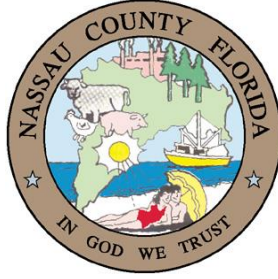


Nassau County
Planning and Economic Opportunity
Department
96161 Nassau Place
Yulee, FL 32097
(904) 530-6300



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Date of Hearing: December 5, 2017

Public Hearing Number: R17-011

A. General Information

Applicant: Gregory E. Matovina, Agent.

Owners: Beacon Street LLC

Request: Rezoning of approximately 196.79 acres Industrial Warehouse (IW) to Planned Unit Development (PUD).

Applicable Regulations: Policies FL.01.02 (B,C,G), FL.02.05, FL.08.04, FL.08.05, FL.08.06, FL.09.05, FL.10.01 and FL.10.06 of the 2030 Nassau County Comprehensive Plan; Articles 5, 20 and 25 of the Nassau County Land Development Code

Related Application: CPA17-007, FLUM amendment from IND and CSV I to MDR, COM, and CSV I

B. Site Information

Lot Size: 196.79 acres

Location: On the north and south sides of William Burgess Blvd. between Harts Road and U.S.17; TP # 42-2N-27-000-0003-0060

Directions: From the intersection of US 17 and SR200 proceed west on SR200 to Harts Road. Head south on Harts Road. Subject property is on the east side of Harts Road.

C. Existing Land Uses

Subject Site: Vacant Land

Surrounding: North: SF Residential
South: SF Residential
East: CSX RR
Industrial
Vacant Land
West: SF Residential
Vacant Land

D. Existing Zoning

Subject Site: Industrial Warehouse (IW)

Surrounding: North: Open Rural (OR)
South: Open Rural (OR)
East: Industrial Warehouse (IW)
Industrial Heavy (IH)
West: Open Rural (OR)
Residential Single Family 2 (RS-2)

E. FLUM Designation

Subject Site: Industrial (IND)
Conservation (CSV I)

Surrounding: North: Medium Density Residential (MDR)
South: Medium Density Residential (MDR)
East: Commercial (COM)
Industrial (IND)
West: Medium Density Residential (MDR)

F. Background

The Nassau Crossing Planned Unit Development (PUD) consists of approximately 196.79 acres located to the south of SR 200/A1A, located east of Harts Road to the west of the CSX Rail Line, and to the west of US Highway 17 to the east with William Burgess Boulevard bisecting the property towards the southern end of the property.

The site is predominantly pine flat woods with significant wetlands separating the proposed Medium Density Residential (MDR) designated area from the proposed Commercial (COM) designated area on the northerly parcel (as proposed in FLUM amendment application CPA17-007). The area south of William Burgess Boulevard is substantially all wetlands except for +/- 11.5 acres located along the southern side of the road.

The Nassau Crossing PUD will consist of up to three-hundred and fifty (350) single family residential units, four-hundred and fifty (450) multi-family residential units [of which sixty-seven (67)/15% of total multi-family units are to be affordable/workforce housing], one-hundred and fifty thousand (150,000) square feet of office space, and one-hundred and fifty thousand (150,000) square feet of retail space. Allowable uses, density, intensities, design standards and development conditions are described in detail herein and in the William Burgess District Vision Book, to be adopted concurrently with this rezoning.

The proposed amendment is located within the William Burgess Mixed-Use Activity Center Overlay District (WBMOD), designated in Future Land Use Policy FL.02.05 (See Attachment A). Centered within ½ mile of the intersection of William Burgess Boulevard and the CSX rail line running parallel to U.S. Hwy. 17, development within the William Burgess Mixed Use Activity Center shall promote sustainable, compact mixed use development.

