



## NEFRC Planning and Growth Management Policy Committee

Thursday, September 6, 2007

### MINUTES

The NEFRC Planning and Growth Management Policy Committee meeting was held on Thursday, September 6, 2007 at 9:00 a.m., at Northeast Florida Regional Council, Jacksonville, Florida. Chairman Rutledge called the meeting to order with the following members:

#### PRESENT

Commissioner Boyle  
Vice Mayor Crichlow  
Ms. Dungey  
Commissioner Harris  
Commissioner Holland  
Commissioner Manuel  
Mr. Register  
Mr. Spaeth  
Commissioner Stevenson (arrived 9:45a)  
Ms. Vallencourt  
Ms. Burnette (Ex-officio)  
Mr. Parks (Ex-officio)  
Ms. Conway for Mr. Strong (Ex-officio)  
Commissioner Laibl  
Commissioner Rutledge-Chair

#### ABSENT

Mayor King  
Vice-Mayor Lawson-Brown  
Mr. Maxwell

#### EXCUSED

Ms. Barber  
Councilman Bue  
Councilman Clark  
Commissioner Fletcher  
Ms. Franklin  
Mayor Leeper

Others: Bill Killingsworth, Susan McDonald, Valerie Britt, and others.

Staff Present: Ed Lehman, Guy Parola, Michael Hill, Sheron Forde, Debbie Dale, and others.

#### \*Approval of Minutes

Commissioner Holland arrived and was added to the quorum.

**Chairman Rutledge called for a motion to approve the August 2, 2007, meeting minutes; Mr. Register made the motion, it was seconded by Commissioner Boyle; motion carried.**

#### Old Business

There was no old business to discuss.

#### New Business

##### Comprehensive Plan Amendment Review

Mr. Lehman stated there were twelve Comprehensive Plan Amendments reviewed during the month of July. Five Transmitted Amendments and two Adopted Amendments are brought before the Committee for review.

City of Jacksonville Transmitted Amendment (07PSF-1) – Mr. Parola provided a summary of the transmitted amendment, which creates a public school facilities element within the Comprehensive Plan and is a requirement of the State of Florida. Mr. Parola identified three main features that adopting this element into the Comp Plan will establish. First, a level of service standard for schools relating to residential development; whereas, previously, a residential development could be built with little plans regarding impacts on the school board. Second, now these levels of service standards will incorporate those measurements into the concurrency management systems; there will now be an account

measurement to ensure when the developments are approved, the school board will have the facilities available. Third, to have a financially feasible school facilities plan; the funds must be committed for the first three years and in years four and five the funds have to be reasonably planned for. Staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the Department of Community Affairs (DCA).

**Chairman Rutledge called for a motion to approve staff recommendations on the City of Jacksonville's Transmitted Amendment 07PSF-1, Ms. Vallencourt made the motion, it was seconded by Commissioner Boyle; motion carried.**

City of Atlantic Beach Transmitted Amendment (07PSF-1) – Mr. Parola provided a summary of the transmitted amendment, which creates a public school facilities element within the Comprehensive Plan and is a requirement of the State of Florida. Mr. Parola identified three main features that adopting this element into the Comp Plan will establish. First, a level of service standard for schools relating to residential development; whereas, previously, a residential development could be built with little plans regarding impacts on the school board. Second, now these levels of service standards will incorporate those measurements into the concurrency management systems; there will now be an account measurement to ensure when the developments are approved, the school board will have the facilities available. Third, to have a financially feasible school facilities plan; the funds must be committed for the first three years and in years four and five the funds have to be reasonably planned for. Staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the Department of Community Affairs (DCA).

**Chairman Rutledge called for a motion to approve staff recommendations on the City of Atlantic Beach Transmitted Amendment 07PSF-1, Commissioner Harris made the motion, it was seconded by Commissioner Boyle; motion carried.**

Town of Baldwin Transmitted Amendment (07PSF-1) – Mr. Parola provided a summary of the transmitted amendment, which creates a public school facilities element within the Comprehensive Plan and is a requirement of the State of Florida. Mr. Parola identified three main features that adopting this element into the Comp Plan will establish. First, a level of service standard for schools relating to residential development; whereas, previously, a residential development could be built with little plans regarding impacts on the school board. Second, now these levels of service standards will incorporate those measurements into the concurrency management systems; there will now be an account measurement to ensure when the developments are approved, the school board will have the facilities available. Third, to have a financially feasible school facilities plan; the funds must be committed for the first three years and in years four and five the funds have to be reasonably planned for. Staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the Department of Community Affairs (DCA).

