

LEGISLATIVE #

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TO: City Plan Board

Item Number: 07

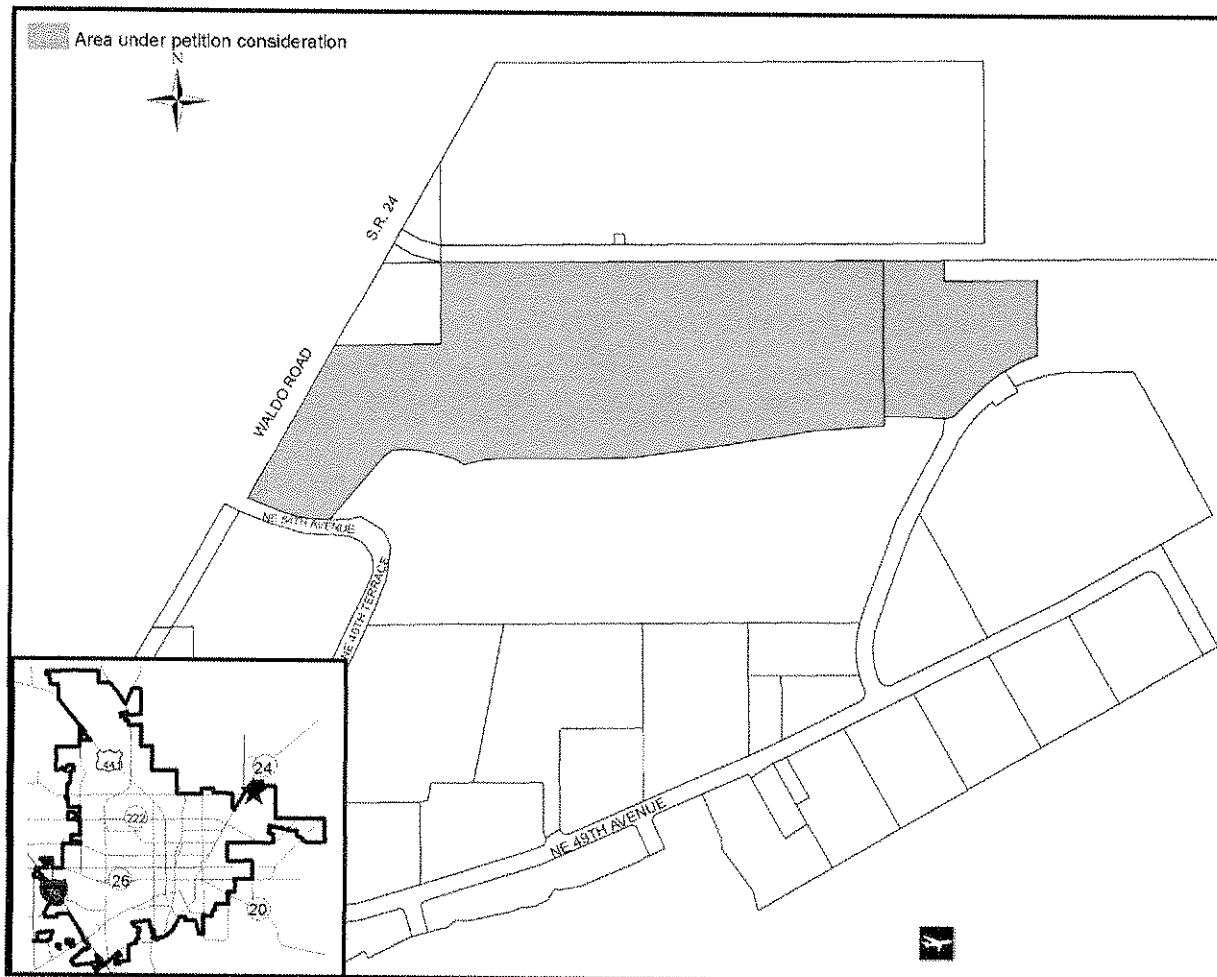
FROM: Planning & Development Services Department

DATE: November 1, 2011

SUBJECT: Petition PB-11-113 SUP. Causseaux, Hewett & Walpole, Inc. agent for SiVance, LLC. Special Use Permit with master plan to allow specially regulated industries and a Wellfield Special Use Permit. Zoned: I-2 Located at 4044 NE 54th Avenue.

