

**Verbatim – Conditional Use and Variance Board November 16, 2023**

**Vice-Chair Vandelinder** assumed the role as chair, due to the absence of Chair DeCou.

**Tab D CU2023-017**

**7:11:14 Chair Vandelinder:** Alright, Tab D. We need a motion to open the public hearing.

**Board Member Zetterower:** So, moved.

**Chair Vandelinder:** Second?

**Board Member Kent:** Second.

**Chair Vandelinder:** All in favor say aye.

**Board:** Aye.

**Chair Vandelinder:** Any opposed, same sign. Staff, will you make your presentation,- Yes?

**Deputy Clerk:** We need to submit the documents into the record-

**Chair Vandelinder:** Oh, yes, yes. I'm sorry. Ah, why is it not on my-

**Mrs. May:** It's at the bottom, sir.

**Chair Vandelinder:** Oh, okay, I turned the page too soon. Please, please submit your documents.

**Deputy Clerk:** It's Tab D CU2023-017. Staff report 5 pages, application for a conditional use 21 pages, survey 1 page, PowerPoint presentation 11 pages and public comments 5 pages.

**Chair Vandelinder:** Alright, motion to accept the records?

**Board Member Zetterower:** So, moved.

**Board Member Kent:** Second.

**Chair Vandelinder:** All in favor signify by saying aye.

**Board:** Aye.

**Chair Vandelinder:** Any opposed, same sign. And now I turn the page. Motion to open public hearing, Tab D.

**Deputy Clerk:** We already opened the floor. We just go to staff.

**Chair Vandelinder:** Alright, (inaudible). Staff, come and make your presentation, please. I'm sorry, that's Tab D.

**Joshua Macbeth:** Thank you, Mr. Chair. Uh, Josh Macbeth, Nassau County, Senior Planner. This is Tab D, Conditional Use 2023-017. This is to consider 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 a Commercial General zoning district. Applicant/Owner, David Ergisi. Agent, Doug Smith. This is in Commission District 3. Location, land use, zoning. This is located on the South Side of SR 200, between Meadowfield Bluffs Road and Tyler Plaza. The land use is Commercial. The zoning is Commercial General. So, just to kind of get you guys, um, acclimated to this area. You've got Tyler Plaza East, this is where S.J. Brewing, um, you have a barbershop across the street, you have, uh, the, I think it's a Circle K, and then back over here is Christian Way, Meadowfield Bluffs Road, State Road 200. So, the site plan shows, um, this road that's linking up to Meadowfield Bluff. You have State Road 200, and then this continues, um, to Christian Way. You have 2 buildings proposed, and the site plan is currently going through DRC review. And through your consistency of the conditional use criteria, this is found in your staff report. The public health, safety, or general welfare and established standards and regulations. So, the property is located along a commercial corridor characterized by retail and service uses that sell alcoholic beverages for both onsite and offsite consumption. It is consistent with established standards and regulations, including Chapter 4, Section 4-3(1) of the Nassau County Code of Ordinances. This is referring to distance requirements. Um, between alcoholic beverages and churches and things like that, um, so it is compliant with this. Structure conformance with Ordinance 2000-26 and harmonious development. So, 2 new structures proposed for this site. All site and building requirements shall meet standards from the Land Development Code and Code of Ordinances; site plan is currently under site engineering plan review with the DRC. And it's, um, in the 4<sup>th</sup> submission of its process. Adverse impacts to other permitted uses and properties in the vicinity. So, there's similar retail and service uses that sell alcoholic beverages, which are found in the adjacent property, oops, sorry, in Tyler Plaza East and along SR 200 corridor, conditional use with not

