



**AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
DECEMBER 11, 2024
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 Review and approval of Minutes for the Regular Meeting of November 13, 2024.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 **PAB 2024-0011 - FINAL PLAT REQUEST FOR SEA LA VIE FOR 8 TOWNHOMES AND 1 SINGLE FAMILY HOME LOCATED AT 1110 S. 13TH STREET**
Applicant Gillette & Associates Inc, agent for Cole Builders.
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

THE NEXT PAB REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, JANUARY 8, 2025.

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
PLANNING ADVISORY BOARD
REGULAR MEETING
NOVEMBER 13, 2024
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Victoria Robas (Chair)	Mark Bennett
Nick Gillette	Richard Doster
Barbara Gingher	Peter Stevenson (Vice-Chair)
Daphne Forehand	

MEMBERS ABSENT:

OTHERS PRESENT:

Margaret Pearson, Senior Planner
Tammi Bach, City Attorney
Kelly Gibson, Planning & Conservation Deputy Director
Morgan Ohlendorf, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the Regular Meeting of September 17, 2024.

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

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

4. OLD BUSINESS

There was no old business to discuss.

5. NEW BUSINESS

There was no new business to discuss.

6. BOARD BUSINESS

6.1 *Board Discussion and Next Steps following City Commission Direction on 9/17/24 Reference Item*

6.1 <https://fernandinabeachfl.new.swagit.com/videos/315336>

LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT - PLANNED UNIT DEVELOPMENT OVERLAY - ORDINANCE 2024-19 AMENDING THE LAND DEVELOPMENT CODE SECTION 4.03.01 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code criteria and standards for Planned Unit Developments (PUDs).*

Chair Robas invited the Board to initiate a discussion and re-evaluate the proposed changes to LDC 4.03.01. She also noted that the items from the agenda were previously recommended to the City Commission and were redirected back to the PAB for further discussions.

Vice-Chair Stevenson asked if attention should be first focused on finalizing Acronyms and Definitions.

Chair Robas opined on the changes already proposed and the impact of providing too many options to the PUD process.

Member Gingher expressed concerns that PUD overlays can allow developers to bypass the Land Development Code.

Member Forehand and Member Gillette clarified that a proposed PUD would still need to go through the Planning Staff, Planning Advisory Board, and receive City Commission approval before proceeding with development.

Vice-Chair Stevenson proposed that the minimum PUD size should be 2.5 acres.

Member Bennett expressed a need for stricter regulations on PUDs, including differentiating between commercial and residential PUDs as well as examining the impacts on surrounding neighborhoods.

The Board discussed permissible housing types allowed in a PUD.

The Board proposed the idea of adding discussion items 6.1, 6.2, and 6.3 to the list of prioritized topics to be discussed during a Joint Workshop with the City Commission, as referred in Item 6.6 of this agenda.

6.2 *Board Discussion and Next Steps following City Commission Direction on 9/17/24 Reference Item*

6.2 <https://fernandinabeachfl.new.swagit.com/videos/315336>

LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT - LANDSCAPING, BUFFERS, AND TREE PROTECTION - ORDINANCE 2024-20 AMENDING THE LAND DEVELOPMENT CODE SECTION 4.05.00 LANDSCAPING, BUFFERS, AND TREE PROTECTION, SECTIONS 4.05.01 GENERALLY, 4.05.02 APPLICABILITY, 4.05.03 LANDSCAPE MATERIALS STANDARDS, 4.05.04 REQUIREMENTS FOR LANDSCAPE PLANS AND 4.05.13 HARDSHIP RELIEF; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code to modify landscaping sections and subsection contained in Chapter 4.*

Member Bennett began the conversation by addressing concerns stated by the City Commission to better define the terms “native” and “Florida-friendly.”

Vice-Chair Stevenson wanted a better definition for “residential areas.”

The Board asked Mrs. Tuten from the audience to provide some insight.

Joyce Tuten, 2120 Beech Street, shared insight regarding “Florida-friendly” vs. “native” language.

DRAFT

Member Doster asked if there were any “neutral” plants. Tuten answered that she believes the only plants that are “bad” are the ones that are invasive.

6.3 *Board Discussion and Next Steps following City Commission Direction on 9/17/24 Reference Item*

6.3 <https://fernandinabeachfl.new.swagit.com/videos/315336>

LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT - ACRONYMS AND DEFINITIONS - ORDINANCE 2024-21 AMENDING THE LAND DEVELOPMENT CODE SECTION 1.07.00 ACRONYMS AND DEFINITIONS TO ADD TERMS FOR BUILDING SITE, SUBSTANDARD LOT OF RECORD, PARCEL, PARCEL IDENTIFICATION NUMBER, AND PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE. *Synopsis: Request to add terms to LDC Section 1.07.00 Acronyms and Definitions consistent with the Planning Advisory Board direction.*

Vice-Chair Stevenson emphasized the need for more strict definitions and suggested reviewing and possibly adding the following definitions: Native Plant, Civic Space, and Recreational Areas.

ACTION TAKEN: A motion was made by Member Gillette, seconded by Vice-Chair Stevenson, to postpone Item 6.1, 6.2, and 6.3 to a later date and to also defer these discussions until the Joint Workshop with the City Commission.

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

6.4 Continue Board Discussion and Consideration of Next Steps to amend Parking Standards and Parking Minimums from the Board Meeting on September 11, 2024.

Discussion Objectives:

1. Determine consensus for revised parking standard for Medical Office and Clinics
2. Determine consensus for new parking standard for Beauty Salons
3. Consider the approach to parking on 8th Street Mixed Use and consider neighborhood impacts
4. Consider the approach to parking impacts on commercial beach areas
5. Consider terms for future Shared Parking Agreements

Member Doster asked for clarification about the Board’s consideration to eliminate minimum parking standards. Mrs. Gibson reminded the Board that they decided to focus on the above Discussion Objectives.

The Board discussed the current parking situation in various areas around town.

Chair Robas noted that, again, it would behoove The Board to receive insight from the new City Commission regarding this issue.

Member Gillette suggested that the Board should focus on Discussion Objectives 1 and 2.

Vice-Chair Stevenson suggested the term “customer service station” be changed to “operator station” under the parking standards for Beauty Salons, etc.

The Board discussed the basis behind the change in the parking standards for Medical Office and Clinics.

Public Hearing was opened.

Taina Christner, 406 Beech Street, brought up a pending TRC 2024-0004 case and expressed her concern with the parking situation proposed by that project. She also stressed that she believes there should always be a minimum parking standard and also noted that in her opinion it is bad timing to consider 0 parking.

DRAFT

George Haffey, 1640 North Park Drive, wanted clarification about whether proposed Standard changes by the Board would be retroactively applied to projects currently in review. Mrs. Gibson clarified that currently, any application presented for TRC review would be subject to the Standards in place at the time the application is received.

Public Hearing was closed.

The Board continued their discussion about parking standards regarding Discussion Objective 2.

The Board discussed tabling some of these objectives until the Joint Workshop with the City Commission.

ACTION TAKEN: A motion was made by Vice-Chair Stevenson, seconded by Member Gillette, to change LDC Table 7.01.04 (A) Parking Space Requirements with the following changes to the table: 1) to add Barber Shop, Beauty Shop, Nail Salon, Skin Care and Tattoo Parlor, and to change parking specification to 2 parking spaces per operator work station, plus 1 space for each 300 sq ft of gross floor area; 2) Modify Medical Office and Clinic parking space requirement to 1 parking space for each 200 sq ft gross floor area.

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

ACTION TAKEN: A motion was made by Member Bennett, seconded by Member Gillette, to continue the next Discussion Objectives 3, 4, and 5 on to the next Joint Workshop with the City Commission.

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

- 6.5 Perspective on Board processes - Self Evaluation
This item was requested by Member Stevenson.

Vice-Chair Stevenson shared thoughts and observations about how the Board operates and the changes he believed would be beneficial moving forward especially on the long-term implications of the Board's current decisions. He suggested a deeper risk assessment analysis and more data documentation to be attached.

A discussion ensued about requirements on annexations and potential developments of contiguous and non-contiguous properties with the Board, City Attorney and Mrs. Gibson. Chair Robas suggested that more attention should be given to the impact of the new Live Local Act. Mrs. Bach provided insight.

- 6.6 Coordination of a Joint Workshop with Planning Advisory Board and City
Commissioners Prioritization of discussion topics for the year 2025.

Member Doster suggested adding an item to this Workshop agenda about LDC Sections 1.03.04 and 1.03.05 in order to establish a consistent understanding of these sections of the code. Mrs. Bach shared her professional opinion on the way these sections have been written and interpreted, and shared her recommendations for drafting these sections, possibly from scratch.

Chair Robas clarified that Staff will work with the Board and City Commission to coordinate a meeting date for the Joint Workshop.

Chair Robas asked for clarification on several questions, one regarding TRC 2024-0004, regarding parking requirements, secondly Mrs. Gibson's response to LDC Section 1.03.05 in relation to the project at S. 3rd Street and Beech. Both Mrs. Gibson and Mrs. Bach provided clarification to these questions.

7. STAFF REPORT

- 7.1 **December PAB Meeting:** Discuss expectations on timing for advertising and formal consideration of 2nd round of 2024 LDC text amendments. Typically, we would have these advertised for the December meeting. This is up to the board to determine if we push items out to June of 2025.

DRAFT

Mrs. Gibson presented this idea to the Board and the Board decided to push the items out to the June 2025 meeting.

- 7.2 **Board Trackers for PAB, HDC, BOA, TRC:** This item is placed on the agenda for awareness purposes only. If board wishes to discuss any items or request clarification of the items within the board trackers they may do so.

Mrs. Gibson asked if the Board would like to have access to a Board Tracker for these Boards. Board Members elected to subscribe to automatic notification from the City's website for each Board agenda.

Mrs. Gibson confirmed that a new staff member will join the Planning & Conservation Department in February 2025.

8. PUBLIC COMMENT

Margaret Kirkland, 1377 Plantation Point Drive, speaking on behalf of Conserve Nassau, urged Board Members and the public to respond to the Nassau County Future Vision Plan. She also emphasized the interface between the economy and the environment and social fabric of the County.

9. ADJOURNMENT 7:28 PM

Morgan Ohlendorf, Recording Secretary

Victoria Robas, Chair

Planning Advisory Board (PAB) - Submission #14955

Date Submitted: 11/6/2024

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 (\$2,500)

☐ Revision to each PAB Application \$400

2024 Submission Deadlines + Meetings Calendar

Application Deadline (4:30pm)	Nov 01 2023	Nov 29 2023	Jan 03 2023	Jan 31 2024	Feb 28 2024	Mar 27 2024	May 01 2024	May 29 2024	July 03 2024	July 31 2024	Aug 28 2024	Oct 02 2024	Nov 30 2024	Nov 27 2024
Meeting Date	Dec 13 2023	Jan 10 2024	Feb 14 2024	Mar 13 2024	Apr 10 2024	May 08 2024	June 12 2024	Jul 10 2024	Aug TBD 2024	Sep 11 2024	Oct 09 2024	Nov 13 2024	Dec 11 2024	Jan 08 2025

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.fbfl.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?*

11/30/2023

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/pm

PROPERTY INFORMATION

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

Site Address*

1110 South 13th Street

City*

Fernandina Beach

State*

Florida

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0238-0040

Lot*

4,5

Block*

238

Subdivision*

Sea La Vie

Zoning District*

R-3 w/PUD

Future Land Use Designation*

High Density Residential

REVIEW TYPE*

☐ Zoning Map Amendment ≤ 10 acres

☐ Zoning Map Amendment > 10 acres

☐ LDC Text Amendment

☐ Comp Plan Amendment

☐ Subdivision Plat – Preliminary ≤ 20 units

☐ Subdivision Plat – Preliminary > 20 units

☒ Subdivision Plat – Final

☐ Vacation of R.O.W.

☐ Voluntary Annexation

☐ Revision to PAB Application

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Michael

Last Name*

Gibbs

Company (if applicable)

Sea La Vie Amelia, LLC

Mailing Address*

3222 Amelia Road

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

904-838-4065

Email Address*

dale@colebuilders.net

OWNER'S AGENT

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

First Name

Asa

Last Name

Gillette

Mailing Address

31 South 4th Street, Suite 1

City

Fernandina beach

State

Fl

Zip

32034

Telephone Number

904-261-8819

E-mail Address

asa@gilletteassociates.com

PROJECT INFORMATION

Previous Planning/Zoning Approvals

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

Final Plat

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 AGREE THAT A POSTING NOTICE WILL BE INSTALLED ON THE PROPERTY(IES) IN QUESTION AND THAT SAID SIGN WILL ONLY BE REMOVED BY STAFF AFTER THE MEETING OR BROUGHT BACK TO CITY HALL BY APPLICANT.

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*

Asa

Applicant Last Name*

Gillette

Today's Date*

6/18/2024

Upload Supporting Documentation*

16252-PLAT 6-18-24.pdf



Upload 2
agent form.pdf

Upload 3
letter of intent final plat.pdf

Upload 4
Topo.pdf

DEPARTMENT OF PLANNING & CONSERVATION

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



APPLICATION FOR FINAL PLAT
SEA LA VIE AMELIA

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Dale Cole, Sea La Vie Amelia, LLC.				
AGENT:	Gillette and Associates, Inc.				
REQUESTED ACTION:	Final Plat for Sea La Vie Amelia				
LOCATION:	1110 South 13th Street 00-00-31-1800-0238-0040				
CURRENT LAND USE + ZONING:	High Density Residential (HDR) Land Use + High Density Residential (R-3) Zoning				
EXISTING USES ON SITE:	Vacant				
PROPERTY SIZE:	Approximately 1.29 acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
WITHIN CITY LIMITS	North	Vacant Land and Amelia Masonic Lodge #47	1971	R-2	Medium Density Residential
WITHIN CITY LIMITS	South	Vacant Land and Single Family Housing	Mid to late 1980's	R-2	Medium Density Residential
WITHIN CITY LIMITS	East	Vacant land and Single Family Housing	1995	MU-1	Mixed Use
WITHIN CITY LIMITS	West	Countryside Apartments Multi-Family Housing	1986	R-2	Medium Density Residential

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

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Gillette and Associates Inc, agent for owner, Dale Cole, Sea La Vie Amelia, LLC requests final plat approval of a nine (9) lot subdivision consisting of eight (8) townhome units and one (1) single-family dwelling unit on 1.29 acres of land located on South 13th Street. The Preliminary Plat came before this board on August 14, 2024, and was recommended for approval to the City Commission. The City Commission heard and approved the Preliminary Plat request (Resolution 2024-186 attached). In May 2005 the property's zoning was changed from the Medium Density Residential (MDR) land use and Medium Density Residential (R-2) zoning to High Density Residential (HRD) land use and High Density Residential (R-3) zoning (Ordinance 2005-12). The applicant intends to build 8 townhomes with a single-family home subdivision to be named "Sea La Vie Amelia".

The site acreage could accommodate up to fourteen (14) dwelling units, with a maximum allowed density of up to ten (10) dwelling units per acre, consistent with the approved land use and zoning designation. There are no amenities proposed beyond the required stormwater management ponds, landscaping, mail kiosk and signage associated with the development. However, there is an open space tract provided to support tree retention and site mitigation requirements. Primary access to the subdivision is off South 13th Street (City maintained) with no secondary vehicular access. The property was granted a variance on March 20, 2024, by the BOA from LDC Section 4.04.02 (E): A subdivision shall have at least two (2) vehicular access points to an improved right-of-way.

The proposed subdivision was submitted for review to the Technical Review Committee (TRC) in November 2023 (SPR 2023-0040) and was issued a Local Development Order on October 4th, 2024.



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In accordance with subdivision requirements of the Land Development Code, the Final Plat is to be considered by the Planning Advisory Board for a recommendation to the City Commission. The City Commission will then consider the Final Plat.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

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

AND

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

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

The proposed development is consistent with the Comprehensive Plan's direction for compact urban development and serves to maximize the use of existing public facilities. The subject property lies in an area of existing urban development. The proposed development will rely on an open roadway (South 13th Street) for access to the subdivision. Water and sewer services are available to serve the site, and this proposed development. The development is accessed from Fernandina Beach improved and maintained roadway.

Uses along South 13th Street are consistent with the City's single family residential land use pattern for the area. The requested final plat development pattern is consistent with the characteristics of the surrounding developed properties. The applicant has not supplied a report stating the soil's suitability or the presence or absence of natural resources. This project is greenfield development. The site is currently vacant. This site is not located in a Coastal Upland Protection Zone or special flood hazard area, and the levels of service are discussed below.

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

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and



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**Management
Facilities**

institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.

