

Minutes of the  
NORTHEAST FLORIDA REGIONAL COUNCIL  
March 3, 2005

The monthly meeting of the Northeast Florida Regional Council was held on Thursday, March 3, 2005, at 10:00 a.m., at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

**President Kanbar** called the meeting to order with the following members present representing a quorum:

BAKER	Charles Prachar Gordon Crews Hugh Fish
CLAY	Glenn Lassiter Deidra Franklin Harold Rutledge
DUVAL	Mary Louise Dungey Rea Fleckenstein Paul Parsons Jerry Holland
FLAGLER	Blair Kanbar Ralph Carter Bob Sgroi
NASSAU	Ansley Acree Bob Spaeth
PUTNAM	Chip Laibl Linda Myers
ST. JOHNS	Don Crichlow Clare Berry Karen Stern Bruce Maguire
EX-OFFICIO	Larry Parks Linda Burnette Wes Larson

Excused Absence: Ginger Barber, Carol Vallencourt, Tom Branan, Brad Purcell, Mary Lawson Brown, Harry Maxwell, Bill Green, Joann King

Absent: Elaine Brown, Ken Walker  
Others: Jennifer Auger, Melinda Granlund, Geoff Sample, Don Beattie, Lynette Self, Sarah Owen, Laura Langton, Robert Gardner, Virginia Gardner, Mary Anne Saadeh, Margo Moehring, Mike Herzberg, Shannon Scheffer, Roger VanGhent, Lad Hawkins, and other members of the public.

Staff Present: Brian Teeple, Barbara Rovedo, Ed Lehman, Ed Preston, Mike Hadden, Stephen Jones, Donna Starling, Mike Brown, and Peggy Conrad

**Councilman Holland** led the Council in a prayer then led the pledge of allegiance.

\*Approval of Minutes

**Mr. Sgroi moved approval of the February 10, 2005, meeting's minutes with changes; seconded by Commissioner Lassiter; motion unanimously carried.**

President's Report

Introduction of New Board Members

**President Kanbar** stated there was a new Board member, **Council President Elaine Brown**, representing the City of Jacksonville.

\*Consent Agenda

**President Kanbar** asked if any items needed to be moved from the Consent Agenda to the Discussion Agenda. There were no items to be moved. **Mr. Laibl moved approval of the Consent Agenda; seconded by Ms. Fleckenstein; motion unanimously carried.**

Discussion Agenda

Mr. Lehman stated that the City of Palm Coast and City of Jacksonville Amendments were received too late to be included in the Board packet mail out. Both amendments were discussed at the Committee meeting but only the City of Palm Coast Amendment was acted upon.

\*City of Palm Coast – Transmitted Amendment 05-1

Mr. Lehman highlighted the changes to the Future Land Use Map and the text changes. **Commissioner Myers moved approval of the City of Palm Coast – Transmitted Amendment 05-1 for transmittal to DCA; seconded by Mr. Laibl; motion unanimously carried.**

City of Jacksonville - Transmitted Amendment 05-1

Mr. Lehman called attention to a copy of a letter from Councilwoman

Suzanne Jenkins. Mr. Lehman then introduced Lynnette Self, City of Jacksonville Council member, Shannon Scheffer from the General Counsel office, Margo Moehring, and Mike Herzberg with the City of Jacksonville Planning Department. He then stated that the Committee felt like they had insufficient time to offer a recommendation to the Council on this amendment. Mr. Lehman stated that there was no comment or concern regarding the first four land use changes but the fifth change, located next to the CSX railroad, should have adequate buffering. There was a concern with item # 7 land use change located in the Coastal High Hazard Area. The other changes were mostly land use changes to a classification of Residential.

Mr. Lehman then stated that there were two definition changes as part of a larger group of text amendments. The first is Environmentally Sensitive Lands and the second is the reclassification definition of a Node. The node definition generated significant discussion at the Committee meeting. Mr. Lehman then read the definition of a Node and the changes that the City wants to make. Staff's comment was that, "The City has not adopted standards or measures to define what is meant by "around" the intersection of roadways classified as collector or higher. **Commissioner Stern**, Chairman of the Planning & Growth Management Committee, stated that there were several members of the public who wished to speak regarding this issue. **Commissioner Lassiter moved approval of Staff and Committee's recommendations to approve the City of Jacksonville – Transmitted Amendment 05-1, except for Item #11, for transmittal to DCA; seconded by Councilman Holland; motion unanimously carried.**

**President Kanbar** stated there were several members of the public who wished to speak regarding Item #11, involving the reclassification of a Node.

