

Amendment to the Comprehensive Plan Application



IMS # CompAMD 2017000011

OT # \_\_\_\_\_

Date Rec \_\_\_\_\_

Owner / Applicant Information

Name Reinhold Corporation Phone 904-269-5857 Email \_\_\_\_\_

Address PO Box 515, Penney Farms, FL 32079  County Initiated Petition

Authorized Agent Information (requires agent authorization form)

Name Susan Fraser and TR Hainline Phone 904-591-8942 / 904-346-5531 Email slfraser@bellsouth.net

Address SLF Consulting, 3517 Park Street, Jacksonville 32205 and Rogers Towers, 1301 Riverplace #1500, Jacksonville 32207

Property Information

Address TEXT AMENDMENT - LAKE ASBURY MASTER PLAN

Parcel Number Including Section, Township, and Range \_\_\_\_\_ Total Acreage \_\_\_\_\_

Current Land Use \_\_\_\_\_ Adjacent Land Use North \_\_\_\_\_

Proposed Land Use \_\_\_\_\_ Adjacent Land Use South \_\_\_\_\_

Adjacent Land Use East \_\_\_\_\_

Adjacent Land Use West \_\_\_\_\_

Required Attachments (Please Check)

- Aerial Photograph (folded to 8 1/2" x 11")
- Legal Description
- Property Deed(s)
- Vicinity Map
- Agent Authorization

Statement of Purpose, Scope, and Justification including (at a minimum) statements and supporting material of the following:

Proposed Density and/or Intensity of Use  
Urban Sprawl

- Traffic Impacts and Improvements\*\*
- Water and Wastewater Impacts and Improvements\*\*
- Site Suitability
- Stomwater / Drainage Impacts and Improvements\*\*
- Recreation Impacts and Improvements\*\*
- Solid Waste Impacts and Improvements\*\*

\*\* Applicant must include description of improvements necessary to accommodate the proposed changes, along supporting data and proposed funding sources.

Fee (Large Scale Amendment: \$2500.00 + \$5.00 per acre or fraction thereof Small Scale Amendment: \$1500.00 Text Amendment \$1500.00)

Owner(s) / Authorized Agent Signature

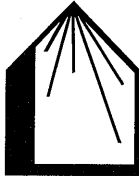
  
Owner(s) / Authorized Agent Signature

STATE OF FLORIDA  
COUNTY OF CLAY

The foregoing affidavit was sworn and subscribed before me this 3<sup>rd</sup> day of November (month), 2017 (year) by Susan Fraser, who is personally known to me or has produced \_\_\_\_\_ as identification.



  
(Notary Signature)



**REINHOLD**  
CORPORATION

November 1, 2017

Ms. Carolyn Morgan  
Senior Planner  
Clay County Planning Division  
477 Houston Street  
Green Cove Springs, FL 32043

RE: Comprehensive Plan Amendment  
Text Amendment to LAMP Policies

Dear Ms. Morgan:

Please be advised that I am the applicant for the proposed amendments to Policies of the Lake Asbury Master Plan, Exhibit H of the 2025 Clay County Comprehensive Plan and as such, I hereby authorize and empower Susan L. Fraser of SLF Consulting, Inc. located at 3517 Park Street, Jacksonville, Florida 32205, and T.R. Hainline of Rogers Towers, PA located at 1301 Riverplace Boulevard #1500, Jacksonville, Florida 32207 to act as agents to file the application to amend the identified policies of the LAMP and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Ms. Fraser and Mr. Hainline are authorized to speak as my agents at all meetings and public hearings associated with the application.

Your assistance in this matter is appreciated.

Best regards,

GME/al

**Proposed  
Comprehensive Plan Amendment**

**Text Amendment  
Lake Asbury Master Plan**

**Prepared for  
Reinhold Corporation**

**Prepared by  
SLF Consulting, Inc.  
Rogers Towers PA**

**November 2017**

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## **Statement of Purpose**

There are two amendments proposed to the Lake Asbury Master Plan in this application. The first proposed amendment will establish the right to receive a density bonus for the area of the upland buffers established for the Asbury Greenway and, that by virtue of being included in the boundary of the Asbury Greenway Land Use category, would otherwise have no density or intensity.

