

**Nassau County Board of County Commissioners
Regular Session, July 20, 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; and Taco Pope, Assistant County Manager.

Staff Present: Brenda Linville and Peggy Snyder, Deputy Clerks.

Official Agenda Summary:

Audience Input: Agenda Items

RS200720 - 6:03:43 Mr. Mullin read an email just received from Joe Randolph on behalf of his neighbor, Mr. Coltrane, who had photographs he wished displayed when he is called to provide public comment this evening regarding the RV/Water Park.

Mr. Mullin advised that for anyone who wishes to provide 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. He provided instructions for anyone speaking tonight in the Chambers to wear a mask or speak outside at the podium.

CONSENT ITEM(S) :

RS200720 - 6:08:05 Approve the following: **(Tab A)** For recording purposes only, approval for the final plat for Tributary Phase 1A Unit One (aka Three Rivers), PL19-023, filed by Three Rivers Developers, LLC owner, and Clary and Associates, agent, to plat 123 single-family lots and 36

tracts on 176 acres with a future land use of Multi-Use, on the south side of State Road 200/A1A, approximately 2 miles west of I-95. **(Tab B)** For recording purposes only, approval for the final plat for Nassau Crossing Townhomes Phase One, Patriot Ridge, LLP, owner, and Manzie and Drake Surveying, agent for owner, to plat 65 townhome lots and 12 tracts on approximately 12 acres. The site, zoned PUD with a future land use of medium density, is located between Harts Road and the CSX Railroad north of William Burgess Boulevard. **(Tab C)** For recording purposes only, approval of the final plat for Hideaway Phase 1C, filed by Semanik Equity Development & Acquisition, Inc., owner, and SEDA Construction, agent for owner, to construct 50 single family lots on 11 acres. Property is zoned as Planned Unit Development (PUD) and designated as Medium Density on the Future Land Use Map (FLUM). Property is located one mile south of State Road 200/A1A and one quarter mile east of Highway 17, Yulee area.

Motion: Approve Consent Items (Tabs A, B, and C) as stated above.

Maker: Commissioner Taylor

Second: Commissioner Bell

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

Follow Up: Planning Department

NEW BUSINESS:

RS200720 - 6:07:31 (Tab D) Discussion of responses received for Requests for Qualifications (RFQs) for the Facilities Space Needs Assessment (FSNA), and authorization for staff to enter into negotiations with the highest ranked firm, AJAX Building Company.

Discussion: Mr. Pope reviewed the request.

Motion: Approve Tab D as stated above.

Maker: Commissioner Ford

Second: Commissioner Bell

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

Follow Up: Facilities Maintenance, Contract Management

NON-QUASI JUDICIAL HEARING

RS200720 - 6:05:50 (Tab E) Public hearing on Ordinance Establishing Wrecker/Towing Rates (Staff requests continuance to August 24, 2020)

Motion: Continue to August 24, 2020, at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab E as stated above.

Maker: Commissioner Edwards

Second: Commissioner Ford

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

Follow Up: County Attorney

QUASI-JUDICIAL PUBLIC HEARING(S) :

RS200720 - 6:09:34 (Tab F) Consider Rezoning application, R20-006, the rezoning of approximately 2.17 acres located on the south side of Lake Hampton Road between US1 and Lake Hampton Road, from Commercial General (CG) to Open Rural (OR). Application filed by Heath and Allison Selph, owners. District 4.

Discussion: Mr. Mullin read the quasi-judicial procedures. As there was no one wishing to speak against this application, Mr. Mullin advised that the Board can proceed in a non-quasi hearing.

RS200720 - 6:12:50 Documents submitted into the record: Draft Ordinance - 2 pages; Staff Report - 5 pages; Nassau County Certificate of School Concurrency - 1 page; and Application for Rezoning - 8 pages.

Motion: Accept documents into the record as presented above.

Maker: Commissioner Ford

Second: Commissioner Bell

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

Motion: Open the floor to public discussion.

