

BEFORE THE ENVIRONMENTAL
PROTECTION BOARD OF THE CITY OF
JACKSONVILLE

IN RE: Application for Noise Variance of

IPI-10760, Inc.

ORDER APPROVING APPLICATION FOR NOISE VARIANCE

This matter came to be heard upon the Application for Noise Variance filed by IPI-10760, Inc. (“Applicant”), the owner of certain real property located at 10760 Yeager Road, RE No. 108605-0108, seeking a variance from 1) Jacksonville Environmental Protection Board (JEPB) Rule 4.208 to allow operations with impulsive sounds that may exceed sound levels established by rule¹, 2) JEPB Rule 4.209 A. to allow the operation of construction equipment during nighttime hours, and 3) JEPB Rule 4.209 C. to allow the operation of construction equipment during daytime hours in exceedance of sound levels established by rule.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on October 25, 2021, including the Report of the Environmental Quality Division and the attachments thereto (“Staff Report”), a copy of which is attached as **Exhibit A**, the Environmental Protection Board of the City of Jacksonville hereby:

FINDS AND DETERMINES:

1. That the Applicant has complied with all application requirements set forth in Section 360.111 of the Jacksonville Ordinance Code.
2. That the need for the variance applied for arises out of a necessity to relieve or prevent a hardship and is based on sound technical, economic, or environmental data.
3. That the record contains sufficient substantial competent evidence to demonstrate that the Application meets, to the extent applicable and as modified by any conditions contained herein, the standards and criteria set forth in Section 360.111 of the Jacksonville Ordinance Code and that just cause exists to grant the variance.
4. That the findings and recommendations in the Staff Report for the Application, to the extent consistent with this **Order**, are hereby adopted and incorporated herein.
5. That the land to which this variance is granted is owned by **IPI-10760, Inc.**

NOW THEREFORE, it is **ORDERED** by the Environmental Protection Board:

¹ Environmental Quality Division staff determined during its technical review of the Petition that a variance from JEPB Rule 4.208 is necessary to conduct daytime operations.

The Application for Noise Variance is hereby **APPROVED**, and a variance is hereby **GRANTED** to IPI-10760, Inc., allowing for a variance to 1) JEPB Rule 4.208 to allow operations with impulsive sounds that exceed sound levels established by rule 2) JEPB Rule 4.209 A. to operate construction equipment during nighttime hours, and 3) JEPB Rule 4.209 C. to operate construction equipment during daytime hours in exceedance of sound levels established by rule, subject to the following restrictions and conditions:

1. This variance establishes a maximum noise level of 65 dBA for nighttime construction operations, and 70 dBA for daytime construction operations, as measured from any residential receptor, and 80 dBA as measured from any Class C or D receptor.
2. All equipment shall be fitted with proper exhaust systems and silencers as required by Rule 4.209 D.
3. Nighttime construction activities shall be limited to those activities necessary for concrete pours and shall not commence before to 1:00 A.M.
4. Construction equipment operated before 7:00 A.M., including concrete pump trucks, concrete mixer trucks, forklifts, loaders, etc., must have the traditional single frequency backup alarm either disabled (and use of a flagman, as allowed by OSHA), or replaced with a broadband (white noise) backup alarm.
5. Concrete pump trucks operated before 7:00 A.M. must not use the vehicle horn or other horn for signaling the start and stop of pumping.
6. Concrete mixer trucks must not air off on or near the construction site before 7:00 A.M.
7. Concrete mixer trucks used for concrete pours before 7:00 A.M. must be staged as far from residential properties as practical.
8. The concrete mixer truck washout shall be located as far as practical from residential properties.
9. To minimize disturbance to residences and to the extent practical, the contractor must attempt to route concrete trucks used for concrete pours before 7:00 A.M. away from residences and shall instruct drivers (by voice or sign) to minimize acceleration while on or near the site.
10. The staff of the Environmental Quality Division is granted the ability to require additional noise mitigation measures if conditions warrant.
11. The Applicant shall provide the following communications to residents of sensitive receptors:

- a. Provide notification, by written or electronic means, to each residential property within 200 meters of the closest anticipated location that a concrete pump truck will be situated. The notification will be provided at least 48 hours in advance of each anticipated nighttime concrete pour.
 - b. Signage announcing upcoming nighttime construction activity displayed on site in locations visible to area residents and businesses.
 - c. Contact information for a 24-hour citizen noise complaint hotline.
12. The Applicant shall provide a monthly status report regarding the construction project to the Air and Odor Committee via email to epb@coj.net. The status report shall include, at a minimum:
- a. The report should be for the previous months activities and be received on or before the 10th day of the month (i.e., June 10th for the month of May, July 10th for the month of June, etc.).
 - b. Number of complaints, if any, and a plan for remediation or corrective action in response to complaints, if necessary.
 - c. Project progress, including any substantial changes.

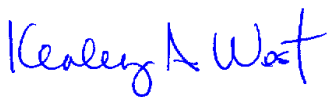
13. This variance shall expire on **June 1, 2022**.

Executed on this 27th day of October 2021.



David Wood
Chairman,
Environmental Protection Board

FORM APPROVED:



Kealey A. West
Assistant General Counsel

Copy to: IPI-10760, Inc.
c/o Daniel Webb
3600 Vineyard d., Suite 101
Orlando, Florida 32811
Atlanta, GA 30341

REPORT OF THE ENVIRONMENTAL QUALITY DIVISION
FOR APPLICATION FOR
VARIANCE TO JEPB NOISE RULES 4.208, 4.209A, & 4.209C
OCTOBER 25, 2021

The Environmental Quality Division forwards to the Air Quality Committee and the Environmental Protection Board its comments and recommendation regarding Application for Variance to JEPB Noise Rules 4.208, 4.209A and 4.209C.

