



PLANNING COMMISSION MEETING

November 5, 2024

5:00 PM

Administration Building,
4th Floor, BCC Meeting Room, 477 Houston Street,
Green Cove Springs, FL 32043

Pledge of Allegiance

Call to Order

1. **Approval of Minutes**

Planning Commission Meeting Minutes October 1, 2024.

Public Comment

Public Hearings

1. Public Hearing to consider transmittal of COMP 24-0023. (B. Carson)
The Applicant is requesting a continuance to the January 7th Planning Commission Meeting.

This application is a Text Amendment to LA TRA Policy 1.2.5 to establish a Transportation Improvement Area (TIA) and to stipulate certain conditions under which a subdivision development of greater than 100 homes may proceed.

2. Public Hearing to Consider PUD 24-0006. (District 1, Comm. Cella) (J. Bryla)
The Applicant is requesting a continuance to the December 3rd Planning Commission Meeting.

This application is a Rezoning to change 16.9 acres from Agricultural Residential District (AR) to Planned Unit Development District (PUD).

3. Public Hearing to consider COMP 24-0022 and PUD 24-0007. (District 5, Comm. Burke) (D. Selig)

A. COMP 24-0022

This application is a FLUM Amendment to change 21.22 acres from Rural Residential (RR) to Rural Fringe (RF).

B. PUD 24-0007

This application is a Rezoning to change from Agricultural District (AG) and Agricultural Residential District (AR) to Planned Unit Development District (PUD).

4. Public Hearing to consider ZON 24-0029. (District 5, Comm. Burke) (M. Brown)

This application is a Rezoning to change from Commercial and Professional Office District (BA-2) to Neighborhood Business District (BA).

5. Public Hearing to consider COMP 24-0021 and ZON 24-0027. (District 5, Comm. Burke) (J. Bryla)

A. COMP 24-0021

This application is a FLUM Amendment to change 36.97 acres from Agricultural (AG) to Rural Residential (RR).

B. ZON 24-0027

This application is a Rezoning to change from Agricultural District (AG) to Agricultural Residential District (AR).

Presentations

Old Business/New Business

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act, any person needing a special accommodation to participate in this matter should contact the Clay County ADA Coordinator by mail at Post Office Box 1366, Green Cove Springs, FL 32043, or by telephone at number (904) 269-6347 no later than three (3) days prior to the hearing or proceeding for which this notice has been given. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD).



Agenda Item
PLANNING COMMISSION

Clay County Administration Building
Tuesday, November 5 5:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Planning Commission Meeting Minutes October 1, 2024.	Backup Material	10/17/2024	Planning_Commission_Meeting_Minutes_and_Attachments_October_1__2024.ada.pdf



PLANNING COMMISSION MEETING MINUTES

October 1, 2024

5:00 PM

Administration Building,
4th Floor, BCC Meeting Room,
477 Houston Street,
Green Cove Springs, FL. 32043

Pledge of Allegiance

Commissioner Ralph Puckhaber led the Pledge of Allegiance.

Call to Order

Present: Commissioner Mary Bridgman, Chairman
Commissioner Pete Davis, Vice-Chairman
Commissioner Michael Bourré
Commissioner Bill Garrison
Commissioner Howard "Bo" Norton
Commissioner Ralph Puckhaber
School Board Representative Paul Bement

Absent: Camp Blanding Representative Sam Tozer

Staff Present: County Attorney Courtney Grimm
Assistant County Attorney Jamie Hovda
Director of Planning and Zoning Beth Carson
Zoning Chief Mike Brown
Zoning Chief Jenni Bryla
Economic Services Coordinator Kellie Henry

Chairman Mary Bridgman called the meeting to order at 5:00 pm.

Chairman Mary Bridgman introduced the Board members, recognized several staff members, and thanked CCSO - Deputy Ash and Deputy Barnwell for providing security.

1. Approval of Minutes

Planning Commission Meeting Minutes August 29, 2024.

Commissioner Michael Bourré made a motion for approval of the August 29, 2024, Planning Commission Meeting minutes, seconded by Commissioner Bo Norton, which carried 8-0.

Public Comment

Chairman Mary Bridgman opened the floor for public comment at 5:03 pm.

Hearing no comments, Chairman Mary Bridgman closed public comment at 5:03 pm.

Public Hearings

Chairman Mary Bridgman provided an overview and details of the meeting procedure and the function of the Planning Commission.

Before commencing the public hearings, all those who wished to speak were sworn in.

1. Public Hearing to consider ZON 24-0017, LDC Text Change for Rock Crushing; Rock or Sand Storage Yards; and Stone Cutting. (M. Brown)
Land Development Code Change to amend the required standards for *Rock Crushing; Rock or Sand Storage Yards; and Stone Cutting* Conditional Use.

ZON-24-0017 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/October 1, 2024](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/October%201,%202024), beginning at 9:24 and ending at 25:58. Below is a summary of the discussion and the vote for this agenda item.

Mike Brown, Zoning Chief, presented a PowerPoint presentation regarding the public hearing to consider ZON-24-0017, Land Development Code Change, to amend the required standards for Rock Crushing, Rock or Sand Storage Yards, and Stone Cutting Conditional Use. See Attachment A.

There were questions and discussions regarding the on-site water source, requirements for an alternate water source, future development requirements if water/sewer is available, present facilities that do not require water/sewer, and heavy industrial vs. light industrial.

Steven Holton, President of Riverstone Construction, 62 Torres Trace, St. Augustine, Florida, was available to answer questions in the absence of the applicant.

There were questions and discussions regarding other solvents besides water for stone cutting, hazardous materials used (none), a plan for providing water on site, office or permanent structure for the business, processing the wastewater on-site, and providing a port-a-let facility for workers.

Chairman Mary Bridgman opened the floor for the public hearing at 5:22 pm.

Hearing no comments, Chairman Mary Bridgman closed the public hearing at 5:22 pm.

Commissioner Ralph Puckhaber made a motion for approval of staff report, seconded by Commissioner Joe Anzalone. The Commission made additional comments regarding the requirement to hook up/connect to water and sewer when it becomes available.

Commissioner Ralph Puckhaber amended his motion to approve staff report, requiring that the applicant hook up to central sewer/water when available, seconded by Commissioner Bo Norton, which carried 7-0.

2. Public Hearing to Consider COMP 24-0016 and ZON 24-0019. (District 5, Comm. Burke) (J.Bryla)

A. COMP 24-0016

This application is a FLUM Amendment to change 1.72 acres from Agricultural (AG) to Industrial (IND)

B. ZON 24-0019

This application is a Rezoning to change from Agricultural District (AG) to Heavy Industrial District (IND).

COMP-24-0016 and ZON-24-0019 can be seen at www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning-Commission/October-1,-2024,-beginning-at-26:00-and-ending-at-37:22. Below is a summary of the discussion.

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider COMP-24-0016 and ZON-24-0019. See Attachment B. Item 2, 3, and 4 are related applications being contiguous parcels.

- **COMP-24-0016** - FLUM amendment change to 1.72 acres from Agricultural (AG) to Industrial IND.
- **ZON-24-0019** - Rezoning to change Agricultural District (AG) to Heavy Industrial District (IND).

There were questions and discussions regarding surrounding properties and future applications, and whether Parks and Recreation had been consulted.

Kelly Hartwig, 3420 Wall Road, Green Cove Springs, Florida, agent for the applicant, addressed the Board to provide more details and information regarding the requested change.

There were questions and discussions regarding exact location of the properties.

Chairman Mary Bridgman opened the floor for the public hearing at 5:35 pm.

There was a request from the public to speak after the remaining applications

pertaining to contiguous parcels (3 and 4) had been presented.

Hearing no other comments, Chairman Mary Bridgman closed the public hearing at 5:36 pm.

There was a consensus by the Commission to present items 3 and 4 before opening the public hearings or voting on any of the applications pertaining to this and the remaining two agenda items.

3. Public Hearing to consider COMP 24-0018 and ZON 24-0024. (District 5, Comm. Burke) (J.Bryla)

A. COMP 24-0018

This application is a FLUM Amendment to change 32.78999 acres from Agricultural Residential (AR) to Industrial (IND).

B. ZON 24-0024

This Application is a Rezoning to change from Agricultural District (AG) to Heavy Industrial District (IB).

COMP-24-0018 and ZON-24-0024 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning-Commission/October 1, 2024, beginning at 37:23 and ending at 42:21](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning-Commission/October-1,-2024,-beginning-at-37:23-and-ending-at-42:21). Below is a summary of the discussion.

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider COMP-24-0018 and ZON-24-0024. See Attachment C.

- **COMP 24-0018:** FLUM Amendment to change 32.78999 acres from Agricultural Residential (AR) to Industrial (IND).
- **ZON 24-0024:** Rezoning to change from Agricultural District (AG) to Heavy Industrial District (IB).

There were questions and discussion regarding adjacent properties to the West (residential) and mitigation of the floodplain.

4. Public Hearing to consider COMP 24-0017 and ZON 24-0023. (District 5, Comm. Burke) (J.Bryla)

A. COMP 24-0017

This application is a FLUM Amendment to change 41.75 acres Agricultural Residential (AR) to Industrial (IND).

B. ZON 24-0023

This application is a rezoning to change from Agricultural Residential District (AR) to Heavy Industrial (IB).

COMP-24-0017 and ZON-24-0023 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/October 1, 2024](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/October%201,%202024), beginning at 42:22 and ending at 1:09:58. Below is a summary of the discussion and the vote for this agenda item.

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider COMP-24-0017 and ZON-24-0023. See Attachment D

- **COMP 24-0017:** FLUM Amendment to change 41.75 acres Agricultural Residential (AR) to Industrial (IND).
- **ZON 24-0023:** rezoning to change from Agricultural Residential District (AR) to Heavy Industrial (IB).

There were questions and discussions regarding ownership of surrounding parcels.

Chairman Mary Bridgman opened the floor for the public hearing at 5:44 pm.

Sandra Boike, a Clay County resident, addressed the Commission in opposition to the requested changes.

Luke Glisson, 5142 County Road 209 South, Green Cove Springs, Florida, addressed the Commission in opposition to the requested changes.

Patricia Ross, 5243 County Road South, Green Cove Springs, Florida, addressed the Commission in opposition to the requested changes.

Robert McGroarty, 3308 Thunder Road, Middleburg, Florida, addressed the Commission in opposition to the requested changes.

Hearing no other comments, Chairman Mary Bridgman closed the public hearing at 5:53 pm.

Members of the Commission expressed concerns regarding items 2, 3, and 4, asked questions regarding the the Live-Local Act requirements and restrictions, and considered delaying/continuing all items.

Commissioner Ralph Puckhaber made a motion to continue items 2, 3, and 4 until November. The continuance motion failed, 1-5.

Following all discussions, Commissioner Ralph Puckhaber made a motion of denial of COMP-24-0016, seconded by Commissioner Bo Norton, which carried 6-0.

Commissioner Ralph Puckhaber made a motion to recommend denial of COMP-24-0018, seconded by Commissioner Michael Bourré, which carried 6-0.

Commissioner Ralph Puckhaber made a motion to recommend denial of COMP-24-0017, seconded by Commissioner Bo Norton, which carried 6-0.

Commissioner Ralph Puckhaber made a motion to recommend denial of ZON-0019,

seconded by Commissioner Bo Norton, which carried 6-0.

Commissioner Ralph Puckhaber made a motion to recommend denial of ZON-24-0024, seconded by Commissioner Bo Norton, which carried 6-0.

Commissioner Ralph Puckhaber made a motion to recommend denial of ZON-24-0023, seconded by Vice-Chairman Pete Davis, which carried 6-0.

Presentations

Discussion can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/October 1, 2024](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/October%201,%202024), beginning at 1:10:11 and ending at 1:13:31. Below is a summary of the discussion.

Commissioner Ralph Puckhaber addressed the Council to discuss Village of Hope and options for addressing the affordable housing issue. See Attachment E.

There were comments by the Commission regarding how to build affordable housing in the future.

Old Business/New Business

Old/New Business can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning Commission/October 1, 2024](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Planning%20Commission/October%201,%202024), beginning at 1:13:32 and ending at 1:18:44. Below is a summary of the discussion.

Beth Carson, Director of Planning and Zoning, addressed the Commission to provide information and details regarding available training hosted by Nassau County on October 25, 2024.

There were questions and discussions regarding the involvement of other counties, registration, costs, and sharing materials.

Ms. Carson mentioned registration for the Commission for a group membership through American Planning Association.

Ms. Carson spoke about the available seats on the Fleming Island Citizen Advisory Council and the need for applicants to serve.

Chairman Mary Bridgman reminded Commissioners who's terms expire this year to reapply if they wish to continue to serve.

Public Comment

Chairman Mary Bridgman opened the floor for public comment at 6:17 pm.

Hearing no comments, Chairman Mary Bridgman closed public comment at 6:17 pm.

Adjournment

Hearing no further business, Chairman Mary Bridgman adjourned the meeting at 6:18 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

B

Attachment
“A”
ZON-24-0017



PLANNING COMMISSION

ZON-24-0017

LDC Amendment

October 1, 2024

APPLICATION INFORMATION

Applicant: Crystal Bui, Riverstone Construction

Request: The applicant is requesting an amendment to the required standards for the Rock Crushing; Rock or Sand Storage Yards; and Stone Cutting conditional use to remove the requirement that central sewer and water must be available.

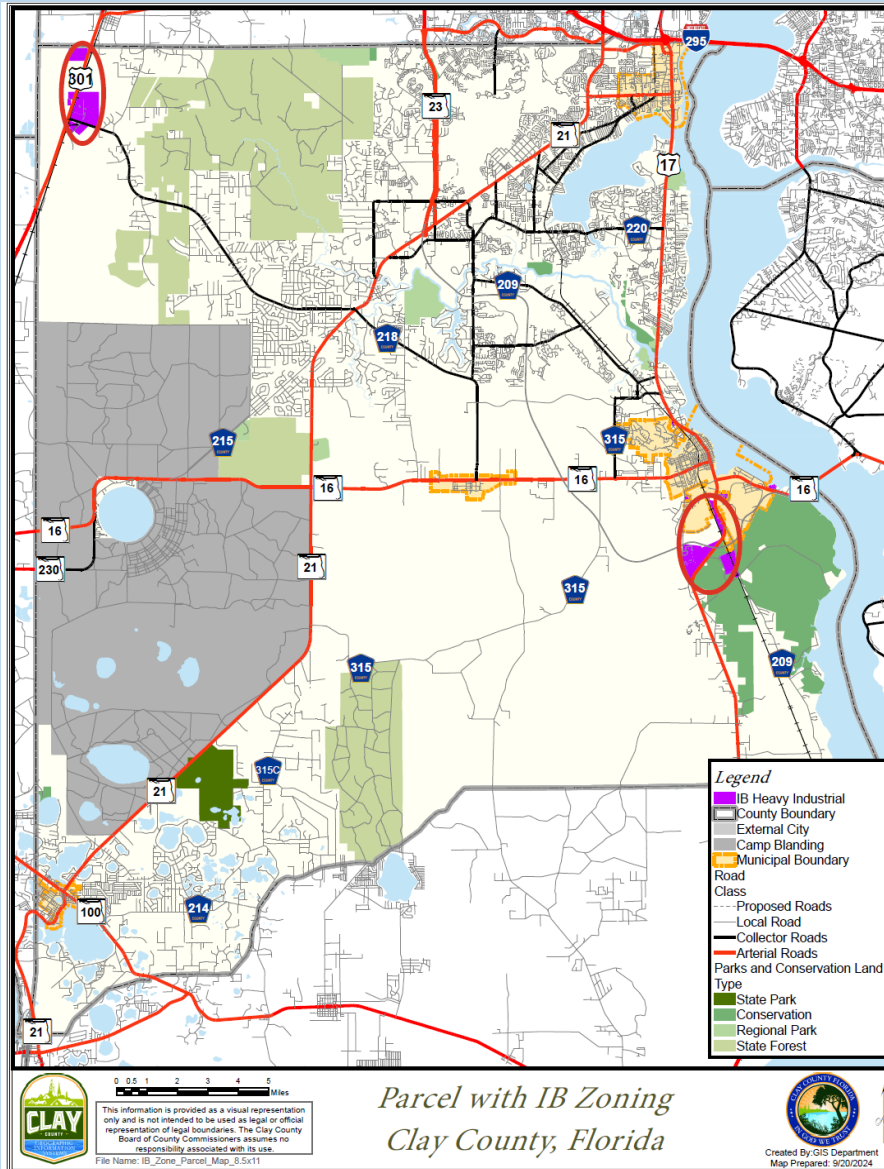
Proposed Text Changes to Sec. 3-5(bk)

(bk) Rock Crushing; Rock or Sand Storage Yards; and Stone Cutting.

(1) Must be at least five hundred (500) feet from any residential district.

~~(2) Central sewer and water must be available.~~

BACKGROUND



Rock Crushing; Rock or Sand Storage; and Stone Cutting is only allowed as a conditional use in IB Heavy Industrial zoning district.

There are two areas in the County where IB zoning is presently located:

- South of Green Cove Springs primarily along U.S. 17; and,
- Along U.S. 301 from CR 218 north to the county line.

The limited availability of central utilities to these existing IB areas restricts the ability to locate/develop businesses that require central sewer and water as a condition of approval.

RECOMMENDATION

Staff recommends approval of proposed change to Section 3-5(bk) to remove the requirement that central sewer and water be available for Rock Crushing: Rock or Sand Storage Yards; and Stone Cutting conditional use.

QUESTIONS

B

Attachment
“B”
COMP-24-0016
ZON-24-0019

Small Scale Comprehensive Plan Future Land Use Map
Amendment:

COMP 24-0016

Rezoning Application:

ZON 24-0019

Planning Commission
October 1, 2024



Application Information

Applicant: Kelly Hartwig (Cypress Management & Design LLC.)

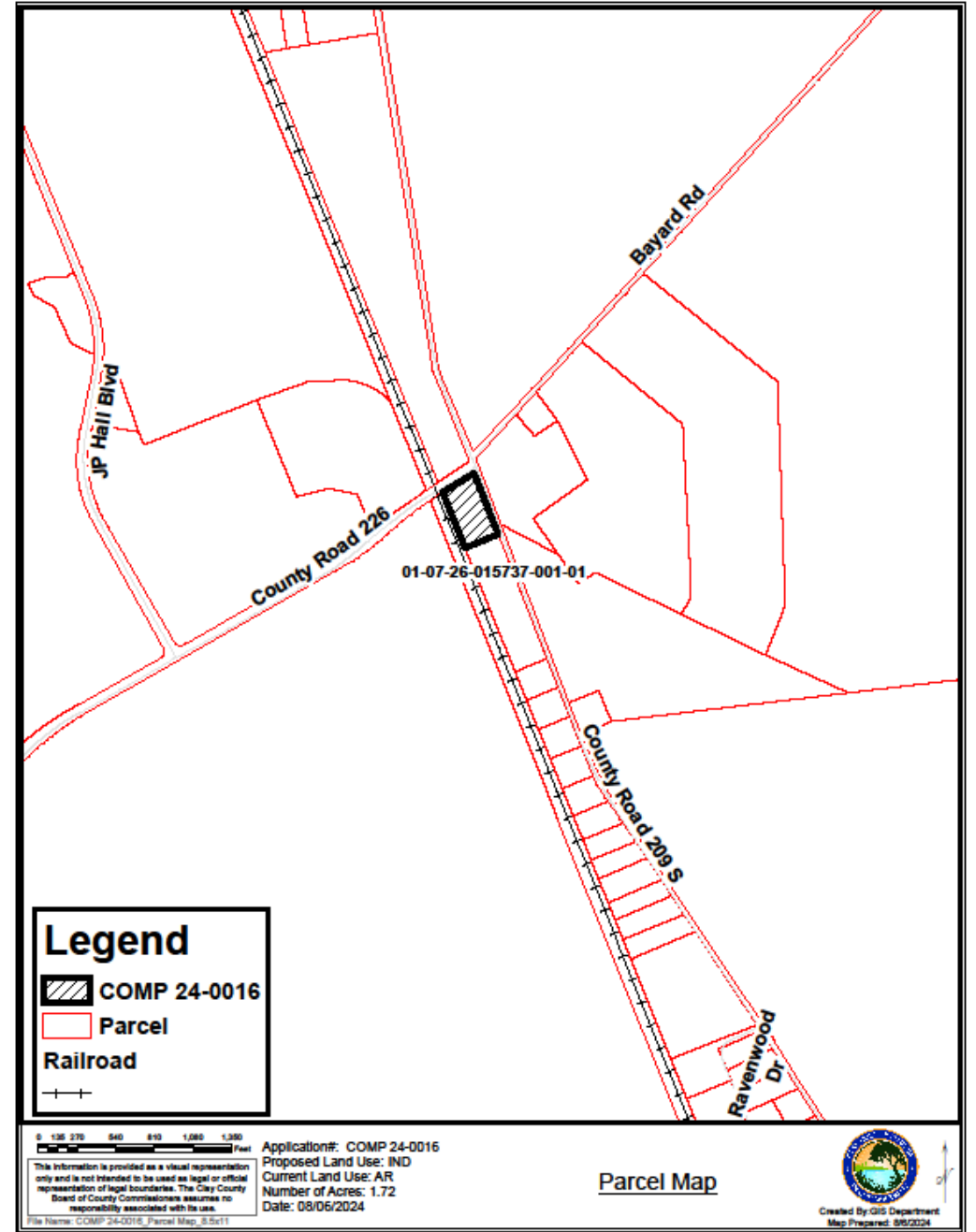
Location: Southwest corner of the intersection at County Rd 226 and County Rd 209 S.

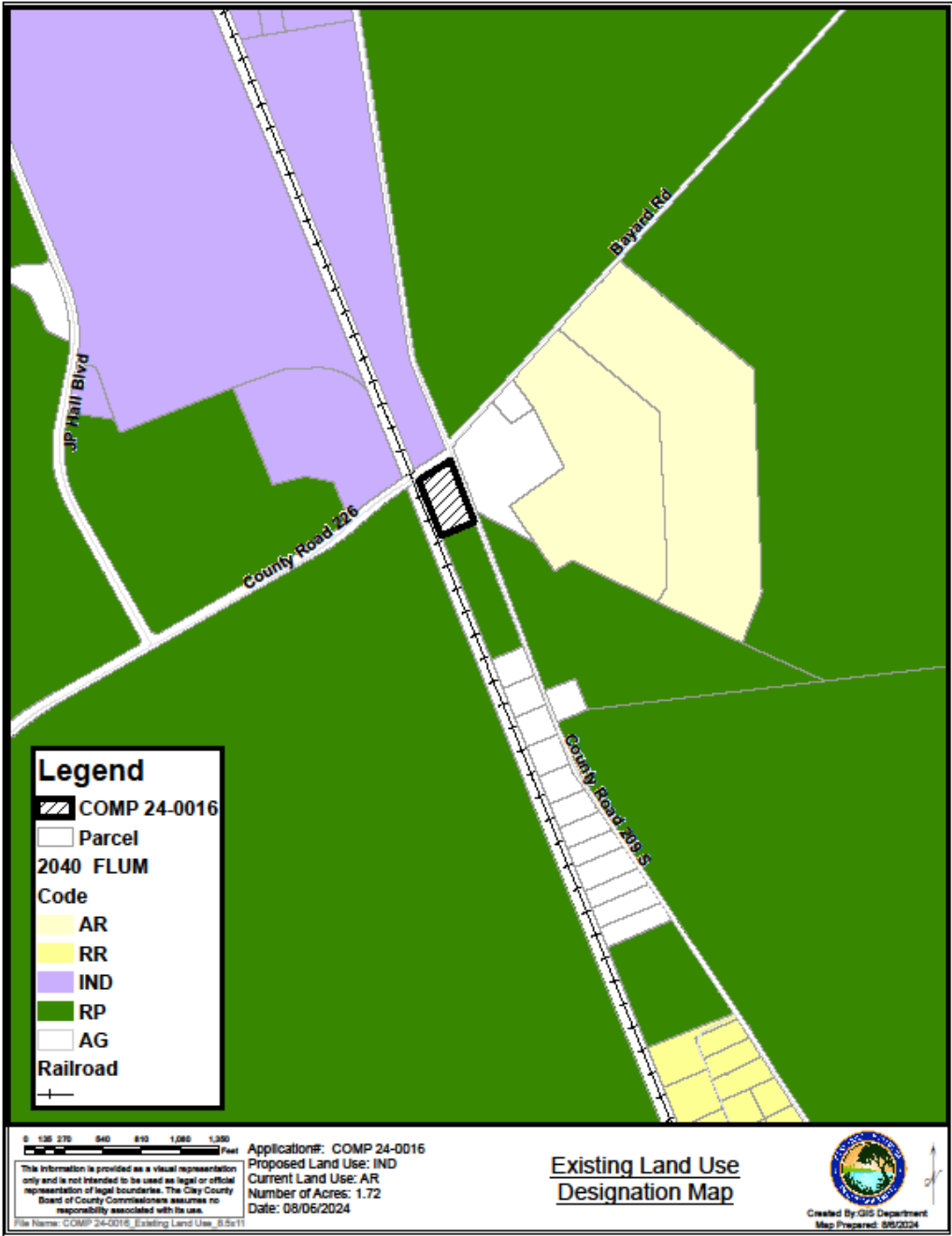
Planning District: Springs District

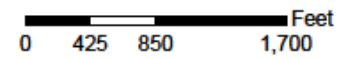
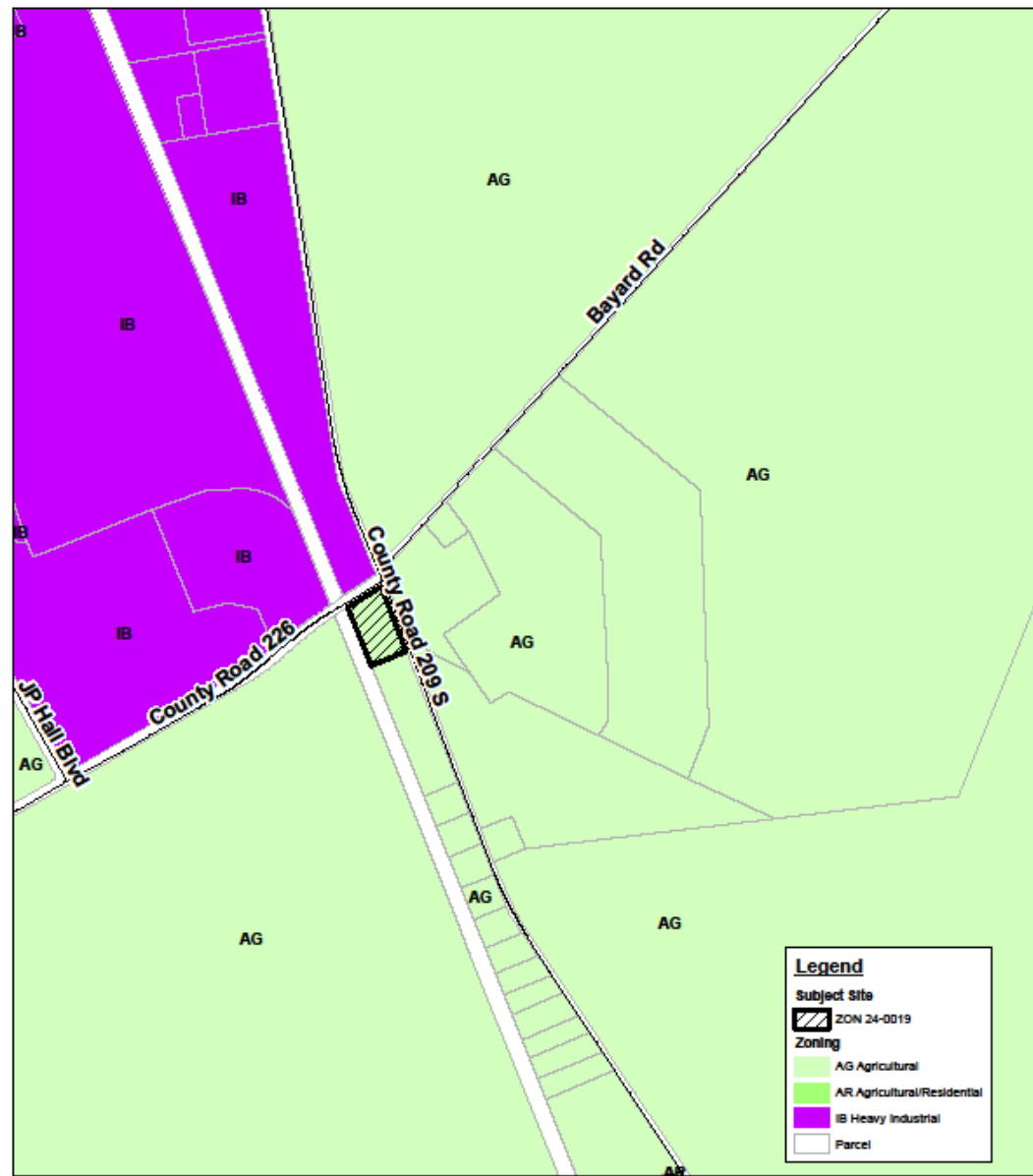
Commission District: 5 Commissioner Burke

Parcels: 1.72 acre parcel

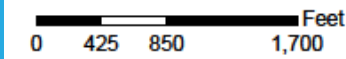
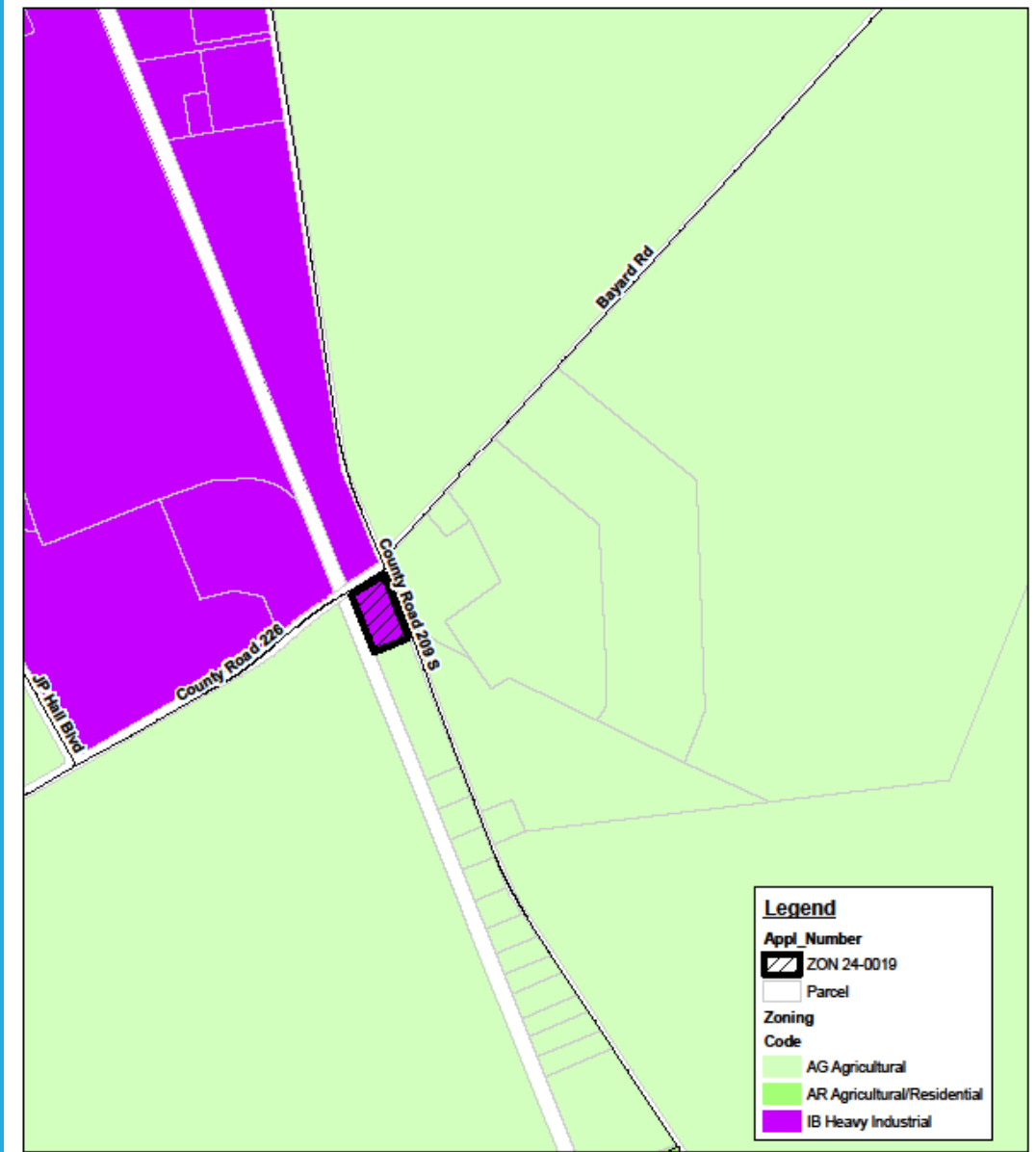
- COMP 24-0016 would change the Future Land Use (FLU) designation from AR(Agricultural/Residential) to IND (Industrial).
- ZON 24-0019 would change the zoning from AG (Agricultural) to IB (Heavy Industrial).







Existing Zoning
Proposed Rezoning: ZON 24-0019
From AG to IB



Proposed Rezoning: ZON 24-0019
From AG to IB



ZON 24-0019 changes proposed for 1.72 acre lot

Allows for uses typically identified with industrial lands

Setbacks for lands adjacent to agriculture shall be 20 feet with a visual barrier of no less than 6 feet and a 10 foot landscaped area

Residential Uses are only permitted as a conditional use, and must serve only the owner, operator or security employee of the principal use.

Project Description

No site specific development is proposed at this time.

Recommendations

COMP 24-0016

Staff finds that the criteria for the Comprehensive Plan Amendment have been met and recommends approval of COMP 24-0016.

ZON 24-0019

Staff finds that the criteria for the Rezoning have been met and recommends approval of ZON 24-0019.

Attachment
“C”
COMP-24-0018
ZON-24-0024

Small Scale Comprehensive Plan Future Land Use Map
Amendment:

COMP 24-0018

Rezoning Application:

ZON 24-0024

Planning Commission
October 1, 2024



Application Information

Applicant: Kelly Hartwig (Cypress Management & Design LLC.)

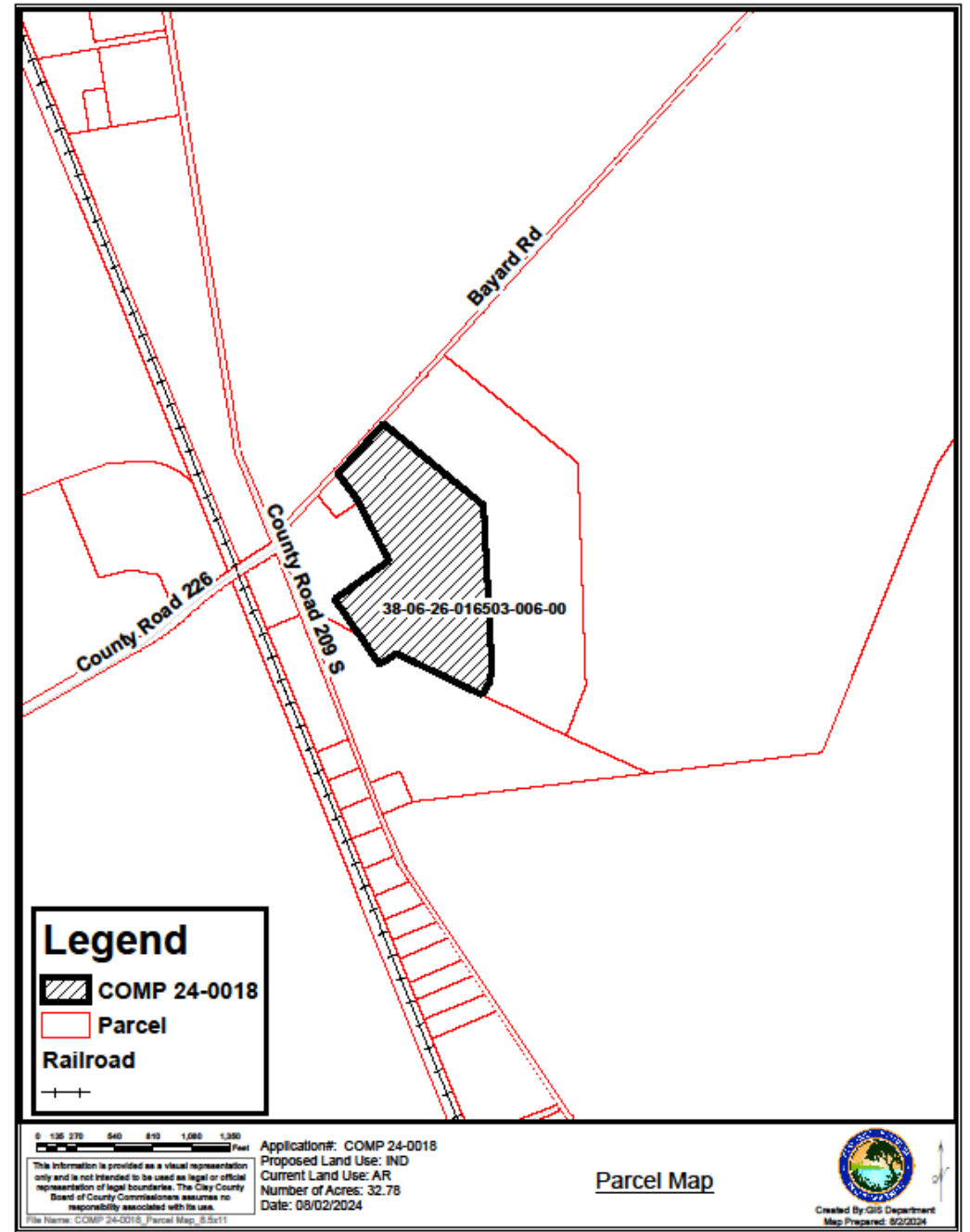
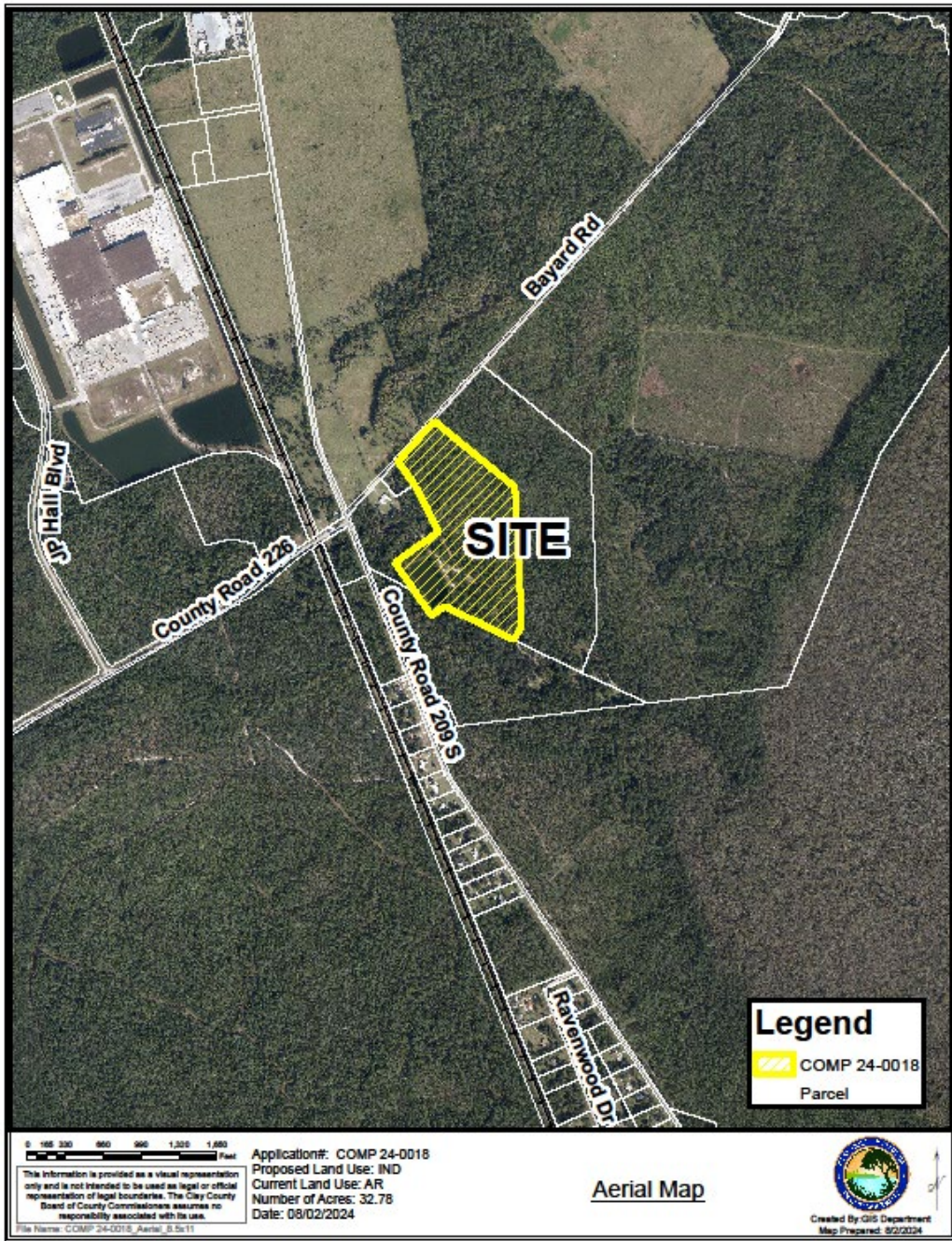
Location: Southeast of the intersection of County Rd 226 and County Rd 209

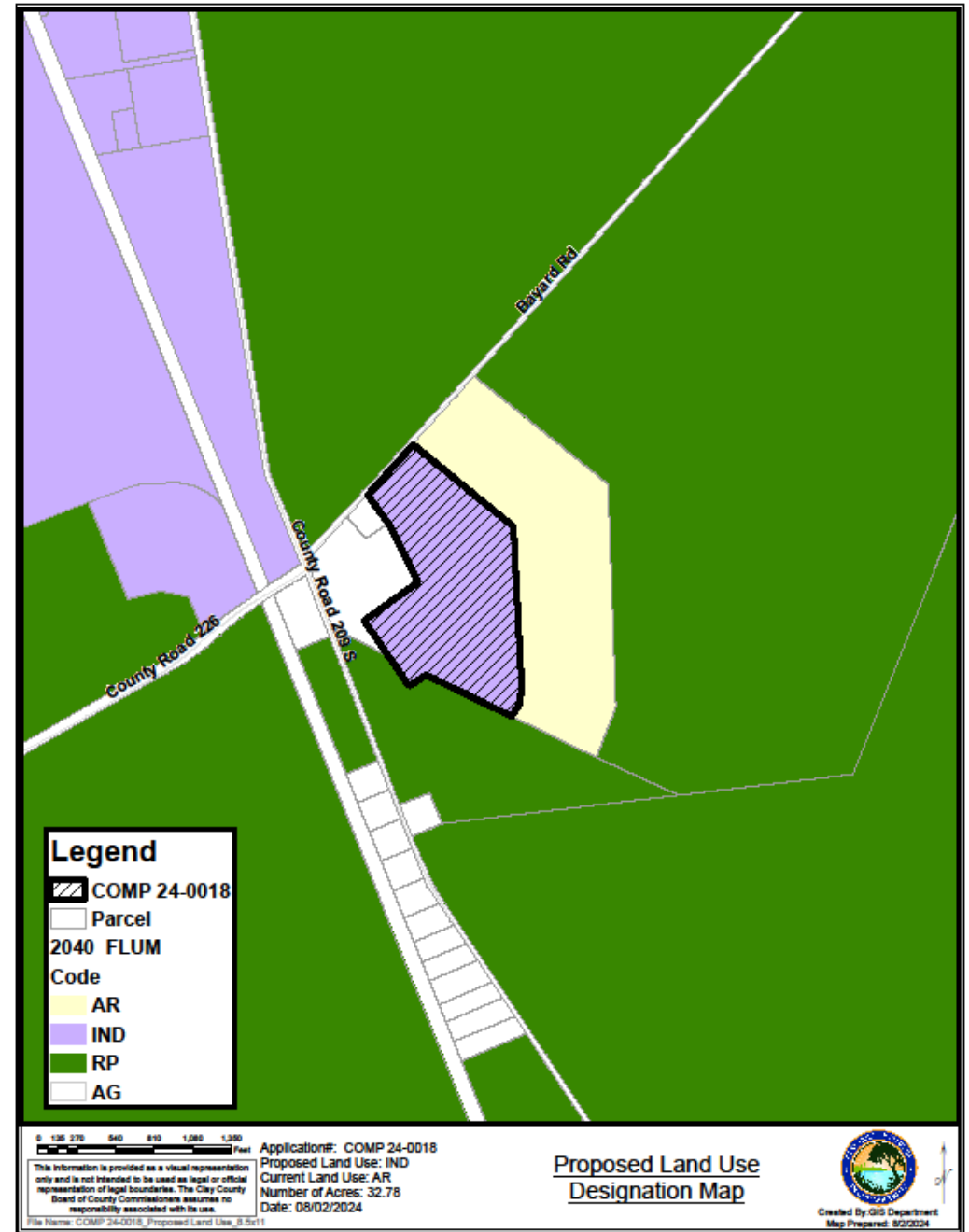
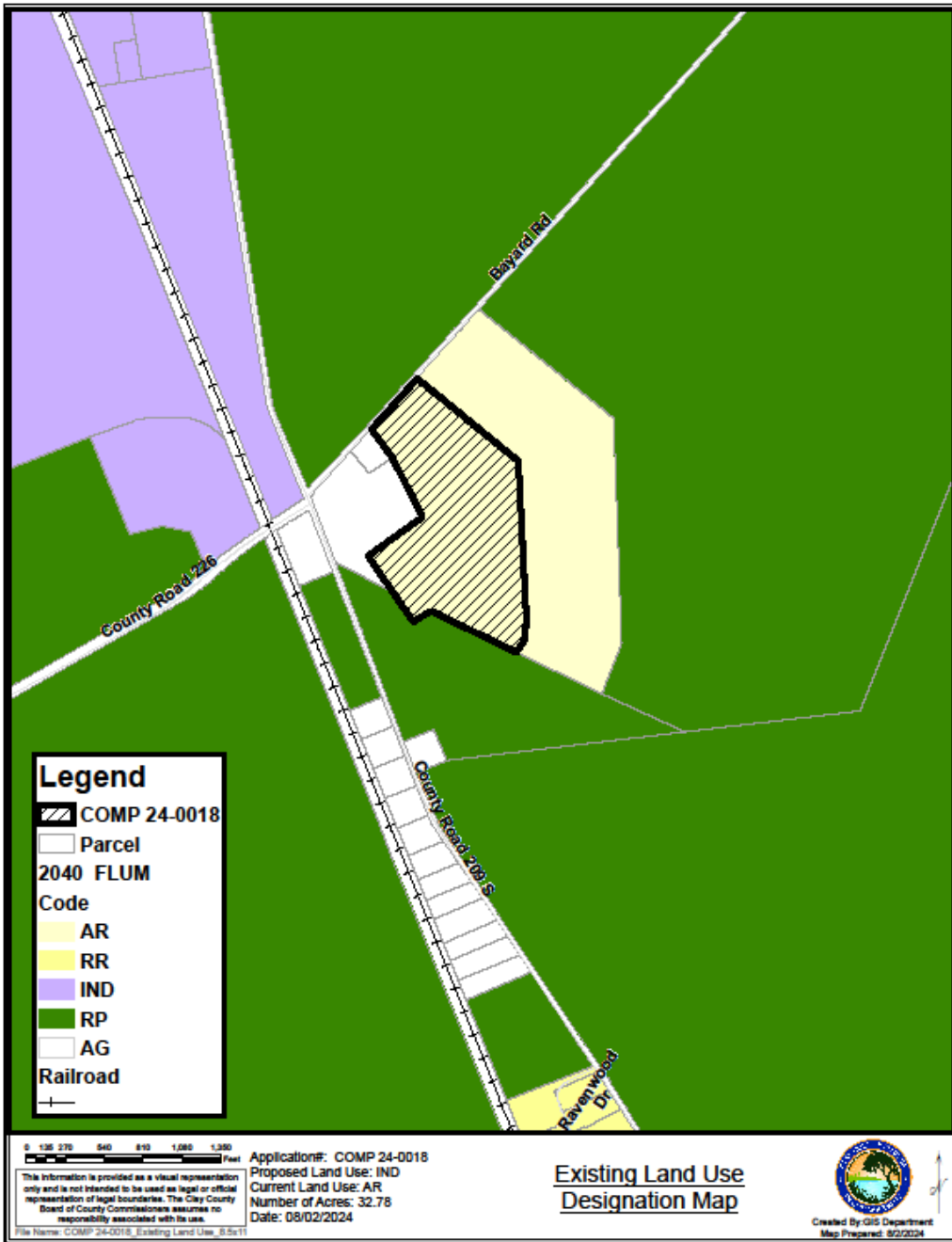
Planning District: Springs District

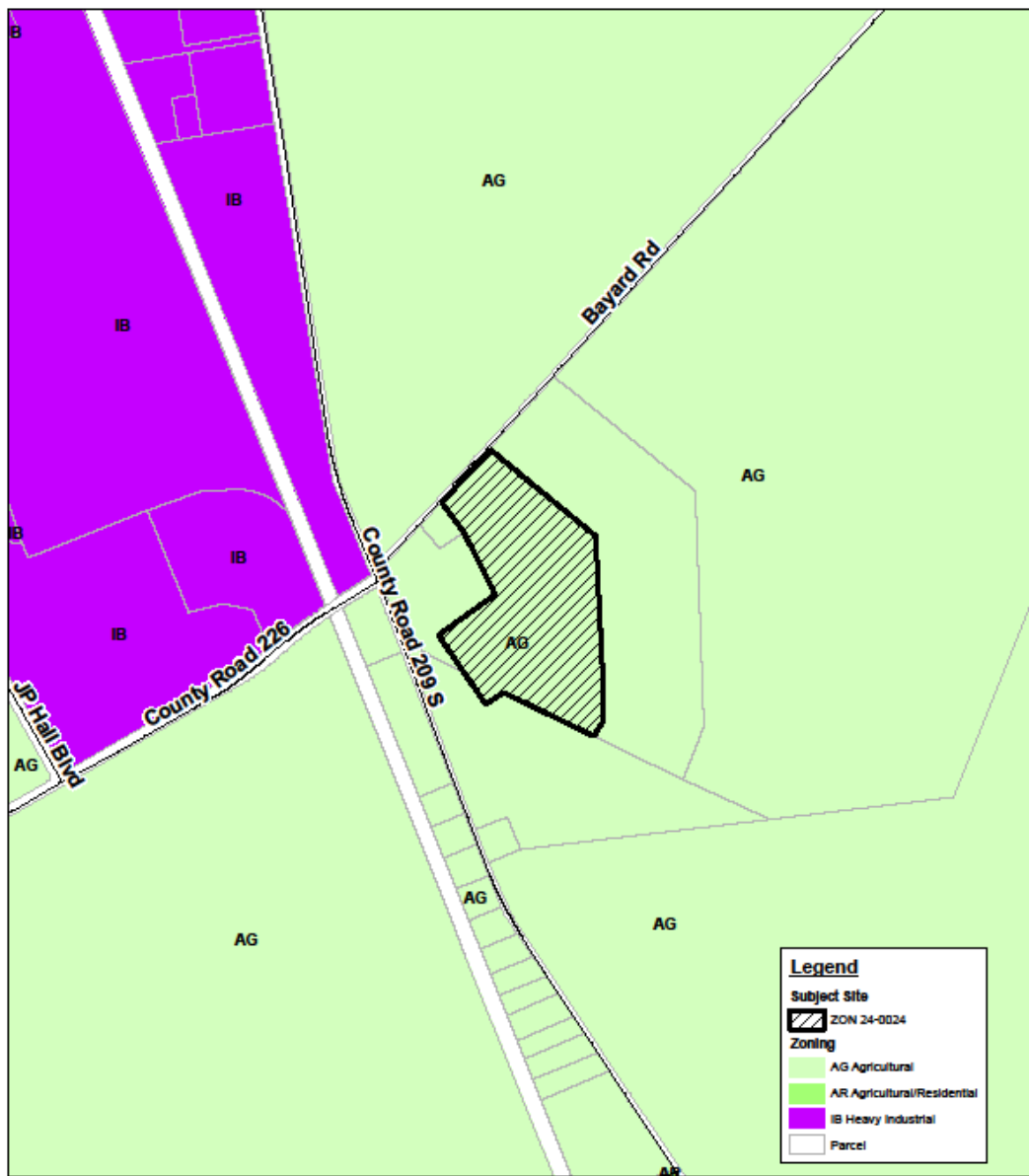
Commission District: 5 Commissioner Burke

Parcels: a 32.78 acre parcel

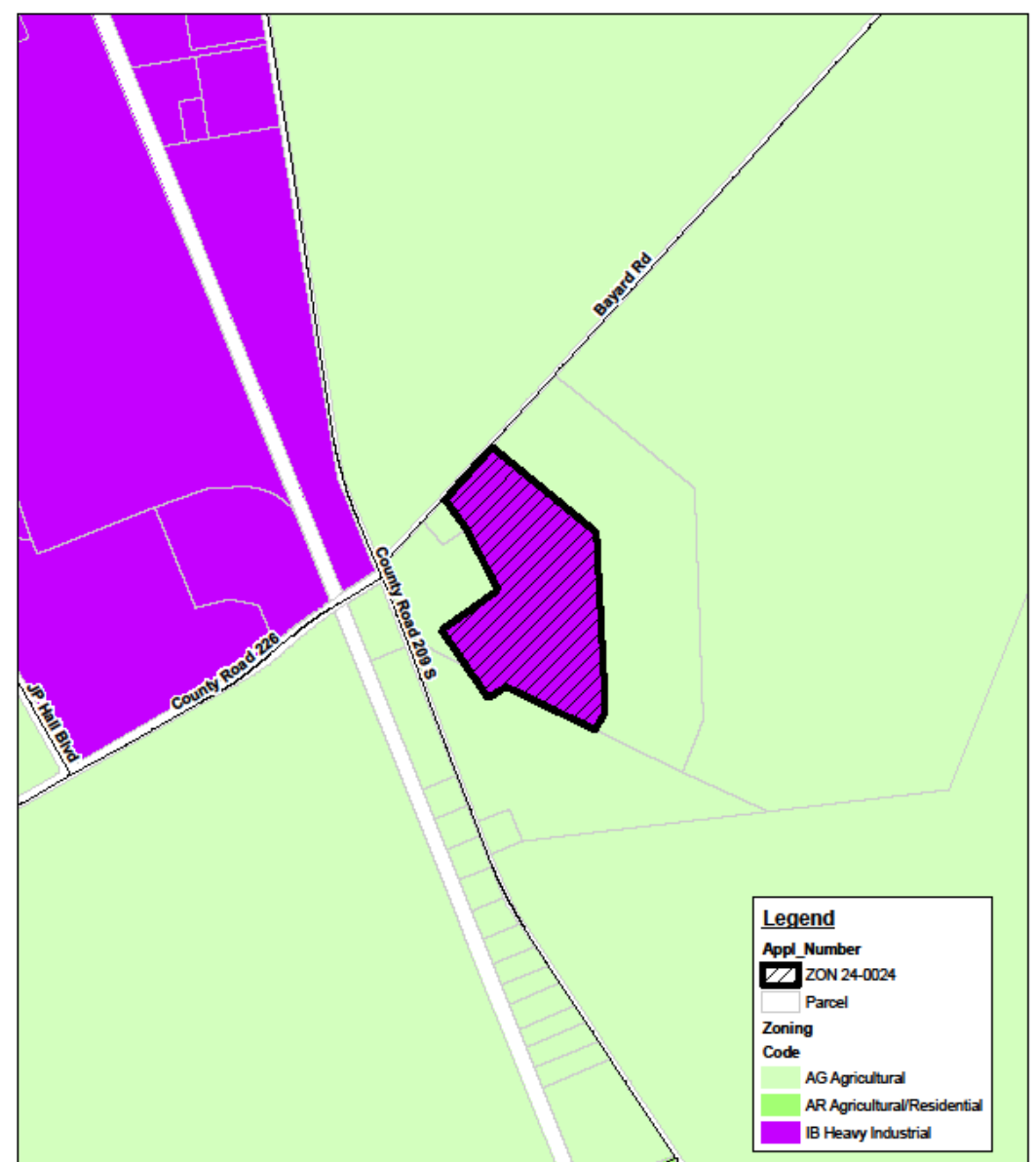
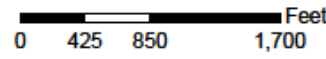
- COMP 24-0018 would change the Future Land Use (FLU) designation from AR (Agricultural/Residential) to IND (Industrial).
- ZON 24-0024 would change the zoning from AG (Agricultural) to IB (Heavy Industrial).



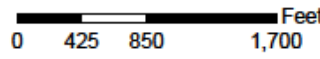




Existing Zoning
 Proposed Rezoning: ZON 24-0024
 From AG to IB



Proposed Rezoning: ZON 24-0024
 From AG to IB



ZON 24-0024 changes proposed for 32.76 acre parcel

Allows for uses typically identified with industrial lands

Setbacks for lands adjacent to agriculture shall be 20 feet with a visual barrier of no less than 6 feet and a 10 foot landscaped area

Residential Uses are only permitted as a conditional use, and must serve only the owner, operator or security employee of the principal use.

PUBLIC NOTIFICATION – 350’ BUFFER

Name	Address1
LEMEN WILLIAM T III TRUSTEE &	3957 SUSAN DR
HALL JOHN P III	PO BOX 395
King Robert Travis	939 Bayard Rd
St.Johns River Water Managemen	PO Box 1429



Project Description

No site specific development is proposed at this time.

Recommendations

COMP 24-0018

Staff finds that the criteria for the Comprehensive Plan Amendment have been met and recommends approval of COMP 24-0018.

ZON 24-0024

Staff finds that the criteria for the Rezoning have been met and recommends approval of ZON 24-0024.

Attachment
“D”
COMP-24-0017
ZON-24-0023

**Small Scale Comprehensive Plan Future Land Use Map
Amendment:**

COMP 24-0017

Rezoning Application:

ZON 24-0023

Planning Commission

October 22, 2024



Application Information

Applicant: Kelly Hartwig(Cypress Management and Design LLC.)

