



CITY OF PALATKA
PLANNING BOARD MEETING MINUTES
October 2, 2012

The meeting was called to order by Vice-Chairman Daniel Sheffield at 4:20 pm (after a delay due to lack of quorum). **Other members present:** Earl Wallace, Lavinia Moody, Joseph Petrucci, and Judith Gooding. **Members absent:** Carl Stewart, George DeLoach, Joe Pickens and Anthony Harwell. **Also present:** Planning Director Thad Crowe and Recording Secretary Pam Sprouse.

Motion made by Ms. Gooding and seconded by Mr. Wallace to approve the minutes as submitted for the September 4, 2012 meeting. All present voted affirmative, motion carried.

Vice-Chairman Sheffield read the appeal procedures and requested that disclosure of any ex parte communication be made prior to each case.

NEW BUSINESS

Case 12-50: Administrative request to annex the following properties into the Palatka city limits, amending the Future Land Use Map and rezoning as listed below:

Location		Future Land Use Map Category		Zoning	
		Current Putnam Co.	Proposed City	Current Putnam Co.	Proposed City
1	1107 Old Jacksonville Rd	US (Urban Service)	RL (Residential Low)	R-2 (Residential, Mixed use)	R-1A (Single-family Residential)
2	2806 Lane St.	US (Urban Service)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)
3	410 Mission Rd.	US (Urban Service)	RM (Residential Medium)	R-1A (Residential Single-family)	R-2 (Two-family Residential)
4	3205 St. Johns Ave.	US (Urban Service)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)
5	3435 Crill Ave.	UR (Urban Reserve)	RL (Residential Low)	R-1A (Residential Single Family) AG (Agriculture)	R-1A (Single-family Residential)
6	311 Poinsetta Ave.	US (Urban Service)	RH (Residential High)	RMH (Residential, Mobile Home)	R-4 (Mobile Home/Conventional home Residential)
7	3321 Weaver Rd.	US (Urban Service)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)
8	209 Bates Ave.	US (Urban Service)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)
9	2407 Tommy Ave.	UR (Urban Reserve)	RL (Residential Low)	R-1A (Residential Single-family)	R-1A (Single-family Residential)

Mr. Crowe explained that annexation agreements were previously made between the City and the owners for these nine properties in exchange for utility service. The agreements required that when the properties became contiguous they would be annexed into the City. All of the properties are now contiguous and this is an administrative effort to implement the agreements.

Mr. William McCoy Jr., 116 Putnam Ave, stated that he was concerned that these annexations and rezoning would be the prelude to another School Board warehouse being placed in this area. Mr. Petrucci explained that this request is unrelated to anything like that but if a warehouse were to be located in that area it would first come before the Planning Board for a public hearing. He added that this is more of an administrative issue, and that the City does not annex property unless there is an agreement and they are contiguous to the city limits. Understanding that, Mr. McCoy stated that he did not want to come into the City.

Mr. Crowe stated that he again wanted to make it clear that City records show that all of these property owners entered into an agreement with the City and signed a legal document that pledged they would annex into the City once they became contiguous, so they were receiving utility service in exchange for the eventual annexation, once they became contiguous.

Ms. Linda McCoy, 116 Putnam Ave. spoke on behalf of her mother, Ms. Bernice Baker of 1107 Old Jacksonville Rd., asked if at the time agreements were made the people were advised that their water rates would go up.

Mr. Crowe replied that when the people signed these agreements in exchange for city water, they pledged to come into the City, and water rates are set by the City Commission annually, they are variable and based on what it costs to run the water system.

Ms. McCoy stated that her mother wanted city water and that is all she wanted, she did not want to be rezoned, or to be in the City. She also stated that she did not believe her mother understood what she was agreeing to when she signed the agreement.

Discussion took place regarding the directives of the Comprehensive Plan and the need for the City to take measures to grow the utility system, increasing the customer base to help operate, expand and maintain the utilities.

