

Future Land Use Element – Comments and Discussion

Agency Comments

North East Florida Regional Council – Margo Moehring (5/5/11)

- The reference to clearance time and mitigation belongs under a general CHHA section, not a specific land use category.
- As you guys are not putting your mitigation policy for increase in residential units in CHHA into the plan, and will need to address mitigation case by case, you might want to consider putting in the plan the minimum requirement for analysis, so you don't have to negotiate that as well. The methodology to determine impacts identified in the most recent hurricane evacuation study would be a reasonable standard, subject to your acceptance of the assumptions used.
 - *Staff suggests adding it as a policy to Objective 1.07 to follow policy 1.07.02*

Public Comments

Len Kreger (5/23/11)

- Revise Policy 1.06.03- change wording to “discourages” demolition instead of “prevent”
- Policy 1.07.03 and 1.07.04 “non resident uses” defined
(See attached email)

George Strain (5/24/11)

- Concerned with eliminating “resort rental” language from policies 1.07.03 (3) and 1.07.04 (e)
(See attached letter)

George Sheffield (5/26/11)

- Policy 1.04.03- Request to add statement similar to policy 1.04.04 that incentivizes redevelopment of the Central Business District with a density bonus overlay and programs and to add strengthen public/private partnership direction statement in 1.04.03.

Debby Arnold (5/27/11)

- Concerned with proposed changes to the Goal Statement (See attached email)

Items for Board Discussion based on Community Workshops

- Neighborhood residents opposed to changes in policies 1.07.03 (3) and 1.07.04 (e) request to retain language as currently written not as proposed.

Adrienne Dessy

From: l.kreger@comcast.net
Sent: Monday, May 23, 2011 7:57 AM
To: Kelly Gibson; Adrienne Dessy; Jennifer Gooding
Cc: Marshall, D. McCrary
Subject: Community Workshops, Plan Review Comments

A reminder that I will be able to attend all the Workshops this week, except tonight.

Some comments on Elements. I will forward as I complete reviews.

1. Capital Improvement Element comments were forwarded 13 May 2011
2. Conservation and Coastal Management Element: Policy 5.12.03 change Smurth Stone to the new company name.
3. Future Land Use Element:

Policy 1.06.03. Change wording to discourages demolition vice prevent. (Consistent with Housing Element)

Policy 1.07.03 and 1.07.04. "Non resident uses" must be defined. As you know this will be a big issue.

4. Housing Element:

Policy 3.01.04; Should add Promote and REQUIRE nondiscrimination.

Policy 3.02.01; .Recommend adding UPGRADE or eliminate substandard housing

Policy 3.06.06; Rehabilitation wording should be changed to read encouraged in all areas of the City

Len

5/24/2011 -
DMM

CITY
COPY
HAND
DELIVERED
[Signature]
24 May 2011

Comments for 24 May Meeting with City Staff and members of PAB on Comp Plan Changes Under Consideration

I appreciate the opportunity to comment on the proposed changes to Fernandina Beach Comp Plan. I am strongly opposed to the changes under consideration to the prohibitions in the low and moderate future land use classification (Objective 1.06 Land Use Categories, Working -EAR Amendments, Future Land Use Element). According to Mr. Marshall McCrary, Director of the Community Development Department, this change was drafted for the purpose of allowing the City Commission to consider expanding resort rentals in the areas of low and moderate future land use.

I do not believe that this change would be in the best public interest of the residents of the City of Fernandina Beach. I believe this proposal if passed will ultimately result in a change of use, if not specifically geared to change the face of Fernandina with high rise condominiums on the ocean front, as per the rest of the Florida coastline. Fernandina Beach will no longer be a residential community, as it has been preserved for the last 40 years. It would allow dramatic changes which would affect long established residential neighborhoods in a negative way by destroying the community cohesion and reducing property values.

Seaview Subdivision which was established in 1911 as a residential neighborhood would transition into a resort rental area for tourists. Current residents will be chased out of the subdivision by transients with no inherent interest in the community. Who would want to buy a home next to a house which can be rented for parties on a daily or weekend basis? Six families, ten cars parked everywhere, loud music, garbage and beer cans everywhere, and one house. No one would want to buy next to this house for a home; only speculators and flippers who would only pay cellar prices for the existing homes. I believe the City could be held legally liable for this intentionally proposed degradation in property value.

I am not opposed to tourist or economic development in our community, but to the destruction of the neighborhood which would result from transient renters who have no joint interest in establishing long term relationships between residents that provides for trust and security in the neighborhood. I do not want to become a stranger in my neighborhood which I have lived for 20 years. Would a world famous writer who has acquired 200 feet on the ocean build on the island if he knew his property and that of his neighbors were going to be zoned for short term rentals? I doubt the Realtors or tourist bureau had notified him of this proposal. We may find out.....

Yes, the City has an obligation to promote a thriving community, but it is not under an obligation to make someone's poor investment profitable. This prohibition against expansion of short-term rentals has been on the books for a

long time. Anyone buying property should have been aware of this restriction.

Furthermore, it is unclear why we residents should be asked to tolerate disruptive resort rentals for the purpose of increasing sales of multimillion dollar ocean homes to buyers who cannot purchase the property without income from resort renting. The security and wisdom of such an investment should be brought into question rather than encouraged by the City. Our local banks, as well as banks nationwide, are hurting badly from risky investments.

I continue to believe there is an alternative to the current proposal for expanded resort rentals in R1 and R2 neighborhoods. First, the City must conduct a study of the demand for additional resort rental accommodations. The study would also need to address infrastructure requirements to accommodate the additional resort rentals. Second, if the study shows an additional need for resort rental facilities, recruit respectable hotels/motels to come to the City with possible incentives and locate them in Commercially zoned areas or at least adjacent to commercially zoned areas with minimum impact on residential areas. I believe it is only reasonable to house transient visitors to the area in quarters with transient facilities. This alternative would provide for economic development without destroying our neighborhoods. It would help preserve one of the most beautiful, most unique oasis remaining in the State of Florida. We are an island unto ourselves; developers having despoiled most of our once beautiful Florida coastline.

For the record, I am submitting copies of recent Letters to the Editor of the Fernandina Beach News Leader from City residents providing reasons to oppose the changes to the Comp Plan which would effect the expansion of resort rentals in the City of Fernandina Beach.

I am also providing a copy of a petition to the City Commission being circulated among the residents of Fernandina Beach opposing the changes proposed to future land use in the City's Comprehensive Plan.

George M. Strain
3729 S. Fletcher Ave
Fernandina Beach, Fl 32034

Attached:

- 1) Newspaper clippings
- 2) Petition opposing changes to Comp Plan

'Face of Fernandina' is now threatened

In 1972, when 7-story Amelia By the Sea and 7-story Amelia Condominiums were completed along South Fletcher, our wise City Fathers voted to restrict all future high-rise development in the city of Fernandina so that we might preserve the residential heart and soul of our historic city, thereby defending our village charm. Thanks to the 1972 commission we are the last stand of a family-first Florida seaside town. No more 7-story condos have blotted out ocean views over the course of the last 40 years. You still feel the ocean breeze, and from A1A you can still watch the sunrise and moonrise over the ocean.

However, our current city commission is considering changing the face of Fernandina and recruiting tourism in a big way, ASAP. To insure this is done in a way that will not destroy our quality of life, though not impossi-

Allowing unrestricted short-term rentals will be like a cancer to the current residential neighborhoods along the ocean.

ble, will be a daunting task.

Tourists do not vote. But at our last city election neither did 83.62 percent of registered voters in the city cast a vote. It is our responsibility to get out there and vote in upcoming elections to insure that we elect a commission responsive to the desires of the community. We can and must do better. Due to low voter turnout, community-altering decisions are now made by five commissioners voted into office by 16.38 percent of our voters. Is that any way to preserve our way of life? Not!

The face change being considered would initially start with commercialization of the entire ocean shoreline with

short-term rentals of less than 30-days leading the way to high-density high-rise condos replacing the friendlier footprints of single-family beach homes. High-density development will produce higher taxes and empower our leaders to do more "good for the community," a "good" that we do not necessarily want or need. Many residents love our laidback, slow-paced, low-density, arms-length way of life. Foreseeable change would create a cost of living that will price out many current residents, retirees and mill workers. Are you prepared to say good-bye to salt life?

