



Planning Department of  
Nassau County, FL  
96161 Nassau Place  
Yulee, Florida 32097

Holly Coyle  
Interim Planning Director

Nassau County Planning Dept  
2023 AUG 25 PM4:08

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## **APPLICATION AND INSTRUCTIONS FOR CONDITIONAL USE**

**NOTICE:** Florida Statutes and the Courts of Florida require that all Conditional Use applications be heard as a Quasi-Judicial hearing, procedures attached.

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1. The Conditional Use and Variance Board will conduct a public hearing for this application.
2. The procedure will require:
  - A. That the public notice of this application be mailed to adjacent property owners, a legal advertisement published in the newspaper and a sign posted on the property.
  - B. To be sworn into present testimony.
  - C. To be allowed witnesses and the right to present evidence into the record.
  - D. To have the right to cross-examine witnesses opposed to the application and to be cross-examined by those opposed; and,
  - E. That the testimony and evidence address the criteria defined in the Land Development Code that is applicable to the application.
3. The Planning Department will prepare a staff report for the Conditional Use and Variance Board and for the applicant.
4. If you have any questions about procedures or the criteria, please consult with the Planning Department of Nassau County prior to the Conditional Use and Variance Board meeting.
5. Before submitting this application, contact the Planning Department to confirm if site plan review is required by the Development Review Committee (DRC). Some applications require DRC approval before the submittal of this application.

## **INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE**

It is essential that all the information provided is accurate. Incorrect information can delay or nullify the application process. Use the Planning Department forms that are available for download at [www.nassaucountyfl.com](http://www.nassaucountyfl.com) under Departments, Planning Department, Downloadable Application forms. Please attach additional sheets as needed, using 8½" x 11" size paper, typed or printed legibly and identifying each question on the application.

- The **Parcel Identification Number** is an eighteen (18) digit number defining the subject property. This number is located at the Property Appraiser's website at [www.nassauflpa.com](http://www.nassauflpa.com).
- The legal description of the subject property is shown on the deed and the survey. If the property is in a recorded subdivision, use the lot and block number. If the property is not in a recorded subdivision, use the metes and bounds description as shown on the deed or survey. A reference to the section, township, range, or deed book will not be sufficient. **A .txt file of the metes and bounds description of the boundaries of the property is required.**
- Fill in the street location by indicating the property location by side (north, south, east or west) of the street and the nearest intersecting streets (for example: west side of Amelia Road, between Magnolia Street and Amelia Lane). If a street address has been assigned to this property, include such number. If it is impractical to describe the street location by intersecting streets, indicate the approximate distance to the nearest intersecting street (for example: west side of Blackrock Road, CR 107, 1/2 mile north of A1A).
- Provide the name and address of the property owner. The owner's name should agree with the recorded deed.
- Describe the Conditional Use sought in detail. This should be completed with as much detail as possible to fully describe the proposed use. In addition to the detailed written description of the proposed use, include a site plan and floor plan. For home occupations, a copy of the survey can suffice for a site plan. The Conditional Use and Variance Board may also require architectural drawings or sketches of all buildings showing front, side, rear elevations and setbacks, etc.
- **SPECIAL INSTRUCTIONS FOR DAY CARE AND PRE-SCHOOL:** If your application is for a daycare or pre-school, the site plan must demonstrate compliance with the following conditions:
  - (1) Minimum lot area shall not be less than 7,500 square feet and lot width used for fenced play area shall not be less than 75 feet.
  - (2) A fenced outdoor play area of not less than 600 square feet shall be provided which shall be located in the rear yard.
  - (3) The requested maximum number of children in the facility.
  - (4) Parking areas, loading and unloading areas, and relation to surrounding land uses.

**In addition, applicants should consult with Department of Children and Families (DCF).**

• **SPECIAL CONDITIONS FOR HOME OCCUPATIONS:** In addition to any specific conditions that the Conditional Use and Variance Board may impose for a home occupation, all applicants must comply with the following regulations:

- (1) Any business use shall be allowed which meet the standards set forth below.
- (2) The business use must remain incidental and secondary to the primary residential use and shall under no circumstances change the residential character thereof.
- (3) The exterior of the home business must conform to the residential character and architectural aesthetics of the neighborhood.
- (4) Not more than two additional employees or independent contractors shall work on the premises, along with the members of the family residing on the premises who are engaged in such occupation.
- (5) Parking generated by such home occupation shall not occur in greater volumes than would normally be expected in a residential neighborhood, and business- related vehicles including trailers must be parked in legal parking spaces, not within the right-of -way, and not blocking a sidewalk.
- (6) Heavy equipment, including commercial, industrial, or agricultural vehicles, equipment, or machinery shall be screened from view from rights-of-way and adjacent residential properties.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibrations, heat, smoke, dust, glare, fumes noxious odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises. Such regulation shall not exceed similar regulation of a residence without a business. The use, storage, and disposal of hazardous materials is similarly regulated.
- (8) These regulations do not supersede limitations provided by condominium associations or covenants.
- (9) No additional restrictions or regulations on home businesses are allowable other than those listed above.

• When considering conditional use requests, the Conditional Use and Variance Board will provide a written finding that the conditional use satisfies the criteria listed in Section 5.04 - *Conditional Use Review Criteria of the Nassau County Zoning Ordinance*. Questions A-K refer to the review criteria. Please address the criteria as completely as possible and attach additional sheets (using 8½" x 11" size paper) with the answers typed or printed legibly and identified by the number of the question on the application.

• Conditional Uses are generally granted subject to commencement within a period of one (1) year after its effective date. If you cannot commence the use of the Conditional Use sought by this application within one (1) year, you should request a longer period of time and state your reasons for the request.

• The owner's signature is required on the application. If the application is signed by the agent, an *Owner's Authorization for Agent* form must be signed by the owner. Please include the telephone number of the person who can be contacted, and familiar with the application, to obtain additional information.

The non-refundable application fee for a Conditional Use (a/k/a Zoning Exception) is required at the time of application. To confirm the fees, including postage based on the number of property owners within 300 feet, please contact the Planning Department at 904-530-6320. Return the completed application, any supporting data and the application fee to the Planning Department. Please make checks payable to: Nassau County Board of County Commissioners (Nassau County BOCC). **The applicant is responsible for the legal advertisement payment and must be made directly with the newspaper.**

Nassau County requires **due public notice** which includes a legal advertisement published in an approved newspaper of general circulation not less than fifteen (15) days in advance of the public hearing, a sign posted in a conspicuous place on or around the subject property and a public notice mailed to all property owners within 300 feet of the periphery of the subject property. The Planning Department will prepare the legal advertisement, the public notice and the sign. If the signs are destroyed or rendered illegible, notify the Planning Department immediately so that a replacement can be erected. **The applicant is responsible for delivering the original Proof of Publication from the newspaper to the Planning Department. The public hearing cannot be held unless Proof of Publication is received by the Planning Department of Nassau County, FL.**

The applicant is not required to obtain the signatures or approval of the adjoining property owners. If you choose to present a petition of adjoining property owners favoring your application, attach a legibly printed or typed list of the names and addresses submitted on the petition.

If, for any reason, you wish to withdraw the application, you must notify the Planning Department, in writing, prior to the date of the public hearing. No refunds.

**Persons with disabilities** requiring accommodations in order to participate at the public hearing should contact (904) 530-6010 at least twenty-four (24) hours in advance to request such accommodation.

**The public is invited to be present and be heard. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose may need to ensure that a verbatim record of the proceedings is made.**

The Planning Department of Nassau County, FL. can be reached at 96161 Nassau Place, Yulee, FL 32097, and (904) 530-6320, Monday through Friday, 8:00am until 5:00pm.





# APPLICATION FOR A CONDITIONAL USE

Official Use Only

Zoning District: CG  
FLUM Designation: Com  
Commission District: Dist. 3  
Application #: CU2023-017  
Date Filed: 8/25/23

Nassau County Planning Dept  
2023 AUG 25 PM 4:08

3 8 2 N 2 7 0 0 0 0 0 1 0 0 4 0

Parcel Identification Number (18 digit number)

**Driving Instructions:** The project site (The Tyler Plaza West) is located at the corner of Meadowfield Bluffs Road and CR 200. The neighboring property (Tyler Plaza) adjacent to the east, has an existing address that would be easier to attain driving instructions to using any mapping tool (i.e. Google maps, Apple maps, etc.) The address to Tyler Plaza is the following: 463646 SR 200 Yulee, FL 32097.

1. **Legal Description:** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Plat Book 2621 Page 642, please see legal description attached  
(Please attach a legal description if not located in a subdivision)

2. **Location:** On the south side of SR 200  
(north, south, east, west) (street)  
  
between Meadowfield Bluffs Road and SR 200  
(street) (street)  
  
Nearest identifiable landmark (for example: Walmart or I-95) Tyler Plaza

3. **Name and Address of the Owner as shown in the public records of Nassau County:**

David Ergisi  
13553 Atlantic Blvd Suite 201  
Jacksonville, FL 32225

**Name and Address of the Applicant / Authorized Agent:**

Doug Smith  
13553 Atlantic Blvd Suite 201  
Jacksonville, FL 32225

**(PLEASE NOTE:** If applicant is not the owner, this application must be accompanied by completed *Owner's Authorization for Agent* form.)

#### 4. Detailed Description of Conditional Use Sought:

The subject property is located in the Commercial General (CG) zoning district and has a Future Land Use Map (FLUM) designation of Commercial (COM).

A daycare center as well as a commercial shopping plaza are proposed. Within the commercial shopping plaza the sale of beer and wine will likely be requested by future restaurant tenants.

Per Nassau County Zoning code, alcohol sales by right for the Commercial General zoning district, are only permitted through a required conditional use.

Some engineering site plans have been in review (SP21-019). New site plans have been submitted as of June 2023. According to staff, as of 4/24/2023, a DRC meeting is not required.

The request is to sell beer and wine for on and off site consumption.

#### 5. Required Attachments:

- Exhibit "A" - Survey
- Exhibit "B" - Site Plan
- Exhibit "C" - Interior Floor Plan, drawn to scale
- Exhibit "D" - Other (please list)

#### 6. Section of Zoning Code or provision that authorizes the granting of this Conditional Use: 1603 E

7. **HOME OCCUPATIONS:** Section 28.14 (A), (1-8): For a home occupation, the following conditions will apply if the Conditional Use is granted. On a separate sheet of paper (8 1/2" x 11"), please address the following in detail and attach as Exhibit "E".

- (1) Any business use shall be allowed which meet the standards set forth below.
- (2) The business use must remain incidental and secondary to the primary residential use and shall under no circumstances change the residential character thereof.
- (3) The exterior of the home business must conform to the residential character and architectural aesthetics of the neighborhood.
- (4) Not more than two additional employees or independent contractors shall work on the premises, along with the members of the family residing on the premises who are engaged in such occupation.
- (5) Parking generated by such home occupation shall not occur in greater volumes than would normally be expected in a residential neighborhood, and business- related vehicles including trailers must be parked in legal parking spaces, not within the right-of -way, and not blocking a sidewalk.
- (6) Heavy equipment, including commercial, industrial, or agricultural vehicles, equipment, or machinery shall be screened from view from rights-of-way and adjacent residential properties.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibrations, heat, smoke, dust, glare, fumes noxious odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises. Such regulation shall not exceed similar regulation of a residence without a business. The use, storage, and disposal of hazardous materials is similarly regulated.
- (8) These regulations do not supersede limitations provided by condominium associations or covenants.
- (9) No additional restrictions or regulations on home businesses are allowable other than those listed above.

8. Has any application been submitted within the last two (2) years for a Zoning Exception, Conditional Use Zoning Variance or for the Rezoning of any portion of the subject property included in this application?

No. \_\_\_\_\_

If so, give details of such application and final disposition.

Not applicable. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Is this parcel subject to deed restrictions enforced by a homeowners association? No. \_\_\_\_\_

If so, please provide an address and contact name.

Not Applicable. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Applicant must address the Conditional Use Review Criteria on page 4.

