



CITY OF PALATKA

PLANNING BOARD MINUTES

February 4, 2014

The meeting was called to order by member Vice-Chairman Daniel Sheffield at 4:05 pm. **Other members present:** Anthony Harwell, Lavinia Moody, Charles Douglas, Jr., Joseph Petrucci and George DeLoach. **Members absent:** Joe Pickens and Earl Wallace. **Also present:** Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Donald Holmes.

Motion was made by Ms. Moody and seconded by Mr. DeLoach to approve the minutes for January 7, 2014 meeting. All present voted affirmative, motion carried.

Chairman Sheffield read the appeal procedures and called for any ex-parte communications regarding any case.

OLD BUSINESS:

Case 13-46: Administrative request to amend Municipal Code Sec. 94-161 and 94-162 to establish an overlay zoning district to provide for design standards and use restrictions in Downtown zoning districts.

(Public Hearing)

Mr. Crowe explained the rationale for this request is in support of the Main Street approach to encourage pedestrian generated uses, such as restaurants, retail and personal service oriented uses and to ensure that new development downtown is compatible with the historic architecture of downtown. He explained that the overlay design standards identify and apply to two downtown areas: the retail core, generally those fronting on St. Johns Avenue (minus the Courthouse complex in the middle), which is a bit more restrictive and the periphery being less restrictive. The retail core consists of properties fronting on St. Johns Ave. between the Riverfront Park and 11th St. and the periphery includes the remainder of the areas zoned DB (Downtown Business) and DR (Downtown Riverfront), generally the areas between Reid St. and St. Johns Ave. and between St. Johns Ave. and Laurel St., as well as areas zoned C-2 south of Main Street and along Reid St. between the riverfront and N. 11th St. He said that since the last meeting based on public input received, some uses have been removed from the prohibited uses, bait and tackle shops marine hardware store and small grocery stores and added a general statement that exterior alterations will be in keeping with the historic architectural character of downtown. Adding appropriate exterior finishes such as cast stone, terra cotta, granite, and marble and the prohibition of faux finishes. The word "hardiplank" was replaced with "cementitious fiberboard" and eliminated of the term "baked" as a modifier of enamel. Also eliminated was the requirement that roofs be flat, insertion of language that calls for rectangular presentations of buildings including rooflines, and requiring parapets when screening of rooftop equipment is needed. There is an allowance of decorative metal fencing with brick columns as an alternative streetwall type, and an extension of required compliance from two to five years. Clarification that excess driveways (exceeding 24-feet in width) in retail core and periphery shall be slimmed down to 24-feet when new construction occurs. A height limitation of 4 stories was added. He explained that staff stands by the other use prohibitions, including houses or worship and government uses as they do not ideally promote pedestrian activity to support a vibrant downtown. Staff recommended approval and added that the City has had four meetings with the Planning Board (3 public hearings and 1 public workshop). Staff has met with several architects; they have met with members of the

public and made modifications from suggestions made by and large. He requested that this proposal move forward by some recommendation made by the Board as we have been at this for some time now.

Mr. Douglas disclosure of ex-parte communications with Bob Taylor, Kirby Kennedy, John and Stanley Hodge, Thad Crowe, Ted Stackpole and Carl Flagg was made by.

Mr. Crowe added that the City has also had a number of meetings with the Ministerial Association, Downtown Palatka Inc. and the Main Street Board as well.

Mr. Rudd explained that the overlay is not a new thing that Main Street is trying in Palatka it is very common practice in cities across the country that are trying to revive their retail core. He wanted to focus on reality, stating that what we are trying to do is make a regulatory change now that will begin to yield results in the future, because the rules we have now has yielded what we currently have. In terms as to what we want and what we currently have downtown. He showed pictures of some of the current uses in the retail core; explaining that those retail uses have decorated and inviting windows, open and active to the street, sidewalk displays and how they pull down the street creating an inviting environment from one block to the next. He also showed examples of current non-contributing uses such as private and government offices and storefront churches, noting the closed off fronts, blank walls and closed off windows. He added the active and vibrant downtown is what is desired, then we need to establish something now that, over time as changes occur, will move us more and more towards a higher level of retail and a lower level of office & non-contributing uses.

