

**CITY OF CRESCENT CITY
PLANNING & ZONING COMMISSION
WORKSHOP**

**MINUTES
JUNE 25, 2009**

DIGITAL # 09-010

CITY HALL 6:00 P.M.

MEMBERS PRESENT - Joan Hagedorn- Chairperson, Barbara Fisher, Lenny Valentine, Alternate – Ted Carmichael. Absent- Ron West & Veronica Glover

OTHERS PRESENT - Patrick Kennedy –City Manager/Planning & Zoning Director

MINUTES - Motion made by Barbara Fisher to accept the minutes of the Regular Planning & Zoning Meeting of April 14, 2009. Lenny Valentine second. Roll Call vote, all ayes.

OLD BUSINESS:

Joan Hagedorn, Chairperson, asked if the Commission would hold further Workshops concerning the Land Use Codes and the revision and/or updating of the Peddlers License and Temporary Use Permits. Patrick Kennedy stated that a workshop will be held at the next regular meeting. He had thought we would have a case this month concerning a conditional use Permit mobile food vendor, but the Application was pulled.

NEW BUSINESS:

1. CONDITIONAL USE CASE CU09-03 -

A Conditional Use Permit application for the operation of a Bed & Breakfast Inn at 404 N. Lake St (19-12-28-1750-0620-0060) , under Land Development Code Section 3.4.2 , SR-1 Districts. Patrick Kennedy presented the staff review for this case concluding that the proposed may be allowable under the present zoning of SR-1A and that such a use would be appropriate at the suggested location subject to the following conditions:

- a. The bed and breakfast inn shall not have more than 5 guest rooms.
- b. Maintain a 6 foot high 80% opaque vegetative buffer on the side yards, which shall be established within 18 months of the start of the use.
- c. Paved parking (or acceptable alternate material that is dust free and durable), handicapped accessibility and storm water improvements must be installed prior to the initiation of the use.
- d. The use of the property will be strictly limited to a bed and breakfast inn or single family residential use. No outside storage, no outside displays, and no special events or party's inside or outside the

structure; except that should the property revert to or remain in single family residential use, nothing herein would prevent gatherings considered normal to the single family residential use.

e. No amplified sounds outside of the structure.

f. The applicant must establish the use consistent with all State and local regulations, as well as the conditions listed above within 365 days from the date of approval of this Conditional Use Permit.

g. The structure will retain its residential character. There will be no alterations or additions to the structure, outside of normal maintenance, without prior approval from the Planning & Zoning Commission, which shall be presented in the form of an application to amend this Conditional Use Permit.

h. Failure to meet any of the above conditions will serve to rescind this conditional use permit and subject the property owner to appropriate code enforcement action.

The detailed Staff Report is a part of the record. Mr. Kennedy also presented a letter of objection from the neighboring property owner, Mr. Monska, which is also part of the record.

Joan Hagedorn, Chairperson asked Robert Lemon if he had any comments prior to the Commission discussion. Mr. Lemon expressed his desire to see Crescent City become a point of destination not just a drive through. He feels the approval of a Bed-n-Breakfast usage would only serve to enhanced the area. He advised that he concurred with the Staff Analysis and conditions. He thanked the Commission for their consideration.

Comments from the public:

a) Dudley Sergeant – 110 Palmetto Av.

Expressed he was not in agreement with this change in use, feeling that this was a neighborhood and allowing the Bed-N-Breakfast would open the door to other commercial businesses changing the area. He was complimentary of the improvements Mr. Lemon had done on the home and spoke well of Mr. Lemon as a neighbor. Mr. Sergeant realizes he is looking at a worst case scenario but was concerned the additional property attached to this area could be turned into a marina, as a example. He requested the Commission not to approve the Application in respect to keeping the area as it is “a family neighborhood”.

b) Roberto G. Rodriguez – 412 N Lake St – Spoke against the application.

He advised the Commission that Mr. Lemon had been the subject of code violations, and did not feel he will comply with a lot of conditions proposed by Staff. He complained that he is already a noisy neighbor. Mr. Rodriguez stated he did not really care for the gentleman because he is different. He also questioned whether allowing a shared bathroom was healthy. He also mentioned that the Monskas live right next store and they were going to sell now that there is going to be a Bed & Breakfast coming.

c) Al Galton – 229 N. Prospect St. – spoke on behalf of Mr. Lemon stating he has been to these parties at Thanksgiving and Christmas with no concerns about loud noise. He thought highly of Mr. Lemon’s character and believed he cares about this community.

