

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
AMENDMENT TO DEVELOPMENT AGREEMENT FOR ORDINANCE

2014-699

NOVEMBER 18, 2014

The Planning and Development Department hereby forwards to the Land Use and Zoning Committee and City Council its comments and recommendation regarding the First Amendment to the Development Agreement for **Ordinance 2014-699**.

Name of Development: APR Energy: 1st Amendment

Concurrency CCAS/CRC Number: 72577

Location: Alta Drive Boulevard between Masters Road and New Berlin Road.

Current Zoning District: Industrial Heavy (IH)

Current Land Use Categories: Heavy Industrial (HI)

Planning District: North

City Council District: The Honorable Ray Holt, Council District 11

Project Description: Provides for the continued reservation of traffic circulation capacity to develop 350,000 enclosed square feet of heavy industrial uses.

Owner: JCLA Development II, LLC.

Agent: Brad Wester
520 Morning Side Drive
Ponte Vedra Beach, FL 32082

Recommendation: **APPROVE**

GENERAL INFORMATION

Application for the First Amendment to the Development Agreement for **Ordinance 2014-699** seeks to extend the duration of the Development Agreement for five (5) years until November 17, 2019. The parcel consists of approximately 14.48± acres. Additionally, the development agree-

ment is subject to a performance schedule and an annual renewal fee, currently at \$11,900, each year that the agreement is in effect for the remaining undeveloped enclosed area.

The Development Agreement was originally approved in November 2009. According to the application, since the Development Agreement was entered into, the sale and development of the property has been adversely affected by the lengthy worldwide recession which hindered the development for a significant period of time. According to the 2014 Annual Monitoring Report (attached), a phase one development project for 37,800 enclosed square feet was approved for permitting in 2009 but did not commence. More recently, a companion Concurrency Reservation Certificate (CRC) for a proposed government office/warehouse building consisting of 57,000 enclosed square feet was issued on November 6, 2014.

Additionally, it should be noted that an application for an Expedited Mobility Fee Calculation Certificate (#84959.0) was applied for by the applicant. The mobility fee was calculated to be \$130,230 for the same amount of development rights currently held under the Development Agreement. A copy of the mobility fee calculation summary sheet is attached.

SUPPLEMENTAL INFORMATION

Staff has reviewed the application for the First Amendment to the Development Agreement for compliance with Part 2, Chapter 655 Ordinance Code. Also attached to this report is a site plan and location map of the Amendment Property.

