

Clements, Jeff

From: Laura <lauraewilliams2524@gmail.com>
Sent: Monday, August 31, 2020 12:55 PM
To: Boylan, Michael
Cc: shannon@stjohnsriverkeeper.org; Long, Steve; Cavin, Ellyn; Mosier, Bryan; O'Steen, Monique; Long, Melissa; Johnson, Sonia; Resiliency
Subject: FW: 32223 Storm drainage, roads, and creek issues - (deep bottom creek)
Attachments: creek - 8-29.jpg; creek2 8-29.jpg; creek3 8-29 under our dock.jpg

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mr. Boylan, I see down in this chain that you had emailed John Pappas regarding this issue. What was his response?

Our communications with the city have gone silent. Your assistant, Sonia, opened a case with the city after my initial email. I've made several attempts to get a status on it but she has not responded.

Steve Long indicated that the silt built up over time. He is wrong. That much sand piling up literally overnight could not have possibly been a natural occurrence.

Steve mentions that it's being investigated by the "various referenced divisions". Is it possible to find out how that investigation is going?

Again, I extend an invitation to all parties involved to meet at our house to see the problem first hand. We continue to be concerned with potential flooding heading into the peak of hurricane season.

I've attached photos from yesterday....

Laura Williams

From: [Rick & Roslyn Karstedt](#)
Sent: Thursday, August 13, 2020 6:18 PM
To: [lauraewilliams2524](#)
Cc: [alanseabrooke@comcast.net](#); [joericketts88@gmail.com](#); [davidmullins@mcdjax.com](#); [donald.cheng@att.com](#); [Kjonesrealty@aol.com](#); [laurieseabrooke@comcast.net](#); [Mdsartore@gmail.com](#); [petersonpainting78@gmail.com](#)
Subject: Re: 32223 Storm drainage, roads, and creek issues

Sounds like Steve wants to give the runaround. I just sent this to Carlucci and those he copied on my email:

Wondering what your thoughts are on this? Another neighbor has been emailing back and forth with Michael Boylan and Steve Long, and seems to be getting the run around about the creek being "natural." There's a long history of issues with this creek because the city uses it was a dumping area for all run offs and all local construction projects. I know this creek was dredged by the city years ago, maybe 20-25 yrs ago? So we've been told. It needs dredged badly. We need to be put on the city dredge list. Please - we need someone to help us!!

Thank you,

Roslyn

Rick & Roslyn Karstedt
rickrosk@bellsouth.net

Rick & Roslyn Karstedt
rickrosk@bellsouth.net

On Aug 13, 2020, at 5:55 PM, lauraewilliams2524 <lauraewilliams2524@gmail.com> wrote:

Thanks for sharing! You seem to have the magic touch to get a response from Mr. Boylan.

Laura

Sent from my Sprint Samsung Galaxy Note8.

----- Original message -----

From: alanseabrooke@comcast.net

Date: 8/13/20 1:55 PM (GMT-05:00)

To: 'Laura' <lauraewilliams2524@gmail.com>, joericketts88@gmail.com, rickrosk@bellsouth.net,
davidmullins@mcdjax.com, donald.cheng@att.com, kjonesrealty@aol.com,
laurieseabrooke@comcast.net, Mdsartore@gmail.com, peteronpainting78@gmail.com

Subject: FW: 32223 Storm drainage, roads, and creek issues

More on this trail

From: Long, Steve <SLong@coj.net>

Sent: Monday, August 10, 2020 4:24 PM

To: alanseabrooke@comcast.net; Boylan, Michael <MBoylan@coj.net>

Subject: RE: 32223 Storm drainage, roads, and creek issues

Mr. Seabrooke,

You are not missing anything. However, natural water bodies are natural. For instance, the St. Johns River, COJ and many other entities drain water into this natural water body. However, as it is natural I do not maintain it. In the case of Deep Bottom Creek the same principle applies. Smaller water body, but natural nonetheless. The lands that eventually became roads and developments drained into this

water body long before Jacksonville existed. As the area developed, including your subdivision and the ones upstream of you, the stormwater continued to be directed to the natural water body.

