



APPLICATION FOR REZONING

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	WFS Family Trust LLC			
AGENT:	SEDA Construction Company			
REQUESTED ACTION:	Rezoning of appx. 53.88 acres from Open Rural (OR) to Residential Single-Family 1 (RS-1)			
LOCATION:	North side of Roses Bluff Rd , btw Brooker Rd and Haven Rd			
CURRENT LAND USE + ZONING:	Low Density Residential (LDR) + Open Rural (OR)			
PROPOSED LAND USE + ZONING:	Low Density Residential (LDR) + Residential Single-Family 1 (RS-1)			
EXISTING USES ON SITE:	Timberland			
PROPERTY SIZE + PARCEL ID:	53.88 acres + Parcel ID # 38-3N-27-0000-0002-0010			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Bells River	WATER	WATER
	South	Undeveloped	PD-ENCPA	ENCPA
	East	Agricultural	OR	LDR
	West	SF Residential, Mobile Homes, Undeveloped	OR	LDR

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning + Economic Opportunity Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

According to Article 12 of the LDC, the Residential Single-Family 1 (RS-1) zoning district is intended to provide for the orderly expansion of low density development in those areas where public services, utilities and transportation facilities are adequate or may be made available; and to exclude uses not compatible with such low and medium density residential development thereby preserving and protecting the characteristics of single-family neighborhoods.

The proposed RS-1 zoning district would be consistent with the existing Low Density Residential (LDR) FLUM designation, if approved.





CONSISTENCY WITH COMPREHENSIVE PLAN

Policy FL.01.02(B) The proposed rezoning would be consistent with the existing Low Density Residential (LDR) designation of the parcel in its entirety, if approved. The maximum gross density permitted in Low Density Residential land use categories is two dwelling units per acre. Zoning districts allowed in this FLUM category include the Residential, Single-Family Estate (RS-E), which has a density cap of one unit per acre, and RS-1 (Residential Single-Family), with a density cap of just under four units per acre (10,800 SF). Should the property be rezoned to RS-1, density would be capped by the LDR FLUM limit of two units per acre (½-acre lots).



Future Land Use Map

CONSISTENCY WITH LAND DEVELOPMENT CODE

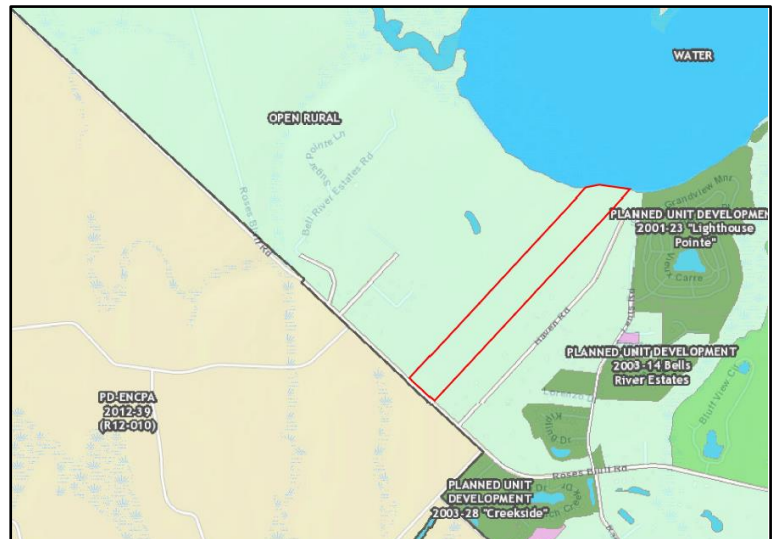
ARTICLE 5. – PROCEDURES

Section 5.02. - Rezoning.

Pursuant to Section 5.02 (C) and (D), staff shall review all rezoning applications for consistency with the Nassau County Comprehensive Plan and provide a recommendation to the Planning and Zoning Board regarding the merits of the request based upon the goals, objectives and policies of the adopted comprehensive plan (see above).

The Planning and Zoning Board's recommendation to the Board of County Commissioners shall show that the planning and zoning board studied and considered:

- 1) the need and justification for the change; and
- 2) the relationship of the proposed rezoning to the County's general planning program.



Zoning Map

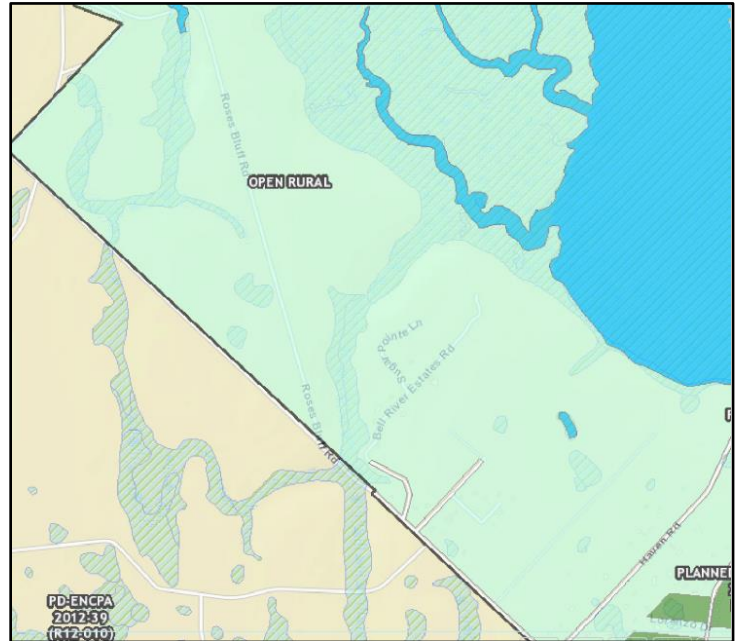
The need and justification for the rezoning is not clear-cut. Lands north of Roses Bluff Rd. transition with lowering density from east to the west: from MDR (up to three units per acre), then to LDR (up to two units per acre), then to Agricultural (up to one unit per acre). This is a model that the County has embraced elsewhere with the urban-to-rural transect concept set forth in the William Burgess Overlay District. The property is in the middle of this transect, in an area with rural, large-lot character (surrounding lot sizes tend to be greater than two acres). While the property is relatively close to smaller-lot suburban development located approximately ¼



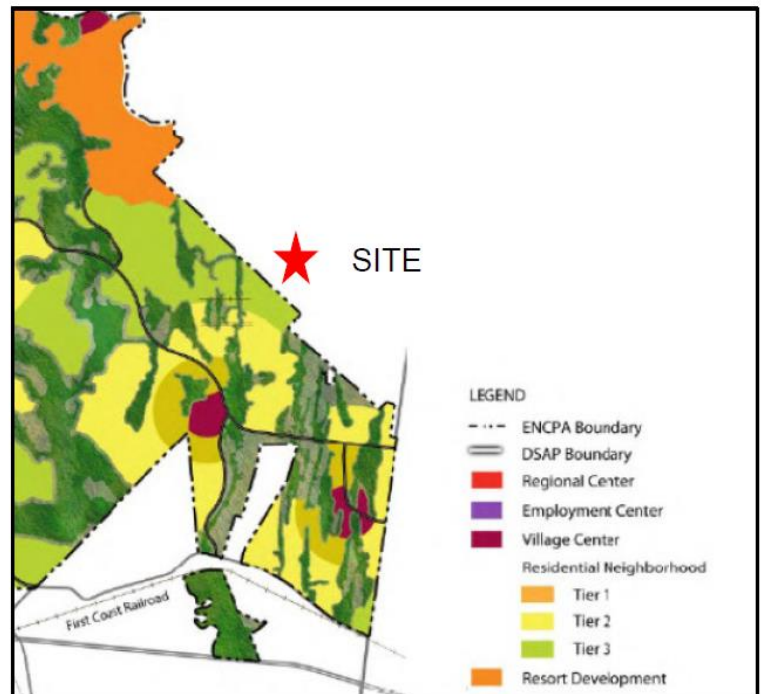
miles to the southeast in the MDR FLUM (PUDs like Creekside, River Estates, and Lighthouse Pointe with RS-1-type lot sizes), there is a sharp break between the rural and suburban character at Rayonier Rd). The driving force in the smaller lot suburban development east of Rayonier Rd. is the presence of water and sewer lines. However, subdivisions immediately adjacent to the property (Haven Rd., Brooker Rd.) have larger lot sizes generally ranging from one to four+ acres.