adversely impact permitted uses in these, uh, commercials, general zoning district. The orderly development and improvement of the surrounding property. Surrounding area is characterized by a mix of commercial activities providing services to Nassau County residents along SR 200. Staff does not anticipate the sale of alcohol to impede the orderly development of the area. There is, uh, adequate water supply and sewer supply, it's served by central water and sewer services, adequate water supply and sewage supply shall be provided in accordance with the state and county health requirements. The access roads, on-site parking, on-site loading and unloading berths, and drainage. So, access is provided from SR 200 through cross access with the adjacent shopping plaza, Tyler Plaza East, and then you also have access off of Meadowfield Bluffs Road, and then there will be an additional, um, cross access to Christian Way. The site plan is currently under review by the Development Review Committee and shall be evaluate for any improvements to access, parking, and drainage requirements. Ingress and egress and traffic congestion. It's, again, ingress-egress provided from 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. Screening and buffering, all landscaping requirements found in 37.05 of the Land Development Code will be applicable, all buffering against uncomplimentary, uh, uses per LDC Section 37.06, buffering along SR 200 pursuant to 35.09.C, buffering against jurisdictional wetlands pursuant to 37.03, the screening of dumpsters pursuant to Section 37.05.D.6. Signage and exterior lighting. Currently, per this conditional use, no signage is being proposed. New signage shall comply with Article 35, Section 35.09.F. Any exterior lighting shall be downcast and shielded to prevent light trespass to help to preserve the visibility of the night sky. Conformance to the zoning district, so, the conditional use is not contrary to the Commercial General zoning district, development of site is consistent with Commercial General standards. Um, the sale of alcohol at this location is not a conflict with the Comprehensive Plan, and per Future Land Use Policy 1.02(C), Commercial designation allows a maximum FAR of 40 percent and 67 percent ISR. This project through DRC has verified those requirements, um, and the sale of alcohol at this location does not affect FAR and ISR. 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 to Section 16.03(E) of the Nassau County Land Development Code to allow the sale of on-site or off-site consumption of beer and wine in the Commercial General zoning

district subject to the following conditions: rights assigned by this order shall run with the land and be transferable, the rights assigned are for an establishment providing retail sale of alcoholic beverages, for on-site or off-site consumption, or both, and 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. And staff is available for questions.

**Chair Vandelinder:** Does the board have any questions for Joshua?

**Board Member Kent:** Of course.

**Chair Vandelinder:** Okay, do you have any questions?

**Board Member Kent:** Of course, thank you. Josh, thank you very much. Um, I see the, the survey here, I believe, in the staff report. It's, it looks like it has 2 roads that go into the already-established plaza. Is that accurate there? Yeah.

**Mr. Macbeth:** So-

**Board Member Hartley:** Just one of them goes into the established. The other one is like a future-

**Mr. Macbeth:** So, this, this, correct. So, this is part of a mobility road down here. Up here along SR 200 is a cross-access to Tyler Plaza East. So, this mobility road that connects back to Meadowfield, um, will continue to Christian Way, um, so if-

**Board Member Kent:** The one, the one at the bottom-

**Mr. Macbeth:** Cor-

**Board Member Kent:** Right will go to Christian Way?

**Mr. Macbeth:** So, if we go back here, here's the site.

**Board Member Kent:** Uh-huh.

**Mr. Macbeth:** So, you have that one on Meadowfield,-

**Board Member Kent:** Right.

**Mr. Macbeth:** You have a cross-access up here-

**Board Member Kent:** Mhm.

**Mr. Macbeth:** To Tyler Plaza East-

**Board Member Kent:** Mhm.

**Mr. Macbeth:** And then this road will continue back towards Christian Way.

**Board Member Kent:** Mm, okay. Mmm. Thank you. And, and the buildings it looks like, are they gonna be subdivided those buildings, or what?

**Mr. Macbeth:** Uh, they would not be-

**Board Member Kent:** Can you tell?

**Mr. Macbeth:** Subdivided.

**Board Member Hartley:** Yeah, what are these buildings? Do we know what's there, or?

**Mr. Macbeth:** Um, they did make, um, proposed uses for those buildings, um, but I don't think that's applicable to your decision. Or maybe-

**Board Member Kent:** I'm just curious.

**Mr. Macbeth:** I'd ask-

**Board Member Kent:** It could increase traffic or decrease traffic, depending on what it is.

**Board Member Hartley:** Yeah, I mean I-

**Mrs. May:** They're just developing the plaza as we understand, and at this moment, any proposed uses would be to future lessees, which wouldn't be determined. However, that said, they will have to provide traffic impact analysis to DRC and during site plan reviews.

**Board Member Kent:** Hm, thank you.

**Mr. Macbeth:** The only thing I would add to that is that, you know, per their application, the reason they're applying for this proposal is their intention is to service, um, restaurant tenants and things like that. So, in anticipation of those tenants, as found in the application, that's why they're making this request.

**Board Member Kent:** Thank you.

**Mr. Macbeth:** Thank you.

**Chair Vandelinder:** okay, does the applicant want to add anything?

**Doug Smith:** Yeah, could you put that site plan back up?

**Deputy Clerk:** Um, yeah, but will you raise your right hand? Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you God?

