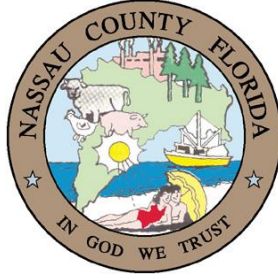


Nassau County  
Planning and Economic Opportunity  
Department  
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Date of Hearing: December 5, 2017

**Public Hearing Number: R17-008**

**A. General Information**

Applicant: CHW, Inc., Agent.

Owners: CBC National Bank; Donald Plunkett

Request: Rezoning of approximately 50.1 acres from Open Rural (OR) and Commercial Highway Tourist (CHT) to Planned Unit Development (PUD).

Applicable Regulations: Policies FL.01.02 (B,C,G), FL.03.02, FL.08.04, and CS.02.10 of the 2030 Nassau County Comprehensive Plan; Articles 5, 22 and 25 of the Nassau County Land Development Code

Related Application: CPA17-006, FLUM amendment from COM and LDR to HDR and CSV I

**B. Site Information**

Lot Size: 50.1 acres

Location: In the southwest quadrant of the intersection of SR200/A1A and I-95 along Semper Fi Drive. TP #s 12-2N-26-0000-0001-0080, 12-2N-26-0000-0001-0150, and 12-2N-26-0000-0001-0050.

Directions: Head west on SR200/A1A just past I-95 interchange. Turn south on Semper Fi Drive appx. 1,000 ft. (0.2 mi) Property is west of Semper Fi Drive.

C. Existing Use

Subject Site: Vacant

Surrounding: North: Commercial (gas station)  
Vacant Commercial  
South: Vacant  
East: Vacant  
West: Vacant

D. Existing Zoning

Subject Site: Open Rural (OR)

Surrounding: North: Commercial Highway Tourist (CHT)  
South: Planned Unit Development (PUD)\*  
East: Open Rural (OR)  
Commercial Highway Tourist (CHT)  
West: Open Rural (OR)

*\*Plummers Creek (Ord. 2004-10)*

E. FLUM Designation

Subject Site: Low Density Residential (LDR)

Surrounding: North: Commercial (COM)  
South: Low Density Residential (LDR)  
East: Commercial (COM)  
West: Low Density Residential (LDR)

F. Background

This Rezoning application requests to change the existing zoning districts from Commercial Highway Tourist (CHT) and Open Rural (OR) to Planned Unit Development (PUD) The site is ±50.1 acres in size and is located along the western side of Semper Fi Drive—south of State Road 200/A1A.

The intent of this application is to permit the use of a maximum 350-unit multifamily apartment complex on this site The development will also include a leasing office, amenities center/clubhouse, pool, pedestrian paths/trails and a community park to be constructed and open to the public.

This rezoning has been filed in conjunction with a Comprehensive Plan Future Land Use Map (FLUM) amendment that requests a High Density Residential (HDR) designation for ±43.1 acres of the ±50.1-acre site. The amendment also requests that the remaining ±7.0 acres be designated as Conservation I (CSV I) on the FLUM in order to protect the on-site wetlands to the maximum extent practicable.

G. Analysis

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

No. The intent of this application is to permit the use of a maximum 350-unit multifamily apartment complex within unincorporated Nassau County. The proposed use is compatible with adjacent uses, which consist of highway oriented commercial uses along SR 200 to the north and single-family residential to the south. Multifamily residential serves as an appropriate buffer between the two uses.

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

No. Approval of this application would not result in the isolation of any district. This application is proposing a multi-family residential use, which may serve as an appropriate transition between the existing low-density residential uses and commercial/highway uses.

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 PUD rezoning would maintain existing levels of service for existing Nassau County and JEA infrastructure. (see staff report for CPA17-006). An availability letter from JEA was included with this application stating that the utility systems have capacity to serve the intended use.

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

No. However, the proposed PUD with multi-family residential uses plus recreation and conservation areas will ensure a higher quality development that will increase housing options for residents, add public recreation facilities and provide a transition between intensive highway-oriented commercial uses and lower density single family uses. The PUD zoning district will achieve these desirable goals to a greater degree than could be realized through a conventional zoning district.

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

No. The proposed rezoning would be compliance with the underlying Future Land Use Map if the companion FLUM amendment, CPA17-006, is approved, changing the designation of this property from Commercial (COM) and Low Density Residential (LDR) to High Density Residential (HDR) and Conservation I (CSV) (see staff report for CPA17-006).

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

Yes. Adjacent properties to the north are highway-oriented commercial uses or zoned Commercial Highway Tourist (CHT). The adjacent property to the south is a Planned Unit Development (PUD) consisting of single-family residential (Plummers Creek).

