

**Planning Commission Meeting**  
**March 6, 2012**  
**7:00 p.m.**

Call to Order

Pledge of Allegiance

1. Approval of Minutes from February 7, 2012

**Public Hearings**

1. Public Hearing to consider Substantial Deviation Determination regarding a Notice of Proposed Change (NOPC) for The Crossings at Fleming Island, Eagle Harbor at Fleming Island Joint Venture, Development of Regional Impact (DRI)
2. Public Hearing to Consider an amendment to the Development Order of The Crossings DRI, Eagle Harbor Joint Venture

**Old Business/New Business/Comments**

1. Staff Report Regarding an Update to the FEMA Floodplain Maps - Sung-Man Kim/Mike Kloehn

Adjournment

**Planning Commission**

1.

**Meeting Date:** 03/06/2012

Approval of Minutes from February 7, 2012

Submitted By: Teresa Capo, Development Services

Department: Development Services

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Information

Subject

Approval of Minutes from February 7, 2012

Background

N/A

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Attachments

[PC Minutes Packet](#)

**Planning Commission**

1.

**Meeting Date:** 03/06/2012

Public Hearing to Consider Substantial Deviation Determination for The Crossings DRI

Submitted For: Mike Kloehn, Development Services

Submitted By: Carolyn Morgan, Development Services

Department: Development Services

Division:

Planning

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Information

Subject

Public Hearing to consider Substantial Deviation Determination regarding a Notice of Proposed Change (NOPC) for The Crossings at Fleming Island, Eagle Harbor at Fleming Island Joint Venture, Development of Regional Impact (DRI)

Background

Changes to the previously approved development order must be reviewed to determine if they constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes. The Statute specifically defines what type and degree of change is considered to be substantial. A determination of substantial deviation is primarily based on an increase in regional impacts. The December 21, 2012 application and the January 12, 2012 revisions to the application are attached. The application materials detail the parcels to be affected by the proposed changes and all of the previous changes since the inception of the DRI.

The Northeast Florida Regional Council (NEFRC) has concluded review of the proposed changes and determined that the proposed changes do not constitute a substantial deviation. County staff has reviewed the application and concurs with the NEFRC conclusion.

The attached resolution is provided for consideration by the planning Commission following a public hearing on March 6, 2012. The recommendation will be forwarded to the Board of County Commissioners for consideration on March 13, 2012.

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Attachments

Cover Letter

NEFRC recommendation

Resolution

The Crossing DRI Map

Crossing NOPC application

Crossings Revised Application

**Planning Commission**

**1.**

**Meeting Date:** 03/06/2012

Staff Report Regarding an Update to the FEMA Floodplain Maps

Submitted For: Mike Kloehn, Development Services

Submitted By: Teresa Capo, Development  
Services

Department: Development Services

Division:

Planning

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Information

Subject

Staff Report Regarding an Update to the FEMA Floodplain Maps - Sung-Man Kim/Mike Kloehn

Background

N/A

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**Department of Economic and Development Services  
Planning and Zoning Division**

**Memorandum**

**To:** Planning Commission  
**From:** Carolyn Morgan, Senior Planner  
**Date:** March 6, 2012  
**Re:** The Crossings at Fleming Island, Eagle Harbor at Fleming Island Joint Venture,  
Development of Regional Impact (DRI)  
Public Hearing to Consider Substantial Deviation Determination

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**Substantial Deviation Determination**

Changes to a previously approved development order must be reviewed to be determined if they constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes. The Statute very specifically defines what type and degree of change is considered to be substantial. A determination of substantial deviation is primarily based on an increase in regional impacts.

The NEFRC has concluded review of the proposed changes and determined that the proposed changes do not constitute a substantial deviation. County staff concurs with this conclusion.

The attached resolution is provided for consideration by the Planning Commission following a public hearing on March 6, 2012. The recommendation will be forwarded to the Board of County Commissioners for consideration on March 13, 2012.

cc: Mike Kloehn  
Holly Parish



*Bringing Communities Together*

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

January 25, 2012

Ms. Ana Richmond  
Division of Community Development  
Department of Economic Opportunity  
107 E. Madison Street  
Tallahassee, Florida 32399

RE: The Crossings at Fleming Island DRI Notice of Proposed Change

Dear Ms. Richmond:

NEFRC staff has reviewed the Notice of Proposed Change for the Crossings at Fleming Island DRI located in Clay County, received December 21, 2011. The following recommendation is based upon our review and should serve to aid the Division in determining whether the proposed changes constitute a substantial deviation. According to the applicant, a comprehensive plan amendment is **not necessary** to accommodate the changes proposed in the NOPC.

The NOPC proposes to incorporate an exchange table within the Development Order. The land use table has been developed using the trip generation rates from the 2008 ITE Trip Generation Handbook. The NOPC includes footnotes to the conversion matrix that further define the terms and conditions for conversion of land uses. Conversion beyond the total of 3,324,650 square feet of office and commercial use is not allowed. In addition, because the conversion table is based on number of trips, no conversion will be allowed that increases potable water, wastewater, and solid waste demand above the total project maximums from the ADA. In addition, the conversion table footnotes include the requirement that office and retail commercial uses may be exchanged only on parcels designated as office/retail commercial. Review agencies shall be notified of the any proposal to utilize the conversion matrix 30 days before the exchange is allowed.

Footnote 2 allows for conversion of retail use to hotel use. Hotel use is not a use that is included in the conversion table. The NOPC states that 1000 s.f. of retail use converts to 419 hotel rooms – this appears to be a typographical error. 1000 s.f. of retail use converts to 4.19 hotel room. Discussions with the County indicate that the current D.O. does reference 4.19 hotel rooms. Any amendment to the D.O. that references this footnote should correctly reflect the 4.19 hotel rooms as is currently in the D.O.

Footnote 3 allows for land use conversion on several parcels to any other land use included in the conversion table. Other provisions specified in the footnotes also pertain

Ms. Ana Richmond  
January 25, 2012  
Page 2

to any conversions in these parcels. In addition, no retail commercial use will be allowed on four of the designated parcels.

Staff does not believe that adoption of the proposed conversion table into the D.O. will result in additional regional impacts. In addition, the conditions placed on conversion in the footnotes should further ensure that no additional regional impacts occur as a result of implementation of the land use conversions in the table. FDOT has reviewed this proposed NOPC and has no comments. Staff assumes that the proposed hotel conversion total of 1,000 square feet of commercial/retail use equates to 419 hotel rooms is a typo and will not be so designated in any amendment to the D.O. Staff recommends, if Clay County adopts the changes as proposed in the NOPC, that the proposed changes do not constitute a substantial deviation. Should you have any questions regarding this recommendation, please contact me at (904) 279-0880.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Lehman', with a long horizontal flourish extending to the right.

Edward Lehman  
Director of Transportation and Community Development

cc: Ms. Carolyn Morgan  
Mr. Keith Hadden

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, DETERMINING THAT THE AMENDMENTS TO THE DEVELOPMENT ORDER FOR THE CROSSINGS AT FLEMING ISLAND DEVELOPMENT OF REGIONAL IMPACT (DRI) IDENTIFIED IN THE NOTICE OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED DRI DATED JANUARY 12, 2012, DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION PURSUANT TO SECTION 380.06(19), FLORIDA STATUTES.

**WHEREAS**, the Applicant for The Crossings at Fleming Island Development of Regional Impact (DRI) submitted a Notice of Proposed Change to a Previously Approved DRI dated January 12, 2012; and,

**WHEREAS**, certain proposed changes are subject to substantial deviation review pursuant to Section 380.06(19), Florida Statutes; and,

**WHEREAS**, the Florida Department of Community Affairs and the Northeast Florida Regional Council have determined that the proposed changes do not constitute a substantial deviation as defined in Section 380.06(19), Florida Statutes; and,

**WHEREAS**, Clay County has performed said substantial deviation review and held the required public hearing to receive public comment.

**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Clay County, Florida, that:

Section 1.

The amendments to the development order for The Crossings at Fleming Island Development of Regional Impact identified in the Notice of Proposed Change submitted on January 12, 2012, do not constitute a substantial deviation as defined in Section 380.06(19), Florida Statutes.

Section 2.

This Resolution shall take effect immediately upon adoption.



**DULY RESOLVED** by the Board of County Commissioners of Clay County, Florida, this 13<sup>th</sup> day of March, 2012.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

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Douglas P. Conkey  
Its Chairman

ATTEST:

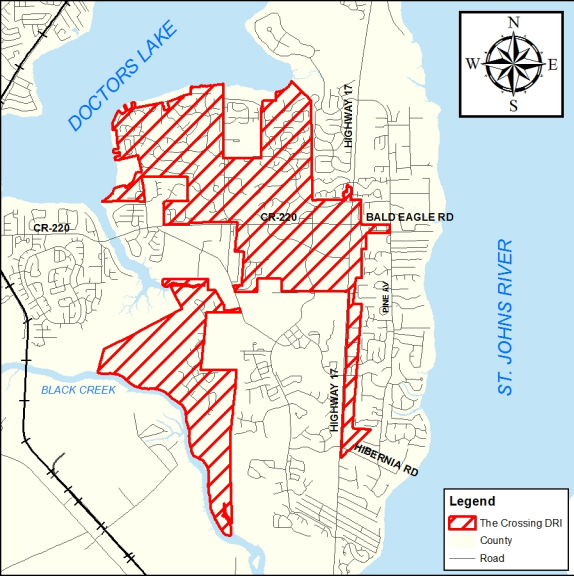
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Stephanie Kopelousos  
County Manager and Clerk of  
the Board of County Commissioners

APPROVED AS TO FORM:

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Mark H. Scruby  
County Attorney



**HADDEN & LAND ENGINEERING, INC.**  
**1590-8 Island Lane**  
**Fleming Island, Florida 32003**  
**(904)269-9999**

**LETTER OF TRANSMITTAL**

DATE: 12/21/11	JOB NO. 11204
ATTENTION: <b>MIKE KLOEHN</b>	
RE: The Crossings at Fleming Island	
NOPC - No.14	

to: CLAY COUNTY PLANNING & ZONING  
 477 Houston Street  
 Green Cove Springs, FL 32043  
 P.O. Box 1366  
 (904) 541-5365

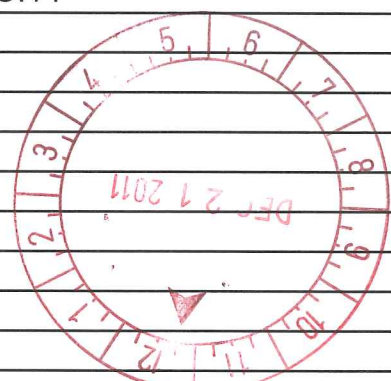
**WE ARE SENDING YOU:**       ATTACHED       Under separate cover via \_\_\_\_\_ the following items:

Shop Drawings       Prints       Plans       Samples       Specifications

Copy of Letter       Change Order       Contract       Other (see description below)

COPIES	NO.	DESCRIPTION
3	COPIES	NOTICE OF PROPOSED CHANGE NO.14
		The Crossings at Fleming Island
1	CHECK	in the Amount of \$1,500.00

*\$2000.00  
 Mike Kloehn  
 12/21/11*



THESE ARE TRANSMITTED as checked below:

- for processing
- Approved as submitted
- Resubmit \_\_\_\_\_ copies for approval
- For your use
- Approved as noted
- Submit \_\_\_\_\_ copies for distribution
- As requested
- Returned for corrections
- Return \_\_\_\_\_ corrected prints
- For review and comment
- For signature
- FOR BIDS DUE \_\_\_\_\_, 2005

REMARKS:

\_\_\_\_\_

CC: Roger Arrowsmith (1)  
 Ed Lehman, NEFPC (4+check for \$2,500.)  
 Elizabeth Bowman, Esquire (1)  
 Ana Richmond, DEO-Tallahassee (2)  
 H&L FILE 11204

*Linda K. Hadden*  
**Linda K. Hadden**  
 ADMIN/PROJECT COORDINATOR

# **Notice of Proposed Change**

**As a Non-Substantial Deviation  
& Land Use Amendment**

**For:**

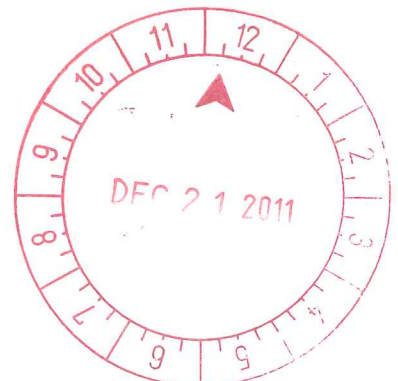
**The Crossings at Fleming Island  
Eagle Harbor at Fleming Island Joint Venture**

**Submitted to:**

**Clay County Board of County Commissioners  
Northeast Florida Regional Council  
Dept. of Economic Opportunity**

**Prepared By:**

**Keith I. Hadden, P.E.  
HADDEN & LAND ENGINEERING, INC.  
1590-8 Island Lane  
Fleming Island, FL. 32003  
(904) 269-9999  
H&L Project No. 11204**





# HADDEN & LAND ENGINEERING, INC.

CONSULTING ENGINEERS • LAND PLANNERS • ENVIRONMENTAL PERMITTING

December 21, 2011

Mr. Mike Kloehn  
Clay County Planning & Zoning  
P.O. Box 1366  
Green Cove Springs, FL. 32043

**RE: The Crossings at Fleming Island  
NOPC – No. 14**

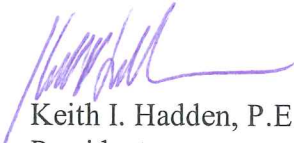
Dear Mr. Kloehn,

Enclosed are three (3) copies of the Notification of Proposed Change, (NOPC) requesting an amendment to the Development Order for The Crossings at Fleming Island Development of Regional Impact (DRI) and a check for \$1,500.00.

**This NOPC proposes the addition of a conversion table of the undeveloped parcels. These changes do not increase the number of approved residential units.**

We appreciate your assistance with the processing of this requested change. Please do not hesitate to contact Roger Arrowsmith or myself if you have any questions.

Sincerely,



Keith I. Hadden, P.E.  
President

KIH/ljk

Cc: Roger Arrowsmith (1)  
Edward Lehman, NEFPC (4- with check for \$2,500.00)  
Ana Richmond, DEO (2)  
Elizabeth Bowman, Esquire (1)

**1590-8 Island Lane, Fleming Island, FL. 32003-4408  
(904) 269-9999**

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF COMMUNITY PLANNING  
BUREAU OF LOCAL PLANNING  
2555 Shumard Oak Blvd. Tallahassee, Florida 32399  
850/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED  
DEVELOPMENT OF REGIONAL IMPACT (DRI)  
SUBSECTION 380.06(19), FLORIDA STATUTES**

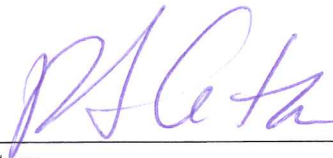
Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

I, ROGER ARROWSMITH, the undersigned owner/authorized representative of EAGLE HARBOR AT FLEMING, hereby give notice of a proposed change to a (developer) previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the THE CROSSINGS AT FLEMING ISLAND (EAGLE HARBOR) development, which (original & current project names) information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to CLAY COUNTY, (local government) to the NORTHEAST FLORIDA Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

Date

12/21/11

Signature



**NOPC FORM**

2.                   **Applicant           (name, address, phone)**  
**Eagle Harbor at Fleming Island Joint Venture**  
3973 Eagle Landing Parkway  
Orange Park, FL. 32065  
Contact: Roger Arrowsmith  
Phone: (904) 291-7200

3.                   **Authorized Agent (name, address, phone)**  
**Eagle Harbor at Fleming Island Joint Venture**  
3973 Eagle Landing Parkway  
Orange Park, FL. 32065  
Contact: Roger Arrowsmith  
Phone: (904) 291-7200

and consultant

\*                   **HADDEN & LAND ENGINEERING, INC.**  
1590-8 Island Lane  
Fleming Island, FL. 32003  
Contact: Keith I. Hadden, P.E.  
Phone: (904) 269-9999

\*                   **Primary Contact for receiving mail**

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

The Crossings at Eagle Harbor DRI is an approved DRI located in Clay County, Florida, a part of Township 5 South, Range 26 East, Sections 4, 5, 6, 7, 8, 9, 16, 17, 20 and part of Government Lots 3, 4 & 5. See attached legal description

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed changes to the approved (DRI) Development of Regional Impact, are limited to the inclusion of the following Conversion Rate Table:

## EAGLE HARBOR CONVERSION RATES

		To				
		Single Family Units (RLD)	Multi Family Units (RMD)	Commercial (1,000 SF)	Office (1,000 SF)	Light Industrial (Acres)
From	Single Family Units (RLD)	1.0	2.5	1.83	3.67	0.33
	Multi Family Units (RMD)	0.4	1.0	0.73	1.45	0.14
	Commercial (1,000 SF)	0.55	1.38	1.0	2.0	0.15
	Office (1,000 SF)	0.27	0.69	0.5	1.0	0.075
	Light Industrial (Acres)	3.0	7.0	6.66	13.22	1.0



## MASTER PLAN LAND USE TABLE

Use	Acres	Du/Sf
Residential Low Density		2,030 du
Residential Moderate Density		2,592 du
<b>Total Residential</b>	<b>1,177.13</b>	<b>4,622 du</b>
*Commercial	207.56	1,361,000 sf
*Office	131.70	1,963,650 sf
** Hotel	( acres included in office above)	200 rms
Light Industrial	69.44	849,400 sf
Institutional	47.00	
Recreational	226.73	
Conservation/Open Space	1,018.42	
Right-of-way	72.94	
<b>Total</b>	<b>2,950.92</b>	<b>4,174,050 sf</b>

\* The Applicant may elect to make a land use equivalency exchange between approved office and retail commercial uses based on the p.m. peak hour trip equivalency matrix (attached hereto as Exhibit O and incorporated by reference) and subject to the following additional conditions:

a. The total number of square feet and acres for both office

and retail commercial uses combined shall not exceed the local comprehensive plan limits of 3,324,650 square feet and 581 acres. In addition, in no event, may the total number of square feet for retail commercial use, including any equivalency exchanges, exceed 1,750,000 square feet.

b. In no event shall the total DRI usage of potable water, wastewater and solid waste services exceed the total project maximums established in the original Application for Development Approval and set forth in Exhibit P (attached hereto and incorporated by reference). Applicant shall report on the cumulative usage of such services as required in the DRI annual report conditions.

c. Office and retail commercial uses may be exchanged under this condition only on parcels designated in the DRI Master Plan Map H as "office/retail commercial."

Any changes to approved uses within the DRI east of U.S. 17 must undergo the DRI amendment process pursuant to Section 380.06(19), Florida Statutes.

d. At least 30 days before the Applicant proposes to make an allowable land use exchange between approved office and retail commercial uses, the Applicant shall notify Clay County, the Northeast Florida Regional Planning Council and the Department of Community Affairs of said election and provide them with cumulative information concerning any such exchanges to date and confirmation that the exchange meets the requirements of this condition. The DRI biennial report also shall cumulatively report on any use of this equivalency exchange mechanism.

\*\* Hotel use is allowed within parcels designated for such use on the Master Plan and based on the conversion of approved square footage for retail use at the following rate for p.m. peak hour trips: 1000 sf of retail use converts to 4.19 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 sf of retail and 0.59 trips per hotel room. A such conversion shall be subject to the notification and reporting requirements set forth in footnote d. above

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

See Table 1 (following page).

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 1 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
ATTRACTION	NUMBER OF PARKING SPACES	NO CHANGE	N/A	N/A	Ord.No.96-47 approved inclusion of movie theatres in C/SP (Commercial / Serial Performance) land use
	NUMBER OF SPECTATORS				
RECREATION	NUMBER OF SEATS				
	SITE LOCATION CHANGES ACREAGE, INCLUDING DRAINAGE, Right of Way, Easements, etc. NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				
AIRPORTS	RUNWAY (length)	N/A	N/A	N/A	
	RUNWAY (strength) TERMINAL (Gross Sq. feet) NUMBER OF PARKING SPACES NUMBER OF GATES APRON AREA (Gross sq. feet) SITE LOCATIONAL CHANGES AIRPORT ACREAGE, INCLUDING DRAINAGE RIGHT-OF-WAY EASEMENTS, ETC. NO. OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 2 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
HOSPITALS	NUMBER OF BEDS NUMBER OF PARKING SPACES BUILDING (gross Sq. feet) SITE LOCATIONAL CHANGES ACREAGE, INCLUDING DRAINAGE Right-of-way, Easements, etc. NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS	Not Applicable	N/A	N/A	
INDUSRIAL	ACREAGE, INCLUDING DRAINAGE Right-of-way, Easements, etc. NUMBER OF PARKING SPACES BUILDING (gross Sq. Feet) NUMBER OF EMPLOYEES CHEMICAL STORAGE (barrels and lbs.) SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS	NO CHANGE	69.44	68.59	- 4.24 ACRES, ORDINANCE NO. 91-52 +5.09 ACRES, ORDINANCE NO. 96-47

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 3 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
MINING OPERATIONS	ACREAGE MINED (year)	Not Applicable	N/A	N/A	
	WATER WITHDRAWAL (gal/day) SIZE OF MINE (acres) Including Drainage, Right-of-way, and Easements, etc. SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				
OFFICE	ACREAGE, INCLUDING DRAINAGE	NO CHANGE	131.70 ACRES	197.06 ACRES	-24.5 ACRES, ORD.96-47, 11/96 -13.24 ACRES, ORD91-52, 9/91 -10.55 ACRES,, ORD.01-7, 1/01 -3.94 ACRES, FROM PARCEL 40, ORD.03-79, 8/03 -12.94 ACRES, ORD.NO.04-57
	RIGHT-OF-WAY, EASEMENTS, ETC. BUILDING (gross sq. feet) NUMBER OF PARKING SPACES * NUMBER OF EMPLOYEES SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 4 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
PETROLEUM/ CHEMICAL STORAGE	STORAGE CAPACITY (barrels, and/or lbs.)	Not Applicable	N/A	N/A	
	DISTANCE TO NAVIGABLE WATERS (feet)				
PORTS Marinas	SITE LOCATIONAL CHANGES	Not Applicable	N/A	N/A	
	FACILITY ACREAGE, including drainage, Right-of-way easements , etc.				
	NUMBER OF EXTERNAL VEHICLE TRIPS				
	D.O. CONDITIONS				
	ADA REPRESENTATIONS				
	NUMBER OF BOATS, WET STORAGE				
	NUMBER OF BOATS, DRY STORAGE				
	DREDGE & FILL (cu yds)				
	PETROLEUM STORAGE (gals)				
	SITE LOCATIONAL CHANGES				
PORT ACREAGE, including drainage, Right-of-way, Easements, etc.					
NUMBER OF EXTERNAL VEHICLE TRIPS					
D.O. CONDITIONS					
ADA REPRESENTATIONS					

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 5 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
RESIDENTIAL	NUMBER OF DWELLING UNITS	No Change	4,622	4,622	
	TYPE OF DWELLING UNITS Residential Low Density Residential Moderate Density		2,030 2,592	1,370 3,252	
	NUMBER OF LOTS ACREAGE, INCLUDING DRAINAGE	1,177.13 ACRES	1,165.24 ACRES	909.06 ACRES	-24.43 ACRES, ORD.NO.91-52 +255.38 ACRES, ORD.NO.96-47 +1.37 ACRES, ORD.NO. 02-60 +3.94 ACRES TO PARCEL 41, ORD.NO. 03-79 +19.92 ACRES, ORD.NO.04-57
	RIGHT OF WAY EASEMENTS, ETC				
	SITE LOCATION CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS	NO CHANGE			
WHOLESALE, RETAIL	ACREAGE, INCLUDING DRAINAGE	No Change	207.56	174.25	PRIOR CUMULATIVE ADDITIONS OF 19.60 ACRES, ORD.NO. 00-27
	RIGHT OF-WAY EASEMENTS, ETC. FLOOR SPACE (gross sq. feet) NUMBER OF PARKING SPACES * NUMBER OF EMPLOYEES SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				+10.55 ACRES, ORD.NO.01-77 NOPC No.11  +3.16 ACRES ORD NO. 04-57

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 6 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
Hotel/Motel	Number of Rental Units	NO CHANGE	200	N/A	NOPC No. 11 + 200 rms. Ord. No. 04-57
	Floor Space (gross sq. feet)				
R. V. PARK	Number of parking spaces				
	Number of Employees				
	Site locational changes				
	Acreage, Including Drainage	Included in office acreage	0	0	
	Right of way Easements, etc.				
	Number of external vehicle trips				
	D.O. Conditions				
	ADA Representations				
	Acreage, Including Drainage	Not applicable	N/A	N/A	
	Right of way, Easements, etc.				
Number of Parking Spaces					
Buildings (gross square feet)					
Number of Employees					
Site Locational Changes					
Number of External Vehicle Trips					
D.O. Conditions					
ADA Representations					



TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 7 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
Con/Open Space (all natural and vegetated non-impervious surfaces)	Acreage Site Locational changes Type of open Space D.O. Conditions ADA Representation	NO CHANGE	1018.42	927.41	+38.84 ac. Ord.No.91-52 +34.18 ac.Ord.No. 02-60 +6.43 ac.Ord.No.02-60 Rev.Ord.No.03-34 -5.06 ac.Ord.No.04-57
Recreation	Acreage	NO CHANGE	226.73	258.93	-34.7 AC GOLF Ord. No. 91-52 +2.5 AC Ord. No. 96-47
Right of way		NO CHANGE	72.94	28.75	+2.02 AC ord.No. 04-57
Buffer of Special Protection Areas	Site Locational Changes Development of site proposed D. O. Conditions ADA Representations				

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The Substantial Deviation Determination Chart (Table 1) indicates the changes to Land Use Quantities that have occurred and have been approved since the original Development Order issued by Clay County – Ord. 88-77.

<u>Amendments</u>	<u>Ordinance</u>	<u>Action</u>
NOPC No. 1	Ord. 91-52	<ul style="list-style-type: none"> <li>a. Reduced Industrial acreage by 4.24 Ac.</li> <li>b. Reduced Office acreage by 13.24 Ac.</li> <li>c. Reduced Residential acreage by 24.43 Ac. (low density – 22.52 Ac., moderate density – 1.89 Ac.)</li> <li>d. Reduced Retail acreage by 1.94 Ac.</li> <li>e. Added 38.84 acres of Conservation/Open Space</li> <li>f. Reduced Recreation acreage in golf course by 34.7 Ac.</li> </ul>
NOPC No. 2	Ord. 93-4	Allowed for the use of Florida Aquifer on temporary basis for golf course irrigation until treated water was available.
NOPC No. 3	Ord. 94-63	Added school site acreage to DRI legal description and land use table.
NOPC No. 4	Ord. 96-9	<ul style="list-style-type: none"> <li>a. Dealt with eagle protection and habitat management</li> <li>b. Stormwater pond design</li> <li>c. Development of 6½ acres of waterfront park</li> <li>d. Pedestrian/bicycle path along west side of US-17</li> </ul>

<u>Amendments</u>	<u>Ordinance</u>	<u>Action</u> (Continued)
NOPC No. 5	Ord. 96-47	<ul style="list-style-type: none"> <li>a. Approved inclusion of movie theaters in C/SP (Commercial/Serial Performance) land use designation</li> <li>b. Reduced office acreage by 24.69 acres – no reduction in approved square footage.</li> <li>c. Added 21.54 acres of Commercial (Retail) acreage with no increase in Commercial square footage</li> <li>d. Added 34.18 acres of Conservation/Open Space</li> <li>e. Added 2.5 acres of Recreation acreage in Holmes Tract</li> <li>f. Added 5.09 acres of Light Industrial use with no increase in building square footage</li> <li>g. Added 255.38 acres of Residential land (174.26 acres low density Residential and 81.12 acres moderate density)</li> <li>h. Reduced right-of-way by 6.29 acres</li> <li>i. Clarified D.O. Condition 16 – Land Use Plan(e) and D.O. Condition 15 – Transportation (vii) regarding media opening/access on US-17</li> <li>j. Relocation of fire station on CR-220 to Agresti parcel (part of DRI)</li> <li>k. Realignment of Eagle Harbor Parkway</li> </ul>
NOPC No. 6	Ord. 00-27	Relocation of site intended for public library to a location adjacent to a public school in order to achieve the benefits of co-location of public facilities.
NOPC No. 7	Ord. 01-7	Change 10.55 acres of office land use to retail commercial ,with no change in either office or retail commercial square footage
NOPC No. 8	Ord. 01-27	<p>Changed designation of parcels 14,15,20,22a,22b and 28a from commercial to office/ commercial land use; changed parcels 28b,36, and 36a from office to office/ commercial land use.</p> <p>Added a land use category to Master Plan called “Office/ Commercial”;</p> <p>Provided for a land use exchange table to</p>

allow for exchange of existing office and commercial to commercial or office

NOPC No. 9	Ord. No. 02-60 Rev.Ord.No.03-34	Increase total DRI acreage by 7.8 ac;(+1.37ac.of residential, 6.43ac.of Cons/Open Space); changed the designation of parcels 48, 50, 52 from RMD to RLD; revised the boundary of parcel 53; increased RLD units from 1370 to 2030; decreased RMD units from 3252 to 2592 with no increase in total units; changed to biennial reporting.
NOPC No. 10	Ord. No. 03-79	Increase acreage of Parcel 41(RMD) by 3.94 ac.; Decrease acreage of Parcel 40 (O) by 3.94 ac.
NOPC No. 11	Ord 04-59	Increase total acreage by 7.10 ac. -Parcel 53a RMD; increase Commercial lands by 3.16 ac; decrease Office lands by 12.94 ac.; decrease COS by 5.06 ac; increase Residential lands by 19.92 ac.; increase R/W by 2.02 ac.;creation of Parcel 36b (14ac. Office); adding Hotel use to Parcel 36-O/C/H; adding serial performance to Parcel 28a-O/C/SP; changing Parcels 24,24a,28 to O/C; changing Parcels 14,15 to RMD. No change in approved units or square footage.
NOPC No.12	Ord 05-20	Increase of 11.89 ac of residential (RLD) low density w/no increase in approved units increase of 1.62 ac of conservation of (COS) lands. Parcel 28A-no more than 1,200 seats and 10 movie screens and limited in size to 40,000 SF.
NOPC No.13	Ord 06-57	Revise the office acreage requirements within Parcels 28-A and 36-A

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

none

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(10)(b), Florida Statutes.

Do you believe this proposed notification of change constitutes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

Yes \_\_\_\_\_

No       X      

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

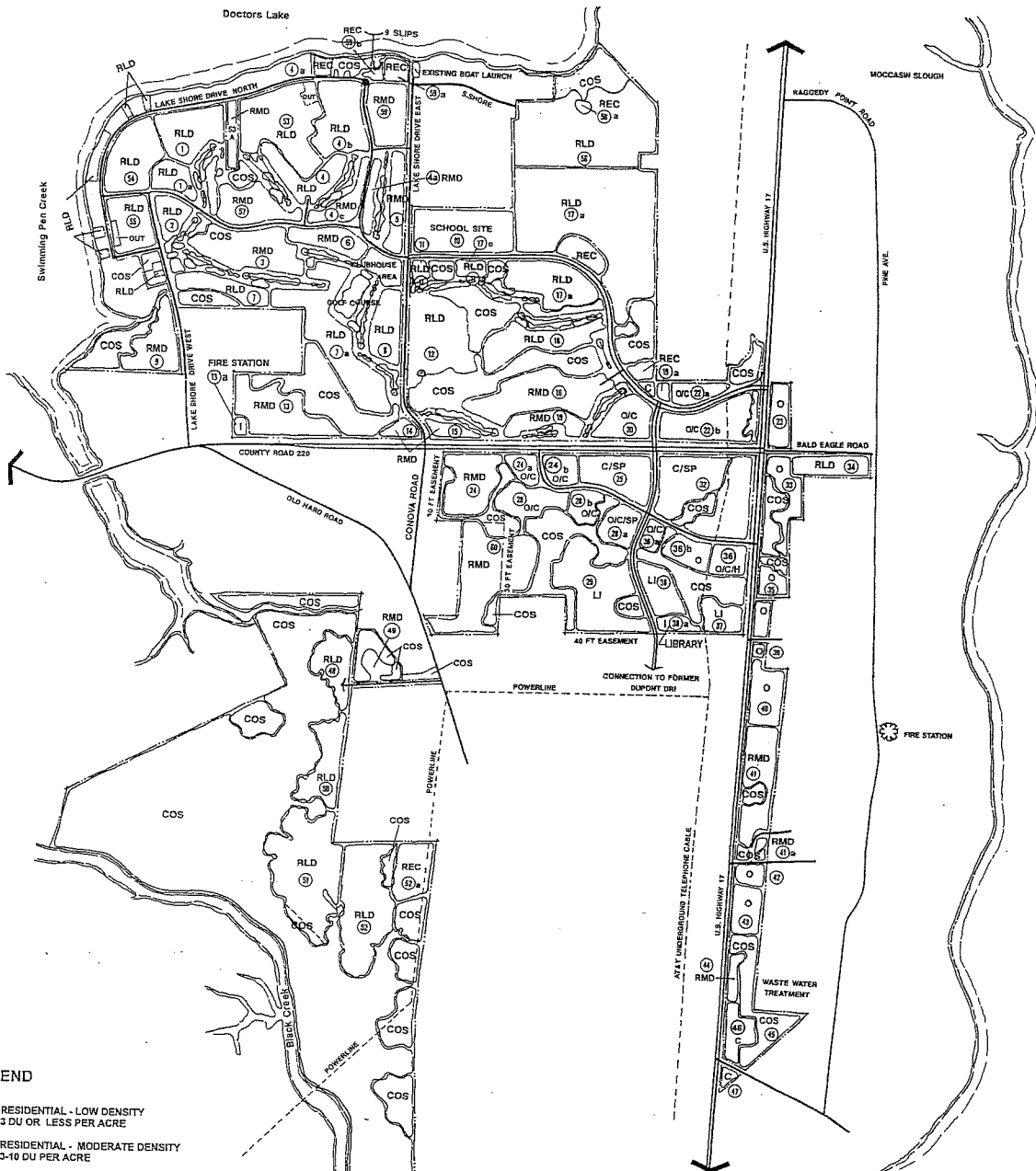
The proposed change will not alter or change buildout date of the project. This DRI was approved as an unphased project.

11. Will the proposed change require an amendment to the local government comprehensive plan?

The proposed changes to the Development Order do not require an amendment to Comprehensive Plan.

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

A revised Master Plan Map H (Development Order Exhibit D) is provided.



