



NASSAU COUNTY PLANNING AND ZONING BOARD
6:00 PM, July 16, 2024
James S. Page Governmental Complex, 96135 Nassau Place
Yulee, FL 32097

OFFICIAL MINUTES

Call to Order at 6:00 p.m.

Invocation and Pledge of Allegiance

Roll Call

PRESENT:

Board Member Brantley, Board Member Fendig, Board Member Ericksen, Board Member Flick, School Board Member Morris, and Board Member Blue

ABSENT:

None.

ALSO PRESENT:

Elizabeth Moore, Assistant County Attorney, Melissa Lucey, Deputy Clerk, Abigail Martini, Deputy Clerk, and Kristyn Cruz, Recording Secretary

Public Comments for Non-Agenda Items: None

Public Comments for Agenda Items: None

Quasi-Judicial Public Hearings:

Ms. Moore read the Quasi-Judicial hearing procedures applicable to Tab A.

Waive Presentation Laura Keller, applicant, waived her presentation and retained the right for rebuttal for Tab A.

(Tab A) Consider CRD24-001 designating Shadow Woods Lane as a canopy/scenic road.

Ex-Parte Disclosure: All Board Members disclosed receiving emails, and Board Member Flick announced that he visited the property and spoke with Pastor Adam Page at Amelia Baptist Church by phone.

Documents submitted into the record for application, CRD24-001: Staff Report - 6 Pages; Exhibit A, Petition for canopy road - 2 Pages; Exhibit B, Plat Book 4, Page 88 - 1 Page; Exhibit C, Shadow Woods Lane Canopy Tree Table - 1 Page; Exhibit D, Shadow Woods Lane Tree List - 1 Page; Exhibit E, List of

Parcels Impacted - 1 Page; Exhibit F, Canopy Road Map 2019 - 1 Page; Ordinance 2024-15 - 6 Pages; and PowerPoint presentation - 12 Pages.

Motion: Approve documents submitted into the record for application, CRD24-001.
Maker: Board Member Ericksen
Second: Board Member Fendig
Action: Approve
Aye: Board Member Brantley, Board Member Fendig, Board Member Ericksen, Board Member Flick, School Board Member Morris, and Board Member Blue.

Chair Blue opened the floor to public discussion.

Staff Presentation Elizabeth Backe, Planning Department, came forward and was sworn in to provide a PowerPoint presentation. She reviewed the request, noting that it is consistent with the Land Development Code (LDC), Section 37.08(A), Designation Criteria. She indicated that six out of seven, or 85.7 percent of the property owners abutting Shadow Woods Lane, signed a petition indicating support for this request. She explained that Shadow Woods Lane is an unpaved, privately maintained roadway platted in 1979, noting that six of the seven homes are shown on that plat. Ms. Backe provided a brief overview of the scenic criteria, ecological significance, and traffic. She advised that staff finds the requested scenic/canopy road designation consistent with the LDC, Section 37.08. Based on these findings, staff recommends approval of application CRD24-001, subject to the following seven (7) conditions: (1) The County shall not widen or increase the number of lanes on any of the county road designated as scenic/canopy roads; (2) Outdoor advertising signs shall be prohibited, except signs advertising residential developments or homes for sale or parcels of property immediately adjacent to the road or subdivision and entryway signs constructed in accordance with the County Sign Ordinance. On-premises commercial signs, excluding billboards, shall be allowed; (3) The erection of markers or signage indicating that the road is a scenic/canopy road or historic road shall only be accomplished at the direction of the Growth Management Coordinator or his/her designee with the consent of the Board of County Commissioners; (4) Setting and posting of speed limits and warning of restricted roadway shoulders; (5) Setting of classes of vehicular travel, including weight and height limitations; (6) Limiting access and width of access; and (7) Tree protection. No trees, except as identified in Florida's Most Invasive Species List, Category 1, which have attained a diameter of eight inches or more at a point four and one-half feet above average ground level within the zone shall be removed, except as provided herein, and trees shall be identified as set forth herein.

