



APPLICATION FOR REZONING

APPLICATION & SURROUNDING AREA INFORMATION

OWNER/APPLICANT:	WRC Cook Yulee, LLC			
AGENT:	Gregory Matovina			
REQUESTED ACTION:	Rezoning from Open Rural (OR) to Transect-1 (T-1) and Transect 2.5 (T-2.5)			
LOCATION:	On the south side of Clyde Higginbotham Road between the CSX railroad and Lumber Creek			
CURRENT LAND USE + ZONING:	Medium Density Residential (MDR) and Open Rural (OR)			
PROPOSED LAND USE + ZONING:	Transect-1 (T-1) and Transect 2.5 (T-2.5) for land use and zoning			
EXISTING USES ON SITE:	Pastureland			
PROPERTY SIZE + PARCEL ID:	Approximately 60.65 acres and Parcel ID # 42-2N-27-0000-0003-0000			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Single Family Residential	OR	MDR
	South	Wetlands, Timucuan Ecological and Historic Preserve	OR, County Line (Duval)	AGR, County Line (Duval)
	East	Railroad, Single Family Residential, Vacant Commercial, Repair Service, Wetlands	OR, CG	MDR, COM
	West	Single Family Residential, Wetlands, Timucuan Ecological and Historic Preserve, Lumber Creek	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 applicant is requesting the rezoning of 60.65-acres. The 5.19 wetland acres are requested to be rezoned from Open Rural (OR) to Transect-1 (T-1) and the 55.46 upland acres are being requested to be rezoned to Transect 2.5 (T-2.5). Land designated Transect-1 (T-1) and Transect 2.5 (T-2.5) is intended for the Natural Zone (T-1) and the Rural Transitional Zone (T-2.5). The Natural Zone is intended for preservation of natural areas while the Rural Transitional Zone permits up to one (1) dwelling unit per acre and a maximum floor area ratio of 0.5. The Natural Zone (T-1) has a maximum allowed density of zero (0) dwelling units per acre and a maximum floor area ratio of zero (0). The rezoning would allow uses consistent with the permitted uses identified in the T-1 and T-2.5 zoning districts (Article 43 – William Burgess Mixed-Use Activity Center Overlay District,



Figure 1: Location Map



Policy FL.02.05 The William Burgess Mixed-Use Activity Center Overlay District: According to Policy FL.02.05, the intent of creating the Overlay District is to establish a series of compact, mixed-use activity centers which: promote sustainable, compact, and mixed use development, promote a variety of housing types, promote multi-modal transportation, identify and reserve lands for future transportation corridors, public parks and schools, and preserve environmentally sensitive lands. The densities vary based on the transect zone, where T-2.5 Zone allows for 1 dwelling unit per acre and the T-1 Zone does not allow residential densities.

The transect zones in the comprehensive plan are the same zones found in the land development code and are thus consistent with one another. As required in the Blueprint (Sec. 4.1.5.2(b)(ii)), the rezoning application was submitted with a companion Future Land Use Map amendment to the applicable transects. As described in Section 2 of the Blueprint, the Overlay District supports 15 Elements of the Comprehensive Plan. The proposed rezoning is consistent with the goals, policies, and objectives defined in the Comprehensive Plan and within the Blueprint.

Policy FL.08.04: The County shall discourage Urban Sprawl by requiring higher density compact development to occur in areas that are planned to be served by public facilities, providing for sound and cost-efficient public facility planning. It will also require lower density development to occur in areas that are environmentally sensitive or in areas that are not planned to receive a high level of public facilities or services. This request would allow for lower density development to occur in an area that is adjacent to environmentally sensitive lands with services nearby but not adjacent to the parcel.

Policy FL.08.06: The County shall direct new residential and commercial development in rural and transitioning areas to accomplish the following:

- (A) *Develop in a pattern providing for compact, mixed use, contiguous development patterns and avoids development indicative of urban sprawl as defined in Policy FL.01.04.*

Staff Response:

Through the realization of the transect assignments, the vision for the William Burgess Mixed-Use Activity Center Overlay District would be furthered through this application. Density will not be increased through this rezoning; however, the Overlay District would progress further towards full implementation which includes the encouragement of infill development.

- (B) *Develop in clustered or nodal patterns, eliminating or reducing strip-style development along arterial and collector roads.*

Staff Response:

This criterion is not applicable to residential development.

