ORDINANCE NUMBER: 2012-24

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE CUMBERLAND INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 94-23, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Records of St. Johns County, FL Clerk # 2012059869, O.R. 3627 PG 394-407 10/10/2012 at 11:39 AM, REC. $57.00 SUR. $63.50

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

WHEREAS, the development of the lands within this Major Modification shall proceed in accordance with the application dated June 26, 2012 in addition to supporting documents and statements from the applicant **which are a part of file MAJMOD 2012-06,** for a Major Modification to the Cumberland Industrial Park Planned Unit Development (PUD) Ordinance Number 1994-23, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. That development of lands within the Cumberland Industrial Park PUD shall proceed in accordance with Ordinance 1994-23, as amended, including the Application for Major Modification and attached hereto and made a part hereof.

SECTION 2. That the need and justification for modification of the Cumberland Industrial Park PUD has been considered in accordance with Section 5.03.05.C of the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby:

1. The request for a Major Modification has been fully considered after public hearing with legal notice duly published as required by law.

2. As modified, the Cumberland Industrial Park PUD is consistent with the goals, policies and objectives of the 2025 St. Johns County Comprehensive Plan.

3. As modified, the Cumberland Industrial Park PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.

4. As modified, the Cumberland Industrial Park PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments and with the General Standards of Section 5.03.02 with respect to (B) location; (C) minimum size; (D) compatibility, and (E) adequacy of facilities.

5. The Master Development Plan Map and Text for the Cumberland Industrial Park PUD meet all requirements of Section 5.03.02.G of the St. Johns County Land Development

Code.

6. As modified, the Cumberland Industrial Park PUD does not adversely affect the orderly development of St. Johns County and is compatible and consistent with the development trends of the surrounding area.

SECTION 3. That all other provisions of Ordinance 1994-23 as amended, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Except to the extent that they conflict with specific provisions of the approved development plan or the PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or special use shall be prohibited except where allowed by the Land Development Code. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, comprehensive plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 5. That the terms of this modification to the Cumberland Industrial Park PUD shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 6. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 18 **DAY OF** September **2012.**

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: _____ RENDITION DATE 09/20/12
J. Ken Bryan, Chair

ATTEST: CHERYL STRICKLAND, CLERK

BY: _____
Deputy Clerk

EFFECTIVE DATE: 09/25/2012

ST. JOHNS COUNTY, FLORIDA

EXHIBIT "A"

LEGAL DESCRIPTION

PART OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING, BEGIN AT A FOUND CONCRETE MONUMENT AT A COMMON CORNER TO SECTIONS 9, 10, 15, AND 16; THENCE SOUTH 00°49'31" EAST ALONG THE EASTERLY LINE OF SAID SECTION 16 A DISTANCE OF 2702.89 FEET TO A FOUND CONCRETE MONUMENT; THENCE NORTH 89°43'40" WEST A DISTANCE OF 819.87 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 54°59'49" WEST A DISTANCE OF 765.81 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 38°55'25" WEST A DISTANCE OF 858.40 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 25°08'03" EAST A DISTANCE OF 561.02 FEET TO A FOUND 1/2-INCH IRON PIPE; THENCE NORTH 38°53'35" WEST TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 210 (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) A DISTANCE OF 100.07 FEET TO A FOUND 1/2-INCH IRON PIPE; THENCE NORTH 51°04'30" EAST CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 210 A DISTANCE OF 1588.62 FEET TO A FOUND CONCRETE MONUMENT IN THE AFOREMENTIONED NORTHERLY LINE OF SAID SECTION 16; THENCE NORTH 89°10'43" EAST ALONG THE SAID NORTHERLY LINE OF SAID SECTION 16 A DISTANCE OF 536.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 88.93 ACRES, MORE OR LESS.

