

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-49 TO

PLANNED UNIT DEVELOPMENT

FEBRUARY 5, 2015

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2015-49** to Planned Unit Development.

Location: North side of Duval Station Road between Bradley Cove Road and Starratt Road

Real Estate Number: 106606-0000

Current Zoning District: Planned Unit Development (PUD 2008-514-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Planning District: North, District 6

City Council District: The Honorable Ray Holt, District 11

Applicant/Agent: Wyman Duggan, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: Duval Station Outparcel 4, LLC
P.O. Box 350633
Jacksonville, Florida 32235

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2015-49** seeks to rezone approximately 1.2 acres of land from PUD to PUD. The rezoning to PUD is being sought to modify six portions of the existing PUD. The proposed PUD will: 1) Allow vehicular access from Duval Station Road and Lady Lake Road. 2) Remove the architectural restrictions for the roof type. 3) Reduce the width

of the western property line buffer. 4) Reduce the sign setback for Duval Station Road and Lady Lake Road.

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

(1) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

Yes. The Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The PUD is proposing commercial uses as a secondary use on a 16 acre parcel. The site is located at the intersection of two roads classified as collectors or higher. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code. A description of the category is noted below.

Low Density Residential (LDR) is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category. New residential subdivisions in LDR should be connected to reduce the number of Vehicles Miles Traveled and cul-de-sacs should be avoided. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

The uses provided herein shall be applicable to all LDR sites within the Suburban Area.

Principal Uses: Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and Other uses associated with and developed as an integral component of TND.

Secondary Uses: Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and **Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map**, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

(2) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Low Density Residential (LDR). This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

F.L.U.E. Policy 1.1.8 Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

F.L.U.E. Policy 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

F.L.U.E. Policy 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

F.L.U.E. Policy 1.3.4 New development sites shall be required, wherever possible to share existing access points. The City will encourage new service drives or roads and connections to existing service drives or roads when deemed appropriate by the Traffic Engineering Division and JPDD. This policy is not to conflict with and will not exempt a developer from complying with landscape and tree protection regulations.

(2) Consistency with the Concurrency and Mobility Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals. CRC # 85432.0 / Mobility # 85432.1 / CDN # 7609.002 have been created for McDonalds which reserves 4,388 square feet of restaurant with drive through.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a commercial development. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The use of existing and proposed landscaping: The current PUD requires 20 foot wide landscape area and brick wall on the west side with specific details on the type of plant materials to be used. This wall has been completed. There are several large trees and natural vegetation, but it is unclear if the required trees were planted. The parcel with the buffer and wall is not part of the proposed rezoning. The proposed site plan shows the dumpster in the northwestern portion of the site which is nearest to the residential dwellings. **The Department recommends an additional evergreen landscaping be planted along the west property line to screen the dumpster and restaurant from adjacent residential areas.**

The use and variety of building sizes and architectural styles: There is a condition in the current PUD that requires the architecture be consistent with the existing center and have a metal seamed pitched roof to match the adjacent convenience store. The new prototype of McDonald's has a flat roof. There are two banks which have red brick facades and pitched roofs. The Shell filling station is constructed with a gray concrete block and pitched metal seam roof. The main building is a cream color with a flat roof. The architectural styles vary in the PUD.

(5) External Compatibility

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The type, number and location of surrounding external uses: The original PUD proposed a mix of commercial and residential uses within one development to provide retail and office uses for residents of the area. Permitted uses in the Commercial Neighborhood (CN) Zoning District along with drive-through with a permitted use were allowed by right in the original PUD. A fast food restaurant with drive through is an allowable use.

The existing PUD 2008-514-E, included a condition specifically prohibiting a liquor store, tattoo parlor and/or an adult novelty store. The proposed written description does not include a prohibition of these uses. **The Department recommends this condition be included in the proposed PUD.**

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	PUD	Residential subdivision / undeveloped commercial
South	PBF	PBF-1	First Coast High School
East	LDR	PUD	Filling station/convenience store
West	LDR	PUD	Residential subdivision

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: Condition (d) in the current PUD Ordinance specifies the maximum sign area, height and setback for signs on Duval Station Road and Lady Lake Road. The proposed PUD has deleted the requirement that signs be a minimum of 100 feet from the western (residential) property line and replaced it with a 50 foot setback. According to the proposed site plan, the sign on Lady Lake Road meets the 100 foot distance. The sign on Duval Station Road is less than the 100 foot requirement. This sign could be moved to the opposite side of the entrance drive and meet the distance requirement. **It is the recommendation of the Department that all ground signs shall be a minimum of 100 feet from the western property boundary.**

The current PUD contained a condition which required a lighting plan to confirm that commercial lighting did not impact the adjacent residential dwellings. The proposed PUD does not contain such language. **Therefore the Department recommends the developer submit a lighting plan at the time if verification of substantial compliance.**

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category as a mixed use development. The PUD is appropriate at this location because it will support the existing offices, service establishments and residential dwellings in the area.

The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the proposed PUD: The current PUD 2008-514-E contains a condition regarding submittal of a lighting plan for approval by the Planning and Development Department. **The proposed written description does not contain any restriction on lighting. The Department recommends a condition restricting lighting be incorporated into the proposed PUD.**

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The PUD is requesting access to Duval Station Road. Access was specifically denied by the Development Services Division in the current PUD 2008-514-E. **The Traffic Engineer, through the Development Services Division, again recommends no access to Duval Station Road due to concerns about conflicts with vehicular movements.**

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space. A recreation area is not required.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-site. However, any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

(9) Listed species regulations

No wildlife survey was required as the project is less than the 50-acre threshold.

(10) Off-street parking including loading and unloading areas.

The site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan. There are existing sidewalks along Duval Station Road and Lady Lake Road. The site plan shows a pedestrian walk connecting the building to the existing sidewalks.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on January 31, 2015, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-49** be **APPROVED with the following conditions:**

- 1. The subject property is legally described in the original legal description dated November 7, 2014.**
- 2. The subject property shall be developed in accordance with the original written description dated November 1, 2014.**
- 3. The subject property shall be developed in accordance with the original site plan dated November 25, 2014.**
- 4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated January 21, 2015 or as otherwise approved by the Planning and Development Department.**
- 5. Monument signs shall be located a minimum of 100 feet from the western boundary of the property.**
- 6. A landscape buffer shall be installed and maintained along the west property line, consisting of 3.5 inch caliper, 65 gallon Florida Fancy trees spaced seven (7) feet on center. Permitted trees include Southern Magnolia, Southern Red Cedar and Nellie Stevens Holly.**
- 7. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one-half (.5) foot candles (“f.c.”). All lighting lamp sources within parking and pedestrian areas shall be metal halide, compact fluorescent or LED. An exterior lighting design plan, including a photometrics plan, pole and fixtures schedules shall be submitted at the time of Verification of Substantial Compliance for review and approval by the Planning and Development Department.**
- 8. The following uses are prohibited in the PUD: a liquor store, a tattoo parlor, and/or an adult novelty book store.**



Aerial view of site.



