

June 20, 2017

The Nassau County Planning and Zoning Board met in workshop, special session this 20th 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 Bruce Jasinsky, Charles "Billy" Rogers, Wayne Arnold, Jimmy L. Higginbotham, Bobby Franklin, Patricia Quaile, John Stack, Scottie Murray, and Chair Jeff Gray. Absent were Board members Tom Ford and Linda Morris representing the School Board. Also present were Michael Mullin, County Attorney; Taco Pope, Director of the Office of Planning and Economic Opportunity; Kristina Bowen, Assistant Director of the Department of Planning and Economic Opportunity; Doug McDowell, Strategic Planner, and Peggy Snyder, Deputy Clerk.

Chair Gray called the meeting to order at 7:01 p.m. He explained that Board Member Morris was traveling to Tennessee to be with her ailing mother and would not be here tonight. Board Member Arnold led the Invocation and Chair Gray led the Pledge of Allegiance to the American Flag.

It was moved by Board Member Franklin, seconded by Board Member Murray and unanimously carried to approve the minutes from the June 6, 2017 regular session as presented.

Noting that there was no one in the audience to speak for or against any application on the agenda tonight, Mr. Mullin advised that he would waive the reading of the Quasi-Judicial Hearing Procedures,

Mr. McDowell explained that this is the first public hearing for Comprehensive Plan Amendment, CPA17-003, a draft of *An Ordinance of the Board*

of County Commissioners of Nassau County, Florida Amending the 2030 Nassau County Comprehensive Plan; Amending the Coastal Management, Recreation and Open Space, Regional Coordination, Future Land use, And Capital Improvements Elements; Amending the Future Land Use Map Series (FLUMS); Establishing the William Burgess Mixed Use Activity Center Overlay District; Providing for Transmittal; Providing for Severability; and Providing an Effective Date.

Mr. McDowell explained that CPA17-003 is a series of text amendments that will bring the County into compliance with all requirements of Chapter 163, Florida Statutes. He provided an overview of the policies that would be added or amended for the Evaluation and Appraisal (EAR) Report requirements. Policies will be added to the Coastal Management Element to encourage measures to reduce flood risks and participate in the Community Rating System (CRS); amend Policy RC.01-10 regarding interlocal agreements for airport zoning; policies added to the Future Land Use Element protecting ports and airports from encroachment; and add a policy to the Future Land Use Element protecting fuel terminals. In addition, a new policy with definitions to match the Impact Fee Ordinance for Neighborhood, Community, and Regional Parks will also be included. An adjustment to the SR200/A1A Overlay District will remove the additional 25 foot setback requirement. This amendment will also adopt the new William Burgess Mixed-Use Activity Center Overlay District as well as the map of this district designed to be a future benefit to the county. In addition, the proposal will also move some policies from transportation to Future Land Use to comply with the State law. These amendments will be sent to the State for review.

It was moved by Board Member Stack, seconded by Board Member Rogers and unanimously carried to recommend to the Board of County Commissioners approval of Comprehensive Plan Amendment, application CPA17-003, *An Ordinance of the Board of County Commissioners of Nassau County, Florida Amending the*

2030 Nassau County Comprehensive Plan, Amending the Coastal Management, Recreation and Open Space, Regional Coordination, Future Land Use, and Capital Improvements Elements; Amending the Future Land use map Series (FLYMS); Establishing the William Burgess Mixed Use Activity Center Overlay District; Providing for Transmittal; Providing for Severability; and Providing an Effective Date for transmittal to the state reviewing agencies.

Next, the Board considered An Ordinance of the Board of County Commissioners of Nassau County, Florida, Amending Ordinance 97-19, as Amended, Known as the Nassau County Land Development Code; Specifically Amending Article 20; Section 20.01, to add the use of RV and Boat Storage Facility to the List of Permitted Uses; Amending Article 21; Section 21.03, to add the use of RV and Boat Storage to the List of Conditional Uses; Amending Article 28, Section 28.03 Establishing Supplemental Regulations for RV and Boat Storage Facilities; Amending Article 21 Adding New Definitions; and Providing an Effective Date. Mr. Pope provided staff comments noting that this is another item this Board has discussed several times; it is the creation of a specific use for RV and Boat Storage. The current Land Development Code does not have that use specifically listed which has caused issues of uncertainty. As a result of the Board's initial discussions, staff has narrowed down the supplemental review criteria to where it only addresses the perimeter landscaping; no internal landscaping is required. The storage areas are to be at least 25 feet from the right-of-way line.