As for the cause of the sandbar and the potential resolution, as I stated below that is being investigated by the various referenced divisions. As it built up over some time, I would be inclined to think it is part natural and part development and not attributable to any one development. It is just that the most recent development always gets the blame by the older developments.

Thank you.

Steve

From: alanseabrooke@comcast.net <alanseabrooke@comcast.net>
Sent: Monday, August 10, 2020 4:15 PM
To: Long, Steve <SLong@coj.net>; Boylan, Michael <MBoylan@coj.net>
Subject: RE: 32223 Storm drainage, roads, and creek issues

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Steve – I’m not sure I understand a couple things here.

If the city is directing storm water into this creek from all the surrounding area drainage, which is not “natural”, how could you not have a role in this issue? Maybe I’m missing something in the interpretation here.

Secondly, those photos are great and re-enforce the impacts that we’ve seen over time and it’s only getting worse. As I noted in my email, this problem has been around several years and each time it flairs up with a new construction effort up stream. The last couple times, we had no help from the entities that controlling these impacts. This creek was an actual navigable “deep bottom creek” at one point and with the many construction projects in the area (highway, road repaving, and several office buildings) over the past ten years, it’s become a mess with the fill dirt coming right down those drainage feeders with any storm. As far as the trees, unfortunately several recent hurricanes did wipe out the very small island, saw grass, and tree at the mouth – that part was “natural” I guess.

Please let me know what I'm missing here.

Thanks, Alan

From: Long, Steve <SLong@coj.net>
Sent: Monday, August 10, 2020 3:14 PM
To: Boylan, Michael <MBoylan@coj.net>; alanseabrooke@comcast.net
Subject: RE: 32223 Storm drainage, roads, and creek issues

Council Member Boylan,

This issue is being investigated through the Development Services Division and the Environmental Quality Division. This is the third email from the residents in the last couple of days. In addition to Mr. Seabrooke, emails were also received from Mr. Ricketts and Ms. Jones with the same basic information about the creek. Director's Pappas and Killingsworth were sent the previous emails for the investigation and assigned as needed.

As this is a natural creek, Right of Way and Storm Water Maintenance does not have a role in this issue.

It is interesting to note that aerial photos show the sandbar and trees present in the mouth of this creek as far back as 2004. Please note, my aerials only go back to 2004. The last of the trees at the mouth of the creek came down a few years ago. You can see where the sandbar has grown over the years as occurs within natural systems.

Thank you.

Steve

2013 Aerial Image – Sandbar and 2 trees present. Trees are greatly reduced.

<image001.jpg>

2008 Aerial Image – More sandbar and multiple trees present

<image002.jpg>

2006 Aerial Image – Less sandbar and lots of trees present

<image003.jpg>

From: Boylan, Michael <MBoylan@coj.net>
Sent: Monday, August 10, 2020 2:57 PM
To: alanseabrooke@comcast.net
Cc: Long, Steve <SLong@coj.net>
Subject: RE: 32223 Storm drainage, roads, and creek issues

Alan – Thanks. I have copied here Steve Long, the Chief of Right of Ways, and Storm Water Management. But I must tell you I took the liberty of just now sending your email to John Pappas, the head of all of Public Works, as an example of the magnitude and seriousness of the issue throughout all of Mandarin and other parts of the City. The other day we began reviewing the City’s proposed CIP budget and while it includes some funding for underdrain issues and drain cleaning, I offered both need to be a higher in priority and more dollars allocated to them. So thank you again for your email(s). – Michael

Michael T. Boylan

Council Member – District 6

City of Jacksonville

mboylan@coj.net

From: alanseabrooke@comcast.net
Sent: Monday, August 10, 2020 2:46 PM
To: [Boylan, Michael](#)
Subject: RE: 32223 Storm drainage, roads, and creek issues

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thanks for getting back to me and for any help you can bring to bear. Yes it is Deep Bottom Creek and all the related drainage that feeds in from the streets and neighborhoods around us, which is pretty extensive for a small creek that has now been further impacted with the runoff.

