

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR****APPLICATION FOR REZONING ORDINANCE 2013-0648 TO****PLANNED UNIT DEVELOPMENT****DECEMBER 12, 2013**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2013-0648** to Planned Unit Development.

<b><i>Location:</i></b>	13004 Lem Turner Road; north of I-295 on the west side of Lem Turner Road
<b><i>Real Estate Number(s):</i></b>	019449-0000 (portion), 019996-0000, 019460-0200
<b><i>Current Zoning District:</i></b>	Planned Unit Development (PUD 2008-0788) and Residential Rural-Acre (RR-Acre)
<b><i>Proposed Zoning District:</i></b>	Planned Unit Development (PUD)
<b><i>Current Land Use Category:</i></b>	Light Industrial (LI), Low Density Residential (LDR) and Rural Residential (RR)
<b><i>Planning District:</i></b>	North - 6
<b><i>City Council District:</i></b>	The Honorable E. Denise Lee, District 8
<b><i>Applicant/Agent:</i></b>	Paul Harden, Esquire 501 Riverside Avenue, Suite 901 Jacksonville, Florida 32202
<b><i>Owner:</i></b>	Southeast Industrial Acquisition, LLC 401 E. Jackson Street, Suite 2700 Tampa, Florida 33602
<b><i>Staff Recommendation:</i></b>	<b>APPROVE WITH CONDITIONS</b>

**GENERAL INFORMATION**

Application for Planned Unit Development **2013-0648** seeks to rezone approximately 332.59 acres of land from Planned Unit Development (PUD 2008-0788) and Residential Rural-Acre (RR-Acre) to Planned Unit Development (PUD). The rezoning to PUD is being sought for the

purpose of adding a new entry road location and a signage site only. The property is currently subject to the provisions of PUD Ordinance 2008-788-E, which allows for over 4,000,000 sq. ft. of Light Industrial and distribution facility uses per the Light Industrial land use designation. The project is collectively known as the LTI Distribution Facility PUD. According to the submitted site plan, there will be approximately 4.8 million square feet of warehouse floor space, with a maximum height of 45 feet. Access to the site will be accomplished through a 6.8 acre parcel acquired from the Jacksonville Aviation Authority in 2012 along the northeast property boundary. This location allows for direct access to Lem Turner Boulevard.

There were 5 conditions from the 2008 Ordinance that are to remain in effect for this application.

### **CRITERIA FOR REVIEW**

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

*(1) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?*

Yes. The Planning and Development Department finds that the subject property is located in the Light Industrial (LI), Low Density Residential (LDR) and Rural Residential (RR) functional land use categories as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The rezoning to PUD is being sought for the purpose of adding a new entry road location on the northeastern portion of the site and a signage site on the southeastern part only. The access road for the development will be the only thing located within the RR and LDR properties. The LI future land use category provides for the location of industrial uses which have fewer objectionable impacts than Heavy Industrial on residential areas such as noise, odor, toxic chemical and wastes. This category permits a variety of low intensity industrial uses including light assembly and manufacturing, packaging, processing, storage/warehousing, transportation terminals and professional/business office uses.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code. A description of the category is noted below.

*(2) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?*

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

*(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?*

The written description and the site plan of the intended plan of development meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

*(1) Consistency with the 2030 Comprehensive Plan*

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Light Industrial (LI), Low Density Residential (LDR) and Residential Rural (RR).

This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

FLUE Policy 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

FLUE Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

FLUE Policy 1.1.24 The City will encourage new development to locate in the Urban Core, Southwest, North, and Northwest planning districts through such measures as economic incentives, greater marketing assistance, etc.

FLUE Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

FLUE Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

FLUE Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of

public facilities, and market demands.

The subject property has access to full urban services and access to Interstate 295, and is located in a developed and urbanized area of the City. Therefore, the proposed PUD aids in maintaining a compact and compatible land use pattern in the North Planning District, consistent with FLUE Policies 1.1.22 and 1.1.24. The industrial land use categories introduction states that although some industries produce adverse impacts, and therefore should be isolated away from residential and other low intensity use areas, many industrial uses can exist in harmony with non-industrial neighbors through proper site design, arrangement of uses and the incorporation of effective buffers. The subject property is adjacent to numerous industrial uses, and the previous land use and rezoning changes, including the proposed are in keeping with Policy 3.2.1 in that these changes act to strengthen the industrial character of the maturing corridor. The existing and proposed PUD provides site development standards and are consistent with FLUE Objective 3.2 and Policy 3.2.7.

