

Nassau County Planning and Zoning Board
July 20, 2021, 6:00 p.m.
Commission Chambers, 96135 Nassau Place, Yulee, Florida.

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

Board Members:

Present: Chair Nick Gillette, Betsie Huben, Jimmy L. Higginbotham, Tyrone Blue, Joseph Zimmerman, and School Board Member Linda Morris.

Absent Board Members: Barry Holloway, Cameron Moss, Wayne Arnold, Todd Ericksen, and Dan Morris.

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

Staff Present: Thad Crowe, Planning Director; Holly Coyle, Assistant Planning Director; Jennifer Marlatt, Recording Secretary, and Melissa Lucey, Deputy Clerk.

Official Agenda Summary:

AUDIENCE INPUT - AGENDA ITEMS

210720PZ - 6:03:36 (Tab A) Mr. Mullin reviewed the procedures for attending the meeting in-person and remotely.

BOARD BUSINESS:

210720PZ - 6:52:18 (Tab B) Approve minutes from the July 6, 2021 meeting as presented.

Discussion: Chair Gillette identified specific dialogue that was excluded from the July 6, 2021 minutes. For example, his concerns regarding tree preservation and Board Member Huben's discussion of the landing and the dock. He indicated that the Board's requests should be included in the minutes because they ultimately change the entire application. The Clerk stated that the Board's requests would be addressed and brought back for approval at the next meeting.

QUASI-JUDICIAL PUBLIC HEARING(S)

210720PZ - 6:05:34 (Tab C) Consider Planned Unit Development (PUD), application PUD21-002, the rezoning of approximately 53.88 acres located on the north side of Roses Bluff Road, between Brooker Road and Haven Road from Open Rural (OR) to a Planned Unit Development (PUD) to be known as "Sandy Bluff." Application filed by WFS Family Trust, LLC, owners; and Sandy Bluff Development Corp, agent.

Mr. Mullin read the Quasi-Judicial procedures.

Waive Presentation:

210720PZ - 6:07:57 Tom Champion came forward to waive his presentation and rely on staff's comments.

Board Member Ex-parte Communications:

None.

210720PZ - 6:12:01 Documents submitted into the record: Revised Staff Report - 10 pages; Draft Ordinance - 4 pages; Exhibit A - 1 page; Revised Exhibit B - 1 page; Revised Exhibit C - 10 pages; Exhibit C with strikethroughs and underlines - 11 pages; Application - 61 pages; Boundary Survey - 1 page; Proportionate Share Agreement - 12 pages; Letter from Edward J. Campbell dated July 8, 2021 - 1 page; and Letter from Harry R. Trevett dated July 9, 2021 - 1 page.

Motion: Accept documents into the record as identified above.

Maker: Board Member Morris

Second: Board Member Huben

Action: Aye: Board Members Gillette, Huben, Blue, Higginbotham, Zimmerman, and School Board Member Morris.

Absent: Board Members Holloway, Moss, Arnold, Ericksen, and Morris.

Motion: Open the floor to public discussion.

Maker: Board Member Blue

Second: Board Member Huben

Action: Aye: Board Members Gillette, Huben, Blue, Higginbotham, Zimmerman, and School Board Member Morris.

Absent: Board Members Holloway, Moss, Arnold, Ericksen, and Morris.

The Deputy Clerk swore in staff to provide testimony.

Discussion: Mr. Crowe came forward to provide a PowerPoint presentation regarding application PUD21-002. The proposed development is approximately 54 acres located in Yulee. The Future Land Use Map (FLUM) is designated as Low-Density Residential (LDR), and the Zoning is Open Rural (OR). The applicant seeks to rezone the property from OR to PUD with no proposed changes to the FLUM. Mr. Crowe described the amenities, including 5.6 acres of parks with an Americans with Disabilities Act (ADA) accessible trail around Astrological Park, public access to a dock in Aqua Vista Park, and 4.4 acres of open space. Mr. Crowe presented the site plan, illustrating the 15-foot-wide vegetative buffer, the six-foot-tall fence proposed on the entire northwest perimeter, and the 30-foot-wide buffer on Roses Bluff Road. Mr. Crowe explained the reduced setbacks, the architectural guidelines, and the impervious surface ratio of 60 percent.

Mr. Crowe outlined the criteria in the Comprehensive Plan, such as the urban sprawl rule, hopscotching, and recreational requirements. He provided justification based on current growth trends and reviewed the available roadway capacity. Mr. Crowe referred to the revisions of the Draft Ordinance that were discussed at the last meeting. He affirmed that the main concern is ensuring clear enforcement capability within the agreement and eliminating ambiguous clauses that constrain its ability to administer. The changes from the previous document are as follows:

- I. Introduction (Page 1): Added language that associates the PUD with the Comprehensive Plan and FLUM.
- II.A. Ownership and Maintenance (Page 2): Added language that requires submittal of covenants to Staff to verify no conflicts with the written description and site plan. Covenants must be submitted prior to vertical construction; staff will have 30 days to raise objections.
- II.B. Ownership and Maintenance (Page 2): Revised the language to clarify that the entrance may (or may not) be gated. However, the pedestrian gate will remain open for non-resident access during daylight hours.