*In filing this application for a Conditional Use, the undersigned understands it becomes a part of the official records of the Conditional Use and Variance Board and does hereby certify that all information contained herein is true to the best of his/her knowledge.*

Signature of Owner: David M. Ergisi

Signature of Applicant: David M. Ergisi

(if different than Owner)

Signature of Agent: Doug Smith

(if different than Owner)

Owner's mailing address: \_\_\_\_\_  
13553 Atlantic Blvd Suite 201 Jacksonville, FL 32225

Telephone: 904-242-6555

Email: doug.smith@crossregions.com

**NOTE:** If prepared or signed by an agent, a notarized *Owner's Authorization for Agent* form must be provided.

Newspaper for legal advertisement (OFFICIAL USE ONLY):

Fernandina Beach News Leader: \_\_\_\_\_

Nassau County Record: \_\_\_\_\_

**Conditional Use Review Criteria (Section 5.04):**

**Please answer the following questions as completely as possible and attach additional sheets (using 8½" x 11" size paper) with the answers typed or printed legibly and identifying the question.**

- A. Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety or general welfare? In addition, show that the conditional use will not be contrary to the established standards, regulations, or ordinances of other governmental agencies.
- B. Will each structure or improvement be designed and constructed so that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed?
- C. Will the conditional use adversely impact the permitted uses in the zoning district or unduly restrict the enjoyment of other property in the immediate vicinity or substantially diminish or impair property values within the area?
- D. Will the establishment of the conditional use impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district?
- E. Will adequate water supply and sewage disposal facilities be provided in accordance with state and health requirements?
- F. Will adequate access roads, on-site parking, on-site loading areas and drainage be provided where required?
- G. Will adequate measures be taken to provide ingress and egress to the property that is designed in a manner to minimize traffic congestion on local streets?
- H. Will adequate screening and buffering of the conditional use be provided, if needed?
- I. Will the conditional use require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area? Will any signs or exterior lighting required by the conditional use be compatible with development in the zoning district?
- J. Will the conditional use conform to all applicable regulations of the zoning district in which it is proposed?
- K. Will the conditional use conform to all applicable regulations listed in the adopted comprehensive plan?

## CONSENT FOR INSPECTION

Nassau County Planning Dept  
2023 AUG 25 PM4:09

I, Doug Smith the owner or authorized agent for the owner of the premises located  
at Southeast corner of Meadowfield Bluffs Road and SR 200  
do hereby consent to the inspection of said premises and the posting of public notice by an employee of the  
Planning Department, Nassau County, Florida, in conjunction with  
application \_\_\_\_\_, without further notice.  
Dated this 25 day of August, 2023.

Doug Smith  
Signature of Owner or Authorized Agent

(904) 567-8351

Telephone Number

## NOTARY

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by  
means of physical presence \_\_\_\_ or online notarization \_\_\_\_, this \_\_\_\_ day of  
\_\_\_\_\_, 2023, by \_\_\_\_\_, who is personally known to  
me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Name (Typed or Printed)

AGENT AUTHORIZATION (FOR COMPANY OR LLC)

Doug Smith

\_\_\_\_\_ is hereby authorized as the Agent TO ACT ON BEHALF OF

David Ergisi

\_\_\_\_\_, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Nassau County, Florida, for an application pursuant to a:

- ☐ Rezoning/Modification  
☐ Variance  
☐ Plat

- ☒ Conditional Use  
☐ Preliminary Binding Site Plan

BY:

*Doug Smith*

Signature of Agent

Doug Smith

\_\_\_\_\_  
Print Name of Agent

13553 Atlantic Blvd Suite 201 Jacksonville FL 32225

\_\_\_\_\_  
Agent Address

doug.smith@crosregions.com

\_\_\_\_\_  
Agent Email

(904) 567-8351

\_\_\_\_\_  
Agent Telephone Number

*David M. Ergisi*

Signature of President, Chairman of the Board or managing partner of Cross Regions Group  
(Circle one)

David Ergisi

\_\_\_\_\_  
Print Name

13553 Atlantic Blvd Suite 201 Jacksonville, FL 32225

\_\_\_\_\_  
Address

904-567-8343

david.ergisi@crosregions.com

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email

Doug Smith

I, \_\_\_\_\_, hereby affirm or swear that I have the authority on behalf of  
(name of agent)

David ergisi

\_\_\_\_\_, to file the conditional use application

with Nassau County.

DS

DE

\_\_\_\_\_  
Initials

\_\_\_\_\_  
Initials

Certificate

I David Ergisi , (signer's name), CEO (title) of Cross Regions Group (company or LLC) an entity lawfully organized and existing under the laws of Florida (name of State) do hereby affirm or swear that I am empowered and authorized on behalf of the entity, to execute this Agent Authorization form, and all documents required by Nassau County regarding this application, and further expressly warrants that has been given and has received and accepted authority to sign and execute the documents on behalf of

Nassau County Planning Dept  
2023 AUG 25 PM 4:09

\_\_\_\_\_  
CEO Cross Regions Group

*David M. Ergisi*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**NOTARY**

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of physical presence \_\_\_ or online notarization X, this 25 day of August, 2023, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Name (Typed or Printed)

\_\_\_\_\_  
Initials

\_\_\_\_\_  
Initials

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### QUASI-JUDICIAL HEARING PROCEDURES

Florida Statutes and the Courts of Florida require that your conditional use application be heard as a Quasi-Judicial Hearing. A Quasi-Judicial Hearing, by state and case law, is different than a regular hearing conducted by this Board. A Quasi-Judicial Hearing is less formal than a court hearing but similar in procedures and evidence issues. In a Quasi-Judicial Hearing, the applicant has the burden of demonstrating by competent substantial evidence that his/her application meets requirements of the County Zoning Code, Comprehensive Plan and other applicable regulations. General objections, without more specific evidence, does not constitute substantial competent evidence.

You are entitled to be represented by counsel and if you desire a continuance to obtain counsel, please come forward and make that request. The Board has the discretion to grant or deny the request. The hearing procedures will be:

1. Staff will be sworn and shall describe the applicant's (you) request, provide staff's recommendation and present any witnesses in support of staff's recommendation. Staff shall have fifteen (15) minutes.
2. The applicant (you) and others presenting evidence will be sworn and shall state their name, address and subject to which they will testify. The applicant (you) or its agent/attorney may elect to waive their presentation and to rely on the application, recommendation, and staff comments, reserving the right to address the Board if any evidence against the application is presented.
3. The applicant (you), or his/her attorney/representative, if they do not waive their presentation, will have an opportunity to present evidence for the application and will have fifteen (15) minutes for the presentation. If the applicant has witnesses, the applicant will indicate the name of each witness and the subject to be addressed. The applicant's witnesses will each have five (5) minutes. The applicant may also call the Zoning Official or other staff member who are present as a witness and ask them questions. Again, the time limit for questions is five (5) minutes.
4. Those who present evidence against the application will be sworn in and will be provided five (5) minutes each to present evidence and witnesses that address the criteria. Those who present evidence against, may also call the applicant, Zoning Official, witnesses or other staff members that are present as witnesses and ask them questions, subject to the five-minute time limit. Extension of time limits may be granted by the Chair.
5. The applicant or its attorney may then cross examine those presenting evidence against, subject to control by the chair and county attorney. Cross-examination shall be five (5) minutes for each witness.
6. Sharing or transferring time is not allowed and anyone presenting repetitious evidence or evidence that does not address the criteria will be directed to stop and address the criteria.
7. Evidence must be relevant. Relevant evidence is that which addresses the criteria in the County Code and the specific matter under consideration. Irrelevant evidence is that which does not address the County Code or the matter under consideration or is a personal attack as to presenters or Board members or is loud or boisterous to the point that it interrupts the proceedings. The Chair will advise any person who violates these rules to stop. Failure to stop may lead to removal from the Chamber by the Bailiff or Deputy Sheriff.
8. Persons presenting evidence will address the Board, at the podium, and if there are documents or photos they must be presented when the particular individual is testifying. No documents will be returned, as they become a part of the record.
9. As a Quasi-Judicial Hearing, numbers of individuals for or against a particular item will not be considered. The meeting is being taped; there-fore there can be no applause or outbursts.
10. The Clerk shall state what documents will be placed into evidence and a motion shall be made to move those documents into the record. Any new or additional documents presented into evidence either by a sworn individual or staff shall also be included in the motion moving the documents into the record.
11. The Office of the County Attorney represents the Board and provides advice to the Board including advice as to the procedures and the admissibility of evidence.



12. The Board will afford members of the audience who have not presented evidence for or against three (3) minutes each to address any information provided. The members of the public will not be sworn in. Their testimony will not be considered as evidence as to the matter under consideration.
13. The applicant will be permitted to provide rebuttal as to any evidence against (a maximum of ten (10) minutes).
14. Staff may have five (5) minutes to provide final comments to the Board.
15. The Board will then close the public hearing and will discuss the application and may ask questions of the applicant, staff or those presenting evidence against or witnesses for the application. Any motion of the Board should include whether or not the board finds competent substantial evidence in the record and/or testimony received to support the board's decision for approval or denial.
16. The strict rules of evidence applicable to a court proceeding will not be utilized; however, the Board, with the assistance of the attorney, may exclude evidence that is not relevant or material or is repetitious. Again, the Quasi-Judicial procedures are required by law and all those participating need to be aware of the procedures. Anyone who fails to follow the procedures may be required to stop his/her presentation or relinquish their time.
17. TO BE FAIR TO EVERYONE AND IN ORDER TO FOLLOW THE PROCEDURES, IF YOU HAVE ANY QUESTIONS PLEASE CALL THE COUNTY ATTORNEY'S OFFICE AT (904) 530-6100 OR THE PLANNING DEPARTMENT AT (904) 530-6320.

## **1. SUBSTANTIAL COMPETENT EVIDENCE**

In order to sustain a local government's quasi-judicial land use decision, it must be shown that there was "substantial competent evidence" presented to the board to support its rulings. *Board of County Commissioners of Brevard County v. Snyder*, 627 So.2d 469 (Fla. 1993). Although simply stated, this requirement of "competent substantial evidence" is -- in the words of one court -- "susceptible to misunderstanding." *Lee County v. Sunbelt Equities, II, Ltd. Partnership*, 619 So 2d. 996, 1003 (Fla. 2d DCA 1993). Competent substantial evidence "involves a purely legal question;" that is:

[W]heather the record contains the necessary quantum of evidence. The circuit court is not permitted to go farther and *reweigh* that evidence (*e.g.*, where there may be conflicts in the evidence), or to substitute *its* judgment about what *should* be done for that of the administrative agency.

The seminal case defining "substantial competent evident" is *DeGroot v. Sheffield*, 95 So.2d 912 (Fla. 1957). In that case, the Florida Supreme Court defined competent substantial evidence as "such relevant evidence as a reasonable mind would accept as adequate to support a conclusion."

In sum, quasi-judicial decisions must be supported, in the record, by evidence that is both legally competent and quantifiably substantial.

## **2. Expert Testimony**

Expert testimony is considered to be substantial competent evidence as long as the expert gives testimony that is within his area of expertise and is based either facts known to the expert, a hypothetical situation or facts disclosed at the hearing. It is important that expert witnesses state their qualifications on the record or submit their resume to the quasi-judicial body record.

The reports and recommendations of a local government professional planning staff have long been recognized as the type of expert testimony sufficient to sustain a quasi-judicial zoning decision where the statements in the report are supported by the facts and are not merely conclusory in nature and are within their area of expertise.

In addition to professional planning staff recommendations, the courts have also held decisions of a local government's Planning and Zoning Board may also constitute substantial competent evidence upon which to grant or deny a zoning request. *Hillsborough County Board of County Commissioners v. Longo*, 505 So.2d 470 (Fla. 2d DCA 1987); *Connetta v. City of Sarasota*, 400 So.2d 1051 (Fla. 2d DCA 1981).

In contrast, the "testimony" of attorneys does not constitute substantial competent evidence. *National Advertising Co. v. Broward County*, 491 So.2d 1262 (Fla. 4<sup>th</sup> DCA 1986). Attorneys generally appear on *behalf of* a party; they are advocates -- not witnesses. As such, absent stipulation by the opposing party, they cannot testify. Although mere conclusory assertions of law may sound persuasive, they fall far short of satisfying the requisite foundational element of "competent" evidence.

