



1 **Staff Report and Recommendations for PUD 26-0003**

2
3 **Copies of the application are available in the Clay County Planning and Zoning Office**
4 **3rd floor, located at 477 Houston Street Green Cove Springs, FL 32043**
5

6 **Owner / Applicant Information:**

Owner: Winter Investments, LLC
Agent: David Winter (Winter Investments, LLC)

7
8 **Property Information**

Parcel ID: 35-04-25-008223-010-00	Parcel Address: College Dr. & Brickyard Rd.
Current Zoning: Planned Commercial Development (PCD)	Current Land Use: Commercial (COM)
Proposed Zoning: Planned Commercial Development (PCD)	Total Acres: 1.4 +/- acres
	Acres affected by Zoning change: .5 +/- acres
Commission District: 1, Comm. Sgromolo	Planning District: OakLeaf Branan-Ridge

9
10 **Introduction:**

11 This application is an amendment to the current Planned Commercial District (PCD) to remove a .5-acre
12 portion and to update the proposed development plan. The subject parcel is located on the north side of
13 Brickyard Road, at the corner with College Dr. The property is currently undeveloped.

14
15 Two additional applications have been submitted in conjunction with this requested rezoning; one to amend
16 the Future Land Use designation for the .5-acre portion being removed from this PCD and a second rezoning
17 application for residential designation of that same portion.

