



# STAFF REPORT

## CITY OF GREEN COVE SPRINGS, FLORIDA

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**TO:** Planning & Zoning Commission **MEETING DATE:** February 23, 2021  
**FROM:** Michael Daniels, AICP, Planning & Zoning Director  
**SUBJECT:** INFORMATIONAL ONLY – Annexation of Parcel # 016515-000-00, located on County Road 15 A

### PROPERTY DESCRIPTION

**APPLICANT:** Ellen Avery-Smith, Esq. **OWNER:** Gustafson's Cattle  
**PROPERTY LOCATION:** County Road 15 A  
**PARCEL NUMBER:** 016515-000-00  
**FILE NUMBER:** 202001172  
**CURRENT ZONING:** AG – Agricultural & IS – Industrial Select (County)  
**FUTURE LAND USE DESIGNATION:** RF – Residential Fringe & IND – Industrial (County)

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### SURROUNDING LAND USE

**NORTH:** **FLU:** REC - Recreation  
**Z:** REC - Recreation  
**Use:** Undeveloped

**SOUTH:** **FLU:** Industrial (County)  
**Z:** Heavy Industrial (County)  
**Use:** Industrial Park / Undeveloped

**EAST:** **FLU:** Industrial (County)  
**Z:** Heavy Industrial (County)  
**Use:** Industrial

**WEST:** **FLU:** Rural Residential / Commercial / Agriculture (County)  
**Z:** Agricultural Residential / Commercial (County)  
**Use:** SF Homes, Comm., Undeveloped

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### BACKGROUND

Ellen Avery-Smith, Esq., representing D.R. Horton has applied for annexation of approximately 566 acres of property on CR 15 A south and east of the existing Gustafson Dairy Site. As a requirement of annexing into the City, a Future Land Use designation and zoning district will also need to be approved for the development. The applicant is proposing a Future Land Use designation approximately 2,000 residential units.

The site will be served by City electric and sanitation services and by the Clay County Utility Authority for water and sewer services.

## **Process Overview**

- Annexation & Future Land Use (FLU) application(s) have been submitted, a PUD Master Plan is pending.
- Initial Review
  - Annexation reviewed by Staff
  - Traffic Study under review
- Advertising requirements (notification to County & Public)
- PZB Review
  - Annexation, FLU/PUD applications and Development Agreement reviewed for recommendation to City Council
- City Council Review
  - Annexation (2 public hearings) – approve annexation & amend city boundaries
  - FLU amendment(s) – Transmittal Hearing, approve transmittal of amendment(s)
  - PUD and Development Agreement, 1<sup>st</sup> Public Hearing
- Department of Economic Opportunity (DEO) Review & Reviewing Agencies
  - If approved, the FLU amendment(s) are sent to DEO and appropriate reviewing agencies for review (see [Expedited State Review Amendment Process](#) for additional details)
- City Council Adoption
  - Once approved, the FLU amendment is taken for an Adoption Hearing.
  - Final PUD rezoning and Development Agreement can be approved subsequent to FLU amendment adoption.
- Petition Period
  - The adopted amendment(s) must be sent to DEO. If they are not challenged, they become effective 31 days after DEO determines the package is complete. If they are challenged, additional steps will be required.

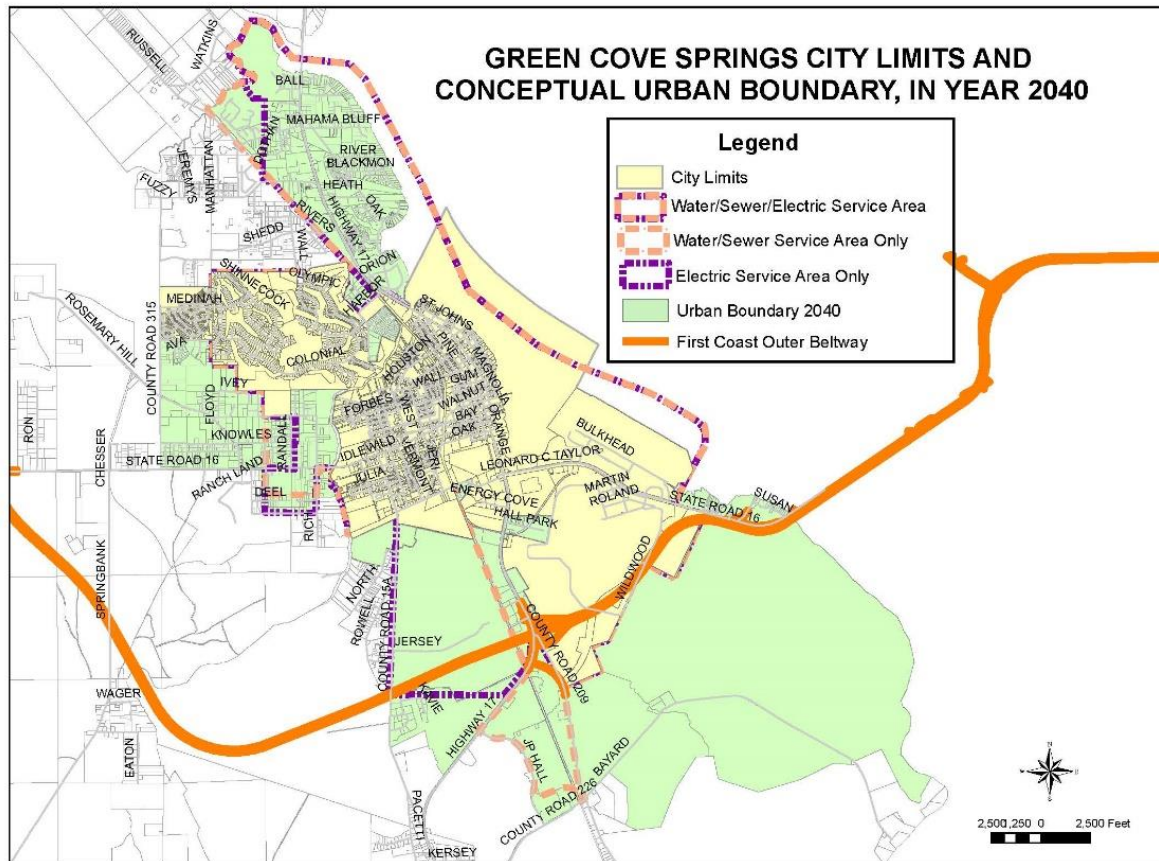
Additional steps which may be concurrent with some or all of the above include a Site Specific Future Land Use Policy Amendment.

