



## NEFRC Planning and Growth Management Policy Committee

Thursday, April 3, 2008

### MINUTES

The NEFRC Planning and Growth Management Policy Committee meeting was held on Thursday, April 3, 2008 at 8:45 a.m., at the Baker County School Board, Macclenny, Florida. Chairman Boyle called the meeting to order with the following members:

#### PRESENT

Commissioner Boyle (Chair)  
Vice-Mayor Lawson-Brown (arrived late)  
Commissioner Manuel  
Mr. Register  
Commissioner Rutledge (President)  
Mr. Spaeth  
Commissioner Stevenson  
Mr. Williams  
Mr. Sample for Ms. Burnette (Ex-officio)  
Mr. Parks (Ex-officio)

#### EXCUSED

Councilman Bue  
Vice Mayor Crichlow  
Commissioner Harris  
Mayor Leeper  
Ms. Vallencourt

#### ABSENT

Ms. Dungey  
Mr. Maxwell  
Mr. Strong (Ex-officio)

Others: Ed Preston, Janis Fleet, Tony Robbins, Ken Metcalf, Steve Fitzgibbons, Bernie O'Connor, Dan Chitwood, Paula Barton and others.

Staff Present: Ed Lehman, Brian Teeple, Guy Parola, Ameera Sayeed, Valerie Evans, Anna Shepherd, Margo Moehring, Sheron Forde, and others.

**Chairman Boyle stated that due to the lack of a quorum, the meeting will be held as a workshop until a quorum is obtained. At that time the Committee will take action on the items as needed. The Cedar Creek DRI recommendation report will be addressed first.**

Cedar Creek DRI Recommendation Report – Mr. Lehman provided an overview of the Cedar Creek development and its location in Baker County. He stated that this is a three-phase project with a total of 6,000 age restricted units. However, the Applicant has agreed to having some non-age restricted units, approximately 500 – 1,000 multi-family, included in the development. Mr. Lehman went on to provide an overview of the specifics of the project, such as 300,000 s.f. office space, 500,000 s.f. commercial space, 120 beds of an assisted living facility, a movie theater, post secondary education and golf course. Mr. Lehman reviewed the specific conditions and recommendations for issues 1 – 11 and 18 – 24, which are consistent with previously approved DRIs.

A brief discussion ensued on issue 22 regarding age restrictions. Mr. Lehman stated that the age restriction is 55. He added that it is up to the local government to determine how it will be restricted, but it must be provided in the Development Order (DO). Chairman Boyle inquired if one resident was 56 and the spouse was 48, would they be allowed based on the age restriction. Mr. Robbins stated they would be allowed. President Rutledge inquired about grandparents who become the primary caregivers for their grandchildren, will the school board be able to recoup the money for those children's school. Mr. Robbins stated that yes, they would be able to. However, this would need to be done via a county ordinance.

A quorum was still not achieved; therefore, the meeting continued as a workshop.

Mr. Lehman continued with staff's recommendations as follows: Issue 12, Transportation; there are three options that the Applicant, Baker County and the Town of Glen St. Mary can choose from to mitigate the impacts to C.R. 215. He provided an overview of the three options – a) parallel roadway, b) Glen St. Mary Bypass or c) by design, engineering and permitting, right-of-way acquisition and construction of the widening of C.R. 215 within phase 1 and U.S. 90 before phase 1. It is recommended that the developer be responsible for all necessary intersection improvements at the intersections of the By-pass Road at U.S. 90 as determined by Baker County and/or the Florida Department of Transportation (FDOT).

Vice Mayor Lawson-Brown arrived at 9:25 a.m.

Commissioner Manuel arrived at 9:27 a.m.

Issue 13, Planning and Funding for Regional Roadway System; staff's recommendation included, but is not limited to, the need for a corridor study to be done prior to the completion of phase 1, and will also address the feasibility of extending the corridor through Nassau County and into Duval County. Baker County will need to amend their comprehensive plan to include a long-term plan for the construction of the roadway, addressing funding responsibilities, schedule and coordination with the various agencies and affected counties. Mr. Lehman stated that this would be addressed through the NOPC process where the DO is amended and reviewed by Baker County, Council and DCA staff.

