



APPLICATION FOR CONDITIONAL USE

APPLICATION

OWNER/APPLICANT:	Concept Development Inc (DBA Dollar General)			
AGENT:	GrayRobinson P.A.			
REQUESTED ACTION:	Conditional Use Permit for off-premises beer and wine sales			
LOCATION:	96563 Chester Rd			
LAND USE:	Commercial (COM)			
ZONING:	Commercial Neighborhood (CN)			
EXISTING USES ON SITE:	Retail Store (Dollar General)			
PROPERTY SIZE + PARCEL ID:	1.47ac Parcel ID # 44-3N-28-0000-0001-0460			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Single-Family Dwelling	OR	MDR
	South	Manufactured Home	OR	MDR
	East	Single-Family Dwelling	OR	MDR
	West	Undeveloped	OR	AGR
COMMISSION DISTRICT:	3			

*** 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 Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The subject property is located on the west side of Chester Rd., approximately 2.6 miles north of the intersection of Chester Rd. and State Road 200. Uses in the vicinity include single-family residences and agricultural uses.

The Applicant seeks a conditional use permit pursuant to Section 15.04(C) of the Nassau County Land Development Code to allow for the sale of off-premises consumption of beer and wine in the Commercial Neighborhood (CN). Per Section 15.04(C), conditional uses include:

- (C) Sale of alcoholic beverages with alcoholic content not more than fourteen (14) percent for consumption, either on-premises or off-premises, or the sale of alcoholic beverages with alcoholic content above fourteen (14) percent for on-premises consumption.

The applicant is requesting to sell beer and wine for off-site consumption only. Liquor sales and on-site consumption are not a part of this conditional use request.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION (CONT.)