**Mr. Smith:** I do.

**Deputy Clerk:** Please state your name and address for the record.

**Mr. Smith:** Uh, Doug Smith, uh, 13553 Atlantic Boulevard, Jacksonville, Florida.

**Deputy Clerk:** Okay, thank you.

**Mr. Smith:** Mokay. Well, first of all, I want to say, as far as what is before you today, I want to rely upon the staff report. Uh, because obviously, uh, they, they recommended that this does not, um, uh, interfere, uh, with any of the, the FLUM or any of the other 11 points. Um, and, uh, as he also mentioned, uh, the, the plaza right, uh, inf-, uh, right beside us, already has Olive Cove Italian Kitchen, which has beer and wine, and then you also have this, uh, SJ Brewing Company in that same plaza. Uh, as far as the, the beer and wine, and the location to a daycare or Church. Uh, let's see if this mouse is working. We are planning on putting a daycare here, okay. Uh, the daycare does not object to this. They're not here to object to that. Uh, they have no issues with it. Um, I don't see the Pastor, I know the Pastor of the Church, somebody from the Church could be here, but I know the Pastor of the Church, and I don't see her here, so I don't believe that the Church objects to this as well. Uh, but again, as staff said, um, we still meet all the requirements. Uh, I would like to take a few minutes of your time to address some of the issues that, um, that I've seen in an email from the neighborhood. Um, and it's been about flooding and about traffic, which has nothing to do with what's in front of you, uh, but we are actually doing some things to help with those. So, I just wanted to point those out. Um, one of the

things, as far as flooding goes, uh, this is our site plan, and we're building a, it's a .23-acre walled pond here. So, any impervious surface on this whole site that we're developing, is going to go into that pond. It's not going to cause a flooding issue. Um, and beyond that, we've also been required, uh, you know, we would like to develop this whole area, uh, obviously. But, uh, in addition to the pond here, for, any this impervious surface, and of course even before this is an impervious surface, you know, some of that runs off into the, into the wetlands over here. Uh, but in addition to that, we are leaving all this property as is, and then back here, we are creating a dry pond, uh, to even capture more of flood, uh, things that could go into the flood plain. So, we are actually improving the flooding condition, than what it currently exists, if nothing happens. Um, as far as traffic goes, there's been a, uh, some email about, uh, the, the traffic here, and I'll also mention that. Um, we, and, and as staff also said, this is actually a city right-of-way. We were required to make this a city right-of-way. You'd normally think that's just a, a drive between a couple of buildings, but this is actually a city right-of-way, so we had to build that to city standards, city lighting, everything else, the parking. And eventually, if the property to the, uh, East is developed, that will be a city road through there. Uh, but it does provide interconnectivity to Tyler Plaza East, right here. Uh, one of the things in the email said that someone had, there was an accident out here, and it took 45 minutes for them to get home. Well, in this case, with this interconnectivity, you can come in here, come through this development, and come out to get to the neighborhood back here, or you can get out, mkay. So, even without this road extending, it improves that situation. Um, and then there's other things about just, uh, State Road 200, which we have no control of. Um, and we did a traffic study, because, we're, we're close to being able to pull permits on this. We did a traffic study, and that traffic study did say that, um, this intersection and with what FDOT did out here with the 6 laning of 200, uh, the distances are not correct. And we are actually going to improve this median. We're going to be required to improve this median here and actually what our traffic, uh, study said, um, that, uh, by converting the Meadowfields Bluff Road to full median open, and to a dual directional median open, FDOT's recommended, uh, 1320-foot directional median open spaces will be met. So, you know, we went back and said, hey FDOT, why didn't y'all do this? We'd rather them pay for it than us, okay, but there's nothing you can do about that, so we will be responsible for making improvements to this intersection as well, or to that median cut, uh, that will also benefit, not only us but the

neighborhood. Um, so with that said, I will, um, stop for now and be around for any questions.

**Chair Vandelinder:** Alright, thank you. Any questions from the board? Alright, I have received from Mary Clemmons, opposition due to traffic, and Mary Clemmons has a request to speak. So, if you'll come, please, Mary.

