CITY OF PALATKA
PLANNING BOARD AGENDA
March 4, 2014

1. Call to Order.

2. Roll Call.

3. Approval of Minutes of the February 4, 2014 meeting.

4. Appeal procedures and ex-parte communication.

5. **OLD BUSINESS: None**

6. **NEW BUSINESS:**

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

Location: 102 Phillips Dairy Rd.
Owner: Kenneth w & Diane M Schwing
Applicant: Eddie Stoveall

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.

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
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 Mr. Harwell and seconded by Mr. Wallace to approve the minutes for December 3, 2013 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 to support the Main Street approach of encouraging pedestrian-generating uses such as restaurants, retail and personal service oriented uses; and also 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, which are those properties fronting on St. Johns Avenue (minus the Courthouse complex), and the periphery generally between Oak St. and Main St., ending at the railroad. Standards for the retail core are more restrictive and less restrictive for the periphery. He said that since the last meeting based on public input received, some uses have been removed from list of prohibited uses including bait and tackle shops, marine hardware stores, and small grocery stores. A general statement that exterior alterations will be in keeping with the historic architectural character of downtown has been added as well. Another change was to allow additional appropriate exterior finishes such as cast stone, terra cotta, granite, and marble, and to prohibit 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, replaced by language that calls for rectangular presentations of buildings including rooflines, and requiring parapets when screening of rooftop equipment is needed. Another change was the allowance of decorative metal fencing with brick columns as an alternative streetwall type, and an extension of required streetwall compliance from two to five years. Another change included 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 to the 60-foot height limit. 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 on this item (three public hearings and one public workshop). Staff has met with several architects and also with members of the public and made modifications to the Overlay based on such suggestions. He requested that this proposal move forward with a recommendation of approval or denial by the Board as sufficient board review has occurred.

Mr. Douglas disclosed ex-parte communications with Bob Taylor, Kirby Kennedy, John and Stanley Hodge, Thad Crowe, Ted Stackpole and Karl Flagg.

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 towns 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 in place now have not made much of a positive difference. In terms of 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, are open and active to the street, and have sidewalk displays. These uses pull people down the street, creating an inviting environment from one block to the next. He also showed examples of private and government offices and storefront churches, noting the closed off fronts, blank walls and covered up windows. He added if an active and vibrant downtown is what is desired, then the City needs to work toward that goal, over time. As changes occur, these efforts can result in a higher level of retail and a lower level of office and 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 be focused on the downtown riverfront district as it is currently defined Chapter 94-161. The Association 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 allowing of churches in the downtown districts, citing the use does not fit within in the downtown retail character.

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. (This language called 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 said he does not want Palatka to look like an antiquated town. He suggested possibly preserving those materials and exemplifying those architectural styles, but does not believe that we should be 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" 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, Inc. 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 loses 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 Historic District, is an antiques dealer and runs City Antiques on St. Johns Avenue, also sitting on Palatka's 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 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 referred to new holocaust discoveries of genocide against the Jewish people from an article she shared. She 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 and 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 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., Welaka recommended separating the architectural aspect of the overlay from permitted use section 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 Historic District and owns two businesses on St. Johns Ave. 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 battleground.

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 the 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 of 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 sot 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 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 St. 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 to incorporate the retail and allow a faith based use as well. An overlay is important to promote a vibrant downtown, but he 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 the second 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 locating 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" and capitalize "conditional"**
3. Pg. 7 B. Balconies or Porches (**remove the word "porches"**).

Chairman Sheffield called for a 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 explained 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 standards for business owners and developers to 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 retroactive but only 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.

Case 14-03
Request for a Conditional Use for Establishment Serving Alcohol within 300 feet of a Church
102 Philips Dairy Rd.
Applicant: Eddie Stovall

STAFF REPORT

DATE: February 25, 2014

TO: Planning Board members

FROM: Thad Crowe, AICP
Planning Director

APPLICATION REQUEST

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

APPLICATION BACKGROUND

This request is for on-premises beer and wine sales at an existing take-out restaurant. 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-type 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.