This proposed amendment recognizes that the public benefits from the protection against impacts to the Asbury Greenway established in LA FLU Policy 4.14, which policy expands the protection of the environmental quality of the wetlands within the Asbury Greenway to include protection of the buffer area itself. Recognizing that all other upland buffers to wetlands in Clay County are applied to land use categories with development rights, that impacts to these buffers may be permitted and that the buffer width identified in Policy 4.14 is, in cases, 2-4 times larger than the width of other wetland buffers required by Clay County and the SJRWMD, the amendment would therefore apply the LAMP bonus density system established to encourage the preservation of other environmental priority lands to the uplands within the Asbury Greenway buffers.

The second proposed amendment to the Lake Asbury Master Plan addresses the dedication of land to meet Adequate Public Facilities obligations when the obligation is generated by residential development subject to platting. The amendment clarifies when said dedication must occur.

### **Background- Asbury Greenway Density Bonus**

The Lake Asbury Master Plan establishes the Asbury Greenway as the system of major drainage features within its boundary, the protection of which produces a wildlife corridor throughout the entire master plan area (LA FLU Policy 2.1 and 4.14). The Asbury Greenway is defined as a land use category with no development potential and includes within the land use category boundary wetland-upland buffers (LA FLU Policy 4.14).

The wetland-upland buffers within the Asbury Greenway land use category are 50 to 100 feet in width (LA FLU Policy 4.14).

The Asbury Greenway is identified as serving to separate and buffer adjacent land uses while providing for wildlife habitat and opportunities for active and passive recreation in the form of pedestrian walkways, bicycle paths and boardwalks. Impacts to the Asbury Greenway land use category are limited to filling for roadway construction and construction of passive recreational facilities. Drainage conveyances excluding retention ponds are allowed. (LA FLU Policy 4.14)

(all policies cited reflect the adopted version)

## FUTURE LAND USE ELEMENT

LA Policy 2.1: Natural water bodies and major drainage features within the LAMPA shall be protected through required wetland-upland buffers as detailed in the policies found in the Asbury Greenway land use category. These buffers shall be maintained by fee simple ownership or a conservation easement held by County government, homeowners association, federal or state agency, water management district, or a not-for-profit land trust. Buffers may not include individual home lots.

### LA Policy 4.14: **Asbury Greenway**

The Asbury Greenway includes most creeks, streams or riverbanks, major drainageways, major wetlands, floodways, and associated upland buffers within the LAMPA. The greenway produces a wildlife corridor continuing throughout the entire area. In the event that future roadways classified higher than minor collector intersect the greenway, these roadways will be required to have wildlife crossings to preserve the integrity of the system.

The conservation network will interconnect natural resources throughout the LAMPA, protecting drainage systems and headwaters of the regional tributaries. This network will serve to separate and buffer adjacent land uses while providing for wildlife habitat and opportunities for active and passive recreation in the form of pedestrian walkways, bicycle paths and boardwalks. Impacts to the network will be limited to filling for roadway construction and construction of passive recreational facilities. Drainage conveyances excluding retention ponds are allowed.

The Asbury Greenway's wetland-upland buffer ranges from 30 to 100 feet and shall be determined from the jurisdictional wetland line. All natural vegetation and wetlands shall be protected by conservation easement that is dedicated to the St. Johns River Water Management District, the Florida Fish and Wildlife Conservation Commission, an established private non-profit land trust, or the County. These lands shall be deeded to one of these agencies, the homeowners' association, or retained by the landowner or developer, but shall not be deeded to individual homeowners. Development within a buffer area shall be limited to passive recreational facilities, fences necessary to protect the habitat area, and similar uses from which minimal adverse affects to the network would result.