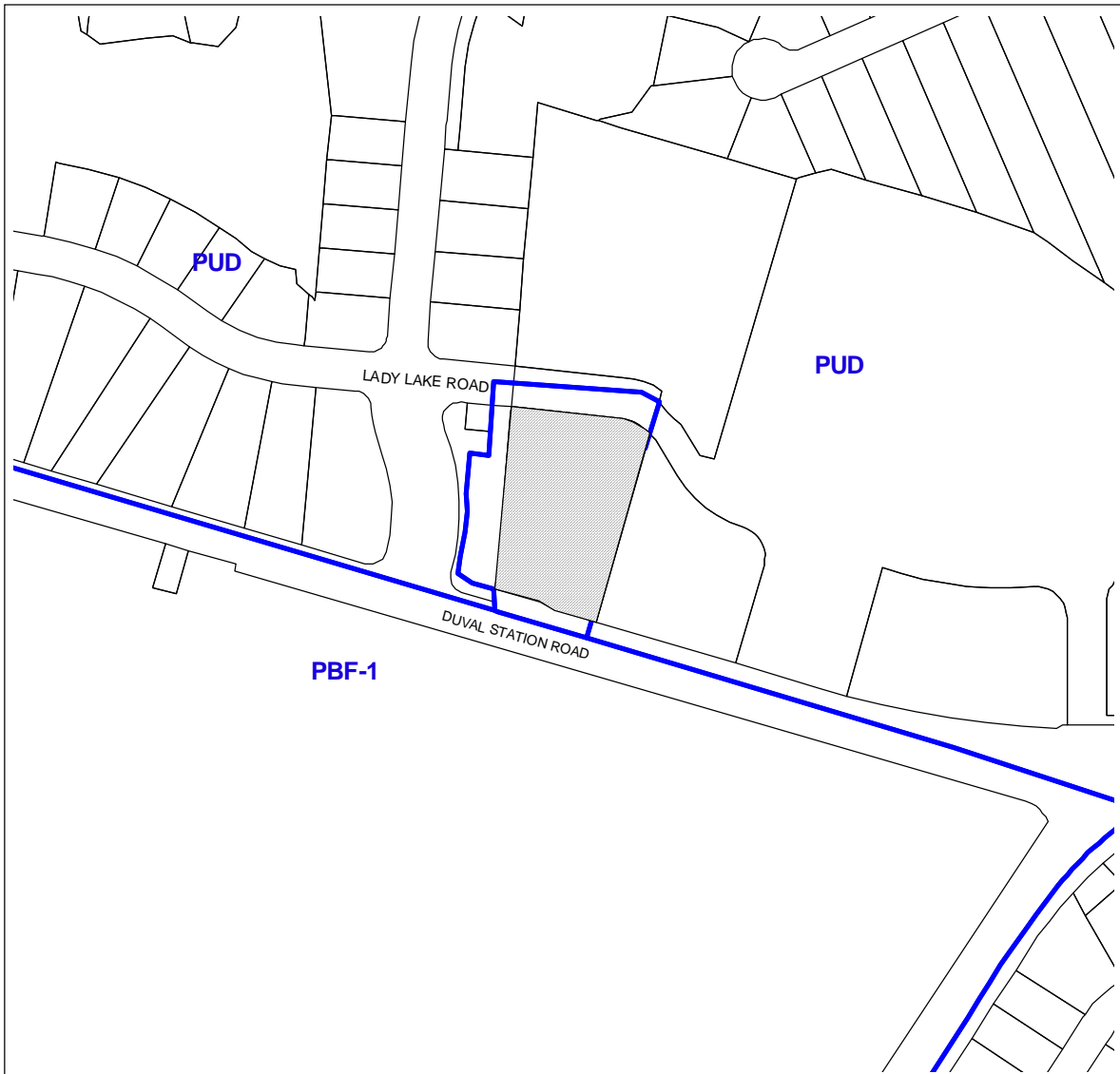
Existing wall and vegetation along west property line.

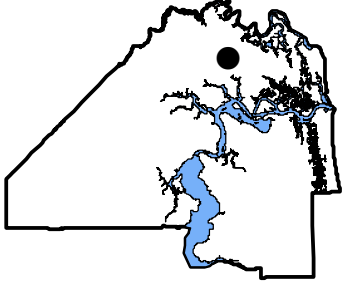
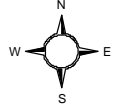


Existing houses on Lady Lake Road.



Area of proposed site without screening vegetation.



<p>Request Sought:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	 <p>Ordinance 2015-49</p>	 <p>50 0 50 100 Feet</p> <p>Council District 6</p> <p>FILE COPY</p>
--	--	---



January 21, 2015

MEMORANDUM

TO: Bruce Lewis, City Planner Supervisor
Planning and Development Department

FROM: Lisa King
Traffic Technician Senior

Subject: **Northcreek McDonald's PUD
R-2015-49 fka R-2008-514 R2002-1260, R1999-06**

Upon review of the referenced application, and based on the information provided to date, the Development Services Division has the following comments:

1. Per Nelson Caparas, City Traffic Engineer, there shall be no access connection to Duval Station Road.
2. Parking lot shall me design requirements of Section 656.607 of the current Zoning Code (dimensions of parking spaces, backup/drive aisle and sidewalk widths).
3. Any proposed signs, fence, wall and landscaping shall be located so that they do not obstruct horizontal line of sight as outlined in FDOT Index 546.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (driveway location, dimensions, roadway geometry, traffic circulation, etc.) shall be facilitated through the 10-set and 10-set review process. If you have any questions regarding the comment outlined above, please call me directly at 255-8586.

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2015-0049 **Staff Sign-Off/Date** BEL / 11/19/2014

Filing Date 11/19/2014 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 02/10/2015 **Planning Comission** 02/05/2015

Land Use & Zoning 02/18/2015 **2nd City Council** N/A

Neighborhood Association EDEN GROUP, INC., NORTH CREEK HOA

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 724

Application Status PENDING

Date Started 10/27/2014

Date Submitted 11/07/2014

General Information On Applicant

Last Name	First Name	Middle Name
DUGGAN	WYMAN	R
Company Name		
ROGERS TOWERS, P.A.		
Mailing Address		
1301 RIVERPLACE BOULEVARD, SUITE 1500		
City	State	Zip Code
JACKSONVILLE	FL	32207
Phone	Fax	Email
9043983911	9043960663	WDUGGAN@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
SEE	BELOW	
Company/Trust Name		
DUVAL STATION OUTPARCEL 4 LLC		
Mailing Address		
P.O. BOX 350633		
City	State	Zip Code
JACKSONVILLE	FL	32235
Phone	Fax	Email

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 1999-06-E; 2002-1260-E; 2008-514-E

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 106606 0000	11	6	PUD	PUD

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

Existing Land Use Category

LDR

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 1.20

Development Number

Proposed PUD Name NORTHCREEK PUD - 2014 AMENDMENT

Justification For Rezoning Application

SEE ATTACHED WRITTEN DESCRIPTION.

Location Of Property

General Location

ACROSS FROM FIRST COAST HIGH SCHOOL

House # Street Name, Type and Direction Zip Code

0 LADY LAKE RD 32218

Between Streets

BRADLEY COVE ROAD and STARRATT ROAD

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**
1.20 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee**
24 Notifications @ \$7.00 /each: \$168.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,188.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE

Legal Description

November 7, 2014

A portion of Section 2, of a Subdivision of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, being more particularly described as follows: COMMENCING at the Southeasterly corner of Tract "D", as shown on the plat of Northcreek as recorded in Plat Book 54, Pages 73, 73A, 73B, 73C, 73D, 73E, 73F, 73G and 73H of the Current Public Records of said County, said point also being situate in the Northerly right of way line of Duval Station Road (a 60 foot right of way); thence North 04°55'33" East, along the Easterly line of said Tract "D", a distance of 20.39 feet for a POINT OF BEGINNING; thence continue North 04°55'33" East along said Easterly line of Tract "D" and along the Easterly line of Tract "C", said plat of Northcreek, a distance of 266.13 feet to the Northeast corner of said Tract "D" and the Southerly right of way line of Lady Lake Road (a 60 foot right of way); thence continue South 84°34'35" East, continuing along said Southerly right of way line, a distance of 161.46 feet to the point of curvature of a curve concave Southerly and having a radius of 65.05 feet; thence Easterly around and along the arc of said curve, and continuing along said Southerly right of way line, a distance of 48.56 feet, said arc being subtended by a chord bearing and distance of South 63°11'23" East, 47.44 feet to the Northwest corner of those certain lands recorded in Official Records Book 12242, Page 32 of said Current Public Records; thence South 16°08'12" West, along the Westerly line thereof, 26.20 feet to the Northeast corner of those certain lands recorded in Official Records Book 12242, Page 28 of said Current Public Records; thence North 32°20'37" West, along the Northeasterly line of said last mentioned lands, 13.35 feet to the Northwesterly corner thereof; thence South 16°08'12" West, along the Westerly line of said last mentioned lands, 269.93 feet to the Southwest corner thereof and a point situate on the relocated Northerly right of way line of said Duval Station Road, as established by the City of Jacksonville; thence North 73°51'48" West, along said relocated Northerly right of way line, 54.54 feet; thence North 60°18'33" West, continuing along said relocated Northerly right of way line, 21.33 feet; thence North 73°51'48" West, continuing along said relocated Northerly right of way line, 68.25 feet to the POINT OF BEGINNING.

