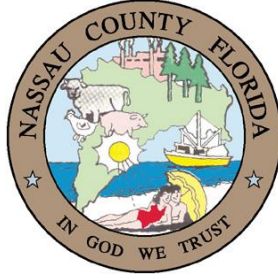


Nassau County
Planning and Economic Opportunity
Department
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Date of Hearing: October 16, 2018

Public Hearing Number: R18-015

A. General Information

Applicant: Tomasseti & Prince

Owner: Bhavani Ventures LLC

Request: Rezoning of approximately 2.91 acres from Open Rural (OR) to Commercial Highway Tourist (CHT)

Related Application: CPA18-016, Small-Scale FLUM amendment from IND to COM.

Applicable Regulations: Articles 5, 18 and 22 of the *Land Development Code* (LDC) (Ord.97-19, as amended); Policies FL.01.02(A,C,), and FL.08.05, of the *2030 Nassau County Comprehensive Plan*

B. Site Information

Lot Size: 2.91 acres

Location: On the east side of Mentoria Road between SR200/A1A and Pinecrest Road, Parcel ID #s 06-2N-27-0000-0005-0010.

Directions: Head east on SR200 from I-95 to Mentoria Road then turn south. Property is located on east side of Mentoria Road just north of Pinecrest Road.

C. Existing Land Uses

Subject Site: SF Residential

Surrounding: North: Vacant Land
South: SF Residential
East: SF Residential (Mobile Home)
West: Vacant Land

D. Existing Zoning

Subject Site: Open Rural (OR)

Surrounding: North: Commercial Highway Tourist (CHT)
Commercial Neighborhood (CN)
South: Open Rural (OR)
East: Open Rural (OR)
West: Commercial Highway Tourist (CHT)

E. FLUM Designation

Subject Site: Agriculture (AGR)

Surrounding: North: Commercial (COM)
South: Agriculture (AGR)
East: Agriculture (AGR)
West: Commercial (COM)

F. Background

The proposed rezoning comprises one parcel totaling 2.91 acres. The property has approximately 282 feet of frontage on Mentoria Road. It is currently zoned Open Rural (OR).

According to Article 18 of the Land Development Code, The Commercial Highway Tourist (CHT) zoning district proposed for this site is a medium- to high-intensity commercial district intended to provide for service-oriented automotive use, tourist accommodations, and supporting facilities. This district is intended to encourage the concentration of general commercial uses and not the extension of strip commercial areas.

Common uses found in this district will include a variety of auto-related and tourist service establishments.

The proposed CHT zoning district will require a small-scale FLUM amendment on the property to Commercial (COM), for which the applicant has applied in conjunction with this application (CPA18-016). The proposed rezoning would be consistent with the proposed Commercial (COM) designation, if approved.

G. Analysis

1. *Is the proposed change contrary to the established land use pattern?*

No. Properties adjacent to the subject property to the north and west are presently zoned Commercial Highway Tourist (CHT). Other adjacent properties to the north are currently zoned for commercial use. The proposed rezoning is located within 0.3 mile of the interchange of SR200/A1A and I-95. This is a logical nodal location for auto and tourist oriented commercial uses as proposed. It is consistent with historical patterns of commercial development in this vicinity.

2. *Would the proposed change create an isolated district unrelated to adjacent and nearby districts?*

No. Properties adjacent to the subject property to the north and west are presently zoned Commercial Highway Tourist (CHT). The underlying FLUM designation of Agriculture (AGR) on these surrounding properties is proposed to be amended to Commercial as part of application CPA18-016, which includes the subject property as well (see Staff Report for CPA18-016).

3. *Would the proposed change materially alter the population density pattern and thereby overload public facilities such as schools, utilities, streets, etc.?*

No. The proposed CHT district allows only non-residential uses. It will not alter population density. It should have no impacts to schools or parks and recreation and minimal impacts to other public facilities (see staff report for CPA18-016).

The proposed Commercial Highway Tourist (CHT) district may allow uses that will increase traffic impacts beyond that of the current IW zoning district. The proposed rezoning to CHT may increase the number of daily trips if commercial development occurs on the property. Future development on the site will be subject to fees assessed as part of the County's adopted Mobility Plan (see Ord. 2014-16). Traffic operational issues that may be created by the new development will also need to be resolved at the developer's expense if required by Engineering Services.

Prior to development of the site, Mentoria Road must be paved and improved according to County standards in order to provide proper access to the site. A traffic analysis should be conducted prior to development to assess potential impacts to the intersection of SR200/A1A and Mentoria Road (see staff report for CPA18-016).

