CITY OF PALATKA
PLANNING BOARD AGENDA
July 2, 2013

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the May 7, 2013 meeting.

4. Appeal procedures and ex parte communication.

5. **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 May 7th Meeting)

6. **NEW BUSINESS**

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

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

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

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

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

7. **Other Business** None

8. **ADJOURNMENT**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY BUILDING DEPARTMENT AT 329-0103 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATIONS.

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

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

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

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

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

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

does not usually come with a set expiration date, but if the Board were to consider the request on a trial run bases, the Board would need to be specific as to what would be reviewed and thresholds. He added that item numbers 1 through 10 seem to be objectively determinable, but that item no. 11 is not so easily determined. He gave examples, citing such things as more trash being noticed in the neighborhood – and replied who is to say that it came from the students, or if the students are making too much noise - what is this to be gaged by or even an increase of traffic without a traffic count, and if you do have traffic counts, can you attribute the increase to the school or the feeding program. Mr. Holmes asked Mr. France how the Church would feel about the concept of the Board approving a 1 year trial run for the school and/or feeding program. Mr. France replied sure, they would absolutely agree to that for the feeding program, however with the school, if they had to do site improvements then they would incur expenses. Mr. Holmes added that from a legal perspective, issues for concern are definitely raised when you speak of bringing people over from Hastings and other out of town areas to provide services in a residential neighborhood. It doesn't support the idea of a residential neighborhood when the church is being used in a fashion that is not compatible with the neighborhood and he believes that is much of what Staff was struggling with in the staff report. Those are the problems you face, making it difficult to determine, if you cannot be completely and objectionably determined. Mr. Holmes ended by saying that this is a land use question, not whether it is a good thing. He doesn't believe anyone here feels that it is not a good thing, the question is, is it a good thing at this location. Mr. Pickens stated that he agreed with Mr. Holmes, in that this is a zoning decision, the fact that this is a difficult one doesn't make it anything other than a zoning decision. He said that he had the same opinion when there was talk about converting a school to a warehouse and how that changed the neighborhood. He feels very strongly that the residents of this neighborhood have the right to the quiet enjoyment of their neighborhood. He quoted a section from the staff report under Project Analysis: "Per Section 94-200(c)(3) the Planning Board shall review such an application to ensure protection of the public health, safety, and general welfare. In addition to normal concerns of the planning board in considering conditional use requests, particular attention shall be given to traffic flow and control, auto and pedestrian safety, and the effect which such use and activity will have on surrounding uses, particularly where the adjoining use is residential." A roll call vote resulted in 4 yeas; (Carl Stewart, Daniel Sheffield, George DeLoach and Judith Gooding) and 2 nays (Joe Pickens & Lavinia Moody). Motion carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Business: None

ADJOURNMENT

With no further business, meeting adjourned.

Case 13-12
Tree Preservation and Landscape Code Revisions

STAFF MEMO

DATE: June 25, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

This item represents a comprehensive updating of the tree preservation and landscape code to reflect best practices and current circumstances as well as to provide greater clarity. Staff is recommending tabling this item to the August meeting as we continue to research and refine the ordinance.

Case 13-24
Amend Sign Code Regarding Banner Signs

STAFF MEMO

DATE: June 25, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

Staff is requesting the tabling of this item to the next meeting in order to assess existing conditions and develop research on this matter.

Case 13-25
Request to Amend Zoning Code
(Reduce Maximum Density in R-3 Zoning)
Applicant: Building & Zoning Dept.

STAFF REPORT

DATE: June 25, 2013

TO: Planning Board Members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

A request to amend Zoning Code Section 94-145(f)(3)a., reducing maximum density from 31 to 18 units per acre (to match maximum density of Residential High Future Land Use Map category).

APPLICATION BACKGROUND

This is a "housekeeping" measure to correct a Zoning Code and Comprehensive Plan inconsistency. The Residential High Future Land Use Map currently has a maximum density of 18 units per acre, while the R-3 (Multi-family residential) zoning district has a maximum density of 31 units per acre. In the case of a conflict between these two documents the Plan rules

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 "true-up" the Zoning Code to the Comprehensive Plan.
- Staff believes that 18 units per acre is an appropriate density maximum for a town like Palatka which will easily allow the type of densities seen in an apartment complex like Barrington Apartments (approximately 8 units per acre).

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 comment: This amendment will conform to the density limitations set forth in Comprehensive Plan Future Land Use Element Policy A.1.9.3.A.1.

STAFF RECOMMENDATION

Staff recommends approval of Case 13-25 revising Zoning Code Section 94-145(f)(3)a., reducing the R-3 maximum density from 31 to 18 units per acre.

Case 13-26
Request for a Conditional Use for Church within 300 feet of establishment serving alcoholic beverages
211 St. Johns Ave.
Applicant: Chad Perry, Pastor

STAFF REPORT

DATE: June 25, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

Conditional Use allowing church. Public notice included newspaper advertisement, property posting, and letters to nearby property owners (within 150 feet).

