

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
FEBRUARY 22, 2001
(1:30 P.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: Mary Kohnke, District 4, Chair
 Marc Jacalone, District 3, Vice Chair
 Nicholas Meiszer, District 1
 John Reardon, District 2
 James E. Bryant, District 5
 Ben W. Adams, Jr., County Administrator
 Daniel Bosanko, Deputy County Attorney
 Judy Hamilton, Deputy Clerk

(02/22/01 - 1 - 1:32 p.m.)

The meeting was called to order by Chair Kohnke.

(02/22/01 - 1 - 1:32 p.m.)

The Invocation was given by Rev. Ouida Smith, Associate Pastor of St. Luke's AME Church of St. Augustine. The Pledge of Allegiance was led by Jacalone.

(02/22/01 - 1 - 1:33 p.m.)

ROLL CALL

The roll was called by the Deputy Clerk.

(02/22/01 - 1 - 1:33 p.m.)

PUBLIC HEARING - NOCATEE DEVELOPMENT OF REGIONAL IMPACT AND COMPREHENSIVE PLAN AMENDMENT. THE PURPOSE OF THESE SPECIAL MEETINGS IS TO HOLD PUBLIC HEARINGS ON AN APPLICATION FOR DEVELOPMENT APPROVAL FOR A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS NOCATEE AND ITS RELATED COMPREHENSIVE PLAN AMENDMENTS. THE NOCATEE DRI IS LOCATED IN DUVAL AND ST. JOHNS COUNTIES. THE PORTION LOCATED IN ST. JOHNS COUNTY IS PROPOSED FOR THE DEVELOPMENT OF 2,872,000 SQUARE FEET OF OFFICE USES, 968,000 SQUARE FEET OF RETAIL USES, 250,000 SQUARE FEET OF INDUSTRIAL USES, 12,039 RESIDENTIAL UNITS, 540 ASSISTED LIVING UNITS, 54 HOLES OF GOLF, AND 425 HOTEL ROOMS, INCLUDING PUBLIC SCHOOLS, PARKS, AND GOVERNMENT PARCELS ON APPROXIMATELY 13,323 ACRES. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH AND SOUTH SIDES OF PALM VALLEY ROAD (CR 210), EAST OF US 1 AND WEST OF THE INTRACOASTAL WATERWAY

Proof of publication of the notice of public hearing on the Nocatee Development of Regional Impact and Comprehensive Plan Amendment, was received having been published in *The St. Augustine Record* on December 20 and 23, 2000, December 24, 2000, January 31, 2001, and February 8, 2001.

Cathy Upchurch, Court Reporter, was in attendance.

(02/22/01 - 2 - 1:34 p.m.)
APPROVAL OF AGENDA

Bosanko recommended formal approval of the schedule. **Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the agenda and the schedule.**

(02/22/01 - 2 - 1:34 p.m.)
EX-PARTE COMMUNICATION DISCLOSURE

Meiszer disclosed meeting with representatives of the developer, Mr. O'Steen, on two occasions, one many weeks ago, which consisted of a tour of the property, and one on Tuesday afternoon, which lasted about an hour, took into a brief summary of the application. Meiszer stated written, telephone, and e-mail communications were too numerous to mention, but there were pro and con.

(1:36 p.m.) Jacalone stated, in the County Commission Office, he had compiled a complete package of written correspondence, printed materials from opponent groups and from the developers and their principals. Among that compilation of materials, he had a list of people that he had oral conversations with and the content of those conversations, and those materials would be brought here before these proceedings end this day and be delivered to the Clerk.

(1:38 p.m.) Kohnke stated she had spoken to everybody in St. Johns County, Duval, Clay, and other places. The nature of the conversations had been concerning the schools, pro and con, "there's no problem, we're glad to get the sites, we're a little concerned about funding." Those were the two sides of that issue. In terms of the negative responses to Nocatee, it had been "we don't want it, we think it's sprawl," various sundry type things like that which had been in the newspapers. On the positive side, she had received numerous letters, e-mails, you-name-it. Almost everything that had come to Kohnke was contained in the box at the Deputy Clerk's station, because Staff had stamped everything that had come in their office. She had also received, privately, a stack, which she would give to the Deputy Clerk. The nature of the communications was again pro and con. Kohnke had spoken with the developer as early as almost two years ago, when they first told her about Nocatee. Her response to the first introduction to it was "That's very nice, I'm going shopping." She had since spoken to the developer several times in person and two or three times on the phone. She did not believe she had spoken with any of the developer's staff, except perhaps on occasion, she might have spoken to them in the audience. Her conversations with the developer had been mainly "you're stealing us blind, you can't ask for any more, yes we're doing that, yes we're doing this." In general, that type of conversation, some of it humorous, some deadly serious. Kohnke had spoken to Dr. Balboni, when they had the summer conference at Ponte Vedra. She had spoken numerous times to the Staff and to the County Attorney, all having to do with "what are we doing, which way are we going, can this road go here, can this road go there." That was the essence of her ex-parte.

