As Amended

ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 19-004

AN ORDINANCE RELATING TO ZONING; PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION TO PUD ZONING TO ALLOW FOR WAREHOUSING AND MOTOR FREIGHT TRANSPORTATION USES, LEVEL II ON APPROXIMATELY 2.16 ACRES LOCATED AT 1430 ATLINE ROAD; CHANGING THE CONTEXT DISTRICT TO URBAN SPECIAL PURPOSE (USP); PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board held a public hearing on January 15, 2019 to consider the request of Jason Lewis, Kimley-Horn and Associates, Inc. to change the zoning classification from RA-3 (Single-Family) to PUD (Planned Unit Development) to allow for warehousing and motor freight transportation uses on approximately 2.16 acres located at 1430 Atline Road, more particularly described in Attachment “A” and graphically depicted on Attachments “B”, and “C”; and

WHEREAS, the City of Lakeland proposes to change the Context District to Urban Special Purpose (USP); and

WHEREAS, the Planning and Zoning Board approved the PUD zoning and changes to the Context District on February 19, 2019, and recommended them to the City Commission; and

WHEREAS, the City Commission of the City of Lakeland, Florida, after publication of a notice of its consideration of this ordinance, has determined that it is in the best interests of the City of Lakeland to approve PUD zoning for approximately 2.16 acres located at 1430 Atline Road to allow for warehousing and motor freight

transportation uses, Level II and also to change the Context District to Urban Special Purpose (USP); and

WHEREAS, the City Commission, having held a public hearing pursuant to said notice, where interested parties were given the opportunity to be heard, finds the property should be classified or zoned as recommended by the Planning and Zoning Board;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The property legally described in Attachment "A", owned by Dedicated Holdings, LLC and located within the City of Lakeland, is classified or zoned PUD (Planned Unit Development) and changed to Urban Special Purpose (USP) as set forth in Attachment "C", subject to the following amended conditions:

A. Permitted Uses: Warehousing and Motor Freight Transportation Uses, Level II

B. Site Development Plan: The project shall be developed in substantial accordance with the site development plan, Attachment "C." With the approval of the Director of Community Development, minor modifications may be made at the time of site plan review without requiring a modification of this PUD.

C. Development Standards: In accordance with the I-2/Urban Special Purpose sub-district standards except as otherwise specified herein.

D. Landscape and Buffering: In accordance with the Land Development Code except as follows:

1. Atline Road Frontage: Adjacent to Atline Road, a frontage buffer shall be constructed consisting a 10-foot high noise abatement wall, composed of "Plywall," precast concrete, masonry, or equivalent material, along with a 7-foot wide landscape buffer consisting of a Type A hedge and 10 C (Small) trees per 100 linear feet or fraction thereof.

2. Southern Parcel Boundary: Adjacent to the southern parcel boundary, a Type C buffer shall be constructed, except an 8-foot high PVC fence may be used in lieu of a masonry wall.

E. Outdoor Lighting: In accordance with the Land Development Code.

F. Site Access: In accordance with Attachment "C," access to the site shall be limited to a single driveway located on West 10th Street. Truck ingress/egress shall be routed from/to the west along W. 10th Street. Truck traffic on Atline Road and Montrose Avenue shall be prohibited.

G. Hours of Operation: Hours of operation shall be limited to the hours between 7:00 AM and 6:00 PM, Monday through Friday.

H. Public Address System: The use of outdoor public address systems and bell ringers shall be prohibited.

I. Transportation:

1. A Binding Concurrency Determination shall be made at the time of site plan review.

2. The W. 10th Street driveway shall comply with all Polk County permitting requirements.

3. The site's W. 10th Street driveway shall be designed to prevent trucks from queuing into the public right-of-way. No gate or other mechanism used to control access shall be located within the driveway throat area.

SECTION 2. The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5188.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 5. This ordinance shall take effect immediately upon the effective date of Small Scale Amendment #LUS18-002 to the Future Land Use Map, as provided in Ordinance No. ____.