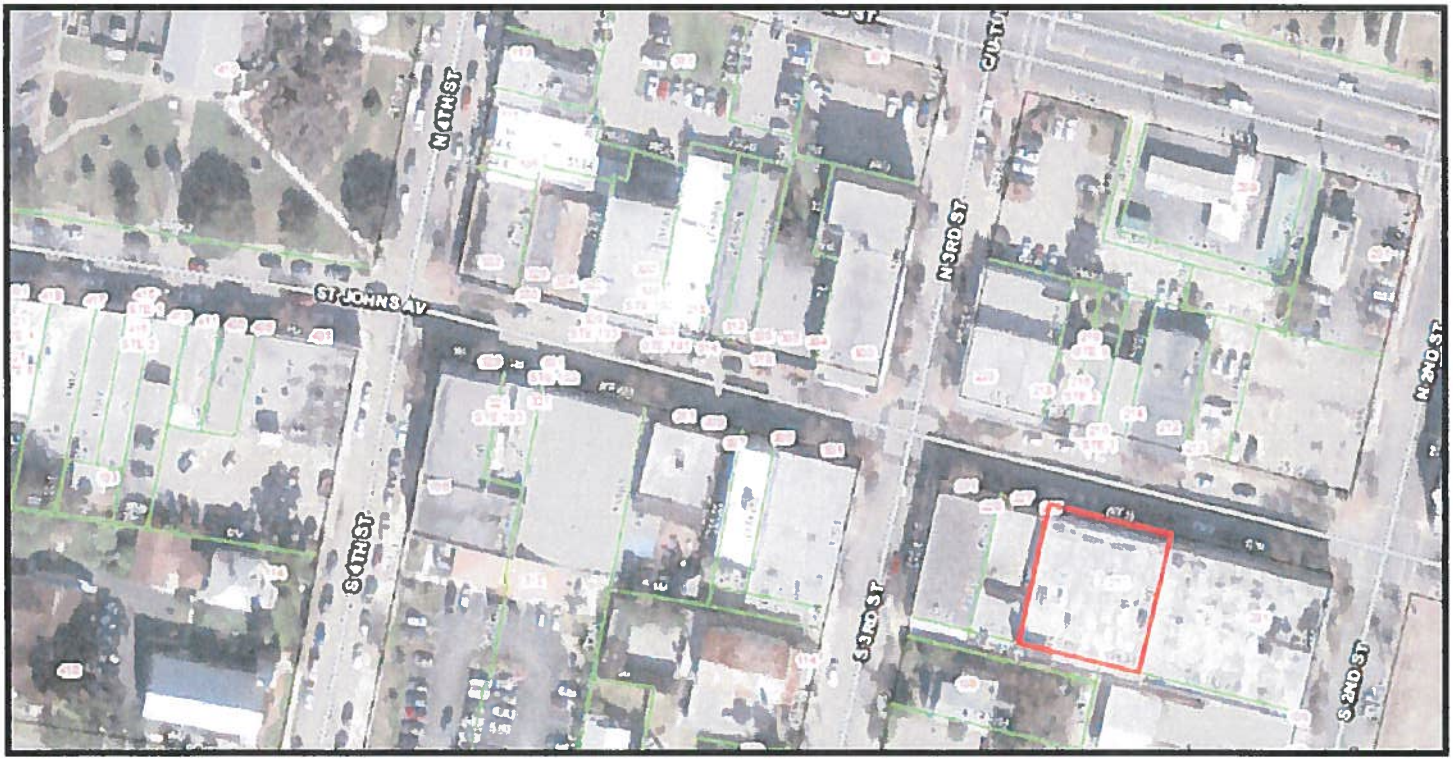


Figure 1: Property Location

APPLICATION BACKGROUND

211 St. Johns Ave., known as the McCrory Building, was built in 1910 and is part of the historic downtown central business district. McCrory's 5 & 10 cent store occupied the building between 1948 and the early 1970s. The building has been vacant for around 15 years and in 2012 was awarded a $50,000 grant from the City's Community Redevelopment Agency to assist in renovating the building for a personal services use (fitness center). The fitness center venture never materialized and the property owner would now like to lease the building to a storefront church, the River Community Church. The church, which has around 50 members, currently meets Sunday mornings in the ballroom of the Quality Inn on the downtown Riverfront and also has small group meetings during the week in Welaka and Satsuma. Additional information on the church can be found on their website, www.readyfortheking.org

As noted in the Applicant's narrative the church would have regular Sunday morning services and also have evening activities Tuesday through Thursday along with a Friday morning activity.

Figure 2: 211 St. Johns Ave. – subject property

PROJECT ANALYSIS

While churches are an allowable use by right in downtown zoning districts, they are subject to distance requirements set forth in Chapter 10 (Alcoholic Beverages) of the Municipal Code. Exceptions to the 300-foot minimum distance between churches and alcohol-serving establishments propel the church use into the conditional use category. A conditional use is defined as a "use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare."

Regarding this last statement, it should be noted that there are nine active churches in the central business district (bounded by the river, railroad tracks, Madison Street, and Laurel Street), representing a considerably higher concentration of this use than in other districts and the remainder of the City.

Per Section 94-200(c)(3) the Planning Board shall also review conditional use applications using the following criteria.

a. Compliance with all applicable elements of the comprehensive plan.
Staff comment: no specific comprehensive plan goals, objectives, and policies are applicable to this application. While Future Land Use Element Policy A.1.2.2 references and supports the Community Redevelopment Area Plan, this Plan provides no specific direction on downtown uses.
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.
Staff comment: the Applicant correctly notes that there are on-street and public parking lots in the vicinity and they are considering getting permission from private parking lot owners as well. Nonresidential uses, including churches, are exempt from Zoning Code minimum parking requirements in the downtown. Given the "off-peak" operation of the church Staff does not anticipate there would be a parking problem for the church and does not believe its operation would substantively impact surrounding uses.
d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.
Staff comment: an alley easement in the rear of the building allows for refuse storage.
e. Utilities, with reference to location, availability and compatibility.
Staff comment: the site is fully served by utilities.
f. Screening and buffering, with reference to type, dimensions and character.
Staff comment: this is not applicable as the Zoning Code exempts downtown properties from landscaping requirements (except for parking lots).
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.
Staff comment: Signage and lighting must be in keeping with Zoning Code requirements
h. Required yards and other open space.

