



NEFRC Planning and Growth Management Policy Committee

Thursday, April 1, 2010

MINUTES

The NEFRC Planning and Growth Management Policy Committee meeting was held on Thursday, April 1, 2010 at 9:00 a.m., at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida, 32216. **Chair Brown** called the meeting to order with the following members present representing a quorum:

PRESENT

Mr. Register
Mr. Thompson
Commissioner Boyle
Mayor Graham
Vice-Mayor Lawson-Brown
Commissioner Bryan
Commissioner Stevenson
Ms. Andrews (Ex-Officio)
Mr. Cole (Ex-Officio)
Mr. Parks (Ex-Officio)
Ms. Weatherford for Mr. Strong (Ex-Officio)

Ms. Brown (Chair)

EXCUSED

Commissioner Crichlow
Commissioner Stewart
Mr. Smallwood
Ms. Vallencourt
Commissioner Parsons
Mayor Robinson
Mr. Spaeth
Commissioner Harris
Ms. Stern

Others: Lt. Dan Chitwood, Dan Camp, Jose Gonzalez, Ray Spofford, Walter Fufidio, Steve Fitzgibbons, Teresa Bishop, Kristen Reed, Duncan Ross, Michele Gandee, Geoff Sample, Lynn Pappas, Debbie Banks and other members of the public.

Staff: Margo Moehring, Ed Lehman, Guy Parola, Ameera Sayeed, Jennifer Hewett-Apperson, Eric Anderson, Michael Calhoun and Angela Giles.

*Approval of Minutes – **Mr. Register moved approval of the March 4, 2010 meeting minutes; seconded by Commissioner Boyle; motion carried unanimously.**

March Comprehensive Plan Amendment Review – Ms. Moehring stated that there were a total of thirteen (13) Comprehensive Plan Amendments that were reviewed during the month of March. There were seven (7) transmitted amendments; one (1) adopted amendment and 1 EAR have been brought before the Committee and Board for review. The Small Scale Amendments have been reviewed by staff and are generally consistent with the Strategic Regional Policy Plan (SRPP). Ms. Moehring informed the Committee Members that Kristin Reed from the City of Jacksonville is here to address a change to the future land use element of the City's Comprehensive Plan.

*Nassau County Transmitted Amendment 10-1 – Ms. Sayeed gave a brief overview of the amendment, stating that this property is at the intersection of 2 major railroads. The parcel totals 1,814 acres: 1505 acres are proposed to go from Agriculture to Industrial, and 309 acres go from Agriculture to Conservation. A proposed policy will limit development of the site to General Light Industrial, Manufacturing and High Cube Warehouse. It is noted that if the development exceeds the peak hour trips, roadway improvements must be adopted into the Schedule of Capital Improvements and that a proposal for providing central water and wastewater must be approved

and adopted into the Schedule of Capital Improvements prior to development. Staff recommends that the Committee and the Council approve this report for transmittal to the Department of Community Affairs (DCA). **Commissioner Boyle** commended Ms. Sayeed and the Council staff for their help with this item when it came before the Nassau County Commission. **Commissioner Boyle moved approval of transmitting the Nassau County Transmitted Amendment 10-1 to DCA; seconded by Mr. Thompson; motion carried unanimously.**

*City of Palatka Transmitted Amendment 10-1 – Mr. Parola gave a brief overview of the amendment, which involves changing 680 acres from County Industrial to City Industrial. In 2008, the County took the land from Agriculture to Industrial; in 2009 the land was incorporated into the City's municipal boundaries. By statute, the City has one year to incorporate the land into the Comprehensive Plan. This is a 2 phase development: Phase I allows for 180,000 sf of development; Phase II allows up to an additional 3.2 million sf. No development can occur until there is a transportation analysis and impacts must be mitigated and incorporated into the City's Capital Improvement program. Mr. Parola stated that Debbie Banks of the City of Palatka is here, along with Ray Spofford, to speak on the amendment and answer any questions. Staff recommends that the Committee and the Council approve this report for transmittal to DCA. **Vice-Mayor Lawson-Brown moved approval of the City of Palatka Transmitted Amendment 10-1; seconded by Commissioner Boyle; motion carried unanimously.**

