



APPLICATION FOR REZONING

APPLICATION & SURROUNDING AREA INFORMATION

OWNERS/APPLICANTS:	Betty Nessler, John A. and Julie N. Waldron, Johnny R. Nessler, Ronald F. and Elizabeth A. Nessler, Yvonne Edwards Trustee of Yvonne Edwards Living Trust, Christopher W. and Phyllis R. Lathrop and Roy Harris			
AGENT:	N/A			
REQUESTED ACTION:	Rezoning from Commercial General (CG) to Open Rural (OR)			
LOCATION:	On the north and south sides of SR 200, between Gussie Lane and Westberry Lane			
CURRENT LAND USE + ZONING:	Agriculture (AGR)/Commercial (COM) + Commercial General (CG)			
PROPOSED LAND USE + ZONING:	Agriculture (AGR) + Open Rural (OR)			
EXISTING USES ON SITE:	SF Residential/Timberland/Undeveloped			
PROPERTY SIZE + PARCEL ID:	16.84 acres + Parcel ID 05-2N-26-0000-0004-0000, 05-2N-26-0000-0004-0200, 05-2N-26-0000-0004-0190, 05-2N-26-0000-0004-0180, 05-2N-26-0000-0004-0010, 05-2N-26-0000-0004-0110 and 05-2N-26-0000-0004-0170			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Undeveloped/SF Residential/Mobile Home	OR	AGR
	South	SF Residential/Repair Service Shop/Undeveloped	OR/CG	AGR
	East	SF Residential	OR	AGR
	West	SF Residential	OR/CG	AGR
COMMISSION DISTRICT:	4 and 5			

*** 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 applicants are requesting the rezoning of approximately 16.84 acres from Commercial General (CG) to Open Rural (OR). These seven parcels were mistakenly included in the legal description of Ordinance 87-7 that rezoned adjacent property to CG in 1986. The properties are located approximately 4 miles west of Interstate 95, along SR 200 in a largely rural area. A companion Comprehensive Plan Future Land Use Map Amendment CPA22-005 was filed to change 0.91 of the 16.84 acres from Commercial (COM) to Agriculture (AGR).

As stated in the Intent preamble of Article 22 of the Land Development Code (LDC), the OR zoning 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."

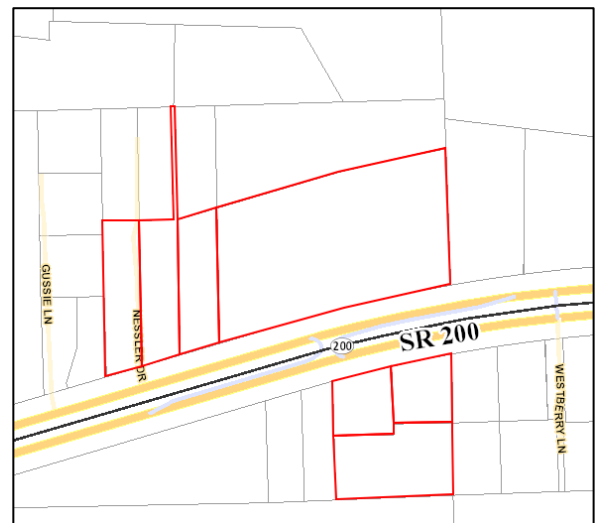


Figure 1: Parcel map



Figure 2: Zoning map



Figure 3: FLUM map

CONSISTENCY WITH THE LAND DEVELOPMENT CODE ARTICLE 5. – PROCEDURES

Section 5.02. - Rezoning.

Pursuant to Section 5.02 (C) and (D), staff shall review rezoning applications for consistency with the 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 Comprehensive Plan.

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.

Need and Justification. The rezoning is necessary to correct the erroneous rezoning of these properties to Commercial General in 1986. In addition, it will make the zoning compatible with the AGR FLUM designation. The applicants will be able to obtain building permits for development consistent with the existing residential use. The surrounding area is an established rural community and overwhelmingly zoned OR. There are four parcels in the area with repair service businesses that will remain CG zoning.



Figure 4: Aerial map

Relationship to Planning Program. The proposed rezoning is not contrary with the County's general planning program. This program is further defined and evaluated by the rezoning criteria as follows.



Applications are also evaluated with the following rezoning criteria:

a. *Explain how the proposed change relates to the established land use pattern.*

Staff Response: the site is located within an existing low-density residential section along SR 200. The area includes a mix of mobile and single-family homes with some light commercial uses (i.e. repair service). This criterion is met.

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

Staff Response: the properties are largely surrounded by OR zoning and therefore no isolated zoning district would be created. This criterion is met.

c. *Explain how the proposed change would impact public facilities such as schools, utilities, streets and traffic.*

Staff Response: since the rezoning is corrective in nature and the low-density residential development is already established, the proposed rezoning is not likely to result in a change in the demand for the public facilities and services listed above. Any additional residential dwellings would be subject to County impact fees. This criterion is met.

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

Staff Response: six of the seven parcels have single-family homes on large lots and the seventh lot is undeveloped timberland. No change is proposed to the existing parcels. The surrounding properties are single-family homes, mobile homes and undeveloped land.

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

Staff Response: see section above. The rezoning is supported by the Nassau County 2030 Comprehensive Plan, specifically:

- Policy FL.01.01 states that the County shall permit future development to proceed consistent with the land use categories, overlay districts, master land use plans, and other maps in the adopted Future Land Use Map Series.
- Policy FL.01.02(A) sets forth the standards for the AGR FLUM category. The existing Commercial General (CG) zoning is not consistent with the underlying AGR FLUM designation. The proposed OR zoning is consistent with AGR.

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

Staff Response: this area maintains the low-density, rural character between the Town of Callahan to the west and the rapidly developing unincorporated Yulee area to the east. The OR zoning is consistent with the extensive OR zoning and AGR FLUM designation surrounding the site in all directions. This criterion is met.

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

Staff Response: the proposed OR zoning district allows similar development as adjacent neighborhoods. Since the rezoning is corrective and the low-density residential development is already established, the proposed rezoning is not likely to adversely affect adjacent neighborhoods. This criterion is met.

h. *State that the proposed change will comply with all Federal, State and local drainage requirements.*

Staff Response: any new or redevelopment on the site must comply with all Federal, State and local drainage requirements.

i. *Explain how the proposed change will encourage the improvement or development of adjacent property in accordance with existing regulations.*

Staff Response: the proposed change is compatible with existing development found on adjacent and surrounding



properties along this portion of the SR 200 corridor and is consistent with the historical pattern of rural residential development at this location. This criterion is met.

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

Staff Response: the CG zoning district is inconsistent with the underlying AGR FLUM designation and the existing single-family residential development.

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

Staff Response: this rezoning maintains the low-intensity, rural character between the Town of Callahan and rapidly developing unincorporated Yulee area to the east.

l. Are there other sites in this general location with similar zoning?

Staff Response: the properties are surrounded by similar OR zoning.

CONCLUSION AND STAFF RECOMMENDATION

Staff believes that the requested amendment substantively meets the criteria for consideration and is consistent with the underlying AGR FLUM designation. Therefore, Staff recommends APPROVAL of application R22-008.

PZB RECOMMENDATION

At their meeting on August 30, 2022, the Planning and Zoning Board voted unanimously to recommend approval of the rezoning application.