Thanks, Alan

From: Boylan, Michael <MBoylan@coj.net>
Sent: Monday, August 10, 2020 2:27 PM
To: alanseabrooke@comcast.net
Subject: RE: 32223 Storm drainage, roads, and creek issues

Mr. Seabrooke –. As you well know the Mandarin area has been impacted by particularly heavy rains of late and I am in constant contact with the leadership of the City’s Public Works Department. They have readily acknowledged that our infrastructure simply is not capable of accommodating the kind of rainfall we have experienced of late. That said, they are focusing their efforts on improving the underdrainage and cleaning existing drains so that the flooded neighborhoods in Mandarin, of which there are many, are getting some relief.

Could you please be a little more specific as to the location you are referencing? You mention a “Creek” and Claire Lane so I assume you mean Deep Bottom Creek? I would be glad to bring it to the attention of the Public Works

department and see if a can get Mr. Long and others out there to make an assessment. – Michael

Michael T. Boylan

Council Member – District 6

City of Jacksonville

mboylan@coj.net

(904) 255-5206

From: alanseabrooke@comcast.net

Sent: Monday, August 10, 2020 2:11 PM

To: [Boylan, Michael](#)

Subject: 32223 Storm drainage, roads, and creek issues

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Please disregard my last note. I'm not sure what happen in outlook here as it sent an older draft version a few minutes back, but here's the note that I intended to send.

Mr. Boylan - Can someone please take a look at our areas storm drainage and its related Creek? We used to have a great creek, called deep bottom creek, but this is now full of fill dirt from the storm runoffs and it's become a beach at low tide. As you can imagine, this is extremely bad for drainage, flooding, the environment, and any navigation. Over the last couple weeks storms have taken a huge toll on things. Water is backing up all around this area, up and down Claire lane and other roads, abnormally on everyone's lawns, and the creek ends up becoming a white water rafting mess with all kinds of fill dirt that ends up at a few of the wider points and creates beaches where there were deeper channels. There has literally been tons and tons of dirt pushed into the creek in just a few storms this month. Only a month prior, we had a mother manatee and her baby café way up in this creek eating the vegetation on the sides. Flounders were thriving on the bottom and juvenile mullet were running up

and down the length. The old timers even said that Tarpon used to come up and down the creek. None of that is going to happen any time soon. These are just a couple of the environmental impacts so far from this.

We (many residents) have escalated this before to the various groups involved, to no avail. There was never any single resolution effort initiated by any of those entities. This was not what our residents expected from our City officials, but it seemed that a do nothing bureaucracy was alive and well. We're hoping things have changed for the better. Then we had major I-295 construction kick up that was supposed to help with traffic. This construction was actually proven to be negligent and damaging to the creek with runoff dirt. They even ended up fining the construction company. None of this money ever came back to helping repair or restore the creek after the extensive damage. I'm not sure that it's helped the traffic, but it has definitely had an impact on our drainage and creek as noted above and continues to contribute fill dirt making the problems worse.

When Irma came thru a couple years back many of the residents were flooded and these issues were a major contributor to that flooding. We're all restoring things, but have fears that the continued issues are only going to make the next big hurricane and related rains and storm surge much worse for us all no matter how much we prepare.

I think you and your teams should immediately initiate a comprehensive engineering review of the issues and the solutions that can be implemented to bring back proper storm drainage and life to this creek.

Please let me know if you have any questions.

Thanks,

Alan Seabrooke

904-962-1362

Clements, Jeff

From: Valerie Britt <valeriebritt76@yahoo.com>
Sent: Thursday, August 27, 2020 1:08 PM
To: Boylan, Michael
Cc: Resiliency; DeFoor, Randle; Carlucci, Matthew; Dennis, Garrett; Danford, Joyce; Valerie Britt
Subject: Re: Status of marsh/ICW Development?

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you! The Planning Department Staff has promptly tried to help me “catch up” today on the specifics of the site. I do find it surprising and of considerable concern that I wasn’t noticed of and included in local proceedings and local legislation that followed 2007-2009 DOAH proceedings (Administrative) in which I was a party with standing. Cumulative impacts related to the case not being considered is of concern.

However, my interests and concerns in Duval County related to issues of wetlands, marshes, floodplains, Development-caused flooding, impervious surface percentages, and ICW issues (such as AGR instead of CSV FLUM) predate the Moody Amendment and are not limited to one site.