*City of Palm Coast Transmitted Amendment 10-2 – Mr. Lehman stated that this amendment extends the planning horizon year to 2035, creates the Northwest Corridor Overlay Area (NCOA), and provides Goals, Objectives, and Policies to meet the requirement of HB 697, promoting greenhouse gas reduction and energy efficiency. Mr. Lehman commented that the long-term Capital Improvements Plan should include transportation improvements. Policies state that the Northwest Corridor Overlay Area will be a showcase community; Staff supports the policies which require LEED Program Certification or standards to be met with all new construction; however, the objective should be amended to include reference to environmental protection, amenity, circulation, etc., issues, rather than just housing affordability. Mr. Lehman also stated that the City's proposal to establish the NCOA will help protect the functions of the regional systems. It is highly unlikely that the function of these resources would be maintained if random piecemeal development was allowed in this area of Palm Coast, which could happen over time. Staff recommends that the Committee and Council approve this report for transmittal to DCA. Discussion followed. **Commissioner Boyle moved approval of the City of Palm Coast Transmitted Amendment 10-2; seconded by Vice-Mayor Lawson-Brown; motion carried unanimously.**

***St. Johns County Transmitted Amendment 10-D1 –**

Mr. Ed Lehman – Behind Tab 6 is St. Johns County 10-D1 and Teresa Bishop is here with St. Johns County planning, and obviously she's here to answer any questions you may have. The applicant for the Cordova Palms DRI, which is the DRI being addressed by this, is also here: Ms. Pappas, Mr. Smith, Ms. Rewis and Mr. Spofford; again available to answer any questions you may have. This is a DRI, Cordova Palms, located right here is the subject matter (pointing at map). To give you a better idea of the location, here's US 1, and there's the airport right there. This is a DRI related amendment, which changes land use on 382 acres to accommodate the DRI. The change is from industrial to 187 acres of Residential C and 195 acres of Intensive Commercial. Here's the residential C, and here's the intensive Commercial (pointing at maps). Again, this is a DRI, and simultaneously to this comprehensive plan amendment, we are also reviewing the impacts of this project through the DRI process. A text amendment is also being added which will limit development to 750 multi family units, again part of the DRI plan schedule, and .75 floor-area ratio for industrial development which will address the intensive commercial. So, what the County is doing as well, and is mentioned here, and we will see it with the Comprehensive plan amendment for St. Johns County that's addressed later in this meeting is a separate amendment to another parcel which is Lemberg South.

You can't see it very well here, but we will get to it. What the County is doing there is to reduce the residential units on that, and basically transferring them up to Cordova Palms. So, what in effect is in this area of St. Johns County, there's no net increase in residential units. And that's very important, because St. Johns County doesn't want to see it; they think they already have enough residential units approved at this time. So, for this DRI, this is transferring the residential down here, transferring the industrial to there. Note that there's no net increase in residential; no net increase in industrial; there is an increase in commercial, but again, those impacts will be addressed thru the DRI process. It's important to note that even though they are changing this amendment to Residential C here, the result of the other amendment is no net change in number of residential units. Again, we have no issues with this, so again, all the impacts from this particular amendment will be addressed through the Cordova Palms DRI review and we recommend transmittal of this report to the Department of Community Affairs.

Chair Brown – Thank you. Questions? Comments? Ken –

Commissioner Bryan – Yes. When this project came before me down in St. Johns County as a Commissioner, I voted against it. Reasons being – first of all, this project has been before the Commission several times before, and even though there is a reduction in residential, I have concerns that with the current inventory that we have, I don't see any particular need at this time. We currently have about 60 to 70 thousand homes already permitted, adding even the reduction that they have in this one, I don't really see the need for any additional residential. One of the reasons that we have individual proponents of Amendment 4 right now is because we, as stewards of the community, have not been taking the responsibility to basically say no in some of these cases, which is one of the reasons why I opposed this particular project. The other component that I'm looking at which goes into Tab 7, has to do with the roadway that they are proposing to put in, and even though this is a very good project as far as putting additional roads in, one of the things that will probably not be mentioned is the fact that neither the County, nor does the Transportation Department, have any plans for the next 15 years to actually complete that road. So you essentially have a road that's going to their project, which will not really benefit the County, because we don't have the additional 8 to 10 million dollars to finish that particular road. One of the things I'm also concerned about is that there is a proposal, maybe not right now, but in the future, the airport may possibly be expanding over into that particular area. There was significant opposition from the residents in that community as well, because of airport noise and all. So when you look at the additional residential component, putting in their concern, I do support commercial, but I think that there are other areas that we can develop commercially in St. Johns County. Those are a couple of the concerns that I have, and when we get to Tab 7 I'll make my other concerns voiced at that time, but I will not be supporting this particular project.