(1:40 p.m.) Reardon disclosed ex-parte communication as having had all the typical mail, that all the Commissioners had received. On occasion, he had spoken with Roger O'Steen a couple of times, Julie Randall a while ago, briefly in passing, Greg Barr, in passing, and maybe a couple of other people associated with the project, but not very much. Reardon said he had met with Roger O'Steen once about the project; talked to a few people, including Marie Siefert, Ian Abarbanell, Dan McDonald, Tina McGoff, Judy Ham, through the usual channels of the School Board, and Jenny Simpson. It was a topic at the Library Advisory Board, of which Reardon is the BCC liaison. All of the other discussions had been in passing, to his recollection; and all of the letters, e-mails, of which he had made copies and turned in for the record.

(1:42 p.m.) Bryant submitted a packet of correspondence; stated he had met with Mr. O'Steen, the applicant, many many months ago for the tour of the Nocatee site, having relative discussions along different issues over the last two years. Most recently he spoke with Ian Abarbanell over the phone on the New Town concept. He met yesterday with Ellen Whitmer and Dan McDonald regarding water transportation, schools, and beach access. He had many discussions with Staff members on the concepts and impacts of Nocatee.

(02/22/01 - 3 - 1:45 p.m.)

STAFF PRESENTATIONS AND BOARD DISCUSSIONS

Reardon asked Bosanko about additional time, if needed, for this hearing and the decision-making process. Bosanko advised they had an additional 30 days for the Board to come back and make its decision. If additional time was needed, the Board could so direct Staff, who would advertise the additional time, within those 30 days, for the Board to make its final decision.

(1:48 p.m.) Kohnke reviewed the agenda. Bosanko stated, for the public's information, that if public comments were finished on Friday before 8:00 p.m., the Board could close out the meeting early. Kohnke expressed appreciation to all who had labored for two years on the development.

(1:51 p.m.) Teresa Bishop, Planning Director, advised the Board of the Comprehensive Plan Amendment Ordinance, that included four Comprehensive Plan Amendments. Those amendments were an amendment for the New Town text amendment, an amendment to the Future Land Use Map to incorporate the New Town for the Nocatee DRI, an amendment to change the Rural Silviculture area to conservation for the Nocatee Preserve Area, and a pipelining provision, as provided for in the Florida Statutes, chapter 163. Bishop stated a separate action would be the Nocatee DRI itself. She then began presentation of the New Town concept and went through the policies.

(1:52 p.m.) Bishop then began review of the New Town Policies and Objectives A1.19. The New Town concept itself is to provide for a sustainable, livable, workable community, someplace where people can do all of those things in their community and it also provides for a community atmosphere as opposed to the random development of subdivisions. She stated this is a concept that is being tried now in various places, throughout the country, as well as Florida.

(1:54 p.m.) Kohnke asked if where it says the New Town category may be requested for a Development of Regional Impact, that it meets the policies set forth therein, then it is stated the Board of County Commissioners may approve or deny any New Town on a project by project basis after the New Town review, and asked if that was the same clause that was put in for pipelining. Bishop responded it is very similar to the pipelining provision. Kohnke reiterated that nobody has an automatic right to have a New Town.

(1:58 p.m.) Bishop clarified this was not a zoning classification, but it is a future land use designation, that is now being proposed to the Board, that it will be put on the map with a project by project basis. Bishop then reviewed Policy A1.19 and answered questions of the Board. Bosanko advised and clarified issues as needed. (2:56 p.m.) Kevin Feldt, Transportation Planning Manager, reviewed the pipelining and transportation issues for the Board and answered questions from the Board. The Development Order (DO) proposed by resolution, was reviewed and commented upon by the Board and by Staff. The meeting recessed at 3:48 p.m. and reconvened at 4:00 p.m. Jan Brewer, Environmental Section, and Bill Young, Utility Director, also gave input to the discussion.

(4:45 p.m.) Deputy Clerk Judy Hamilton left the meeting; Deputy Clerk Yvonne King entered the meeting.

Feldt reviewed some of the road projects: to realign CR 210 between the Palm Valley Bridge and U.S. 1; Racetrack Road Extension (extending from CR 210 over to Racetrack Road) intersecting at U.S. 1; Phillips Highway (6 lane from Racetrack Road to St. Augustine Road); and move a part of CR 210/Mickler Road into the first phase. Feldt then reviewed some of the issues agreed to by the applicant: to conduct a travel behavior and demand study beginning in the fourth year of the first phase; that study would be repeated every three years through the end of the third phase; donate the right-of-way for SR 9B; construct direct access to the Northeast St. Johns County Regional Park; build south accesses along the existing Pile Island Road right-of-way; a master circulation plan be included, which would be more refined in the PUD; and continuous access to the outparcel. Discussion followed regarding the transportation impacts for the Nocatee Development.

(02/22/01 - 4 - 4:56 p.m.)

DINNER BREAK

Motion by Bryant, seconded by Jacalone, carried 5/0, to revise the agenda and recess for dinner at 5:00 p.m. and resume the meeting at 5:30 p.m., and the applicant's presentation be moved to the end of the agenda. The meeting recessed at 4:56 p.m. and reconvened at 5:30 p.m. Meiszer was not present after the recess.