**Deputy Clerk:** Will you please raise your right hand. Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you God?

**Mary Clemmons:** I do.

**Deputy Clerk:** Please state your name and address for the record.

**Ms. Clemmons:** I'm Mary Clemmons. I live at 86451 Meadowfield Bluffs Road, um, in Yulee. And, uh, Lofton Creek, um, backs up to, to our house on, on that road. Um, we go, the-, there's an intersection off 200 when you saw the map, 200 and Meadowfield Bluffs Road currently you saw all the trees and the nice wetlands, and the plaza is gonna destroy all, all that. Um, but the, the, they also, they want to build a daycare center and have liquor license. If, if, if I had kids, I wouldn't exactly want, um, on-site and off-site liquor sold right across the street. Um, plus, I don't think it's gonna help the traffic situation. The, um, information that I could find on the internet was that about 30 percent to 40 percent of traffic accidents are caused, caused by, um, alcohol, alcohol, um, uh, drivers. Um, and even one drink can impair your, um, ability to, um, multi-, multitask, which is really what you have to do at this intersection. Because we've got a little stop sign, and we've got 6 lanes of traffic, and we've got people turning into Tyler Plaza West in front of us while we're trying to go out, making U-turns this way, U-turns that way. Um, we got 280 families, this is their only way in and their only way out, and most of these families are working families. And now we're gonna have kids, um, mo-, more kids, school b-, we have 2 school buses that come down our road, uh, each, each day, twice a day, and then we'll have day-, more daycare people coming, uh. So, I hate to have kids in the car and the potential of an alcoholic driver.

**Chair Vandelinder:** Thank you, Mary. Any other questions for Mary or anyone? Okay, I have a request from Sandy Turner.



**Deputy Clerk:** Please raise your right hand. Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole, and nothing but the truth, so help you God?

**Sandra Turner:** Yes, ma'am.

**Deputy Clerk:** Will you please state your name and address for the record?

**Ms. Turner:** Uh, Sandra Turner. I live at 86315 Meadowfield Bluffs Road, in Yulee. Um, just to make a few points, maybe reiterate, uh, something that, some things Mary said, was that, um, um, first of all, the residents, um, in our neighborhood down, the creek and in the community, we've opposed this development since the beginning because of the wetlands that it will be taking up and we've had hurricanes that, um, where the water's gone over the road. Um, this water comes, it's really out, um, an area where the water is going to the creek, and it's, it's gonna go there, so. I know they're gonna try to do ponds and everything, but it just does not really filter and clean the water that, that it should, um, with holding ponds there. It's just a special area being right there next to the creek. Uh, secondly, um, um, the, the, um, the residents, again, that's our only egress in and out of that community. Um, um, and, and it's 380 homes, um, and to me, uh, they're asking for alcohol, um, you-, you're not sure if that's gonna be a bar or if it's gonna be a restraint. Um, but maybe kind of different because, um, usually, people at a restaurant drink a little more casually. If it's more of a bar, it may be, uh, different and, uh, and you're right there again with all of these residents coming and going, and if they put the daycare there, that's gonna be mothers and dads picking up children, coming to and from out of there. Um, one thing that the gentleman said before me that talked, um, was that he said that the road from Meadowfield Bluff was gonna ex-, extend to Christian Way, right now, they don't have that in the plan as, as my knowledge, because they're gonna try to come down our road, Meadowfield Bluffs Road first, um, which that picture there is really not an accurate picture. If you take a, if you, when you go turn down Meadowfield Bluffs Road, it is not straight. It is a curve, you cannot see, and then it's another curve. So, you could have several cars there trying to turn into daycare, and people wo-, will, uh, um, push in there to try to get off State Road 200 so they're not crashed in, you know, in the back. And I hate for children to be in cars and, and, um, besides us older people of course, um, and get, you know, uh, hurt. So, the, the traffic is

one thing I know they're trying to work on now, but, um, if you're gonna extend that road over to Christian Way anyways, it seems to be wise just to leave Meadowfield Bluffs alone, and just go in and out from, um, their business to Christian Way, uh, so they can get to the light. And then, if they've already got the other, uh, little, um, passthrough from the front of that subdivision, from Tyler West to Tyler East, then they've already got 2 egresses there, they wouldn't need to go down Meadowfield Bluffs Road and disrupt our residential community. Um, so, so that was just points I was gonna make, um, I think that was about it. Um, I wish y'all would consider-

**Chair Vandelinder:** Thank you, Sandy. Any questions for Sandy? Thank you.

**Ms. Turner:** Okay.

**Chair Vandelinder:** Um, does our planner have any, uh, rebuttal? Anyone else to speak for or against? Okay, Come on. Come up and be sworn in.