**LEGEND**

- RLD RESIDENTIAL - LOW DENSITY  
3 DU OR LESS PER ACRE
- RMD RESIDENTIAL - MODERATE DENSITY  
>10 DU PER ACRE
- C COMMERCIAL - GENERAL  
C/SP INDICATES COMMERCIAL AREAS W/ SERIAL PERFORMANCE FACILITIES
- O OFFICE - GENERAL
- OIC OFFICE/COMMERCIAL RETAIL  
H INDICATES OFFICE/COMMERCIAL/HOTEL USE
- LI LIGHT INDUSTRIAL
- I INSTITUTIONAL - SCHOOLS, CULTURAL  
RECREATIONAL, AND GOVERNMENT FACILITIES
- COS CONSERVATION / OPEN SPACE
- REC RECREATIONAL / GOLF
- DET DETENTION - LAKE
- \* EAGLE NEST NEST PROTECTION ZONES AND PROTECTION REQUIREMENTS SHALL BE AUTHORIZED  
BY THE WILDLIFE AGENCIES WITH REGULATORY JURISDICTION
- EXISTING WELL

REVISION DATES:			
OCTOBER 29, 1996	APRIL 25, 2000	MAY 2001	MAY 2003
AUGUST 14, 1996	OCTOBER 26, 2000	APRIL 2002	SEPTEMBER 2004
APRIL 1, 1996	MARCH 2001	NOVEMBER 2002	OCTOBER 2004

- NOTE:**
- APPROVED DRI MASTER PLAN - OCTOBER 11, 1988
  - REVISED MASTER PLAN - APRIL 22, 1991
  - REVISED MASTER PLAN - AUGUST 13, 1991-NOPC EAGLE HARBOR BOULEVARD CONNECTION TO US 17
  - REVISED MASTER PLAN - APRIL 12, 1995-NOPC PRIMARY EAGLE PROTECTION ZONE
  - REVISED DRI MASTER PLAN - FEBRUARY 1996-NOPC NEILHURST, HOLMES AND AGRESTI TRACTS - TOWN CENTER
  - REVISED NOPC SUBMITTED OCTOBER 25, 2000 PARCEL 25 OFFICE TO COMMERCIAL
  - REVISED DRI MASTER PLAN MAY 22, 2001 ADDED O / C DESIGNATION
  - REVISED DRI MASTER PLAN APRIL 1, 2002 REMOVED LICKSKILLET EAGLE NEST
  - MODIFY CERTAIN RMD PARCELS TO RLD NOPC-9
  - INCREASED PARCEL 41/41a BY 3.94 ac. DECREASED PARCEL 40 BY 3.94 ac. NOPC-10
  - MODIFY PARCELS 14, 15, 24b, 28, 28a, 36, 36b. ADD HILL PARCEL 53a, TOWN CENTER EAGLE 4.5 ACRES OF PARCEL 26a TO BE DEVELOPED AS OFFICE - NOPC 11
  - ADD NEILHURST PARCELS, PARCEL 45 - 28.51 AC. (OCT 8, 2004)

**MAP H**

**MASTER PLAN**

SOURCE: ORIGINAL MASTER PLAN - RS&H 1987, 1988



*The Crossings*

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

No changes

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

No change in Legal Description

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

No changes to the development order deadlines are proposed. This DRI is not phased.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

No changes to the development order termination date are proposed.

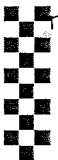
e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

No changes.

- f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

No amendment to the development order specifications for the annual report is proposed. As authorized under 2002 legislative changes to the DRI statutes, an amendment was approved (Ord. No.02-60) shifting to biennial reports.





**REVISED!**

**LETTER OF TRANSMITTAL**

**HADDEN & LAND ENGINEERING, INC.**  
1590-8 Island Lane  
Fleming Island, Florida 32003  
(904)269-9999

DATE: <b>January 12, 2012</b>	JOB NO. <b>H&amp;L: 11204</b>
ATTENTION: <b>MIKE KLOEHN</b>	
RE: <b>AMENDMENT TO PREVIOUSLY SUBMITTED NOPC - No.14 to The Crossings at Fleming Island DRI</b>	

TO: **CLAY COUNTY PLANNING & ZONING**  
477 Houston Street  
Green Cove Springs, FL. 32043  
P.O. Box 1366  
(904) 541-5365

- WE ARE SENDING YOU:
- ATTACHED
  - Shop Drawings  Prints
  - Copy of Letter  Change Order

- VIA FAX  (904) 278-4708
- Contract  Other (see description below)

COPIES	NO.	DESCRIPTION
1		<b>Cover Letter Dated January 12, 2012</b>
		<b>Re: Technical Clarifications of above referenced submittal</b>
1		<b>3 page AMENDMENT TO PREVIOUSLY SUBMITTED</b>
		<b>NOTICE OF PROPOSED CHANGE No. 14</b>
		<b>The Crossings at Fleming Island DRI</b>

- 
- 
- 

**REMARKS:**  
**THIS TRANSMISSION SUPERCEDEDS PREVIOUS AMENDMENT (01.11.2012)**  
**TO ORIGINAL SUBMITTAL OF 12.21.2011**

**5 PAGES TOTAL**  
**INCLUDING TRANSMITTAL**

*Linda K. Hadden*  
**Linda K. Hadden**  
**Admin/Project Coordinator**



# HADDEN & LAND ENGINEERING, INC.

CONSULTING ENGINEERS • LAND PLANNERS • ENVIRONMENTAL PERMITTING

January 12, 2012

Mr. Mike Kloehn  
Clay County Planning & Zoning  
P.O. Box 1366  
Green Cove Springs, FL. 32043

**RE: The Crossings at Fleming Island DRI-NOPC No. 14  
Original Submittal of December 21, 2012**

Dear Mr. Kloehn,

**Attached please find some technical clarifications to the proposed DRI amendments. These were inadvertently not included in the original filing during the holiday period.**

These technical clarifications consist of two revised Exhibits to the Development Order, to implement the proposed conversion provisions. These proposed changes do not authorize any increases in DRI land use parameters above the currently approved maximums and do not create any increased regional impacts. In addition, please correct the substantial deviation table as filed to indicate that 1,177.13 Acres is the "Approved Plan" for residential acreage and that no specific change is proposed.

**We appreciate your assistance with the processing of this revision to the requested change.**

Sincerely,

Keith I. Hadden, P.E.  
President

KIH/ljk

Cc: Roger Arrowsmith  
Edward Lehman, NEFPC  
Ana Richmond, DEO  
Elizabeth Bowman, Esquire

1590-8 Island Lane, Fleming Island, FL. 32003-4408  
(904) 269-9999

**Proposed DRI Development Order Amendments:**

Substitute Revised Exhibit D Master Plan Land Use Table for the existing exhibit (deleted language stricken through and new language underlined).

Substitute Exhibit O Revised 2012 Land Use Exchange Rates for existing Exhibit O in its entirety.

**EXHIBIT D  
MASTER PLAN LAND USE TABLE**

Use	Acres***	Du/Sf***
Residential Low Density		2,030 du
Residential Moderate Density		2,592 du
<b>Total Residential</b>	<b>1,177.13</b>	<b>4,622 du</b>
* Commercial	207.56	1,361,000 sf
* Office	131.7	1,963,650 sf
** Hotel	(acres included in office above)	200 rms
Light Industrial	69.44	849,400 sf
Institutional	47.00	
Recreational	226.73	
Conservation/Open Space	1,018.42	
Right-of-way	72.94	
<b>Total***</b>	<b>2,950.92</b>	<b>4,174,050 sf</b>

\*1. The Applicant may elect to make a land use equivalency exchange between approved office and retail commercial uses based on the p.m. peak hour trip equivalency matrix (attached hereto as Exhibit O Revised 2012 and incorporated by reference) and subject to the following additional conditions:

a. The total number of square feet and acres for both office and retail commercial uses combined shall not exceed the local comprehensive plan limits of 3,324,650 square feet and 581 acres. In

addition, in no event, may the total number of square feet for retail commercial use, including any equivalency exchanges, exceed 1,750,000 square feet.

b. In no event shall the total DRI usage of potable water, wastewater and solid waste services exceed the total project maximums established in the original Application for Development Approval and set forth in Exhibit P (attached hereto and incorporated by reference). Applicant shall report on the cumulative usage of such services as required in the DRI annual report conditions.

c. Office and retail commercial uses may be exchanged under this condition only on parcels designated in the DRI Master Plan Map 1-1 as "office/retail commercial."

~~Any changes to approved uses within the DRI east of U.S. 17 must undergo the DRI amendment process pursuant to Section 380.06(19), Florida Statutes;~~

d. At least 30 days before the Applicant proposes to make an allowable land use exchange between approved office and retail commercial uses, the Applicant shall notify Clay County, the Northeast Florida Regional Planning Council and the Department of Economic Opportunity Community Affairs of said election and provide them with cumulative information concerning any such exchanges to date and confirmation that the exchange meets the requirements of this condition. The DRI biennial report also shall cumulatively report on any use of this equivalency exchange mechanism.

\*\* 2. Hotel use is allowed within parcels designated for such use on the Master Plan and based on the conversion of approved square footage for retail use at the following rate for p.m. peak hour trips: 1000 sf of retail use converts to 419 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 sf of retail and 0.59 trips per hotel room. Any such conversion shall be subject to the notification and reporting requirements set forth in footnote 1.d. above.

3. \*\*\*In addition to the land use conversions allowable under the provisions stated in footnotes 1 and 2 to this Master Plan Land Use Table, the land uses shown on the Map H DRI Master Plan on parcels 29, 28b, 35, 39, 40, 43 and 44 may be converted in whole or in part from the specific individual uses designated on the Map H Master Plan to uses identified on the Exhibit O Revised 2012 conversion table based on the stated conversion rates. Provided, however, that any such conversions are subject to the maximum total DRI residential dwelling unit parameters by dwelling unit type, and the other maximum acreage (except for residential acreage) and square footage limits for uses as set forth on the Master Plan Land Use Table and footnote 1 above. Such conversions shall be subject to other applicable restrictions in the development order, including but not limited to those set forth as part of this Master Plan Land Use Table related to 1) maximum total acreage and square footage of combined commercial retail and office uses; 2) maximum retail commercial square footage in the DRI as a whole; and 3) maximum total DRI usages of potable water, solid waste and wastewater services as set forth on Exhibit P. In addition, no retail commercial use is allowable by conversion on parcels 35, 39, 40 and 43. Any conversion under this subparagraph is also subject to the notification and reporting requirements set forth in footnote 1.d. above.

**EXHIBIT O REVISED 2012**  
**The Crossings at Fleming Island**  
**Land Use Exchange Rates**

		To				
		Single Family Units (RLD)	Multi Family Units (RMD)	Commercial (1,000 SF)	Office (1,000 SF)	Light Industrial (Acres)
From	Single Family Units (RLD)	1.0	2.5	1.83	3.67	0.33
	Multi Family Units (RMD)	0.4	1.0	0.73	1.45	0.14
	Commercial (1,000 SF)	0.55	1.38	1.0	2.0	0.15
	Office (1,000 SF)	0.27	0.69	0.5	1.0	0.075
	Light Industrial (Acres)	3.0	7.0	6.66	13.22	1.0

Source: ITE Trip Generation, 2008 edition

**Planning Commission**

2.

**Meeting Date:** 03/06/2012

Amendment of the Development Order for The Crossings at Fleming Island, Eagle Harbor at Fleming Island Jont Venture

Submitted For: Mike Kloehn, Development Services

Submitted By: Carolyn Morgan, Development Services

Department: Development Services

Division:

Planning

Information

Subject

Public Hearing to Consider an amendment to the Development Order of The Crossings DRI, Eagle Harbor Joint Venture

Background

The Applicant for The Crossings at Fleming Island DRI has submitted a Notice of Proposed Change (NOPC) to a Previously Approved Development of Regional Impact. The Crossings at Fleming Island DRI is located east and west of US 17 and north and south of CR 220 in northeastern Clay County. The DRI was first adopted in 1988, and is mostly built-out. The remaining parcels are the subject of this application.

The Applicant proposes amendments of the Exhibits D and O as follows:

1. renumbering of the footnotes of Exhibit D;
2. revising Footnote 1 to reference Exhibit O Revised 2012;
3. removing requirement in Exhibit D, Footnote 1 (c) to approve changes to approved uses within the DRI East of US 17 by DRI Amendment;
4. deleting reference in Exhibit D, Footnote 1 (d) to the Department of Community Affairs, and inserting reference to the Department of Economic Opportunity;
5. adding in Exhibit D, Footnote 3, specifying parcels 29, 28B, 35, 39, 40, 43, and 44 as those that may be converted in whole or in part from the uses designated on the Map H Master Plan to those uses subject to the conversion table, Exhibit O Revised, and limiting any such conversions to the maximum total DRI residential dwelling unit parameters by dwelling unit type, and other maximum acreage (except for residential acreage) and square footage limits uses as set forth in the Master Plan and footnote 1.
6. replacing Exhibit O, The Crossings at Eagle Harbor Land Use Exchange Rates ,with Exhibit O Revised 2012
7. In Exhibit D, new Footnote 3, prohibiting retail uses on parcels 35, 39, 40 and 43.

The total limit on the number of dwelling units, the total limit on the number of square feet of non-residential development within the DRI do not change. No conversion will be allowed that increases potable water, wastewater and solid waste above the total project maximums in the ADA. Other specific restrictions in Ordinance 88-77 as amended remain in place. The proposed revised land use exchange table only affects those parcels that currently remain in the ownership of Eagle Harbor at Fleming Island Joint Venture and are now vacant. This includes 35, 39, 40 and 43 east of US 17 currently designated for office use, parcel 44 east of US 17 currently designated for Residential Medium Density, parcel 29, west of the Fleming Island Public Library and existing business park, currently designated for Light Industrial and Parcel 28b, located on the south side of East West Road in the vicinity of the movie theater, currently designated Office/Commercial. Additionally, while the land use exchange table is proposed to apply east of US 17, retail uses are not proposed on parcels 35, 39, 40 and 43. Conversion will require a 30-day notification to Clay County, the Northeast Florida Regional Council and the Department of Economic Opportunity as has been required with previous land use exchanges in accordance with Exhibit O. The applicant is seeking these revisions in order to continue the orderly completion of the DRI which has

suffered in the present economy.

---

## Attachments

Staff Report

Draft Ordinance

Application

Revised Application

Map H Master Plan

DRI Map

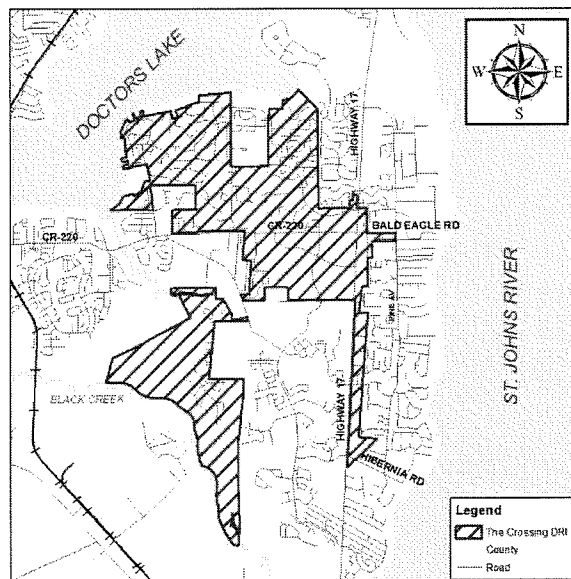


Department of Economic and Development Services  
Planning and Zoning Division

Memorandum

**To:** Planning Commission  
**From:** Carolyn Morgan, Senior Planner  
**Date:** March 6, 2012  
**Re:** The Crossings at Fleming Island, Eagle Harbor at Fleming Island Joint Venture,  
Development of Regional Impact (DRI)  
Public Hearing to Consider Amendment to the DRI Development Order

The Applicant for The Crossings at Fleming Island DRI has submitted a Notice of Proposed Change (NOPC) to a Previously Approved Development of Regional Impact. The Crossings at Fleming Island DRI is located east and west of US 17 and north and south of CR 220 in northeastern Clay County. The DRI was first adopted in 1988, and is mostly built-out. Seven undeveloped parcels are the subject of this application.

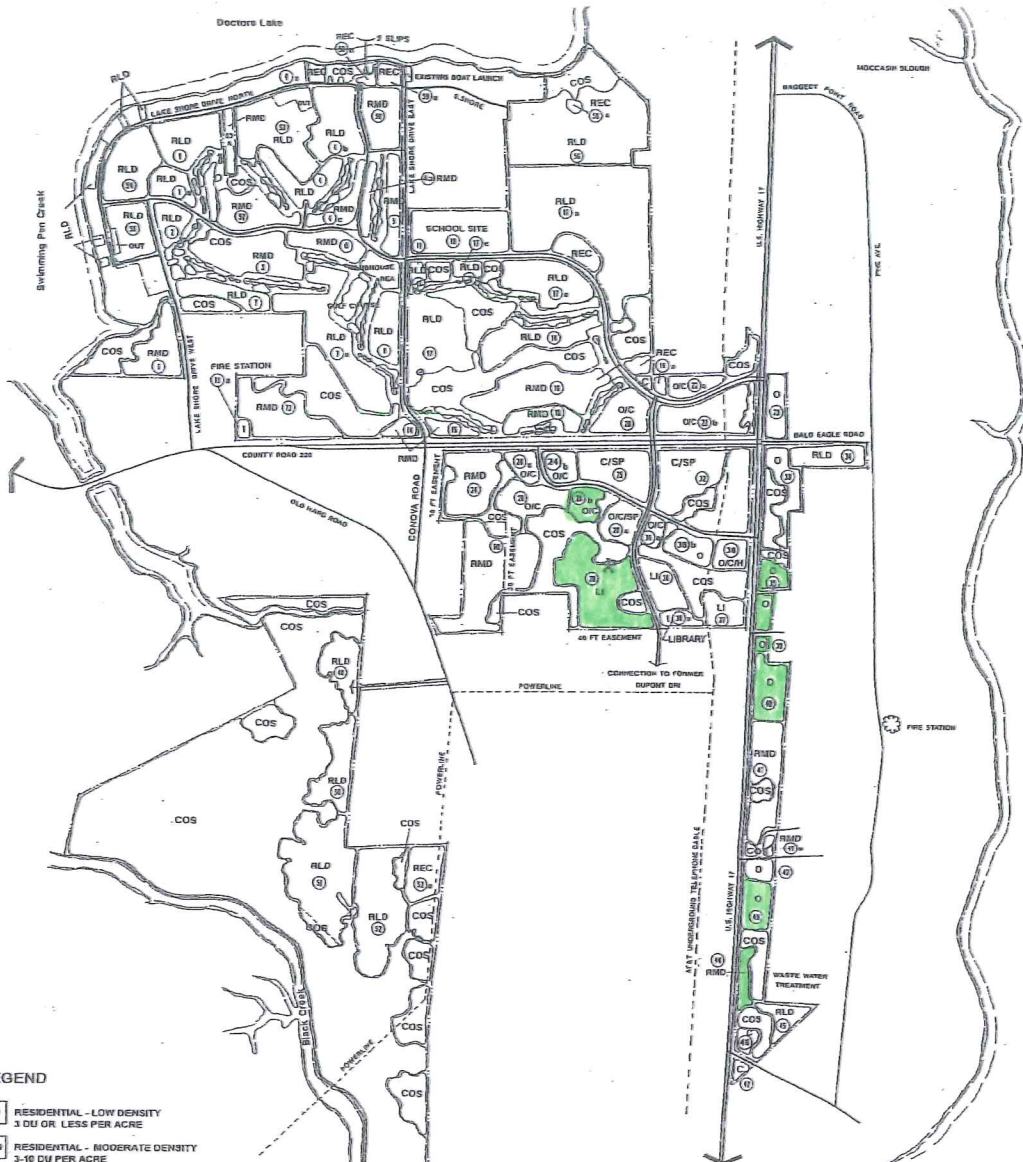




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2. Revising Footnote 1 to reference Exhibit O Revised 2012;
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4. Deleting reference in Exhibit D, Footnote 1 (d) to the Department of Community Affairs, and inserting reference to the Department of Economic Opportunity;
5. Adding in Exhibit D, Footnote 3, specifying parcels 29, 28B, 35, 39, 40, 43, and 44 as those that may be converted in whole or in part from the uses designated on the Map H Master Plan to those uses subject to the conversion table, Exhibit O Revised, and limiting any such conversions to the maximum total DRI residential dwelling unit parameters by dwelling unit type, and other maximum acreage (except for residential acreage) and square footage limits uses as set forth in the Master Plan and Footnote 1.
6. Replacing Exhibit O, The Crossings at Eagle Harbor Land Use Exchange Rates, with Exhibit O Revised 2012. The proposed revisions would allow the conversion of uses between Multi-family, Single-family, Light Industrial, Office and Commercial. The trip generation information is based on ITE Trip Generation, 2008 edition.
7. Prohibiting retail uses on parcels 35, 39, 40 and 43 in Exhibit D, new Footnote 3.

The total limit on the number of dwelling units, the total limit on the number of square feet of non-residential development within the DRI do not change. No conversion will be allowed that increases potable water, wastewater and solid waste above the total project maximums in the ADA. Other specific restrictions in Ordinance 88-77 as amended remain in place. The proposed revised land use exchange table only affects those parcels that currently remain in the ownership of Eagle Harbor at Fleming Island Joint Venture and are now vacant. This includes parcel numbers 35, 39, 40 and 43 east of US 17 currently designated for office use, parcel 44 east of US 17 currently designated for Residential Medium Density, parcel 29, west of the Fleming Island Public Library and existing business park, currently designated for Light Industrial and Parcel 28b, located on the south side of East West Road in the vicinity of the movie theater, currently designated Office/Commercial. Additionally, while the land use exchange table is proposed to apply east of US 17, retail uses are not proposed on parcels 35, 39, 40 and 43. Conversion will require a 30-day notification to Clay County, the Northeast Florida Regional Council and the Department of Economic Opportunity as has been required with previous land use exchanges in accordance with Exhibit O. The applicant is seeking these revisions in order to continue the orderly completion of the DRI which has suffered in the present economy.



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- RMD RESIDENTIAL - MODERATE DENSITY  
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REVISION DATES			
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APRIL 1, 2003	MARCH 2001	NOVEMBER 2002	

- NOTE:**
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  - REVISED MASTER PLAN - APRIL 22, 1991
  - REVISED MASTER PLAN - AUGUST 13, 1991-NOPC  
EAGLE HARBOR BOULEVARD CONNECTION TO US 17
  - REVISED MASTER PLAN - APRIL 12, 1995-NOPC  
PRIMARY EAGLE PROTECTION ZONE
  - REVISED DRI MASTER PLAN - FEBRUARY 1996-NOPC  
HOLDINGS, HOLDINGS, AND AGREED TRACTS - TOWN CENTER
  - REVISED NOPC SUBMITTED OCTOBER 23, 2000  
PARCEL 25 OFFICE TO COMMERCIAL
  - REVISED DRI MASTER PLAN MAY, 22, 2001  
ADDED O / C DESIGNATION
  - REVISED DRI MASTER PLAN APRIL 1, 2002  
REMOVED LICKSKILLET EAGLE NEST
  - MODIFY CERTAIN RMD PARCELS TO RLD  
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  - INCREASED PARCEL 41/41a BY 3.94 ac.  
DECREASED PARCEL 48 BY 3.94 ac.  
NOPC-18
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ADD HILL PARCEL 43A, TOWN CENTER EAGLE  
4.5 ACRES OF PARCEL 28a TO BE DEVELOPED AS OFFICE - NOPC 11

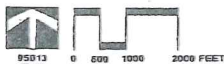
FILED & RECORDED

ORD. BOOK 15 PAGE 521

MAP H

**MASTER PLAN**

SOURCE: ORIGINAL MASTER PLAN - R322 1987, 1998  
LANDERS-ATKINS PLANNERS, INC., SEPTEMBER 1995



*The Crossings*  
at Fleming Island

Attachment F

The following constitutes the proposed amendment:

**Revised Exhibit D Master Plan Land Use Table (deleted language stricken through and new language underlined):**

**EXHIBIT D  
 MASTER PLAN LAND USE TABLE**

Use	Acres***	Du/Sf***
Residential Low Density		2,030 du
Residential Moderate Density		2,592 du
<b>Total Residential</b>	<b>1,177.13</b>	<b>4,622 du</b>
* Commercial	207.56	1,361,000 sf
* Office	131.7	1,963,650 sf
** Hotel	(acres included in office above)	200 rms
Light Industrial	69.44	849,400 sf
Institutional	47.00	
Recreational	226.73	
Conservation/Open Space	1,018.42	
Right-of-way	72.94	
<b>Total***</b>	<b>2,950.92</b>	<b>4,174,050 sf</b>

\*1. The Applicant may elect to make a land use equivalency exchange between approved office and retail commercial uses based on the p.m. peak hour trip equivalency matrix (attached hereto as Exhibit O Revised 2012 and incorporated by reference) and subject to the following additional conditions:

a. The total number of square feet and acres for both office and retail commercial uses combined shall not exceed the local comprehensive plan limits of 3,324,650 square feet and 581 acres. In addition, in no event, may the total number of square feet for retail commercial use, including any equivalency exchanges, exceed 1,750,000 square feet.

b. In no event shall the total DRI usage of potable water, wastewater and solid waste services exceed the total project maximums established in the original Application for Development Approval and set forth in Exhibit P (attached hereto and incorporated by reference). Applicant shall report on the cumulative usage of such services as required in the DRI annual report conditions.

c. Office and retail commercial uses may be exchanged under this condition only on parcels designated in the DRI Master Plan Map 1-I as "office/retail commercial."

~~Any changes to approved uses within the DRI east of U.S. 17 must undergo the DRI amendment process pursuant to Section 380.06(19), Florida Statutes,~~

d. At least 30 days before the Applicant proposes to make an allowable land use exchange between approved office and retail commercial uses, the Applicant shall notify Clay County, the Northeast Florida Regional Planning Council and the Department of Economic Opportunity Community Affairs of said election and provide them with cumulative information concerning

any such exchanges to date and confirmation that the exchange meets the requirements of this condition. The DRI biennial report also shall cumulatively report on any use of this equivalency exchange mechanism.

\*\* 2. Hotel use is allowed within parcels designated for such use on the Master Plan and based on the conversion of approved square footage for retail use at the following rate for p.m. peak hour trips: 1000 sf of retail use converts to 4.19 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 sf of retail and 0.59 trips per hotel room. Any such conversion shall be subject to the notification and reporting requirements set forth in footnote 1.d. above.

3. \*\*\*In addition to the land use conversions allowable under the provisions stated in footnotes 1 and 2 to this Master Plan Land Use Table, the land uses shown on the Map H DRI Master Plan on parcels 29, 28b, 35, 39, 40, 43 and 44 may be converted in whole or in part from the specific individual uses designated on the Map H Master Plan to uses identified on the Exhibit O Revised 2012 conversion table based on the stated conversion rates. Provided, however, that any such conversions are subject to the maximum total DRI residential dwelling unit parameters by dwelling unit type, and the other maximum acreage (except for residential acreage) and square footage limits for uses as set forth on the Master Plan Land Use Table and footnote 1 above. Such conversions shall be subject to other applicable restrictions in the development order, including but not limited to those set forth as part of this Master Plan Land Use Table related to 1) maximum total acreage and square footage of combined commercial retail and office uses; 2) maximum retail commercial square footage in the DRI as a whole; and 3) maximum total DRI usages of potable water, solid waste and wastewater services as set forth on Exhibit P. In addition, no retail commercial use is allowable by conversion on parcels 35, 39, 40 and 43. Any conversion under this subparagraph is also subject to the notification and reporting requirements set forth in footnote 1.d. above.

**Substitute Exhibit O Revised 2012 Land Use Exchange Rates for existing Exhibit O in its entirety.**

Exhibit O  
The Crossings at Eagle Harbor  
Land Use Exchange Rates

Conversion from Commercial to Office – Multiply Commercial square feet by 1.658 to calculate Office square feet.  
Conversion from Office to Commercial – Multiply Office square feet by 0.603 to Calculate Commercial square feet.

Conversions based on the following from *Trip Generation, 6<sup>th</sup> Edition* and *Trip Generation Handbook* by ITE:

- Average PM peak hour trip rate per 1,000 SF Office Land Uses [ITE Trip Code 710] = 1.49
- Average PM peak hour trip rate per 1,000 SF Commercial Land Uses [ITE Trip Code 820] = 3.74
- Average PM peak hour pass-by rate for Commercial Land Use [ITE Trip Code 820] = 34%
- Commercial trip rate used in exchange is 3.74 per 1000 SF adjusted to 2.47 trips per 1000 SF accounting for 34% average pass-by rate. Therefore, exchange rates are based on ratio of 2.47/1.49 and 1/49/2.47.

Note: Any exchange not covered by this table will be based on the latest edition of *Trip Generation* by ITE.

**EXHIBIT O REVISED 2012**

**The Crossings at Fleming Island  
 Land Use Exchange Rates**

		To				
		Single Family Units (RLD)	Multi Family Units (RMD)	Commercial (1,000 SF)	Office (1,000 SF)	Light Industrial (Acres)
From	Single Family Units (RLD)	1.0	2.5	1.83	3.67	0.33
	Multi Family Units (RMD)	0.4	1.0	0.73	1.45	0.14
	Commercial (1,000 SF)	0.55	1.38	1.0	2.0	0.15
	Office (1,000 SF)	0.27	0.69	0.5	1.0	0.075
	Light Industrial (Acres)	3.0	7.0	6.66	13.22	1.0

Source: ITE Trip Generation, 2008 edition

Staff analysis:

Some of the amendments such as renumbering and references to state agencies are “house-keeping” in nature. The most important revisions cited on page 2 are numbers 3, 5, 6 and 7 which would allow an expanse of the land uses allowable on the subject parcels without further land use amendment hearings. Some new uses may represent an increase in impacts; however, prior to addressing those impacts, it is appropriate to consider the provisions in the Development Order. A number of existing provisions within the DRI serve to mitigate the proposed land use exchange. These include:

1. East of US 17 a building setback is applicable between the commercial/office uses and the adjacent residential. The ten feet immediately adjacent to the residential uses shall be undisturbed vegetative buffer. The next westerly twenty feet may be used for stormwater management, open space or landscaping. Parking, drives and services may be located within the remaining fifteen feet of the setback. A setback of 50 feet shall apply to all attached units exceeding a single story in height within lands designated RMD (residential medium density) on the Master Plan that are adjacent to lands zoned for single family development.
1. A 35-foot buffer shall be maintained along the easterly frontage of US 17;
2. Limitation of 8,712 square feet per acre for commercial development;
3. Size limitation of retail buildings is 50,000 sq. ft.
4. Limitation to one (already existing) theater;
5. Limit of 4 full median cuts on US 17;
6. Rental apartment complexes are prohibited east of US 17, but rental of individual units by property owners is not, and
7. Conversion rate from Office to Hotel converts to 4.19 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 square feet of retail and .059 trips per hotel room.

The proposed exchange table does not eliminate the uses that are now designated. It enables market conditions to shape the outcome of these remaining parcels. Planning staff finds that the parcels west of US 17 are well buffered from residential and have adequate road access for any of the uses proposed. Neither parcel is directly fronting arterial roadways, which would likely render them less appealing for any high traffic commercial usage. Planning staff encourages the developer to work with County staff and the Chamber of Commerce to pursue every opportunity to achieve the original light industrial use designated on parcel 29.

Most of the parcels east of US 17 have been limited to office uses as an original condition of the DRI. Parcel 44, currently designated as RMD, is located north of the Hibernia shopping center and is also well buffered from other uses by a large conservation area and has existing access. Parcels 35, 39, 40 and 43 would be restricted from retail uses as proposed by the applicant. Staff finds that the provisions in the development order for buffering do not address the potential of these parcels for other uses. Staff recommends approval of the amendment with the following additional conditions for parcels 35, 39, 40 and 43 be added to Footnote 3:

1. Any commercial, light industrial or multi-family use east of US 17 shall provide a perimeter buffer consistent with Article VI, Section 8 of the land development code between uses. The rear buffer between exchanged uses and existing residential development shall be a 20-foot natural buffer for commercial and light and industrial uses and a 10-foot natural buffer for multi-family development. Single-family development shall meet Article VI, Section 8

requirements. Building setback and the placement of driveways and stormwater shall be consistent with setback requirements for office uses in the Development Order, except for single-family uses which shall meet setback requirements as specified in the Land Development Code.

2. Site lighting shall adhere to the Branan Field Land Development Regulations.
3. All uses located east of US 17 shall be conducted within completely enclosed structures, with no outdoor storage, and shall not exceed 2 stories in height.
4. There shall be no amplified music or announcements projected outside of any commercial or industrial use.
5. Light industrial uses shall be consistent with principal uses permitted in the IS and BP Districts of the Land Development Code.
6. Multi-family residential development such as town homes, patio homes and zero lot line are permitted up to 7.5 dwelling units per acre.

cc: Mike Kloehn  
Holly Parrish

ORDINANCE 12- \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CLAY COUNTY ORDINANCE 88-77, AS AMENDED, WHICH ADOPTED THE DEVELOPMENT ORDER FOR THE CROSSINGS AT FLEMING ISLAND DEVELOPMENT OF REGIONAL IMPACT TO AMEND EXHIBIT D THE MASTER PLAN LAND USE TABLE TO RENUMBER FOOTNOTES; TO REVISE FOOTNOTE 1 TO REFERENCE REVISED EXHIBIT O; AND TO REMOVE REQUIREMENT TO APPROVE CHANGES TO APPROVED USES WITHIN THE DRI EAST OF US 17 BY DRI AMENDMENT; AND DELETING REFERENCE TO THE DEPARTMENT OF COMMUNITY AFFAIRS; AND INSERTING REFERENCE TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; AND TO ADD FOOTNOTE 3, SPECIFYING PARCELS 29, 28B, 35, 39, 40, 43 AND 44 AS THOSE THAT MAY BE CONVERTED IN WHOLE OR IN PART FROM THE SPECIFIC INDIVIDUAL USES DESIGNATED ON THE MAP H MASTER PLAN TO THOSE USES SUBJECT TO THE CONVERSION TABLE, EXHIBIT O WITH CONDITIONS; AND TO REPLACE EXHIBIT O, THE CROSSINGS AT EAGLE HARBOR LAND USE EXCHANGE RATES, WITH EXHIBIT O REVISED 2012; AND PROHIBTING RETAIL USES ON PARCELS 35, 39, 40 AND 43. TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

**WHEREAS**, Eagle Harbor at Fleming Island Joint Venture, a Florida joint Venture, submitted notification of a proposed change to a previously approved DRI for The Crossings at Fleming Island DRI on January 12, 2012; and,

**WHEREAS**, the proposed change will amend the Specific Conditions and Exhibits of the Development Order adopted by Clay County Ordinance 88-77, as amended; and,

**WHEREAS**, Clay County has reviewed the proposed change and, after public hearing determined that it does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes.

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.**

Exhibit D, *Master Plan Land Use Table*, is hereby amended as shown in Attachment A.

**Section 2.**

Exhibit O, *Land Use Exchange Table*, is hereby amended in its entirety as depicted in Attachment "B."

**Section 5.**

The Clerk of the Court is authorized and directed within 10 days of the date of adoption of this Ordinance to send certified, complete and accurate copies of this Ordinance with all related exhibits by certified mail, return receipt requested, to the Department of Economic Opportunity, Division of Community Planning and Development, The Caldwell Building,



MSC 160, 107 East Madison Street, Tallahassee, Florida 32399; the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216; and Keith I. Hadden, P.E., Hadden & Land Engineering, Inc., 1590-8 Island Lane, Fleming Island, FL 32003. The Applicant will record a notice of adoption of this Ordinance in accordance with Section 380.06(15), Florida Statutes (1989).

**Section 6.**

If any portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed so as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 7.**

This Ordinance shall take effect in accordance with Florida law.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this 13<sup>th</sup> day of March 2012.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

---

Douglas P. Conkey  
Its Chairman

ATTEST:

---

Stephanie C. Kopelousos  
County Manager and Clerk of  
the Board of County Commissioners

APPROVED AS TO FORM:

---

Mark H. Scruby  
County Attorney

Attachment "A"

Proposed DRI Development Order Amendments:

Substitute Revised Exhibit D Master Plan Land Use Table for the existing exhibit (deleted language stricken through and new language underlined).

