

Minutes of the
NORTHEAST FLORIDA REGIONAL COUNCIL
January 18, 2006

The continuation of the January 5, 2006, monthly meeting of the Northeast Florida Regional Council was held on Wednesday, January 18, 2006, at 10:00 a.m., at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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

BAKER	Hugh Fish
CLAY	Deidra Franklin Bill Basford
DUVAL	Rea Fleckenstein Mary Louise Dungey Elaine Brown
FLAGLER	Bob Sgroi Blair Kanbar Joann King
NASSAU	Ansley Acree
PUTNAM	Chip Laibl Linda Myers Brad Purcell
ST. JOHNS	Don Crichlow Bruce Maguire Karen Stern Clare Berry Harry Maxwell
EX-OFFICIO	Wes Larson

Excused Absence: Charles Prachar, Ginger Barber, Gordon Crews, Carol Vallencourt, Harold Rutledge, Jerry Holland, Mary Lawson Brown, Bob Spaeth

Absent: Tom Branan, Linda Burnette, Larry Parks, Gregory Strong

Others: Susan McDonald, David Bauerlein, Margo Moehring, Jeff Cramond, Patricia Hairston, Sarah Broadway, Valerie Britt, Kathy Brown, Nancy Zyski, Mary Bilotti, Adam Mengel, Staci Rewis, and other members of the public.

Staff Present: Brian Teeple, Mario Taylor, Ed Lehman, Mike Brown, Ed Preston, Mike Hadden, Chris Bono, Heather Golightly, Maurice Postal, Rachel Brown, and Peggy Conrad

President Stern stated that this meeting was a reconvening of the January 5, 2006, meeting.

Commissioner Acree led the Pledge of Allegiance.

President Stern stated that Mr. Teeple would lead the presentation followed by Mr. Lehman, the City of Jacksonville, the applicant, and then the Board members.

Mr. Teeple stated that members of the public would be able to speak after the applicant, prior to Board comments, then reminded Council members that at the September meeting the Board articulated a public policy position regarding densities in the Coastal High Hazard Area (CHHA). This was done to improve planning and public safety in Northeast Florida and was partly due to heightened safety awareness after hurricanes in the Gulf region. Staff endeavored to carry out the public policy direction given by the Board. Mr. Teeple stated that Staff would try to clarify the issues by giving additional information, the chronology of events, the parcels of land in question, the public policy position and the implications of that, then the options available.

City of Jacksonville (COJ) - Adopted Amendment 05-2

Mr. Lehman called attention to the memorandum giving the chronology of events. Mr. Lehman stated that the City of Jacksonville – Transmitted Amendment 05-1, for 62.64-acres was sent to DCA with the comment that “the proposed change could potentially increase the number of residential units in the CHHA” in March. At the July 6, 2005, NEFRC meeting the Council found the amendment consistent with the SRPP. The history was given on the 62 acres because the COJ – Adopted Amendment 05-2 is a companion amendment to this. At the September 1, 2005, Board meeting, the policy regarding the CHHA was set by the Council. Mr. Lehman called attention to the memorandum dated September 2, 2005, Page Three, showing the Council recommendation report which was submitted to DCA.

At the January 5, 2006, meeting, the Council decided to continue the meeting to January 18, 2006.

Margo Moehring – City of Jacksonville stated that in 2003 the City of Jacksonville had adopted a Vision and Master Plan for North Jacksonville and one of its recommendations was for a river port village along Heckscher Drive. Ms. Moehring called attention to the map stating that the area in question has been marked by an asterisk on the FLUM thereby limiting potential development to 400 dwelling units and 250 hotel rooms. The use of the asterisk on the FLUM is a local approach to limiting development potential in special cases.

Ms. Moehring stated that adoption of this ordinance with its limitations is the best way to reduce density in the CHHA and stated she believes these circumstances are unique. Susan McDonald, representing the applicant, distributed four maps and called attention to an aerial photograph of the entire site located at 9A/Heckscher Drive. Ms. McDonald called attention to the uplands on the map noting that there is no expectation of intrusion into the marsh. Ms. McDonald mentioned that there was no way this area could have been used for Water Dependent-Water Related since there is no water around the site. Ms. McDonald then called attention to the three fragmented properties that will be combined as an overall site to spread the density already approved for this site. Ms. McDonald called attention to the Conceptual Site Plan for Heckscher Village but emphasized this may not be the final plan and stated that the City of Jacksonville gave unanimous approval of this plan and endorsement was also given by the North Citizen Advisory Committee. Ms. McDonald stated that the overall decrease in possible densities was of benefit to everyone.

Public Comment

Mr. Teeple stated that the information received from Ms. Valerie Britt was received too late for mail out but was included with the binder information.

Patricia Hairston, representing Pablo Point Civic Association, voiced concerns regarding the negative impact on the community as a whole and the impact to traffic in the evacuation route and asked that the Council consider denying the proposal.

