



STAFF REPORT

CITY OF GREEN COVE SPRINGS, FLORIDA

TO: City Council **MEETING DATE:** March 21, 2023
FROM: Michael Daniels, Planning and Zoning Director
SUBJECT: Final Reading of Ordinance O-2-2023, Hall Property, located on CR 209 requesting a
Small Scale Future Land Use Amendment From: Industrial (County)
To: Mixed Use

PROPERTY DESCRIPTION

APPLICAN: Mark H. Scruby, Esq. of Rogers **OWNER:** CHS LLC, Lyman Hall, and Virginia S Hall Tower, PA

PROPERTY LOCATION: Bounded on the western side by CR 209 S; bounded on the eastern side by Reynolds Park

PARCEL NUMBER: Portion of 016499-007-00

FILE NUMBER: FLUS-23-001

CURRENT ZONING: Light Industrial (County)

FUTURE LAND USE DESIGNATION: Industrial (County)

SURROUNDING LAND USE

NORTH: FLU: Mixed Use* Z: Planned Unit Development* Use: Undeveloped	SOUTH: FLU: Industrial Z: M-2 Use: Undeveloped
EAST: FLU: MURP Z: M-2 Industrial Use: Reynolds Park / Clay Port	WEST: FLU: Industrial (County) Z: Light Industrial (County) Use: Undeveloped

*pending current lawsuit

BACKGROUND

PROPERTY DESCRIPTION:

The applicant, Mark H Scruby, Esq. of Rogers Tower PA, has submitted an annexation request for 3.44 acres to annex the subject property into City limits. The property is contiguous to the current municipal boundary, as shown on the following aerial map. The property is bounded by CR 209 S on its western edge, the city boundary to the north, south and east as well as Reynolds Park to the east, and County parcels to the west. The site is undeveloped. On the northern 50' of the subject property there is a permanent gas easement to Teco People's gas for the construction of a gas pipeline, just to the north of the subject property is a 25' temporary easement for the construction of the gas pipeline. In addition, there is a 10' water and sewer fronting along CR 209. The remainder of the parcel is heavily wooded with a combination of hardwood and Pine trees.



The site is located within the City's Water, Sewer, and Electric Service Boundaries. It will be served by the City's sanitation services.

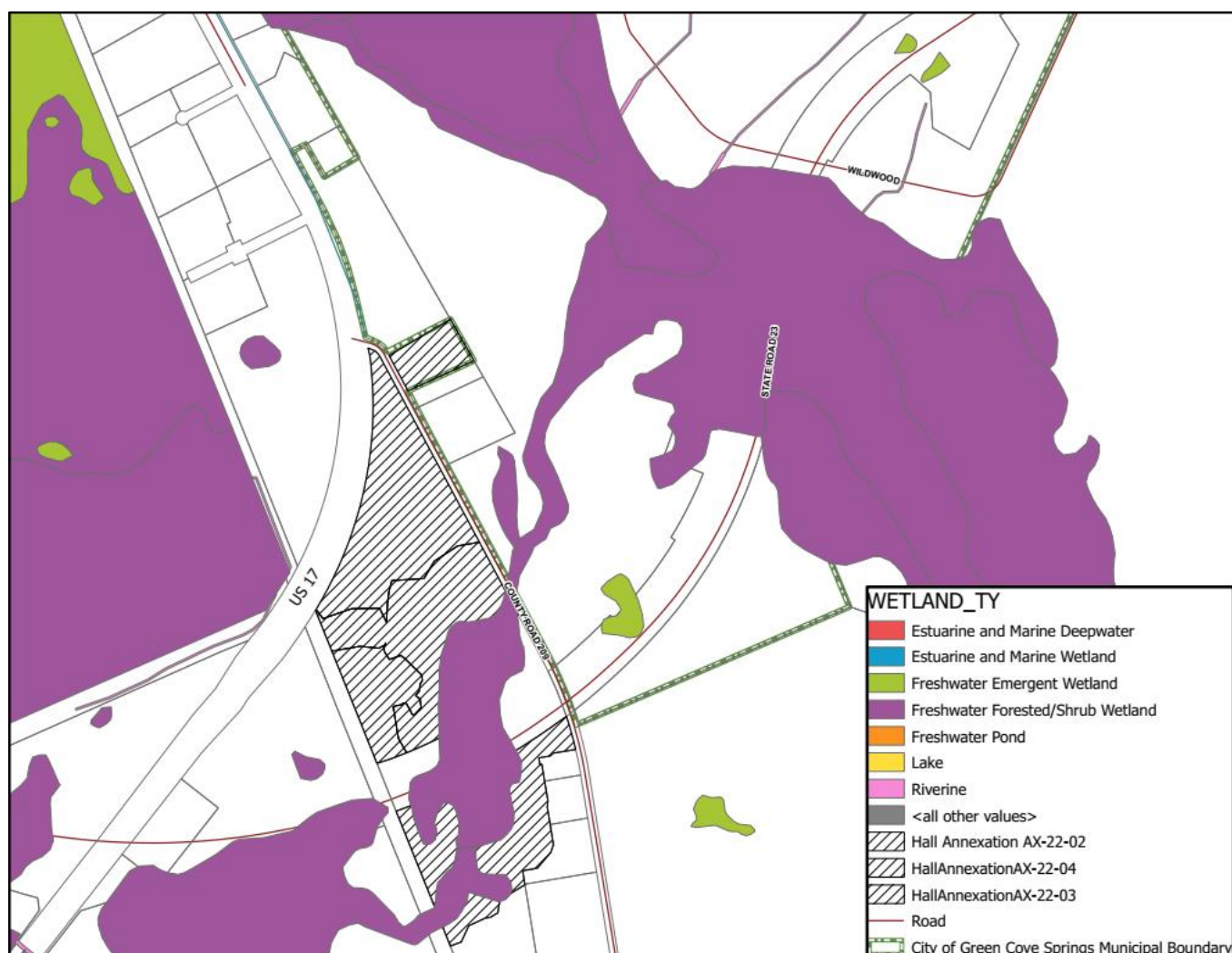
Additionally, the applicant has submitted the following annexation and rezoning requests:

Application #	Description
AX-22-002	Voluntary Annexation application
ZON-23-001	Rezoning Application from Light Industrial (County) to C-2 General Business

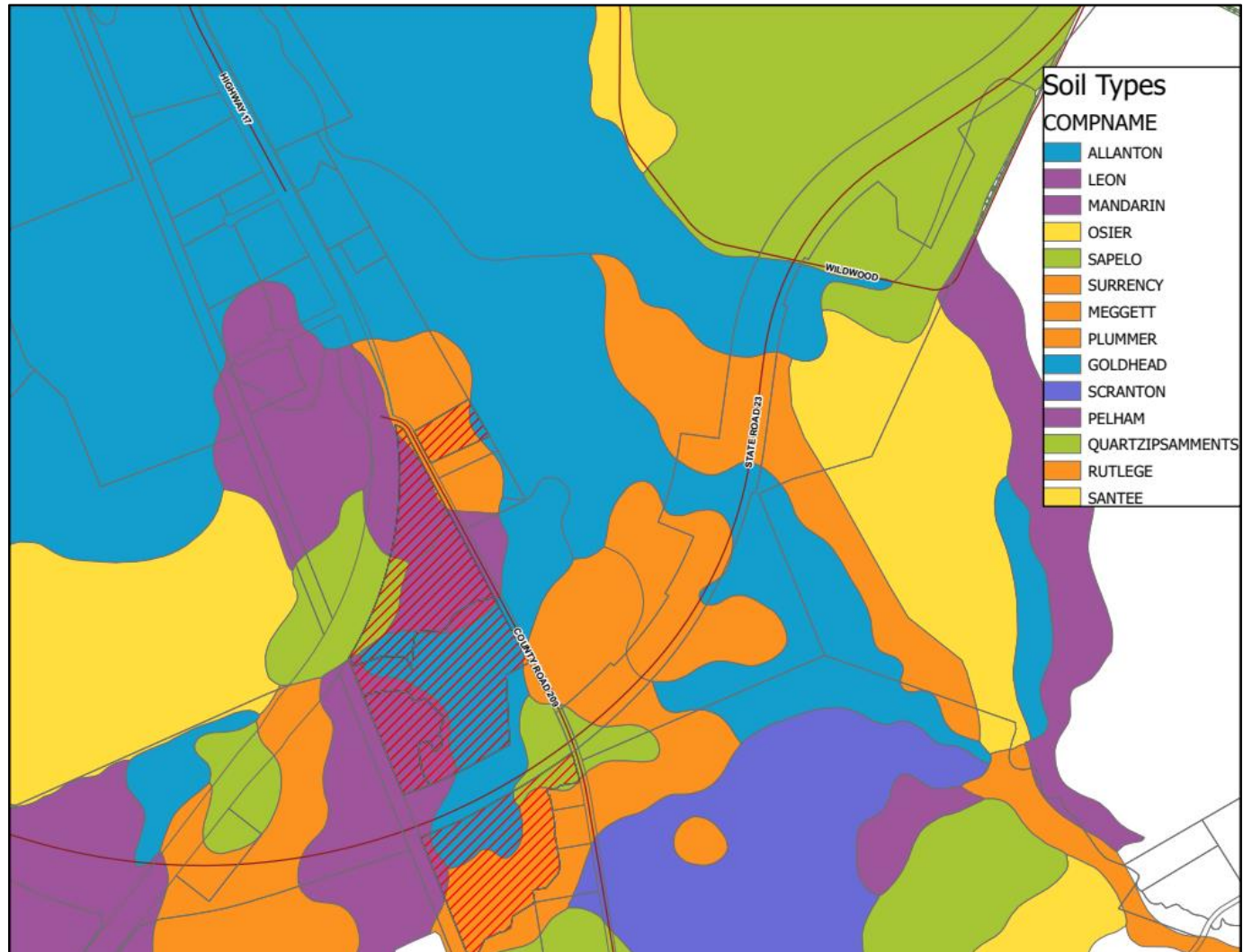
Environmental Conditions Analysis

Maps of Environmental Features

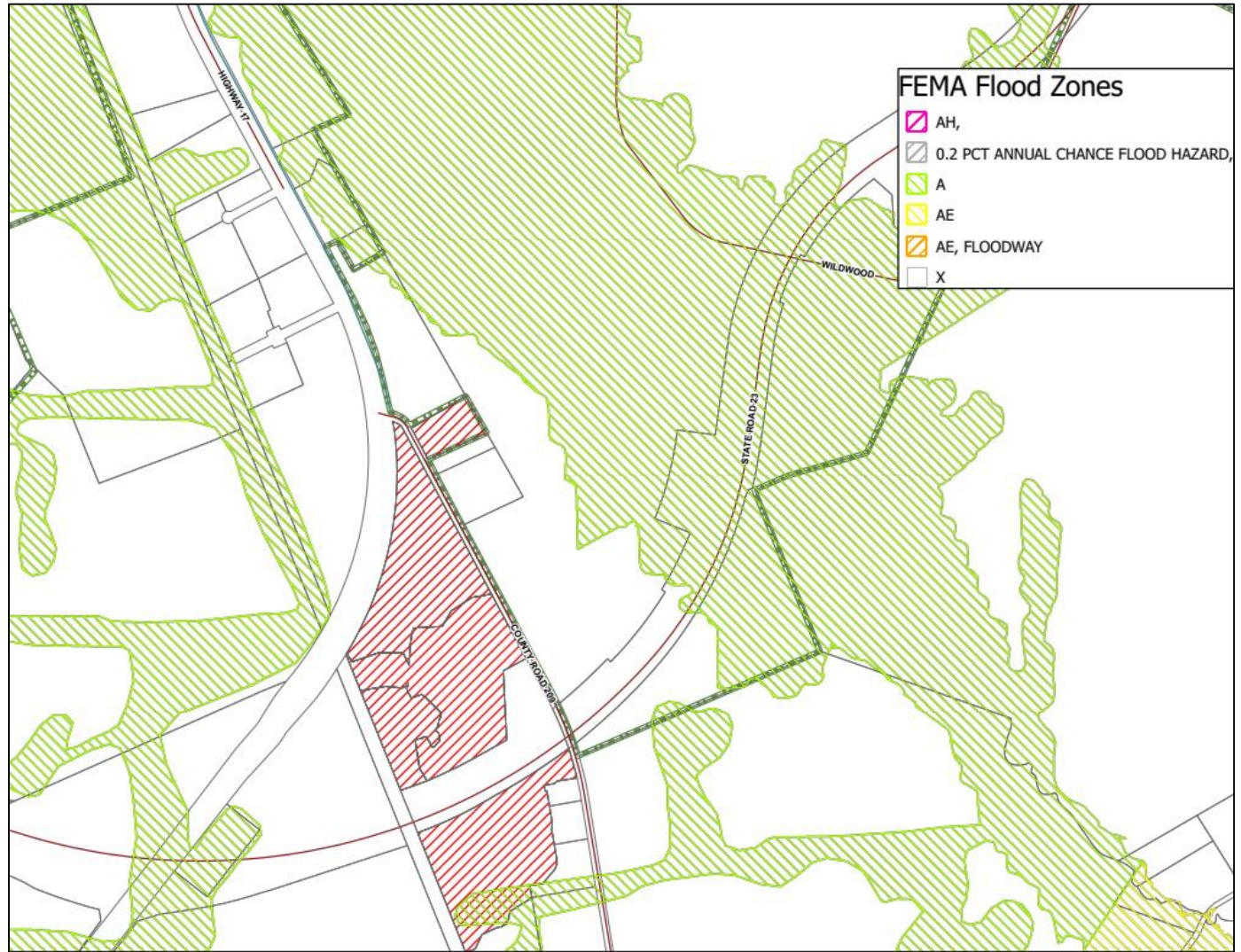
Wetlands



Soils



Flood Zones



Wetlands

There are no wetlands on the property.

Soils

There are currently 2 types of soils located onsite:

- Plummer Fine Sand is a gently sloping, poorly drained soil.
- Goldhead Fine Sand is a poorly drained soil.

All new development shall be required to meet the stormwater management requirements of the St John's Water Management District as well as the City's stormwater management requirements and provide stormwater capacity and water quality treatment onsite.

Flood Zones

According to the FEMA Flood Map Service Center, the project site is located within FEMA Flood Zone X. Flood Zone X is considered a minimal to moderate risk of flooding.

Wellfield Protection Zone

The project site is not located within or adjacent to a wellfield protection zone.

Historic Structures and Markers

There are no historic structures or markers found on the site.

URBAN SPRAWL ANALYSIS

Section 163.3177, Florida Statutes, requires that any amendment to the Future Land Use Element 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...”

An evaluation of each primary indicator is provided below.

(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.

Evaluation & Findings: The proposed amendment will revise the FLUM designation to Mixed Use. Revising the Future Land Use designation to Mixed Use, will allow for a higher density of residential development (20 units per acre) and a greater intensity of Commercial development (1.0 FAR).