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of March, A.D. 2019.

_____
H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. McCAUSLAND
CITY ATTORNEY

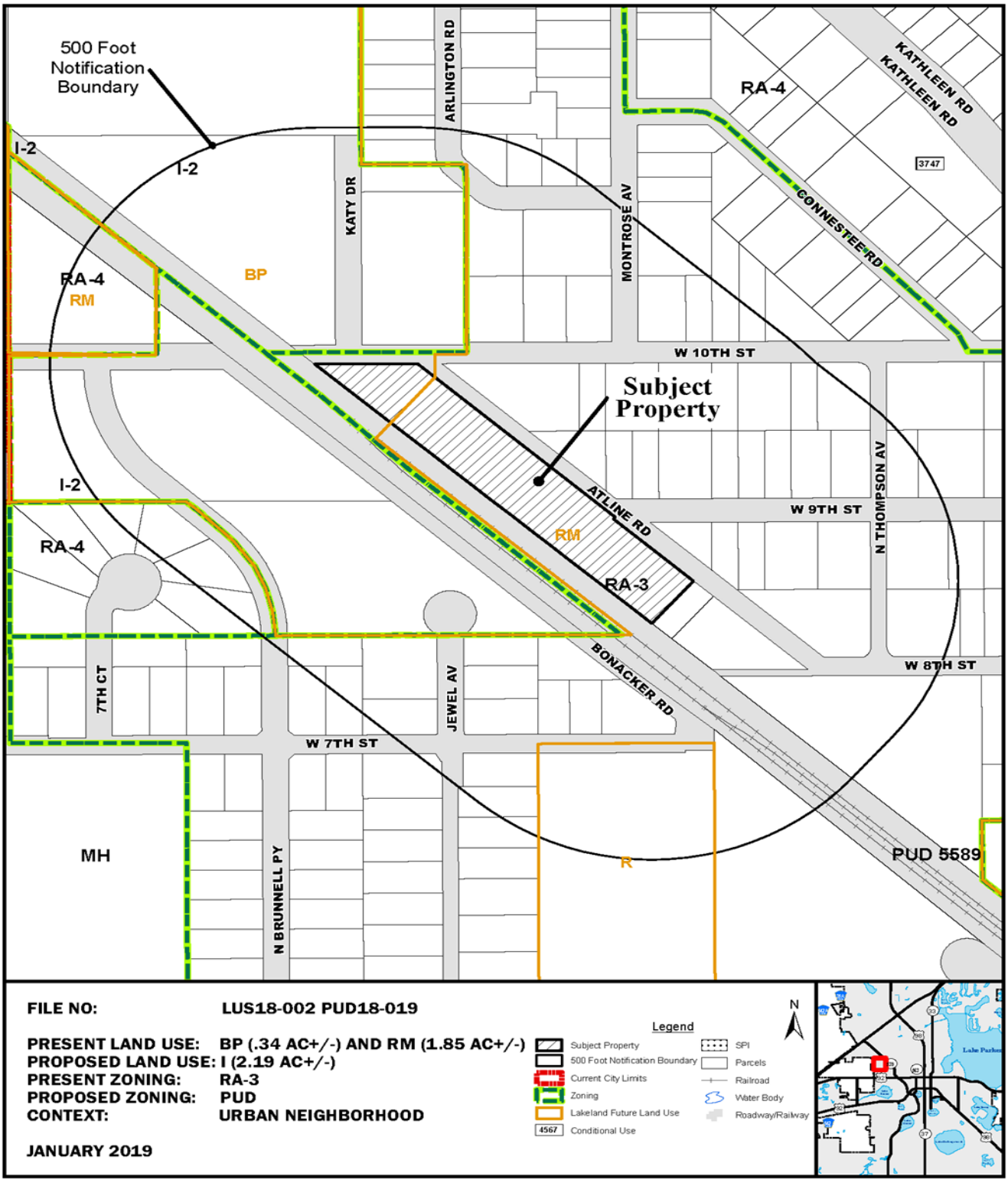
ATTACHMENT “A”

Legal Description:

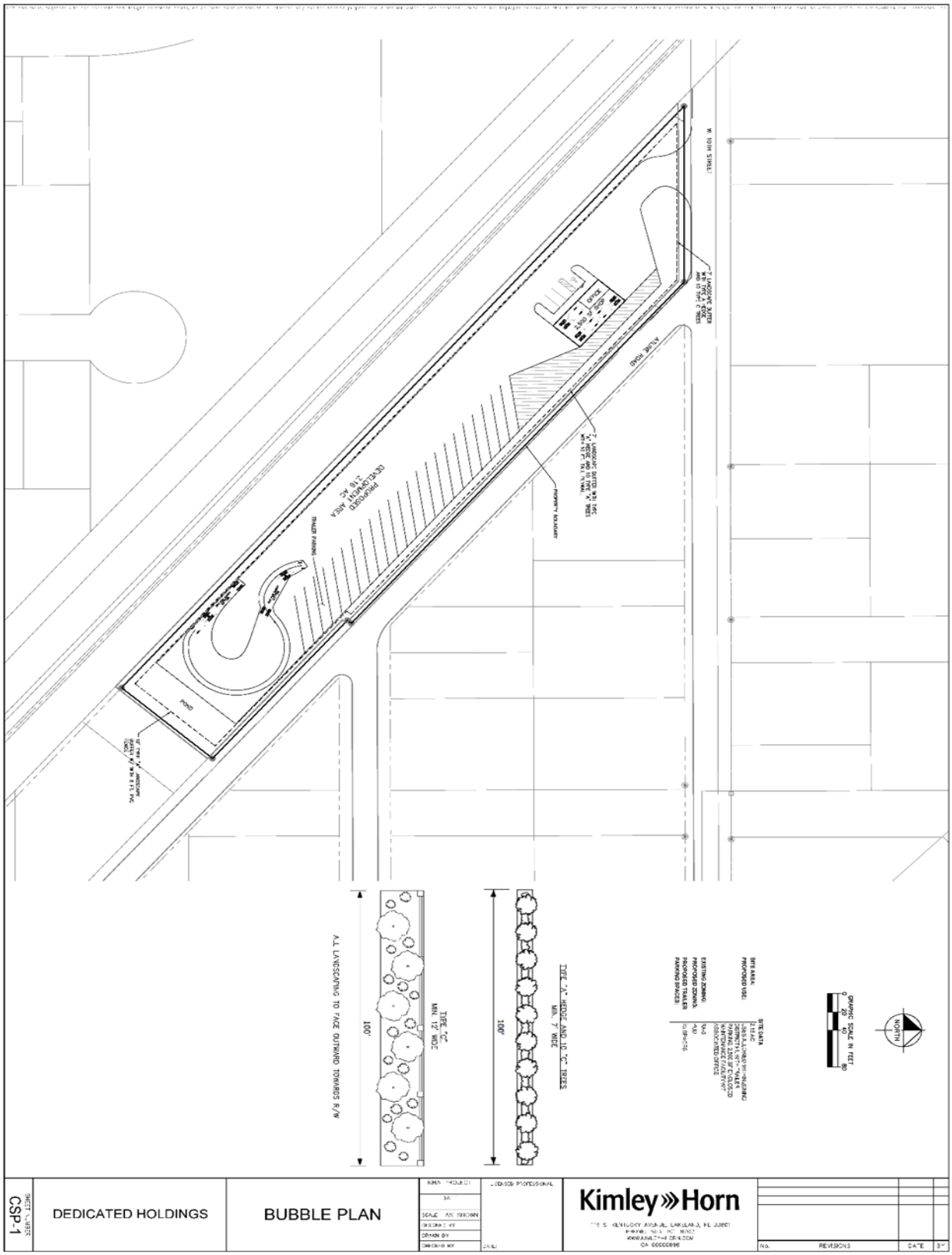
WHICH DESCRIBES THE SAME LANDS AS THE LEGAL IN THE TITLE COMMITMENT.