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 churches. 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. Two churches are within the 300-foot distance: the Palatka Baptist Temple and Abundant Life Ministries, both across the four-lane SR 19. Section 10-3 requires conditional use approval for alcohol sales in this situation.

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	Barbershop & Take-out Restaurant	COM (Commercial)	C-2 (Intensive Commercial)
North	Churches	County CR (Commercial)	County COM
East	Automotive Repair Use	County Urban Service	County R-2 (Two-Family Residential)
South (across Phillips Dairy)	Single-family Residence	County CR	County IL (Industrial)
West (across N SR 19)	Oil Company	County Public Buildings	County C-2 & R-2

Figure 1 (above): Project Site
Figure 2 (below): Building as seen from Phillips Dairy Rd. – restaurant to rear & side by blue chimney

Figure 3 (above): Restaurant take-out window & outdoor seating wrapping around building corner–fence to left buffers auto repair shop to the north, beyond lower fence is employee parking and storage shed. Note in foreground landscape strip with very small hedge plants planted around 10 feet apart.
Figure 4 (below): east side of building is driveway with employee parking in rear and storage shed. Fence provides buffer for single-family home on the right of the picture. Just to the right of the shed is a large painted piece of plywood that provides additional screening for the neighbor to the 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. It is supported by Future Land Use Element policies supporting urban infill and redevelopment.

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 Phillips Dairy Rd., which has no sidewalks. N. SR 19 also has no sidewalks north of Reid St. There is good vehicle access to the use but poor pedestrian access. It appears that most access the business by vehicle.

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.

This is the most significant problem with this application. The site plan was approved by the County to have three outdoor tables, but the Applicant has since then added 12 additional outdoor tables. The Applicant stated that he had talked to County staff who had verbally OK'd the additional tables. However any post-annexation changes must comply with City codes, which require one parking place per table and one parking place per 200 square feet of non-storage barbership area. The parking lot has eight parking places, including one handicapped space, are provided for customers in the front; and another five spaces are found in the rear and identified as employee parking. Staff notes that with fifteen tables 1,200 square feet of non-storage barbershop, 21 parking places are required, which is 13 more than what is provided. If both uses are operating at full potential, visitors will be parking in roadways or swales, or at neighboring businesses or homes. Staff recommends that the number of tables and/or the barbership floor area be reduced to a combination that does not require more than 13 parking spaces. 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.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.

Garbage carts are kept in the fenced-in area in the rear.

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.

The site was developed to County standards and does not meet the City's codes regarding screening and buffering. A site visit revealed that the fence along the east side provides effective, if not aesthetically pleasing, visual screening for the single-family home to the east. However screening from N. SR 19 was lacking, with very small and slow-growing hedge plants planted in a strip around ten feet apart. Staff recommends that

taller hedge plants be planted at three-foot intervals that will provide a hedge up to four feet in height that partially screens the parking lot and outdoor seating.

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.
The restaurant sign is located on the chimney feature (see Figure 3) and the barbershop sign is located on the wall of the building facing Phillips Dairy. No other signs are on the property or are proposed.

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. Particularly since the seating is outside, additional noise and activity attributable to alcohol sales could impact residential uses immediately to the east (a residential property is around 60 feet from the outside area). An indicator of compatibility could be the input of nearby residents, who were notified by letter and property posting of the proposed alcohol use (at the time of packet distribution the department had received no questions or comments from the public). Staff will acknowledge that compatibility can be improved by constrained hours of operation and an attractive business site. To this point, the hours of operation (see Table 1) are not too late in the evening and an unannounced site visit revealed that the place was neat, orderly, and appeared to be well-run.

