	0	0.00
General Commercial	0.0182	0	0.00
General Office	0.0018	0	0.00
General Retail	0.0018	0	0
Hotel/Motel	0.0052	0	0.00
Rest/Bar/Entertainment	**0.0055**	**3,017**	**16.59**
industrial/Warehouse	0.0004	0	0
Institutional	0.0028	0	0.00
			16.59
		Average CFS Per Officer Per year	469.2
		Officers needed to manage increased CFS	**0.03**

Justification Statement for Conditional Use

Address: 101 South 10th Street, Palatka, FL

Petitioner: Donnie Hersey, tenant

Petitioner believes the conditional use should be approved by the Planning Board since it will not adversely affect the public interest and will improve the public welfare in the downtown area. Petitioner declares that satisfactory provisions have been or will be implemented to address the requirements of Sec. 94-3, including:

- Compliance with all applicable elements of the comprehensive plan
- Ingress and egress to property and structures, with emphasis on automotive and pedestrian safety
    - Ample off-street parking, including an off-street overflow parking area, that will not block sidewalks or roads, allow for efficient traffic flow and emergency access.
    - At least 3 points of ingress and egress to and from the building, allowing for safe and efficient evacuation should it be necessary.
    - Sufficient security will be provided to ensure vehicular and human safety.
- Refuse and service areas that will not interfere with vehicular/public safety
    - Refuse containers will be stored [where]. Containers will be accessible for refuse removal since pickup by sanitation workers is scheduled for hours when the business will be closed.
    - Access to utilities and other services will be properly maintained and clear of debris and vehicles.
- Compatible and accessible utilities
    - Electric meter located outside at the southwest corner of the structure.
    - Water meter located outside near the sidewalk
- Screening and buffering will be provided as required while maintaining a safe, well lit environment on the exterior and interior of the property
- Open space provisions
    - Green space provided in the landscaped area along St. Johns Avenue.
    - Overflow parking area is fully grassed and contains mature trees.
    - Additional landscaping will be provided by various plantings in the hardscape area including a planter box on the covered outdoor patio.
- Signs and exterior lighting
    - Signage will be improved over the current sign with considerations for glare, traffic safety, compatibility and harmony with nearby properties in the district.
    - Ample outdoor lighting provided by existing city street lights located near the intersection of St. Johns Avenue and South 10th Street, and the light pole on the property near the southwest area of the building.

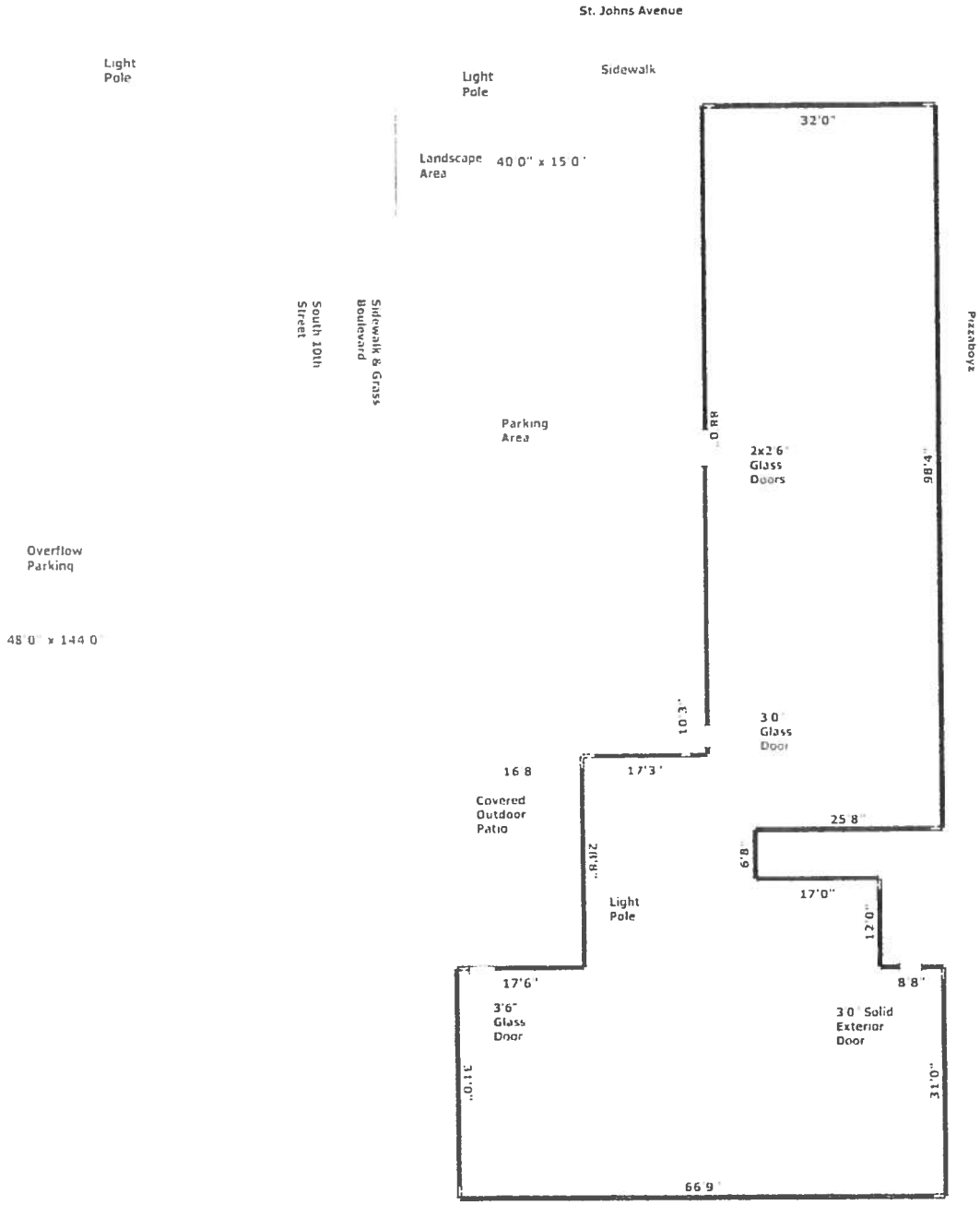
- Compatability with other properties in the District
    - This property has been used since the 1970s as a bar/nightclub and will not interfere with the use of other properties.
    - As opposed to its current vacant condition, proper upkeep and use of this property will improve the look of and attract visitors to the downtown area.