EDGETON ADD PB 6 PG 49 BLK 6 LOTS 5 TO 18 LESS RD R/W

ATTACHMENT “B”



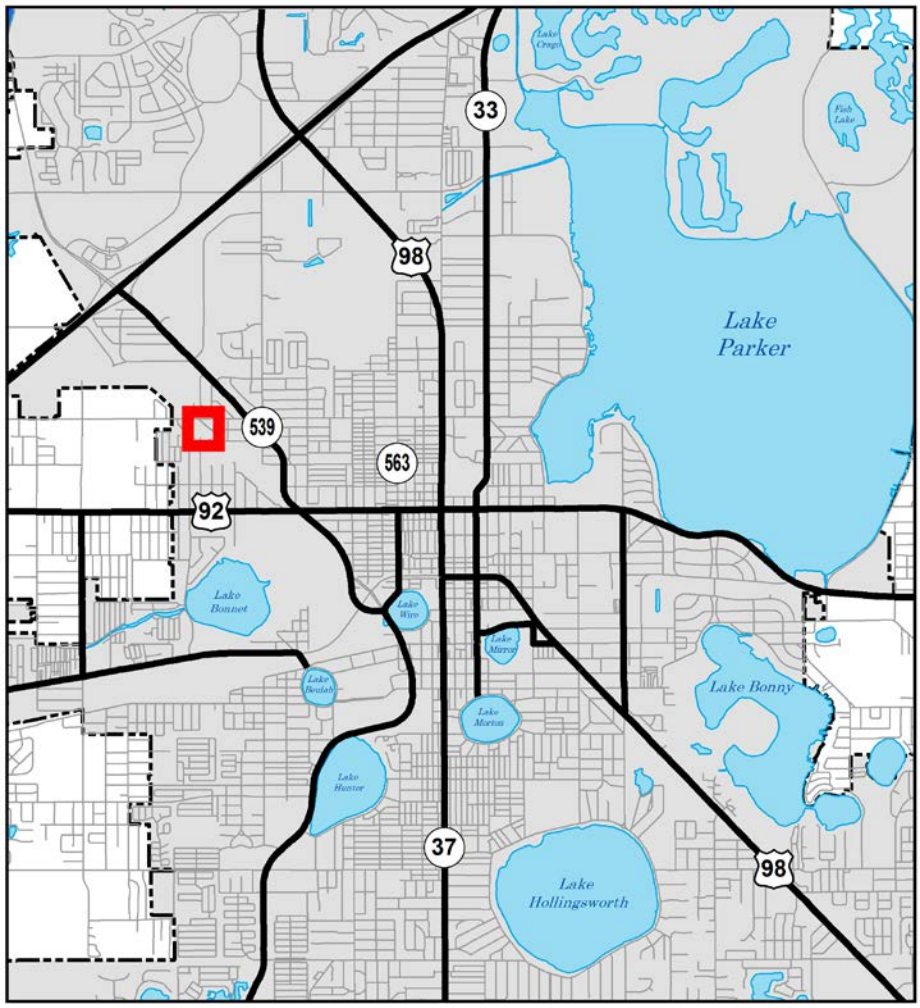
ATTACHMENT “C”



Planning & Zoning Board Recommendation

Date:	March 4, 2019	Reviewer:	Joshua Cheney
Project No:	ZON19-003/ LUS18-002/ PUD18-019	Location:	1430 Atline Road
Owner:	Dedicated Holdings, LLC		
Applicant:	Jason Lewis, Kimley-Horn and Associates, Inc.		
Current Zoning:	RA-3 (Single-Family)	Future Land Use:	Business Park (BP), Residential Medium (RM)
Context District:	Urban Neighborhood UNH		
P&Z Hearing:	January 15, 2019	P&Z Final Decision:	February 19, 2019
Request:	Change in land use from Residential Medium (RM) to Business Park (BP), a change in context district designation from Urban Neighborhood (UNH) to Urban Special Purpose (USP), and a change in zoning from RA-3 (Single-Family) to PUD (Planned Unit Development) to allow for Warehousing and Motor Freight Transportation Uses, Level II on approximately 2.16 acres located at 1430 Atline Road.		