Chair Brown – Comments?

Commissioner Stevenson - Yes, I do support this project, because there's no net increase in residential, they are moving the residential to a more appropriate area, and the industrial to a more appropriate area. The land owner understands the industrial market very well, and we thought it was appropriate. There's also an opportunity to move a significant road corridor out of a conservation area, which would make it near impossible to ever afford to build, and it makes it much more amenable for St. Johns County to get that essential corridor to relieve crowding in the City. It has been planned for 20 years; it's kind of an inner beltway. And I respect that Commissioner Bryan has a different opinion, but that's mine. So I support it, I believe it was a 4 – 1 vote, it may have been 3 – 2, I do not have the scorecard. I just know it passed.

Commissioner Bryan – Rebuttal, please?

Chair Brown – Thank you, Commissioner. Certainly.

Commissioner Bryan – There may have been a 4 – 1 vote, but again, I go back to my comments earlier. The County does not have the revenue, nor does the Department of Transportation plan on completing this project within the next 15 years. There are no dollars there. So you have a road that's going to go to nowhere. Even though the road may eventually benefit the County, as far as completing that corridor, to get transportation issues addressed, is not going to happen for a while.

So yeah, maybe 5 or 10 years from now, this may be a good project – right now it's not. There are no dollars there for that. That's why I have tremendous concern about it. Again, I go back to the fact that even though there may have been a 4 – 1 vote, the fact that you have amendment 4 right now is because County Commissioners are not taking the responsibility to say no. The only reason that this is being transmitted is because the comments were made that we would transmit and let this particular body, as well as DCA, make the decision. That's not the responsibility we as Commissioners are supposed to be taking. We are supposed to be making that decision at that level based on the response and our responsibility within the County.

Mr. Don Smith – May I speak Madame Chair?

Chair Brown – Certainly.

Mr. Smith – Don Smith, with England-Thims & Miller, representing Flagler Development, who is the applicant on this project. In later meetings you'll see a full presentation on the DRI, and what's involved with the DRI, as Ed mentioned. I think it'll come up at your June meeting, with probably a July vote on the Development of Regional Impact. I wanted to correct a few things that the Commissioner said. The March meeting of the Board of County Commissioners was the first time that they had heard this comprehensive plan amendment. It had been in the process as an application for more than 2 years, that is true, but that is the first time they actually took a vote on the project. We came to the Commission meeting with good staff support and it was approved 4 – 1 for transmittal by the Board of County Commissioners. If we were not advancing a very important road project, we probably would not have been approved by St. Johns County at this time. But, SR313, or the extension of SR312, has been planned for over 20 years by the Department of Transportation in conjunction with St. Johns County. It's a very important road project. What our particular project does is advance that project significantly. So what would be a 52 million dollar project is now reduced to less than 10 million by the time we make our commitments in terms of right-of-way, at-grade rail crossing access into the property, and constructing a portion of the road, extending right-of-way all the way down to Woodlawn Road. So we do want to make it clear that it's not one Commissioner for and one Commissioner opposed; the Board of County Commissioners voted 4 – 1 for transmittal on the project. Thank you.

Commissioner Bryan – May I ask a question? So, when do you propose to complete that road? Where it will be actually beneficial to relieve the pressure off of the other roadways? When will that be completed by the Department of Transportation?

Mr. Smith - I could not tell you that at this time.

Commissioner Bryan – My point well taken.

Chair Brown – Did you wish to speak?

