

**PUD WRITTEN DESCRIPTION**  
**1509 HENDRICKS PUD**  
**November 13, 2023**

**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 0.21 acres of property to allow for restaurant uses on the property located at 1509 Hendricks Avenue (RE# 080517 0000) as more particularly described in Exhibit 1 (the “Property”) and conceptually depicted in the Site Plan filed herewith. The Property is located within the CGC land use category, the Urban Priority Area, and is zoned CCG-1. The Property is also located within the San Marco Zoning Overlay.

The Property is located along the Hendricks Avenue commercial corridor within the San Marco neighborhood. Applicant seeks to convert the Property from its historical use as a union hall to mixed-use commercial space. In furtherance of the proposed use, this PUD provides development guidelines specific to the existing structure’s build-to lines and furthers the pedestrian-oriented nature of Hendricks Avenue.

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	LI	PUD (2012-264)	Aardwolf Brewery
East	ROS	PBF-1	Public parking
South	ROS	PBF-1	Southside Tennis Complex
West	CGC	CCG-1	Hendricks Avenue/Retail

- B. Project name: 1509 Hendricks PUD.
- C. Property owner: WBT Property LLC.
- D. Project agent: Driver, McAfee, Hawthorne & Diebenow, PLLC.
- E. Current land use designation: CGC.
- F. Current zoning district: CCG-1.
- G. Requested zoning district: PUD.
- H. Real estate number: 080517 0000.

**II. QUANTITATIVE DATA**

A. Total acreage: 0.21 acres.

- B. Total amount of nonresidential square feet: Sixteen thousand seven hundred (16,700) square feet.

### **III. STATEMENTS**

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

This PUD generally adopts the Zoning Code provisions applicable to a property zoned CCG-1 within the San Marco Zoning Overlay with the following exceptions:

1. Restaurants with sales and service of all alcoholic beverages and permanent outdoor sales and service are permitted uses.
2. A waiver of minimum distance for liquor license location as detailed in Section 656.805 of the Zoning Code will not be required.
3. The following uses are prohibited:
  - a. Facilities associated with pari-mutuel permitholders and adult amusement centers.
  - b. Personal property storage facilities.
  - c. Filling stations and car wash facilities.
  - d. Crematories.
  - e. Minor or major repair garages.
  - f. Pawn shops.
  - g. Recycling collection points.
  - h. Service and repair of appliances.
  - i. Dancing establishments serving alcohol.
  - j. Nightclubs.
  - k. Indoor gun ranges.
  - l. Sale of new or used tires.
4. Patios and other pedestrian-oriented facilities may be utilized in meeting frontage requirements.

5. Setbacks are reduced to zero (0) feet to account for the existing building that was constructed in 1963.
  6. Zero (0) on-site parking and loading spaces are required in recognition of the existing structure having been built in 1963 to the Property's boundary lines. This parking provision is also supported by the available public parking and the pedestrian-oriented nature of the San Marco neighborhood and specifically the Hendricks Avenue corridor.
  7. Landscaping provisions are waived in light of the fact that the existing building is constructed to the Property's boundary lines.
- 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.

Owner will be responsible for the operation and maintenance of the areas and functions described herein and any facilities that are not provided, operated or maintained by the City.

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

##### **A. Permitted Uses:**

1. Commercial retail sales and service establishments, including restaurants with sales and service of all alcoholic beverages and permanent outdoor sales and service.
2. Banks, including drive-thru tellers, savings and loan institutions, and similar uses.
3. Professional and business offices, 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.
4. Hotels and motels.
5. Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, movie theaters, and other similar uses.
6. Art galleries, museums, community centers, fitness centers, martial arts, gymnastics, dance, art or music studios.
7. Vocational, trade or business schools and similar uses.
8. Day care centers or care centers meeting the performance standards and development criteria set forth in Part 4.

9. Off-street commercial parking lots meeting the performance standards and criteria set forth in Part 4.
10. Adult Congregate Living Facility (but not group care homes or residential treatment facilities).
11. An establishment or facility which includes the retail sale and service of beer or wine for off-premises consumption.
12. Retail plant nurseries including outside display, but not on-site mulching or landscape contractors requiring heavy equipment or vehicles in excess of one-ton capacity.
13. Express or parcel delivery offices and similar uses (but not freight or truck terminals).
14. Veterinarians and animal boarding, subject to the performance standards and development criteria set forth in Part 4.
15. Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses.
16. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
17. Churches, including a rectory or similar use.
18. Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4.
19. 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.
20. Assembly of components and light manufacturing when in conjunction with a retail sales or service establishment, conducted without outside storage or display.
21. 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.