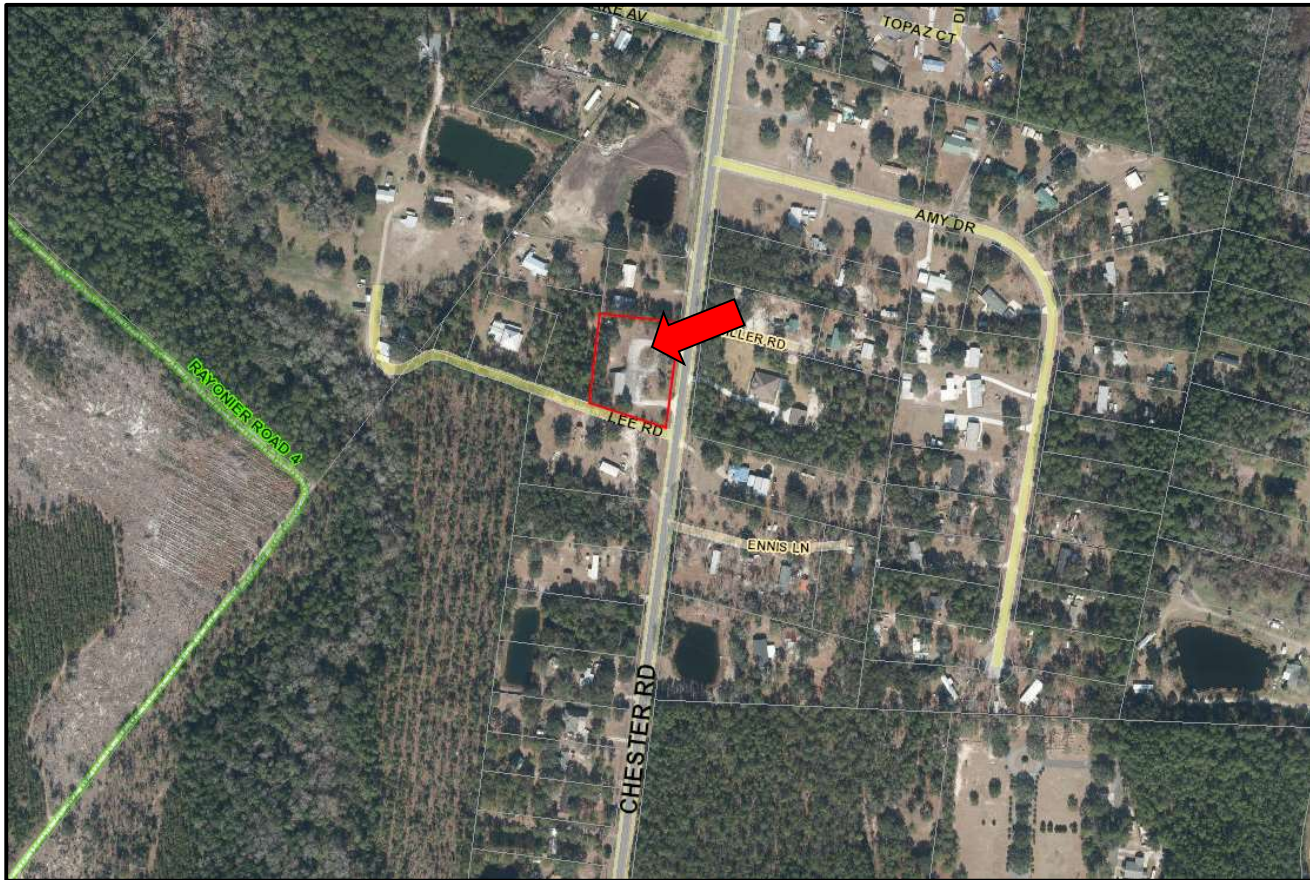


Figure 1: Location Map

The Comprehensive Plan Future Land Use Map (FLUM) designation of the parcel is Commercial (COM). LDR-designated land allows for the development of commercial uses including sales, rentals, and distribution of products or performance of services.

The use as a retail store meets the Future Land Use Map designation for the 2030 Comprehensive Plan.