18
19

Figure 1 – Location Map

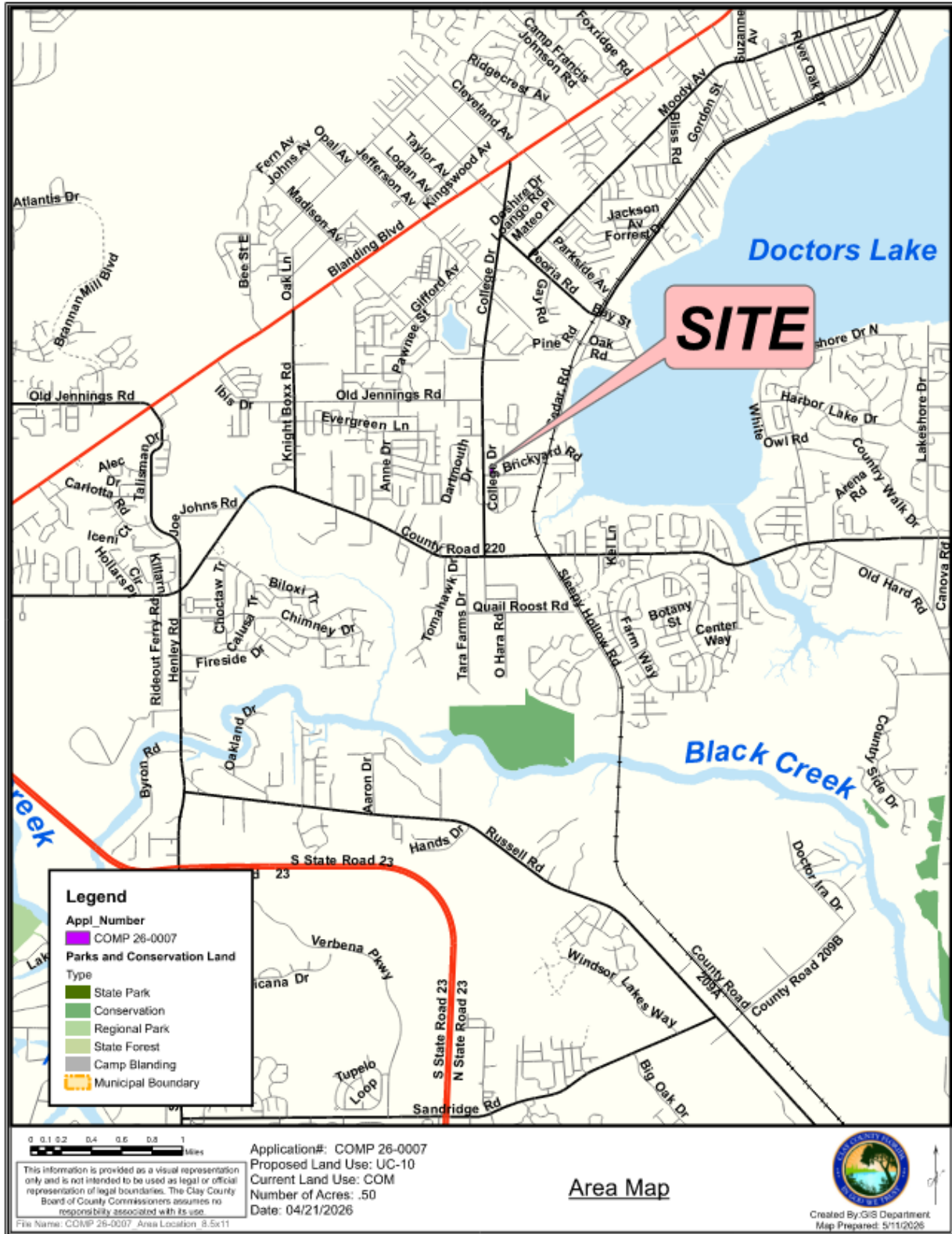
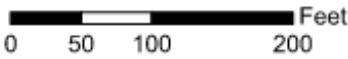
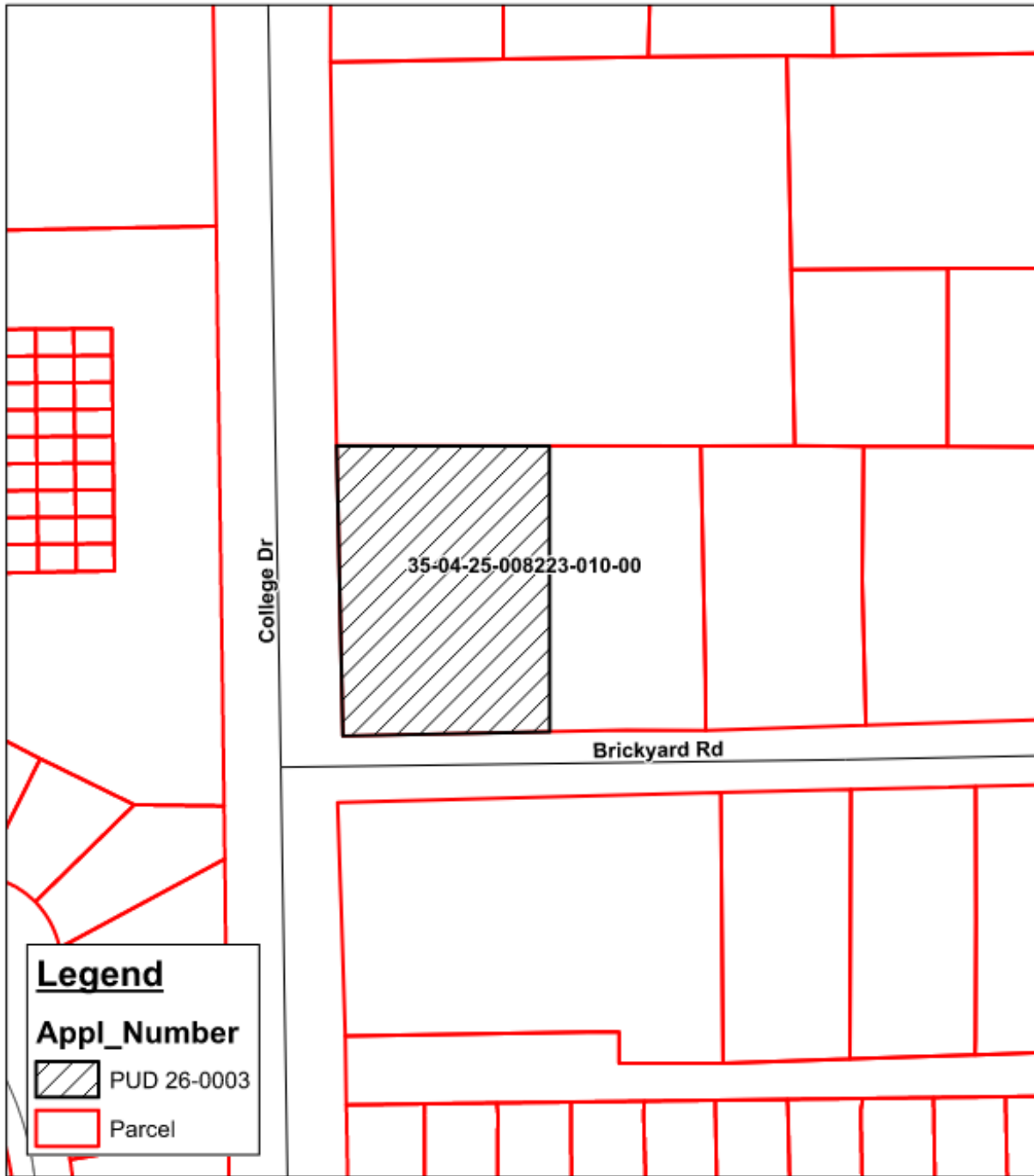


