



APPLICATION FOR REZONING

Official Use Only
Zoning District: OR
FLUM Designation: COM
Commission District: 1
Application #: R23-008
Date Filed: 9-7-23

Nassau County Planning Dept
2023 SEP 7 AM 8:33

(1) **Name and Address of the Owner:**

Name: Calypso Commercial Holdings, LLC
Mailing address: 11323 Phillips Pkwy Dr E, Ste 7
Jacksonville, FL 32256
(904) 962-4227
Telephone: _____
Email: toddbates1@yahoo.com

(2) **Name and Address of the Applicant / Authorized Agent:**

Name: Elizabeth Moore, Sodl & Ingram PLLC
Mailing address: 1617 San Marco Boulevard
Jacksonville, FL 32207
(904) 479-6425
Telephone: _____
Email: beth.moore@si-law.com

(PLEASE NOTE: If applicant is not the owner, this application must be accompanied by completed Owner's Authorization for Agent form.)

(3) **Location:**

On the north side of 474455 East State Road 200
(north, south, east, west) (street)
(located approx. 0.5 miles east of Old Nassauville Road)
between _____ and _____
(street) (street)

(4) **Parcel Identification Numbers:**

40 .2N .28 .0000 .0028 .0000

Please attach additional Parcel Identification numbers using 8½" x 11" size paper with the answers typed or printed legibly

(OFFICIAL USE ONLY)

Legal Advertisement deadline: / /

Newspaper for legal advertisement: Fernandina Beach News Leader Nassau County Record

PZB Hearing Date: / / BOCC Hearing Date: / /

Application Complete
10/6/23

Senior Planner

(5) **Current Zoning District:** Open Rural

(6) **Proposed Zoning District:** Commercial General

(7) **Future Land Use Map Designation:** Commercial

(8) **Area (acres):** 1.66

(9) **Current Use** (list any improvements on the site or uses):
Vacant/not currently in use, although several small single-family homes and
related structures are present on the site

(10) Water Supply:

- ☒ Private Well
- ☐ Private treatment plant
- ☐ Public Water System _____ (name of provider)

(11) Wastewater Treatment:

- ☐ On-site Sewage Treatment System
- ☐ Private Sewer Treatment Plant
- ☒ Public Sewer System JEA (name of provider)

(12) Review Criteria for Rezoning:

All rezoning applications shall provide justification for the proposed rezoning. In evaluating proposed rezoning, the County shall consider each of the following. Please attach a response to the following using 8½" x 11" size paper with the answers typed or printed legibly and identifying the question on the application.

- (A) Consistency of the proposed rezoning with the uses, densities and intensities permitted by the underlying Future Land Use Map (FLUM) designation and the goals, objectives, and policies of the adopted Comprehensive Plan.
- (B) Consistency of the proposed rezoning with the uses, densities and intensities permitted by the adjacent and surrounding zoning districts.
- (C) Consistency of the proposed rezoning with the applicable portions of small area plans, overlay districts or any current County plans or programs.
- (D) The rezoning does not result in a sprawl development pattern as determined by Chapter 163 Florida Statutes, and will not discourage infilling of more appropriate areas available for development within existing urban or transitioning areas.
- (E) The availability of, and potential impact to, public infrastructure and facilities that will serve the site in question including public water and wastewater, public roads, public schools, public parks, police and fire service and other similar items. These items may also be reviewed if an amendment to the Future Land Use Map filed is filed in conjunction with a rezoning.

