

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2013-0342 **Staff Sign-Off/Date** AH / 05/08/2013

Filing Date 05/08/2013 **Number of Signs to Post** 5

Hearing Dates:

1st City Council 06/11/2013 **Planning Commission** 06/13/2013

Land Use & Zoning 06/18/2013 **2nd City Council** 06/25/2013

Neighborhood Association RIVERSIDE AVONDALE PRESERVATION

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 353

Application Status PENDING

Date Started 03/21/2013

Date Submitted 05/02/2013

General Information On Applicant

Last Name	First Name	Middle Name
DIEBENOW	STEVE	
Company Name		
DRIVER, MCAFFEE, PEEK & HAWTHORNE, PL		
Mailing Address		
ONE INDEPENDENT DRIVE, STE. 1200		
City	State	Zip Code
JACKSONVILLE	FL	32202
Phone	Fax	Email
9043011269	9043011279	SD@NORTHFLORIDALAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
BALANKY	MICHAEL	
Company/Trust Name		
JACKSONVILLE HARBOR LIMITED PARTNERSHIP		
Mailing Address		
3728 PHILLIPS HIGHWAY, SUITE 360		
City	State	Zip Code
JACKSONVILLE	FL	32207
Phone	Fax	Email
9043465800	9043463632	

Last Name	First Name	Middle Name
BALANKY	MICHAEL	
Company/Trust Name		
ST. JOHNS VILLAGE CENTER LLC		
Mailing Address		
3728 PHILLIPS HIGHWAY, SUITE 360		

City	State	Zip Code
JACKSONVILLE	FL	32207
Phone	Fax	Email

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 092703 0000	14	4	PUD	PUD
Map 092941 0000	14	4	PUD	PUD

Ensure that RE# is a 10 digit number with a space (##### #)

Land Use Category Proposed?

If Yes, State Land Use Application # **Land Use Category**

5068 HDR

Total Land Area (Nearest 1/100th of an Acre)

5.97

Development Number

Proposed PUD Name

ST. JOHNS VILLAGE PUD

Justification For Rezoning Application

THE DEVELOPMENT IS CONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THE CITY OF JACKSONVILLE 2030 COMPREHENSIVE PLAN AND LAND USE REGULATIONS.

Location Of Property

General Location

AVONDALE

House #	Street Name, Type and Direction	Zip Code
3946	ST JOHNS AV	32205

Between Streets

and

HERSCHEL STREET DUPONT CIRCLE

Required Attachments For Formal, Complete application

- The following items must be labeled as exhibits and attached to application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below and the PUD Check List for inclusion of information required.
- Exhibit 1** A very clear, accurate and legible legal description of the property that must be only and entirely placed on the JP&DD formatted forms provided with the application package. The legal description may be either lot and block or metes and bounds.
 - Exhibit A** Property Ownership Affidavit – Notarized Letter(s).
 - Exhibit B** Agent Authorization - Notarized letter(s) designating the agent.
 - Exhibit C** Binding Letter.
 - Exhibit D** Written description in accordance with the PUD Checklist and with provision for dual page numbering by the JP&DD staff.

- Exhibit E** Scalable site plan with provision for dual page numbering by the JP&DD staff drawn at a scale large enough to clearly indicate the following: (a) North arrow and scale; (b) Property lines and dimensions of the site; (c) Building locations and building lot coverage; (d) Parking area; (e) Required Landscaped Areas; (f) All ingress and egress locations (driveways, alleys and easements) within 660 feet; (g) Adjacent streets and rights-of-way; (h) jurisdictional wetlands; and (i) existing site conditions and improvements that will be undisturbed.
- Exhibit F** Land Use Table
- Exhibit G** Copy of the deed to indicate proof of property ownership.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

- Exhibit H** Aerial Photograph.
- Exhibit I** Listed Species Survey (If the proposed site is greater than fifty acres).
- Exhibit J** Other Information as required by the Department (i.e.-*building elevations, *signage details, traffic analysis, etc.).
- Exhibit K** Site Location Map.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be POSTED on the property BY THE APPLICANT within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING**. (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF PUBLICATION** to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

- Agreed to and submitted

Filing Fee Information

- 1) Rezoning Application's General Base Fee:** \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof**
5.97 Acres @ \$10.00 /acre: \$60.00
- 3) Plus Notification Costs Per Addressee**
60 Notifications @ \$7.00 /each: \$420.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,480.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

RE No. 092941-0000

58-2S-26E 3.598 GEORGE ATKINSON GRANT PT RECD O/R 8558-222

RE No. 092703-0000

05-089-58-2S-26E ARDEN LOT 22, PT GEO ATKINSON GRANT SEC - 58-2S-26E

RECD O/R BK 3153-846

March 21, 2013

EXHIBIT A

Property Ownership Affidavit

Date: March 21, 2013

City of Jacksonville
Planning and Development Department
214 North Hogan Street, 3rd Floor
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

The undersigned, being authorized to do so on behalf of the Owner, hereby certifies that JACKSONVILLE HARBOR LIMITED PARTNERSHIP is the Owner of the property located at 3946 St. Johns Avenue, Jacksonville, Florida and described in the attached legal description **Exhibit 1** in connection with filing application(s) for a rezoning to planned unit development and a small-scale land use amendment submitted to the Jacksonville Planning and Development Department.

Jacksonville Harbor Limited Partnership

By: Michael Balankay
Name: Michael Balankay
Its: Agent

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 21st day of March, 2013 by Michael Balankay who is personally known to me or has produced FLDL as identification.

Jenny J.
(Notary Signature)



EXHIBIT A

Property Ownership Affidavit

Date: March 21, 2013

City of Jacksonville
Planning and Development Department
214 North Hogan Street, 3rd Floor
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

The undersigned, being authorized to do so on behalf of the Owner, hereby certifies that ST. JOHNS VILLAGE CENTER LLC is the Owner of the property located at 4000 St. Johns Avenue, Jacksonville, Florida and described in the attached legal description **Exhibit 1** in connection with filing application(s) for a rezoning to planned unit development and a small-scale land use amendment submitted to the Jacksonville Planning and Development Department.

St. Johns Village Center LLC

By: Michael Balanky
Name: Michael Balanky
Its: Agent

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 21st day of March, 2013 by Michael Balanky who is personally known to me or has produced FLDL as identification.

Jennifer Lewis
(Notary Signature)



EXHIBIT B

Agent Authorization

Date: March 21, 2013

City of Jacksonville
Planning and Development Department
214 North Hogan Street, 3rd Floor
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

3946 St. Johns Avenue, Jacksonville, Florida 32205

Gentleman:

You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers STEVE DIEBENOW, ESQ. to act as agent to file application(s) for a rezoning to Planned Unit Development, a Certificate of Appropriateness and a small-scale land use amendment for the above referenced property, and in connection with such authorization, to file such applications, papers, documents, requests and other matters necessary for such requested change.