MAJOR MODIFICATION TO CUMBERLAND INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT

MASTER DEVELOPMENT PLAN TEXT

This application proposes to modify St. Johns County Ordinance Nos. 94-32, 96-15, 2002-36 and 2004-55, which approved and then modified Planned Unit Development ("PUD") zoning for the real property commonly known as Cumberland Industrial Park and described in **Exhibit "A"** attached hereto and incorporated herein by this reference (the "Property"). This application also proposes to modify Final Development Plan Resolution No. 95-161 as shown on the Master Development Plan attached hereto as **Exhibit "B"** and incorporated herein by this reference (the "MDP") only for the parcel depicted thereon (Parcel Identification No. 026050 0050) ("Parcel A"). The purpose of the requested changes is to broaden the uses permitted on parcels owned by the Applicant and to amend and restate the previously approved PUD ordinances for the Cumberland Industrial Park as a whole. This application shall not be construed to affect any vested rights of owners within the Property based upon any previously approved or adopted ordinances, resolutions or provisions of the St. Johns County Land Development Code.

a. A description related to the design, character and architectural style or theme of the Project, which demonstrates an innovative, unified, cohesive and compatible plan of development for all uses included in the Project. Mixed Use PUDs that contain different uses or several development parcels must also demonstrate consistency in design and character and plan of development.

This application seeks to amend and restate the previously approved PUD ordinances for the Cumberland Industrial Park in this text and to add certain uses to Parcel A and two other parcels owned by W.R. Townsend, as Trustee (the "Applicant"). The Applicant's other lots are commonly known as Cumberland Industrial Park Lots 2 and 4 and have Parcel Identification No. 026053-0020 ("Lots 2 and 4 of Parcel B"). The Cumberland Industrial Park PUD has been modified several times during the last 17 years, but the amendments have occurred in a piecemeal fashion. This text incorporates the provisions of Ordinance 94-32, as it has been modified over time, and then proposes some additional uses on the Parcel A and Lots 2 and 4 of Parcel B that will be consistent and compatible with the surrounding lands, both within and adjacent to the Cumberland Industrial Park. The Property is located on the south side of County Road 210 approximately one mile east of the Interstate 95/CR 210 interchange. The Property will be permitted to include the uses set forth in section f hereof.

b. The total number of acres included within the Project as requested in the application.

The Property includes approximately 89 acres, as described in **Exhibit "A"** attached hereto and shown on the Master Plan Map included in Ordinance 96-15, which is attached hereto as **Exhibit "C"** and incorporated herein by this reference.

c. The total number of wetland acres included within the Project as requested in the application.

The Property includes approximately 6.24 acres of wetlands, as depicted on the 1996 Master Plan Map attached as **Exhibit "C"**. Wetland, soils and FLUCCS information related to Parcel A is attached hereto as **Exhibit "D"** and incorporated herein by this reference.

d. The total amount of development area, including the total number of developable acres (including filled wetlands) for each proposed use and the total number of wetland acres to be preserved for each land use. Each developable parcel shall be limited to one use classification, as provided in Article II of the Code.

There are approximately 82.69 developable acres within the Property.

e. The total number of residential dwelling units and density of the Project, proposed density bonuses, the projected population, and projected population of school age children that may reside within the Project.

The Property will not include residential units.

f. The total square footage and intensity of non-residential development.

There will be a maximum of 700,000 square feet of the following allowable uses within the Property:

1. Wholesaling, warehousing, storage or distribution establishments and similar uses.

2. Light manufacturing, processing, including vegetable or food processing, packaging or fabrication. Animal food processing shall not be included or allowed.

3. Printing, lithographing, publishing or similar establishments.

4. Bulk storage yards, not including bulk storage of flammable liquids and acids.

5. Outdoor storage yards and lots, provided such outdoor storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed by a solid fence or wall or equivalent visual barrier (which barrier may consist of existing or planted vegetation) not less than six feet high except for entrance and exits and such openings shall be equipped with six-foot high visual barrier gates. Any outdoor storage area within 150 feet of the CR 210 right-of-way shall be required to provide an eight-foot-high solid fence or equivalent visual barrier. With respect to Parcel A and Lots 2 and 4 of Parcel B, there is no existing fence or other barrier located thereon.

6. Vocational, technical, trade or industrial schools and similar uses.

7. Clinic in connection with industrial activity.

8. Miscellaneous uses such as express office, telephone exchange, commercial parking lots and parking garages, motor bus or truck or other transportation terminal.

9. Radio or television broadcasting offices, studios, transmitters or antennas.

10. All essential public services, including water, sewer, gas or electrical systems such as substations, lift stations, treatment plans and similar installations.