- c) Dudley Sergeant – Stated that his opposition to the Bed & Breakfast in no way was reflected on Mr. Lemon as a person. He believed him to be a superb person and praised the improvements to the “Pickens House”.

Joan Hagedorn asked if anyone on the Commission had comments or questions

Barbara Fisher commented that she believed this to be a low impact business and would be a positive move. She stated that old homes such as this one often must become Bed & Breakfast in order to pay for the care and up keep.

Ted Carmichael stated Mr. Lemon had done a good job on the improvements and understood what was being commented by those in opposition, but felt Mr. Lemon was responsible, and with the Staffs suggested conditions, felt this would be a positive improvement.

Joan Hagedorn commented Mr. Lemon was a hard worker and cared about the community, and the city was looking for low impact businesses, so she felt this would be a worth while business.

There being no further comments, Barbara Fisher presented a motion to approve the Conditional Use Permit Application CU09-03 for the operation of a Bed & Breakfast Inn at 404 N. Lake St (19-12-28-1750-0620-0060), under Land Development Code Section 3.4.2 , SR-1 Districts subject to Staff’s proposed conditions. Lenny Valentine second. Roll call vote, all ayes.

2. **CONDITIONAL USE CASE CU09-04 -**

This is a Conditional Use Permit application for the operation of an Assisted Living Facility at 707 Oakwood Av – Parcel # 19-12-28-3350-0360-0021, under Land Development Code Section 3.4.2, SR-1 Districts. Patrick Kennedy presented the staff review for this case concluding that the proposed is allowable under the present zoning of SR and SR1-A, subject to the following conditions:

- a) The assisted living facility shall not have more than 10 occupants. [Note: this is within the maximum occupancy standards for assisted living facilities outlined in Section 3.5.11, LDC]
- b) The existing 6 foot high chain link fence will be kept and maintained to insure the security of the residents of the facility.
- c) Vehicles for occupants will be strictly limited to assisted living facility or single family residential uses. Approval of this proposed use shall not be construed to allow for a halfway house, drug rehabilitation housing or boarding rooms.
- d) The use of the property will be strictly limited to assisted living facility or single family residential uses. Approval of this proposed use shall not be construed to allow for a halfway house, drug rehabilitation housing or boarding rooms.
- e) The applicant must submit an approved operator’s license to the City from the State of Florida for 10 or fewer occupants prior to initiating the use, which will be made a part of the record for this case.
- f) The applicant must establish the use consistent with all State and local regulations, as well as the conditions listed above within 365 days from the date of approval of this Conditional Use Permit.
- g) The structure will retain its residential character. There will be no alterations or additions to the structure for the assisted living facility use, outside of normal maintenance and upkeep, without prior approval from the Planning & Zoning Commission, which shall be presented in the form of a application to amend this Conditional Use Permit.

h) Failure to meet any of the above conditions will serve to rescind this conditional use permit and subject the property owner to appropriate code enforcement action.

The detailed Staff Report is a part of the record.

Joan Hagedorn asked if anyone wished to speak on behalf of the Application. Rosilyn Hill, applicant introduced herself to the Commission by giving a brief back ground. She will operate the facility under the State and County Guidelines with the help and assistance of her family. All employees will or are already certified with the state. She did not have plans to care for Alsymers residents, and as required by law, there will be employees at the facility 24/7. Mr. Kennedy was asked to verify the availability of city sewer, and connection done prior to the opening of the facility if so.

There being no further comments, Ted Carmichael presented a motion to approve a Conditional Use Permit Application CU09-04 for the operation of an Assisted Living Facility at 707 Oakwood Av – Parcel # 19-12-28-3350-0360-0021, under Land Development Code Section 3.4.2, SR-1 Districts, subject to Staff's proposed conditions. Barbara Fisher second. Roll call vote, all ayres.

3. **CONDITIONAL USE CASE CU09-05 -**

THIS CASE WAS WITHDRAWN

GENERAL DISCUSSION

1. There was no Staff update on City Commission actions.
2. There were no further Public Comments on items not on the agenda.

There being no further business, the meeting adjourned at 7:10 P.M.