Sarah Broadway, 429 Pablo Point Drive, Jacksonville, Florida, distributed maps and called attention to the three parcels in question stating that the soil types show Estuarine Shrub and Estuarine Marsh and the development possibilities. Ms. Broadway stated she hoped the Council would consider this in their recommendation.

Mary Bilotti, 469 Pablo Point Drive, stated she lives on the marsh off San Pablo Road and that during an evacuation she is the last person in her development to get out. Ms. Bilotti then read a letter from Ms. Loretta Perrone, who was unable to attend the meeting due to illness, voicing her concerns regarding the preservation of wetlands and recommending that the Council deny this amendment.

Kathy Brown, 365 Pablo Point Drive, stated she was very concerned about destruction of wetlands and what happens after control is given up since what is promised is not what is always done. Ms. Brown then read an excerpt from a letter that appeared in the Florida Times Union in December 2005, by Linda Young, Clean Water Network of Florida, regarding wetlands protection. Ms. Brown then gave some facts regarding marsh destruction and the effects of this during a hurricane.

Valerie Britt, 378 Tilefish Court, distributed a packet of information then called attention to the map of the area in question indicating salt water marshes, and the Local Emergency Preparedness Report. Ms. Britt had concerns that this amendment was not going to reduce density and stated that the commercial parcel, with its own ordinance, was not before the Council at this meeting. Ms. Britt stated her concerns regarding the City's evacuation, the filling of the marshes, and the destruction that will impact hurricane preparedness then reminded everyone that local and regional experts stated this amendment is inconsistent.

Ms. Britt urged the Council to look at this as a regional issue with a need to control density and stated she does not want to be a part of a Katrina.

Ms. McDonald stated that they were not denying there are wetlands within the amendment but those wetlands are not going to be impacted. In answer to the control of the "Gate" site in terms of density, this has been limited by an asterisk on the FLUM map. In answer to hurricane evacuation, the evacuation study shows they are well within the evacuation times.

Mr. Jeff Crammond, traffic engineer with England, Thims, and Miller, stated they had looked at the impact using the 2005 Hurricane Evacuation Study projections. Mr. Crammond stated the evacuation times are still within the times required by the coastal section of the City's comprehensive plan.

Ms. Nancy Zyski, with Environmental Resource Solutions, called attention to the soils map from the City of Jacksonville soil survey. Ms. Zyski stated that the parcels contain both wetlands and uplands. The site plan is being designed to minimize impacts to a single roadway crossing. The site plan is taking into consideration not to impact salt marsh areas. The state level permitting will require a that a 15 foot minimum, 25 foot average upland buffer be placed adjacent to the salt marsh areas to give them additional protection.

Mr. Teeple stated the reason for Staff's objection was not hurricane evacuation but what was set forth in the Goals, Objectives and Policies, contained in the adopted SRPP about increasing densities in the CHHA. Also Staff did not object to the Commercial portion of the amendment. The creation of a transfer of development scheme was of concern because someone may come forward at a later date and claim a portion of a neighboring parcel (with unused density) to offset densities in the CHHA. Mr. Teeple stated that things change over time and sited an example of the Town of Marineland when they tried to transfer densities, the State said "no". The same argument probably holds for the City of Jacksonville since State money was used for land acquisition in the CHHA.

President Stern stated she had reviewed all of the documents from the September meeting and she still very strongly supported Staff's recommendation regarding this amendment.

Mr. Fish questioned how much of the cross hatched parcels go under water in a Category One storm. Mr. Preston called attention to the Storm Surge map showing Category One, Category Two, and Category Three, inundation zones. In answer to a question, Mr. Preston stated that SR-9A at the Heckscher Drive interchange would go under water during a Category One storm. This area is approximately 14-15 miles from I-10.

Ms. Moehring gave the reasoning behind approval of residential being allowed in a Category One storm surge area.

Mr. Fish expressed concerns regarding the City of Jacksonville allowing development in a CHHA and the rest of the regional community having to pay increased insurance for their homes and businesses because the City allowed this development.

Commissioner Crichlow asked if homes would need to be built to FEMA regulations. Mr. Preston answered yes, but stated that roadways are subject to different regulations. **Commissioner Crichlow** reiterated that the finished floor level of nine feet would be above

flood level in a Category One storm.

Councilwoman Brown stated that a lot of citizens pulled together for the Northside Vision Plan and the Citizens Advisory Group approved this. Councilman Alvarez was a very big proponent of this project and the City did not haphazardly approve this and also this was not just “thrown out” there to endanger people. The entire City Council approved this and control of the wetlands impacts were clearly looked at.

Commissioner Acree asked questions regarding potential development and height limit as well as a question regarding the 100 year flood plain.