Substitute Exhibit O Revised 2012 Land Use Exchange Rates for existing Exhibit O in its entirety.

**EXHIBIT D  
MASTER PLAN LAND USE TABLE**

Use	Acres***	Du/Sf***
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Residential Moderate Density		2,592 du
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\*1. The Applicant may elect to make a land use equivalency exchange between approved office and retail commercial uses based on the p.m. peak hour trip equivalency matrix (attached hereto as Exhibit O Revised 2012 and incorporated by reference) and subject to the following additional conditions:

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addition, in no event, may the total number of square feet for retail commercial use, including any equivalency exchanges, exceed 1,750,000 square feet.

b. In no event shall the total DRI usage of potable water, wastewater and solid waste services exceed the total project maximums established in the original Application for Development Approval and set forth in Exhibit P (attached hereto and incorporated by reference). Applicant shall report on the cumulative usage of such services as required in the DRI annual report conditions.

c. Office and retail commercial uses may be exchanged under this condition only on parcels designated in the DRI Master Plan Map 1-I as "office/retail commercial."

~~Any changes to approved uses within the DRI east of U.S. 17 must undergo the DRI amendment process pursuant to Section 380.06(19), Florida Statutes,~~

d. At least 30 days before the Applicant proposes to make an allowable land use exchange between approved office and retail commercial uses, the Applicant shall notify Clay County, the Northeast Florida Regional Planning Council and the Department of Economic Opportunity Community Affairs of said election and provide them with cumulative information concerning any such exchanges to date and confirmation that the exchange meets the requirements of this condition. The DRI biennial report also shall cumulatively report on any use of this equivalency exchange mechanism.

\*\* 2. Hotel use is allowed within parcels designated for such use on the Master Plan and based on the conversion of approved square footage for retail use at the following rate for p.m. peak hour trips: 1000 sf of retail use converts to 4.19 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 sf of retail and 0.59 trips per hotel room. Any such conversion shall be subject to the notification and reporting requirements set forth in footnote 1.d. above.

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The following additional conditions shall be required for Parcels 35, 39, 40, 43 and 44:

1. Any commercial, light industrial or multi-family use east of US 17 shall provide a perimeter buffer consistent with Article VI, Section 8 of the land development code between uses. The rear buffer between exchanged uses and existing residential development shall be a 20-foot natural buffer for commercial and light and industrial uses and a 10-foot natural buffer for multi-family development. Single-family development shall meet Article VI, Section 8 requirements. Building setback and the placement of driveways and stormwater shall be consistent with setback requirements for office uses in the Development Order, except for single-family uses which shall meet setback requirements as specified in the Land Development Code.
2. Site lighting shall adhere to the Branan Field Land Development Regulations.
3. All uses located east of US 17 shall be conducted within completely enclosed structures, with no outdoor storage, and shall not exceed 2 stories in height.
4. There shall be no amplified music or announcements projected outside of any commercial or industrial use.
5. Light industrial uses shall be consistent with principal uses permitted in the IS and BP Districts of the Land Development Code.
6. Multi-family residential development such as town homes, patio homes and zero lot line are permitted up to 7.5 dwelling units per acre.

Attachment "B"

EXHIBIT O REVISED 2012

The Crossings at Fleming Island

Land Use Exchange Rates

		To				
		Single Family Units (RLD)	Multi Family Units (RMD)	Commercial (1,000 SF)	Office (1,000 SF)	Light Industrial (Acres)
From	Single Family Units (RLD)	1.0	2.5	1.83	3.67	0.33
	Multi Family Units (RMD)	0.4	1.0	0.73	1.45	0.14
	Commercial (1,000 SF)	0.55	1.38	1.0	2.0	0.15
	Office (1,000 SF)	0.27	0.69	0.5	1.0	0.075
	Light Industrial (Acres)	3.0	7.0	6.66	13.22	1.0

Source: ITE Trip Generation, 2008 edition

**HADDEN & LAND ENGINEERING, INC.**  
**1590-8 Island Lane**  
**Fleming Island, Florida 32003**  
**(904)269-9999**

**LETTER OF TRANSMITTAL**

DATE: 12/21/11	JOB NO. 11204
ATTENTION: <b>MIKE KLOEHN</b>	
RE: The Crossings at Fleming Island	
NOPC - No.14	

to: CLAY COUNTY PLANNING & ZONING  
 477 Houston Street  
 Green Cove Springs, FL 32043  
 P.O. Box 1366  
 (904) 541-5365

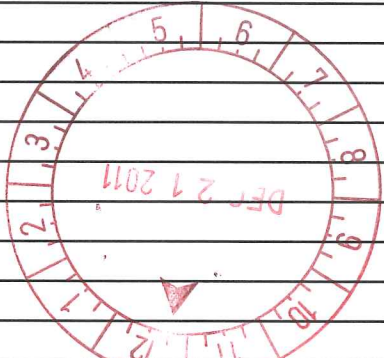
**WE ARE SENDING YOU:**       ATTACHED       Under separate cover via \_\_\_\_\_ the following items:

Shop Drawings       Prints       Plans       Samples       Specifications

Copy of Letter       Change Order       Contract       Other (see description below)

COPIES	NO.	DESCRIPTION
3	COPIES	NOTICE OF PROPOSED CHANGE NO.14
		The Crossings at Fleming Island
1	CHECK	in the Amount of \$1,500.00

*\$2000.00  
LAW 12/20/11*



THESE ARE TRANSMITTED as checked below:

- for processing
- Approved as submitted
- Resubmit \_\_\_\_\_ copies for approval
- For your use
- Approved as noted
- Submit \_\_\_\_\_ copies for distribution
- As requested
- Returned for corrections
- Return \_\_\_\_\_ corrected prints
- For review and comment
- For signature
- FOR BIDS DUE \_\_\_\_\_, 2005

REMARKS:

CC: Roger Arrowsmith (1)  
 Ed Lehman, NEFPC (4+check for \$2,500.)  
 Elizabeth Bowman, Esquire (1)  
 Ana Richmond, DEO-Tallahassee (2)  
 H&L FILE 11204

*Linda K. Hadden*  
**Linda K. Hadden**  
 ADMIN/PROJECT COORDINATOR

# **Notice of Proposed Change**

**As a Non-Substantial Deviation  
& Land Use Amendment**

**For:**

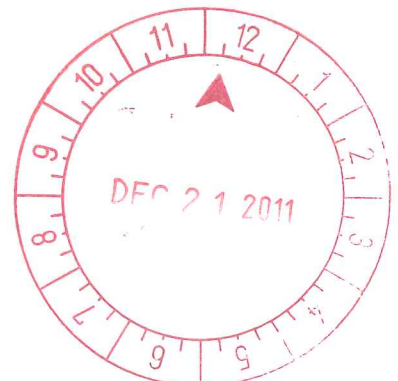
**The Crossings at Fleming Island  
Eagle Harbor at Fleming Island Joint Venture**

**Submitted to:**

**Clay County Board of County Commissioners  
Northeast Florida Regional Council  
Dept. of Economic Opportunity**

**Prepared By:**

**Keith I. Hadden, P.E.  
HADDEN & LAND ENGINEERING, INC.  
1590-8 Island Lane  
Fleming Island, FL. 32003  
(904) 269-9999  
H&L Project No. 11204**







# HADDEN & LAND ENGINEERING, INC.

CONSULTING ENGINEERS • LAND PLANNERS • ENVIRONMENTAL PERMITTING

December 21, 2011

Mr. Mike Kloehn  
Clay County Planning & Zoning  
P.O. Box 1366  
Green Cove Springs, FL. 32043

**RE: The Crossings at Fleming Island  
NOPC – No. 14**


Dear Mr. Kloehn,

Enclosed are three (3) copies of the Notification of Proposed Change, (NOPC) requesting an amendment to the Development Order for The Crossings at Fleming Island Development of Regional Impact (DRI) and a check for \$1,500.00.

**This NOPC proposes the addition of a conversion table of the undeveloped parcels. These changes do not increase the number of approved residential units.**

We appreciate your assistance with the processing of this requested change. Please do not hesitate to contact Roger Arrowsmith or myself if you have any questions.

Sincerely,



Keith I. Hadden, P.E.  
President

KIH/ljk

Cc: Roger Arrowsmith (1)  
Edward Lehman, NEFPC (4- with check for \$2,500.00)  
Ana Richmond, DEO (2)  
Elizabeth Bowman, Esquire (1)

**1590-8 Island Lane, Fleming Island, FL. 32003-4408  
(904) 269-9999**

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF COMMUNITY PLANNING  
BUREAU OF LOCAL PLANNING  
2555 Shumard Oak Blvd. Tallahassee, Florida 32399  
850/488-4925

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED  
DEVELOPMENT OF REGIONAL IMPACT (DRI)  
SUBSECTION 380.06(19), FLORIDA STATUTES**

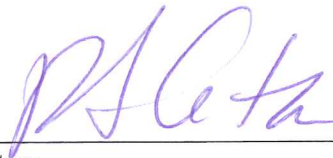
Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

I, ROGER ARROWSMITH, the undersigned owner/authorized representative of EAGLE HARBOR AT FLEMING, hereby give notice of a proposed change to a (developer) previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the THE CROSSINGS AT FLEMING ISLAND (EAGLE HARBOR) development, which (original & current project names) information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to CLAY COUNTY, (local government) to the NORTHEAST FLORIDA Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

Date

12/21/11

Signature



**NOPC FORM**

2.                   **Applicant**           **(name, address, phone)**  
**Eagle Harbor at Fleming Island Joint Venture**  
3973 Eagle Landing Parkway  
Orange Park, FL. 32065  
Contact: Roger Arrowsmith  
Phone: (904) 291-7200

3.                   **Authorized Agent** **(name, address, phone)**  
**Eagle Harbor at Fleming Island Joint Venture**  
3973 Eagle Landing Parkway  
Orange Park, FL. 32065  
Contact: Roger Arrowsmith  
Phone: (904) 291-7200

and consultant

\*                   **HADDEN & LAND ENGINEERING, INC.**  
1590-8 Island Lane  
Fleming Island, FL. 32003  
Contact: Keith I. Hadden, P.E.  
Phone: (904) 269-9999

\*                   **Primary Contact for receiving mail**

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

The Crossings at Eagle Harbor DRI is an approved DRI located in Clay County, Florida, a part of Township 5 South, Range 26 East, Sections 4, 5, 6, 7, 8, 9, 16, 17, 20 and part of Government Lots 3, 4 & 5. See attached legal description

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed changes to the approved (DRI) Development of Regional Impact, are limited to the inclusion of the following Conversion Rate Table:

### EAGLE HARBOR CONVERSION RATES

		To				
		Single Family Units (RLD)	Multi Family Units (RMD)	Commercial (1,000 SF)	Office (1,000 SF)	Light Industrial (Acres)
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Any changes to approved uses within the DRI east of U.S. 17 must undergo the DRI amendment process pursuant to Section 380.06(19), Florida Statutes.

d. At least 30 days before the Applicant proposes to make an allowable land use exchange between approved office and retail commercial uses, the Applicant shall notify Clay County, the Northeast Florida Regional Planning Council and the Department of Community Affairs of said election and provide them with cumulative information concerning any such exchanges to date and confirmation that the exchange meets the requirements of this condition. The DRI biennial report also shall cumulatively report on any use of this equivalency exchange mechanism.

\*\* Hotel use is allowed within parcels designated for such use on the Master Plan and based on the conversion of approved square footage for retail use at the following rate for p.m. peak hour trips: 1000 sf of retail use converts to 4.19 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 sf of retail and 0.59 trips per hotel room. A such conversion shall be subject to the notification and reporting requirements set forth in footnote d. above

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

See Table 1 (following page).

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 1 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
ATTRACTION	NUMBER OF PARKING SPACES	NO CHANGE	N/A	N/A	Ord.No.96-47 approved inclusion of movie theatres in C/SP (Commercial / Serial Performance) land use
	NUMBER OF SPECTATORS				
RECREATION	NUMBER OF SEATS				
	SITE LOCATION CHANGES ACREAGE, INCLUDING DRAINAGE, Right of Way, Easements, etc. NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				
AIRPORTS	RUNWAY (length)	N/A	N/A	N/A	
	RUNWAY (strength) TERMINAL (Gross Sq. feet) NUMBER OF PARKING SPACES NUMBER OF GATES APRON AREA (Gross sq. feet) SITE LOCATIONAL CHANGES AIRPORT ACREAGE, INCLUDING DRAINAGE RIGHT-OF-WAY EASEMENTS, ETC. NO. OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 2 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
HOSPITALS	NUMBER OF BEDS NUMBER OF PARKING SPACES BUILDING (gross Sq.foot) SITE LOCATIONAL CHANGES ACREAGE, INCLUDING DRAINAGE Right-of-way, Easements, etc. NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS	Not Applicable	N/A	N/A	
INDUSRIAL	ACREAGE, INCLUDING DRAINAGE Right-of-way, Easements, etc. NUMBER OF PARKING SPACES BUILDING (gross Sq.Feet) NUMBER OF EMPLOYEES CHEMICAL STORAGE (barrels and lbs.) SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS	NO CHANGE	69.44	68.59	- 4.24 ACRES, ORDINANCE NO. 91-52 +5.09 ACRES, ORDINANCE NO. 96-47



TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 3 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
MINING OPERATIONS	ACREAGE MINED (year)	Not Applicable	N/A	N/A	
	WATER WITHDRAWAL (gal/day) SIZE OF MINE (acres) Including Drainage, Right-of-way, and Easements, etc. SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				
OFFICE	ACREAGE, INCLUDING DRAINAGE	NO CHANGE	131.70 ACRES	197.06 ACRES	-24.5 ACRES, ORD.96-47, 11/96 -13.24 ACRES, ORD91-52, 9/91 -10.55 ACRES,, ORD.01-7, 1/01 -3.94 ACRES, FROM PARCEL 40, ORD.03-79, 8/03 -12.94 ACRES, ORD.NO.04-57
	RIGHT-OF-WAY, EASEMENTS, ETC. BUILDING (gross sq. feet) NUMBER OF PARKING SPACES * NUMBER OF EMPLOYEES SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 4 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
PETROLEUM/ CHEMICAL STORAGE	STORAGE CAPACITY (barrels, and/or lbs.)	Not Applicable	N/A	N/A	
	DISTANCE TO NAVIGABLE WATERS (feet)				
PORTS Marinas	SITE LOCATIONAL CHANGES	Not Applicable	N/A	N/A	
	FACILITY ACREAGE, including drainage, Right-of-way easements , etc.				
	NUMBER OF EXTERNAL VEHICLE TRIPS				
	D.O. CONDITIONS				
	ADA REPRESENTATIONS				
	NUMBER OF BOATS, WET STORAGE				
	NUMBER OF BOATS, DRY STORAGE				
	DREDGE & FILL (cu yds)				
	PETROLEUM STORAGE (gals)				
	SITE LOCATIONAL CHANGES				
PORT ACREAGE, including drainage, Right-of-way, Easements, etc.					
NUMBER OF EXTERNAL VEHICLE TRIPS					
D.O. CONDITIONS					
ADA REPRESENTATIONS					

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 5 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
RESIDENTIAL	NUMBER OF DWELLING UNITS	No Change	4,622	4,622	
	TYPE OF DWELLING UNITS Residential Low Density Residential Moderate Density		2,030 2,592	1,370 3,252	
	NUMBER OF LOTS ACREAGE, INCLUDING DRAINAGE	1,177.13 ACRES	1,165.24 ACRES	909.06 ACRES	-24.43 ACRES, ORD.NO.91-52 +255.38 ACRES, ORD.NO.96-47 +1.37 ACRES, ORD.NO. 02-60 +3.94 ACRES TO PARCEL 41, ORD.NO. 03-79 +19.92 ACRES, ORD.NO.04-57
	RIGHT OF WAY EASEMENTS, ETC				
	SITE LOCATION CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS	NO CHANGE			
WHOLESALE, RETAIL	ACREAGE, INCLUDING DRAINAGE	No Change	207.56	174.25	PRIOR CUMULATIVE ADDITIONS OF 19.60 ACRES, ORD.NO. 00-27
	RIGHT OF-WAY EASEMENTS, ETC. FLOOR SPACE (gross sq. feet) NUMBER OF PARKING SPACES * NUMBER OF EMPLOYEES SITE LOCATIONAL CHANGES NUMBER OF EXTERNAL VEHICLE TRIPS D.O. CONDITIONS ADA REPRESENTATIONS				+10.55 ACRES, ORD.NO.01-77 NOPC No.11 +3.16 ACRES ORD NO. 04-57

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 6 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
Hotel/Motel	Number of Rental Units	NO CHANGE	200	N/A	NOPC No. 11 + 200 rms. Ord. No. 04-57
	Floor Space (gross sq. feet)				
R. V. PARK	Number of parking spaces				
	Number of Employees				
	Site locational changes				
	Acreage, Including Drainage	Included in office acreage	0	0	
	Right of way Easements, etc.				
	Number of external vehicle trips				
	D.O. Conditions				
	ADA Representations				
	Acreage, Including Drainage	Not applicable	N/A	N/A	
	Right of way, Easements, etc.				
Number of Parking Spaces					
Buildings (gross square feet)					
Number of Employees					
Site Locational Changes					
Number of External Vehicle Trips					
D.O. Conditions					
ADA Representations					

TABLE 1  
 SUBSTANTIAL DEVIATION DETERMINATION CHART  
 Page 7 of 7

Type of Land Use	Change Category	Proposed Plan	Approved Plan	Original Plan	Previous D.O. Change + Date
Con/Open Space (all natural and vegetated non-impervious surfaces)	Acreage Site Locational changes Type of open Space D.O. Conditions ADA Representation	NO CHANGE	1018.42	927.41	+38.84 ac. Ord.No.91-52 +34.18 ac.Ord.No. 02-60 +6.43 ac.Ord.No.02-60 Rev.Ord.No.03-34 -5.06 ac.Ord.No.04-57
Recreation	Acreage	NO CHANGE	226.73	258.93	-34.7 AC GOLF Ord. No. 91-52 +2.5 AC Ord. No. 96-47
Right of way		NO CHANGE	72.94	28.75	+2.02 AC ord.No. 04-57
Buffer of Special Protection Areas	Site Locational Changes Development of site proposed D. O. Conditions ADA Representations				

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The Substantial Deviation Determination Chart (Table 1) indicates the changes to Land Use Quantities that have occurred and have been approved since the original Development Order issued by Clay County – Ord. 88-77.

<u>Amendments</u>	<u>Ordinance</u>	<u>Action</u>
NOPC No. 1	Ord. 91-52	<ul style="list-style-type: none"> <li>a. Reduced Industrial acreage by 4.24 Ac.</li> <li>b. Reduced Office acreage by 13.24 Ac.</li> <li>c. Reduced Residential acreage by 24.43 Ac. (low density – 22.52 Ac., moderate density – 1.89 Ac.)</li> <li>d. Reduced Retail acreage by 1.94 Ac.</li> <li>e. Added 38.84 acres of Conservation/Open Space</li> <li>f. Reduced Recreation acreage in golf course by 34.7 Ac.</li> </ul>
NOPC No. 2	Ord. 93-4	Allowed for the use of Florida Aquifer on temporary basis for golf course irrigation until treated water was available.
NOPC No. 3	Ord. 94-63	Added school site acreage to DRI legal description and land use table.
NOPC No. 4	Ord. 96-9	<ul style="list-style-type: none"> <li>a. Dealt with eagle protection and habitat management</li> <li>b. Stormwater pond design</li> <li>c. Development of 6½ acres of waterfront park</li> <li>d. Pedestrian/bicycle path along west side of US-17</li> </ul>

<u>Amendments</u>	<u>Ordinance</u>	<u>Action</u> (Continued)
NOPC No. 5	Ord. 96-47	<ul style="list-style-type: none"> <li>a. Approved inclusion of movie theaters in C/SP (Commercial/Serial Performance) land use designation</li> <li>b. Reduced office acreage by 24.69 acres – no reduction in approved square footage.</li> <li>c. Added 21.54 acres of Commercial (Retail) acreage with no increase in Commercial square footage</li> <li>d. Added 34.18 acres of Conservation/Open Space</li> <li>e. Added 2.5 acres of Recreation acreage in Holmes Tract</li> <li>f. Added 5.09 acres of Light Industrial use with no increase in building square footage</li> <li>g. Added 255.38 acres of Residential land (174.26 acres low density Residential and 81.12 acres moderate density)</li> <li>h. Reduced right-of-way by 6.29 acres</li> <li>i. Clarified D.O. Condition 16 – Land Use Plan(e) and D.O. Condition 15 – Transportation (vii) regarding media opening/access on US-17</li> <li>j. Relocation of fire station on CR-220 to Agresti parcel (part of DRI)</li> <li>k. Realignment of Eagle Harbor Parkway</li> </ul>
NOPC No. 6	Ord. 00-27	Relocation of site intended for public library to a location adjacent to a public school in order to achieve the benefits of co-location of public facilities.
NOPC No. 7	Ord. 01-7	Change 10.55 acres of office land use to retail commercial ,with no change in either office or retail commercial square footage
NOPC No. 8	Ord. 01-27	<p>Changed designation of parcels 14,15,20,22a,22b and 28a from commercial to office/ commercial land use; changed parcels 28b,36, and 36a from office to office/ commercial land use.</p> <p>Added a land use category to Master Plan called “Office/ Commercial”;</p> <p>Provided for a land use exchange table to</p>

allow for exchange of existing office and commercial to commercial or office

NOPC No. 9	Ord. No. 02-60 Rev.Ord.No.03-34	Increase total DRI acreage by 7.8 ac;(+1.37ac.of residential, 6.43ac.of Cons/Open Space); changed the designation of parcels 48, 50, 52 from RMD to RLD; revised the boundary of parcel 53; increased RLD units from 1370 to 2030; decreased RMD units from 3252 to 2592 with no increase in total units; changed to biennial reporting.
NOPC No. 10	Ord. No. 03-79	Increase acreage of Parcel 41(RMD) by 3.94 ac.; Decrease acreage of Parcel 40 (O) by 3.94 ac.
NOPC No. 11	Ord 04-59	Increase total acreage by 7.10 ac. -Parcel 53a RMD; increase Commercial lands by 3.16 ac; decrease Office lands by 12.94 ac.; decrease COS by 5.06 ac; increase Residential lands by 19.92 ac.; increase R/W by 2.02 ac.;creation of Parcel 36b (14ac. Office); adding Hotel use to Parcel 36-O/C/H; adding serial performance to Parcel 28a-O/C/SP; changing Parcels 24,24a,28 to O/C; changing Parcels 14,15 to RMD. No change in approved units or square footage.
NOPC No.12	Ord 05-20	Increase of 11.89 ac of residential (RLD) low density w/no increase in approved units increase of 1.62 ac of conservation of (COS) lands. Parcel 28A-no more than 1,200 seats and 10 movie screens and limited in size to 40,000 SF.
NOPC No.13	Ord 06-57	Revise the office acreage requirements within Parcels 28-A and 36-A



8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

none

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(10)(b), Florida Statutes.

Do you believe this proposed notification of change constitutes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

Yes \_\_\_\_\_

No       X      

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

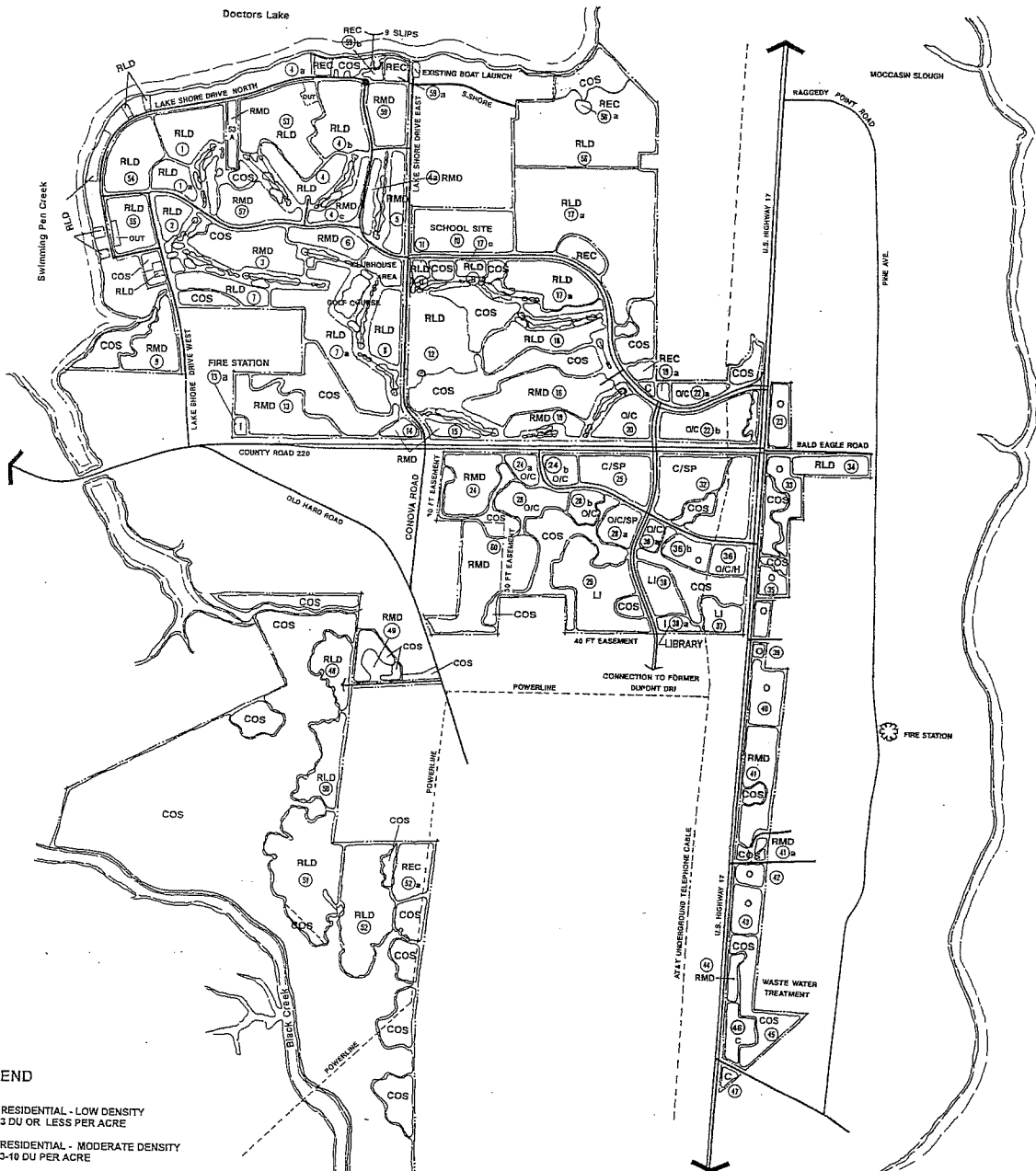
The proposed change will not alter or change buildout date of the project. This DRI was approved as an unphased project.

11. Will the proposed change require an amendment to the local government comprehensive plan?

The proposed changes to the Development Order do not require an amendment to Comprehensive Plan.

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

A revised Master Plan Map H (Development Order Exhibit D) is provided.



**LEGEND**

- RLD RESIDENTIAL - LOW DENSITY  
3 DU OR LESS PER ACRE
- RMD RESIDENTIAL - MODERATE DENSITY  
>10 DU PER ACRE
- C COMMERCIAL - GENERAL  
C/SP INDICATES COMMERCIAL AREAS W/ SERIAL PERFORMANCE FACILITIES
- O OFFICE - GENERAL
- OIC OFFICE/COMMERCIAL RETAIL  
H INDICATES OFFICE/COMMERCIAL/HOTEL USE
- LI LIGHT INDUSTRIAL
- I INSTITUTIONAL - SCHOOLS, CULTURAL  
RECREATIONAL, AND GOVERNMENT FACILITIES
- COS CONSERVATION / OPEN SPACE
- RS RECREATIONAL / GOLF
- [Wavy Line] DETENTION - LAKE
- \* EAGLE NEST NEST PROTECTION ZONES AND PROTECTION REQUIREMENTS SHALL BE AUTHORIZED  
BY THE WILDLIFE AGENCIES WITH REGULATORY JURISDICTION
- EXISTING WELL

REVISION DATES:			
OCTOBER 29, 1996	APRIL 25, 2000	MAY 2001	MAY 2003
AUGUST 14, 1996	OCTOBER 26, 2000	APRIL 2002	SEPTEMBER 2004
APRIL 1, 1996	MARCH 2001	NOVEMBER 2002	OCTOBER 2004

**NOTE:**

- APPROVED DRI MASTER PLAN - OCTOBER 11, 1988
- REVISED MASTER PLAN - APRIL 22, 1991
- REVISED MASTER PLAN - AUGUST 13, 1991-NOPC EAGLE HARBOR BOULEVARD CONNECTION TO US 17
- REVISED MASTER PLAN - APRIL 12, 1995-NOPC PRIMARY EAGLE PROTECTION ZONE
- REVISED DRI MASTER PLAN - FEBRUARY 1996-NOPC NEILHURST, HOLMES AND AGREST TRACTS - TOWN CENTER
- REVISED NOPC SUBMITTED OCTOBER 25, 2000 PARCEL 25 OFFICE TO COMMERCIAL
- REVISED DRI MASTER PLAN MAY 22, 2001 ADDED O / C DESIGNATION
- REVISED DRI MASTER PLAN APRIL 1, 2002 REMOVED LICKSKILLET EAGLE NEST
- MODIFY CERTAIN RMD PARCELS TO RLD NOPC-9
- INCREASED PARCEL 41/41a BY 3.94 ac. DECREASED PARCEL 40 BY 3.94 ac. NOPC-10
- MODIFY PARCELS 14, 15, 24b, 28, 28a, 36, 36b. ADD HILL PARCEL 53a, TOWN CENTER EAGLE 4.5 ACRES OF PARCEL 26a TO BE DEVELOPED AS OFFICE - NOPC 11

• ADD NEILHURST PARCELS, PARCEL 45 - 28.51 AC. (OCT 8, 2004)

**MAP H**

**MASTER PLAN**

SOURCE: ORIGINAL MASTER PLAN - RS&H 1987, 1988



*The Crossings*

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

No changes

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

No change in Legal Description

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

No changes to the development order deadlines are proposed. This DRI is not phased.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

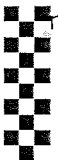
No changes to the development order termination date are proposed.

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

No changes.

- f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.**

No amendment to the development order specifications for the annual report is proposed. As authorized under 2002 legislative changes to the DRI statutes, an amendment was approved (Ord. No.02-60) shifting to biennial reports.



**REVISED!**

**LETTER OF TRANSMITTAL**

**HADDEN & LAND ENGINEERING, INC.**  
1590-8 Island Lane  
Fleming Island, Florida 32003  
(904)269-9999

DATE:	JANUARY 12, 2012	JOB NO.	H&L: 11204
ATTENTION:	MIKE KLOEHN		
RE:	AMENDMENT TO PREVIOUSLY SUBMITTED NOPC - No.14 to The Crossings at Fleming Island DRI		

TO: **CLAY COUNTY PLANNING & ZONING**  
477 Houston Street  
Green Cove Springs, FL. 32043  
P.O. Box 1366  
(904) 541-5365

- WE ARE SENDING YOU:
- ATTACHED
  - Shop Drawings  Prints
  - Copy of Letter  Change Order

- VIA FAX  (904) 278-4708
- Contract  Other (see description below)

COPIES	NO.	DESCRIPTION
1		Cover Letter Dated January 12, 2012
		Re: Technical Clarifications of above referenced submittal
1		3 page AMENDMENT TO PREVIOUSLY SUBMITTED
		NOTICE OF PROPOSED CHANGE No. 14
		The Crossings at Fleming Island DRI

- 
- 
- 

**REMARKS:**  
THIS TRANSMISSION SUPERCEDEDS PREVIOUS AMENDMENT (01.11.2012)  
TO ORIGINAL SUBMITTAL OF 12.21.2011

5 PAGES TOTAL  
INCLUDING TRANSMITTAL

*Linda K. Hadden*  
Linda K. Hadden  
Admin/Project Coordinator



# HADDEN & LAND ENGINEERING, INC.

CONSULTING ENGINEERS • LAND PLANNERS • ENVIRONMENTAL PERMITTING

January 12, 2012

Mr. Mike Kloehn  
Clay County Planning & Zoning  
P.O. Box 1366  
Green Cove Springs, FL. 32043

**RE: The Crossings at Fleming Island DRI-NOPC No. 14  
Original Submittal of December 21, 2012**

Dear Mr. Kloehn,

**Attached please find some technical clarifications to the proposed DRI amendments. These were inadvertently not included in the original filing during the holiday period.**

These technical clarifications consist of two revised Exhibits to the Development Order, to implement the proposed conversion provisions. These proposed changes do not authorize any increases in DRI land use parameters above the currently approved maximums and do not create any increased regional impacts. In addition, please correct the substantial deviation table as filed to indicate that 1,177.13 Acres is the "Approved Plan" for residential acreage and that no specific change is proposed.

**We appreciate your assistance with the processing of this revision to the requested change.**

Sincerely,

Keith I. Hadden, P.E.  
President

KIH/ljk

Cc: Roger Arrowsmith  
Edward Lehman, NEFPC  
Ana Richmond, DEO  
Elizabeth Bowman, Esquire

1590-8 Island Lane, Fleming Island, FL. 32003-4408  
(904) 269-9999

**Proposed DRI Development Order Amendments:**

Substitute Revised Exhibit D Master Plan Land Use Table for the existing exhibit (deleted language stricken through and new language underlined).

Substitute Exhibit O Revised 2012 Land Use Exchange Rates for existing Exhibit O in its entirety.

**EXHIBIT D  
MASTER PLAN LAND USE TABLE**

Use	Acres***	Du/Sf***
Residential Low Density		2,030 du
Residential Moderate Density		2,592 du
<b>Total Residential</b>	<b>1,177.13</b>	<b>4,622 du</b>
* Commercial	207.56	1,361,000 sf
* Office	131.7	1,963,650 sf
** Hotel	(acres included in office above)	200 rms
Light Industrial	69.44	849,400 sf
Institutional	47.00	
Recreational	226.73	
Conservation/Open Space	1,018.42	
Right-of-way	72.94	
<b>Total***</b>	<b>2,950.92</b>	<b>4,174,050 sf</b>

\*1. The Applicant may elect to make a land use equivalency exchange between approved office and retail commercial uses based on the p.m. peak hour trip equivalency matrix (attached hereto as Exhibit O Revised 2012 and incorporated by reference) and subject to the following additional conditions:

a. The total number of square feet and acres for both office and retail commercial uses combined shall not exceed the local comprehensive plan limits of 3,324,650 square feet and 581 acres. In

addition, in no event, may the total number of square feet for retail commercial use, including any equivalency exchanges, exceed 1,750,000 square feet.

b. In no event shall the total DRI usage of potable water, wastewater and solid waste services exceed the total project maximums established in the original Application for Development Approval and set forth in Exhibit P (attached hereto and incorporated by reference). Applicant shall report on the cumulative usage of such services as required in the DRI annual report conditions.

c. Office and retail commercial uses may be exchanged under this condition only on parcels designated in the DRI Master Plan Map 1-1 as "office/retail commercial."

~~Any changes to approved uses within the DRI east of U.S. 17 must undergo the DRI amendment process pursuant to Section 380.06(19), Florida Statutes;~~

d. At least 30 days before the Applicant proposes to make an allowable land use exchange between approved office and retail commercial uses, the Applicant shall notify Clay County, the Northeast Florida Regional Planning Council and the Department of Economic Opportunity Community Affairs of said election and provide them with cumulative information concerning any such exchanges to date and confirmation that the exchange meets the requirements of this condition. The DRI biennial report also shall cumulatively report on any use of this equivalency exchange mechanism.

\*\* 2. Hotel use is allowed within parcels designated for such use on the Master Plan and based on the conversion of approved square footage for retail use at the following rate for p.m. peak hour trips: 1000 sf of retail use converts to 419 hotel rooms, based on p.m. peak hour trip rates of 2.47 trips per 1000 sf of retail and 0.59 trips per hotel room. Any such conversion shall be subject to the notification and reporting requirements set forth in footnote 1.d. above.

3. \*\*\*In addition to the land use conversions allowable under the provisions stated in footnotes 1 and 2 to this Master Plan Land Use Table, the land uses shown on the Map H DRI Master Plan on parcels 29, 28b, 35, 39, 40, 43 and 44 may be converted in whole or in part from the specific individual uses designated on the Map H Master Plan to uses identified on the Exhibit O Revised 2012 conversion table based on the stated conversion rates. Provided, however, that any such conversions are subject to the maximum total DRI residential dwelling unit parameters by dwelling unit type, and the other maximum acreage (except for residential acreage) and square footage limits for uses as set forth on the Master Plan Land Use Table and footnote 1 above. Such conversions shall be subject to other applicable restrictions in the development order, including but not limited to those set forth as part of this Master Plan Land Use Table related to 1) maximum total acreage and square footage of combined commercial retail and office uses; 2) maximum retail commercial square footage in the DRI as a whole; and 3) maximum total DRI usages of potable water, solid waste and wastewater services as set forth on Exhibit P. In addition, no retail commercial use is allowable by conversion on parcels 35, 39, 40 and 43. Any conversion under this subparagraph is also subject to the notification and reporting requirements set forth in footnote 1.d. above.



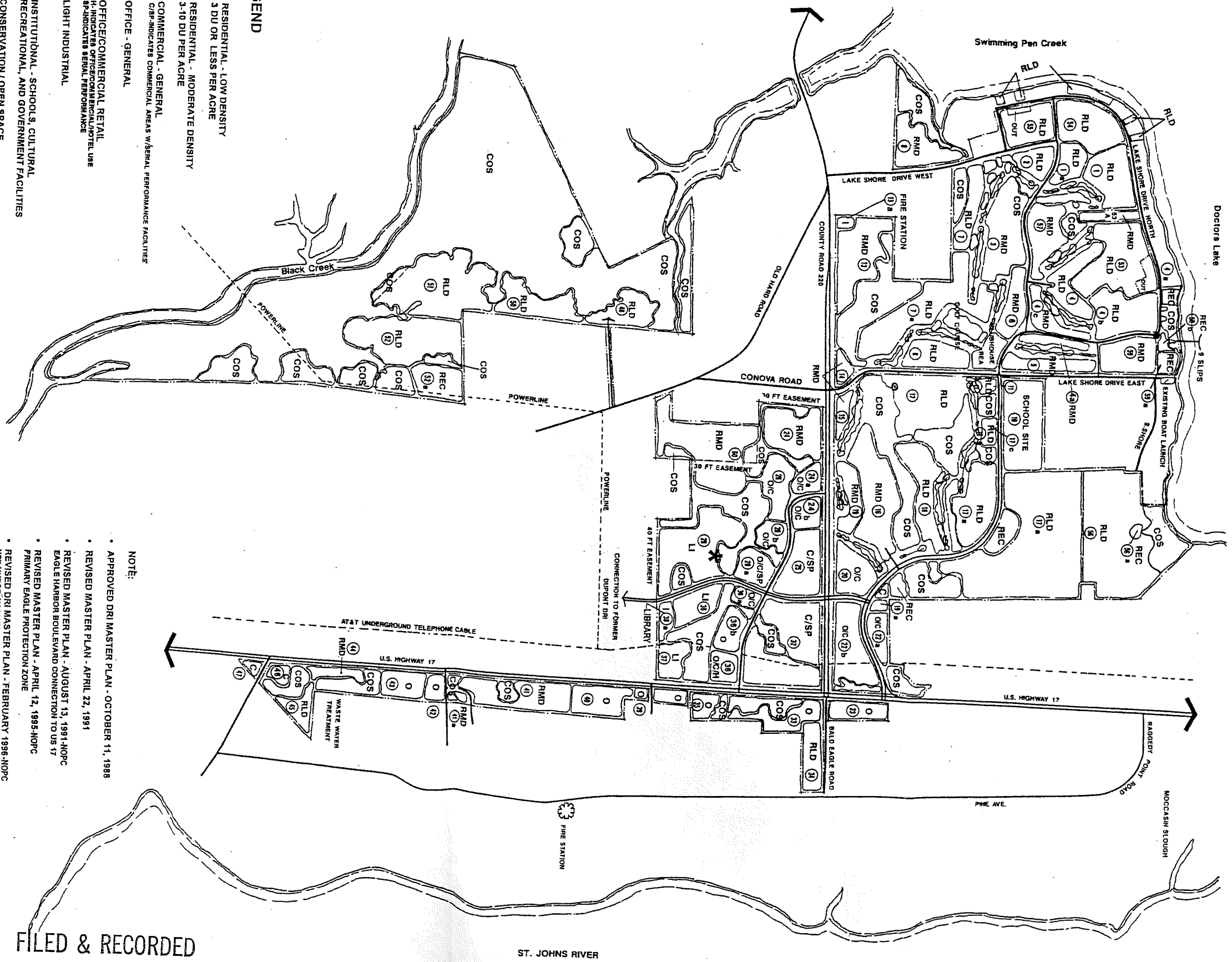
**EXHIBIT O REVISED 2012**

**The Crossings at Fleming Island**

**Land Use Exchange Rates**

		To				
		Single Family Units (RLD)	Multi Family Units (RMD)	Commercial (1,000 SF)	Office (1,000 SF)	Light Industrial (Acres)
From	Single Family Units (RLD)	1.0	2.5	1.83	3.67	0.33
	Multi Family Units (RMD)	0.4	1.0	0.73	1.45	0.14
	Commercial (1,000 SF)	0.55	1.38	1.0	2.0	0.15
	Office (1,000 SF)	0.27	0.69	0.5	1.0	0.075
	Light Industrial (Acres)	3.0	7.0	6.66	13.22	1.0

Source: ITE Trip Generation, 2008 edition



**LEGEND**

- RLD** RESIDENTIAL - LOW DENSITY  
3 DU OR LESS PER ACRE
- RMD** RESIDENTIAL - MODERATE DENSITY  
3-10 DU PER ACRE
- C** COMMERCIAL - GENERAL  
C/SR-INDICATES COMMERCIAL AREAS w/SERIAL PERFORMANCE FACILITIES
- O** OFFICE - GENERAL
- O/C** OFFICE/COMMERCIAL RETAIL  
R-INDICATES OFFICE/COMMERCIAL/RETAIL USE  
SR-INDICATES SERIAL PERFORMANCE
- LI** LIGHT INDUSTRIAL
- I** INSTITUTIONAL - SCHOOLS, CULTURAL  
RECREATIONAL, AND GOVERNMENT FACILITIES
- COS** CONSERVATION / OPEN SPACE
- REC** RECREATIONAL / GOLF
- DETENTION - LAKE**
- \*** EAGLE NEST  
NEST PROTECTION ZONES AND PROTECTION REQUIREMENTS SHALL BE AUTHORIZED  
BY THE WILDLIFE AGENCIES WITH REGULATORY JURISDICTION
- O** EXISTING-WELL

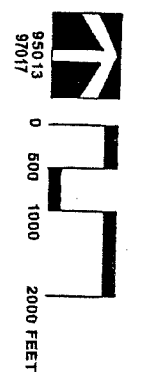
**REVISION DATES:**

OCTOBER 29, 1996	APRIL 25, 2000	MAY 2001	MAY 2003
AUGUST 14, 1998	OCTOBER 25, 2000	APRIL 2002	SEPTEMBER 2004 (REV)
APRIL 1, 1998	MARCH 2001	NOVEMBER 2002	

**MAP H**

**MASTER PLAN**

SOURCE: ORIGINAL MASTER PLAN - R34H 1987, 1988  
LANDERS-ATKINS PLANNERS, INC., SEPTEMBER, 1995



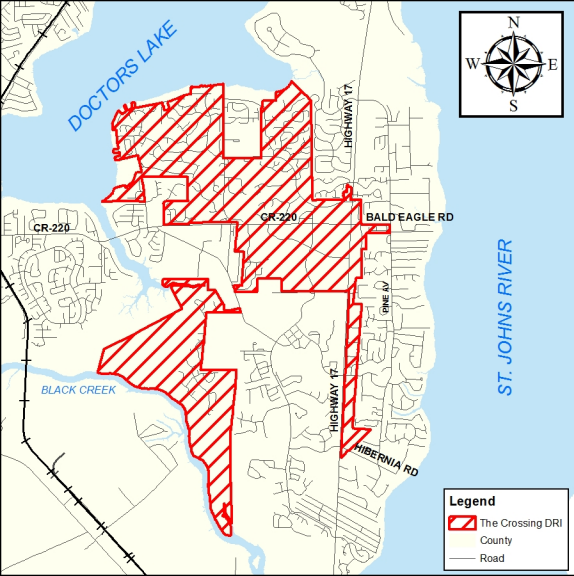
**NOTE:**

- APPROVED DRI MASTER PLAN - OCTOBER 11, 1988
- REVISED MASTER PLAN - APRIL 22, 1991
- REVISED MASTER PLAN - AUGUST 13, 1991-NOPC  
EAGLE HARBOR BOULEVARD CONNECTION TO US 17
- REVISED MASTER PLAN - APRIL 12, 1995-NOPC  
PRIMARY EAGLE PROTECTION ZONE
- REVISED DRI MASTER PLAN - FEBRUARY 1996-NOPC  
NEILHURST, HOLMES, AND AGRICULTURE TRACTS - TOWN CENTER
- REVISED NOPC SUBMITTED OCTOBER 25, 2000  
PARCEL 25 OFFICE TO COMMERCIAL
- REVISED DRI MASTER PLAN MAY, 22, 2001  
ADDED O/C DESIGNATION
- REVISED DRI MASTER PLAN APRIL 1, 2002  
REMOVED LICKSKILLET EAGLE NEST
- MODIFY CERTAIN RMD PARCELS TO RLD  
NOPC-9
- INCREASED PARCEL 41/41a BY 3.94 ac.  
DECREASED PARCEL 40 BY 3.94 ac.  
NOPC-10
- MODIFY PARCELS 14, 15, 24b, 28, 29a, 30, 36b.  
ADD HILL PARCEL 53a, TOWN CENTER EAGLE  
4.5 ACRES OF PARCEL 28a TO BE DEVELOPED AS OFFICE - NOPC 11

FILED & RECORDED

ORD. BOOK 15 PAGE 521

*The Crossings*  
at Fleming Island



## PLANNING COMMISSION MINUTES

February 7, 2012

The regular meeting of the Planning Commission was held February 7, 2012, in the Board of County Commissioners Meeting Room of the Clay County Administration Building, Green Cove Springs, Florida.

The following members were present:

Frank Riner, Chairman  
Dale Eggers  
Ralph Puckhaber  
Rick Bebout  
Phil Hans, CCSB  
Marsha Dumler  
Joe Anzalone

Absent: Belinda Johnson

Also Present:

Fran Moss, Chief Assistant County Attorney  
Holly Parrish, Director of Economic and Development Services  
Mike Kloehn, P&Z Division Director  
Chad Williams, Zoning Chief  
Teresa Capo, Recording Secretary

The meeting was called to order by Chairman Riner, the time being 7:00 P.M.

### **Approval of Minutes**

Commissioner Puckhaber made the motion to approve the minutes for January 3, 2012. Commissioner Anzalone seconded the motion which carried 7-0.

### **Public Hearings**

#### **1. Public Hearing for Rezoning PID-11-02**

Chad Williams, Zoning Chief, addressed the Commission and stated that for consideration is application PID-11-02, which is a request for a Rezoning for 374.27 acres from AG (Agriculture) and AR (Agriculture Residential) to PID (Planned Industrial Development) with a companion land use change currently under review that would amend the land use from AG to Residential if approved. He reported of the surrounding property zonings which are AR to the East, AG to the North and South, and of a small parcel of IA zoning. Mr. Williams stated that the applicant is seeking a rezoning to PID and has requested the current uses within the IA and IB Zoning Districts. If approved the applicant will provide buffering, lighting, noise standards, height limits, dust control, etc. as part of the PID.

Mr. Williams reported that staff has reviewed the application and recommends approval of application PID-11-02 with the following conditions:

1. The language regarding the signage be stricken and signage be governed by the current Clay County Sign Code.
2. The language regarding access control to be replaced and state that access points and connections will be in accordance with the current Code.

3. Exclude the uses of airports, heliports, rock/stone crushing.
4. Improvements to Warner Road will be determined by Development Review and will meet current County and State regulations.
5. The application will be contingent upon approval of the companion land use change.

Chairman Riner opened the public hearing.

Susan Fraser, SLF Consulting, 3517 Park Street, representing the Applicant, provided the Commission with two corrected documents for its review. One being an updated map identifying a buffer which was left off of the original list of proposed buffers and the other being a revised Written Statement that incorporated staff recommendations. (See Attachments)

Ms. Fraser began by provided a brief history, stating that she, on behalf of the applicant, has appeared before the Commission previously on this item during the land use application process to request a land use change to Industrial. She explained that at the time of the original application the applicant was willing to provide a 100' buffer to residential uses. It was during that process that staff suggested that a PID be considered with the application. She added that the Planning Commission made recommendation to the BCC and the BCC accepted as part of their submittal to DCA on the Plan Amendment, that the buffer could be increased to 125', but with that increase it was not necessary to do a PID, just a conventional only Zoning Application. Ms. Fraser explained that as requested by the Commission, she met with the Community and it was determined by the residents that the establishment of a PID would be in their best interest and that the kind of conditions that would be produced provided them protection.

With that said, Ms. Fraser commented that she was present today to request of the Commission that they consider a buffer, adjacent to residential use, that is 75' in width. She stated that the reduction in the buffer is based on the fact that the County's Tree and Landscape Ordinance determines what buffers will be required between uses in the County and for an industrial use adjacent to residential. She added that the Ordinance provides for two options, a 30' buffer with a block wall as a barrier or for a 75' vegetative buffer at 85% opacity.

Ms. Fraser then summarized specifics within the Written Statement which outlined conditions that address the concerns of the community as well as the proposed development.

- Ms. Fraser reported that that she agrees with the exclusion of airports, heliports, rock and stone crushing as conditional uses as commented by staff
- Ms. Fraser proposed an average floor area ratio (FAR) of 0.35
- Ms. Fraser proposed a 60' height limit on buildings within 100' of a residential boundary
- Ms. Fraser proposed a Phasing Schedule
- Ms. Fraser proposed limits on Lighting
- Ms. Fraser stated that guidelines for access and traffic control limits will be based upon County Code
- Ms. Fraser proposed providing 75' buffers at 85% opacity (with additional requirements regarding the loss of buffer due to seasonal changes, fire, or pest infestation)
- Ms. Fraser stated that signage will be limited along Warner Road
- Ms. Fraser stated that limits will be provided for noise control as proposed

In closing Ms. Fraser stated that she has looked at all the major impacts that could occur between these two uses and feels that she has offered standards and ways to measure, apply, and enforce those standards.

Ms. Fraser and staff answered questions from the Commission regarding noise levels, exclusion of heliports/airports, and height limits as outlined in the Written Statement.

Bill Whitman, 866 Warner Road, spoke on behalf of the residents of Warner Road. He addressed comments made by Ms. Fraser in her Written Statement, specifically rebutting comments regarding Buffers, Noise Level Standards, Building Height, Lighting, Signage, Access and Permitted Uses. (See Attached Rebuttal)

Paul C. Salazar, 852-1 Warner Road, spoke regarding protection for the residents along Warner Road.

Diana Warner, 5887 Vallery Lane, spoke regarding protection for the residents along Warner Road.

Marlene Whitman, 866 Warner Road, spoke regarding protection for the residents along Warner Road.

Brenna Durden, 245 Riverside Avenue Suite 150, counsel for the residents of Warner Road, rebutted comments from Ms. Fraser pertaining to the Written Statement. Ms. Durden spoke in opposition of the following areas:

1. With regards to Sound Level Limits, Ms. Durden stated that the residents would like a reduction of 10 dB on each of the Sound Level Limits.
2. Ms. Durden stated that all Buffers should be increased from 75' to 125' in width for protection of the residents
3. Ms. Durden stated that the residents would like to propose a gradual setback standard for structure heights. Structures should be limited to a height of 60' within 200' of the parcel boundary where buffers A or B are utilized graduating up to 80' in height within 325' of said boundary, with a parcel limit of 100' in height for the remaining areas.

In conclusion, Ms. Durden asked the Commission to consider all of her comments and those made by the residents as reasonable and part of their consideration in approving the PID.

Geoffrey Bodden, 6337 Jack Wright Island Road, St. Augustine, spoke regarding the noise level but overall was in favor of the proposed changes.

Susan Fraser, SLF Consulting, 3517 Park Street, rebutted comments made during the Public Hearing.

Commissioner Dumler addressed Ms. Fraser regarding privacy issues associated with height restrictions and regarding the inclusion of specific language in the PID that would exclude "Adult Entertainment" facilities. Ms. Fraser agreed to add the language as discussed.

Commissioner Pukhaber requested of Ms. Fraser to revise the narrative in the Written Statement to reflect a change from the word wattage to lumens. He further made brief comments regarding the perimeter road and privacy issues associated with height restrictions.

Chairman Riner commented on the proposed 75' buffer and stated that he could not support anything less than a 100' buffer at this time.

Chairman Riner closed the Public Hearing.

Discussion followed regarding specific language that needs to be applied to the PID regarding signage.

Commissioner Puckhaber made the motion to recommend approval of the Written Report as presented by Ms. Fraser, which included staff comments and recommendations. Commissioner Bebout seconded the motion which carried 6-0.

Commissioner Puckhaber further stated that he would be willing to amend his motion to accept the Written Report with the provision to increase the buffer from 75' to 100'.

Commissioner Eggers made the motion to recommend approval of the Written Report as well as an increase in the buffer from 75' to 100'. Commissioner Anzalone seconded the motion which carried 6-0.

Fran Moss, Chief Assistant County Attorney addressed the Commission in an effort to provide clarity of the motion to include an increase of the 100' buffer.

Commissioner Puckhaber amended his motion as recommended by Chief Assistant County Attorney Moss to recommend approval of the Written Statement as presented by Ms. Fraser, which included staff comments and recommendations, and to increase in the buffer from 75' to 100'. Commissioner Bebout seconded the motion which carried 6-0.

## **2. Amendment to the BB-2 Zoning District to allow for Indoor Shooting Ranges**

Chad Williams, Zoning Chief, stated that staff is proposing an amendment to the code following the receipt of a rezoning application from BB-2 to BB-5 for the specific use of an indoor shooting range. Mr. Williams stated that while staff was able to support the development of an indoor shooting range at the proposed location, a rezoning to the BB-5 district would allow uses which are not compatible with the location's surrounding area. He added that staff was prepared to recommend denial of the rezoning, when after further review and staff discussions regarding the appropriateness of allowing indoor shooting ranges in the BB-2 district, staff concluded that the indoor shooting range use is not dissimilar to uses currently allowed within the BB-2 district and therefore recommend approval to the change in the code.

Chairman Riner posed questions to staff regarding noise levels and buffering. Mr. Williams responded that the shooting range would be required to install sound dampening facilities so the shooting could not be heard outside of the facility.

Chairman Riner opened the public hearing and receiving no request to speak closed the public hearing.

Commissioner Puckhaber made the motion to recommend approval of the Ordinance that would allow for the use of Indoor Shooting Ranges in the BB-2 district. Commissioner Anzalone seconded the motion which carried 6-0.

## **3. Proposed Amendment to the LDC to allow Solar Farms as a Conditional Use**

Mike Kloehn, Planning & Zoning Director, reported that at the direction of County Manager Kopelousos, staff was asked to add Solar Farms as an allowable use in the Land Development Code, specifically in the AG and IB Zoning Districts as well as the Branan Field Activity Center. Mr. Kloehn stated that staff researched the codes of jurisdictions from around the United States, as well as literature from the American Planning Association which aided in the preparation of the proposed ordinance for approval by the Commission.

Chairman Riner opened the public hearing and receiving no request to speak closed the public hearing.

Brief discussion followed.

Commissioner Puckhaber made the motion to recommend approval of the Ordinance as presented by staff. Commissioner Anzalone seconded the motion which carried 6-0.

### **Old Business/New Business/Comments**

Chairman Riner expressed gratitude to outgoing Recording Secretary, Wanda Mears, for her service to the Planning Commission. Chairman Riner added that Ms. Mears will be retiring after many years of service to the Commission and will be greatly missed.

#### **1. Reorganization of Planning Commission**

Chairman Riner accepted nominations for Chairman and Vice Chairman. Rick Bebout nominated Frank Riner to another term as Chairman and Commissioner Ralph Puckhaber as Vice Chairman. Commissioner Eggers seconded the motion which carried 6-0.

There being no further business, the meeting was adjourned at 9:05 P.M.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Frank G. Riner, Chairman

\_\_\_\_\_  
Teresa Capo, Recording Secretary



**MINUTES**  
**PLANNING COMMISSION**  
**JANUARY 3, 2012**

The regular meeting of the Planning Commission was held January 3, 2012, in the Board of County Commissioners Meeting Room of the Clay County Administration Building, 477 Houston St., Green Cove Springs, Florida, with the following members present:

Frank Riner, Chairman  
Dale Eggers  
Ralph Puckhaber  
Belinda Johnson  
Rick Bebout  
Phil Hans, CCSB  
Marsha Dumler  
Joe Anzalone

Also Present: Mark Scruby, County Attorney  
Holly Parrish, Director of Economic and Development Services  
Sung Man Kim, Chief Planner  
Mike Kloehn, P&Z Division Director  
Wanda Mears, Recording Secretary

The meeting was called to order by Chairman Riner, the time being 7:00 p.m.

**APPROVAL OF MINUTES**

Commissioner Johnson made the motion to approve the minutes for December 6, 2011. Commissioner Dumler seconded the motion which carried 8-0.

**PUBLIC HEARING**

**1. Public Hearing regarding Comprehensive Plan Large Scale Map Amendment #11-4 (Ravines).**

Sung-Man Kim, Chief Planner stated that the Applicant is proposing to amend the future land use designation on the FLUM from LA Rural Community to LA Rural Reserve. The applicant is proposing to develop the subject property with single family residential lots similar to those currently developed within the Ravines.

Chairman Riner opened the public hearing.

Ken Debusk, 2844 Greenview Terrace, MB representing the Applicant stated that he was available for questions.

Tim Garner, 5705 Green Rd, MB spoke in opposition to the proposed change.

Suzanne Lyda, 3627 Southern Pines Dr, MB spoke in opposition to the proposed change.

**MINUTES**  
**PLANNING COMMISSION**  
**JANUARY 3, 2012**

Colleen Lord, 3847 Creek Hollow Ln, MB spoke in favor of the proposed change.

Bruce Tepley, 5717 Green Rd, MB spoke in opposition to the proposed change.

Christopher Garner, 5625 Drake Loop Rd, MB spoke in opposition to the proposed change.

George Bates, 2860 Ravines Rd, MB spoke in opposition to the proposed change.

Troy Kline, 4052 Edgeland Trail, MB spoke in favor of the proposed change.

Brian Gourlay, 4055 Edgeland Trail, MB spoke in favor of the proposed change.

Donald Gray, 5703 Green Rd, MB spoke in opposition to the proposed change.

Patrick Biddinger, 2856 Ravines Rd, MB spoke in opposition to the proposed change.

Thomas J. Ramsey, 2874 Ravines Rd, MB spoke in opposition to the proposed change.

Chairman Riner closed the public hearing.

Commissioner Bebout stated for the record that he had spoken with one of the Ravines residents regarding the proposed amendment change.

Commissioner Puckhaber questioned why a portion of the subject property was not contiguous to the remainder. Sung Man Kim replied that it had previously been contiguous but the Applicant failed to obtain authorization to include the connecting property in his application.

Commissioner Puckhaber stated that Green Road was not designed to handle heavy traffic.

Phil Hans, CCSB stated the proposed density would generate 163 homes in turn generating a large number of students to which there is capacity available. He further stated that the proposed design with dead end streets is unacceptable.

Commissioner Puckhaber made the motion to approve staff recommendations as presented. Commissioner Johnson seconded the motion which carried 8-0.

Chairman Riner called for a 5 minute break.

Commissioner Puckhaber stated that when the minutes were approved he failed to mention a typo on page 3 regarding the zoning classification. The motion stated BA when it should have stated BA-2. After the change was noted the Planning Commission unanimously voted to approve the minutes.

Commissioner Bebout stated that the reorganization of the Planning Commission had been voted on and determined that February was the month for reorganization. The consensus of the Planning Commission was to wait until February to have the reorganization.

MINUTES  
PLANNING COMMISSION  
JANUARY 3, 2012

**5. Old Business/New Business/Comments** – None presented.

There being no further business, the meeting was adjourned at 8:00 pm.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Frank G. Riner, Chairman

\_\_\_\_\_  
Wanda Mears, Recording Secretary



Items I. II. III. & VII to be completed by applicant

**I. General Information**

Owners Name: Morgan Trading Company & Warner Road Trading Co., LLC  
Owners Mailing Address: PO Box 248  
City: Green Cove Springs State: FL Zip Code: 32043  
Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

**II. Parcel Information**

Parcel Identification Number: See attached list  
Parcel Address: Warner Road and US Highway 17 South  
City: Green Cove Springs State: FL Zip Code: 32043  
Total Acreage of the Parcel to be Rezoned: 374.27

**III. Rezoning Information**

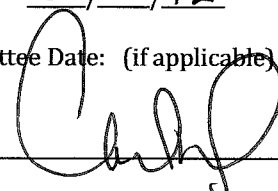
I am seeking a  permitted  conditional use. I am requesting a rezoning to (please check):

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> (AG) Agriculture                          | <input type="checkbox"/> (BB-2) Community Business    | <input type="checkbox"/> (PS-1) Private Service                          |
| <input type="checkbox"/> (AR) Agriculture Residential              | <input type="checkbox"/> (BB-3) Specialty Business    | <input type="checkbox"/> (PS-2) Private Service                          |
| <input type="checkbox"/> (AR-1) Country Estates                    | <input type="checkbox"/> (BB-4) Heavy Business        | <input type="checkbox"/> (PS-3) Private Service                          |
| <input type="checkbox"/> (AR-2) Rural Estates                      | <input type="checkbox"/> (BB-5) Commercial Recreation | <input type="checkbox"/> (PS-4) Private Service                          |
| <input type="checkbox"/> (RA) Single Family Residential            | <input type="checkbox"/> (BSC) Shopping Center        | <input type="checkbox"/> (PS-5) Private Service                          |
| <input type="checkbox"/> (RB) Single Family Residential            | <input type="checkbox"/> (IS) Industrial Select       | <input type="checkbox"/> (EX) Excavation                                 |
| <input type="checkbox"/> (RC) Two or Three Unit Residential        | <input type="checkbox"/> (IA) Light Industrial        | <input type="checkbox"/> (ICO) Independent Community Overlay             |
| <input type="checkbox"/> (RD) Multi-Family Residential             | <input type="checkbox"/> (IB) Heavy Industrial        | <input type="checkbox"/> (IN) Incinerators                               |
| <input type="checkbox"/> (RE) Single Family Residential            | <input type="checkbox"/> (PO-1) Public Ownership      | <input type="checkbox"/> (CO) Conservation Overlay                       |
| <input type="checkbox"/> (RMHP) Residential Mobile Home Park       | <input type="checkbox"/> (PO-2) Public Ownership      | <input type="checkbox"/> (PCD) Planned Commercial Development            |
| <input type="checkbox"/> (BA) Neighborhood Business                | <input type="checkbox"/> (PO-3) Public Ownership      | <input checked="" type="checkbox"/> (PID) Planned Industrial Development |
| <input type="checkbox"/> (BA-1) Light Neighborhood Business        | <input type="checkbox"/> (PO-4) Public Ownership      | <input type="checkbox"/> (PUD) Planned Unit Development                  |
| <input type="checkbox"/> (BA-2) Commercial and Professional Office |   |  |

The property will be used for: Industrial Uses described

IV. V. VI. to be completed by Zoning Staff

**IV. Rezoning Information**

Ordinance Number: P10 - 11 - 02 Commission District: 1 Davis  
 Filing Date:     /    /     Current Zoning: AR + AG  
 Current Land Use Category: AG proposed IND Planning District: GCS  
 Zoning Map Panel#: N/A Census Tract #:       
 FEMA Flood Zone: N/A Code Section:       
 Planning Commission Date: 2 / 7 / 12 Board of County Commissioners Date: 2 / 28 / 12  
 Development Review Committee Date: (if applicable)     /    /      
 Application reviewed by: 

**V. Required Attachments**

- Deed     Boundary Survey     Site Plan & Written Statement (PUD PCD PID BSC PS-5) 4 Paper 1 Electronic  
 Agents Authorization Letter (Attachment A-1):     Owners Affidavit (Attachment A-2)  
 Legal Description (Attachment A-3)

**VI. Signs & Fees**

Total Acreage in property: 374.27 Rezoning fee: \$4825 #of Signs own signs Sign fee \$0  
 TOTAL DUE \$ 4825.00

Fees: Under 5 acres \$750.00 plus \$20.00 per sign. Greater than 5 acres, \$750.00, plus \$20.00 per acre over 5, plus \$20.00 per sign.  
 For PUD, PCD, PID the fee is \$2200.00 plus \$7.00 per acre plus \$20.00 for each required sign.

**ALL FEES ARE ROUNDED TO THE NEXT ACRE**  
**1 SIGN SHALL BE POSTED FOR EVERY 500' OF ROAD FRONTAGE**

The required SIGN(S) must be POSTED on the property BY THE APPLICANT 21 days in advance of the date of the first required public hearing . The sign(s) may be removed only after final action of the Board of County Commissioners and must be removed within 10 days of such action. The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper AT LEAST 15 DAYS IN ADVANCE OF THE PUBLIC HEARING. Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish PROOF OF PUBLICATION to the Planning and Zoning Division, prior to the public hearing.

**NO APPLICATION WILL BE ACCEPTED WITHOUT THE REQUIRED ATTACHMENTS**

**NO APPLICATION WILL BE ACCEPTED WITHOUT THE REQUIRED FEES**

**LEGAL ADVERTISING COST TO BE PAID DIRECTLY TO NEWSPAPER BY APPLICANT BEFORE PUBLIC HEARING.**

**THE APPLICATION FOR ZONING IS TO REQUEST A CHANGE IN CURRENT ZONING. IT IS THE RESPONSIBILITY OF THE OWNER TO PERFORM DUE DILIGENCE TO MAKE SURE THAT THE FUTURE DEVELOPMENT WILL BE IN COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL CODES. THIS APPLICATION AND POTENTIAL GRANTING OF THE ZONING DOES NOT CONSTITUTE BUILDABILITY OF THE PARCEL.**

**VII. APPLICATION CERTIFICATION:**

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest by my signature that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information. I hereby acknowledge that the zoning requested is my choice and have reviewed and agreed to all conditions listed in this application and the requirements n Article I. II. & III. of the Clay County Code.

Signature Owner / Applicant: \_\_\_\_\_



Print Name: \_\_\_\_\_

SUSAN L FRASER

## LEGAL ADVERTISING FEES

Your petition will be advertised before the Planning Commission meeting. This will be submitted to the newspaper by staff separately, one week prior to the noon deadline, and billed separately. Without proof of publication your petition will not be heard by either the Planning Commission or the Board of County Commissioners.

The newspaper requires that legal advertising fees be paid in advance.

Your legal advertisement will be published on \_\_\_\_\_

This advertising fee must be paid by noon on Monday \_\_\_\_\_

Your fees may be paid at:     **Times Union/County Line**  
  **1 Riverside Avenue**  
  **Jacksonville**  
  **Legals - 359-4170**  
  **ATTENTION: Legal Department (Community News Section)**

It is best to pay your legal fee well in advance to allow time for proof of publication to reach these offices.

**IT IS THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE THE COUNTY WITH PROOF OF PUBLICATION AND RECEIPT THAT ALL APPROPRIATE FEES HAVE BEEN PAID BY THE REQUIRED DATE OF THE ADVERTISEMENT. FAILURE TO DO SO WILL RESULT IN THE APPLICATION BEING WITHDRAWN.**

Credit cards are acceptable, if you wish to call in your payment. Have the rezoning number and applicant/agent name ready.

Hearings are held in the County Commission Room on the Fourth Floor of the Clay County Administration Building, Green Cove Springs, Florida. You or your authorized agent **must be present**. You are normally allowed three (3) minutes to present your petition. If there are people who wish to speak in opposition to your petition, they are also limited to a total of three minutes.

If you think you may want to appeal any decision made by the board with respect to any matter considered at the hearing, you will need a record of the proceedings at your expense, and for such purpose **you should ensure that a verbatim record of the proceedings is made**, which record includes the testimony and evidence upon which the appeal is to be based.

The County Line/Times Union will be publishing your rezoning legal notices. You must pre-pay your legal advertisement fees. There is one legal publication for the Planning Commission meeting, and the Board of County Commissioners meeting. An affidavit must be paid before receiving proof of publication. Should a petition be withdrawn, legal advertising already published will not be refunded.

Agent Authorization Letter



Date: November 25, 2011

Clay County Board of County Commissioners  
Division of Planning & Zoning  
Attn: Zoning Chief  
P.O. Box 367  
Green Cove Springs, Florida 32043

Re: Agent Authorization

To Whom It May Concern:

Be advised that I am the lawful owner of the property described in the provided legal description attached hereto. As the owner, I hereby authorize and empower

Susan L. Fraser of SLF Consulting, Inc. whose address is:

3517 Park Street

City Jacksonville State FL Zip 32205

Phone ( ) 591-8942 Email slfraser@bellsouth.net

to act as agent to file application(s) for Rezoning \* \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

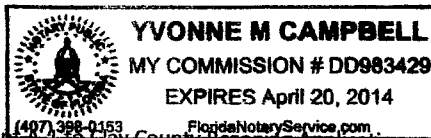
Laurel A. New  
Owner's Signature

\* Ordinance number will be provided by the Clay County Planning & Zoning staff.

STATE OF FLORIDA  
COUNTY OF Clay

The foregoing affidavit was sworn and subscribed before me this 30 day of November (month), 2011 (year) by Laurel A New, who is personally known to me or has produced \_\_\_\_\_ as identification.

Yvonne M. Campbell  
(Notary Signature)



Attachment A-1 to Clay County Rezoning Application



**Property Ownership Affidavit**

Date: November 25, 2011



**Clay County Board of County Commissioners**  
Division of Planning & Zoning  
Attn: Zoning Chief  
P.O. Box 367  
Green Cove Springs, Florida 32043

Re: Certification of Ownership

To Whom It May Concern:

I, ~~Kenneth New~~ LAUREL NEW hereby certify that I am the Owner of the property described in the attached legal description in connection with filing application(s) for rezoning application:

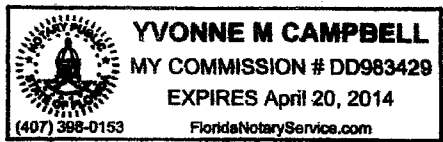
\* \_\_\_\_\_, submitted to the Clay County Division of Planning & Zoning.