Ms. Lynn Pappas – Yes, if I may. This is Lynn Pappas, representing Flagler Development. Don made the critical points, but there was an additional statement made by Commissioner Bryan about the airport which I think is confusing matters, and that is the airport expansion that he is referring to presently relates to the Lemberg South parcel, and has nothing to do with this amendment for Cordova. That airport expansion is an issue that has been on the books, and for the County to address for quite some time now and will be for quite some time. There is no effort at this time, with respect to Lemberg South, to deal whatsoever with the airport's plan for expansion, one way or the other. This amendment was a substantially larger DRI at one point and time, the reason that it has been delayed is because the owner has worked extensively with the staff to reduce the density, to do the trade of the density, and to put the commercial in a place that will assist the County with respect to the road construction, and allow this to begin its process of becoming an important improvement and priority improvement. The timing of that construction is obviously not known to the ultimate Woodlawn/16 connection, but it is the belief of the DOT as well as the County, that there is an important part of the process to begin. And we also have the opportunity to allow for an alignment change of the current road location to one that is more beneficial to the conservation area of 12-Mile Swamp. So there are many positives to this effort, which is why I believe it received the support of the Commission. Thank you.

Chair Brown – Further discussion or questions?

Commissioner Boyle – What is the anticipated timeline for any activity on this to start? Because I know because of the economy everywhere, am I right in assuming that there wouldn't be anything done on this for a while?

Ms. Pappas – We will be addressing the timeframe as part of the DRI application. At this juncture, the right-of-way process will be an acquisition issue that has to be addressed with the State of Florida and the Water Management District. Because in both cases, there is a portion of the conservation area lands that will have to be included in that right-of-way. But once we work through those right-of-way issues, we will be on a timeline to commence construction of the road. So there are some preliminary issues to address that are controlled by the State and the District, but at that point and time, I believe Flagler is prepared to proceed forward, if that is achieved, and Mr. Gonzalez is here from Flagler, if you wish him to address any of that.

Commissioner Boyle – Well, just for my benefit, I don't know about anybody else's, but can you give me a rough estimate? When you say there's a timeline, is it going to be in the next year, the next five years?

Ms. Pappas – I would say in the next 3 year timeframe is a reasonable expectation. It's going to take some time to work through the permitting process with the Water Management District, because it's not only a permitting issue, it's also a conveyance issue. At that point and time, when the permits are obtained, they would be ready to start construction, but it has a lead time associated with it as well as the planning and design of the roadway.

Commissioner Boyle – Are there any concurrency issues with this?

Ms. Pappas – Well, this is a pipelined Development of Regional Impact, so the dollars that would be proportionate share are being directed towards the road improvement.

Commissioner Boyle – Okay. Thank you.

Chair Brown – I have Darryl Register, then Ken.

Mr. Register – I'm not sure who to direct this to, I think anyone can answer it. Did I understand from Mr. Lehman's presentation that there will be no net increase in residential dwellings in this area because they are reallocating some from...?

Mr. Lehman – Yes – no net increase in approved land use residential building units, yes, sir.

Commissioner Bryan – That being the case, would you be willing to make an agreement that if the project isn't started within the next 5 years, it reverts back to the original industrial?

Ms. Pappas – No, I don't believe we would be willing to do that.

Commissioner Bryan – You see, the other component has to do with affordable housing. We have plenty of affordable housing, considering the market right now. I mean, \$400,000 houses are now \$200,000 houses. If this is what they're proposing right now, you've got affordable housing all over St. Johns County. And again, 70,000 plus already on the books, permitted, to be built. All we would basically be doing is devaluing the properties that are already there. That's what's happening. Again, the comments that I make – back to amendment 4 – this is what this is all about – it's to beat amendment 4. Because if that wasn't the case, I don't think we'd see this before us again. And it did not come before me to be voted on, but it has been before the Commission, as another project, several times before.

Ms. Pappas – Commissioner, will all due respect – this was a DRI that was submitted. It was before the planning commission, but it never went to the Board. It has never been heard by the St. Johns County Commission prior to the recent amendments being transmitted. Thank you.

Commissioner Bryan – You got your 4 – 1 vote. That's fine.

