

ORDINANCE NO. O-21-2023

AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA REZONING ±3.63 ACRES OF PROPERTY LOCATED AT COOKS LANE, IDENTIFIED AS A PORTION OF TAX ID NUMBER 016562-000-00, MORE PARTICULARLY DESCRIBED BY EXHIBIT “A”, FROM R-3, RESIDENTIAL HIGH DENSITY, TO M-2, HEAVY INDUSTRIAL; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

RECITALS

WHEREAS, an application for a small-scale comprehensive plan amendment, to amend Comprehensive Plan Future Land Use Map from Mixed Use to Industrial on the subject property, as described below, has been filed with the City; and

WHEREAS, the City approved the Future Land Use Map amendment for the subject property such that it will be designated as Industrial on the Future Land Use Map of the City, and

WHEREAS, the City has received a request to rezone the subject parcel from Residential High Density R-3 to Heavy Industrial M-2; and

WHEREAS, the City has the authority pursuant to its home rule and other statutory powers to rezone properties within the City; and

WHEREAS, a duly advertised public hearing was conducted on the proposed rezoning on June 27, 2023 by the Planning and Zoning Board, sitting as the Local Planning Agency (LPA) and the LPA reviewed and considered comments received during the public hearing concerning the application and made its recommendation for approval to the City Council; and,

WHEREAS, the City Council considered the recommendations of the LPA at a duly advertised public hearing on July 11 and August 1, 2023 and provided for and received public participation; and,

WHEREAS, the City Council has determined and found said application for the amendment, to be consistent with the City of Green Cove Springs Comprehensive Plan and Land Development Regulations; and,

WHEREAS, for reasons set forth in this Ordinance that is hereby adopted and incorporated as findings of fact, that the Green Cove Springs City Council finds and declares that the enactment of this amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA AS FOLLOWS:

Section 1. Findings of Fact and Conclusions of Law.

1. The above recitals are true and correct and incorporated herein by reference.
2. The proposed rezoning is consistent with the Comprehensive Plan.
3. The proposed rezoning will not cause a reduction in the adopted level of service standards for transportation, potable water, sanitary sewer, solid waste, stormwater, or recreation.

Section 2. Zoning Map Amended. The Zoning Map is hereby amended for the following property from Residential High Density R-3 to Heavy Industrial M-2:

A portion of Tax Parcel Number 38-06-26-016562-001-01 in accordance with the map found in Exhibit "A" and the legal description found in Exhibit "B" attached hereto.

Section 3. Ordinance to be Construed Liberally. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Green Cove Springs, Florida.

Section 3. Repealing Clause. All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 4. Severability. It is the declared intent of the City Council of the City of Green Cove Springs that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 5. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete in accordance with Chapter 163.3184 F.S. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administrative Council enters a final order determining this adopted amendment to be in compliance in accordance with Chapter 163.3184 F.S. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ON THIS 11th DAY OF JULY 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

Constance W. Butler, Mayor

ATTEST:

Erin West, City Clerk

PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 1ST DAY OF AUGUST 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

Constance W. Butler, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM:

