



**AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
AUGUST 9, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
BACK UP LOCATION: FERNANDINA
BEACH GOLF COURSE CLUB HOUSE
2800 BILL MELTON ROAD
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 for the PAB + HDC Joint Special Meeting of April 26, 2023.

3.2 Approval of Minutes from the Regular Meeting of May 10, 2023.

3.3 Approval of Minutes from the Regular Meeting of June 14, 2023.

4. OLD BUSINESS

4.1 **SCRIVENERS ERROR - CORRECTING ACERAGE AND TITLE OF ORDINANCE 2023-0017 AND ORDINANCE 2023-0018 FROM 0.16 TO .30 ACRES OF LAND:** PAB 2023-0036 - FUTURE LAND USE MAP ASSIGNMENT - N. 14TH STREET -ORDINANCE 2023-0017 - ASSIGNING A FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) FOR PROPERTY TOTALING ~~0.16~~ 0.30 ACRES OF LAND LOCATED N. 14TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

PAB 2023-0036 - ZONING MAP ASSIGNMENT - N. 14TH STREET -ORDINANCE 2023-0018 - ASSIGNING A ZONING CATEGORY OF CONSERVATION (CON) FOR PROPERTY TOTALING ~~0.16~~ 0.30 ACRES OF LAND LOCATED N. 14TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

5. NEW BUSINESS

5.1 **PAB 2023-0043- CITY OF FERNANDINA BEACH, 766 KENNETH COURT:** Voluntary Annexation of 6 parcels of land located at 766 Kenneth Court, approximately 0.92 acres of land into the City limits, Assignment of the City's Medium Density Residential (MDR) Future Land Use Map Category, and Residential Low Medium (RLM) Zoning District

5.2 **PAB 2023-0044- CITY OF FERNANDINA BEACH, CALHOUN AND N. 7TH STREET:** Future Land Use Map and Zoning Map Amendments for two properties totaling approximately 0.46 acres of land located on the corner of unimproved N. 7th Street and Calhoun Street and midblock of unimproved N. 7th Street

5.3 **PAB 2023-0046- CITY OF FERNANDINA BEACH, 123 HIRTH ROAD AND 96030 SOMERSET DRIVE:** Voluntary Annexation of approximately 20.89 acres of land located at 123 Hirth Road and

96030 Somerset Drive, into the City limits, Assignment of the City's High Density Residential (HDR)
Future Land Use Map Category, and High Density Residential (HDR) Zoning District

6. **BOARD BUSINESS**
7. **STAFF REPORT**
8. **PUBLIC COMMENT**
9. **ADJOURNMENT**

NEXT PAB REGULAR MEETING IS SCHEDULED FOR SEPTEMBER 13, 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 the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). 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
HISTORIC DISTRICT COUNCIL &
PLANNING ADVISORY BOARD JOINT
SPECIAL MEETING
APRIL 26, 2023**

1. CALL TO ORDER 5:00

2. ROLL CALL

MEMBERS PRESENT

Historic District Council (HDC)

Froilan Esclusa (Vice-chair), James Pozzetta, Tammi Kosack, Tim Poynter (Alt 1), Arlene Filkoff

Planning Advisory Board (PAB)

Victoria Robas (Chair), Peter Stevenson (Vice-Chair), Barbara Gingher, John Boylan, Richard Doster, Mark Bennett

MEMBERS ABSENT:

Michael Spino (HDC Chair), Nick Gillette (PAB)

OTHERS PRESENT:

Tammi Bach-City Attorney, Sal Cumella-Historic Preservation Planner, Daphne Forehand-Planner, Taylor Hartmann-Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. DISCUSSION/ACTION ITEMS

4.1 FOLLOW UP ON PAB/CC JOINT ACTION ITEMS

Ms. Forehand provided all members with a brief review of the action items identified during the PAB and City Commission Joint Meeting in February 2023.

Chair Robas stated that at the last regular PAB meeting, significant time was spent reviewing current LDC standards for commercial redevelopment and recommending amendments to the City Commission.

Vice-chair Froilan discussed his involvement with the county's affordable housing committee.

Members discussed current conflicting community priorities of conservation of land versus maximizing the buildable area of vacant parcels.

4.2 HISTORIC PRESERVATION PLAN

Board members discussed the feasibility of preserving various neighborhood characteristics through incentives instead of LDC guidelines.

Mr. Cumella, Member Filkoff, and Member Kosack will meet to identify key aspects of a preservation plan.

4.3 CONTINUATION OF JOINT MEETINGS

Members agreed that joint meetings are very beneficial and should be continued.

5. OTHER DISCUSSION ITEMS

A meeting between the PAB, HDC, and BOA will take place on May 17, 2023, to discuss the LDC's variance criteria.

6. PUBLIC COMMENT

Margaret Kirkland, spoke on behalf of Conserve Amelia.

Chip Ross, 210 N. 3rd Street, spoke about having lots of plans, but lacking execution and funding for them.

7. ADJOURNMENT 6:42

Sylvie McCann, Recording Secretary

Victoria Robas, Chair of the PAB

Froilan Esclusa, Vice-chair of the HDC



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
MAY 10, 2023
CITY HALL COMMISSION CHAMBERS**

- 1. CALL TO ORDER 5:00 PM**
- 2. ROLL CALL / DETERMINATION OF QUORUM**

MEMBERS PRESENT:

Victoria Robas (Chair)	Peter Stevenson (Vice-Chair)
Barbara Gingher	John Boylan
Richard Doster	Mark Bennett

MEMBERS ABSENT:

Nick Gillette

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Deputy Director
Tammi Bach, City Attorney
Daphne Forehand, City Planner
Taylor Hartmann, Recording Secretary

- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MEETING MINUTES**

4.1 Approval of Minutes from the Regular Meeting of April 12, 2023

ACTION TAKEN: A motion was made by Member Stevenson seconded by Member Gingher to approve the Minutes as presented.

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

- 5. OLD BUSINESS**

There were no Old Business items to discuss.

- 6. NEW BUSINESS**

6.1 **PAB 2023-0042 - CITY OF FERNANDINA BEACH, S. FRONT STREET, WATER LOTS 31-34, "LOT D".**

Request for Change to Future Land Use Map and Zoning Map from Industrial Waterfront (I-W) to Recreation (REC) for 3.65 acres of City owned land.

Ms. Forehand provided the Board with a review of the requested action.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Bennett to recommend approval of PAB case 2023-0042 to the City Commission; AND that PAB case 2023-0042 as presented is sufficiently compliant with the Comprehensive Plan and Land Development Code and applicable Florida Statutes to be

approved at this time.

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

7. BOARD BUSINESS

Vice-chair Stevenson asked other members whether there was any interest in investigating alternative transport and parking requirements and solutions. All Board members expressed interest in these topics.

Wayne Speight, Ft. Myers, spoke about alternative transit options he's experienced in other Florida cities.

8. STAFF REPORT

9. PUBLIC COMMENT

Margaret Kirkland, 1377 Plantation Point Drive, spoke in favor of exploring public transit options and programs.

Wayne Speight, Ft. Myers, spoke about existing conferences called Keeping History Above Water and said it would be interesting to find out if one of those conferences can be hosted locally. He also suggested that a dog park located downtown would be a good addition.

Chair Robas spoke of the upcoming City Commission meeting of May 16, 2023, and encouraged members to attend.

10. ADJOURNMENT 5:42

Taylor Hartmann, Recording Secretary

Victoria Robas, Chair



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
JUNE 14, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS**

1. CALL TO ORDER 5:01

2. ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Victoria Robas (Chair)	Peter Stevenson (Vice-Chair)
Barbara Gingher	John Boylan
Mark Bennett	Nick Gillette

MEMBERS ABSENT:

Richard Doster

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Deputy Director
Daphne Forehand, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MEETING MINUTES

4.1 Approval of Minutes for the PAB + HDC Joint Special Meeting of April 26, 2023.

4.2 Approval of Minutes from the Regular Meeting of May 10, 2023.

Chair Robas noted that the Minutes will be presented for approval at the next meeting of July 12, 2023.

5. OLD BUSINESS

6. NEW BUSINESS

7. BOARD BUSINESS

7.1 Discussion

- Task Force on Safe Biking and Walking - Updates from Chair Spino

Michael Spino, Chair of the Task Force, presented a Power Point presentation.

Member Stevenson asked who would initiate a prioritization of areas and who would have

approval authority. He also asked about the lighting issue on Citrona.

Member Boylan commented that messages of safety should also be shared within and addressed towards the biking community. Member Gingher noted that roads are not wide enough for both cars and bikes.

Teresa Prince, 3272 First Avenue, noted wondered why First Avenue had not been included in this analysis.

Lauree Hemke, 751 Barrington Drive, commented that she has been advocating for State, County and City collaboration. She also highlighted the need to advocate for the City to join in and be part of the TPO.

Ms. Gibson explained City service of TextMyGov where you can communicate directly with the City and report anything relating to safety or anything that requires City's immediate attention.

8. STAFF REPORT

8.1 Update on Staff Items

- **LDC Restructuring**
Ms. Forehand spoke of a new timeline for this project. The new timeline schedule will be communicated as soon as it is established.
- **Legislative Update - Affordable Housing Round Table**
Ms. Bach noted that a list of Legislative Updates was emailed to members. She spoke of several approved State Bills.
Housing (CS/SB102)
Member Gillette asked if the zoning is based on the Zoning map or Flum Map. Members asked about the impact on the LDC, concurrency, and reviews presented to the Board, and suggested the need for transportation, and a guide on how to prepare for these changes which are effective July 1, 2023.
Annexation at the Local Government level (CS/SB718)
Natural Emergency (SB250)
Land Use and Development Regulations (SB1604)
She explained elimination of Designed Standards for certain zoning districts starting July 1, 2023, this for new development only, and that there are some exemptions to this new law such as existing Architectural Boards, Historic Districts, CRA.
Local Government Comprehensive Plans (CS/CS/SB540)
Ms. Bach explained the changes and challenges regarding the prevailing party's ability to recover attorney fees and costs.
Then Ms. Gibson spoke of upcoming bills for next year's session.
She also spoke of creating some outreach to stakeholders and interest groups that help navigate the realms of affordable housing so to establish a partnership.
- **Conservation Land Purchase**
Ms. Gibson spoke of the City's recent acquisition of 2 parcels which will be converted to conservation.
- **Commercial Redevelopment Language**
Ms. Gibson spoke about the review of Comprehensive Plan language to be presented to the City Commission for approval.

DRAFT

9. PUBLIC COMMENT

Teresa Prince, 3272 First Avenue, spoke of the recent legislative updates and the discussion about these bills opening the door to allow changes in zoning and the possible impact of these changes on density.

Member Stevenson referenced the discussion about parking that took place at the last City Commission Workshop and the need for the PAB to possibly set up a workshop of its own to open discussion and welcome comments from the public.

Member Gillette asked about the protocol to present some changes to PUD requirements and possibly add this topic as a discussion item in a future PAB meeting.

10. ADJOURNMENT 6:50 PM

Sylvie McCann, Recording Secretary

Victoria Robas, Chair

ORDINANCE 2023-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP OF CONSERVATION (CON) FOR PROPERTY LOCATED ON NORTH 14TH STREET, TOTALING APPROXIMATELY ~~0.16~~ **0.30** ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Fernandina Beach requested assignment of the Conservation (CON) from High Density Residential (HDR) Future Land Use Map; and

WHEREAS, Planning Staff and the Planning Advisory Board (PAB) acting as the designated Local Planning Agency, has reviewed, and held a public hearing on March 8, 2023, and issued a recommendation of approval; 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 February 22, 2023.

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

SECTION 1. PROPERTIES INVOLVED. The City Commission intends to approve the future land use map changes. The properties identified for this change of the Future Land Use Map to Conservation (CON) for properties located and identified by map exhibit attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the properties in question, the City's Future Land Use Map is hereby changed as follows and attached hereto as Exhibit A:

- From High Density Residential (R-3) to Conservation (CON).

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.

ENACTED this 16 day of May 2023.

CITY OF FERNANDINA BEACH

BRADLEY M. BEAN
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

Date of First Reading: April 18, 2023

Date of Second Reading/Final Hearing: May 16, 2023

ORDINANCE 2023-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING CATEGORY OF CONSERVATION (CON) FOR PROPERTY LOCATED ON NORTH 14TH STREET, TOTALING APPROXIMATELY ~~0.16~~ **0.30** ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach has requested assignment of the City's Conservation (CON) Zoning District from High Density Residential (HDR) District; and

WHEREAS, Planning Staff and the Planning Advisory Board (PAB) acting as the designated Local Planning Agency, has reviewed, and held a public hearing on March 8, 2023, and issued a recommendation of approval; 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 February 22, 2023.

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

SECTION 1. PROPERTIES INVOLVED. The City Commission intends to approve the zoning map changes. The properties identified for this change of the Zoning Map to City of Fernandina Beach Conservation (CON) for properties located and identified as North 14th Street and by map exhibit attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the properties in question, the City's Zoning Map is hereby changed as follows and attached hereto as Exhibit "A":

- From High Density Residential (R-3) to Conservation (CON).

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.

ENACTED this 16 day of May 2023.

CITY OF FERNANDINA BEACH

BRADLEY M. BEAN
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

Date of First Reading: April 18, 2023

Date of Second Reading/Final Hearing: May 16, 2023



NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Wednesday, August 9, 2023, at 5:00 p.m.** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida (Back-up Location will be Fernandina Beach Golf Course Club House located at 2800 Bill Melton Road) to consider the following:

1 SCRIVENERS ERROR/FUTURE LAND USE MAP AMENDMENT/ZONING CHANGE

SCRIVENERS ERROR – CORRECTING THE TITLE OF ORDINANCE 2023-0017 AND ORDINANCE 2023-0018 FROM 0.16 ACRES TO 0.30 ACRES OF LAND; PAB CASE 2023-0036: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM HIGH DENSITY RESIDENTIAL (HDR) AND ZONING DISTRICT OF R-3 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.16 0.30 ACRES OF LAND LOCATED ON N. 14TH STREET

2 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

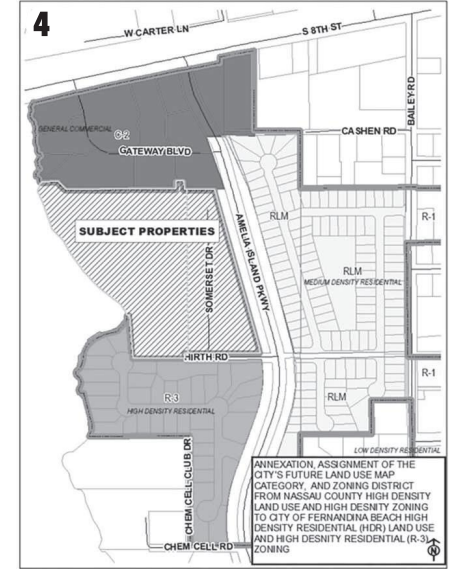
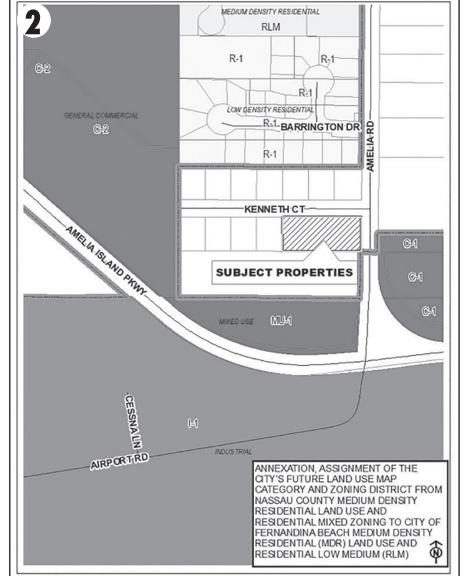
PAB CASE 2023-0043: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 766 KENNETH COURT, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM MEDIUM DENSITY, RESIDENTIAL MIXED TO CITY OF FERNANDINA BEACH MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW MEDIUM (RLM) ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 0.92 ACRES OF LAND

3 FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0044: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND ZONING DISTRICT OF R-2 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.46 ACRES OF LAND LOCATED AT CORNER OF UNIMPROVED N. 7TH STREET AND CALHOUN STREET AND MIDDLEBLOCK OF UNIMPROVED N. 7TH STREET

4 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0046: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 123 HIRTH ROAD AND 96030 SOMERSET DRIVE, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM HIGH DENSITY RESIDENTIAL GENERAL TO CITY OF FERNANDINA BEACH HIGH DENSITY RESIDENTIAL (HDR) AND R-3 ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 20.89 ACRES OF LAND



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation. The PAB serves as a recommending committee. Every application is submitted to the City Commission for final decision making. Copies of the applications may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. To make an appointment with a planner, please call 904-310-3480.



APPLICATION FOR VOLUNTARY ANNEXATION, LAND USE AND ZONING
766 KENNETH COURT

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Pllumi Investments LLC				
AGENT:	Elizabeth Moore				
REQUESTED ACTION:	Voluntary Annexation, Assignment of a Future Land Use Map Category of Medium Density Residential (MDR) and Residential Low Medium (RLM) Zoning District				
LOCATION:	766 Kenneth Court (6 parcels) 00-00-30-0320-0001-0010 00-00-30-0320-0001-0020 00-00-30-0320-0002-0010 00-00-30-0320-0002-0020 00-00-30-0320-0003-0000 00-00-30-0320-0003-0010				
CURRENT ZONING:	Nassau County Residential Mixed				
CURRENT LAND USE:	Nassau County Medium Density				
EXISTING USES ON SITE:	Vacant				
PROPERTY SIZE	Approximately 0.92 Acres of Land				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
NASSAU COUNTY	North	SF Home	1989	Residential Mixed	Medium Density
NASSAU COUNTY	South	Office Buildings	Varies	Commercial Intensive	Commercial
WITHIN CITY LIMITS	East	Office Buildings	2020	C-1	General Commercial
NASSAU COUNTY	West	SF Home	2003	Residential Mixed	Medium Density

*** 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, the City Clerk's Office and at the Planning and Conservation Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The City of Fernandina Beach requests voluntary annexation, assignment of City Future Land Use Map Category of Medium Density Residential and Zoning District of Residential Low Medium (RLM) for six parcels of land situated off Kenneth Court. The RLM District is intended for the development of low- to medium-density single-family homes on individual lots. This designation is intended to provide a more urban neighborhood with a higher density than the R-1 District and a lower density than the R-2 District. Within the RLM District, a maximum gross density of 6 dwelling units per acre is permitted, and a minimum lot width of 50 feet is



STAFF REPORT
PAB 2023-0043 (AX, LU, CZ)
Planning Advisory Board Hearing
August 9, 2023

Daphne Forehand
Planner I

required. This zoning district allows for single-family detached structures and allowable ancillary structures as the only permissible housing types.

A single-family home previously occupied one of the sites. However, it has since been demolished, leaving all properties vacant and conforming to the Land Development Code's standards for the minimum lot width within the RLM Zoning District (50 feet). The parcel is contiguous to the municipal boundary along the eastern side of the property. As a result, the applicant now seeks to develop these parcels into six single-family residences consistent with the current parcel configuration.

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the municipal boundary. The area is a logical extension of urban development, and any development or redevelopment can achieve full compliance with the City's Land Development Code and Comprehensive Plan. The City can serve this property and meet or exceed all levels of service required by Comprehensive Plan policies referenced herein.

Applicable Policy Reference	Determination of Consistency
CP 1.02.02	✓
CP 1.02.03	✓
CP 1.02.04	✓
CP 1.02.10	✓
CP 1.03.01	✓
CP 1.04.03	✓
CP 1.07.09	✓
CP 4.01.01	✓
CP 4.01.02	✓
LDC 2.01.12	✓
LDC11.01.07	✓

CONCLUSION AND STAFF RECOMMENDATIONS:

The requested action is consistent with applicable Florida Statutes, the City's Comprehensive Plan and the Land Development Code. Staff recommends approval of the voluntary annexation, assignment of the **Medium Density Residential (MDR) FLUM** category, and **Residential Low Medium (RLM) Zoning District**. Following the recommendation of the Planning Advisory Board (PAB), the application will move forward to the City Commission in the form of three separate ordinances at a public hearing anticipated for September 19th, 2023.

MOTION TO CONSIDER:

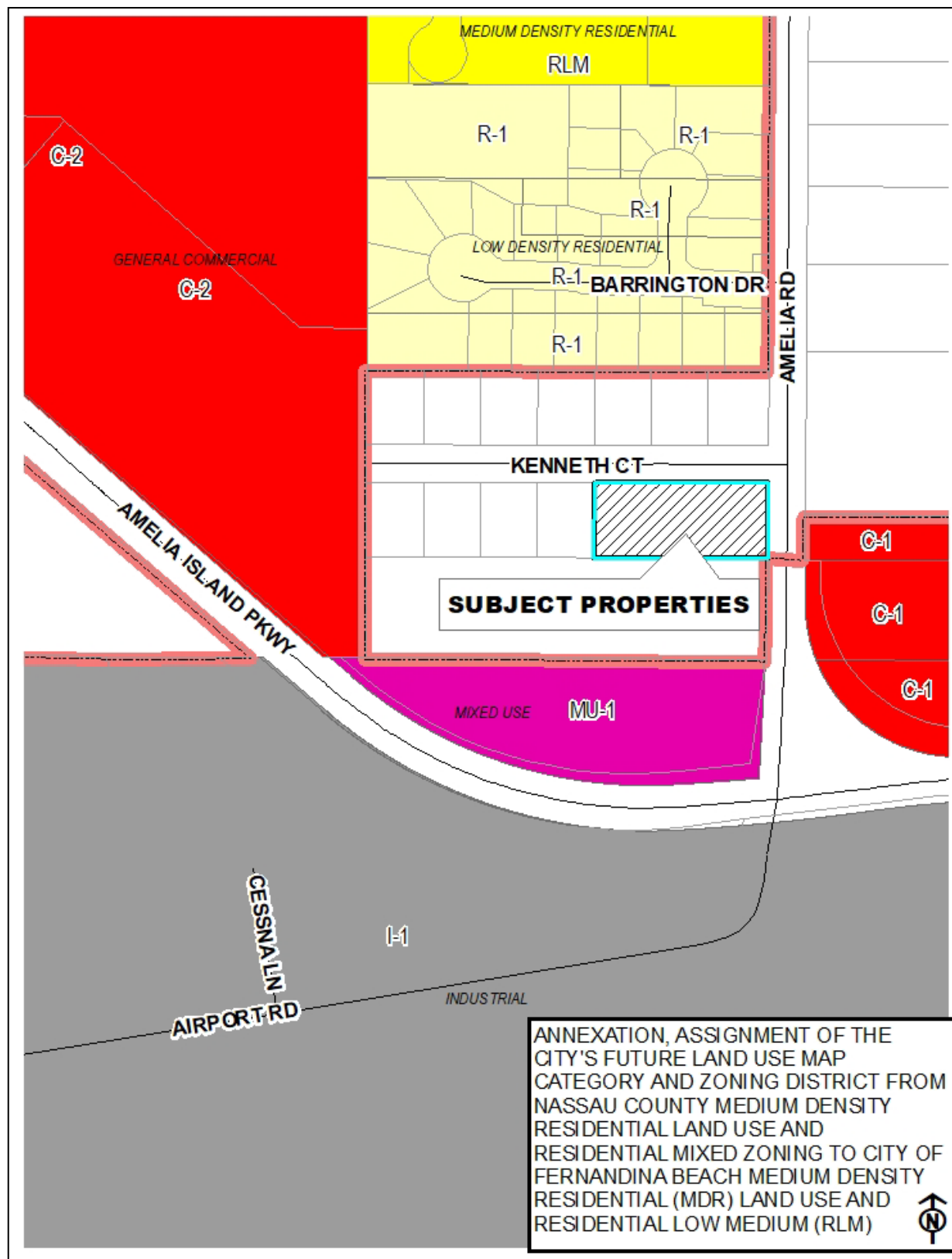
I move to recommend **(approval or denial)** of PAB case number 2023-0043 to the City Commission requesting that a Voluntary Annexation, Assignment of the Medium Density Residential (MDR) land use category, and Residential Low Medium (RLM) zoning district for 6 parcels of land located at 766 Kenneth Court be **(approved or denied)** and that PAB case 2023-0043, as presented, **(is or is not)** sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Respectfully submitted,

Daphne Forehand, Planner I



EXHIBIT A



Print

Planning Advisory Board (PAB) - Submission #11848

Date Submitted: 6/28/2023

Planning Advisory Board (PAB) Application

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

Fees
Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.
☒ Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)
☒ Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)
☐ LDC Text Amendment (\$1,500)
☐ Comp Plan Amendment (\$5,000)
☒ Subdivision Plat – Preliminary (≤ 20 units \$3,000 / > 20 units \$5,000)
☐ Subdivision Plat – Final (\$1,500)
☐ Vacation of R.O.W. (\$3,500)
☐ Small Cell Outside R.O.W. (per application) (\$500)
☒ Voluntary Annexation (\$2,000)
☐ Development of Regional Impact: Amend Development Order (\$1,500)
☐ New Telecommunications Structure (\$2,000)
☐ Revision to each PAB Application - 1/2 cost of original application fee (To offset additional display ad fee)

2023 Submission Deadlines + Meetings Calendar



IMPORTANT NOTES

Pre-Application Meeting

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

Please see the Land Development Code (LDC) for detailed information:
☐ LDC Text Amendment – see LDC Section 11.01.08.
☒ Preliminary Subdivision Plat – see LDC Section 11.01.05.
☐ Final Subdivision Plat – LDC Section 11.01.05.
☒ Zoning Map Changes – See LDC Section 11.01.07.

The LDC is available for review at

www.flhfl.us/LDC

Application Requirements
☒ A complete application filed at least forty-five (45) days before the date of the Planning Advisory Board's public hearing;
☒ Proof of Ownership (copy of deed or tax statement);
☒ A current survey of the property (no older than two years);
☒ If applying as an agent, Owner's Authorization for Agent Representation form needs to be signed/ notarized and included in application;
☒ A detailed letter of intent stating the following:
☒ o The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
☒ o A justification for the proposed amendment(s) or action(s).

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

Yes

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

6/15/2023

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

mm/dd/yyyy

hh:mm am/p

PROPERTY INFORMATION

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

Site Address*

766 Kenneth Court

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-30-0320-0003-0000; 00-00-30-0320-0001-0010; 00-00-30-0320-0001-0020; 00-00-30-0320-0002-0010; 00-00-30-0320-0002-0020; 00-00-30-0320-0003-0010

Lot*

1, 2, 3

Block*

n/a

Subdivision*

Kenneth Court

Zoning District*

R-2

Future Land Use Designation*

Medium Density Residential

REVIEW TYPE*

- | | |
|---|--|
| ☒ Zoning Map Amendment ≤ 10 acres | ☐ Subdivision Plat – Preliminary > 20 units |
| ☐ Zoning Map Amendment > 10 acres | ☐ Subdivision Plat – Final |
| ☐ LDC Text Amendment | ☐ Vacation of R.O.W. |
| ☐ Comp Plan Amendment | ☒ Voluntary Annexation |
| ☒ Subdivision Plat – Preliminary ≤ 20 units | ☐ Revision to PAB Application |

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Pilumi Investments LLC

Last Name*

n/a

Company (if applicable)

Mailing Address*

525 Wetherby Lane

City*

St Augustine

State*

FL

Zip*

32092

Telephone Number*

9049624227

Email Address*

todd Bates1@yahoo.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

Elizabeth

Last Name

Moore

Mailing Address

1617 San Marco Boulevard

City

Jacksonville

State

Florida

Zip

32207

Telephone Number

9044796425

E-mail Address

beth.moore@si-law.com

PROJECT INFORMATION**Previous Planning/Zoning Approvals**

None. An application was previously submitted on 11/2/2022 but has been withdrawn and is being resubmitted.

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

The Property is located within unincorporated Nassau County, zoned Residential Mixed and designated with future land use of Medium Density. This application seeks to annex the Property into the City of Fernandina Beach, to zone it as Low-Medium Density Residential (RLM), and to designate the future land use as Medium Density Residential. The owner intends to redevelop the Property with six single family residences on approximately 50-foot lots.

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.

I/We understand that the City Staff may install a Notice of Hearing sign on the property 14 days before the scheduled hearing and that the sign must only be removed after the hearing by City Staff, unless, the applicant or property owner brings the Notice of Hearing back to City Hall.

Applicant First Name*

Elizabeth

Applicant Last Name*

Moore

Today's Date*

6/28/2023

Upload Supporting Documentation*

Owners Authorization for Agent Representation (executed).pdf

City of FB logo NEW Reflex

Upload 2
Proof of Ownership
(General Warranty Deed)
OR Book 2568 Page
1996.pdf

Upload 3
Survey (766 Kenneth
Court).pdf

Upload 4
Voluntary Annexation
Agreement, Petition for
Annexation.pdf

DEPARTMENT OF PLANNING & CONSERVATION

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



ELIZABETH A. MOORE
SODL & INGRAM PLLC
1617 SAN MARCO BOULEVARD
JACKSONVILLE, FLORIDA 32207
BETH.MOORE@SI-LAW.COM
P: 904-479-6425
F: 904-347-2738
SI-LAW.COM

June 28, 2023

VIA Email (kgibson@fbfl.org)

City of Fernandina Beach
Department of Planning & Conservation
Attn: Kelly Gibson, AICP
204 Ash Street
Fernandina Beach, Florida 32034

RE: Letter of Intent – 766 Kenneth Court

Dear Ms. Gibson:

The undersigned and this law firm represent Pllumi Investments LLC, the owner of property located at 766 Kenneth Court. The Property consists of six nonconforming lots located within unincorporated Nassau County, zoned as Residential Mixed and designated as future land use of Medium Density. A prior application was submitted on November 2, 2022, but is being resubmitted following the demolition of a former residential structure on the Property. The Property is now vacant.

The accompanying application seeks to annex the Property into the City of Fernandina Beach, to zone it as Low-medium Density Residential (RLM), and to designate the future land use as Medium Density Residential. The justification for these proposed actions is to allow the owner to connect to City utilities and to redevelop this parcel with six single family residences on approximately 50-foot lots. The RLM zoning will also allow the Property to be annexed into the City as legally conforming lots. These proposed actions are consistent with the City's Comprehensive Plan for the following reasons:

➤ **Objective 1.04. (Redevelopment and Infill Development) and Policy 1.04.01**

Objective 1.04 directs the City to “reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns.” This proposed project will help accomplish this objective as an infill development near the Amelia Island Parkway and 14th Street corridors. The Property is in a predominantly mixed-use area, including property immediately to the south zoned “Commercial Intensive” by the County.

To support such needed infill development, Policy 1.04.01 contemplates that the City can offer incentives such as “density or intensity bonuses.” Although the owner is not seeking additional density or intensity bonuses beyond what is allowed in the Land Development Code, Policy 1.04.01 demonstrates how the City is supposed to encourage—rather than shy away from—increased density in infill developments.

➤ **Objective 3.01 (Housing Supply and Demand) and Policy 3.01.02**

Under Objective 3.01, the City shall ensure that adequate sites are available to “meet the established demand, or until complete build-out of developable properties.” The City shall also encourage the private sector to “provide a suitable mixture and number of housing units” to meet existing and future demand. By annexing this Property and approving the RLM zoning, the City will increase the supply and diversify the type of housing available. The demand for a variety of housing options continues to rise, and this proposed project will help meet that demand.

➤ **Objective 1.06 (Community Character) and Policy 1.06.04**

This objective strives for the City to protect and promote quality of life to “encourage re-use, infill and new development.” The City, through its regulations, is mandated to “allow and encourage a range of housing patterns.” The proposed annexation and RLM zoning would help diversity the housing options for the City, which is dominated by older single-family homes on larger lots.

➤ **Objective 1.03 (Natural Resource Protection)**

Under this objective, the City shall direct “development densities and intensities to those areas having the greatest capacity for absorbing development” Here, the Property will add density to an existing mixed commercial/residential area, thereby decreasing the need to build housing in currently undeveloped areas.

In sum, we believe the proposed annexation, zoning, and land use designation of the Property is consistent with the City’s Comprehensive Plan provides an appropriate transition with the surrounding area and uses.

Please contact me if you have any questions or need additional information. Thank you for your time and consideration.

Sincerely,

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Elizabeth A. Moore, Esq.