### **3. Citizen Testimony**

Florida courts have long acknowledged the legitimate interest of neighboring property owners in preserving the character of their neighborhood. As recently recognized by the Fourth District Court of Appeal:

The role of the governmental entity is to arrive at sound decisions affecting the use of property within its domain. *This includes receiving citizen input regarding the effect of the proposed use on the neighborhood, especially where the input is fact- based.*

*City of Dania v. Florida Power & Light*, 718 So.2d 873 (Fla. 4<sup>th</sup> DCA, 1998).

In short, although citizen testimony may be considered, it can only be used to support a quasi-judicial zoning decision when it is based on something more than mere opinions. Popularity polls of neighborhood residents do not constitute substantial competent evidence. See *City of Apopka v. Orange County*, 299 So.2d 657 (Fla. 4<sup>th</sup> DCA 1974).

This issue regarding the weight and legal sufficiency to be accorded public "concerns" was recently revisited by the Third District Court of Appeal in the case of *Metropolitan Dade County v. Section 11 Property Corp.*, 719 So.2d 1204 (Fla. 3<sup>d</sup> DCA 1998). In that case, the court expressly considered whether the opposition of neighboring property owners to a proposed land use could be considered as "competent substantial evidence" sufficient to withstand judicial review of the local government's decision to deny the zoning request. According to the developer (as well as the circuit court), the citizen testimony was "merely opinion" and therefore insufficient grounds for denying the proposed development.

#### **a. Examples of Unacceptable Citizen Testimony**

##### ***T-Mobile South, LLC vs. Cobb County, Georgia, 2011 WL 336641***

The comments of witnesses must be probative or competent as to whether the standards in the ordinance have been satisfied. The courts have universally held that objections of neighborhood residents, without more, are not a sound basis for denying a permit.

Examples of citizen testimony that does not constitute substantial competent evidence include: *Pollard v. Palm Beach County*, 560 So.2d 1358 (Fla. 4<sup>th</sup> DCA 1990) (special exception for an ACLF; neighbors testified as to traffic, light and noise problems that would occur if permit approved); *Flowers Baking Co. v. City of Melbourne*, 537 So.2d 1040 (Fla. 5<sup>th</sup> DCA 1989) (gas station will cause tremendous traffic problem adjacent to condominium inhabited by retirees); *City of St. Petersburg v. Cardinal Industries Development Corp.*, 493 So.2d 535 (Fla. 2<sup>d</sup> DCA 1986) (lay testimony insufficient to sustain denial; concerns that construction would be done by labor force from outside the area, wooden homes would be a fire hazard); *BML Investments v. City of Cassleberry*, 476 So.2d 713 (Fla. 5<sup>th</sup> DCA 1985), *rev. denied*, 486 So.2d 595 (Fla. 1986) (development plan approval denied; testimony of residents regarding relationship of project to surrounding neighborhood insufficient to deny plan approval); *City of Apopka v. Orange County*, 299 So.2d 657 (Fla. 4<sup>th</sup> DCA 1974) (special exception for airplane landing strip; noise and cost of future home construction cited by interested residents); *Conetta v. Sarasota*, 400 So.2d 1051 (Fla. 2<sup>d</sup> DCA 1981) (special exception for guest house; residents stated it would not conform to neighborhood); *Miami Mental Health Center v. City of Miami*, 3 Fla. L. Weekly Supp. 91 (Fla. 11<sup>th</sup> Cir. Ct. 1995) (two residents testified as to declining property values if mental health facility was approved; testimony disapproved as ambiguous); *Robinson*

*v. City of Miami Beach*, 3 Fla. L. Weekly Supp. 320 (Fla. 11th Cir. 1995) (testimony by resident that helicopters are dangerous was unacceptable as contrary to a city code which allowed the permitting of helicopter pads);

Similarly, expressions of mass opinions from neighborhood residents do not constitute substantial competent evidence. It has long been common practice at a hearing for someone to get up and ask the question: "How many people here oppose this project?" A large number of the citizens present stand or raise their hands. Acceptable? No!

The function of a quasi-judicial board must be exercised on the basis of facts adduced at the hearing and upon appropriate zoning principles and objectives as set forth in the zoning ordinance and should not be based on a mere poll or plebiscite of the neighbors.

**b. Examples of Acceptable Citizen Testimony**  
***Verizon Wireless vs. City of Jacksonville, Florida* 670 F. Supp. 2d 1330 (2009)**

Courts

*Verizon vs. City of Jacksonville, FL*

- 1) The decision to deny or approve must be in writing and supplemented by competent substantial evidence combined in a written record.
- 2) Is the evidence general opinion rather than the facts?
- 3) The testimony included general evidence presented by a local realtor with 16 years' experience that locating cell phone towers in residential neighborhoods devalues surrounding properties and makes them more difficult to sell. More specifically, the realtor stated that she had "already lost potential buyers for her own property in the area because of the proposed tower". Residents also testified about aesthetic issues. The aesthetic evidence was supported by the objective evidence of the Realtor.
- 4) Blanket aesthetic objection does not constitute substantial evidence under §332. Such a standard would eviscerate the substantial evidence requirement and unnecessarily retard mobile phone service development. Aesthetic objections coupled with evidence of an adverse impact on property values can constitute substantial evidence.

**Conditional Use Review Criteria (Section 5.04):**

**Please answer the following questions as completely as possible and attach additional sheets (using 8½" x 11" size paper) with the answers typed or printed legibly and identifying the question.**

A. Will the establishment, maintenance or operation of the conditional use be detrimental to or endanger the public health, safety or general welfare? In addition, show that the conditional use will not be contrary to the established standards, regulations, or ordinances of other governmental agencies.

*The proposed uses of Tyler Plaza West include a childcare center and a commercial shopping plaza. All uses allowed by right per the zoning and landuse of the subject property. Tyler Plaza West will be an extension to its "sister" property Tyler Plaza adjacent to the east located at 463646 SR 200 Yulee, FL 32097. Like Tyler Plaza, Tyler Plaza West will not be detrimental to or endanger the public health, safety or general welfare of the patrons or the community at-large. At the time of this application, the proposed uses together with the site plan will adhere to the code and provisions enforced by Nassau County.*

B. Will each structure or improvement be designed and constructed so that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed?

*Please see attached the site plan of Tyler Plaza West (currently in review by the Nassau County Planning Department as of June 2023).*

C. Will the conditional use adversely impact the permitted uses in the zoning district or unduly restrict the enjoyment of other property in the immediate vicinity or substantially diminish or impair property values within the area?

*No, the conditional use will not adversely impact the permitted uses in the zoning district, nor will it unduly restrict the enjoyment of other property in the immediate vicinity and it will not substantially diminish or impair property values in the area. A neighboring restaurant, Olive Cove Italian Kitchen, also sells beer and wine as a conditional use.*

D. Will the establishment of the conditional use impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district?

*The sale of beer and wine will not impede the orderly development and improvement of the surrounding property for uses permitted in the Commercial General zoning district.*

E. Will adequate water supply and sewage disposal facilities be provided in accordance with state and health requirements?

*Yes, adequate water supply and sewage disposal facilities will be provided in accordance with the state and health requirements.*

F. Will adequate access roads, on-site parking, on-site loading areas and drainage be provided where required?

*Yes, adequate access roads, on-site parking, on-site loading areas and drainage will be provided where required. Please see attached the site plan of Tyler Plaza West.*

G. Will adequate measures be taken to provide ingress and egress to the property that is designed in a manner to minimize traffic congestion on local streets?

*Transportation Planning review of the site plan submitted will ensure the proper ingress and egress is provided.*

H. Will adequate screening and buffering of the conditional use be provided, if needed?

*If needed, yes, adequate screening and buffering of the conditional use will be provided.*

I. Will the conditional use require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area? Will any signs or exterior lighting required by the conditional use be compatible with development in the zoning district?

*The conditional use itself will not require signs or exterior lighting.*

J. Will the conditional use conform to all applicable regulations of the zoning district in which it is proposed?

*Yes, the conditional use will conform to all applicable regulations of the Commercial General zoning district.*

K. Will the conditional use conform to all applicable regulations listed in the adopted comprehensive plan?

*Yes, the conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.*

Nassau County Planning Dept  
2023 AUG 25 PM 4:10

### CONSENT FOR INSPECTION

I, Doug Smith the owner or authorized agent for the owner of the premises located at Southeast corner of Meadowfield Bluffs Road and SR 200 do hereby consent to the inspection of said premises and the posting of public notice by an employee of the Planning Department Nassau County, Florida, in conjunction with application \_\_\_\_\_, without further notice.  
Dated this 25 day of August, 2023.

Doug Smith  
Signature of Owner or Authorized Agent

(904) 567-8351  
Telephone Number

STATE OF FLORIDA  
COUNTY OF NASSAU

### NOTARY

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of physical presence X or online notarization \_\_\_\_\_, this 25 day of August, 2023, by Doug Smith, who is personally known to me or has produced \_\_\_\_\_ as identification.

Laura McDaniel  
Notary Signature  
Print Name (Typed or Printed)



Certificate

I David Ergisi, (signer's name), CEO (title) of Cross Regions Group (company or LLC) an entity lawfully organized and existing under the laws of Florida (name of State) do hereby affirm or swear that I am empowered and authorized, on behalf of the entity, to execute this Agent Authorization form, and all documents required by Nassau County regarding this application, and further expressly warrants that has been given and has received and accepted authority to sign and execute the documents on behalf of

\_\_\_\_\_  
CEO Cross Regions Group

David M. Ergisi

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**NOTARY**

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of physical presence X or online notarization   , this 25 day of August, 2023, by David Ergisi, who is personally known to me or has produced    as identification.

Notary Signature

Laura McDaniels

Print Name (Typed or Printed)



    
Initials

DE  
Initials



Nassau County Board of County Commissioners  
Elizabeth Backe, AICP, Planning Director  
Nassau County | Planning Department  
96161 Nassau Place | Yulee, FL, 32097  
P: 904-530-6320 | E: [planning@nassaucountyfl.com](mailto:planning@nassaucountyfl.com)

<b>DOUG SMITH/DAVID ERGSI</b>
<b>13553 ATLANTIC BLVD., #201</b>
<b>JACKSONVILLE, FL 32225</b>

Project Number:  
Invoice Number:  
Date:

**CU2023-017**  
**INV2023-073**  
**9/29/2023**

**PROJECT NAME: MEADOWFIELD BLUFFS RD. AND SR 200**

PROJECT CODE	ACTIVITY	QTY	RATE	AMOUNT
CU	Conditional Use	1	\$1,073.00	\$ 1,073.00
POSTAGE	Postage	6	\$0.63	\$ 3.78
<b>TOTAL AMOUNT DUE</b>				<b>\$ 1,076.78</b>

All Invoices must be paid within 5 business days. Payment options:

Online Payment Portal: [See Payment Instructions](#)

Phone: (904) 530-6320



PAYMENT SUMMARY RECEIPT

BOARD OF COMMISSIONERS  
76347 VETERANS WAY  
YULEE FL 32097

DATE: 09/29/23 CUSTOMER#:  
TIME: 15:46:07  
CLERK: 62351go1

RECPT#: 2064735 PREV BAL: 1076.78  
TP/YR: P/2023 AMT PAID: 1076.78  
BILL: 2064735 ADJSTMNT: .00  
EFF DT: 09/29/23 BAL DUE: .00  
PERMITS/INSP PAYMENT: 230007718  
-----TOTALS-----

PRINCIPAL PAID: 1076.78  
INTEREST PAID: .00  
ADJUSTMENTS: .00  
DISC TAKEN: .00

AMT TENDERED: 1076.78  
AMT APPLIED: 1076.78  
CHANGE: .00

PAID BY: PLAZA WEST LLC, TYLE  
PAYMENT METH: CREDIT CARD  
PAYMENT REF: 70656850

TOT PREV BAL DUE: 1076.78  
TOT BAL DUE NOW : .00



## APPLICATION FOR CONDITIONAL USE PERMIT

OWNER/APPLICANT:	David Ergisi			
AGENT:	Doug Smith			
REQUESTED ACTION:	Conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district.			
Location:	On the south side of SR 200, between Meadowfield Bluffs Road and Tyler Plaza			
Land Use:	Commercial (COM)			
Zoning:	Commercial, General (CG)			
Existing Uses on Site:	Undeveloped			
Property Size and Parcel ID:	5.24 acres / 38-2N-27-0000-0001-0040			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Undeveloped/Church	OR/RG-2	MU/HDR
	South	Undeveloped/Timberland	OR	AGR/MDR
	East	Undeveloped/Retail	CG/OR	COM/MDR
	West	Undeveloped/Timberland	OR	AGR
COMMISSION DISTRICT:	3			

\*\*\* All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning Department Office. \*\*\*

### SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The subject property is located at the intersection of Meadowfield Bluffs Road and SR 200. Uses in the vicinity include a community shopping center, two churches, a gas station, a residential subdivision, and a multi-family development.

