

## **Housing Element - Comments and Items for Discussion**

### **Board Member Comments:**

Len Kreger (5/23/11):

- 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

### **No Agency Comments**

### **No Public Comments**

**Adrienne Dessy**

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**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

## Kelly Gibson

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**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

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## Kelly Gibson

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**From:** Nick Gillette [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

Nick E. Gillette, P.E.  
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**Kelly Gibson**

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**From:** Patricia Borns [patriciaborns@comcast.net]  
**Sent:** Friday, June 10, 2011 8:38 PM  
**To:** david.beal@beal.com  
**Cc:** len kreger; ericbartelt@gmail.com; mharriossn@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, HOUSING ELEMENT

David,

I was traveling on assignment last week and am sorry this comes late regarding comments to the Housing Element. However, I understand the PAB will be reviewing the elements as a whole, so the plan can continue to evolve until the final sign-off.

Below, then, are two policies that concern us in their current wording. Your consideration much appreciated.

All the best,  
Patricia

Patricia Borns  
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**Policy 3.02.07. (moved from 3.03.03.)** The City shall encourage the establishment of neighborhood groups to coordinate with the City on neighborhood improvement projects, such as code enforcement, removal of blighting influences, and concentrating capital and/or operating budget improvements in such neighborhoods.

**Concern:** What is a neighborhood "group" and who is and isn't included in it? When all property owners in a neighborhood are affected, particularly where capital improvements are concerned, it is concerning to find this policy legalizing the insider, or some would say 'good ol' boy,' practices that many Fernandina neighborhoods suffer from. That is, a few wired-in players monopolize staff's attention, the city manager's support, and ultimately, the designation of resources that improve their little corner of the universe. We all know stories about how this street got paved, how that one got a sidewalk, a storm drain or gravity sewer. Whether or not it was intended, the word "group" suggests a subset of the neighborhood, raising fears that a few unelected property owners could somehow become 'official' representatives for others who deserve an equal voice. Those who have chosen to be additionally governed by associations may have some form of legitimate neighborhood leadership; but the rest of have elected no one except their commissioners, and can't be legally bound to a city-created "association." Nor would they want to be, any more than they want to suddenly come under the jurisdiction of the HDC.

**Desired change:** Please ensure that all property owners in a neighborhood are involved in "coordinating with the City on neighborhood improvement projects" and have equal

access to city staff and resources.

**Policy 3.02.08.**

The City shall establish a Citywide neighborhood planning program to encourage the stabilization and preservation of residential areas throughout the City and strengthen linkages between neighborhoods and City government.

**Concern:** Please see above. Again, we do not want to legitimize unofficial current practices.

**Desired change:** Please specify in the language that property owners will have equal access to city staff and resources, and an equal voice in decisions, for any neighborhood planning programs.