



AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
JULY 13, 2016
5:00 P.M.
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM

2. APPROVAL OF MEETING MINUTES

2.1. REVIEW AND APPROVAL OF MINUTES FROM THE JUNE 8, 2016 REGULAR MEETING

Documents:

[2016 06-08 PAB RM Minutes Draft.pdf](#)

3. NEW BUSINESS

**3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT
ZONING MAP AMENDMENT (PAB 2016-16),
REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL**

Documents:

[PAB 2016-16_Phoenix Investments.PDF](#)
[PAB 2016-16_2004 Documents.PDF](#)

**3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT
ZONING MAP AMENDMENT (PAB 2016-17),
ZONING MAP AMENDMENT FROM C-1 TO R-03 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.**

Documents:

[PAB 2016-17_Kuitems.PDF](#)

**3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION
REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING**

Documents:

[PAB 2016-18_The Aspire at Amelia and Procko.PDF](#)

[AX_LU_CZ 2016-18_Aspire At Amelia II_Amelia Road_7.91 Acres.pdf](#)

4. COMMENTS BY THE PUBLIC

5. BOARD BUSINESS

5.1. SUNSHINE LAW OVERVIEW

Provided by the City Attorney

5.2. DISCUSS PUBLIC SPEAKING PROCEDURES

5.3. DISCUSS PORT MASTER PLAN AND COMPREHENSIVE PLAN INCONSISTENCIES FOR OHPA REVIEW (CONTINUED DISCUSSION FROM JUNE MEETING)

6. STAFF REPORT

7. ADJOURNMENT

**THE NEXT REGULAR PAB MEETING IS SCHEDULED FOR
WEDNESDAY, AUGUST 10, 2016 AT 5:00 PM.**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

1. Call to Order - The meeting was called to order at 5:01 pm.

2. Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
Chris Occhuizzo
Jon Lasserre
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
David Beal
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Charles Rogers

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

2.1 Review and Approve May 11, 2016 Regular Meeting Minutes – *The Minutes were approved as presented.*

3. Old Business

3.1. 2016-09: Conservation and Coastal Management Element Updates - Referred back to the PAB for review of a change regarding Environmentally Sensitive Lands as contained and highlighted on Page 17 of the attached document. The intent of this change is to provide clarity with respect to the Comprehensive Plan direction provided in policy 5.03.13. Additional language is proposed to read as follows:

"In accordance with Comprehensive Plan Policy 5.03.13, it is the City's intention that hazardous materials or waste shall not be stored within the floodplain. Existing and permissible Commercial and Industrial uses which utilize or create such materials as a part of normal operations shall store them outside of the floodplain or store them within storage facilities designed in accordance with floodplain construction standards as established by the National Flood Insurance Program (NFIP) and Federal Emergency Management Agency (FEMA)."

All other changes were previously reviewed by the Planning Advisory Board at their Regular Meeting held on April 13, 2016.

City Attorney Bach briefly explained that item 3.1 (2016-09: Conservation and Coastal Management Element Updates) was being pulled from the agenda, because the City Commission wants the PAB to have a Special Meeting to review the Comprehensive Plan with regard to hazardous material within the floodplain. Questions were raised about the timing for the PAB and staff to review. There was some discussion about the prohibition of hazardous materials, the effect of future sea level rise, goals, vision, and the need for an analysis by the Federal Emergency Management Agency (FEMA) as well as the City's Floodplain Manager, Waste Water Director, and Marina Manager. The board had some discussion about the timeframe to gather all the necessary information, and it was noted that it would take a while to receive comments back from FEMA.

Member Morrill inquired about the data collection: type, location and amount. Member Ross commented about Federal Law, disclosure of amount and threshold, critical facilities, storm surge model, sea level

rise model, etc. He along with staff pointed out the board could possibly address all items, but FEMA and the National Flood Insurance Program (NFIP) would be missing. After some discussion about this, Member Morrill inquired what LignoTech wanted to store on premise in order to make this change. Member Ross commented that he published that list and it was the same list as Rayonier, but they have not clarified what is exactly going to be stored. There was further discussion about hazardous materials and the idea of establishing a limit of where and what can be stored.

Mr. Mark Homans, 613 King George Lane, representative from LignoTech, briefly explained the benefit was not incinerating the chemical versus having it go out by truck. Chair Lane inquired if there was going to be anything additional to those three that were named. Mr. Homans replied no and commented even a fluorescent lightbulb was hazardous waste. He noted the board was mostly concerned about chemicals. Member Ross inquired which chemicals and what quantities would be used. Mr. Homans replied aluminum sulfate and 10,000 pounds was the reportable threshold. He pointed out the liquor contains sulfur and ammonia in it. He stated the ammonia is exchanged with caustic, which is also in the plant. He explained those are all pass through process tanks/piping. He stated the development agreement states that they would store any hazardous material above the floodplain, above the 100 year mark, and above the 500 year mark. Member Ross questioned what hazardous materials were intended to be stored above the 500 year floodplain. Mr. Homans replied an off spec ammonia tank and aluminum sulfate was all he was aware of. There was some discussion about the hazardous materials already onsite, and that everything would be secured with the appropriate engineering and administrative controls according to NFIP and American Society of Civil Engineers guidelines to safely secure the buildings and process tanks. ***The consensus of the board was to have a Special Meeting on June 29, 2016 at 5:00 pm to consider action for Comprehensive Plan amendment.***

Chair Lane requested the board members and the public to do their homework so there can be discussion and the board can take action to recommend something. City Attorney Bach explained that Chapter 163 requires an advertising period for Comprehensive Plan amendments so Ms. Gibson would propose language. She commented the direction from the City Commission was that LignoTech was the catalyst to look at a development agreement and to consider this type of change. She pointed out there are other industrial uses like the wastewater treatment plant that could be affected. She explained the concern of the Commission was in the event of a storm if the wastewater treatment plant gets wiped out what would the City do, because right now the way it was written it couldn't be rebuilt. Chair Lane requested to have Utilities Director John Mandrick at the meeting and any other City staff as well as others that would be involved with this. It was noted the Building Official and the Marina Director would also be asked to attend the meeting.

Mr. Frank Santry, 1005 South 19th Street, noted the amendments to the LDC and Ordinance 2016-09 were returned to the board. He commented his understanding was it was returned for general consideration not with respect to the language that had arisen at the City Commission meeting. He expressed his opinion a number of provisions in the proposal violate the Comprehensive Plan and didn't get explored. He stated it might be wise to reconsider that entire product. He explained they are almost all provisions to the coastal element so they come into play in the LignoTech specific decision as well. He noted there were similar issues with respect to the reconciliation of the Comprehensive Plan and the Port of Fernandina Master Plan. He provided further comments about the Comprehensive Plan and the Land Development Code, which represent the most important aspects of land development regulation. He explained he reviewed the staff material and minutes of the meeting regarding the changes proposed in Ordinance 2016-09 and expressed his concern that there wasn't any analysis or discussion regarding the need for the changes. He stated items like that when presented the following should be addressed in detail: what problem is the

proposal designed to fix, does the fix represent the simplest way to eliminate the problem, is there a risk that the fix may create problems or issues which do not exist if the proposed change is not made, what is the source of the proposed fix, and is the source analogous to a representative of the City's needs. He suggested the City have rules that are applied to situations like this. He commented he was reasonably confident that most of the processes and materials to be used in the LignoTech process have been known and discussed between the two principle parties. He stated the City's Comprehensive Plan and its provisions were fully known to them and the public policies were available to them as they are to any other citizen. He pointed out neither the City Commission nor anyone else should dictate the timetable the board should responsibly undertake its statutory duties regarding the Comprehensive Plan, which are independent of the City with respect to a change in a myriad of Comprehensive Plan policies that have been in effect for two decades or more. He suggested the board take this very slowly, because the City has had a prohibition against new hazardous materials being introduced into the floodplain for decades. He stated it has served as a basis to prohibit new uses and to limit change among non-conforming users, and it has served that purpose well. He pointed out there are serious issues to be considered – disclosed toxic materials at the existing Rayonier facility that are regarded by the Army Corps of Engineers as the highest level of toxicity to be undertaken in floodplain planning. He commented that is a grandfathered use and some of those uses are being perpetuated with the proposed change particularly with respect to ammonia. He explained at the very least there is discussion of the transportation by pipe or by some other source from one location on that facility to a new one, which generates a new level of consideration of toxic risk. He again pointed out these are changes that should not be undertaken in haste. He stated the Army Corps of Engineers says they should be prohibited entirely or at the very least prohibited to the 500 year high water mark. He commented there are newer provisions in the Comprehensive Plan mandating that the City take into account sea level change. He presented a handout summarizing the standards and rules which he requested the board keep in mind as they move forward with this process.

Mr. Lynn Williams, 1899 South Fletcher Avenue, noted the City Attorney talked about the problems at the water plant and at the Marina having an underground fuel tank. He explained the underground fuel tank the engineers were Passero and they would be better to ask than Marina Manager Joe Springer, because that was done before Mr. Springer came to the City. He briefly commented about the water plant surviving a category 5 storm, and that chlorine and sodium disulfide are stored for use in water purification. He pointed out that the chemical containers could easily be moved.

Ms. Anne Thomas, 402 Date Street, concurred with Mr. Santry about process. She commented she read some documents circulated by Mr. Ross about how building above a floodplain is prohibited, because it is considered building in the floodplain. She pointed out Congress just passed a piece of environmental legislation that talks about chemicals that are used in household products, and puts an obligation on industry to demonstrate that those chemicals are safe for consumers. She stated she would like LignoTech to address whether they are going to be affected by that legislation.

It was noted that Ms. Gibson would do her best to provide documents, demonstration, graphics, maps, or references to maps and websites where it applies. Ms. Gibson stated there are resources available that can be consulted and that information would be provided to the board. City Attorney Bach referred to the list and pointed out the predicted sea level rise model was modeling that Ms. Gibson cannot do. She referred to distribution of hazardous spills, leaks, or containment failures in the floodplain of who it is going to affect and how; and explained that was a modeling exercise that the City does not have any data on. Ms. Gibson pointed out she would try to find the information and if she was unable to find it she would let the board know. Chair Lane pointed out all House of Representatives and Senate comments are available online as reference.

4. New Business – There were no items for discussion under New Business.

5. Board Business

5.1. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review – The Ocean Highway and Port Authority (OHPA) requested the PAB provide a specific list of inconsistencies between its Master Plan and the City's Comprehensive Plan. The purpose of this discussion is to prepare items, as requested, prior to scheduling a joint meeting with the City and OHPA.

Ms. Gibson explained this was based on a request of the board who previously requested a joint meeting with OHPA. She stated the City Attorney and she met with the OHPA and they would like a specific and detailed list of the inconsistencies found within the Comprehensive Plan provided to them before having a joint meeting with the PAB. She pointed out the purpose of this item was to be able to prepare the list and send it to the OHPA to get a meeting scheduled with them. Member Ross noted there is the Port Master Plan and the Comprehensive Plan, which has an adopted Port plan from many years ago as well as a Port segment that needs to roll into the Coastal Management part. He questioned if this was important because it refers back to the Master Plan. Ms. Gibson replied there is discussion about both the strategic plan and the master plan within the different regulations. Member Ross commented he reviewed what the strategic plan must include, and pointed out the Port Master Plan is based upon the premise that they get the “spill” ships from Jacksonville, Savannah, Miami, and other ports that have taken on the Panamanian tankers. He stated Dames Point a large part of their facility is only used at about 25% capacity. He expressed his opinion that the fundamental basis of the Port's Master Plan is flawed, and many of the tables of data are three to four years out of date. He suggested before the City makes changes to the Comprehensive Plan that the Port should answer all the questions that are required by law in their Master Plan before being considered for adoption.

Member Lasserre reminded the board that its role as the local planning agency was to take in mind what the Port's role is in conjunction with the City. He stated the board needs to make sure the Port was operating under the restrictions from a land development and a land use restriction standpoint and that was it. He pointed out the board was not going to drill down the Port's policies and plans for the next ten years unless it contradicts what the board wants in the LDC. He commented the Port needs to make their economic decisions and the board will make land development decisions. There was a brief discussion about this and it was noted that the County adopted the Port's Master Plan two years ago, but it was not part of the County's Comprehensive Plan. Ms. Gibson stated she spoke with the Florida Department of Transportation (FDOT) who reviews and receives all port master plans, and it was their opinion that it was compliant.

Member Bennett agreed with Member Ross and stated after reviewing it he was still confused as to what is realistic. He questioned the process of reviewing the Port Master Plan against the Comprehensive Plan, because the board could spend the next six months doing that for all the inconsistencies that he thought there were. Chair Lane pointed out a year and a half ago Member Bennett, Mr. Len Kreger, and she were on a subcommittee that had many meetings, and eventually it got down to the fact that the Port needed to rewrite their plan. She explained the Port Master Plan and the Comprehensive Plan amendment are so intertwined that you cannot say to just approve it and not look at the other.

Member Beal questioned the City Attorney if she concurred with Member Ross that the Port's plan was fundamentally flawed legally and that it was not prepared in accordance with State law. City Attorney

Bach replied she had not looked at what Member Ross was arguing, but the Port's attorney has said that it does comply. She noted there are many objections to the Port Master Plan, but expressed her opinion that it was not required to have the Port Master Plan incorporated into the City's Comprehensive Plan. She stated there are parts of it and those elements as staff saw it were sufficient if that was sent to the PAB separately, but there are references in those elements to the Port Master Plan. She provided further comments about the idea of having Appendix D as a standalone document without reference to the Port Master Plan. After a brief discussion, Member Beal inquired if there was a way to encourage the Port to bring forward a workable document. City Attorney Bach reported that staff has done that, and it can be done again. There was some discussion about this and it was noted that the Port still had one more meeting of their Charter Review Committee. The board had further discussion about the best way to proceed.

Ms. Gibson pointed out the Port made modifications to their Master Plan with respect to development within wetlands, but they didn't update the figures. She stated the Port passed a Resolution stating that they would not have any development which impacts wetlands. Chair Lane commented that was one of a couple of things that they were asked to do. *A motion was made by Member Ross, to send a letter to the Port Commissioners opining that we are unable to approve the Port Master Plan as written so the board requests the Port provide a new Master Plan that the PAB will then proceed to rewrite the Comprehensive Plan based on the existing Master Plan.* Member Ross clarified that this was to say the City was going to rewrite, because there was no Master Plan. *Motion fails for lack of second.*

City Attorney Bach pointed out there is a process under Chapter 163.3178 and the Port is to submit to the local planning agency their Port portion of the coastal management element. She stated if the Port doesn't do that they could be sanctioned by the State. She explained staff was trying to help and to let them know the policies in Appendix D were what the PAB needed to see. There was some discussion about this noting that at first the policies in Appendix D were so closely aligned with the Strategic Plan, and after discussions with the community the Port went into a revised Master Plan. It was noted the PAB subcommittee offered to rewrite the policies, but the Port declined.

Chair Lane pointed out the board was given the new Appendix D and requested the members to put comments to that. It was noted that Appendix D is the City's Comprehensive Plan element. There was some discussion about gathering the board's comments and then sending a letter to the Port Commissioners and the Port Attorney. ***This item would be brought back to the PAB in July.***

Ms. Anne Thomas, 402 Date Street, stated in the existing Port Master Plan that was approved some years ago she didn't see any Appendix D. She questioned what would preclude the PAB from redrafting that and voting to incorporate it in Section 5 and then inform the Port that it is done. Chair Lane stated this was discussed two years ago, and explained the Port has submitted a Master Plan to the State. Ms. Thomas pointed out the Port doesn't get to rewrite the City's Comprehensive Plan. Chair Lane stated staff worked on the first version that was seen two years ago, and the second version that is now called Appendix D was also worked on by staff. Ms. Thomas commented it includes a bunch of things that are not acceptable, such as their acquiring whatever land they want to acquire and things like that. She again suggested the idea of revising the Port Element and putting it in the Coastal Management section, and recommending it to the Commission that they adopt that change in the Comprehensive Plan. Chair Lane stated it wasn't in the board purview to approve or disapprove the Port's Master Plan. There was further discussion about this item and it was noted the board members would make changes in the Appendix D Word document and return it to City staff. There was also some discussion about the process under Florida Statutes Section 163.3178(2)(k) "A component which includes the comprehensive master plan

prepared by each deepwater port listed in s. [311.09\(1\)](#), which addresses existing port facilities.....” where the Port is required to submit this information to the City.

Mr. Frank Santry, 1005 South 19th Street, commented a number of incompatible provisions have already been identified by members of the PAB and others. He pointed out the PAB was making a determination of the compatibility and coexistence between what is submitted to the board by the Port and the terms of the Comprehensive Plan itself. He explained the board was not prohibited in their consideration of the Port’s proposals from adding new provisions in the Comprehensive Plan to address or clarify their materials the board finds objectionable. He suggested this be part of what the PAB attempts to accomplish.

This item would be heard at the July meeting.

The board took a brief recess at this time.

5.2. Review Documents and Updates Proposed by the Tree and Landscape Subcommittee for Heavy Industry - To provide an update and advance review of documents prior to bringing amendments back before the PAB, as anticipated in July. The Airport Advisory Committee (AAC) will take a look at the amendments at their next regular meeting. Associated mapping to depict the new zoning district Heavy Industrial/ I-2 and the revision to the airport property itself is still being drafted.

Chair Lane commented the subcommittee agreed on the potential for the new I-A, and they were going to take a look at the chart of uses tomorrow. She pointed out this would be on the agenda for the AAC next month, because they need to see it before the PAB approves it. Ms. Gibson explained this was included on the agenda so the board has a clear understanding of what to expect moving forward. She reported the subcommittee has been meeting since December and they determined to properly address the exemption a series of amendments needed to occur. She stated one of which is a zoning map change to look at making all the current industrial property on the Airport within the fenced area its own zoning district of Industrial Airport (I-A). She pointed out the City currently has an Industrial Airport zoning district that is applied to property surrounding the Airport, and that property would go to I-1. She explained the I-1 zoning category would permit lodging accommodations in the future for all I-1 zoned properties. She stated a new zoning district of I-2 would be added with the intent to capture heavy industry, which would only apply to the properties of WestRock and Rayonier. She pointed out there are some requested amendments from AAC Chair Sam Lane to I-A that better identify uses that are appropriate for Airport property within the fence. She explained for I-2 everything that was permissible in I-1 becomes permissible in that zoning district, but lodging accommodations would not carry forward. She stated to address the exemption in 4.05.02(d)(5) language was drafted that references heavy industrial (I-2) zoned properties and removes the named entities. Chair Lane pointed out that Rayonier, WestRock, and Mr. Shannon O’Conner approved this.

