

City of
Neptune Beach

116 First Street • Neptune Beach, Florida 32266-6140
(904) 270-2400 • FAX (904) 270-2432 • Suncom 852-2400



MEMORANDUM

TO: Jim Jarboe, City Manager

FROM: Amanda L. Askew, Community Development Director

DATE: May 22, 2008

SUBJECT: Community Issues identified in the public workshop

Below is the preliminary list of issues identified at the May 20, 2008 public workshop that will be included in the Evaluation Appraisal Report (EAR). According to the Department of Community Affairs, community issues are topics that are identified and agreed upon that are most important to the community. The issues are evaluated to determine if amendments to the Comprehensive Plan are needed to give policy direction.

- Parking in town center
- Flow of pedestrian traffic and motorized traffic east of Third and across Third Street (AIA)
- Maintain existing densities and residential character of Neptune Beach
- Redevelopment of commercial along Atlantic Blvd and Third Street (AIA).
- Encouragement of mixed-use development along Atlantic Blvd and Third Street (AIA)
- Enhance and promote pedestrian safety along Atlantic Blvd and Third Street (AIA)
- Water conservation and water reuse

The following items were mentioned during the public workshop however they are not part of the EAR process and should be addressed, if appropriate, through other means (land development regulations, non-profit organizations, public safety measures, etc.):

- Review the Interlocal Agreements for ways to save money and/or combine services
- Provide additional parks/greenspace and recreation opportunities
- Strengthen policies and goals regarding the Intercoastal Waterway in the Comp Plan
- Use of native plant materials (xeriscape)
- Noise problems east of Third Street
- Use of volunteers around the city to help off-set the cost park maintenance, regular building maintenance, trash pick-up, building, etc.

- General Crime prevention, community safety, traffic enforcement of stop signs along First Street and conflicts between cars and pedestrians/bikers along First Street
- Use of overlay zoning districts along commercial corridors
- Contact cities with similar size in Florida and compare budgets to investigate cost savings

The Planning Development Review Board (PRDB) acting in their capacity as the Local Planning Agency considered and discussed the EAR process and heard input from citizens. The PDRB recommended that the City Council accept the following as the City's community's issues. Additional issues can be added based upon further public input, if appropriate.

Once the community issues have been finalized with Council they will be forwarded to the Department of Community Affairs to be added in the scope of work with the EAR.



MINUTES
PLANNING DEVELOPMENT REVIEW BOARD
MAY 20, 2008 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a meeting of the Planning and Development Review Board for the City of Neptune Beach was held May 20, 2008 at 6:00 p.m. in the Neptune Beach Council Chamber 116 First Street Neptune Beach, Florida.

The following Board members were in attendance:

Kerry Chin, Chairperson
Richard Arthur, Vice-chairperson
Fred Cattar, Chairperson
Todd Bosco, Member
James Niss, Alternate Member
Amy Cole, Alternate Member

Staff members in attendance:

Amanda Askew, Community Development Director
Piper Turner, Administrative Assistant to the Building Official

Call to Order

Chairperson Chin called the workshop to order at 6:00 p.m.

Evaluation Appraisal
Report Workshop

Public Participation Workshop to Identify Community Issues to be included in the Evaluation Appraisal Report (EAR).

Amanda Askew addressed the board and members of the community. A sign-in sheet was passed around. This is the first step in the process of the EAR. This workshop is to identify major issues of the community.

Some of the issues talked about were:

- Parking in Town Center
- Traffic flow east of Third Street with regard to safety concerns.
- Density
- Interlocal agreements with Jacksonville, Atlantic and Jacksonville Beaches
- Commercial vacancies along Atlantic Blvd. Would mix use help?
- Parks and greenscape
- Public transportation and pedestrian walkways
- Include the intercoastal waterway in the coastal element
- Community safety
- Overlay districts
- Noise
- Volunteers to be used to offset cost

Chairperson Chin explained that this workshop was to include the public in identifying community issues and concerns.

The workshop was closed.

Call to Order

Chairperson Chin called the regular meeting to order at 7:22 p.m.

Approval Of Minutes

MOTION: TO APPROVE THE MARCH 18, 2008 MINUTES, AS AMENDED.