The property is located within JEA's primary service area. A letter of availability for water and sewer service has been provided by the applicant.

4. *Are existing district boundaries illogically drawn in relation to existing conditions on the property proposed for change?*

No. However, given its location in an existing commercial node within 0.3 mile of the interchange of SR200/A1A and I-95 and the adjacent CHT districts to the north and west, the proposed CHT district is a suitable zoning district for this property.

5. *Is the proposed change contrary to the long-range land use plans?*

No. The proposed rezoning would be compliance with the underlying Future Land Use Map if the companion FLUM amendment, CPA18-016, is approved, changing the designation of this property from Industrial (IND) to Commercial (COM) (see staff report for CPA18-016).

6. *Do changed or changing conditions make the approval of the proposed zoning desirable?*

Yes. Continued urbanization of the SR200/A1A corridor and large-scale master-planned developments in this area (ex. ENCPA) will support the expansion of this commercial node centered around the I-95/SR200 interchange. Given its location in this commercial node within 0.3 mile of the interchange of SR200/A1A and I-95 and the adjacent CHT districts to the north and west, the proposed CHT district is a suitable zoning district for this property.

7. *Will the proposed change adversely influence living conditions in the neighborhood?*

No. Existing and future uses on the subject property will be required to provide adequate screening and buffering from any surrounding residential uses as a part of the site plan review process per Sec. 5.07 of the County's Land Development Code. The proposed CHT zoning district is consistent with that of adjacent properties and with the commercial uses in this area.

8. *Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety?*

No. The proposed Commercial Highway Tourist (CHT) district may allow uses that will increase traffic impacts beyond that of the current OR zoning district. The proposed rezoning to CHT may increase the number of daily trips if commercial development occurs on the property. Future development on the site will be subject to fees assessed as part of the County's adopted Mobility Plan (see Ord. 2014-16). Traffic operational issues that may be created by the new development will also need to be resolved at the developer's expense if required by Engineering Services.

As mentioned previously, prior to development of the site, Mentoria Road must be paved and improved according to County standards in order to provide proper access to the site. A traffic analysis should be conducted prior to development to assess potential impacts to the intersection of SR200/A1A and Mentoria Road.

9. *Will the proposed change create drainage problems?*

No. Through the site plan review process, the existing use and any future development on the property will be required to meet all drainage standards as imposed by the Nassau County Roadway and Drainage Standards and any SJRWMD permitting requirements.

10. *Will the proposed change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?*

No. Properties adjacent to the subject property to the north and west are presently zoned Commercial Highway Tourist (CHT). Other adjacent properties to the north are currently zoned for commercial use. The rezoning of this property to CHT would not negatively impact adjacent properties from being developed in accordance with their zoning.

11. *Will the proposed change affect property values in the adjacent area?*

The value of adjacent properties should not be adversely affected since, as stated above, adequate site planning and review should allow most uses permitted in the CHT district to be compatible with nearby commercial uses.

The potential commercial uses at this location should provide needed services to the surrounding neighborhoods, which may increase the value of surrounding property over time.

12. *Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?*

No. The proposed CHT district will be in keeping with the character of this area. The commercial, office or institutional development that may occur should provide needed services to the surrounding neighborhoods and may also result in job creation for the County. The change does not grant a special privilege as contrasted with the public welfare.

13. *Are there substantial reasons why the property cannot be used in accord with existing zoning?*

No. However, given its location in an existing commercial node within 0.3 mile of the interchange of SR200/A1A and I-95 and the adjacent CHT districts to the north and west, the proposed CHT district is a suitable zoning district for this property.

14. *Are there other sites in this general location already zoned to permit the proposed use?*

Yes. Properties adjacent to the subject property to the north and west are presently zoned Commercial Highway Tourist (CHT).

15. *Is the width and area of the parcel sought to be rezoned adequate to accommodate the proposed use?*

Yes. The subject property is capable of meeting the minimum lot size and frontage standards for the CHT zoning district found in Article 18 of the Land Development Code.