Jacksonville Harbor Limited Partnership.

By: [Signature]
Name: Michael Balanky
Its: Agent

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 21st day of March, 2013 by Michael Balanky, who is personally known to me or has produced FLDL as identification.

[Signature]
(Notary Signature)



EXHIBIT B

Agent Authorization

Date: March 21, 2013

City of Jacksonville
Planning and Development Department
214 North Hogan Street, 3rd Floor
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

4000 St. Johns Avenue, Jacksonville, Florida 32205

Gentleman:

You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers STEVE DIEBENOW, ESQ. to act as agent to file application(s) for a rezoning to Planned Unit Development, a Certificate of Appropriateness and a small-scale land use amendment for the above referenced property, and in connection with such authorization, to file such applications, papers, documents, requests and other matters necessary for such requested change.

St. Johns Village Center LLC

By: [Signature]
Name: Michael Balanky
Its: Agent

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 21st day of March, 2013 by Michael Balanky, who is personally known to me or has produced FLDL as identification.

[Signature]
(Notary Signature)



EXHIBIT C

Binding Letter

City of Jacksonville
Planning and Development Department
214 North Hogan Street, 3rd Floor
Jacksonville, Florida 32202

RE 3946 St Johns Avenue, Jacksonville, Florida 32205

Ladies and Gentleman:

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in the PUD document attached hereto and by reference made a part thereof, hereby agrees to bind its successor(s) in title to development in accordance with (a) the site plan and the written description of the proposed rezoning plan submitted with the rezoning application and (b) any conditions set forth by the City Council of the City of Jacksonville in the rezoning ordinance. Owner also agrees to proceed with the development of the subject property in accordance with items (a) and (b) above and will complete such development in accordance with the site plan approved by that ordinance. Provisions shall be made by written agreement for continuing operation and maintenance of all common areas and facilities, which are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

JACKSONVILLE HARBOR LIMITED PARTNERSHIP

By: Michael Balanley

Name: Michael Balanley

Its: Agent

EXHIBIT C

Binding Letter

City of Jacksonville
Planning and Development Department
214 North Hogan Street, 3rd Floor
Jacksonville, Florida 32202

RE 4000 St. Johns Avenue, Jacksonville, Florida 32205

Ladies and Gentleman:

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in the PUD document attached hereto and by reference made a part thereof, hereby agrees to bind its successor(s) in title to development in accordance with (a) the site plan and the written description of the proposed rezoning plan submitted with the rezoning application and (b) any conditions set forth by the City Council of the City of Jacksonville in the rezoning ordinance. Owner also agrees to proceed with the development of the subject property in accordance with items (a) and (b) above and will complete such development in accordance with the site plan approved by that ordinance. Provisions shall be made by written agreement for continuing operation and maintenance of all common areas and facilities, which are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

ST. JOHNS VILLAGE CENTER LLC

By: Michael B. Bala

Name: Michael Bala

Its: Agent

EXHIBIT D

Saint Johns Village Center Written Description October 17, 2013

I. INTRODUCTION

Jacksonville Harbor Limited Partnership¹, a Florida limited partnership, and St. Johns Village Center, L.L.C., a Florida limited liability company (collectively, the “Applicant”) proposes to rezone approximately 5.86 acres of property from Planned Unit Development (“PUD”) to PUD. The property is located at 3946 and 4000 St. Johns Avenue in an urban infill setting, as shown on Exhibit H. As described below, the PUD zoning is requested to allow for the uniform redevelopment of two non-conforming and non-contributing structures into a infill multi-family development, which may contain up to a total additional 10,600 square feet of an undetermined mix of uses as provided herein, all within an urban pedestrian scale environment (the “Development”).

II. PROPERTY DATA

A. Real Estate Parcel Nos.:	092703-0000; 092941-0000
B. Current Land Use Classification:	HDR; CGC
C. Requested Land Use Classification:	no change
D. Current Zoning District:	PUD 2005-1330 ²
E. Requested Zoning District:	PUD
F. Gross Square Footage of Existing Residential Building:	98,842/sqft
G. Gross Square Footage of Existing Non-Residential Building:	43,475/sqft

III. SUMMARY DESCRIPTION OF THE PLAN

The site of this proposed infill redevelopment project is the existing Commander apartments, located at 3946 St. Johns Avenue (the “Commander Parcel”), and the adjacent St. Johns Village shopping center, located at 4000 St. Johns Avenue (the “Village Parcel”) (collectively, the Commander Parcel and the Village Parcel are the “Property”). The surrounding land uses and zoning designations include CGC/CCG-1 to the north (convenience store, laundromat, retail and restaurants), LDR/RLD-60 to the east (historic residential), CGC/CCG-1 to the west (retail and veterinarian office). The Property is bounded to the south by Fishweir Creek. The Property is located in the “Commercial Character Area” of the Riverside / Avondale Zoning Overlay and the “Urban Area” development area of the FLUM series. The Property is zoned PUD pursuant to Ordinance 2005-1330-E, which ordinance permits mixed use organized vertically within multistory buildings.

¹ Jacksonville Harbor Associates, Ltd., the property owner of record, filed a name change amendment on February 14, 1995 changing its entity name to Jacksonville Harbor Limited Partnership, as evidenced by the Florida Department of State – Division of Corporations record attached hereto as Exhibit J.

² PUD 2005-1330 was never constructed. The previous zoning districts were RMD-D for the Commander Parcel and CCG-1 for the Village Parcel.

The proposed residential mixed use redevelopment meets the development characteristics required of HDR and CGC sites within the Urban Area. The Development will include three (3) residential structures, which will replace the existing 17-story Commander apartments, a commercial structure, parking garages, a public boardwalk with eighteen (18) boat slips along Fishweir Creek and a public kayak launch into Fishweir Creek, all developed in accordance with the Site Plan dated October 3, 2013 and attached hereto as Exhibit E. Building 100 shall be limited to forty-four (44) feet in height, not including architectural features. Building 200 shall be limited to twenty-four (24) feet in height, not including architectural features. Building 300 shall be limited to fifty-six (56) feet in height, not including architectural features. Architectural features may extend up to fifteen (15) feet beyond the maximum height, provided that none of that volume is used for habitable space. A total of 260 residential units and 10,600 square feet of commercial space will be located across the Property, comprising 118,000 square feet of lot coverage across 5.86 acres. An approximate 112,000 square feet of garage parking will be integrated with Building 300 and Building 100. Applicant will reserve an additional approximate 144,600 square feet of combined active and passive open space.

