



NEFRC Planning and Growth Management Policy Committee

Thursday, July 8, 2010

MINUTES

The NEFRC Planning and Growth Management Policy Committee meeting was held on Thursday, July 8, 2010 at 8:30 a.m., at 6852 Belfort Oaks Place, Jacksonville, Florida, 32216. **Chair Brown** called the meeting to order with the following members present representing a quorum:

PRESENT

Commissioner Crichlow
Mr. Register
Mr. Smallwood
Commissioner Parsons
Mayor Robinson
Commissioner Boyle
Mayor Graham
Mr. Spaeth
Vice-Mayor Lawson Brown
Commissioner Bryan
Ms. Stern
Commissioner Stevenson
Ms. Andrews
Mr. Cole
Mr. Hill for Mr. Parks
Ms. Conway for Mr. Strong
Ms. Brown (Chair)

EXCUSED

Mr. Thompson
Commissioner Stewart
Ms. Vallencourt
Commissioner Harris

Others: Thomas Hill, Lance DeCuir, Jodi Conway, Steve Fitzgibbons, Cathy Foerster, Mike Woodward, Clif Tate, Valerie Britt, Duncan Ross, Dan Laubacker, Janis Fleet, Tony Robbins, Gary Kresel, Daniel Chitwood, Jonathan Blackman, Kyle Kipple, Daniel Mallett, Tommy Joyce and other members of the public.

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

***Approval of Minutes – Mr. Register moved approval of the June 3, 2010 meeting minutes; seconded by Commissioner Parsons; motion carried unanimously.**

June Comprehensive Plan Amendment Review – Ms. Moehring stated that were a total of thirteen (13) Comprehensive Plan Amendments that were reviewed during the month of June. There were five (5) Transmitted Amendments and one (1) Adopted Amendment that have been brought before the Committee and Board for review. Ms. Moehring noted that an Evaluation and Appraisal Report (EAR) memo was mailed out, but that there is no action required on that item as it is the preliminary review. Ms. Moehring stated that within the transmitted amendments there is a revised report for Putnam County.

*City of Jacksonville Transmitted Amendment 10-2AR – Ms. Hewett-Apperson gave a brief overview of the amendment, stating that the amendment contains seven changes to the City of Jacksonville's Future Land Use Element and one amendment to the text of the Comprehensive Plan. The Future Land Use Map (FLUM) amendments are as follows: Ordinance 2010-290: 68.86 acres from Residential/Professional/Institutional (RPI) to Community/General Commercial (CGC); Ordinance 2010-291: 207.88 acres from Low Density Residential (LDR) to Business Park (BP); Ordinance 2010-293: 9.47 acres from Low Density Residential (LDR) to Light Industrial (LI); Ordinance 2010-294: 26.80 acres from Business Park (BP) and Low Density Residential (LDR) to Residential/Professional/Institutional (RPI); Ordinance 2010-295: 17.70 acres from Rural Residential (RR) to Low Density Residential (LDR); Ordinance 2010-296: 33.27 acres from Low Density Residential (LDR) to Neighborhood Commercial (NC); Ordinance 2010-297: 8.74 acres from Light Industrial (LI) to Low Density Residential (LDR). The text amendment to the Comprehensive Plan is: Ordinance 2010-298, which adds a new policy, 11.3.6, to the Transportation Element that precludes roads with a functional classification of Minor Arterial or higher that connect two roadways and primarily serve residential uses from being physically widened to increase vehicular capacity unless requested by a majority of the landowners located along the road. In terms of regional impacts, 2010-296 is located within an aquifer recharge area (0-4 inches). Any proposed development of this site would need to occur in accordance with the appropriate guidelines to protect this resource. Several amendments in this series are located within airport environs. The City of Jacksonville has a rigorous land development code that limits impacts on airports through airport zoning, and these measures will mitigate potential impacts. Ms. Hewett-Apperson stated that there are two amendments that would negatively impact Level of Service (LOS) on regional roadways: Ordinance 2010-290 would have negative impacts on SR 9A, US 90 (Beach Boulevard) and SR 115 (Southside Boulevard); Ordinance 2010-294 would have negative impacts on I-295. Ms. Hewett-Apperson noted that Council staff commented that the City of Jacksonville/Duval County is designated as a Dense Urban Land Area (DULA) pursuant to Senate Bill 360 (2009). As a DULA community, Duval County is within a Transportation Concurrency Exception Area (TCEA). However, the Department of Community Affairs (DCA) has told staff that, until transportation concurrency and level of service requirements are removed from DULA community comprehensive plans, there is no change to the requirement that impacts on regional facilities be analyzed, and mitigated where required, when the FLUM is changed to ensure that adopted level of service standards are maintained. While NEFRC staff does not agree that there is no longer a need to address regional transportation impacts in proposed FLUM amendments, staff is satisfied that the City of Jacksonville is acting expeditiously to develop and adopt a Mobility Plan. In this transitional period, NEFRC staff believes that impacts to regional facilities will be addressed by the Mobility Plan, which the City has committed to adopt and is in the process of completing. Staff respectfully recommends that the Committee and Council transmit this report to the City of Jacksonville. Ms. Hewett-Apperson stated that Mr. Gary Kresel from the City is here and available to answer any questions. **Commissioner Boyle moved approval of the transmitting the City of Jacksonville Transmitted Amendment 10-2AR to the City of Jacksonville; seconded by Commissioner Parsons; motion carried unanimously.**