The boundary of the Greenway shall be as follows, where the offset distance is defined as the perpendicular distance from the established jurisdictional wetland line:

<b>Creek</b>	<b>Average Minimum Buffer</b>	<b>Absolute Minimum Buffer</b>
Black Creek (northern LAMPA boundary)	100 feet	50 feet
Peters Creek (eastern boundary)	100 feet	50 feet

Bradley Creek	100 feet	50 feet
Black Creek South Prong	50 feet	30 feet
All other jurisdictional wetlands	30 feet	20 feet

Greenbelts shall define village boundaries, and will also serve to provide important upland greenway connections. Greenbelts shall connect such natural features such as creeks and linear wetlands. Greenbelts will be created through the transfer of upland densities within parcels. Such “Greenbelts” shall also serve to define village boundaries with a single village greenbelt width that exceeds an average of 250 feet in width, with a minimum width of 150 feet.

#### CONSERVATION ELEMENT

LA Policy 3.1: Impacts to the Asbury Greenway, defined as those contiguous wetland systems and the upland connections depicted on the Lake Asbury Master Plan Map, will be limited to filling for roadway construction, excavation for stormwater management systems, and passive recreational facilities in the form of pedestrian walkways, bicycle paths, boardwalks, docks built for water access, fences necessary to protect habitat areas, and similar uses for which no adverse effects to the Greenway would result. Existing developed lands are not subject to Greenway standards, although voluntary compliance of landowners of developed lands is encouraged.

The Asbury Greenway is identified as the mechanism for the preservation of environmentally sensitive areas and natural habitats within the master plan:

#### RECREATION and OPEN SPACE ELEMENT

LA Policy 3.2: Environmentally sensitive areas and natural habitats within the LAMPA will be preserved by excluding development within the Asbury Greenway.

#### **Supporting Data and Analysis- Asbury Greenway Density Bonus**

The buffering of wetlands by establishing a minimum buffer width to adjacent development is the typical method of providing additional protection to wetland systems from the encroachment of adjacent development. The St Johns River Water Management District, the state regulatory agency with statutory authority to define wetlands and establish appropriate buffers to afford protection to the wetland functions, establishes a buffer to its ‘jurisdictional wetlands’ that are a minimum of 15 feet in width and overall, are an average of 25 feet in width.

Clay County applies the SJRWMD buffers to wetlands when development plans are submitted for development review. The SJRWMD allows impact to upland buffers and to wetlands generally, with mitigation or without mitigation under small impact thresholds. The lands to which the buffers are applied are uplands adjacent to wetlands. Because these lands

are assigned land use designations other than Conservation under the Clay County Comprehensive Plan, while encumbered with buffer requirements, the area of the buffer has an assigned maximum density or intensity of use that would apply if the land were not being utilized as a buffer to wetlands. As such, the density or intensity of use applied to lands being utilized as a buffer (by virtue of its adjacency to wetlands), is transferred to lands within a development plan that are not encumbered as to use as a buffer. These transferred development rights are added to the rights associated with other, non-buffer uplands within the development to establish the maximum number of residential units or maximum square footage of non-residential development permitted in the proposed development plan. An approved development plan may include up to the maximum quantity of development rights so accumulated provided that all other development requirements of the comprehensive plan, the land development regulations and other permit requirements are met.

In contrast, the Asbury Greenway established in Policy 4.14 does not have any development rights associated with its area. The upland buffers to the wetlands within the Asbury Greenway are by definition included in the land use category. The upland buffers within the Asbury Greenway are substantially larger than those established by the SJRWMD, the regulatory agency charged with the protection of environmental resources; Clay County does recognize the value of these large buffers within the Asbury Greenway to the public in Policy 4.14 by establishing greater limitations on impacts to the Asbury Greenway than apply to other wetlands or upland buffers:

“The greenway produces a wildlife corridor continuing throughout the entire area. In the event that future roadways classified higher than minor collector intersect the greenway, these roadways will be required to have wildlife crossings to preserve the integrity of the system. :

and

“The conservation network will interconnect natural resources throughout the LAMPA, protecting drainage systems and headwaters of the regional tributaries. This network will serve to separate and buffer adjacent land uses while providing for wildlife habitat and opportunities for active and passive recreation in the form of pedestrian walkways, bicycle paths and boardwalks. Impacts to the network will be limited to filling for roadway construction and construction of passive recreational facilities. Drainage conveyances excluding retention ponds are allowed.”

and

“Development within a buffer area shall be limited to passive recreational facilities, fences necessary to protect the habitat area, and similar uses from which minimal adverse effects to the network would result.”