In answer to a question from **Ms. Dungey**, Mr. Preston stated that S.R. 9A would be alright during storm surge but that the access roads would be rendered useless due to wave action that can be 15-20 feet above the storm surge. **Ms. Dungey** asked if a “no” vote to the amendment would actually limit density in the CHHA, Mr. Lehman stated “yes – on the 17.86 acres”. Mr. Teeple stated that whatever decision was made then that determination would allow Staff to understand how to approach this issue going forward. If the Council supports Staff recommendation, then Staff will bring similar recommendations in the future.

Mr. Sgroi stated his concern with only one road in and out of the project and the problems of evacuation.

Mr. Basford stated his concerns that the schools that are designated as shelters cannot accommodate everyone, even during a moderate hurricane, and that we are not thinking of the overall welfare of the community.

Commissioner Maguire stated he supported **Councilwoman Brown** and her position that the City had done extensive research. **Commissioner Maguire** voiced concerns that Heckscher Drive, City of St. Augustine, and Ponte Vedra Beach, might as well close their doors to development since they will all flood during a Category One storm. **Commissioner Maguire** stated he was not ready to overturn the work that the City of Jacksonville had done and although he appreciated Staff’s comments, he was not aware that proof positive existed that the City had made an incorrect decision.

Mr. Teeple reminded the Council of their legal obligation regarding consistency of local comprehensive plan amendments for compliance with the SRPP.

Commissioner Myers asked for clarification regarding this **not** being a discussion of wetlands or traffic concurrency but purely a reduction in densities in the CHHA.

Mr. Maxwell stated that the Council had an obligation to the public regarding transportation and safety and then stated he had an obligation to agree with Staff and their recommendation since this was what the Council asked for. At this point **Commissioner Maguire** stated it is better to go with the guaranteed cap of 400 rather the 900 (potential units). **Mr. Maxwell** asked if this can be guaranteed. Mr. Lehman stated that an asterisk on the map limiting densities would be legally binding.

Commissioner Purcell asked Mr. Lehman to explain the movement of density rights in

regard to accomplishing the goal of reduction in the CHHA. Mr. Lehman answered this is an artificial shifting then called attention to a slide showing Factors for Consideration which gave the consequences of Supporting the Amendment versus Not Supporting the Amendment. Mr. Lehman summarized the points addressing the issue of what is “transfer” of development rights.

Ms. Dungey stated she was in conflict because she was appreciative that Staff took the lead in hearing the Council’s concerns but that following that line may lead to an unintended consequence in this particular case.

Commissioner Purcell stated he supported Staff’s recommendation but that they need to revisit this since the overall plan should involve a mitigation process. There should be a set policy or plan that Staff can follow so that sustainable communities can be built in the CHHA.

President Stern thanked everyone for their comments and concerns then called attention to the recommendation by Staff that this is not within the best interests of the region.

Commissioner Myers commended **Councilwoman Brown** on bringing the citizens together for the North Vision Plan but stated that she did not feel she had been given compelling information that would reduce density in the CHHA.

Ms. Moehring clarified the use of the Mixed Use (MU) category which allows 20 units per acre.

Ms. McDonald stated that the 400 units was a number that the City had given the applicant and that all uplands were viable for development. **President Stern** asked for clarification regarding the category that had been applied for regarding the original 62 acres. Mr. Teeple clarified that for the original 62 acres, the category applied for was the same category that is being applied for in regard to the 17 acres. This allows for a mix of commercial and residential. He then stated that after the City accepted a Hurricane Evacuation Study from the applicant for approximately 250 hotel rooms and 250 dwelling units, then it was clear that the applicant must have wanted some residential. When the Council reviewed this, it was clearly stated in the recommendation to DCA that this was consistent with the SRPP for commercial development.

Ms. Moehring stated that an impact analysis is something agreed with the DCA. For this particular land use category the analysis the City was asked to do was based on the Commercial land use and the City was following the policy established by the DCA.

Mr. Fish moved approval of adoption of Staff’s recommendations regarding the City

of Jacksonville - Adopted Amendment 05-2; seconded by Mr. Maxwell.

Mr. Lehman re-read the original recommendation stating that “Staff respectfully recommends that the Comprehensive and Project Planning Committee and the Council find all amendments in the City of Jacksonville Adopted Amendment 05-2 consistent with the Northeast Florida Strategic Regional Policy Plan (NEFSRPP), with the exception of the amendment to change 17.56 acres from Water Dependent-Water Related to Community/General Commercial. Staff recommends that the Committee and the Council find that amendment not consistent with the NEFSRPP, and in particular SRPP Goal 3.2 and Regional Policies 3.2.2 and 3.2.4.” **The President then called for the vote and the motion was approved.**

Next Meeting Date

Mr. Teeple stated that the next meeting would be held on Thursday, February 2, 2006, at 10:00 a.m. at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216. Mr. Teeple then thanked all the Council members for attending the special meeting.

Commissioner Myers stated that Mr. Taylor had reminded her that they had not received all of the legislative agendas and to please send them to him.

Adjournment

There being no further business to discuss, the meeting adjourned at 12:10 p.m.

Karen Stern
President

Brian Teeple
Chief Executive Officer