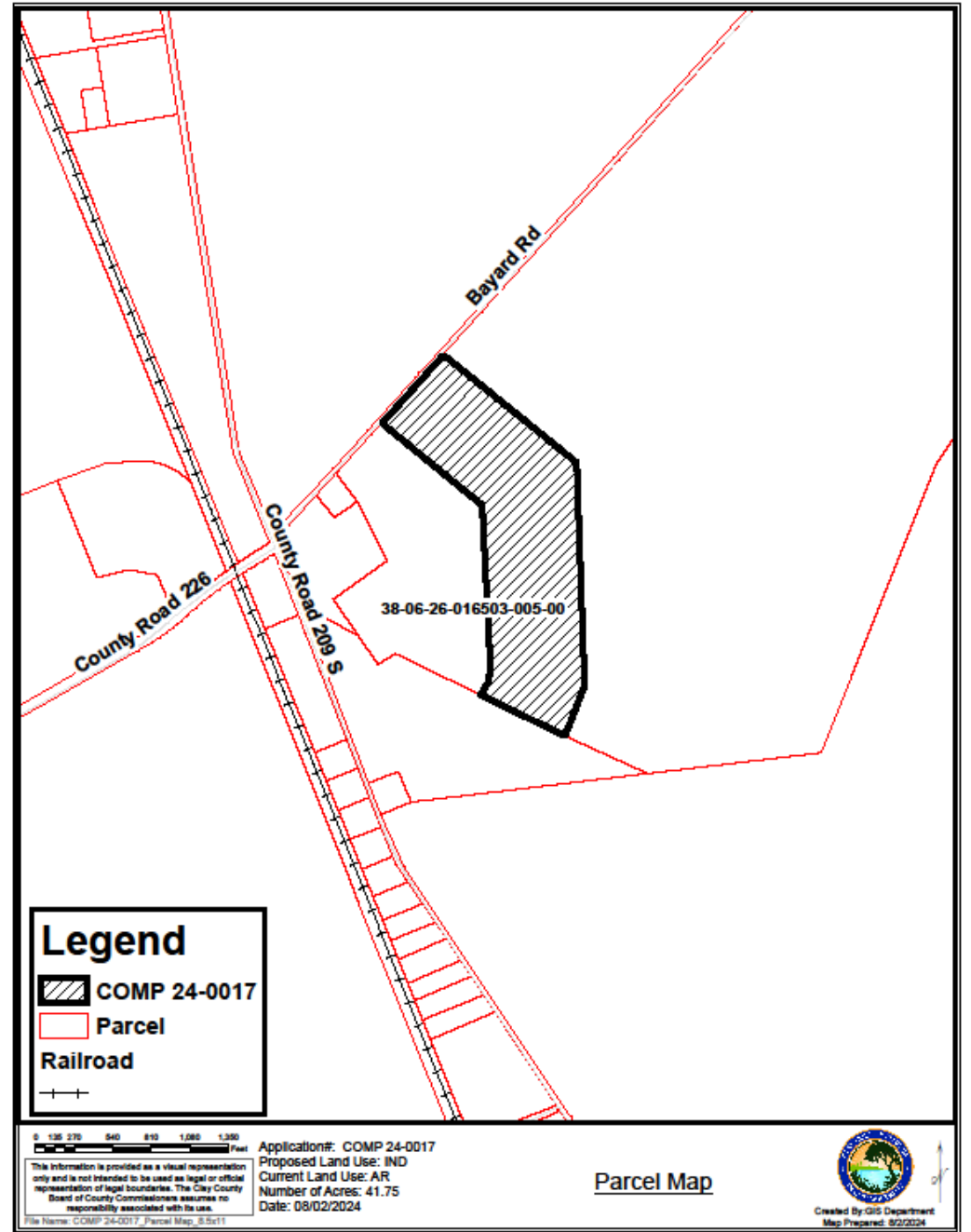
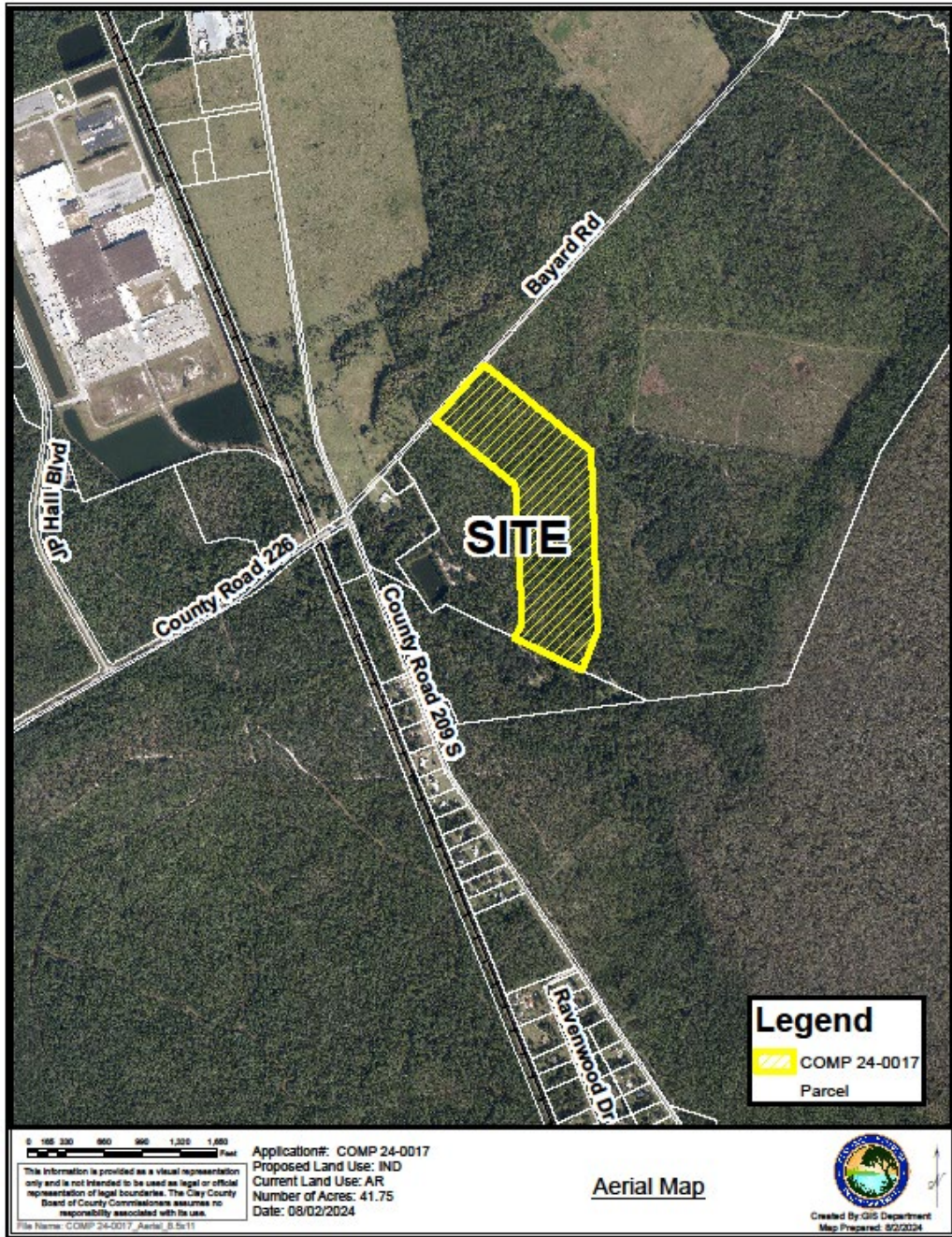
Location: Southeast side of Bayard Rd, just north of the intersection for County Rd 209 S and County Rd 226

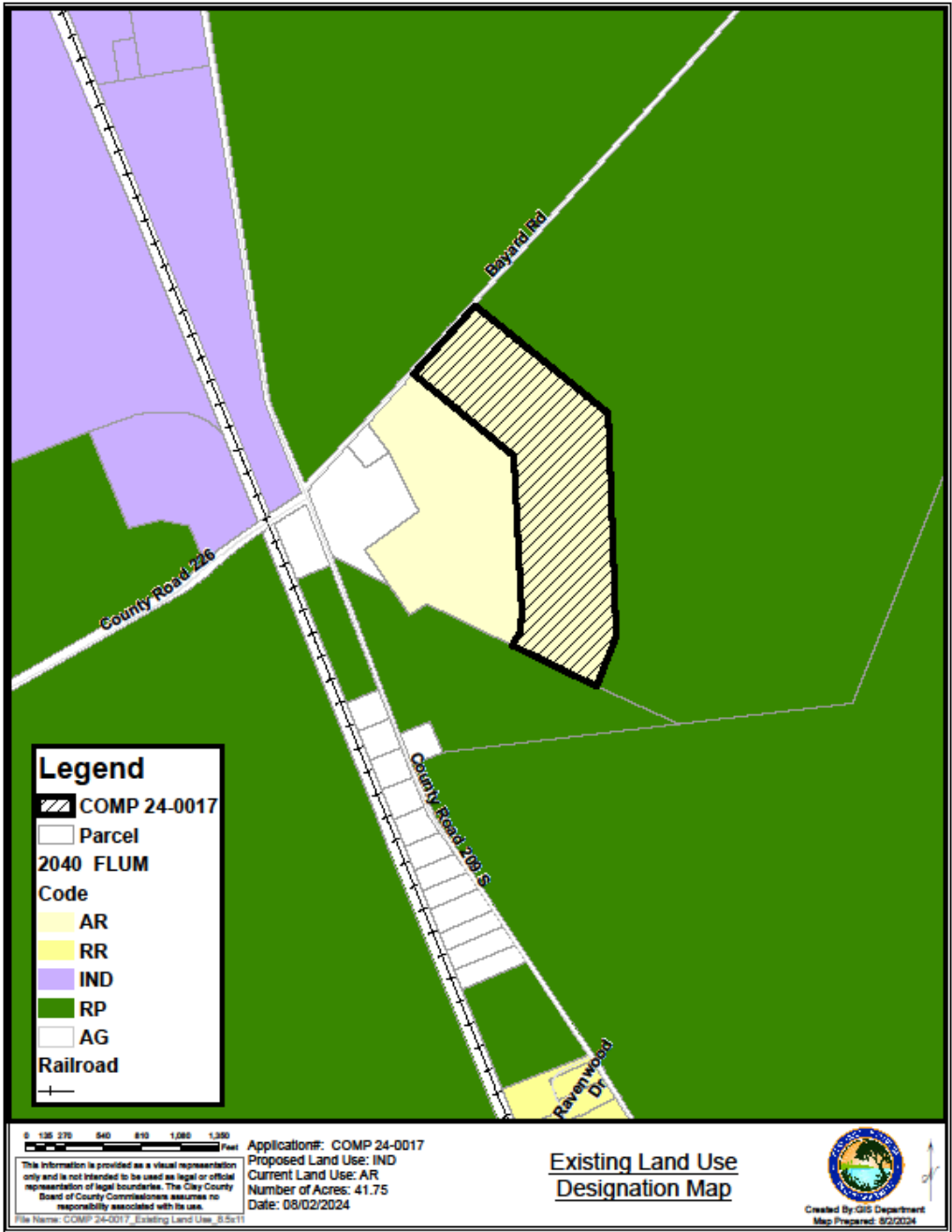
Planning District: Springs District

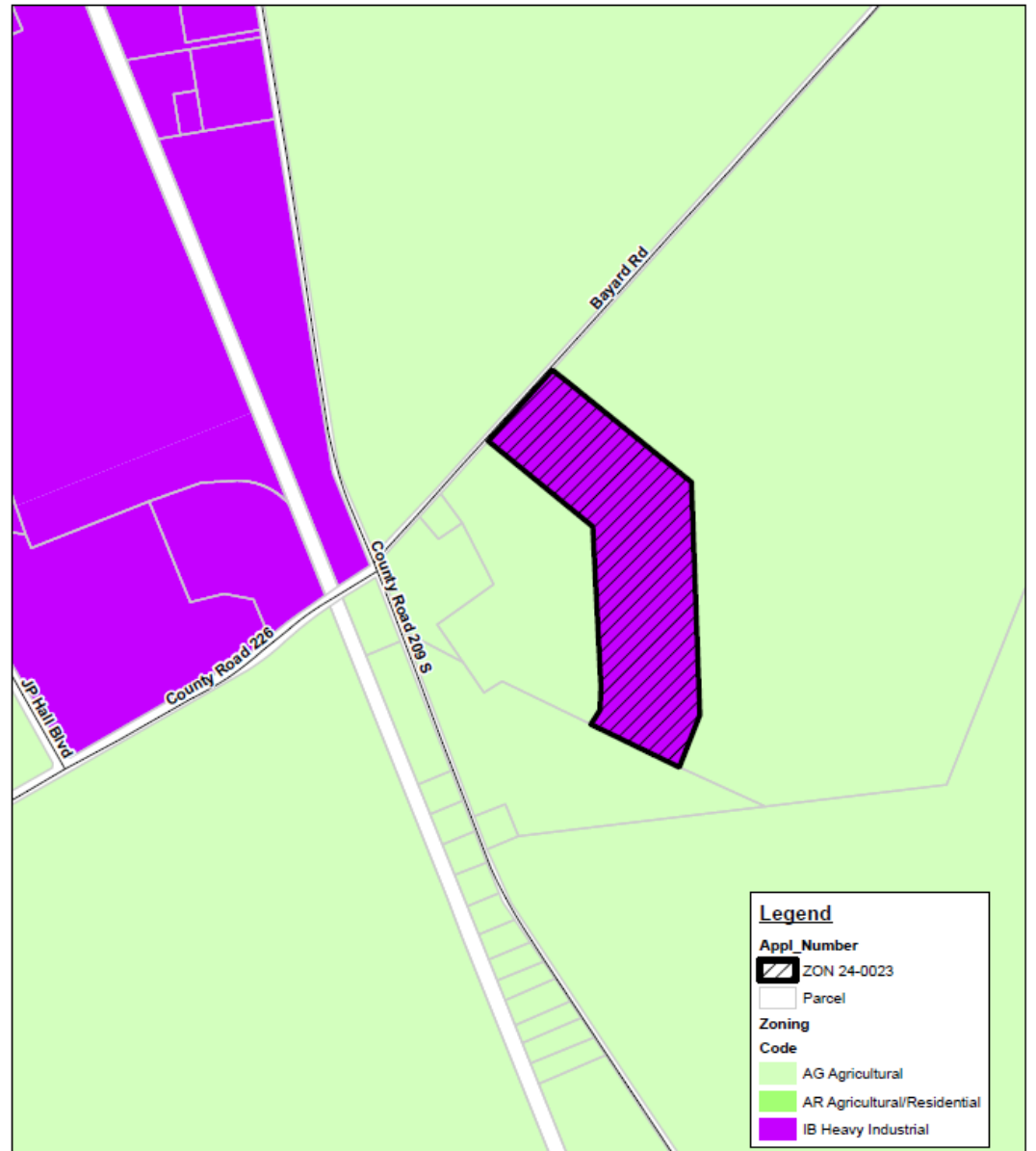
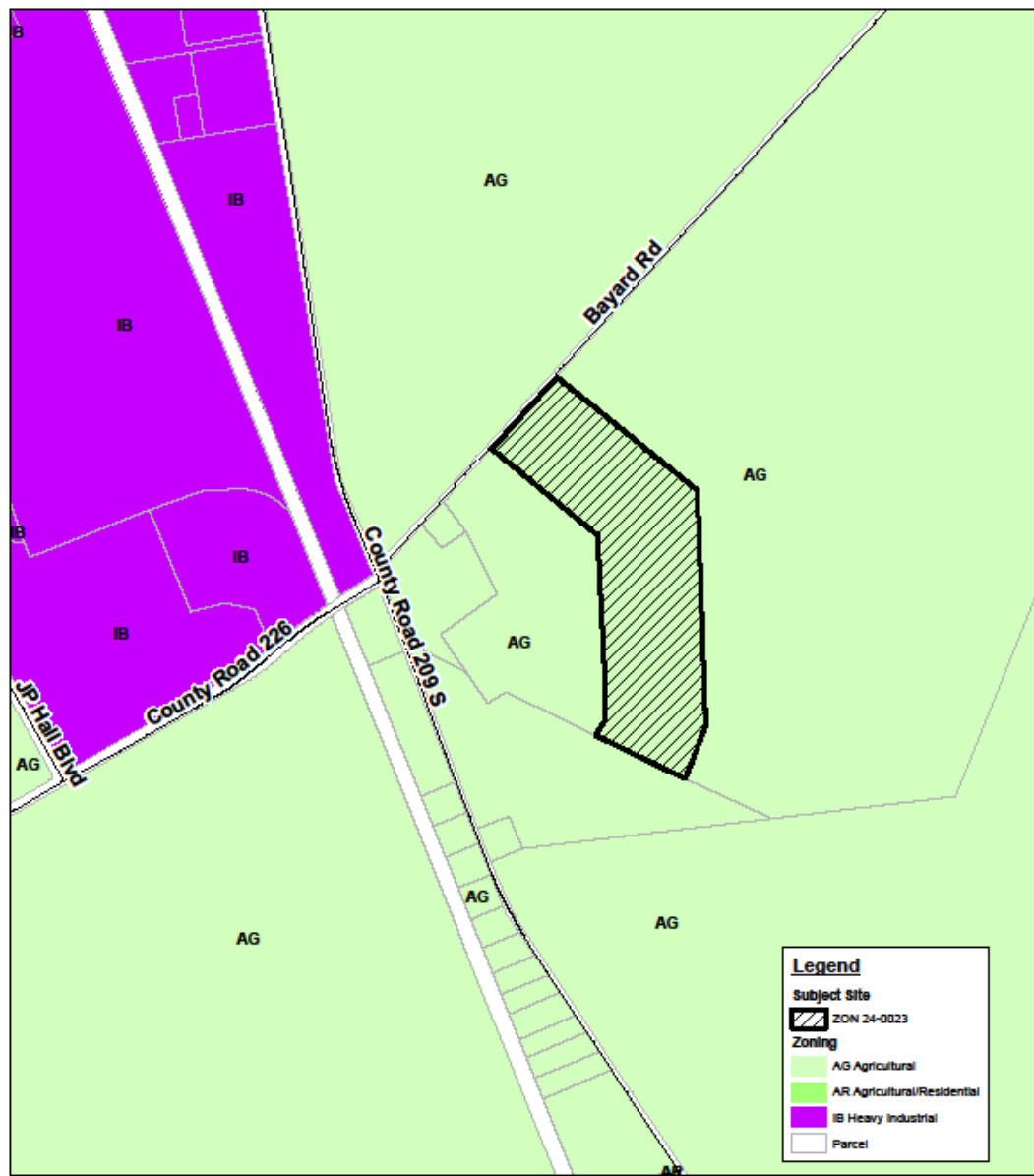
Commission District: 5 Commissioner Burke

Parcels: a 41.75 acre parcel (Comp Plan) and (ZON)

- COMP 24-0017 would change the Future Land Use (FLU) designation from AR (Agricultural/Residential) to IND (Industrial).
- ZON 24-0023 would change the zoning from AG (Agricultural) to IB (Heavy Industrial).

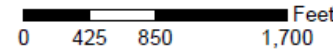
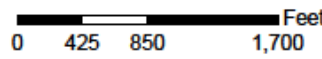






Existing Zoning
Proposed Rezoning: ZON 24-0023
From AG to IB

Proposed Rezoning: ZON 24-0023
From AG to IB



ZON 24-0023 changes proposed for 41.75 acres

Allows for uses typically identified with industrial lands

Setbacks for lands adjacent to agriculture shall be 20 feet with a visual barrier of no less than 6 feet and a 10 foot landscaped area

Residential Uses are only permitted as a conditional use, and must serve only the owner, operator or security employee of the principal use.

PUBLIC NOTIFICATION – 350’ BUFFER

Name	Address1
LEMEN WILLIAM T III TRUSTEE &	3957 SUSAN DR
St.Johns River Water Managemen	PO Box 1429



Project Description

No site specific development is proposed at this time.

Recommendations

COMP 24-0017

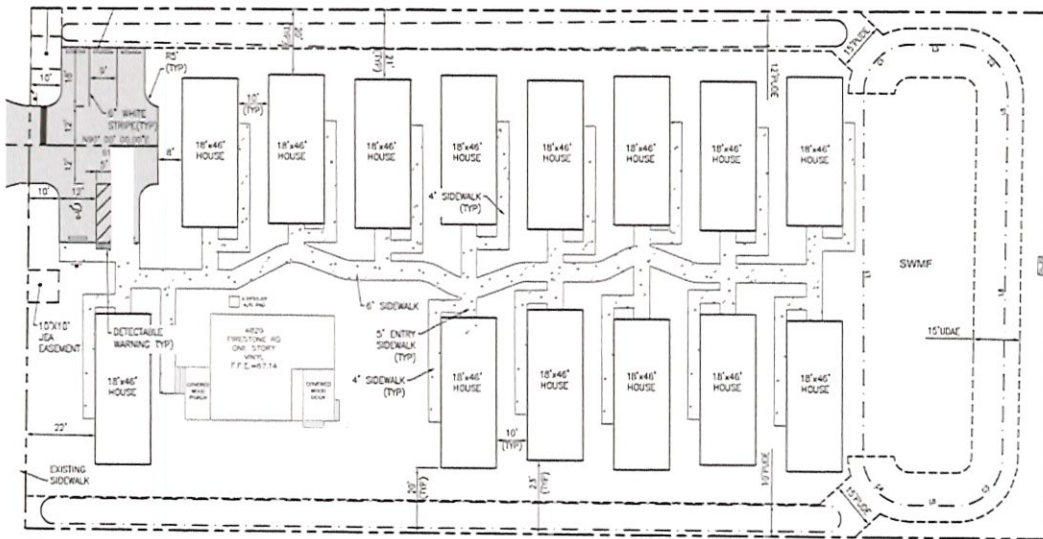
Staff finds that the criteria for the Comprehensive Plan Amendment have been met and recommends approval of COMP 24-0017.

ZON 24-0023

Staff finds that the criteria for the Rezoning have been met and recommends approval of ZON 24-0023.

Attachment
“E”
Village of Hope

Our Future Homes....



VILLAGES OF HOPE - COMMUNITY PLAN

- City of Jacksonville Approval
- Horizontal Land Development
- Home Pads Prepared
- JEA and Sewer Connections Complete



Agenda Item
PLANNING COMMISSION

Clay County Administration Building
Tuesday, November 5 5:00 PM

TO: Planning Commission

DATE: 10/11/2024

FROM: Beth Carson, Director, Planning and
Zoning

SUBJECT: The Applicant is requesting a continuance to the January 7th Planning Commission Meeting.

This application is a Text Amendment to LA TRA Policy 1.2.5 to establish a Transportation Improvement Area (TIA) and to stipulate certain conditions under which a subdivision development of greater than 100 homes may proceed.

AGENDA ITEM TYPE:

Planning Requirements:

Public Hearing Required (Yes/No):

Yes

Hearing Type: Comprehensive Plan Amendment Transmittal Hearing

Initiated By: Applicant

Ken Metcalf of Stearns Weaver Miller (Agent)
Greg Boree (Property Owner)

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff_Memo	Backup Material	11/1/2024	Staff_Report_-_COMP_24-0023_Watkinsada.pdf
▢ Draft_Text_Amendment	Backup Material	10/18/2024	Proposed_Text_Amendment_v1Origin.ADA.pdf
▢ Site_Map	Backup Material	10/18/2024	site_plan.ADA.pdf
▢ Additional_Background_Info	Backup Material	11/1/2024	Supporting_Rationale_wAttachmentsADA.pdf
▢ Draft Ordinance	Ordinance	11/1/2024	Draft_Ordinance_COMP_24-0023_WatkinsADA.pdf
▢ Continuance Request on COMP 24-0023	Backup Material	11/1/2024	Request_for_Continuance_of_11.5.2024_PZ_Hearing_on_COMP_24-0023ada.pdf



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Staff Report Comprehensive Plan Text Amendment

COMP 24-0003

INTRODUCTION

This application is a proposed text amendment to the LA TRA Policy 1.2.5 to plan for road improvements that would correct a purported safety hazard brought on by CR 209B being blocked by stopped trains.

ANALYSIS OF THE PROPOSED AMENDMENT

The proposed changes are as follows:

LA TRA Policy 1.2.5

Connectivity between adjacent developments shall more efficiently distribute traffic flow, provide for alternative access points, and increase public safety and traffic flow. The following principles and strategies shall apply to the planning, design and construction of the transportation network and future subdivisions within the geographic area encompassed by CR 209 to the west, CR 209B to the north, Peter Creek to the south and Black Creek to the east, referred to as the Transportation Improvement Area (TIA).

1. The TIA is currently served by an inadequate transportation network comprised of two substandard roads, CR 209B and Watkins Road, both of which cross the CSX railroad and provide the only means of access to CR 209 for residents living in the TIA, east of the railroad. Railroad operations periodically block access at CR 209B, preventing residents and emergency services from ingress and egress to and from neighborhoods within the TIA. This occurs in part due to the lack of connectivity between the two roads. The TIA requires transportation network improvements to correct this public safety deficiency and achieve other benefits as set forth in the supporting data and analysis for this policy.
2. This policy is intended to facilitate private sector funding for the remedial public safety transportation improvements specified above for the TIA Network. Clay County shall concurrently with adoption of this amended LA TRA Policy 1.2.5 either:
 - (a) amend Figure 1, 2040 Traffic Circulation Map, in the Transportation Element to classify

35 each segment of the TIA Network as a Minor Collector, which shall allow for a subdivision
36 within the TIA to exceed 100 lots, subject to the requirements of this amended LA TRA
37 Policy 1.2.5; or

38 (b) otherwise by adoption of this amended LA TRA Policy 1.2.5 hereby authorizes,
39 notwithstanding any land development code provision to the contrary regarding access
40 requirements, approval of a subdivision with more than 100 lots within that portion of
41 the TIA lying east of the CSX railroad, subject to the requirements of this amended LA TRA
42 Policy 1.2.5.

43
44 3. In order for a landowner to obtain approval of a subdivision of more than 100 lots within the
45 TIA, the landowner shall enter into a binding agreement with Clay County to provide funding
46 to Clay County sufficient for the County to acquire right-of-way, design, permit and construct
47 improvements described in (a) and (b) below and for the participating landowner to design,
48 permit and construct the improvement described in (c) below:

49
50 (a) Reconstructing CR 209B from CR 209 to a point approximately ¼ mile east of CR 209
51 (connection point) to meet Clay County standards for a two-lane, residential collector
52 road or a minor collector road;

53 (b) Reconstructing Watkins Road from CR 209 to a point approximately ¼ mile east of CR
54 209 (connection point) to meet Clay County standards for a two-lane, residential collector
55 road or minor collector road;

56 (c) Constructing a two-lane, residential collector road (the “Spine Road”) connecting CR 209B
57 to Watkins Road at the referenced connection points and which shall be designed to Clay
58 County standards for a two-lane, residential collector road or minor collector road.

59
60 In addition, the landowner shall file the required applications for subdivision approval and
61 demonstrate compliance with all applicable development standards in effect on the adoption
62 date of this amended LA TRA Policy 1.2.5. Any future subdivision within the TIA lying east of
63 the CSX railroad shall include one or more local streets which connect to the TIA Network.
64 Nothing in this amended LA TRA Policy 1.2.5 shall be construed to waive fire code standards,
65 including emergency access requirements.

66
67 4. In recognition of the coordination that must occur between Clay County and any participating
68 landowner(s), the binding agreement shall specify the responsibilities of Clay County and the
69 participating landowner(s). Clay County and the participating landowner(s) shall diligently
70 pursue in good faith the execution of a binding agreement to implement the intent of this
71 amended LA TRA Policy 1.5.2. Clay County shall agree pursuant to the binding agreement to:

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- (a) Work with the landowner to develop an estimate of the costs for the improvements specified in subsections (3)(a) and (3)(b) and to develop an implementation schedule;
- (b) Upon obtaining sufficient funding for right-of-way acquisition, expeditiously pursue right- of-way acquisition to obtain a minimum of eighty (80) feet of right-of-way for the roadway segments described in subsections 3(a) and 3(b) above;
- (c) Upon obtaining sufficient funding for design and permitting, coordinate with CSX railroad to design and permit the railroad crossings for CR 209B and Watkins Road, and design and permit the segments described in subsections 3(a) and 3(b) above;
- (d) Upon obtaining sufficient funding, construct the segments described in subsections 3(a) and 3(b) above as either a two-lane minor collector road or residential collector;
- (e) If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year following execution of the binding agreement, Clay County shall work with the participating landowner(s) to design an acceptable cross-section to be permitted and constructed within the available right- of-way and the costs addressed in subsections 4(a)-4(d) shall be adjusted accordingly; and
- (f) Clay County shall permit the participating landowner(s) to proceed with an application and obtain approval for a subdivision for more than 100 lots, provided that the participating landowner has executed the binding agreement and constructs the Spine Road prior to commencing construction of the roadway network for a phase or phases cumulatively exceeding 100 lots. If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year of execution of the binding agreement, Clay County shall work with the participating landowner(s) on the design of the Spine Road connection points to the CR-209B and Watkins Road segments within existing right-of-way. Notwithstanding the above, a participating landowner shall have the option to construct one or more subdivisions containing 100 or fewer lots at any time in accordance with current regulations.

The participating landowner(s) shall agree pursuant to the binding agreement to:

- (a) Work with Clay County to develop an estimate of the costs to implement subsections (3)(a) and (3)(b) and to develop an implementation schedule;
- (b) Coordinate with Clay County to reach agreement on an acceptable cross-section for the Spine Road, and construct the Spine Road prior to commencing construction of the roadway network for a phase or phases cumulatively exceeding 100 lots;
- (c) Provide funding installments in accordance with the implementation schedule to allow for the phased implementation for right-of-way acquisition, permitting, design and

108 construction of the road segments described in subsection (3)(a) and (3)(b); and
109 (d) If Clay County does not acquire an eighty (80) foot right-of-way for the improvements
110 described in subsection (3)(a) and (3)(b) within one year of execution of the binding
111 agreement, the participating landowner(s) shall work with Clay County on the design of
112 the Spine Road connection points to CR-209B and Watkins Road within existing right-
113 of- way.

114
115 The proposed amendment language is specific to a geographic location and more consistent with
116 language found in a development agreement under the requirements of Chapter 163, F.S. With
117 respect to amending the Future Traffic Circulation Map and the reclassification of roadways,
118 Transportation Element Policy 1.1.2 states the following:

119
120 TRA POLICY 1.1.2

121 The Future Traffic Circulation Map will be amended as necessary to show
122 the revised status of any roadway either scheduled for new construction or
123 reclassification during the current fiscal year pursuant to a programmed
124 public improvement or pursuant to a local government land development
125 agreement adopted pursuant to 163.3220, F.S.

126
127 **RECOMMENDATION**
128
129 Staff recommends against the transmittal of the proposed amendment as presented in COMP 24-
130 0023.

LA TRA Policy 1.2.5

Connectivity between adjacent developments shall more efficiently distribute traffic flow, provide for alternative access points, and increase public safety and traffic flow. The following principles and strategies shall apply to the planning, design and construction of the transportation network and future subdivisions within the geographic area encompassed by CR 209 to the west, CR 209B to the north, Peter Creek to the south and Black Creek to the east, referred to as the Transportation Improvement Area (TIA).

1. The TIA is currently served by an inadequate transportation network comprised of two substandard roads, CR 209B and Watkins Road, both of which cross the CSX railroad and provide the only means of access to CR 209 for residents living in the TIA, east of the railroad. Railroad operations periodically block access at CR 209B, preventing residents and emergency services from ingress and egress to and from neighborhoods within the TIA. This occurs in part due to the lack of connectivity between the two roads. The TIA requires transportation network improvements to correct this public safety deficiency and achieve other benefits as set forth in the supporting data and analysis for this policy.
2. This policy is intended to facilitate private sector funding for the remedial public safety transportation improvements specified above for the TIA Network. Clay County shall concurrently with adoption of this amended LA TRA Policy 1.2.5 either:
 - (a) amend Figure 1, 2040 Traffic Circulation Map, in the Transportation Element to classify each segment of the TIA Network as a Minor Collector, which shall allow for a subdivision within the TIA to exceed 100 lots, subject to the requirements of this amended LA TRA Policy 1.2.5; or
 - (b) otherwise by adoption of this amended LA TRA Policy 1.2.5 hereby authorizes, notwithstanding any land development code provision to the contrary regarding access requirements, approval of a subdivision with more than 100 lots within that portion of the TIA lying east of the CSX railroad, subject to the requirements of this amended LA TRA Policy 1.2.5.
3. In order for a landowner to obtain approval of a subdivision of more than 100 lots within the TIA, the landowner shall enter into a binding agreement with Clay County to provide funding to Clay County sufficient for the County to acquire right-of-way, design, permit and construct improvements described in (a) and (b) below and for the participating landowner to design, permit and construct the improvement described in (c) below:
 - (a) Reconstructing CR 209B from CR 209 to a point approximately ¼ mile east of CR 209 (connection point) to meet Clay County standards for a two-lane, residential collector road or a minor collector road;
 - (b) Reconstructing Watkins Road from CR 209 to a point approximately ¼ mile east of CR 209 (connection point) to meet Clay County standards for a two-lane, residential collector road or minor collector road;
 - (c) Constructing a two-lane, residential collector road (the "Spine Road") connecting CR 209B to Watkins Road at the referenced connection points and which shall be designed to Clay County standards for a two-lane, residential collector road or minor collector road.

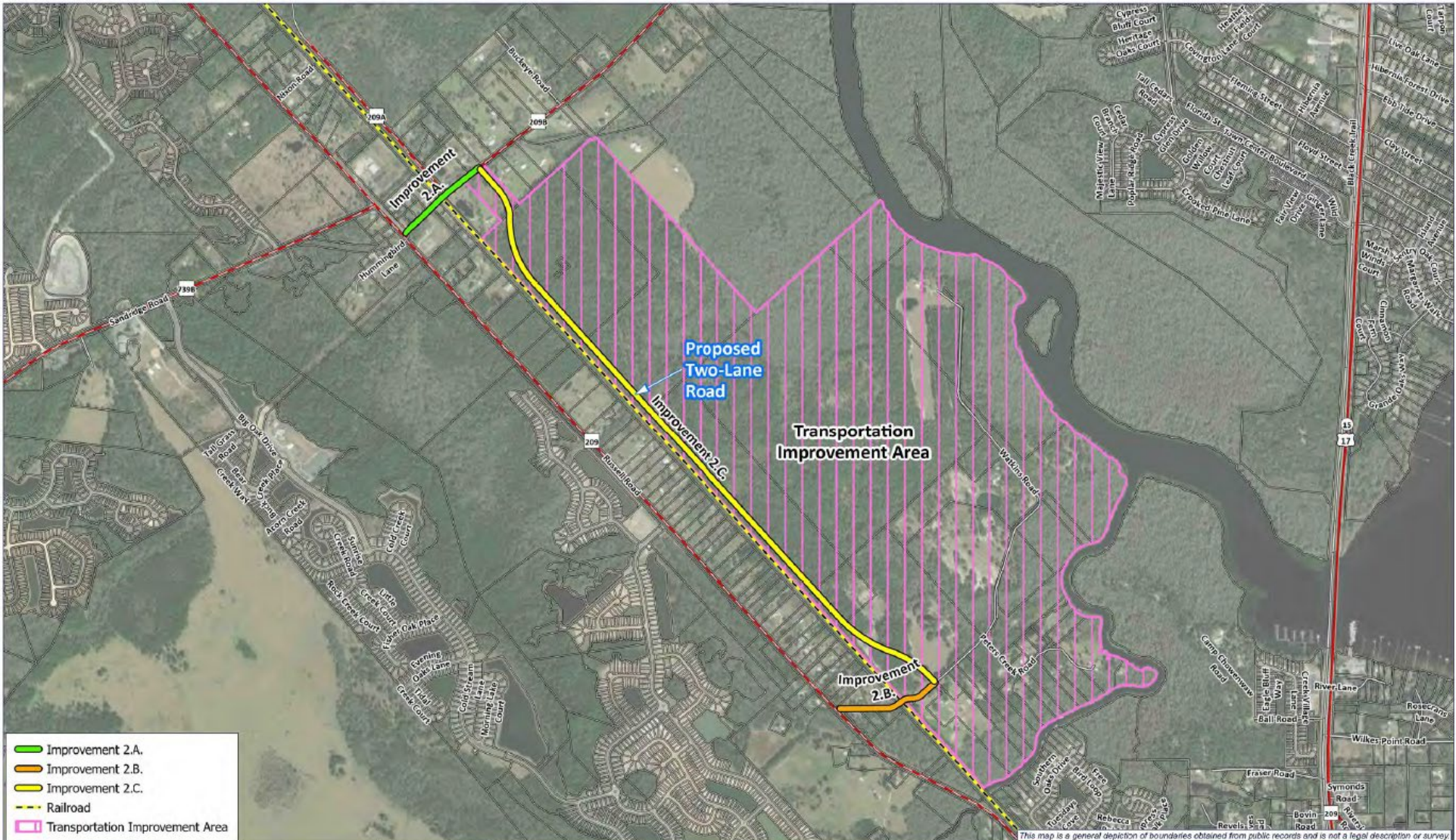
In addition, the landowner shall file the required applications for subdivision approval and demonstrate compliance with all applicable development standards in effect on the adoption date of this amended LA TRA Policy 1.2.5. Any future subdivision within the TIA lying east of the CSX railroad shall include one or more local streets which connect to the TIA Network. Nothing in this amended LA TRA Policy 1.2.5 shall be construed to waive fire code standards, including emergency access requirements.

4. In recognition of the coordination that must occur between Clay County and any participating landowner(s), the binding agreement shall specify the responsibilities of Clay County and the participating landowner(s). Clay County and the participating landowner(s) shall diligently pursue in good faith the execution of a binding agreement to implement the intent of this amended LA TRA Policy 1.5.2. Clay County shall agree pursuant to the binding agreement to:
 - (a) Work with the landowner to develop an estimate of the costs for the improvements specified in subsections (3)(a) and (3)(b) and to develop an implementation schedule;
 - (b) Upon obtaining sufficient funding for right-of-way acquisition, expeditiously pursue right-of-way acquisition to obtain a minimum of eighty (80) feet of right-of-way for the roadway segments described in subsections 3(a) and 3(b) above;
 - (c) Upon obtaining sufficient funding for design and permitting, coordinate with CSX railroad to design and permit the railroad crossings for CR 209B and Watkins Road, and design and permit the segments described in subsections 3(a) and 3(b) above;
 - (d) Upon obtaining sufficient funding, construct the segments described in subsections 3(a) and 3(b) above as either a two-lane minor collector road or residential collector;
 - (e) If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year following execution of the binding agreement, Clay County shall work with the participating landowner(s) to design an acceptable cross-section to be permitted and constructed within the available right-of-way and the costs addressed in subsections 4(a)-4(d) shall be adjusted accordingly; and
 - (f) Clay County shall permit the participating landowner(s) to proceed with an application and obtain approval for a subdivision for more than 100 lots, provided that the participating landowner has executed the binding agreement and constructs the Spine Road prior to commencing construction of the roadway network for a phase or phases cumulatively exceeding 100 lots. If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year of execution of the binding agreement, Clay County shall work with the participating landowner(s) on the design of the Spine Road connection points to the CR-209B and Watkins Road segments within existing right-of-way. Notwithstanding the above, a participating landowner shall have the option to construct one or more subdivisions containing 100 or fewer lots at any time in accordance with current regulations.

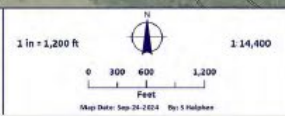
The participating landowner(s) shall agree pursuant to the binding agreement to:

- (a) Work with Clay County to develop an estimate of the costs to implement subsections (3)(a) and (3)(b) and to develop an implementation schedule;

- (b) Coordinate with Clay County to reach agreement on an acceptable cross-section for the Spine Road, and construct the Spine Road prior to commencing construction of the roadway network for a phase or phases cumulatively exceeding 100 lots;
- (c) Provide funding installments in accordance with the implementation schedule to allow for the phased implementation for right-of-way acquisition, permitting, design and construction of the road segments described in subsection (3)(a) and (3)(b); and
- (d) If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year of execution of the binding agreement, the participating landowner(s) shall work with Clay County on the design of the Spine Road connection points to CR-209B and Watkins Road within existing right-of-way.



TITLE:
Attachment "1"
Transportation Improvement Area



PROJECT:
Boree Proposed Subdivisions
 Clay County, Florida

STEARNS WEAVER MILLER
 MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES

Supporting Rationale/Analysis for Proposed Text Amendment

A. Summary of Proposed Amendment.

The proposed Comprehensive Plan text amendment (“**Proposed Amendment**”) amends LA TRA Policy 1.2.5 to plan for road improvements that will correct an existing health and safety hazard, which occurs when CSX railroad operations periodically block the railroad crossing at CR 209B. During such events, existing residents living east of the railroad crossing do not have another route available for crossing the railroad tracks. In addition, emergency vehicles are blocked from accessing the neighborhood during blockages. The Proposed Amendment will correct this existing public health and safety concern by facilitating the construction of a two-lane road (the “**Spine Road**”) connecting from CR 209B to Watkins Road, east of the railroad. This will provide an alternative route for existing and future residents living east of the railroad (referenced as the Transportation Improvement Area), who will be able to cross the railroad using Watkins Road when CR 209B is blocked due to mechanical failures or railroad operations. The Proposed Amendment also requires that any landowner proposing to construct a subdivision with more than 100 lots east of the railroad tracks enter into a binding agreement with Clay County to provide sufficient funding for improvements to both CR 209B and Watkins Road. Specifically, CR 209B and Watkins Road would be improved to meet Clay County standards for a two-lane residential or two-lane collector road from their intersection with CR 209 east to where each road would intersect with the Spine Road, which would be a distance of roughly a quarter-mile. The proposed improvements are presented on the attached aerial (**Attachment “1”**). The Spine Road and portions of CR 209B and Watkins Road that are proposed for improvement are referenced as the TIA Network.

The Proposed Amendment (sub-policy 2) provides two options for classifying the TIA Network roads:

- (a) amend Figure 1, *2040 Traffic Circulation Map (Attachment “2”)*, in the Transportation Element to reclassify each segment of the TIA Network as a Minor Collector; or
- (b) if the first option is not selected, the default classification of Residential Collector would apply to the TIA Network based on Code Section 8-4(4)(b), which applies to external roads serving more than 50 lots.

Regardless of how the TIA Network is classified, proposed Sub-policy (4)(f) requires any landowner proposing to construct a subdivision with more than 100 lots to construct the Spine Road prior to commencing construction of the subdivision. Thus, the Proposed Amendment provides an incentive to facilitate private funding of the design, and construction of TIA Network in exchange for the ability to construct a subdivision with more than 100 lots.

B. Consistency with Comprehensive Plan.

The Proposed Amendment prioritizes the planning, design and construction of the TIA Network to correct an existing public health and safety deficiency. The proposed improvements of the TIA Network are capital improvements since the value of the improvements exceed \$50,000,

even though the improvements will be funded by participating landowners within the TIA. Clay County will receive the benefit of major road improvements that will support larger subdivisions, while also correcting an existing deficiency. The Proposed Amendment is consistent with Capital Improvements Element Policy 1.1.3, which gives the highest priority to eliminating a health or safety hazard:

CIE Policy 1.1.3

All capital improvement projects shall be reviewed, for consideration by the Board of County Commissioners, for funding using the criteria listed below. Projects will be scheduled in each subsequent fiscal year up to the limit of available existing revenue sources. Ranking of public school facilities will be the responsibility of the School District.
Criteria:

- 1) **Facility is required to eliminate health or safety hazard.** (emphasis added)
- 2) Facility is required to remedy existing capacity deficiency.
- 3) Impact of resulting increases in operating costs on Clay County General Operating Budget.
- 4) Consistency with the future land use element.
- 5) Facility is necessary to accommodate new development and redevelopment service demands.
- 6) Facility is consistent and compatible with the plans of state agencies, including the Florida Department of Transportation, and the St. Johns River Water Management District.

The Proposed Amendment is consistent with Section 163.3177(3)(a)4, Florida Statutes, which specifies that the capital improvements schedule may include privately funded projects. If the Proposed Amendment is adopted, Clay County has the option to include the projects in the capital improvement schedule, which may be updated through a local ordinance.

It is important to emphasize that the Proposed Amendment does not include or require any future land use map amendments and does not affect the density that may be developed on lands located within the TIA. Staff interprets Land Development Code Section 3-33B(C)(I)(13)(a)(ii)B to allow subdivisions with over 100 lots where:

- i) the proposed subdivision connects at two locations to the major thoroughfare network; or
- ii) the proposed subdivision includes one connection to the major thoroughfare network and one connection to a dashed line roadway.

This code provision as applied by Clay County does not prevent unrelated developers from each constructing a subdivision with 100 or fewer lots. The Proposed Amendment will allow for a preferable approach whereby a single subdivision may be developed with unified developer control in coordination with the improvement of the TIA Network rather than multiple, uncoordinated subdivisions by different developers that would require only a sub-grade, emergency access connection to Watkins Road. The incremental, uncoordinated approach would allow the same number of lots, but would not result in the TIA Network improvements to correct the existing public safety problem. The Proposed Amendment is consistent with Transportation

Element Policies 1.6.1 and 1.6.2, which recognize that privately proposed road improvements are appropriate to program to correct public safety hazards.

C. Florida Statutes and Recent Supreme Court Consideration

Section 335.141, Florida Statutes, authorizes the Florida Department of Transportation to regulated limited aspects related to railroad crossings, but it does authorize the Department to limit the frequency or duration of crossing blockages. Moreover, the U.S. Supreme Court declined to hear a case brought by the State of Ohio with support from 18 attorneys general from other states (not including Florida), which asserted that states and local governments have the right to regulate the frequency and duration of crossings. This was an appeal of an Ohio Supreme Court decision, which overturned a state law regulating blockages, concluding that federal law preempted states and local governments from regulating railroad crossing blockages. The brief (Attachment “3”) filed with the U.S. Supreme Court cites Ohio’s statute regulating blockages, which finds that blockages create significant public safety hazards, and it cites media accounts. In considering the appeal, the U.S. Supreme Court requested the U.S. Solicitor to file a brief, which was submitted and argued that federal law preempted state and local regulation of blockages.

While Section 351.034, Florida Statutes requires except in situations resulting from mechanical failures that “...any train or equipment that has come to a complete stop and is blocking a railroad-highway grade crossing must be cut, separated or moved to clear the crossing upon the approach of any emergency vehicle...” Based on the U.S. Solicitor brief and the U.S. Supreme Court decision to decline hearing the State of Ohio appeal, it is not clear that Florida’s statute is enforceable and, in any case, it does not include penalties for non-compliance. Moreover, it is unlikely that the Florida Legislature will adopt limitations on crossing blockages, and if it were to do so, it is very likely that it would be struck down by the courts based on the above case.

D. Federal Railroad Administration (FRA)

The FRA established a webpage <http://www.fra.dot.gov/blockedcrossings> in 2019 that allows the public to report blockages. However, as FRA notes, it will only work if users report blockages, and it appears that blockages at CR 209B have not been reported. For example, CSX confirmed by email (**Attachment “4”**) that its Public Safety Center received calls indicating five blockages occurred at CR 209B through August of this year. FRA states the following on its website regarding public safety risks associated with crossing blockages:

Blocked crossings pose potential safety risks, specifically in locations where trains routinely hinder roadway and pedestrian movement for extended periods. Frustrated drivers may attempt to clear the crossing before a trains arrives. Likewise, pedestrians may be tempted to crawl between stopped railcars. Further blocked crossings make people late for work, school and appointments, and contribute to roadway congestion.

FRA’s Office of Railroad Safety published the attached Blocked Crossings Fact Facts (**Attachment “5”**), which confirms that FRA has no regulatory authority and states:

Blocked crossings occur when stopped trains impede the flow of motor vehicles or pedestrian traffic at railroad tracks for extended periods of time. Blocked crossings pose potential safety risks: frustrated individuals may be tempted to crawl between stopped railcars, and blocked crossings can hinder emergency services' access to individuals and hospitals.

Media reports (**Composite Attachment “6”**) indicate that these public safety risks commonly occur as a result of train blockages, including reports of pedestrians crossing between railcars at CR 209B. **The briefs submitted to the U.S. Supreme Court cite loss of life attributed to crossing blockages. To resolve these serious safety concerns, FRA encourages local governments to work with railroads to develop appropriate solutions. Fortunately, blockages at CR 209B have not yet resulted in the worst-case outcomes reported at other locations around the country. The Proposed Amendment provides a proactive, reasonable and practical solution for Clay County.**

E. Proposed TIA Network Improvements

CR 209B and Watkins Road are separated by approximately 9,325 feet (1.76 miles). The average train is 1-1.25 miles in length. The Proposed Amendment provides an effective solution that will allow an alternative route to cross the railroad tracks via Watkins Road when a train blocks CR 209B. The proposed road improvements will also provide a bypass in situations where significant road work or a traffic accident has occurred between CR 209B and Watkins Road. The Proposed Amendment calls for a binding development agreement to secure the financial commitments for the improvements to CR 209B and Watkins Road and to address design and other implementation details. The Proposed Amendment specifies the responsibilities of Clay County and participating landowners in regard to planning, design, right-of-way acquisition and construction of the TIA Network road improvements.



TITLE:
Attachment "1"
Transportation Improvement Area

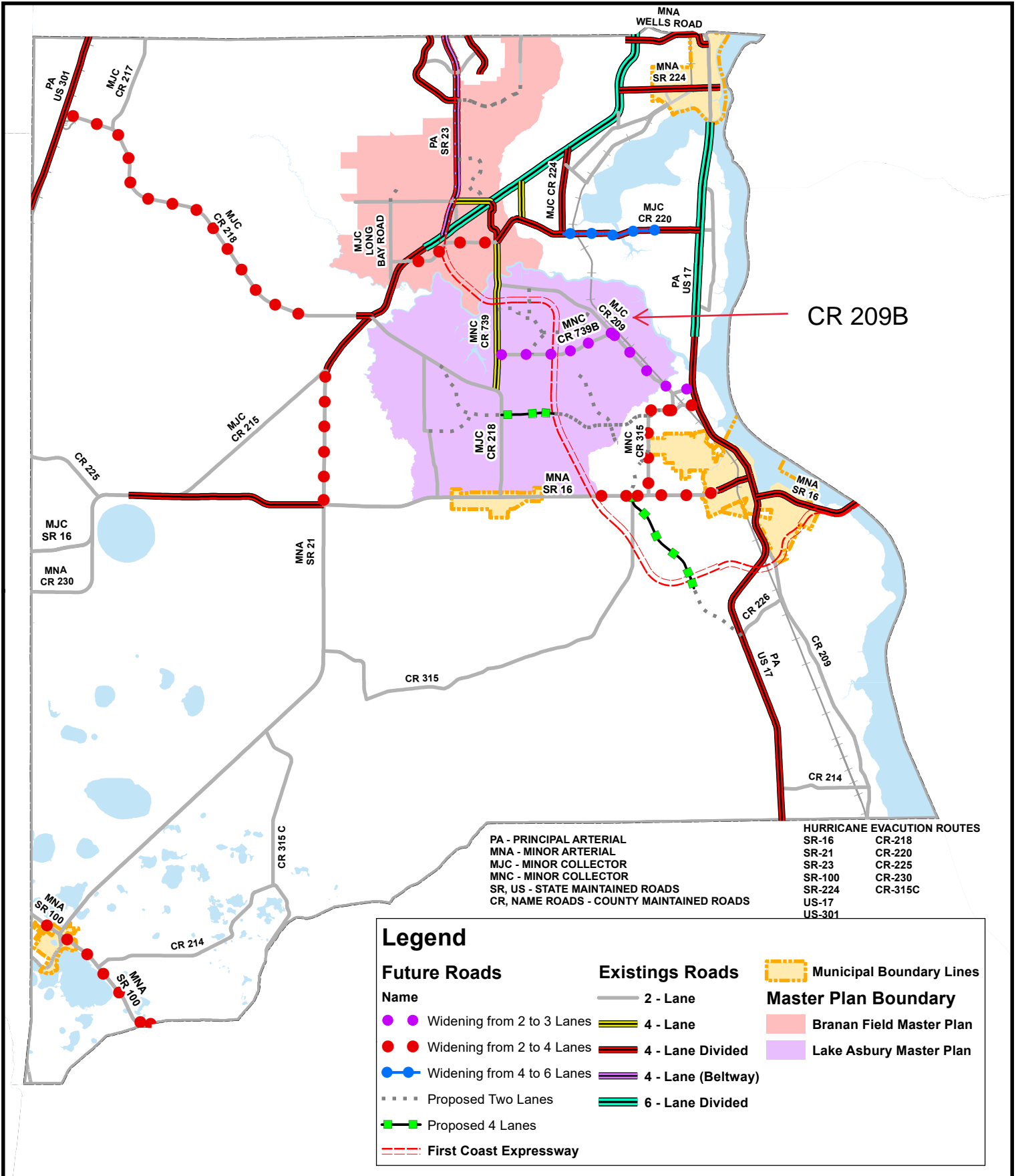


PROJECT:
Boree Proposed Subdivisions
 Clay County, Florida

STEARNS WEAVER MILLER
 MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

ATTACHMENT "2"



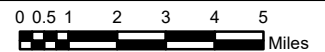
Comprehensive Plan

**CLAY COUNTY
FLORIDA**



2040 Traffic Circulation Map

Source: Clay County Planning and Zoning (2017);
GIS Department.



This information is provided as a visual representation only and is not intended to be used as legal or official representation of legal boundaries. The Clay County Board of County Commissioners assumes no responsibility associated with its use.

Created By: GIS Department
Date Saved: 9/20/2021

No. 22-459

In The
Supreme Court of the United States

—◆—
STATE OF OHIO,

Petitioner,

v.

CSX TRANSPORTATION, INC.,

Respondent.

—◆—
**On Petition For A Writ Of Certiorari
To The Supreme Court Of Ohio**

—◆—
**BRIEF OF AMICUS CURIAE
OHIO PROSECUTING ATTORNEYS ASSOCIATION
IN SUPPORT OF PETITIONER**

—◆—
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STATEMENT OF AMICUS INTEREST¹

Founded in 1937, the Ohio Prosecuting Attorneys Association (OPAA) is a private, non-profit trade organization that supports Ohio's eighty-eight elected county prosecutors. OPAA's mission is to assist prosecuting attorneys to pursue truth and justice as well as promote public safety. OPAA advocates for public policies that strengthen prosecuting attorneys' ability to secure justice for crime victims and sponsors continuing legal education programs that facilitate access to best practices in law enforcement and community safety.

In the course of promoting public safety, OPAA's members have a compelling interest protecting their traditional authority to investigate and combat violations of state laws designed for the protection of Ohio's citizens. Statutes that regulate stoppage time at grade crossings promote public safety, since they protect the public from the various dangers that arise when trains block roadway crossings. As such, finding that State laws that regulate the length of time that stopped trains may block roadways at grade crossings are preempted, as the Supreme Court of Ohio found here,

¹ No counsel for any party authored any part of this brief, and no monetary contribution was made by any counsel or party intended to fund the preparation or submission of this brief. The OPAA notified all parties, through the parties' attorneys, of its intent to file this amicus brief more than ten days before its due date, and both parties have provided written consent for the filing of this amicus brief.

impedes OPAA's members' ability to ensure that Ohio's citizens are kept safe.

That is especially problematic when no federal laws or regulations address the length of time that a train may block a roadway crossing. States, such as Ohio, have historically filled that void by regulating stoppage times within their jurisdictions, and indeed, the States are best-situated to regulate stoppage times. Within their communities, OPAA's members are responsible for enforcing Ohio's law where no federal agency has acted to promote safety at railroad crossings.

As such, Amicus Curiae OPAA respectfully urges this Court to grant the petition for a writ of certiorari.



SUMMARY OF THE ARGUMENT

Ohio has long regulated the length of time trains may stop in railroad crossings. The Ohio Supreme Court found in this case that Ohio's Blocked Crossing Statute is preempted either by the Interstate Commerce Commission Termination Act, 49 U.S.C. § 10501(b) ("The Termination Act"), or the Federal Railroad Safety Act, 49 U.S.C. § 20106(a)(2) ("The Safety Act"). *State v. CSX Transportation, Inc.*, 2022-Ohio-2832, 2022 Ohio LEXIS 1672. OPAA agrees with and incorporates the Petitioner, State of Ohio's argument as to why the Ohio Supreme Court's decision is wrong.

However, from OPAA’s perspective, there are two particularly compelling reasons why this Court should grant the petition for a writ of certiorari. First, Ohio’s Blocked Crossing Statute addresses an important issue of public safety. Blocked railroad crossings create a hazard for motorists and pedestrians as well as emergency responders. Simply put, citizens within the communities served by OPAA’s members are better-served by regulations that limit the extent to which trains may block roadways. OPAA’s interest is in ensuring that its members have a mechanism available to them by which these issues of public safety may be addressed.

Second, Ohio’s statute regulates a safety issue that the federal government has not yet addressed. As such, were it not for Ohio’s statute—and those enacted by other States—there would be no means for any jurisdiction to enforce limits on railroads’ ability to block roadways. Those State statutes, then, do not seek to regulate where the federal government has already acted but instead, seek to fill a void. If those statutes are deemed preempted, OPAA and its members will lack any means to enforce safety around the thousands of railroad crossings in Ohio. For those reasons, this Court should grant the petition for a writ of certiorari.



ARGUMENT

I. State Statutes That Regulate Stoppage Times At Roadway Crossings Promote Public Safety.

Ohio has long prohibited stopped trains from blocking roads for extended periods. *Capelle v. Baltimore & Oh. R. Co.*, 136 Ohio St. 203, 207–08 (Ohio 1940). It does so now through the “Blocked Crossing Statute.” Ohio Rev. Code § 5589.21 (2022). The statute prohibits trains from blocking roads for “longer than five minutes.” *Id.* Ohio’s General Assembly made clear that the purpose of the statute was to promote public safety. The General Assembly stated its intent as follows:

The general assembly finds that the improper obstruction of railroad grade crossings by trains is a direct threat to the health, safety, and welfare of the citizens of this state inasmuch as improper obstructions create uniquely different local safety problems by preventing the timely movement of ambulances, the vehicles of law enforcement officers and firefighters, and official and unofficial vehicles transporting health care officials and professionals. It is the intent of the general assembly in amending sections 5589.21, 5589.24, and 5589.99 of the Revised Code that the health, safety, and welfare of the citizens of this state be enhanced through those amendments.

Ohio Rev. Code § 5589.20 (2022).

Most states have acted similarly and passed statutes regulating the length of time that a train may block a railroad crossing. See Federal Railroad Administration, *Compilation of State Laws and Regulations Affecting Highway-Rail Grade Crossings*, at 250–74 (7th ed. 2021), available at: <https://perma.cc/TJ2D-XFN8>.

Some of those address various safety issues more directly. For example, Florida requires a crew of a railroad train blocking a roadway to place a warning device to warn of the blockage, but it goes on to require that a train blocking a roadway must be cleared to make way for emergency vehicles when possible. Fla. Stat. Ann. §§ 351.03, 351.034 (West 2021). Illinois requires that railroads minimize the obstruction of emergency vehicles and when an obstruction occurs, to “immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction.” 625 Ill. Comp. Stat. Ann. 5/18c-7402 (West 2021). Louisiana similarly requires that a train crew take immediate action to remove a train that is obstructing an emergency vehicle during a pending emergency. La. Stat. Ann. § 48:391 (2021). And North Dakota requires that if a train is blocking a roadway, it must “provide and keep in good order a suitable temporary way and crossing with adequate protection to enable travelers to avoid or pass such obstruction.” N.D. Cent. Code Ann. § 49-11-01 (West 2021).

The reason for this is simple: blocked crossings are a considerable public safety concern. The Federal Railroad Administration has concluded that “stopped

trains impede the flow of motor vehicle or pedestrian traffic at railroad tracks for extended periods of time.” Federal Railroad Administration, *Blocked Crossings Fast Facts* (Nov. 2021), available at <https://perma.cc/AJ9B-FBR3>. It also found that “frustrated individuals may be tempted to crawl between stopped railcars” to escape a blocked crossing. *Id.* Drivers “may take more risks,” and if they are “aware that trains routinely block a crossing for extended periods of time,” they may “driv[e] around lowered gates at a crossing or attempt[] to beat a train through a crossing without gates, in order to avoid a lengthy delay.” 84 Fed. Reg. 27832, 27832 (June 14, 2019). Moreover, “emergency response vehicles and first responders may be significantly delayed from responding to an incident or transporting patients to a hospital.” *Id.*

News reports are replete with examples of blocked crossings creating safety hazards. For example, in May 2018 in Chesapeake, Virginia, school students were videoed crossing a stopped train that was stopped for twenty-five to thirty minutes. Megan Shinn, *Video Shows Chesapeake Students Leave School Bus, Climb Over Stopped Train*, WVEC, May 2, 2018, available at: <https://www.13newsnow.com/article/news/local/mycity/chesapeake/video-shows-chesapeake-students-leave-school-bus-climb-over-stopped-train/291-548193750>. In Oklahoma, an emergency response to a person threatening suicide that should have taken one minute took twenty, since three crossings were blocked at the time. Shaun Courtney, *Rail Prevails as Long Trains Block First Responders at Crossings*, Bloomberg

Government, September 10, 2019, available at: <https://about.bgov.com/news/rail-prevails-as-long-trains-block-first-responders-at-crossings/>.

The situation is particularly troubling in Ohio. According to the Federal Railroad Administration, when it established a means for the public and law enforcement to report blocked grade crossings, it received a total of 25,374 reports between December 2019 and November 2021. Federal Railroad Administration, *Blocked Crossings Fast Facts* (Nov. 2021), available at <https://perma.cc/AJ9B-FBR3>. Of those, 5,174 (more than twenty percent) involved reported incidents in Ohio. *Id.* A report regarding Lake Township, Ohio described that railroads routinely use grade crossings “as a parking lot” for trains, with blockages lasting hours or even sometimes days. Debbie Rogers, *Worst in the country: Lake Twp. tops for blocked crossings*, *Sentinel-Tribune* (Mar. 10, 2022), available at: <https://perma.cc/6E9WNSU6>. The same report found that “[e]mergency vehicles often have to take a detour around” these blockages. *Id.*

In short, State regulations such as Ohio’s address an important safety issue, which—as Petitioner argues—is explicitly permitted by The Safety Act. (Pet. Br. at 5–6). The Safety Act does provide that “[l]aws, regulations, and orders related to railroad safety . . . shall be nationally uniform to the extent practicable” but it also permits state and local laws regulating safety. 49 U.S.C. § 20106(a)(1) (2022). The Safety Act’s savings clause states:

A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security when the law, regulation, or order—

- (A) is necessary to eliminate or reduce an essentially local safety or security hazard;
- (B) is not incompatible with a law, regulation, or order of the United States Government; and
- (C) does not unreasonably burden interstate commerce.

49 U.S.C. § 20106(a)(2) (2022).

As such, Ohio's statute addresses an important public safety concern, and should be permitted under The Safety Act. The OPAA respectfully requests that the Court grant the petition for a writ of certiorari to clarify Ohio's ability to ensure the safety of its citizens.

II. State Statutes Regulating Stoppage Times Should Be Permitted Where The Federal Government Has Not Acted To Protect Public Safety.

That the federal government has not regulated blockages at roadway crossings makes only more appropriate that States such as Ohio have acted. As Petitioner has argued, States hold the police power to “enact legislation for the public good.” *Bond v. United States*, 572 U.S. 844, 854 (2014). This Court has acknowledged that the regulation of grade crossings “call[s] for a necessary adjustment of two conflicting interests—that of the public using the streets and that of the railroads” using the train tracks. *Erie R. Co. v. Bd. of Pub. Util. Comm’rs.*, 254 U.S. 394, 410 (1921). Usually, “the streets represent the more important interest of the two.” *Id.* Thus, this Court has held that the regulation of grade crossings is “within the police power of the States.” *Lehigh Valley R. Co. v. Bd. of Pub. Util. Comm’rs.*, 278 U.S. 24, 35 (1928); see also *Cincinnati, Indianapolis & W. Ry. Co. v. Connersville*, 218 U.S. 336, 343–44 (1910). As such, according to the Safety Act, Ohio may regulate stoppage time so long as the federal government has not “prescribe[d] a regulation or issue[d] an order covering the subject matter of the State requirement.” 49 U.S.C. § 20106(a)(2) (2022).

The federal government clearly has not done so here. Certainly, neither The Safety Act nor The Termination Act regulate stoppage time as the State regulations do. Congress certainly agreed, given that in the Fixing America’s Surface Transportation Act of 2015,

it tasked the Federal Railroad Administration with developing a plan to address “public safety risks posed by blocked highway-rail grade crossings due to idling trains.” Pub. L. No. 114-94, 129 Stat. 1312, § 11401(a) (Dec. 4, 2015).

For its part, the Federal Railroad Administration also has acknowledged that State regulations are an appropriate mechanism to address the void left by the lack of federal regulation. In his statement announcing the creation of a web portal to collect reports of blocked crossings, Administrator Ronald L. Batory stated, “Railroads, states and local jurisdictions are best positioned to address blocked highway-rail grade crossings and I’ve asked them to work together to minimize unwanted impacts.” Federal Railroad Administration, *Federal Railroad Administration Launches Web Portal for Public to Report Blocked Railroad Crossings* (Dec. 20, 2019), available at: <https://railroads.dot.gov/newsroom/press-releases/federal-railroad-administration-launches-web-portal-public-report-blocked-0>. The Administration has also noted that “Communities have long dealt with the issue of blocked crossings, and any regulations regarding blocked crossings are at the state or local level.” Federal Railroad Administration, *Blocked Crossings Fast Facts* (Nov. 2021), available at <https://perma.cc/AJ9B-FBR3>.

At present, then, the only mechanism available to address the thousands of blocked crossings occurring in Ohio is OPAA’s members’ enforcement of the Blocked Crossing Statute. In other words, when the Ohio Supreme Court and other courts have found that

such statutes are preempted, they leave those communities most affected by the dangers associated with railroad crossings with no means to minimize the risks that they pose. As a part of their mission, and given the lack of any alternative, OPAA's members seek only the ability to ensure the safety of the members of their communities through enforcement of the Blocked Crossing Statute.

◆

CONCLUSION

For the foregoing reasons, Amicus Curiae Ohio Prosecuting Attorneys Association respectfully requests that this Court grant the petition for a writ of certiorari.

Respectfully submitted,

MICHAEL T. GMOSE^R*

**Counsel of Record*

Butler County

Prosecuting Attorney

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*Counsel for Amicus Curiae
Ohio Prosecuting Attorneys Association*

ATTACHMENT "4"

From: "Padgett, Darrell Jr." <Darrell_Padgett@csx.com>
Date: Friday, August 16, 2024 at 10:05 AM
To: Greg Boree <Gboree@woodlandcapital.org>
Subject: CR 209B (DOT#620919U)

Good morning Greg.

Below is the data from the crossing in question. For YTD 2024, it looks like our Public Safety Center has received six calls in regards to CR209B being blocked. None since 5/18.

Tanya Joson provided this data and is a good contact for any info you might need in the future. Tanya is a Fleming Island resident, so she is familiar with the area.

Tanya Joson
Email: Tanya_Joson@csx.com
Public Safety Analyst, Infrastructure Protection

CSX Transportation
T: 904.366.4730 | M: 386.227.0436
500 Water Street, J275, Jacksonville, FL 32202

incident_state	incident_city	IncidentType	IncidentSubtype	incident
FL	GREEN COVE SPGS	Interruption of Service	Blocked Crossing	Blocked crossing- M21018, Teams message sent to J hours, CTD advised M21018 met P05317 at Solite, th pulling now.
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossing-15 min. According to Maps P05218 At 1850 hours, crossing still blocked. Teams message Charles, Cory R63618 meeting P05218 - should be p

FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossings - Historic or Chronic: Notification chronically blocked :: Reoccurring issue! Very dangerous way in and no other way out. If there was an emergency could not get in or out! This is unacceptable! This is frequently and is causing children to be late for school understand that there are two tracks here, and it is a pass, but these Engineers need to know how long the it takes them to stop!!! They should not be blocking
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossing - Jacksonville Chief Train Dispatcher advised Train M20808 was now leaving the area.
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossings - Historic or Chronic: Notification chronically blocked :: Train blocking tracks (this is the we can't get home!!!!)
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossings - Historic or Chronic: Notification chronically blocked :: The crossing is blocked once again hazardous and highly inconvenient! Our children are What would we do if we had an emergency? This is

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ATTACHMENT "5"

From: "Padgett, Darrell Jr." <Darrell_Padgett@csx.com>

Date: Friday, August 16, 2024 at 10:05 AM

To: Greg Boree <Gboree@woodlandcapital.org>

Subject: CR 209B (DOT#620919U)

Good morning Greg.

Below is the data from the crossing in question. For YTD 2024, it looks like our Public Safety Center has received six calls in regards to CR209B being blocked. None since 5/18.

Tanya Joson provided this data and is a good contact for any info you might need in the future. Tanya is a Fleming Island resident, so she is familiar with the area.

Tanya Joson
 Email: Tanya_Joson@csx.com
 Public Safety Analyst, Infrastructure Protection
 CSX Transportation
 T: 904.366.4730 | M: 386.227.0436
 500 Water Street, J275, Jacksonville, FL 32202

incident state	Incident city	Incident Type	Incident Subtype	incident	approval_ ts
FL	GREEN COVE SPGS	Interruption of Service	Blocked Crossing	Blocked crossing- M21018, Teams message sent to Jacksonville CTD. At 0740 hours, CTD advised M21018 met P05317 at Solite, they just got the light, pulling now.	5/18/2024 7:41
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossing-15 min. According to Maps P05218 5 miles out. Train meet. At 1850 hours, crossing still blocked. Teams message sent. (MS) [6:52 PM] Charles, Cory R63618 meeting P05218 - should be pulling in 20mins	3/18/2024 18:59
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossings - Historic or Chronic: Notification of crossings historically or chronically blocked :: Reoccurring issue! Very dangerous! There is no other way in and no other way out. If there was an emergency, rescue vehicles could not get in or out! This is unacceptable! This is happening more frequently and is causing children to be late for school and appointments! I understand that there are two tracks here, and it is necessary for trains to pass, but these Engineers	3/8/2024 8:01

				need to know how long their train is and how long it takes them to stop!!! They should not be blocking roadways!	
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossing - Jacksonville Chief Train Dispatcher notified via TEAMS and advised Train M20808 was now leaving the area.	3/8/2024 8:00
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossings - Historic or Chronic: Notification of crossings historically or chronically blocked :: Train blocking tracks (this is the second time this week we can't get home!!!!)	1/16/2024 19:01
FL	GREEN COVE SPRINGS	Interruption of Service	Blocked Crossing	Blocked Crossings - Historic or Chronic: Notification of crossings historically or chronically blocked :: The crossing is blocked once again! This is extremely hazardous and highly inconvenient! Our children are late for school again. What would we do if we had an emergency? This is unacceptable!	1/11/2024 14:43

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By **Kevin Clark, Action News Jax**
February 06, 2018 at 8:41 am EST

By **Kevin Clark,**
Action News Jax

February 06, 2018 at

8:41 am EST

EMPLOYEE: [CSX cuts creating longer trains, delays for neighbors](#)

Scheduled work on the railroad crossing at County Road 209B in Clay County will block more than 80 families from getting out of their neighborhood, neighbors tell **Action News Jax.**

CSX is expected to make upgrades to the crossing Tuesday and Wednesday, from 8 a.m. to 6 p.m.

Neighbors say CSX usually provides an alternative route during construction, but this time they don't have that option.

"Tomorrow it will feel like I'm being kept from my own home or in my own home," said Deborah Callicott.

Callicott said she has health issues that make walking difficult, and her daughter has two doctor appointments Tuesday.

She said a CSX crew employee told her she could park and walk. "I pulled up her handicapped parking plaque," she said. "I said, 'she can't walk like that.'"

The railway said in a statement which reads: "CSX invests heavily in infrastructure maintenance and upgrades to ensure the safe, reliable movement of trains, and the safety of our employees and the communities in which we operate.

CSX has been working closely with Clay County officials to schedule temporary road closures, including County Road 209B near Russell Road, that will enable CSX crews to replace crossties and repave the asphalt to provide a safe, smooth surface for drivers.

STORY: [CSX trains making Baldwin students late for school](#)

Information about the crossing closures have been posted on the Clay County website since January 18, 2018.

Last week, CSX posted message boards at CR 209B to remind local residents of the work that is scheduled to begin Wednesday.

CSX has developed a work schedule that enables residents of adjacent neighborhoods to cross the tracks during peak travel times on CR 209B in the morning and evening. CSX has also coordinated with local first responders to position emergency services.

The crossing at CR 209B will be closed from approximately 8 a.m. to 6 p.m. on Tuesday, Feb. 6 and from approximately 8 a.m. to 6 p.m. on Wednesday, Feb. 7.



Passengers describe bloody scene of Amtrak, CSX train collision Passengers describe bloody scene of Amtrak, CSX train collision

CSX added: "We understand this may be inconvenient and we appreciate the public's patience while we complete this work, which is critical to ensuring the safety of motorists using these crossings and a safe, reliable freight rail network."

A Clay County Fire Rescue official said they will have an ambulance and fire truck inside the tracks and will disrupt the work if there's a catastrophic event.

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Green Cove Springs neighborhood still having trouble with trains blocking roadway

NOW PLAYING ABOVE

By Erica Bennett, Action News Jax

April 25, 2017 at 10:44 pm EDT

Trapped by trains Trapped by trains



By Erica Bennett, Action News Jax

April 25, 2017 at 10:44 pm EDT

GREEN COVE SPRINGS, Fla. — “It’s just terrible and I hope something gets done,” said homeowner Tricia Foss.

It’s a familiar statement about what homeowners call a familiar problem with a set of railroad tracks in Green Cove Springs.

[Brawl at Orange Park Mall involved up to 60 people, Clay County Sheriff's Office says →](#)

On Monday night, drivers were stuck at the County Road 209B crossing for 55 minutes, thanks to a CSX train.

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“Sometimes we’re up there and we’re just lined up. I’ve seen it lined up all around the corner on 209,” homeowner Tricia Foss explained.

In March, we told you about Clay County Ordinance 98-5, which says trains cannot block the roadway for more than 15 minutes unless there’s an emergency. If the blockage lasts longer, the Sheriff’s Office can issue the company a citation and a \$500 fine.

Neighbors claim CSX is not following the rules and always coming up with an excuse for blocking the one way in and out of the neighborhood.

[Third Hernandez suicide note addressed to inmate, lawyer says →](#)

In a statement, CSX apologized and said it’s working on the problem.

“Last night, a CSX train stopped for nearly an hour in Clay County near the Russell Landing neighborhood to allow another train to safely pass, which blocked County Road 209B. We understand how frustrating this was for neighbors trying to get to their homes, and we apologize for the impacts from this stopped train. The CSX operations team has been developing a plan to keep

trains moving efficiently through this area with the goal of minimizing impacts to communities like Russell Landing and improving service to our freight customers. Two additional factors prevented us from achieving our goal on Monday: there is an ongoing maintenance project that is limiting train movements in the area, and passenger trains, which must be given priority to move before freight trains, also were present. We will continue working through our operational plan to keep trains moving efficiently and we will work to keep an open line of communication with the community," CSX said in the statement.

"What's next?" Action News Jax's Erica Bennett asked homeowner Matt Hansknecht.

"I keep calling you. That's about it. I don't know. Until somebody has a heart attack out here and has a real 911 emergency, nothing's going to happen," he said.

The Clay County Sheriff's Office said if a citizen calls its non-emergency number about the train, a deputy can come help direct traffic.

When asked why no one responded on Monday night, the Sheriff's Office says records show they never got a call.

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Drivers have to travel over the tracks to get in or out of the neighborhood; there's no other way.

That's why neighbors posted two signs on either side of the track saying, "Prisoners of CSX."

Victoria Rogerson said she needed to get home to take her medication.

Stranded neighbors climbed through cars of stopped [#CSX](#) train Thursday night. CSX says it was a mechanical issue with the brakes, but that's not what neighbors say CSX told them. I'm live at 5:30 on CBS47 [@ActionNewsJax](#) [pic.twitter.com/bPqTx41nLL](#)

— Jenna Bourne (@jennabourneWTSP) [May 11, 2018](#)

Story: [CSX railroad crossing upgrades will trap people in their neighborhood](#)

"I felt captured in here. I felt like a prisoner and I wanted out," Rogerson said.

Neighbor Randy Gillis didn't wait around for the train to move.

"We actually climbed between the two cars and someone on this side picked us up and took us to our house," Gillis said.

A CSX spokesperson said the train had a mechanical issue with the brakes on the rear locomotive.

It's a different story from what multiple neighbors said they were told when they called the CSX emergency line.

"I felt captured in here. I felt like a prisoner and I wanted out." How [#CSX](#) is responding the day after a stopped train stranded neighbors AGAIN in [#GreenCoveSprings](#) [pic.twitter.com/AJHDODwJk6](#)

— Jenna Bourne (@jennabourneWTSP) [May 11, 2018](#)

Story: [JSO citations for CSX trains blocking roads spiked in 2017](#)

“They said that the engine was on fire,” Rogerson said.

Gillis said CSX told him the same thing.

Action News Jax has asked CSX twice why neighbors say they were told it was an engine fire. We’re still waiting for a response.

Action News Jax has been out to that same neighborhood multiple times to report on stopped trains.

In February, we reported the tracks were closed for two days for upgrades.

Story: [Message from Jacksonville CSX dispatchers may have stopped fatal train crash](#)

“We actually climbed between the 2 cars & someone on this side picked us up & took us to our house.” A [#CSX](#) train stopped on these tracks, blocking a local street AGAIN. Why CSX says their track record is getting BETTER at 5:30 on CBS47 [@ActionNewsJax](#) pic.twitter.com/KJPBQKwrWr

— Jenna Bourne (@jennabourneWTSP) [May 11, 2018](#)

CSX said this blockage was different from past ones in the neighborhood: Not an operational issue, but a mechanical one.

The company’s data shows it’s at near-record high levels of performance for how quickly its trains move and how infrequently they stop.

Gillis said there have been fewer stopped trains in his neighborhood lately.

“I would have to agree with that, since the management change and the restructuring of CSX,” Gillis said.

Rogerson said she’s had enough.

“I don’t ever want to drive into this neighborhood again. I don’t feel safe,” she said.

Story: [Man says CSX train blocking U.S. 90 in Baldwin added 20 minutes to his ambulance ride](#)

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‘Jag all the way!’ Jaguars fans support the team at a home watch party



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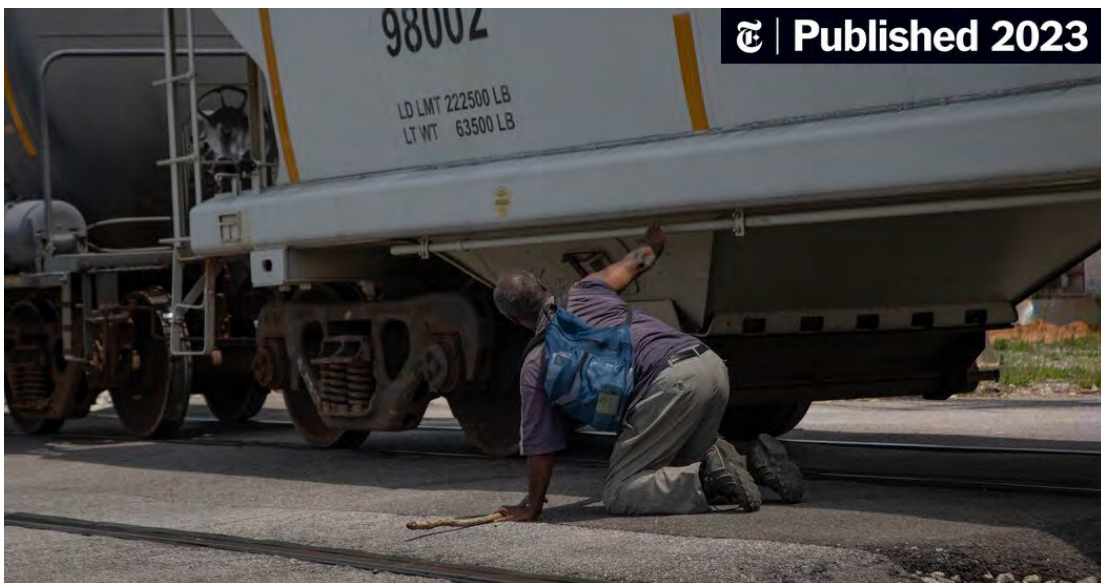
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Blocked Rail Crossings Snarl Towns, but Congress Won't Act

Peter Eavis, Mark Walker, Niraj Chokshi :: 7/11/2023



Freight trains are blocking roads more often as railroads run longer trains. Credit...Charity Rachele for The New York Times

- July 11, 2023

Freight trains frequently stop and block the roads of York, Ala., sometimes cutting off two neighborhoods for hours. Emergency services and health care workers can't get in, and those trapped inside can't get out.

"People's livelihoods are in jeopardy because they can't get to work on time," said Amanda Brassfield, who has lived in one of the neighborhoods, Grant City, for 32 years and raised two daughters there. "It's not fair."

Residents have voiced these complaints for years to Norfolk Southern, which owns the tracks, and to regulators and members of Congress. But the problem has only gotten worse.

Freight trains frequently block roads nationwide, a phenomenon that local officials say has grown steadily worse in the last decade as railroads run longer trains and leave them parked on tracks at crossings. The blockages can turn [school drop-offs](#) into nightmares, starve local businesses of customers and [prevent emergency services](#) from reaching those in distress.

The problem has persisted despite numerous federal, state and local proposals and laws because the freight rail industry wields enormous political and legal power.

Courts have thrown out several state laws seeking to punish rail companies for blocking traffic, ruling that only the federal government can regulate railway crossings. No federal laws or rules penalize railways for blocking crossings, and congressional proposals to address the issue have failed to overcome opposition from the rail industry.

Image



Residents of York, Ala., gathered to discuss blockages on tracks owned by Norfolk Southern. Credit... Charity Rachele for The New York Times

Image



York's population is mostly Black, which some residents said might explain why freight trains often blocked its roads. Credit... Charity Rachele for The New York Times

A [bipartisan bill](#) that was introduced in Congress in March, after a Norfolk Southern train [derailed in East Palestine, Ohio](#), called for regulators to issue rules for trains carrying hazardous materials that would "reduce or eliminate blocked crossings."

But that provision was stripped before the Senate commerce committee [advanced](#) the bill in May. The legislation, which awaits a vote by the full Senate, now would require only a National Academy of Sciences study on blocked crossings.

Rail lobbyists had argued that the provision was unrelated to the issues raised by the Ohio accident and pressed sympathetic senators to remove it, according to four people familiar with the negotiations over the bill.

Speaking on the day of the committee vote, Senator John Thune of South Dakota, the No. 2 Republican in the Senate and a former rail lobbyist, criticized the blocked crossing provision. "This bill should have been about safety reforms relevant to the derailment in East Palestine, but now it's been expanded to a stalking horse for onerous regulatory mandates and union giveaways," he said.

Senators who supported the provision agreed to take it out to gain more Republican support and bolster the bill's chances, the four people said.

The freight rail industry is dominated by four U.S. companies — Norfolk Southern, Union Pacific, CSX and BNSF — and two Canadian ones, Canadian Pacific Kansas City and Canadian National. The U.S. railroads and the Association of American Railroads, a trade group, have spent about \$454 million on federal lobbying over the past two decades, according to a New York Times analysis of federal lobbying disclosures. That is about \$30 million more than the four largest airlines and their trade group.

Mr. Thune has received about \$341,000 in campaign contributions since 2010 from railroad employees and political action committees, according to an analysis by OpenSecrets, which tracks money in politics. He served as the railroad director for South Dakota from 1991 to 1993 and worked as a lobbyist for several companies including the Dakota, Minnesota and Eastern Railroad for two years after a failed Senate bid in 2002, according to disclosure forms.

The senator declined to comment.

Image



Roads being blocked have persisted despite numerous federal, state and local proposals and laws Credit...Charity Rachele for The

The Senate's unwillingness to take on the rail industry was not surprising to Daniel Lipinski, a former House Democrat from Illinois.

In 2020, he introduced [a bill](#) that would have placed limits on how long rail companies could block crossings, and levied penalties for trains that exceeded those limits. The idea made it into a [House infrastructure bill](#). But the Senate removed the provision after the Association of American Railroads said it would "lead to unintended consequences, including network congestion and reductions in service."

"The state or local governments can't do anything," said Mr. Lipinski, now a consultant and a fellow at the University of Dallas and the Hoover Institution at Stanford University. "The federal government is not doing anything about the crossings, and that's the way the railroads would like to keep it."

The infrastructure law, which passed in 2021, did provide [grants for "railroad crossing elimination" projects](#), primarily to put roads under or over tracks. Local officials said those grants would fix only a small number of crossings that freight trains frequently blocked.

There is no thorough accounting of how often trains block the country's more than 200,000 rail crossings. People can make reports [to a website maintained by the Federal Railroad Administration](#). There were 30,803 reports last year, up from 21,648 in 2021.

Texas, Ohio and Illinois had the most incidents. Some blockages may be reported more than once, but local officials contend that the database greatly undercounts blockages. York residents say they typically don't report blocked crossings.

Image



"They have no incentive" to make a change regarding train blockages, said Willie Lake, York's mayor. Credit...Charity Rachele for The New York Times

Image



“People’s livelihoods are in jeopardy because they can’t get to work on time,” said Amanda Brassfield, a York resident. Credit...Charity Rachelle for The New York Times

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In a response to questions, the Association of American Railroads attributed blocked crossings to local governments, which, it said, had routed roads across railway tracks rather than over or under them, an approach that other industrialized countries had taken.

John Gray, a senior vice president at the association, said in a statement that railroads had taken steps to reduce the impact of blocked crossings. “The real solution is not a question of technology or operational practices by either the railroad or public agencies,” Mr. Gray said. “It is a public infrastructure investment similar to what has taken place in the rest of the developed world for more than a century and a half.”

Local officials and some railway employees said that explanation was self-serving. They link the rise in blocked crossings to a pursuit of bigger profits — Union Pacific, BNSF, CSX and Norfolk Southern have made \$96 billion in profits in the last five years, 13 percent more than in the previous five years. The big railroads’ profit margins significantly exceed those of companies in most other industries.

In search of greater efficiency, railroads have been running longer trains. As a result, when those trains are moved, assembled and switched at rail yards, they often spill over into nearby neighborhoods, blocking roads, local officials and workers said.

Crews have a better sense of the space that shorter trains take up, said Randy Fannon Jr., a national vice president of the Brotherhood of Locomotive Engineers and Trainmen union, who also oversees its safety task force. Longer trains are more difficult to maneuver on single-track railroads. Such railroads have sections of track, or sidings, where

trains can pull aside to allow other trains to pass, but those sections are not big enough for very long trains, Mr. Fannon said.

“If you’ve got two 5,000-foot trains or one 10,000-foot train, you cut your locomotive use in half and your train crew in half,” he said. “That’s all this is about — profit.”

Image



Blockages in York can last hours.Credit...Charity Rachelle for The New York Times

In York, trains stop and block roads when they use a siding that runs through the town. Residents say the company could move the siding into the surrounding countryside. The railroad association has listed [new sidings as a way to tackle blocked crossings](#) in its own materials.

“They have no incentive” to make that change, said Willie Lake, York’s mayor and a former federal bank regulator.

Connor Spielmaker, a Norfolk Southern spokesman, said in a statement that the company had worked with York to reduce the disruptions. When asked whether Norfolk Southern could move the siding, he declined to comment, except to say the company already uses sidings outside the town and had created a position to work on problems like blocked crossings.

“The only way to eliminate stopping at a railroad crossing is to eliminate the crossing itself,” Mr. Spielmaker said. He noted that Norfolk Southern wrote a letter in February to the Transportation Department in support of a federal grant application by York to build an overpass and said it would collaborate with York on future grant applications.

In June, York learned that its applications for two federal grants had been rejected. “It’s a punch in the gut,” Mr. Lake said.

Officials at the Department of Transportation and the Federal Railroad Administration, one of the department’s agencies, declined to say whether they could issue rules penalizing railroads for blocking crossings. A spokesman for the railroad administration, Dan Griffin, said the railroads should fix the issue without being required to.

“The duration and prevalence of blocked railroad crossings are the result of a rail company’s operating practices,” he said in a statement.

The blockages are unrelenting in York — and sometimes extreme.

On a sweltering election day in June 2022, a train blockage lasted more than 10 hours, forcing many people, some old and ill, to shelter in an arts center.

Carolyn Turner, 51, said stopped trains had trapped her in her neighborhood several times, making her late for dialysis appointments 30 miles away and causing great stress. “I like to go there and get back and help out with my grandbabies,” she said.

Image



The four major U.S. freight railroads and the Association of American Railroads have spent about \$454 million on federal lobbying over decades. Credit...Charity Rachelle for The New York Times

Image



Tracks running through York. Officials at the Transportation Department and the Federal Railroad Administration declined to say whether they will issue rules penalizing railroads for blocking crossings. Credit...Charity Rachele for The New York Times

The town's population is mostly Black, and some residents said that might explain why its rail crossings were often blocked.

"If you really want to see them squirm, tell them: 'How many white people's communities do you do this in?'" Jessie V. Brown, an Army veteran, said about Norfolk Southern executives. The company declined to respond to Ms. Brown's statement.

Some officials are pinning their hopes on the Supreme Court.

At least [37 states have laws regulating blocked crossings](#), some more than a century old, and courts have overturned several of them. Ohio, Indiana, Alabama and [other states](#) have asked the Supreme Court to affirm that they may set limits on blocked crossings. The court could decide this fall whether it will hear the case.

Kitty Bennett contributed research.

The comments section is closed. To submit a letter to the editor for publication, write to letters@nytimes.com.

Miles-long trains are blocking first responders when every minute counts

 [washingtonpost.com/nation/interactive/2023/long-trains-block-intersections-paramedics](https://www.washingtonpost.com/nation/interactive/2023/long-trains-block-intersections-paramedics)

Andrea Salcedo, Luz Lazo, Lee Powell

Nationwide, longer and longer trains are obstructing rural intersections, preventing paramedics from getting to emergencies, including a baby who died after his mom waited and waited.

By Andrea Salcedo,
Luz Lazo and
Lee Powell
May 25 at 7:05 a.m.



LEGGETT, Tex. — A man suffered a stroke but a stopped train blocked paramedics from reaching him for over an hour. A senior in a nearby retirement community missed his oncologist appointment because another train obstructed that same intersection. A fire crew could not get to a house engulfed in flames until another train eventually cleared the crossing.

For decades, those living along Glover Road in Leggett, Tex. — a rural community with fewer than 150 residents about 80 miles from Houston — wrote letters, sent emails and called authorities pleading that trains stop blocking the neighborhood’s sole point of entry and exit for hours. Some residents and a county judgesent letters addressed to the railroad company, warning of a “greater catastrophe,” including a toxic train disaster.

“Should there be a derailment ... we would be dead ducks, having no evacuating route,” Pete Glover, the man whom the street is named after, wrote in a 1992letter to the railway company. “If some home caught afire,” he added. there’d be “no way for firetrucks to serve them.”

To many in the community, their worst fears were realized in 2021, when baby K’Twon Franklin died. His mother, Monica Franklin, had found the 3-month-old unresponsive in her bed the morning of Sept. 30, and called 911.

Paramedics responded, but a Union Pacific train blocked their path on Glover Road, according to Franklin and a local police report. It took more than 30 minutes for them to carry K’Twon into an ambulance. Two days later, the baby died at a hospital in Houston. “Unfortunately, the delay has cost my child’s life,” Franklin, 34, told The Washington Post.



LEFT: The Glover Road crossing on the Union Pacific Railroad in Leggett, Tex. (Lee Powell/The Washington Post) RIGHT: Leggett, Tex. residents say trains stop and wait for long periods, often for locomotive crew changes. This blocks road crossings and can, in some spots, leave residents with no way in or out. (Lee Powell/The Washington Post)

Over the past decade, rail corporations have been running more lengthy freight trains — some as long as three miles — partly to save fuel and labor costs. As they do, they are blocking rural and urban intersections, stoking anger and contributing to tragedies and calamities.

Much of the nation's focus has been on a long Norfolk Southern train that derailed in East Palestine, Ohio, in February, sparking a toxic fireball and prompting state and federal investigations. But while Congress has shown some renewed concern about rail safety, there has been little focus on an everyday safety threat — long trains blocking first responders from getting to emergencies.

Story continues below advertisement

It is happening across the country. In Tennessee, a man died of a medical emergency after an ambulance crew was held up at a train crossing. In Oklahoma, a man perished from a heart attack after first responders were stuck behind a train at the only entrance to their street.

Since 2019, the Federal Railroad Administration (FRA) has operated a digital portal where citizens can report obstructions caused by trains. So far this year, there have been more than 1,400 reports of first responders blocked by trains. There have also been documented cases of frustrated pedestrians crawling under stopped trains, only to be injured or killed when the train starts moving.

“At graduation, we couldn't get across the tracks”

In Texas, K'Twon's mother has filed a lawsuit against Union Pacific, claiming its routine blockage of the Glover Road intersection prevented paramedics from reaching her child, thereby causing his death. In response, the railway company has offered its sympathy and said it is working to resolve problems at intersections in Leggett and other communities.

“Our hearts go out to K'Twon's family on this tragic situation,” the company said in a statement. “Union Pacific is in the early phases of litigation discovery, investigating the overall factual timeline, including whether the presence of a train had any impact on first responders' ability to revive K'Twon. We understand the impact blocked crossings have for community residents and work diligently to reduce the amount of time trains occupy the crossing.”

Many residents of Leggett put little stock in such pledges.

Schools superintendent Jana Lowe is one of several local leaders and residents who have been writing and calling Union Pacific for years, warning that obstructions at the Glover Road crossing — such as school buses delayed for hours — could lead to something more horrific.

“I fairly believe that this cost a child's life, that they weren't able to get there on time,” she said. “It's heartbreaking. It could have been avoided.”

‘Putting public safety at risk’

In his 25 years as a locomotive engineer, Eddie Hall saw his trains grow longer and longer. He can recall when they were just over a mile in length. Before going on leave last winter, he was driving a three-mile-long Union Pacific train with as much as 18,000 tons of mixed freight on his regular Tucson-to-El Paso route.

He has seen his line of freight cars disrupt traffic for hours in small and rural towns, he said adding that in Tucson, trains can block the downtown's four railroad crossings for as long as an hour.

“Whatever they block, they block,” said Hall, who now leads the Brotherhood of Locomotive Engineers and Trainmen. “The carriers really don’t take into consideration how long we sit on rail crossings.”

Trains have mushroomed in length for a simple reason — to save money and generate profits for railway companies and their shareholders. Roughly two decades ago, activist investors started pressuring railway corporations to become more efficient by reducing labor and fuel costs. So railroads adopted an operating model that cut crews and consolidated trains, known as “precision scheduled railroading.” By using longer trains, rail companies are operating fewer shorter trains, increasing fuel efficiencies and decreasing costs and their carbon footprints, industry officials say.

It has paid off. BNSF Railway and Union Pacific, the two largest railroad corporations in the nation, have reported record earnings in recent years. U.S. railroads have paid out \$196 billion on stock buybacks and dividends to shareholders since 2010.

Rail industry officials say the use of longer trains has also helped improve safety, and they point to an overall decline in derailments. But in the aftermath of the East Palestine spill, federal regulators have warned that long trains deserve closer review and can contribute to derailments.

About 1,000 trains derail annually nationwide, according to the FRA, including a spate this year.

Story continues below advertisement

After the Ohio incident, a train derailed on the Swinomish Reservation in Anacortes, Wash. in mid-March, spilling diesel fuel. Also in March, a train passing through Springfield, Ohio, went off its tracks — prompting a shelter-in-place order — and a small town in Minnesota was evacuated after a train carrying ethanol derailed and caught fire.

An FRA advisory last month urged railroads to make sure that engineers are adequately trained to handle long sets of freight cars and that locomotives don’t lose communication with devices at the end of trains that can help trigger the brakes in an emergency. Federal regulators also highlighted safety risks associated with blocked crossings, particularly how stopped trains can impede access to emergency services.



LEFT: A Norfolk Southern train that derailed in East Palestine, Ohio in February, sparking a toxic fireball and prompting state and federal investigations. Congress has shown some renewed concern about rail safety, there's been little focus on an everyday safety threat. (Rebecca Kiger for The Washington Post)
RIGHT: Alan Shaw, president and CEO of Norfolk Southern Corporation, testifies during a Senate committee hearing on improving rail safety on March 22. (Jabin Botsford/The Washington Post)
The FRA's recommendations stopped short of mandating limits on train sizes, which some labor unions and local communities have demanded. Members of Congress and state lawmakers in at least five states have proposed establishing length restrictions in the wake of the Feb. 3 Norfolk Southern derailment in

Ohio. In that incident, federal investigators have said that an overheating wheel bearing led the 149-car train to derail. The train's length, approximately 1.8 miles long, has not been identified as a potential factor.

Union Pacific CEO Lance Fritz said in an earnings call last month that accident data doesn't show that long trains are riskier. He said that since 2019, train length is up by about 20 percent in his railroad's network, while mainline and siding derailments are down by 26 percent.

"There's zero corollary between train length and derailments," Fritz said.

Labor unions, however, say longer trains tend to require more maintenance because greater stress is placed on the equipment, and they cause greater conflicts in communities.

"When you have first responders trying to get from one side of the track to another, in a small town like that, you're putting the public safety at risk," Hall said.

'We waited and waited'

Leggett, an hour north of Houston, is an unincorporated community surrounded by farms and cattle ranches, a part of the Gulf Coastal Plain once carpeted by vast timberlands. At one point, there were as many as 20 sawmills in the area, and the railroad was at the center of the region's early economy, delivering pulpwood to a paper mill near Houston.

These days, the residents of Glover Road, a mile-long dirt road bordering the train tracks, receive little benefit from the railroad, and must cope with some hazards. Long trains carrying ethanol, fertilizers and other chemicals stop at a nearby switching station multiple times a day, often blocking the single crossing that connects Glover Road and its two dozen homes to the rest of Polk County.

"One time they sat there for three hours," recalls Kathy Crowhurst, a resident of 18 years who owns the Good Ol' Daze retirement community. She said her tenants — ages 55 to 98 — have had to cancel doctor's appointments or wait on the other side of the tracks to get home. Schoolchildren are often late to class when the train blocks school buses.



Corky Cochran, fire chief of the Livingston Volunteer Fire Department. Blocked crossings can hamper response times for ambulances and the fire department. (Lee Powell/The Washington Post)

In 2021, a train blocked a firetruck on its way to a house fire on Glover Road, said Corky Cochran, chief of the Livingston Volunteer Fire Department, which includes Leggett in its territory. Fortunately, another truck had already made it to the scene and they didn't need more water. Good luck, Cochran said, "or the fact that God has been on our side."

Another scare came on Jan. 19. That night, Crowhurst's fiancé Pete suffered a stroke and her 911 call coincided with a train pulling into town.

"We waited and waited," said Crowhurst, with no help showing up just after 8 p.m. Finally, she saw flashlights and two paramedics hurrying across the tracks and the half-mile stretch to her house.

It took about 30 minutes for the emergency crew to get him to the hospital. Her fiancé, who was battling brain cancer, survived the stroke, but Crowhurst said it was a dangerously close call.

"People say, 'I hope I don't get blocked by that train'"

Trains block the Glover Road crossing several times a day, and are unpredictable in their timing and duration, residents say. Trains on the main single track pull to a siding track so one coming in the opposite direction can go through. That was the cause of the obstruction that prevented paramedics from quickly reaching baby K'Twon, Union Pacific said in a statement.

Every time there's an incident, Crowhurst, 65, notifies Polk County Judge Sydney Murphy, who sends an inquiry to the railroad. Murphy said residents have been pleading for relief for decades, while she has been asking Union Pacific to help with at least one road option that would improve access for residents on the wrong side of the tracks.

The solution would be to build a short connector road to another crossing, giving Glover Road residents a way out. They could then cross the tracks and drive 15 minutes to Livingston, the nearest town. Or if all crossings were blocked in Leggett, they could take the long way to Livingston, about a 45-minute drive.

In its statement, Union Pacific said it is committed to working with communities — including Leggett — to resolve issues with blocked crossings. But local officials and residents say that, despite the county and state facilitating land acquisition, the railroad has not made it a priority.

“They’re so slow-moving and now we have a deceased baby,” Murphy said.

Along with nagging concerns about safety, many in Leggett say they’ve lost the most basic of liberties — the freedom to move around. Simple everyday errands — such as a trip to the dog groomer or a visit to the doctor — generate uncertainty.

Joyce Davis, 76, who has lived in the community her whole life, said she has friends who are hesitant to visit, fearing they will get stuck by a blocked train. She hears it so often, she said, it has become a running joke.

“Don’t come over here on your lunch hour, just in case,” she said she tells her friends.

Haunted by the tracks

Like many of her neighbors, Franklin had repeatedly called Union Pacific to report trains blocking Glover Road, the only way in and out of the trailer where she lived at the time with her two daughters, her then-partner and K’Twon. She said she had prayed for a baby after years of being told she could not have more children.

Sometimes, Franklin said, a stopped train would prevent the school bus from picking up or dropping off one of her daughters. Her complaints to Union Pacific, Franklin said, went unanswered.

She remembers having a conversation about train delays with Lowe, the schools superintendent, just before the worst day of her life, Sept. 30, 2021.



In 2021, Monica Franklin discovered her 3-month-old baby, K'Twon, unresponsive. She called 911, but a blocked crossing meant it took more than 30 minutes for the baby to make it into an ambulance. Two days later, K'Twon died at a hospital in Houston. (Courtesy of Monica Franklin)

That morning, after leaving her bedroom, Franklin returned to check on K'Twon, she said. But the curly haired baby didn't move when she touched him. Alarmed, Franklin, a registered nurse, checked for his pulse. He still had some color on his face, Franklin recounted. She called 911 and started to perform CPR while talking to the operator.

The operator instructed her to continue until help could arrive. But when paramedics found their path blocked by a train, they were forced to crawl under the train cars, according to a Polk County Sheriff police report, and Franklin grew increasingly desperate.

While in route was detained by train crossing blocking both routes to the residence. Did proceed by traveling down dirt path to get as close to residence as possible. Crawled under train car and was met by a sheriff deputy and the mother carrying the baby to meet me. I took the baby in my arms and proceeded to return to the ambulance when the train started moving and I was unable to get across the tracks ...— Account by the Texas paramedic who responded to Monica Franklin's 911 call on Sept. 30, 2021, from the Polk County Sheriff's report of the incident.

She ran toward them with the baby in her arms. There, on a cross tie, Franklin and a paramedic continued CPR for several minutes, she said.

Finally, the train moved on and paramedics were able to hustle K'Twon into their ambulance, more than half an hour after Franklin had called 911, she said.

When he died two days later, Franklin was grief-stricken and angry. Later, she made plans to move her family far away from Leggett.

"I can't live close to a train track," she said, adding that even the sound of a train horn haunts her.

Growing calls for rail safety regulations

As public concern mounts over derailments and blocked crossings, state and federal leaders in both parties are calling for tougher regulation of railway companies.

After the toxic disaster in Ohio, two Republican U.S. senators, Marco Rubio of Florida and J.D. Vance of Ohio, sent Transportation Secretary Pete Buttigieg a pointed letter. In it, they questioned why the federal government wasn't doing more to police railroads that are "moving more freight with fewer workers."

"It is not unreasonable to ask whether a crew of two rail workers, plus one trainee, is able to effectively monitor 150 cars," the senators wrote in their Feb. 15 letter.

The Railway Safety Act, which would require railroads to maintain a toll-free number where people can report blocked crossings, advanced this month to the Senate floor, where it will probably need 60 votes to pass. The legislation also would set standards for trackside safety detectors, apply new rules to trains transporting hazardous materials and curb efforts by railroads to reduce their workforces.

Story continues below advertisement

On the state level, at least five legislatures — in Arizona, Iowa, Missouri, Virginia and Kansas — were reviewing bills this year to restrict train lengths. Most are looking at restricting the length of trains to 1.6 miles.

It is still an open question, however, if states hold the legal authority to regulate railroads, which have long enjoyed protection under the 1887 Interstate Commerce Act.

Last year, for instance, the Ohio Supreme Court struck down that state's law that set a five-minute limit on how long stopped trains can block crossings. The court ruled that federal law preempts such state restrictions.

In response, the attorneys general of 18 states and the District called on the U.S. Supreme Court to affirm state authority to regulate blocked railroad crossings "in the interest of public safety." It is not known whether the high court will take the case.

"All these people, waiting for this goofy train"

In March, the U.S. Supreme Court invited the federal government to offer its position on whether state and local governments can regulate how long trains can block railroad crossings. It could be at least the fall before the nation's highest court decides whether to take the case.

In the meantime, the FRA says it is working with the National Academy of Sciences on a study of trains that are longer than 7,500 feet. The study — mandated by Congress in the 2021 bipartisan infrastructure deal — is expected to be complete later this year, as is a report the FRA is preparing for Congress on blocked intersections.

The agency's database of rail crossing complaints provide a snapshot of what communities are facing: "Late for work, lost wages," reads one complaint from Villa Grove, Ill. "Students can't get to school," someone reporting up to 2 hours of delays in Keyser, W.Va., said. "Local businesses are unable to work," said another in Los Angeles.

There have been several emergencies that have happened, including one house burning down because the fire truck could not get across the ONLY CROSSING.— Oct. 21, 1993 letter from Leggett homeowner Carolyn Glover Hockley to the Railroad Commission of Texas, cc'd to Southern Pacific (later Union Pacific) and other local and state officials.

The FRA said it has not investigated specific instances in which blocked crossings delayed emergency response, saying those cases would be a matter for local officials and law enforcement. It says that it "continues to encourage railroads to prevent and minimize adverse impacts caused by blocked crossings."

The Association of American Railroads, which represents the industry, says limiting train length to 7,500 feet, as some state lawmakers have proposed, could increase U.S. freight train fuel consumption by about 13 percent. The solution, the industry says, is to work with communities to minimize the frequency of blocked crossings. The association says crews are trained to reduce the occurrence of blocked crossings, and dispatchers are alerted when crossings are blocked and have authority to address obstructions. But with more than 200,000 grade crossings across the United States, some impacts are inevitable, the industry says, citing those as the trade-off of transporting goods.

"Railroads are aware of their impact on communities, particularly grade crossings, and sympathize with those who may be affected by train movement," the AAR said in a statement. While the association declined to comment on specific cases where blocked crossings delayed first responders, it added that shipping goods by rail reduces freight truck shipments, thereby reducing congestion on roads and highways.

“We're just on the wrong side of the track”

In Leggett, Walter Peden recently surveyed his family’s old homestead, which burned down years ago, along with many other homes nearby, including his wife’s grandmother’s house, which he said caught fire last year.

Train blockages did not contribute to firefighter response to any of those blazes. Still, Peden is somewhat resigned to the fact that trains will block fire crews and paramedics from reaching his property and others on Glover Road. “Trapped,” he said, describing how he feels.

Not everyone is giving up.

Murphy said she’ll keep lobbying for a fix to the Glover Road crossing. She concedes, though, that small communities lack the funding and clout to get infrastructure built quickly, even when the public is at risk.

“It’s extremely concerning, not just for me, not just for Polk County, but across the entire United States,” Murphy said. “In rural communities you can’t just say, ‘We’ll go to the next crossing’ because there is no next crossing.”



A Union Pacific Railroad freight train recedes into the distance, heading southbound out of Leggett on April 19. (Lee Powell/The Washington Post)

Lazo reported from Washington.

About this story

Reporting by Andrea Salcedo, Luz Lazo and Lee Powell. Photography and videos by Lee Powell. Design and development by Allison Mann. Editing by Stuart Leavenworth, Amanda Voisard and Joe Moore. Copy editing by Colleen Neely.

ORDINANCE NO. 2024-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING THE CLAY COUNTY 2040 COMPREHENSIVE PLAN INITIALLY ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, UNDER ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, TO AMEND LA TRA POLICY 1.2.5 TO ESTABLISH A TRANSPORTATION IMPROVEMENT AREA (TIA) WITH DIRECTION TO IMPLEMENT A TIA NETWORK AND TO PROVIDE CONDITIONS UNDER WHICH SUBDIVISIONS WITHIN THE TIA MAY HAVE GREATER THAN 100 LOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”); and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto; and,

WHEREAS, the Board desires to have a transportation network that provides an alternative route for automobiles to utilize when rail operations impede traffic flow at CR 209B.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Clay County Ordinance No. 2018-31, as amended, is amended as provided in Section 2 hereof.

Section 2. LA TRA Policy 1.2.5 of the Lake Asbury Master Plan Element of the adopted 2040 Comprehensive Plan is hereby amended as follows:

LA TRA Policy 1.2.5

Connectivity between adjacent developments shall more efficiently distribute traffic flow, provide for alternative access points, and increase public safety and traffic flow. The following principles and strategies shall apply to the planning, design and construction of the transportation network and future subdivisions within the geographic area encompassed by CR 209 to the west, CR 209B to the north, Peter Creek to the south and Black Creek to the east, referred to as the Transportation Improvement Area (TIA).

1. The TIA is currently served by an inadequate transportation network comprised of two substandard roads, CR 209B and Watkins Road, both of which cross the CSX railroad and provide the only means of access to CR 209 for residents living in the TIA, east of the

railroad. Railroad operations periodically block access at CR 209B, preventing residents and emergency services from ingress and egress to and from neighborhoods within the TIA. This occurs in part due to the lack of connectivity between the two roads. The TIA requires transportation network improvements to correct this public safety deficiency and achieve other benefits as set forth in the supporting data and analysis for this policy.

2. This policy is intended to facilitate private sector funding for the remedial public safety transportation improvements specified above for the TIA Network. Clay County shall concurrently with adoption of this amended LA TRA Policy 1.2.5 either:
 - (a) amend Figure 1, 2040 Traffic Circulation Map, in the Transportation Element to classify each segment of the TIA Network as a Minor Collector, which shall allow for a subdivision within the TIA to exceed 100 lots, subject to the requirements of this amended LA TRA Policy 1.2.5; or
 - (b) otherwise by adoption of this amended LA TRA Policy 1.2.5 hereby authorizes, notwithstanding any land development code provision to the contrary regarding access requirements, approval of a subdivision with more than 100 lots within that portion of the TIA lying east of the CSX railroad, subject to the requirements of this amended LA TRA Policy 1.2.5.

3. In order for a landowner to obtain approval of a subdivision of more than 100 lots within the TIA, the landowner shall enter into a binding agreement with Clay County to provide funding to Clay County sufficient for the County to acquire right-of-way, design, permit and construct improvements described in (a) and (b) below and for the participating landowner to design, permit and construct the improvement described in (c) below:
 - (a) Reconstructing CR 209B from CR 209 to a point approximately ¼ mile east of CR 209 (connection point) to meet Clay County standards for a two-lane, residential collector road or a minor collector road;
 - (b) Reconstructing Watkins Road from CR 209 to a point approximately ¼ mile east of CR 209 (connection point) to meet Clay County standards for a two-lane, residential collector road or minor collector road;
 - (c) Constructing a two-lane, residential collector road (the “Spine Road”) connecting CR 209B to Watkins Road at the referenced connection points and which shall be designed to Clay County standards for a two-lane, residential collector road or minor collector road.

In addition, the landowner shall file the required applications for subdivision approval and demonstrate compliance with all applicable development standards in effect on the adoption date of this amended LA TRA Policy 1.2.5. Any future subdivision within the TIA lying east of the CSX railroad shall include one or more local streets which connect to the TIA Network. Nothing in this amended LA TRA Policy 1.2.5 shall be construed to waive fire code standards, including emergency access requirements.

4. In recognition of the coordination that must occur between Clay County and any participating landowner(s), the binding agreement shall specify the responsibilities of Clay County and the participating landowner(s). Clay County and the participating landowner(s) shall diligently pursue in good faith the execution of a binding agreement to implement the intent of this amended LA TRA Policy 1.5.2. Clay County shall agree pursuant to the binding agreement to:

- (a) Work with the landowner to develop an estimate of the costs for the improvements specified in subsections (3)(a) and (3)(b) and to develop an implementation schedule;
- (b) Upon obtaining sufficient funding for right-of-way acquisition, expeditiously pursue right- of-way acquisition to obtain a minimum of eighty (80) feet of right-of-way for the roadway segments described in subsections 3(a) and 3(b) above;
- (c) Upon obtaining sufficient funding for design and permitting, coordinate with CSX railroad to design and permit the railroad crossings for CR 209B and Watkins Road, and design and permit the segments described in subsections 3(a) and 3(b) above;
- (d) Upon obtaining sufficient funding, construct the segments described in subsections 3(a) and 3(b) above as either a two-lane minor collector road or residential collector;
- (e) If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year following execution of the binding agreement, Clay County shall work with the participating landowner(s) to design an acceptable cross-section to be permitted and constructed within the available right- of-way and the costs addressed in subsections 4(a)-4(d) shall be adjusted accordingly; and
- (f) Clay County shall permit the participating landowner(s) to proceed with an application and obtain approval for a subdivision for more than 100 lots, provided that the participating landowner has executed the binding agreement and constructs the Spine Road prior to commencing construction of the roadway network for a phase or phases cumulatively exceeding 100 lots. If Clay County does not acquire an eighty (80) foot right- of-way for the improvements described in subsection (3)(a) and (3)(b) within one year of execution of the binding agreement, Clay County shall work with the participating landowner(s) on the design of the Spine Road connection points to the CR-209B and Watkins Road segments within existing right-of-way. Notwithstanding the above, a participating landowner shall have the option to construct one or more subdivisions containing 100 or fewer lots at any time in accordance with current regulations.

The participating landowner(s) shall agree pursuant to the binding agreement to:

- (a) Work with Clay County to develop an estimate of the costs to implement subsections (3)(a) and (3)(b) and to develop an implementation schedule;
- (b) Coordinate with Clay County to reach agreement on an acceptable cross-section for the Spine Road, and construct the Spine Road prior to commencing construction of the

- roadway network for a phase or phases cumulatively exceeding 100 lots;
- (c) Provide funding installments in accordance with the implementation schedule to allow for the phased implementation for right-of-way acquisition, permitting, design and construction of the road segments described in subsection (3)(a) and (3)(b); and
 - (d) If Clay County does not acquire an eighty (80) foot right-of-way for the improvements described in subsection (3)(a) and (3)(b) within one year of execution of the binding agreement, the participating landowner(s) shall work with Clay County on the design of the Spine Road connection points to CR-209B and Watkins Road within existing right-of- way.

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. The Planning and Zoning staff are authorized and directed within 10 days of the date of adoption of this Ordinance to transmit the proposed amendment package to the Florida Department of Commerce, and to other reviewing agencies, as specified in Section 163.3184, Florida Statutes.

Section 5. In accordance with Section 163.3184, Florida Statutes, if the Plan amendment provided by this Ordinance is not timely challenged, then the effective date of said Plan shall be the 31st day after the date the Department of Commerce notifies the County that the Plan amendment is complete. If the Plan amendment is timely challenged, however, said effective date shall be the date a final order is entered by the Department of Commerce or the Administrative Commission determining the amendment to be in compliance. No development orders, development permits or land uses dependent on this Plan amendment may be issued or commence before they have become effective.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Its Chair

ATTEST:

By: _____
Tara S. Green,
County Clerk of Court and Comptroller

Ex Officio Clerk to the Board

STEARNS WEAVER MILLER
WEISSLER ALHADEFF & SITTERSON, P.A.

Kenneth B. Metcalf, AICP
106 East College Avenue, Suite 700
Tallahassee, FL 32301
Direct: (850) 329-4848
Cell Phone: (850) 519-6165
Email: kmetcalf@stearnsweaver.com

October 31, 2024

Transmitted Via Email

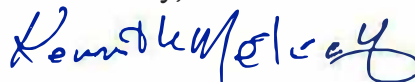
Ms. Beth Carson
477 Houston Street
Green Cove Springs, FL 32043

RE: Continuance of November 5, 2024 Public Hearing for Comprehensive Plan Amendment Application (COMP 24-0023) Submitted by Watkins Road Investments, LLC.

Dear Beth:

Please accept this letter as confirmation that Watkins Road Investments, LLC is hereby requesting a continuance of the Clay County Planning Commission public hearing scheduled for November 5, 2024 on the above referenced application. Pursuant to s. 125.66(8), Florida Statutes, we request that the Planning Commission chairperson announce at the November 5, 2024 meeting that the public hearing on this application has been continued to January 7, 2025, at 5 p.m. at the same location. In addition, in accordance with s. 125.66(8), please reference on the January 7th agenda that this item was continued from the November 5, 2024 meeting date. Thank you for your assistance on this request.

Sincerely,



Kenneth Metcalf, AICP

cc: Courtney Grimm



Agenda Item
PLANNING COMMISSION

Clay County Administration Building
Tuesday, November 5 5:00 PM

TO: Planning Commission

DATE: 10/21/2024

FROM: Jenni Bryla, Zoning Chief

SUBJECT:

The Applicant is requesting a continuance to the December 3rd Planning Commission Meeting.

This application is a Rezoning to change 16.9 acres from Agricultural Residential District (AR) to Planned Unit Development District (PUD).

AGENDA ITEM TYPE:

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Owner(s): Diane Land Corp, Linda Land Corporation, Doris D. Partridge.

Agent: Frank Miller, Gunster, Yoakley & Stewart PA

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff Report for PUD 24-0006	Cover Memo	10/23/2024	PUD_24-0006_Old_Hard_Rd-Staff_Report-_final_jbada.pdf
▢ Ordinance PUD 24-0006	Backup Material	10/31/2024	PUD_24-0006-Old_Hard_Rd-Ordinance_finalada.pdf



1 **Staff Report and Recommendations for PUD-24-0006**

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

6 **Owner / Applicant Information:**

Parcel #: 06-05-26-014244-000-00	Address: 60 Old hard Road
Owner: Diane Land Corp	Fleming island, FL 32003
Parcel #s: 06-05-26-014244-001-00 & 06-05-26-014244-003-00	Address: 60 Old hard Road
Owner: Linda Land Corporation	Fleming island, FL 32003
Parcel #: 06-05-26-014244-001-01 & 06-05-26-014244-002-00	Address: 60 Old hard Road
Owner: Doris D Partridge	Fleming Island, FL 32003
Agent: Frank Miller	1 Independent Dr. Suite 2300, Jacksonville, FL

7
8 **Property Information**

Parcel ID: 06-05-26-014244-000-00, 06-05-26-014244-001-00 & 06-05-26-014244-003-00, 06-05-26-014244-001-01, 06-05-26-014244-002-00
Current Land Use: RF (Rural Fringe)

Address: 60 Old Hard Road
Fleming Island, FL 32003

Current Zoning: AR
(Agricultural/Residential District)

Proposed Zoning: PUD (Planned Unit Development)

Acres: 62.64 +/- acres

Acres affected by Zoning change: 62.64 +/- acres

Commission District: 1, Commissioner Cella

Planning District: Fleming island

9
10 **Introduction:**

11 This application is a rezoning of 5 separate parcels of land, totaling approximately 63 acres, from AR
12 (Agricultural/Residential) to PUD (Planned Unit Development). The Applicant desires to construct
13 a single-family residential subdivision with approximately 180 homes at a density of 2.85 units/acre
14 under the proposed Rural Fringe (RF) Future Land Use designation.

15
16 The subject parcel is located on the south side of Old Hard Road, just east of Blue Heron Cove Drive and
17 west of Cattle Gap Lane. Parcel #06-05-26-014244-001-01 has one small single-family structure and
18 accessory structures. The other four parcels are vacant. The Applicant desires to construct

19 approximately 180-unit single-family residential subdivision on this parcel at a density of 3 units/acre
20 as allowed under the Rural Fringe Future Land Use designation.

Figure 1 - Parcel Map

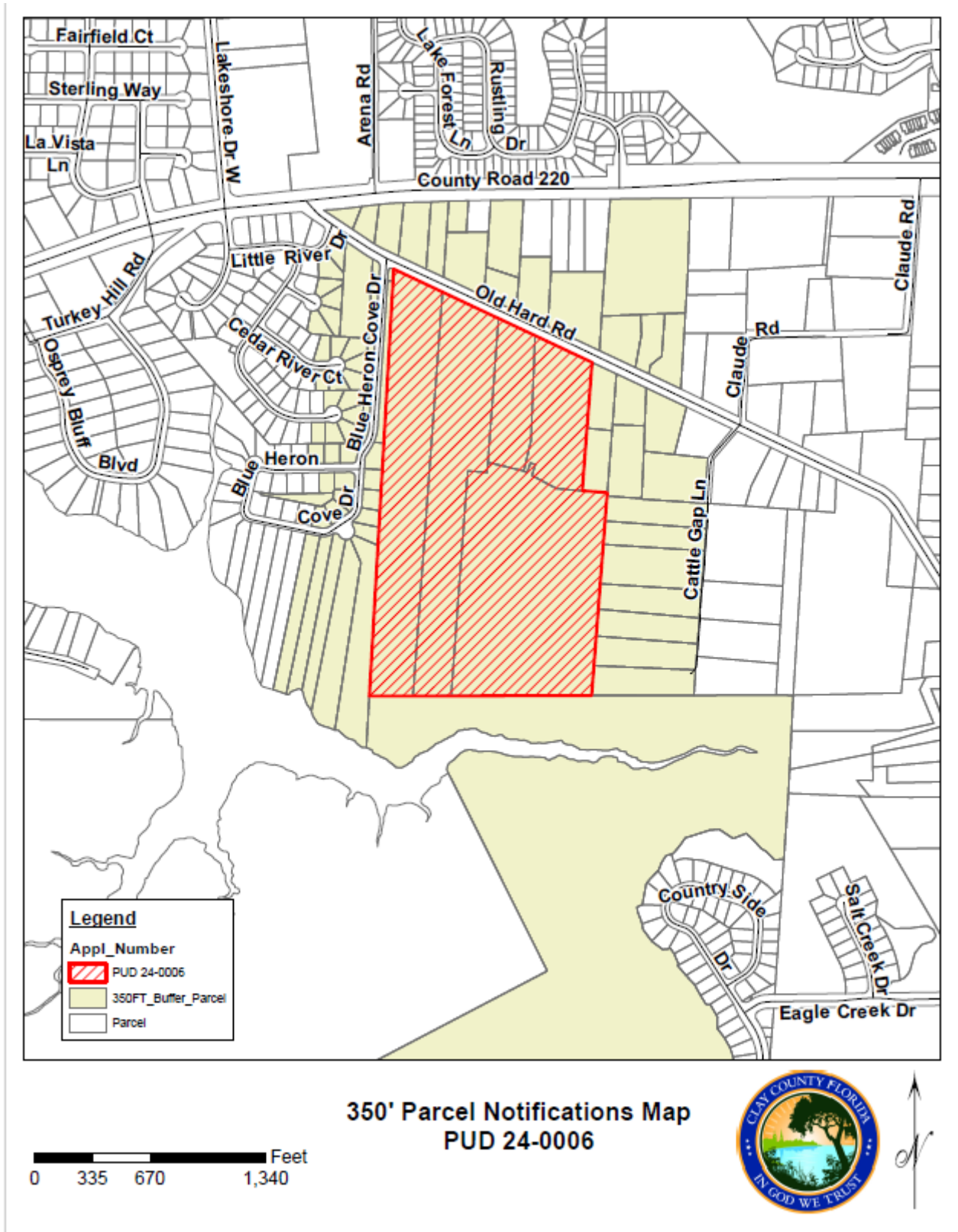


Figure 2 – Aerial Photo

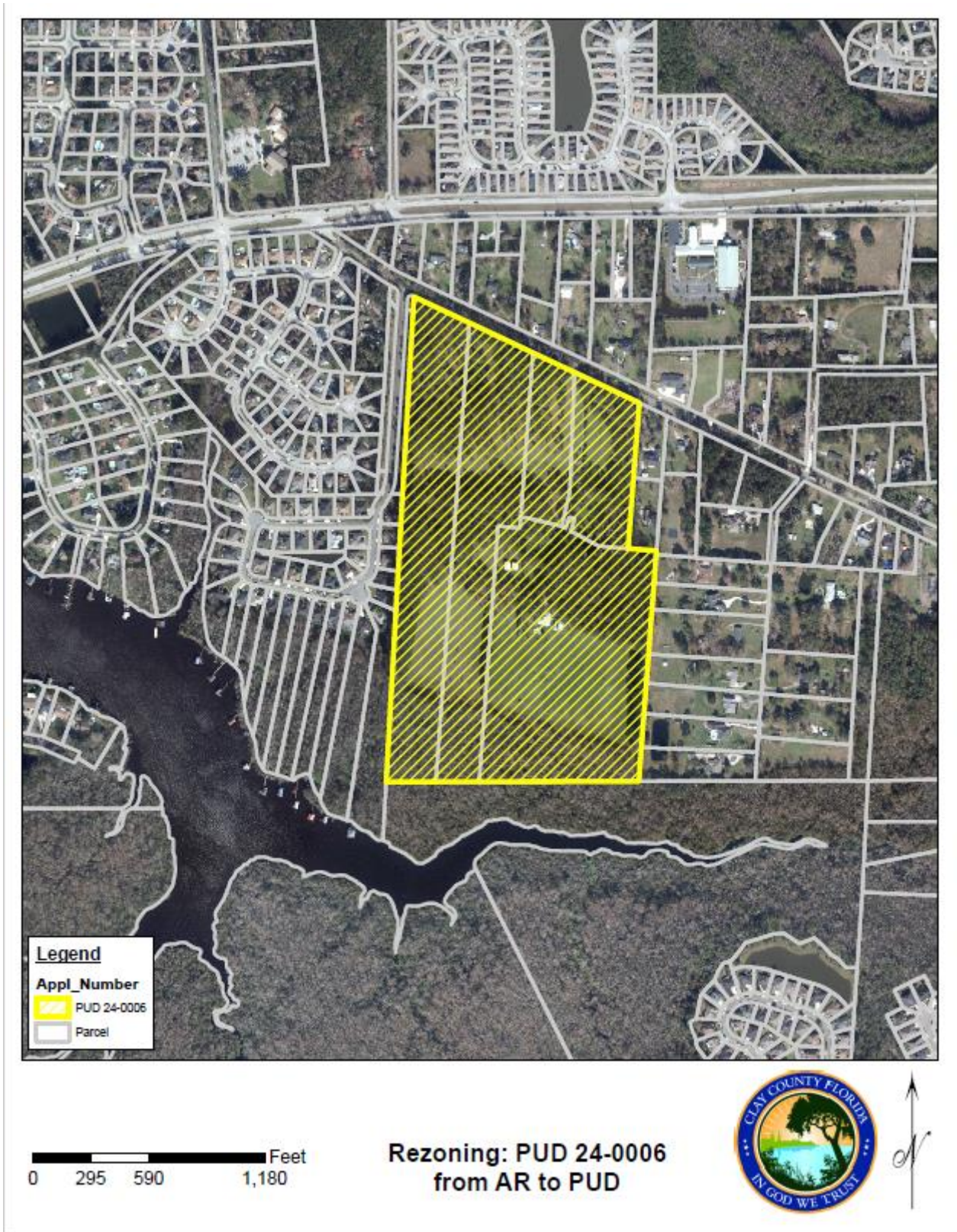
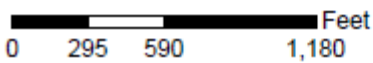
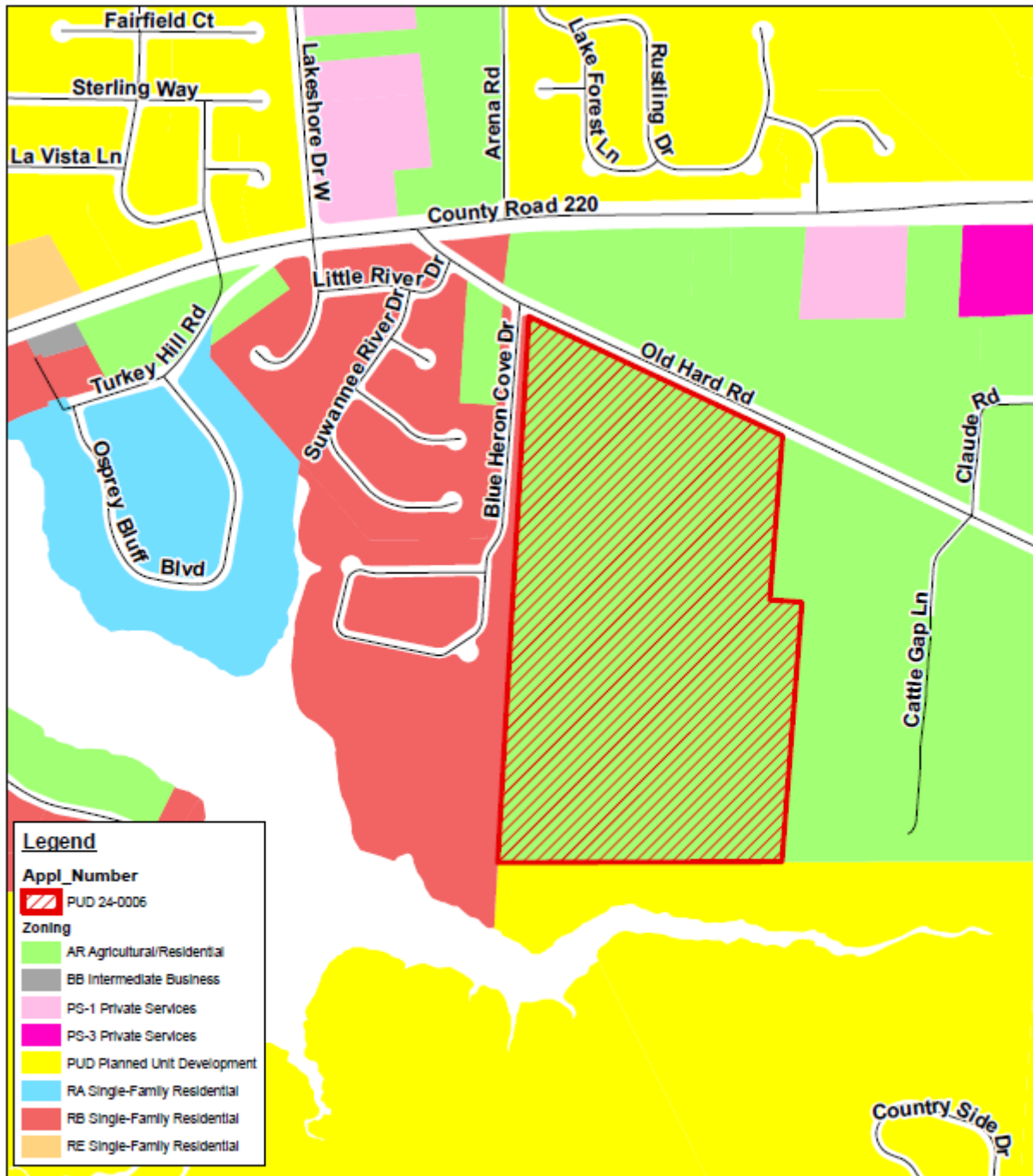


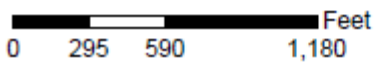
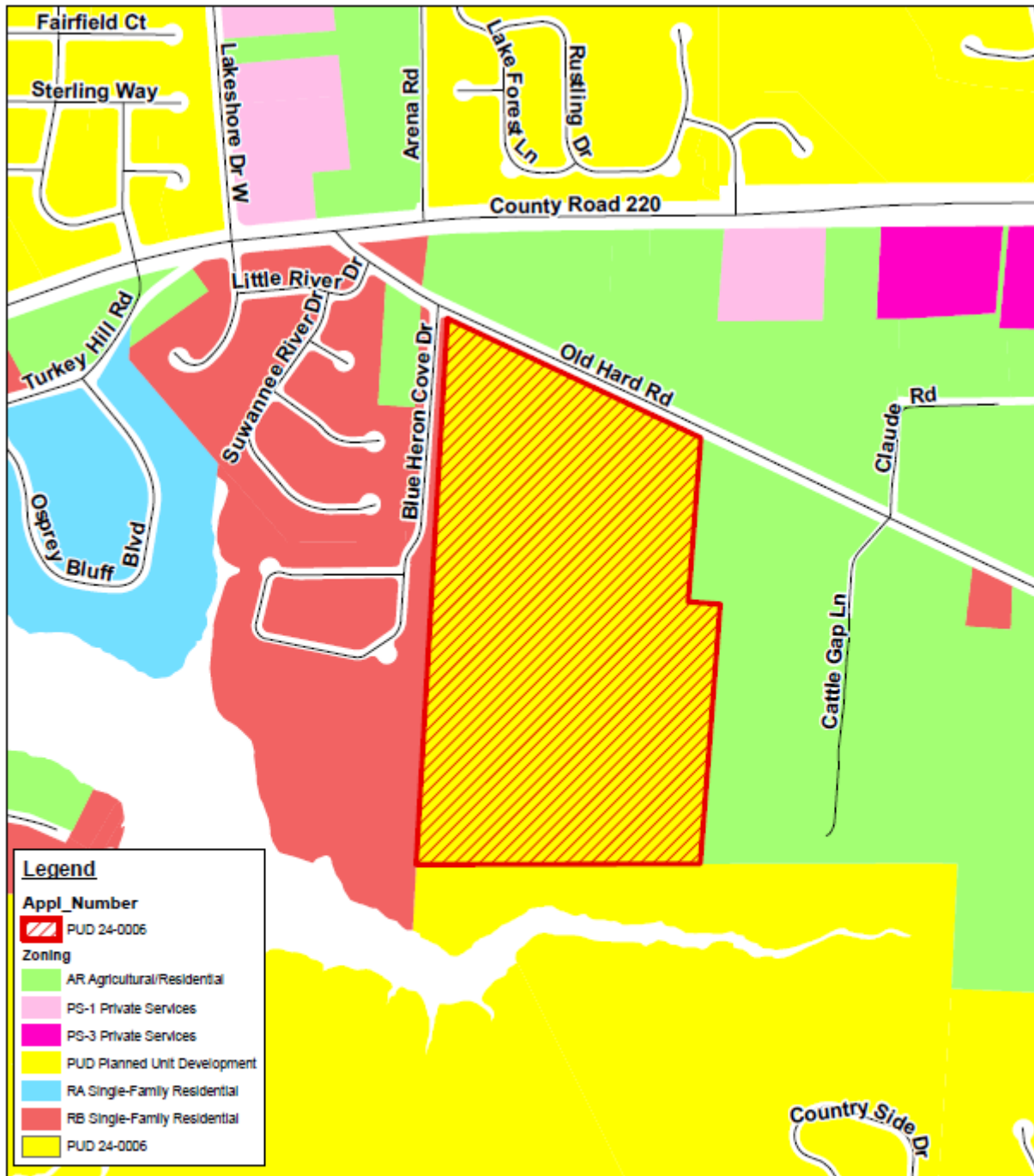
Figure 3 – Existing Zoning Map



**Existing Zoning
Rezoning: PUD 24-0006
from AR to PUD**



Figure 4 – Proposed Zoning Map



**Proposed Zoning
Rezoning: PUD 24-0006
from AR to PUD**



30

31 **Relevant Clay County 2040 Comprehensive Plan Policies**

32 The following Goals/Objective/Policies support the proposed Rezoning Amendment to the Code:

33 FLU Policy 1.4.1.5 Rural Fringe (RF) (Suburban)

34 This designation is reserved for land accessible to existing Urban Services and located in the
35 areas where extension of central water and (where applicable) sewer service can be easily
36 provided. Densities in this area shall be a maximum of three units per net acre and a minimum
37 of one unit per net acre. This density category is almost exclusively characterized by single-
38 family detached housing units but may also include two and three family residential
39 developments.

40 A maximum density of 7 units per net acre may be allowed within the Rural Fringe designation
41 on the Future Land Use Map for the provision of housing for the elderly or handicapped and
42 housing for very low, low income and moderate income households. Location shall be based on
43 need and criteria assessing proximity to the following: employment, mass transit, health care,
44 parks, commercial services, and central utility services, as detailed in the Housing Element and
45 land development regulations.

46

47 **Analysis of Proposed Rezoning Amendment**

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

50

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

53 Staff Finding: *The adjacent parcel to the west is zoned single-family residential (RB) and the parcels*
54 *to the north and east are zoned Agricultural/Residential (AR). The parcels directly adjacent to the*
55 *west are similar in size to what is being proposed on the subject parcel. All parcels south of CR 220,*
56 *over to Canova Road have a Future Land Use of Rural Fringe (RF). Across CR 220 there is a large PUD*
57 *and more RF, all of which have similar densities to what is being proposed. The proposed change*
58 *should not be incompatible with the adjacent and nearby districts given the other similar densities*
59 *and intensities.*

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

62 Staff Finding: *The existing district boundaries are not illogically drawn. They reflect the former use*
63 *of the property as a single-family residence with pastures.*

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

67 Staff Finding: *This area is changing in response to the development along CR220 and the increased*
68 *demand for new single-family subdivisions. The County is specifically improving the intersection of*
69 *Old Hard Rd. and CR 220, after recognizing the less than optimal conditions of that intersection and*
70 *the number of users and accidents.*

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

72 Staff Finding: *The residentially zoned portion of the property could continue to be used as a single-*
73 *family home.*

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

76 Staff Finding: *The proposed rezoning is compatible with the Comprehensive Plan as it reduces*
77 *urban sprawl by providing redevelopment in close proximity to a major transportation corridor, CR*
78 *220. Specifically Housing Objective 1.1 and Housing Policy 1.1.1 which says:*

79 Clay County shall provide appropriate land use categories and land development regulations
80 to allow for a variety of housing types and values for the additional dwelling units needed to
81 meet the projected rise in population by the year 2040.

82 HOU POLICY 1.1.1 The County shall provide incentives for "in-fill" development in
83 existing urbanized areas in order to discourage unwarranted urban sprawl.

84

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

87 Staff Finding: *There is no public purpose served by maintaining the existing zoning.*

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

90 Staff Finding: *Maintaining the current zoning is not a reasonable course in this location as it hinders*
91 *the highest and best use of the parcels consistent with the goals of the County as established in the*
92 *Comprehensive Plan.*

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

95 Staff Finding: *There is a high demand for single-family residential development in this area of the*
96 *County and within the Urban Service Area.*

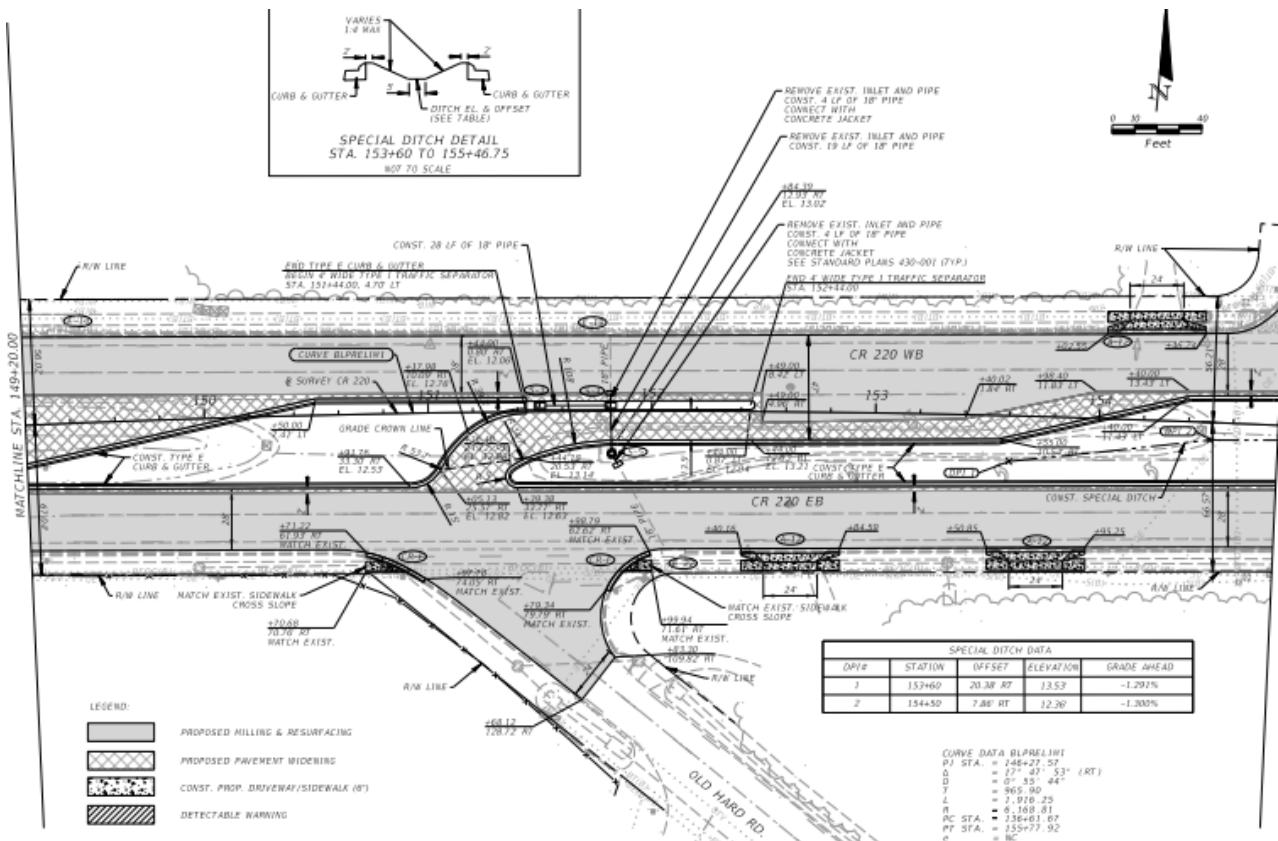
97 The proposed rezoning would change the subject parcel from AR (Agricultural Residential) to PUD
98 (Planned Unit Development). This change would be in keeping with the evolving character of the
99 surrounding districts as shown in the table below:

	Future Land Use	Zoning District
North	RF- Rural Fringe	AR- Agricultural Residential (single-family homes)
South	PC- Planned Community	Fleming island- Eagle Harbor PUD
East	RF- Rural Fringe	AR- Agricultural Residential (single-family residential)
West	RF- Rural Fringe	RB- Single Family Residential (single-family homes)

100

101 Clay County's future land use designation for the land to the south, separated by Swimming Pen Creek,
 102 is PC (Planned Community) and is part of the Fleming Island- Eagle Harbor PUD. The adjacent property
 103 to the west, is developed as a single-family residential subdivision "Admiral's Inlet" as well as
 104 "Riverbend" neighborhood further west. North and east have a future land use designation of RF (Rural
 105 Fringe). Clay County's RF (Rural Fringe) future land use category allows up to 3 units per net acre,
 106 unless the project is dedicated to low and moderate income or elderly or handicapped housing in which
 107 case the density may go up to 7 units per net acre.

108 The transportation improvements that the County is currently investing in at the intersection of CR
 109 220 and Old Hard Road should reduce the "cut-through" traffic that occurs along Old Hard Road.
 110 (Figures 5 & 6)

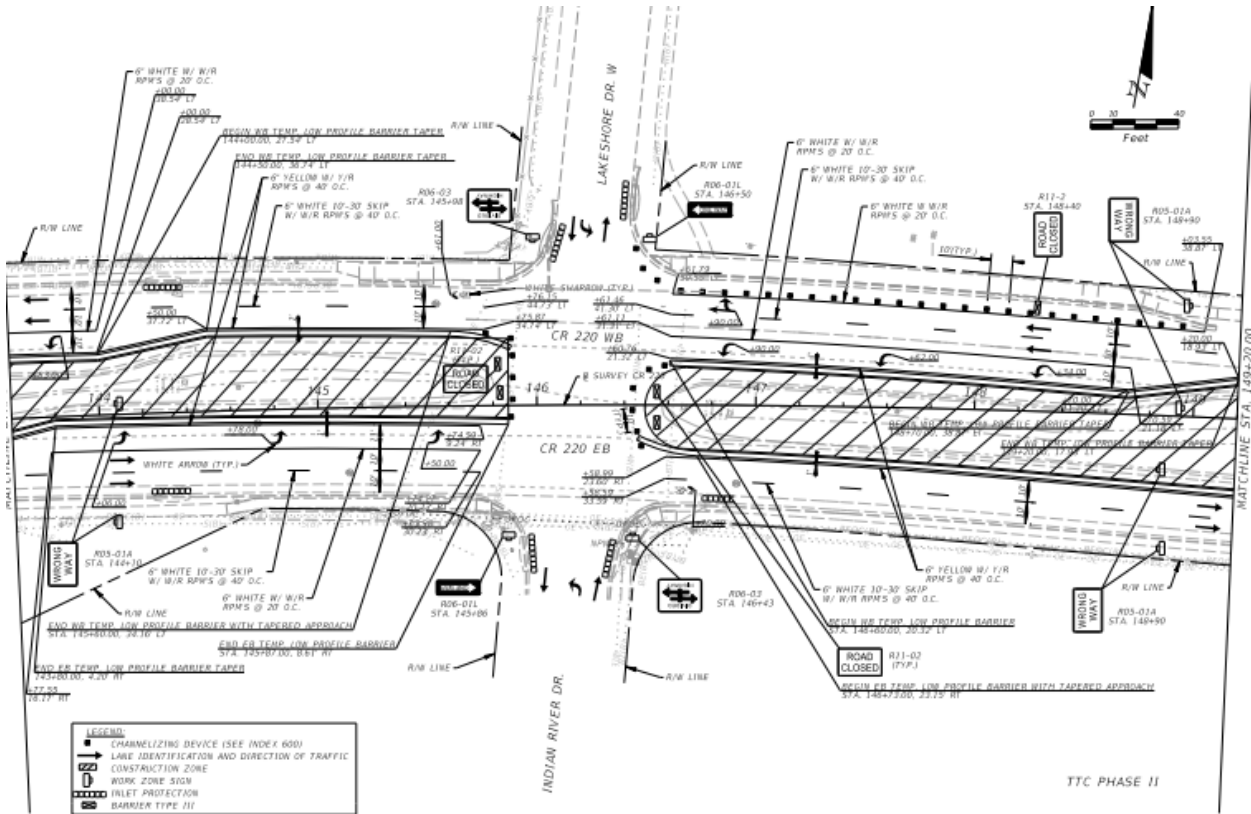


111

112

Figure 5 – Reconstructed intersection at CR 220 and Old Hard Road

113 Should the numbers warrant, the Applicant will be required to invest in some additional transportation
 114 improvement along the Old Hard Road corridor. Clay County's current zoning district category for all
 115 five parcels is AR (Agricultural/Residential). The property to the west has the zoning classification RB
 116 (single family residential), with a maximum density of 3 units per net acre. In comparison, the proposed
 117 project would have the same allowable density of 3 units/acre, as the adjacent subdivisions of
 118 Riverbend, Admirals Inlet and Osprey Bluff.



119
 120 **Figure 6 – Reconstructed intersection west of CR 220 and Old Hard Road**

121 Although the proposed development is consistent with the directives of the Comprehensive
 122 Plan and the general pattern of the development in the area, the Code specifically states that
 123 PUD zoning should be used for creative concepts in planning that result in a more desirable
 124 product. Staff has not found that the current master plan indicates any specialized
 125 standards.

126 A PUD zoning also requires a written statement describing the intended plan of development.
 127 Although the application included a site plan that outlines a recreational area, there is no mention of
 128 the equipment or structures that will be located there. A PUD district also requires “how the
 129 proposed Planned Unit Development differs from the usual application of the Land Development
 130 Code, including but not limited to, parking standards, landscaping standards, recreation standard,
 131 sign regulations and any other design standards.” There are not additional standards included in the
 132 application that would describe this development as exemplary. In addition, there were several
 133 conflicting statements between the proposed site plan and the narrative of the project.

134 **Recommendation**

135 Based on the finding above, Staff recommends denial of the PUD 24-0006.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PURSUANT TO ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED PURSUANT TO ORDINANCE 93-16, AS AMENDED, PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY (TAX PARCEL IDENTIFICATION #s 06-05-26-014244-000-00, 06-05-26-014244-001-00, 06-05-26-014244-002-00, 06-05-26-014244-003-00, 06-05-26-014244-001-01), TOTALING 62.64 ACRES, FROM ITS PRESENT ZONING CLASSIFICATIONS OF AR (AGRICULTURAL RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Application PUD-24-0006, submitted by Frank Miller, seeks to rezone certain real property (tax parcel identification #s 06-05-26-014244-000-00, 06-05-26-014244-001-00, 06-05-26-014244-002-00, 06-05-26-014244-003-00, 06-05-26-014244-001-01) (the Property), described in Exhibit “A-1”, and depicted in Exhibit “A-2”.

Section 2. The Board of County Commissioners approves the rezoning request. The zoning classification of the Property is hereby changed from AR (Agricultural/Residential District) to PUD (Planned Unit Development), subject to the conditions outlined in the Written Statement attached as Exhibit “B-1” and the Site Plan attached as Exhibit “B-2”.

Section 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

Section 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

Exhibit "A-1"

PARCEL 1 (06-05-26-014244-000-00):

A parcel of land consisting of a portion of Government Lots 1 and 2, Section 6, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Commence at the Northwest corner of the East 1/2 of the Northeast 1/4 of said Section 6; thence on the west line thereof, (also being the East line of said Government Lot) run South 04 degrees 13 minutes 40 seconds West, 993.24 feet to the Southerly line of the Old Doctors Inlet-Green Cove Springs Road, (also known as Old Hard Road); thence on last said line North 64 degrees 21 minutes 20 seconds West 581.93 feet to the Point of Beginning; thence continue on last said line North 64 degrees 21 minutes 20 seconds West 687.36 feet to the East line of the Westerly 129.42 feet of said Government Lot 1; thence on last said line, and then on the East line of the Westerly 129.42 feet of said Government Lot 2, south 04 degrees 09 minutes 40 seconds West, 2,482.52 feet to the South line of said Government Lot 2 thence on last said line North 89 degrees 26 minutes 40 seconds East 639.24 feet; thence North 04 degrees 13 minutes 40 seconds East 2,178.22 feet to the Point of Beginning, being 34.15 acres, more or less in area.

Less and except any portion lying within Warranty Deed to Donal M. Partridge, Sr. and Doris D. Partridge, his wife in Official Records Book 2282, page 1172 and Quit Claim Deed to Linda Land Corporation in Official Records Book 3687, page 1995 of the public records of said County.

PARCEL 2 (06-05-26-014244-003-00):

A parcel of land consisting of a portion of Government Lots 1 and 2, Section 6, Township 5 South, Range 26 East, Clay County, Florida, said portion being more particularly described as follows:

Commence at the Northeast corner of said Government Lot 1; thence on the East line thereof, South 04 degrees 13 minutes 40 seconds West, 993.24 feet to the Southwesterly line of Old Hard Road; thence on said Southwesterly line, North 64 degrees 21 minutes 20 seconds West, 581.93 feet to the Point of Beginning; thence continue North 64 degrees 21 minutes 20 seconds West, 358.80 feet; thence South 04 degrees 09 minutes 40 seconds West, 2336.96 feet to the South line of said Government Lot 2; thence on said South line, North 89 degrees 26 minutes 40 seconds East, 182.14 feet; thence North 04 degrees 13 minutes 40 seconds East, 1295.33 feet; thence South 85 degrees 43 minutes 23 seconds East, 150.00 feet; thence North 04 degrees 13 minutes 40 seconds East, 895.55 feet to the Point of Beginning.

PARCEL 3 (06-05-26-014244-001-00):

A parcel of land consisting of a portion of Government Lots 1 and 2, together with a portion of the East 1/2 of the Northeast 1/4, all in Section 6, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Commence at the Northwest corner of said East 1/2 of the Northeast 1/4 of Section 6; thence on the West line thereof (also being the East line of said Government Lots 1 and 2) run South 04 degrees 13 minutes

ATTACHMENT A-3: LEGAL DESCRIPTION

40 seconds West, 993.24 feet to the Point of Beginning, in the Southerly line of the Old Doctors Inlet-Green Cove Springs Road, (also known as Old Hard Road); thence continue on said West line of the East 1/2 of the Northeast 1/4, South 04 degrees 13 minutes 40 seconds West, 777.50 feet; thence South 85 degrees 46 minutes 20 seconds East, 114.83 feet; thence South 04 degrees 13 minutes 40 seconds West, 1,133.29 feet to the South line of said East 1/2 of the Northeast 1/4; thence on last said line and then on the South line of said Government Lot 2, South 89 degrees 26 minutes 40 seconds West, 658.87 feet; thence North 04 degrees 13 minutes 40 seconds East, 2,178.22 feet to the Southerly line of the Old Doctors Inlet-Green Cove Springs Road; thence on last said line South 64 degrees 21 minutes 20 seconds East, 581.93 feet to the Point of Beginning, being 28.49 acres, more or less in area.

Less and except any portion lying within Warranty Deed to Donal Merritt Partridge, Sr. and Doris Doreen Partridge, his wife in Official Records Book 1637, page 1580 and Quit Claim Deed to Donal M. Partridge, Sr. and Linda Louise Alderson in Official Records Book 3687, page 1386 of the public records of said County.

PARCEL 4 (06-05-26-014244-002-00):

A parcel of land consisting of a portion of Government Lots 1 and 2, Section 6, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Commence at the Northeast corner of said Government Lot 1: thence on the East line thereof, South 04 degrees 13 minutes 40 seconds West, 993.24 feet to the Southwesterly line of Old Hard Road and the Point of Beginning; thence continue on said East line, South 04 degrees 13 minutes 40 seconds West, 777.50 feet; thence North 85 degrees 46 minutes 20 seconds West, 109.62 feet; thence North 61 degrees 47 minutes 50 seconds West, 211.28 feet; thence North 17 degrees 45 minutes 10 seconds East, 79.46 feet; thence North 72 degrees 14 minutes 50 seconds West, 30.00 feet; thence South 17 degrees 45 minutes 10 seconds West, 73.93 feet; thence North 85 degrees 46 minutes 23 seconds West, 20.97 feet; thence North 13 degrees 17 minutes 21 seconds East, 205.00 feet; thence North 02 degrees 11 minutes 46 seconds East, 610.86 feet to said Southwesterly line of Old Hard Road; thence on said Southwesterly line, South 64 degrees 21 minutes 20 seconds East, 366.16 feet to the Point of Beginning.

PARCEL 5 (06-05-26-014244-001-01):

A parcel of land situated partly in Government Lot 2, and partly in the East 1/2 of the Northeast 1/4 of Section 6, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Commence at the northeast corner of those lands described in Official Records Book 837, page 467 of the public records of said county; thence on the easterly line of said lands run South 04 degrees 13 minutes 40 seconds West, 777.29 feet to the point of beginning situated in the northerly line of those lands described in Official Records Book 173, page 211 of said public records; thence on said northerly line South 85 degrees 46 minutes 20 seconds East, 114.83 feet to the easterly line of last said lands; thence on said easterly line South 04 degrees 13 minutes 40 seconds West, 1133.29 feet to the south line of said East 1/2 of the Northeast 1/4; thence on said south line and on the south line of said Government Lot 2, run South

ATTACHMENT A-3: LEGAL DESCRIPTION

89 degrees 26 minutes 40 seconds West, 658.87 feet; thence North 04 degrees 13 minutes 40 seconds East, 1282.65 feet; thence South 85 degrees 46 minutes 23 seconds East, 211.20 feet; thence North 17 degrees 45 minutes 10 seconds East, 73.93 feet; thence South 72 degrees 14 minutes 50 seconds East, 30.0 feet; thence South 17 degrees 45 minutes 10 seconds West, 79.46 feet; thence South 61 degrees 47 minutes 50 seconds East, 211.28 feet; thence South 85 degrees 46 minutes 20 seconds East, 109.62 feet to the point of beginning.

TOGETHER WITH

A parcel of land situated in Government Lot 2, Section 6, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

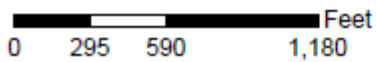
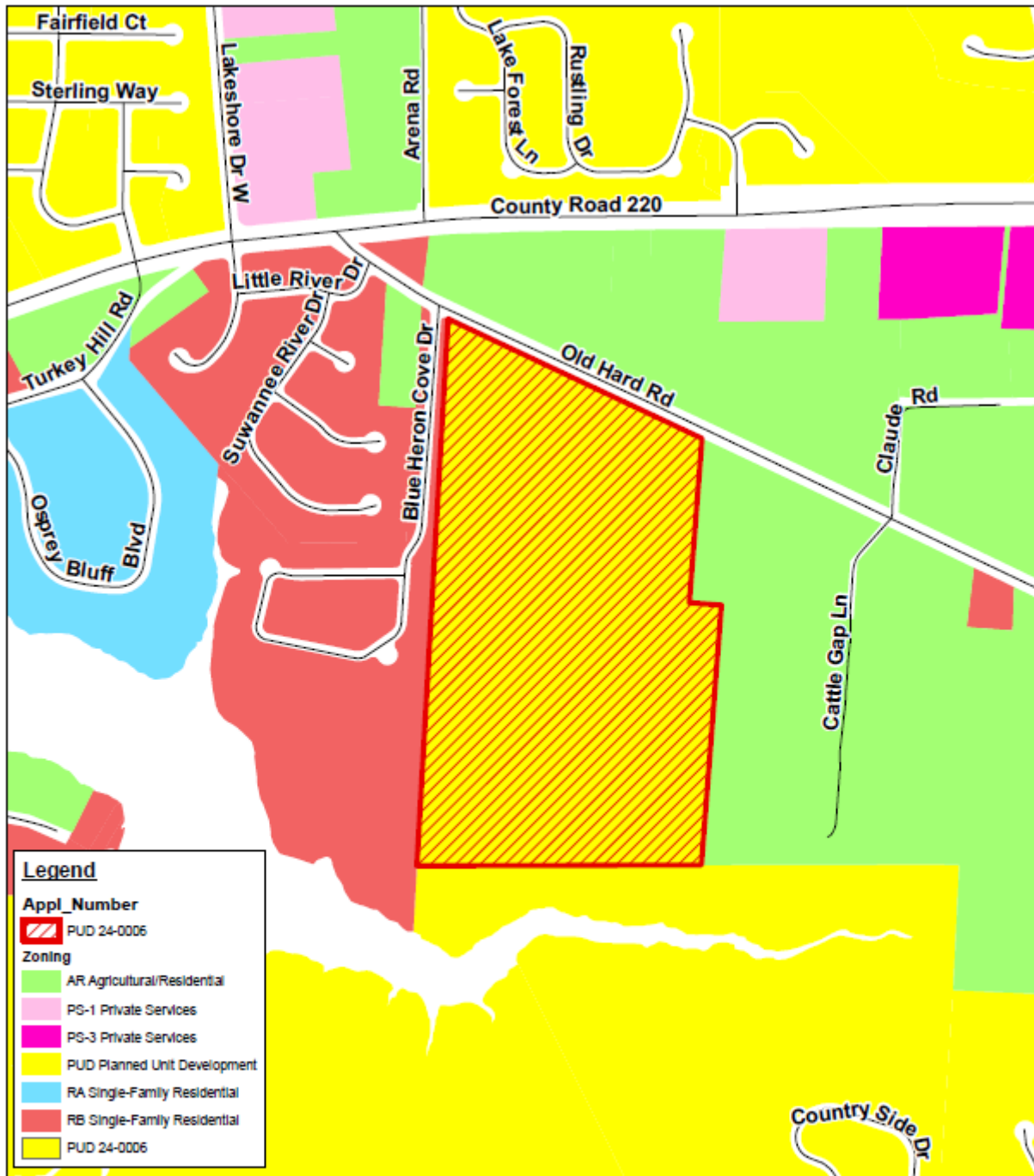
Commence at the Northeast corner of those lands described in Official Records Book 837, Page 467 of the Public Records of said county; thence on the Northeasterly line thereof (also being the Southwesterly line of Old Hard Road), North 64 degrees 21 minutes 20 seconds West, 581.93 feet; thence South 04 degrees 13 minutes 40 seconds West, 895.57 feet to the Point of Beginning; thence continue South 04 degrees 13 minutes 40 seconds West, 1282.65 feet to the South line of said Government Lot 2; thence on said South line, South 89 degrees 26 minutes 40 seconds West, 150.52 feet; thence North 04 degrees 13 minutes 40 seconds East, 1295.33 feet; thence South 85 degrees 43 minutes 23 seconds East, 150.00 feet to the Point of Beginning.

SURVEYOR'S DESCRIPTION

A parcel of land consisting of a portion of Government Lots 1 and 2, together with a portion of the East 1/2 of the Northeast 1/4, all in Section 6, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Commence at the Northwest corner of said East 1/2 of the Northeast 1/4 of Section 6; thence on the West line thereof (also being the East line of said Government Lots 1 and 2) run South 04 degrees 13 minutes 40 seconds West, 993.24 feet to the Point of Beginning, in the Southerly right of way line of the Old Doctors Inlet-Green Cove Springs Road, (also known as Old Hard Road); thence continue on said West line of the East 1/2 of the Northeast 1/4, South 04 degrees 13 minutes 40 seconds West, 777.50 feet; thence South 85 degrees 46 minutes 20 seconds East, 114.83 feet; thence South 04 degrees 13 minutes 40 seconds West, 1,133.29 feet to the South line of said East 1/2 of the Northeast 1/4; thence on last said line and then on the South line of said Government Lot 2, South 89 degrees 26 minutes 40 seconds West, 1298.11 feet to the Easterly line of Admirals Inlet, according to the plat thereof as recorded in Plat Book 37, pages 47 through 52 of the public records of said Clay County; thence North 04 degrees 09 minutes 40 seconds East along said Easterly line, 2,482.52 feet to the aforementioned Southerly right of way line of Old Hard Road; thence on last said line South 64 degrees 21 minutes 20 seconds East, 1,269.29 feet to the Point of Beginning, being 62.64 acres, more or less in area.

Exhibit "A-2"



**Proposed Zoning
Rezoning: PUD 24-0006
from AR to PUD**



ATTACHMENT: WRITTEN STATEMENT

FLEMING ISLAND PRESERVE PUD

**Written Description
August 30, 2024**

I. SUMMARY DESCRIPTION OF THE PROPERTY

- A. RE #s: 06-05-26-014244-000-00, 06-05-26-014244-003-00, 06-05-26-014244-001-00, 06-05-26-014244-002-00 and 06-05-26-014244-001-01
- B. Current Land Use Designation: Rural Fringe
- C. Current Zoning District: Agriculture Residential
- D. Proposed Zoning District: Planned Unit Development (“PUD”)
- E. The Property satisfies the locational criteria points of Sec. 20.3-10(d)

II. SUMMARY AND PURPOSE OF THE PUD/COMPREHENSIVE PLAN CONSISTENCY

Maronda Homes, LLC of Florida (the “Applicant”) proposes to rezone approximately 62.68 acres of property located on Old Hard Road, just south of CR 220 as more particularly described by the legal description attached to this application as **Exhibit “A”** (the “Property”). The Property is currently zoned AR and is vacant land. The Property is bounded on the north and east by land zoned AR, on the west by land zoned RB and on the south by land zoned PUD. The land use designation for the Property is Rural Fringe allowing for a maximum of three (3) units per net acre since it is located within the Urban Service Area with the required number of points described in Section 20.3-10(d). The Rural Fringe land use category allows for PUD zoning.

As described below, this PUD zoning district is being sought to provide for the development of the Property as a single-family residential subdivision with a mix of home values. This PUD allows for a maximum of 180 units with a maximum height of three stories and 35 feet. The PUD Conceptual Site Plan dated August 13, 2024, attached hereto as **Exhibit “B”** (the “Site Plan”) shows the concept of the plan of development utilizing 50’ wide by 120’ deep lots.

This PUD will provide for a transition from the larger lot developments west of the Property to the denser developments in Pine Lake and Fleming Island Plantation. The PUD shall be developed in accordance with this PUD Written Description and the Site Plan subject to the finalization of the actual number of units within the PUD up to the maximum stated above.

III. DESCRIPTION OF DEVELOPMENT

The development of the Property will be similar to the terms of Residential B (RB) with access points and central water and sewer under Section 3-17 of the Zoning Code and a land use designation of Rural Fringe as more fully described below:

A. PUD CONCEPTUAL SITE PLAN

The Site Plan shows the proposed PUD layout, including the access points, schematic internal roadway layout, buffers, lot sizes and other features of the proposed development. The

ACTIVE:24253369.4

ATTACHMENT: WRITTEN STATEMENT

2. Minimum lot width and depth, Maximum density, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures.
 - a. Minimum Lot width, lot coverage, setbacks and maximum height of structures:
 - i. *Minimum lot width at building line – 50 feet*
 - ii. *Minimum lot depth – 120 feet*
 - iii. *Minimum lot area – 6,000 square feet*
 - iv. *Maximum lot coverage by all buildings – 60%*
 - v. *Minimum yard requirements:*
 - (1) *Front Setback – 20 feet*
 - (2) *Side Setback – 5 feet*
 - (3) *Rear Setback – 10 feet*
 - vi. *Minimum Setback from Property Boundary:*
 - (1) On the west along the boundary with Blue Heron Cove Drive – 15 feet which may include fencing, landscaping and/or screening
 - (2) On the north along the boundary with Old Hard Road- 20 feet which may include fencing, landscaping and/or screening and tree planting thirty (30) foot on center
 - (3) On the east along the Property boundary – 15 feet which may include fencing, landscaping and/or screening
 - (4) On the south boundary – 25 feet from the jurisdictional wetland line
 - b. Patios/porches. Patios and porches, including screened patios/porches with a structural roof, outdoor dining, terraces, courtyards, or similar exterior structures, shall be permitted for each unit and may be located within any required yard or the Minimum Setback from the Property Boundary, but shall not be located within five (5) feet of any right-of-way.

C. RECREATION

Recreation space totaling not less than ten percent (10%) of the net acreage for

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ATTACHMENT: WRITTEN STATEMENT

configuration of the development as depicted in the Site Plan is conceptual and revisions to the Site Plan, including the internal circulation, stormwater management facilities and other development features and infrastructure may be required as the proposed development proceeds through final engineering and site plan review, subject to the review and approval of the Development Review Committee.

B. PERMITTED USES

1. Permitted Uses and Structures include the following uses:
 - a. Single family homes and accessory structures with a height no greater than the primary structure.
 - b. Amenity/recreation centers, which may include a pool, cabana/clubhouse, meeting rooms, health/exercise facility, sauna, and similar uses.
 - c. Parks, open space, playgrounds, playfields, fire pit/gathering areas, observation and shade pavilions, dog parks, park structures, site furnishings, landscaping, vegetative screens or buffers, fencing, walkways, greenways, nature walks, trails, exercise courses, boardwalks, footbridges, gardens, noncommercial greenhouses and plant nurseries, tool houses, garden sheds, garden work centers, ponds, observation platforms, benches, picnic areas, shelters and informational kiosks, signage, habitat enhancement devices such as birdhouses, duck houses, and bat houses, and other similar uses and structures designed for and used for recreational/open spaces.
 - d. Uses which are adjacent to a lake/wetland may use small pram boats, paddle boats, kayaks, canoes, and similar small, recreational boats on the lake/wetland. Gasoline, diesel and other powered motors are prohibited, except for boats used to maintain the lake/wetland.
 - e. Mail center.
 - f. Live/Work uses, subject to the provisions of the Zoning Code.
 - g. Stormwater, management and flood control improvements, as permitted by the applicable regulatory agencies.
 - h. Essential services, including water, sewer, gas, telephone, radio, cable, television, and electric, meeting the performance standards and development criteria set forth in the Zoning Code.
 - i. Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
 - j. Satellite dish receivers for individual use.

ACTIVE:24253369.4

ATTACHMENT: WRITTEN STATEMENT

maximum density of three (3) units per net acre. The planned development is consistent with the land use and will not exceed this density limit. The development of the Property could be considered urban infill. The PUD allows for certain deviations from the Zoning Code to permit the intended development to incorporate standards and lot sizes that are not available under the RB or any other straight zoning category. The PUD design allows for a unique development scheme while ensuring consistency and compatibility with the surrounding zoning and existing uses. The proposed PUD will not create a district that is unrelated to or incompatible with adjacent and nearby districts. Properties in the area are developed as single-family homes on lots of varying sizes, ranging in from a low of 50 feet to over 100 feet in frontage, and the proposed development is not incompatible with these surrounding uses. The buffers provided for in the PUD will screen and provide a separation from the adjacent properties to avoid any adverse effect on them. The most dense straight zoning district is RB which, although allowing for 60 foot lots, requires a minimum lot size of 11, 616 square feet, limits the mix of lot sizes and would fail to provide the price point and lot characteristics sought by today's home buyers.

V. Names of Development Team

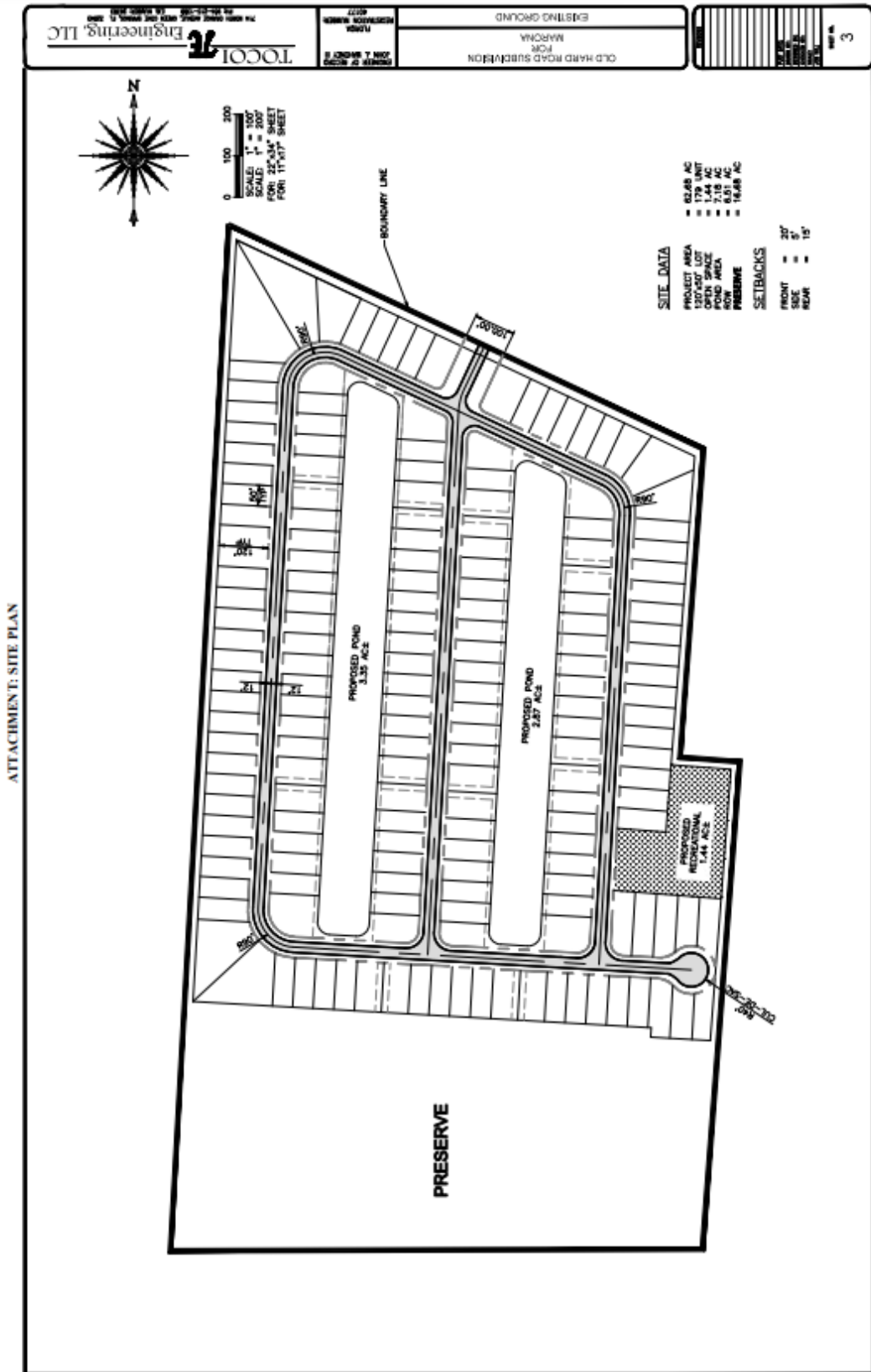
Developer: Maronda Homes, LLC

Development Consultant: Coastland Development Group LLC

Planner/Engineer: Tocol Engineering

Architects: N/A

“Exhibit B-2”





Agenda Item
PLANNING COMMISSION

Clay County Administration Building
Tuesday, November 5 5:00 PM

TO: Planning Commission

DATE: 10/24/2024

FROM: Dodie Selig, AICP, Chief
Planner

SUBJECT:

A. COMP 24-0022

This application is a FLUM Amendment to change 21.22 acres from Rural Residential (RR) to Rural Fringe (RF).

B. PUD 24-0007

This application is a Rezoning to change from Agricultural District (AG) and Agricultural Residential District (AR) to Planned Unit Development District (PUD).

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

On October 23, 2024 the Springs CAC voted 3-2 not to recommend approval of these applications.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ COMP 24-0022 - Staff Report	Backup Material	10/24/2024	PC_Staff_Report_-_COMP_24-0022-ada.pdf
▢ COMP 24-0022 - Ordinance	Ordinance	10/24/2024	COMP_24-0022_-_Ordinanceada.pdf
▢ PUD 24-0007 - Staff Report	Backup Material	10/24/2024	PC_Staff_Report_-_PUD_24-0007ada.pdf
▢ PUD 24-0007 - Ordinance	Ordinance	10/24/2024	Ordinance_-_PUD_24-0007_Shedd_Rd_finalada.pdf



1 **Staff Report and Recommendations for COMP 24-0022**

2

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

5

6 **Owner / Applicant Information:**

Owner: Affluent Funding, Inc. Thomas Roth, CEO	Address: PO Box 476 Jupiter, FL 33468
Agent: Susan Fraser (SLF Consulting, Inc.)	
Phone: 904-591-8942	
Email: slfraser@bellsouth.net	

7

8 **Property Information**

Parcel ID: 05-06-26-015238-000-00	Address: 1679 Shedd Road
Current Land Use: Rural Residential (RR)	Current Zoning: Agriculture (AG) and Agricultural Residential (AR)
Proposed Land Use: Rural Fringe (RF)	Acres: 21.22 +/-
Commission District: 5, Comm. Burke	Planning District: Springs

9

10 **Introduction:**

11 This application is a Small-Scale Comprehensive Plan Amendment to the 2040 Future Land Use Map
12 (FLUM). The application would change the Future Land Use designation of a single parcel of land from Rural
13 Residential (RR) to Rural Fringe (RF).

14

15 The subject parcel is located on the south side of Shedd Road just to the east of the intersection with Willow
16 Springs Drive. The parcel has an existing single-family home, a mobile home and a barn. The applicant desires
17 to construct a single-family residential subdivision of 58 homes at a density of 2.73 units/acre as allowed under
18 the Rural Fringe future land use designation.

19

20 A companion Rezoning application (PUD 24-0007) from Agriculture (AG) and Agricultural Residential (AR)
21 to Planned Unit Development (PUD) follows this comprehensive plan amendment.

