

EXHIBIT D
SECOND REVISED WRITTEN DESCRIPTION
Kernan Boulevard II PUD
January 21, 2015

I. PROJECT DESCRIPTION

The fee simple owner of the real property identified in the attached Exhibit A, RE# 165265-0400 (the "Property"), which contains approximately 11.69 acres, is currently zoned PUD (Ord. 2005-545-E) and designated CGC (Ord. 2005-546) and was originally intended for commercial purposes. As the site has failed to attract retail commercial users the owner is seeking to downzone the current allowable uses and to diversify the permissible activities on the site for the purpose of development.

The Property is located along the east side of Kernan Boulevard, and bounded by a shopping center to the north, on the east by a multi-family residential property owned by other individuals and zoned PUD, on the south by another multi-family residential property owned by others and zoned PUD. The applicant has utilized the professional services of Mr. Paul Harden, Esquire in preparing this request. No other professionals have yet been engaged. The parcel is yet undeveloped and has no significant or unique characteristics, variation of elevations or natural features.

The revised PUD will permit the site to be developed in a less intensive manner than what was originally approved in the 2005 version. The potential users of the property include institutional users, or some type of residential development with not less than 20% of the site being used for retail purposes. As the site has failed to attract the originally intended commercial users and is an infill location, being surrounded by densely developed residential activity to the south and east and intensive community commercial to the north these proposed uses would act as a buffer or transitional zoning between the shopping center and the lesser intensive residential areas extending to the south and east. It is appropriate to implement such transitional land uses and the same would further the goals, objectives and policies of the plan.

Imposition of the strict code standards would necessitate building patterns and or lot sizes that are inefficient given the limited size of the property and its proximity to the other more intensive uses. The PUD will afford an appropriately scaled and context sensitive development that will permit the flexibility to permit the property to be utilized in an efficient and productive manner.

The Property is to be operated and used in accordance with the terms and limitations of this PUD ordinance and its supporting exhibits, as either a mixed use retail/institutional development limited to not more than 21,000 square feet of retail on two outparcels and occupying not more than 2.70 acres with an institutional use utilizing the remaining 9 acres of the property and located behind said outparcels. Or, a mixed use retail/ residential development limited to the same amount of retail but with the remainder consisting of not more than 52 single family dwellings or 120 townhomes. Either of these two development plans will be developed in consonance with the goals and objectives of the Community

General Commercial land use category of the City of Jacksonville 2030 Comprehensive Plan Future Land Use Element. It is the intent of the developer to commence improvements as soon as possible after zoning approval. Further, all future maintenance and operations will be the sole responsibility of the land owner(s), in compliance with the Municipal Ordinance for the City of Jacksonville and this PUD. Construction would be intended to commence immediately upon approval of the zoning and engineering entitlements.

II. USES AND RESTRICTIONS

The Property currently consists of one parcel but may be further divided as depicted on the attached three site plans (E1, E2, and E3) each dated October 1, 2014 (the “Site Plan,” which is incorporated herein by this reference).

A. Permitted Uses:

1. Single Family residential consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E1”).
2. Multi-family residential consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E2”).
3. Institutional use (specifically churches, daycare, nursing homes, assisted living facilities, and similar uses) consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E3”).
4. Commercial retail uses such as
 - i. Commercial retail sales and service establishments
 - ii. Banks, including drive thru tellers, savings and loan institutions and similar uses
 - iii. Professional and business offices and clinics
 - iv. Art galleries, museums, gymnasiums, community centers, dance, art or music studios
 - v. Vocational, trade or business schools and similar uses
 - vi. Day care centers
 - vii. An establishment or facility which includes the retail sale and service of beer or wine for on-premises conjunction with a restaurant

- viii. Express or parcel delivery offices and similar uses, without terminals
- ix. Veterinarians and animal boarding, subject to the performance standards and development criteria set forth in Part 4 of the Zoning Code.
- x. Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses
- xi. Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4 of the Zoning Code.

All above uses consistent with the site development standards established herein and as depicted on the Site Plan attached to this application (Exhibit “E1, E2, or E3” as applicable).

B. Permissible uses – Commercial uses permissible by exception shall include the following:

- i. An establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both.
- ii. Permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4
- iii. Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4.
- iv. Billiard parlors.