Allowing unrestricted short-term rentals will be like

a cancer to the current residential neighborhoods along the ocean. Unrestricted short-term rentals will expand into other residential neighborhoods. The city will be declared a destination location for tourists and all areas of the city will be subject to unlimited short-term rentals. It is a short ride from anywhere on the island to the beaches.

If this sounds like fantasy, just look at the barrier islands along both coasts of South Florida, Tampa and the Panhandle. Think about what it would be like if you could no longer see the ocean from A1A, if shadows from the high-rise condos blocked the sunshine until midday, if you could no longer feel the ocean breeze. Windblown live oaks would no longer be twisted like pretzels to produce a dramatic and beautiful coastal landscape. There are many reasons to oppose the expanded resort rental being considered by the city, but the preservation of the residential nature of Fernandina is the most compelling.

Yes, the city has an obligation to promote a thriving community, but it is under no obligation to make someone's poor investment profitable. The prohibition against the expansion of short-term rentals has been on the books for a long time, and anyone buying property should have been well aware of this restriction.

Revisions to the city of Fernandina Comprehensive Plan are being considered to remove current prohibitions to expanded resort rentals in

Petition to the city commission

We, the affected residents of the city of Fernandina Beach, Florida petition you to embrace and aggressively enforce the existing resort rental city ordinance and to maintain all prohibitions on resort rentals which currently exist in the Comprehensive Plan for the city. We strongly oppose the changes in the Comprehensive Plan being considered in the low and medium density future land use categories where you propose substituting general language for currently well-defined terms. By removing "commercial uses, including hotels, motels, bed and breakfast units, resort rentals, or other forms of transient accommodations" and inserting "encroachment by incompatible non-residential uses" a greater level of undesirable discretion will be available to the existing and future commissions.

We believe long standing planning principles of zoning have established that commercial development such as short-term rentals to transients is not compatible with low or medium density residential neighborhoods and should not be permitted. Current regulations allow renting residences in low and medium density future land use categories for periods exceeding 30 days which provides for reasonable and diligent use by the private property owners.

We believe expanded resort rentals in residential neighborhoods would cause a major loss of community cohesion and infringe on the integrity and stability of established neighborhoods. The lifestyle of vacationers is very different from residents who are not on vacation and little relationship is established between transient vacationers and long-term residents. This causes a direct conflict in an otherwise quiet and peaceful neighborhood.

We recommend the city conduct a demand study to evaluate the need for additional resort rental accommodations, recruit respectable hotels to meet this demand, and place them in a commercially zoned area. Also, an analysis should be made of the infrastructure to accommodate the additional tourist demand. It is not necessary to destroy our residential neighborhoods with resort rentals to provide for economic growth in the area. Please save our neighborhoods.

To request a copy of this petition to sign email bblainstrain@comcast.net.

future land uses. To request a copy of a petition to sign to oppose this change please email bblainstrain@Comcast.net.

While you're at it, even if you didn't vote in the last elec-

tion. Revisions to the city of Fernandina Comprehensive Plan are being considered to remove current prohibitions to expanded resort rentals in future land uses. To request a copy of a petition to sign to oppose this change please email bblainstrain@Comcast.net. While you're at it, even if you didn't vote in the last elec-

be present at the Planning Advisory Board (PAB) public hearing on May 24 at 5:30 p.m.; and, the PAB formal meeting where the board will make its recommendation to the commission on June 8 at 5

1 Decade of Musical Excellence

AMELIA ISLAND CHAMBER MUSIC FESTIVAL

| | |
|--|---|
| May 20, Friday Amelia Island Tango Orchestra | June 9, Thursday Beth Newdome Fellowship Artists |
| May 21, Saturday McDuffie Center for Strings | June 9, Thursday Luciana Souza Trio |
| May 22, Sunday Air National Guard Band of the South | June 10, Friday Beth Newdome Fellowship Artists |
| May 25, Wednesday Zuill Bailey, Orli Shaham and friends | June 11, Saturday R. Carlos Nakai |
| | June 12, Sunday |

May 20 - June 19, 2011

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Party town?

So the property-taxpaying homeowners now serve at the pleasure of commissioners (Tim Poynter, Eric Childers and Arlene Filkoff, who actually represent the real estate interests and the chamber of commerce in the city of Fernandina Beach)? I don't think so, not so long as I live here. But Poynter, Childers and Filkoff have a lot of explaining to do. Why, with no preamble, or debate, did they advocate changing the comprehensive plan by abolishing the short-term rental ordinance east of Egans Creek? Don't let them turn our hometown into a party town! If they want a party town they can shag on down the coast.

Debby Arnold
Fernandina Beach

Resort rentals

It was a shock to read "Expand resort rental areas?" on March 23 that the city commission is considering changing the overlay that voters approved 10 years ago. It was a bloody battle then between the people who make money off people who rent out their properties and the citizens who wanted peaceful residential neighborhoods. And it was a shock to read that one commissioner said everything from Egans Creek east should be resort rentals! Even admitting you don't know zoning insults the citizens who live here and expect you to know or find out.

This sounds like the same song as the business people sang then.

Weekly rentals are not proper for residential neighborhoods. The people are visiting and are on vacation. They pile into properties (Sleep 6? That's the adults, the kids sleep in the living room you now have 12) party loud and long and do other things people do when they are on vacation. They drop their beach toys on the front yards; they park everywhere, even on lawns - especially in neighborhoods with narrow streets. You can ride down Fletcher and identify the weekly rentals by the cars, toys, people, etc. That attack on neighborhoods destroys property values, not enhances them.

The property owner should be aware too of the problems involved of turning your property into rental units. You have to pay a property manager 40 percent or more of your income, license fees, taxes, weekly housekeeping, repair instantly anything that breaks, garbage disposals, toaster ovens, microwaves, washing machines, etc. Furniture that breaks has to be removed and new purchased immediately, carpets cleaned, mattresses replaced and on and on. Most of the people who are now renting their units are barely making enough money to pay their taxes, let alone any profits. This is not something to expand over the island.

We live here full-time and appreciate the attractiveness of residential living near the ocean. We acknowledge and welcome the travelers who clog our roads in high seasons, but we don't want them renting by the day or week off of Fletcher! Please don't use the economy as a reason to destroy our protections and way of life.

Jerry and Sally Bryan
Nancie Crabb
Judy and John Hruby
Suzanne Clements-Wolf
Fernandina Beach

Resort rentals

My wife and I bought our lot in 1992 and built our home and paid a premium to be in a non-resort rental area. We live on South Fletcher and have witnessed the house north of us with 26 guest and 18 vehicles at one time for a full week.

I have witnessed a welcome-home party for a soldier that was loud and still going on at 6 a.m. but

out of respect for the soldier we did not report to the police.

I witnessed a bathelorette party that the police had to break up because of loud music and foul language and drinking and eight naked young ladies in the pool. I cleaned up beer cans and trash because no one rolled the stinking trash can up to the street on more than one occasion.

I have had to visit next door and have trucks moved off my property numerous times off my lawn and my drive. The people in the house at this time have been good neighbors and in no way reflect on these past problems.

The house across from me on the beach has had some loud individuals renting for a short time and also some late parties on the beach and around the pool. We also have knowledge of minors left in a house in our area unsupervised for the weekend with unlimited alcohol. We feel our property values will depreciate and we feel our noise levels will go up and our lives will change forever for the worse. One last thing, I have called the city 56 times and never have these situations been checked into.

Debbie Langhoush
Fernandina Beach

Dramatic changes

I have lived in Seaview subdivision, a neighborhood zoned R1, for about 30 years; and I am sure my wife, Eleanor Coleman, a former mayor, would be heartsick that the city would propose that our neighborhood be changed to a commercial zone ("Expand resort rental areas" on March 23).

Neighborhoods are held together by the common bond of daily interaction over time. A weekly change in neighbors erodes community. Envision weeklong parties, loud noise into the night, and cars and trucks parked everywhere - basically a Wild West environment. Our neighborhood is not about economic gain for realtors and speculative property owners who live elsewhere. The endgame for this proposal would be a boomtown with a lower quality of life and lots of visitors and tourists at the expense of displaced local residents.