11. Mini-Warehouse Storage:

    i. Storage buildings shall be subdivided by permanent partitions into spaces containing not more than 360 square feet each, and each such space shall have an exterior independent entrance under the exclusive control of the tenant thereof.

    ii. Not more than 3,600 square feet in total area shall be occupied or used by any single tenant.

12. Retail establishments for sale of new and uses automobiles, motorcycles, trucks, and tractors, mobile homes, boats, automotive vehicle parts and accessories, heavy machinery and equipment, farm equipment and supplies, lumber and building supplies, monuments, and similar uses.

13. Service establishments catering to commerce and industry, including linen supply, laundry package dry cleaning plants, freight movers, communications services, business machine services, canteen services, employment agencies, sign companies, automobile service stations, and similar uses.

14. Use of Parcel A only may include the uses listed in items 1 to 13 above, plus: a) concrete paving and material recycling and processing, provided the processing equipment is located within and enclosed structure and a sprinkling system shall be used to control on-site dust; and b) Vehicle Recycling Facilities, Recyclable Material Recovery Facilities and Recyclable Metal Recovery Facilities, provided all such facilities meet Florida Department of Environmental Protection Recovered Materials Processing Facility requirements (Chapter 62-722, Florida Administrative Code). Any Vehicle Recycling Facilities use will adhere to the provisions of Land Development Code Section 2.03.31. Materials related to Vehicle Recycling Facilities stored outdoors shall not be stacked higher than eight (8) feet. Outdoor storage yards and lots shall be completely enclosed by a solid fence or wall or equivalent visual barrier (which barrier may consist of existing or planted vegetation) with a minimum height of eight (8) feet. Activities related to the uses detailed in this subparagraph that involve the use of fixed equipment such as crushers, balers or other large

mechanical equipment shall be conducted inside a building; provided, however that the Owner and his employees and contractors shall be permitted to continue to use construction vehicles and equipment, roll-off containers and dumpsters, and tools and hand-held equipment outside of buildings.

15. Use of Lots 2 and 4 of Parcel B only may include the uses listed in items 1 to 13 above, plus Office and Professional Services, as defined in St. Johns County Land Development Code Section 2.02.01.M. The Applicant acknowledges that the location of Office and Professional Services uses within Lots 2 and 4 of Parcel B may require additional buffering and screening.

Certain restrictions shall apply to all of the above listed uses, as follows:

a. No uses will be permitted requiring the use or storage of toxic, hazardous or flammable chemicals without such permits as may be required from time to time by all state and federal agencies. St. Johns County shall be furnished with copies of all Material Safety Data Sheets, for its use in fire prevention and safety related programs, if required by the St. Johns County Fire Department. All storage and use of Flammable and Combustible Liquids shall comply with the latest National Fire Protection Association Publication 30, as adopted by St. Johns County. All flammable and combustible liquids will meet the most current Florida Fire Prevention Code as adopted by the State of Florida.

b. All manufacturing processes shall be conducted within enclosed buildings. No aerial dispersion shall be allowed without such permits as may be required from time to time by state and federal permits. St. Johns County shall be furnished copies of all permits issued.

c. Processes producing noise shall be controlled by proper sound barriers so that the sound levels at the boundary do not exceed the levels established for such uses by St. Johns County and pursuant to the St. Johns County noise ordinance.

For the purposes of allocating the 700,000 square feet within the Property, the allocation will be as follows:

Parcel A

Was 75,000 square feet
Now 225,000 square feet

Parcel B

Was 312,000 square feet
Now 312,000+ to be determined square feet**

Parcel D

Was 13,000 square feet
Now 13,000+ to be determined square feet**

**The Applicant may allocate the remaining 150,000 square feet of Industrial development rights (not allocated to Parcel A) among the property owners within Parcels B, C and D within the Cumberland Industrial Park, subject to the provisions of this PUD, on an as-requested basis from members of the Cumberland Industrial Park Association, in accordance with the provisions of that certain Amended, Consolidated and Restated Declaration of Covenants and Restrictions for Cumberland Industrial Park, recorded at Official Records Book 1979, page 790, public records of St. Johns County, Florida.

