

TOWN OF WELAKA

REGULAR ZONING BOARD MEETING

AGENDA

May 16, 2024, at 6:00 PM
Honorable Willie Washington, Jr. Town Council Room
400 4th Ave., Welaka, FL 32193

(This meeting will be broadcasted, for view only, on the Town of Welaka Facebook page)

1. **CALL TO ORDER:** by Chairman David Jeltos
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** by Assistant Town Clerk, Kendra Quick
 - Chairman David Jeltos
 - Lenore Toole
 - Les Thomas
 - Pamela Washington
 - Jennifer Burres
 - Town Attorney Patrick Kennedy
4. **APPROVAL OF CURRENT AGENDA**
5. **APPROVAL OF PREVIOUS MINUTES:** April 18, 2024, Regular Zoning Board Minutes
6. **REQUEST TO SPEAK**
7. **CORRESPONDENCES**
8. **NEW BUSINESS**
9. **OLD BUSINESS:** Continued Review of Land Development Code Updates and Revisions
10. **PUBLIC COMMENT**
11. **ADJOURN**

**TOWN OF WELAKA
REGULAR ZONING BOARD MEETING
April 18, 2024 @ 6:00 PM**

Honorable Willie Washington, Jr. Council Room
400 4th Avenue, Welaka FL 32193

MINUTES

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1. **CALLED TO ORDER** by Chairman David Jeltos at 6:00 PM
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALLED** by Assistant Town Clerk, Kendra Quick
Chairman David Jeltos - present
Lenore Toole - present
Les Thomas - present
Pamela Washington - present
Jennifer Burres - absent
Town Attorney Patrick Kennedy - present
Four members are present, we have a quorum.
4. **APPROVAL OF CURRENT AGENDA:** Motion Made by Les Thomas to accept the 2/15/24 Meeting Agenda and seconded by Pamela Washington. Passed 4/0
5. **APPROVAL OF PREVIOUS MINUTES:**
Motion Made by Lenore Toole to accept the 2/15/24 Meeting Minutes and seconded by Pamela Washington. Passed 4/0.
6. **REQUEST TO SPEAK**
7. **CORRESPONDENCES** – None
8. **NEW BUSINESS:** Anderson Lodge Sign Permit - Raymond Joseph

Raymond Joseph: I am the owner of Andersons Lodge. I spoke to Patrick about my sign. Requesting replacement of the existing sign with a newer sign. The existing sign has been there since I bought the property ten years ago. Spoke to Kevin Finch about the sign too. Patrick Kennedy: The current sign is the right of way and I have refused to issue the permit due to being in right of way (Boston Street). The approved right away is only 18 feet wide. The improved part - right of way - looks to be less than 18 feet. My legal and planning opinions are that I cannot approve this permit. Patrick Kennedy: His site plan is misleading. It looks like it's inside the property, but you have to look at the highlighted document in your packet, you can see that it is right above the 8.45 number. Les Thomas: Can you leave the original sign in place? Patrick Kennedy: Technically I am not telling him to move what he has got. Non-conforming