Laurel New  
Owner's Signature

STATE OF FLORIDA  
COUNTY OF Clay

The foregoing affidavit was sworn and subscribed before me this 30 day of November (month), 2011 (year) by Laurel New, who is personally known to me or has produced \_\_\_\_\_ as identification.

Yvonne M. Campbell  
(Notary Signature)



\* Ordinance number will be provided by the Clay County Planning & Zoning staff.

**ORDINANCE**

**Z** - \_\_\_\_\_ - \_\_\_\_\_

---

**Legal Description**

---

[insert properties legal description below]

Official Records Book 3190, Pages 1783 through 1792  
Clay County, Florida.

GAMBLE NORTH, PARCEL 22A

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 22, Township 7 South, Range 26 East, Clay County, Florida being more particularly described as follows:

Commence at the Southwest corner of said Section 22; thence North 00°04'18" East along the Westerly line of said Section 22, a distance of 40.00 feet to a point on the Northerly right of way line of Warner Road, an 80 foot right of way as presently established, for a Point of Beginning.

From said Point of Beginning; thence continue North 00°04'18" East along said Westerly line, 1244.24 feet to the centerline of Clarkes Creek; thence Easterly along said centerline run the following courses and distances; thence South 73°49'45" East, 110.62 feet; thence North 87°43'31" East, 182.67 feet; thence South 26°35'56" East, 207.29 feet; thence South 77°05'47" East, 228.28 feet; thence North 67°43'51" East, 168.11 feet; thence North 75°53'07" East, 140.84 feet; thence North 64°56'48" East, 274.08 feet, thence South 67°29'42" East, 164.21 feet; thence South 85°43'08" East, 37.31 feet to a point on the Easterly line of said Southwest 1/4 of the Southwest 1/4 of Section 22; thence South 00°54'25" West along said Easterly line, 1152.70 feet to said Northerly right of way line of Warner Road; thence North 89°08'29" West along said Northerly line, 1316.91 feet to the Point of Beginning.

Containing 34 acres, more or less (deed), 34.20 acres, more or less (calculated).

GAMBLE NORTH, PARCEL 22B

A portion of Section 22, Township 7 South, Range 26 East, Clay County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 22; thence North 89°33'28" West, along the Southerly line of said Section 22, a distance of 1315.16 feet; thence North 00°16'25" East, along the Westerly line of the Southeast 1/4 of the Southeast 1/4 of said Section 22, a distance of 40.00 feet to a point lying on the Northerly right of way line of Warner Road, an 80 foot right of way as presently established for a Point of Beginning.

From said Point of Beginning; thence North 89°33'28" West, along said Northerly line, 1315.29 feet to a point on the Easterly line of the Southeast 1/4 of the Southwest 1/4 of said Section 22; thence North 00°04'53" East, along said Easterly line, 1297.55 feet to the Northeast corner thereof; thence North 89°28'58" West, 213.06 feet to the centerline of Clarkes Creek; thence Northeasterly along said centerline run the following courses and distances; thence North 48°20'13" East, 76.71 feet; thence North 65°31'27" East, 368.07 feet; thence North 83°08'38" East, 127.07 feet; thence North 61°25'51" East, 106.92 feet; thence North 41°14'59" East, 100.14 feet; thence South 89°22'58" East, 90.04 feet; thence North 25°46'02" East, 126.42 feet; thence South 66°27'55" East, 137.58 feet; thence North 42°10'52" East, 270.13 feet; thence North 76°25'25" East, 333.27 feet; thence North 58°20'37" East, 333.40 feet; thence North 50°17'26"

East, 417.71 feet; thence North 81°57'09" East, 497.43 feet; thence South 58°39'49" East, 257.33 feet; thence North 35°23'03" East, 86.53 feet; thence South 88°32'47" East, 39.22 feet to a point lying on the dividing line between said Section 22 and Section 23, Township 7 South, Range 26 East, of said county; thence South 00°27'57" West along said dividing line, 1154.42 feet to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 22; thence North 89°28'58" West along the Northerly line of said Southeast 1/4 of the Southeast 1/4, a distance of 1319.64 feet to the Northwest corner thereof; thence South 00°16'25" West along the Westerly line of said Southeast 1/4 of the Southeast 1/4, a distance of 1295.81 feet to the Point of Beginning.

Containing 85 acres, more or less (deed), 85.27 acres, more or less (calculated).

#### GAMBLE NORTH, PARCEL 23A

A portion of the Southwest 1/4 of the Southwest 1/4 of Section 23, Township 7 South, Range 26 East, Clay County, Florida being more particularly described as follows:

Commence at the Southwest corner of said Section 23; thence North 00°27'57" East along the Westerly line of said Section 23, a distance of 40.00 feet to a point on the Northerly right of way line of Warner Road, an 80 foot right of way as presently established, for a Point of Beginning.

From said Point of Beginning; thence continue North 00°27'57" East along said Westerly line, 1294.07 feet to the Northwest corner of said Southwest 1/4 of the Southwest 1/4 of Section 23; thence South 89°34'04" East along the Northerly line of said Southwest 1/4 of the Southwest 1/4, a distance of 1317.48 feet to the Northeast corner thereof; thence South 00°29'38" West along the Easterly line of said Southwest 1/4 of the Southwest 1/4, a distance of 748.91 feet to a point on the Northwesterly right of way line of the CSX Railroad; a variable width right of way as presently established; thence South 22°44'44" West along said Northwesterly line, 250.01 feet to the Point of Curvature of a curve concave Northwesterly having a radius of 1238.57 feet; thence Southwesterly along the arc of said curved Northwesterly line, through a central angle of 16°46'51" an arc distance of 362.75 feet to a point on said curve, said point lying on said Northerly right of way line of Warner Road, said arc being subtended by a chord bearing and distance of South 31°08'10" West, 361.46 feet; thence North 89°44'17" West along said Northerly line, 1037.96 feet to the Point of Beginning.

Containing 37.56 acres, more or less.

#### GAMBLE NORTH, PARCEL 23B

A portion of Section 23, Township 7 South, Range 26 East, Clay County, Florida being more particularly described as follows:

Commence at the Southwest corner of said Section 23; thence North 00°27'57" East along the Westerly line of said Section 23, a distance of 40.00 feet to a point on the Northerly right of way line of Warner Road, an 80 foot right of way as presently established; thence South 89°44'17" East along said Northerly line, 1126.81 feet to a point on a curve concave Northwesterly having

a radius of 1308.57 feet, said point also lying on the Southeasterly right of way line of the CSX Railroad, a variable width right of way as now established for a Point of Beginning.

From said Point of Beginning; thence Northeasterly along the arc of said curved Southeasterly line, through a central angle of 14°19'04" an arc distance of 327.00 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 29°54'16" East, 326.15 feet; thence North 22°44'44" East along said Southeasterly line, 300.51 feet to the Point of Curvature of a curve concave Southeasterly having a radius of 1238.57 feet; thence Northeasterly along the arc of said curved Southeasterly line, through a central angle of 67°25'12" an arc distance of 1457.43 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 56°27'20" East, 1374.79 feet; thence South 89°50'04" East along said Southeasterly line, 94.35 feet to a point on the Easterly line of the Northeast 1/4 of the Southwest 1/4 of said Section 23; thence South 00°31'19" West along said Easterly line and along the Easterly line of the Southeast 1/4 of the Southwest 1/4 of said Section 23, a distance of 1326.23 feet to a point on said Northerly right of way Line of Warner Road; thence North 89°44'17" West along said Northerly line, 1506.91 feet to the Point of Beginning.

Containing 33.58 acres, more or less.

#### GAMBLE NORTH, PARCEL 23C

A portion of Section 23, Township 7 South, Range 26 East, Clay County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 23; thence North 89°28'54" West along the Southerly line of said Section 23, a distance of 2697.17 feet; thence North 89°44'17" West along said Southerly line, 1316.84 feet; thence North 00°29'38" East along the Easterly line of the Southwest 1/4 of the Southwest 1/4 of said Section 23, a distance of 581.25 feet to the Point of Beginning.

From said point of Beginning; thence continue North 00°29'38" East along said Easterly line and along the Easterly line of the Northwest 1/4 of the Southwest 1/4 of said Section 23, a distance of 2079.07 feet to the Northeast corner of said Northwest 1/4 of the Southwest 1/4; thence North 89°13'51" West along the Northerly line of said Northwest 1/4 of the Southwest 1/4, a distance of 370.27 feet to the centerline of Clarkes Creek, thence Northeasterly along said centerline run the following courses and distances; thence North 75°20'41" East, 308.09 feet; thence South 84°11'45" East, 185.28 feet; thence North 57°03'30" East, 241.55 feet; thence South 69°05'25" East, 154.75 feet; thence North 65°19'49" East, 310.58 feet; thence South 84°17'29" East, 331.85 feet; thence North 71°39'11" East, 250.39 feet; thence North 83°56'42" East, 193.82 feet thence North 71°37'31" East, 142.98 feet; thence North 10°13'19" East, 164.04 feet; thence South 85°36'48" East, 219.01 feet; thence North 66°45'39" East, 193.75 feet; thence North 89°28'11" East, 593.58 feet to a point on the Westerly line of the Southeast 1/4 of the Northeast 1/4 of said Section 23; thence South 00°17'30" West departing said centerline and along said Westerly line, 634.72 feet to the Southwest corner thereof; thence South 00°14'43" West along the Westerly line of the Northeast 1/4 of the Southeast 1/4 of said Section 23, a distance of 662.64 feet; thence South 89°25'08" East, 669.49 feet; thence South 00°06'24" West, 662.41 feet to a point on the

Southerly line of said Northeast 1/4 of the Southeast 1/4; thence South 89°26'23" East along said Southerly line, 241.23 feet to point on the Northerly right of way line of the CSX Railroad, a variable width right of way as now established; thence South 70°21'50" West along said Northerly line, 18.91 feet to the Point of Curvature of a curve concave Northerly having a radius of 819.26 feet; thence Westerly along the arc of said curved Northerly line, through a central angle of 22°15'07" an arc distance of 318.18 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 81°29'24" West, 316.18 feet; thence North 02°36'57" East along said Northerly line, 20.00 feet to a point on a curve concave Northerly having a radius of 799.26 feet; thence Westerly along the arc of said curved Northerly line, through a central angle of 17°21'05" an arc distance of 242.05 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 78°42'30" West, 241.12 feet; thence North 70°01'58" West along said Northerly line, 221.17 feet to the Point of Curvature of a curve concave Southerly having a radius of 899.26 feet; thence Westerly along the arc of said curved Northerly line, through a central angle of 19°48'06" an arc distance of 310.79 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 79°56'01" West, 309.24 feet thence North 89°50'04" West along said Southerly line, 934.48 feet; thence South 00°09'56" West along said Northerly line, 15.00 feet; thence North 89°50'04" West 335.25 feet to the Point of Curvature of a curve concave Southeasterly having a radius of 1308.57 feet; thence Southwesterly along the arc of said curved Northerly line, through a central angle of 67°25'12" an arc distance of 1539.79 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of South 56°27'20" West, 1452.48 feet; thence South 22°44'44" West along said Northerly line, 50.50 feet to the Point of Beginning.

Containing 114 acres, more or less (deed), 113.76 acres, more or less (calculated)

Official Records Book 2274, Pages 382 through 384  
GAMBLE NORTH, PARCEL 23D

A portion of Section 23, Township 7 South, Range 26 East, Clay County, Florida being more particularly described as follows:

Commence at the Southeast corner of said Section 23; thence North 89°28'54" West along the Southerly line of said Section 23, a distance of 1348.58 feet; thence North 00°14'43" East along the Westerly line of the Southeast 1/4 of the Southeast 1/4 of said Section 23, a distance of 40.00 feet to a point on the Northerly right of way line of Warner Road, an 80 foot right of way as presently established, for a Point of Beginning.

From said Point of Beginning; thence continue North 00°14'43" East along said Easterly line and along the Easterly line of the Northeast 1/4 of the Southeast 1/4 of said Section 23, a distance of 1301.96 feet to a point on the Southerly right of way line of the CSX Railroad, a variable width right of way as presently established, said Southerly line being a curve concave Southerly having a radius of 799.26 feet; thence Easterly along the arc of said curved Southerly line, through a central angle of 07°46'27" an arc distance of 108.45 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of South 73°55'12" East, 108.37 feet; thence South 70°01'58" East along said Southerly line, 221.17 feet to the Point of Curvature of a curve concave Northerly having a radius of 899.26 feet; thence Easterly along the arc of said curved Southerly line, through a central angle of 17°21'05" an arc distance of 272.33 feet to a

point on said curve, said arc being subtended by a chord bearing and distance of South 78°42'30" East, 271.29 feet; thence North 02°36'57" East along said Southerly line, 20.00 feet to a point on a curve concave Northerly having a radius of 879.26 feet; thence Easterly along the arc of said curved Southerly line, through a central angle of 22°15'07" an arc distance of 341.48 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 81°29'24 East, 339.34 feet; thence North 70°21 '50" East along said Southerly line, 53.87 feet to its intersection with the Westerly right of way line of U. S. Highway No. 17, a 184 foot right of way per Florida Department of Transportation right of way maps, Section 71010-2507; thence South 03°04'56" East along said Westerly line, 679.21 feet to an angle point in said line; thence South 03°08'56" East along said Westerly line, 146.10 feet; thence North 89°28'54" West, 208.75 feet; thence South 03°08'56" East, 417.50 feet to a point on said Northerly right of way line of Warner Road; thence North 89°28'54" West along said Northerly line, 829.64 feet to the Point of Beginning.

Containing 25.73 acres, more or less.

Official Records Book 3058, Pages 69 through 70

All that certain piece, parcel or tract of land, situate, lying and being in Section 23, Township 7 South, Range 26 East, in Clay County, Florida, lying in the Northwest corner of the intersection of U.S. Highway 17 and Warner Public Road, and being more particularly described as follows: Beginning at an iron rod located by reference to the Plane Coordinates of the Florida Coordinate System, East Zone, in feet at Y (Lat.) 2,012,410.41 and X (Dep.) 289,600.70, said iron being located 56.50 feet North of Union Camp Monument No. 85, running thence North 89°47' West, a distance of 208.75 feet to an iron rod, running thence North 2°57' West, a distance of 417.50 feet to an iron rod; running thence South 89°47' West, a distance of 208.75 feet to an iron rod; running thence South 2°57' East, a distance of 417.50 feet to the Point of Beginning.

Containing 2.00 acres, more or less.

Official Records Book 3190, Pages 1793 through 1798  
Township 7 South, Range 26 East  
International Paper Company

Section 27

N 1/2 of N 1/2 of N 1/2 North of the Northerly right of way line of the CSX Railroad and South of the Southerly right of way line of Warner Road.

Containing 42.17 acres, more or less.

**CLAY COUNTY  
PLANNED INDUSTRIAL DEVELOPMENT WRITTEN STATEMENT  
WARNER ROAD**

**TYPE OF DEVELOPMENT: INDUSTRIAL**

**PROPERTY OWNER: WARNER ROAD TRADING COMPANY**

**MORGAN TRADING COMPANY**

**AGENT: SUSAN L. FRASER, RLA  
SLF CONSULTING, INC.  
3517 PARK STREET  
JACKSONVILLE, FL 32205  
904-591-8942**

**CURRENT ZONING: AG AND RR**

**REQUESTED ZONING: PID**

Planning Principles

The designation of lands on Warner Road for industrial use is supported by the availability of rail and highway infrastructure. The use of a Planned Industrial Development (PID) Zoning District on those properties that abut residential use on Agriculture and Rural Residential land use designations is intended to define certain development criteria for industrial development to mitigate the proximity of such development located north of Warner Road to the residential use north of Warner Road. Development standards specifically included in this PID shall supersede those in the Clay County Land Development Regulations and other applicable codes; the otherwise applicable Clay County criteria and requirements for the type of development proposed shall apply.

The PID Zoning District approval sets forth those controls applicable to the lands rezoned to Warner Road Planned Industrial Development. Use of the lands within the PID prior to implementation of a phase for industrial development may consist of permitted uses in the Agriculture Zoning District. Implementation of a phase shall be evidenced by the commencement of construction pursuant to an approved industrial use site plans subject to those criteria and standards applicable to agriculture uses within Clay County generally.



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Future Land Use Category applicable to the property is Industrial and Conservation. The Conservation Land Use designation boundary is that boundary adopted by Clay County on its Future Land Use Map effective on February 28, 2012. The rezoning to PID recognizes that the limits applicable to the Conservation Land Use Designation apply to those lands depicted on the FLUM as lying within this land use designation.

Development Criteria: Adherence to the following development criteria shall constitute approval of the Preliminary Site Plan required pursuant to Section 20.3- 32 of the Clay County Land Development Regulations. The proposed use of the property is industrial, including heavy industrial. Use prior to development as industrial use (site plan approval) shall be those uses permitted in the Agriculture Zoning District.

- Permitted Uses: Uses permitted in the Industrial (IA) and Heavy Industrial Zoning (IB) Districts. Conditional uses permitted in the listed zoning districts, subject to the conditions provided in Section 20.3-5 of the Clay County Land Development Regulations.
- Floor Area Ratio: The average floor area ratio (FAR) applicable to lands within the Industrial Land Use category and included in this PID shall not exceed 0.35. Compliance with the average shall be determined by dividing the sum of the total square footage of development approved within the PID divided by 43560 and then divided by the number of acres of IND use (325.88). The maximum FAR allowed within any particular application for site plan approval shall be 0.50.
- Conservation Use: The proposed development consists of Industrial Use on 374.27 acres, less those lands depicted on the FLUM as lying within the Conservation Land Use category.
- The rezoning to PID recognizes that the limits applicable to the Conservation Land Use Designation apply to those lands depicted on the FLUM as lying within this land use designation. The area of Conservation Land Use designation is 48.39 acres.
- Building Setbacks: Side and rear lot setbacks for boundaries which abut residential or agriculture districts shall be not less than 25 feet. No structure shall encroach upon buffers to residential

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use established in Exhibit A and adopted as a condition of the land use approval.

Side and rear lot setbacks for boundaries that abut uses other than residential or agriculture shall be not less than 15 feet.

Front yard setbacks shall be 25 feet.

Height Limit

Height limits shall apply to the properties within the PID located on the north side of Warner Road:

The height of structures located on lands north of Warner Road that lie within 100 feet of a residential use boundary shall be limited to 60 feet provided however that a maximum of 25 percent of any roofline that lies within said 100 feet may be a maximum of 75 feet in height.

To determine compliance with this height limitation, a line perpendicular to the residential use property line shall be projected from the corner of each building or portion of a building located within 100 feet of the residential use boundary; the length of the projected line measured along the property line common to the residential use shall be compared to the length of the line similarly projected from the portion of the structure within the 100 feet that exceeds 60 feet in height.

Height of structures on property south of Warner Road shall not be subject to the limit in subsection a. above.

All structures shall meet Building and Life Safety Codes.

Standards

- 1) *Phasing:* Industrial development shall be limited to 1.2 million square feet prior to December 31, 2016. Development on lands for industrial use after 2016 shall be permitted up to an average FAR of 0.35, subject to the availability of public facilities.

Development is anticipated to occur in phases. Phase 1 industrial development shall be permitted within lands so designated on Exhibit A. Phase 2 industrial development may occur prior to the date in Table 1

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below, subject to the availability of public facilities. Development of lands designated in Phase 1 that is not complete by February 28, 2017 shall be permitted as Phase 2 development.

Table 1

Phase 1	2012 – 2017
Phase II	2017 to buildout

2) *Lighting Adjacent to Residential Use:*

Industrial development within the PID located on the North side of Warner Road shall be subject to the following lighting standards:

- a) The maximum height of a light pole shall be 35 feet.
- b) The maximum lamp size shall be 1000 watts.
- c) Full cutoff fixtures, defined as an outdoor light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture, shall be employed in outdoor lighting.
- d) Lighting shall be installed with shields and/or reflectors on the residential use side and shall be maintained in the manner specified by the manufacturer to confine light rays to the premises of the building or project.

A site lighting plan shall be required to be submitted with construction drawings to ensure these standards have been met.

- 3) *Access and Traffic Control:* Access to Warner Road is permitted. Access shall be designed to provide safe ingress and egress to the industrial use and shall recognize the location of existing residential use access (driveways) in the vicinity. The number and design of all driveways shall be appropriate to the use of the property to which access is being provided. Shared access appropriate to the type and volume of traffic utilizing the access is encouraged. The separation of truck traffic and passenger automobile traffic may be proposed and permitted by Clay County based on the type and volume of truck traffic projected to utilize an access point. The design of all access points shall be consistent with Clay County standards. Driveways that access Warner Road shall align with existing driveways on the south side of Warner Road if the type and frequency of traffic on each driveway to be aligned supports such alignment in a safe manner.

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For the purposes of defining the permitted number of driveways that serve industrial use on the north side of Warner Road, the blocks of PID uses on the north side of Warner Road are defined as follows: 1) US 17 Block; 2) East RR Block; 3) West RR Block; 4) West Block and 5) End Block. Driveways shall be limited to 4 per Block. Additional driveways approved or required by Clay County to accommodate the separation of truck traffic from other vehicular traffic shall not be included in the maximum for any Block. Driveways to US 17 shall not be limited and shall be subject to approval by permitted by the FDOT. Driveways to industrial use on the south side of Warner Road shall not be limited.

Consistent with the development and roadway improvement standards that are applicable development in Clay County, improvements to Warner Road to accommodate the proposed vehicle types and frequency may be required as a condition of approval for a building permit. Traffic control devices may be required/requested pursuant to the Manual of Uniform Traffic Control (MUTC).

- 4) *Noise:* Subject to the standards set forth in Exhibit B.
- 5) *Buffers:* Buffers shall be provided at locations depicted on the Warner Road PID Schematic Buffer and Phasing Map (Exhibit A) and generally described below. No development is permitted within the buffer. Compliance with opacity standards shall be determined at the time an application for site plan approval for an industrial use is reviewed (allowing the site plan approval to reflect the method for meeting the standard) and confirmed at the time of the issuance of a certificate of occupancy by Clay County for the industrial use. At the time of site plan approval, the 75 foot buffer to residential use shall be inspected by Clay County as to compliance with the requirement for 85% opacity standard contained herein. If the opacity is less than required, the PID Landowner shall supplement planting within the buffer area to achieve 85% opacity. Once the opacity standard is initially determined to be met, loss of opacity shall be mitigated as described.

Within buffers required in subsection b) below, the 15 feet closest to the industrial boundary that lies within the buffer may be cleared. Within the cleared area a fence or wall may be erected and a trail road (unpaved) constructed and maintained to facilitate maintenance of the fence or perimeter. If the described clearing occurs, the buffer required in subsections b) and c) shall be increased in width by the width of clearing, up to the permitted 15 feet, on that portion of the buffer where the clearing has occurred.

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For buffers specified in subsections b) and c), natural change to the buffer characteristics attributed to seasonal change or loss by age/natural occurrence other than fire shall not require supplemental or additional planting. No clearing, thinning, or removal of other than dead plant material shall occur within the buffer, except in the circumstance of fire.

Loss of buffer characteristics by fire that reduces the opacity to less than 50 percent shall require one of the following mitigation measures to be implemented by the land owner of the industrial use (PID Landowner). The choice of which method to implement shall lie with the PID Landowner. Loss of opacity between pre-fire level and 50% shall require no mitigation; regeneration of the mixed forest shall be permitted to occur naturally. The PID landowner may remove trees within the area of fire damage to facilitate regeneration/ re-establishment of the natural buffer over time.

1) the replanting of the buffer area for a distance of 30 feet measured closest to the residential use boundary with the species and approximate mix occurring naturally within the buffer. Such planting shall occur within 90 days of the fire, with extensions granted by Clay County as appropriate to accomplish the work.

Planting required pursuant to this subsection shall consist of canopy and understory trees at a size of one inch to one and one half inch caliper with spacing to reflect the mature size of the planted material. The remaining 40 feet of the required buffer shall be retained as buffer and permitted to regenerate. To re-establish 85% opacity, Clay County may require the installation of a 6 foot opaque fence at the boundary between the industrial parcel and the residential use. At any time the 75 foot vegetated buffer is reestablished at 85% opacity, the opaque fence shall no longer be required. The opaque fence, once installed, may only be removed with the approval of Clay County.

2) the installation of a 6 foot high opaque fence located within the 75 foot buffer and planted trees within the 30 feet adjacent to the residential use side of the fence. Trees planted under this subsection shall be canopy trees that are 2 inch caliper at installation and 30 feet on center.

Loss of opacity as a result of disease or infestation to a level of 50% or less shall be mitigated by the installation of a 6 foot high opaque fence located within the 75 foot buffer. The fence shall be installed within 30 days of the approval of a fence location by Clay County and the

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determination by the Clay County Extension Service or other agency designated by Clay County that the loss is by disease or infestation and that the recovery period required to naturally re-establish the opacity at 85% is greater than 180 days. Clay County will identify the location of required fencing such that the location and length is appropriate to screen industrial uses from adjacent residential use.

Buffers provided pursuant to this PID shall replace and satisfy the requirements of the County's Tree Protection and Landscape Ordinance for that portion of the site occupied by the PID buffer (specifically the perimeter buffer and landscape requirements). The retention of trees within the PID Buffer shall not be counted towards the requirement for trees on portions of a PID development not located within the PID Buffer.

- a) CON Buffer: Fifty foot undisturbed vegetative buffer between industrial use and Conservation Land Use.
  - b) A Buffer: Seventy five (75) foot undisturbed vegetative buffer between industrial use and residential or agriculture use not in the same ownership. The buffer shall be 85% opaque.
  - c) B Buffer: Seventy five (75) foot undisturbed vegetative buffer between industrial use and the railroad spur in locations where residential use not in the same ownership abuts the opposing side of the railroad spur except in locations where access to the rail spur is a component of the industrial use. The buffer shall be 85% opaque.
  - d) C Buffer: Twenty-five (25) foot planted or existing vegetation buffer between industrial use on the south side of Warner Road and the Warner Road right of way in locations where residential use is located on the north side of Warner Road. Planted buffers/supplement to existing vegetation shall be required when the existing vegetation does not provide an 85% opaque buffer between the industrial use and the right of way of Warner Road between ground level and six feet. A C Buffer pursuant to this PID shall not be required when the industrial use lies within an enclosed building that shields the use from the Warner Road right of way.
- (6) *Dust.* Dust control for industrial development within the PID shall be governed by the Clay County Development Standards, best management practices and shall comply with applicable regulations and law.

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- (7) Signs: The Clay County Sign Ordinance in effect at the time of approval of this PID shall apply to industrial development within the PID with the following exceptions or limitations:

Permanent freestanding signs located on Warner Road shall be limited to monument signs that do not exceed 8 feet in height and 50 feet in sign copy area. Permanent freestanding (pole) signs shall be permitted on parcels that have frontage on US Highway 17, subject to the applicable standards of the County Sign Ordinance for IA and IB zoning districts including the standards for size and number of signs. Pole signs may only be located along the US Highway 17 frontage.

PID frontage on the north side of Warner Road consists of 5 blocks to be described as follows for the purpose of identifying sign locations: 1) US 17 Block; 2) East RR Block; 3) West RR Block; 4) West Block and 5) End Block. Each Block so described shall be permitted a maximum of four signs meeting the criteria for signs on Warner Road above. All such permitted signs may include within the area of copy the name/logo and address of any businesses that is located within the Block in which the sign is located. Such text identifying the name/logo and address of a business on Warner Road shall not be considered an off premise sign.

Pole signs located on parcels that have frontage on US 17 may include the name/logo and address of businesses located on Warner Road within the area of copy. An increase in copy area or sign quantity over that permitted for the development associated with the US frontage parcel is not authorized by this subsection. Such text identifying the name/logo and address of a business on Warner Road shall not be considered an off premise sign.

All other signs permitted in the Clay County Sign Ordinance in effect on the date of PID approval in the IA and IB Zoning Districts shall be permitted for development within this PID, subject to the standards in the Clay County Sign Ordinance for such signs (wall signs, awning signs, directional signs, etc.) except that digital signs shall only be permitted on US 17 frontage.

Development Schedule

A Final Site Plan required pursuant to Section 20.3-32 of Article II of the County's Land Development Code shall be submitted for approval to Clay County on a portion of the PID property no later than February 28, 2013.

**CLAY COUNTY  
PLANNED INDUSTRIAL DEVELOPMENT WRITTEN STATEMENT  
WARNER ROAD**

The land subject to the Final Site Plan shall be subject to a Developer's Commitment Agreement articulating the conditions of the Planned Industrial Development Zoning.

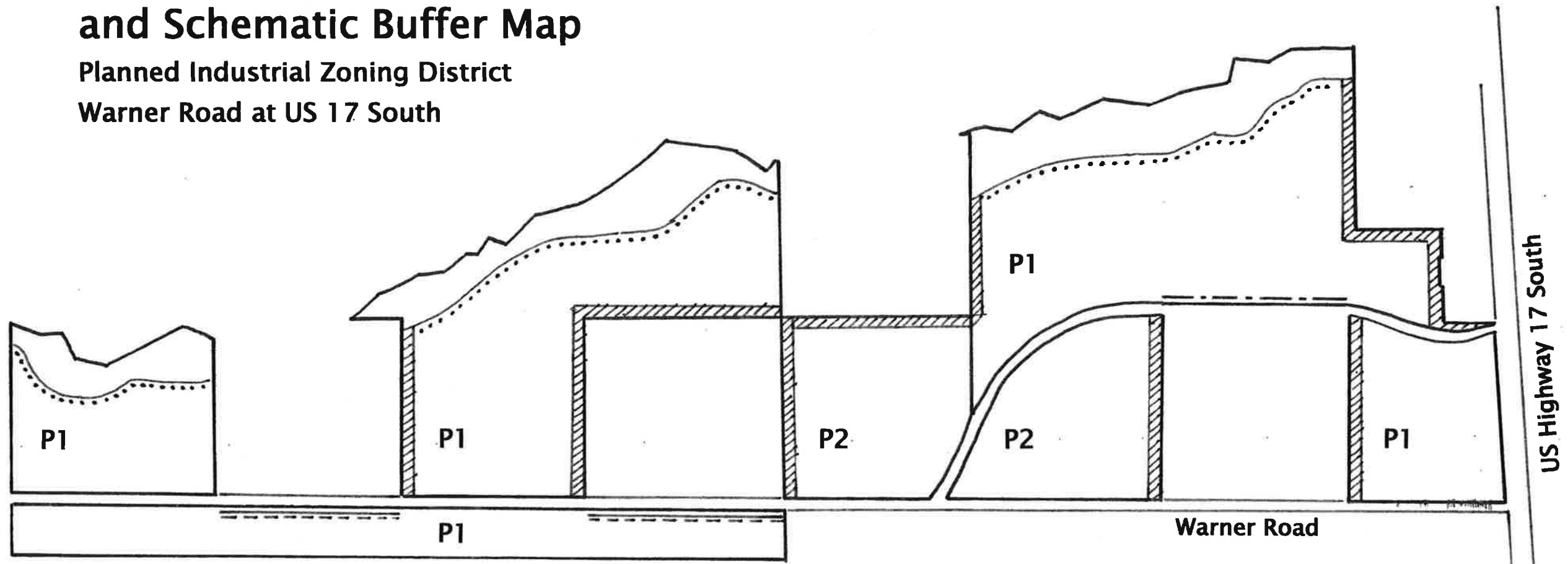
Substantial construction shall commence no later than February 28, 2014. Extensions permitted in the Clay County Land Development Regulations may be requested by a PID Landowner and may be granted by Clay County.

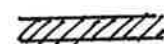





# Phasing Plan and Schematic Buffer Map

Planned Industrial Zoning District  
Warner Road at US 17 South

North  
not to scale



- Legend**
-  A Buffer
  -  B Buffer
  -  C Buffer
  -  CON Buffer
  - P1 Phase 1
  - P2 Phase 2

## **NOISE STANDARDS PLANNED INDUSTRIAL DEVELOPMENT – WARNER ROAD**

*Definitions.* Governing standards for technical definitions employed in this ordinance and in its enforcement shall be those set forth in applicable publications and standards of the American National Standards Institute (ANSI).

Noise disturbance is defined as any sound which exceeds the sound level limits set forth in Table 1 the source of which lies within the land included in the Warner Road PID and is received on a residential land use.

Sound level means the weighted sound pressure level as measured in dB(A) by a sound level meter and as specified in American National Standards Institute (ANSI) specifications for sound-level meters [ANSI S1.4-1971 (R1976)].

Daytime shall be defined as 7:01 AM to 7 PM. Evening shall be defined as 7:01 PM to 10 PM. Nighttime shall be defined as 10:01 PM to 7 AM. Weekend shall be defined as 7:01 PM Friday night to 7 AM Monday morning.

Received on a residential land use shall mean the common property line between a residential land use and an industrial use within the Warner Road PID.

Adjacent residential use means the property on which a residence exists and that abuts a developed parcel within the Warner Road PID.

Complaint means the receipt of a message by phone, e-mail or US postal service by the Clay County Code Enforcement Division from the resident or landowner of a residential use parcel within Residential Use Parcels A-D alleging the existence of a noise disturbance as defined herein emanating from a property located north of Warner Road within PID. The complaint shall identify the type of noise alleged to create the noise disturbance, the time(s) of day the noise was heard and any identifying features that would assist in determining the source of the alleged noise disturbance. Complaints received for the same alleged noise disturbance, whether filed by the same or different individual(s) during the period of measurement or assessment of sound that may be directed by Clay County of the alleged violator shall not be considered a separate complaint for the purposes of determining the duration of measurement required in this PID.

Continuous airborne sound means sound that is measured by the slow response setting of a meter manufactured to the specification of ANSI 1.4-1971 “Specification for Sound Level Meters” or its successor.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which necessitates immediate action. Economic loss

shall not be the sole determining factor in the determination of an emergency. It shall be the burden of the alleged violator to prove an emergency.

Emergency work means any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.

History of noise disturbance shall mean a complaint received by Clay County and born out by measurement or assessment of sound pursuant to this PID that identified a noise disturbance that is attributed to the current alleged violator and occurred within the prior 6 months.

PID Landowner means the lawful possessor or operator of a developed parcel within the PID.

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels.

*Prohibited acts.* It shall be a violation of this PID, subject to code enforcement, to:

1. Make cause or allow to be made any sound that causes a noise disturbance as defined herein.
2. During nighttime hours the operation of any loudspeaker, public address system or similar device other than that required by law to communicate safety/emergencies warnings.
3. Intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren or whistle or similar stationary signaling devices except for emergency purposes or for testing as follows:
  - a. Testing a stationary emergency signaling device shall not occur during nighttime hours unless required by law.
  - b. Testing shall be limited to the minimum cycle test time, in no case to exceed 60 seconds.
  - c. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall only occur on weekdays and outside nighttime hours unless shift employment requires testing to occur during these times. Such testing shall be exempt from the time limit in b. above.

*Exemptions.* The following uses and activities shall not be subject to the maximum sound levels identified in Table 1.

1. Nonamplified human voice.
2. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
3. Sounds resulting from emergency work as defined above.

*Sound Level Limits.* Sound level limits are as set forth in Table 1.

Table 1.