Table 1: Hours of Operation

Days	Hours of Operation	City Code Allows
Monday-Thursday	10 AM to 9 PM	7 AM to 2:30 AM
Friday	10 AM to 10 PM	7 AM to 2:30 AM
Saturday	11 AM to 11 PM	7 AM to 2:30 AM
Sunday	CLOSED	1 PM to 2:30 AM

j. Any special requirements set out in the schedule of district regulations for the particular use involved.
The use meets the hours of operation limitations of Municipal Code Chapter 10 pertaining to alcoholic beverage establishments, as noted in Table 1 above. However Section 10-6(e) requires that "*access to such outside area shall be limited in such a fashion so as to prevent and prohibit access to the establishment by underage persons for purposes of subverting identification checkpoints or similar measures in place at the licensed premises.*" This section also notes that "*any outside area shall be screened or fenced in such a manner so as to prevent the exchange of alcoholic beverages between those persons within the outside area and those beyond the outside area as shown on the sketch for the licensed premises.*" This will require some combination of fences, walls, or hedges that provide a continuous perimeter for the outside alcohol consumption area and, along with employee monitoring, work against the conveying of alcohol to minors outside this perimeter.

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. However Staff is concerned that a potential parking shortage could impact surrounding properties in the form of unauthorized parking and congestion. Staff will update the Board at the meeting on the results of City Interdepartmental review of the application, and any other public comments received.

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 (beer and wine accompanying take-out/outdoor seating restaurant) with the following conditions and subject to the submitted 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 barbership 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.

ATTACHMENTS: APPLICANT'S SITE PLAN AND JUSTIFICATION

Case 14-05
Request to Amend Municipal Code
(Reduction of Required Parking Space Size)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: February 25, 2014

TO: Planning Board members

FROM: Jonathan Griffith, Project Manager

APPLICATION REQUEST

Amend Chapter 94 (Zoning) Section 94-261(f) to reduce the minimum size of parking spaces from 10 feet by 20 feet to 9 feet by 18 feet. No public notice is required for Planning Board consideration of Code changes at the Planning Board level.

APPLICATION BACKGROUND

The Zoning Code requires a minimum size of parking spaces of 10 feet by 20 feet. This is larger than the standard 9 feet by 18 feet size required in most other codes. Parking lots constructed with 9'x18' parking spaces are 16% smaller than those constructed with 10'x20' spaces. There are multiple positive reasons for reducing the parking space footprint including:

- the reduction of impervious area and runoff;
- the preservation of land for the highest and best use (i.e. commercial, residential, park space);
- the shrinking of would be larger lots to prevent the creation of "dead" urban areas; and
- a lower cost of construction.

The reduction in parking is not a new concept and has become widely accepted, especially in areas where land is or will be in short supply in the near future. The Urban Land Institute (ULI) is an independent global non-profit organization with members representing the entire spectrum of real estate development and land use principles. The ULI has published parking standards in various publications each of which are the result of collaboration between leading practitioners and the National Parking Association. ULI recommends that 90° spaces are 8'3"-9' W x 18' L. Nine-by-eighteen parking spaces are commonly permitted in other communities throughout Florida with no substantial detriment to public health, welfare and safety.

STAFF RECOMMENDATION

These proposed Zoning Code text amendments are in keeping with applicable criteria. Staff recommends approval of the following Code revision of Case 14-05.

i. Whether the proposed change will create a drainage problem.
Not applicable.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.
Not applicable.

k. Whether the proposed change will adversely affect property values in the adjacent area.
Not applicable.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.
The proposed change would encourage the improvement or development of adjacent property.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
These changes apply to many and multiple properties, and do not constitute a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.
Not applicable.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.
The redevelopment of land in the downtown must be done in an efficient manner to ensure that the highest and best use of each property is achieved to reach critical mass of residential, commercial and open space. Without the proposed improvement the construction of surface lots will reduce the amount of potential open space, residential and commercial development.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
Not applicable.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.
Not applicable.

STAFF RECOMMENDATION
These proposed Zoning Code text amendments are in keeping with applicable criteria. Staff recommends approval of the following Code revisions of Case 14-05.