EXHIBIT A

Property Ownership Affidavit

Date: 11/18/14

City of Jacksonville

City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 214 North Hogan Street, Edward Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, Barry Khosrowzadeh hereby certify that I am the
Owner of the property described in the attached legal description, **Exhibit 1** in connection with
filing application(s) for rezoning
submitted to the Jacksonville Planning and Development Department.



(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 18th day of
November (month), 2014 (year) by Barry Khosrowzadeh
who is personally known to me or has produced _____
as identification.



(Notary Signature)

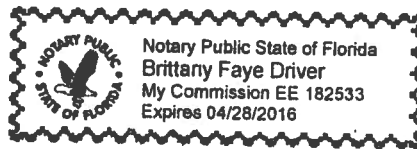


EXHIBIT B

Agent Authorization

Date: 11/18/14

City of Jacksonville

City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 214 North Hogan Street, Edward Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE #106606-0000

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 Rogers Towers, P.A. to act as agent to file application(s) for rezoning 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.



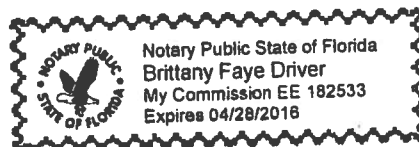
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 18th day of November (month), 2014 (year) by Barry Khosrowzadeh, who is personally known to me or has produced _____ as identification.



(Notary Signature)



Page _____ of _____

EXHIBIT C

Binding Letter

Date: 11/18/14

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

Re: Northcreek PUD - 2014 Amendment

PUD

Ladies and Gentlemen:

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 hereof, 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 development 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 that are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

By: 

(Owner's Signature)

Its: Owner

EXHIBIT D

**Northcreek PUD - 2014 Amendment
Written Description
November 1, 2014**

I. SUMMARY DESCRIPTION OF THE PROPERTY

- A. Current Land Use Category: LDR
- B. Current Zoning District: PUD
- C. Requested Zoning District: PUD
- D. Real Estate Parcel Number: 106606-0000

II. SUMMARY DESCRIPTION OF THE PUD

The Applicant proposes to rezone approximately 1.2± acres of property from Planned Unit Development (“PUD”) to PUD. The PUD zoning district is being requested to permit the development of neighborhood commercial uses on the subject property, as more particularly described below. This PUD rezoning is necessary to provide a common development scheme incorporating shared access, parking, and signage for these permitted uses.

The subject property is located on Duval Station Road, and is more particularly described in the legal description attached as Exhibit “1” to this application. The Property is within the Northcreek PUD approved by Ordinance 1999-06-E, as amended by 2002-1260-E and 2008-514-E (collectively, the “Northcreek PUD”). The property that was the subject of Ordinance 2008-514-E has since been divided into Real Estate Parcels #106606-5037 and #106606-0000. The purpose of this amendment is to provide modified development standards and the new site plan attached as Exhibit E (the “Site Plan”) for Real Estate Parcel #106606-0000 (the “Property”). Except as set forth herein, all other terms and conditions of the Northcreek PUD will remain in effect.

III. PUD DEVELOPMENT CRITERIA

A. Minimum Lot and Building requirements:

- 1. *Permitted uses and structures.* The permitted uses and structures are as set forth in Section II.C. of the Northcreek PUD written description dated March 10, 1999 (pages 2 and 3), including without limitation fast food restaurants with drive-through sales and service.
- 2. *Permitted accessory uses and structures.* Accessory uses and structures are permitted as provided in Section 656.403, Zoning Code; provided that accessory uses and structures may be located in a required front or side yard.
- 3. *Minimum lot requirement.*

- a. Width - seventy-five (75) feet.
 - b. Area - 7,500± square feet.
4. *Maximum lot coverage by all buildings.* Fifty (50) percent.
5. *Minimum yard requirements.*
- a. Front - ten (10) feet.
 - b. Side - zero (0) feet.
 - c. Rear - ten (10) feet.

Note: Encroachments by sidewalks, parking, signage, utility structures, fences, street/park furniture, and other similar improvements shall be permitted within the minimum building setbacks.