Moved by Cattar, seconded by Arthur.

Roll Call

Ayes: 6 - Cole, Niss, Bosco, Cattar, Arthur, Chin

Noes: 0

MOTION APPROVED.

Ordinance Changes to Section 27-227(5)

Board to discuss proposed ordinance changes to section 27-227(5) The request is to change the number of special outdoor sales events for retail businesses from three (3) times a year to eight (8) times a year.

MOTION: TO APPROVE CHANGES TO ORDINANCE 2008-05 WITH THE FOLLOWING AMENDMENT: SPECIAL OUTDOOR SALES EVENTS BY NEPTUNE BEACH GENERAL RETAIL STORES MAY BE HELD ON THE PREMISES OF THEIR LICENSED STORE EIGHT (8) EVENTS PER CALENDAR YEAR WITH NO MORE THAN TWO (2) CONSECUTIVE DAYS PER EVENT.

Made by Arthur, seconded by Bosco.

Roll Call

Ayes: 6 - Cole, Niss, Bosco, Cattar, Arthur, Chin

Noes: 0

New Business

There will be a planning workshop in St. Johns County which is sponsored by the First Coast Chapter of Planning and Zoning. This training is free and will be on June 11, 2008 from 1pm to 5pm. The board is encouraged to attend.

Next Meeting

June 17, 2008 at 6:00 p.m.

Adjournment

There being no further business, the meeting adjourned at 7:40 p.m.

Kerry Chin, Chairperson

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MEMORANDUM

TO: Planning Development Review Board

FROM: Amanda L. Askew, Community Development Director

DATE: May 9, 2008

SUBJECT: Public Workshop to Identify Community Issues for the Evaluation Appraisal Report (EAR)

We are starting the first step in the process of the EAR. We are holding a public workshop to identify major issues for the community. The PDRB will be moderating and participating in the public workshop.

The public workshop is scheduled for May 20th PDRB meeting at 6:00pm. Of course we have advertised the workshop but we have also sent our specific invitations to elected officials, organizations, other board members, adjacent local governments, etc. We will host the workshop and then adjourn the workshop and go into our regular agenda items.

The public workshop will be conducted like a charrette format to obtain the maximum input from the attendees. The sole purpose of the workshop is to identify the major issues for the community. I have included a handout about this process from the Department of Community Affairs (DCA), please review page I-5 for more details on what constitutes an issue.

PART I

THE PROCESS

1. OVERVIEW OF THE PROCESS

The process for preparing an evaluation and appraisal of the local government comprehensive plan is the same basic planning process used for many local government programs and projects. First, identify the expected result, in this case an assessment of the local government comprehensive plan. Next, collect the information necessary to conduct an evaluation, and analyze the data. Finally, prepare a report to document findings and recommendations. This guide is designed to assist smaller municipalities and counties in preparing the evaluation and appraisal report (EAR), so that staff or volunteers not specifically trained in planning may nevertheless conduct the evaluation and prepare the report. However, when a volunteer, staff of the regional planning council, or a consultant prepares the EAR, a member of the elected body, the planning commission, or the staff should be responsible for overseeing the work. This will ensure that all steps are taken and that all required information is included.

a. Purpose of the EAR

A local government comprehensive plan is a living document. While it is designed to provide certainty in the development of a city or county, in part through limitations on amendments and requirements for financial feasibility, it is also designed to respond to changes in a local jurisdiction. Response to changes comes in part through amendments to the plan, through revisions to methods of implementation, and in large part through a periodic evaluation of the plan.

We all know that Florida is changing and growing rapidly. Local communities are changing as well. Growth management is all about how local communities plan for that change. Because periodic evaluation of growth and change is part of good planning, state law includes a requirement for the preparation of an evaluation and appraisal report every seven years¹. The EAR is the first step in updating a plan, and is intended to accomplish several important purposes:

¹ 163.3191(1), F.S.

