

**PLANNING BOARD**  
**February 3, 2009**  
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Meeting called to order by Chairman Carl Stewart at 4:00PM. **Members present:** Ezekiel Johnson, Earl Wallace, Sue Roskosh, Clem Saccareccia, Randy Braddy, and Anthony Harwell.

**Members absent:** Zachary Landis, Phil Leary and School Board Representative. Also present: City Attorney, Donald Holmes; Planning Director, Jim Lee; Assistant Planning Director, Debbie Banks and Recording Secretary, Pam Sprouse.

**Motion** made by Clem Saccareccia to approve the minutes of the January 6, 2009 meeting. Seconded by Randy Braddy. All present voted affirmative, motion carried.

Jim Lee read, "To Appeal any Decision."

Mr. Stewart requested that any Ex Parte Communication be disclosed prior to each case.

**OLD BUSINESS**

**Case 08-41**    Address:        Lundy Road (Oaks Landing)  
                  Parcel:        18-10-27-0000-0060-0000 and 13-10-26-0000-0280-0000  
                  Owner:       Michael J. Held  
                  Agent:       Lara Diettrich – Kimley-Horn and Associates

**Request:**        To rezone to R-3 Multi-family residential with a Planned Unit Development Overlay.  
(Continued from Jan. 6, 2009)

**(Public Hearing)**

Lara Diettrich, 8657 Bay Pine Rd. #300 Jacksonville, FL 32256, shared a slide presentation depicting the 5 items as requested from the Board members at the last meeting. The presentation showed r-o-w maps based on a roadway survey, emergency vehicle access and maneuverability that were based upon discussions with the Fire Marshal, Mark Lynady. Also shown, were locations for refuse areas that will be within buildings, elevations of the buildings, a conceptual architectural rendering of the buildings and golf cart path connectivity location to the golf course. She advised that based on the survey, the roadway does provide for a r-o-w of 60 feet, and that the road is substandard and does not meet the 24 feet minimum, and that is why they are proposing to make the improvements to bring that roadway area up to standard.

Mr. Braddy asked if the turn around points indicated on the diagram for emergency vehicles were reviewed with the contemplation of parked vehicles in the designated parking area.

Nathan Tidd, representative for Kimley-Horne, advised that the turn points are not encroaching in any parking areas.

James Pierce, of Pensacola FL, spoke on his mother's behalf (she lives at the sharp curve area). He stated concerns with the access point and the curve area, and wanted to know if some kinds of precautions could be put in place to stop speeders as there have been several people that could not maneuver that curve, and either ended up dead or in Ms. Howell's front yard. He ended by requesting that the people that live on Edgemore Dr. be given an alternate kind of egress, in and out of that area, other than Lundy Rd.

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Elworth Kerny, 2403 Lundy Rd., wanted to know how many cars the turning lane at the curve would hold. She also stated that she had issues with safety, with the amount of additional people that will be living there because not all will be upstanding citizens, and the fact that she may lose her property to a sidewalk.

Henry Sanders, 2509 Lundy Rd., wanted to know if something happens to the 1<sup>st</sup> building how would the other residents get out, as this project is being proposed as a dead end road. He commented on the future trails regarding easement (such as the one he has across the back of his property) and wanted to go on record to say that he wouldn't want "others" to make the decision as to what to do with those easements. He requested a 6' privacy fence or some type of buffer at the entrance of this development, as it faces his property, and he believes oncoming traffic from this development will infringe on his privacy. He wanted to know what the life span of these dwellings would be, with the constant vibration of the train traffic. He stated that he was concerned about the additional traffic, with more than 50% traffic increase, as it is a hazardous curve and that he currently has problems getting in and out of his own driveway, and believes it will get much worse. He was concerned about accumulative water in the area, as the property slopes there and wanted to know if the County is in agreement. He ended by saying he hoped this development would be developed at the low end of the allowed density.

Spanky Aaron, Golf Professional for the city, stated that he believed the additional revenue could be an added bonus to the golf course, that keeping the golf course in the city's hands is important. He stated that he is not concerned about the number of cart paths and the access points, as they would work with the developer as to the best route to take.

