

Nassau County Planning and Zoning Board
July 6, 2021 6:00 P.M.
Commission Chambers, 96135 Nassau Place, Yulee, Florida.

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

Board Members:

Present: Chair Nick Gillette, Todd Erickson, Cameron Moss, Betsie Huben, Dan Morris (arrived at 6:03 p.m.), Jimmy L. Higginbotham, Barry Holloway, Wayne Arnold, and Tyrone Blue.

Absent: Board Member Joseph Zimmerman and School Board Member Linda Morris.

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

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

Official Agenda Summary:

AUDIENCE INPUT - AGENDA ITEMS

210706PZ - 6:02:15 (Tab A) Mr. Mullin reviewed the procedures for attending the meeting in person and remotely.

BOARD BUSINESS:

210706PZ - 6:03:53 (Tab B) Approve minutes from the June 1, 2021 meeting as presented.

Motion: Approve Tab B as stated above.

Maker: Board Member Holloway

Second: Board Member Blue

Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.

Absent: Board Member Zimmerman and School Board Member Morris.

NON-QUASI JUDICIAL PUBLIC HEARING(S)

210706PZ - 6:05:06 (Tab C) Consider FH21-005, the Thompson Family's request to establish a Family Hardship Development on approximately fifty (50) acres on CR 121.

Mr. Mullin read the legislative procedures.

Motion: Open the floor to public discussion.
Maker: Board Member Holloway
Second: Board Member Huben
Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.
Absent: Board Member Zimmerman and School Board Member Morris.

The Deputy Clerk swore in Ms. Coyle to provide testimony.

Discussion: Ms. Coyle came forward to provide a PowerPoint presentation regarding Gerald Keith and Paula Thompson's request for a Family Hardship Development. The applicants seek to subdivide fifty (50) acres located approximately one-third of a mile north of the SR2 & CR121 intersection. The property is currently zoned as Open Rural (OR), the Future Land Use Map (FLUM) is Agriculture (AGR)). The Applicants request to subdivide the property into an acre parcel for the owners to construct their primary residence and two (2) acre parcels for their daughters to use as primary residences. The property owners will access the property from CR 121 through a 60-foot wide easement constructed and maintained by property owners. At a later date, there will be a fourth (4) parcel split for their other daughter under a different application. Ms. Coyle advised that the subdivision is consistent with the criteria of Section 29-3, the (OR) zoning district, and (A) agricultural density. Staff recommends approval.

Waive Presentation:

Mr. Keith and Ms. Thompson came forward to waive their presentation and rely on staff comments.

No public input.

Motion: Close the floor to public discussion.
Maker: Board Member Huben
Second: Board Member Moss

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

Motion: Approve Tab C as stated above.
Maker: Board Member Holloway
Second: Board Member Higginbotham
Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.
Absent: Board Member Zimmerman and School Board Member Morris.

QUASI-JUDICIAL PUBLIC HEARING(S)

210706PZ - 6:12:22 (Tab D) 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 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:

Tom Champion came forward to waive his presentation and rely on staff comments, stating he would be available to answer any questions.

Ex-parte Communications:

Chair Gillette stated that he received a telephone call from Mr. Champion regarding his application, but they did not discuss the specifics.

210706PZ - 6:20:17 Documents submitted into the record: staff report - 10 pages; Draft Ordinance with Exhibits A, B, and C - 15 pages.

Motion: Accept documents into the record as identified above.
Maker: Board Member Morris
Second: Board Member Huben

Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.

Absent: Board Member Zimmerman and School Board Member Morris.

Motion: Open the floor to public discussion.

Maker: Board Member Morris

Second: Board Member Huben

Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.

Absent: Board Member Zimmerman and School Board Member Morris.

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

Discussion: Mr. Crowe came forward to provide a PowerPoint presentation regarding PUD21-002. The proposed development is approximately 54 acres located in north Yulee. The Future Land Use Map (FLUM) designation is Low-Density Residential (LDR), and the Zoning is Open Rural (OR). The development is located on Bells River with frontage on Roses Bluff Road; Haven Road runs along the western perimeter of the property, and Brooker Road on the east, transitioning from smaller, suburban lot sizes to larger, rural lots with 106 units ranging from 9,000 to 11,000 square feet. A buffer of existing trees and vegetation will run along the entire northwesterly property line. The PUD criteria require a Homeowner's Association that will be responsible for maintaining all public areas. Mr. Crowe reviewed the setbacks, impervious surface ratios, and architectural guidelines associated with the PUD. He explained that the applicant would be providing more parking spaces than required.

Mr. Crowe explained that Nassau County is a growing county that captures a substantial share of the regional housing market. This property is in an area where the FLUM allows for density, and this community would provide a waterfront preserve. Buffering would provide vegetation to reduce the visual impacts and retain the rural area. He explained the tree preservation plan benefits.

