

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2015-0247**

**TO PLANNED UNIT DEVELOPMENT**

**MAY 7, 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 **2015-0247** to Planned Unit Development.

***Location:*** 11040 McCormick Road  
Between Challeux Drive South and Fulton Road South

***Real Estate Number:*** A portion of 161206 0200

***Current Zoning District:*** Planned Unit Development (PUD 2010-212-E) and  
Residential Low Density-60 (RLD-60)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Greater Arlington and the Beaches, District 2

***Planning Commissioner:*** Anthony S. Robbins

***City Council District:*** The Honorable Bill Bishop, District 2

***Applicant/Agent:*** T.R. Hainline, Esq.  
Rogers Towers, P.A.  
1301 Riverplace Boulevard, Suite 1500  
Jacksonville, Florida 32207

***Owner:*** Rebecca Hamilton  
Gate Petroleum Company  
9450 San Jose Boulevard  
Jacksonville, Florida 32241

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

### **GENERAL INFORMATION**

Application for Planned Unit Development **2015-0247** seeks to rezone approximately 2.52± acres of land from PUD and RLD-60 to PUD. The rezoning to PUD is being sought for the purpose of modifying the existing PUD site plan (for an existing Gate Petroleum Fueling Station) to incorporate a right-turn, exit only lane, and to allow for 24 hour operation of the business. PUD Ordinance 2010-212-E approved, with conditions, the use of the property as a Gate convenience store and 16 fueling stations. Provisions detailed in the approved conditions of the former PUD have been met, or will be completely met in the near future.

The right-turn exit only lane will alleviate traffic congestion on the subject property at the lighted intersection of McCormick Road and the portion of the Fort Caroline Road realignment. According to the applicant, an increase in the store operating hours will permit the business to capture late night business from nearby Mayport Naval Station. The City Council approved PUD 2010-212-E with the condition those convenience store hours be limited to 6 am to 11 pm. Deliveries will continue to occur between the hours of 7 am and 7 pm, and dumpster pick up schedule will not be altered from the approved PUD.

It should be noted that the site is within the Wonderwood Corridor Study area that was prepared by the Planning and Development Department on April, 2002. The Study refers specifically to this intersection and states...”the study of this area provides an opportunity to review and update zoning along the corridor where appropriate” ....furthermore “Connector construction will require that the existing commercial uses in this triangular parcel west of the Post Office be replaced by a realigned Ft. Caroline Road.” Per the study the Ft Caroline Road and McCormick (Wonderwood) is one of three existing areas of commercial concentration and is considered a critical site. While the study clearly calls for no further strip development, the subject property cannot not be considered strip commercial as it is located at the node, the signalized intersection of Fort Caroline and Wonderwood both arterial roadways. There is nothing contained within the study that specifically suggests the subject property should not be rezoned.

### **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 According to the category description of the Future Land Use Element (FLUE), the Low Density Residential (LDR) permits housing densities of up to 7

dwelling units per acre when full urban services are available. Generally, single-family detached housing will be the predominant land use in this category, although mobile homes, patio homes, townhomes and multi-family dwellings may also be permitted in appropriate locations. Additionally, certain secondary and supporting uses are permitted in all residential categories including supporting commercial and service establishments and home occupations, such as convenience goods, personal services, veterinarians, filling stations and other low intensity retail and office-professional commercial uses developed in freestanding or shopping center configurations.

As encouraged by FLUE Objective 3.2, the proposed filling station use would support nearby residential areas, and is located in a developed suburban area of the City. The site is located at a nodal area of McCormick Road and the realigned Ft. Caroline Road thereby satisfying Policy 1.1.8. Policy 3.2.4 is satisfied since business traffic need not venture into nearby residential areas and Policy 1.1.10 is met due to the proposed PUD containing provisions in/for site design accounting for traffic access, landscaping, buffering, architectural elements and storm water management. These policies are covered under section 1 on the following page.

The location, type, scale and density/intensity of the proposed PUD is compatible with the overall character of the area. This site abuts roadways classified as a collector or higher, which are considered preferred locations for neighborhood serving uses. 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.

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.

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

Yes. 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?*

No. The written description and the site plan of the intended plan of development meet all portions of the City's land use regulations and further their intent by providing specific development standards.

*(1) Consistency with the 2030 Comprehensive Plan*

Yes. 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 located within the Low Density Residential (LDR) functional land use category as identified in the Future Land Use

Map series (FLUMs).

This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan including the following goals, objectives and policies:

FLUE Policy 1.1.8 states that “all new non-residential projects be developed in either nodal areas, in appropriate commercial infill locations, or as part of mixed or multi-use developments such as Planned Unit Developments (PUDs), cluster developments, Traditional Neighborhood Design (TND) developments, and Locally Designated Historic Preservation Districts, as described in this element.” The subject property is located at the intersection of Ft. Caroline and McCormick Roads, both collector roadways, and is an appropriate infill location.

FLUE Policy 1.1.10 states that “The City shall 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.”

FLUE Policy 3.2.4 states that “The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the residential character of and precludes non-residential traffic into adjacent neighborhoods.” The applicant/owner proposes specific development criteria and standards for traffic access, landscaping, buffering and architectural elements binding the owner(s) and any successors.

FLUE Policy 3.2.5 states that, “the City shall require neighborhood commercial uses to be located in nodes at the intersections of collector and arterial roads. Prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.” The subject property is a nodal location at the intersection of Ft. Caroline Road and McCormick Road, both collector roadways.

Therefore, proposed rezoning to Planned Unit Development, as conditioned, is consistent with the 2030 Comprehensive Plan, and further the following goals, objectives and policies contained therein.

*(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 Management System Office (CMSO) prior to development approvals.

*(3) Allocation of residential land use*

This proposed Planned Unit Development does not intend to utilize lands for residential use.

(4) *Internal compatibility*

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

The streetscape:

The PUD proposes adding an additional right-out, exit only lane to the northbound lane of McCormick Road. The building massing and orientation on the property will not be altered from that of the existing approved PUD.

The use of existing and proposed landscaping:

Landscaping within the Property of the PUD will be constructed and maintained in accordance with the requirements set forth in Part 12 of the Zoning Code, and the approved conditions as part of 2010-212-E. Those conditions have been incorporated into the Written Description of this PUD.

The treatment of pedestrian ways:

The site plan indicates that access to the Property will continue from McCormick Road at the four-way signalized intersection of McCormick Road and Ft. Caroline Road. There are sidewalks both internal and external to the property.

Traffic and pedestrian circulation patterns:

This section of McCormick Road is FDOT maintained. Number, design and location of access points are subject to FDOT approval. In their memorandum dated April 28, 2015, the FDOT had the following comments:

**Trip Generation**

*“Because the rezoning is neither adding vehicle fueling positions nor expanding the convenience store, the trip generation for the AM and PM peak hours will remain unchanged. The daily trip generation may increase because the hours of operation will be expanded to 24 hours. However, the traffic increase will be small because most of the traffic already occurs from 6:00 AM to 11:00 PM. Furthermore, trips from gasoline stations with convenience stores usually come from the adjacent street traffic, i.e., pass-by capture, so the net new trip increase may be even more minuscule.”*

**Impacts to State Roads**

*“ The PUD changes directly affect McCormick Road (SR 16). Table 1 shows the peak hour volumes and maximum level of service volumes according to FDOTs 2013 Florida State Highway System Level of Service Report dated August 2014. ... As stated in the trip generation section, AM and PM peak hour traffic volumes should remain unchanged since the existing gasoline service station with thee convenience store currently operates from 6:00 AM to 11:00 PM. Nevertheless, McCormick Road (SR 16) from Southside Boulevard to Monument Road has sufficient capacity.”*

The use and variety of building setback lines, separations, and buffering:

Consistent with approved PUD 2010-212-E.

The use and variety of building sizes and architectural styles:

Consistent with approved PUD 2010-212-E.

The use and variety of materials:

Consistent with approved PUD 2010-212-E.

The use and variety of building groupings, lighting, or 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:

According to the written description of the original PUD, all lighting shall be oriented so as to localize illumination onto the property to the greatest extent possible, eliminating unreasonable interference or impact to any affected residential zoning district. Lighting shall be baffled from the adjacent residential property to localize illumination onto the property, and to minimize impact on the residential zoning districts to the south and west, subject to the review and approval of the Planning and Development Department. Illumination levels at all property lines shall not exceed one-half (.5) footcandles (f.c.) at the western and southern property lines and shall not exceed one (1.0) f.c. at the eastern and northern property lines. Any and all noise-producing equipment or appurtenances required to be used on the property shall be designed, located and adequately buffered to minimize the impact of noise on the adjacent residential properties; any vacuums shall be located on the east side of the property, away from nearby residential uses.

Signage:

Consistent with approved PUD 2010-212-E.

*(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:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon:

Consistent with approved PUD 2010-212-E.

The type, number and location of surrounding external uses: The general area is characterized by a mixture of uses and densities, including retail, institutional and residential (single family and multi-family). Surrounding land use designations and zoning districts include CSV/CSV, NC/CN, RPI/PBF-1, RPI/CO, MDR/ RMD-B and MDR/RMD-E to the north, LDR/PBF-1, LDR/RLD-G and MDR/RMD-A to the east, and LDR/RLD-D to the west and the south. The proposed PUD is compatible with the surrounding development and zoning districts, considering its development criteria and the location of a FDOT retention pond between the proposed use and

existing residential neighborhood to the south and west, which ensures that it is not intrusive to the existing neighborhood. Landscaping that was required to be installed by the original PUD is maturing and filling in to provide the intended buffer.

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

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	RPI/CSV/MDR/LDR	PBF-1, CSV, RLD-70, CO, RMD-B	U.S. Postal Office, Residential Office, Cell Tower
East	LDR	PBF-1, RLD-90, RLD-70	Sports Field, Church, Residential
South	LDR	RLD-90	Residential
West	LDR	RLD-90	Residential/Church

*(6) Intensity of Development*

The PUD is appropriate at this location with specific reference to the following:

The location of various proposed uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses:

The proposed PUD is compatible with the surrounding development and zoning districts, considering its development criteria and limitations on permitted uses, as well as a common development and unified architectural theme containing special provisions for signage, landscaping, buffers, lighting, hours, security, sidewalks, etc. These provisions, and the location of a FDOT retention pond between the proposed use and existing residential neighborhood to the south and west, ensure that it is not intrusive to the existing neighborhood. The right-turn, exit only lane will be designed subject to the requirements of the FDOT. Appropriate signage and signalization will be installed to reduce potential vehicle/pedestrian or vehicle/bicycle conflicts.

