Baker County Land Planning Agency (LPA)
Thursday, February 26, 2015
Baker County Administration Building
55 North Third Street
Macclenny, FL 32063
(904) 259-3354

AGENDA

6:00 P.M. PUBLIC HEARING

I. Opening – Flag Ceremonies and Prayer

II New Business

1. Decisions

   a. Richard and Debra Crews Special Exception 15.4 acres event venue (weddings) in AG 7.5 zoning
   b. Mathis Appeal of Planning Determination Paved Road Requirement for 1 acre residential lot
   c. Barbara Johnson Planning Determination for Paved Road Requirement and grandfather rights
   d. Carolyn Crews Special Exception 5 acre hair salon (personal service establishment) in AG 7.5 zoning

2. Recommendations

   a. TR Hainline / Emily Pierce /Blair Nurseries Petition to Vacate Smoke Rise Subdivision
   b. David Burnham / TerraPointe Large Scale Rezoning and Comp Plan Amendment 19.99 acre Ag7.5 to Light Industrial

3. Discussion Items

   a. LPA Board Appointments
   b. LPA Workshop
   c. LPA Revision Sheets
   d. System for Tracking LDR Changes

IV. Adjourn

ALL APPLICANTS OR THEIR AGENTS ARE REQUESTED TO ATTEND THE LPA HEARING
MEMORANDUM

DATE: January 20, 2015

TO: Baker County Local Planning Agency

FROM: Ed Preston Planning and Zoning Director

THRU: Glen Patten - Chair

RE: Burnham Large Scale Land Use and Zoning Change AG 7.5 to Light Industrial, AG B to Industrial

DESCRIPTION
This 19.99 acre site is vacant. It is on the north side of US 90 about 2 miles east of Macclenny, on the east side of Commerce Parkway next to the Walmart Distribution Center.

BACKGROUND
The applicant is requesting a large scale land use and zoning change on 19.99 acres currently zoned AG 7.5 (Agricultural 1 dwelling per 7.5 acres) with a Future Land Use Designation of AG B. The application request changing the zoning to Light Industrial and the future land use designation to Industrial. The purpose of this application is to allow development of a construction company yard and office.

STANDARDS OF REVIEW
- Comprehensive planning decisions are generally legislative.
- (19.99 acres from Agricultural B to Industrial Use)
- (Standard of Review: “Fairly Debatable.”)
- Findings of Fact—NO
• Zoning decisions are generally quasi-judicial.
• (AG 7.5 zoning to Light Industrial zoning)
• Standard of Review: “Competent Substantial Evidence.”
• Findings of Fact—Yes
• Ex Parte Communications—NO
Current Zoning

Proposed Zoning
Subject Site 19.99 Acres

Current Future Land Use

Proposed Future Land use

Subject Site 19.99 Acres

Industrial

AG B
Subject Site 19.99 Acres

Wetlands & 100 Year Flood Plain

Context Analysis
Findings
This 19.99 acre application is being considered as a small scale as allowed under the State law provision of Counties of Economic concern. The applicant has indicated that the request to change the zoning and future land use designation is to make the zoning and land use consistent with use as a site construction company yard and office.

Land Use
The land is currently vacant of development.

The site is completely within the County’s Urban Growth Area.

Policy A.1.6.1 Encourage and Incentivize the Urban Growth Area
The County shall encourage infilling in areas of the County within the urban growth area by providing incentives. These incentives may include, but not be limited to, the following examples: providing a one-year extension in the construction of recreational facilities as provided in 9J-5.0055(2)(b) 1 and 2, and fast-tracking the approval process for building permits, provided the requirements of concurrency and the provisions of the Comprehensive Plan are met.

Policy A.1.6.2 Development Infrastructure Requirements
The County shall promote compact growth within the Development Areas and Development Nodes by (1) providing provisions within the Land Use Regulations that require development to use central water/sewer as a condition for development and (2) promoting the establishment of franchised water/sewer districts, whereby the cost of providing public facilities and services that benefit new development is born by those individuals who receive direct benefit.

Policy A.1.6.5 Connection Requirements for Water and Sanitary Sewer
Existing and future development within the service boundary for central water and sanitary sewer shall be required to connect at the time the lines are within two-hundred-fifty (250) feet of the development.