Mr. Crowe advised that staff finds the proposed zoning to PUD to be consistent with the Low-Density Residential (LDR) land use category described in the Comprehensive Plan

Policy FL.01.02(E), is consistent with applicable Goals, Objectives, and Policies of the Comprehensive Plan, and complies with the requirements of Section 5.02 and 25.05 of the Land Development Code (LDC). Staff recommends approval subject to the following conditions and language change to the PUD:

- 1) The applicant is proposing a six-foot-wide sidewalk on one side of the internal roadway.
- 2) The development shall be served by central water and sewer.
- 3) Preservation of native canopy trees in parks and buffers, and home site design that recognizes and preserves existing native canopy trees.
- 4) Daytime bicycle and pedestrian public access into the subdivision to Aqua-Vista Park shall be allowed. A small directional sign located at the right-of-way bicycle/pedestrian entrance shall read: "Waterfront park access for bicyclists and pedestrians allowed during daylight hours."
- 5) The following park facilities shall be provided prior to the 50th Certificate of Occupancy issuance:
 - A) Waterfront landing and dock in Aqua Vista for fishing and viewing; minimum 1,000 square foot platform, with at least 600' square feet of it roofed. It shall be constructed in Astrological Park for shelter and community Gatherings.
 - B) Walking trails shall be constructed in Astrological Park that encompasses both the park and lake, with firm, stable, and slip resistant surface using with decomposed granite or comparable stabilized surface to be utilized to meet ADA requirements.
 - C) At least three picnic tables and grills shall be situated in Astrological Park.
 - D) At least two benches shall be provided in Astrological Park, with two additional benches around Star Lake.
 - E) Park amenities as determined in consultation between the Applicant/HOA and Staff shall be provided in Astrological Park, such as

shuffleboard, volleyball courts, and exercise/play equipment.

- F) The Astrological Park shall include a partially shaded grassy area for play; rectangle in shape and at least 15,000 square feet in size.
- G) School bus loop pull-in with adjacent covered pavilion shall be provided in Sanctuary Park.
- H) A platform or grassy area with a minimum size of 5,000 square feet shall be provided in Sanctuary Park, with sufficient trees or shade structures to allow for group activities such as yoga.

Mr. Crowe distributed Exhibit "D" and reviewed the changes as follows:

- Page 2, No.11(A), Ownership and Maintenance: remove the last sentence, *"The association shall maintain, administrate, and operate this land and any other land within the PUD not publicly or privately owned."*
- Page 5, (C) No.6, Recreation/Amenities/Lake: Mr. Mullin recommended adding Americans with Disabilities Act (ADA) verbiage to the following sentence, *"Walking trails in Astrological and Aqua Vista Park shall be a firm, stable, and slip-resistant surface meeting **ADA Standards**, using decomposed granite or comparable stabilized surface, as approved by the Engineering Director."*
- Page 6, (F) No. 2, Preservation Buffer. Remove from the first sentence, *"but not including Lot 30 of the PUD's property line,"* and adding a new sentence to include, *"Additionally, the Northwesterly border shall have a six (6) foot high stockade/privacy fence along this outer property line from Lot 1 through Lot 34."* Remove the following sentence, *"This vegetation buffer along the Northwesterly border does not extend behind Lots 30-35 so as to not obstruct the line of site views of Bell River. Other than to install the six (6) foot high stockade/privacy fence along this outer property line."* And add, *"Once the stockade/privacy fence is completed."* Add as the fourth sentence, *"In lieu of the six (6) **foot tall** stockade/privacy fence, if the **topography** and vegetation permit, a berm in conjunction with a stockade/privacy fence may be used*

after lot 16 and through lot 34, i.e., if the berm is three (3) feet, the fence shall be three (3) feet, or if the berm is two (2) feet, the fence shall be four (4) feet."

Noted: Board Member Holloway recommended adding the description "foot tall." Chair Gillette clarified that the word "typography" should be "topography."

- Page 9, (M), Recreation. Aqua-Vista Trail/Park: add as the second and third sentences, *"As depicted on the site plan, the waterfront landing and dock shall be a minimum of (75) feet in depth (toward the water) and (75) feet width. The dock shall be supported by pilings and shall extend to the surface water at mean low tide."*

Noted: Mr. Mullin recommended adding the following language to the last paragraph under Star Lake Walking Trail: after the 51st through 84th certificate of occupancy, add *"And if the 125 percent is not sufficient to complete then the developer will be responsible."* Then add the phrase, *"as determined by the County,"* after recreation areas.