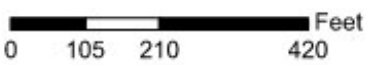
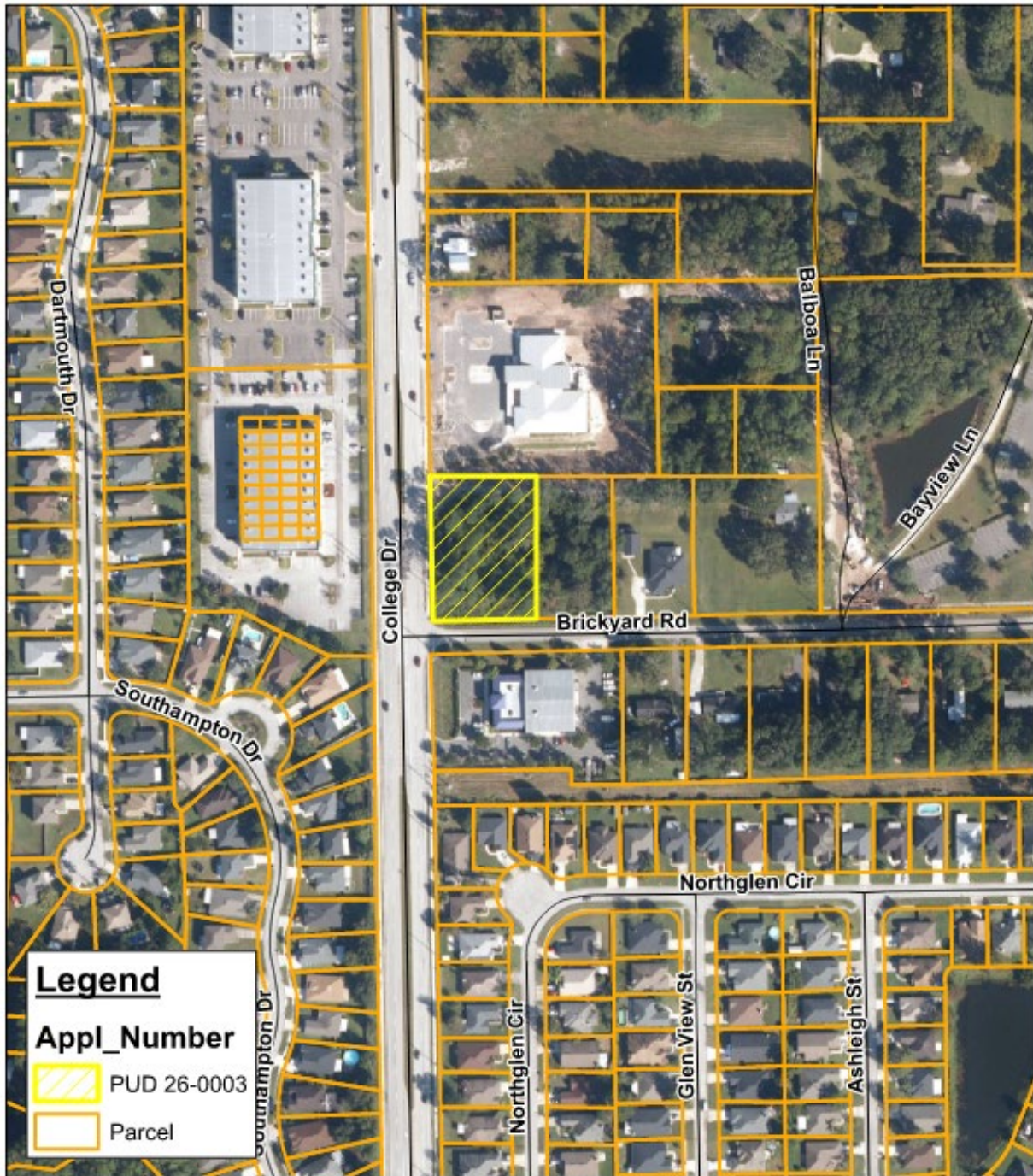
Figure 2 – Parcel Map