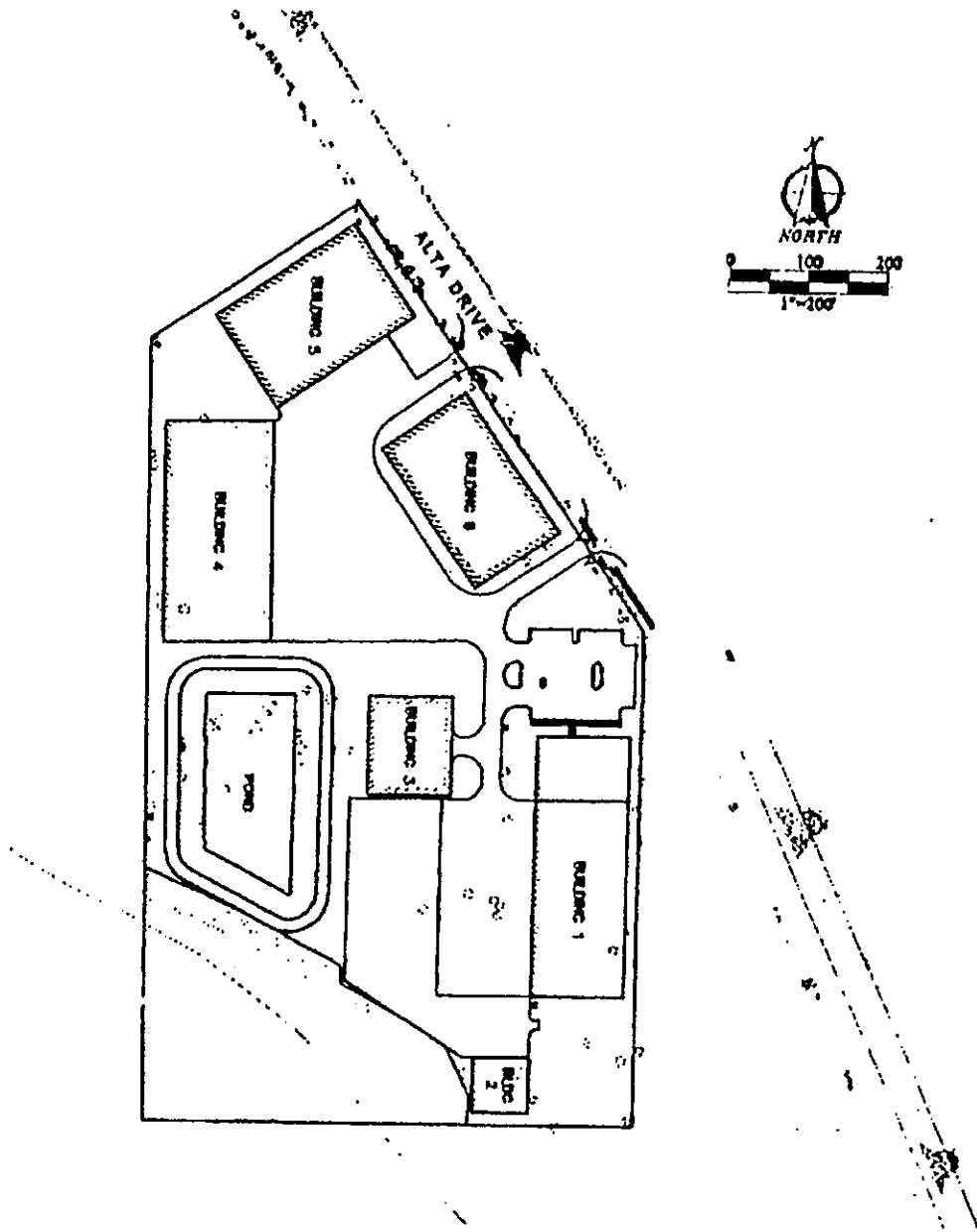
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for the First Amendment to Development Agreement 2014-699 be **APPROVED**.

Approved Development Plan

APR ENERGY

SITE PLAN





**CITY OF JACKSONVILLE
EXPEDITED MOBILITY FEE CALCULATION**

PROJECT NAME: APR ENERGY - ALTA DR aka JCLA DEVELOPMENT
CMMSO #: MOBILITY 84959.0
DATE: March 10, 2014
PLANNING DISTRICT: 6
COUNCIL DISTRICT: 11
MOBILITY ZONE: 3

MOBILITY FEE CALCULATION: A x B x C:

A = COST PER VMT (COUNTYWIDE): \$24.13
B = AVERAGE VMT PER DEVELOPMENT AREA: 10.28
C = DEVELOPMENT DAILY VEHICLE TRIPS: 525
GROSS MOBILITY FEE: \$130,230

APPLICATION FOR AMENDMENT TO DEVELOPMENT AGREEMENT

THIS APPLICATION FOR 1st AMENDMENT TO DEVELOPMENT AGREEMENT (this "Request for Amendment") is submitted by JCLA Development II, LLC (formerly known as APR Development II, LLC), A Florida limited liability company (hereinafter "JCLA").

1. The Development Agreement which is the subject of this Request for Amendment is dated September 8, 2009, enacted in Ordinance 2009-500-E, and recorded in Official Records Book 15038, page 2004-2022 of the current public records of Duval County, Florida with an effective date of November 18, 2009 (the "Development Agreement"), attached as Exhibit APP-1.
2. This request for 1st Amendment is submitted in accordance with the requirement of Section 655.205(g), Ordinance Code.
3. Any terms not specifically defined herein shall have the meanings as set forth in the Development Agreement.
4. No specific conditions are imposed as referenced in subsection 655.205 (g)(1), except as specifically set forth in the proposed Amendment to Development Agreement attached hereto as APP-2.
5. This Application is submitted in accordance with the requirements of Section 655.205, City of Jacksonville Ordinance Code.
6. Pursuant to Section 655.205(g) and (h), this Application includes the following information:

Section 655.205(g)(1):

Attached as Exhibit APP-3 is the mutual consent to amendment to the Development Agreement by the authorized party.