**Potable Water
Facilities**

Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)

Fire-Rescue Services

240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)

**Police and Law
Enforcement Services**

Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The City has five public facilities with adopted levels of service including: Transportation, Water, Sewer, Drainage, and Solid Waste. The City's ability to maintain adopted levels of service for these utilities was confirmed through the TRC site plan review process. Given the established High Density Residential (HDR) land use and High Density Residential (R-3) zoning which allows for up to ten (10) dwelling units per acre on the subject property, the development potential of the site could have resulted in a maximum of 14 dwelling units which is above the proposed 9 dwelling unit development. Under the proposed development scenario containing 9 dwelling units, Staff estimates that approximately 56 Average Daily Trips (ADT) could be generated by this development; resulting in 12 p.m. peak hour trips.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on average consume approximately 5 million gallons per day. At the adopted level of service and the proposed development density, the residential units will consume 3,150 gallons of water per day (9 units x 350 gallons per ERC per day).

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the proposed development density, the site will generate 7,245 gallons of wastewater per day (9 units x 2.3 x 350 gallons per ERC per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director.

The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has contracted services with Waste Management to dispose of solid waste city-wide, therefore the impact is not necessary as part of the preliminary or final plat review. Drainage impacts from any new development or redevelopment were reviewed by the City's Technical Review



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Committee (TRC). The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District (SJRWMD). All Permitting from SJRWMD has been completed.

All public facilities and services are currently available to the development and each service can maintain or exceed its level of service standards as required by Policies 1.01.02, 1.02.03, and 4.01.01.

The developers have entered into a Public-School Concurrency Mitigation Agreement with The School District of Nassau County. (See attachment)

CONSISTENCY WITH THE LAND DEVELOPMENT CODE: _____

11.01.02 Requirements for Subdivision Plats (Preliminary and Final)

- A. A preliminary subdivision plat shall be required when new streets, water lines, and sewer lines are required; when three or more residential lots are created; and where one nonresidential lot is created or proposed for development. Where new streets, water lines, and sewer lines are not required, the preliminary and final plat may be combined into a single submittal. A preliminary plat provides for a complete review of technical data and preliminary engineering drawings prior to completion of the final plat for recording.
- B. In addition to the information required in Section 11.01.03, all applications for preliminary subdivision plat approval shall contain the following information:
 - 1. The name, addresses, telephone number, facsimile number, and email address of the person preparing the plat.
 - 2. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.
 - 3. The proposed name of the subdivision.
 - 4. Development specifications for the tract: area, proposed number and layout of lots and blocks, location, names, and widths of proposed roadways, consistent with this LDC and the Future Transportation Circulation Map of the Comprehensive Plan.
 - 5. All contiguous properties shall be identified by subdivision title, plat book and page, or, if un-platted, the land shall be so designated, and otherwise identified.
 - 6. Location of land to be dedicated or reserved for public use for rights-of-way, streets, sidewalks, bike trails, pedestrian trails, easements, schools, parks, open spaces, or other public uses. Proposed street names shall be included.
 - 7. Locations of utilities, utility service, connections to existing utility facilities, and easements necessary to provide access to the utility facilities for maintenance or other activity.
 - 8. Location of the nearest available public water supply and wastewater disposal system.
 - 9. A topographic survey, soils report, grading plan, and an erosion control plan.
 - 10. Existing surface water bodies, wetlands, streams, and canals, including the location of the mean high water line for each feature.
 - 11. A preliminary surface drainage plan showing direction of flow and methods of stormwater retention.
 - 12. A floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification and establishing a base flood elevation for all proposed lots within the subdivision.
 - 13. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering.



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Planning Advisory
December 11, 2024

The proposal is consistent with the townhouse and subdivision requirements of the Land Development Code. The Final Plat has been reviewed for technical compliance and received final sign off from the Technical Review Committee (2023-0040) on October 4, 2024, and the local development order has been issued.

CONCLUSION:

The requested Final Plat is consistent with the City's Comprehensive Plan and the Land Development Code. Based on the findings of the Technical Review Committee and planning staff's review of the application, staff recommends approval of the Final Plat.

Following the recommendation of the Planning Advisory Board (PAB), the Final Plat will move forward to the City Commission in the form of a Resolution on a tentative date of January 21, 2025.

MOTION(S) TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2024-0011 to the City Commission requesting that a Final Plat for the Sea La Vie Amelia Subdivision be **(approved or denied)** and that PAB case 2024-0011, 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:

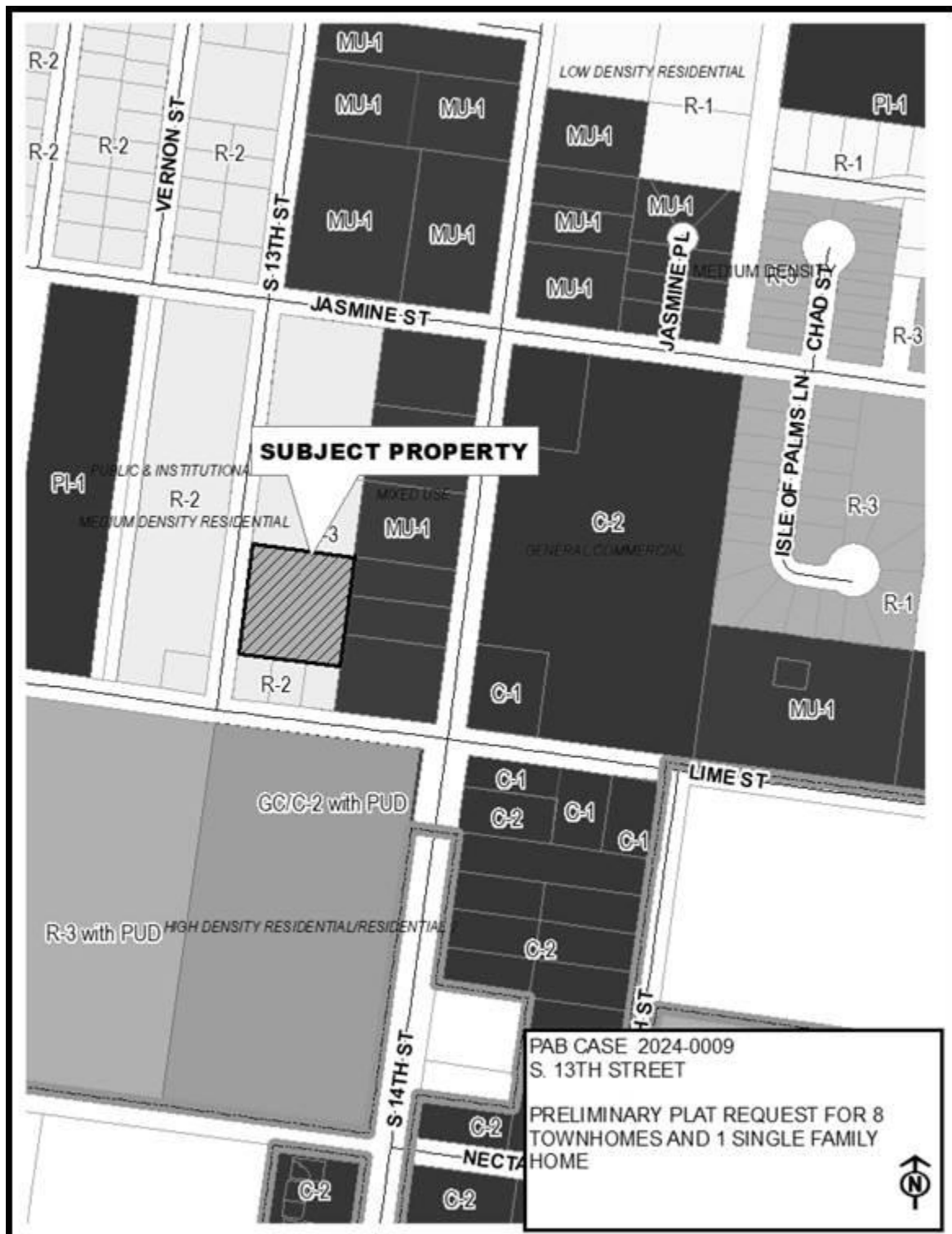
Margaret Pearson

Margaret Pearson
Senior Planner



STAFF REPORT
PAB 2024-0011 (Final Plat)
Planning Advisory
December 11, 2024

SITE MAP



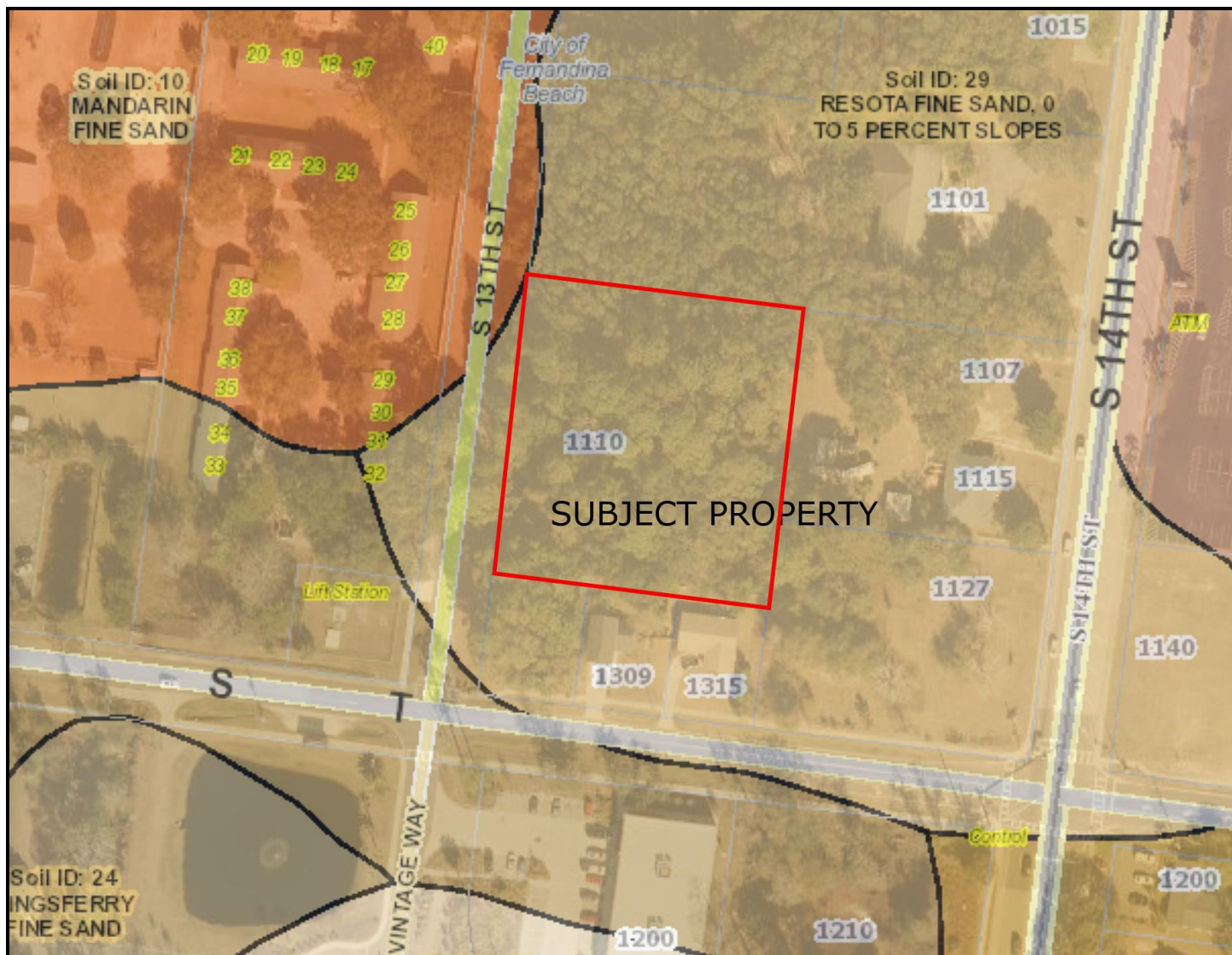


FLOODZONE MAP





SOILS MAP





TOPOGRAPHY MAP



CAPTION:

LOT 4 & THE NORTH 72.0 FEET OF LOT 5, FERNANDINA BEACH, FLORIDA AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

COUNTY TAX COLLECTOR CERTIFICATE

TAX IDENTIFICATION NUMBER:
00-00-31-1800-0238-0040

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO UNPAID REAL PROPERTY TAXES APPLICABLE TO THE LANDS SUBJECT TO THIS PLAT:

SIGNED THIS _____ DAY OF _____, A.D. 2024.

TAX COLLECTOR
NASSAU COUNTY, FLORIDA

CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH CHAPTER 177.061, FLORIDA STATUTES, AND IS FILED FOR RECORD IN OFFICIAL RECORDS BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

THIS _____ DAY OF _____, A.D. 2024.

CLERK OF THE CIRCUIT COURT

DIRECTOR OF EMERGENCY SERVICES CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT HAS BEEN APPROVED BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF FERNANDINA BEACH, FLORIDA.

THIS _____ DAY OF _____, A.D. 2024.

DIRECTOR OF EMERGENCY SERVICES

ZONING CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME, AND IS IN COMPLIANCE WITH THE ZONING RULES AND REGULATIONS OF THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, CURRENTLY IN EFFECT.

THIS _____ DAY OF _____, A.D. 2024.

DIRECTOR OF PLANNING

APPROVED FOR THE RECORD:

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY MANAGER OF THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA.

WITNESS BY SIGNATURE THIS _____ DAY OF _____, A.D. 2024.

CITY MANAGER

MAYOR CERTIFICATE:

THIS PLAT HAS BEEN EXAMINED AND IS HEREBY ACCEPTED AND APPROVED BY THE CITY COMMISSION OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, PURSUANT TO A RESOLUTION OF SAID COMMISSION ADOPTED THIS _____ DAY OF _____, A.D., 2024.

BY:

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF REVIEW BY CITY EMPLOYED / CONTRACTED SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, F.S., AND THAT I AM EMPLOYED BY OR UNDER CONTRACT TO THE APPROPRIATE LOCAL GOVERNING BODY AND ACTING HERETO AS AN AGENT THEREOF. THIS LIMITED CERTIFICATION AS TO FACIAL CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, F.S., IS NOT INTENDED TO BE AND SHOULD NOT BE CONSTRUED AS A CERTIFICATION OF THE ACCURACY OR QUALITY OF THE SURVEYING / MAPPING REFLECTED ON THIS PLAT.

SURVEYOR / MAPPER
CHARLES ROBERT LEE
FLORIDA REGISTRATION NO.: LS 5618

DATE

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, PLATTED AND DESCRIBED IN THE CAPTION; THAT THE SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES; THAT THE SURVEY AND LEGAL DESCRIPTION ARE ACCURATE; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'s) HAVE BEEN SET ACCORDING TO CHAPTER 177.091 (7); AND THAT PERMANENT CONTROL POINTS (P.C.P.'s) WILL BE SET ACCORDING TO THE CHAPTER 177.091 (8); ALL ACCORDING TO THE LAWS OF THE STATE OF FLORIDA AND NASSAU COUNTY.

THIS _____ DAY OF _____, A.D. 2024.

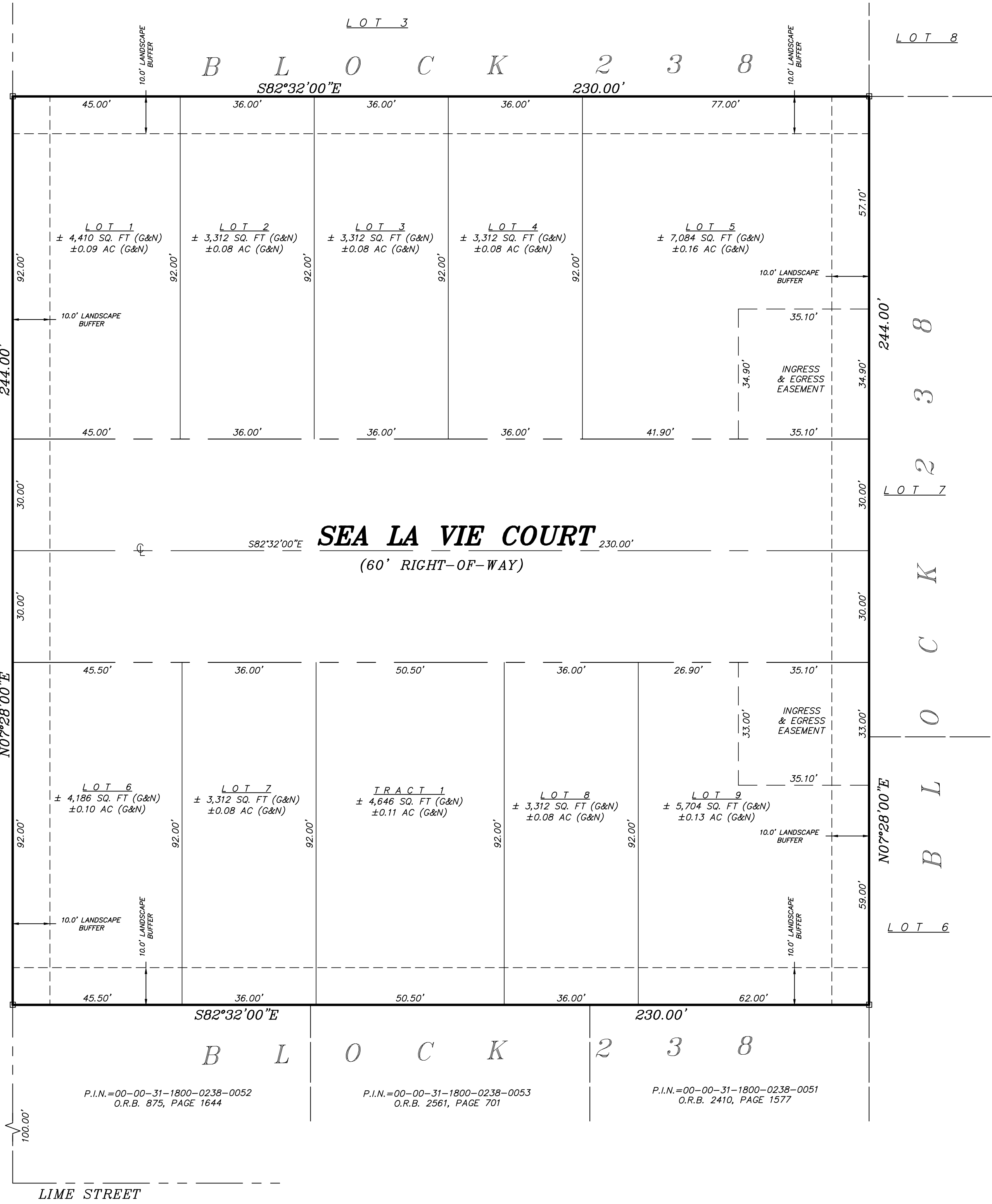
MICHAEL A. MANZIE, P.L.S.
FLORIDA CERTIFICATE No. 4069

MANZIE & DRAKE LAND SURVEYING
117 SOUTH 9TH STREET
FERNANDINA BEACH, FL 32034
CERTIFICATE OF AUTHORIZATION NUMBER "LB 7039"

SEA LA VIE AMELIA

A REPLAT OF LOT 4 AND THE NORTH 72.0 FEET OF LOT 5, BLOCK 238, CITY OF FERNANDINA BEACH, NASSAU COUNTY FLORIDA

SOUTH THIRTEENTH STREET
(60' RIGHT-OF-WAY)



SURVEYOR'S NOTES

- 1.) ☐ DENOTES PERMANENT REFERENCE MONUMENT (P.R.M.) (5/8" IRON ROD & CAP") SET WITH IDENTIFICATION "PRM LB 7039".
- 2.) 43,560 SQ. FT. (G&N) (GROSS & NET) DENOTES GROSS & NET LOT SQUARE FOOTAGE
- 3.) BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOURTH STREET AS S07°28'00"W. THE BEARING REFERENCE LINE IS INDICATED AS THUS (BR).
- 4.) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" AS PER F.E.M.A. FLOOD INSURANCE RATE MAP, PANEL 12089C 0237 G, DATED 08/02/2012.
- 5.) THE CURRENT ZONING FOR THE LANDS SHOWN ON THIS PLAT AS OF THE DATE OF RECORDING IS R-3. THE SETBACKS ARE AS FOLLOWS:
R-3:
MAXIMUM HEIGHT = 45- FEET / FRONT SETBACK - 25- FEET / REAR SETBACK - 20- FEET
SIDE SETBACK - 10% OF LOT WIDTH / SIDE SETBACK (SIDE ABUTTING STREET) - 15- FEET
EACH SIDE YARD SETBACK SHALL BE INCREASED BY ONE-HALF (1/2) FOOT FOR EACH ONE (1) FOOT, OR FRACTION THEREOF, OF BUILDING HEIGHTS ABOVE TWENTY-FIVE (25) FEET.
- 6.) "NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 7.) NO FURTHER SUBDIVISION OF LOTS IS ALLOWED UNLESS SUCH SUBDIVISION CONFORMS TO NASSAU COUNTY SUBDIVISION REGULATIONS AND BE APPROVED BY THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS.
- 8.) TOTAL NUMBER OF LOTS: (9) TOTAL NUMBER OF TRACTS: (1)

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, "SEA LA VIE AMELIA, LLC" IS THE LAWFUL OWNER OF THE LAND DESCRIBED IN THE CAPTION HEREON WHICH SHALL HEREFTER BE KNOWN AS "SEA LA VIE AMELIA", AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AND THAT THIS PLAT, MADE IN ACCORDANCE WITH SAID SURVEY IS HEREBY ADOPTED AS THE TRUE AND CORRECT PLAT OF SAID LAND.

IN WITNESS WHEREOF, OWNER HAS CAUSED THIS PLAT AND DEDICATION TO BE EXECUTED BY ITS DULY ELECTED OFFICERS ACTING BY AND WITH THE AUTHORITY OF THE BOARD OF DIRECTORS.

TRACT 1 (COMMON SPACE TRACT) IS HEREBY DEDICATED TO THE SEA LA VIE AMELIA HOMEOWNERS ASSOCIATION, INC.

ALL ALLEYS, EASEMENTS, RIGHTS-OF-WAY (SEA LA VIE COURT), AND PUBLIC AREAS SHOWN ON THIS PLAT ARE DEDICATED TO THE PUBLIC FOR THE USES AND PURPOSES THEREON STATED AND REMAINS A MAINTENANCE OBLIGATION OF THE CITY OF FERNANDINA BEACH.

ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

SEA LA VIE AMELIA, LLC

WITNESS _____ MICHAEL LEE GIBBS

PRINT OR TYPE NAME

WITNESS _____

PRINT OR TYPE NAME

STATE OF FLORIDA

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF
☐ PHYSICAL PRESENCE OR ☐ ONLINE NOTARIZATION, THIS ____ DAY OF _____ 2024 BY _____

_____, AS
ON BEHALF OF

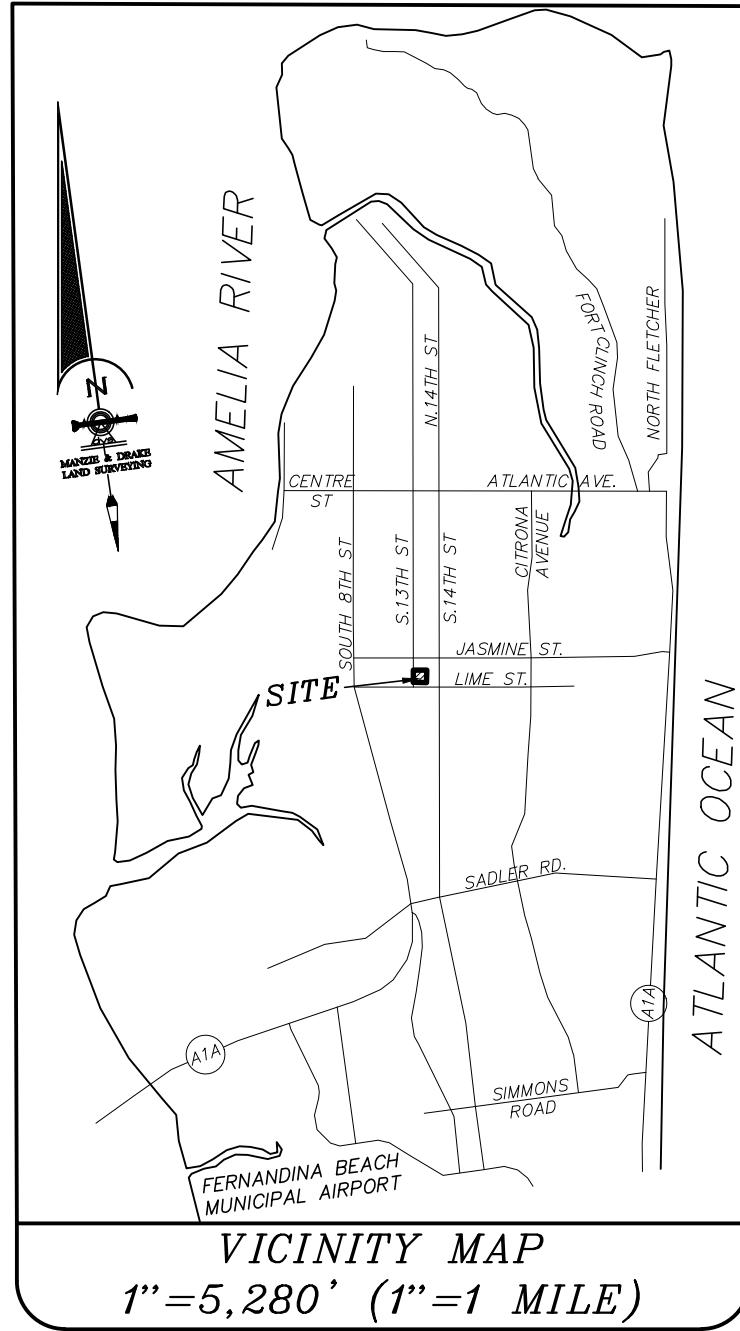
WHO PRODUCED _____, A _____ AS IDENTIFICATION OR WHO IS PERSONALLY KNOWN.

NOTARY PUBLIC - STATE OF FLORIDA

PRINT NAME: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____



LEGEND

P.L.S. = PROFESSIONAL LAND SURVEYOR
P.I.N. = PARCEL IDENTIFICATION NUMBER
LB = LICENSED BUSINESS
SQ. FT. = SQUARE FEET
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
AC = ACRE
G = GROSS
N = NET
CL = CENTERLINE
P.I.N. = PARCEL IDENTIFICATION NUMBER
O.R.B. = OFFICIAL RECORDS BOOK
B = BENCHMARK

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



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

AGENT AUTHORIZATION

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

Property Id Number(s): 00-00-30-1800-0238-0040

Location: South 13th Street, Fernandina Beach

Dale Cole 6-18-24 904-838-4065
Signature Date Telephone Number

STATE OF FLORIDA
COUNTY OF Nassau

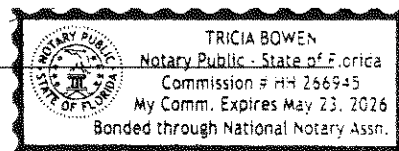
Subscribed and sworn to before me this 18th day of June,
2024.

Who is personally known to me ☒ or has produced identification

Tricia Bowen
Notary Public: Signature

Tricia Bowen
Printed Name

My Commission Expires: 5/23/2026



Prepared by and when recorded return to:

Teresa L. Prince
PO Box 1443
FERNANDINA BEACH, FL 32035

(Space above this line reserved for recording office use only)

WARRANTY DEED

(No additional Documentary Stamps Affixed hereto. Exempt from Documentary Stamps.
pursuant to Rule 12B-4.014(2) Fla. Admin Code.)

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is: MICHAEL LEE GIBBS, a married man,
2712 W. Jetton Avenue
Tampa, FL 33629

The word "I" or "me" as hereafter used means the Grantor.

2. IDENTIFICATION OF GRANTEE

Grantee's name and address is: SEA LA VIE AMELIA, LLC, a Florida Limited
Liability Company duly licensed in the State of Florida
3222 Amelia Road
Fernandina Beach, FL 32034

The word "you" as hereafter used means the Grantee.

3. MEANINGS OF TERMS

The terms "I," "me," "you," "grantor," and "grantee," shall be non-gender specific ((i) masculine, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed (the "Real Property") situated in Nassau County, Florida, is described as follows:

All that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as: All of Lot 4 and the North 72.0 feet of Lot 5, Block 238, Fernandina Beach, Florida.

The Property Appraiser's Parcel Identification Number is 00-00-31-1800-0238-0040.
The Address of the Real Property is 1110 S. 13th Street, Fernandina Beach, FL 32034.

Together with all tenements (property capable of being held with unconditional power of disposition), hereditaments (inheritable interest in property), easements (right to use land of another) and appurtenances (right used with land for its benefit) belonging to or benefiting such property.

5. **CONSIDERATION**

Love and affection plus the sum of One Dollar (\$1.00) received by me from you.

6. **CONVEYANCE OF REAL PROPERTY**

For the consideration described in Paragraph 5, I have granted, bargained and sold to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendability) forever.

7. **WARRANTY**

I fully warrant the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever except for covenants, reservations, restrictions and easements of record, if any.

8. **NOT HOMESTEAD**

I represent and warrant that the Real Property is neither the homestead or residence of myself or a member of my family, nor is the Real Property adjacent to the homestead or residence of myself or a member of my family.

9. **EXCEPTIONS**

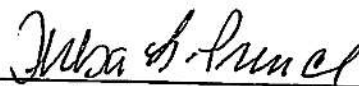
This conveyance is subject to taxes for year 2024 and subsequent years.

Executed on 17th day of June, 2024.


MICHAEL LEE GIBBS
2712 W. Jetton Avenue
Tampa, FL 33629

This instrument prepared by the Law Office of Tomassetti & Prince, P.O. Box 1443, Fernandina Beach, Florida 32036. Title to the lands described herein has not been examined by this office and no warranty or other representation is made and no opinion (either expressed or implied) is given, as to the marketability or condition of the title to the subject property, the quantity of lands included therein, the location of the boundaries or the existence of liens, unpaid taxes or encumbrances.

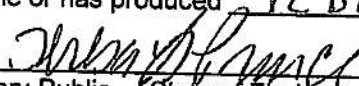
Signed in the presence of:


Teresa L. Prince
PO Box 1443
Fernandina Beach, FL 32034
Witness
(Date)


Megan J. West
PO Box 1443
Fernandina Beach, FL 32034
Witness
(Date)

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or sworn to (or affirmed) by ☐ online notarization, this 17th day of June, 2024, by MICHAEL LEE GIBBS, who is personally known to me or has produced FL DL as identification.


Notary Public - State of Florida



TERESA L. PRINCE
Commission # 1H1358812
Expires February 6, 2027

ORDINANCE NUMBER 2005-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE ZONING DESIGNATION FROM R-2: ONE AND TWO FAMILY DWELLING DISTRICT TO R-3: MULTIPLE FAMILY DWELLING DISTRICT FOR THE PROPERTY ON THE EASTSIDE OF SOUTH 13TH STREET LOCATED BETWEEN JASMINE AND LIME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Housing Assistance Corporation of Nassau County, Inc., as applicant and Gail W. Curtis as trustee have applied for a zoning change from R-2: One and Two Family Dwelling District to R-3: Multiple Family Dwelling District [Application No. CZ 2005-20]; and

WHEREAS, the existing Comprehensive Plan Future Land Use designation is High Density Residential; and

WHEREAS, the Planning Advisory Board unanimously approved the zoning change request to R-3: Multiple Family Dwelling District at the March 9, 2005 meeting.

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

SECTION 1. PROPERTY INVOLVED. The property in question for this zoning change is located on the eastside of South 13th Street between Jasmine and Lime Streets. It is 1.29 acres and further described in the attached Exhibit "A."

See Exhibit "A" attached hereto for legal description of property.

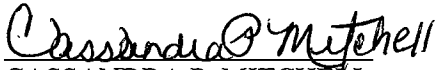
SECTION 2. ZONING CHANGE. For the property in question, the zoning is hereby changed from R-2: One and Two Family Dwelling to R-3: Multiple Family Dwelling District

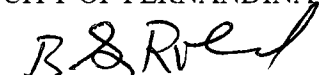
SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases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

SECTION 4. EFFECTIVE DATE. That this Ordinance shall effect thirty-one (31) days after its final adoption.

ADOPTED this 17th day of May, 2005.

ATTEST:


CASSANDRA P. MITCHELL
City Clerk

CITY OF FERNANDINA BEACH

GREG ROLAND
Commissioner-Mayor

Date of 1 st Reading:	April 5, 2005
Date of Advertisement:	April 20, 2005
Date of 2 nd Reading	
Public Hearing:	May 17, 2005
Date of Final Adoption:	May 17, 2005

R.U. 35
D. 35

WARRANTY DEED
RECORD TO RECORD

67-11-0-126

FORM 67

This Warranty Deed Made the 24th day of May A. D. 1930 by
FERNANDINA BEACH RAN, LTD.

8X0598PG0554

OFFICIAL RECORDS

hereinafter called the grantor, to
GAIL W. CURTIS, TRUSTEE
whose postoffice address is 11635 S.W. 1st Avenue, Gainesville, FL 32607
hereinafter called the grantee:

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, conveys, sells, assigns, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau County, Florida, viz:

All of Lot 4 and the North 72.0' of Lot 5, Block 238, as shown on the official plat of said city (as lithographed and issued by the Florida Railroad Company in 1887 and enlarged, revised and re-issued by the Florida Town Improvement Company in 1887 and 1901).

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
\$00.55

Together with all the improvements, hereditaments and appurtenances thereto belonging or in any wise 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 whatsoever; and that said land is free of all encumbrances, except taxes remaining subsequent to December 31, 1930.

9007580 30 MAY 30 AM 10:52

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

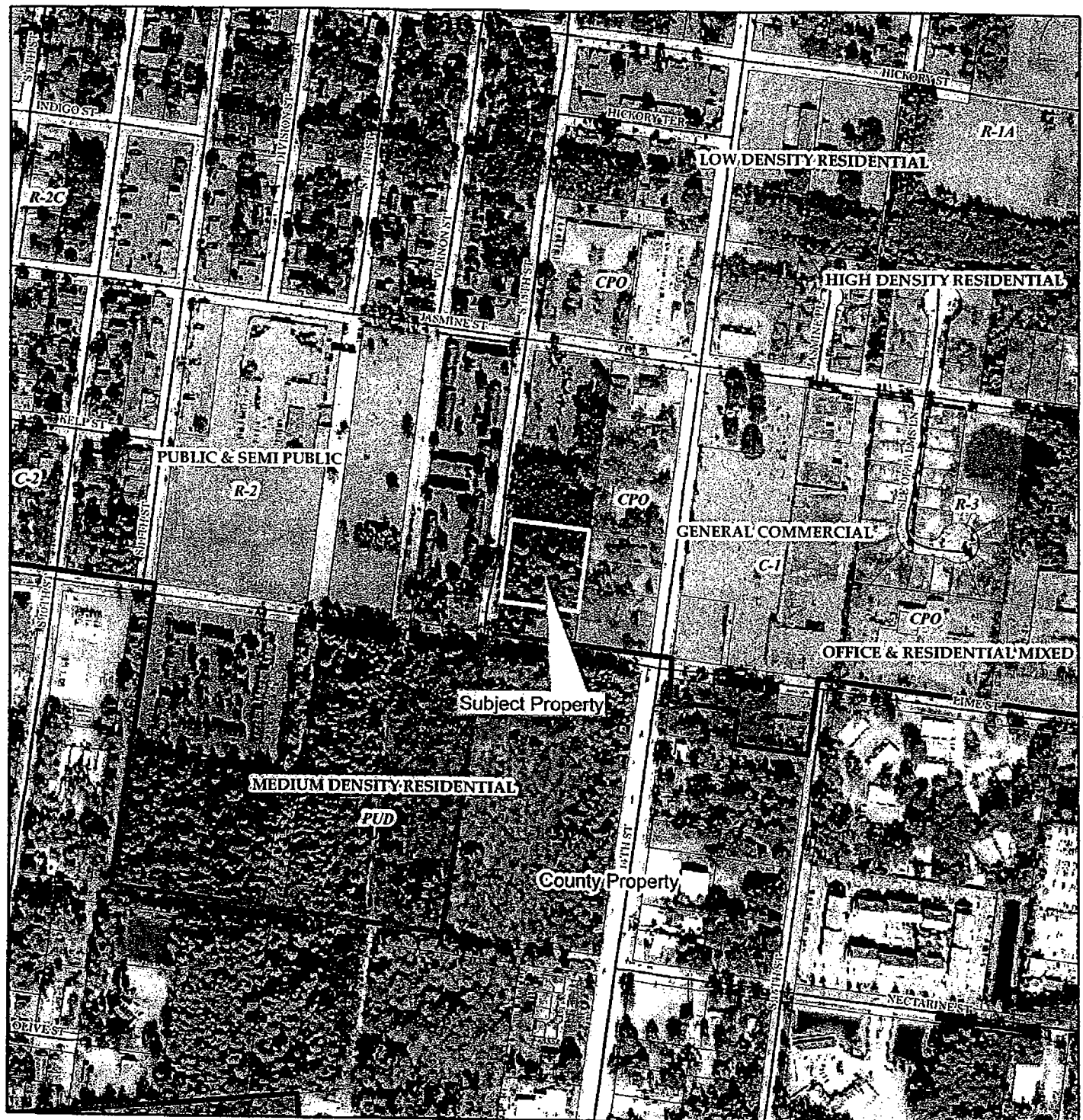
Signed, sealed and delivered in our presence:
Curtis J. Curtis
Michael White
John A. Curtis, Partner
Del. County Bulldozer Co. (Inc. Inc.)
General Partner and Owner of the said RAN, Ltd.

STATE OF Florida
COUNTY OF ALACHUA
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State of Florida and in the County aforesaid to take acknowledgments, personally appeared

JOHN M. CURTIS
and that he is the person described in and who executed the foregoing instrument and that he acknowledged before me that he executed the same.

Witness my hand and official seal in the County and State aforesaid this 24th day of May A. D. 1930
Helen L. Borden
Notary Public, State of Florida
My Commission Expires Dec. 14, 1932
The instrument prepared by John M. Curtis
Address 11635 N.W. 1st Avenue, Gainesville, FL 32607

CZ 2005-20
Housing Assistance Corp of Nassau Co, Inc



13th St between Jasmine and Lime
Proposed zoning change from R-2 to R-3



0 160 320 640 Feet

1 inch equals 0.078914 miles





CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2005-12: Change of Zoning 2005-20 Housing Assistance Corporation of Nassau County, Inc.

DEPARTMENT: Planning

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☒ Support Documents ☐ Other

SUMMARY: A request by the applicant, the Housing Assistance Corporation of Nassau County, Inc, and Gail W. Curtis as trustee, to change the zoning from R-2: One and Two Family Dwelling District to R-3: Multi-Family Dwelling District to construct senior housing units which qualify as affordable units. The property is vacant land which totals 1.29 acres and is located on the eastside of 13th Street between Jasmine and Lime Streets. After consideration of the staff analysis and the applicant's testimony, the Planning Advisory Board voted to recommend approval at their March 9, 2005 meeting. The City Commission approved Ordinance 2005- at the April 5, 2005.

RECOMMENDED ACTION: Approve Ordinance 2005-12, Second Reading

DEPARTMENT HEAD Submitted: Lupita McClenning, Planning Supervisor Date: 04/21/05
fm Requested Agenda Date: 05/03/05

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☒ N/A Date: *N/A*

CITY ATTORNEY Approved for Form and Correctness *PS* Date: *4/26/05*

CITY MANAGER Approved Agenda Item for *RM* Date: *5/3/05*

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification
☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD
☐ PWD

Form: CCAI;5.23.02



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2005-12: Change of Zoning 2005-20 Housing Assistance Corporation of Nassau County, Inc.

DEPARTMENT: Planning

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☒ Support Documents ☐ Other

SUMMARY: A request by the applicant, the Housing Assistance Corporation of Nassau County, Inc. and Gail W. Curtis as trustee, to change the zoning from R-2: One and Two Family Dwelling District to R-3: Multi-Family Dwelling District to construct senior housing units which qualify as affordable units. The property is vacant land which totals 1.29 acres and is located on the eastside of 13th Street between Jasmine and Lime Streets. After consideration of the staff analysis and the applicant's testimony, the Planning Advisory Board voted to recommend approval at their March 9, 2005 meeting. The City Commission approved Ordinance 2005-12 at the April 5, 2005

This item was presented to the City Commission at the May 3, 2005 regular meeting for second public hearing, however the applicant was not in attendance, therefore this item was tabled to the meeting of May 17, 2005.

RECOMMENDED ACTION: Approve Ordinance 2005-12 on Second Reading

DEPARTMENT HEAD *LM* Submitted: Lupita McClenning, Planning Supervisor Date: 5/11/05
Requested Agenda Date: 5/17/05

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☐ N/A Date:

CITY ATTORNEY Approved for Form and Correctness *CB* Date: 5/12/05

CITY MANAGER Approved Agenda Item for *AM* Date: 5/17/05

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Other
☐ Tabled To Time Certain

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

ORDINANCE NUMBER 2005-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE ZONING DESIGNATION FROM R-2: ONE AND TWO FAMILY DWELLING DISTRICT TO R-3: MULTIPLE FAMILY DWELLING DISTRICT FOR THE PROPERTY ON THE EASTSIDE OF SOUTH 13TH STREET LOCATED BETWEEN JASMINE AND LIME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Housing Assistance Corporation of Nassau County, Inc., as applicant and Gail W. Curtis as trustee have applied for a zoning change from R-2: One and Two Family Dwelling District to R-3: Multiple Family Dwelling District [Application No. CZ 2005-20]; and

WHEREAS, the existing Comprehensive Plan Future Land Use designation is High Density Residential; and

WHEREAS, the Planning Advisory Board unanimously approved the zoning change request to R-3: Multiple Family Dwelling District at the March 9, 2005 meeting.

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

SECTION 1. PROPERTY INVOLVED. The property in question for this zoning change is located on the eastside of South 13th Street between Jasmine and Lime Streets. It is 1.29 acres and further described in the attached Exhibit "A."

See Exhibit "A" attached hereto for legal description of property.

SECTION 2. ZONING CHANGE. For the property in question, the zoning is hereby changed from R-2: One and Two Family Dwelling to R-3: Multiple Family Dwelling District

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

SECTION 4. EFFECTIVE DATE. That this Ordinance shall effect thirty-one (31) days after its final adoption.

ADOPTED this ____ day of _____, 2005.

ATTEST:

CITY OF FERNANDINA BEACH

CASSANDRA P. MITCHELL
City Clerk

GREG ROLAND
Commissioner-Mayor

Date of 1st Reading:

Date of Advertisement:

Date of 2nd Reading

Public Hearing:

Date of Final Adoption:

STAFF REPORT
CZ 2005-20
Amendment to the Zoning Map
Planning Advisory Board Hearing
March 9, 2005

Application Information

Applicant: Housing Assistance Corporation of Nassau County, Inc.
Owner: Gail W. Curtis, Trustee
Agent: A. Jeffrey Tomassetti
Requested action: Change in Zoning from R-2: One & Two Family Dwelling District to R-3: Multiple Family District
Location: East side of 13th Street between Jasmine & Lime Streets: Block 238 Lots 4 & 5
Existing zoning: R-2: One & Two Family Dwelling District
Existing Future Land Use: Medium Density Residential
Map category:
Existing uses on the site: Vacant 1.29 acres

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

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use Map category</u>
North	Vacant - land owned by church and club/lodge	R-2 One and Two-Family Dwelling District	Medium Density Residential
South	Vacant	County Commercial	County Commercial
East	Residential	CPO Commercial, Professional & Office	ORMU Office Residential Mixed Use
West	Multi-Family Countryside Apts.	Planned Unit Development PUD	Medium Density Residential

Summary of Request and Background Information

This application is for rezoning Block 238 lots, 4 & 5 to R-3: Multiple Family District. The Housing Assistance Corporation has a contract to purchase the property to construct senior housing units which qualify as "affordable housing." The Housing Assistance Corporation is requesting a change of zoning and has also submitted an application to amend the future land use map (see application LU 2004-20). A text amendment to the Comprehensive Plan is proposed to establish a density bonus within the High Density Residential Future Land Use category which permits the applicant to

increase density to 13 dwellings units per acre to make the units affordable (see text amendment application TA 2004-25).

Consistency with Florida Statutes

The requested action is consistent with Section 163.3177(6) (f) 1.d., Florida Statutes which requires the provision of sites for future housing, including housing for low, very low, or moderate income families; and Section 422.01(1) (d), which allows public bodies to make exceptions from city ordinances and change any maps to allow for affordable housing.

Consistency with Rule 9J-5, Florida Administrative Code

The requested action is consistent with Rule 9J-5.0101(2) (f) 3, Florida Administrative Code, which requires the provision of sites for future housing, including housing for low, very low, or moderate income families.

Consistency with the Comprehensive Plan

The requested action is consistent with and furthers the objectives of the following Comprehensive Plan Policies:

Housing Policy 3.01.04 requires the City to establish a density bonus program to encourage affordable housing.

Housing Policy 3.04.02 requires the City to continually monitor its land development regulations to ensure that no barriers exist to construct low, very low, or moderate income persons, for persons with special housing needs, including the elderly and physically challenged;

Housing Policy 3.04.03 requires the City to maintain land development regulations which minimize barriers to the development of existing vacant lots; and,

Housing Policy 3.04.06 requires the City to commit to fair, open, and affordable housing and approve sites for very low, low and moderate income housing units which are consistent with the Comp Plan. The City shall also ensure that affordable housing development meet the following criteria:

1. Sites are able to meet adopted level of service standards;
2. Sites have access to employment centers, including shopping centers which accommodate stores offering household goods and services needed on a frequent and recurring bases;
3. Sites are located on a paved street; and
4. Sites have adequate access to public parks, recreation areas, open space systems and schools.

The proposed site is able to meet adopted levels of service standards. The Island Walk Shopping Center is one (1) mile from the proposed site which accommodates the needs used on a frequent basis. A public park is located approximately .50 mile north from the proposed site and a recreation center is located approximately .58 miles north west of the proposed site.

The R-3 zoning district is consistent with the Future Land Use Map category of High Density Residential (HDR). This land use category is designed for high-density residential development for single- and multi-family dwellings

Consistency with the Land Development Code

- §126-181 (a) of the Land Development Code sets forth the requirements for the R-3 zoning district. The district is intended for the development of medium and high density multiple-family residential units or other related uses as designated in the comprehensive plan.

The requested action is consistent with Section 126-182 (a) of the Land Development Code which allows for multi-family dwellings within the R-3 zoning district.

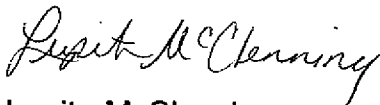
Conclusion

The R-3 zoning district is consistent with the Fernandina Beach Comprehensive Plan and is an appropriate classification for the subject area.

Recommendation

Approve the rezoning request and assign the R-3 zoning classification to Block 238 Lots 4 & 5.

Submitted by:



Lupita McClenning
Planning Supervisor

RECEIVED

DATE STAMP:

FEB 07 2005

PLANNING & ZONING
FERNANDINA BEACH, FLORIDAAPPLICATION FOR ZONING CLASSIFICATION
AMENDMENT

PLANNING ADVISORY BOARD

CITY OF FERNANDINA BEACH, FLORIDA

APPLICATION NO.:

CZ 2005-20

APP. FEE:

0

LEGAL AD FEE:

0

MAILING FEE:

0

RECEIVED BY:

JW

DATE RECEIVED:

1. APPLICANT'S INFORMATION:

Applicant(s): Housing Assistance Corporation of Nassau
County, Inc.

Telephone: 904-261-5051

Address: 1300 Hickory Street, Fernandina Beach, Florida
32034

Fax: 904-261-8547

Address 2:

E-mail: hrperry@fbha.com

2. OWNER'S INFORMATION:

Owner(s): Gail W. Curtis, Trustee

Telephone: 352-333-7207

Address: 285 N.W. 138th Terrace, Suite 200, Jonesville,
Florida 32669

Fax: 352-333-7208

Address 2:

E-mail:

3. APPLICANT'S AGENT INFORMATION:

Name: A. Jeffery Tomassetti, Esquire

Telephone: 904-261-1833

Address: 406 Ash Street (Post Office Box 1443)
Fernandina Beach, Florida 32035-1443

Fax: 904-261-8023

E-mail: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Name: Gillette & Associates, Inc (Nick E. Gillette, P.E)

Telephone: 904-261-8819

Address: 20 South 4th Street, Fernandina Beach, Florida
32034

Fax: 904-261-9905

5. PROPERTY INFORMATION:

Project Name: Senior Housing – (Development to be named)

Street Address: Vacant Land

Lot Number: 4 & 5

Block Number: 238

Subdivision

Section:

Township:

Range:

Nearest Street Intersection: East side of 13th Street, between Jasmine & Lime Streets

Parcel Identification Number(s): 00-00-31-1800-0238-0040

6. AREA INFORMATION:

Under an acre: Sq. Footage: Over an acre: Acres: 1.29 Acres Number of Lots/Parcels:

Existing Zoning Classification: R-2

Existing Future Land Use Classification: Medium Density Residential

Existing Land Use: Medium Density Residential (R-2 / 8 du/ac)

Previous Planning/Zoning Approvals: December 21, 2004 – AMENDMENT OF RESOLUTION 778
RESOLUTION 2004-245

The Housing Assistance Corporation of Nassau County, Inc. is seeking High Density Residential (13 du/ac). This "Amendment" is being requested solely for the purpose of expanding Affordable Housing opportunities for Seniors. "Affordable housing means that monthly rents or monthly mortgage payments including taxes, insurance and utilities do not exceed 30% of that amount which represents the percentage of median adjusted gross annual income for the households...." Additionally, according to Section 420.0002(5) of the Florida Statutes "Approximately 12 percent of the elderly population of this state live in poverty and in deplorable housing conditions." This senior housing development is but a drop in the bucket in eliminating this pervasive state-wide problem – but it will do more than just scratch the surface here in Fernandina Beach.