Rezoning: PUD 26-0003
Parcel Map



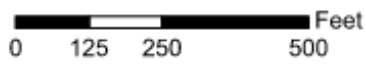
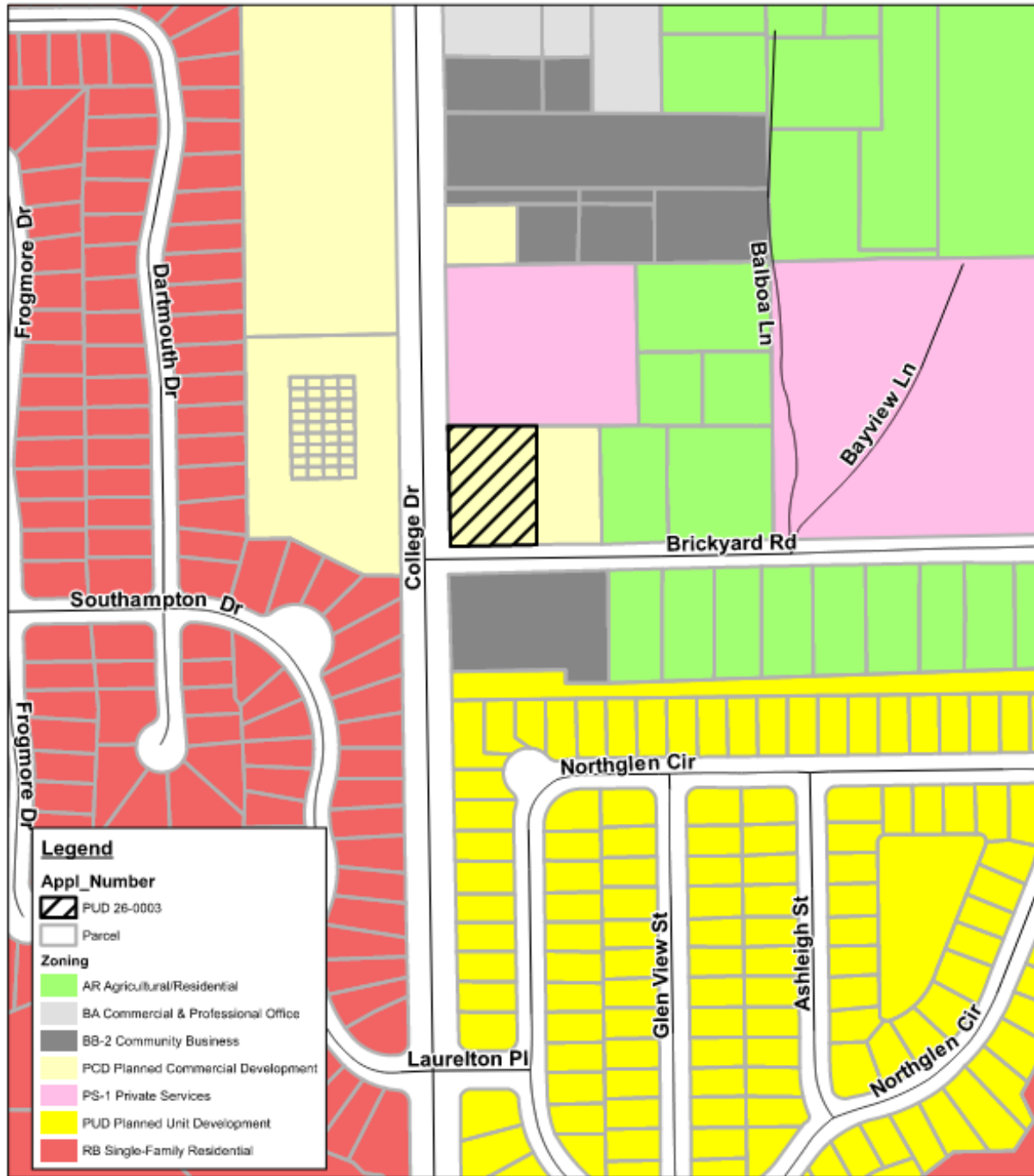
Figure 3 – Aerial Photo



