

June 6, 2017

The Nassau County Planning and Zoning Board met in regular session this 6th day of June 2017 at 7:00 p.m. at the Commission Chambers, James S. Page Governmental Complex, Yulee, Florida. The Deputy Clerk called the roll. Present were Charles "Billy" Rogers, Wayne Arnold, Jimmy L. Higginbotham, Bobby Franklin, John Stack, Linda Morris representing the School Board, and Chair Jeff Gray. Absent were Board Members Bruce Jasinsky, Tom Ford, Patricia Quaile, and Scottie Murray. Also present were Kristina Bowen, Assistant Director of the Department of Planning and Economic Opportunity; and Peggy Snyder, Deputy Clerk. Scott Herring, Public Works Director, was also present.

Chair Gray called the meeting to order at 7:05 p.m. Board Member Arnold led the Invocation and Chair Gray led the Pledge of Allegiance to the American Flag.

It was moved by Board Member Higginbotham, seconded by Board Member Franklin and unanimously carried to approve the minutes from the May 16, 2017 workshop, special session with a correction to indicate that Board Member Franklin was present at the May 16, 2017 workshop, special session.

Chair Gray explained that Tab B, Tab C, and Tab D, are Non Quasi-Judicial Hearings. Tabs E and F are appeals and the Quasi-Judicial hearing procedures will be utilized. Chair Gray suggested that the board hear Tabs E and F appeals first in order to allow the applicants to be dismissed earlier.

Ms. Bowen explained the Quasi-Judicial Hearing procedures applicable to Tabs E and F. She outlined time limits for presentations and comments. She

advised that evidence should be relevant; evidence that addresses the criteria in the County Road and Drainage Standards, Section 11.2.2, as amended, and the specific matter under consideration. She explained that 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 of the appeal.

Chair Gray stated that the applicants for Tabs E and Tab F can waive the Quasi-Judicial hearing procedures and rely on staff comments. Susan Courtney McCranie, applicant for Tab F, and Asa Gillette, Gillette & Associates, agent for applicant for Tab E, each came forward and were sworn in. They stated that they will waive their presentations.

Regarding ex parte disclosures, all board members advised that they did not have any discussion, correspondence or communication with the applicants or made site visits.

The Deputy Clerk identified the documents for Tab E and Tab F to be placed into the record (*Attachment 1*). It was moved by Board Member Rogers, seconded by Board Member Higginbotham and unanimously carried to accept the documents into the record as identified by the Clerk.

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

The Board considered Tab E, Application APL17-003, an appeal for Thrift Commercial Park, US17, Yulee, Florida, filed by Gillette & Associates, agent, and Clifford Thrift, owner, requesting a variance from Ordinance 99-17, Section 11.7, Sidewalk Requirements. Documents submitted for the Board's consideration are identified in *Attachment 1*. The 1.23 acre property is

located on the western side of US Highway 17 between the CSX Railway and US Highway 17 across from the Yulee Villas Apartments and Green Acres Apartments in the Yulee area. Ms. Bowen provided staff comments noting that the applicant is seeking relief from Ordinance 99-17, Section 11.7 - Sidewalk Requirements along his property on US Highway 17 since the right-of-way is owned by the Florida Department of Transportation (FDOT). The applicant stated that FDOT is not requiring a sidewalk for this project. Both adjacent properties have been developed without sidewalks and pedestrian activity occurs on the opposite side of US Highway 17. Ms. Bowen advised that the applicant requests that the future FDOT four-laning improvements, including sidewalks, of US Highway 17 be considered.

There being no one in the audience wishing to speak for or against this application, it was moved by Board Member Higginbotham, seconded by Board Member Morris and unanimously carried to close the floor to public discussion.

Mr. Herring, Public Works Director, came forward to respond to questions posed by the board members regarding whether the future FDOT's four-laning of US Highway 17 would take out the applicant's required sidewalk. He advised that the four-laning may remove the sidewalk; however, FDOT has not completed their preliminary design and environmental study for this project as yet. He estimated that improvements to US Highway 17 are five to seven years in the future, if not longer. The reason staff is asking for the sidewalk is that the sidewalk system must begin somewhere. Having existing sidewalks in certain areas along the roadway, it is easier to build and connect the missing links. Mr. Herring advised that in other communities that he has worked with in similar situation, they would allow a developer to pay a sidewalk fee for areas similar to this or areas with no possibility of a

sidewalk. If a sidewalk was required by the Land Development Code, the developer would pay a certain amount of dollars per foot which would go into a sidewalk fund to fund construction of sidewalks in that area. This is an option the board may wish to explore in the future. He added that FDOT will include sidewalks with the future widening of the road.