- Identify major issues for the community
- Review past actions of the local government in implementing the plan since the last EAR
- Assess the degree to which plan objectives have been achieved
- Assess both successes and shortcomings of the plan
- Identify ways that the plan should be changed
 - Respond to changing conditions and trends affecting the local community
 - Respond to the need for new data
 - Respond to changes in state requirements regarding growth management and development
 - Respond to changes in regional plans
- Ensure effective intergovernmental coordination

b. Who should be involved

The people who should be concerned with and involved in the preparation of the EAR are the people who are responsible for maintaining and implementing the plan, and the citizens of the jurisdiction. The first group includes elected officials, appointed officials, and staff of the local government. The second group includes those people who live or own property in the local jurisdiction. Generally, the following groups should be invited to participate, either through assisting in the preparation of the EAR, or in reviewing and commenting on the EAR. Your local jurisdiction may not have all of these groups.

- Elected body (City, Town, or Village Council, City Commission, or County Commission)
- Planning Commission or Planning Board and/or Local Planning Agency
- Development Review Board or Committee
- Local government staff, such as the manager or administrator, clerk, and those responsible for planning, zoning, engineering, utilities, public safety, affordable housing, and finance
- School Board
- Chamber of Commerce
- Homeowners' Associations
- Builders' Association
- Civic groups
- Representatives of adjacent local governments

c. How much information is needed

At a minimum, the local government will need up-to-date information on the population of the jurisdiction. The rest of the information (data) will be determined by the subject matter (list of issues) to be included in the EAR. For each issue, it will be necessary to collect enough information to explain the issue, discuss the effects on the jurisdiction, and support any recommendations. Often, there are reports or studies from state and regional agencies that meet this need. For cities, the county may have such reports or studies prepared for the entire county. In such cases, the only thing needed in the EAR itself is an identification of the report or study, and a summary of how it applies to the local community's issue.

When making reference to existing reports and studies, it is not necessary to copy information into the EAR, unless it is easier to refer to the information this way. It is sufficient to make reference to the reports and studies that contain the information and to write a summary statement within the EAR itself. For example, Crystal River needed to update conservation information in its EAR. Citrus County had prepared a thorough inventory and analysis of conservation issues on a county-wide basis. Crystal River adopted the county's inventory and analysis report (by reference) as city data and analysis, and wrote a brief explanation in the EAR on how the county data applied to Crystal River.

d. What are sources of information

State and county agencies, universities, regional planning councils, water management districts, and others prepare studies and reports that may be helpful in preparing the EAR. A list of potential sources of information is provided in Part V.

e. How long the EAR should be

There is no specific size requirement for an evaluation and appraisal report. If there are no local issues to address, and the issues identified and required in the Florida Statutes do not apply to the local jurisdiction, a complete evaluation may be only a few pages. Refer to the checklist contained in Part II for EAR contents. At a minimum, the report should have the following components:

- a table of contents,
- a brief description of the process used to ensure public participation,
- updated population estimates,

- changes in land area,
- a list of changes needed in the plan due to changes in state law, the regional plan, or the administrative rule, and
- a statement committing the local government to updating the comprehensive plan to address the changes in state law and rule.


Even where there are issues that the local government wishes to address or that apply to the local community, the document still may be fairly short. The contents of the EAR could include only an identification of the issue, an explanation of the information (data and analysis) used to evaluate the issue, and recommendations on changes to the plan to address the findings on the issue. As an example, Sumter County identified flooding as an important countywide issue, and relied on data and analysis from the water management district to explain the issue. The discussion in the EAR on the flooding issue is three pages, enough to describe the problem, the current status, and recommendations.

Even where there are many issues included in the local government EAR, the report itself should be concise and make reference to other supporting documents. A local government should not feel that an EAR must be bulky in order to be adequate for local purposes or to be found sufficient by the Department of Community Affairs (DCA).

2. LIMITING THE EAR TO LOCAL SUBJECT MATTER (LOCAL ISSUES)

Prior to 1998, the requirements for the EAR were uniform. That meant that every local government, regardless of size or circumstance, had similar reports in terms of the type of contents. The effect of the legislation adopted in 1998 is to allow the local government to evaluate only those issues that pertain to and affect the local jurisdiction². This means that not every portion of your comprehensive plan needs to be thoroughly evaluated in the EAR, but only those major issues that affect your community's ability to achieve its goals. However, each element as a whole must be briefly evaluated as to its successes or shortcomings in addition to any evaluation related to the local issues.

