

RESOLUTION No. 2007 - 94

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA APPROVING A BONUS DENSITY PURSUANT TO SECTION 12.06 OF THE NASSAU COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR THE DEVELOPMENT OF A 50-UNIT MULTI-FAMILY DEVELOPMENT LOCATED NEAR THE SOUTHWEST CORNER OF BAILEY ROAD AND AMELIA ISLAND PARKWAY IN ACCORDANCE WITH THE SITE PLAN SET FORTH ON EXHIBIT "B"; PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Howard M. Landers, on behalf of James O. Hardwick, filed Application #REZ07-001 to rezone approximately 4.98 acres located near the southwest corner of Bailey Road and Amelia Island Parkway from RG-1 to RG-2; and

**WHEREAS**, the subject 4.98 acre property is designated High Density Residential by the Future Land Use Map of the Nassau County Comprehensive Plan; and

**WHEREAS**, the Planning and Zoning Board recommended approval of the re-zoning to RG-2, effectively permitting ten (10) dwelling units per acre, subject to conditions including, inter alia, height limitation of 35 feet and supplementary setback and design criteria where the subject property abuts the River Oaks single-family subdivision; and

**WHEREAS**, on March 26, 2007 the Board of County Commissioners tabled this item and directed Staff and the Applicant's agents to explore alternatives to the compatibility issues created by the RG-2 district and the enforcement issues created by conditional approval of a conventional rezoning; and

**WHEREAS**, the parties met and agreed to recommend to the Board of County Commissioners the granting of a density bonus from 40 to 50 multi-family dwelling units subject to incorporation of a site plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

**SECTION 1. FINDINGS**

The density bonus is consistent with the maximum allowable density of the subject property under the Future Land Use Plan of the Nassau County Comprehensive Plan. The density bonus process is superior to the proposed

conditioned rezoning to RG-2 (Application #REZ07-001) and provides a mechanism for the Board of County Commissioners to address concerns of its Growth Management Dept., its Planning and Zoning Board and the River Oaks Subdivision homeowners.

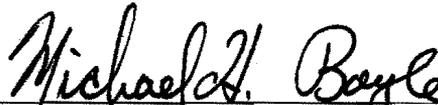
SECTION 2. DENSITY BONUS, SITE PLAN

That ±4.98 acre parcel identified as Tax Parcels 00-00-30-044B-0053-0000 and 00-00-30-044B-0053-0010 and legally described in Exhibit "A" appended hereto is eligible for a density bonus pursuant to Section 12.06(C)(2)(B) of the Nassau County Land Development Code. The parcel will be developed with a maximum of 50 multi-family dwelling units in general conformity with the site plan appended hereto as Exhibit "B". The development will contain a minimum of 4,342 square feet of lot area for each unit in excess of the first two (2) dwelling units. The final site plan may be modified to comply with applicable requirements of the Land Development Code, Florida Building Code and State regulatory agencies but will remain otherwise consistent with Exhibit "B". The Development Review Committee is hereby authorized to enforce these provisions.

SECTION 3. EFFECTIVE DATE

This Resolution shall be effective upon adoption.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

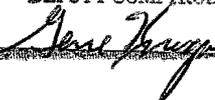


MICHAEL H. BOYLE  
Its: Vice Chairman

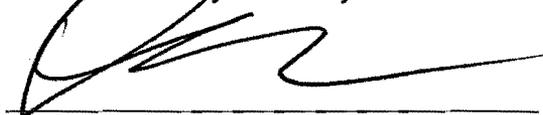
JIM B. HIGGINBOTHAM  
Its: Chairman

ATTEST as to Chairman's  
signature:

  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

REVIEWED BY GENE KNAGA  
DEPUTY COMPTROLLER  
 DATE 4/10/07

Approved as to form by the  
Nassau County Attorney:

  
DAVID A. HALLMAN

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**3133 Bailey Road  
Fernandina Beach, FL 32034**

**PARCEL A:**

The North 110.0 feet of the West 195.0 of the East 213.0 feet of Lot 53, OCEAN BREEZE FARMS, Nassau County, Florida, according to the plat recorded in the public records of the aforesaid county, in Plat Book 2, page 19.

**3141 Bailey Road  
Fernandina Beach, FL 32034**

All of Lot 53 of OCEAN BREEZE FARMS, a re-subdivision of that part of Sections 3 and 5, Township 2 North, Range 28 East, Nassau County, Florida, as West of the Fernandina-Amelia Road and South of the right of way of Seaboard Air Line Railway, according to the plat of said OCEAN BREEZE FARMS, recorded in Plat Book 2, page 19 of the public records of Nassau County, Florida. Said Lot 53 being bounded on the East by Bailey Road and on the South by Lot 52 and on the West by Lot 64 and on the North by Lot 54 of said OCEAN BREEZE FARMS. EXCEPTING however that portion thereof conveyed to Nassau County by Robert V. Pope and Shirley C. Pope, husband and wife, be deed dated September 11, 1967 and recorded September 29, 1967 in Official Records Book 77, page 506, public records of Nassau County, Florida. FURTHER EXCEPTING that portion conveyed to Kenneth R. McClain recorded in Official Records Book 892, page 1764 of the public records of Nassau County, Florida.