Ms. Sprouse read into the record a letter received from the Central Putnam Ministerial Association dated February 4, 2014 supporting the need for establishing an overlay zoning district. In that letter the Association recognized “that the imminent success of downtown is primarily dependent upon a fully-occupied, prospering retail core,” further suggesting that the City focus the retail core in the downtown riverfront district as it is currently defined Chapter 94-161. The also recommended that the zoning districts as defined in the Palatka Code Sec. 94-161 and 94-162 remain intact, that the City not re-classify houses of worship as prohibited uses, activities or structures.

Ms. Sprouse read into the record a letter received February 3, 2014, from Deena McCamey, a former City of Palatka Building Department employee, expressing her opposition to the allowance of churches in the downtown districts citing the use does not fit within in the downtown area.

Robert Taylor, 241 Crystal Cove Dr., explained that he has met with Mr. Crowe, Mr. Czymbor and Mr. Rudd on several occasions to try and come up with amicable solutions for all concerned, and stated that he believes that is going to be difficult. He said overall the overlay ordinance has made a lot of advances and it looks much better. He stated that he only had two concerns. One concern was regarding the proposed language to be inserted into Sec. 94-202 – Design standards for exterior alterations in downtown zoning districts to be in keeping with the materials and appearance of historic downtown Palatka as represented by the period of significance between the 1880’s and 1940’s, he does not want Palatka to look like an antiquated town. He suggested possibly preserve those materials and exemplify those architectural styles, but does not believe that we should held to a particular period. He said that the owner and the developer should be allowed to convey what they want to do downtown Palatka. Secondly, he stated his opposition to the prohibition of churches as an allowed use in the downtown zoning district and said that churches should be allowed by conditional use. He said that most land planning codes and ordinances allow churches as a special use or conditional use. Palatka’s current ordinance is unique because it allows churches in the downtown districts by right; the new ordinance prohibits churches in these districts, not even with a conditional use and with no opportunity to appeal. He

stated he believes that it is wrong and said that allowing churches by conditional use is a viable compromise, even though it may be chancy.

Mr. Holmes suggested adding a period at the end of prohibited and to capitalize the C of the next word; conditional uses to start a new sentence (page 6 item D 6; Conditional Uses, Activities or Structures). Mr. Crowe agreed, explaining that he believes that it is a typo in the existing code and intended to recommend that correction to the Board.

Sylvia M. Johnson, 757 State Rd. 100, spoke in support of allowing churches downtown, adding that churches minister to people in many ways, and God has been taken out of school and whittled away little by little everywhere you go. We have all seen what has happened since God has been taken out of school. She added that what she wants for her Palatka, her home town, is prosperity and growth, but that we need to stand up for our Christian values and make America what it once.

Kirby Kennedy, 106 Lisa Lane, stated that the last time the Planning Board met some recommendations were made and this item was tabled. He reiterated points from the letter previously read into the record by Ms. Sprouse from the Central Putnam Ministerial Association and asked that the retail core stay as it is in the existing code, he believes the city should focus and concentrate on the riverfront district for the retail core, which after some success could be expanded. He added that over the years, there really haven't been that many churches apply to locate downtown, and should not be prohibited.

Jerry Hafner, 122 Hilty Lane, East Palatka, Vice President of Palatka Main Street spoke in support of the overlay zoning district. He stated that the amendment is critical to the revitalization and preservation of downtown Palatka and will best serve the interest of all parties and all the citizens of Palatka and Putnam County. The establishment of the retail core and periphery areas as proposed will encourage the development of new business and help protect our current and new business owners' investments from undue losses caused by incompatible, unkempt and in some cases objectionable uses. He added that to be sustainable, the retail core must provide a conduit for foot traffic through retail and entertainment venues to the greatest extent possible, providing a shopping and dining experience that will attract folks from inside and outside the area.