The subject site falls within the boundaries of the North Jacksonville Vision Plan. The area falls near a portion of the plan identified as a future “power center” area identified to reinforce a sense of community of the area. While the Plan does not identify specific recommendations for the subject site nor does it address industrial uses, the PUD is also in keeping with Goal 2.3 of the Strategic Regional Policy Plan which provides “An environment that is conducive to the creation and relocation of new businesses as well as the expansion of existing businesses in the northeast Florida region.”

*(2) Consistency with the Concurrency Mobility and Management System*

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals. The existing LTI Distribution Facility PUD has been assigned City Development #6835.003.

*(3) Allocation of residential land use*

This proposed Planned Unit Development intends to utilize lands for a Light Industrial and distribution facility development. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan’s Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

*(4) Internal compatibility*

The proposed development will consist of seven (7) light industrial/warehouse buildings between 475,000 and 800,000 square feet each. Loading areas and employee parking will be located the periphery of all the structures.

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The submitted site plan indicates the development will be buffered from abutting properties by a combination of wetlands and wooded uplands. In some areas, over 200 feet of buffer is proposed. The written description also states that a ten foot (10') berm shall be constructed along the property line where the site adjoins the Flamingo Lake facility. No structure shall be constructed within one hundred eighty-five feet (185') of the property line with the Flamingo Lake facility.

The use of existing and proposed landscaping: The Applicant will be required to comply with the minimal standards set forth in Section 656, Part 12.

The use of topography, physical environment and other natural features: The site is essentially flat; the resultant plan for development is strongly symmetrical and geometric. Protected wetland areas are utilized around the periphery of the property as a buffer from surrounding existing and proposed low density residential developments.

Traffic and pedestrian circulation patterns: The property will be accessed through one point of access on Lem Turner Boulevard. Access, internal and external road activities and other traffic approvals shall be as shown on the conceptual site plan. The final design of the access locations, internal and external road activities and traffic matters shall be subject to the review and approval of the Planning Department; however, there shall be no access to the site from Hemlock Street or Newcomb Road. Access shall be from the access road to the north of the site as depicted on the site plan. Lem Turner Road is a FDOT maintained roadway. The design and location of access points as well as traffic study and/or offsite improvements are subject to the review and approval of FDOT. The developer shall provide a City standard cul-de-sac or acceptable termination of internal roadway prior to west end of Newcomb Road as well as a physical barrier to prohibit vehicular access to Newcomb Road.

Ordinance 2008-0788 contains the following conditions:

Section 4(e) - Prior to the verification of substantial compliance of the PUD, a traffic study shall be provided for the review and approval of the Planning and Development Department.

Section 4 (f) - All off-site roadway improvements, other than those considered a part of the fair share development agreement, must be completed prior to the issuance of a certificate of occupancy.

The use and variety of building setback lines, separations, and buffering: According to the submitted site plan, there appears to be roughly 300 feet of buffer located along the westerly boundary between the subject property and adjacent approved single family residential PUDs (2005-1105-E and 2005-1158-E).

The submitted site plan indicates the development will be buffered from abutting properties by a combination of wetlands and wooded uplands. In some areas, over 200 feet of buffer is

proposed. The written description also states that a ten foot (10') berm shall be constructed along the property line where the site adjoins the Flamingo Lake facility. No structure shall be constructed within one hundred eighty-five feet (185') of the property line with the Flamingo Lake facility. The Planning Department recommends that no storage of shipping containers or truck trailers be allowed in the buffer areas in order to minimize the impacts of industrial noises on the neighboring properties. The Department further recommends that in order to attenuate the potential noise impacts that no loading dock bays may be visible when viewed from the adjoining easterly properties having a residential or recreational use.

Ordinance 2008-0788 contains the following condition:

Section 4(c) - Truck loading bays for the southeast building number 7, shall not be oriented eastward towards the Flamingo Lake property. Building number 7 shall be constructed at least 185 feet from the current property line of the Flamingo Lake RV Park. The owner shall construct an 8-foot-high, solid face, uninterrupted wall, parallel to the Flamingo Lake RV Park property line at the location 9 not less than 75 feet from the Flamingo Lake property line. Before construction starts on building number 7, and provided that Flamingo Lake has completed construction of an 8-foot visual barrier along its property line, the owners shall notify Flamingo Lake when the construction permits for building number 7 are issued. The area between the Flamingo Lake property line and the wall to be constructed shall remain in its current state. To allow for maintenance of the buffer area, the wall may not end more than 300 feet from the south property line of the project. The wall shall continue from a point not further from 300 feet of the south property line of the project and continue north to a point on the westerly extension of the northerly right-of-way line of Newcomb Road; however, the south end shall be fence and gated. There shall be no truck parking or traffic within the 185-foot setback between Flamingo Lake and building number 7; however, automobile parking and traffic shall be allowed. Bay door construction shall be prohibited on the easterly most wall of building number 7.