<i>Location:</i>	10760 Yeager Road
<i>Real Estate Number:</i>	108605-0108
<i>Applicant/Owner:</i>	IPI – 10760, Inc.
<i>Agent:</i>	Daniel Webb
<i>Staff Recommendation:</i>	APPROVE WITH CONDITIONS

GENERAL INFORMATION

Rules from Which Variance is Sought

Application for a variance to JEPB noise rules 4.208 (added by EQD staff), 4.209A, and 4.209C seeks to 1) allow operations with impulsive sounds that may exceed the sound levels stipulated in Rule 4.208 (55 dBA for Class A and B land use); 2) allow the operation of construction equipment during nighttime hours, and 3) allow the operation of construction equipment during daytime hours that may exceed the sound level limits stipulated in Rule 4.209C (75 dBA for Class C and D, 65 dBA for Class A and B land use). The applicant has stipulated that they will not start concrete pours before 1:00 a.m.

A variance is being requested for the period ending June 1, 2022. Nighttime concrete pours will be completed by May 1, 2022.

Status of Applicant's Compliance with Above Rules

Site construction started September 1, 2021. EQD has not received noise complaints for this project as of October 20, 2021.

Other Relevant Information

The activity for which a variance is being sought is the construction of a 408,240 square-foot warehouse and associated parking. The site is located at the northern end of the Imeson Industrial Park on the south side of Cedar Bay Road. There is one residence on the south side of Cedar Bay Road just north of the project site, with a property line about 97 and 33 meters from the nearest anticipated location of construction equipment operation during nighttime and daytime hours, respectively. There are residential properties along the north side of Cedar Bay Road – the

closest are about 157 and 75 meters from the nearest anticipated location of construction equipment operation during nighttime and daytime hours, respectively. The properties adjacent to the project site on the west, east, and south are industrial sites (Class D).

CRITERIA FOR REVIEW

Pursuant to Ordinance Code 360.111, the Environmental Protection Board shall evaluate and consider the following criteria of an application for variance.

- 1. Are there facts which show that a variance should be granted because of one of the following reasons?***
 - a. There is no practicable means known or available for the adequate control of the pollution involved.***
 - b. Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time.***
 - c. It is necessary to relieve or prevent hardship of a kind other than those provided above.***

Construction projects with large concrete pours typically desire to start the pour very early in the morning. The reasons generally provided by the contractors include:

- Some pours have been known to require over 100 loads of concrete (this project has +/- 800 CY pours which would require 80+ truck loads each). It has been stated that with daytime traffic, limited supply of trucks during the day, and limited shelf life of the concrete (about 90 minutes), large pours are difficult to coordinate during the day in Jacksonville.
- Daytime heat and afternoon showers can negatively affect the curing of concrete on large pours.
- Early morning concrete pours are safer for the workers, who must continue to work the concrete, than working through the heat of the day.

There is currently no feasible alternative to early morning concrete pours that address contractors' concerns.

Potential noise mitigation measures for this type of operation could include:

- Use of equipment exhausts that meet original equipment specifications and are in good repair: Applicant states they have implemented this measure.
- Locating noisy equipment away from sensitive receptors: Contractor has proposed a haul road in the center of the pours that will maintain construction equipment at a distance from the residences to the north.
- Disabling (using flag men) or replacing single tone backup alarms with broadband alarms: Recommended by EQD for this project.
- Use of sound barriers: Based on the location of the concrete pours, to be effective, a sound barrier would have to span the entire northern site boundary, about 1300 feet. EQD does not believe a barrier of this length is feasible and is not recommending one.

2. *The period of time for which the variance is sought, including the reasons and facts in support thereof.*

The applicant is requesting a variance through June 1, 2022, which is reasonable for a project of this size and less than the time allowed under ordinance code 360.111(b)(2).

3. *The damage or harm resulting or which may result to the person requesting the variance from compliance with the rule.*

See the application.

4. *The requirements which the person requesting the variance can meet and the date when the person can comply with these requirements.*

See the application.

5. *The steps the person seeking the variance is taking to meet the requirements from which the variance is sought and when compliance will be achieved.*

The contractor committed to the following noise mitigation measures as of the date of this report (including those provided supplemental to the application):

- Nighttime construction activities are limited to concrete pours, not to start prior to 1:00 a.m.
- All equipment fitted with proper mufflers and silencers.
- Use of a haul road for setup of concrete pump truck and routing of concrete mixer trucks, along the center of the slab, providing some setback distance from residential properties to the north.

The applicant will be able to comply with Rule 4.209A by May 1, 2022, and 4.208 and 4.209C by June 1, 2022.

6. *Any beneficial or adverse impact to residents and the environment in the affected area resulting from the Board's requiring compliance or granting a variance.*

Due to the reasons identified in item #1 above, it is unlikely that the project can be constructed in compliance with Rule 4. Therefore, a noise variance would be required to continue the project. There is no impact to the environment by granting the variance but there will be some temporary impact to residents.

EQD used a noise model (iNoise V2021) to predict the noise impact to residents from operation of construction equipment during the nighttime hours (the activity with the largest potential impact). The applicant requests a variance from Rule 4.209A for activities related to sixteen nighttime concrete pours. Modeling indicates that the noise impact at the nearest residential property is predicted to be less than 65 dBA, assuming the recommendations as stated later in

this report are implemented. The predicted noise impact to residential properties on the north side of Cedar Bay Road is less than 60 dBA.

7. *Economic or social impacts of granting or denying the variance.*

See the application.

