



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
JANUARY 18, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes from the Regular Meeting of October 19, 2022.
- 4. NEW BUSINESS**
 - 4.1 **BOA 2022-0019 - GILLETTE & ASSOCIATES, AGENT FOR DBTW AT FBFL LLC**
Requests a Variance from LDC Sections 6.04.01(E) Commercial Development Standards, 10.01.02(A) Expansion of a Nonconforming Structure, and 7.01.04(C)(2) Parking Area Pervious Materials for redevelopment of a 1970's commercial shopping center known as "8 Flags" located at parcels with addresses of 1010 and 1000 - 1132 S. 14th Street. (*Quasi-Judicial*)
- 5. BOARD BUSINESS**
 - 5.1 Election of Chairperson
 - 5.2 Election of Vice-chairperson
- 6. PUBLIC COMMENT**
- 7. ADJOURNMENT**

THE NEXT BOA REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, FEBRUARY 15, 2023.

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.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 19, 2022
5:00 PM
CITY HALL COMMISSION CHAMBERS**

1. CALL TO ORDER 5:00 p.m.

ROLL CALL / DETERMINATION OF QUORUM

Present: Geoffrey Grant Steven Papke
Barry Hertslet Jag Pagnucco
Faith Ross Janet Mann

Absent: Chuck Oliva

Others: Taylor Hartmann
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Ms. Bach explained the Quasi-Judicial procedures for variance.

Ms. McCann administered the oath to parties that wished to give testimony.

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the May 18, 2022, Regular Meeting.

ACTION TAKEN: A motion was made by Member Hertslet and seconded by Member Papke to approve the Minutes as presented.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

4. NEW BUSINESS

4.1 BOA 2022-0016 - ASA GILLETTE, GILLETTE & ASSOCIATES, AGENT FOR LINEAGE PROPERTIES, LOT 1 SEC 6, AMELIA ISLAND PARKWAY + AMELIA ROAD
Variance request from LDC Section 7.01.04(A)(7) Parking Standards and parking Lot Design and Table 7.01.04(A) Parking Space Requirements. (*Quasi-Judicial*)

Ms. Hartmann presented the case and recommended Denial with Criteria 2 and 4 not meeting the required 6 criteria. Staff noted that if the Board wishes to approve the Variance, Staff recommends that the following conditions be applied: that the applicant must achieve at least 42% total lot area landscaping with planting emphasis along Amelia Island Parkway; that the applicant incorporate a vertical berm or landscape wall

DRAFT

measuring at least 2 ft. high within the landscape buffer fronting Amelia Island Parkway, and that the buildings must provide architectural feature consistent with LDC Section 6.04.00(L)(1) on southern and eastern elevations.

Member Ross asked about the wet detention pond and its close location to the airport. The applicant was to address this in detail. Member Ross also asked about the landscaping around the detention pond.

Chair Grant asked about the usage of this building still being a medical office in the future if a change of ownership occurs. He also asked about Special Condition, Literal Interpretation, and General Harmony analysis from Staff.

Asa Gillette, architect, Gillette & Associates, 20 S. 4th Street, agent for the applicant, spoke of parking comparison analysis with Nassau County, and requested that 10 parking spaces be located in the front for easy and safe access for aging patients. He answered a few questions from Members regarding dry ponds and wet ponds. Chair Grant asked Mr. Gillette to expand on the 20% overage. Mr. Gillette voiced the assumption that Building B would also be a medical building. Chair Grant also asked about the 2 accesses.

Dr. Russell Metz, 1037 Shipwatch Drive East, Jacksonville, thanked the Board for its time, and presented the hopes and intent of the project.

Chair Grant asked about tree removal.

Public Hearing was opened and then closed.

Board Discussion was opened.

Member Pagnucco voiced his concern over the front parking spaces to which Vice-Chair Papke provided a professional opinion.

ACTION TAKEN: A motion was made by Member Papke and seconded by Member Ross to approve BOA 2022-0016 without conditions; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2022-0016, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2021-0016 meets the following criteria 1, 3, 5 and 6 for granting a variance and the City special concept about additional parking meeting the clients' and patients' need, and agreeing with Staff's conditions, and that per County's comparison analysis, 2 lanes will serve the access along with maintenance and fire department requirements.

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

Member Ross	Aye
Member Hertslet	Nay
Member Pagnucco	Aye
Vice Chair Papke	Aye
Chair Grant	Aye

Motion carried.

- 4.2 BOA 2022-0017 - SULLIVAN POOL CONSTRUCTION, AGENT FOR EVERETT B. III + TAYLOR S. TATE, 2240 RYAN ROAD**
Variance request from LDC Section 5.01.11(F)(3) to reduce setbacks for swimming pool. (*Quasi-Judicial*)

Ms. Hartmann presented the case and pointed out that this was an after-the-fact request. With criteria 1, 2, and 3 not being met, Staff recommended Denial.

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John Sullivan, Sullivan Pool Construction, agent for the owner, 14720 Amelia View Drive, Jacksonville, explained how the project evolved and also the fact that the owner expanded the work himself in addition to the pool installation. He spoke of the additional violation regarding the fence which impacted his project.

Ms. McCann administered the oath to Tammy Bliven.

Tammy Bliven, Sullivan Pool Construction, designer, 3820 Peck Road, Green Coves Spring, provided explanations on the circumstances surrounding the misreading of the survey in regards to the placement of the fence.

Public Hearing was opened and closed.

Board Discussion was opened.

Member Pagnucco spoke of the circumstances surrounding the error. Member Hertslet asked about of distance of the setbacks to the pool before and after the recent LDC change.

ACTION TAKEN: A motion was made by Member Hertslet and seconded by Member Papke to approve BOA 2022-0017 as presented; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2022-0017, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2021-0017 meets all criteria for granting a variance, Special Condition is that of a small portion totalling a change from code to only 9 inches, Special Privilege is also met as this change is necessary, Literal Interpretation is met as this is a small change, with the condition that the owner of the property modifies the fence location to be restricted to their property.

Vote upon passage of the motion was taken by ayes and nays, being all ayes, carried.

5. BOARD BUSINESS

Chair Grant spoke of previous cases regarding safety issues and the appeal process, and the Board's analysis of those cases and how the Board can improve in their process. Ms. Bach gave further explanation on these cases.

6. PUBLIC COMMENT

7. ADJOURNMENT 7:07 p.m.

Sylvie McCann, Recording Secretary

Geoffrey L. Grant, Chair

Print

Board of Adjustment (BOA) - Submission #10330

Date Submitted: 12/8/2022

BOARD OF ADJUSTMENT (BOA)

USE THIS FORM TO Apply for a variance to obtain relief from the design standards of this Land Development Code (LDC) where otherwise hardship would occur. A person who is adversely affected by any administrative decision may appeal such decision to the BOA.

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

☐

Residential Properties \$2,500

☐

Non-Residential properties \$5,000

☐

Administrative Appeals \$500

2023 Submission Deadlines + Board Meetings Calendar



Application Requirements

- ☐ A complete application filed at least forty-five (45) days before the date of the Board of Adjustment's public hearing;
- ☐ A current signed, sealed, scaled survey of the property (no older than two years from date of application);
- ☐ Proof of ownership (copy of deed or tax statement)
- ☐ If applying as an agent, Owner's Authorization for Agent Representation form must be signed/ notarized and submitted as part of the application;
- ☐ A detailed letter stating the reasons for the request;
- ☐ Materials as needed to illustrate the nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Site plans must be dimensioned and to scale).

Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, you must meet with the applicable planner prior to submitting your application. Completed Board applications are **due forty-five (45) days prior** to the meeting date. Cases in the historic districts or Community Redevelopment Area are heard by the Historic District Council, please use the HDC Variance Application. Cases in all other areas of the City are heard by the Board of Adjustment.

Please see the Land Development Code (LDC) for detailed information:

- ☐ Procedures for Variances – LDC Section 10.02.04.
- ☐ Expiration of Variance Approval – LDC Section 10.02.04(C).
- ☐ Appeals on a Variance – LDC Section 10.02.04(D).
- ☐ Appeals of Administrative Action – LDC 11.07.00

The LDC is available for review at

www.fbfl.us/LDC

Appeals

Any person aggrieved by any decision of the BOA regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision at the office of the Board; otherwise, the decision of the Board shall be final.

Limitations on the Grant of a Variance



1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.



2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.



3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered g



4. A variance shall not change the requirements for concurrency.



5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.



6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.



7. A variance shall not be granted for procedure or process components of this Land Development Code.



8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Ave



9. A variance will not be granted which authorizes the filling of wetlands prohibited by Land Development Code Section 3.03.03(A)



10. No variance shall be granted to exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean highwater line of the Atlantic Ocean under LDC Section 4.02.03(D)



11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.03(E).



12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

REVIEW TYPE*



Variance



Appeal of Administrative Decision

Have you met with a planner for a pre-application meeting?*

Yes

What was the date of your pre-application meeting?*

11/17/2022

PROPERTY INFORMATION

[Property information can be found at the Nassau County Property Appraiser's Website's Map Search](#)

Site Address*

1018 S 14th Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0265-0011, 00-00-31-1800-0265-0012

Zoning District*

C-2

Future Land Use Designation*

General Commercial

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Thomas

Last Name*

Wheeler

Company (if applicable)

DBTW AT FBFL LLC

Mailing Address*

PO Box 30641

City*

Sea Island

State*

GA

Zip*

31561

Telephone Number*

404-285-3257

E-mail Address*

tomsipad410@gmail.com

OWNER'S AGENT

If other than owner. If an agent will be representing the owner, an Owner's Authorization For Agent Representation form must be included

First Name

Asa

Last Name

Gillette

Company (if applicable)

Gillette & Associates, Inc.

Mailing Address

20 S 4th Street

City

Fernandina Beach

State

FL

Zip

Telephone Number

904-261-8819

E-mail Address

asa@gilletteassociates.com

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

6.04.01(E), 7.01.04(C)(2)

Summary of Request (more detailed information to be provided in required letter of intent)*

Expansion of the existing 8-Flags Shopping Center on South 14th Street to accommodate a new anchor tenant with exemptions from the LDC sections listed above. Work will include upgrade of site to meet the current City of Fernandina Beach LDC to the best extent possible. Please see our letter of intent for more detail

REQUIRED FINDINGS FOR A GRANT OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof of demonstrating that the application for a variance complies with each of the requirements. Please explain in detail how your case meets the following requirements:

1. Special Conditions: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.*

The existing shopping center building and parking area were constructed in the mid 1970's, prior to the current LDC. There were no regulations at that time for building size, drainage, parking, etc. so what is constructed now does not meet the current LDC. The owner wishes to expand the shopping center to accommodate a new anchor tenant which will cause a slight increase in the size of the shopping center building. As part of the conditions of this variance, the owner will meet current LDC to the fullest extent possible.

2. Special Privilege: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.*

The existing site was developed prior to the current LDC, as well as the creation of the St. John's River Water Management District and the owner wishes to upgrade the site to beautify and serve the local area. Since we are complying with the current LDC (with the exception of the variances asked), we do not feel special privileges are being granted for this site.

3. Literal Interpretation: Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

Literal interpretation of the LDC would deprive the owner of bringing a highly, non compliant site in-line with the current LDC, delay beautification and would deprive the community of a needed service.

4. **Minimum Variance:** The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.*

We feel a variance from these two sections of the LDC is the minimum to bring a highly non-compliant site in-line with the current LDC, and still maintain an overall consistent aesthetic look. We intend to meet all other aspects of the LDC.

5. General Harmony: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.*

The existing site is zoned C-2 with a General Commercial land use. The proposed use of the site is the same as the current use and is in harmony with the general intent and purpose of the LDC and Comprehensive Plan.

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.*

The existing site is already fully developed, so our proposed modifications would be considered an improvement for vehicular movement, pedestrian access, pedestrian safety and increased landscaping relief.

Upload Supplemental Materials

8-flags shopping center_variance.pdf

Upload 2

8-flags.pdf

Upload 3

8-flags.pdf

Upload 4

Choose File | No file selected

Upload 5

Choose File | No file selected

Upload 6

Choose File | No file selected

Upload 7

Choose File | No file selected

Certification*

☒ By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.

☒ I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant's First Name*

Asa

Applicant's Last Name*

Gillette

Today's Date*

12/8/2022



DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 |
www.fbfl.us/planning

Please make sure to disable pop-up blocker in order to submit.



BOARD OF ADJUSTMENT STAFF REPORT
BOA 2022-0019
JANUARY 18, 2023

Agent/Owner:	Asa Gillette, Gillette & Associates Agent for: Tom Wheeler
Property Address:	1018 S. 14 th Street
Parcel Number:	00-00-31-1800-0265-0011 & 00-00-31-1800-0265-0012
Requested action:	3 Variance Requests from LDC Sections: 6.04.01(E), 10.01.02(A), and 7.01.04(C)(2)
Current zoning:	C-2
FLUM land use category:	General Commercial
Existing uses on the site:	Shopping Center

All required application materials have been received. All fees have been paid. All required notices have been made.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The subject property is currently a commercial structure of approximately 102,000 square feet and was purchased by the applicant in 2005. When first constructed, in the 1970s, the shopping center was zoned as C-1/Community Commercial and met all applicable codes. However, a number of city-initiated code changes over the last 50 years have rendered this structure a legal non-conformity. The current LDC allows for the shopping center to remain, exactly as it is, indefinitely. The applicant would like to work towards correcting non-conformities.

In 2016 the property owner applied to the Planning Advisory Board (PAB) to rectify an inconsistency between its zoning district of C-1 and its Future Land Use of General Commercial. After hearing the case, the PAB recommended approval to the City Commission (CC), who also voted to approve the requested action via Ordinance 2016-06. The ordinance resulted in the property's current zoning of C-2 and Future Land Use of General Commercial.

Today, the applicant is requesting 3 variances from LDC sections:

1. 6.04.01(E) limiting a commercial structure to no more than 80,000 sq. ft.
2. 10.01.02(A) to expand a nonconforming structure. The proposed plans indicate an expansion of approximately 9, 515 square feet in the form of a centrally located bump-out in order to house a new anchor tenant in the space.
3. 7.01.04(C)(2) requiring all redeveloping properties to use pervious materials for at least 75% of the required parking. The applicant is requesting relief from having to provide pervious parking.

Staff notes the following background information on the requested variances.

Starting in early 1999, city-wide concerns about large retail supercenters moving into Fernandina Beach became a frequent topic of discussion. By August of 1999, the Development Services Department (DSD), now the Community Services Department (CSD), had researched "Super Center" regulations and provided the Planning Advisory Board (PAB) with their analysis. The final recommendation offered by the DSD would limit a structure in a commercial district to no larger than a downtown city block of 200' by 400' or 80,000 sq. ft. This discussion item was placed on the September 7th, 1999, City Commission (CC) agenda and resulted in the CC directing Staff to seek the input of the PAB and draft an ordinance regulating big box store floor area. The PAB held public meetings on November 17, 1999, December 15, 1999, and January 12, 2000, to discuss and receive feedback on Ordinance 99-43, limiting commercial structures to no more than 80,000 sq. ft., at which time members unanimously voted to recommend approval to the CC. On March 7, 2000, the final reading of OR 99-43 went before the CC and was formally adopted.

In 2012, the City Commission voted to approved Ordinance 2012-29 which added LDC section 7.01.04(C)(2) requiring all new and redeveloping properties to use pervious materials for at least 75% of the required parking spaces. This amendment was adopted based on the results of the City's 2010 adopted Evaluation and Appraisal Report (EAR) and the City's 2030 Comprehensive Plan goals.

Prior to 2012, Goal 1 of the City's Comprehensive Plan expressly prohibited the expansion and/or modifying of nonconforming structures. However, in 2012 language was added which encouraged the reuse and revitalization of existing structures. This change was an effort to promote more sustainable development, reduce

the environmental impacts of redevelopment, and preserve older structures. Figures 1 & 2 below show the 2009 and 2012 Comprehensive Plan goals related to legal nonconformities.

OBJECTIVE 1.04. NONCONFORMITIES

The City shall eliminate or reduce **nonconforming** land uses and nonconforming structures.

POLICIES

- 1.04.01. Nonconforming land uses and nonconforming structures shall not be expanded to increase the nonconformity. Expansion means an increase in land area or an increase in floor area.
- 1.04.02. The City shall consider land development regulations for such issues as the cessation, repair and maintenance, and amortization of nonconforming uses and nonconforming buildings.
- 1.04.03. Existing platted lots of record that are located in Central Business District, Office Residential Mixed Use, Low, Medium, or High density residential land use districts shall not be prohibited from the construction of one residential unit due to a non-conforming lot size. (amended by Ordinance 2005-30, NOI 2006-01)

Objective 1.04 of the City's 2009 Comprehensive Plan

OBJECTIVE 1.05.

NONCONFORMING STRUCTURES, USES AND LOTS

To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.

POLICY 1.05.01.

The City may utilize overlays or neighborhood conservation districts to establish Land Development Code regulations which support this objective.

POLICY 1.05.02.

Existing non-conforming structures shall be permitted to expand when the addition complies with current site design requirements contained in the Land Development Code.

POLICY 1.05.03.

The City shall establish land development regulations to address the cessation, repair and maintenance, and amortization of nonconforming uses.

POLICY 1.05.04.

Existing platted lots of record located in Central Business District, Mixed Use, and Low, Medium, or High Density Residential land use districts shall not be prohibited from the construction of one (1) residential unit due to a non-conforming lot size.

Objective 1.05. of the City's 2012 Comprehensive Plan

As a result of the proposed adaptive reuse, the following current non-conformities will be brought into full

compliance:

- 4.05.06(A-B) – This section of the code has minimum landscape and shade tree requirements for non-residential development.
- 4.05.07(A-E) This section of the code sets minimum landscape requirements for off-street parking layout, perimeter landscaping, and interior parking lot landscaping that includes the addition of landscaped “cart corrals” and landscaped islands.
- 6.04.01(F) – This section of code requires perimeter landscape buffers.
- 7.01.04 (D)(1-5) – This section of the code requires that pedestrian and vehicular circulation be clearly and appropriately separated from one another and safe pedestrian connectivity to adjacent residential neighborhoods and transportation networks.

EXHIBIT A: CURRENT SURVEY

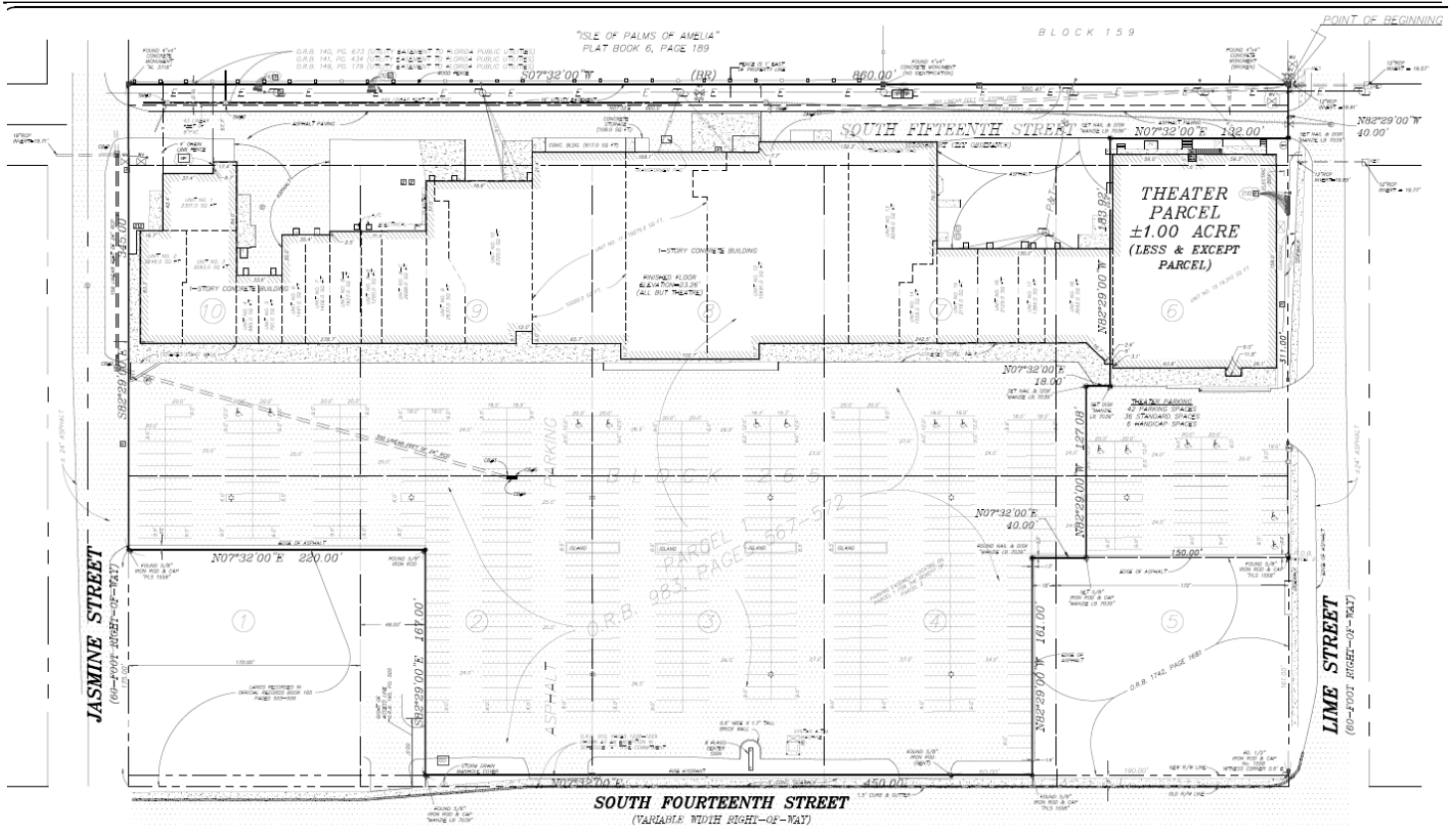


EXHIBIT B: PROPOSED SITE PLAN

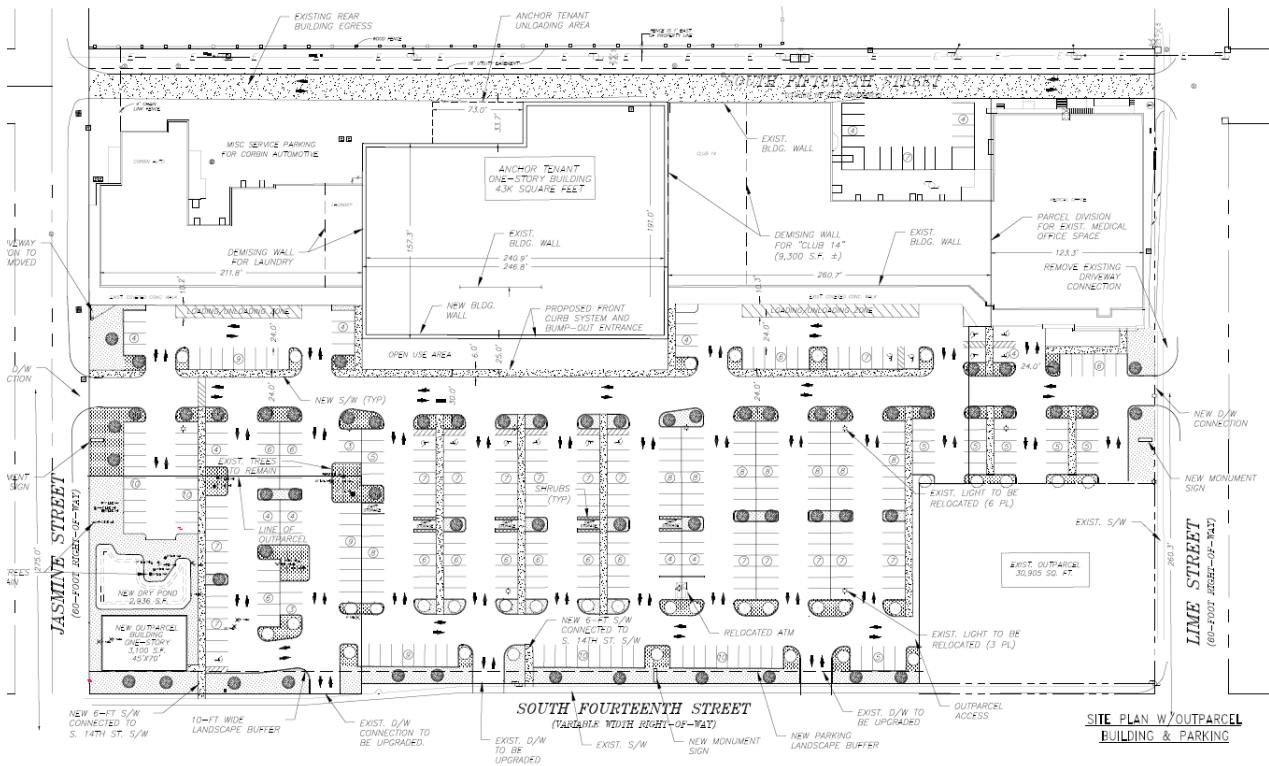
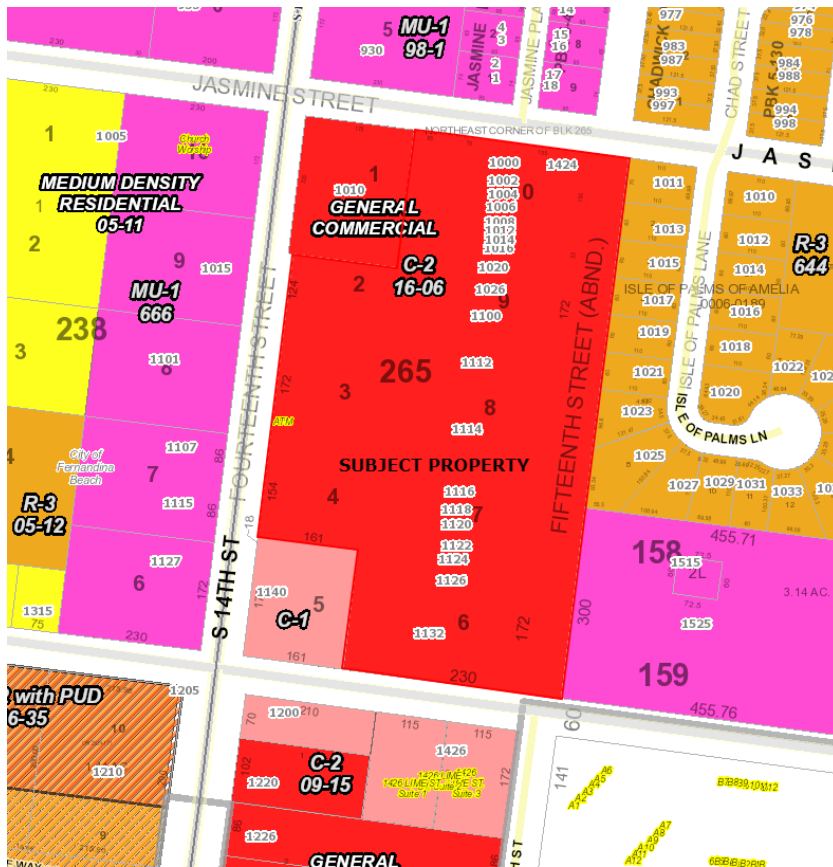


EXHIBIT C: SURROUNDING AREA PARCELS



APPLICABLE GUIDELINES:

CITY OF FERNANDINA BEACH LAND DEVELOPMENT CODE:

Staff's review of this application finds it is not subject to any of the limitations of Section 10.02.01 and can therefore be considered by the Board.

CITY OF FERNANDINA BEACH COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 - The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 - The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.
- Objective 1.05. - To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.

ANALYSIS:

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

Criteria	Applicant Response	Staff Analysis	Meets Criteria
1. Special Conditions <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i>	The existing shopping center building and parking area were constructed in the mid 1970's, prior to the current LDC. There were no regulations at that time for building size, drainage, parking, etc.so what is constructed now does not meet the current LDC. The owner wishes to expand the shopping center to accommodate a new anchor tenant which will cause a slight increase in the size of the shopping center building. As part of the conditions of this variance, the owner will meet current LDC to the fullest extent possible.	Yes. Special conditions do exist as they relate to the land. The subject commercial center was code compliant at the time of its construction and was only rendered a legal non-conformity due to code changes adopted decades later, beyond the applicant's control. Additionally, at the time of construction in the 1970s, commercial zoning districts did not have any impervious surface lot coverage requirements. All new development, within the same zoning district, has the benefit of working with a "blank slate" to account for pervious surface requirements and building size related to its intended use.	☒ Yes ☐ No

Criteria	Applicant Response	Staff Analysis	Meets Criteria
2. Special Privilege <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i>	The existing site was developed prior to the current LDC, as well as the creation of the St. John's River Water Management District and the owner wishes to upgrade the site to beautify and serve the local area. Since we are complying with the current LDC (with the exception of the variances asked), we do not feel special privileges are being granted for this site.	No. Granting the variance does confer upon the applicant a special privilege that is denied by the Land Development Code. All commercial development is required to meet the LDC's minimum requirements. However, staff does acknowledge that adaptive reuse of a property presents additional challenges that "ground up" development does not face.	☐ Yes ☒ No
3. Literal Interpretation <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i>	Literal interpretation of the LDC would deprive the owner of bringing a highly, non-compliant site in-line with the current LDC, delay beautification and would deprive the community of a needed service.	No. The literal interpretation of the Land Development Code would not deprive the applicant of rights enjoyed by other properties within this zoning district. The LDC allows for this non-conforming structure to exist indefinitely or for the applicant to demolish the entire structure and parking lot to rebuild in accordance with the current code regulations.	☐ Yes ☒ No
4. Minimum Variance <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i>	We feel a variance from these two sections of the LDC is the minimum to bring a highly non-compliant site in-line with the current LDC, and still maintain an overall consistent aesthetic look. We intend to meet all other aspects of the LDC.	No. The variance requested is not the minimum variance needed to make possible the reasonable use of the land. The subject property currently houses multiple tenants operating a variety of businesses.	☐ Yes ☒ No
5. General Harmony <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i>	The existing site is zoned C-2 with a General Commercial land use. The proposed use of the site is the same as the current use and is in harmony with the general intent and purpose of the LDC and Comprehensive Plan.	Yes. Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan. The LDC and Comp Plan both stress the importance of adaptive reuse of existing structures due to the reduced impact on the environment and enhanced sustainability. Pedestrian-centered design is a core focus throughout both documents as well and the proposed plans drastically improve the safety and security of all patrons of the shopping center.	☒ Yes ☐ No

Criteria	Applicant Response	Staff Analysis	Meets Criteria
6. Public Interest <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i>	The existing site is already fully developed, so our proposed modifications would be considered an improvement for vehicular movement, pedestrian access, pedestrian safety and increased landscaping relief.	Yes. Granting the variance is compatible with the surrounding properties, may not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare, or environment. The current parking lot layout presents a number of pedestrian and vehicular safety issues including a lack of sidewalks, crosswalks, curbing, and greenspace. Additionally, the subject parcel currently has just 4 landscape islands whereas the proposed plans indicate more than 2 dozen. These islands are raised which helps to calm vehicular traffic, they also include curbs that can better direct stormwater, and green areas to reduce the heat island effect.	☒ Yes ☐ No

STAFF RECOMMENDATION:

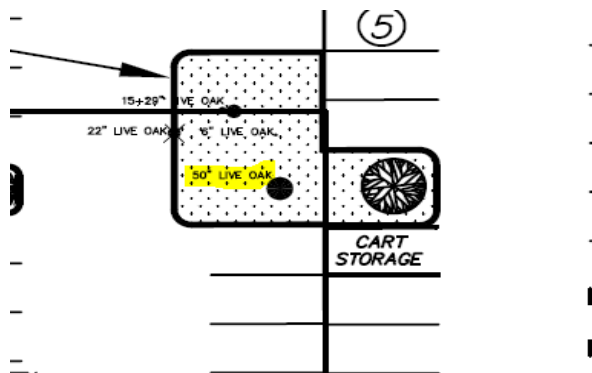
The variance requested is consistent/inconsistent with the criteria for granting a variance as follows:

	Consistent	Inconsistent
1. Special Conditions	X	
2. Special Privilege		X
3. Literal Interpretations		X
4. Minimum Variance		X
5. General Harmony	X	
6. Public Interest	X	

Staff finds that the requested action, as presented, **DOES NOT** meet all six criteria for granting a variance, therefore staff must recommend **DENIAL**.

While Staff cannot make a recommendation of approval, it does ask the Board to consider the extent to which the proposed plans would benefit the area neighborhoods and improve the pedestrian pathways in addition to achieving an overall lower development impact. It also makes the following recommendation should the Board vote to approve the requested variances:

- Recommend that the owner apply for a Heritage Tree designation for the 50" Live Oak that is located in the northwestern part of the existing parking lot.



Staff recommends:

DENIAL of BOA 2022-0019.

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2022-0019;

AND I move that the BOA make the following findings of fact and conclusions of law part of the record:

That BOA case 2022-0019, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time;

AND that BOA case number 2022-0019 **meets or does not meet** the following criteria for granting a variance:

LIST OF EXHIBITS:

EXHIBIT A – CURRENT SURVEY

EXHIBIT B – PROPOSED SITE PLAN

EXHIBIT C – SURROUNDING AREA PARCELS

Respectfully Submitted,



Taylor Hartmann
Planner I

STATE OF FLORIDA
COUNTY OF ~~NASSAU~~ DUVAL

The foregoing instrument was acknowledged before me this 31 day of August, 2005, by Charles Price as Manager of Eight Flags, L.L.C., a Florida limited liability company, on behalf of the Company. He/She is personally known to me or ~~has produced~~ as identification.



DONNA F. GAITHER
MY COMMISSION # DD 441772
EXPIRES: July 7, 2009
Bonded Thru Budget Notary Services

NOTARY PUBLIC:

Sign: Donna F. Gaither

Print _____
State of _____ at Large (Seal)
My Commission Expires:

EIGHT FLAGS, L.L.C.

By: [Signature]
Name: Charles Price, Manager

[Signature]
Witness

Name: Timothy P. Kelly
Print

Donna F. Gaither
Witness

Name: DONNA F. GAITHER
Print

EXHIBIT "A"

Legal Description

A PORTION OF BLOCK 265, "FERNANDINA BEACH, FLORIDA" AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND RE-ISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A CONCRETE MONUMENT SET WHERE THE EAST RIGHT-OF-WAY LINE OF SOUTH FIFTEENTH STREET (A 60 FOOT RIGHT-OF-WAY NOW ABANDONED) INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF LIME STREET (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 82°29'00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LIME STREET, A DISTANCE OF 351.00 FEET; THENCE NORTH 07°32'00" EAST A DISTANCE OF 190.00 FEET; THENCE NORTH 82°29'00" WEST A DISTANCE OF 161.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH FOURTEENTH STREET; THENCE NORTH 07°32'00" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 450.00 FEET; THENCE SOUTH 82°29'00" EAST A DISTANCE OF 167.00 FEET; THENCE NORTH 07°32'00" EAST A DISTANCE OF 220.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF JASMINE STREET (A 60 FOOT RIGHT-OF-WAY); THENCE SOUTH 82°29'00" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID JASMINE STREET, A DISTANCE OF 345.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH FIFTEENTH STREET (A 60 FOOT RIGHT-OF-WAY NOW ABANDONED); THENCE SOUTH 07°32'00" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 860.00 FEET TO THE POINT OF BEGINNING.



EXHIBIT "B"

PERMITTED TITLE EXCEPTIONS

1. All general and special taxes and assessments for the year 2005 and subsequent years.
2. Rights of tenants in possession and under unrecorded written leases.
3. Easement to Florida Public Utilities Company as set forth in instruments recorded in Official Records Book 140, page 673 and official Records Book 141, page 434, as re-recorded in Official Records Book 149, page 179, of the public records of Nassau County, Florida.
4. Easement for ingress and egress as set forth in instrument recorded in Official Records Book 195, page 505, of the public records of Nassau County, Florida.
5. Survey by Manzie & Drake Land Surveying dated March 13, 2001, discloses the following:
 - A. Electric box located near Southerly boundary line.
 - B. Curb extends from Easterly boundary line into right-of-way of S. 14th Street.
6. Declaration of Easements recorded in Official Records Book 983, page 567, of the public records of Nassau County, Florida.





Gillette & Associates, Inc.

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

AGENT AUTHORIZATION

I, Thomas W. Wheeler of DBTW FB, LLC, the owner of the following property(s) do hereby authorize, Gillette & Associates, Inc. to act as my Agent in conjunction with all site plan applications and any other Local, State and/or Federal development permits necessary for development of the following property, without any further notice.

Property ID Number(s): 00-00-31-1800-0265-0011; 00-00-31-1800-0265-0012

Location: 1018 South 14th Street and 1010 South 14th Street, Fernandina Beach, FL

TLW 12/8/22 (404) 285-3257
Signature Sole Manager Date Telephone Number

STATE OF FLORIDA
COUNTY OF NASSAU

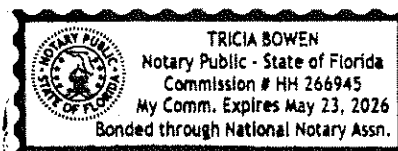
Subscribed and sworn to before me this 8th day of December, 2022.

Who is personally known to me or has produced identification

Tricia Bowen
Notary Public: Signature

Tricia Bowen
Printed Name

My Commission Expires: 5/23/26





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

December 8, 2022

Ms. Taylor Hartman
Planner and BOA Liaison
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

Re: 8-Flags Shopping Center Renovation
1018 S. 14th Street
Fernandina Beach, Florida
Variances from City of Fernandina Beach Land Development Code
TRC Case Number: Not Applicable at this time.

Dear Ms. Hartman:

On behalf of our client, we are respectfully requesting the following variances to the City of Fernandina Beach's Land Development Code (LDC). We ask the Board of Adjustments (BOA) to consider the following items.

- We request a variance from Section 6.04.01(E) of the City of Fernandina Beach's LDC which limits the maximum gross floor area for all buildings in a commercial development to 80,000 square feet. We ask for a variance to this section to allow for expansion of the existing building at the above referenced address to accommodate a new anchor tenant. The existing building is approximately 101,490 square feet and was constructed in the mid 1970's, prior to the current LDC. Please reference Attachment A for the existing survey. We propose to add approximately 8,390 square feet (+8.3%) of new building space to the existing structure to accommodate a new anchor tenant. We propose site upgrades and parking reconfiguration, complying with the current LDC as much as reasonably possible. Please reference Attachment B for the proposed layout.
- We request a variance from Section 7.01.04 (C)(2) of the LDC, which requires pervious parking materials for a minimum of 75% of the required parking spaces. The existing site parking lot is essentially one continuous asphalt parking surface, with minimal landscape interruption. We ask for this variance to allow preservation of as much of the existing asphalt area, while incorporating landscape islands, parking space restriping, lighting, stormwater management etc. in an attempt to meet the current LDC. This would be applicable to the redevelopment of the northwest outparcel (Jasmine Street and 14th Street) for the new parking to facilitate the shopping center upgrade, with new parking spaces matching the existing asphalt surface. This would limit impacts to the existing drainage system and would present a more uniform appearance.

We appreciate your consideration in this matter. If you have any questions, please contact our office at 261-8819.

Sincerely,

Asa R. Gillette, P.E.
Principal
Gillette & Associates, Inc.

cc: Owner
file

ATTACHMENT A

Existing Site Survey

MAP OF BOUNDARY SURVEY

OVERALL PARCEL
A PORTION OF BLOCK 265, 'FERNANDINA BEACH FLORIDA', AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

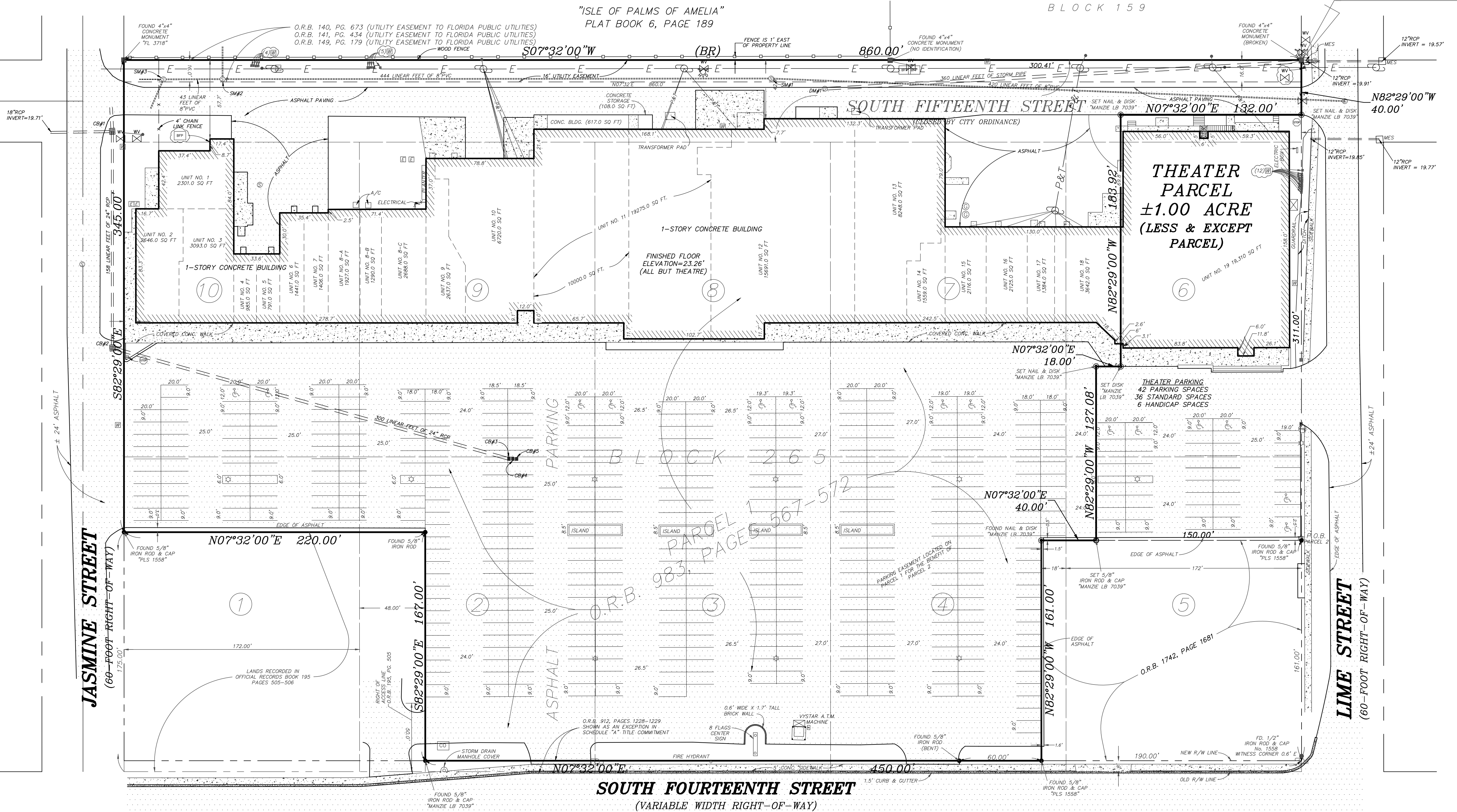
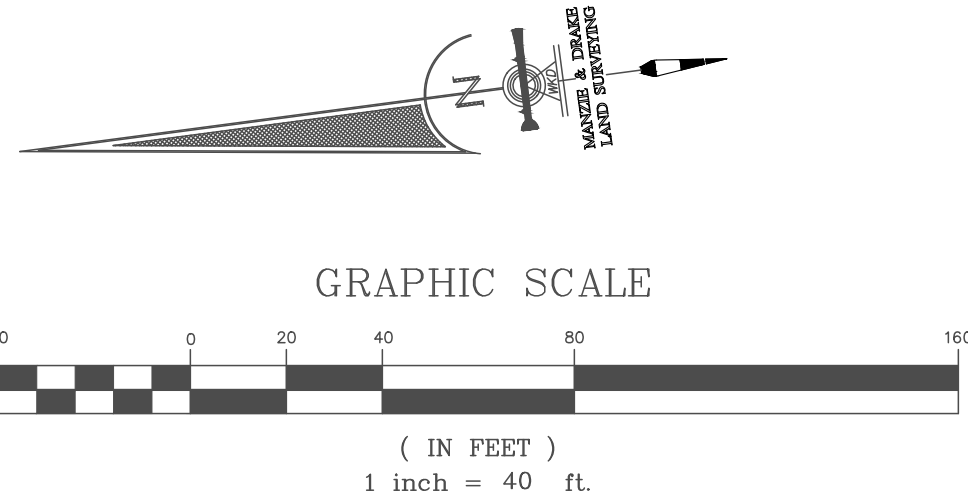
BEGUN AT A CONCRETE MONUMENT SET WHERE THE EAST RIGHT-OF-WAY LINE OF SOUTH FIFTEENTH STREET (A 60 FOOT RIGHT-OF-WAY NOW ABANDONED) INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF LIME STREET (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 82°29'00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LIME STREET, A DISTANCE OF 351.00 FEET; THENCE NORTH 07°32'00" EAST A DISTANCE OF 190.00 FEET; THENCE NORTH 82°29'00" WEST A DISTANCE OF 161.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH FOURTEENTH STREET; THENCE NORTH 07°32'00" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 450.00 FEET; THENCE SOUTH 82°29'00" EAST A DISTANCE OF 167.00 FEET; THENCE NORTH 07°32'00" EAST A DISTANCE OF 220.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF JASMINE STREET (A 60 FOOT RIGHT-OF-WAY); THENCE SOUTH 82°29'00" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID JASMINE STREET, A DISTANCE OF 345.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH FIFTEENTH STREET (A 60 FOOT RIGHT-OF-WAY NOW ABANDONED); THENCE SOUTH 07°32'00" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 860.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THEATER PARCEL
A PORTION OF LOTS 5 AND 6, BLOCK 265, 'FERNANDINA BEACH FLORIDA', AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTH FIFTEENTH STREET (A 60 FOOT RIGHT-OF-WAY NOW ABANDONED) AND THE NORTH RIGHT-OF-WAY LINE OF LIME STREET (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 82°29'00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LIME STREET, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 82°29'00" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LIME STREET, A DISTANCE OF 311.00 FEET; THENCE NORTH 07°32'00" EAST, ALONG THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1742, PAGE 1681, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, A DISTANCE OF 150.00 FEET; THENCE SOUTH 82°29'00" EAST A DISTANCE OF 127.08 FEET; THENCE SOUTH 07°32'00" WEST A DISTANCE OF 18.00 FEET; SOUTH 82°29'00" EAST A DISTANCE OF 183.92 FEET; THENCE SOUTH 07°32'00" WEST, ALONG A LINE 400.00 FEET WESTERLY OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH FIFTEENTH STREET (A 60 FOOT RIGHT-OF-WAY NOW ABANDONED), A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO:
FIRST AMERICAN TITLE INSURANCE COMPANY
DBTM AT FBPL, LLC
FIRST BANK OF THE SOUTH, ITS SUCCESSORS AND/OR ASSIGNS
AS THEIR INTEREST MAY APPEAR
EIGHT FLAGS, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY



- SURVEY NOTES:**
- The "Legal Description" hereon is in accord with the description provided by the client
 - Underground Improvements were not located or shown.
 - In connection with preparation of this Survey, we reviewed First American Title Insurance Commitment for Title Insurance No. 05-8868 for the Property, with an effective date of July 10, 2005 and utilized it in preparation of the Survey. In terms of the Schedule B, Section 2, Exceptions: Exception 8 applies to the Property and is shown on the Survey; Exception 11 applies to the Property but is so vague that it cannot be shown; Exception 10 establishes parking easements and access and ingress/egress easements encumbering the Property (Parcel 1) for the benefit of the shown Parcel 2; and Exception 9 does affect the Property and is shown on the Survey.
 - Bearings and/or angles shown hereon are assumed. The bearing reference line is indicated as thus (BR).
 - The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel "12089C 0239 G", Dated "08/02/2012". Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
 - The legal description shown on the Survey was field verified as part of this Survey by the undersigned Surveyor and is the same property described in the Warranty Deed into 8 Flags, LLC recorded at Official Records Book 983, Pages 573-575, of the public records of Nassau County, Florida.
 - Unit division walls have not been verified since prior survey dated 05-15-2002
 - Elevations shown hereon are based on the National Geodetic Vertical Datum of 1929.
 - The Reference Benchmark is 60d nail & disk "LB 6670 BCA" in south face of wooden power pole (Elevation = 22.43')

PARKING SPACE INFORMATION (TOTAL)
448 REGULAR PARKING SPACES
10 HANDICAP PARKING SPACES

	FINISH FLOOR ELEVATION	BOTTOM ELEVATION	STRUCTURE TABLE			
			INVERT NORTH	INVERT SOUTH	INVERT EAST	INVERT WEST
SM#1	22.49		17.62	17.64		
SM#2	20.65		16.93	16.90	17.00	
SM#3	20.69		17.94	16.91		16.77
CB#1	23.38	15.63	UNABLE TO MEASURE	UNABLE TO MEASURE	UNABLE TO MEASURE	UNABLE TO MEASURE
CB#2	21.15		UNABLE TO MEASURE		17.08	17.08
CB#3	20.44			17.27		
CB#4	20.13		17.39	17.02	17.34	
CB#5	20.13		17.03	17.04		
CB#6	20.15		17.05			

- LEGEND**
- A/C = AIR CONDITIONER
AKA = ALSO KNOWN AS
B.R.L. = BUILDING RESTRICTION LINE
C.C. = CALCULATED
C.C.S. = CONCRETE BLOCK STRUCTURE
CB = CHORD BEARING
CD = CHORD DISTANCE
C = CENTERLINE
C.A. = CENTRAL ANGLE
CH = CHORD
C.F. = CHAIN LINK FENCE
C.M. = CONCRETE MONUMENT
CONC. = CONCRETE
C.P. = CONCRETE PLATWORK
C.P.P. = CORRUGATED METAL PIPE
D.E. = DRAINAGE EASEMENT
D.P. = DRAIN FIELD
E = ELEVATION
E.E. = ELEVATION
E.E. = FINISHED FLOOR
E.M. = ELEVATION METER
F.D. = FIRE HYDRANT
F.D. = FOUND
G = GAS METER
I.P. = IRON PIPE
I.R. = IRON ROD
I.R. & C. = IRON ROD W/ PLASTIC CAP
L = LENGTH
L.P. = LIGHT POLE
M = MEASURED
M.V. = MEASURED VALVE
M.V. = GREASE TRAP
M.V. = CUT OFF VALVE
N & TT = NAIL & TIN TAB
N.W. = NAIL & WASHER
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
N.T.S. = NOT TO SCALE
B.R. = BEARING REFERENCE
O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
P.C. = POINT OF CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
P.C.P. = PERMANENT CONTROL POINT
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.R.C. = POINT OF REVERSE CURVATURE
P.R.M. = PERMANENT REFERENCE MONUMENT
P.I. = POINT OF INTERSECTION
R = RADIUS
R.C.P. = REINFORCED CONCRETE PIPE
R/W = RIGHT-OF-WAY
S/I = SEWER CLEANOUT
S/I = SEWER MANHOLE
S/I = STORM MANHOLE
T.P. = TELEPHONE PEDestal
U.E. = UTILITY EASEMENT
W.F. = WATER METER
W.F. = WOOD FENCE
W.P. = WOOD POWER POLE
W.P. = WELL
W.P. = 5/8" IRON ROD & CAP
W.P. = LENGTH
W.P. = BACK FLOW PREVENTER
W.P. = GREASE TRAP
W.P. = AUTOMATED TELLER MACHINE
W.P. & T. = OVERHEAD TELEPHONE & POWER LINES
W.P. = LOT NUMBER (TYPICAL)

- REVISIONS:**
- REVISED ON 08-29-2005 TO ADD "8 FLAGS SURVEY CERTIFICATE. (WKD)
 - REVISED ON 02/01/2021 TO UPDATE IMPROVEMENTS FOR THE SOUTHWESTERN-MOST PORTION OF SUBJECT PROPERTY AND TO CREATE "THEATER PARCEL" IN SAID PORTION. NO OTHER PORTION OF THIS SURVEY HAS BEEN FIELD VERIFIED SINCE INITIAL BOUNDARY SURVEY, DATED 08/06/2020, FILE NO. C-4, WAS COMPLETED, BY THIS FIRM. (WKD)
 - REVISED ON 12/16/2021 TO EXCLUDE THE THEATRE PARCEL. (LP)

THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Manzie & Drake Land Surveying
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 www.ManzieAndDrake.com
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE."
SET YOUR SITES ON US.

Michael A. Manzie, P.L.S. 4069

SCALE: 1"=40' JOB NO: 13921 DATE: 07/28/2005 CADD: WKD
F.B. NO: X-189 PAGE NO: 46 FIELD CREW: JM FILE NO: C-4A
X-346 59

ATTACHMENT B

Proposed Preliminary Site Plan

NOTE: SOME DETAILS IN THESE DRAWINGS ARE TO BE CONSIDERED TYPICAL AND MAY NOT BE CALLED OUT ON PLANS. CONTRACTOR SHALL BECOME FAMILIAR WITH AND FOLLOW ALL DETAILS DURING CONSTRUCTION IN ALL TYPICAL AREAS.

REGISTERED DESIGN PROFESSIONAL
NOT FOR CONSTRUCTION
ASA R. GILLETTE, P.E.
FLORIDA P.E. NO. 56177

REV	DATE	ITEM	BOARD OF ADJUSTMENT - VARIANCE SUBMITTAL
A	12/8/22		

GILLETTE & ASSOCIATES, INC.
CIVIL, ENVIRONMENTAL, MECHANICAL, & STRUCTURAL ENGINEERING
CERTIFICATE OF AUTHORIZATION NO. 9332
ASA R. GILLETTE, P.E. • FL PE NO. 56177
20 S. 4th STREET * FERNANDINA BEACH, FL 32034
PHONE: 904-261-8819 * www.gilletteassociates.com

8-FLAGS SHOPPING CENTER
ANCHOR TENANT RENOVATION
1018 S 14th Street
Fernandina Beach, Florida 32034

GENERAL SITE NOTES:

PARKING CALCULATIONS:

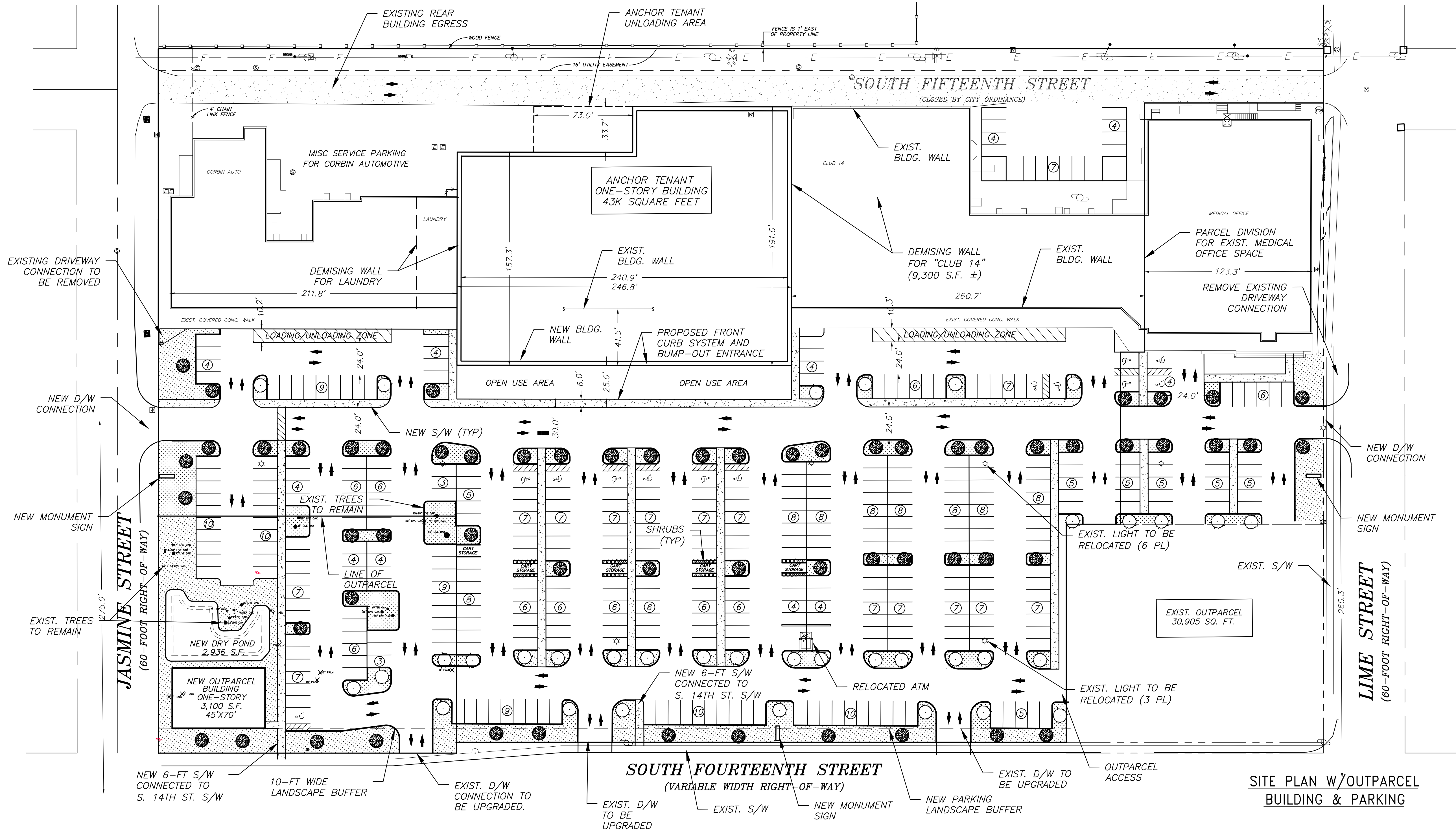
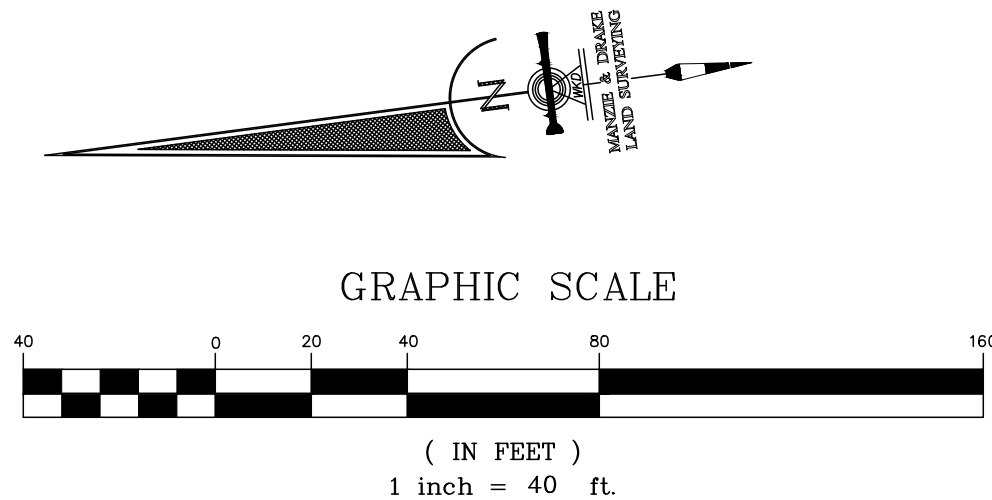
TOTAL UPDATED PARKING: 387

NEW ANCHOR TENANT BLDG. AREA: 42,800 S.F.
EXISTING MED. OFFICE BLDG AREA: 19,290 S.F.
NEW OUTPARCEL BLDG AREA: 3,100 S.F.
REMAINING EXIST. BLDG. AREA: 47,500 S.F. (LESS MED. OFF.)

ANCHOR TENANT REQ'D PARKING: 1 PER 300 S.F.
(42,800 S.F./300) = 143 SPACES
MED. OFFICE REQ'D PARKING: 1 PER 250 S.F.
(19,290 S.F./250) = 77 SPACES
PARKING SPACES REMAINING: (387-143-77) = 167 REMAINING

REMAINING BUILDING AREA PARKING REQ'D:
(50,600 S.F.)/(300 SF/SPACE) = 168 SPACES
REM. SPACES AVAILABLE: 167
DEFICIENCY(-)/EXCESS(+) PARKING: -1

APPROX. NET BLDG. AREA ADDED: 8,390 S.F.



SITE PLAN W/OUTPARCEL
BUILDING & PARKING

REV	DATE	ITEM
A	12/8/22	BOARD OF ADJUSTMENT - VARIANCE SUBMITTAL
B	12/19/22	UPDATED PER ANCHOR TENANT DRAWINGS

GILLETTE & ASSOCIATES, INC.
CIVIL, ENVIRONMENTAL, MECHANICAL, & STRUCTURAL ENGINEERING
CERTIFICATE OF AUTHORIZATION NO. 9332
ASA R. GILLETTE, P.E. • FL PE NO. 56177
20 S. 4th STREET * FERNANDINA BEACH, FL 32034
PHONE: 904-261-8819 * www.gilletteassociates.com

**8-FLAGS SHOPPING CENTER
ANCHOR TENANT RENOVATION**
1018 S 14th Street
Fernandina Beach, Florida 32034

GENERAL SITE NOTES:

BUILDING CALCULATIONS:

TOTAL EXIST. CONTINUOUS BUILDING AREA: 101,489 S.F.±

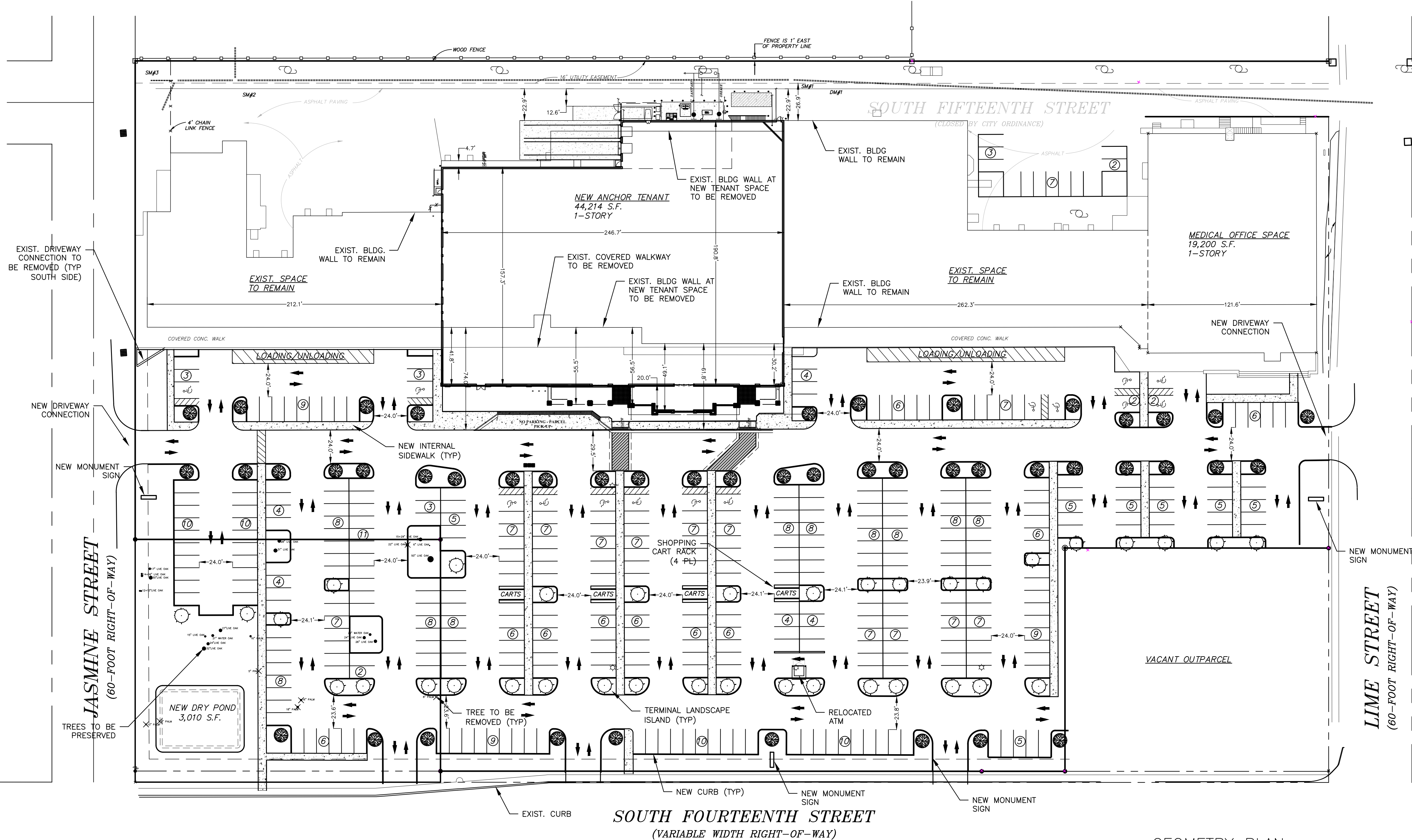
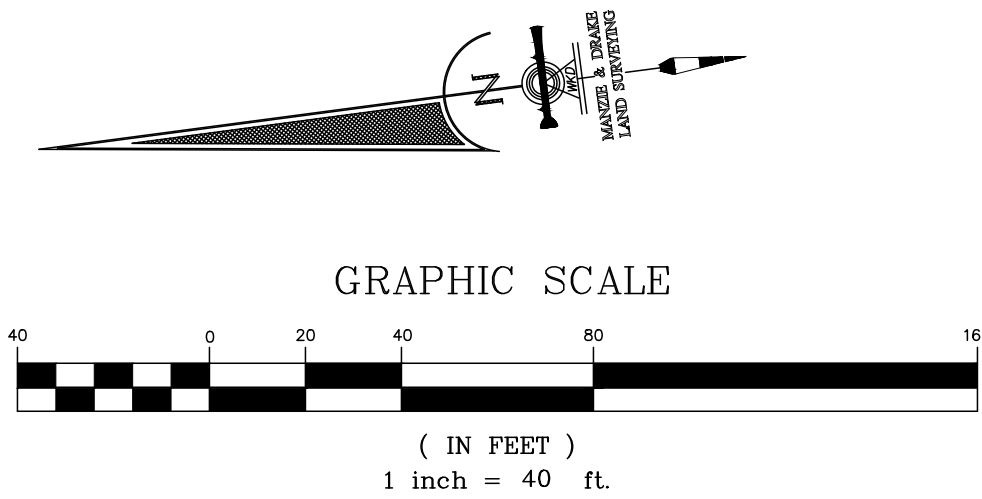
NEW ANCHOR TENANT BLDG. AREA: 44,214 S.F.
EXISTING MED. OFFICE BLDG. AREA: 19,290 S.F.
REMAINING EXIST. BLDG. AREA: 47,500 S.F. (LESS MED. OFF.)
TOTAL CONTIGUOUS BLDG. AREA: 111,004 S.F.

APPROX. BLDG. AREA ADDED: 9,515 S.F.±

PARKING CALCULATIONS:

ANCHOR TENANT REQ'D PARKING: 1 PER 300 S.F.
(44,214 S.F./300) = 148 SPACES
MED. OFFICE REQ'D PARKING: 1 PER 250 S.F.
(19,290 S.F./250) = 77 SPACES
REMAINING BUILDING AREA PARKING REQ'D:
(47,500 S.F.)/(300 SF/SPACE) = 158 SPACES

TOTAL PARKING AVAILABLE: 384
TOTAL SPACES REQUIRED: 383



GEOMETRY PLAN
SCALE: 1:40

MEMORANDUM

DATE: FEBRUARY 10, 1999

TO: PLANNING ADVISORY BOARD MEMBERS

FROM: TIM KUBIAK, PLANNER

RE: APPROPRIATE ZONING REQUIREMENTS FOR ‘SUPER CENTERS’

Please review the attached information regarding the review of regulations concerning “Super Centers” and their impact upon the community. At the request of the City Commission, the Planning Advisory Board has been asked to consider this matter and submit any comments it might have regarding this issue.

TK/ dg



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Proposed maximum size for large retail establishments

DEPARTMENT: Development Services

ATTACHMENTS: ☐ Ordinance ☐ Resolution ☐ Budget Resolution

☒ Other ☐ Support Documents Available in City Manager's Office

SUMMARY: The City Commission and Planning Advisory Board have expressed concerns over the size of large scale retail establishments. The Development Services staff has researched various proposals to regulate 'big box' development. The staff suggests that a maximum size be placed on a wholesale or retail establishment that would limit the maximum size of the ground floor of a structure in a commercial district to no larger than a current downtown city block or 200' X 400' (80,000 sf). The City of Clermont recently passed a similar ordinance. However, they chose 100,000 sf as the allowable maximum (see attached). The Nassau County Code requires a separation between structures at 400' intervals to allow public access.

Staff would recommend that a minimum separation of 60 feet be required at 200 foot intervals on the principal street side of a large scale building, to allow adequate protection and vehicle and pedestrian access.

Staff recommends that the City Commission instruct the City Attorney and staff to draft an amendment to the Land Development Code to incorporate these proposals.

RECOMMENDED MOTION: Instruct City Attorney and Development Services Department to codify restrictions for large scale commercial buildings and send to the Planning Advisory Board for their consideration and recommendations.

DEPARTMENT HEAD	Submitted: Doug Jones	Date: August 26, 1999
	Requested Agenda	Date: September 7, 1999
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date: N/A
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for:	Date:

COMMISSION ACTION: ☐ Approved as Recommended ☐ Disapproved
 ☐ Tabled Indefinitely ☐ Continued to Certain Date
 ☐ Approved with Modification

MEMORANDUM

TO: PLANNING ADVISORY BOARD

FROM: DOUG JONES, DIRECTOR DEVELOPMENT SERVICES

DATE: SEPTEMBER 15, 1999

RE: PROPOSED MAXIMUM SIZE FOR RETAIL STORES

The City Commission instructed the City Attorney and Development Services to prepare an ordinance regulating the maximum size of retail establishments. The City Commission motion included establishing a maximum size of 80,000 sf.

Staff is soliciting input for any additional requirements/restrictions that the PAB may deem appropriate to be included in the proposed ordinance.

This item is placed on the agenda for discussion to receive input from the PAB.

AMENDED AGENDA
FOR THE REGULAR MEETING OF THE
PLANNING ADVISORY BOARD
TO BE HELD AT 6:00 P.M. ON NOVEMBER 17, 1999.
IN THE CITY COMMISSION CHAMBERS

1. Call Meeting to Order.

2. Roll call.

3. Approval of Minutes-

- a. Minutes of Special Meeting of August 11, 1999
- b. Minutes of Regular Meeting on October 6, 1999

4. Old Business

- a. Case No. CU 99-04, 1005 South 14th Street. Applicant request Conditional Use approval to allow a church, its accessory buildings, and parking in the R2 (One and Two Family Dwelling) zoning district.

- b. Public Hearing and review of Ordinance 99-43 restricting the size of commercial buildings.

- c. Discussion and review of the draft ordinance codifying the Old Town Preservation and Design Guidelines.

- d. Discussion and review of short-term rental overlay.

5. New Business

- a. Case No. AX #99-01, 1699 South 14th Street, Lanier Project. Applicant requests to voluntary annex into the municipal boundary of the City of Fernandina Beach.

- b. Case No. AX #99-02, 1905 South 14th Street. Zaxby's Restaurant. Applicant requests to voluntary annex into the municipal boundary of the City of Fernandina Beach.

- c. Public Hearing and review of Ordinance creating the Parks and Recreation District and the Conservation District.

6. Board Business

a. Review of PAB resolution establishing procedures.

b. Discussion- Changing date of regular meeting to 2nd Wednesday of each month.

7. Adjournment

ALL MEMBERS OF THE PUBLIC ARE INVITED TO BE PRESENT AND BE HEARD. PERSONS WITH DISABILITIES REQUIRING ACCOMODATIONS IN ORDER TO PARTICIPATE IN THIS PROGRAM OR ACTIVITY SHOULD CONTACT 277-7305,TDD 277-7399, OR THROUGH THE FLORIDA RELAY SERVICES AT 1-800-955-8771 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.

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 COMMUNITY DEVELOPMENT 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.

The Planning Advisory Board (PAB) of the City of Fernandina Beach met in Regular Session on Wednesday, November 17, 1999 in the City Commission Chambers.

Chairman Howat called the meeting to order.

Attendance:

Board Member Conger	Present
Board Member Davis	Absent
Board Member Lubin	Present
Board Member Smith	Present
Board Member Bradford	Present
Board Member Roland	Excused Absence
Chairman Howat	Present

Also present were Development Services Director Doug Jones, Planner II Peter King, City Attorney Price Poole, and Recording Secretary Danielle Glouner.

Approval of Minutes of Special Meeting of August 11, 1999

Board Member Lubin made a motion, seconded by Board Member Smith to approve the minutes from the Special Meeting on August 11, 1999. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Approval of Minutes of Regular Meeting on October 6, 1999

Board Member Davis made a motion, seconded by Board Member Bradford to approve the minutes of the October 6, 1999 regular meeting of the PAB. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was Case No. CU 99-04, 1005 South 14th Street. Applicant requests Conditional Use approval to allow a church, its accessory buildings, and parking in the R2 (One and Two Family Dwelling) zoning district.

Mel Beckham, agent for the Fernandina Beach Church of Christ, stated to the Board that all of the issues that Hartman and Associates had with the site plan had been resolved and he has received final approval from the engineering consultants.

At that time, Board Member Smith made a motion, seconded by Board Member Bradford to recommend approval of CU 99-04 to the City Commission since the applicant has met all the criteria outlined in Section 98-214. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was the Public Hearing and review of Ordinance 99-43 restricting the size of commercial buildings.

Board Member Smith stated that a clarification with the usage of the words "retail establishment" is needed.

Board Member Roland also questioned the usage of “retail establishment” in the ordinance.

Board Member Roland made a motion, seconded by Board Member Smith to defer action on the proposed Ordinance 99-43 to the next meeting and to direct staff to find the origin of the 80,000 square foot number and to resolve the commercial/retail wording in the proposed Ordinance. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda, was the discussion and review of the draft ordinance codifying the Old Town Preservation and Design Guidelines.

Board Member Smith proposed that the density for Old Town should be set for six units per acre. He stated that it should be single family residential. Board Member Smith expressed his opposition to the zero lot line yard requirements.

Board Member Roland suggested that he would like to see the density of Old Town at four units per acre, but added that he would not vote against six units per acre.

Board Member Bradford agreed with limiting the density to six units per acre in Old Town.

~~At that time, Board Member Smith made a motion, seconded by Board Member Bradford to direct city staff to advertise this item for public hearing in December and item will be deferred at the December meeting to the January meeting for final PAB discussion.~~

Board Member Conger stated for the record that he was prepared to discuss the codification

~~Vote upon passage was taken with ayes and nays, and being all ayes, carried. An additional motion was made by Board Member Smith, seconded by Board Member Davis for the Planning Advisory Board members to come prepared with suggestions at the December meeting so that recommended changes can be discussed. Vote upon passage was taken with ayes and nays:~~

~~Board Member Conger- aye
Board Member Lubin- aye
Board Member Bradford- aye
Board Member Smith- aye
Board Member Davis- aye
Board Member Roland- nay~~

~~Votes being 6 to 1, motion was carried.~~

The next item on the agenda was a discussion and review of short-term rental overlay.

Board Member Smith stated that the Planning Advisory Board was not authorized to deal with Chapter 26 and 42. He stated that these chapters were regulatory.

Poole stated that an ordinance could have one subject and related issues. He added that the Planning Advisory Board could opt to review a portion of the ordinance that applies to the Land Development Regulations.

Chairman Howat accepted Board Member Smith's point of order.

At that time City Attorney Poole read Section 120 of the Charter.

The Board then asked the audience if any one from the public would like to speak.

Neils Murphy, attorney for several property owners, spoke of the economic impact that passing the proposed Ordinance regulating short- term rentals in the City. He stated that eliminating short-term rentals from the R1A and R1AA districts would hurt the local economy. Mr. Murphy cited the example of Key West's ordinance eliminating short- term rentals. He stated that the Key West is reconsidering the Ordinance and that since its passing, they are involved much litigation. Mr. Murphy also talked about the final report of the Residential Ad Hoc Committee.

Steve Simmons, 1822 Highland Drive, spoke about the final report of the Residential Ad Hoc Committee. He stated that Fernandina Beach tourism market is significant. Mr. Simmons also stated that he felt that this was not a zoning issue, that it was more of a code enforcement issue.

Jennifer Kirkhart, legal counsel representing John Stack, spoke against the ordinance regulating the short- term rentals. She stated that the city needed to re-evaluate the situation.

James D. Hall, 1125 South Fletcher, property owner for thirty years and owner of a rental house, stated that he was not in favor of the draft Ordinance but stated that enforcement is needed.

Woody Ansley, 1718 Atlantic Avenue, stated that he owned property in the R1A district but does not rent his home. He further added that he would not be able to command a comparable asking price for his home since the zoning district the home is in does not allow short- term rentals. He stated that he felt his property values would decrease if this ordinance should pass.

Since this item was on the agenda for discussion, no action was taken.

The next item on the agenda was Case No. AX #99-01, 1699 South 14th Street, Lanier Project. Applicant requests to voluntary annex into the municipal boundary of the City of Fernandina Beach.

Dan McCranie, agent for the applicant, told the board that he agreed with staff recommendations.

Board Member Smith asked Mr. McCranie if the owner owned any lot contiguous to the annexation application.

Mr. McCranie stated that to his knowledge, he is not aware of any contiguous property owned by the applicants.

Board Member Smith made a motion, seconded by Board Member Lubin and amended by Board Member Roland to make a recommendation of approval to the City Commission of AX 99-01 contingent upon staff determining that Triangle Investments owns no other property contiguous to the property subject to the proposed annexed property; If Triangle does own contiguous property, then Triangle has option to annex the contiguous property as well or his application would be recommended for disapproval. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was Case No. AX #99-02, 1905 South 14th Street, Zaxby's Restaurant. Applicant requests to voluntary annex into the municipal boundary of the City of Fernandina Beach.

Dan McCranie, agent for the applicant, answered the Board's questions regarding Zaxby's Restaurant.

Board Member Bradford made a motion, seconded by Board Member Davis to recommend approval of AX #99-02 to the City Commission. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was the public Hearing and review of Ordinance creating the Parks and Recreation District and the Conservation District.

Board Member Roland made a motion, seconded by Board Member Bradford to defer PAB decision to the next meeting and to direct City Staff to include a clause within the ordinance expressing 10A of the Charter. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was the review of PAB resolution establishing procedures.

Board Member Smith made a motion, seconded by Board Member Conger to strike the words in section 3 "to city officials or", to strike the word "other", and to add after "Fernandina Beach" a comma, adding after the comma "concerning PAB matters," Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was changing date of regular meeting to second Wednesday of each month.

Board Member Roland made a motion, seconded by Board Member Bradford to change the meeting dates to the second Wednesday of the month subject to the consent of the Board of Adjustments. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

At that time, Board Member Roland made a motion, seconded by Board Member Roland to adjourn the meeting at 9:37 p.m. Vote upon passage was taken with ayes and nays, being all ayes, carried.

AGENDA

**FOR THE REGULAR MEETING OF THE
PLANNING ADVISORY BOARD
TO BE HELD AT 6:00 P.M. ON DECEMBER 15, 1999.
IN THE CITY COMMISSION CHAMBERS**

1. Call Meeting to Order.
2. Roll call.
3. Approval of Minutes-
 - a. Minutes of Regular Meeting on November 17, 1999
4. Old Business
 - a. Public Hearing and review of Ordinance 99-43 restricting the size of commercial buildings.
 - b. Discussion and review of the draft ordinance codifying the Old Town Preservation and Design Guidelines.
 - c. Discussion and review of short-term rental overlay.
 - d. Public Hearing and review of Ordinance creating the Parks and Recreation District and the Conservation District.
 - e. LU 99-03. 220 South 14th Street. Fernandina Beach Congregation of Jehovah's Witnesses. Applicant requests FLUM classification change from Low Density Residential to Medium Intensity Commercial.
 - f. CZ 99-04. 220 South 14th Street. Fernandina Beach Congregation of Jehovah's Witnesses. Applicant requests change in zoning district classification change to R2, Residential Medium Density to C1, Commercial Medium Intensity.

5. New Business

a. LU 99-05. 212 South 14th Street. Stack Real Estate for Donna Mitchell. Applicant requests FLUM classification change from Low Density Residential to Medium Intensity Commercial.

b. CZ 99-06. 212 South 14th Street. Stack Real Estate for Donna Mitchell. Applicant request change in zoning district classification from R2, Residential Medium Density to C1, Commercial Medium Intensity.

c. AX 99-03. "Landyn's Lake". McCranie and Associates for Hugh Williams. Applicant requests to voluntary annex into the municipal boundary of the City of Fernandina Beach.

6. Board Business

7. Adjournment

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, TDD 277-7399, OR THROUGH THE FLORIDA RELAY SERVICES AT 1-800-955-8771 AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.

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 COMMUNITY DEVELOPMENT 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.

The Planning Advisory Board (PAB) of the City of Fernandina Beach met in Regular Session on Wednesday, December 15, 1999 in the City Commission Chambers.

Chairman Howat called the meeting to order.

Attendance:

Board Member Conger	Present
Board Member Davis	Absent
Board Member Lubin	Present
Board Member Smith	Present
Board Member Bradford	Present
Board Member Roland	Present
Chairman Howat	Present

Also present were Planner II Peter King, City Attorney Price Poole, and Recording Secretary Danielle Glouner.

Approval of Minutes of Special Meeting of November 17, 1999.

Board Member Roland made a motion, seconded by Board Member Bradford to approve the minutes with the correction of the attendance of Board Member Roland and Board Member Davis to reflect that they were present at the meeting on November 17, 1999. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

At that time, the Board heard the application for annexation of Landyn's Lake.

Dan McCranie, 23 South 3rd Street, agent for the applicant, spoke to the Board in favor of the annexation.

Staff stated that the applicant has applied for re-zoning in the county for a lower density classification.

City Attorney Price Poole stated that he had read the findings and noted that the staff report has found that the application complies with all the requirements set forth in Annexation Ordinance 99-21.

At that time, **Board Member Roland made a motion, seconded by Board Member Bradford to recommend approval of the Annexation Application 99-03. Board Member Smith amended the motion; agreed upon Greg Roland, to state the application meets all the criteria set forth in Ordinance 99-21. Vote upon passage was taken with ayes and nays and being all ayes, carried.**

The next item on the agenda was the Public Hearing and review of Ordinance 99-43 restricting the size of commercial buildings.

The board was not comfortable with the explanation of the origin of the 80,000 square foot limitation number.

Board Member Lubin requested that Community Development staff research how other communities deal with size limitations and how communities attempt to break up mass. He stated that he would like to see alternative examples of other cities solutions.

At that time, **Board Member Smith made a motion, seconded by Board Member Roland to defer decision on Ordinance 99-43 until the next regular meeting of the Planning Advisory Board. Vote upon passage was taken with ayes and nays, and being all ayes, carried.**

The next item on the agenda, was the discussion and review of the draft ordinance codifying the Old Town Preservation and Design Guidelines.

The Board allowed the public to speak before the Board regarding the guidelines.

Lou Goldman, 2699 Allen Avenue, spoke of the allowed units per acre. He felt that the guidelines and the ordinance codifying the guidelines should be amended to allow one unit per lot. He felt that this change would be more consistent with the intent of the original Spanish plat.

There was discussion that such a change would be in conflict with the City's comprehensive plan.

Board Member Smith stated that the maximum units per acre allowed in the Comprehensive Plan are 10 units per Acre.

Mr. Goldman added that people would be denied use of their lot.

Courtney McCranie, 705 White Street, stated that by allowing the zero lot line front yard requirement would create space in the backyard for children. She also added that there was a thirteen-foot right-of-way between the edge of the street and the lot line.

Board Member Conger stated that there wouldn't be fast speed limits in the Old Town Historic District.

Patt Gass, 801 White Street, stated that people driving in Old Town did not follow the posted speed limits. Her concerns are of the safety of the children. She added that there needed to be a parking solution.

There was no action taken on the Old Town Guidelines, it will be advertised for the next regular Planning Advisory Board meeting.

The next item on the agenda, discussion and review of short-term rental overlay.

Planner II, Peter King, explained the window survey results that was taken of the short-term rentals along the beach.

Board Member Smith cited examples of short-term rentals dating back to 1951.

Board Member Bradford stated that he did not feel that an ordinance is necessary. He stated that the recommendations of the Residential Ad-Hoc Committee should be re-examined.

Board Member Smith stated that it was necessary for an Ordinance to address the short-term rentals, which is currently a non-conforming use.

Steve Simmons, 1822 Highland Drive, spoke of the negative affects that Monroe County has experienced since the passing of the Ordinance addressing the short-term rentals. He also explained to the Board that the recommendations the Residential Ad Hoc Committee presented to the City Commission dealt with the problems that have been associated with the short-term rentals.

There was no action by the Planning Advisory Board regarding the short-term rentals. This item will be placed on the agenda next month for public hearing and advertised in the News Leader.

The next item on the agenda was the public Hearing and review of Ordinance creating the Parks and Recreation District and the Conservation District.

Board Member Lubin made a motion, seconded by Board Member Roland to open the public hearing for the Ordinance creating the Parks and Recreation District.

There being no presentation from the audience, **Board Member Roland made a motion, seconded by Board Member Bradford to close the public hearing.**

Board Member Smith directed staff to correct the division number for Recreation on page 2 of the ordinance.

At that time, **Board Member Roland made a motion, seconded by Board Member Bradford to recommend approval of the Ordinance providing that staff has made the appropriate modifications. Vote upon passage was taken with ayes and nays and being all ayes, carried.**

The City Attorney read the Quasi-judicial procedures and the Recording Secretary administered the Oath to all the participants of the following FLUM and Re-zoning applications.

The next item on the agenda was the public hearing on Application LU 99-03, Fernandina Beach Congregation of Jehovah's Witnesses, requests for Future Land Use Map change from residential low density to medium intensity commercial.

At that time, **Board Member Bradford made a motion, seconded by Board Member Lubin, to open the public hearing of LU 99-03.**

Watson Bell, 220 South 14th Street, represented the Fernandina Beach Congregation of Jehovah's Witnesses. He explained to the Board that they are planning to build a new Kingdom Hall since the congregation has outgrown the current facility. He stated that they

are in the process of selling the building and a prospective buyer wishes to use the building as an office.

At that time, **Board Member Bradford made a motion, seconded by Board Member Roland, to close the public hearing.**

The Board expressed its concerns with the request and suggested that the CPO zoning district might be more appropriate.

After discussion, **motion was made by Board Member Smith, seconded by Board Member Conger to recommend that this Future Land Use Map Classification Change Application No. LU 99-03 is disapproved for the reason that it is not consistent with Objective 1.08.02 b. of the Comprehensive Plan and that the subject property is surrounded by residential neighborhoods. Vote upon passage was taken with ayes and nays:**

Board Member Conger-	Aye
Board Member Lubin-	Aye
Board Member Bradford-	Nay
Board Member Smith-	Aye
Board Member Roland-	Aye
Chairman Howat-	Aye

The motion passed by a vote of 5 to 1.

Next item on the agenda was the public hearing of Application CZ 99-04, Fernandina Beach Congregation of Jehovah's Witnesses, requests change in zoning district classification change to R-2, Residential Medium Density to C1, Commercial Medium Intensity.

Board Member Lubin made a motion, seconded by Board Member Bradford, to open the public hearing for Case CZ 99-04.

Watson Bell, 220 South 14th Street, asked the Board if it would be possible that he could change the application to request the CPO district instead of the C1 district.

John Stack, 914 Atlantic Avenue, stated to the board that the subject properties are contiguous to the C1 zoning district. He added that it made sense to ask for the C1 classification.

Simon Boatright, 1890 Clinch Drive, spoke in favor of the Fernandina Beach Congregation of Jehovah's Witnesses application request.

The Board suggested that the applicant re-submit its request and come before the Planning Advisory Board at a later meeting.

After discussion, Board Member Bradford made a motion, seconded by Board Member Roland to close the public hearing of Application CZ 99-04.

At that time, **motion was made by Board Member Smith, seconded by Board Member Conger, to recommend that this Change in Zoning Application No. CZ 99-04 be disapproved for the reason that the request is inconsistent with §126.221 (2) c & d and that a zoning change such as this would create a precedent for intensive greater than neighborhood scale development. Vote upon passage was taken with ayes and nays, and being all ayes, carried.**

The next item on the agenda was the public hearing of Application LU 99-05, John Stack for Donna Mitchell, requests change from Low Density Residential to Medium Intensity Commercial.

At that time, **Board Member Conger made a motion, seconded by Board Member Roland to open the public hearing of Case LU 99-05.**

John Stack, 914 Atlantic Avenue, spoke in favor of application LU 99-05.

There being no additional input from the public, **Board Member Smith made a motion, seconded by Board Member Conger to close the public hearing of Case LU 99-05.**

After discussion, **motion was made by Board Member Smith, seconded by Board Member Roland, to recommend that this Future Land Use Map Classification Change Application No. LU 99-05 is disapproved for the reason that staff recommendation that change in FLUM from low density residential to medium intensity commercial is not consistent with the intent of Objective 1.08.02 (b). Vote upon passage was taken with ayes and nays, and being all ayes, carried.**

The next item on the agenda was the public hearing of Application CZ 99-06, John Stack for Donna Mitchell, requests change in zoning district classification from R2, Residential Medium Density to C1, Commercial Medium Intensity.

At this time, **Board Member Smith made a motion, seconded by Board Member Roland to open the public hearing for CZ 99-06.**

There being no input from the public, **Board Member Smith made a motion, seconded by Board Member Roland to close the public hearing of Application CZ 99-06.**

After discussion, **motion was made by Board Member Smith, seconded by Board Member Roland to recommend that this Change in Zoning Application No. CZ 99-06 is disapproved for the reason that it does not meet the criteria set forth in §126-221 (2) (d). Vote upon passage was taken with ayes and nays, and being all ayes, carried.**

At that time, **Board Member Conger made a motion, seconded by Board Member Bradford to adjourn the meeting at 9:43 p.m. Vote upon passage was taken with ayes and nays, being all ayes, carried.**

The Planning Advisory Board (PAB) of the City of Fernandina Beach met in Regular Session on Wednesday, January 12, 2000 in the City Commission Chambers.

Chairman Howat called the meeting to order.

Attendance:

Board Member Davis	Absent
Board Member Robertson	Present
Board Member Roland	Present
Board Member Smith	Present
Board Member Bradford	Present
Board Member Conger	Present
Chairman Howat	Present

Also present were Community Development Director Doug Jones, Planner II Peter King, Planner II Bea Hartman, City Attorney Price Poole, and Recording Secretary Danielle Glouner.

Approval of Minutes of Special Meeting of December 15, 1999.

Board Member Conger made a motion, seconded by Board Member Smith to approve the minutes for the December 15, 1999 meeting. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Chairman Howat stated that since the public hearing of the Old Town Guidelines was scheduled tonight, it would be better if the Short-term rental overlay public hearing be deferred until the regular meeting on February 9, 2000 so that enough time can be spent on each of these important issues.

At that time, Board Member Bradford made a motion, seconded by Board Member Smith to defer public hearing of the Short-term rental overlay until the February 9, 2000 regular meeting. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was the Public Hearing and review of Ordinance 99-43 restricting the size of commercial buildings.

Board Member Smith made a motion, seconded by Board Member Bradford to open the public hearing for Ordinance 99-43. Vote upon passage was taken with ayes and nays and being all ayes, carried.

Hearing none, Board Member Conger made a motion, seconded by Board Member Smith to close the public hearing of Ordinance 99-43.

Board Member Smith made a motion, seconded by Board Member Roland to replace the word "retail", in Sections 126-164 (2), 126-224 (c), 126-244 (c) , 126-264 (c), with "commercial" and replace the word "establishment" with "building" in Sections 126-

164 (2), 126-224 (c.), 126-244 (c.) and 126-264 (c.). Board Member Conger amended the motion, seconded by Board Member Bradford, to accept the changes and recommend approval to the City Commission. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda, was the public hearing and review of the Ordinance Codifying the Old Town Preservation and Design Guidelines.

Board Member Smith made a motion, seconded by Board Member Bradford to open the public hearing for the Ordinance codifying the Old Town Preservation and Design Guidelines. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Joan Altman, 212 Estrada Street, spoke in opposition of the guidelines. She stated that she was concerned about parking for cars, boats, and the safety hazards that would be created by passing the guidelines. She stated that children would have no place to play if the guidelines should pass. She feels that storm-water run off will be a problem.

Michael Stauffer, 401 South 6th Street, spoke of the importance of the intent of the grid. He stated that he understood the residents concerns about traffic and parking.

Pat Gass, 801 White Street, stated that there must be required off-street parking.

Louis Goldman, 2699 Allen Avenue, presented to the Board a sketch of what he could build on his lots in Old Town under the current R3 zoning district.

Courtney McCranie, 705 White Street, spoke about the density of Old Town and that it was figured on the gross acreage of the Original plat of Old Town allowing each lot to be built upon.

Board Member Roland made a motion, seconded by Board Member Bradford, to recommend approval of the Old Town Guidelines.

Board Member Smith made a motion, seconded by Board Member Roland, to amend the Ordinance to reflect that Old Town is Division 17 not Division 16. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Board Member Smith made a motion, seconded by Board Member Roland, to insert after "Guidelines" on page two of the Ordinance in Section 114-5 (7) the words " , as herein amended,". Vote upon passage was taken with ayes and nays, and being all ayes carried.

Board Member Smith made a motion, seconded by Board Member Roland to strike the words " or other related uses" in section 126-380 (a) . Vote upon passage was taken with ayes and nays and being all ayes, carried.

Board Member Smith made a motion, seconded by Board Member Roland to add after “District” in Section 126-381 (b) (3) the sentence “Omitting 126-162 (b.) (3) Two Family Dwellings.” Vote upon passage was taken with ayes and nays:

Board Member Bradford	Aye
Board Member Conger	Nay
Board Member Smith	Aye
Board Member Robertson	Aye
Board Member Roland	Aye
Chairman Howat	Aye

Motion carried with a 5-1 vote.

Board Member Smith made a motion, seconded by Board Member Roland to insert the sentence “ However, total coverage of primary and connecting elements may not exceed 70%” in Section 126-383 (3) at the end of the first paragraph. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Board Member Roland made a motion, seconded by Board Member Smith to strike the words “Florida rooms” in section 126-383 (3). Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Board Member Smith made a motion, seconded by Board Member Roland to change “35” to “45” in Section 126-384 (a)(1). Vote upon passage was taken with ayes and nays:

Board Member Robertson	Aye
Board Member Roland	Aye
Board Member Smith	Aye
Board Member Bradford	Nay
Board Member Conger	Aye
Chairman Howat	Aye

Motion carried with a 5-1 vote.

Board Member Smith made a motion, seconded by Board Member Roland, to insert after “maximum” in Section 126-385 (b) , a “,” and the words “ 5’ minimum,” , and to strike the entire second sentence. After discussion, Board Member Smith amended his motion to strike the word “zero” in sentence one. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Board Member Roland made a motion, seconded by Board Member Bradford to strike through space and insert “ side yard setback” in section 126-385 (c) and amend in part (d) the first sentence after “Mid Lot Corridors “ insert “, a required 5’ minimum setback, “. Vote upon passage was taken with ayes and nays and being all ayes, carried.

Board Member Roland made a motion, seconded by Board Member Smith to recommend approval of the Old Town Guidelines, as amended, to the City Commission. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

Board Member Roland made a motion, seconded by Board Member Smith to direct Community Development to research and provide information on the transition of R2-C at Ladies Street. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was Case LU-2000. McCranie and Associates requested a future land use change for Schooner Landing from Nassau County Future Land Use Designation Residential Medium Density to City of Fernandina Beach Future Land Use Classification Low Density Residential.

Nick Gillette, acting as agent for Sandcastle Innovations, stated that the subject property was annexed earlier this year. He stated that the applicant was planning a low-density residential neighborhood and wished to get approval of the requested FLUM and zoning changes so that the designations would be in accordance with the City FLUM and zoning maps.

Fred Baron, 2489 Pirates Bay Drive, expressed his concern regarding the finished grade level of the preliminary site engineering plans. He stated that when it rains they already have a flooding problem and that the proposed plan for Schooner Landing shows that there might be additional storm-water run-off, which would place a burden on surrounding residents.

Mr. Gillette explained to Mr. Baron that the current engineering plans are preliminary and that he would be happy to set an appointment with Mr. Baron to discuss the engineering plans.

After Discussion, motion was made by Board Member Smith, seconded by Board Member Roland to recommend approval to the City Commission for the Future Land Use Map Designation Change requested in Application No. LU 2000-01 since it has met the criteria set forth in Objective 1.02 of the Comprehensive Plan and to direct City Staff to notify the property owners that attended tonight's meeting. Vote upon passage was taken with ayes and nays, and being all ayes, carried.

The next item on the agenda was Case CZ-2000. McCranie and Associates requested a change in zoning for Schooner Landing from Nassau County Zoning Designation Residential Single Family-Two (RS2), to City of Fernandina Beach zoning designation Residential Low Density.

After discussion, motion was made by Board Member Smith, seconded by Board Member Roland to recommend that this change in zoning application CZ 00-01 be approved since the application meets the Objective 1.02 of the Comprehensive Plan and is consistent with the intent and application of Section 126-124 of the City's Land Development Code. Vote upon passage was taken with ayes and nays and being all ayes, carried.

There being no further business, the meeting adjourned at 9:53 p.m.

The City Commission of the City of Fernandina Beach, Florida, met in Regular Session on Tuesday, October 5, 1999 at 6:00 p.m. in the City Commission Chambers. Present were Mayor Ron Sapp, Vice Mayor James Rodeffer, Commissioners Kim Page, Robert B. Rogers and Patricia Thompson. Also present were City Manager Fred Hays, City Attorney Wesley R. Poole and City Clerk Vicki P. Cannon.

Mayor Sapp called the meeting to order and led the Pledge of Allegiance to the Flag. The Invocation was then given by Commissioner Patricia Thompson.

AGENDA CHANGES: Mayor Sapp requested Item 2(b), Resolution #99-50 expressing gratitude to the Nassau County School System, be heard first. There were no objections from the Commission.

RESOLUTION #99-50 EXPRESSING GRATITUDE TO THE NASSAU COUNTY SCHOOL SYSTEM FOR EFFORTS DURING HURRICANE FLOYD: Mayor Sapp read Resolution #99-50 by title only, which was as follows: "A RESOLUTION OF THE CITY OF FERNANDINA BEACH, FLORIDA, COMMENDING THE NASSAU COUNTY SCHOOLS FOR EXTRAORDINARY EFFORTS IN ASSISTING FERNANDINA BEACH AND AMELIA ISLAND EVACUEES DURING HURRICANE FLOYD." It was the consensus of the Commission to adopt Resolution #99-50. He stated the Resolution was sponsored by Vice Mayor Rodeffer. Mayor Sapp presented the Resolution to Gail Cook, School Board Member, and expressed extreme thanks to the school system. Ms. Cook thanked all that participated in the emergency, and commended Ms. Ralph for her efforts at Yulee Elementary, which served as Command Station.

ORAL REPORT BY HERBERT J. BABIN, CHAIRMAN OF THE VISION 2000 STEERING COMMITTEE: Herbert J. Babin, 2335 Pirates Bay Drive, updated the City Commission on the following items: October 15th expecting reports from individual work groups, October 27th Steering Committee Meeting will begin work on the final report to be completed by end of November or very beginning of December, after final report will have a forum to present it back to the community, requested City Commission participation in forum, and inquired about the future of Vision 2000, what is the continuity going to be between Vision 2000 and implementation. Mayor Sapp inquired if the Commission was going to receive a written report. Mr. Babin stated there is going to be a written report and there are templates from areas like St. Augustine that they can use. Mayor Sapp stated after receiving the report that the Commission would schedule a workshop with the Vision 2000 Steering Committee. Vice Mayor Rodeffer requested a template by next meeting for the Commission's review. Mr. Babin stated that he could provide a template after the meeting on October 27th and give the Commission time to look it over. He further stated the Commission charts the vision, and not all action items need the City to take action on, but that the community as a whole has to do certain things. Commissioner Rogers thanked Mr. Babin for his remark, because what he has implied is public/private responsibilities and within the state it is becoming an increasing trend.

RESOLUTION #99-50 EXPRESSING GRATITUDE TO THE NASSAU COUNTY SCHOOL SYSTEM FOR EFFORTS DURING HURRICANE FLOYD: The City Commission deviated from the agenda to discuss this item, Item 2(b), earlier in the meeting.

PROCLAMATION DECLARING OCTOBER 1999 AS ALPHA DELTA KAPPA INTERNATIONAL SOCIETY FOR WOMEN EDUCATORS MONTH: City Clerk Cannon read the proclamation in full declaring October 1999 as "Alpha Delta Kappa International Honor Society for Women Educators Month". Mayor Sapp presented the proclamation to representatives of the Alpha Delta Kappa International Society for Women Educators.

CONSENT AGENDA: The following sixteen items were on the consent agenda and were approved by one motion with the exception of the following: Item (e), Approval of recommendation for agreement with First Coast Community Bank to provide employee banking services, which was removed by Commissioner Page so she can abstain from voting, since she is on the Board of Directors for First Coast Community Bank; Item (f), Approval of recommendation for Contract for Services between the City and the First Coast Humane Society, which was removed by Mayor Sapp; and Item (i), Acceptance of recommendation for approval of Change Order #5 to Contract with C.C. Borden Construction, Inc. for Golf Course Clubhouse project, which was withdrawn by the City Manager at the request of the Golf Director.

INVOICE FOR LEGAL SERVICES IN THE AMOUNT OF \$80.00: Support documents providing information on this item were included in the Agenda packet. The following invoice was presented for approval from Bill Hazes Court Reporting in the amount of \$80.00. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the invoice for payment. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ADDENDUM TO THE RESOURCE EAP, INC. CONTRACT: According to agenda support documents contained in the packet, there was a recommendation to approve the City Manager signing an addendum to the October 1, 1997, contract with Resource EAP, Inc., to provide Employee Assistance Program services to City employees and their family members. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FISCAL YEAR 1999-2000 SEWER & REFUSE EXEMPTION LIST: According to agenda support documents contained in the packet, there was a recommendation to approve the Sewer and Refuse Exemption List for Fiscal Year 1999-2000 consisting of applications 1-30. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

APPROVAL OF RECOMMENDATION OF ELSIE HARPER VOLUNTEER AWARDS COMMITTEE: According to agenda support documents contained in

the packet, there was a recommendation to accept the recommendation of the Elsie Harper Volunteer Award Committee to relinquish the duties of the Committee to the Nassau County Volunteer Center. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

EMPLOYEE BANKING SERVICES: According to agenda support documents contained in the packet, there was a recommendation to approve entering into an agreement with First Coast Community Bank to provide employee banking services. A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Aye
Commissioner Thompson:	Aye
Commissioner Page:	Abstained
Mayor Sapp:	Aye

Motion carried. Commissioner Page advised that she had to abstain from voting as she served on the Board of Directors of the First Coast Community Bank.

CONTRACT FOR SERVICES - FIRST COAST HUMANE SOCIETY: According to agenda support documents contained in the packet, there was a recommendation to approve the Contract for Services between the First Coast Humane Society and the City of Fernandina Beach. Mayor Sapp inquired if the truck was for all of Nassau County and if so was the City buying the entire truck or a portion of it. City Manager Hays and Chief of Police Hammond stated it was a portion of the truck. A motion was made by Commissioner Page, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

SCHOOL RESOURCE OFFICER CONTRACTS WITH THE NASSAU COUNTY SCHOOL BOARD: According to agenda support documents contained in the packet, there was a recommendation to approve the annual renewal of the School Resource Officer Contracts with the School Board of Nassau County and the Fernandina Beach Police Department. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

ACCEPTANCE OF RECOMMENDATION FOR AWARD OF BID #99-37 FOR LUBRICANTS AND BID #99-47 FOR TIRE WORK FOR THE PUBLIC WORKS DEPARTMENT: According to agenda support documents contained in the packet, staff recommended approval of Bid #99-37 to Florida Petroleum Corporation and Bid #99-47 to B&C Tire & Battery, Inc. for the amounts outlined in the support documents. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

CHANGE ORDER #5 TO CONTRACT WITH C.C. BORDEN CONSTRUCTION, INC. FOR GOLF COURSE CLUBHOUSE PROJECT: This item was withdrawn from the Agenda at the request of the City Manager.

UNIVERSITY OF FLORIDA'S PRELIMINARY POPLULATION ESTIMATE FOR PERMANENT RESIDENTS: According to agenda support documents contained in the packet, staff recommended to accept Option 1, considering the population estimate reasonably correct. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

RESOLUTION #99-49 AUTHORIZING PAYMENT FOR THE FISCAL YEAR 1998-1999 SEWER AND REFUSE EXEMPTION LIST: According to agenda support documents contained in the packet, staff recommended approval of Resolution #99-49. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

EXTEND PECK CENTER LEASE AGREEMENT WITH EPISCOPAL CHILDREN'S SERVICES, INC. (HEAD START): According to agenda support documents contained in the packet, there was a recommendation to approve the lease for the upcoming year. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

PECK CENTER LEASE AGREEMENT WITH THE NORTHEAST FLORIDA COMMUNITY ACTION AGENCY, INC.: According to agenda support documents contained in the packet, there was a recommendation to approve the lease agreement for the upcoming year. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

BID #99-64 FOR COURIER SERVICE: According to agenda support documents contained in the packet, staff recommended approval of Bid #99-64 to William C. Shubert Courier Service for the amounts outlined in the support documents. A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

BUDGET AMENDMENT FOR PUBLIC WORKS DEPARTMENT: According to agenda support documents contained in the packet, staff recommended to approve the budget amendments as follows: transfer \$16,000 from 440-340-534-340 (contractual) to 440-340-534-463 (repair/maintenance to vehicles) and transfer \$20,000 from 440-340-534-640 (machinery/equipment) to 440-340-534-140 (overtime). A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

APPOINTMENT OF DEIRDRE WALLACE AS FIFTH MEMBER OF THE BOARD OF TRUSTEES OF THE POLICE AND FIRE PENSION PLAN: According to agenda support documents contained in the packet, there was a

recommendation to accept the appointment of Deirdre Wallace to the Board of Trustees of the Police & Fire Pension Plan to fill the unexpired term of Robert Peters. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Rogers, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

RESOLUTION #99-44 APPROVING BOND ISSUE FOR FINANCING STRUCTURE FOR AMELIA TRACE AND ADJACENT PROPERTY FOR DEVELOPMENT AND CONSTRUCTION OF INDEPENDENT SENIOR HOUSING AND APARTMENTS: A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve Resolution #99-44. Commissioner Rogers stated that he would vote against this item, and was ready for discussion regarding the by-laws. He expressed concern as to whether or not a public purpose was involved from his question for whom the facilities would be affordable, and he stated that he was not on the side that would argue that it is government's rightful role in the economic development. Commissioner Thompson expressed a concern as to the definition of *affordable*. Tim Penland, President of FHG Management Company, stated *affordable* certainly wasn't \$2,300 a month for assisted living. He further stated that they have not set the rates yet, but they will be middle class based on the feasibility study and the market that can be attracted to Amelia Island. Mr. Penland explained that at the facility in West North Carolina the rates ranged from \$1,200 per month to \$2,500 for deluxe private units, and the assisted living units that are proposed for Amelia Island such as the independent apartments would be a lower cost. Commissioner Thompson asked if they would only be accepting private pay. Mr. Penland stated not necessarily and they intend to do the feasibility study based on private pay only, but at this time they can not tell if they will be taking Medicare.

Commissioner Rogers stated that studies based on only private, just doesn't ring a bell with him that the City should be entertaining \$28-30 million in bond issues without more definition to the end result. Mr. Penland explained it would involve a very extensive feasibility and market study at a cost in the range of \$100 - 150 thousand.

Vice Mayor Rodeffer expressed concerns about not having a feasibility study done prior to Commission decision, what the target market was and what the prices were going to be. Mr. Penland explained they tried to give the Commission a range market, which would be moderate income. He further stated that they had done a preliminary analysis to prove that this was a viable project, and they needed to know if the Commission was willing to approve the project.

Commissioner Thompson stated she had doubts about the project, since it didn't seem to help low to moderate income. She inquired about the breakdown of how the \$28-30 million would be spent. Mr. Penland stated the following: \$4.5 million for the acquisition of the property, construction costs of community building and two independent apartment buildings would run \$15-18 million, and then the required maintenance reserve money. Patricia Newman, President of P&H Capital Funding and Managing Director of Samco Capital Markets, stated the interest during construction would run in excess of \$3

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million. Commissioner Thompson then inquired if the facility would draw a lot of the City residents with the moderate income fee of \$2,300. Mr. Penland stated again that is a high number, which is typically for a deluxe unit; North Carolina facility has residents paying as little as \$800 to \$1,200 per month. He further stated they would expect to draw residents from surrounding areas, and explained that 50-70% of assisted living residents come from within a 10-15 mile radius of the area.

Commissioner Page stated she was also concerned about approval prior to the feasibility study being done. Ms. Newman stated that normally they are asking the governmental sponsor only to vote to create an entity that will then approve a bond issue once the feasibility, environmental, and all the normal things that come with a borrowing of this type, are in place. Ms. Newman further stated that this is not the City's sign off on this transaction, but this is the most preliminary approval for them to move forward.

Mayor Sapp stated that he is looking down the line to see what the market will be like for senior housing in those years, and currently the City has Osprey Cove and the Jane Adams House. He explained some reasons why he thought this would be good for the City: he expects the demand to increase for facilities, the City of Fernandina Beach is not financially obligated, at the end of fourteen years the City gets the facility to run, sell, receive income, or utilize the land. Mayor Sapp questioned if Mr. Penland receives pay based on managing the facility and if he receives any additional money from the bond issue. Mr. Penland replied that his fee is subordinate to paying the principal, interest and paying the operational cost. Mayor Sapp questioned how Ms. Newman gets paid. Ms. Newman replied that she receives a fee at closing that is a percentage on the principal amount of the bonds (3% of the tax exempt bonds, 7% of less than a million dollars). Mayor Sapp stated the City would play a passive role in this project.

City Attorney Poole stated that they were asking the Commission to establish a not for profit corporation and appoint a board, and then that board would be empowered to issue the bonds if and when that time takes place.

Commissioner Page inquired about any safeguards in place that would prevent the facilities from being mismanaged. Mr. Penland replied the bond documents will be dictated by the safety of the City of Fernandina Beach and the bond purchasers. He further stated that the City is not liable in any way, it is non-recourse to the City (Lock box transaction the revenues that come in are sent to a trustee, and then the trustee distributes the funds.) Mr. Penland stated the method by which the manager fee is established and a maximum of 6% of revenue. Mr. Penland further stated the elderly and the frail elderly are in need of these types of services, and your estimation is what is going to happen in the next 15-20 years is actually going to be a flood of seniors and frail seniors who need assistance and independent living throughout the nation. Mr. Penland stated the largest market is moderate income individuals, and currently the facility here on Amelia

Island cares about people, and he wants to continue that and manage and help the seniors.

Vice Mayor Rodeffer stated that the project is a benefit to the City in the long term, and requested to table the issue so they can come back and with the answers for the Commission. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to table the item. Vote upon passage of the motion was taken by ayes and nays and all being ayes, carried.** Mayor Sapp requested the City Commission to get all their questions to the City Clerk, and to get the answers before the October 19, 1999 meeting.

George Speed, 870 Laguna Drive, inquired who was responsible for the expenses if the project does not go through. Mayor Sapp stated the not for profit company is not financially responsible for anything.

Jan Carver, 86 Marsh Lakes Drive, stated she objects to this on the grounds of public purpose, and in her mind public purpose is to serve the majority of people in the community and this is not going to do that. She further stated that if there were going to be low income, federally subsidized, community subsidized people then she would see it as public purpose. Ms. Carver suggested finding out about the following: the individuals that are involved in the project, the interest rates on the bonds, have there been any difficulties in the past, names of some projects that have worked, and have any states eliminated this kind of bonding issue. Mayor Sapp stated that her facility was the only one for moderate incomes and inquired if she thought it would be good to have competition and not just one place for people to go. Ms. Carver stated that she wasn't opposed to competition, but she is opposed to the City sponsoring competition for a private industry when the need is already being met. Commissioner Rogers stated the perception of Ms. Carver could be competition, and for the Commission's benefit asked her to please state her academic and professional qualifications. Ms. Carver stated she is a nurse practitioner with Dr. Rodeffer, DeVane and Burford, and she recently graduated from Florida Coastal School of Law and works with Attorney Clyde Davis. Mayor Sapp stated that her organization, the Jane Adams House does an outstanding job.

Commissioner Rogers requested to expand the Workshop agenda to include the articles of incorporation and the by-laws before inviting the petitioners back. Mayor Sapp stated that the City Commission needs to look at these items, but he isn't sure when. Commissioner Rogers made a motion to add to the agenda, but the motion died due to the lack of a second.

PUBLIC HEARING AND FINAL READING OF ORDINANCE #99-37 PROVIDING FOR INCREASES IN REFUSE COLLECTION RATES FOR PLASTIC RECYCLING PROGRAM. City Attorney Poole read Ordinance #99-37 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 66-66 OF THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH, PROVIDING FOR INCREASES IN REFUSE COLLECTION RATES; AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to

open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. George Speed, 870 Laguna Drive, stated he believes in recycling and that it should be left up to the individual. He further stated that he conducted a non-scientific study of about 64 houses and from that only 16% of the community is recycling bottles or cans. Mr. Speed inquired about the looks of the recycling truck and what it does. Jim Higginbotham, Director of Public Works, replied the vehicle is 30 feet in length and it has 5-6 separate bins on the side with mechanical trays that takes the product to the top and dumps it in. He further stated the trays are 10 feet high by 5-6 wide, and when you get to your site it dumps into each bin. Mr. Higginbotham added that he did not have a picture of the truck, since there are 5 -7 different looks for one. Mr. Speed expressed that he thought the \$1.38 increase would not pay for the program. Mr. Higginbotham stated that if the City can reduce the fee after they are at full operation, they would. Bob Ringel, 2526 Captain Oak Drive, stated that he would not fool with plastic bottles in a separate can or aluminum containers, because he continuously hears that there isn't money in this anymore and that cities are discontinuing these recycling projects. There being no further comment, a motion was made by Commissioner Page, seconded by Commissioner Thompson, 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 Commissioner Page, seconded by Vice Mayor Rodeffer, to approve Ordinance #99-37 on second and final reading. Commissioner Page expressed her plea for recycling plastics, and stated that there isn't money in it, but we do it to keep plastics from filling up our landfills. She further stated that short term rentals should be charged a higher garbage fee and let that cost offset the recycling cost. Mayor Sapp stated that he would vote against this ordinance, since the process for recycling plastics is so cumbersome. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Rogers:	Nay
Commissioner Thompson:	Nay
Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Mayor Sapp:	Nay

Motion failed.

PUBLIC HEARING AND FINAL READING OF ORDINANCE #99-40 RELATING TO ACCESSIBILITY OF REFUSE CONTAINERS: City Attorney Poole read Ordinance #99-40 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 66-44(A)(1) AND (2) OF THE CODE OF ORDINANCES OF THE CITY, RELATING TO ACCESSIBILITY OF GARBAGE CONTAINERS; AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Commissioner Page, seconded by Commissioner Thompson, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. There being no comment from the floor, a motion was made by Commissioner Page, seconded by Commissioner Rogers, 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 Commissioner Page, seconded by Commissioner**

Thompson, to approve Ordinance #99-40 on second reading. Commissioner Rogers stated that he opposed this ordinance, because he believes it is unenforceable. Mayor Sapp stated this ordinance is more specific and will enable the code enforcement officer to do a better job. After some further discussion, vote upon passage of the motion was taken by ayes and nays and was as follows:

Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Nay
Commissioner Thompson:	Aye
Commissioner Page:	Aye
Mayor Sapp:	Aye

Motion carried.

PROPOSED ORDINANCE TO ALLOW TOWNHOUSE ON SUBSTANDARD LOTS OF RECORDS: City Manager Hays referred to a memo from the City Attorney which was contained in the agenda support documents. Commissioner Rogers stated that this left the Planning Advisory Board (PAB) on June 16th and is just getting on the agenda on October 5th, meanwhile there hasn't been a concerted effort to keep the City Commission apprised as to why that was occurring. He stated his concern was if substandard lots had been properly addressed, and another concern is packaging multiple lots to meet the requirements of R-2 and R-3 zoning. He stated the City Commission has redefined the time frame in which they must do something, but how are the people going to know about it. He inquired if the people do not know about it, is the Commission creating something that approximates a taking. Commissioner Rogers stated that Doug Jones has gone to the property appraiser to identify all the substandard lots, but the computer can't tell you they are substandard because they look standard when there are two adjacent substandard lots by the same owner. He further stated the Commission should not enact the action unless the people that own the substandard lots can be notified that they are required to take action.

City Attorney Poole stated that there is a conflict with the Comprehensive Plan and the appropriate time to do that review is in the Evaluation and Appraisal Report (EAR) process. Doug Jones, Director of Development Services, stated with the EAR based amendments the PAB will hold a public hearing later this month, and after the public hearing the PAB will do a transmittal of their recommendations. He further stated the proper process is to do the EAR based amendments and then come back to address this issue.

Commissioner Rogers requested when it comes back to the Commission that the brief sheet gives the Commission assurance that either through direct mailing to property owners or multiple advertisements that the City has optimized the property owners probability of being aware of those being effected by the ordinance.

FIRST READING OF ORDINANCE #99-43 RESTRICTING THE SIZE OF COMMERCIAL BUILDINGS: City Attorney Poole read Ordinance #99-43 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA,

AMENDING THE CODE OF ORDINANCES OF THE CITY, ARTICLE III, DISTRICTS, DIVISION 5, R-2C RESIDENTIAL-COMMERCIAL MIXED DISTRICT, SECTION 126-164(c)(2); DIVISION 8, C-1 COMMUNITY COMMERCIAL DISTRICT, SECTION 126-224; DIVISION 9, C-2 GENERAL COMMERCIAL DISTRICT, SECTION 126-244; AND DIVISION 10, C-3 CENTRAL BUSINESS DISTRICT, SECTION 126-264 OF THE CODE OF ORDINANCES OF THE CITY; RESTRICTING THE SIZE OF COMMERCIAL BUILDINGS TO NO MORE THAN 80,000 SQUARE FEET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to approve Ordinance #99-43 on first reading and refer it to the Planning Advisory Board (PAB). Commissioner Rogers stated that an ordinance of this sort should go to the Planning Advisory Board (PAB) on a routine basis for their review and recommendation, before the Commission votes for approval. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Rogers:	Nay
Commissioner Thompson:	Aye
Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Mayor Sapp:	Aye

Motion carried.

FIRST READING OF ORDINANCE #99-44 REQUIRING SPECIAL USE PERMITS FOR PROPERTIES DEVELOPED IN THE COASTAL UPLAND PROTECTION ZONE: City Attorney Poole read Ordinance #99-44 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, REQUIRING SPECIAL USE PERMITS FOR THE DEVELOPMENT OF PROPERTY IN THE COASTAL UPLAND PROTECTION ZONES; ESTABLISHING THE CRITERIA FOR ISSUANCE OF A SPECIAL USE PERMIT IN THE COASTAL UPLAND PROTECTION ZONES; AMENDING SECTIONS 110-31 AND 110-32 AND CREATING A NEW SECTION 110-96 OF THE CODE OF ORDINANCES OF THE CITY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Commissioner Page, seconded Vice Mayor Rodeffer, to approve Ordinance #99-44 on first reading and refer it to the Planning Advisory Board (PAB). Commissioner Rogers referred to his comment on the previous item. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Thompson:	Aye
Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Nay
Mayor Sapp:	Aye

Motion carried.

CONSIDER ADOPTION OF RESOLUTION #99-48 APPROVING FINAL PLAT OF SEASIDE SUBDIVISION: A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve Resolution #99-48. Commissioner Rogers requested an update on the resolution of main lines and bike paths between Seaside, Ocean Cay, Ocean View. City Manager Hays stated that the sewer line has been installed in Seaside. Doug Jones, Director of Development Services, stated the Ocean View subdivision residents are anxious about the bike trails that

are tied to the Ocean Cay development, which is not before the Commission this evening. He further stated the representatives of the Seaside development stated that there were problems while installing the sewer lines with the trees in the area, and they included tree protection in their bond for the project. Mike Antonopolous), 202 Art Museum Drive, stated the bike path/sidewalk in the settlement agreement has been objected by the residents of Ocean View, since it runs down the center of the 80' unimproved section of Jean LaFitte Boulevard. He further stated they had submitted a width of the bike path/sidewalk to be 5 feet, and was waiting for comments from the Director and the City Manager. City Manager Hays thanked staff for their approach in this project. Vice Mayor Rodeffer inquired of the City Attorney as to the City being held liable for the sidewalk. City Attorney Poole replied that any time the City undertakes to construct a sidewalk/bike path, street or anything else, if you do it in a negligent fashion the City could be held liable. After some further discussion, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

DISCUSSION OF MEDIA ONE CABLE FRANCHISE: Mayor Sapp stated that over the last year he has received a large number of complaints regarding service, and the primary complaint is that there is no one there to answer the calls. Ann Carter Murphy, Representative from Media One, stated that she was unaware that there still were problems with customers getting through to live individuals, and she is still concerned that customers are not getting through. She further stated that they had taken corrective action with the phone switches last year, but she will act quickly to look into the situation. Mayor Sapp stated that in the past citizens could go to the local office to get their problems resolved, and now they have to call a computer service or someone in Jacksonville that is unfamiliar with the area and it seems like an impersonal approach to cable TV in Fernandina Beach. Ms. Murphy stated that Media One still has the local office and Martin Mosher and the folks here work with their trucks out of the local office. She stated as they get into their broadband upgrade, which begins mid year 2000, a new kind a service will be offered. Ms. Murphy explained there is a dispatch line that comes into Fernandina, and she requested a personal example for her to follow through on; she can follow the call from the call center in Jacksonville and why it didn't work. City Attorney Poole referred to his memorandum dated October 1, 1999 regarding the issues of change of control and request for renewal. **A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to follow the City Attorney's recommendation to direct staff to prepare a resolution and schedule a public hearing.** City Attorney Poole stated the action was whether the Commission will approve or disapprove the merger, transfer of control from Media One to AT&T; if no action is taken the City Commission has deemed to approve that merger without any further action; if there is opposition or reason to oppose then the City has to notify Media One of that within that 120 days. **Commissioner Page and Vice Mayor Rodeffer incorporated into the main motion that the City Commission take no action on the merger and that the City Commission prepare the resolution which addresses the second**

part and schedule a public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

WAIVER OF BID REQUIREMENTS TO PURCHASE FURNISHINGS FOR THE NEW GOLF COURSE CLUBHOUSE: City Manager Hays stated this item is to waive the bid, or the option to go out for bid as noted in the memorandum from the City Clerk dated September 30, 1999. City Attorney Poole stated the Ordinance requires competitive bid on any purchase in excess of \$5,000, unless the Commission finds that there is an emergency or extenuating circumstances, warranting waiver of the bid requirement. He stated in this case if the City is to approve it, the City must find extenuating circumstances that justify the waiver. Mayor Sapp inquired if the City could complete the Clubhouse if the City goes out for bids and has no furnishings in it. John Vickers, Golf Course Director, stated the contractor has given a firm date of December 10, 1999 when the building will be turned over to him, and based on that date he would not have furniture when they moved in. A motion was made by Vice Mayor Rodeffer to waive the bid requirements to purchase the furnishings for the new golf clubhouse. The motion died due to the lack of a second.

REQUEST FROM THE AUDIENCE TO BE HEARD ON ITEMS NOT ON THE AGENDA:

SPECIAL MEETING OCTOBER 7, 1999: John Cascone, 116 South 4th Street, inquired if there is any change to the meeting regarding the proposed settlement with the County. Mayor Sapp stated the meeting is to examine a resolution approving the mediated settlement. Mr. Cascone requested that the meeting be postponed until October 14, 1999 so that community has time to be informed. City Attorney Poole recommended to the Commission a public meeting to discuss each item of the proposed settlement agreement, to solicit public input to assure the public has had every opportunity to provide input, and then the Commission makes the decision to approve, reject or approve with modifications of the mediated settlement agreement. He further stated the timing is up to the Commission of whether to proceed with as called by the Mayor or take Mr. Cascone's recommendation. City Attorney Poole stated the mediated settlement agreement is not final until it is approved in a public meeting, and it is not enforceable until there is a public meeting to review it item by item. John Cascone stated that there is some question under the current case law as to whether or not what occurred last week was a violation of the Sunshine Law, because the Commission met as a body representing this community, outside of the county, without notice to the citizens, and the ability to participate and you did it as a body instead of sending a designee as the court order suggested; and acted as a body, five Commissioners affirming the agreement. He stated it causes him great concern as to what would then occur on Thursday, a perfunctory rubber stamp of an agreement that at the very minimum violates the spirit of the Government in the Sunshine Law in the State of Florida. Mayor Sapp stated that the Commission is not going to be approving the interlocal agreement, but would be having a meeting to affirm what the Commission did the other day. After some further discussion, Commissioner Rogers stated he expressed his concerns to the

City Attorney about having a meeting on Thursday, and would like to see it done at a regular meeting on October 19, 1999. He requested to give it a week to 10 days to get the word out to everyone that wants to be here. He commented on Mr. Cascone's statement that the Commission would be doing something perfunctorily, and advised he does not do anything perfunctorily and he doesn't think the other Commissioners do either. Commissioner Page stated she was in agreement with Commissioner Rogers and Mr. Cascone, that the Commission would better serve the people of Fernandina by having it on a regular Commission meeting, since we can also reach people with the televised broadcast. Mayor Sapp requested that it be put first under Old Business on the October 19, 1999 agenda.

SEASIDE DEVELOPMENT: Doug Adkins, 863 Laguna Drive, expressed his concern regarding the proposed bike path. Mayor Sapp told him that item was on the agenda and could not be discussed at this time.

CONSTRUCTION NOISE: Doug Adkins, 863 Laguna Drive, asked the Commission to consider adopting an ordinance establishing some restrictions on development activities after 5 p.m. and on weekends. Mayor Sapp stated that there currently was an ordinance that does not allow construction activity after 7 p.m. Mayor Sapp stated that at the first Tuesday in November the agenda will have an item addressing the issue of the size of the bike path.

CITY MANAGER REPORTS:

JOINT LOCAL PLANNING AGENCY (JLPA) MEETING: City Manager Hays stated that a meeting of the Joint Local Planning Agency had tentatively been scheduled for October 26, 1999 at 7 p.m.

HALLOWEEN: City Manager Hays stated there have been calls regarding Halloween, and that it will be observed on October 31, 1999.

CITY ATTORNEY REPORTS: The City Attorney had no reports at this time.

COMMISSIONERS' COMMENTS:

OLD TOWN HISTORIC DISTRICT: Commissioner Rogers inquired about the City Attorney codifying the Tilson Report. City Attorney to report back.

BOAT RAMP: Commissioner Rogers inquired if the Commission tasked ATM to design and cost the boat ramp that the City wants going into Phase II. City Manager Hays stated that there has been a change order to accomplish that task. Commissioner Rogers stated he heard that they are coming in at \$250,000 and inquired if Andrew Holesko has looked at it.

PAGE 4 OF GENERAL INFORMATION RE: HURRICANE FLOYD: Commissioner Rogers inquired about the filing the Notice of Intent that was referred to in the Development Services Director memorandum of September 23, 1999

contained in the General Information section of the Agenda packet. City Manager Hays stated he would look into it.

PAGE 5 OF GENERAL INFORMATION: Commissioner Rogers requested a copy of the Historical Downtown Development Guidelines that was referred to in the Development Services Director's memorandum of September 23, 1999 contained in the General Correspondence section of the Agenda packet.

ROUTE OUT OF NORTH FLETCH AVENUE: Commissioner Rogers stated he is still hearing concern about another route out of North Fletcher Avenue. Mayor Sapp stated that there was a meeting today with the State, and they said to go in at a point where a lot of people are suggesting would be environmentally unsound, because of dunes, trees, and things like that. He further stated that there is a legitimate concern about getting back on the island into that area after the hurricane and they would be more than willing to look at an alternate path to allow people to get back into that area.

MARINE PARK UPDATE: Commissioner Rogers inquired of the status of the welcome station and whether the Commission has a commitment to the project should be on the agenda. City Manager Hays stated that they met with the Florida Department of Environmental Protection (DEP) today and the Commission would have a memo shortly.

CERTIFIED CITY GOVERNMENT PROGRAM: Commissioner Rogers stated that the City would be going after the program again, which was started back in 1994. He then inquired when short term rentals and the Fairbanks house would be on the agenda. Mayor Sapp stated he would like a status report on short-term rentals and the Fairbanks issue.

SYMPATHY: Commissioner Thompson expressed her deepest sympathy to the family of J. Clayton Sanders and to Chief Hammond on the loss of his father. Commissioner Page and Vice Mayor Rodeffer also expressed their sympathy. Mayor Sapp stated his regards and also from everyone in the City. He further stated that J. Clayton Sanders was a wonderful person to work with and the City will miss him.

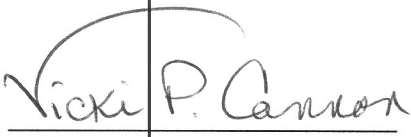
AGENDA PACKETS: Mayor Sapp requested that in the future agenda supplements and amended agendas should be limited.

ALLEGATIONS REGARDING SUNSHINE VIOLATION: Mayor Sapp stated that the Commissioners went through about 11 hours in the settlement process on City v. County lawsuit in Jacksonville. He further stated that the Sunshine Law came up and the City Commission had two attorneys, and it was determined by the legal minds that the rules surrounding mediation made this a special case. City Attorney Poole stated that the City has always tried to, whenever there has been a question of Sunshine, if we are going to err, to err on the side of openness, notice and public access. He further stated mediation is a special animal, which he discussed with Pat Gleason from the

Attorney General's office today. He stated she had acknowledged that it is in the nature of a judicial proceeding and in her words, the law is not entirely clear in this area; and Ms. Gleason recommended to do exactly what was proposed tonight: that the agreement that was negotiated does not become final and enforceable until there has been a full public hearing on the subject, every item is discussed, every opportunity to provide input, and at the conclusion the Commission has the opportunity to approve, disapprove, or approve with modifications. Mayor Sapp stated he hoped that the City could work through this and correct it if needed.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

ATTEST:


VICKI P. CANNON
City Clerk


RON SAPP
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in Regular Session on Tuesday, February 1, 2000 at 6:00 p.m. in the City Commission Chambers. Present were Mayor Ron Sapp, Vice Mayor James D. Rodeffer, Commissioners Kim Page, Robert B. Rogers and Patricia Thompson. Also present were City Manager Fred Hays, City Attorney Wesley R. Poole and City Clerk Vicki P. Cannon.

Mayor Sapp called the meeting to order and led the Pledge of Allegiance to the Flag. The Invocation was then given by Commissioner Patricia Thompson.

APPROVAL OF MINUTES: The Minutes of the Workshop Meeting of August 23, 1999 were presented for approval. **A motion was made by Commissioner Rogers, seconded by Commissioner Page, to approve the Minutes as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PRESENTATION OF PROCLAMATION DECLARING BLACK HISTORY MONTH: City Clerk Cannon read the Proclamation in full declaring February as Black History Month. Mayor Sapp presented Selicha Jones, President of the NAACP Youth Council, with a copy of the Proclamation. Selicha Jones thanked the City Commission for the Proclamation and introduced the members of the Council as follows: Shawna Dawson as Secretary, Morinda Hooper and Romel Green for membership services. Mayor Sapp stated that it was an honor for him to make the presentation, since three of the members were students of his.

PRESENTATION OF PROCLAMATION DECLARING AFRICAN AMERICAN READ-IN CHAIN DAYS: City Clerk Cannon read the Proclamation in full declaring February 6th and 7th, 2000 as "African American Read-In Chain Days at the Peck Auditorium at 6:00 p.m. on Thursday, January 20, 2000." Mayor Sapp stated it was an honor to present Ms. Willie Mae Ashley the Proclamation and expressed appreciation for all that she does for the City. Ms. Ashley explained that Martha Owens involved her in the read-in chain several years ago along with the First Baptist Missionary Church that sponsored the read-in chain. She stated that Stephie Gusky, Chairperson of the Community Relations Board, had brought the City up to a level of involvement and diversity, and expressed her gratitude for the City's efforts.

PRESENTATION BY DEPARTMENT OF TRANSPORTATION REGARDING PROPOSAL RELATING TO EGANS CREEK GREENWAY PROPERTIES: Alan Hooker, Vice President of Environmental Resource Solutions (ERS), Inc. expressed appreciation on behalf of the Department of Transportation (DOT) project team for the opportunity to present and discuss the proposal. He further explained that the project could possibly be a joint venture between the DOT and the City, and the focus would be the restoration of approximately 25 acres of Egans Creek. Mr. Hooker stated that on the north side of Atlantic Avenue there was a natural salt water marsh and on the south side because of the causeway, there was no longer tidal inundation there, and explained that what was left of Egans Creek was a very altered environment. He referred to the Egans Creek Greenway Management Plan regarding restoration and preservation, and explained that the DOT was interested in collaborating with the City since the DOT had numerous projects that impact salt-water wetlands. He

MINUTES

Regular Meeting

February 1, 2000

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explained that the DOT would use Egans Creek as a way of offsetting the impact of their projects elsewhere, and presented DOT's plans for the 25 acres. He stated some of the advantages of the joint venture were: that it would maintain the present day hydrology and flows, it would restore 25 acres, it would compensate or mitigate the impacts on some other projects, it would provide for shared technical and financial resources, it would decrease the need for mosquito control in the area, and that the DOT proposal was consistent with and would implement part of the Greenway Management Plan. Mayor Sapp inquired as to the impact it would have on the estuary to the north. Mr. Hooker replied that there should be no impact, and explained that the area was historically salt marsh. Commissioner Rogers referred to the shared costs and inquired if the costs were scoped out. Mr. Hooker explained that the DOT didn't know what the percentage of the fixed per acre cost was going to be assigned to the 25 acres, but stated that it would be a significant amount. City Attorney Poole stated that the City understood the majority of the 25 acres was already jurisdictional wetlands, and inquired as to how it would help with mitigation as far as the St. Johns River Water Management District (SJRWMD) or the Department of Environmental Protection (DEP) was concerned. Mr. Hooker replied that DOT had met with both agencies and they had acknowledged that this was an appropriate mitigation area, since the value of low salt marsh was much higher and this was a much more environmentally functional environment. City Attorney Poole inquired as to why there would not be a berm on the east side. Mr. Hooker explained that there wasn't a need for a berm, because of the natural elevation rise. City Attorney Poole stated that there were property owners to the west of the creek and stated if there was a breach of the berm it might allow additional water to intrude into the upland areas and could conceivably cause damage to those property owners. He inquired if the DOT was willing to indemnify the City for any such liability if such should arise from that scenario. Mr. Hooker explained that the berm would be constructed with 3 to 1 or 4 to 1 side slopes, and if there was a breach it would go into wetlands with elevations of 4 and 5, and further explained that more damage would be caused by the salinity of the water than the amount of water. Mr. Dave Blood, Production Director for the DOT, explained that anything the DOT did at Egans Creek would have the same responsibility they had when building a road, and stated that he would contact DOT's attorneys and get back with the City Commission about the legal implications. He explained they were trying to form a conceptual plan that would be approved by the Corps of Engineers so it could be turned into a mitigation site. **A motion was made by Commissioner Rogers, seconded by Commissioner Page, to grant the request of DOT to pursue research on the proposed restoration and enhancement project for the Egans Creek Greenway, with the understanding that the City Commission would consider whether to grant or deny approval of the proposed project once the research had been completed. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PRESENTATION OF RESOLUTION BY CHAMBER OF COMMERCE REGARDING THE SHORT-TERM RENTAL ISSUE: Mayor Sapp stated that Mr. Harry Halley, President of the Amelia Island-Fernandina Beach-Yulee

Chamber of Commerce, wanted to postpone the Resolution regarding this issue, but would make some statements. Mr. Halley came before the Commission and stated he and the Chamber Board of Directors had reached consensus to delay the Resolution, since the Planning Advisory Board had this matter currently under consideration. He further stated that they had some technical matters to polish up in the Resolution and stated that the Chamber would be speaking in defense of property owners and their rights, in terms of accountability, and the support of enforcement of the codes.

REQUEST FROM THE AUDIENCE TO BE HEARD ON ITEMS NOT ON THE AGENDA:

SHOOTING: Lawrence Jones, 924 South Division Street, expressed concern about 9th Street in that he had brought to the City Commission's attention a month and a half ago about the shooting, high speeding, drugs and other things in that particular area. He inquired as to what the City Commission's stand was on the issue, especially after a young lady was shot last week. Mayor Sapp expressed that all of the City Commission was saddened by the horrible incident and were trusting the local law enforcement agencies to take care of the matter. He stated the City Commission stood firmly behind any actions the Police Department might take, and that within the next several weeks and months the City Commission and the Police Department would be getting together to come up with a solution.

SEARCH FOR A NEW CITY MANAGER: Mr. Harry Trevett, 215 Peter's Road, questioned the City Commission efforts of searching for a new City Manager by limiting it to the circulation area of the News Leader, and inquired if the decision represented the City's best effort to hire the most capable individual for the job. Mayor Sapp stated he would do what was in the best interest of the City and encouraged Mr. Trevett to be involved in the selection process of the new City Manager. He further stated the City Commission had looked at what was done in the past and was looking for an alternative to find someone possibly in this City, who would be very capable and who loved the City. Mr. Trevett questioned the potential for a conflict of interest by hiring from within the local area. Mayor Sapp explained that the citizens of the City were ultimately responsible for each of the Commissioners and the decision of whether the Commission did the right thing or not would be left up to the citizens. Commissioner Page expressed her opinion that some of the turnover problems were due to people being brought into the community and not adapting well to the community. She explained that the City advertised locally first and if a viable candidate was not found, then the City Commission would expand the search. Commissioner Rogers stated he that did not know if the City would come up with a statistically significant number of applicants. He expressed that he wanted what was best for the City just like everyone else. Mr. Trevett commented that people believed the City Manager should be a very capable administrator, an individual who was capable of running a

\$25 million a year company, and some citizens believed the City Manager should be able to do his job according to the City Charter. He encouraged the City Commission to be accountable and responsible to the citizens in this community, and for the record he stated his business address as 1325 Atlantic Avenue.

Ms. Ruth Neely, 1840 Village Court, stated that at one time the City had a good method in place for selecting candidates and if the current method didn't work she suggested giving the older method a try. Mayor Sapp explained that if the candidates didn't measure up to what the Commission was hoping for, then they would be doing exactly what she suggested.

Mr. Jim Facciolo, Attorney in Jacksonville, 2841 DeSylvan Lakes, explained that his firm would be opening a branch office in Fernandina Beach shortly. He suggested the City ask each of the candidates if they were willing to and absolutely committed to enforcing the law of this State and this municipality. He stated, specifically, if they were willing to enforce the law that required the City Commissioners not approach members of the administration in terms of influencing the way in which the community was managed.

After some discussion, Mr. George Thompson, 331 South 12th Street, inquired as to how much it would cost the taxpayers if the new City Manager didn't work out. Mayor Sapp explained that it depended on the contract with the City Manager.

Mr. Doug Truman, 2812 Laguna Drive, referred to an article from the October 25, 1998 Newsleader regarding a charge Mayor Sapp led. Vice Mayor Rodeffer stated that everyone was concerned about the process of the selection of the City Manager, and explained that he would be bringing to the City Commission a report on a selection process that the City could follow in the future. Commissioner Page invited the citizens to attend the workshop meetings regarding not only the City Manager, but other issues as well. A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to put the subject of the expansion of the search for a City Manager on the agenda. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Rogers:	Aye
Commissioner Thompson:	Aye
Commissioner Page:	Nay
Vice Mayor Rodeffer:	Nay
Mayor Sapp:	Nay

Motion failed.

CONSIDERATION OF APPOINTMENT OF TWO CITY COMMISSIONERS TO
SERVE ON ISLAND-WIDE PARKS AND RECREATION COMMITTEE:
Commissioner Rogers commented that based on the Northeast

Florida Regional Planning Council schedule and the first meeting being scheduled on February 3, 2000 in Flagler County, he would not be able to serve on the committee. Mayor Sapp and Commissioner Page volunteered to serve on the committee.

CONSENT AGENDA: The following five items were on the Consent Agenda and were approved by one motion with the exception of the following: Item (a), Adoption of Resolution #2000-09 prohibiting unlawful harassment in the workplace which was removed from the agenda by the City Manager, and Item (c), Approval of invoice for legal services in the amount of \$1,176.03 which was removed at the request of Mayor Sapp.

ADOPTION OF RESOLUTION #2000-09 PROHIBITING UNLAWFUL HARASSMENT IN THE WORKPLACE: This item was removed at the request of the City Manager.

APPROVAL OF APPLICATION FOR INCLUSION ON FY 1999-2000 SEWER AND REFUSE EXEMPTION LIST: According to the support documents contained in the packet, staff recommended approval of the application [filed by Iola Davis] for inclusion on the FY 1999-2000 Sewer and Refuse Exemption List. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

APPROVAL OF INVOICE FOR LEGAL SERVICES IN THE AMOUNT OF \$1,176.03: According to the support documents contained in the packet, staff recommended to approve the invoice submitted by Rogers, Towers, Bailey, Jones & Gay for payment in the amount of \$1,176.03. Mayor Sapp inquired about the status of the suit. City Attorney Poole explained the City Commission should have received a draft form of a Resolution from the Rogers' firm and it was presented to the attorney representing the owners of the Fairbanks House. **A motion was made by Commissioner Thompson, seconded by Commissioner Rogers, to approve the invoice submitted by Rogers, Towers, Bailey, Jones & Gay for payment. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

APPROVAL OF ADDENDUM #1 TO CONTRACT WITH KENNETH SMITH ARCHITECTS, INC. FOR THE PECK CENTER REHABILITATION PROJECT - PHASE III: According to the support documents contained in the packet, staff recommended to approve the contract with Kenneth Smith Architects for the Peck Center Rehabilitation - Phase III - Addendum No. 1. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ACCEPTANCE OF RECOMMENDATION FOR AWARD OF BID #99-41 FOR MANHOLE REHABILITATION FOR PUBLIC WORKS DEPARTMENT: According to the support documents contained in the packet, staff recommended approval of Concrete Conservation Incorporated for rehabilitation of manholes and wet wells for \$60,000 to come from Account #450-350-535-630. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve the recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PUBLIC HEARING AND FINAL READING OF ORDINANCE #99-51 PROVIDING AN ADDENDUM TO THE WATER FRANCHISE WITH FLORIDA PUBLIC UTILITIES TO USE CERTAIN PROPERTY AT THE AIRPORT FOR WATER FRANCHISE FACILITIES: City Attorney Poole read Ordinance #99-51 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE NUMBER 96-5, GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, A NON-EXCLUSIVE FRANCHISE; ADDING CERTAIN REAL PROPERTY TO THE FRANCHISE; PROVIDING FOR PAYMENTS BY THE FRANCHISEE; PROVIDING FOR USE OF THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Commissioner Rogers, seconded by Commissioner Page, to open 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 Commissioner Rogers, seconded by Commissioner Page, 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 Commissioner Rogers, seconded by Vice Mayor Rodeffer, to adopt Ordinance #99-51 on second reading. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

FIRST READING OF ORDINANCE #99-43 REGARDING SIZE LIMITATIONS ON COMMERCIAL STRUCTURES: City Attorney Poole read Ordinance #99-43 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY, ARTICLE III, DISTRICTS, DIVISION 5, R-2C RESIDENTIAL-COMMERCIAL MIXED DISTRICT, SECTION 126-164(C)(2); DIVISION 8, C-1 COMMUNITY COMMERCIAL DISTRICT, SECTION 126-224; DIVISION 9, C-2 GENERAL COMMERCIAL DISTRICT, SECTION 126-244; AND DIVISION 10, C-3 CENTRAL BUSINESS DISTRICT, SECTION 126-264 OF THE CODE OF ORDINANCES OF THE CITY; RESTRICTING THE SIZE OF COMMERCIAL BUILDINGS TO NO MORE THAN 80,000 SQUARE FEET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve Ordinance #99-43 on first reading, which included the Planning Advisory Board's amendments. Commissioner Page stated she had a recollection that the City Commission had sent the section of the code with the height limitations of buildings in C-1 to the Planning Advisory Board (PAB) and inquired about the status of it. Mayor Sapp replied the height limitations could be part of the subject Ordinance or a separate one. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to put the height ordinance on the agenda. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to send the Ordinance relating to height to the Planning Advisory Board for their advisement. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

CONSIDERATION OF RECOMMENDATION REGARDING ORDINANCE #2000-02 REGARDING OLD TOWN PRESERVATION AND DEVELOPMENT GUIDELINES: A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to return this item to the Planning Advisory Board (PAB) for further review and recommendation and that the PAB have it back by the next City Commission meeting.

Commissioner Page inquired as to what incorrect information had been given to the PAB and was that information really pertinent or significant enough that it affected their decision-making in approving the guidelines. City Manager Hays replied that it was dealing with the Old Town boundary measures and the chairman indicated that it was important enough for him to take another look at it. Commissioner Page explained her understanding was that the Old Town area was going to be done through an overlay and it was a separate issue from some of the density questions that were being raised in other areas. She questioned the City Attorney if she was incorrect. City Attorney Poole replied that it was not really an overlay, it was a whole new section of the Code creating guidelines and regulations regarding development only in the Old Town Historic District. He explained the density depended on the actual size or acreage that Old Town would be and on the actual number of lots that were projected for development in Old Town, and, based on the numbers, it would appear that even if you built out all the lots that were platted in Old Town, be they Peonias or Half Peonias (a Peonia is a lot under the old Spanish grant, which is 46 and 6 inches by 93 feet), it would not exceed ten units per acre, which is what that property was designated under the Future Land Use Map. He further explained that if the PAB made any substantive changes then that would require that they advertise and have their own advertised public hearing, which would preclude it from coming back to the next City Commission meeting.

Mayor Sapp inquired if the PAB thought that there would be substantive changes made. A.J. Smith, 308 Citrona Drive, explained that according to the map that was provided in the Ordinance taking the size, the square footage of each of those blocks came up to twenty acres, and that the PAB didn't think there was a problem but they wanted to make sure. He stated that there should not be any construction on a single Peonia, but the PAB would not be sure until they really examine the document. Mayor Sapp inquired about the difference of 40 versus 20 acres. City Attorney Poole explained that it sounded like from Mr. Smith's comments that he did not include any of the right-of-way areas or the Carlos San Plaza area, the open areas, all of which were part of Old Town. Commissioner Rogers commented that to get it right was vitally important, and that the people that lived there and the people that wanted to build there would be happier with the City if they got it right the first time. Commissioner Thompson asked Mr. Smith if the ordinance went back before the PAB if two weeks was enough time for the PAB to review it, correct it and make a recommendation on it. Mr. Smith replied that since they knew what areas to look at they would like to give the City Commission a proper response and felt they could accomplish it quickly. Mayor Sapp expressed concern that some one was going to come in and buy a piece of property zoned R-3 and put in a multi-family dwelling, and that was why he would like to see the historical guidelines adopted, but adopted in the correct way.

Ms. Courtney McCranie, 705 White Street, referred to Section 126-189, R-3, in Paragraph (b), which provided "there shall be no new construction in any new subdivision." She pointed out

that Old Town was platted in 1811 so it was previously platted, and that it was exempt from the density issue. She inquired as to why was the City Commission sending it back to the PAB for the density question, if the PAB based its vote on density and Old Town was exempt from that. City Attorney Poole explained that he was not sure that "exempt" was the right word and stated that even if those provisions of the Land Development Code were applicable that it didn't answer the question of consistency with the Comprehensive Plan. He stated that what happens in Old Town has to be reconciled with the Comprehensive Plan, and if what Mr. Smith says is true that there is about only 20 acres out there, then there could be a conflict with the Comprehensive Plan. After a brief discussion about the Comprehensive Plan and the measurements used by the Planning Advisory Board, Ms. McCranie requested that when the City Commission sends it back to the Planning Advisory Board, they vote and discuss only those inconsistencies and only those issues that they claim were incorrect and not start at page one and change their mind and change their vote on everything in the Guidelines.

Commissioner Page requested to incorporate into the motion, if the maker of the motion had no objection, to have the Planning Advisory Board be directed to look at the inconsistencies with the Comprehensive Plan, in regard to the inconsistencies that were raised already due to the supposed incorrect data that was given. Commissioner Rogers explained that he would not incorporate that into the motion for the simple fact that the Planning Advisory Board under the State's eyes was designated the local planning agency and they had very specific responsibilities as the local planning agency.

A motion to amend was made by Commissioner Page, seconded by Commissioner Thompson, to move that the Planning Advisory Board be directed to look at inconsistencies with the Comp Plan based on the erroneous information that they were given. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Commissioner Thompson:	Aye
Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Nay
Mayor Sapp:	Aye

The motion to amend carried.

Ms. Joan Altman, resident of Old Town for 13 years, referred to the section of the Code that read "parcels of land that do not conform to the lot area or lot frontage provisions, this land code and tract of land is under one ownership and had remained unimproved or undeveloped for a period of two years from August 9, 1991 it shall be incumbent upon the owner of that tract to replat that lot to conform to the minimum area and frontage provision of this land development code." She stated that if a property owner had to meet those perimeters, they would have their yard area, and that's where evidently she miscalculated, and inquired if the City Attorney could correct her misjudgment. City Attorney Poole explained that the City's consultant was working on the language to go into

the Comprehensive Plan to address that particular issue, and stated that the City was looking at trying to resolve same. There was a brief discussion regarding the calculations and the ownership map. Ms. Altman requested that the City take a position on what Old Town is, how big it is, and how much density can be allowed there.

Ms. Martha Henderson, resident in Old Town, stated that if the Planning Advisory Board made any changes that it had to be advertised for a public hearing, and inquired realistically how long it would be until the first reading. Mayor Sapp explained that it all depended on whether those changes would be such that it would be considered a substantially changed ordinance or not. He further stated that hopefully the PAB would be able to do so in a manner that it did not have to be readvertised and they could bring it back to the City Commission.

City Clerk Cannon read the motion to amend as follows: The Planning Advisory Board be directed to look at inconsistencies with the Comprehensive Plan based on the incorrect information; and the main motion as follows: To refer it back to the Planning Advisory Board and that it be back to the City Commission at its next regular meeting. **Vote upon passage of the motion, as amended, was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION OF RECOMMENDATION REGARDING POLICE BUILDING SITE: Information contained in the Agenda Packet provided a listing of possible Police Station sites. **A motion was made by Commissioner Thompson, seconded by Commissioner Page, to direct staff to obtain further information on the listed parcels by priority and present it to the Commission.** Vice Mayor Rodeffer inquired if the City had looked at any other governmentally owned land, and requested that it be added if it was not. Commissioner Rogers requested Number 7 on the list be eliminated from consideration. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FURTHER CONSIDERATION OF RESOLUTION #99-80 OPENING COUNTESS OF EGMONT AND BLACKBEARD PLACE: Resolution #99-80 entitled, "A RESOLUTION TO AUTHORIZE THE OPENING AND DEVELOPMENT OF COUNTESS OF EGMONT AND BLACKBEARD PLACE, FERNANDINA BEACH, NASSAU COUNTY, FLORIDA" was presented for consideration. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve Resolution #99-80 for the opening of Countess of Egmont and Blackbeard Place, subject to engineering, design, construction of roadways and drainage. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF ORDINANCE #2000-06 CHANGING TIME OF CITY COMMISSION REGULAR MEETING: **A motion was made by Commissioner Page, seconded by Commissioner Thompson, to approve Ordinance #2000-06 on first reading.** City Attorney Poole read Ordinance #2000-06 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 2-61 OF THE CODE OF ORDINANCES OF SAID CITY; AMENDING THE TIME AT WHICH THE CITY COMMISSION REGULAR MEETINGS WILL BE CONDUCTED;

AND PROVIDING FOR AN EFFECTIVE DATE." **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

The City Commission took a brief recess at this time.

PUBLIC HEARING AND FIRST READING OF ORDINANCE #99-49 AMENDING THE CITY'S COMPREHENSIVE PLAN: City Attorney Poole read Ordinance #99-49 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF FERNANDINA BEACH AS REQUIRED BY CHAPTER 163, FLORIDA STATUTES, FOR THE PURPOSE OF IMPLEMENTING EVALUATION AND APPRAISAL REPORT (E.A.R.) BASED AMENDMENTS, IN ACCORDANCE WITH THE FINDINGS OF THE CITY'S E.A.R. ADOPTED DECEMBER 16, 1997; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE TRAFFIC CIRCULATION ELEMENT; AMENDING THE HOUSING ELEMENT; AMENDING THE PUBLIC FACILITIES ELEMENT; AMENDING THE COASTAL MANAGEMENT ELEMENT; AMENDING THE CONSERVATION ELEMENT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; AMENDING THE PORT FACILITIES ELEMENT AND PORT MASTER PLAN; PROVIDING FOR SEVERABILITY; AUTHORIZING THE CITY MANAGER TO TRANSMIT THE AMENDMENT PACKAGE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER GOVERNMENTAL AGENCIES FOR REVIEW; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Commissioner Thompson, seconded by Vice Mayor Rodeffer, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Gerry Clare, 241 Marsh Lakes Drive, stated that the Housing Authority met with the Nassau County once a year and inquired if this was in the existing code or was this in the amendment of the Ordinance. City Attorney Poole replied that it was part of the amendment. Mayor Sapp stated the City Commission would continue the public hearing until the next City Commission meeting for additional work from Solin and Associates. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to continue the public hearing until the next City Commission meeting.** Commissioner Rogers inquired of the City Attorney if the cumulative affect of all of the changes was substantial. City Attorney Poole replied that he would have to go back to Florida Statutes, Chapter 163, regarding the adoption process. Mayor Sapp explained that the City was currently working with Nassau County to develop an "Island Wide Comprehensive Plan" and questioned how that would fit into the Comprehensive Plan. Mr. Les Solin explained that should be part of the Land Development Code and once the plan was adopted and accepted by the Department of Community Affairs (DCA) there would be a one year period to develop necessary amendments to the Land Development Code. Commissioner Rogers suggested, based on the previous comments, that the City Manager be directed to coordinate with Nassau County Coordinator Walt Gossett and not name it a "Comprehensive Plan", but possibly name it "Island Wide Land Development Regulations. Community Development Director Doug Jones advised of the various agencies which receive the proposed Comprehensive Plan amendment package, including the County. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PUBLIC HEARING ON BUREAU OF JUSTICE ASSISTANCE LOCAL LAW ENFORCEMENT BLOCK GRANT: Information pertaining to the grant fund proposal was contained in the Agenda Packet. A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. There being no comment from the audience, a motion was made by Commissioner Thompson, seconded by Vice Mayor Rodeffer, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Commissioner Rogers referred to the statement about a computerized recording system with Caller I.D. and inquired if the case was studied enough to be able to fund this with the grant or was additional money necessary from the City. Police Chief Hammond explained that a study was done and this could be done within the grant. **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve the proposed expenditure of funds. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF ORDINANCE #2000-03 APPROVING APPLICATION #LU00-01 AMENDING THE FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM DENSITY TO CITY LOW DENSITY RESIDENTIAL, FILED BY SANDCASTLE INNOVATIONS/NICK GILLETTE: City Attorney Poole read Ordinance #2000-03 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE FUTURE LAND USE DESIGNATION FOR ALL THAT CERTAIN LOT, PIECE, OR PARCEL OF LAND SITUATED, LYING AND BEING IN SECTION 32, TOWNSHIP 3 NORTH, RANGE 28 EAST, CONTAINING 9.61 ACRES $\pm$ IN AREA AS RECORDED IN PLAT BOOK 5, PAGES 380, 381, 213, 214, 395 AND 396 OF THE PUBLIC RECORDS OF NASSAU COUNTY, SAID LOT LYING AND BEING WITHIN THE CITY OF FERNANDINA BEACH, FLORIDA; CHANGING FROM COUNTY FLUM CLASSIFICATION RESIDENTIAL MEDIUM DENSITY TO CITY FLUM CLASSIFICATION RESIDENTIAL LOW DENSITY; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF FERNANDINA BEACH; AND, PROVIDING FOR AN EFFECTIVE DATE." **A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to approve Ordinance #2000-03 on first reading. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF ORDINANCE #2000-04 APPROVING APPLICATION #CZ00-01 AMENDING THE ZONING DISTRICT DESIGNATION FROM COUNTY RS-2 TO CITY R-1A, FILED BY SANDCASTLE INNOVATIONS/NICK GILLETTE: City Attorney Poole read Ordinance #2000-04 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE ZONING DESIGNATIONS FROM RS2, RESIDENTIAL SINGLE FAMILY - TWO (NASSAU COUNTY DESIGNATION) TO R1-A, SINGLE FAMILY DWELLING DISTRICT (CITY ZONING DESIGNATION) FOR ALL THAT CERTAIN LOT, PIECE, OR PARCEL OF LAND SITUATED, LYING AND BEING IN SECTION 32, TOWNSHIP 3 NORTH, RANGE 28 EAST, CONTAINING 9.61 ACRES $\pm$ IN AREA AS RECORDED IN PLAT BOOK 5, PAGES 380, 381, 213, 214, 395 AND 396 OF THE PUBLIC RECORDS OF NASSAU COUNTY, SAID LOT LYING AND BEING WITHIN THE CITY OF FERNANDINA BEACH, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE." **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve on first reading Ordinance**

#2000-04. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

CONSIDERATION OF RECOMMENDATION RELATING TO ORDINANCE #2000-05 REGARDING CITY RIGHTS-OF-WAY: Ordinance #2000-05 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 122-119 OF THE CODE OF ORDINANCES OF THE CITY, RELATING TO 'CLEARING AND GRADING OF RIGHT-OF-WAY'; PROVIDING FOR FUNDING OF IMPROVEMENTS TO RIGHTS-OF-WAY IN EXISTING SUBDIVISIONS; PROVIDING FOR PLANS AND SPECIFICATIONS; PROVIDING FOR SECURITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE" was presented for consideration. A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to refer proposed Ordinance #2000-05 to the Planning Advisory Board, for its review and recommendations. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

CONSIDERATION OF RECOMMENDATION RELATING TO ORDINANCE #2000-07 REGARDING DEFINITIONS FOR ENVIRONMENTALLY SENSITIVE LANDS: Ordinance #2000-07 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROVIDING DEFINITIONS FOR CHAPTER 110, ENVIRONMENTALLY SENSITIVE LANDS, IN THE CODE OF ORDINANCES OF THE CITY; CREATING SECTION 110-4, DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE" was presented for consideration. A motion was made by Commissioner Rogers, seconded by Commissioner Page, to refer proposed Ordinance #2000-07 to the Planning Advisory Board, for its review and recommendations. Commissioner Rogers referred to the definition of dune and questioned the use of the term artificial mechanism. City Attorney Poole explained that the definition came directly from the Florida Administrative Code. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

CONSIDERATION OF RESOLUTION #2000-11 RENAMING ELM STREET AS MARTIN LUTHER KING, JR. STREET: Resolution #2000-11 entitled, "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, RENAMING ELM STREET TO MARTIN LUTHER KING, JR." was presented for consideration. Commissioner Thompson explained that most cities that she had traveled through had a Martin Luther King Street and she thought it would be befitting to have the one in the City of Fernandina Beach. A motion was made by Commissioner Thompson, seconded by Vice Mayor Rodeffer, to approve Resolution #2000-11 renaming Elm Street to Martin Luther King, Jr. Street.

Reverend Wardell Avant, 1114 Elm Street, Pastor of Elm Street Church of God, requested that items such as this should have a process to inform citizens that live in the area before being placed on the agenda. He expressed that he was against the proposed resolution, since Elm Street Church of God had invested money on improvements and property. He further explained that the name "Elm Street Church of God" would have to change names with the renaming of the street and explained the costs associated with changing names.

Lavinia Williams, 530 Division Street, commended Commissioner Thompson for bringing this item back [from years past] and stated that any street the City chooses would affect someone's

address or business. She related that some cities have two street names on the same street sign, and that way the original street name would not be lost.

Stephanie Gusky, 409 South 6th Street, expressed her idea that the City should consider renaming one of the north/south streets and be aware that any change of street name affects many people. She suggested looking at other cities that have changed street names and see how they have done it, and how much time did they give citizens and business to plan and prepare for the change.

Reverend Herman Bernard Thompson, 1311 Beech Street, explained during his travels with Commissioner Thompson that they discussed with various cities the criteria for the street, such as the street being in an area where it generally would be in a black business district or where there were historical black landmarks in town.

Mr. Thomas Morris, 1204 First Street, stated that in a lot of cities that he had been to the streets named after Martin Luther King Jr. were not all in predominately black neighborhoods, but where everyone could see the street. He suggested forming a group to discuss this issue.

Ms. Paula Morris, 1204 First Street, commended Commissioner Thompson for placing this item on the agenda and stated she was in favor of naming a street in honor of Dr. King. She expressed opposition to renaming Elm Street. She stated that Martin Luther King was for equality for all and suggested that whatever street was named in honor of Martin Luther King be highly visible.

Ms. Susan Laird, 501 South 6th Street, stated she thought it was important that the street be a east/west street instead of a north/south street, and that she lived at the intersection of Elm and 6th Street and would be honored to live on a street named after Dr. King.

Commissioner Thompson stated that 8th Street would be perfect, but it was a State road. She stated that the reasons why she had brought the proposal before the Commission and expressed her opinion that it would be in the best interests of the citizens. Commissioner Page stated that she couldn't see anyone disagreeing with naming something after Dr. King and expressed her concern about renaming Elm Street, since it was part of the alphabetical order of tree names along 8th Street. She stated the City could figure out the best street or park, and suggested Division Street since it seemed to imply a street that was dividing people. She suggested putting this on the next agenda for more consideration and to possibly consider naming a location in honor of Dr. King.

Commissioner Thompson stated that she was willing to compromise on any street and explained it was her vision to have a street named after Martin Luther King. Vice Mayor Rodeffer expressed that everyone here has stated that they believe something should be done and that was what the City Commission needed to build upon. Mayor Sapp stated the City had the perfect vehicle with the Community Relations Board and

suggested that the Community Relations Board have a hearing to hear from people in the community, and then the Community Relations Board could bring that recommendation back to the City Commission. **A substitute motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to refer to the Community Relations Board and the Community Relations Board have a public hearing to receive input from the public, and then make a recommendation to the City Commission based on that input.** Commissioner Rogers suggested adding to the motion, that **within 60 days** the Commission will act on the naming of a street in honor of Dr. Martin Luther King. Commissioner Rogers suggestion was incorporated into the motion. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION TO NOMINATION TO THE FLORIDA MUNICIPAL INSURANCE TRUST: In response to a request from the Florida League of Cities for nominations for trustees to serve on the Florida Municipal Insurance Trust, Commissioner Rogers stated this would not be an easy one to participate in from the travel standpoint. **It was the consensus of the Commission to check with the Florida League of Cities to see if they had sufficient nominees to fill the requirements of the board and if they did not then the City volunteers to send a Commissioner.** If they don't need a nominee then the City would back out of it.

