

CITY OF APALACHICOLA
PLANNING & ZONING BOARD
QUASI-JUDICIAL PUBLIC HEARING
MONDAY, July 8th, 2024
City Meeting Room – 74 6th Street
Minutes

Attendance: Joe Taylor – Chair, Chase Galloway – Vice Chair, Elizabeth Milliken, Bobby Miller, Jim Bachrach, Lee McLemore, Myrtis Wynn

Quasi-Judicial Public Hearing: Immediately following Regular Meeting @ 6:00 PM

1. Discussion & Decision for proposed Bed & Breakfast use in the C/2 Zone at 196 8th Street, more specifically described as Block 167 Lot 4 for Wes Warren – Owner; Representative – Richard Dagenhart. Applicant is requesting approval of a special exception for a Bed & Breakfast.
 - a. Staff provided details on proof of notice, as also shown in staff report.
 - b. Ex Parte Communications were disclosed – there was only one email to report that was sent to multiple members of the board prior to the meeting. This email is attached for the record.
 - c. City Attorney and City Planner provided a brief description of the documentation included in the agenda packet and staff report.
 - d. Applicant presented their testimony – Mr. Richard Dagenhart represented Wes Warren in the introduction of their project. Mr. Dagenhart provided a brief history on the site and the historic building. He spoke on the importance of preserving the structure, but how this endeavor is going to be extremely costly to the owner so certain uses will not a viable use to balance out the cost to rehabilitate the building. He mentioned that the FL Historical Society and staff at FAMU are in favor of rehabilitating historic building with the notion that the use must sometimes change. He stated that a single-family living situation is not a viable use for the applicant and that since the property is in the C-2 Zone they would like to rehabilitate the building into a Bed & Breakfast. Mr. Dagenhart spoke on the visuals provided in the agenda packet and went over all aspects of the design and ensured that adequate parking would be provided in the rear of the site.
 - e. Staff gave their testimony and reviewed everything that was covered within the staff report, including the public notice input that was gathered through the letters that were sent out. Staff discussed the questions that she believed the P&Z should acknowledge in this request:
 - i. Is this request in harmony with the purpose and intent served by the LDC?
 - ii. If granted, would this request adversely affect the public interest?
 - iii. Are there any appropriate conditions and safeguards in conformity with the City code that he P&Z Board would like to assign to the project?
 - f. Staff confirmed that the P&Z Board would first discuss the Special Exception use and if approved would then discuss the specifics of the site plan and Certificate of Appropriateness.
 - g. The public were able to comment and there were several comments heard. Adriane Elliott urged the board to take this decision very seriously and justify their decision as the C-2 zoning turning into a zone full of Airbnb's is possible. Linda Buchanan stated that she approves of the B&B use, but wants to see the historic preservation take precedent.

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- h. As discussion was held, the possibility of the C-2 Zone being ‘overrun with short term rentals’ continued to be a topic of discussion. City Attorney, Dan Hartman, spoke and stated that in this case the future is not relevant. He confirmed for the P&Z Board and the room that just because one gets approved does not mean that every applicant that comes in after will be able to use ‘precedent’ to ask for an approval of a B&B Special Exception in the C-2 Zone – every request will be different circumstances with neighboring properties, public input, etc. and the P&Z Board is tasked with making these decisions on a case by case basis. He stated that in the future of the board ever feels that there are too many STR’s operating in the C-2 Hill zone, that the board has the authority to decide if too many special exception uses are squeezing out the principal uses in the zone and deny requests.
 - i. The P&Z Board discussed the comments of the City Attorney and agreed that since this is not precedent setting, that they agree with the applicant that historic rehabilitation of the structure is important and the most realistic use for the applicant - based on this they do not believe it will adversely affect the public interest and it is in harmony with the purpose and intent served by the LDC.
 - j. Jim Bachrach made a motion to approve of the Special Exception use as a Bed & Breakfast with a.) a limitation of one year to comply with any other contingencies stipulated by the P&Z Board regarding the site plan and b.) on the basis that it is a historic structure and the use will encourage the applicant to rehabilitate it; Chase Galloway 2nd . All in favor – motion approved.
2. Contingent upon approval of #1, Discussion & Decision for a Certificate of Appropriateness, Additions, Accessory Structure, and Fence.
- a. During the applicant presentation, Mr. Dagenhart noted all the possible contingencies that staff had noted in the planner report and agreed to all stipulations.
 - b. In discussion of the fence material, the applicant made a change to a 6’ wood privacy fence instead of chain-link – the P&Z Board agreed on this change.
 - c. Chase Galloway made a motion to approve of the Certificate of Appropriateness, Additions, Accessory Structure, and Fence with the following contingencies:
 - i. A sign approved by the P&Z Board before a business license can be issued.
 - ii. A DEP permitted stormwater management plan will need to be submitted and approved by the floodplain administrator prior to permitting.
 - iii. An encroachment agreement specifically including the canopy extending into the ROW that is not already present on the structure must be obtained from the City Commission prior to permitting.
 - iv. Alley use for parking and any ROW uses must be approved by the City Manager.
 - d. Jim Bachrach 2nd the motion – all in favor, motion approved.

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Other/New Business:

Outstanding/Unresolved Issues:

A handwritten signature in black ink, appearing to be "J. Payne", is written on the right side of the page.

Motion to adjourn the meeting by Jim Bachrach; 2nd by Chase Galloway. All in favor – meeting adjourned.