22. Textile Recycling Collection Bins meeting the development criteria and performance standards set forth in Part 4, Section 656.421 (Textile Recycling Bins).

B. Permissible Uses by Exception:

1. An establishment or facility other than a restaurant which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both.
2. Permanent or restricted outside sale and service for uses other than a restaurant, meeting the performance standards and development criteria set forth in Part 4.
3. Residential treatment facilities and emergency shelters.
4. Multi-family residential integrated with a permitted use.
5. Retail sales of new or used automobiles by a franchised motor vehicle dealer as defined in F.S. § 320.27(1)(c)1.
6. Blood donor stations, plasma centers and similar uses.
7. Private clubs.
8. Billiard parlors.
9. Schools meeting the performance standards and development criteria set forth in Part 4.
10. Off-street parking lots not adjacent to residential districts or uses, meeting the performance standards and development criteria set forth in Part 4.

C. Permitted Accessory Uses and Structures:

1. As permitted in Section 656.403.

D. Outdoor seating: Additional outdoor seating in areas abutting the building along the southern boundary may be permitted by separate agreement with the City and considered to be part of the licensed premises for purposes of food and beverage service without separate zoning approval.

E. Waiver of Minimum Distance for a Liquor License: A waiver of minimum distance for liquor license location as detailed in Section 656.805 of the Zoning Code will not be required. The Property is less than 1,500 feet from several churches and schools in the San Marco neighborhood as detailed on the liquor distance survey filed herewith; however, the proposed alcoholic beverage use is designed to be an integral part of a planned unit development; is within the Hendricks Avenue commercial corridor which

is characterized by a mix of buildings – many of which share a party wall similar to a shopping center – and a multitude of dining, shopping and entertainment establishments; and will not be directly visible along the line of measurement defined in Section 656.806 due to the fact that there is at least one intervening block between the proposed sites and each of the church or school locations. Other establishments within a similar distance from the church provide alcohol service including V Pizza and Sidecar (1406 Hendricks), Aardwolf (1461 Hendricks), Hightide Burrito and Bar Molino (1538 Hendricks), Jack Rabbits (1528 Hendricks), Hendricks Food Store (1560 Hendricks), and Hurricane Grill & Wings (1615 Hendricks).

## V. DESIGN GUIDELINES

### A. Lot Requirements:

1. Minimum lot width and area: None, except as otherwise required for certain uses.
2. Maximum lot coverage by all buildings. None, except as otherwise required for certain uses. Impervious surface ratio as required by Section 654.129.
3. Minimum yard requirements:
  - a. Front – Zero (0) feet. For new construction, a minimum of seventy percent (70%) of the western façade shall not be located more than ten (10) feet from Hendricks Avenue. Plazas, patios, courtyards or other pedestrian-oriented facilities fronting Hendricks Avenue may break this build-to line and count toward meeting the minimum frontage requirement.
  - b. Side – Zero (0) feet.
  - c. Rear – Zero (0) feet.
4. Maximum height of structures:
  - a. Per the San Marco Zoning Overlay.

### B. Ingress, Egress and Circulation:

1. *Parking Requirements.* Zero (0) on-site parking and loading spaces shall be required in recognition of the existing structure having been built in 1963 to the Property's boundary lines and the Property's location in a pedestrian-focused area with nearby public parking.
2. *Vehicular Access.* Vehicular access to the Property shall be by way of Hendricks Avenue and Cedar Street, substantially as shown on the Site Plan.
3. *Pedestrian Access.* As required by City regulations.

- C. *Building Orientation.* The existing building will be updated to activate the frontage along Hendricks Avenue. The entrances facing Hendricks Avenue are remaining, and substantial improvements to the façade are anticipated as well as incorporation of an outdoor seating area as conceptually depicted in the attached elevations. Accordingly, the western façade shall be considered the primary façade. Improvements to the other facades including additional entrances are permitted.
- D. **Signs:** Signs for this development shall be consistent with the requirements for the CCG-1 zoning district as set forth in Part 13 of the Zoning Code.
- E. **Landscaping:** Landscaping shall not be required in recognition of the existing structure having been built in 1963 to the Property’s boundary lines.
- F. **Recreation and Open Space:** Recreation and open space shall be provided as required by the 2045 Comprehensive Plan.
- G. **Utilities:** Essential services, including water, sewer, and gas, as required to serve the project shall be permitted on the site. Water, sanitary sewer and electric will be provided by JEA.
- H. **Wetlands:** Development which would impact wetlands will be permitted in accordance with local, state and federal requirements.