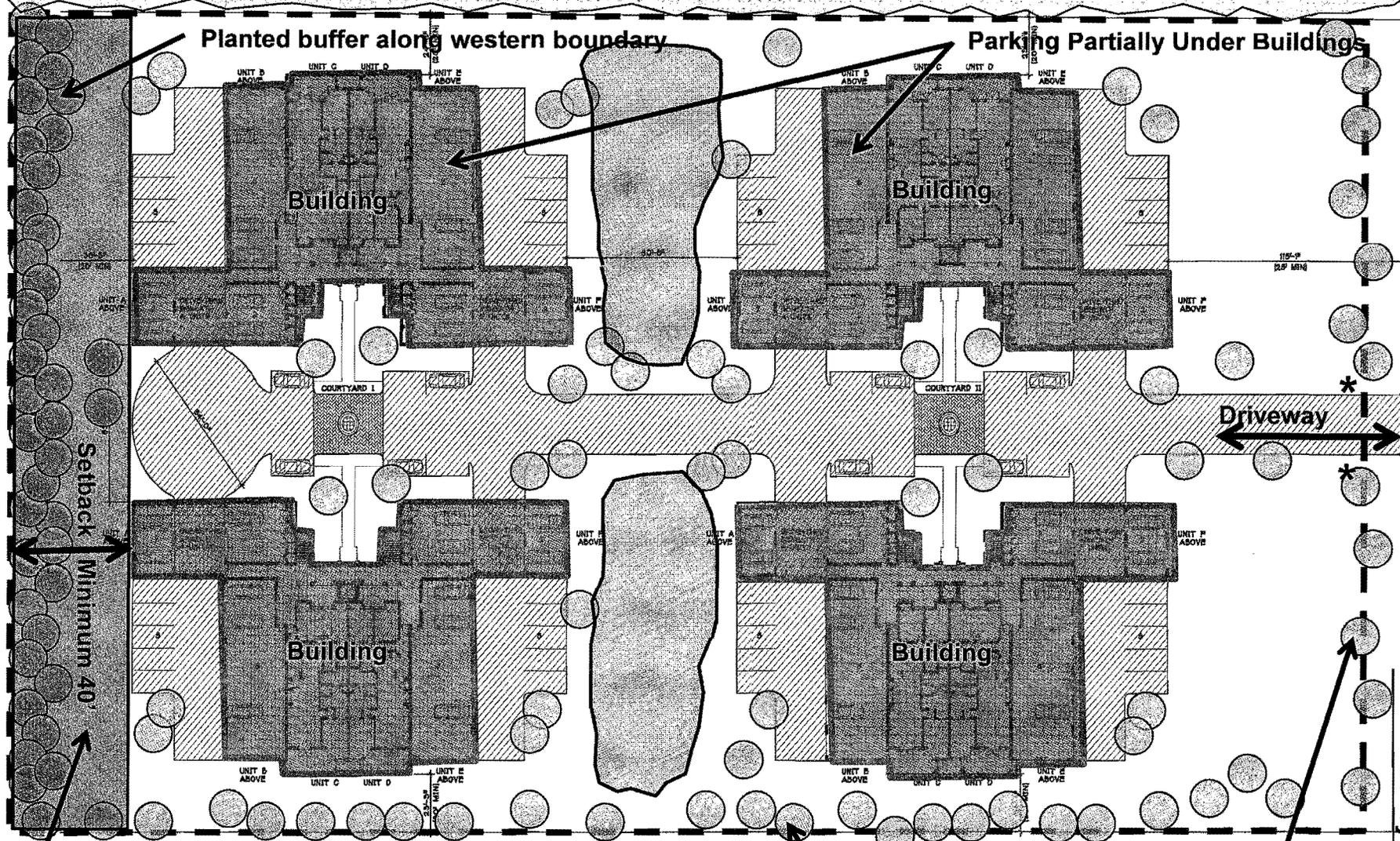
**EXHIBIT "B"**  
**SITE PLAN**

County-owned Buffer Parcel

Planted buffer along western boundary

Parking Partially Under Buildings

Bailey Road



Driveway

Setback Minimum 40'

Conceptual Site Plan  
Bailey Road Site

Exhibit B

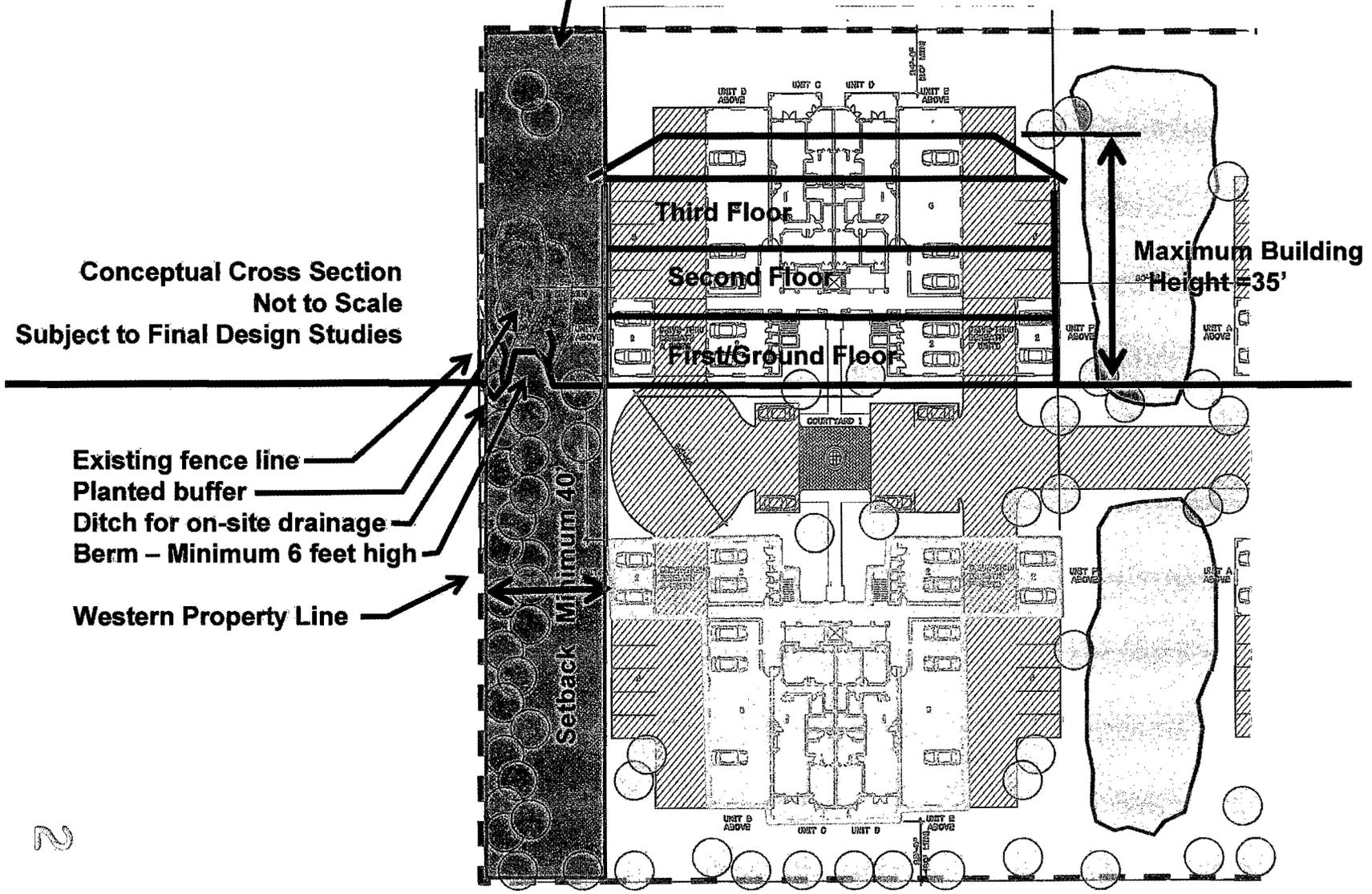
North  
Not to scale

40-foot Setback Area subject to Special Conditions:  
 Landscaped berm (minimum 6' high) and drainage ditch along western property line; No active recreation uses; No trash dumpsters; Site lighting directed away from property lines.

Existing trees to be retained and supplemented.  
 Landscape planting along Bailey Road frontage

HML

**40-foot Setback Area subject to Special Conditions:**  
 Landscaped berm (minimum 6' high) and drainage ditch along western property line; No active recreation uses; No trash dumpsters; Site lighting directed away from property lines.



Conceptual Cross Section  
 Not to Scale  
 Subject to Final Design Studies

- Existing fence line
- Planted buffer
- Ditch for on-site drainage
- Berm - Minimum 6 feet high
- Western Property Line

Setback Minimum 40'

Maximum Building Height = 35'

Exhibit B  
 Conceptual Site Plan  
 Bailey Road Site