Member Bennett commented that this provision has not changed it has just changed into a new zoning district. He questioned why incorporate a new zoning district with the same item that they are ok with now. Ms. Gibson explained the City Commission was concerned with the naming of the entities not with the exemption itself. She stated the language has not been modified to remove that exemption, but to address those properties without naming the entities. After some discussion to clarify this further, Chair Lane briefly explained about the removal of the I-M zoning category and putting the Amelia River Golf Course as I-A due to the intent of wanting to put a hotel there. She stated the subcommittee took a big picture look at the real difference between heavy industry and other types of industry. She commented

there are slight differences and in order to encompass Rayonier, WestRock, and Mr. O'Conner's property it was determined that the most direct way was to add the zoning category. Member Bennett inquired if I-1 was still subject to 75 foot, because originally if you take the names out I-1 zoning district was exempt from the requirement. Ms. Gibson replied only I-2. There was further discussion about this and it was noted that Mr. O'Conner was primarily concerned about having a masonry wall, but that was removed. It was noted that the people that care about trees and landscaping were represented as part of the subcommittee's effort on this.

Member Lasserre questioned if I-A only includes the areas within the fence. Ms. Gibson replied yes and explained the areas outside of the fence would stay I-1. She stated I-A would be defined as the operational area of the Airport, and if the operational area is changed then a zoning change would be necessary. There was a brief discussion to clarify the zoning around the Airport, and it was noted that the golf club would become I-1 with the ability to have lodging. The only two properties for heavy industrial zoning would be the Rayonier property and the WestRock property.

Member Ross commented it was more likely than not the WestRock property and the Rayonier property are brownfields. City Attorney Bach explained the definition of brownfield under State law is that it only has to rise to the level of perceived contamination. She noted that some reasonable people would perceive that those sites are contaminated so they are brownfields. Member Ross expressed his concern that the land zoned industrial could put all these uses and have not restrictions when it comes to the tree ordinance and a lot of other things. He commented if it was being done to take care of properties in the future then he thought this was poor legislation. Chair Lane related a scenario of the City annexing the old cement plant so these things would apply to them if they came in as I-2. City Attorney Bach briefly explained when a property is annexed the zoning usually tracks with what it is currently zoned as by the County. There was a brief discussion about the County's Commercial Intensive use. Member Ross inquired if there was any industrial property currently zoned in the County on the island. Ms. Gibson pointed out a property at Lime Street and 6th Street that is zoned industrial. There was further discussion about the differences between I-1 and I-2, and about properties in the County that are industrial. It was noted the Airport piece would go before the AAC and then it would come back before the PAB.

5.3. Discuss Resort Rentals - This item was requested for discussion at the PAB regular meeting on May 11, 2016. Staff will provide requested analysis at the meeting.

Ms. Gibson stated she intended to provide mapping of existing grandfathered resort rentals, but she only had a list of them at this time. She reminded the board of the previous discussion and that the City cannot modify the current Ordinance in anyway without opening it up to making resort rental/vacation rentals available citywide in all residential zoning districts. She pointed out the only option for allowing resort rental to occur is to rezone specific pieces of property. She suggested getting direction from the City Commission to see if this was a topic they are interested in pursuing at this time to rezone certain pieces of property along North and South Fletcher. Member Bennett inquired about doing a survey to ask the community what they think about allowing resort rentals. Chair Lane pointed out this came up three years ago and there was heated discussion about this. City Attorney Bach suggested the board find out if the City Commission has any interest in this. Member Ross requested a copy of the City's Resort Rental Ordinance and the State law. He requested clarification of what resort rental means. Ms. Gibson replied rental of property for weekly rental (anything less than 30 days). It was noted this was for properties zoned R-3 and for anyone that had been grandfathered in.

Ms. Gibson explained the State law changed in 2011 and when the City was going through the Evaluation and Appraisal review this became a hot topic at that time. She commented it was because the City might modify the Comprehensive Plan and allow for vacation rentals to exist throughout the City. Member Bennett questioned whether there were many people for the restriction back then. Member Lasserre replied it was limited to people primarily south of Simmons Road on the oceanfront. He stated it was mostly long term residents that lived in that area, and the arguments made at the last meeting were that a lot of things have changed in 16 years. He expressed his opinion that those folks would still be against it, because it was primarily longer term residents that live there. There was further discussion about this item, and it was pointed out that R-3 zoning currently allows condominiums.

Member Lasserre provided a brief recap of Mr. Burn's request to the PAB for a zoning change to go to R-3, and that the area around his property has changed and the request to change zoning was to fit into the area better. There was a brief discussion about the idea of taking that block and making it R-3 to serve as a buffer between R-2 and the commercial area. There was further discussion about short-term rentals and rentals in general. It was noted that the Burn's request would move forward to the City Commission. City Attorney Bach pointed out in Florida Statutes Chapter 509 there are definitions under 509.013. She read a portion of the State law into the record, and then read a portion of the City's code into the record.

6. Staff Report – Ms. Gibson reported a new planner would start next week on Tuesday. Chair Lane inquired if he would be doing anything other than historic. Ms. Gibson replied regulatory planning and answering day-to-day zoning inquires, etc.

Member Bennett inquired when 8th Street goes to the City Commission. Ms. Gibson stated she expected it would go June 21st, but that was being delayed. She commented she would like to have a Special Meeting with the City Commission in order to consider those items along with some of the streetscape improvements and to discuss underground utilities and the costs involved with that. She pointed out a date has not been set at this time.

Member Bennett noted the School Board sold their property on Citrona. He inquired if there has been any request for zoning or land use change. Ms. Gibson replied not at this time, and commented she believed it was zoned R-2.

The next regular Planning Advisory Board Meeting would be July 13th.

7. Comments by the public – There were no comments from the public at this time.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:59 pm.

Secretary

Judith Lane, Chair

OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 1700- TYPE: CK 1634
APPLICATION #: 2016-0000964
CASE #: 2016-100 CZ+2U
BOARD MEETING DATE: 7-13-16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Phoenix Investments, LLC, a Florida limited liability company

Mailing Address: 1940 South Fletcher Avenue, Fernandina Beach, Florida 32034

Telephone: (904) 261-5618 Fax: (904) 261-9519

Email: N/A

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.

Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034

Telephone: (904) 261-5618 Fax: (904) 261-9519

Email: JLasserre@RTlaw.com

PROPERTY INFORMATION

Street Address: Corner of John Robas Street and First Avenue, Fernandina Beach, FL 32034

Parcel Identification Number(s): 20-3N-29-0000-0014-0010

Lot Number: 14-1 Block Number: 10 Subdivision: Adjoining Hamby's Addition

Section: 20 Township: 3N Range: 29E



Lot 509 Robus
1st Ave

**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

I/WE (OWNER)
FRANK KUITJMS / PHOENIX INVESTMENTS
(print name of property owner(s))

hereby authorize: JON LESSONIE
(print name of agent)

to represent me/us in processing an application for: RE ZONE
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]
(Signature of owner)

(Signature of owner)

FRANK KUITJMS
(Print name of owner)

OWNER - PHOENIX INVESTMENTS
(Print name of owner)

Virginia
STATE OF FLORIDA }
WYNESS }
COUNTY OF NASSAU }



DIANE SHEETS DOYLE
NOTARY PUBLIC 7625066
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES FEBRUARY 28, 2019

Subscribed and sworn to before me this 11th day of June, 2014

[Signature]
Notary Public: Signature

Diane Sheets Doyle
Printed Name

2/28/19
My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____



PLANNING PAB

USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941 Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME PHOENIX INVESTMENTS LLC
MAILING ADDRESS 1940 S FLETCHER AVE
 FERNANDINA BEACH, FL 32034
LOCATION ADDRESS FIRST/JOHN ROBAS AVE
 FERNANDINA BEACH 32034
SHORT LEGAL IN OR 1248/1301

PARCEL NUMBER 20-3N-29-0000-0014-0010
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.6524
PROPERTY USAGE VACANT COMMERCIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2015 Certified Values

JUST VALUE OF LAND	\$163,100
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$163,100
ASSESSED VALUE	\$163,100
EXEMPT VALUE	\$0
TAXABLE VALUE	\$163,100

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
COMMERCIAL 001000	16,310	SF	20-3N-29

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
08/03/2004	1250/459	1250/459	100	QC	U	N	MCMAHON GEORGIA K TRUSTEE	KUITEMS FREDERICK H
07/27/2004	1248/1301	1248/1301	328000	WD	Q	N	GIBSON STEPHEN M	PHOENIX INVESTMENTS LLC
07/27/2004	1248/1299	1248/1299	328000	WD	Q	N	KUITEMS FREDERICK H	GIBSON STEPHEN M
11/19/2001	1020/456	1020/456	100	QC	U	N	PHOENIX INVESTMENTS LLC	KUITEMS FREDERICK H
10/30/2001	1016/1168	1016/1168	270000	TD	Q	N	MCMAHON DANIEL & GEORGIA K CO TRUSTEES	PHOENIX INVESTMENTS LLC
11/05/1997	812/954	812/954	100	QC	U	N	MCMAHON DANIEL P & GEORGIA K	MCMAHON DANIEL P & GEORGIA K CO-TRUSTEES
02/07/1989	562/1015	562/1015	100	WD	U	N	ROBAS ANN K	MCMAHON GEORGIA K
12/01/1978	282/146	282/146	100	WD	U	N		



Jon C. Lasserre
JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034
904 . 261 . 5618 Main
904 . 261 . 9159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ZONING MAP AND FLUM AMENDMENTS
PHOENIX INVESTMENTS, LLC
PARCEL ID# 20-3N-29-0000-0014-0010
CORNER OF JOHN ROBAS STREET AND FIRST AVENUE**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Zoning Map and FLUM Amendments (the "Application") concerning an approx. 0.41 acre vacant lot located at the Corner of John Robas Street and First Avenue, Fernandina Beach, Florida (the "Property") on behalf of Phoenix Investments, LLC, a Florida limited liability company. The Property is located within the jurisdiction of the City of Fernandina Beach.

Please find enclosed a check in the amount of \$1,70

0.00 for the Application fee. As required, this Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned C-1, Community Commercial with a FLUM designation of General Commercial. We are requesting a change in the FLUM designation to High Density Residential and a change in the zoning to R-3.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:

- a. *Type and density or intensity of surrounding uses* – The property to the north of the Property is used as a fire station and is zoned C-1 with a FLUM designation of General Commercial; the property to the west is a single family home and is zoned R-2 with a FLUM designation of Medium Density Residential (this property is part of The Residence at Amelia Landings, Unit 1, and is subject to covenants and restrictions that limit the use to single family); the property to the

south is multifamily residential (townhomes), and is zoned C-1 with a FLUM designation of General Commercial; the property to the east is a vacant commercial building that is zoned R-2, with a FLUM designation of Medium Density Residential. A FLUM amendment for the Property to High Density Residential would be suitable and compatible with the type and density of surrounding uses.

b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning change to R-3 would be suitable and compatible with the surrounding zoning districts in that it would act as a transitional zoning from commercial to medium density residential.

c. *Demonstration of adequate water supply and water supply facilities* – Adequate water and water supply facilities exist.

d. *Appropriateness of the size of the parcel compared to the proposed use* – The size of the Property is appropriate to be developed as multi-family residential.

e. *Physical condition of the site, and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for multifamily residential use.

f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as multifamily residential based upon the consideration of these issues.

g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.

h. *Impact on adopted levels of service standards and quality of service standards* – The impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation will be minimal.

i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is located within the CUPZ. Changing the FLUM designation would not present a conflict with the CUPZ.

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is currently vacant. The properties to the north and south are both zoned commercial. The properties to the west and east are zoned residential.

Ms. Kelly N. Gibson
June 13, 2016
Page 3

As set forth above, the use of the property to the west is single family residential; while, the use of the property to the south is multifamily. Rezoning the Property to R-3 residential will serve to protect the adjoining existing residential uses from potentially incompatible commercial development.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Jon C. Lasserre

Encl.

Cc: Frank D. Kuitens

Recrd. Exp. \$ 18.50

Doc. Stmp. \$ 2296.00

THIS INSTRUMENT PREPARED BY

AND SHOULD BE RETURNED TO:

W. Robinson Frazier *RJR*
1515 Riverside Avenue, Suite A
Jacksonville, Florida 32204
(904) 353-5616

INSTR # 200425983
OR BK 01248 PGS 1301-1302
RECORDED 07/27/2004 03:07:23 PM
J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DOC TAX PD (F.S. 201.02) 2,296.00
RECORDING FEES 18.50

WARRANTY DEED

THIS WARRANTY DEED made the 21st day of July, A.D. 2004 by STEPHEN M. GIBSON, a single person, hereinafter called the grantor, whose post office address is 2600 Portside Drive, Fernandina Beach 32034, to PHOENIX INVESTMENTS, LLC, a Florida limited liability company, whose post office address is 5209 Leeward Cove Drive, Fernandina Beach, Florida 32034, hereinafter called the grantee.

(Wherever used herein the terms "grantor" and "grantee" include all the parties in this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau County, Florida, the property appraiser's identification number of which is 20-3N-29-0000-0014-0010, viz:

A portion of Government Lot 2, Section 20, Township 3 North, Range 29 East, City of Fernandina Beach, Nassau County, Florida.

Said portion being more particularly described as follows: for a point of reference commence at the Northwest corner of Lot 24, Hamby's Addition to Fernandina Beach, according to plat recorded in the public records of Nassau County, Florida, in Plat Book 2 page 32 and run North 11 degrees 27 minutes East along the Northerly line of Hamby's Additional aforesaid, a distance of 250.0 feet to the Point of Beginning.

From the Point of Beginning thus described continue North 11 degrees 27 minutes East along said Westerly line, a distance of 125.0 feet to the Northwest corner of Lot 12, of said Hamby's Addition; run thence North 78 degrees 14 minutes West along the Southerly right of way line of John S. Robas Road formerly known as "A" Street (a 50.0 foot right-of-way) a distance of 130.48 feet to where the Southerly right-of-way intersects with the Easterly right-of-way line of First Avenue (a 60.0 foot right-of-way); run thence South 11 degrees 27 minutes West along said right-of-way, a distance of 125.0 feet; run thence South 78 degrees 14 minutes East, a distance of 130.48 feet to the Point of Beginning.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except easements, covenants and restrictions of record and ad valorem taxes accruing subsequent to December 31, 2003.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

W. Robinson Frazier
W. Robinson Frazier

Stephen M. Gibson (SEAL)
Stephen M. Gibson

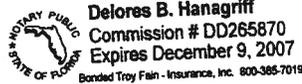
Delores B. Hanagriff
Delores B. Hanagriff

Witnesses

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 21st day of July, 2004, by STEPHEN M. GIBSON, who provided a valid Florida Driver's License as personal identification.

Delores B. Hanagriff
Delores B. Hanagriff
Notary Public, State of Florida
at Large
My Commission Expires: (SEAL)

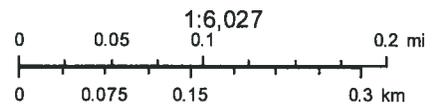


Location Map



June 12, 2016

Land Parcels



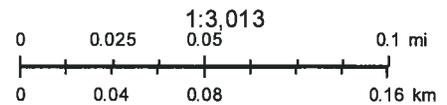
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Zoning Map



June 11, 2016

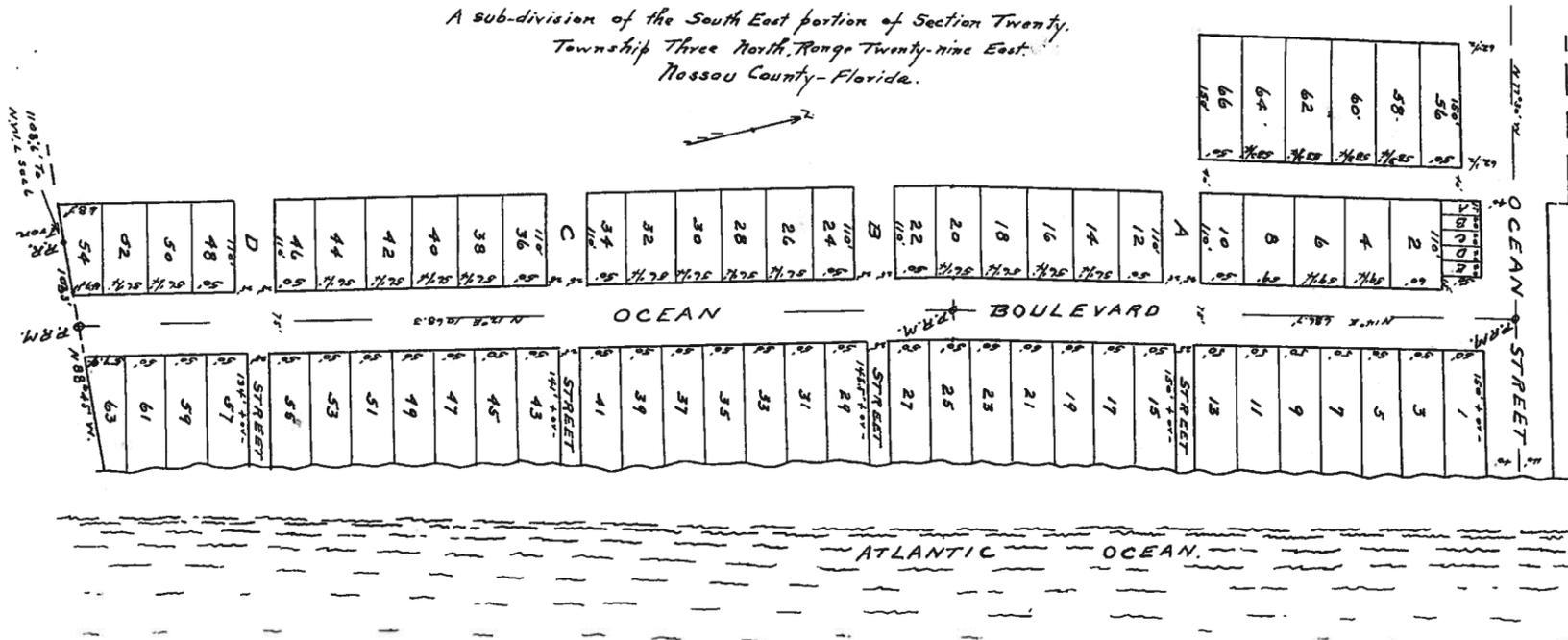
	Land Parcels		R-1		OT-1		PI-1
	City of F.B. Zoning		RLM		OT-2		CON
	C-1		R-2		W-1		REC
	C-2		R-3		IW		
	C-3		RE		I-1		
	MU-1		R-1G		IA		



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

SECTION ONE
of
HAMBY'S ADDITION
TO
FERNANDINA BEACH.