*Town of Orange Park Transmitted Amendment 10-2 – Mr. Parola gave a brief overview of the amendment. He stated that Mr. Tony Robbins, the planner for the Town of Orange Park is here and available to answer any questions. Mr. Parola said that the amendment contains six text changes, a change to the FLUM and an energy conservation map. Of these, only three of the changes have regional significance. The first is the housing element text portion changed to require that the land development regulations contain incentives for infill development when the infill development is for very-low and low income housing. The second involves a FLUM amendment which proposes a change to Policy 1.1.5(i) that would allow up to 4 units per acre in Conservation lands. A review of the 2025 Future Land Use Map shows that lands with a Conservation designation on the Future Land Use Map are located within three discrete, isolated groupings. Currently, the County reports that

these lands contain wetlands and a conservation overlay, while the underlying land use categories and their entitlements remain. This essentially leaves wetland impact analysis within the realm of permitting. It is acknowledged, however, that the Comprehensive Plan contains goals, objectives, and policies that provide protections for wetlands and environmentally sensitive lands as well. Mr. Parola noted that the proposed entitlements for lands within the proposed Conservation district is the result of a desire to not decrease property owners' current entitlements under the Comprehensive Plan, and that the Conservation category, as proposed, has the same residential density as the County's Low Density Residential category. Staff recommends that the adopted amendment should include data and impact analysis for the properties receiving the Conservation designation. Mr. Parola stated that the Conservation category should be applied to lands that, due to their environmental value, warrant protection from development and that staff recommends that the Town should adopt an alternative to the proposed Conservation category that either: (1) contains standards that protect natural resources in conjunction with development; or (2) does not permit development. Staff respectfully recommends that the Committee and the Council approve this report for transmittal to DCA. Discussion followed. Mr. Tony Robbins of Prosser Hallock addressed comments and questions from Commissioner Parsons, Commissioner Stevenson and Mr. Smallwood. **Mr. Smallwood moved approval of transmitting the Town of Orange Park Transmitted Amendment 10-2 report to DCA; seconded by Commissioner Stevenson; motion carried unanimously.**