**Deputy Clerk:** Please raise your right hand. Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you God?

**Shawn McBurney:** I do.

**Deputy Clerk:** Please state your name and address for the record.

**Mr. McBurney:** Shawn McBurney 86609 Riverwood Drive, Yulee. Um, I'll try to keep this to the topic on hand and that is for the, uh, um, request for the on or off-sale selling. And I heard it said that it's been packed out with the Pastor of the daycare center, and it seems okay with them, but unless I can't read the statutes for this. One, the State says you can't do it, but the State says that Counties can make separate rules. But in the County rules, it says, well, okay, you can do it, maybe, if, it promotes the public health, safety, and general wel-, welfare of the community. Well, I'm sorry, I don't see how building a facility could be a bar, a restaurant, or a liquor store, right next to a very large, that's half of that development, is a daycare center. Why would we approve that for a place that we're dropping our children off at 7 and 8 o'clock in the morning and picking them up at night? It, it makes no sense. I don't think it follows the exception of, um, promoting the public health, safety, and general welf-, welfare of the community. Now, the

previous 2 gentlemen, did a great sales job of all the stuff we were gonna have, but they didn't stick to the topic, and I think a lot of that was to try to sell the topic at hand. Has nothing to do with this. Do we want that? I know the developer wants to be able to lease a place out and have in the back pocket a liquor license. But that's not my problem. My problem is I live back in that sub. And yes, everything the previous 2 ladies stated, is true. But since the can was opened about a four year, a year old drawing of this, showed the egress to be right onto AlA, and it's not that now. It's coming out onto Meadowfield Bluff, and I hope to live a few more years, but that extension from Christian Way, over to Meadowfield Bluff, I'll be dead before then. That's not in nobody's plan right now, I know it's on the 30-year plan, but it ain't happening. Be real. So, depending on what the volume is for that alcohol point is, it's going to add to that traffic, which is going to be innately more dangerous. That's all I got. Thanks.

**Chair Vandelinder:** Thank you, sir. Okay, next. Yes, Ma'am.

**Deputy Clerk:** Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you God?

**Sarah Moss:** I do.

**Deputy Clerk:** Please state your name and address for the record.

**Ms. Moss:** Good evening. My name is Sarah Moss, I live at 86149 Meadowfield Bluffs Road. Um, concerning the alcohol permit, I'm a little confused, concerning, um, if it's just beer and wine. I think a restaurant use is fine, if it's a liquor store or a, um, uh, uh, um, a market kind of use, I wouldn't really be comfortable with that. Um, so I guess it kind of depends on how the beer and wine is being served. If it's on-site use, I'm comfortable with that, take-out, I'm not comfortable with that. Um, concerning the traffic issues, I don't think the traffic are well thought out at all. The DOT is now requiring, closing the medi-, the median, uh, from my understanding and make any, uh, left turn directional, and that requires a permitting process and a public hearing. Uh, as far as the Christian Way extension, um, I got an email from Caleb Hurst with Development Services, and he said there's no funding in the long-term plan for 5 years to even build that road. So, even though they've been promised an easement, I don't know when in my lifetime that's gonna happen. And, um, that's basically it. Concerns about the kind of

consumption and the traffic issues that I don't feel have been adequately addressed. Thank you.

**Chair Vandelinder:** Thank you. Okay. Yes, sir.

**Deputy Clerk:** Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole truth, and nothing but the truth so help you, God?