8. *Will granting the variance likely cause the health of the citizens to be in imminent danger?*

No.

SUPPLEMENTAL INFORMATION

The following documents are attached to this report:

- Application for Variance from JEPB Rules
- 10760 Yeager Rd Pictometry
- Noise model: nighttime concrete pour

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Environmental Quality Division that Application for Variance to JEPB Rules 4.208, 4.209A, and 4.209C be APPROVED with the following CONDITIONS.

1. The variance application and presentation, and the commitments therein, shall be adopted and incorporated as part of the conditions of this variance.
2. The variance establishes a maximum noise level of 65 dBA for nighttime construction operations and 70 dBA for daytime construction operations, as measured from any residential receptor, and 80 dBA as measured from any Class C or D receptor.
3. All equipment will be fitted with proper exhaust systems and silencers as required by Rule 4.209D.
4. Nighttime construction activities will consist of only those related to concrete pours and will not commence before 1:00 a.m. and will cease by May 1, 2022.
5. Construction equipment operated before 7:00 a.m., including concrete pump trucks, concrete mixer trucks, forklifts, and loaders, etc., must have the traditional single frequency backup alarm either disabled (and use of a flagman, as allowed by OSHA), or replaced with a broadband (white noise) backup alarm.
6. Concrete pump trucks operated before 7:00 a.m. must not use the vehicle horn or any other horn for signaling the start and stop of pumping.

7. Concrete mixer trucks must not air off on or near the construction site before 7:00 a.m.
8. Concrete mixer trucks used for concrete pours before 7:00 a.m. must be staged as far from residential properties as practical.
9. The concrete mixer truck washout shall be located as far as practical from residential properties.
10. To minimize disturbance to residences to the extent practical, the contractor will attempt to route concrete trucks used for concrete pours before 7:00 am. away from residences and shall instruct the drivers (by voice or sign) to minimize acceleration while on and near the site.
11. The Environmental Quality Division is granted the ability to require additional noise mitigation if conditions warrant.
12. Communications to residents of sensitive receptors to include:
 - a. Provide notification, by written or electronic means, to each residential property within 200 meters of the closest anticipated location to residences that a concrete pump truck will be situated. The notification will be provided at least 48 hours in advance of each anticipated nighttime concrete pour.
 - b. Signage announcing upcoming nighttime construction activity will be displayed on site in locations visible to area residents and businesses, advising the dates and times of potential nighttime pours.
 - c. Contact information for 24-hour hotline to receive citizen complaints.
13. Petitioner shall provide a monthly status report of the construction project to the Air & Odor Committee via email to epb@coj.net. The report shall include:
 - a. Report should be for the previous month and received on or before the 10th day (e.g., June 10th for the month of May, July 10th for the month of June, etc.).
 - b. Number of complaints and any plan for remediation or corrective action in response to complaints.
 - c. Project progress, including substantial changes.
14. This variance shall expire on June 1, 2022.



Environmental Protection Board Members
Amy Y. Fu, P.E. - Chairman
David Wood - Vice Chairman
Beth Leaptrott, PE, Roi Dagan, MD, Adam Hoyles
Thomas Deck, Caleena Shirley

Air Odor Noise Committee
David Wood - Chair
Caleena Shirley
Adam Hoyles
Beth Leaptrott

Education & Public Outreach
Amy Fu - Chair
Thomas Deck
David Wood

Water Committee
Thomas Deck - Chair
Adam Hoyles
Roi Dagan, MD
Beth Leaptrott
Caleena Shirley

APPLICATION FOR VARIANCE FROM JEPB RULES

Please type or print this application in blue or black ink and submit the original in person or by agent with 2 additional copies to:

Jacksonville Environmental Protection Board
Attn: James Richardson
Edward Ball Building
214 N. Hogan Street, 5th Floor
Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM. CALL: (904) 255-7100



THIS SECTION FOR OFFICE USE ONLY

1. Date Submitted:	2. Date Returned:	3. Date Approved:	4. Permit Required:	5. Applicable Section of JEPB Rule:
9/20/2021				4.209 a-c

TO BE COMPLETED BY APPLICANT

Application Fee: Nonrefundable \$2,788.00 application fee. Checks should be made payable to the Tax Collector.

6. Name of Property Owner for which the variance is being sought:

IPI - 10760, Inc.

7. Address of parcel(s) for which Variance is being sought:

10760 Yeager Rd. Jacksonville, FL 32218

Real Estate ID#: 108605-0108

8. Proximity of site to nearest residential neighborhoods:

Name of subdivision, apt., etc.

Distance (miles)

Cedar Bay

.15

9. Proximity of site to nearest schools:

Name of School

Distance (miles)

San Mateo Elementary

10. Has enforcement action commenced?

Yes ☐ No ☒

(i.e. Notice to Correct, Warning Letter, Cease and Desist Citation or any other enforcement action)

11. Action or operation for which variance is being sought (check all that apply and indicate rule number):

- | | |
|---|-------------------------|
| <input type="checkbox"/> Air/Odor Pollution Rules | Rule 2. _____ |
| <input type="checkbox"/> Water Pollution Rules | Rule 3. _____ |
| <input checked="" type="checkbox"/> Noise Pollution Rules | Rule 4. 209 (a) and (c) |

RULES OF THE ENVIRONMENTAL PROTECTION BOARD CAN BE FOUND AT:

[http://www.coj.net/departments/regulatory-compliance/environmental-quality/environmental-protection-board-\(1\)/epb-rules.aspx](http://www.coj.net/departments/regulatory-compliance/environmental-quality/environmental-protection-board-(1)/epb-rules.aspx)

*** * * NOTICE TO OPERATOR/AGENT * * ***

Please provide detailed responses to each of the following pertaining to the standards and criteria contained in Sec. 360.111. You may attach separate sheets if necessary.