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

In accordance with Section 656.341(d) of the Code the PUD meets the applicable Criteria for review as follows:

- A. **Consistency with the Comprehensive Plan.** The proposed PUD is consistent with the general purpose and intent of the City’s 2045 Comprehensive Plan and Land Use Regulations, will promote the purposes of the City’s 2045 Comprehensive Plan and specifically contributes to:

*Future Land Use Element*

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

implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

3. Policy 1.1.6 - Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.
4. Policy 1.1.9 - Promote the use of Planned Unit Development (PUD) zoning districts, cluster developments, and other innovative site planning and smart growth techniques in order to allow for appropriate combinations of complementary land uses, densities and intensities consistent with the underlying land use category or site specific policy, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations. These techniques should consider the following criteria in determining uses, densities, intensities, and site design:
  - a. Potential for the development of blighting or other negative influences on abutting properties
  - b. Traffic Impacts
  - c. Site Access
  - d. Transition of densities and comparison of percentage increase in density above average density of abutting developed properties
  - e. Configuration and orientation of the property
  - f. Natural or man-made buffers and boundaries
  - g. Height of development
  - h. Bulk and scale of development
  - i. Building orientation
  - j. Site layout
  - k. Parking layout
  - l. Opportunities for physical activity, active living, social connection, and access to healthy food
5. Policy 1.1.13 - Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:
  - a. Creation of complementary uses;
  - b. Enhancement of transportation connections;
  - c. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
  - d. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.
6. Policy 1.1.22 - 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.

7. Objective 1.2 - Manage the use of land in the City by approving new development and redevelopment only if necessary public facilities are provided concurrent with the impacts of development. Ensure the availability of adequate land suitable for utility facilities necessary to support proposed development. Verify prior to development order issuance that all new development and redevelopment will be served with potable water, wastewater, solid waste disposal, stormwater management facilities, and parks that meet or exceed the adopted Levels of Service established in the Capital Improvements Element.
8. Policy 1.2.8 - Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site.

Development on sites located within the UPA, UA and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance with the following provisions:

- a. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
- b. Non-residential (above 600 gpd) where the collection system of a regional utility company is not within 50 feet of the property.
- c. Subdivision (non-residential and residential) where:
  - i. The collection system of a regional utility company is greater than  $\frac{1}{4}$  mile from the proposed subdivision.
  - ii. Each lot is a minimum of  $\frac{1}{2}$  acre unsubmerged property.
  - iii. Installation of dryline sewer systems shall be installed when programmed improvements
9. 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.
10. Objective 3.2 - 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.

11. Policy 3.2.2 – The City shall encourage, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.
12. Policy 4.1.2 - The City shall require that all development conform to the densities and intensities established in the Future Land Use Map series and Operative Provisions of this element and be consistent with the plan.
- B. Consistency with the Concurrency Management System.** All development will secure necessary approvals from the CMMSO and pay all required fees in accordance with Chapter 655 of the Code.
- C. Allocation of residential land use.** Any such residential use shall comply with the Comprehensive Plan.
- D. Internal compatibility.** The Site Plan attached as Exhibit E addresses access and circulation within the site. Access to the site is available from Hendricks Avenue and Cedar Street. Location of the access points shown on the Site Plan as well as final design of the access points is subject to the review and approval of the City Traffic Engineer and the Planning and Development Department.
- E. External compatibility / Intensity of development.** The proposed development is consistent with and complimentary to existing uses in the area. The Property abuts Hendricks Avenue, a minor arterial roadway. The proposed restaurant use is consistent with the existing CCG-1 zoning entitlements as well as the retail establishments fronting all along Hendricks Avenue.
- F. Usable open spaces, plazas, recreation areas.** Open space in compliance with the 2045 Comprehensive Plan will be provided substantially provided as shown on the Site Plan attached as Exhibit E.
- G. Impact on wetlands.** Development which would impact wetlands will be permitted in accordance with local, state and federal requirements.
- H. Listed species regulations.** The Property is less than fifty (50) acres and therefore a listed species survey is not required.
- I. Off-Street parking including loading and unloading areas.** The PUD does not require on-site parking and loading spaces due to the existing site limitations. To provide parking or loading spaces would require demolition of the existing structure that was constructed in 1963.
- J. Sidewalks, trails and bikeways.** Pedestrian circulation will be addressed consistent with the City regulations.