

RESOLUTION NO. 95-161

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR CUMBERLAND INDUSTRIAL PARK PUD
PARCEL A

WHEREAS, the Final Development Plan for Cumberland Industrial Park PUD - Parcel A has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on 7-6-95; and
- B. The request is both consistent with the Comprehensive Plan and approved Cumberland Industrial Park PUD and is compatible with development patterns in the surrounding area.
- C. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 94-32.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. Pursuant to a request for approval of Cumberland Industrial Park PUD - Parcel A made by W.R. Townsend Contracting, Inc., in accordance with Section 8-3 of St. Johns County Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the Final Development Plan attached hereto as Exhibit A relating to that portion of the Cumberland Industrial Park PUD, Ordinance 94-32, is hereby approved in reliance upon, and in accordance with the representation and statements made herein and in the Final Development Plan Written Text attached hereto as Exhibit B, and the list of covenants and restrictions to be incorporated attached hereto as Exhibit C, and based upon the above referenced findings which are hereby incorporated herein by reference.

Section 2.

- a. 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 modification to approved development plans by variance or exception shall be prohibited.
- b. 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 State Constitutions.

Section 3. The developer may not commence land clearing, site preparation or construction of any improvements within Parcel A until:

- a. Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Water Management District Management and Storage of Surface Waters Permit and Florida Department of Environmental Regulation Water and Sewer Connection Permits;
- b. Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 90-11;
- c. Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and

- d. Compliance with all other applicable land use and development regulations of St. Johns County.

Section 4. All attachments included herein are incorporated herein and made a part of Resolution 95-161

Adopted by the St. Johns County Board of County Commissioners on September 26, 1995.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Rosemary Lewis
Deputy Clerk

**EXHIBIT B
WRITTEN TEXT**

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W.R. Townsend Contracting, Inc. hereby submits, for approval by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners, a final development plan (the "Final Development Plan") for Cumberland Industrial Park - Parcel A (the "property"). The Final Development Plan consists of a 1-page map identified as Exhibit A to the Resolution (the "Map"), the legal description as shown on Exhibit A, this text identified as Exhibit B to the Resolution (the "Text"), and copies of the applicable sections of the covenants and restrictions, and a list of those sections of the covenants specifically incorporated into the Final Development Plan, which list is identified as Exhibit C to the resolution. The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 94-32. The area encompassed by this Final Development Plan is located within the Cumberland Industrial Park PUD. It occupies Parcel A as shown on the approved Master Plan. Under the approved Master Plan, Parcel A may be used for all uses permitted within the Industrial Warehouse (IW) zoning classification of St. Johns County. The total size of Parcel A is approximately 21.6 acres.

Prior to commencement of land clearing, site preparation, or construction of any improvements depicted on the Map, the developer shall submit to the Engineering Department satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to: (a) United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and sewer Connection Permits; (b) Obtain a land clearing permit pursuant to St. Johns County Ordinance No. 90-11; (c) Obtain approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and (d) Comply with all other applicable land use and development regulations of St. Johns County.

SAVINGS CLAUSE

- a) 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 modification to approved development plans by variance or exception shall be prohibited. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance which

is more strict than a particular Federal, State or County Statute, Ordinance, Regulations, Rule or Resolution shall be enforced by the County under this ordinance except as is specifically provided for and described in the Ordinance or the incorporated PSD/PUD/PRD narrative.

- b) 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.

It is the applicants intent to comply with all landscaping requirements of St. Johns County. The applicant hereby reserves the right to slightly modify the attached site plan (Exhibit A), if necessary, in order to comply with landscaping requirements or to improve or add to the aesthetics of the landscape design. This project proposes to extend fire hydrant service to within 500' of the buildings as depicted on the Site Plan (Exhibit A).

Nothing contained in the covenants shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its powers to review and approve plats and replats under Section 177.071 of the Florida Statutes). Those sections of the covenants which are specifically referenced herein and listed on Exhibit C are incorporated by reference in the Final Development Plan, shall be made a part of the Final Development Plan and shall not be amended without approval of the Board of County Commissioners of St. Johns County. A list of the sections of the covenants made a part of the Final Development Plan is provided with this submission and is identified as Exhibit C to the Resolution. The developer reserves the right to alter, amend, or allow to be amended all other sections of the covenants.