Cc: Daphne Forehand (dforehand@fbfl.org)



NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Wednesday, August 9, 2023, at 5:00 p.m.** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida (Back-up Location will be Fernandina Beach Golf Course Club House located at 2800 Bill Melton Road) to consider the following:

1 SCRIVENERS ERROR/FUTURE LAND USE MAP AMENDMENT/ZONING CHANGE

SCRIVENERS ERROR – CORRECTING THE TITLE OF ORDINANCE 2023-0017 AND ORDINANCE 2023-0018 FROM 0.16 ACRES TO 0.30 ACRES OF LAND; PAB CASE 2023-0036: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM HIGH DENSITY RESIDENTIAL (HDR) AND ZONING DISTRICT OF R-3 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.16 0.30 ACRES OF LAND LOCATED ON N. 14TH STREET

2 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

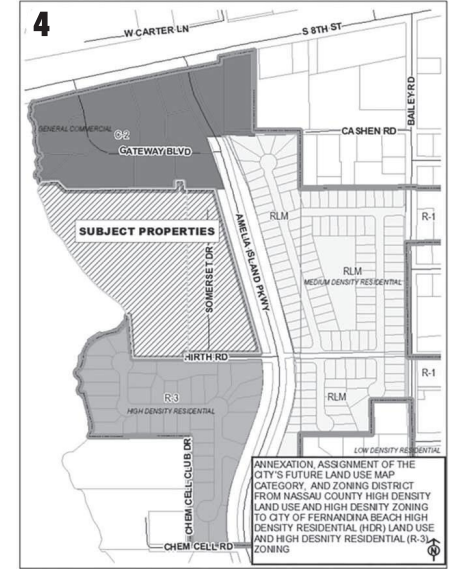
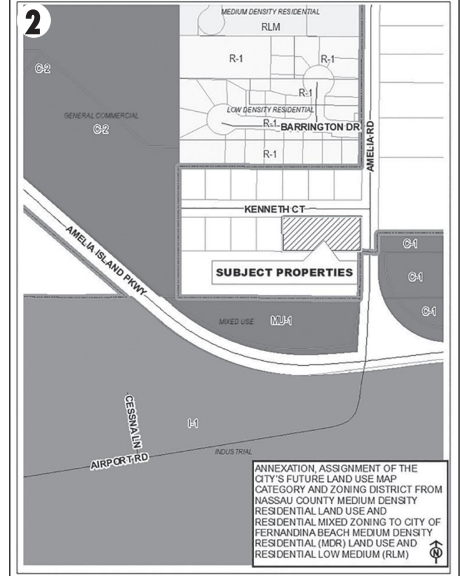
PAB CASE 2023-0043: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 766 KENNETH COURT, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM MEDIUM DENSITY, RESIDENTIAL MIXED TO CITY OF FERNANDINA BEACH MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW MEDIUM (RLM) ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 0.92 ACRES OF LAND

3 FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0044: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND ZONING DISTRICT OF R-2 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.46 ACRES OF LAND LOCATED AT CORNER OF UNIMPROVED N. 7TH STREET AND CALHOUN STREET AND MIDDLEBLOCK OF UNIMPROVED N. 7TH STREET

4 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0046: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 123 HIRTH ROAD AND 96030 SOMERSET DRIVE, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM HIGH DENSITY, RESIDENTIAL GENERAL TO CITY OF FERNANDINA BEACH HIGH DENSITY RESIDENTIAL (HDR) AND R-3 ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 20.89 ACRES OF LAND



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation. The PAB serves as a recommending committee. Every application is submitted to the City Commission for final decision making.
Copies of the applications may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. To make an appointment with a planner, please call 904-310-3480.



STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

**APPLICATION FOR FUTURE LAND USE MAP + ZONING AMENDMENTS
 CONSERVATION LANDS**

*** 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 Department of Planning and Conservation. ***

APPLICATION & SURROUNDING AREA INFORMATION:

PARCEL ID # AND PROPERTY OWNER:	00-00-31-1800-0068-0040 City of Fernandina Beach 00-00-31-1800-0068-0020 City of Fernandina Beach				
APPLICANT/AGENT:	City of Fernandina Beach				
REQUESTED ACTION:	Future Land Use Map Amendment and Zoning Map Change				
LOCATION AND DESCRIPTION OF SITE:	Corner of unimproved N. 7 th Street and Calhoun Street and midblock of unimproved N. 7 th Street				
CURRENT LAND USE + ZONING:	Medium Density Residential + R-2				
PROPOSED LAND USE + ZONING:	Conservation (CON) and Conservation (CON)				
EXISTING USES ON SITE:	Vacant Government				
PROPERTY SIZE:	0.46 acres				
ENVIRONMENTAL CHARACTERISTICS:	<u>Flood zone</u>	<u>Potential Wetlands</u>	<u>Avg. Topography</u>	<u>Soil Type</u>	<u>Coastal Upland Protection Zone</u>
	AE	n/a	2'	Kingsferry Fine Sand	No
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Vacant	n/a	CON	CON
	South	Vacant	n/a	CON	CON
	East	Residential	1988 and 1970	R-2	MDR
	West	Vacant	n/a	CON	CON
APPLICABLE COMPREHENSIVE PLAN POLICIES:	1.02.04 (FLUM amendments); 1.02.09 (smooth land use transition and buffering); 1.07.15 (conservation land use category); Objective 5.11 (Tree Preservation and Urban Forestry) specifically policy 5.11.09; 5.14.09 (LDC Standards for development of environmentally sensitive and				



STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

	conservation lands); 6.02.06 (level of service for parks); 6.02.07 (level of service for neighborhood parks) 10.06.01 (level of service for public schools) Reference: www.fbfl.us/Compplan
APPLICABLE LAND DEVELOPMENT CODE SECTIONS:	2.00.03 (Establishment of district boundary); 2.01.20 (CON zoning district); 4.05.00 (Landscaping, Buffers, and Tree Protection); 11.01.07 (Zoning Map Amendments); and 11.03.03 (Procedures for Action of the Planning Advisory Board) Reference: www.fbfl.us/LDC
STAFF RECOMMENDATION:	Staff finds the requested amendments to be sufficiently compliant with the Comprehensive Plan, Land Development Code, and established City Commission Goal to increase conservation land use and zoning acreage. Staff recommends approval of the request.

MOTION TO CONSIDER:

I move to recommend **(approval or denial)** of PAB case number 2023-0044 to the City Commission requesting that a Voluntary Annexation, Assignment of the Conservation (CON) land use category, and Conservation (CON) zoning district for 2 parcels of land located at on the corner of unimproved N. 7th and Calhoun Street and midblock of unimproved N. 7th Street be **(approved or denied)** and that PAB case 2023-0044, as presented, **(is or is not)** sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Respectfully Submitted by:

Daphne Forehand
Planner I



STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

PROPERTY LOCATION





STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

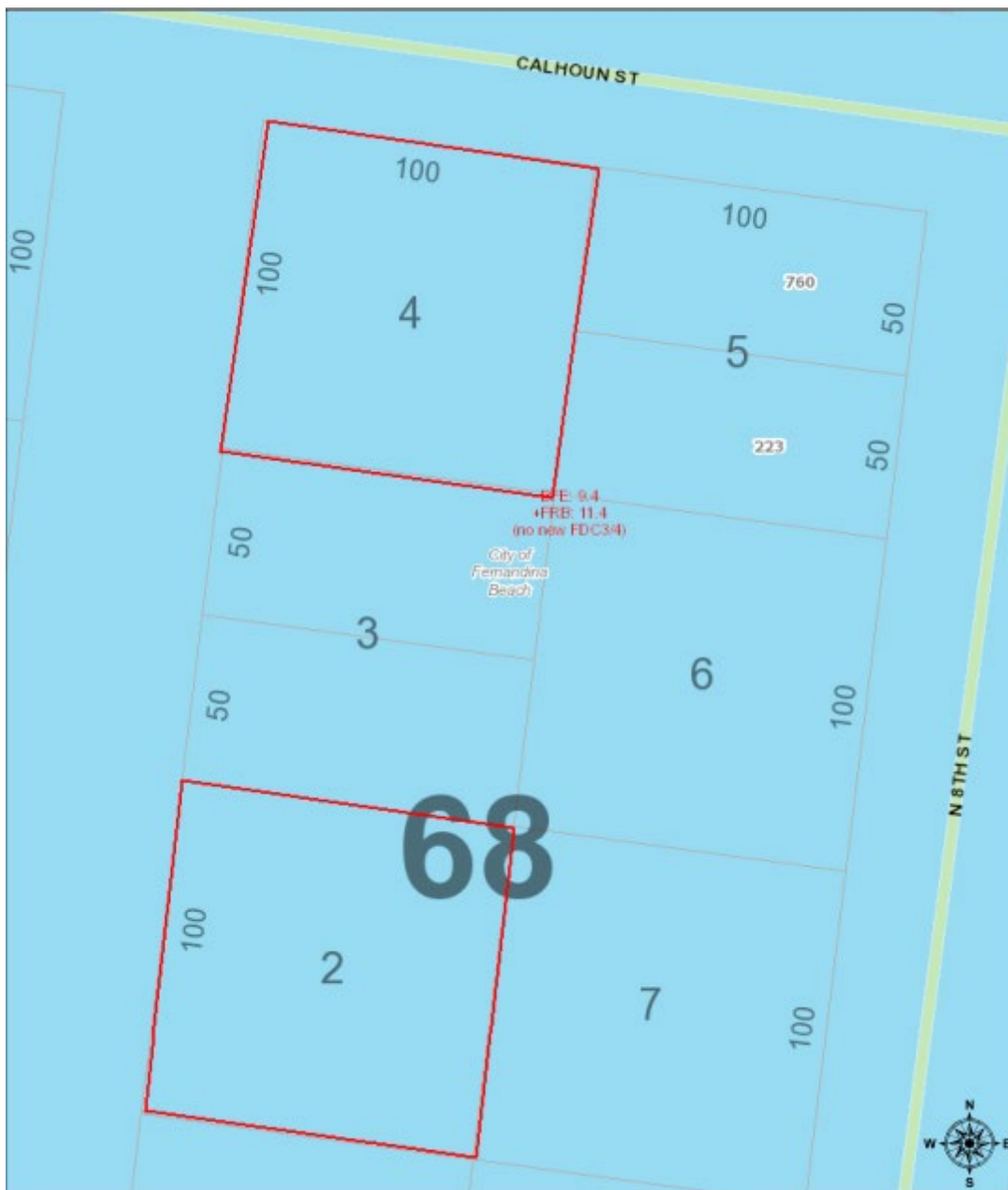
CURRENT LAND USE AND ZONING





STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

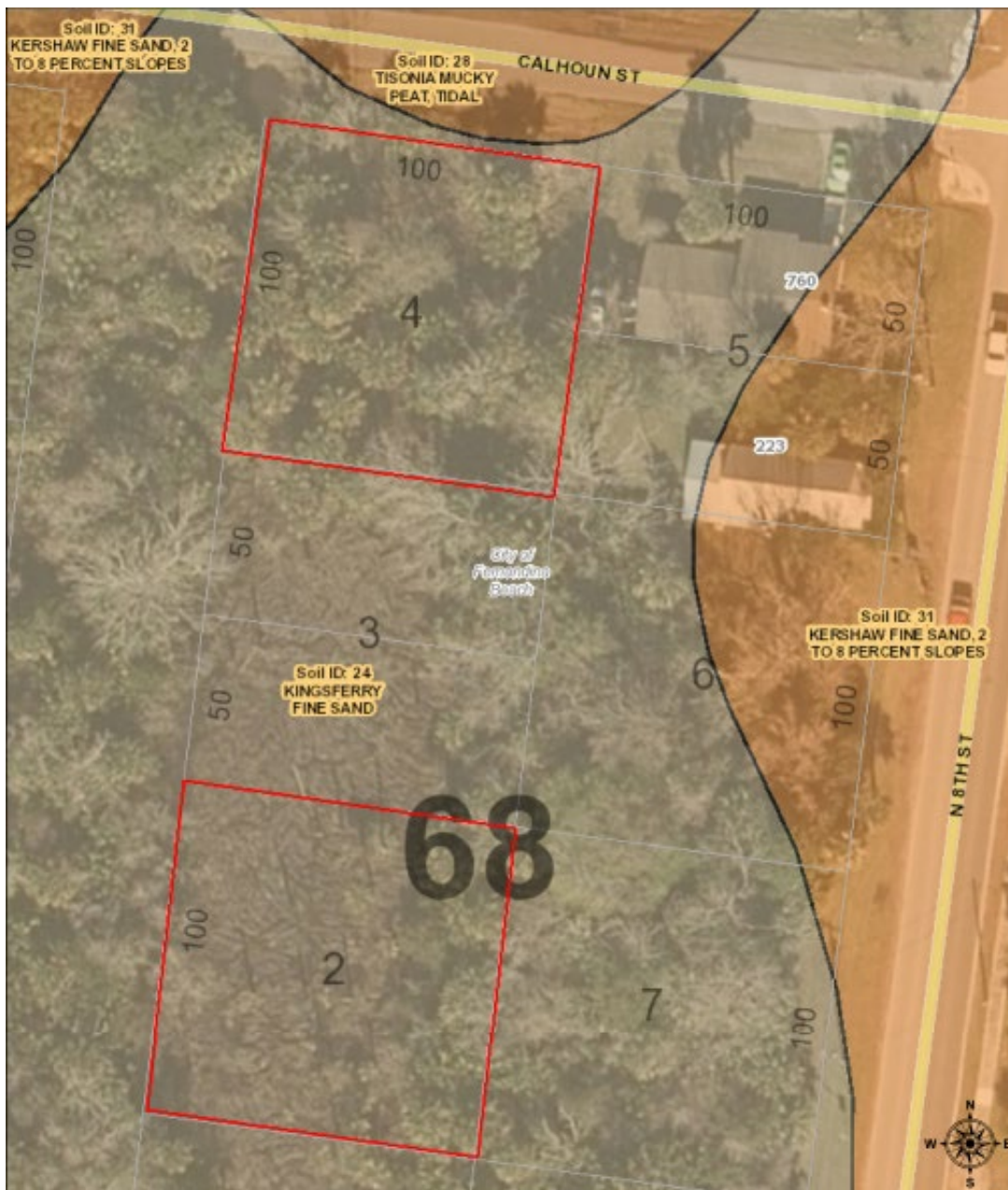
FLOODZONE





STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

SOILS





STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

TOPOGRAPHY





STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

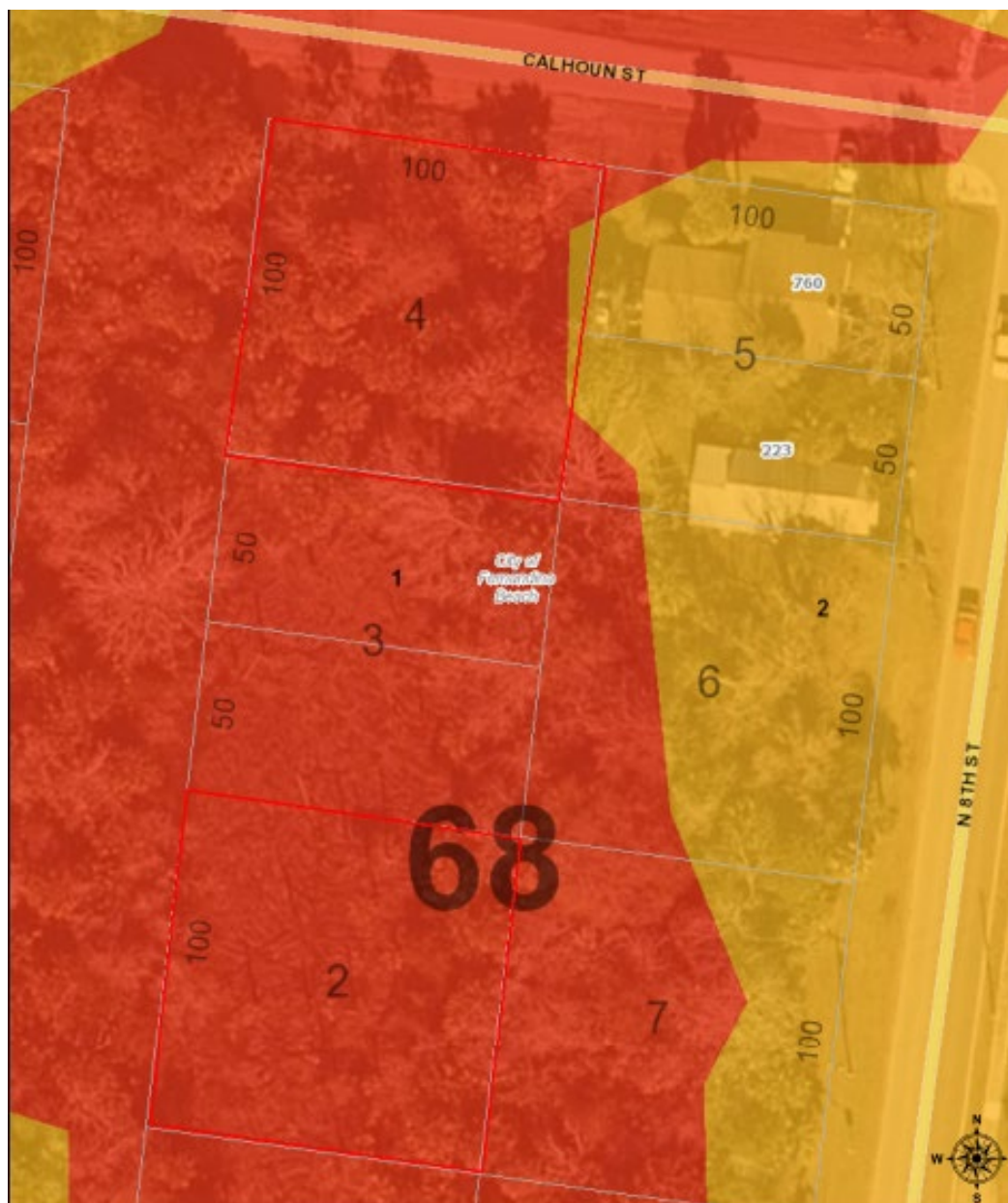
WETLANDS





STAFF REPORT
PAB 2023-0044
Planning Advisory Board Hearing
August 9, 2023

STORM SURGE ZONE (CATEGORY 3 ZONE)