Discussion: Mr. Crowe explained that the recommended changes were spurred by the community meeting and incorporated into the document. Discussion followed regarding the dock/landing platform as an amenity. Chair Gillette inquired what the remedy would be for buyers in the community if the dock/landing platform could not be permitted. Mr. Crowe explained that a replat would be required. Board Member Huben requested clarification of proposed changes to the setbacks. Mr. Crowe responded that a berm was proposed with a combination of trees and fencing. Board Member Holloway encouraged the applicant to begin their research regarding getting the dock/landing platform permitted due to the time constraints involved with the State's permitting process. Mr. Crowe confirmed that there would be 106 lots in the development.

Chair Gillette pointed out the importance of having the applicant provide a survey of the trees during the building permitting and development process to evaluate tree retention. Mr. Crowe explained that staff would add language to require a tree preservation plan to determine where to build the homes without disturbing trees.

Discussion: Mr. Champion came forward and was sworn in. He responded to Chair Gillette's request for a tree survey noting that although a tree survey was not required in Nassau County, he would be willing to provide a tree survey for the lots compromised by trees and where improvements would be located. Chair Gillette suggested that the logical benchmark would be to follow the tree survey requirements for Amelia Island. Discussion followed regarding continuing the application until explicit tree preservation language could be incorporated. Mr. Crowe reviewed language to include that essentially protects native canopy trees larger than six inches depth at breast height (dbh). In addition, each home site outside the building footprint and driveway will require a tree survey for each lot before construction. Mr. Champion stated that he would like to address this at the end of the discussion.

Mr. Champion advised that there is an existing dock on this property, and the State had recommended the applicant use the existing footprint. Currently, the size of the dock is undetermined, or whether it would extend over the water. Mr. Mullin pointed out that there is no definition of the dock; therefore, the Board does not know what they are approving. He suggested continuing this item until the outstanding issues can be clarified. Mr. Champion stated that he would not build a dock over the water but instead construct a landing because he cannot have a permit until he owns the land. Chair Gillette state that the PUD is validated based on public benefit; if there is no dock over the water, there is a significant deviation from the application presented. Board Member Arnold reflected on the concerns of the existing residents and the capacity of Roses Bluff Road.

Caleb Hurst, Nassau County Traffic Engineer, came forward and was sworn in to address Roses Bluff Road and Chester Road traffic capacity. Discussion followed. Board Member Huben pointed out that this application is unclear about what is approved. Mr. Mulin again suggested a continuance to allow the applicant time to meet with staff and address the language.

Public input: The following individuals came forward and were sworn in to express their concerns regarding the traffic capacity, school concurrency, road maintenance, and overcrowding: Nixon Santiago, Tiffini Rowland, Michael Broussard, and Betty Jo Moody (via "Zoom").

Motion: Close the floor to public discussion.
Maker: Board Member Blue
Second: Board Member Huben
Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.
Absent: Board Member Zimmerman and School Board Member Morris.

Motion: Continue to July 20, 2021, consideration of Tab D as stated above.
Maker: Board Member Huben
Second: Board Member Morris
Action: Aye: Board Members Gillette, Ericksen, Moss, Huben, Morris, Higginbotham, Holloway, Arnold, and Blue.
Absent: Board Member Zimmerman and School Board Member Morris.

DISCUSSION ITEM(S):

210706PZ - 7:43:32 (Tab E) Update on LDC21-001, Plan Review Procedures.

Discussion: Mr. Crowe introduced Eric Landon as a new Nassau County Senior Planner. Mr. Landon stated that he has been working on the LDC revisions. He reviewed the LDC improvements:

- Consistency naming the staff and departments throughout documents.
- Consistent for every type of notice - who is responsible.
- Improvement on what approval looks like.
- Consistent on documents required for submittal.
- Focus mainly on the arrangement and reorganization of the document.
 1. Article 3 - administration - organization of different boards and their authority.
 2. Article 5 - procedure and criteria.
 3. Article 6 - development standards.
- Major amendments:
 - a. The process to appeal staff decisions.
 - b. DRC submittal - classifications requirements.
 - c. Final Development Plans elimination in favor of engineering plans.

- d. Establish review criteria - rezoning and PUD's.
- e. Timeline for reviews, submittals, and approvals.
- f. Update definitions.
- g. Recreate a document easy to read and understand.
- h. Simple underlines and strikeouts regarding changes.

Mr. Landon advised that the document's substance had not changed; it was just rearranged. He is requesting guidance from the Board regarding the need for additional workshops. Discussion followed regarding providing the LDR changes to the Board for them to review prior to the workshop.

INFORMATIONAL ITEM(S):

210706PZ - (Tab F) The next Planning and Zoning Board meeting will be held on July 20, 2021.

There being no further business, the regular session of the Planning and Zoning Board adjourned at 7:52 p.m.

Nick Gillette, Chairman

Attest:
