

**Nassau County Board of County Commissioners
Regular Session, July 16, 2020, 6:00 P.M.
Commission Chambers, 96135 Nassau Place, Yulee, Florida**

Call to Order, Invocation and Pledge of Allegiance to the American Flag

Commissioners:

Present: Chairman Daniel B. Leeper, Commissioners Justin Taylor, Aaron C. Bell, Pat Edwards, and Thomas R. Ford.

Other Officials Present: Michael S. Mullin, County Attorney/County Manager.

Staff Present: Megan Diehl, Office of Management and Budget Director, and Peggy Snyder and Melissa Lucey, Deputy Clerks.

Official Agenda Summary:

RS200716 - 6:02:30 Mr. Mullin explained that this meeting is being live streamed and encourages anyone who wants to provide any public comments during the meeting to submit an email to comments@nassaucountyfl.com and for the individuals to provide their name and address. He advised that if anyone would like to be called during the meeting to call 904-530-6009 and leave a message with their name, phone number, address and topic of discussion. Mr. Mullin advised that those who are in attendance that masks must be worn when inside the Commissioner Chambers. He provided the guidelines for individuals who are present and wished to speak and if any person wished to join the meeting through zoom.

RS200716 - 6:04:23 Mr. Mullin read into the record a letter from Nina Watson noting her appreciation towards the Code Enforcement Department as it relates to her Code Enforcement case. Shari Lightfoot sent an email in favor of the Ordinance banning the retail sale of dogs, cats or rabbits. Patricia Janney left a voice message in opposition of the mandatory face coverings. Sarah Edwards sent an email requesting that the new operating expense to monitor beach access by vehicles be reviewed by the Beach Working

Group with consideration to setting a user based permit fee to recover a significant portion of this new expense.

NON-QUASI-JUDICIAL PUBLIC HEARING(S) :

RS200716 - 6:09:21 (Tab A) Approve and authorize the Chairman to execute an Ordinance amending Appendix E of the Nassau County Code of Ordinance entitled Comprehensive Impact Fee Ordinance as it pertains to Fire Rescue Impact Fees, Law Enforcement Impact Fees and Administrative Impact Fees.

Discussion: Colin McAweeney, Fiscal/Economic Analyst, TischlerBise, came forward to provide a PowerPoint presentation reviewing the Impact Fee Study Overview in Nassau County, Florida. He provided an overview of the residential and non-residential projections from 2019 through 2029. He explained that within the Impact Fee Analysis, staff used functional population analysis to determine the demand on facilities by residential and non-residential. Next, Mr. McAweeney provided a brief summary of the revised maximum supportable fees based on development type for Fire Rescue Impact Fees, Law Enforcement Impact Fees and Administrative Impact Fees; and, credits towards the 2007 Bond for Sheriff and admin facilities expansion and dedicated surtax to capital projects. He broke down the level of service standards and cost analysis for residential and non-residential; projected future facility needs and administration office space; credit for future debt payments and surtax CIP funding; maximum supportable fee; and, Impact Fee revenue for Administrative, Sheriff and Fire Rescue facilities. A brief discussion followed.

Ms. Diehl responded to an inquiry that the Ordinance specifies that the Impact Fee Study should be reviewed every five (5) years to include the new analysis based upon the current level-of-service and Capital Improvement Plan (CIP). She explained that the Impact Fee Study takes time to conduct to the level that staff feels it is appropriate to bring to the Board. Mr. Pope responded to an inquiry that the recreation study had language added to review in twenty-four (24) months.

Motion: Approve Tab A as stated above and authorize the Chairman to sign Ordinance 2020-19 regarding same.

Maker: Commissioner Bell
Second: Commissioner Ford
Action: Aye: Commissioners Leeper, Bell, Edwards,
Ford, and Taylor
Follow Up: OMB, County Manager

RS200716 - 6:36:48 (Tab B) Consideration of an Ordinance of the Board of County Commissioners of Nassau County, Florida, banning the retail sale of dogs, cats or rabbits from a commercial establishment or from a public roadway, common area or flea market; providing for exceptions for animal shelters, animal welfare organizations and adoption of animals; requiring a Certificate of Source; providing for penalties; providing for republication in the Code of Ordinances, severability and an effective date.

Mr. Mullin read the legislative procedures.

Motion: Open the floor to public discussion.
Maker: Commissioner Bell
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Bell, Edwards,
Ford, and Taylor

Discussion: Timothy Maguire, Animal Services Director, came forward stating that he would be available to answer any questions.