(Please note that failure by the applicant to adequately substantiate the need for the variance and to respond to and meet the criteria set forth below may result in a denial of the application or a return of the application for additional information. Any activity that violates EPB Rules occurring during the time between submission of this application and the determination of completeness may be cited as a violation of EPB Rules.)

(1) The law or rule, and sections thereof, from which a variance is sought.

Rule 4.209 (a) and (c) which prohibits construction activity during night time hours between

10 pm and 7 am. Owner does not believe this applies. See attached letter and Ordinance

(2) The facts which show that a variance should be granted because of one of the following reasons:

- (i) There is no practicable means known or available for the adequate control of the pollution involved. A variance granted under the authority of this subparagraph shall be limited to a period of sixty months.
- (ii) Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time. (A variance granted for this reason shall prescribe a timetable for the taking of the measures required. A variance granted under the authority of this subparagraph shall be limited to a period of sixty months).
- (iii) It is necessary to relieve or prevent hardship of a kind other than those provided in subparagraphs (i) and (ii). A variance granted under the authority of this subparagraph shall be limited to a period of twenty-four months.

(i) Due to the curing nature of concrete and the transportation of the concrete. Pours will
typically start around 2 am. One house is adjacent to the industrial site.

- (3) The period of time for which the variance is sought, including the reasons and facts in support thereof.

We are requesting a variance for 7 months starting in November.

Typical concrete pours are +/-800 CY. These pours cannot be successfully finished during the daytime hours. Pouring during night hours is a common practice in the construction industry.

Trucking for the concrete material must be done during low traffic times to ensure proper deliveries.

- (4) The damage or harm resulting, or which may result, to the person requesting the variance from a compliance with the law or rule.

There is no practical method of pouring large areas of concrete during daytime hours.

The results of not working during the night time hours would be significant.

The cost impacts could be in the millions. The schedule delays would be months and transportation could not be controlled

- (5) The requirements which the person requesting the variance can meet and the date when the person can comply with these requirements.

The average noise level is below the 65 dBa during the concrete pours.

November 1, 2021.

- (6) The steps the person requesting the variance is taking to meet the requirements from which the variance is sought and when compliance will be achieved.

We will be using mufflers and silencers as needed to reduce equipment sound emissions.

June 1, 2022 is substantial completion date.

- (7) Any beneficial or adverse impact to residents and the environment in the affected area resulting from the Board's requiring compliance or granting a variance.

The reduction in traffic is a benefit of pouring during night time hours.

The increased volume of trucks would cause daytime traffic delays for the residents.

(8) The economic or social impacts of granting or denying the variance.

Denying the variance will result in scheduling delays, increases in construction cost,

and increased traffic for the surrounding areas.

Granting the variance will allow typical concrete placement practices that are common in the

construction industry. Resulting in less duration of noise exposure, shorter construction schedules,
higher quality product, increased public safety, and overall lower construction cost.

IMPORTANT NOTICE: THE GRANTING OF A VARIANCE HEREUNDER IS NOT A WAIVER OF ANY APPLICABLE STATE OR FEDERAL RULES AND DOES NOT PROVIDE PROTECTION FROM ENFORCEMENT OF ANY SUCH RULES.

Please note that the variance, if approved, is provided to the owner. The owner must sign this application or provide an authorized agent form which provides for the application to be submitted by someone else.

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including any attachments, is true and correct to the best of my knowledge.

NAME AND ADDRESS OF OWNER/APPLICANT:

NAME AND ADDRESS OF AUTHORIZED AGENT:

NAME: IPI-10760, INC
ADDRESS: 3600 VINELAND RD, STE #101
CITY: ORLANDO STATE: FL ZIP: 32811
DAYTIME TELEPHONE: (407) 841-1414
FAX NUMBER: (407) 422-7048

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
DAYTIME TELEPHONE: _____
FAX NUMBER: _____

James B. Wight
SIGNATURE OF OWNER/APPLICANT
ITS PRESIDENT

SIGNATURE OF AUTHORIZED AGENT



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

Planning and Development Department
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7800
www.coj.net

February 6, 2020

Earl M. Barker, Jr., Esq.
Earl M. Barker, Jr., P.A.
5000 Sawgrass Village Circle, Suite 5
Ponte Vedra Beach, Florida 32082-5042

RE: Imeson International Industrial Park
Vested Development Rights Determination pursuant to Chapter 656, Part 7, *Ordinance Code*
Vesting of Development Activities Determination pursuant to Chapter 650, Part 5, *Ordinance Code*

Dear Mr. Barker:

Pursuant to Section 656.109, *Ordinance Code*, the Director of the Planning and Development shall have the duty and authority to interpret and enforce the provisions of the Zoning Code. Additionally, pursuant to Section 650.505, the Director of the Planning and Development Department may issue a Vesting of Development Activities Determination for compliance with the City of Jacksonville Comprehensive Plan. This memo is issued pursuant to the above authority and applies to the approximately 1,453 acres within the Imeson International Industrial Park ("Imeson" or "Imeson Park"), as depicted in the May 18, 1971 *Imeson Area Master Plan* prepared by William C. Webb & Assoc. Inc., on behalf of Imeson International Industrial Park, Inc. (the "Developer") which is also referred to in various documents as the *Master Plan*, *Imeson Master Plan*, or *Imeson Park Master Plan*.

