

Nash Trail Development Application Flaws/Talking Points
Re: Z/CA-2024-01593

I. Background Summary:

Walter Ross, Robert Palahunik, R. Michael Gordon, and William T. Sadler (“Neighbors”), own property near the Nash Trail Development which is seeking the rezoning of a 7.57-acre parcel of property (“Property”) from Residential Estate (RE) to Single Family Residence (RS) to allow 53 Townhomes on the Property (“Project”). The Neighbor’s properties are all in the Agricultural Residential (AR) zoning district. A review of the most recent Application and Staff Report demonstrates a series of fatal flaws requiring the Application to be denied

II. Failure to Follow Requirements for Public Comments and Resulting Suit

- As admitted by Staff, the Neighbors submitted comment cards in opposition to the Application but were not allowed to speak at the April 3, 2025, Zoning Commission Meeting.
- The Applicant, and its counsel, however, were permitted to speak.
- The failure to let the Neighbors speak was in direct violation of the ULDC and the Rules of Procedure for Board of County Commissioners.
- The Neighbors’ due process and free speech rights were also violated.
- The Zoning Commission’s Recommendation was made without public input.
- The Recommendation was null and void.
- Nevertheless, the County refused to Remand the Application **until after the Neighbors filed suit** for a violation of the Government in the Sunshine laws.
- Resolution of the Suit requires a **meaningful cure** of the violation, not just a pat on the head and a revote.

III. The Application Violates Key Standards for Rezoning

A. Incompatibility and Inconsistent Development Patterns

- **Rezoning is not a right**, when it requires modification to the Zoning Map which can affect the value of all the property in the area, including the Neighbors, for years.
- The proposed **rezoning amendment is incompatible** with the existing uses and zoning districts in the County.
- The comparisons urged by the Applicant rely upon consistency between the City of Green Acres not the County.
- The Applicant and Staff **cannot compare the lax zoning standards in Green Acres** to support a Compatibility Study with the **adjoining properties which are exclusively Agricultural Residential properties under the County’s more stringent restrictions** under the ULDC.
- Rezoning the Property from RE to RS is in **violation of the purpose of the ULDC**.
- The purpose of the **AR district** is designed to protect and enhance the **“rural lifestyle” to protect ...wilderness and scenic areas, conservation and wildlife areas...”**
- The purpose of the **RE district is to provide a transition between the agricultural and conservation areas and more urban residential communities ...** As such, townhomes are not permitted in the RE district.
- The purpose of the **RS district is to provide areas for moderate-density Single Family dwelling units**.
- Placing an RS district next to the AR district is incompatible and inconsistent as it ignores the transition purpose of RE district.
- Therefore, the Application does not demonstrate Compatibility with Surrounding Uses and should be denied.

B. Negative Impact on the Environment

- The Application will have a tremendous adverse impact on the natural environment.
- While the Applicant has agreed to “preserve” .94 acres as “tree preservation” areas, it discounts the removal of the remaining acres of the heavily wooded Property, including innumerable scrub pines, which must be torn out to clear the Property for construction of the Town Homes and infrastructure.
- At the same time, while there are restrictions in the preserve area for the replacement of dead trees, no protection is provided for the trees in the rest of the Project.
- To offset this loss, the Applicant should be required to replace any tree which dies, whether in the preserve or anywhere else on the Property.

C. Lack of Adequate Public Facilities-Inadequate Roads

- Looking at the Property and Project, considering the new construction to the east there will be catastrophic traffic jams on Nash Road.
- The **Project has only one entrance and one exit** onto 52nd Drive South, which runs south to Nash Trail and exits to the east on Haverhill Road.
- **Nash Trail** is already committed to being used as **the sole entrance and exit for the DR Horton Blossom Trail community and its 230 units** to the east.
- The combination of both Projects will create a massive traffic flow onto Nash Trail.
- All rush hour traffic, bus stops and constant delivery trucks during the day will all come through one bottle neck at Haverhill and Nash Trail.

D. Questionable Traffic Analysis

- The Applicant’s Traffic Analysis shows several Traffic Impact Study Deficiencies and ULDC Compliance Issues which must be solved prior to any potential approval.
- The Applicant’s Traffic Study show an Insufficient Trip Generation Analysis
 - Estimated 357 daily trips for 53 units equates to only 6.74 trips per unit.
 - Townhomes typically generate 8-10 trips per dwelling.
 - Study is missing weekend peak analysis.
 - Appears to be an inadequate Peak Hour Distribution:
- Based on the above Traffic Performance Standards (TPS) the Applicant’s conclusion there will be an “Insignificant Impact” on 52nd Drive South is questionable at best.
- The addition of even the low estimate of 357 daily trips on Haverhill further analysis.
- There is no cumulative traffic impact assessment which includes all the other pending developments such as the D.R. Horton project to the east.
- There is no analysis of school traffic impact during peak periods.
- There are Access Design Issues, including:
 - Single access point through 52nd Dr South creates potential bottle neck.
 - ULDC fire access requirements may necessitate secondary emergency access.
 - No turn lane analysis at Haverhill Road connection.
- Critical ULDC Violations/Missing Required Studies:
 - Sight distance analysis at 52nd Dr South/Haverhill intersection.
 - Pedestrian/bicycle connectivity per ULDC mobility standards.
 - Transit accessibility assessment for workforce housing residents.

E. Insufficient Buffers and Protections

- The Neighbors requested reasonable enhancements in both depth and type of Incompatibility Buffers, including a 20-foot buffer, modest berm and a **concrete wall next to the Gordon property and the Sadler Property** on the west of the Project which would also help stop flooding on their properties.
- A **perimeter opaque SimTek fence** with a 17.5-foot buffer, along the North, South and East property lines should be installed.
- All perimeter walls or fences **should include an enhanced planting buffer** to eliminate any light and noise, from the proposed Townhouses.
- Applicant should **reinstate the sidewalk on the west side of 52nd Drive S.** to avoid safety issues.
- **Heavy Landscaping** should be installed along the last 300 feet from the FPL pole to the northern boundary on the east side of Property with additional landscaping.
- **No Parking Signs** – Applicant should work with the County to install, No Parking and Towing signs along the 52nd Drive South from the entrance of the community to the terminus of the road.
- **Solid Paving** - 52nd Drive South – should be paved from the entrance of the community to the northern terminus of the road near Mr. Palahunik’s property. Paving should be solid not crushed asphalt which deteriorates too quickly for daily use and is already deteriorating from the DR Horton construction use.
- The **extension of the pavement is also needed to provide Emergency Vehicles** with a consistent solid base (especially after a rainstorm) for their heavy equipment.
- **Sewer and Water Extension** - The installation of sewer and water should be extended 670 ft north of existing hydrant currently in place on 52nd Drive South to the terminus of 52nd Drive South under the County Policies and Procedures WUD 3.3.
- **Meet the Standards of a 50 ROW** – The Applicant should meet the standards for a 50-foot Right of Way under the Code which includes at least 20 feet of pavement width and a curb and gutter system (which does not rely on roadside swales).
- A 12-foot Utility Easement must also be included within the ROW.

IV. Request for Action by the BCC:

The Neighbors respectfully request the BCC investigate each of the above issues prior to any consideration of the Application. Failure to do so should result in the denial of the Application.