No public input.

Motion: Close the floor to public discussion.
Maker: Commissioner Taylor
Second: Commissioner Bell
Action: Aye: Commissioners Leeper, Bell, Edwards,
Ford, and Taylor

Motion: Approve Tab B as stated above and authorize the Chairman to sign Ordinance 2020-20 regarding same.
Maker: Commissioner Taylor
Second: Commissioner Bell
Action: Aye: Commissioners Leeper, Bell, Edwards,
Ford, and Taylor
Follow Up: Animal Control, County Attorney, Sheriff's Office

Discussion: Commissioner Ford noted that his concerns were addressed as it relates to the agricultural side of the Ordinance.

RS200716 - 6:40:30 (Tab C) Consideration of an Ordinance of the Board of County Commissioners of Nassau County, Florida, amending Ordinance 2004-58, as amended, and as further amended by Ordinance 2017-12, known as the Animal Control Ordinance; specifically amending Section 6-54, Animal Care and Animal Cruelty; providing for severability; and providing an effective date.

Motion: Continue to September 28, 2020 at 6:00 p.m., or as soon thereafter as the matter maybe heard, consideration of Tab C as stated above.

Maker: Commissioner Taylor

Second: Commissioner Ford

Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Follow Up: Animal Control, County Attorney

RS200716 - 6:41:30 (Tab D) Consider Comprehensive Plan Amendment application CPA19-009, a Future Land Use Map (FLUM) amendment to change the classification of 265.65 acres located on the west side of Lem Turner Road between Lawhon Road South and Dornbush Road from Low Density Residential (LDR) to Recreation (REC). Application filed by Angel Lakes Gated, Inc., owner; and, Rogers Towers, P.A., agent.

Motion: Open the floor to public discussion.

Maker: Commissioner Taylor

Second: Commissioner Bell

Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Discussion: Thad Crowe, Senior Planner, reviewed the request. He stated that the proposed plan includes 450 campsites in three phrases consisting of recreational vehicle and cabin sites, 9-hole miniature golf, water park, and play fields. He commented that there is a lot of land preservation; approximately 30 to 40 percent is in buffers. There are buffers ranging from 50 to 300 feet along the perimeter of the property. The property is zoned Low Density Residential (LDR) and currently has the ability to

develop up to 251 single family homes; therefore, traffic impacts would remain the same if the property was developed as a single family development equating to 2,400 daily trips. He advised that a turn lane would be required on Lem Turner Road.

Public input:

- Joe Randolph, via "Zoom Meeting", spoke in opposition of this application due to noise and traffic impacts.
- Cheryl Sprague came forward to speak in favor of the park. She briefly commented on the large buffer that would address the noise concerns by the neighboring residents.
- Lisa Frisella came forward to speak in favor of the application. She also addressed the buffer and felt that it would bring to the community something for children and adults to do. It would bring in positive sales taxes for the County.
- Faye Shute stated that there is not a buffer at the back of her property where the restaurant and entertainment would be. She also addressed concerns with the location, noise, and traffic impacts.

Discussion: Kenneth Green, owner, came forward stating that there is a 300 feet wide buffers that surround the majority of the property. He addressed Ms. Shute's concerns, noting that there is a parking lot and an additional unoccupied home that is located between the two properties. He commented that a new road would be added and closing the road between his property and Ms. Shute's property.

Wyman Duggan, Rogers Towers, P.A, agent for owner, came forward commenting that the Board is only addressing the Future Land Use Map (FLUM) amendment. Staff is recommending approval and finds that the application meets the criteria; and, reduces sprawl development and impacts to infrastructure. He clarified that the clubhouse has been existence before Ms. Shute purchased her property. He stated that the applicant had addressed the concerns that were received at a community meeting that was held over a year ago prior to the Planning and Zoning Board meeting. Mr. Duggan also addressed recent comments provided by County staff.

Mr. Crowe responded to an inquiry that the County buffering requirement is 25 feet and the proposed Planned Unit Development (PUD) exceeds that requirement. He commented on drainage concerns, noting that the application is at the front end of the process relating to the land use amendment and zoning. In his opinion, Mr. Crowe advised that the wide buffer surrounding the perimeter would alleviate storm water impacts to the neighboring residents. He provided a brief overview of the phasing schedule. Discussion followed. Mr. Mullin interjected stating that the Board is considering the FLUM change and that the timing of the amenities would be considered during the application for the rezoning of the PUD.