After Jacksonville International Airport opened, the City determined that the former Thomas Cole Imeson Airport and its surrounding lands should be development as a model industrial park. In preparation for seeking a developer for this new industrial park, the City of Jacksonville rezoned the Imeson International Industrial Park to a heavy industrial zoning classification, with a buffer strip of light industrial zoning classification surrounding it. This rezoning was adopted on July 15, 1968 and affirmed in 1971 after the consolidation of Duval County and the City of Jacksonville. Since that time, various land use and zoning changes have been approved by the City of Jacksonville, all in compliance with the Master Plan. Between 1968 and 1995, William C. Webb & Assoc. Inc., as principal of Imeson International Industrial Park, Inc. ("IIIP"), and its affiliates, invested time, money, and other resources in fulfilling the goals of the Master Plan. When the Master Plan concept was threatened by expansion of Chapter 380, Florida Statutes, potentially requiring compliance with laws and regulations governing Developments of Regional Impact, the Developers and the City of Jacksonville cooperated to obtain recognition of Imeson's vested development rights by the State of Florida Department of Community Affairs. To that end, the City of Jacksonville adopted Resolution 95-972-282, attached hereto without exhibits, which states, in part:

"The City finds that all necessary local government approvals and authorizations necessary at the time to commence development of Imeson International Industrial Park were given or issued prior to July 1, 1973, including approval of the Master Plan. . ." and

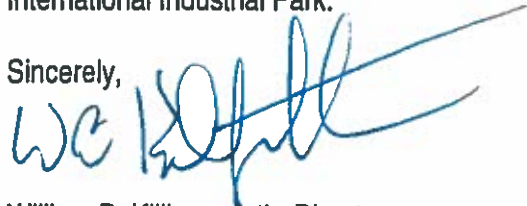
"Based on representations by IIIPI that it has relied upon such government approvals, authorizations, actions and inducements in proceeding with the development of Imeson Park, the City finds that IIIPI's rights to develop the property according to the Master Plan are vested and that the City cannot change any prior regulations upon which IIIPI relied in a way adverse to those rights."

By letter dated September 16, 1996, the State of Florida Department of Community Affairs confirmed that the Imeson International Industrial Park was vested from compliance with laws and regulations governing Developments of Regional Impact, and Resolution 95-972-282, as well as a Vested Property Affirmation Certificate #2899, confirms that the Imeson International Industrial Park is vested from compliance with land use and zoning regulations adopted after July 1, 1973. Therefore, for regulatory purposes, the following standards shall apply:

1. The Imeson International Industrial Park is vested from any limitation on density or intensity in the City of Jacksonville Comprehensive Plan, as originally adopted in 1990, and as subsequently amended.
2. The Imeson International Industrial Park is vested from any regulations more restrictive than the "1968 Zoning Code", also known as "Chapter 700, Zoning Code."
3. More specifically, permitted and permissible uses, lot area, lot coverage, building height, and building setbacks shall be governed by the 1968 Zoning Code and the Master Plan.
4. More specifically, for parking calculations, the Imeson International Industrial Park shall comply with Section 708.612 of the 1968 Zoning Code, attached hereto.

If a development issue arises in the future for a matter not covered above, the Director of the Planning and Development Department may issue additional vested rights determinations either in writing or as a condition of a specific permit. Please attach a copy of this letter to all development applications within the Imeson International Industrial Park.

Sincerely,



William B. Killingsworth, Director
Planning and Development Department

LAND USE

parking requirements. USDs 2—5 Excepted. (Ord. 68-56-110, Sec. 10.8)

708.611 Off-Street Parking: Minimum Requirement. Irrespective of any other requirement of this Zoning Code, each and every separate individual store, office or other business shall be provided with at least one off-street parking space; provided that this requirement shall not apply in the CCB District. USDs 2—5 Excepted. (Ord. 68-56-110, Sec. 10.9)

708.612 Off-Street Parking Spaces: Number Required. Off-street parking spaces shall be provided and maintained in all districts other than as specifically provided for in the CCB District as follows:

(a) Residential Uses:

(1) Dwellings up to four units: One space for each dwelling unit.

(2) Multi-family dwellings in excess of four units: Two spaces for each dwelling unit plus one space for owner or operator and one space for each two employees except one space per dwelling unit in the CCB District only.

(3) Rooming and boarding houses: One space for each two bedrooms.

(4) Mobile home park: One and one-half spaces for each mobile home.

(5) Mobile home subdivision or mobile home on individual lot: One space per mobile home.

(6) Housing for elderly: One space for each two dwelling units.

(7) Nurses' homes, convents, monasteries: One space for each four lodging units.

(8) Fraternity and sorority houses: One space for each two residents.

(9) Hotels and motels: One space for each sleeping room plus spaces required for accessory uses such as restaurants, etc.

(b) Institutional Uses:

(1) Sanitariums, rest homes, nursing homes, convalescent homes, homes for the aged: One space for each four beds plus one space for each employee.

(2) Hospitals: One and one-half spaces for each bed.

(3) Churches and funeral homes: One space for each four seats in sanctuary or chapel area.

Supp. No. 12

(4) Art galleries, libraries, museums: One space for each six hundred square feet of gross floor area.

(5) Orphans' homes: One space for each employee plus one space for each six beds.

(c) Schools and Educational Uses:

(1) Elementary and junior high schools: Two spaces for each classroom, office room and kitchen.

(2) Senior high schools: Five spaces for each classroom, office room, kitchen, gymnasium and auditorium.

(3) Day nursery and kindergarten: Two spaces for each employee plus adequate provision for the loading and unloading of children.

(4) Dance, art and music studios: One space for each three hundred square feet of gross floor area.