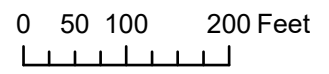
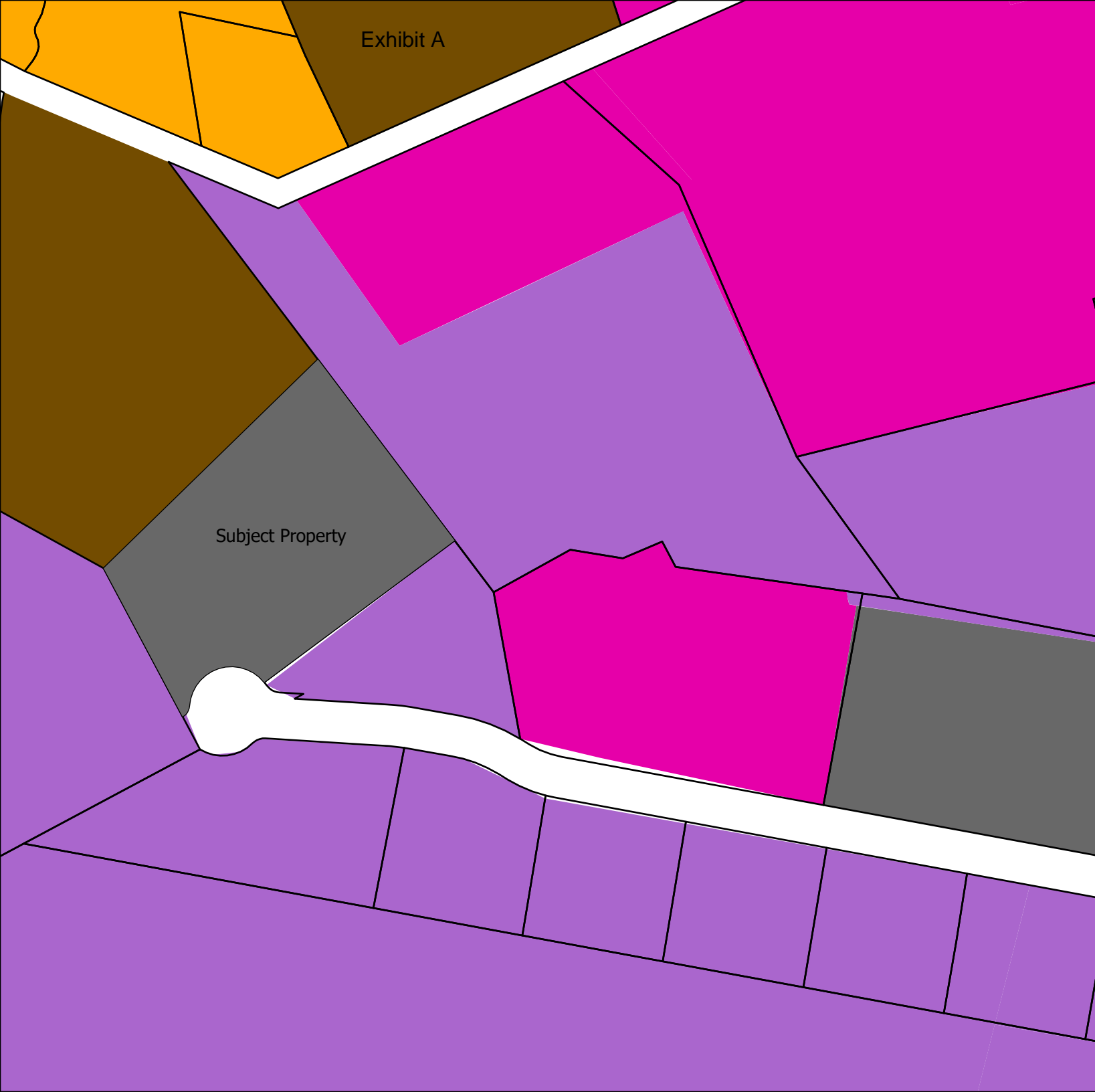
L. J. Arnold, III, City Attorney



Legend

Zoning

- R1 Low Density Residential
- R1A
- R2 Medium Density Residential
- R3 High Density Residential
- RRF Residential Riverfront
- PUD Planned Unit Development
- RPO Residential Professional Office
- C1 Commercial Medium Intensity
- C2 Commercial High Intensity
- CBD Central Business District
- GCC Gateway Corridor Commercial
- GCN Gateway Corridor Neighborhood
- GCR Gateway Corridor Residential
- M-2 Industrial District
- M-1 Light Industrial District
- MUH C-2/M-2 - Mixed Use Highway
- INS Institutional
- RC Recreation



THIS IS NOT A SURVEY

LEGAL DESCRIPTION: PROPOSED ENERGY COVE WAREHOUSE

A parcel of land being a portion of that certain property as recorded in Official Records Book 4614, page 1134 of the Public Records of Clay County, Florida; being a part of Lot 1, Block 1, Bayard Tract, Clay County, Florida, according to map by Charles F. Smith, recorded in the Public Records of said county in Deed Book "J", pages 273 and 274, said parcel also being a portion of Section 29, Block 1, according to plat of Bayard Tract recorded in Plat Book 1, page 34 of said Public records and lying in Section 38, Township 6 South, Range 26 East, said Clay County, said parcel being more particularly described as follows:

Commence at the southwest corner of said Lot 1, Block 1, Bayard Tract; thence on the west line thereof, N24°21'05"W, 47.00 feet to the northwesterly line of those lands described in Official Records Book 3006, page 935 of said public records; thence on said northwesterly line, and on a northeasterly extension thereof, N61°51'10"E, 600.54 feet; thence N26°40'57"W, 54.22 feet to the most southerly corner of lands described in Official Records 4614, page 1134 of said Public Records said corner being on the northerly right of way line of Energy Cove Court as recorded in Official Records Book 3251, page 1137 of said Public Records and the Point of Beginning of the parcel described herein;

Thence along said northerly right of way line run the following 2 courses: 1) northeasterly, along the arc of a curve concave northwesterly and having a radius of 18.50 feet, said curve subtended by a chord bearing and distance of N34°05'39"E, 18.14 feet, an arc distance of 18.96 feet to a point on a non-tangent reverse curve concave to the South and having a radius of 61.50 feet; 2) thence Easterly along the arc of said curve, subtended by a chord bearing and distance of N74°53'51"E, 115.59 feet, an arc distance of 150.29 feet to the northwesterly line of lands described in Official Records 3293, page 222 of said Public Records; thence along the northwesterly line of said Official Records 3293, page 222 of said Public Records, N54°49'34"E, 359.07 feet to the easterly line of lands described in said Official Records 4614, page 1134; thence along said easterly line, N35°44'54"W, 371.56 feet; thence departing said line S54°15'06"W, 264.63 feet to a point on a non-tangent curve concave to the Southeast and having a radius of 52.32 feet; thence Southwesterly along the arc of said curve, subtended by a chord bearing and distance of S42°16'51"W, 21.36 feet, an arc distance of 21.51 feet; thence S30°18'34"W, 172.18 feet to the westerly line of said lands described in Official Records 4614, PG. 1134; thence along said easterly line S26°40'57"E, 262.43 feet to the POINT OF BEGINNING of the parcel herein described.

Containing 3.63 acres, more or less.

Said lands situated, lying and being in Clay County, Florida.

General Notes:

1. Bearings shown hereon are based upon the westerly line of that parcel of land as described in Official Records Book 4614, page 1134 of the Public Records of Clay County, Florida; having a bearing of N26°40'57"W, as determined by the Global Navigation Satellite System (Florida State Plane – East Zone – NAD 83).
2. Additions, deletions and/or any written information added to this map and/or report is prohibited and is not authorized by the signing surveyor.
3. This map is intended to be viewed at a scale of 1"=100' or smaller.
4. This survey is being provided solely for the use of the current parties and no certification has been created, express or implied to copies of this survey and is not transferable. Any copies of this survey that are used in any subsequent transactions shall be null and void if they do not bear the embossed raised seal of the signing surveyor. The use of such non-embossed documents releases the signing surveyor of any further claims of liability of any subsequent transactions and is only valid up to 60 days after the initial signing date.
5. Dimensions are in feet and decimal parts thereof.
6. No instruments of record reflecting easements, rights-of-way and/or ownership were furnished to or pursued by the undersigned, other than those shown hereon. Easements or restrictions of record other than those shown hereon may exist.
7. This survey is only for the lands as described. it is not a certificate of title, zoning, easements or freedom of encumbrances.
8. This survey is based on information as provided by the client.

NOTE:

THIS SKETCH AND LEGAL DESCRIPTION CONSISTS OF TWO (2) SHEETS AND IS NOT FULL AND/OR COMPLETE WITHOUT BOTH SHEETS.

WIGGINS CONSTRUCTION COMPANY

PROPOSED ENERGY COVE WAREHOUSE

BARTRAM TRAIL SURVEYING, INC.

LAND SURVEYORS - PLANNERS - LAND DEVELOPMENT CONSULTANTS

1501 COUNTY ROAD 315, SUITE 106

GREEN COVE SPRINGS, FL 32043

(904) 284-2224 FAX (904) 284-2258

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