



PLANNING COMMISSION MINUTES

March 5, 2024

5:00 PM

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

Pledge of Allegiance

Commissioner Bill Garrison led the Pledge of Allegiance.

Call to Order

Present:

Commissioner Mary Bridgman, Chairman
Commissioner Pete Davis, Vice-Chairman
Commissioner Michael Bourré
Commissioner Joe Anzalone
Commissioner Howard "Bo" Norton
Commissioner Bill Garrison
Commissioner Ralph Puckhaber
Clay County School Board Representative Lance Addison
Camp Blanding Representative Sam Tozer

Absent:

None

Staff Present:

County Attorney Courtney Grimm
Assistant County Attorney Jamie Hovda
Director of Planning Ed Lehman
Deputy Director of Planning Beth Carson
Chief Planner Dodie Selig
Zoning Chief Mike Brown

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

Chairman Mary Bridgman recognized several staff members in attendance and guest Leah West - an Intern and third-year law student at the University of Florida and thanked Deputy Ashe and Deputy Leonard for providing security.

1. **Approval of Minutes**

Planning Commission Meeting Minutes and Attachments February 6, 2024.

Commissioner Joe Anzalone made a motion for approval of the February 6, 2024, Planning Commission meeting minutes, seconded by Commissioner Howard "Bo" Norton, which carried 9-0.

Public Comment

Chairman Mary Bridgman opened the floor for public comment at 5:04 pm.

Hearing no comments, Chairman Mary Bridgman closed public comment at 5:04 pm.

Public Hearings

1. Public Hearing to consider COMP 24-0001. (District 2, Comm. Compere) (B. Carson)
This application is a Small-Scale Comprehensive Plan Amendment to change 7.71 acres from Rural Residential (RR) to Branan Field Master Planned Community (BF MPC)

Public Hearing to consider COMP-24-0001 can be seen at www.claycountygov.com/Government/clay-county-tv-and-video-archive/PlanningCommission/ March 5, 2024, beginning at 7:45 and ending at 40:10. Below is a summary of the discussion and the vote for this agenda item.

All those who wished to speak during public hearings were sworn in.

Beth Carson, Deputy Director of Planning, presented a PowerPoint presentation regarding the public hearing to consider COMP-24-0001, a Small-Scale Comprehensive Plan Amendment to change 7.71 acres from Rural Residential (RR) to Branan Field Master Planned Community (BF MPC.) See Attachment A.

There were questions and discussions regarding units per acre, density, requirements, connecting neighborhoods, acreage for parks and recreation, standards, entry and connection to schools, and surrounding property.

Max Andrews, Bird Dog, LLC. Agent for Owners, 3948 Third Street South, Jacksonville Beach, Florida, addressed the Commission to provide details and information regarding the requested change.

Following questions and discussion with the agent, Chairman Mary Bridgman opened the floor for the public hearing at 5:30 pm.

William Schafer, Dominion Engineering, engineer of record for the project, addressed the Commission to provide more information regarding the requested change.

Hearing no other comments, Chairman Mary Bridgman closed the public hearing at 5:32 pm.

There were more comments, discussions, and comments by the Commission and staff; Commissioner Michael Bourré made a motion for approval, seconded by Commissioner Bill Garrison. Following additional comments and discussions the motion carried 7-1, with Commissioner Bo Norton in opposition.

2. Public Hearing to consider ZON 24-0005 (renumbering of Art. III, Sec. 3-5) (D. Selig)

This application is a Staff initiated amendment to Article III. Sec. 3-5 Conditional Uses. The amendment will renumber the list of conditional uses to bring them back into alphabetical order. The amendment will also reserve certain numbers in advance of a proposed amendment to add regulations related to aircraft and airports. No new conditional uses are proposed by this amendment nor are any conditional uses changed by this amendment.

Public Hearing to consider ZON-24-0005 can be seen at www.claycountygov.com/Government/clay-county-tv-and-video-archive/PlanningCommission/ March 5, 2024, beginning at 40:16 and ending at 41:47. Below is a summary of the discussion and the vote for this agenda item.

Dodie Selig, Chief Planner, presented a PowerPoint presentation regarding the public hearing to consider ZON-24-0005, a staff initiated amendment to Article III. Section 3-5 Conditional Uses. The amendment will renumber the list of conditional uses to bring them back into alphabetical order. The amendment will also reserve certain numbers in advance of a proposed amendment to add regulations related to aircraft and airports. No new conditional uses are proposed by this amendment nor are any conditional uses changed by this amendment.

Chairman Mary Bridgman opened the floor for the public hearing at 5:41 pm.

Hearing no comments, Chairman Mary Bridgman closed the public hearing at 5:41 pm.