Print

Planning Advisory Board (PAB) - Submission #11848

Date Submitted: 6/28/2023

Planning Advisory Board (PAB) Application

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

Fees
Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.
☒ Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)
☒ Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)
☐ LDC Text Amendment (\$1,500)
☐ Comp Plan Amendment (\$5,000)
☒ Subdivision Plat – Preliminary (≤ 20 units \$3,000 / > 20 units \$5,000)
☐ Subdivision Plat – Final (\$1,500)
☐ Vacation of R.O.W. (\$3,500)
☐ Small Cell Outside R.O.W. (per application) (\$500)
☒ Voluntary Annexation (\$2,000)
☐ Development of Regional Impact: Amend Development Order (\$1,500)
☐ New Telecommunications Structure (\$2,000)
☐ Revision to each PAB Application - 1/2 cost of original application fee (To offset additional display ad fee)

2023 Submission Deadlines + Meetings Calendar



IMPORTANT NOTES

Pre-Application Meeting

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

Please see the Land Development Code (LDC) for detailed information:
☐ LDC Text Amendment – see LDC Section 11.01.08.
☒ Preliminary Subdivision Plat – see LDC Section 11.01.05.
☐ Final Subdivision Plat – LDC Section 11.01.05.
☒ Zoning Map Changes – See LDC Section 11.01.07.

The LDC is available for review at

www.fhfl.us/LDC

Application Requirements
☒ A complete application filed at least forty-five (45) days before the date of the Planning Advisory Board's public hearing;
☒ Proof of Ownership (copy of deed or tax statement);
☒ A current survey of the property (no older than two years);
☒ If applying as an agent, Owner's Authorization for Agent Representation form needs to be signed/ notarized and included in application;
☒ A detailed letter of intent stating the following:
☒ o The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
☒ o A justification for the proposed amendment(s) or action(s).

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

Yes

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

6/15/2023

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

mm/dd/yyyy

hh:mm am/p

PROPERTY INFORMATION

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

Site Address*

766 Kenneth Court

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-30-0320-0003-0000; 00-00-30-0320-0001-0010; 00-00-30-0320-0001-0020; 00-00-30-0320-0002-0010; 00-00-30-0320-0002-0020; 00-00-30-0320-0003-0010

Lot*

1, 2, 3

Block*

n/a

Subdivision*

Kenneth Court

Zoning District*

R-2

Future Land Use Designation*

Medium Density Residential

REVIEW TYPE*

- | | |
|---|--|
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toddbates1@yahoo.com

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Applicant First Name*

Elizabeth

Applicant Last Name*

Moore

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Upload Supporting Documentation*

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DEPARTMENT OF PLANNING & CONSERVATION

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



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JACKSONVILLE, FLORIDA 32207
BETH.MOORE@SI-LAW.COM
P: 904-479-6425
F: 904-347-2738
SI-LAW.COM

June 28, 2023

VIA Email (kgibson@fbfl.org)

City of Fernandina Beach
Department of Planning & Conservation
Attn: Kelly Gibson, AICP
204 Ash Street
Fernandina Beach, Florida 32034

RE: Letter of Intent – 766 Kenneth Court

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Please contact me if you have any questions or need additional information. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Moore', is written over a light blue horizontal line.

Elizabeth A. Moore, Esq.

Cc: Daphne Forehand (dforehand@fbfl.org)

Prepared By and Return To:

David J. Heekin
Landmark Title, LLC
7220 Financial Way
Jacksonville, FL 32256

General Warranty Deed

Made effective the 27th day of May, 2022, by Carolyn Music, an unmarried woman, whose address is 85091 Christian Way, Apt #318, Yulee, FL 32097 hereinafter called the Grantor, to Pillumi Investments LLC, a Florida Limited Liability Company, whose address is 525 Wetherby Lane, St. Augustine, FL 32092, hereinafter called the Grantee:

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Nassau County, Florida, more particularly described as follows:

Lot 1, 2 and 3, Kenneth Court, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 50, of the Public Records of Nassau County, Florida.

Parcel ID Number: 00-00-30-0320-0003-0000

Subject to taxes accruing subsequent to December 31, 2021.

Subject to covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

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

To Have and to Hold, the same in fee simple forever.

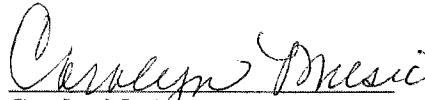
And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof, the Grantor has signed and sealed these presents the day and year written below.

Signed, sealed and delivered in our presence:


Witness 1 Signature

DONNIE FUSSELL
Witness 1 Printed Name

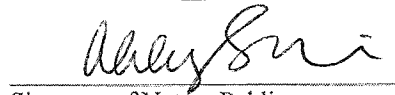

Carolyn Music

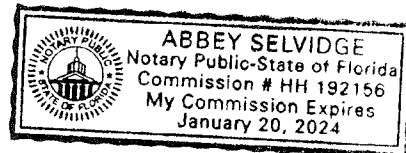

Witness 2 Signature

Abbey Selvidge
Witness 2 Printed Name

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me by means of (x) physical presence or () online notarization this 26th day of May, 2022, by Carolyn Music.


Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification: ☒ _____
Type of Identification
Produced: OL



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Pilumi Investments LLC, a Florida limited liability company
(print name of property owner(s))

hereby authorize: Elizabeth Moore of Sodl & Ingram PLLC
(print name of agent)

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

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


(Signature of owner)

Tony Zajni
(Print name of owner)

(Signature of owner)

(Print name of owner)

STATE OF FLORIDA

COUNTY OF NASSAU

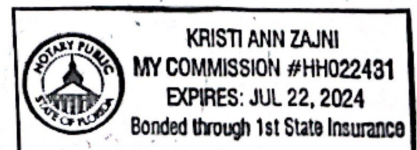
Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 25 day
of October, 2022, by Tony Zajni

Kristi Zajni
Notary Public

Kristi Zajni
Printed Name

7/22/24
My Commission Expires

Personally Known OR Produced Identification ID Produced:





NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Wednesday, August 9, 2023, at 5:00 p.m.** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida (Back-up Location will be Fernandina Beach Golf Course Club House located at 2800 Bill Melton Road) to consider the following:

1 SCRIVENERS ERROR/FUTURE LAND USE MAP AMENDMENT/ZONING CHANGE

SCRIVENERS ERROR – CORRECTING THE TITLE OF ORDINANCE 2023-0017 AND ORDINANCE 2023-0018 FROM 0.16 ACRES TO 0.30 ACRES OF LAND; PAB CASE 2023-0036: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM HIGH DENSITY RESIDENTIAL (HDR) AND ZONING DISTRICT OF R-3 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.16 0.30 ACRES OF LAND LOCATED ON N. 14TH STREET

2 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

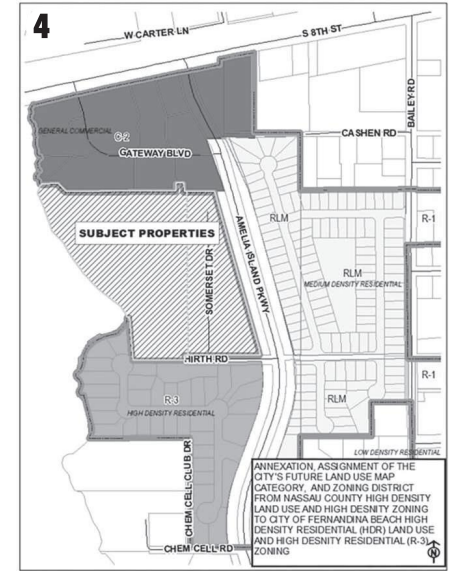
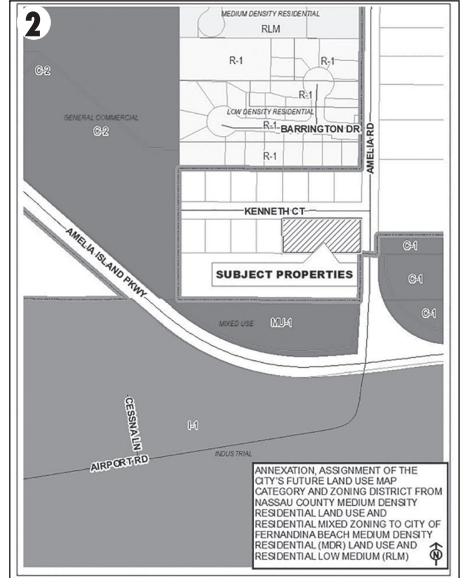
PAB CASE 2023-0043: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 766 KENNETH COURT, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM MEDIUM DENSITY, RESIDENTIAL MIXED TO CITY OF FERNANDINA BEACH MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW MEDIUM (RLM) ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 0.92 ACRES OF LAND

3 FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0044: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND ZONING DISTRICT OF R-2 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.46 ACRES OF LAND LOCATED AT CORNER OF UNIMPROVED N. 7TH STREET AND CALHOUN STREET AND MIDDLEBLOCK OF UNIMPROVED N. 7TH STREET

4 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0046: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 123 HIRTH ROAD AND 96030 SOMERSET DRIVE, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM HIGH DENSITY, RESIDENTIAL GENERAL TO CITY OF FERNANDINA BEACH HIGH DENSITY RESIDENTIAL (HDR) AND R-3 ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 20.89 ACRES OF LAND



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation. The PAB serves as a recommending committee. Every application is submitted to the City Commission for final decision making. Copies of the applications may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. To make an appointment with a planner, please call 904-310-3480.



APPLICATION FOR VOLUNTARY ANNEXATION, LAND USE AND ZONING
123 HIRTH ROAD/96030 SOMERSET DRIVE

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Marsh Cove Somerset LLC				
AGENT:	City of Fernandina Beach				
REQUESTED ACTION:	Voluntary Annexation, Assignment of a Future Land Use Map Category of High Density Residential (HDR) and High Density Residential (R-3) Zoning District				
LOCATION:	123 Hirth Road and 96030 Somerset Drive				
CURRENT ZONING:	Nassau County Residential General				
CURRENT LAND USE:	Nassau County High Density				
EXISTING USES ON SITE:	Marsh Cove and Somerset Apartments/Condos				
PROPERTY SIZE	Approximately 20.89 Acres of Land				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
WITHIN CITY LIMITS	North	Hotel/Gateway Commons	Varies	C-2	General Commercial
WITHIN CITY LIMITS	South	Riverbend/SF Homes	Varies	R-3	High Density Residential
WITHIN CITY LIMITS	East	Dunes of Amelia	Varies	RLM	Medium Density Residential
NASSAU COUNTY	West	Marsh	Varies	N/A	Agricultural

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of the required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Planning and Conservation Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The City of Fernandina Beach requests voluntary annexation for two parcels of land located at 123 Hirth Road and 96030 Somerset Drive and assignment of City Future Land Use Map Category of High Density Residential and corresponding Zoning District of R-3. *Resolution 2023-102* approved the extension of water and sewer services for these parcels which are contiguous to the municipal boundary along the northern/southern/eastern side of the parcels. The requested FLUM and zoning categories are consistent with the properties' existing Nassau County land use and zoning assignments. There are 120 units at Marsh Cove and 56 units at Somerset resulting in a total of 176 units for both parcels. The existing Nassau County Zoning and FLUM allows for a maximum of 12 dwelling units per acre. The proposed zoning and FLUM (R-3, High Density Residential) allows for a maximum of 10 dwelling units per acre.

The calculation of net density defines the number of permissible dwelling units. It is based on the definition for net density provided in the Comprehensive Plan. Net Density includes terms for calculating the "net buildable land area" and inclusion of 1/2 of the adjoining public rights-of-way (ROW). The site acreage calculated based



on the City's definition of net density can only accommodate a maximum of 214 dwelling units. The net density calculation of the site breaks down as follows:

MARSH COVE AND SOMERSET		CALCULATED NET DENSITY	
PRIVATE PROPERTY AREA TOTALS:		909968.4	sq. ft.
<i>Plus half of the adjoining rights-of-way (ROW)</i>			
+ Hirth Road side 30 ft. x 315 ft. =		9,450	sq. ft.
+ Hirth Road side 30 ft. x 437 ft. =		13,110	sq. ft.
ROW AREA TOTALS:		22,560	sq. ft.
Total Net Buildable Land Area (<i>plus 1/2 the ROW</i>)		932,528	sq. ft.
10 dwelling units per acres		/4,356	sq. ft.
TOTAL DWELLING UNITS:		214	units (<i>rounded down</i>)

CONSISTENCY WITH THE COMPREHENSIVE PLAN / LAND DEVELOPMENT CODE:

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the municipal boundary. The area is a logical extension of urban development, and any development or redevelopment can achieve full compliance with the City's Land Development Code and Comprehensive Plan. The City can serve this property and meet or exceed all levels of service required by Comprehensive Plan policies referenced herein.

<i>Applicable Policy Reference</i>	<i>Determination of Consistency</i>
CP 1.02.02	√
CP 1.02.03	√
CP 1.02.04	√
CP 1.02.10	√
CP 1.03.01	√
CP 1.04.03	√
CP 1.07.09	√
CP 4.01.01	√
CP 4.01.02	√
LDC 2.01.12	√
LDC11.01.07	√

CONCLUSION AND STAFF RECOMMENDATIONS:

The requested action is consistent with the City's Comprehensive Plan and the Land Development Code. Staff recommends approval of the voluntary annexation, assignment of the **High Density Residential (HDR) FLUM** category, and **High Density Residential (R-3) Zoning District**. Following the recommendation of the Planning Advisory Board (PAB), the application will move forward to the City Commission in the form of three separate ordinances at a public hearing anticipated for September 19th, 2023.