It was moved by Board Member Higginbotham, seconded by Board Member Stack and unanimously carried, that based on competent substantial evidence in the record and testimony received, the Board finds that there is a hardship pursuant to Ordinance 99-17, as amended, Section 11.7, Sidewalk Requirements, and the recommendation is to approve a variance from sidewalk requirements for APL17-003, an appeal filed by Thrift Commercial Park, owner, and Gillette and Associates, agent. The 1.23 acre property is located on the western side of US Highway 17 between the CSX Railway and US Highway 17 across from the Yulee Villas Apartments and Green Acres Apartments in the Yulee area.

Next, the Board considered Tab F, Application APL17-004, an appeal for Fernandina Road filed by Susan C. McCranie, owner, requesting relief from bringing Fernandina Road up to the Nassau County Roadway and Drainage Standards as per Ordinance 99-17 and 97-19, as amended, Section 11.2.2, for the purpose of establishing a fifth dwelling served by Fernandina Road. Documents submitted for the Board's consideration are identified in *Attachment 1*. The 2.7 acre property is located on the north side of Simmons Road between South 14th Street and Seminole Avenue in the Fernandina Beach area.

Ms. Bowen provided staff comments noting that Fernandina Road is a paved one-laned road. The applicant is requesting to divide the property and build a

fifth home on an Open Rural (OR) zoned one-acre parcel with a lot width of 100 feet without widening the road.

There being no one in the audience wishing to speak for or against this application, it was moved by Board Member Rogers, seconded by Board Member Franklin and unanimously carried to close the floor to public discussion.

It was moved by Board Member Higginbotham that based upon competent substantial evidence in the record and testimony received, the Board finds that there is a hardship pursuant to Ordinances 99-17 and 97-19, as amended, and Section 11.2.2; therefore, the motion is to approve the appeal APL17-004 filed by Susan C. McCranie. The motion was seconded by Board Member Rogers and the vote unanimously carried. The 2.7 acre property is located on Fernandina Road on the north side of Simmons Road between 14th Street and Seminole Avenue in the Fernandina Beach area.

Ms. Bowen read the Non-Quasi Judicial - Legislative Hearing procedures applicable to Tab B, Tab C, and Tab D. She explained that these procedures are in place to give all who wish to speak for or against the application the opportunity to do so. She outlined the time allocated for presentations and questions. Ms. Bowen explained that these amendments were the culmination of a 24-month process to bifurcate and clarify family subdivisions through code revisions and graphics. This required the development of three ordinances to amend sections of county code in order to address family hardships. These amendments will come before the Board of County Commissioners on June 12, 2017. There was consensus of the Board to hear Tabs B, C and D simultaneously.

Ms. Bowen addressed Tab B, *An Ordinance of the Board of County Commissioners of Nassau County, Florida Amending Ordinance 99-18, as Amended, Known as the "Nassau County Development Review Regulations Ordinance"; Specifically Amending Section 2, Definitions; Amending Section 3, Development that does not Require Platting, Adding Section 3.1.5, Open Rural Homestead Land Split Exemption; Adding Section 3.1.6, Petition for Relief from Family Hardship; Providing Severability; and Providing an Effective Date.* She explained that Sections 3.1.5, the Open Rural Homestead Land Split Exemption. and 3.1.6 Petition for Relief from Family Hardship were added. By removing the family homestead from the Open Rural (OR) zoning district in the Land Development Code and putting it into Chapter 29, Subdivision Regulations will facilitate the appeal process and keep family subdivisions separate from other subdivisions in order to create the hardship petition. Staff also added in the "antiquated subdivisions" language from the Florida Statutes.