The proposal ultimately means high-rise condominiums along the shoreline with restaurants and downtown shops overflowing with tourists to the delight of the realtors, the chamber of commerce, Economic Development and the tourist bureau. Ocean views and access would ultimately be limited to those who could afford oceanfront high-rise accommodations; witness the rest of the state of Florida shoreline. Our community would become an amusement park just like Daytona. Why not bring back beach driving? Wouldn't it be nice for our visitors to have Sunday mimosas on the beach? We all need to keep in mind with a majority vote and the stroke of a pen this feckless city commission or a future one could bring these things and more to our very special community.

I am strongly disappointed with our city commission. I encourage every taxpayer who loves the community of Fernandina Beach as we know it to notify your commissioners of your disapproval of the proposal. We do not want a boomtown for tourists but a hometown for residents who grew up here or who sought out the last vestige of an actual and historic Florida beach town. We especially want to preserve our R1 single-family residential neighborhoods and not become another tacky overpriced cookie-cutter resort.

R1 neighborhoods are not the place for hotel-like accommodations or restaurants or bars but for the stability of a residential neighborhood. Acquaintances, whether you live on Fletcher, First Avenue, Historic District, Old Town, Highlands, Clinch Drive, Tarpon or any other Fernandina Beach neighborhood, I believe this proposal, if adopted, will result in destruction of community in our residential neighborhoods.

Charlie Coleman
Fernandina Beach

an area zoned commercial. This would also assure future resort rental facilities would pay the required bed tax consistent with current hotel operations.

We decided to live in the city of Fernandina when we bought here about 20 years ago because we thought the services and protection by the city in a more dense community would be worth the additional tax cost compared to the unincorporated areas of the county. We believed we had a covenant with the city to respect the longstanding R1 zoning of our neighborhood, which was platted in 1911, and other unincorporated neighborhoods.

Now to our surprise we have a rogue commission which is threatening our community with commercial activities. We do not understand this. We believe the city should be our protectors with zoning and ordinances as they did in 2000 rather than the invaders of our community with commercial activities. Because of high land values, homes at the beach are sited close together making intrusion into the neighbors' homes more problematic with-out mutual respect and longstanding relationships with neighbors. The potential intrusion is exacerbated by resort rentals and can be volatile because weekly renters believe they have paid plenty for their island getaway and do not expect any constraints, especially by adjacent neighbors who are living demanding workday lives and not on vacation.

We understand that economic development in the community is vital, but more vital is that our commissioners have a duty to uphold the trust we put in them when voting them into office. They can accomplish both ends by pursuing further resort development in areas zoned for commercial development rather than proposing to rezone long-established R1 neighborhoods to Commercial.

George M. Strain
Fernandina Beach

An alternative to resort rentals

We are opposed to any expansion of the resort rentals into residential neighborhoods on the island and would like to propose an alternative solution. First, a study should be conducted and documented on the need for additional resort rental facilities. Projecting the number of additional resort units needed would be important and an analysis of the infrastructure to support the additional units is essential in providing a basis for sound planning. Second, if demand justifies the need for additional rentals, the city should recruit respectable hotels to expand into the Fernandina Beach area and allow growth to occur in a managed and responsible manner in

Upset and confused

I, along with a number of my neighbors, was surprised, upset and confused to read that the city commission has already decided to abolish the resort rental ordinance and commercialize the beaches area prior to going through due process. Based on the report appearing in the *News-Leader* (March 23) it would appear that only realtors and the city community development chief represented the public at a staged commission meeting where the outcome and support for the proposal was decided before the meeting. It is difficult to believe that any four commissioners could agree in one short meeting on such a long-standing controversial issue without prior discussions among themselves which violated the intent of the Sunshine Law of the state of Florida.

According to the mayor, I was a love fest. I assure you that their views do not represent those of many affected city residents.

The commercialization proposal as presented does not have a clear purpose except greater economic development at all cost, even the destruction of our long existing residential family residential neighborhoods. The resort rental ordinance defines resort rental to a rental period of less than 30 days and was established to protect the integrity of our neighborhoods and community for perpetuity.

While it may not be flawless, there is a continuing need for the resort rental ordinance to balance the economic benefit of development against the quality of life and neighborhood cohesiveness.

I believe that ownership of property does not give individuals the unabridged right to do as you please with the property, as individuals are not an independent parcel but a part of the whole which is governed by the overall public interest. Conditions have not changed significantly since 2000 and there continues to be a long standing need for maintaining quality of life and community while allowing for reasonable economic development. I purchased my home near the beach in a long established residential neighborhood to live in and not to use for a commercial venture.

Beverly da Smith

Fernandina Beach

Short-term rental

I live in the city of Fernandina Beach and own three rental units in the city, including one on North Fletcher. I choose to rent long-term and make more money that way in the long run. I have had problems in my neighborhood with illegal short-term renters in the past. They park their cars illegally and bring their unlicensed golf carts and drive them around while drinking beer, or let the children drive them. The Fernandina Beach Police cannot stop this.

I have called and called and they come out every time, but they have to catch them in the act and then warn them before issuing any citations. The FBPD and Code Enforcement just do not have the time to police these people, and I do not have time to pick up their trash. Based on my experience, I think expanding the short-term rental area is very short sighted!

Patrick Berry
Fernandina Beach

Notes from May 26, 2011 Meeting with George Sheffield

Comments for Board consideration:

Policy 1.04.03- Request to add statement similar to policy 1.04.04 that incentivizes redevelopment of the Central Business District with a density bonus overlay and programs and to add strengthen public/private partnership direction statement in 1.04.03.

Requested that Staff consider review of the CSX study for rail expansion

Requested that the Board reconsider Bed and Breakfast Standards in 6.02.04 of the LDC during its re-write of the Code of note is the density consideration which should be increased.

Kelly Gibson

From: Debby Arnold [debbyearnold@gmail.com]
Sent: Friday, May 27, 2011 3:43 PM
To: Kelly Gibson; judithlane@aol.com
Subject: EAR Based Comp Plan Amended Future Land Use Element

Dear Ms. Gibson,

The proposed changes in the Future Land Use Element of the Comp Plan reflect a radical philosophy shift toward growth, development, hence economic potential. For brevity's sake I will reference only the proposed overarching Goal 1.0:

- Effective growth management has been eliminated from the first line and replaced by provide for development.
- That future development be carried out in a cost-effective and environmentally acceptable manner...

In the redraft *environmentally acceptable has been eliminated*. Environmental consideration has been demoted from a strong 2nd priority to a weak 3rd sharing the backseat with a double-speak laundry list of no-no's, safeguards, threats and hazards. Environmental protection is all that will save us from becoming development fodder.

- The insertion of the word optimizing is particularly disturbing, because what heads the list for optimization? Economic Benefit. Why not come out and say *maximizing*?
- The deletion of the phrase maintain the City as a viable community becomes troubling with the insertion of meet the need of the present without compromising the ability of future generations to meet their own needs...

Say good-bye to community in order to satisfy the unborn?

The current version is satisfactory. It should stand as is. The proposed version creates a marked imbalance tilted away from community and environmental protection and toward sustainable economic gain.

Respectfully Submitted,
 St. George Tucker Arnold, Jr.
 City of Fernandina Beach

Kelly Gibson

From: Judith Lane [judithlane@aol.com]
Sent: Friday, May 27, 2011 7:41 PM
To: debbyearold@gmail.com; Kelly Gibson
Cc: Adrienne Dessy
Subject: Re: EAR Based Comp Plan Amended Future Land Use Element
Follow Up Flag: Follow up
Flag Status: Red

Kelly and Mr. Arnold, I feel that when taken with other sections--extremely important--the first section is acceptable, with a few changes. As I mentioned to Adrienne for other sections, "which" should be replaced with "that" except when offset by a comma, to denote a secondary phrase. "Which" is a weaker term, and the sections will increase in some strength with the use of "that".

One problem with reviewing the sections piecemeal is that the protections found in one section are neither found nor referenced in other sections, making it difficult for the citizens who are reviewing the document to cross-reference. I believe you mentioned the other night that there will be an index. You might also think of hyper-linking to draw the various aspects of the document together.