Policy A.1.10.5 Industrial
The industrial land use category is intended for activities that are predominately associated with manufacturing (assembly, processing, or storage of products), distribution, and extractive (mining) industries. Industrial land use in the manufacturing sector permits a variety of intensities of use including heavy industry, light industry, and industrial park operations. The intensity of industrial use, shall not exceed Floor Area Ratio of (FAR) 0.35 (15,246 sf/acre). The maximum height shall not exceed sixty (60) feet.

Policy A.4.1.3 Encourage Job-Creating Development
The County shall support land use changes to encourage job-creating development to support the population and economy of Baker County.

Zoning
This zoning request will allow:

Sec. 3.04.22 .00 LI: Light Industrial District
This district is designed to encourage the grouping of industrial operations engaged in the fabricating, repair or storage of manufactured goods of such a nature that objectionable by-products
Sec. 3.04.22.01  Permitted Uses and Structures

A. Within any LI District, permitted uses and structures allowed by right are as follows:
   1. All uses allowed within CN, CG, and CH (Except Amusement Parks and Hotel/Motel)
   2. Beverage bottling
   3. Cabinetry and woodworking shop
   4. Laundry and dry cleaning
   5. Light manufacturing
   6. Machine shop
   7. Printing, lithography, publishing, engraving
   8. Processing, Assembly
   9. Recreational Vehicle Storage (Site Plan Review)
   10. Storage/distribution
   11. Truck terminal
   12. Vocational, technical or trade school
   13. Mini-warehouses
   14. Wholesaling

B. Additionally, within any LI District, permitted accessory uses and structures are allowed:
   1. Storage buildings, sheds

Sec. 3.04.22.02  Permissible Uses by Special Exception

1. Church
2. Single Family detached dwelling unit
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.22.03  Permissible Uses by Limited Notice

1. Day Care

Sec. 3.04.22.04  Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet Depth – 3:1
   ratio (feet)
   Area – 20,000 square feet

B. Minimum Yard Requirements
C. **Maximum Lot coverage by all buildings & structures**
   90%

D. **Maximum height of structures**
   60 feet

The Development Review Committee will review this application on Wednesday January 21, 2015.

The LPA will hear this on Thursday, January 22, 2015.

The Board of County Commissioners heard this on Tuesday, February 17, 2015.

**RECOMMENDATION**

The Baker County Planning and Zoning Department finds this proposed amendment consistent with the comprehensive plan and recommends that the LPA recommend adoption to the Board of County Commissioners as a small scale.
MEMORANDUM

DATE: January 16, 2015

TO: Baker County Local Planning Agency

THRU: Glen Patten (Chair)

FROM: Ed Preston, Planning and Zoning Director

RE: Carolyn Crews Special Exception for Hair Salon in AG 7.5 Zoning

DESCRIPTION
This property is about 3 miles north of Macclenny on State Road 121 at 4950 Ack Sloan Road.

BACKGROUND
The applicant requests a special exception to allow an existing hair salon to be made conforming.

STANDARD OF REVIEW
• Zoning decisions (Special Exceptions) are generally quasi-judicial.
• Approval of a special use
• Standard of Review: “Competent Substantial Evidence.”
• Findings of Fact—Yes
• Ex Parte Communications—NO
Future Land Use

Wetlands and 100 Year Flood Plain
Context Analysis

- Subject Parcel: 5 acres
- Existing Metal Storage Garage
- Existing Hair Salon
- Existing Dwelling

Measurement:
- 101 ft 7 in
- 357 ft 0 in
- 282 ft 4 in
- 859 ft 5 in
- 20 ft 0 in
- 247 ft 0 in
- 20 ft 0 in
- 20 ft 0 in

78 Ac.

Map:
- Parcel boundaries and dimensions

Reference:
- Parcel analysis and property layout
Findings
The subject property is an existing 5 acre parcel currently supporting a dwelling and an accessory metal storage building which has a portion finished as a one chair hair salon. It is served by well and septic system on an unpaved private road. It is zoned AG 7.5.

The applicant is asking for a special exception to make the existing hair salon compliant with the land development regulations.

The zoning district Description is as follows:

Sec. 3.04.10.00 AG 7.5 Agricultural at 1 unit per 7.5 acres
The purpose of classifying land and water areas within this district is to preserve the rural and open character of lands within Land Use Category AG B of the Comprehensive Plan and to provide for permanent residential housing in conjunction with agricultural uses. Furthermore, this district is to be used to protect agricultural lands from premature development. One unit per 7.5 acres to one unit per 19 acres will be permitted. Development must meet building codes and have a County Department of Health approved well and septic tank installation. Accessory uses and special uses are also permitted.