The particular land uses proposed and the conditions and limitations thereon: The developer proposes uses permitted or permitted by exception in the LI functional land use category such as warehousing and storage, light manufacturing, business and professional offices, retail outlets in conjunction with wholesale establishments, and retail sales of heavy machinery or farming equipment. Uses permitted by exception in the above district will be permitted by exception in this PUD.

Compatible relationship between land uses in a mixed use project: The nature of the proposed development is to integrate warehousing, light industrial, office, and service uses with other uses in the area. The written description provides for buffers between residential and industrial uses that meet or exceed the minimum requirements of the Zoning Code. The zoning of all adjoining lands is currently PUD, but shall be amended to RR or conservation to maintain all buffers depicted on the site plan.

Signage: The property will have a signage in accordance with the Part 6 of the Zoning Code for the current IL Zoning District, except for one sign up to 200 square feet and 50 feet in height, to be permitted on the southeast portion of the site that contains frontage on I-295. This

triangular 3.9 acre parcel was subject of Ordinance 2013-647 amending the land use category to LI to specifically allow for this signage).

*(5) External Compatibility*

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The type, number and location of surrounding external uses: The proposed development is located in a rural area where large single-family lots exist and have recently begun to be developed. Agriculture and undeveloped land is the predominate use in the area. There are several single-family residential PUDs located to the west of the subject property. Extensive wetlands and preservation areas are used as buffers to adjacent properties. Property on the perimeter of the site will remain zoned residential per ordinance 2005-543 (the PUD prior to Ord. 2008-0788). However these lands are intended to be utilized as a buffer from the industrial development. Any proposed development of the adjacent perimeter lands covered under 2005-543 would require a rezoning.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	MU, LDR, PBF	PBF-III, PUD	Thomas Creek PUD (RAC) and Undeveloped land
East	LDR, RR, ROS	PUD, RR-Acre, ROS	Undeveloped, RV Park and SF
South	LDR	PUD and RR-Acre	Undeveloped land
West	LDR	PUD	Undeveloped land

*(6) Intensity of Development*

The rezoning to PUD is being sought for the purpose of adding a new entry road location on the northeastern portion of the site and a signage site on the southeastern part only. No other changes are proposed. The property is currently subject to the provisions of PUD Ordinance 2008-788-E, which allows for over 4,000,000 sq. ft. of Light Industrial and distribution facility uses. The proposed development remains consistent with the LI functional land use category and is located in a rural area where large single-family lots exist and have recently begun to be developed. The PUD does not change the characteristics of the approved development that promotes the uses and needs in the area, specifically Jacksonville Port Authority needs. It conforms to the Goals, Objectives and Policies of the Jacksonville Comprehensive Plan, and allows for an efficient use of land in an industrial and distribution use and is substantially buffered from all incompatible uses.

Extensive wetlands and preservation areas are used as buffers to adjacent properties. Property

on the perimeter of the site will remain zoned residential per ordinance 2005-543 (the PUD prior to Ord. 2008-0788). However these lands are intended to be utilized as a buffer from the industrial development. Any proposed development of the adjacent perimeter lands covered under 2005-543 would require a rezoning.

*(7) Usable open spaces plazas, recreation areas.*

There is no residential component to the development, and no recreation area is required. The development will contain over 100 acres of passive open space, wetlands, and ponds.

*(8) Impact on wetlands*

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did identify wetlands on-site. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

*(9) Listed species regulations*

A survey was conducted by Environmental Services, Inc. and is in the file. No endangered or threatened species were found to inhabit the project site.

*(10) Off-street parking including loading and unloading areas.*

The site will be developed in accordance with Part 6 of the Zoning Code.

*(11) Sidewalks, trails, and bikeways*

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

### **SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on December 2, 2013, the required Notice of Public Hearing signs were posted.