Staff comment: this is not applicable as the Zoning Code exempts downtown properties from open space requirements.

i. General compatibility with adjacent properties and other property in the district.

Staff comment: Included in this packet is a letter from a nearby business owner and the City's Main Street Manager. These letters set forth the argument that this church use is not compatible with the nature of the downtown retail core of St. Johns Avenue between the Riverfront Park and S. 11th Street. Staff concurs with this argument, particularly as applied to the retail concentrations between S. 2nd and 6th St., the 700 block, and the 900 block. Uses that are not retail, restaurant, or personal services uses lack the foot traffic and storefront window displays that promote a vibrant downtown pedestrian environment that "pulls" pedestrians down the street. Research has shown that empty lots, parking lots, and office/institutional uses serve as "pedestrian dead zones" that reduce the synergy and vitality of a downtown retail core.[1] Uses like churches lack the activity and longer hours of operation that sustain street life. Churches are single-point destinations in that typically the only reason people go to them is to worship.

Another issue pertains to the relatively wide frontage of the building - studies of walkable downtowns such as Boulder, Colorado have found that narrow storefronts (averaging around 25 feet in width) contribute to increasing the interest and appreciation of pedestrians with the changing scenery of storefront window displays, signs, and architecture. Many of the buildings in the 200 through 400 blocks of St. Johns Ave. have such narrow storefronts, but the combination of this property's wide frontage and removal from retail/service use would exacerbate the dead zone effect. This could also hamper the City's efforts to revitalize the 100 block of N. and S. 2nd Street, a half block away.

The Zoning Code provides support for the compatibility argument presented above. The intent of the Downtown Riverfront (DR) zoning district is to provide a "pedestrian oriented, retail/entertainment" that "discourage(s) uses that are likely to create friction with pedestrian movement."

Figures 3 & 4: 400 and 600 Block St. Johns Ave – narrow retail storefronts provide interest for pedestrians

[1] Verified in multiple studies including Downtown Naperville Pedestrian Gap Analysis (Solomon Cordwell Buenz, 2010), Downtown Tallahassee Pedestrian Connectivity Plan (RMPK Group, 2004 for the Tallahassee Downtown Improvement Authority), Fort Lauderdale: Building a Livable Downtown (City of Fort Lauderdale, 2003),

j. Any special requirements set out in the schedule of district regulations for the particular use involved.
Staff comment: There are no conditional use special requirements for churches.
k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.
Staff comment: Not applicable.

CONCLUSION AND STAFF RECOMMENDATION

With a finding of general compatibility and lack of substantive negative impacts from the proposed use the Board could approve the application on the basis of general conformance with review criteria. However Staff believes that the use is not compatible with the strong retail character of the 200 through 400 blocks of St. Johns Ave., and that there are currently a sufficient number of churches in the central business district. Churches are an important component of the City's land use fabric, but are better suited in peripheral areas of the downtown, along major road corridors, and in some cases in residential settings when limited in intensity. Staff recommends denial of the application.

ATTACHMENTS: APPLICANT NARRATIVE & EXHIBITS

Letter of Authorization for:

River Community Family Center

As the owner of the building at 211 St Johns Ave, it would be my pleasure to welcome Pastor Chad Perry, and the River Community Family Center, to downtown Palatka.

It is my sincere belief that the activities of the nonprofit faith based organization will bring people into the city from all over Putnam County. Families that participate in the Centers programs will breathe some new life into downtown Palatka, and their presence will support other businesses in the downtown area.

I look forward to changes downtown. Family based activities for young and old will be taking place on a daily basis, week in and week out. It's quite possible that the additional activity will encourage other businesses to move into the area.

Downtown will not flourish until we commit ourselves to adding occupants one at a time, and I truly believe that Pastor Chad and the Riverside Community Family Center, will be an excellent and influential addition to Downtown Palatka.

Sincerely:

Ruth Burk 5/31/13

Ruth Burk

Justification Statement

I. **Introduction:**

A. **Vision:** The River Community Church is currently a group of about fifty people who love God and love others. We long to see our community transformed by the Love of God, the Word of God and the Spirit of God. We know that God has great things in store for the City of Palatka and we simply want to help Him accomplish those things as He lives in us and through us for His glory, honor and praise. It's also our desire to grow numerically as we touch the hearts and lives of people who live in and around this amazing city.