Sec. 3.04.10.01 Permitted Uses and Structures
A. Within any AG 7.5 District, permitted uses and structures allowed by right are as follows:
1. Church
2. Farming
3. Feed Store – (Site Plan Review)
4. Fish Ponds – (two (2) acres or less)
5. Golf Course/Club
6. Guest House – Site Plan Review
7. Labor Camp - (Site Plan Review)
8. Mobile Home (1 unit per 7.5 acres)
9. Private Riding Stable – (Site Plan Review) (See Section 3.04.07.12C)
10. Public Riding Stable – (Site Plan Review) (See Section 3.04.07.12D)
11. Roadside Produce Stand
12. Silviculture
13. Single Family (1 unit per 7.5 acres)
14. Special Use (See Part 3.05.00)
15. Sports Club
16. Temporary Use (See Part 3.05.00)
17. Veterinary Clinic (Site Plan Review)

B. Additionally, within any AG 7.5 District the following accessory uses and structures are allowed:
1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

Sec. 3.04.10.02 Permissible Uses by Special Exception
1. Feed Lot (Site plan review)
2. Family Lot Division
3. Kennel
4. Mineral Extraction (See Part 3.04.07.24 on 10 acres or more)
5. Sawmill
6. Slaughterhouse (Site plan review)
7. Homestead Division (Site plan review)
8. Wireless telecommunication facilities (See Part 3.06.00)
9. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
Sec. 3.04.10.03 Permissible Uses by Limited Notice
1. Day Care Center
2. Home Occupation

Sec. 3.04.10.04 Setback Standards
A. Minimum Lot Requirements (width & area)
   Width – 200 feet
   Area – 7.5 acres

B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 50 feet
   Side - 30 feet
   Rear – 25 feet

D. Maximum height of structures
   35 feet

Special Use requirements in the Land Development Regulations are in part:

Sec. 3.05. 02 Special Uses Permit
The Special Uses contained in this section shall be considered and approved, approved with
conditions, or denied in accordance with the requirements of this Code. Special Uses, if
allowed in a zoning district, may only be permitted upon demonstration of compliance with
all the requirements of this section. Special Uses may include utilities, transportation
terminals and facilities, horses and ponies, household animals/pets numbering more than ten
(10) per residence, and other animals.

A. Special Uses Permitted
1. Essential public and private utility installations shall be permitted in any
   zoning district. Essential utility services are hereby defined as installations
   for the transmission of cable TV, drainage systems, electricity, gas, sewer,
   telephone, and water.
2. Major utility installations may be permitted in any zoning district, provided
   that such application is made to the Land Planning Agency (LPA) who shall
   hold a public hearing for approval. Major utility installations include electric
   or gas generating plants, electric transmission lines exceeding 115KV,
   electric transmission towers, radio and television stations, telephone and
   telegraph towers, and water or sewer treatment plants.
3. Transportation terminals may be permitted in any non-residential district,
   provided that such application is made to the LPA who shall hold a public
   hearing for approval. Transportation terminals include bus, railroad, air and
   water facilities.
4. Horses and ponies may be permitted in residential districts with minimum lot
   sizes of one acre or greater provided that such application is made to the LPA
   who shall hold a public hearing for approval and such application meets the
   requirements of Section 3.04.07.12 C.
5. Household Animals/pets in excess of ten (10) per residence may be permitted
   in any residential district that such application is made to the LPA who shall
   hold a public hearing for approval and such application meets the
   requirements of Section 3.04.07.12 A.
6. Other animals may be permitted within any residential district that such
   application is made to the LPA who shall hold a public hearing for approval
   and such application meets the requirements of 3.04.07.12 B.
B. Lot and Building Requirements

All special uses shall meet the lot and building requirements of the district in which they are located unless it is determined by the LPA at a public hearing that such lot and building requirements would not permit the best use of the land and would not provide the best return of the public investment.