- IV.A.1.c. Description of Uses, Home Occupations (Page 3): Revised the language to reflect recent statutory changes.
- IV.B. "Non-residential development prohibition" was removed because it is already prohibited with permitted uses.
- IV.E.2. (Page 7): Added language to clarify that the six-foot-tall stockade fence will continue along the entire northwestern property line.
- IV.E.3. (Page 7): Simplified the description of the 15-foot-wide vegetative buffer on Brooker Road (Lots 1 to 16) and removed the term "berms."
- IV.G. Architectural Guidelines subsection (Page 8): Added language requiring staff to review the architectural compatibility guidelines to ensure intent is addressed.
- IV.H. Model Home subsection (Page 8): Simplified the language to reflect the current LDC.
- IV.J. (Pages 8-9): Included five-foot-wide sidewalks on "both" sides of the street.
- IV.L.1. (Page 9): Assigned a minimum size of 5,000 square feet to the dog park in Astrological Park.
- IV.L.3. (Pages 9-10): Specified the width and length of the Aqua Vista Park Trail and included the ADA-accessible deck at the top of the bluff that leads to a 60 square-foot landing (not a 600 square-foot landing).
- IV.L.3. (Page 10): Added specific dimensions and standards for the waterfront landing and dock.
- IV.L.4. (Page 10): Added the ADA accessible trail behind Lots 17 to 28 and the nature trail around Astrological Park and Star Lake.

- IV.L.5. Park Construction Timing: Added language requiring the Parks and Recreation Director to certify completion by the 85th Certificate of Occupancy. The Developer or Homeowner's Association will be responsible for the shortfall if the bond amount doesn't cover the construction costs.
- IV.L.6. (Page 10): Clarified the tree protection language to include the requirement of a tree survey and the protection plan, which requires preserving a minimum of 45 percent of protected native trees.

Mr. Crowe listed the findings for approval and denial. He advised that staff recommends approval subject to the following condition: reduce the ADA-accessible deck (Aqua Vista Park at the top of the bluff) from 600 square feet to 60 square feet.

Board Member Huben inquired about the quality of the road when analyzing road capacity. Robert Companion, County Engineer, came forward and was sworn in. He confirmed that the Board of County Commissioners approved the five-year Capital Improvement Plan (CIP) during the June 26, 2021 meeting. The CIP includes the pavement management plan, and Roses Bluff Road is scheduled to be resurfaced this year under the recently adopted plan.

Public input: Betty Jo Moody came forward and was sworn in. She expressed opposition to the Sandy Bluff PUD, elaborating on the disadvantages of overgrowth within the area.

Motion: Close the floor to public discussion.

Maker: Board Member Morris

Second: Board Member Zimmerman

Action: Aye: Board Members Gillette, Huben, Blue, Higginbotham, Zimmerman, and School Board Member Morris.

Absent: Board Members Holloway, Moss, Arnold, Ericksen, and Morris.

Motion: Approve, based on competent, substantial evidence in the record and testimony, Tab C as stated above.

Amend: Include the 60 square-foot bluff landing.

Maker: Board Member Morris
Second: Board Member Zimmerman
Action: Aye: Board Members Gillette, Huben, Blue, Higginbotham, Zimmerman, and School Board Member Morris.
Absent: Board Members Holloway, Moss, Arnold, Ericksen, and Morris.

210720PZ - 6:04:45 (Tab D) Consider NOPC21-002, an amendment to the Three Rivers Development of Regional Impact (DRI) Development Order, filed by Three Rivers Developers, LLC, Owners; and Prosser, Inc., and Emily Pierce, Rogers Towers, P.A., Agents. **(Tab E)** Consider PUD20-004, a modification to the previously approved Planned Unit Development (PUD) known as Three Rivers (aka Tributary) (Ordinance 2006-68, Ordinance 2019-03), filed by Three Rivers Developers, LLC, Owners; and Prosser, Inc., and Emily Pierce, Rogers Towers, P.A., Agents.

Motion: Continue to August 3, 2021 consideration of Tabs D and E as stated above.

Maker: Board Member Zimmerman
Second: Board Member Huben
Action: Aye: Board Members Gillette, Huben, Blue, Higginbotham, Zimmerman, and School Board Member Morris.
Absent: Board Members Holloway, Moss, Arnold, Ericksen, and Morris.

DISCUSSION ITEM(S):

210720PZ - 6:44:47 (Tab F) Discussion of the LDC21-001 Plan Review Procedures: LDC Article 3 - Administration.

Discussion: Eric Landon, Senior Planner, provided a brief presentation regarding the LDC revisions. He explained the three formatting principles utilized within the document: strikethroughs, underlines, and text boxes, and presented an example of Article Three (3) illustrating the proposed format. He stated that once the sample is approved, staff will reformat the document accordingly. Mr. Landon confirmed that the final draft would be delivered in August 2021 and suggested a half-day workshop for review. Chair Gillette recommended scheduling the public hearings for adoption in September 2021, and the Board Members concurred.

There being no further business, the regular session of the Planning and Zoning Board adjourned at 6:54 p.m.

Nick Gillette, Chairman