H. Staff Findings

1. The proposed Commercial Highway Tourist (CHT) zoning district will remain in keeping with the recent development patterns of this area.
2. The proposed rezoning would be compliance with Policy FL.01.02(C) and the underlying Future Land Use Map (FLUM) if the companion FLUM amendment, CPA18-016, is approved, changing the designation of this property from Agriculture (AGR) to Commercial (COM) (see staff report for CPA18-016).
3. Prior to development of the site, Mentoria Road must be paved and improved according to County standards in order to provide proper access to the site.
4. A traffic analysis should be conducted prior to development to assess potential impacts to the intersection of SR200/A1A and Mentoria Road.
5. The proposed rezoning application is compliant with the requirements of Sec. 5.02 of the County's Land Development Code, and meets the analysis criteria described in Part G (1-15) of this report above.
6. The proposed rezoning application is compliant with the intent, locational and dimensional standards for the Commercial Highway Tourist (CHT) zoning district found in Article 18 of the County's Land Development Code.
7. The proposed rezoning will encourage more efficient development patterns, and is otherwise in compliance with the Goals, Objectives and Policies of the 2030 Comprehensive Plan.

I. Recommendation

Based on the findings of compliance with the County's Land Development Code and the 2030 Comprehensive Plan as described above, Staff recommends APPROVAL of rezoning application R18-015.

QUASI-JUDICIAL HEARING PROCEDURES

Florida Statutes and the Courts of Florida require that your rezoning application be heard as a Quasi-Judicial Hearing.

A Quasi-Judicial Hearing, by state and case law, is different than a regular hearing conducted by this Board. A Quasi-Judicial Hearing is less formal than a court hearing but similar in procedures and evidence issues.

In a Quasi-Judicial Hearing, the applicant has the burden of demonstrating by competent substantial evidence that his/her rezoning request meets requirements of the County Zoning Code, Comprehensive Plan and other applicable regulations.

The applicant is entitled to be represented by counsel.

The only material or relevant evidence is that which addresses the applicable codes and/or Comprehensive Plan. The hearing procedures will be:

1. Staff will be sworn and shall describe the applicant's request, provide staff's recommendation and present any witnesses in support of staff's recommendation. Staff shall have fifteen (15) minutes.
2. The applicant and others presenting evidence will be sworn and shall state their name, address and subject to which they will testify. The applicant or its agent/attorney may elect to waive their presentation and to rely on the application, recommendation, and staff comments, reserving the right to address the Board if any evidence is presented against the application. Evidence presented must specifically address the criteria in the Zoning Ordinance and or Comprehensive Plan. The applicant, or his/her attorney/representative, will have an opportunity to present evidence for the application and will have fifteen (15) minutes for its presentation. If the applicant has witnesses, the applicant will indicate the name of each witness and the subject to be addressed. The applicant's witnesses will each have five (5) minutes. The applicant may also call the Zoning Official or other staff member who are present as a witness and ask them questions. Again, the time limit for questions is five (5) minutes.
3. Those who present evidence against the application will be sworn in and will be provided five (5) minutes each to present evidence and witnesses that address the criteria. If a group opposes the application, they may also be represented by counsel and shall state that now. They may also call the applicant, Zoning Official or other staff members that are present as witnesses and ask them questions, subject to the five minute time limit. Anyone presenting repetitious evidence or evidence that does not address the criteria will be directed to stop and address the criteria.
4. The applicant or its attorney may then cross examine those presenting evidence against, subject to control by the chair and county attorney. Cross-examination shall be five (5) minutes for each witness.
5. Sharing or transferring time is not allowed. Persons presenting evidence will address the Board, at the podium, and if there are documents or photos they must be presented when the particular individual is testifying. No documents will be returned, as they become a part of the record. Cross examination, if any, will be to the point and controlled by the chairman with the assistance of the county attorney. As a Quasi-Judicial Hearing, numbers of individuals for or against a particular item will not be considered. The meeting is being taped; therefore there can be no applause or outbursts.

6. The Office of the County Attorney represents the Board and provides advice to the Board including advice as to the procedures and the admissibility of evidence.
7. The Board will afford members of the audience who have not presented evidence for or against three (3) minutes each to address any information provided. The members of the public will not be sworn in.
8. The applicant will be permitted to provide rebuttal if any (a maximum of ten (10) minutes).
9. Staff may have five (5) minutes to provide final comments to the Board.
10. The Board will then close the public hearing and will discuss the application and may ask questions of the applicant, staff or those presenting evidence against or witnesses for the application.
11. The strict rules of evidence applicable to a court proceeding will not be utilized; however, the Board, with the assistance of the attorney, may exclude evidence that is not relevant or material or is repetitious or defamatory. Again, the Quasi-Judicial procedures are required by law and all those participating need to be aware of the procedures. Anyone who fails to follow the procedures may be required to stop his/her presentation or relinquish their time.

To be fair to everyone and in order to follow the procedures, if you have any questions please call the County Attorney's Office at (904) 530-6100 or the County's Planning and Economic Opportunity Office at (904) 530-6300.