6. *Maximum height of structures.* Forty-five (45) feet. Spires, cupolas, antennas, chimneys and other appurtenances not intended for human occupancy may be placed above the maximum heights provided for herein.

B. Buffer/Landscaping: No fencing will be required on any boundary of the Property. The twenty (20) foot landscape buffer and brick wall mandated by Ord. 2008-514 is in place to the west on Real Estate Parcel #106606-5037. As depicted on the Site Plan, there will be a ten (10) foot perimeter landscape buffer on the north, west and south boundaries of the Property, and a five (5) foot perimeter landscape buffer on the east boundary of the Property.

C. Vehicular Access: Access to the Property will be from Lady Lake Road and Duval Station Road, as depicted on the Site Plan.

D. Parking and Loading: Parking will comply with the requirements of Part 6 of the Zoning Code, taking into consideration all proposed uses and the entire Northcreek PUD site. Parking within the Northcreek PUD may be shared among uses and parcels as long as the Northcreek PUD in its entirety provides sufficient parking for all proposed uses.

E. Pedestrian Access: Sidewalks connecting the residential and commercial components of the Northcreek PUD are already in place.

F. Signage: One double-sided, internally or externally-lit monument sign not to exceed fifteen (15) feet in height and fifty (50) square feet in area along Duval Station Road and one double-sided, internally or externally-lighted monument sign not to exceed eight (8) feet in height and twenty-four (24) square feet in area along Lady Lake Road. Each sign shall be a minimum of fifty (50) feet from the western boundary of the Property.

G. Architectural Controls: Satellite dishes and other antennas which could be used for reception of television and other similar broadcasts are prohibited unless such satellite dishes or antennas are located either on the rooftop or a side of a building which is not adjacent to a public right of way. Dumpsters, propane tanks, and similar appurtenances shall be kept behind

substantially opaque enclosures composed of the same material and painted the same color as the structures located, or to be located, on the Property, such that the dumpster, propane tank, and similar appurtenances are screened from view from surrounding roadways and adjacent properties. The architecture of the building, including roof pitch and material(s), shall be reasonably compatible with the adjacent shopping center, provided that the standard architectural and aesthetic design standards of any national retail commercial user shall be permitted.

H. **Stormwater Retention:** Retention shall meet the requirements of the City of Jacksonville and all other state or local agencies with jurisdiction including the St. Johns River Water Management District. Stormwater retention areas may be located on or off-site and may be shared with other parcels provided the stormwater design for the entire Northcreek PUD meets the standards and requirements of the City of Jacksonville and the St. Johns River Water Management District.

I. **Modifications:** Amendment to this approved PUD district may be accomplished through either an administrative modification, minor modification, or by filing an application for rezoning as allowed by Section 656.341 of the Zoning Code.

J. **Conceptual Site Plan.** Exhibit E is conceptual and reflects the best current thinking and planning for the Property. Revisions may be required as the proposed development proceeds through final engineering and site plan review.

IV. PUD DEVELOPMENT CRITERIA

A. **Consistency with the Comprehensive Plan:** The proposed neighborhood commercial uses are permitted secondary uses in the LDR land use category, are currently in place in the Northcreek PUD, and are consistent with Policies 1.1.8, 1.1.10, 1.1.12, 1.1.13, 3.2.2 and 3.2.4 of the Future Land Use Element of the 2030 Comprehensive Plan.

B. **Consistency with the Concurrency Management System:** The development is subject to Development Agreement #24969, and has been assigned master City Development Number 4465.

C. **Allocation of Residential Land Use:** No residential development is proposed on the Property.

D. **Internal Compatibility:** The proposed PUD contains limitations on the commercial uses permitted on the subject property as well as a common development scheme addressing signage, landscaping, sidewalks, buffering and other issues relating to the common areas and vehicular and pedestrian traffic. Access to the Property is available from Lady Lake Road and Duval Station Road.

E. **External Compatibility/Intensity of Development:** Surrounding land use designations and zoning districts include: LDR/PUD to the north, east and west, and PBF/PBF-1 to the south. Surrounding uses include the Northcreek residential and commercial components,

and First Coast High School. The proposed amendment is compatible in both intensity and density with the surrounding development and zoning districts.