The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the proposed PUD:

Landscape buffering, fencing, and masonry walls have been installed consistent with approved PUD 2010-212-E.

The availability and location of utility services and public facilities and services:

The site is served by city sewer and water.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:

A review of the proposed changes was conducted by the Transportation Planning Division of the Planning and Development Department. The attached memorandum dated April 28, 2015 revealed the following comments:

*McCormick Road (SR 116), from Fort Caroline Road to Monument Road, is the directly accessed functionally classified roadway. McCormick Road is a 4-lane divided class II minor arterial in this vicinity and is currently operating at an unacceptable LOS D. McCormick Road segments have a maximum daily service volume of 35,100 vpd and a 2014 daily traffic volume of 27,500. This road segment currently has sufficient capacity to accommodate the traffic generated by this development. Access to this site via McCormick Road must be subject to FDOT access management requirements.*

*This proposal is for 16 pumps of ITE 853 Convenience Mart with Gas Pumps, which would generate a total of 2,952 vpd and does not exceed the amount of allowable trip generation for this property.*

*(ITE 853 Convenience Mart with Gas Pumps – 16 pumps)*

*(7) Usable open spaces plazas, recreation areas.*

There is no residential component to the development. No recreation area is required.

*(8) Impact on wetlands*

Surveying of a 2004 Geographical Information Systems shape file did identify wetlands on-site. 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 continue to be developed in accordance with Part 6 of the Zoning Code. The site plan shows that the addition of the right-out, exit only turn lane will require the relocation of four parking spaces to accommodate the new exit driveway. Staff is of the opinion that the relocation of these four spaces will unnecessarily reduce landscape area on site and may cause a vehicular conflict between cars backing out and vehicles trying to exit the property.

*(11) Sidewalks, trails, and bikeways*

The project will contain an internal and external pedestrian system that meets the 2030 Comprehensive Plan. Potential impacts to adjacent bicycle facilities and amenities will be subject to the review and approval of the City's Bicycle and Pedestrian Coordinator.



### SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on April 28, 2015, the required Notice of Public Hearing sign was posted.



*Source: Staff, Planning and Development Department  
Date: April 28, 2015*

### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2015-247** be **APPROVED** with the following exhibits:

1. **The original legal description dated March 16, 2015.**
2. **The original written description dated March 16, 2015.**
3. **The original site plan dated March 11, 2015.**
4. **The Florida Department of Transportation Memorandum dated April 28, 2015 or as otherwise approved by the Planning and Development Department.**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2015-247** be **APPROVED** subject to the following conditions, which may only be changed through a rezoning:

1. **There shall be no stacking or storing of crates, palletes, boxes, or other materials on the retention pond side of the convenience store.**
2. **There shall be no new parking spaces created on the new right-out, exit only access driveway.**

3. An average fifteen (15) foot wide undisturbed natural buffer shall be provided and maintained along the retention pond side of the the proposed right-out, exit only turn lane provided however that no protected trees shall be removed within fifteen (15) feet of the curb of the turn lane, subject to the review and approval of the Planning and Development Department.



**Existing Gate Petroleum fueling station and convenience store.**

*Source: Staff, Planning and Development Department*

*Date: April 28, 2015*



**Existing fence and landscape buffering installed on the western property line.**

*Source: Staff, Planning and Development Department  
Date: April 28, 2015*



**Existing dumpster area and required landscape buffering.**

*Source: Staff, Planning and Development Department  
Date: April 28, 2015*



**Rear retention pond area and wooded buffer area across the pond.**

*Source: Staff, Planning and Development Department  
Date: April 28, 2015*



**These four spaces will be removed to accommodate new right-out, exit only lane to McCormick Road.**

*Source: Staff, Planning and Development Department  
Date: April 28, 2015*



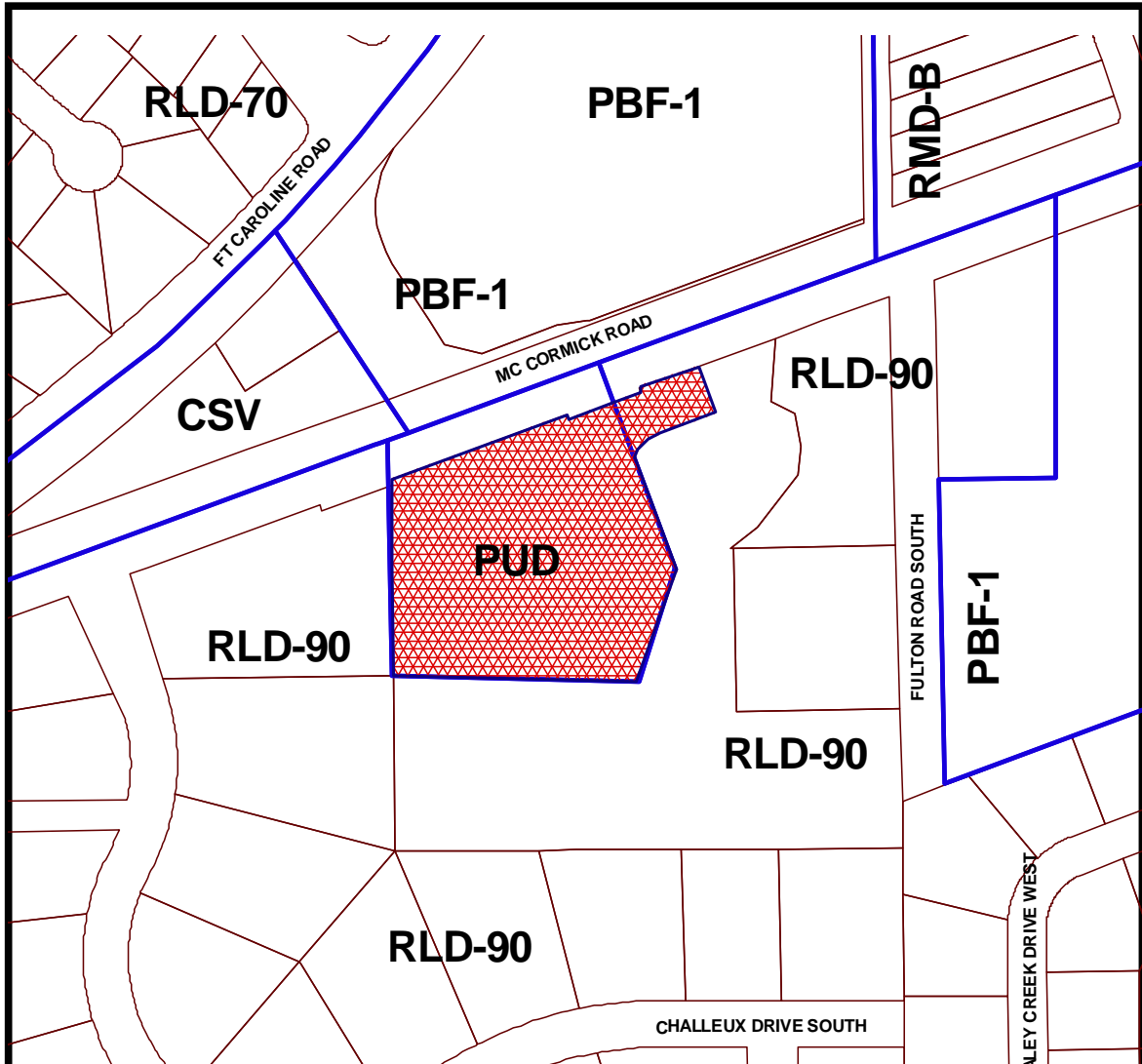
**Existing bus stop pull-off, not currently utilized by JTA.**

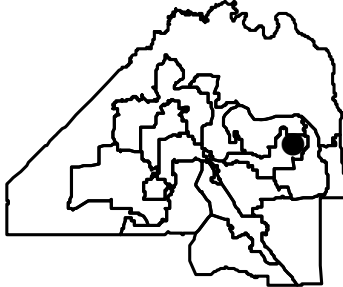
*Source: Staff, Planning and Development Department  
Date: April 28, 2015*



**Exit lane will connect to McCormick Road at this location.**

*Source: Staff, Planning and Development Department  
Date: April 28, 2015*



<p>REQUEST SOUGHT:</p> <p>FROM: PUD &amp; RLD-90</p> <p>TO: PUD</p>		<p>N W E S</p> <p>0 100 Feet</p> <p>COUNCIL DISTRICT: <b>2</b></p> <p>ORDINANCE -2015-0247</p> <p>FILE COPY</p>
---	--	---



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

2198 Edison Avenue MS 2806  
Jacksonville, FL 32204-2730  
Transmitted Electronically

JIM BOXOLD  
SECRETARY

April 28, 2015

Aaron A. Glick, LEED AP, AICP  
City Planner II  
Current Planning Division  
Planning and Development Department  
214 N. Hogan St., Suite 300  
Jacksonville, Florida 32202

**SUBJECT: *McCormick Gate Food Post PUD 2015-0247***

### **Introduction**

McCormick Gate Food Post Planned Unit Development (PUD) is a gasoline service station with a convenience store located south of the intersection of McCormick Road and Fort Caroline Road, between Challeux Drive South and Fulton Road South in Jacksonville, Duval County, Florida. This request is to rezone 2.52 acres from PUD and Residential Low Density-90 (RLD-90) to PUD in order to modify the existing PUD site plan to incorporate a right-turn, exit-only lane and to allow business operation for 24 hours a day. The future land use category is Low Density Residential (LDR).

### **Trip Generation**

Condition 2(d) of the originally approved PUD under *Ordinance 2010-212-E* limited the hours of operation to 6:00 AM to 11:00 PM (17 hours). Condition 2(e), which will be retained under the new PUD rezoning, limits deliveries to occur before 7:00 AM or after 7:00 PM. The existing site plan shows 16 vehicle fueling positions.

Because the rezoning is neither adding vehicle fueling positions nor expanding the convenience store, the trip generation for the AM and PM peak hours will remain unchanged.

The daily trip generation may increase because the hours of operation will be expanded to 24 hours. However, the traffic increase will be small because most of the traffic already occurs from 6:00 AM to 11:00 PM. Furthermore, trips from gasoline stations with convenience stores usually

come from the adjacent street traffic, i.e., pass-by capture, so the net new trip increase may be even more miniscule.

### **Impacts to State Roads**

The applicant's site plan shows the additional right-turn, exit-only driveway on McCormick Road. The development has an existing driveway on McCormick Road and Fort Caroline Road signalized intersection. The application acknowledges that the location and design of the access points will be subjected to review and approval of the City Traffic Engineer and Planning and Development Department.

The PUD changes directly affect McCormick Road (SR 116). Table 1 shows the peak hour volumes and maximum level of service volumes according to FDOT's *2013 Florida State Highway System Level of Service Report* dated August 2014.


As stated in the trip generation section, AM and PM peak hour traffic volumes should remain unchanged since the existing gasoline service station with the convenience store currently operates from 6:00 AM to 11:00 PM. Nevertheless, McCormick Road (SR 116) from Southside Boulevard to Monument Road has sufficient capacity.

**Table 1**

<b>Roadway</b>	<b>Segment</b>	<b>LOS Standard</b>	<b>Maximum Service Volume</b>	<b>2013 Peak Hour Volume</b>	<b>2013 LOS</b>
SR 116	Southside Blvd. to Monument Rd.	D	3,580	1,890	C

Thank you for coordinating the review of the McCormick Road Food Post PUD Application with FDOT. If you have any questions, please do not hesitate to contact me by email: [Ameera.sayed@dot.state.fl.us](mailto:Ameera.sayed@dot.state.fl.us) or call: (904) 360-5647.

Sincerely,



Ameera Sayeed, AICP, GISP  
FDOT Growth and Development/Modeling Coordinator

Cc. Sean Kelly, P.E. FDOT Jacksonville Maintenance Permits Engineer  
David Tyler, P.E. FDOT District Two Access Management Engineer  
Nathan Lee FDOT District Two Permits Engineer





**MEMORANDUM**

**TO:** Aaron Glick, City Planner II

**FROM:** Lisa S. Ransom, City Planner III

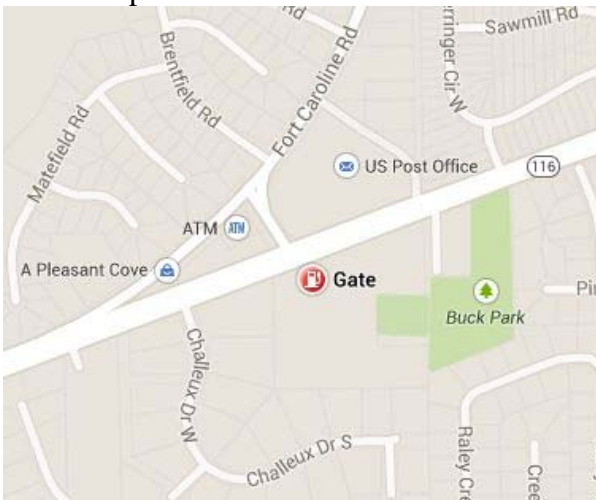
**DATE:** April 28, 2015

**RE:** Application for PUD 2015-0247/McCormick Road Gate Food Post PUD  
Wonderwood Corridor (Ordinance 204-707-E)

**Background**

The Wonderwood Connector Project was constructed to connect Mayport Naval Station and the Beaches Communities with the Mainland. The completion of the project provided a fourth bridge across the Intercoastal Waterway and the fourth route to and from the Beaches. According to the study, “Jacksonville already has boulevards that connect to the Beaches along largely commercial corridors. The Wonderwood Connector is not intended for strip commercial development...It must therefore be viewed as a road that enhances travel options for those traveling between the Beaches and the Mainland.” According to the study, the residential neighborhoods along the route are well established and were developed between the 1960s and 1980s. The commercial nodes located at Monument and McCormick and Ft. Caroline Roads/I-295 were constructed during the 1970s.

The subject property is located at 11040 McCormick Road (Real Estate #161206-0000) and is within the Wonderwood Connector Corridor Land Use and Zoning Study Area. The subject site contains 2.52 acres. The Current Zoning District is Planned Unit Development (PUD) (Ord. 2010-212-E) to allow a gas station and convenience store with limited hours of operation. The current request would amend the existing PUD to allow a right-turn, exit only lane to the existing site. In addition, the hours of operation **would increase** to allow a 24-hour operation.



11040 McCormick Road/Google Maps  
214 N. Hogan Street

| Jacksonville, FL 32202

| Phone: 904.255.7800

| Fax: 904.255-7885

| www.coj.net



The Corridor Study Review of the original PUD (Ord. 2010-212-E) dated April 22, 2010 (see attachment) indicated that

“The new intersection of the collector road and the arterial road created a node at the location of the proposed PUD. The {Wonderwood Corridor} study did not anticipate a new node at this or any other location. Without the realignment, new commercial development may not have been feasible at this location.

The Neighborhood Planning Section recognizes that the study does not support strip commercial development. The intent of the study is to not encourage new commercial strip development while allowing for improved transportation connecting the Mayport Naval Station, the Beaches communities and the mainland. The proposed gas station is an introduction of a commercial retail establishment in a residentially developed area.

Therefore, the Neighborhood Planning section finds that the proposed PUD is **not consistent** with the Wonderwood Connector Corridor study due the addition of a commercial retail use along the Wonderwood Corridor.”

The original PUD was found to be inconsistent with the Wonderwood Study. The current request continues the commercialization of the corridor. As indicated in the study on Page 9, it states that “it is recognized that there will be pressure to change land use and zoning designations once additional traffic begins to travel over a completed Connector. However, as long as the Connector fulfills its transportation function of expeditiously and safely for those passing through the area, it does not need to be a part of meeting their discretionary shopping needs. It does need to be a part of meeting the needs of nearby residents.”

Based on the aforementioned, the Neighborhood Planning Section finds that the proposed application for Ordinance 2015-0247 to modify the existing PUD to allow for a 24-hour gas station and a right-turn lane, would intensify the existing commercial use. Therefore, the proposed PUD Ord. 2015-0247 is **inconsistent** with the Wonderwood Connector Corridor Land Use and Zoning Study.



April 22, 2010

TO: Sean Kelly, Division Chief, Current Planning Section

FROM: Lisa S. Ransom, City Planner Manager

SUBJECT: Application for PUD Rezoning 2010-212

---

According to the application, the subject property contains approximately 2.35 acres of land and is located between Challeux Drive South and Fulton Road South.

The site is not identified as a "critical site". According to the study, "The Wonderwood Connector is not intended for strip commercial development as neither the existing land uses and zoning, the policies of the 2010 Comprehensive Plan nor the future interests of viable residential neighborhoods support this position." It must therefore be viewed as a road that enhances travel options for those traveling between Beaches and the Mainland, as well as those living beside it. While it fulfills its transportation function, it must also provide those characteristics that allow a road to become part of a neighborhood. It must be accessible, pedestrian and bicycle friendly, contain interesting and useful focal points and be visually attractive".

The proposed PUD would allow a gas station and convenience store as a secondary and supporting neighborhood commercial use within the LDR Comprehensive Plan Land use category. The location for the proposed gas station is a signalized intersection of two streets classified as an arterial or collector street. It should be noted that the study did not anticipate the impacts of the newly designed intersection and therefore, the node that now exists as a result of the reconfiguration of the roadway system. According to the site plan rendering, the proposed gas station is at the intersection of Ft. Caroline and the Wonderwood Corridor.

The Neighborhood Planning Section notes that the Wonderwood study stipulates that development of the corridor should not resemble strip commercial development. The study anticipated three commercially developed locations. The proposed PUD is located at an area previously considered for commercial development. The proposed PUD would allow a gas station and convenience store and other permitted uses under 656.403 Accessory uses and structures. Furthermore, the PUD would require buffers that currently exceed the Zoning Code requirement along the western and southern property boundaries.

The current conditions previously stated were not addressed in the study. The new intersection of the collector road and the arterial road created a node at the location of



the proposed PUD. The study did not anticipate a new node at this or any other location. Without the realignment, new commercial development may not have been feasible at this location.

The Neighborhood Planning Section recognizes that the study does not support strip commercial development. The intent of the study is to not encourage new commercial strip development while allowing for improved transportation connecting the Mayport Naval Station, the Beaches communities and the mainland. The proposed gas station is an introduction of a commercial retail establishment in a residentially developed area. Therefore, the Neighborhood Planning section finds that the proposed PUD is not consistent with the Wonderwood Connector Corridor study due the addition of a commercial retail use along the Wonderwood Corridor.

## Application For Rezoning To PUD

### Planning and Development Department Info

**Ordinance #** 2015-0247 **Staff Sign-Off/Date** AAG / 03/27/2015

**Filing Date** 04/08/2015 **Number of Signs to Post** 3

**Hearing Dates:**

**1st City Council** 05/12/2015 **Planning Commission** 05/07/2015

**Land Use & Zoning** 05/20/2015 **2nd City Council** 05/26/2015

**Neighborhood Association** GREATER ARLINGTON CIVIC COUNCIL, COMMUNITIES OF EAST ARLINGTON

**Neighborhood Action Plan/Corridor Study** WONDERWOOD CORRIDOR

### Application Info

**Tracking #** 806

**Application Status** FILED COMPLETE

**Date Started** 03/11/2015

**Date Submitted** 03/16/2015

### General Information On Applicant

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
HAINLINE	T.R.	
<b>Company Name</b>		
ROGERS TOWERS, P.A.		
<b>Mailing Address</b>		
1301 RIVEPLACE BOULEVARD, SUITE 1500		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32207
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043465531	9043960663	THAINLINE@RTLAW.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
HAMILTON	REBECCA	
<b>Company/Trust Name</b>		
GATE PETROLEUM COMPANY		
<b>Mailing Address</b>		
9540 SAN JOSE BOULEVARD		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32241
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9047377220	9047327660	

### Property Information

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)** 2010-212-E

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map				

	161206 0200	2	2	PUD	PUD
Map	161206 0200	2	2	RLD-90	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)** 2.52

**Development Number** \_\_\_\_\_

**Proposed PUD Name** MCCORMICK ROAD GATE FOOD POST PUD

**Justification For Rezoning Application**  
SEE EXHIBIT "D" ATTACHED.

**Location Of Property**

**General Location**  
11040 MCCORMICK ROAD

House #	Street Name, Type and Direction	Zip Code
11040	MC CORMICK RD	32225

**Between Streets**  
CHALLEUX DRIVE SOUTH and FULTON ROAD SOUTH

- 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**  
**2.52 Acres @ \$10.00 /acre:** \$30.00
- 3) Plus Notification Costs Per Addressee**  
**17 Notifications @ \$7.00 /each:** \$119.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,149.00

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

# EXHIBIT A

## Property Ownership Affidavit

Date: \_\_\_\_\_

City of Jacksonville  
City Council and Planning Commission  
117 West Duval Street, City Hall  
Jacksonville, FL 32202

**Re: 11040 McCormick Road**  
**RE #: A Portion of 161206-0200**

Gentlemen:

I, Rebecca A. Hamilton hereby certify that Gate Petroleum Company is the Owner of the property described in the attached legal description, Exhibit 1 in connection with filing application(s) for a PUD Rezoning submitted to the Jacksonville Planning and Development Department.