Recommendation

Staff recommends approval of Petition PB-11-113 SUP with conditions and the generalized development plan.



Description

This petition is a request to grant two special permits for the site. The first is to allow the site to continue the use of industrial inorganic and organic chemicals to manufacture and produce silicone products within the General Industrial (I-2) zoning district. Those are classified as specially regulated industries and are allowed within the I-2 district through a special use permit. The second request is a wellfield protection special use permit to allow the facility to handle hazardous materials within the tertiary and secondary zones of the Murphree Wellfield Protection District.

SiVance is the current name of a company which was founded about 60 years ago, formerly operated under the names: PCR, Inc., Archimica, Inc., and Clariant Life Science Molecules (Florida), Inc. The project site is located at 4044 NE 54th Avenue and includes tax parcel 07872-005-001 and a portion of tax parcel 07872-006-001 which consists of approximately 20 acres. The site has an Industrial (IND) land use and I-2 (General Industrial) zoning.

According to the application, SiVance is a leader in the silicone chemistry industry with a focus on developing and manufacturing specialty silicone technologies and intermediates required to modify many different silicone and non-silicone materials. SiVance provides a number of silicone-based products that meet specific customer performance needs in a variety of industries, including adhesives, semiconductors, optics, personal care and cosmetics, and automotive. SiVance has a flexible, multi-purpose facility with the ability to produce quantities from lab scale to multi-ton scale all on one site. Currently, SiVance manufactures approximately 200 products annually, with about 100 of these being made on a commercial scale each year and the remainder being made on laboratory and pilot plant scale as needed to maintain inventory and to meet customer demand.

SiVance has continuously operated at its existing location since 1959, prior to the conditions of the I-2 zoning district requiring certain uses by special use permit. It was also established prior to designation of the Wellfield District which requires a Wellfield Special Use Permit. The facility has operated as a non-conforming use since adoption of those ordinances. According to the applicant, the site uses industrial inorganic and organic chemicals to manufacture and produce silicone products within the I-2 (General Industrial) zoning district. SiVance is also planning to update aging office and laboratory buildings and will need to redevelop its existing facilities over time to meet changing market demands. Since non-conforming uses are limited in their ability to expand, renovate or modify their facility, a Special Use Permit and a Wellfield Protection Special Use Permit must be approved in order to enable changes at the site.

Key Issues

According to the applicant, SiVance is anticipating the need to redevelop its site over time because of changing market demand, including the surging demand on a national and global level for innovative and green technologies such as advanced integrated circuits, extended wear contact lenses, LED lighting and solar photovoltaics. These changes have accelerated new product demand and production schedules. While SiVance knows that changes will be needed to its facilities to accommodate requests for new product development and manufacturing, it cannot

yet predict what those changes are, making it impossible at this time for SiVance to meet the special use permit requirement of a preliminary development plan. Moreover, the nature of SiVance's business is such that when a decision to manufacture a new product is made, SiVance has a relatively brief period in which to modify its facilities to reach production capacity, making it prohibitive for SiVance to meet production schedules if it has to apply for a special use permit each time a development plan must be approved. In order to accommodate SiVance's unique need to modify its facilities over time and relatively quickly, SiVance is requesting (a) that the special use permit be approved to cover anticipated development over a twenty (20) year time-span and (b) that the special use permit requirement for a preliminary development plan be waived.

In place of a preliminary development plan, SiVance has submitted a generalized plan to be adopted with this special use permit application that addresses the design/development standards by which site development/redevelopment will occur. Specific development plans, consistent with the requirements of land development code section 30-160 will be submitted for each individual construction and reconstruction project and will require approval in accordance with Article VII of the Land Development Code.