## **Linear Facility Request**

Related to this project, City staff has applied for a linear facility request to the Florida Department of Environmental Protection for the connection of a linear facility that would connect the proposed development to US 17 through the City's property. The City property was purchased in 2010 through a grant with the Florida Communities Trust. Any changes to the approved Master Plan, which included the development of a Regional Park has to be approved by the Trust. If approved, the facility would be constructed by the developer. See attached Linear Facility Map for more information.

## What is being reviewed?

- Is the property within the conceptual urban boundary?



The property is located within the City’s Electric Service Boundary.

- Does the proposal adhere to statutory requirements?

### **Enclaves may not be created by annexation:**

Pursuant to Florida Statutes (FS) 171.044(5) “land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.” FS 171.031(13) defines an enclave as “any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.”

### **Land must contiguous and unincorporated:**

Pursuant to 171.043, territory to be annexed must be contiguous, compact, and unincorporated (not within the boundary of another incorporated municipality). The area to be annexed must be developed for urban purposes (providing for 2 people per acre of land or 1 person per acre if subdivided such that at least 60% of lots/tracts are 1 acre or smaller).

### **Urban Sprawl Analysis**

Section 163.3177, Florida Statutes, requires that any amendment to the Future Land Use Amendment to discourage the proliferation of Urban Sprawl. Section 163.3177(6)(a)9.a., Florida

Statutes, identifies 13 primary urban sprawl indicators and states that, “[t]he evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality...” The thirteen indicators are:

- (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
- (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.

- Is annexing the land compliant with the City's comprehensive plan?

**FUTURE LAND USE ELEMENT**

**Goal 1**

To develop and maintain land use programs and activities to provide for the most appropriate use of the land and direct growth to suitable areas while protecting the public, health, safety and welfare.

**Policy 1.7.3**

The City shall promote the annexation of property located within the Green Cove Springs utility service boundary.

- How will the property impact services provided by the City? Will negative impacts be appropriately mitigated through development agreement(s)?

**FUTURE LAND USE ELEMENT**

**Goal 1 (see above)**

**Objective 1.2**

The City shall assure that future land uses have essential facilities and services which meet locally established levels of service (LOS) standards and adopted as part of the Capital Improvements Element (CIE).

**Policy 1.2.3**

The City shall review proposed annexation requests to determine if potential development may impact services provided by the City and governed by its concurrency management system such that the adopted level of service would be negatively affected at the maximum development potential for the properties under the City's proposed land use category. The impacts calculated shall recognize credits based on the development potential under the existing County land use designation. Parcels that are determined to negatively impact the City's ability to maintain its adopted level of service based on existing and planned improvements shall be required to enter into an agreement with the City prior to approval of a final development order to mitigate impacts associated with the actual development plans consistent with the City's concurrency management system.

**Objective 1.7**

The City shall discourage the proliferation of urban sprawl through the appropriate land use.

**Policy 1.7.1**

The location and timing of new development and the issuance of permits shall be coordinated with the availability of public facilities (including, but not limited to: central sewer, potable water, drainage, roads, and solid waste collection) through implementation of growth management measures such as infill development phasing, programming and appropriate over-sizing of public facilities and zoning and subdivision regulations.

**Policy 1.7.2**

The City Limits shall define the urban service area for land planning purposes. The City provides the same level of service to all of the properties within its boundaries and will consider its ability to offer the same level of service to properties under consideration for annexation prior to accepting additional lands into the City.

**TRANSPORTATION ELEMENT**

**Goal 2**

The City shall operate and maintain a transportation system to facilitate the efficient movement of people and goods within and through the City.

**Objective 2.3 Review of Proposed Development**

All future development shall be reviewed to ensure that the adopted level of service standards is met and that the development is consistent with applicable land development regulations and supports the Future Land Use Map.

**Objective 2.8 Site Development Traffic Circulation**

The City shall require that all major developments and planned unit developments provide a circulation system which: provides adequate access to the major roadway network; provides for sound design of local and collector streets within such development; provides for the development of multi-use trails, and otherwise provides for the objectives and policies of the Land Use and Transportation Plan

**STAFF RECOMMENDATION**

No recommendation. This information is provided for informational purposes only.