CONSIDERATION OF RECOMMENDATION REGARDING PARALLEL LIVES PROGRAM: Information on the Parallel Lives Program was contained in the Agenda Packet. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve sponsorship of the "Parallel Lives" program.** Commissioner Rogers inquired how the City would make the sponsorship effective and what was the cost. City Manager Hays replied that there were no costs at this point and that the City was sponsoring the program coming on March 18, 2000. He further explained that the City would advertise through cable and whatever advertising that the City could through the local media. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION OF APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE POLICE AND FIRE PENSION FUND: According to information contained in the Agenda Packet, there were no resumes for the Commission's consideration. Mayor Sapp encouraged citizens that were interested in serving on the Board of Trustees of the Police and Fire Pension Fund to submit their resumes to the City Clerk's office at City Hall. He further stated the Airport Advisory Commission also needed a couple of members.

CONSIDERATION OF APPOINTMENT OF MEMBERS TO PLANNING ADVISORY BOARD (PAB): Information on individuals interested in serving on the PAB was contained in the Agenda Packet. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to appoint Richard Bradford, William Conger, Robert Howat, and Peter Wilking to fill the terms due to expire in the month of March on the Planning Advisory Board.** Commissioner Rogers pointed out that Mr. Chuck Drace had submitted a resume, but his name didn't appear on the summary. Mayor Sapp stated that Thomas Martin served on the Planning Advisory Board and he did

a very good job, and suggested the City Commission consider Mr. Martin based on his excellent record during his past service. He expressed his personal list would be Mr. Bradford, Mr. Conger, Mr. Howat and Mr. Martin. Commissioner Thompson expressed agreement with the Mayor's statement. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Thompson:	Nay
Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Aye
Mayor Sapp:	Nay

Motion carried.

Mayor Sapp stated that Richard Bradford, William Conger and Robert Howat had done an excellent job. City Clerk Cannon apologized for not putting in Chuck Drace's resume and explained it was an error and would rectify it in the future.

CONSIDERATION OF APPOINTMENT OF MEMBER (S) TO BOARD OF ADJUSTMENT: Information and a resume submitted for consideration was contained in the Agenda Packet. **A motion was made by Commissioner Page, seconded by Commissioner Rogers, to appoint Kathy Lang to the Board of Adjustment. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** City Attorney Poole inquired if Mr. Martin would be available for the Board of Adjustment. City Clerk Cannon stated that he would be contacted to see if he would be available.

CITY MANAGER REPORTS: The City Manager had no reports at this time.

CITY ATTORNEY REPORTS: The City Attorney had no reports at this time.

COMMISSIONERS' COMMENTS:

WASTEWATER FUNDING: Commissioner Rogers referred to the Legislative Bulletin from the Florida League of Cities in regards to wastewater funding and suggested a letter be sent supporting it, since the City qualifies as a City under 12,500 and would mean grant money for water reuse.

RENAMING ELM STREET: Commissioner Thompson thanked everyone that responded to the possible renaming of Elm Street to Martin Luther King Street, and stated she felt good knowing that she was able to shake the bushes and get the constituents out. She further stated that she was proud of the Commission for standing their ground and thanked the entire Commission.

JESSE JACKSON: Commissioner Thompson inquired if anyone knew if Jesse Jackson was coming to town, since she had received numerous phone calls. Mayor Sapp stated that no one in Jesse Jackson's organization had contacted him.

POLICE EXPLORERS GROUP: Commissioner Page stated Officer Branning was heading up the Police Explorers Group for youth that are interested in careers in law enforcement, and explained that it was a great program. She commended the Police Department for doing this for the youth in our community.

PARKWAY NORTH: Commissioner Page thanked the City Manager for following up with Mr. Callahan and the residents of Parkway North about their concerns.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at p.m.

ATTEST:



VICKI P. CANNON
City Clerk



RON SAPP
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in Regular Session on Tuesday, March 7, 2000 at 6:00 p.m. in the City Commission Chambers. Present were Mayor Ron Sapp, presiding, Vice Mayor James D. Rodeffer, Commissioners Kim Page, Robert B. Rogers and Patricia Thompson. Also present were Interim City Manager Andy Barton, City Attorney Wesley R. Poole and City Clerk Vicki P. Cannon.

Mayor Sapp called the meeting to order and led the Pledge of Allegiance to the Flag. The Invocation was then given by Commissioner Thompson.

APPROVAL OF MINUTES: The Minutes of the Workshop Meeting of August 26, 1999; the Special Meeting of August 26, 1999; Workshop Meeting of August 30, 1999; Workshop Meeting of October 7, 1999; Regular Meeting of November 2, 1999; and two Workshop Meetings of November 9, 1999 were presented for approval. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve the Minutes as presented with the scrivener corrections as provided to the City Clerk. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PRESENTATION OF PROCLAMATION DECLARING MARCH 8TH AS INTERNATIONAL WOMEN'S DAY: City Clerk Cannon read the Proclamation in full declaring March 8, 2000 as International Women's Day. Mayor Sapp presented Commissioners Kim Page and Patricia Thompson with a copy of the Proclamation. Commissioner Thompson stated it was a pleasure and an honor to be a recipient of this special honor, and thanked the City of Fernandina Beach. Commissioner Page agreed with those sentiments, and presented the photograph of Eleanor Roosevelt and Mary McCloud Buthune that would be displayed at the Peck Center.

PRESENTATION OF CITY MEDAL FOR EXCEPTIONAL ACHIEVEMENT TO SERGEANT PAUL CARTER: Chip Hammond, Chief of Police, commended Sergeant Paul Carter and his family for an outstanding job in support of Operation Pirate Country. Sgt. Carter introduced his wife Tammy and his daughter Madison. Chief Hammond commended Sgt. Carter for his efforts in combating the drug problem and removing drug dealers from the streets. Mayor Sapp presented Sgt. Carter with a medal from the City of Fernandina Beach and thanked him on behalf of the citizens of the City for his excellent work. Sgt. Carter stated it was an honor to receive the Medal and thanked the Chief and Lieutenant Jim Coe for their support and trust during the operation. He further thanked the officers that had helped him during the course of the investigation.

REQUESTS FROM THE AUDIENCE TO BE HEARD ON ITEMS NOT ON THE AGENDA: There were no requests from the audience at this time.

INTERGOVERNMENTAL COORDINATION BUSINESS: There was no intergovernmental coordination business at this time.

CONSENT AGENDA: The following nine items were on the Consent Agenda and were approved by one motion with the exception of the following: Item (b), Approval of Ground Lease Agreement

with Island Aviation Inc. for Bulk Hangar #2 at Airport which was removed at the request of Commissioner Rogers; Item (g), Acceptance of recommendation of award of Bid #2000-03 for Marina Redevelopment Project, Phase I which was removed at the request of Mayor Sapp; and Item (h), Approval of recommendation for assignment/use of City vehicles which was removed at the request of Commissioner Rogers. Item (d), Adoption of Resolution #2000-20 designating March 10, 2000 as "Florida Leadership Day" was withdrawn from the agenda. Interim City Manager Barton stated the corrected project cost for Item (e) regarding the cleanup of site leased to First Coast Moving & Storage was \$30,005.

APPROVAL OF INVOICE FOR LEGAL SERVICES IN THE AMOUNT OF \$78.37: According to the agenda support documents contained in the packet, the following invoice was presented for approval: Invoice from Rogers, Towers, Bailey, Jones & Gay in the amount of \$78.37. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve the invoice for payment. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

APPROVAL OF GROUND LEASE AGREEMENT WITH ISLAND AVIATION INC. FOR BULK HANGER #2 AT AIRPORT: According to the agenda support documents contained in the packet, staff recommended approval of the lease to Island Aviation Inc. In response to Commissioner Rogers' question regarding Page 7 of 15 (Page 12 of the Consent Agenda) Paragraph 10(d), City Attorney Poole explained the intent was to provide a ground lease for the initial parcel and it would also provide a ground rate for any additional parcels optioned. He further explained that 10(d) provided an opportunity for renegotiations for instances the lessee pays the City's share or other instances where the lessee does not. Commissioner Rogers further inquired about the lessee having 180 days to exercise the option of whether or not to take on the two parcels and questioned if 180 days was enough time for the City Commission to execute a JPA. Jim Higginbotham, Public Works Director, explained his understanding that the gentleman wanted to hold the option open, but he does not want to do it at this particular moment. He stated that a JPA could be done in 180 days, as far as getting it started. Public Works Director Higginbotham stated the Airport Advisory Commission was leaning towards the City building the hangar and leasing it out on a per square foot basis, and explained that they were still working on that issue. Commissioner Rogers commented that he wanted to make certain that the Airport Advisory Commission was recommending to the City Commission a design specific building that would be usable across a broad range of leasing opportunities, and that there was equity and not subsidization of private enterprise. **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve the lease as presented, with the Commission recognizing that further recommendations are forth coming from the Airport Advisory Board in regards to options to be exercised and rental payments as specified in Paragraph 10(d). Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

MINUTES

Regular Meeting

March 7, 2000

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ACCEPTANCE OF RECOMMENDATION FOR AWARD OF BID #2000-04 REGARDING SOFTBALL FIELD IRRIGATION MATERIALS: According to the agenda support documents contained in the packet, staff recommended to award Bid #2000-04 for the Softball Field Irrigation Materials to Florida Irrigation Supply, Inc at bid price \$14,213.94. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve staff's recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ADOPTION OF RESOLUTION #2000-20 DESIGNATING MARCH 10, 2000 AS "FLORIDA LEADERSHIP DAY": This item was withdrawn from the agenda.

ACCEPTANCE OF RECOMMENDATION APPROVING BUDGET AMENDMENT FOR CLEANUP OF SITE LEASED TO FIRST COAST MOVING & STORAGE: According to the agenda support documents contained in the packet, staff recommended to approve the transfer of funds from the Airport Contingency Fund Account #420-420-542-990, into Account #420-420-542-340 (environmental work), and Account #420-420-540-340 (landfill). Interim City Manager Barton stated the corrected project cost was \$30,005. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve staff's recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ADOPTION OF RESOLUTION #2000-21 REGARDING \$300,000 LOAN FOR THE MARINA REDEVELOPMENT PROJECT: According to the agenda support documents contained in the packet, staff recommended adoption of Resolution #2000-21 entitled, "A RESOLUTION AUTHORIZING THE ISSUANCE OF A REVENUE NOTE, SERIES 200A, OF THE CITY OF FERNANDINA BEACH, FLORIDA, IN THE PRINCIPAL AMOUNT OF \$300,000 TO PROVIDE ADDITIONAL FINANCING FOR PHASE I OF THE CITY MARINA RESTORATION PROJECT AND TO ACQUIRE RIPARIAN WATER RIGHTS; PLEDGING CERTAIN REVENUES FOR REPAYMENT OF THE NOTE; PROVIDING A COVENANT TO BUDGET AND APPROPRIATE FROM NON-AD VALOREM REVENUES SUCH SUMS AS ARE NECESSARY TO PAY THE INDEBTEDNESS IN THE EVENT THE PLEDGED REVENUES ARE INSUFFICIENT THEREFORE; AUTHORIZING THE MAYOR, CITY CLERK, FINANCE DIRECTOR AND CITY ATTORNEY TO EXECUTE THE NOTE AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE." **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve staff's recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ACCEPTANCE OF RECOMMENDATION FOR AWARD OF BID #2000-03 FOR MARINA REDEVELOPMENT PROJECT, PHASE 1: According to the agenda support documents contained in the packet, staff recommended to award the construction contract for Phase I of the Marina Redevelopment Project to Hal Jones Contractor, Inc, in the amount of \$1,225,000 contingent upon the approval of the terms sheet and loan from Nations Bank for \$300,000. Mayor Sapp commented that the City had been trying for about 30 years to do something with the properties at the Marina and related the history behind this project. He thanked Marina Director Coleman Langshaw, all the staff, and everyone that had been a part of the project. **A motion was made by Commissioner Page, seconded by Commissioner Thompson, to approve staff's**

recommendation. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

APPROVAL OF RECOMMENDATION FOR ASSIGNMENT/USE OF CITY VEHICLES: According to the agenda support documents contained in the packet, staff recommended to approve the assignment/use of City vehicles as presented in the packet. Commissioner Rogers commented that he wasn't sure if all the submitted names were in fact supported by rationale and requested some clarification. Interim City Manager Barton explained that there were two criteria to be met, which was the person be part of an emergency response team and/or the individual would have to visit field sites before or after normal working hours. He stated that Tommy Purvis, William Ward and Doug Jones all fit in one or two of those criteria. **A motion was made by Commissioner Rogers, seconded by Commissioner Page, to approve the recommendation.** Commissioner Thompson inquired if the vehicle should be parked when the person was off-duty. Interim City Manager Barton replied yes it should. Mayor Sapp agreed unless it was a law enforcement agent, since the City encouraged them to use the vehicle to increase the number of times citizens see the vehicles. City Attorney Poole stated he did not see that provision and inquired if there should be a suggested amendment to the policy to recognize the special criteria for the police vehicles. Commissioner Thompson inquired if family members could ride in the cars. Interim City Manager Barton replied not when they were on official duties, but again the police were a special case. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

ACCEPTANCE OF RECOMMENDATION FOR PURCHASE OF A TRACTOR FOR THE AIRPORT: According to the agenda support documents contained in the packet, staff recommended to approve purchase of a #4263 Series Tractor for the Airport. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve staff's recommendation.** **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PUBLIC HEARING AND FINAL READING OF ORDINANCE #99-43 REGARDING SIZE LIMITATIONS ON COMMERCIAL STRUCTURES: City Attorney Poole read Ordinance #99-43 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY, ARTICLE III., DISTRICTS, DIVISION 5, R-2C RESIDENTIAL-COMMERCIAL MIXED DISTRICT, SECTION 126-164(C)(2); DIVISION 8, C-1 COMMUNITY COMMERCIAL DISTRICT, SECTION 126-224; DIVISION 9, C-2 GENERAL COMMERCIAL DISTRICT, SECTION 126-244; AND DIVISION 10, C-3 CENTRAL BUSINESS DISTRICT, SECTION 126-264 OF THE CODE OF ORDINANCES OF THE CITY; RESTRICTING THE SIZE OF COMMERCIAL BUILDINGS TO NO MORE THAN 80,000 SQUARE FEET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Commissioner Rogers, seconded by Commissioner Page, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. There being no comment from the floor, a motion was made by Commissioner Rogers, seconded by Commissioner Page, 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 Commissioner Page, seconded by Vice Mayor Rodeffer, to approve Ordinance #99-43**

on final reading. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

FIRST READING OF REVISED ORDINANCE #99-52 REGARDING SUBSTANDARD LOTS: City Attorney Poole read Ordinance #99-52 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, REPEALING SECTION 126-412 OF THE CODE OF ORDINANCES OF THE CITY OF FERNANDINA BEACH AND REPLACING SAME WITH A NEW SECTION 126-412, REGARDING SUBSTANDARD LOTS; AND PROVIDING FOR AN EFFECTIVE DATE." A motion was made by Commissioner Rogers, seconded by Commissioner Page, to approve Ordinance #99-52 on first reading. Commissioner Page questioned the Community Development Director about how difficult it would be to notify owners of substandard lots by mail of the ordinance and the final reading and public hearing. Doug Jones, Community Development Director, stated that it would probably be easier to do a mass mail out from either property records or from utility bills. He explained that the property tax rolls weren't set up to distinguish substandard lots. Commissioner Page expressed that she felt the City needed to do more than what was legally required for notification and suggested that the Commission do a mass mailing. A substitute motion was made by Commissioner Page, seconded by Commissioner Rogers, to approve Ordinance #99-52 on first reading and recommend that the City do a mass mailing to all the owners of property in the City regarding the contents of the motion and when the public hearing would be held. Commissioner Rogers requested that when the item comes up for second reading he would like staff comments on the impact of this Ordinance on the Comprehensive Plan Policies, Goals and Objectives in regards to affordable housing. He referred to the paragraph beginning with "However, any development on contiguous substandard lots or parcels" and inquired if it was redundant to the provisions of (a) and (b) above. City Attorney Poole replied that it probably was. Commissioner Rogers requested to amend the motion to delete the paragraph that begins with "However" following subparagraph (c)5. The motion to amend died due to the lack of a second. Commissioner Thompson questioned Community Development Director Jones as to whether there were a lot of 50' substandard lots in the City that were unbuildable. Community Development Director Jones explained that most lots that were 50' in the City were in a zoning district where they were not substandard. Commissioner Thompson inquired as to why the issue was just being addressed now if it had been a problem in the past. Community Development Director Jones stated that it was brought up 6 to 8 months ago and had been around in various forms all last summer, and the subject revision was what the Planning Advisory Board (PAB) had come up with in conjunction with the consultant. Commissioner Thompson commented that if the City Commission approved the ordinance we would be blocking out the little man who might only be able to afford a 50' lot. In response to Commissioner Thompson's questions, City Attorney Poole explained the Bert Harris Act. He stated the Ordinance was an attempt to rectify a problem within the Land Development Code that represented an inconsistency with the Comprehensive Plan in that it allowed the construction of duplexes on 5,000 square foot lots (50'x100'). He stated that if everyone built duplexes within a subdivision or an area

then it would exceed the allowable densities for the R-2 district. He stated that he did not believe this would lead to a claim under the Bert Harris Private Property Act, and that this recognizes the property owner's right to build a single family dwelling on the 50' lot with the requirement that if they would be building a duplex that then they would have to meet the minimum 60' requirement. City Attorney Poole suggested that rather than an individual mailing another option might be using a 1/4 page ad or the 1/8 page ad notice for a wider range of notice. Mayor Sapp expressed his concern that with a mass mail out a lot of people wouldn't understand it and would be scared about what the City was doing to their property. Community Development Director Jones stated the most current record was the January 1, 2000 property records and anything that had changed hands since then wouldn't get a notice. **Vote upon passage of the substitute motion was taken by ayes and nays as follows:**

Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Aye
Commissioner Thompson:	Nay
Mayor Sapp:	Aye

Motion carried.

PUBLIC HEARING AND FINAL READING OF ORDINANCE #99-53 ESTABLISHING CONSERVATION AND PARKS AND RECREATION ZONING DISTRICTS: Interim City Manager Barton stated that while reviewing the Ordinance the City hadn't made an accommodation for the Americans with Disabilities Act (ADA). He suggested the following changes: Section 126-363 (b)(1)1, Docks and related boardwalks, that do not exceed a width of 5 feet, that are elevated in order to reduce adverse impacts on hydrologic functions of wetlands, or as otherwise required to satisfy State permitting standards and the Americans with Disabilities Act (ADA); Section 126-363 (b)(2)A1, Add to the sentence public multi-use trails shall be constructed to a width that will satisfy the Americans with Disabilities Act (ADA) requirements; and Section 126-352 (b)(6), Passive parks and open spaces, including, but not limited to community centers, museums, nature centers, and community theaters, that are owned and operated by public or semi-public agencies.

City Attorney Poole read Ordinance #99-53 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CITY OF FERNANDINA BEACH ZONING CODE BY AMENDING CHAPTER 126, ARTICLE III, DISTRICTS, TO CREATE DIVISION 15, REC PARKS AND RECREATION DISTRICT, AND DIVISION 16, CON CONSERVATION DISTRICT; CREATING SECTION 126-351, INTENT AND APPLICATION OF DIVISION; CREATING SECTION 126-352; PROVIDING PERMITTED USES; CREATING SECTION 126-353, PROVIDING CONDITIONAL USES; CREATING SECTION 126-354, PROHIBITED USES; CREATING SECTION 126-355, BUILDING HEIGHT AND SITE AREA REGULATIONS; CREATING SECTION 126-356, MINIMUM YARD REQUIREMENTS; CREATING SECTION 126-357, LOT COVERAGE; CREATING SECTION 126-358, USE REGULATIONS AND EXCEPTIONS; CREATING SECTION 126-359, RESTRICTIONS ON CONVEYANCE OF RECREATIONAL PROPERTY; CREATING SECTION 126-361, INTENT AND APPLICATION OF DIVISION; CREATING SECTION 126-362, PROVIDING PERMITTED USES;

CREATING SECTION 126-363, PROVIDING CONDITIONAL USES; CREATING SECTION 126-364, PROHIBITED USES; CREATING SECTION 126-365, BUILDING HEIGHT AND SITE AREA REGULATIONS; CREATING SECTION 126-366, MINIMUM YARD REQUIREMENTS; CREATING SECTION 126-367, LOT COVERAGE; CREATING SECTION 126-368, USE REGULATIONS AND EXCEPTIONS; CREATING SECTION 126-369, RESTRICTIONS ON CONVEYANCE OF CONSERVATION PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. There being no comment from the floor, a motion was made by Commissioner Rogers, seconded by Commissioner Thompson, 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 Commissioner Page, seconded by Commissioner Thompson, to approve Ordinance #99-53 on third and final reading with the ADA amendments as presented by the Interim City Manager.** Commissioner Rogers inquired if there was an implied grandfathering of the existing miniature golf course. City Attorney Poole stated that any use that would not be permitted by this Ordinance, but is in existence as of the date of adoption of this Ordinance would be grandfathered in by other provisions of the code. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF REVISED ORDINANCE #2000-02 REGARDING OLD TOWN PRESERVATION AND DEVELOPMENT GUIDELINES: City Attorney Poole stated he had some concerns with the Ordinance, but suggested the City Commission go ahead with the first reading and recognize that there may be changes between first and second reading. He read Ordinance #2000-02 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 114-5, CERTIFICATE OF APPROPRIATENESS, CREATING A NEW SUB-SECTION (e)(7) FOR OLD TOWN GUIDELINES; AMENDING THE CITY OF FERNANDINA BEACH ZONING CODE BY AMENDING CHAPTER 126, ARTICLE III, TO CREATE DIVISION 17, OLD TOWN HISTORIC DISTRICT; AMENDING SECTION 126-81, DISTRICT CLASSIFICATIONS, TO ADD A NEW DISTRICT, "OLD TOWN HISTORIC DISTRICT"; CREATING SECTION 126-370, INTENT AND APPLICATION OF DIVISION; CREATING SECTION 126-371, PROVIDING PERMITTED USES; CREATING SECTION 126-372, PROVIDING CONDITIONAL USES; CREATING SECTION 126-373, DEFINITIONS; CREATING SECTION 126-374, BUILDING HEIGHT AND SITE AREA REGULATIONS; CREATING SECTION 126-375, MINIMUM YARD REQUIREMENTS; CREATING SECTION 126-376, MAXIMUM DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." **A motion was made by Commissioner Page, seconded by Commissioner Thompson, to approve Ordinance #2000-02 on first reading with the modifications prepared by the Planning Advisory Board.** Commissioner Rogers referred to a memorandum from the City Attorney, dated February 28, 2000, and referred to staff's response to Ms. Gass dated February 29, 2000. He commented that some of the questions were deferred to the City Attorney and at least one question to the Public Works Director. Commissioner Rogers referred to the memorandum in response to Joan Altman's questions and stated there seemed to be a more complete response. He stated the issues that still needed to be addressed are issues that were raised by the Environmental Advisory Board, which would be storm water run

off and drainage. Commissioner Rogers stated a concerned citizen requested a determination of the impact of the development of Old Town vis-à-vis the concurrency standards on 14th Street. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PUBLIC HEARING AND FINAL READING OF ORDINANCE #2000-03 APPROVING APPLICATION NO. LU00-01 AMENDING THE FUTURE LAND USE MAP FROM RESIDENTIAL MEDIAN DENSITY TO CITY LOW DENSITY RESIDENTIAL, FILED BY SANDCASTLE INNOVATIONS/MCCRANIE & ASSOCIATES: City Attorney Poole read Ordinance #2000-03 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE FUTURE LAND USE DESIGNATION FOR ALL THAT CERTAIN LOT, PIECE, OR PARCEL OF LAND SITUATED, LYING AND BEING IN SECTION 32, TOWNSHIP 3 NORTH, RANGE 28 EAST, CONTAINING 9.61 ACRES ± IN AREA AS RECORDED IN PLAT BOOK 5, PAGES 380, 381, 213, 214, 395 AND 396 OF THE PUBLIC RECORDS OF NASSAU COUNTY, SAID LOT LYING AND BEING WITHIN THE CITY OF FERNANDINA BEACH, FLORIDA; CHANGING FROM COUNTY FLUM CLASSIFICATION RESIDENTIAL MEDIUM DENSITY TO CITY FLUM CLASSIFICATION RESIDENTIAL LOW DENSITY; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF FERNANDINA BEACH; AND, PROVIDING FOR AN EFFECTIVE DATE." City Attorney Poole stated that there has been a fluctuation in the case law, and that in some cases an amendment to the Comprehensive Plan was not a quasi-judicial proceeding but was a legislative proceeding. He advised the City Commission to consider Ordinance #2000-03 (Land Use Change) and #2000-04 (Re-zoning) together as one quasi-judicial hearing. Mayor Sapp agreed.

City Attorney Poole read Ordinance #2000-04 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE ZONING DESIGNATIONS FROM RS2, RESIDENTIAL SINGLE FAMILY - TWO (NASSAU COUNTY DESIGNATION) TO R1-A, SINGLE FAMILY DWELLING DISTRICT (CITY ZONING DESIGNATION) FOR ALL THAT CERTAIN LOT, PIECE, OR PARCEL OF LAND SITUATED, LYING AND BEING IN SECTION 32, TOWNSHIP 3 NORTH, RANGE 28 EAST, CONTAINING 9.61 ACRES ± IN AREA AS RECORDED IN PLAT BOOK 5, PAGES 380, 381, 213, 214, 395 AND 396 OF THE PUBLIC RECORDS OF NASSAU COUNTY, SAID LOT LYING AND BEING WITHIN THE CITY OF FERNANDINA BEACH, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE." City Clerk Cannon read the quasi-judicial hearing procedures in full. There were no ex parte communications from the City Commission and there were no parties opposed to this action.

Doug Jones, Community Development Director, explained these two applications were for modifying the land use map due to the subject property recently being annexed into the City of Fernandina Beach and it was adjacent to the south border of the Lakewood subdivision. He further explained the land use changes were to reflect a low density designation in the City and to rezone to City designation R1-A to be consistent with the land use change. City Attorney Poole referred to the agenda packet and explained that Exhibit A was not attached, but stated that Exhibit A was a legal description by metes and bounds describing the 9.61 acres and would be attached to the respective Ordinances if and as they were approved. He stated the City Commission had staff's report and the Planning

Advisory Board's recommendation, which had both made findings that the proposed amendment to the Comprehensive Plan and the following rezoning met the criteria, were consistent with the Comprehensive Plan, met the objectives and policies of the Comprehensive Plan, and recommended approval. City Attorney Poole advised the City Commission that it constituted competent substantial evidence sufficient to approve Ordinance #2000-03 and Ordinance #2000-04. **A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve the adoption of Ordinance #2000-03 and #2000-04. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

PUBLIC HEARING AND FINAL READING OF ORDINANCE #2000-04 APPROVING APPLICATION #CZ00-01 AMENDING THE ZONING DISTRICT DESIGNATION FROM COUNTY RS-2 TO CITY R-1A, FILED BY SANDCASTLE INNOVATIONS/MCCRANIE & ASSOCIATES: This item was heard in conjunction with the previous item.

PUBLIC HEARING AND FINAL READING OF ORDINANCE #2000-06 CHANGING TIME OF CITY COMMISSION REGULAR MEETING: Mayor Sapp commented that this item came about with the change of hearing requests from the audience at the beginning of the City Commission Regular Meetings, and explained that he didn't intend to begin the City Commission meetings at 5:30. **A motion was made by Commissioner Thompson, seconded by Commissioner Rogers, to deny adoption of Ordinance #2000-06, with the exception of the third Tuesday in May of each year per Section 18 of the Charter, it shall be at 7:00 p.m. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF ORDINANCE #2000-08 CREATING A SHORT-TERM RENTAL OVERLAY: City Attorney Poole read Ordinance #2000-08 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CITY OF FERNANDINA BEACH ZONING CODE BY AMENDING CHAPTER 126, ARTICLE I, SECTION 126-1, DEFINITIONS, TO ADD A DEFINITION OF "RESORT RENTAL HOUSING"; AMENDING ARTICLE III, TO CREATE DIVISION 18, SECTION 126-343, RESORT RENTAL HOUSING OVERLAY DISTRICTS; CREATING SECTION 126-344, ENTITLING CERTAIN PROPERTIES WITHIN THE RESORT RENTAL HOUSING OVERLAY DISTRICT TO OBTAIN NON-CONFORMING STATUS; CREATING ARTICLE V, SECTION 26-101, IN CHAPTER 26 OF THE CODE, REQUIRING RESORT RENTAL HOUSING PERMITS FOR THE USE OF PROPERTY FOR RESORT RENTAL HOUSING; ESTABLISHING THE CRITERIA FOR ISSUANCE OF A RESORT RENTAL HOUSING PERMIT; PROVIDING FOR FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE." Commissioner Rogers commented that based on staff's recommendation the Ordinance in its entirety was not ready for the City Commission's consideration, and that he didn't believe a first reading was appropriate. Mayor Sapp inquired if it could be made ready for the second reading. Community Development Director Jones explained that when the Planning Advisory Board (PAB) discussed it they could only consider the part that dealt with Section 126, because that was the only part that came under their purview. He stated the PAB recommended the City Manager go over the other section of the code with the appropriate parties. Mayor Sapp questioned the City Attorney if it was his understanding that the Ordinance

was ready for the City Commission to consider on first reading. City Attorney Poole stated that it was in a form that the City Commission could consider on first reading, and it was a valid point that the Police Chief had suggestions he wanted addressed that had not been included. **A motion was made by Commissioner Page, seconded by Commissioner Rogers, to deny approval of Ordinance #2000-08 on first reading.** Commissioner Page explained her reason for rejecting the Ordinance was due to the fact she wanted to change a lot of things in the Ordinance.

Mr. Harry Halley, President of the Amelia Island/Fernandina Beach/Yulee Chamber of Commerce, stated the Chamber had approved a Resolution (which he presented to the City Commission) concerning short-term rentals and read said Resolution in full. He stated the Chamber was requesting the City Commission make changes to existing zoning to allow short-term rentals in areas where they currently existed to ensure proper level of accountability by all responsible parties to short-term rentals, and to enforce all applicable codes relating to short-term rental properties. Mr. Halley stated that in its current form Ordinance #2000-08 didn't properly address the issues, therefore they recommend rejection.

Mr. A. J. Smith, a member of Planning Advisory Board (PAB), stated that one of the members requested removal of the findings of fact and to include it as an attachment to the Ordinance. He further stated that he believed that it should be in the whereas portion of the Ordinance and explained there was a unanimous vote to have it removed from where it was. Mr. Smith discussed the contents of the ordinance.

Mr. Aubrey Williams, 1848 Highland Drive, explained he had been a resident since 1942 and stated that there had always been a large number of rental properties. He stated the rental properties provided housing and allowed people to have a vacation home. He stated he objected to the Ordinance since it would be detrimental to most of the businesses, and the findings of fact were not a fact. He explained the fact that rental houses were not generally compatible, but he stated that he had not found that to be a problem and had weekly rentals right next to a permanent residence. He disputed the fact that rentals make a great demand on recreational facilities by stating he thought that was what they were trying to accomplish. He stated the requirements were trying to drive owners out of their rental property business, and commented that the City was getting into spot zoning. He further objected to the Ordinance since it would cost the taxpayers a lot of money to put all the regulations in for no reason other than to harass the people who had short-term rentals.

Mr. Shane Adams, representing the Amelia Island Tourism Development Council (TDC), read a letter regarding their Council meeting of February 16, 2000 unanimously opposing the passage of Ordinance #2000-08 in its present form. He explained the TDC felt the emphasis should be placed on code enforcement and that the changes would have a detrimental impact on the business community resulting in lost tourism

generated revenues. He further explained the TDC requested that the City Commission: continue short-term rentals as they exist by precedent and practice, ensure proper level of accountability by all responsible parties to short-term rentals, and enforce all applicable codes relating to short-term rental property.

Mr. Jim Facciolo, 2841 Sylvan Lane, stated the proposed Ordinance was bad policy, since it unnecessarily placed the Commission in a position of conflict with citizens. He stated that it was bad law, because it went beyond what was necessary to accomplish the justifiable interest of the Commission in seeking good health and welfare for its citizens. He suggested that it be accomplished much more narrowly with less infringement on the Constitutional property rights of the affected citizens. He stated the Ordinance was a slow strangulation of the particular usage of the property and was denying the historic use, which he thought wasn't legally justifiable.

Mr. Neil Murphy, representing a number of homeowners along the beach, stated he agreed with the previous speaker and commented that A1A was a State highway, which he wouldn't characterize that as a neighborhood atmosphere. He referenced and read portions of the Bert Harris Act regarding inordinate burden of property. He stated the Ordinance would prohibit owners from renting ever again if they currently were not renting or hadn't rented in the last six months. After more discussion, Mayor Sapp questioned Mr. Murphy if his position was that anyone in the City of Fernandina Beach in any zone should be allowed to rent or engage in commercial activity of renting their home out at anytime. Mr. Murphy replied his position was that if the City let people rent for 50 years and had done nothing about it and the City had prospered from it, then the property owner should be able to rent. He stated his position was that the rental was allowed in that area in R-1 along the beach. Mayor Sapp further inquired about his position saying that the City of Fernandina Beach allowed them, encouraged them, issued licenses, and there was some recognition on the part of the City that rentals could go on as commercial uses in those residential zones. Mr. Murphy replied absolutely that was his position.

