

**Minutes of Planning Commission Meeting  
Held Monday, November 27, 2006 at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairperson DeLoach.

**Roll Call**

Terry DeLoach (Chairperson)  
Paul Schmidt (Vice Chairperson)  
Lee Dorson  
Greg Sutton (*Absent*)  
Julio Williams (*Absent*)  
Fred Jones  
Bill Callan

Bill Mann, Senior Planner, and Amber Lehman, Recording Secretary were also present.

**Approval of Minutes**

There were no minutes to approve.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

**PC#35-06 – Proportionate Fair Share Program**

**Amendment to the Potable Water sub-element** of the adopted 2010 Comprehensive Plan. This is an amendment mandated by the Florida Legislature to update the current Potable Water sub-element to include a water supply facilities work plan covering at least a 10-year planning period and which is consistent with the St. Johns River Water Management District's 2005 District Water Supply Plan.

Mr. Mann stated that this was a continuation of the November 13, 2006 meeting.

Grant Misterly, with Applied Technology and Management, 411 Pablo Avenue, spoke as the applicant for the study and agreed with staff's recommendation and stated that he was available for any questions.

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Mr. DeLoach asked if anyone wished to speak in favor or opposition to the application.

Seeing no one who wished to address the board, Mr. DeLoach closed the public hearing.

Grant Misterly, with Applied Technology and Management, 411 Pablo Avenue, spoke as the applicant for the study and agreed with staff's recommendation.

Planning Commission members had no questions for Mr. Misterly.

Mr. Schmidt made a motion to approve, seconded Mr. Dorson.

Roll call vote: Ayes – DeLoach, Schmidt, Dorson, Callan, and Jones.

Motion approved unanimously.

### **PC#34-06 – Proportionate Fair Share Program**

Amendment to the text of Land Development Code (LDC) Article X Adequate Public Facility Standards to incorporate a Proportionate Fair Share program related to transportation impacts.

#### **Staff Report**

Mr. Mann presented the proposed amendment to Article 10 of the Land Development Code to incorporate a proportionate fair share program to allow developers to proceed under certain conditions notwithstanding the failure of transportation concurrency by contributing their proportionate share of the cost for improvements to or enhancement of that facility.

Mr. DeLoach asked how long would it be for the new capacity data were available. Mr. Lindorff responded that it was funded this fiscal year, but there was not a final timetable. It was expected to be completed sometime in late winter- early spring.

Mr. DeLoach asked how many plans are on the books now that would be affected. Mr. Lindorff stated that the City has one that one traffic engineering firm is working on now and others are working on projects. Will be looking to devise projects to apply funds. There is one project that is a residential redevelopment project that an engineering firm under contract is looking at. Don't know at this time if it will have a negative impact – can't talk about whether there will be a proportionate share. Mr. Mann also stated that the Urbana project is under review and has to provide the necessary information. These studies have to analyze the impacts on a case-by-case basis.

Mr. DeLoach asked if anyone wished to speak in favor or opposition to the application.

Speaker:

Sandy Golding, 1203 18<sup>th</sup> Avenue North, had the following questions and comments about the ordinance:

- Concern about whether there was current operating data in the 2005-2006 adequate public facilities report.
- Report should summarize the available capacity to have baseline to know when you have used up capacity.
- Also concern about cumulative impact of development and how the City is tracking cumulative impacts of development.
- Questions about the 30-day time limit to remedy deficiencies, and the inconsistencies of the time frames and about Article X and the need to have language such as that in Article 6.

Mr. Lindorff responded to Ms. Golding's comments by referring to the lists of revisions to the 10/31/06 draft that have been reviewed by legal counsel. Mr. Lindorff spelled out the changes to Section G to make it conform more closely with the FDOT model. Section H has been revised to change an incorrect cross-reference. Section I has been revised to add a two-year time limit consistent with the expiration period for a concurrency reservation certificate or an approved site plan. The language about a regionally significant transportation facility does not apply to Jacksonville Beach, nor does the City have any TRIP program eligible facilities, even though the provision allows for using proportionate share dollars for TRIP projects if there are some designated in the future. Mr. Lindorff noted subsection (4) has been revised to specify that excess proportionate share funds shall be returned to the applicant in a specified manner. Section K is an optional section that is not needed at this time, but could be added at a later date after DCA and DOT finalize discussions.

Mr. Lindorff noted that 14-16 month old operating data are available. Cumulative impacts will be seen if recent counts are being used. Some projects don't have an impact – the City's grid system allows for traffic to spread out to a number of intersections. Process that the City is following assesses impacts on a project by project basis consistent with our ordinance.

Brenna Durden added that FDOT counts for 2005 are the most updated information – studies done for a project no included traffic counts and a background growth rate to account for cumulative traffic impacts. Background growth rates add in to the analysis actual growth that may be occurring. Encourage to move forward with recommendation of approval. Mr. Lindorff's changes address Ms. Golding's comments.

Speaker:

Wendell Finner, 420 Lower 8<sup>th</sup> Avenue South, stated that Ms. Durden described how traffic concurrency should theoretically work. Did not believe that assessment of project became part

of baseline for next project to account for. Mr. Finner stated that if we didn't know the adopted LOS, then the formula could not be applied. Mr. Finner believes that this doesn't have teeth until the baseline is there – recommend that ordinance be approved, but there be a moratorium until traffic studies are completed.

Mr. Lindorff responded that adopted levels of service in comprehensive plan has been the same since 1990, and asked legal counsel to respond to the issue of moratorium.

Ms. Durden stated that it would be highly inappropriate to put in a moratorium, which are extremely complex and there is much needed data to support moratorium. There has to be a specific purpose for a very limited duration. There has to be data and analysis to show there are circumstances that are broad enough to justify a moratorium – an issue of property rights. Any kind of restriction to property rights must be thoroughly and justified.

Mr. DeLoach asked if the failing status of 3<sup>rd</sup> street would justify a moratorium.

Ms. Durden stated 3<sup>rd</sup> Street is a constrained highway and not analyzed that same way as a non-constrained highway.

Mr. Lindorff added that the adopted LOS on a constrained highway is to maintain. Any project that would not add trips would meet the LOS on 3<sup>rd</sup> Street.

Mr. DeLoach asked about the Valencia project, where an independent study revealed that the roadways were failing, and Valencia had to contribute to fixing the deficiencies. The recommendation was based on the adopted LOS. Mr. Lindorff stated that the study was based on traffic projections based on growth and development in Ponte Vedra.

Mr. DeLoach stated that there were errors regardless of the growth in Ponte Vedra. Mr. Lindorff responded that staff disagreed, and there were not errors in the data.

Motion: It was moved by Mr. Dorson, seconded by Mr. Schmidt, to recommend approval to the City Council for the Proportionate Fair Share ordinance as accepted and presented.

Roll call vote: Ayes - DeLoach, Schmidt, Dorson, Jones, and Callan.

Motion carried unanimously.

### **Planning & Development Director's Report**

Mr. Mann stated that the next Planning Commission meeting will be on December 11, 2006, with two cases on the agenda.

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**Adjournment**

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approved:

/s/Terry DeLoach  
Chairperson

Date: December 11, 2006