Commissioner Bill Garrison made a motion for approval, seconded by Commissioner Joe Anzalone, which carried 7-0.

3. Public Hearing to Consider ZON-24-0003, Proposal Addressing Land Clearing Disposal Conditional Use (E. Lehman, D. Selig)

This proposed change reduces the zoning districts that allow for land clearing debris off-site disposal facility as a conditional use and clarifies that the disposal is for off-site debris only.

Public Hearing to consider ZON-24-0003 can be seen at www.claycountygov.com/Government/clay-county-tv-and-video-archive/PlanningCommission/ March 5, 2024, beginning at 41:48 and ending at 48:16. Below is a summary of the discussion and the vote for this agenda item.

Dodie Selig, Chief Planner, presented a PowerPoint presentation regarding the public hearing to consider ZON-24-0003. The proposed change reduces the zoning districts that allow for land clearing debris off-site disposal facility as a conditional use and clarifies that the disposal is for off-site debris only. See Attachment B.

Following questions and discussion by the Commission and staff, Chairman Mary Bridgman opened the floor for the public hearing at 5:48 pm.

Hearing no comments, Chairman Mary Bridgman closed the public hearing at 5:48

pm.

Commissioner Bo Norton made a motion for approval, seconded by Commissioner Bill Garrison, which carried 7-0.

Presentations

1. Live Local Presentation

Live Local Presentation can be seen at www.claycountygov.com/Government/clay-county-tv-and-video-archive/PlanningCommission/ March 5, 2024, beginning at 48:20 and ending at 1:02:32. Below is a summary of the discussion.

Dodie Selig, Chief Planner, presented a PowerPoint presentation regarding the Live Local Act created by the Senate Bill 102. See Attachment C.

There were comments, questions, and discussions with the Commission and staff to address and clarify information provided during the presentation.

Old Business/New Business

There was no old business/new business for discussion.

Public Comment

Chairman Mary Bridgman opened the floor for public comment at 6:03 pm.

Rafael Hinojosa, 2705 Silver Creek Drive, Green Cove Springs, Florida, addressed the Commission to express concerns regarding the construction site (Russell Retreat) and activity adjacent to his property and the possibility of flooding.

Hearing no other comments, Chairman Mary Bridgman closed public comment at 6:11 pm.

Adjournment

Hearing no further business, Chairman Mary Bridgman adjourned the meeting at 6:11 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Attachment

“A”

COMP-24-0001



PLANNING COMMISSION

COMP 24-0001

Public Hearing

March 5, 2024

APPLICATION INFORMATION

Applicant:	David Padgett, Dwayne Padgett, Shirley Padgett Portch and Sandy Padgett Smith
Agent:	Brian Small, Bird Dog
Requests:	Small-scale land use amendment of 7.71 acres from (RR) Rural Residential to (BF MPC) Branan Field Master Planned Community
Planning Dist.	Doctors Inlet/Ridgewood
Comm. Dist. 2	Commissioner Compere
BCC Hearing	March 26, 2024 @ 5:00 pm