(5) Vocational, trade and business schools: One space for each three hundred square feet of gross floor area.

(d) Assembly, Recreational and Similar Uses:

(1) Private clubs: One space for each four seats, or one space for each two hundred square feet of gross floor area, whichever is greater.

(2) Restaurants, nightclubs, bars or taverns: One space for each four seats in public rooms plus one space for each two employees.^{1a}

(3) Theaters: Ten spaces for first one hundred seats plus one space for each additional five seats.

(4) Bowling alleys: Two spaces per alley.

(5) Stadiums and Arenas: One space for each five seats.

(6) Community center, recreational facility: One space for each two hundred square feet of gross floor area or one space for each three seats, whichever is greater.

(7) Billiard parlor: Two spaces for each three tables.

(8) Public, private and commercial parks, campgrounds and recreational areas: One space for each campsite or picnic area.

(e) Business and Professional Uses:

(1) Medical and dental offices or clinics: One space for each doctor, plus one space for each two employees, plus one and one-half spaces for each consultation room or examining room; provided the maximum number of required spaces for each doctor shall not exceed seven.

ZONING REGULATIONS

(2) Research laboratories: One space for each two employees, plus one space for each company vehicle, plus two spaces for patron parking.

(3) Professional and business offices (other than medical or dental): One space for each five hundred square feet of gross floor space, plus one space for each two occupants or employees.

(4) Radio or television broadcasting office or studio: One space for each five hundred square feet of gross floor area.

(f) Commercial Uses:

(1) Business, commercial or personal service establishments (not otherwise listed): One space for each five hundred square feet of gross floor area, plus, where applicable, one space for each one thousand square feet of lot or ground area outside buildings used for any type of sales or display.

(2) Marinas: One space for each boat berth plus one space for each two employees.

(3) Bus, railroad or other transportation terminals: One space for each five hundred square feet of gross floor area plus one space for each two employees.

(4) Wholesale, warehouse or storage use: One space for each vehicle based at the facility.

(5) Commercial shopping centers: One space for each one hundred fifty square feet of nonstorage floor area.

(g) Industrial and Similar Uses:

(1) All uses in industrial districts not otherwise listed: One space for each employee on peak shifts, plus one space for each company vehicle operating from the premises, plus one space for each five thousand square feet of gross floor area. USDs 2—5 Excepted. (Ord. 68-56-110, Sec. 10.10)

708.613 Off-Street Loading: Requirements. Off-street loading spaces shall be provided and maintained as follows: (Except additional off-street loading spaces shall not be required in the CCBD District for alteration, modernization, or repair of existing buildings):

(a) Businesses. Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, merchant, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area:

Square Feet		No. of Square Feet Spaces
Over	5,000, but not over	25,000 . 1
	25,000, but not over	60,000 2
	60,000, but not over	120,000 3
	120,000, but not over	200,000 4
	200,000, but not over	290,000 5

plus one additional off-street loading space for each additional 90,000 square feet over 290,000 feet or major fraction thereof.

(b) Multiple Dwellings.

For each multiple dwelling or apartment or hotel having at least twenty dwelling units, but not over fifty dwelling units: One space.

For each multiple dwelling unit having over fifty dwelling units: One space, plus one space for each additional fifty dwelling units, or major fraction thereof.

(c) Public Buildings. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of: Over ten thousand square feet, but not over forty thousand square feet: One space, plus one space for each additional sixty thousand square feet or major fraction thereof.

(d) Others. For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply. USDs 2—5 Excepted. (Ord. 68-56-110, Sec. 10.11)

708.614 Loading Facilities for Solid Waste. Except for single-family residences, all buildings or developments hereafter constructed shall be provided with off-street space or facilities for the storage and emptying of solid waste containers. Such space shall not be located on publicly owned land and shall provide convenient access from public streets, driveways, parking areas and similar public access with pavement of adequate strength for vehicles normally used to pick up solid waste. The size and physical arrangement of such space shall be proportioned to the size of the project served thereby and the volume of solid waste anticipated and as determined by the Director of Public Works. (Ord. 74-521-332, Sec. 1)

introduced by Council Member Leggett

EXHIBIT "C"

RESOLUTION 95-972-282

A RESOLUTION CONCERNING IMESON INTERNATIONAL INDUSTRIAL PARK, INC.'S PURCHASE AND DEVELOPMENT OF IMESON INTERNATIONAL INDUSTRIAL PARK; FINDING THAT IMESON INTERNATIONAL INDUSTRIAL PARK, INC. RECEIVED CERTAIN LOCAL GOVERNMENTAL AUTHORIZATIONS NECESSARY TO COMMENCE DEVELOPMENT OF IMESON INTERNATIONAL INDUSTRIAL PARK PRIOR TO JULY 1, 1973; FINDING THAT THE JACKSONVILLE PORT AUTHORITY APPROVED THE RIGHT TO DEVELOP IMESON INTERNATIONAL INDUSTRIAL PARK IN ACCORDANCE WITH THE MASTER PLAN; REQUESTING THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS TO ISSUE A BINDING LETTER DETERMINING THAT IMESON INTERNATIONAL INDUSTRIAL PARK IS VESTED UNDER SECTION 380.06(20), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville owned and operated Imeson Airport, later replaced by Jacksonville International Airport, which is owned and operated by the Jacksonville Port Authority, an independent authority ("JPA"); and

(e) JPA selected the proposal of William C. Webb as a principal of Imeson International Industrial Park, Inc. to purchase and develop the Imeson Airport property as an industrial park.