sign has to be conformed. In my mind, it has to be on his property. Les Thomas: So, it's the parcel to the North? Patrick Kennedy: Yes. Raymond Joseph: I'd rather leave the sign where it is at, it is in perfect position. Raymond Joseph: What is the purpose of the town owning the right of way at Boston Street? Patrick Kennedy: Right of way is 60-66 feet wide and that is what the standard has been at least in the State of Florida forever and a day. Not all of them are that wide but this one is 60 feet unlimited. It is the town's right away and belongs to the town. I cannot issue permits to people who will obstruct the town's right of way. Raymond Thomas: Is there such a thing as Grandfathered in? Patrick Kennedy: Your sign is Grandfathered now. David Jeltis: Options are to leave the original sign where it is and if Raymond decides to replace the sign, it has to be inside his property line. Lenore Toole: I am confused. On that corner, he cannot move it more onto his property. Could Raymond move the sign on to his property towards the north side? Patrick Kennedy: One reason we require diamond surveys for purpose. I tell people that just because that's where the sign is not where the boundary lines are. Les Thomas: So, you can move it 18.97 feet to the north? Raymond Joseph: I can move it and put it right in that corner. Probably have to cut down an Oak tree. Patrick Kennedy: You have some torn up temporary signs that are pretty visible and tearing up the imagery. signs already in that spot. Pamela Washington: When you pass through you will still be able to see. If you want to get a nicer looking sign, then just move the location over. Patrick Kennedy: I will say this, he wants to do an electronic sign like Shrimp's R US. Changing messages is fine but cannot be a flashing sign. The town opened that door and now we are stuck with it. Les Thomas: You can have a sign that changes but cannot be a flashing sign. Raymond Joseph: Any LED sign you can program slash. Lenore Toole: Now if you feel like you have to cut an Oak tree to get a sign in that location, can I make a suggestion? Could trim up the tree and its limbs so the tree is still there? Raymond Joseph: Yes, I could do that. Raymond Joseph: I could leave the existing sign then add a newer sign. Why not put a new sign where the existing sign is? Pamela Washington: You have to abide by the ordinance. Patrick Kennedy: New sign goes up; old sign has to come down. No to two signs. Pamela Washington: Old sign has to come down, cannot have two business signs. David Jeltis: Vote on a new sign out of the right of way (electronic sign, no LED). Pamela Washington: You do understand that it cannot be a flashing sign. Lenore Toole: You can move it to the north, trim the trees to do so and you can electrify it (electronic) that is the best options we can give at this time. Pamela Washington/Patrick Kennedy: we will need you to resubmit a new permit showing a new sign site plan. David Jeltis: So, we need to make a motion to see a new permit and site plan for a new sign. Pamela Washington: I make a motion for Raymond to submit for a new permit. Pamela Washington: I motion to deny the existing permit. Patrick Kennedy: I second that motion. Passed 4/0. Patrick Kennedy: The new sign can go anywhere on your property and to the back of your property. Raymond Joseph: O.k., I have something else I'd like to talk about. I'm sure each one of you has been to Andersons at one point or another. From the part where the end of the motel units ends all the way to the end of the road is approximately two acres. I have a concept plan of putting an RV park in there. Patrick sent me some facts and figures. David Jeltis: At this point it is just a high level of what counts here. Patrick Kennedy: He also wants to put RV sites on the undeveloped portions of his property. I have not seen it outside. It is a tourist commercial which allows campgrounds. He already has little motel sites. Lenore Toole: We would have to have a study of the traffic going in and out. Patrick Kennedy: We have been hitting a wall to understand what "concept" is. Lenore Toole: So how many RV's will you have?

Raymond Joseph: Spoke to Patrick and I am allowed to put 15 RV sites per acre. So, I am thinking somewhere between 25 – 30 RV sites. Patrick Kennedy: You have to meet certain setbacks and guidelines to determine how many RV sites could go up to 15 per acre, depending on access roads, water and sewer. RV sites would have to be a certain size, setbacks, etc. Fifteen RV sites is a goal, but you may not be able to get 15 due to zoning. David Jeltos: We do need to know all the concepts and legalities of an RV park before we present this to our Zoning Board. David Jeltos: The docks property and the sewer the town cannot take on the sewage. Patrick Kennedy: The concern is that if we all say that you can do an RV park, you have 15 sites and 15 parties per acre and that is not going to happen. Raymond Joseph: I understand. David Jeltos: I also understand that there has been some talk about the property by the docks pertaining to sewage. The town cannot take on the chemicals that go into the toilets from our water. Patrick Kennedy: We do not use that anymore or is it required. David Jeltos: We will need to see all this on paper. Raymond Joseph: I understand. Concept is 15 RVs on one breaker. Patrick suggested that I hire a professional for this concept. Patrick Kennedy: I have been discussing this matter, but he will not listen. You have to have something on paper that shows property lines and setbacks. Pamela Washington: Please draw up a detailed RV concept plan for us to review at May 2024 meeting. Pamela Washington: We will review once the information and concept plan has been presented to us. Patrick Kennedy: It has to be too scale. Raymond Joseph: So, this sounds like something that can be done. Pamela Washington: We do not know yet. Present it to Zoning and we will give you, our analysis. Pamela Washington: So, let's do this, not going to keep going back and forth. Pamela Washington: I make a motion to add Andersons Lodge sign permit review for May 2024 meeting. Patrick Kennedy: He needs to submit new plans to me so I can review and make sure of them. I have given him the RV site and RV campground dimensional requirements. Lenore Toole: Does that really itemize the town water and sewer because we have had these issues before. Patrick Kennedy: Yes. Patrick Kennedy: He does not have to have sewer/water lines on site plan. I will need some time to look at it to see what is going on. Les Thomas: I suggest a tree survey. The tree survey shows only the existing trees. Raymond Joseph: Be difficult to place 15 sites on an acre with the trees. Les Thomas: You would work around the existing trees. Raymond Joseph: Is there a tree ordinance that refrains you from cutting any existing trees? Les Thomas: No, depends on the size of the tree and what kind of tree. Patrick Kennedy: The circumference is 90 something inches and 4 feet high. I think that 30 inches in diameter is what we call a Heritage Tree. Lenore Toole: Can not remove those. Les Thomas: If you go to Renegades it would be nice to have trees and you have trees. Parking campers under trees would be much better.