Maximum Sound Levels

Daytime	75 dB(A)
Evening	60 dB(A)
Nighttime	55 dB(A)

If the noise is not continuous, one or more corrections in the table below shall be added or subtracted from each of the decibel levels given in the table above:

Decibel Corrections by Operations Type  
Daytime Hours Only

Type of Operations at Character of Noise	Corrections in Decibels
Noise source operates less than 3 minutes of any one hour period; no greater than twice in any one daytime period	Plus 5
Noise source operates less than 1 second of any one hour period; no greater than twice in any one daytime period	Plus 10

*Measurement Required.* The measurement of sound shall be required of the landowner of the developed parcel(s) within the Warner Road PID that is the location of the alleged violation. Upon notice by Clay County to the property owner alleged to have created the violation that the County has received a complaint of violation of these noise standards from an owner of an adjacent residential use, the landowner with no history of violation shall have 10 working days to initiate the measurement or assessment of sound described in the following sections unless the operator/owner of the PID use determines the source of the noise violation without the measurement of sound and eliminates the noise disturbance within 5 days of the notice of complaint by Clay County. A landowner with a history of violation shall have 5 working days to initiate the measurement of sound described in the following sections.

Upon receipt of a complaint, Clay County may take a noise measurement utilizing the methodology and standards in subsections 1, 2, 3 and 4 for the Measurement of Sound. The measurement shall be collected from the residential side of the common property line. If the measurement indicates a clear violation of the applicable

standards, the County shall contact the PID landowner(s) it determines to be the source of the violation and may require immediate action to eliminate the noise violation.

The elimination of the noise disturbance within 5 days of the complaint shall cause Clay County to record the complaint as resolved without measurement and note the actions taken to eliminate the noise disturbance. A subsequent complaint after the 5 day period for action to eliminate the noise disturbance against the same PID development shall result in a requirement for measurement of sound as described below for a complaint with no history of noise disturbance.

*Measurement or Assessment of Sound.* Sound level shall be measured as follows:

1. The measurement of sound shall be made with a sound level meter meeting the standards prescribed by ANSI S1.4-1971 (R1976). The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound level measurement. Measurements recorded shall be taken so as to provide a proper representation of the source of the sound. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used at all times.
2. The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.
3. The measurement shall be made at the point on the property described in paragraph 4 below into which the sound is being transmitted and shall be made at least three feet away from any ground, wall, floor, ceiling, roof or other plane surface. The property into which the sound is being transmitted shall be the residential use property of the complainant unless Clay County determines that measurement within a different residential use property is appropriate.
4. If the adjacent residential use has a common property line with the developed portion of the PID parcel of the alleged violator less than 500 feet in length, the measurement of sound shall be at a single location along the common property line. The location along the property line shall be that point defined by a line perpendicular to the common property line that when extended, intersects with the rear corner of the residence closest to the common property line. If the common property line with the developed PID parcel of the alleged violator is greater than 500 feet in length, one additional point along the property line may be selected by Clay County for measurement. All measurements shall be collected from the PID landowner side of the common property line.
4. All measurements of sound shall be made by a qualified operator of the apparatus used to make the measurements.
5. The measurement of sound shall be for the period described in the following section.

*Duration of Measurement or Assessment of Sound.* The duration of sound measurement shall be as listed. Monitoring may cease prior to the periods described if the source causing the violation is identified and action taken to eliminate the violation. Clay County Code Enforcement Division shall authorize the reduced monitoring period in such circumstances.

1. Complaint with no history of noise disturbance: Measurement shall be taken for a period of 7 continuous 24 hour periods (days) from the date monitoring commences.
2. Complaint with history of noise disturbance:
  - a. One incident of noise disturbance: Measurement shall be taken for a period of 30 continuous 24 hour periods (days).
  - b. Two incidents of noise disturbance complaints: Measurement shall be taken for a period of 60 continuous 24 hour periods (days).

*Report of Results.* Measurements required by Clay County shall be submitted within 3 days of the conclusion of the specified monitoring period, but no less than every 10 days for the prior 7 day period. Each Report of Results shall be for a seven day period and shall be submitted within 3 days of the end of the seven day period that is the subject of the Report. The raw data shall be submitted and include identification of the source(s) of sound that is the basis for the noise disturbance. Actions taken to eliminate the source of an exceedance shall be noted.

*Purpose of Report.* The purpose of the Report shall be to identify the source of a sound that exceeds the sound level limits set forth in Table 1 such that actions may be identified to eliminate the violating source. The PID landowner submitting the report shall identify within 10 days of the identification of the source what actions will be taken to eliminate the noise disturbance.

The PID Landowner shall submit to Clay County at the time of each Report of Results a plan of action to eliminate the noise disturbance. The County shall review and accept, accept with revision or reject the actions and time requested to implement the plan of action. The failure of Clay County to accept a plan of action after review and discussion shall cause the case to be referred to the Special Master secured by Clay County for the resolution of Code Enforcement violations.

*Responsibility.* The PID landowner shall be responsible for operating or maintaining the premises in compliance with these PID noise standards.

# CRS Report for Congress

Received through the CRS Web

## Noise Abatement and Control: An Overview of Federal Standards and Regulations

David M. Bearden  
Environmental Policy Analyst  
Resources, Science, and Industry Division

### Summary

Constant or repeated exposure to sounds of 90 decibels or higher can lead to hearing loss, and noise exposure is responsible for hearing impairment in about 10 million people in the United States. To limit the public's exposure to potentially harmful sound levels, the federal government sets and enforces uniform noise standards for aircraft and airports, interstate motor carriers and railroads, workplace activities, medium and heavy-duty trucks, motorcycles and mopeds, portable air compressors, federal highway projects, and federal housing projects. State and local governments determine the extent to which other sources are regulated, including commercial, industrial, and residential activities. Numerous bills were introduced in the 107<sup>th</sup> Congress to address noise exposure. Aside from appropriations for airport noise mitigation grants in FY2002, none of them were enacted. The majority of this legislation focused on aircraft noise, including: H.R. 299, H.R. 1288, H.R. 1741, H.R. 2299, H.R. 2429, H.R. 2430, H.R. 2477, H.R. 2746, H.R. 3479, H.R. 3886, H.R. 4481, H.R. 4653, H.R. 5142, H.R. 5143, H.R. 5559, S. 633, S. 688, S. 1786, S. 2039, S. 2808, and S. 2966. Other bills addressed noise in national parks and on public lands: S. 365, S. 712, S. 1136, and S. 1151. Two bills addressed railway noise: H.R. 2811 and H.R. 4761. Other legislation, H.R. 1130, would have authorized grants to examine the effects of noise and other environmental aspects on student achievement in elementary and secondary schools. Another bill, H.R. 1116 would have reauthorized EPA's former Office of Noise Abatement and Control. Due to ongoing concerns about noise exposure in many affected communities, a similar body of legislation may be considered during the 108<sup>th</sup> Congress. This report will be updated as relevant developments occur.

### Introduction

According to the National Institute on Deafness and Other Communication Disorders, exposure to loud sounds is responsible for hearing impairment in 10 million of the nearly 30 million people with hearing loss in the United States, and an additional 30 million people are exposed to dangerous noise levels daily. Several federal laws require the federal government to provide uniform standards for various sources of noise.

The responsibility for setting and enforcing these standards is divided among multiple federal agencies. In the past, the Environmental Protection Agency (EPA) coordinated all federal noise control activities through its Office of Noise Abatement and Control. However, Congress phased out the office's funding in FY1983 as part of a shift in federal noise control policy to transfer the primary responsibility of regulating noise to state and local governments. Although EPA no longer plays a prominent role in regulating noise, its past standards and regulations remain in effect, and other federal agencies continue to set and enforce noise standards for sources within their regulatory jurisdiction.

This report explains how noise is measured, identifies the sources of noise that are currently regulated by the federal government, describes the extent to which the federal standards limit noise, explains the role of state and local governments, and discusses noise control legislation that was considered during the 107<sup>th</sup> Congress.

## How Loud Is Too Loud?

Sound is measured in units of decibels (dbA), and an increase of 10 dbA represents sounds that are perceived to be twice as loud. While sound levels of 65 dbA are annoying to most individuals, constant or repeated exposure to levels of 90 dbA or higher can lead to hearing loss.<sup>1</sup> The table below provides examples of various sound levels.

### Sound Levels Generated by Various Sources of Noise

Sound Level	dbA
Quiet library, soft whispers	30
Living room, refrigerator	40
Light traffic, normal conversation, quiet office	50
Air conditioner at 20 feet, sewing machine	60
Vacuum cleaner, hair dryer, noisy restaurant	70
Average city traffic, garbage disposals, alarm clock at 2 feet	80
Subway, motorcycle, truck traffic, lawn mower	90
Garbage truck, chain saw, pneumatic drill	100
Rock band concert in front of speakers, thunderclap	120
Gunshot blast, jet plane	140
Rocket launching pad	180

Source: Deafness Research Foundation.

## What Sources of Noise Are Subject to Federal Regulation?

The Noise Control Act of 1972 (P.L. 92-574) and several other federal laws require the federal government to set and enforce uniform noise standards for aircraft and airports, interstate motor carriers and railroads, workplace activities, medium and heavy-

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<sup>1</sup> For more information, see the National Institutes of Health Web site [<http://www.nidcd.nih.gov>].



duty trucks, motorcycles and mopeds, portable air compressors, federal highway projects, and federal housing projects. The Noise Control Act also requires federal agencies to comply with all federal, state, and local noise requirements. Most federal noise standards focus on preventing hearing loss by limiting exposure to sounds of 90 dbA and higher. However, some are stricter and focus on limiting exposure to quieter levels that are annoying to most individuals and can diminish one's quality of life. Federal noise standards and the agencies that set and enforce them are discussed below.

**Aircraft and Airports.**<sup>2</sup> The Aircraft Noise Abatement Act of 1968 (P.L. 90-411) requires the Federal Aviation Administration (FAA) to develop and enforce safe standards for aircraft noise.<sup>3</sup> In developing these standards, the FAA generally follows the noise restrictions established by the International Civil Aviation Organization (ICAO). Federal noise regulations define aircraft according to three classes: Stage 1, Stage 2, and Stage 3. Stage 1 aircraft are the loudest, and Stage 3 are the quietest. All Stage 1 aircraft have been phased out of commercial operation, and all unmodified Stage 2 aircraft over 75,000 pounds were phased out by December 31, 1999, as required by the Airport Noise and Capacity Act of 1990 (P.L. 101-508, Subtitle D).<sup>4</sup> Stage 3 aircraft must meet separate standards for runway takeoffs, landings, and sidelines, ranging from 89 to 106 dbA depending on the aircraft's weight and its number of engines.<sup>5</sup> The ICAO has adopted stricter Stage 4 (referred to as Chapter 4 in ICAO parlance) aircraft noise standards, which are quieter by 10 dbA than the current Stage 3 standards.<sup>6</sup> However, the Stage 4 standards must go through the federal rulemaking process before they could be applied in the United States, and the FAA has not proposed such standards to date. The Airport and Airway Improvement Act of 1982 (P.L. 97-248) established the Airport Improvement Program (AIP) to provide federal assistance for airport construction projects and award grants for noise mitigation. Airport operators applying for such grants must design noise exposure maps and develop mitigation programs to ensure that noise levels are compatible with relevant land uses.<sup>7</sup>

**Interstate Motor Carriers.** The Noise Control Act required EPA to develop noise standards for motor carriers engaged in interstate commerce, and it authorized the Federal Highway Administration to enforce them.<sup>8</sup> All commercial vehicles over 10,000 pounds are subject to standards for highway travel and stationary operation, but the standards do not apply to sounds from horns or sirens when operated as warning devices for safety purposes.<sup>9</sup> For highway travel, the standards range from 81 to 93 dbA, depending on the speed of the vehicle and the distance from which the sound is measured. The standards for stationary operation are similar and range from 83 to 91 dbA, depending on the

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<sup>2</sup> For more information on aircraft noise, see the FAA's Web site [<http://www.aee.faa.gov>].

<sup>3</sup> 49 U.S.C. 44715

<sup>4</sup> 49 U.S.C. 47528

<sup>5</sup> 14 C.F.R. 36

<sup>6</sup> For more information on the new standards, see the ICAO's Web site [<http://www.icao.org>].

<sup>7</sup> 14 C.F.R. 150

<sup>8</sup> 42 U.S.C. 4917

<sup>9</sup> 49 C.F.R. 325

distance from the vehicle. The standards apply at any time or condition of highway grade, vehicle load, acceleration, or deceleration.

**Interstate Railroads.** The Noise Control Act also required EPA to establish noise standards for trains and railway stations engaged in interstate commerce, and it authorized the Federal Railroad Administration to enforce them.<sup>10</sup> The standards do not apply to sounds from horns, whistles, or bells, when operated as warning devices for safety purposes. There are separate standards for locomotives, railway cars, and railway station activities such as car coupling.<sup>11</sup> For locomotives built before 1980, noise is limited to 73 dbA in stationary operation and at idle speeds, and is limited to 96 dbA at cruising speeds. The standards for locomotives built after 1979 are stricter, and limit noise in stationary operation and at idle speeds to 70 dbA and at cruising speeds to 90 dbA. Noise from railway cars must not exceed 88 dbA at speeds of 45 miles per hour (mph) or less, and must not surpass 93 dbA at speeds greater than 45 mph. Noise from car coupling activities at railway stations is limited to 92 dbA.

**Workplace Activities.** The Occupational Safety and Health Act of 1970 (P.L. 91-596) required the Occupational Safety and Health Administration (OSHA) to develop and enforce safety and health standards for workplace activities.<sup>12</sup> To protect workers, OSHA established standards which specify the duration of time that employees can safely be exposed to specific sound levels.<sup>13</sup> At a minimum, constant noise exposure must not exceed 90 dbA over 8 hours. The highest sound level to which workers can constantly be exposed is 115 dbA, and exposure to this level must not exceed 15 minutes within an 8-hour period. The standards limit instantaneous exposure, such as impact noise, to 140 dbA. If noise levels exceed these standards, employers are required to provide hearing protection equipment that will reduce sound levels to acceptable limits.

**Other Regulated Sources of Noise.** The Noise Control Act directed EPA to set and enforce noise standards for transportation, construction, and electrical equipment, and motors or engines.<sup>14</sup> Under this authority, EPA established standards for motorcycles and mopeds, medium and heavy-duty trucks over 10,000 pounds, and portable air compressors. The standards for motorcycles only apply to those manufactured after 1982 and range from 80 to 86 dbA, depending on the model year and whether the motorcycle is designed for street or off-road use.<sup>15</sup> Noise from mopeds is limited to 70 dbA. The standards for trucks over 10,000 pounds only apply to those manufactured after 1978 and range from 80 to 83 dbA depending on the model year.<sup>16</sup> These standards are separate from those for interstate motor carriers. Noise from portable air compressors is limited

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<sup>10</sup> 42 U.S.C. 4916

<sup>11</sup> 49 C.F.R. 210

<sup>12</sup> 29 U.S.C. 655

<sup>13</sup> 29 C.F.R. 1910.95

<sup>14</sup> 42 U.S.C. 4905

<sup>15</sup> 40 C.F.R. 205, Subparts D and E

<sup>16</sup> 40 C.F.R. 205, Subpart B

to 76 dbA.<sup>17</sup> The Noise Control Act also authorized EPA to require labels for products which reduce noise.<sup>18</sup> Under this authority, EPA established *Noise Reduction Ratings* for hearing protection devices which require manufacturers to identify the level of sound from which the device protects the user.<sup>19</sup>

There also are noise standards for federal highway projects and federal housing projects. The Federal-Aid Highway Act of 1970 (P.L. 91-605) required the Federal Highway Administration to develop standards for highway noise levels that are compatible with different land uses.<sup>20</sup> The law prohibits the approval of federal funding for highway projects that do not incorporate measures to meet these standards, which range from 52 to 75 dbA depending on land use.<sup>21</sup> Under general authorities provided by the Housing and Urban Development Act of 1968 (P.L. 90-448), there also are standards for federal housing projects located in noise exposed areas.<sup>22</sup> The standards limit interior noise to a daily average of 65 dbA.<sup>23</sup>

## What Is the State and Local Role in Controlling Noise?

As discussed above, the federal role in regulating noise is mostly limited to transportation, workplace activities, and certain types of machinery. State and local governments determine the extent to which other sources of noise are controlled, and regulations for such sources can vary widely among localities. Further, some states do not directly regulate noise, but allow local governments to play the primary role. Sources of noise commonly regulated at the state and local level include commercial, industrial, and residential activities. Regulations for such sources typically control the public's exposure to irritating or potentially harmful noise levels by limiting the activity concerned to specific times of the day, such as the operation of domestic power tools or gasoline-powered lawn equipment in residential areas.

## Legislative Activity in the 107th Congress

Numerous bills were introduced in the 107<sup>th</sup> Congress to address noise exposure. Aside from appropriations for airport noise mitigation grants in FY2002, none of them were enacted. Due to ongoing concerns about noise exposure in many affected communities, a similar body of legislation may be considered during the 108<sup>th</sup> Congress. Noise control legislation in the 107<sup>th</sup> Congress focused mainly on aircraft noise. Five bills proposed operation restrictions. As introduced, H.R. 299 would have prohibited the operation of civil *subsonic* turbojets that exceeded Stage 3 noise levels to or from airports in heavily populated areas. As introduced, H.R. 1741 would have prohibited the operation of civil *supersonic* transport aircraft that exceed Stage 3 noise levels. H.R.

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<sup>17</sup> 40 C.F.R. 204

<sup>18</sup> 42 U.S.C. 4907

<sup>19</sup> 40 C.F.R. 211

<sup>20</sup> 23 U.S.C. 109(i)

<sup>21</sup> 23 C.F.R. 772

<sup>22</sup> 42 U.S.C. 3535(d)

<sup>23</sup> 24 C.F.R. 51, Subpart B

1288 and S. 688, as introduced, would have preserved local noise and access restrictions established prior to 1985. H.R. 2746, as introduced, would have formed a commission to recommend operating curfews for civilian aircraft over populated areas during “normal sleeping hours”. Seven bills focused on noise at specific airports. As introduced, H.R. 2429, H.R. 2430, H.R. 5142, and H.R. 5143 would have addressed noise from Los Angeles International Airport. H.R. 3479 as passed, S. 2039 as reported, and S. 1786 as introduced, would have directed the FAA to facilitate the expansion of runway capacity at O’Hare International Airport, if the expansion would not cause noise to increase.

Other aircraft noise bills were broader in scope. As introduced, H.R. 2477 would have prohibited capacity expansion projects at airports in areas with a population of at least 9 million that serve at least 80 million passengers annually. Efforts to limit capacity might slow the rise in airline traffic and help to prevent noise from increasing. As introduced, H.R. 3886 would have required EPA to study the feasibility of collectively regulating sources of noise and other pollution around airports. As passed, H.R. 4481 would have addressed noise mitigation as part of efforts to streamline the environmental review process for airport expansion projects. As reported, S. 633 included similar streamlining provisions, and would have increased the amount of annual discretionary funding set aside under the AIP for noise mitigation grants. As introduced, H.R. 4653 and S. 2966 would have directed the National Aeronautics and Space Administration (NASA) to develop technologies to reduce noise and improve the performance of commercial aircraft and helicopters. As reported, H.R. 5559 and S. 2808 would have appropriated funding in FY2003 for airport noise mitigation grants, although in different amounts. Floor action was not taken on either bill. A continuing resolution (P.L. 108-2) provides funding through January 31, 2003, at the FY2002 funding level of \$271 million, while the 108<sup>th</sup> Congress works on final appropriations for FY2003.

Four bills addressed noise in national parks and on public lands. As introduced, S. 365 would have required EPA to develop national emission standards for snowmobiles. Considering the noise reductions achieved as a result of these standards, the bill would have required the National Park Service to develop noise standards for the recreational use of snowmobiles on park lands. As introduced, S. 712 would have prohibited the operation of commercial air tours in the airspace over Yellowstone National Park and Grand Teton National Park. As introduced, S. 1136 would have authorized \$65 million annually from FY2002 to FY2007 to establish a Federal Land Transit Program within the Department of Transportation to provide planning, research, and technical assistance to the federal land management agencies in developing cleaner and quieter modes of transportation for use in national parks and on public lands. As introduced, S. 1151 would have established alternatives to “quiet aircraft technologies” that could satisfy noise restrictions for commercial air tours over Grand Canyon National Park.

Four other bills also addressed noise exposure. As introduced, H.R. 2811 would have required new railroad noise regulations, and H.R. 4761 would have focused on reducing noise from high-speed railways that operate in excess of 150 miles per hour. As introduced, H.R. 1130 would have authorized \$2 million annually from FY2002 to FY2004 to award competitive grants for examining the effects of noise and other aspects of the physical environment in elementary and secondary schools. As introduced, H.R. 1116 would have reauthorized EPA’s former Office of Noise Abatement and Control at \$21 million annually from FY2002 to FY2006. H.R. 1116 also would have directed EPA to study the FAA’s airport noise regulations and recommend new measures that would reduce the impacts of such noise on surrounding communities.



**Clay County Division of Planning & Zoning  
Staff Report and Recommendation**

**Application Number PID-11-02**

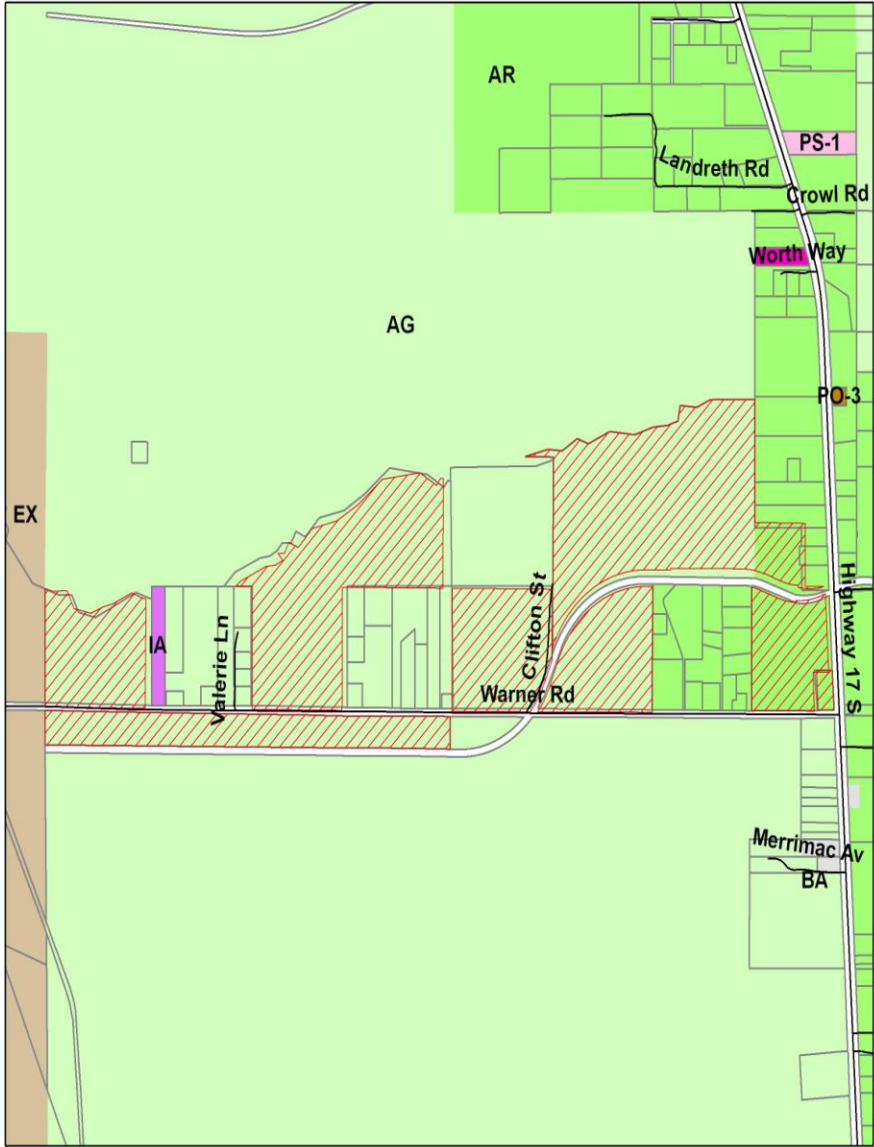
**I. Owner / Agent Information**

**Owner / Petitioner**                      **Morgan Trading Company & Warner Road Training Company**  
P.O. Box 248  
Green Cove Springs, FL 32043

**II. Parcel Zoning Land Use and Other Information**

<b>Parcel ID #</b>	Multiple please refer to map
<b>Physical Address</b>	No address at this time located off Warner Road
<b>Planning District:</b>	1 (Green Cove Springs)
<b>Commission District:</b>	1 (Commissioner Davis)
<b>Existing Zoning District:</b>	AG & AR (Agriculture and Ag Residential)
<b>Proposed Zoning District:</b>	PID (Planned Industrial Development)
<b>Future Land Use Category:</b>	IND (Industrial) proposed
<b>Acreage:</b>	374.27 acres
<b>Planning Commission Date:</b>	February 7, 2012
<b>Board of County Commissioners Date:</b>	February 28, 2012

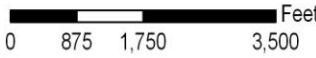
# Surrounding Zonings



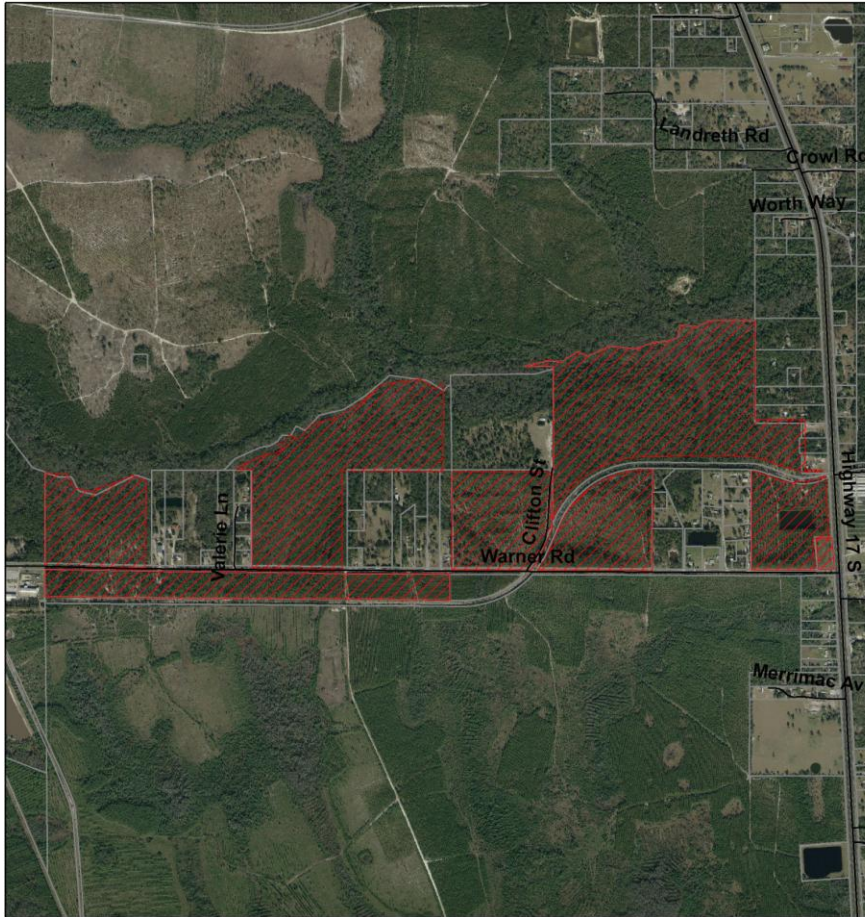
- Legend**
- Subject Property
  - AG Agricultural
  - AR Agricultural/Residential
  - BA Commercial & Professional Office
  - EX Excavation
  - IA Light Industrial
  - PO-3 Public Ownership
  - PS-1 Private Services
  - PS-3 Private Services

**Rezoning: PID-2011000002**

Rezoning AG and AR to PID



## IV. Site Photos & Aerial



**Legend**

Subject Property

imagery.DBO.Imagery\_2009

**RGB**

Red: Band\_1

Green: Band\_2

Blue: Band\_3

**Rezoning: PID-2011000002**

Rezoning AG and AR to PID









## AG & AR Zoning Districts

### Sec. 3-12. AGRICULTURAL DISTRICT (Zone AG)

(a) *Intent.* All land designated as Zone AG is subject to the regulations of this Section as well as the appropriate density and intensity restrictions from Sec. 20.3-10. Such uses have been established for the protection of agriculture as a major industry in the County by preventing encroachment on agricultural lands by incompatible uses; to encourage a broad range of agricultural activities and their accessory operations, including the processing and sale of agricultural products raised on the premises; to protect watersheds and water supplies, wilderness and scenic areas and conservation and wildlife areas; and to permit a variety of activities which require non-urban locations but which do not operate to the detriment of adjoining lands devoted to rural and agriculture purposes.

(b) *Uses Permitted.*

(1) Single-family or mobile home dwelling with their customary accessory uses. Mobile homes must meet the requirements as stated in Sec. 20.3-3, Subsection (d).

(2) For lots of greater than one (1) acre in size, permitted uses include general farming activities: dairying, forestry, greenhouses, livestock raising, nurseries, poultry and egg production (excluding broilerhouse operations and mass production egg laying), crop raising, horticulture, apiculture, pisciculture, and groves.

Agricultural accessory uses that are customary and incidental to principal agricultural use shall be permitted as follows:

(i) Accessory buildings directly incidental to the agricultural pursuits listed above.

(ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only, provided the structure does not exceed three thousand (3,000) square feet of gross floor area.

(iii) Stand for the sale of products which are raised on the premises.

(3) For lots of one (1) acre or less in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, swine, goats and other similar farm animals; provided, however, that no more than two (2) horses, cattle, sheep,

swine, goats and other large farm animals six (6) months of age or older shall be permitted to be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet to the property line. (amended 2/94 - Ord. 93-04)

- (4) Storage of petroleum products.
    - (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
    - (ii) Gasoline not to exceed two thousand five hundred (2,500) gallons, and fuel oil and tanks are designed for the storing of these products. Storage tanks and equipment must meet or exceed all requirements of the State Fire Marshall and National Board of Fire Under writers Code. Wholesale or retail sale of any petroleum products is prohibited.
  - (5) Storage on the premises of the owner's or tenant's heavy equipment including, but not limited to, the following: bulldozers, road graders, front end loaders, backhoes, well drilling equipment, trucks (unlimited tonnage).
  - (6) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
  - (7) Satellite dish receivers for individual use.
  - (8) The parking of commercial vehicles with a limit of one (1) per acre.
  - (9) Plant nurseries when the products for sale are limited to plant fertilizers and other associated items, except any motorized equipment.
  - (10) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.
- (c) *Conditional Uses.* The following uses are permitted in the AG zoning district subject to the conditions provided in Sec 20.3-5.
- (1) Broilerhouses, raising of fowl, and mass production egg laying.
  - (2) Commercial feed lots for livestock.
  - (3) Landing strips.

- (4) Home occupations.
- (5) Bird sanctuaries and rehabilitation centers.
- (6) Commercial kennels.
- (7) Heliports and helipads.
- (8) Radio, television, microwave relay stations or towers and accessory equipment buildings. (Ord. 95-53 - 11/28/95) (Amended 11/26/96 - Ord. 96- 58).
- (9) Outdoor shooting ranges.
- (10) Bicycle motocross.
- (11) Swimming pools.
- (12) Trench sanitary landfills (Class III).
- (13) Mobile home for medical hardship.
- (14) Aviculture (Commercial or Hobbyist).
- (15) Temporary structures or buildings.
- (16) Sales from vehicles.
- (17) Riding academies, riding stables, and dude ranches.
- (18) Public and/or private sewer facilities.
- (19) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58)
- (20) Private drainage ponds or agricultural livestock ponds.
- (21) Borrow Pits (amended 2/95 - Ord 95-2)
- (22) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
- (23) Apiculture (Hobbyist) (Amended 2/35/97 Ord. 97- 11)

- (24) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
  - (25) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
  - (26) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
  - (27) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
  - (28) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66 )
  - (29) Temporary Living Quarters during construction of a residence (amended 11/07 – Ord.2007-66 )
  - (30) Fairground Association Administrative Office and other Accessory Uses (amended 05/06 – Ord. 06-26)
  - (31) Residential Group Homes *Rev. 04/22/08*
  - (32) Accessory Dwelling Units. *Rev. 05/26/09*
  - (33) Mudbogging. *Rev. 11/24/09*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) and (c) above.
- (e) *Density Requirements.* The maximum density for residential development in this zoning district is one (1) unit per twenty (20) acres, or as otherwise provided for in Sections 20.3-10(e) and (f), which address heirs and homestead exemptions.
- (f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be located so as to comply with the following requirements:
- (1) Minimum Lot Width at Building Line 100 feet
  - (2) Minimum Lot Depth 150 feet
  - (3) Minimum Front Setback 30 feet
  - (4) Minimum Rear Setback 35 feet
  - (5) Minimum Side Setback 15 feet

- |      |   |             |
|------|---|-------------|
| (6)  | Minimum Front Yard Setback for Accessory Structures   | 30 feet     |
| (7)  | Minimum Rear Yard Setback for Accessory Structures, Excluding Fences  | 7.5 feet    |
| (8)  | Minimum living area<br>(amended 2/95 - Ord. 95-2)   | 750 sq. ft. |
| (9)  | All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for water designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)   |             |
| (10) | Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18) |             |

**Sec. 3-13. AGRICULTURAL/RESIDENTIAL DISTRICT (Zone AR)**

- (a) *Intent.* All land designated as Zone AR is subject to the requirements of this Section as well as the appropriate density and intensity in Sec. 20.3-10. Such uses have been established to provide a transition between agricultural and the more urban residential areas; and to create a rural residential environment wherein natural constraints applicable to development can be recognized and protected in a manner compatible with the needs of the resident.
- (b) *Uses Permitted.*
- (1) Single-family or mobile home dwelling with their customary accessory uses.
  - (2) For lots greater than one (1) acre in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, goats, swine and other similar animals. (amended 2/94 - Ord. 94-03)
  - (3) For lots of one (1) acre or less in size, permitted uses include the non-commercial keeping and raising of horses, cattle, sheep, swine, goats and other similar farm animals; provided, however, that no more than two (2) horses, cattle, sheep, swine, goats and other large farm animals six (6) months of age or older shall be permitted to be raised, grazed, kept or maintained per one-half (1/2) acre of land. No animal pen, stall, stable, or other similar animal enclosure shall be located nearer than fifty (50) feet to the property. (amended 2/94 - Ord. 94-03)
  - (4) Agricultural accessory uses that are customary and incidental to principal agricultural use shall be permitted as follows: (amended 2/95 - Ord. 95-2)
    - (i) Accessory buildings directly incidental to the agricultural pursuits listed above.
    - (ii) Sheds for the storage and repair of the owner's or tenant's farm equipment only, provided the structure does not exceed three thousand (3,000) square feet of gross floor area.
    - (iii) Stand for the sale of products which are raised on the premises.
  - (5) General agricultural pursuits of a variety similar, but not limited to, truck gardens, forestry, crop raising, horticulture, greenhouses, nurseries, groves, apiculture and pisciculture.
  - (6) The sale of said products and commodities which are raised on the premises. Retail roadside sales permitted only from conforming structures on private property.

