



## Legislation Details (With Text)

**File #:** 373-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/22/2021      **In control:** City Commission

**On agenda:** 7/19/2021      **Final action:** 7/19/2021

**Title:** Public Hearing - Ordinance No. 02-2021, Rezoning +129.02 acres from Industrial to Industrial Planned Unit Development (IPUD), at second and final reading - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Economic development - Business Niche.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Staff Report Maps, 3. TIA July 2020, 4. Ordinance No. 02-2021, 5. Portland Industrial DA Multiple Options, 6. Portland Industrial DA clean copy, 7. EXHIBIT B-Legal Description, 8. Exhibit C MDP - Option 1, 9. Exhibit C MDP Option 2, 10. EXHIBIT D-Equivalency Matrix

Date	Ver.	Action By	Action	Result
7/19/2021	1	City Commission		
7/19/2021	1	City Commission	adopt	Pass

**TO:** Mayor and Commission

**AGENDA DATE:** 6/21/2021

**FROM:** John A. Peters, III, Acting City Manager

**AGENDA ITEM:** 6 - A

**SUBJECT:**

Public Hearing - Ordinance No. 02-2021, Rezoning +129.02 acres from Industrial to Industrial Planned Unit Development (IPUD), at second and final reading - Ron A. Paradise, Director, Planning and Development Services (386) 878-8610.

Strategic Goal: Economic development - Business Niche.

**LOCATION:**

The property is located east of Normandy Blvd. and south of Graves Av.

**BACKGROUND:**

The +129.02-acre tract, referred to as the Portland Industrial Park, is currently zoned Industrial and distribution and manufacturing uses are permitted within the Industrial classification. However, the property is located within the Activity Center. The Activity Center is a special planning area where urban type of uses including employment centers are envisioned. To implement the provisions of the Activity Center, all significant developments are required to be processed as Planned Unit Developments (PUDs).

The Industrial PUD will allow distribution and light industrial uses as permitted principal uses. Other uses include office and flex space. Finally, service commercial type activities including convenience

stores and restaurants are allowed as ancillary uses. The scale of these commercial uses will be limited to 15,000 square feet.

With regard to industrial and distribution uses, the storage, processing, handling, manufacturing or transport of hazardous, radioactive, or explosive materials will not be allowed. In addition, heavy industrial uses like foundries or slaughter houses are prohibited.

The initial proposal for the Portland Industrial Park IPUD is to create six outparcels and two larger land reservations for distribution and light manufacturing uses. There are modern distribution type uses included as options within the IPUD, including a high-cube warehouse. As proposed, the industrial/distribution areas of the property will be occupied by large, high volume, logistics-oriented users. At buildout, the project should in total yield just over two (2) million square feet of gross floor area. Depending on end user activity, the realization of the two (2) million square feet could be realized relatively quickly or over a period of years.

For more information on the project see the attached staff report. Please note, a written Development Agreement and Master Development Plan is attached under separate cover.

On May 19, 2021, the Planning and Zoning Board heard the IPUD request. The Planning and Zoning Board voted unanimously as part of a quasi-judicial hearing to recommend the City Commission approve the requested IPUD by adopting Ordinance No. 02-2021. At the Planning and Zoning Board, the applicant also proposed a second option with regard to general project design. None of the controlling factors including transportation requirements, use requirements, etc. associated with the IPUD are proposed to change. The difference between the attached Master Development Plan and a second development option is the number of out parcels have been reduced. Under this scenario, larger, more unified distribution/warehouse/manufacturing development formats can be accommodated. In addition, the internal roadway network has been reconfigured. When presented with the request of the applicant to incorporate a second option as part of the Portland Industrial Park IPUD, the Planning and Zoning Board directed Staff, as part of the motion to recommend approval, of the rezoning request to incorporate this concept into the Development Agreement. To implement this direction attached is a revised Development Agreement and an Option One (1) and Option Two (2) Master Development Plan. At first reading staff informed the City Commission about further changes to the Development Agreement language. The latest version of the Development Agreement is attached as "Portland Industrial DA Multiple Options". The new language referred to by staff as part of the June 21, 2021 City Commission meeting is highlighted in yellow appearing on pages 3, 4, and 7 of the "Portland Industrial DA Multiple Options" version of the Development Agreement. Staff also made some minor clarification changes to Section I of the DA to eliminate potential confusion regarding minimum lot size requirements. Changes to Section I appear on pages 4 and 5 of the DA and the changes are highlighted on the "Portland Industrial DA Multiple Options" version. In addition, the option two MDP has been updated to label the location of large end users such as distribution and high cube warehouse uses.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like.