² 163.3191(1)(c), F.S.



a. **What is an issue**

Throughout this guide the terms "subject matter" and "issue" are used interchangeably. With only a few exceptions, the local government chooses the subject matter of the evaluation report. In the legislation, this subject matter is called an issue. An issue is usually a very narrow matter of concern to the existing and future growth and development of the local community.

For example, "transportation" is not an issue. The term "transportation" includes all the roads, sidewalks, bike routes, and the like in the jurisdiction. However, within the broad area of "transportation", a local community may have a particular concern for the impacts of a road project, or congestion on a road segment, sidewalks in bad repair, or some other specific concern. This specific concern is the issue.

Another example is the environment. "Environment" or "environmentally sensitive lands" is not the issue. For a local community, the specific concern may be one particular source of pollution, or one particular land area that should be preserved, or shoreline development, to name a few examples. It is more likely that even "shoreline development" is not the specific issue, but that the issue is something more specific and of direct concern in the local community. Examples might include lack of public access, or development that could be damaged by coastal flooding.

The local government should take great care at this step in the process to identify as clearly and specifically as possible the subject matter that is important locally. (Two examples of local issues are shown in Part IV, Section 4). This will make the EAR a useful document and not an exercise in compliance with a checklist of minimum criteria. The EAR becomes customized for the local community.

b. **Who identifies the issues**

As explained in the checklist of steps in the process (see Part II), the local government determines the subject matter of its EAR in two ways. It is important to note that it is the local government that identifies the issues, not a state or regional agency. However, the state and regional agencies have input as do adjacent local governments, and the public. It is not intended that the local government overlook any real issues, nor is it intended that other agencies force the local government to consider issues that do not affect or pertain to the jurisdiction.

One step in deciding the subject matter for the EAR is to hold a meeting with adjacent local governments and representatives of state and regional agencies. When cities are holding this meeting, the county should be invited. The Florida Statutes refers to this as a "scoping" meeting³. This means that the purpose of the meeting is to establish the scope or extent of the EAR through determining what subject matter, or issues, will be included. This is also the time to determine the extent of the effort required to adequately address the issues and meet the minimum requirements of the statutes. The schedule for adopting an EAR provides that a county's deadline is 18 months prior to the municipalities within the county. Therefore, it is especially helpful if the scoping meeting held by the county includes all municipalities so that there is plenty of communication on issues of common interest and on shared needs for data and analysis.

As shown in the checklist for preparing an EAR (Part II), first the local government develops a list of issues. Next, a meeting with the agencies is held to agree on those issues, or modify the list of issues. The local government then prepares a final list of issues to be included in the EAR.

c. Letter of Understanding with DCA

The list of major issues should be summarized and sent to DCA with a request for a letter expressing DCA's agreement with the topics selected. Receiving this Letter of Understanding from the Department will help avoid any misunderstandings when the Department reviews the adopted EAR for sufficiency.

3. GATHERING INFORMATION FROM STATE AGENCIES AND OTHER SOURCES

Another purpose of the meeting with agencies is to determine what data the agencies can provide to the local government to explain and analyze each issue. At the meeting, agency representatives should be able to identify reports, studies, or other documents that can provide information to the local government. It is important to make a list of these documents and who will provide them. This way the person overseeing the preparation of the EAR can follow up to make sure the information is received.

³ 163.3191(3), F.S.

Agencies may have a bibliography of documents. This bibliography, or reference list, can be useful to the local government in identifying reports, studies, and other documents that contain data useful for the evaluation of the plan. More information on sources of data is contained in Part V.

4. PUBLIC PARTICIPATION IN THE EAR PROCESS

It is important that the general public have plenty of opportunity to be involved in evaluating the local plan since adoption or since the most recent EAR. Throughout this discussion of the process, there is mention of workshops, public hearings, and procedures for adopting the EAR. When the comprehensive plan was originally adopted, each local government should have adopted procedures for public participation. These same procedures should be used in the preparation and adoption of the EAR⁴, including at least the participation described in this guide. In particular, see Part II, Section I.