Councilwoman Lynette Self – Jacksonville City Council, District 2, stated that she serves on the Land Use & Zoning Committee for the City of Jacksonville whose recommendation to the full City Council had been that any changes to the definition of a Node be taken out of the text changes until further studies of potential impact. At the Council meeting, where this issue was discussed, there was a floor amendment two minutes prior to taking a vote on the issue. The amendment is what was brought before the NEFRC. Councilwoman Self stated that she agreed with Staff's comments that there had not been enough data produced on the potential impacts of the Node. There was very little discussion of the amendment at the City Council meeting. Councilwoman Self stated that she would like her letter stating opposition to the text change to be entered into the official record of the meeting. She also called attention to the maps illustrating the potential effects of the proposed text change. Councilwoman Self stated that she felt that the text change would have far-reaching detrimental effects if it were implemented.

Lad Hawkins – Land Planner – Jacksonville, representing the Greater Arlington Civic Council, opposing Resolution 2004-240A. Mr. Hawkins stated that he was speaking against the definition of a Node. He stated this is not a local issue but that all of Duval County and future collector roads will be impacted. He felt that the words "at or around" should have a much more precise definition. There is no supporting data as to the effects of the change therefore he felt it was appropriate that the NEFRC turn down this approval.

Robert Gardner – Attorney of record in the suit Heston versus City of Jacksonville & Walmart. Mr. Gardner stated this issue affects all of Duval County although he also that he also had a

personal interest in that he lives across the street from the proposed Walmart. He stated he felt it was ironic that the City's position is that they need an amendment to clarify the definition of a Node. Mr. Gardner asked that the NEFRC oppose the text amendment.

Laura Langton – requested that the NEFRC send objections, based on public comments heard on the proposed definition of a Node, to DCA. Ms. Langton felt that the proposed change would have a negative impact on the entire City and she also stated that she had issues with the letter from Councilwoman Suzanne Jenkins. Ms. Langton stated that the group she represented was not a “minority group” (as referred to in the letter) and that they had over 700 signatures in opposition to the change. They have followed the process that is in place for citizens to react to something such as this. Ms. Langton stated she was hopeful that the NEFRC would see through the catalyst that was the definition for the change and would then submit an objection to the proposed text change to DCA.

Mary Anne Saadeh – stated she was opposed to the Jacksonville transmittal text amendments and asked that the NEFRC record their objections to DCA. Ms. Saadeh stated this was a land use issue and that the functional transitional use of the RPI would be removed or greatly weakened if this new definition of a Node moves forward. Ms. Saadeh stated that she was speaking to a specific area (Atlantic & University intersection) stating that the position of the Land Use & Zoning Committee and the Planning Department has been that the Node would end at Bartram Road. Although speaking to a specific area, Ms. Saadeh felt like the potential impacts to the entire City has not been presented.

Virginia Gardner – President of Oakhaven Preservation Association, stated that this issue affects her neighborhood. Ms. Gardner stated that the City Council previously turned down approval of a property directly across the street from the proposed Walmart. The reason for disapproval of that property is the same reason as the present objection to the proposed Walmart. She stated she found this to be completely in conflict. Ms. Gardner also felt like the construction of a Walmart on this property would completely destroy the neighborhood, which happens to contain the oldest home in Jacksonville and a church, which is over 100 years old.

Shannon Scheffer – Attorney, City of Jacksonville, stated she was there to represent the final action of the City Council, which approved the proposed text change 13-3, with three members absent. The text change is an amendment to the definition of the word “Node” and their Comprehensive Plan requires that commercial development occur at Nodes. The City has been involved in litigation regarding a particular application and the administrative law judge interpreted the City's definition of Node to mean that commercial development must occur at the exact intersection of collector or higher roadways.

