



**APPLICATION FOR REZONING**

**APPLICATION & SURROUNDING AREA INFORMATION:**

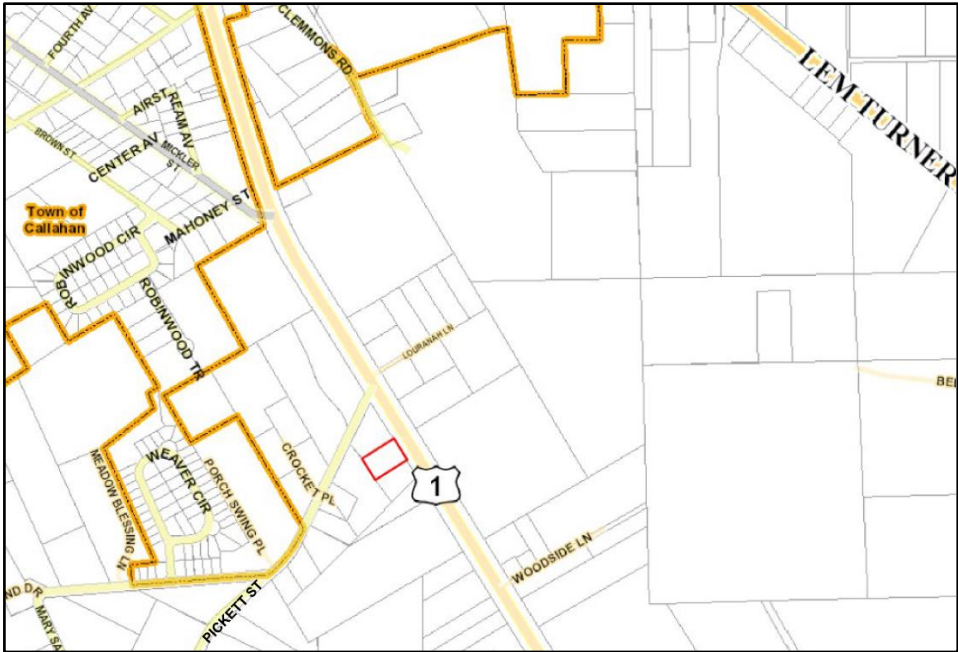
|                                    |  |                        |               |             |
|------------------------------------|--|------------------------|---------------|-------------|
| <b>OWNER/APPLICANT:</b>            | Jodie and Joey Hearn   |                        |               |             |
| <b>AGENT:</b>                      | Jodie Hearn  |                        |               |             |
| <b>REQUESTED ACTION:</b>           | Rezoning from Open Rural (OR) to Commercial, Professional and Office (CPO) |                        |               |             |
| <b>LOCATION:</b>                   | On the west side of US 1., just south of Pickett Street                    |                        |               |             |
| <b>CURRENT LAND USE + ZONING:</b>  | Commercial (COM) + Open Rural (OR)   |                        |               |             |
| <b>PROPOSED LAND USE + ZONING:</b> | Commercial (COM) + Commercial, Professional and Office (CPO)               |                        |               |             |
| <b>EXISTING USES ON SITE:</b>      | SF Residence   |                        |               |             |
| <b>PROPERTY SIZE + PARCEL ID:</b>  | 0.79 acres + Parcel ID # 49-2N-25-4100-0013-0060                           |                        |               |             |
| <b>ADJACENT PROPERTIES:</b>        | <u>Direction</u>   | <u>Existing Use(s)</u> | <u>Zoning</u> | <u>FLUM</u> |
|                                    | North  | SF Residential         | OR            | COM         |
|                                    | South  | SF Residential         | OR            | COM         |
|                                    | East   | Church (across US 1)   | OR            | COM         |
|                                    | West   | SF Residential         | OR            | COM         |

*\*\*\* 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**

The rezoning request is from Open Rural (OR) to Commercial Professional and Office (CPO). The Applicant's intent is to open a childcare facility in what is now a single-family dwelling unit, which requires a separate application for conditional use approval.

According to Article 19 of the LDC, the CPO zoning proposed for the property is "a medium intensity category of commercial zoning which may serve as a buffer or transitional zone between residential development and more intensive commercial or industrial development."