5. ADOPTING THE EAR

The Local Planning Agency (LPA) is often the planning commission or the elected body and is responsible for preparing the EAR and recommending it for adoption by the elected body⁵. As the responsible group, the LPA may delegate the actual research and preparation of the EAR. The report may be prepared by someone on the staff of the local government. It may be prepared by a volunteer, such as a member of the LPA. In some regions of the state, the regional planning council is active in providing this service to local governments. A local government may decide to hire a consultant to prepare the report. Whoever is chosen, it is the responsibility of the LPA to ensure that an EAR is prepared and to recommend the EAR to the elected body for adoption.

There are several important steps leading to adoption and subsequent review by DCA of the EAR for sufficiency (see Section 10 for an explanation of "sufficiency"):

⁴ 163.3191(6), F.S.

⁵ 163.3191(4), F.S.

- The LPA holds at least one public hearing on the proposed, or draft EAR, before making a recommendation to the elected body⁶.
- The elected body may submit a proposed EAR to DCA and other reviewing agencies for comments 90 days **before** the scheduled due date⁷. If this is done, DCA will send comments on the proposed report within 30 days after the report is received. This is not a required step, but it is very useful to have early comments from DCA. Therefore, it is recommended that the proposed EAR be submitted.
- The elected body holds a public hearing for adoption of the EAR by resolution or ordinance⁸. At this public hearing, the elected body will consider the proposed EAR, as revised, based on comments at the LPA hearing as well as comments received from DCA. (See Part II for a checklist on procedures for adoption.)
- The EAR may be adopted no earlier than 90 days prior to the scheduled adoption due date.⁹
- After adoption, the EAR is sent to DCA where it is reviewed to determine whether it is sufficient.

6. SUBMITTAL REQUIREMENTS

If the draft, or proposed, EAR is sent to DCA for review (90 days before the due date), one copy is sent to DCA, and one copy is sent to each state and regional agency that will review the EAR, as well as adjacent local governments, and any citizens that have requested a copy¹⁰. (Refer to Section 10 below for a list of review agencies.)

After adoption, the following are the requirements for submitting the EAR¹¹:

- Three copies of the EAR to DCA

⁶ 163.3191(4), F.S.

⁷ 163.3191(5), F.S.

⁸ 163.3191(6), F.S.

⁹ 163.3191(9), F.S.

¹⁰ 163.3191(5), F.S.

¹¹ 163.3191(6), F.S., and 9J-11, F.A.C.