- (F) Consistency of the proposed rezoning with any applicable substantive requirements of the Code, including minimum or maximum district size, access, setback and buffering requirements.
- (G) The nature and degree of potential adverse impacts the proposed rezoning could have upon permitted conforming uses on neighboring lands.
- (H) The nature and degree of potential adverse impacts the proposed rezoning could have upon environmentally sensitive lands or areas of historical or cultural significance.
- (I) Substantial changes in the character or development of areas in or near the area under consideration which affect the suitability or unsuitability of the land for its use as presently zoned.
- (J) The extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the property.
- (K) Public policies in favor of the rezoning. Examples include identified economic development or affordable housing projects, mixed-use development, or sustainable environmental features, which are consistent with specific adopted plans or policies of the Board of County Commissioners.
- (L) The extent to which the rezoning will result in a fiscally and environmentally sustainable development pattern through a balance of land uses that is internally interrelated; demonstrates a context sensitive use of land; ensures compatible development adjacent to agriculture and environmentally sensitive lands; protects environmental and cultural assets and resources; provides interconnectivity of roadways; supports the use of non-automobile modes of transportation; and appropriately addresses the infrastructure needs of the community.
- (M) The extent to which the rezoning does not propose environmental impacts that would significantly alter the natural landscape and topography such that it would exacerbate or lead to increased drainage, flooding, and stormwater issues.
- (N) The extent to which the rezoning results in a compact development form that fosters emergence of vibrant, walkable communities; makes active, healthier lifestyles easier to enjoy; conserves land; supports transportation alternatives; reduces automobile traffic congestion; lowers infrastructure costs; reduce vehicular miles traveled and costs related to household transportation and energy; and puts destinations in closer proximity. Successful compact development is illustrated through the use of:
 - Clustered population and/or employment centers;
 - Medium to high densities appropriate to context;
 - A mix of land uses;
 - Interconnected street networks;
 - Innovative and flexible approaches to parking;
 - Multi-modal transportation design including pedestrian, bicycle, and transit-friendly options;
 - Proximity to transit.

(12) Review Criteria for Rezoning:

- A. Consistency of the proposed rezoning with the uses, densities and intensities permitted by the underlying Future Land Use Map (FLUM) designation and the goals, objectives, and policies of the adopted Comprehensive Plan.

The proposed rezoning from Open Rural (OR) to Commercial General (CG) is consistent with the FLUM designation for the subject property, which is Commercial. The applicant is not seeking an amendment to the FLUM. Moreover, the proposed rezoning is consistent with the Comprehensive Plan because it would promote infill development in an area that is already predominantly zoned CG, as further set forth in these responses. (Objectives FL.01, FL.08.)

- B. Consistency of the proposed rezoning with the uses, densities and intensities permitted by the adjacent and surrounding zoning districts.

The proposed rezoning is consistent with the adjacent and surrounding zoning districts, which are predominantly CG. In fact, the subject property is one of the only parcels *not* zoned CG on the northern side of SR 200 from Barnwell Road to the marshes west of the Piney Island residential development.

- C. Consistency of the proposed rezoning with the applicable portions of small area plans, overlay districts or any current County plans or programs.

The subject property is located within the SR 200/A1A Access Management Overlay District (Policy FL.02.02). Any development will comply with the requirements for the District.

- D. The rezoning does not result in a sprawl development pattern as determined by Chapter 163 Florida Statutes, and will not discourage infilling of more appropriate areas available for development within existing urban or transitioning areas.

The proposed rezoning does not result in a sprawl development pattern because it would not contribute to low density developments that are not functionally related as defined in Florida Statutes chapter 163. Rather, the corridor of SR 200 where the subject property is located is almost all CG, and this proposed rezoning would result in—rather than discourage—infill development.

- E. The availability of, and potential impact to, public infrastructure and facilities that will serve the site in question including public water and wastewater, public roads, public schools, public parks, police and fire service and other similar items. These items may also be reviewed if an amendment to the Future Land Use Map filed is filed in conjunction with a rezoning.

The subject property is currently served by a private well for water and a septic system for wastewater, but the proposed development will connect to the public sewer system (JEA) for wastewater, which is available nearby. The CG zoning will not impact public schools because it will not add any students to the school system. Moreover, because the subject property is centrally located on SR 200, it is adequately served by roads, police, and fire service.

- F. Consistency of the proposed rezoning with any applicable substantive requirements of the Code, including minimum or maximum district size, access, setback and buffering requirements.

The proposed rezoning will not be inconsistent with any requirements of the Zoning Code, as the subject property is adequately sized to meet the minimum lot and buffering requirements.

- G. The nature and degree of potential adverse impacts the proposed rezoning could have upon permitted conforming uses on neighboring lands.

The proposed rezoning would have minimal—if any—adverse impacts on neighboring lands. Adjacent properties are also zoned CG and the uses would be complementary.