The Village Parcel will feature 10,600 square feet of commercial space located on the ground floor of Building 200, as depicted on the Site Plan. A pool will be located at the Southern point of the Commander Parcel.

Vehicular access will be provided along St. Johns Avenue at two (2) points as depicted on the Site Plan. The public boardwalk will stretch along the rear of the Village Parcel, and will be accessible via a public pedestrian walk from St. Johns Avenue and internally from the Village Parcel. The Kayak Launch will be placed on the Village Parcel and will likewise be accessible via a public pedestrian walk from St. Johns Avenue.

IV. PUD DEVELOPMENT CRITERIA

A. Permitted Uses. In addition to those uses contemplated in Section III herein, the following uses shall be permitted within the PUD zoning district:

1. Multiple-family dwellings (including welcome center, sales office, clubhouse, resident entertainment room and similar uses).
2. Up to 10,600 square feet of retail and service establishments structurally integrated with a multiple-family dwelling. Service establishments shall be limited to 300 restaurant seats collectively;
3. Professional office uses structurally integrated with a multiple-family dwelling.
4. Housing for the elderly.
5. Bank, savings and loans and other financial institutions and similar uses, including walk-up ATM facilities.
6. Essential services, including water, sewer, gas, telephone, radio, television and electric.
7. Parks, playgrounds and playfields or recreational or community structures.
8. In connection with multiple-family dwellings, including housing for the elderly, coin-operated Laundromats and other vending machine facilities, day care centers, establishments for the sale of convenience goods, and personal and professional service establishments; provided, however, that these establishments shall be designed and scaled to meet only the requirements of the occupants of

these multiple-family dwellings or housing for the elderly and their guests with no signs or other external evidence of the existence of these establishments.

9. Establishments or facilities which include the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant. Restaurants shall close no later than 12 a.m.
10. Outside sales and service in conjunction with a restaurant. All outside sales and service shall cease no later than 11 p.m.

B. Uses by Exception. There shall be no permitted uses by exception.

C. Prohibited Uses. Any and all forms of drive-thru facilities, including but not limited to drug stores, financial institutions, dry cleaners and restaurants, are prohibited.

D. Accessory Uses. Accessory uses and structures shall be permitted as provided in Section 656.403, *Jacksonville Zoning Code*; provided that accessory uses and structures may be located in a required front or side yard.

E. Minimum Lot and Building Requirements

1. Minimum Lot Requirements:

- a. Commander Parcel: None
- b. Village Parcel: None

2. Minimum Yard Requirements and Building Setbacks:

a. Commander Parcel:

- i. Front (bordering St Johns Ave): 10 feet
- ii. Side (bordering Western boundary of adjacent residential property): 20 feet
- iii. Side (bordering Southern boundary of adjacent residential properties): As shown on Exhibit L
- iv. Rear (bordering Fishweir Creek and Little Fishweir Creek): 8 feet

b. Village Parcel:

- i. Front (bordering St Johns Ave): 10 feet
- ii. Side: 0 feet
- iii. Rear (bordering Fishweir Creek): 8 feet

3. Maximum Lot Coverage of Commander and Village Parcels collectively: 50%

4. Lot Area:

- a. Commander Parcel: 0 square feet
- b. Village Parcel: 0 square feet

5. Lot Width:

- a. Commander Parcel: 0 feet
- b. Village Parcel: 0 feet

6. Maximum Height of Structure:

- a. Commander Parcel: 56 feet, not including architectural features
- b. Village Parcel: 44 feet, not including architectural features

- F. Access. Vehicular access to the Property shall be via St. Johns Avenue and limited to two (2) access points, substantially as depicted on the Site Plan. The final location of all access points is subject to the review and approval of the City's Traffic Engineer. Within the Property, internal access shall be provided by reciprocal easements for ingress and egress among the driveways of the Commander Parcel and the Village Parcel.
- G. Pedestrian Circulation. All new and existing sidewalks shall be at least five (5) feet wide and constructed of traditional hexagonal pavers. The existing sidewalk shall be replaced along all street frontages. If permitted by the Florida Department of Transportation (the "FDOT"), Applicant shall install a green right-of-way with a curb in between the sidewalk and the street along all street frontages to reduce the travel lane to eleven (11) feet in order to create a more pedestrian friendly streetscape and slow traffic. Applicant shall apply to the FDOT for approval to reduce the travel lane and shall diligently pursue such approval. Pedestrian connections shall be established from the right-of-way to buildings according to section 656.399.30. A public boardwalk shall be constructed along Fishweir Creek at a minimum width of eight (8) feet. Subject to approval by the City of Jacksonville, public access shall be provided to and from the public boardwalk from Herschel Street and from St. Johns Avenue. Access to public improvements shall be provided as depicted on the Site Plan.
- H. Recreational / Open Space. A minimum of fifty (50) square feet of active recreation area shall be provided per each dwelling unit for a total of 13,000 square feet of recreation area, which recreation area shall comply with the requirements of Section 656.399.33. Applicant proposes to install (i) a boardwalk with eighteen (18) boat slips along Fishweir Creek (the "Boardwalk"), (ii) a kayak launch into Fishweir Creek (the "Kayak Launch"), (iii) landscaped courtyards throughout the Property and (iv) enclosed recreational areas, all as depicted on the Site Plan. The Boardwalk and the Kayak Launch shall be accessible to the public. The boat slips shall be limited to twelve (12) private boat slips and six (6) public boat slips.
- I. Signage.
1. Commercial Signage.
 - a. Ground Signage. One (1) double-faced or single-faced externally-illuminated monument sign shall be permitted on the Village Parcel ("Ground Signage"). Ground Signage shall not exceed forty-eight (48) square feet in area per sign face (not including the structure on which the sign face is mounted) and five (5) feet in height. Ground Signage shall be located at the Village Parcel entrance as shown on the Site Plan. Multiple uses and/or tenants may be identified on the Ground Signage.
 - b. Wall Signage. Wall, projecting, marquee or awning signs shall be permitted ("Wall Signage"). Wall Signage shall be clearly integrated with the architecture of the building and shall be consistent in design and materials with the architecture of the building. Reverse channel lit Wall Signage shall be permitted.

The permitted size of the Wall Signage shall be ten percent (10%) of the occupancy frontage or respective side of building abutting a public right-of-way. Neon signs and internal illumination or back-lit signs are prohibited.