Specific incentives and design guidelines will be adopted into the WBMOD's Vision Book, which is being considered for adoption concurrently with this application, and, if adopted, will be adopted by reference into this PUD's development order. They will incorporate the following goals and principles for development of this Overlay:

- (a) A high level of interconnectivity of multiple modes of transportation to redirect traffic and alleviate the burden on SR 200/A1A.
- (b) Higher density, mixed use development that provides a strong work-life balance and opportunities for affordable housing and economic development.
- (c) Strong pedestrian and bicycle orientation that also welcomes potential commuter rail along the US Hwy 17 Corridor.
- (d) High quality public spaces that create opportunities for cultural experiences and outdoor interaction, entertainment, and play for all ages and ability levels.
- (e) Diversity of land uses, spaces, building types and styles designed to create a sustainable, compact development and community.
- (f) Serve as a template for the creation of a Mixed Use Future Land Use Category and mixed-use zoning districts that will serve to guide other compact nodes of development.

It is the intent of the WBMOD and the Nassau Crossing PUD to create a sense of place in the form of a compact mixed-use walkable community, designed at a pedestrian scale, that promotes strong social ties and the cultivation of 'community' through the application of sound land-use planning, urban design and placemaking techniques.

G. Analysis

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

No. The existing, established land use pattern is single family homes to the south, west and north and industrial and commercial uses to the east along US 17. The proposed land use pattern specified for the William Burgess Mixed-Use Activity Center Overlay District (WBMOD) calls for higher density multi-family residential and commercial uses at the center of the WBMOD (the intersection of US 17 and William Burgess Boulevard) surrounded by medium density residential uses. Specifically, the proposed change prescribes mixed multi-family residential and commercial uses along the north side of William Burgess Boulevard, a park and open space along its south side and medium-density residential (i.e. single-family) uses to the north of the Commercial area. The proposed PUD is consistent with the proposed land use pattern as set forth in the WBMOD. Additionally, the proposed PUD provides a reasonable transition in uses from the industrial and commercial uses along US 17 to the single family uses to the south, west and north of the PUD.

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

No. The surrounding properties to the south, west and north are predominantly residential. The property to the east includes industrial (including the CSX rail right-of-way) and commercial districts along US 17. The proposed development plan for this PUD would include single family residential, office, retail, multi-family and recreational uses, to be developed according to the goals and principles established for the WBMOD. The surrounding properties within the WBMOD that are currently undeveloped will be encouraged to be planned and developed with multi-family, office, retail and recreational uses according to the principles established for the overlay district.

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

No. This proposed PUD is located within the boundaries of the William Burgess Mixed-Use Activity Center Overlay District (WBMOD). It will include residential, commercial, office, and employment-generating uses. It will promote multi-modal transportation including walking, biking, and future transit systems. This includes the identification and reservation of a future commuter rail station.

One of the specific goals expressed in the County's Vision 2032 final report is to encourage mixed-use developments designed to accommodate multiple community activities and services in close proximity. By reducing infrastructure demand, mixed-use developments can generate a positive fiscal impact on County's financial resources. It is the County's objective to coordinate community efforts to develop high-value mixed-use developments that achieve this goal.

Water and Sewer: The property is located within an area served by JEA for water and sewer service. Approval of this application may result in an increase in potential demands on the JEA portable water and sanitary sewer systems. (See Staff report for CPA17-007). A letter of availability for water and sewer service will be required prior to the approval of site engineering plans for any development on this site.

Transportation: Approval of this application will likely result in a significant increase in the number of pm peak hour trips that may be generated to and from this site. A thorough traffic analysis has performed and submitted to the County for review as part of the proposed PUD zoning application, to assess what impacts the proposed mixed-use development may have on the surrounding area (See Application Attachment H).

Recreation: Pursuant to the levels of service established in Policy ROS.01.03 of the Comprehensive Plan, the proposed PUD may generate an additional demand for up to 6.7 acres of community park land and 20 acres of regional park land (See Staff report for CPA17-007). A significant percentage of the site will be reserved in the proposed PUD as public space for social and recreation purposes. These areas are differentiated from stormwater management facilities and wetland preservation areas. Public spaces will take the form of greens, courtyards, squares, pocket parks, viable sidewalk zones that activate the street, and other similar components of urban design. Multi-use trails, tot-lots, fitness stations, pocket parks, walking paths and similar elements are to be designed into the single family portion of the development. Specific requirements for all recreation facilities are included in the PUD's development order and Preliminary Development Plan (See Ordinance Exhibit B).