A sub-division of the South East portion of Section Twenty,
Township Three North, Range Twenty-nine East,
Nassau County-Florida.



Adoption and Dedication:

This is to certify that the undersigned, The Hamby Investment Company, a corporation under the laws of the State of Florida, is the owner of the lands described in the caption hereof, that it has caused the same to be surveyed and sub-divided, and this plat made in accordance with said survey is hereby adopted as the true and correct plat of said lands, and all streets and roads shown upon said plat are hereby irrevocably dedicated to the public use.

In Witness Whereof, the said Hamby Investment Company has caused these presents to be signed in its corporate name by its President and Secretary and its corporate seal affixed this 19th day of August A.D. 1931.

Signed, sealed and delivered
in the presence of:
W.L. Bouquet
H.M. Perkins

Hamby Investment Company.
by Thomas B. Hamby, President.
attested by
Emma M. Hamby, Secretary.

State of Florida:

County of Nassau:

I, hereby certify, that on this 19th day of August A.D. 1931, personally appeared Thomas B. Hamby and Emma M. Hamby respectively President and Secretary of the Hamby Investment Company, a corporation of Florida, to me well known to be the persons described in and who executed the foregoing dedication of streets and roads on this plat, and severally acknowledged the execution thereof to be their free act and deed as such officers for the uses and purposes therein mentioned, and that they affixed the official seal of said corporation, and that said dedication is the act and deed of said corporation. Witness my hand and official seal at Jacksonville, in the County of Duval, and State of Florida, this 19th day of August A.D. 1931.

W.L. Bouquet
Notary Public, State of Florida at large.
My commission expires Jan 29 1932.

This is to certify that the accompanying plat is a true and correct representation of the lands surveyed and platted herein described and that permanent reference monuments according to the laws of the State of Florida, have been placed of points marked P.R.M.
W.L. Bouquet Surveyor.

Examined and approved this 19th day of August A.D. 1931, by the Board of County Commissioners of Nassau County, Florida.
L.L. Cavanaugh
Chairman
G.C. Burgess, Clerk.

Examined and found to comply with the Acts of the State of Florida, governing plats for Record, and filed and recorded in Plat Book No 2 at page 32 of the Public Records of Nassau County, Florida, on the 19th day of August A.D. 1931.

G.C. Burgess
Clerk.



Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

March 22, 2004

Ms. Anne Catinna, Planning Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

**Re: Letter of Intent: Kuitem Property
1st Avenue Extension, Fernandina Beach, FL**

Dear Ms. Catinna:

Gillette & Associates, Inc., on behalf of Mr. Kuitem, is pleased to submit the application for the Future Land Use Map change, rezoning and special use of the above-referenced property. The attached application(s) reflects the intent to change the FLUM, rezone and request a special use for a 0.39 acre parcel in the City of Fernandina Beach. The requested FLUM change is from Medium Intensity Commercial to High Density Residential. The requested zoning change is from Commercial-1 (C-1) to Residential-3 (R-3). The requested special use is to construct within the Coastal Upland Protection Zone.

The proposed development of the property is for construction of 3 townhomes/ condominium units. No conceptual or site plans have been developed for this site at this time. The proposed use is consistent with the development pattern in the adjacent area.

Thank you for your time and consideration on this application, and please contact me at your earliest convenience with any questions that you may have.

Sincerely,

Nick E. Gillette, P.E.
Gillette & Associates, Inc
Principal & Engineer

C2 2004-23

**APPLICATION FOR ZONING AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA**

1. APPLICANT'S INFORMATION

Applicant(s): Frank Kuitems Telephone: 904/ 491-3838
Address: 5209 Leeward Cove Drive Fax: 912/ 729-8888
Fernandina Beach, FL 32034 E-mail: _____

2. OWNER'S INFORMATION

Owner(s): Frederick Kuitems Telephone: 704/ 843-0120
Address: 8013 Agape Lane Fax: 704/ 843-6450
Waxhaw, NC 28173 E-mail: _____

3. APPLICANT'S AGENT

Name: Nick Gillette, P.E. Gillette & Associates, Inc. Telephone: 904/ 261-8819
Address: 20 South 4th Street Fax: 904/ 261-9905
Fernandina Beach, FL 32034 E-mail: nick@gilletteassociates.com

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER

Name: James Peacock, Surveyor & Mapper Telephone: 904/ 261-8950
Address: 34 North 14th Street Fax: 904/ 277-6650
Fernandina Beach, FL 32034 E-mail: _____

Property Information:

5. Project Name: Frank Kuitem Lot

6. Street Address: First Avenue Extension

7. Lot Number: 14-1 Block Number: ~~14-1~~ Subdivision Honey's Addition

8. Section: 20 Township: 3N Range: 29E Nearest Street Intersection: John Robas Street

9. Parcel Identification Number(s): 20-3N-29-0000-0014-0010

10. Area: 0.39 acres Number of Lots/Parcels: 1

11. Existing Future Land use Map Classification: Medium Intensity Commercial

12. Proposed Future Land Use Classification: High Density Residential

13. Existing Zoning Classification: Commercial -1 (C-1)

14. Proposed Zoning Classification: Residential -3 (R-3)

15. Existing Land Use: Vacant

16. Proposed Land Use: Residential

17. Address of the applicant or agent, where correspondence may be sent.

Nick Gillette, PE Gillette & Associates, Inc
20 South 4th St., Fernandina Beach, FL 32034

Telephone number: 904/ 261-8819

Date of Submittal: 3/22/04

18. The undersigned having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

I (we) also understand that the application fee does not include the fees associated with engineering review and/or construction inspection. Fees for engineering review an/or construction inspection are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the City of Fernandina Beach for the services, inspections, reports, and the like required by the City of Fernandina Beach. I certify that no land clearing, excavation and/or filling has occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

3-11-04 _____
Date Signature of Owner(s) or Agent

STATE OF FLORIDA }
COUNTY OF NASSAU }

SS:

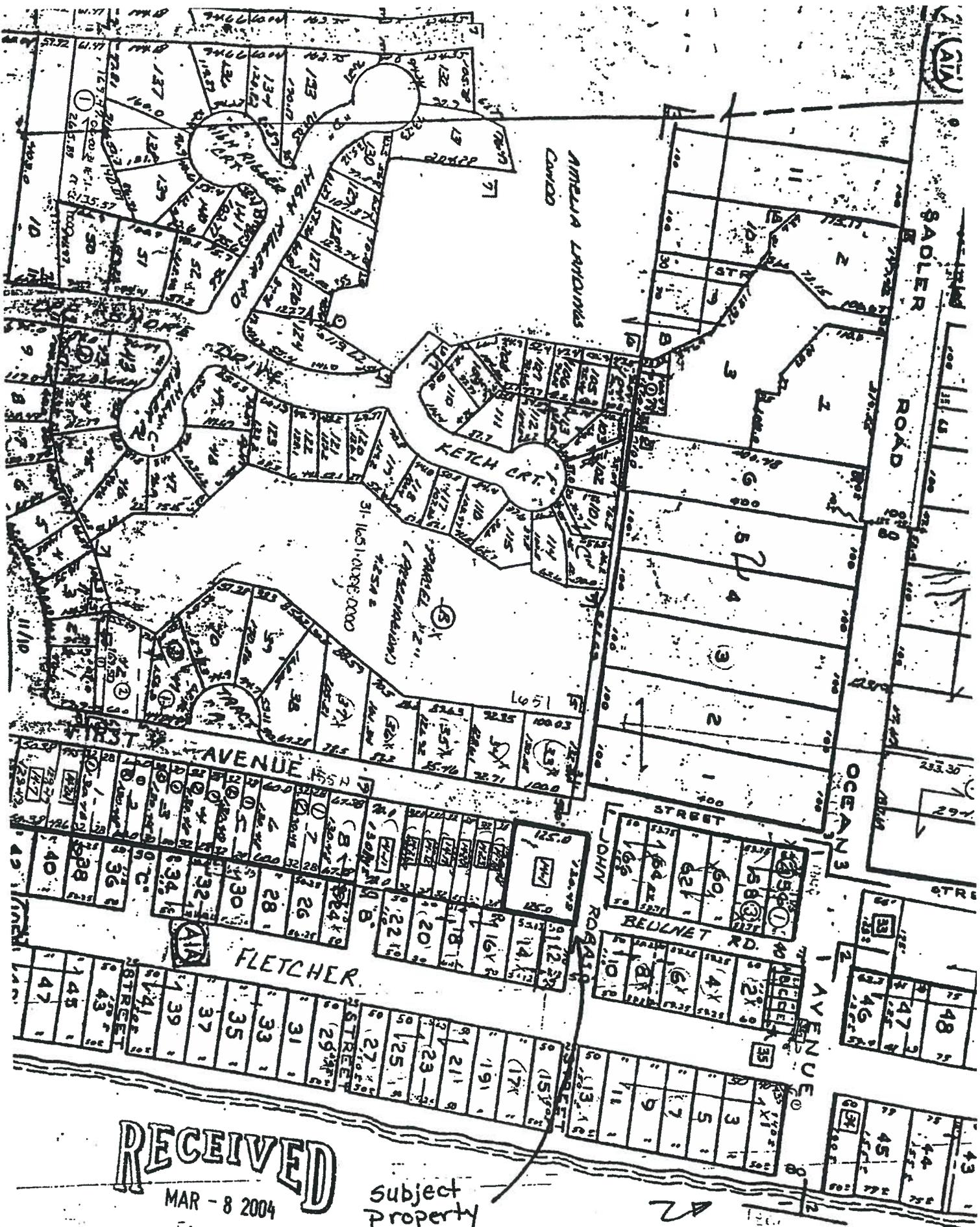
Subscribed and sworn to before me this 11th day of March, 2004.

Dawn M Shelton _____
Notary Public: Signature Printed Name

My Commission Expires: Feb 8, 2005



DAWN M. SHELTON
Notary Public, State of Florida
My comm. expires Feb. 8, 2005
Comm. No. DD 000270



RECEIVED

MAR - 8 2004

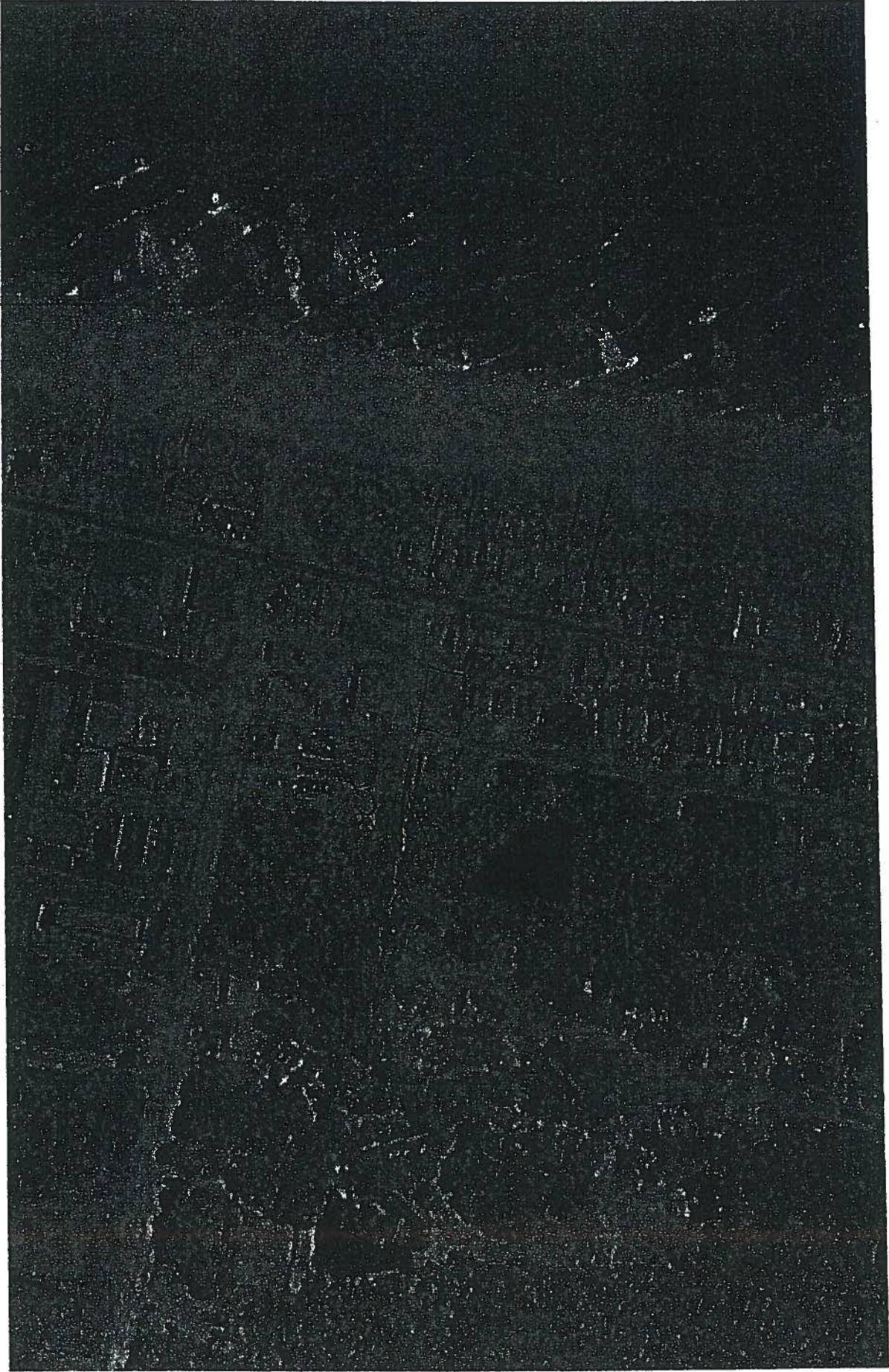
PROPERTY APPRAISER
OF NASSAU COUNTY

subject
property

2

KWITER

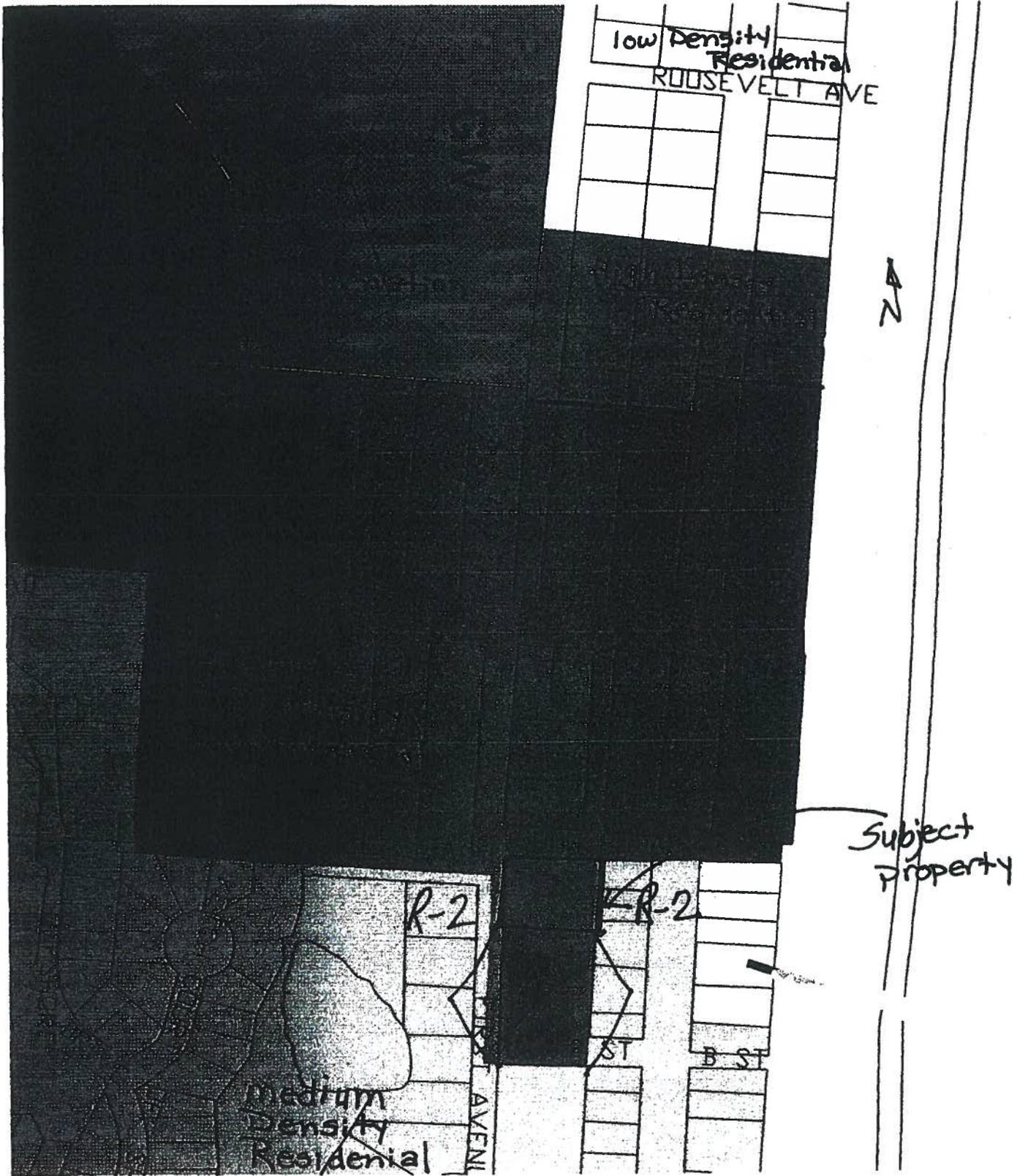
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Quitem