Section 655.205(h)(1) (requirements appear in *italics*; responses appear in normal type):

- (i) *Conditions that require the owner or developer to mitigate the impacts of all existing and proposed development, including mitigation of any impacts resulting in changes in the original or amended development agreement due to the cancellation or amendment of same;* There are no additional impacts due to the proposed amendment to extend the Duration of Agreement.
- (ii) *Conditions that require the owner or developer to request and receive a rescission of or amendment to all development permits or other approvals which authorize development beyond that which is authorized under an amended or cancelled development agreement;* No development permits or other approvals have been issued which authorize development beyond that which is authorized under the Development Agreement, as amended herein.

RECEIVED

SEP 10 2014

C.M.M.S.O

ord. 2014-699

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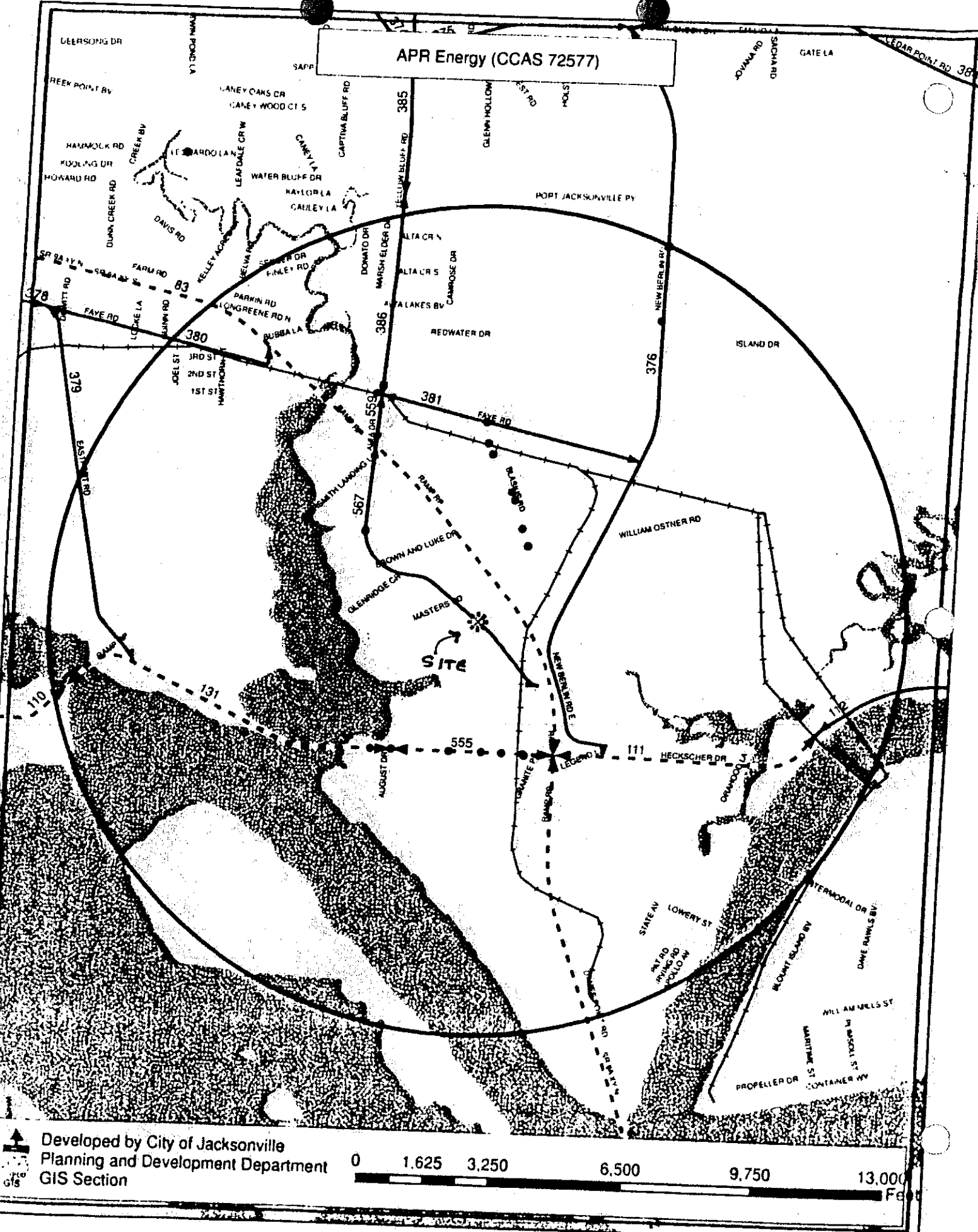
- (iii) *Conditions that require the owner or developer to satisfy all applicable conditions of the existing development agreement with regard to existing and proposed development.* JCLA shall continue to satisfy all applicable conditions of the Development Agreement, as amended herein, with regard to the proposed development.