The applicant seeks a conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district. Per Section 16.03(E), conditional uses include: *establishments or facilities selling alcoholic beverage for on-site or off-site consumption.*

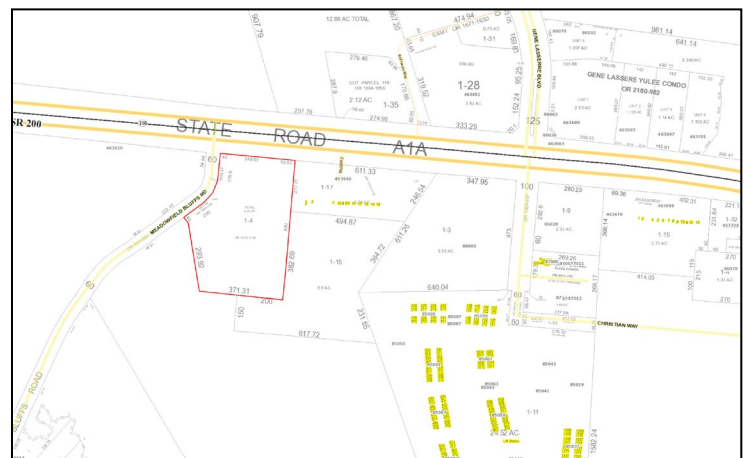


Figure 1: Parcel Map

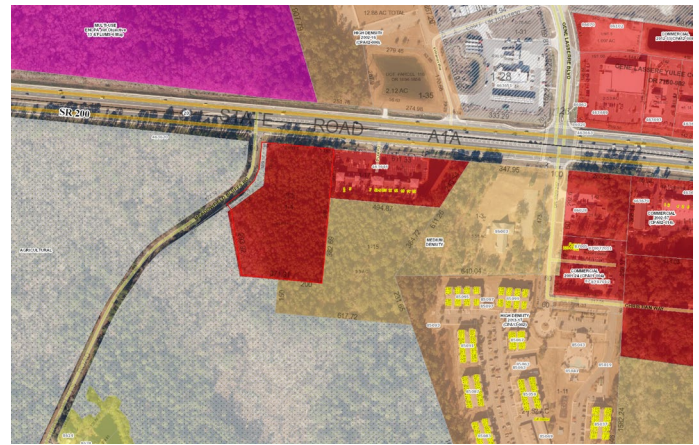


### **CONSISTENCY WITH FUTURE LAND USE MAP AND ZONING**

The Future Land Use Map (FLUM) designation of the parcel is Commercial (COM). The COM designation is intended for activities that are predominately associated with the sale, rental, and distribution of products or the provision of personal and professional services. The property is zoned Commercial, General (CG). The CG district is intended to designate areas for general commercial uses which will meet the retail and service needs of Nassau County residents. Uses in this district shall abut a roadway classified as a collector or higher facility on the adopted functional highway classification map of the comprehensive plan. The conditional use is found to be consistent with both the future land use map and zoning designations.



*Figure 2: Zoning Map*



*Figure 3: Future Land Use Map (FLUM)*



*Figure 4: Aerial Map*



*Figure 5: Site Photo*



**CONSISTENCY WITH LDC SECTION 5.04: CONDITIONAL USE REVIEW CRITERIA**

When considering conditional use requests, the conditional use and variance board shall make a finding that the conditional use satisfies the following criteria:

- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.**

The conditional use request is being made to an undeveloped parcel with site plans proposing two commercial buildings. In anticipation of future tenants, including restaurants, the applicant is requesting this conditional use. The property is located along a commercial corridor characterized by retail and service uses that sell alcoholic beverages for both onsite and offsite consumption. The conditional use is consistent with established standards and regulations including Chapter 4, Section 4-3(1) of the Nassau County Code of Ordinances which states that the sale of alcoholic beverages is exempt from applicable distance regulations in relation to churches and schools. Staff found no evidence to indicate that the sale and onsite consumption of alcoholic beverages at the subject property location shall endanger public health, safety or general welfare.

- (B) Each structure or improvement will be in accordance with Ordinance 2000-26 and will be so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.**

This conditional use request is being made for a new structure. All site and building requirements shall meet the applicable standards required by Nassau County's Land Development Code (LDC) and Code of Ordinances and shall provide continuity with surrounding developments. Tyler Plaza West (SP21-019) is currently under site engineering plan review with the Development Review Committee for these standards.

- (C) The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair the values within the area.**

As stated previously, the property is located along a commercial corridor characterized by retail and service uses that currently sell alcoholic beverages for both onsite and offsite consumption. The conditional use will not adversely impact permitted uses in the zoning district.

- (D) The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The surrounding area is characterized by a mix of commercial activities providing services to Nassau County residents. Staff does not anticipate the sale of alcohol to impede the orderly development in the area.

- (E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.**

The site is served by central water and sewer. Adequate water supply and sewage supply shall be provided in accordance with the state and county health requirements.

- (F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.**





Access is provided by SR 200, an arterial roadway. Onsite parking and drainage will be approved through the development review procedures. The site engineering plan is currently under review by the Development Review Committee and a copy has been provided in Figure 6.

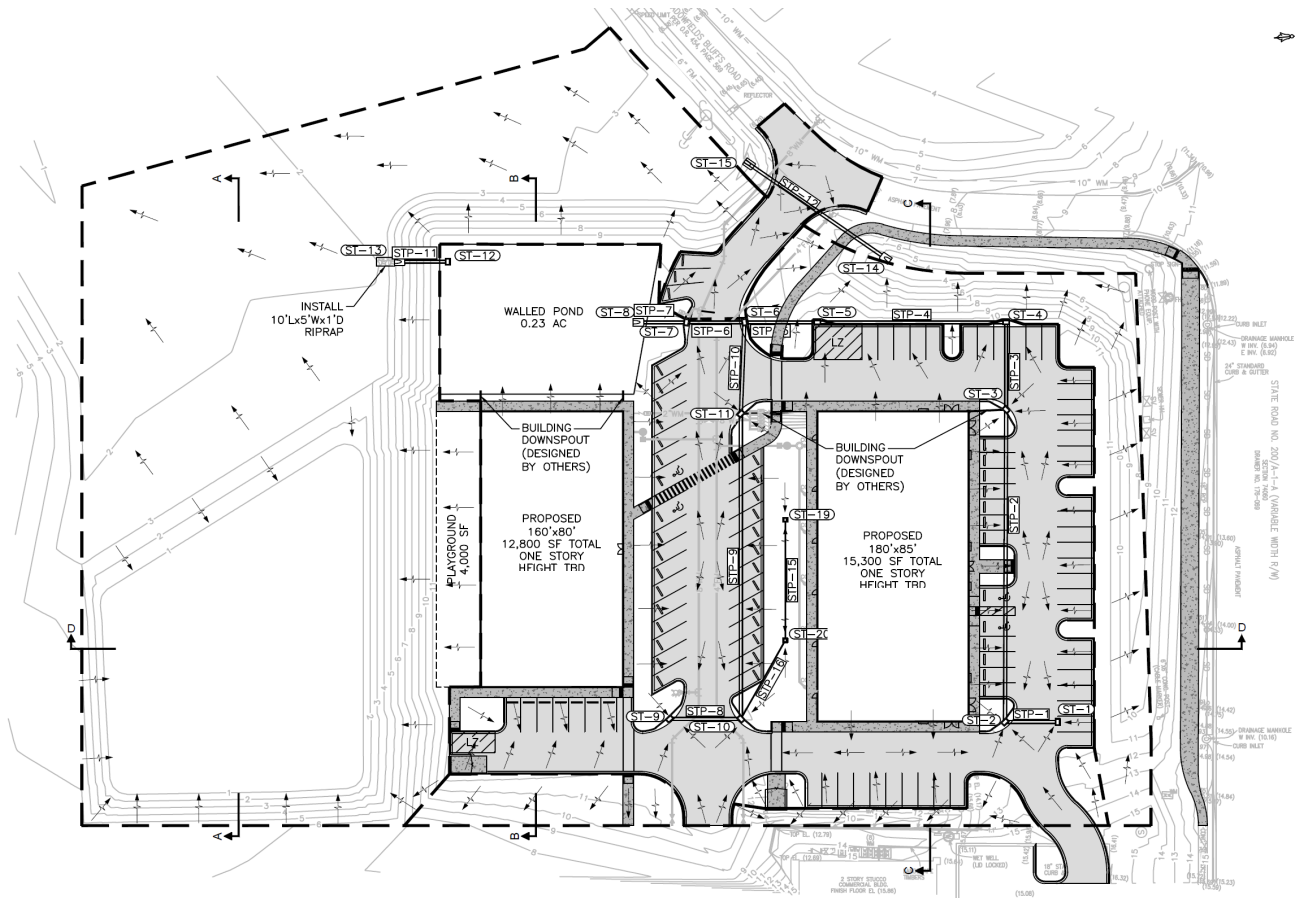


Figure 6: SEP Submittal #4 Site Drainage Plan

**(G) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.**

There is adequate ingress and egress to the property from Meadowfield Bluffs Road with cross access proposed to Tyler Plaza East. Any operational improvements will be evaluated during development review of the Traffic Access Study.

**(H) Adequate screening and buffering of the conditional use will be provided, if needed.**

All landscaping requirements found in the Land Development Code Section 37.05 shall be applicable to this new development. These requirements will be evaluated during the development review. Requirements include a buffer along SR 200 pursuant to LDC Sec. 35.09.C, an undisturbed natural vegetative buffer against jurisdictional wetlands pursuant LDC Sec. 37.03, screening of dumpsters pursuant LDC Sec. 37.05.D.6, uncomplimentary use buffer pursuant LDC Sec. 37.06, and other applicable sections as found during the review process.



- (I) The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by conditional use shall be compatible with development in the zoning district.**

No signage is being proposed as part of this conditional use request. New signage shall conform to Nassau County LDC Article 35.09.F Signage. Any exterior lighting shall be downcast and shielded to prevent light trespass and help to preserve the visibility of the night sky.

- (J) The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.**

Development of the site was reviewed for consistency with the zoning district. The conditional use is not contrary to the CG zoning district.

- (K) The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.**

The sale of alcohol at this location will not conflict with the 2030 Comprehensive Plan. The subject property is designated as COM on the FLUM. Per Future Land Use Policy 1.02 (C), the COM designation allows a maximum of 40% Floor Area Ratio and 67% Impervious Surface Ratio. The sale of alcohol at this location does not affect floor area or impervious surface ratio requirements.

#### **CONCLUSION**

Staff finds the requested action to be consistent with Section 5.04 of the Land Development Code as follows:

<b>Conditional Use Criteria</b>	<b>Determination of Consistency</b>
LDC 5.04 (A)	✓
LDC 5.04 (B)	✓
LDC 5.04 (C)	✓
LDC 5.04 (D)	✓
LDC 5.04 (E)	✓
LDC 5.04 (F)	✓
LDC 5.04 (G)	✓
LDC 5.04 (H)	✓
LDC 5.04 (I)	✓
LDC 5.04 (J)	✓
LDC 5.04 (K)	✓

This application is also consistent with the requirements of Article 16, Section 16.03(E) of the LDC. Staff recommends APPROVAL of a conditional use permit for the sale of alcoholic beverages for on-site or off-site consumption, based on meeting conditional use permit criteria, and subject to the following conditions:

1. The rights assigned by this order shall run with the land and be transferable.
2. The rights assigned are for an establishment providing retail sale of alcoholic beverages, for on-premises or off-premises consumption, or both.
3. The sale and service of alcoholic beverages shall not be permitted between the hours of 2:00 a.m. and 7:00 a.m. on Sundays.



