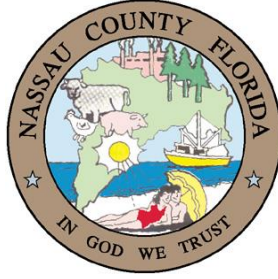


Nassau County
Planning and Economic Opportunity
Department
96161 Nassau Place
Yulee, FL 32097
(904) 530-6300



BOARD MEMBERS
Linda Morris (Chairman)
Scott Murray
Jeff Gray
Bobby Franklin
John Stack
Bruce Jasinsky
Ronald Green
Charles Rogers
Jimmy L. Higginbotham
Wayne Arnold

Date of Hearing: October 2, 2018

Public Hearing Number: R18-008

A. General Information

Applicant: Gregory E. Matovina, Agent.

Owners: Cook Family Haverstick LLC

Request: Rezoning of approximately 40.69 acres from Open Rural (OR) to Planned Unit Development (PUD).

Applicable Regulations: Policies FL.01.02 (A,B,E,G), FL.08.04, FL.08.05 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: CPA18-006, FLUM amendment from AGR to MDR, HDR, REC, and CSV I

B. Site Information

Lot Size: 40.69 acres

Location: On the north and south sides of William Burgess Blvd. between Harvester Street and Harts Road Parcel ID # 08-2N-27-0000-0002-0000(portion).

Directions: From the intersection of SR200 and William Burgess Blvd. Proceed east on William Burgess Blvd. to Harvester Street. Subject property is on the north and south sides of William Burgess Blvd.

C. Existing Land Uses

Subject Site: Vacant Land

Surrounding: North: SF Residential
South: SF Residential
Agricultural
East: Vacant Land
SF Residential
West: Vacant Land

D. Existing Zoning

Subject Site: Industrial Warehouse (IW)

Surrounding: North: Planned Unit Development (PUD)
South: Open Rural (OR)
East: Planned Unit Development (PUD)
Residential Single Family 2 (RS-2)
West: Open Rural (OR)

E. FLUM Designation

Subject Site: Agriculture (AGR)

Surrounding: North: Medium Density Residential (MDR)
South: Medium Density Residential (MDR)
East: Medium Density Residential (MDR)
West: Agriculture (AGR)
Public Buildings & Facilities (PBF)

F. Background

The proposed Nassau Station Planned Unit Development (PUD) consists of approximately 40.69 acres located on the north and south sides of William Burgess Blvd. between Harvester Street and Harts Road with William Burgess Boulevard bisecting the property towards the north of the property.

The Nassau Station PUD will consist of up to eighty eight (88) single family residential units, forty eight (48) multi-family residential units, twenty thousand (20,000) square feet of office/medical space and twenty thousand (20,000) square feet of retail space. The Nassau Station PUD is intended to promote multi-modal transportation through the provision of an extension of the integrated multi-use trail system connecting to the William Burgess Mixed Use Activity Center Overlay (WBD)(located approximately ½ mile to the east of this property), transition of William Burgess Boulevard from a rural roadway section to an urban roadway section implementing complete streets principles; integrated pedestrian/bicycle facilities; and reasonable automobile access.

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, east and north and vacant land zoned for residential and institutional uses (FSCJ Nassau Center) to the east along William Burgess Boulevard. The proposed change would allow mixed multi-family residential and commercial uses along the south side of William Burgess Boulevard, a park and open space along its north side and medium-density residential (i.e. single-family) uses to the south of the mixed use area. The proposed PUD will encourage mixed-use development designed to accommodate multiple community activities and services in close proximity to existing and proposed residential neighborhoods.

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

No. The surrounding properties on all sides are predominantly vacant or in residential use. The proposed development plan for this PUD would include single family residential, office, retail, multi-family and recreational uses, promoting mixed-use development designed to accommodate multiple community activities and services in close proximity to existing and proposed residential neighborhoods.

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 will include residential, commercial and/or office, and recreational uses. It is intended to promote multi-modal transportation through the provision of an extension of the integrated multi-use trail system connecting to the WBD, transition of William Burgess Boulevard from a rural roadway section to an urban roadway section implementing complete streets principles, and integrated pedestrian/bicycle facilities.

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 CPA18-006). 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 Attachment B).

Recreation: Pursuant to the levels of service established in Policy ROS.01.04 of the Comprehensive Plan, the proposed PUD may generate an additional demand for up to .75 acre of community park land and 2.2 acres of regional park land (See Staff report for CPA18-006). A significant percentage of the site will be reserved as public space for social and recreation purposes, principally the triangular area north of William Burgess Blvd. (labelled as Parcel "C" in the PUD application). This area is differentiated from storm water management facilities and wetland preservation areas. This public space will take the form of open play areas, a playground, sports courts and other informal activities that complement the uses proposed for the community park to be constructed as part of the previously approved Nassau Crossing PUD to the east. Parcel "C" consists of +/- 4.30 acres of uplands (to be designated as REC in CPA18-006) and will be dedicated to the public as a shared space to promote social, recreation and general community activities and will include the requisite improvements to support the intended use. Specific requirements for all recreation facilities are included in the PUD's development order and Preliminary Development Plan.

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?*

No. However, the current OR zoning is not attractive for high quality development. It also provides limited protection for surrounding residential uses from the impacts of incompatible 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 that will help 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, CPA18-006, is approved, changing the designation of this property from Agriculture (AGR) to Medium Density Residential (MDR), High Density Residential (HDR), Recreation (REC) and Conservation 1 (CSV I) (see staff report for CPA18-006).