- c. Directional Signage. Signs located on the interior of the Property indicating direction to pedestrian walkways and garages shall be permitted (“Directional Signage”). Directional Signage shall not exceed eight (8) square feet in area per sign face. The design of such Directional Signage shall be reflective of the overall character of the PUD.
 - d. Temporary Signage. Signs indicating temporary activity on the Property shall be permitted (“Temporary Signage”). Temporary Signage shall be limited to forty-eight (48) square feet in area per sign face, and only one sign per individual activity shall be permitted on the Village Parcel. Temporary activity is limited to real estate sales and/or leasing and construction.
2. Residential Signage.
- a. Ground Signage. One (1) double-faced or single-faced externally-illuminated monument sign shall be permitted on the Commander Parcel. Ground Signage shall not exceed forty-eight (48) square feet in area per sign face (not including the structure on which the sign face is mounted) and five (5) feet in height. Ground Signage shall be located on the Commander Parcel entrance as shown on the Site Plan.
 - b. Directional Signage. Directional Signage shall be permitted. Directional Signage shall not exceed eight (8) square feet in area per sign face. The design of such Directional Signage shall be reflective of the overall character of the PUD.
 - c. Wall Signage. Wall Signage shall be permitted. Wall Signage shall be clearly integrated with the architecture of the building and shall be consistent in design and materials with the architecture of the building. One (1) non-illuminated Wall Sign not exceeding twenty-four (24) square feet in area shall be permitted at each residential building.
 - d. Temporary Signage. Temporary Signage shall be permitted. Temporary Signage shall be limited to forty-eight (48) square feet in area per sign face, and only one sign per individual activity shall be permitted on the Property. Temporary activity is limited to real estate sales and/or leasing and construction.
- J. Stormwater Retention. Stormwater retention/detention shall be in accordance with the requirements of the City of Jacksonville and the St. Johns River Water Management District, and, to the greatest extent possible, Applicant shall utilize underground detention vaults. The stormwater system will be designed and constructed so as to preclude runoff onto adjacent residential properties.
- K. Utilities. Electric, power and sewer shall be provided by the JEA and shall be placed underground, except for transformers, which may be placed within landscaped buffers.

- L. Landscaping. Landscaping shall be installed and maintained in accordance with Part 12, Landscape Regulations of the *Jacksonville Zoning Code*, using as yet undetermined species of plants and trees; provided, however, that due to the horizontal and vertical integration of uses, internal buffering between residential and commercial uses shall not be required. A combination of a seven to eight (7-8) foot high visual barrier not less than ninety-five percent (95%) opaque (the “Barrier”) and an average of thirty (30) feet of landscaped area, to include canopy trees, understory trees and shrubs, shall be installed along the common boundary with the adjacent DuPont Circle residences to form a sound and visual screen buffer from the residences. The Barrier shall be located as depicted on Exhibit L. Applicant shall provide a detailed landscape plan for the common boundary with the adjacent DuPont Circle residences. The parking garage shall not be deemed to be a vehicular use area for purposes of the Landscape and Tree Protection Regulations. Additionally, street trees shall be provided along the street frontage in accordance with section 656.399.32 (b) and such trees shall be canopy trees and reach a minimum of 40’ at mature height in order to provide shade for pedestrians.
- M. Parking and Loading. The Development shall include a mix of on-site surface parking and on-site garage parking. Loading spaces shall be located between Building 300 and the adjacent existing single family houses as depicted on the Site Plan and may be used to facilitate deliveries, trash pick-ups or moving. A single-level Parking Garage shall be located adjacent to the St. Johns Avenue street edge (the “Village Parcel Garage”) and separated from such street edge by a minimum depth of thirty (30) feet of landscaped open space, or the front façade of the Parking Garage will be designed so as to be compatible with adjacent contributing structures. The façade of the Village Parcel Garage shall be constructed such that it is compatible with the residential buildings on the Property. Any louvered vents in the façade of the Village Parcel Garage shall be obscured by iron grates or similar treatment, or designed to match the pattern of the residential buildings on the Property. A four-level Parking Garage shall be located on the Commander Parcel and separated from the Southern boundary of the residential properties adjacent to the Commander Parcel as shown on Exhibit L (the “Commander Parcel Garage”). The façade of the Commander Parcel Garage shall be fully encapsulated on that façade and constructed with louvered vents to localize light and soften sound. The Commander Parcel Garage shall be limited to forty-six (46) feet in height, not including architectural features. Any entrance to the Commander Parcel Garage shall not be located facing the Southern boundary of the adjacent residential properties. Applicant shall provide a minimum of 1.65 spaces per residential unit and 3 spaces per each 1,000 square feet of commercial use.
- N. Lighting. Any and all forms of exterior lighting and any parking garage lighting shall be self-contained lights without glare or shine onto residential uses designed and installed to localize illumination onto the Property and eliminate all but ambient light impact on any adjacent land outside of the Property. The design of the light fixtures shall be architecturally compatible with the Historic Preservation Guidelines for the Riverside Avondale Historic District, as set forth in Chapter 307, *Jacksonville Code of Ordinances*.

Garage light sources shall be designed so as not to illuminate directly onto the surrounding residences.

- O. Temporary Uses. Temporary sales and leasing office(s) and/or construction trailer(s) shall be permitted to be placed on the Property and moved throughout the Property as necessary, shall be maintained in good order, condition and repair, and shall be removed upon receipt of a Certificate of Occupancy for the development.
- P. Phasing. It is anticipated that demolition of the existing structures will occur on or about April 1, 2014 and construction of the Development will commence immediately thereafter. Applicant plans to complete the Development by March 31, 2017.
- Q. Building Design. The Development shall meet the requirements of Section 656.399.34, *Jacksonville Code of Ordinances*. The Planning and Development Department shall review the Development for compliance with Section 656.399.34, *Jacksonville Code of Ordinances*, during the so-called “ten-set” review and PUD compliance process. Notwithstanding the foregoing, in no event shall Applicant be required to submit to the jurisdiction of the Jacksonville Historic Preservation Commission or the Certificate of Appropriateness process. Applicant shall provide RAP with the site plan and elevations (the “Plans”) prior to the ten-set review and allow RAP an opportunity to review and comment on such Plans.
- R. Bus Stop. Any mass transit access improvements shall be consistent with the historic character of the area, and any bus shelter shall be approved by the Jacksonville Historic Preservation Commission.
- S. Mechanical Equipment. Any and all mechanical equipment and rooftop appurtenances, including but not limited to HVAC units, vents, wireless communications facilities, antennas, or satellite dishes, shall not be visible from street level and shall comply with section 656.399.29(5)(6)(7) of the Jacksonville Zoning Code. Any and all required or installed noise-producing equipment or appurtenances shall be designed, located, and adequately buffered to minimize the impact of noise on adjacent property outside the PUD. Placement of mechanical equipment shall be strictly prohibited in the area between Building 300 and the northern property line adjacent to DuPont circle residences (the “Restricted Area”), except that back-up power sources and transformers may be located within the Restricted Area.
- T. Service Areas: Dumpsters, recycling receptacles, loading docks, and other services shall comply with section 656.399.29 (5), (6), (7) of the Jacksonville Zoning Code. All operational receptacles shall be located within a building or enclosed by one hundred percent (100%) opaque walls and gates to match building material and character.
- U. Construction: To minimize adverse construction impacts on the adjacent neighborhood during the construction process, construction activities shall be governed as follows: (a)