NASSAU COUNTY  
Planning Department  
FLORIDA

November 16, 2023

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# NASSAU COUNTY CONDITIONAL USE AND VARIANCE BOARD

Cathy DeCou, CUVB Chair

Elizabeth Backe, AICP, Planning Director

Gabriel Quintas, AICP, CFM, Assistant Planning Director

Joshua Macbeth, AICP, Senior Planner

Adam Olsen, Planner II

Nassau County Planning Department

96161 Nassau Place, Yulee, FL 32097

(904) 530-6320

[planning@nassaucountyfl.com](mailto:planning@nassaucountyfl.com)

TAB D  
CU2023-017

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Alcohol  
Sales on  
State Road  
200/A1A

## APPLICATION INFORMATION

### **Request**

Consider conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district.

### **Applicant/Owners**

David Ergisi

### **Agent**

Doug Smith

**Commission District 3**



## LOCATION, LAND USE, AND ZONING MAPS

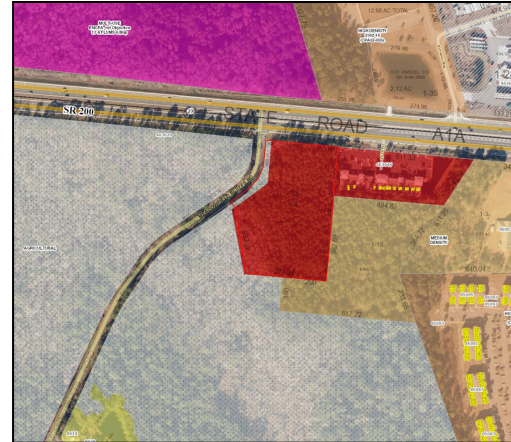
TAB D  
CU2023-017

Alcohol  
Sales on  
State Road  
200/A1A



### Location

On the south side of  
SR 200, between  
Meadowfield Bluffs  
Road and Tyler Plaza.



### Land Use

Land use is  
Commercial (COM).



### Zoning

Zoning is Commercial,  
General (CG).

## LOCATION, LAND USE, AND ZONING MAPS

TAB D  
CU2023-017

Alcohol  
Sales on  
State Road  
200/A1A

Site  
location



Location

NORTH



TAB D  
CU2023-017

Alcohol  
Sales on  
State Road  
200/A1A

## Site Plan

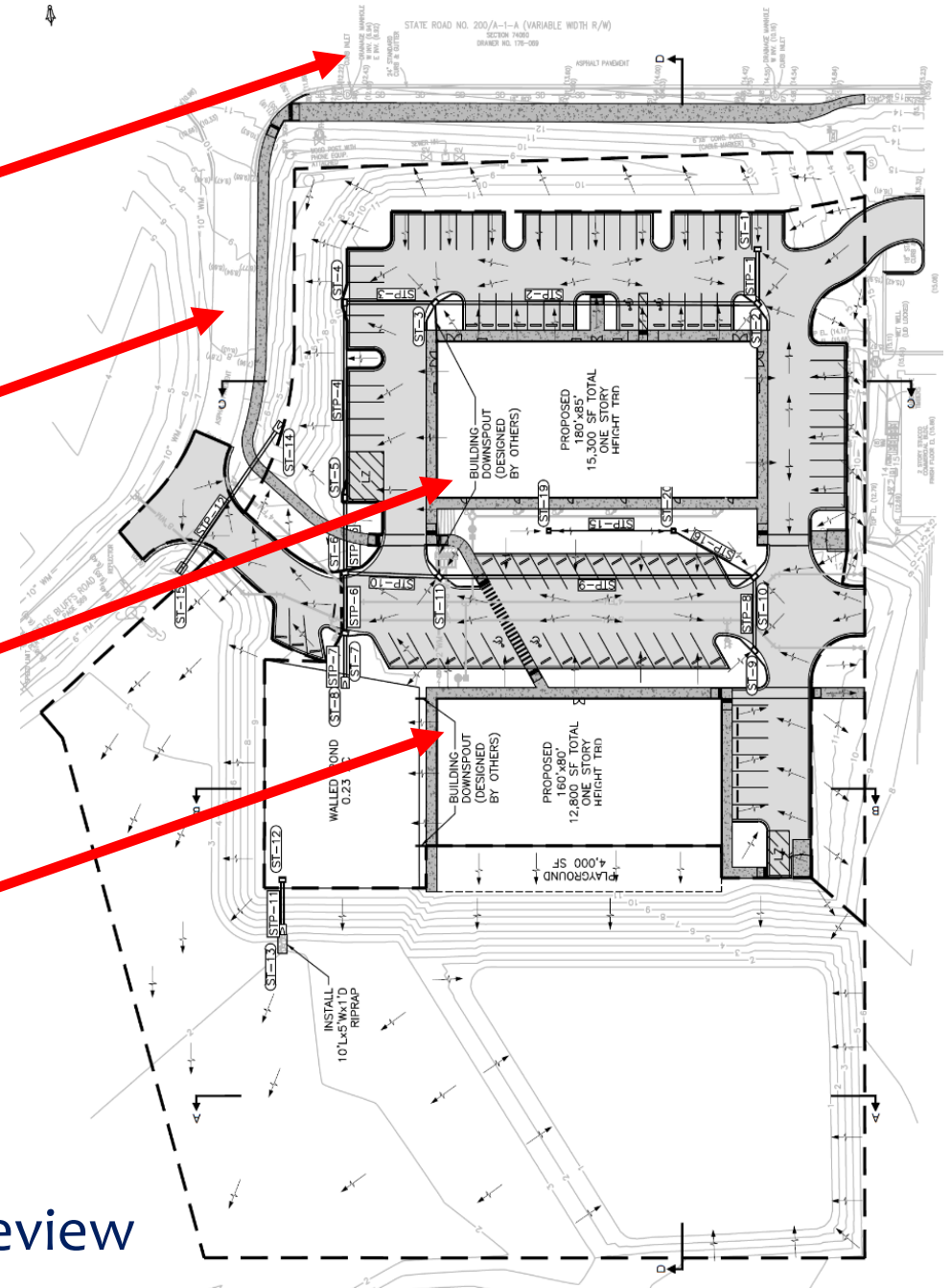
SR 200/A1A

Meadowfield  
Bluffs Road

Building 1

Building 2

Site Plan will require DRC review



# TAB D CU2023-017

## Alcohol Sales on State Road 200/A1A

### CONSISTENCY WITH CONDITIONAL USE CRITERIA

When considering conditional use requests, the conditional use and variance board shall make a finding that the conditional use satisfies the following criteria:

- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies. The applicant requesting a conditional use shall provide proof of adequate access to the site and proof that the necessary access connection permits have been approved or will be approved.
- (B) Each structure or improvement will be in accordance with Ordinance 2000-26 and will be so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.
- (C) The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair the values within the area.
- (D) The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.
- (E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.
- (F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.
- (G) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- (H) Adequate screening and buffering of the conditional use will be provided, if needed.
- (I) The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by conditional use shall be compatible with development in the zoning district.
- (J) The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.
- (K) The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.

# TAB D CU2023-017

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## Alcohol Sales on State Road 200/A1A

### CONSISTENCY WITH CONDITIONAL USE CRITERIA

#### **(A) Public health, safety, or general welfare and established standards and regulations**

- Property is located along a commercial corridor characterized by retail and service uses that sell alcoholic beverages for both onsite and offsite consumption.
- Consistent with established standards and regulations including Chapter 4, Section 4-3(1) of the Nassau County Code of Ordinances.

#### **(B) Structure conformance with Ordinance 2000-26 and harmonious development**

- Two new structures proposed for the site.
- All site and building requirements shall meet standards from the LDC and Code of Ordinances.
- Site plan is currently under site engineering plan review with the DRC, SP21-019.

#### **(C) Adverse impacts to other permitted uses and properties in vicinity**

- Similar retail and service uses that sell alcoholic beverages are found in the adjacent property Tyler Plaza East and along the SR 200 corridor.
- The conditional use will not adversely impact permitted uses in the zoning district.

TAB D  
CU2023-017

---

Alcohol  
Sales on  
State Road  
200/A1A

**CONSISTENCY WITH CONDITIONAL USE CRITERIA**

**(D) Orderly development and improvement of the surrounding property**

- The surrounding area is characterized by a mix of commercial activities providing services to Nassau County residents.
- Staff does not anticipate the sale of alcohol to impede the orderly development in the area.

**(E) Water supply and sewage disposal facilities**

- The site will be served by central water and sewer.
- Adequate water supply and sewage supply shall be provided in accordance with the state and county health requirements.

**(F) Access roads, on-site parking, on-site loading and unloading berths, and drainage**

- Access by SR 200 through cross access with adjacent shopping plaza.
- Access is also provided from Meadowfield Bluffs Road.
- The site plan is currently under review by the DRC and shall be evaluated for any improvements to access, parking, and drainage requirements.

# TAB D CU2023-017

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## Alcohol Sales on State Road 200/A1A

### CONSISTENCY WITH CONDITIONAL USE CRITERIA

#### **(G) Ingress and egress & traffic congestion**

- Ingress and egress provided Meadowfield Bluffs Road and cross access with Tyler Plaza East.
- Specific traffic impacts or operational improvements will be addressed at the time of site plan review of the traffic study.

#### **(H) Screening and buffering**

- All landscaping requirements found in LDC Section 37.05 shall be applicable.
- Buffering against uncomplimentary uses in accordance with LDC Section 37.06.
- Buffering along SR 200 pursuant to LDC Sec. 35.09.C.
- Buffering against jurisdictional wetlands pursuant to LDC Sec. 37.03.
- Screening of dumpsters pursuant to LDC Sec. 37.05.D.6.

#### **(I) Signage and exterior lighting**

- No signage is being proposed. New signage is required to comply with LDC Article 35, Section 35.09.F.
- Any exterior lighting shall be downcast and shielded to prevent light trespass and help to preserve the visibility of the night sky.

TAB D  
CU2023-017

---

Alcohol  
Sales on  
State Road  
200/A1A

**CONSISTENCY WITH CONDITIONAL USE CRITERIA**

**(J) Conformance to Zoning District**

- Conditional use is not contrary to the CG zoning district.
- The development site is consistent with CG standards.

**(K) Conformance to Comprehensive Plan**

- The sale of alcohol at this location is not in conflict with the Comprehensive Plan.
- Future Land Use Policy 1.02 (C), the COM designation allows a maximum of 40% FAR and 67% ISR.
- The sale of alcohol at this location does not affect FAR and ISR.



# TAB D CU2023-017

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## Alcohol Sales on State Road 200/A1A

### CONCLUSION AND RECOMMENDATION

Staff finds the requested action to be consistent with the conditional use review criteria in Section 5.04 of the Land Development Code.

Staff recommends APPROVAL of Application CU2023-017 for a conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district subject to the following conditions:

1. The rights assigned by this order shall run with the land and be transferable.
2. The rights assigned are for an establishment providing retail sale of alcoholic beverages, for on-premises or off-premises consumption, or both.
3. The sale and service of alcoholic beverages shall not be permitted between the hours of 2:00 a.m. and 7:00 a.m. on Sundays.

**NEWS-LEADER**  
**Published Weekly**  
**P.O. Box 16766 (904) 261-3696**  
**Fernandina Beach, Nassau County, Florida 32035**

**STATE OF FLORIDA**  
**COUNTY OF NASSAU:**

Before the undersigned authority personally appeared  
**Foy R. Maloy, Jr**

Who on oath says that (s)he is the Publisher of the  
Fernandina Beach News-Leader, a weekly newspaper published at  
Fernandina Beach in Nassau County, Florida; that the attached  
copy of the advertisement, being a Legal Notice in the matter of

**NOPH/CU2023-017**  
**DAVID ERGISI**

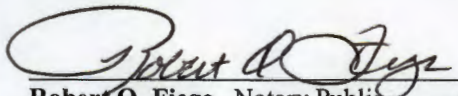
Was published in said newspaper in the issue(s) of


**11/01/2023**  
**Ad # 787039**

Affiant further says that the said News-Leader is  
a newspaper published at Fernandina Beach, in said Nassau  
County, Florida and that the said newspaper has heretofore been  
continuously published in said Nassau County, Florida, each week  
and has been entered as second class mail matter at the post office  
in Fernandina Beach in said Nassau County, Florida, for a period  
of one year preceding the first publication of the attached copy  
of advertisement; and Affiant further says that (s)he has neither paid  
nor promised any person, firm or corporation any discount,  
rebate, commission or refund for the purpose of securing this  
advertisement for publication in the said newspaper.