C. Procedures for Special Use Permit

1. A request for a hearing before the LPA for a special use shall be made as follows:
   A. A completed application form shall be filed with the Planning Director. Such application shall state the pertinent facts on which the request is based. The Planning Director may assist the applicant in preparing the application.
   B. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Planning Director. Such site plan shall include as a minimum:
      a. lot dimensions with property line monuments located thereon.
      b. location and size of existing and proposed structures.
      c. easements (public and private); water courses; fences; street names and street right-of-way lines, if existing and proposed; and such information regarding abutting property as directly affects the application.
   2. The Planning Director shall schedule a hearing before the LPA to consider the application in accordance with the procedures established herein and in Article X.
   3. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested special use. The LPA shall also review written and/or oral comments from the public in accordance with its established procedures.
   4. At the conclusion of the hearing, the LPA shall render a decision on the application. The LPA may approve, deny or impose conditions of approval for such uses, including, but not limited to, setbacks, buffers, height limitations, parking, etc. Any decision rendered by the LPA during this hearing shall be deemed final.

Special uses existing at the time of the effective date of this article and as indicated on the Map or Text, are hereby legally established as conforming public and semi public uses.

C. Findings

The hearing provided for under this section shall be to review written and/or oral comments from the public in accordance with the BOCC’s established procedures; to determine whether the specific rules governing the special exception, if any, have been met by the petitioner; to review relevant information from the applicant regarding the requested special exception and to insure that satisfactory provision and arrangement has been made concerning the following matters, where applicable:

1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.
2. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in (1) preceding and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.
3. Refuse and service areas shall be located with consideration for relevant factors in number (1) and number (2) preceding.
4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

7. Required yards and open spaces shall be provided.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

9. The economic effect of the proposed use on adjacent and nearby properties
shall be positive. Considerations shall include, but not be limited to:

a. Conformity with the County’s Comprehensive Plan and the effects upon the Comprehensive Plan;
b. The existing land use pattern;
c. The impact of the proposed use upon the load on public facilities such as schools, utilities, and streets;
d. Changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;
e. The impact of the proposed use upon living conditions in the neighborhood;
f. The impact of the proposed use upon traffic congestion or other public safety matters;
g. The impact of the proposed use upon drainage;
h. The impact of the proposed use upon light and air to adjacent areas;
i. The impact of the proposed use upon property values in the adjacent area;
j. The impact of the proposed use upon the improvement or development of adjacent property in accordance with existing regulations; and
k. The impact of the proposed use with regard to the scale of needs of the neighborhood or the community.

Personal Service Establishments - Businesses primarily engaged in providing services involving apparel or the care of a person (other than health care) - including laundering and dry cleaning services (except those which primarily serve other businesses), beauty and barber services, garment alterations, and funeral homes.

Sec. 3.04.19.00 CN: Commercial Neighborhood
The purpose and intent of the CN district is to provide limited commercial convenience facilities and office uses, serving nearby residential areas, developed in accordance with specific locational criteria. The lot coverage, as measured by impervious surface, shall not exceed 70 percent of the parcel. The maximum height shall not exceed 40 feet. Development must meet the infrastructure
requirements of Residential Conventional District (RC ¼).
Commercial Neighborhood facilities shall comply with the following provisions:

A. Location
1. All commercial neighborhood facilities shall be located so that they:
   a. have a sufficient market area,
   b. are centrally located within the market area,
   c. abut a collector or arterial street,
   d. encourage compact commercial development, and
   e. achieve compatibility with nearby land uses - particularly residential development.
2. No commercial neighborhood facilities in a residential district shall be located within two miles of the district boundaries of any commercial district or of a non-abutting lot with other commercial neighborhood facilities approved by the Board of County Commissioners. Measurement of the distance shall be from lot line to district line or lot line to lot line, whichever is appropriate using usual routes of vehicular travel.
3. No commercial neighborhood facilities in an agricultural district shall be located within five miles of the district boundaries of any commercial district or of a non-abutting lot with other commercial neighborhood facilities approved by the Board of County Commissioners. Measurements of the distance shall be from lot line to district line or lot line to lot line, whichever is appropriate, using usual routes of vehicular travel.

B. Potential Uses
1. Each site with commercial neighborhood facilities shall have a grocery store and two other uses as convenience uses, or abut property with one or more of the uses permitted in a commercial neighborhood district.
2. A commercial neighborhood facility permitted in the district may be attached to one dwelling providing:
   a. The Planning Director considers the dwelling appropriate.
   b. The gross floor area of the dwelling does not exceed 50 percent of the total gross floor area of the site.
   c. The dwelling is upstairs or does not face a parking lot or an arterial or collector street.
   d. Other applicable standards are satisfied

C. Size
No lot with a commercial neighborhood facility shall have:
   a. A lot area of less than 10,000 square feet.
   b. A lot width of less than 100 feet.
   c. A lot depth of less than 100 feet.
If the requirements of the particular district are more restrictive, the requirements of such district shall apply.