*Putnam County Transmitted Amendment 10-2ER – Ms. Sayeed stated that this is a revised report from the mail out, due to the fact that staff was working with Putnam County to get additional data and analyses to assess impacts, which was received on July 1 and 2, 2010. Ms. Sayeed informed the Committee that she reviewed the EAR-based amendments, with the exception of the Housing and Economic Development Elements, as NEFRC was contracted to work on those Elements; those Elements were reviewed by Ms. Hewett-Apperson for this report. The County prepared this update in response to the EAR recommendations as well as added new policies in response to legislative changes. The planning period has been extended to 2025. Ms. Sayeed informed the Committee that most of the proposed changes to the FLUM pertain to the Rural Center category. During the EAR process the County assessed the viability of this land use category; it was listed on the major issues list in the EAR. Twenty-one Rural Centers were assessed; three (3) remained unchanged, 13 were removed and five (5) were reconfigured. After reviewing the additional data from the County, staff's report was revised to reflect a reduced impact on regional resources and no extra-jurisdictional impacts from the changes made to the Rural Centers. Ms. Sayeed noted that the County should be commended for including alternative modes of transportation and assessing alternative routes, as several deficient roadways and segments were identified in the data analysis in the transportation traffic circulation element for 2015 and 2025. The County is looking into Park and Ride lots, increasing multi modal transportation and will attempt to coordinate with Ride Solutions. Given that there are no policies in the Capital Improvement Element, staff will continue to monitor and work with the County as they develop amendments in their Comprehensive Plan specifically for these transit routes. Ms. Sayeed stated that staff has two comments: first, the County included several new policies in each of their elements to address HB 697, but they did not submit a map illustrating energy conservation areas as part of their EAR-based amendments; second, pertaining to the multi-modal transportation approaches, NEFRC staff will be reviewing the impacts of the multi-modal transportation approaches outlined in the amendment along with any capital investments with suggested timeframes for implementation. Staff respectfully recommends that the Committee and Board approve this report for transmittal to DCA. Chair Brown complimented Ms. Sayeed on her report. Discussion followed. **Vice-Mayor Lawson-Brown moved approval of transmitting the Putnam County Transmitted Amendment 10-2ER report to DCA; seconded by Commissioner Stevenson; motion carried unanimously.**

*City of Flagler Beach Transmitted Amendment 10-1 – Mr. Parola gave a brief overview of the amendment, stating that Flagler Beach has adopted three Downtown Overlay districts: the Downtown A1A Retail Corridor Overlay; the Downtown Mixed-Use Overlay; and the Downtown Residential Neighborhoods Overlay. The purpose of this amendment is to change the text of the Downtown Mixed-use Overlay and the Downtown A1A Retail Corridor Overlay to: (1) permit residential uses on the ground and upper floors of mixed-use buildings; and (2) add detached single-family units as permitted uses. There are no increased residential density entitlements, as this is essentially a clarification amendment. Mr. Parola also noted that Flagler Beach is now, by statute, within a TCEA. Pursuant to s. 163.3179, F.S., Flagler Beach must “adopt into its comprehensive plan land use and transportation strategies to support and fund mobility within the exception area.” Staff encourages Flagler Beach to include, as part of the adopted amendment, strategies that will address regional facilities within the TCEA or include stakeholders such as the Northeast Florida Regional Council and adjacent jurisdictions in the development of transportation and mobility strategies. Staff respectfully recommends that the Committee and the Council approve this report for transmittal to DCA. **Commissioner Boyle moved approval of transmitting the City of Flagler Beach Transmitted Amendment 10-1 report to DCA; seconded by Commissioner Stevenson; motion carried unanimously.**

*City of Fernandina Beach Transmitted Amendment 10-1 – Ms. Sayeed provided a brief overview of the amendment, stating that the proposed text amendment is to add a new policy to encourage desired development types and allow for residential density bonuses for properties located in the Community Redevelopment Area (CRA). The CRA boundary was adopted by the City in 2005. There are several future land use categories within the CRA, but only one category, Central Business District, is impacted by the language change. The proposed new language to allow for the Density Bonus Incentive Program is available to only those properties in the CBD category and points are obtained in categories of Green Building, Community Amenities, Mixed Use and other sustainable site development practices. The City anticipates the new policy will facilitate redevelopment and infill with the City's downtown and waterfront area. Ms. Sayeed noted that a portion of the CRA is in the Coastal High Hazard Area (CHHA). The City has communicated to NEFRC staff that the parcels identified within the CHHA are not eligible for the Density Bonus Program and that the maximum number of units that could be added based on the text amendment is 156. This number is so low that staff is satisfied that there will not be an impact on regional facilities. Staff recommends that the City should revise the language of the proposed new policy to include an affirmative statement addressing parcels that are in the CRA and the CHHA, provide a map delineating the CHHA boundaries and stating that those parcels that are in the CHHA will not be eligible for the Density Bonus Incentive Program. The City should also consider how it will address parcels that are only partially in the CHHA. Staff respectfully recommends that the Committee and the Council approve this report for transmittal to DCA. **Commissioner Boyle moved approval of transmitting the City of Fernandina Beach Transmitted Amendment 10-1 report to DCA; seconded by Commissioner Parsons; motion carried unanimously.**

*City of Palatka Adopted Amendment 10-1 – Mr. Parola gave a brief overview of the amendment, stating Ms. Debbie Banks of the City of Palatka is here to address any questions or comments. Mr. Parola noted that the amendment involves 691 acres of land that were annexed into the City's municipal boundaries. The proposed amendment changes the FLUM designation from County Industrial to City Industrial. Companion to the FLUM change is a text change, which limits development as follows: Phase I (2010 – 2015) - 180,000 square feet industrial, and development above 180,000 square feet may be granted upon submittal of an updated traffic analysis; Phase II (2015 – 2020) - Prior to any Phase II development, necessary improvements to maintain level of service standards will be adopted into the City's 5-year Schedule of Capital Improvements; and 3.28 million square feet of development in Phase II may occur, providing: (1) the City, applicant, and FDOT agree upon a transportation impact methodology; and (2) any improvements needed to

maintain roadway capacity will be incorporated into the City's adopted Five Year Schedule of Capital Improvements. Mr. Parola noted that DCA raised no Objections in their May 17, 2010, Objections, Recommendations and Comments (ORC) report for Amendment 10-1, and the Council had no Comments or Recommendations in its transmittal report to the Department of Community Affairs. Staff recommends that the Committee and Council approve this report for transmittal to DCA.

Vice-Mayor Lawson-Brown moved approval of transmitting City of Palatka Adopted Amendment 10-1 to DCA; seconded by Commissioner Boyle; motion carried unanimously.