The impervious area shall not exceed 75 percent.

g. ***The residential and non-residential structure setbacks, as measured from the property line, the minimum size of residential lots, the number of parking spaces for residential and non-residential uses, the use of signs and signage to serve the Project, including sign height, size and type, such as wall, ground or monument, pylon, etc., street lights or other required outdoor lighting within the Project, and the maximum height of all structures.***

1. Setbacks: The minimum building setbacks are as follows:

   a. A minimum of 50 feet from the existing CR 210 right-of-way.

   b. Interior setbacks are:

Front Yard:	50 feet from right-of-way
Rear Yard:	20 feet from the property line
Side Yard:	10 feet from property line, minimum of 20 feet between buildings.

   c. Setbacks are measured from the vertical surfaces of the buildings.

2. Building height: Buildings shall not exceed 45 feet in height. All buildings over 35 feet will be sprinkled for fire safety purposes unless such requirement is waived or modified by the St. Johns County Fire Service and approved by the Board at the time of subdivision, final development plan or incremental master development plan approval.

3. Signage: At each of the two (2) driveways and one (1) roadway entrance to CR 210, there may be erected a main sign to identify the businesses located on the Property. For the parcels sharing a driveway or accessing the middle private roadway, there may also be a minor sign at the entrance to each business. All signs will conform to County Sign Ordinance and Zoning Code requirements. Maximum sign sizes shall be limited to 300 square feet per the Sign Ordinance. Sign locations and size will be

described in Final Development Plans or incremental Master Development Plans. Signs may be landscaped and lighted. The maximum height of the signs will be 45 feet. With respect to Parcel A, the existing signage will remain in the location depicted on the MDP attached hereto as **Exhibit "B"** until County Road 210 is widened to include that portion of Parcel A. Thereafter, the sign will be relocated to the "future sign location" depicted on the MDP for Parcel A.

4. Subdivision of parcels: The Master Plan Map included in Ordinance 96-15 and attached hereto as **Exhibit "C"** shows three (3) parcels (Parcels A, B and D). The parcels with Parcel B may be subdivided without a modification to the PUD, and the internal parcel boundaries may be adjusted provided no parcel is less than one (1) acre in size and the cumulative project building total does not exceed the 700,000 square feet.

h. The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, potential new or expanded thoroughfare or right-of-way location, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project.

1. Drainage: A common drainage system shall be constructed and maintained in accordance with the covenants for the Cumberland Industrial Park. No portions of the drainage system are proposed for dedication to St. Johns County. The approximate locations of stormwater management ponds and drainage easements are shown on the Master Plan Map for Ordinance No. 96-15 attached hereto as **Exhibit "C"**. Actual location and dimensions will be shown on construction plans and subject to approval by the County Engineering Department. Construction of the stormwater system may be completed in phases, but each phase will meet the requirements of the St. Johns Water Management District (WMD). A WMD Conceptual Permit was obtained for this site; the permit will be revised to provide for a wet detention system without littoral zones. With respect to Parcel A, the Applicant will obtain a Conditional Letter of Map Revision based on Fill ("CLOMAR-F), approved by the Federal Emergency Management Agency ("FEMA"), to establish a base flood elevation for the floodplain prior to commencing new development greater than five (5) acres.

2. Site Access: Access to the Property is proposed as two (2) private driveways and one (1) private road on CR 210. Both driveways shall be constructed by the owners of the parcels served by each driveway. Location is shown on the Master Plan Map for Ordinance 96-15 attached as **Exhibit "C"**. Driveway separation distances on CR 210 shall meet or exceed the County's requirement. The eastern and westernmost driveways shall each serve one parcel. The middle roadway shall serve the 44.88-acre parcel labeled as Parcel B on the Master Plan Map for Ordinance 96-15, and