AZ

MrSID Viewer



FLUM
2004-23



R-3

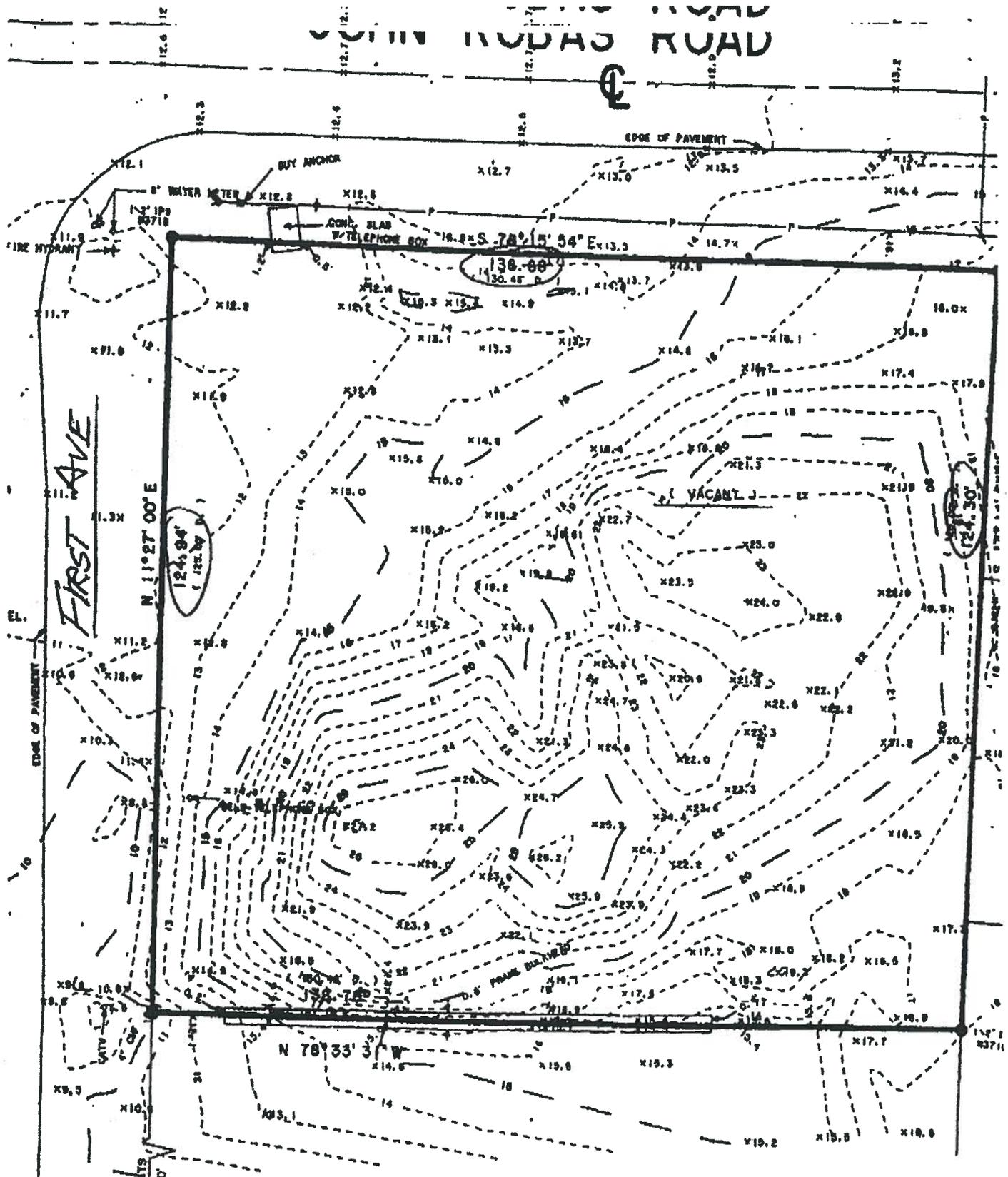
AZ

Subject Property

R-1A

ZONING
2004-23

COASTAL ROAD



MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF A PORTION OF GOVT LOT 2, SECTION 2
 TOWNSHIP 3 NORTH, RANGE 29 EAST, NASSAU COUNTY FLORIDA.
 By COASTAL LAND SURVEYORS Date of: June 6, 2001 - JAMES PEACOCK, SURVEYOR & MAPPER
 34 No 14th St Fernandina Beach, Florida 32032 Tel: 904-261-8950
 Florida Cert: 3718 Ga Cert: 2365 FAX 904-277 6650
 PARCEL ID# is 20-3N-29-0000-0014-0010

CWF 11556

STAFF REPORT
Request for Change in Zoning Classification
CZ 2004-23
.39 acres on First Ave at John Robas Rd

I. General Information

Applicant/Owner(s): Frank Kuitems/Frederick Kuitems
5209 Leeward Cove Dr
Fernandina Beach, FL 32304

Agent Name: Nick Gillette, P.E.
Gillette & Associate, Inc
20 South 4th St
Fernandina Beach, FL 32034

Requested Action: Change of Zoning from C-1. Community Commercial District to R-3, Multiple Family District

Applicable Regulations: Chapter 98- Administration
Article III - Administration and Enforcement
Chapter 126 - Zoning, Article III - Districts
Division 6, R-3, Multiple Family District

II.

Legal: Block 10, Lot 14-1 of Hamby's Addition as recorded in Book 1020, page 456

Lot Size: .39 Acres

Existing Land use: Vacant

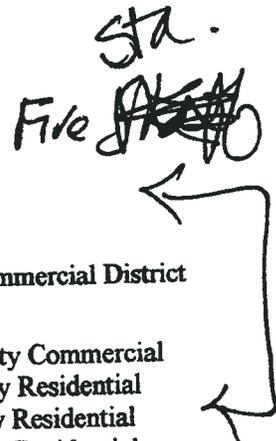
Surrounding Land Uses: North - ERA Realty
South - Residential
East - Residential
West - Residential

Zoning Classification: CI Community Commercial District

Surrounding Zoning

North -C-1	Surrounding FLUM
South -R-2	North - Medium Intensity Commercial
East - R-2	South - Medium Density Residential
West - R-2	East - Medium Density Residential
	West- Medium Density Residential

Existing FLUM: Medium Intensity Commercial



South west

III. Analysis

This is a small tract, slightly less than one acre (15,060 sq. ft.). The site is located on the northeast corner of the intersection of John Robas St. and South Fletcher Avenue. 1st. Ave.

The applicants plans to construct three two-story town homes on the site and requests that the zoning classification be changed from C-1 to R-3 to allow him to do so.

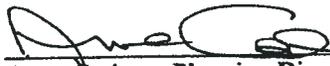
The R-3 zoning classification is intended for the development of medium and high density multiple family residential units or other related uses as designated in the comprehensive plan. The site is directly adjacent to a R-2 one-and two family district and to a PUD with underlying zoning of R-2

High The character of the development will comply with the comprehensive plan density restrictions of the ~~Medium~~ Density Residential classification of ~~4-8~~ units per acre. This is a major issue in determining if "spot zoning" is being created. Spot zoning is usually rezoning of a parcel, usually small, to a zoning classification that is dissimilar to the zoning of the surrounding property. Zoning changes affecting small areas may be considered transitional zones between sharply contrasting districts. Such buffer zones often involve multi-family housing.

The change of zoning classification from C-1 to R-3 does not change the character of the neighborhood in an adverse way. Development of the site will require site plan review by the Technical Review Committee.

IV. Findings

The applicant's requested change in the Zoning District classification from C-1 Community Commercial to R-3 Multiple Family District appears to be consistent with Sec. 126-181 "Intent." "The R-3 district is intended for the development of medium and high density multiple family residential units or other related uses as designated in the comprehensive plan. In addition, the change is requested jointly with an application for a City of Fernandina Beach Future Land Use Map (FLUM) classification change from Low Intensity Commercial to High Density Residential. Staff does not offer a recommendation on this application." ?



Anne Catinna, Planning Director



City of Fernandina Beach

PLANNING DEPARTMENT

AGENDA

LOCAL PLANNING AGENCY SPECIAL MEETING AND PLANNING ADVISORY BOARD SPECIAL MEETING

WEDNESDAY, MAY 26, 2004
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32035

- I. Call to Order
- II. Roll Call / Determination of a Quorum
- III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

- A. Land Use: LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

- IV. Old Business Advisory Board

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

- A. Annexation: AX 2004-24: to annex into the City boundary.
- B. Zoning Amendment: CZ 2004-24: to change the zoning map classification from County Open Rural (OR) to City One and Two Family Zoning District (R-2).

- V. New Business Local Land:

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robins Street:

- A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

- B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

VI. New Business Advisory Board

→ **Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:**

- A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)
- B. Special Use 2004-23: to allow for construction of three townhome units

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

- C. Annexation 2004-37: to annex into the City boundary.
- D. Zoning Change 2004-37: to change the classification from County Commercial Intensive (CI) to city Commercial (C-1).

Reggie & Holly Bradford, 1240 South Fletcher Avenue:

- E. Special Use 2004-35: for the construction of a single-family home in the Coastal Protection Zone in an R-1A: Single Family Dwelling District.

VII. Board Business:

VIII. Adjournment

**NEXT PLANNING ADVISORY BOARD MEETING:
WEDNESDAY, JUNE 9, 2004**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, or through the Florida Relay Services at 1-800-955-8771 (TTY number for all City offices) at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department. If any person decides to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

MINUTES

**PLANNING ADVISORY BOARD
SPECIAL MEETING
WEDNESDAY – MAY 26, 2004
6:00 PM**

**CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32034**

I. Call to Order

Chairman Wilking called the meeting to order.

II. Roll Call/Determination of Quorum

Board Members Present

J. Peter Wilking, Chair
Richard Bradford
William A. Conger
Paul Condit
David Beal (Alternate)

Horace B. Clark III, Vice Chair
Mark Bennett
Marilyn Williamson
Renea Scott Rice (Alternate)

Others Present

Anne Catinna, City Planner
Anita Louise Ross, Recording Secretary

Chairman Wilking welcomed Mr. Beal and Ms. Rice as alternates to the PAB. He referred to the Minutes from the April 28, 2004 meeting for the Board's consideration. Board Member Williamson corrected the number to be 1.03.01 on page 3 the first paragraph. Board Member Conger referred to page 2 the sentence that refers to objective 11.1 and requested that this be clarified. **A motion was made by Board Member Conger, seconded by Board Member Clark, to approve the Minutes of April 28th subject to the clarification of page 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

A. Land Use: LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

A motion was made by Board Member Bradford, seconded by Board Member Condit, to adjourn as PAB and convene as the Local Planning Agency. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

MINUTES
Planning Advisory Board
May 26, 2004

The Board took a brief recess at this time.

V. New Business Local Land

Frank Kuitems 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Ms. Catinna referred to the staff report #3 analysis and pointed out the factors that have to be looked at for compatibility. Board Member Clark questioned the statement in the findings that says medium density residential. Ms. Catinna corrected the findings to reflect that the FLUM amendment request from Medium Density Commercial to High Density Residential would be consistent with the intent of the Comprehensive Plan and should be changed to High Density Residential. Board Member Clark noted that the report showed that the furthest property was located at the northwest corner of First and Robles and stated that it should be the southeast corner. Board Member Bennett commented that the support documents show that this site is 15,060 square feet and noted that this was inconsistent with the .39 acres that is shown elsewhere in the documents. Mr. Gillette replied that it is .39 acres. There was a brief discussion about this topic.

Mr. Gillette stated that as part of the Special Use they were trying to have three units on .39 acres. He explained that the R-3 zoning was so that they could put three units together. He commented that the Special Use shows that they have drainage. He stated that it is compatible with the land use of High Density Residential that they were asking for and is a good transition from the Medium Intensity Commercial to the north and the commercial to the south that has a residential development that is of a high density nature. Board Member Clark inquired if with R-3 zoning was it possible for someone to put more than three units on that lot. Mr. Gillette stated that .39 acres times 10 units per acre was 3.9 and they would exceed it went to 4 units. Board Member Bennett inquired if all of the dune would be retained on the site. Mr. Gillette commented that there are some contours that are challenging and they would be retaining a good bit of it.

Mr. Frank David Kuitems, 5209 Leeward Cove, explained that his intent was to build on this property that he was in the process of buying from his father. He stated that the property to the south is in C-1 zoning and on that 120 feet there are four units. He requested half of what that property got. A motion was made by Board Member Condit, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Clark inquired if there was a problem with changing the land use and having an island of commercial to the south of it even though the current use is residential. Ms. Catinna stated that it is transitional zoning from a lower use to a higher use and it is an acceptable practice. Mr. Gillette commented that they were on the other side of the road from the commercial and adjacent to the property is residential. After some discussion about this area, City Attorney Braga stated that on the map the property that is immediately to the south is actually commercial zoned designation, but has a residential use on it. She requested clarification because the staff report says to the south is residential and zoned residential. Ms. Catinna replied that it is R-2 to the south. Mr. Gillette stated on the map it is

MINUTES
Planning Advisory Board
May 26, 2004

shown to be C-1 and explained that he was not sure if the maps were current. He noted that it was developed residential. After reviewing the information, Ms. Catinna stated that looking at the FLUM to her is was medium density residential south. Board Member Clark referred to the southern portion of the little gray appendage that points to the south. Ms. Catinna stated that is commercial. A motion was made by Board Member Condit, seconded by Board Member Williamson, to forward to the City Commission approval of LU 2004-23. Board Member Conger noted that there would be low intensity commercial to the south of it and to the north of it. He questioned putting high density residential between two commercial districts. Chairman Wilking noted that this was a valid point and commented that you have to also look at the current uses. Mr. Gillette explained that they were changing medium intensity commercial and high density residential is a good transition from medium intensity commercial down to a residential use. After further review of the information in the packet and discussion about this request, there was a suggestion made to change the FLUM and zoning for that parcel or parcels to the south. There was some further deliberation about the appropriate land use for this property. Chairman Wilking inquired if there was any reason to deny this to prevent creating the enclave. City Attorney Braga stated that the staff should answer this question in regard to spot zoning because they are the sworn parties and give the Board testimony upon which to base their decision. Ms. Catinna stated that she believe it creates spot land use, but on the other hand looking at the uses it isn't. Board Member Clark suggested that the Board could have a motion something to the affect that this be approved and recommend that staff use the City's authority to initiate a land use change for the commercial parcels to the south. After a brief discussion about the suggestion, City Attorney Braga stated that based on all the evidence heard the Board had substantial competent evidence. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Condit:	Aye
Board Member Williamson:	Aye
Board Member Bradford:	Aye
Board Member Conger:	Nay
Board Member Bennett:	Aye
Board Member Clark:	Aye
Chairman Wilking:	Aye

Motion carried.

MINUTES
Planning Advisory Board
May 26, 2004

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

The Board deviated from the agenda to hear the next item on the agenda.

VI. New Business Advisory Board

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

A motion was made by Board Member Condit, seconded by Board Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. There was some deliberation about the information presented in the agenda support documents. Chairman Wilking corrected 4 to 8 units per acre to 10 units per acre and high density instead of medium density. Board Member Clark questioned if spot zoning was ok if it serves a transitional purpose of a small parcel. Ms. Catinna replied yes.

Mr. Gillette referred to his prior testimony and was available for questions. A motion was made by Board Member Williamson, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Board Member Bradford, seconded by Board Member Williamson, to forward to the City Commission a recommendation of changing from C-1 Commercial to R-3. City Attorney Braga stated that based on all the evidence in the packet and the evidence presented as testimony there was substantial competent evidence.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Bradford:	Aye
Board Member Bennett:	Aye
Board Member Clark:	Aye
Board Member Williamson:	Aye
Board Member Conger:	Nay
Board Member Condit:	Aye
Chairman Wilking:	Aye

Motion carried.

B. Special Use 2004-23: to allow for construction of three townhome units

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna explained that Special Use permits are suppose to look at the environmentally sensitive land issues of the site that is being developed. She stated the Special Use permits are not to discuss zoning changes, Ordinances, or clarifications of Ordinances. She

MINUTES
Planning Advisory Board
May 26, 2004

explained that if there is a need for a clarification of an Ordinance that should be directed by the PAB to the Board of Adjustment to make a determination. She gave an overview of the request as contained in the agenda support documents.

Mr. Gillette referred to the drainage plan and stated that it shows spot elevations that go from the finished floor elevation down slightly for drainage reasons and then back up to the natural grade. He explained that there was roughly a twenty-foot transitional area on the eastern face of the building. He stated that this would preserve a range of 20-50 feet of width of that dune. Chairman Wilking inquired if plans were to redistribute the sand there or remove it from the site. Mr. Gillette referred to the cut and fill calculations and stated that they would be removing a little bit. He commented that a lot was reshaping with the exception of the northeast corner which is the true largest part of the dune that will remain as un-impacted as possible. Board Member Clark inquired if the application was leaving options open by putting townhomes/condominiums. Mr. Gillette replied yes. A motion was made by Board Member Williamson, seconded by Board Member Bennett, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Board Member Bennett, seconded by Board Member Williamson, to approve SU 2004-23 as presented. City Attorney Braga stated that based on all the evidence presented especially the plans submitted by the engineer there was substantial competent evidence. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The Board returned to being the Local Planning Agency to hear the item that was skipped over earlier.