Ms. Scheffer stated these exact words from the definition are in the NEFRC package. The Node definition included lands at the confluence of collector or higher classified roadways. The administrative law judge interpreted the word “confluence” differently than how the City was applying it and in that interpretation, it was that commercial development should occur at the four corners of an intersection. In response the City adopted an amendment to the definition for transmittal to DCA. This stated that land in a Node would be lands with existing land use classifications that are located “at or around” the intersection of roadways classified as collector or higher. The “at or around” was an attempt to codify the existing application of

this definition that the Planning Department and the City has been applying over time in an effort to allow the City the flexibility to determine on an intersection by intersection, site specific basis, where commercial uses would be best placed. It may not be appropriate for development to occur at the exact four corners but that the surrounding areas would determine where commercial uses should be in the broader area around the intersection. Ms. Scheffer stated that regarding how the “at or around” could be applied or interpreted, Mr. Mike Herzberg, the Chief of the Planning & Development Department, with the City of Jacksonville would answer questions. She also called attention to the letter from Councilwoman Suzanne Jenkins.

*Mr. Mike Herzberg* – concurred with the statements from Ms. Scheffer that what they are dealing with is the modification of the definition. A Node is not a simple symmetrical shape and has different edges and quadrants at every intersection. These are still required to be at the intersection of collector or higher roadways, as well as arterial roadways. He stated that he felt it was also important to understand that in relation to the Nodes that this will be determined ultimately by the physical as well as socio-economic factors. No two Nodes will be exactly the same and he stressed this is a definition not a policy, objective, or goal. Ultimately this will be implemented through the goals, policies, and objectives through the zoning code. The RPI designated properties will go through a rezoning process. The transition will be achieved through the zoning and the PUD process.

A discussion followed regarding the lack of a definition of “at or around”.

**Councilman Holland moved transmittal of the City of Jacksonville – Transmitted Amendment 05-1 with objection. The objection being that the change in land use hurts the transitional uses between heavy commercial and residential. In addition, the vagueness of “at or around” causes unintended consequences which cannot be defined; seconded by Mr. Sgroi.**

Discussion followed regarding the specific language of “at or around”. In answer to a question, Mr. Lehman stated that a recommendation or an objection carried more weight with DCA. **Commissioner Lassiter** stated that ambiguous language that may be accepted by DCA then opens the door for every City and County to use ambiguous language in their comprehensive plan.

**Commissioner Acree proposed an amendment to the original motion to include a request that the City of Jacksonville conduct a study to determine what effects such a change would make; Councilman Holland seconded the amendment; the original motion with the amendment unanimously carried.**

#### Yulee Areawide DRI Update

Mr. Teeple stated that the Yulee Areawide DRI has now taken a different direction. The Nassau County Board of County Commissioners met on February 18, 2005. They voted unanimously to withdraw the application for approval for the Yulee Areawide DRI and the companion Comprehensive Plan amendment and to begin to process the Yulee Community Plan (YCP). This will now be a sector plan that will maintain the original goals and objectives

of the Areawide DRI.

\*Proposed FRCA Boundary Change

Mr. Teeple stated there has been discussion at the State level regarding the boundaries of the eleven Regional Councils. The Executive Office of the Governor has chosen these boundaries. The Withlacoochie Regional Council adopted a Resolution and has now forwarded this to the Florida Regional Councils Association. The Resolution states that the Councils should oppose the redrawing of the boundaries unless the Board of Directors of the Regional Councils agree with the boundary changes, and affected local governments consent to the change.

Mr. Teeple then called attention to the proposed alternative resolution to the Withlacoochie one. This was developed by the majority of directors of the Regional Councils and states that priority consideration should be given to local governments and their preferences in consideration of changes and that these should be a predominant factor in their determination. The Governor is being asked to listen to the local governments. Mr. Teeple asked for the Council's support of this alternative resolution and for direction to be given to the FRCA representatives who sit on the NEFRC Board to advocate on behalf of this.

**Commissioner Lassiter moved approval of support of the Alternative Proposed FRCA Boundary change Resolution; seconded by Commissioner Myers; motion unanimously carried.**

Mr. Teeple then called attention to the map included with the boundary information showing the Enterprise Florida boundaries and stated that these have also been adopted by the FDOT for the Strategic Intermodal System (SIS) boundaries. The Northeast boundaries are co-terminus with the Northeast Florida Regional Council boundaries.

Medicaid Reforms

Mr. Jones stated that Medicaid is undergoing huge changes and is now responsible for the largest portion of the State budget. He then called attention to the memorandum giving an overview of how this particularly affects transportation. Joint public hearings regarding the changes are being held around the State with the last meeting being held in Jacksonville on March 14, 2005. The Council serves as the Designated Official Planning Agency for the Transportation Disadvantaged (TD) Program. In some counties, the TD Program provides over 55% of their total trips through Medicaid. The changes have the potential to greatly impact local government budgets.