construction workers shall be prohibited from and instructed not to park in any adjacent neighborhood, (b) construction works shall be limited to the hours of 7:30 a.m. to 7:30 p.m., (c) a pest control company shall be engaged to address rodent control during demolition of existing buildings, and (d) the Applicant shall provide Riverside Avondale Preservation (“RAP”) with: (i) a designated contact person for any and all construction-related issues and (ii) quarterly construction updates, as well as notice of any and all anticipated unusual construction disturbances (iii) and if at any time during construction there is not enough parking available on-site for construction workers, an off-site location that will not have adverse impacts on the neighborhood will be chosen and workers will be transported to and from said site by the contractor.

V. Modifications: The developer shall notify RAP by certified mail prior to seeking either an Administrative Modification or Minor Modification to the approved PUD. Upon filing either an Administrative Modification, Minor Modification or rezoning, the Applicant shall concurrently notify both Riverside Avondale Preservation and the respective district City Councilmember via certified mail with a copy of said filing and all related revised plans.

W. Justification for Planned Unit Development. The Development is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations (the “Comprehensive Plan”). Applicant seeks to rezone the Property to PUD to facilitate the infill redevelopment of the Property. The Property is currently zoned PUD pursuant to that certain Ordinance 2005-1330-E, which Ordinance restricts development of the Property to two (2) buildings containing 166 residential units, parking garages and 20,000 enclosed square feet of retail commercial use, with height restrictions of 17 stories and 4 stories, respectively. The Development as proposed contemplates demolition of the existing Commander Apartments and St Johns Village retail center to construct of a 260 unit apartment complex and mixed use development consisting of four (4) separate buildings covering approximately 118,000 square feet of the 5.86 acre Property. The highest building will reach a maximum height of fifty-six feet, not including architectural features, and the lowest building will reach an approximate height of twenty-four (24) feet, not including architectural features. Applicant requests the rezoning to PUD to obtain the necessary flexibility with regards to density, height and use to achieve the desired design and function.

V. PUD REVIEW CRITERIA

A. Consistency with the Comprehensive Plan. An HDR-designated parcel in the Urban Area is intended to provide multi-family dwellings organized vertically at a maximum gross density of sixty (60) units per acre. A CGC-designated parcel in the Urban Area allows multi-family dwellings in a mixed use development at a maximum gross density of forty (40) units per acre. The Development is consistent with the general purpose and intent of the Comprehensive Plan, and specifically contributes to:

1. Objective 1.4 of the Historic Preservation Element of the Comprehensive Plan: City shall establish and improve property values, and thus the tax base of local landmarks and local historic districts, by encouraging property owners to maintain and improve buildings, grounds, streetscapes and vistas and encouraging settlement and revitalization of established neighborhoods;
 2. Policy 2.2.8 of the Future Land Use Element of the Comprehensive Plan: Encourage the redevelopment and revitalization of run-down and/or under-utilized commercial areas; adopt redevelopment and revitalization strategies and incentives for private reinvestment in under-utilized commercial areas where adequate infrastructure to support redevelopment exists;
 3. Policy 3.2.10 of the Future Land Use Element of the Comprehensive Plan: City shall encourage redevelopment and revitalization of rundown strip commercial areas;
 4. Objective 2.8 of the Future Land Use Element of the Comprehensive Plan: Maintain and/or improve existing recreation lands and encourage the dedication of properties for recreational uses through appropriate fiscal and regulatory incentives;
 5. Objective 8.2 of the Future Land Use Element of the Comprehensive Plan: Develop a strategy that provides regulatory incentives and criteria to encourage the preservation of existing, and creation of new, recreational and commercial working waterfronts.
 6. Policy 8.2.1 of the Future Land Use Element of the Comprehensive Plan: The City shall provide density and intensity bonuses to encourage development that provides public access to navigable waters. Subject to State and local requirements, these bonuses may be granted in the forms of up to a 10% density bonus in the applicable Land Use category, increased Floor Area Ratio intensity, increased number of slips, increased parking and increased water-related uses or other measure of land use intensity appropriate to permitted uses on the parcel(s) proposed for development.
- B. Consistency with the Concurrency Management System. The Development will comply with the requirements of the Concurrency Management System.
- C. Allocation of Residential Land Use. Applicant proposes to construct 260 multi-family units consistent with the HDR and CGC land use categories permitted density. Pursuant to the Future Land Use Element (“FLUE”) of the 2030 Comprehensive Plan, the Property is located within the Urban Area. The maximum gross density in the HDR Urban Area is 60 units/acre. The 2.56 acre Commander Parcel is designated HDR. To determine the appropriate density of the Commander Parcel, Applicant calculated as follows: 60 units x 2.56 acres = **154 units**. The maximum gross density in the CGC Urban Area is 40 units/acre, except for sites located within the Coastal High Hazard Area (“CHHA”), which CHHA site is limited to 20 units/acre. Approximately 0.29 acres of the Village Parcel is located within the CHHA. To determine the appropriate density for the Village Parcel, Applicant calculated as follows: 20 units x 0.29 acres = **6 units** + 40 units x 3.01

acres = **120 units**. The total permitted density on the Property is **280 units**. Applicant proposes to construct 260 units, which is 20 units less than the permitted density. Although the Property is located on a navigable waterway, the Applicant will not seek the ten percent (10%) density bonus permitted pursuant to the Comprehensive Plan.

The FLUE stipulates that residential use on CGC land may not exceed eighty percent (80%) of a development. The residential percentage is calculated based on the maximum density of the land use category and the minimum non-residential percentage for is calculated based on the 0.35 Floor Area Ratio (“FAR”) for the CGC land category. Applicant proposes to construct 106 units on the Village Parcel. Pursuant to the Planning Staff’s analysis and direction, Applicant is required to provide a minimum of 10,600 square feet of commercial space to comply with the 80/20 FLUE requirement on the Village Parcel.

- D. Internal Compatibility. The proposed PUD zoning district limits the permitted uses and provides for a common development and aesthetic scheme. A total of 260 residential units and 10,600 square feet of commercial space will be located across the Property, comprising approximately 118,000 square feet of lot coverage across 5.86 acres. Applicant will provide an additional approximate 144,600 square feet of active and passive open space. Applicant plans to retain ownership of all residential and commercial units and to lease such units.

