

## **NORTHCREEK COMMERCIAL OUTPARCEL PUD**

Written Description

**December 1, 2023**

I. **PROJECT DESCRIPTION.** This is a proposed revision to the site plan for a fast-food restaurant on an approximately 1.39 acre parcel (the “Property”) at the westerly portion of the Northcreek PUD. The Northcreek PUD is an approximately 300-acre mixed-use commercial and residential development first approved in 1999 under Ordinance 1999-6-E. The project is located on Duval Station Road, between a Daily’s service station and Bradley Cove Road. First Coast High School is on the south side of Duval Station Road.

The existing Northcreek PUD allows restaurants with drive-thrus on this site under Ordinance 2008-514, enacted August 26, 2008, which adopted the commercial uses in 1999 as the uses for this Property:

### **C. Commercial Development Standards**

**This is a 16 acres parcel to be zoned Commercial Neighborhood Use which is a secondary zoning district in LDR ( allowed when the property abuts two collector streets). Both Duval Station and Starratt Roads are collectors streets. This CN use will include convenience goods, personal services, and other low intensity retail and office uses. This center will be developed in freestanding or shopping center configuration. The center will be anchored and will contain supporting retail and office uses. All permitted uses and structures contained in 656.312 will be allowed. Drive-thru facilities in conjunction with a permitted or permissible use or structure will be permitted. Also filling stations meeting the performance standards and development criteria found in Part 4 of the code will be allowed by right.**

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**In this 16 acre commercial neighborhood parcel the permitted uses and structures, accessory uses and structures , permissible uses by exception , minimum lot and yard requirements, maximum lot coverage and height of buildings and structures shall be as provided in section 656.312 of the Code. The Maximum number of square feet of commercial buildings will be governed by the maximum lot coverage allowable in CN zoning as stated in 656.312 of the City code.**

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In 2015, the owner of an easterly portion of the Property obtained a major modification to the PUD under Ordinance 2015-49-E. This modification approved a site plan for an approximately 4,388 square foot restaurant that included a double drive-thru.

In 2021, the Property owner obtained a minor modification to the PUD under MM2018-29, and MM2018-30, to allow an 11,000 square foot building with 3 access points as an alternative plan to the 2015 site plan for the single fast-food restaurant. The allowed uses are as described in the 1999 PUD, excerpted above, but the minor modifications did not propose the change to the 2015 site plan for a fast-food restaurant with double drive-thru.

The proposed site plan changes the orientation of the building from north-south to east-west, with the longer portion of the building facing Duval Station Road. The area available for stacking of vehicles would increase from approximately 16 vehicles to approximately 34 vehicles, assisting to retain vehicles on-site. The patio area is located on the easterly side of the building. The building would be approximately 5,000 enclosed square feet.

There is an existing brick wall and landscaped area on property owned by the North Creek Homeowners Association and adjacent to Bradley Cove Road. An additional 10-foot landscaped buffer would exist along the westerly boundary of the applicant's property.

The designated Land Use under the Comprehensive Plan for the Property is Low Density Residential, which allows the uses under this PUD. The property is in the Suburban Development Area. It is located in Council District 8 (Reggie Gaffney Jr.). Access would be provided via Lady Lake Road, an existing street connecting between Bradley Cove Road and the rest of the Duval Station Centre shopping center.

Surrounding land uses:

	Land Use	Zoning	Use
North	LDR	PUD	Single family residential (part of PUD)
East	LDR	PUD	Shopping Center (part of PUD)
South	PBF	PBF-1	First Coast High School
West	LDR	PUD	Single family residential (part of PUD)

Other uses within the immediate area, which is also part of the Northcreek PUD, include the North Creek single family subdivision, a JEA lift station, Tutor Time (a child daycare), a Bono's Pit Bar-B-Q, a Publix grocery store, a sushi restaurant, a gym, and a bank with drive-thru. The adjacent Daily's convenience store is approximately 5,000 enclosed square feet with an approximately 5,700 square foot canopy, 18 fueling stations, a car wash, and a digital sign fronting Duval Station Road. First Coast High School is opposite the property on Duval Station Road. First Coast High School is on over 100 acres and has over 2,000 students.

## II. USES AND RESTRICTIONS.

A. Permitted uses and structures. The permitted uses and structures for the Property are as set forth in Section II.C. of the Northcreek PUD written description dated March 10, 1999 (pages 2 and 3) approved by Ordinance 1999-6-E, including, without limitation, fast food restaurants with drive-through sales and service. Specifically, the permitted uses under the existing PUD and this application are as follows:

1. Medical and dental or chiropractor offices and clinics (but not hospitals).
2. Professional and business offices.
3. Multi-family residential vertically integrated with a permitted use on the ground floor.
4. Neighborhood retail sales and service establishments, however no individual building footprint shall exceed 40,000 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 (see subsection 16 below), including outside sale and service of food and nonalcoholic beverages.
7. Banks 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 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. Pharmacies in existence as of the effective date of Ordinance 2018-75-E shall be legally permitted uses and shall not be deemed legal nonconforming uses.

16. Drive-thru facilities in conjunction with a permitted or permissible use or structure.

17. Filling stations meeting the performance standards and development criteria found in Part 4 of the Zoning Code.

B. Permitted accessory uses and structures. Accessory uses are allowed in accordance with the then-current Jacksonville Zoning Code.

C. Permissible uses by exception. None.

D. Limitations on permitted or permissible uses by exception. N/A

E. Lot requirements.

1. Minimum lot requirement (width and area).

a) Width – seventy-five (75) feet

b) Area – 7,500 square feet.

2. Maximum lot coverage by buildings and structures at ground level: 50%

3. Minimum yard requirements. The minimum yard requirements for all uses and structures (as measured from the wall of the structure) are as follows:

a) Front – Ten (10) feet

b) Side – Zero (0) feet.

c) Rear – Ten (10) feet.

d) Side street – Ten (10) feet.

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

4. Building height. The maximum building height of all buildings and structures is forty-five (45) feet. See definition of “Building height”, Jacksonville Zoning Code Part 16.

5. Buffer/Landscaping: No fencing will be required on any boundary of the Property. Ten feet of the twenty (20) foot landscape buffer and brick wall mandated by Ord. 2008-514 is in place to the west on Real Estate Parcel # 106606 5033.

F. Impervious surface ratios. The maximum impervious surface ratio is 85%.

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### III. DESIGN GUIDELINES.

#### A. Ingress, Egress and Circulation.

1. **Parking Requirements.** Parking will comply with Part 6 of the Zoning Code, taking into consideration all proposed uses and the entire Northcreek PUD. Parking within the Northcreek PUD may be shared among uses and parcels as long as the Northcreek PUD in its entirety provides sufficient parking for all uses.
2. **Vehicular Access.** Vehicular access shall be provided via Lady Lake Road.
3. **Pedestrian Access.** Sidewalks connecting the residential and commercial components of the Northcreek PUD are already in place. A sidewalk exists along Duval Station Road, and two crosswalks are nearby. Sidewalks on the Property will comply with the applicable requirements of the Zoning Code, 2045 Comprehensive Plan, and Land Development Procedures Manual regarding the provision of sidewalks.

B. **Signage.** One double-sided, internally lit or externally-lit monument sign not to exceed fifteen (15) feet in height and fifty (50) square feet in area along Duval Station Road and one double-sided, internally or externally-lighted monument sign not to exceed eight (8) feet in height and twenty-four (24) square feet along Lady Lake Road. The sign on Lady Lake Road shall be a minimum of one hundred (100) feet from the western boundary of the Property. The sign on Duval Station Road shall be a minimum of fifty (50) feet from the western boundary of the Property. Wall signs, directional signs and other signs shall be allowed consistent with Part 13 of the Jacksonville Zoning Code.

C. **Landscaping.** Landscaping and tree protection shall be consistent with Part 12 of the Zoning Code (November 1, 2023). Additionally, a 10-foot wide landscape buffer shall be installed and maintained along the west property line, consisting of 3.5 inch caliper, 65 gallon Florida Fancy trees spaced seven (7) feet on center. Permitted trees include Southern Magnolia, Southern Red Cedar and Nellie Stevens Holly.

D. **Open space.** At least 10 percent of the Northcreek PUD remains in passive open space.

E. **Utilities.** Utilities will be provided by JEA or its successor(s).

F. **Wetlands.** All wetlands impacts will be mitigated in accordance with state and federal regulations.

G. **Stormwater retention.** Stormwater treatment facilities will be designed and installed in accordance with the rules of the St. Johns River Water Management District.

H. Schedule. Construction is anticipated to commence on this Property within two (2) years of approval, depending upon market conditions. Completion is anticipated to occur within one (1) year of commencement of construction.