8-4-1 Density of Development

The total ground area occupied by professional office buildings and structures within the Property shall not exceed 35 percent of the total ground area. There will be 43,000 square feet of building space within the 21.6 acre commercial tract which is equivalent

to 4.5% lot coverage by all buildings. There will be not more than 3,000 square feet within the 43,000 square feet of office and 40,000 square feet of industrial warehouse.

8-4-2 Open Space

Surrounding areas of jurisdictional wetlands to be preserved have been indicated on the Site Plan. These areas are outside of the area proposed to be developed and will not be disturbed.

8-4-3 Waiver of Yard, Dwelling Unit, Frontage Criteria and Use Restriction

All development which is to occur within Parcel A will comply with the spirit and intent of the P.U.D. There will be not more than one building within Parcel A, as shown on Exhibit A. The uses will be consistent with the Industrial Warehouse (IW) zoning classification of St. Johns County.

All setbacks shall be measured from the vertical surface of the buildings to the applicable parcel boundary and are as follows, as per the PUD.

- Front Yard - 50 ft. from right-of-way
- Rear Yard - 20 ft. from the property line
- Side Yard - 10 ft. from the property line with a minimum of 20 ft. between buildings.

Maximum height of all buildings shall not exceed 45 feet. All buildings which exceed 35 feet in height shall be sprinkled according to Fire Safety requirements or the developer will provide documentation from Fire Safety that sprinkling is not required and is waived.

Temporary construction trailers may be used within the Parcel during the construction period (which shall be up to 24 months from the date of approval of this final development plan).

There will be a 50 foot perimeter vegetative buffer, which can include wetland areas.

There will be a solid six foot in height fence or wall around the outdoor storage area. There may be signs, fencing, landscaping and irrigation within the property owned by the applicant or its assigned successors. The actual size and locations of signage shall be in accordance with St. Johns County Standards and Specifications. any signage on the site will not obstruct visibility for ingress and egress traffic or traffic along CR 210. The

PUD allows for a maximum of 300 square feet and 45 feet in height. The signage for this parcel will be less than the total amount allowed.

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8-4-4 Project Size

The PUD consists of 89 ± acres. This Final Development Plan consists of 21.6 acres.

8-4-5 Support Legal Documents for Open Space

Exhibit C contains those sections of the Covenants and Restrictions which are relevant to the maintenance responsibilities for this property. This list is hereby made a part of the final development plan.

The covenants shall assure adequate management and maintenance of all common areas encompassed by this Final Development Plan.

- a. The Covenants shall provide for conveyance of the title of the common property to an ownership by the appropriate property owners association which shall be a duly constituted and legally responsible community association.

Section 4.(a) provides for the right of the Association “to receive from [the] Developer title to any and all common areas and other parcels within the land and, when determined by [the] Developer, the right to receive from [the] Developer and exercise the construction supervision plan review and approval process and other matters provided for herein and in other protective covenants applicable to parts or parcels of the land. When [the] Developer no longer owns any of the lands, all of the Developer’s rights hereunder that have not then been transferred to [the] Association without the necessity of any further instrument of transfer or assignment”.

- b. The parcels of land governed by the Association and covered under the Covenants and Restrictions associated therewith, are limited to the uses described in Ordinance 94-32 which zoned the same Planned Unit Development.

Section 12 provides for “the densities and uses of the various sites within the land [are to be] in conformity with and according to the limits established in the PUD Ordinance, as supplemented and amended from time to time.”

- c. Pursuant to the provisions of Section 3, 4 and 6, the covenants shall assign responsibility for the maintenance and management of the common property to the proper property owners association.
- d. Pursuant to Section 9, "If any person, firm, corporation or other entity shall violate or attempt to violate any of the covenants or restrictions herein set forth, it shall be lawful for [the] Developer or Association of any site owner who is injured or affected (a) to prosecute proceedings at law for the recovery of damages against those so violating or attempting to violate any such covenant or restriction or (b) to maintain a proceeding against those so violating or attempting to violate any such covenant or restrictions of the purpose of enjoining or preventing all or any such violation or requiring compliance with the provisions hereof. The remedies provided for in this paragraph shall be construed as cumulative of all other remedies now or hereafter provided by law."
- e. Pursuant to Sections 6,7 and 8, the covenants and restrictions permit the subjection of each Parcel to an assessment for a proportionate share of all maintenance costs associated therewith.