Thank You,
Valerie Britt

On Aug 27, 2020, at 12:37 PM, Boylan, Michael <MBoylan@coj.net> wrote:

Ms. Britt – Thank you for your email (initially to me and subsequently to the members of the Resiliency Committee). I had forwarded your request to the OGC and Planning Department for follow up, **highlighting** your suggestion and in particular the request for the status of the commitments made in the remedial amendment. I have a meeting with both this coming Friday to review next week’s LUZ agenda and will include, as a part of that meeting, a discussion on the history of the Moody property which I understand involved some litigation. The outcome of that will help me in understanding who may be in the best position to provide all of us an appropriate response. – Michael

Michael T. Boylan

Council Member – District 6
City of Jacksonville
mboylan@coj.net
(904) 255-5206

From: [Valerie Britt](#)
Sent: Thursday, August 27, 2020 8:30 AM
To: [Resiliency](#); [DeFoor, Randle](#)

Cc: [Boylan, Michael](#); [Carlucci, Matthew](#); [Dennis, Garrett](#); [Danford, Joyce](#); [Valerie Britt](#)

Subject: Status of marsh/ICW Development?



Randy DeFoor - Chair
Michael Boylan
Matt Carlucci
Garrett Dennis
Joyce Morgan

RE: 13911 Atlantic Boulevard
RE: FLUM Amendment 2006D-001-2-3-515 (RE# 167131-0000)

Dear Members of the Waterways Commission, Resiliency Task Force, LUZ Committee Of City Council and the Local Planning Agency:

I respectfully suggest that a request be initiated for an update report to be given as to the status of what was known as the "Moody" property at the Intracoastal Waterway at Atlantic Blvd.

In 2007, the Planning Department issued a **47** page staff report finding Comprehensive Plan inconsistency and recommending **DENIAL** of the "Moody" FLUM Amendment # 2006D-001-2-3-515 (RE# 167131-0000) at the ICW at 13911 Atlantic Blvd.

The subject property was reported during the process to be a 77.22 acre tract acquired by Moody in 1995. According to exhibits submitted, the area reportedly included 37 acres of environmentally sensitive salt marshes, 3 acres of wetland scrub, a 7 acre spoil site, and +/- 20 acre disturbed area (from the prior Bellinger business), in addition to streams and waterways, with 23.88 acres of the 77.22 acres deemed not to be in the Coastal High Hazard Area. The amendment had potential for a net increase of 1,147 dwelling units in addition to new commercial and other uses. That 47 page staff report found the amendment inconsistent with not only the City's Comprehensive Plan but with the Regional Policy Plan and the State Plan.

However, championed by the district Council Member, Ord 2007-255 was voted approval by the City Council in May 2007, contrary to the concerns and inconsistencies detailed in the 47 page staff report recommending denial. I actually referenced that **47 page staff denial report** and filed a copy of that staff report as an exhibit when I intervened to join the Florida DCA in the 2007-2009 Compliance case in the Division of Administrative Hearings (DOAH).

Now, it appears the City Council record online may have only a single (1) page staff statement of "Approval" on file with the online bill record. It appears that earlier 47 page staff report recommending denial may not have remained filed as an exhibit with the online Council record.

As a matter of information, the Moody case was only one part of the issues originally in that DCA GM Case 2007-3539GM in which I was a party. But, we resolved most of the 17 FLUM amendments of DOAH Case 2007-3539 GM in individual FLUM settlement agreements, with only the Dunn Case and the Moody Case each going separately to Administrative Hearings.

In addition to myself pro se, seven residents of Pablo Point also joined with the Florida Department of Community Affairs (DCA) in challenging the "Moody" FLUM amendment. All of us were determined to be affected persons with standing. By City motion, the Moody FLUM Case and the Moody CHHA Text Case were consolidated as DOAH Case 2007-3539 GM/2008-4193 GM. A 4-day administrative hearing was held October 27-30, 2008, with the Administrative Law Judge's recommended order issued in January 2009.

The ALJ recommended that the Administrative Commission enter a final order determining that the Plan Amendment adopted by Ord 2007-355 is not in compliance. In June 2009, the Commission, Case ACC-09-01, determined that the Amendment is not "in compliance."

Moody had filed remedial amendment commitments.