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

Yes. The Nassau Station 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 WBD ½ mile to the east 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 Nassau Station 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, recreation areas, retail and/or office uses, and social spaces.

A significant percentage of the site will be reserved as public space for social and recreation purposes, principally the triangular area north of William Burgess Blvd. (labelled as Parcel "C" in the PUD application). This area is differentiated from storm water management facilities and wetland preservation areas. This public space will take the form of open play areas, a playground, sports courts and other informal activities that complement the uses proposed for the community park to be constructed as part of the previously approved Nassau Crossing PUD to the east. 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 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 Attachment B).

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. All development will be required to meet all drainage standards as imposed by the Nassau County Roadway and Drainage Standards and the SJRWMD criteria. The Final Development Plan for each phase shall show all stormwater facilities necessary to meet all 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. It is the intent of this 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 place making techniques, the development program is designed to encourage the daily face-to-face interaction of community members. The application of these goals and principles 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 should 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. It is the intent of this 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' in the inter-personal sense. Through the application of sound land-use planning, urban design and place making techniques, the development program is designed to encourage the daily face-to-face interaction of community members. These goals are clearly in the

public interest. 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?*

No. However, the current OR zoning is not attractive for high quality development. It also provides limited protection for surrounding residential uses from the impacts of incompatible 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 that will help create a compact, mixed-use, walkable community that will be a benefit to the surrounding neighborhoods.

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, east and north and vacant land zoned for residential and institutional uses (FSCJ Nassau Center) to the east along William Burgess Boulevard. The proposed land use pattern specified for the William Burgess Mixed-Use Activity Center Overlay District (WBD), located ½ mile to the east calls for higher density multi-family residential and commercial uses at the center of the WBD (the intersection of US 17 and William Burgess Boulevard) surrounded by medium density residential 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. Justification for the Planned Unit Development (PUD) District

Pursuant to Article 25 of the Land Development Code, the objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, by allowing for departure from the strict application of use, setback, height, and minimum lot size requirements of conventional zoning districts. In order to justify allowing these departures, a PUD must produce developments which can achieve desirable goals such as preserving open space, protecting historic or community character, providing alternative transportation modes, or providing for the efficient expansion of public infrastructure. The proposed Nassau Station PUD addresses the intent of the PUD district as follows:

1. *Permits a creative approach to the development of land.*

It is the intent of this 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' in the inter-personal sense. Through the application of sound land-use planning, urban design and place making techniques, the development program is designed to encourage the daily face-to-face interaction of community members.

The Nassau Station 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 WBD ½ mile to the east and serve as a catalyst for community formation and to create lasting public value.

2. *Accomplishes a more desirable environment than would be possible through the strict application of minimum requirements of this ordinance.*

The Nassau Station PUD is intended to promote multi-modal transportation through the provision of an extension of the integrated multi-use trail system connecting to the William Burgess Mixed Use Activity Center Overlay (WBD)(located approximately ½ mile to the east of this property), transition of William Burgess Boulevard from a rural roadway section to an urban roadway section implementing complete streets principles; integrated pedestrian/bicycle facilities; and reasonable automobile access.

3. *Provides for an efficient use of land, resulting in lower development cost.*

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. The intent of this PUD is to create and encourage the development of high quality mixed use development that meets this this goal.

4. *Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space more efficiently than existing zoning and subdivision requirements.*

A significant percentage of the site will be reserved as public space for social and recreation purposes, principally the triangular area north of William Burgess Blvd. (labelled as Parcel "C" in the PUD application). This area is differentiated from storm water management facilities and wetland preservation areas. This public space will take the form of open play areas, a

playground, sports courts and other informal activities that complement the uses proposed for the community park to be constructed as part of the previously approved Nassau Crossing PUD to the east. Parcel "C" consists of +/- 4.30 acres of uplands (to be designated as REC in CPA18-006) and will be dedicated to the public as a shared space to promote social, recreation and general community activities and will include the requisite improvements to support the intended use. Specific requirements for all recreation facilities are included in the PUD's development order and Preliminary Development Plan.

5. *Provides an environment of stable character compatible with surrounding areas.*

The proposed development plan for this PUD would include single family residential, office, retail, multi-family and recreational uses, promoting mixed-use development designed to accommodate multiple community activities and services in close proximity to existing and proposed residential neighborhoods.

The application of these goals and principles 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 should serve as an incentive for similar and compatible development in the surrounding area and throughout the County.

6. *Retains property values over the long term.*

If properly implemented, the proposed PUD should not have a negative impact on the value of adjacent and nearby properties.

The proposed development plan would provide multi-modal transportation options and recreational opportunities and amenities to residents in the immediate area that would otherwise not be available and can be considered beneficial to the County and its residents. This should retain and enhance the value of the property and surrounding properties in the long term and may enhance living conditions in the area, positively affecting values in the surrounding area in the long term.

I. 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, CPA18-006, is approved, changing the designation of this property from Agriculture (AGR) to Medium Density Residential (MDR), High Density Residential (HDR), Recreation (REC) and Conservation 1 (CSV I) (see staff report for CPA18-006).

J. Recommendation

Based on the findings of compliance with the County's Land Development Code and the 2030 Comprehensive Plan as described above, Staff recommends APPROVAL of rezoning application R18-006.

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.