1.0 Location Maps



500 Foot Notification Boundary
Subject Property
I-2
I-2
RA-4
RM
BP
KATY DR
ARLINGTON RD
MONTROSE AV
KATHLEEN RD
KATHLEEN RD
RA-4
3747
W 10TH ST
I-2
RA-4
RM
ATLINE RD
W 9TH ST
N THOMPSON AV
RA-3
7TH CT
BONACKER RD
W 8TH ST
W 7TH ST
MH
N BRUNNELL PY
JEWEL AV
R
PUD 5589

2.0 Background

2.1 Summary

Jason Lewis, P.E., Kimley-Horn and Associates, Inc., requests a change in land use from Residential Medium (RM) to Business Park (BP), a change in context district designation from Urban Neighborhood (UNH) to Urban Special Purpose (USP), and a change in zoning from RA-3 (Single-Family) to PUD (Planned Unit Development) to allow for Warehousing and Motor Freight Transportation Uses, Level II on property located at 1430 Atline Road. A map of the subject property is included as Attachment "B."

2.2 Subject Property

The subject property, presently vacant, is approximately 2.16 acres in area with RA-3 (Single-Family) zoning. Approximately 15% of the property, or 0.34 acres in total, has a future land use designation of BP (Business Park) while the bulk of the property has a future land use designation of RM (Residential Medium). From the early 1960s until the mid-2000s, the property was used by Polk County as a storage yard for road maintenance vehicles. As originally developed, the site contained multiple buildings and areas for employee parking and equipment storage. The buildings were removed following the closure of the facility with remnant asphalt/concrete pavement, two driveways from Atline Road, and security fencing being the only remaining improvements on the property.

2.3 Project Background

This request is to change the zoning of the property from RA-3 to PUD to allow for the development of Warehousing and Motor Freight Transportation Uses, Level II. Proposed site improvements include a new 2,500 office and shop building, four off-street parking spaces for employees and up to 23 spaces for the parking of semi-trailers. Concurrent with this request, the City requests to change the context sub-district from Urban Neighborhood (UNH) to Urban Special Purpose (USP). A proposed site development plan showing the new building and associated parking, buffering and stormwater areas is included as Attachment "C."

2.4 Existing Uses of Adjacent Properties

Boundary	Existing Land Use	FLUM	Zoning	Context
North	Motor Freight Transportation and Vacant Industrial property	BP	I-2	USP
South	Vacant Residential property	RM	RA-3	UNH
East	Single-Family Residential	RM	RA-3	UNH
West	Railroad, Vacant Industrial property and Warehousing	BP	I-2	USP

2.5 Attachments

Attachment A: Legal Description

Attachment B: Base Map of Subject Property

Attachment C: Site Development Plan

3.0 Discussion

The subject property is located at the intersection of W. 10th Street and Atline Road, approximately 1/4th of a mile west of the intersection of W. 10th Street and Kathleen Road. The immediate area is characterized by a mixture of vacant and improved industrial properties located along both sides of the CSX rail line and single-family residential uses to the north and east. The current RA-3/RM designations could allow residential development with a gross density of up to 12 dwelling units per acre. The market, however, has shown little interest in developing residential uses due to the proximity of the property to the adjacent CSX A-line to the west and existing I-2 (Medium Industrial) uses to the north.