CONDITIONS:

I (we) also understand that the application fee does not include the fees associated with engineering review and/or construction inspection, inspections, reports, and the like required by the City of Fernandina Beach.

I (we) certify that no land clearing, excavation and/or filling have occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I (we) do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

By signature, I (we) acknowledge I (we) have read, understand and agree to the above conditions:

Owner (1)

Print name: Gail W. Curtis, Trustee

Owner (2)

Print name:

Agent

Print name: Harold R. Perry, Agent

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

Signature of Owner(s) or Agent

Harold R. Perry, Agent

Print name of Owner(s) or Agent

STATE OF FLORIDA
COUNTY OF NASSAU }

ss.

Subscribed and sworn to before me this 7th day of February, 2005

Notary Public Signature

Printed Name

KENDRA M. THOMPSON

Notary Public, State of Florida

My comm. expires June 30, 2008

Comm. No. DD 334118

My Commission Expires:

Individual making statement is X personally known or _____ produced identification.

Type of identification produced: _____

Fernandina Beach City Commission
Regular Meeting Agenda
May 17, 2005

Initial

STAFF MEETING FORM

DATE OF MEETING _____

EACH AND EVERY OWNER SHOWN ON THE PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORMI/WE Gail W. Curtis, Trustee

(print name of property owner)

hereby authorize: Harold R. Perry

(print name of agent)

to represent me/us in processing an application for a ZONING CLASSIFICATION 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.

Gail W. Curtis
(Signature of owner)

(Signature of owner)

Gail W. Curtis

(Print name of owner)

(Print name of owner)

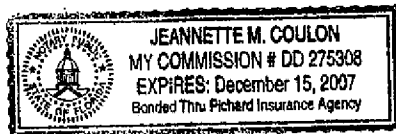
State of Florida

Alachua County

} ss

Sworn to and subscribed before me on this 4th day of February, 2005by Gail W. Curtis
(name of person making statement)

Jeannette M. Coulon
Signature of Notary Public
State of Florida



Jeannette M. Coulon
Print, type or stamp commissioned name of
Notary Public

My Commission expires: _____

Individual making statement is X personally known or _____ produced identification. Type of identification produced _____

Parcel ID	000031180002380040
Ownership Date - 2003	
Name	CURTIS GAIL J. TRUSTEE
Address	11635 NW 1ST AVE GAINESVILLE FL 32607
Legal	BLOCK 238 LOTS 4 & 5 (EX S100 FT OF LOT 5) IN OR 5
IndUse	VACANT RESIDENTIAL
Assessed Value	\$40,260.00
Ind Value	\$40,260.00
Sqft (Eff/Adj)	
Sqft (H/C)	
Year Built (Actual)	
Year Built (Effective)	
Subdivision	0000311800
Paths	
Notes	
Top Ref/Map #	6C/25NS
AcTwnRng	00000031E
Exemptions	
Number of Bldgs	
Ind Size	244.00 FrontFeet
Historical Sale	Vacant 1990/05 Book/Page 598/554 Price \$100.00
Historical Sale	Vacant 1986/02 Book/Page 481/379 Price \$100.00
Parcel Address	13TH ST S
Property Taxes	923.46

**CITY OF FERNANDINA BEACH, FLORIDA
PLANNING ADVISORY BOARD**

TO: Fernandina Beach City Commission
Fernandina Beach, FL 32034

RE: **APPLICATION FOR RESIDENTIAL ZONING CLASSIFICATION CHANGE**

On **March 9, 2005**, the Planning Advisory Board reviewed and considered Change in Zoning Application No. **CZ 2005-20**

A. Applicant: **HOUSING ASSISTANCE CORPORATION OF NASSAU COUNTY, INC., LOTS 4 & 5 OF BLOCK 238, BETWEEN JASMINE STREET AND LIME STREET**

B. Request: **CHANGE IN ZONING FROM R-2: ONE & TWO FAMILY DWELLING DISTRICT TO R-3: MULTIPLE FAMILY DISTRICT.**

Having reviewed and considered the Application and attachments thereto and the testimony from those present at the public hearing as well as the City Staff Report on this Application, the Board considered the following factors in Objective 1.02 of the Comprehensive Plan, as well as the general criteria in the Comprehensive Plan attached hereto, in evaluating this proposed land use change:

a. SURROUNDING USES:

_____ *see staff report* _____

b. SURROUNDING ZONING:

c. ACREAGE:

_____ *1.29 Acres* _____

d. SOILS AND TOPOGRAPHY:

e. DESCRIPTION OF SITE:

_____ *Vacant* _____

f. FLOOD ZONE:

g. IMPACT ON ADOPTED LEVELS OF SERVICE:

AFTER DISCUSSION, motion was made by Board Member Casper, seconded by Board Member Bradford to recommend that this Zoning Classification Change Application No. CZ 2005-20 be:

☒ Approved as presented.

☐ Disapproved for the following reasons:

The Motion [passed][failed] by a vote of 11 YES 1 NO.

The Planning Advisory Board respectfully recommends to the City Commission that Zoning Classification Change Application No. CZ 2005-20:

[APPROVED] [DISAPPROVED].

Pat H _____
Chairman Date

Ms. Hartley commented that the smartest thing to do is to come up with a Joint Planning Area with the County. She explained that this was to say if or when you annex in the City this is what they would be. She stated that the City could get technical assistance from the State to do this, because they encourage this. Chairman Wilking commented that he was in support of moving forward with research and getting additional help. Board Member Bennett inquired if staff had mapped out these areas. Ms. Hartley replied that they just started doing it today and it would take awhile to get all the data together. **A motion was made by Board Member Bradford, seconded by Board Member Bennett, for staff to continue their research. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

III. Change of Zoning

Recording Secretary Williams administered the oath to those parties that were about to present testimony. Board Member Beal disclosed that he drove by all the properties. He also disclosed that he received an email or two. Board Member Bradford disclosed that he drove by property. Chairman Wilking disclosed that he had been by the properties. Board Member Bennett disclosed that he had been by most of the properties. There were no other ex parte communications to be disclosed by the board.

HOUSING ASSISTANCE CORPORATION OF NASSAU COUNTY, INC., lots 4 & 5 of block 238, between Jasmine and Lime Streets (CZ 2005-20), change in zoning from R-2: One & Two Family Dwelling District to R-3: Multiple Family District. (*Quasi-Judicial*)

A motion was made by Board Member Bradford, seconded by Board Member Conger, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. McClenning presented details of the request as contained in the agenda support documents. Chairman Wilking noted that LU 2005-20 was to change from medium to high density. He requested to hear both cases together and then vote on them separately.

HOUSING ASSISTANCE CORPORATION OF NASSAU COUNTY, INC., lots 4 & 5 of block 238, between Jasmine Street and Lime Street (LU 2005-20), Land Use Amendment from Medium Density Residential to High Density Residential.

Ms. McClenning stated that it was a small scale amendment to the Future Land Use Map (FLUM). City Attorney Braga commented that she thought it was large scale. She pointed out that there was a contingency for the amount of density. She stated that anything over 10 units per acre is considered large scale. Ms. McClenning provided further details of the request as contained in the agenda support documents.

Mr. Jeffrey Tomassetti, 406 Ash Street, referred to the site plan and explained that the Housing Authority of the City of Fernandina Beach was currently addressing low income housing on the island. He stated that they formed the Housing Assistance Corporation as a sister corporation to take advantage of some opportunities to build low income housing for seniors. He explained that they were trying to build a two-story building on the site that will have 12 one bedroom and 4 two bedroom apartments. He stated that they don't propose to resell this, because this would be a rental facility for senior housing. He commented that to accommodate the site plan and the needs for cost effectiveness they do require 16 units on a 1.29 acre site. He stated that they need R-3 zoning and a density of approximately 13 units per acre. He referred to the text amendment and explained that it was an amendment to the

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Comprehensive Plan that allows some density bonuses for housing in the high density residential land use area. He stated that they would need to take advantage of that in order to build the 16 units.

Board Member Bennett questioned if they were doing what the PAB had asked them the last time they were before the board. Mr. Tomassetti replied yes and explained that they worked closely with staff on this. Chairman Wilking noted that there were discussions about the term for it to be designated. Mr. Tomassetti explained that he thought the concern was that somehow this non-profit organization could flip this property in the near future, but he believed that the purpose has to be for senior housing and that is very strictly defined. He stated that he believed staff addressed that somewhat in the text amendment. Ms. McClenning replied yes. Board Member Conger commented that he thought the board should take a look at the text amendment before or in close conjunction with these two cases. He questioned if the applicant was planning to bring this in underneath the text amendment as a condition. Mr. Perry replied correct. Board Member Conger stated that the text amendment as he understood it prohibits a change from occurring in the event the property is sold. He questioned if he was correct about this. Ms. McClenning replied that they remain affordable as defined in 420-602 for a period of not less than 20 years from initial occupancy.

There being no comments from the floor, a motion was made by Board Member Bradford, seconded by Board Member Conger, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Conger questioned if notification had gone out. Ms. McClenning replied yes. **A motion was made by Board Member Conger, seconded by Board Member Bradford, to send to the City Commission approval of LU 2005-20 with any conditions that staff might have put on it.** Chairman Wilking inquired if there were any complication with the large scale amendment. Ms. McClenning replied no not from a voting standpoint. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

A motion was made by Board Member Conger, seconded by Board Member Bradford, to send to the City Commission a recommendation for approval CZ 2005-20 subject to any conditions or amendments by the board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Mr. Tomassetti inquired if the board could visit the text amendment.

TEXT AMENDMENT TO THE COMPREHENSIVE PLAN allowing a density bonus for affordable housing in the high Density Residential land use category (TA 2005-24).

Mr. Tomassetti stated that he believed that their request for high density residential as a part of the Comprehensive Plan was small scale. He commented that this amendment that would go in was large scale. City Attorney Braga stated that all text amendments are large scale, but there is also a provision that if the requested density is over 10 units it is also considered large scale. She explained that staff would double check this, because there may be an affordable housing exemption.

Ms. McClenning provided details about the text amendment as contained in the agenda support documents. Board Member Bennett questioned if there was a median income that they specifically address. Mr. Perry clarified that the median income level for the Jacksonville metropolitan area, which covers Nassau County, Baker County and other surrounding counties is \$56.6 thousand dollars for a family of four. Board Member Bennett



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

TRAFFIC ANALYSIS HOUSING AUTHORITY

Selected Use: 16 multi-family units

Based on the ITE code for multi-family units, the trip generation rate is 0.54 peak trips per unit with 100% of those trips being new to the roadway (not passerby).

$16 \text{ units} \times 0.54 \text{ trips/unit} \times 1.00 = 9 \text{ new peak hour trips}$

Trip distribution:

8 trips to Lime Street

1 trip to Jasmine Street

Link 31 – Lime Street (8th Street to 14th Street)

Maximum peak hour capacity = 744 trips

Available Capacity = 438 trips

Capacity after development = 430 peak hour trips

Segment passes concurrency

Jasmine Street not analyzed from 8th Street to 14th Street

Lime Street distribution:

6 trips toward 14th Street/2 trips toward South 8th Street

Maximum Capacity on South 14th Street = 1323 peak hour trips

$6 \text{ trips} / 1,323 \text{ trips} = 0.45\%$; $< 2\%$; **not a significant impact**

Maximum capacity on 8th Street = 1,860 trips

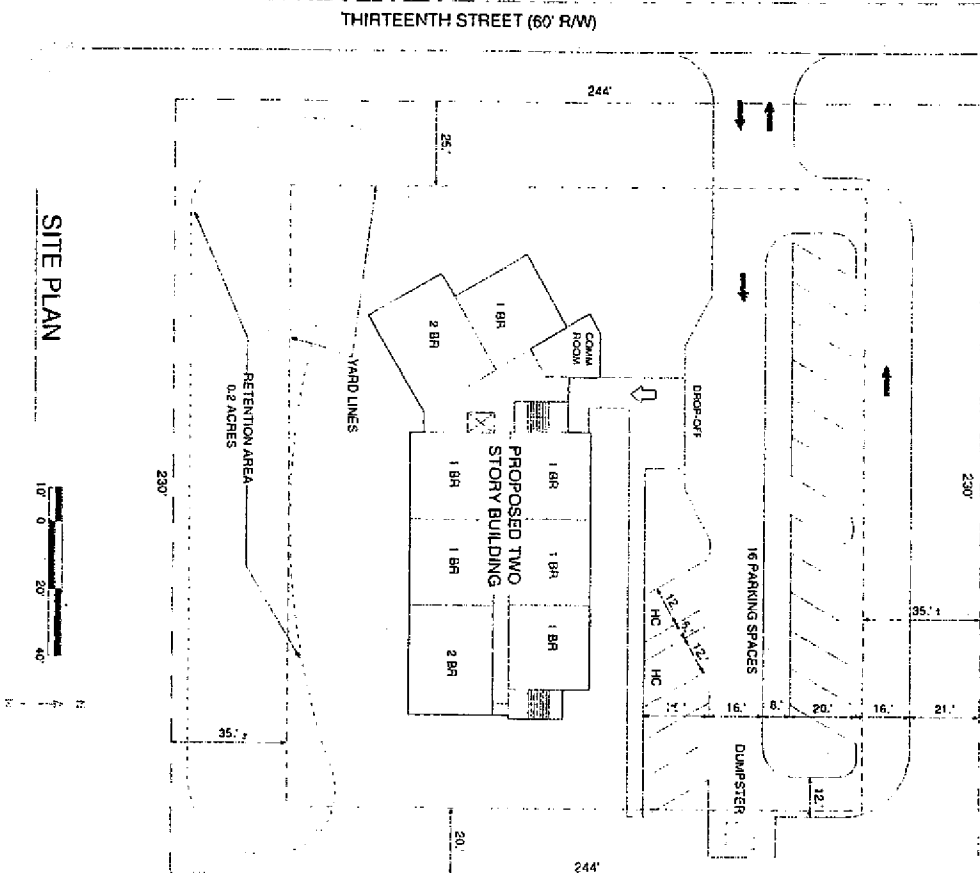
$2 \text{ trips} / 1,860 \text{ trips} = 0.11\%$; $< 2\%$; **not a significant impact**

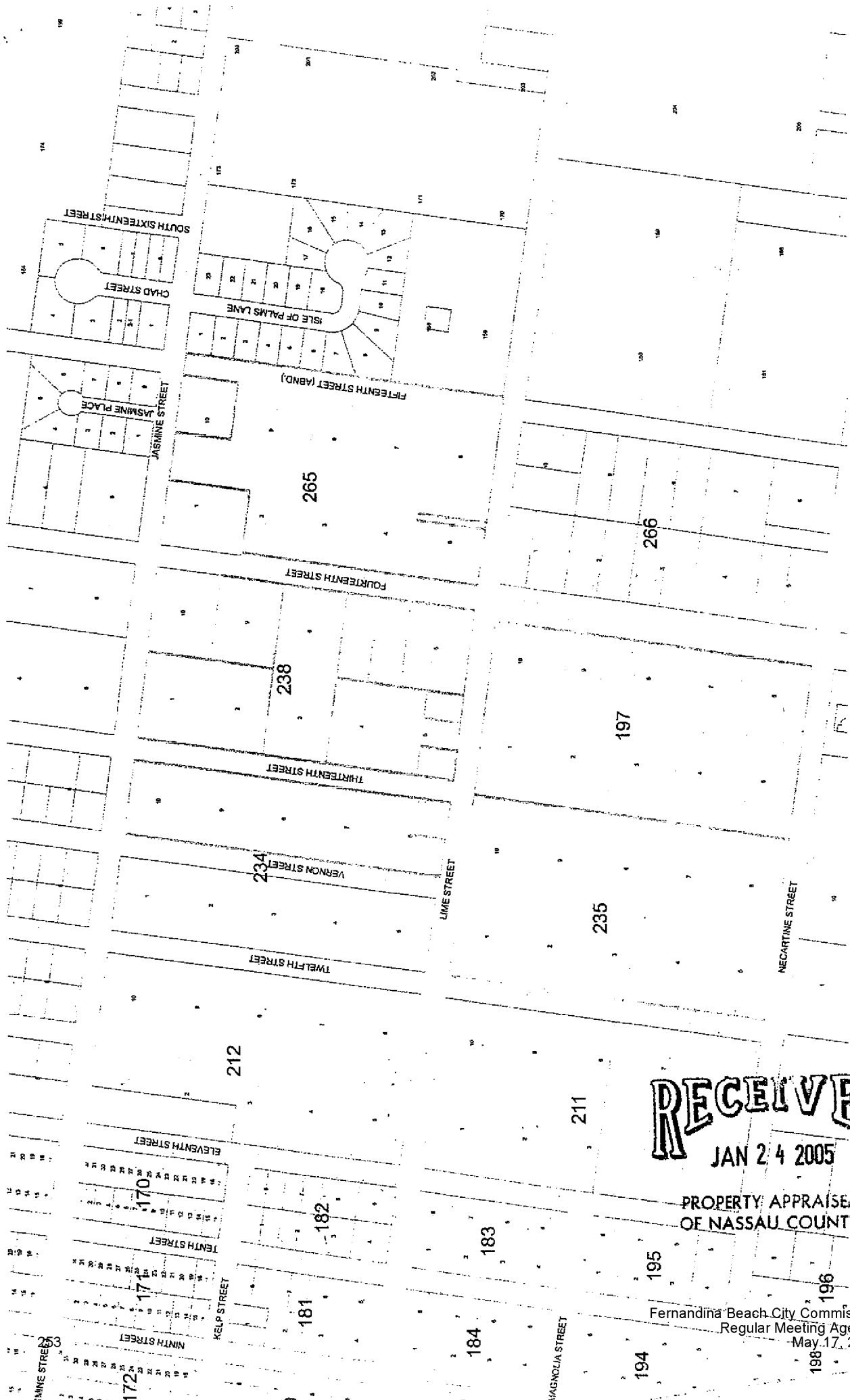
All segments pass concurrency

FEB 07 2005

NOTES:

1. SITE AREA: 1.3 ACRES
2. 16 RESIDENTIAL UNITS: 12 ONE BEDROOM
4 TWO BEDROOM
DENSITY SHOWN = 12.3 UNITS / ACRE
3. EXISTING ZONING: R2
EXISTING LAND USE: MEDIUM DENSITY RESIDENTIAL
4. ALL PARKING SPACES 10' X 20' EXCEPT HANDICAPPED
ACCESSIBLE WHICH ARE 12' X 20'.
5. WATER AND SEWER SERVICE PROVIDED FROM 13TH STREET.
6. NO WETLANDS ON SITE AS DETERMINED BY
MICK GILLETTE & ASSOCIATES.
7. THE FUTURE USE AMENDMENT MUST BE DEVELOPED IN SUBSTANTIAL
COMPLIANCE WITH THE PROPOSED SITE PLAN.
8. NO PERMITS APPLIED FOR TO DATE.





