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1 **Staff Report and Recommendations for PUD 26-0004**

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3 **Copies of the application are available in the Clay County Planning and Zoning Office**  
4 **3<sup>rd</sup> floor, located at 477 Houston Street Green Cove Springs, FL 32043**

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6 **Owner / Applicant Information:**

**Owner:** First Coast Energy, LLP  
**Agent:** Jason Gabriel (Burr & Forman, LLP)

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8 **Property Information**

<b>Parcel ID:</b> 33-04-25-008124-003-00 and 33-04-25-008124-004-00	<b>Parcel Address:</b> 240 Knight Boxx Rd, Middleburg, FL
<b>Current Zoning:</b> AR	<b>Current Land Use:</b> COM
<b>Proposed Zoning:</b> PCD	<b>Total Acres:</b> 8.37 +/- acres of the parcel
<b>Commission District:</b> 5, Comm. Burke	<b>Acres affected by Zoning change:</b> 8.37 +/- acres
	<b>Planning District:</b> OakLeaf Branan-Ridge

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10 **Introduction:**

11 This application is a rezoning to change two parcels of land from the present zoning classification of  
12 Agricultural/Residential District (AR) to Planned Commercial Development District (PCD). The subject  
13 parcels currently have a future land use designation of Commercial (COM). A prior application, ZON 26-  
14 0004 requesting rezoning to BB-2, was heard by the Board of County Commissioners at their April 28, 2026,  
15 meeting however, after discussion of the site plan, it was decided that the applicant would submit an  
16 application to rezone the parcels to PCD.

17

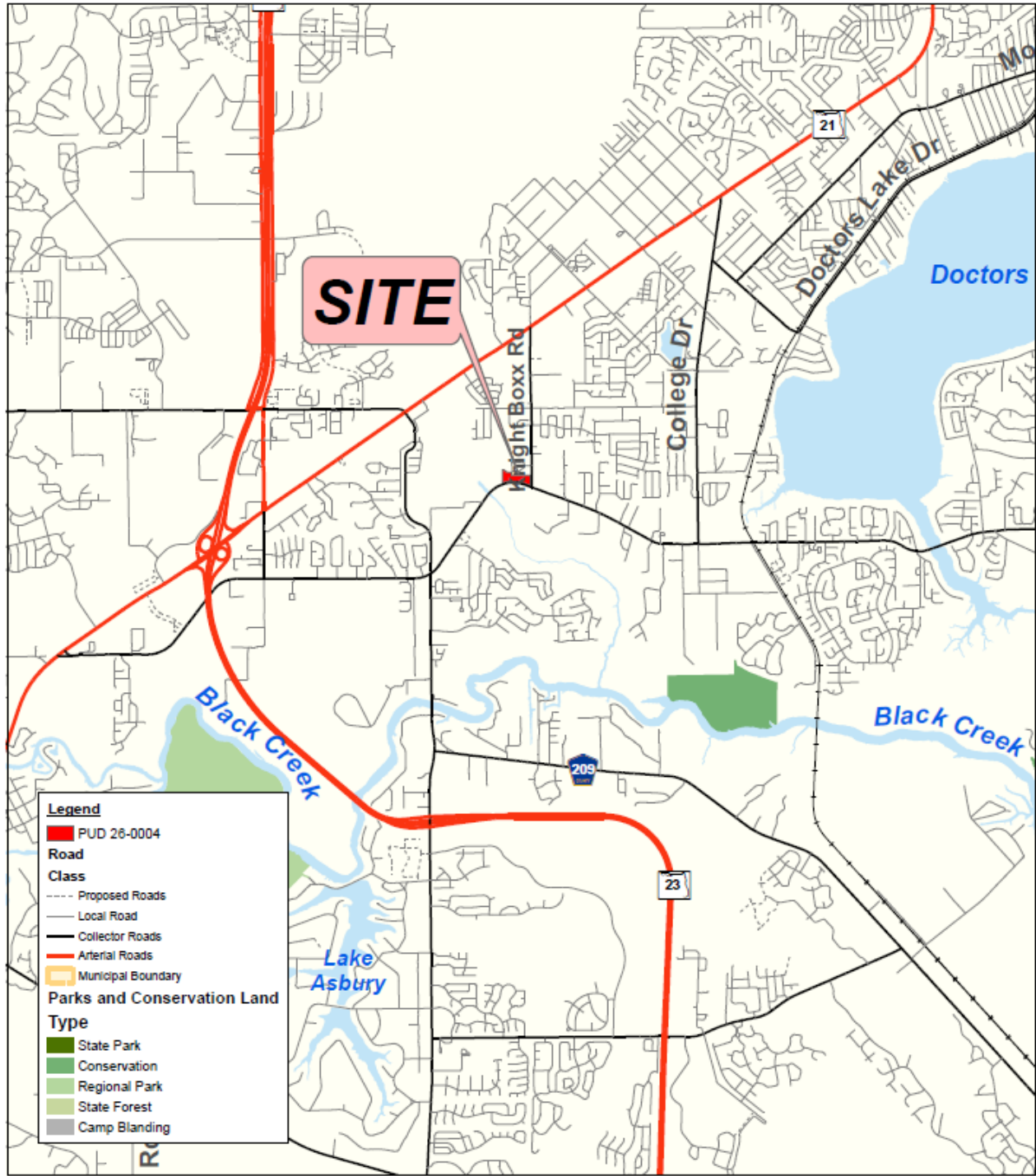
18 Figures 1 and 2 illustrate the location of the subject parcels as being the northwest corner of the intersection  
19 of CR 220 and Knight Boxx Road. The subject parcels are currently undeveloped as shown in the aerial image  
20 in Figure 3.