Ms. Backe responded to the Board's inquiry, regarding privately maintained roadway Shadow Woods Lane. The Board further discussed the engineering design standards required; cul-de-sac; roadway width requirements; Florida Department of Transportation (FDOT) standards for height on canopy/scenic; and private property rights of the church.

Public Comment The following individuals came forward and were sworn in to provide public comment: Michael Robilotto, and Tommy Oliver, and James Pledger. Mr. Pledger requested to submit documents into the record.

Motion: Approve to accept documents into the record provided by James Pledger.
Maker: Board Member Fendig
Second: Board Member Ericksen
Action: Approve
Aye: Board Member Brantley, Board Member Fendig, Board Member Ericksen, Board Member Flick, School Board Member Morris, and Board Member Blue.

Mr. Pledger briefly reviewed the documents submitted. The following individuals came forward and were sworn in to provide public comment: Elizabeth Huben, Samuel Kennard, Kristin Huben, Cheryl Witt, Jane Collins, Lisa Giza, and Nancy Gladfelter.

Staff Final Comments Caleb Hurst, Development Services, came forward and was sworn in to provide testimony. He affirmed that staff recommendations for approval on this application were based on the Land Development Code (LDC), Section 37.08(A), Designation Criteria. He specified that tonight's request is for a canopy/scenic road; and that there are provisions that specify approvals for utilities, infrastructure, and removal of trees. Ms. Moore reminded the Board that tonight's criteria to be considered are identified in the Land Development Code (LDC), Section 37.08(A). Mr. Hurst responded to the Board's inquiry, reiterating that this application does not apply to the roadways.

After a brief discussion regarding the privately maintained roadway, Ms. Backe addressed Mr. Pledger's request for amendment to the proposed Ordinance.

Applicant Rebuttal Ms. Keller came forward and was sworn in to provide testimony. She advised that proper notice was not received for the amendments to the request. She noted that Shadow Woods Lane had been a private road for 45 years, noting that the residential conveyance issued by the State of Florida requires the six residences to agree to any changes to the roadway. She specified that this request should mirror the other canopy/scenic roads within the County, without additional amendments or requirements.

The Board and staff further discussed the public/private right-of-ways; roadway/drainage standards, and road maintenance.

Chair Blue closed the floor to public discussion.

Board Discussion Board Member Flick recommended tabling the request instead of denying application. Ms. Moore explained that continuing this item would be at the applicants' discretion. Board Member Morris requested clarification from the County Attorney regarding amending the application with their motions. Ms. Moore confirmed that the applicants' request had been evaluated by staff and found consistent with the code. She noted that the applicant can request those amendments; however, prior the applicant was not willing to agree to those amendments. Board Member Morris requested that the floor be reopened to ask the applicant a question.

Motion: Approve to re-open the floor to public discussion.
Maker: Board Member Fendig

Second: Board Member Ericksen
Action: Approve
Aye: None.

Board Member Morris inquired if the applicant was amendable to adding that sufficient access and property owners for the contiguous property be preserved in their application. Ms. Keller indicated that she would have to consult with her attorney before agreeing.

Motion: Approve to close the floor to public discussion.
Maker: Board Member Fendig
Second: Board Member Ericksen
Action: Approve
Aye: None.

Motion: Approve based upon the record, evidence and testimony received, find that there is not competent and substantial evidence pursuant to the criteria referenced in Section 37.08 of the LDC, and other evidence, if applicable, and therefore motion to recommend denial of application, CRD24-001.

Maker: Board Member Flick
Second: Board Member Fendig
Action: Approve
Aye: Board Member Brantley, Board Member Fendig, Board Member Ericksen, Board Member Flick, School Board Member Morris, and Board Member Blue.

Informational Item(s):

(Tab B) Planning Department Informational Item

Joshua MacBeth, Planning Department, provided a brief overview of navigating through the Timber to Tides Design Overlay Project at Nassaucountyfl.com. Ms. Backe announced that the County will hold a Planning Official Training Workshop on October 25, 2024.

(Tab C) Next meeting of the Planning & Zoning Board: Tuesday, August 6, 2024, at 6:00 p.m.

Adjournment at 7:43 p.m.

Chairman

Attest:

Clerk