Patrick Kennedy: If it is a beautiful high-level tree, you could say you want to save the tree, but I'd like to make this campsite a little narrower, so can I do that? Then they could work with you on some adjustments of power. You might want to get five foot closer because this tree is in the way. Same trees you may be able to get some deviation from those standards that I gave you, as far as setbacks. David Jeltos: I think we are getting into the weeds a little bit. Patrick Kennedy: Well, I was trying to help him. Pamela Washington: He really needs to get someone to help him draw this up and it looks nice. Thank you. Raymond Joseph: Okay, thanks for your time.

9. OLD BUSINESS: Proposed amendment to Article 2 of the Land Development Code regarding the sale of alcohol in C-1.

Patrick: The council is going to have another Article 2 read on April 22nd. One of the things they

want us to consider, and I want to run it through you guys to get a recommendation, is the allowance of beer/wine in C-1 associated with a restaurant. Patrick Kennedy: After what the BBQ place went through; I guess at least one council member was a little concerned about C2 being there and so the discussion; why do we have to do C2 for this? David Jeltos: We changed the zoning from C1 to C2. Patrick Kennedy: C2 allows it by conditional use permit. Lenore Toole: So, it would still be beer and wine on C1 but any high liquor C2? Patrick Kennedy: That's kind of what we have to talk about. They didn't really flesh out the details. Are we going to allow the C1? If we allow the C1 it will be a conditional use permit. What do you all think about that? C1 is all up and down can't do beer and wine only. You can be a "pub" by name, not necessarily serving food. You can't be a "pub" with just popcorn and a cat. Lenore Toole: When you go in and want a soda or a beer, do you have to buy food to drink? Patrick Kennedy: The way some places do it is 51% of sales has to be real food in order to serve beer/wine. Has to be licensed through the state as a restaurant in order to get their conditional use permit. Does that include alcohol (liquor) too? To do alcohol you have to pay a hefty fee. You have to have seating for up to 150 people to get a liquor license from the state. You would have to say C-1 conditional use permit/beer-wine only and 51% of food sales. Les Thomas: You have to go to the zoning board to get a permit for approval to serve alcohol. Pamela Washington: How many C-1's do we have here that's a restaurant? Lenore Toole: Shrimp's R US. Patrick Kennedy: Shrimp's R US has had their license over 15+ years. Pamela Washington: You have been here as long as I have and Shrimp's. If Shrimp's ever closes then comes back to re-open, they will have to abide by the new rules. Patrick Kennedy: I spoke with David Johnson, the owner, about coming in to get it right. Pamela Washington: Well, I thought that he was going to come and get that? At one of our meetings, he was here, and he talked about that. Patrick Kennedy: Obviously he is not in a rush to do it. Pamela Washington: I do not see a problem with this C1. David Jeltos: I think that there's the barrier of entry, as you were saying, has to be a restaurant and serves real food and have a full kitchen, no hot plates or crock pots; no beer and wine only. Pamela Washington: Need a full kitchen. Patrick Kennedy: Establishment should have a full kitchen for food, hotel motel license to be approved as a C-1 beer/wine. Les Thomas: The state takes care of the 51% food, sales right? Patrick Kennedy: No, they don't. We would have to. You could let them look at your sales, but you would only do that if you felt like there was some kind of problem. Patrick Kennedy: Full kitchen, hotel/motel license, adequate parking. Patrick Kennedy: We are saying adequate parking no letter of the law parking. Les Thomas: Parking standards are changing everywhere (cars, golf carts, motorcycles, etc.). Patrick Kennedy: Recommendation is conditional use permit; License for food, hotel/motel license active, adequate parking, full kitchen. Lenore Toole: Some food trucks have full kitchens and serve beer. Are we going to do food trucks? Patrick Kennedy: Food truck proposal is dead. Town Council is not interested in food trucks. David Jeltos: So, do you have to do a professional write up on this and present it back to us for us to vote on? Patrick Kennedy: I will let you prefer that, but I can just kind of read out what I think we needed. We recommend the approval of the sale of beer/wine. Beer/Wine only, C1, conditional use permit, as long as the following conditions are met: 51% is sales is food, they have a full kitchen and have a license for motel and restaurants. David Jeltos: Do we need to do any stipulations pertaining to beer/wine license kind of like we did with the Smokehouse with the days/hours of the week? Patrick Kennedy: You could do that. Lenore Toole: Its breakfast time so we could drink mimosas. David Jeltos: So, we can do that per conditional permit? Patrick Kennedy: The hours of operation can be decided on a case-by-case basis. Patrick Kennedy: Hours of operation decided on a case-to-case basis for beer/wine sells. Motioned to approve: Patrick Kennedy motioned to approve. Pamela Washington seconded motion to approve. David Jeltos: Motioned approved. 4/0 Les Thomas: This is off topic and maybe you can answer this, Kendra; could we use double-sided paper for meetings? Assistant Town Clerk: Yes sir, not a problem. I agree. David Jeltos: Kendra, possibly one or two members did not receive the email link for tonight's meeting. Assistant Town Clerk: Received verification