Typically, a preliminary development plan for proposed improvements is included with the submittal of a special use permit. However, in this particular instance, the property is fully developed and the specifics of the anticipated future improvements are not available at this time. As explained in the above statement, this is due to the fact that the organization specializes in responding to technological changes demanding accelerated new product and production schedules within a limited time period. While SiVance knows that changes will be needed to its facilities to accommodate requests for new product development and manufacturing, it cannot yet predict what those changes are and thus detailed spatial site designs are not available. The generalized plan addresses and sets out factors related to compliance and consistency with the Comprehensive Plan and broad layouts within which specific design details can be accommodated. The generalized plan establishes spatial limits of the permit which is confined to areas of existing operations with an associated existing conditions map comparable to a development plan. The establishment will be required to go through development plan review in accordance with Article VII at the appropriate level for each specific development proposal.

Based on the above, per Section 30-234(d), staff has determined that a generalized plan (included as Exhibit B: Special Use Permit Maps) is sufficient for the review of this Special use permit and Wellfield Protection Special Use Permit. The special use permit maps show the following: parent tract, the area subject to the special use permit, access to the primary road network, areas primarily designated for administrative functions and areas of active operations where hazardous materials will be primarily used.

Basis for Recommendation

Staff's recommendation is based on the criteria for issuing a Wellfield Special Use Permit and a Special Use Permit as stated in the land development code sections 30-203 and 30-233 outlined below. With approval of a special use permit, the Plan Board must make findings concerning the special use proposed to ensure that the design, location, and methods of operation will conform

to these criteria. Since some of the criteria for both permits overlap they have been combined and discussed below: (*WSUP identifies Criteria for issuance of a Wellfield Special Use Permit and SUP identifies Criteria for issuance of a Special Use Permit.*)

1. **That the use or development complies with all required regulations and standards of the Land Development Code and all other applicable regulations, including federal and state regulations. (*SUP: 1 and WSUP: 4*)**

The development is an existing use which has received previous approval from the City for development activities. One such approval includes A Wellfield Special Use Permit, Petition 54WSU-00 PB, issued on July 10, 2000 to allow operation of specific improvements. Those approvals establish compliance with the Land Development Code. City records do not show any outstanding violations of the code. The development is currently under review and monitoring by the appropriate Federal, State and local agencies and has provided documents of approval attesting to their compliance.

The code changes requiring a special use permit for industry using inorganic and organic chemicals were adopted in 2003. Since adoption of that ordinance, the facility has not modified its operations and remains a non-conforming use. This review will ensure compliance with relevant portions of the Land Development Code as well as applicable Federal and State regulations.

The development is currently in compliance with the development standards of the I-2 zoning district as well as parking, access, landscaping, buffers and wetland separation. The parcel is within 2,000 feet of airport facilities, the Wellfield Zone, and near developments such as Job Corp, Nordstrom's Distribution Center and Ryder Truck Rental. As a "Specially Regulated Industry", the applicant has addressed the code requirements related to air emissions, surface and groundwater emission, noise, truck traffic, odor and glare. Given the permitting requirements for SiVance and safety features of the facility, staff has determined that the information provided is sufficient to justify compliance with the criteria for issuing the special use permit and the wellfield special use permit at the current level of consideration. It is anticipated that at the time of consideration of a specific project, detailed information will be provided addressing the above criteria in greater detail.

Condition 1: During development plan review, the applicant shall be required to demonstrate compliance with all relevant criteria by providing professionally documented evidence of compliance corresponding to each specific criterion.

Condition 2: Development standards for the areas designated as Zones A and B shall be as designated on Sheet 2 of the Special Use Permit Map in Exhibit B. Buildings currently encroaching into the I-2 setbacks shall remain as non-conforming buildings and must comply with the requirements of the land development code for nonconforming structures.

Condition 3: The Special Use Permit shall allow in addition to the uses allowed by right in the I-2 zoning district the uses specified to IN 2819 and 2869 per the Standard Industrial Classification Manual 1987. The property shall be subject to Section 30-70 (c) (2).