Reinforcing rural character is the nearby Tier 3 level of the East Nassau Community Planning Area (ENCPA), a 24,000-acre sector plan that clusters development into village centers and neighborhoods around those village centers, while providing for conservation lands and rural character areas. The Tier 3 residential classification as applied to lands south of Roses Bluff Rd. protect and promote rural character by a minimum of one unit per 10 acres, or minimum two-acre lots if clustered (clustered development is limited to 30 units).

While the ENCPA Resort category, with densities up to 20 units per acre, begins approximately 1.3 miles to the west, this category ends with a sharp break with the Tier 3 lands to the south, similar to the previously discussed break at Rayonier Rd. This break creates a sense of entry both into the ENCPA and the rural area, which is a key principle of sustainable development, similar to the function a greenbelt plays. So essentially the MDR to the east and the ENCPA to the west have created a distinct and expansive rural area of more than 750 acres, excluding wetlands, which the County can either preserve in its current state, wait until conditions are more ripe for its conversion to RS-1 densities, or begin the process now of such a conversion to RS-1 densities. Development along Roses Bluff Rd. can easily fund the extension of water and sewer lines now ending at Lents Rd., and the smaller lot subdivisions would march west.



Roses Bluff OR Area



ENCPA (eastern portion)



Keeping these factors in mind, and understanding the precedent that would be set with the RS-1 rezoning, the County's choices are to:

- 1) keep the property in Open Rural zoning, to avoid spot zoning and retain rural character; or
- 2) rezone the property to RS-1 with the understanding this could be a precedent for other properties in the OR area to undergo the same transition to suburban character.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE

Applications are also evaluated with the following rezoning criteria, *italicized* below with Staff responses.

a. *Explain how the proposed change relates to the established land use pattern.* The change is not compatible with the development pattern immediately to the east and west, and the larger OR-zoned area to the west. The ½ lots would be considerably smaller than the one to four+ acre lots.



b. *Identify isolated district(s) that would be created by the proposed change.*

The change would create an isolated zoning district, with OR lands to the east and west and ENCPA Tier 3 rural lands to the south.

c. *Explain how the proposed change would impact public facilities such as schools, utilities, streets and traffic.* Future development on the property must meet school, park, and other applicable concurrency requirements.

The adopted Interlocal Agreement between the County and the Nassau County School Board requires that school concurrency requirement be satisfied before a rezoning that increases residential density can be adopted. If the School Board has made finding of deficiency of school capacity, the applicant must enter into an agreement with School Board to address its proportionate share of impacts to public school facilities. It is the responsibility of the applicant to negotiate this agreement with the School Board and that it be in place prior to the adoption of the ordinance. The applicant has been made aware of this responsibility.

d. *Describe the existing and proposed conditions for the subject property and surrounding properties.*

The property is current undeveloped and is surrounded by large lot subdivisions of one to four+ acre lots. The change would double the density, going from approximately 53 one-acre lots in the current OR zoning to 116 ½-acre lots.

e. *Identify Comprehensive Plan policies that support the proposed change, especially long range land use plans.*



Policy FL.08.06 The County shall direct new residential and commercial development in rural and transitioning areas to accomplish the following:

(A) Develop in a pattern providing for compact, mixed use, contiguous development patterns and avoids development indicative of urban sprawl as defined in Policy FL.01.04. Last update: 10/22/2018: Ord. 2018-38&39 Nassau County 2030 Comprehensive Plan Future Land Use Element Goals, Objectives and Policies Page 30.

