

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, PURSUANT TO ARTICLE III OF THE CLAY COUNTY LAND DEVELOPMENT CODE, KNOWN AS THE ZONING AND LAND USE LDRs ADOPTED PURSUANT TO ORDINANCE 93-16, AS AMENDED, PROVIDING FOR THE REZONING OF TWO PARCELS (TAX PARCEL IDENTIFICATION NUMBERS 33-05-26-014471-002-00 AND 39-05-26-015162-000-00), COMPRISING 6.67 ACRES, FROM AR (AGRICULTURAL/RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT DISTRICT); PROVIDING A DESCRIPTION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Application PCD-0323-00003, submitted by property owner Ronald T. Wall and BFMS LLC, seeks to rezone a two parcels of real property (tax parcel identification numbers 33-05-26-014471-002-00 and 39-05-26-015162-000-00) (the Property) described as follows:

See attached Exhibit “A”

Section 2. The Board of County Commissioners approves the rezoning request. The present zoning classification of the Property, AR (Agricultural/Residential District), is changed to PCD (Planned Commercial Development District), subject to the conditions outlined in the Written Statement, attached as Exhibit “B”, and as set forth in the site plan attached as Exhibit “C”.

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. This Ordinance shall become effective upon the Ordinance adopting the comprehensive plan amendment requested in Application COMP 0323-00002 becoming effective.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of May, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Betsy Condon, Its Chairman

ATTEST:

By: _____

Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

Exhibit "A"

A parcel of land being a portion of Government Lot 3, Section 33, together with a parcel of land situated in the Travers Grant, Section 39, both in Township 5 South, Range 26 East, Clay County, Florida, also together with a portion of former Duval Avenue according to plat of FELLOWSHIP PARK PART 4, as recorded in Plat Book 3, page 2, of the Public Records of said County (said road vacated per resolution recorded in Official Records Book 354, page 252, of said Public Records), said portion of former Duval Avenue lying Southerly of County Road C-315 (an 80' right-of-way as now established per State Road Department right-of-way map Section 71507-2601) and Northeasterly of CSX Transportation Railroad, (a 100' right-of-way as now established per Valuation Map V.3Fla, SL. 7), said parcels and portion being more particularly described as follows:

BEGIN at the intersection of the West line of said Section 39 (also being the Easterly right-of-way line of said former Duval Avenue) with the Southerly right-of-way line of said County Road C-315; thence on said Southerly right-of-way line, N89°27'23"E, 231.86 feet to the Easterly line of lands described in Official Records Book 4187, page 1285, of said Public Records; thence along said line, run the following 2 courses: 1) S05°36'57"E, 635.51 feet; 2) S05°36'57"E, 383.11 feet to the Northeasterly right-of-way line of said CSX Transportation Railroad; thence along said Northeasterly right-of-way line, N42°26'43"W, 731.40 feet to the Westerly line of lands described in Official Records Book 1117, page 698, of said Public Records; thence along said line, N05°35'11"W, 472.09 feet to said Southerly right-of-way line of County Road C-315; thence along said Southerly right-of-way line, N89°27'23"E, 208.05 feet to the POINT OF BEGINNING of the parcels and portion herein described.

Containing 7.50 acres, more or less.

Said lands situated, lying and being in Clay County, Florida.

Being the same lands as those described in Official Records Book 4187, page 1285 and Official Records Book 4187, page 1285, of said Public Records, together with said portion of former Duval Avenue.