BACKGROUND

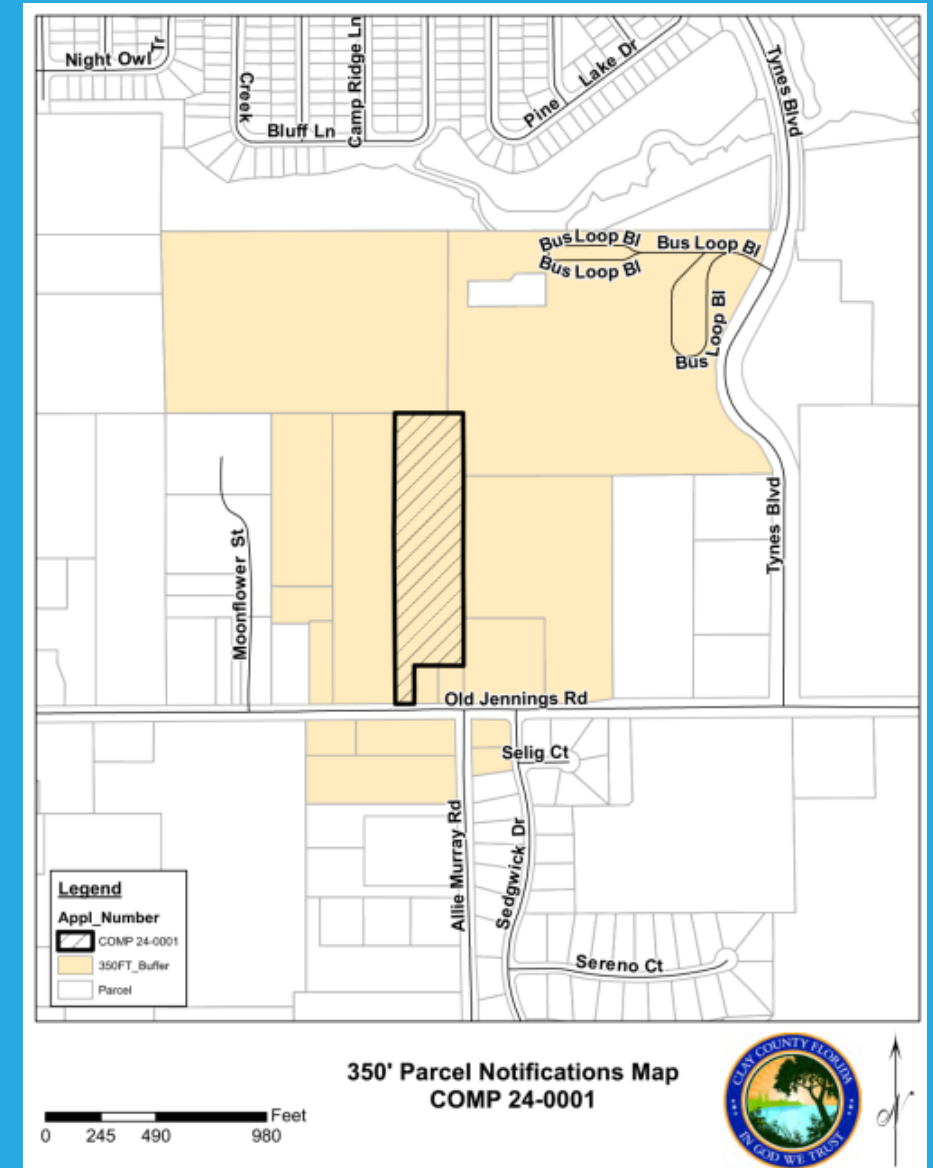
The subject parcel is located on the north side of Old Jennings Road, just west of the intersection of Allie Murray and Old Jennings Road.

The proposed use of the property would be a single family residential subdivision.