It was moved by Board Member Jasinsky, seconded by Board Member Higginbotham and unanimously carried to recommend to the Board of County Commissioners approval of Tab C, An Ordinance of the Board of County Commissioners of Nassau County, Florida, Amending Ordinance 97-19, as Amended, Known as the Nassau County Land Development Code; Specifically Amending Article 20;

Section 20.01, to add the use of RV and Boat Storage Facility to the List of Permitted Uses; Amending Article 21; Section 21.03, to add the use of RV and Boat Storage to the List of Conditional Uses; Amending Article 28, Section 28.03 Establishing Supplemental Regulations for RV and Boat Storage Facilities; Amending Article 21 Adding New Definitions; and Providing an Effective Date.

Mr. Pope addressed Tab D, discussion related to establishing incentives for the preservation of environmentally sensitive areas and recreational land in exchange for allowing reduced building setbacks and increased lot coverage in the Residential Single Family-Two (RS-2) zoning district. He pointed out that Ms. Bowen had addressed this at the previous meeting and the question arose as to how this would fit in the greater context. He explained how the county was divided into districts and these districts have specific uses and characteristics of how to develop within that district. As many other counties, Nassau County realized that if you enforce that kind of zoning with no flexibility, the results are not that good because everything looks exactly the same. The objective of as Planned Unit Development (PUD) is to encourage ingenuity, imagination, and design efforts on behalf of the builders, architects, site planners, and developers by allowing flexibility. This is the concept that was used in the Amelia Island Plantation, Wildlight, and Three Rivers which allows a custom zoning in order to create a community design. It was never the intent of the PUD district to serve as a means to circumvent the basic zoning but a method to encourage something bigger and better than could not be done inside typical zoning. Recently, developers have requested to retain the 75 foot lot but have found through market analysis that there was a demand for multi-generational houses and resort houses but they must be single story. In order to develop these 75 foot lot and build a single story house, the developers are requesting five foot

setbacks in order to make this work. Staff would not want to do a PUD which would degrade the integrity of the PUD process in order to get the builder to where they need to be to build the multigenerational and resort homes. Planning staff have had discussions on how to meet these market demands and social trends but not lose the integrity and intent of the PUD zoning. Mr. Pope explained that the setbacks provide additional open space on the individual lots; however, staff considered a tradeoff. Instead of having the additional open spaces on the lots in the forms of front, side and rear setbacks, the developer could build the product the market desired. In exchange, the developer could make up for the loss of open space on individual lots by preserving a larger portion (30 percent) of the site as open space to preserve natural areas and provide recreation land. A 100 acre subdivision would be required to reserve 30 percent or 30 acres as open space if the developer can have his five foot setbacks. With this tradeoff, a developer would not have to do a PUD for that type of product. From a planning standpoint, Mr. Pope felt that this tradeoff would work by providing more meaningful open space outside of any lot or right-of-way and would not allow for the reduction of lot width or area. The developer would only qualify for the incentive if they set aside the land outside of stormwater management facilities, perimeter landscape buffers, any building site, right-of-way, or utility areas. In response to a question posed by Chair Gray related to the five-foot setbacks in Heron Isles, Mr. Pope explained that the difference is that Heron Isles lowered the lot size and area down to 40-foot lots. This proposal would maintain the 75-foot lots. Board Member Stack mentioned that the origin of the setbacks was related to fire prevention and a safety factor. Mr. Pope explained that is why there is the ten-foot building separation. Board Member Jasinsky pointed out that with the increase in land prices and in order to meet market demand, the developer may have to have more density on that particular property. The market will

advise whether the lots are too close together. The air conditioning systems would be a factor with decreased setbacks; however, Board Member Jasinsky felt this was a step in the right direction to have that flexibility. He suggested taking this one step further in the Residential Single Family-Two (RS-2) district by creating a bonus density for the creation of a mother-in-law suite or parental apartment over the garage to provide an affordable housing alternative. This will not create any more houses but provide the flexibility in how the same numbers of houses are placed on the property. Air conditioner units should be permitted to be placed in the side yard setbacks. The new realm of housing is single-story; no one wants a two-story; therefore, the problem arose in trying to fit a 3,500 square foot house on a 75 foot wide lot. Mr. Pope reiterated that this incentive would only be given if 30 percent of the gross development site is placed in conservation; therefore, this would ultimately apply to new development. Discussion followed. Regarding the placement of air conditioners in side setbacks, they could be exempted in that section of the Land Development Code dealing with encroachments.