(f) The JPA required that, upon closing the sale, IIIPI begin preparing a Master Plan subject to its approval;

(g) Certain City-owned property adjacent to the Imeson Airport property, known as the Gun Club Road lands, were included in the Master Plan for Imeson Park and there was a condition in the Agreement of Sale, which required the City to convey the Gun Club Road lands to IIIPI;

(h) The City declared the Gun Club Road lands to be surplus to the needs of the City by ordinance so that such lands could be sold to IIIPI for inclusion in Imeson Park and Master Plan and the City exchanged lands with the JPA so that such lands could be sold to IIIPI and included in the Master Plan;

(i) The JPA approved the Imeson Park Master Plan and IIIPI commenced construction of Imeson Park consistent with the provisions of such plan;

(j) The City adopted ordinances to convey title to the Gun Club Road lands to IIIPI to facilitate the Agreement with JPA and development of the Park;

(k) The City and the JPA acted simultaneously to sell IIIPI the Imeson Airport property and the Gun Club Road lands containing more than 1,400 acres for use as an industrial park;

(l) The City approved paving and drainage plans for Roads A and B and expenditures by IIIPI for development of Roads A and B to serve the proposed development as described in the Master Plan;

(m) The City provided water and sewer service to Imeson Park as contemplated by the Master Plan;

(n) IIIPI donated and the City accepted the conveyance and dedication of land for Roads A and B to serve the development as contemplated by the Master Plan;

(o) The City constructed Imeson Boulevard to serve Imeson Park on lands dedicated for such purpose by IIIPI;

(p) The State of Florida accepted of the conveyance of title to Busch Drive to serve Imeson Park as contemplated by the Master Plan;

(q) The City adopted an ordinance authorizing the Seaboard Coast Line spur track crossing over Gun Club Road to serve Imeson Park;

(r) The City issued the construction permit for the National Distribution building;

(s) The City issued the construction permit for the General Electric building;

(t) The City issued the construction permit for the Sears regional distribution facility; and

WHEREAS, IIIPI should have been able to rely upon the foregoing actions taken by the City and by the JPA, acting on the City's behalf, in concert with community efforts by the Mayor's Airport Advisory Committee, the Jacksonville Area Chamber of Commerce and the Seaboard Coast Line Railroad, to convert the former Imeson Airport property, formerly the City airport, to an industrial park; and

WHEREAS, in reasonable reliance upon the foregoing actions and in order to implement the Master Plan, IIIPI took the following actions:

1. Committed to spend \$250,000 to prepare an industrial park Master Plan for review and approval by the JPA immediately upon the Port Authority's consummation of the sale of the Imeson Airport property to IIIPI;

2. Borrowed substantial funds to purchase the Imeson Airport property and executed a purchase money mortgage requiring that all development be consistent with the approved Master Plan;

3. Purchased the property from the JPA and the City in 1971 subject to a continuing requirement to develop the property as an industrial park in accordance with the approved

Master Plan;

4. Spent an additional \$750,000 during the first two years of ownership, including \$200,000 for physical improvements which benefitted the park as a whole;

5. Proceeded to obtain all local governmental approvals and authorizations and satisfy every local governmental requirement necessary at the time to develop the park in accordance with the Master Plan;

6. Purchased additional lands for dedication to the City for construction of Busch Drive, as requested by the Florida Department of Transportation;

7. Granted required water and sewer easements to the City;

8. Developed and dedicated Roads A and B to the City in accordance with the approved Master Plan;

9. Conveyed lands to Sears for a distribution center on terms favorable enough to Sears to attract it to Jacksonville; and

10. Continued to develop the property according to the approved Master Plan without interruption for a period of over 20 years; now, therefore,

BE IT RESOLVED by the Council of the City of Jacksonville:

Section 1. The approved Master Plan for Ineson Park is on file in the office of the Council Secretary as Exhibit "A" and incorporated into this resolution by reference. The zoning in effect at the time the Master Plan was approved is shown on Exhibit "B", on file in the office of the Council Secretary. The City later rezoned the property for industrial development as shown on Exhibit "C", on file in the office of the Council Secretary.

Section 2. The City finds that all necessary local governmental approvals and authorizations necessary at the time to commence development of Ineson International Industrial Park were given or issued prior to July 1, 1973, including the approval of the Master Plan by the JPA.

Section 3. Based on representations by IIPI that it has relied upon such governmental approvals, authorizations, actions and inducements in proceeding with development of Imeson Park, the City finds that IIPI's rights to develop the property according to the Master Plan are vested and that the City cannot change any prior regulations upon which IIPI relied in a way adverse to those vested rights.

Section 4. The City finds that it would be inequitable for the State of Florida to alter or in any way impair those vested rights and that, accordingly, the State should be estopped from altering or otherwise impairing those vested rights.

Section 5. The City and the JPA also have relied on IIPI's commitment to develop the property in accordance with the approved Master Plan. The City has expended substantial public funds to construct a wastewater treatment facility on the property with capacity to treat all of the effluent from Imeson Park. The City also expended substantial public funds to construct Imeson Boulevard, a dedicated public road that serves the Imeson Park. The Florida Department of Transportation likewise constructed Busch Drive at substantial public expense to serve Imeson Park.

Section 6. The City of Jacksonville requests the Department of Community Affairs to issue a binding letter determining that Imeson Park, as shown on Exhibit "A", is vested under Section 380.06(20), Florida Statutes, and that its owners are authorized to continue development of Imeson Park under the zoning in effect on July 1, 1973, shown on Exhibit "B" as amended by the zoning currently in effect shown on Exhibit "C".

Section 7. This resolution shall become effective upon being signed by the Mayor or upon becoming effective without his signature.