I might recommend the following changes to the Goal Statement:

THE GOAL OF THE CITY IS TO MANAGE GROWTH AND DEVELOPMENT EFFECTIVELY BY DESIGNATING AREAS FOR ANTICIPATED FUTURE DEVELOPMENT THAT SATISFY MARKET DEMAND IN A COST-EFFICIENT AND ENVIRONMENTALLY ACCEPTABLE MANNER. THE CITY WILL ENCOURAGE AND ACCOMMODATE LAND USES THAT MAINTAIN THE CITY AS A VIABLE COMMUNITY, ENHANCE THE CITY'S ECONOMIC BASE, AND OFFER DIVERSE OPPORTUNITIES FOR A WIDE VARIETY OF LIVING, WORKING, SHOPPING, AND LEISURE ACTIVITIES, WITHOUT ADVERSE IMPACT ON THE NATURAL ENVIRONMENT. This is more in tune with the document as a whole, I think.

You might also watch phrases like "urban sprawl", since they are hard to define and tend to be open to debate. We will grow, whether we want to or not. Hopefully, this full plan, when finished, will protect the viability of the community, as Mr. Arnold notes, and the natural environment that is the major thing that really has drawn most of us to Fernandina.

Thanks, Kelly! -- Judith

-----Original Message-----

From: Debby Arnold <debbyearold@gmail.com>
To: kgibson <kgibson@fbfl.org>; judithlane <judithlane@aol.com>
Sent: Fri, May 27, 2011 3:42 pm
Subject: EAR Based Comp Plan Amended Future Land Use Element

Dear Ms. Gibson,

The proposed changes in the Future Land Use Element of the Comp Plan reflect a radical philosophy shift toward growth, development, hence economic potential. For brevity's sake I will reference only the proposed overarching Goal 1.0:

- Effective growth management has been eliminated from the first line and replaced by provide for development.
- That future development be carried out in a cost-effective and environmentally acceptable manner...

In the redraft *environmentally acceptable has been eliminated*. Environmental consideration has been demoted from a strong 2nd priority to a weak 3rd sharing the backseat with a double-speak laundry list of no-no's, safeguards, threats and hazards. Environmental protection is all that will save us from becoming development fodder.

- The insertion of the word optimizing is particularly disturbing, because what heads the list for optimization? Economic Benefit. Why not come out and say *maximizing*?
- The deletion of the phrase maintain the City as a viable community becomes troubling with the insertion of meet the need of the present without compromising the ability of future generations to meet their own needs...

Say good-bye to community in order to satisfy the unborn?

The current version is satisfactory. It should stand as is. The proposed version creates a marked imbalance tilted away from community and environmental protection and toward sustainable economic gain.

Respectfully Submitted,
St. George Tucker Arnold, Jr.
City of Fernandina Beach

Kelly Gibson

From: dottyrobb@comcast.net
Sent: Monday, May 30, 2011 12:37 PM
To: Susan Steger
Cc: Jeffrey Bunch; Eric Childers; Tim Poynter; Arlene Filkoff; Kelly Gibson
Subject: Changes to Comprehensive Plan for future land use
Follow Up Flag: Follow up
Flag Status: Red

Dear Mayor,

I am a citizen of Fernandina Beach, and I want to express my concern and disapproval of any changes that would be made to the current Comprehensive Plan in regard to short term rentals in R1 and R2 areas. I foresee nothing but problems if non-specific changes are made to the current plan. Our higher density areas are quiet and comfortable neighborhoods, and I would hate to see changes which could potentially undermine the real purpose of these areas, which is to provide neighborhoods that encourage single family home ownership or long term rentals for people who are more apt to take care of the properties and respect their neighbors rights.

I have never thought that I should be responsible for people who buy property in this area (hoping to make big bucks) either on the sale of or short term rentals of said property. There are plenty of short term rental properties available on this island as it is, and I don't think there is any need to try to make a few homeowners happy at the expense of the rest of the taxpayers. You should carefully consider what impact these changes could/would make to the beautiful community we have. Thank you for your attention to this matter.

Dorothy Robb
1517 Amelia Circle

Kelly Gibson

From: David Lott [David.Lott@speerandassociates.com]
Sent: Tuesday, May 31, 2011 9:46 AM
To: 'David Beal'; Paul Condit ; mark.bennett@wellsfargo.com; 'Eric Bartelt'; 'Len Kreger'; Richard Bradford; Michael Harrison
Cc: Marshall, D. McCrary; Kelly Gibson; Jennifer Gooding; Adrienne Dessy
Subject: EAR Amendment Comments
Follow Up Flag: Follow up
Flag Status: Red

I am out of town this week and unable to attend tonight's PAB special meeting. I have sent Staff some comments already which have been included in the documentation provided. While I am still finalizing all my comments from the EAR amendment documents and the review meetings held last week, I wanted to pass along my viewpoint on some of the major issues contained in the proposed draft with suggested revised language.

Goal 1 – Future Land Use Element

Sections 1.07.03 (3) – Low Density Residential and 1.07.04 (e) – Medium Density Residential - Staff has suggested striking out language that specifically identifies non-residential uses including resort rentals. Staff's explanation was two-fold: to make the sections consistent with the others that do not contain such specificity by placing a general prohibition ("incompatible non-residential uses); and, to address previous discussions by the City Commission to examine the possibility of expanding resort rentals. I believe that such a language substitution will substantially weaken the Code and could lead to an expansion of resort rentals throughout the City given the recent legislation passed at the State level. This City has seen numerous times what happens when language that is vague or subject to individual interpretation is used (i.e. building 'height'). I would suggest either restoring the language that is in the current LDC for these items or modifying as such:

Section 1.07.03 (3)

*3. Prevent encroachment by commercial uses, including hotels, motels, bed and breakfast units, resort rentals, or other forms of transient accommodations; **and other incompatible non-residential uses.***

Section 1.07.04 (e)

*e. The medium density residential designation is intended to prevent **encroachment by commercial uses, including hotels, motels, bed and breakfast units, resort rentals, or other forms of transient accommodations; and other incompatible non-residential uses.***

Section 1.07.06 - I also have a concern about what appears to be an effort to greatly expand the amount of mixed-use areas in the City. I believe that such a designation is appropriate for certain areas such as central business district and other general commercial areas as a step-down to residential areas. While I agree with the "definition" of MU in this section, there are numerous references made throughout the document that I interpreted to be that as current residential areas are redeveloped there would be an emphasis to change them to MU. My general concern is heightened by the frequent use of such terms as "dense", "compact", "urban". Despite David Yulee's vision, FB is not Manhattan and I don't think a majority of its

current residents want to see a major urbanization effort,

Goal 2 – Multi-Modal Use Element

Section 2.05.02 – Staff has proposed a degradation in level of service on City roads from a “C” to a “D”. This same language change is reflected in **Goal 8 – Capital Improvement 8.05.01**. We should not accept a lower level of service on our streets. If I understood Staff’s reason for this change, it was to “allow” funds collected under a transportation impact fee to be spent on alternative transportation methods. The City Attorney and City Manager have both written to me and said that the City already has the ability to spend any “transportation impact fees” collected on any type of transportation surface whether it be sidewalks, bike lanes, roadways, etc. I see no reason for the citizens to be subjected to a lower level of service.

Goal 4 – Public Facilities Element

Section 4.01.01 – I want to know what the current response times are for the Police and Fire and how these compare to the times stated in the Draft. Staff thought that the actual service times currently experienced were meeting or better than the stated time. I am not sure of that information. It is also important to understand if the standard is “average” response time or 100% of every response will be under that timeframe.

Section 4.05.07 - Mandatory requirement for porous driveways / walkways on private property seems heavy handed, especially in re-development areas. Discounting of impact fees or some other incentive would seem to be a more City friendly way to handle this objective.

Goal 8 – Capital Improvements Element

8.01.02 – I think some of the priority elements need to be adjusted. Please see my detailed comments

8.04.06 / 8.07.05 – I have some real concerns with the adoption of a 20 year CIP based on what is stated as the elements required in such a plan. While I see that large infrastructure projects have a horizon longer than the current 5 years; financial and needs assessments 5 years out are tricky enough and virtually impossible 20 years out due to changes in technology and costs. Additionally, under 8.07.05 it states that if there is any change to a CIP in terms of timing or removal/addition to the overall Plan, an amendment is required. This seems highly onerous especially know the number of changes that are likely to occur. If there is a need to extend the timeframe from the current 5 years, I would say it should be no longer than 10 years.