Ms. Bernice Baker-Johnson, owner of 1107 Old Jacksonville Rd., stated that when she received the letter regarding annexation she was stunned, that she did not read the paper she signed to get the water, that when you get to be her age at 92 years old you don't read line for line. She did not know she was agreeing to annex.

Vice-Chairman Sheffield explained to Ms. Baker-Johnson that this board does not have the authority to go against the agreement she signed and asked Mr. Crowe if the City Commission had any leeway to provide Ms. Baker-Johnson with an exception.

Mr. Crowe said that would be a legal question for the City Attorney and added that the Planning Board's duty is to consider the criteria for annexation, the Future Land Use Map amendment and the zoning. He added that the Comprehensive Plan compels the City to annex property into the City, and that there are no provisions for extenuating circumstances or hardships, it is pretty straightforward.

Yvonne Johnson, 1115 Old Jacksonville Rd., stated that she has lived there in the County all her life and would not want to be annexed into the City.

Vice-Chairman Sheffield advised Ms. Johnson that her property is not one being annexed at this time, and that annexation would only happen if she entered into an agreement in order to connect to city utilities.

Mr. McCoy wanted to know how to go about appealing the decision of the Planning Board.

Vice-Chairman Sheffield advised that he could obtain a copy of the meeting record for his use and that he would make his appeal to the City Commission.

Ms. Gooding asked what the purpose of the annexing was, as the women next to her stated she already had water but is in the County.

Mr. Crowe advised that the City is able to give people water if available, when they are not contiguous to the city limits, however once they become contiguous they are obliged to annex.

Mr. Petrucci added that the water and sewer is the way the City entices people to annex.

Motion made by Mr. Petrucci and seconded by Mr. Wallace to approve case 12-50 as submitted. All present voted affirmative, motion carried.

OLD BUSINESS

Case 12-31: Administrative request to amend Comprehensive Plan Public Facilities Element Policy D.1.2.1 to provide for exceptions, based on economic development and system efficiency considerations, to the requirement that properties receiving City water or sewer that are contiguous to the city limits be annexed, and the requirement that properties receiving City sewer service be within the City limits (tabled from September meeting).

Mr. Crowe advised that this text amendment to the Comprehensive Plan would provide for exceptions to the current rule of the Comprehensive Plan, requiring that properties outside the city limits receiving city water be annexed once they become contiguous to the city limits and that city sewer can only be afforded to properties within the city limits. This exception would be based on criteria pertaining to a substantive impact regarding economic development, system efficiency, revenue and environmental improvement. He explained that this amendment would only allow the waiver if ALL of the criteria could be met and it would not foster urban sprawl. The request for exception would be considered by the City Commission on a case by case basis, and they would have to determine that the request met all the criteria. He referred to the “pros” and “cons” listed in his staff report and stated that some examples of the “pros” would be that the City would probably see more business expansion and retention in the urban area. Without city services such economic development is difficult. The City benefits from the additional revenue for the water and sewer system from that expansion in the unincorporated area and a positive side effect is the reduction of septic tanks that are so prevalent in the unincorporated areas. He added that the “con” is that the annexation agreement method is the City’s only carrot for getting people into the City and increasing the tax base which helps with maintenance and repairs to the systems. He referenced the old adage “why buy the cow when you can get the milk for free”... however, the milk is not completely free as there is a 25% surcharge on that milk. Allowing exceptions could also potentially require utility system upgrades as the City has one water plant and one sewer plant, and both are a little bit over half capacity. The City is guided by the Comprehensive Plan policy to expand the system in an infill manner, and the City has a lot of infill potential. He recommended approval of the exception process when all of the criteria are met.

Vice-Chairman Sheffield asked Mr. Crowe if the intent of the amendment was also to provide a potential revenue source for the City.