Eight actions were ordered as requirements to bring the FLUM amendment into compliance, which the City and Moody agreed to do. For example, a minimum of 100 marina slips at the site were to be made available to the public; development to be limited to the disturbed area and spoil site as depicted on the FLUCFCS map submitted with the amendment; plans were to be made for 8 through lanes of Atlantic Blvd at San Pablo, Hodges, and Girvin intersections; a conservation easement to be provided to state agency for wetlands.

Eleven years later, the status of some of those requirements is unknown to me. **The status of the remedial amendment is unclear.**

It seems the City's decision makers on the Local Planning Agency, the Waterways Commission, Council Committees and on Council would be well served to know about, to consider and to plan in context for the huge impacts this development could bring on the intracoastal waterway area if it moves forward at

the Atlantic Boulevard bridge and at the jurisdictional line with Atlantic and Neptune Beaches. As in actions such as approving a new apartment complex FLUM at Pablo Point next door to the Moody site in 2019, is not the City amiss if it does not fully address the implications and requirements of the 2009 FLUM not in compliance finding as other marsh, evacuation, transportation facility and development issues throughout the City come before the City?

Yet, as each new Council convenes to consider density increases in evacuation areas and on marsh & wetlands inclusive parcels and to take actions that involve wetlands, flooding, and transportation issues, and as developers move forward with a variety of projects that may have cumulative impacts, this matter at the ICW marshes seems to lay silent as did the 47 page professional staff report recommending denial of the Moody proposal.

Respectfully Submitted,

Valerie Britt
P.O. Box 49209
Jacksonville Beach, FL 32240

Clements, Jeff

From: Boylan, Michael
Sent: Thursday, August 27, 2020 12:37 PM
To: Valerie Britt; Resiliency; DeFoor, Randle
Cc: Carlucci, Matthew; Dennis, Garrett; Danford, Joyce; Valerie Britt
Subject: RE: Status of marsh/ICW Development?

Ms. Britt – Thank you for your email (initially to me and subsequently to the members of the Resiliency Committee). I had forwarded your request to the OGC and Planning Department for follow up, highlighting your suggestion and in particular the request for the status of the commitments made in the remedial amendment. I have a meeting with both this coming Friday to review next week’s LUZ agenda and will include, as a part of that meeting, a discussion on the history of the Moody property which I understand involved some litigation. The outcome of that will help me in understanding who may be in the best position to provide all of us an appropriate response. – Michael

Michael T. Boylan

Council Member – District 6
City of Jacksonville
mboylan@coj.net
(904) 255-5206

From: [Valerie Britt](#)
Sent: Thursday, August 27, 2020 8:30 AM
To: [Resiliency](#); [DeFoor, Randle](#)
Cc: [Boylan, Michael](#); [Carlucci, Matthew](#); [Dennis, Garrett](#); [Danford, Joyce](#); [Valerie Britt](#)
Subject: Status of marsh/ICW Development?



Randy DeFoor - Chair
Michael Boylan
Matt Carlucci
Garrett Dennis
Joyce Morgan

RE: 13911 Atlantic Boulevard
RE: FLUM Amendment 2006D-001-2-3-515 (RE# 167131-0000)

Dear Members of the Waterways Commission, Resiliency Task Force, LUZ Committee Of City Council and the Local Planning Agency:

I respectfully suggest that a request be initiated for an update report to be given as to the status of what was known as the “Moody” property at the Intracoastal Waterway at Atlantic Blvd.

In 2007, the Planning Department issued a **47** page staff report finding Comprehensive Plan inconsistency and recommending **DENIAL** of the “Moody” FLUM Amendment # 2006D-001-2-3-515 (RE# 167131-0000) at the ICW at 13911 Atlantic Blvd.

The subject property was reported during the process to be a 77.22 acre tract acquired by Moody in 1995. According to exhibits submitted, the area reportedly included 37 acres of environmentally sensitive salt marshes, 3 acres of wetland scrub, a 7 acre spoil site, and +/- 20 acre disturbed area (from the prior Bellinger business), in addition to streams and waterways, with 23.88 acres of the 77.22 acres deemed not to be in the Coastal High Hazard Area. The amendment had potential for a net increase of 1,147 dwelling units in addition to new commercial and other uses. That 47 page staff report found the amendment inconsistent with not only the City’s Comprehensive Plan but with the Regional Policy Plan and the State Plan.