### **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2013-0648** be **APPROVED with the following conditions:**

1. The subject property is legally described in the revised legal description dated October 14, 2013.
2. The subject property shall be developed in accordance with the revised written description dated December 3, 2013.
3. The subject property shall be developed in accordance with the original site plan dated October 15, 2013.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated December 4, 2013 or as otherwise approved by the Planning and Development Department.
5. Prior to final engineering approval, all remaining portions of the remaining property under PUD Ordinance 2005-543-E, currently owned by the applicant and identified as parcel 2 and parcel 3 on the conceptual site plan, shall be recorded as a conservation easement and the City shall initiate a Future Land Use Map Amendment to Conservation (CSV). No improvements, other than required utilities, storm water ponds, and the entrance road, shall be permitted.
6. Truck loading bays for the southeast building, building number 7 shall not be oriented eastward towards the Flamingo Lake property. Building number 7 shall be constructed at least 185 feet from the current property line of the Flamingo Lake RV Park. The owner shall construct an 8-foot-high, solid face, uninterrupted wall, parallel to the Flamingo Lake RV Park property line at the location not less than 75 feet from the Flamingo Lake property line. Before construction starts on building number 7, and provided that Flamingo Lake has completed construction of an 8-foot visual barrier along its property line, the owners shall notify Flamingo Lake when the construction permits for building number 7 are issued. The area between the Flamingo Lake property line and the wall to be constructed shall remain in its current state. To allow for maintenance of the buffer area, the wall may not end more than 300 feet from the south property line of the project. The wall shall continue from a point not further from 300 feet of the south property line of the project and continue north to a point on the westerly extension of the northerly right-of-way line of Newcomb Road; however, the south end shall be fence and gated. There shall be no truck parking or traffic within the 185-foot setback between Flamingo Lake and building number 7; however, automobile parking and traffic shall be allowed. Bay door construction shall be prohibited on the easterly most wall of building number 7.

7. All light fixtures, including security lighting, shall be cutoff fixtures and should be incorporated as an integral design element that complements the design of the building and project through its design style, materials, and color. All cutoff fixtures shall not have more than one percent of lamp lumens above the horizontal. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at the property line shall not exceed one-half footcandle where adjacent to residential areas or rights-of-way, and one footcandle where adjacent to nonresidential uses. A lighting plan showing the photometrics, pole height and fixtures shall be submitted, subject to the review and approval of the Planning and Development Department, at the time of verification of substantial compliance to the PUD.
8. Prior to the verification of substantial compliance of the PUD, a traffic study shall be provided for the review and approval of the Planning and Development Department.
9. All off-site roadway improvements, other than those considered a part of the fair share development agreement, must be completed prior to the issuance of a certificate of occupancy.

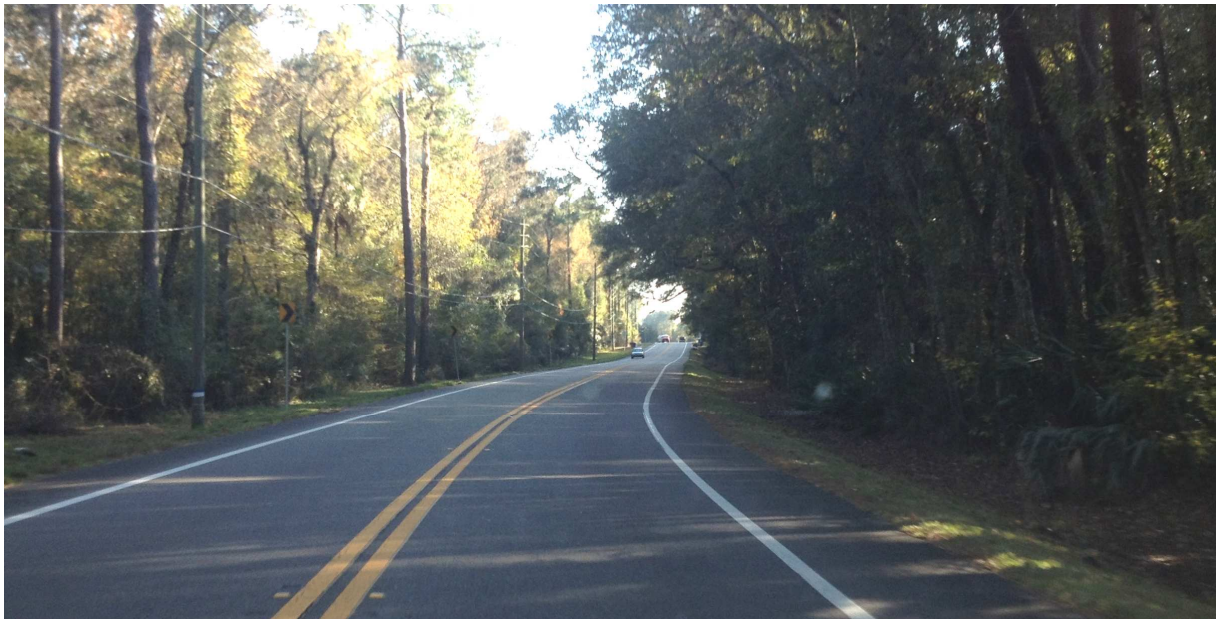


Aerial view of the subject site facing north





The subject site on the right facing south along Lem Turner Rd.



The subject site on the right facing south along Lem Turner Rd.





Facing west to the subject site at the terminus of Newcomb Rd.



The I-295 signage parcel on the right facing south along I-295