Mr. Mike Lamb, 2468 South Fletcher Ave, representing the board of directors of the Chamber of Commerce, as a local businessman, and as a resident on the beach, explained at first he thought this issue was something that needed to be looked at, and when he first saw the proposed Ordinance he was amazed. He stated the end result of this was the City getting rid of tourism and as a businessman he had problems with that, because his business did depend somewhat on the businesses that rely on tourism. He stated that the City did need to do some things to tighten it up, but the proposed Ordinance was not going to serve the City or the residents any good.

Mr. Clyde Davis, 2040 Highland Drive, stated he represented the local association of realtors, and commented about the term realtor in the Ordinance as a national designation of the National Association of Realtors. He explained that it was not the same thing as a real estate professional, and he

recommended the City not use the professionally trademarked designation in the Ordinance. He commented that there were some problems on the beach, but you don't kill the entire resort rental industry trying to solve the problem. He stated a problem with the Ordinance was that resort rentals were going to be placed only in portions of the beach area without establishing any basis while differentiating between the two. He commented that the findings of fact were flawed and he didn't believe the City could find the data to support it, and proceeded to give a couple of examples. He suggested the City regulate the short-term rentals to address the problems of noise and trash, not the economics of owning property on Amelia Island.

Ms. Kim Lynch, 276 Otter Run Drive, spoke as a resident and as an employee of ERA Fernandina Beach Realty, and stated that Steve Simmons had built his business over the past 25 years and the majority of it was resort rentals. She stated that she stood before the Commission as someone who might not have a job, and explained that they worked closely with City staff to comply with regulations. She explained that during the Shrimp Festival there had to be places to put all the people, and that they hire off duty Police staff to protect their properties. She stated that it not only affected the rental staff, but also affected all real estate agents. She requested that the City consider enforcement to the owners and the other rental agencies that weren't working to control their properties.

Mr. Charles Shelton, Chairman of the Economic Development Board, thanked the City Commission for hearing the people and stated that it gave them a flavor of what was coming. He stated that from an economic development standpoint they looked at it and it was clear to them that an economic impact analysis hadn't been done in relation to the proposed Ordinance. He stated that without some dimension of measurement to base sound decisions upon, the City might be affecting property owners and the lives of a group of constituents beyond the extent that could be perceived. He stated some aspects of the Ordinance were well prepared and there were sufficient provisions for administration and enforcement, however the Ordinance was too far reaching given the absence of data to determine the impact. He commented that property owners had a clear perception that short-term rental capability was traditionally known as value, and if the City took away that value then they would have a loss of value and the question would become how to compensate for that loss. He stated the Economic Development Board suggested the following proposals: remove all references of zone classification and allow property owners involved in short-term rentals to register as short-term rentals, which would give the City a complete database to do an economic impact analysis; and to allow the term of rental to continue as had historically been practiced. He stated the 90 day window was too narrow and that the City should go far beyond the traditional method of notification. He commented that they should allow the administration and the enforcement to have an opportunity to work before such a sweeping change was made that would exclude an entire segment of zoning classification

and put into effect a minimum turn of rental that would be detrimental to a very viable market.

Chief Hammond, Chief of Police, stated that he was disappointed that this had stalled out and commented that the regulatory portion of the Ordinance was very important to him in addressing the problems the City had on the beach. He referenced Florida Law Chapter 509 that relied on the owner or property manager to regulate and give them the right of eviction. He stated that he had worked with ERA and Amelia Island Lodging Systems to come up with a regulatory agreement, and requested the City Commission consider splitting the Ordinance and letting him resubmit the regulatory portion after consulting with the City Attorney, City Manager and City staff.

Mr. David Caples stated that he owned a private home that he uses exclusively for rental, and explained the City faces a positive problem with the success of tourism. He explained that tourism in Florida produces about 15% of all the taxable revenue, and the community of Fernandina Beach and Nassau County produces 36% of the sales tax revenue. He stated to send the message out that tourism wasn't important affected the housekeepers, the cooks, the reservation agents, etc. He commented the problem originated from complaints about unruly guests, which was an enforcement problem and encouraged the City Commission that the answer lies within the paperwork from people that had worked on the process, and stated that there were ideas about enforcement that would work. He suggested tabling the idea of zoning changes for 24 months, and instead work on the enforcement issues. He concluded by stating that over 3600 citizens in Nassau County and thousands more work in tourism, and the City didn't want to send the wrong message.

Mr. Greg Roland, 302 South 7th Street, life long resident and a member of the Planning Advisory Board (PAB), stated the statement that the PAB wanted rentals stopped was false. He explained that weekly rentals on the beach ranged from \$3,000 a week to \$800 a week, and suggested creating the resort rental district in a specific target area. He commented that the City already restricted what could and couldn't be done on personal property. He explained that there was a lot of information that needed to be sorted out to find out what was correct and what was not. He stated that the City didn't want to turn this town into a strictly commercial money grabbing atmosphere, but to keep the City a community of homeowners.

Commissioner Page stated that there were things in the Ordinance that went too far, but there were many more things that didn't go far enough. She stated that she wouldn't vote in favor of any Ordinance that allowed a resort rental district to go all the way back to the basin of Egans Creek. Commissioner Page stated she was familiar with the Harris Act and she didn't want the City to be faced with any lawsuits from that. She suggested making North Fletcher, South Fletcher, and Ocean Avenue within the City limit boundaries the City's short-term rental district, regardless of whether the houses were R-1, R-1A, R-2 or R-3. Commissioner Page explained that by creating that district the City was making a statement that the rest of the City was a residential area and

not an area for commercial activities. She stated there were important issues to consider as follows: where were the short-term rentals going, how to regulate and control the behaviors of the short-term renters and regulate the rentals themselves, and who would pay for it. She stated that the City needed to put a lot more teeth in the regulatory portion of the Ordinance and those that chose to rent their properties should be willing to pay the costs for garbage pickup, registration fees, and the regulation fees.

Vice Mayor Rodeffer questioned the City Attorney about what in the Ordinance prevented the City from having more and more rentals in R-1, R-1A and R-1AA. City Attorney Poole stated that the district was described as R-2, R-2C and R-3, and explained that they would not be permitted in R-1 except those that would be grandfathered in. Vice Mayor Rodeffer inquired as to what would happen to those properties in R-1 under the Ordinance. City Attorney Poole replied that they would continue to be short-term rentals as long as they registered that use with the City. He stated that would continue until that use discontinued for a period of 6 months or more. Vice Mayor Rodeffer inquired if the resort rental housing district would keep short-term rentals from anywhere else in the City. City Attorney Poole explained that was the idea. Vice Mayor Rodeffer referred to Section 2, Purposes, Intent and Objectives and inquired about the boundaries. City Attorney Poole stated the resort rental would be an overlay and the properties would keep their existing district designations. Vice Mayor Rodeffer referred to the Section 126-344, non-conforming uses, about the grandfather proviso and inquired if it referred to R-1 and R-1A along the beach or throughout the City. City Attorney Poole explained that the clause providing the grandfather proviso wasn't in the Ordinance for the City Commission's consideration. Vice Mayor Rodeffer referred to the section dealing with enforcement and inquired if that portion was ready. City Attorney Poole stated that the Chief would like to see that portion modified and explained his suggestions had not been incorporated yet. **A substitute motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to direct staff to prepare Article V of the Ordinance for consideration at the next City Commission Meeting.**

Commissioner Rogers commented that staff's recommendation clearly indicated they wanted the ad hoc committee involved again, and the Planning Advisory Board (PAB) recommendation was reinforced by the staff recommendation. He stated that Chief Hammond's appearance before the Commission was the clearest indication that at this point in time that the second section of the Ordinance represented incomplete staff work. Commissioner Rogers related that the Charter provided an Ordinance could address a single subject, and commented that it had been said that there were two subjects contained within the Ordinance. He suggested bringing the ad hoc committee back into existence to help solve the problem that the Chief faced. He urged the Commission to focus on the impending difficulty first and referred to the letter from Foy Maloy. He commented about the nuisance aspect and requested to put together the people best qualified to minimize the lawyer's overload.

Commissioner Thompson commented that the City Commission needed to admit that any decision that they made was not going to make everyone happy. She stated that if she could have things her way, things would remain just like they were, but with enforcement being enforced. She stated that the nuisance was a problem and stated that short-term rentals had enhanced the economics of the City. She explained the Commission needed to listen to the good advice from concerned citizens and stated the decision the City made would affect the entire City.

Commissioner Rogers inquired if the City Manager had determined that there were better qualified people within the community to advise them, if he would be precluded from doing that by the motion. Mayor Sapp replied that he didn't interpret it that way. **Vote upon passage of the substitute motion was taken by ayes and nays and being all ayes, carried.**

A motion was made by Commissioner Page to direct City staff to return to the City Commission at the next meeting an Ordinance dealing with Section 126, which would define the resort rental housing district as all R-1, R-1A, R-2, R-3 districts located on North Fletcher, South Fletcher, and Ocean Avenue within the City limits that also included all the findings of fact that the City Attorney originally had in the Ordinance and that also determined what criteria either the City Manager or City Commission would use in determining a non-conforming use and whether there had been a lapse in that use. The motion died due to the lack of a second.

Mayor Sapp commented that he had heard from citizens that had bought property at the beach and lived there year round, and those people should probably be the Commission's first obligation. He stated that there had been an explosion of rentals and stated that we would not allow a resident to be disturbed in any other area of the City. He suggested that the Commission look 5 to 15 years down the road and think about the impact. He stated that he would not support any Ordinance that would allow commercial use to infringe and invade.

There was further discussion on the topic. Vice Mayor Rodeffer explained the City Commission's intent was to strike a balance in that it was not stopping tourism, but was stopping the encroachment of resort rentals, yet preserving a common and historical practice at the beach.

The City Commission took a brief recess at this time.

CONSIDERATION OF OPTIONS REGARDING THE CENTRE STREET/DOWNTOWN REDEVELOPMENT PROJECT: Controller Cindy Dickerson presented the recommendations and options as provided in the agenda packet. She stated that the Cable Franchise contract was up in 2003, and suggested using the Water Franchise Fees over a 17 year time frame. She stated the recommendations were to approve the Ordinance to amend the budget and then to authorize her to prepare a bid proposal for the additional \$1,000,000 and pledge Water Franchise Fees for the repayment of that loan. Commissioner Page referred to the amortization schedule and inquired if the Controller had considered any

type of balloon. Controller Dickerson explained that she had looked at some things with the City Manager and possibly doing it shorter term, but her concern was that the City had a lot of things that would have to be worked into next year's budget that wasn't in the current year's budget. Interim City Manager Barton stated the City did have enough to service the debt using the Water Franchise Fees if it went the full 17 years, but the trade-off was that we would end up paying more in interest over the life of the loan. **A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to approve the Controller's recommendation, but also include that she investigate any options of a shorter repayment plan such as a balloon payment and if she finds a feasible option to return that to the City Commission. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF ORDINANCE #2000-14 AMENDING FISCAL YEAR 1999-2000 ANNUAL BUDGET: City Attorney Poole read Ordinance #2000-14 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE #99-42, BUDGET FOR THE 1999-2000 FISCAL YEAR; INCREASING THE GENERAL FUND; INCREASING THE CDBG ECONOMIC DEVELOPMENT FUND; AND PROVIDING FOR AN EFFECTIVE DATE." **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve the adoption of Ordinance #2000-14. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION OF APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF POLICE AND FIRE PENSION PLAN: Information providing resumes of citizens who had expressed an interest in serving on the Board was contained in the agenda packet. **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to appoint Mr. Eugene Bell. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

FIRST READING OF ORDINANCE #2000-13 APPROVING APPLICATION FOR HISTORICAL LANDMARK DESIGNATION FILED BY MACEDONIA AME CHURCH: City Attorney Poole read Ordinance #2000-13 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING APPLICATION OF AND GRANTING HISTORIC LANDMARK DESIGNATION FOR THE MACEDONIA A.M.E. CHURCH, AND PROVIDING FOR AN EFFECTIVE DATE." **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve Ordinance #2000-13 on first reading. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION OF REQUEST TO FUND PICNIC SHELTERS AT ELM STREET CENTER: **A motion was made by Commissioner Thompson, seconded by Vice Mayor Rodeffer, to have possible funding for picnic shelters at the Elm Street Recreation Center.** City Attorney Poole stated that it would be prudent to identify the source of the funds and how much. Mayor Sapp questioned Parks and Recreation Director Tommy Purvis about the cost of the shelters, which might be similar to the ones at the Main Beach area. Parks and Recreation Director Purvis stated that the President of the Little League had requested two shelters and estimated the cost at \$20,000, which might be high. Mayor Sapp requested some cost estimates be prepared and brought

MINUTES

Regular Meeting

March 7, 2000

Page 17

back to the City Commission. Commissioner Rogers stated that he had spoken with the gentlemen about needs in the area as well as these picnic tables, and suggested that the guidance the City Commission gives to staff have both design and cost components. Mayor Sapp inquired about the concession stand. Parks and Recreation Director Purvis explained that there was a shared responsibility for the concession stand and stated the City sprayed it and had insurance on it. Mayor Sapp commented that the restrooms had no partition to provide any privacy. Parks and Recreation Director Purvis explained that the lack of partition was required by Americans with Disabilities Act (ADA) because there wasn't enough room for a wheelchair. Interim City Manager Barton stated that staff would look into the issue and get back with the Commission. Commissioner Thompson commented that Elm Street had been made a lot of promises and questioned if Mr. Purvis had contemplated allocating funds from the upcoming budget to fix items that needed repair. Interim City Manager Barton encouraged everyone from the group to meet with him and to come up with a list of things that needed to be done.

Mayor Sapp stated the City needed to look at the Elm Street Recreation Center as a park area, and that it needed to improve all of those facilities. He requested to find a way to make Elm Street a complete recreational facility that would encourage more people to use that area. Commissioner Rogers stated that it was inconceivable to him that a facility built within the last year in the City was built outside of ADA considerations that would afford the niceties of privacy.

Mr. Nikita Raysor, 1015 Beech Street, stated the work that had already been done at Elm Street was really appreciated. He explained that there were still concerns about problems with the lighting, the possibility that the concession stand was not up to ADA standards, and the need for more attention to the maintenance. He inquired as to what could be done now and in the future to take care of this matter. Mayor Sapp stated the Commission was committed to making the Elm Street Recreation Center the best center they could make it.

Paul Gilyard, 605 South 9th Street, addressed the issue about having sponsorship signs that were in the area taken to enclose a City building. He expressed concern about who was responsible for that, and commented that they had come before the Commission with their problems and stated that not all of those things had been done. He requested that they work together to get things done. Parks and Recreation Director Purvis explained that there was a hole torn into the storage area and they used two of the signs to cover the hole, and explained that there were 20 signs at the garage waiting to be called for.

Commissioner Rogers referred to a memorandum he had created based on the meeting with Mr. Raysor and Mr. Gilyard, which he presented to the Interim City Manager.

It was the consensus of the Commission to approve the main motion.

CONSIDERATION OF RESOLUTION #2000-12 AMENDING NAME AND DUTIES OF MAIN BEACH PLANNING COMMITTEE: Resolution #2000-12 entitled "A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING RESOLUTIONS 98-1 AND 98-22; CHANGING THE NAME OF THE MAIN BEACH PLANNING COMMITTEE AND EXPANDING ITS DUTIES; AND PROVIDING FOR AN EFFECTIVE" was presented for consideration. **A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, for approval of Resolution #2000-12.** Vice Mayor Rodeffer inquired if the Committee would also look at the walkovers. Parks and Recreation Director Purvis stated the Beach Committee would have input. After a brief discussion about ADA requirements and specifications for a beach walkover, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

The City Commission deviated from the agenda and heard Item (e) before Item (d).

CONSIDERATION OF APPOINTMENT TO BOARD OF ADJUSTMENT: Information providing resumes of citizens who had expressed an interest in serving on the Board was contained in the agenda packet. **A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to appoint James "Butch" Williams to the Board of Adjustment. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION OF AUDIT OF COMMUNITY DEVELOPMENT DEPARTMENT: Mayor Sapp stated that he had brought the item up due to concerns that people in the community were going into the Community Development Department seeking information, applications or permits, and from time to time might get inconsistent information. He stated that he wanted to find a way to make sure that any time an applicant went to the department they would get consistent information. He expressed another concern that there were Ordinances, Codes, Regulations, Rules that City staff was simply not enforcing. He commented that Les Solin's firm had indicated a willingness to apply for the task, and stated that he just wanted to improve the service to the citizens of Fernandina and the applicants to make sure everyone was treated equitably. Commissioner Page inquired if the Human Resources Manager would oversee the audit and if the City would have to get bids from different agencies that wanted to conduct the audit. Mayor Sapp suggested that the City go out for requests for proposals, by outlining the scope, see who's out there, get the RFP's back, that individual would work with City staff reportable to the City Manager, and then the City Manager and that individual would report back to the City Commission. **A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to direct the City Manager to bring something back to the City Commission at the next meeting, if possible, regarding an audit of the Community Development Department.** Commissioner Rogers suggested utilizing the bid process and if it would cost money that wasn't in the budget that a recommendation be made concerning funding. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

CONSIDERATION OF RECOMMENDATION REGARDING EGANS CREEK GREENWAY: Susan Laird, Project Manager Egans Creek Greenway,

reviewed the summary as presented in the agenda support packet. She stated that the Greenway Team met with design consultants from Orlando yesterday about an overall master park plan for the City. A motion was made by Commissioner Rogers, seconded by Commissioner Page, to approve Recommendation #1 in staff's report. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Commissioner Rogers stated that he had discussed the second recommendation with the City Manager, and expressed concern about attacks on the General Fund-Contingency Fund. He stated the County Commission was going to give the City approximately \$39,000 from the Marine Park expenditures, and stated that there should be a budget amendment and inquired where that money would go. Controller Dickerson stated that the City budgeted for the loan payment and the loan payment would be part of the repayment too that would be paid back. She explained that it was paid from the Capital Improvement Fund and suggested that it would be put back in that fund. Controller Dickerson explained that the City doesn't do a budget amendment every time additional revenue was received that wasn't budgeted. Commissioner Rogers inquired if the project would be a reasonable expenditure from the Capital Improvement Fund. Controller Dickerson replied that it wouldn't because it was operating expenses to do the Greenway Project, and she felt it should be funded through the General Fund. A motion was made by Commissioner Rogers, seconded by Commissioner Thompson, to approve Recommendation #2 (\$25,000 to be appropriated from the General Fund-Contingency Fund as an initial Greenway budget, for purposes of an archeological survey, retaining a consultant to identify strategies for carrying out the Management Plan, for signs marking the Egans Creek Greenway, and expenses associated with making information about the Greenway public). Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Commissioner Rogers, seconded by Vice Mayor Rodeffer, to approve Recommendation #3 (that the Greenway Team proceed with plans to open the Greenway, Phases I and II to the public for passive recreational uses, as soon as possible). Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Commissioner Page, seconded by Vice Mayor Rodeffer, to approve Recommendation #4 (the attached updated list of properties for priority purchase). Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Project Manager Laird changed Recommendation #5 to: "Approve the Project Manager and the City Manager to accept Option Agreements, which may include non-refundable binders of up to \$5,000. Agreements with owners requesting larger binders will be brought before the City Commission for approval. Binders will be paid out of the Land Acquisition Account." A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to approve Recommendation #5, as revised. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

CITY MANAGER REPORTS: Interim City Manager Barton asked for citizens to advise of concerns and problems regarding Elm Street or any other topic so the City would be better able to address the issues.

CITY ATTORNEY REPORTS: City Attorney Poole referred to a letter received from Jacobs & Associates regarding Crane Island and the access road issue. He stated the City needed to respond to the letter since Mr. Jacobs suggested that they were going to go back to the claim that there was a 15' road that they had ownership of. City Attorney Poole requested to meet with the City Manager and Airport Manager/Public Works Director and formulate a response, but there would not be another City Commission meeting before Mr. Jacobs stated date of March 15, 2000 that might impact Airport operations. **A motion was made by Vice Mayor Rodeffer, seconded by Commissioner Page, to accept the City Attorney's recommendation.** Commissioner Rogers stated the City Commission had the obligation to assess it from the standpoint of legal fees that might be incurred by the position taken, and strongly urged the Commission to have a Special Meeting. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Page:	Aye
Vice Mayor Rodeffer:	Aye
Commissioner Rogers:	Nay
Commissioner Thompson:	Aye
Mayor Sapp:	Aye

Motion carried.

COMMISSIONERS' COMMENTS:

MEMORANDUMS: Commissioner Rogers thanked the City Attorney for the series of memorandums provided to City Commission regarding items in the agenda packet.

Commissioner Rogers commented about the synergism between neighborhood programs hoping to avoid the necessity in the long term for arrests. He stated the demolition list was another synergism that had gone on too long.

LOOSE ENDS: Commissioner Rogers requested that the City staff, as directed by the City Manager, reread all the Minutes since this current Commission had been seated. He commented about all the loose ends that were outstanding, and gave the example of making the Marina Advisory Committee a permanent committee and part of the motion was that the Commission would address the verbiage to go into the Code. Commissioner Rogers stated the Minutes become a tickler system and they needed to be reviewed because a lot of things were hanging out. Mayor Sapp agreed with Commissioner Rogers, and stated for the past two years the City had been running from the top down. He stated it should come from the City Manager and City staff to the Commission. Commissioner Rogers recommended that the Commission take a deep breath and stop generating work and let the staff, the City Attorney and everybody catch up.

FPU FRANCHISE: Commissioner Rogers referred to a series of memorandums between the City Attorney, Mr. Higginbotham and Patty Mack, and stated he thought when the City extended the franchise with FPU that the billing problems went away. He stated when they assumed the collection responsibility for the City on garbage and sewer and the hammer was that they turned the water off. Commissioner Rogers inquired if there was a legal issue because the owner of the property was responsible for paying one set of bills and the renter was responsible for paying the other, and questioned how to solve the issue. City Attorney Poole commented that there had always been a problem where you have renters on a piece of property, in that the statute as far as allowing the City to place a lien on the property for non-payment was unenforceable when the account was opened by the tenant. He stated that the owner was not liable for the tenant's charge. Controller Dickerson stated that the City had addressed that memorandum and had sent a letter to the owner letting them know if they didn't pay the City within 30 days the City would put a lien on their property. Commissioner Rogers suggested taking another look at the agreement to try to fill the gap.

YOUTH BANQUET: Commissioner Thompson thanked Commissioner Page for speaking at the Youth Banquet, and thanked the Mayor for attending. She further thanked the two youths that follow her, and explained that she was their advisor.

MISQUOTED IN THE PAPER: Commissioner Thompson commented that she was misquoted in the paper as making reference to saying she was glad the drug bust happened, which was so incorrect of what she said. She explained that she had requested that statement be retracted, and wanted the public to know that she would not make a statement to rejoice in someone else's downfall.

NAACP FREEDOM FUND BANQUET: Commissioner Thompson announced that Friday night the NAACP Adult Banquet was having their Freedom Fund Banquet at Amelia Island Plantation, and the donation was \$35. She explained she had tickets available for interested parties.

INTERIM CITY MANAGER: Commissioner Page welcomed Andy Barton as the City's Interim City Manager, and stated that it had been a pleasure working with him. She thanked him for his response on a couple of things she had requested.

NAACP YOUTH COUNCIL: Commissioner Page thanked the NAACP Youth Council for inviting her to attend their banquet.

INTERIM CITY MANAGER: Vice Mayor Rodeffer welcomed Andy Barton and stated that Andy had put out a very nice letter to the City employees.

AIRPORT NOISE: Mayor Sapp stated he had a call over the weekend about a airplane buzzing over Parkway North, and he requested that the issue be looked into. Interim City Manager Barton explained that he believed the noise was being generated by Patty Wagstaff, the world champion aerobatics. He stated that he had spoken with the Airport Manager and explained that there was nothing on the books about enforcing

and mitigating the noise. Interim City Manager Barton stated the only recourse was through the Federal Aviation Administration (FAA) and there had been a call to them for the City. Mayor Sapp inquired if the City Manager could talk with the individual about not doing the stunt flying over residential areas.

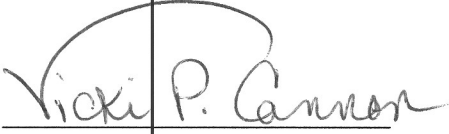
RAYONIER: Mayor Sapp related a call about the ash product that Rayonier hauls over 3rd Street uncovered and explained that some of that product was being left on the highway. Interim City Manager Barton advised he had spoken with Rayonier officials and they were going to take care of it.

SADLER ROAD PROJECT: Mayor Sapp stated that the City needed to do something about the Sadler Road Project and explained that Sadler Road was intolerable, and stated that the City needed to air these concerns with the County. Commissioner Rogers suggested that the City Manager talk with Walt Gossett to see if they had sorted out the drainage issue. Mayor Sapp requested an update as to when it might happen.

INTERIM CITY MANAGER: Mayor Sapp stated that the City Commission had hired Andy Barton as the Interim City Manager, but there was no talk about a salary adjustment. He commented that there wasn't an Interim City Manager's salary. Commissioner Rogers suggested the City Attorney and the Controller bring forth a proposal for the next City Commission Meeting. **It was the consensus of the Commission to have the City Attorney and the Controller to bring forth a proposal for the next City Commission Meeting.**

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned.

ATTEST:


VICKI P. CANNON
City Clerk


RON SAPP
Mayor-Commissioner

ORDINANCE 2012-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTER 4 TO INCLUDE CONTEXT SENSITIVE SETBACK DETERMINATIONS, AND REVISING CHAPTER 7 PARKING STANDARDS AND PARKING LOT DESIGN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, Staff has maintained a log of inconsistencies and/or inadequacies encountered during implementation of the Code and proposed changes to correct identified issues; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time; and

WHEREAS, the proposed amendments will specifically modify the following chapters and sections of the Land Development Code including Chapter 4 to add Section 4.02.03 (E) and Chapter 7 Section 7.01.01; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in a public session on November 14, 2012 and has issued a recommendation of approval subject to identified modifications proposed at the meeting; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 30, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

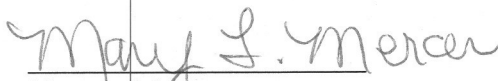
SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

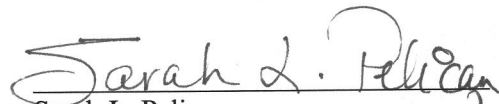
SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 2nd day of January, 2013.

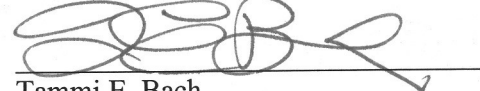
ATTEST:


Mary L. Mercer
City Clerk

CITY OF FERNANDINA BEACH


Sarah L. Pelican
Mayor - Commissioner

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

ORDINANCE 2012-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTER 4 TO INCLUDE CONTEXT SENSITIVE SETBACK DETERMINATIONS, AND REVISING CHAPTER 7 PARKING STANDARDS AND PARKING LOT DESIGN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development ; and

WHEREAS, staff has maintained a log of inconsistencies and/or inadequacies encountered during implementation of the Code and proposed changes to correct identified issues; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time; and

WHEREAS, the proposed amendments will specifically modify the following chapters and sections of the Land Development Code including Chapter 4 to add Section 4.02.03 (E) and Chapter 7 Section 7.01.01; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in a public session on November 14, 2012 and has issued a recommendation of approval subject to identified modifications proposed at the meeting; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 30, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 8th day of January, 2013.

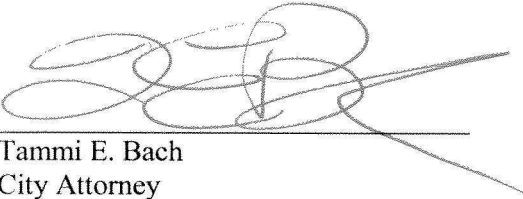
CITY OF FERNANDINA BEACH

Arlene R. Filkoff
Mayor – Commissioner

ATTEST:

Mary L. Mercer
City Clerk

APPROVED AS TO FORM:



Tammi E. Bach
City Attorney

O'Neil Marshall

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: 1st Reading Ordinance 2012-29: LDC Amendments Chapters 4 and 7

DEPARTMENT: Community Development Department

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

RECOMMENDED ACTION: Approve Ordinance 2012-29 at 1st Reading.

SUMMARY: This Ordinance proposes Land Development Code (LDC) amendments as directed by the City's 2030 Comprehensive Plan and as identified in a staff maintained log of errors and inconsistencies encountered while working with the LDC since 2006. Proposed changes include the addition of context sensitive design standards and revisions to existing parking standards. All amendments are consistent with the City's 2030 Comprehensive Plan and internally consistent with the LDC.

Chapter 4:

The proposed Chapter 4 amendment provides establishes the use of administrative waivers for context sensitive design standards. The language allows for greater flexibility in setback requirements to encourage retention of existing structures that contribute to the unique characteristics of our established neighborhoods. There are countless examples of context sensitive design standards throughout the country, from large urban cities looking to maintain their traditional main streets to small rural towns trying to retain the agricultural nature of their community. Context sensitive design standards will be reviewed on an individual basis as an *option* for property owners. Fair setback requirements would be regulated by the design characteristics of neighboring properties within each block face. A procedure for this process has been established whereby, an application for context sensitive setback determination is required. The "authority and limitation" and "monthly reporting" requirements for this process are also provided as part of the code amendments. The language itself has been reviewed with local area design and land surveying professionals to determine the practicality of this process.

Chapter 7:

The proposed Chapter 7 amendments consist of changes specific to parking lot requirements and design standards. Major changes include the allowance of shared parking and reducing excess parking. In reviewing the minimum parking requirements section for revisions, staff reviewed similar beach communities with a moderate seasonal population variation in Florida to determine the reasonability of the proposed reduced parking standards. It is anticipated that future amendments will be necessary to revise the landscape standards associated with parking areas. These changes can be expected when the staff reviews the City's general landscape standards.

The Planning Advisory Board reviewed the proposed amendments at their regular meeting on November 14, 2012 and unanimously recommended approval with some minor alterations. Those revisions have been incorporated, as recommended by the PAB, into the ordinance. Staff recommends approval of the ordinance and will be available to address questions at the meeting.

FISCAL IMPACT: None.

CITY ATTORNEY COMMENTS: No Additional Comments

DEPARTMENT HEAD	Submitted by: Marshall McCrary, CDD Director	Date: 11/16/12
	Requested Agenda	Date: 12/4/12
FINANCE DEPARTMENT	Approved as to Budget Requirements N/A	Date:
CITY ATTORNEY	Approved as to Form TEB	Date: 11/20/12
CITY MANAGER	Approved Agenda Item for 12/4/12 [Signature]	Date: 11/19/12

COMMISSION ACTION: ☒ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Postponed to Time Certain
☐ Other ☐ Tabled

Approved at the City Commission Meeting
Held on 12/14/12
Voted: 5-0 Initial: JB

ORDINANCE 2016-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP TO ASSIGN A ZONING CATEGORY OF GENERAL COMMERCIAL (C-2) FOR PARCELS TOTALING 9.49 ACRES OF LAND LOCATED ON S. 14TH STREET BETWEEN LIME AND JASMINE STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Amendment application numbered PAB 2016-02 at its February 10, 2016 meeting and by a unanimous vote recommended the change to General Commercial (C-2) zoning; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on January 27, 2016.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map are located on S. 14th Street between Jasmine Street and Lime Street and identified as Parcel ID numbers 00-00-31-1800-0265-0011 AND 00-00-31-1800-0265-0012, totaling approximately 9.49 acres, and as shown on the map attached hereto as Exhibit "A".

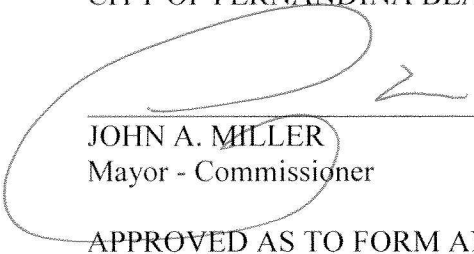
SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Zoning Map is hereby changed to General Commercial (C-2).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 19th day of April, 2016.