B. **Hours of Operation:**

1. Regular Office Hours:
   a. Monday – Thursday
   b. 10 AM to 3 PM
2. Tuesday Night:
   a. Bible Study
   b. 6 PM to 9 PM
3. Wednesday Night:
   a. Family Night
   b. 6 PM to 9 PM
4. Thursday Night:
   a. Worship Rehearsal
   b. 6 PM to 9 PM
5. Friday Morning:
   a. Ladies Bible Study
   b. 9 AM to 1 PM
6. Saturday Services:
   a. Bible Study from 1 PM to 4 PM
   b. Dinner Break from 4 PM to 5 PM
   c. Worship and Sermon from 5 PM to 7 PM
7. Sunday Services:
   a. Fellowship Time at 10 AM
   b. Worship and Sermon from 10:30 AM to 12:00 PM

C. **Website:** www.ReadyfortheKing.org

1. Feel free to browse the church website.
2. You should be able to find information on the following tabs:
   a. Home
   b. About Us
   c. Events
   d. Worth of Worship
   e. Contact Us

IV. **Parking:**

A. **Streets:** There is accessible parking on St Johns Avenue, Second Street and Third Street.

B. **City Lots:** The city lots on Third Street and First Street are both within walking distance.

C. **Private Lot:** The private lots on Third Street and Second Street may also be accessible. We plan to speak with the owners of these lots and seek permission.

V. **Refuse and Service Areas:** There is plenty of room behind the building for refuse and service needs. The city will be providing our refuse needs and all garbage receptacles will be properly cared for and placed in and out as required for service and pickup.

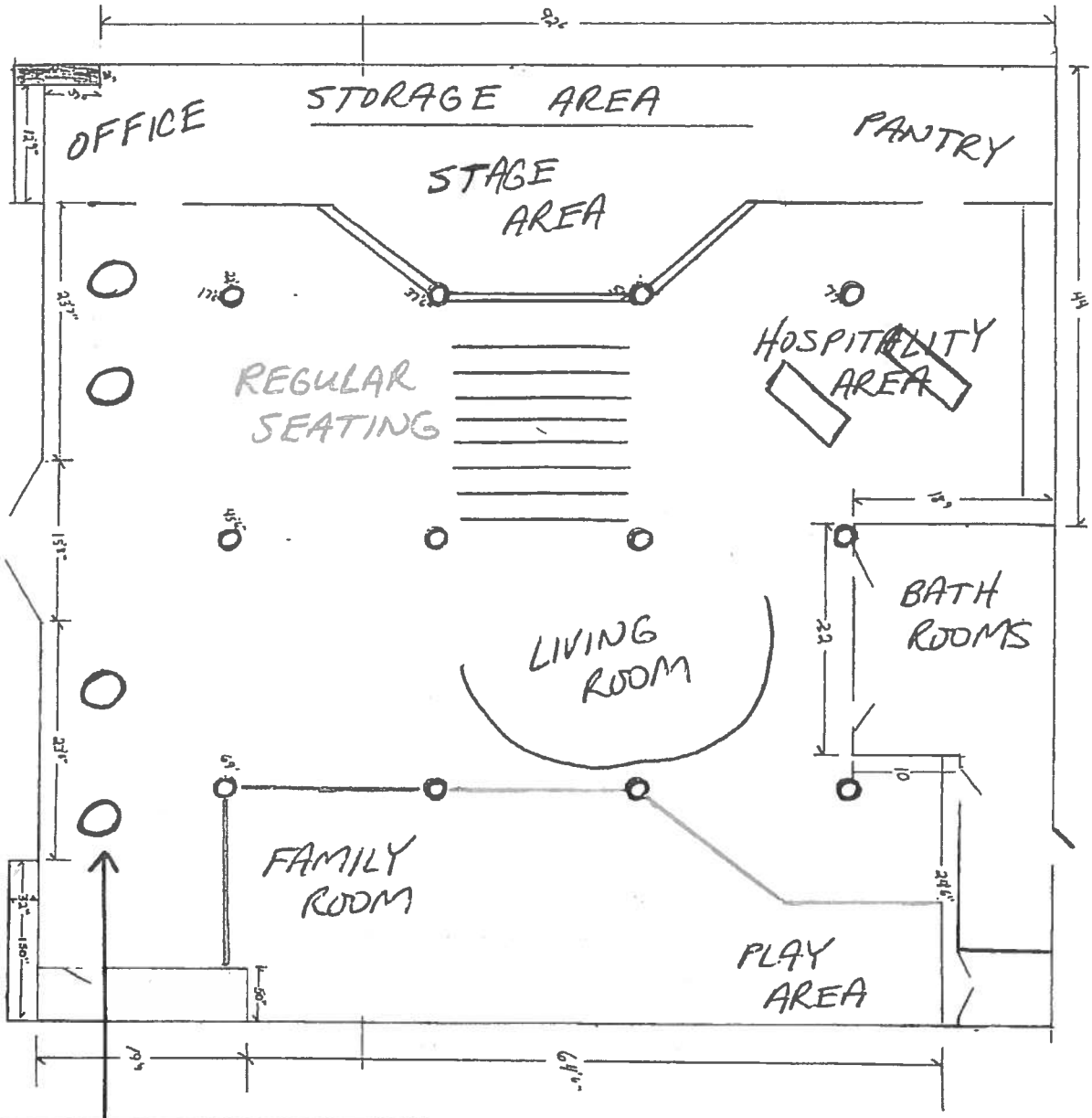
VI. **Utilities:** The Florida Power and Light Company will be our service provider. The main line connects to the back of the building; please refer to the picture in your packet for your convenience.

VII. **Signage:**

A. **Front:** A beautiful blue and white banner that is 50feet long and 4feet tall should be secured and centered on the building above the second story windows. Please refer to the drawing in your packet for your convenience. The banner will be made from a strong and durable material.