- H. The nature and degree of potential adverse impacts the proposed rezoning could have upon environmentally sensitive lands or areas of historical or cultural significance.

The proposed rezoning would have minimal—if any—adverse impacts on environmentally sensitive lands or areas of historical or cultural significance. Specifically, the subject property is not known to have any wetlands present, and there are no nearby areas of historical or cultural significance. Although several of the structures on the subject property were constructed in 1946, they are not known to have any major significance.

- I. Substantial changes in the character or development of areas in or near the area under consideration which affect the suitability or unsuitability of the land for its use as presently zoned.

The subject property is improved with several small, vacant single-family homes and associated structures, several of which date back more than 75 years to 1946. Since that time, the County's population has grown considerably and SR 200 has become a major thoroughfare supporting many commercial uses, particularly between US 17 and the Island. In contrast, the OR zoning district is intended to apply to areas which are sparsely developed rural areas away from urban activity, which is no longer the character of this area.

- J. The extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the property.

Land use and development in the County has changed to promote more commercial uses to support the growing population and economic development of the County. The response to criteria I is also incorporated herein.

- K. Public policies in favor of the rezoning. Examples include identified economic development or affordable housing projects, mixed-use development, or sustainable environmental features, which are consistent with specific adopted plans or policies of the Board of County Commissioners.

The proposed rezoning would promote the County's goal of economic development as set forth in the Economic Development Element of the Comprehensive Plan. Specifically, the rezoning, by allowing a wider variety of commercial uses on the subject property, would "support and promote the expansion of existing businesses within Nassau County, including small businesses." (Objective ED.03)

- L. The extent to which the rezoning will result in a fiscally and environmentally sustainable development pattern through a balance of land uses that is internally interrelated; demonstrates a context sensitive use of land; ensures compatible development adjacent to agriculture and environmentally sensitive lands; protects environmental and cultural assets and resources; provides interconnectivity of roadways; supports the use of non-automobile modes of transportation; and appropriately addresses the infrastructure needs of the community.

As set forth in other responses to these criteria, the proposed rezoning from OR to CG will promote land uses that are interrelated and complementary in this area of the County—predominantly commercial.

- M. The extent to which the rezoning does not propose environmental impacts that would significantly alter the natural landscape and topography such that it would exacerbate or lead to increased drainage, flooding, and stormwater issues.

The proposed rezoning would not significantly alter the natural landscape and topography to exacerbate drainage, flooding, or stormwater issues based on the size, location, and proposed zoning district of the subject property. In particular, the subject property is a relatively small (1.66-acre) parcel bordering SR 200, which is already predominantly commercial. The subject property is not known to have any wetlands present, and all building codes and engineering requirements will be met.

- N. The extent to which the rezoning results in a compact development form that fosters emergence of vibrant, walkable communities; makes active, healthier lifestyles easier to enjoy; conserves land; supports transportation alternatives; reduces automobile traffic congestion; lowers infrastructure costs; reduce vehicular miles traveled and costs related to household transportation and energy; and puts destinations in closer proximity. Successful compact development is illustrated through the use of:
- (1) Clustered population and/or employment centers;
 - (2) Medium to high densities appropriate to context;
 - (3) A mix of land uses;
 - (4) Interconnected street networks;
 - (5) Innovative and flexible approaches to parking;
 - (6) Multi-modal transportation design including pedestrian, bicycle, and transit-friendly options;
 - (7) Proximity to transit.

The proposed rezoning will promote an infill development along a predominantly commercial section of SR 200, thereby concentrating commercial uses in a centrally located area near residential developments and minimizing urban sprawl.

(13) Required Attachments:

- ☒ (a) *Location Map (see instructions)*
- ☒ (b) *Legal description (see instructions)*
- ☒ (c) *Survey (see instructions)*
- ☐ (d) *Environmental Assessment (see instructions)*
- ☐ (e) *Transportation Impact Analysis (see instructions)*
- ☒ (f) *Owners Authorization for Agent* (form is attached to this application)*
- ☒ (g) *Consent for Inspection Form (form is attached to this application)*

*NOTE: If prepared or signed by an agent, a notarized *Owner's Authorization for Agent* form must be provided.