The Portland Industrial Park represents a continuation of a distribution trend established by Amazon. Portland Industrial Park also portends a significant private investment within the City.

As with any land use decision, there are alternatives for policymakers to contemplate. In the case of

the Portland Industrial Park IPUD rezoning, basic alternatives include approval of the rezoning request or denial. The City may attempt to the modify terms of the development which would result in the development being approved.

The two following alternatives, including some advantages, disadvantages, and evidentiary rationales for each approach are offered for the appointed and elected officials to consider:

**1) Deny the IPUD request.**

**Advantages:** The property will remain forested and undeveloped. There will be less traffic, including heavy truck traffic on City roadways, and the City will not have to make roadway improvements in the short term. The City will not have to provide fire and law enforcement services to the project.

**Disadvantages:** The jobs/housing imbalance associated with a large percentage of the working population commuting for work outside of the City will remain. The City will not receive an increase in the tax base from the investment associated with Portland Industrial Park.

**Rationale for Denial - Findings of Fact:**

The property has environmental resources, including wildlife habitat.

Development of the property will result in the loss of open space.

Truck traffic on City roadways will not be increased.

The City can further delay the need for improving roads since vacant land does not generate traffic.

**2) Approve the IPUD Request.**

**Advantages:** The City has earmarked the PIP land for years for industrial, employment oriented development. The project will address the jobs/housing imbalance and bring living wage jobs to the City, likely featuring benefit packages. The City tax base will be increased. Also, the land proposed to support the Portland Industrial Park is suitable to support intensive urban development. The property does not have wetlands or floodplains, and the soils are sandy and well drained. Finally, the project can be served with public facilities like roadways and utilities.

**Disadvantages:** The project will create traffic, including heavy truck traffic on City roads. The City will have to make eventual investments in the transportation network, including upgrading N. Normandy Blvd. The development of the property will result in a loss of open space.

**Rationale for Approval - Findings of Fact:**

Portland Industrial Park will create jobs within the City and help address the jobs/housing imbalance.

Most jobs created will be in distribution and manufacturing, which are full time and higher paying than most service sector jobs.

Distribution and manufacturing jobs are more likely to have benefits such as healthcare coverage.

Portland Industrial Park, utilizing Amazon as a comparable, would generate approximately \$650,000 per year in taxes at present millage rates.

The project can be served by public facilities like roads utilizing existing capacity or making fair share payments.

Portland Industrial Park is located on land long planned for intensive uses and employment oriented development; is situated in an area of existing and planned commercial and industrial development; and is located well away from residential neighborhoods.

The project is consistent with the City Economic Development Goals.

The Portland Industrial Park IPUD is consistent with the City Comprehensive Plan.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

Ron A. Paradise, Planning and Development Services - Staff recommends the City Commission adopt Ordinance 02-2021 rezoning  $\pm 129.02$  acres from Industrial to Industrial Planned Unit Development at second and final reading.

**POTENTIAL MOTION:**

"I hereby move to approve Ordinance 02-2021 rezoning  $\pm 129.02$  acres from Industrial to Industrial Planned Unit Development at first second and final adoption hearing based on the following:

Portland Industrial Park will create jobs within the City and help address the jobs/housing imbalance.

Most jobs created will be in distribution and manufacturing, which are higher paying than most service sector jobs.

Distribution and manufacturing jobs are more likely to have benefits like healthcare coverage.

Portland Industrial Park, utilizing Amazon as a comparable, would generate approximately \$650,000 per year in taxes at present millage rates.

The project can be served by public facilities like roads utilizing existing capacity or making fair share payments.

Portland Industrial Park is located on land long planned for intensive uses and employment oriented

development; is situated in an area of existing and planned commercial and industrial development; and is located well away from residential neighborhoods.

The project is consistent with the City Economic Development Goals.

The Portland Industrial Park IPUD is consistent with the City Comprehensive Plan.

The Acting City Manager has the authority to make corrections of scrivener's errors and the like."