



## APPLICATION FOR REZONING

### APPLICATION & SURROUNDING AREA INFORMATION

<b>OWNER/APPLICANT:</b>	553519 US 1 Trust			
<b>AGENT:</b>	Gillette & Associates, Inc.			
<b>REQUESTED ACTION:</b>	Rezoning from Open Rural (OR) to Commercial General (CG)			
<b>LOCATION:</b>	On the west side of US-1, between Andrews Road and Davis Road			
<b>CURRENT LAND USE + ZONING:</b>	Commercial (COM) + Open Rural (OR)			
<b>PROPOSED LAND USE + ZONING:</b>	Commercial (COM) + Commercial, General (CG)			
<b>EXISTING USES ON SITE:</b>	Mobile Home			
<b>PROPERTY SIZE + PARCEL ID:</b>	3.08 acres + Parcel ID # 30-4N-24-2740-0003-0000			
<b>ADJACENT PROPERTIES:</b>	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Vacant Commercial	CI	COM
	South	Mobile Home	OR	AGR
	East	Mobile Home/Vacant Commercial	CG/OR	COM/LDR
	West	Timberland	OR	AGR

\*\*\* 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 applicant is requesting the rezoning of approximately 3.08 acres from Open Rural (OR) to Commercial, General (CG). The property has a Future Land Use Map (FLUM) designation of Commercial (COM).

As stated in the Intent preamble of Article 16 of the Land Development Code (LDC), the CG zoning district "designates areas for general commercial uses which will meet the retail sales and service needs of Nassau County residents. This district is intended to encourage the concentration of general commercial uses and not the extension of strip commercial areas."

The preamble further states that the "Commercial General District shall abut a roadway classified as a collector or higher facility on the adopted functional highway classification map of the adopted comprehensive plan." The property meets this standard as it fronts on US-1, an arterial roadway.



Figure 1: Parcel Map

The proposed rezoning is in a transitioning area characterized by a mix of Open Rural (OR) and Commercial General (CG) uses along US-1 and residential communities to the southeast in and around the Town of Hilliard. The existing uses in the immediate vicinity include commercial services, a



retrofitted apartment complex (converted from a motel), timberland, and mobile home and single-family dwellings.