Mr. Hafner spoke again as a private individual and stated that he is an ardent supporter of the people, always considering what is in the best interest of the people. He said that he is extremely perplexed by organizations and individuals who do not in any way consider what is in the best interest in the communities in which they live. Adding that when community governments invest time and money to determine what is in the best interest of the all people who live and pay taxes there, one would certainly think that each of us would be willing to support those interests. The City's Planning Staff and Palatka's Main Street have professionals trained in the areas of zoning and sustainable revitalization which warrants serious consideration by our elected officials and our citizens. Staff has researched the successes and failures of many other downtown districts and integrated the successful elements of the various plans into the current proposal. He ended by saying that it would be nice if for once, all individuals and groups would place the best interest of our community and the revitalization of our downtown.

Roberta Correa, 118 Dodge St., stated that she owns & rehabbed two homes in the South Side historic district, is an antiques dealer and runs City Antiques on St. Johns Avenue and sits on Palatka Historic Preservation Board. She added that she clearly has a vested interest in the revitalization of Downtown Palatka. She referenced a collection she has of old post cards from 1900's to 1940 of Downtown Palatka, pointing out that looking at the postcards or walking down St. Johns Ave., you see the same intent – buildings designed for retail, hospitality and personal service, intended to bring people downtown on a daily basis. She acknowledged that

this task is a difficult one but believes that the original intent for St. Johns Ave. needs to be respected as the retail hub of Palatka by supporting the Downtown Overlay district.

John P. Hutchings, P.O. Box 242 Lake Como Dr., thanked the Board for their efforts. He suggested that the Board look at this historically, that one of the big things about Palatka was that Billy Graham was baptized here which is something that Palatka can boast about. He added that he served as a marine for the freedom of speech and freedom of religion.

Stephen Rodrique, 305 Moseley Ave., he asked that God not be cut out of our community.

Linda Hutchings, 540 Lake Como Dr., Lake Como, thanked the Board for their hard work, and said that she understands the difficulty in making decisions sometimes, as she has served on similar boards in the past. There are many opinions, but the important opinion to her, is God's opinion. She added that many cities have been founded because churches were the first ones there. She said that she believes churches fit well with downtown and referred to the names of St. Johns Avenue and St. Johns River as both being named after a Saint. She stated that she believes that God had a big part in this area, Billy Graham preached under the big oak tree on St. Johns Ave., and that she is appreciative of the history of this area.

Dawn Perry, 2370 Westover Dr., thanked the Board and Staff for their work with the overlay zoning. She stated that she is here again to suggest that the prohibition of churches be kept out of the proposed overlay. She touched down on several points regarding new holocaust discoveries of genocide against the Jewish people from an article she shared. She further expressed that indifference remains our greatest challenge if we dare to hope for the survival of civilization and the revitalization of downtown.

Reverend Chad Perry, 2370 Westover Dr., Pastor of the River Community Church, thanked the board and Mr. Crowe & his office for all of the work they have to do, including the work on the overlay. He stated that his main objection has to do with the prohibition of churches. He suggested that a way that churches and the City could work together in the retail corridor, to allow churches either by conditional use or by allowed use, but establish certain guidelines, for example requiring attractive display windows, requiring certain business hours be kept to invite foot traffic etc., ensuring that they are attractive, inviting and a blessing to Palatka. He responded to the letter (read into the record) that mentioned him and name calling, and said that he is not a name caller and thanked city staff and the Board for their efforts. He added that they just want to be a blessing to the City of Palatka. He ended by saying that his Church is confident they can partner together with the City to accomplish great things, especially concerning St. Johns Avenue and a specific building that has been empty for 20 years.

Ann Marie Everson, 104 Shell Harbour Way, Satsuma, thanked the City for their hard work, and said that it is evident when you go downtown now, compared to when she was a child. She said that she was born and raised here, as are her children, and family of five generations. She stated that she is against prohibiting churches on St. Johns Ave. and believes that it is important to stand up for our beliefs. She added that if you visit any historical city in the U.S. you will see churches, including our own riverfront. Ms. Everson said that our country was founded on the beliefs of our forefathers, which was God, and we cannot remove him from the equation – if you do we will be in serious trouble and no amount of paint or fancy lights will fix it.