STAFF REPORT
PAB 2023-0046 (AX, LU, CZ)
Planning Advisory Board Hearing
August 9, 2023

Daphne Forehand
Planner I

MOTION TO CONSIDER:

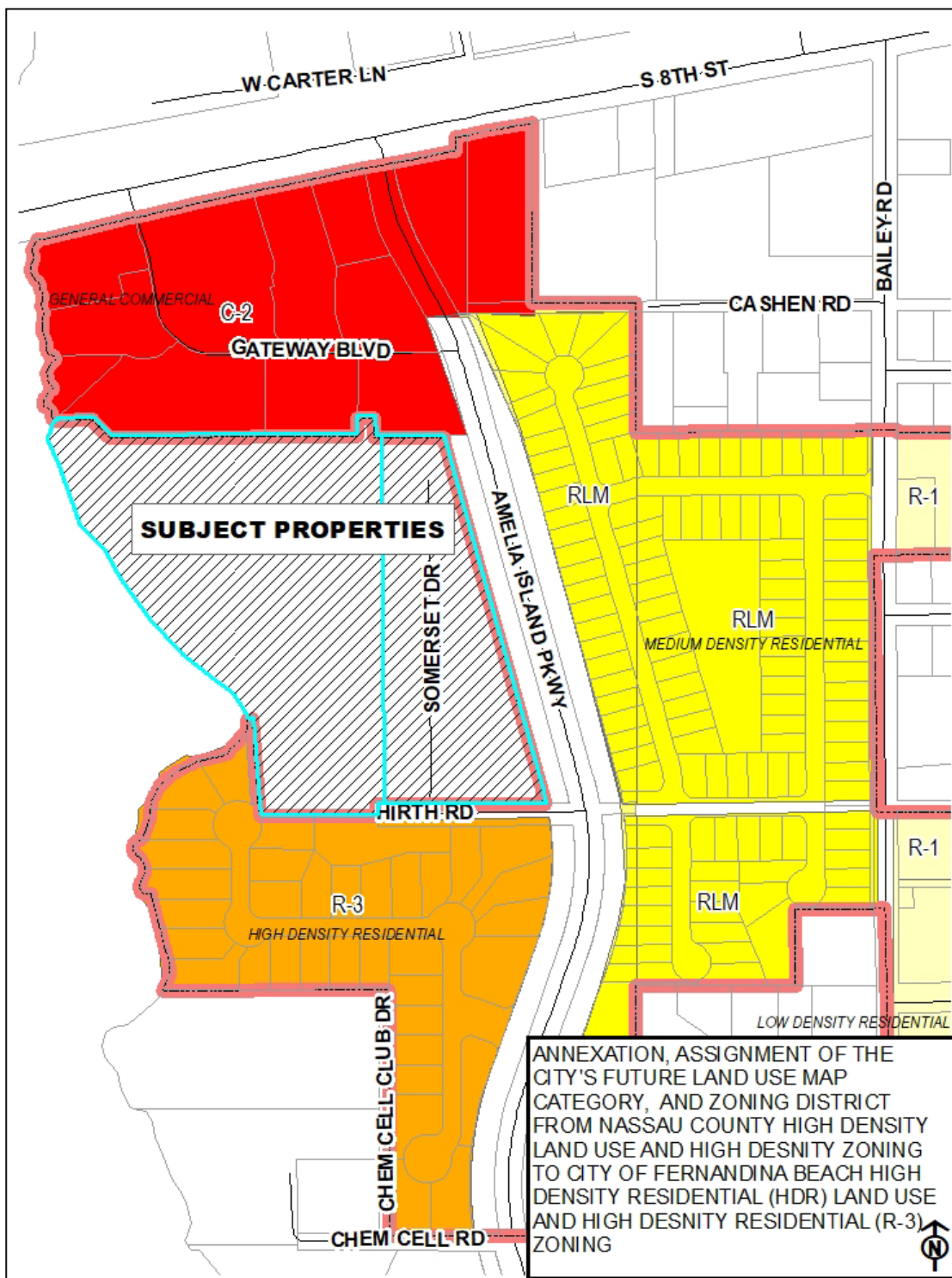
I move to recommend (approval or denial) of **PAB case number 2023-0046** to the City Commission requesting that a Voluntary Annexation, Assignment of the High Density Residential (HDR) land use category, and High Density Residential (R-3) zoning district for properties located at 123 Hirth Road and 96030 Somerset Drive be (approved or denied) and that **PAB case 2023-0046**, as presented, (is or is not) sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Respectfully submitted,

Daphne Forehand
Planner I



EXHIBIT A



Print

Planning Advisory Board (PAB) - Submission #11932

Date Submitted: 7/13/2023

Planning Advisory Board (PAB) Application

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

Fees

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

- ☒ Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)
- ☒ Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)
- ☐ LDC Text Amendment (\$1,500)
- ☐ Comp Plan Amendment (\$5,000)
- ☐ Subdivision Plat – Preliminary (≤ 20 units \$3,000 / > 20 units \$5,000)
- ☐ Subdivision Plat – Final (\$1,500)
- ☐ Vacation of R.O.W. (\$3,500)
- ☐ Small Cell Outside R.O.W. (per application) (\$500)
- ☒ Voluntary Annexation (\$2,000)
- ☐ Development of Regional Impact: Amend Development Order (\$1,500)
- ☐ New Telecommunications Structure (\$2,000)
- ☐ Revision to each PAB Application - 1/2 cost of original application fee (To offset additional display ad fee)

2023 Submission Deadlines + Meetings Calendar



IMPORTANT NOTES

Pre-Application Meeting

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

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

- ☐ LDC Text Amendment – see LDC Section 11.01.08.
- ☐ Preliminary Subdivision Plat – see LDC Section 11.01.05.
- ☐ Final Subdivision Plat – LDC Section 11.01.05.
- ☒ Zoning Map Changes – See LDC Section 11.01.07.

The LDC is available for review at

www.flhfl.us/LDC

Application Requirements

- ☐ A complete application filed at least forty-five (45) days before the date of the Planning Advisory Board's public hearing;
- ☐ Proof of Ownership (copy of deed or tax statement);
- ☐ A current survey of the property (no older than two years);
- ☐ If applying as an agent, Owner's Authorization for Agent Representation form needs to be signed/ notarized and included in application;
- ☐ A detailed letter of intent stating the following:
 - ☐ o The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - ☐ o A justification for the proposed amendment(s) or action(s).

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

Yes

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

6/29/2023

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

mm/dd/yyyy

hh:mm am|p

PROPERTY INFORMATION

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

Site Address*

125 Hirth Street / 96030 Somerset Drive

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-30-044B-0084-0010

Lot*

Various

Block*

S-1

Subdivision*

Somerset

Zoning District*

R-1G

Future Land Use Designation*

High Density Residential

REVIEW TYPE*

- | | |
|---|--|
| ☒ Zoning Map Amendment ≤ 10 acres | ☐ Subdivision Plat – Preliminary > 20 units |
| ☐ Zoning Map Amendment > 10 acres | ☐ Subdivision Plat – Final |
| ☐ LDC Text Amendment | ☐ Vacation of R.O.W. |
| ☐ Comp Plan Amendment | ☐ Voluntary Annexation |
| ☐ Subdivision Plat – Preliminary ≤ 20 units | ☐ Revision to PAB Application |

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Marsh Cove

Last Name*

/Somerset

Company (if applicable)

Marsh Cove Somerset LLC

Mailing Address*

3190 Northeast Expressway, Suite 400

City*

Atlanta

State*

GA

Zip*

30341

Telephone Number*

904-310-3480

Email Address*

planninginfo@fbfl.city

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

Charlie George

Last Name

City of Fernandina Beach

Mailing Address

204 Ash Street

City

Fernandina Beach

State

FL

Zip

32034

Telephone Number

904-310-3480

E-mail Address

planninginfo@fbfl.city

PROJECT INFORMATION

Previous Planning/Zoning Approvals

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

Voluntary Annexation FLUM amendment Zoning Map Amendment Property contiguous to City properties

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.

I/We understand that the City Staff may install a Notice of Hearing sign on the property 14 days before the scheduled hearing and that the sign must only be removed after the hearing by City Staff, unless, the applicant or property owner brings the Notice of Hearing back to City Hall.

Applicant First Name*

Charlie

Applicant Last Name*

George

Today's Date*

7/13/2023

Upload Supporting Documentation*

City of FB logo NEW.pdf

City of FB logo NEW
Reflex

Upload 2
 No fi...osen

Upload 3
 No fi...osen

Upload 4
 No fi...osen

DEPARTMENT OF PLANNING & CONSERVATION

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

RESOLUTION 2023-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE EXTENSION OF WASTEWATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE HUNDRED-TWENTY-ONE (121) PARCELS CONTAINING APPROXIMATELY 20.89 ACRES OF LAND LOCATED AT 123 HIRTH ROAD AND 96030 SOMERSET DRIVE, ALSO IDENTIFIED AS MARSH COVE AND SOMERSET APARTMENTS/CONDOS; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property owner, Marsh Cove Somerset LLC, completed the City of Fernandina Beach Voluntary Annexation Petition/Water/Wastewater Annexation Agreement Application pursuant to Chapter 171.044, Florida Statutes, for one-hundred-and-twenty-one (121) parcels containing approximately 20.89 acres located at 123 Hirth Road and 96030 Somerset Drive, identified with Parcels listed in Exhibit A; and

WHEREAS, staff determined the request is consistent with the City's Municipal Code Sections 82-44 and 82-403, its Comprehensive Plan, and Land Development Code; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to provide wastewater services to the subject property.

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

SECTION 1. The City Commission hereby authorizes the extension of wastewater services to the property owners identified whose property is located outside the corporate limits of the City at 123 Hirth Road and 96030 Somerset Drive and identified as Parcels listed and attached hereto as Exhibit A, and approves the Voluntary Annexation Petition, attached hereto as Exhibit B.

SECTION 2. The City Commission hereby authorizes the City Clerk and Interim City Manager to execute said petition on behalf of the City of Fernandina Beach.

SECTION 3. The City Clerk is hereby directed to record the petition in the public records of Nassau County, Florida, as required by Ordinance No. 2001-01.

SECTION 4. This Resolution shall be effective immediately upon passage.

ADOPTED this 20th day of June, 2023.

CITY OF FERNANDINA BEACH



BRADLEY M. BEAN
Commissioner - Mayor

ATTEST:



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

96030 SOMERSET DRIVE – SOMERSET APARTMENTS/CONDOS (6.83 ACRES)





MARSH COVE SOMERSET LLC	123 HIRTH RD 904	FERNANDINA BEACH, FL 32034	00-00-30-0385-0052-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY SUITE 400	ATLANTA, GA 30341
RDM PROPERTIES OF FERNANDINA	123 HIRTH RD 1507	FERNANDINA BEACH, FL 32034	00-00-30-0385-0083-0000	00-00-30-0385-0000-0000	LLC 2504 VIA DEL REY	FERNANDINA BEACH, FL 32034
SARTIN NANCY A &	123 HIRTH RD 2002	FERNANDINA BEACH, FL 32034	00-00-30-0385-0110-0000	00-00-30-0385-0000-0000	RICHARDSON MICHAEL L (W&H) 3568 VICTORIA DRIVE	VALDOSTA, GA 31605
STILLWELL BILLIE D F LIV TRUST	123 HIRTH RD 1807	FERNANDINA BEACH, FL 32034	00-00-30-0385-0103-0000	00-00-30-0385-0000-0000	C/O BILLIE D F STILLWELL 27 S 5TH STREET	FERNANDINA BEACH, FL 32034
T-HIBAUT J PAUL	123 HIRTH RD 2001	FERNANDINA BEACH, FL 32034	00-00-30-0385-0109-0000	00-00-30-0385-0000-0000	123 HIRTH RD #2001	FERNANDINA BEACH, FL 32034
MARSH COVE SOMERSET LLC	96030 SOMERSET DR	FERNANDINA BEACH, FL 32034	00-00-30-044b-0084-0010	00-00-30-0443-0084-0010	3190 NORTHEAST EXPRESSWAY SUITE 400	ATLANTA, GA 30341

**Resolution 2023-102
Amended Exhibit "B"**

**CITY OF FERNANDINA BEACH
VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION**

THIS VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION dated this 9th day of May, 2023 by and between the CITY OF FERNANDINA BEACH, a municipal corporation, (hereinafter referred to as "City"); and Marsh Cove Somerset LLC (hereinafter collectively referred to as the "Applicants").
Marsh Cove HOA LLC

WHEREAS, this Annexation Agreement/ Petition for Annexation (hereinafter referred to as "Agreement") shall be considered entered into upon execution, where the actual annexation of land shall occur once the subject property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such annexation, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission and the Applicants, as contained in this Agreement; and

WHEREAS, the Applicants collectively, are the owners of record of the parcel of land known and described as follows, comprising the property which is the subject of this Agreement (the "Property"):

PARCEL ID#: _____

GENERALLY DESCRIBED AS: 176 Apartment Homes

ADDRESSED AS: 123 W. Hirth Rd.

See Attached Exhibit "A"

WHEREAS, the covenants and acknowledgments contained herein have been made in consideration of annexation into the City of Fernandina Beach of the above described Property; and

WHEREAS, it is the desire of the City to provide for appropriate use of the Property; and

WHEREAS, the Applicants are willing to have the Property annexed to the City and the City desires and believes that it would be in the best interest of the City to annex the Property, which is located outside the corporate limits of the City in Nassau County, Florida, at such time as the Property become contiguous; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and acknowledgments stated herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date:** This Agreement shall become effective upon execution.
2. **Execution:** The parties hereto agree to execute any and all such documents as are reasonably necessary to carry out the terms and provisions of this Agreement.
3. **Binding Effect:** The parties hereto do covenant and agree that this Agreement and its Exhibits, shall be binding on their successors and assigns, including the political subdivisions as the City of Fernandina Beach.
4. **Water and/or Sanitary Sewer:** The Applicants shall be permitted to connect to the City's sanitary sewer system at a point determined by the City. The Applicants shall also be responsible for payment to the City of any and all applicable fees that are assessable under City Ordinance and State Law. Upon connecting to the City's sanitary sewer system, the Applicants will have up to ten (10) years to also connect to the City's potable water system.

City of Fernandina Beach, Department of Planning & Conservation · 204 Ash Street Fernandina Beach, FL 32034

P: 904.310.3480 – Email: PlanningInfo@fbfl.city – www.fbfl.us

5. Land Use and Zoning: Upon Annexation of the Property, and until the adoption by the City Commission of the City's Comprehensive Plan and zoning district for the Property, the Comprehensive Plan (including future land use) and zoning ordinances and regulations shall remain in full force and effect for the Property, and shall be enforced by the City. The City shall adopt the future land use designation and zoning district for the Property that most closely approximate to the current Nassau County future land use designation and zoning district for the Property regarding allowable uses and development standards.

6. Governing Law: The laws of the State of Florida shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

7. Entire Agreement: The parties hereto acknowledge that this Agreement constitutes the sole agreement between the parties; that all prior proposals and agreements, whether oral or written, are hereby superseded; and that this Agreement may not be changed, altered or modified except in writing and signed by the parties hereto. The parties hereto further acknowledge that, in entering into this Agreement, each party has not been induced by, has not relied upon, and has not included as part of the basis of the bargain herein, any representation or statement, whether expressed or implied, made by any agent, representative or employee, which representation or statement is not approved by the other at any public hearing or work session of the City Commission or otherwise made as part of the official public record in the proceedings related to this Agreement. This Agreement binds the Applicants' Property to being annexed into the City once the Property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such agreement, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission.

8. Default: In the event either of the parties default in the performance of the obligations set forth in this Agreement, then the other may, upon notice to defaulting party, allow the defaulting party sixty (60) days to cure the default or provide evidence to the non-defaulting party that such default will be cured in a timely manner if it cannot be cured during said period. If the defaulting party fails to cure such default or provide such evidence as provided above, then, with notice to defaulting party, the other party may begin proceedings to require specific performance of this Agreement or bring suit for damages for breach of the Agreement. The prevailing party shall be entitled to a reasonable attorney's fee for having brought such action.

8. Recording: This Agreement shall run with the land and a copy of this Agreement for Annexation shall be filed and recorded by the City Clerk's Office with the Nassau County Clerk of Circuit Court.

IN WITNESS WHEREOF, the City and Applicant(s) have caused this instrument to be executed by their respective proper parties duly authorized to execute the same on the day and the year first above written.

CITY OF FERNANDINA BEACH

ATTEST:



CHARLIE GEORGE
Deputy City Manager



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

T.E.B.

TAMMI E. BACH
City Attorney

APPLICANT(S)

By: *Andrew Alexander*
Applicant *Andrew Alexander*
Marsh Cove Somerset LLC, Manager
Marsh Cove HOA LLC, President

By: _____
Applicant

STATE OF ~~FLORIDA~~ *GA* }
COUNTY OF ~~NASSAU~~ *DeKalb* }
SS }

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,

this *9th* day of *May*, 20 *23*,

by _____.