8.05.01 – While raising the ratio is good, I think our current ratio is substantially higher than 10:1 (someone remarked it could be 40:1 or higher). The ratio needs to be set, at a minimum, within 10% of the current ratio.

Goal 11 – Historic District Preservation Element

11.01.07 bullet #7 The City shall continue delegating authority to the Historic District Council for decisions affecting the historic, cultural and archaeological resources of the City. The historic preservation ordinance shall continue to grant powers to the Historic District Council which may include, but are not limited to:

- Hearing variances for properties within historic districts, **neighborhood conservation districts**, or the Community Redevelopment Area; and

Not exactly sure of what a “neighborhood conservation district” is, but according to the current City land use map, there currently are no conservation areas located within the current boundaries of the City’s historic district. I don’t believe it is proper for the HDC’s powers to be expanded for any land areas outside of the boundaries of the historic district. Any

variances outside of the historic district should be heard by the Board of Adjustments.

Thanks for your consideration of these comments.
Dave

David W. Lott | Senior Vice President | **Speer & Associates, Inc.**
Cell: 904.415.6928 | Office: 770.396.2528 | www.speerandassociates.com

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Kelly Gibson

From: mark.bennett@wellsfargo.com
Sent: Thursday, June 02, 2011 12:57 PM
To: Kelly Gibson
Cc: pcondit@comcast.net; dbradford@ameliaisland.com; david.beal@beal.com; mark.bennett@wellsfargo.com; len.kreger@rocketmail.com; ericbartelt@gmail.com; drmikeharrison@comcast.net; mharrison@iee.org; Teddyk1525@gmail.com; Marshall, D. McCrary; Adrienne Dessy; Jennifer Gooding; patriciaborns@comcast.net; David.Lott@speerandassociates.com
Subject: Future Land Use Element and Historic Preservation
Follow Up Flag: Follow up
Flag Status: Red

Kelly: I have again reviewed the above elements and have the same or added following comments.

Future Land Use Objective 1.05 - The City shall **permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to** eliminate ~~or reduce~~ nonconforming land uses. ~~and nonconforming structures.~~

Comment: I am not sure what a nonconforming land use is and note that language has been stricken from previous Drafts and think that language should be stricken here. The statement should read--- shall seek to eliminate nonconforming structures.

1.05.01 - **The City may utilize overlays or conservation districts.**

Comment: Add the word neighborhood prior to conservation.

1.06.09 – Comment: Delete Narrow, smaller lots;

1.07.16 – Comment: I am not sure why there was a reduction from 90% to 75% from the original Draft I reviewed, but assume there was a good reason.

1.08.02 & 1.02.08 – I am also concerned about the change from **stable to established** residential areas, mentioned by others. Maybe the answer here is to use both terms -- stable and/or established residential areas.

Historic Preservation Objective 11.0

11.01.01 - **The City shall encourage the protection, preservation and conservation of districts.**

Comment: Insert neighborhood before districts so it reads - **preservation and conservation of neighborhood districts.**

11.01.01 - I will once again comment on the **structures within the City that are included on the National Register of Historic Places.....**

Comment: I think the statement should read - **sites, landmarks and/or structures within the Local Historic Districts (Old Town Historic District, Downtown Historic District, Bosque Bello**

Cemetery) and those included on the National Register of Historic Places.....

11.01.07, 11.03.01, 11.08.06, 11.08.07 – Comment: All of the Policies shown discuss conservation districts. I think the word – neighborhood should be inserted before conservation so that it reads – neighborhood conservation districts.

11.01.07 - **The City shall continue delegating authority to the Historic District Council for decisions affecting the historic, cultural and archaeological resources of the City. The historic preservation ordinance shall continue to grant powers to the Historic District Council....**

Comment: I am not sure that the City has delegated authority to the Historic District Council for decisions affecting the historic, cultural and archaeological resources of the City. Furthermore, I don't believe that the Historical District Council has the knowledge, education, etc. to address the cultural and archaeological resources located throughout the City and think there is a possibility that additional Boards may be added in the future via the LDC's to address these specific issues. This entire Policy needs to be re-written since I believe it is inappropriate to specify a Board in this section with. Are these powers appropriate for a Board that deals with design standards in the Historic Districts?

11.01.08 – This should be deleted and dealt with in the LDC like other Boards.

11.03.05 - **The Building Official must confer with staff, the Historic District Council, or subsequent review body.....**

Comment: Historic District Council should be deleted - **The Building Official must confer with staff and the appropriate review body.....**

11.03.09 – Comment: Delete Historic District Council or subsequent review body and replace with - **subject to review by the appropriate review body.....**

11.03.10 – Comment: Historic District Council or any subsequent review body and replace with - - **subject to review by the appropriate review body.....**

I am available at any time to discuss the above.

Mark Bennett, MAI, CCIM
Phone: 904 491-4912 or 904 489-5421
Email: mark.bennett@wellsfargo.com

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

Kelly Gibson

From: Patricia Borns [patriciaborns@comcast.net]
Sent: Thursday, June 02, 2011 12:46 AM
To: mark bennett
Cc: len kreger; ericbartelt@gmail.com; mark bennett; david beal; bellsouth.net";; Kelly Gibson; ronaldmachado@comcast.net; joanaltman@mindspring.com; dwlott@bellsouth.net
Subject: Public Comment - FUTURE LAND USE ELEMENT
Follow Up Flag: Follow up
Flag Status: Red

Dear PAB members and Kelly,

Offered below are comments to the proposed FLUE policies, some new, others that were voiced in the public workshop but not included in the comment list,.

Your consideration much appreciated.

Respectfully,

Patricia Borns
314 New St.

1.

Policies 1.08.02, 1. 01.02.08. Replacing "stable" with "established"

Summary: In the workshop I noted that our protections against incompatibility and strip commercial development have been downgraded by replacing "stable" with "established." Marshall McCrary asked which policies. Here they are, with the reason why one word sometimes makes a world of difference:

1.08.02.

"Commercial development shall be concentrated in strategically located areas. These areas shall have location characteristics, which best accommodate specific land, site, public facilities, and market location requirements of respective commercial uses. [Strip commercial development shall not be extended into established \(replaces stable\) residential areas.](#) The existence of commercial areas on one (1) corner of an intersection shall not dictate the development of all corners with the same or similar use; nor does the existence of commercial development on a major thoroughfare dictate that all frontages must be similarly used."

1. 01.02.08.

[\(Stable is being replaced with\) Established residential areas and projected future residential areas, as delineated on the FLUM, shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.](#) This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the FBCP City's comprehensive

plan and the City's land development regulations.

Discussion: This policy removes critical protections from residential neighborhoods if they are "stable," and protects only neighborhoods that are "established." According to the dictionary, a "stable" neighborhood is one that is "resistant to change of condition; not easily moved or disturbed, not subject to sudden or extreme change, and/or maintaining equilibrium." An "established" neighborhood is one that is "instituted permanently, put on a firm basis, put into a favorable position, and/or given full recognition or acceptance, and/or put beyond doubt."

Which lucky residential neighborhood is staff "putting into a favorable position, giving full recognition, instituting permanently?" Which unlucky residential neighborhoods will lose their protections and be exposed to incompatibility and strip commercial development? Before you cast your vote, please ask staff to tell us which category our residential neighborhood falls into.

Nothing in Florida planning is permanent. All residential neighborhoods have coherent qualities that deserve protection even as they change. As far as the "compatibility" of establishing and increasing mixed uses in residential areas, see my comments further below, "Mixed Use is not a buffer."

Desired outcome: Please assure all residential property owners of equal protection. Let our neighborhoods grow harmoniously by asking development projects to continue to prove themselves for compatibility and appropriate transitioning.

2.