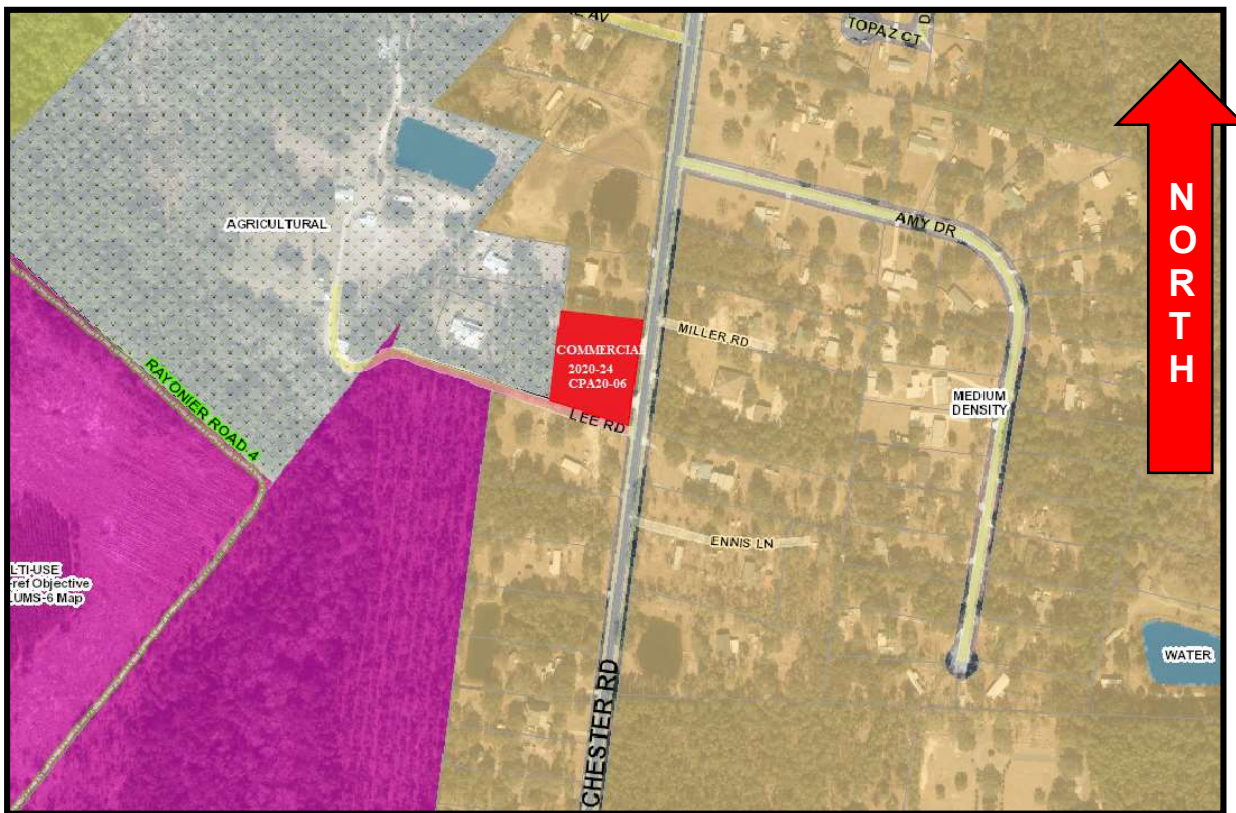


Figure 2: Future Land Use Map

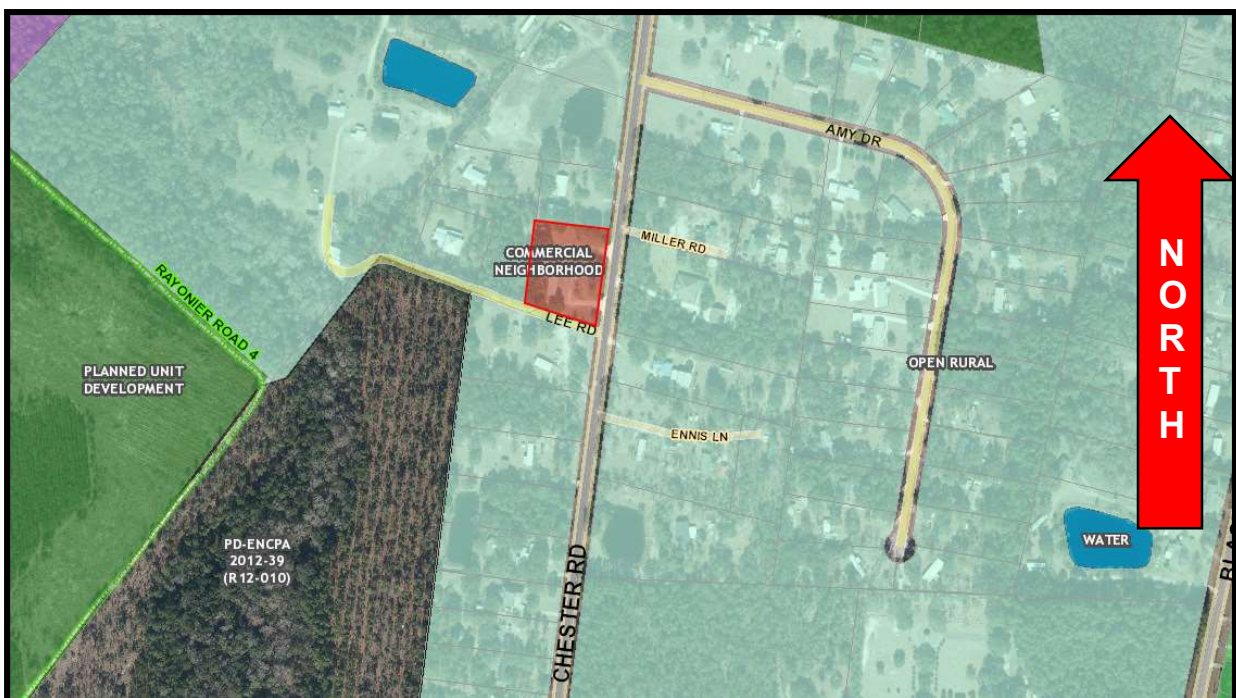


Figure 3: Zoning map

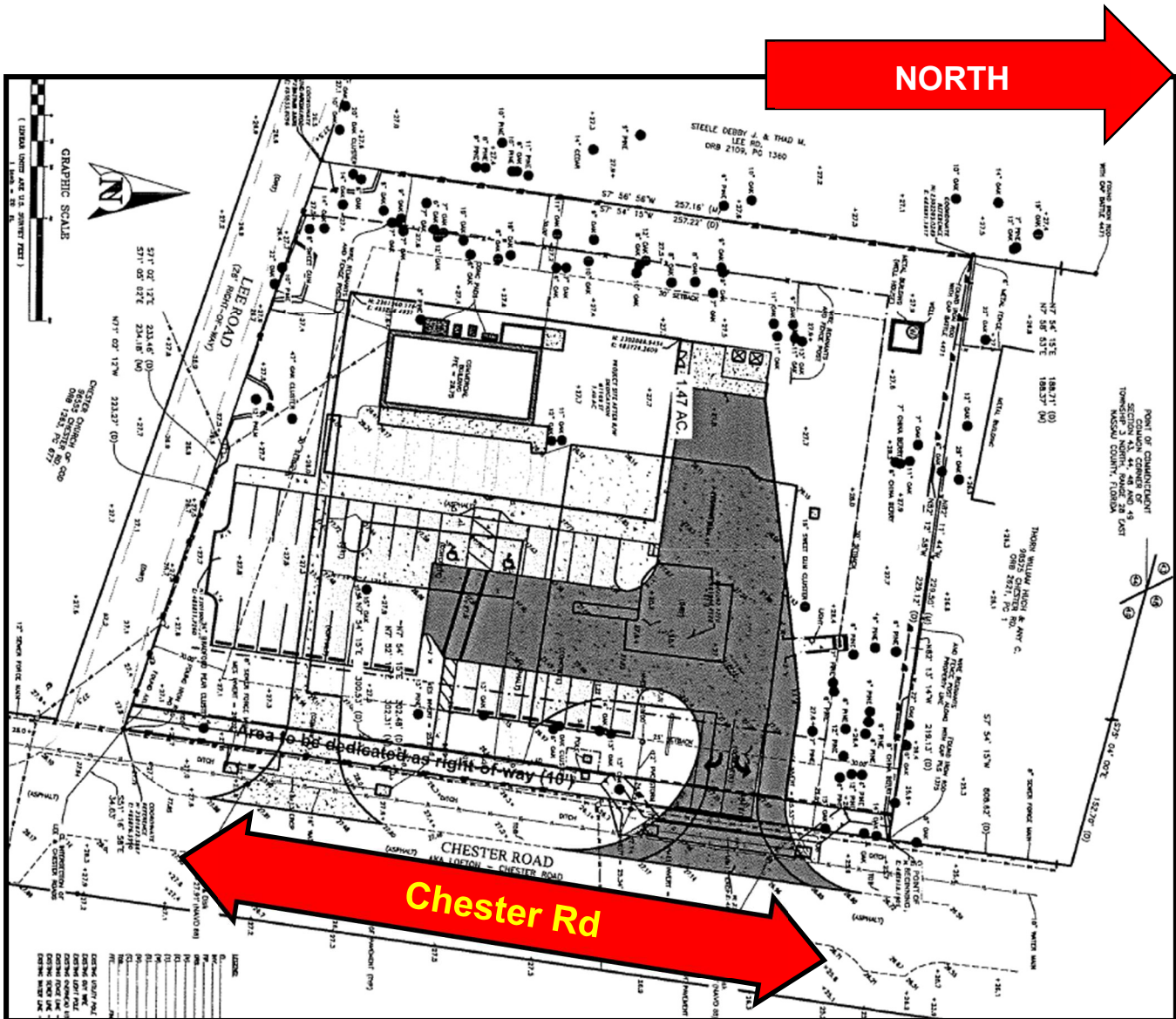


Figure 4: Site plan for the existing Dollar General

CONSISTENCY WITH LDC SECTION 5.04: CONDITIONAL USE REVIEW CRITERIA

When considering conditional use requests, the conditional use and variance board shall make a written finding that the proposed conditional use conforms to the following criteria:



- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.**

Staff does not believe that the sale of beer and wine will be detrimental to public health or safety. Such sales occur in many locations throughout the County and have not notably and negatively impacted surrounding areas.

- (B) Each structure or improvement will be in accordance with Ordinance 2000-26 and will be so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.**

This conditional use request is not for a new structure, but an existing structure reviewed by the County Staff in February of 2021 (Site Engineering Plan SEP20-023).

- (C) The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair the values within the area.**

Staff does not believe that the sale of beer and wine from the existing retail store will adversely impact the permitted uses in the nearby zoning districts. The change will reduce vehicle miles traveled (VMT) for vicinity residents since there are no other retail establishments within two miles of this site.