Stacie Nefos
Notary Public

Stacie Nefos
Printed Name

Stacie Nefos
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires
09/28/2023
My Comm. Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

EXHIBIT A

NASSAU COUNTY PROPERTY APPRAISER
PARCEL REPORT

5/31/23, 12:13 PM

Property Search Results

A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY
PROPERTY APPRAISER

PROPERTY INFORMATION

Parcel Number 00-00-30-0385-0053-0000

Owner Name

MARSH COVE SOMERSET LLC

Mailing Address

3190 NORTHEAST EXPRESSWAY

SUITE 400

ATLANTA, GA 30341

Location Address

123 HIRTH RD (UNIT) 1001

FERNANDINA BEACH 32034

Tax District

006 UNINCORPORATED MIDDLE ISLAND

Milage

15.2563

Homestead

No

Property Usage

CONDOMINIU 000400

Deed Acres

0

Short Legal

UNIT 53 PT OR 1830/1174 MARSH COVE CONDO OR482/645 682

2022 Certified Values

Land Value

\$0

(+) Improved Value

\$131,250

(=) Market Value

\$131,250

(-) Agricultural Classification

\$0

(-) SOH or Non-Hx* Capped Savings

\$58,616

(=) Assessed Value

\$72,634

(-) Homestead

\$0

(-) Additional Exemptions

\$0

(=) School Taxable Value

\$131,250

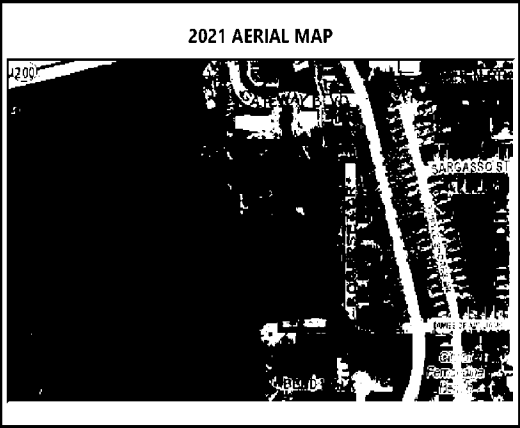
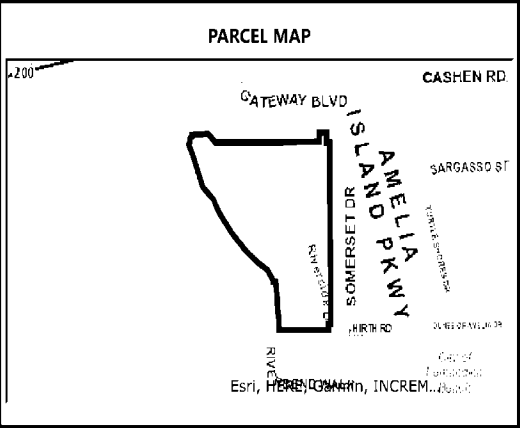
(-) Non-School HX & Other Exempt Value

\$0

(=) County Taxable Value

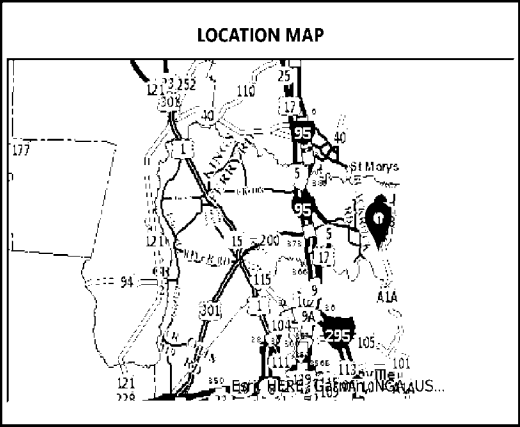
\$72,634

Note - *10% Cap does not apply to School Taxable Value



PROPERTY PHOTO

If this picture is incorrect, please email info@nassauflpa.com



BUILDING INFORMATION								
Type	Total Area	Heated Area	Bedrooms	Baths	Primary Exterior	Secondary Exterior	Heating	Cooling
CONDOMINIU	1050	1050	2	1.5				1974

MISCELLANEOUS INFORMATION			
Description	Dimensions L X W	Units	Year Built

5/31/23, 12:13 PM

Property Search Results

SALES INFORMATION							
Sale Date	Book Page	Price	Instr	Qual	Imp	Grantor	Grantee
2012-12-12	1830 / 1174	\$6,400,000	WD	Q	Y	PHILLIPS KEITH P P/R	MARSH COVE SOMERSET LLC
2012-12-07	1830 / 1180	\$100	QC	U	Y	PHILLIPS MONICA D	MARSH COVE SOMERSET LLC
2012-04-03	1789 / 1086	\$1,155,800	WD	U	Y	PHILLIPS MONICA D	THE ESTATE OF KERMIT G PHILLIPS II
2012-04-03	1787 / 1138	\$1,155,800	WD	U	Y	G PARTNERSHIP LP	PHILLIPS MONICA D
2010-08-12	1707 / 1139	\$623,500	WD	U	Y	TCA LLC	G PARTNERSHIP LP
2009-05-29	1622 / 1420	\$1,348,400	WD	U	Y	MC GROUP HOLDINGS LLC	TCA LLC
2009-05-29	1622 / 1418	\$100	WD	U	Y	MARSH COVE LEASING LLC	TCA LLC
2008-12-23	1598 / 457	\$100	WD	U	Y	THE AMELIA GROUP LLC	MC GROUP HOLDINGS LLC
2008-12-23	1598 / 448	\$100	QC	U	Y	SCHROEDER DONALD J	THE AMELIA GROUP LLC
2007-09-19	1526 / 68	\$185,000	TD	U	Y	GRIFFITHS GABRIELA &	THE AMELIA GROUP LLC
2001-05-07	984 / 1812	\$100	WD	U	Y	GRIFFITHS GABRIELA	GRIFFITHS GABRIELA & FRANCES T TRUSTEES
2000-02-02	917 / 1800	\$57,000	WD	U	Y	ERICKSON JUDITH A	GRIFFITHS GABRIELA
2000-02-02	917 / 1799	\$48,900	WD	Q	Y	CARTER NANCY S	ERICKSON JUDITH A
1989-08-01	575 / 1081	\$57,900	WD	Q	Y	ATLANTIC LAND & DEV	CARTER NANCY S

6/7/23 1:20 PM

Property Search Results



A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY
PROPERTY APPRAISER





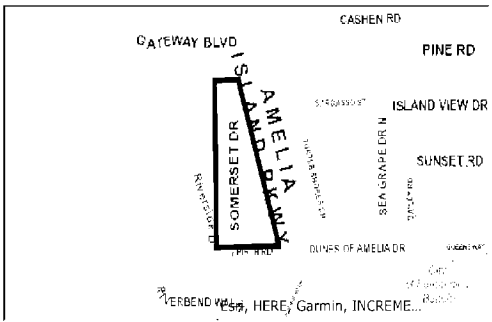
PROPERTY INFORMATION
Parcel Number 00-00-30-044B-0084-0010
Owner Name MARSH COVE SOMERSET LLC
Mailing Address 3190 NORTH-EAST EXPRESSWAY SUITE 400 ATLANTA, GA 30341
Location Address 96030 SOMERSET DR FERNANDINA BEACH 32034
Tax District 008 UNINCORPORATED MIDDLE ISLAND
Millage 15.2563
Homestead No
Property Usage MULTI-FAM 00C300
Deed Acres 0
Short Legal S-1 OF LOTS 84-86 IN OR 18301/174 PT ABND R/W RES #2007-175

2022 Certified Values

Land Value	\$0
(+) Improved Value	\$5,550,306
(=) Market Value	\$5,550,306
(+) Agricultural Classification	\$0
(+) SOH or Non-Hx* Caped Savings	\$2,273,975
(=) Assessed Value	\$3,276,331
(+) Homestead	\$0
(+) Additional Exemptions	\$0
(=) School Taxable Value	\$5,550,306
(+) Non-School HIX & Other* Exempt Value	\$0
(=) County Taxable Value	\$3,276,331

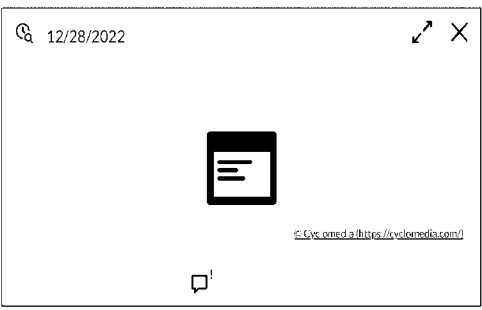
Note: +10% Cap does not apply to School Taxable Value



PARCEL MAP

2021 AERIAL MAP

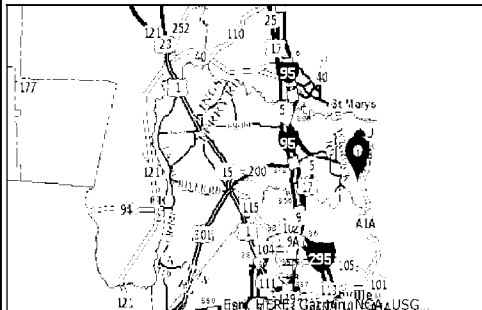
PROPERTY PHOTO



12/28/2022

<https://vclonmedia.com/>

If this picture is incorrect, please email info@nassauflpa.com

LOCATION MAP

BUILDING INFORMATION										
Type	Total Area	Heated Area	Bedrooms	Baths	Primary Exterior	Secondary Exterior	Heating	Cooling	Actual Year Built	Building Sketch
APARTMENT	4656	4160	2	2	AVERAGE		AIR DUCTED	FORCED AIR	2001	
APARTMENT	4120	3640	2	2	AVERAGE		AIR DUCTED	FORCED AIR	2001	
APARTMENT	4672	4160	2	2	AVERAGE		AIR DUCTED	FORCED AIR	2001	

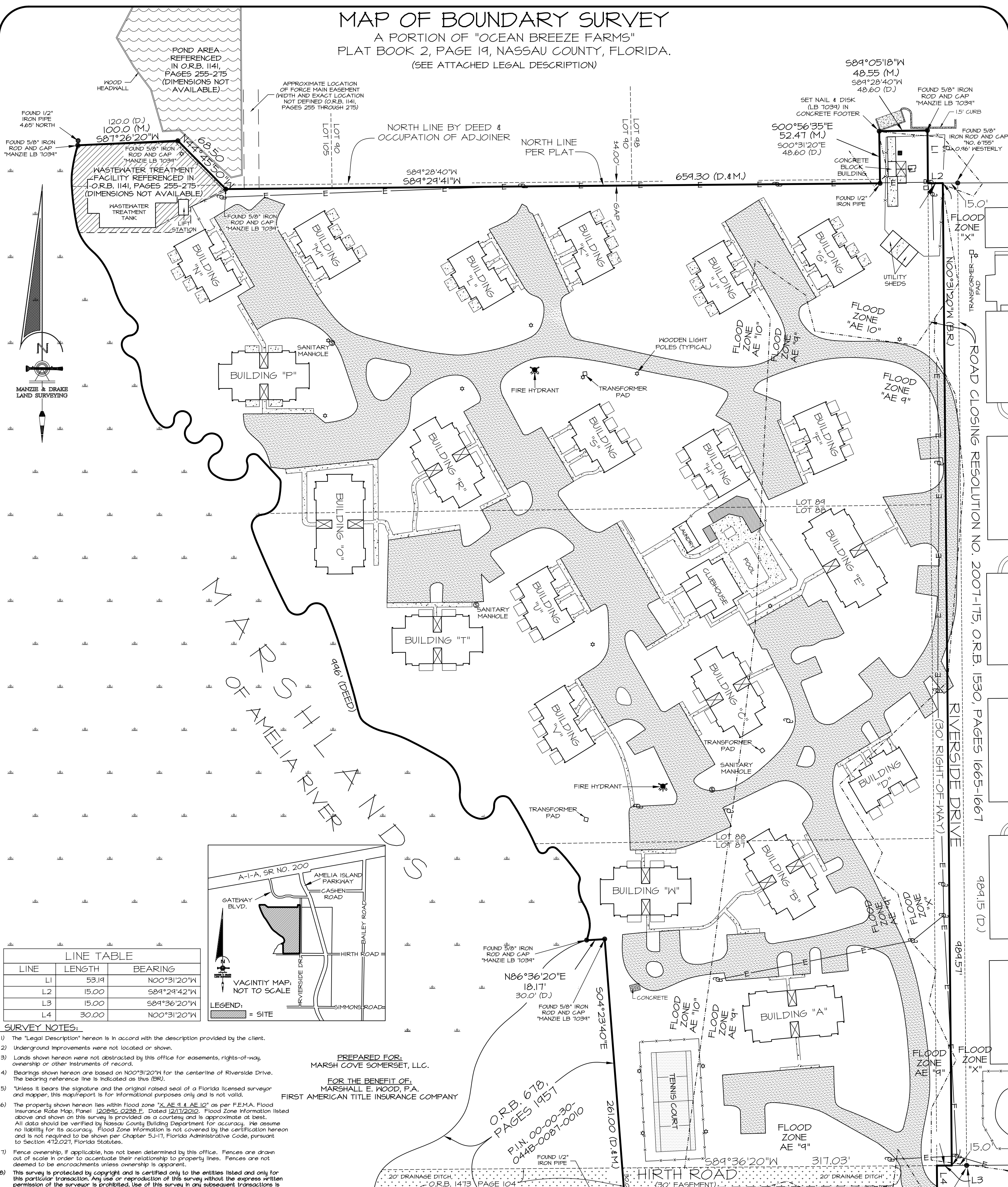
MISCELLANEOUS INFORMATION

6/7/23, 1:20 PM		Property Search Results			
		Description	Dimensions L X W	Units	Year Built
		ASPHALT C	0 X 0	73236	2001
		ASPHALT C	0 X 0	8795	2001
		CL FNC 4"	0 X 0	1539	2001
		CONC BUMPE	0 X 0	142	2001
		FENCE GATE	0 X 0	6	2001

SALES INFORMATION							
Sale Date	Book Page	Price	Instr	Qual	Imp	Grantor	Grantee
2013-01-01	<u>979</u>	\$2,500,000	DR	U	Y		
2012-12-12	<u>1830 / 1174</u>	\$6,400,000	WD	U	Y	TAG-S LLC	VARSH COVE SOMERSET LLC
2006-05-03	<u>1409 / 720</u>	\$6,131,400	WD	U	Y	TCA LLC	TAG-S LLC
2000-07-10	<u>939 / 1530</u>	\$235,000	WD	Q	N	ATC PARTNERSHIP	BEL-G LLC

MAP OF BOUNDARY SURVEY

A PORTION OF "OCEAN BREEZE FARMS"
PLAT BOOK 2, PAGE 19, NASSAU COUNTY, FLORIDA.
(SEE ATTACHED LEGAL DESCRIPTION)

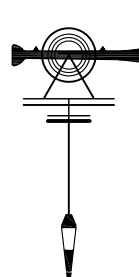


LINE TABLE		
LINE	LENGTH	BEARING
L1	53.19	N00°31'20"W
L2	15.00	S89°29'42"E
L3	15.00	S89°36'20"W
L4	30.00	N00°31'20"W

- SURVEY NOTES:**
- The "Legal Description" hereon is in accord with the description provided by the client.
 - Underground Improvements were not located or shown.
 - Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
 - Bearings shown hereon are based on N00°31'20"W for the centerline of Riverside Drive. The bearing reference line is indicated as thus (B.R.).
 - Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.
 - The property shown hereon lies within flood zone "X, AE 1 & AE 10" as per F.E.M.A. Flood Insurance Rate Map, Panel 12082C 0228E, Dated 12/17/2010. 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 472.021, Florida Statutes.
 - Fence ownership, if applicable, has not been determined by this office. Fences are drawn out of scale in order to accentuate their relationship to property lines. Fences are not deemed to be encroachments unless ownership is apparent.
 - This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

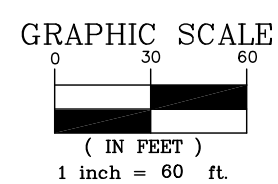
THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.021, FLORIDA STATUTES.