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. Chairman Wilking noted that this case also has an annexation application. Ms. Catinna referred to staff findings and explained that the request from Nassau County Commercial Intensive to City General Commercial (GC) would be consistent with the Comprehensive Plan. Chairman Wilking requested to hear the annexation request first and vote on each application individually. There was a consensus to hear the annexation request first.

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

C. Annexation 2004-37: to annex into the City boundary.

Ms. Catinna gave a brief overview of the request as contained in the agenda support documents. Board Member Clark referred to the surrounding land uses and requested clarification. Ms. Catinna stated that it had been corrected and explained that an email had been sent. Board Member Clark noted that north was Publix shopping center, south was mixed use industrial uses, east is a bank, and west is a shopping center. He stated that the south actually looked to be about 60% residential and 40%. Mr. McCranie explained that there were a couple of commercial and there was some residential. He stated that he thought

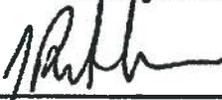
Board Member Clark suggested having staff pursue changing the Land Use and Zoning for that little commercial enclave that was just created south of the Kuitems property.

Board Member Bradford inquired if there was anyway to eliminate the area that was made with Ocean Breeze and annex something in that we annexed. The particular parcel that they are trying to annex to the zoning that they want done rather than having something hanging out there that's not compatible to City zoning. (Please reword this to make it make sense.) City Attorney Braga stated that the way to do it is to try to keep everything together, however in this case it just didn't happen. She explained that under State Law they are required to file within 2 months and the City gives them 6 months under City Ordinance. She commented that she thought the City needed to keep better track of them to make sure that they file when they are suppose to file. There was some further discussion about this topic.

*See Mr. Bradford
Edits*

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:14 p.m.



J. Peter Wilking, Chairman


Horace B. Clark III, Vice Chair

Planning Advisory Board
Action Taken
MAY 26, 2004

FORWARD TO CITY COMMISSION FOR REVIEW:

APPROVED:

Frank Knitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas Street:

LU 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

CZ 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

SU 2004-23: to allow for construction of three townhome units

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

LU 2004-37: to change the Future Land Use Map classification from County Intensive Commercial to City General Commercial.

AX 2004-37: to annex into the City boundary.

CZ 2004-37: to change the classification from County Commercial Intensive (CI) to city Commercial (C-1).

Reggie & Holly Bradford, 1240 South Fletcher Avenue:

SU 2004-35: for the construction of a single-family home in the Coastal Protection Zone in an R-1A: Single Family Dwelling District.

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

AX 2004-24: to annex into the City boundary.

DENIED – FORWARDED PAB RECOMMENDATION:

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

CZ 2004-24: to change the zoning map classification from County Open Rural (OR) to City One and Two Family Zoning District (R-2). PAB RECOMMENDS R-1A

LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential. PAB RECOMMENDS LOW DENSITY RESIDENTIAL

swk

MEMORANDUM

TO: Robert T. Mearns, City Manager
FROM: Anne Catinna, ~~Planning Director~~ *Planner II*
DATE: June 9, 2004
RE: Planning and Zoning Bi-Weekly Status Report

The following applications were forwarded to City Commission by the LPA at their May 26, 2004 meeting with a recommendation to approve:

Local Planning Agency

- LU 2004-23: Frank Kuitems, 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas, Street to change the Future Land Use Map classification from Medium Intensity Commercial to High Density Residential.
- LU 2004-37: Sadler Crossings, 3.68 acre parcel located at 1458 Sadler Road, to change the Future Land Use Map classification from County Intensive Commercial to City General Commercial.

The following application was forwarded to City Commission by the LPA at their May 26, 2004 meeting with a recommendation to deny

- LU 2004-24: Delmar Villas, 3.6 acre parcel located at 722 & 734 Simmons Road, to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential. (At the applicant's request, this case has been tabled until July 6 /city Commission meeting)

Planning Advisory Board

The following applications received a recommendation of approval by the PAB at the May 26, 2004 meeting and were forwarded to City Commission:

- Frank Kuitems 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas Street:
 - CZ 2004-23: to change the zoning classification from Commercial (C-1) to Residential (R-3)
 - SU 2004-23: to allow a special use for the construction of three townhome units.
- Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:
 - AX 2004-37: to annex into the City boundary.
 - CZ 2004-37: to change the classification from County Commercial Intensive (CI) to City General Commercial (C-2).

MINUTES

PLANNING ADVISORY BOARD
SPECIAL MEETING
WEDNESDAY – MAY 26, 2004
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32034

I. Call to Order

Chairman Wilking called the meeting to order.

II. Roll Call/Determination of Quorum

Board Members Present

J. Peter Wilking, Chair
Richard Bradford
William A. Conger
Paul Condit
David Beal (Alternate)

Horace B. Clark III, Vice Chair
Mark Bennett
Marilyn Williamson
Renea Scott Rice (Alternate)

Others Present

Anne Catinna, City Planner
Anita Louise Ross, Recording Secretary

Chairman Wilking welcomed Mr. Beal and Ms. Rice as alternates to the PAB. He referred to the Minutes from the April 28, 2004 meeting for the Board's consideration. Board Member Williamson corrected the number to be 1.03.01 on page 3 the first paragraph. Board Member Conger referred to page 2 the sentence that refers to objective 11.1 and requested that this be clarified. **A motion was made by Board Member Conger, seconded by Board Member Clark, to approve the Minutes of April 28th subject to the clarification of page 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

A. Land Use: LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

A motion was made by Board Member Bradford, seconded by Board Member Condit, to adjourn as PAB and convene as the Local Planning Agency. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

MINUTES
Planning Advisory Board
May 26, 2004

The Board took a brief recess at this time.

V. New Business Local Land

Frank Kuitems 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Ms. Catinna referred to the staff report #3 analysis and pointed out the factors that have to be looked at for compatibility. Board Member Clark questioned the statement in the findings that says medium density residential. Ms. Catinna corrected the findings to reflect that the FLUM amendment request from Medium Density Commercial to High Density Residential would be consistent with the intent of the Comprehensive Plan and should be changed to High Density Residential. Board Member Clark noted that the report showed that the furthest property was located at the northwest corner of First and Robles and stated that it should be the southeast corner. Board Member Bennett commented that the support documents show that this site is 15,060 square feet and noted that this was inconsistent with the .39 acres that is shown elsewhere in the documents. Mr. Gillette replied that it is .39 acres. There was a brief discussion about this topic.

Mr. Gillette stated that as part of the Special Use they were trying to have three units on .39 acres. He explained that the R-3 zoning was so that they could put three units together. He commented that the Special Use shows that they have drainage. He stated that it is compatible with the land use of High Density Residential that they were asking for and is a good transition from the Medium Intensity Commercial to the north and the commercial to the south that has a residential development that is of a high density nature. Board Member Clark inquired if with R-3 zoning was it possible for someone to put more than three units on that lot. Mr. Gillette stated that .39 acres times 10 units per acre was 3.9 and they would exceed it went to 4 units. Board Member Bennett inquired if all of the dune would be retained on the site. Mr. Gillette commented that there are some contours that are challenging and they would be retaining a good bit of it.

Mr. Frank David Kuitems, 5209 Leeward Cove, explained that his intent was to build on this property that he was in the process of buying from his father. He stated that the property to the south is in C-1 zoning and on that 120 feet there are four units. He requested half of what that property got. A motion was made by Board Member Condit, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Clark inquired if there was a problem with changing the land use and having an island of commercial to the south of it even though the current use is residential. Ms. Catinna stated that it is transitional zoning from a lower use to a higher use and it is an acceptable practice. Mr. Gillette commented that they were on the other side of the road from the commercial and adjacent to the property is residential. After some discussion about this area, City Attorney Braga stated that on the map the property that is immediately to the south is actually commercial zoned designation, but has a residential use on it. She requested clarification because the staff report says to the south is residential and zoned residential. Ms. Catinna replied that it is R-2 to the south. Mr. Gillette stated on the map it is

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Planning Advisory Board
May 26, 2004

shown to be C-1 and explained that he was not sure if the maps were current. He noted that it was developed residential. After reviewing the information, Ms. Catinna stated that looking at the FLUM to her is was medium density residential south. Board Member Clark referred to the southern portion of the little gray appendage that points to the south. Ms. Catinna stated that is commercial. **A motion was made by Board Member Condit, seconded by Board Member Williamson, to forward to the City Commission approval of LU 2004-23.** Board Member Conger noted that there would be low intensity commercial to the south of it and to the north of it. He questioned putting high density residential between two commercial districts. Chairman Wilking noted that this was a valid point and commented that you have to also look at the current uses. Mr. Gillette explained that they were changing medium intensity commercial and high density residential is a good transition from medium intensity commercial down to a residential use. After further review of the information in the packet and discussion about this request, there was a suggestion made to change the FLUM and zoning for that parcel or parcels to the south. There was some further deliberation about the appropriate land use for this property. Chairman Wilking inquired if there was any reason to deny this to prevent creating the enclave. City Attorney Braga stated that the staff should answer this question in regard to spot zoning because they are the sworn parties and give the Board testimony upon which to base their decision. Ms. Catinna stated that she believe it creates spot land use, but on the other hand looking at the uses it isn't. Board Member Clark suggested that the Board could have a motion something to the affect that this be approved and recommend that staff use the City's authority to initiate a land use change for the commercial parcels to the south. After a brief discussion about the suggestion, City Attorney Braga stated that based on all the evidence heard the Board had substantial competent evidence. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Board Member Condit:	Aye
Board Member Williamson:	Aye
Board Member Bradford:	Aye
Board Member Conger:	Nay
Board Member Bennett:	Aye
Board Member Clark:	Aye
Chairman Wilking:	Aye

Motion carried.

MINUTES
Planning Advisory Board
May 26, 2004

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

The Board deviated from the agenda to hear the next item on the agenda.

VI. New Business Advisory Board

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

A motion was made by Board Member Condit, seconded by Board Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. There was some deliberation about the information presented in the agenda support documents. Chairman Wilking corrected 4 to 8 units per acre to 10 units per acre and high density instead of medium density. Board Member Clark questioned if spot zoning was ok if it serves a transitional purpose of a small parcel. Ms. Catinna replied yes.

Mr. Gillette referred to his prior testimony and was available for questions. A motion was made by Board Member Williamson, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. **A motion was made by Board Member Bradford, seconded by Board Member Williamson, to forward to the City Commission a recommendation of changing from C-1 Commercial to R-3.** City Attorney Braga stated that based on all the evidence in the packet and the evidence presented as testimony there was substantial competent evidence.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Bradford:	Aye
Board Member Bennett:	Aye
Board Member Clark:	Aye
Board Member Williamson:	Aye
Board Member Conger:	Nay
Board Member Condit:	Aye
Chairman Wilking:	Aye

Motion carried.

B. Special Use 2004-23: to allow for construction of three townhome units

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna explained that Special Use permits are suppose to look at the environmentally sensitive land issues of the site that is being developed. She stated the Special Use permits are not to discuss zoning changes, Ordinances, or clarifications of Ordinances. She

MINUTES
Planning Advisory Board
May 26, 2004

Board Member Clark suggested having staff pursue changing the Land Use and Zoning for that little commercial enclave that was just created south of the Kuitems property.

(The first sentence in the following paragraph has been restated by Board Member Bradford as indicated on original.)

Board Member Bradford inquired if there was anyway to eliminate the error that was made with Ocean Breeze. To annex in property under the requested zoning at the same time instead of having the applicant return to the board to change the county zoning to a City zoning. Thus avoiding having property hanging out there that's still not compatible to City zoning for an extended length of time. City Attorney Braga stated that the way to do it is to try to keep everything together, however in this case it just didn't happen. She explained that under State Law they are required to file within 2 months and the City gives them 6 months under City Ordinance. She commented that she thought the City needed to keep better track of them to make sure that they file when they are suppose to file. There was some further discussion about this topic.

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:14 p.m.

J. Peter Wilking, Chairman

Horace B. Clark III, Vice Chair

OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 1700- TYPE: CK 1633
APPLICATION #: 2016-0000965
CASE #: 2016-10 CZ+LU
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Frank D. Kuitems

Mailing Address: 1940 South Fletcher Avenue, Fernandina Beach, Florida 32034

Telephone: (904) 261-5618 Fax: (904) 261-9519

Email: N/A

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.

Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034

Telephone: (904) 261-5618 Fax: (904) 261-9519

Email: JLasserre@RTlaw.com

PROPERTY INFORMATION

Street Address: 1940 S. Fletcher Avenue, Fernandina Beach, Florida 32034

Parcel Identification Number(s): 00-00-31-1460-0041-0000

Lot Number: 41 Block Number: N/A Subdivision: Miramar Beach, Section One

Section: 20 Township: 3N Range: 29E



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

19405 FRANKLIN AVE
LOT 41

I/WE FRANK D. KUIJENS
(print name of property owner(s))

hereby authorize: JON LOSSARD
(print name of agent)

to represent me/us in processing an application for: RE-ZONING
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]
(Signature of owner)

(Signature of owner)

FRANK D. KUIJENS
(Print name of owner)

(Print name of owner)

Virginia
STATE OF FLORIDA
with the
COUNTY OF NASSAU



DIANE SHEETS DOYLE
NOTARY PUBLIC 795088
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEBRUARY 28, 2019

Subscribed and sworn to before me this 8th day of June, 2016.

[Signature]
Notary Public Signature

Diane Sheets Doyle
Printed Name

February 28 2019
My Commission Expires

Personally Known _____ OR Produced Identification ID Produced: DLTC



PLANNING PAB

USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- | | |
|---|---|
| <input checked="" type="checkbox"/> ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | <input type="checkbox"/> SUBDIVISION PLAT – PRELIM (\$750) |
| <input type="checkbox"/> LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | <input type="checkbox"/> SUBDIVISION PLAT – FINAL (\$850) |
| <input type="checkbox"/> LDC TEXT AMENDMENT (\$850) | <input type="checkbox"/> VACATION OF R.O.W. (\$850) |
| <input type="checkbox"/> COMP PLAN AMENDMENT (\$850) | <input type="checkbox"/> VOLUNTARY ANNEXATION (\$1050) |

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



Jon C. Lasserre
JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034
904 . 261 . 5618 Main
904 . 261 . 9159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ZONING MAP AND FLUM AMENDMENTS
FRANK D. KUITEMS
PARCEL ID# 00-00-31-1460-0041-0000
1940 SOUTH FLETCHER AVENUE**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Zoning Map and FLUM Amendments (the "Application") concerning approx. 0.41 acre located at 1940 South Fletcher Avenue, Fernandina Beach, Florida (the "Property") on behalf of Frank D. Kuitems. The Property is located within the jurisdiction of the City of Fernandina Beach.

Please find enclosed a check in the amount of \$1,750.00 for the Application fee. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned C-1, Community Commercial with a FLUM designation of General Commercial. We are requesting a change of the zoning to R-3 and a change of the FLUM designation to High Density Residential. The Property consists of one 75' wide ocean front lot that presently has a duplex structure. The duplex was constructed in 1971. During the majority of the time since the construction of the duplex, the Property was used as a short term rental and was issued a Resort Rental permit in 2000 that has since expired. However, a Resort Rental permit could be reissued under the present zoning with the determination that the property's use is as a Lodging Accommodation, an allowed use under C-1 subject to supplemental standards.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:

- a. *Type and density or intensity of surrounding uses* – The property to the north of the Property is used as a residence and is zoned R-3 with a FLUM designation

of High Density Residential; the property to the west is a multi-family condominium and is zoned R-3 with a FLUM designation of High Density Residential (the requested amendment, if granted, would align the zoning and FLUM designations of the properties to the north and west with that of the Property); the property to the south is vacant and is zoned C-1 with a FLUM designation of General Commercial (this is the current zoning and FLUM designation of the Property); the Atlantic Ocean adjoins the Property to the east. A FLUM amendment for the Property to High Density Residential would be suitable and compatible with the type and density of surrounding uses.

b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to R-3 for the Property would be suitable and compatible with the surrounding zoning districts. Further, the amendment would add an additional buffer for existing residential and act as a transition from commercial to residential zoning.

c. *Demonstration of adequate water supply and water supply facilities* – The Property presently has a duplex that is tied into the municipal water and sewerage system. Adequate water and water supply facilities exist.

d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as multifamily residential.

e. *Physical condition of the site, and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for multifamily residential use. A Special Use Permit was issued in May 2004 for the development of the site as multifamily.

f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as multifamily residential based upon the consideration of these issues.

g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.

h. *Impact on adopted levels of service standards and quality of service standards* – The impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.

i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is located within the CUPZ. Changing the FLUM designation would not present a conflict with the CUPZ.

Ms. Kelly N. Gibson
June 13, 2016
Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is presently has a duplex structure located on it. The property to the north is residential and the property to the west is multifamily condominiums. The the property to the south is vacant commercial and the property is bounded on the east by the Atlantic Ocean.

In addition to the reasons set forth above, the proposed amendment to the zoning map and FLUM designation is justified because the action will change the existing, non-conforming use into a conforming use.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jon C. Lasserre

Encl.

Cc: Frank D. Kuitems

Recording 10.00 + 3.00 = 13.50
Doc. Stamp 3150.00
Int. Tax
Total 3160.00

THIS INSTRUMENT PREPARED BY:

JACOBS & PETERS, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

DEC 15 1998
RECORD AND RETURN TO:
JACOBS & PETERS, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

Rec 13.50
DS 3150.00

RE PARCEL ID #: 00-00-31-1460-0041-0000
BUYER'S TIN:

BK 0859PG0512
OFFICIAL RECORDS
Florida Documentary Stamp tax
required by law in the amount
3150.00 Certificate of
Registration No. 59-6015296-01
Date 12-15-98
Monaghan/PW
Clerk Circuit Court Nassau County Florida

TRUSTEE DEED

THIS TRUSTEE DEED is made this 1st day of December, 1998 by Rowena C. Nylund, Charles Courson and William Rodeffer as successor co-Trustees of the Bertha B. Courson Living Trust U/D/O November 6, 1997. hereinafter called Grantor, and whose address is 2822 Monroe St., Columbia, S.C. 29205 to Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kulterns, married, hereinafter called Grantee and whose address is 116 Devon Dr., St. Marys, Ga. 31558.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, pursuant to the powers and authority granted by the terms and provisions of the aforesaid Trust Agreement, and in consideration of the sum of Ten and NO/100 Dollars and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee the following described land situate, lying and being in Nassau County, Florida, to wit:

Lot 41, Miramar Beach, Section One, according to the Plat thereof as recorded in Plat Book 2, page 61, Public Records of Nassau County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

SUBJECT TO taxes accruing subsequent to December 31, 1998.
SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.
AND Grantor hereby covenants to and with said Grantee that Grantor is the duly appointed, qualified and acting Trustee under the aforesaid Trust Agreement, and in all things preliminary to and in and about the sale and conveyance of the property described herein, the terms, conditions and provisions of the aforesaid Trust Agreement, and the laws of the State of Florida have been followed and complied with in all respects, and that the undersigned Grantor has the full power and authority to execute this deed for the uses and purposes herein expressed; and that said land is free of all encumbrances.



IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written. **00059 PG 0513**

Signed, sealed and delivered in our presence:

Kendria Navarro
Witness Signature

Kendria Navarro
Witness Printed Signature

Margaret R. Stricklin
Witness Signature

MARGARET R. STRICKLIN
Witness Printed Signature

Sarah F. Adams **SARAH F. ADAMS**
Witness as to William Rodeffer & Charles Courson
STATE OF FLORIDA South Carolina
COUNTY OF Richland

Rowena C. Nyland
Rowena C. Nyland

Charles Courson
Charles Courson

William Rodeffer
William Rodeffer
As successor co-Trustees of the
Bertha B. Courson Living Trust
U/D/O November 6, 1997

Fay Richman
Witness as to William Rodeffer &
Charles Courson **FAY RICHMAN**

OFFICIAL RECORDS

The foregoing instrument was acknowledged before me this 25th day of November, 1998 by Rowena C. Nyland, successor co-Trustee of the Bertha B. Courson Living Trust U/D/O November 6, 1997. He/She is personally known to me or has produced as identification.

Notary Public, State and County Aforesaid
Touya Elaine Strong
Notary Signature

TOUYA ELAINE STRONG
Notary Printed Signature

Notary
(Title or Rank)

(Serial No., if any)

My Commission Expires June 14, 2005

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 7th day of December, 1998 by William Rodeffer, who is personally known to me.

Sarah F. Adams
Notary



STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 1st day of December, 1998 by Charles Courson, who is personally known to me.

Belinda Gearis **BELINDA GEARIS**
Notary



Belinda Gearis
MY COMMISSION # CC691788 EXPIRES
October 27, 2001
BONDED THRU TROY FAIN INSURANCE, INC.

9829616

FILED & RECORDED IN PUBLIC
RECORDS OF NASSAU COUNTY FLA.
RECORD VERIFIED

98 DEC 15 AM 11:51
[Signature]
CLERK OF COURTS
NASSAU COUNTY, FLORIDA

8

THIS INSTRUMENT PREPARED BY:
Arthur I. Jacobs
JACOBS & ASSOCIATES, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RECORD AND RETURN TO:
JACOBS & ASSOCIATES, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RE PARCEL ID#: 00-00-31-1460-0041-0000
BUYER'S TIN:

Doc# 200012389
Book: 929
Pages: 173 - 174
Filed & Recorded
04/19/00 09:28:16 AM
J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DEED DOC STAMP \$ 1,974.00
RECORDING \$ 9.00
TRUST FUND \$ 1.50

Rev 10.30
Nov 1994.50
1984.50

QUIT - CLAIM DEED

THIS QUIT - CLAIM DEED is made this 17th day of March, 2000 by Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kuitems, hereinafter called Grantor, and whose address is 5209 Leeward Cove, Fernandina Beach, Florida 32034 to FRANK D. KUTTEMS, a married person, hereinafter called Grantee and whose address is 5209 Leeward Cove, Fernandina Beach, Florida 32034.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations in hand paid to the Grantor, receipt whereof is hereby acknowledged, does remise, release and quit-claim unto the Grantee, all that certain land situate, lying and being in Nassau County, Florida, viz:

Lot 41, Miramar Beach, Section One, according to the Plat thereof as recorded in Plat Book 2, page 61, Public Records of Nassau County, Florida.

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SUBJECT TO taxes accruing subsequent to December 31, 1999.
SUBJECT TO covenants, restrictions and easements of record, if any, however this reference thereto shall not operate to reimpose same.
SUBJECT TO taxes for the current year.
TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Rhonda J. Aviles
Witness Signature

Rhonda J. Aviles
Witness Printed Signature

Denise Morgan
Witness Signature

Denise Morgan
Witness Printed Signature

[Signature]
Carlos A. Levy

[Signature]
Kathryn M. Levy

[Signature]
Frank D. Kuitens

STATE OF GEORGIA
COUNTY OF CAMDEN

The foregoing instrument was acknowledged before me this 17th day of March, 2000 by Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kuitens. He/She is personally known to me or has produced _____ as identification.

Notary Public, State and County Aforesaid

[Signature]
Notary Signature

Bernardine Johnson
Notary Printed Signature

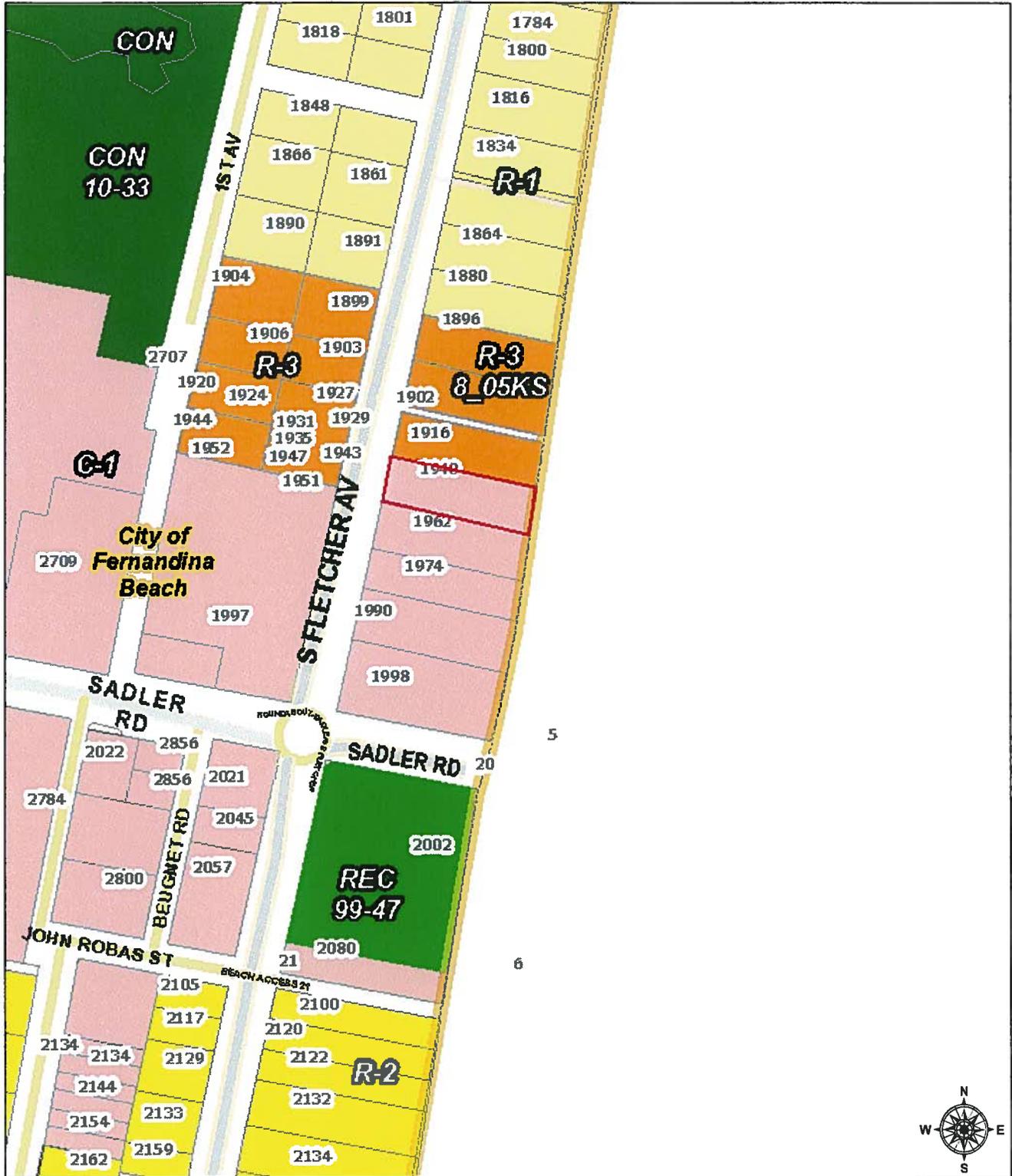
(Title or Rank)

(Serial No., if any)



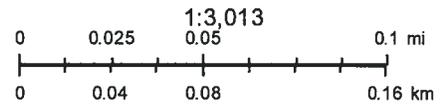
Notary Public, Camden County, Georgia
My Commission Expires Oct. 14, 2003

Zoning Map



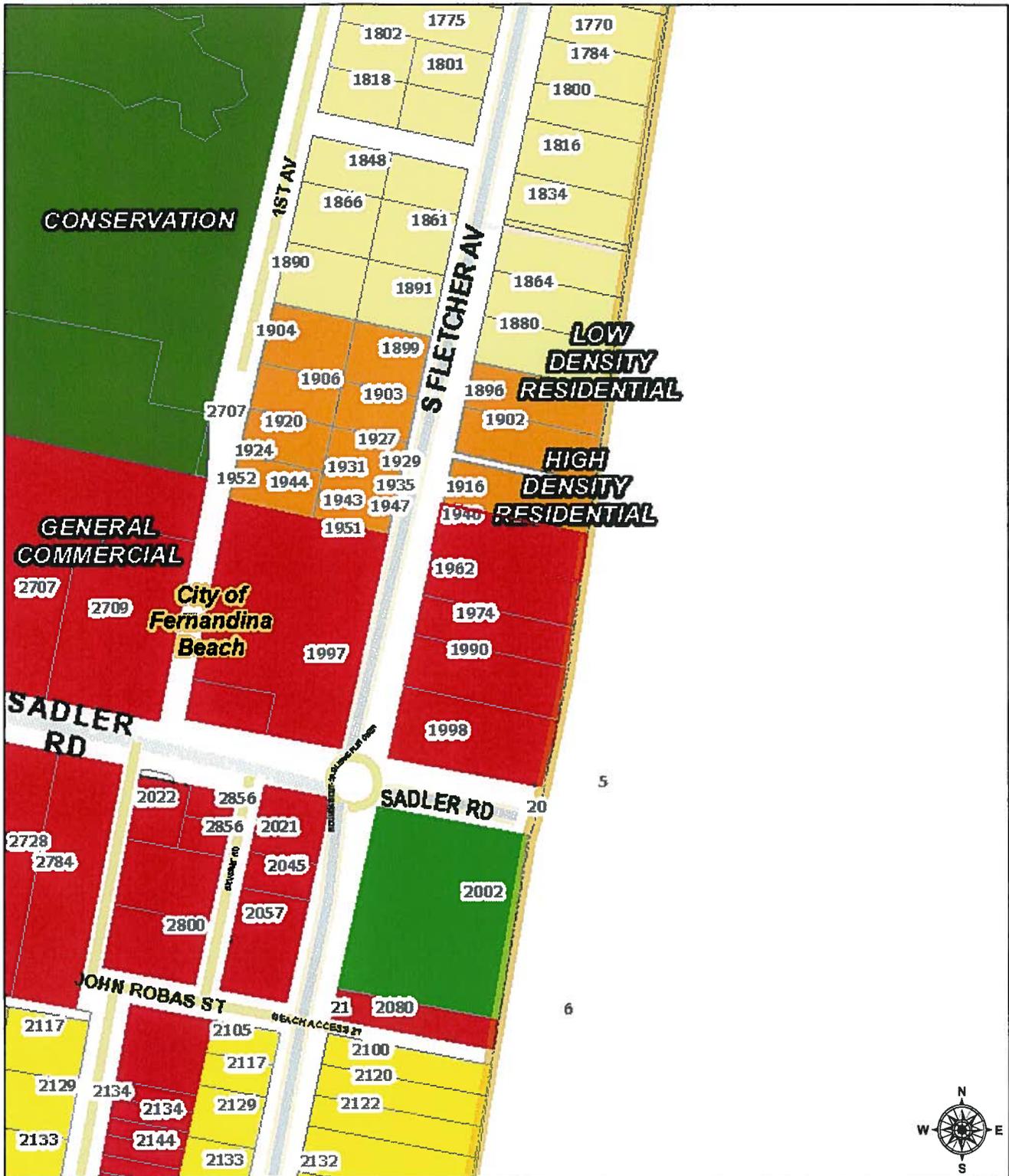
June 11, 2016

	Land Parcels		R-1		OT-1		PI-1
	City of F.B. Zoning		RLM		OT-2		CON
	C-1		R-2		W-1		REC
	C-2		R-3		IW		
	C-3		RE		I-1		
	MU-1		R-1G		IA		

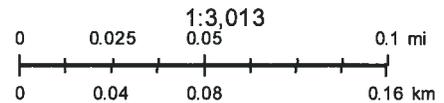


Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

FLUM Designation



June 11, 2016

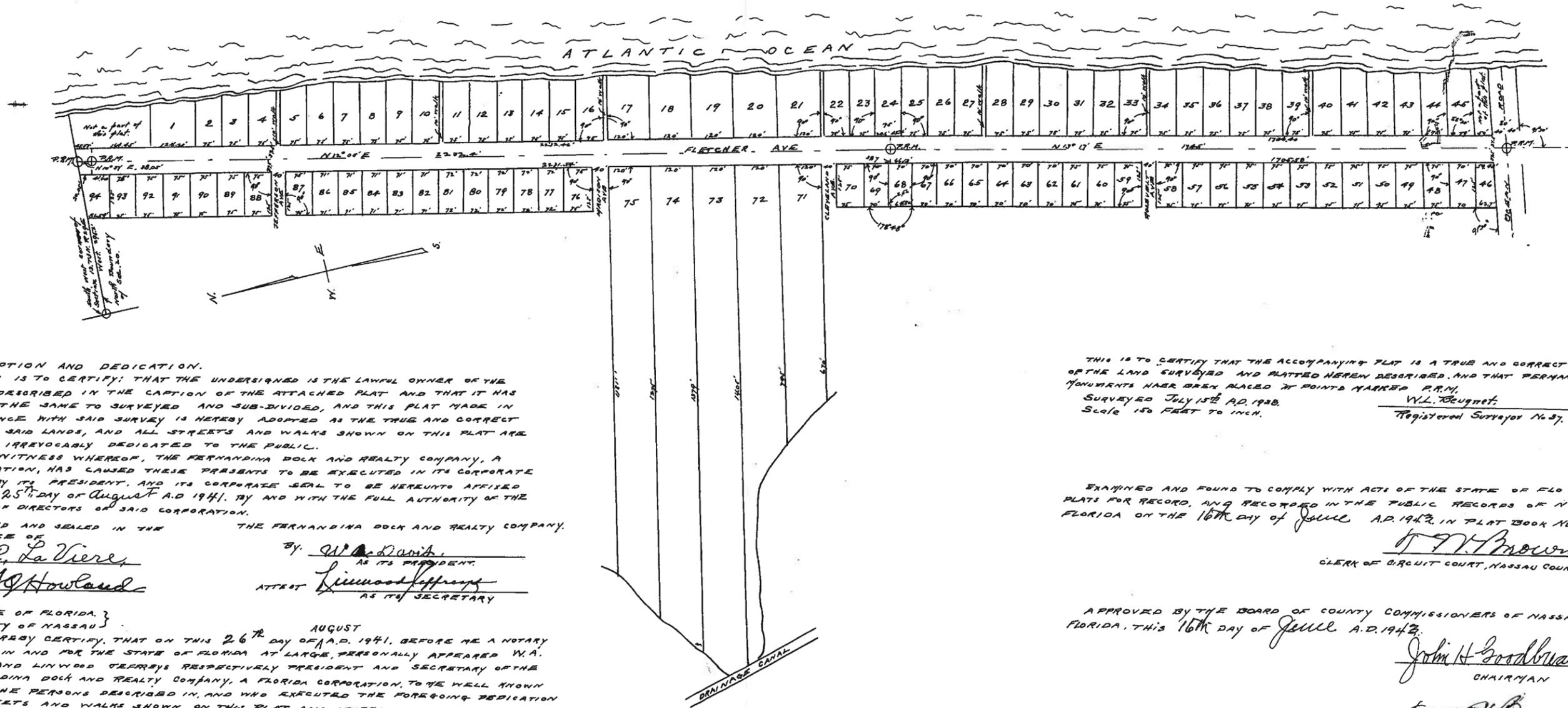


- | | |
|--|---|
| <ul style="list-style-type: none"> Land Parcels City of F.B. Future Land Use GENERAL COMMERCIAL CENTRAL BUSINESS DISTRICT OFFICE & RESIDENTIAL MIXED LOW DENSITY RESIDENTIAL MEDIUM DENSITY RESIDENTIAL | <ul style="list-style-type: none"> HIGH DENSITY RESIDENTIAL WATERFRONT MIXED USE INDUSTRIAL INDUSTRIAL WATERFRONT PUBLIC & SEMI PUBLIC CONSERVATION RECREATION |
|--|---|

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

SECTION ONE OF MIRAMAR BEACH.

A SUB-DIVISION OF THE NORTH EAST PORTION OF SECTION TWENTY
TOWNSHIP THREE NORTH, RANGE TWENTY-NINE EAST,
NASSAU COUNTY - FLORIDA.



ADOPTION AND DEDICATION.
 THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE LAWFUL OWNER OF THE LANDS DESCRIBED IN THE CAPTION OF THE ATTACHED PLAT AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND SUB-DIVIDED, AND THIS PLAT MADE IN ACCORDANCE WITH SAID SURVEY IS HEREBY ADOPTED AS THE TRUE AND CORRECT PLAT OF SAID LANDS, AND ALL STREETS AND WALKS SHOWN ON THIS PLAT ARE HEREBY IRREVOCABLY DEDICATED TO THE PUBLIC.