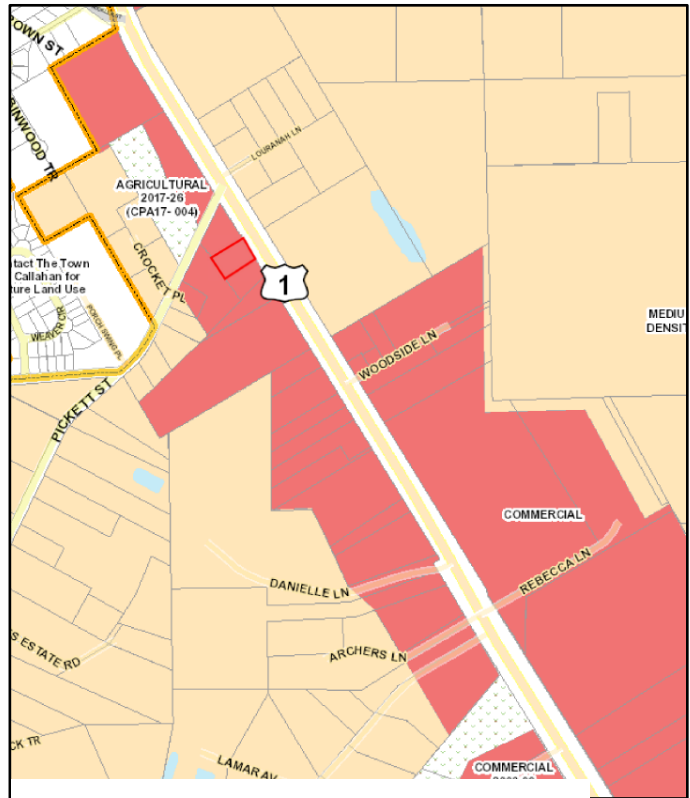




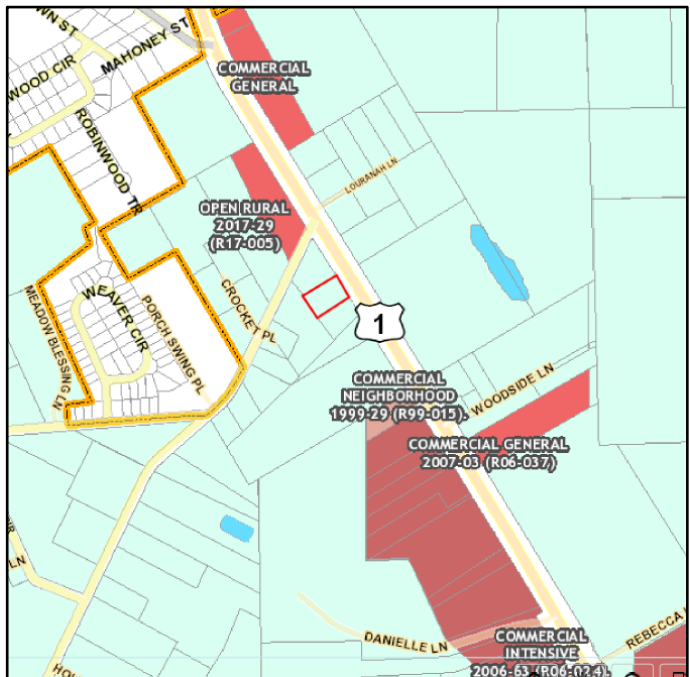
As noted in the Future Land Use Map (FLUM) and zoning map, there is a mismatch between the FLUM category and the zoning in the vicinity of the property. While a continuous stretch of the US 1 corridor south of Callahan has a Commercial FLUM designation, these properties have varying zoning including OR, CN, CG, and CI. This range of zoning reflects a rural development pattern with larger lots occupied by dwellings, churches, single-office buildings, automotive uses, and distribution facilities. This property and the properties around it have OR zoning. This is not an inappropriate combination of FLUM and zoning, since OR allows commercial uses, but such commercial uses are limited to agricultural-related activities (roadside stands and similar commercial agricultural activities). The intent of the OR district states that:

*This district is intended to apply to areas which are sparsely developed and including uses as normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the OR district, however agricultural uses, accessory uses and activities that support such uses are encouraged. Lands in such district may be rezoned to the proper district to accommodate more intense uses when conditions warrant rezoning.*

The OR zoning district allows by right (no public hearings, rezonings, etc.) childcare facilities with less than 15 children, while requiring facilities with 15 or more children to obtain conditional use approval. Staff has made the interpretation that child care centers with more than 15 students are non-agricultural-related commercial uses, by the nature of their traffic impacts and noise from outside activities, meaning that it is appropriate to rezone the property from OR to the least intensive commercial zoning district, which is Commercial, Professional and Office (CPO). Childcare facilities are also allowed by conditional use in this zoning category, which will allow for the same site-specific review of the proposed use by the Conditional Use and Variance Board that would occur in OR zoning. CPO zoning will also allow offices as future alternative uses, which are more compatible with existing residential uses than retail and other more intensive commercial uses.