Policy 1.078.02. Confuses general commercial goal with image and function goal; blurs 14th. St. distinctions

"The City shall [promote redevelopment of general commercial activities](#), which fulfill market demands of the City's residents for retail sales and services. The City shall [coordinate with private sector interest groups concerned with enhancing the Central Business District, waterfront corridors, and commercial corridors on South 8th Street, Sadler Road, and 14th Street, in order to direct efforts to achieve a public and private partnership in improving the image and function of these districts and corridors](#). Design strategies shall provide physical themes for development and redevelopment opportunities that are consistent with and reinforce the historic character of architecture, where historic structures are present, as well as the ambiance and urban design amenities in each location."

Discussion: The policy mingles *two* policy concepts with different goals, promoting misinterpretation. The first policy is to promote redevelopment of general commercial. It already exists in the com plan. It is munged with a second new policy to improve the image and function of South 8th St., Sadler, 14th St. and the waterfront corridors. Not all of these areas are commercial. For example, a large section of N. 14th St. is a low-density residential neighborhood. Another section of N. 14th is zoned OT-2 and is the face of the Old Town Historic District,. Next to it is historic Bosco Bello cemetery. There is no GC activity in these areas, and none is needed or desired. However, by combining the general commercial language with the image and function language, the policy can be construed to promote general commercial throughout city corridors. The same misinterpretation can occur because 14th St. is

unspecified, without consideration for its different "images" and "functions."

Desired outcome: Break this into two separate policies and specify South 14th St. rather than all of 14th St. to accurately reflect the locations of current commercial corridors.

3.

Policy 1.04.07. "Certain" streets not good enough to protect open ROWs with water vistas and access

"Terminating certain streets with a prominent vista such as a government building, park, public art, fountain, splash area or clock tower should be encouraged when a prominent civic building is to be constructed."

Discussion: The language "terminating certain streets" can be confused with vacating any public right of way. Which streets? Do they have water vistas or provide water access? Will the termination continue to be city and public owned, or given to private use? Fernandina currently has numerous existing open streets and rights of way with water vistas and water terminations that connect us to a resource that we enjoy as a sacrosanct right. Why allow a chance for confusion because of a word choice, when there's an easy fix.

Desired outcome: Along this line: : "The city shall continue to protect existing rights of way, water access and view corridors, while encouraging the creation of prominent vistas such as a government building, park, public art, fountain, splash area or clock tower, when a prominent civic building is being constructed."

4.

Policy 101.02.09 Mixed use is not a buffer

"The City shall provide for the orderly transition of incompatible uses. [Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition.](#) Any potential adverse impacts caused by different incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements."

Discussion: Buffer requirements for industry, parking and a host of incompatible uses have been progressively downgraded for many city residents. It is time to reestablish their importance, rather than erode it further by "mixing" it with mixed use. In the first place, mixed use can mean MU, a zoning, some of whose land uses introduce incompatibilities of their own. MU zoning allows a special use of boat construction -- not an appropriate transition for a residential neighborhood. These and other MU uses entail parking lots and other elements that should themselves be buffered to soften transitions and provide real rather than theoretical connectivity. A better term for this might be "transitional uses," rather than leading a charge to rezone to MU. If MU is to be a transitional zoning, it needs to be revisited so that its compatibility is assured. A good example of a transitional zoning is the OT-2 live-work paradigm that was created to connect with residential OT-1. Likewise, each transition needs to consider its context. MU is not buffering, and should not be confused with it.

Desired outcome: Commit to buffering incompatible uses including MU land uses in a separate policy. For transition areas, clarify that "mixed use" means transitional uses, not MU zoning.

5.

Policy 1. 01.02.05. opens the entire city to satellite parking lots

"The City's land development code regulations shall include the following: a. Stormwater management and drainage standards: Site design standards shall ensure the management of stormwater is in compliance with the adopted level of service standards for drainage, and is consistent with accepted engineering principles and practices for the design of stormwater and drainage systems. b. Safe and convenient on-site traffic flow and vehicle parking: Site design standards shall address the quantity, through maximum parking space ratios, and [the design of on-site and off-site parking](#), the amount of impervious surface area, the use of pervious paving materials and the location and design of driveways and other traffic circulation features."

Discussion: Currently our comp plan requires onsite parking be provided within the LDC. This policy removes that obligation, giving free reign for off-site parking to proliferate without regard for its appropriateness. All residential areas should have onsite parking. Where commercial and mixed use neighborhoods are concerned, offsite parking must still be limited, buffered, and defined by location to minimize the dominance of the city's appearance by parking lots and cars. Without specifically limiting and defining offsite parking, the city is creating the very problem that it is trying to eliminate in its existing commercial corridors. It is also important that the comp plan not appear to "trump" with this policy the design guidelines it has already put in place, for example, in the CRA, and in the historic district guidelines which specifically discourage domination of the street by cars.

Desired outcome: Continue to require that the city's land development code regulations include onsite parking in residential neighborhoods.

6.

Policy 1.05.02 How do you effect a change in use to an existing nonconforming use?

"Alteration or change in use to an existing nonconforming use may only be allowed when it demonstrates compliance with the following conditions: ..."

Desired outcome: Clarify what it means, discuss and vote on it, then write it clearly.

7.

Policy 1. .04.05.02. Legitimizes nonconforming uses and structures

"The City shall consider land development regulations for such issues as the cessation, repair and maintenance, and amortization, and/or re-use of nonconforming uses and nonconforming buildings structures. A nonconforming use of any structure or land shall be re-established where there has been a change to a use of the structure or land which is permitted by the [underlying land use and zoning district](#) in which the structure or land is located."

Discussion: Why doesn't everyone then just change their structures and uses to "conform" to the underlying zoning instead of the one they currently live in? If it looks like a duck and walks like a duck, it is a duck - a nonconformity. What is the point of current zoning and uses, if your neighbor is able to initiate a nonconforming structure or use and then legitimize it with what "underlies."

Desired outcome: Delete the second sentence.

8.

Policy 1.06.01. Will neighborhood planning services replace equal access to city services, budget or staff?

"The City shall initiate neighborhood planning services in order to stabilize and enhance its existing residential neighborhoods. The neighborhood planning program shall **work in partnership with** residents, citizen groups, and other interested parties in the neighborhoods in order to improve planning and the physical appearance of the neighborhood, including identification and implementation of appearance-related improvements. **These improvements shall include street resurfacing, where appropriate and feasible, stormwater drainage improvements, sidewalks, enhancements to street shoulder areas and rights-of-way,**" when needed and appropriate, beautification of public and open spaces and provision of features that strengthen neighborhood identity."

Discussion: Currently we pay taxes and our streets are resurfaced by the city on a schedule determined by street staff whose salaries our taxes pay. Since all of us pay the same mil rate, all can expect the same services, and all have access to them equally without negotiating with the city through special neighborhood groups. At least, in theory. The unspecified nature of this policy leads me to wonder how "neighborhood planning services" may be implemented. In the past, such initiatives were considered by the entire neighborhood. Will the city now "partner" with a select few? I'm sure residents in other districts share the problem of ours, that access and resources are skewed according to one's city connections. We would not want the situation to be legislated. Or is neighborhood planning services a euphemism for "assessment?" That is, will neighborhoods need to tax themselves in order for the city to resurface their streets, mow their easements? The lack of specificity is concerning.

Desired outcome: Make sure "work with" is an inclusive phrase meaning all affected property owners. Ensure no one has to negotiate their "neighborhood services" through a city-appointed neighbor designee.

9. Policy 1. .04.05.034.exempt media peonias for this purpose

"Existing platted lots of record that are located in Central Business District, Office Residential Mixed Use, and Low, Medium, or High Density Residential land use districts shall not be prohibited from the construction of one (1) residential unit due to a non- conforming lot size."

Desired outcome: Please ensure comp plan definitions define media peonias as an exception to this policy.

10. Policy 1.06.05 Serves certain interests, but not the elderly

"The City shall develop land development codes that support and enable its aging

population to remain independent and in their own home or in a non-health care environment for as long as their health allows. [Development and design strategies that enable older residents to remain in their community as their housing needs change include allowing multi-family and accessory dwelling units, such as garage apartments and “in law” suites in all residential areas](#) and does not isolate residential neighborhoods from daily commercial needs by allowing mixed-income and mixed housing types to be located close to neighborhood or commercial shopping areas, civic or cultural institutions, and parks and open space areas."