CITY OF FERNANDINA BEACH



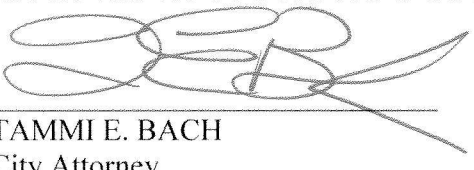
JOHN A. MILLER
Mayor - Commissioner

ATTEST:



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

**ORDINANCE 2016-06
EXHIBIT A**

REQUEST FOR A ZONING CHANGE FOR 9.49 ACRES OF LAND FROM COMMUNITY COMMERCIAL/ C-1 TO GENERAL COMMERCIAL/ C-2 FOR PROPERTIES LOCATED AT 1018 AND 1010 S. 14TH STREET "8 FLAGS SHOPPING CENTER AND NORTHEAST OUTPARCEL" (PARCEL ID# 00-00-31-1800-0265-0011 AND 00-00-31-1800-0265-0012) TO REMOVE EXISTING NONCONFORMING USES UNDER THE C-1 ZONING DESIGNATION THAT ARE ALLOWABLE UNDER C-2 ZONING





STAFF REPORT
PAB (CZ) 2016-02
Planning Advisory Board Hearing
February 10, 2016

APPLICATION FOR ZONING CHANGE REQUEST
8 FLAGS SHOPPING CENTER (C-1 TO C-2)

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	DBTW AT FBFL, LLC AND DBTW AT FBOP, LLC				
AGENT:	Harrison Poole				
REQUESTED ACTION:	Zoning Change from C-1 to C-2				
LOCATION:	1018 and 1010 S. 14 th Street				
CURRENT LAND USE + ZONING:	General Commercial land use/ C-1 (Community Commercial) zoning				
PROPOSED LAND USE + ZONING:	General Commercial land use (no change)/ C-2 (General Commercial) zoning				
EXISTING USES ON SITE:	8 Flags Shopping Center				
PROPERTY SIZE:	9.49 acres combined				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Retail and Apartments	2000's	MU-1	Mixed Use
	South	Offices	Misc	C-1	Community Commercial
	East	Apartments	2000's	R-3	High Density Residential
	West	Gas Station, Church, Mason's Lodge, SF Home	Misc	MU-1	Mixed Use

*** 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. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The 8 Flags Shopping Center has been held under the same ownership for roughly 11 years. Prior to purchasing the property, the owner received a zoning confirmation from City Planning Staff which outlined the permissible uses and conditional uses under the C-1 zoning designation. The letter confirmed the existing uses of the site were allowed at that location.

In October 2006, the City adopted a new Land Development Code which removed the conditional use process and incorporated a Table of Land Uses whereby uses are either permissible (P), permissible subject to supplemental standards (S), or prohibited (blank). In making this change, several previously permissible uses within the C-1 zone were dropped and those allowed under the conditional use process were eliminated from the zoning district. The applicant's letter of justification underlines several of these uses that both currently or previously occupied space at the 8 Flags shopping center and are no longer allowed under C-1. In some cases these are existing grandfathered uses. Examples of previous uses no longer permissible in the C-1 zoning district include: movie theaters, self-service laundry, financial institutions, auto repair, or health clubs. As a result of the 2006 code changes, the property owner is seeking a zoning change to C-2 in order to remove concerns over having several of non-conforming uses within the shopping center and to accommodate anticipated future redevelopment of the site.



**STAFF REPORT
PAB (CZ) 2016-02
Planning Advisory Board Hearing
February 10, 2016**

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of General Commercial (GC). The requested change to C-2 zoning is consistent with the underlying future land use designation assigned (*Reference Plan Policy 1.07.08*). Further, the request is consistent with Plan policy 1.04.03 directing that the City promote redevelopment of general commercial activities, which fulfill market demands of the City's residents for retail sales and services. The property's location is within a concentrated area of commercial development along a major arterial and its placement is consistent with Plan policy 1.08.02. Lastly, the property is located within one of the City's Job Opportunity areas described in Plan policy 12.05.02 which states that the City shall prioritize retention of land within those areas to support conscious investments which promote job creation.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.11 of the Land Development Code states the intent of C-2 General Commercial, zoning classification.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.11 of the Land Development Code states the intention of the General Commercial (C-2) zoning district as follows:

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

CONCLUSION:

The Plan also directs compact and energy efficient development schemes to serve pedestrian activity. Plan policy 1.08.04 directs the conversion of conventional suburban style shopping centers into more traditional livable "destination activity centers" through redevelopment. If in the future, the property owner wishes to seek a Future Land Use map amendment and zoning change to Mixed Use/ MU-1, the Plan provides sufficient guidance to allow for such a change.

Given the diverse and high- intensity nature of existing uses within the immediate vicinity, its position on one of the City's major commercial corridors and the history of uses at the site the requested change is reasonable. The requested zoning change is sufficiently compliant with the Comprehensive Plan, Land Development Code. Staff recommends approval of the applicant's request.

MOTION(S) TO CONSIDER

I move to recommend (**approval or denial**) of PAB case number 2016-02 to the City Commission requesting that a zoning change from C-1 (Community Commercial) to C-2 (General Commercial), as described and that PAB case 2016-02 as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

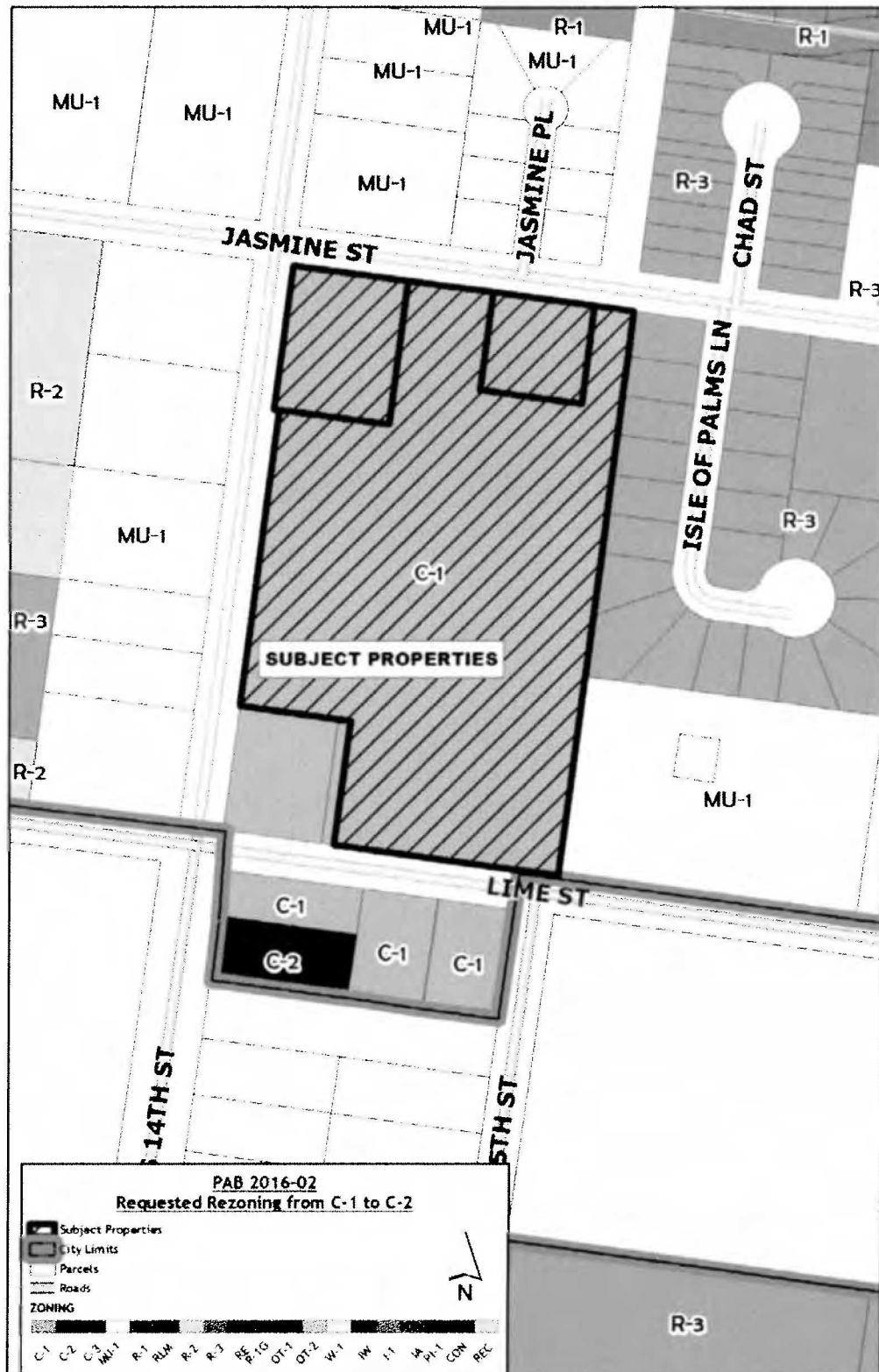
Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (CZ) 2016-02
Planning Advisory Board Hearing
February 10, 2016

EXHIBIT A



OFFICE USE ONLY

REC'D: KGBY: 1/7/16PAYMENT: \$ 850TYPE: CR 2348APPLICATION #: 2016-0000032CASE #: 2016-02

BOARD MEETING DATE: _____



PLANNING ADVISORY BOARD APPLICATION

- ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$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: PBTW & FBFL, LLC and PBTW & FBOP, LLC.Mailing Address: 1960 Satellite Boulevard Suite 1300Durham, Georgia 30097Telephone: (404) 285-3257 Fax: (770) 497-8811Email: tomsped 410@gmail.comAgent Name: HARRIS POOLE of POOLE & POOLEMailing Address: 303 Central Street, Suite 200Telephone: (904) 261-0742 Fax: (904) 261-0745Email: harrispoole@pooleandpoole.com

PROPERTY INFORMATION

Street Address: 1018 and 1010 South 14th Street00-00-31-1800-0265-0011Parcel Identification Number(s): 00-00-31-1800-0265-0012

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: BOTH Range: Surveys & legal descriptionAttached

City of Fernandina Beach Community Development Department · 204 Ash Street Fernandina Beach, FL 32034

P: 904.310.3135 F: 904.310.3460 www.fbfl.us/cdd

Revised February 2015

Page 3 of 5

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

SIGNATURE/NOTARY

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

Date

Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public: Signature

Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: Two

Less than One (1) acre Sq. Footage: 36,740 S.F. One (1) Acre or Greater: 373,309 S.F.
.841 ACRE 8.57 ACRES

Existing Zoning Classification: C-1 Community Commercial

Existing Future Land Use Classification: C-2 General Commercial

Previous Planning/Zoning Approvals: Zoning letter dated 8-11-2005
ATTACHED

Description of Request:

The property, consisting of 9.4 acres, was developed and operated for at least 35 years under zoning similar to the current C-2 zoning but some time

after August 2005 the allowed uses in C-1 were substantially 'limited' without a formal zoning. Uses not allowed in C-1 are & therefore are to
signage shop (corbino), an credit union, S&S, sex
serve 1 day, health club, outside sale displays
(S&S).

SIGNATURE/NOTARY

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

Date

Signature of Applicant

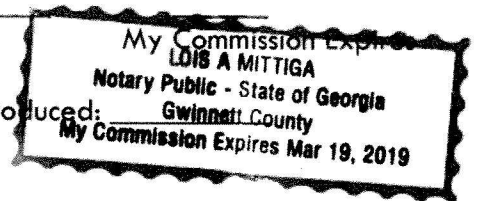
Georgia
STATE OF ~~FLORIDA~~ }
COUNTY OF ~~NASSAU~~ }
GWINNETT

Subscribed and sworn to before me this 5 day of January, 2016.

Lois A Mittiga
Notary Public: Signature

Lois A Mittiga
Printed Name

Personally Known _____ OR Produced Identification _____ ID Produced: _____



OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: _____

CASE #: _____

BOARD MEETING DATE: _____



PLANNING ADVISORY BOARD APPLICATION

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

APPLICANT INFORMATION

Owner Name: _____

Mailing Address: _____

Telephone: _____ **Fax:** _____

Email: _____

Agent Name: _____

Mailing Address: _____

Telephone: _____ **Fax:** _____

Email: _____

PROPERTY INFORMATION

Street Address: _____

Parcel Identification Number(s): _____

Lot Number: _____ **Block Number:** _____ **Subdivision:** _____

Section: _____ **Township:** _____ **Range:** _____



ARCHITECTURE
ENGINEERING
1800 PINEAPPLE BLVD. SUITE 100
DUBLIN, GA 31006
770-476-4801
WWW.FTRASSOCIATES.COM

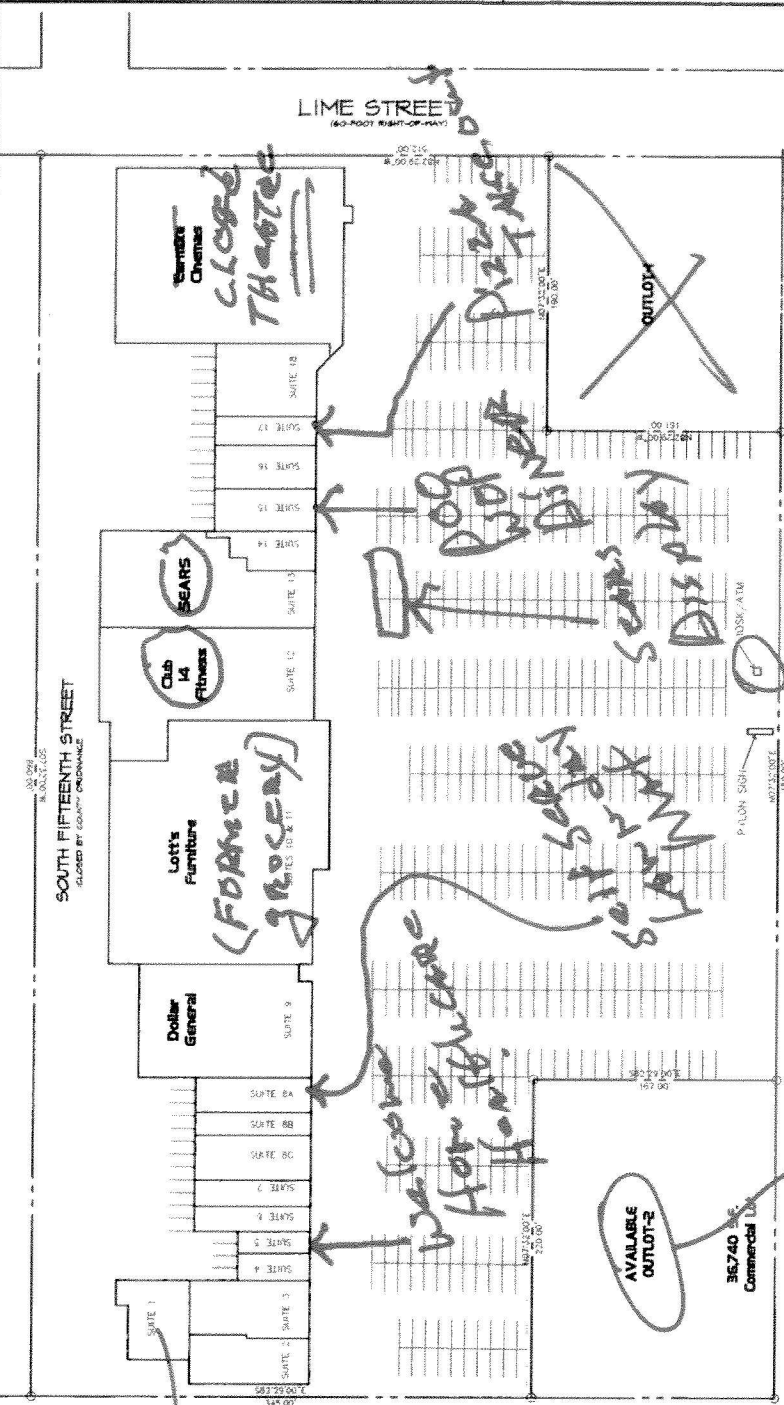
DATE: 01/11/01

PROJECT: EIGHT FLAGS SHOPPING CENTER
LEASING PLAN

FOR: Wheelabrator Management Company
1000 South 14th Street, Fort Lauderdale, FL 33304
DUBLIN, GA 31007
770-476-4801

CP.3

HER 05-227.01



SOUTH FIFTEENTH STREET
GLASCO BY COUNTY ORDINANCE

SOUTH FOURTEENTH STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

SPACE	SIZE	TENANT NAME	STREET ADDRESS
SUITE 1	2,883 SF	CORBINS AUTO REPAIR	4218 SOUTH 14TH STREET
SUITE 2	2,884 SF	AMERICA'S PERFECT TANN	1000 SOUTH 14TH STREET SUITE 2
SUITE 3	3,093 SF	AVAILABLE	1000 SOUTH 14TH STREET SUITE 3
SUITE 4	1,776 SF	LEADER'S & SHIRERS	1004-1006 SOUTH 14TH STREET
SUITE 5	1,776 SF	LEADER'S & SHIRERS	1004-1006 SOUTH 14TH STREET
SUITE 6	1,441 SF	WELLCOME HEALTH CARE	1008 SOUTH 14TH STREET
SUITE 7	1,006 SF	AMERICAN INSURANCE	1012 SOUTH 14TH STREET
SUITE 8A	1,863 SF	AVAILABLE	1014 SOUTH 14TH STREET
SUITE 8B	1,300 SF	H & R BLOOM	1016 SOUTH 14TH STREET
SUITE 8C	2,707 SF	LAUNDRY MAT	1018 SOUTH 14TH STREET
SUITE 9	8,639 SF	DOLLAR GENERAL	1024 SOUTH 14TH STREET
SUITE 10	24,327 SF	LOTT'S FURNITURE	1000-1112 SOUTH 14TH STREET
SUITE 11	10,883 SF	CLUB 14 FITNESS	1114 SOUTH 14TH STREET
SUITE 12	1,559 SF	SEAMS HOMEOWNERS STORE	1116 SOUTH 14TH STREET
SUITE 13	2,116 SF	AGE BEAUTY MART	1122 SOUTH 14TH STREET
SUITE 14	1,884 SF	AVAILABLE	1124 SOUTH 14TH STREET
SUITE 15	1,884 SF	AVAILABLE	1126 SOUTH 14TH STREET
SUITE 16	1,884 SF	AVAILABLE	1128 SOUTH 14TH STREET
SUITE 17	1,884 SF	AVAILABLE	1130 SOUTH 14TH STREET
SUITE 18	1,884 SF	AVAILABLE	1132 SOUTH 14TH STREET
SUITE 19	1,884 SF	AVAILABLE	1134 SOUTH 14TH STREET
SUITE 20	1,884 SF	AVAILABLE	1136 SOUTH 14TH STREET
TOTAL PARKING SPACES	1,517 SPACES (51,577,000 SF)		
TOTAL AREA	2,101,777 SF		

Information shown based on a survey by
MARCE URANE LAND SURVEYING DATED 5-16-2000.
BUILDING AREAS SHOWN ARE APPROXIMATE BY
OTHERS

SITE ANALYSIS



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE DBTWATFBFL, LLC and DBTWATFBOP, LLC
(print name of property owner(s))

hereby authorize: Harrison Poole of Poole & Poole
(print name of agent)

to represent me/us in processing an application for: Zoning and Land Use Map
(type of application) Amendments

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.

TE W. Wheeler
(Signature of owner) Sole Manager

Thomas W. Wheeler, Jr.
(Print name of owner)

TE W. Wheeler
(Signature of owner) Sole Manager

Thomas W. Wheeler, Jr.
(Print name of owner)

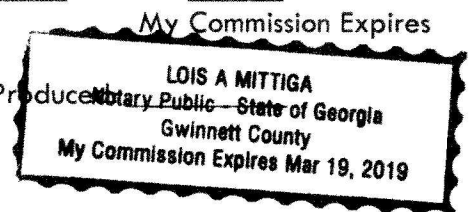
Georgia
STATE OF ~~FLORIDA~~ }
COUNTY OF ~~NASSAU~~ }
Gwinnett

Subscribed and sworn to before me this 5 day of January, 2016.

Lois A. Mittiga
Notary Public: Signature

Lois A. Mittiga
Printed Name

Personally Known _____ OR Produced Identification _____ ID Produced _____



Thomas W. Wheeler, Jr., Vice Chairman
Wheeler/Brand Management Company
1960 Satellite Boulevard, Suite 1300

Duluth, Georgia 30097

(404) 285-3257

Ms. Adrienne Burke, Esq., MASA, LEED AP+
Community Development Director
City of Fernandina Beach,
204 Ash Street
Fernandina Beach, Florida 32034

Re: Letter of Intent, Requests for Zoning And Land Use Map
Amendments

I have owned 8 Flags Shopping Center on 14th Street since September, 2005. I have attached a letter dated 8/11/2005 indicating the property was zoned C-1. However, it's obvious many of the allowed uses in C-1 in 2005 have now become PROHIBITED. For instance, under the current version of C-1, prohibited uses directly concerning former or present uses and Tenants at 8 Flags are a Theatre, a Auto Repair Shop(Corbin's), a Health Club(Club 14), a self serve laundry mat, any type financial institution, a grocery store, and outside sales displays like at Sears and the Humane Society Thrift Shop.

This situation, especially at the theatre, is a hardship to

making progress to keep improving 8 Flags Shopping Center. Please be aware that by 2005 the property had substantially deteriorated due to excessive vacancies (Over 60%) and deferred maintenance. I believe everyone can agree we have made substantial progress with 8 Flags under our ownership and with the support of the City. It has become once again a successful community shopping center. But it is not a "neighborhood only" shopping center as the altered C-1 zoning now suggests. And the valuation has increased along with appearances and adding many viable businesses and their local employees. In November, 2015 my taxes were over \$91,000, up from less than \$50,000 in 2005.

I think the basic issue is the property was permitted and developed over 35 years ago under a zoning classification much like the current C-2 zoning category. Reviewing my attached 8/2005 zoning letter from the City, it's very clear much has changed as to allowed uses in the C-1 category. And by far, my property due to its size, and it's historic and current uses is the most effected and it's very negative. All these substantial allowed USE changes were made without even a phone call to me. I am aware of the current policy on grandfathered uses but I fear that policy also can quickly change without a notice to the Owner of most effected

property, being 8 Flags Shopping Center.

8 Flags SC obviously fails the current definition of a C-1 property in that it's located on a major road, it's large at 100,000 SF, the lot size is over 9 acres and it serves many neighborhoods, not just one or two. I have been unable to find a similar property (size, prohibition of major current and former Uses) that is now designated C-1 on the current map that was so negatively effected as 8 Flags.

Please be advised we strongly feel in order to keep this property viable which includes the challenge to bring in a new theatre operator (to show first run movies) we must invest in new projection equipment, new seating, a new concession area, and the screens. Our budget is about \$500,000 and I can report we have agreed to general terms with a new operator. I, however need the comfort of knowing the theatre Use is a firm and lasting allowed USE and can not be taken away without a fair, open legal process.....rather than what has happen to so many of our allowed and historic Uses since 9/2005. I am just as concerned about long time tenants/historic Uses like Corbin's Auto Repair, Club 14

Fitness, the closed former S&L, the former right to develop a convenience store with fuel, and to bring in another grocery

store...should Lotts not exercise their term option.

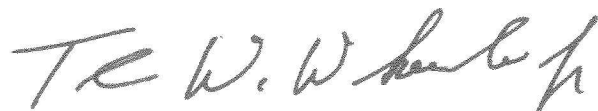
In summary, there are are many allowed uses in the current version of C-2 that I do not want at the property and I am happy to work out a list that will be legally prohibited in the future.

Thank you for your consideration.

Kindest regards,

Very Truly Yours.

DBTW at FBFL, LLC and
DBTW at FBOP, LLC

A handwritten signature in dark ink, appearing to read "T. W. Wheeler, Jr.", with a stylized flourish at the end.

Thomas W Wheeler, Jr
Sole Manager

cc: Harrison Poole
Poole and Poole

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.

Kelly - Please supply

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.

*Surveys & legal Descriptions
ATTACHED*

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

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



City of Fernandina Beach

PLANNING DEPARTMENT

twa
F
zoning
& flags

August 11, 2005

Ms. Lois Mittiga
Wheeler/Kolb Management Company
3525 Mall Boulevard
Suite 5AA
Duluth, Georgia 30096

Re: Zoning Confirmation for 1114 South 14th Street

Dear Ms. Mittiga;

This letter serves as an Official Zoning Confirmation per City of Fernandina Beach Ordinance 2004-148.

As of the date of this letter, the property located at 1114 South 14th Street, Fernandina Beach Florida, located at the corner of Lime and 14th Streets and identified in the attached 'Exhibit A' is currently zoned C-1, Community Commercial, by the City of Fernandina Beach, Florida. As you requested, the zoning regulations for this district are as follows:

Sec. 126-221. Intent and application of division.

(a) Intent.

(1) The C-1 district is intended to provide retail sales and services for more than one neighborhood. Its location should be primarily oriented to intersections of arteries or major collector streets as designated in the comprehensive plan. This district is not intended to be suitable for outdoor sales activities or to encourage extension of strip commercial areas. New districts should be adequately separated from existing or projected single-family residential districts by adequate depth of lower intensity zoning or by a suitable buffer.

(2) The following criteria shall be considered in evaluating designation of this district:

a. Convenient and direct access at minor/major arterial intersections or collector/arterial intersections if minimal access is necessary on the collector street.

Isle of Palms subdivided AFTER shopping center built-

- b. Accessibility to or the ability to provide essential public services consistent with chapter 106.
 - c. Pattern of development, considering accessibility, compatibility and clustering, with priority at locations exhibiting proximity to other types of nonresidential uses, including employment centers and marketing centers.
 - d. Compatibility between commercial and surrounding land uses, including traffic circulation, pedestrian access, hours of operation, visual impacts and landscape design.
- (b) *Application.* The provisions of this division shall apply to all C-1 community commercial districts.

Sec. 126-222. Permitted uses.

- (a) This section shall apply to all C-1 community commercial districts.
- (b) Within any C-1 commercial district, no building, structure, land or water shall be used except for one or more of the following uses:
 - (1) Art, antique, gift, china, jewelry and luggage shops.
 - (2) Bakeries, retail.
 - (3) Beauty shops and barbershops.
 - (4) Book and stationery stores, and newsstands.
 - (5) Business offices such as real estate broker, insurance agent, stockbroker and manufacturer's agent offices, and similar uses.
 - (6) Commercial amusements conducted within a building, including theaters, but no drive-in theaters, billiard parlors, game rooms, skating rinks or bowling alleys.
 - (7) Drugstores and confectionery, sundries and tobacco shops.
 - (8) Grocery, vegetable, fruit and meat markets, and delicatessens. (restaurant)
 - (9) Laundry and dry cleaning pickup stations, where no work is done on the premises, and self-service laundries.
 - (10) Music, art or dancing schools, music and record shops, and preschools and day care centers.
 - (11) Photographic supplies and studios, and artists' supplies.
 - (12) Private clubs and lodges, including those operating on a semi-commercial basis, but no living quarters (permanent or transient) are allowed.
 - (13) Professional offices such as accountant, architect, attorney, engineer, land surveyor, optometrist, medical, chiropractic and dental offices (but not a clinic, massage parlor or hospital), and similar uses.
 - (14) Retail stores for the servicing of the surrounding neighborhood with convenience items, such as dry goods, household items, electrical appliances and home furnishings; variety stores; shoe stores; hardware, paint and garden stores; jewelry sales and jewelry repair stores; and apparel stores.
 - (15) Shoe repair, hat cleaning, and dressmaking and tailor shops.
- (c) All sales, services and commercial activities enumerated in subsection (b) of this section must be conducted within a structure, and no outdoor display of merchandise or products will be permitted in connection with any of such uses.

Sec. 126-223. Conditional uses.

- (a) This section shall apply to all C-1 community commercial districts.
- (b) When, after review of an application and plans appurtenant thereto and a hearing thereon, the planning advisory board finds as a fact that the proposed uses are consistent with the comprehensive plan and are in the public interest, the following uses may be recommended to the city commission for approval:
 - (1) Outdoor commercial amusements, such as miniature golf or fishing piers, but not including amusement parks and drive-in theaters.
 - (2) Liquor stores and barrooms.
 - (3) Automobile service stations.
 - (4) Hotels and motels.
 - (5) Churches.
 - (6) Schools.
 - (7) Skating rinks, billiard parlors, bowling alleys and game rooms.
 - (8) Restaurants.
 - (9) Medical or dental clinics, hospitals, sanitariums and churches.
 - (10) Medical or dental laboratories, and manufacture of prosthetic appliances, dentures, eyeglasses, hearing aids and similar products.
 - (11) Credit unions.

Sec. 126-224. Building height and site area regulations.

- (a) This section shall apply to all C-1 community commercial districts.
- (b) No building or structure shall exceed 45 feet in height.
- (c) No building or structure within 800 feet of the high-water mark of the Atlantic Ocean shall exceed 35 feet in height.
- (d) Building site area regulations: No commercial building may occupy more than 80,000 square feet.

Sec. 126-225. Minimum yard requirements.

- (a) *Applicability.* This section shall apply to all C-1 community commercial districts.
- (b) *Front yard.* The minimum front yard shall be 25 feet.
- (c) *Side yards.* None are required, except, where rear access is not available from a public street or alley, a side yard of not less than ten feet will be provided on one side.
- (d) *Rear yard.* The minimum rear yard shall be 20 feet, except, where the rear of the property is bounded by a public alley or street, the rear yard may be decreased by one-half the width of that alley or street up to ten feet.

Sec. 126-226. Lot coverage.

- (a) This section shall apply to all C-1 community commercial districts.
- (b) The maximum that may be covered by buildings shall be 50 percent of the lot.

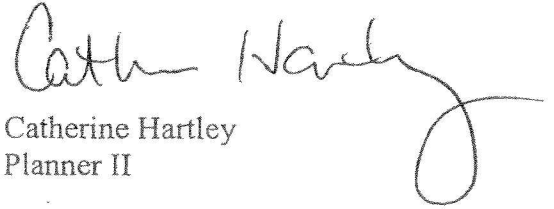
Sec. 126-227. Use regulations and exceptions.

- (a) This section shall apply to all C-1 community commercial districts.
- (b) See article V, "Supplementary District Regulations," sections 126-411 through 126-428 and sections 126-451 through 126-458 for use regulations and exceptions.

A complete version of the City's Land Development Code can be viewed online at www.municode.com. Please note that this zone is also governed by the City's Comprehensive Plan, which limits the Floor Area Ratio to 0.5.

If you have any additional questions, please feel free to contact the Planning Department at 904-277-7325.

Sincerely,

A handwritten signature in black ink, appearing to read "Cath Hartley", with a large, stylized loop at the end of the signature.

Catherine Hartley
Planner II

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



Ward: Marshall

SUBJECT: **Ordinance 2016-06**
Zoning Map Change - 8 Flags Shopping Center

ITEM TYPE: ☒ Ordinance ☐ Resolution ☐ Other
☐ Proclamation ☐ Presentation

REQUESTED ACTION: **Approve Ordinance 2016-06 at Second Reading.**

SYNOPSIS: The owner of 8 Flags Shopping Center has been the same for approximately eleven years. Prior to purchasing the property, the owner received a zoning confirmation from City Planning staff which outlined the permissible uses and conditional uses under the C-1 zoning designation. The letter confirmed the existing uses of the site were allowed at this location.

In October 2006, the City adopted a new Land Development Code which removed the conditional use process and incorporated a Table of Land Uses whereby uses are either permissible (P), permissible subject to supplemental standards (S), or prohibited (blank). In making this change, several previously permissible uses within the C-1 zone were dropped and those allowed under the conditional use process were eliminated from the zoning district.

The applicant's letter of justification underlines several of these uses that both currently or previously occupied space at the 8 Flags Shopping Center and are no longer allowed under C-1. In some cases these are existing grandfathered uses. Examples of previous uses no longer permissible in the C-1 zoning district include: movie theaters, self-service laundry, financial institutions, auto repair, or health clubs. As a result of the 2006 code changes, the property owner is seeking a zoning change to C-2 in order to remove concerns relating to several non-conforming uses within the shopping center and to accommodate anticipated future redevelopment of the site.

Staff recommends approval of the applicant's request. The Planning Advisory Board unanimously recommended approval of the request at its Regular Meeting on February 10, 2016. The City Commission approved this Ordinance at first reading on March 15, 2016.

FISCAL IMPACT: None.

2015 STRATEGIC PRIORITIES: ☐ Waterfront Funding (Priority 1) ☐ Fire Department (Priority 1)
☐ 8th Street (Priority 1) ☐ Department Goals (Priority 1)
☐ Trolley System (Priority 2) ☐ Beach Renourishment (Priority 2)
☐ 4 Year Terms (Priority 2) ☐ 8th Street Entrance (Priority 2)
☐ Waterfront Park- Lot B (Priority 3)

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve the Second Reading of Ordinance 2016-06. *DM*

DEPARTMENT DIRECTOR

Submitted by: Marshall McCrary, *DMC*
CDD Director

Date: 4/1/2016

CONTROLLER

Approved as to Budget Compliance

Date:

CITY ATTORNEY

Approved as to Form and Legality *TEB*

Date: *4/6/16*

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



CITY MANAGER

Approved Agenda Item for 04/19/2016 *DM*

Date: 4/1/2016

COMMISSION ACTION:

- ☒ Approved As Recommended
☐ Approved With Modification
☐ Other

- ☐ Disapproved
☐ Postponed to Time Certain
☐ Tabled

Approved at the City Commission
Regular Meeting
Held on *4/19/16*
Voted: *5-0* Initial: *KB*