Public School Facilities: Due to the residential uses proposed within this application, Nassau County requires that the demand generated from all proposed residential developments remain consistent with the County's LOS standards for Public School Facilities. The project site currently resides within the Yulee South Concurrency Service Area. The demand generated has been reviewed by the Nassau County School District during the application's review process to verify that the proposed development will not cause the area's public school facilities to fall below existing LOS standards.

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

Yes. The current Industrial Warehouse (IW) zoning, approved in 2008, has not proven attractive for development. It also provides very little protection for surrounding residential uses from the impacts of incompatible industrial uses which may locate on the property. The PUD will feature uses that are much more compatible with surrounding residential uses and will implement the goals and principles of the WBMOD that will create a compact, mixed-use, walkable community that will be a benefit to the surrounding neighborhoods.

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, CPA17-007, is approved, changing the designation of this property from Industrial (IND) and Conservation I (CSV I) to Medium Density Residential (MDR), Commercial (COM) and Conservation I (CSV I) (see staff report for CPA17-007).

The proposed amendment is located within the William Burgess Mixed-Use Activity Center Overlay District (WBMOD), designated in Future Land Use Policy FL.02.05. Centered within ½ mile of the intersection of William Burgess Boulevard and the CSX rail line running parallel to U.S. Hwy. 17, development within the William Burgess Mixed Use Activity Center shall promote sustainable, compact mixed use development.

Specific incentives and design guidelines will be adopted into the WBMOD Vision Book, which is being considered for adoption concurrently with this application, and if adopted, will be adopted by reference into this PUD's development order.

Within the boundaries of this Overlay, the High-Density Residential (HDR) and Commercial (COM) Future Land Use Map (FLUM) designations, residential development may be permitted up to a maximum of twenty (20) units per acre, and shall have a maximum Floor Area Ratio (FAR) of 2.0, subject to conformance with goals and principles found in Policy FL.02.05 and with adopted design guidelines and performance standards to be adopted in the Overlay's Vision Book as described above.

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

Yes. The William Burgess Mixed Use Activity Center Overlay District (WBMOD) and, by direct extension, the Nassau Crossing PUD represent a philosophical shift in land-use planning away from the now unsustainable automobile-oriented development pattern that has been prominent in Nassau County in preceding decades. It is the intent of this PUD to create a compact, mixed-use, walkable community, designed at a pedestrian scale that promotes strong social ties and encourages the interaction of community members. The goal is not to maximize intensities and densities but rather provide for a healthy mix of uses at the scale necessary to activate the nucleus of the WBMOD and serve as a catalyst for community formation and to create lasting public value.

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

No. It is the intent of the WBMOD and the Nassau Crossing PUD to create a sense of place in the form of a compact mixed-use walkable community, designed at a pedestrian scale, that promotes strong social ties and the cultivation of 'community' through the application of sound land-use planning, urban design and placemaking techniques.

The PUD is intended to promote multi-modal transportation through the provision of transit facilities, integrated multi-use trail system, complete pedestrian/bicycle facilities, and reasonable automobile access. Sidewalks and bicycle facilities will be provided to connect the individual components of the development to the multi-use trail system, transit facilities, recreation areas, retail and office uses, and social spaces.

A significant percentage of the PUD site will be reserved as public space for social and recreation purposes and dedicated to the public as a shared space to promote social, recreation and general community activities. Multi-use trails, tot-lots, fitness stations, pocket parks, walking paths and similar elements are to be designed into the development. These features should be a great benefit to the surrounding neighborhoods and should enhance, rather than adversely affect living conditions in the area.

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

No. Approval of this application will likely result in a significant increase in the number of pm peak hour trips that may be generated to and from this site. A thorough traffic analysis has been performed and submitted to the County for review as part of the proposed PUD zoning application, to assess what impacts the proposed mixed-use development may have on the surrounding area and what improvements may be required. (See Application Attachment H).