D. Compatibility
When a lot with a commercial neighborhood facility abuts a lot with a dwelling and no commercial neighborhood facilities, there will be an attractively designed six-foot or higher sight obscuring buffer - which can be in the form of vegetation or a fence. However, no such buffer will be necessary if the abutting lot with the residential use already has such a buffer.

Sec. 3.04.19 .01 Permitted Uses and Structures
A. Within any CN District permitted uses and structures allowed by right are as follows:
1. Commercial Service Establishment
2. Convenience Goods
3. Feed Lot
4. Fish Ponds – (two (2) acres or less)
5. Personal Service
6. Professional Service
7. Repair Service
8. Restaurant
9. Special Use (See Part 3.05.00)
10. Veterinary Clinic/Animal Hospital (Site Plan Review)
B. Additionally, within any CN District permitted accessory uses and structures are allowed:
1. Single Family dwelling unit
2. Storage buildings, sheds

Sec. 3.04.19 .02 Permissible Uses by Special Exception
1. Church
2. Community Residential Facility – Type B
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.19 .03 Setback Standards
Commercial Neighborhood (CN) facilities shall comply with the following standards:
A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Area – 10,000 square feet
   Depth – 100 feet
   If the requirements of the particular district are more restrictive, the requirements of
   such district shall apply.
B. Minimum Yard Requirements
   Front – 15 feet
   Side - 15 feet
   Rear - 15 feet
C. Maximum Lot coverage by all buildings & structures
   70 %
D. Maximum height of structures
   40 feet
The proposed uses appear to meet the criteria listed above.

The Development Review Committee (DRC) will consider this matter on January 21, 2015.

The Local Planning Agency will hear this matter on January 22, 2015.

The Planning Office has received no communications from surrounding property owners as of this
writing, however this matter was referred to the planning office due to a code enforcement action
stemming from an anonymous complaint.

RECOMMENDATION
Planning staff finds that this request for a special exception is not consistent with the land development
regulations and comprehensive plan and recommends denial. Personal service establishments are
allowed only in neighborhood commercial zoning districts and this is an agricultural zoning district and
this salon received a building permit as a storage structure.
MEMORANDUM

DATE: January 20. 2015

TO: Baker County Local Planning Agency

THRU: Glen Patten (Chair)

FROM: Ed Preston, Planning and Zoning Director

RE: Johnson Appeal of Planning Director’s Determination for Paved Road

DESCRIPTION
The Land Development Regulations require all new since 2004 residential lots to have direct access to a County maintained paved road (or private road meeting County development standards)

Applicant wishes to submit an application for a new subdivision with 1 to 2 acre lots on a County un-paved road.

BACKGROUND
- Applicant ask for right to develop a subdivision with lots on un-paved County road
- Planning Director made determination to deny request since lots do not meet minimum standards
- Applicant is appealing Planning Director’s determination
Lots of Record 1978

Vested Rights 1993

Parcel A

Lots of Record 1976

Lots of Record 1978

Johnson Current Ownership Shown in red

A PART OF THE E/2 OF S/2 OF 1/4 OF NE4, SECTION 4, TOWNSHIP 3 SOUTH, RANGE 22 EAST
BAKER COUNTY, FLORIDA

SURVEYOR'S CERTIFICATE

LAKES CITY, FLORIDA

MARCH 21, 1978

I HEREBY CERTIFY TO ALL PARTIES INTERESTED IN TITLE TO PRESENT DESCRIPTIVE
THE LOT MARKED A, Shown on the face hereof as being a part of the 1/4 section 4, East
TOWNSHIP 3 SOUTH, RANGE 22 EAST, BAKER COUNTY, FLORIDA,

DATED__-

SIGNATURE

SURVEYOR'S CERTIFICATE NO. 1078

MAJEL L. crewセル一

MARRUAL D. crewセル一

MAJEL L. crewセル一

MARRUAL D. crewセル一

DATE__-

9-21-78
Findings
Pete Johnson began developing a subdivision and sold lots in 1976. The County records indicate surveys of lots in 1978. County records from 1993 indicate that he was granted vested rights to continue developing 13 lots on a tract of land between Canal Road South, Pete Johnson Road, and W.M Barbara Road.