(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.

Evaluation & Findings: The project site is located within the US 17 Corridor that is currently Land Used and Zoned for predominantly industrial development along the US 17 Corridor to the south and west and Mixed Use (City) to the north and east. The project site is located within the City’s water and sewer and electric urban service areas.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

Evaluation & Findings: The proposed Mixed Use Designation allows for a mix of uses thereby breaking up the radial development pattern.

(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.

Evaluation & Findings: The site does not include wetlands or floodplains however the site is heavily wooded. New development shall comply with the City’s landscaping and tree preservation ordinances.

(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.

Evaluation & Findings: The project site is located within an urban area with surrounding commercial development and adjacent undeveloped industrially zoned property. There are no adjacent agricultural areas and activities.

(VI) Fails to maximize use of existing public facilities and services.

Evaluation & Findings: With the project site being located within an area with existing development, the proposed development will utilize existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

Evaluation & Findings: Any future improvements to the City's public facilities and services will be utilized by the project site.

(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.

Evaluation & Findings: The project site is located within an existing commercial area with existing public facilities and services. The proposed development will utilize existing public facilities and services and shall mitigate for the increase in time, money, and energy for providing and maintaining these facilities through the payment of impact fees for utilities including roads, government services, and on-going ad valorem taxes.

(IX) Fails to provide a clear separation between rural and urban uses.

Evaluation & Findings: The site is located within the City's water and sewer and electric urban service areas and is not adjacent to any rural zoned properties.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Evaluation & Findings: The proposed application will not discourage infill development and is located within an existing developed area.

(XI) Fails to encourage a functional mix of uses.

Evaluation & Findings: The project site is located within an existing commercial area and will allow for the development of a mix of uses within the proposed Mixed Use Future Land Use designation.

(XII) Results in poor accessibility among linked or related land uses.

Evaluation & Findings: The project site shall have direct access to CR 209.

(XIII) Results in the loss of significant amounts of functional open space.

Evaluation & Findings: All proposed development shall comply with the City's landscape ordinance to ensure there shall be open space provided within the development.

In addition to the preceding urban sprawl indicators, Florida Statutes Section 163.3177 also establishes eight (8) "Urban Form" criteria. An amendment to the Future Land Use Map is presumed to not be considered urban sprawl if it meets four (4) of the (8) urban form criteria. These urban form criteria, and an evaluation of each as each may relate to this application, are provided below. The applicant has provided an analysis of the application's consistency with Section 163.3177 within the application materials, and contends that the proposed amendment will not encourage urban sprawl by showing it meets four of the eight urban form criteria.

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Evaluation & Findings: The project site is located within the City's water and sewer and electric urban services areas which has been planned to accommodate growth which allows for the preservation of the natural resources of outlying areas. In addition, all new development shall comply with the City's landscaping, tree preservation and resource protection ordinances.

2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Evaluation & Findings: This application, as well as the companion rezoning application, will result in a higher density commercial development utilizing existing public infrastructure and existing services.

3. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Evaluation & Findings: Sidewalks will be provided as part of the development and will increase the walkability on CR 209 to connect to US 17.

Promotes conservation of water and energy.

Evaluation & Findings: The project site is located within an urban area with surrounding commercial development. Development in core urban areas reduces the pressure to develop in areas further outside of the urban areas.

5. Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Evaluation & Findings: The project site is located within an urban area with surrounding development. There are no adjacent agricultural areas and activities. Development in core urban areas reduces the pressure to develop in agricultural areas.

6. Preserves open space and natural lands and provides for public open space and recreation needs.

Evaluation & Findings: All proposed development shall comply with the City's landscape ordinance to ensure there shall be open space provided within the development.

7. Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

Evaluation & Findings: The proposed site is located within close proximity to a variety of nonresidential uses. The proposed development will bring new businesses into this mixed-use, urban area, providing a balance of land uses to the area.

8. Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Evaluation & Findings: N/A

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following Goals, Objectives, and Policies (GOPs) support the proposed amendment to the Future Land Use Map of the City of Green Cove Springs 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 of the public.

Objective 1.1. New development and Redevelopment shall directed to appropriate areas of the City.

Policy 1.1.1(c): Mixed Use (MU): This FLUC encompasses lands along major transportation corridors and is intended to accommodate primarily nonresidential uses including light and heavy commercial uses, lodging, and professional offices, interspersed with medium density residential uses and public/semi-public facilities.

i. Maximum Density: 20 du/ac ii. Maximum Intensity: 1.0 FAR

Objective 1.2. The City shall strive to cultivate a sustainable land use pattern by preventing the proliferation of urban sprawl, ensuring the efficient provision of services, and implementing smart growth principles.

Policy 1.2.1. The location and timing of new development and the issuance of permits shall be coordinated with the availability of public facilities through implementation of various smart growth management measures.

Policy 1.2.6. The City shall require new development to connect to the City's centralized potable water and sanitary sewer system.

Policy 1.2.7. The City shall condition development orders upon the provision of essential facilities and services which meet and would not result in the failure of each service's established level of service (LOS).

