



Board of County Commissioners

Item Title: Approve and authorize the Chairman to sign the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Maxine Street development, Contract Number CM3859, between the Nassau County Board of County Commissioners, the Nassau County School District, Leslie Pardue Cabbage, Daniel Pardue Jr., Bill Deramus as Trustee of the Norman Showers Trust dated April 9, 2004 and MPS Properties, LLC, a Georgia limited liability company.

Date: January 27, 2025

Department: Development Services

Background:

The Nassau County Planning Department works collaboratively with the Nassau County School District to implement school concurrency requirements as outlined by Florida state law. The County's school planning program is grounded in the Public Schools Facilities Element of the Comprehensive Plan. When there is not school capacity for residential development, developers must enter into an agreement to pay their proportionate share of new students.

School concurrency is governed through an Interlocal Agreement adopted by the School Board, Nassau County, the City of Fernandina Beach, and the towns of Callahan and Hilliard. Goals of the interlocal agreement are to work together to coordinate comprehensive land use and school facilities planning programs through:

- better coordination of new schools in time and place with land development,
- greater efficiency for the School Board and local governments by placing schools to take advantage of existing and planned roads, water, sewer, and parks,
- improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments,
- better defined urban form by locating and designing schools to serve as community focal points,
- greater efficiency and convenience by locating schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and
- reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools.

Any developer submitting a development permit application (such as a rezoning, site plan or preliminary plat) with a residential component that is not exempt per the Interlocal Agreement is subject to school concurrency.

As part of the development application process, the School Impact Analysis Form must be completed. The County will forward the School Impact Analysis form to the Nassau County School Board to validate school capacity.

Finding of Capacity: If there is capacity, the School Board will issue a Reservation Letter to Nassau County. The Planning Department will subsequently issue a Certificate of Concurrency for the project. A Certificate guarantees a finding of school capacity for two (2) years following the issuance of the certificate. If the applicant obtains construction plan approval or a building permit for horizontal or vertical construction during the two (2) year period, the certificate shall remain in effect until the expiration of the construction plan or building permit to which it applies. Expiration, extension or modification of a Certificate of Concurrency shall require a new review for adequate school capacity to be performed by the School Board.

Finding of No Capacity: If the School Board finds there is not capacity, they will issue a Deficiency Letter to the applicant. Per the interlocal agreement, this begins a 90-day period in which the School Board and applicant can enter into negotiations to mitigate capacity impacts (note: this period may be extended by the School Board). Per Section 10.9 of the Interlocal Agreement, the mitigation measures must be memorialized in an enforceable and binding agreement with the local government, School Board and developer. Upon adoption of this agreement, the School Board will then issue a Reservation Letter, after which the County can issue a Certificate of Concurrency.

On November 5, 2024, the applicant for the proposed Maxine Street development was issued a deficiency notice by the Nassau

County School Board. Under the Interlocal Agreement, both the School Board and the local government (in this case, Nassau County) must approve the mitigation agreement. The School Board considered and approved this request at their January 9, 2025 meeting.

Request:

Approve and Authorize the Chairman to sign the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Maxine Street Development, Contract Number CM3859, between the Nassau County Board of County Commissioners, the Nassau County School District, Leslie Pardue Cabbage, Daniel Pardue Jr., Bill Deramus as Trustee of the Norman Showers Trust dated April 9, 2004 and MPS Properties, LLC, a Georgia limited liability company.

Financial/Economic Impact to Future Years Budgeting Process or Effect on Citizens:

This agreement will ensure that development pays its fair share to maintain level of service standards for school capacity.

Action Requested and Recommendation:

Approve and Authorize the Chairman to sign the Public School Concurrency Proportionate Share Mitigation Agreement for the proposed Maxine Street Development, Contract Number CM3859, between the Nassau County Board of County Commissioners, the Nassau County School District, Leslie Pardue Cabbage, Daniel Pardue Jr., Bill Deramus as Trustee of the Norman Showers Trust dated April 9, 2004 and MPS Properties, LLC, a Georgia limited liability company.

Is this action consistent with the Nassau County Comprehensive Land Use Plan?

Yes

Funding Source:

N/A

Additional Information Needed for Contracts/Agreements (If Applicable)

Contract Number assigned by Contracts Management:

CM3859

For non-governmental agencies, has the document been sent to the vendor for signature?

N/A

Does the document need to be recorded? If so, who will pay the recordation fee?

Yes Fee to be paid by the applicant./developer.

Are there any special mailing instructions? (Include contact name, address, deadline for submittal, how to mail such as express mail, FedEx, etc.):

Mail two originals to the School District, Office of the Superintendent to execute with directions to return one to the Clerk's Office.

How many originals are needed?

Three (3)