This hopscotch development that skips over larger lot development to the east is not in keeping with the concept of providing for compact and contiguous development patterns. Isolated/spot zoning does not represent sound planning.

(B) Develop in clustered or nodal patterns, eliminating or reducing strip-style development along arterial and collector roads.

N/A - applicable more to commercial development.

(C) Develop in a pattern that supports the creation, extension and maximization of central (municipal or regional) water and sewer systems.

Looking only looking at development efficiency, the OR-zoned area is prime for urban services with central water and sewer lines just ¼ mile to the east.

(D) Contribute to a sustainable development pattern of mixed-use communities that provide for integrated residential and employment opportunities; and provide for civic and public facilities including emergency medical, fire protection and police facilities, parks and other recreational facilities, schools, hospitals and other public or institutional uses.

The OR-zoned area has a distinct rural character, and it is not a sustainable development practice to interrupt an area of defined character with an out-of-place higher density.

(E) Ensure compatible development adjacent to agriculture lands and minimize the potential impact of urban development on the agricultural productivity of the area.

Not adjacent to Ag lands.

(F) Provide for safe and accessible streets, support the interconnectivity of roadways and the use of bicycle, pedestrian and multi-modal transportation facilities.

Does not further these ends.

(G) Through the use of Planned Unit Developments (PUDs) or similar development orders, use enhanced development standards and design elements for new development to promote community identity and a sense of place. This includes but is not limited to standards for diverse housing types, public spaces, street design, architectural design standards, multi-use trails, stormwater management facilities, landscaping, and signage.

A PUD is not utilized in this case to achieve such public benefits.

f. Explain how changed or changing conditions make the approval of this proposed rezoning desirable.

As stated earlier, it is a policy decision to determine the future of this and other OR properties in this part of northeast Nassau County. Development of higher-density subdivisions to the east do represent changed conditions that could justify this rezoning, due to their relative proximity, but the remaining rural character of the OR area can also justify keeping things as they are. The other factor to consider is that the county has an ample supply of approved/unbuilt homes – approximately 12,000. This over-supply in itself is a changed condition that makes a case of slowing down the pipeline of new homes.



g. Explain how the proposed change will not adversely affect living conditions in the adjacent neighborhoods.
The change will likely set precedent and result in other requests for similar rezonings, which would over time collectively diminish the rural character with higher suburban density and its accompanying traffic and changing community character.

h. State that the proposed change will comply with all Federal, State and local drainage requirements.
This is an application requirement.

i. Explain how the proposed change will encourage the improvement or development of adjacent property in accordance with existing regulations.
As stated, it is likely that this change would prompt similar requests in the vicinity.

j. Explain why the property cannot be used with existing zoning.
The property can be developed under the current zoning with approximately 53 single family homes.

k. Describe the scale of the proposed project according to the needs of the neighborhood and the needs of Nassau County.
N/A.

l. Are there other sites in this general location with similar zoning?
No, not in the immediate vicinity, but there are PUDs with RS-1 densities ¼ mile to the east, and RS-1 zoned areas ½ mile to the east.

CONCLUSION

The OR-zoned area along Roses Bluff Rd. is a remarkably intact rural community which is worth preserving. Nassau County needs a variety of housing types and residential communities, including large-lot rural residential areas. Staff believes it would be prudent to take some time to evaluate the OR area along Roses Bluff Rd. and carefully plan for its future, instead of piecemealing density increases in this area. Additionally, this change represents “hopscotch” development and spot zoning, both of which are not in keeping with sound planning or with Policy FL.08.06. Finally, there is a considerable inventory of approved/unbuilt residential in the County, and at this time there is not a compelling need to add to the supply.

Based on the factors above and a general lack of conformance to Comprehensive Plan and Land Development Code criteria as presented in this report, Staff recommends DENIAL of application R20-005.

NOTE: Please see response to (c) above. The applicant has been made aware of the need to satisfy school concurrency requirements. Adoption hearings by the Board of County Commissioners may be continued until the applicant has demonstrated compliance with this requirement.