- (C) *Develop in a pattern that supports the creation, extension and maximization of central (municipal or regional) water and sewer systems.*

Staff Response:

The site currently does not have access to water and sewer services.

- (D) *Contribute to a sustainable development pattern of mixed-use communities that provide for integrated residential and employment opportunities; and provide for civic and public facilities including emergency medical, fire protection and police facilities, parks and other recreational facilities, schools, hospitals and other public or institutional uses.*

Staff Response:

The site is located within the William Burgess Mixed-Use Activity Center Overlay District which is developing to include



public services such as the Courthouse, Sheriff's Office, Emergency Operations, and Animal Control. Private services such as retail, grocery stores, and including emergency and non-emergency medical care are also developing along SR200 and within the nearby Wildlight development (approximately three miles away). A fire station is planned to be located approximately two miles away from the property, on Still Quarters Rd.

- (E) *Ensure compatible development adjacent to agriculture lands and minimize the potential impact of urban development on the agricultural productivity of the area.*

Staff Response:

While the parcel is currently utilized as pastureland, there are no agriculture lands or agricultural productivity within ½ mile of this parcel.

- (F) *Provide for safe and accessible streets, support the interconnectivity of roadways and the use of bicycle, pedestrian and multi-modal transportation facilities.*

Staff Response:

Development on the site will be required to follow site development plan review procedures found in Land Development Code (LDC) Section 5.07. Required improvements will be evaluated during the development review process to ensure consistency with the minimum County standards.

- (G) *Through the use of Planned Unit Developments (PUDs) or similar development orders, use enhanced development standards and design elements for new development to promote community identity and a sense of place. This includes but is not limited to standards for diverse housing types, public spaces, street design, architectural design standards, multi-use trails, stormwater management facilities, landscaping, and signage.*

Staff Response:

This criterion is not applicable; the rezoning request is not a PUD or similar development order.

Policy ROS.01.06 and ROS.01.09: In general, the County shall not seek to acquire neighborhood park facilities. All new development and redevelopment containing a residential component greater than 25 dwelling units, unless otherwise exempt, shall plan, design, and build new neighborhood parks in accordance with the standard established herein. Code of Ordinances Chapter 29-46 (Subdivision and Development Review, Public Uses) requires a minimum of 4 acres of neighborhood parks for every 1,000 residents designed in accordance with the standards and prototypes found in the Nassau County Parks Administrative Procedures and Design Manual.

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 amendment and whether the amendment 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 Transect-1 (T-1) and Transect 2.5 (T-2.5) zoning is consistent with the proposed Future Land Use Map (FLUM) designation of Transect-1 (T-1) and Transect 2.5 (T-2.5). Under comprehensive plan policy FL.01.02 (I), Lands designated Transect-1 (T-1) are intended for the preservation of natural areas. Lands designated Transect 2.5 (T-2.5)



are intended for low density residential uses and uses of a lesser intensity providing a transition between natural and rural areas and higher density and intensity transects. Development is consistent with the goals, objectives, and policies of the adopted Comprehensive Plan which include infill development supported by the vision of the William Burgess Mixed-Use Activity Center Overlay District.

- (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 located near moderately large lot residential (2+ acres) to the north and west, a Planned Unit Development (PUD) subdivision with quarter-acre lots to the west, bounded by wetlands/waterways to the south, and adjacent to a railroad line to the east with commercial uses further to the east. Parcels immediately adjacent to the north and west consist of T2.5 Rural Transitional Zone within the William Burgess Mixed-Use Activity Center Overlay District. To the east, across the railroad tracks, the area is proposed as T4.5, Urban Corridor Zone along US17. The proposed rezoning is consistent with the adjacent existing zoning pattern and the planned transects through the Overlay District.

- (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:

The William Burgess Mixed-Use Activity Center Overlay District was approved by the Nassau County Board of County Commissioners on August 28, 2017. The District directly implements the principles of the Vision 2032 Plan and the 2030 Comprehensive Plan by creating the opportunity for the establishment of a transit oriented compact mixed-use community that promotes social engagement, a live/work environment, and fiscal sustainability.

- (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:

Through the realization of the transect assignments, the vision for the William Burgess Mixed-Use Activity Center Overlay District would be furthered through this application. Density will not be increased through this rezoning; however, the Overlay District would progress further towards full implementation which includes the encouragement of 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.*

Staff Response:

The site is located within the William Burgess Mixed-Use Activity Center Overlay District which is developing to include public services such as the Courthouse, Sheriff's Office, Emergency Operations, and Animal Control. Private services such as retail, grocery stores, and including emergency and non-emergency medical care are also developing along SR200 and within the nearby Wildlight development (approximately three miles away). A fire station is planned to be located approximately two miles away from the property, on Still Quarters Rd. The site currently does not have access to water and sewer services.