Policy 1.2.8. The City shall ensure the availability and protection of lands designated for the future expansion of public infrastructure.

Policy 1.2.9. The City shall promote the annexation of property located within its utility service boundaries.

Policy 1.2.10. The City shall review annexation requests to determine if the site's maximum development potential may negatively impact the City's adopted LOS, as governed by its concurrency management system (CMS). Requests that are estimated to negatively impact the City's ability to maintain its adopted LOS shall be required to enter into an impact mitigation agreement with the City prior to the issuance of a final development order.

Objective 1.4. The City shall strive to preserve its natural resources.

Policy 1.4.2. The City shall protect the health and function of its natural wetland features through the implementation of natural upland buffers. Wetlands buffers shall be a minimum of 40 feet

Policy 1.4.5. Development orders shall not be issued in areas where soils conditions are not adequate for building construction, drainage, roads, and other development-related facilities.

TRANSPORTATION ELEMENT

Policy 2.3.1. The City shall rely on level of service (LOS) standards adopted in the Capital Improvements Element to ensure that acceptable traffic conditions are maintained*.

*The City is in the process of implementing a mobility plan and fee for new development to ensure that needed transportation improvements are provided to ensure that the City is addressing transportation congestion issues and providing for multimodal improvements.

Policy 2.5.3. The City shall review development applications to ensure that adequate capacity is available to serve the proposed project. The latest version of Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be used to determine the number of trips that the proposed development will produce or attract.

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, AND AQUIFER RECHARGE ELEMENT

Objective 4.2. The City shall continue to provide safe and adequate sanitary sewer service to all existing and future developments located within the City limits. Existing Sanitary Sewer deficiencies shall be scheduled for correction in the Capital Improvements Element.

Policy 4.2.1 All Future Development shall be required to connect to the City's Sanitary Sewer Collection

Policy 4.2.1. All Future Development shall be required to connect to the City's Sanitary Sewer Collection.

Objective 4.6. Future Development shall be required to connect with central water systems and provide stormwater facilities which maximize the use of existing facilities and discourage urban sprawl.

Policy 4.6.1. The City shall annually monitor the condition of level of service standards for solid waste, potable water, wastewater, and stormwater facilities. The Planning and Zoning Department shall be assigned the task of reviewing all development orders to determine their current and future impacts on the capacities of existing public facilities.

Policy 4.6.2. No permit shall be issued for new development which will result in an increase in demand on deficient capacities or if adequate facility capacities for solid waste, potable water, sanitary sewer, and drainage facilities are not available prior to or concurrent with the development's impact.

INTERGOVERNMENTAL COORDINATION ELEMENT

Objective 7.1. The City shall act to ensure that all planning and development related activities are coordinated with the comprehensive plan or any other plans of Clay County, the Northeast Florida Regional Council (NEFRC), and the School Board.

Policy 7.1.1. Maintain procedures to review comprehensive plans and comprehensive plan amendments of the County and the plans of the Clay County School Board and the Northeast Florida Regional Council.

ECONOMIC DEVELOPMENT ELEMENT

Objective 9.5. The City shall collaborate economic development efforts with state, regional and local partners to foster a system of enhanced communication and partnerships within the Northeast Florida region.

PRIVATE PROPERTY RIGHTS ELEMENT

Objective 10.1. The City shall recognize that each property owner has constitutionally protected private property rights and shall consider these property rights in local decision making by referring to a set of statement of rights identified in this element.

Policy 10.1.1. The following rights shall be considered in local decision making:

- a. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- c. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d. The right of a property owner to dispose of his or her property through sale or gift.

PUBLIC FACILITIES IMPACT

Traffic Impacts

Land Use ¹	Square Footage/ Dwelling Units	Daily		AM Peak		PM Peak	
(ITE)		Rate	Trips	Rate	Trips	Rate	Trips
Shopping Center*	149,861	42.94	6,434			3.37	505
Shopping Center**	37,462	42.94	1,609			3.37	126
Multifamily Residential***	69	6.65	459		38	.62	43

1. Source: Institute of Transportation Engineers: Trip Generation Manual 9th Edition

Conclusion: There are no development plans at this time as a result, the traffic impacts were calculated three ways: the maximum floor area ratio (1.0)* based on the assumption of a Shopping Center at a maximum FAR of 1.0 per the comprehensive plan requirements, the historical average FAR of .25** for a shopping center and a separate calculation was made based on a maximum of 20*** units per acre for residential development. The proposed mobility fee at this time for a retail plaza under 40,000 square feet is \$15,895 per 1,000 square feet of retail area which would be payable at time of development.

Potable Water Impacts

Commercial

System Category	Gallons Per Day (GPD)
Current Permitted Capacity ¹	4,200,000
Less actual Potable Water Flows ¹	1,013,000
Residual Capacity ¹	3,187,000
Projected Potable Water Demand from Proposed Project ²	4,048
Residual Capacity after Proposed Project	3,182,952

1. Source: City of Green Cove Springs Public Works Department

2. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: .11 x sq ft (based on historical data compiled pursuant to existing City shopping center consumption for an FAR of 0.25)

Commercial

System Category	Gallons Per Day (GPD)
Current Permitted Capacity ¹	4,200,000
Less actual Potable Water Flows ¹	1,013,000
Residual Capacity ¹	3,187,000
Projected Potable Water Demand from Proposed Project ²	16,193
Residual Capacity after Proposed Project	3,170,807

1. Source: City of Green Cove Springs Public Works Department

2. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: .11 x sq ft (based on historical data compiled pursuant to existing City shopping center consumption for an FAR of 1.0)

Residential

System Category	Gallons Per Day (GPD)
Current Permitted Capacity ¹	4,200,000
Less actual Potable Water Flows ¹	1,013,000
Residual Capacity ¹	3,187,000
Projected Potable Water Demand from Proposed Project ²	27,348
Residual Capacity after Proposed Project	3,159,652

1. Source: City of Green Cove Springs Public Works Department

2. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: 69 dwelling units x 2.65 persons per du x 150 gal per person

Conclusion: The impact was calculated based on potential commercial or residential uses. As shown in the table above, there is adequate capacity for either use type. The City has existing water lines installed at this location.

Sanitary Sewer Impacts – South Plant WWTP

Commercial

System Category	Gallons Per Day (GPD)
Current Permitted Capacity ¹	350,000
Current Loading ¹	270,000
Committed Loading ¹	330,000
Projected Sewer Demand from Proposed Project ²	4,044
Residual Capacity after Proposed Project	-254,044

1. Source: City of Green Cove Springs Public Works Department

2. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: .11 x sq ft (based on historical data compiled pursuant to existing City shopping center consumption for an FAR of .25)

Commercial

System Category	Gallons Per Day (GPD)
Current Permitted Capacity ¹	350,000
Current Loading ¹	270,000
Committed Loading ¹	330,000
Projected Sewer Demand from Proposed Project ²	16,175
Residual Capacity after Proposed Project	-266,175

3. Source: City of Green Cove Springs Public Works Department

4. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: .11 x sq ft (based on historical data compiled pursuant to existing City shopping center consumption for an FAR of 1.0)

Residential

System Category	Gallons Per Day (GPD)
Current Permitted Capacity ¹	350,000
Current Loading ¹	270,000
Committed Loading ¹	330,000
Projected Sewer Demand from Proposed Project ²	21,878
Residual Capacity after Proposed Project	-271,878

1. Source: City of Green Cove Springs Public Works Department

2. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: 69 dwelling units x 2.65 persons per du x 120 gal per person

Conclusion: The impact was calculated based on potential commercial or residential uses. The project site is served by the South Plant Wastewater Treatment Plant (WWTP). As shown in the table above, when factoring in the current

loading and the committed loading, this WWTP is over capacity to handle the estimated impacts resulting from the proposed application. The committed loading is related to the Rookery Development which will be completed in two years prior to the commencement of this project. At such time, the Rookery capacity will be served by a new wastewater treatment facility provided by the Clay County Utility Authority. Once the facility is built, the capacity temporarily reserved to the Rookery shall be available for this development. In addition, the remaining demand will be sent via force main to the Harbor Road plant, where the City has an excess capacity of approximately 700,000 gallons per day. As a result, there is adequate capacity. The City has existing sewer lines at this location.

Solid Waste Impacts

Commercial

System Category	LBs Per Day / Tons per Year
Solid Waste Generated by Proposed Project ¹	None
Solid Waste Facility Capacity ²	Minimum 3 Years Capacity

1. Source: City of Green Cove Springs does not provide commercial sanitation services, prospective sanitation collection franchisees shall comply with City Code Section 66-10.

Residential

System Category	LBs Per Day / Tons per Year
Solid Waste Generated by Proposed Project ¹	30,308/5,531
Solid Waste Facility Capacity ²	Minimum 3 Years Capacity

1. Source: City of Green Cove Springs Comprehensive Plan. Formula Used: (278 dwelling units x 2.65 persons per dwelling unit x 8 lbs. per day) x 365

Solid Waste Impacts

The City of Green Cove Springs' solid waste is disposed of at the Rosemary Hill Solid Waste Management Facility operated by Clay County. Per the Clay County Comprehensive Plan, a minimum of three (3) years capacity shall be maintained at the County's solid waste management facility. For commercial developments, the City does not provide Curbside Service; commercial locations must instead contract with an approved franchisee for containerized collection.

Conclusion: The proposed future land use amendment and rezoning are not expected to negatively impact the City's adopted LOS or exceed the County solid waste management facility's capacity.

Public School Facilities Impact

Land Use	Units	Elem.		Middle		High	
		Rate ¹	Total	Rate ¹	Total	Rate ¹	Total
Proposed							
Multifamily Units	69	0.0314	2	0.0095	1	0.0197	1
Net Generation	-	-	2	-	1	-	1

1. Source: School District of Clay County, Educational Facilities Plan, FY 2018/19-2022/23, based on multifamily

Conclusion: The School District of Clay County will make a school capacity determination at the time of Final Site Development Plan. It is not anticipated that the estimated number of students generated by the proposed PUD rezoning will exceed the adopted LOS standards see attached.