MICHAEL A. MANZIE, P.L.S. 4069



MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5717
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

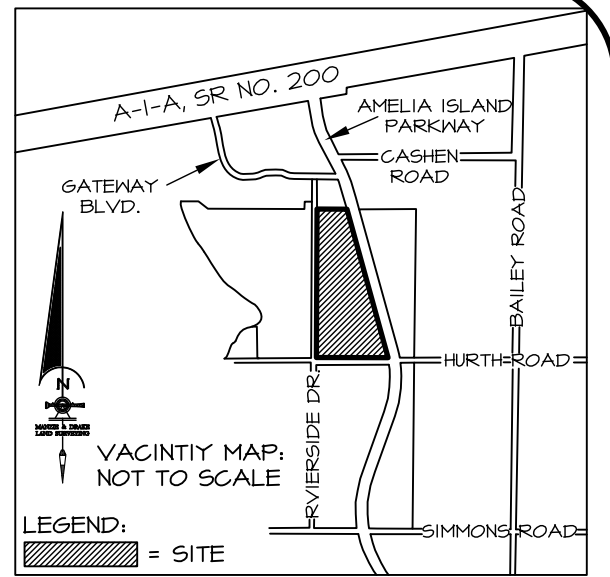


SCALE: 1"=60' JOB NO: 16638 DATE: 11/8/12 CADD: JRYALS
F.B. NO: X-208 PAGE NO: 12-18 FIELD CREW: CK FILE NO: B-241-MC2012

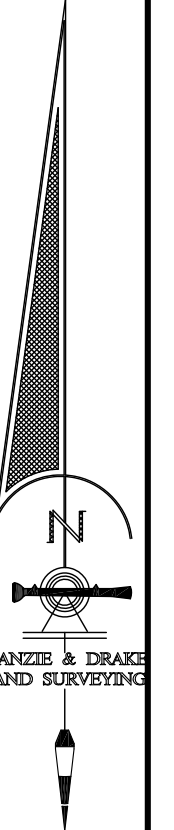
MAP OF BOUNDARY SURVEY

A PORTION OF "OCEAN BREEZE FARMS"
PLAT BOOK 2, PAGE 19, NASSAU COUNTY, FLORIDA.
(SEE LEGAL DESCRIPTION ATTACHED)

LOT 83



GRAPHIC SCALE
0 30 60
(IN FEET)
1 inch = 60 ft.



LOT 84

LOT 81

LOT 85

LOT 80

LOT 86

LOT 79

LEGEND:
R=RADIUS
L=LENGTH
(D.)=DEED
(M.)=MEASURED
Δ=DELTA ANGLE
CD=CHORD DIRECTION
CL=CHORD LENGTH
P.O.B.=POINT OF BEGINNING
O.R.B.=OFFICIAL RECORD BOOK
P.I.N.=PARCEL IDENTIFICATION NUMBER
☆= LIGHT POLE
⊙= WOODEN POWER POLE
= ASPHALT
= CONCRETE FLATWORK
⊙= SEWER MANHOLE
= TRANSFORMER PAD
SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client.
- Underground Improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Bearings shown hereon are based on N00°31'20"W for the centerline of Riverside Drive. The bearing reference line is indicated as thus (BR).
- Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.
- The property shown hereon lies within Flood Zone "X AE 1-A AE 1-Q" as per F.E.M.A. Flood Insurance Rate Map, Panel 12084C 0230 E, Dated 12/17/2010. 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.
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117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5717
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

SHEET 2 OF 2

SCALE: 1"=60' JOB NO: 16638 DATE: 11/8/12 CADD: J.RYALS
F.B. NO: X-208 PAGE NO: 12-18 FIELD CREW: CK FILE NO: B-241-SS2012

FOUND 5/8" IRON ROD AND CAP "MANZIE LB 7039" (ALSO FOUND 5/8" IRON ROD AND CAP "NO. 6755" 0.96' WESTERLY)

FOUND 5/8" IRON ROD AND CAP "MANZIE LB 7039"

FOUND 1/2" IRON PIPE NO I.D.

FOUND 1/2" IRON PIPE AND CAP "NO. 2139"

FOUND 1/2" IRON PIPE AND CAP "NO. 6412" 0.09' NORTHERLY, 0.30' WESTERLY
P.O.B. SET 5/8" IRON ROD AND CAP "MANZIE LB 7039"

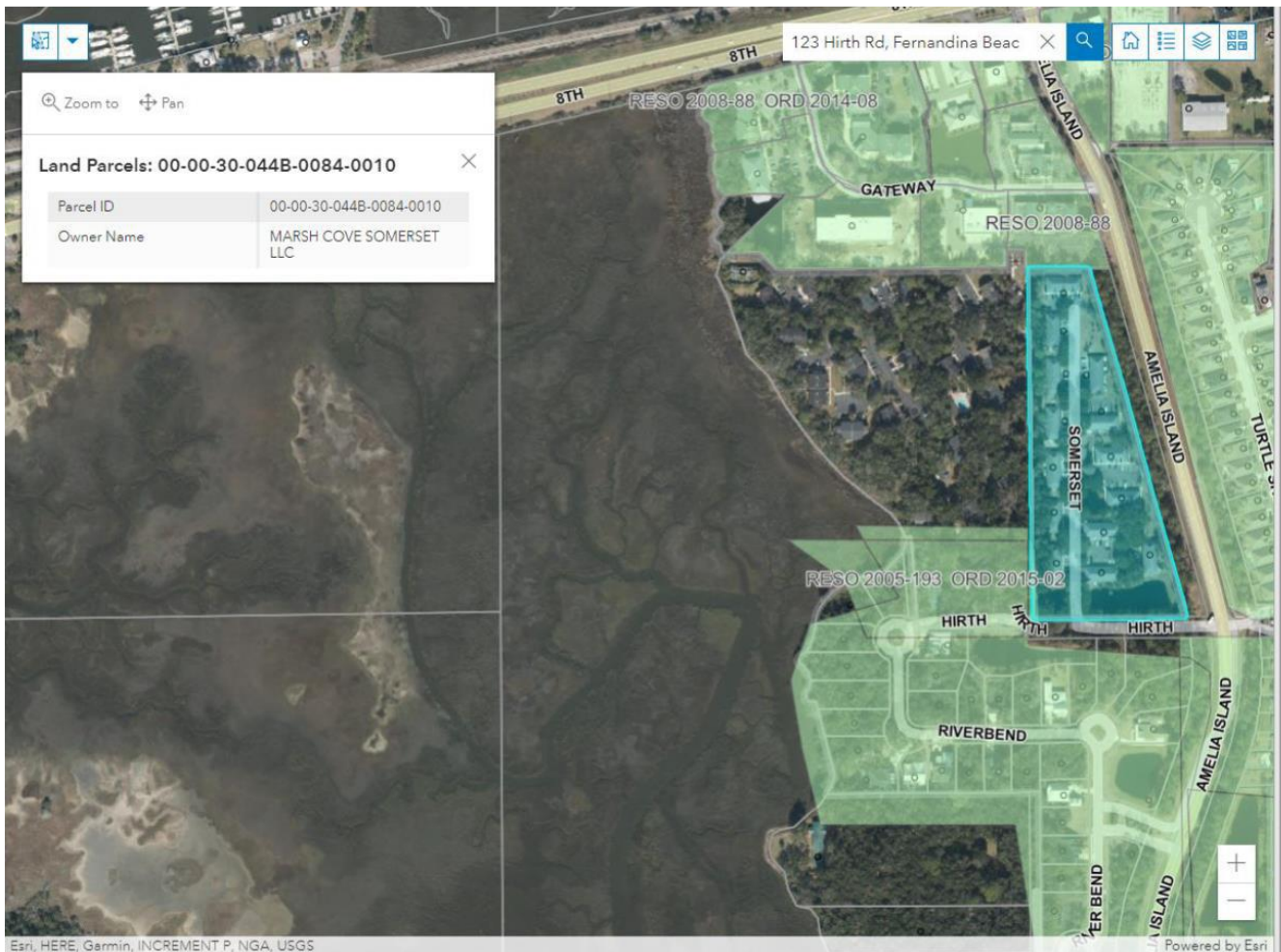
CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1 (M.)	6°07'48"	850.00	90.49	N12°50'03"W	90.90
C1 (D.)	6°07'48"	850.00	90.71	N12°35'32"W	90.67
C2 (M.)	3°13'08"	650.00	36.52	N14°17'23"W	36.51
C2 (D.)	3°13'13"	650.00	36.28	S14°09'07"E	36.27
C3 (M.)	4°05'54"	900.00	64.38	S17°56'55"E	64.37
C3 (D.)	4°05'54"	900.00	64.38	S17°52'37"E	64.37

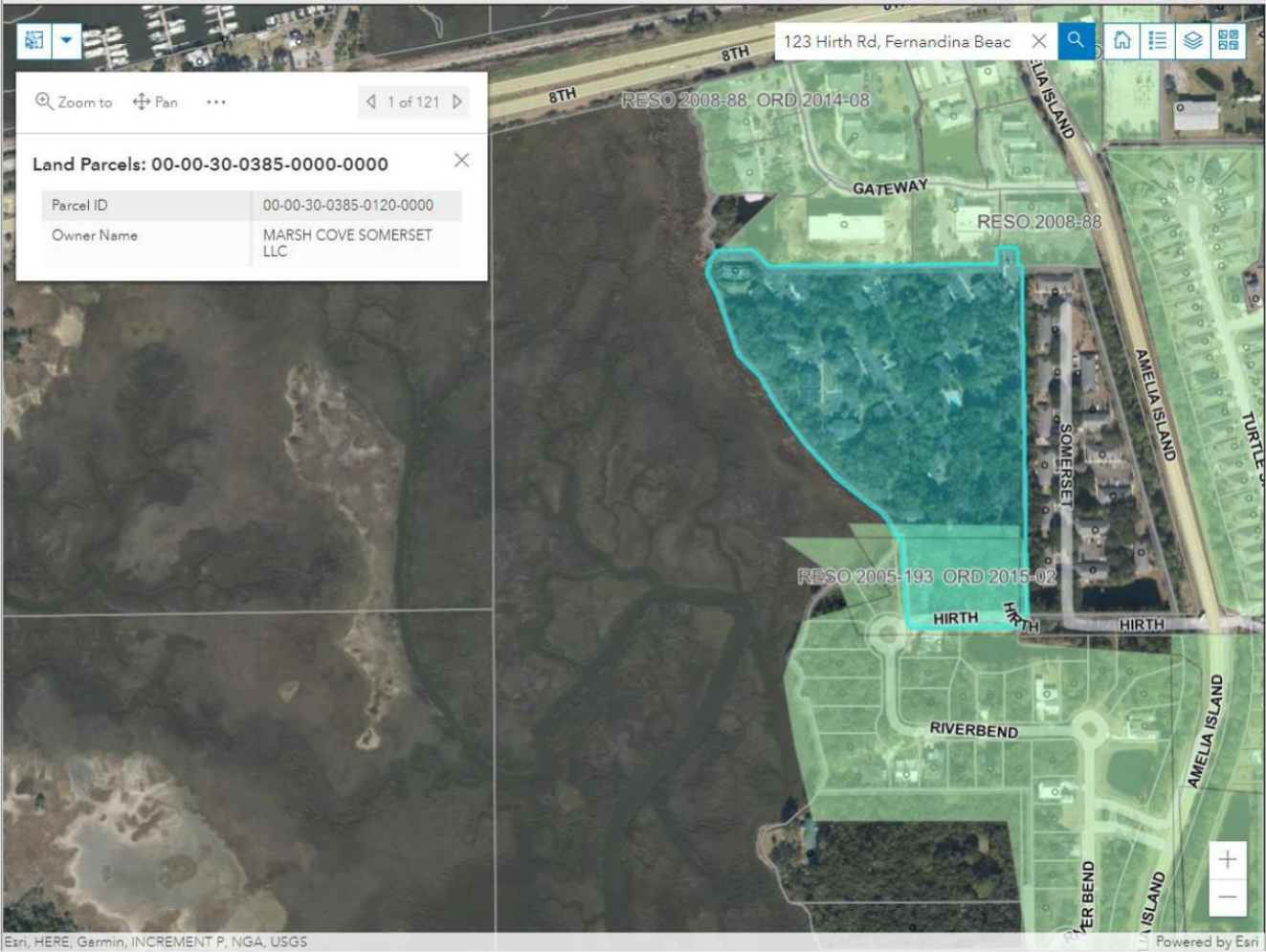
**RESOLUTION 2023-xx
EXHIBIT "A"**

WASTEWATER AGREEMENT/ VOLUNTARY PETITION FOR ANNEXATION OF PARCEL ID NUMBERS LISTED BELOW LOCATED AT 123 HIRTH ROAD AND 96030 SOMERSET DRIVE, ALSO IDENTIFIED AS MARSH COVE + SOMERSET APARTMENTS/CONDOS TOTALING APPROXIMATELY 20.89 ACRES OF LAND.

96030 SOMERSET DRIVE – SOMERSET APARTMENTS/CONDOS (6.83 ACRES)



123 HIRTH ROAD – MARSH COVE APARTMENTS/CONDOS (14.06 ACRES)



Owner Name	Address	Address City State ZIP	Parcel Number	Header	Mailing Address	Mailing Address 2	Mailing City State ZIP
BRIGHTWATERS PROJECT LLC	123 HIRTH RD 1103	FERNANDINA BEACH, FL 32034	00-00-30-0385-0059-0000	00-00-30-0385-0000-0000	95318 MISTWOOD CT		FERNANDINA BEACH, FL 32034
BURNETT PAULA A	123 HIRTH RD 1104	FERNANDINA BEACH, FL 32034	00-00-30-0385-0060-0000	00-00-30-0385-0000-0000	6114 CW WEBB RD		MACCLENNY, FL 32063
COGGIN ABNER P & LAURA H	123 HIRTH RD 1301	FERNANDINA BEACH, FL 32034	00-00-30-0385-0065-0000	00-00-30-0385-0000-0000	123 HIRTH RD UNIT 1301		FERNANDINA BEACH, FL 32034
HAMILTON JOAN S	123 HIRTH RD 1204	FERNANDINA BEACH, FL 32034	00-00-30-0385-0064-0000	00-00-30-0385-0000-0000	123 HIRTH ROAD CONDO 1204		FERNANDINA BEACH, FL 32034
MANNING ROBERT W & NELDA E	123 HIRTH RD 205	FERNANDINA BEACH, FL 32034	00-00-30-0385-0013-0000	00-00-30-0385-0000-0000	2953 S FLETCHER AVE UNIT A		FERNANDINA BEACH, FL 32034
MARSH COVE SOMERSET LLC	123 HIRTH RD 1001	FERNANDINA BEACH, FL 32034	00-00-30-0385-0053-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1002	FERNANDINA BEACH, FL 32034	00-00-30-0385-0054-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1003	FERNANDINA BEACH, FL 32034	00-00-30-0385-0055-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1004	FERNANDINA BEACH, FL 32034	00-00-30-0385-0056-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 101	FERNANDINA BEACH, FL 32034	00-00-30-0385-0001-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 102	FERNANDINA BEACH, FL 32034	00-00-30-0385-0002-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 103	FERNANDINA BEACH, FL 32034	00-00-30-0385-0003-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 104	FERNANDINA BEACH, FL 32034	00-00-30-0385-0004-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 105	FERNANDINA BEACH, FL 32034	00-00-30-0385-0005-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 106	FERNANDINA BEACH, FL 32034	00-00-30-0385-0006-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 107	FERNANDINA BEACH, FL 32034	00-00-30-0385-0007-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 108	FERNANDINA BEACH, FL 32034	00-00-30-0385-0008-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1101	FERNANDINA BEACH, FL 32034	00-00-30-0385-0057-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1102	FERNANDINA BEACH, FL 32034	00-00-30-0385-0058-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1201	FERNANDINA BEACH, FL 32034	00-00-30-0385-0061-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1202	FERNANDINA BEACH, FL 32034	00-00-30-0385-0062-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1203	FERNANDINA BEACH, FL 32034	00-00-30-0385-0063-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1302	FERNANDINA BEACH, FL 32034	00-00-30-0385-0066-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1303	FERNANDINA BEACH, FL 32034	00-00-30-0385-0067-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1304	FERNANDINA BEACH, FL 32034	00-00-30-0385-0068-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1401	FERNANDINA BEACH, FL 32034	00-00-30-0385-0069-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1402	FERNANDINA BEACH, FL 32034	00-00-30-0385-0070-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1403	FERNANDINA BEACH, FL 32034	00-00-30-0385-0071-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1404	FERNANDINA BEACH, FL 32034	00-00-30-0385-0072-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1405	FERNANDINA BEACH, FL 32034	00-00-30-0385-0073-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1406	FERNANDINA BEACH, FL 32034	00-00-30-0385-0074-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1407	FERNANDINA BEACH, FL 32034	00-00-30-0385-0075-0000	00-00-30-0385-0000-0000	3190 NE EXPRESSWAY STE 400		ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1408	FERNANDINA BEACH, FL 32034	00-00-30-0385-0076-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1501	FERNANDINA BEACH, FL 32034	00-00-30-0385-0077-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1502	FERNANDINA BEACH, FL 32034	00-00-30-0385-0078-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1503	FERNANDINA BEACH, FL 32034	00-00-30-0385-0079-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1504	FERNANDINA BEACH, FL 32034	00-00-30-0385-0080-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1505	FERNANDINA BEACH, FL 32034	00-00-30-0385-0081-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1506	FERNANDINA BEACH, FL 32034	00-00-30-0385-0082-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1508	FERNANDINA BEACH, FL 32034	00-00-30-0385-0084-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1601	FERNANDINA BEACH, FL 32034	00-00-30-0385-0085-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1602	FERNANDINA BEACH, FL 32034	00-00-30-0385-0086-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1603	FERNANDINA BEACH, FL 32034	00-00-30-0385-0087-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1604	FERNANDINA BEACH, FL 32034	00-00-30-0385-0088-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1605	FERNANDINA BEACH, FL 32034	00-00-30-0385-0089-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1606	FERNANDINA BEACH, FL 32034	00-00-30-0385-0090-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1607	FERNANDINA BEACH, FL 32034	00-00-30-0385-0091-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1608	FERNANDINA BEACH, FL 32034	00-00-30-0385-0092-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1701	FERNANDINA BEACH, FL 32034	00-00-30-0385-0093-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1702	FERNANDINA BEACH, FL 32034	00-00-30-0385-0094-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1703	FERNANDINA BEACH, FL 32034	00-00-30-0385-0095-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1704	FERNANDINA BEACH, FL 32034	00-00-30-0385-0096-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1801	FERNANDINA BEACH, FL 32034	00-00-30-0385-0097-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1802	FERNANDINA BEACH, FL 32034	00-00-30-0385-0098-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1803	FERNANDINA BEACH, FL 32034	00-00-30-0385-0099-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1804	FERNANDINA BEACH, FL 32034	00-00-30-0385-0100-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
MARSH COVE SOMERSET LLC	123 HIRTH RD 1805	FERNANDINA BEACH, FL 32034	00-00-30-0385-0101-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341