Chair Brown – Further questions?

Mr. Parks – Our only concern on it is the mitigation plan and the DRI. Because it is going ahead of the DRI – yes, it is saying in here that that will take care of everything, but at this point we don't have mitigation plans.

Ed Lehman – Obviously, we work closely with DOT during the DRI process, and like Mr. Smith said in July, you will be seeing the DRI recommendation report, at which time we will have the transportation conditions. It will address the timing of the improvement, the mitigation costs, where the money goes. I think those issues will be addressed. If there are concerns with the timing of the

improvement, this Committee could certainly recommend denial of the recommendation report which would stop the project there anyway. So, certainly, those issues are best to be addressed at the meeting for the recommendation report.

Chair Brown – Commissioner Stevenson?

Commissioner Stevenson – I appreciate the comment about mitigation. Because that's really key. I don't know if you've ever tried to get a road, when they put conservation land in your roadway, or roadway in conservation land, it doesn't really play well together, so it's important to get that resolved. I would like to say that this is also the kind of amendment that will not be possible under Amendment 4. If you have a land use that now is not so appropriate, you now have a high end neighborhood where you had industrial, and can't reconfigure your land uses, and this is one of the problems that we will have under amendment 4, is that we will not have the flexibility to change things according to the market. If there's no further discussion, I'm prepared to make a motion.

Chair Brown – I have motion on item D, St. Johns County Transmitted Amendment 10-D1; could I have a second?

Mr. Register – Second.

Chair Brown – Further Discussion? All in favor please signify by saying aye. (Votes of aye.)
Opposed likewise? Commissioner Bryan voted nay.

Motion carried with one nay.

*St. Johns County Transmitted Amendment 10-2ER – Mr. Parola gave a brief overview of the amendment, stating that the packet contains three amendments: first, the overall amendment of the Comprehensive Plan in response to the Evaluation and Appraisal Reported (EAR); second, a land use map amendment for 33.29 acres from Residential-B to Intensive Commercial (note: there is a corresponding text change limiting the site to 330,000 square feet of retail and self-storage); and, third, a land use map amendment for 516 acres changing it from Residential B and Airport District to Industrial and Airport District (note: there is a companion text change that (1) removes all residential development entitlements from the property and transfers them to another site; and (1) limits total development to a floor area ratio of 0.22). 1) EAR Based Amendments - the EAR was reviewed to ensure that regionally significant issues were sufficiently addressed: i.e. - development within the Coastal High Hazard Areas (CHHAs); water conservation protection of environmentally sensitive lands, including impacts to the Tolomato, Matanzas, and St. Johns rivers; energy conservation; and transportation, including maintaining of level of service standards along strategic intermodal system (SIS) facilities. 2) Amendment 2009-04 SR 16 - Changes 33.29 acres from Residential-B to Intensive Commercial (note: there is a corresponding text change limiting the site to 330,000 square feet of retail and self-storage). Staff commented: The SR 16 FLUM amendment analysis shows impacts that would result in several failing roadway segments. The impacts of the development are not adequately mitigated for through the proposed companion development agreement; the development has not met the fair share requirements. The County and the Applicant should have an agreed upon, enforceable development agreement that mitigates fully for the impacts of the development prior to or submitted as part of the adopted amendment. 3) Amendment 2009-6 Lemberg South - Changes 516 acres from Residential B and Airport District, to Industrial and Airport District. The amendment is for 296 acres of Industrial and 184 acres of Airport District with 35 acres for Right of Way. A companion text amendment proposes to eliminate all residential development rights on the site and limit floor area buildout under the proposed designations. This amendment is an attempt to entitle this land while transferring its residential density north to Cordova Palms. Mr. Parola stated that Teresa Bishop is here to answer any questions. Staff recommends transmittal of the report to DCA. **Commissioner Stevenson moved approval of transmitting St. Johns County Transmitted 10-2ER to DCA; seconded by Commissioner Boyle; motion carried with 1 nay (Commissioner Bryan).**