The proposed use, which includes semi-trailer parking and a 2,500 square foot maintenance facility with an associated office, is classified as a Level II Warehousing and Motor Freight Transportation Use by the City's Land Development Code. This general category allows motor freight transportation uses, both local and long distance, farm product warehousing and storage, and refrigerated warehousing, but not more intensive uses such as chemical or petroleum bulk stations and terminals.

This limitation on use will allow for a reasonable repurposing of the property with impacts that are not substantially greater than the previous road maintenance facility. To address impacts such as noise, the developer has agreed to conditions which will require a 10-foot high noise reduction wall with a 7-foot wide landscape buffer adjacent to Atline Road. Primary access to the site will also be limited to a single new driveway on W. 10th Street and both of the existing driveways off of Atline Road will be removed. Any outdoor lighting fixtures shall be shielded in accordance with the Land Development Code. Hours of operation will be limited from 7:00 AM to 7:00 PM, Monday through Friday. Outdoor public address systems will be prohibited.

3.1 Transportation and Concurrency

The subject property fronts 10th Street and Atline Road. This segment of 10th Street is an urban collector roadway that is operated by Polk County and Atline Road is a local street operated by the City of Lakeland. To eliminate the need for large trucks to use Atline Road, access to the subject property shall be limited to one full movement driveway on 10th Street that aligns with Katy Drive. This driveway shall be designed to ensure that entering trucks do not queue into public right-of-way. Any gate that may be used to control access shall not be located within the driveway throat area. To address concerns about heavy trucks potentially using nearby local streets to access the site, truck traffic will be prohibited from using either Montrose Avenue or Atline Road. All Binding Concurrency Determinations shall be made at the time of site plan review.

3.2 Comprehensive Plan Compliance

The Community and Economic Development Department and the Planning & Zoning Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan. All roadway levels of service are acceptable with mitigation as recommended in this PUD zoning. Actual construction is subject to final concurrency determinations at the time of site plan review.

4.0 Recommendation

4.1 Community and Economic Development Staff

The Community and Economic Development Department reviewed this request and recommends approval of the change of land use, from RM to BP, a change in zoning from RA-3 to PUD, and a change in context from UNH to USP. Letters of notification were mailed to 72 property owners within 500 feet of the subject property. As previously discussed, one objection was received based on potential truck traffic on Montrose Avenue.

4.2 The Planning & Zoning Board

This recommendation was approved by a 6 – 0 vote of the Board.

It is recommended that the request for BP land use and PUD zoning as described above and in Attachments "A," "B" and "C," be approved, subject to the following conditions:

A. Permitted Uses: Warehousing and Motor Freight Transportation Uses, Level II

B. Site Development Plan: The project shall be developed in substantial accordance with the site development plan, Attachment "C." With the approval of the Director of Community Development, minor modifications may be made at the time of site plan review without requiring a modification of this PUD.

C. Development Standards: In accordance with the I-2/Urban Special Purpose sub-district standards except as otherwise specified herein.

D. Landscape and Buffering: In accordance with the Land Development Code except as follows:

1. Atline Road Frontage: Adjacent to Atline Road, a frontage buffer shall be constructed consisting a 10-foot high noise abatement wall, composed of "Plywall," precast concrete, masonry, or equivalent material, along with a 7-foot wide landscape buffer consisting of a Type A hedge and 10 C (Small) trees per 100 linear feet or fraction thereof.

2. Southern Parcel Boundary: Adjacent to the southern parcel boundary, a Type C buffer shall be constructed, except an 8-foot high PVC fence may be used in lieu of a masonry wall.

E. Outdoor Lighting: In accordance with the Land Development Code.

F. Site Access: In accordance with Attachment "C," access to the site on shall be limited to a single driveway located on West 10th Street. Truck traffic on Atline Road and Montrose Avenue shall be prohibited.

G. Hours of Operation: Hours of operation shall be limited to the hours between 7:00 AM and 7:00 PM, Monday through Friday.

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