However, championed by the district Council Member, Ord 2007-255 was voted approval by the City Council in May 2007, contrary to the concerns and inconsistencies detailed in the 47 page staff report recommending denial. I actually referenced that **47 page staff denial report** and filed a copy of that staff report as an exhibit when I intervened to join the Florida DCA in the 2007-2009 Compliance case in the Division of Administrative Hearings (DOAH).

Now, it appears the City Council record online may have only a single (1) page staff statement of “Approval” on file with the online bill record. It appears that earlier 47 page staff report recommending denial may not have remained filed as an exhibit with the online Council record.

As a matter of information, the Moody case was only one part of the issues originally in that DCA GM Case 2007-3539GM in which I was a party. But, we resolved most of the 17 FLUM amendments of DOAH Case 2007-3539 GM in individual FLUM settlement agreements, with only the Dunn Case and the Moody Case each going separately to Administrative Hearings.

In addition to myself pro se, seven residents of Pablo Point also joined with the Florida Department of Community Affairs (DCA) in challenging the “Moody” FLUM amendment. All of us were determined to be affected persons with standing. By City motion, the Moody FLUM Case and the Moody CHHA Text Case were consolidated as DOAH Case 2007-3539 GM/2008-4193 GM. A 4-day administrative hearing was held October 27-30, 2008, with the Administrative Law Judge’s recommended order issued in January 2009.

The ALJ recommended that the Administrative Commission enter a final order determining that the Plan Amendment adopted by Ord 2007-355 is not in compliance. In June 2009, the Commission, Case ACC-09-01, determined that the Amendment is not “in compliance.”

Moody had filed remedial amendment commitments.

Eight actions were ordered as requirements to bring the FLUM amendment into compliance, which the City and Moody agreed to do. For example, a minimum of 100 marina slips at the site were to be made available to the public; development to be limited to the disturbed area and spoil site as depicted on the FLUCFCS map submitted with the amendment; plans were to be made for 8 through lanes of Atlantic Blvd at San Pablo, Hodges, and Girvin intersections; a conservation easement to be provided to state agency for wetlands.

Eleven years later, the status of some of those requirements is unknown to me. The status of the remedial amendment is unclear.

It seems the City's decision makers on the Local Planning Agency, the Waterways Commission, Council Committees and on Council would be well served to know about, to consider and to plan in context for the huge impacts this development could bring on the intracoastal waterway area if it moves forward at the Atlantic Boulevard bridge and at the jurisdictional line with Atlantic and Neptune Beaches. As in actions such as approving a new apartment complex FLUM at Pablo Point next door to the Moody site in 2019, is not the City amiss if it does not fully address the implications and requirements of the 2009 FLUM not in compliance finding as other marsh, evacuation, transportation facility and development issues throughout the City come before the City?

Yet, as each new Council convenes to consider density increases in evacuation areas and on marsh & wetlands inclusive parcels and to take actions that involve wetlands, flooding, and transportation issues, and as developers move forward with a variety of projects that may have cumulative impacts, this matter at the ICW marshes seems to lay silent as did the 47 page professional staff report recommending denial of the Moody proposal.

Respectfully Submitted,

Valerie Britt
P.O. Box 49209
Jacksonville Beach, FL 32240

Clements, Jeff

From: Valerie Britt <valeriebritt76@yahoo.com>
Sent: Thursday, August 27, 2020 8:30 AM
To: Resiliency; DeFoor, Randle
Cc: Boylan, Michael; Carlucci, Matthew; Dennis, Garrett; Danford, Joyce; Valerie Britt
Subject: Status of marsh/ICW Development?

EXTERNAL EMAIL: This email originated from a nonCOJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Randy DeFoor - Chair
Michael Boylan
Matt Carlucci
Garrett Dennis
Joyce Morgan

RE: 13911 Atlantic Boulevard
RE: FLUM Amendment 2006D-001-2-3-515 (RE# 167131-0000)

Dear Members of the Waterways Commission, Resiliency Task Force, LUZ Committee Of City Council and the Local Planning Agency

I respectfully suggest that a request be initiated for an update report to be given as to the status of what was known as the "Moody" property at the Intracoastal Waterway at Atlantic Blvd

In 2007, the Planning Department issued a 47 page staff report finding Comprehensive Plan consistency and recommending **DENIAL** of the "Moody" FLUM Amendment # 2006D001-2-3-515 (RE# 167131-0000) at the ICW at 13911 Atlantic Blvd.