8-4-6 Access

As geographically depicted on the Final Development Plan, Parcel A is provided vehicular access via the public rights-of-way of CR 210, which is dedicated to St. Johns County.

8-4-7 Privacy

Visual and acoustical buffer areas will be provided as set forth in the Approved PUD (Ord. 94-32), where required.

8-4-8 Community Facilities

- a. None of the utility facilities serving the Property are proposed for dedication to St. Johns County; therefore, the provisions of subparagraph "a" are inapplicable.
- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically in sections 9-1-1 through 9-4-1 of this text.
- c. The Final Development Plan illustrates the anticipated traffic flow patterns. Sufficient space has been allowed to permit access for fire

fighting equipment, fuel trucks, refuse collection, deliveries and debris removal.

- d. All utilities serving the Property will be installed underground. The signed and sealed construction plans shall show the location and design of the storm sewer facilities serving the property and the grading and topography of the site facilitating proper drainage of storm waters and preventing erosion.

- e. Specifications for all roadways and parking areas depicted on the Final Development Plan shall conform to the rules and regulations adopted by the St. Johns County Board of County Commissioners in Ordinance Number 86-4.

9-1-1 Drainage

The overall drainage plan for the property is designed to prevent damage to abutting parcels, public streets, and alleys and is geographically depicted on the Final Development Plan. Specific drainage plans for building will be consistent with this overall drainage plan.

Detailed drainage plans demonstrating compliance with requirements of Ordinance 86-4 and the St. Johns County Comprehensive Plan shall be included within the signed and sealed construction plans.

The construction plans must be reviewed and approved by St. Johns County Engineering Department prior to commencement of land clearing, site preparation or construction.

All necessary easements for drainage shall comply with the requirement of Ordinance 86-4.

9-1-2 Separation from Walkway and Street

Parking spaces will be physically separated from walkways by either landscaped areas, parking bumpers or curb and gutter.

9-1-3 Entrances and Exits

The location and design of the entrances and/or exits to all streets will be in accordance with County specifications.

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9-1-4 Interior Drives

As shown on the Final Development Plan, interior drives within the offstreet parking area will be a minimum of 24 feet wide, thus facilitating two-way traffic and 90 degree angle parking.

9-1-5 Marking of Parking Spaces

As shown on the Final Development Plan, there will be one parking area consisting of more than ten spaces. Each space will be so designated by markings and physical separation of parking areas, entrance roads and structures will be configured as delineated on Exhibit A. Total number of handicap and standard spaces shall meet or exceed the number required by St. Johns County.

9-1-6 Lighting

Lighting within Parcel A will be provided and placed in accordance with Florida Power & Light standards.

9-1-7 Screening

Proposed improvements are separated from adjoining land uses by jurisdictional wetland area as indicated on the Site Plan. The PUD makes provisions for a visual screening of the outside storage area which will be met and is depicted on the Site Plan.

9-2 Location

The required off-street parking facilities will be located upon the same parcel of land they are intended to serve.

9-3-1 Off-Street Parking: Numbers Required

Based upon the parking requirements set forth in Subsection (u) of 9-3-1, specifically:

1 space per 500 sq. ft. of office = 6 spaces

1 space per 5000 sq. ft. of industrial/warehouse = 8 spaces

and

1 space per 2 employees, there are 11 spaces available for employees which would equate to not more than 22 employees at any given time.

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9-4-1 Off-Street Loading Requirements

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One space will be provided and maintained as specified in Subsection b. of 9-4-1.

APPLICANT

by: Susan E. Green

Susan E. Green
Director of Planning
England, Thims & Miller, Inc.
(Agent)

95 OCT -6 PM 1:25
CLERK OF CIRCUIT COURT
Dale "Bud" Miller