

**Exhibit “D”**

**Race Track-9B PUD**

**December 21, 2017 – Revised February 22, 2018**

**I. PROJECT DESCRIPTION**

**A. General Description**

New Era Development Co., Inc. (the “Applicant”) proposes to rezone approximately 6.77 acres of property located adjacent to the 9B overpass from Agriculture (AGR) to Planned Unit Development (“PUD”) to allow for neighborhood office and neighborhood commercial uses. A companion application for small-scale land use amendment has been filed to amend the future land use designation from Agriculture (AGR) to Neighborhood Commercial (NC) and to amend the City development area boundary to incorporate it into the suburban area.

The property is comprised of two parcels east and west of State Road 9B, on the north edge of Race Track Road. A small tract currently used as a residence abuts the eastern boundary of the easterly parcel. The Durbin National regional shopping center is under development on the south side of Race Track Road, in St. Johns County.

The property is more particularly described by the legal description attached hereto as **Exhibit “1”** (the “Property”).

The PUD allows for a diversity of uses, building types to be developed in a manner that is internally consistent and compatible with external uses. The PUD shall be developed in accordance with this PUD Written Description and the PUD Conceptual Site Plan which is attached as **Exhibit “E”** to this application.

As described below, the PUD zoning district is being sought to provide for a neighborhood commercial development, which may include a mix of institutional, office, retail, and commercial uses.

Surrounding land use designations, zoning districts, and existing uses are as follows:

	<u>Land Use Category</u>	<u>Zoning</u>	<u>Use</u>
South	Intense Commercial	PUD	St. Johns County, Vacant
East	AGR-IV	AGR	Small Ag (2.8 ac parcel)
North	MU	PUD	Bartram Park DRI
West	MU	PUD	Bartram Park DRI

The PUD Master Site Plan dated December 2017 is attached hereto as **Exhibit “E”**.

**B. Project Name: Race Track-9B PUD**

- C. Project Architect/Planner: Michael Holbrook, Connelly & Wicker, 10060 Skinner Lake Drive, Suite 500, Jacksonville, FL 32246, mholbrook@cweng.com, (904) 265-3030.
- D. Project Engineer: Rick Welch, P.E., Connelly & Wicker
- E. Project Developer: Sina Venus, New Era Development Co., Inc., 2217 Alicia Lane, Atlantic Beach, FL 32233, sinos@comcast.net, (904) 704-0296
- F. Current Land Use Designation: AGR-IV
- G. Current Zoning District: AGR
- H. Requested Zoning District: PUD, for commercial uses
- I. Real Estate Number: 168142-0000
- J. Agents: Thomas O. Ingram, Esq., Akerman LLP, 50 N. Laura St., Jacksonville, FL 32202, (904) 798-3700, thomas.ingram@akerman.com, and Michael Holbrook, Connelly & Wicker (address above)
- K. Current Land Use Designation: AGR-IV
- L. Proposed Land Use Designation: NC – Neighborhood Commercial
- M. Current Zoning District: AGR
- N. Proposed Zoning District: PUD – Planned Unit Development

## **II. QUANTITATIVE DATA**

- A. Total Acreage: 6.43 (in Duval County)
- B. Total number of dwelling units: 0
- C. Total amount of non-residential floor area: maximum 30,000 encl. sf on Tract A; maximum 25,000 encl. sf on Tract B
- D. Total amount of recreation area: 0
- E. Total amount of open space: minimum 10% (as to each Tract)
- F. Total amount of public/private rights of way: 0

- G. Total amount of land coverage of all buildings and structures: Maximum 35% (as to each Tract, measured separately)
- H. Phase schedule of construction (including initiation dates and completion dates): Initial development is anticipated in 2019, with completion anticipated in 2021. Actual development timeframes will depend on market conditions.

### III. STATEMENTS

- A. How does the proposed PUD differ from the usual application of the Zoning Code?

*The PUD contains buffer requirements for adjacent properties that are tailored to the adjacent uses and overall context of the area. In addition to the buffering requirements, building setback lines are shown on the Site Plan to provide further buffering for adjacent parcels. For the west parcel, the site plan shows a 100 foot building setback line from the northerly boundary to provide a buffer from the residential uses to the north.*

*The proposed allowable uses are a modified version of the allowable uses in the Neighborhood Commercial (CN) zoning district. These proposed uses are intended to reflect that the neighborhood has both less intense uses, such as single family residential, as well as very intense uses, such as State Road 9B and the approved Durbin National regional retail project that is under development to the south. Specifically, multiple family dwellings are not proposed. Drive-thrus in conjunction with restaurants, banks and pharmacies would be allowed. Day care centers and pharmacies would be allowed as permitted uses. Restaurants serving beer and wine would be a permitted use. Restaurants qualifying for a SRX alcoholic beverages license, for which the state requires a minimum of 150 seats, would be able to sell and serve all alcoholic beverages if a separate zoning exception is approved by the City. Other sale or service of liquor would not be allowed; this is more restrictive than the current CN zoning district.*

- B Describe the intent for the continued operation and maintenance of those areas and functions described herein and facilities which are not to be provided, operated or maintained by the City.