Issue 14, Future Impacts to I-10 and Necessary Mitigation; the Applicant will need to conduct a traffic study to determine acceptable trip distribution and assignment percentages for Cedar Creek traffic and submit it to all of the transportation reviewing agencies. This recommendation is based on FDOT's cumulative proportionate share being estimated at \$84 million dollars and the Applicant's share being estimated at \$47 million. The main reason for this difference is the assignment of traffic to I-10. The Applicant is assuming 18 percent of the Cedar Creek traffic will utilize I-10, while FDOT is assuming 35 percent of the Cedar Creek traffic will utilize I-10.

Mr. Lehman concluded the Transportation section with an overview of issues 15 – 17, which are consistent with previously approved DRIs.

Following staff's recommendations, the Applicant's representative, Mr. Bernard O'Conner, distributed an alternate proposal for the Transportation language. He stated that having a fixed mitigation plan would offer the project more certainty; making it easier to plan the full project with less contingencies. It would also be easier to determine the financing if commitments of the project is known. The Applicant's consultants and Baker County's traffic consultants are in agreement on the analysis as presented in the sufficiency responses. However, FDOT is not in agreement with the distribution, which is the primary difference. It is the Applicant's belief that there will be a lower number of work trips because it is an age-restricted community and would be resolved in Baker County. As the project develops, it will provide more job opportunities, as well as more recreational opportunities, which would keep the trips low and may even lesson some of the current trips into Duval County.

Mr. O'Conner provided an overview of the Applicant's proposed alternate language, which strikes the preamble language under Transportation. Issue 13 – adds language that caps the amount of contributions that the project would make to the study and all the improvements they

would make on Baker County roads, except for I-10, at \$25.9 million. Issue 14 – strikes the last sentence and inserts fixed amounts for phase 2 and 3 that would be contributions to FDOT for I-10 that would be capped at \$21.4 million at the end of phase 3; totaling \$47.3 million in proportionate share as identified in FDOT's letter. Mr. O'Conner added that there is currently a variance proposal for I-10 that would lower the allowable level of service (LOS) on I-10 from LOS B to LOS D. The proposed alternative language would benefit all involved because the Applicant's analysis takes into account the existing LOS B criteria for I-10, thus providing a sense of certainty of what the mitigation for this project is.

Chairman Boyle inquired about the notation of 2007 dollars in the alternative language, Issue 13, but there is no notation as to what dollars are being used in Issue 14. Mr. O'Conner stated that this was just an oversight as there would have to be something in the DO that ties the cash contributions to the time the calculations are being made. Mr. Lehman added that this is a common practice as \$2 million in 2015 would have to be converted to 2007 dollars.

Mr. Robbins, applicant representative, stated that it would be unattainable for the Applicant to go through the DRI process with only entitlement for phase 1 of the development. The Applicant is proposing that, along with the regular monitoring of the DRI, there be something that sets up phase 1, 2 and 3 improvements; something that monitors and tracks it so if anything goes wrong, then it has to come back. However, to simply go forward with only phase 1 development rights is something that the developer is not able to move forward with and appreciates the Council's consideration of some alternatives.

Mr. Parks commented on his concerns; 1) it's the first time they're seeing it, 2) the whole purpose of the NOPC, as he understands it, is to determine what the impact is going to be after phase 1. He added that the applicant basically wants to cap what their numbers are right now. If their numbers are wrong, they're still only giving \$47 million. Therefore, what the study would do under the NOPC would make no difference as they would already have it capped.

Mr. Preston was asked if Baker County was agreeable with the County's portion of this closed language. Mr. Preston responded that the County negotiated in good faith the document that does not include the proposed alternate language and have not had an opportunity to review it as yet. Therefore, the County is not in a position to respond to the new proposed language.

Mr. Lehman stated that the issue of surety is heard all the time with monitoring and modeling. However, across the State it is typical to look back and reanalyze. This isn't outside of what is done in every other region. However, staff is not saying that we want more money from the Applicant. For example, if the study after phase 1 says their fair share is \$32 million, it's whatever the number is. What staff is saying is that we would like a study that says what it actually is and not some guesstimate. Staff would like a surer estimate of that number at phase 2, whatever it turns out to be. However, at this time, we are not able to tell the Committee what that number is.