Future Land Use Map



Zoning Map



**CONSISTENCY WITH COMPREHENSIVE PLAN**

**Policy FL.01.02(C)**

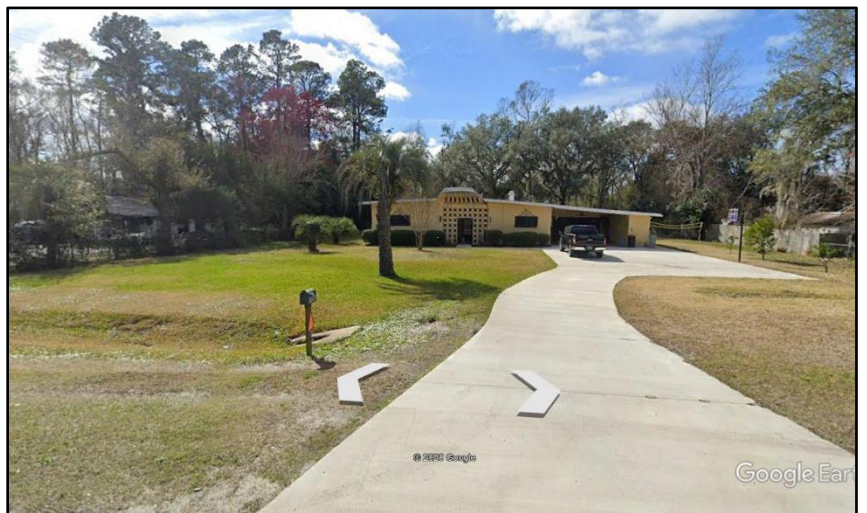
The proposed rezoning would be consistent with the existing Commercial (COM) FLUM designation of the parcel.

As stated in the Future Land Use Element of the Comprehensive Plan, land designated by COM FLUM is intended for retail, medical or professional offices, shopping centers and other retail uses of varying intensity, vehicle sales and service, restaurants of all types, hotels and other lodging, personal services and other similar commercial or professional services. This policy also notes that “commercial land uses should be physically or spatially buffered from adjacent land uses of lesser density or intensity of use.”

**Policy FL.08.05**

Policy FL.08.05 states that the County shall direct commercial and multi-family residential uses into clustered or nodal development patterns that eliminate or reduce strip or ribbon development following major County or state roads.

The proposed rezoning would not encourage strip development in new areas. Nonresidential properties between the Town of Callahan and Cushing Creek to the south include a variety of long-standing uses including two churches, a funeral home, a pet store, and three automotive repair facilities. There are also 10 single-family residences in this corridor, including this property. The parcel is surrounded on three sides (north, south and west) by existing single-family residences, ranging in lot size from ¾ acre to 2.1 acres. Given the wide range of intensities in this area, it is likely that the proposed use would not be out of character with the development pattern.



**CONSISTENCY WITH THE 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.

The rezoning is justified by the need for small-scale offices to serve the Callahan area and is in keeping with the County's general planning program.

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

a. *Explain how the proposed change relates to the established land use pattern.* Despite there being residential uses immediately adjacent to the property, the change is generally compatible with the development pattern of the US 1 corridor south of Callahan, an area of mixed residential and nonresidential uses.

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

While there would be OR zoning immediately around the property, the US 1 corridor south of Callahan has multiple properties with CN, CG, and CI zoning. More importantly, the underlying Commercial FLUM compels the County to true up the zoning to the land use.

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.

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

The property currently has a single-family dwelling, and the application indicates this building will repurposed for the childcare facility. Surrounding properties remain in the OR category and can be used for residential or Ag-related commercial activities.

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.*

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

The US 1 corridor south of Callahan provides a mix of residential and nonresidential uses within a designated commercial node. The change would result in commercial infill within this designated commercial node.

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

N/A

*(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.*

Rezoning this parcel to CPO will provide additional employment and service opportunities to the Callahan area.

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



N/A

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

N/A

*(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.*

N/A

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

As the Callahan area grows, there are increasing needs for office and service uses to serve existing and future residents.

*g. Explain how the proposed change will not adversely affect living conditions in the adjacent neighborhoods.*

The relatively small size of the parcel will constrain impacts on neighboring properties.

*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.*

It is possible that other residences in the area will also apply for a similar rezoning, which is encouraged by the underlying Commercial FLUM.

*j. Explain why the property cannot be used with existing zoning.*

The property can be used under the current OR zoning for a residence and limited Ag-related commercial activities.

*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?*

Other commercial zoning districts are to the south and the north, including CN, CG, and CI.

## **CONCLUSION**

Based on general conformance to Comprehensive Plan and Land Development Code criteria as presented in this report, Staff recommends APPROVAL of application R20-007.