## **Proposed Text Amendment – Asbury Greenway Density Bonus**

The county utilizes density bonuses as an incentive to promote the preservation and protection of ‘biological hot spots’ within the LAMP. These areas, also recognized for their contribution as valuable environmental resources within the LAMP, could be developed with the uses permitted in the land use category assigned to them. The density bonus, by exceeding the density even of the underlying land use category, is intended as an incentive to protect those lands for public benefit instead.

Uplands within the Asbury Greenway are assigned no development rights by definition of the land use category. No incentive is currently provided to recognize their environmental value; in fact they have fewer rights (zero) than all other buffers to wetlands applied by Clay County.

The proposed amendment would apply the same density bonus afforded ‘biological hot spots’ within the LAMP boundary in order to recognize the high environmental value of the Asbury Greenway’s upland buffers in the same manner as the value of preserving biological hot spots is recognized. The additional density granted in the density bonus also serves to mitigate the restrictions placed on impacts to the upland buffers within the Asbury Greenway that do not apply to other wetlands or upland buffers within Clay County.

### ***Amend LA CON Policy 3.4***

**LA CON POLICY 1.3.4** When requested ~~The County will apply the density bonus incentives in FLU Policy 1.2.5~~ develop land development regulations to maximize inclusion of “biological hot spots” (areas of biological diversity where several endangered and/or threatened species are found) in the conservation network. Said bonus shall also apply to the lands within the upland buffers described in Policy 4.14 as lying within the Asbury Greenway Land Use System. This will be accomplished through the upland preservation program, further described in the Lake Asbury Plan Future Land Use Element.

### ***Amend Recommended LAMP FLUE Policy 1.2.5***

**LA FLU POLICY 1.2.5** ~~The following types of developments may mitigate offsite for upland preservation requirement: parcels that cannot provide for preservation areas of sufficient size and greenway linkage due to the size and/or shape; parcels with no priority preservation areas, and developments that utilize an affordable housing component (see following policy). Those properties shall provide for up to half of the 15% set-aside requirement by setting aside high focal species diversity preservation lands within the plan area in a conservation easement or providing title to the County. (Preservation of on or off-site high focal species diversity preservation lands shall entitle the owner to a density bonus of up to three units per net acre in the Master Planned Community category. The remainder of the upland preservation area required shall be provided on site, utilizing areas with priority preservation than can connect to the Greenway. For each additional~~

acre of upland preservation given, ten units per acre of additional density is available as an incentive. Said incentive may be applied to residential development within the Rural Community, Master Planned Community, Village Center and Activity Center land use categories to increase the base density up to the maximum density in LA Policy 1.4.2.

The designation of upland preservation areas not within the Asbury Greenway shall be permitted on the basis of habitat quality, geometry of the area to be preserved (in relation to the wetland system, other buffers and adjacent development intensity). . All developments seeking the density incentive on lands not within the Asbury Greenway shall submit, at the time of development review, an environmental assessment certified by a qualified environmental professional that supports the designation of the additional uplands for preservation. The priorities for upland preservation are in the following order: land with 7+ focal species; lands with 5-6 listed species; sandhill; and, xeric uplands.

### **Background- Adequate Public Facilities Obligations**

The Lake Asbury Master Plan establishes that when the APF obligation is met with the dedication of land, the dedication must occur prior to final site plan approval:

#### **FUTURE LAND USE ELEMENT**

LA Policy 3.1 Adequate Public Facilities Requirement. Developers shall be required to donate lands for Dashed Line Roads prior to final site plan approval. Donation of right-of-way for state and federal roads shall be voluntary.