21

22

23

Figure 1 – Location Map

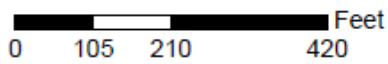
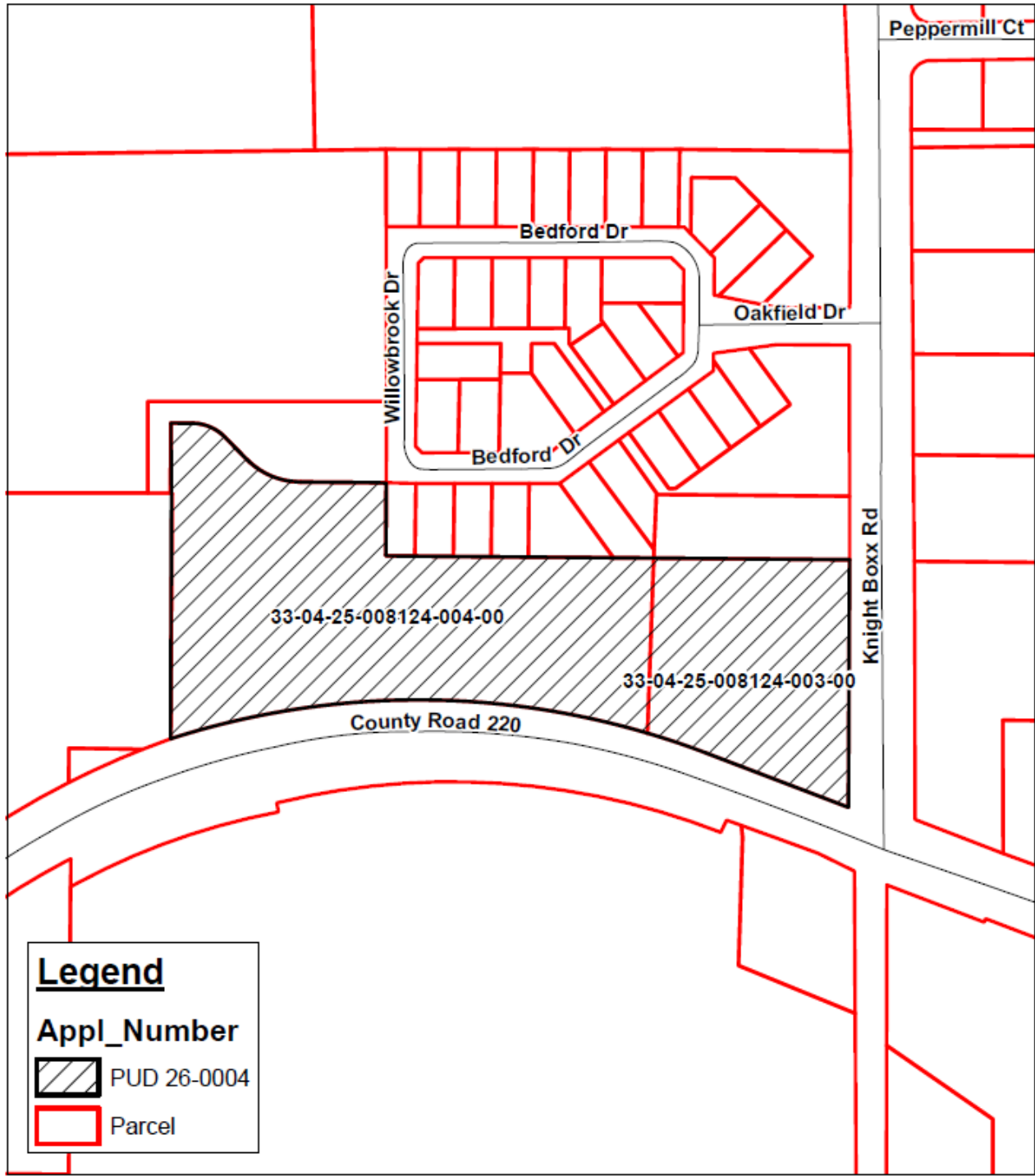