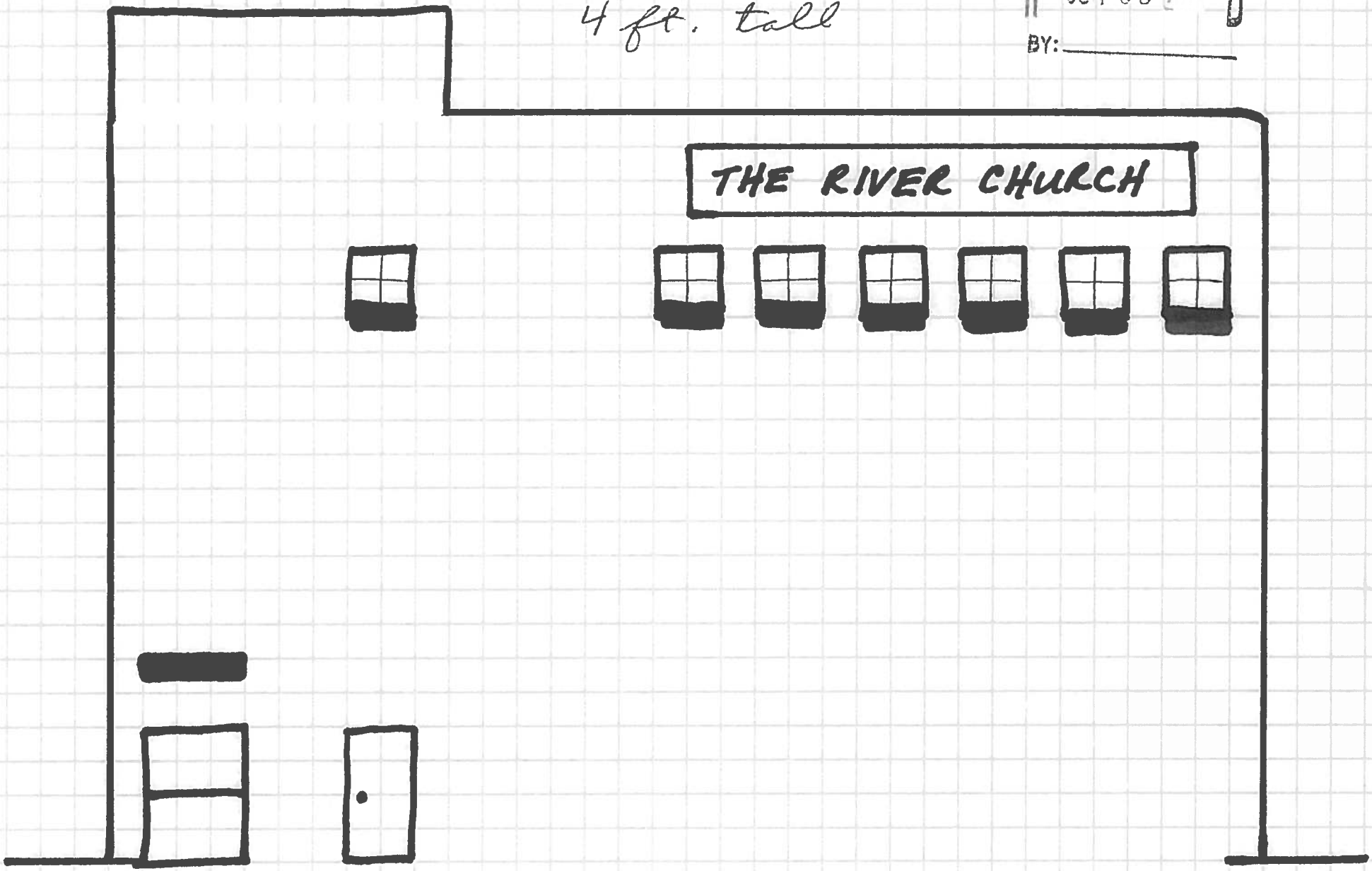
B. **Back:** A beautiful blue and white banner that is 30 feet long and 4 feet tall should be secured on the back right side of the building above the second story windows. Please refer to the drawing in your packet for your convenience. The banner will be made from a strong and durable material.