Maker: Commissioner Edwards

Second: Commissioner Bell

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

Discussion: Thad Crowe, Interim Planning Director, provided a PowerPoint presentation advising that the zoning of the property is a mismatch between Commercial General (CG) and a Future Land Use of Agriculture (AG). The subject property is an undeveloped parcel located in a rural area characterized by scattered homes, undeveloped properties, and timberland. The property is included in a small commercial node just south of the Georgia state line. The applicant wishes to change the Commercial General (CG) zoning to Residential (RES) in order to construct and live in a home on the property. Mr. Crowe concluded that the applicant is in conformance with the criteria for rezoning and recommends approval.

No public input.

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 F as stated above and authorize the Chairman to sign Ordinance 2020-22 regarding same.
Maker: Commissioner Ford
Second: Commissioner Bell
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor
Follow Up: Planning Department

RS200720 - 6:05:50 (Tab G) Consider Rezoning application, R20-005, the rezoning of approximately 53.88 acres located North side of Roses Bluff, between Brooker Road and Haven Road, from Open Rural (OR) to Residential Single Family-1 (RS-1). Application filed by WFS Family Trust, LLC, owner, and SEDA Construction Co., agent. District 3.

Motion: Continue to July 27, 2020, at 6:00 p.m., or as soon thereafter as the matter may be heard, consideration of Tab G as stated above.
Maker: Commissioner Edwards
Second: Commissioner Ford
Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Follow Up: Planning Department

EXPANSION ITEMS:

RS200720 - 6:05:50 (1) Consider specifying Mr. Moss' appointment to the Planning and Zoning Board as filling the vacant position from July 20, 2020 through December 21, 2023. Mr. J. Cameron Moss was approved to fill a vacancy at the July 16, 2020 Board of County Commissioners meeting. (2) Public Hearing (Continued from July 16, 2020) Consider 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". The application was filed by Angel Lakes Gated, Inc., owner, and Rogers Towers, P.A., agent.

Motion: Expand the meeting to consider two (2) items as stated above and the continuances of Tab E and G.

Maker: Commissioner Edwards

Second: Commissioner Ford

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

Follow Up: Planning Department

RS200720 - 6:14:33 Expansion Item #1: Consider specifying Mr. Moss' appointment to the Planning and Zoning Board as filling the vacant position from July 20, 2020 through December 21, 2023. Mr. J. Cameron Moss was approved to fill a vacancy at the July 16, 2020 BOCC meeting.

Discussion: Mr. Mullin advised that on July 16, 2020, Commissioner Bell made his appointment for Mr. Moss for the Planning and Zoning Board to fill a vacant position which would have expired in December 2020. The request is to approve Mr. Moss' term from July 20, 2020 through December 21, 2023.

Motion: Approve expansion item 1 as stated above.

Maker: Commissioner Bell

Second: Commissioner Edwards

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

Follow Up: Planning Department

RS200720 - 6:15:17 Expansion Item # 2: Public Hearing (Continued from July 16, 2020) Consider 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". The application was filed by Angel Lakes Gated, Inc., owner, and Rogers Towers, P.A., agent.

Discussion: Mr. Mullin explained that the Board considered PUD19-008 on July 16, 2020. At the Board's direction, the applicant was directed to change the language in the PUD to address the opaque fence and the restrictions on a parking lot. That document was received earlier today and will be addressed by staff.

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

Discussion: Mr. Crowe provided staff comments noting that the applicant provided several photographs today which address the concern with the golf clubhouse and its proximity to Faye Shute's property. He explained that this is the only portion of the development that is not adequately buffered as it is along a roadway. Ms. Shute's house backs up to another house directly across from the clubhouse and her empty lot backs up to a vacant wooded lot that the PUD has as undeveloped. The applicant is proposing to install a six-foot, 85 percent opaque fence behind the back of the existing house to further buffer Ms. Shute's house from the existing clubhouse area. This will give Ms. Shute additional privacy in addition to the trees and shrubs that already exist there.

