



# STAFF REPORT

## CITY OF GREEN COVE SPRINGS, FLORIDA

**TO:** City Council **MEETING DATE:** March 7, 2023  
**FROM:** Michael Daniels, Planning and Zoning Director  
**SUBJECT:** First Reading of Ordinance O-4-2023, Hall Property Annexation Application for approximately 28.81 acres located on South US Highway 17 and CR 209

### PROPERTY DESCRIPTION

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

**PROPERTY LOCATION:** Bounded on the western side by US Highway 17 S and CR 209 S; bounded on the eastern side by Reynolds Park

**PARCEL NUMBER:** A portion of #016513-000-00

**FILE NUMBER:** AX-22-003

**CURRENT ZONING:** Heavy Industrial (County)

**FUTURE LAND USE DESIGNATION:** Industrial (County)

### SURROUNDING LAND USE

**NORTH:** **FLU:** Industrial (County)  
**Z:** Light Industrial  
**Use:** Industrial

**SOUTH:** **FLU:** Industrial  
**Z:** Light Industrial  
**Use:** Industrial

**EAST:** **FLU:** MURP, Conservation (County)  
**Z:** M-2 Industrial, Agriculture (County)  
**Use:** Undeveloped

**WEST:** **FLU:** Industrial (County)  
**Z:** Light Industrial (County)  
**Use:** First Coast Expressway

### BACKGROUND

#### DEVELOPMENT DESCRIPTION:

The applicant, Mark H Scruby, Esq, of Rogers Tower PA, has submitted an annexation request for 28.81 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 US 17 to the north and CR 209 S on its eastern edge, and is across CR 209 from the city boundary, predominantly Reynolds Park. The site is undeveloped.



The site is located within the City’s Water and Sewer Service Boundary. It will be served by the City’s utilities and sanitation services.

Additionally, the applicant has submitted the following future land use map amendments and rezoning requests:

Application #	Description
AX-22-003	Voluntary Annexation application
FLUS-23-002	Small Scall FLU Map Amendment: Industrial (County) > Mixed Use (City)
ZON-23-003	Rezoning: Heavy Industrial (County) to C-2, General Business (City)

**Statutory Requirements for Voluntary Annexation as set forth in State Statute FS 171.044**

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

*The property owners, as set forth in the attached annexation application, submitted an annexation petition on October 25, 2022, for the subject property.*

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town.

*Notice to Clay Today has been provided on February 16<sup>th</sup> and February 23<sup>rd</sup>, 2023.*

*In addition (not a statutory or city requirement), notice has been provided to all property owners within 300' of the subject property.*

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within 7 days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

***Pursuant to the requirements set forth in FS 171.044, voluntary annexations are required to be contiguous and reasonably compact as defined by statute which are provided below:***

*“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed*

*and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.*

***With the inclusion of annexation requests, AX-22-002 & AX-22-004, 100% of the eastern and southern boundaries of the property proposed to be annexed shall be adjacent to the City (across from CR 209).***

*“Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.*

***Annexation of this property does not create an enclave, pockets, or finger areas in serpentine patterns.***

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Pursuant to FS 171.031:

(13) “Enclave” means:

- (a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or
- (b) 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.

***The eastern and southern boundaries of the subject property are adjacent to the City (with the inclusion of Annexation requests AX-22-002 and AX-22-004) and does not surround adjacent unincorporated property within the City limits.***

(6) Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

*A letter and the ordinance notice were provided to the Clay County Board of County Commissioners and were mailed to the same on February 6, 2023. The certified mail receipt is provided in the packet.*

The proposed annexation request is consistent with the following Comprehensive Plan policies:

**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.

A detailed analysis of the maximum development potential as set forth in the future land use staff report (FLU-23-002) shows that the City has the necessary capacity and impact fees in place to accommodate the maximum development potential of the proposed annexation. In addition, an analysis of the Fiscal Impact of all three parcels (AX-22-02, AX-22-03 & AX-22-04) is provided in the packet.

## STAFF RECOMMENDATION

Staff recommends approval of the AX-22-003

### RECOMMENDED MOTIONS:

Motion to recommend approval of the first reading of **Ordinance O-04-2023**, to approve the voluntary annexation of 28.81 acres located on CR 209 (a portion of parcel #016513-000-00) for form and legality.