Exhibit "B"

Cathedral Oak Commercial Center
Planned Commercial Development
Written Statement

1. Property Owners: Ronald T. Wall
1534 County Road 315
Green Cove Springs, FL 32043
904-625-5445
- BFMS, LLC
Attn: Frank Salvonik
5581 Dianthus Street
Green Cove Springs, FL 32043
904 545-6979
fsalvonik@gmail.com
2. Applicant: The Wood Development Company of Jacksonville
Attention: James Ricky Wood
414 Old Hard Road, Suite 502
Fleming Island, FL 32003
(904) 264-6553
rwood@wooddev.net
3. Agent: Gunster, Yoakley & Stewart, P.A.
Frank E. Miller
1 Independent Drive, Suite 2300
Jacksonville, FL 32202
(904) 354-1980
fmiller@gunster.com
4. Name of Development: Cathedral Oak Commercial Center
5. Parcel ID Number: 39-05-26-015162-000-00 and
33-05-26-014471-002-00 as described in Exhibit A (the
"Property")
6. Future Land Use Category:

The existing Future Land Use category applicable to the Property is Rural Residential (RR). However, the Applicant has submitted an application for a Comprehensive Plan amendment to change the Future Land Use category of the Property to Commercial (COM), which is being processed concurrently with this PCD rezoning

7. Current Zoning: Agriculture/Residential (AR)
8. Requested Zoning: Planned Commercial Development (PCD)

9. Proposed Development:

The Property shall be developed as a high quality flex-space commercial and warehouse development with aesthetically pleasing and cost-effective architectural design intended to achieve an attractive functional development and efficient use of the Property. The Property is situated in Clay County with frontage on CR 315 (to become Cathedral Oak Parkway) just west of the intersection with U.S. 17. The Property will be developed generally as shown on the preliminary Site Plan prepared by Taylor & White, a copy of which is attached hereto as Exhibit B ("Site Plan"). The points of access onto CR 315 as generally depicted on the Site Plan are descriptive and may be modified by the Applicant. This PCD will utilize architecture, signage, and landscape design to create an attractive and unified development. The flexible and creative site planning concepts contained in this PCD allow for control of the quality, scale and type of development and accomplish a more desirable development than could be accomplished through traditional zoning. The proposed development of the Property through an integrated development plan allowing for flex-space commercial, retail and warehouse uses will complement the existing industrial, retail and commercial uses in the area.

a) Total Acres of Property:

The Property consists of 7.5 +/- acres. The Property consists of two parcels. The eastern parcel consists of approximately 4.62 acres by deed and the western parcel consists of approximately 2.05 acres by deed. Each of the parcels abut the right of way of Duval Avenue according to the plat of Fellowship Park recorded in Plat Book 3, page 2 of the public records of Clay County, Florida. Duval Avenue was closed by resolution of the Board of County Commissioners dated September 30, 1975 and recorded in Official Records Book 354, page 252 of the public records of Clay County, Florida. By operation of Section 177.085 Fla. Stat., the ownership of the right of way reverted to the current owners of the adjoining property. Accordingly, although the deeds to the current owners reflect an acreage amount of approximately 6.67 acres, the total property owned by the current owners is approximately 7.5 acres.

b) Allowable Uses:

- i. Permitted Uses. The following uses are permitted as a right on the Property:

Retail, general business, light manufacturing, office, hospitality and personal services; grocery store, pharmacy, banks, medical and professional offices; veterinary offices without boarding; personal services such as beauty shops, barbers, and day spas; daily neighborhood business services; mail and package services; florist; cigar; locksmith; gun repair; shoe repair; restaurants with or without drive-thru facilities; bars, and pubs; deli, catering, billiards and pool parlors;