- (7) Garage sales will be allowed up to a maximum of two garage sales within any calendar year. The duration of each garage sale shall be a maximum of 72 hours and may be conducted only within daylight hours. No sign advertising a garage sale may be placed on any public right-of-way.
  - (8) Storage of petroleum products.
    - (i) Petroleum used for heating and/or cooking not to exceed 500 gallons.
    - (ii) Gasoline to be used by owner of residence not to exceed 50 gallons.
  - (9) Satellite dish receivers for individual use.
  - (10) The parking of commercial vehicles by the owner of the primary residence with a limit of one (1) per acre and a maximum of two (2) vehicles, may be parked in the rear or side yard, except refrigerated vehicles and vehicles carrying hazardous materials.
  - (11) Private boat pier or slip for the use of occupants of principal residential structures of the lot; provided said pier or slip does not interfere with navigation.
- (c) *Conditional Uses.* The following uses are permitted in the AR zoning district subject to the conditions provided in Section 20.3-5.
- (1) Plant nurseries.
  - (2) Riding academies and riding stables.
  - (3) Home occupations.
  - (4) Bird sanctuaries and rehabilitation centers.
  - (5) Swimming pools.
  - (6) Commercial kennels.
  - (7) Radio, television, microwave relay stations or towers and accessory equipment buildings. (Ord. 95-53 - 11/28/95)
  - (8) Aviculture (Commercial or Hobbyist).
  - (9) Temporary structures or buildings.
  - (10) Mobile homes for medical hardship.



- (11) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord.96- 58).
  - (12) Public and/or private sewer facilities.
  - (13) Private drainage ponds or agricultural livestock ponds.
  - (14) Borrow Pits (amended 2/95 - Ord.95-2)
  - (15) Land Application of Domestic Septage (amended 10/95 - Ord. 95-41)
  - (16) Apiculture (Hobbyist) (Amended 2/25/97 - Ord. 97- 11)
  - (17) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
  - (18) BMX Track (Bicycle Motocross; Non-motorized) Ord. 00-50 – 9/26/00
  - (19) Bed and Breakfast Inns (Amended 4/01 - Ord. 01-12)
  - (20) Dwelling unit with kitchen addition for parent, grandparent or child (Amended 5/03 – Ord. 03-40)
  - (21) Recreational Vehicle parking for temporary use (amended 11/07 – Ord.2007-66).
  - (22) Temporary Living Quarters during construction of a residence (amended 11/07 – Ord.2007-66)
  - (23) Residential Group Homes *Rev. 04/22/08*
  - (24) Accessory Dwelling Units. *Rev. 05/26/09*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
  - (2) Any use or activity which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration or light, and which would be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.
- (e) *Density Requirements.* The maximum densities and minimum lot areas for residential uses in the AR district shall be as follows:

(1) Land with a zoning classification of AR and a land use designation of Agricultural/Residential.

(i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	One (1) unit per ten (10) acres
<i>Minimum Lot Size</i>	Ten (10) acres or 435,600 square feet

(ii) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	
With Clustering and Points	One (1) unit per five (5) acres
Without Clustering and Points	One (1) unit per ten (10) acres

<i>Minimum Lot Size</i>	
With Clustering and Points	One (1) acre or 43,560 square feet
Without Clustering and Points	Nine (9) acres or 392,040 sq. feet

(2) Land with a zoning classification of AR and a land use designation of Rural Residential.

(i) Residential development not classified as a subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	One (1) unit per five (5) acres
<i>Minimum Lot Size</i>	Five (5) acres or 217,800 square feet

(ii) Subdivision pursuant to Ordinance 85-68, as amended.

<i>Maximum Density</i>	
With Clustering and Points	One (1) unit per acre
Without Clustering and Points	One (1) unit per five (5) acres

<i>Minimum Lot Size</i>	
With Clustering and Points	21,780 square feet
Without Clustering and Points	Four (4) acres or 174,240 sq. feet

(3) Land with a zoning classification of AR and a land use designation of Rural Fringe.

(i) <i>Maximum Density</i>	.One (1) unit per acre
<i>Minimum Density</i>	43,560 square feet

(4) Land within a zoning classification of AR and a land use designation of Urban Fringe. (amended 2/94 - Ord. 94-03)

- (i) *Maximum Density* Two (2) units per acre
- Maximum Lot Size* 21,780 square feet
- (5) Land within a zoning classification of AR and a land designation of Urban Core. (amended 2/94 - Ord. 94-03)

- (i) *Maximum Density* Two (2) units per acre
- Maximum Lot Size* 21,780 square feet

- (6) Land with a zoning classification of AR and a land use designation of Agriculture. (amended 7/02 – Ord. 02-36)

- (i) Residential development not classified as a subdivision pursuant to Ordinance 85-65, as amended.

- Maximum Density* One (1) unit per twenty (20) acres
- Minimum Lot Size* Twenty (20) acres

(f) *Lot and Building Requirements.* The principal buildings and other lot uses shall be so located as to comply with the following requirements:

- (1) Minimum Lot Width at Building Line 100 feet
- (2) Minimum Lot Depth 100 feet
- (3) Minimum Front Setback 30 feet
- (4) Minimum Rear Setback 35 feet
- (5) Minimum Side Setback 20 feet\*  
\*For waterfront properties along Doctors Lake within the Neilhurst Plat, recorded in Plat Book 2, pages 44 through 46, the minimum side setback shall be 5 feet.
- (6) Minimum Front Yard Setback for Accessory Buildings, Excluding Fences 30 feet
- (7) Minimum Rear Yard Setback for Accessory Buildings 7.5 feet
- (8) Minimum Living Area 750 sq. ft.  
(amended 2/95 - Ord. 95-2)

- (9) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters

designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)

- (10) Waterfront lot widths shall be a minimum of one hundred feet at the ordinary high water line or the mean high water line, whichever is applicable. Lot width shall be measured by the chord terminated by the property corners at the ordinary high water line or the mean high water line as applicable. (amended 5/05 – Ord. 05-18)

## PID Zoning District

### Sec. 3-32. PLANNED INDUSTRIAL DEVELOPMENT DISTRICT (Zone PID)

- (a) *Intent and purpose.* It is the intent of this district to permit Planned Industrial Developments which are intended to encourage the development of land as planned industrial sites; encourage flexible and creative concepts of site planning; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of conventional industrial zoning districts and to provide a stable environment and use which is compatible with the character of surrounding areas.
- (b) *Permitted Uses.* All uses included in the Industrial Select (IS), the Light Industrial (IA), and the Heavy Industrial (IB) Zoning Districts, and residential dwellings as an accessory use to the permitted industrial use for the purpose of providing security for the industrial use, providing that any use proposed for the site must be approved by the Board of County Commissioners at the time of zoning approval.
- (c) *Minimum Waterfront Setback.* All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)
- (d) *Planned Industrial Development approval procedure.* Approval for a Planned Industrial Development is obtained through a two-step process. The first step is an approval of the Preliminary Site Plan, including use or uses of the site, and rezoning of the land. The second step consists of Final Site Plan approval along with the Developer's Commitment Agreement.
- (e) *Planned Industrial Development zoning and preliminary site plan approval.* The applicant shall submit to the Planning and Zoning Department a request for Planned Industrial Development Zoning Classification and a Preliminary Site Plan containing the following exhibits:
  - (1) A vicinity map showing the location of the proposed development and the relationship to surrounding streets and driveways.
  - (2) A site plan indicating location of all buffer areas, wetlands, parking areas, driveway locations and landscaping concepts.
  - (3) Detailed explanation of the proposed use of the property.

The Planning Commission will hold a public hearing on the request and forward their recommendations to the Board of County Commissioners.

The Board of County Commissioners, in approving any Planned Industrial Development rezoning, may impose special conditions or safeguards so as to insure the proposed development will not have an adverse impact on the public interest.

(f) *Final site plan approval.* The applicant shall submit the final site plan for approval within twelve (12) months from the date of Preliminary Site Plan approval.

(1) A Final Site Plan containing all the required submittals in accordance with Sec. 20.3-33(d) of this Article.

(2) A completed Developer's Commitment Agreement containing all conditions imposed during Preliminary Site Plan approval.

The Final Site Plan and the Developer's Commitment Agreement will be reviewed by the Development Review Committee prior to the issuance of any building permit.

(g) *Revisions of Planned Industrial Development final site plan.* Any major or substantial change in the approved PID, which affects the intent and character of the development or permitted uses shall be reviewed and approved by the Board of County Commissioners. If the requested changes are deemed to have a substantial effect on adjacent property owners, the Board of County Commissioners shall cause a public hearing to be held prior to official action on said requested change.

Minor changes that do not affect the intent or character of the development may be approved by the Planning and Zoning Director.

(h) *Planned Industrial Development Time Limitations.*

(1) If substantial construction, as determined by the Planning and Zoning Director has not begun within two (2) years after approval of the Planned Industrial Development under this Section, the approval of the Planned Industrial Development will lapse.

(2) At its discretion and for good cause, the Board of County Commission may extend for one (1) additional year the period for beginning construction. If the approved Planned Industrial Development lapses under this provision, the Planning and Zoning Director shall cause the Planned Industrial Development District to be removed from the Official Zoning Map, mail a notice by registered mail of revocation to the owner, and reinstate the zoning district which was in effect prior to the approval of the Planned Industrial Development.

(i) *Deviation from the Development Plan.* Any unapproved deviation from the accepted Development Plan shall institute a breach of agreement between the applicant and the

County. Such deviation may cause the Board of County Commissioners to immediately revoke the Development Plan until such time as the deviations are corrected or become a part of the accepted Development Plan.

(j) *Phase Development.*

- (1) A Planned Industrial Development as defined herein may be developed in phases with the approval of the Board of County Commissioners. In the event the applicant desires to develop a Planned Industrial Development in phases, the applicant shall submit a Schedule of Phases in addition to those items required with the application for zoning. The Schedule of Phases shall contain the following:
  - (i) The number of phases;
  - (ii) The date of commencement for each phase;
  - (iii) The approximate number of acres contained in each phase of development.
  - (iv) A map indicating with reasonable certainty the location of each phase of development.
- (2) The Final Development Plans for the first phase shall be submitted within 12 months of the approval of the Planned Unit Development. Final Development Plans for each subsequent phase shall be submitted not later than six months prior to the date of commencement of each phase for the approval by the Board of County Commissioners.
- (3) *Multi-County Planned Industrial Development.* The requirement of that substantial construction begin within two years of approval of the Planned Industrial Development shall be satisfied by commencing substantial construction in either county.
- (4) *Developments of Regional Impact.* The requirements of this Section shall be supplemented or superseded by any contrary provisions of a County Development Order for a Development of Regional Impact (DRI), if the County, DRI developer, Florida Department of Community Affairs and appropriate Regional Planning Council have entered a development agreement pursuant to Section 380.032(3) Florida Statutes, modifying this Section.

- (k) *Visual Barrier:* Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a twenty-five (25) foot building setback, ten (10) foot landscaped area, minimum six (6)

foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. (amended Ord. 94-26 - 4/26/94)

(l) Conditional Uses - The following uses are permitted in the PID Zoning District, subject to the conditions provided in Section 20.3-5.

(1) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)



## Staff Comments & Recommendation

An application has been submitted a proposal to rezone 374.37 from AG (agriculture) and AR (agriculture residential) to PID (planned industrial development). The applicant is seeking permitted and conditional uses within the current IA (light industrial) and IB (heavy industrial) zoning districts. Included in this staff report are the permitted and conditional uses for the IA and IB zoning districts for the commission's edification.

Staff has reviewed the application, along with the supporting documentation, and recommends approving the request to rezone with the following conditions:

1. Staff has determined that not all of the uses within the IA and IB zoning district are suitable for this parcel. Staff recommends excluding the uses of airports, heliports, rock crushing, and stone crushing.
2. Number of access points, size, and locations shall be governed by current Clay County and Florida Department of Transportation Standards. If these standards conflict with the need of the property owner(s), the Department of Engineering and Public Works will determine the proper standard to be used.
3. Improvements to Warner Road shall be determined during development review for each development. All roadway improvements shall be governed by current Clay County and Florida Department of Transportation Standards. All potential owners will need to be made aware by the original developer that they may be subject to roadway improvements if so determined at the time of development review.

The sign section of the applicant's written statement cannot include any exceptions or limitations to the current sign code other than its requirement to limit monument signs along Warner Road. The language proposed is inconstant with the current sign code and would allow for more signs than allowed currently and create the potential of having an off-premise sign along US-17 which is currently prohibited within the sign code. The sign code has specific standards for zoning districts, and this application cannot be a mechanism to override those standards.

Staff has worked with the applicant's agent on revising the initial written statement and other than the recommendations aforementioned; staff has no objection to the proposed floor to area ratio, conservation uses, building setbacks, building heights, lighting, buffers, and phasing. With regards to proposed noise standards, we recognize that this is a much more detailed set of standards where the applicant has provided enhanced levels of operation and enforcement. Staff recognizes the concern over the sounds generated from an industrial site and has determined that the applicant's proposal will provide set criteria for noise violations, enforcement, and monitoring of airborne sound. To assist our Code Enforcement staff, the owner(s) of the property will have to conduct monitoring and

provide data to our staff for evaluation. Code Enforcement staff will maintain the right to monitor themselves if they so choose. Included in this report is a Congressional Research Service (CRS) report that was submitted to Congress, to demonstrate the human experience at certain decibel levels.

At this point in time, staff is not aware of any proposed industrial developments for this site other than an existing business that repairs and refurbishes rail cars that is currently in operation at the Reynolds Industrial Park and will be relocating to this site if approved.

Staff recommends approval of application PID-11-02 with the aforementioned recommendations.

**Sec. 3-29. LIGHT INDUSTRIAL (Zone IA)**

- (a) *Area.* All land designated as Zone IA is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established to provide for the development of industrial activities of a light manufacturing and wholesaling nature. A site plan conforming to the requirements of this section shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
  - (1) All uses permitted in Sec. 20.3-28.
  - (2) Bottling beverages; cabinet making; carpentry; cold storage warehouses and precooling plants; engines - gas, gasoline, steam, and oil - sales and service; farm machinery sales and service and storage; fruit packing and preserving; ice plants; leather goods manufacturing, excluding tanning; sharpening and grinding shops; manufacturing and assembly of clothing and garments; scientific, electrical, and optical equipment; souvenirs and novelties; testing laboratories; fabrication of materials used in the building trades; boat or yacht repairing or overhauling; canning factories for fruits and vegetables; furniture manufacture; machine shops; mattress and bedding manufacture and sales; metalizing processes; novelty works; ornamental metal work shops; and similar uses.
  - (3) Accessory uses such as dining and recreational facilities as convenience to occupants thereof and their customers and employees, and business offices accessory to the primary industrial use.
  - (4) Textile, hosiery, and weaving mills, provided they are not located closer than 300 feet to any residential district.
  - (5) Private utility services as follows:
    - (i) Telephone exchange buildings;
    - (ii) Gas and water regulations substations;
    - (iii) Electric power and light substations;
    - (iv) Water tower, storage tank, reservoir, water treatment plant.
  - (6) Marine facilities.

- (7) Boatyard. This facility is intended to provide complete construction and repair facilities for all manner of marine craft in addition to such dry storage as may be found complimentary to the primary use. Docking of pleasure craft for residential purposes is prohibited.
  - (8) Marina/Boatyard. The purpose of this operation is to provide boat repair and storage services. The fueling of resident and transient craft is permitted. Docking of pleasure craft for residential purposes is considered as an accessory use.
  - (9) Incinerators as accessory to the principal use and exempt from the provisions of Sec. 20.3-44.
  - (10) Commercial radio, television, microwave transmission and relay station and accessory buildings.
  - (11) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
  - (12) Warehouses and associated offices
- (c) *Conditional Uses.* The following uses are permitted in the IA zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
  - (2) Public and/or private sewer facilities.
  - (3) Residential Dwellings. (Amended 8/27/96- Ord. 96-35)
  - (4) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)
  - (5) Auctions. *Rev. 04/22/08*
- (d) *Uses Not Permitted.*
- (1) Any use not allowed in (b) or (c) above.
  - (2) Any use which would create any obnoxious, corrosive, or offensive noise, gas, odor, smoke, dust, fumes, vibration, or light, and which would in any way be detrimental to other surrounding properties or to the welfare and health of the citizens in the area.

- (e) *Lighting Adjacent to Residential Districts.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.
- (f) *Density Requirements.* The maximum density for development on land with the IA zoning classification shall correspond to an FAR of fifty (50) percent.
- (g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.

*Rev. 04/22/08*

- (1) Side lot line setbacks on property which abuts residential or agricultural districts shall be not less than twenty-five (25) feet. If said lot is a corner lot, then the setback shall be the same as the front yard.
- (2) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access to the rear of the lot shall be not less than twenty (20) feet in width and shall be unobstructed at all times.
- (3) Front lot line setbacks shall in no case be less than twenty-five (25) feet.
- (4) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)
- (5) Where a district is adjacent to a lot line of property of a residential or agricultural classification, no materials, garbage containers, or refuse shall be allowed nearer than fifteen (15) feet to such a residential or agricultural district. Garbage or refuse shall be screened so as not to be readily visible.
- (6) Visual Barrier: Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (*Rev. 02/08/11*)

**Sec. 3-30. HEAVY INDUSTRIAL (Zone IB)**

- (a) *Area.* All land designated as Zone IB is subject to the regulations of this Section and Sec. 20.3-10. Such areas are established in order to provide adequate areas for activities of a heavy industrial nature. A site plan conforming to the requirements of this chapter shall be submitted to the Planning and Zoning Department for administrative review and approval prior to obtaining a building permit for all uses within this District.
- (b) *Uses Permitted.*
- (1) Any uses permitted in the Light Industrial District (Zone IA) and Industrial Select District (Zone IS).
  - (2) Airports, landing strips, and heliports. The development and operation of these facilities shall conform to all rules and regulations of all governmental agencies having appropriate jurisdiction and to the performance standards of this Article.
  - (3) Accessory uses such as dining and recreation facilities as convenience to occupants thereof and their customers and employees, and business offices accessory to the primary industrial use.
  - (4) Communication Antennas and Communication Towers, including accessory buildings, tower support and peripheral anchors as governed by the provisions of Section 20.3-46 of the Clay County Land Development Code. (Amended 11/26/96 - Ord. 96-58).
  - (5) Any manufacturing, recycling, distribution, warehousing, or associated uses not in conflict with ordinances dealing with incinerators and toxic or hazardous waste.
  - (6) Medical Transport. (Rev. 10/26/10)
- (c) *Conditional Uses.* The following uses are permitted in the IB zoning district, subject to the conditions provided in Section 20.3-5.
- (1) Public assembly.
  - (2) Rock crushing; rock or sand storage yards; and stone cutting.
  - (3) Residential dwelling.
  - (4) Public and/or private sewer facilities.
  - (5) Land Clearing Debris Disposal Facility (Amended 6/98 - Ord. 98-27)

(d) *Uses Not Permitted.*

(1) Any use not allowed in (b) or (c) above.

(e) *Lighting Adjacent to Residential Districts.* Artificial lighting used to illuminate the premises and/or advertising copy shall be directed away from adjacent residential or agricultural districts.

(f) *Density Requirements.* The maximum density for development on land with the IB zoning classification shall correspond to a floor area ratio (FAR) of fifty (50) percent.

(g) *Lot and Building Requirements.* The principal building(s), accessory structures and other uses shall be located so as to comply with the following minimum requirements.

*Rev. 04/22/08*

(1) Side lot setbacks on property which abuts residential or agricultural districts shall be not less than 20 feet. If said lot is a corner lot, the setback shall be the same as for the front lot.

(2) Rear lot line setbacks shall be twenty (20) feet. If the rear yard does not abut a public street, then access shall be not less than twenty (20) feet in width and shall be unobstructed at all times.

(3) Front lot line setbacks shall in no case be less than twenty-five (25) feet.

(4) All structures shall be set back a minimum of 50 feet landward from the ordinary high water line or mean high water line, whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. (amended 5/05 – Ord. 05-18)

(5) Where a district is adjacent to a lot line of property of a residential or agricultural classification, no materials, garbage containers, or refuse shall be allowed nearer than fifteen (15) feet to such a residential or agricultural district. Garbage or refuse shall be screened so as not to be readily visible.

(6) Visual Barrier: Proposed non-residential development shall be buffered from adjacent land within the residential land use categories identified in Section 20.3-8 with a ten (10) foot landscaped area, minimum six (6) foot high opaque barrier (fence or vegetation) and tree planting thirty (30) feet on center. For all development commenced on or after January 28, 2003, the provisions of this subsection shall not apply. For developments that commence after this date, the provisions of Article VI of the Clay County Land Development Code (the Tree Protection and Landscaping Standards) will apply. (*Rev. 02/08/11*)

## **ORDINANCE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY FLORIDA, PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY UNDER ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED BY ORDINANCE 93-16; FROM ITS PRESENT ZONING CLASSIFICATION OF “AR” AGRICULTURAL RESIDENTIAL DISTRICT AND “AG” AGRICULTURAL DISTRICT TO “PID” PLANNED INDUSTRIAL DEVELOPMENT DISTRICT; PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

**SECTION 1.** Pursuant to the application of Morgan Trading Company & Warner Road Trading Co, LLC, owner of the following described lands, zoning classification of “AR” Agricultural Residential District and “AG” Agricultural District on the following described land:

**(SEE ATTACHED LEGAL DESCRIPTION, MAP AND WRITTEN STATEMENT)**



**Z-11-02 is hereby changed to “PID” Planned Industrial Development District.**

SECTION 2. Effective Date: This Ordinance shall become effective immediately upon receipt of official acknowledgement of the office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located.

SECTION 4. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 5. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF  
CLAY COUNTY, FLORIDA

\_\_\_\_\_  
COUNTY MANAGER AND CLERK OF  
THE BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
DOUGLAS P. CONKEY  
ITS CHAIRMAN

**CLAY COUNTY  
PLANNED INDUSTRIAL DEVELOPMENT WRITTEN STATEMENT  
WARNER ROAD**

**TYPE OF DEVELOPMENT: INDUSTRIAL**

**PROPERTY OWNER: WARNER ROAD TRADING COMPANY**

**MORGAN TRADING COMPANY**

**AGENT: SUSAN L. FRASER  
SLF CONSULTING, INC.  
3517 PARK STREET  
JACKSONVILLE, FL 32205  
904-591-8942**

**CURRENT ZONING: AG AND RR**

**REQUESTED ZONING: PID**

Planning Principles

The designation of lands on Warner Road for industrial use is supported by the availability of rail and highway infrastructure. The use of a Planned Industrial Development (PID) Zoning District ~~on those properties that abut residential use on Agriculture and Rural Residential land use designations~~ is intended to define certain development criteria for industrial development to mitigate the proximity of such development located north of Warner Road to the residential use north of Warner Road. Development standards specifically included in this PID shall supersede those in the Clay County Land Development Regulations and other applicable codes; the otherwise applicable Clay County criteria and requirements for the type of development proposed shall apply.

The PID Zoning District approval sets forth those controls applicable to the lands rezoned to Warner Road Planned Industrial Development. Use of the lands identified on the Phasing and Schematic Buffer Map (Exhibit A) as phase 2 I(P2) ands within the PID ~~prior to implementation of a phase for industrial development~~ may consist of permitted uses in the Agriculture Zoning District until such time as industrial development occurs. Industrial development shall be determined to have occurred on the portion of the P2 lands that are subject to an approved final site plan for industrial use. ~~Implementation of a phase shall be evidenced by the commencement of construction pursuant to an approved industrial use site plans subject to those criteria and standards applicable to agriculture uses within Clay County generally.~~

Future Land Use Category applicable to the property is Industrial and Conservation. The Conservation Land Use designation boundary is that boundary adopted by Clay County

**CLAY COUNTY  
PLANNED INDUSTRIAL DEVELOPMENT WRITTEN STATEMENT  
WARNER ROAD**

on its Future Land Use Map effective on February 28, 2012. The rezoning to PID recognizes that the limits applicable to the Conservation Land Use Designation apply to those lands depicted on the FLUM as lying within this land use designation.

Development Criteria: Adherence to the following development criteria shall constitute approval of the Preliminary Site Plan required pursuant to Section 20.3- 32 of the Clay County Land Development Regulations. The proposed use of the property is industrial, including heavy industrial. ~~Use prior to development as industrial use (site plan approval) shall be those uses permitted in the Agriculture Zoning District.~~

**Permitted Uses:** Uses permitted in the Industrial (IA) and Heavy Industrial Zoning (IB) Districts except airports. Conditional uses permitted in the listed zoning districts, except rock crushing and stone crushing; all other conditional uses are subject to the conditions provided in Section 20.3-5 of the Clay County Land Development Regulations.

**Floor Area Ratio:** The average floor area ratio (FAR) applicable to lands within the Industrial Land Use category and included in this PID shall not exceed 0.35. Compliance with the average shall be determined by dividing the sum of the total square footage of development approved within the PID divided by 43560 and then divided by the number of acres of IND use (325.88). The maximum FAR allowed within any particular application for site plan approval shall be 0.50.

**Conservation Use:** The proposed development consists of Industrial Use on 374.27 acres, less those lands depicted on the FLUM as lying within the Conservation Land Use category.

The rezoning to PID recognizes that the limits applicable to the Conservation Land Use Designation apply to those lands depicted on the FLUM as lying within this land use designation. The area of Conservation Land Use designation is 48.39 acres.

**Building Setbacks:** Side and rear lot setbacks for boundaries which abut residential or agriculture districts shall be not less than the applicable buffer. ~~25 feet~~.

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WARNER ROAD

No structure shall encroach upon buffers ~~to residential use~~ established in Exhibit A and adopted as a condition of the land use approval.

Side and rear lot setbacks for boundaries that abut uses other than residential or agriculture shall be not less than 15 feet.

Front yard setbacks shall be 25 feet.

Height Limit

Height limits shall apply to the properties within the PID located on the north side of Warner Road:

The height of structures located on lands north of Warner Road that lie within 100 feet of a ~~residential use boundary~~ boundary subject to an A or B Buffer shall be limited to 60 feet provided however that a maximum of 25 percent of any roofline that lies within said 100 feet may be a maximum of 75 feet in height.

To determine compliance with this height limitation, a line perpendicular to the residential use property line shall be projected from the corner of each building or portion of a building located within 100 feet of the residential use boundary; the length of the projected line measured along the property line common to the residential use shall be compared to the length of the line similarly projected from the portion of the structure within the 100 feet that exceeds 60 feet in height.

Height of structures on property south of Warner Road shall not be subject to the limit in subsection a. above.

All structures shall meet Building and Life Safety Codes.

Standards

- 1) *Phasing:* Industrial development shall be limited to 1.2 million square feet prior to February 28, 2017 ~~December 31, 2016~~. Development on lands for industrial use after 2017 ~~2016~~ shall be permitted up to an average FAR of 0.35, subject to the availability of public facilities.

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Development is anticipated to occur in phases. Phase 1 industrial development shall be permitted within lands so designated on Exhibit A. Phase 2 industrial development may occur prior to February 28, 2017. the date in Table 1 below, subject to the availability of public facilities. Development of lands designated in Phase 1 that is not complete by February 28, 2017 shall be permitted as Phase 2 development.

Table 1

Phase I	2012 – 2017
Phase II	2017 to buildout

2) *Lighting Adjacent to Residential Use:*

Industrial development within the PID located on the North side of Warner Road shall be subject to the following lighting standards:

- a) The maximum height of a light pole shall be 35 feet.
- b) The maximum lamp size shall be 1000 watts.
- c) Full cutoff fixtures, defined as an outdoor light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the fixture, shall be employed in outdoor lighting.
- d) Lighting shall be installed with shields and/or reflectors on the side of the property subject to an A or B buffer residential-use side and shall be maintained in the manner specified by the manufacturer to confine light rays to the premises of the building or project.

A site lighting plan shall be required to be submitted with construction drawings to ensure these standards have been met.

- 3) *Access and Traffic Control:* Access to Warner Road is permitted. Access shall be designed to provide safe ingress and egress to the industrial use and shall recognize the location of existing residential use access (driveways) in the vicinity. The number and design of all driveways shall be appropriate to the use of the property to which access is being provided. Shared access appropriate to the type and volume of traffic utilizing the access is encouraged. ~~The separation of truck traffic and passenger automobile traffic may be proposed and permitted by Clay County based on the type and volume of truck traffic projected to utilize an access point. The design of all access points shall be consistent with Clay County standards. Driveways that access Warner Road shall align with existing driveways on the south side of Warner Road if the type and~~

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~~frequency of traffic on each driveway to be aligned supports such alignment in a safe manner.~~

~~For the purposes of defining the permitted number of driveways that serve industrial use on the north side of Warner Road, the blocks of PID uses on the north side of Warner Road are defined as follows: 1) US 17 Block; 2) East RR Block; 3) West RR Block; 4) West Block and 5) End Block. Driveways shall be limited to 4 per Block. Additional driveways approved or required by Clay County to accommodate the separation of truck traffic from other vehicular traffic shall not be included in the maximum for any Block. Driveways to US 17 shall not be limited and shall be subject to approval by permitted by the FDOT. Driveways to industrial use on the south side of Warner Road shall not be limited.~~

Consistent with the development and roadway improvement standards that are applicable to development in Clay County, improvements to Warner Road to accommodate the proposed vehicle types and frequency may be required as a condition of approval for a building permit. Traffic control devices may be required/requested pursuant to the Manual of Uniform Traffic Control (MUTC).

- 4) *Noise:* Subject to the standards set forth in Exhibit B.
- 5) *Buffers:* Buffers shall be provided at locations depicted on the Warner Road PID Schematic Buffer and Phasing Map (Exhibit A) and generally described below. No development is permitted within the buffer. Compliance with opacity standards shall be determined at the time an application for site plan approval for an industrial use is reviewed (allowing the site plan approval to reflect the method for meeting the standard) and confirmed at the time of the issuance of a certificate of occupancy by Clay County for the industrial use. At the time of site plan approval, the 75 foot buffer ~~to residential use~~ shall be inspected by Clay County as to compliance with the requirement for 85% opacity standard contained herein. If the opacity is less than required, the PID Landowner shall supplement planting within the buffer area to achieve 85% opacity. Once the opacity standard is initially determined to be met, loss of opacity shall be mitigated as described.

Within A and B buffers required in subsections a) and b) below, the 15 feet closest to the industrial boundary that lies within the buffer may be cleared. Within the cleared area a fence or wall may be erected and a trail road (unpaved) constructed and maintained to facilitate maintenance of the fence or perimeter. If the described clearing occurs, the buffer required

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in subsections ~~a) and b) b) and e)~~ shall be increased in width by the width of clearing, up to the permitted 15 feet, on that portion of the buffer where the clearing has occurred.

For buffers specified in subsections ~~a) and b) b) and e)~~, natural change to the buffer characteristics attributed to seasonal change or loss by age/natural occurrence other than fire shall not require supplemental or additional planting. No clearing, thinning, or removal of other than dead plant material shall occur within the buffer, except in the circumstance of fire.

Loss of buffer characteristics by fire that reduces the opacity to less than 50 percent shall require one of the following mitigation measures to be implemented by the land owner of the industrial use (PID Landowner). The choice of which method to implement shall lie with the PID Landowner. Loss of opacity between pre-fire level and 50% shall require no mitigation; regeneration of the mixed forest shall be permitted to occur naturally. The PID landowner may remove trees within the area of fire damage to facilitate regeneration/ re-establishment of the natural buffer over time.

1) the replanting of the buffer area for a distance of 30 feet measured closest to the residential use boundary with the species and approximate mix occurring naturally within the buffer. Such planting shall occur within 90 days of the fire, with extensions granted by Clay County as appropriate to accomplish the work.

Planting required pursuant to this subsection shall consist of canopy and understory trees at a size of one inch to one and one half inch caliper with spacing to reflect the mature size of the planted material. The remaining 40 feet of the required buffer shall be retained as buffer and permitted to regenerate. To re-establish 85% opacity, Clay County may require the installation of a 6 foot opaque fence at the boundary between the industrial parcel and the residential use. At any time the 75 foot vegetated buffer is reestablished at 85% opacity, the opaque fence shall no longer be required. The opaque fence, once installed, may only be removed with the approval of Clay County.

2) the installation of a 6 foot high opaque fence located within the 75 foot buffer and planted trees within the 30 feet adjacent to the residential use side of the fence. Trees planted under this subsection shall be canopy trees that are 2 inch caliper at installation and 30 feet on center.

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Loss of opacity as a result of disease or infestation to a level of 50% or less shall be mitigated by the installation of a 6 foot high opaque fence located within the 75 foot buffer. The fence shall be installed within 30 days of the approval of a fence location by Clay County and the determination by the Clay County Extension Service or other agency designated by Clay County that the loss is by disease or infestation and that the recovery period required to naturally re-establish the opacity at 85% is greater than 180 days. Clay County will identify the location of required fencing such that the location and length is appropriate to screen industrial uses from adjacent residential use.

Buffers provided pursuant to this PID shall replace and satisfy the requirements of the County's Tree Protection and Landscape Ordinance for that portion of the site occupied by the PID buffer (specifically the perimeter buffer and landscape requirements). The retention of trees within the PID Buffer shall not be counted towards the requirement for trees on portions of a PID development not located within the PID Buffer.

- a) A Buffer: Seventy five (75) foot undisturbed vegetative buffer between industrial use and residential or agriculture use not in the same ownership. The buffer shall be 85% opaque.
- b) B Buffer: Seventy five (75) foot undisturbed vegetative buffer between industrial use and the railroad spur ~~in locations where residential use not in the same ownership abuts the opposing side of the railroad spur~~ except in locations where access to the rail spur is a component of the industrial use. The buffer shall be 85% opaque.
- c) C Buffer: Twenty-five (25) foot planted or existing vegetation buffer between industrial use on the south side of Warner Road and the Warner Road right of way in locations where residential use is located on the north side of Warner Road. Planted buffers/supplement to existing vegetation shall be required when the existing vegetation does not provide an 85% opaque buffer between the industrial use and the right of way of Warner Road between ground level and six feet. A C Buffer pursuant to this PID shall not be required when the industrial use lies within an enclosed building that shields the use from the Warner Road right of way.
- d) CON Buffer: Fifty foot undisturbed vegetative buffer between industrial use and Conservation Land Use.



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- (6) *Dust.* Dust control for industrial development within the PID shall be governed by the Clay County Development Standards, best management practices and shall comply with applicable regulations and law.
- (7) **Signs:** The Clay County Sign Ordinance in effect at the time of approval of this PID shall apply to industrial development within the PID with the following exceptions or limitations:

Permanent freestanding signs located on Warner Road shall be limited to monument signs that do not exceed 8 feet in height and 50 feet in sign copy area. Permanent freestanding (pole) signs shall be permitted on parcels that have frontage on US Highway 17, subject to the applicable standards of the County Sign Ordinance for IA and IB zoning districts including the standards for size and number of signs. Pole signs may only be located along the US Highway 17 frontage.

~~PID frontage on the north side of Warner Road consists of 5 blocks to be described as follows for the purpose of identifying sign locations: 1) US 17 Block; 2) East RR Block; 3) West RR Block; 4) West Block and 5) End Block. Each Block so described shall be permitted a maximum of four signs meeting the criteria for signs on Warner Road above. All such permitted signs may include within the area of copy the name/logo and address of any businesses that is located within the Block in which the sign is located. Such text identifying the name/logo and address of a business on Warner Road shall not be considered an off premise sign.~~

~~Pole signs located on parcels that have frontage on US 17 may include the name/logo and address of businesses located on Warner Road within the area of copy. An increase in copy area or sign quantity over that permitted for the development associated with the US frontage parcel is not authorized by this subsection. Such text identifying the name/logo and address of a business on Warner Road shall not be considered an off premise sign.~~

All other signs permitted in the Clay County Sign Ordinance in effect on the date of PID approval in the IA and IB Zoning Districts shall be permitted for development within this PID, subject to the standards in the Clay County Sign Ordinance for such signs (wall signs, awning signs, directional signs, etc.) except that digital signs shall only be permitted on US 17 frontage.