The Dashed Line Road construction methodology is described further in the Transportation Element. If no Dashed Line Roads are present on a specific site, that development may satisfy this requirement by paying an adequate public facilities fee. This fee shall be paid to a fund dedicated to Dashed Line Road acquisition and construction occurring within the LAMP. The purpose and operation of this fund will be further detailed in the Lake Asbury Land Development Regulations, as amended, pursuant to Policy 1.3.

### **Data and Analysis – APF Obligations**

The County has applied this policy to require that when APF obligations required for residential development are met with the dedication of land, that land is required to be included in the final plat as right of way dedicated to the county. Clay County controls residential development and the sale of lots under its residential Site Plan Review process which includes the recording of a final plat prior to the sale of lots. Clay County requires that all dedications of right of way occur by plat; the Residential Site Plan approval process culminates in the recording of a plat that would include, when APF obligations are met with the dedication of land, dedicate the APF right of way prior to the sale of lots.

Adopted Policy 3.1 requires the dedication of required APF obligations prior to final site plan approval, a term that applies to non-residential site plans. Because non-residential site plan approval does not require a plat to be recorded, a specific requirement is necessary to identify when a plat would be required to be recorded in order to show compliance with the development's APF obligation.

## **Proposed Text Amendment – APF Obligations**

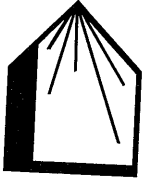
The proposed amendment clarifies that the inclusion of an APF dedication in a preliminary plat and subsequently recorded in the final plat for residential development is the process for dedicating right of way to meet APF obligations for residential development.

LA Policy 3.1 Adequate Public Facilities Requirement. Developers shall be required to dedicate ~~onate~~ lands for Dashed Line Roads either a) by recording a final plat prior to the sale of lots when the development that generates the APF obligation is subject to platting or b) by plat prior to final site plan approval when the development that generates the APF obligation is non-residential development or residential development not subject to platting. Donation of right-of-way for state and federal roads shall be voluntary.

The Dashed Line Road construction methodology is described further in the Transportation Element. If no Dashed Line Roads are present on a specific site, that development may satisfy this requirement by paying an adequate public facilities fee. This fee shall be paid to a fund dedicated to Dashed Line Road acquisition and construction occurring within the LAMP. The purpose and operation of this fund will be further detailed in the Lake Asbury Land Development Regulations, as amended, pursuant to Policy 1.3. The County shall maintain an accounting of all APF fees paid and land dedications completed by entity.

For the purpose of this Policy, Low Impact Threshold Developments (LITDs) are low impact developments which generate ten (10) or less P.M. peak hour trips per day and do not have direct access to a Dashed Line Road. A primary purpose for the creation of the Dashed Line Roads is to open up large tracts of acreage for major new development. As such, the benefit to the LITD from the construction of the Dashed Line Roads is minimal. As a result, LITDs are exempt from the donation and payment obligations of this Policy.

A development which would otherwise qualify as a LITD and which has a Dashed Line Road on its property or directly accesses a Dashed Line Road will significantly benefit from the construction of the Dashed Line Road. These developments are not exempt from the donation and payment obligations of this Policy.



**REINHOLD**  
CORPORATION

November 1, 2017

Ms. Carolyn Morgan  
Senior Planner  
Clay County Planning Division  
477 Houston Street  
Green Cove Springs, FL 32043

RE: Comprehensive Plan Amendment  
Text Amendment to LAMP Policies

Dear Ms. Morgan:

Please be advised that I am the applicant for the proposed amendments to Policies x.xx of the Lake Asbury Master Plan, Exhibit H of the 2025 Clay County Comprehensive Plan and as such, I hereby authorize and empower Susan L. Fraser of SLF Consulting, Inc. located at 3517 Park Street, Jacksonville, Florida 32205, and T.R. Hainline of Rogers Towers, PA located at 1301 Riverplace Boulevard #1500, Jacksonville, Florida 32207 to act as agents to file the application to amend the identified policies of the LAMP and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Ms. Fraser and Mr. Hainline are authorized to speak as my agents at all meetings and public hearings associated with the application.

Your assistance in this matter is appreciated.

Best regards,

*George M. Egan*

GME/al