- (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:

This property is located at the edge of the William Burgess Mixed-Use Activity Center Overlay District and is in an area identified for less dense development recognizing the rural character, environmental characteristics, and distance from services and infrastructure. The rezoning is not anticipated to incur adverse impacts to permitted conforming uses on neighboring lands as the potential permitted uses would not increase in terms of density and intensity.

- (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:

Wetlands have been identified in the environmental assessment of the site. At the time of site plan review, required buffers shall be maintained in accordance with Land Development Code (LDC) Section 37.03. The transect assignment of T-1 seeks to protect the natural environment on the subject property. The western edge of the property contains a bluff adjacent to Lumber Creek and the tidal marsh. The transects assigned for the subject property were selected in recognition of the unique ecological characteristics of this location. The environmental report conducted by the applicant identifies the presence of gopher tortoise burrows on the subject property. Ground disturbing activities within twenty-five feet of tortoise burrows require a gopher tortoise relocation permit from the Florida Fish and Wildlife Conservation Commission (FWC). Proof of issuance of any FWC tortoise permits will be required to be submitted with building permit applications.

- (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:

Surrounding uses are predominantly single family residential with some commercial to the east on the other side of the railroad tracks. Other lands in the vicinity are largely rural in nature with environmentally sensitive areas to the south. The property can currently be developed with the existing zoning of OR which is consistent with the underlying MDR land use designation. OR and MDR would allow for single family residential and several other uses found in Article 22, Section 22.01 for permitted uses in the Open Rural zoning district.

- (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:

The William Burgess Mixed-Use Activity Center Overlay District was approved by the Nassau County Board of County Commissioners on August 28, 2017. The District directly implements the principles of the Vision 2032 Plan and the 2030 Comprehensive Plan by creating the opportunity for the establishment of a transit oriented compact mixed-use community that promotes social engagement, a live/work environment, and fiscal sustainability. The subject property is located in the southeastern portion of the District and was assigned to Transect 1 (Natural Area) and Transect 2.5 (Rural Transition) based on the location and characteristics of 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, in addition to the previously mentioned William Burgess Context and Connectivity Blueprint:

- ES&R-Initiative 4: Direct growth and development away from environmentally sensitive lands, ecological corridors, natural flood plains, aquifer recharge areas and working lands.
- ES&R-Project 15a: Continue to implement the William Burgess District area plan.
- QL/QP-Project 18: William Burgess District Trail Network
 - QL/QP:P18c: Require trail construction with all new road construction and development within the William Burgess District consistent with the WBD Context and Connectivity Blueprint.

(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:

The requested rezoning recognizes the transitional nature of the subject property and conforms to the assigned transect within the William Burgess Mixed-Use Activity Center Overlay District. The property is identified as including a multi-use trail (not in street cross section) providing for additional connectivity for non-automobile modes of transportation as can be seen below in Figure 4.8, the Green Infrastructure Plan + Multi-use Trails/Bikeways from the William Burgess Context and Connectivity Blueprint:

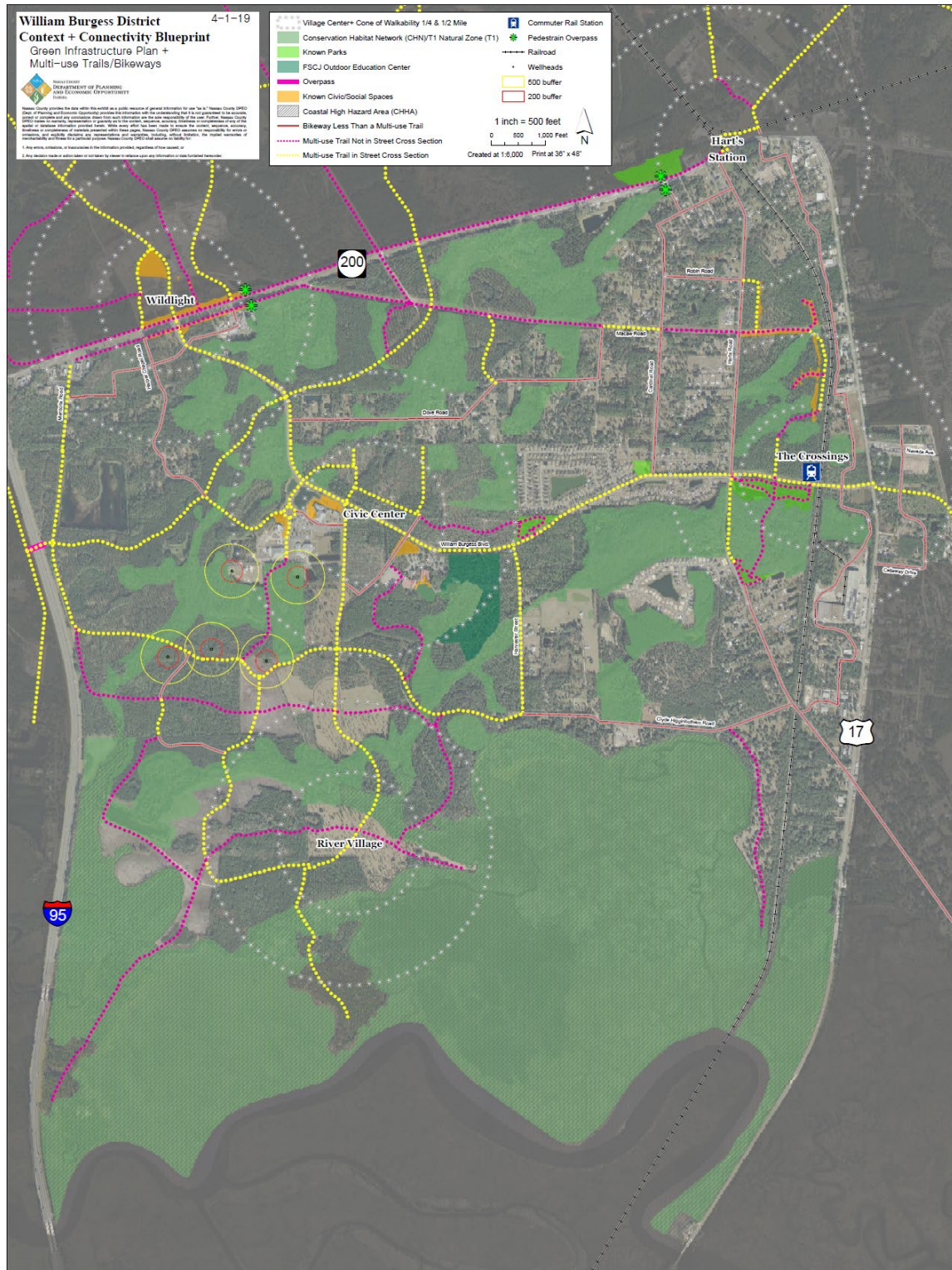


Figure 4.8 Green Infrastructure Map



(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:

Any future improvements to the site will be reviewed to ensure drainage and stormwater requirements are 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.*

Staff Response:

The William Burgess Mixed-Use Activity Center Overlay District was created to encourage compact development resulting in vibrant and walkable communities. The subject property is located at the edge of the overlay district and was assigned context sensitive and less dense transects in keeping with the rural characteristics and location of the site.

CONCLUSION AND RECOMMENDATION

Staff finds the requested action to be consistent with the Comprehensive Plan policy FL.01.02(I), FL.08.04, FL.08.06, ROS.01.06, ROS.01.09, Section 12 (A) through (N) of the rezoning application, and Section 5.02(C) and (D) of the Land Development Code, as follows.

Comprehensive Plan Policies	Determination of Consistency
FL.01.02(I)	✓
FL.08.04	✓
FL.08.06 (A to G)	✓
ROS.01.06	✓
ROS.01.09	✓

Rezoning Criteria	Determination of Consistency
Section 12 (A)	✓
Section 12 (B)	✓
Section 12 (C)	✓
Section 12 (D)	✓
Section 12 (E)	✓
Section 12 (F)	✓
Section 12 (G)	✓
Section 12 (H)	✓
Section 12 (I)	✓



Section 12 (J)	✓
Section 12 (K)	✓
Section 12 (L)	✓
Section 12 (M)	✓
Section 12 (N)	✓

Land Development Code	Determination of Consistency
LDC 5.02 (C)	✓
LDC 5.02 (D)	✓

Therefore, Staff recommends APPROVAL of application R24-004.