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Development Schedule

A Final Site Plan required pursuant to Section 20.3-32 of Article II of the County's Land Development Code shall be submitted for approval to Clay County on a portion of the PID property no later than February 28, 2013.

The land subject to the Final Site Plan shall be subject to a Developer's Commitment Agreement articulating the conditions of the Planned Industrial Development Zoning.

Substantial construction shall commence no later than February 28, 2014. Extensions permitted in the Clay County Land Development Regulations may be requested by a PID Landowner and may be granted by Clay County.

Date: 2/7/12 **PUBLIC COMMENT CARD**

Name: Geoffrey Bobben

Address: 6337 Jack Wright Island Rd

City: St Aug Zip: 32092

Issue/Agenda Item No.: PID

Date: 2-7-12 **PUBLIC COMMENT CARD**

Name: Brenna Durdan

Address: 245 Riverside Ave #150

City: Jax Zip: 32202

Issue/Agenda Item No.: #1

Date: 2/7/12 **PUBLIC COMMENT CARD**

Name: marlene whitman

Address: 866 Warner rd

City: GCS Zip: 32043

Issue/Agenda Item No.: #1 PID 11-02

Date: 2/7/12 **PUBLIC COMMENT CARD**

Name: Diana Warner

Address: 5887 Valley Lane

City: GCS Zip: 32043

Issue/Agenda Item No.: #1 PID-11-02

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Date: 2-7-12 **PUBLIC COMMENT CARD**

Name: PAUL C. SALAZAR

Address: 852-1 WARNER ROAD

City: GREEN COVE SPGS Zip: 32043

Issue/Agenda Item No.: PID-11-02

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Date: 02/07/2012 **PUBLIC COMMENT CARD**

Name: Bill Whitman

Address: 866 Warner Rd.

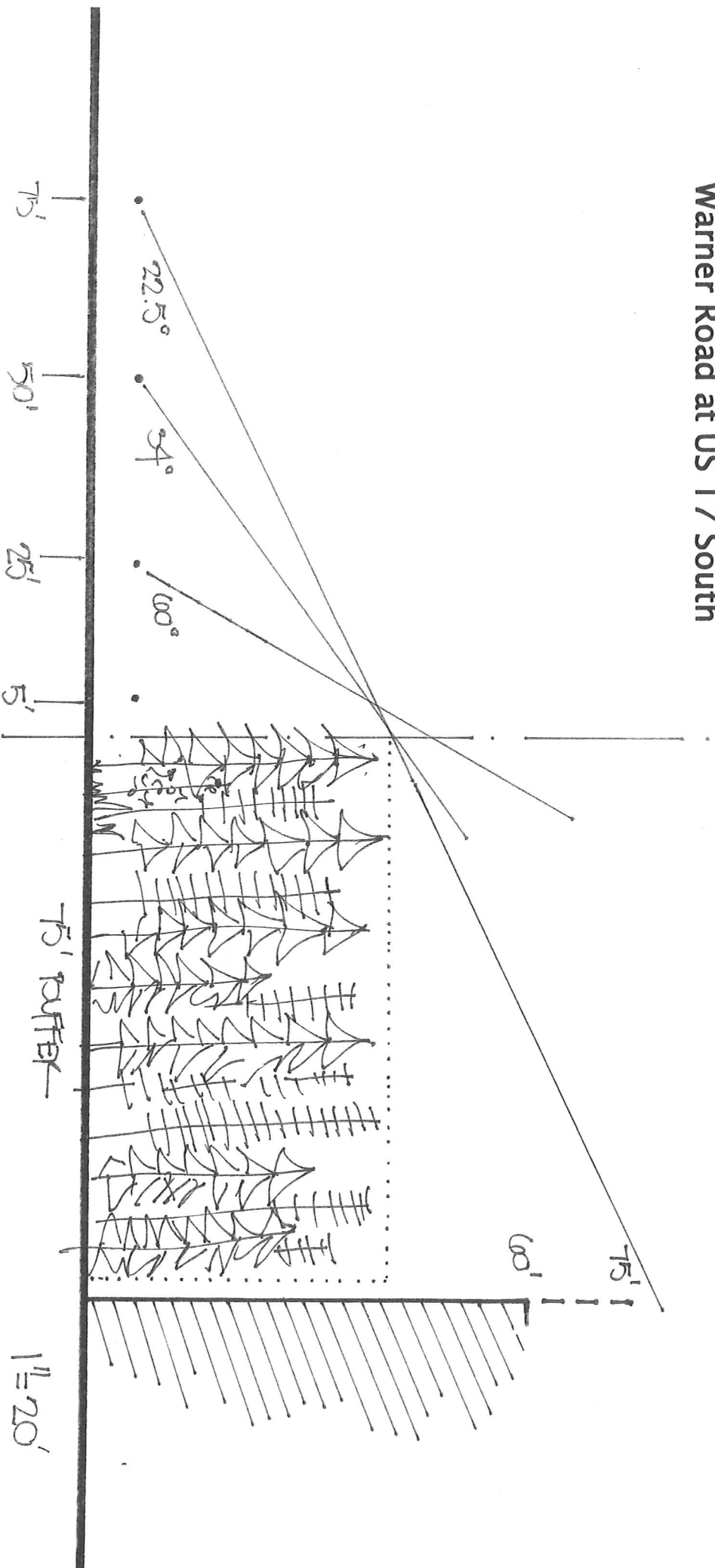
City: Green Cove Springs Zip: 32043

Issue/Agenda Item No.: 11-2 / #1

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# Visual Buffering

Planned Industrial Zoning District  
Warner Road at US 17 South



Warner Rd Residents Group

PID Application 11-2

Rebuttal

Members of the Planning Commission,

As a representative of the Warner Rd Residents Group, I am writing you today to provide a list of our concerns with the current written application submitted by Susan Fraser on behalf of the landowner. At the direct of Planning Commission, we have been involved in negotiations with Ms Fraser in trying to come to an agreement to provide certain protections for the residence without causing excessive expense to the landowner. With the direction the negotiations were taking, the services of Ms Brenna Durden were retained to try and expedite the negotiations and provide reasonable guidelines for the PID. Ms Durden and Ms Fraser have met several times to try and reach this goal. At this point in time, while some concerns have been addressed, we believe that certain specifics are still areas of concern that need to be addressed. One of the main areas of concern is that the Planning Commission conditionally recommended the amendment to the BCC with the stipulation of 125 foot vegetative buffers and continued good faith negotiations; in particular there was concern with noise mentioned. Since the negotiations of the PID have begun, Ms Fraser has reduced the vegetative buffer to 75 feet and has not been willing to restore the buffer to the original 125 feet as was stated in her original application and was a basis at the Planning Commission meeting. Below is listed the areas and specifics that we as residents feel still need to be addressed to protect of the quality of daily life for the residents. Please remember that one of the biggest obstacles for this PID is the unusual positioning of the proposed heavy industrial zoning bordering residential uses on three sides creating a need for guidelines that would not normally be of concern.

Buffers:

Vegetative buffers of 125 feet in width in the A and B buffer areas should be restored.

Vegetative buffer in C should include the entire boundary and not exclude where the building exists. As this buffer is written there would be no requirement for any landscaping or tree ordinance in this area as the PID would supersede the county requirement. This buffer would be utilized as a noise and visual buffer.

Maintenance of the buffer areas is essential and it should service the original intent of it being established. \* please see suggested requirement for maintenance standards below.

Buffer B provides a stipulation for rail access which is vitally important, but it does not provide for any buffer if rail access is utilized. Through communication with Ms Fraser rail access is expected. Because of the expectation of increased noise levels associated with rail access certain corrective measures should be expected in this situation. We have suggested that a sound study be completed for any proposed rail access points with recommendations for ways to achieve compliance with the maximum sound levels. Limited hours of operation for the rail access such as Monday thru Friday 8am to 5pm. In locations that access to the rail spur is a component of industrial use and the vegetative buffer is breached, appropriate replacement buffer can be constructed and utilized on the southern side of the rail access. The replacement buffer shall extend 100 feet in width beyond the distance of the breach of the vegetative buffer on both sides to compensate for the loss of the vegetation buffer and to mitigate the increased noise level at the PID landowner's expense. The replacement buffer will be a minimum of 10 feet in height, opaque and be maintained by the PID landowner. There are residents established within approximately 75 feet of the rail right of way that up to this point had utilized by the mining operation on a limited basis of approximately 2 trips a month and was only a slow passing activity that lasted for a few minutes. Rail access would be an intensive change for the area.

Trail road within the buffer area has been proposed. The residents feel this would remove a layer of privacy and provide access and promote vandalism and or illegal activity to or within the residential area, landowner developed parcels and the vegetative buffer. If the trail road is to be granted then the residents request that an opaque fence or wall no less than 6 feet in height be established between the buffer boundary and the abutting parcels and the buffer increased by the proposed width of the trail road not to exceed 15 feet.

#### Noise Level Standards:

The addition of this provision is essential as a final protection for the residence. It provides a specific tool to monitor, identify and correct any violation that the vegetative buffer may not be able to contain without further corrective measures. Upon researching several municipal codes and ordinances throughout the United States we found a consensus of levels that lead us to submit the following suggested levels:

#### Maximum Sound Levels

Daytime	65 dB(A)
Evening	55dB(A)
Nighttime	45dB(A)

To arrive at these levels it was based on the accepted nighttime dB(A) level of 45 as the overwhelming used figure. Also the factors of the ambient sound level of the receiving parcel needs to be taken into

consideration and the factor that the receiving parcel has the potential to be receiving sound from three directions because of the layout of the PID. When considering the sound level of the receiving property an example that can be used is thinking of the sound a book being dropped in a quiet classroom and the impact it has versus the sound of a classroom with students talking. The sound of the book hitting the floor would be the same in either scenario, but the effect on the overall noise level would be quite different.

**Building height:**

The residents have proposed a gradual setback standard for structure heights. We request the standard be a limit on structure height consisting of:

Structures be limited to a height of 60 feet within 200 feet of the parcel boundary where buffers A or B are utilized graduating up to a 80 feet in height within 325 feet of said boundary, with a parcel limit of 100 feet in height for the remaining areas. In regards to the parcel lying south of Warner Rd a structure limit of 100 feet in height be instituted. This parcel is only 225 feet in width and the 100 feet restriction is being sought to accommodate the landowner's intentions of utilizing a crane that requires 90 feet of extension.

**Lighting:**

- a) No lighting shall be placed within 200 feet of a residential boundary.
- b) Site lighting including: signage, marker, exterior building and visual lighting shall not exceed 40 feet in height.
- c) Illumination levels at the property line of the building or project shall not be more than 1 foot-candle at any point when the building or project is located next to a residential use. To avoid glare or spill light from encroaching onto adjacent properties, illumination shall be installed with residential side shields and reflectors as required to meet the 1 foot-candle illumination standard and shall be maintained in such a manner as to function as designed.
- d) No lamp shall be directly visible from a residential use.

**Signage:**

The existing sign ordinance should be enforced with the clarification that that road frontage parcels used in the formula for a qualifying sign must be continuous with the building parcel or simply must include the named business structure.

No Digital signs on Warner RD.



#### Warner Rd Access:

Driveways and or any points of ingress or egress shall be limited to two access points per block. If more than two points are needed a main entrance with arterial access to lots shall be utilized.

Three points of access should be permitted for the block on the south side of Warner RD, with two of these points of access aligning with a point of access for the blocks directly across on north side of Warner RD.

(Clay County has designated the Warner Rd area as a main industrial area for future growth in Clay County. Warner RD being the main roadway for these proposed developments safely controlling the predicted thousand of trips per hour of traffic flow on Warner Rd is going to be a main concern. With the future in mind it would be essential to control the points of ingress and egress in the safest and most controlled manner possible with the least amount of distribution to the traffic flow. Creating limited main access points with possible traffic control devices with arterial access to multiple businesses would be the most efficient way for the general public and safety agencies such as fire rescue and police to locate specific businesses. It would also create a positive scenario for aligning points of access to the already approved industrial zoning in the area to be controlled by traffic control devices versus multiple points of access. The twenty points of access proposed by the land owner not including access to the parcel south of Warner RD would not achieve this goal. )

#### Permitted Uses:

Restricted uses inside the PID include, but not limited to:

Heavy industrial uses such as: Rock crushing; rock or sand storage yards; and stone cutting, concrete plants.

Any business that requires use of a loading dock, loading zone or requires outside non walled contained activity shall be directed inward on the industrial parcels and shall not be directed toward residential or agricultural areas.

adult entertainment venues such as internet gambling, casinos, strip/bikini clubs, bars and night clubs or any other venue that promotes non work related night time activity.

Social, recreational, fitness clubs, bingo halls, or any other business or nonprofit that promotes large gatherings of people for non work related activities.

#### Floor Area Ratios:

FAR should not exceed .35 per parcel developed.

**FAR should be based upon parcel developed and not on the average of the PID as the PID will not be developed by one entity.**

#### Planning Principles:

The landowner has indicated to the Planning commission when the original application was presented that they would not postpone the application because of a pending project. Based upon the landowner asserting that industrial development process is already in motion the permitted use of agricultural zoning within the PID would be sending conflicting messages to the residents and public in general as to the status of the zoning. This could also unnecessarily expose the residents to undue disruption caused by the use and development of agricultural use for a short term and then being exposed to the development and construction of industrial use within a short amount of time. As it is stated at the conclusion of this application "Substantial construction shall commence no later than February 28, 2014". The landowner's position that the land is best suited to his and the county's interest as industrial zoning should then be the use as stated in the application. There has been a lot of time spent on behalf of this application by the landowner and his representative, the resident's group and their representative and Clay County and its Staff to now remove the focus from the industrial zoning and create unneeded and unintended consequences for the residents or county by allowing alternative zoning uses on a short term basis. Also, the eastern Parcel 2 would include the easement to the Parcel 1 to the northeast of its location and would have to partially developed for the access to be completed.

\* The opacity standard of 85% will be equally upheld in all buffer areas. If the opacity level is diminished to a level of 60% (a thirty percent decrease) by any cause other than the natural change of season than the county will determine the cause and approximate length of time for regeneration to reach the required 85% opacity level. Upon the determination of the County that regeneration time frame to reach the 85% opacity level will be beyond 180 days and less than 365 without replanting, than an opaque fence of ten feet in height will be installed in buffer areas B and C at the County's discretion by the PID landowner within 30 days. Buffer area A is exempt from the installation of the opaque fencing. If regeneration is expected to exceed 365 days than supplemental planting will be required to expedite the regeneration period to approximately 365 days. The opaque fence shall stay in place until the County can verify that the 85% opacity level has been achieved.

If the vegetation buffer has been compromised to a standard below 50% opacity then the landowner shall install a 10 foot high opaque fence at the County's discretion within 30 days and the fence will stay in place until the County determines that the 85% opacity level has been reached in buffer areas B and C. Buffer area A is exempt from the fencing requirement. The county will also determine the appropriate evergreen species of foliage and amount to replace the diminished vegetative buffer to return to the required 85% opacity level. The County will also determine the appropriate measures to be taken if the vegetative buffer has been impacted by force of nature including fire, hurricane etc. as to removal, clean up and replanting procedures to be enacted and the appropriate time frame to conclude the work.

The County may consult with the Clay County Extension Service or other appropriate service at their discretion to mediate the vegetative buffer. The PID landowner will be responsible for any expenses occurred by the County in resolving the replacement of the vegetative buffer.

**NOISE STANDARDS  
PLANNED INDUSTRIAL DEVELOPMENT – WARNER ROAD**

*Definitions.* Governing standards for technical definitions employed in this ordinance and in its enforcement shall be those set forth in applicable publications and standards of the American National Standards Institute (ANSI).

Noise disturbance is defined as any sound which exceeds the sound level limits set forth in Table 1 the source of which lies within the land included in the Warner Road PID and is received on a residential land use.

Sound level means the weighted sound pressure level as measured in dB(A) by a sound level meter and as specified in American National Standards Institute (ANSI) specifications for sound-level meters [ANSI S1.4-1971 (R1976)].

Daytime shall be defined as 7:01 AM to 7 PM. Evening shall be defined as 7:01 PM to 10 PM. Nighttime shall be defined as 10:01 PM to 7 AM. Weekend shall be defined as 7:01 PM Friday night to 7 AM Monday morning.

Received on a residential land use shall mean the common property line between a residential land use and an industrial use within the Warner Road PID.

Adjacent residential use means the property on which a residence exists and that abuts a developed parcel within the Warner Road PID.

Complaint means the receipt of a message by phone, e-mail or US postal service by the Clay County Code Enforcement Division from the resident or landowner of a residential use parcel within Residential Use Parcels A-D alleging the existence of a noise disturbance as defined herein emanating from a property located north of Warner Road within PID. The complaint shall identify the type of noise alleged to create the noise disturbance, the time(s) of day the noise was heard and any identifying features that would assist in determining the source of the alleged noise disturbance. Complaints received for the same alleged noise disturbance, whether filed by the same or different individual(s) during the period of measurement or assessment of sound that may be directed by Clay County of the alleged violator shall not be considered a separate complaint for the purposes of determining the duration of measurement required in this PID.

Continuous airborne sound means sound that is measured by the slow response setting of a meter manufactured to the specification of ANSI 1.4-1971 “Specification for Sound Level Meters” or its successor.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which necessitates immediate action. Economic loss

shall not be the sole determining factor in the determination of an emergency. It shall be the burden of the alleged violator to prove an emergency.

Emergency work means any work made necessary to restore property to a safe condition following an emergency, or to protect property threatened by an imminent emergency, to the extent such work is necessary to protect persons or property from exposure to imminent danger or damage.

History of noise disturbance shall mean a complaint received by Clay County and born out by measurement or assessment of sound pursuant to this PID that identified a noise disturbance that is attributed to the current alleged violator and occurred within the prior 6 months.

PID Landowner means the lawful possessor or operator of a developed parcel within the PID.

Sound level meter means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of sound levels.

*Prohibited acts.* It shall be a violation of this PID, subject to code enforcement, to:

1. Make cause or allow to be made any sound that causes a noise disturbance as defined herein.
2. During nighttime hours the operation of any loudspeaker, public address system or similar device other than that required by law to communicate safety/emergency warnings.
3. Intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren or whistle or similar stationary signaling devices except for emergency purposes or for testing as follows:
  - a. Testing a stationary emergency signaling device shall not occur during nighttime hours unless required by law.
  - b. Testing shall be limited to the minimum cycle test time, in no case to exceed 60 seconds.
  - c. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall only occur on weekdays and outside nighttime hours unless shift employment requires testing to occur during these times. Such testing shall be exempt from the time limit in b. above.

*Exemptions.* The following uses and activities shall not be subject to the maximum sound levels identified in Table 1.

1. Nonamplified human voice.
2. Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
3. Sounds resulting from emergency work as defined above.

*Sound Level Limits.* Sound level limits are as set forth in Table 1.

Table 1.

Maximum Sound Levels

Daytime	75 dB(A)
Evening	60 dB(A)
Nighttime	55 dB(A)

If the noise is not continuous, one or more corrections in the table below shall be added or subtracted from each of the decibel levels given in the table above:

Decibel Corrections by Operations Type  
Daytime Hours Only

Type of Operations at Character of Noise	Corrections in Decibels
Noise source operates less than 3 minutes of any one hour period; no greater than twice in any one daytime period	Plus 5
Noise source operates less than 1 second of any one hour period; no greater than twice in any one daytime period	Plus 10

*Measurement Required.* The measurement of sound shall be required of the landowner of the developed parcel(s) within the Warner Road PID that is the location of the alleged violation. Upon notice by Clay County to the property owner alleged to have created the violation that the County has received a complaint of violation of these noise standards from an owner of an adjacent residential use, the landowner with no history of violation shall have 10 working days to initiate the measurement or assessment of sound described in the following sections unless the operator/owner of the PID use determines the source of the noise violation without the measurement of sound and eliminates the noise disturbance within 5 days of the notice of complaint by Clay County. A landowner with a history of violation shall have 5 working days to initiate the measurement of sound described in the following sections.

Upon receipt of a complaint, Clay County may take a noise measurement utilizing the methodology and standards in subsections 1, 2, 3 and 4 for the Measurement of Sound. The measurement shall be collected from the residential side of the common property line. If the measurement indicates a clear violation of the applicable

standards, the County shall contact the PID landowner(s) it determines to be the source of the violation and may require immediate action to eliminate the noise violation.

The elimination of the noise disturbance within 5 days of the complaint shall cause Clay County to record the complaint as resolved without measurement and note the actions taken to eliminate the noise disturbance. A subsequent complaint after the 5 day period for action to eliminate the noise disturbance against the same PID development shall result in a requirement for measurement of sound as described below for a complaint with no history of noise disturbance.

*Measurement or Assessment of Sound.* Sound level shall be measured as follows:

1. The measurement of sound shall be made with a sound level meter meeting the standards prescribed by ANSI S1.4-1971 (R1976). The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any sound level measurement. Measurements recorded shall be taken so as to provide a proper representation of the source of the sound. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used at all times.
2. The slow meter response of the sound level meter shall be used in order to best determine the average amplitude.
3. The measurement shall be made at the point on the property described in paragraph 4 below into which the sound is being transmitted and shall be made at least three feet away from any ground, wall, floor, ceiling, roof or other plane surface. The property into which the sound is being transmitted shall be the residential use property of the complainant unless Clay County determines that measurement within a different residential use property is appropriate.
4. If the adjacent residential use has a common property line with the developed portion of the PID parcel of the alleged violator less than 500 feet in length, the measurement of sound shall be at a single location along the common property line. The location along the property line shall be that point defined by a line perpendicular to the common property line that when extended, intersects with the rear corner of the residence closest to the common property line. If the common property line with the developed PID parcel of the alleged violator is greater than 500 feet in length, one additional point along the property line may be selected by Clay County for measurement. All measurements shall be collected from the PID landowner side of the common property line.
4. All measurements of sound shall be made by a qualified operator of the apparatus used to make the measurements.
5. The measurement of sound shall be for the period described in the following section.

*Duration of Measurement or Assessment of Sound.* The duration of sound measurement shall be as listed. Monitoring may cease prior to the periods described if the source causing the violation is identified and action taken to eliminate the violation. Clay County Code Enforcement Division shall authorize the reduced monitoring period in such circumstances.

1. Complaint with no history of noise disturbance: Measurement shall be taken for a period of 7 continuous 24 hour periods (days) from the date monitoring commences.
2. Complaint with history of noise disturbance:
  - a. One incident of noise disturbance: Measurement shall be taken for a period of 30 continuous 24 hour periods (days).
  - b. Two incidents of noise disturbance complaints: Measurement shall be taken for a period of 60 continuous 24 hour periods (days).

*Report of Results.* Measurements required by Clay County shall be submitted within 3 days of the conclusion of the specified monitoring period, but no less than every 10 days for the prior 7 day period. Each Report of Results shall be for a seven day period and shall be submitted within 3 days of the end of the seven day period that is the subject of the Report. The raw data shall be submitted and include identification of the source(s) of sound that is the basis for the noise disturbance. Actions taken to eliminate the source of an exceedance shall be noted.

*Purpose of Report.* The purpose of the Report shall be to identify the source of a sound that exceeds the sound level limits set forth in Table 1 such that actions may be identified to eliminate the violating source. The PID landowner submitting the report shall identify within 10 days of the identification of the source what actions will be taken to eliminate the noise disturbance.

The PID Landowner shall submit to Clay County at the time of each Report of Results a plan of action to eliminate the noise disturbance. The County shall review and accept, accept with revision or reject the actions and time requested to implement the plan of action. The failure of Clay County to accept a plan of action after review and discussion shall cause the case to be referred to the Special Master secured by Clay County for the resolution of Code Enforcement violations.

*Responsibility.* The PID landowner shall be responsible for operating or maintaining the premises in compliance with these PID noise standards.





Department of Development Services  
Planning and Zoning Division

**Memorandum**

**To:** Planning Commission

**From:** Chad Williams, Zoning Chief

A handwritten signature in cursive script, appearing to read "Chad", is written over the "From:" line.

**Date:** January 30, 2012

**Re:** Indoor Shooting Ranges

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Staff is proposing a change to the code following the receipt of a rezoning application from BB-2 to BB-5 for the specific use of an indoor shooting range. While Staff was able to support the development of an indoor shooting range at the proposed location, a rezoning to the BB-5 district would allow uses which are not compatible with the location's surrounding area. Consequently, Staff was prepared to recommend denial of the rezoning. Consideration of the rezoning application generated discussions regarding the appropriateness of allowing indoor shooting ranges in the BB-2 district, which currently includes several recreational uses. After serious deliberation, Staff concluded that the indoor shooting range use is not dissimilar to uses currently allowed within in the BB-2 district, and therefore is proposing this change to the code.

**ORDINANCE NO. 2012-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, BEING THE CODIFICATION OF ORDINANCE NO 93-16, AND COMPRISING THE ZONING AND LAND USE LAND DEVELOPMENT REGULATIONS, AS SAID ARTICLE III HAS BEEN SUBSEQUENTLY AMENDED BY ORDINANCE , BY AMENDING SECTION 3-26.1, COMMUNITY BUSINESS DISTRICT BB-2, TO ADD INDOOR SHOOTING RANGES AS A CONDITIONAL USE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** As used in Section 2 of this ordinance, the term “Article III” shall mean and refer to Article III of the Clay County Land Development Code, (the Code), being the codification of Ordinance No. 93-16 and comprising the Zoning and Land Use provisions of the Code.

**Section 2.** Subsubsection (10), Subsection (c) of Section 3-26.1, Article III, is hereby added as follows:

(10) Indoor shooting ranges

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2012.

**BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Douglas P. Conkey  
It's Chairman

ATTEST:

\_\_\_\_\_  
S.C. Kopelousos  
County Manager and Clerk of the  
Board of County Commissioners



Department of Development Services  
Planning and Zoning Division

**Memorandum**

**To:** Planning Commission  
**From:** Mike Kloehn, <sup>MK</sup> AICP, Planning and Zoning Director  
**Date:** January 26, 2012  
**Re:** Solar Farms LDC Amendment

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Staff has been directed by the County Manager to add Solar Farms as an allowable use in the Land Development Code. As facilities which convert solar energy into a consumable form of energy on a commercial scale, Solar Farms have been developed around the United States in recent years. After researching the codes of jurisdictions around the United States, as well as the literature of the American Planning Association, Staff has prepared an ordinance to add the use. Solar Farms are proposed to be added as a conditional use in the AG and IB Zoning Districts, as well as the Branam Field Activity Center. Included in the proposed ordinance are development standards to address compatibility issues with surrounding properties.

Attached is the proposed ordinance. Should you have any questions, please do not hesitate to contact me.

ORDINANCE NO. 2012-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF ARTICLE I OF THE CLAY COUNTY LAND DEVELOPMENT CODE (THE CODE), BEING THE CODIFICATION OF ORDINANCE NO. 2010-15, AND COMPRISING THE CODE'S GENERAL PROVISIONS, AS SAID ARTICLE I HAS BEEN SUBSEQUENTLY AMENDED BY ORDINANCE, BY AMENDING SECTION 1-15 THEREOF, *DEFINITIONS*, TO ADD A DEFINITION FOR SOLAR FARMS; AMENDING CERTAIN PROVISIONS OF ARTICLE III OF THE CODE, BEING THE CODIFICATION OF ORDINANCE NO. 93-16, AND COMPRISING THE ZONING AND LAND USE LAND DEVELOPMENT REGULATIONS, AS SAID ARTICLE III HAS BEEN SUBSEQUENTLY AMENDED BY ORDINANCE, BY AMENDING SECTION 3-5 THEREOF, *CONDITIONAL USES*, TO ADD A CONDITIONAL USE FOR SOLAR FARMS; BY AMENDING SECTION 3-12(c) THEREOF TO ADD SOLAR FARMS TO THE LIST OF CONDITIONAL USES ALLOWED WITHIN THE AG (AGRICULTURAL) ZONING DISTRICT; BY AMENDING SECTION 3-30(c) THEREOF TO ADD SOLAR FARMS TO THE LIST OF CONDITIONAL USES ALLOWED WITHIN THE IB (HEAVY INDUSTRIAL) ZONING DISTRICT; BY AMENDING SECTION 3-39(c) THEREOF TO ADD SOLAR FARMS TO THE LIST OF CONDITIONAL USES ALLOWED WITHIN THE PS-2 (PRIVATE SERVICES) ZONING DISTRICT; BY AMENDING SECTION 3-33A THEREOF TO ADD SOLAR FARMS TO THE LIST OF CONDITIONAL USES ALLOWED WITHIN THE ACTIVITY CENTER SUBSECTION OF THE BFPUD (BRANAN FIELD PLANNED UNIT DEVELOPMENT) REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Be It Ordained by the Board of County Commissioners of Clay County:

**Section 1.** As used in Section 2 of this ordinance, the term "Article I" shall mean and refer to Article I of the Clay County Land Development Code (the Code), being the codification of Ordinance No. 2010-15 and comprising the Code's General Provisions, as said Article I has been subsequently amended by ordinance. As used in Sections 3 through 7 of this ordinance, the Term "Article III" shall mean and refer to Article III of the Code, being the codification of Ordinance No. 93-16 and comprising the Code's Zoning and Land Use provisions, as said Article III has been subsequently amended by ordinance.

**Section 2.** Subsection (206) of Section 1-15 of Article I is hereby added as follows (remaining subsections to be renumbered accordingly):

- (206) **Solar Farm** – An area of land, together with the improvements thereon and the appurtenances thereto, used principally for the conversion of solar

energy into a usable form of energy to be consumed onsite, sold to commercial or residential consumers, or transferred to the public electric grid in order to sell electricity to a public utility entity.

**Section 3.** Subsection (bi) of Section 3-5 of Article III is hereby added as follows (remaining subsections to be renumbered accordingly):

- (bi) *Solar Farms* – In addition to other applicable sections of this code, a solar farm shall be subject to the following provisions:
  - (1) *Site Development Plan* – A site development plan shall be submitted which contains the information listed in this subsection.
  - (2) *Visual Barrier* – The provisions of Article VI of the Clay County Land Development Code shall apply.
  - (3) *Lot and Building Requirements* – The principal building, accessory structures and other uses shall be located so as to comply with the following minimum requirements:
    - (i) Side, rear and front lot line setbacks shall be no less than twenty-five (25) feet where the lot line is adjacent to a nonresidential zoning district or to an agricultural zoning district where the parcel is greater than 20 acres in size.
    - (ii) Side, rear and front lot line setbacks shall be no less than one hundred (100) feet where the lot line is adjacent to residentially zoned lands or to lands within an agricultural zoning district where the parcel is less than 20 acres in size.
    - (iii) No structure shall exceed two stories or thirty-five (35) feet.
  - (4) *On-site power lines* – On-site power lines shall be placed underground.
  - (5) *Utility Agreement* – If power is provided to an electric utility, a copy of the interconnection agreement with the local electric utility shall be submitted.

**Section 4.** Subsubsection (34) of subsection (c) of Section 3-12 of Article III is hereby added as follows:

- (34) Solar Farms.

**Section 5.** Subsubsection (6) of subsection (c) of Section 3-30 of Article III is hereby added as follows:

(6) Solar Farms.

**Section 6.** Subsubsection (11) of subsection (c) of Section 3-39 of Article III is hereby added as follows:

(11) Solar Farms.

**Section 7.** Subsubsubsubsection vii of subsubsubsection b of subsection 4 of subsection III of Section 20.3-33A of Article III , said Section 20.3-33A being known as the Branran Field Land Development Regulations, is hereby added as follows:

vii. Solar Farms.

**Section 8.** If any section, phrase, sentence or portion of the ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 9.** This ordinance shall become effective as prescribed by Florida general law.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this 14<sup>th</sup> day of February, 2012.

**BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Douglas P. Conkey  
Its Chairman

ATTEST:

\_\_\_\_\_  
S.C. Kopelousos  
County Manager and Clerk of the  
Board of County Commissioners

**Planning Commission**

1.

**Meeting Date:** 02/07/2012

Rezoning PID-11-02

Submitted For: Chad Williams, Development Services

Submitted By: Chad Williams, Development Services

Department: Development Services

Division:

Zoning

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Information

Subject

Public Hearing for Rezoning PID-11-02

Background

Applicant is requesting to rezone 374.27 acres from AG (Agriculture) and AR (Agriculture Residential) to PID (Planned Industrial Development)

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Agenda Attachments

Application

Written Statement

Site & Buffer Plan

Noise Requirements

CRS Noise Report

Staff Report

IA Zoning District

IB Zoning District

Ordinance

Minutes Attachments

Ms. Fraser Presentation to PC

Public Comment Cards

Visual Buffering Diagram

Resident Rebuttal

Noise Standards for PID

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**Planning Commission**

2.

**Meeting Date:** 02/07/2012

Amendment to the BB-2 Zoning District to allow for Indoor Shooting Ranges

Submitted For: Chad Williams, Development Services

Submitted By: Chad Williams, Development Services

Department: Development Services

Division:

Zoning

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Information

Subject

Amendment to the BB-2 Zoning District to allow for Indoor Shooting Ranges

Background

Staff is proposing a change to the code following the receipt of a rezoning application from BB-2 to BB-5 for the specific use of an indoor shooting range. While Staff was able to support the development of an indoor shooting range at the proposed location, a rezoning to the BB-5 district would allow uses which are not compatible with the location's surrounding area. Consequently, Staff was prepared to recommend denial of the rezoning. Consideration of the rezoning application generated discussions regarding the appropriateness of allowing indoor shooting ranges in the BB-2 district, which currently includes several recreational uses. After serious deliberation, Staff concluded that the indoor shooting range use is not dissimilar to uses currently allowed within in the BB-2 district, and therefore is proposing this change to the code.

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Attachments

Staff Memo

BB-2 ORD



**Planning Commission**

**3.**

**Meeting Date:** 02/07/2012

Proposed Amendment to the LDC to allow Solar Farms as a Conditional Use

Submitted For: Mike Kloehn, Development Services

Submitted By: Mike Kloehn, Development Services

Department: Development Services

Division:

Planning

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Information

Subject

Proposed Amendment to the LDC to allow Solar Farms as a Conditional Use

Background

Staff has been directed by the County Manager to add Solar Farms as an allowable use in the Land Development Code. As facilities which convert solar energy into a consumable form of energy on a commercial scale, Solar Farms have been developed around the United States in recent years. After researching the codes of jurisdictions around the United States, as well as the literature of the American Planning Association, Staff has prepared an ordinance to add the use. Solar Farms are proposed to be added as a conditional use in the AG and IB Zoning Districts, as well as the Branan Field Activity Center. Included in the proposed ordinance are development standards to address compatibility issues with surrounding properties.

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Attachments

Memo

Ordinance

**Planning Commission**

**1.**

**Meeting Date:** 02/07/2012

Reorganization of Planning Commission

Submitted For: Mike Kloehn, Development Services

Submitted By: Wanda Mears, Development  
Services

Department: Development Services

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Information

Subject

Reorganization of Planning Commission

Background

n/a

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