[illegible]

MARSH COVE SOMERSET LLC	123 HIRTH RD 904	FERNANDINA BEACH, FL 32034	00-00-30-0385-0052-0000	00-00-30-0385-0000-0000	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341
RDM PROPERTIES OF FERNANDINA	123 HIRTH RD 1507	FERNANDINA BEACH, FL 32034	00-00-30-0385-0083-0000	00-00-30-0385-0000-0000	LLC	2504 VIA DEL REY	FERNANDINA BEACH, FL 32034
SARTIN NANCY A &	123 HIRTH RD 2002	FERNANDINA BEACH, FL 32034	00-00-30-0385-0110-0000	00-00-30-0385-0000-0000	RICHARDSON MICHAEL L (W&H)	3568 VICTORIA DRIVE	VALDOSTA, GA 31605
STILLWELL BILLIE D F LIV TRUST	123 HIRTH RD 1807	FERNANDINA BEACH, FL 32034	00-00-30-0385-0103-0000	00-00-30-0385-0000-0000	C/O BILLIE D F STILLWELL	27 S 5TH STREET	FERNANDINA BEACH, FL 32034
THIBAULT J PAUL	123 HIRTH RD 2001	FERNANDINA BEACH, FL 32034	00-00-30-0385-0109-0000	00-00-30-0385-0000-0000	123 HIRTH RD #2001		FERNANDINA BEACH, FL 32034
MARSH COVE SUMERSET LLC	96030 SOMERSET DR	FERNANDINA BEACH, FL 32034	00-00-30-044b-0084-0010	00-00-30-044B-0084-0010	3190 NORTHEAST EXPRESSWAY	SUITE 400	ATLANTA, GA 30341

CITY OF FERNANDINA BEACH
VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION

THIS VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION dated this 9th day of May, 2023 by and between the CITY OF FERNANDINA BEACH, a municipal corporation, (hereinafter referred to as "City"); and Marsh Cove Somerset LLC (hereinafter collectively referred to as the "Applicants").
Marsh Cove HOA LLC

WHEREAS, this Annexation Agreement/ Petition for Annexation (hereinafter referred to as "Agreement") shall be considered entered into upon execution, where the actual annexation of land shall occur once the subject property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such annexation, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission and the Applicants, as contained in this Agreement; and

WHEREAS, the Applicants collectively, are the owners of record of the parcel of land known and described as follows, comprising the property which is the subject of this Agreement (the "Property"):

PARCEL ID#: _____

GENERALLY DESCRIBED AS: 176 Apartment Homes

ADDRESSED AS: 123 W. Hirth Rd.

See Attached Exhibit "A"

WHEREAS, the covenants and acknowledgments contained herein have been made in consideration of annexation into the City of Fernandina Beach of the above described Property; and

WHEREAS, it is the desire of the City to provide for appropriate use of the Property; and

WHEREAS, the Applicants are willing to have the Property annexed to the City and the City desires and believes that it would be in the best interest of the City to annex the Property, which is located outside the corporate limits of the City in Nassau County, Florida, at such time as the Property become contiguous; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and acknowledgments stated herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date:** This Agreement shall become effective upon execution.
2. **Execution:** The parties hereto agree to execute any and all such documents as are reasonably necessary to carry out the terms and provisions of this Agreement.
3. **Binding Effect:** The parties hereto do covenant and agree that this Agreement and its Exhibits, shall be binding on their successors and assigns, including the political subdivisions as the City of Fernandina Beach.
4. **Water and/or Sanitary Sewer:** The Applicants shall be permitted to connect to the City's sanitary sewer system at a point determined by the City. The Applicants shall also be responsible for payment to the City of any and all applicable fees that are assessable under City Ordinance and State Law. Upon connecting to the City's sanitary sewer system, the Applicants will have up to ten (10) years to also connect to the City's potable water system.

5. Land Use and Zoning: Upon Annexation of the Property, and until the adoption by the City Commission of the City's Comprehensive Plan and zoning district for the Property, the Comprehensive Plan (including future land use) and zoning ordinances and regulations shall remain in full force and effect for the Property, and shall be enforced by the City. The City shall adopt the future land use designation and zoning district for the Property that most closely approximate to the current Nassau County future land use designation and zoning district for the Property regarding allowable uses and development standards.

6. Governing Law: The laws of the State of Florida shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

7. Entire Agreement: The parties hereto acknowledge that this Agreement constitutes the sole agreement between the parties; that all prior proposals and agreements, whether oral or written, are hereby superseded; and that this Agreement may not be changed, altered or modified except in writing and signed by the parties hereto. The parties hereto further acknowledge that, in entering into this Agreement, each party has not been induced by, has not relied upon, and has not included as part of the basis of the bargain herein, any representation or statement, whether expressed or implied, made by any agent, representative or employee, which representation or statement is not approved by the other at any public hearing or work session of the City Commission or otherwise made as part of the official public record in the proceedings related to this Agreement. This Agreement binds the Applicants' Property to being annexed into the City once the Property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such agreement, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission.

8. Default: In the event either of the parties default in the performance of the obligations set forth in this Agreement, then the other may, upon notice to defaulting party, allow the defaulting party sixty (60) days to cure the default or provide evidence to the non-defaulting party that such default will be cured in a timely manner if it cannot be cured during said period. If the defaulting party fails to cure such default or provide such evidence as provided above, then, with notice to defaulting party, the other party may begin proceedings to require specific performance of this Agreement or bring suit for damages for breach of the Agreement. The prevailing party shall be entitled to a reasonable attorney's fee for having brought such action.

8. Recording: This Agreement shall run with the land and a copy of this Agreement for Annexation shall be filed and recorded by the City Clerk's Office with the Nassau County Clerk of Circuit Court.

IN WITNESS WHEREOF, the City and Applicant(s) have caused this instrument to be executed by their respective proper parties duly authorized to execute the same on the day and the year first above written.

CITY OF FERNANDINA BEACH

ATTEST:

CHARLIE GEORGE
Deputy City Manager

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

TAMMI E. BACH
City Attorney

APPLICANT(S)

By: Andrew Alexander
Applicant Andrew Alexander
Marsh Cove Somerset LLC, Manager
Marsh Cove HOA LLC, President

By: _____
Applicant

STATE OF FLORIDA }
COUNTY OF ~~NASSAU~~ ^{SS} }
DeKalb

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,

this 9th day of May, 2023,

by _____.

Stacie Nefos
Notary Public

Stacie Nefos
Printed Name

Stacie Nefos
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires
09/28/2023

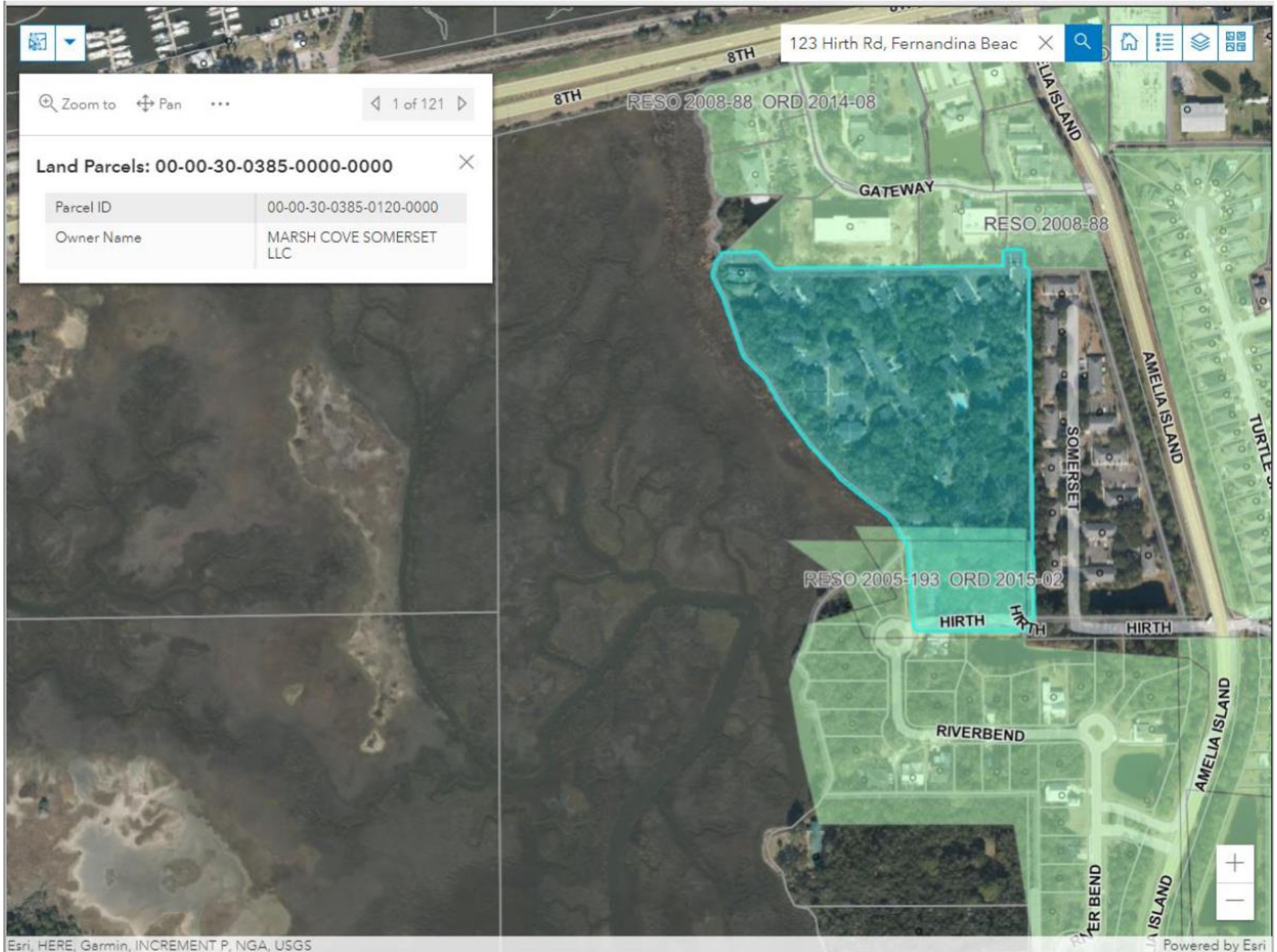
Personally Known ☒ OR Produced Identification _____ ID Produced: _____

EXHIBIT A

NASSAU COUNTY PROPERTY APPRAISER
PARCEL REPORT

123 Hirth Road + 96030 Somerset Drive – Marsh Cove + Somerset Condos







NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Wednesday, August 9, 2023, at 5:00 p.m.** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida (Back-up Location will be Fernandina Beach Golf Course Club House located at 2800 Bill Melton Road) to consider the following:

1 SCRIVENERS ERROR/FUTURE LAND USE MAP AMENDMENT/ZONING CHANGE

SCRIVENERS ERROR – CORRECTING THE TITLE OF ORDINANCE 2023-0017 AND ORDINANCE 2023-0018 FROM 0.16 ACRES TO 0.30 ACRES OF LAND; PAB CASE 2023-0036: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM HIGH DENSITY RESIDENTIAL (HDR) AND ZONING DISTRICT OF R-3 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.16 0.30 ACRES OF LAND LOCATED ON N. 14TH STREET

2 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

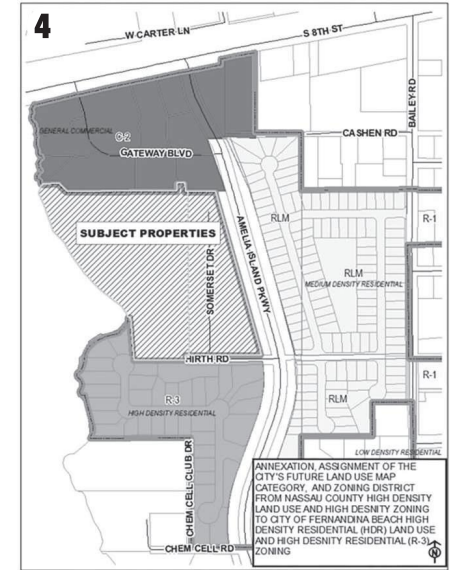
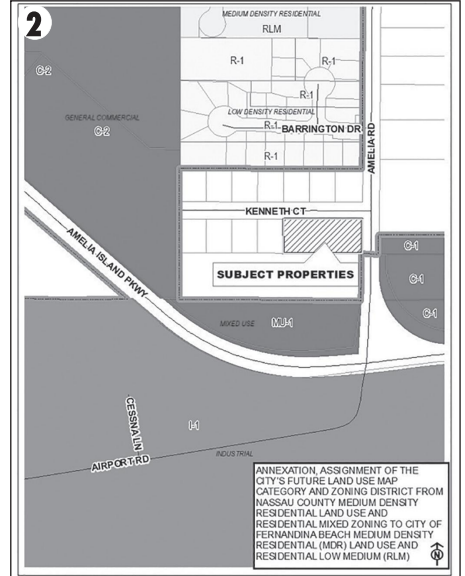
PAB CASE 2023-0043: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 766 KENNETH COURT, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM MEDIUM DENSITY, RESIDENTIAL MIXED TO CITY OF FERNANDINA BEACH MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW MEDIUM (RLM) ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 0.92 ACRES OF LAND

3 FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0044: CITY OF FERNANDINA BEACH, RE-ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND ZONING DISTRICT OF R-2 TO FUTURE LAND USE MAP CATEGORY OF CONSERVATION (CON) AND ZONING DISTRICT OF CONSERVATION (CON) FOR PROPERTIES TOTALING 0.46 ACRES OF LAND LOCATED AT CORNER OF UNIMPROVED N. 7TH STREET AND CALHOUN STREET AND MIDDLEBLOCK OF UNIMPROVED N. 7TH STREET

4 VOLUNTARY ANNEXATION/ FUTURE LAND USE MAP AMENDMENT/ ZONING CHANGE

PAB CASE 2023-0046: CITY OF FERNANDINA BEACH, REQUESTS ANNEXATION OF PROPERTIES CONSISTING OF 123 HIRTH ROAD AND 96030 SOMERSET DRIVE, RE-ASSIGNMENT OF THE NASSAU COUNTY FUTURE LAND USE MAP CATEGORY AND ZONING DISTRICT FROM HIGH DENSITY, RESIDENTIAL GENERAL TO CITY OF FERNANDINA BEACH HIGH DENSITY RESIDENTIAL (HDR) AND R-3 ZONING DISTRICT FOR PROPERTY TOTALING APPROXIMATELY 20.89 ACRES OF LAND



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation. The PAB serves as a recommending committee. Every application is submitted to the City Commission for final decision making. Copies of the applications may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. To make an appointment with a planner, please call 904-310-3480.