The Development will feature courtyards adjacent to each building complete with benches and landscaping per Part 12, *Jacksonville Zoning Code*, with as yet undetermined species of plants and trees. The main entrance will feature a circular drive with brick pavers and landscaping with as yet undetermined species of plants and trees. Views of Fishweir Creek will be preserved at the main entrance, pool, and pedestrian walks, as well as from most residential units. The Development will promote the use of Fishweir Creek on the Village Parcel by installing a public Kayak Launch and a public boardwalk along Fishweir Creek, each of which will be accessible via a pedestrian walk from St. Johns Avenue. The current streetscape will be redeveloped in accordance with 656.399.32 (b). Additionally, the planted trees must be canopy trees chosen so as to reach a minimum height of 40 feet in order to provide shade for pedestrians.. Automobiles may enter the Development from two entrances on St. Johns Avenue, one on the Commander Parcel, and a second on the Village Parcel opposite Riverside Avenue. Approximately 112,000 square feet of garage parking will be integrated with Buildings 300 and 100; guest parking is available adjacent to the main circular drive or on the surface lot located on the Village Parcel.

The Property will be separated from adjacent residential uses as provided in Section IV(E) and (L) herein. The Property is otherwise separated from any other uses by the St. Johns Avenue right-of-way. Setbacks for each building shall be as shown on the Site Plan. The buildings will vary in height from twenty-four (24) feet, not including architectural features, to fifty-six (56) feet, not including architectural features, and will

feature architecture compatible with the architecture found in Riverside Avondale, substantially as shown on the Elevations. The buildings will be located as shown on the Site Plan and will be separated from vehicular use areas by sidewalks and landscaping.

- E. External Compatibility. The Development is consistent with the planned and permitted development in the area and will enhance the corridor by improving an older infill site. The surrounding land uses and zoning designations include CGC/CCG-1 to the north (convenience store, laundromat, retail and restaurants), LDR/RLD-60 to the east (historic residential), CGC/CCG-1 to the west (retail and veterinarian office). The Property is bounded to the south by Fishweir Creek. The Property is separated from uses to the north and east by the St. Johns Avenue right-of-way. Adjacent residential use will be separated from the Development by a seven to eight (7-8) foot high visual barrier not less than ninety-five percent (95%) opaque and landscaped area, to include canopy trees, understory trees and shrubs, as depicted on Exhibit L.
- F. Recreation / Open Space. Applicant will provide a minimum of fifty (50) square feet of active recreation area per each unit, dispersed over the Property in the form of the Boardwalk (including eighteen (18) boat slips), the Kayak Launch, landscaped courtyards and enclosed recreational facilities. The Boardwalk and Kayak Launch will be open to the public. Fishing or netting of any kind and loitering will be prohibited. The boat slips shall be limited to twelve (12) private boat slips and six (6) public boat slips.
- G. Impact on Wetlands. The Development will have no adverse impact on wetlands.
- H. Intensity of Development. The residential density and intensity of use of the proposed PUD zoning district is compatible with and will have no undue adverse impact upon the physical and environmental characteristics of the Property and the surrounding land. The total proposed number of multi-family units (260) is 20 units less than the density permitted on the Property (280 units), as set forth in Section V(C). Although the Property is located on a navigable waterway, the Applicant will not seek the ten percent (10%) density bonus permitted pursuant to the Comprehensive Plan.
- I. Parking and Loading. The Development shall include a mix of on-site surface parking and on-site garage parking. Loading spaces shall be located between Building 300 and the adjacent existing single family houses as depicted on the Site Plan and may be used to facilitate deliveries, trash pick-up or moving. A single-level Parking Garage shall be located adjacent to the St. Johns Avenue street edge (the "Village Parcel Garage") and separated from such street edge by a minimum depth of thirty (30) feet of landscaped open space, or the front façade of the Parking Garage will be designed so as to be compatible with adjacent contributing structures. The façade of the Village Parcel Garage shall be constructed such that it is compatible with the residential buildings on the Property. Any louvered vents in the façade of the Village Parcel Garage shall be obscured by iron grates or similar treatment, or designed to match the pattern of the residential buildings on the Property. A four-level Parking Garage shall be located on the

Commander Parcel and separated from the Southern boundary of the residential properties adjacent to the Commander Parcel as shown on Exhibit L (the “Commander Parcel Garage”). The façade of the Commander Parcel Garage shall be fully encapsulated on that façade and constructed with louvered vents to localize light and soften sound. The Commander Parcel Garage shall be limited to forty-six (46) feet in height, not including architectural features. Any entrance to the Commander Parcel Garage shall not be located facing the Southern boundary of the adjacent residential properties. Applicant shall provide a minimum of 1.65 spaces per residential unit and 3 spaces per each 1,000 square feet of commercial use.

- J. Sidewalks, Trails and Bikeways. Sidewalks will be provided along all street frontages. The Boardwalk will be installed along Fishweir Creek, up to the southwest boundary of the Commander Parcel and will be accessible to the public via pedestrian walks from Herschel Street and St. Johns Avenue. The Kayak Launch will be accessible to the public via a pedestrian walk from St. Johns Avenue.
- K. Listed Species Regulations. The Property is less than fifty (50) acres; a listed species survey is not required.

VI. ADDITIONAL PLANNED UNIT DEVELOPMENT CRITERIA

- A. Professional Consultants.
 - 1. Architect: Ervin Lovett Miller
 - 2. Developer: Chase Properties
 - 3. Engineer: Doug Skiles, PE, Envision Design Engineering
- B. Land Coverage of All Buildings and Structures: approximately 118,000 square feet
- C. Rights of Way: None; the internal circulation consists of private drives and parking areas.
- D. Operation and Maintenance of Property: Applicant plans to retain ownership of the Property and will operate and maintain the Property at Applicant’s sole expense.
- E. Differences from Application of Conventional Zoning District: The Property is zoned PUD pursuant to Ordinance 2005-1330-E, which ordinance deviates from the regulations of the underlying Residential Medium Density –D and Commercial Community / General-1 districts and the later adopted Riverside / Avondale Zoning Overlay (collectively, the “Zoning Regulations”). The below chart sets forth the Zoning Regulations of each respective district and illustrates the manner in which the proposed PUD zoning district will deviate from the conventional and Riverside / Avondale Zoning Overlay districts.