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. It is the intent of the Applicant that the entirety of the Nassau Crossing PUD and the requisite improvements to William Burgess Boulevard from US 17 to Harts Road be subject to a master stormwater management plan that limits, to the maximum extent possible, stormwater management facilities being located within the Core 1 Transect (Parcel B) (see the Preliminary Development Plan in Exhibit B). No development shall commence within Parcel B until such time a master drainage plan has been completed and approved by Nassau County for the build-out of Parcel B. The Final Development Plan for Parcel B shall show all stormwater facilities necessary to facilitate full buildout. 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 Final Development Plan(s) implementing the Nassau Crossing PUD shall be consistent with WBMOD Vision Book, which is being considered for adoption concurrently with this application, and if adopted, will be adopted by reference into this PUD's development order. The provisions of the Vision Book are based on the goals and principles adopted for the overlay district and may be applied equitably to all properties within the boundaries of the WBMOD. The application of the goals and principles of the overlay district should result in compact, mixed-use, walkable community, designed at a pedestrian scale that promotes strong social ties and encourages the interaction of community members. and serve as an incentive for similar and compatible development in the surrounding area and throughout the County.

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

Yes. One of the specific goals expressed in the County's Vision 2032 final report is to encourage mixed-use developments designed to accommodate multiple community activities and services in close proximity. By reducing infrastructure demand, mixed-use developments can generate a positive fiscal impact on County's financial resources. It is the County's objective to coordinate community efforts to develop high-value mixed-use developments that achieve this goal.

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

No. The Final Development Plan(s) implementing the Nassau Crossing PUD shall be consistent with WBMOD Vision Book, which is being considered for adoption concurrently with this application, and if adopted, will be adopted by reference into this PUD's development order. The provisions of the Vision Book are based on the goals and principles adopted for the overlay district and may be applied equitably to all properties within the boundaries of the WBMOD. It will not constitute a grant of special privilege to and individual owner as contrasted with the public welfare.

13. *Are there substantial reasons why the property cannot be used in accord with existing zoning?*

Yes. The current Industrial Warehouse (IW) zoning, approved in 2008, has not proven attractive for development. It also provided very little protection for surrounding residential uses from the impacts of incompatible industrial uses which may locate on the property. The IW zoning is not compatible with the goals and principles of the WBMOD which promote sustainable, compact mixed use development. The proposed PUD will include a mixed use component of commercial, civic and residential uses of varying densities that are intended to implement the goals and principles for development within the WBMOD.

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

Yes. The existing, established land use pattern is single family homes to the south, west and north and industrial and commercial uses to the east along US 17. The proposed land use pattern specified for the William Burgess Mixed-Use Activity Center Overlay District (WBMOD) calls for higher density multi-family residential and commercial uses at the center of the WBMOD (the intersection of US 17 and William Burgess Boulevard) surrounded by medium density residential uses.. The proposed PUD provides a reasonable transition in uses from the industrial and commercial uses along US 17 to the single family uses to the south, west and north of the 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 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 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.
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 would be in compliance with the underlying Future Land Use Map if the companion FLUM amendment, CPA17-007, is approved, changing the designation of this property from Industrial (IND) and Conservation I (CSV I) to Medium Density Residential (MDR), Commercial (COM) and Conservation I (CSV I) (see staff report for CPA17-007).
4. The proposed rezoning would be compliance with, incorporate, and fulfill the goals and principles of the William Burgess Mixed Use Activity Center Overlay District designated in Future Land Use Policy FL.02.05 which include the following:
 - (a) A high level of interconnectivity of multiple modes of transportation to redirect traffic and alleviate the burden on SR 200/A1A.
 - (b) Higher density, mixed use development that provides a strong work-life balance and opportunities for affordable housing and economic development.

- (c) Strong pedestrian and bicycle orientation that also welcomes potential commuter rail along the US Hwy 17 Corridor.
 - (d) High quality public spaces that create opportunities for cultural experiences and outdoor interaction, entertainment, and play for all ages and ability levels.
 - (e) Diversity of land uses, spaces, building types and styles designed to create a sustainable, compact development and community.
 - (f) Serve as a template for the creation of a Mixed Use Future Land Use Category and mixed-use zoning districts that will serve to guide other compact nodes of development.
5. 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.08.04, FL.08.05, FL.08.06, FL.09.05, FL.10.01 and FL.10.06.