Sworn to and subscribed to before me  
**This 1st day of November, A.D. 2023**

  
**Robert O. Fiege, Notary Public**

 **Personally Known**



**Notice of Public Hearing**  
NOTICE IS HEREBY GIVEN  
that on **Thursday, November 16, 2023**, at 6:30 P.M. the Conditional Use and Variance Board of Nassau County will hold a public hearing at the Commission Chambers, James S. Page Governmental Complex, 96135 Nassau Place, Yulee, Florida, 32097 to consider an application for a Conditional Use, **CU2023-017**. The Public is invited to attend the meeting concerning the following described property in Nassau County:  
**Subject Property Location:**  
On the south side of SR 200, between Meadowfield Bluffs Road and Tyler Plaza  
Parcel ID# 38-2N-27-0000-0001-0040  
**Action Requested:** CU2023-017 is a request for a conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district.  
**This application is filed by:**  
David Ergisi (owner), Doug Smith (agent)  
**This hearing will be conducted as a quasi-judicial hearing.**  
All interested parties are invited to attend the public hearings and to be heard. Copies of the proposed Ordinance and supporting information are available for inspection in the Planning Department, 96161 Nassau Place, Yulee, FL 32097. Comments may also be directed in writing to the Planning Department, e-mailed to plan-

ning@nassaucountyfl.com, or received by telephone at (904) 530-6320. All comments will become part of the record in this matter and subject to Florida's public records law.  
In accordance with the Americans With Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the County Managers Office at contact@nassaucountyfl.com, 96135 Nassau Place, Suite 1, Yulee, FL 32097, Phone No. 904-530-6010, not later than seventy-two (72) hours prior to the proceeding. If you are hearing or voice impaired, please call the Florida Relay Service at 711 or toll free at 1-800-955-8771 (TTY).  
THE PUBLIC IS INVITED TO BE PRESENT AND BE HEARD. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THAT PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED.  
The Conditional Use and Variance Board may continue hearing on this matter.  
**CONDITIONAL USE AND VARIANCE BOARD OF NASSAU COUNTY, FLORIDA**  
/s/ Cathy DeCoo  
Its: Chair  
FNL 1T 11-01-2023  
#787039





**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REQUEST TO SPEAK**

NAME: WALT SUTTA

DATE: 11/16/2023

ADDRESS: 86114 MEADOWRIDGE CT

PHONE: 781-858-6116

ORGANIZATION: HOMEOWNER

☐ Non-Agenda Item - Topic: \_\_\_\_\_

☒ Agenda Item - Topic: SR 200 ACCESS

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.



**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REQUEST TO SPEAK**

NAME: Sarah Moss DATE: 11/16/23  
ADDRESS: 86149 Meadowfield Bluffs Rd  
PHONE: (203) 910-4978  
ORGANIZATION: \_\_\_\_\_

☐ Non-Agenda Item - Topic: \_\_\_\_\_

☒ Agenda Item - Topic: Conditional Use Alcohol Consumption  
CU2023-017

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.



**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REQUEST TO SPEAK**

NAME: Shawn L McBurney DATE: 11/16/23  
ADDRESS: 86609 Riverwood Drive  
PHONE: 734 358 1035  
ORGANIZATION: Meadowfield Bluff Sub HOA

- ☐ Non-Agenda Item - Topic: \_\_\_\_\_  
☒ Agenda Item - Topic: Alcohol sales for tyler west

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.



**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REQUEST TO SPEAK**

NAME: Tracie Nicolai

DATE: 11/30/03

ADDRESS: 8693 Fieldstone Dr.

PHONE: 573.450.9913

ORGANIZATION: Meadowfield - Yulee Resident

- ☐ Non-Agenda Item - Topic: \_\_\_\_\_
- ☒ Agenda Item - Topic: Development - Tyler West Plaza

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.





**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REQUEST TO SPEAK**

NAME: Benjamin Cooley  
ADDRESS: 86900 Riverwood Dr  
PHONE: (904) 548-8515  
ORGANIZATION: n/a

DATE: 11/16/2023

- ☐ Non-Agenda Item - Topic: \_\_\_\_\_  
☒ Agenda Item - Topic: Tab D CU2023-017

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.





**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

REQUEST TO SPEAK



NAME: Doug Smith  
ADDRESS: 13553 Atlantic Blvd  
PHONE: 904 607-5524  
ORGANIZATION: Cross Region

DATE: 11/16/22

☐ Non-Agenda Item - Topic: \_\_\_\_\_  
☒ Agenda Item - Topic: CU 2023-017

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.



**NASSAU COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**

### REQUEST TO SPEAK

NAME: Mary Clemmons DATE: 11/16/23

ADDRESS: 86451 Meadowfield Bluffs Rd.

PHONE: 984-252-5375

**ORGANIZATION:** \_\_\_\_\_

☐ Non-Agenda Item - Topic: against

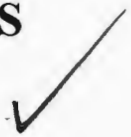
☐ Agenda Item - Topic: license for alcohol

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.



**NASSAU COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**REQUEST TO SPEAK**



NAME: Lyan Newcomer DATE: 11/6 23

ADDRESS: 8638 S Meadowfield Bl Rd

PHONE: 904 5480444

ORGANIZATION: \_\_\_\_\_

☐ Non-Agenda Item - Topic: \_\_\_\_\_

☒ Agenda Item - Topic: \_\_\_\_\_

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.



**NASSAU COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**

17 ✓

REQUEST TO SPEAK

NAME: Sandy Turner

DATE: 11-16-23

ADDRESS: 86315 Meadowfield

PHONE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

☐ Non-Agenda Item - Topic: \_\_\_\_\_

☐ Agenda Item - Topic: D \_\_\_\_\_

Board of County Commissioner meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the County commits to the principles of civility, honor, and dignity. Individuals appearing before the County are requested to observe the same principles when making comments on items and issues presented to the County for their consideration. The Board of County Commissioners may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses.

**From:** [Planning Department](#)  
**To:** [Laurie Goltry](#)  
**Subject:** FW: Tyler Plaza West  
**Date:** Monday, November 13, 2023 11:39:54 AM  
**Attachments:** [Traffic map.pdf](#)  
[image001.png](#)

---

Laurie,

See the email below about the Tyler Plaza West development.

**Adam Olsen, Planner II**

96161 Nassau Place | Yulee, FL 32097

P: (904) 530-6320



**PLANNING DEPARTMENT**  
NASSAU COUNTY, FLORIDA

---

**From:** Mary Clemmons <mfclemmons@gmail.com>  
**Sent:** Friday, November 10, 2023 11:10 AM  
**To:** Planning Department <Planning@nassaucountyfl.com>  
**Cc:** Robert Companion <rcompanion@nassaucountyfl.com>; Taco Pope <tpope@nassaucountyfl.com>; Jeff Gray <jgray@nassaucountyfl.com>; Andrew Avent <aavent@nassaucountyfl.com>; Elizabeth Backe <ebacke@nassaucountyfl.com>; Dean.black@myfloridahouse.gov  
**Subject:** Tyler Plaza West

Dear Planning Department and Florida Department of Transportation personal,

**This is a plea for you to address the major traffic safety issues that residents face daily at the intersection of Meadowfield Bluffs Road and Highway #200 A1A.**

Mr. Companion chaired a meeting October 15 to address our concerns especially in regard to the proposed development Tyler Plaza West. Mike Chamberlain presented a video of the traffic we encounter every day.

Meadowfield Bluffs Road is the only entrance and exit for 280 families. My next door neighbors have 5 drivers coming and going each day.

While I now only average one exit and entrance per day, when my husband was in the hospital I sometimes had eight(8). Most of the families in Meadowfield subdivision are working people.

Think of all the lost time and productivity, loss in home values and also stress. An

extra 5 minutes times 8= 40 minutes.

When the road flooded during one of the hurricanes, we could not use the road for a few days, but Tyler Plaza West impact would be ongoing, unless resolved.

Likewise, we experienced one lane and a flagman, while the county (thank you) *almost* repaired a bump in the road. With Tyler Plaza West we are looking at a blocked road nearer A1A for whatever construction period is forecast.

Recently there was a traffic accident at the intersection, and I could not turn into Meadowfield Bluffs for over 45 minutes while emergency and law enforcement vehicles worked to help those involved.

My traffic map shows 6 points of possible crashes with the current pattern. (attached)

**From the traffic study regarding the intersection of Meadowfield Bluffs Rd and Hwy #200.**

**Below are two quotes from the traffic study:**

*As shown in Table 3, both the main street left turn movement and the side street approach at the SR 200/Meadowfield Bluffs Road intersection **currently operate at level of service F** during both weekday peak hours. During the AM peak hour the side street approach has substantial queuing stemming from a calculated volume-to-capacity ratio which exceeds one. Under expected 2024 Build conditions the addition of a second side street approach lane is not enough to keep **operations at this intersection from seriously deteriorating**. Excessive queuing and delay accompanied by volume-to-capacity ratios well in excess of one is expected for both the main street and side street left turn lanes. Installing a dual directional median opening is a reasonable way to reduce future side street traffic congestion at this intersection.*

*The full median opening at Meadowfield Bluffs Road is approximately 1350 feet from the SR 200/Gene Lassere Boulevard/Christian Way traffic signal to the east and about 1600 feet from the full median opening at the Melton Nelsch Boat Ramp driveway to the west. Both of these distances violate FDOT's recommended 2640 foot spacing for full median openings. By converting the Meadowfield Bluffs Road full median opening to a dual directional median opening FDOT's recommended 1320 foot directional median opening spacing is met.*

Please note on the traffic study figure #1, that the directional arrows do not include highway vehicles turning left (actually making a u- turn) into the westbound lanes from the northernmost eastbound lane. When these vehicles pull into the median they block the vision of the vehicles waiting in the left turn lane. I have been honked at but I will not turn across 3 lanes of fast traffic when I cannot see the vehicles.

Also note that the vehicles in the left turn lane may turn into 4 different lanes and may turn at any time. There is no yield or right of way practiced. The person at the stop sign must watch three lanes of vehicles traveling at 50 miles per hour, while also trying to gauge when or if the person in the left turn lane will pull into the eastbound lane in front of them.

Persons in the left turn lane must guess whether or not the vehicles exiting Meadowfield Bluffs Road are turning right or left. If left (most people do use blinker lights) will that person let the person in the left lane turn first or will they pull across into the median ahead of them.

There is no turn lane for traffic coming into Meadowfield Bluffs from eastbound lanes. Will that be an increased hazard with more traffic into the development?

**And now you want to add alcoholic beverages to the situation? Plus another 75 vehicles?** The Daycare parents will be young. They will have children in the cars and most of the time they will be in a hurry, either going to work or heading back to soccer practice or various activities. They may be stressed because Susie or Johnny forgot something or spilled something, etc.

**What is now a major safety issue will be much worse. Why?** Hopefully those of you in the planning department and with experience in traffic patterns can affect a solution. Hopefully soon.

Thank you for being available for questions and allowing residents to provide input.