F. **Maintenance of Common Areas and Infrastructure:** Common areas will be maintained as provided in the Northcreek plat, and in the Declaration of Covenants and Restrictions for Northcreek, recorded in Official Records Book 10225, page 1573 of the current public records of Duval County.

G. **Impact on Wetlands:** Development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

H. **Listed Species Regulations:** The Property is less than fifty acres; therefore, a listed species survey is not required.

I. **Off-Street Parking Including Loading and Unloading Areas:** Parking will meet or exceed the requirements of Part 6 of the Zoning Code, taking into consideration all proposed uses and the entire Northcreek PUD. Parking within the Northcreek PUD may be shared among parcels and uses as long as the PUD in its entirety provides sufficient parking for all proposed uses.

J. **Sidewalks, Trails and Bikeways:** Sidewalks connecting the residential and commercial components of the Northcreek PUD are already in place.

V. **ADDITIONAL § 656.341 DATA**

A. **Professional Consultants:** Planner/architect/engineer: CPH Corporation. Developer: McDonald's.

B. **Differences from the Usual Application of the Zoning Code:** The current development standards for the Property are as set forth in Ordinances 1999-06-E, as amended by 2002-1260-E and 2008-514-E. This application modifies the access and architectural development standards for the Property, and provides a new site plan. The proposed development parameters generally will be consistent with the Commercial Neighborhood zoning district, a permitted secondary zoning district in the LDR land use category.

C. **Land Coverage of All Buildings and Structures/Nonresidential Floor Area:** The proposed structure will have approximately 4,500 s.f. of enclosed space.

D. **Amount of Public and Private Rights of Way:** The internal circulation consists of private drives and parking areas.

E. **Operation and Maintenance of Areas and Functions:** The Property is privately owned and will remain so.

NORTHCREEK PUD – 2014 AMENDMENT

November 1, 2014

Total gross acreage	1.2 Acres	100%
Amount of each different land use by acreage	Commercial 1.2 Acres	100%
Total number and type of dwelling units by each type of same	0 d.u.	0%
Total amount of active recreation and/or open space	0 Acres	0%
Total amount of passive open space	0 Acres	0%
Amount of public and private rights-of-way	Public: 0 Acres Private: 1.2 Acres	0% 100%
Maximum coverage of buildings and structures at ground level	.6 acres	50%

Prepared by:
Lawrence V. Ansbacher, Esquire
Ansbacher & Schneider, P.A.
5150 Belfort Road, Building 100
Jacksonville, Florida 32256

Return to:
Grantee
P. O. Box 350633
Jacksonville, FL 32235

GENERAL WARRANTY DEED

1. **Grantor's name and address is:**

DUVAL STATION DEVELOPERS, INC.,
A Florida Corporation
P. O. Box 19691
Jacksonville, FL 32245

2. **Grantee's name and address is:**

DUVAL STATION OUTPARCEL 4, LLC,
A Florida Limited Liability Company
P. O. Box 350633
Jacksonville, FL 32235

Grantee's tax identification number is: _____.

The terms Grantor and Grantee shall be non-gender specific, singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

3. **Property conveyed hereby is described as follows:**

Property more particularly described on Exhibit A attached hereto and, by this reference, made a part hereof, together with all tenements, hereditaments, easements and appurtenances belonging to or benefiting such property.

The Property Appraiser's Parcel Identification Number is _____.

4. **Grantor for good and valuable consideration plus the sum of \$10.00 the receipt whereof is hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee the Property to have and to hold in fee simple forever**

5. **Grantor fully warrants title to the Property and will defend the same against the lawful claims of all persons whomsoever except for i) taxes subsequent to December 31, 2007, and (ii) covenants, reservations, restrictions and easements of record, if any, with reference hereto not serving to reimpose the same.**

Executed on following page.

Executed as of _____, 2008.

