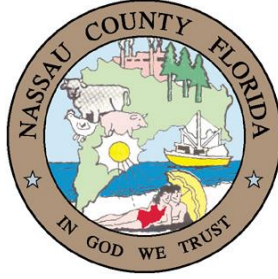


Nassau County
Planning and Economic Opportunity
Department
96161 Nassau Place
Yulee, FL 32097
(904) 530-6300



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Date of Hearing: November 7, 2017

Public Hearing Number: R17-009

A. General Information

Applicant: Gillette & Associates, Agent

Owners: Tuscany Preserve, LLC

Request: Modification of the *Marsh Lakes* Planned Unit Development (PUD) (Ord. 2005-04)

Applicable Regulations: Policies FL.01.02 (B&G), FL.02.01, FL.04.01, FL.06.01 and FL.06.02 of the *2030 Nassau County Comprehensive Plan*; Articles 5 and 25 of the *Land Development Code (LDC)*

Related Application: N/A

B. Site Information

Lot Size: 17.0 acres

Location: On the South side of A1A/SR200 just west of the Shave Bridge.

Directions: From I-95 head east on SR200/A1A towards Amelia Island. The subject property is located on the right approximately 0.25 mile past the entrance to Marsh Lakes.

C. Existing Land Uses

Subject Site: Vacant (abandoned building)

Surrounding: North: Vacant
South: SF Residential
Wetlands
East: Wetlands
West: Commercial (retail)
Vacant

D. Existing Zoning

Subject Site: Planned Unit Development (PUD)

Surrounding: North: Commercial, Neighborhood (CN)
South: Planned Unit Development (PUD)
East: Wetlands
West: Planned Unit Development (PUD)

E. FLUM Designation

Subject Site: Medium-Density Residential (MDR)

Surrounding: North: Commercial (COM)
South: Medium-Density Residential (MDR)
East: Conservation (CSV I-II)
West: Commercial (COM)

F. Background

The subject property is currently zoned as part of the *Marsh Lakes* PUD. The subject site is approximately 17 acres in area with an upland area of approximately 4.3 acres. This PUD was originally approved in 1987 for residential and commercial uses. In 2005 an amendment to the PUD (Ord. 2005-04) changed the uses permitted on the subject property to 36 multifamily (condominium) residential units and 11,000 square feet of commercial uses consistent with the Commercial Neighborhood (CN) zoning district. Although part of the *Marsh Lakes* PUD, the site was previously marketed as and became commonly known as “Tuscany”.

While roadway infrastructure was completed for this project and a clubhouse structure built on the site, no residential units or commercial uses were ever built.

The applicant is proposing to modify the PUD to allow 11 duplex residential units (for a total of 22 units) on this site and to remove the permitted commercial uses.

G. Analysis

1. *Is the proposed change contrary to the established land use pattern?*

No. Surrounding uses to the south and east are primarily residential within the Marsh Lakes PUD. Commercial uses are located near the site along the SR200/A1A corridor. The proposed PUD modification will not increase density or intensity of development and will be in keeping with the development patterns of this area.

2. *Would the proposed change create an isolated district unrelated to adjacent and nearby districts?*

No. Marsh Lakes is a previously approved PUD which contains residential and commercial components. The proposed modification will remain in keeping with the approved PUD and recent development patterns of this area.

3. *Would the proposed change materially alter the population density pattern and thereby overload public facilities such as schools, utilities, streets, etc.?*

No. The proposed modification will not increase density or intensity of development and will be in compliance with the existing FLUM designation of Medium Density Residential (MDR), as applied to the entire Marsh Lakes PUD. Since the proposed modification will result in a decrease in permitted units, the development should not significantly alter population density patterns, nor should they overload any existing or planned public facilities.

4. *Are existing district boundaries illogically drawn in relation to existing conditions on the property proposed for change?*

No. Marsh Lakes is a previously approved PUD which contains residential and commercial components. It is adjacent to other residential and commercial zoning districts situated along the SR200/A1A corridor. It will remain in keeping with the recent development patterns of this area.

5. *Is the proposed change contrary to the long-range land use plans?*

No. The proposed modification will comply with the requirements of the Medium Density Residential FLUM designation per Policy FL.01.02(B). The proposed modification will not increase density or intensity of development and will be in compliance with the existing FLUM designation of Medium Density Residential (MDR), as applied to the entire Marsh Lakes PUD, with a maximum density of three (3) dwelling units per gross acre.

A portion of the site is located within the Coastal High Hazard Area (CHHA) as defined Sec. 163.3178(2)(h), F.S.(i.e. Category 1 storm surge zone-see Attachment A). However, the proposed amendment represents a decrease in

residential density permitted on this site and does not involve a change to the Future Land Use Map that would increase residential density, thus it is in compliance with policies FL.06.01 and FL.06.02 of the 2030 Nassau County Comprehensive Plan which limit residential density in the CHHA.