22

23

Figure 1 – Location Map

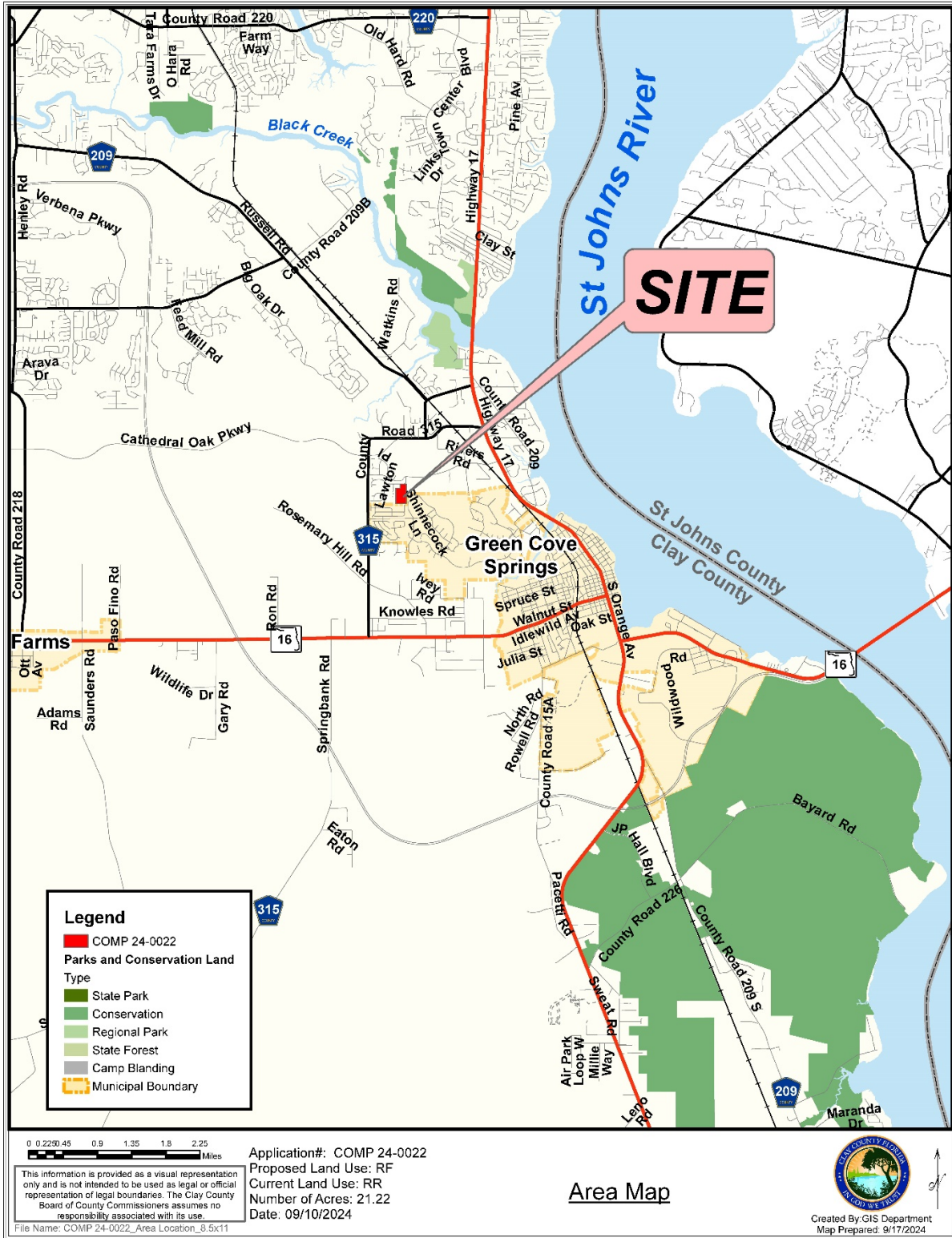


Figure 2 – Parcel Map

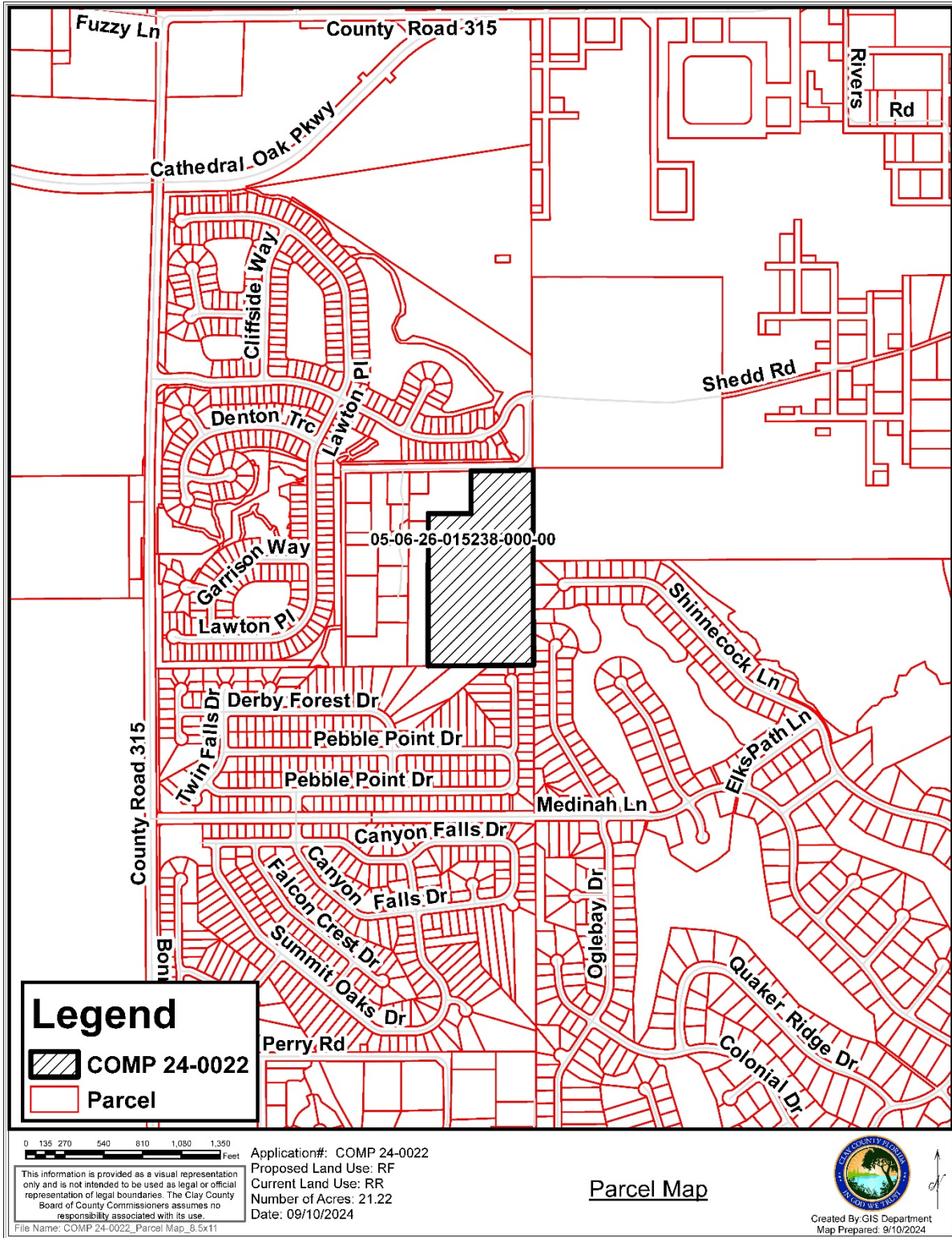


Figure 3 - Aerial Photo



Figure 4 – Existing Future Land Use Designation Map

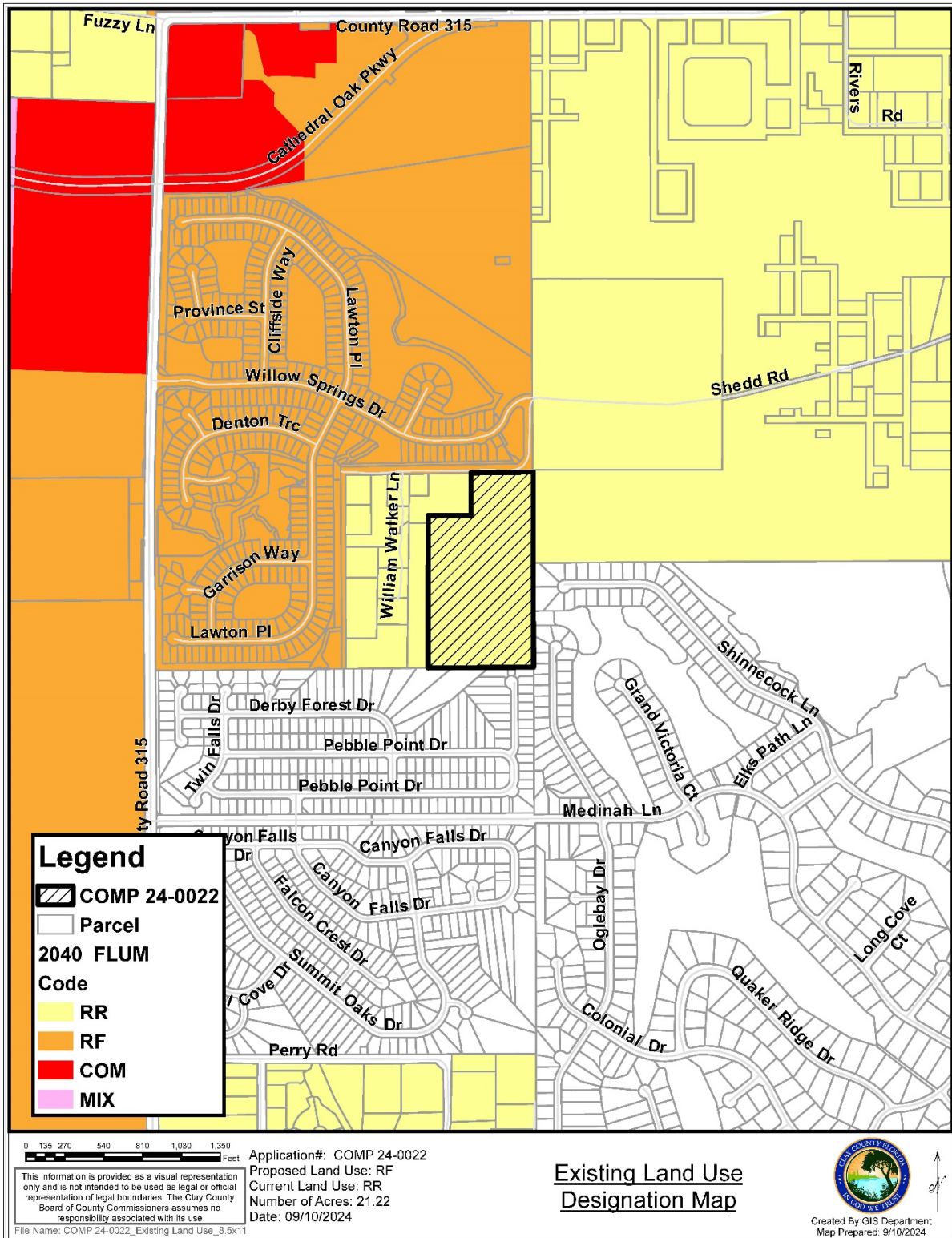


Figure 5 – Proposed Future Land Use Designation Map

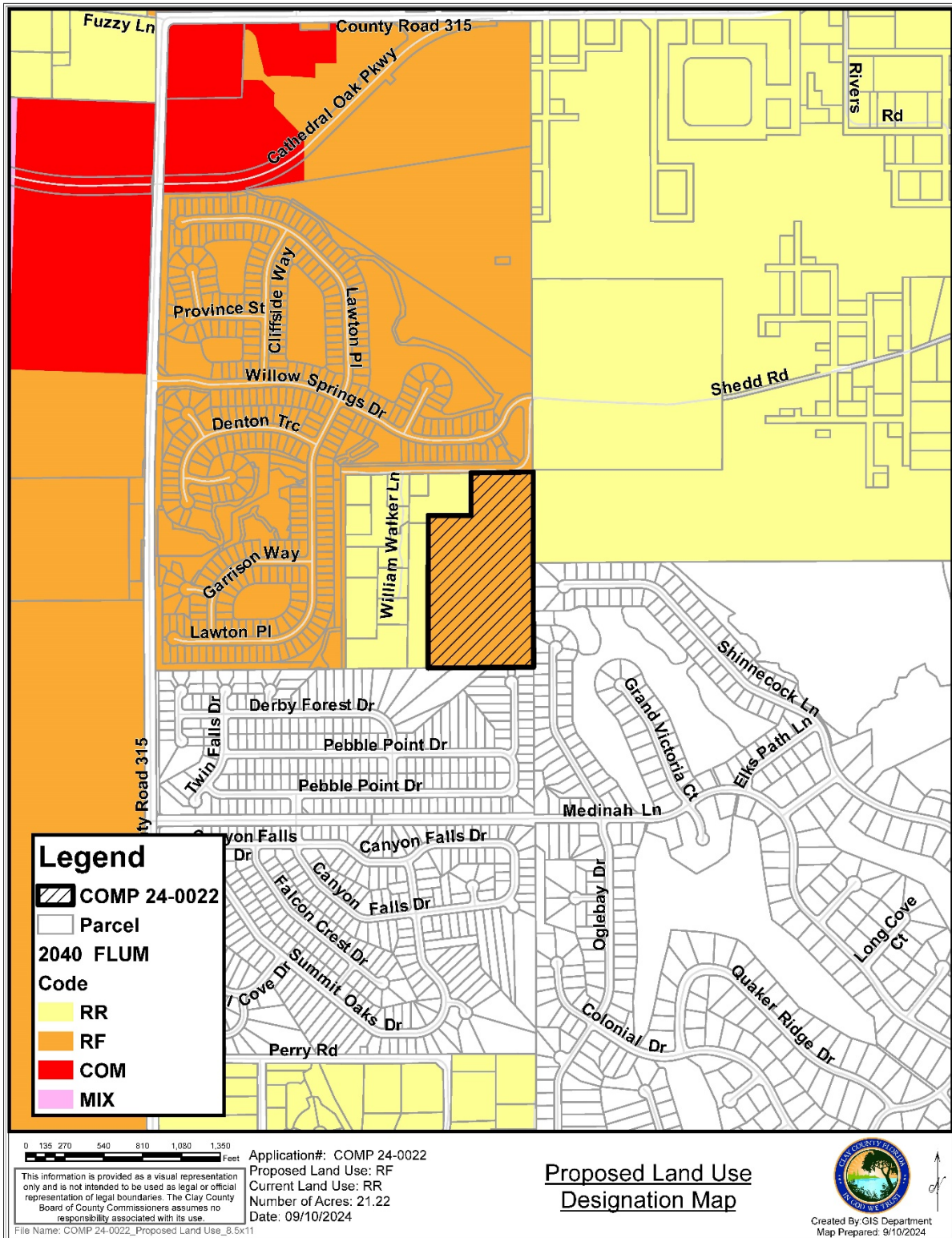
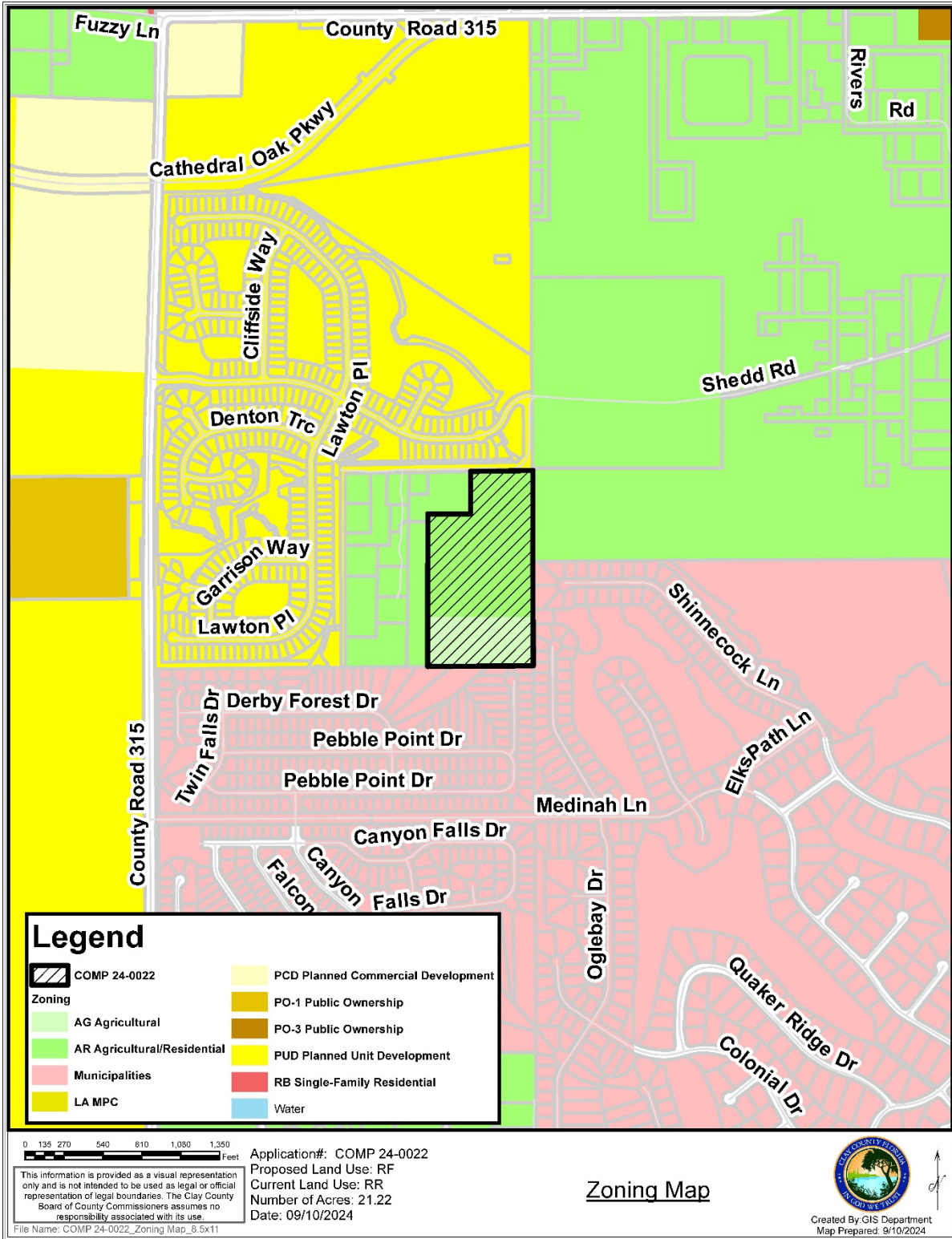


Figure 6 – Zoning Map



36 **Availability of Services**

37 **Traffic Facilities:**

38 The County's Mobility Fee will apply to development of this property.

39 **Schools:**

40 The project will need to meet school concurrency requirements for this project.

41

42 **Recreation:**

43 Recreation amenities will be provided on-site for the residents.

44

45 **Water and Wastewater:**

46 Water and sewer tie-ins are both available along Willow Springs Drive for future construction.

47

48 **Stormwater/Drainage:**

49 Stormwater management for any new construction will need to meet County and Water Management District
50 standards.

51 **Solid Waste:**

52 Clay County has existing solid waste capacity to service to the area.

	Solid Waste	Units
Total Permitted Airspace	67,675,940	Cubic Yards
Available Airspace as of 1/10/2023	2,898,560	Cubic Yards
Future Airspace Available	47,559,070	Cubic Yards
Density	1.15	Ton per Cubic Yard
Total Available	54,692,930	Tons
Average Monthly	89,857	Tons
Site Life	584	Months
	48.7	Years

53 Source: Clay County Environmental Services Division, 9/23.

54

55 **Land Suitability:**

56

57 **Soils:**

58 See Figure 7.

59 **Flood Plain:**

60 No wetlands are recorded on the parcel. Development impacts within any floodplain area on the subject parcel
61 will be required to be mitigated. See Figure 8.

62 **Topography:**

63 The subject parcel has roughly twenty feet of slope in an “L” shape from a high along the southern and western
64 sides of the parcel to a low along the eastern parcel boundary line. See Figure 9.

65 **Regionally Significant Habitat:**

66 There have been two black bear sightings in the Magnolia Point Golf and Country Club community to the
67 southeast of the subject parcel. See Figure 10.

68 **Historic Resources:**

69 There are no historic resource structures on the subject parcel although historic structure locations have been
70 mapped to the northeast and southeast of the subject parcel. See Figure 11.

71 **Compatibility with Military Installations:**

72 The subject property is not located near Camp Blanding.

73

Figure 7 – Soil Map

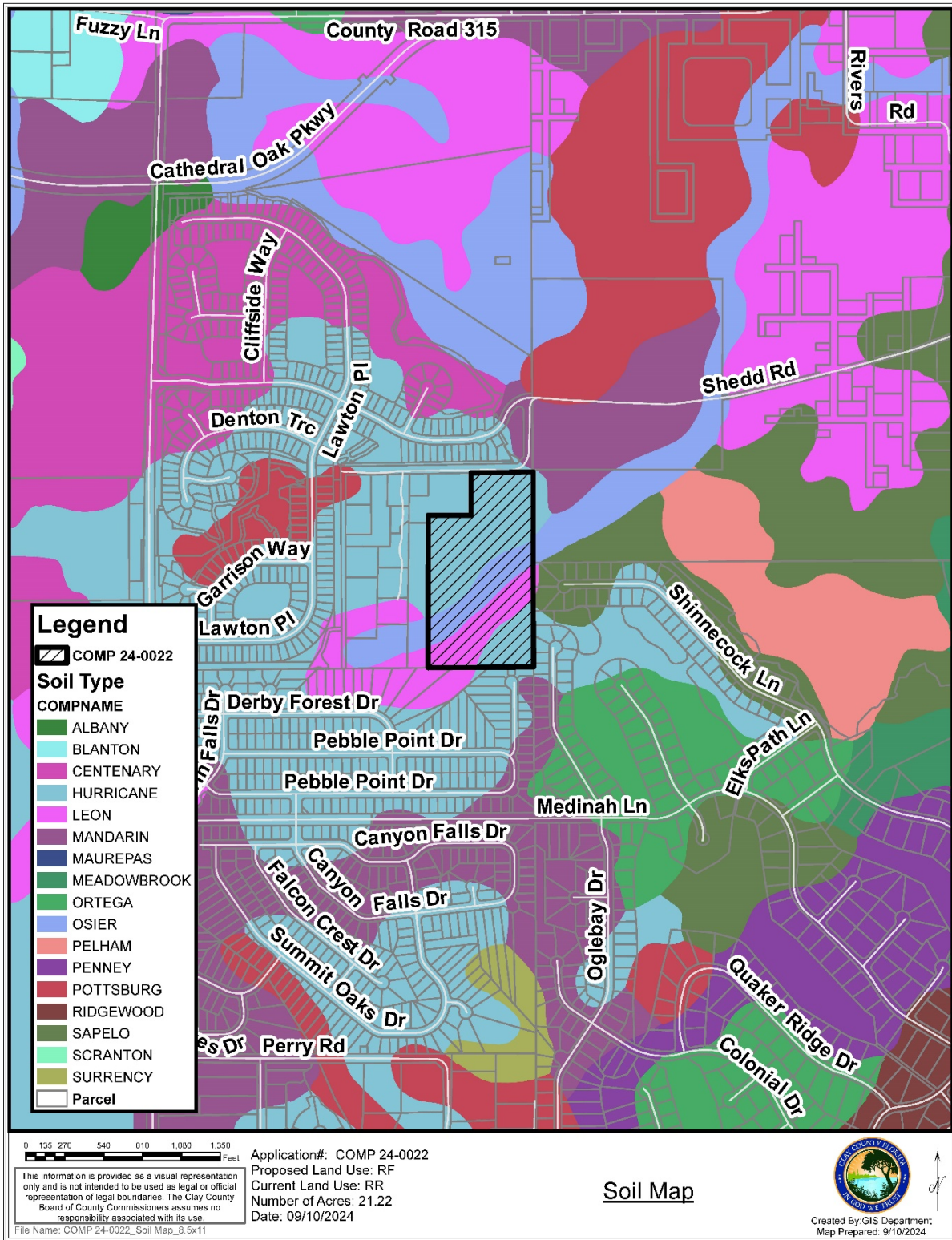


Figure 8 – Flood Zone Map

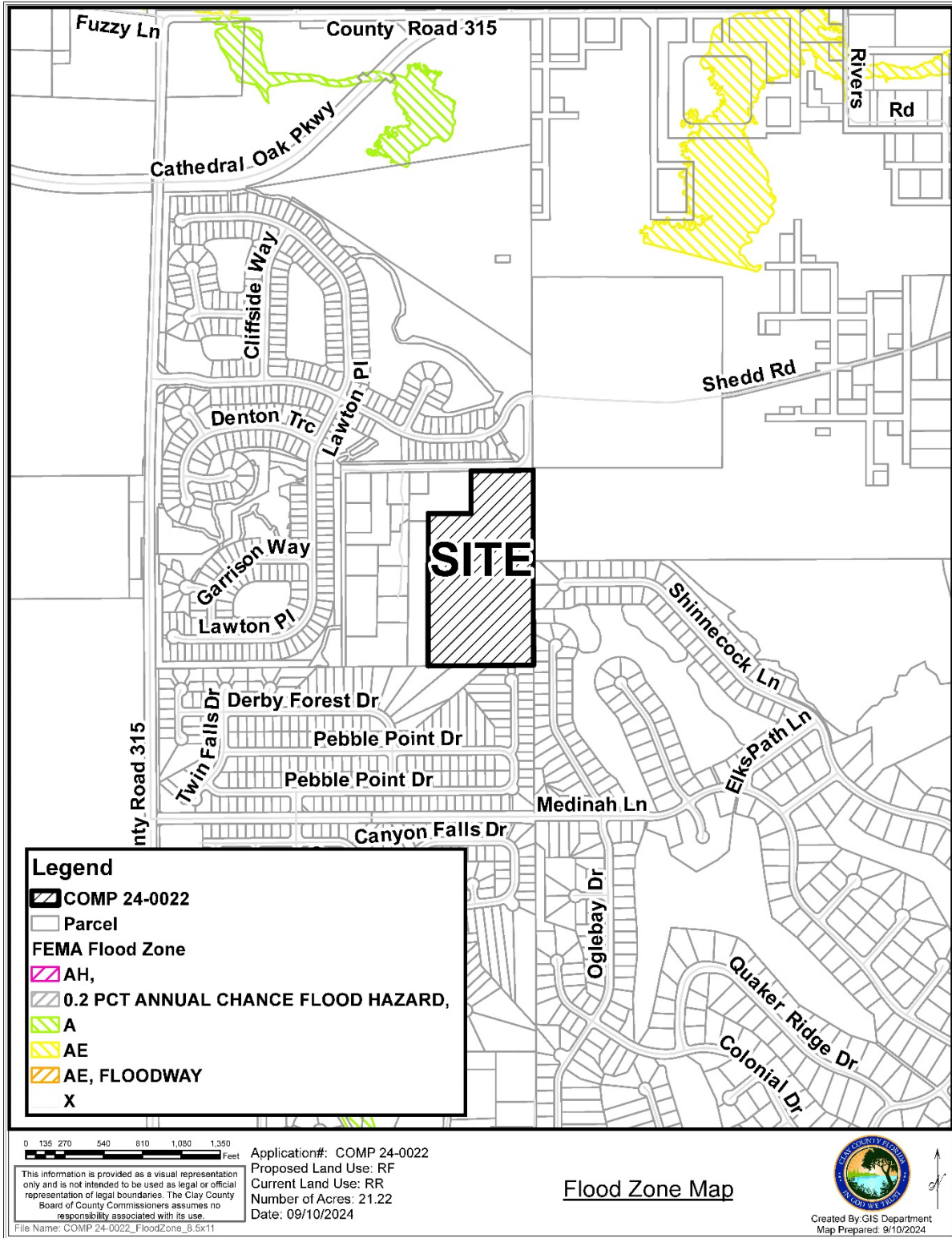


Figure 9 – Topography Map

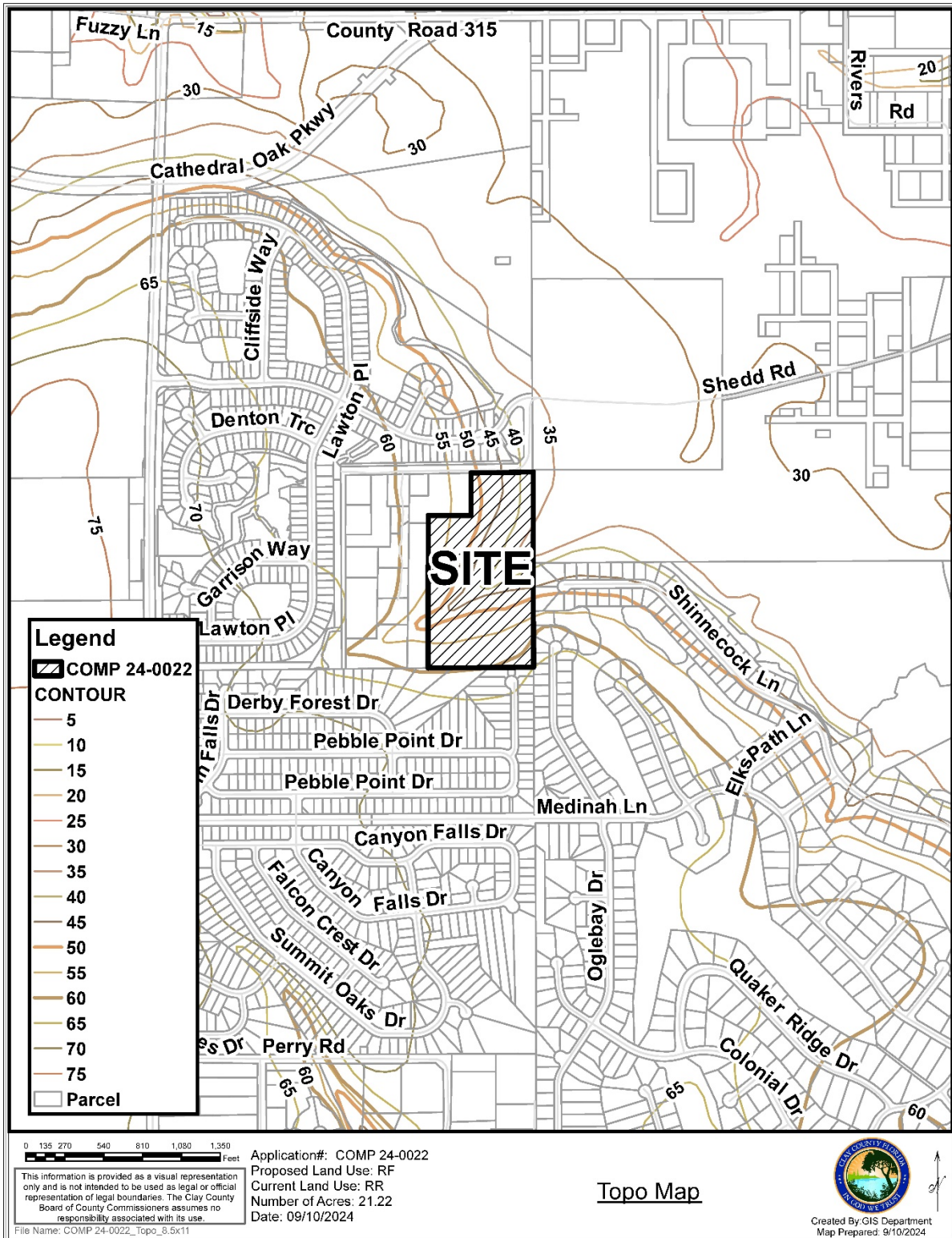


Figure 10 – Habitat Value Map

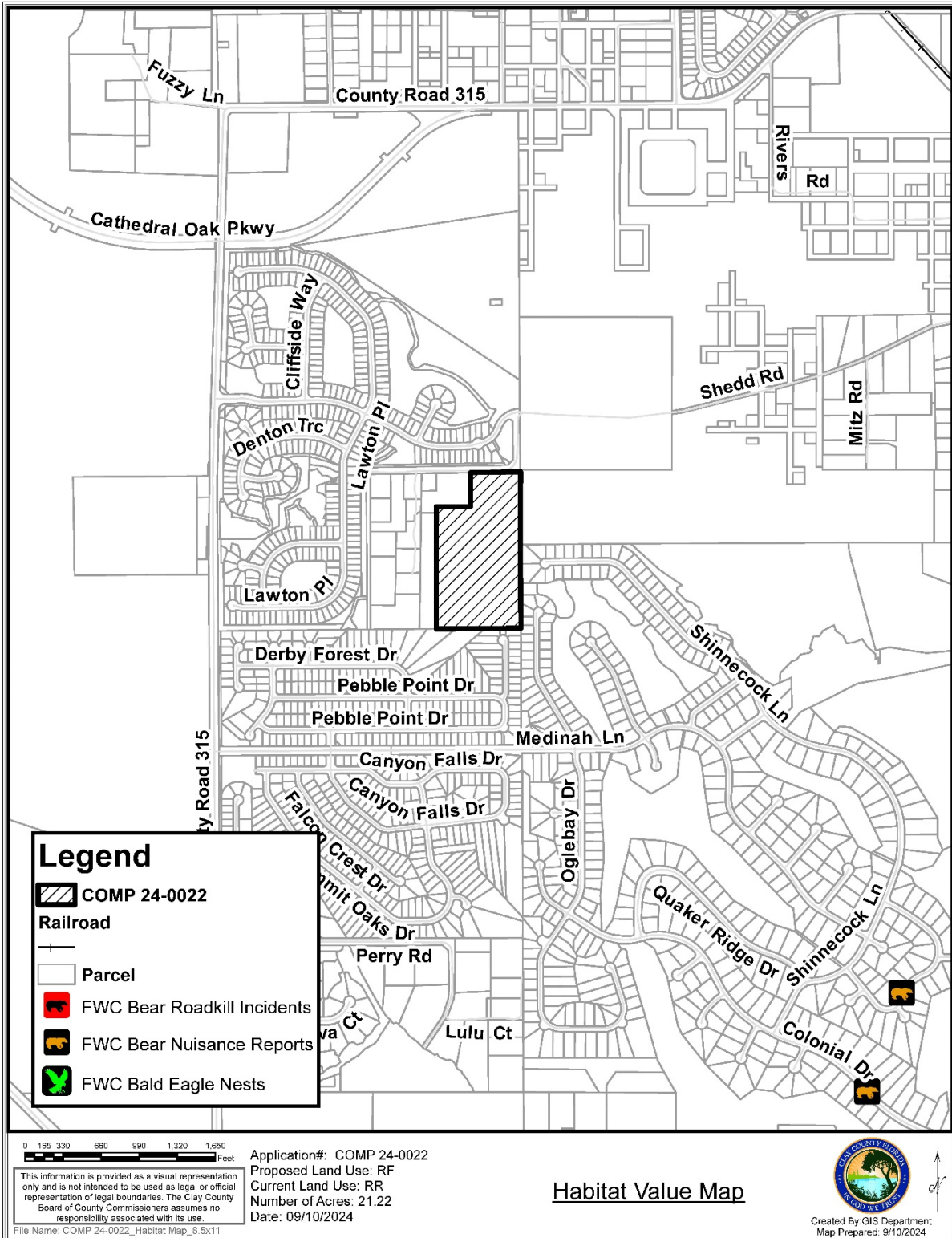
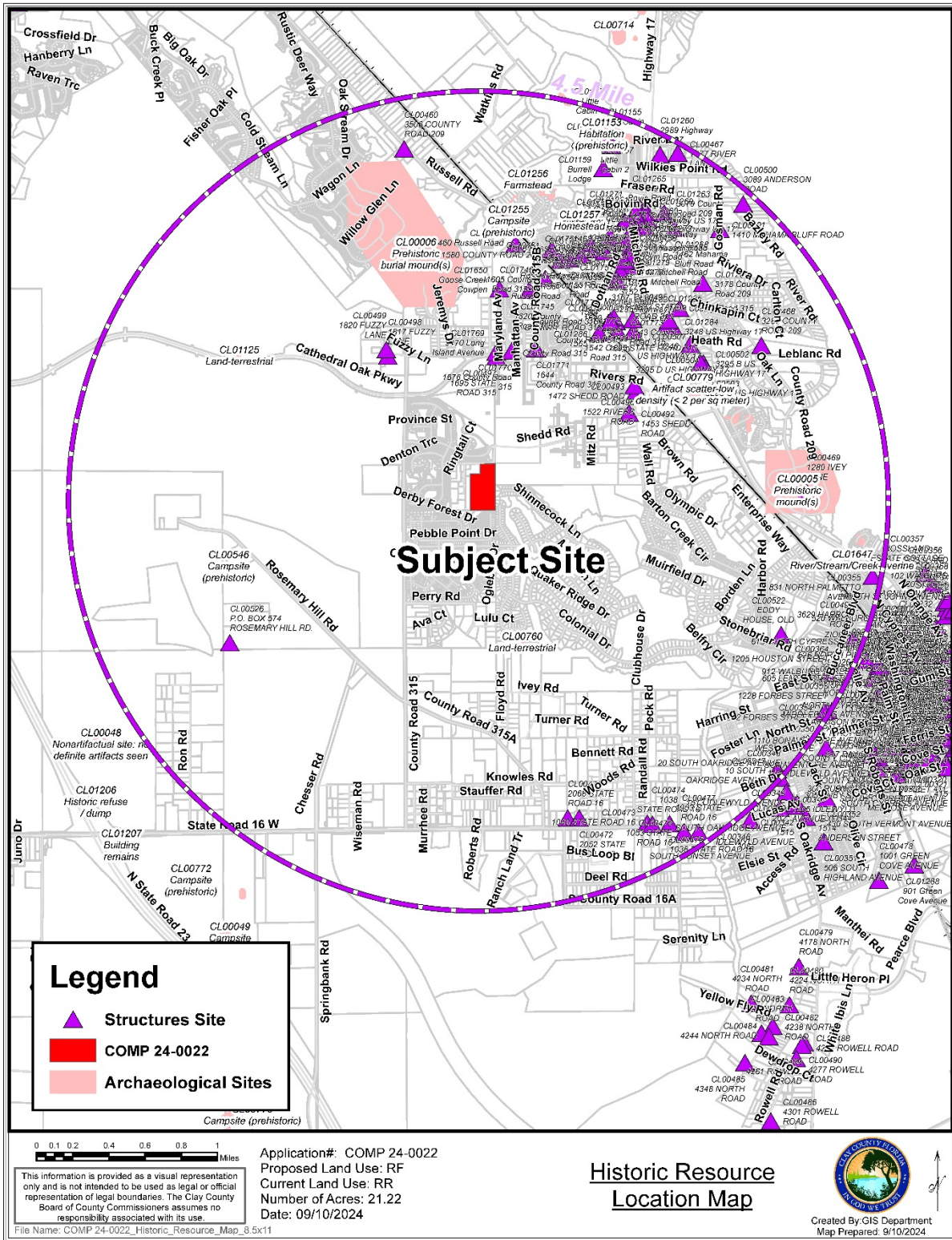


Figure 11 - Historical Resources



84 **Relevant Clay County 2040 Comprehensive Plan Policies**

85 The following are the existing and proposed Future Land Use designations applicable to this parcel:

86 FLU Policy 1.4.1.3 Rural Residential (RR)

87 These areas will serve as a transition between areas with planned urban services,
88 agriculture/residential areas, and environmentally sensitive areas. The new growth in these areas may
89 include central sewer or water systems or other urban level public services if feasible. Rural residential
90 areas will provide a low density residential character.

91 Designation of these areas on the Future Land Use Map is based on recognizing a number of existing
92 and future development factors. These include areas with soil conditions suitable for individual wells
93 and septic systems; existing rural subdivisions with little or no infrastructure improvements,
94 including unpaved roads; small farm or recreational and low intensity institutional uses; and areas
95 which are in close proximity to but outside of, planned urban services and are not anticipated to
96 develop at an intensity to require significant urban services within the planning period.

97 Allowable residential density under this category shall be one dwelling unit per 5 net acres.
98 Implementation of this land use designation shall occur in accordance with the Land Development
99 Regulations. Some locations in Rural Residential may qualify for a density of one unit per acre, but
100 only if the requirements of tract size, clustering and points in Future Land Use Objective 1.4 and its
101 policies are met.

102 FLU Policy 1.4.1.5 Rural Fringe (RF)

103 This designation is reserved for land accessible to existing Urban Services and located in the areas
104 where extension of central water and (where applicable) sewer service can be easily provided.
105 Densities in this area shall be a maximum of three units per net acre and a minimum of one unit per
106 net acre. This density category is almost exclusively characterized by single-family detached housing
107 units but may also include two and three family residential developments.

108 A maximum density of 7 units per net acre may be allowed within the Rural Fringe designation on
109 the Future Land Use Map for the provision of housing for the elderly or handicapped and housing
110 for very low, low income and moderate income households. Location shall be based on need and
111 criteria assessing proximity to the following: employment, mass transit, health care, parks,
112 commercial services, and central utility services, as detailed in the Housing Element and land
113 development regulations.

114

115 Analysis Regarding Urban Sprawl

116 It is the intent of Clay County to discourage the proliferation of Urban Sprawl. As required by FS 163.3177,
117 all proposed comprehensive plan amendments are to be analyzed to ensure that urban sprawl and its negative
118 impacts are not promoted.

119 1. *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as*
120 *low-intensity, low-density, or single-use development or uses.*

121 Staff Finding: The proposed future land use change would increase the allowable density of the subject
122 parcel.

123 2. *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at*
124 *substantial distances from existing urban areas while not using undeveloped lands that are available*
125 *and suitable for development.*

126 Staff Finding: The subject property is located in an area of increasing urban development within the Urban
127 Service boundary.

128 3. *Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns*
129 *generally emanating from existing urban developments.*

130 Staff Finding: The proposed amendment does not promote a radial, strip, isolated or ribbon pattern of
131 development.

132 4. *Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native*
133 *vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers,*
134 *shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

135 Staff Finding: The property has large open areas cleared as pasture land and the current maps show no
136 significant natural systems existing on the parcel. Future development of the subject parcel
137 will be required to ensure no that natural systems are negatively impacted by the
138 development.

139 5. *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active*
140 *agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime*
141 *farmlands and soils.*

142 Staff Finding: There are no adjacent agricultural areas or activities.

143 6. *Fails to maximize use of existing public facilities and services.*

144 Staff Finding: There are existing public facilities and services available in the area which will serve this
145 project.

146 7. *Fails to maximize use of future public facilities and services.*

147 Staff Finding: The Cathedral Oaks roadway connection between the First Coast Expressway and US 17 has
148 spurred a number of development projects in the immediate area. Future development of the
149 subject parcels will be required to provide any additional infrastructure necessary to serve the
150 proposed project.

151 8. *Allows for land use patterns or timing which disproportionately increase the cost in time, money, and
152 energy of providing and maintaining facilities and services, including roads, potable water, sanitary
153 sewer, stormwater management, law enforcement, education, health care, fire and emergency
154 response, and general government.*

155 Staff Finding: Development of the proposed project will require improvements to Shedd Road from the
156 subject parcel to the existing pavement limit at the connection of Willow Springs and Shedd
157 Road.

158 9. *Fails to provide a clear separation between rural and urban uses.*

159 Staff Finding: The property is surrounded on three sides by existing suburban development.

160 10. *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and
161 communities.*

162 Staff Finding: The proposed amendment is for a redevelopment project.

163 11. *Fails to encourage a functional mix of uses.*

164 Staff Finding: The subject parcel is not located in an area suitable for a mixed-use development due to the
165 dirt road composition of most of Shedd Road.

166 12. *Results in poor accessibility among linked or related land uses.*

167 Staff Finding: The proposed change will not affect accessibility among related land uses.

168 13. *Results in the loss of significant amounts of functional open space.*

169 Staff Finding: The proposed amendment will not result in a loss of functional open space.

170

171 **Analysis of Surrounding Uses**

172 The proposed amendment would change the Future Land Use designation of the subject parcel from Rural
 173 Residential (RR) to Rural Fringe (RF). This change would be in keeping with the evolving character of the
 174 surrounding districts as shown in the table below:

	Future Land Use	Zoning District
North	Rural Residential (RR) and Rural Fringe (RF)	Planned Unit Development (PUD) and Agricultural Residential (AR)
South	<i>“Neighborhood” Green Cove Springs</i>	<i>“PUD” Green Cove Springs</i>
East	Rural Residential (RR) and <i>“Neighborhood” Green Cove Springs</i>	Agricultural Residential (AR) and <i>“PUD” Green Cove Springs</i>
West	Rural Fringe (RF)	Planned Unit Development (PUD)

175
 176 The City of Green Cove Springs designates the land to the south (The Preserve at Magnolia West) and to the
 177 east (the Magnolia Point Golf and Country Club) of the subject parcel as a “Neighborhood” future land use
 178 category which allows up to 12 units per acre. In comparison, the County’s RF (Rural Fringe) future land use
 179 category allows up to 3 units per net acre, unless the project is dedicated to low and moderate income or
 180 elderly or handicapped housing in which case the density may go up to seven units per net acre.

181 The City’s zoning district category for those lands is PUD (Planned Unit Development). The Preserve at
 182 Magnolia West project has 221 single-family homes on 60 acres which equates to 3.68 units/acre. In
 183 comparison, the proposed project would have a density of just 2.73 units/acre.

184
 185 **Recommendation**

186 Staff recommends approval of COMP 24-0022.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING THE CLAY COUNTY 2040 COMPREHENSIVE PLAN INITIALLY ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, UNDER ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, IN ORDER TO AMEND THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF A SINGLE PARCEL OF LAND (TAX PARCEL IDENTIFICATION # 05-06-26-015238-000-00), TOTALING APPROXIMATELY 21.22 ACRES, FROM RURAL RESIDENTIAL (RR) TO RURAL FRINGE (RF); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”); and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto and provides that Section 163.3187, Florida Statutes, may be followed for plan amendments qualifying as small-scale development; and,

WHEREAS, Application COMP 24-0022, submitted by Affluent Funding, Inc., requests an amendment to the Plan; and,

WHEREAS, the Board desires to amend the Plan as provided for below.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Clay County Ordinance No. 2018-31, as amended, is amended as provided in Section 2 hereof.

Section 2. The adopted Future Land Use Map of the Plan is hereby amended such that the Future Land Use designation for a single parcel of land (tax parcel identification # 05-06-26-015238-000-00), totaling approximately 21.22 acres, described in Exhibit “A-1”, and depicted in Exhibit “A-2” is hereby changed from RURAL RESIDENTIAL (RR) to RURAL FRINGE (RF).

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. The effective date of this Plan amendment shall be 31 days after adoption unless the amendment is challenged pursuant to 163.3187, Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Commerce or the Administration Commission finding the amendment in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Its Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

EXHIBIT "A-1"

A parcel of land situated in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 5, Township 6 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Begin at the northeast corner of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence on the north line thereof, South 89 degrees 33 minutes 35 seconds West, 449.46 feet; thence South 00 degrees 16 minutes 05 seconds East, 293.86 feet; thence South 89 degrees 04 minutes 13 seconds West, 300.10 feet; thence South 00 degrees 21 minutes 30 seconds East, 1054.24 feet to the south line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence on said south line, North 89 degrees 36 minutes 14 seconds East, 748.21 feet to the east line thereof; thence on said east line, North 00 degrees 16 minutes 55 seconds West, 1351.24 feet to the point of beginning; being 21.20 acres, more or less, in area.

Being the same lands described in Official Records Book 4614, page 1922 of the public records of said county.

EXHIBIT "A-2"

MAP SHOWING BOUNDARY SURVEY OF

A parcel of land situated in the Northeast 1/4 of the Northwest 1/4 of Section 5, Township 6 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:
 Begin at the northeast corner of said Northeast 1/4 of the Northwest 1/4; thence on the north line thereof, South 89 degrees 33 minutes 35 seconds West, 449.46 feet; thence South 00 degrees 16 minutes 05 seconds East, 293.86 feet; thence South 89 degrees 04 minutes 13 seconds West, 300.10 feet; thence South 00 degrees 21 minutes 30 seconds East, 1054.24 feet to the south line of said Northeast 1/4 of the Northwest 1/4; thence on said south line, North 89 degrees 36 minutes 14 seconds East, 748.21 feet to the east line thereof; thence on said east line, North 00 degrees 16 minutes 55 seconds West, 1351.24 feet to the point of beginning; being 21.20 acres, more or less, in area.

Being the same lands described in Official Records Book 4614, page 1922 of the public records of said county.

Certified to: Affluent Funding, Inc.

Scale 1" = 100'

Date of survey: August 24, 2024

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

Harold T. Eiland
 Harold T. Eiland
 License No. LS 2516

Eiland & Associates, Inc.
 Professional Surveyors & Mappers
 Certificate of Authorization No. LB 1361
 615 Blanding Boulevard
 Orange Park, Florida 32073
 Telephone 904-272-1000

ABBREVIATIONS

AC Air Conditioner
 BRL Building Restriction Line
 FM Field Measurements
 IP Iron Pipe

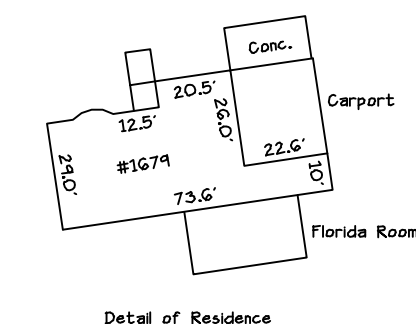
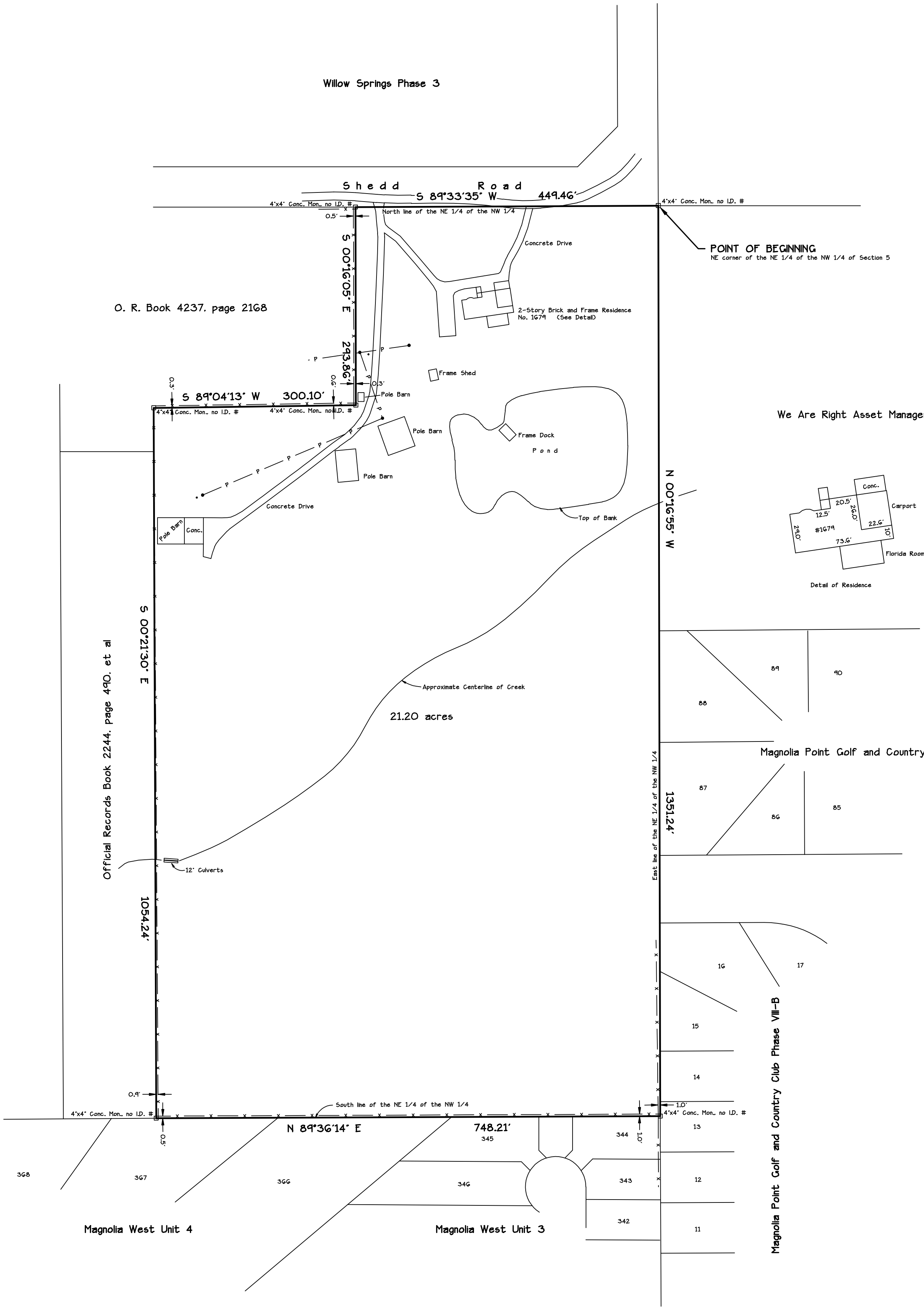
LEGEND

Found 4"x4" Concrete Monument
 Found Iron Pipe (as noted)
 Set 1/2" Iron Pipe (LB 1361)
 Fence
 Powerline/Pole and Anchor
 Telephone Line
 Cable TV Line
 Concrete Air Conditioner Pad
 Concrete Elec. Transformer Pad

Note: examined the Federal Emergency Management Agency Flood Insurance Rate Map dated March 17, 2014, and find that the property is situated in Flood Zone "X".

GENERAL NOTES

- Bearings shown hereon are based on the record bearing of N 00°16'55" E for the east line of the NE 1/4 of the NW 1/4 of Section 5, Township 6 South, Range 26 East.
- This survey was based on documents provided and was not abstracted for easements, covenants or restrictions, title, overlaps, or other matters of record, or matters unrecorded by this surveyor.
- Underground utilities serving or crossing this property have not been located or shown.
- Easements shown hereon are for drainage and utilities unless noted otherwise.
- This survey depicts visible improvements only; no underground improvements or footings were located.



CLand Project: 2009AS Job#45120 Survey: 4/29/2024 8:20:05 AM DWG TO PDF.dwg



1 **Staff Report and Recommendations for PUD 24-0007**

2

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

5

6 **Owner / Applicant Information:**

Owner: Affluent Funding, Inc. **Address:** PO Box 476
Thomas Roth, CEO Jupiter, FL 33468
Agent: Susan Fraser (SLF Consulting, Inc.)
Phone: 904-591-8942
Email: slfraser@bellsouth.net

7

8 **Property Information**

Parcel ID: 05-06-26-015238-000-00 **Address:** 1679 Shedd Road
Current Zoning: Agriculture (AG) and Agricultural Residential (AR) **Current Land Use:** Rural Residential (RR)
Proposed Zoning: Planned Unit Development (PUD) **Acres:** 21.22 +/-
Commission District: 5, Comm. Burke **Planning District:** Springs

9

10 **Introduction:**

11 This application is a rezoning of the subject parcel, totaling 21.22 acres, from Agriculture (AG) and
12 Agricultural Residential (AR) to Planned Unit Development (PUD). The applicant desires to construct a
13 single-family residential subdivision of 58 homes at a density of 2.73 units/acre under the proposed Rural
14 Fringe (RF) Future Land Use designation.

15

16 The subject parcel is located on the south side of Shedd Road just to the east of the intersection with Willow
17 Springs Drive. The parcel has an existing single-family home, a mobile home and a barn.

18

19 A companion Comprehensive Plan Amendment application to change the Future Land Use from Rural
20 Residential (RR) to Rural Fringe (RF) preceded this rezoning application.