**Chairman Rutledge called for a motion to approve staff recommendations on the Town of Baldwin Transmitted Amendment 07PSF-1, Mr. Spaeth made the motion, it was seconded by Commissioner Harris; motion carried.**

City of Flagler Beach Transmitted Amendment (07-1) – Mr. Lehman provided an overview of the transmitted amendment consisting of text amendments to the Comp Plan. While staff has no comments regarding the water supply planning amendments, staff's comments are primarily with the Coastal High Hazard Area (CHHA) amendment. The proposed wording of Objective E.1.10 implies that expenditure of public funds to promote development with the CHHA not seaward of S.R. A1A will not be limited. Also, Policy E.1.11.5 defines the CHHA as the Category 1 Hurricane Evacuation Zone and not the Category 1 Storm Surge Area as defined by HB 1359. Finally, Policy E.1.11.1 allows for increased residential densities in mixed use land use within the CHHA; any FLUM changes to allow an increase in density must meet the mitigation requirements of HB 1359 and NEFRC Policy. Staff recommends that the Planning and Growth Management Policy Committee approves this report for transmittal to the DCA.

Chairman Rutledge asked for clarification of staff's comments regarding Objective E.1.10. Mr. Lehman stated that staff feels the Objective should be rewritten so it doesn't look like the City is encouraging development within the CHHA. Chairman Rutledge further inquired if the policy is implying that there would be no improvements/access to the beach? Mr. Lehman stated that they will allow dune walkovers and bike paths, etc. Access to the beach will be allowed, just not residential developments.

**Chairman Rutledge called for a motion to approve staff recommendations on the City of Flagler Beach Transmitted Amendment 07-1, Ms. Vallencourt made the motion, it was seconded by Mr. Register; motion carried.**

Putnam County Transmitted Amendment (07-2) – Mr. Parola provided an overview of the transmitted amendment containing three proposed changes to the Future Land Use Maps (FLUM) and one text amendment. The first amendment proposes to change approximately 36 acres from Agriculture II to Rural Residential. Putnam County staff recommended that this not be adopted due to the fact that there is no other rural residential land use adjacent to or within proximity of the site, the area will not be serviced by a centralized water or sewer, and was generally incompatible. Council staff agrees with these concerns along with the impact on Highway 17. In its current format, there are no provisions to limit individual lot curb cuts on a regionally significant roadway; therefore, staff recommends that this amendment not move forward until such time as there are concrete provisions to ensure that individual lot access is prohibited on Highway 17.

Commissioner Stevenson arrived and was added to the quorum.

Commissioner Laibl stated that discussions have been held regarding U.S. 17; and inquired if the Committee is reviewing for the Florida Department of Transportation (FDOT). Mr. Parks indicated that FDOT wouldn't see this unless they applied for a driveway permit. Discussion continued surrounding the use of Guthrie Road and that the standard procedure was to let FDOT make the decision. Commissioner Laibl stated that the County does like the one in five acreage rule settings, which this area mainly consists of. He added that there is no water and sewer anywhere near it, which is why the County does the one-in-five rule.

Mr. Parola continued with the second of the three proposed changes, which proposes to change approximately 100 acres from Agriculture I to Rural Center. As with the first proposed change, County staff cited a few concerns and recommended that this also not be approved. The main concern involved water and sewer. Staff's concern relates to the connection to a regional water and sewer system. Therefore, staff recommends that this amendment not be approved until such time as a commitment for linkage to a regional water and sewer supply system is executed.

Commissioner Harris stated that the applicant has presented letters from the Town of Hastings welcoming them to use their water. There is a willingness to do whatever the County requires regarding this issue. The County has a development policy for water and sewer that does not allow package plants. The County also has very specific guidelines for state of the art sewer system, which would be required before they could move forward. Therefore, it is felt that the County has addressed the water and sewer concerns. In addition, she stated that the development is almost at the border of the Town of Hastings with several other large scale development, located very close to the county line, that has been approved on the FLUM, which the County believes blends with this project.

Discussion followed the fact that a package plant would not be allowed as the County's policies won't allow it. Therefore, the development would have to build or hook into a regional system. It was mentioned that they could hook into the Town of Hastings since the Town has offered. Chairman Rutledge inquired why staff would not recommend approval as it appears that the County has addressed those concerns. Mr. Parola indicated it was due to the fact that staff only reviewed the application and understanding that those policies are incorporated into the comprehensive plan, if this Committee wishes to use those as mitigating circumstances, staff would acquiesce to the Committee's vote. Chairman

Rutledge stated that if this Committee approves it, the development still needs to comply with the County's regulations before they can get the first building permit.