(02/22/01 - 4 - 5:30 p.m.)

BCC DISCUSSION AND QUESTIONS TO STAFF

Bishop continued reviewing the Development Order as follows: Hurricane Preparedness regarding storm surge elevation and shelter contribution; and Human Resource Impacts regarding housing.

Meiszer returned to the meeting at 5:42 p.m.

Discussion followed regarding the Employer-Assisted Down Payment Assistance Fund (EADAF), land contribution, police and fire protection, and library. (6:05 p.m.) Mary Jane Little, Library Director, said that with the current projections, the library will need approximately five acres. Discussion followed regarding the acreage needed for the library, the location of a fire station, recreation and open space, and school sites. (6:10 p.m.) Hugh Balboni, Superintendent of Schools, 40 Orange Street, addressed the estimated number of students projected to be served within the Nocatee DRI; the number of schools that will be necessary to serve the students; the timing of the schools, when they will likely come on site; the location of school sites; a funding mechanism to finance the construction of schools within Nocatee; and proposed some alternative language to be included in the Development Order regarding the school issues. Discussion followed regarding a funding mechanism for the new schools in Nocatee; the number of schools in the development; and the location of the school sites. (6:33 p.m.) Sid Ansbacher, 780 N. Ponce de Leon Blvd., said without concurrency in place, the prepayment requirement would be the subject of a voluntary agreement. Discussion followed regarding funding for the new schools and the hurricane shelters.

(02/22/01 - 4 - 6:47 p.m.)

NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL (RPC) PRESENTATION

Brian Teeple, Executive Director of the Northeast Florida Regional Planning Council, commented on the regional view of the Nocatee Development.

(02/22/01 - 4 - 6:54 p.m.)

BOARD OF COUNTY COMMISSIONERS DISCUSSION AND QUESTIONS TO RPC

Teeple entertained questions from the Board.

(02/22/01 - 5 - 6:57 p.m.)

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) PRESENTATION

Ken John, Assistant Director for the Department of Water Resources with the SJRWMD, commented on the impacts the Nocatee Development will have on consumptive use, water quality, and water quantity.

(02/22/01 - 5 - 7:02 p.m.)

BOARD OF COUNTY COMMISSIONERS DISCUSSION AND QUESTIONS TO SJRWMD

Members of the Board asked questions of Mr. John regarding consumptive use and buffers.

(02/22/01 - 5 - 7:04 p.m.)

DEPARTMENT OF TRANSPORTATION (FDOT) PRESENTATION

Lea Gabay, FDOT, 3068 Haley Lane, Jacksonville, made comments supporting the pipelining issue; then commented on realigning CR 210, access from north to south, and additional right-of-way donated to FDOT for the 9B roadway.

(02/22/01 - 5 - 7:11 p.m.)

BOARD OF COUNTY COMMISSIONERS DISCUSSION AND QUESTIONS TO FDOT

Discussion followed regarding the road impacts and funding sources for the road projects.

The meeting recessed at 7:17 p.m. and reconvened at 7:27 p.m.

(02/22/01 - 5 - 7:27 p.m.)

APPLICANT PRESENTATION

The Board asked questions of the applicant during his presentation. Roger O'Steen, Applicant/Developer, addressed the issues of concern on the Nocatee Development regarding the donation of sites for fire, police, library, and civic uses. Jacalone informed O'Steen that the library services need five acres for a library site. O'Steen agreed to donate up to 5 acres for a library site; agreed to the County being involved in the green way management plan; said no flood plain designations are planned to be developed; agreed to donate additional right-of-way, if needed; opposed to a north access (north of Nocatee into lands known as the D Dot Ranch to the north to potentially access or connect to JTB Blvd.); agreed to fund whatever is necessary to upgrade the schools to a standard so that hurricane evacuation is possible within the school facilities; agreed to the original donation of 50 acres of land in five 10-acre increments for affordable housing; agreed to the fire stations being located in a place based on valid criteria; agreed to the sites with regards to the number of school children and how many sites are needed; agreed that if impact fees are abolished that they will impose some type of fees to replace those fees; proposed a high school site on the east side of the town center; committed to \$100 million for transportation; and the library and fire station sites being located in an area mutually agreed upon.

(8:24 p.m.) Bosanko reminded the Board that the Development Order has a provision that to complete some of the road requirements that the Board would be required to exercise its right of condemnation of eminent domain. He also informed them that the full development of Nocatee will probably cause some road segments to become deficient.

(8:29 p.m.) Kohnke reviewed the meeting schedule for tomorrow's meeting: the questions that were submitted by the Civic Roundtable will be considered first; then, the public will be asked if they want a full presentation by the applicant; public comments will then be taken; and then proceed from there.

Motion by Jacalone, seconded by Bryant, carried 5/0, to recess the meeting. There being no further business to come before the Board, the meeting recessed at 8:30 p.m.

Approved _____ March 27 _____, 2001

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Mary F. Kohnke, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: _____
Deputy Clerk