- 2. The proposed use and development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties. (SUP: 1)**

The subject development is in the I-2 zoning district, the most intense industrial zoning district within the city. Its location is therefore consistent with the types of development expected in industrial districts. The development engages in the use and manufacturing of products and materials generally classified as hazardous materials. More specifically, the establishment engages in the use of organic and inorganic chemicals to manufacture silicone products. The establishment is therefore uniquely different from surrounding developments in terms of scope and type of operation, hence the need for a special use permit. The use has been in existence almost concurrently with the existence of the industrial zoning districts and has evolved with historical changes to the industrial zoning districts. A review of historical maps will show that the use existed in isolation far removed from main development areas existing at that time. Over time, most of the surrounding developments have established and expanded in the background of the SiVance establishment. The current relation of the SiVance to nearby uses and structures is therefore testimony in itself of the general compatibility and harmony of the surrounding uses and structures.

The area is also within easy access of a major transportation route designed for such industrial traffic thus avoiding the need to travel through densely populated and developed areas with hazardous materials.

- 3. Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. The development must be connected to the potable water supply and must demonstrate that the proposed use or development will not endanger the City's potable water supply. (SUP: 3 and WSUP: 1 2)**

The existing development is currently served by electric, gas, water, and sanitary sewer at a capacity which is adequate to serve the needs of the facility. GRU has recommended approval and indicated that there is adequate capacity to serve future needs as demand changes.

Condition 4: During development plan review, the development shall be required to comply with GRU requirements for providing required utility services to the property.

4. **The use and development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use. (SUP: 4)**

The development currently fronts on a public right-of-way and is equipped with necessary internal roadways to serve the needs of the project. The property has frontage on a major arterial, Waldo Road but the limits of the special use permit does not extend to those portions of the property. The internal road network provides easy access to Waldo Road, a major north/south transportation corridor, which avoids the need to traverse heavily populated and developed areas.

Condition 5: A maximum of four access points as shown on Sheet #2 of the Special Use Permit Maps in Exhibit B shall be allowed.

5. **Screening and buffers are proposed of such type, dimension and character that will improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties. (SUP: 5)**

In reviewing the special use permits for the site, consideration is given to the fact that the area of activity for which the special use permit is issue is effectively separated from surrounding developments. The closest development is to the south with a separation of about 400 feet, building to building. The closest building to the north is about 700 feet and 1000 feet to the southeast and northwest. The subject property fronts on Waldo Road but the area of the special use permit is on the eastern third of the property, about 2300 feet from Waldo Road. Additionally, along the southern boundary of the developed area, a zone of approximately 70 to 220 feet is established within which none of the uses allowed by special use permit will be conducted. This spatial separation of the areas designated for special activity creates a physical isolation of the use from adjacent developments.

Condition 6: Buffers and setbacks shall be as shown on sheet #2 of the Special Use Permit Maps in Exhibit B.

6. **The use and development conforms to the general plans of the City as embodied in the Gainesville comprehensive plan. (SUP: 6 and WSUP: 3)**

The subject property is zoned I-2 which is consistent with the land use designation of Industrial. The uses proposed for the property are uses allowed both by right and by special use permit which is consistent with the I-2 zoning district. The proposed use and development is therefore consistent with the intent of the Future Land Use Element of the Comprehensive Plan.

The applicant has cited several goals, policies and objectives of the Comprehensive Plan in support of the proposed use. (Exhibit C: see section 3 of the SiVance Special Use Justification Report: Consistency with the City of Gainesville Comprehensive Plan)

The project can be considered as a redevelopment project which is supported by Goal 2 and Objective 2.1 of the Comprehensive Plan. The project emphasizes the quality of life criteria of the Comprehensive Plan by pursuing the wellfield special use permit, avoiding and protecting environmentally sensitive lands and establishing vital open space areas. Through this special use permit and Wellfield Protection Special Use Permit, the project seeks to establishing consistency and compatibility with the Comprehensive Plan by complying with the Potable Water/Wastewater and Solid Waste Elements of the Comprehensive Plan.