21

Figure 1 – Parcel Map

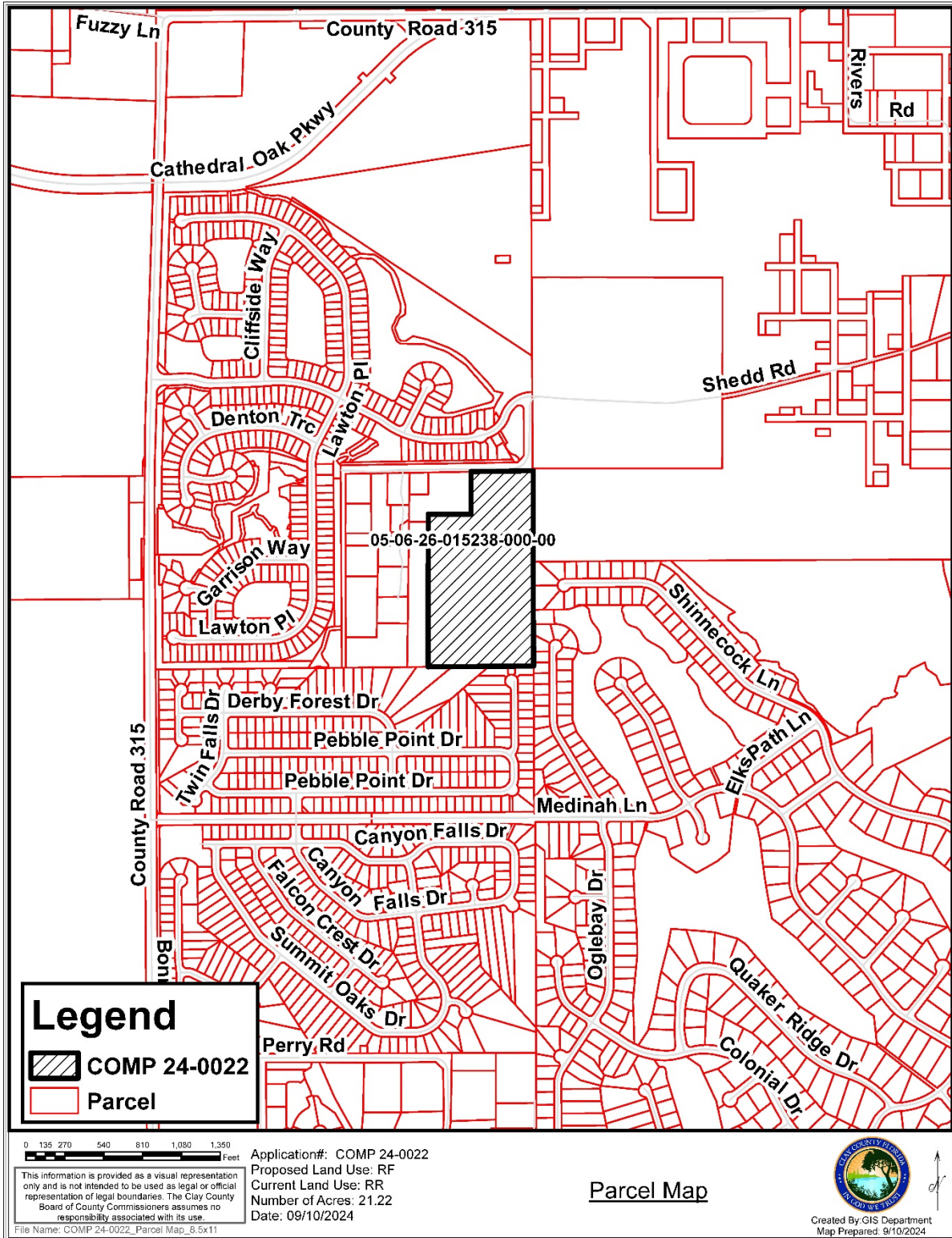
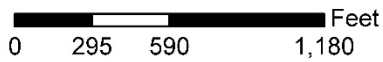
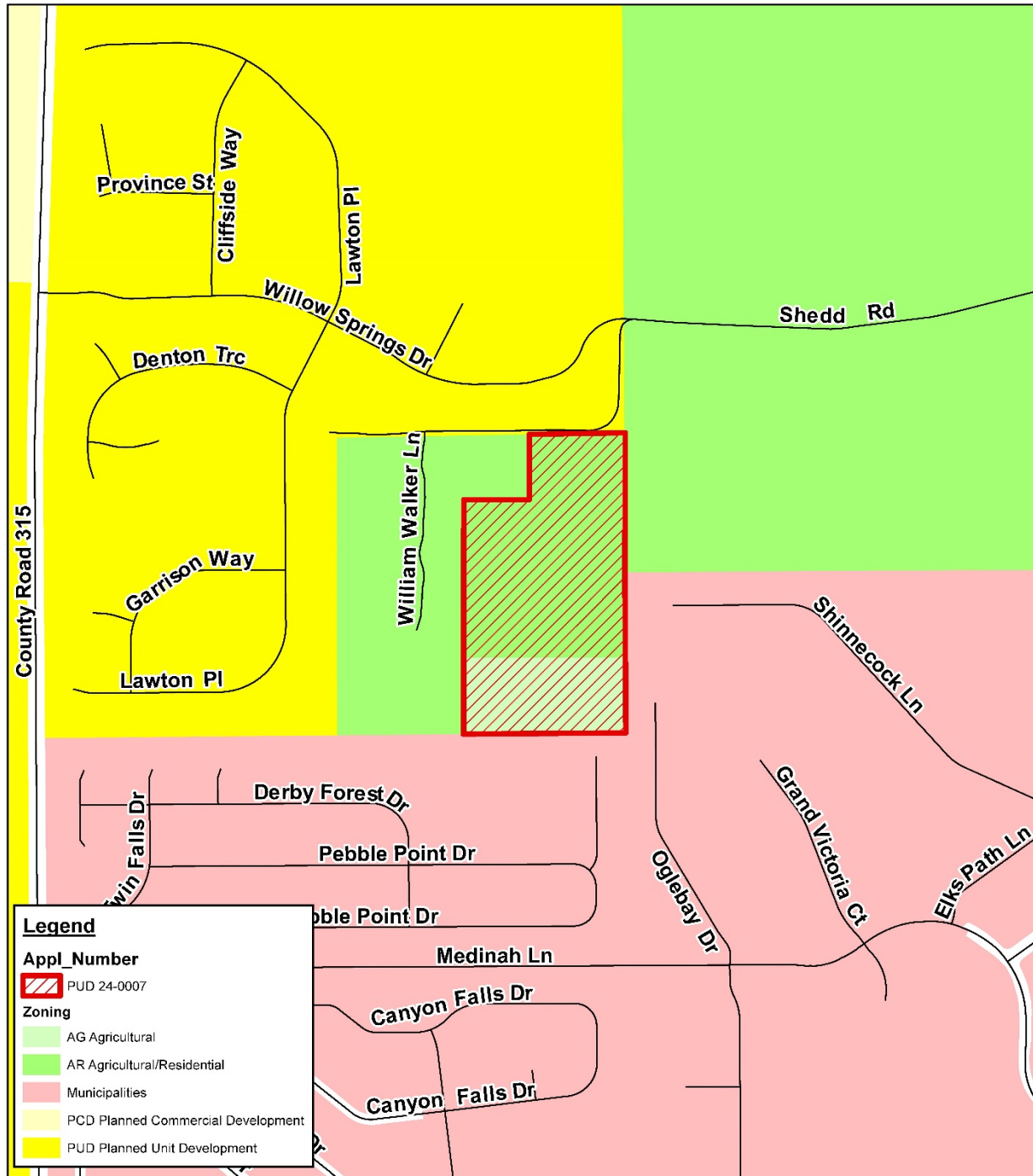


Figure 2 – Aerial Photo



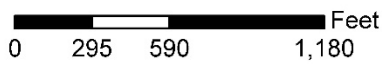
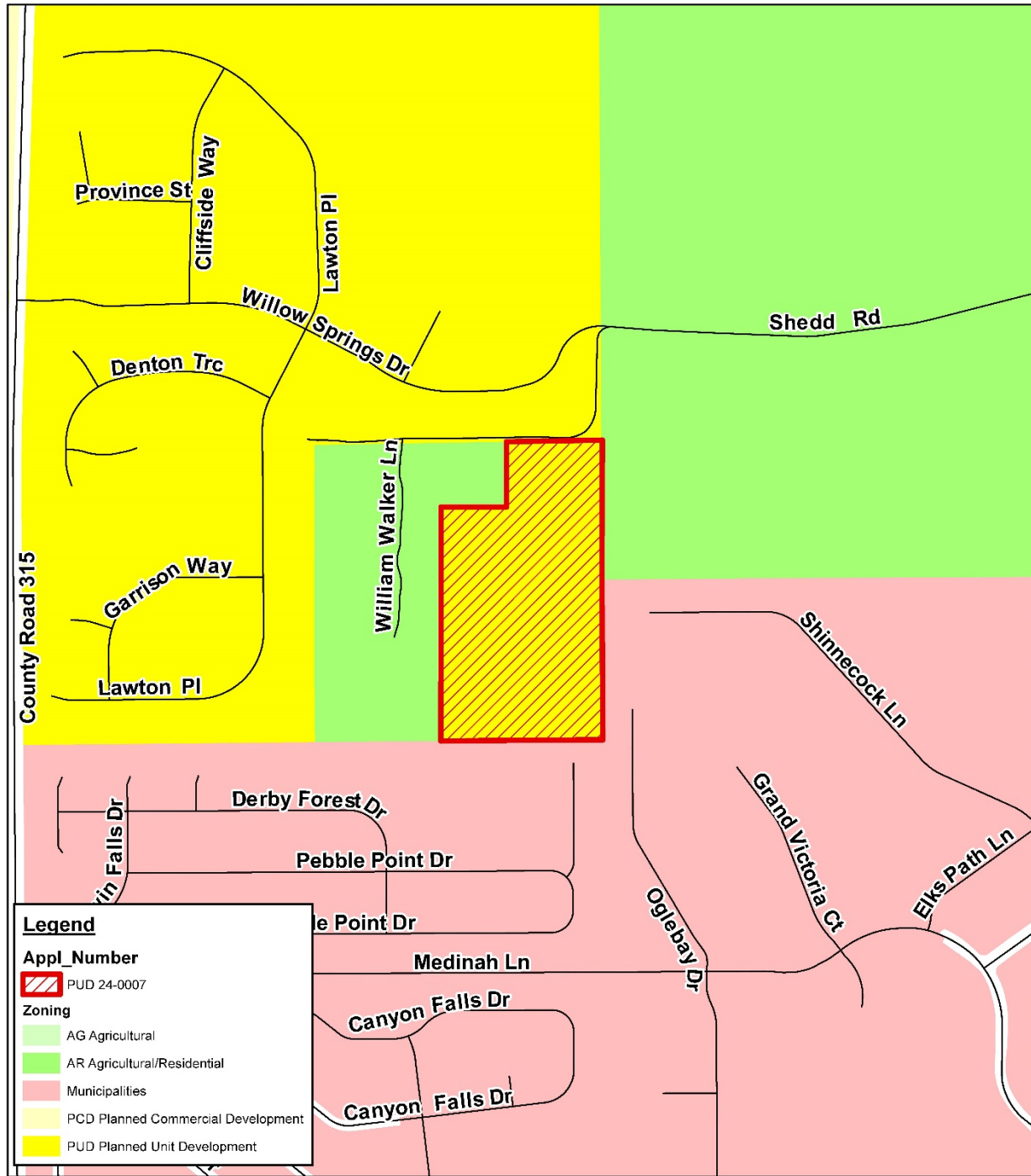
Figure 3 – Existing Zoning Map



**Existing Zoning
Rezoning: PUD 24-0007
from AR and AG to PUD**



Figure 4 – Proposed Zoning Map



**Proposed Zoning
Rezoning: PUD 24-0007
from AR and AG to PUD**



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Relevant Clay County 2040 Comprehensive Plan Policies

The following are the existing and proposed Future Land Use designations applicable to this parcel:

FLU Policy 1.4.1.3 Rural Residential (RR)

These areas will serve as a transition between areas with planned urban services, agriculture/residential areas, and environmentally sensitive areas. The new growth in these areas may include central sewer or water systems or other urban level public services if feasible. Rural residential areas will provide a low density residential character.

Designation of these areas on the Future Land Use Map is based on recognizing a number of existing and future development factors. These include areas with soil conditions suitable for individual wells and septic systems; existing rural subdivisions with little or no infrastructure improvements, including unpaved roads; small farm or recreational and low intensity institutional uses; and areas which are in close proximity to but outside of, planned urban services and are not anticipated to develop at an intensity to require significant urban services within the planning period.

Allowable residential density under this category shall be one dwelling unit per 5 net acres. Implementation of this land use designation shall occur in accordance with the Land Development Regulations. Some locations in Rural Residential may qualify for a density of one unit per acre, but only if the requirements of tract size, clustering and points in Future Land Use Objective 1.4 and its policies are met.

FLU Policy 1.4.1.5 Rural Fringe (RF)

This designation is reserved for land accessible to existing Urban Services and located in the areas where extension of central water and (where applicable) sewer service can be easily provided. Densities in this area shall be a maximum of three units per net acre and a minimum of one unit per net acre. This density category is almost exclusively characterized by single-family detached housing units but may also include two and three family residential developments.

A maximum density of 7 units per net acre may be allowed within the Rural Fringe designation on the Future Land Use Map for the provision of housing for the elderly or handicapped and housing for very low, low income and moderate income households. Location shall be based on need and criteria assessing proximity to the following: employment, mass transit, health care, parks, commercial services, and central utility services, as detailed in the Housing Element and land development regulations.

62 **Analysis of Proposed Rezoning Amendment**

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

65
66 (a) Whether the proposed change will create an isolated district unrelated to or incompatible with
67 adjacent and nearby districts;

68 Staff Finding: The adjacent parcels to the north, south and half of those to the east are already zoned as
69 PUD with similar densities. The adjacent parcels to the west are zoned AR and are developed with single-
70 family homes at a lower density and are surrounded themselves with these same PUD properties. The
71 proposed change will not be incompatible with the adjacent and nearby districts.

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

74 Staff Finding: The existing district boundaries are not illogically drawn. They reflect the former use of the
75 property as a single-family residence with pastures.

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

78 Staff Finding: This area is changing in response to the construction of the Cathedral Oaks Parkway
79 connection at CR 315 and the increased demand for new single-family subdivisions.

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

81 Staff Finding: The residentially zoned portion of the property could continue to be used as a single-family
82 home.

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

85 Staff Finding: The proposed rezoning is compatible with the Comprehensive Plan as it reduces urban
86 sprawl by providing redevelopment in close proximity to a major transportation corridor.

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

89 Staff Finding: There is no public purpose served by maintaining the existing split zoning.

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

92 Staff Finding: Maintaining the split zoning is not a reasonable course in this location as it hinders the full
93 use of the parcel.

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

96 Staff Finding: There is a high demand for single-family residential development in this area of the County.

97

98 Analysis of Proposed PUD Regulations

99 Staff has reviewed the Written Statement for the Spring Hill subdivision and provides for reference the
100 following list of regulations applicable to this PUD development:

- 101 • PUD minimum lot size = 6,000 sq.ft.
- 102 • PUD minimum lot width = 50 feet (4 lots) and 55 feet + (53 lots)
- 103 • PUD minimum front setback = 20 feet (building) and 25 feet (garage)
- 104 • PUD minimum side setback = 7.5 feet
- 105 • PUD corner lot setback = 20 feet
- 106 • PUD minimum rear setback = 10 feet
- 107 • PUD max lot coverage = 40%

108 A PUD is intended to result in a development project which provides a public benefit or a higher standard of
109 development than is required under the regular land development regulations in exchange for a reduction of
110 some of the regular land development regulations. To this end the project proposes the following:

111 Required min. open space = 10% of the acreage (2.12 acres)

112 PUD provides = 18% (3.8 acres)

113 Required min. recreation space = 4% of the 10% (0.09 acres)

114 PUD provides = 10% (2.12 acres)

115 Perimeter buffer (not required in the PUD code)

116 PUD provides = 20 foot along south and east sides and a 30 foot buffer along the William Walker Lane
117 community to the west

118 Phasing: The development will occur in one phase. The issuance of a certificate of occupancy for a
119 residential unit shall be conditioned upon the opening of Cathedral Oak Parkway to travel between US 17
120 and the First Coast Expressway.

121 Enhanced Landscaping: The internal street within the Spring Hill subdivision will have tree plantings
122 throughout. In addition, the walking trail linking both ends of the central park space will have tree plantings

123 along the length of the path, with the exception of the segments running between housing lots on the east and
124 west ends.

125 Support to close Shedd Road east of Willow Springs Drive:

126 The applicant will coordinate and secure approval of an easement between the Clay County Utility
127 Authority and the Willow Springs HOA to permit the construction of a 20' wide drive to serve as a second
128 means of access for the Willow Springs Subdivision pursuant to the Florida Fire Code.

129 The Applicant will be responsible for permitting and constructing modifications to the existing water
130 main which is required by the CCUA to permit the construction of a second means of access over the
131 existing water main. The Applicant will be responsible for designing, permitting and constructing a
132 second means of access that meets the Florida Fire Code in one of two potential locations between the
133 west end of Lawton Place and CR 315; either within Tract UT-1 or Tract UT-2, both owned by the CCUA,
134 and over Tract B-2 owned by the Willow Springs HOA.

135 The Applicant will construct a fire access gate securing the second means of access from vehicular access
136 by other than emergency vehicles. If the second means of access is located within Tract UT-1, the fire
137 access gate will be designed to maintain the Safe Routes to School (pedestrian) access currently located
138 within Tracts UT-1 and B-2.

139 **Analysis of Surrounding Uses**

140 The proposed rezoning amendment would change a single parcel of land from Agriculture (AG) and
141 Agricultural Residential (AR) to Planned Unit Development (PUD). This change would be in keeping with
142 the evolving character of the surrounding districts as shown in the table below:

	Future Land Use	Zoning District
North	Rural Residential (RR) and Rural Fringe (RF)	Planned Unit Development (PUD) and Agricultural Residential (AR)
South	<i>“Neighborhood” Green Cove Springs</i>	<i>“PUD” Green Cove Springs</i>
East	Rural Residential (RR) and <i>“Neighborhood” Green Cove Springs</i>	Agricultural Residential (AR) and <i>“PUD” Green Cove Springs</i>
West	Rural Fringe (RF)	Planned Unit Development (PUD)

143

144 The City of Green Cove Springs designates the land to the south (The Preserve at Magnolia West) and to the
145 east (the Magnolia Point Golf and Country Club) of the subject parcel as a “Neighborhood” future land use
146 category which allows up to 12 units per acre. In comparison, the County’s RF (Rural Fringe) future land use

147 category allows up to 3 units per net acre, unless the project is dedicated to low and moderate income or
148 elderly or handicapped housing in which case the density may go up to seven units per net acre.

149 The City's zoning district category for those lands is PUD (Planned Unit Development). The Preserve at
150 Magnolia West project has 221 single-family homes on 60 acres which equates to 3.68 units/acre. In
151 comparison, the proposed project would have a density of just 2.73 units/acre.

152

153 **Recommendation**

154 Staff recommends approval of PUD 24-0007.

155

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PURSUANT TO ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED PURSUANT TO ORDINANCE 93-16, AS AMENDED, PROVIDING FOR THE REZONING OF A SINGLE PARCEL OF LAND (TAX PARCEL IDENTIFICATION # 05-06-26-015238-000-00), TOTALING APPROXIMATELY 21.22 ACRES, FROM ITS PRESENT ZONING CLASSIFICATIONS OF AGRICULTURAL (AG) AND AGRICULTURAL/RESIDENTIAL (AR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Application PUD 24-0007, submitted by Affluent Funding, Inc., seeks to rezone certain real property totaling 21.22 acres (tax parcel identification # 05-06-26-015238-000-00) (the Property) described in Exhibit “A-1”, and depicted in Exhibit “A-2”.

Section 2. The Board of County Commissioners approves the rezoning request. The zoning of the Property is hereby changed from the present zoning classifications of Agricultural (AG) and Agricultural/Residential (AR) to Planned Unit Development (PUD), subject to the conditions outlined in the PUD Written Statement, attached hereto as Exhibit “B”, and as set forth in the site plan attached hereto as Exhibit “C”.

Section 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

Section 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

Section 5. This Ordinance shall become effective upon the Ordinance adopting the comprehensive plan amendment requested in Application COMP 24-0022 becoming effective.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, -Its Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

EXHIBIT "A-1"

A parcel of land situated in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 5, Township 6 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

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Being the same lands described in Official Records Book 4614, page 1922 of the public records of said county.

Certified to: Affluent Funding, Inc.

Scale 1" = 100'

Date of survey: August 24, 2024

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

Harold T. Eiland
 Harold T. Eiland
 License No. LS 2516

Eiland & Associates, Inc.
 Professional Surveyors & Mappers
 Certificate of Authorization No. LB 1381
 615 Blanding Boulevard
 Orange Park, Florida 32073
 Telephone 904-272-1000

ABBREVIATIONS
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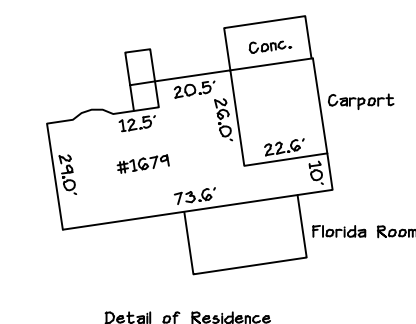
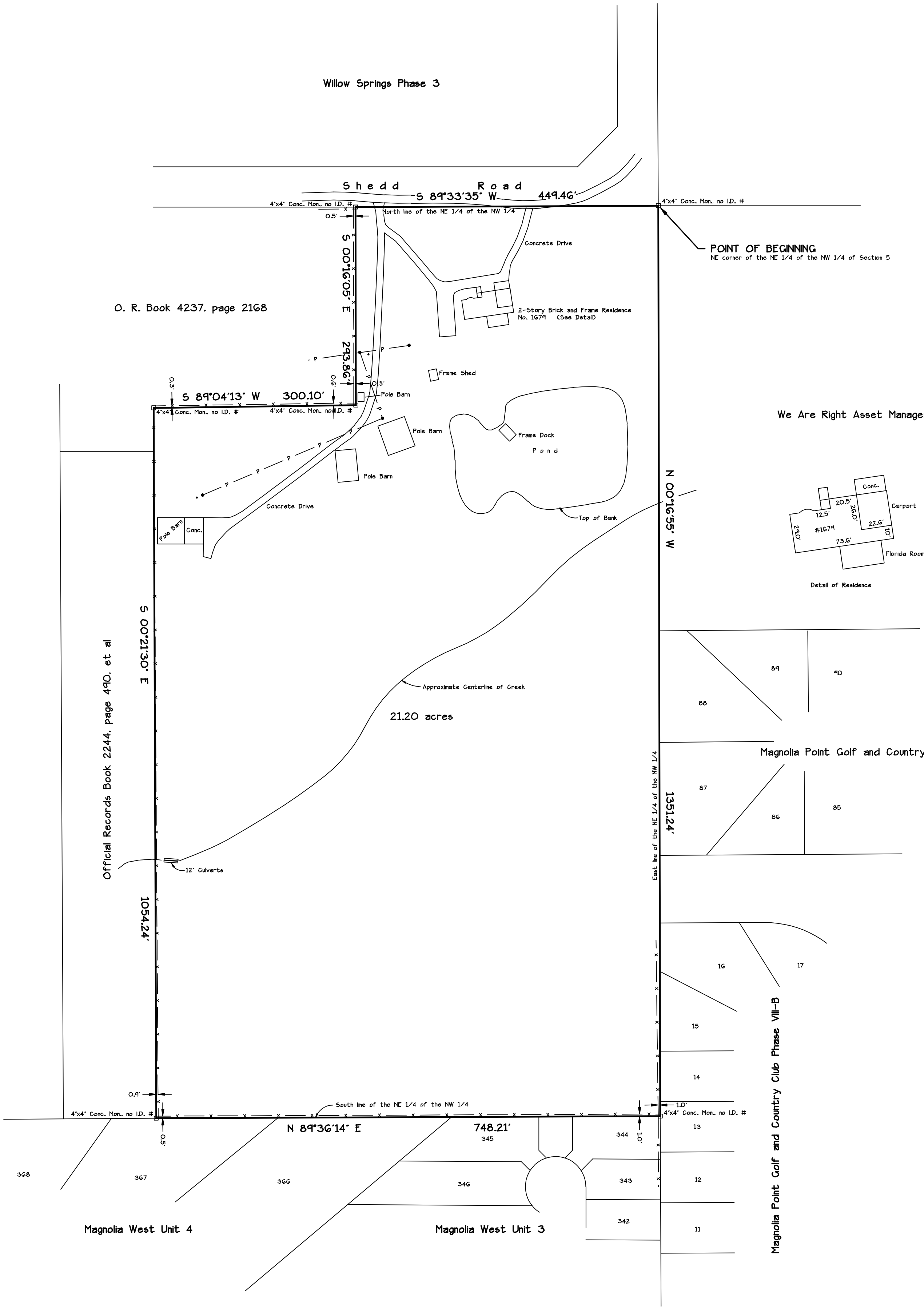
LEGEND

- Found 4"x4" Concrete Monument
- Found Iron Pipe (as noted)
- Set 1/2" Iron Pipe (LB 1381)
- Fence
- Powerline/Pole and Anchor
- Telephone Line
- Cable TV Line
- Concrete Air Conditioner Pad
- Concrete Elec. Transformer Pad

Note: examined the Federal Emergency Management Agency Flood Insurance Rate Map dated March 17, 2014, and find that the property is situated in Flood Zone "X".

GENERAL NOTES

1. Bearings shown hereon are based on the record bearing of N 00°16'55" E for the east line of the NE 1/4 of the NW 1/4 of Section 5, Township 6 South, Range 26 East.
2. This survey was based on documents provided and was not abstracted for easements, covenants or restrictions, title, overlaps, or other matters of record, or matters unrecorded by this surveyor.
3. Underground utilities serving or crossing this property have not been located or shown.
4. Easements shown hereon are for drainage and utilities unless noted otherwise.
5. This survey depicts visible improvements only; no underground improvements or footings were located.



CLand Project: 2009AS Job#45120 Survey: 45120.dwg, 8/29/2024 8:20:05 AM DWG TO PDF.dwg

EXHIBIT "B"

Planned Unit Development Written Statement Shedd Road Residential

TYPE OF DEVELOPMENT: **SINGLE FAMILY RESIDENTIAL**

PROPERTY OWNER: **AFFLUENT FUNDING, INC.
P.O. Box 476
JUPITER, FLORIDA 33468**

AGENT: **SUSAN L. FRASER
SLF CONSULTING, INC.
3517 PARK STREET
JACKSONVILLE, FL 32205
904-591-8942**

EXISTING LAND USE: **RURAL RESIDENTIAL**
PROPOSED LAND USE: **RURAL FRINGE**

EXISTING ZONING: **AGRICULTURE AND AGRICULTURE/RESIDENTIAL**
PROPOSED ZONING: **RESIDENTIAL PUD**

Surrounding Land Use:	North	Rural Fringe and Rural Residential
	East	Rural Residential Neighborhood (City of GCS) /single family
	South	Neighborhood (City of GCS)/ single family
	West	Rural Residential

Surrounding Zoning	North	Willow Springs PUD (SF @ 3 units/acre)
	East	Magnolia Golf & Country Club PUD
	South	Magnolia West PUD
	West	Agriculture Residential

Area: 21.20 acres

Wetlands: Approximately 1.65 acres, adjacent to a man-made ditch running southwest to Northeast. Wetlands to be filled and mitigated off-site.

Vegetation: Pastureland

Drainage: High of elevation 60 in the southwest corner to a low of elevation 35 in the northeast. Property drains to the northeast to a wetland north of the property which is contiguous to the floodplain north of Shedd Road.

Planned Unit Development Written Statement Shedd Road Residential

Soils:	42- <u>Osier fine sand, occasionally flooded,</u> associated with the ditch and wetlands	18.5%
	3- <u>Hurricane fine sand</u>	57.4%
	8- <u>Sapelo fine sand</u>	3.5%
	9- <u>Leon fine sand</u>	20.6%

Flood: No portion of the Property lies within the floodplain.

Background

The Property abuts the city limits of the City of Green Cove Springs. Due to early availability of central water and sewer from the City, suburban development occurred south and southeast of the Property starting in 1986. To the south is Magnolia West Subdivision, platted in phases between 2006 and 2019; to the southeast is Magnolia Point Golf and Country Club, platted between 1986 and 2016. The phases of these plats located adjacent to the Property were platted in June 2019 (Magnolia West) and March 2016 (Magnolia Point).

Subsequent to the development within the City, the land use to the north of the Property was changed to Rural Fringe in early 2015. The companion PUD established suburban residential development for what has been platted as Willow Springs, a single-family development of 379 lots. The Property is located immediately south of the Willow Springs Subdivision.

The plans of the Willow Springs Subdivision (plats recorded in 2020 and 2021), realigned and improved the westerly half mile of Shedd Road, an existing county-maintained dirt road that connects US Highway 17 to CR 315. Prior to the Willow Springs development plans, Shedd Road had provided access to the Property; as a condition of approval for the realignment of Shedd Road within Willow Springs subdivision (the realigned portion is Willow Springs Drive), the plats for Willow Springs dedicated a 60 foot right of way that includes the county-maintained portion of Shedd Road to the County. The right of way dedicated for Shedd Road south of Willow Springs Drive remains unimproved (dirt) and continues to provide access to the Property and lands west of the Property.

Shedd Road continues to the east within a County right of way for a distance of approximately a mile and a quarter; the far easterly portion at US 17 is paved.

Approval of the Willow Springs subdivision required that a second means of access be provided to meet the Florida Fire Code; Shedd Road connecting to US 17 allowed the Willow Springs subdivision to meet this requirement. The maintained portion of Shedd Road is approximately 20 feet in width; graded approximately 17 times annually, the road has historically provided needed access between US 17 and CR 315. Shedd Road between the west end of Willow Springs Drive (now paved) and US 17 traverses a large wetland and floods with relative frequency, requiring additional County maintenance.

Planned Unit Development Written Statement Shedd Road Residential

The County is constructing Cathedral Oak Parkway as a 4-lane minor arterial between US 17 and CR 315 and a 2-lane suburban section between CR 315 and the First Coast Expressway. Scheduled to open to traffic in early 2025, the intersection of Cathedral Oak Parkway and CR 315 is located approximately 1,300 feet north of the current intersection of Willow Springs Drive and CR 315. The Cathedral Oak Parkway intersection with CR 315 will be signalized. The completion of this connector will functionally replace Shedd Road within the County's transportation system.

To improve drainage in the area, reduce county maintenance obligations, reduce through traffic within the Willow Springs Subdivision and the Shedd Road East community, the Off Site Improvements conditions of this PUD support the County's closing of Shedd Road between the easterly limits of Willow Springs Drive and Parcel 021161-000-00.

Under the proposed PUD, Shedd Road south of Willow Springs Drive will be constructed to County Standards for approximately 700 feet, to the westerly boundary of the Property.

The Property is surrounded by suburban development: to the north, Willow Springs Subdivision; to the south, Magnolia West Subdivision; and to the southwest, Magnolia Point Subdivision. The extension of central water and sewer through the Willow Springs development supports the use of the Property for similar density. The proposed development is consistent with the density and suburban development pattern established by surrounding development in Magnolia West, Magnolia Point and Willow Springs developments.

Fourteen parcels located west of the Property total approximately 20 acres in area; the proposed improvements to Shedd Road, the removal of Shedd Road east of Willow Springs Drive and the increased perimeter buffer (30 feet) along the common property line with the proposed PUD respects the rural quality of this community, improves its drainage, provides a safe route to school for its elementary school students and improves fire access and fire protection.

Land Use Consistency

The companion FLUM amendment applies the Rural Fringe Land Use to the Property. Rural Fringe LU permits up to three units per acre if 80 points are awarded under FLUE Policy 1.4.5. The Property achieves 85 points:

10 Points	Proximity to Fire Protection
10 Points	Proximity to EMS
5 Points	Access to a Collector Road
50 Points	Central Water & Sewer provided
<u>10 Points</u>	Proximity to School
85 Points	TOTAL

**Planned Unit Development Written Statement
Shedd Road Residential**

Clay County’s plans include the construction of a fire and EMS station on a 4 acre parcel of land located 0.75 miles north of Willow Springs Drive (off CR 315). Once completed, the total points awarded under FLU Policy 1.4.5 increases to 105.

Justification for Planned Unit Development Zoning

The proposed PUD allows the County to establish conditions for offsite improvements that support a reduction in through traffic in adjacent neighborhoods, an improvement in drainage for the area and improved access for the existing residential community to the west. The PUD Zoning allows the County to approve a PUD Site Plan that respects the adjacent development pattern by providing substantial perimeter buffers (20 and 30 feet in width) outside individual lots, locating stormwater facilities and residential lots with increased lot widths adjacent to rural lots to the west, and requiring a larger side yard setback on all lots.

Development Potential:

58 single family lots within 21.20 acres = 2.73 units per acre

Development Standards

Minimum Lot Size:	6,000 Square Feet
Minimum Lot Width at BRL:	<i>varies as follows:</i>
50'	Lots 23-27
55' and greater	All other Lots (total 53)
Minimum Lot Width at BRL	
Corner Lot	65 feet
Minimum Front Setback:	
Garage (BRL)	25 feet
Other Facade	20 feet
Minimum Side Setback:	
At ROW	20 feet
To Adj Lot	7.5 Feet
Minimum Rear Setback:	10 feet
Maximum Lot Coverage:	
Primary Structure	40%
Add'l for Accessory	10%

Planned Unit Development Written Statement Shedd Road Residential

Permitted Uses

Single family dwellings, including accessory uses and buildings, subject to the following:

- (a) No accessory structure shall be located within the front or side setback. Accessory structures may be located within the rear setback, subject to a 5-foot setback to the rear property line.
- (b) No accessory structure or use may be constructed or established on a lot prior issuance of a building permit for the primary structure.
- (c) No accessory structure shall exceed the height of the primary structure.
- (d) Garage sales are permitted up to a maximum of two per calendar year. The duration of any garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours.
- (e) The keeping of domesticated cats and dogs with a limit of six total per household over six months of age.

Conditional Uses

The following Conditional uses are permitted subject to the conditions established in Section 20.3-5 of Article III:

- (a) Home occupations.
- (b) Swimming pools.
- (c) Temporary structures or buildings.
- (d) Fences.
- (e) Public and /or private water or sewer facilities.
- (f) Dwelling Unit with kitchen addition for parent, grandparent or child.
- (g) Portable Storage Structure.
- (h) Accessory Dwelling Units.

Recreation & Open Space

Common open space is 3.8 acres in area (18% of the gross area). In addition to 2.12 acres of recreation land, common open space includes the lakes within the PUD that are adjacent to an 8' paved trail. Recreation land includes the trail areas and a 22,000 SF pocket park; improvements to the pocket park will include shade trees, a 6' paved path, and benches and may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Planned Unit Development. Five parking spaces are provided at the pocket park to serve the park and mail kiosk.

Perimeter Buffers

The PUD Site Plan provides for a 20-foot buffer along the south and east boundary and a 30-foot buffer to the William Walker Lane community to the west; these buffers (provided outside individual platted lots) total 1.16 acres in area. Common Open Space defines the northern boundary.

Planned Unit Development Written Statement Shedd Road Residential

Perimeter Buffers depicted on the PUD Site Plan are located within tracts of land to be owned and maintained by the HOA. The Perimeter Buffer Tracts are in excess of Article VI. requirements. If required by the County, the Perimeter Buffer Tracts may be utilized for drainage infrastructure; such use may preclude the planting of trees within the Perimeter Buffer Tract(s). If it is determined by the County that, under the drainage design, trees cannot be accommodated within a Perimeter Buffer Tract(s), the requirement for a Like Use Buffer pursuant to Section 6.8(5)(d) of the Land Development Regulations shall be satisfied by planting deciduous or canopy trees a minimum of 10 feet in height and 2” caliper within individual lots adjacent to the buffer such that the resulting spacing shall be no less than 1 shade tree per 50 linear feet. Trees located within individual lots as Like Use Buffer trees shall be located within 10 feet of the rear lot line.

Offsite Improvements

Paved Access to PUD Development (Shedd Road Connector)

Shedd Road, from the terminus of Willow Springs Drive to the westernmost project boundary, will be constructed concurrent with development on the Property (Shedd Road Connection) within the platted right of way dedicated to Clay County by plat (Willow Springs Phase 1 PB 63 PG 55). Pavement width shall be 20 feet; the design shall meet the Article VIII standards for a local road including a five-foot sidewalk on one side of the road surface that connects to the sidewalk within the development. The sidewalk shall be connected to the existing sidewalk on Willow Springs Drive (at the cul de sac). The Shedd Road Connector may be constructed as a rural section. Street trees, a minimum of 3” caliper at planting, shall be provided at a spacing of one per 80 feet along one side of the road surface between the sidewalk and the travel lane. The area of right of way associated with the Shedd Road Connector shall not be included in the calculation of the land area within the PUD however any trees planted within the right of way of the Shedd Road Connector shall count toward the tree points required in Article VI for the land area within the PUD. See "PUD Written Statement Exhibit A".

Support to Close Shedd Road East of Willow Springs Drive

Location of Second Means of Access Improvements

The Applicant will coordinate and secure approval of an easement over land owned by the Clay County Utility Authority to permit the construction of a 20’ wide drive to serve as a second means of access pursuant to the Florida Fire Code between Lawton Place and County Road 315. Said easement shall be located over either Tract UT-1 depicted on the Willow Springs Phase 3 Plat (PB 66 PG 35) or Tract UT-2 depicted on the Willow Springs Phase 2 Plat (PB 66 PG 11). The location of the CUA easement for second means of access shall be determined by the availability of the easement adjacent to Tract UT-2 allowing the construction of the second means of access between Lawton Place and County Road 315. If the Easement Required for Location 2 described below is recorded in the public records of the County within 12 months of the approval of this Shedd Road Residential PUD, the second means of access shall be located within Tract UT-2 and the Easement

Planned Unit Development Written Statement Shedd Road Residential

Required for Location 2; in the absence of said recorded easement, the second means of access shall be located within Tract UT-1 and the Easement Required for Location 1. See "PUD Written Statement Exhibit B" for Easement Locations.

Easement Required for Location 1

The County permits the construction of a 20' wide drive to serve as a second means of access pursuant to the Florida Fire Code within that Clay County Access Easement over Tract B-2 located west of Tract UT-1 depicted on the plat of Willow Springs Subdivision Phase 3 (PB 66 PG 35).

Easement Required for Location 2

Within 6 months of the approval of this PUD, the Applicant will prepare an easement for execution by the Willow Springs HOA for an easement over Tract B-2, west of Tract UT-2, permitting the construction of a 20' wide drive and, if installed, a fire access gate, between Lawton Place and County Road 315 to serve as a second means of access pursuant to the Florida Fire Code. If the Willow Springs HOA delivers an executed easement to the County within 11 months of the approval of this PUD, the Applicant shall be responsible for recording the easement in the public records of the County within 12 months of the approval of this PUD. If requested by the Willow Springs HOA, the Applicant will attend one HOA meeting to answer questions related to the easement rights being granted.

Construction of Second Means of Access Improvements – Applicant Obligations

Upon confirmation of the location of the Second Means of Access Improvements, the Applicant will be responsible for designing, permitting and constructing a second means of access between Lawton Place and County Road 315. The construction scope shall include modifications to the existing water mains located within Tracts UT-1 and UT-2 that are required by the CCUA to accommodate the construction of the second means of access over the applicable existing water main.

The Applicant will construct a restriction to vehicular traffic between Lawton Place and County Road 315 that limits vehicular access to emergency vehicles and personnel; said restriction may be a fire access gate or other County approved design. If the Second Means of Access Improvements are constructed at Location 1, the restriction to vehicular traffic will be designed to maintain the Safe Routes to School (pedestrian) access currently located within Tracts UT-1 and within Tract B-2 west of Tract UT-1.

Construction of Off Site Improvements as a Condition of PUD

The submittal of civil plans for the construction of the PUD improvements shall include plans for the construction of the Off Site Improvements. Approval of final construction plans for the PUD

shall be conditioned upon the approval of the construction plans required to construct the Off Site Improvements.

Planned Unit Development Written Statement Shedd Road Residential

The PUD requirement to construct the Second Means of Access Improvements shall be conditioned upon the County’s official action approving the closing of Shedd Road as a through road between US 17 and Willow Springs Drive. If the County has not approved a Resolution closing Shedd Road as a through road between US 17 and Willow Springs Drive within 18 months of the approval of this PUD, the requirement to construct the Second Means of Access Improvements shall no longer be a condition of this PUD.

Participation in an MSBU

Unless the internal road within the PUD is platted as a private road, the lots within the PUD will be subject to an MSBU for the maintenance of roads internal to the PUD and that portion of Shedd Road constructed by the PUD Developer between Willow Springs Drive and westerly limit of the PUD (the “Shedd Road Connector”). In addition, the lots within the PUD will be added by Clay County to the MSBU established for Willow Springs Drive between the Shedd Road Connector and County Road 315; concurrent with the acceptance of roads within the project and establishment of an MSBU for future maintenance, Clay County will amend the MSBU established for Willow Springs Drive between CR 315 and the Shedd Road Connector to include the lots within the PUD.

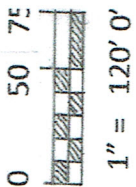
Phasing

The development will occur in one phase. The development will occur in one phase. The issuance of a certificate of occupancy for a residential unit shall be conditioned upon the opening of Cathedral Oak Parkway to travel between US 17 and the First Coast Expressway.

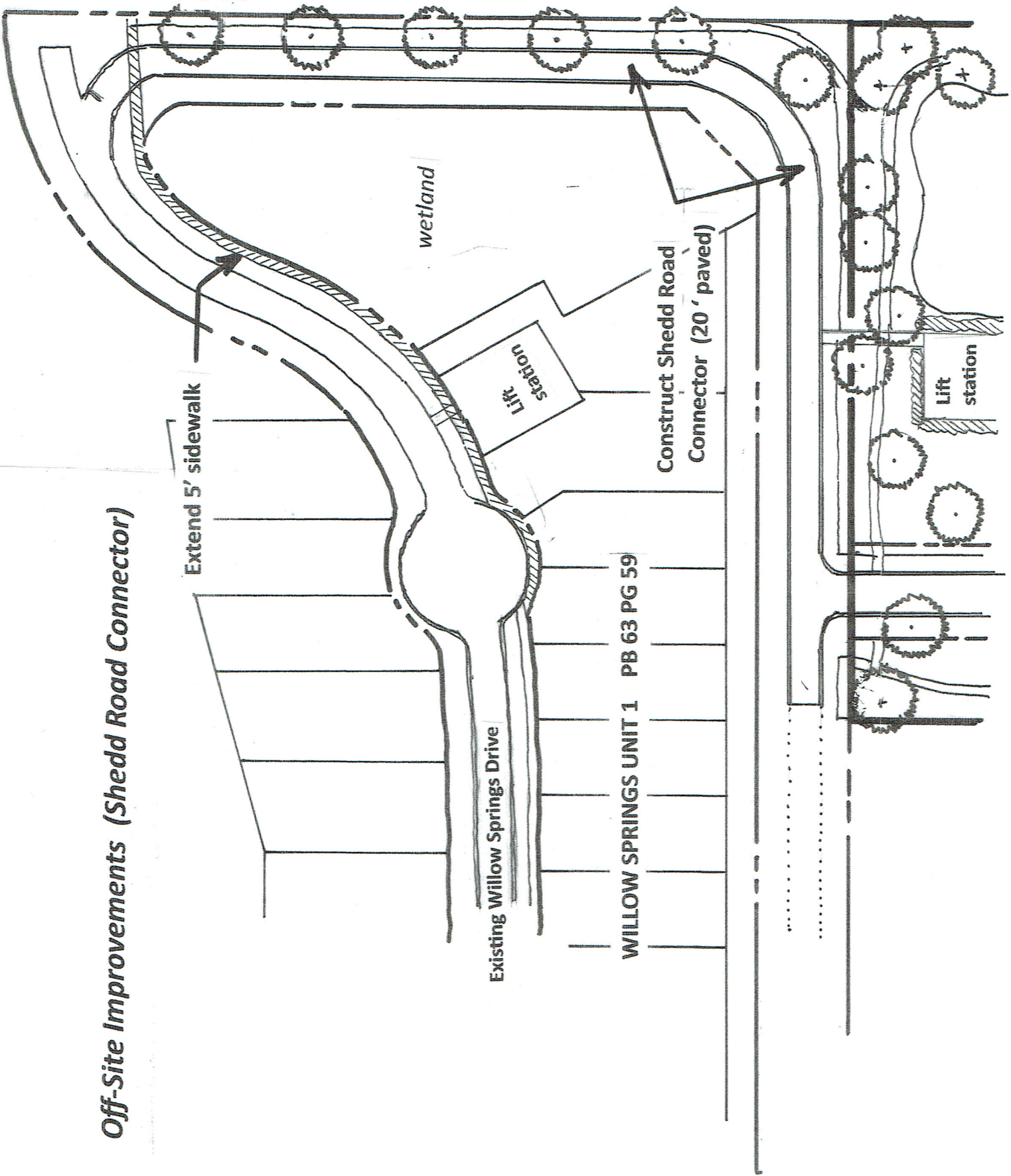
Construction is anticipated to commence within 3 years of PUD approval.

"PUD Written Statement Exhibit A"

NORTH



Off-Site Improvements (Shedd Road Connector)

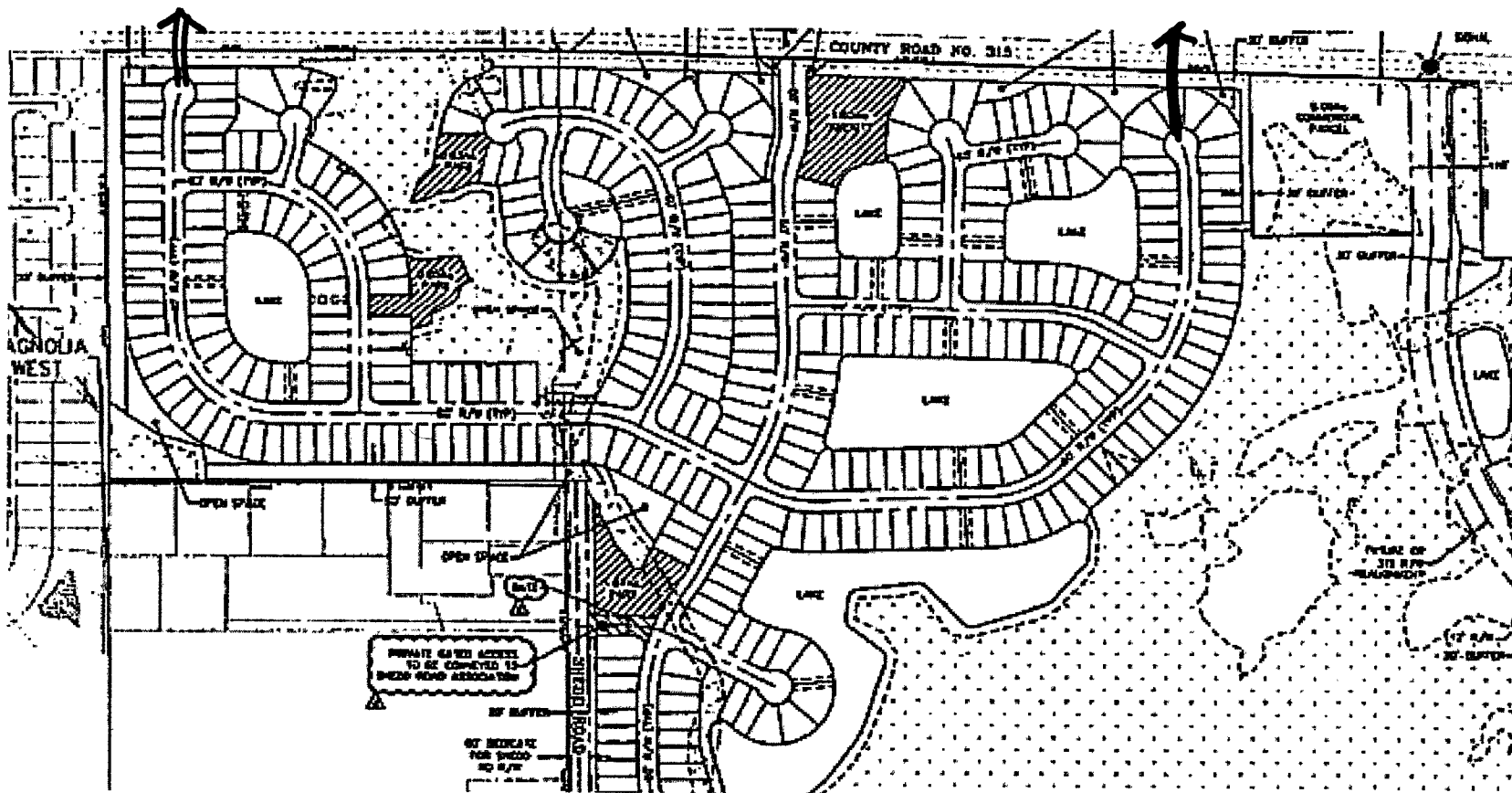


"PUD Written Statement Exhibit B-1"

Second Means of Access
Between Lawton Place and County Road 315

LOCATION #1

LOCATION #2



"PUD Written Statement Exhibit B-2"

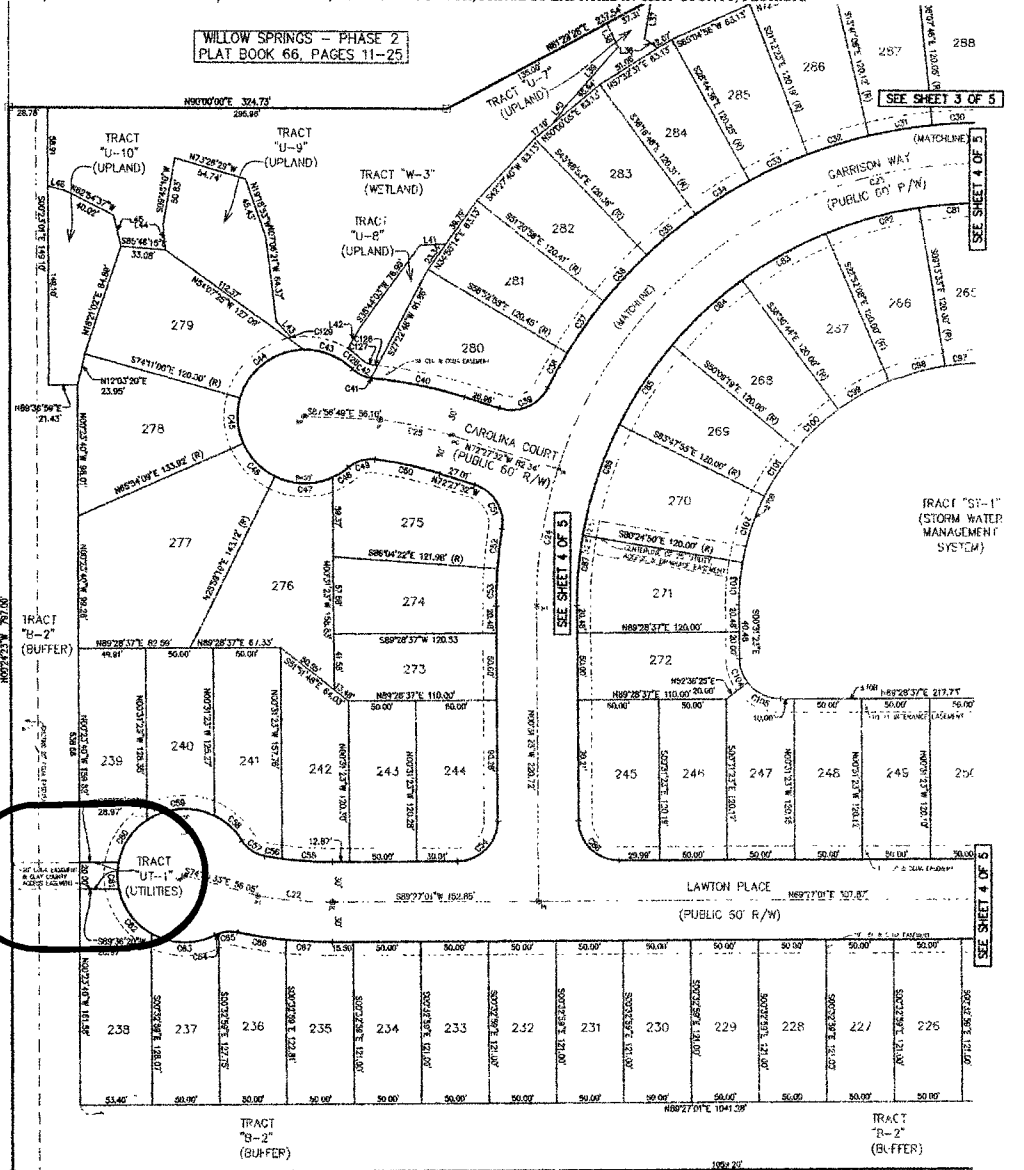
WILLOW SPRINGS - PHASE 3

BEING A REPLAT OF A PORTION OF LANDS SHOWN ON MAP OF FELLOWSHIP PARK PART NO. 1, RECORDED IN PLAT BOOK 2, PAGE 61, LYING IN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 26 EAST AND A PORTION OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 26 EAST, ALL IN CLAY COUNTY, FLORIDA.

PLAT BOOK **66** PAGE **39**

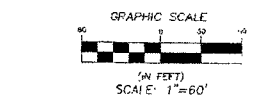
SHEET 5 OF 5
(SEE SHEET 2 FOR GENERAL NOTES & LEGEND)

Detail - LOCATION # 1
COUNTY ROAD NO. 315
(80' R/W PER SRD R/W MAPS, SECTION 71507-2601)



CHORD TABLE

CHORD #	LENGTH	DIRECTION
1	10.00	N00°00'00"E
2	10.00	N00°00'00"E
3	10.00	N00°00'00"E
4	10.00	N00°00'00"E
5	10.00	N00°00'00"E
6	10.00	N00°00'00"E
7	10.00	N00°00'00"E
8	10.00	N00°00'00"E
9	10.00	N00°00'00"E
10	10.00	N00°00'00"E
11	10.00	N00°00'00"E
12	10.00	N00°00'00"E
13	10.00	N00°00'00"E
14	10.00	N00°00'00"E
15	10.00	N00°00'00"E
16	10.00	N00°00'00"E
17	10.00	N00°00'00"E
18	10.00	N00°00'00"E
19	10.00	N00°00'00"E
20	10.00	N00°00'00"E
21	10.00	N00°00'00"E
22	10.00	N00°00'00"E
23	10.00	N00°00'00"E
24	10.00	N00°00'00"E
25	10.00	N00°00'00"E
26	10.00	N00°00'00"E
27	10.00	N00°00'00"E
28	10.00	N00°00'00"E
29	10.00	N00°00'00"E
30	10.00	N00°00'00"E
31	10.00	N00°00'00"E
32	10.00	N00°00'00"E
33	10.00	N00°00'00"E
34	10.00	N00°00'00"E
35	10.00	N00°00'00"E
36	10.00	N00°00'00"E
37	10.00	N00°00'00"E
38	10.00	N00°00'00"E
39	10.00	N00°00'00"E
40	10.00	N00°00'00"E



CURVE TABLE

CHORD #	LENGTH	BEARING	CHORD BEARING	CHORD DIST
1	10.00	N00°00'00"E	N00°00'00"E	10.00
2	10.00	N00°00'00"E	N00°00'00"E	10.00
3	10.00	N00°00'00"E	N00°00'00"E	10.00
4	10.00	N00°00'00"E	N00°00'00"E	10.00
5	10.00	N00°00'00"E	N00°00'00"E	10.00
6	10.00	N00°00'00"E	N00°00'00"E	10.00
7	10.00	N00°00'00"E	N00°00'00"E	10.00
8	10.00	N00°00'00"E	N00°00'00"E	10.00
9	10.00	N00°00'00"E	N00°00'00"E	10.00
10	10.00	N00°00'00"E	N00°00'00"E	10.00
11	10.00	N00°00'00"E	N00°00'00"E	10.00
12	10.00	N00°00'00"E	N00°00'00"E	10.00
13	10.00	N00°00'00"E	N00°00'00"E	10.00
14	10.00	N00°00'00"E	N00°00'00"E	10.00
15	10.00	N00°00'00"E	N00°00'00"E	10.00
16	10.00	N00°00'00"E	N00°00'00"E	10.00
17	10.00	N00°00'00"E	N00°00'00"E	10.00
18	10.00	N00°00'00"E	N00°00'00"E	10.00
19	10.00	N00°00'00"E	N00°00'00"E	10.00
20	10.00	N00°00'00"E	N00°00'00"E	10.00
21	10.00	N00°00'00"E	N00°00'00"E	10.00
22	10.00	N00°00'00"E	N00°00'00"E	10.00
23	10.00	N00°00'00"E	N00°00'00"E	10.00
24	10.00	N00°00'00"E	N00°00'00"E	10.00
25	10.00	N00°00'00"E	N00°00'00"E	10.00
26	10.00	N00°00'00"E	N00°00'00"E	10.00
27	10.00	N00°00'00"E	N00°00'00"E	10.00
28	10.00	N00°00'00"E	N00°00'00"E	10.00
29	10.00	N00°00'00"E	N00°00'00"E	10.00
30	10.00	N00°00'00"E	N00°00'00"E	10.00
31	10.00	N00°00'00"E	N00°00'00"E	10.00
32	10.00	N00°00'00"E	N00°00'00"E	10.00
33	10.00	N00°00'00"E	N00°00'00"E	10.00
34	10.00	N00°00'00"E	N00°00'00"E	10.00
35	10.00	N00°00'00"E	N00°00'00"E	10.00
36	10.00	N00°00'00"E	N00°00'00"E	10.00
37	10.00	N00°00'00"E	N00°00'00"E	10.00
38	10.00	N00°00'00"E	N00°00'00"E	10.00
39	10.00	N00°00'00"E	N00°00'00"E	10.00
40	10.00	N00°00'00"E	N00°00'00"E	10.00

MAGNOLIA WEST UNIT FOUR
PLAT BOOK 61, PAGES 18-21

Prepared By:
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Professional Surveyors and Mappers
1643 Naldo Avenue, Jacksonville, FL 32207
Phone: 904.396.6623 - Website: clarson.com

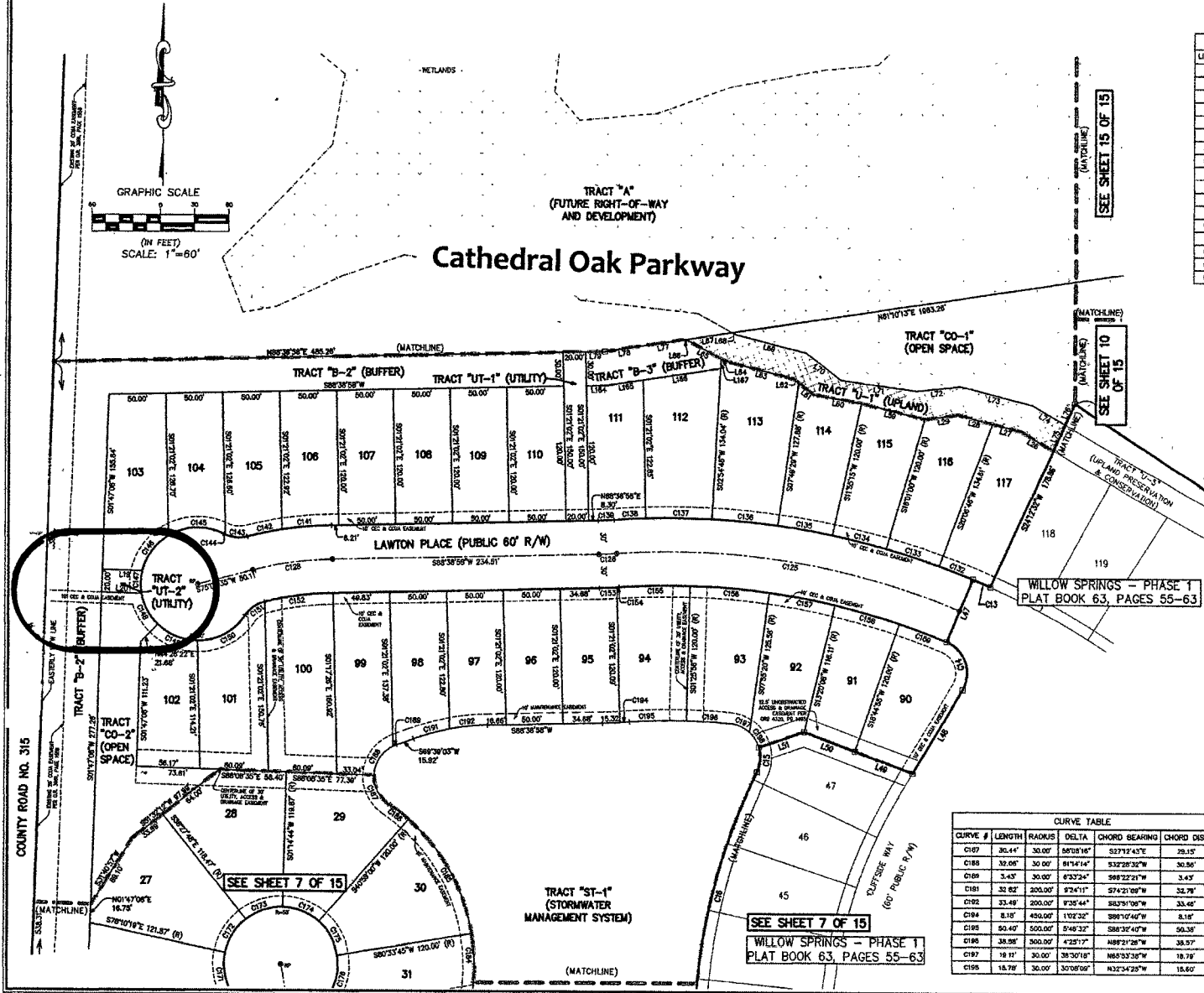
"PUD Written Statement Exhibit B-3"

WILLOW SPRINGS - PHASE 2

PLAT BOOK 66 PAGE 18

BEING A REPLAT OF A PORTION OF LANDS SHOWN ON MAP OF FELLOWSHIP PARK PART NO. 1, RECORDED IN PLAT BOOK 2, PAGE 61, LYING IN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 26 EAST AND A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 26 EAST, ALL IN CLAY COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LANDS SHOWN ON MAP OF FELLOWSHIP PARK PART NO. 5, RECORDED IN PLAT BOOK 3, PAGE 2, TOGETHER WITH A PORTION OF LANDS SHOWN ON MAP OF FELLOWSHIP PARK PART NO. 1, RECORDED IN PLAT BOOK 2, PAGE 61, ALL LYING IN SECTION 32, TOWNSHIP 5 SOUTH, RANGE 26 EAST, ALL IN CLAY COUNTY, FLORIDA.