Mr. Crowe replied that this measure was looked at across the board and that it was brought to light by a potential large user (Georgia Pacific) who was interested in receiving city water, but did not want to enter into an annexation agreement. The revenue enhancement argument can be made from the standpoint that if the City can serve the unincorporated area without limitations it can potentially attract more businesses in the urban area as a whole, which would then provide more system revenue and support.

Dana Jones with the Putnam County Chamber of Commerce stated that she is in support of this text amendment. She spoke of how critical infrastructure is to the County's economic development activity and how critical this text amendment is. Prospects today are looking for shovel-ready sites, meaning infrastructure including utilities is in place, and the second best thing to that is to have a plan like this in place. She thinks it will provide a much better shot at getting prospects. Ms. Jones added that several years ago the Chamber did a study on this very matter. She urged the Board to please consider supporting this text amendment, stating that this is a critical first step in addressing one of the things that hinders this county, which is shovel-ready sites.

Dr. John Wolfenden, 131 Old Peniel Rd., stated that he was chair of a committee that studied water and waste water for the Chamber. They produced a 125-page document and forwarded an executive summary of that document to the Board members. He said that he and the Chamber considers this proposed text amendment to be a critical policy of the Comprehensive Plan that will promote economic development and that it does not promote urban sprawl. Promoting and encouraging economic development is what the Chamber of Commerce is trying to do and doing this increases the potential revenue stream with more use of the sewer plant and the increase of water production. He stated that the Chamber would encourage the Planning Board to support this amendment. He ended by referencing an old saying; "there are people who make things happen, there are people who watch things happen, and there are people who say what happened." This Board has the opportunity to make something happen, for the good of Palatka and the good of the County.

Ben Bates, 3400 Crill Ave., explained that he has been involved with the economic development arm of the Chamber since 1985 and stated that in today's environment, on the last survey they did there were 7,200 out-migrations of workers leaving this area to work in other communities with some going as far away as Orlando. He added that economic development is one of the most competitive things for communities. The City and County are competing with every city, every county and every state. When you compare what Florida has to offer versus South Carolina, Georgia and Alabama you must be competitive and being shovel-ready is a tool that is most important. Mr. Bates stated that the Wal-Mart project in south Putnam is still planned, and this project will create anywhere between 400 and 1,000 jobs. The City of Crescent City had to work out an agreement for them to run water and sewer approximately three miles to the new planned distribution plant. Part of that agreement was that Wal-Mart will assist with the upgrade to the City's water and sewer plant, which is a win-win for everyone. Mr. Bates added that there is an active client right now who is looking at Putnam County with a proposed project (similar to the planned distribution center) that this would fall under this type of arrangement. He ended by saying that the Chamber believes this amendment would be of great benefit to the City and the County by providing additional revenue to maintain and expand capacity, and to all residents by creating more jobs so that our children might not have to leave the area to work.

Ms. Gooding questioned the focus on new development when there is so much need for (infill) restoration of existing properties in the City. She noted that Mr. Bates was a major owner of many of these properties.

Mr. Bates explained that those infill efforts are underway also but the economy has hindered such efforts for the past four or five years since it has been hard to get any type of funding for the private sector. He stated that infill will not happen unless an economy will support it. The City and County are either going to be pro-active or re-

active. He stated that he believes the City is being pro-active - just take a look at the downtown and the riverfront park.

Mr. Petrucci stated he would be concerned about giving up the requirement of annexation once a property became contiguous. If the City is going to provide water and sewer, that is the carrot to bringing those properties into the City which would help pay into the maintenance and expansions funds as the systems near capacity. He noted that it seemed to be a double standard to not allow exceptions for individual residents like those who addressed the Board earlier in the meeting while allowing exceptions for larger businesses.

Mr. Bates gave a hypothetical scenario, stating that if a large business like Georgia Pacific needed water & sewer and did not want to annex, if the utilities could not be made available to them they might consider moving away from the area to another area that is shovel-ready. He did not believe that would be in the best interest of the citizens, and that 125 jobs would be important to the whole community. He added that the applicant would have to meet each and every one of the exception criteria. You must look at it as something that the entire community would benefit from on a progressive level. When the Chamber is out there trying to recruit other businesses and industries to come into this community, lack of available utilities is one of the things that takes the City off their list.