IN WITNESS WHEREOF, THE FERNANDINA DOCK AND REALTY COMPANY, A CORPORATION, HAS CAUSED THESE PRESENTS TO BE EXECUTED IN ITS CORPORATE NAME BY ITS PRESIDENT, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS 25th DAY OF AUGUST A.D. 1941. BY AND WITH THE FULL AUTHORITY OF THE BOARD OF DIRECTORS OF SAID CORPORATION.

SIGNED AND SEALED IN THE PRESENCE OF THE FERNANDINA DOCK AND REALTY COMPANY.

J. C. LaViere
J. J. Howland

By *W. A. Davis*
 AS ITS PRESIDENT
 ATTEST *L. J. Gentry*
 AS ITS SECRETARY

STATE OF FLORIDA }
 COUNTY OF NASSAU }
 I, HEREBY CERTIFY THAT ON THIS 26th DAY OF AUGUST A.D. 1941, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF FLORIDA AT LARGE, PERSONALLY APPEARED W. A. DAVIS AND LINWOOD GENTRY RESPECTIVELY PRESIDENT AND SECRETARY OF THE FERNANDINA DOCK AND REALTY COMPANY, A FLORIDA CORPORATION, TO ME WELL KNOWN TO BE THE PERSONS DESCRIBED IN, AND WHO EXECUTED THE FOREGOING DEDICATION OF STREETS AND WALKS SHOWN ON THIS PLAT, AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR FREE ACT AND DEED AS SUCH OFFICERS FOR THE USES AND PURPOSES THEREIN MENTIONED, AND THEY AFFIXED THEREUNTO THE OFFICIAL SEAL OF SAID CORPORATION, AND THAT SAID DEDICATION IS THE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND SEAL AT FERNANDINA, IN THE COUNTY OF NASSAU, AND STATE OF FLORIDA ON THIS 26th DAY OF AUGUST A.D. 1941

Notary Public State of Florida
 My Commission Expires July 11th 1943

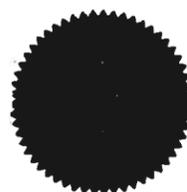
THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED AND PLATTED HEREIN DESCRIBED, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AT POINTS MARKED P.R.M.
 SURVEYED JULY 15th A.D. 1938.
 Scale 150 FEET TO INCH.
W. L. Beugnot
 Registered Surveyor No. 37.

EXAMINED AND FOUND TO COMPLY WITH ACTS OF THE STATE OF FLORIDA GOVERNING PLATS FOR RECORD, AND RECORDED IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA ON THE 16th DAY OF JULY A.D. 1942, IN PLAT BOOK No. 2, at Page 61.

T. J. Brown
 CLERK OF CIRCUIT COURT, NASSAU COUNTY, FLORIDA.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THIS 16th DAY OF JULY A.D. 1942.

John H. Goodbush
 CHAIRMAN
T. J. Brown
 CLERK



OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 2750 TYPE: CK 1635
APPLICATION #: 2016-0000966
CASE #: 2016-18
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT (checked)
LAND USE MAP AMENDMENT (checked)
LDC TEXT AMENDMENT
COMP PLAN AMENDMENT
SUBDIVISION PLAT - PRELIM
SUBDIVISION PLAT - FINAL
VACATION OF R.O.W.
VOLUNTARY ANNEXATION (checked)

APPLICANT INFORMATION

Owner Name: The Aspire at Amelia II, LLC
Mailing Address: 1435 Rolling Links Drive, Alpharetta, Georgia 30004
Telephone: (770) 243-4600 Fax:
Email: RKennedy@WellsREF.com

Agent Name: Rogers Towers, P.A. ATTN: Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9159
Email: JLasserre@RTlaw.com

PROPERTY INFORMATION

Street Address: 3017 & 3021 Amelia Road, Fernandina Beach, Florida 32034
Parcel Identification Number(s): 00-00-30-044B-0028-0012 & 00-00-30-044B-0028-0014 & 00-00-30-044B-0028-0010 & 00-00-30-044B-0028-0010
Lot Number: 28 Block Number: N/A Subdivision: Ocean Breeze Farms
Section: 3 & 5 Township: 2N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Four (4)

Less than One (1) acre Sq. Footage: N/A One (1) Acre or Greater: X

Existing Zoning Classification: Open Rural (OR) and Residential - Single Family 2 (RS-2)

Existing Future Land Use Classification: Medium Density Residential

Previous Planning/Zoning Approvals: N/A

Description of Request:

Request rezoning from Nassau County Open Rural (OR) and Residential - Single Family 2 (RS-2) to City of Fernandina Beach Low-Medium Density Residential (RLM) and from Nassau County FLUM designation of Medium Density Residential to City of Fernandina Beach FLUM designation of Medium Density Residential.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 23, 2016
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
 } ss
COUNTY OF NASSAU }

Subscribed and sworn to before me this 23 day of June, 2016.

[Signature]
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-18
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____





PLANNING PAB

USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

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PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

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 - A justification for the proposed amendment(s) or action(s).
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IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



Jon C. Lasserre
JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034
904 . 261 . 5618 Main
904 . 261 . 9159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ANNEXATION AND ZONING MAP AND FLUM
AMENDMENT
THE ASPIRE AT AMELIA II, LLC
PARCEL ID# 00-00-30-044B-0028-0014, 00-00-30-044B-0028-0012,
00-00-30-044B-0028-0010, AND 00-00-30-044B-0028-0010
3017 & 3021 AMELIA ROAD, FERNANDINA BEACH, FLORIDA**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Annexation and Zoning Map and FLUM Amendment (the "Application") concerning approx. 7.91 acres located at 3017 & 3021 Amelia Road, Fernandina Beach, Florida (the "Property") on behalf of The Aspire at Amelia II, LLC, a Georgia limited liability company.

Please find enclosed a check in the amount of \$2,750.00 for the Application fees. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned both Nassau County Open Rural (OR) and Nassau County Residential – Single Family 2 (RS-2) with a Nassau County FLUM designation of Medium Density Residential. The Property consists of four lots that have been assembled under common ownership. There are two existing single family homes on the Property and an outbuilding used for agricultural purposes.

This application requests an annexation with concurrent rezoning to City of Fernandina Beach Low-Medium Disunity Residential (RLM) and FLUM designation of Medium Density Residential.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

- 1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:**

- a. *Type and density or intensity of surrounding uses* – The property to the north of the subject property is used as a residence and is zoned Nassau County RS-2 with a Nassau County FLUM designation of Medium Density Residential; the property to the west is a vacant land zoned City of Fernandina Beach C-2, General Commercial with a FLUM designation of Commercial; the property to the south is single family residential, zoned City of Fernandina Beach R-1 with a FLUM designation of Low Density Residential; the property to the east is single family residential, zoned Nassau County RS-2 with a FLUM designation of Medium Density Residential. A FLUM amendment for the Property to Medium Density Residential would be suitable and compatible with the type and density of surrounding uses.
- b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to RLM for the Property would be suitable and compatible with the surrounding zoning districts which require detached, single family residential uses (RLM does not allow multifamily structures, only single family). Further, the amendment would act as an additional buffer for existing residential on the east side of Amelia Road and serve as a transition area from commercial on the west side to residential zoning.
- c. *Demonstration of adequate water supply and water supply facilities* – Adequate water and water supply facilities exist.
- d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as single family residential.
- e. *Physical condition of the site and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for single family residential use.
- f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as single family residential based upon the consideration of these issues.
- g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.
- h. *Impact on adopted levels of service standards and quality of service standards* – Any impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.
- i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is not located within the CUPZ.

Ms. Kelly N. Gibson
June 13, 2016
Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is currently used as single family residential and agricultural. The properties to the north, south and east are all single family residential. The property to the west is zoned commercial. Rezoning the Property to residential will serve to protect the adjoining existing residential uses from potentially incompatible commercial development on the Property.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jon C. Lasserre

Encl.

Cc: The Aspire at Amelia, LLC c/o Leo F. Wells, Manager

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0010

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA FARM, LLC, a Florida limited liability company, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

Witness No. 1 Signature: [Signature]

GRANTOR:

Printed Name: Jon C. Lasserre

OLD AMELIA FARM, LLC, a Florida limited liability company

Witness No. 2 Signature: [Signature]

By: [Signature]

Printed Name: Jennifer Athavale

Peter L. Procko, Manager

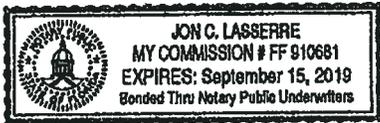
By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA FARM, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:

Sign: [Signature]

Print: Jon C. Lasserre

State of FLORIDA at Large (Seal)

My Commission Expires: 09/15/2019

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "C"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTIONS 3 AND 5, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 499.32 FEET; THENCE NORTH 01°35'54" EAST, 210.00 FEET; THENCE SOUTH 88°24'06" EAST, 213.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 04°23'27" WEST, 60.33 FEET; THENCE NORTH 88°24'06" WEST, 206.94 FEET; THENCE NORTH 01°35'54" EAST, 84.46 FEET; THENCE NORTH 28°20'11" EAST, 151.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 570.27 FEET TO THE NORTHEAST CORNER OF LOT 34, SAID OCEAN BREEZE FARMS; THENCE SOUTH 01°17'10" WEST, ALONG THE WESTERLY BOUNDARY OF SAID LOT 34 AND ALONG THE WESTERLY BOUNDARY OF LOT 35, SAID OCEAN BREEZE FARMS, 490.05 FEET TO THE POINT OF BEGINNING.

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0014

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA RENTALS, LLC, a Florida limited liability, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

Witness No. 1 Signature: [Signature]
Printed Name: JON C LASSERE

Witness No. 2 Signature: [Signature]
Printed Name: Jennifer Athavale

GRANTOR:

OLD AMELIA RENTALS, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA RENTALS, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:
Sign [Signature]
Print JON C. LASSERE
State of FLORIDA at Large (Seal)
My Commission Expires: 09/15/2019

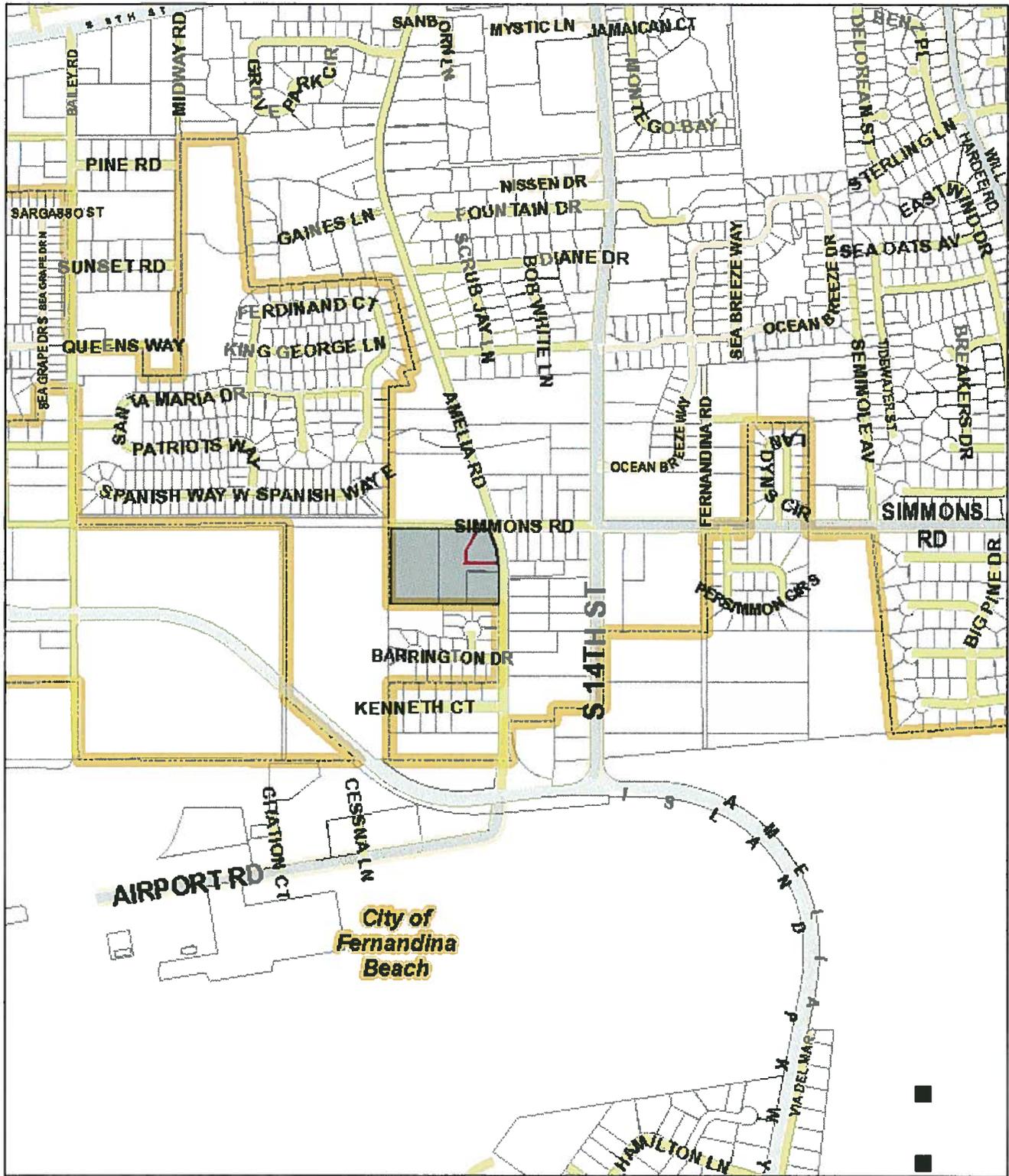
EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "B"

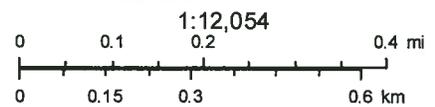
ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 3, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 717.32 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE THE FOLLOWING (2) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: COURSE (1) - NORTH 01°35'54" EAST, 95.00 FEET; COURSE (2) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 02°01'05" WEST, 175.35 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 10°16'22" WEST, 224.81 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 92.42 FEET; THENCE SOUTH 28°20'11" WEST, 151.77 FEET; THENCE SOUTH 01°35'54" WEST, 84.46 FEET; THENCE SOUTH 88°24'06" EAST, 206.94 FEET TO THE POINT OF BEGINNING.