(14) Additional Attachments for Planned Unit Developments (PUD):

- ☐ (a) *Preliminary Development Plan (see instructions)*
- ☐ (b) *PUD Written Description/Conditions (see instructions)*
- ☐ (c) *Proposed Deed Restrictions and Association Bylaws (see instructions)*

Attachment (13)(a)

Location Map

(see attached)

Location Map

Application for Rezoning, Attachment (13)(a)

Legend



474455 E State Rd 200



Google Earth

Page © 2023 TerraMetrics

Data SIO NOAA U.S. Navy NGA GEBCO

GoMaps



September 1, 2023

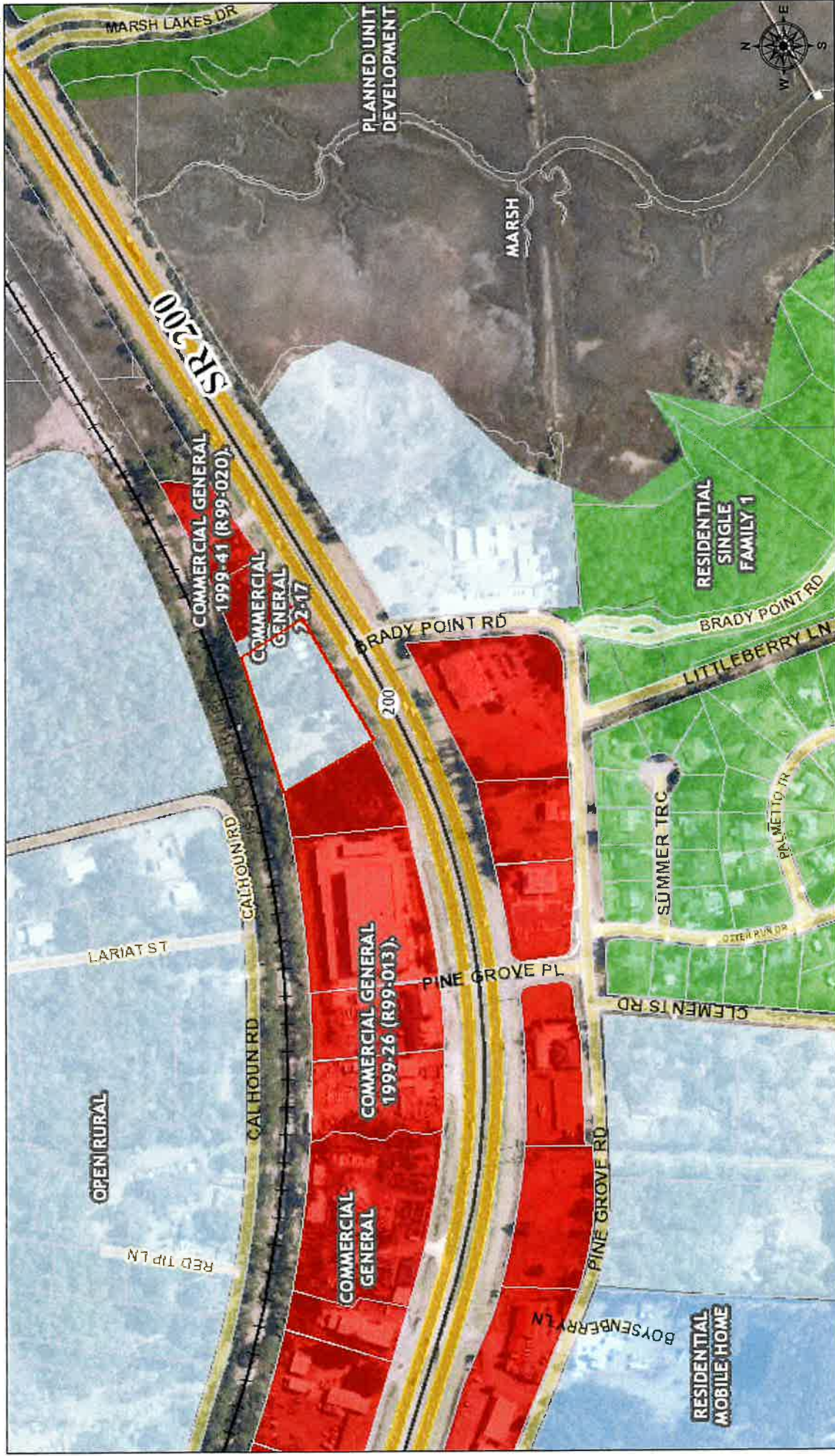
1:4,514

0 0.0375 0.075 0.15 mi

0 0.05 0.1 0.2 km

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

WARNING: THIS IS NOT A SURVEY
This map is prepared for the inventory of real property within this jurisdiction.
Users of this map are hereby notified that the aforementioned public information sources
should be consulted for verification of the information contained on this map. The County and mapping
company assume no legal responsibility for the information contained on this map.



September 1, 2023

1:4,514

0 0.0375 0.075 0.15 mi

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Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

WARNING: THIS IS NOT A SURVEY.
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Attachment (13)(b)

Legal Description

A PORTION OF SECTION 40, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

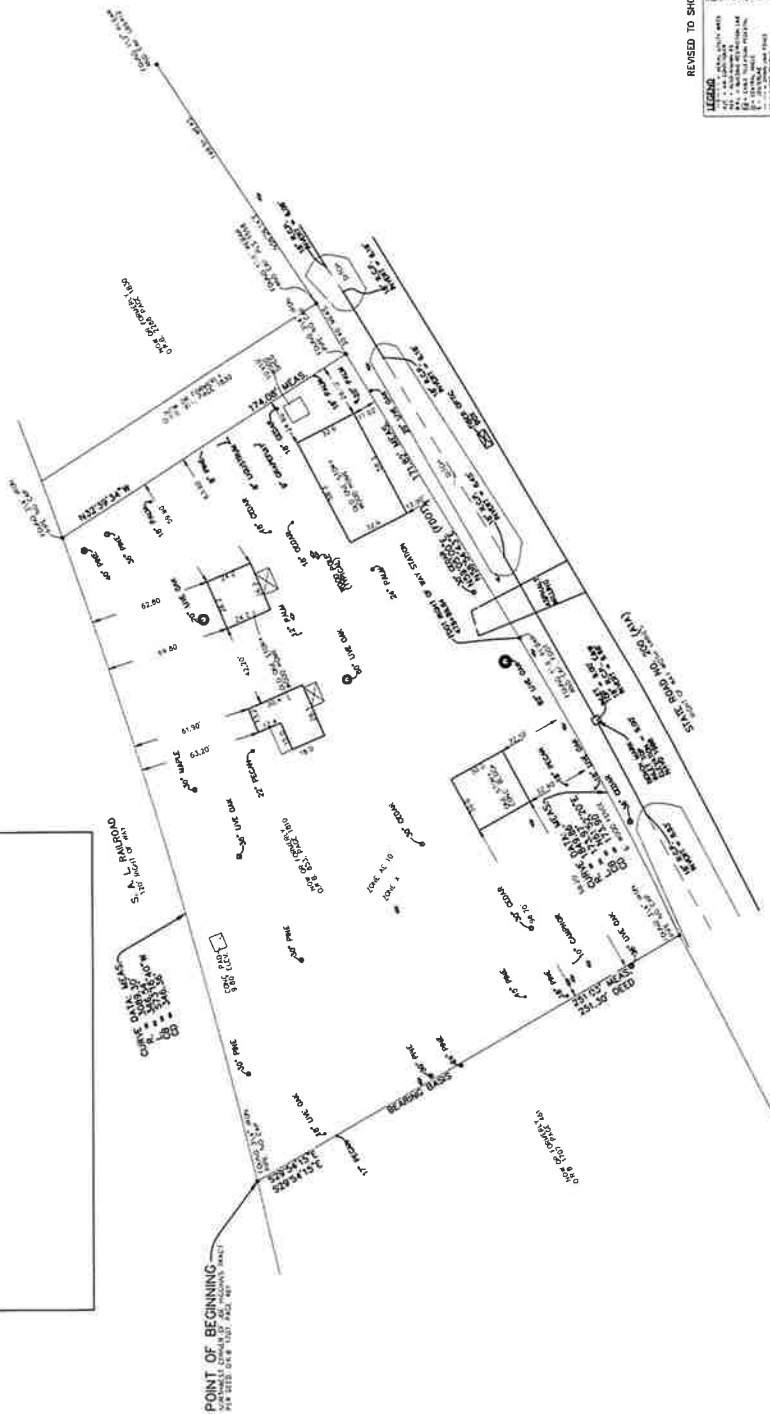
BEGIN AT NORTHEAST CORNER OF THE JOE HIGGINS TRACT PER DEED, OFFICIAL RECORD BOOK 1707, PAGE 461, RECORDED IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING A FOUND $\frac{3}{4}$ INCH IRON PIPE, NO CAP; THENCE S $29^{\circ}54'15''$ E (BEARING BASIS FOR THIS: DEED) ALONG THE EAST LINE OF AFORESAID TRACT, A DISTANCE OF 251.30 FEET (DEED) 251.03 FEET (MEASURED) TO