1st Witness: *Cheryl E. Sassard*
Print Name: _____

CHERYLE E. SASSARD

DUVAL STATION DEVELOPERS,
INC. A Florida Corporation

By: *James E. Putnal*
James E. Putnal, Its Vice President

2nd Witness: *[Signature]*
Print Name: LAWRENCE V. ANSBACHER

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 27th day of Sept.,
2008 by James E. Putnal, Vice President of Duval Station Developers, Inc., a Florida corporation,
on behalf of such corporation. He is () personally known to me or () has produced
_____ (Florida Driver's License) as identification.

Cheryl E. Sassard
Notary Public, State of Florida
My Commission Expires:



EXHIBIT A (COMMERCIAL TRACT)

A portion of Section 2, of a Subdivision of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, being more particularly described as follows: COMMENCING at the Southeasterly corner of Tract "D", as shown on the plat of Northcreek as recorded in Plat Book 54, Pages 73, 73A, 73B, 73C, 73D, 73E, 73F, 73G and 73H of the Current Public Records of said County, said point also being situate in the Northerly right of way line of Duval Station Road (a 60 foot right of way); thence North $04^{\circ}55'33''$ East, along the Easterly line of said Tract "D", a distance of 20.39 feet for a POINT OF BEGINNING; thence continue North $04^{\circ}55'33''$ East along said Easterly line of Tract "D" and along the Easterly line of Tract "C", said plat of Northcreek, a distance of 266.13 feet to the Northeast corner of said Tract "D" and the Southerly right of way line of Lady Lake Road (a 60 foot right of way); thence continue South $84^{\circ}34'35''$ East, continuing along said Southerly right of way line, a distance of 161.46 feet to the point of curvature of a curve concave Southerly and having a radius of 65.05 feet; thence Easterly around and along the arc of said curve, and continuing along said Southerly right of way line, a distance of 48.56 feet, said arc being subtended by a chord bearing and distance of South $63^{\circ}11'23''$ East, 47.44 feet to the Northwest corner of those certain lands recorded in Official Records Book 12242, Page 32 of said Current Public Records; thence South $16^{\circ}08'12''$ West, along the Westerly line thereof, 26.20 feet to the Northeast corner of those certain lands recorded in Official Records Book 12242, Page 28 of said Current Public Records; thence North $32^{\circ}20'37''$ West, along the Northeasterly line of said last mentioned lands, 13.35 feet to the Northwesterly corner thereof; thence South $16^{\circ}08'12''$ West, along the Westerly line of said last mentioned lands, 269.93 feet to the Southwest corner thereof and a point situate on the relocated Northerly right of way line of said Duval Station Road, as established by the City of Jacksonville; thence North $73^{\circ}51'48''$ West, along said relocated Northerly right of way line, 54.54 feet; thence North $60^{\circ}18'33''$ West, continuing along said relocated Northerly right of way line, 21.33 feet; thence North $73^{\circ}51'48''$ West, continuing along said relocated Northerly right of way line, 68.25 feet to the POINT OF BEGINNING.

JAXGIS Property Information



RE #	Name	Address	Transaction Price	Acres	Book-Page	Map Panel	Legal Descriptions	Flood Zone	AshSite Zone	JEDC Zone	Evacuation Zone	CPAC	Noise Zone	APZ	Civ HH Zone
106606 0000	DUVAL STATION OUTPARCEL 4 LLC	0 LADY LAKE RD JACKSONVILLE 32218	275000	1.12	14659015547221		37-1N-27E 1.09 JOHN BROWARD GRANT PT S1/2 SEC 2 RECD O/R 14659- 1556	NA	Not in AshSite Zone	Not in Enterprise Zone	Enterprise ZONE D	N/A / Planning Dist. 6	NA	NA	JIA Heigh (300')

JAXGIS Property Information



RE #	Name	Address	Transaction Price	Acres	Book-Page	Map Panel	Legal Descriptions	Flood Zone	AshSite Zone	JEDC Zone	Evacuation Zone	CPAC	Noise Zone
106606 0000	DUVAL STATION OUTPARCEL 4 LLC	LADY LAKE RD JACKSONVILLE	275000	1.12	14659015547221		37-1N-27E 1.09 JOHN BROWARD GRANT PT S1/2 SEC 2 RECD O/R 14659-	NA	Not in AshSite Zone	Not in Enterprise Zone	Enterprise ZONE D	N/A / Planning	NA