**Walter Suita:** I swear.

**Deputy Clerk:** Please state your name and address for the record.

**Mr. Suita:** My name is Walt Suita. I live at 86114 Meadowridge Court in Yulee. I want to address this particular plan. Um, this par-, uh, developer, has developed this site, where actually, uh, proposed this development of this site. But they're actually already vacant facilities at this particular plaza. And he wants to build another plaza behind it or an addition to it. Where there may be potential again, vacant buildings. We have vacant developed sites all up and down A1A or SR 200 here, mokay. This may be just another continuation of that. One of the things he's probably not considering is maybe that we passed a le-, least, uh, resistance to build that access off of, uh, Meadowfield Bluffs Road, possibly to build it off and ex-, ex-, uh, an established, uh, off the, uh, Christian Way. That's already established. It's already a highway already. It's not leading into a residential area. Well, actually, except for those apartment buildings back there, but it's a lot of professional buildings back there which could be added onto. Not only that, and truthfully, I've been here for 20 years, and I can tell you this. There is a lot of flooding when we get a good rainstorm. When you get a rainstorm of over 20 inches within a week's time, there'll be a couple of feet of water out there. And I don't think any planning, at this point in time, is gonna su-, uh, suffice for the sufficient drainage that's gonna be going on back there. They can't plan on access ponds, etc. And I don't know if this gentleman has ever lived in the desert, but I have, and I can tell you this. That when you have one wetland, and it goes away, it doesn't ever come back. Okay? And basically, maybe Florida has a lot of, uh, you know, uh, wetlands, but I gotta tell you, once you, once you root it and let it go away, you can't put, just put it back someday by putting a pond or something like that. So, now this is gonna be, bring to your special attention that, uh, perhaps we should keep it just the way it is, and maybe he should provide, maybe another way of developing this from another access point. And as far as one

other thing, about the, what if there's an accident on, uh, SR 200 and people want a access way around it? Well, if you have a slowdown in traffic, that's also going to be an alternate way of traffic around it. So, people, instead of just using that as access point to a specific point they're going to, they're gonna be using that as a throughway to go around and mostly, and also, intervening with the several hundred people who live in this, uh, particular one small, developed area. That's all I have to say. Thank you for your attention, folks.

**Chair Vandelinder:** Okay. Thank you, Walt. Okay, did you have any other forms? Did you have any requests? I'm going to have to limit this speaking to having filled out a request. We have these available.

**Board Member Kent:** You can fill out a request right now. Sure, can't turn people away.

**Mrs. May:** At the Chair's discretion, because, yes, they are supposed to fill out comment cards.

**Board Member Kent:** they may not know, but we don't turn people away.

**Mrs. May:** While we take this opportunity, I will remind the board that your criteria is for the application for a conditional use, not the development as a whole.

**Chair Vandelinder:** And not a license for alcohol.

**Mrs. May:** Right. It is for the conditional use only. It is not as to the traffic. It is not as to the development. Those will be reviewed at the appropriate levels.

**Chair Vandelinder:** Mhm. Okay. Okay, we have 2 more to speak.

**Public:** I'll save mine for the November 30<sup>th</sup>, which has to do with the development.

**Chair Vandelinder:** Okay. Thank you.

**Public:** Thank you.

**Chair Vandelinder:** Thank you. Alright, Lynn. If you'll come, please. Be sworn in.

**Deputy Clerk:** Raise your right hand.

**Deputy Clerk:** Do you swear and affirm that the testimony you're about to give in this matter is the truth, the whole truth, and nothing but the truth, so help you, God?

**Lynn Newcomer:** I do.

**Deputy Clerk:** Please state your name and address for the record.

**Ms. Newcomer:** Lynn Newcomer. 86385 Meadow Bluffs Road, Yulee. I just have a quick question. There was, um, St. Johns River Water Management Environmental Impact, um, and Use, uh, study done, and I wanted to know if there was a result of that for this, this retail center.

**Chair Vandelinder:** Alright. Thank you. Uh, Doug, do you have a response to that?

**Mr. Smith:** Um, well, I mean, as far as what's in front of this board, uh, not really.

**Chair Vandelinder:** Okay.

**Mr. Smith:** Um, again, just trying to, to help explain some things. Yes, uh, that part of St. Johns Water Management district, that's why we are putting, uh, this attent-, uh, retention area back here. Um, we're having to go in, remove all those trees, and dig it out, build banks and all that to try and, uh, hold more water to, uh, to improve that situation for the community. Um, and I couldn't hear everything that she was saying, but, uh, there was a question about it being a liquor license. It is not a liquor license.

**Chair Vandelinder:** No, I, I said that it, it is not a liquor license.

**Mr. Smith:** Oh, okay.

**Chair Vandelinder:** Can you, though tell us a little more about the use? Is it going to be, you said there might be trucks, uh, providing for restaurants.

**Mr. Smith:** Uh, yes. So, that would be the purpose. Uh, we don't have tenants yet. We can't get tenants that do this when we don't have the right to do it yet.