The petitioner intends to open a bar/nightclub that provides a clean, bright atmosphere for entertainment as an alternative to some of the darker, closed-in traditional bars in the District. Petitioner intends to work with the Planning Board, city officials, private security services and local law enforcement to attract visitors and provide an enjoyable entertainment venue for patrons in a safe environment.

Planned improvements include:

- Improved landscaping and signage
- Clean the facility and provide equipment that meets health department and other requirements as appropriate
- Removing the covers from the front windows for improved interior lighting, improved exterior look, and improved enjoyment and safety for patrons
- Management will hire security and work with PPD to comply with all applicable laws and rules, and provide a safe enjoyable environment

SITE PLAN


St. Johns Avenue
Light Pole
Light Pole
Sidewalk
32'0"
Landscape Area
40 0" x 15 0"
South 10th Street
Sidewalk & Grass Boulevard
Parking Area
Plazaway
2x2 6" Glass Doors
98'4"
Overflow Parking
48 0" x 144 0"
10 3"
3 0 Glass Door
16 8
17'3"
Covered Outdoor Patio
25 8"
6'8"
17'0"
Light Pole
12'0"
17'6"
8 8"
3'6" Glass Door
3 0 Solid Exterior Door
31'0"
31'0"
66 9"

City of Palatka
Building & Zoning
201 N. 2nd Street
Palatka, Florida 32177
386-329-0103 • Fax 386-329-0172

February 6, 2013

Eddie Stovall
1438 Canopy Oaks Dr.
Orange Park, FL 32065

RE: 102 Phillips Dairy Road Certificate of Occupancy Approval Conditions

Dear Mr. Stovall:

After consulting with Putnam County planning and zoning staff, we are prepared to issue a Certificate of Occupancy with the following site plan revisions required to meet minimum County standards.

1. Vehicle Use Areas require minimum 9-foot wide landscape strip from property line – this is a minimal buffer for the adjoining single-family home. This will require relocating the staff parking driveway from the east side of the building to the west side.
2. Provide landscape islands, minimum 300 square feet, with shade tree at each end of the parking row.
3. Curbing/wheelstops are required, it appears that they are depicted graphically on the site plan but not referenced by text.
4. Parking areas must be surfaced with asphalt, concrete pavement, brick, paver block, turf block, or an acceptable improvement allowing greater permeability. This improvement must be dust-free and allow for striping, which eliminates gravel or mulch as an acceptable parking surface material.

Sincerely,

Thad Crowe, AICP
Planning Director