



# Staff Report Rezoning Application Z-20-07

## Owner / Agent Information

**Copies of the application are available at the Clay County Administration Office, 3<sup>rd</sup> floor, located at 477 Houston Street Green Cove Springs, FL 32043**

**Owner:** Anita Sue Hall Trustee  
**Phone:**  
**Email:**

**Address:** 3945 Susan Drive  
Green Cove Springs, FL 32043

**Agent:** Sam Garrison  
**Phone:** 904-269-1111  
**Email:**

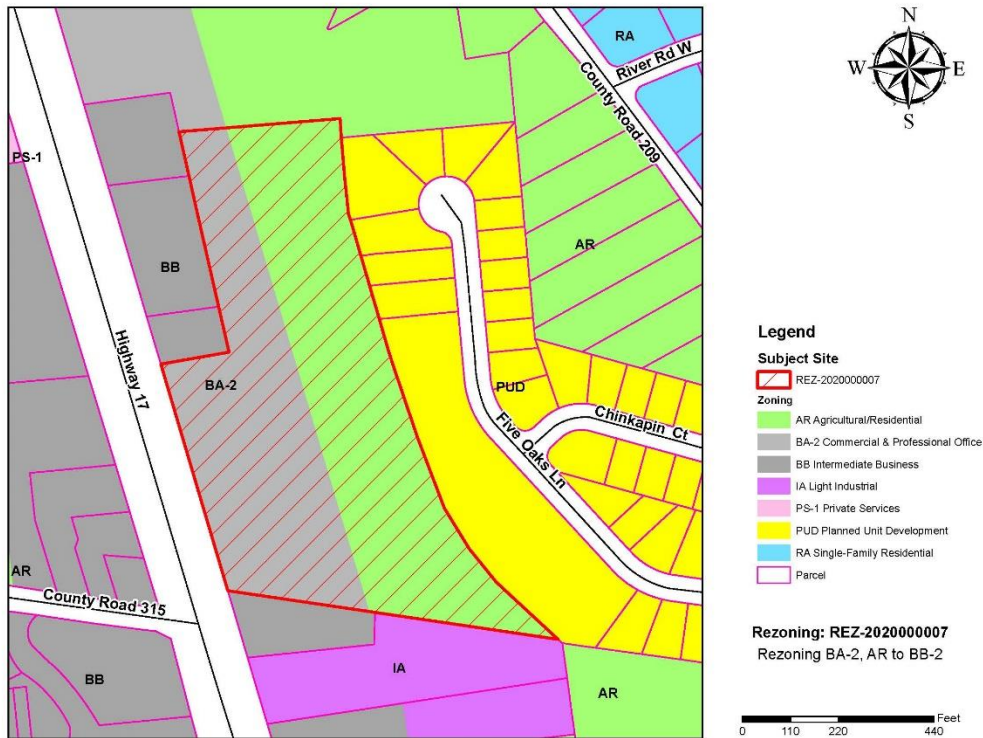
**Address:** 1279 Kingsley Avenue Suite 118  
Orange Park, FL 32073

## Property Information

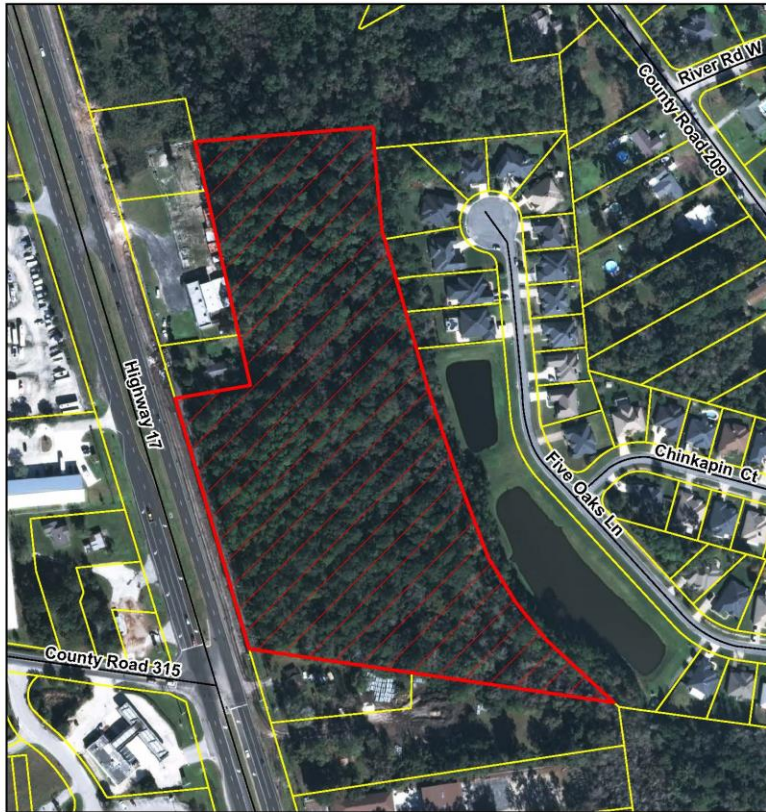
**Parcel ID:** 39-05-26-015113-001-00  
**Zoning Current:** AR and BA-2  
**Zoning Proposed:** BB-2 (community business)  
**Commission District:** 1 (Commissioner Cella)

**Address:** US 17 & CR 315  
**Land Use:** RF and COMM  
**Acres:** 13.29 +/-  
**Planning District:** Green Cove Springs

## Surrounding Zonings



# Aerial and Site Photos



### Legend

- Subject Site
- REZ-2020000007
- Parcel

Rezoning: REZ-2020000007  
Rezoning BA-2, AR to BB-2





## Proposed BB-2 Zoning District

### **Sec. 3-26.1. COMMUNITY BUSINESS DISTRICT (Zone BB-2)**

- (a) *Area.* All lands designated as Zone BB-2 are subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the shopping and limited service and recreational needs of several neighborhoods, a community, or a substantial land area. Retail stores are intended to include general merchandise, fashion, durable goods, and personal service. A site plan shall be submitted to the Development Review Committee for review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) All uses permitted in Sec. 20.3-24.
  - (2) Appliance sales and services; automotive parts; automobile rental; business machine sales and services; convenience store with the sale of gasoline; department store; drug store; fruit and vegetables (inside building.); furniture store; grocery store; hardware store (no outside display); heating, ventilation, and air conditioning (indoor only, no outside storage); medical supply; retail meat markets; and health spa and window tinting and stereo installation (indoor only) (amended 1/07).
  - (3) Adult entertainment establishments and sexually oriented businesses as defined in the Adult Entertainment Regulations established under Chapter 2.3 of the Clay County Code, subject to the provisions of Sec. 3-48.

(c) *Conditional Uses.* The following uses are permitted in the BB-2 zoning district subject to the conditions provided in Section 20.3-5.

- (1) Mini-warehouses.
- (2) Public assembly.
- (3) Sales from vehicles.
- (4) Radio, television, microwave relay stations or towers and accessory equipment buildings.
- (5) Residential dwelling.
- (6) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code.
- (7) Land Clearing Debris Disposal Facility.
- (8) Indoor Skating Rinks and Indoor Skate Parks (amended 07/06, ord. 2006-38)
- (9) Recreation Vehicle and Boat Storage *Rev. 04/22/08*

(10) Day Care Centers.

(d) *Uses Not Permitted.*

(1) Any use not allowed in (b) or (c) above.

(2) Any use which would create any obnoxious, corrosive or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.

(e) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.

*Rev. 04/22/08*

(1) Side Lot Setbacks:

(i) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet from side property lines. If said lot is a corner lot, then setbacks should be the same as the front setback.

(ii) Where the adjoining lot is also zoned for business, the building may be placed up to the side lot line, providing the building is constructed in accordance with the regulations of the applicable Building Code; in all other construction, the minimum side

setback shall be fifteen (15) feet.

- (2) Rear lot line setbacks shall not be less than twenty (20) feet from rear property line, or not less than twenty-five (25) feet when adjacent to multi-family and single-family residences. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall be not less than fifteen (15) feet in width, and shall be unobstructed at all times.
- (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45, as amended, and shall in no case be less than twenty-five feet from front property line.
- (4) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)
- (5) Where a business district is adjacent to a lot line of property of a residential or agricultural classification, no materials, garbage containers or refuse shall be allowed nearer than thirty (30) feet to such a residential or agricultural district. Garbage or refuse shall be containerized and such containers shall be enclosed or screened so as not to be readily visible.
- (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.

- (7) *Density Requirements.* The maximum density of development of land with a BB-2 zoning classification shall correspond to an FAR of forty (40) percent.
  
- (8) No outside amplification of sound shall be permitted which can be heard off-site.
  
- (9) *Visual Barrier.* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev. 02/08/11)



## Staff Recommendation

The applicant is proposing a change in zoning from AR and BA-2 to BB-2 for uses permitted. Specifically, a portion of the property is intended to be developed into fast food restaurants with the residual being planned for later. The surrounding zonings are as follows:

North: BB & AR

South: BB

East: PUD (Five Oaks Subdivision)

West: US-17 & BB

The current parcel has two zoning and two different land use entitlements. CPA 20-05 is being processed as a companion to the zoning application to unify the parcel under one consistent land use of commercial. The BB-2\_ designation would then apply to entire parcel. There is a large wetland on the East side of the parcel that will remain untouched.

Staff has reviewed the application and determined that the request is consistent with the Comprehensive Plan and compatible with the surrounding area. BB zoning is located on the north and south of the property which is more intensive in permitted uses than BB-2.

Staff recommends approval of application Z-20-07.