**GATE PETROLEUM COMPANY,**  
a Florida corporation

By: *Rebecca A. Hamilton*  
Name: Rebecca A. Hamilton  
Its: Vice President

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 2015, by Rebecca A. Hamilton as Vice President of Gate Petroleum Company, a Florida corporation on behalf of the corporation. She (check one) () is personally known to me, or () has produced a valid driver's license as identification.

*Vicki L. Cross* (SEAL)  
Notary Public, State of Florida and county aforesaid

Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_





**EXHIBIT B**

**Agent Authorization**

Date:

City of Jacksonville  
City Council and Planning Commission  
117 West Duval Street, City Hall  
Jacksonville, FL 32202

Re: Agent Authorization for the following site location:

11040 McCormick Road

Gentlemen:

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 to act as agents to file application(s) for a PUD 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.

**GATE PETROLEUM COMPANY**, a Florida corporation

By: Rebecca A. Hamilton  
Name: Rebecca A. Hamilton  
Its: Vice President

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 2015, by Rebecca A. Hamilton, as Vice President of Gate Petroleum Company, a Florida corporation on behalf of the corporation. She (check one) () is personally known to me, or () has produced a valid driver's license as identification.

[Signature] (SEAL)  
Notary Public, State of Florida and county aforesaid

Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_



**EXHIBIT C**

**Binding Letter**

\_\_\_\_\_, 2015

City of Jacksonville  
Planning and Development Department  
Jacksonville, FL 32202

Re: 11040 McCormick Road

To whom it may concern:

You are hereby advised that the undersigned, owner of the property, being more particularly described in the PUD document attached hereto and by reference made a part hereof, hereby agrees to bind its successors in title to the 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.

**GATE PETROLEUM COMPANY, a Florida corporation**

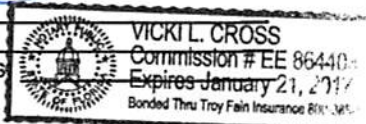
By: Rebecca A. Hamilton  
Name: Rebecca A. Hamilton  
Its: Vice President

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of March, 2015, by Rebecca A. Hamilton, as Vice President of Gate Petroleum Company, a Florida corporation, on behalf of the corporation. She (check one) () is personally known to me, or () has produced a valid driver's license as identification.

[Signature] (SEAL)  
Notary Public, State of Florida and county aforesaid

Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is \_\_\_\_\_



**EXHIBIT D**

**McCormick Road Gate Food Post PUD  
Written Description  
March 16, 2015**

**I. SUMMARY DESCRIPTION OF THE PROPERTY**

- A. Current Land Use Category: LDR
- B. Current Zoning District: PUD & RLD-90
- C. Requested Zoning District: PUD
- D. Real Estate Parcel Number: a portion of 161206-0200

**II. SUMMARY DESCRIPTION OF THE PUD**

The Applicant, Gate Petroleum Company (Gate), proposes to rezone approximately - 2.52± acres of property from Planned Unit Development (“PUD”) and Residential Low Density-90 (RLD-90) to PUD. Ordinance 2010-212-E approved, with conditions, the use of the property for a Gate convenience store and fueling stations. As discussed in greater detail below, the PUD zoning district is being requested in order to (1) modify the existing PUD site plan to incorporate a right-turn, exit only lane, and (2) to allow for 24 hour operation of the business.

The site is located south of the intersection of McCormick Road and Ft. Caroline Road, between Challeux Drive South and Fulton Road South (the “Property”). The Property is more particularly described in the legal description attached as Exhibit “1” to this application. A conceptual site plan of the existing gas station and convenience store with the new right-turn, exit only lane is attached as Exhibit “E” to this application (the “Site Plan”).

The Property lies within the Low Density Residential (LDR) land use category in the Future Land Use Map and within the Suburban Development Area of the Comprehensive Plan. Surrounding land use designations, zoning districts, and existing uses are as follows:

	<u>Land Use</u>	<u>Zoning</u>	<u>Use</u>
South	LDR	RLD-90	Residential
East	LDR	PBF-1, RLD-90, RLD-70	Club/Hall, Sports Fields, Residential, Church
North	RPI, CSV, MDR, LDR	PBF-1, CSV, RLD-70, CO, RMD-B	U.S. Post Office, Residential, Office, Cell Tower
West	LDR	RLD-90	Residential, Church

The existing use of the site for a gas station and convenience store is a secondary and supporting neighborhood commercial use within the LDR Comprehensive Plan land use category and is authorized by Section 656.305, Ordinance Code, as determined pursuant to Ordinance 2010-212-E.

Gate wishes to add a right-turn, exit only lane to the existing site as shown on the Site Plan. As a result of the addition of the second exit, Gate will relocate four (4) existing parking spaces and will modify the internal sidewalks. The additional exit will increase site safety by improving internal traffic circulation. Gate also desires to remove the operating hour restrictions set forth in condition 2(d) of Ordinance 2010-212-E, to permit 24 hour operation. The increased operating hours are necessary in order to serve the needs of the Mayport personnel, staff and employees working shifts which occur round-the-clock, to serve non-Mayport early morning business commuters and to prevent vagrancy, vandalism and material theft which has occurred after hours. The landscaping and buffering criteria, along with the existing FDOT pond and the restrictions on delivery times and the prohibition of outdoor speakers are not being modified and will ensure that the increase in the hours of operation does not negatively impact adjacent residential uses.

The PUD Development Criteria in Section III below are identical to those set forth in Ordinance 2010-212-E, with the following exceptions:

- (1) The additional right-turn out exit described in the Section III.B **Vehicular Access**;
- (2) The revised hours of operation described in Section III.H. **Gas Station and Convenience Store Hours**;
- (3) The incorporation of Condition 2(b) of the Ordinance requiring a four (4) foot high masonry wall to the west of the five (5) westerly parking spaces subject to review and approval of the Planning and Development Department described in Section III.F.1.(b) **Landscaping and Buffers, Western Buffer**;
- (4) The incorporation of Condition 2(c) of the Ordinance prohibiting outdoor speakers except as otherwise required by fire code described in Section III.J **Lighting and Noise Minimized**;
- (5) The incorporation of Condition 2(e) of the Ordinance prohibiting deliveries before 7:00 a.m. and after 7:00 p.m. described in Section III.H. **Gas Station and Convenience Store Hours**;
- (6) The deletion of certain requirements set forth in Ordinance 2010-212-E which required the placement of the old Gate station property on Ft. Caroline Road in the CSV land use and zoning categories and the demolition of the improvements thereon, since such conditions have been fully complied with; and
- (7) The addition of Sections III.P. through III.T. to address PUD requirements not addressed in the original written description .

Note: Prior Condition 2(b), 2(c) and 2(e) of Ordinance 2010-212-E are being incorporated into the PUD Development Criteria to ensure that they remain as

restrictions/requirements of the PUD. However, as specifically set forth in Section III.N. **Modifications** below, amendments to these specific restrictions/requirements may only be accomplished by a PUD to PUD rezoning.

The PUD Development Criteria are as follows:

### III. PUD DEVELOPMENT CRITERIA

#### A. Permitted Uses and Minimum Lot and Building Requirements:

1. *Permitted uses and structures.* The permitted uses and structures are as follows:

a. Gas station, with a maximum of sixteen (16) vehicle fueling positions (vfp) and eight (8) mechanical pumping devices (mpd);

b. Convenience store/neighborhood retail sales and service; retail sale and service of beer and wine for off-premises consumption.

c. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.

2. *Permitted accessory uses and structures.* Accessory uses and structures are permitted as provided in Section 656.403, Zoning Code.

3. *Minimum lot requirement (width and area).* None.

4. *Maximum lot coverage by all buildings.* None.

5. *Minimum yard requirements.*

a. Front (north property line) - Twenty (20) feet.

b. Side - Ten (10) feet.

c. Rear (south property line) - Ten (10) feet.

*Maximum height of structures.* Thirty-five (35) feet. As provided in Section 656.405 of the City of the Zoning Code, spires, cupolas, antennas, chimneys and other appurtenances not intended for human occupancy may be placed above the maximum heights provided for herein.

**B. Vehicular Access:** As shown on the Site Plan, access into the Property will be from McCormick Road at a four-way signalized intersection of McCormick Road and Ft. Caroline Road. Vehicles may exit at the signal or may exit via a secondary right-turn out only exit on McCormick Road. The location of the access points shown on the Site Plan is schematic and may be subject to realignment and relocation prior to development. The location and design

of the access points will be subject to the review and approval of the City Traffic Engineer and the Planning and Development Department. There will be no access to the PUD at Fulton Road.

C. **Parking:** Parking will comply with the requirements of Part 6 of the Zoning Code, taking into consideration all proposed uses within the PUD.

D. **Canopy:** The canopy shall not exceed a ceiling height of seventeen (17) feet. The canopy fascia shall not be illuminated, transparent, reflective or encircled in lights. Canopy lighting shall be located under the canopy only, and all such lighting fixtures shall be recessed and/or baffled to localize illumination onto the Property.

E. **Signage:** One (1) double-faced monument sign a maximum of twelve (12) feet in height and a maximum of one hundred twenty-five (125) square feet in area is permitted on the Property along McCormick Road as shown on the Site Plan. Wall signs are also permitted and shall not exceed ten (10) percent of the square footage of the occupancy frontage or respective side of the building abutting a public right-of-way or approved private street. Gas station signage on the overhead canopy shall be a maximum of one sign facing McCormick Road, a maximum of fifteen (15) square feet in area, which square footage shall be subtracted from the allowable square footage which can be utilized for wall signage. Directional signs, real estate signs and construction signs are permitted in accordance with the regulations set forth in Part 13 of the Zoning Code.

Because the signs discussed above are architectural elements of the PUD, intended to be compatible with and complementary to the buildings in the PUD, they may be located in structures or frames that are part of the architecture of the project. Accordingly, the area of such signs shall be computed on the basis of the smallest regular geometric shape encompassing the outermost individual letter, words, and numbers on the sign and shall not include the frame or surrounding mount.

F. **Landscaping and Buffers:** Landscaping within the Property of the PUD will be constructed and maintained in accordance with the minimum requirements set forth in Part 12 of the Zoning Code; provided however, that buffers/visual screens will be provided as described below, with buffer materials meeting the minimum requirements for buffers/visual screens in Section 656.1216, Ordinance Code. The landscaped areas will allow for the inclusion of native or ornamental vegetation, trees, and shrubs, fencing and irrigation.

1. *Western Buffer.*

a. Along the western boundary of the Property, as shown on the Site Plan, a minimum fifty (50) foot natural buffer, supplemented where necessary with landscaping to achieve a visual screen with a minimum ninety (90) percent opacity and eight (8) feet in height.

b. Gate shall also construct a four (4) foot high masonry wall to the west of the five (5) westerly parking spaces subject to the review and approval of the Planning and Development Department. As set forth in Section III.N. **Modifications** below, modification of this requirement may only be accomplished via a PUD to PUD rezoning.

2. *Southern Buffer.* Inside the southern boundary of the Property between the gas station and convenience store and the JTA retention pond, as shown on the Site Plan, a minimum twenty-five (25) foot landscape buffer extending from the Western Buffer, as described above, to the eastern extent of the dumpster and loading zone, to achieve a visual screen with a minimum ninety (90) percent opacity and eight (8) feet in height. Also, no bike paths, walking trails, or other pedestrian areas shall be located in the area between the gas station and convenience store and the JTA retention pond, so as to discourage any unauthorized access or use of the pond.

Landscape plans for these buffers shall be subject to the review and approval of the Planning and Development Department for compliance with the provisions of this PUD.

**G. Architectural Controls:** The architectural style of the gas station and convenience store shall be as depicted in the elevations and renderings in Exhibits “J-1” through “J-”, attached hereto and incorporated herein by this reference. Architectural plans for the gas station and convenience store shall be reviewed and approved by the Planning and Development Department for compliance with this condition.

Dumpsters shall be located on the east side of the gas station and convenience store, as shown on the Site Plan. In addition, dumpsters, propane tanks, and similar appurtenances shall be located within enclosures/visual screens a minimum six (6) feet in height and composed of the same durable, permanent 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 loading/unloading zone for dumpsters, propane tanks, and similar appurtenances shall be screened by the Southern Buffer inside the southern boundary of the Property described above.

**H. Gas Station and Convenience Store Hours:** The gas station and convenience store uses in the PUD shall be permitted to operate 24 hours a day, 7 days a week. However, no deliveries shall occur before 7:00 a.m. or after 7:00 p.m. As set forth in Section III.N. **Modifications** below, modification of the requirement regarding deliveries may only be accomplished via a PUD to PUD rezoning.

**I. Security Fencing:** Security fencing, consisting of a black vinyl coated chain link fence six (6) feet in height with plantings of creeping vine, shall be located along the western perimeter of the gas station improvements from the closest practicable location inside the entrance at McCormick Road to the JTA retention pond, inside (on the east side) of the Western Buffer, to prevent any pedestrian access from the gas station and convenience store through the Western Buffer or to the western shoreline of the pond. Gated and securitized access may be provided as necessary for pond and landscaping maintenance.

a. **Lighting and Noise Minimized:** Lighting shall be baffled from the adjacent residential property to localize illumination onto the Property, and to minimize impact on the residential zoning districts to the south and west, subject to the review and approval of the Planning and Development Department. Illumination levels at all property lines shall not exceed one-half (.5) footcandles (f.c.) at the western and southern property lines and shall not exceed one (1.0) f.c. at the eastern and northern property lines. A lighting plan shall be

reviewed and approved by the Planning and Development Department for compliance with this condition. Any and all noise-producing equipment or appurtenances required to be used on the Property shall be designed, located and adequately buffered to minimize the impact of noise on the adjacent residential properties; any vacuums shall be located on the east side of the Property, away from nearby residential uses. Dumpsters within the project shall be serviced between 8:00 AM and 5:00 PM. Outdoor speakers shall be prohibited except as otherwise required by fire code. As set forth in Section III.N. **Modifications** below, modification to the requirement regarding outdoor speakers may only be accomplished via a PUD to PUD rezoning.

J. **Site of Existing Gas Station.** Pursuant to the terms of Ordinance 2010-212-E, Gate agreed to provide the City with appropriate due diligence assurances that the existing gas station site is in compliance with environmental regulations relating to the removal of fuel tanks and any potential contamination therefrom, which documents were provided to the City. Gate agrees to convey title to the existing gas station site to the City of Jacksonville or its designee, at no cost to the City of Jacksonville, in satisfactory condition for use or development by the City as greenscape/public/community use. This provision shall not disqualify Gate and/or the JTA from applying for tree mitigation credits for the conveyance of this site as permitted in the Section 656.1206 of the Ordinance Code, as amended by Ordinance 2005-1019-E.

K. **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 may be located on or off-site and may be shared with other parcels provided the stormwater design for the use PUD meets the standards and requirements of the City of Jacksonville and the St. Johns River Water Management District.

L. **Construction/Temporary Trailers:** During construction, temporary fencing or screening shall be provided to protect the adjacent residences from construction impacts and encroachments. Construction trailers shall be allowed during construction of the development and will be maintained in good order, condition and repair and shall be removed upon issuance of a Certificate of Occupancy for the gas station and convenience store.

M. **Modifications:**

1. Subject to the limitations set forth in 2. Below, 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; provided, however, that the Site Plan may be revised to decrease the size of the building(s) without an administrative modification, minor modification, or rezoning, as long as the revised site plan meets the PUD Development Criteria provided herein.

2. Because this PUD incorporates certain restrictions/requirements that were conditions of Ordinance 2010-212-E, amendments to those restrictions/requirements may only be accomplished by a PUD to PUD rezoning. Those restrictions/requirements are:

a. Gate shall construct a four (4) foot high masonry wall to the west of the five (5) westerly parking spaces.



b. Outdoor speakers shall be prohibited except as otherwise required by fire code.

c. No deliveries shall occur before 7:00 a.m. or after 7:00 p.m.

N. **Conceptual Site Plan:** The plans and other visual illustrations in this PUD application are conceptual. The Site Plan, as submitted, reflects the best current planning for the site. It is possible, however, that revisions to the Site Plan, including but not limited to building footprint and internal circulation, may be required as the proposed development proceeds through final engineering and site plan review. Therefore, the Site Plan is labeled as conceptual, recognizing that future changes will be subject to further review and approval by the Planning and Development Department.

O. **Pre-Application Conference:** A pre-application conference was held regarding this application on February 20, 2015.

P. **Justification for the PUD Rezoning:** As described above, the McCormick Road Gate Food Post PUD is being requested to permit the convenience store and fueling pumps already located on the Property along with an additional right-turn exit only lane and an increase in the hours of operation. The PUD provides for flexibility in the site design that could not otherwise be accomplished through conventional zoning. The PUD development criteria and design standards ensure minimal impact to nearby residential uses and consistency with the surrounding zoning and other existing uses.

Q. **PUD/Difference from Usual Application of the Zoning Code:** The PUD differs from the usual application of the Zoning Code in the following respects: it binds the Applicant and successors to this Written Description and the Conceptual Site Plan; it provides for a secondary, supporting neighborhood commercial use consistent and compatible with surrounding zoning and uses; it provides for site-specific access requirements; it provides for site-specific landscaping and buffers; it provides for site-specific lighting and noise minimization standards; and, it provides for site-specific signage requirements.

R. **Names of Development Team:**

Developer/Owner: Gate Petroleum Company

Planners, Engineers: Prosser, Inc.

Architects: To be determined

S. **Land Use Table:** A Land Use Table is attached hereto as Exhibit "F."

IV. **PUD REVIEW CRITERIA**

A. **Consistency with the Comprehensive Plan:** The proposed commercial and conservation uses are consistent with Policies 1.1.8, 1.1.10, 1.1.14, 1.1.20, 1.1.23, 1.5.1, 2.2.8, 3.2.1, 3.2.2, 3.2.4, 3.2.5, 3.3.7, and 3.2.11 of the Future Land Use Element, Objectives 1.2, 2.1,

and 8.4 and Policies 1.2.3, 1.2.4, and 2.2.1 of the Recreation and Open Space Element, and Objectives 5.2 and 11.3 and Policies 2.1.4, 5.2.1, and 11.3.2 of the Transportation Element of the Comprehensive Plan.

**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:** No residential development is proposed.

**D. Internal Compatibility:** The proposed PUD contains limitations on the commercial uses permitted on the subject Property as well as a common development scheme and unified architectural theme that contains special provisions for signage, landscaping, buffers, lighting, security, sidewalks, and other issues. The relocation of the previous gas station to the Property has resulted in improved traffic conditions and additional greenscape area for the City where the gas station was previously located. The proposed PUD provides for improved internal traffic circulation by providing for a secondary right-out turn lane onto McCormick Road.

**E. External Compatibility/Intensity of Development:** The general area is characterized by a mixture of uses and densities, including retail, institutional and residential (single family and multi-family). The proposed PUD is compatible in both intensity and density with the surrounding development and zoning districts. The increase in the hours of operation will not negatively impact existing residential neighborhoods to the south and west due to the buffering and landscaping requirements, the restrictions on lighting and outside speakers, and the location of the FDOT retention pond between the proposed gas station and the residential neighborhoods. The location provides a pedestrian and bicycle friendly neighborhood commercial use within an architecturally appealing and residentially-themed building and the fact that the business will operate 24 hours a day, 7 days a week will ensure that business commuters in the area are served and that vandalism, vagrancy and theft in and around the site will be discouraged.

**F. Maintenance of Common Areas and Infrastructure:** Common areas will be maintained by the owner.

**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 site.

**J. Sidewalks, Trails and Bikeways:** The proposed development will include a sidewalk along McCormick Road and along parking and storefront areas.



DATE:	PROJECT NO.:	
DESIGNED BY:	DRAWN BY:	
CHECKED BY:	SCALE:	
NO.	DATE	REVISION

THIS DRAWING NOT BEING FOR  
 CONSTRUCTION SHALL BE NOTED  
 ABOVE  
 SHEET TITLE

**PUD EXHIBIT**

10  
 SHEET

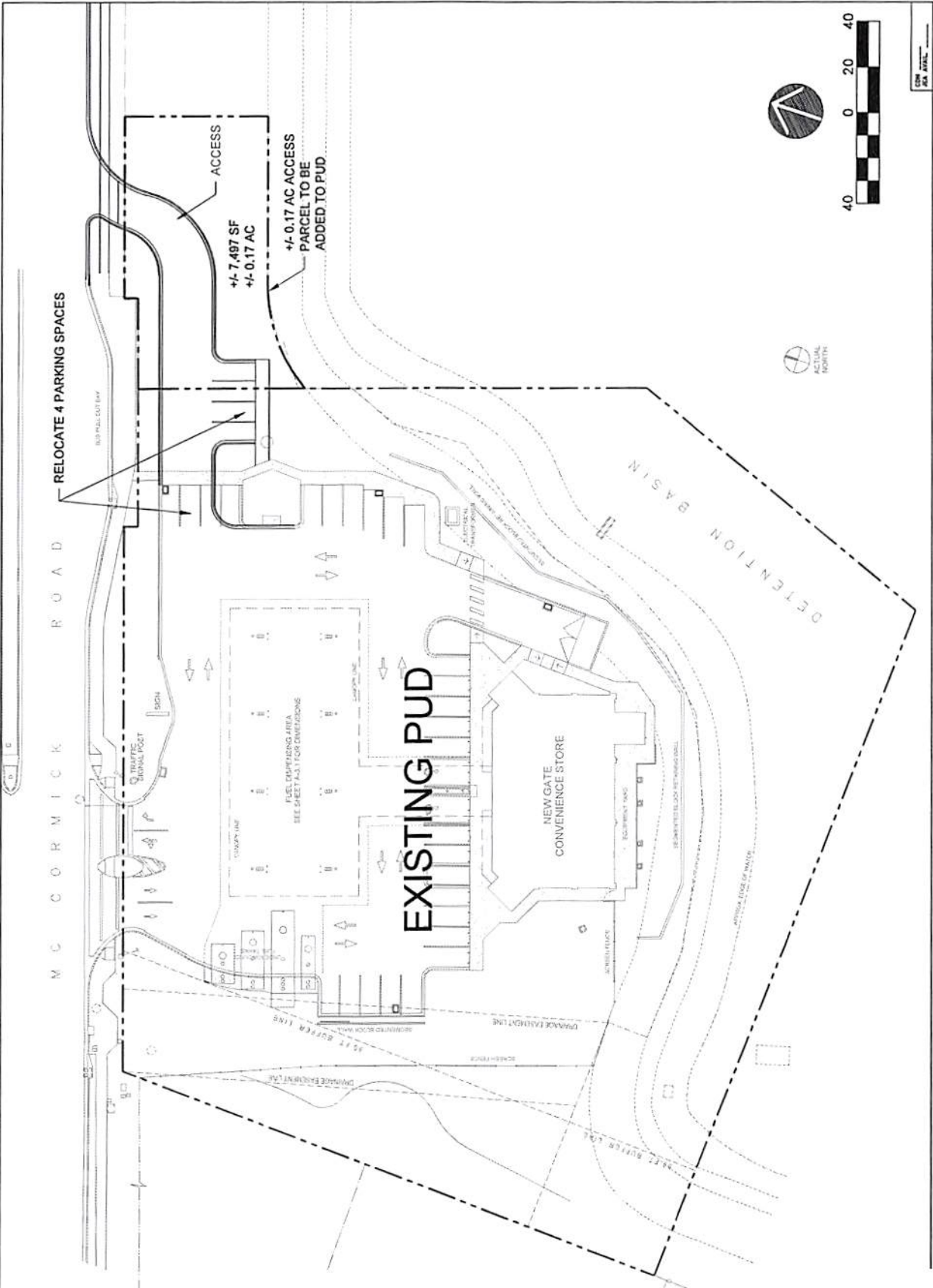


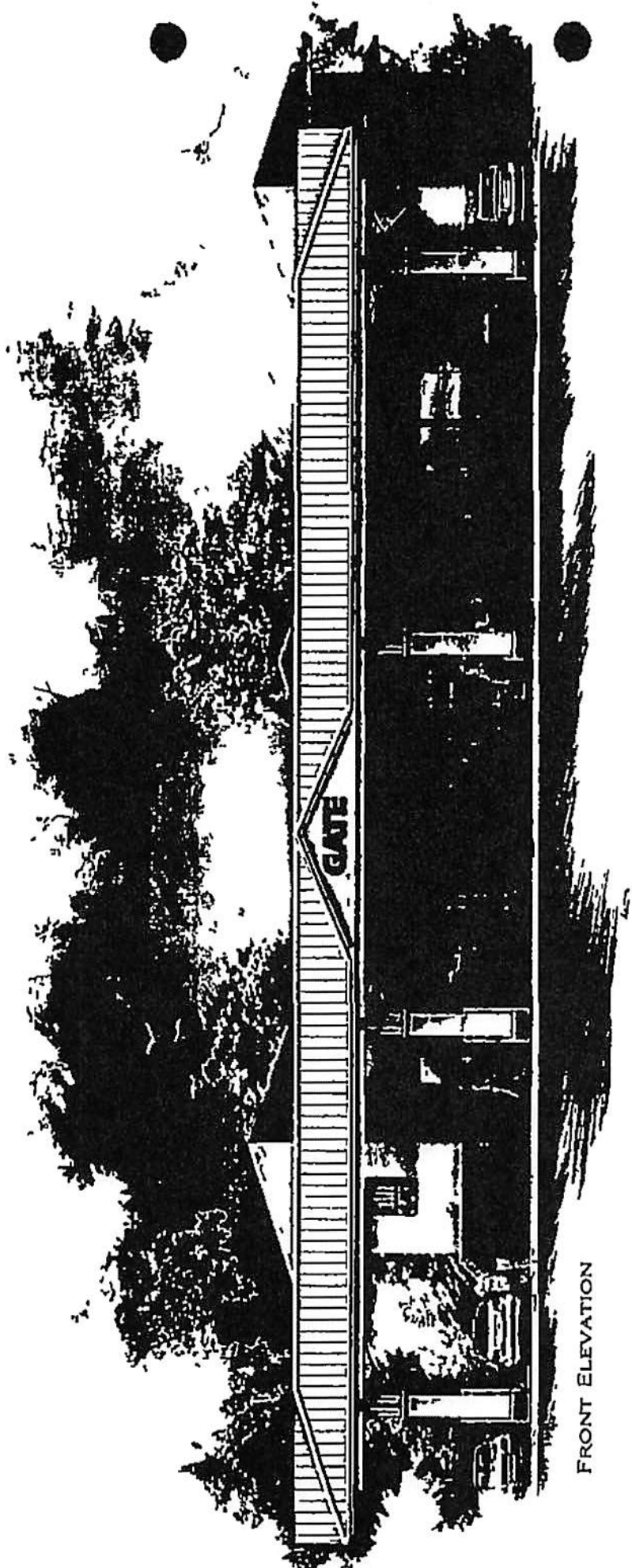
Exhibit "E"

K:\CAD\GIBENT\14423-01-PUD-DRAWING 9/23/2014.dwg

**EXHIBIT “F”**

**LAND USE TABLE**

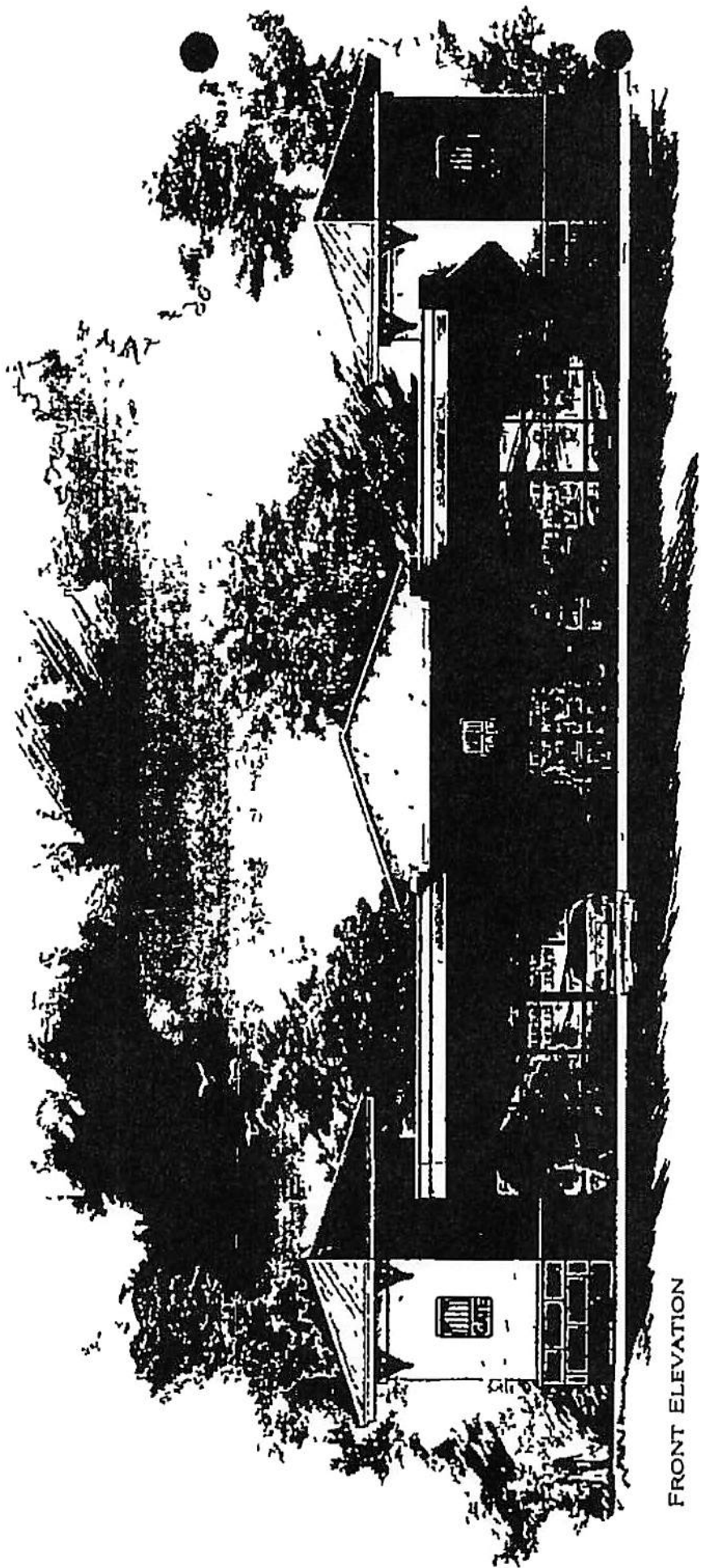
Total Gross Acreage	2.52 Acres	100%
Amount of Each Different Land Use by Acreage	2.52 Acres	100%
Convenience Store & Fueling Facilities		
Total Amount of Active Recreation and/or Open Space	0 Acres	N/A
Total Amount of Passive Open Space	0 Acres	N/A
Amount of Public and Private Right-of-Way	0 Acres	0%
Maximum Coverage of Buildings and Structures at Ground Level	0.35 Acres	None



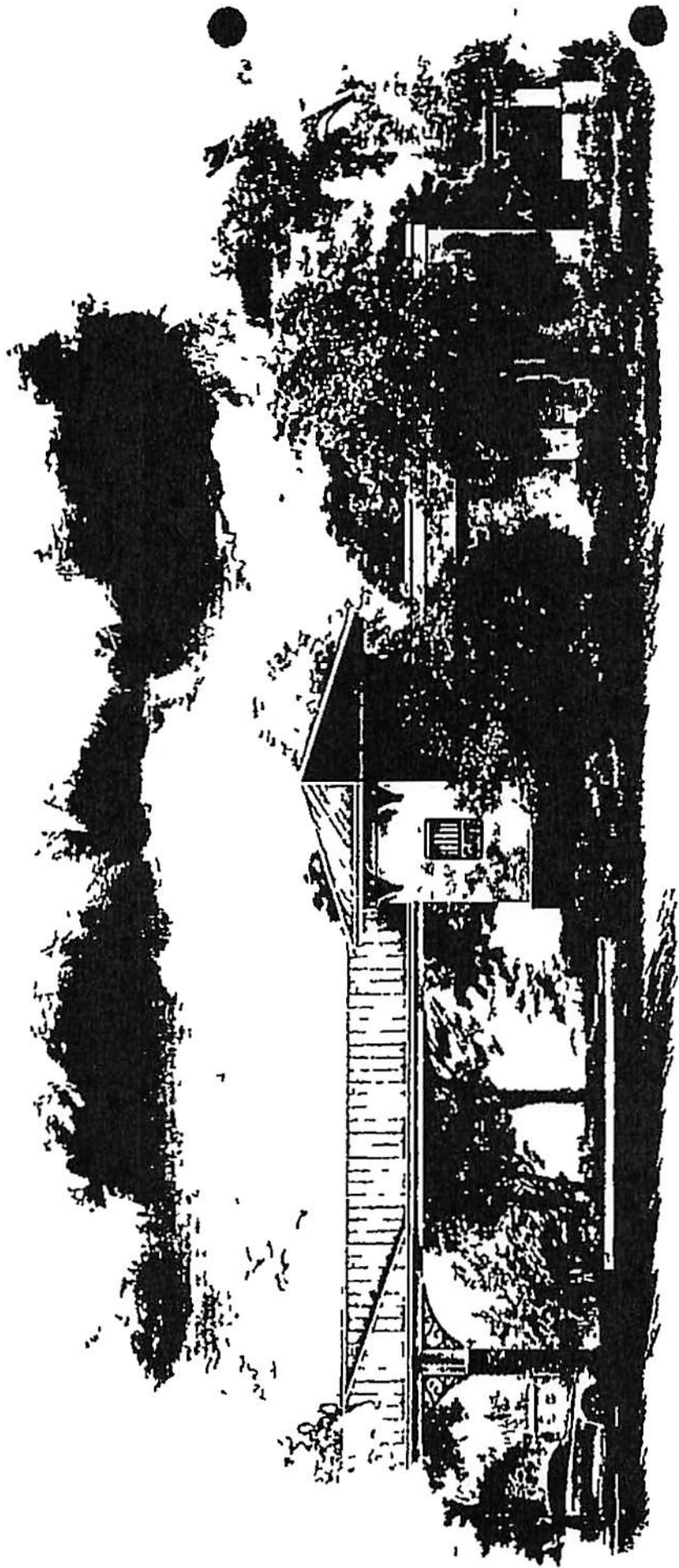
FRONT ELEVATION

EXHIBIT J-1

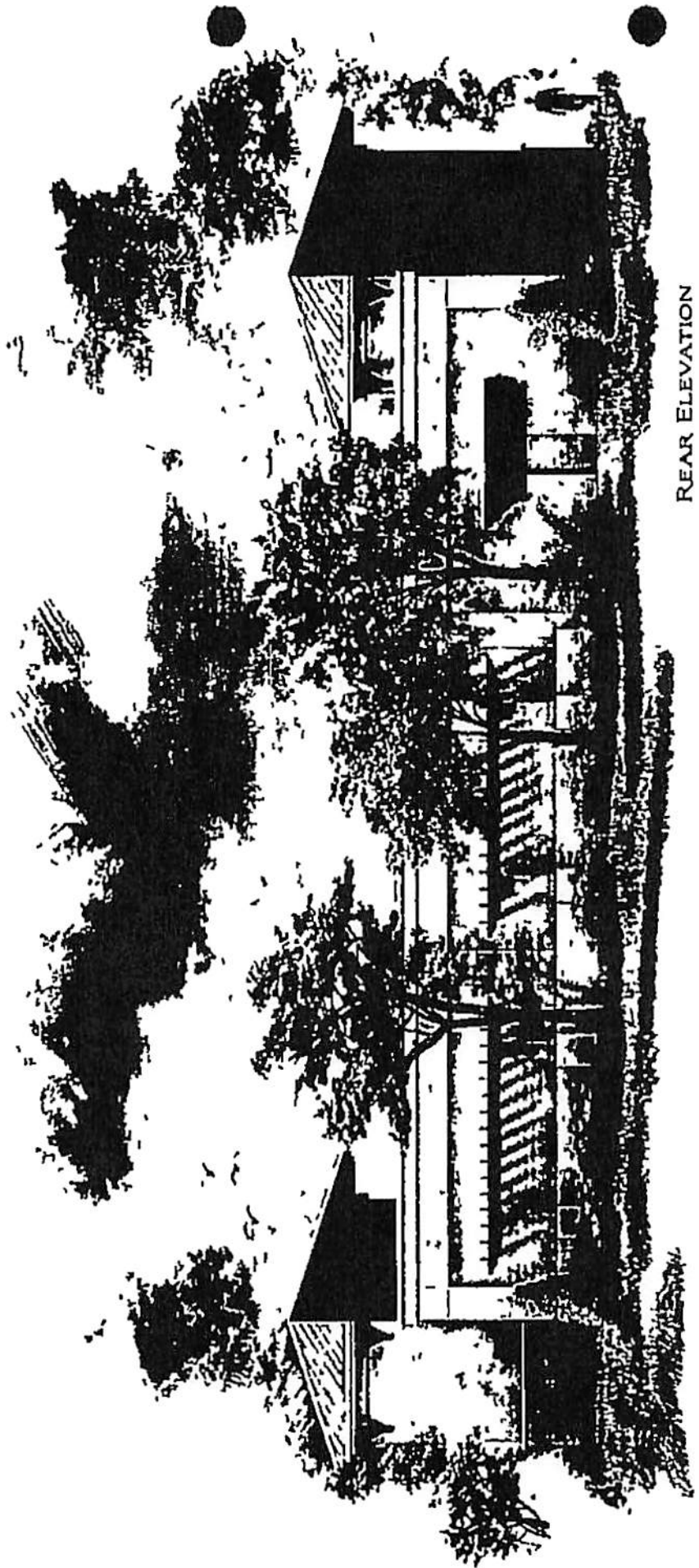
Exhibit "J"



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



# ROGERS | TOWERS

ATTORNEYS AT LAW

Charles (Trey) F. Mills, III

904 . 346 . 5902  
TMills@rtlaw.com

1301 Riverplace Boulevard • Suite 1500  
Jacksonville, Florida 32207

904 . 398 . 3911 Main  
904 . 396 . 0663 Fax  
www.rtlaw.com

March 4, 2015

Jody Brooks, Esquire  
City of Jacksonville  
Office of General Counsel  
117 West Duval Street, Suite 480  
Jacksonville, Florida 32202

Eric Fuller  
City of Jacksonville  
Public Works Department  
1031 Superior Street  
Jacksonville, Florida 32254

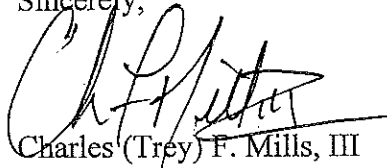
**Re: Phase I Environmental Site Assessment (“ESA”)  
10946 Fort Caroline Road, Jacksonville, Florida**

Dear Eric and Jody:

As you are aware, Ordinance No. 2010-212-E (the “Ordinance”) requires that Gate Petroleum Company (“Gate”) convey title to property located at 10946 Fort Caroline Road, Jacksonville, Florida (the “Property”) to the City of Jacksonville. All conditions precedent established by the Ordinance to such conveyance have been satisfied. Enclosed for your review, please find a Phase I ESA for the Property conducted by Matanzas Geosciences, Inc.