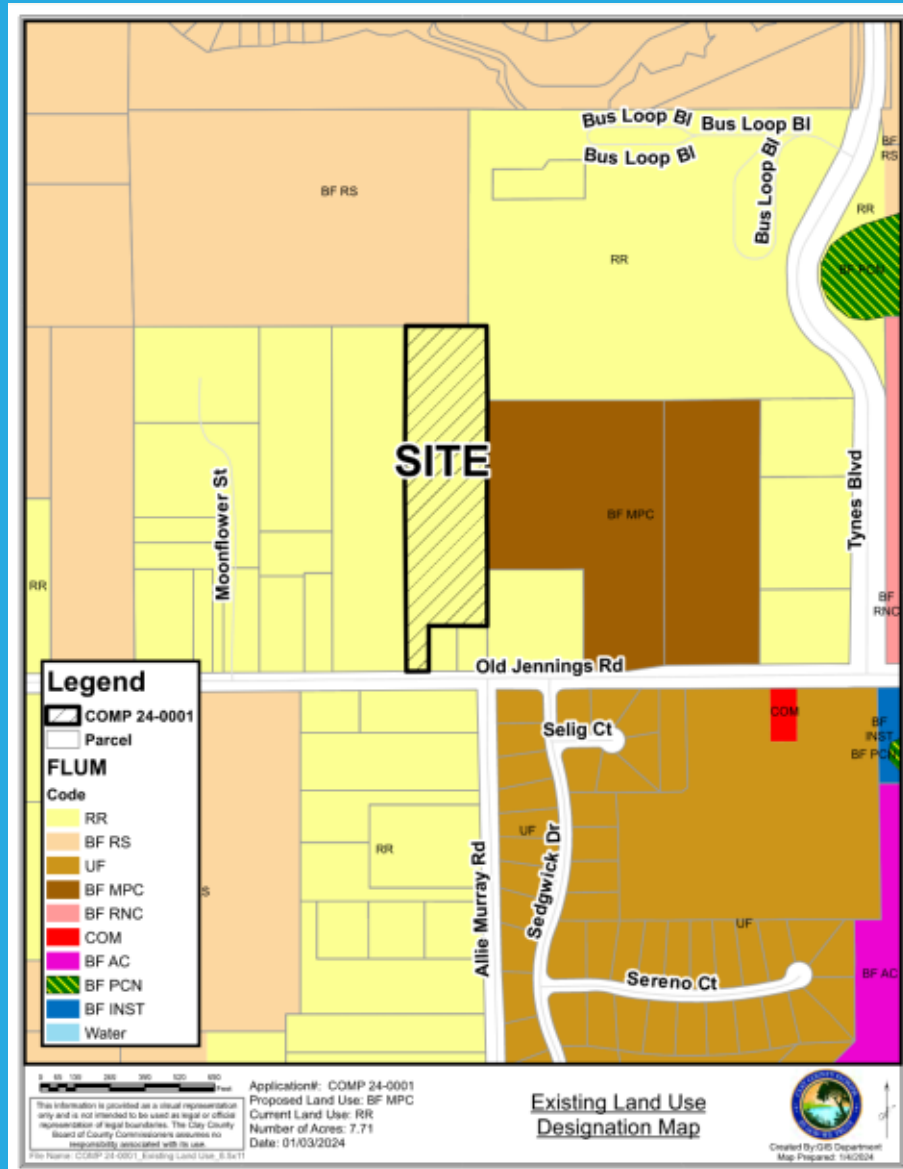


PUBLIC NOTIFICATION - 350' BUFFER

Name	Address1	City
BLACK POND BAPTIST CHURCH	3644 OLD JENNINGS RD	MIDDLEBURG
Mullins Jeffrey K	1330 Allie Murray Rd	Middleburg
Daniels Larry A	3724 Old Jennings Rd	Middleburg
Burroughs James A Trustee	3705 OLD JENNINGS Rd	Middleburg
Griffis Gerald III	3698 Old Jennings Rd	Middleburg
Padgett David Et Al	3710 Old Jennings Rd	Middleburg
Pittman Laura M EL/E	3704 Old Jennings Rd	Middleburg
Clark Ralph E III	1609 Eagle Nest Ln	Middleburg
Pitman Tiffiney L	3724 Old Jennings Rd	Middleburg
Ronald G Horne and Ann M Horne	2594 Franklin Ct	Orange Park
Walker Douglas George Trustee	365 Aries Dr	Orange Park
Alterra Holdings LLC	8825 Perimeter Park Blvd, Ste	Jacksonville
AMH Development LLC	23975 Park Sorrento, Ste 300	Calabasas
School Board of Clay County	900 Walnut St	Green Cove Springs
DILWORTH BENJAMIN W & AUDREY	1608 SEDGWICK DR	MIDDLEBURG
Campbell Joyce	1604 Sedgwick Dr	Middleburg