that all members received email notice. Les Thomas: I received mine. Patrick Kennedy: Kendra, did you blind copy the meeting link to Zoning Board? Assistant Town Clerk: Yes sir. David Jeltel: Could we get the link for meetings sent to us a few days prior? Assistant Town Clerk: The link was sent late due to waiting for information from others to be provided. We are aware of the five days before meeting time allowance. Pamela Washington: Will you continue to be with us in meetings Patrick? Patrick Kennedy: Yes, I have merged with the John Douglas Law firm in Palatka. They are taking over my office and I was just going to work out of there. Speaking honestly, looking to renegotiate my contract for the next close year and it may change a little bit. For now, it is the same deal. I will be bringing the contract to the next council meeting. There will be some Douglas Law firm standing in, as far as what I do and what you pay for, without a change.

Lenore Toole: So, you are not the Towns attorney anymore? Patrick Kennedy: I am still the town attorney, but I will be working under Douglas Law firm. If there is some reason, I cannot make it, they will be in this seat. They just picked up the City of Palm Coast, St. Augustine Beach and they are on the list for St. Augustine to be used as needed. They also have schoolboards. David Jeltel: Anything else? I adjourn this meeting.

10. PUBLIC COMMENT:

11. ADJOURNED: Chairman, David Jeltel adjourned meeting at 6:42 PM

Patrick J Kennedy
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MEMORANDUM

To: Town Council

From: Patrick Kennedy, Town Attorney

Cc: Meghan Allmon, Town Clerk 

Date: May 2, 2024

RE: Land Development Code – Article 2
Sale of Alcohol in C-1 Zoning

The Zoning Board considered the topic of allowing the sale of alcohol in C-1 zoning. After considering the general location of the C-1 zoning districts, the nature of the proposed use and the compatibility of the proposed use in C-1 with the Comprehensive Plan, the zoning regulations, and the character of the town, the Zoning Board has recommended the following:

Allow the sale of malt-based (i.e. beer) and wine-based beverages in C-1 zoning if approved by the Zoning Board under a conditional use permit, subject the following minimum conditions:

- It must be attached to a restaurant use, where 51% of the sales comes from food (sale of snacks such as peanuts chips and popcorn will not by itself meet this standard)
- There is a fully operational commercial kitchen operating on premises capable of preparing the food served as part of the restaurant operation (to ensure it functions as a restaurant)
- Operator shall hold a current license from the Florida DBPR Division of Hotels and Restaurants.
- The facility demonstrates there will be adequate parking for the proposed use.
- Such other conditions as the Zoning Board shall require ensuring compatibility with the abutting and surrounding uses and zoning districts.