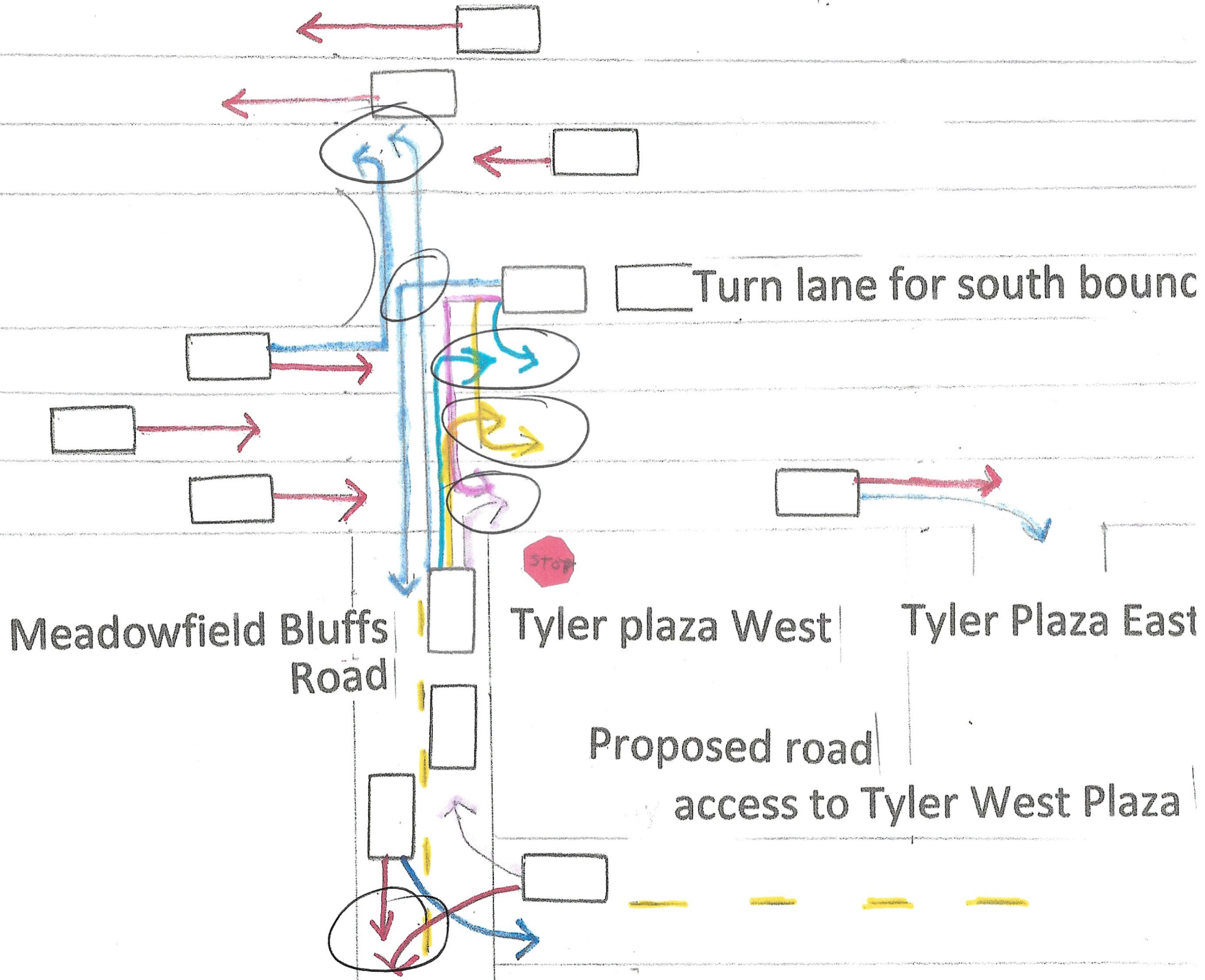
Regards,  
Mary Clemmons  
904-252-5375



Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, please do not send electronic mail to this entity. Instead, please contact this office by phone or in writing.

A1A Hwy 200

45mph



2023 AUG 25 PM4:11  
Nassau County Planning Dept

SITE INFORMATION	DESIGNED	REQUIRED
STANDARD PARKING SPACES	92	68*
ADA PARKING SPACES	4 ADA	3 ADA**
TOTAL PARKING SPACES	92 + 4 ADA	68 + 3 ADA

\* COMMERCIAL 15,300 SF 1 PER 300 SF = 51 SP  
DAYCARE 10 EMPLOYEES 2 PER EMP. = 20 SP  
SUBTOTAL = 71 SP  
SUBTRACT ADA = -3 SP  
TOTAL = 68 SP

\*\* 4% OF TOTAL SPACES SHALL BE ADA COMPLIANT

#### LEGEND

AREAS WHERE NEW CONCRETE CONSTRUCTION IS TO OCCUR

AREAS WHERE NEW ASPHALT CONSTRUCTION IS TO OCCUR

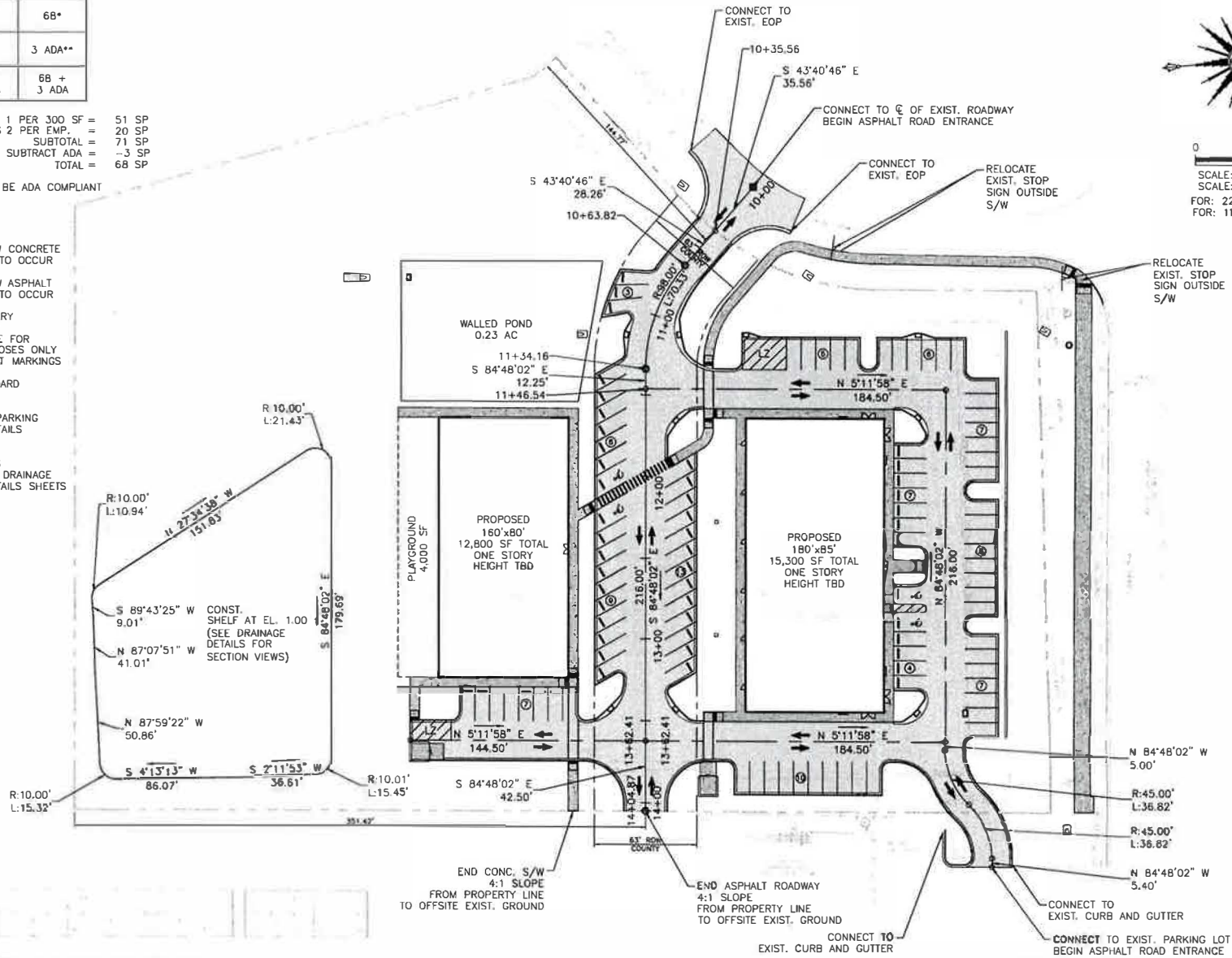
PROPERTY BOUNDARY

SOLID ARROWS ARE FOR DIRECTIONAL PURPOSES ONLY NOT FOR PAVEMENT MARKINGS

NUMBER OF STANDARD PARKING SPACES

NOTE: FOR ADA PARKING AND SIDEWALK DETAILS SEE MISC. DETAILS

FOR POND DETAILS SEE GRADING AND DRAINAGE AND DRAINAGE DETAILS SHEETS



TOCOPI Engineering, LLC  
7th Floor, 10000 W. 11th Ave., Suite 700, Miami, FL 33156  
Tel: 305-755-1100 Fax: 305-755-1101

ENGINEER OF RECORD  
CHARLES SMITH  
FLORIDA  
REGISTRATION NUMBER  
772283

TYLER PLAZA WEST  
FOR  
TYLER PLAZA WEST, LLC  
GEOMETRY PLAN

REVISIONS  
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SHEET NO.  
10A

**MOTION**

**TAB D – CU2023-017**

**Retail Sale of On-Site or Off-Site Consumption of Beer and Wine in CG at Parcel  
ID# 38-2N-27-0000-0001-0040**

1. *Based upon the record, evidence, and testimony received, I find that there **IS** competent and substantial evidence pursuant to Section 5.04 (A) through (K) of the Land Development Code, and therefore my motion is to approve CU2023-017.*
  
2. *Based upon the record, evidence, and testimony received, I find that there is **NOT** competent and substantial evidence pursuant to Section 5.04 (A) through (K) of the Land Development Code and (other evidence, if applicable) and therefore my motion is to deny CU2023-017.*



**PLANNING DEPARTMENT**

NASSAU COUNTY, FLORIDA

Elizabeth Backe, AICP, Planning Director  
96161 Nassau Place  
Yulee, FL 32097  
(904) 530-6320

**App. No.:** CU2023-017- Retail Sale of On-Site or Off-Site Consumption of Beer and Wine in CG at Parcel ID# 38-2N-27-0000-0001-0040

**Applicants:** David Ergisi

**Agents:** Doug Smith

The Conditional Use and Variance Board heard testimony and examined evidence at a duly noticed public meeting on **November 16, 2023**. After considering the requirements of Land Development Code (LDC) Section 5.04 (A) through (K) *conditional use review criteria*, the Board recommends as follows:

Motion to **Deny**:

*Based upon the record, evidence, and testimony received, I find that there is **NOT** competent and substantial evidence pursuant to Section 5.04 (A) through (K) of the Land Development Code and (other evidence, if applicable) and therefore my motion is to deny CU2023-017.*

Motion made by Board Member Kent

Motion seconded by Board Member Hartley

Motion approved by a vote of 4 to 0

Dissenting Board Members (if applicable):

Nassau County  
Conditional Use and Variance Board

  
JOHN VAN DELINDER, Vice Chair





1. The rights assigned by this order shall run with the land and be transferable.
2. The rights assigned are for an establishment providing retail sale of alcoholic beverages, for on-premises or off-premises consumption, or both.
3. The sale and service of alcoholic beverages shall not be permitted between the hours of 2:00 a.m. and 7:00 a.m. on Sundays.