NEW CHURCH FLOOR PLAN

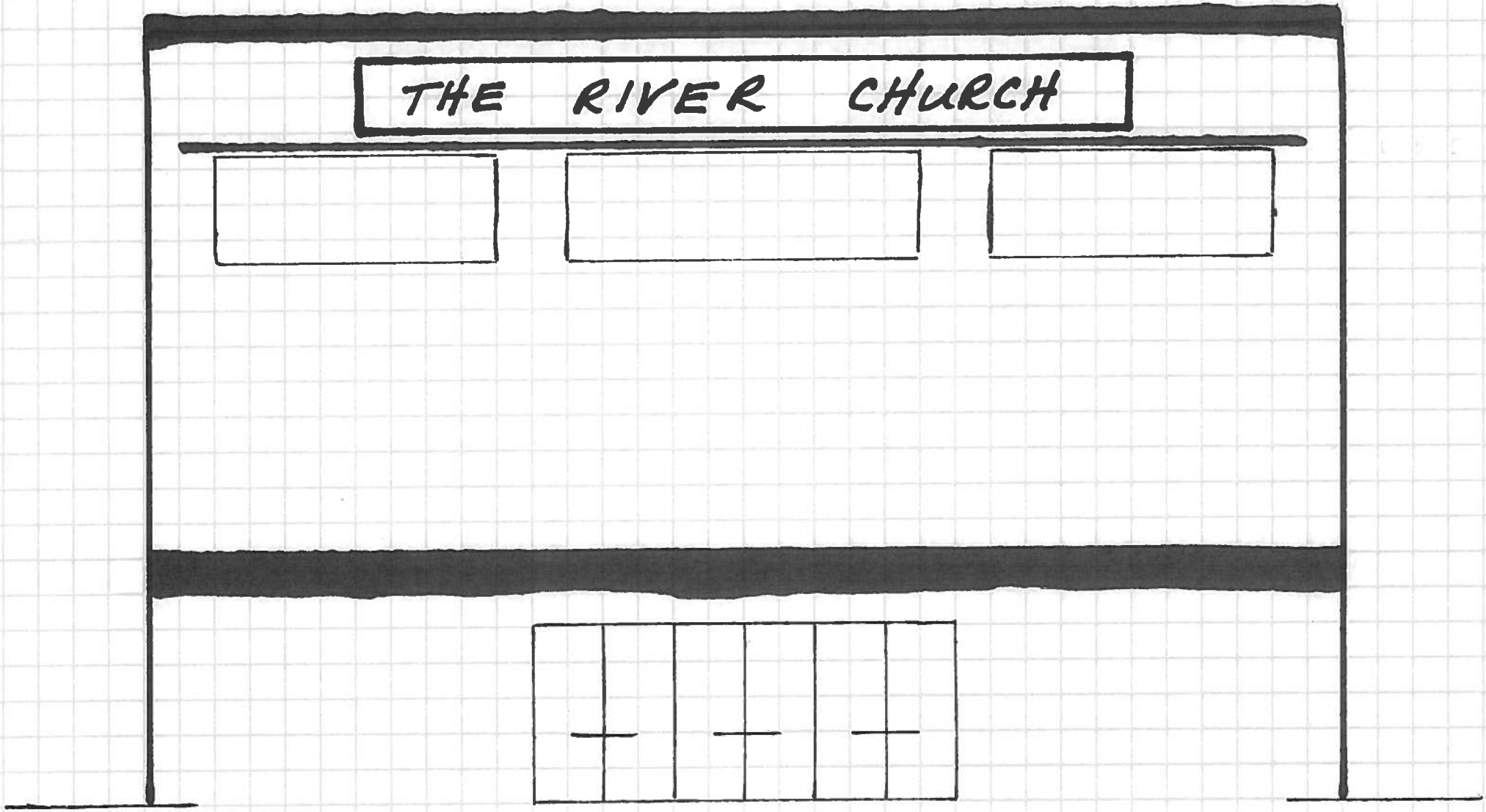


ADDITIONAL ROUND TABLE SEATING

THE BACK SIGNAGE: 30 ft. long
4 ft. tall



THE FRONT SIGNAGE: 50 ft. long
4 ft. tall



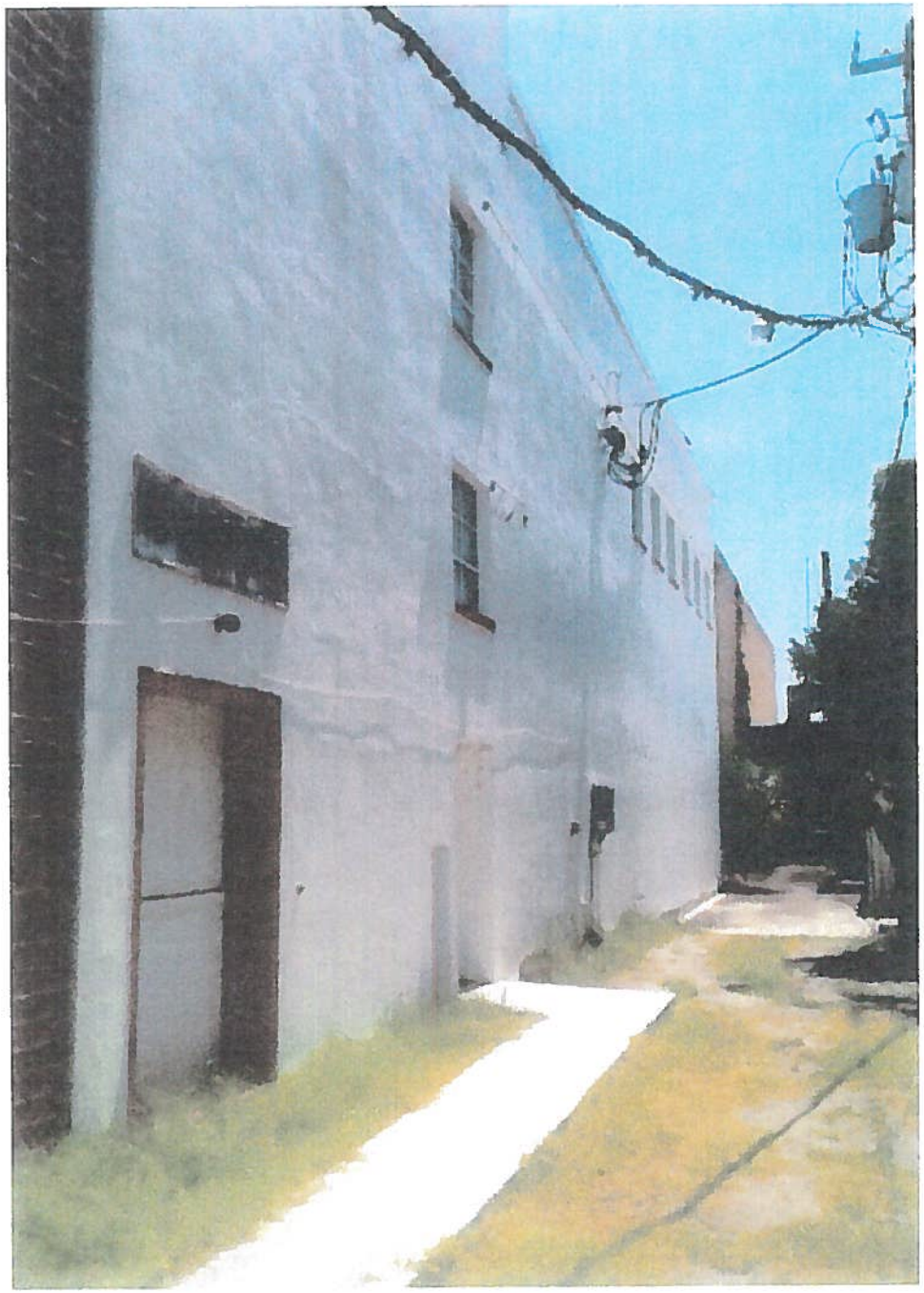
THE FRONT

TOWARD THE RIVER

MAIN ENTRANCE

TOWARD THIRD ST.

THE BACK OF THE BUILDING



Palatka MAIN STREET

REVITALIZATION-IT'S OUR NATURE.

June 21, 2013

City of Palatka Planning Board
City of Palatka
201 N. 2nd Street
Palatka, FL 32177

Dear Board members,

I am writing to you on behalf of the Palatka Main Street Board of Directors to express our concerns about allowing the variance to permit the location of a church on St. Johns Avenue, in the heart of the downtown retail district. I want to be clear that our opposition is not to the church itself. We already have nine congregations located in the CBD who are partners in the revitalization process and are represented on our Board of Directors. Our opposition is to the proposed location of the church on the 200 block of St. Johns Avenue; one of the largest retail locations in the district. Palatka Main Street, as well as our partner organizations, has been working for years to revive the downtown and to have a vibrant retail core is fundamental to this effort. The very nature of church facilities, which are typically vacant during daytime, is opposite from retail hours and contrary to the goal of stimulating retail activities. The location of a church in the old McCrory's site would effectively result in a permanent, very large, vacancy on that block. Palatka Main Street supported the grant which was utilized to redevelop this building, and while the previously proposed use was going to be service rather than retail, the result would have been a facility that was open all day during retail hours, the creation of jobs, and to increase the daily foot traffic on the 200 block and downtown. To grant the variance for use as a church is contrary to the intent of the funds used to redevelop the building and to countless hours of effort and dedication, by community volunteers and staff, to create a retail destination along St. Johns Avenue. We sincerely hope you will support the community vision for a revived retail corridor along St. Johns Avenue and deny the variance.

Sincerely,

Charles Rudd
Main Street Manager

WATTLES
Business Solutions

xerox

110 S. Second St.
Palatka, FL 32177
Sales: 386-325-4323
