

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



ELWIN C. "WOODY" BOYNTON, JR.
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MINUTES
CITY OF PALATKA CITY COMMISSION WORKSHOP
March 22, 2012

Proceedings of a workshop meeting of the City Commission of the City of Palatka, Florida, held on the 22nd day of March, 2012.

PRESENT:

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| Mayor | Vernon Myers |
| Commissioner | Mary Lawson Brown |
| Commissioner | Allegra Kitchens |
| Commissioner | Phil Leary |
| Commissioner | James Norwood, Jr. |

Also Present: City Manager Elwin C. "Woody" Boynton, Jr.; City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matthew Reynolds; Planning Director Thad Crowe, Asst. Police Chief James Griffith; Fire Chief Mike Lambert

CALL TO ORDER – Mayor Myers called the workshop to order at 4:00 p.m. and read the following call, dated March 9, 2012:

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND JAMES NORWOOD, JR.:

You are hereby notified that a workshop meeting of the Palatka City Commission is called to be held on March 22, 2012, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 4:00 p.m.

The purpose of the workshop is to discuss revisions to Palatka Municipal Zoning Code, Chapter 94, Article VI, Landscaping and Tree Protection, and Article VII, Buffering and Screening Requirements.

Isl Vernon Myers
Vernon Myers, MAYOR

We acknowledge receipt of a copy of the foregoing notice of a special meeting on the 9th day of March, 2012.

Isl Mary Lawson Brown
COMMISSIONER

Isl Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.

COMMISSIONER

/s/ Allegra Kitchens

COMMISSIONER

Mr. Crowe said they are here because of a problem they are experiencing with conditional uses. Approving conditional uses was a burden; if a business already exists, there is no way to require landscaping, although it is required by the Code. This workshop on Code changes comes about due to direction from the City Attorney, as they cannot enforce the current ordinance pending revision of the landscape code. The current Landscape Code covers tree preservation and buffering; tree preservation identifies protected trees and sizes; it does not apply to single-family residential, only commercial. You can take protected trees out if you mitigate them. Sometimes this equates to 2/3 of the trees. As to buffering and screening, this requires a myriad of buffers depending upon the use. There is a variety of ways to buffer properties. The larger buffers are there for more intense uses that locate next to less intense uses. They want to make the standards clearer and more equitable, and less burdensome. This code was written when there were more resources for people to put in landscaping. Finally, they will look at parking lot landscaping. They will take a strategic approach to this. Right-of-ways and areas adjacent to them are critical. The intent is to beautify main corners, green up and shade parking lots, and have a more energy-conservation- oriented landscape code geared to native plants.

Mr. Crowe provided two pages of recommended upgrades to the Landscape Code (filed) which were discussed. He said he has taken this to the Tree Committee twice. He's received some good ideas from them. At the present there are inconsistencies with definitions. There is no list of approved plants. Commissioner Leary asked if they can ban sycamore trees as they are a nuisance; many communities do. Mr. Crowe said they have the flexibility to do so. The intent is to determine the best type of tree for the use. Commissioner Kitchens asked if a plant is not on the plant list, will it be prohibited? Mr. Crowe said plants that aren't on the list will be dealt with on a case-by-case basis. It would not apply to existing landscaping, but if someone re-does their parking lot and pulls everything up, it will apply. Residential properties are exempt. Commissioner Norwood asked who regulates retention pond maintenance. Mr. Crowe said the property owner is responsible for maintaining it. The City should be responsible for forcing the property owners to clean them up. They can address that in the Code. This is a dual-jurisdiction issue. Mr. Boynton said the District permits them; permits being issued now contain a maintenance agreement and the District is responsible for enforcing that. Older permits don't contain that clause. Commissioner Kitchens said Codes will apply as to minimum property maintenance; Mr. Crowe agreed. They can be clearer about the level of maintenance required. Commissioner Brown said at one time Water Management was giving out grants for people to maintain their ponds and she'd like the City Manager to check on that. Mr. Crowe said that is why the Planning Board likes PUDs; then the City would have some control. They can spell that out more clearly in the Code.

As to buffering, Mr. Crowe said currently there are 8 different buffer tables; the intent is to create one master buffer table. The tables tend to be a little excessive. These are all housekeeping issues. He distributed some illustrations (filed). The left side shows the current scenario. With a 20-foot surrounding buffer, it takes 1/3 of the site out of commission. The smallest buffer is by the roadway, but they want to present the best face there and widen the buffer there, and lessen the buffer for the rest of the site to allow more developable area. This will provide strategic shade. In the example on the right, buffering only takes up 16% of the available space. Commissioner Kitchens said putting the larger buffer on the street side would prevent the police from being able to see the area for patrol

and crime prevention. Mr. Crowe said they want to get trees grown up to where they don't prevent sight. They now have hedges that create a visual barrier; however, they do soften a parking lot. No understory trees are required so that you are able to see the building. They want to balance greening with visibility. The Comp Plan actually requires they make every effort to "connect" commercial properties so that people can access businesses from other businesses. They just don't want wasted space in terms of buffers.

Mr. Crowe said at this time buffers don't have any tree screening requirements. In the wintertime trees lose their leaves and the buffer is gone. They are considering requiring evergreens so this will not happen. As to shrubs, sometimes they are extremely high. Some properties have fences and hedges, and there is no need for that. As to conservation areas, you can have a park or conservation area and have development come right up to it with no buffer required. As to tree maintenance standards, he included requirements for maintaining trees. Mayor Myers noted he does not "hat rack" his crepe myrtles. Mr. Crowe said they need standards for trimming trees and shrubs. They want shade and the attractive appearance of trees, but they end up with "lollypops." These are public trees. People appreciate them and will park under them. There is a points system for trees that developers will have to reach in their plans. You can give out points in a number of ways. They look at canopy, age, diversity, and protected trees. Offsite mitigation is important. If you have a site that doesn't lend itself to tree planting, you mitigate for trees that will benefit the immediate vicinity. Commissioner Leary said they should set up something that ties the mitigation to the site via a nexus.