Phyllis Lott, 1601 Edgemore St., asked if a market feasibility report had been done, and asked that in light of the current and future economic situation, as well as possible future litigation from the citizens concerning safety issues, what was the City Attorney's opinion regarding having the City do this type of study.

Mr. Holmes advised that in the past, he has not been in favor of government deciding if a project was economically feasible versus whether it was an appropriate land use.

Mr. Lee agreed with the City Attorney, stating that in his opinion the zoning considerations should be based on the land use perspectives, compatibility issues, density issues, traffic and those kinds of things, that markets fluctuate, land use generally does not without public hearings. He ended by saying that staff's recommendation is to approve the request, based on review of the ordinance.

Discussion continued as to what staff and the Board takes into consideration for a zoning determination.

Mr. Holmes asked the developer if he would have any objection to a condition that the site be developed as individually owned condominium units. He said this request has been reviewed as a condominium project not an apartment complex and he believes that there are substantive differences between the two types of reviews.

Michael Held, 805 Brandy Wine Court, St. Augustine, advised that his plans always have been and still are to build a condominium development, however, he would like the flexibility if the market should change.

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Mr. Braddy asked the developer if he planned on retaining an equity interest in a number of units of this project,

Mr. Held replied that they plan to develop and sell out all the units, and that he did not have any intentions of developing rental units.

Henry Sanders, asked why the Developer's Agreement with the city, has a 5 year time frame and the PUD agreement is a 2-year agreement, with the possibility of a 1 time 1-year extension.

Jim Lee advised that the Developer's Agreement is still a draft document and will need to be finalized and approved along with the PUD.

Ms. Diettrich commented on some of the previous questions, stating that the trails and the easements on area resident's property is a private matter between the property owners and the trails folks. She stated approximately 3,000 sq. ft. of Mr. Sanders' property encroaches onto Mr. Held's property, and will be given to Mr. Sanders by Mr. Held, as a gift. Regarding the buffer concerns mentioned by Mr. Sanders, she stated that there will be a 25 foot buffer with a tree canopy of 60 to 80 feet tall and that there will be 40 feet between the two points of ingress/egress. She advised that they have worked for the past two years with city and county staff regarding needed improvements to the road.

Bill Schilling of Kimley-Horne advised that they intend to bring the roadway up to standards and that the intended turn lane would hold 4 cars. He advised that the sidewalk would fit entirely in the r-o-w, however should site conditions render the sidewalks not buildable a financial commitment will be made to the city for an equivalent length of sidewalks that can be built in another area where they can be more useful.

Mr. Lee asked Mr. Schilling if there was a difference in the number of trips rated for a condominium complex versus an apartment complex.

Mr. Schilling advised that yes, there is, but that it wasn't very high, approximately 4-5 peak hour trips for 120 apartment units versus a condominium unit.

Ms. Kerny, 2403 Lundy Rd., asked if there was any protection from developing low-income apartments in that spot.

Mr. Lee advised no.

Earl Wallace, Board member and a state registered surveyor, commented that the r-o-w is different than the one shown on the map submitted, some of the property deeds show overlapping lot lines. He stated he has concerns with the improvements of the curve area, and if they would have room to put them in.

Mr. Schilling advised that the information was obtained from a Florida state licensed surveyor.

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Mr. Braddy commented that it is a very difficult decision making process, when you have the interest of a community to consider in terms of financial impact of a project like this, with the additional tax base, the obvious improvements that would be made for the benefit of citizens to some degree. He asked if they had considered the effect of the tonnage on that tract with regards to the construction itself. He stated that he also had concerns of the shift of gears from developing condominiums to apartments, and if there is an open door, as to some other type of development then it gives a lot of latitude to something quite different than what has been considered, and can seriously effect those that live in the area. He ended by saying that he would not be able to support the change in zoning and the Land Use Map without an agreement that the property would be developed according to the original concept of individually owned condominium units.

Mr. Held agreed that as a stipulation of the PUD, the development would be condominium units only.

Mr. Lee added that all the prior reviews, including traffic and school board issues, were conducted under the understanding that this was a condominium project.