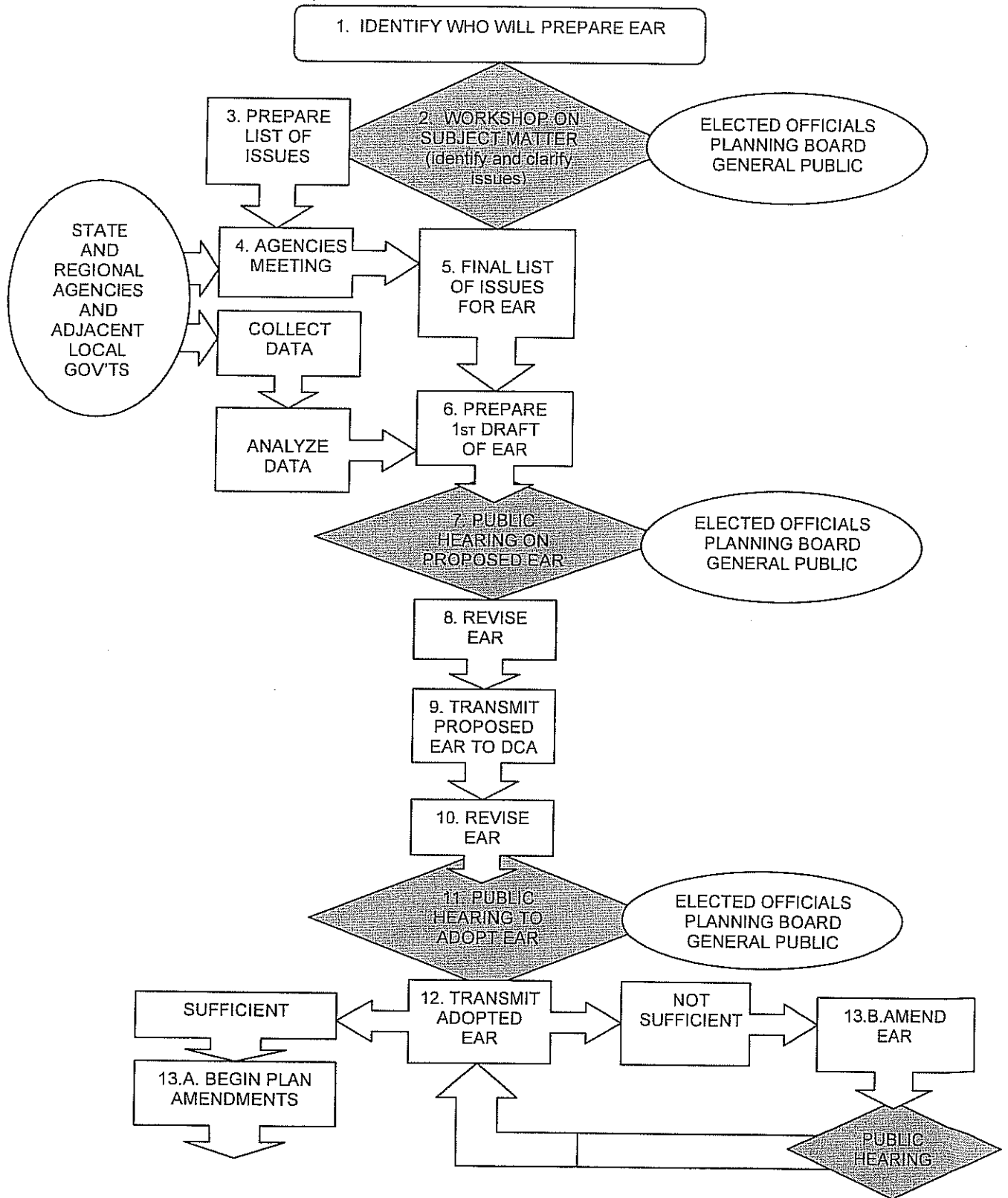
- A transmittal letter to DCA (a sample is provided in Part IV)
- A copy of the adoption resolution or ordinance to DCA (a sample is provided in Part IV)
- One copy of the EAR to each reviewing agency
- One copy of the EAR to each adjacent local government

After DCA and the agencies have received the adopted EAR, DCA will provide preliminary comments within 60 days. This provides an opportunity for the local government to clarify information in the report.

Within 90 days after the EAR is received, DCA will make a final determination whether the report is sufficient (see Section 10). A determination of sufficiency is based on whether the EAR provides the information, as applicable, in 163.3191(2), F.S.

7. FLOW CHART FOR THE WORK PROGRAM

The flow chart on the next page shows the steps in the process and the relationships among the steps. The flow chart should be used in conjunction with the timeline on the following page. The numbered boxes in the flow chart also correspond to the numbered steps in the checklist in Section 1 of Part II.



8. TIMELINE FOR PREPARING THE EAR

The following timeline can be used for the local government work program. First, insert the scheduled due date for adoption. Then, calculate the approximate dates for each step leading up to the due date. The numbers in the steps match the flow chart on the previous page and also correspond to the numbered steps in the checklist in Section 1 of Part II.