Mr. Spaeth inquired when that number would be available. Mr. Lehman responded that it will be available, by staff's recommendation, prior to phase 2 so approximately 2013. There needs to be enough existing development in order to provide enough of a sample size to tell us what the actual impacts would be.

Mr. Parks commented on FDOT's disagreement with the traffic numbers and the cost mitigations; the U.S. 90 to I-10 – the bypass option would leave a gap on U.S. 90 from that

bypass over to the current four lane; Intersection improvements – what is not taken into account is the interchange at I-10, currently there is a two lane roadway on 125 going into I-10 interchange and there'll be a four lane roadway dumping into the I-10 interchange with no interchange improvements to I-10; the parallel study to U.S. 90 and I-10 going north from Macclenny into the Jacksonville area, FDOT is kicking off a study to look at that. He concluded that he is very concerned about the traffic analysis on I-10.

Mr. O'Conner responded to Mr. Preston's comments and stated that it is true it's the first time he's seen the language as it is written out. However, they have been working with Baker County utilizing the same number, \$47.3 million as their impact, for months. In regards to the items that Mr. Parks brought up, it is agreed that there is a need to do something at the I-10 and C.R. 125 interchange, which could be a very good place to apply the money that would be contributed from the project towards I-10 improvements. Finally, in terms of the proportionate share cost of the I-10 improvements, these were included in the calculations for the amount they arrived at, \$47.3 million. He concluded by thanking the Committee for their consideration of the project and the proposed alternate language.

Roll call was taken at this time. Having acquired a quorum, the following actions were taken:

\*Approval of Minutes

**Chairman Boyle called for a motion on the March 6, 2008, meeting minutes. Commissioner Manuel made a motion to approve, it was seconded by President Rutledge; Motion carried.**

Comprehensive Plan Amendment Review

Mr. Lehman stated there were 12 Comprehensive Plan Amendments reviewed during the month of March. Eleven (11) Transmitted Amendments are brought before the Committee. One (1) small scale amendments was received.

City of Green Cove Springs Transmitted Amendment (08PEFE-1) – Mr. Parola provided an overview of the transmitted amendment, which contains a new Public School Facilities Element (PSFE) and text amendments to the Intergovernmental Coordination Element (IGC) and the Capital Improvement Element (CIE). Staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the DCA.

**Chairman Boyle called for a motion on the City of Green Cove Spring's Transmitted Amendment 08PEFE-1. Commissioner Manuel made a motion to approve, it was seconded by Mr. Spaeth; Motion carried.**

Town of Glen St. Mary Transmitted Amendment (08PEFE-1) – Ms. Shepherd provided an overview of the transmitted amendment, which contains a new Public School Facilities Element (PSFE) and text amendments to the Intergovernmental Coordination Element (IGC) and the Capital Improvement Element (CIE). The applicant has revised the data and analysis; therefore, staff no longer has the concerns identified in the written report and recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the DCA.

**Chairman Boyle called for a motion on the Town of Glen St. Mary's Transmitted Amendment 08PEFE-1. Commissioner Manuel made a motion to approve, it was seconded by Mr. Spaeth; Motion carried.**

City of St. Augustine Beach Transmitted Amendment (08-1) – Mr. Lehman provided an overview of the transmitted amendment, which is basically addressing staff and DCA's comments on the Transmitted Amendment 07-2. Therefore, it is recommended that the DCA not review this amendment. Staff recommends that the Planning and Growth Management Policy Committee and the Council approve this report for transmittal to the DCA.

**Chairman Boyle called for a motion on the City of St. Augustine's Transmitted Amendment 08-1. Commissioner Manuel made a motion to approve, it was seconded by Commissioner Stevenson; Motion carried.**

City of Palm Coast Transmitted Amendment (08-1) – Mr. Lehman provided an overview of the transmitted amendment, which consists of two Future Land Use Map changes and one text amendment that addresses Coast High Hazard Areas. Staff comments that while they are not objecting to the language of the text amendment, they are offering alternative language to provide further clarity to the policy. Staff recommends that the Planning and Growth Management Policy Committee and the Council approve this report for transmittal to the DCA.