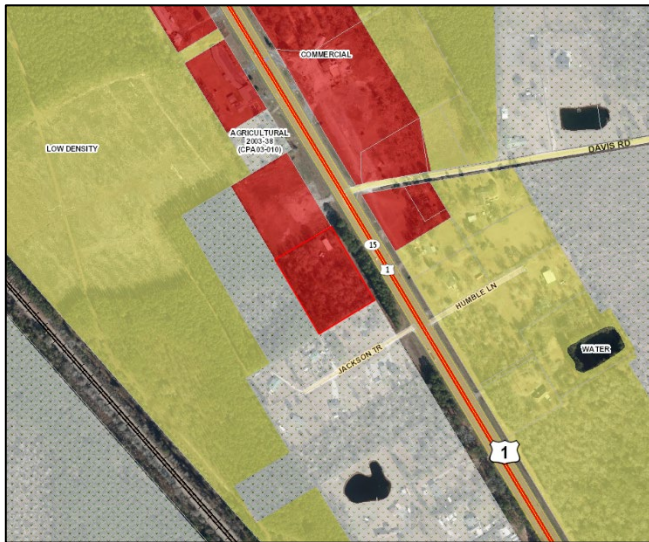


Figure 2: FLUM Map



Figure 3: Zoning Map

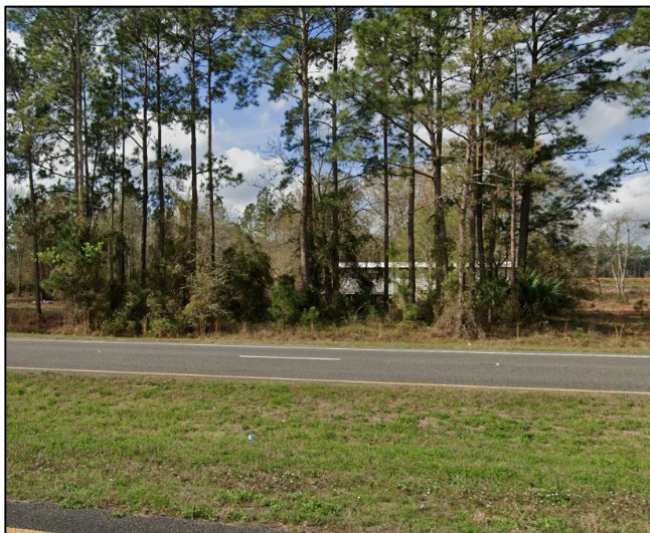


Figure 4: Site Photo

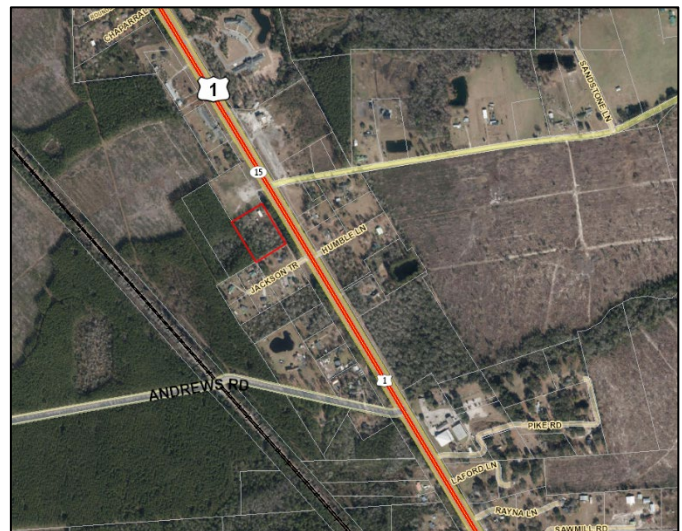


Figure 5: Aerial Map

## **CONSISTENCY WITH THE LAND DEVELOPMENT CODE ARTICLE 5. – PROCEDURES**

### **Section 5.02. - Rezoning.**

Pursuant to LDC 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. This review also includes an analysis of the need for, and justification of, the rezoning and whether the rezoning is in keeping with the County's planning program. These broad criteria are addressed through questions on the application, which are evaluated in the following analysis.





- (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.*

Staff Response: the proposed CG zoning is consistent with the existing Future Land Use Map (FLUM) designation of Commercial (COM). Lands designated COM are *intended for activities that are predominately associated with the sale, rental, and distribution of products or the performance of service*. The unincorporated land along the US 1 corridor is a mixture of Agriculture (AGR), Low Density Residential (LDR), and COM on the FLUM. There is an existing commercial node located at the intersection of Davis Road and US 1. The proposed zoning change would promote commercial services to a transitioning rural community that currently lacks these resources. Development is consistent with the goals, objectives, and policies of the adopted Comprehensive Plan which includes the protection and expansion of job generated uses.

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

Staff Response: the parcel is adjacent to OR zoning to the south and west with a mobile home immediately adjacent to the southern boundary. Commercial zoning (CG and CI) with pockets of OR zoning extends along the US 1 corridor approximately one-half mile from Jackson Trail to Chaparral Lane. Immediately adjacent to the northern boundary is CI zoning and across US 1 to the east is CG zoning. The area includes a mix of residential and commercial uses of varying intensities, and silvicultural uses. The extension of commercial use along US-1 is supported at existing commercial nodes in transitioning rural areas as shown on the FLUM. The subject property is within an existing commercial node and the CG zoning district is consistent with the established land use patterns along the corridor.

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

Staff Response: consistent with strategic priorities found in Nassau County's Interim Strategic Plan, this rezoning protects existing industrial, commercial and mixed-use lands from being converted to residential uses.

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

Staff Response: the proposed rezoning is located in an area planned for future commercial growth. Commercial FLUM is shown on both sides of US 1 north and east of the site. Likewise, there is commercial zoning immediately north of the property and to the east. The proposed rezoning to CG would not create an isolated district. The development of this property may encourage further infill development to existing commercial vacancies in the area.

- (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.*

Staff Response: CG zoning district typically allows only non-residential uses. It will not alter population density and thus will not impact schools and parks. The site is served by private well and septic. The site is located on US-1, a State-maintained road classified as a principal arterial. Traffic impacts and/or operational improvements will be determined during site plan review.

- (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.*

Staff Response: if approved, all new development will be reviewed for consistency with Code requirements.

- (G) *The nature and degree of potential adverse impacts the proposed rezoning could have upon permitted conforming*



*uses on neighboring lands.*

Staff Response: while neighboring lands could be affected by increased traffic and noise, it is unlikely that noise impacts will be significant given the proximity of the active CSX rail lines to the west. Proper buffers between uses will be evaluated during the development review stage ensuring clear separation from the mobile home to the south and the silviculture activities to the west.

- (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.*

Staff Response: there are no known environmentally sensitive lands or areas of historical or cultural significance on site.

- (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.*

Staff Response: the property can be developed with the existing zoning of Open Rural which includes residential development on one acre or greater lots and agricultural uses including wholesale plant nurseries, fruit and vegetable farms, and boarding stables.

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

Staff Response: there have been no substantial changes to land use or development conditions relevant to the property.

- (K) *Public policies in favor of the rezoning. Examples include identified economic development 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.*

Staff Response: this rezoning is supported by the following:

- Strategic Plan FS&EP – Initiative 1: Coordinate and execute community planning initiatives that promote, protect and facilitate land uses that can support economic development and revenue generating enterprises.

- (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.*

Staff Response: this criterion applies to a larger area that can sustain characteristics of a mixed-use development.

- (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.*

Staff Response: this property is not within the Special Flood Hazard Area. Development must meet environmental and drainage standards set forth by the St Johns River Water Management District, County, Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, US Fish and Wildlife, US Army Corps of Engineers.

- (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.*

Staff Response: this criterion applies to a larger area that can sustain characteristics of a mixed-use development.

### **CONCLUSION AND RECOMMENDATION**

Staff believes that the requested rezoning is consistent with the review criteria. Therefore, Staff recommends APPROVAL of application R23-006.

### **PZB RECOMMENDATION**

At their meeting on January 16, 2024, the Planning and Zoning Board recommended approval of the rezoning application. The motion to recommend approval passed with a vote of 6-0.