**Chair Vandelinder:** Right, right.

**Mr. Smith:** Okay, but we have had restaurants talking to us about this. Uh, coffee shops, there's some coffee shops now that even have beer, uh, in them. Um, so, I mean I can tell you this, we, we do not have a bar, uh, in any of our develop-, developments and, uh, and certainly don't plan on doing that. We, we do not have any bars. So, it would, uh, you know, restaurant, uh, pizza joint, Mexican, we just are opening a Mexican joint, uh, Añejo like that down at, uh, in Wildlight down in a development in St. Johns County. Uh, something along those lines, uh, would be the type of tenant we'd be looking for.

**Chair Vandelinder:** Okay. Thank you. Okay, does our planner have anything more to say? Joshua?

**Mr. Macbeth:** Um, just a clarification on, you know, per our staff report, page 3 Criterion A, Chapter 4, Section 431, those distance requirements, I just wanted to clarify what that says. So, vendors, including wine and beer vendors and restaurants located in unincorporated areas serving or selling alcoholic or intoxicating beverages for on-premises or off-premise consumption shall be exempt from the generally applicable distance regulations. Which state that the sale of alcohol or intoxicating beverages shall not be permitted within 1,000 feet of schools or churches, so, this is exempt. Um, and then just to reiterate the reminder that this conditional use is for the sale of on-site consumption of beer and wine in a Commercial General district. It's not applying to the use of the property as a daycare or any intended commercial use. It's already zoned appropriately. The building's in the 4<sup>th</sup> stage of, um, DRC review. So, you're basing your criteria evaluation on that conditional use permit pursuant to Section 16.03 of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in a Commercial General zoning district.

**Chair Vandelinder:** Okay. Thank you.

**Mr. Macbeth:** Thank you.

**Board Member Zetterower:** There's some more too. Some more.

**Chair Vandelinder:** I saw the 2 more. When, when are we gonna put a stop to them? They're gonna keep dribbling in if we take them.

**Mrs. May:** Tha-, that is at your discretion. You have already, uh, taken rebuttal at this point-

**Chair Vandelinder:** I have.

**Mrs. May:** And you've already taken staff's.

**Chair Vandelinder:** I have.

**Mrs. May:** So, I think you need to close your floor.

**Chair Vandelinder:** Yes. Yes, just put them here. So, a motion to close the floor.

**Board Member Zetterower:** I make a motion to close the floor to public discussion.

**Chair Vandelinder:** Second?

**Board Member Hartley:** I'll second it.

**Chair Vandelinder:** Okay. All in favor, aye.

**Board:** Aye.

**Chair Vandelinder:** Any opposed, same sign. Alright, the floor is closed. Do we have any other questions? I'll entertain a motion. Are we ready for a motion? No, you're not? Okay, I'll entertain a motion?

**Board Member Zetterower:** I, I would like to hear a little more input on the traffic.

**Mrs. May:** I will remind you A through K is your criteria. Traffic is not one of those criteria.

**Board Member Zetterower:** Okay.

**Chair Vandelinder:** Okay, I need a motion. One way or the other.

**Board Member Kent:** Can we have discussions?

**Mrs. May:** If you could please speak into the mic cause we can't have private discussions, um, you can have board deliberation at this time.

**Chair Vandelinder:** Board discussion. We've done everything.

**Board Member Kent:** Mhm.



**Board Member Hartley:** I mean if you're not approving, make a motion against.

**Board Member Kent:** I'm not gonna make a motion. (inaudible)

**Mrs. May:** No motion is not an option.

**Chair Vandelinder:** Yeah.

**Board Member Kent:** Okay. I'll make a motion. Based on 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.

**Chair Vandelinder:** Alright, a second?

**Board Member Hartley:** I'll second that.

**Chair Vandelinder:** Okay. Take the roll.

**Deputy Clerk:** Oh. Sorry. What is going on here? No, it can't. I don't know what happened. Board Member Hartley.

**Board Member Hartley:** Um, based on that, yes.

**Deputy Clerk:** Okay. Board Member Zetterower.

**Board Member Zetterower:** Yes.

**Deputy Clerk:** Board Member Kent.

**Board Member Kent:** Yes.

**Deputy Clerk:** And Chair Vandelinder.

**Chair Vandelinder:** Yes.

**Deputy Clerk:** That's 4 ayes, 0 nays. Motion passes.

**Deputy Clerk:** To deny.

**Deputy Clerk:** To deny.

**Chair Vandelinder:** Yes. So, motion denied.