This application is proposing a multi-family residential use, which may serve as an appropriate transition between the existing low-density residential uses and commercial/highway uses. Also included in the proposed development is a 7.0-acre portion that will be a dedicated conservation area, a linear park, and a dedicated public park.

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

No. Nassau County requires that new projects developed adjacent to existing neighborhoods provide adequate onsite setbacks and perimeter buffering to minimize the proposed site's estimated impact on adjacent housing. These onsite buffers and setbacks are illustrated in the Preliminary Development Plan (PDP) submitted with this application and are consistent with Nassau County LDC Sections 13.06 and 37.06.

The proposed PDP shows considerable buffer area where the project site approaches proximity to the adjacent single-family residential. Apartment buildings will be no closer than  $\pm 400$  feet to the nearest single family residence.

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

No. The proposed PUD district will not likely increase the number of potential daily trips as opposed to the commercial and/or residential development that could occur on the property with its present FLUM designations and zoning. (see staff report for CPA17-006).

Future development on the site will be 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. Through the site plan review process, the existing use and any future development on the property will be required to meet all drainage standards as imposed by the Nassau County Roadway and Drainage Standards and any SJRWMD permitting requirements.

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

No. The proposed PUD district will be in keeping with the character of this area. This application proposes a maximum 350-unit high-density multifamily apartment complex that can assist the County in expanding housing options for existing and prospective residents. Approval of this application would also allow the development to act as a transition zone from the adjacent single-family neighborhood to west/south and the intense commercial activity surrounding the I-95 and SR-200 interchange to the northeast.

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

The value of adjacent properties should not be adversely affected since, as stated above, adequate site planning and review should allow most uses permitted in the PUD district to be compatible with nearby residential and commercial uses.

The high-density development may inspire new businesses along SR 200 to develop, hoping to tap into the high concentration of potential customer, or potential employees. As a result, the proposed development has the potential to generate economic opportunities, which may increase the value of surrounding property over time.

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

No. The proposed PUD district will be in keeping with the character of this area. This application proposes a maximum 350-unit high-density multifamily apartment complex that can assist the County in expanding housing options for existing and prospective residents. Approval of this application would also allow the development to act as a transition zone from the adjacent single-family neighborhood to west/south and the intense commercial activity surrounding the I-95 and SR-200 interchange to the northeast. 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?*

No. However, the proposed PUD with multi-family residential uses plus recreation and conservation areas will ensure a higher quality development that will increase housing options for residents, add public recreation facilities and provide a transition between intensive highway-oriented commercial uses and lower density single family uses. The PUD will achieve these desirable goals to a greater degree than could be realized through a conventional zoning district. It is therefore a benefit to the County to allow the change in zoning.

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

Yes, the property adjacent to the site currently has PUD Zoning District designation. However, the permitted use within the adjacent PUD is single-family residential, as opposed to the requested multi-family residential. The requested zoning district meets a need for housing options within Nassau County, protects On-site environmental features to the maximum extent practicable, and serves as a transitional use between the existing low density residential and highway-oriented commercial uses.

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 the minimum parcel size and other standards for the Planned Unit Development (PUD) zoning district found in Article 25 of the Land Development Code.

H. Staff Findings

1. The proposed rezoning would be compliance with Policy FL.01.02(B) and the underlying Future Land Use Map (FLUM) if the companion FLUM amendment, CPA17-006, is approved, changing the designation of this property from Commercial (COM) and Low Density Residential (LDR) to High Density Residential (HDR) and Conservation I (CSV) (see staff report for CPA17-006)
2. The proposed rezoning application is compliant with the requirements of Sec. 5.02 of the County's Land Development Code, and meets the analysis criteria described in Part F. (1-15) of this report above.
3. The proposed rezoning application is compliant with the intent, locational and dimensional standards for Planned Unit Development (PUD) zoning district found in Article 25 of the County's Land Development Code. It achieves desirable goals to a greater degree than could be achieved through strict application of the Land Development Code.
4. The proposed rezoning application encourage efficient development patterns, and is otherwise in compliance with the Goals, Objectives and Policies of the 2030 Comprehensive Plan, in particular Policies FL.01.02 (B,C,G), FL.03.02, FL.08.04, and CS.02.10

I. Recommendation

Based on the findings above, the proposed rezoning:

- 1) Will be compliance with the underlying Future Land Use Map if the companion FLUM amendment, CPA17-006, is approved, changing the designation of this property from COM and LDR to HDR and CSV I.

- 2) Meets the intent, locational and dimensional standards for Planned Unit Development (PUD) zoning district found in Article 25 of the County's Land Development Code.
- 3) Will encourage efficient development patterns, and is otherwise in compliance with the Goals, Objectives and Policies of the 2030 Comprehensive Plan.

It is Staff's recommendation that competent, substantial evidence exists for the APPROVAL of rezoning application R17-008.

## **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.