C. Accessory uses shall be as outlined in the Zoning Code and consistent Section 656.403 of the Zoning Code.

III. DEVELOPMENT STANDARDS

A. *Dimensional Standards.*

Residential Single Family

1. *Minimum parcel area and yard areas:* The minimum lot size, lot width and yard areas for structures shall be as follows:

Lot Size – minimum of 4,900 square feet

Lot Width – minimum of 50 feet

Yards -

Front: 10 feet

Side: 5 feet

Rear: 10 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures:* 70%
3. *Maximum height of structures:* thirty five(35) feet.

Residential Multi-family Townhomes

1. *Minimum parcel area and yard areas:* The minimum lot size, lot width and yard areas for structures shall be as follows:

Lot Size – minimum of 1,450 square feet

Lot Width – minimum of 15 feet, 25 feet for end units

Yards -

Front: 20 feet or as otherwise permitted in 656.414 Zoning Code

Side: 0 feet, 6 feet for end units

Rear: 10 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures: 70%*
3. *Maximum height of structures: thirty five (35) feet*

Commercial

1. *Minimum parcel area and yard areas: The minimum lot size, lot width and yard areas for structures shall be as follows:*

Lot Size – minimum of 10,000 square feet

Lot Width – minimum of 70 feet

Yards -

Front: 20 feet

Side: 0 feet

Rear: 10 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures: 40%*
3. *Maximum height of structures: thirty five (35) feet*

Institutional

1. *Minimum parcel area and yard areas:* The minimum lot size, lot width and yard areas for structures shall be as follows:

Lot Size – minimum of 2 acres

Lot Width – minimum of 200 feet

Yards -

Front: 20 feet

Side: 20 feet

Rear: 20 feet

2. *Maximum parcel or sub-parcel coverage by all buildings and structures:* 30%
3. *Maximum height of structures:* thirty five (35) feet

B. Ingress, Egress and Circulation.

1. Vehicular ingress and egress shall be substantially as shown on the Site Plan.

C. Signs.

1. The number, location size and height of signage to be located on the property shall be as follows:

One double faced monument sign not to exceed (100) one-hundred square feet in area and (20) twenty feet in height may be permitted along Kernan Boulevard.

One single faced monument sign identifying the residential community or institutional use as depicted at the entry way to that portion of the site on Site Plan E1, E2, or E3 as applicable. This sign shall not exceed 50 square feet in area and not more than 8 feet in height.

Illumination: internal or indirect lighting, will be permitted as appropriate.

D. *Site Design and Landscaping.*

1. As the intent of the PUD is to permit the mix of uses described above, it is imperative that adequate signage be afforded to the various uses in effort to appropriately direct the patrons or users/residents to their destinations. Similarly, as the uses are not typically complimentary, the structures and associated uses areas are located in such a way as to promote natural attenuation of noise and activity away from one another. The commercial activity will be oriented toward Kernan Boulevard, away from the other uses and a screen wall will be utilized in lieu of the standard uncomplimentary buffer provisions of Part 12 of the Zoning Code. Similarly, if the larger portion of the site is developed with a residential use a screen wall will be erected along the northerly property line in lieu of the provisions of Part 12 of the Zoning Code The landscaping will beper the provisions and standards of Part 12 of the Zoning Code,.
2. While the subject property is located within an area designated as a School Regulation Zone, generated by Craig Field and as defined in Florida Statute F.S. 333.03 and City of Jacksonville Section 656.1009; an exemption from these provisions are sought in order to permit the construction of a school on the portion of the property as designated in Exhibit E (E3). As numerous densely populated areas with families and young children exist throughout this zone, and at least three other City of Jacksonville Schools exist immediately adjacent to this Zone, it would appear improper to impose the strict regulation in this instance. Further, the site is screened by multi-story buildings to the south and taller commercial buildings to the north. There is no documentary evidence to suggest that this site poses any greater danger to a student attending a class than those in Landmark Middle School, Kernan Trail Elementary or Kernan Middle School all lying just north or south of this site.

It should be noted that the Planning and Development Department file for this rezoning includes correspondence from the Jacksonville Aviation Authority, who indicates in writing on October 2, 2014 that they have no objection to a educational facility on the subject property.

In fact a review of NTSB crash data over the past twenty five years indicates that only five fatal incidents have occurred in proximity to this airfield and none of those occurred within the prescribed areas of the area of prohibition, proving that the site is no more likely than any other location for such an event.

3. Lighting associated with any use of this PUD will be of a design that does not permit trespass lighting onto adjacent properties. Furthermore, all lighting will utilize either appropriate lenses or cutoffs as required.