Discussion: Wyman Dugann, Rogers Towers, P.A., agent for the applicant, came forward to clarify on the maps included in the PowerPoint the location of the existing clubhouse, the manager's residence; and aerial views of the proximity of Ms. Shute's property to the clubhouse. Ms. Shute's home is behind the manager's residence on the other side of a healthy vegetative tree line buffer which blocks the view of the golf course. He recalled from the meeting on July

16, 2020 that Ms. Shute would accept a fence to block her view of the clubhouse. The revised written description language is included on page 6 of the PUD Conditions which states "A fix-foot fence with a minimum of 85 percent opaque will be installed on the common property line at 54049 Deerfield Country Club Road and 54285 Lawhon Road South at the time horizontal construction commences on Phase 1." Regarding earlier concerns of Ms. Shute regarding permitted uses, the language was added on page 2 of the PUD Conditions, Paragraph J which states that "The permitted uses on Parcel A (as depicted on the PDP) are limited to those shown on the PDP Legend (refurbished golf club, parking lot, manager's residence, ancillary commercial buildings associated with campground, farmer's market)." These were the two issues raised by Ms. Shute at the public hearing on July 16, 2020.

The following citizens were sworn in to provide comment:

- Mr. Green passed on speaking.
- Ms. Sprague passed on speaking.
- Ms. Shute came forward to state that she agreed to the fence; however, she felt that the photographs provided by the applicant were a little off as most of the trees in that picture were her trees already. She clarified that the trees in the photograph are not that thick because the rest of the trees are hers. She inquired what 85 percent opaque meant. Mr. Crowe explained the opaque capacity was a measurement of obscurity; the higher the number, the less someone can see through it.
- Walter Coltrane, 54310 James Drive in Callahan, came forward express concerns regarding how his drainage ditch has been affected by Mr. Green putting a log in the ditch to stop 4-wheelers coming through the property. The problem is the log has blocked the drainage from the pond on his property and flooding has become an issue. He provided photographs depicting the blocked drainage ditch and stated that the County should be maintaining this ditch. He spoke in opposition to this campground and water park. He suggested that the entire project be fenced.

- Lisa Frisella came forward to speak in favor of the campground and was in favor of having recreation on the west side of Nassau County.

RS200720 - 6:32:29 Documents submitted into the record: Draft Ordinance; Ordinance Exhibit A; Ordinance Exhibit B (PDP); Ordinance Exhibit C (PDP Conditions revised 7-17-20); Existing and Proposed Zoning Map; Staff Report - 6 pages, Traffic Study; and Economic and Fiscal Analysis. Also entered into record was an email dated 7-20-20 from Joe Randolph on behalf of Walter Coltrane with three photographs attached depicting drainage ditch.

Motion: Accept documents into the record as presented above.

Maker: Commissioner Bell

Second: Commissioner Taylor

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

Motion: Close the floor to public discussion.

Maker: Commissioner Bell

Second: Commissioner Taylor

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

Motion: Approved, based on competent substantial evidence in the record and testimony, 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". The application was filed by Angel Lakes Gated, Inc., and Rogers Towers, P.A., agent; and, authorize the Chairman to sign Ordinance 2020-23 regarding same.

Maker: Commissioner Taylor

Second: Commissioner Ford

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

Follow Up: Planning Department

INFORMATIONAL ITEM(S) :

RS200720 - 6:14:36 (Tab H) Informational only: Teen Court Annual Funding Report.

DISCUSSION ITEMS:

RS200720 - 6:34:21 Commissioner Taylor's Business:

- Requested Road Department address the drainage ditch behind Mr. Coltrane's property located at 54310 James Drive in Callahan.

RS200720 - 6:34:36 Commissioner Bell's Business:
None.

RS200720 - 6:34:39 Commissioner Ford's Business:

Request: thoughts and prayers for a speedy recovery for Keith Ellis, Building Official.

RS200720 - 6:34:50 Commissioner Edwards' Business:

- Requested everyone wear their masks.

RS200720 - 6:34:58 Commissioner Leeper's Business:

Request: Public Works Director to research exterior cooling devices under the tented areas for the public who attend Board meetings.

There being no further business, the regular session of the Nassau County Board of County Commissioners adjourned at 6:37 p.m.

Daniel B. Leeper, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk