

## CITY OF ST. AUGUSTINE

### City Commission Workshop Meeting July 26, 2007

The City Commission met in a formal session Thursday, July 26, 2007 at 9:00 a.m. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Boles, and the following were present:

#### **Roll Call:**

Joe Boles, Mayor/City Commissioner  
Donald A. Crichlow, Vice Mayor/City Commissioner  
Susan Burk, City Commissioner  
George Gardner, City Commissioner  
Errol D. Jones, City Commissioner

Bill Harriss, City Manager  
Mark Knight, Director, Planning and Building  
Jim Piggott, General Services Director  
Robin Upchurch, Assistant City Attorney  
Loran Lueders, Police Chief  
Susan Goins, Recording Secretary

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#### **2. Discussion regarding the Adult Entertainment Ordinance.**

Michael Kahn, Melbourne Florida, stated that he had been hired to create ordinances to define, prohibit and restrict adult entertainment to protect the city as much as constitutionally possible. He explained that the importance of the location ordinance was to control the potential businesses location.

Mark Knight, Director, Planning and Building, stated that during the prior Commission meeting numerous residents voiced that they would not want adult businesses concentrated in their neighborhood. He presented a map of Commercial Medium-2 zoning and stated that staff had identified incompatible uses such as schools, churches, etc. and provided a buffer of 100-feet, 200-feet and 500-feet.<sup>1</sup>

Bill Harriss, City Manager, stated that the previously chosen area satisfied constitutionality; however, residents determined that they wanted adult business locations spread throughout the city.

Commissioner Crichlow asked for clarification regarding the number of sites based on the population.

Mr. Kahn referred to the Centerfold case in St. Petersburg, Florida and stated that the experts had performed a formula concerning the population of the city. He said there were approximately 14,000 residents in the city and, allowing for growth, divided by 6,700, approximately two to three sites would be required. He pointed out that there were several types of adult entertainment; however, adult dancing establishments received the most negativity, but one site must be provided for dancing. He added that if the city allowed adult businesses in all of CM-2 there could be countless sites; therefore, he recommended further buffering.

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<sup>1</sup> Attached to original minutes

Mr. Knight stated that the incompatible land uses were churches, schools, alcohol consumption (both on premise and retail sales) and parks. He displayed two maps and stated that staff had performed an inventory of the land uses in relation to CM-2 including a 100-foot and 200-foot buffer zone.<sup>2</sup> He said they must remember that zoning could change considering businesses opened and closed; therefore, staff would monitor the buffer to ensure that convenience stores, schools, churches would not totally exclude potential adult businesses.

Mr. Kahn suggested providing maps with 300-foot and 400-foot buffer zones.

Mr. Harriss stated that the 500-foot buffer zone must provide an area for adult entertainment. He said if the buffer zone excluded a viable site, it would not be valid.

Commissioner Burk stated that a 500-foot buffer would not provide for an entire parcel. She questioned whether a portion of a parcel would be acceptable.

Mr. Kahn replied that the city had to provide a site for an establishment that was buildable. He suggested that staff inspect each site to determine whether it would be acceptable. He added that the location ordinance must be constantly re-examined due to population increases and new businesses.

Following a discussion regarding the available sites, it was determined that staff would provide a 300-foot and 400-foot buffer map to the Commission during the subsequent meeting.

Mr. Harriss added that staff would investigate whether a 500-foot buffer zone qualified constitutionality.

Commissioner Crichlow pointed out that residential areas were not incorporated into the buffer zone; therefore, a site buffered from alcohol consumption, churches and

schools might not be buffered from residences.

#### Non-Agenda Item

Commissioner Gardner requested that, with Commission concurrence, staff and the Planning and Zoning provide recommendations regarding what could be done at the Commission level for creating overlay zoning or an enabling ordinance for neighborhoods. He said there had been confusion whether staff and the PZB should proceed with overlay zoning considering complaints from some Fullerwood residents.

Mayor Boles stated that the city did not currently have an overlay zone enabling ordinance; therefore, neighborhoods did not know how to proceed with their requests. He said the ordinance should specify the amount of public meetings, residents required at the meetings and the number of residents to sign-off.

Mr. Harriss stated that the enabling ordinance would model the procedure by which neighborhoods could establish overlay zoning, and the ordinance would apply to any neighborhood.

Commissioner Crichlow stated that the survey identified characteristics that the neighborhood wanted to retain, as well as important issues. He said if neighborhoods wanted to ensure that their issues were protected, overlay zoning would be the solution. He added that each neighborhood would specify and customize the overlay zoning district.

Commissioner Gardner questioned whether the matter would go before the PZB.

Mr. Harriss replied affirmatively.

#### Non-Agenda Item

Mr. Harriss stated that there had been requests to use the Alcazar Room for non-city functions. He said the policy had been that use of the room was restricted for

<sup>2</sup> Attached to original minutes

governmental uses. He said tenants of the building were allowed to use it; however, most tenants were government entities.

Commissioner Crichlow stated that equipment could be damaged. He added that setting up and cleaning the room would require too much staff time.

Following a brief discussion, regarding use of the Alcazar Room, the Commission directed the City Manager to suspend further use of the room other than governmental use.

### **3. Adjournment**

There being no further business, the meeting was adjourned at 9:55 a.m.<sup>3</sup>

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MAYOR

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CITY CLERK, CMC

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<sup>3</sup> Transcribed by Susan Goins