wattles@bellsouth.net

June 19, 2013

City of Palatka
Building & Zoning Department
201 N. 2nd St.
Palatka, FL 32177

Re: Planning Board Meeting July 2, 2013
Case: PB 13-26

Thad,
I am requesting that this letter be read into the records at the meeting listed above and any other meeting pertaining to the subject.

I wish I could have been there in person to speak and answer any questions the board may have had for me. But as PLANNING goes we are working on my BUCKET LIST and we are in Alaska!

I am requesting that the Planning Board **NOT** approve the request for Conditional Use to locate a church within 300 feet of an alcohol serving establishment. This request DOES NOT support the CURRENT redevelopment course as I understand it.

As a merchant, business owner and property owner in DOWNTOWN PALATKA....I have seen many similar persons over the years (like me) work hard to move the downtown area back into a thriving retail shopping town as it was in the 1960's. We currently have persons not like myself that serve on Advisory Boards for the concerted effort of the revitalization of "Our Downtown". We finally have some momentum moving forward with new retail shops locating in "Our Downtown". People are out walking and some with their dogs, sticking their heads into the businesses like I remember Mr. McTurk doing in the past. They are shopping and walking out with packages. We are having regular activities that bring people downtown and I hear comments like..."I didn't know that business was there, what a nice store, I have to tell my sister about this"...! We need to keep this momentum with ***retail businesses*** opening and renting vacate STOREFRONTS.

Unfortunately, I feel that letting a church locate on the main road of "Our Downtown" retail district doesn't move us forward....it is "settling". We did that in the 70's with the Frank George Apartments and our retail business almost died. The City and "Our Downtown" is NOW moving FORWARD...please keep it moving FORWARD by **NOT** approving the request #PB13-26.

Sincerely,
Linda McClarney

Case 13-27
Application for Subdivision (Easement)
201 Zeagler Dr.
Applicant: Thomas Scarborough, Pastor

STAFF REPORT

DATE: June 25, 2013

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

This is a request for subdivision pertaining to the creation of an easement. Required public notice included letters to abutting property owners.

