



**CITY OF PALATKA
PLANNING BOARD MINUTES
March 4, 2014**

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

Motion was made by Mr. DeLoach and seconded by Ms. Moody to approve the minutes for February 4, 2014 meeting with correction to case no. 14-01. All present voted affirmative, motion carried.

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

NEW BUSINESS:

Case 14-03: Conditional use request to locate an alcohol serving establishment within 300 ft. of a church
(Public Hearing)

Mr. Crowe gave an overview of the proposed request and showed photos of the existing restaurant business. The Caribbean 450 restaurant takes up the portion of the building facing N. SR 19 and includes a kitchen, take-out window, and an outside area along the SR 19 frontage that includes 15 patio tables. Most of the building is dedicated to a barbershop, which is a separate unit from the restaurant within the building. Both uses were approved and permitted under Putnam County prior to annexing into the City last year. The request is for on-premise consumption of alcohol sales. He mentioned concerns for parking, as the City code would require 23 parking spaces and the applicant has only 16 spaces. Mr. Crowe advised that no comments were received from the notices sent out to surrounding property owners. He recommended that in addition to the required buffer along State Rd. 19 that a three to four foot fence be placed around the perimeter of the outdoor alcohol sales area as required by the alcohol ordinance. He made the following recommendations as a condition of approval. Staff recommended approval of this request with the following conditions and conformance to the site plan:

1. Taller hedge plants in the landscape strip paralleling N. SR 19 shall be planted at three-foot intervals in order to provide a hedge up to four feet in height that partially screens the parking lot and outdoor seating. Plant material or alternative fence material to be approved by Building and Zoning Dept.
2. Some combination of fences, walls, or hedges that provide a continuous perimeter for the outside alcohol consumption area is required to identify the limits of alcohol consumption and restricting the ability for those wanting to pass out alcoholic beverages to minors.
3. Hours of operation are limited to 10 AM to 9 PM Monday-Thursday, 10 AM to 10 PM Friday, and 11 AM to 11 PM Saturday.
4. In order to not exceed minimum parking requirements, the number of tables and/or the barbershop floor area must be reduced to a combination that does not require more than 13 parking spaces. As an alternative, the Applicant may also choose to provide a letter from a business within 600 feet that allows the use of "excess" parking (as determined by city staff) at such off-site locations.
5. The Planning Board shall have the ability to re-evaluate the approval conditions if such conditions are not met, including if documented and ongoing parking problems occur including parking in roadways or swales, or at neighboring businesses or homes without approval; or if ongoing noise complaints pose a public safety problem.

Vice-Chairman Pickens suggested that if excess parking from neighboring commercial property owners is to be provided to meet minimum parking requirements, then maybe that allowance should be limited to the east side of State Rd. 19 and the north side of Reid St. Mr. Crowe agreed that the code does consider public safety and that the “borrowed” excess parking must be within 600 feet and not across a major thoroughfare.

Vice-Chairman Pickens asked the applicant if this was primarily a take-out restaurant and if he intended to sell alcohol to go. Eddie Stoveall, 1438 Canopy Oaks Dr., Orange Park, stated that his restaurant is primarily take-out with optional patio dining. He added the restaurant license is “package license” that allows both on-premise consumption and package sales; however his plan was for on-premise consumption.

Pastor Ed Wiles, Palatka Baptist Temple 908 N. State Rd. 19, located across the street, expressed his church’s opposition to the request due to the outdoor alcohol consumption. He added that no one had come to talk to him about this request, that when Bradley’s went in, just up the street to the north, they came and spoke with the church and one of the church’s questions to them was would there be outdoor consumption or consumption to go and they advised no. He added that as a church they have a problem with the outdoor consumption. Mr. Crowe explained that outdoor consumption must be kept within a defined area that is completely closed off from any other outside area and or manned with signage (no alcohol beyond this point) to prevent those beverages from leaving the area or being passed through that defined area. This is required in the alcohol ordinance which mirrors the State’s requirements.

Mr. Stoveall stated that he had a letter of authorization from a neighboring business owner, Richard Adams allowing him to use their property for overflow parking. Mr. Holmes shared his legal perspective that the only rational basis for a distinction between the existing similar use just north of this location and this one is that one is indoor consumption and the other is outdoor consumption. To the extent that he lessens that distinction by enclosing that area with something (the more substantial the better) that distinction tends to go away. In which case, you have similar uses in close proximity which would argue in favor of approval, unless you can find another basis for finding a difference.

James “Sonny” Harrell Jr., 1100 State Rd. 19, stated his opposition to the request citing as being biased against churches, that if this were a church requesting to locate next to a bar the City would turn it down. Mr. Holmes responded that while it has no bearing on what the Board does here today, but Mr. Harrell is correct in that the City has not turned down many alcohol serving establishments, however it has also never turned down a church with the exception of the once recently on St. Johns Ave. for very different reasons.