Once you have completed your review of the Phase I ESA, please contact me such that Gate can convey title to the Property to the City of Jacksonville. Please do not hesitate to contact me with any questions.

Sincerely,



Charles (Trey) F. Mills, III

CFM/sja

Enclosure

JAXGIS Property Information



Exhibit "H"

RE #	Name	Address	Transaction Price	Acres	Book-Page	Map Pane/	Legal Descriptions	Flood Zone	AshSite Zone	JEDC Zone	Evacuation Zone	CPAC	Noise APZ/HH Zone	Civ APZ/HH Zone	MI HH Zone	MI School Reg	Lighting Reg	Civ Notice Zone	MI Notice Zone	
161206 0200	GATE PETROLEUM COMPANY	11040 MC CORMICK RD JACKSONVILLE 32225	100	6.84	1647800628	8405	05-2S-28E 6.85 PT GOVT LOT 12, PT CL RD RECD NA O/R 16005-1817	Not in Flood Zone	Not in AshSite Zone	Not in JEDC Enterprise Zone	NA	N/A / Planning Dist: 2	NA	NA	Mayport Horizontal Surface Elev (500')	NA	NA	NA	NA	NA

Prepared by and when  
recorded return to:

Anthony A. Anderson, Esq.  
Rogers Towers, P.A.  
1301 Riverplace Blvd., Suite 1500  
Jacksonville, Florida 32207

Consideration: \$1,235,938.00  
File # 3860251 - 12-53

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 27 day of June, 2012, between the **JACKSONVILLE TRANSPORTATION AUTHORITY**, a body politic and corporate and an agency of the State of Florida, the address of which is 100 N. Myrtle Avenue, Post Office Box "O", Jacksonville, Florida 32203 (the "Grantor"), and **GATE PETROLEUM COMPANY**, a Florida corporation, whose address is 9540 San Jose Boulevard, Jacksonville, Florida 32257 (the "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, to it in hand paid by the said Grantee, the receipt and adequacy of which is hereby acknowledged, has granted, bargained and sold to the said Grantee, its successors and assigns forever, the following described real property, to wit:

See Exhibit A, attached (hereinafter referred to as the "Property").

TOGETHER WITH all the tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the Property in fee simple forever.

Grantor does hereby fully warrant the title to said Property, subject to reservations, restrictions, and easements of record, and will defend the same against the lawful claims of all persons claiming by, through or under the grantor, but against none other.

**Covenants**

Grantor and Grantee acknowledge that the Property is a portion of Parcel 137 described in Exhibit "A" of that certain Stipulated Second Amended and Restated *Nunc Pro Tunc* Order of Taking and Final Judgment recorded at Official Records Book 13416,

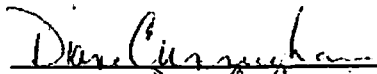

page 201 current public records of Duval County, Florida (hereinafter referred to as the "Judgment"). That portion of said Parcel 137 not conveyed by this Indenture is (hereinafter referred to as the "Retained Parcel". Grantor acknowledges and agrees that the obligations set forth in Paragraphs 3 (re. access to McCormick Family Cemetery) and 4 (re. electricity and well serving McCormick Family Cemetery) of the Judgment shall run with title to the Retained Parcel until such obligations are satisfied and are not assumed by the Grantee. Grantee agrees, by the acceptance of this Indenture, that (1) the restrictions set forth in paragraph 6 of the Judgment, run with title to the Property and (2) the obligation under Paragraph 5 (re. construction of privacy fence along northern, southern and western boundaries of McCormick Family Cemetery) of the Judgment shall be the responsibility of the Grantee and shall run with title to the Property until such obligation is satisfied.


Conveyance of the Property is also subject to easements granted to the Florida Department of Transportation, as shown on Map Book F, Page 85, of the current public records of Duval County, Florida.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

Witnesses:

JACKSONVILLE TRANSPORTATION AUTHORITY, a body politic and corporate and an agency of the State of Florida

  
Name printed: Diane Cunningham  
  
Name printed: Sharon Courtney

  
By: Michael Blaylock  
Its: Executive Director

**Form Approved:**  
  
**JTA Legal Counsel**

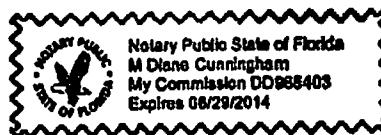
STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me on June 26, 2012, by Michael Blaylock, the Executive Director of and on behalf of the JACKSONVILLE TRANSPORTATION AUTHORITY, a body politic and corporate and an agency of the State of Florida, who is personally known to me or has produced \_\_\_\_\_ (type of identification).

M. Diane Cunningham

Notary Public, State and County Aforesaid  
Name printed: M. Diane Cunningham  
My Commission Expires: 06/29/2014  
Commission No.: DD 985403

[NOTARIAL SEAL]



**EXHIBIT A**

A Portion of Government Lot 12, Section 5, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

For a Point of Beginning, begin at the Southeast Corner of Lot 2, Block 1, Laudonniere, according to the plat thereof recorded in Plat Book 34, page 2 of the current public records of said Duval County; thence North 00°56'35" East, along the east line of said Lot 2, and along the east line of Lot 1, Block 1, of said Laudonniere, and along its northerly prolongation, a distance of 485.68 feet to the southeasterly right of way line of McCormick Road (a variable width Right of Way as now established, also known as Wonderwood Segment 3, Phase 2, according to Right of Way Transfer Maps recorded in Map Book F, Page 81 of the current public records of said Duval County); thence northeasterly, along said southeasterly right of way line, the following five (5) courses: first course, North 69°44'21" East, a distance of 239.91 feet; second course, South 20°20'55" East, a distance of 6.16 feet; third course, North 69°39'05" East, a distance of 100.00 feet; fourth course, North 20°20'55" West, a distance of 6.01 feet; fifth course, North 69°44'21" East, a distance of 184.75 feet to the northeast corner of a Florida Department of Transportation Permanent Drainage Easement, as shown on said Right of Way Transfer Maps recorded in Map Book F, Page 81; thence South 05°10'08" West, along the east line of said Permanent Drainage Easement, a distance of 81.98 feet to the southeast corner thereof, said point also lying on a northeasterly line of Pond 6, a Florida Department of Transportation Permanent Drainage Easement as shown on said Right of Way Transfer Maps recorded in Map Book F, Page 81; thence Southeasterly, Southerly, and Southwesterly and Easterly, along the northeasterly lines of said Pond 6, the following six (6) courses: first course, South 62°11'05" East, a distance of 34.01 feet; second course, South 09°06'41" East, a distance of 43.74 feet; third course, South 07°12'47" West, a distance of 37.47 feet; fourth course, South 39°34'58" West, a distance of 86.93 feet; fifth course, South 53°01'54" West, a distance of 44.58 feet; sixth course, North 88°54'01" East, a distance of 3.52 feet to the Northwest corner of those lands described in Official Records Book 14931, page 882 of said current public records; thence South 00°24'01" East, along the West line of said lands, a distance of 209.90 feet to the Southwest corner of said lands; thence North 88°54'16" East, along the south line of said lands, a distance of 213.23 feet to the east line of the aforementioned Government Lot 12, said point also lying on the west Right of Way line of Fulton Road (a 30 foot right of way as now established, also known as County Road No. 64); thence South 00°59'22" East, on said east line of Government Lot 12, and along said west Right of Way line, a distance of 180.02 feet to the northeast corner of Lot 10, Block 1, of the aforementioned Laudonniere; thence South 89°08'16" West, along the north line of said Lot 10, and along the north lines of Lots 9, 8, and 7, Block 1, of said Laudonniere, a distance of 655.45 feet to the Point of Beginning, containing 6.85 acres, more or less.

**Exhibit 1**  
**Legal Description**

**That certain tract or parcel of land being part of Government Lot 12, Section 5, Township 2 South, Range 28 East, Duval County, Florida, and being more particularly described as commencing at the intersection of the Westerly right of way line of Fulton Road (a 60' right of way), the same being the Easterly line of said Government Lot 12, with the Southeasterly right of way line of McCormick Road (Wonderwood Expressway); thence South 69°44'21" West, along said Southeasterly right of way line, 376.26 feet to a point for the point of beginning; thence South 20°20'56" East, 229.24 feet; thence South 19°17'11" West, 152.95 feet; thence North 89°00'37" West, 315.00 feet to a point in said Easterly line of Lot 1; thence North 00°59'23" East, along said Easterly line and a Northerly prolongation thereof, 250.00 feet to a point in said Southeasterly right of way line of McCormick Road; thence North 69°44'21" East, along said Southeasterly right of way line, 300.00 feet to the point of beginning.**

Also with:

A portion of government Lot 12, Section 5, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

Commence at the intersection of the Westerly right of way line of Fulton Road (a 60 foot right of way as now established), the same being the Easterly line of said Government Lot 12, with the Southeasterly right of way line of McCormick Road (a variable width right of way as now established); thence Southwesterly and Southeasterly, along said Southeasterly right of way line, run the following four (4) courses and distances: Course No. 1: South 69°44'21" West, 256.63 feet, to the POINT OF BEGINNING; Course No. 2: Continue South 69°44'21" West, 79.89 feet; Course No. 3: South 20°20'55" East, 6.00 feet; Course No. 4: South 69°39'05" West, 39.74 feet; thence South 20°20'56" East, 73.16 feet; thence North 34°02'39" East, 8.83 feet, to the point of curvature of a curve leading Northeasterly; thence Northeasterly, along and around the arc of said curve, concave Southeasterly, having a radius of 60.50 feet, an arc distance of 37.69 feet, said arc being subtended by a chord bearing and distance of North 51°53'30" East, 37.08 Feet, to the point of tangency of said curve; thence North 69°44'21" East, 77.03 feet; thence North 20°15'39" West, 62.70 feet, to the POINT OF BEGINNING.

March 16, 2015