Ms. Burnette inquired if a review of the Town of Hastings's CUP indicates that they have room to accommodate the additional service. She indicated that there needs to be some assurance, under the Town's CUP, that they can accommodate this additional development.

Commissioner Holland inquired why that was not written in the proposal initially and a mutual agreement drawn up with the Town of Hastings before it went to the County Board. Mr. Parola stated that staff felt the language left a little ambiguity, which is the basis for staff's comment. Commissioner Holland encouraged caution because a lack of clear, definitively written language could result in the developer getting out of certain situations that was promised.

Ms. Dungey suggested new wording for the recommendation as follows: Staff has concerns that provisions for water and sewer are not specific in the amendment and that language should be added to make it clear that water and sewer requirements have to follow all comprehensive plan or policies of the County.

Mr. Parola continued with an overview of the last of the three proposed amendments, which is to change approximately 92.22 acres from Agriculture II to Industrial. He stated that this item was vetted through a vesting hearing process with the County. Therefore, staff commented that the County should explore having the applicant place conservation easements on the property for large, contiguous environmentally sensitive lands.

Commissioner Laibl stated that when the comprehensive plan was drawn up in the early 90's, this parcel was inadvertently left out. The applicant asked the County to allow them to negotiate with the Water Management District regarding the conservation easement, which the County agreed to. He further stated that this business employs a lot of people and have the potential to employ a lot more with approval of this amendment. Commissioner Harris stated that she was not happy with staff's recommendation as it would limit the current development of the site in the manner consistent with the vesting condition. What the County is trying to do is come out of the vesting condition and let the FLUM be changed.

Chairman Rutledge asked for comments regarding recommendations for items one through three is revised as follows:

**Proposed Amendment #1** – Mr. Parola stated that staff would be willing to convert that recommendation to a generalized comment and provided an example. The comment could be as follows: "The applicant, prior to platting or final development approval, should contact the Department of Transportation concerning ingress and egress for individual lots or something to that effect." Mr. Parola added that there is a developer's agreement that hasn't been executed as yet, which the County, prior to adoption, can amend to put that language in there. Therefore, staff's comment will not be concrete in and of itself, but could be the lead in to something even more concrete that may be better suited for the County to handle.

During further discussion, it was mentioned that FDOT would be relied on to negotiate the traffic outcome. Mr. Parks again clarified that normally they would not see something like this until it actually came in for a driveway permit, but appreciates the Council looking out for FDOT prior to that happening. He mentioned if there is another access, FDOT would like that to happen instead of having several driveways along U.S. 17; therefore, if there is a way to work with the developers to get them to use another access, it would work out better for FDOT. Chairman Rutledge clarified that there's a mechanism in place that would address this later down the road and perhaps it's something that the Council shouldn't be stirring the pot with. Mr. Parks stated there's two ways to look at it. Although it's kind of between the developer and the County, if they specify they need to come out on the side road, as far as access, that basically leaves one access point onto U.S. 17. If it's not specified and it's broken up and they sell off the parcels, where each one of them have an access onto U.S. 17, they're all individual owners at that point and FDOT is required to give each of them a driveway. If they come in to FDOT individually, FDOT will end up giving each one

of them a driveway. Comments were also made regarding the use of stronger language and that of neutral language as it will be addressed at some point by FDOT. By way of affirmations, it was agreed to substitute a neutral comment for Proposed Amendment #1.

**Proposed Amendment #2** – Ms. Dungey suggested the following for the first paragraph of staff's recommendation and small print (1) of paragraph two: "Staff has concerns that language referencing water and sewer requirements for the development is not specific and should be written to require development pursuant to this amendment meet all requirements for water and sewer under current Putnam County ordinances and policies." Ms. Dungey added that the small print (2) was not addressed in her suggested recommendation and that she has no problem with keeping that language. By way of affirmations, there was agreement to leaving this portion in the recommendation in.

Ms. Dungey added that it was her understanding that the intention was to allow the development to construct the plant provided it met their rules and requirements. Therefore, if they are allowed to construct the plant under current Putnam County ordinances, then we would be taking a step as a regional body to require it be hooked up to a regional system. By way of affirmations, there was agreement with Ms. Dungey's comments and suggestion for recommendation.

**Proposed Amendment #3** – Commissioner Harris suggested taking out the first half of staff's comment, leaving the last half; thus reading: "The County should explore having the applicant place conservation easements on the property for large, contiguous environmentally sensitive lands," and recommends transmittal.