A FOUND $\frac{3}{4}$ INCH IRON PIPE, NO CAP AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO 200 AS NOW ESTABLISHED (RIGHT OF WAY WIDTH VARIES), SAID POINT ALSO BEING THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS 1849.86 FEET; THENCE NORTHEASTERLY ALONG AND AROUND THE NORTHERLY RIGHT OF WAY LINE AFORESAID AND NORTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 173.97 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N $61^{\circ}52'20''$ E, 173.90 FEET TO A FOUND $\frac{5}{8}$ INCH REBAR AND CAP, STAMPED FDOT AT THE POINT OF TANGENCY ON THE NORTHERLY RIGHT OF WAY LINE AFORESAID; THENCE N $58^{\circ}54'43''$ E ALONG THE NORTHERLY RIGHT OF WAY LINE AFORESAID, A DISTANCE OF 171.82 FEET TO A FOUND $\frac{3}{4}$ INCH IRON PIPE, NO CAP AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE AFORESAID THAT INTERSECTS WITH THE WESTERLY LINE OF PROPERTY PER DEED, OFFICIAL RECORD BOOK 911, PAGE 1830, RECORDED IN THE AFOREMENTIONED PUBLIC RECORDS; THENCE N $32^{\circ}39'34''$ W ALONG THE WESTERLY LINE AFORESAID, A DISTANCE OF 174.08 FEET TO A FOUND $\frac{3}{4}$ INCH IRON PIPE, NO CAP AT A POINT ON THE AFORESAID WESTERLY LINE THAT INTERSECTS WITH THE SOUTHERLY RIGHT OF WAY LINE OF S.A.L. RAILROAD (HAVING A 120 FOOT RIGHT OF WAY), SAID POINT ALSO BEING THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 3089.30 FEET; THENCE NORTHWESTERLY ALONG AND AROUND THE SOUTHERLY RIGHT OF WAY LINE AFORESAID AND NORTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE A ARC DISTANCE OF 346.54 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S $73^{\circ}16'40''$ W, 346.36 FEET TO THE POINT OF BEGINNING. BEING THE SAME LANDS AS DESCRIBED IN OFFICIAL RECORD BOOK 110, PAGE 399, OFFICIAL RECORD BOOK 381, PAGE 442 AND OFFICIAL RECORD BOOK 789, PAGE 1921, PUBLIC RECORDS, NASSAU CO. FLORIDA.

