



**Rezoning Application ZON-0523-00010  
Staff Report**

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 / Applicant Information**

**Owner:** Benjamin Thomas Sr. **Address:** 460 Lake Susan Drive  
**Phone:** (321)-848-8083 Lake Wales, Fla. 33859  
**Email:** [bthomaspe@yahoo.com](mailto:bthomaspe@yahoo.com)

**Agent Information**

**Agent:** Chandeeep Sahni **Address:** 1626 Pinecrest Drive  
**Phone:** (917) 294-5501 Fleming Island, Fla. 32003  
**Email:** Chandeeep@locservices.net

**Property Information**

**Parcel ID:** 28-05-26-014393-000-00 **Address:** 0 Fraser Road  
Green Cove Springs, Fla. 32043  
**Current Zoning:** BA-2 (Commercial and Professional Office) **Land Use:** Commercial (COM)  
**Zoning Proposed:** BA (Neighborhood Business) **Acres:** 0.58  
**Commission District:** 5 (Commissioner Burke) **Planning District:** Green Cove Springs

**Background**

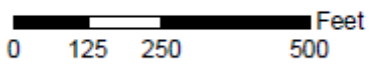
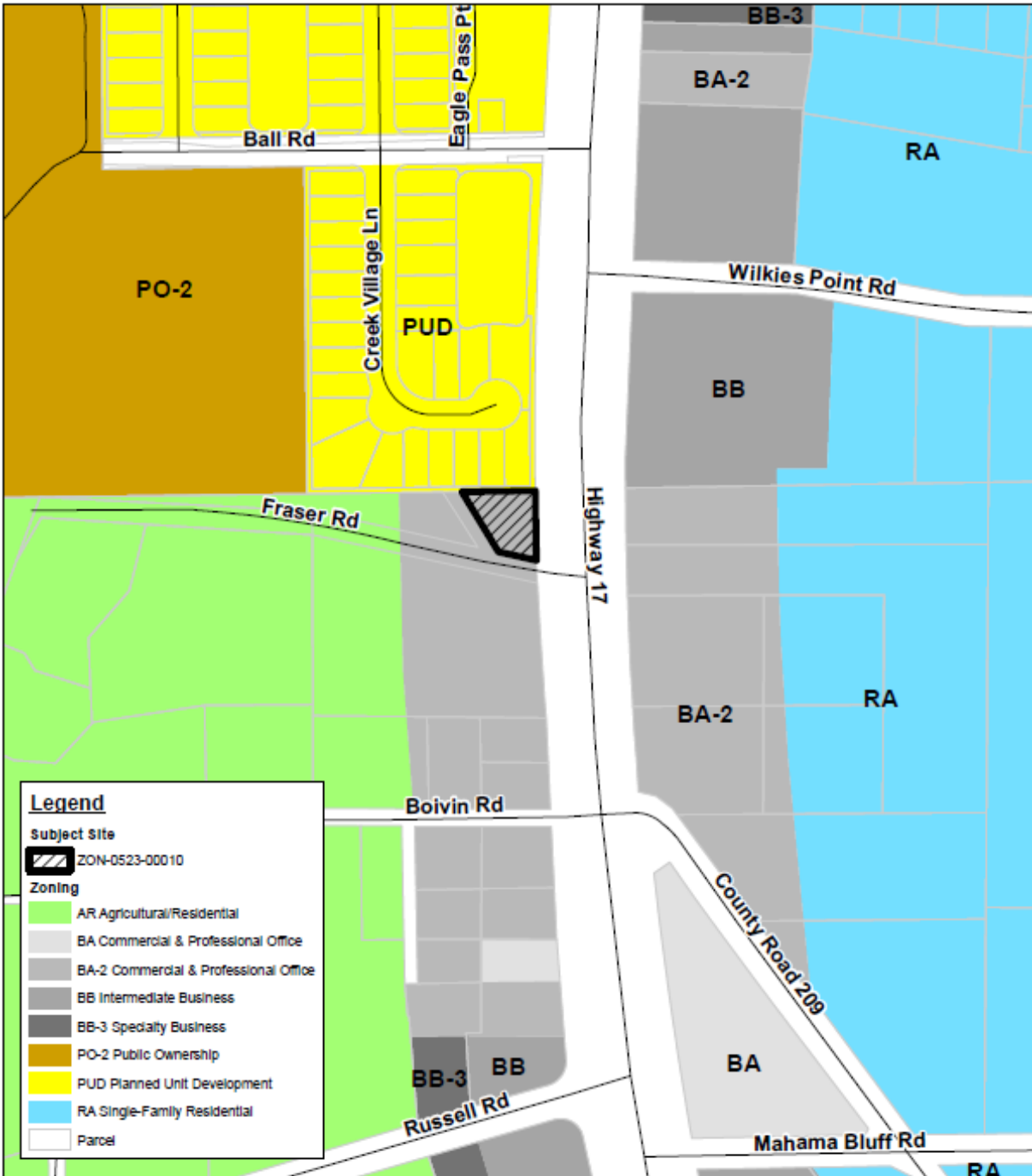
The application is requesting to rezone a single parcel totaling 0.58 acres from BA-2 to BA. The future land use of the subject parcel is Commercial. The parcel has approximately 140 feet frontage on U.S. Hwy 17 and approximately 100 feet of frontage on Fraser Road. Property to the north of the subject parcel is zoned PUD and is the location of the Black Creek Village development. South and west of the parcel are properties zoned BA-2. East across U.S. Hwy 17 are properties zoned BA-2 and BB.

**Surrounding Zonings and Land Use**

	ZONING	FUTURE LAND USE
North	PUD (Planned Unit Development)	Mixed Use (MIX)
East (across Hwy. 17)	BA-2 (Commercial & Professional Office)	Commercial (COM)
West	BA-2 (Commercial & Professional Office)	Commercial (COM)
South	BA-2 (Commercial & Professional Office)	Commercial (COM)

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Existing Zoning

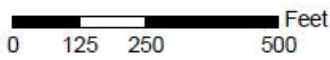


Rezoning: ZON-0523-00010  
from BA-2 to BA



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Aerial of Site



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41 **Sec. 3-24. NEIGHBORHOOD BUSINESS DISTRICT (ZONE BA)**  
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- 43 (a) *Purpose and Intent.* This District is to provide a limited commercial facility of a convenience  
44 nature, servicing persons residing in adjacent residential areas, and to permit primarily such  
45 uses as are necessary to satisfy those basic shopping and service needs which occur frequently  
46 and so require retail and service facilities in relative proximity to places of residence.  
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48 This district is further designed to accommodate commercial development on a scale that is  
49 less intensive than that permitted in a BB District.  
50

- 51 (b) *Area.* All land designated as Zone BA is subject to the regulations of this Section and Sec.  
52 20.3-10. Such areas are designed and included to provide local services to contiguous  
53 neighborhoods and locations and are anticipated to be on major local streets, but still in close  
54 proximity to residential properties and shall, therefore, be limited in scope and size. A site plan  
55 conforming to the requirements of this chapter shall be submitted to the Planning and Zoning  
56 Department for administrative review and approval prior to obtaining a building permit for all  
57 uses within this District.  
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- 59 (c) *Uses Permitted.*  
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61 (1) All uses permitted in Sec. 20.3-23.  
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63 (2) Retail stores and shops reasonably related to the day-to-day needs of the area to be  
64 serviced limited to: antique; artist's studios; bait and tackle; bakery with baking on  
65 premises; bicycle sales and repair; billiard, game or pool room; dance academies  
66 (soundproofed and air conditioned); curio; fruit and vegetable retail (packing  
67 permitted); hardware; retail clothing; interior decorating; dry cleaners, laundries and  
68 laundromats; leather goods; luggage; meat markets (no processing plant); music;  
69 newsstands; optical; office supplies; photographic galleries; printing; shoe; sporting  
70 goods; stationery and books; travel agencies; restaurants without the sale of beer and  
71 wine; restaurants selling alcoholic beverages limited to beer and wine; drapery; paint  
72 and wallpaper; clock sales; rentals; palm reading; banks; financial institutions; animal  
73 clinics; veterinary hospitals; drugstores; and grocery stores; provided that no outdoor  
74 sales, display, preparation or storage is permitted. (amended 10/12/93 - Ord 93-36)  
75

76 (3) Banks and financial institutions with drive-in facilities; drive-in restaurants; the sale of  
77 gasoline without garage, car repair, or car wash facilities.  
78

79 (4) Retail sales of beer and wine at establishments commonly known as convenience stores  
80 only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the  
81 Florida Department of Business Regulation, for off-premises consumption only.  
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- 84 (5) The above are uses subject to the following limitations:  
85 (i) Sale, display, preparation and storage to be conducted within a completely  
86 enclosed building.  
87 (ii) Products to be sold only at retail.  
88
- 89 (d) *Conditional Uses.* The following uses are permitted in the BA District subject to conditions  
90 provided in Section 20.3-5.  
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- 92 (1) Bed and Breakfast Inns.  
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94 (2) Public Assembly.  
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96 (3) Residential Dwelling.  
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98 (4) Communication Antennas and Communication Towers, including accessory buildings,  
99 tower support and peripheral anchors as governed by the provisions of Section 20.3-46  
100 of the Clay County Land Development Code, provided that said towers are 200 feet  
101 from adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)  
102
- 103 (5) Seasonal outdoor sales (amended Ord. 93-36, Oct. 1993)  
104  
105 (6) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)  
106  
107 (7) Day Care Centers.  
108  
109 (8) Medical Marijuana Treatment Center Dispensing Facility  
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- 111 (e) *Uses Not Permitted.*  
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- 113 (1) Any use not allowed in (c) or (d) above.  
114  
115 (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor,  
116 smoke, dust, fumes, vibration, or light, and which would be detrimental to other  
117 surrounding properties or to the welfare and health of the citizens in the area.  
118
- 119 (f) *Density Requirements.* The maximum density of development for land in the BA zoning  
120 classification shall correspond to a floor area ratio (FAR) of forty (40) percent.  
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- 122 (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses  
123 shall be located so as to comply with the following minimum requirements.  
124 *Rev. 04/22/08*  
125
- 126 (1) Front lot line setbacks shall in no case be less than twenty-five (25) feet.  
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128 (2) All structures shall be set back a minimum of 50 feet landward from the ordinary high  
129 water line or mean high water line, whichever is applicable; for waters designated as  
130 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These  
131 setbacks shall not apply to structures on lots or parcels located landward of existing  
132 bulkheads permitted by the St. Johns River Water Management District or Florida

Department of Environmental Protection.

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- (3) *Side lot line setbacks.*
  - (i) For one story building height up to a maximum of twenty-two (22) feet on property which abuts any residential or agricultural district shall be no less than twenty-five (25) feet. If said lot is a corner lot, then setbacks shall be the same as the front setback.
  - (ii) For two story building height up to a maximum of thirty-five (35) feet on property which abuts any residential or agricultural district shall be no less than thirty-five (35) feet. If said lot is a corner lot, then setbacks shall be the same as the front setback.
  - (iii) Where the adjoining lot is also zoned for business, a one-story building at a maximum height of twenty-two (22) feet may be placed anywhere within the required side setback area up to the side lot lines providing that the building is constructed in accordance with the regulations of the applicable Building Code. A two-story building with a maximum height of thirty-five (35) feet shall provide the maximum side setback of fifteen (15) feet.
- (4) *Rear lot line setbacks.*
  - (i) In one story building height up to a maximum of twenty-two (22) feet on property which abuts any zoning district shall be no less than twenty-five (25) feet when adjacent to multi-family and single-family residences.
  - (ii) In two story building height up to a maximum thirty-five (35) feet on property which abuts any zoning district shall be no less than thirty-five (35) feet, and no less than twenty-five (25) feet when adjacent to multi-family and single-family residences.
- (5) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access over private property shall be provided. Access shall not be less than fifteen (15) feet in width and shall be unobstructed at all times.
- (6) Where a 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 fifteen (15) 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.
- (7) *Height limitations.*
  - (i) One story construction shall not exceed the building height of twenty-two (22) feet.
  - (ii) Two story construction shall not exceed the building height of thirty-five (35) feet.

- 182  
183 (8) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy  
184 shall be directed away from adjacent residential or agricultural property.  
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186 (9) No outside amplification of sound shall be permitted which can be heard off-site.  
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188 (10) Visual Barrier: Proposed non-residential development shall be buffered from adjacent  
189 land within the residential land use categories identified in Section 20.3-8 with a ten  
190 (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or  
191 vegetation) and tree planting thirty (30) feet on center. For all development  
192 commenced on or after January 28, 2003, the provisions of this subsection shall  
193 not apply. For developments that commence after this date, the provisions of Article  
194 VI of the Clay County Land Development Code (the Tree Protection and Landscaping  
195 Standards) will apply. (Rev. 02/08/11)  
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197 **Staff Assessment and Recommendation**

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199 The applicant is requesting a change in zoning from BA-2 to BA for 0.58 acres. The present BA-2 zoning  
200 district limits development to commercial and professional offices that have a gross square floor area limited  
201 to 2,500 sq. ft. The requested BA zoning will allow retail and service uses to satisfy basic frequent shopping  
202 needs and are best suited in relative proximity to places of residence. Properties to the south and west are  
203 zoned for commercial uses. Immediately to the north is the residential portion of the Black Creek Village  
204 development. The requested BA zoning is consistent with the Commercial future land use designation of  
205 the property.  
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207 Staff has reviewed the application and determined that the request is consistent with the future land use of  
208 the property and is compatible with the surrounding area. Staff recommends approval of application ZON  
209 0523-00010.