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
Signage	One nonilluminated sign not exceeding a maximum of 24 square feet in area, limited to 20 feet in height. Section 656.1303(a)(2)-(3).	Building signage is limited to a maximum of .5 copy area per store front lineal feet of store frontage (656.399.35); temporary signage is permitted on the interior of business establishments only	The permitted size of the Commercial Wall Signage shall be ten percent (10%) of the occupancy frontage or respective side of the building abutting a public right-of-way. The permitted size of the Residential Wall Signage shall be limited to one (1) wall sign for each residential building, limited to twenty-four (24)

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	<p>(i) One street frontage signs per lot not exceeding one square foot for each linear foot of street frontage, per street, to a maximum size of 300 square feet in area for every 300 linear feet of street frontage or portion thereof is permitted, provided they are located no closer than 200 feet apart.</p> <p>(ii) wall signs are permitted.</p> <p>(iii) One under the canopy sign per occupancy not exceeding a maximum of eight square feet in area is permitted, provided, any square footage utilized for an under the canopy sign shall be subtracted for the allowable square footage that can be utilized for wall signs.</p> <p>(iv) In lieu of the street frontage sign permitted in subsection (i) above, a flag containing a business logo or other advertising is permitted; provided, the square footage of any such flag shall not exceed 100 square feet, or 35% of the allowable square footage of the street frontage sign permitted in section (i) above, whichever is smaller [...] Section 656.1303(c)(3)</p>	<p>and may be no more than ten (10) square feet in size (656.399.35(5))</p>	<p>square feet in area. Temporary and Ground Signage shall be limited to forty-eight (48) square feet in area per sign face, and only one sign per individual activity shall be permitted on each parcel..</p>
Setbacks	<p>Multiple-family dwellings with more than one principal structure on the lot:</p> <p>(i)Front—20 feet. (ii)Side—20 feet. (656.306(A)(II)(g))</p> <p>Minimum Yard Requirements: Front – None</p>	<p>Front setbacks may be no more than fifteen (15) feet and six (6) feet on the side and will be determined by the historic setback of a contributing structure on the block adjacent and facing the proposed development. (656.399.20)</p>	<p>Minimum Yard Requirements and Setbacks: Commander parcel:</p> <ul style="list-style-type: none"> I. Front (bordering St Johns Avenue): 10 feet II. Side (bordering western boundary of adjacent residential property): 20 feet III. Side (bordering Southern boundary of adjacent residential properties): As shown on Exhibit L IV. Rear (bordering Fishweir Creek and Little Fishweir Creek): 8 feet <p>Village Parcel</p> <ul style="list-style-type: none"> I. Front (bordering St Johns Avenue): 10 feet II. Side: 0 feet

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	Side – None; where adjacent to residential, minimum 15 feet (656.313(A)(IV)(f))		III. Rear (bordering Fishweir Creek): 8 feet
Buffer		A buffer shall be utilized when any use other than a single family residential use abuts another single family residential use. A minimum ten foot landscape buffer is required between adjacent tracts. 656.399.21(1).	A combination of a seven to eight (7-8) foot high visual barrier not less than ninety-five percent (95%) opaque (the “Barrier”) and an average of thirty (30) feet of landscaped area, to include canopy trees, understory trees and shrubs, shall be installed along the common boundary with the adjacent DuPont Circle residences to form a sound and visual screen buffer from the residences. The Barrier shall be located as depicted on Exhibit L. Applicant shall provide a detailed landscape plan for the common boundary with the adjacent DuPont Circle residences.
Minimum Lot Requirements (width and area)	Width – 60 feet Area – 6,000 square feet for the first two family units and 2,100 square feet for each additional unit not to exceed 20 units per acre (656.306(A)(II)(d))		Width – 0 feet Area – 0 square feet
Maximum Lot Coverage	50% (656.306(A)(II)(e))		Commander Parcel and Village Parcel collectively, 50%
Landscaping	Where uncomplimentary land uses or zoning districts are adjacent, without an intervening street, a buffer strip shall be required between the uses or zoning districts. (656.1216(a)) Except for those uses described in Sections 656.604(e)(1) and 656.604(f)(1), 10% of vehicular use areas used for off-street parking, employee parking, auto service stations, outdoor retail display and sale of motor vehicles, service drives, and access drives within property located in multifamily, residential, commercial, industrial and public facilities use zoning districts shall be landscaped. (656.1214(a))	A 36-inch diameter pot by 24 inches high should be provided every 20 lineal feet of building frontage and one street tree shall be planted for every 30 linear feet of frontage (656.399.32) A buffer shall be utilized when any use other than a single-family residential use abuts another single-family residential use. (a) an alley shall be maintained with a minimum of 10’ of separation from the non-residential use to the single-family use. If the alley condition does not provide enough of a buffer, a continuous hedge and a tree canopy shall be provided along with a maximum 8’ fence, except for residential access; (b) a minimum 10’ landscape buffer is required between adjacent tracts (rear property	Landscaping shall be installed and maintained in accordance with Part 12, Landscape Regulations of the <i>Jacksonville Zoning Code</i> , using as yet undetermined species of plants and trees; provided, however, that due to the horizontal and vertical integration of uses, internal buffering between residential and commercial uses shall not be required. A combination of a seven to eight (7-8) foot high visual barrier not less than ninety-five percent (95%) opaque (the “Barrier”) and an average of thirty (30) feet of landscaped area, to include canopy trees, understory trees and shrubs, shall be installed along the common boundary with the adjacent DuPont Circle residences to form a sound and visual screen buffer from the residences. The Barrier shall be located as depicted on Exhibit L. Applicant shall provide a detailed landscape plan for the common boundary with the adjacent DuPont Circle residences. The parking garage shall not be deemed to be a vehicular use area for purposes of the Landscape and Tree Protection Regulations. Additionally, street trees shall be provided along the street frontage in accordance with section 656.399.32 (b) and such trees shall be canopy trees and reach a minimum of 40’ at mature height in order to provide shade for pedestrians.