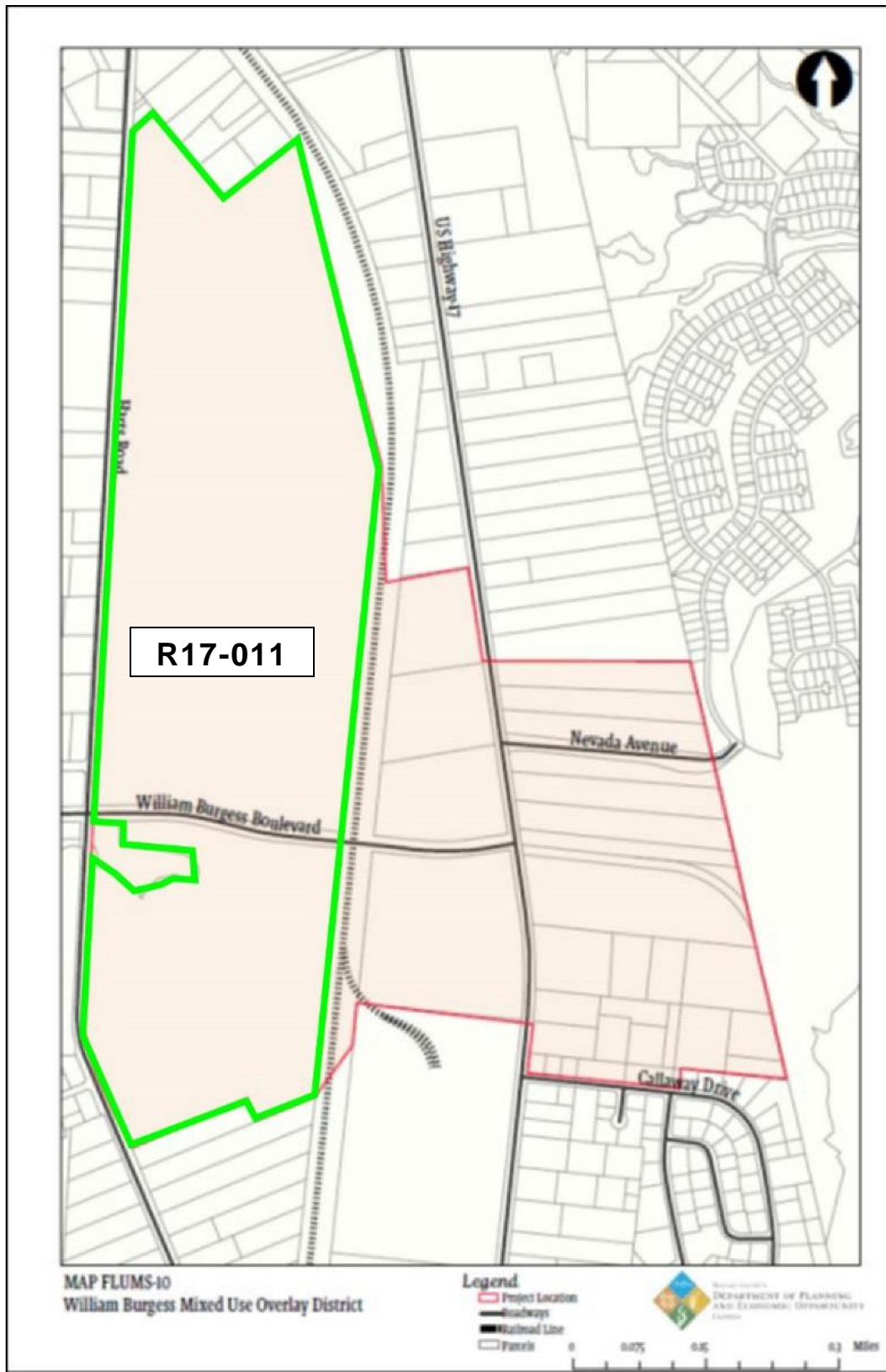
I. Recommendation

Based on the findings above, the proposed rezoning:

- 1) 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.
- 2) Will be compliance with the underlying Future Land Use Map if the companion FLUM amendment, CPA17-007, is approved, changing the designation of this property from IND and CSV I to MDR, COM and CSV I.
- 3) Will incorporate and fulfill the goals and principles of the William Burgess Mixed Use Activity Center Overlay District designated in Future Land Use Policy FL.02.05.
- 4) 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 R17-011.

Attachment A



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.