Commissioner Manuel inquired if this alternative definition will become the standard definition. Mr. Lehman stated that based on the language that is being proposed, if adopted, it could be a possibility.

**Chairman Boyle called for a motion on the City of Palm Coast's Transmitted Amendment 08-1. Commissioner Manuel made a motion to approve, it was seconded by President Rutledge; Motion carried.**

Town of Callahan Transmitted Amendment (08PEFE-1) – Ms. Evans provided an overview of the transmitted amendment, which contains a new public school facilities element and text amendments to the text of both the ICE and the CIE. Having no comments, staff recommends that the Planning and Growth Management Policy Committee and the Council approve this report for transmittal to the DCA.

**Chairman Boyle called for a motion on the Town of Callahan's Transmitted Amendment 08PEFE-1. Vice Mayor Lawson-Brown made a motion to approve, it was seconded by Commissioner Manuel; Motion carried.**

Nassau County Transmitted Amendment (08PEFE-1) – Ms. Evans provided an overview of the transmitted amendment, which contains a new Public School Facilities Element (PSFE) and text amendments to the Intergovernmental Coordination Element (IGC) and the Capital Improvement Element (CIE). Staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the DCA.

Commissioner Manuel inquired why the applicant chose to use 95 percent for the elementary schools. Ms. Fleet, school board consultant, replied that elementary schools never reach 100 percent. However, Nassau County has four facilities higher than the actual and believes they can maintain the 95 percent for elementary schools throughout the five-year planning period.

**Chairman Boyle called for a motion on the Nassau County's Transmitted Amendment 08PEFE-1. Commissioner Manuel made a motion to approve, it was seconded by Mr. Spaeth; Motion carried.**

City of Macclenny Transmitted Amendment (08PEFE-1) – Ms. Evans provided an overview of the transmitted amendment, which contains a new Public School Facilities Element (PSFE) and text amendments to the Intergovernmental Coordination Element (IGC) and the Capital Improvement Element (CIE). Staff has revised its comments to reflect that the plan is financially feasible and recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the DCA without comment.

**Chairman Boyle called for a motion on the City of Macclenny's Transmitted Amendment 08PEFE-1. Commissioner Manuel made a motion to approve, it was seconded by Mr. Register; Motion carried.**

City of Crescent City Transmitted Amendment (08PEFE-1) – Ms. Evans provided an overview of the transmitted amendment, which contains a new Public School Facilities Element (PSFE) and text amendments to the Intergovernmental Coordination Element (IGC) and the Capital Improvement Element (CIE). Having no comments staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the DCA.

**Chairman Boyle called for a motion on the City of Crescent City's Transmitted Amendment 08PEFE-1. Vice Mayor Lawson-Brown made a motion to approve, it was seconded by Commissioner Manuel; Motion carried.**

City of Fernandina Beach Transmitted Amendment (08PEFE-1) – Mr. Parola provided an overview of the transmitted amendment, which contains a new Public School Facilities Element (PSFE) and text amendments to the Intergovernmental Coordination Element (IGC) and the Capital Improvement Element (CIE). Having no comments, staff recommends that the Planning and Growth Management Policy Committee approve this report for transmittal to the DCA.

**Chairman Boyle called for a motion on the City of Fernandina Beach's Transmitted Amendment 08PEFE-1. Commissioner Manuel made a motion to approve, it was seconded by Commissioner Stevenson; Motion carried.**

Chairman Boyle called for a motion on the remaining agenda items. Commissioner Manuel made a motion to move agenda items 3j, k, 4a, b, 5 and 6b to the full board, it was seconded by Mr. Register; Motion carried.

#### Public Comments

There were no public comments.

#### Next Meeting Date

The next meeting will be held Thursday, May 1, 2008, at 9:00 a.m. at the Northeast Florida Regional Council.

#### Adjournment

The meeting adjourned at 10:00 a.m.