Discussion: Single family homes have long been the haven of choice for the aging in place. It is patently obvious that developers will use this "policy to increase dwellings that will be used by everyone except the elderly. For the policy to be sincere, it should specify these "secondary" units only where the primary dwelling is owner-occupied. Those who aren't aging in place as permanent Fernandina residents on homesteaded property don't need garage apartments for the purpose of this policy.

Desired outcome: Like resort rentals, keep it the way it is, controlling by the LDCs, or limit the proliferation by requiring an owner-occupied primary dwelling.

Kelly Gibson

From: mark.bennett@wellsfargo.com
Sent: Friday, June 03, 2011 8:46 AM
To: Kelly Gibson
Cc: pcondit@comcast.net; dbradford@ameliaisland.com; david.beal@beal.com; mark.bennett@wellsfargo.com; len.kreger@rocketmail.com; ericbartelt@gmail.com; drmikeharrison@comcast.net; mharrison@iee.org; Teddyk1525@gmail.com
Subject: FW: Thank you

[For the record.....M](#)

From: Nanciesc@aol.com [mailto:Nanciesc@aol.com]
Sent: Friday, June 03, 2011 5:17 AM
To: Bennett, Mark (Retechs); david.beal@beal.com
Subject: Thank you

Thank you so much for expediting your decision on short term rentals Tuesday. Am sure you've heard that Commissioner Filkoff has asked for a "discussion" item to be placed on the agenda this coming Tuesday. And we thought nothing would happen until August!!

I only have these two email addresses for your board members, but I would like to compliment your board on the meeting. It was refreshing to see members who have obviously read their material and were informed on issues. I have worked on Comprehensive Plans in a past life and I know how tedious they can be to read and understand! But they are important and valuable to a community. It deserves the attention your board is giving it.

Thank you again.

Nancie Crabb
399 Portside DR
Fernandina Beach, FL 32034
904-491-1223
nanciesc@aol.com

Kelly Gibson

From: Patricia Borns [patriciaborns@comcast.net]
Sent: Saturday, June 04, 2011 2:28 PM
To: mharrison@iee.org
Cc: len kreger; ericbartelt@gmail.com; mharriorn@iee.org; mark bennett; david beal; Kelly Gibson; dwlott@bellsouth.net; ronaldmachado@comcast.net; joanaltman@mindspring.com
Subject: Re: Public comments - 2011 Comp Plan amendmets, HISTORIC PRESERVATION ELEMENT
Follow Up Flag: Follow up
Flag Status: Red

Mike,

Thanks again for asking re the local historic district language. Mark Bennett's comments and suggested change were even better than what I had suggested below in [blue](#), but I would be happy with either so long as staff makes sure to carry over 1.05.08 to the new FLUE (right now it has been removed). (And of course, I would like to see the historic districts represented on the FLUM map just as they presently are, unedited :)

Mark Bennett's suggested wording was: "The City shall encourage the protection, preservation and conservation of [sites, landmarks and/or structures within the Local Historic Districts \(Old Town Historic District, Downtown Historic District, Bosque Bello Cemetery\) and those included on the National Register of Historic Places.....](#)

All best,
Patti

[POLICY 11.01.01, p. 1](#)

["The City shall encourage the protection, preservation and conservation of its designated local historic districts and National Register of Historic Places sites, landmarks and/or structures as identified on the FLUM to ensure their protection from demolition, deterioration, reconstruction or alteration."](#)

CONCERN: The policy removes protections for local historic districts currently contained in Policy 1.05. The new policy language protects only National Register properties/districts. The new policy also removes the Future Land Use overlay protection for historic districts that exists in 1.05.08 of our current comp plan.

DISCUSSION: OBJECTIVE 1.05. HISTORIC RESOURCES of our current comp plan states:

"The City shall preserve and protect designated historic resources, including historically significant housing."

This is a superior protection to the new policy because it includes both national and locally designated historic resources.

In our city and many cities, local and national historic districts do not always overlap one-fo-one. For example, in Old Town one of the blocks facing 14th St. wasn't in the National Register nomination but was included in the local historic district because it contained historical peonia/media peonia lots and logically belonged to the district's boundaries, zoning and uses. Such cases exist in downtown as well as Old Town historic districts. Planning staff also wishes to create future districts to conserve 50-

year-old neighborhoods whose properties may or may not be on the National Register. Reducing to only National Register protection is a weakening of the ongoing protection and development of historic districts generally. It is also unfair to existing local historic districts whose protections are being downgraded.

Another protection that has been removed is CURRENT POLICY 1.05.08: "The FLUM shall depict the historic district as an overlay district. Areas delineated as being within the historic district shall be planned and managed using a regulatory framework designed to preserve the form, function, image, residential balance, and ambiance of historic Centre Street and surrounding area." This language protects the historic districts as a future land use. To remove it exposes the historic districts to easier erosion through variances, non-conformities and rezonings that introduce one-off, incompatible developments and uses, that take their toll over time. If historic districts are not protected in the FLUM, who will want to invest in them?

DESIRED OUTCOME/CHANGE: We are simply asking the PAB to maintain the protections we have. Please carry over the language of 1.05 and 1.05.08 intact in the new plan. For 1.05.08, please reference both the historic districts, Old Town as well as downtown. Please note that the Future Land Use Element continues to be mandatory, while Chapter 11 Historic Preservation is not. Therefore, please cross-reference 1.05 and 1.05.08 in Chapter 1 and Chapter 11 to ensure current protections are continued.

Patricia Borns
Boston Globe correspondent
(904) 491-5048
(904) 556-3147 cell
patriciaborns@comcast.net

----- Original Message -----

From: "Patricia Borns" <patriciaborns@comcast.net>

To: "len kreger" <len.kreger@rocketmail.com>, ericbartelt@gmail.com, mharriosn@iee.org, "mark bennett" <mark.bennett@wellsfargo.com>, "david beal" <david.beal@beal.com>, kgibson@fbfl.org

Cc: dwlott@bellsouth.net, ronalmachado@comcast.net, joanaltman@mindspring.com

Sent: Tuesday, May 31, 2011 1:51:55 PM

Subject: Public comments - 2011 Comp Plan amendmets, HISTORIC PRESERVATION ELEMENT

Dear PAB members,

We are trying to wade through the many new comp plan elements and get written comments to you. In this e-mail, we would appreciate your consideration of the below comments on Chapter 11, Historic Preservation Element.

We are concerned property owners of developable vacant lands and a residence in a historic district.

While the element was authored by the HDC and that board's planning liaison, we hope it will receive the PAB's equal deliberation, as the board ultimately responsible for reviewing amendments to the comprehensive plan.

Respectfully,

Patricia Borns
 Ronald Machado
 314 New St.

1. **OBJECTIVE 11.02**

"The City shall make all efforts to identify, preserve, and protect archaeological and paleontological resources within Fernandina Beach. ...

Policy 11.02.02 *Upon completion of the survey project, the City shall implement land development regulations addressing archaeological and paleontological protection. The regulations shall, at a minimum, provide for analysis of resources, and avoidance, minimization, and mitigation (in that order of preference) of adverse impacts when development involves properties that contain or have reasonable potential to harbor resources of archaeological significance. ...*

Policy 11.02.03 *The City shall be responsible for insuring that any proposed development projects will not adversely impact a significant archaeological or paleontological site, and shall seek assistance from a professional archaeologist or consulting firm in assessing the potential impacts of development projects. ...*

Policy 11.03.01

The City shall explore strategies for preservation of historic resources and properties, including, but not limited to: • Incentives for maintenance, restoration and rehabilitation, and stabilization of historic, cultural or archaeological resources; • Incentives for productive and adaptive reuse of historic structures; • Incentives for private ownership and responsible stewardship of these resources • Opportunities for acquisition and/or conservation by governmental entities, private interests, or non-profit organizations; and • Establishment of historic, archaeological, or conservation districts."

CONCERN: The archaeological protection language overreaches the value of the city's resources and reasonable economic return, compared with the potential detriment to property owners' abilities to continue to own and develop their lands, including the ability to provide or improve infrastructure. Archaeological heritage tourism can and is being accomplished in Fernandina without further undue burdens.

DISCUSSION:

In discussing the possible LDCs issuing from these policies, staff cited the City of St. Augustine.