Ms. Bowen explained that Tab C was *An Ordinance of the Board of County Commissioners of Nassau County, Florida Amending the Land Development Code, Specifically Article 28, Supplementary Regulations, Specifically Section 28.03, Lot to Have Access; and Providing an Effective Date.* Lot Permit frontage requirements and paving requirement were not defined in the Roadway and Drainage Standards; therefore, the Conditional Use and Variance Board had to review and approve. Subdivisions began to be reviewed by the Public Works Director which allowed for the review of variances that would allow for appeals to be heard by the Planning and Zoning Board; for example, roadway frontage waivers, driveway access, insufficient lots, paving requirements, etc.

Ms. Bowen addressed Tab D, *An Ordinance of the Board of County Commissioners of Nassau County, Florida Amending Ordinance 97-19, as Amendment, Known as*

the Nassau County Zoning Code; Specifically Amending Article 22; Section 22.04, Minimum Lot Requirements; Amending Section 22.06, Building Restrictions; Rescinding Section 22.07, Density Requirements; and Providing an Effective Date. She explained that in order to be consistent, the one hundred (100) foot lot minimum width was included. Discussion followed.

It was moved by Board Member Stack, seconded by Board Member Morris and unanimously carried to recommend to the Board of County Commissioners approval of Tabs B, C, and D as read.

The Board discussed Tab G, a draft of *An Ordinance of the Board of County Commissioners of Nassau County, Florida Amending Ordinance 97-19, Article 9, Adding Section 9.07, Special Requirements, and Providing an Effective Date.* Mr. Bowen explained that this ordinance will incentivize a property owner preserving at least 30 percent of open space. They will be allowed to reduce their side setbacks, front yard setbacks and their maximum lot coverage. If the property owner meets the standard and preserve additional open space and parks, they can take their side setbacks from ten (10) feet to five (5) feet and their front yard setbacks from twenty-five (25) feet to twenty (20) feet, and they can increase maximum lot coverage by thirty-five (35) percent to forty-five (45) percent.

Chair Gray inquired as to what triggered this incentive. Ms. Bowen explained that there have been several people that have come in wanting to put a smaller product on a smaller lot. There has also been discussion in the past regarding efficiency of services and resources as well as density; however, staff did not want the product to become less. This would be a trade-off whereby increasing the lot coverage, the County would still get the bigger quality product along with more open space. Discussion followed by the Board

regarding homes with a five (5) foot setback being very close together. Ms. Bowen explained that this would apply to Residential Single Family zoning (RS-1) and (RS-2). A lengthy discussion followed. Ms. Bowen responded that sometimes the County sees a product with the garage in the front. If the setbacks are greater, it squeezes the size of the house. Board Member Higginbotham mentioned that these five (5) foot side setbacks would only be under special conditions.

Ms. Bowen provided an update for Tab H, Medical Marijuana Dispensaries Moratorium, and explained that the Board of County Commissioners held a special session on June 1, 2017 related to this moratorium and will meet again on June 12, 2017 to consider whether to extend the moratorium. Currently, staff is awaiting the results of a special session to be held by the Florida Legislature to consider how to implement the Medical Marijuana Facilities.

There being no further business, the regular session of the Planning and Zoning Board adjourned at 8:35 p.m.

Chairman

Attest

Attachment 1

June 6, 2017 - Planning and Zoning Board

Documents Entered into Record

Tab E - Public Hearing APL17-003 –Appeal for Thrift Commercial Park, Gillette & Associates, agent and Clifford Thrift Owner – Variance on Sidewalk Requirements:

- 1. Staff Report**
- 2. Letter to Public Works Director from Gillette & Associates dated 4-25-16**
- 3. Letter dated 5-11-17 to agent from Public Works Director of denial**
- 4. Application for appeal dated 5-17-17 (3 pages)**
- 5. Agent Authorization**
- 6. Preliminary Binding Site Plan**

Tab F – Public Hearing APL17-004 – Susan C, McCranie – Appeal for Fernandina Road –requesting relief to establish a 5th dwelling served by Fernandina Road.

- 1. Staff report (1 page)**
- 2. Letter to Public Works Director from Susan C. McCranie re Fernandina Road**
- 3. Denial Letter to Ms. McCranie from Public Works Director (2 pages)**
- 4. Application for Appeal dated 5-18-17 (3 pages)**
- 5. Property Map**
- 6. Photograph of Garbage Truck**
- 7. Warranty Deed (2 pages)**
- 8. Property Report Card from Property Appraiser's website**
- 9. Aerial maps indicating property and proposed driveway and property line (2 pages)**
- 10. Zoning Map**