- 7. The proposed use and development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of the Land Development Code as specified in Article III, Division 2 (SUP: 7)**

This petition seeks to establish utilization of certain uses on the subject property. If approved, the project shall be subject to the concurrency review process. A final certificate of concurrency will be required during development plan review.

- 8. That there has been proper abandonment, as regulated by the relevant Water Management District or state agency, of any unused wells or existing septic tanks at the site. An existing tank may remain if it is used solely for domestic waste and if it meets all applicable state and local regulations. (WPSUP: 5)**

The applicant indicates that there are no unused wells or existing septic tanks on the site. GRU has reviewed the request and recommends approval.

- 9. That the use is not listed as a use subject to the specially regulated industry use provisions in Section 30-70 (WSUP: 6)**

The proposed use is listed as a specially regulated industrial use and is subject to the criteria and standards associated with such uses. The applicant has presented information addressing impacts of air emissions, surface and ground water emissions, noise, truck traffic, odor and glare on the property and within 2000 feet of the site. During development plan review the development shall be required to re-address those areas in greater detail with specificity to proposed improvements.

- 10. There is no current or proposed underground storage of petroleum products and/or hazardous materials, as defined in the Alachua County Hazardous Materials Management Code, at the development Site. (WSUP: 7)**

The applicant indicates that there are no current or proposed underground storage of petroleum products on the site. The use of other hazardous materials is currently managed by Alachua County Environmental Protection Department which has reviewed the request and found it to be in compliance at this level of review. During development plan review specific requirements shall be addressed.

- 11. That the applicant is in compliance with the requirements of the Alachua County Hazardous Materials Management Code and all applicable State and Federal regulations. (WSUP: 8)**

The project has been reviewed by Alachua County Environmental Protection Department and found to be in compliance at this level of review.

Section 30-236 states that special use permits will expire within 12 months of approval, if the petitioner does not take action on the approved permit. The approval of a final development plan, the issuance of building permits, and the initiation of actual construction are considered as action taken in consideration of the special use permit. If the use granted by a special use permit ceases to operate for a period of 12 months or more, then the permit becomes void and a new permit shall be required. Given that the use is currently existing on the site and operating; once the special use permit is issued the site will be deemed active under the permit, with no further action needed to implement the permit.

Special Use Permit Conditions

Condition 1: During development plan review, the applicant shall be required to demonstrate compliance with all relevant criteria by providing professionally documented evidence of compliance corresponding to each specific criterion.

Condition 2: Development standards for the areas designated as Zones A and B shall be as designated on Sheet 2 of the Special Use Permit Map in Exhibit B. Buildings currently encroaching into the I-2 setbacks shall remain as non-conforming buildings and must comply with the requirements of the land development code for nonconforming structures.

Condition 3: The Special Use Permit shall allow in addition to the uses allowed by right in the I-2 zoning district the uses specified to IN 2819 and 2869 per the Standard Industrial Classification Manual 1987. The property shall be subject to Section 30-70 (c) (2).

Condition 4: During development plan review, the development shall be required to comply with GRU requirements for providing required utility services to the property.

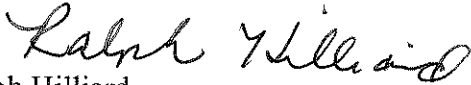
Condition 5: A maximum of four access points as shown on Sheet #2 of the Special Use Permit Maps in Exhibit B shall be allowed.

Condition 6: Buffers and setbacks shall be as shown on sheet #2 of the Special Use Permit Maps in Exhibit B.

Summary

The technical review committee members reviewed the application which contained extensive documentation regarding Federal, State and local permitting, and recommend approval of the special use permit with the conditions as stated in the petition.

Respectfully submitted,



Ralph Hilliard
Planning Manager

Prepared by:

Lawrence Calderon
Lead Planner

List of Exhibits

- Exhibit A: Comments from the Technical Review Committee**
- Exhibit B: Special Use Permit Maps**
- Exhibit C: Special Use Permit Justification Report**
- Exhibit D: Application and Neighborhood Workshop information**
- Exhibit E: Documents Related to Previously approved Wellfield Special Use Permit, Petition 54WSU-00-PB**