Mr. Pope explained that Heron Isles provides an important housing option. He added that during the Affordable Housing Advisory Committee meeting earlier today, there was mention of the "Missing Middle". He explained that over the last half century, the "middle" section of affordable housing such as duplexes, triplexes, courtyard houses, and patio homes went by the wayside. There is not that diversity of housing stock available. Regarding the placement of air conditioners, Mr. Pope explained that there is a section of the Land Development Code that addresses encroachments and exemptions. Staff was directed to make the discussed adjustments to this draft ordinance and bring back for further discussion.

Next, Mr. Pope discussed the Urban Land Institute (ULI) providing a Technical Assistance Panel to address the future of Western Nassau County. The membership consists of every spectrum of land development with experts in all fields of development. A local government can approach ULI with any land development problem or issue. ULI will find senior level members who are experts in that field will come to the problem area and spend 48 hours digesting the issue of the community. They will tour the study area, interview stakeholders and work collaboratively to produce preliminary findings and recommendations in a private or public forum. Six weeks later, a final report and recommendation is provided to the local government. Mr. Pope stated that he met with representative from the North Florida ULI who are willing to help Nassau County with goals such as preserving a rural ambiance and lifestyle in Western Nassau County, preserving agricultural lands and environmentally sensitive areas, promoting fiscally responsible development patterns and create a sense of place and community while discouraging strip commercial and sprawl development patterns. Mr. Pope explained that with the staff vacancies, there is money to provide this ULI panel service to research future growth and development in the western portion of Nassau County. Mr. Pope explained that they will discuss a rural village center with transit, parks, shopping, and needed services which would be a small town with a higher density to bridge the gap for today's demand and future infrastructure. A lengthy discussion ensued regarding the Vision 2032 Plan. Mr. Pope will include the Vision 2032 Plan with the backup information he will be providing to ULI.

Next, Mr. Mullin provided an update on the Florida State Legislature's action related to medical marijuana. He explained that he had emailed a copy to the Board of the 78-page Senate Bill 8-A Medical Marijuana Legislation and a copy of the Sheriff's Association synopsis of Senate Bill 8-A. He referenced page

50 (line 1440) of the Senate Bill and page 2 of the synopsis which outline that the county or municipality may ban, by ordinance, medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. Line 1443 states that a county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits on the number of dispensing facilities that may locate within the county or municipality. On page 51, line 1451, it states that the county may determine by ordinance the criteria for the location of and other permitting requirements that do not conflict with state law or department rule. Mr. Mullin pointed out that the Department of Health has not finished writing their rules governing medical marijuana dispensaries. In his opinion, the Board could begin drafting an ordinance while they wait for the final ruling. He felt that Line 1456 was instructive because it states that a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the location for pharmacies licensed under chapter 465. He suggested that if the Board does not intend to recommend banning the facilities, they should consider adding medical marijuana facilities to the zoning district that allows pharmacies. Mr. Mullin explained that he and staff will be drafting an ordinance for the Board's review on the next agenda as to whether they wish to ban medical marijuana dispensing facilities or whether to place these facilities within the zoning for pharmacies.

Ms. Bowen provided a PowerPoint presentation which was part II of the William Burgess Mixed-Use Activity Center Overlay. She explained that at the previous meeting, she had provided an overview of the William Burgess project and the inspiration behind this project and the architectural design standards. She explained that tonight's presentation would provide an in-

depth examination of each transect based upon the locations within the regulating plan; explore key elements that define each transect; and the approach for achieving these goals. She referred to the revised regulating plan which adds an additional Core. Core I is $\frac{1}{4}$ mile west of CSX rail line that requires overlay regulations and Core II is $\frac{1}{4}$ mile east of CSX rail line where regulations are optional. The Village Core features immediate Transit Oriented Development (TOD) centered on the proximity to transit and proposed commuter rail station and within a $\frac{1}{4}$ mile radius to promote walkability. It will feature higher density buildings to create continuity along the street façade. Within the Village Core will be compact, high density, mixed use development with open spaces for events. Also included will be retail and restaurants combined with professional offices and multi-family residential on upper stories. All regulations for Core II are the same as Core I except for the option to defer to the underlying zoning. The Village Center will feature strong pedestrian-orientation with additional street types and parking configurations. The Village Center is also mixed-use but serves as a transition between the public and private realms for a greater concentration of integrated housing types. Key elements will include a mix of uses, public spaces, urban design character, pedestrian connections, and all modes of transportation. The Village Edge provides lower densities and intensities that include single family homes and apartments and will generally begin from $\frac{1}{2}$ mile point extending outward from the walkability cone to the $\frac{3}{4}$ mile mark. Key elements include detached single-family houses, duplexes and apartments, and single-story, single-use commercial, where applicable. Discussion ensued related to ensuring the future of commuter rail, bus and rapid transit, and park-and-ride facilities.