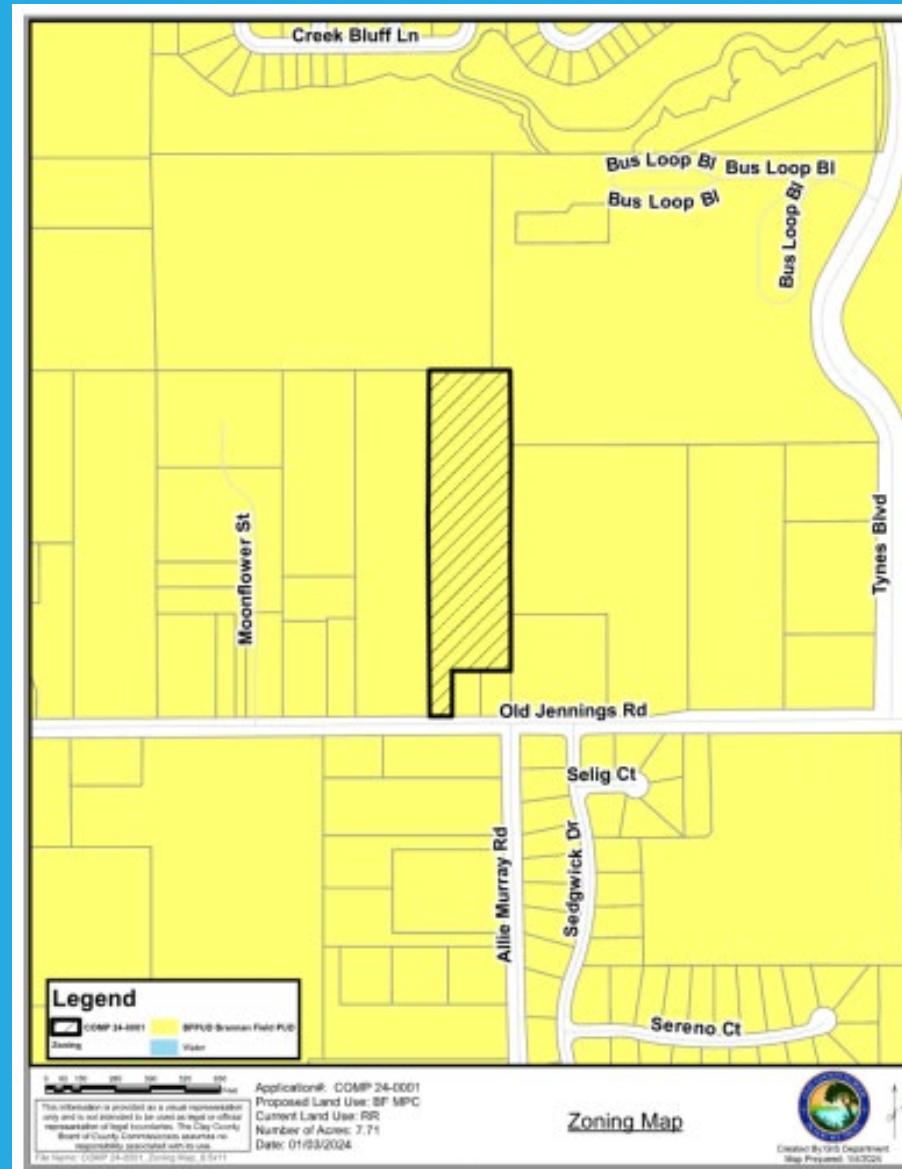
EXISTING LAND USE

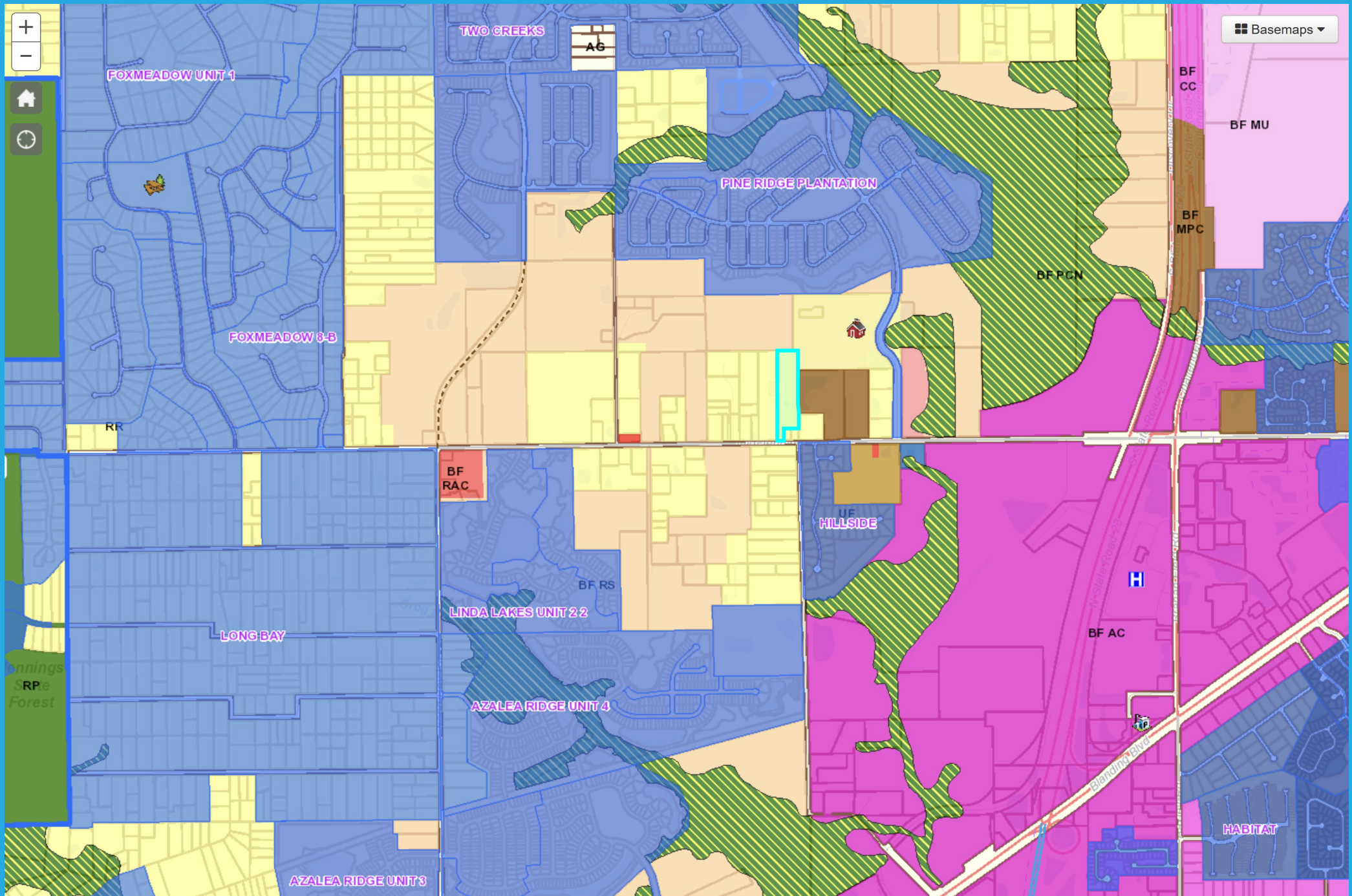


AERIAL

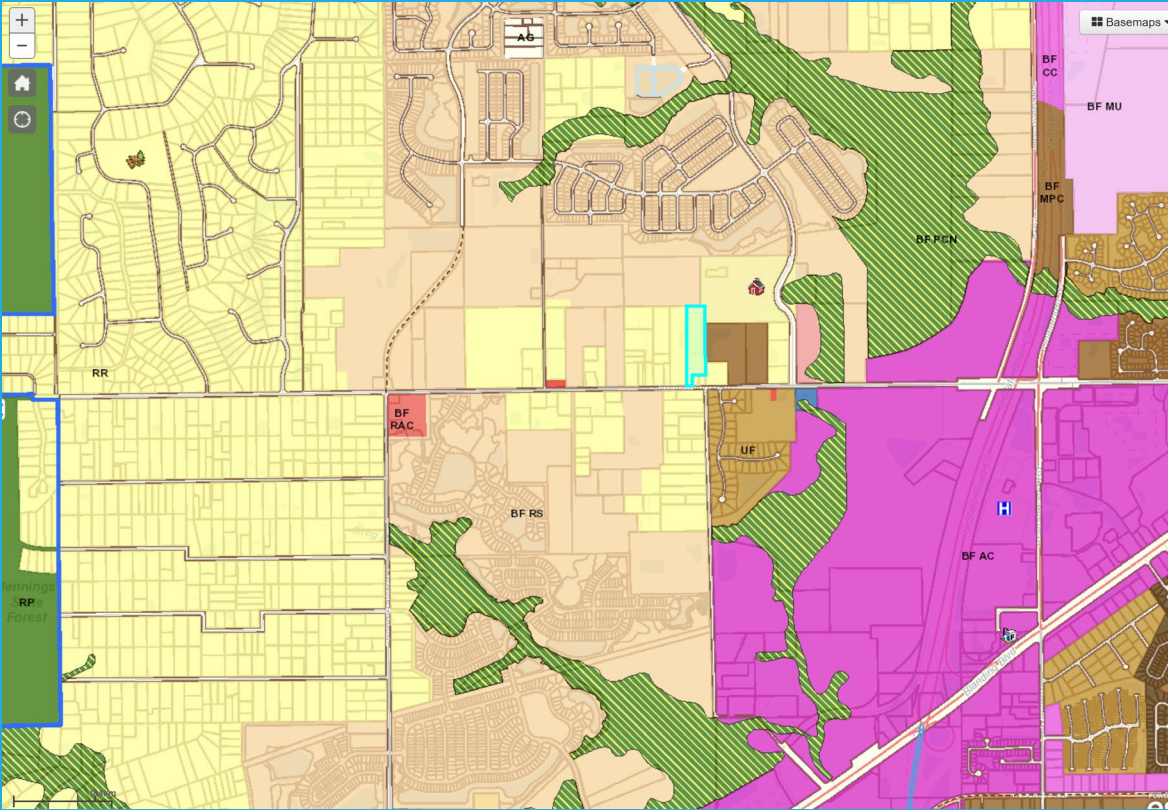


EXISTING ZONING

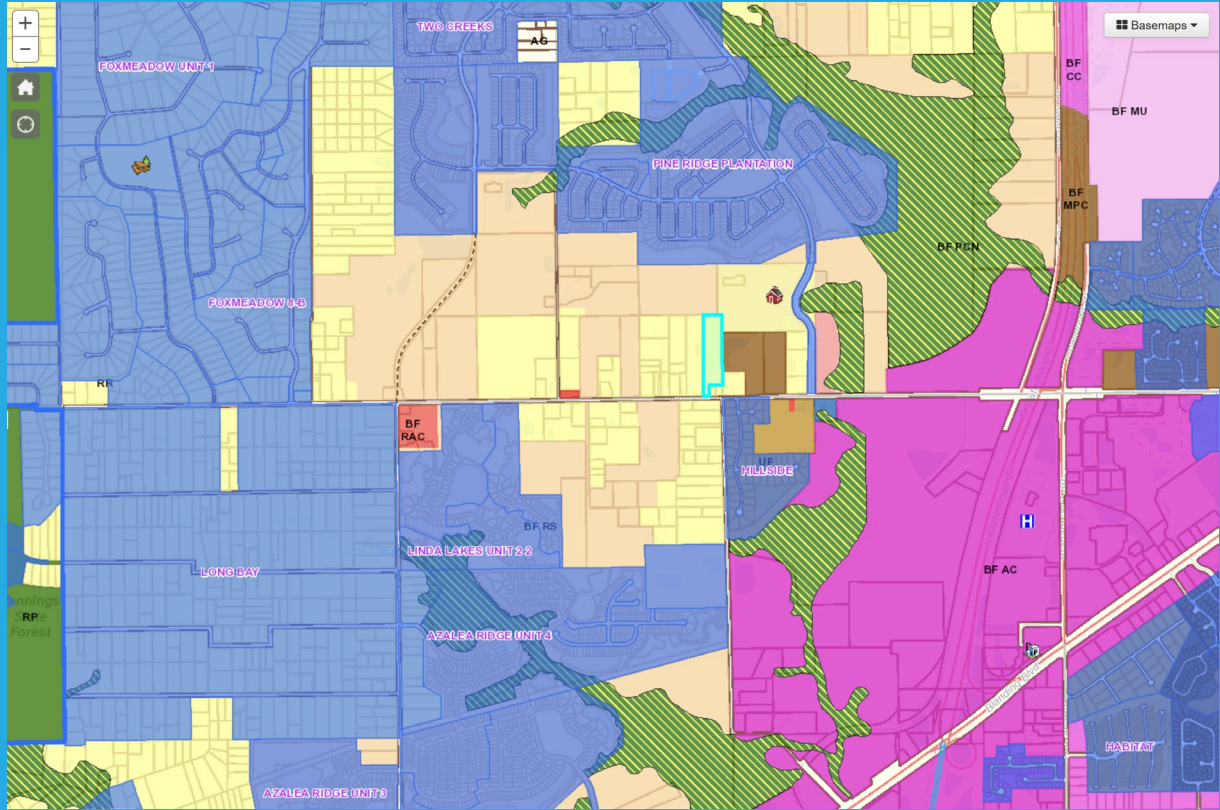




EXISTING LAND USE



WITH SUBDIVISIONS



ANALYSIS

Parcel is located within the Urban Service Area where water and sewer are available or can be extended to the site

Traffic Impacts – Mobility Fees are due at time of development

School concurrency is required

Solid waste capacity is available

Recreation impact fees are due at time of development

Site is not located in a floodway and does not contain any regionally significant habitats

Topography is relatively flat

No historic structures are located within the property

