



**Rezoning Application ZON 1023-00024  
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 / Agent Information**

**Owner:** Guru Dayal LLC  
**Phone:** 904-859-0098  
**Email:** chandeep@locservices.net

**Address:** 5428 Cleveland Road  
Jacksonville, Fl. 32209

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**Agent:** Chandeeep Singh

**Address:** 101 N. Highland Ave  
Green Cove Springs Fl. 32043

**Phone:** (904) 859-0098  
**Email:** chandeep@locservices.net

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**Property Information**

**Parcel ID:** 28-05-26-014421-000-00

**Address:** 3075 Highway 17  
Green Cove Springs, Fl 32043

**Current Zoning:** BA (Neighborhood Business District)

**Land Use:** Commercial

**Zoning Proposed:** BB-5 (Commercial Recreation District)

**Acres Total:** 2.45

**Commission District:** 5 (Commissioner Burke)

**Planning District:** Green Cove Springs

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**Background**

This is a request to rezone a single parcel totaling 2.45(+/-) acres from BA (Neighborhood Business) to BB-5 (Commercial Recreation District). The parcel is designated Commercial on the adopted Future Land Use map. The parcel was rezoned from Agriculture (AG) to Neighborhood Business (BA) by the County in 1986 (Ord. 86-38). The parcel is triangular shaped and is bordered by U.S. Hwy 17 on the west, Mahama Bluff Rd. on the south and C.R. 209 to the east. The parcel is developed with a 3,120 sq. ft. commercial building which has recently been converted from a neighborhood convenience store to a restaurant. The parcel has direct access to U.S. Hwy 17.

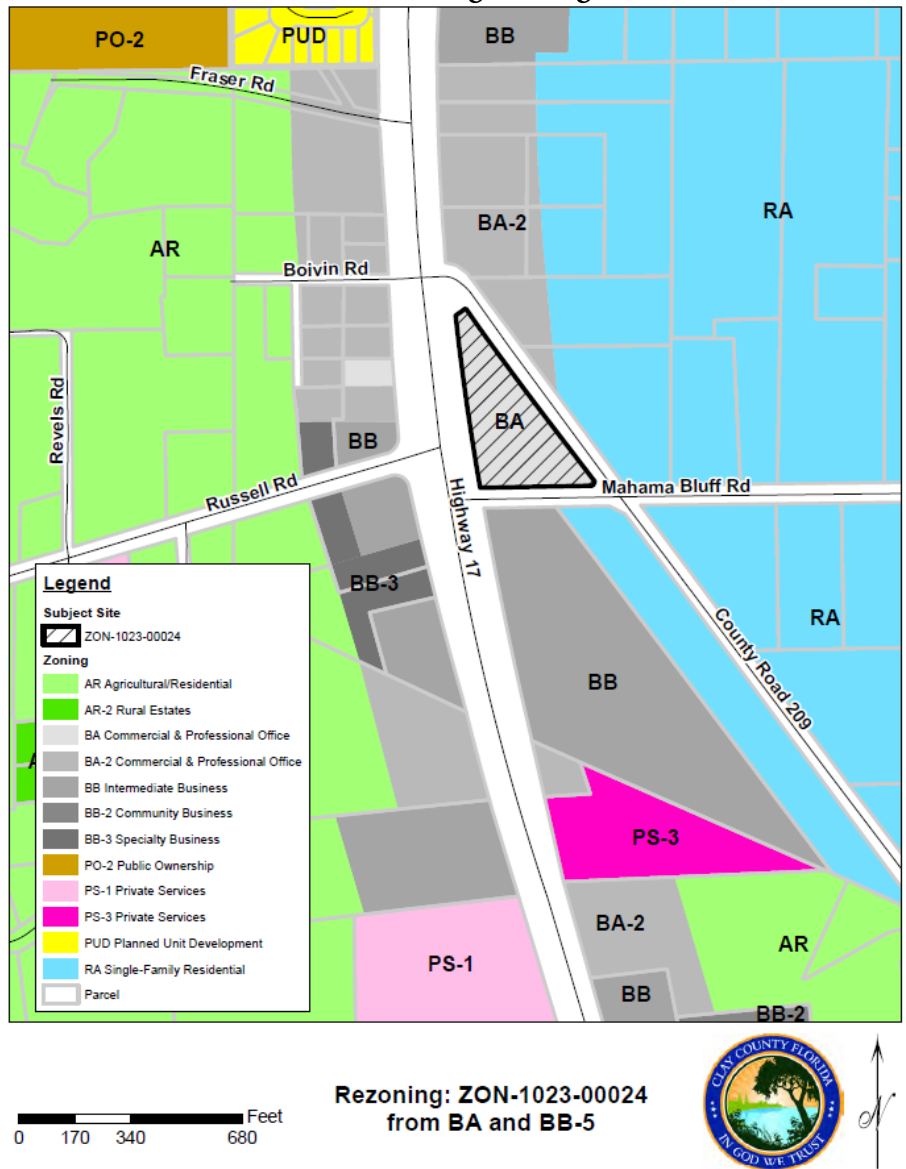
The BA zoning district allows for restaurants selling alcoholic beverages limited to beer and wine. The applicant/owner desires to sell alcoholic beverages beyond just beer and wine at the restaurant on site. The only zoning districts which permit restaurant selling alcoholic beverages not limited to only beer and wine are the BB and BB-5 districts. The County Land Development Code does not allow for the rezoning of a parcel to BB district. Therefore, the applicant is requesting to rezone to BB-5 to allow for the sale of alcoholic beverages for on-site consumption at the present restaurant.

37 **Surrounding Zoning & Land Use**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
North (across C.R. 209)	BA-2 (Commercial and Professional Office)	COM (Commercial)
East (across C.R. 209)	RA (Single Family Residential)	RF (Rural Fringe)
West (across Hwy. 17)	BB (Intermediate Business) BA-2 (Commercial and Professional Office)	COM (Commercial)
South (across Mahama Bluff Rd.)	BB (Intermediate Business) RA (Single Family Residential)	COM (Commercial) RF (Rural Fringe)

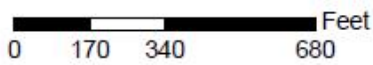
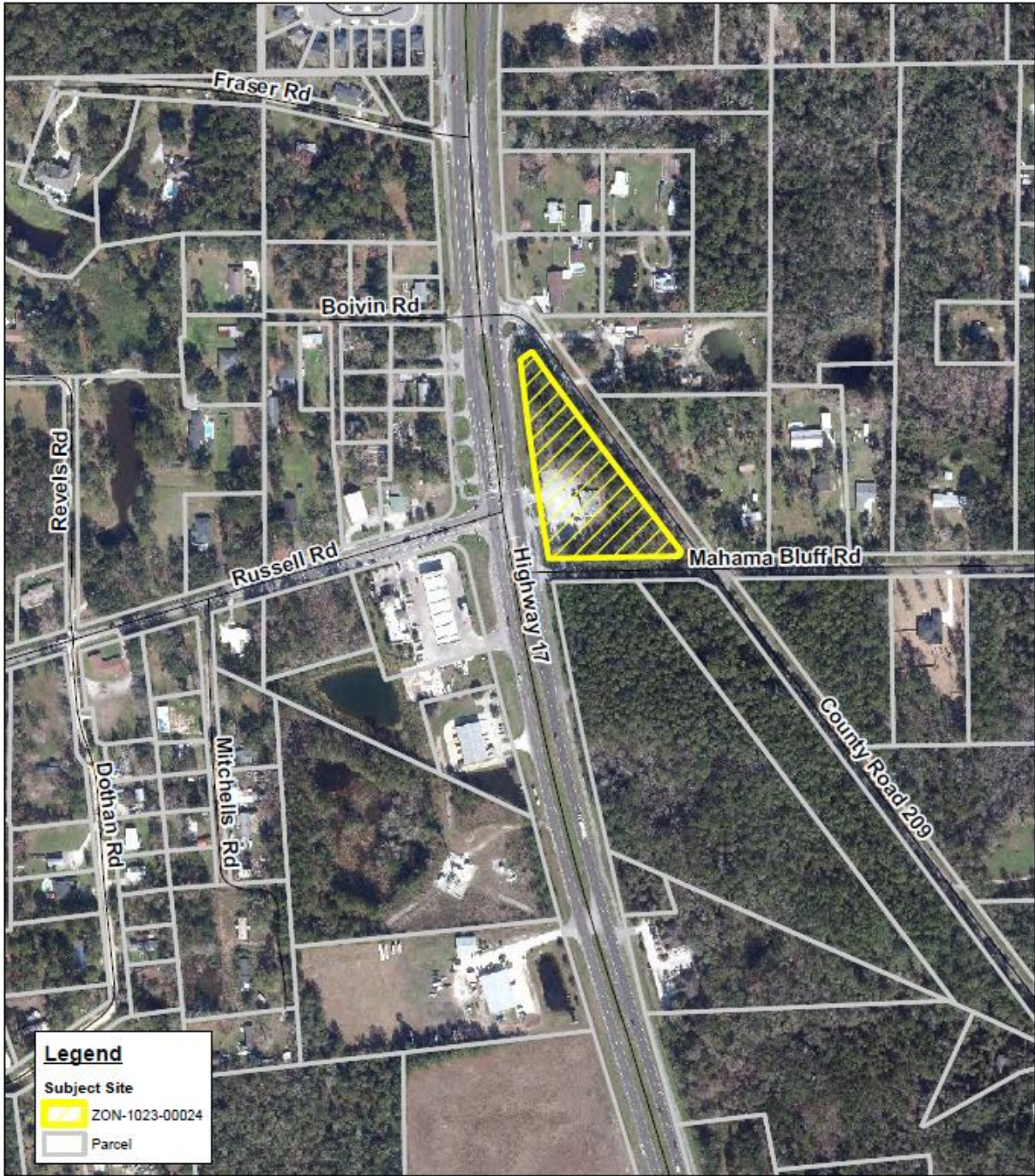
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**Surrounding Zonings**



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Aerial of Site



Rezoning: ZON-1023-00024  
from BA and BB-5



44 **Proposed Zoning District**

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47 **Sec. 3-26.4. COMMERCIAL RECREATION DISTRICT (ZONE BB-5)**

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49 (a) *Area.* All land designated as Zone BB-5 is subject to the regulations of this Section and Sec.  
50 20.3-10. Such areas are established to provide for commercial activities that require centralized  
51 locations within a large service area. A site plan shall be submitted to the Development Review  
52 Committee for review and approval prior to obtaining a building permit for all uses within this  
53 District.

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55 (b) *Uses Permitted.*

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57 (1) Bowling alleys; skating rinks; theaters; miniature golf courses; dance hall; night clubs,  
58 bars, and taverns, and other establishments wherein alcoholic beverages are sold for  
59 on-premises consumption, when in compliance with the provisions of Section 3-47;  
60 go-kart tracks; tennis courts; pickle ball courts; climbing walls; paintball fields;  
61 volleyball courts; boat and/or paddleboard daily rental facilities; and zipline or ropes  
62 courses.

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64 (2) Adult entertainment establishments and sexually oriented businesses as defined in the  
65 Adult Entertainment Regulations established under Chapter 2.3 of the Clay County  
66 Code, subject to the provisions of Sec. 3-48.

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68 (3) Restaurants, including restaurants selling alcoholic beverages for on-premises  
69 consumption.

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71 (4) Ancillary retail sales.

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

75  
76 (1) Outdoor drive-in theaters.

77  
78 (2) Private arenas and auditoriums.

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80 (3) Indoor firing range.

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82 (4) Bicycle motorcross.

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84 (5) Golf driving range.

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86 (6) Public assembly.

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88 (7) Radio, television, microwave relay stations or towers and accessory equipment  
89 buildings.

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91 (8) Land Clearing Debris Disposal Facility.

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- (9) 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.
  - (10) Residential dwelling.
  - (11) Sales from vehicles.
  - (12) Hotels and motels.
  - (13) Marine facilities which sell gas and serve alcohol.
  - (14) Electronic Game Promotions Centers
  - (15) Adult Arcade Amusement Centers
  - (16) Mobile Businesses.
  - (17) BMX Track (Bicycle Motocross; Non-Motorized)
- (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.

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142 (3) Front lot line setbacks shall comply with Section 19, Subsection 4, Ordinance 82-45,  
143 as amended, and shall in no case be less than twenty-five feet from front property line.  
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145 (4) All structures shall be set back a minimum of 50 feet landward from the ordinary high  
146 water line or mean high water line, whichever is applicable; for waters designated as  
147 Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. These  
148 setbacks shall not apply to structures on lots or parcels located landward of existing  
149 bulkheads permitted by the St. Johns River Water Management District or Florida  
150 Department of Environmental Protection.  
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152 (5) Where a business district is adjacent to a lot line of property of a residential or  
153 agricultural classification, no materials, garbage containers or refuse shall be allowed  
154 nearer than thirty (30) feet to such a residential or agricultural district. Garbage or  
155 refuse shall be containerized and such containers shall be enclosed or screened so as  
156 not to be readily visible.  
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158 (6) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy  
159 shall be directed away from adjacent residential or agricultural districts.  
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161 (7) *Density Requirements.* The maximum density of development of land with a BB-5  
162 zoning classification shall correspond to an FAR of forty (40) percent.  
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164 (8) No outside amplification of sound shall be permitted which can be heard off-site.  
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166 (9) *Visual Barrier.* Proposed non-residential development shall be buffered from adjacent  
167 land within the residential land use categories identified in Section 20.3-8 with a ten  
168 (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or  
169 vegetation) and tree planting thirty (30) feet on center. For all development  
170 commenced on or after January 28, 2003, the provisions of this subsection shall  
171 not apply. For developments that commence after this date, the provisions of Article  
172 VI of the Clay County Land Development Code (the Tree Protection and Landscaping  
173 Standards) will apply. (Rev. 02/08/11)  
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## 175 **Staff Recommendation**

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177 The applicant is requesting a change in zoning from BA to BB-5 on 2.45(+/-) acres. The rezoning  
178 to BB-5 will allow for the sale of alcoholic beverages beyond just wine and beer at the restaurant  
179 on site. There is no other zoning district which will allow for a restaurant selling alcoholic  
180 beverages for on premise consumption. The requested BB-5 zoning is consistent with the existing  
181 future land use category of Commercial.  
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183 Staff has reviewed the application and determined that the request is consistent with the  
184 surrounding zoning districts and is compatible with the surrounding area. Staff recommends  
185 approval of application ZON-1023-00024.  
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