Discussion took place regarding the proposed negotiating process, having as many tools as possible to attract new businesses and business expansions, and being competitive with other communities.

Michael Czymbor, Palatka City Manager, stated that upon his initial review of this proposed amendment, he thought absolutely no way, thinking it would not be in the best interests of the City. He explained that there are a number of reasons why you do not usually give away utility services without clear urban service boundaries, continuity of services, and spreading the costs around. But the more he thought about it, and specifically with the Georgia Pacific situation, he understood that they did not want to annex due to economic and financial reasons. He referred back to the previous case (#12-50 administrative annexations), stating that when a single family residence has a problem with their well and there is a nearby water line, many County Health departments will make you connect to the public water system. When you compare the costs of connecting to the public water system versus drilling a new well there is a substantial savings, and you also get comprehensive police and fire services. In the case of the nine annexation agreement applicants outside of the City, they should have been annexed years ago but the City had not exercised these agreements until now. These people had agreed to annexation in exchange for the services by signing a legally binding agreement. With this text amendment, for those cases that do not meet the all specific criteria for exemption, the City will continue to follow the current Comprehensive Plan requirements. Mr. Czymbor added that with this text amendment the more it was considered, with regards to economic development as well as the capacity that is available currently in the system, it really made sense to him. Especially when you consider that there are specific criteria in place to evaluate each applicant individually to make sure that it is a benefit to the City and surrounding community.

Mr. Petrucci stated concerns regarding the exemption resulting in a lack of city taxes from those not required to annex, stating that other than the additional jobs you are not going to get any money in the City.

Mr. Czymbor addressed Mr. Petrucci's concerns, stating that not only will those that meet all the criteria for exemption will be paying a 25% increase on the water consumption (which can potentially go up to 50%) and their employees will be shopping at the stores, eating at the restaurants, and buying fuel from the gas stations. It would grow the overall tax base of the County. He stated that he understood Mr. Petrucci's point, that those that met the exemption criteria may not be specifically paying city property taxes but they would be supporting city businesses and promoting the commerce of the City and County. The City will be weighing the benefits of each

exception application on an individual basis. There is not a large benefit to the overall City for a single residential property annexation, but collectively that does grow the tax base. The benefit to the single residential property owner is that they pay a lot less in their water bill than for those with annexation agreements and they no longer have to pay a surcharge on their water bill. They will also get the other city services including dedicated police and fire protection, which could result in a lower rate on their insurance premium. For the City to provide efficient services, boundaries must be squared up so better services can be provided at a lower cost.

Mr. Wallace asked Mr. Czymbor if the cost of producing a gallon of water meets or exceeds the cost of producing that gallon of water.

Mr. Czymbor replied that the City is not there yet but is getting closer, which is why the Commission just adopted a rate increase. The treatment plant where the water is made is state-of-the-art, and the City should be set for approximately 25 years other than plant routine maintenance. The City's next priority is to come up with enough revenue to replace the 100-year old water mains.

Mr. Petrucci stated that he understood but still had concerns that the necessary maintenance-related improvements just discussed won't receive the same attention as maybe a big user and their needs.

Mr. Czymbor explained that hypothetically, if the City were to serve a large customer like Georgia Pacific, the amount of revenue that would be taken in would more than pay for the cost of the service. So that would provide the City with additional revenue do more routine maintenance and capital improvements that the City need to do but just don't have the revenue for at this time.

Discussions continued regarding the need for a stimulus for economic development to encourage growth of the City and the unincorporated area as well as the opportunity to offer a better quality of life for the people of the City of Palatka.

Mr. Crowe stated that there is a need to look at this amendment holistically, because if it is a successful strategy then the City and County are not just going to see piecemeal occurrences of new growth and development in the Palatka urban area but a more holistic and comprehensive growth pattern.