RECEIVED
JAN 24 2005

PROPERTY APPRAISER
OF NASSAU COUNTY

Fernandina Beach City Commission
Regular Meeting Agenda
May 17, 2005

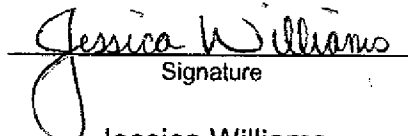
AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Jessica Williams, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Community Development Department; and
2. That part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that notice shall be sent by regular U.S. mail to each property owner within a 300 foot area; and
4. That on February 23, 2005, I mailed the letter attached hereto as Exhibit 1 to each of the property owners shown on the list in Exhibit 2, by regular U.S. mail; and
5. That for CZ 2005-20 the list of the adjacent property owners from the Nassau County Property Appraisers Office is attached hereto as Exhibit 2.
6. That the Affidavit of Publication of the Notice is a separate document, provided by the News Leader.

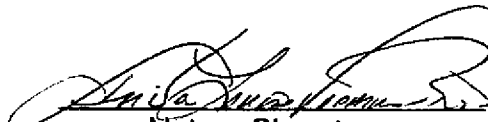
FURTHER AFFIANT SAYETH NAUGHT.


Signature
Jessica Williams
Printed Name
Staff Assistant
Title

Subscribed and sworn to before me, a notary public in and for the State of Florida this 23RD day of February, 2005.

(Seal)

ANITA LOUISE VOSMUS-ROSS
Notary Public, State of Florida
My comm. exp. Oct. 17, 2008
Comm. No. DD 363311


Notary Signature



City of Fernandina Beach

PLANNING DEPARTMENT

February 23, 2005

NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

Dear Property Owner:

A Quasi-Judicial, Public Hearing to be held by the Planning Advisory Board on **Wednesday, March 9, 2005 at 6:00 PM** in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to consider the following applications:

**HOUSING ASSISTANCE CORPORATION OF NASSAU COUNTY, INC.,
LOTS 4 & 5 OF BLOCK 238, BETWEEN JASMINE STREET AND LIME
STREET.**

- **CZ 2005-20: CHANGE IN ZONING FROM R-2: ONE & TWO FAMILY DWELLING DISTRICT TO R-3: MULTIPLE FAMILY DISTRICT**
- **LU 2005-20: LAND USE AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL**

A copy of the application and information on this application may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00AM – 5:00PM, Monday through Friday.

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 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Very truly yours,

Planning Department

Fernandina Beach City Commission
Regular Meeting Agenda
May 17, 2005

SUBJECT

00-00-31-1800-0238-0040
CURTIS GAIL W TRUSTEE
11635 NW 1ST AVE
GAINESVILLE FL 32607

00-00-31-1800-0197-0000
WOODS & WATER INC
2057 SOUTH FLETCHER AVE
FERNANDINA BEACH FL 32034

00-00-31-1800-0234-0060
FERNANDINA BEACH RRH LTD
P O BOX 10293
CLEARWATER FL 33757

00-00-31-1800-0234-0061
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH FL 32034

00-00-31-1800-0235-0010
TRIANGLE INVESTMENT LIMITED
PARTNERSHIP C/O LDI
CONSULTANTS INC
881 SPRINGDALE ROAD
ATLANTA GA 30306

00-00-31-1800-0238-0010
FERNANDINA BEACH CHURCH OF
CHRIST INC
P O BOX 543
FERNANDINA BEACH FL 320350543

00-00-31-1800-0238-0030
FREE AND ACCEPTED MASONS
AMELIA LODGE NO 47
1101 SOUTH 14TH ST
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0051
LAMB ELIZABETH D EST
1315 LIME ST
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0052
JARRELL CLIFFORD O & LINDA S
2212 ATLANTIC AVE
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0053
ARMSTRONG RONALD E & TANA I
1309 LIME ST
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0060
MOCK BELLE W
1127 SOUTH 14TH ST
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0070
MURPHY SADIE M
1107 SO 14TH ST
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0072
KEMP ROY GREEN & JEANETTE M
1115 SOUTH 14TH ST
FERNANDINA BEACH FL 32034

00-00-31-1800-0238-0090
NASSAU COUNTY BOARD OF
COUNTY COMMISSIONERS
PO BOX 1010
FERNANDINA BEACH FL 320351010

00-00-31-1800-0265-0011
EIGHT FLAGS LLC
LIABILITY COMPANY
6260 DUPONT STATION CT STE D
JACKSONVILLE FL 32217

00-00-31-1800-0265-0052
LEE CHIROPRACTIC CLINIC INC
1920 SOUTH 14TH ST
FERNANDINA BEACH FL 32034

RECEIVED
JAN 24 2005

PROPERTY APPRAISER
OF NASSAU COUNTY
Fernandina Beach City Commission
Regular Meeting Agenda
May 17, 2005

NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Michael B. Hankins** who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING Planning Advisory Board City of Fernandina Beach March 9, 2005

was published in said newspaper in the issues of **02-23-2005**

ref. No. 4128

Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
this 23rd day of February, A.D. 2005.

Robert O. Fiege
Robert O. Fiege, Notary Public

[Signature]
Personally Known



ROBERT O. FIEGE
MY COMMISSION # DD317112
Fernandina Beach City Commission
Expires: May 17, 2005
Regular Meeting Agenda
May 17, 2005
1-800-3-NOTARY
Fl. Notary Discount Assoc. Co.

NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD

CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN that a Quasi-Judicial Public Hearing is scheduled for Wednesday, March 9, 2005 at 2:00 PM in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to consider the following applications:

CHANGE OF ZONING

HOUSING ASSISTANCE CORPORATION OF NASSAU COUNTY, INC. LOTS 4 & 5 OF BLOCK 248, BETWEEN JASMINE STREET AND LIME STREET (CZ 2005-20) CHANGE IN ZONING FROM R-2 ONE & TWO FAMILY DWELLING DISTRICT TO R-3 MULTIPLE FAMILY DISTRICT (Quasi-Judicial)

SPECIAL USE

LIE BARRIE & TIM GARRIS, 820 SOUTH FLETCHER AVENUE (SU 2005-03) CONSTRUCTION OF A SINGLE FAMILY HOME IN THE COASTAL PROTECTION ZONE (Quasi-Judicial)

WILE HUNT, SOUTH FLETCHER AVENUE LOTS 7 & 8 OF BLOCK 24 (SU 2005-18) CONSTRUCTION OF A SINGLE FAMILY HOME IN THE COASTAL PROTECTION ZONE (Quasi-Judicial)

CLAUDE AND LORETA DRYDEN, SOUTH FLETCHER AVENUE LOTS 51 & 52 (SU 2005-19) CONSTRUCTION OF A SINGLE FAMILY HOME IN THE COASTAL PROTECTION ZONE (Quasi-Judicial)

LAND USE AMENDMENT

HOUSING ASSISTANCE CORPORATION OF NASSAU COUNTY, INC. LOTS 4 & 5 OF BLOCK 248, BETWEEN JASMINE STREET AND LIME STREET (LU

2005-20) LAND USE AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL (Quasi-Judicial)

TEXT AMENDMENT

TEXT AMENDMENT TO THE COMPREHENSIVE PLAN ALLOWING A DENSITY BONUS FOR AFFORDABLE HOUSING IN THE HIGH DENSITY RESIDENTIAL LAND USE CATEGORY (PA 2005-24) (Quasi-Judicial)

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 277-7305 (TTY 277-7392) (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications may be inspected in the office of the Community Development Department, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the Planning Department at 277-7325.

11-02-23-2005

4128



**FINDINGS OF FACT
VARIANCE OF THE DEVELOPMENT STANDARDS
BOARD OF ADJUSTMENT
FERNANDINA BEACH, FLORIDA**

Whereas the Fernandina Beach Board of Adjustment shall in all cases heard by the Board make written determinations and findings of fact, that support the Board's decisions in accordance with the Land Development Code, Section 10.02.00, Variances.

Whereas, the Fernandina Beach Board of Adjustment held a public hearing on March 20, 2024, and, a notice of public hearing was given, the Board has given consideration to the following variance application:

Case Number:	BOA 2024-0001
Owner/Applicant	Gillette & Associates Agent for Michael Gibbs
Property Location:	00-00-31-1800-0238-0040
Requested Variance:	Variance Request from LDC Section 4.04.02(E) requiring that subdivision shall have at least two (2) vehicular access points to an improved right-of-way.

Whereas, the Fernandina Beach Board of Adjustment has given consideration to the following determinations as per Section 10.02.01(C) of the Land Development Code and has made the following determinations:

I. Section 10.02.01(C) Limitations on the Grant of a Variance

In order for an application for a variance to be approved or approved with conditions, the BOA shall find that all of the following criteria apply: *(all questions must be answered in the negative. All affirmative answers must be provided with an explanation)*

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

No. The requested variance does not grant a use that is not permissible in the zoning district in which the property subject to the variance is located.

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

No. The requested variance does not authorize any use or standard that is expressly prohibited by the Comprehensive Plan.

- 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.**

No. The requested variance does not involve the nonconforming use of adjacent lands, structures or buildings.

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

No. The requested variance does not change the requirements for concurrency.

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

No. The requested variance does not seek the use of a single media peonia.

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

No. The evidence submitted is not solely a demonstration of financial hardship or economic considerations.

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

No. The requested variance requested is not for procedure or process components of the LDC.

- 8. A variance shall not be granted to deviate from LDC Section 4.02.02 to combine two (2) or more lots which would result in a lot width of greater than 100 feet for lots or parcels that abut Ocean Avenue, North Fletcher Avenue, or South Fletcher Avenue.**

No. The variance requested is not for lot combination for a property on Ocean Avenue or South Fletcher Avenue.

- 9. A variance shall not be granted which authorizes the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.**

No. The variance requested is not for the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.

- 10. No variance shall be granted to exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean high-water line of the Atlantic Ocean under LDC Section 4.02.03(D), table 4.02.03(E), specifically note 1.**

No. The variance requested does not exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean high-water line of the Atlantic Ocean under LDC Section 4.02.03(D), table 4.02.02(E), specifically note 1.

- 11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.02(E).**

No. The variance requested for any residential or residential mixed-use structure does not exceed the maximum building height requirements contained in Table 4.02.02(E).

- 12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.02(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.**

No. The variance requested does not exceed the minimum side yard setbacks listed in Table 4.02.02(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

II. Section 10.02.02(A) Required Findings for a Grant of a Variance

In order for an application for a variance to be approved or approved with conditions, the BOA shall find that all of the following criteria apply: *(all questions must be answered in the affirmative. Negative answers must be addressed in the findings)*

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

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

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

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

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

Yes. Literal interpretation of the provisions of the Land Development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

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

Yes. This is the minimum variance required that will make possible a reasonable use of the land and structure or building.

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

Yes. This request for a variance is in general harmony with the LDC and Comprehensive Plan.

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

Yes. Granting of a variance is compatible with nearby development and the character of the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.

III. Section 10.02.02(B) Required Findings for a Grant of a Variance

In order for an application for a variance to be approved or approved with conditions, the BOA shall find that the following criteria apply:

1. The applicant has met the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 10.02.02(A).

Yes. The applicant has met the burden of proof of demonstrating compliance with each of the requirements in Section 10.02.02(A).

Whereas, after closing the public hearing, a motion was made by Board Member Ross and seconded by Board Member Hertslet that the application **BOA 2024-0001** be:

☐ **Approved as presented.**

☒ **Approved, subject to the following conditions and or restrictions:**
That the Fire Department provide an approval letter relating to acceptable fire and safety access and that the development of the parcel not exceed 9 units.

☐ Denied

Voting Record

Member	For	Against
Steven Papke (Chair)	X	
Jag Pagnucco	X	
Barry Hertslet	X	
Faith Ross	X	
Kelly Powers	X	

TOTALS

5

0

Motion X [PASSED] [FAILED]



Steven Papke, Chair

7/19/2024
Date

RESOLUTION 2024-186

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A PRELIMINARY PLAT TITLED "SEA LA VIE" FOR NINE (9) TOTAL HOME SITES LOCATED AT SOUTH 13TH STREET ON 1.29 ACRES OF LAND; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gillette and Associates Inc, agent for owner, Dale Cole, Sea La Vie Amelia, LLC., has applied to the City Commission of the City of Fernandina Beach, Florida, for approval of a preliminary plat titled "Sea La Vie" located at S. 13th Street on 1.29 acres of land; and

WHEREAS, the Sea La View subdivision includes the creation of a nine-lot residential subdivision containing eight (8) townhome units and one (1) detached single-family dwelling unit; and

WHEREAS, the Technical Review Committee has reviewed the preliminary plat under TRC 2023-0040, found the site plan to be compliant and is awaiting a local development order; and

WHEREAS, staff has reviewed the applicant's request for a preliminary plat and found the request to be compliant with the City's Comprehensive Plan and Land Development Code; and

WHEREAS, on August 14, 2024, the Planning Advisory Board reviewed the preliminary plat under PAB Case # 2024-0009 and issued a recommendation of approval.

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

SECTION 1. The plat titled "Sea La Vie", attached hereto as Exhibit A, is hereby accepted and approved as a preliminary plat.

SECTION 2. The City Commission makes the following findings of fact and conclusions of law part of the record: Resolution 2024-186 as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval.

SECTION 3. This Resolution shall take effect immediately upon passage.

ADOPTED this 17th day of September.

CITY OF FERNANDINA BEACH



BRADLEY M. BEAN
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk



TAMMI E. BACH
City Attorney

CAPTION:
LOT 4 & THE NORTH 72.0 FEET OF LOT 5, FERNANDINA BEACH, FLORIDA AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

COUNTY TAX COLLECTOR CERTIFICATE
TAX IDENTIFICATION NUMBER:
00-00-31-1800-0238-0040

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO UNPAID REAL PROPERTY TAXES APPLICABLE TO THE LANDS SUBJECT TO THIS PLAT:

SIGNED THIS _____ DAY OF _____, A.D. 2024.

TAX COLLECTOR
NASSAU COUNTY, FLORIDA

CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH CHAPTER 177.061, FLORIDA STATUTES, AND IS FILED FOR RECORD IN OFFICIAL RECORDS BOOK _____, PAGE _____, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

THIS _____ DAY OF _____, A.D. 2024.

CLERK OF THE CIRCUIT COURT

DIRECTOR OF EMERGENCY SERVICES CERTIFICATE
THIS IS TO CERTIFY THAT THE ABOVE PLAT HAS BEEN APPROVED BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF FERNANDINA BEACH, FLORIDA.