*Old Brick Township DRI Recommendation Report – Mr. Lehman recognized that Mr. Ray Tyner, Planning Director, City of Palm Coast and his staff, Jose Papa and Denise Bevan are here to answer any questions; Doug Davis and Dan Laubacker are here representing the developer; Prosser Hallock is represented by Duncan Ross and Bernie O'Connor. DOT District 5 is represented by Lance DeCuir; Mike Woodward and Clif Tate of Kimley-Horn are here as well. Mr. Lehman stated that some agency responses were received just prior to the meeting; therefore, the revised pages have been provided separately as handouts for the Member's review. Mr. Lehman stated that the project is a mixed-use development with retail, office, residential, hotel and industrial uses to be located in the City of Palm Coast in Flagler County. The development is scheduled to be completed in three phases by 2025. He stated that the first set of recommendations are the standard general ones required under Florida Statutes and are present in all DRIs, with the exception that DOT has requested the developer enter into a proportionate share agreement with DOT – this is a DOT District 5 requirement. Mr. Lehman stated that the project phasing schedule will be 5,000 du of residential; 50,000 sf of office; 100,000 sf of retail; and 1,000,000 sf of industrial divided into three (3) five-year phases, ending in 2025. Mr. Lehman highlighted the Specific Conditions and recommendations, which are: #1- Land Use Conversion Table, #2 *Revised* – Maintains Jobs to Housing Balance, #3 - Existing Silviculture Activities, #4 - Upland Buffers, #5 - Wildlife Corridors, #6 *Revised* – Wildlife: Species of Special Concern, discussion followed regard Outstanding Florida Waterways-the developer, Mr. Davis, stated that they have gone above and beyond with additional setback and buffers; #7 - Maintenance of Hydroperiods and Wetland Preservation, #8 - Stormwater Pollution Prevention, #9 - Water Quality Monitoring, #10 - Floodplains, #11 - Water Supply and Wastewater, #12 - Solid Waste. Mr. Lehman paused for questions. Commissioner Stevenson – has the water issue been addressed by SJRWMD? The CUP or LOS is determined by SJRWMD. Mr. Cole stated that there is not adequate water supply at this time, however, the City of Palm Coast has applied for modification to the CUP, and SJRWMD is optimistic that this will all be worked out, but it must be approved before there will be water available for the development. Commissioner Stevenson stated that she is concerned that Counties that are practicing effective conservation may have the supply (that they are conserving) reallocated to new development areas rather than to the areas they are being conserved from, and she is very concerned that it will not be considered new supply for the conserving counties, and that these counties that develop more slowly will be pushed into more costly water options. Commissioner Ken Bryan shares the concern. The desalination plant is very expensive option. Mr. Cole stated that the District is not requiring any local government to implement any specific alternative water supply; they are just seeking to have alternative water supplies addressed. It is up to the local government to address which alternative supply is chosen. Commissioner Bryan said that it is not a matter of whether the water is there; it is a matter of what you will pay for it. This is an ongoing issue and a concern - the Board should keep this in mind going forward, especially in light of large scale developments. We don't want to have to pay a ridiculous amount of money for water, when we should be thinking about it now. Mr. Lehman began his overview of the transportation portion: #13 - Phase 1 Improvements to the Northwest Corridor Roadway System: Donation of Right of Way, #14 - Off-Site Right of Way for Matanzas Woods Parkway Extension, #15 - Construction of On-Site Regional Roadway System, #16 *Revised* – Coordination of Regional Roadway Network, #17 *Revised* – Phase 2 and Phase 3 Regional Transportation Network Improvements, #18 – Phase 3 precursor, #19 – Transit, #20 – Bicycle, Pedestrian and Alternative Travel Modes. Mr. Lehman stopped for

questions or comments regarding transportation. Mr. Thomas Hill of FDOT commented that as a reviewing agency they noted impacts at the intersection of US 1 and I-95. Mr. Hill requested that FDOT District 2 also be included and copied for the Biennial Monitoring Report to measure impacts to St. Johns County. Further discussion followed and Mr. Cole addressed concerns regarding CUPs. Ms. Stern expressed concern over Old Brick Road as a historic highway. Mr. Davis stated that in accordance with the request of the Corridor Advocate Group (CAG), no traffic from DRI will be placed on the Old Brick Road – there will be no access from the DRI unless mandated by FDOT. Mayor Robinson stated her concerns with traffic impacts to Bunnell, not just from this DRI, but from Neoga Lakes as well. Mr. Lehman continued with the recommendations: #21 – Construction Dust, #22 – Affordable Housing, #23 – On-Site Fire and Police Station, #24 – Provision of On-Site Recreation, #25 *Revised* - Impacts on the Public School System, #26 – Historical and Archeological Sites and #27 – Low Impact Development Practices. Staff recommends that the Committee approve this recommendation report for transmittal to Board and the City of Palm Coast for their consideration when adopting the Development Order for this project. **Commissioner Boyle moved approval of transmitting the Old Brick Township Recommendation Report to the City of Palm Coast; seconded by Commissioner Parsons; motion carried unanimously.** Commissioner Bryan stated that he would like his and Commissioner Stevenson's discussion regarding water and other issues are included for the record.

Development of Regional Impact (DRI) Report - Mr. Lehman stated that given the lateness of the hours, the next two items on the agenda are informational items only. Mr. Lehman reminded the Members that next month there will be at least 2 DRI's, possibly three. Chair Brown stated that the next meeting would begin at 8 am.

Public Comment: – Ms. Britt stated that she would wait and speak at the Full Board meeting.

Next Meeting Date

The next meeting will be held Thursday, August 5, 2010, at 8:00 am, hopefully at the Northeast Florida Regional Council.

There being no further business to discuss, the meeting adjourned at 10:20 a.m.