specialty food, liquor and wine stores; video, print and copy shop; urgent care facilities (not hospitals); health clubs and gyms; government branch services and facilities; school for performing or cultural arts; indoor recreation (e.g. basketball, volleyball, soccer, parkour); movie theater or live theatre; alcoholic beverages sales in restaurants and the source of outdoor amplified music is allowed within 50 feet of existing residentially zoned properties; outdoor sit down cafes outdoor seating; art galleries, pottery shops, apparel, vintage clothing, gift shops, home décor and garden stores, bookstore, kite shop, surf shop, bike shop and specialty electronics; drycleaners (mail and package only); travel agencies; real estate offices; car wash; financial advisor offices; vegetable food processing, production, packaging and assembly plants; wholesale business and warehouses; shops performing custom work in: electrical, plumbing, sheet metal, heating, ventilating and air conditioning; pest control services and supplies; assembly and fabrication of goods using components manufactured elsewhere and brought to site; warehousing, with or without distribution centers; large-scale printing plants, newspaper printing operations and distribution centers; business and commerce parks; office showrooms; extermination and pest control services; storage yards for material, equipment and machinery; supplies for building and trades contractors, landscaping services, outdoor plant and garden supply centers with outdoor storage; appliance repair shops, machine shops; all types of vehicle repair and storage, including body shops, repair and service centers, vehicle sales and rentals; animal groomers; vocational, technical and trades school; microbreweries; brewpubs; crematoriums; commercial recreation; light industries, with related offices and showrooms, which manufacture, assemble, process, package, store, and distribute small unit products such as optical devices, precision instruments, electronic equipment, toys, fishing tackle, research facilities and laboratories; 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; canning factories for fruits and vegetables; furniture manufacture; machine shops; mattress and bedding manufacture and sales; metalizing processes; novelty works; ornamental metal workshops; and the like and other substantially similar facilities and uses.

ii. Conditional Uses. The following uses are permitted on the Property, subject to the conditions provided in LDC Section 20.3-5 as of the date of approval of this PCD:

- RV and Boat Storage;
- Animal Clinics;
- Mini-warehouses;
- Animal Control Facilities and Commercial Kennels;
- Communication Antennas and Communication Towers;
- Residential Dwelling incidental to a Permitted Use;
- Public and/or Private Sewer Facilities;

ii. Prohibited Uses. The following uses shall be prohibited uses on the Property:

- Adult entertainment establishments and sexually oriented businesses.
- Recycling Centers
- Silos.
- Junkyards or demolition material storage yards.
- Cement, concrete, or asphalt plants.
- Rock crushing.
- Any use that generates excessive noise, dust, odors, vibrations or other activity that would constitute a continuing nuisance under Florida law.

c) Floor Area Ratio:

The maximum Floor Area Ratio (FAR) for lands within this PCD is 40%, consistent with the maximum FAR for the Commercial Land Use Category under the Comprehensive Plan. Compliance with the maximum FAR shall be determined based on the PCD as a whole.

d) Building Setbacks:

Principal building(s) and accessory structures on the Property shall comply with the following requirements:

- | | | |
|-----|----------------------------------|---------|
| (1) | Side and rear building set back: | 25 feet |
| (2) | Front yard: | 25 feet |

All setbacks shall be measured from the boundary lines of the Property.

e) Building Height:

The maximum height for all buildings located on the Property shall be 40 feet.

f) Phasing:

Development is anticipated to occur in not less than two (2) phases. The number, timing, size and location of each phase of the development will be determined as market conditions warrant. However, in any event, all development will be completed on or before 10 years from the date of approval of this PCD.

The Applicant shall submit a final site plan for approval within thirty (30) months from the date of approval of this PCD.

g) Off-Street Parking:

All off-street parking and loading spaces within the Property shall comply with the requirements in Section 8-12 of the LDC as of the date of approval of this PCD. The number of spaces shall be determined based on the use of the Property or use of the individual spaces within the Property, as applicable.

h) Vehicular Access:

The Property shall be accessed via two entrances onto CR 315 as generally depicted on the Site Plan. The exact locations of said access points to the internal driveways shall be finalized prior to construction plan review. All internal driveways shall be privately owned and maintained by the owner of the Property.

i) Landscaping and Buffers:

The PCD shall be considered a Regional Business abutting a Regional Business District Zoning under Article VI of the LDC along the eastern boundary of the PCD for purposes of the perimeter buffer screening requirements along that boundary. All improvements within the Property shall adhere to the requirements in Article VI of the LDC as of the date of approval of this PCD concerning landscaping except for the following:

- (a) no perimeter buffer shall be required along the southeastern boundary of the PCD adjacent to the railroad right of way and there shall be no requirement of trees or vegetation along the southeastern boundary of the Property adjacent to the railroad right of way;
- (b) there shall be no requirement of landscaping or landscape islands in the rear of any building containing roll up doors to allow access by trucks and delivery vehicles;
- (c) the perimeter buffer along the western boundary of the PCD shall be ten (10) feet wide and shall consist of any of the following: (i) vegetation, which at the time of planting shall be 8 feet in height and provide overall screening opacity of 80%; (ii) a masonry wall, chain-link fence with privacy slats, vinyl fence or solid wooden fence 8 feet in height; or (iii) a berm in combination with (i) or (ii) to achieve a minimum height of 8 feet and 80 % opacity at the time of installation;
- (d) The PCD may be fenced but no barbed wire or razor wire shall be allowed on any fencing; and
- (e) the foregoing required perimeter buffer shall be provided as development of the Property progresses.

j) Garbage or refuse disposal facilities:

All garbage or refuse disposal facilities shall be located as depicted on the Site Plan and screened from view.

k) Stormwater/Drainage:

Stormwater will be handled onsite in accordance with a permit issued by the St. Johns River Water Management District ("SJRWMD Permit"). All drainage structures and facilities will be designed and constructed in accordance with Clay County design standards and the SJRWMD Permit. All stormwater management facilities and structures shall be operated and maintained by the owner of the Property. Development of the stormwater management facility on the Property will comply with the rules and regulations of the County, SJRWMD and Florida Department of Environmental Protection, as applicable.

l) Utilities:

The Property is located within the Urban Service Area and will be served by public water and waste water systems. Electricity will be provided via the existing transmission lines in the vicinity of the Property. All utilities within the Property, including but not limited to water, sewer, electric, telephone and cable, shall be installed underground. Any necessary improvements will comply with the rules and regulations of Clay County, St. Johns River Water Management District, and Florida Department of Environmental Protection, as applicable.

m) Signs:

There shall be one (1) freestanding sign to provide identification for the PCD development located along CR 315 as generally depicted on the Site Plan. The sign may be doubled faced and may contain the name of the development and the names and logos of the tenants and/or uses located within the development. The sign may be a monument sign or pole sign that shall have a maximum of 500 square feet in sign area per face, shall have a maximum height of 40 feet above ground level, and shall be located a minimum of 5 feet from the right-of-way line.

Each unit within the Property may also have one permanent attached sign. The sign area of each permanent attached sign shall a maximum of 250 square feet. Permanent attached signs shall be located below the lowest roofline of the building.

Additionally, the signs allowed in all districts under the LDC shall be allowed within the Property pursuant to LDC Section 7-27.

No digital signs shall be utilized in the PCD.

- n) Applicant shall submit a lighting plan prior to commencement of development indicating the location, intensity and method of shielding lighting from adjacent properties and CR 315.

o) Design Criteria

The design criteria for development of the Property and architectural guidelines for the buildings and improvements to be constructed thereon will be established by the Applicant to inspire a unified, cohesive and attractive project. Such criteria and guidelines will encourage the following:

- (1) prominent access drives with clear visibility at entrances;
- (2) controlled site access;
- (3) orientation of buildings to promote attractive views from CR 315;
- (4) landscaped parking areas;
- (5) service and storage areas screened from public view or located such that they are not visible from CR 315;
- (6) a variety of architectural design treatments to promote architectural definition, diversity and interest; and
- (7) promotion of functionality of improvements.

Such criteria will discourage the following:

- (1) poorly designed access;
- (2) confusing or unsafe circulation patterns;
- (3) trash receptacles, mechanical equipment and outdoor storage of unsightly materials visible from CR 315;
- (4) signage which is out of scale or inconsistent with building architecture;
- (5) glossy and highly reflective exterior building finishes; and
- (6) use of highly water dependent landscaping.

10. Governing Provisions:

To the extent that any of the provisions contained herein conflict with any provision set forth in or which may otherwise be implied from any regulation, policy, ordinance, or land development regulation enacted by Clay County, the terms, conditions and specifications contained in the Site Plan and in this written description of the PCD shall govern and shall be deemed an exception or variance from such regulation, policy, ordinance or land development regulation. Minor changes that do not affect the intent or character of the development may be approved by the Planning and Zoning Director.