Motion: Close the floor to public discussion.
Maker: Commissioner Ford
Second: Commissioner Bell
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Motion: Approve, based upon competent substantial evidence in the record, Tab D as stated above and authorize the Chairman to sign Ordinance 2020-21 regarding same.
Maker: Commissioner Taylor
Second: Commissioner Ford
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor
Follow Up: Planning Department

QUASI-JUDICIAL PUBLIC HEARING(S) :

RS200716 - 6:59:42 (Tab E) Consider Planned Unit Development application PUD19-008, the rezoning of approximately 265.65 acres located on the west side of Lem Turner Road between Lawhon Road South and Dornbush Road from Open Rural (OR) and Residential Single Family 2 (RS-2) to a Planned Unit Development (PUD) to be known as "Deerfield Lakes". Application filed by Angel Lakes Gated, Inc., owner; and, Rogers Towers, P.A., agent.

Commissioners Ex-parte Communications:

RS200716 - 6:59:51

None.

RS200716 - 7:00:15 Documents submitted into the record: draft Ordinance and Exhibit A, 5 pages; Ordinance Exhibit B, 13 pages; Ordinance Exhibit C, 8 pages; PUD19-008 existing zoning and proposed zoning map, 1 page; staff report, 18 pages; traffic study, 79 pages; and, Redevelopment of Deerfield Lakes Golf Club, an analysis of Economic and Fiscal Impacts dated May 2018 and, prepared by Greene & Grogan Properties, LLC., 34 pages.

Motion: Accept documents into the record as presented above.

Maker: Commissioner Taylor

Second: Commissioner Bell

Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Follow Up: Planning Department

Motion: Open the floor to public discussion.

Maker: Commissioner Bell

Second: Commissioner Ford

Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Mr. Mullin read the quasi-judicial procedures.

Waive Presentation:

RS200716 - 7:02:37 Mr. Duggan, Rogers Towers, P.A, agent for the owner, came forward to advise that they do not wish to waive their presentation.

Motion: Open the floor to public discussion.

Maker: Commissioner Taylor

Second: Commissioner Bell

Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

The Deputy Clerk swore in Mr. Crowe to provide testimony.

Discussion: Mr. Crowe advised the property is currently zoned as Open Rural (OR) and Residential Single-Family 2 (RS-2) with the proposed rezoning to Planned Unit Development (PUD). Staff has reviewed the applicable criteria to this application for the PUD and based on the considerably wide buffers provided that this development would be compatible with the adjacent uses. He commented that the impacts to Lem Turner Road would remain the same; however, the applicant would be required to provide turn

lanes off Lem Turner Road to alleviate traffic issues. Mr. Crowe pointed out that the PUD provides a large amount of open green space which would benefit Storm Water Management. He advised that the economic impact studies indicates that it would provide up to 422 jobs, \$1.6 million in earnings along that site, Ad Valorem taxes, and, positive fiscal impacts. In terms of the phasing schedule, the water park is spread over the first two phases to be completed by the year 2030; and, the third phase provides a farmers market, camping sites, and a restaurant. Staff recommends approval of application as it meets the criteria for rezoning and the planning elements. Mr. Crowe provided a PowerPoint presentation displaying the site plan and aerial view of the buffers that range between 5,200 to 5,300 feet. He indicated that the PUD requires that these buffers remain in place.

Public input: Ms. Shute, adjacent property owner, came forward and was sworn in. She commented that the buffer between her property and the community building or clubhouse is limited. She addressed the community building as it relates to the increased usage. She indicated that she has no issue with the house that is behind her property and pointed out that all of the houses along the backside of Lawhon Road South do not reflect to have the extended buffer.

Discussion: Mr. Crowe confirmed that after a site visit and observation that there was not a considerable buffer between Ms. Shute's property and the clubhouse. He indicated that staff would not have any objections adding an additional buffer.

Mr. Duggan came forward and inquired on the location of Ms. Shute's property. Ms. Shute identified lots 11 and 12 on the site plan that was presented on the PowerPoint presentation as her personal property. Mr. Duggan pointed out that there is a 50 foot buffer that is required under the PUD. He advised that the road that is currently being used by the golf course will become a cul-de-sac and the applicant will be providing a new entrance road for access. Mr. Duggan stated that the clubhouse has been in existence since the 1960s and that the activities being held at that location would not change.