Rezoning: PUD 26-0003
from PCD to PCD



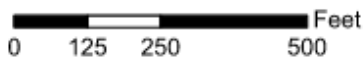
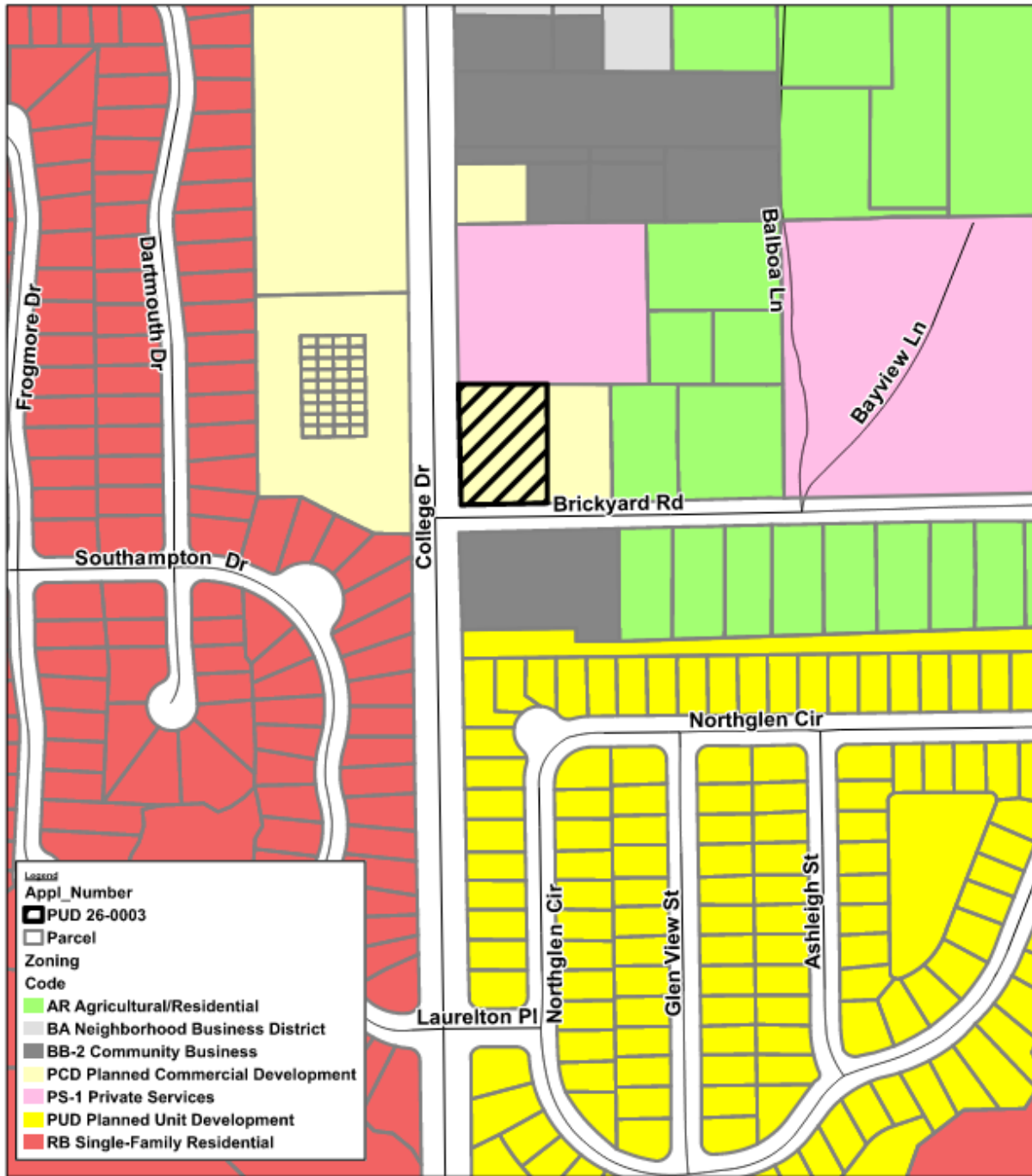
Figure 4 – Existing Zoning Map



**Existing Zoning
Rezoning: PUD 26-0003
from PCD to PCD**



Figure 5 – Proposed Zoning Map



**Proposed Zoning
Rezoning: PUD 26-0003
from PCD to PCD**



33 **Relevant Land Development Code Policy:**

34 The following policy relates to the proposed rezoning request:

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

36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79

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

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

(c) *Minimum Waterfront Setback.* 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. These setbacks shall not apply to structures on lots or parcels located landward of existing bulkheads permitted by the St. Johns River Water Management District or Florida Department of Environmental Protection.

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

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

- (1) A vicinity map showing the location of the proposed development and the relationship to surrounding streets and driveways.
- (2) A site plan indicating location of all proposed structures, buffer areas, wetlands, parking areas, driveway locations and landscaping concepts.
- (3) Detailed explanation of the proposed use of the property.

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

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

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

81
82 (f) *Final site plan approval.* The applicant shall submit, within thirty (30) months from the date of
83 Preliminary Site Plan approval.

84
85 (1) A Final Site Plan containing all the required submittals in accordance with Section 20.3-
86 33(d) of this Article.

87
88 (2) A completed Developer's Commitment Agreement containing all conditions imposed
89 during Preliminary Site Plan approval.

90
91 The Final Site Plan and the Developer's Commitment Agreement will be reviewed by the
92 Development Review Committee prior to the issuance of any building permit.

93
94 (g) *Revisions of Planned Commercial Development final site plan.* Any major or substantial change
95 in the approved PCD, which affects the intent and character of the development or permitted
96 uses shall be reviewed and approved by the Board of County Commissioners. If the requested
97 changes are deemed to have a substantial effect on adjacent property owners, the Board of
98 County Commissioners shall cause a public hearing to be held prior to official action on said
99 requested change.

100
101 Minor changes that do not affect the intent or character of the development may be approved by
102 the Planning and Zoning Director.

103
104 (h) *Planned Commercial Development Time Limitations.*

105
106 (1) If substantial construction, as determined by the Planning and Zoning Director has not
107 begun within four (4) years after approval of the Planned Commercial Development, the
108 approval of the Planned Commercial Development will lapse.

109
110 (2) At its discretion and for good cause, the Board of County Commission may extend for
111 one additional year the period for beginning construction. If the approved Planned
112 Commercial Development lapses under this provision, the Planning and Zoning Director
113 shall cause the Planned Commercial Development district to be removed from the
114 Official Zoning Atlas, mail a notice by registered mail of revocation to the owner, and
115 reinstate the zoning district which was in effect prior to the approval of the Planned
116 Commercial Development.

117
118 (i) *Deviation from the Development Plan.* Any unapproved deviation from the accepted
119 Development Plan shall institute a breach of agreement between the applicant and the County.
120 Such deviation may cause the Board of County Commissioners to immediately revoke the
121 Development Plan until such time as the deviations are corrected or become a part of the accepted
122 Development Plan.

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

172 **Analysis of Proposed Rezoning Amendment**

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

175
176 (a) Whether the proposed change will create an isolated district unrelated to or incompatible with
177 adjacent and nearby districts;

178 Staff Finding: The proposed change will reduce the intensity of the prior rezoning to remove land that
179 was intended for development as commercial and a museum. The portion being removed is proposed for
180 single family residential development.

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

183 Staff Finding: The existing district boundaries are not illogically drawn. The depth of commercial
184 development along College Drive is inconsistent.

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

188 Staff Finding: The conditions since the 2024 rezoning of the parcel have changed and the property owner
189 no longer wishes to develop the land as previously approved for commercial and a museum.

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

191 Staff Finding: While it could be developed under the current zoning, it is no longer financially feasible for
192 the property owner to develop under the original plan.

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

195 Staff Finding: The proposed rezoning is compatible with the Comprehensive Plan.

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

198 Staff Finding: There is no public purpose served by maintaining the current zoning.

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

201 Staff Finding: The proposed rezoning will not be inconsistent with the surrounding land use.

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

204 Staff Finding: There is a demand for commercial development and the opportunity for job creation.

205 The proposed rezoning would change the subject parcel from Planned Commercial Development (PCD) to
206 Planned Commercial Development (PCD). This change would be in keeping with the evolving character of
207 the surrounding districts as shown in the table below:

	Future Land Use	Zoning District
North	Commercial (COM)	Private Services District (PS-1)
South (across Brickyard Road)	Commercial (COM)	Community Business District (BB-2)
East (proposed)	Urban Core (10) (UC-10)	Agricultural/Residential District (AR)
West (across College Drive)	Commercial (COM)	Planned Commercial Development (PCD)

208

209 PCD Written Narrative and Site Plan

210 The written narrative and site plan for the PCD have been revised to remove the .5-acre portion and to
211 reflect the proposed development of one 3,500 square foot office building.

212 **Recommendation**

213 Staff recommends approval of PUD 26-0003.

214