It is compatible with all other goals, objectives and policies of the Comprehensive Plan.

6. *Do changed or changing conditions make the approval of the proposed zoning desirable?*

Yes. The site, despite having infrastructure in place, has been vacant for an extended period of time. The proposed plan of development for the site is in keeping with the character of the surrounding area and with the Marsh Lakes PUD. It represents a decrease in the number of units permitted and therefore a reduction in impacts from new development.

7. *Will the proposed change adversely influence living conditions in the neighborhood?*

No. The proposed development will remain exclusively in residential use and will result in a decrease in the density of intensity of use previously approved for this site. There is no indication that this change would adversely influence living conditions in the area.

8. *Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety?*

No. The proposed modification will not increase density or intensity of development. Transportation concurrency requirements were rescinded in Nassau County in March 2012. Development on the site is subject to fees assessed as part of the County's adopted Mobility Plan (see Ord. 2014-16). Traffic operational issues that may be created by the new development will also need to be resolved at the developer's expense if required by Engineering Services.

9. *Will the proposed change create drainage problems?*

No. New development within the PUD will be required to meet all drainage standards as required by the Nassau County Roadway and Drainage Standards (see Ord. 99-17) and by the SJRWMD.

10. *Will the proposed change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?*

No. Surrounding uses to the south and west are primarily residential within the Marsh Lakes PUD. Commercial uses are located near the site situated along the SR200/A1A corridor. The proposed development will be exclusively residential uses in duplexes with associated wetlands and open space, and should be compatible with existing nearby uses.

11. *Will the proposed change affect property values in the adjacent area?*

The value of adjacent properties should not be adversely affected. Pursuant to adequate site planning and review, the proposed PUD will be in keeping with the character of this area and should be compatible with existing nearby uses. The value of adjacent properties should not be adversely affected.

12. *Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?*

No. The proposed modification will be in keeping with the character of this area. And will be in compliance with the other provisions for the Marsh Lakes PUD. The change does not grant a special privilege as contrasted with the public welfare.

13. *Are there substantial reasons why the property cannot be used in accord with existing zoning? Is the proposed change out of scale with the needs of the neighborhood or the county?*

No. However, the site, despite having infrastructure in place, has been vacant for an extended period of the time. The proposed plan of development for the site is in keeping with the character of the surrounding area and with the Marsh Lakes PUD. It also represents a decrease in the number of units permitted and therefore a reduction in impacts from new development and a reduction of permitted units in the CHHA (see above).

14. *Are there other sites in this general location already zoned to permit the proposed use?*

Yes. Residential uses can be found to the south and west within the Marsh Lakes PUD. The proposed modification will be in keeping with the character of this area. And will be in compliance with the other provisions for the Marsh Lakes PUD.

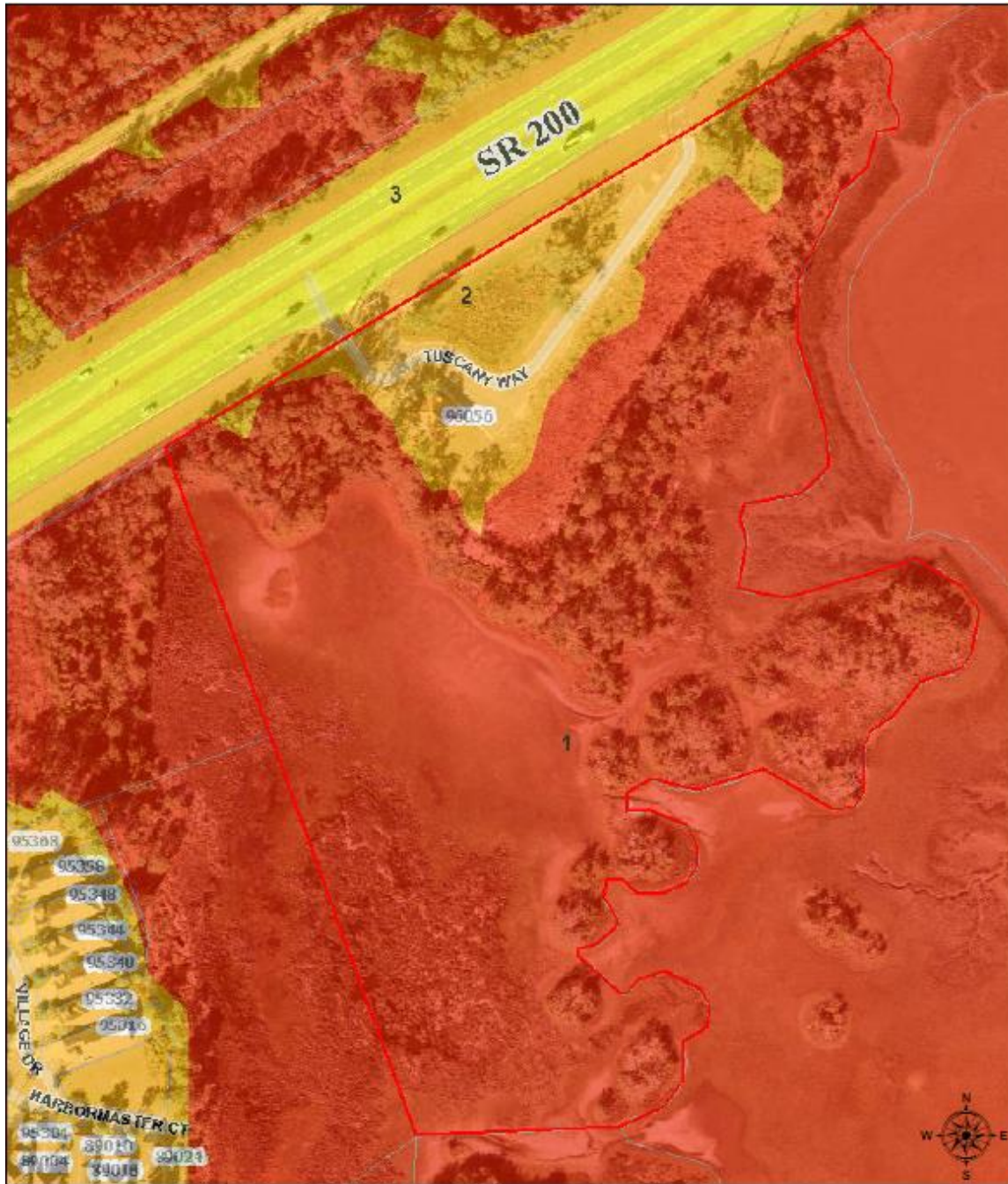
15. *Is the width and area of the parcel sought to be rezoned adequate to accommodate the proposed use?*