*City of Atlantic Beach Adopted Amendment 10-1ER – Mr. Parola gave a brief overview of the amendment, stating that the amendment is based on the findings and recommendations contained within the most recently adopted Comprehensive Plan EAR. Amendments to the Comprehensive Plan that affect regional facilities or are of a regional concern include: provisions for conserving natural resources and protecting Environmentally Sensitive Lands; redefining the Coastal High Hazard Area for consistency with state statute; and policies promoting energy conservation and energy efficient land use patterns. There will not be any residential density increases in the CHHA. A mobility plan will be adopted within the next round of amendments. Staff recommends that the Committee and Board find the amendment consistent with the Northeast Florida Strategic Regional Policy Plan (SRPP). **Commissioner Boyle moved approval; seconded by Mr. Register; motion carried unanimously.**

*Town of Baldwin Adopted EAR – Ms. Sayeed gave a brief overview, stating that there were 9 major issue areas that were addressed in the EAR. Staff recommends that the Town of Baldwin EAR is sufficient and consistent with the SRPP. **Vice Mayor Lawson Brown moved approval; seconded by Mayor Graham; motion carried unanimously.**

*City of Jacksonville Transmitted Amendment 10-1ARA – Ms. Hewett-Apperson introduced Kristin Reed from the City of Jacksonville. Ms. Reed stated that this amendment addresses the EAR recommendation regarding a change in the approach to the Future Land Use Element (FLUE), including plan category descriptions that recognize that appropriate intensity of the mix of uses varies throughout the city, depending on whether the development patterns of an area are rural, suburban or urban in character. The amendment consists of two exhibits: the amended FLUE and a map for inclusion in the Capital Improvements Element (CIE) and the Infrastructure Element (IE) that depicts the Development Areas proposed within the FLUE. The amended FLUE establishes four Development Areas, exclusive of the Downtown Transportation Concurrency Exception Area/Central Business District. The Development Areas are: the Urban Priority Area, the Urban Area, the Suburban Area and the Rural Area, as depicted on FLUE Map L-28 and CIE Map CI-1. The FLUE categories have been amended to increase the relationship between land use and transportation planning by focusing more on mixed-use developments and transit oriented developments that emphasize the use of multiple transportation modes and increases internal trip capture. These changes support the land use/transportation connection necessary for successful implementation of a mobility-focused planning strategy, and also address reduction of greenhouse gas emissions, as required by Florida House Bill 697 (2008). Throughout the FLUE, goals, objectives and policies have been amended to reflect the revised land use categories and to encourage the creation of mixed and multi-use developments, transit oriented developments and infill and redevelopment projects. The amendments build upon previous EAR-based amendments to the FLUE. Staff recommends transmittal to the City of Jacksonville. **Mr. Thompson move approval; seconded by Commissioner Stevenson; motion carried unanimously.**

*City of Jacksonville Transmitted Amendment 10-1ARB – Ms. Hewett-Apperson stated that this amendment contains sixteen changes to the City of Jacksonville's Future Land Use Element and 3 amendments to the text of the Comprehensive Plan. She discussed each one. While Amendment 10-1ARB could technically be inconsistent with the SRPP because of the potential for unmitigated impacts to regional transportation facilities, the City of Jacksonville is currently in an interim period in which they are in the process of developing a Mobility Plan. The proposed EAR-based FLUE amendments set a framework for this Mobility Plan, which is anticipated to advance while these amendments are reviewed. The Mobility Plan will establish a mechanism for mitigating impacts to transportation facilities, thus allowing for consistency with the SRPP. Staff also urges the City of Jacksonville and Nassau County to work closely together to address any potential regional roadway impacts. Staff recommends transmittal of this report to the City of Jacksonville. Discussion followed. **Mr. Register moved approval; seconded by Mayor Graham; motion carried unanimously.**

Development of Regional Impact (DRI) Report - Mr. Lehman stated that the DRI report is for information only and does not require an action.

Intergovernmental Coordination and Review (ICR) – Mr. Lehman stated the report has a new format. He also informed the members that this report is for information purposes only, and does not require Committee action.

Next Meeting Date

The next meeting will be held Thursday, May 6, 2010, at 9:00 am at the Northeast Florida Regional Council.

There being no further business to discuss, the meeting adjourned at 10:07 a.m.