SHEET 8 OF 15
(SEE SHEET 3 FOR GENERAL NOTES & LEGEND)



LINE #	LENGTH	DIRECTION
L19	35.20'	N88°12'52"W
L20	35.20'	N89°12'52"W
L26	32.73'	N57°04'43"W
L27	25.89'	S75°10'21"E
L28	31.41'	S75°10'21"E
L29	28.30'	S87°00'40"W
L47	80.00'	S22°48'48"W
L48	28.18'	S20°04'58"W
L49	94.33'	N89°16'20"W
L50	47.57'	N89°16'20"W
L51	41.89'	S70°34'47"W
L59	27.18'	N76°01'52"W
L60	42.77'	N80°07'38"W
L61	18.67'	S51°56'10"E
L62	6.12'	N51°56'18"W
L63	92.28'	N75°28'14"W
L64	3.57'	N67°36'57"W

LINE #	LENGTH	DIRECTION
L85	33.78'	N60°38'07"W
L86	5.36'	N63°33'08"W
L87	43.82'	N81°10'13"E
L88	3.94'	S60°38'07"E
L89	64.24'	S75°28'44"E
L70	38.68'	S81°08'18"E
L71	87.31'	S82°00'47"E
L72	38.33'	N83°14'20"E
L73	63.99'	S75°10'21"E
L74	33.44'	S69°35'43"E
L75	23.15'	S24°12'32"E
L76	20.47'	N2°12'32"E
L77	33.87'	S81°10'13"W
L78	33.48'	S81°10'13"W
L79	16.83'	N88°38'58"E
L80	18.78'	S88°38'58"W
L83	31.46'	S81°10'13"W

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DIST
C13	16.57'	690.00'	123°46'	N58°29'21"W	16.57'
C14	50.93'	30.00'	97°16'10"	S18°33'09"E	48.03'
C15	22.57'	30.00'	47°08'08"	S04°02'42"W	22.04'
C16	231.18'	550.00'	94°08'00"	S10°33'19"W	229.48'
C18	306.08'	850.00'	27°09'22"	N69°49'55"W	303.26'
C19	15.87'	300.00'	25°34'	S89°09'11"W	15.87'
C20	70.72'	300.00'	130°23'	S81°33'47"W	70.58'
C22	32.04'	680.00'	247°00"	S68°32'14"E	32.04'
C23	48.81'	680.00'	47°48'	S71°58'07"E	48.80'
C24	48.81'	680.00'	47°48'	S76°01'32"E	48.80'
C25	48.81'	680.00'	47°48'	S60°07'38"E	48.80'
C26	58.30'	680.00'	47°44'	S84°37'53"E	58.28'
C27	58.30'	680.00'	47°44'	S89°33'07"E	58.48'
C28	27.82'	680.00'	218°33'	N68°44'12"E	27.81'
C29	14.10'	270.00'	258°34'	N67°09'11"E	14.10'
C31	43.82'	330.00'	73°31'	N44°50'12"E	43.89'
C32	31.29'	330.00'	92°53'	N78°08'28"E	31.28'
C33	19.68'	30.00'	37°33'02"	S83°08'09"E	19.33'
C34	1.77'	30.00'	32°21'	S60°07'48"E	1.77'
C35	80.54'	50.00'	S73°45'	N67°38'28"E	48.42'
C36	39.58'	50.00'	49°18'37"	N33°39'07"E	38.33'
C37	20.14'	50.00'	23°04'28"	N01°47'08"E	20.00'
C38	31.28'	50.00'	30°48'33"	N57°39'21"W	30.74'
C39	38.58'	50.00'	44°12'30"	N67°39'58"W	37.63'
C40	48.29'	50.00'	56°28'42"	S81°58'25"W	47.32'
C41	22.02'	30.00'	62°03'27"	S54°46'47"W	21.53'
C42	80.51'	270.00'	128°02'27"	S82°17'48"W	80.38'
C43	15.38'	330.00'	27°38'	S89°16'09"W	15.32'
C44	1.87'	330.00'	01°18'	S89°58'40"W	1.91'
C45	42.30'	60.00'	61°28'	S89°58'40"W	62.47'
C46	70.23'	60.00'	61°28'	N82°18'22"W	70.19'
C47	58.58'	60.00'	62°44'	N79°22'18"W	58.56'
C48	58.58'	60.00'	62°44'	N73°57'28"W	58.56'
C49	43.98'	60.00'	47°31'	N69°15'08"W	43.97'
C50	34.85'	60.00'	30°42'31"	N31°43'17"E	33.98'
C51	34.85'	60.00'	30°42'31"	N71°23'28"E	33.98'
C52	74.38'	60.00'	60°18'17"	S86°53'08"E	33.98'
C53	34.84'	60.00'	30°34'48"	S23°13'7"E	33.88'
C54	117.43'	170.00'	39°34'48"	S23°13'7"E	115.11'
C55	21.50'	170.00'	71°57'00"	S22°16'25"E	21.54'

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DIST
C107	30.44'	30.00'	S67°08'16"	S37°12'43"E	28.15'
C108	30.08'	30.00'	81°14'14"	S32°28'32"W	30.36'
C109	3.43'	30.00'	6°33'24"	S88°22'21"W	3.43'
C181	33.82'	200.00'	S72°41'	S74°21'09"W	33.78'
C182	33.49'	200.00'	S73°44'	S83°51'09"W	33.46'
C184	8.18'	450.00'	172°32'	S89°10'40"W	8.18'
C185	50.40'	500.00'	S48°32'	S88°32'40"W	50.36'
C186	38.98'	300.00'	47°25'7"	N89°21'28"W	38.97'
C187	18.11'	30.00'	38°30'18"	N85°33'38"W	18.78'
C188	18.78'	30.00'	S07°00'00"	N23°34'28"W	18.60'

Detail - LOCATION # 2

S:\Subdivisions\Clay County\Willow Springs\Phase 2\20-075 Subdivision\Map\PLAT-PHASE-2.dwg 2021/08/01

Prepared By:
RICHARD P. CLARSON AND ASSOCIATES, INC.
Professional Surveyors and Mappers
1643 Baldo Avenue, Jacksonville, FL 32207
Phone: 904.596.2623 - Website: clarsonfi.com

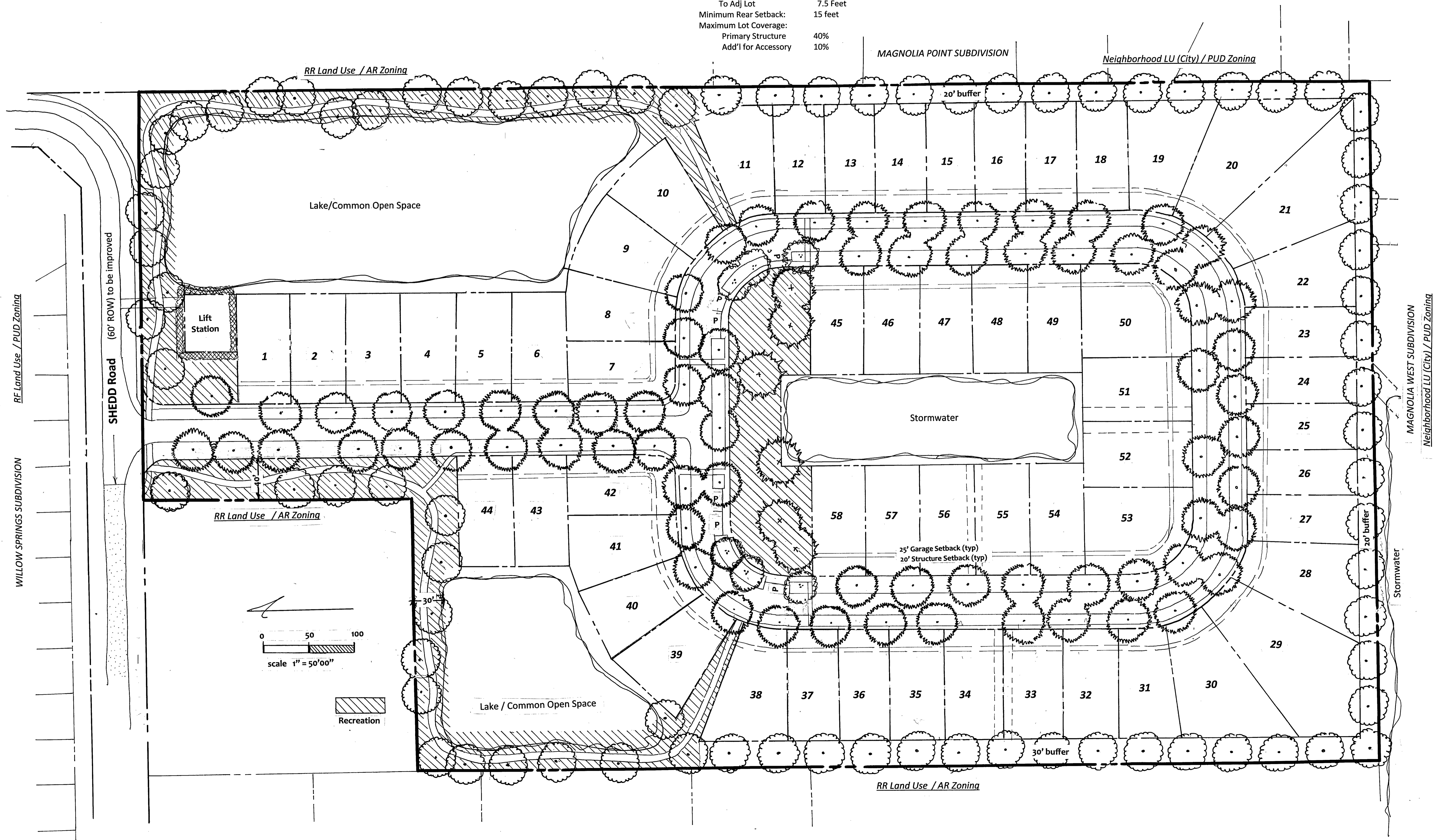
EXHIBIT "C"

Spring Hill Residential

Total Area	21.20 acres	Common Open Space	3.8 acres
Single Family Lots	58	Recreation (Portion)	2.10 acres
		Perimeter Buffers	1.16 acres

Dimensional Standards

Minimum Lot Size:	6,000 Square Feet
Minimum Lot Width at BRL:	varies :
Lots 23-27	50 feet
All others (total 53)	55 feet or greater
Minimum Front Setback:	
Garage (BRL)	25 feet
Other	20 feet
Minimum Side Setback:	
At ROW	20 feet
To Adj Lot	7.5 Feet
Minimum Rear Setback:	15 feet
Maximum Lot Coverage:	
Primary Structure	40%
Add'l for Accessory	10%





Agenda Item
PLANNING COMMISSION

Clay County Administration Building
Tuesday, November 5 5:00 PM

TO: Planning Commission

DATE: 9/12/2024

FROM: Mike Brown, Zoning Chief

SUBJECT: This application is a Rezoning to change from Commercial and Professional Office District (BA-2) to Neighborhood Business District (BA).

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

This 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.

The present BA-2 zoning district limits development to commercial and professional offices that have a gross square floor area limited to 2,500 sq. ft. The requested BA zoning will allow retail and service uses to satisfy basic frequent shopping needs and are best suited in relative proximity to places of residence.

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.

Is Funding Required (Yes/No):

No

If Yes, Was the item budgeted

(Yes/No/N/A):

No

N/A

Advanced Payment

Sole Source (Yes\No): (Yes\No):

Yes

Yes

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Applicant - River Capital Properties LLC. Stanley Hunt

ATTACHMENTS:

Description	Type	Upload Date	File Name
<input type="checkbox"/> Ordinance ZON 24-0029	Ordinance	10/24/2024	ZON_24-0029_Fraser_Rd-Ordinanceada.pdf
<input type="checkbox"/> Staff Report ZON 24-0029	Backup Material	10/24/2024	Staff_Report-ZON_24-0029_Finaada.pdf
<input type="checkbox"/> Application ZON_24-0029	Backup Material	10/24/2024	REZONING_APPLICATION_v1_(10)ada.pdf

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PURSUANT TO ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED PURSUANT TO ORDINANCE 93-16, AS AMENDED, PROVIDING FOR THE REZONING OF A SINGLE PARCEL OF LAND (TAX PARCEL IDENTIFICATION # 28-05-26-014393-000-00, TOTALING APPROXIMATELY .58 ACRES, FROM ITS PRESENT ZONING CLASSIFICATION OF COMMERCIAL & PROFESSIONAL OFFICE DISTRICT (BA2) TO NEIGHBORHOOD BUSINESS DISTRICT (BA); PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Application ZON-24-0029 seeks to rezone certain real property (tax parcel identification # 28-05-26-014393-000-00) (the Property) described in Exhibit “A-1”, and depicted in Exhibit “A-2”.

Section 2. The Board of County Commissioners approves the rezoning request. The present zoning classifications of the Property are hereby changed from BA2 (Commercial & Professional Office District) to BA(Neighborhood Business District).

Section 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

Section 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

Section 5. This Ordinance shall become effective as provided by law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Its Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

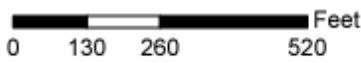
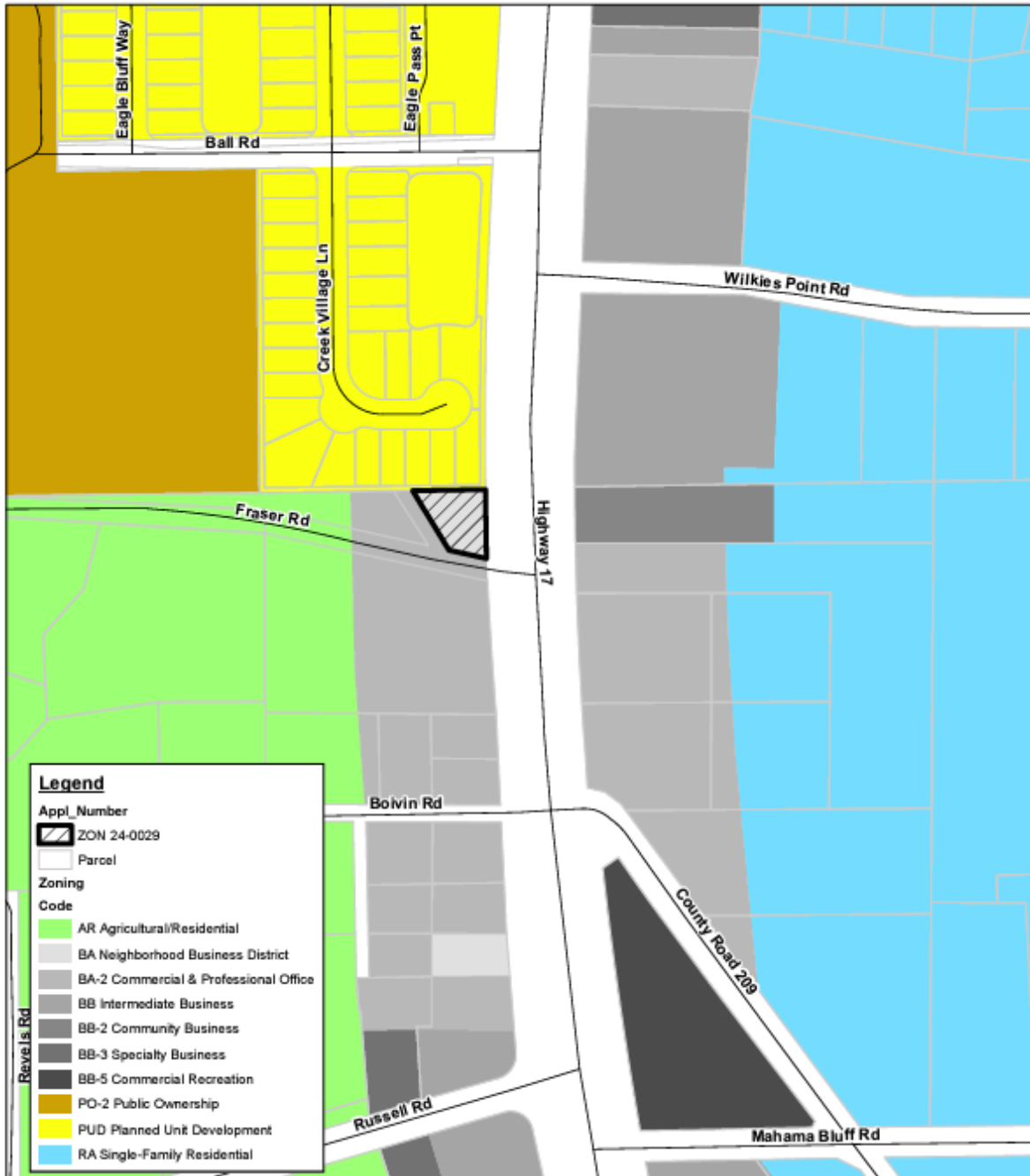
Exhibit "A-1"

Clay Parcel No. 28-05-26-014393-000-00

Legal Description – Attachment A-3

Commence at the Northeast corner of Lot 1 of ARNOWIN, a subdivision as recorded in Plat Book 4, Page 30, of the public records of Clay County, Florida, for a point of beginning, and run South 02 degrees 31 minutes West a distance of 150 feet along the West right of way line of U.S. Highway No. 17, to the North side of proposed road of Clay County; thence turn and run North 78 degrees 46 minutes 10 seconds West a distance of 154.63 feet to a point in the center of the old county road; thence turn and run North 34 degrees 19 minutes West 139.42 feet to a point; thence turn and run North 88 degrees 53 minutes East a distance of 237.04 feet along the North Side of said Lot 1 to the point and place of beginning, the same being a point in the West R/W line of U.S. Highway No.17.

“Exhibit A-2”



**Proposed Rezoning: ZON 24-0029
 From BA-2 to BA**





Rezoning Application ZON-24-0029 Staff Report

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

Owner / Applicant Information

Owner: River Capital Properties LLC
Phone: (904) 315-3002
Email: Stan@rivercpa.com

Address: 1547 Peter's Creek Rd.
Green Cove Springs, Fl. 32043

Property Information

Parcel ID: 28-05-26-014393-000-00

Address: 1492 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: Springs

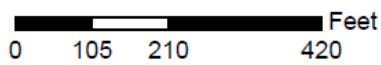
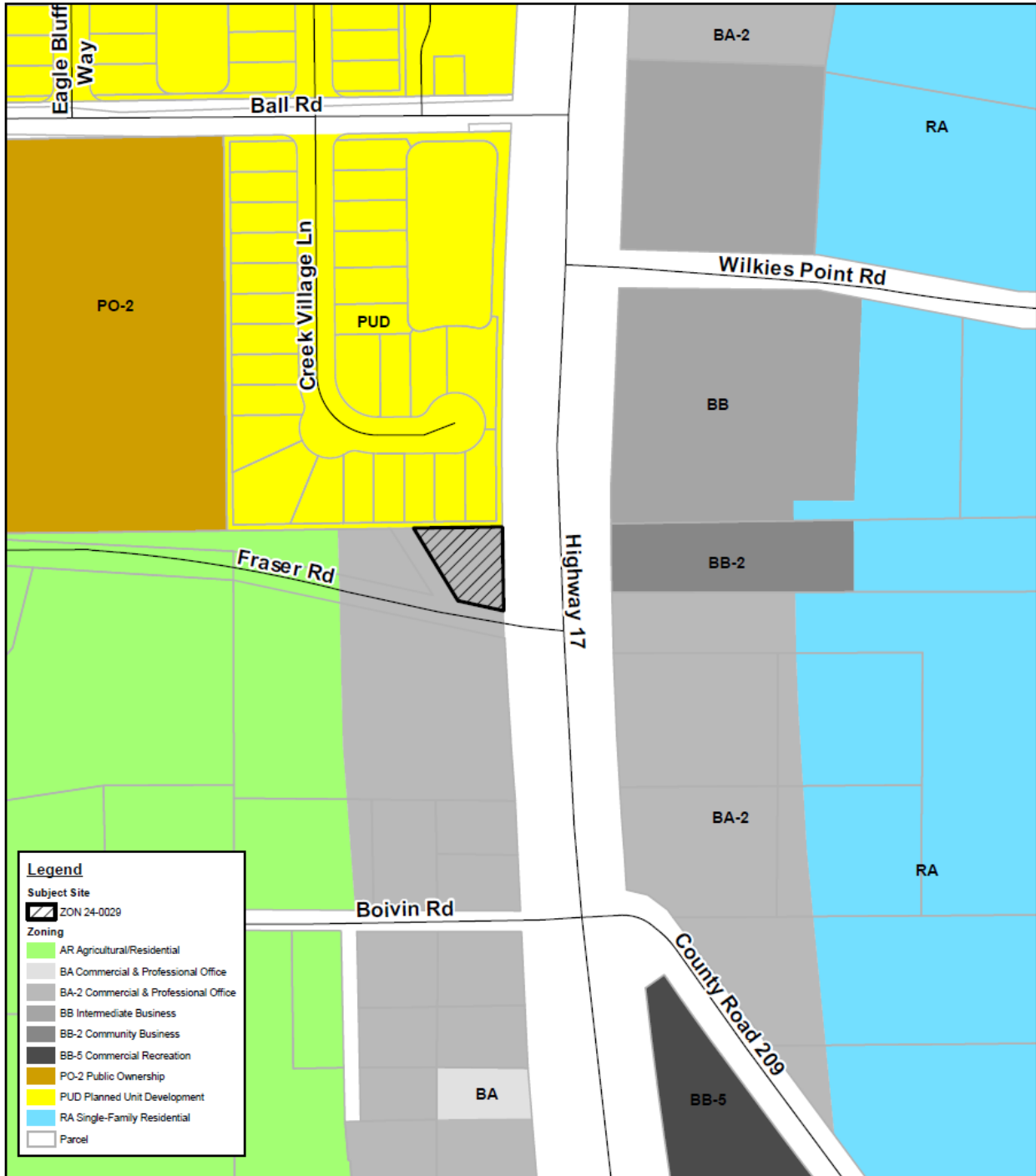
Background

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)	BB-2 (Community Business) BA-2 (Commercial & Professional Office)	Commercial (COM)
West	BA-2 (Commercial & Professional Office)	Commercial (COM)
South	BA-2 (Commercial & Professional Office)	Commercial (COM)

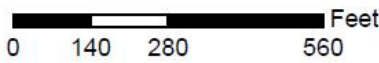
Existing Zoning



Existing Zoning
Proposed Rezoning: ZON 24-0029
From BA-2 to BA



Aerial of Site



Aerial Map
Proposed Rezoning: ZON 24-0029
From BA-2 to BA



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40 Sec. 3-24. NEIGHBORHOOD BUSINESS DISTRICT (ZONE BA)

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(a) *Purpose and Intent.* This District is to provide a limited commercial facility of a convenience nature, servicing persons residing in adjacent residential areas, and to permit primarily such uses as are necessary to satisfy those basic shopping and service needs which occur frequently and so require retail and service facilities in relative proximity to places of residence.

This district is further designed to accommodate commercial development on a scale that is less intensive than that permitted in a BB District.

(b) *Area.* All land designated as Zone BA is subject to the regulations of this Section and Sec. 20.3-10. Such areas are designed and included to provide local services to contiguous neighborhoods and locations and are anticipated to be on major local streets, but still in close proximity to residential properties and shall, therefore, be limited in scope and size. A site plan conforming to the requirements of this chapter shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.

(c) *Uses Permitted.*

- (1) All uses permitted in Sec. 20.3-23.
- (2) Retail stores and shops reasonably related to the day-to-day needs of the area to be serviced limited to: antique; artist's studios; bait and tackle; bakery with baking on premises; bicycle sales and repair; billiard, game or pool room; dance academies (soundproofed and air conditioned); curio; fruit and vegetable retail (packing permitted); hardware; retail clothing; interior decorating; dry cleaners, laundries and laundromats; leather goods; luggage; meat markets (no processing plant); music; newsstands; optical; office supplies; photographic galleries; printing; shoe; sporting goods; stationery and books; travel agencies; restaurants without the sale of beer and wine; restaurants selling alcoholic beverages limited to beer and wine; drapery; paint and wallpaper; clock sales; rentals; palm reading; banks; financial institutions; animal clinics; veterinary hospitals; drugstores; and grocery stores; provided that no outdoor sales, display, preparation or storage is permitted. (amended 10/12/93 - Ord 93-36)
- (3) Banks and financial institutions with drive-in facilities; drive-in restaurants; the sale of gasoline without garage, car repair, or car wash facilities.
- (4) Retail sales of beer and wine at establishments commonly known as convenience stores only pursuant to licensure by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business Regulation, for off-premises consumption only.

- 83 (5) The above are uses subject to the following limitations:
84 (i) Sale, display, preparation and storage to be conducted within a completely
85 enclosed building.
86 (ii) Products to be sold only at retail.
87
- 88 (d) *Conditional Uses.* The following uses are permitted in the BA District subject to conditions
89 provided in Section 20.3-5.
90
- 91 (1) Bed and Breakfast Inns.
92
93 (2) Public Assembly.
94
95 (3) Residential Dwelling.
96
97 (4) Communication Antennas and Communication Towers, including accessory buildings,
98 tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of
99 the Clay County Land Development Code, provided that said towers are 200 feet from
100 adjacent residentially zoned property. (Amended 11/26/96 - Ord. 96-58)
101
102 (5) Seasonal outdoor sales (amended Ord. 93-36, Oct. 1993)
103
104 (6) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
105
106 (7) Day Care Centers.
107
108 (8) Medical Marijuana Treatment Center Dispensing Facility
109
- 110 (e) *Uses Not Permitted.*
111
- 112 (1) Any use not allowed in (c) or (d) above.
113
114 (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke,
115 dust, fumes, vibration, or light, and which would be detrimental to other surrounding
116 properties or to the welfare and health of the citizens in the area.
117
- 118 (f) *Density Requirements.* The maximum density of development for land in the BA zoning
119 classification shall correspond to a floor area ratio (FAR) of forty (40) percent.
120
- 121 (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall
122 be located so as to comply with the following minimum requirements.
123 *Rev. 04/22/08*
124
125 (1) Front lot line setbacks shall in no case be less than twenty-five (25) feet.

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- (2) 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.

- (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

169 classification, no materials, garbage containers or refuse shall be allowed nearer than
170 fifteen (15) feet to such a residential or agricultural district. Garbage or refuse shall be
171 containerized, and such containers shall be enclosed or screened so as not to be readily
172 visible.

173
174 (7) *Height limitations.*

175
176 (i) One story construction shall not exceed the building height of twenty-two (22)
177 feet.

178
179 (ii) Two story construction shall not exceed the building height of thirty-five (35) feet.

180
181 (8) *Lighting.* Artificial lighting used to illuminate the premises and/or advertising copy shall
182 be directed away from adjacent residential or agricultural property.

183
184 (9) No outside amplification of sound shall be permitted which can be heard off-site.

185
186 (10) Visual Barrier: Proposed non-residential development shall be buffered from adjacent
187 land within the residential land use categories identified in Section 20.3-8 with a ten (10)
188 foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and
189 tree planting thirty (30) feet on center. For all development commenced on or after
190 January 28, 2003, the provisions of this subsection shall not apply. For developments
191 that commence after this date, the provisions of Article VI of the Clay County Land
192 Development Code (the Tree Protection and Landscaping Standards) will apply. (Rev.
193 02/08/11)

194
195 **Staff Assessment and Recommendation**

196
197 The applicant is requesting a change in zoning from BA-2 to BA for 0.58 acres. The present BA-2 zoning
198 district limits development to commercial and professional offices that have a gross square floor area limited
199 to 2,500 sq. ft. The requested BA zoning will allow retail and service uses to satisfy basic frequent shopping
200 needs and are best suited in relative proximity to places of residence. Properties to the south and west are
201 zoned for commercial uses. Immediately to the north is the residential portion of the Black Creek Village
202 development. Development within the Black Creek Village project is limited to a maximum height 70 feet
203 for non-residential uses and 35 feet for residential uses. The requested BA zoning is consistent with the
204 Commercial future land use designation of the property.

205
206 Staff has reviewed the application and determined that the request is consistent with the future land use of
207 the property and is compatible with the surrounding area. Staff recommends approval of application ZON
208 24-0029.



Department of Economic and Development Services

Planning & Zoning Division

P.O. Box 1366, Green Cove Springs, FL 32043

Phone: (904) 284-6300

www.claycountygov.com



Pre-Application Meeting Date:	9/5/24	CAC Meeting Date (if applicable):
Date Rec:	Received By:	IMS #:

REZONING APPLICATION

Owner's Name: River Capital Properties LLC	If the property is under more than one ownership please use multiple sheets.	
Owner's Address: 1547 Peter's Creek Rd		
City: Green Cove Springs	State: Florida	Zip Code: 32043
Phone: 904-315-3002	Email: Stan@rivercpa.com	

Parcel & Rezoning Information

Parcel Identification Number: 28-05-26-014393-000-00		
Address: 1492 Fraser		
City: Green Cove Springs	State: Florida	Zip Code: 32043
Number of Acres being Rezoned: .58	Current Zoning: BA-2	Current Land Use: Vacant
Proposed Zoning: BA	I am seeking a:	Permitted Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/>
Property Will be Used as:	A CPA firm	

Required Attachments

- Deed Survey Site Plan & Written Statement if Rezoning to PUD PCD PID BSC and PS-5
- Agents Authorization Attachment A-1 Owner's Affidavit Attachment A-2 Legal Description Attachment A-3
- Supplemental Development Questions if Rezoning to PUD PCD PID Attachment A-4

Notices

The required SIGN(S) must be POSTED on the property BY THE APPLICANT 21 days in advance of the date of the first required public hearing. The sign(s) may be removed only after final action of the Board of County Commissioners and must be removed within ten (10) days of such action. The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper AT LEAST 7 DAYS IN ADVANCE OF THE PUBLIC HEARING. Advertising costs are paid by the applicant directly to the newspaper and the applicant must furnish PROOF OF PUBLICATION to the Planning and Zoning Division, prior to the public hearing.

Hearings are held in the County Commission Chambers on the Fourth Floor of the Clay County Administration Building, 477 Houston Street, Green Cove Springs, Florida. You or your authorized agent **must be present**. If there are members of the public who wish to testify regarding your petition, they are normally allowed three (3) minutes.

Clay County Rezoning Property Ownership Affidavit – Attachment A-2

Date: July 1, 2024

Clay County Board of County Commissioners

Division of Planning & Zoning

Attn: Zoning Chief

P.O. Box 1366

Green Cove Springs, FL 32043

To Whom it May Concern:

Be advised that I am the lawful Owner of the property described in the provided legal description attached hereto. I give full consent to process the application for rezoning.

Owner’s Electronic Submission Statement: Under the penalty or perjury, I declare that all information contained in this affidavit is true and correct.

I hereby certify that I have read and examined this affidavit and know the same to be complete and correct.

Signature of Owner:

Date:

Stanley U. Hunt

September 5, 2024

Printed Name of Owner:

Sworn to and subscribed before me this _____ day of _____ A.D. 20 _____

Personally known _____ or produced identification.

Type of identification produced _____ and number (#): _____

September 5, 2024

Signature of Notary

Date:





Agenda Item
PLANNING COMMISSION

Clay County Administration Building
Tuesday, November 5 5:00 PM

TO: Planning Commission

DATE: 9/3/2024

FROM: Jenni Bryla, Zoning Chief

SUBJECT:

A. COMP 24-0021

This application is a FLUM Amendment to change 36.97 acres from Agricultural (AG) to Rural Residential (RR).

B. ZON 24-0027

This application is a Rezoning to change from Agricultural District (AG) to Agricultural Residential District (AR).

AGENDA ITEM TYPE:

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Owner: Laura Benson, 6183 CR 209 S, Green Cove Springs

Agent: NA

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff Report for COMP 24-0021	Cover Memo	10/23/2024	COMP_24-0021- _Staff_Report- _DRAFT_jbada.pdf
▢ Ordinance COMP 24-0021	Backup Material	10/23/2024	COMP_24-0021_Benson- _Ordinance_FINALada.pdf
▢ Staff Report for ZON 24-0027	Cover Memo	10/23/2024	ZON_24-0027_Benson- _Staff_Report_jbada.pdf

▫ Ordinance ZON
24-0027

Backup Material

10/23/2024

ZON_24-0027_Benson-
_Ordinance_FINALada.pdf



1 **Comprehensive Plan Amendment Application for COMP 24-0021**
2 **Staff Report and Recommendation**

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

5 **Owner / Applicant Information:**

Owner: Laura Benson	Address: 6183 CR – 209, South
Agent: NA	Green Cove Springs, FL 32043
Phone: 904-993-2733	
Email: Laura@GodsTouch.com	

6 **Property Information**

Parcel ID: 29-07-27-016105-000-00	Address: 6216 South CR-209 west of the St. John's River and east of the CSX railroad line
Current Land Use: AG (Rural)	Current Zoning: AG (Agriculture) with a proposed change to AR (Agriculture/Residential) ZON 24-0027.
Proposed Land Use: RR (Rural Residential)	Acres: 36.97 +/- acres
Commission District: 5, Comm. Burke	Planning District: Springs

7

8 **Introduction:**

9 This application is a Small-Scale Comprehensive Plan Amendment to the 2040 Future Land Use Map
10 (FLUM). The application would change an approximately 37-acres parcel of land from AG (Agriculture)
11 to RR (Rural Residential). The Applicant desires to separate a 10-acre tract on the west side, from the
12 parent parcel.
13

14 The subject parcel is located on the west side of CR 209 S, just south of the intersection of Decoy Rd
15 and CR 209 S. The Applicant has owned the land since 2005 and the use of the property is currently
16 listed as agricultural timber land along with an agriculture homesite, according to the Clay County
17 Property Appraiser. The Applicant also currently owns land to the east across CR 209 S. The entire
18 parcel change is being requested, however, it is the Applicants intent to only split 10 acres on the west
19 of the parent tract. No new development is being proposed for the parcel at this time.
20

21 The parcels to the north of the subject site also currently have a future land use of AG. These parcels,
22 however are less than the 20 acres required by Agricultural Land Use. These parcels were created
23 using the "Heirs" provision in the code. The pattern of development for the area especially to the north
24 of the subject site is a variety of smaller parcels ranging from two acres to over 40 acres. This eclectic
25 mix of varying size of parcels, that were initiated in the 90's, translates into an agricultural/residential
26 community east of the CSX railroad and west of CR 209-S.
27

28 A companion rezoning application from AG to AR follows this Comprehensive Plan Amendment.
29 With the Change of Land Use, the parcel will be consistent with those lands to the east which also have
30 a Future Land Use designation of RR and are in the AR zoning district. This change allows for larger,
31 rural residential lots and also can accommodate some agriculture. The land to the South is a 345-acre

32 parcel owned by a bon-a-fide agricultural timber operation that ends at the county line. The proposed
33 change in land use and zoning should not affect the productivity or viability of the established business
34 but instead create the perception of a boundary of residential development south of decoy road.
35
36

Figure 1 - Location Map

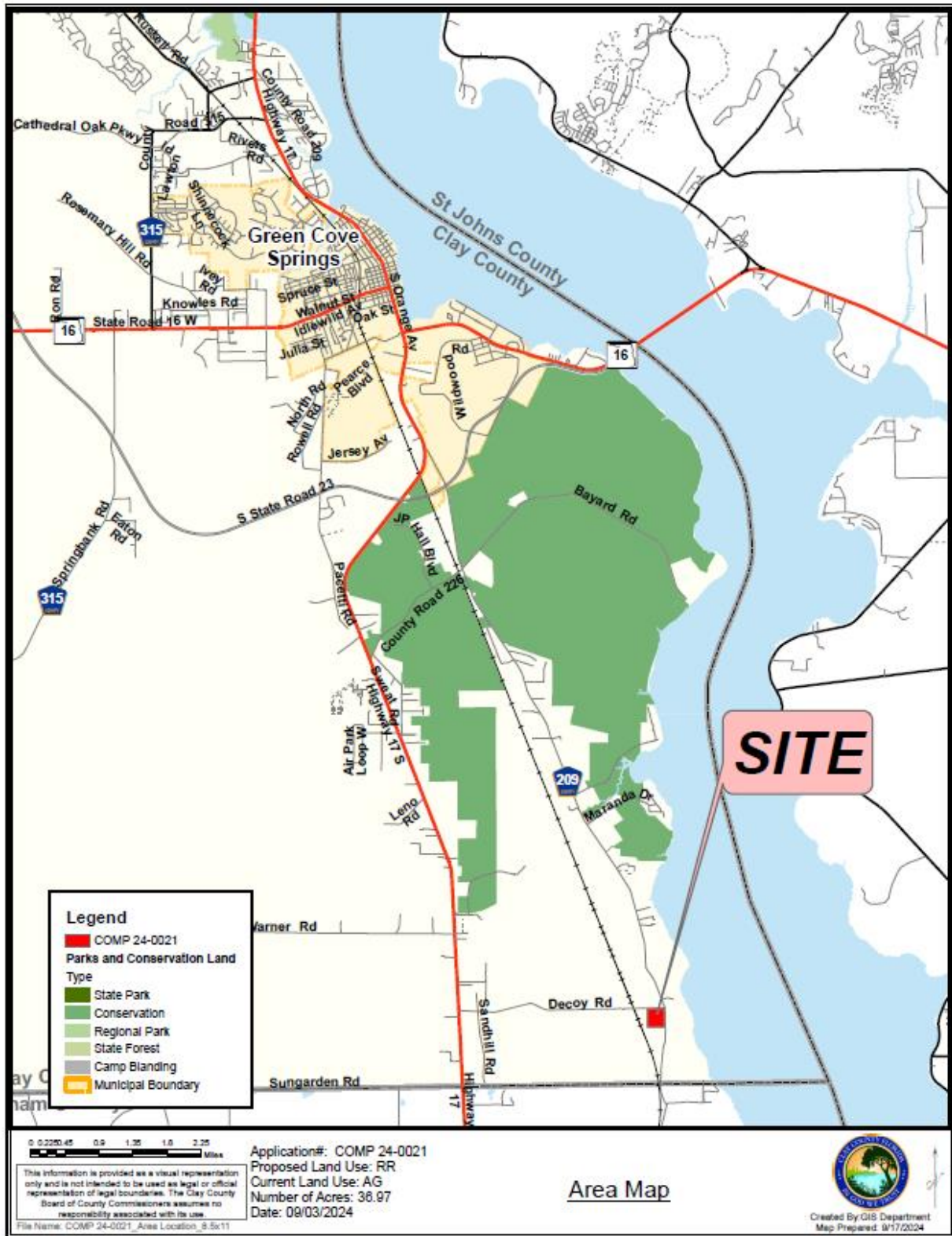


Figure 2 - Parcel Map

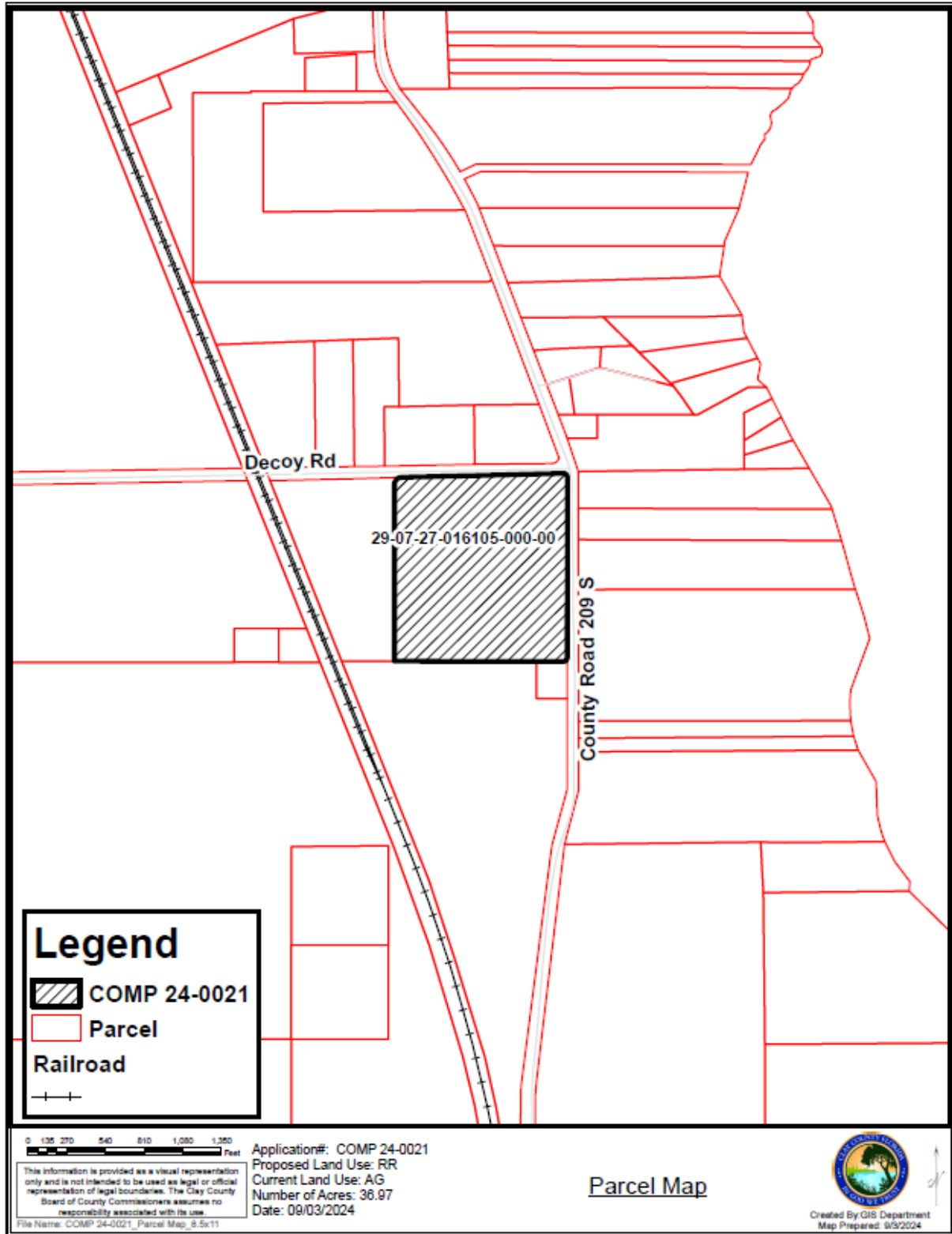


Figure 3 - Aerial Photo



Figure 4 – Existing Future Land Use Designation Map

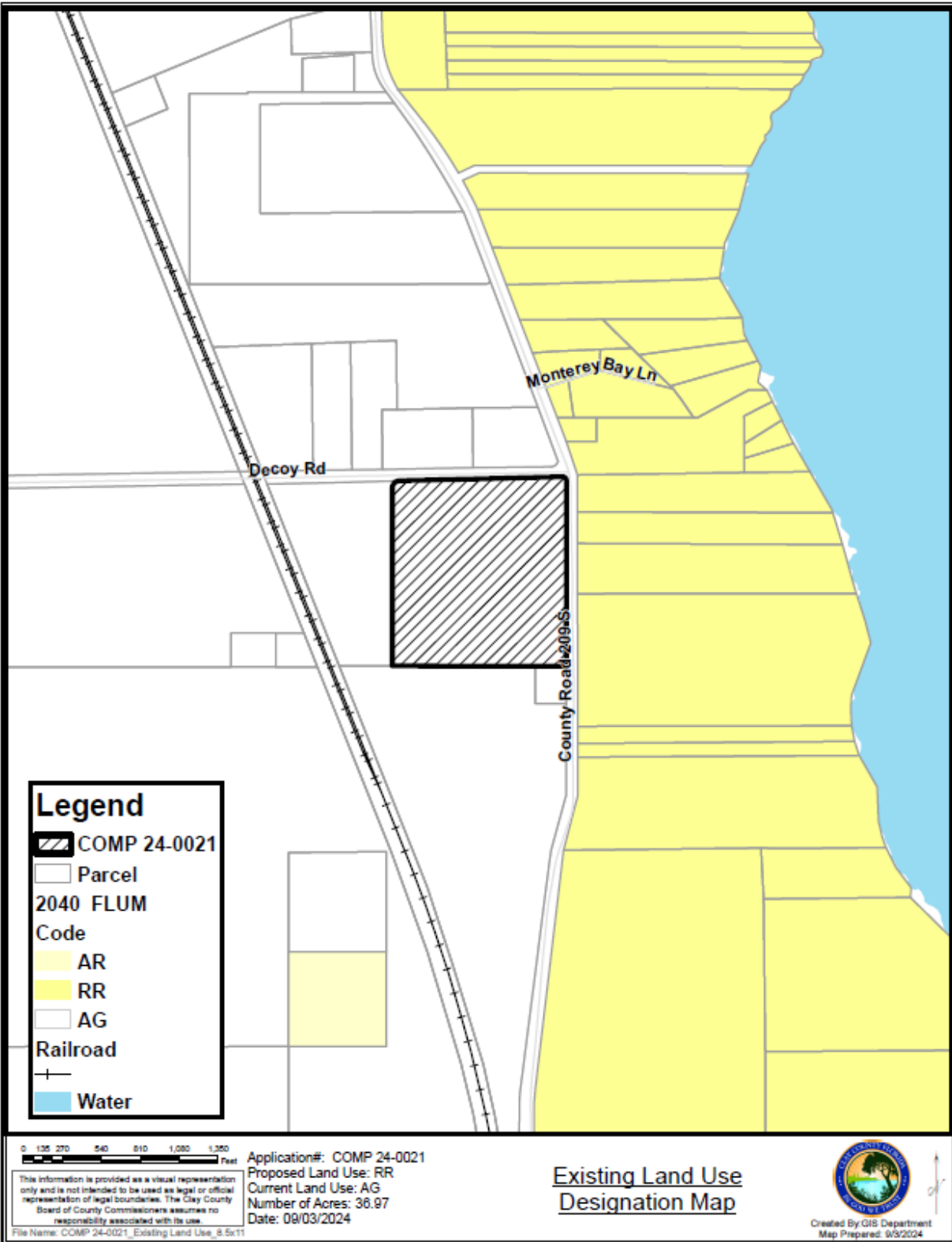


Figure 5 – Proposed Future Land Use Designation Map

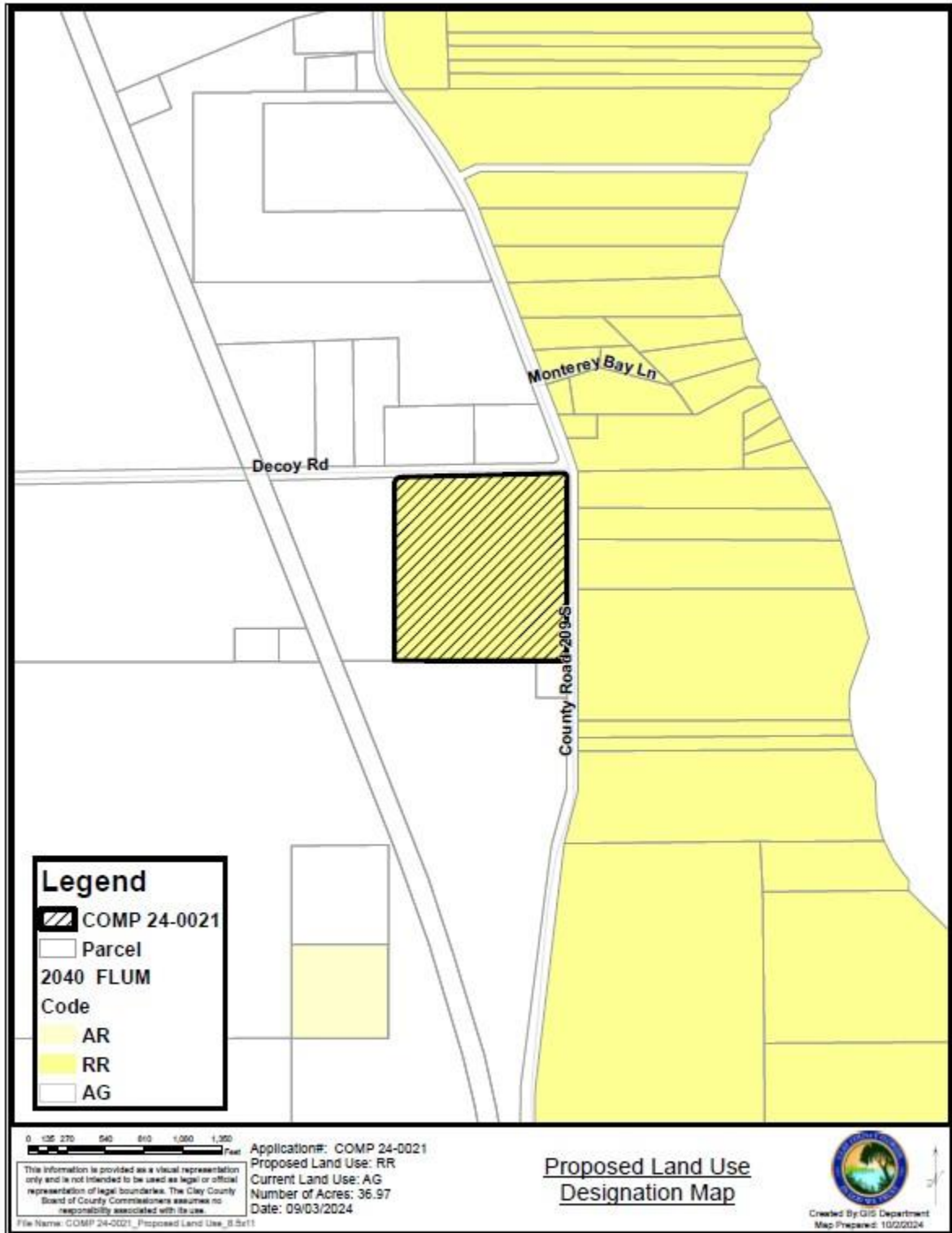
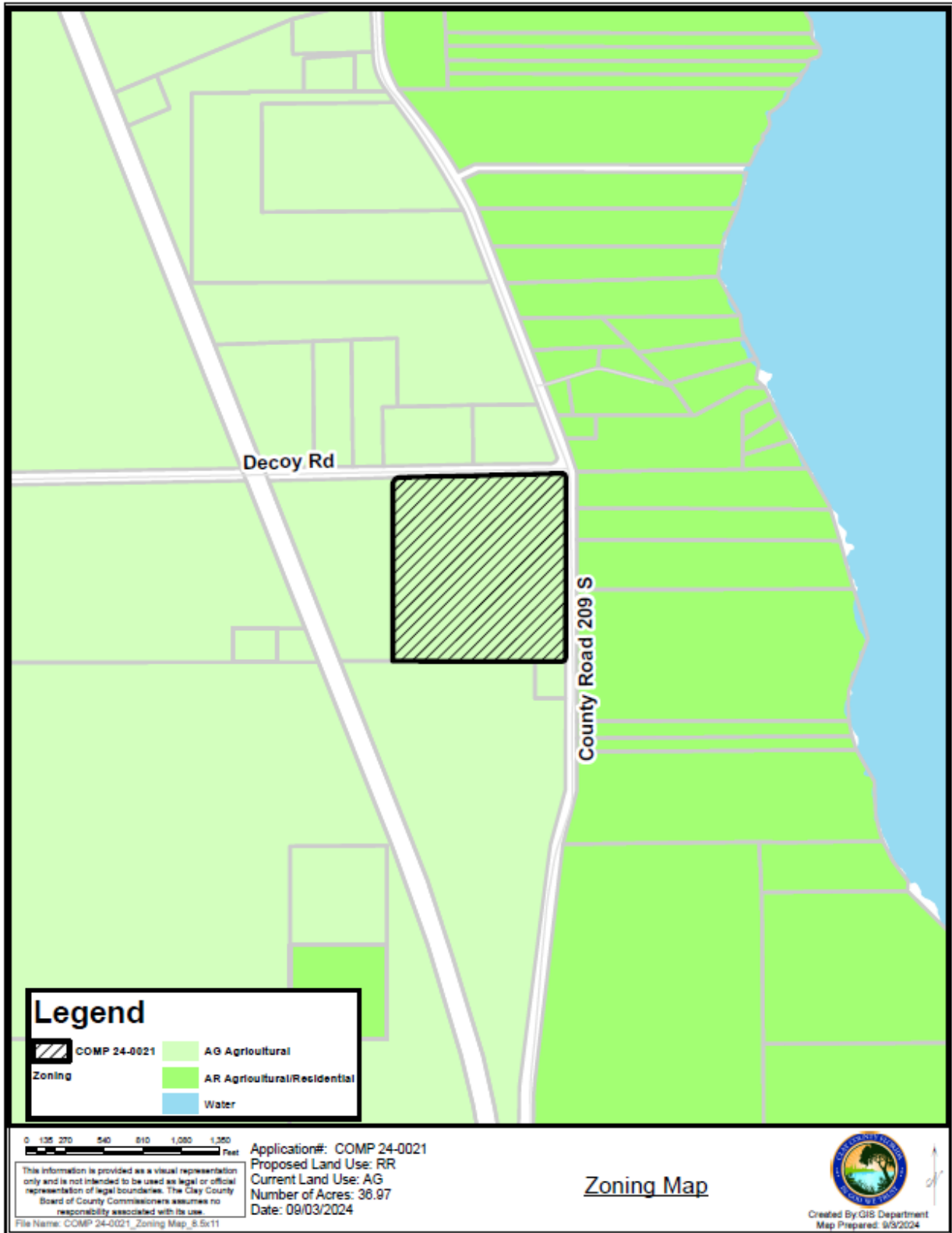


Figure 6 – Zoning Map



49 **Availability of Services**

50 **Traffic Facilities:**

51 The County's Mobility Fee will apply should any development should be proposed for the property.

52 The property fronts on two local roads, one of which is paved.

53 **Schools:**

54 Should residential uses be introduced onto the parcel, school impacts will be assessed.

55

56 **Recreation:**

57 There are no new residential uses associated with this land use change, so therefore no new

58 recreation lands are required.

59

60 **Water and Wastewater:**

61 The property is located outside of the Urban Service Line and therefore would need to utilize a well
62 and septic system to service the property should it be necessary.

63

64 **Stormwater/Drainage:**

65 Stormwater management for any new construction will need to meet County and Water Management

66 District standards.

67 **Solid Waste:**

68 Clay County has existing solid waste capacity to service to the area.

69 **Land Suitability:**

70 **Soils:**

71 Please See Figure 7, which shows the soils are suitable to this land use change and additional residential
72 structures, if requested.

73 **Flood Plain:**

74 The parcel is located in Flood Zone "X" and therefore has no development constraints. See Figure 8.

75 **Topography:**

76 The subject parcel is relatively flat stabilizing at elevation 13-15', across the face of the land. See Figure
77 9.

78 **Regionally Significant Habitat:**

79 There have been black bear sightings to the north of the property. See Figure 10.

80 **Historic Resources:**

81 There are no historic resource structures on the subject parcel although historic structure locations
82 have been mapped to the east and west of the subject parcel. See Figure 11.