Form Approved:

Theresa Rooney Matlock

Assistant General Counsel

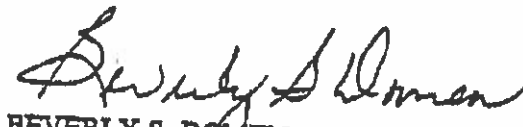
RESOLUTION 95-972-282

CERTIFICATE OF AUTHENTICATION
ADOPTED BY THE COUNCIL

October 10, 1995


DICK KRAVITZ
COUNCIL PRESIDENT

ATTEST:


BEVERLY S. DOMEN, CMC
SECRETARY OF THE COUNCIL



APPROVED: _____

OCT 16 1995

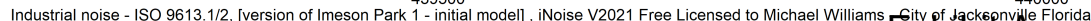

JOHN DELANEY, MAYOR

 WEBB SOUTHEAST CONSTRUCTION CORP. 3600 Vineland Rd. Suite 101 Orlando, FL 32811		 Valley National Bank 55-138/212 9/17/2021		7555
PAY TO THE ORDER OF City of Jacksonville		\$ **2,788.00		
Two Thousand Seven Hundred Eighty-Eight and 00/100*****		DOLLARS		
City of Jacksonville				
MEMO 091721		 AUTHORIZED SIGNATURE		
⑈007555⑈ ⑆021201383⑆ ⑈000003061875⑈				

WEBB SOUTHEAST CONSTRUCTION CORP.

City of Jacksonville				7555	
Date	Type	Reference	Original Amt.	Balance Due	
9/17/2021	Bill	091721	2,788.00	2,788.00	
			Check Amount	9/17/2021	Payment
				Discount	2,788.00
					2,788.00

VNB Checking 091721 2,788.00



10760 Yeager Rd Pictometry

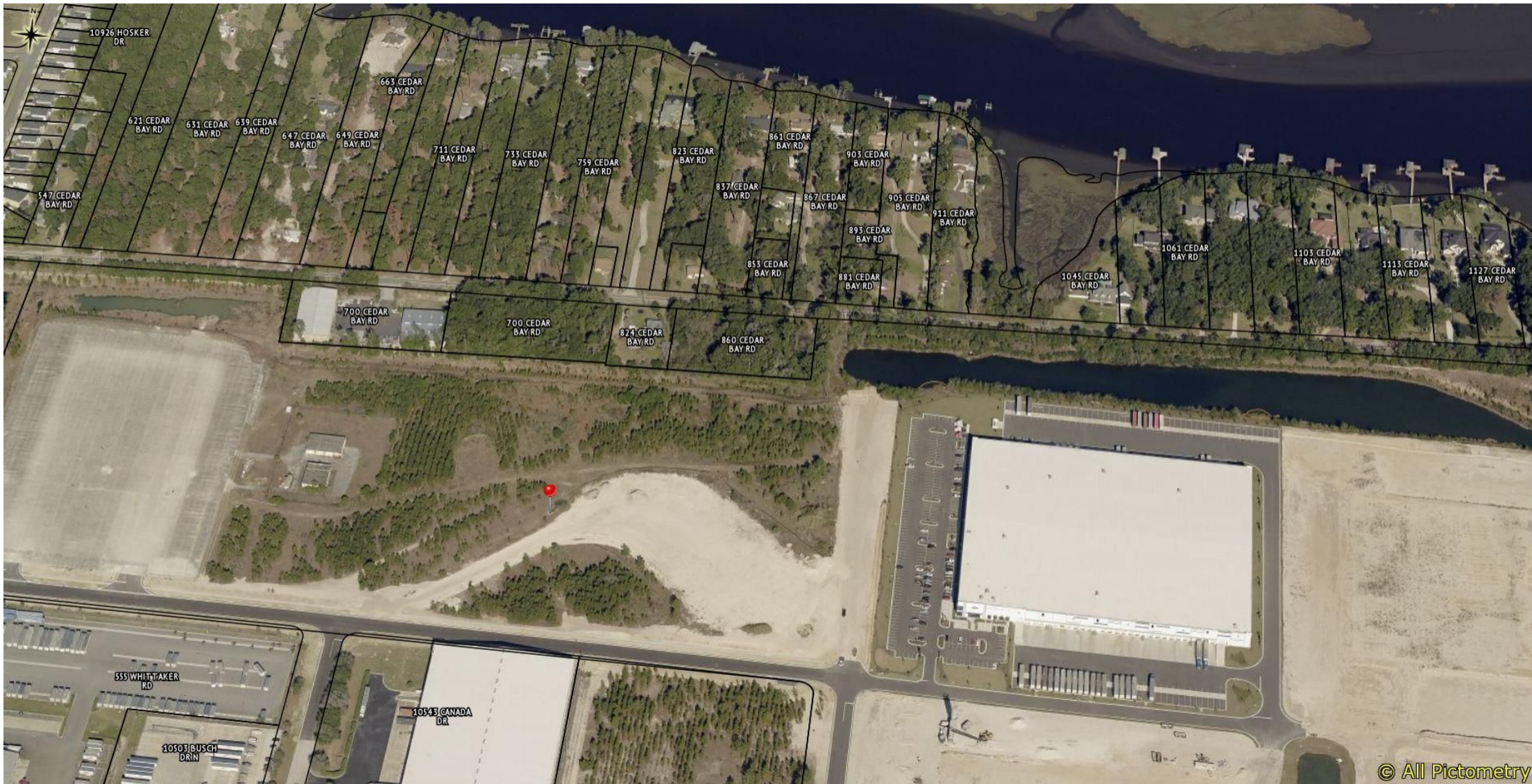


Exhibit A

01/06/2020