Elected Officials Survey Results

Mr. Hadden stated that a survey had been developed following the Elected Officials Reception and Regional Leadership Awards Ceremony. The survey assessed different components of the occasion. Mr. Hadden called attention to the summary of the survey results stating these will be used to plan the next event.

Hurricane Evacuation Study Update

Mr. Preston stated that a major Hurricane evacuation study is underway. The Council's contract started during the last hurricane season. Mr. Preston then highlighted the three major project goals. The goals are to study regional hurricane evacuation, update the 1998 study, and conclude the study by November 2005. The major tasks include hazards analysis, vulnerability analysis, shelter analysis, transportation analysis and new evacuation options. Regional evacuation and multi regional evacuation pattern options will be studied. Additional public relations information will be produced as well as new map products. The study is already behind schedule due to the past hurricane season. The study is really a cornerstone for the Emergency Management community. A discussion was held regarding more accurate weather forecasting and how that affects evacuations.

#### DCA Growth Management Proposal

Mr. Teeple stated the information in the binder is already out of date. The DCA is presently working on version three of the growth management proposal. It is anticipated that the new version will revise concurrency requirements regarding roads, water, and schools but that there may not be substantial growth management reform this year.

#### Members Reports

**Commissioner Stern** stated that a home in Hastings would be the subject of the television show "Extreme Makeover". Assistance by Builders Care will be given to other homeowners in the neighborhood. Builders Care is the charitable section of the Northeast Florida Builders Association.

**Commissioner Lassiter** stated that the Clay County Fair starts on March 30, 2005.

**Mr. Larson** stated that the Enterprise Loan legislation necessary to re-enact Enterprise Zones all over the State, appears to be on fast track for approval in the Senate and the House.

**Commissioner Myers** stated that the following Saturday, the Azalea Festival was being held in the City of Palatka.

**Ms. Granlund** stated that Ms. Burnette, the Council representative from SJRWMD, wanted Council members to be aware that the Projects and Land Committee would be meeting in Jacksonville on April 7<sup>th</sup> & 8<sup>th</sup> discussing projects impacting the lower basin of the St. Johns River. Letters will be sent to elected officials regarding this.

#### Executive Director's Report

Mr. Teeple called attention to Highlights, Newspaper Articles, and the Information Report. He then updated the Council on new projects. These projects include:

- ?? a new contract for upgrading the Department of Children & Families database for their neighborhood partnership program
- ?? working with the City of Palatka on their business plan for the Pride of Palatka Riverboat for which they have received federal funds

- ?? working with the City of Palatka on a new business incubator
- ?? working with the City of Crescent City providing on-going technical planning assistance
- ?? working with St. Johns County to help create a zoning code for the Vilano Beach redevelopment area
- ?? working with Putnam County to assist in undertaking their EAR based amendments

Identifying Regional Issues and Solutions (IRIS) – Public Policy Development Issues

Baker County Update

Mr. Teeple stated that the one-on-one meetings have begun and that he would report back on this issue after they have been completed.

Nassau County Update

Mr. Teeple stated he was scheduled to speak at the next Nassau County Board of County Commissioners meeting and that he would update the Council regarding Nassau County at the next meeting.

**Mr. Sgroi** thanked Mr. Teeple, Ms. Rovedo, and Ms. Starling for the purchasing assistance given to the new Flagler County sheriff.

Public Comment

Mr. VanGhent, representing the Audubon Society, stated he had attended the meeting to hear the growth management update and stated that he was concerned regarding concurrency, air and water quality, and the impacts to the quality of life. He stated he was concerned from an environmental viewpoint, regarding the fragmentation of wetlands. He stated that after viewing the Hurricane Evacuation update that as long as we continue to build within the 100-year floodplain, evacuation plans will be aggravated and he felt that the State needed to focus on building in safer areas.

Next Meeting Date

The next meeting is scheduled for Thursday, April 7, 2005, at 10:00 a.m. at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Adjournment

There being no further business to discuss, the meeting adjourned at 11:35 a.m.

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Blair Kanbar  
President

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Brian Teeple  
Executive Director