Attachment (13)(c)

Survey

(see attached)

C:\2020\GLS-20-216\survey\DEED.PNG



PREPARED FOR:
TODD BATES
FOR THE BENEFIT
OF FIRST AMERICAN

SURVEY NOTES:

- The "Race Description" herein is to be used with the description provided for the child.
- 3) (Underground) Improvements were not located or shown.
- 4) (Underground) Improvements were not abridged by the office for easements, rights-of-way, ownership or other instrument or record.
- 5) (Underground) Improvements are to be shown AS EXIST for the Easement, Property, and/or Easement. See, e.g., Public Records, Nassau Co., N.Y. (1960).
- 6) (Partial ownership) If applicable, has not been determined by this office. Fees are shown out of scale in order to show that the fee is not a fee in fee simple. If the fee is not deemed to be encroachment unless ownership is apparent.
- 7) Values list shows the algebraic and the original raised seed of a Florida Immature Surveyor and the original survey report is attached to the deed.
- 8) (Partial ownership) Improvements are shown with flood zone "A" per FEMA Flood Insurance Risk with flood zone "A" or AE 10' as shown on Flood Insurance Risk map.
- 9) (Partial ownership) Improvements are shown as the original map of P.O. and Dated map and distances are the original map of P.O. and Dated map and distances are the original map of P.O. and Dated map.
- 10) (Partial ownership) Improvements are shown as the original map of P.O. and Dated map and distances are the original map of P.O. and Dated map.
- 11) (Partial ownership) Improvements are shown as the original map of P.O. and Dated map and distances are the original map of P.O. and Dated map.