THIS _____ DAY OF _____, A.D. 2024.

DIRECTOR OF EMERGENCY SERVICES

ZONING CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME, AND IS IN COMPLIANCE WITH THE ZONING RULES AND REGULATIONS OF THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, CURRENTLY IN EFFECT.

THIS _____ DAY OF _____, A.D. 2024.

DIRECTOR OF PLANNING

APPROVED FOR THE RECORD:

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY MANAGER OF THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA.

WITNESS BY SIGNATURE THIS _____ DAY OF _____, A.D. 2024.

CITY MANAGER

MAYOR CERTIFICATE:

THIS PLAT HAS BEEN EXAMINED AND IS HEREBY ACCEPTED AND APPROVED BY THE CITY COMMISSION OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, PURSUANT TO A RESOLUTION OF SAID COMMISSION ADOPTED THIS _____ DAY OF _____, A.D., 2024.

BY:

ATTEST:

MAYOR

CITY CLERK

CERTIFICATE OF REVIEW BY CITY EMPLOYED / CONTRACTED SURVEYOR

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, F.S., AND THAT I AM EMPLOYED BY OR UNDER CONTRACT TO THE APPROPRIATE LOCAL GOVERNING BODY AND ACTING HERETO AS AN AGENT THEREOF. THIS LIMITED CERTIFICATION AS TO FACIAL CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177, F.S., IS NOT INTENDED TO BE AND SHOULD NOT BE CONSTRUED AS A CERTIFICATION OF THE ACCURACY OR QUALITY OF THE SURVEYING / MAPPING REFLECTED ON THIS PLAT.

SURVEYOR / MAPPER
CHARLES ROBERT LEE
FLORIDA REGISTRATION NO.: LS 5618

DATE

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, PLATTED AND DESCRIBED IN THE CAPTION; THAT THE SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES; THAT THE SURVEY AND LEGAL DESCRIPTION ARE ACCURATE; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'s) HAVE BEEN SET ACCORDING TO CHAPTER 177.091 (7); AND THAT PERMANENT CONTROL POINTS (P.C.P.'s) WILL BE SET ACCORDING TO THE CHAPTER 177.091 (8); ALL ACCORDING TO THE LAWS OF THE STATE OF FLORIDA AND NASSAU COUNTY.

THIS _____ DAY OF _____, A.D. 2024.

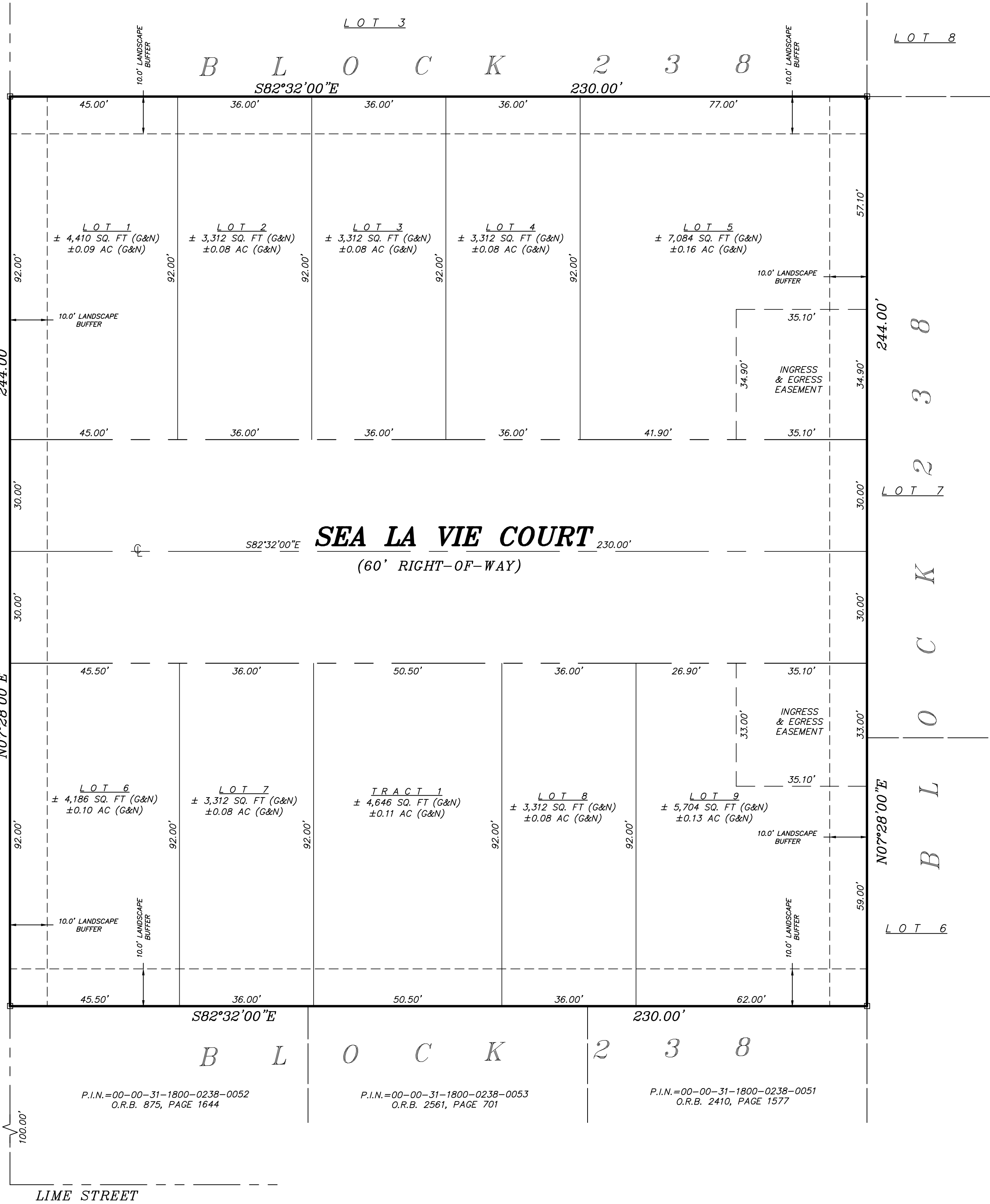
MICHAEL A. MANZIE, P.L.S.
FLORIDA CERTIFICATE No. 4069

MANZIE & DRAKE LAND SURVEYING
117 SOUTH 9TH STREET
FERNANDINA BEACH, FL 32034
CERTIFICATE OF AUTHORIZATION NUMBER "LB 7039"

SEA LA VIE AMELIA

A REPLAT OF LOT 4 AND THE NORTH 72.0 FEET OF LOT 5, BLOCK 238, CITY OF FERNANDINA BEACH, NASSAU COUNTY FLORIDA

SOUTH THIRTEENTH STREET
(60' RIGHT-OF-WAY)



SURVEYOR'S NOTES

- 1.) ☐ DENOTES PERMANENT REFERENCE MONUMENT (P.R.M.) (5/8" IRON ROD & CAP") SET WITH IDENTIFICATION "PRM LB 7039".
- 2.) 43,560 SQ. FT. (G&N) (GROSS & NET) DENOTES GROSS & NET LOT SQUARE FOOTAGE
- 3.) BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FOURTH STREET AS S07°28'00"W. THE BEARING REFERENCE LINE IS INDICATED AS THUS (BR).
- 4.) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" AS PER F.E.M.A. FLOOD INSURANCE RATE MAP, PANEL 12089C 0237 G, DATED 08/02/2012.
- 5.) THE CURRENT ZONING FOR THE LANDS SHOWN ON THIS PLAT AS OF THE DATE OF RECORDING IS R-3. THE SETBACKS ARE AS FOLLOWS:
R-3:
MAXIMUM HEIGHT = 45- FEET / FRONT SETBACK - 25- FEET / REAR SETBACK - 20- FEET
SIDE SETBACK - 10% OF LOT WIDTH / SIDE SETBACK (SIDE ABUTTING STREET) - 15- FEET
EACH SIDE YARD SETBACK SHALL BE INCREASED BY ONE-HALF (1/2) FOOT FOR EACH ONE (1) FOOT, OR FRACTION THEREOF, OF BUILDING HEIGHTS ABOVE TWENTY-FIVE (25) FEET.
- 6.) "NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 7.) NO FURTHER SUBDIVISION OF LOTS IS ALLOWED UNLESS SUCH SUBDIVISION CONFORMS TO NASSAU COUNTY SUBDIVISION REGULATIONS AND BE APPROVED BY THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS.
- 8.) TOTAL NUMBER OF LOTS: (9) TOTAL NUMBER OF TRACTS: (1)

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, "SEA LA VIE AMELIA, LLC" IS THE LAWFUL OWNER OF THE LAND DESCRIBED IN THE CAPTION HEREON WHICH SHALL HEREFTER BE KNOWN AS "SEA LA VIE AMELIA", AND THAT IT HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AND THAT THIS PLAT, MADE IN ACCORDANCE WITH SAID SURVEY IS HEREBY ADOPTED AS THE TRUE AND CORRECT PLAT OF SAID LAND.

IN WITNESS WHEREOF, OWNER HAS CAUSED THIS PLAT AND DEDICATION TO BE EXECUTED BY ITS DULY ELECTED OFFICERS ACTING BY AND WITH THE AUTHORITY OF THE BOARD OF DIRECTORS.

TRACT 1 (COMMON SPACE TRACT) IS HEREBY DEDICATED TO THE SEA LA VIE AMELIA HOMEOWNERS ASSOCIATION, INC.

ALL ALLEYS, EASEMENTS, RIGHTS-OF-WAY (SEA LA VIE COURT), AND PUBLIC AREAS SHOWN ON THIS PLAT ARE DEDICATED TO THE PUBLIC FOR THE USES AND PURPOSES THEREON STATED AND REMAINS A MAINTENANCE OBLIGATION OF THE CITY OF FERNANDINA BEACH.

ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

SEA LA VIE AMELIA, LLC

WITNESS _____ MICHAEL LEE GIBBS

PRINT OR TYPE NAME

WITNESS _____

PRINT OR TYPE NAME

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF
☐ PHYSICAL PRESENCE OR ☐ ONLINE NOTARIZATION, THIS ____ DAY OF _____ 2024 BY _____

_____, AS
ON BEHALF OF

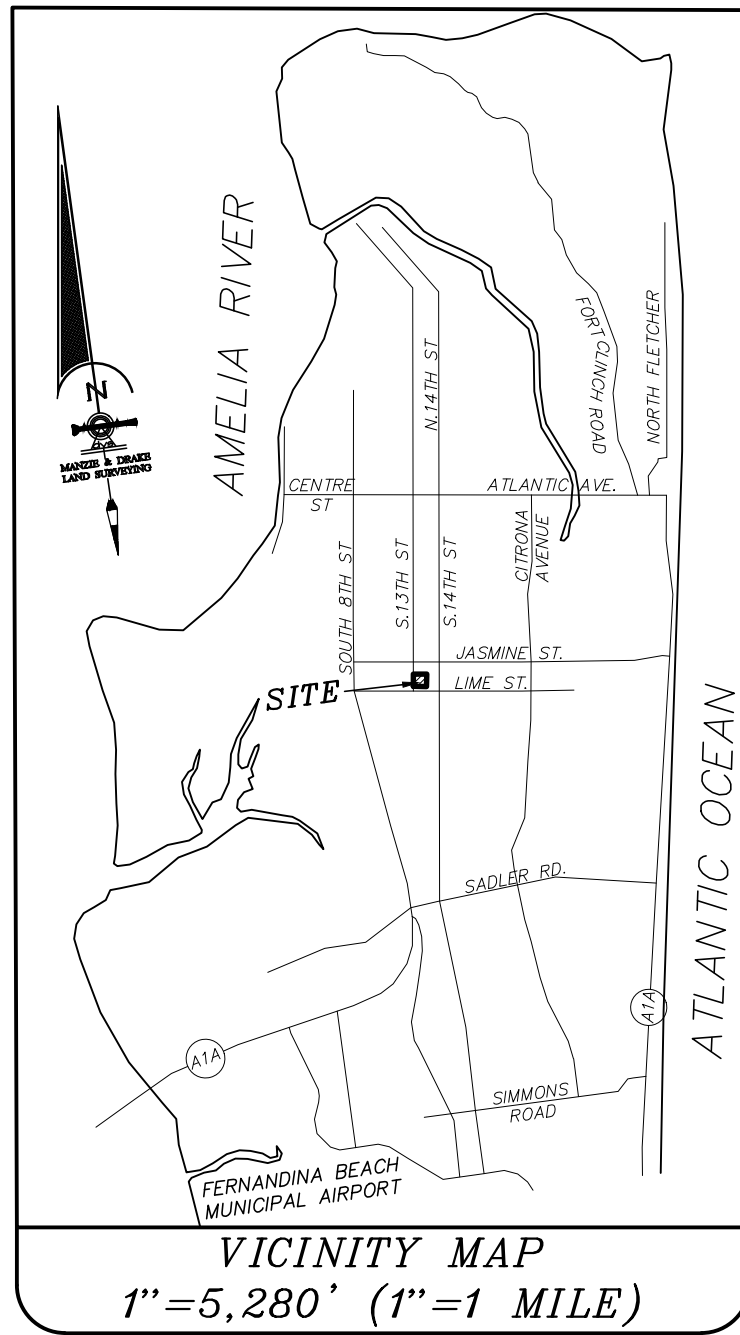
WHO PRODUCED _____, A _____ AS IDENTIFICATION OR WHO IS PERSONALLY KNOWN.

NOTARY PUBLIC - STATE OF FLORIDA

PRINT NAME: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____



LEGEND

P.L.S. = PROFESSIONAL LAND SURVEYOR
P.I.N. = PARCEL IDENTIFICATION NUMBER
LB = LICENSED BUSINESS
SQ. FT. = SQUARE FEET
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
AC = ACRE
G = GROSS
N = NET
CL = CENTERLINE
P.I.N. = PARCEL IDENTIFICATION NUMBER
O.R.B. = OFFICIAL RECORDS BOOK
BM = BENCHMARK

Manzie & Drake Land Surveying

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



COMPLIANCE LETTER

October 4, 2024

Michael Gibbs
2712 W. Jetton Ave.
Tampa, FL 33629

Sent Via Email to Project Team

Applicant Name: **Asa Gillette, Gillete & Associates, Inc.**

Project Description: **Sea La View Subdivision for**

9 homes including 8 townhomes and 1 SF detached structure

Location: 1110 S. 13th Street

PIN(s): 00-00-31-1800-0238-0040

TRC Case Number: **TRC 2023-0040**

Mr. Gillette,

The City of Fernandina Beach received your request for a site plan review on January 8, 2024. All submitted documents were routed to the Technical Review Committee (TRC). Based on findings from the Technical Review Committee (TRC) and their review of the plans, dated January 8, 2024, the site plan for the above-referenced project is hereby approved as part of Resolution 2024-186.

Local Development Orders expire twelve (12) months after the date of issuance, which is the date of this letter. Prior to the expiration of a local development order, the local development order may be extended for a period not to exceed six (6) months, when a written request is submitted to the City. No more than two (2) such six (6) month extensions shall be issued.

Any revisions to this site plan may require additional review and approval. Please be reminded that this local development order allows for an application to be made to complete site clearing and initial infrastructure associated with the subdivision. A final plat application is required in keeping with LDC Section 11.01.05 (E). Additionally, the final plat acceptance requires certain inspections and maintenance obligations to be fulfilled in accordance with LDC Section 11.05.00.

If you need further information regarding this compliance report or the next steps for this project, please contact me at trcinfo@fbfl.city or 904-310-3480.

Sincerely,

Kelly N. Gibson, AICP
TRC Coordinator

CC: File and TRC Members

After recording return to:

Nassau County School District
Office of the Superintendent
1201 Atlantic Avenue
Fernandina Beach, FL 32034

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

Application Number: 2024SCR0004

Project Name: SOUTH 13TH STREET

**PUBLIC SCHOOL CONCURRENCY
PROPORTIONATE SHARE MITIGATION AGREEMENT**

THIS PUBLIC SCHOOL CONCURRENCY PROPORTIONATE SHARE MITIGATION AGREEMENT ("Agreement"), is entered into by and between THE SCHOOL DISTRICT OF NASSAU COUNTY, a body corporate and political subdivision of the State of Florida, hereinafter referred to as "School District;" the CITY OF FERNANDINA BEACH, Florida, a municipal corporation within the State of Florida, hereinafter referred to as "City" and MICHAEL L. GIBBS, whose address is 3222 Amelia Road, Fernandina Beach, Florida 32034, hereinafter referred to as "Applicant", together referred to as the "Parties."