Mr. Harwell commented that he thought this is the time to make any specifications to the aesthetics.

Mr. Lee advised that this is a PUD, and this is the only time that those types of stipulations to the project can be made.

Discussion continued regarding the ability of the Board to specify to the Developer, what architectural style is acceptable, by way of the conditional use consideration of compatibility with surrounding area, and how to measure aesthetic compatibility with without established guidelines and area standards.

**(Regular Meeting)**

**Motion** was made by Randy Braddy to recommend approval of the request to rezone to R-3 Multi-family residential with a Planned Unit Development Overlay, with the stipulation that it be approved as a condominium complex, single-phase development and forward to the City Commission for consideration. Sue Roskosh seconded the motion. All present voted, with a show of hands resulting in 5 yeas and 1 nay, motion carried.

**Case 08-29** Address: N 16<sup>th</sup> from Reid St. to St. Johns Ave.  
Applicant: St. Johns Automotive Real Estate LLC  
Agent: Juli Holmes

**Request:** To close that portion of N 16<sup>th</sup> St from Reid St. to St. Johns Ave.

**(Public Hearing)**

Ms. Banks advised that the applicant has requested tabling this request until the March 3, 2009 meeting.

**Motion** made by Sue Roskosh and seconded by Randy Braddy to table this request until the March 3, 2009 meeting at 4:00pm. All voting members voted affirmative, motion carried.

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**NEW BUSINESS**

**Case PB 07-18**      **Address:**      105 Williams Street (01-10-26-5200-0200-0110)  
**Applicant:**      Robert and Janet Walker

**Request:** To annex into the City of Palatka, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential) to City R 1-A (single family residential)

**(Public Hearing)**

Ms. Lennard, a neighbor of the applicants, asked why she received a letter and asked if this request would affect her in any way.

Ms. Banks advised that notification to surrounding property owners is a requirement of this type of request, and advised that this request would not affect her property.

**(Regular Meeting)**

**Motion** made by Randy Braddy and seconded by Clem Saccareccia to approve the request to annex into the City of Palatka, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential) to City R 1-A (single family residential). All present voted affirmative, motion carried.

**Case PB 07-17**      **Address:**      2104 Husson Avenue (13-10-26-6790-0000-0130)  
**Applicant:**      Yvonne Van Der Lee

**Request:** To annex into the City of Palatka city limits, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district)

**(Public Hearing)**

**(Regular Meeting)**

**Motion** made by Randy Braddy and seconded by Clem Saccareccia to approve the request to annex into the City of Palatka city limits, amend the Future Land Use Map from County Urban Service to City Low Density Residential and rezone from County R 1-A (single family residential district) to City R 1-A (single family residential district) All present voted affirmative, motion carried.

**Case 09-01**      **Downtown Riverfront and Downtown Business District**

**Request:** To amend the Downtown Riverfront and Downtown Business Zoning Districts to exclude those parcels abutting St. Johns Avenue from the Conditional Use allowance for single-family dwellings.

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**Case 09-01**                      Downtown Riverfront and Downtown Business District – continued

**(Public Hearing)**

Ms. Banks explained that the City Commission approved this request as it was tied to another C-2 zoning request, allowing hotels and motels as a permitted use, however due to some concerns of residential uses abutting St. Johns Ave., they requested that staff and the Planning Board revisit the changes.

**(Regular Meeting)**

**Motion** made by Randy Braddy and seconded by Clem Saccareccia to approve the request to amend the Downtown Riverfront and Downtown Business Zoning Districts to exclude those parcels abutting St. Johns Avenue from the Conditional Use allowance for single-family dwellings. All voting members voted affirmative, motion carried.

**Election of Chairman**

**Motion** made by Randy Braddy and seconded by Clem Saccareccia to re-elect Carl Stewart as Chairman and Sue Roskosh as continued Vice-Chairman. All voting members voted affirmative, motion carried.

Mr. Lee advised that they would begin drafting a PUD that makes sense and provide for additional Planning Board review process.

**Adjournment – 6:00 PM**