deed restrictions shall provide for the common maintenance. The actual configuration of the driveways within Parcel B along the roadway shall be shown on Final Development Plans or incremental Master Development Plans. The driveways may remain, unpaved, if for private use. At the time the first FDP or MDP is submitted for Parcel B, the internal roadway will be paved, incompliance with Ordinance 86-4, and no parcels within Parcel B will directly access CR 210. Access to CR 210 will be designed and constructed in compliance with the St. Johns County Paving and Drainage Ordinance No. 86-4, with Revisions. Along with each Final Development Plan, the applicant shall provide an analysis which evaluates the need for turn lanes and acceleration/deceleration lanes for all development driveways using the latest edition of the "NCHRP Report 279, Intersection Channelization Design Guide, or other equivalent methods as approved by the Director of Public Works. With respect to Parcel A and Lot 2 of Parcel B, the Applicant will reserve 27.5 feet of right-of-way for future expansion of County Road 210. The existing driveway, roadway and parking area within Parcel A shall be permitted to remain in its existing unpaved condition until the Applicant constructs his first building on Parcel A; provided, however, that the Applicant will be required to pave the driveway apron located within the current right-of-way of County Road 210 to match the existing pavement. Upon construction of the first building on Parcel A, the driveway and roadway will be paved to the new structure. With respect to access to Parcel A, the Applicant will be required to meet current Land Development Code provisions regarding auxiliary turn lanes and driveway spacing for future development.

3. Pedestrian Circulation: Since this is an industrial park with no exchange of trips between parcels, a pedestrian circulation system is not required or appropriate. Each parcel owner shall be responsible for providing safe access between employees parking areas and work places. Site plans shall be subject to Final Development Plan or incremental Master Development Plan review. Prior to obtaining a certificate of occupancy for the first building constructed on Parcel A, the Applicant will either (i) construct a sidewalk within the reserved County Road 210 right-of-way on Parcel A, as depicted on the Master Development Plan attached as **Exhibit "B"**, (ii) post a bond for future construction of a sidewalk, in conformance with LDC Section 6.04.08, or (iii) pay into the County's sidewalk fund. The Applicant will perform one of the three aforementioned sidewalk construction options prior to obtaining a certificate of occupancy for the first building constructed on Lot 2 of Parcel B and then for the first building constructed on Lot 4 of Parcel B. All pedestrian accessible routes shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC) and Americans Disability Act Accessibility Guidelines (ADAAG) established by Florida law and 28 CFR Part 36. An accessible route between all elements and facilities on the site plan and connecting to County Road 210 will be required.

4. Interconnection: For the purposes of the Parcel A only, the Applicant owns land adjacent to Parcel A, which land is included in the Townsend Planned Unit Development. The Owner may connect Parcel A to his adjacent land, as depicted on the Master Development Plan attached as **Exhibit "B"**.

i. The amount of water and sewer use, based upon the projected population, and the public utility providers, if applicable.

When central water and sewer services are available within one-fourth mile of the Property boundary, the owners shall be required to connect to the central system. The requirement to connect to water and sewer when available shall apply to existing and future development. Until such time as central utilities are available, the development may utilize wells and septic tanks, provided such facilities are approved by the County Health Department, and designed and installed in accordance with Chapter 10D-6 of the Florida Department of Health and Rehabilitation Services. Parcel A and Lots 2 and 4 of Parcel B are located within the service boundary of JEA for water and sewer service. Both Parcel A and Lots 2 and 4 of Parcel B are currently vacant. The Applicant will connect any buildings constructed on Parcel A and Lots 2 and 4 of Parcel B to central water and sewer services. Any future buildings will comply with Section 6.03.00 of the Land Development Code related to fire protection.

j. The type of underlying soils and their suitability of development of the proposed Project.

Information not provided in Ordinance 94-32. Soil information for Parcel A is provided in **Exhibit "D"** attached hereto.

k. The type and extent of upland forest and wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and wetland vegetation shall be provided with the application.

A wetlands determination has been received from the U.S. Army Corps of Engineers, and is shown on the 1996 Master Development Map attached as **Exhibit "C"**. Wetland areas are located along the western property line, plus there is a small wetland area near the northern property line. The development of this Property will not encroach in these wetland areas. Wetland information for Parcel A is provided in **Exhibit "D"**.

l. The type and extent of any Significant Natural Communities Habitat as defined by the Code. Listed Species information including locations, densities and extent of habitat.

Information not provided in Ordinance 94-32. There is no Significant Natural Communities Habitat on Parcel A.

m. Identification of known or observed Historic Resources as defined by the Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of the Code shall apply.