The applicant requested that the County re-consider the requirement for direct access to a County-maintained paved road for her current ownership, for the following reasons:

Zoned RCMH 1
All land owned is either a lot of record or has vested rights status

Paving is required by land development regulations:
- Any time land is divided into 3 parcels
- All parcels with 1 acre zoning or less
  (RCMH 1, RC1, RC.5, RCMH.5, RC ¼)

Sec. 8.03.02 Roads, Streets, etc.
(Per ORD 2006-03 & 2007-09)
- All roads and driveways within a subdivision shall be paved and constructed in accordance with the requirements set forth herein and within the Baker County Land Development Regulations. All subdivisions shall have direct paved access to the connection with a county-maintained road or street dedicated to public use which has been accepted for maintenance by the County of or Florida Department of Transportation. If the county-maintained road or street is not paved, the developer shall pave the county road or provide paved access from the subdivision to connect with a paved county road or street accepted by the county or state. If the county road is paved but in substandard condition, improvements may be required of the developer in order to bring the road up to standards. Said paving and driveway construction shall be in accordance with the requirements set forth herein and the Baker County Land Development Regulations.

Paved road access enables emergency, delivery and postal vehicular access

Additional acreage will be required for stormwater retention if road paving is added in the future.

The Baker County Land Development Code provides the following language concerning appeals of Planning Director’s determinations:

4 6. In exercising the powers granted, the LPA may, in conformity with the provisions of this Article,
  1. reverse,
  2. affirm, wholly or in part,
  3. or may modify the order, requirements, decision, or determinations of the Director and may issue or direct the issuance of a compliance permit.
The Development Review Committee (DRC) will consider this matter on January 21, 2015.

The Local Planning Agency will hear this matter on January 22, 2015.

RECOMMENDATION
Planning staff finds that this determination (subject lot does not meet minimum requirements due to unpaved roads) was based on surveys provided by the developer and in the County file. Parcel A was not included in either. Planning staff recommendation is that development on unpaved roads is allowed to continue on surveyed lands, and be prohibited on Parcel A until roads are paved and all subdivision regulations are in complied with including required stormwater retention.
January 12, 2015

The Baker County Planning office has determined that a lot I own is not buildable unless approximately 75' of Wolfe Drive is paved affording that lot direct access to a paved road.

I wish to appeal that determination.

Kenneth Gregory Mathis

Public hearing scheduled for January 22, 2015
MEMORANDUM

DATE: January 14, 2015

TO: Baker County Local Planning Agency

THRU: Glen Patten (Chair)

FROM: Ed Preston, Planning and Zoning Director

RE: Register Crews Special Exception for Event Venue in AG 7.5 Zoning

DESCRIPTION
This property is about 5 miles southwest of Macclenny, south of Reid Stafford Road on the west side of Horseshoe Loop immediately north of 8410.

BACKGROUND
The applicant requests a special exception to allow development of an event venue in agricultural zoning, a use not explicitly described by the land development regulations on 15.4 acre site.

STANDARD OF REVIEW
• Zoning decisions (Special Exceptions) are generally quasi-judicial.
• Approval of a special use
• Standard of Review: “Competent Substantial Evidence.”
• Findings of Fact—Yes
• Ex Parte Communications—NO
Subject Site
15.4 acres

2008 Aerial

Subject Site
15.4 acres
AG 7.5

Zoning
Context Analysis

Proposed Preliminary Site Plan
Findings
The subject property is a vacant 15.4 acre portion of existing 60 acre tax parcel which will be served by well and septic system on an unpaved road. It is zoned AG 7.5.

The applicant is asking for a special exception to allow for the development of an event venue in a 100 foot by 150 foot barn-like structure. The events would be weddings, receptions and group celebrations. Functionally, it is very similar to a church.

The applicant is making the following request:

- un-paved parking for 60 cars.
- maximum number of 104 events per year
- maximum number of 4 events per weekend
- operating hours from 7AM to 12:00AM (midnight)

The zoning district Description is as follows:

Sec. 3.04.10.00 AG 7.5 Agricultural at 1 unit per 7.5 acres
The purpose of classifying land and water areas within this district is to preserve the rural and open character of lands within Land Use Category AG B of the Comprehensive Plan and to provide for permanent residential housing in conjunction with agricultural uses. Furthermore, this district is to be used to protect agricultural lands from premature development. One unit per 7.5 acres to one unit per 19 acres will be permitted. Development must meet building codes and have a County Department of Health approved well and septic tank installation. Accessory uses and special uses are also permitted.