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
		boundaries). Shrubs and groundcover shall comprise at least 30% of the landscaped area as detailed in Table 3. Buffer Requirements. (656.399.21(1))	
Parking		Off-street surface parking lots must be located behind any frontage buildings (656.399.29(9)); parking garage setback must be consistent with historic setback (656.399.29(10)).	Parking and Loading. The Development shall include a mix of on-site surface parking and on-site garage parking. Loading spaces shall be located between Building 300 and the adjacent existing single family houses as depicted on the Site Plan and may be used to facilitate deliveries, trash pick-up or moving. A single-level Parking Garage shall be located adjacent to the St. Johns Avenue street edge (the "Village Parcel Garage") and separated from such street edge by a minimum depth of thirty (30) feet of landscaped open space, or the front façade of the Parking Garage will be designed so as to be compatible with adjacent contributing structures. The façade of the Village Parcel Garage shall be constructed such that it is compatible with the residential buildings on the Property. Any louvered vents in the façade of the Village Parcel Garage shall be obscured by iron grates or similar treatment, or designed to match the pattern of the residential buildings on the Property. A four-level Parking Garage shall be located on the Commander Parcel and separated from the Southern boundary of the residential properties adjacent to the Commander Parcel as shown on Exhibit L (the "Commander Parcel Garage"). The façade of the Commander Parcel Garage shall be fully encapsulated on that façade and constructed with louvered vents to localize light and soften sound. The Commander Parcel Garage shall be limited to forty-six (46) feet in height, not including architectural features. Any entrance to the Commander Parcel Garage shall not be located facing the Southern boundary of the adjacent residential properties. Applicant shall provide a minimum of 1.65 spaces per residential unit and 3 spaces per each 1,000 square feet of commercial use.
Height	45 feet; provided, however, that height may be unlimited where all required yards are increased by one foot for each one foot of building height or fraction thereof in excess of 45 feet. (656.306(A)(II)(h)) 60 feet (656.313(A)(IV)(g))	Height is restricted to sixty (60) feet in the St. Johns Village Commercial Character Area (656.399.19(13)).	Commander Parcel: 56 feet, not including architectural features Village Parcel: 44 feet, not including architectural features

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
Use	<p>Multi-family residential integrated with a permitted use permissible by exception only (656.313(A)(IV)(c))</p> <p><i>Permitted uses and structures.</i></p> <p>(1) Single-family dwellings.</p> <p>(2) Multiple-family dwellings (RMD-B, RMD-C, and RMD-D Districts only).</p> <p>(3)Townhomes, subject to <u>Section 656.414</u></p> <p>(4) Housing for the elderly.</p> <p>(5)Family day care homes meeting the performance standards and development criteria set forth in Part 4.</p> <p>(6)Foster care homes.</p> <p>(7)Community residential homes of six or fewer residents meeting the performance standards and development criteria set forth in Part 4.</p> <p>(8)Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.</p> <p>(9)Churches, including a</p>		<ol style="list-style-type: none"> 1. Multiple-family dwellings (including welcome center, sales office, clubhouse, resident entertainment room and similar uses). 2. Up to 10,600 square feet of retail and service establishments structurally integrated with a multiple-family dwelling. Service establishments shall be limited to 300 restaurant seats collectively; 3. Professional office uses structurally integrated with a multiple-family dwelling. 4. Housing for the elderly. 5. Bank, savings and loans and other financial institutions and similar uses, including walk-up ATM facilities. 6. Essential services, including water, sewer, gas, telephone, radio, television and electric. 7. Parks, playgrounds and playfields or recreational or community structures. 8. In connection with multiple-family dwellings, including housing for the elderly, coin-operated Laundromats and other vending machine facilities, day care centers, establishments for the sale of convenience goods, and personal and professional service establishments; provided, however, that these establishments shall be designed and scaled to meet only the requirements of the occupants of these multiple-family dwellings or housing for the elderly and their guests with no signs or other external evidence of the existence of these establishments. 9. Establishments or facilities which include the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant. Restaurants shall close no later than 12 a.m. 10. Outside sales and service in conjunction with a restaurant. All outside sales and service shall cease no later than 11 p.m.

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	<p>rectory or similar use, meeting the performance standards and development criteria set forth in Part 4.</p> <p>(10)Golf courses meeting the performance standards and development criteria set forth in Part 4.</p> <p>(11)Parks, playgrounds and playfields or recreational or community structures meeting the performance standards and development criteria set forth in Part 4.</p> <p>(12)Country clubs meeting the performance standards and development criteria set forth in Part 4.</p> <p>(13)Home occupations meeting the performance standards and development criteria set forth in Part 4.</p> <p>(656.306(A)(II)(a))</p>		

Applicant seeks to rezone the Property to PUD to address the aforementioned deviations from the Zoning Regulations. While the proposed Development appears to vary extensively from the Zoning Regulations, it is important to note that the existing apartments and commercial uses, as well as the current PUD zoning district approved in 2005, were developed prior to the adoption of the Riverside / Avondale Zoning District Overlay, and thus neither the current conditions or the approved PUD zoning district conform to the Zoning Regulations. Unlike its predecessors, the proposed PUD zoning district will adhere to the majority of the Riverside / Avondale Zoning Overlay requirements and will incorporate concepts from Riverside Avondale Preservation and neighbors; such collaboration will result in a design and scale that truly fits in the neighborhood. In addition to the improved design, the proposed Development will be no more intense than the current use of the Property.

VII. SITE PLAN LEGEND

Total gross acreage	5.86 Acres	100%
Amount of each different land use by acreage	HDR: 2.56 Acres CGC: 3.3 Acres	43.6% 56.4%
Total number and type of dwelling units by each type of same	260 multi-family units 120 1BR units 120 2BR units 20 3BR units	100% 46% 46% 8%
Total amount of active recreation and/or open space	20,000 square feet	7.6%
Total amount of passive open space	124,600 square feet	48.8%
Amount of public and private rights-of-way	Private: 0.46 Acres Public: 0.0 Acres	7.8% 0%
Maximum coverage of buildings and structures at ground level	118,000 Sq. Ft.	46%
Non-residential floor area	5,000 Sq. Ft (excluding garages)	1.9%

VIII. ADDITIONAL RIVERSIDE / AVONDALE ZONING OVERLAY DISTRICT CRITERIA

The following additional criteria shall be considered by the Planning and Development Department, the Local Planning Agency and the City Council when evaluating any land use or zoning application with the Riverside / Avondale Zoning Overlay District:

- A. As set forth in the Section VI(E) herein, the proposed rezoning is not entirely consistent with the Riverside / Avondale Zoning Overlay District and the historic district regulations (the “Historic Regulations”); however, the proposed PUD zoning district is consistent with the current 2005 PUD entitlements. The PUD zoning district adopted in 2005 does not conform to the Historic Regulations as those standards were not adopted until 2009. Rather, Applicant met the conventional zoning requirements via previous PUD zoning districts.
- B. The rezoning will not negatively affect or alter the character of the character area. The Property is located within the Commercial Character Area and is a historically commercial property. Previous uses include a Winn-Dixie shopping center, office and retail space, restaurants and a high-rise apartment building. The Property has been mixed-use since approximately 1987.
- C. The rezoning and subsequent future development will not result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees.
- D. The rezoning will not have a negative effect on any contributing structures within the Riverside Avondale historic district, historic landmark or landmark site. Applicant will work with the Planning and Development Department staff and Riverside Avondale Preservation to create a design and scale that fits within the neighborhood.

IX. SUCCESSORS IN TITLE

All successors in title to the Property shall be bound by the conditions of this PUD.