Information not provided in Ordinance 94-32. According to St. Johns County, the Property is in an area of low probability for the occurrence of archaeological resources.

n. The type and extent of buffering, landscaping, tree removal, tree protection and buffering between adjacent uses as needed to aesthetically screen uses and provide privacy.

A natural vegetative buffer of at least 50 feet shall be maintained along the PUD perimeter. Any development within 25 feet of the PUD boundary must provide additional screening in the form of fencing or opaque landscape/tree buffers. For Parcel A and Lots 2 and 4 of Parcel B, there will be an undisturbed 25-foot upland buffer (minimum 10 feet) and a 25-foot building setback, as depicted on the Master Development Plan as attached as **Exhibit "B"**.

o. ***PUDs located in Special Districts as defined by Article III of this Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provision of such Special District.***

The Property is not located within a Special District.

p. ***The use, location and duration of temporary uses, including construction trailers, sales units, model homes and temporary signage related to construction of the Project.***

Development of the site and construction of the improvements may require temporary uses such as construction trailers, sales offices, temporary signage, or temporary access. The location and timing of these uses will be depicted on the final development plan or incremental master development plan.

For Parcel A and Lots 2 and 4 of Parcel B, temporary construction trailers may be located on the site during construction or expansion of buildings within the parcels. Temporary construction trailers will be removed no later than 30 days following the issuance of a certificate of occupancy for applicable buildings within each phase. Because construction of development on Parcel A and Lots 2 and 4 of Parcel B will be phased, the Applicant will be permitted to place temporary signage within portions of the parcels in which construction is underway to direct visitors to other areas of the parcels that are in operation. Outdoor Seasonal Sales shall also be permitted on Lots 2 and 4 of Parcel B.

q. ***The use and location of Accessory Uses for residential and non-residential structures, including guest houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing and similar uses.***

Information not provided in Ordinance 94-32.

r. ***A phasing schedule, which shall include the amount of residential and non-residential development to be completed within a specified phase; a specific commencement term with a definition of commencement, and a specific completion term with a definition of completion. Phasing of the PUD may be obtained by:....(2) the provision of number of residential units or non-residential square footage that comprise a phase and the provision of specific development conditions related to the specific phase (e.g. prior to the platting of one hundred (100) dwelling units, a park shall be provided). The phasing schedule shall also provide for a PUD Progress Report as required by Section 5.03.07.***

Projected phasing is shown below. Market conditions will determine the actual pace of development. Phasing may overlap if market conditions warrant. Specific development phasing will be incorporated in the Final Development Plans or incremental Master Development Plans.

PHASE	YEARS	LAND USE	
		NEW	CUMMULATIVE
1	1994-1999	100,000 square feet	100,000 square feet
2	2000-2009	150,000 square feet	250,000 square feet
3	2010-2019	450,000 square feet	700,000 square feet

s. ***The projected impact of the Project upon St. Johns County and an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification for the Project.***

The Applicant is seeking this Major Modification in order expand his existing construction contracting and concrete material recycling business and increase the allowable uses within Parcel A and Lots 2 and 4 of Parcel B, as described more fully in section f hereof. The expanded facilities are expected to generate additional employment and tax revenues (including property, sales and personal property taxes).

The Cumberland Industrial Park will be a comprehensively planned industrial park. This is exactly the type of project envisioned for development at the I-95/CR 210 interchange on the County's Future Land Use Map. The industrial park will provide a good location for new businesses to start, existing businesses to expand and existing businesses to relocate from other areas. This project will promote the County's economic development goals.

The project provides adequate protection for any valuable jurisdictional wetlands on the site. All on-site improvements will be constructed at the developer/owner's expense. This project will add to the County's tax base. In summary, the plan as submitted assures a quality development designed to support the County's comprehensive plan objectives.

t. ***A description of any requested waivers from the strict provisions of the Land Development Code to allow for innovative design techniques and alternative development patterns through the PUD zoning process. An explanation of the benefits arising from the application of flexible standards and criteria of the Code shall be provided to justify the need for such waivers.***

The Applicant requests one waiver from the provisions of the Land Development Code, as follows