Yes. The subject property is capable of meeting minimum lot sizes and frontage standards adequate for the types of uses proposed within the PUD (see attached Preliminary Development Plan).

G. Staff Findings

1. The proposed rezoning R17-009 modifies the existing Marsh Lakes PUD in a manner that will result in a decrease in previously approved intensity and density on the subject property and will result in a decrease in development impacts.
2. The proposed modification will decrease the number of permitted residential units within the located within the Coastal High Hazard Area (CHHA) as defined Sec. 163.3178(2)(h) in compliance with policies FL.06.01 and FL.06.02.of the 2030 Nassau County Comprehensive Plan.
3. The proposed modification to the existing Marsh Lakes PUD allows for development of residential uses and preservation of wetlands in a manner that warrants flexibility in the application of land use controls for Nassau County, Florida consistent with the intent of Article 25 of the Zoning Code.
4. The proposed modification to the project design is in harmony with the general purpose and intent of the Nassau County Comprehensive Plan and the Land Development Code.

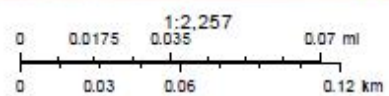
ATTACHMENT A



October 31, 2017

Storm Surge 5

- 1
- 2
- 3
- 4



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

QUASI-JUDICIAL HEARING PROCEDURES

Florida Statutes and the Courts of Florida require that your rezoning 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 rezoning request meets requirements of the County Zoning Code, Comprehensive Plan and other applicable regulations.

The applicant is entitled to be represented by counsel.

The only material or relevant evidence is that which addresses the applicable codes and/or Comprehensive Plan. The hearing procedures will be:

1. Staff will be sworn and shall describe the applicant's request, provide staff's recommendation and present any witnesses in support of staff's recommendation. Staff shall have fifteen (15) minutes.
2. The applicant and others presenting evidence will be sworn and shall state their name, address and subject to which they will testify. The applicant 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 is presented against the application. Evidence presented must specifically address the criteria in the Zoning Ordinance and or Comprehensive Plan. The applicant, or his/her attorney/representative, will have an opportunity to present evidence for the application and will have fifteen (15) minutes for its 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.
3. 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. If a group opposes the application, they may also be represented by counsel and shall state that now. They may also call the applicant, Zoning Official or other staff members that are present as witnesses and ask them questions, subject to the five minute time limit. Anyone presenting repetitious evidence or evidence that does not address the criteria will be directed to stop and address the criteria.
4. 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.
5. Sharing or transferring time is not allowed. 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. Cross examination, if any, will be to the point and controlled by the chairman with the assistance of the county attorney. As a Quasi-Judicial Hearing, numbers of individuals for or against a particular item will not be considered. The meeting is being taped; therefore there can be no applause or outbursts.

6. 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.
7. 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.
8. The applicant will be permitted to provide rebuttal if any (a maximum of ten (10) minutes).
9. Staff may have five (5) minutes to provide final comments to the Board.
10. 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.
11. 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 or defamatory. 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.

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 County's Planning and Economic Opportunity Office at (904) 530-6300.