Sec. 3.04.10.01 Permitted Uses and Structures
A. Within any AG 7.5 District, permitted uses and structures allowed by right are as follows:
1. Church
2. Farming
3. Feed Store – (Site Plan Review)
4. Fish Ponds – (two (2) acres or less)
5. Golf Course/Club
6. Guest House – Site Plan Review
7. Labor Camp – (Site Plan Review)
8. Mobile Home (1 unit per 7.5 acres)
9. Private Riding Stable – (Site Plan Review) (See Section 3.04.07.12C)
10. Public Riding Stable – (Site Plan Review) (See Section 3.04.07.12D)
11. Roadside Produce Stand
12. Silviculture
13. Single Family (1 unit per 7.5 acres)
14. Special Use (See Part 3.05.00)
15. Sports Club
16. Temporary Use (See Part 3.05.00)
17. Veterinary Clinic (Site Plan Review)

B. Additionally, within any AG 7.5 District the following accessory uses and structures are allowed:
1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

Sec. 3.04.10.02 Permissible Uses by Special Exception
1. Feed Lot (Site plan review)
2. Family Lot Division
3. Kennel
4. Mineral Extraction (See Part 3.04.07.24 on 10 acres or more)
5. Sawmill
6. Slaughterhouse (Site plan review)
7. Homestead Division (Site plan review)
8. Wireless telecommunication facilities (See Part 3.06.00)
9. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association

Sec. 3.04.10.03 Permissible Uses by Limited Notice
1. Day Care Center
2. Home Occupation

Sec. 3.04.10.04 Setback Standards
A. Minimum Lot Requirements (width & area)
   Width – 200 feet
   Area – 7.5 acres

B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 50 feet
   Side - 30 feet
   Rear – 25 feet

D. Maximum height of structures
   35 feet

Special Use requirements in the Land Development Regulations are in part:

Sec. 3.05.02 Special Uses Permit
The Special Uses contained in this section shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code. Special Uses, if allowed in a zoning district, may only be permitted upon demonstration of compliance with all the requirements of this section. Special Uses may include utilities, transportation terminals and facilities, horses and ponies, household animals/pets numbering more than ten (10) per residence, and other animals.

A. Special Uses Permitted
1. Essential public and private utility installations shall be permitted in any zoning district. Essential utility services are hereby defined as installations for the transmission of cable TV, drainage systems, electricity, gas, sewer, telephone, and water.
2. Major utility installations may be permitted in any zoning district, provided that such application is made to the Land Planning Agency (LPA) who shall hold a public hearing for approval. Major utility installations include electric or gas generating plants, electric transmission lines exceeding 115KV, electric transmissions towers, radio and television stations, telephone and telegraph towers, and water or sewer treatment plants.
3. Transportation terminals may be permitted in any non-residential district, provided that such application is made to the LPA who shall hold a public hearing for approval. Transportation terminals include bus, railroad, air and water facilities.
4. Horses and ponies may be permitted in residential districts with minimum lot sizes of one acre or greater provided that such application is made to the LPA who shall hold a public hearing for approval and such application meets the requirements of Section 3.04.07.12 C.
5. Household Animals/pets in excess of ten (10) per residence may be permitted in any residential district that such application is made to the LPA who shall hold a public hearing for approval and such application meets the requirements of Section 3.04.07.12 A.
6. Other animals may be permitted within any residential district that such
application is made to the LPA who shall hold a public hearing for approval and such application meets the requirements of 3.04.07.12 B.

B. Lot and Building Requirements
All special uses shall meet the lot and building requirements of the district in which they are located unless it is determined by the LPA at a public hearing that such lot and building requirements would not permit the best use of the land and would not provide the best return of the public investment.