1. Sections 6.04.05.E.3 and 6.05.02.H.1, Land Development Code.

Parcel A is currently vacant, and the Applicant uses the property to store his construction and other equipment related to the use of the light industrial building located on land

owned by the Applicant within the adjacent Townsend Planned Unit Development. This waiver is requested so that the Applicant can continue to use the existing unpaved driveway, roadway and parking area located on parcel A for such purpose until he constructs the first building thereon; provided, however, that the Applicant will pave the portion of the driveway apron located within the current right-of-way of County Road 210 to match the existing pavement. When the Applicant constructs the first building on Parcel A, he will pave the driveway and roadway to that structure and the associated parking area.

u. ***A statement, and agreement to comply, binding all successors and assigns in title to the commitments and conditions of the Master Development Plan.***

Except to the extent that they conflict with specific provisions of the approved development plan or PUD (PSD) Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time, shall be applicable to this development, except modifications to approved development plans by variance or exception shall be prohibited.

Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

v. ***When the subject property is designated as more than one Future Land Use designation on the comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and wetland acres for each Land Use designation.***

The Future Land Use designation of the Property is Mixed Use District.

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 9th DAY OF October 20 12
CHERYL STRICKLAND, CLERK
Clerk of the Board of County Commissioners
BY: Deanne King D.C.

THE ST. AUGUSTINE RECORD

MCCLURE BLOODWORTH PL
81 KING STREET STE A
SAINT AUGUSTINE FL 32084

Ref.#: L2053-12
P.O.#: CUMBINDPK

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **STEVEN SMITH** who on oath says that he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement being a **NOTICE OF HEARING** In the matter of **MAJMOD 2012-06 - CUMBERLAND INDUSTRIAL PK** was published in said newspaper on **08/01/2012**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 1st day of August 2012

by Steven Smith who is personally known to me or who has produced as identification

SHAWNE' H ORDONEZ
MY COMMISSION # EE212989
EXPIRES July 01, 2016
(407) 398-0153 FloridaNotaryService.com

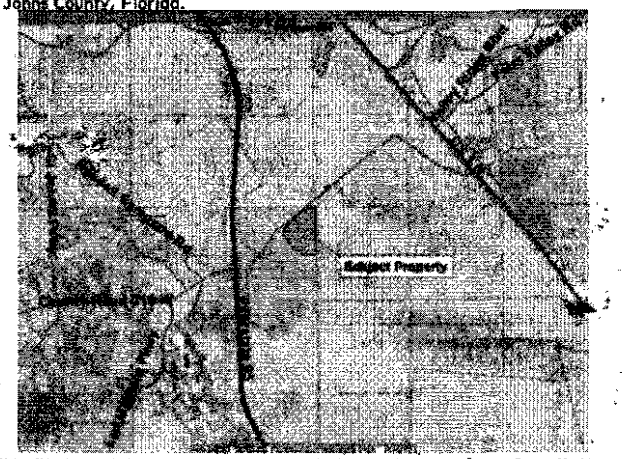
(Signature of Notary Public) (Seal)

NOTICE OF A PROPOSED MAJOR MODIFICATION

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Thursday, August 16, 2012 at 1:30 p.m.** by the St. Johns County Planning and Zoning Agency, and **Tuesday, September 18, 2012 at 9:00 am** by the Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider a Major Modification to the Cumberland Planned Unit Development.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE CUMBERLAND PLANNED UNIT DEVELOPMENT, ORDINANCE NUMBER 94-23, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The subject property is located at County Road 210, west of I-95, within St. Johns County, Florida.



This file is maintained in the Planning & Zoning Section of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

Interested parties may appear at the meeting and be heard with respect to the proposed request.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, 32084. For hearing impaired individuals, call Florida Relay Service at 1 800 955 8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he or she 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 appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning & Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
BRAD NELSON, CHAIR

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARK P. MINER, CHAIR

FILE NUMBER: MAJMOD 2012-06 Cumberland Industrial Park
L2053-12 Aug 1, 2012

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 25, 2012

2012 OCT -1 PM 4:33

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 24, 2012 and certified copies of Ordinance Nos. 2012-24 through 2012-26, which were filed in this office on September 25, 2012.

Sincerely,

Liz Cloud

Liz Cloud
Program Administrator

LC/elr

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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www.dos.state.fl.us