*Any common areas will be maintained through a commercial property owners' association and reciprocal covenants and restrictions formed for this purpose.*

### IV. USES AND RESTRICTIONS

- A. Permitted Uses:

- (1) Medical and dental or chiropractor offices and clinics (but not hospitals).
- (2) Professional and business offices.
- (3) Omitted.

- (4) Neighborhood retail sales and service establishments, however no individual building footprint shall exceed 30,000 square feet.
- (5) Service establishments such as barber or beauty shops, shoe repair shops.
- (6) Restaurants, with or without drive-in or drive-through facilities, including sale and service of beer and wine for on-premises consumption and outside sale and service, meeting the performance standards and development criteria set forth in Part 4.
- (7) Banks with or without drive-thru tellers and financial institutions, travel agencies and similar uses.
- (8) Libraries, museums and community centers.
- (9) An establishment or facility which includes the retail sale of beer or wine in sealed containers for off-premises consumption.
- (10) Veterinarians (including boarding associated with a permanent onsite veterinary practice), meeting the performance standards and development criteria set forth in Part 4.
- (11) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
- (12) Employment office (but not a day labor pool).
- (13) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4.
- (14) Art galleries, dance, art, gymnastics, fitness center, martial arts, music and photography studios, and theaters for stage performances (but not motion picture theaters).
- (15) Day care centers meeting the performance standards and development criteria set forth in Part 4, which includes a maximum of 150 children or adults, provided that no outdoor recreation area for such care center shall be closer than 50 feet from any adjacent residential use in existence at the time of its initial development, measured to the adjacent residential uses nearest property boundary.
- (17) Pharmacies, with or without drive-thrus.

B. Permitted accessory uses and structures. See Section 656.403, Zoning Code.

C. Permissible Uses by Exception:

- (1) Off-street parking lots for premises requiring off-street parking meeting the performance standards and development criteria set forth in Part 4.
- (3) Retail outlets for sale of used wearing apparel, toys, books, luggage, jewelry, cameras and sporting goods.
- (4) An establishment or facility which includes the retail sale of beer or wine for on-premises consumption.

- (5) Service of liquor in conjunction with a restaurant (which may include permanent or restricted outside sale and service), provided that such restaurant must also meet the criteria for issuance of a SRX-class license under section 561.20, Florida Statutes, and meeting the performance standards and development criteria set forth in Part 4.
  - (7) Microbreweries (i.e. manufacturer of malt beverages).
- D. Limitations on Permitted or Permissible Uses by Exception: See limitations above and Part 4 of the Zoning Code.
  - E. Permitted Accessory Uses and Structures: As allowed under Part 4, Zoning Code.
  - F. Restrictions on Uses: See limitations on permissible uses and permissible uses described above and as part of design guidelines below.

**V. DESIGN GUIDELINES**

- A. Lot Requirements:
  - 1) *Minimum lot area:* none
  - 2) *Minimum lot width:* none
  - 3) *Maximum lot coverage:* none
  - 4) *Minimum front yard:* none
  - 5) *Minimum side yard:* none
  - 6) *Minimum rear yard:* none
  - 7) *Maximum height of structures:* 45 feet, except for spires, cupolas, etc. (see 656.405 and definition of height of building in 656.1601, Zoning Code)
  - 8) Note: See Perimeter Buffer requirements in section V(D)(1), below.
  - 9) No buildings may be located within the area between the building setback line and the perimeter of the properties.
- B. Ingress, Egress and Circulation: Access will be provided as shown on the PUD Conceptual Site Plan via Race Track Road. The locations and design of the access points, turn/deceleration lanes, and internal driveways as shown on the PUD Conceptual Site Plan may vary prior to development; provided, however, that the final design of the access point(s), potential connections, and internal drives shall be subject to the review and approval of Development Services and the Planning and Development Department. Note that portions of access points are outside of this PUD, in St. Johns County.
- C. Signs. Signage shall be allowed consistent with that of the CN zoning district under Part 13 of the Zoning Code (Dec. 2017).
- D. Landscaping:

Landscaping and tree protection shall be provided in accordance with the City of Jacksonville Zoning Code, with the following additional and superseding provisions specifically noted to address the integrated mixed use design qualities

of the PUD. Landscaping standards shall be applied taking into consideration all proposed uses and the entire PUD site. For individual uses, which may own their sites in fee simple, required landscaping may be provided "off-site" within the PUD and may be shared with other uses, as long as the PUD in its entirety provides sufficient landscaping for all proposed uses. Landscape standards shall be applied within the PUD without regard to property ownership boundaries which may exist among individual uses.