REVISÉ TO SHOW NEW WRITTEN DEED 07-06-2021

[illegible]

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER SJ-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

C:\Capture.PNG

ALAN FRANKLIN GLASS
FLORIDA REGISTERED SURVEYOR
MAPPER CERTIFICATE No. 5712

GLASS LAND SURVEYING, LLC

GLASS LAND SURVEYING, LLC

NAME (COUNT) - FENIANAGUA BEACH, FL
 1) 261-0120 - CELL (904) 370-0318
 2) OFFICE NUMBER: 40 LB 8329

Attachment (13)(f)

Owners Authorization for Agent

(see attached)



Planning Department of
Nassau County
96161 Nassau Place
Yulee, Florida 32097

Nassau County Planning Dept
2023 SEP 7 AM 8:34

OWNER'S AUTHORIZATION FOR AGENT

Elizabeth Moore, Sodl & Ingram PLLC is hereby authorized TO ACT ON BEHALF OF

Calypso Commercial Holdings, LLC, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Nassau County, Florida, for an application pursuant to a:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Rezoning/Modification | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Preliminary Binding Site Plan |
| <input type="checkbox"/> Plat | <input type="checkbox"/> Future Land Use Map Amendment |

BY:

Roger T. Bates
Signature of Owner

Roger T. Bates - Manager, Calypso Commercial Holdings, LLC Print
Name

Signature of Owner

Name
(904) 962-4227
Telephone Number

State of Florida
County of Duval

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of physical presence or online notarization, this 27th of July, 2023, by Roger Todd Bates, who is personally known to me or has produced FL DL as identification.

Matthew Drawdy
Notary Signature

My Commission Expires: 3/9/2026



OWNER'S AUTHORIZATION FOR AGENT

Attachment (13)(g)

Consent for Inspection Form

(see attached)



Planning Department of
Nassau County
96161 Nassau Place
Yulee, Florida 32097

Nassau County Planning Dept
2023 SEP 7 AM 8:34

CONSENT FOR INSPECTION

I, Calypso Commercial Holdings, LLC, the owner or authorized agent for the owner of the premises located at 474455 East State Road 200, Fernandina Beach do hereby consent to the inspection of said premises and the posting of public notice by an employee of the Department of Planning, Nassau County, Florida, in conjunction for an application pursuant to a:

- ☐ Rezoning/Modification
- ☐ Variance
- ☐ Plat

- ☐ Conditional Use
- ☐ Preliminary Binding Site Plan
- ☐ Future Land Use Map Amendment

without further notice.

Dated this 27th day of July, 2023.

Roger T. Bates
Signature of Owner or Authorized Agent
Roger T. Bates, Manager
Calypso Commercial Holdings, LLC

(904) 962-4227
Telephone Number

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 27th day of July, 2023, by Roger Todd Bates, who is personally know to me or has produced FL DL as identification.

Matthew Drawdy
Notary Signature
My Commission expires: 3/9/2026



CONSENT FOR INSPECTION

(15) Signatures:

In filing this application, the undersigned understands it becomes a part of the official records of the Planning and Zoning Board and does hereby certify that all information contained herein is true to the best of his/her knowledge.

Signature of Owner: Roger T. Bates

Signature of Applicant/Agent: _____

(if different than Owner) Roger T. Bates - Manager
Calypso Commercial Holdings, LLC

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization,
this 27th day of July, 2023, by Roger Todd Bates, who is personally

known to me or has produced: FL DL

Matthew Drawdy
Notary Signature

My Commission expires: 3/9/2026