**SECTION 2. Owner and Description** The land to which the Conditional Use is denied by this Order is owned by David Ergisi. The subject property is legally described as follows:

### **Legal Description**

A PORTION OF SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE INTERSECTION OF THE EASTERLY LINE OF A 100.0 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGES 554 AND 555 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, AND THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, (A VARIABLE RIGHT OF WAY AS PRESENTLY ESTABLISHED), THENCE SOUTH 86 DEGREES, 39 MINUTES, 32 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 249.61 FEET; THENCE SOUTH 84 DEGREES, 44 MINUTES, 59 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 50.53 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 05 DEGREES, 14 MINUTES, 44 SECONDS WEST, 600.0 FEET; THENCE NORTH 84 DEGREES 44 MINUTES, 59 SECONDS WEST, 371.31 FEET; THENCE NORTH 10 DEGREES, 35 MINUTES, 21 SECONDS WEST, 293.23 FEET TO A POINT ON THE EASTERLY LINE OF THE AFOREMENTIONED OFFICIAL RECORDS BOOK 122, PAGES 554 AND 555; THENCE NORTH 54 DEGREES, 24 MINUTES, 39 SECONDS EAST ALONG SAID EASTERLY LINE, 200.0 FEET; THENCE NORTH 05 DEGREES, 14 MINUTES, 44 SECONDS EAST, ALONG SAID EASTERLY LINE, 178.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

EASTERLY 40 FEET OF A PORTION OF A 100 FOOT WIDE EASEMENT PER OFFICIAL RECORDS BOOK 122, PAGE 554 FOR MEADOWFIELDS BLUFF ROAD

THAT PORTION OF A 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA (ALSO KNOWN AS MEADOWFIELDS BLUFF ROAD), LYING IN SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, SAID COUNTY AND STATE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A (A 184 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 74060-2503) AND RUN SOUTH 05°14'44" WEST, ALONG SAID EASTERLY EASEMENT LINE RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554, A DISTANCE OF 178.80 FEET TO AN ANGLE POINT, THENCE SOUTH 54°24'39" WEST, CONTINUING ALONG LAST SAID EASTERLY EASEMENT LINE, A DISTANCE OF 200.00 FEET, THENCE NORTH 35°35'21" WEST, DEPARTING SAID EASTERLY EASEMENT LINE, A DISTANCE OF 40.00 FEET, RUN THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG A LINE PARALLEL TO AND 40 FEET WESTERLY OF SAID EASTERLY EASEMENT LINE AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554, AS MEASURED AT RIGHT ANGLES THERETO: FIRST COURSE, NORTH 54°24'39" EAST, 181.70 FEET; SECOND COURSE, NORTH 05°14'44" EAST, 159.17 FEET TO A POINT ON THE PREVIOUSLY MENTIONED SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A; THENCE SOUTH 86°39'32" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 40.02 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF OFFICIAL RECORDS BOOK 122, PAGE 554 LYING BETWEEN OFFICIAL RECORDS BOOK 454, PAGE 569 AND OFFICIAL RECORDS BOOK 1559, PAGE 749, NASSAU COUNTY, FLORIDA

THAT PORTION OF A 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, LYING IN SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, SAID COUNTY AND STATE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 (ALSO BEING THE EASTERLY LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 1559, PAGE 749 OF SAID PUBLIC RECORDS) WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A (A 184 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 74060-2503) AND RUN NORTH 86°39'32" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, A DISTANCE OF 40.02 FEET TO THE NORTHWESTERLY CORNER OF SAID OFFICIAL RECORDS BOOK 1559, PAGE 749; THENCE SOUTH 05°14'44" WEST, ALONG THE WESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 1559, PAGE 749 (ALSO BEING THE EASTERLY LINE OF A 60 FOOT RIGHT OF WAY KNOWN AS MEADOWFIELDS BLUFF ROAD AND RECORDED IN OFFICIAL RECORDS BOOK 454, PAGE 569 OF SAID PUBLIC RECORDS), A DISTANCE OF 84.27 FEET TO A POINT OF CURVATURE FOR THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THIS DESCRIBED RUN IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN THE EASTERLY LINE OF SAID OFFICIAL RECORDS BOOK 454, PAGE 569, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 163.72 FEET, AN ARC DISTANCE OF 140.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 29°49'41" WEST, 136.22 FEET, THENCE NORTH 54°24'39" EAST, ALONG SAID WESTERLY LINE OF OFFICIAL RECORDS BOOK 1559, PAGE 749, A DISTANCE OF 74.90 FEET TO AN ANGLE POINT, THENCE NORTH 05°14'44" EAST, CONTINUING ALONG SAID WESTERLY LINE OF OFFICIAL RECORDS BOOK 1559, PAGE 749, A DISTANCE OF 74.90 FEET TO THE POINT OF BEGINNING.

This Application was duly advertised via:

Legal Ad (Nassau County Record) – November 1, 2023

Posting of the Property – November 1, 2023

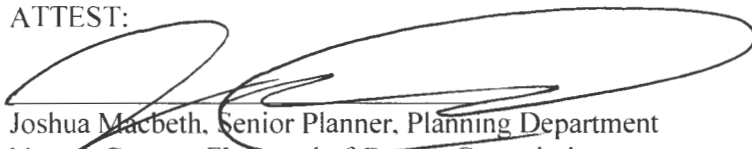
Posted in Public Notice Boxes – November 1, 2023

Posted on the Nassau County Official Website – November 10, 2023

**SECTION 3. Effective Date.** This Order shall become effective on the 16th day of November, 2023.  
Done on this 16th day of November, 2023.

  
John Van Delinder, VICE CHAIR  
Nassau County, FL Conditional Use & Variance Board

ATTEST:

  
Joshua Macbeth, Senior Planner, Planning Department  
Nassau County, FL Board of County Commissioners

#### RIGHT TO APPEAL

PLEASE BE ADVISED THAT AN AGGRIEVED PARTY HAS THE RIGHT TO APPEAL THIS ORDER TO THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, SAID NOTICE OF APPEAL SHALL BE FILED WITHIN (30) DAYS OF THE DATE THE ACTION BEING APPEALED WAS RENDERED.

# CONDITIONAL USE AND VARIANCE BOARD NASSAU COUNTY, FLORIDA

David Ergisi (Owner)

Doug Smith (Agent)

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Application CU2023-017

Inst: 202345036000 Date: 12/01/2023 Time: 1:41PM

Page 1 of 3 B: 2682 P: 232, Doc Type: ORD

John A. Crawford, Clerk of Court, Nassau County,

By: RG, Deputy Clerk

## **AMENDED FINDINGS OF FACT, CONCLUSIONS OF REVIEW AND ORDER ESTABLISHING CONDITIONAL USE APPROVAL**

**THIS REQUEST** came before the Conditional Use and Variance Board for a public hearing on **November 16, 2023**, at which time the Board heard testimony given under oath, received evidence, and rendered a decision based upon the review criteria as established in the Land Development Code, and Order as follows:

WHEREAS, Doug Smith, agent, and David Ergisi, owner of the real property described in this Order have applied to the Conditional Use and Variance Board of Nassau County for a conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district. This request is being made pursuant to Sec. 5.04 of the Nassau County Land Development Code.

Property Location: On the south side of SR 200, between Meadowfield Bluffs Road and Tyler Plaza

[PIN: 38-2N-27-0000-0001-0040].

WHEREAS, the technical staff of the Planning Department has reviewed the application and has issued a report; and

WHEREAS, Based upon competent and substantial evidence in the record and testimony received at the Public Hearing conducted on November 16, 2023, the Conditional Use and Variance Board finds the conditional use requested is not consistent with the review criteria of Section 5.04 of the Land Development Code.

Now, therefore,

### **BE IT ORDERED BY THE CONDITIONAL USE AND VARIANCE BOARD THAT**

**SECTION 1. Conditional Use Denied:** The Applicant of the real property described in Section 2 of this Order is not granted approval pursuant to Section 16.03(E) of the Nassau County Land Development

Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district.

**SECTION 2. Owner and Description** The land to which the Conditional Use is denied by this Order is owned by David Ergisi. The subject property is legally described as follows:

### **Legal Description**

A PORTION OF SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE INTERSECTION OF THE EASTERLY LINE OF A 100.0 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGES 554 AND 555 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, AND THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, (A VARIABLE RIGHT OF WAY AS PRESENTLY ESTABLISHED), THENCE SOUTH 86 DEGREES, 39 MINUTES, 32 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 249.61 FEET; THENCE SOUTH 84 DEGREES, 44 MINUTES, 59 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 50.53 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 05 DEGREES, 14 MINUTES, 44 SECONDS WEST, 600.0 FEET; THENCE NORTH 84 DEGREES 44 MINUTES, 59 SECONDS WEST, 371.31 FEET; THENCE NORTH 10 DEGREES, 35 MINUTES, 21 SECONDS WEST, 293.23 FEET TO A POINT ON THE EASTERLY LINE OF THE AFOREMENTIONED OFFICIAL RECORDS BOOK 122, PAGES 554 AND 555; THENCE NORTH 54 DEGREES, 24 MINUTES, 39 SECONDS EAST ALONG SAID EASTERLY LINE, 200.0 FEET; THENCE NORTH 05 DEGREES, 14 MINUTES, 44 SECONDS EAST, ALONG SAID EASTERLY LINE, 178.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

EASTERLY 40 FEET OF A PORTION OF A 100 FOOT WIDE EASEMENT PER OFFICIAL RECORDS BOOK 122, PAGE 554 FOR MEADOWFIELDS BLUFF ROAD

THAT PORTION OF A 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA (ALSO KNOWN AS MEADOWFIELDS BLUFF ROAD), LYING IN SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, SAID COUNTY AND STATE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A (A 184 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 74060-2503) AND RUN SOUTH 05°14'44" WEST, ALONG SAID EASTERLY EASEMENT LINE RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554, A DISTANCE OF 178.80 FEET TO AN ANGLE POINT; THENCE SOUTH 54°24'39" WEST, CONTINUING ALONG LAST SAID EASTERLY EASEMENT LINE, A DISTANCE OF 200.00 FEET; THENCE NORTH 35°35'21" WEST, DEPARTING SAID EASTERLY EASEMENT LINE, A DISTANCE OF 40.00 FEET, RUN THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG A LINE PARALLEL TO AND 40 FEET WESTERLY OF SAID EASTERLY EASEMENT LINE AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554, AS MEASURED AT RIGHT ANGLES THERETO: FIRST COURSE, NORTH 54°24'39" EAST, 181.70 FEET; SECOND COURSE, NORTH 05°14'44" EAST, 159.17 FEET TO A POINT ON THE PREVIOUSLY MENTIONED SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/ A-1-A; THENCE SOUTH 86°39'32" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 40.02 FEET TO THE POINT OF BEGINNING

AND

THAT PART OF OFFICIAL RECORDS BOOK 122, PAGE 554 LYING BETWEEN OFFICIAL RECORDS BOOK 454, PAGE 569 AND OFFICIAL RECORDS BOOK 1559, PAGE 749, NASSAU COUNTY, FLORIDA

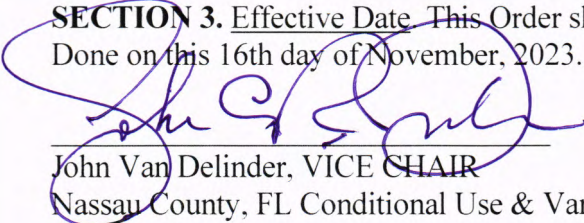
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FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 (ALSO BEING THE EASTERLY LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 1559, PAGE 749 OF SAID PUBLIC RECORDS) WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A (A 184 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 74060-2503) AND RUN NORTH 86°39'32" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, A DISTANCE OF 40.02 FEET TO THE NORTHWESTERLY CORNER OF SAID OFFICIAL RECORDS BOOK 1559, PAGE 749, THENCE SOUTH 05°14'44" WEST, ALONG THE WESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 1559, PAGE 749 (ALSO BEING THE EASTERLY LINE OF A 60 FOOT RIGHT OF WAY KNOWN AS MEADOWFIELDS BLUFF ROAD AND RECORDED IN OFFICIAL RECORDS BOOK 454, PAGE 569 OF SAID PUBLIC RECORDS), A DISTANCE OF 84.27 FEET TO A POINT OF CURVATURE FOR THE POINT OF BEGINNING

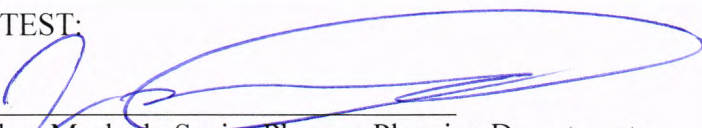
FROM THE POINT OF BEGINNING THUS DESCRIBED RUN IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN THE EASTERLY LINE OF SAID OFFICIAL RECORDS BOOK 454, PAGE 569, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 163.72 FEET, AN ARC DISTANCE OF 140.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 29°49'41" WEST, 136.22 FEET, THENCE NORTH 54°24'39" EAST, ALONG SAID WESTERLY LINE OF OFFICIAL RECORDS BOOK 1559, PAGE 749, A DISTANCE OF 74.90 FEET TO AN ANGLE POINT, THENCE NORTH 05°14'44" EAST, CONTINUING ALONG SAID WESTERLY LINE OF OFFICIAL RECORDS BOOK 1559, PAGE 749, A DISTANCE OF 74.90 FEET TO THE POINT OF BEGINNING

This Application was duly advertised via:  
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