Subject Property

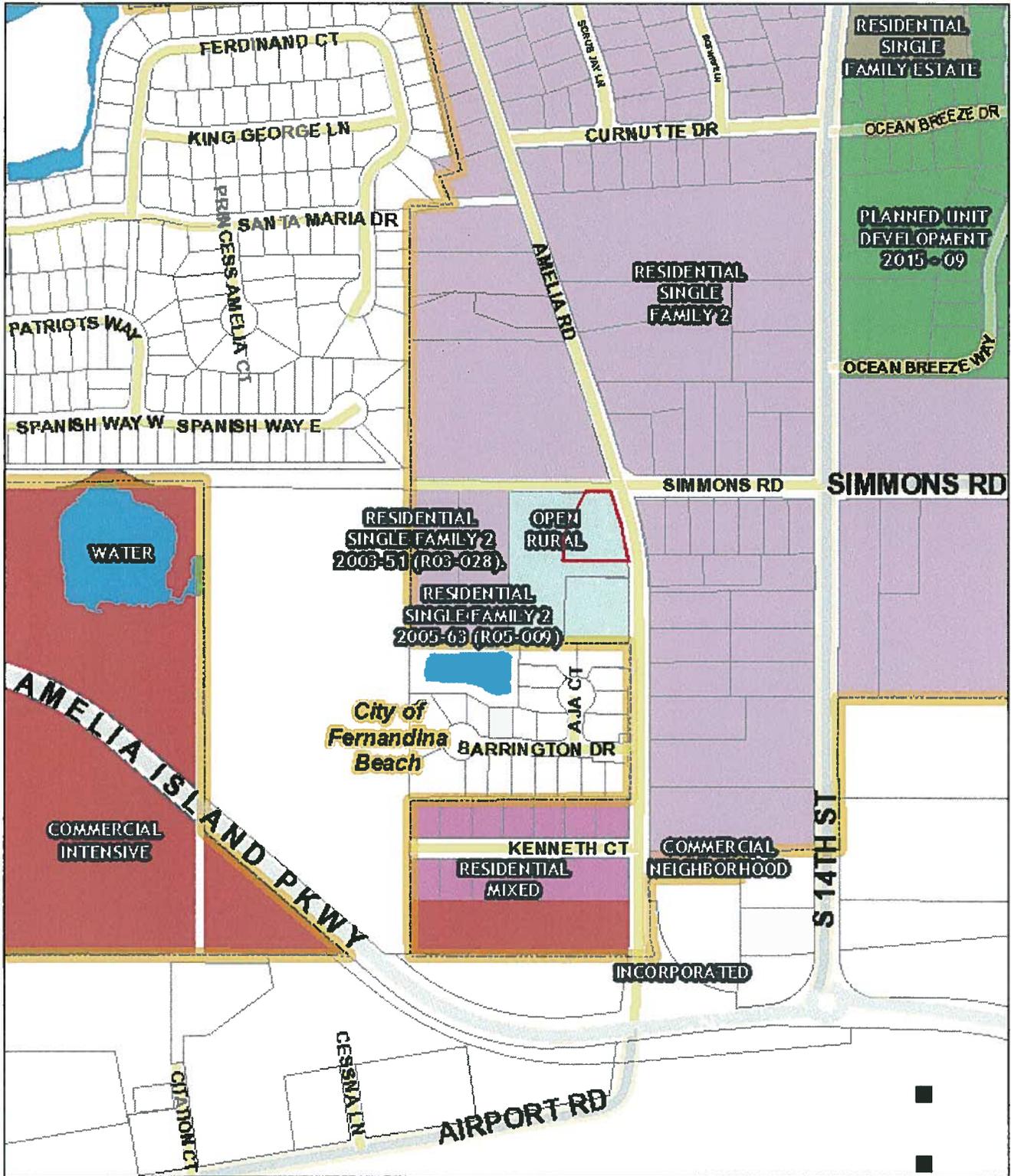


June 2, 2016

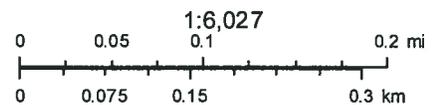


Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Nassau County Zoning

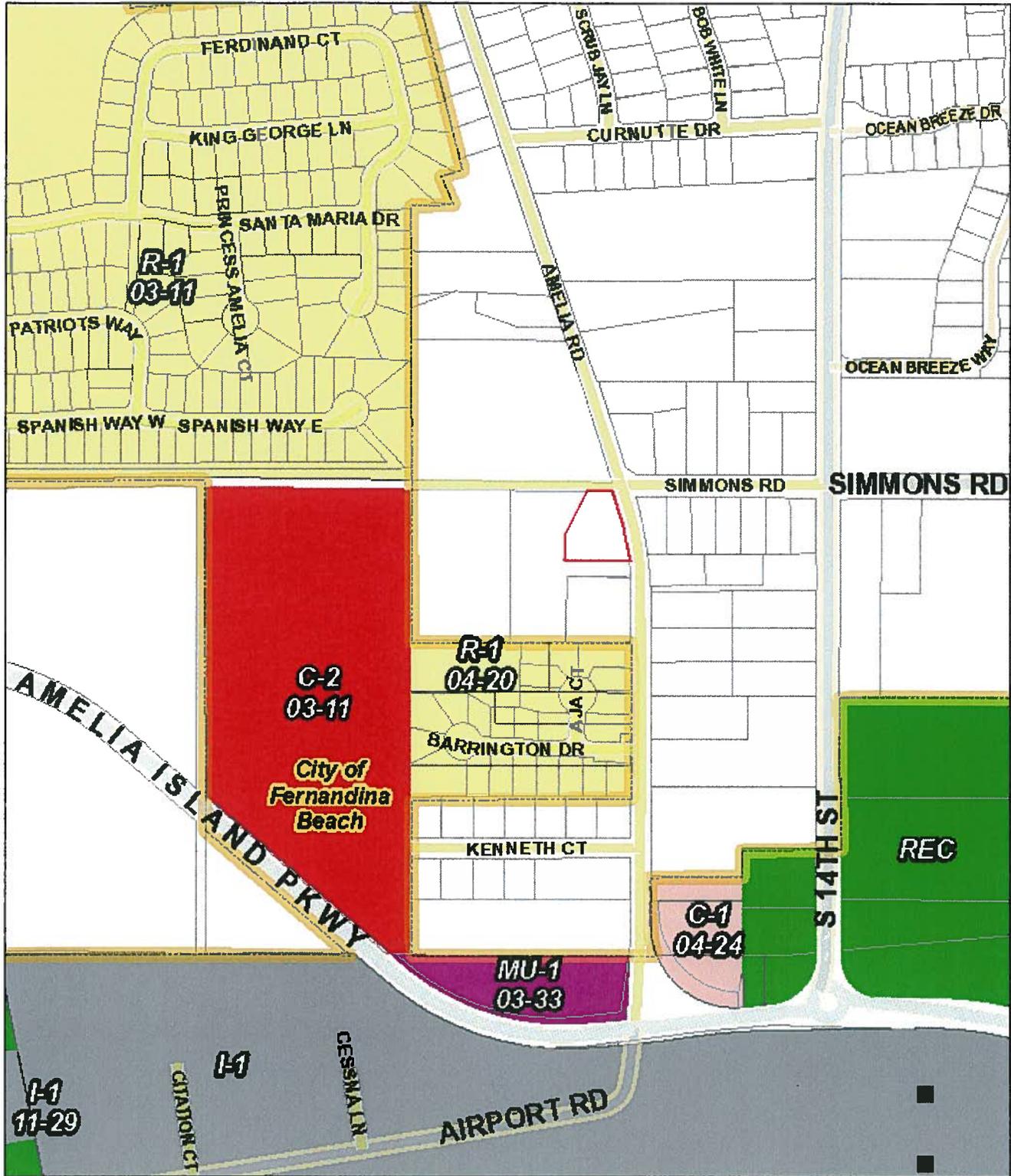


June 2, 2016



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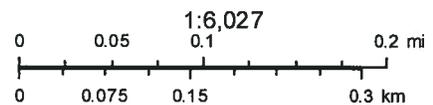
City of Fernandina Beach Zoning



June 2, 2016

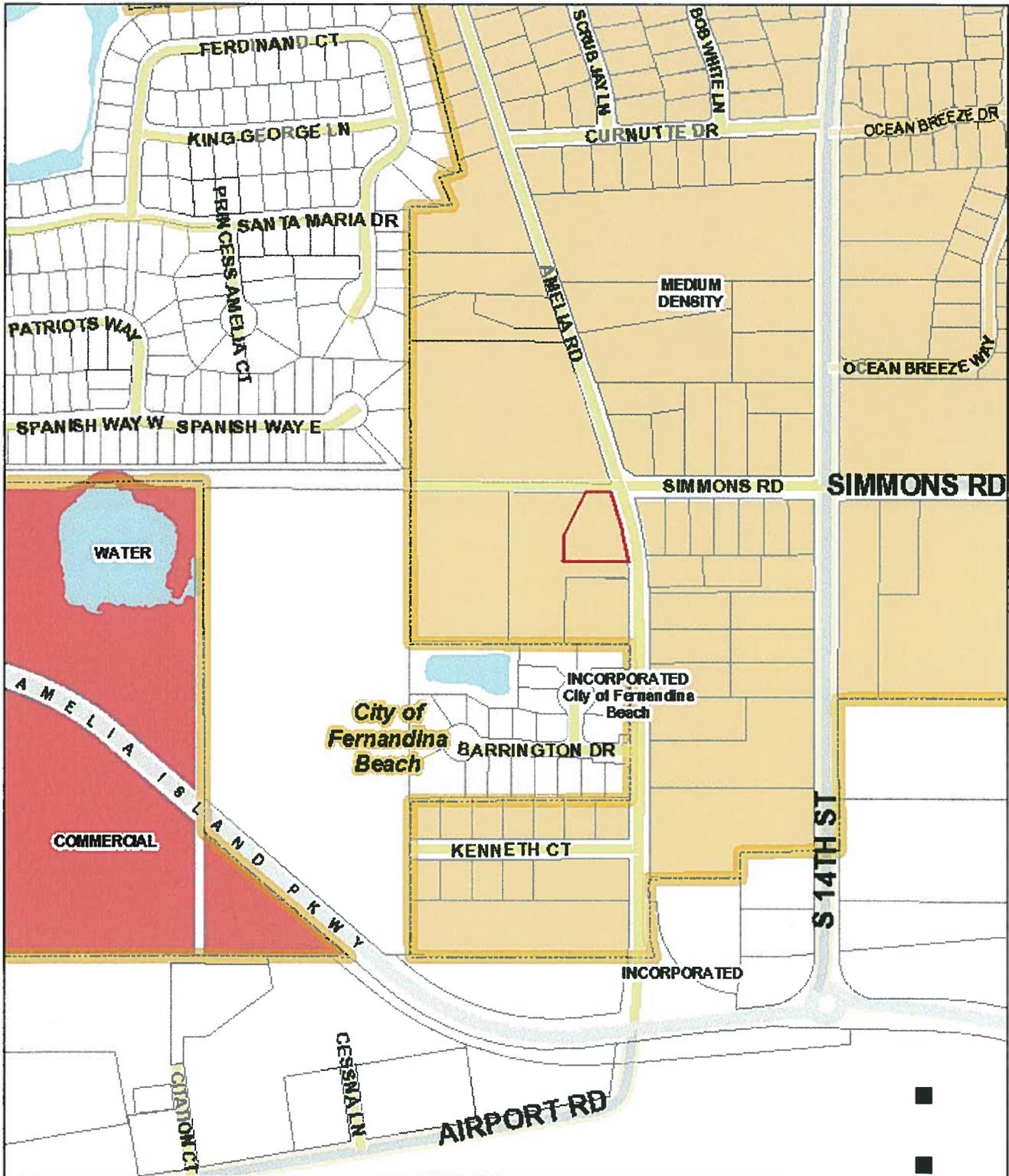
City of F.B. Zoning

 C-1	 R-1	 R-1G	 I-1
 C-2	 RLM	 OT-1	 IA
 C-3	 R-2	 OT-2	 PI-1
 MU-1	 R-3	 W-1	 CON
	 RE	 IW	 REC

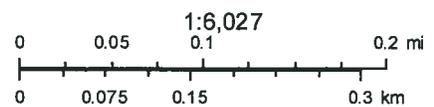


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Nassau County FLUM Designation

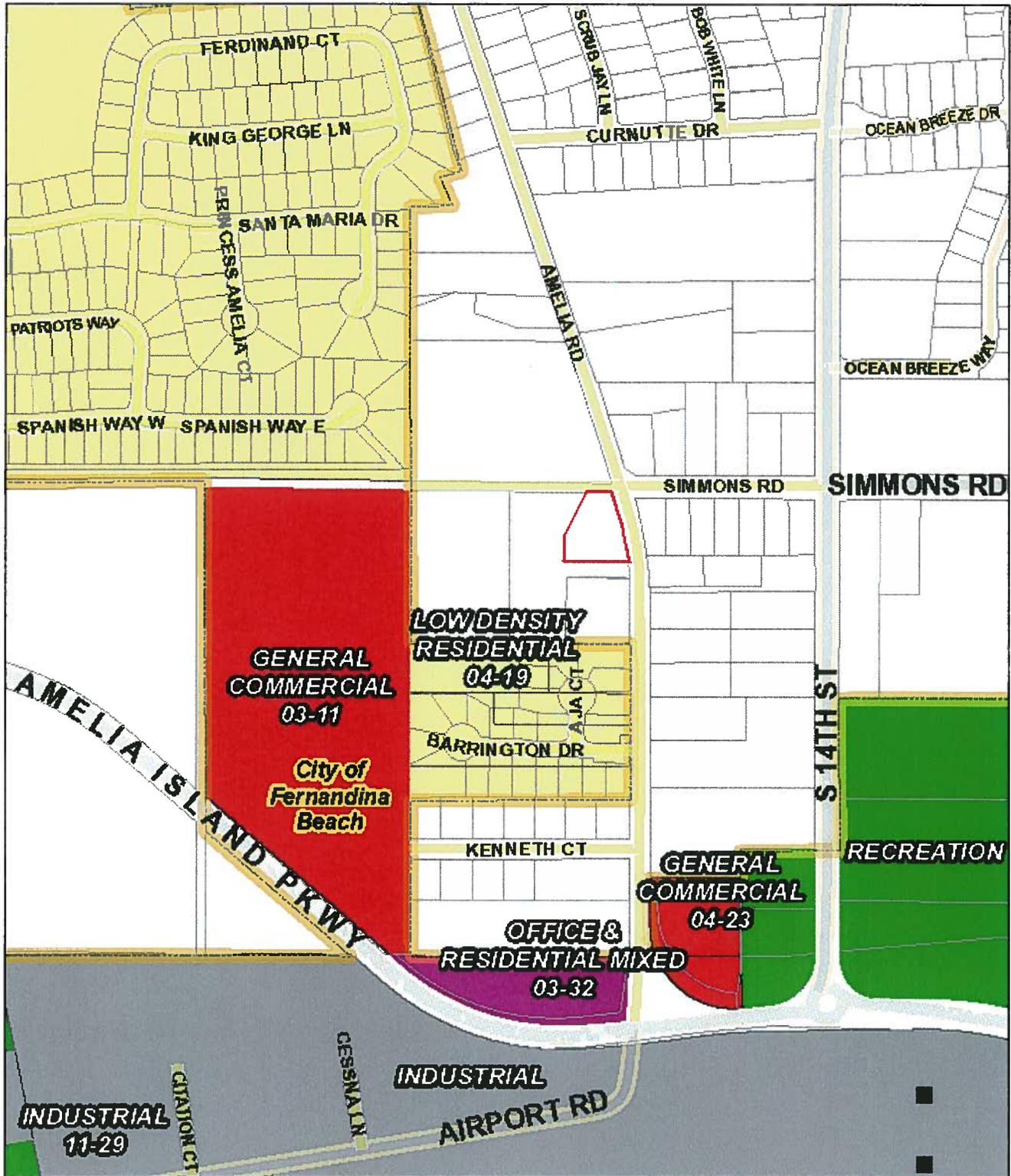


June 2, 2016



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City of Fernandina Beach FLUM Designation



June 2, 2016

City of F.B. Future Land Use

- GENERAL COMMERCIAL
- CENTRAL BUSINESS DISTRICT
- OFFICE & RESIDENTIAL MIXED
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL

- WATERFRONT MIXED USE
- INDUSTRIAL
- INDUSTRIAL WATERFRONT
- PUBLIC & SEMI PUBLIC
- CONSERVATION
- RECREATION

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

**APPLICATION FOR VOLUNTARY ANNEXATION, SMALL- SCALE AMENDMENT TO THE
FUTURE LAND USE MAP & ZONING CHANGE REQUEST**

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	The Aspire at Amelia II, LLC				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Voluntary Annexation, Future Land Use Map Change, and Zoning Map Change				
LOCATION:	3017 and 3021 Amelia Road				
CURRENT LAND USE + ZONING:	Nassau County Medium Density Land Use + Nassau County Open Rural zoning on ~ 4.14 Acres and Residential Single Family 2 zoning on ~ 3.77 acres				
PROPOSED LAND USE + ZONING:	City of Fernandina Beach Medium Density Residential (MDR) Land Use + City of Fernandina Beach Residential Low-Medium (RLM) zoning				
EXISTING USES ON SITE:	3017 Amelia Road contains a Single Family home and swimming pool, 3021 Amelia Road contains a Single Family home, ~5.93 acres of land are “pastureland” identified as Old Amelia Farm				
PROPERTY SIZE:	7.91 Acres Parcel ID #: 00-00-30-044B-0028-0010, 00-00-31-044B-0028-0012, 00-00-30-044B-0028-0014				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
NASSAU COUNTY	North	Single Family Home with a barn on 6.02 Acres of land	2004	Nassau County Residential Single Family 2	Nassau County Medium Density
		Simmons Road Unimproved ROW on northern border with 2018 FDOT funded multiuse path improvement			
WITHIN CITY LIMITS	South	Barrington Cove Subdivision- Single Family Homes (23 lots) and Site Improvements	2007-2016 <i>Nearing build-out</i>	R-1: Low Density Residential	Low Density Residential (LDR)
NASSAU COUNTY	East	Single Family Homes	1995/2015	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	West	Vacant Commercial Property (Portion of Aspire At Amelia- Assisted Living Complex)	Vacant	C-2 (General Commercial)	General Commercial (GC)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City’s website and at the Community Development Department Office. ***



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City’s water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed RLM (Residential Low-Medium) zoning and Medium Density Residential land use designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 <i>All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for “zero discharge,” storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. Under the proposed Future Land Use of Medium Density Residential (MDR) a maximum of 8 units per acre is permissible which would allow up to 65 dwelling units. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Voluntary Annexation, Future Land Use Map change, or Zoning assignment request.

The establishment of Medium Density Residential (MDR) land use and RLM (Residential Low-Medium) zoning on the subject property could result in a maximum of 65 units. A concurrency determination for impacts to Nassau County roadways must be assessed under the City's current requirements contained in LDC Section 7.04.05. All proposed developments generating more than 400 Average Daily Trips (ADT) require a traffic concurrency determination from the Northeast Regional Council. Under a maximum development scenario, Staff estimates that approximately 622 Average Daily Trips (ADT) could be generated by this development; resulting in 65 p.m. peak hour trips¹. Traffic impacts are likely on only State and Nassau County maintained roadways. Nassau County collects mobility fees for roadway impacts based on their adopted a mobility plan. It is expected that the City will, through its adopted Interlocal agreement with Nassau County, collect mobility fees on their behalf for projects within the City. This would be similar to the past collection of transportation impact fees which ceased in 2006.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will consume 22,750 gallons of water per day (65 units x 350 gallons per ERC per day).

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will generate 52,325 gallons of wastewater per day (65 units x 2.3 x 350 gallons per ERC per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant.

Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

¹ ITE Code 210 (Single-Family Detached Housing) average PM peak hour trips = 65 (~1 trip/ dwelling unit)



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as: described below.

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The proposed land use and zoning category is compatible with the land use and zoning which surrounds it. The proposed development will rely on an open roadway (Amelia Road) for access to the subdivision. Water and sewer services are available to serve the site and this proposed development. No leapfrog development or scattered development patterns are generated by this annexation, land use assignment and zoning change.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Uses along Amelia Road are consistent with the City's single family residential land use pattern for the area. The proposed land use category of Medium Density Residential (MDR) with the RLM (Residential Low-Medium) zoning district is the most suitable classification given the characteristics of the surrounding developed properties. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. The site currently contains two (2) single family homes, associated ancillary uses, and farmland. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.



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CONSISTENCY WITH THE LAND DEVELOPMENT CODE: _____

The requested zoning is RLM, provides for commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.04 of the Land Development Code states the intent of the RLM, General Commercial, zoning classification.

The RLM District is intended for the development of low- to medium-density single-family homes on individual lots. This designation is intended to provide for a more urban neighborhood with a higher density than the R-1 District and a lower density than the R-2 District.

The RLM zoning is requested because the preferred development pattern of this property is single family home sites.

CONCLUSION: _____

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the City boundary. The area is a logical extension of urban development and any development or redevelopment is capable of achieving full compliance with the City's Land Development Code and Comprehensive Plan.

The requested voluntary annexation, land use and zoning changes are sufficiently compliant with the Comprehensive Plan, Land Development Code, and Municipal Code. Staff recommends approval of the requested actions.

MOTION TO CONSIDER _____

I move to recommend (**approval or denial**) of PAB case number 2016-18 to the City Commission requesting that a voluntary annexation into the city limits be approved, assigning the High Density Residential/ R-3 land use and zoning category, as described and that PAB case 2016-18, as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner



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EXHIBIT A