<u>Actual Due Date</u> ¹²	<u>Approximate Time to Complete</u>	<u>Step in the Process</u>
	15-18 months before scheduled due date	1. Identify who will prepare the EAR and who is responsible
	14 to 15 months before	2. Local workshop to identify subject matter (issues) and 3. Prepare the list of issues
	12 to 14 months before	4. Workshop with agency representatives and 5. Prepare final list of issues (<i>Letter of Understanding with DCA</i>)
	6 to 12 months before	6. Complete a first draft of the EAR
	± 5 months before	7. Public hearing with LPA on first draft
	± 4 months before	8. Revise first draft, as needed
	3 months (90 days) before	9. Transmit proposed EAR to DCA and other reviewing agencies (optional)
	2 months before	Receive comments from DCA
	1 to 2 months before	10. Revise first draft and produce final EAR for adoption
	0 to 1 month before	11. Public Hearing with elected body and adoption of the EAR
	SCHEDULED DUE DATE	12. Transmit to DCA & reviewing agencies
	2 months (60 days) after DCA receives EAR	Preliminary comments from DCA regarding determination of sufficiency
	3 months (90 days) after DCA receives EAR	Finding of Sufficiency or Finding of Not Sufficient
	12 months after finding of sufficiency (or 18 months if extension requested)	Submit proposed plan amendments based on the EAR
	18 months after finding of sufficiency (or 24 months if an extension is requested)	Adopt plan amendments based on the EAR

¹² Insert your dates, based on the scheduled due date published by DCA, and listed in Part V.

9. DUE DATES FOR LOCAL GOVERNMENTS

The due dates for adopting an EAR are set so that municipalities are scheduled 12 to 18 months after the county in which they are located. This allows the municipal governments to use data collected by the county for their EAR and plan amendments.

A list of due dates is provided in Section 4 of Part V.

10. HOW THE EAR IS REVIEWED¹³

The Department of Community Affairs is the primary reviewing agency. However, the EAR is also reviewed by the Department of Transportation, Department of Environmental Protection, the water management district, the regional planning council, and the Division of Historic Resources at the Department of State. Copies are provided to adjacent local governments who may also review and provide comments. DCA is responsible for determining whether the EAR is sufficient. The Florida Statutes uses the term "sufficient" to describe the condition where the EAR is adequate for the community's needs. In addition, to be sufficient means that the EAR has addressed the items listed in 163.3191(2), F.S.

DCA may delegate the review responsibilities to the regional planning council. When DCA has delegated the review, the local government may choose to have the RPC conduct the review rather than DCA. Contact your regional planning council to determine whether it has been delegated review authority, and consider using the RPC for review of your EAR.

11. WHEN AN EAR AND PLAN AMENDMENTS ARE NOT ADOPTED¹⁴

The Administration Commission (governor and cabinet) has the authority to impose sanctions when a local government does not adopt an EAR. The Administration Commission also has the authority to impose sanctions when a local government does not adopt amendments as recommended in the EAR.



¹³ 163.3191(7) and (8), F.S.

¹⁴ 163.3191(11), F.S.

The sanctions that may be imposed include not providing funds for improvements to roads, bridges, water systems, or sewer systems. Sanctions may also include losing eligibility for the Florida Small Cities Community Development Block Grant Program, the Florida Recreation Development Assistance Program, and certain revenue sharing funds.

When an EAR is not adopted, or an adopted EAR is found not sufficient, there are limitations on amending the local government comprehensive plan.

- (1) If an EAR is not adopted, only amendments for a development of regional impact (DRI) and certain port facilities may be adopted.¹⁵
- (2) If an EAR is adopted, but found not sufficient, the local government may continue to amend the plan for a one-year period after the scheduled due date for EAR adoption. (See Part V for the due dates).¹⁶
- (3) If an EAR is adopted, but found not sufficient, and the one-year period passes, the only allowable amendments to the comprehensive plan are amendments for a DRI.¹⁷
- (4) If an EAR is adopted and found sufficient, all amendments may be adopted.

Scheduled Due Date for Adoption of EAR and Subsequent Sufficiency Determination		One Year After Scheduled Adoption Due Date for EAR
If:	Then:	
(1) <u>No EAR Adopted</u>	Only amendments related to DRIs and certain port facilities may be adopted	Only amendments related to DRIs and certain port facilities may be adopted
(2) <u>EAR Adopted, but NOT Sufficient</u>	All amendments may be adopted	(3) Only amendments related to DRIs may be adopted
		
(4) <u>EAR Adopted and Sufficient</u>	All amendments may be adopted	
		

¹⁵ 163.3187(6)(a), F.S.

¹⁶ 163.3187(6)(b), F.S.

¹⁷ 163.3187(6)(c)