C. Procedures for Special Use Permit
1. A request for a hearing before the LPA for a special use shall be made as follows:
   A. A completed application form shall be filed with the Planning Director. Such application shall state the pertinent facts on which the request is based. The Planning Director may assist the applicant in preparing the application.
   B. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Planning Director. Such site plan shall include as a minimum:
      a. lot dimensions with property line monuments located thereon.
      b. location and size of existing and proposed structures.
      c. easements (public and private); water courses; fences; street names and street right-of-way lines, if existing and proposed; and such information regarding abutting property as directly affects the application.
   2. The Planning Director shall schedule a hearing before the LPA to consider the application in accordance with the procedures established herein and in Article X.
   3. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested special use. The LPA shall also review written and/or oral comments from the public in accordance with its established procedures.
   4. At the conclusion of the hearing, the LPA shall render a decision on the application. The LPA may approve, deny or impose conditions of approval for such uses, including, but not limited to, setbacks, buffers, height limitations, parking, etc. Any decision rendered by the LPA during this hearing shall be deemed final.

Special uses existing at the time of the effective date of this article and as indicated on the Map or Text, are hereby legally established as conforming public and semi public uses.

Sec. 3.04.32.00 Authorization of Similar Use
The Planning Director may permit in a particular district a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion of a use in a district where it is not listed or a use specifically listed in another district or one which is of the same general type to a use specifically listed in another district. Uses listed as Special Exception may be established in that district only after approval of an application for the applicable permit in accordance with the procedures and requirements of Article X.

The proposed uses appear to meet the criteria listed above.

The Development Review Committee (DRC) will consider this matter on January 21, 2015.

The Local Planning Agency will hear this matter on January 22, 2015.

The Planning Office has received no communications from surrounding property owners as of this writing.
RECOMMENDATION
Planning staff finds that this request for a special exception is consistent with the land development regulations and comprehensive plan and recommends approval with the following conditions:

- maximum number of 104 events per year
- maximum number of 4 events per weekend
- operating hours from 7AM to 12:00AM (midnight)
MEMORANDUM

DATE: January 8, 2015

TO: Baker County Local Planning Agency

THROUGH: Glen Patton, Chair

FROM: Ed Preston, Planning and Zoning Director

RE: Smoke Rise II Petition to Vacate Subdivision

DESCRIPTION
This subdivision is about 2 miles south of I-10. Fourteen lots of this subdivision are along the north side of Mudlake Road beginning about 1000 feet west of County Road 121. Six more lots of this subdivision are on the east side County Road 125 reaching from Mudlake Road to Bobby Sapp Road.

BACKGROUND
The applicant requests a reversion to acreage for 21 of the 22, 5-acre residential lots platted as Smoke Rise II in April of 2002. Twenty-one lots are vacant, conforming to subdivision regulations and their AG 7.5 Agriculture zoning district. One lot supports a single family dwelling, and is also conforming to subdivision regulations and zoning.
Wetlands

Flood Plain
Findings
The subject, Smoke Rise II subdivision, is about 108 acres. All but one of the 22 lots are vacant and never sold from the time of development approval. One lot, Block 3, Lot 1, has a single family dwelling.

The subdivision is zoned Ag 7.5 which allows one dwelling per 7.5 acres and 1 dwelling per 5 acres if served by a paved road. All lots in this subdivision are served by existing paved roads.

The reversion of this entire subdivision meets all the requirements of the Baker County Land Development Regulations for Reversion by an Owner. Reversion by the government body includes limits of 10% of sold property and 5 years from the original plat but no such limits are placed on the property owner.

The Land Development Regulations state:

PART VI
8.06.00 REVERSION OF SUBDIVIDED LAND TO ACREAGE

Sec. 8.06.01 Reversion by an Owner

The owner of any land subdivided into lots may file for reversion of a plat for the purpose of showing such land as acreage. Such plat and the procedure in connection therewith, shall conform to the requirements of this ordinance, except that:

a. No survey or certificate of any surveyor or engineer shall be required, provided, however, that the governing body may required a survey of the exterior boundaries of the land, the positioning of suitable monuments along such boundaries if it should find the last preceding survey of record is faulty or, inadequate, or that insufficient monuments are in position along such boundaries; and

b. No improvement shall be required except such as may be necessary to provide equivalent access, as provided hereafter in this Section. No findings need be made as to the suitability of the land or to the provision of public facilities and services thereof.

The Development Review Committee will hear this matter on January 21, 2015.

The Local Planning Agency will hear this matter on January 22, 2015. The Board of County Commissioners will hear this matter on February 17, 2015.

The Planning Office has received no inquiries concerning this matter as of this writing.

RECOMMENDATION
Planning staff finds that this petition for vacating a subdivision is consistent with the land development regulations and recommends approval.