Mr. Greene, applicant, came forward and was sworn in. He advised that it is not his intention to impact any of the

neighboring properties. He stated that there is a fifty foot buffer and trees around the entire property and he would be willing to add additional trees. He offered to place a fence between his and Ms. Shute's properties. It was his understanding that Ms. Shute was fine with that agreement. In regards to the clubhouse, he indicated that there have been some improvements including a new roof.

Mr. Crowe responded to an inquiry that the restrictions for the clubhouse would be bound by the site plan. He explained that the clubhouse is listed as an amenity and cannot be deviated from the site plan; however, this could be restricted further by adding additional language of restricted identification. Mr. Mullin explained that in order to accomplish that it would require continuing this matter to the next meeting. Mr. Crowe provided the definition of opaque and recommended adding opaque buffer to resolve some of the potential issues with the neighbors. A brief discussion followed.

Mr. Greene came forward to explain that directly behind Ms. Shute's property is an existing residential home and a buffer of land that equates to almost a full lot. He reiterated that Ms. Shute had agreed to the fence and he is willing to place additional trees also.

Public input: Ms. Shute came forward to advise that she was unable to contact Mr. Greene regarding the agreement of the fence. She indicated that the current buffer between the two properties has been bush hogged and has a clear view to the other property. Ms. Shute expressed concerns about the future crowds, noise, and the parking lot being full. In closing, she agrees to the additional fence between the two properties and request for additional buffer to save some of the integrity of the area.

Ms. Spray came forward and was sworn in. She inquired that if homes were built instead; would her buffer of trees be torn down to put the homes in or is it better to have the trees. Mr. Greene is offering to put in more trees for Ms. Shute between the two properties.

Discussion: Mr. Duggan stated that they would agree to a condition tonight to put a fence behind Ms. Shute lots, but felt like it should not be continued. The Board could impose that condition on the PUD whether it is on the site plan or the written description it would be an additional

condition. Mr. Mullin explained that the language addressing the restrictions of use of the existing clubhouse and the installation of the opaque buffer must be provided. He indicated that a continuance would only delay the rezoning until the July 20, 2020 meeting.

Motion: Close the floor to public discussion.
Maker: Commissioner Taylor
Second: Commissioner Bell
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Motion: Continue to July 20, 2020 at 6:00 p.m., or as soon thereafter as the matter maybe heard, consideration of Tab E as stated above, in order for staff to meet with the applicant to draft language addressing restrictions of use of the existing clubhouse and the installation of an opaque buffer for neighboring lots 11 and 12.

Maker: Commissioner Taylor
Second: Commissioner Edwards
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Follow Up: Planning Department

EXPANSION ITEMS:

RS200716 - 6:08:34 Consider appointment of J. Cameron Moss to fill a vacancy on the Planning and Zoning Board representing District Two.

Motion: Expand the meeting to consider one (1) item as stated above.

Maker: Commissioner Edwards
Second: Commissioner Bell
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Follow Up: County Manager

RS200716 - 7:33:32 Expansion Item #1: Consider appointment of J. Cameron Moss to fill a vacancy on the Planning and Zoning Board representing District Two.

Discussion: Mr. Mullin reviewed the request.

Motion: Approve expansion item 1 as stated above (term ending December 2020).
Maker: Commissioner Bell
Second: Commissioner Taylor
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor
Follow Up: Planning Department

RS200716 - 7:34:08 Mr. Mullin advised that the water main break repair that impacted Amelia Island and The Ritz Carlton has been completed.

INFORMATIONAL ITEM(S):

RS200716 - 7:35:42 (Tab F) Informational only: adjustment to the approved East Nassau Community Planning Area (ENCPA) Market Street Preliminary Development Plan (DPD), adjusting signage standards.

DISCUSSION ITEMS:

RS200716 - 7:35:48 Commissioner Taylor's Business:
None.

RS200716 - 7:36:03 Commissioner Bell's Business:

- Thanked everyone who helped with the water restoration that impacted Amelia Island and The Ritz Carlton.
- Reminded the Board regarding the succession plan for County Manager.

RS200716 - 7:37:14 Commissioner Ford's Business:
None.

RS200716 - 7:37:47 Commissioner Edwards' Business:

- Thanked County staff for their hard work.

RS200716 - 7:37:57 Commissioner Leeper's Business:

- Thanked County staff and Commissioners for their hard work.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 7:38 p.m.

Daniel B. Leeper, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk