

**PUD WRITTEN DESCRIPTION**  
**1521 MARGARET STREET PUD**

**August 14, 2020**

**I. PROJECT DESCRIPTION**

A. Number of acres, location of site, existing use, surrounding uses, types of businesses, and proposed uses: Applicant proposes to rezone approximately 0.09 acres of property from CCG-1 to PUD to expand on commercial uses for the property located at 1521 Margaret Street as more particularly described in Exhibit 1 (the “Property”) to include outside sales and service including sale and service of alcoholic beverages by right.

The Property has been owned by Westwood Properties Partners, LLC (“Applicant”) since 2004. It is currently zoned CCG-1 and has operated as an establishment with outside sales and service including alcohol service since before Applicant acquired the property. Over the years, numerous zoning approvals have been granted including several to allow for outside sales and service of food and alcoholic beverages, including the following:

- V-86-109: Zoning variance approving use of the Property as a restaurant on July 24, 1986.
- E-99-181: Zoning exception to approve outside sales and service of alcoholic beverages for on-site consumption to Stella’s Piano Café, Inc. This order was amended several times to transfer the exception to Westwood Properties Partners, LLC, then Dona Maria’s Mexican Restaurant, then finally O’Brothers Irish Pub.
- AD-99-235: Administrative deviation granting a parking reduction from 46 spaces to 0 spaces and waiving handicap parking spaces granted on February 16, 2000.
- E-18-96: Zoning exception to approve outside sales and service of food and alcoholic beverages to Marah Brewing Company granted on February 7, 2019.

The surrounding land use and zoning designations are as follows:

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>	<i>Existing Use</i>
North	CGC	CCG-1	Restaurants
East	CGC	CCG-1	Retail
South	CGC	CCG-1	Dental office, Restaurant
West	CGC	CCG-1	Margaret Street, Multi-family residence, Restaurant

By way of illustration, a conceptual Site Plan detailing the typical layout for a retail sales and service establishment with outdoor sales and service is filed with this PUD. This PUD is filed so repeated filings are not required each time a new tenant is placed in the Property. Entitling the Property will allow Applicant to secure new tenants more quickly

when there is turnover while adopting appropriate regulations as proposed by the community to ensure compatibility with surrounding uses.

- B. Project name: 1521 Margaret Street PUD.
- C. Project engineer: JAA Architecture Inc.
- D. Project developer: Westwood Properties Partners, LLC.
- E. Project agent: Driver, McAfee, Hawthorne & Diebenow, PLLC.
- F. Current land use designation: CGC.
- G. Current zoning district: CCG-1, Riverside Avondale Zoning Overlay - Urban Transition Character Area.
- H. Requested zoning district: PUD.
- I. Real estate number: 090323-0000.

## **II. QUANTITATIVE DATA**

- A. Total acreage: 0.09 acres.
- B. Total amount of non-residential floor area: The existing structure consists of 2,330 square feet of enclosed space.
- C. Total amount of land coverage of all buildings and structures: 0.09 acres.

## **III. STATEMENTS**

- A. How does the proposed PUD differ from the usual application of the Zoning Code?
  - 1. The proposed PUD:
    - a. Permits outside sales and service including the retail sales and service of all alcoholic beverages for on-premise and off-premise consumption by right.
    - b. Permits brewery and distillery use by right with limitations on such use consistent with those established for the Downtown Overlay.
    - c. Waives parking requirements for the existing development but requires that redevelopment of the property comply with the Zoning Code including the Riverside/Avondale Overlay.
    - d. Waives the minimum liquor distance required by Section 656.805.
    - e. Eliminates the rear yard requirement is consistent with the current condition.
    - f. Implements restrictions on use detailed in Section IV.D. as negotiated with the community.

- g. Establishes maximum height and square footage restrictions for any redevelopment of the property.
2. The following permitted and permissible uses are eliminated in this PUD:
- a. Drive-thru banking tellers
  - b. Buildings trades contractors that do not require outside storage or the use of heavy machinery, ditching machines, tractors, bulldozers or other heavy construction equipment and similar uses.
  - c. Hotels and motels.
  - d. Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, movie theaters, indoor facilities operated by a licensed pari-mutuel permitholder, adult arcade amusement centers operated by a licensed permitholder, game promotions or sweepstakes utilizing electronic equipment, meeting the performance standards and development criteria set forth in Part 4, drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment, meeting the performance standards and development criteria set forth in Part 4, and similar uses.
  - e. Day care centers or care centers meeting the performance standards and development criteria set forth in Part 4.
  - f. Off-street commercial parking lots meeting the performance standards and criteria set forth in Part 4.
  - g. Adult Congregate Living Facility (but not group care homes or residential treatment facilities).
  - h. Animal boarding.
  - i. Personal property storage establishments meeting the performance development criteria set forth in Part 4.
  - j. Wholesaling or distributorship businesses located within a retail shopping center (but not on an out-parcel or within a stand-alone structure), provided such use is limited to 30 percent of the total gross square footage of the retail shopping center of which the wholesaling use or activity is a part, and further provided there is no warehousing or storage of products not directly associated with the wholesaling or distributorship businesses located on the premises.
  - k. Filling or gas stations meeting the performance standards and development criteria set forth in Part 4.

- l. Dancing entertainment establishments not serving alcohol. This provision shall not supersede any other approvals or requirements for such use found elsewhere in this Chapter or elsewhere in the Ordinance Code.
  - m. Mobile Car Detailing Services and automated car wash facilities meeting the performance standards and development criteria set forth in Part 4.
  - n. Textile Recycling Collection Bins meeting the development criteria and performance standards set forth in Part 4, Section 656.421 (Textile Recycling Bins).
  - o. Crematories.
  - p. Service garages for minor or major repairs by a franchised motor vehicle dealer as defined in F.S. § 320.27(1)(c).
  - q. Auto laundry or manual car wash.
  - r. Recycling collection points meeting the performance standards and development criteria set forth in Part 4.
  - s. Retail sales of new or used automobiles by a franchised motor vehicle dealer as defined in F.S. § 320.27(1)(c)1.
  - t. Service and repair of general appliances and small engines (provided that no outside storage or display of products is allowed).
  - u. Schools meeting the performance standards and development criteria set forth in Part 4.
  - v. Dancing entertainment establishments serving alcohol. This provision shall not supersede any other approvals or requirements for such use found elsewhere in this Chapter or elsewhere in the Ordinance Code.
  - w. Nightclubs.
  - x. Indoor gun ranges meeting the performance standards and development criteria set forth in Part 4.
  - y. Sale of new or used tires, meeting the performance standards and development criteria set forth in Part 4.
- 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.

The continued operation and maintenance of the areas and functions described herein and facilities which are not to be provided, operated or maintained by the City will be the sole responsibility of the owner of the Property.

#### **IV. USES AND RESTRICTIONS**

##### **A. Permitted uses:**

1. Commercial retail sales and service establishments.
2. Banks, savings and loan institutions, and similar uses.
3. Professional and business offices.
4. Art galleries, museums, community centers, dance, art or music studios.
5. Vocational, trade or business schools and similar uses.
6. An establishment or facility which includes the retail sale and service of beer or wine for off-premises consumption or for on-premises conjunction with a restaurant.
7. Retail plant nurseries including outside display, but not on-site mulching or landscape contractors requiring heavy equipment or vehicles in excess of oneton capacity.
8. Express or parcel delivery offices and similar uses (but not freight or truck terminals).
9. Veterinarians, subject to the performance standards and development criteria set forth in Part 4.
10. Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses.
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. Churches, including a rectory or similar use.
13. Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4.
14. Assembly of components and light manufacturing when in conjunction with a retail sales or service establishment, conducted without outside storage or display.
15. Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4.
16. An establishment or facility which includes the retail sale and service of all alcoholic beverages including outside sales and service of liquor, beer or wine for on-premises consumption or off-premises consumption or both.

17. Permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4.
  18. An establishment or facility in which beer, wine, or other alcoholic beverages, as those terms are defined in Chapter 561 through Chapter 565, Florida Statutes, are produced for on-site consumption and off-site sales that meet the following criteria: (i) Beer production not to exceed 10,000 barrels (310,000 gallons), and off-site sales to a state licensed wholesaler not to exceed 75 percent of production; (ii) An on-site retail sales and service area shall comprise at least ten percent of the gross square foot area of the facility; and (iii) The on-site retail sales and service area shall be accessible from the main public entrance, identified for access by the public.
- B. Permitted accessory uses and structures: As permitted pursuant to Section 656.403.
- C. Permissible uses by exception:
1. Residential treatment facilities and emergency shelters.
  2. Multi-family residential integrated with a permitted use.
  3. Pawn shops (limited to items permitted in the CCG-1 Zoning District and provided that no outside storage or display of products is allowed).
  4. Blood donor stations, plasma centers and similar uses.
  5. Private clubs.
  6. Billiard parlors.
- D. Restrictions on uses: All the permitted and permissible uses by exception in the CCG-1 District are subject to the following provisions unless otherwise provided for:
1. There shall be no outside sales and service after 10:00 p.m., Sunday through Thursday, and after midnight, Friday and Saturday.
  2. Amplified intercom use is prohibited. There shall be no outside amplified music, television, or entertainment after 10 p.m., Sunday through Thursday, and after midnight Friday and Saturday. For the sake of clarity, acoustic music and televisions with sound are permitted during outdoor business hours.
  3. Any restaurant, bar or brewery shall be limited to a maximum of one hundred fifty (150) total seats.
  4. On-site outdoor patio seating shall be limited to a maximum of forty-six (46) seats. Any seating area established for outside sales and service shall remain in place during business hours. Tables and chairs shall not be removed for dancing or live entertainment use.

5. Sidewalk seating within the right-of-way, if approved by separate application, shall be limited to a maximum of twenty (20) seats.
6. Sale, service and display, preparation and storage shall be conducted within a completely enclosed building, unless otherwise provided for, and no more than 30 percent of the floor space shall be devoted to storage.

## **V. DESIGN GUIDELINES**

- A. Minimum lot requirements (width and area): None, except as otherwise required for certain uses.
- B. Maximum lot coverage by all buildings: None, except as otherwise required for certain uses.
- C. Minimum setback requirements:
  1. Front: None.
  2. Side: None.
  3. Rear: None.
- D. Maximum height of structures: Forty-five (45) feet not to exceed three (3) stories.
- E. Maximum square footage (if redeveloped): Eleven thousand six hundred (11,600) square feet.
- F. Zoning Overlay: Any redevelopment of the Property will follow the Riverside Avondale Zoning Overlay unless otherwise provided in this PUD.
- G. Ingress, egress and circulation:
  1. Parking requirements: In consideration of the available on-street parking, the contributing nature of the existing structure, and consistent with historic use of the Property and the use of the surrounding properties along Margaret Street, the Property shall have no on-site parking requirement.
  2. Vehicular access: The Property is accessible via Margaret Street.
  3. Pedestrian access: Pedestrian access to the property is available via sidewalks along Margaret Street.
- H. Signs: Any signs on the Property shall conform with Section 656.1333 and the Riverside/Avondale Overlay.
- I. Landscaping: Landscaping shall conform with Section 656.1209 and the Riverside/Avondale Overlay.
- J. Lighting: Any lighting on the Property shall be designed and installed to localize illumination onto the Property and to minimize unreasonable interference or impact on

any residential zoning districts outside of the Project. Directional lighting fixtures designed to cast illumination downward and within the site shall be used rather than broad area illumination.

K. Recreation and open space: Recreation and Open Space shall be provided as required by the 2030 Comprehensive Plan, if any.

L. Utilities: Essential services including gas, telephone, water, sewer, cable and electric as required to serve the project shall be permitted on the site. Water, sanitary sewer and electric will be provided by JEA.

M. Wetlands: The proposed use will not impact any wetlands.

N. Minimum Distance:

The minimum distance between the Property and a church or school as required by Section 656.805(c) of the Code and identified in the survey from Arc Surveying & Mapping, Inc. dated May 1, 2020 filed with the PUD is waived.

## **VI. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT**

The proposed PUD is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed PUD will be beneficial to the surrounding neighborhood and community. The PUD meets the following zoning and land use initiatives:

A. Is more efficient than would be possible through strict application of the Zoning Code:

The PUD will facilitate consistent occupancy of a historic structure that sits in a walkable and high traffic area in Five Points by enabling outside sales and service and retail sale and service of alcoholic beverages for on-site and off-site consumption regardless of the specific tenant operating in the Property. The PUD incorporates provisions recommended by the community to ensure consistency and compatibility with the surrounding area.

B. Is compatible with surrounding land uses and will improve the characteristics of the surrounding area:

The permitted and permissible uses detailed in this PUD are consistent with the underlying zoning district, the surrounding area, and with the historic use of the property. Specifically, to the north, east, and south are zoned CCG-1 and contain restaurants, retail establishments, and medical offices. To the west are apartments, parking, and a restaurant.

C. Will promote the purposes of the City of Jacksonville 2030 Comprehensive Plan:



The proposed PUD is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations, and specifically contributes to:

1. Objective 1.1 of the Future Land Use Element of the 2030 Comprehensive Plan – Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.
2. Policy 1.1.5 of the Future Land Use Element of the 2030 Comprehensive Plan – The amount of land designated for future development should provide for a balance of uses that:
  - a. Fosters vibrant, viable communities and economic development opportunities;
  - b. Addresses outdated development patterns;
  - c. Provides sufficient land for future uses that allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and is not limited solely by the projected population.
3. Policy 1.1.12 of the Future Land Use Element of the 2030 Comprehensive Plan – 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.
4. Policy 1.1.22 of the Future Land Use Element of the 2030 Comprehensive Plan – Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.
5. Goal 3 of the Future Land Use Element of the 2030 Comprehensive Plan – To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.
6. Objective 3.2 of the Future Land Use Element of the 2030 Comprehensive Plan – Continue to promote and sustain the viability of existing and emerging commercial

and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

7. Policy 3.2.2 of the Future Land Use Element of the 2030 Comprehensive Plan – The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.
8. Policy 3.2.4 of the Future Land Use Element of the 2030 Comprehensive Plan – The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.