Parcel is not located near Camp Blanding

Land Use		Density/ Intensity
Current	Rural Residential	1 du/5 gross acres;
		1 du/gross acre with density bonus
Proposed	BF MPC	1 du/3 gross acres to 12 du/gross acre

FINDINGS and RECOMMENDATION

The subject parcel is located .4 mile from the Branan Field Activity Center and is immediately adjacent to BF MPC designated land and an elementary school.

This section of the Master Plan is a transition area between the higher density/intensity of the Activity Center at the FCE to the Pre-Branan Field lower density residential neighborhoods and Jennings State Forest to the west. The densities permitted in BF MPC range from 12 du/gross acre to 1 du/3 gross acres enable this transition. The parcel is located within the master plan area and would not constitute urban sprawl.

Staff recommends approval of COMP 24-0001.

Attachment
“B”
ZON-24-0003



PLANNING COMMISSION

Code Change ZON-2024-0003

March 5, 2024

SUMMARY: APPLICATION INFORMATION AND PROPOSED CHANGE

Applicant: Clay County Department of Economic and Development Services

Request: Amend Section 3-5(ai) (changed to Section 3-5(aj) by separate ordinance) of the LDC to add “off-site” to the title to distinguish between those that import debris from other sites from developers that are managing their own debris and not sending it off-site.

The proposed change limits the zoning districts in which these types of uses can be allowed.