Robert Lemon, 111 Easement Ln., Palatka recommended removing the architectural aspect of the overlay from permitted use as getting through either issue might be easier done if they were separate issues. He said that God should not be put in a box or kept out of a box and does not believe that there should be a vote as to where God should or should not be.

Alexander Altman, 5256 Silver Lake Dr., stated that he has concerns with demanding more restrictions on construction with the overlay and will cut into costs for development. He added that in regards to the religious aspect, of all of the uses being removed, only churches are under scrutiny and believes that this is a pointed attack on religious freedoms in this community. He reiterated his comments from previous meetings by saying that anything that creates a schism in the community will not be positive.

Laura Schoenberger, 214 S. 4th St., stated that she lives in the Hist. Dist. and owns two businesses on St. Johns Ave., downtown spoke in support of the overlay zoning. She added that she is a little confused at what she is hearing and does not believe that anyone here is trying to exclude God from our lives. There are three churches that she can see from her house, not to mention all of the others that are a part of the community. She added that it seems to her to be a logical thing, that churches exist in conjunction with downtown, but not necessarily right in the entertainment or retail core and does not believe that this is excluding God or religion from our lives or community, and should not become the predominant battle ground.

Christy Sanford, 312 Dodge St. stated that she has worked with City in grant writing and various other efforts. She added that she supports the City's effort to revitalize the downtown area and this amendment. She added that it is troubling to her, that one does not see this many of the faces at a regular Commission meeting participating in city events or regular business and that this appears to be an issue thing. She thanked City Staff for working on the overlay ordinance and stated her support of the amendment.

Ted Stackpole, 1 Putter Lane, Pastor of the First Assembly of God at the corner Palm Ave. and St. Johns Ave., stated that he is not directly affected by this amendment, but believes there is a fear, that churches are going to destroy the retail core or maybe it is that we do not have a retail core because of churches which of course is not the case. He said that he believes it is more of an architectural issue and not an occupancy issue downtown and believes that the fear can be removed. Not that that many new churches try to locate downtown. He said that this amendment is creating a fear in the church community of mistrust, and asked the Board to alleviate this by allowing church's in the overlay.

Mr. Taylor questioned the requirement for Streetwalls; found on page 10, subsection K as none of the standards are supposed to be retroactive, however the last sentence in that section states they shall be installed within five years of the adoption of this ordinance.

Mr. Crowe agreed that as these standards apply to new development, it should be within five years – period.

(Regular Meeting)

Mr. Petrucci stated that he supports the overlay. He understands people's passion and believes the Board shares that, but the intent of the overlay is to create a storefront area. He added that God is alive and well in this community; noting that there are over 50 churches in the Palatka area. It is not about being anti-church but pro-storefront.

Ms. Moody started by saying that she is a spiritual person and that God is alive and well in all of us. She is sensitive, as a Planning Board member, to how the audience is feeling because she knows it is felt deeply, and does not take it lightly, which is she asked to have it tabled twice so that there could be an opportunity to fully hear what it is that the audience is feeling. She wanted to reiterate what she had said before; that it is not about what the City is against, rather what it is for. There are things the City must do to be financially whole, at least have enough reserve to survive, and that there are things that need to be done for that to happen. Regardless of

how the Board votes, we each individually have a choice to promote good will, to keep God alive – as some of you say and to be good citizens. She recognized that the City has some extreme problems, specifically in the retail corridor, and sometimes it is not unusual when you have extreme situation to have to make an extraordinary decision. We are here because we are so out of balance with finances and small business owners which make America thrive.