Section 655.205(h)(2) (requirements appear in *italics*; responses appear in normal type):

- (iv) *A description of the actual amount of development completed, the size and scope of the resulting plan of development (after cancellation or amendment), and a description of the extent to which existing permits or approvals authorize development which would exceed that allowed under the resulting plan of development (after cancellation or amendment).* No building construction has taken place to date since the adoption of original development agreement. Size and scope of development after the amendment will remain the same as originally planned and adopted in the original development agreement. No development would exceed that allowed under the resulting plan after the amendment.
- (v) *A description of the actual amount of existing development, as defined under Section 655.105(k), Ordinance code, which has occurred on site, including the amount of existing vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the amount of infrastructure completed at the site; etc. A copy of the approved site development plan, if applicable, shall be attached to the Application.* No building construction has taken place to date since the adoption of original development agreement. Development permits were received for a previously planned building, parking and infrastructure as noted in Exhibit D of the Development Agreement Amendment. However, that development did not commence with construction.
- (vi) *An identification of the amount of development that is planned (after cancellation or amendment), including the amount of vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the amount of infrastructure to be completed at the site; etc.* The Development Agreement reserves sufficient traffic circulation capacity to permit development of 350,000 enclosed square feet of heavy industrial, flex commercial and office type uses. JCLA has made numerous attempts to develop the property, position the property for development by a third party, and sell the property outright to a developer since the original Development Agreement approval in 2009. The property has been continually under due diligence assessment by prospective owners, developers and tenants to utilize its locational benefits, active permits and reserved concurrency.

- (vii) *An identification of all state and federal permits applied for or obtained to date. Specify the agency, type of permit and function of each permit. A copy of each permit or permit application (if no permit has been issued) shall be attached to the Application. Permits applied for or obtained to date for the Property are listed in Exhibit C of the Amendment.*
- (viii) *An identification of all undeveloped tracts of land (other than individual single-family lots) sold to separate entities or developers. Specify the size and buyer of each tract or parcel. A map identifying the undeveloped tracts shall be attached to the Application. No undeveloped tracts of land have been sold to a separate entity or developer to date. The existing site plan and legal description in the Development Agreement Amendment applies to the tract of land the makes up the subject property.*
- (ix) *A certification of concurrence with cancellation or amendment from all parties to the development agreement or their successors in interest shall be attached to the Application. Attached as Exhibit APP-3 to this Application is the mutual consent to the Amendment, as described above, by the Owners.*
- (x) *An explanation of the reason for seeking cancellation or amendment of the development agreement shall be attached to the Application. An explanation of the reasons for seeking amendment of the Development Agreement is attached as Exhibit APP-3.*
- (xi) *A discussion of any material adverse impacts of the development subject to the development agreement, and/or its amendments, on any existing resources, or existing planned facilities, and the mitigation for these impacts shall be attached to the Application. There are no material adverse impacts of the Project subject to the Development Agreement on existing resources or existing planned facilities and there is no mitigation required for these impacts.*
- (xii) *A list of each of the conditions in the development agreement, and/or amendment thereto, included to protect or mitigate the development's impact to resources or facilities, including an explanation and documentation that each condition to existing development was satisfied by the developer, or will be satisfied as to the level of proposed development after cancellation or amendment, shall be attached to the Application. There are no conditions in the Development Agreement or amendments thereto, which are included to protect or mitigate the Projects impacts to resources or facilities.*

APR Energy (CCAS 72577)



Developed by City of Jacksonville
Planning and Development Department
GIS Section

0 1,625 3,250 6,500 9,750 13,000 Feet

Ord. 2014-699