0 2,550 5,100 10,200 Feet

Location Map  
Rezoning: PUD 26-0004



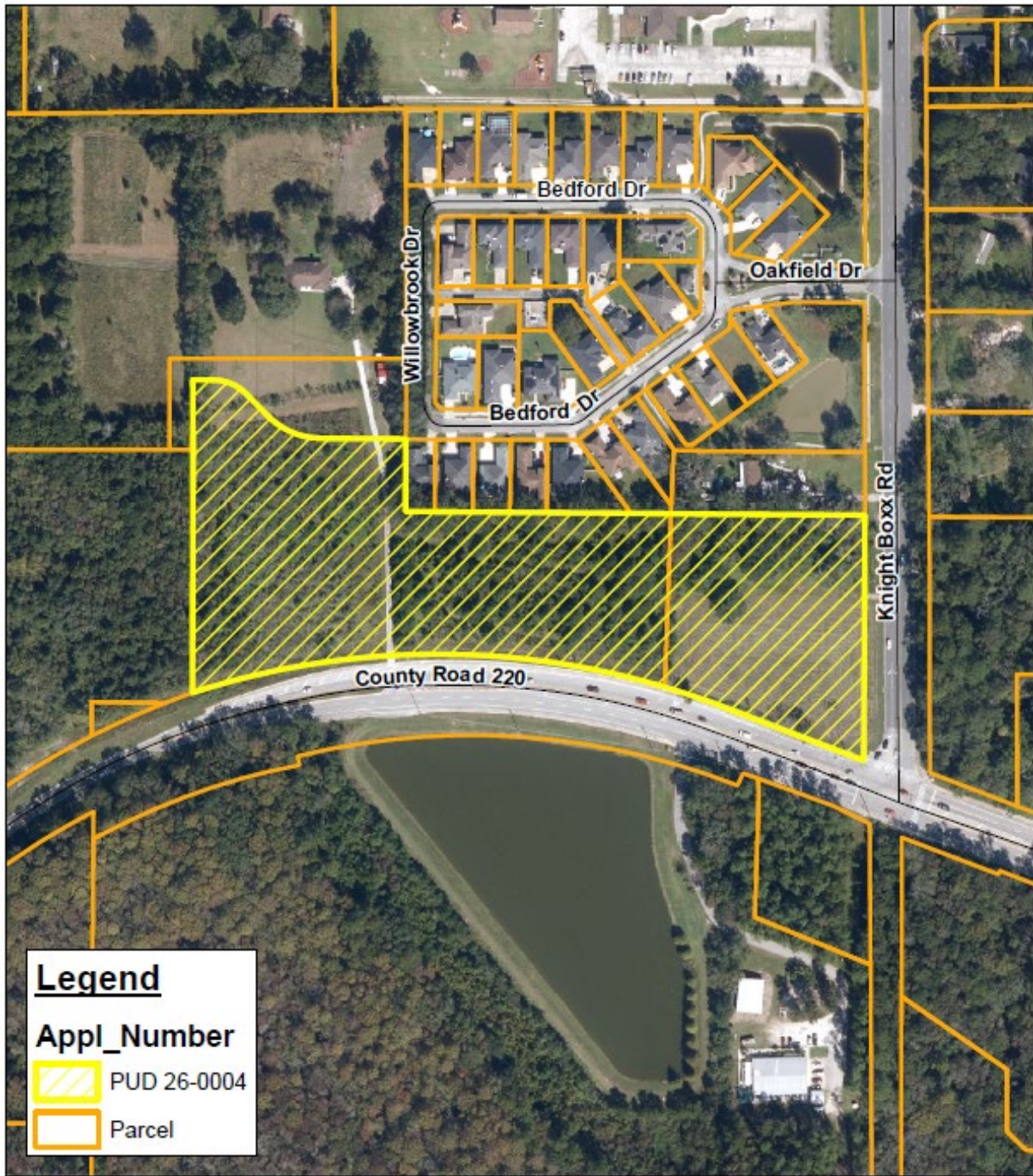
Figure 2 – Parcel Map



Rezoning: PUD 26-0004  
Parcel Map



Figure 3 - Aerial Photo

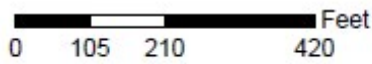


**Legend**

**Appl\_Number**

 PUD 26-0004

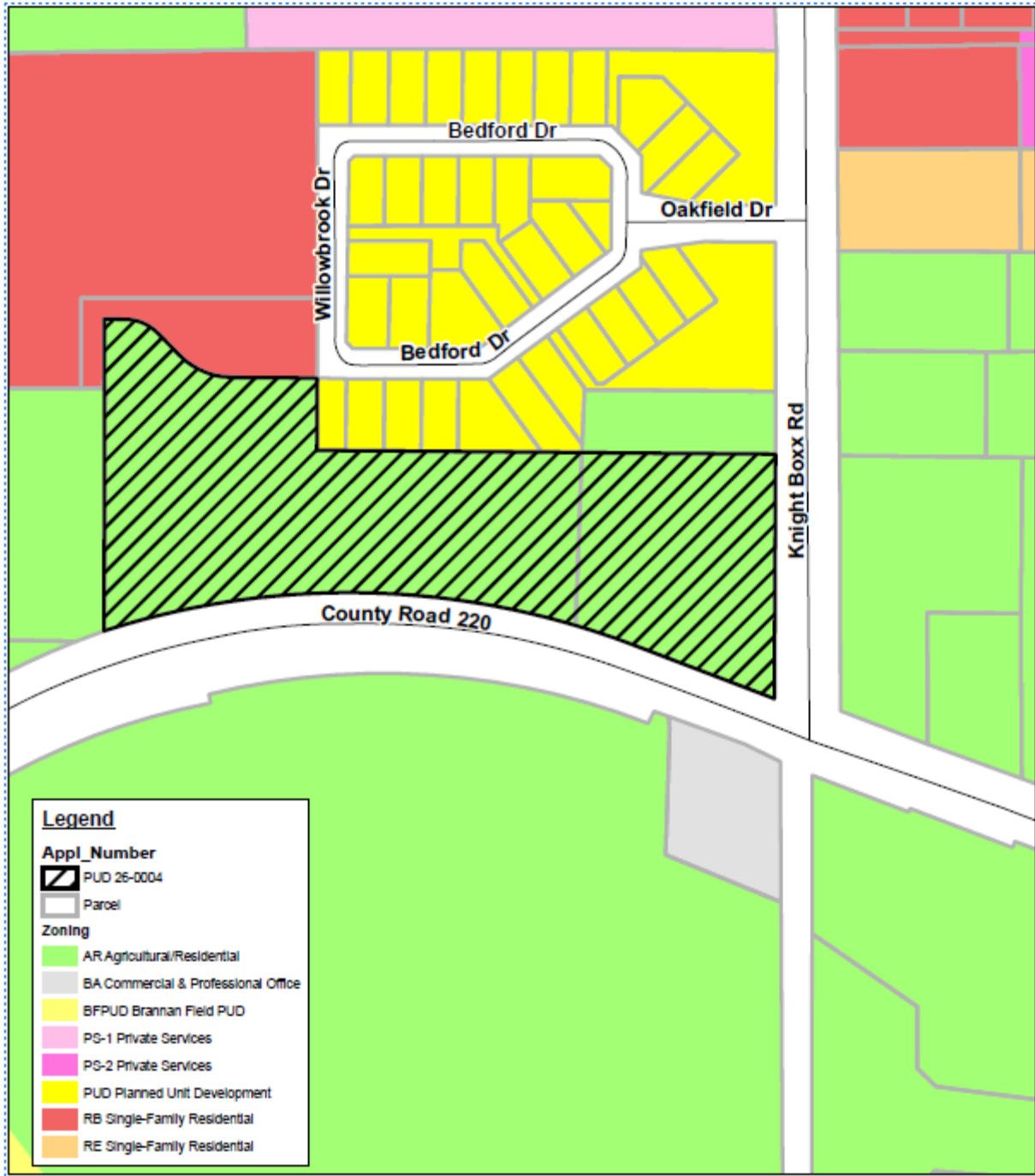
 Parcel



Rezoning: PUD 26-0004  
from AR to PCD



Figure 4 – Existing Zoning Map



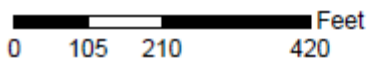
**Legend**

**Appl\_Number**

- PUD 26-0004
- Parcel

**Zoning**

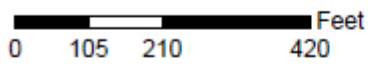
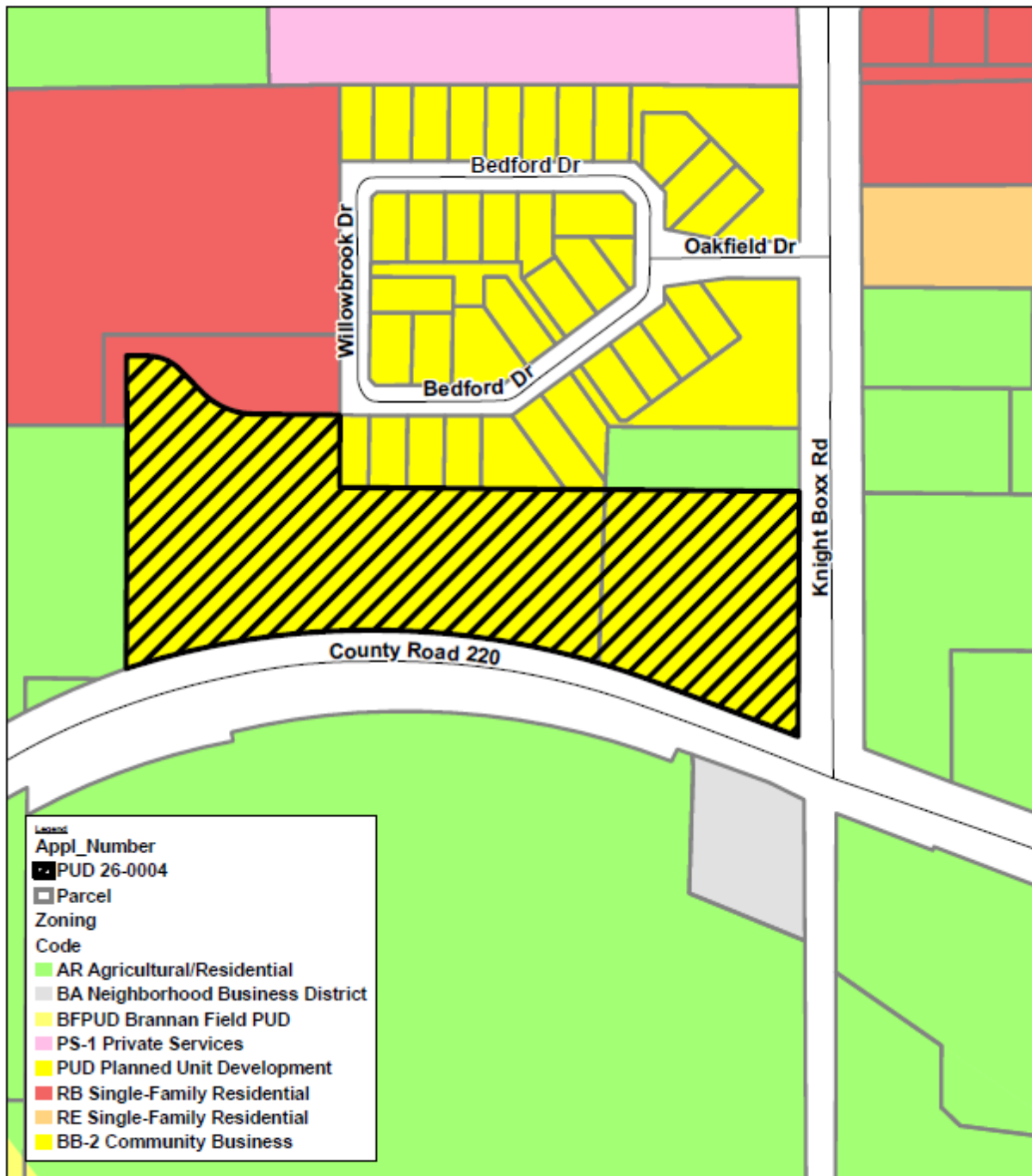
- AR Agricultural/Residential
- BA Commercial & Professional Office
- BFPUD Brannan Field PUD
- PS-1 Private Services
- PS-2 Private Services
- PUD Planned Unit Development
- RB Single-Family Residential
- RE Single-Family Residential



**Existing Zoning  
Rezoning: PUD 26-0004  
from AR to PCD**



Figure 5 – Proposed Zoning Map



**Proposed Zoning  
Rezoning: PUD 26-0004  
from AR to PCD**



34 **Relevant Land Development Code Policy:**

35 The following policy relates to the proposed rezoning request:

36 **Sec. 3-31. PLANNED COMMERCIAL DEVELOPMENT DISTRICT (ZONE PCD)**

37

38 (a) *Intent and purpose.* It is the intent of this district to permit Planned Commercial Developments  
39 which are intended to encourage the development of land as planned commercial sites;  
40 encourage flexible and creative concepts of site planning; accomplish a more desirable  
41 environment than would be possible through the strict application of the minimum requirements  
42 of conventional commercial zoning districts and to provide a stable environment and use which  
43 is compatible with the character of surrounding areas.

44

45 (b) *Permitted uses.* Any non-residential use, including commercial or retail uses, offices, clinics and  
46 professional uses, and residential dwellings as an accessory use to the permitted non-residential  
47 use for the purpose of providing security for the non-residential use, provided that any use  
48 proposed for the site must be approved by the Board of County Commissioners at the time of  
49 zoning approval. (Amended 8/27/96 - Ord. 96-35)

50

51 (c) *Minimum Waterfront Setback.* All structures shall be set back a minimum of 50 feet landward  
52 from the ordinary high water line or mean high water line, whichever is applicable; for waters  
53 designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet.  
54 These setbacks shall not apply to structures on lots or parcels located landward of existing  
55 bulkheads permitted by the St. Johns River Water Management District or Florida Department  
56 of Environmental Protection.

57

58 (d) *Planned Commercial Development approval procedure.* Approval for a Planned Commercial  
59 Development is obtained through a two-step process. The first step is an approval of the  
60 Preliminary Site Plan, including use or uses of the site, and rezoning of the land. The second  
61 step consists of Final Site Plan approval along with the Developer's Commitment Agreement.

62

63 (e) *Planned Commercial Development zoning and preliminary site plan approval.* The applicant  
64 shall submit to the Planning and Zoning Department a request for rezoning to Planned  
65 Commercial Development Zoning Classification and a Preliminary Site Plan containing the  
66 following exhibits:

67

68 (1) A vicinity map showing the location of the proposed development and the relationship  
69 to surrounding streets and driveways.

70

71 (2) A site plan indicating location of all proposed structures, buffer areas, wetlands,  
72 parking areas, driveway locations and landscaping concepts.

73

74 (3) Detailed explanation of the proposed use of the property.

75

76 The Planning Commission will hold a public hearing on the request and forward their  
77 recommendations to the Board of County Commissioners.

78

79 The Board of County Commissioners, in approving any Planned Commercial Development  
80 rezoning, may impose special conditions or safeguards so as to insure the proposed development

81 will not have an adverse impact on the public interest.

82  
83 (f) *Final site plan approval.* The applicant shall submit, within thirty (30) months from the date of  
84 Preliminary Site Plan approval.

85  
86 (1) A Final Site Plan containing all the required submittals in accordance with Section 20.3-  
87 33(d) of this Article.

88  
89 (2) A completed Developer's Commitment Agreement containing all conditions imposed  
90 during Preliminary Site Plan approval.

91  
92 The Final Site Plan and the Developer's Commitment Agreement will be reviewed by the  
93 Development Review Committee prior to the issuance of any building permit.

94  
95 (g) *Revisions of Planned Commercial Development final site plan.* Any major or substantial change  
96 in the approved PCD, which affects the intent and character of the development or permitted  
97 uses shall be reviewed and approved by the Board of County Commissioners. If the requested  
98 changes are deemed to have a substantial effect on adjacent property owners, the Board of  
99 County Commissioners shall cause a public hearing to be held prior to official action on said  
100 requested change.

101  
102 Minor changes that do not affect the intent or character of the development may be approved by  
103 the Planning and Zoning Director.

104  
105 (h) *Planned Commercial Development Time Limitations.*

106  
107 (1) If substantial construction, as determined by the Planning and Zoning Director has not  
108 begun within four (4) years after approval of the Planned Commercial Development, the  
109 approval of the Planned Commercial Development will lapse.

110  
111 (2) At its discretion and for good cause, the Board of County Commission may extend for  
112 one additional year the period for beginning construction. If the approved Planned  
113 Commercial Development lapses under this provision, the Planning and Zoning Director  
114 shall cause the Planned Commercial Development district to be removed from the  
115 Official Zoning Atlas, mail a notice by registered mail of revocation to the owner, and  
116 reinstate the zoning district which was in effect prior to the approval of the Planned  
117 Commercial Development.

118  
119 (i) *Deviation from the Development Plan.* Any unapproved deviation from the accepted  
120 Development Plan shall institute a breach of agreement between the applicant and the County.  
121 Such deviation may cause the Board of County Commissioners to immediately revoke the  
122 Development Plan until such time as the deviations are corrected or become a part of the accepted  
123 Development Plan.

- 126 (j) *Phase Development.*  
 127  
 128 (1) A Planned Commercial Development as defined herein may be developed in phases with  
 129 the approval of the Board of County Commissioners. In the event the applicant desires  
 130 to develop a Planned Commercial Development in phases, the applicant shall submit a  
 131 Schedule of Phases in addition to those items required with the application for zoning.  
 132 The Schedule of Phases shall contain the following:  
 133  
 134 (i) The number of phases;  
 135  
 136 (ii) The date of commencement for each phase;  
 137  
 138 (iii) The approximate number of acres contained in each phase of development.  
 139  
 140 (iv) A map indicating with reasonable certainty the location of each phase of  
 141 development.  
 142  
 143 (2) The Final Development Plans for the first phase shall be submitted within 12 months of  
 144 the approval of the Planned Unit Development. Final Development Plans for each  
 145 subsequent phase shall be submitted not later than six months prior to the date of  
 146 commencement of each phase for the approval by the Board of County Commissioners.  
 147  
 148 (3) Multi-County Planned Commercial Development. The requirement of that substantial  
 149 construction begin within two years of approval of the Planned Commercial  
 150 Development shall be satisfied by commencing substantial construction in either county.  
 151  
 152 (4) Developments on Regional Impact. The requirements of this Section shall be  
 153 supplemented or superseded by any contrary provisions of a County Development Order  
 154 for a Development of Regional Impact (DRI), if the County, DRI developer, Florida  
 155 Department of Community Affairs and appropriate Regional Planning Council have  
 156 entered a development agreement pursuant to Section 380.032(3) Florida Statutes,  
 157 modifying this Section.  
 158  
 159 (k) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land  
 160 within the residential land use categories identified in Section 20.3-8 with a ten (10) foot  
 161 landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting  
 162 thirty (30) feet on center. For all development commenced on or after January 28, 2003, the  
 163 provisions of this subsection shall not apply. For developments that commence after this  
 164 date, the provisions of Article VI of the Clay County Land Development Code (the Tree  
 165 Protection and Landscaping Standards) will apply. (Rev. 02/08/11)  
 166  
 167 (l) Conditional Uses - The following uses are permitted in the PCD Zoning District, subject to the  
 168 conditions provided in Section 20.3-5.  
 169  
 170 (1) Medical Marijuana Treatment Center Dispensing Facility  
 171  
 172

173 Analysis of Proposed Rezoning Amendment

174 In reviewing the proposed application for Rezoning, the following criteria may be considered along with such  
175 other matters as may be appropriate to the particular application:

176  
177 (a) Whether the proposed change will create an isolated district unrelated to or incompatible with  
178 adjacent and nearby districts;

179 Staff Finding: This application requests rezoning of the subject parcels to a district designation that is  
180 consistent with the prior land use amendment to Commercial and does not create an isolated or unrelated  
181 district.

182 (b) Whether the district boundaries are illogically drawn in relation to the existing conditions on the real  
183 property proposed for change;

184 Staff Finding: The district boundaries would be consistent with the prior land use amendment to  
185 Commercial and are appropriate given the location at an intersection of two major collector roads.

186 (c) Whether the conditions which existed at the time the real property was originally zoned have changed  
187 or are changing, and, to maintain consistency with the Plan, favor the adoption of the proposed Rezoning;

188 Staff Finding: The land use was changed in 2003 however the zoning remained Agricultural/Residential.  
189 This request would bring the zoning into consistency with the land use and allow for development of the  
190 property.

191 (d) Whether the affected real property cannot be used in accordance with existing zoning;

192 Staff Finding: While the property could be developed as single-family residential under this zoning  
193 designation, there exists an inconsistency with the land use.

194 (e) Whether the proposed Rezoning application is compatible with and furthers the County's stated  
195 objectives and policies of the Plan;

196 Staff Finding: The proposed rezoning is compatible with the Comprehensive Plan and supports the intent  
197 of the future land use designation.

198 (f) Whether maintenance of the existing zoning classification for the proposed Rezoning serves a  
199 legitimate public purpose;

200 Staff Finding: There is no public purpose served by keeping the zoning district boundaries in their current  
201 locations on the subject parcel.

202 (g) Whether maintenance of the status quo is no longer reasonable when the proposed Rezoning is  
203 inconsistent with surrounding land use;

204 Staff Finding: Maintenance of the status quo prevents the development of the parcel consistent with the  
205 amended land use.

206 (h) Whether there is an inadequate supply of sites in the County for the proposed intensity or density  
207 within the district already permitting such intensity or density.

208 Staff Finding: The rezoning of the subject parcels would permit limited commercial intensity in a location  
209 that would meet the needs of the immediate residential.

210 The proposed rezoning would change the two parcels totaling (8.37 acres) from Agricultural Residential (AR)  
211 to Community Business District (BB-2). This change would be consistent with the future land use designation  
212 of Commercial that was approved through an amendment in 2003. The surrounding land use and zoning  
213 districts are as shown in the table below:

	Future Land Use	Zoning District
North	Urban Core (10) (UC-10)	Agricultural/Residential (AR), Single-Family Residential District (RB) & Planned Unit Development (PUD)
South (across CR 220)	Urban Core (10) (UC-10) & Commercial (COM)	Agricultural/Residential (AR) & Neighborhood Business District (BA)
East (across Knight Boxx Road)	Commercial (COM)	Agricultural/Residential (AR)
West	Urban Core (10) (UC-10)	Agricultural/Residential (AR) & Single-Family Residential District (RB)

214

215 **PCD Site Plan**

216 The site plan for the PCD includes an 8,228 square foot convenience store with patio for outdoor dining, a  
217 carwash and twenty-four fueling stations. A proposed stormwater pond is shown on the parcel along with an  
218 additional area shown as open space/proposed pond area. Access to the parcel will be from both Knight Boxx  
219 Road and CR 220. An 8’ masonry wall/sound barrier has been shown on the site plan extending from the  
220 western side of the car wash to the eastern property line. The balance of the buffer between the pond and the  
221 adjacent residential will meet the requirements for a Perimeter Buffer “B” as required in Article VI.

222 **PCD Written Statement**

223 The written statement provides substantial guidance for the PCD including permitted and prohibited uses,  
224 lighting standards intended to minimize light trespass to the adjacent residential and landscape buffer  
225 standards which are consistent with County policy but also provide the addition of an 8’ masonry wall for a  
226 sound barrier extending from the car wash to the eastern property line.

227 **Recommendation**

228 Staff recommends approval of PUD 26-0004.

229