RECITALS:

WHEREAS, in order to implement a system of school concurrency as provided in the Public School Facilities Element of the Nassau County 2030 Comprehensive Plan (the "Public School Facilities Element"), the School District, Nassau County, and the municipalities within Nassau County have entered into that certain "Amended Interlocal Agreement For Public School Facility Planning," dated as of August 2008 (the "Interlocal Agreement"); and

WHEREAS, the City and the School District have adopted and implemented a public school concurrency management system to assure the future availability of public school facilities to serve new development consistent with level of service standards ("Level of Service" and "Level of Service Standards") required in the current Interlocal Agreement and the Public School Facilities Element; and

WHEREAS, pursuant to Section 10 of the Interlocal Agreement, Sections 10.08.01 and 10.08.05 of the Public School Facilities Element, and Section 163.3180, Florida Statutes, an Applicant submitting a development permit application for residential development requiring a rezoning, subdivision plat approval, site plan approval, or the functional equivalent that will generate additional students in a concurrency service area, as established in the Public School Facilities Element, in which there is insufficient capacity to accommodate the anticipated additional students must enter into a proportionate share mitigation agreement and provide proportionate share mitigation to ensure that the minimum level of service standards are

maintained as specified in the Interlocal Agreement, the Public School Facilities Element, and Florida Statutes; and

WHEREAS, applicants must submit a development permit application to the City along with a School Impact Analysis that identifies the proposed location of the residential development, the number of dwelling units that will be created, a phasing schedule (if applicable), and age restrictions for occupancy (if any) as well as all other information required pursuant to the Interlocal Agreement and Public School Facilities Element; and

WHEREAS, Applicant is the fee simple owner, or authorized agent of the owner, of that certain tract of land (Parcel Number(s) 00-00-31-1800-0238-0040), consisting of 1.3 ± acre(s) and located in the Fernandina Concurrency Service Area specified in the Public School Facilities Element, which property is more particularly described on Exhibit "A," attached hereto and incorporated herein by reference (the "Property"), which such Property location is further illustrated by a map attached hereto as Exhibit "B," and incorporated herein by reference; and

WHEREAS, the Applicant has submitted a development permit application and School Impact Analysis to City in connection with a proposal to obtain a subdivision plat in order to develop nine (9) single-family residential dwelling units on the Property (the "Development Permit Application"), which such Development Permit Application and School Impact Analysis have been forwarded to the School District; and

WHEREAS, the School District has reviewed and evaluated the Applicant's Development Permit Application and School Impact Analysis as required by the Interlocal Agreement; and

WHEREAS, the School District has determined that at the time of this Agreement, based on the current adopted Level of Service Standards, adequate middle and high school capacity is available within the applicable Concurrency Service Area and any contiguous Concurrency Service Areas to accommodate the middle and high school students the Development Permit Application is anticipated to generate for the proposed dwelling units; and

WHEREAS, the School District has determined that based on the current adopted Level of Service Standards, there is insufficient elementary school capacity within the applicable Concurrency Service Area and any contiguous Concurrency Service Areas, including any anticipated new school capacity that will be available in the first three (3) years of the current School District Educational Facilities Plan, to accommodate the anticipated number of public school students that the Development Permit Application will generate and that available school capacity will not be in place or under actual construction within three (3) years after the approval of the Development Permit Application; and

WHEREAS, approving the Development Permit Application without requiring Proportionate Share Mitigation for the impacts of the proposed new dwelling units will result in a failure of the adopted Level of Service Standards; and

WHEREAS, the Applicant has agreed to enter into this Agreement with the School District and City to provide Proportionate Share Mitigation proportionate to the demand for Public School

Facilities to be created by the Development Permit Application, as more particularly set forth herein; and

WHEREAS, the Parties agree that public school concurrency shall be satisfied by the Applicant's execution and full performance of this legally binding Agreement to provide mitigation proportionate to the demand for public school facilities to be created by the residential dwelling units proposed in the Development Permit Application ("Proportionate Share Mitigation").

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

SECTION 1. INCORPORATION OF RECITALS. The foregoing recitals are true and correct and are hereby incorporated into this Agreement by this reference as if fully set forth herein.

SECTION 2. DEFINITION OF MATERIAL TERMS. Any capitalized terms used herein but not defined shall have the meaning attributed to such term in the Interlocal Agreement, as the context may require.

SECTION 3. LEGALLY BINDING COMMITMENT.

(A) This Agreement constitutes a legally binding commitment by the Applicant to mitigate for the impacts of the new residential dwelling units for which the Applicant is seeking approval pursuant to the Development Permit Application and satisfies the requirements of the Interlocal Agreement and Public School Facilities Element.

(B) The Parties agree that this Agreement satisfies the requirements of Section 163.3180(6)(h), Florida Statutes, as a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the residential development proposed in the Development Permit Application.

SECTION 4. PROPORTIONATE SHARE MITIGATION. The Applicant shall provide the following Proportionate Share Mitigation in order to meet the demand for school capacity created by the proposed residential development from the Development Permit Application, and to provide for capacity for 1,355 elementary school students, as follows, in accordance with Section 10.6 of the Interlocal Agreement and the Public School Facilities Element:

(A) The payment of a total amount of FORTY-SEVEN THOUSAND, TWO HUNDRED SEVENTY-TWO DOLLARS AND NO/100 (\$47,272.00) for the Development Permit Application, which equates to FIVE THOUSAND, TWO HUNDRED FIFTY-TWO DOLLARS AND 44/100 (\$5,252.44) per dwelling unit, as an appropriate proportionate share payment to enable the School District to maintain the Level of Service Standard for school capacity in the affected Concurrency Service Area or Concurrency Service Areas.

(B) This proportionate share payment shall occur at the time of and be a condition precedent for the issuance by City of a Certificate of Concurrence as provided in Section 6. This payment shall be made directly to the School District.

SECTION 5. USE OF PROPORTIONATE SHARE MITIGATION. The School District shall direct any and all Proportionate Share Mitigation, provided in Section 4 above, to a school capacity project identified in the financially feasible five (5) year district work plan of the School District Educational Facilities Plan which mitigates the impacts from the proposed residential development in the Development Permit Application. If such a school capacity project does not exist in the School District Educational Facilities Plan, the School District may, in its sole discretion, add a school capacity project to mitigate the impacts from the proposed residential development, as provided in Section 10.6 of the Interlocal Agreement.

SECTION 6. CONCURRENCE RESERVATION.

(A) Upon final execution of this Agreement by all Parties hereto, the School District shall issue a School Concurrence Reservation Letter documenting that capacity will be available for the proposed residential development in the Development Permit Application. The City shall be entitled to rely on the School Concurrence Reservation Letter in its review and issuance of a Certificate of Concurrence for the proposed development; provided that nothing herein shall require the City to issue a Certificate of Concurrence for the Development Permit Application if the Applicant has otherwise failed to satisfy the requirements of the City's land development regulations.

(B) The duration and effect of any Certificate of Concurrence relating to the development provided in the Development Permit Application shall be in accordance with the Interlocal Agreement and Public School Facilities Element; however, in no event shall this School Concurrence Reservation Letter, a Certificate of Concurrence, or any capacity reservation based on the same, continue to be effective if the Applicant fails to perform its obligations under this Agreement.

SECTION 7. IMPACT FEE CREDIT.

(A) Any Proportionate Share Mitigation paid pursuant to this Agreement shall be credited on a dollar-for-dollar basis at fair market value toward any Educational System Impact Fees due for the same residential development included in the Development Permit Application, as provided in Section 10.7 of the Interlocal Agreement or as provided in Section 163.31801, Florida Statutes, as it is in effect of the Effective Date of this Agreement.

(B) The School District shall notify the City of the amount of the above described Proportionate Share Mitigation, which fair market value is FORTY-SEVEN THOUSAND, TWO HUNDRED, SEVENTY-TWO DOLLARS AND NO/100 (\$47,272.00) and shall request Educational System Impact Fees credits in such amount on behalf of the Applicant upon receipt of the Proportionate Share Mitigation. In the event the Proportionate Share Mitigation required in Section 4 above involves the construction of a capital improvement or infrastructure, the fair market value of that donation may be adjusted based on final construction costs in accordance with the provisions of Section 4.

(C) An entity that later applies for a building permit for any of the dwelling units included in the Development Permit Application shall obtain an assignment of all or a portion of the above mentioned Educational System Impact Fee credits from the Applicant and submit such assignment to the School District and City at the time the Educational Impact Fee is due in order to drawdown from the Educational System Impact Fee credits provided herein, for so long as the Applicant has any remaining Educational System Impact Fee credits. The Parties agree that all the requirements, including those in the Nassau County Comprehensive Impact Fee Ordinance, for the Applicant to receive the Educational System Impact Fee credits set forth herein for the Development Permit Application have been satisfied.

(D) Nothing in this Agreement shall be deemed to require Nassau County to continue to levy or collect Educational System Impact Fees or, if levied, to maintain them at any certain level.

SECTION 8. NO GUARANTEE OF LAND USE. Nothing in this Agreement shall require City to approve the Development Permit Application.

SECTION 9. TERMINATION. This Agreement shall terminate and Applicant shall forfeit any administrative application fees paid under the following circumstances, unless the City and the School District agree to an extension of the Certificate of Concurrence provided to the Applicant:

(A) The City does not approve the Development Permit Application within one hundred eighty (180) days of the Effective Date of this Agreement. In such event, all Proportionate Share Mitigation paid by the Applicant shall be refunded to the Applicant.

(B) The Certificate of Concurrence expires in accordance with Section 9.9 of the Interlocal Agreement. In such case, this Agreement shall be terminated and any encumbered capacity shall become unencumbered. The Applicant will not be entitled to a refund of Proportionate Share Mitigation paid under this Agreement, but the value of the Proportionate Share Mitigation received shall be held as a credit toward any future Proportionate Share Mitigation that may be required for future residential development on the same property.

SECTION 10. COVENANTS RUNNING WITH THE LAND. This Agreement shall be binding, and shall inure to the benefit of the heirs, legal representatives, successors, and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation, or entity who may become the successor in interest to the Property.

SECTION 11. NOTICES. Any notice delivered with respect to this Agreement shall be in writing and be deemed to be delivered (whether or not actually received) (i) when hand delivered to the person(s) hereinafter designated, or (ii) upon deposit of such notice in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the person at the address set forth opposite the party's name below, or to such other address or other person as the party shall have specified by written notice to the other party delivered in accordance herewith:

School Board: Nassau County School District
Office of the Superintendent
1201 Atlantic Avenue
Fernandina Beach, FL 32034

Owner/Applicant: Michael L. Gibbs
3222 Ameila Road
Fernandina Beach, FL 32034

City: Kelly Gibson
Director of Planning and Conservation
204 Ash Street
Fernandina Beach, FL 32034

SECTION 12. CAPTIONS AND PARAGRAPH HEADINGS. Captions and paragraph headings contained in this Agreement are for convenience and reference only. They in no way define, describe, extend or limit the scope or intent of this Agreement.

SECTION 13. DEFAULT. If any party to this Agreement materially defaults under the terms hereof, then a non-defaulting party shall give the defaulting party thirty (30) days' notice and a right to cure such breach. Should the Applicant of the property described herein fail to timely cure a default in meeting their obligations set forth herein, the School Concurrency Reservation Letter and Certificate of Concurrency, issued based upon payment and/or performance hereunder, shall be voided and the Applicant and the property described herein shall lose their right to concurrency under this Agreement and their right to Educational System Impact Fee credits under this Agreement. Further, in the case of such default, any development upon that property dependent upon such certificate will be stopped, until and unless the Agreement is reinstated or the default is cured or capacity becomes available and is granted through an appropriate application. Should City or School District fail to timely cure a default in meeting their obligations set forth herein, Applicant may seek any and all remedies available to it in law or equity.

SECTION 14. NO WAIVER. No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against whom it is asserted. Any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

SECTION 15. EXHIBITS. All Exhibits attached hereto are a part of this Agreement and are fully incorporated herein by this reference.

SECTION 16. AMENDMENTS. No modification, amendment, or alteration in the terms or conditions contained herein shall be binding upon the parties hereto unless in writing and executed by all the Parties to this Agreement.

SECTION 17. ASSIGNMENT, TRANSFER OF RIGHTS. The Applicant may assign its rights, obligations and responsibilities under this Agreement to a third-party purchaser of all or any part of fee simple title to the Property; provided, however, that any such assignment

shall be in writing and shall require the prior written consent of all of the Parties hereto. Such consent may be conditioned upon the receipt by the other parties hereto of the written agreement of the assignee to comply with conditions and procedures to aid in the monitoring and enforcement of the assignee's performance of the Applicant's obligations with regard to Proportionate Share Mitigation under this Agreement. The assignor under such assignment shall furnish the Parties with a copy of the written assignment within ten (10) days of the date of execution of same.

SECTION 18. COUNTERPARTS. This Agreement may be signed in counterparts, each of which may be deemed an original, and all of which together constitute one and the same agreement.

SECTION 19. RECORDING OF THIS AGREEMENT. The School District agrees to record this Agreement, at Applicant's expense, within fourteen (14) days after the Effective Date, in the Public Records of Nassau County, Florida.

SECTION 20. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement among the Parties with respect to the subject matter addressed herein, and it supersedes all prior and contemporaneous negotiations, understandings and agreements, written or oral, among the Parties.

SECTION 21. SEVERABILITY. If any provision of this Agreement is declared invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable provision will be stricken from the Agreement, and the balance of the Agreement will remain in full force and effect as long as doing so would not affect the overall purpose or intent of the Agreement.

SECTION 22. APPLICABLE LAW. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and in accordance with the City of Fernandina Beach Code and venue for any action to enforce the provisions of this Agreement shall be in the Fourth Judicial Circuit Court in and for Nassau County, Florida.

SECTION 23. ATTORNEY'S FEES. In the event any party hereto brings an action or proceeding, including any counterclaim, cross-claim, or third party claim, against any other party hereto arising out of this Agreement, each party in such action or proceeding, including appeals therefrom, shall be responsible for its own attorney fees.

SECTION 24. EFFECTIVE DATE. The effective date of this Agreement shall be the date when the last one of the parties has properly executed this Agreement as determined by the date set forth immediately below their respective signatures (the "Effective Date").

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives on the dates set forth below each signature:

[REST OF PAGE INTENTIONALLY LEFT BLANK]

SCHOOL DISTRICT

(corporate seal)

THE SCHOOL DISTRICT OF NASSAU
COUNTY, FLORIDA

WITNESSES

Connie Daughtry
Connie Daughtry

Printed name of witness

49068 River Bluff Rd
Address of witness Willard, FL 32046

By: Cynthia K. Grooms
Cynthia K. Grooms, Chair
1 day of Oct, 2024

Dennis L Marsh
Dennis L Marsh

Printed name of witness

95084 Gerald Cic Fernandez
Address of witness 32034

ATTEST:

Approved as to Form:

Kathy H. De
Superintendent of Schools

Brett Steger
School District Attorney

1 day of Oct, 2024

APPLICANT

Signed, witnessed, executed and acknowledged on this 16 day of Sept.,
2024.

WITNESSES:

[Signature]

Anne Elise Joseph
Printed name of witness

2640 Benz Pl. Fernandina Beach, FL 32034
Address of witness

DEVELOPER/PROPERTY OWNER

By: [Signature]
Name: Michael L. Gibbs

[Signature]

Jenine McKenna
Printed name of witness

1543 Canterbury Lane Fernandina Beach, FL 32034
Address of witness

STATE OF FLORIDA)
) SS:
COUNTY OF NASSAU)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 16th day of September, 2024, by Michael Gibbs, who is personally known to me or who has produced Driver's License as identification.

Notary Public [Signature]
Printed Name: Judith Meredith
License No: HH 494162
Expiration Date: February 19, 2028

(Notary Stamp)



CITY

CITY OF FERNANDINA BEACH, FLORIDA

WITNESSES

Kimberly Elliott Bailey

Kimberly Elliott-Bailey

Printed name of witness

204 Ash Street The Beach, Fla

Address of witness

By: Bradley M. Bean

Bradley M. Bean, Mayor

5th day of November, 2024.

Virginia O. Bole

Virginia O. Bole

Printed name of witness

204 Ash Street Fernandina Beach, FL

Address of witness

ATTEST:

Caroline Best

Clerk

Approved as to Form: 1 legality

Tammi E. Beach

Tammi E. Beach, City Attorney

24th day of October, 2024.

Exhibit A – Legal Description

Seal La Vie Amelia at 1110 S 13th St Fernandina Bch Fl.

"The proposed project consists of four duplex townhomes and one single family home for a total of nine (9) fee-simple lots plus roadway and common space. This project will be constructed on a 1.29-acre parcel of land in Fernandina Beach, Florida and will be served by multiple dry stormwater retention ponds."

Exhibit B – Location Map

Google Maps 1110 S 13th St, Fernandina Bch Fl. 32034



1110 S 13th St