PROPOSED CHANGE

Staff proposes that land clearing debris off-site disposal facility continue to be allowed as a conditional use in the following zoning districts:

- Agricultural (AG)
- Industrial Select (IS)
- Light Industrial (IA)
- Heavy Industrial (IB)
- Planned Industrial (PID)
- Public Ownership (PO-3, PO-4)
- Private Services (PS-2)
- Excavation (EX)

PROPOSED TEXT

Staff proposes that these facilities no longer be allowed as conditional uses in the following zoning districts:

- Agricultural/Residential (AR)
- Country Estates (AR-1)
- Rural Estates (AR-2)
- Planned Commercial Development (PCD)
- Planned Unit Development (PUD)
- Public Ownership (PO-1, PO-2)
- Private Services (PS-1, PS-3, PS-4, PS-5)
- Commercial and Professional Office (BA-2)
- Light Neighborhood Business (BA-1)
- Neighborhood Business (BA)
- Intermediate Business (BB)
- Light Intermediate Business (BB-1)
- Community Business (BB-2)
- Specialty Business (BB-3)
- Heavy Business (BB-4)
- Commercial Recreation (BB-5)
- Shopping Center (BSC)
- Business Park (BP)

RECOMMENDATION

Staff recommends approval of the language as written.

QUESTIONS

Attachment
“C”
Live Local Act
Presentation

Live-Local Act

Planning Commission
March 5, 2024



Live-Local Act Overview

- Created by Senate Bill 102 in early 2023.
- Established to incentivize the creation of more workforce and affordable housing.
- Became Effective on July 1, 2023

Local Government Requirements

- Allows local govt. to approve affordable housing development in commercial, industrial and mixed use districts provided at least 10% of the units are affordable.
- Requires local govt. to approve affordable housing development in commercial, industrial and mixed use districts provided at least 40% of the units are affordable and are maintained so for a minimum of 30 years.
- Prohibits local govt. from requiring approval of a change of zoning, conditional use, variance or comp plan amendment for building height, zoning or density.
- Requires at least 60% of the total sq.ft. of a mixed-use project be residential.

Local Government Requirements

- Prohibits local govt. from restricting density below the highest currently allowed residential density in the County.
- Prohibits local govt. from restricting building height below the highest currently allowed for commercial or residential within 1 mile of the affordable development project or 3 stories whichever is higher.
- Requires such projects to be administratively approved.
- These requirements expire on Oct. 1, 2033.

Live-Local Act in Clay County

- Two projects have been submitted since the law took effect.
- One of these has since withdrawn.
- The other is currently in review.

Potential Concerns

- The Act ignores local zoning
- Eliminates the public hearing process for these projects
- Encourages development in commercial and industrial areas where the quality of life may not be compatible with residential use
- There is no enforcement mechanism in the legislation to ensure the affordable housing requirements are maintained once approved.

Proposed Live Local Act Changes

HB 1239

Replaced by SB 328

SB 328 E1

Passed by the Senate on Feb. 7th

Passed by the House on Feb. 28th

Ordered Enrolled on Feb. 28th

Pending transmittal to the Governor

Pending Legislation -- SB 328

- Local government may not restrict the floor area ratio of an affordable housing project below 150% of the highest floor area ratio currently allowed under local regulation.
- Proposed development that is adjacent (on 2 or more sides) to a parcel zoned for single-family residential with at least 25 contiguous homes, the county may restrict the height of the proposed development to 150% of the tallest building on any property adjacent to the proposed development, or the highest currently allowed height for the property, or 3 stories, whichever is higher.
- Developments under the Act must be treated as a conforming use even after 30 year affordability period ends and after the sunset of the legislation.
- If a development violates the affordability requirement during the 30 year affordability period, they must be allowed a reasonable time to cure the violation. If not cured within that time, they must be treated as a non-conforming use.

Pending Legislation -- SB 328

- Local governments must reduce parking requirements for a proposed development authorized under the Act by 20% if located within one-quarter ($1/4$) mile of a transit stop accessible from the development, or within one-half ($1/2$) mile of a major transportation hub that is accessible from the development, or if the development has alternative parking available within 600 feet.
- Eliminates the parking requirements for mixed-use residential development if the proposed development is within a local government designated transit-oriented area.
- Requires each local government to maintain on its website a policy containing procedures and expectations for administrative approval under the Act.

Pending Legislation -- SB 328

- Proposed development within $\frac{1}{4}$ mile of a military installation may not be administratively approved.
- Clarifies that a proposed development under this Act may be granted a bonus for height, density or floor area ratio, above the limits allowed under the Act, if the development satisfies the conditions for such bonus. Said bonus must be administratively approved.
- Development under the Act does not apply to airport-impacted areas as defined in Sec. 333.03, Florida Statutes.
- Makes changes to the Ad Valorem Property Tax exemption for newly constructed development and applies changes retroactively to January 1, 2024.

Live-Local Act Summary

Projects:

- Multi-family or mixed-use projects
- Land zoned Commercial, Industrial or Mixed-Use
- Administrative approval

Requirement:

- 40% of the residential units must be rented at “affordable” rates
- 30 year minimum rental period for these units

Live-Local Act

Planning Commission
March 5, 2024