1. Perimeter Buffers. A minimum 10 foot wide landscaped (or natural) buffer will be provided along the perimeter of the site as shown on the Site Plan. Such perimeter buffers shall comply with the uncomplimentary use buffer requirements below and the Zoning Code if applicable. Perimeter buffer areas adjacent to vehicular use areas are required pursuant to the Zoning Code. Where a buffer area shown on the site plan does not abut a vehicular use area or an uncomplimentary use, such buffer shall be grassed or landscaped and shall not be used for principal or accessory uses or structures, vehicular use areas, dumpster pads, equipment or storage. No perimeter buffer is required on the south boundary of Tract A (i.e., the County line).
  2. Uncomplimentary Use Buffer. On Tract A (the west parcel), there is an existing 8 foot vinyl fence along the north boundary. The specific buffer shall comply with the "uncomplimentary use buffer" requirements of section 656.1216, Zoning Code (Dec. 2016) where the project abuts single-family dwellings or other uses considered to be uncomplimentary uses which are located outside of the project. Within the uncomplimentary use buffer, at least one tree shall be planted or preserved for each 25 linear feet of required buffer strip, or majority portion thereof, with a minimum of 50 percent of the trees being shade trees. Trees shall be spaced so as to allow mature growth of the trees, but spaced no greater than 40 feet on center. A six foot high screen shall be installed or preserved meeting the requirements of section 656.1216.
  3. All internal uses within the PUD are considered compatible with each other and no buffers between such internal uses are required.
- E. Recreation and Open Space: See Site Plan.
- F. Utilities: Water, sewer and electric utilities will be provided by JEA.
- G. Wetlands: There are no wetlands on the property.
- H. Loading Facilities for Solid Waste: No dumpsters shall be located within 80 feet of the northerly boundary of Tract A. No dumpsters shall be located within the building setback area shown on the Site Plan for Tract B.

I. Site Lighting: Site lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property. No source of illumination shall be allowed in connection with a parking lot if such illumination would be visible from a residentially zoned district to the extent that it interfered with the residential use of that area.

J. Parking

Parking will be provided in accordance with Part 6 of the City's Zoning Code, as it may be amended, with the following additional and superseding provisions:

1. For all uses, parking standards shall be applied taking into consideration the entire use or development at issue.
2. For individual lots within the Retail/Office Parcels, which may own their sites in fee simple, required off-street parking may be provided "off-site" within the Retail/Office Parcels and may be shared with other uses, so long as all of the uses within the Retail/Office Parcels, in their entirety, provide sufficient off-street parking for all proposed uses therein.
3. There shall be no limit or maximum number of parking spaces for any use within the PUD.
4. A modification from the requirements of Part 6 of the Zoning Code (Off-street Parking and Loading Regulations) may be permitted within the PUD as an administrative modification to the PUD subject to the review of the Planning and Development Department. Grounds for such modifications include the sharing of parking among uses with parking demands at different times.
5. Shared parking is permitted to satisfy parking required for multiple uses subject to the review and approval of the Planning and Development Department.
6. In the verification of substantial compliance process pursuant to Section 656.341(g), Zoning Code, a study of proposed parking for a mix of identified uses may be submitted to the Planning and Development Department, subject to its review and approval, demonstrating that the total parking requirements for such uses may be reduced as part of the verification process to not less than eighty (80) percent of the sum of the amount required for each separate identified use.

## VI. DEVELOPMENT PLAN APPROVAL

With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all then-existing and proposed uses within the Property, and showing the general layout of the overall Property.

## VII. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT

The proposed project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed project will be beneficial to the surrounding neighborhood and community.

- A. Is more efficient than would be possible through strict application of the Zoning Code;
- B. Is compatible with surrounding land uses and will improve the characteristics of the surrounding area;
- C. Will promote the purposes of the City of Jacksonville 2030 Comprehensive Plan.

## VIII. LAND USE TABLE

A Land Use Table is attached hereto as **Exhibit "F."** Acreages in Exhibit F are approximate.

## IX. PUD REVIEW CRITERIA

- A. **Consistency with the Comprehensive Plan:** As described above, the uses proposed herein are consistent with the NC land use category.
- B. **Consistency with the Concurrency Management System:** The PUD will comply with the Concurrency and Mobility Management System regulations.
- C. **Allocation of Residential Land Use:** N/A.
- D. **Internal Compatibility:** The PUD provides for integrated design and compatible uses within the PUD.
- E. **External Compatibility/Intensity of Development:** The PUD proposes uses and provides design mechanisms which are compatible with surrounding uses.
- F. **Maintenance of Common Areas and Infrastructure:** All common areas and infrastructure will be maintained by the owner and/or one or more owners' association(s).
- G. **Usable Open spaces, Plazas, Recreation Areas:** N/A.



- H. Impact on Wetlands:** No wetlands impacts are anticipated; however, any development impacting wetlands will be permitted pursuant to local, state, and federal permitting requirements.
- I. Listed Species Regulations:** The Property is less than fifty (50) acres in size, so a listed species survey is not required.
- J. Parking Including Loading and Unloading Areas:** The PUD provides ample off street parking.
- K. Sidewalks, Trails, and Bikeways:** The PUD will provide for pedestrian and bicycle connectivity consistent with the City of Jacksonville Ordinance Code and the 2030 Comprehensive Plan.