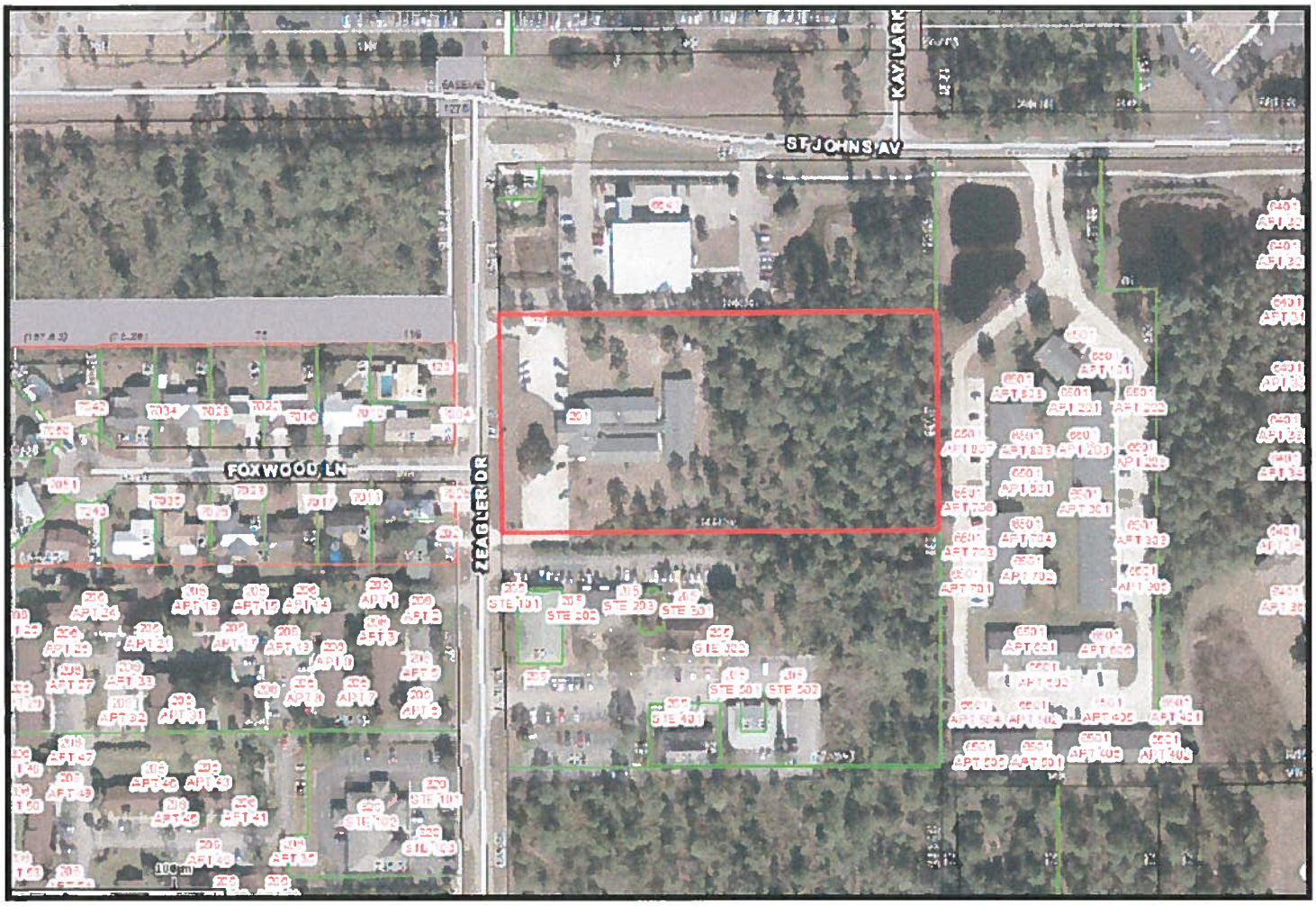


Figure 1: Property Location

APPLICATION BACKGROUND

The request is for the City's recognition of a recorded easement that accesses the undeveloped rear lot, which the Subdivision Code defines as a platting action. The rear lot has been recorded by the County Clerk as a separate lot from the original property and the Applicant can get this lot split recognized administratively (by Florida law, formal subdivisions are defined as splitting lots into two or more lots).

The front lot has been developed as a medical clinic.

PROJECT ANALYSIS

There are no criteria for platting in regard to easements. However the Subdivision Code provides the following definition of street (underlining emphasis added):

> *Street* means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land or place, or however otherwise designated.
> (1) *Major streets.* Major streets and highways are those which are used primarily for fast or heavy traffic.
> (2) *Collector streets.* Collector streets are those which carry traffic from minor or neighborhood streets to the major system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
> (3) *Minor streets.* Minor streets are those which are used primarily for access to the abutting properties.
> <u>(4) *Service drives.* Service drives are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.</u>

Therefore this access easement would be classified as a service drive. Section 74-13 of the Subdivision Code (Arrangement of streets) requires that service drives be at least 24 feet in width. The recorded easement is 35 feet in width, so this standard is met. This service drive is not considered to be a driveway, so the 20-foot property line setback standard for driveways (found in Article V of the Zoning Code, Off-Street Parking and Loading) is not applicable.

Staff cannot locate any other Code standards applying to the creation of an easement. If the Applicant develops the rear lot he will be required to meet City standards regarding paved surface, width, etc.

STAFF RECOMMENDATION

Staff recommends approval of the 35-foot wide easement running along the north side of 201 Zeagler Drive and accessing the lot to the rear of this property.

ATTACHMENTS: SURVEY