(Regular Meeting) Vice-Chairman Pickens remarked on the distinction between outdoor consumption and indoor consumption, and also noted that the conditional use requirement requires that the Board provide further consideration and scrutiny.

Motion made by Vice-Chairman Pickens and seconded by Ms. Moody to permit the conditional use as permitted if the applicant secures required offsite parking on the east side of SR 19 and north side of State Rd. 100 so as to not have patrons of this business establishment crossing the highway to access the restaurant, and additionally subject to the other staff recommendations to include more specifically for item no. (2) to require a three to four foot hedge or other obstructive material around the consumption area prior. All present voted affirmative, motion carried.

Case 14-05: Administrative request to amend Municipal Code Chapter 94 (Zoning) Section 261 (f) to reduce the minimum size of parking spaces from 10 feet by 20 feet to 9 feet by 18 feet.

Jonathan Griffith, Special Projects and Grants Administrator for the City of Palatka explained that this request is triggered by the downtown revitalization efforts, the City's interest and the vision of redevelopment expected in the next five to ten years. He expressed that one of the benefit of this request is the reduction of impervious area and runoff and some of the larger surface lots. Another benefit is the preservation of land for the highest and best use, such as open space, park space and commercial. He explained that if this amendment is implemented, it is not just the reduction of the width that impacts the size, the length dimension impacts the square footage of the isle as well, so it is a 16 to 20% overall decrease in paved surface. In terms of downtown, the City is very focused on creating and retaining the retail corridor. Staff would like to see some urban infill, using the Prosperity Bank's parking lot as an example, he explained to do so you must use the property more efficiently. If developers were able to use the 9'x 18' spot, they would be able to get some of that urban infill (vertical mixed use buildings) on St. Johns Ave with the interior used for the lot used for parking. He reviewed research of allowable space sizes for some other towns such as Deland, St. Augustine and Mount Dora that vary in size and some allowance of even smaller sizes for compact cars.

Vice-Chairman Pickens asked if Staff had considered doing something with a mixture of sizes to accommodate the varying sizes of cars these days. He would also be interested in a mix to allow for reduced sizes, but also wanted accommodate the varying types of drivers and vehicles. Mr. Griffith responded that Staff did consider that and if the Planning Board would like to see them he could come back with an amended proposal. Vice-chairman Sheffield asked if staff had any idea of an appropriate ratio of mixed sizes. Mr. Griffith replied that he would like the Planning Director to weigh in on that, but he believes that a 60% standard and 40% compact would be acceptable. Mr. Crowe added he has seen anywhere from 25% to 40% for compact spaces and that it is truly a community standard that the City can define. He added that recently a request to the Zoning Board of Appeals was approved for 40% reduced size spaces for the new Family Dollar at 3205 Crill Ave.

Motion made by Mr. DeLoach and seconded by Vice-Chairman Pickens to table the request to allow additional research by staff to come up with a compromise with multiple sizes of parking spaces and to include information regarding other similar communities successfully using mixed sizes for development and provide those ratios. Mr. Griffith asked if the Board would want the research limited to Florida communities of similar population and character of the community. All present voted affirmative, motion carried.

Mr. Crowe asked to gauge the interest of the Board for Staff to propose a code amendment including a mechanism to revoke conditional use permits that do not comply with the approval conditions. By Board consensus, staff was directed to bring back such an amendment.

Mr. Crowe read into the record a memorandum addressed to the Planning Board and the City Commission clarifying elements of the particular procedure regarding the approval of PB Case 13-46, for a conditional use for First Baptist Church located at 511 St. Johns Ave., in light of the recent press and controversy generated by the item.

Mr. Czymbor further emphasized that with no grey areas, the Board has code responsibilities which, City Staff has no ability to override the actions of the Board. He added that Staff believed that they were acting in good faith; they were consistent, transparent, meeting with the representatives of the Baptist Church to try to develop a comprehensive solution that could address both the needs of the Church as well as meeting the needs of the City with regards to maintaining the integrity of that commercial corridor in our community. He added that Staff works very hard every day for the City, and acknowledge that staff is really trying to do the best that they can with the significant challenges of this community; being fiscally distressed, having to recognize where we are and where we need to get to, by being creative and to do the things that sometimes are difficult to accept. Anytime you make a change, for some people whether small or large, change can be difficult. He ended by

saying that the Board's task can be difficult if there are questions that are unanswered or they don't have all the facts that they need to make the best decision moving forward, staff would highly recommend that the item be tabled. He thanked the Board for their service to the Community and the job that they do.

Ms. Moody said that she would like more information regarding all of the meetings that went on that they were not privy to. The Board agreed.

Mr. Crowe introduced new Planning Board Member Mr. Campbell.

Chairman Sheffield reminded Mr. Crowe of the need for a workshop/continued training for Board members.

Mr. Crowe advised that currently the Code has a description of the Planning Board's responsibilities which does not really match up with what the Board does. In the future, staff will be providing more orientation with some ongoing training. He offered to provide notebooks with a copy of the zoning code and the comprehensive plan that the Board can consult.

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