- (D) The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.**

The surrounding area west of the site is timberland and the lands to the east are existing developed neighborhoods. Staff does not anticipate the sale of beer and wine for off-site consumption to impede development to the west.

- (E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.**

The property is served by JEA water and sewer systems.

- (F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.**

Parking has been provided in accordance with Land Development Code (LDC) 31.06 – Off-street parking and loading; design standards. This was calculated during the site engineering plan approval process from the County Staff.

- (G) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.**

The sale of beer and wine for off-site consumption is not anticipated to increase traffic more than would be expected of the store not selling beer and wine. Proper paved access from Chester Road is provided to the property.

- (H) Adequate screening and buffering of the conditional use will be provided, if needed.**



PLANNING DEPARTMENT

NASSAU COUNTY, FLORIDA

STAFF REPORT
Conditional Use + Variance Board
CU2021-024
1/27/22

This is not applicable to this conditional use, as buffering between adjacent uses was accounted for at the site engineering phase for the development of the Dollar General.

- (I) **The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by conditional use shall be compatible with development in the zoning district.**

All signage must conform to Nassau County LDC Article 30 – Sign Regulations.

- (J) **The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.**

The sale of beer and wine for off-site consumption requires a conditional use the Commercial Neighborhood (CN) zoning district. Chapter 4 of the Nassau County Codes and Ordinances regarding alcoholic beverages must be complied with.

- (K) **The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.**

Staff Believes that the sale of beer and wine at this location will be in conformance with the 2030 Comprehensive Plan.

CONCLUSION

Staff finds the requested action to be consistent with Section 5.04 of the Land Development Code as follows:

Conditional Use Criteria	Determination of Consistency
LDC 5.04 (A)	✓
LDC 5.04 (B)	✓
LDC 5.04 (C)	✓
LDC 5.04 (D)	✓
LDC 5.04 (E)	✓
LDC 5.04 (F)	✓
LDC 5.04 (G)	✓
LDC 5.04 (H)	N/A
LDC 5.04 (I)	✓
LDC 5.04 (J)	✓
LDC 5.04 (K)	✓

This application is also consistent with the requirements of Article 15, Section 15.04(C) of the Nassau County Land Development Code.

Staff recommends approval based on meeting the criteria, subject to the following conditions.

1. The rights assigned by this order shall run with the land and be transferable.
2. The rights assigned are for the sale of beer and wine only for off-premises consumption. Liquor sales and on-site consumption are prohibited.
3. The sale of beer and wine shall not be permitted between the hours 2:00 a.m. and 7:00 a.m. on Sundays.