E. *Building Orientation*

1. *General:*

The subject property is to be utilized as a multi-use project, permitting both commercial and or residential/ institutional uses. The primary structures in the commercial portion of the site are situated to block noise associated with Kernan Boulevard as well as the more intensive uses located to the west.

The ensuing residential development will be situated in a manner that permits an efficient use of the property while insuring a desirable parcel for a home. Due to the limited space and the minimum standards for right-off-way associated with public roadways, the interior lots will not obtain the 100 foot of depth which is customary in today's market. Instead, these interior lots will be not less than 98 feet in depth, leaving plenty of room in the rear of the property for recreation or use by the future homeowner.

In the event that an institutional uses occurs in the designated portion of the property as depicted on the Site Plan, the buildings will be located in the middle of the property with open space and vehicle circulation surrounding the building, offering a natural buffer and sound attenuation for surrounding properties.

IV. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT

The proposed project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed rezoning is a reasonable manner by which to permit the infill of an undeveloped property for a mix of uses that will coexist while acting as a transition between the commercial node located at Atlantic Boulevard and Kernan Boulevard and the varying types of residential which extend to the south and east of the Property. This PUD is designed to increase the usable nature of the property while promoting numerous Goals, Objectives and Policies of the 2030 Comprehensive Plan. The project seeks to located supportive uses with lesser externalities than was proposed under the previous PUD and promotes a more marketable mix of uses that will act to reduce Vehicle Miles Traveled (VMT) for the residents in the vicinity. This PUD:

Is more efficient and effective than would be possible through strict application of the City of Jacksonville Land Use Regulations or a conventional zoning district which are suburban based, do not convey a sense of place, and which do not act to promote such a mix of uses;

Represents an appropriate combination of possible uses, properly designed to promote a logical transition between the established uses and a sustainable and desirable development pattern on an infill location;

Will promote the purposes of the 2030 Comprehensive Plan, including the following:

1. Objective 2.10
2. Goal 3
3. Objective 3.1
4. Objective 3.2
5. Policy 3.2.2
6. Policy 3.2.4
7. Policy 3.2.14
8. Policy 4.1.2

V. SUCCESSORS IN TITLE

All successors in title to the Property, or any portion of the Property, shall be bound to the conditions of this PUD.

VI. PUD REVIEW CRITERIA

- A. *Consistency with Comprehensive Plan.* The Property is designated CGC pursuant to the City's Future Land Use Map Series of the City's 2030 Comprehensive Plan. The uses and amounts (density/intensity) proposed in the PUD would be consistent with this designation.
- B. *Consistency with the Concurrency Management System.* The development of the Property will comply with the requirements of the Concurrency Management/ Mobility System.
- C. *Allocation of Residential Land Use.* The proposed PUD is intended to permit either a mix of commercial and residential or commercial and an institutional use. If residential is developed it will be at a density consistent with the applicable land use category and will be designed in such a way as to protect such use while buffering it from the commercial uses adjacent to it.
- D. *Internal Compatibility/Vehicular Access.* Vehicular access to the site is available from Kernan Boulevard as well as from the connection road that is shared with the property to the north. All access points will be reviewed and approved by the City of Jacksonville.
- E. *External Compatibility/Intensity of Development.* The intent of the development is to foster a multi-use development of the property at a density/ intensity that is sustainable and respective of the surrounding commercial and densely built residential developments to the south and east.
- F. The various uses will be appropriately screened from one another and structures will be oriented in a manner that will foster an appropriate transition as well as reduce externalities otherwise associated with such uses.
- F. *Recreation/Open Space.* The PUD will include recreational uses with up to one half acre of usable active recreational space located near the entryway to the community. Further, the property is located in close proximity to three Duval County Public

Schools with facilities and affords direct access to a twelve foot wide multi use path located along the east side of Kernan Boulevard.

- G. *Impact on Wetlands.* Any development activity which would impact wetlands will be permitted in accordance with local, state and federal requirements.
- H. *Listed Species Regulations.* Not Applicable.
- I. *Off-Street Parking & Loading Requirements.* The parking areas shall be developed as required in Part 6. . It being the intent that the areas and locations depicted on the attached plan are sufficient to meet any or all of the required landscape provisions.
- J. *Sidewalks, Trails, and Bikeways.* The development will be consistent with the 2030 Comprehensive Plan.
- K. *Stormwater Retention.* Stormwater shall be conveyed, treated and stored in accordance with all City of Jacksonville and St. Johns River Water Management District requirements to an already approved off-site location.
- L. *Utilities.* Electric power, water and sewer services are furnished to the Property by the Jacksonville Electric Authority.