The subject property was reported during the process to be a 77.22 acre tract acquired by Moody in 1995. According to exhibits submitted, the area reportedly included 37 acres of environmentally sensitive salt marshes, 3 acres of wetland scrub, a 7 acre spoil site, and +/-20 acre disturbed area (from the prior Bellinger business), in addition to streams and waterways, with 23.88 acres of the 77.22 acres deemed not to be in the Coastal High Hazard Area. The amendment had potential for a net increase of 1,147 dwelling units in addition to new commercial and other uses. That 47 page staff report found the amendment inconsistent with not only the City's Comprehensive Plan but with the Regional Policy Plan and the State Plan.

However, championed by the district Council Member, Ord 2007-255 was voted approval by the City Council in May 2007, contrary to the concerns and inconsistencies detailed in the 47 page staff report recommending denial. I actually referenced that **47 page staff denial report** and filed a copy of that staff report as an exhibit

when I intervened to join the Florida DCA in the 2007/2009 Compliance case in the Division of Administrative Hearings (DOAH).

Now, it appears the City Council record online may have only a single (1) page staff statement of "Approval" on file with the online bill record. It appears that earlier 47 page staff report recommending denial may not have remained filed as an exhibit with the online Council record

As a matter of information, the Moody case was only one part of the issues originally in that DCA GM Case 2007-3539 GM in which I was a party. But, we resolved most of the 17 FLUM amendments of DOAH Case 2007-3539 GM in individual FLUM settlement agreements with only the Dunn Case and the Moody Case each going separately to Administrative Hearings

In addition to myself pro se, seven residents of Pablo Point also joined with the Florida Department of Community Affairs (DCA) in challenging the "Moody" FLUM amendment. All of us were determined to be affected persons with standing. By City motion, the Moody FLUM Case and the Moody CHHA Text Case were consolidated as DOAH Case 2007/3539 GM/2008-4193 GM. A 4-day administrative hearing was held October 27-30, 2008, with the Administrative Law Judge's recommended order issued in January 2009.

The ALJ recommended that the Administrative Commission enter a final order determining that the Plan Amendment adopted by Ord 2007-355 is not in compliance. In June 2009, the Commission, Case ACC-09-01, determined that the Amendment is not "in compliance."

Moody had filed remedial amendment commitments

Eight actions were ordered as requirements to bring the FLUM amendment into compliance, which the City and Moody agreed to do. For example, a minimum of 100 marina slips at the site were to be made available to the public; development to be limited to the disturbed area and spoil site as depicted on the FLUCFCS map submitted with the amendment; plans were to be made for 8 through lanes of Atlantic Blvd at San Pablo, Hodges, and Girvin intersections; a conservation easement to be provided to state agency for wetlands

Eleven years later, the status of some of those requirements is unknown to me. The status of the remedial amendment is unclear

It seems the City's decision makers on the Local Planning Agency, the Waterways Commission, Council Committees and on Council would be well served to know about, to consider and to plan in context for the impacts this development could bring on the intracoastal waterway area if it moves forward at the Atlantic Boulevard bridge and at the jurisdictional line with Atlantic and Neptune Beaches. As in actions such as approving a new apartment complex FLUM at Pablo Point next door to the Moody site in 2019, is not the City amiss if it does not fully address the implications and requirements of the 2009 FLUM not in compliance finding as other marsh, evacuation, transportation facility and development issues throughout the City come before the City?

Yet, as each new Council convenes to consider density increases in evacuation areas and on marsh & wetland inclusive parcels and to take actions that involve wetlands, flooding, and transportation issues, and as developers move forward with a variety of projects that may have cumulative impacts, this matter at the ICW marshes seems to lay silent as did the 47 page professional staff report recommending denial of the Moody proposal.

Respectfully Submitted

Valerie Britt
P.O. Box 49209
Jacksonville Beach, FL 32240