Reynolds Air Park

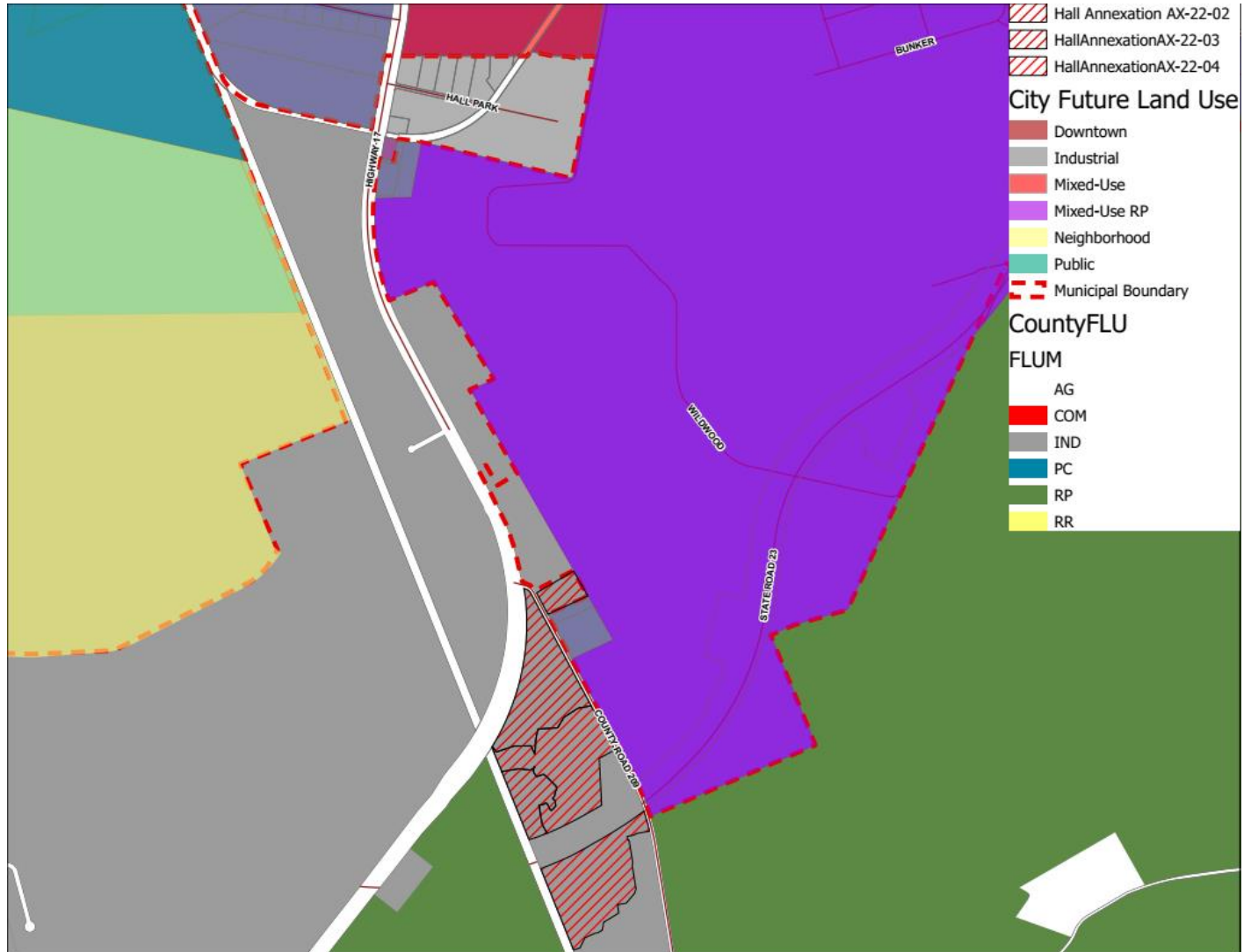
One of the major issues that has been discussed with the annexation and future land use and zoning amendment (ordinance #'s O-11-2022, O-12-2022 and O-13-2022) on the adjacent property to the north is the impact to the Reynolds Air Park active runway. The end of this runway is located approximately 2,700 lineal feet to the east of the subject property. The Reynolds Air Park is a private airpark operated by Pegasus Technology, Inc., who is a tenant of the landowner, Clay County Port, Inc. The airpark is not open to the public and therefore is not required to have an Airport Master Plan as is required for a Public use airport pursuant to Chapter 333 of the Florida Statutes. Regardless of the fact that the Airpark is private however, the subject property is outside of the Runway Protection Zone restrictions for arrivals and departures for what would be required under applicable federal regulations, which is 1,500 feet. In addition, Chapter 333 FS provides specific use restrictions adjacent to a public use airport including the prohibition of educational and residential uses within 2,500 feet of an active runway. The subject property is located outside of the setback requirements. Between the subject property and the runway are tall trees of in some cases approximately 80-90' in height. As a result, the development of this property should not have a negative impact to the operation of the AirPark however, the landowner should consider notifying future property owners and tenants of the noise associated with the AirPark.