Board Member Murray requested something be included in order to prevent the re-routing of Old U.S. 17 as it is an historic route. Mr. Pope explained

that they had consulted with the Florida Department of Transportation (FDOT) at the onset of this project. His understanding is that FDOT is conducting a widening study for US 17. Staff advised FDOT that based upon the local planning; the County would like the US 17/William Burgess Boulevard intersection to be the gateway into Yulee. Board Member Murray clarified that the Old US 17 roadway he referred to was located next to Yulee Baptist Church which is cut off now by the railroad tracks; known currently as Harts Road. Mr. Pope inquired as to what Board Member Murray and his constituents would find appropriate for Old U.S. 17. Board Member Murray suggested that the planning design keep the basic configuration route for Old U.S. 17, people would appreciate it. Mr. Pope explained that staff plans to integrate this proposed project to the existing community. He welcomed community members to speak with him regarding the community identity for that area. Board Member Murray explained that the rail system was the key to how the area originated. There was once a huge train switch yard across from Yulee Baptist Church where the name Yulee came from; it would be great to tie all this history into the area. Board Member Murray understood from many residents that Yulee had lost its identity to Fernandina Beach and other areas.

Next, the Board considered Tab H - discussion of a conflict with the boardroom schedule for the July 11th and November 14th Planning and Zoning Board meetings. These meetings must be cancelled or rescheduled. Mr. Pope explained that the boardroom was double-booked; therefore, he was seeking the Board's direction. The July 4th meeting is cancelled due to the holiday; however, Code Enforcement has their meeting on July 11th. It was moved by Board Member Quaile, seconded by Board Member Murray and unanimously carried to cancel the July 11, 2017 Planning and Zoning Board regular session.

Regarding the November 14, 2017 workshop, special session, it was the consensus of the Board to bring this item back to the Board for consideration sometime in August 2017.

Next, Mr. Pope addressed Tab I, Amelia River to Sea Trail Open House. He explained that for the past five years, staff has been working on the Simmons/Bailey Road Trail. This project is finally coming to fruition. There was an open house held when the plans were at 30 percent; it is now time for the 90 percent plans open house. The Amelia River to Sea Trail Open House is scheduled for July 12, 2017 from 5:00 p.m. to 7:00 p.m. at the American Beach Community Center, 1600 Julia Street, Fernandina Beach, to view the 90 percent plans. He also advised that the Transportation Planning Organization (TPO) has recognized as priority No. 1, the extension of the Amelia Island Trail from Fletcher Avenue along the Amelia Island Parkway to Eighth Street at an approximate cost of \$2.5 million. This project will go to FDOT. When the TPO represents it as a No. 1 priority; typically, the project gets funded.

Board Member Jasinsky requested clarification as to why there is a severe slowdown in the processing of building permits. He stated that there are permitting applications sitting there between 45 and 60 days. He is aware this was not Mr. Pope's department, but it is related to what this board does. Mr. Pope mentioned that when he comes in to work on weekends, he sees the plans examiners and Mike Griffin, Building Official, working in the backroom looking over plans. In his opinion, he felt it was the sheer amount of work. Mr. Pope will speak with Mr. Griffin to determine the average time frame. Board Member Jasinsky inquired whether Building Department staff had been reduced or not re-staffed from the previous economic downturn. Board Member Higginbotham pointed out that the Building Department seems well

staffed. Board Member Jasinsky explained that he does business in various counties such as Duval and Clay but has not seen this problem. He wondered if these other counties had better systems. Board Member Jasinsky felt that once the time frames are stretched out for permitting, it affects the overall economic factors of building subdivisions and other projects. Mr. Pope stated that he will ask Mr. Griffin if he would provide an update of any changes they are making or changing their procedures. Chair Gray suggested that Mr. Pope explain that the Planning and Zoning Board has inquired. Board Member Jasinsky pointed out that someone makes an application, the comments come back for the permit, the applicant submits the answers to the comments, and 30 days later, another set of comments are received. It is these types of issues that are very frustrating.

Mr. Mullin suggested that this would be more appropriate if this complaint goes from Mr. Pope directed to the County Manager and explain to her these issues. The County Manager will then get with Mr. Griffin regarding the time it is taking to convert to a new digitized system.

There being no further business, the workshop, special session of the Planning and Zoning Board adjourned at 8:16 p.m.

Chairman

Attest