I. Continued operation and maintenance. There are no common areas within the Property that is the focus of this application.

J. Conformance to Zoning Overlay. Not applicable.

K. Site Data Table (as to the Property only)

Total gross acreage	1.39 acres	
Total passive open space	0.21 acres	15%
Total Commercial acreage (including open space)	1.39 acres	100%
Amount of public and private rights of way	0 acres	0%
Maximum coverage of buildings and structures at ground level	50%	
Impervious surface ratio	85%	

L. Differences from the usual application of the Zoning Code. The Northcreek PUD allows for mixed use development, including single-family residential and commercial uses. With regards to this Property, this PUD application provides detail as to the proposed site development which would not ordinarily be provided during the zoning approval process. The proposed monument signage is less than is ordinarily allowed under the Zoning Code and is the same as that allowed under the current PUD. The landscaping requirements are more stringent and more detailed than the Zoning Code.

IV. **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. In the event of a conflict between the Site Plan and this Written Description, this Written Description shall take precedence.

V. **JUSTIFICATION FOR PLANNED DEVELOPMENT CLASSIFICATION**. The proposed development is consistent with the general purpose and intent of the City of Jacksonville Comprehensive Plan and Zoning Code. This PUD, a form of customized zoning, allows for unique provisions concerning allowable uses and development criteria.

VI. **EXISTING SITE CHARACTERISTICS**. The existing site is currently vacant.

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## VII. PUD REVIEW CRITERIA

### A. Consistency with Comprehensive Plan.

The proposed zoning is consistent with the Comprehensive Plan. The proposed zoning is consistent with and furthers the following Goals, Objectives, and Policies:

Goal 1 - To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Analysis: The rezoning of the property allows for an efficient use of a shovel-ready site which is part of a neighborhood shopping center.

Goal 3 -- 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.

Analysis: The proposed zoning allows for appropriate infill residential development in a suburban area.

Objective 1.1 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 the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Analysis: The proposed use is compatible with the surrounding uses and consistent with the designated future land use of the property. Development will allow for more efficient delivery of urban services in the Duval Station area.

### Future Land Use Element

1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use, pattern, 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.

B. Consistency with the Concurrency Management System. The property will be developed consistent with the applicable concurrency and mobility management regulations of the City of Jacksonville.

C. Allocation of residential land use. N/A.

D. Internal compatibility/vehicular access. The proposed uses are compatible with each other. Vehicular access is provided to Lady Lake Road.

E. External compatibility/intensity of development. The proposed use and intensity of development is consistent with that allowed in the existing Northcreek PUD. Additional buffering to Bradley Cove Road is provided.

The proposed development is consistent with the existing and planned uses of the surrounding properties and will not have any avoidable or undue adverse impact on existing or planned surrounding uses.

F. Recreation/open space. N/A

G. Impact on wetlands. No wetlands impacts are anticipated; however, any wetlands impacts associated with the development of the property will be fully mitigated under state and federal regulations.

H. Listed species regulations. Development of the project will comply with the Endangered Species Act and other laws concerning the protection of listed species.

I. Off-Street parking & loading. See the parking requirements proposed above.

J. Sidewalks, trails & bikeways. Sidewalks on the Property will comply with the applicable requirements of the Zoning Code, 2045 Comprehensive Plan, and Land Development Procedures Manual regarding the provision of sidewalks. A sidewalk connection is provided from the Property to the sidewalk along Duval Station Road.

#### VIII. DEVELOPMENT TEAM

A. Developer: RBSSSS LLC, c/o Ramzy Bakkar, 320 1st St. N, Suite 706, Jacksonville Beach, FL 32250

B. Engineer: Bohler Engineering, c/o Stacey Bridenback, Sr. Permit Manager, 600 N. Westshore Blvd. Suite 950, Tampa, FL 33609

C. Agent/Attorney: Sodl & Ingram PLLC, Thomas O. Ingram and Elizabeth Moore, 1617 San Marco Boulevard, Jacksonville, FL 32207, thomas.ingram@si-law, beth.moore@si-law.com, (904) 612-9179

#### IX. Landowners, Tax Parcel Identification and Addresses:

106606 5037, 0 Bradley Cove Road, Jacksonville, FL 32218

106606 0000, 0 Lady Lake Road, Jacksonville, FL 32218

Owner: RBSSSS LLC, c/o Ramzy Bakkar, 320 1st St. N, Suite 706, Jacksonville Beach, FL 32250