83 **Compatibility with Military Installations:**

84 The subject property is not located near Camp Blanding.

85

Figure 7 - Soil Map

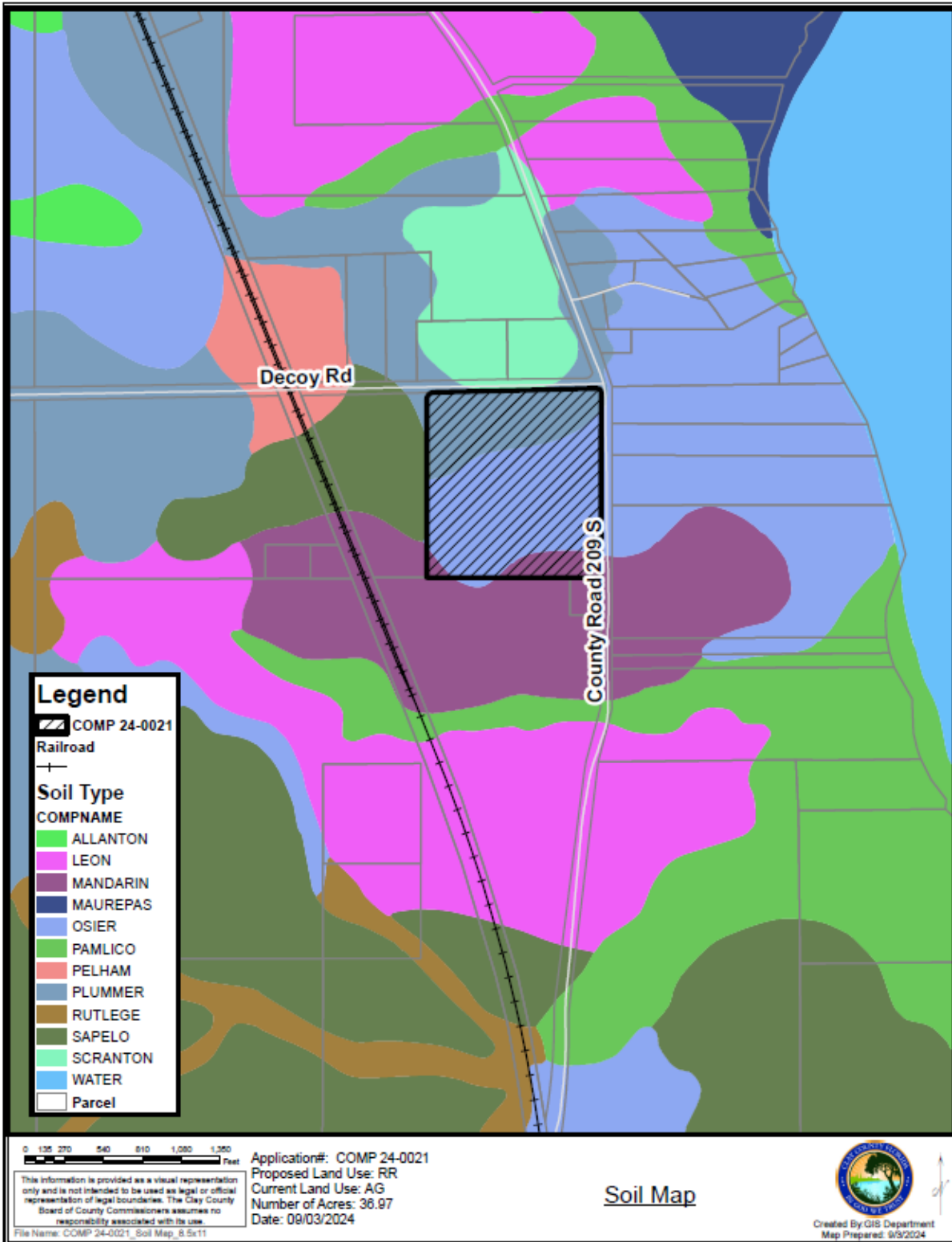


Figure 8 – Flood Zone Map

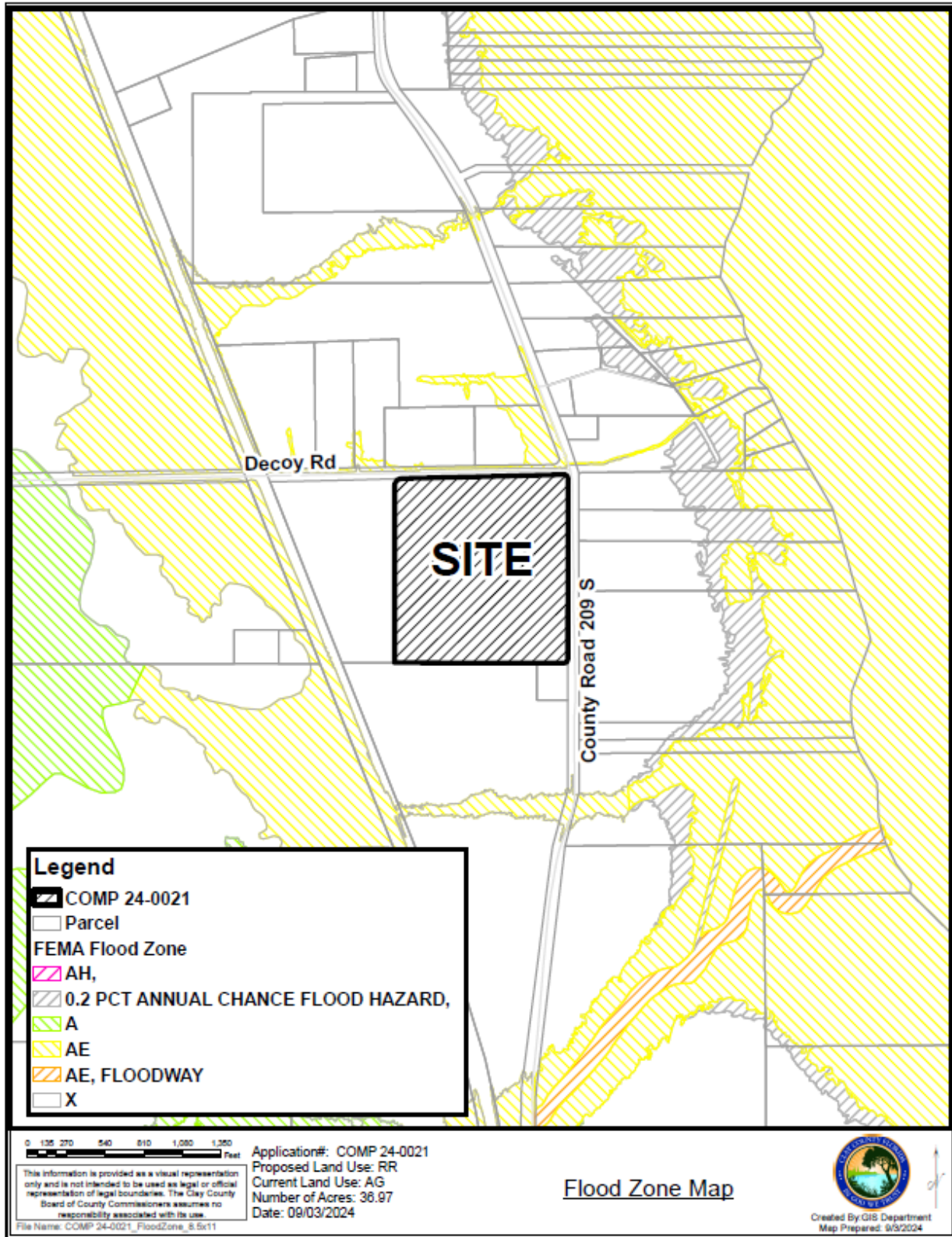


Figure 9 – Topography Map

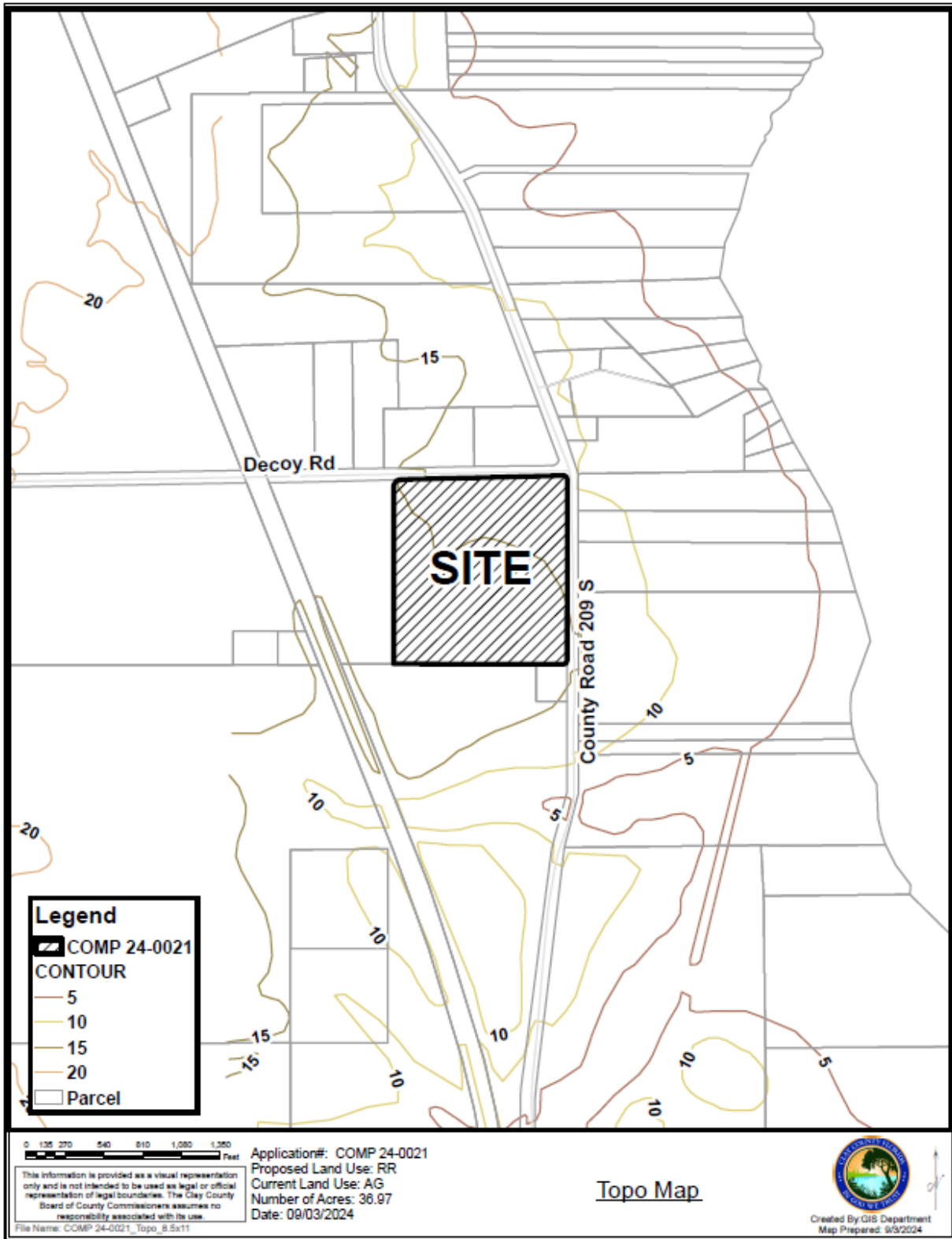


Figure 10 – Habitat Value Map

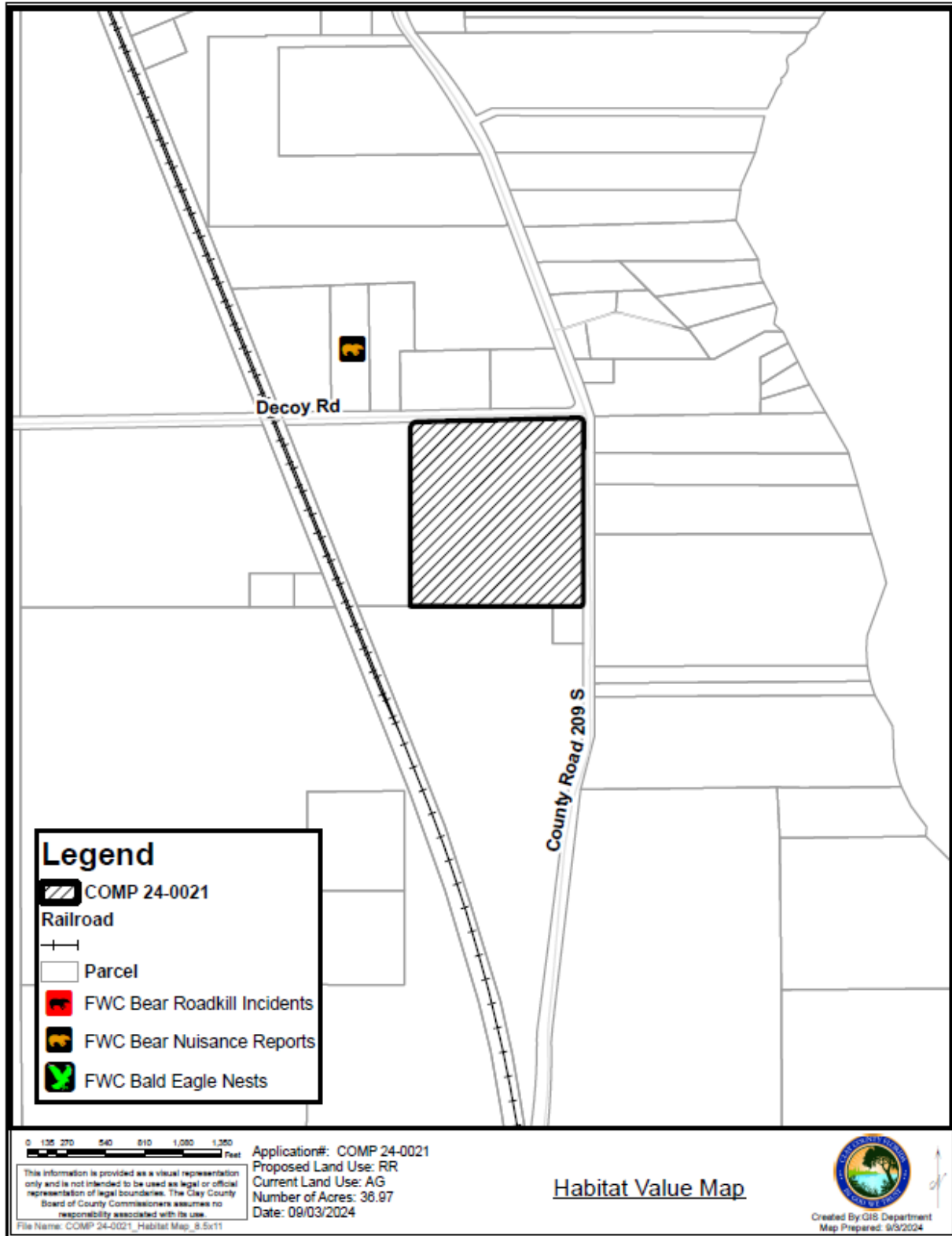
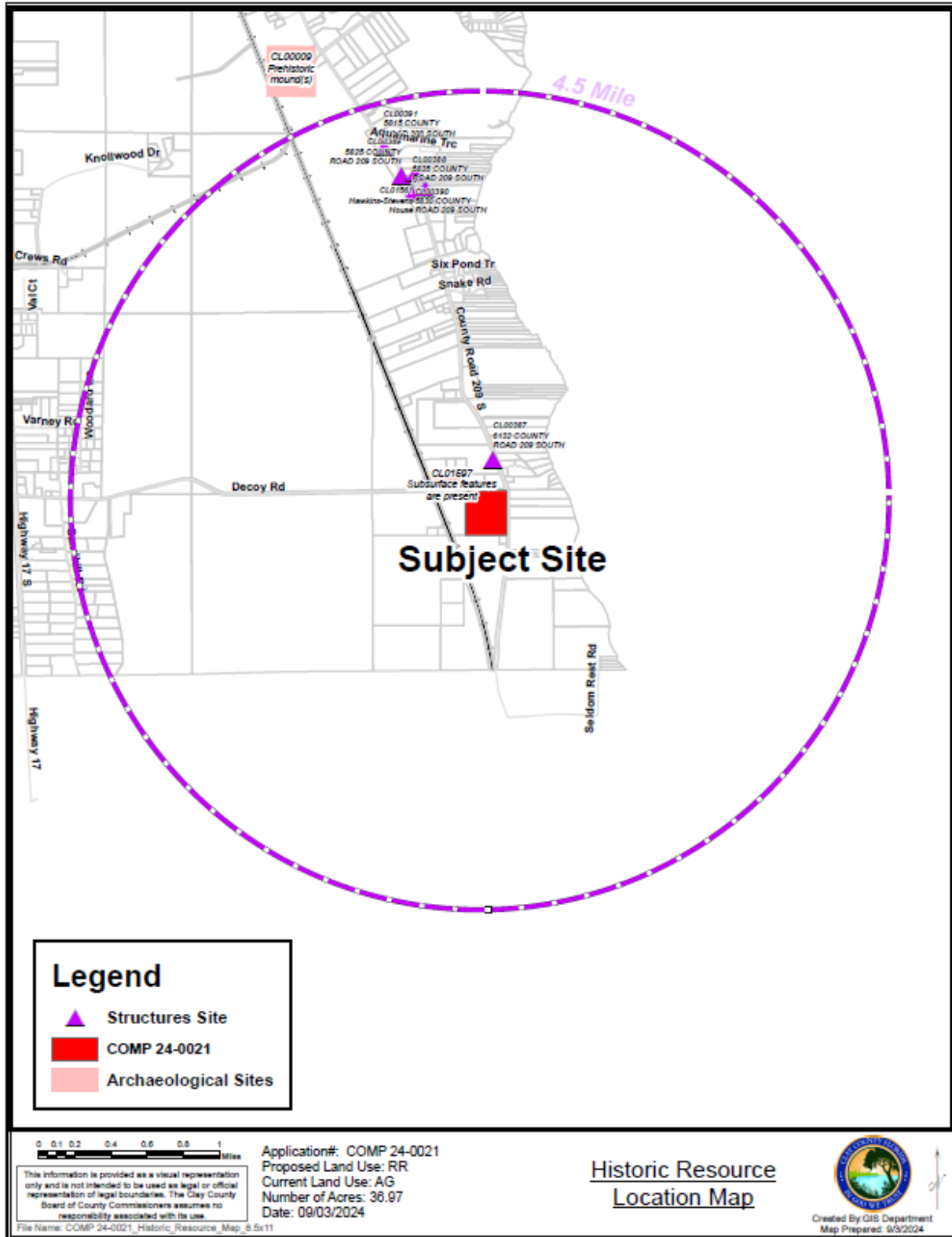


Figure 11 - Historical Resources



96 **Relevant Clay County 2040 Comprehensive Plan Policies**

97 The subject property is currently designated Agricultural AG. The following Comprehensive Plan policy
98 describes the AG land use designation and the permitted development density.

99 FLU Policy 1.4.1.1 Agricultural (AG)

100 Agriculture – “AG” (Rural): This classification is intended for those areas of the County
101 designated as appropriate locations for all types of agricultural pursuits including crop
102 production, pasture land for grazing cattle and horse farming, timber production, and cover
103 crops for soil regeneration. Agricultural lands account for an important segment of the Clay
104 County economy and play a vital role in the conservation of the County's natural resources.
105 These uses are generally characterized by being situated in areas removed from urban services,
106 having very sparse densities and exhibiting a rural character. The Plan recognizes the value of
107 these lands for agricultural and silvicultural activities, at both a small and large scale, and,
108 therefore, recognizes their potential suitability for limited residential development at a density
109 of one unit per twenty gross acres.

110 This application proposes to amend the use of subject parcel to Rural Residential RR land use. The
111 following Comprehensive Plan policy describes the RR land use designation and the permitted
112 development density.

113 FLU Policy 1.4.1.3 Rural Residential (RR)

114 Rural Residential - “RR” (Exurban): These areas will serve as a transition between areas
115 with planned urban services, agriculture/residential areas, and environmentally sensitive
116 areas. The new growth in these areas may include central sewer or water systems or other
117 urban level public services if feasible. Rural residential areas will provide a low-density
118 residential character. Designation of these areas on the Future Land Use Map is based on
119 recognizing a number of existing and future development factors. These include areas with
120 soil conditions suitable for individual wells and septic systems; existing rural subdivisions
121 with little or no infrastructure improvements, including unpaved roads; small farm or
122 recreational and low intensity institutional uses; and areas which are in close proximity to
123 but outside of, planned urban services and are not anticipated to develop at an intensity to
124 require significant urban services within the planning period. Allowable residential density
125 under this category shall be one dwelling unit per 5 net acres. Implementation of this land
126 use designation shall occur in accordance with the Land Development Regulations. Some
127 locations in Rural Residential may qualify for a density of one unit per acre, but only if the
128 requirements of tract size, clustering and points in Future Land Use Objective 1.4 and its
129 policies are met. a) Within the Rural Residential land use designation, developments
130 meeting the following criteria are authorized to subdivide parcels into tracts of no less than
131 five acres. Property owners are further authorized to construct one single family home on
132 each five acre parcel and to receive a building permit upon proper application therefor,
133 without regard to the density restrictions otherwise applicable to such properties as set
134 forth herein and in the land development regulations, and without being required to record
135 a plat or otherwise comply with the development standards set forth in the subdivision
136 regulations. i) The parcels must lie within a Residential Aviation Community. ii) The
137 geographical boundary of the community must contain less than 100 parcels. iii) At least
138 75% of the parcels must be five acres in size or less. iv) All roads providing access to the
139 newly created residential parcels must be paved and privately owned and maintained. v)

140 The total potential number of newly created parcels must not exceed 20% of the total
141 number of parcels within the community. Said lots may not be further subdivided through
142 the heirs and homestead provisions of the Plan.

143

144 In addition to the above, the County Comprehensive Plan encourages residential development that
145 allows for a variety of housing types and “in-fill” development. This initiative is evident in the following
146 Objective and Policy.

147 HOU OBJ 1.1 Clay County shall provide appropriate land use categories and land development
148 regulations to allow for a variety of housing types and values for the additional dwelling units
149 needed to meet the projected rise in population by the year 2040.

150 HOU POLICY 1.1.1 The County shall provide incentives for "in-fill" development in
151 existing urbanized areas in order to discourage unwarranted urban sprawl.

152

153 [Analysis Regarding Urban Sprawl](#)

154 It is the intent of Clay County to discourage the proliferation of Urban Sprawl. As required by FS
155 163.3177, all proposed comprehensive plan amendments will be determined to discourage urban
156 sprawl if four or more of the conditions are met.

157 (I) Directs or locates economic growth and associated land development to geographic areas of
158 the community in a manner that does not have an adverse impact on and protects natural resources
159 and ecosystems.

160 *The proposed amendment continues the pattern of very low density residential development that*
161 *has been established north of the subject property. The change in the subject property would*
162 *establish the County's southern edge for low density development.*

163 (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and
164 services.

165 *The proposed amendment will allow a very low density residential product with lots equal to or*
166 *greater than 10 acres. The lot size is more than necessary to establish a well and septic system for*
167 *the needs of a single family home.*

168 (III) Promotes walkable and connected communities and provides for compact development and
169 a mix of uses at densities and intensities that will support a range of housing choices and a
170 multimodal transportation system, including pedestrian, bicycle, and transit, if available.

171 *The proposed amendment creates a continuation of the residential development pattern that has*
172 *been established in the area. The reduction in lot sizes from 20 acres to 10 allows the opportunity for*
173 *more connectivity between neighbors, removing the potential distance barrier.*

174 (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and
175 prime farmlands and soils.

176 *The proposed amendment continues the pattern of residential uses to the north and east and helps*
177 *to preserve the established agricultural uses to the South. The change also does not preclude the land*
178 *from being used for agriculture, it just allows for a variety of sizes for the use.*

179 **Staff Finding:** Based on the four criteria above the proposed amendment will not constitute sprawl.

180 **Summary**

181 The proposed amendment would change the FLU of 36.97 acres from AG to RR.

182 **Recommendation**

183 Based on the above criteria, Staff recommends **approval** of the small scale Comprehensive Plan
184 amendment COMP 24-0021.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING THE CLAY COUNTY 2040 COMPREHENSIVE PLAN INITIALLY ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, UNDER ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, IN ORDER TO AMEND THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF A SINGLE PARCEL (TAX PARCEL IDENTIFICATION # 29-07-27-016105-000-00), TOTALING APPROXIMATELY 36.97 ACRES, FROM AGRICULTURE (AG) TO RURAL RESIDENTIAL (RR); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”); and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto and provides that Section 163.3187, Florida Statutes, may be followed for plan amendments qualifying as small-scale development; and,

WHEREAS, Application COMP 24-0021, submitted by Laura Benson, requests an amendment to the Plan; and,

WHEREAS, the Board desires to amend the Plan as provided for below.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Clay County Ordinance No. 2018-31, as amended, is amended as provided in Section 2 hereof.

Section 2. The adopted Future Land Use Map of the Plan is hereby amended such that the Future Land Use designation for a single parcel of land (tax parcel identification # 29-07-27-016105-000-00), totaling approximately 36.97 acres, described in Exhibit “A-1”, and depicted in Exhibit “A-2” is hereby changed from AG (AGRICULTURAL) to RR (RURAL/RESIDENTIAL).

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. The effective date of this Plan amendment shall be 31 days after adoption unless the amendment is challenged pursuant to 163.3187, Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Commerce or the Administration

Commission finding the amendment in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Its Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

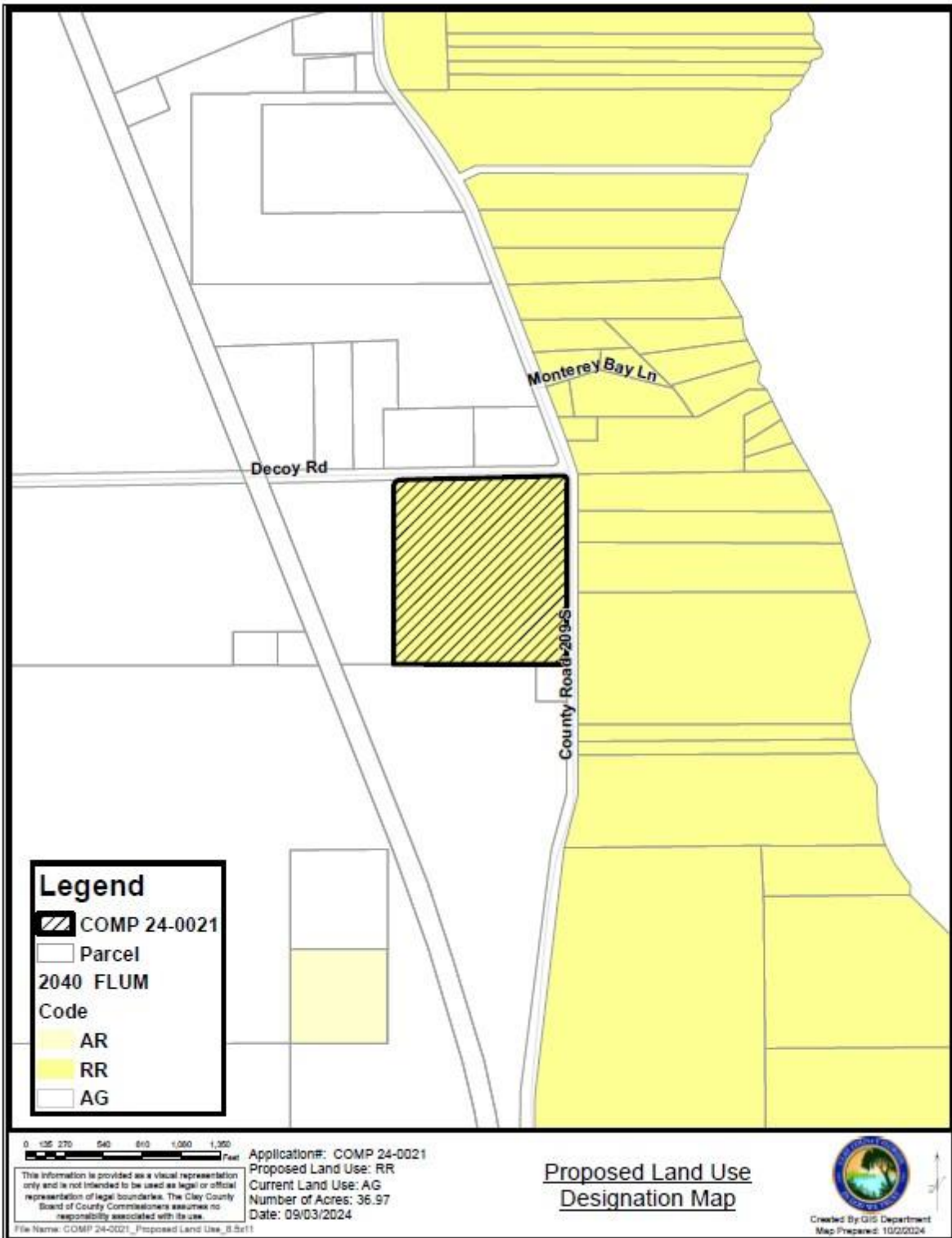
EXHIBIT A – LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CLAY, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 7 SOUTH, RANGE 27 EAST, CLAY COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ON THE WEST LINE THEREOF RUN SOUTH 00 DEGREES 02 MINUTES 38 SECONDS EAST 66.12 FEET TO THE SOUTH LINE OF COUNTY ROAD NO. C-214 (FORMERLY STATE ROAD NO. S-214, AN 80 FOOT RIGHT OF WAY AS NOW ESTABLISHED) AND THE POINT OF BEGINNING; THENCE ON LAST SAID LINE RUN THE FOLLOWING 2 COURSES: 1) NORTH 89 DEGREES 22 MINUTES 43 SECONDS EAST 1236.43 FEET; 2) SOUTHEASTERLY ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET, A CHORD DISTANCE OF 42.54 FEET TO THE WEST LINE OF COUNTY ROAD NO. C-209 (A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED), THE BEARING OF SAID CHORD BEING SOUTH 65 DEGREES 28 MINUTES 07 SECONDS EAST; THENCE ON SAID WEST LINE SOUTH 00 DEGREES 03 MINUTES 28 SECONDS EAST 1253.55 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ON LAST SAID LINE NORTH 89 DEGREES 51 MINUTES 22 SECONDS WEST 1275.35 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ON LAST SAID LINE NORTH 00 DEGREES 02 MINUTES 38 SECONDS WEST 1254.63 FEET TO THE POINT OF BEGINNING.

Exhibit "A-2"





1 **Rezoning Application ZON-24-0027**
2 **Staff Report**

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

6
7 **Owner / Agent Information**

Owner: Laura A Benson
Phone: 904-993-2733
Email: laura@godstouch.com

Address: 6216 County Road 209 S
Green Cove Springs, FL 32043

8
9 **Property Information (all parcels)**

10 **Current Zoning:** AG (Agricultural) **Land Use:** RR (Requested via COMP 24-0021)
11 **Zoning Proposed:** AR (Agricultura/Residential) **Total Acres:** 36.97+/-
12 **Commission District:** 5 (Commissioner Burke) **Planning District:** Springs
13 **Parcel #:** 29-07-27-016105-000-00
14
15

16 **Background**

17
18 This is an Applicant requested zoning change to change the subject parcel from Agriculture (AG)
19 to Agriculture/Residential (A/R). A request for a Land Use change is also being processed
20 concurrently for the subject parcel. The parcel measures approximately ±37 acres and lies at the
21 southwest corner of Decoy Rd and CR 209 S. The active CSX rail line is in close proximity to the
22 west of the subject property. The area’s Agricultural Future Land Use requires 20 gross acres per
23 one unit, the properties to the north of the subject property along Decoy Rd. are however less than
24 the 20 acres and instead range from 5 to 10 acres. These properties were reduced in size through
25 the “Heirs” provision of the code. The property directly to the east of the subject property across
26 CR 209 S is currently in the AR Agriculture/Residential zoning district, with a Rural Residential
27 Future Land Use.
28

29 The zoning and future land use of the parcels surrounding the subject parcel are provided in the
30 table below and are primarily A/R (Agricultural/Residential) to the east and AG (Agricultural) to
31 the west. Existing uses in the area are primarily residential and agricultural.
32

	ZONING	FUTURE LAND USE
North (Across Decoy Rd.)	AG (Agriculture)	AG (Agriculture)
East (Across CR 209 S.)	AR (Agricultural/Residential)	RR (Rural Residential)
West	AG (Agriculture)	AG (Agriculture)
South	AG (Agriculture)	AG (Agriculture)

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The intent of the Agriculture zoning district is:

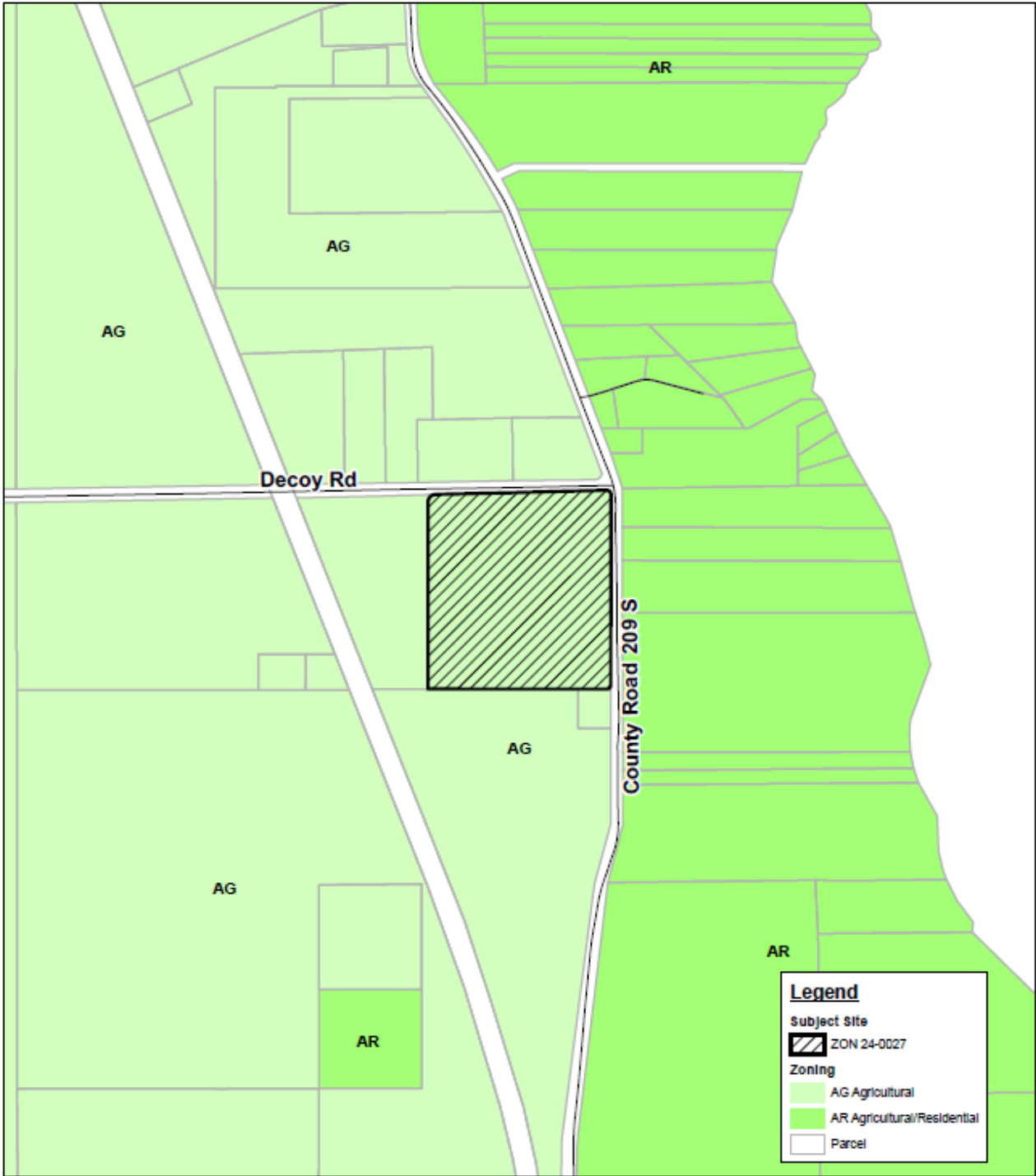
All land designated as Zone AG is subject to the regulations of this Section as well as the appropriate density and intensity restrictions from Sec. 20.3-10. Such uses have been established for the protection of agriculture as a major industry in the County by preventing encroachment on agricultural lands by incompatible uses; to encourage a broad range of agricultural activities and their accessory operations, including the processing and sale of agricultural products raised on the premises; to protect watersheds and water supplies, wilderness and scenic areas and conservation and wildlife areas; and to permit a variety of activities which require non-urban locations but which do not operate to the detriment of adjoining lands devoted to rural and agriculture purposes.

The Applicant does not intend to farm the land, but would like to extend the rural pattern of residential use that is apparent in the area. The minimum lot size in the AR zoning district is 10 acres. The intent of the requested Agriculture/Residential zoning district is:

All land designated as Zone AR is subject to the requirements of this Section as well as the appropriate density and intensity in Sec. 20.3-10. Such uses have been established to provide a transition between agricultural and the more urban residential areas; and to create a rural residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the resident.

The parcels to the north of the subject property, although located in an Agriculture Zoning district, all but one parcel is far less than the requested 10 acres in size. The Zoning districts surrounding the subject property are shown in Figure 1, with the proposed zoning shown in Figure 3. The aerial of the subject property is shown in Figure 2. This Figure clearly shows the utilization of the lands surrounding the subject property are for residential and not agriculture.

Figure 1 Surrounding Zonings

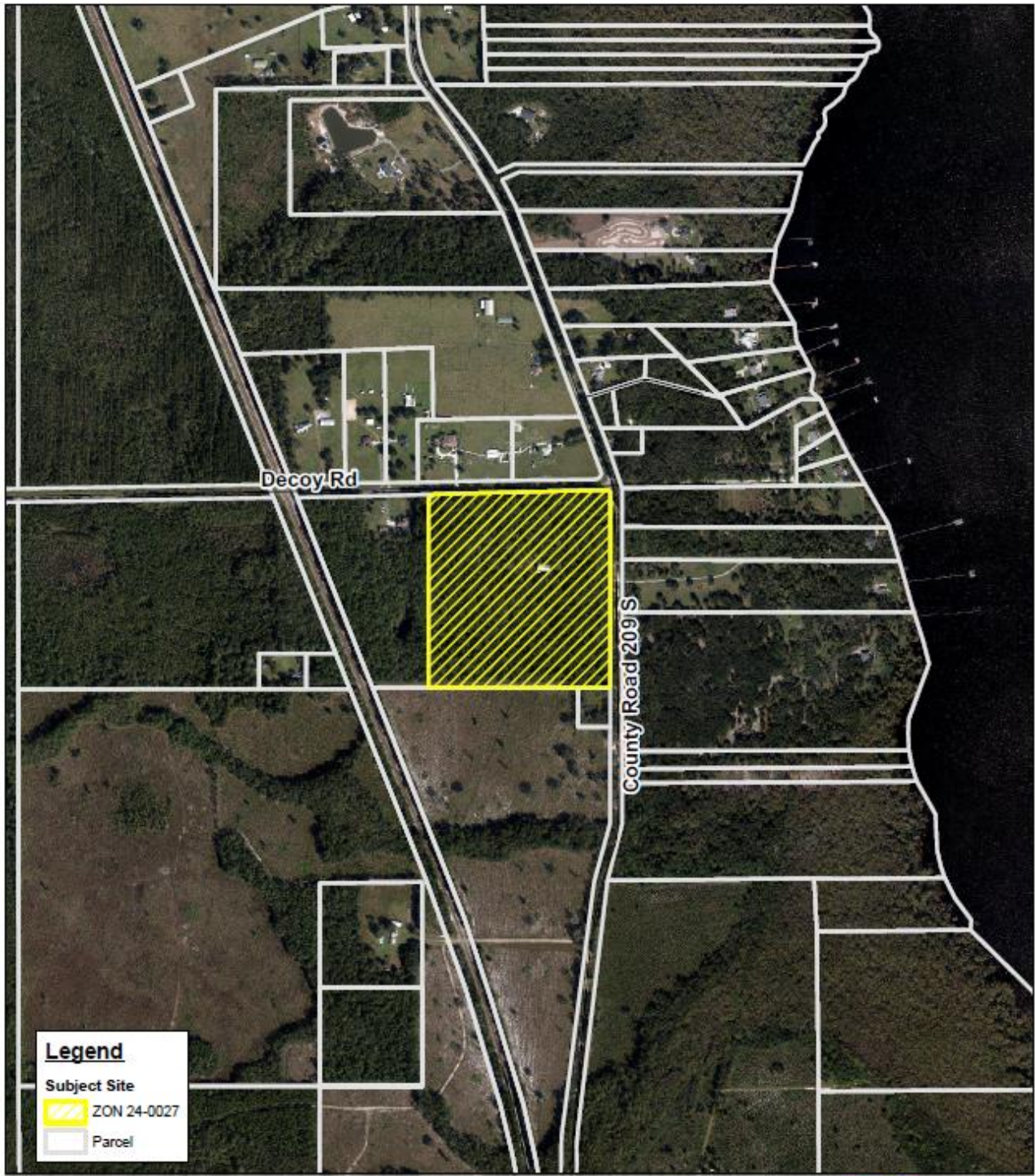


0 425 850 1,700 Feet

Existing Zoning
Proposed Rezoning: ZON 24-0027
From AG to AR



65 Figure 2 Aerial of Site

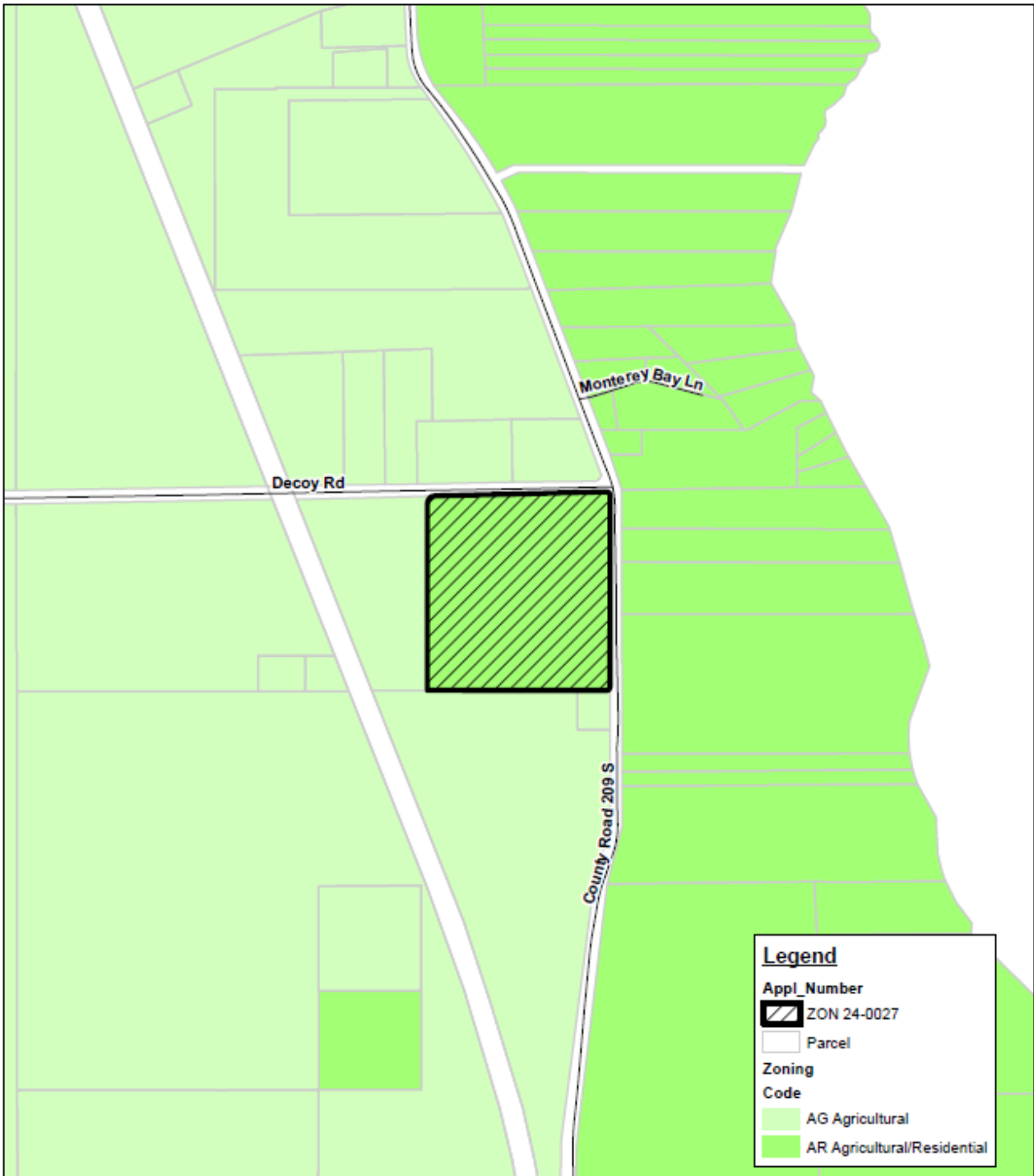


0 425 850 1,700 Feet

Aerial Map
Proposed Rezoning: ZON 24-0027
From AG to AR



67 Figure 3 Proposed Zoning



0 425 850 1,700 Feet

Proposed Rezoning: ZON 24-0027
From AG to AR



69 **Proposed AR Zoning District**

70 **Sec. 3-13. Agricultural/Residential District (Zone AR)**

71
72 (a) *Intent.* All land designated as Zone AR is subject to the requirements of this Section as
73 well as the appropriate density and intensity in Sec. 20.3-10. Such uses have been
74 established to provide a transition between agricultural and the more urban residential
75 areas; and to create a rural residential environmental wherein natural constraints applicable
76 to development can be recognized and protected in a manner compatible with the needs of
77 the resident.

78
79 (b) *Uses Permitted.*

80
81 (1) Single-family or mobile home dwelling with their customary accessory uses.

82
83 (2) For lots greater than one (1) acre in size, permitted uses include the non-commercial
84 keeping and raising of horses, cattle, sheep, goats, swine and other similar animals.
85 (amended 2/94 - Ord. 94-03)

86
87 (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial
88 keeping and raising of horses, cattle, sheep, swine, goats and other similar farm
89 animals; provided, however, that no more than two (2) horses, cattle, sheep, swine,
90 goats and other large farm animals six (6) months of age or older shall be permitted
91 to be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal
92 pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty
93 (50) feet to the property. (amended 2/94 - Ord. 94-03)

94
95 (4) Agricultural accessory uses that are customary and incidental to principal
96 agricultural use shall be permitted as follows: (amended 2/95 - Ord. 95-2)

97
98 (i) Accessory buildings directly incidental to the agricultural pursuits listed
99 above.

100
101 (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment
102 only, provided the structure does not exceed three thousand (3,000) square
103 feet of gross floor area.

104
105 (iii) Stand for the sale of products which are raised on the premises.

106
107 (5) General agricultural pursuits of a variety similar, but not limited to, truck gardens,
108 forestry, crop raising, horticulture, greenhouses, nurseries, groves, apiculture and
109 pisciculture.

110
111 (6) The sale of said products and commodities which are raised on the premises. Retail
112 roadside sales permitted only from conforming structures on private property.
113

- 114 (7) Garage sales will be allowed up to a maximum of two garage sales within any
 115 calendar year. The duration of each garage sale shall be a maximum of 72 hours
 116 and may be conducted only within daylight hours. No sign advertising a garage
 117 sale may be placed on any public right-of-way.
 118
- 119 (8) Storage of petroleum products.
 120
- 121 (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
 122
- 123 (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
 124
- 125 (9) Satellite dish receivers for individual use.
 126
- 127 (10) The parking of commercial vehicles by the owner of the primary residence with a
 128 limit of one (1) per acre and a maximum of two (2) vehicles, may be parked in the
 129 rear or side yard, except refrigerated vehicles and vehicles carrying hazardous
 130 materials.
 131
- 132 (11) Private boat pier or slip for the use of occupants of principal residential structures
 133 of the lot; provided said pier or slip does not interfere with navigation.
 134
- 135 (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to
 136 the conditions provided in Section 20.3-5.
 137
- 138 (1) Plant nurseries.
 139
- 140 (2) Riding academies and riding stables.
 141
- 142 (3) Home occupations.
 143
- 144 (4) Bird sanctuaries and rehabilitation centers.
 145
- 146 (5) Swimming pools.
 147
- 148 (6) Commercial kennels.
 149
- 150 (7) Radio, television, microwave relay stations or towers and accessory equipment
 151 buildings. (Ord. 95-53 - 11/28/95)
 152
- 153 (8) Aviculture (Commercial or Hobbyist).
 154
- 155 (9) Temporary structures or buildings.
 156
- 157 (10) Mobile homes for medical hardship.
 158
- 159 (11) Communication Antennas and Communication Towers, including accessory

160 buildings, tower support and peripheral anchors as governed by the provisions of
161 Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96
162 - Ord.96- 58).

- 163
- 164 (12) Public and/or private sewer facilities.
- 165
- 166 (13) Private drainage ponds or agricultural livestock ponds.
- 167
- 168 (14) Borrow Pits (amended 2/95 - Ord.95-2)
- 169
- 170 (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
- 171
- 172 (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)
- 173
- 174 (17) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
- 175
- 176 (18) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
- 177
- 178 (19) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
- 179
- 180 (20) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03
181 – Ord. 03-40)
- 182
- 183 (21) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
- 184
- 185
- 186 (22) Temporary Living Quarters during construction of a residence (amended 11/07 –
187 Ord.2007-66)
- 188
- 189 (23) Residential Group Homes of six or fewer individuals. *Rev. 01/12/16*
- 190
- 191 (24) Accessory Dwelling Units. *Rev. 05/26/09*
- 192
- 193 (25) Rural Event Centers. *Rev. 02/23/16*
- 194
- 195 (26) Horse Hotels. *Rev 10/27/20*
- 196
- 197 (d) *Uses Not Permitted.*
- 198 (1) Any use not allowed in (b) or (c) above.
- 199 (2) Any use or activity which would create any obnoxious, corrosive, or offensive
200 noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be
201 detrimental to other surrounding properties or to the welfare and health of the
202 citizens in the area.
- 203 (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses

204 in the AR district shall be as follows:
205

206 (1) Land with a zoning classification of AR and a land use designation of
207 Agricultural/Residential.

208
209 (i) Residential development not classified as a subdivision pursuant to
210 Ordinance 85-68, as amended.

211
212 *Maximum Density* One (1) unit per ten (10) acres
213 *Minimum Lot Size* Ten (10) acres or 435,600 square feet
214

215 (ii) Subdivision pursuant to Ordinance 85-68, as amended.

216
217 *Maximum Density*
218 With Clustering and Points One (1) unit per five (5) acres
219 Without Clustering and Points One (1) unit per ten (10) acres
220

221 *Minimum Lot Size*
222 With Clustering and Points One (1) acre or 43,560 square feet
223 Without Clustering and Points Nine (9) acres or 392,040 sq. feet
224

225 (2) Land with a zoning classification of AR and a land use designation of Rural
226 Residential.

227
228 (i) Residential development not classified as a subdivision pursuant to
229 Ordinance 85-68, as amended.

230
231 *Maximum Density* One (1) unit per five (5) acres
232 *Minimum Lot Size* Five (5) acres or 217,800 square feet
233

234 (ii) Subdivision pursuant to Ordinance 85-68, as amended.

235
236 *Maximum Density*
237 With Clustering and Points One (1) unit per acre
238 Without Clustering and Points One (1) unit per five (5) acres
239

240 *Minimum Lot Size*
241 With Clustering and Points 21,780 square feet
242 Without Clustering and Points Four (4) acres or 174,240 sq. feet
243

244 (3) Land with a zoning classification of AR and a land use designation of Rural Fringe.

245
246 (i) *Maximum Density* .One (1) unit per acre
247 *Minimum Density* 43,560 square feet
248

249 (4) Land within a zoning classification of AR and a land use designation of Urban

- 250 Fringe. (amended 2/94 - Ord. 94-03)
- 251
- 252 (i) *Maximum Density* Two (2) units per acre
- 253 *Maximum Lot Size* 21,780 square feet
- 254 (5) Land within a zoning classification of AR and a land designation of Urban Core
- 255 (10).
- 256
- 257 (i) *Maximum Density* Two (2) units per acre
- 258 *Maximum Lot Size* 21,780 square feet
- 259
- 260 (6) Land with a zoning classification of AR and a land use designation of Agriculture.
- 261 (amended 7/02 – Ord. 02-36)
- 262
- 263 (i) Residential development not classified as a subdivision pursuant to
- 264 Ordinance 85-65, as amended.
- 265
- 266 *Maximum Density* One (1) unit per twenty (20) acres
- 267 *Minimum Lot Size* Twenty (20) acres
- 268
- 269 (f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be so
- 270 located as to comply with the following requirements:
- 271
- 272 (1) Minimum Lot Width at Building Line 100 feet
- 273
- 274 (2) Minimum Lot Depth 100 feet
- 275
- 276 (3) Minimum Front Setback 30 feet
- 277
- 278 (4) Minimum Rear Setback 35 feet
- 279
- 280 (5) Minimum Side Setback 20 feet*
- 281 *For waterfront properties along Doctors
- 282 Lake within the Neilhurst Plat, recorded in
- 283 Plat Book 2, pages 44 through 46, the minimum
- 284 side setback shall be 5 feet.
- 285
- 286 (6) Minimum Front Yard Setback for Accessory Buildings, 30 feet
- 287 Excluding Fences
- 288
- 289 (7) Minimum Rear Yard and Side Setback for Accessory Buildings 7.5 feet
- 290
- 291 (8) Minimum Living Area 750 sq. ft.
- 292 (amended 2/95 - Ord. 95-2)
- 293
- 294 (9) All structures shall be set back a minimum of 50 feet landward from the ordinary
- 295 high-water line or mean high water line, whichever is applicable; for waters

296 designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be
297 100 feet. These setbacks shall not apply to structures on lots or parcels located
298 landward of existing bulkheads permitted by the St. Johns River Water
299 Management District or Florida Department of Environmental Protection.

300
301 (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high
302 water line or the mean high water line, whichever is applicable. Lot width shall be
303 measured by the chord terminated by the property corners at the ordinary high water
304 line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

305 **Staff Recommendation**

306
307 This is an Applicant requested rezoning application to change approximately 37.00 acres from AG
308 to AR. Given the presence of existing Agriculture/Residential zoning to the east and the existing
309 residential uses to the north on substandard lots, the zoning change request maintains the pattern
310 of development in the area and appears appropriate.

311
312 This request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, as
313 outlined above and is compatible with the surrounding Zoning and Future Land Use. Staff
314 recommends **approval** of application ZON 24-0027.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PURSUANT TO ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED PURSUANT TO ORDINANCE 93-16, AS AMENDED, PROVIDING FOR THE REZONING OF A SINGLE PARCEL OF LAND (TAX PARCEL IDENTIFICATION # 29-07-27-016105-000-00), TOTALING APPROXIMATELY 36.97 ACRES, FROM ITS PRESENT ZONING CLASSIFICATION OF AGRICULTURAL (AG) TO AGRICULTURAL/RESIDENTIAL (AR); PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Application ZON-24-0027 seeks to rezone certain real property (tax parcel identification # 29-07-27-016105-000-00) (the Property) described in Exhibit “A-1”, and depicted in Exhibit “A-2”.

Section 2. The Board of County Commissioners approves the rezoning request. The present zoning classifications of the Property are hereby changed AG (Agricultural) to AR (Agricultural/Residential District)

Section 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

Section 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

Section 5. This Ordinance shall become effective as provided by law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of November, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Its Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

Clay Parcel No. 29-07-27-016105-000-00

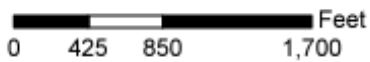
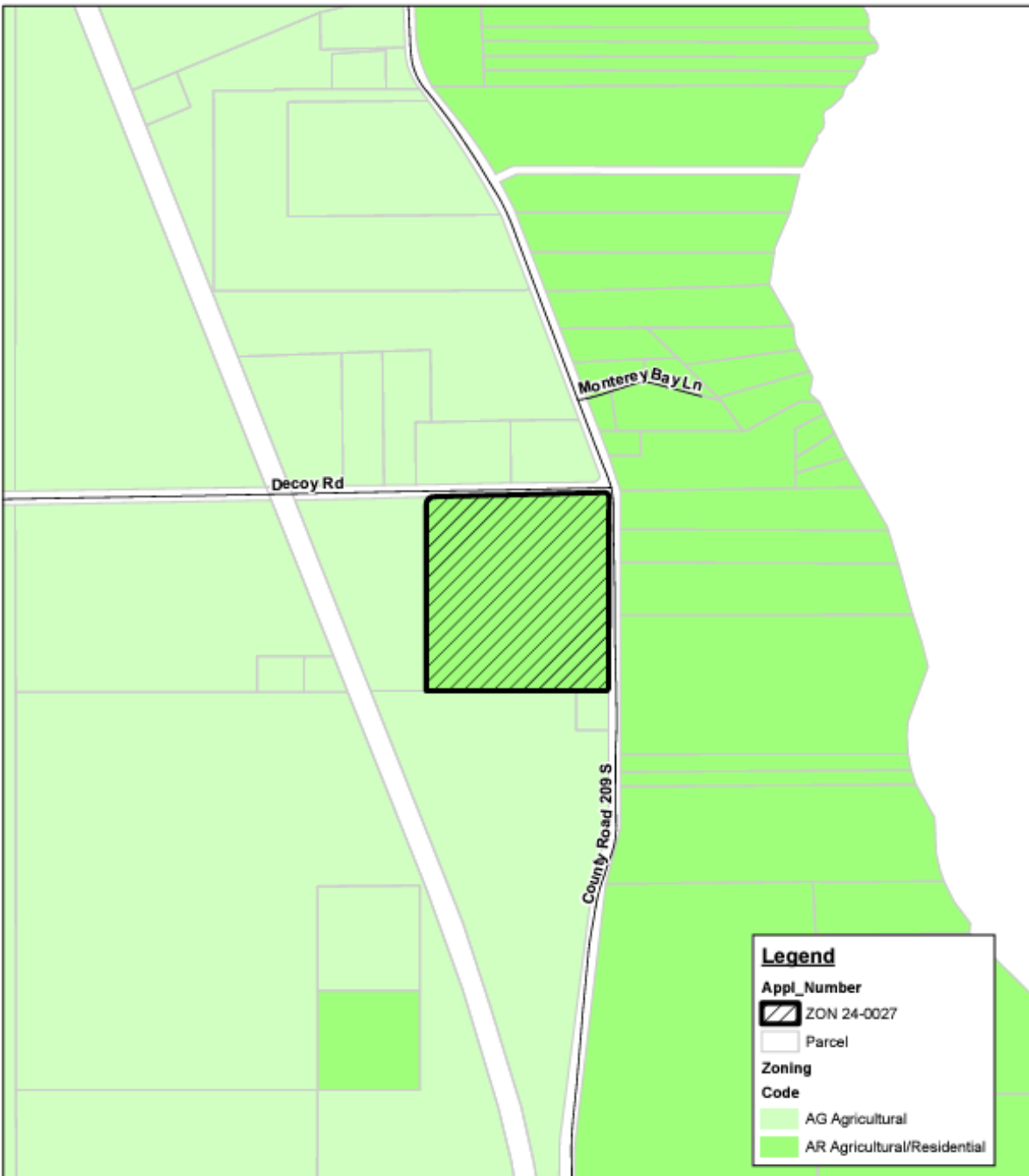
EXHIBIT A – LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CLAY, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 7 SOUTH, RANGE 27 EAST, CLAY COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ON THE WEST LINE THEREOF RUN SOUTH 00 DEGREES 02 MINUTES 38 SECONDS EAST 66.12 FEET TO THE SOUTH LINE OF COUNTY ROAD NO. C-214 (FORMERLY STATE ROAD NO. S-214, AN 80 FOOT RIGHT OF WAY AS NOW ESTABLISHED) AND THE POINT OF BEGINNING; THENCE ON LAST SAID LINE RUN THE FOLLOWING 2 COURSES: 1) NORTH 89 DEGREES 22 MINUTES 43 SECONDS EAST 1236.43 FEET; 2) SOUTHEASTERLY ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET, A CHORD DISTANCE OF 42.54 FEET TO THE WEST LINE OF COUNTY ROAD NO. C-209 (A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED), THE BEARING OF SAID CHORD BEING SOUTH 65 DEGREES 28 MINUTES 07 SECONDS EAST; THENCE ON SAID WEST LINE SOUTH 00 DEGREES 03 MINUTES 28 SECONDS EAST 1253.55 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ON LAST SAID LINE NORTH 89 DEGREES 51 MINUTES 22 SECONDS WEST 1275.35 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ON LAST SAID LINE NORTH 00 DEGREES 02 MINUTES 38 SECONDS WEST 1254.63 FEET TO THE POINT OF BEGINNING.

Exhibit "A-2"



**Proposed Rezoning: ZON 24-0027
From AG to AR**