Motion made by Mr. Wallace and seconded by Ms. Moody to recommend to the City Commission adoption of the text amendment as submitted with staff recommendations. The motion passed with four yeas and a dissenting vote cast by Mr. Petrucci.

Case 12-38 An administrative request to amend Zoning Code Sec. 94-145, 94-146, 94-148, 94-149, 94-150, 94-152, 94-154, 94-155, to provide for height limits in various zoning districts, and to revise height limit for Planned Industrial Development District Sec. 94-163 (tabled from September meeting).

Mr. Crowe explained that at the June 5, 2012 meeting the Board recommended approval of the proposed text amendment to eliminate height limits in the Future Land Use Map (FLUM) categories. When the amendment was transmitted to state agencies, F.D.O.T objected on the basis that FLUM categories should provide a measurable standard so the agencies can gauge potential development and the resulting potential impacts on their state roadways. Right now, Staff is focusing on zoning code height limits because they are a hodgepodge, with some of the districts having no height limits and limits in other districts not seeming to have a lot of rationality. In looking at comparable jurisdictions, the City's height limits are generally lower. Staff believes that the City's height limits should be in the mean of comparable jurisdictions, to allow the City to better compete for new

development. He believes that an appropriate community standard for height for the City would be a across-the-board cap of 60 feet, allowable in the R- 3, the downtown zoning districts, and Public Buildings and Grounds district. He added that more of a middle range of 48 feet in the commercial and industrial districts was appropriate with a 35-foot limit for the residential districts. He added that some of the lot coverage standards could be replaced with impervious coverage limitations for buildings over 35 feet. For an example the higher you go, it would require one percent of green space (pervious) for each foot over 35 feet. He recommended approval of the revised height limits and the non-residential height standards.

Motion made by Ms. Moody and seconded by Ms. Gooding to approve the amendment with staff recommendations. All present voted affirmative, motion carried.

Case 12-42: An administrative request to amend the Comprehensive Plan Future Land Use Map designation for 301 River St. (Riverfront Park) from RL (Residential, Low) and COM (Commercial) to REC (Recreation), to amend the zoning designation from DR (Downtown Riverfront) to ROS (Recreation/Open Space District), and to amend ROS zoning district text to allow for restaurants and recreation-oriented private concessions by conditional use.

Mr. Crowe explained that this text amendment had been before the Board for consideration of placing the Riverfront Park in the Public Buildings and Grounds FLUM category, and now the proposal is to put it in the Recreation category which he believes is a more appropriate designation. He added that this request also includes a text amendment to the Recreational Open Space zoning designation that would allow for restaurants and recreation-oriented private concessions, by conditional use (requiring approval by the Planning Board).

Discussion ensued regarding the some of the similarities and differences between a conditional use and a Planned Unit Development (PUD), with the consensus being that a Conditional Use would provide a similar approach to a PUD that would be both flexible and customized.

Motion made by Mr. Petrucci and seconded by Ms. Moody to recommend to the City Commission the adoption of the text amendment as submitted with staff recommendations. All present voted affirmative, motion carried.

Case 12-51: Administrative request for a text amendment to the zoning code regarding mixed-use criteria for Downtown residential uses including density, design and locational standards.

Mr. Crowe requested that this item be tabled to allow staff additional time for research.

Motion made by Ms. Moody and seconded by Mr. Petrucci to table this case until the November 6, 2012 meeting. All present voted affirmative, motion carried.

Case 12-43: Consideration of revocation of conditional use for outdoor shooting range located at 404 N. Moody Rd. based on City Attorney findings pertaining to local regulation of existing shooting ranges (Florida Statute 790.333).

Mr. Crowe advised staff had not previously been aware of this particular statute that effectively prohibits Planning Boards and local governments from regulating existing ranges. Based on the City Attorney's opinion no action is required by the Board.

With no further business, meeting adjourned.