Mr. Parola finished his overview of this transmitted amendment by commenting on the one text amendment. He stated that it essentially accomplishes four things, 1) limiting density to three units per acre, but could be as little as one or two based on a sliding point system already in place, 2) it bans commercial and industrial uses within this residential category, 3) it implements floor area ratios for development of 0.5 or, for every acre of land you have, you can have a building that has 21,780 square feet, and 4) implements limitations on impervious surface on the overall lot. This is consistent language with most land use categories.

#### Public Comment

Ms. Britt, 378 Tilefish Court, Jacksonville, FL – Spoke as a Putnam County property owner in support of the 5-acre rural in Putnam County versus suburbia impacts.

**Chairman Rutledge called for a motion to approve the recommendations on the Putnam County Transmitted Amendment 07-2 as amended, Ms. Vallencourt made the motion, it was seconded by Ms. Dungey; motion carried.**

City of Macclenny Adopted Amendment (07-1) – Mr. Lehman provided an overview of the adopted amendment, which was reviewed in its transmitted form at the May 2007 meeting. This amendment will change 94.38 acres from County Ag zone B to Commercial medium intensity, which is a part of the Interstate Development Node. The Committee adopted a recommendation expressing concerns about the issue of a wastewater treatment facility at the May 2007 meeting. In response, the City has adopted policy 1.02.04, a site specific policy that limits development on the site. The City has also provided sufficient data and analysis on water and sewer facility capacity, indicating the availability of wastewater and water service. Therefore, staff recommends that it is consistent with the Regional Policy Plan. No discussion followed.

**Chairman Rutledge called for a motion to find the City of Macclenny Adopted Amendment 07-1 consistent with the SRPP, Mr. Register made the motion, it was seconded by Commissioner Stevenson; motion carried.**

Putnam County Adopted Amendment (07-1) – Mr. Lehman provided an overview of the adopted amendment, which was reviewed in its transmitted form at the May 2007 meeting. He mentioned the

concerns the committee had regarding wastewater and water treatment and the County's ability to provide service. The County has provided the executed developer's agreement in the data and analysis, therefore the project will be required to be served by regional water and wastewater, which addresses the concerns of the Committee and Council. Staff recommends that it is consistent with the Regional Policy Plan.

Commissioner Harris commented that this project is helping the County move forward for this entire area, and partnering with the developer will allow this to become a reality.

**Chairman Rutledge called for a motion to find the Putnam County Adopted Amendment 07-1 consistent with the SRPP, Commissioner Boyle made the motion, it was seconded by Mr. Register; motion carried.**

#### Intergovernmental Coordination and Review Report

Mr. Lehman stated that this item is for information only, no action required.

#### Development of Regional Impact (DRI)

Mr. Lehman stated that this item is for information only. He added that there is a change regarding the Cordova Palms DRI. Mr. Lehman mentioned that the Cordova Palms DRI would not be coming before the Committee in October as the developer has requested an extension. In addition, it was noted that the Brent's Cove DRI has been withdrawn. However, it may be picked up by another developer and brought back before the Committee at some time in the future.

Commissioner Boyle inquired what the long-term ramifications were if, in fact, they have withdrawn but another developer takes over? Mr. Lehman stated that if they new developer met the time frames of the existing DRI, which is the 120 day review process, it is believed that they would not have to start over. Otherwise, they would have to start over.

Commissioner Manuel arrived and was added to the quorum.

#### Public Comment

Ms. Britt, 378 Tilefish Court, Jacksonville, FL – Ms. Britt spoke regarding clarifying her comments as recorded in the minutes of the previous meeting. She stated it should read, "She had concerns that the conservation category was missing from the proposed multi-use category."

**Chairman Rutledge called for a motion to reconsider the August 2, 2007, meeting minutes; Ms. Dungey made the motion, it was seconded by Ms. Vallencourt; motion carried.**

Correction to the minutes to show Ms. Britt's concerns will be reflected as follows: "Spoke regarding her concerns that the ~~mixed-use~~ conservation category is missing from the proposed MU category and encourage...."

**Chairman Rutledge called for a motion to approve the August 2, 2007, meeting minutes as amended; Ms. Dungey made the motion, it was seconded by Ms. Vallencourt; motion carried.**

#### Next Meeting Date

The next meeting will be held Thursday, October 4, 2007, at 9:00 a.m. in Clay County; location TBD.

#### Adjournment

The meeting adjourned at 9:50 a.m.