Regarding xeriscaping, Mr. Crowe said currently there is no direction on using drought-resistant plantings and vegetation, or low-impact development. A recent trend is to integrate landscaping with drainage retention, or bio-retention. The Code now says if you take out a tree, you have to replace it with the same tree. If you take out a live oak, you have to replace it with a live oak. A live oak grows slowly. You should be able to replace it with another type of tree that grows more quickly.

Mr. Crowe said when they have the resources and ability, they need to do a tree inventory and mapping system so they can develop patterns and something that works.

As to existing uses, Mr. Crowe said the Code uses extremes and it is not achievable or reasonable for developers. They need a proportional system. When you have a strip mall and new owners purchase buildings, you can require them to plant, say, two trees, and eventually you will green that strip up. Tree preservation and tree credits are discussed in the hand-out material. Most communities use calipers in terms of credit. As to preservation, they need a happy medium on the "drip line" preservation area. Urban trees are not perfectly healthy trees, but they can find a happy medium where they will survive.

Mr. Holmes said for some time now there have been discussions surrounding government mandates that are not funded. He asked if they've done any sort of economic analysis of what these changes will have on a new business coming into Palatka. Mr. Crowe said these are doable things. He can do something like that and bring that back. He can compare old standards to new standards and provide costs. Commissioner Kitchens said whatever they do affects citizens' pocketbooks. Mr. Holmes said he understands the wisdom of making the town prettier, but they have to consider attracting and keeping businesses. Mayor Myers said the changes look less onerous than existing Code. Mr. Holmes said it would be good to have a study so they can justify the Code changes. Mr. Boynton said when they make a change, they do it and then they have no flexibility because they didn't build in a "common sense" process. They need reasonability. There is one instance where a new business came in and changed a sign,

which required \$40,000 worth of landscaping and parking lot improvements, according to the Code. At this time the Code is not being enforced pending changes to the Code. Mr. Crowe said if you double the size of the building you trigger the conditional use, which triggers these things. The Code contemplates that if you are going to do a conditional use, in turn you need to provide some public benefits. They have three or four applicants that the Code has been "set aside" for, but they all understand they will have to comply with the new Code.

Mr. Holmes asked if, under what's been presented, if a situation arises like what happened with the old Southwell's building, will it require full compliance? Mr. Crowe said this workshop contains conceptual ideas. He can come back with specifics. He's looking for direction on those types of issues. Commissioner Leary said he agrees they need some minimal requirements; the Southwell's parking lot is ugly. Mr. Holmes said because one tenant was coming in on one end of the mall, that tenant was going to have to improve the entire parking lot, according to the Code. Mr. Crowe said he'd rather set the landscape standards at a reasonable level so people don't have to come in and ask for variances, because once you start handing out variances, you have no further control over your Code. He'd rather everyone have to make some small improvement. Mr. Holmes asked him what he'd consider reasonable in the Southwell's case. Mr. Crowe said he'd like to see some trees along all three sides of that parking lot. They can take the required # of trees and divide that based upon square footage of the buildings, and that new tenant will be required to supply that # of trees upon a change of use, not changing a tenant. He'd recommend triggering this on change of use.

Discussion ensued concerning change of use triggering upgrades on a shopping center. Mayor Myers said the issue today is the onerous nature of the Code. They need to make it less onerous. Mr. Crowe said a change of use could trigger compliance with the landscape code, and that is what he recommends. He likes the economic analysis idea. He can come back with that. He believes they at least need minimal landscaping on existing buildings. He doesn't want to require landscape architects. When you do a change of use, you have to meet Codes. Sometimes landscaping can be a minor part of that, but a big enhancement. Commissioner Leary agreed that they don't want to put an undue economic burden on an existing business. Mr. Crowe said lack of landscaping is evidence of blight and affects property values.

Commissioner Kitchens said if something wasn't against the law yesterday but is against the law today, can they force businesses to comply that were there yesterday? Mr. Holmes said he is trying to look at this from the view of a business owner. If you keep adding "small components" onto a tab, eventually that's a large tab. The County is not making anyone do these things. What do you do with the downtown businesses? Businesses there change all the time. Mr. Crowe said all those businesses are exempt from landscape codes. Commissioner Leary recommended he come back with a matrix showing a size of business with a cost analysis of required upgrades. Mayor Myers said they need to find a medium ground. Per discussion it needs to show existing code versus proposed code, and show comparisons, i.e. does this change require a landscape architect or not. Mr. Crowe said the landscape architect requirement only applies to new construction. As to variance, they could come up with an economic hardship provision based upon total cost of landscape to total project ratio. Commissioner Leary said they should put a mitigation fund together to address old blighted shopping centers like the Middleton Shopping Center.

Mr. Crowe said the proposed revision contains basic revisions to parking lots; none of the increased requirements are dramatic. It's good to have landscape islands at the ends of

parking rows. Shade tree flexibility is a good thing; you could put in a buffer instead of a shade tree and get the same results. They can get creative with small parking lots and add minimum area requirements.

Mayor Myers noted once he does more work on this the Commission will schedule another workshop. Mr. Crowe said he has been working on a rental registration ordinance and historic preservation code changes. He will put this in the queue to work on.

ADJOURN - There being no further discussion, the workshop was adjourned at 5:05 p.m. by Mayor Myers.