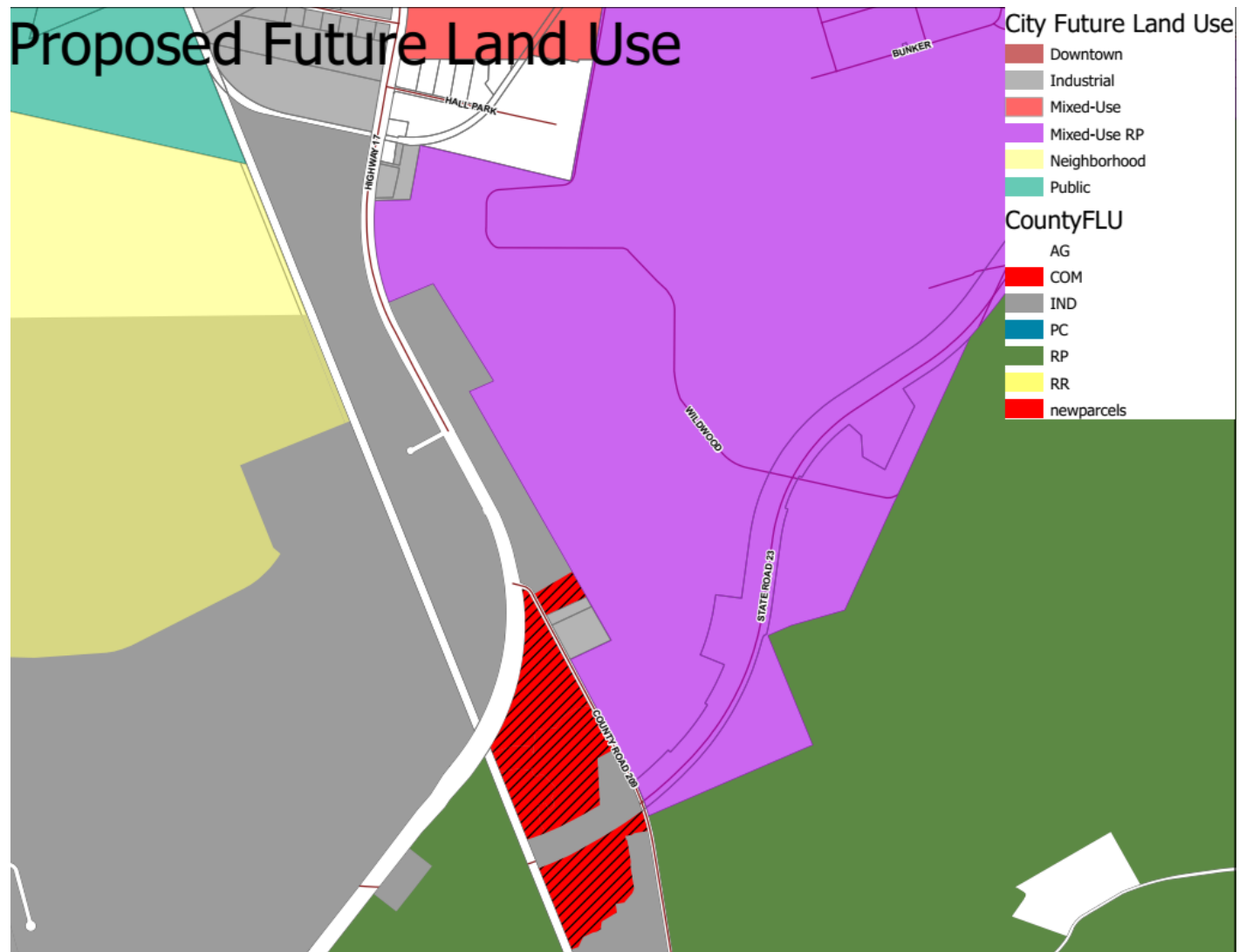
Compatibility

The Subject Property is located adjacent to a Mixed Use Land Use District to the east and the land uses to the north have been approved for a Land Use Designation of Mixed Use, which is currently being appealed by a tenant (Pegasus) in the Clay Port, Inc. property. The completion of the First Coast Expressway will have an impact on the Land Use pattern of the area particularly in terms of driving additional commercial, retail and lodging uses around the interchange. The Mixed Use Land Use District is predominantly a commercial Land Use Designation but also allows for Light Industrial uses.

Pursuant to the data and analysis collected as part of the 2022 Comprehensive Plan, the City is projected to add approximately 8,000 additional residents over the next 20 years. As a result, there will be a significant need for additional commercial services to accommodate the projected population growth.

Existing Future Land Use





STAFF RECOMMENDATION

Staff recommends approval of the Future Land Use designation to Mixed Use.

RECOMMENDED MOTIONS:

Future Land Use

Recommend approval of the second and final reading of **Ordinance O-02-2023**, to amend the Future Land Use of the property described therein from Industrial (County) to Mixed Use.