Mr. Douglas said that he believes that all of us in this room know that our downtown is struggling and the experts that we rely on to revitalize our downtown say the way to do it is with a strong retail core. He said that he believes that the overlay is a good way to do it, but also believes that there may be less restrictive means that the Board can achieve this. He referenced an Eleventh Circuit case where a church wanted to occupy an area of the city that was zoned for the retail core. The city had said that it was not zoned for that use in the retail core, and the Court ruled that it was ok for a city to zone for retail, and for churches to try to have a comprehensive plan as to where all the different components of our city can be. He added that another aspect of this is that in an overlay or zoning ordinance, we must keep the religious and the secular on an equal footing. So, to exclude churches from an area, secular versions such as fraternal organizations and private clubs and those types of assemblies must also be excluded to survive constitutional scrutiny. He said that he believes that there might be room for compromise with the overlay district, such as making it shorter, say only to 5th street or maybe make it wider. If there is a way to find that middle ground, possibly incorporate a retail use with a church, or if foot traffic is most important, maybe allowing a church on the second or third floor might be a means incorporate the retail and allow a faith based use as well. An overlay is important to promote a vibrant downtown, but would like to find a way that everyone could be behind it.

Mr. Holmes said that he is not concerned about the constitutionality of having an overlay, but believes that there has to be a rational basis for uses that are excluded and it cannot be based on the fact that they have a religious basis or central theme. He asked Mr. Crowe for clarity in the differences between churches and the fraternal organizations. Mr. Crowe stated that zoning recognizes the activity more than anything else and agreed that fraternal organizations would be a similar type use and should be to the list of prohibited uses.

Mr. Harwell asked the difference between roadside vending versus mobile vending. Mr. Crowe advised roadside vending is generally viewed as stationary where mobile vending is just that mobile, such as food or ice cream truck. As mobile vending is allowed downtown, intended for non-motorized, push cart type vending, the code does not allowed for sales to occur in the public right-of-way. Mr. Harwell commented that item B (3) Balconies or Porches; on page 7 seemed a bit restrictive. Mr. Crowe explained that is current code, and the intent is for areas like St. Johns Ave., to allow the protrusion over the sidewalk up to a point that is three feet back to a curb, to allow for parking & pedestrian traffic. Mr. Holmes stated that if balconies or porches were intended for 2nd floor and above, while balconies were implicit for upper story, the word porches were not so implicit. Mr. Crowe agreed that the word “porches could be removed.” Discussion took place regarding the more specific and detailed design standards that apply to just the core area and those less detailed more basic design standards that apply to the outside or periphery areas of the downtown zoning district.

Mr. Harwell said that both the core and periphery area standards for new construction should have language that ensures compatibility with the late-nineteenth century architecture, not just the standards for exterior alteration. Mr. Crowe said that might present some problems with more modern uses along the Reid St. commercial corridor.

Motion made by Ms. Moody and seconded by Mr. Harwell to approve the amendment with the following recommended revisions. Discussion: None. Question called. All present voted, resulting in 5 yeas and 1 nay (Mr. Douglas vote against). Motion carried.

Recommended revisions:

1. Pg. 4 A. Retail Core allowable Uses; section (2) General service establishments, item h.; **remove Fraternal organizations.**
2. Pg. 6 D. **add period at the end of the word prohibited & capitalize Conditional Use**
3. Pg. 7 B. Balconies or Porches (**remove the words or porches**).

Chairman Sheffield called for recess.

NEW BUSINESS:

Case 14-01: Administrative request to amend Municipal Code to add Sec. 94-203 Supplementary District Regulations; building exterior standards for new construction along major thoroughfares.

Mr. Crowe added that this amendment is in keeping with the goals of the City to improve the appearance of the City, attracting new businesses and minimize future potential blight. He reviewed the proposed standards for new construction only and not applicable to single-family or duplex residential. He added that provision for appeals of these standards would be considered by the Planning Board. He recommended approval of the amendment. He believes that the community at large is going to suffer, without these design standards.

Discussion continued regarding the benefit of establishing some guidelines and standards for business owners and developers work with. Chairman Sheffield stated that as a contractor the cost is minimal, less than 5% additional cost. Mr. Crowe added that these standards are not retrofit, they apply to new construction.

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

Adjournment – There being no further business, the meeting was adjourned at 6:55 p.m. upon a motion by Mr. DeLoach, seconded by Ms. Moody. By Board consensus, Motion carried.