For reference, see the St. Augustine LDCs at

<http://library.municode.com/index.aspx?clientId=10951&stateId=9&stateName=Florida>.

Fernandina hasn't the archaeological resources of St. Augustine and therefore nowhere near the financial upside for modeling itself on that city's strict LDCs. But the proposed policies allow the option of adopting levels of enforcement against even a 3-inch ground disturbance -- less than needed to plant the average vegetable garden.

The city does not have the budget to be "responsible" for protecting archaeological resources as these policies propose. Therefore, the burden will fall on the property owner-developer, as it does in St. Augustine. The cost and time of archaeological reviews, site inspection, supervision, and in some cases liens and legal fees, will make development prohibitive, including the ability to undertake burying of utilities, and storm water and sewage improvements. This is in direct conflict with Chapter 1, p. 4, Policy 3.03.06: "The City shall maintain Land Development Code policies that minimize barriers to the development of existing vacant lots." The proposed archeological policies mandate new barriers to the development of existing vacant lots.

In some states such as Michigan and Texas, conservation districts have the statutory power of eminent domain within the context of their particular conservation goals. But even where not legislated at the state level, a local government can exercise powers of eminent domain as a result of its local archaeological ordinances. Miami/Dade did just that in the case of the Miami Circle.

(See <http://www.flheritage.com/archaeology/projects/miamicircle/Tour/modernTL.cfm>).

In this case, archaeological ordinances entitled local government to inspect and excavate private property, leading to its taking. Millions upon millions of dollars later, the authenticity of the resources are still debatable. We do not want that here.

Nowhere in Fernandina is this policy likely to retard property values and development more than in the Old Town Historic District, burdening current owners of its vacant lands and positioning them to be acquired by city designees under conservation districting. Old Town archaeological resources have already been surveyed, streets and easements have been graded in some cases by several feet, and the most important historical buildings have been demolished with HDC and staff approval, without the restraints now being proposed. Today's Old Town property owners deserve the full use of their property rights just as yesterday's have enjoyed.

DESIRED OUTCOME/CHANGE: Soften the policy language to an appropriate preservation level for Fernandina and private property owners. We would feel comfortable with:

OBJECTIVE 11.02

"The City shall continue to make efforts to identify, preserve, and protect archaeological and paleontological resources within Fernandina Beach. ...

Policy 11.02.02 *The City may consider implementing development guidelines or land development regulations addressing archaeological and paleontological protection. Such regulations will be balanced with the City's redevelopment and infill goals and its policy to remove barriers to the development of vacant lots. [Delete policy specifics and leave them for the LDCs, if any.]*

Policy 11.02.03 *Delete and leave for the LDCs, if any.*

Policy 11.03.01

The City shall explore strategies for preservation of historic resources and properties, such as: • Incentives for maintenance, restoration and rehabilitation, and stabilization of historic, cultural or *archaeological* resources; • Incentives for productive and adaptive reuse of historic structures; • Incentives for private ownership and responsible stewardship of these resources • *Opportunities for public/private partnerships to further historic preservation; and* • *Establishment of historic or conservation districts with neighborhood approval. [deleting archaeological]"*

2.

POLICY 11.01.01, p. 1

"The City shall encourage the protection, preservation and conservation of districts, sites, landmarks and/or structures within the City that are included on the National Register of Historic Places to ensure their protection from demolition, deterioration, reconstruction or alteration."

CONCERN: The policy removes protections for local historic districts currently contained in Policy 1.05. The new policy language protects only National Register properties/districts. The new policy also removes the Future Land Use overlay protection for historic districts that exists in 1.05.08 of our current comp plan.

DISCUSSION: OBJECTIVE 1.05. HISTORIC RESOURCES of our current comp plan states:

"The City shall preserve and protect designated historic resources, including historically significant housing."

This is a superior protection to the new policy because it includes both national and locally designated historic resources.

In our city and many cities, local and national historic districts do not always overlap one-for-one. For example, in Old Town one of the blocks facing 14th St. wasn't in the National Register nomination but was included in the local historic district because it contained historical peonia/media peonia lots and logically belonged to the district's boundaries, zoning and uses. Such cases exist in downtown as well as Old Town historic districts. Planning staff also wishes to create future districts to conserve 50-

year-old neighborhoods whose properties may or may not be on the National Register. Reducing to only National Register protection is a weakening of the ongoing protection and development of historic districts generally. It is also unfair to existing local historic districts whose protections are being downgraded.

Another protection that has been removed is CURRENT POLICY 1.05.08: *"The FLUM shall depict the historic district as an overlay district. Areas delineated as being within the historic district shall be planned and managed using a regulatory framework designed to preserve the form, function, image, residential balance, and ambiance of historic Centre Street and surrounding area."* This language protects the historic districts as a future land use. To remove it exposes the historic districts to easier erosion through variances, non-conformities and rezonings that introduce one-off, incompatible developments and uses, that take their toll over time. If historic districts are not protected in the FLUM, who will want to invest in them?

DESIRED OUTCOME/CHANGE: We are simply asking the PAB to maintain the protections we have. Please carry over the language of 1.05 and 1.05.08 intact in the new plan. For 1.05.08, please reference both the historic districts, Old Town as well as downtown. Please note that the Future Land Use Element continues to be mandatory, while Chapter 11 Historic Preservation is not. Therefore, please cross-reference 1.05 and 1.05.08 in Chapter 1 and Chapter 11 to ensure current protections are continued.

Kelly Gibson

From: Nick Gillette [Nick@gilletteassociates.com]
Sent: Monday, June 06, 2011 3:34 PM
To: Kelly Gibson
Subject: RE: Housing Element

Kelly,

I (finally) did review the FLUM amendments. It appears that only properties within the HDR FLUM districts and CRA are afforded increases in density to provide affordable housing.

We have a project that is located adjacent to the subsidized housing on South 11th Street and since it has an MDR FLUM, we have been severely handicapped in an effort to build duplexes and provide affordable housing on the lots. It is located next to affordable, subsidized housing so its location seems ideal.

I don't see where the proposed FLUM changes address this.

The real problem is the net density thing. I think we all can agree that a duplex should be allowed in an MDR district and it is a permitted use in the R-2 zoning code. However, if you consider a platted lot being on a 60' r/w and a maximum density of 8 du, you will need a lot that is 41.9 feet in width for each side of the duplex, or 83.8 feet in total width for one duplex. It is flawed when you cannot building a duplex (or two unit townhome) on a 60 foot x 100 foot lot, as the zoning code allows, because of density. An 83 x 100 foot lot for a duplex is oversized and does not contribute to affordable housing.

Can this be addressed? Thanks

Nick E. Gillette, P.E.
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From: Kelly Gibson [mailto:kgibson@fbfl.org]
Sent: 2011-05-26 1:11 PM
To: Nick Gillette
Subject: RE: Housing Element

Nick,

Thank you for taking the time to send me your thoughts and comments. I really appreciate that!
Have you had an opportunity to review the Future Land Use Element? I believe that element will clarify some of your questions.

Sincerely,

Kelly N. Gibson
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Fax: 904-277-7324

kgibson@fbfl.org

Comprehensive Plan: www.fbfl.us/CompPlan
Evaluation & Appraisal Report: www.fbfl.us/EAR
Land Development Code: www.fbfl.us/LDC
Planning Advisory Board: www.fbfl.us/PAB
Mapping Info: www.fbfl.us/GIS

Waterfronts FL Partnership: <http://fbfl.us/WFC>



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From: Nick Gillette [mailto:Nick@gilletteassociates.com]
Sent: Thursday, May 26, 2011 12:59 PM
To: Kelly Gibson
Subject: Housing Element

Kelly,

I read over the draft ordinance for the Comprehensive Plan amendments. Policy 3.03.10 discusses bonus densities for affordable housing. What type of bonuses are being contemplated? Please consider that in order to build a duplex on a conforming City lot (60 x 100 lot) with frontage on a 60' right of way, the density would have to be 10 units per acre and this is only for a duplex. I would consider a duplex a medium density residential housing element, not high.

Also, on encouraging the "Green" concept, bonus densities would be nice here as well to allow for a developer to offset the higher costs associated with going "Green".

These are just some quick thoughts and I appreciate you taking my input. Thanks

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