City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James 117 W. Duval St. Jacksonville, FL 32202 (904) 630-CITY www.coj.net

20 August 2020

The Honorable Tommy Hazouri, President The Honorable Michael Boylan, LUZ Chair And Members of the City Council City Hall 117 West Duval Street Jacksonville, Florida 32202

RE: Planning Commission Advisory Report

Ordinance No.: 2020-390 Application for: 1521 Margaret St PUD

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation:

Approve

Planning Commission Recommendation:

Approve

This rezoning is subject to the following exhibits:

- 1. The original legal description dated June 4, 2020.
- 2. The revised written description dated August 18, 2020.
- 3. The original site plan dated June 29, 2020.

Recommended Planning Commission Conditions to the Ordinance: None

Recommended Planning Commission Conditions that can be incorporated into the Written Description: None

Planning Commission Commentary: There was one speaker in support from RAP and no speakers in opposition. The agent submitted a revised written description which reduces the number of outside seats and seats on the sidewalk. The Commissioners were grateful for the cooperation between the parties.

Planning Commission Vote:

6-0

Planning Commission Report Page 2

Joshua Garrison, Chair Aye

Dawn Motes, Vice Chair Absent

David Hacker, Secretary Aye

Marshall Adkison Absent

Daniel Blanchard Aye

lan Brown Aye

Alex Moldovan Aye

Jason Porter Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

Bruce E. Lewis

City Planner Supervisor - Current Planning Division

City of Jacksonville - Planning and Development Department

214 North Hogan Street, Suite 300

Jacksonville, FL 32202

(904) 255-7820

blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2020-0390 TO

PLANNED UNIT DEVELOPMENT

AUGUST 20, 2020

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 Ordinance 2020-0390 to Planned Unit Development.

Location: 1521 Margaret Street; between Lomax Street and

Herschel Street (SR 211)

Real Estate Number(s): 090323-0000

Current Zoning District(s): Commercial Community/General-1 (CCG-1)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Urban Core, District 1

Applicant/Agent: Cyndy Trimmer, Esq.

Driver, McAfee, Hawthorne and Diebenow, PPLC

1 Independent Drive, Suite 1200 Jacksonville, Florida 32202

Owner: Westwood Properties Partners, LLC

2650-2 Rosselle Street Jacksonville, Florida 32204

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Planned Unit Development 2019-0390 seeks to rezone approximately 0.09± acres of land from Commercial Community/General-1 (CCG-1) to PUD. The rezoning to a PUD is being sought in order to permit for a brewery/distillery and the outside sale and service of alcoholic beverages. The subject property is located within the Urban Transition Area (UTA) of the Riverside/Avondale Zoning Overlay but outside of the Riverside Historic District.

The need for the PUD arises from the limitation in commercial/retail uses under CCG-1 zoning and the Riverside/Avondale Zoning Overlay. Therefore, the proposed PUD would allow for the outdoor sales and service and the on-premises consumption of alcoholic beverages by right, waive the minimum liquor distance requirement, restrict the hours of operation and live music, and increase the seating allowance for the outside sales and service. No changes to building footprint or scale are anticipated.

Staff notes that several zoning applications for subject property have been granted by Planning Commission:

- V-86-109: Zoning Variance that approved a restaurant on July 24, 1986.
- E-99-181: Zoning Exception to approve outside sales and service of alcoholic beverages for the on-premises consumption to Stella's Piano Café, Inc. This order was amended several times to transfer the exception to Westwood Properties Partners, LLC, them Dona Maria's Mexican Restaurant, then finally O'Brothers Irish Pub.
- **AD-99-235:** Administrative Deviation that granted a parking reduction from 46 spaces to 0 spaces on February 16, 2000.
- E-18-96: Zoning Exception that approved the outside sales and service of food and alcoholic beverages to Marah Brewing Company on February 7, 2019.

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.

(A) Is the proposed zoning district consistent 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 Planning and Development Department finds that the subject property will be located in the Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

The 0.09 of an acre subject site is located on the east side of Margaret Street, which is classified as a local roadway according to the City's Highway Classification Map. The site is located within the Riverside-Avondale Historic District and within the UTA Area of the Riverside Zoning Overlay/Character Area. The site is currently located within the CGC land use category, within the Urban Priority Area (UPA). The site is also within Planning District 1; Urban Core, and within Council District 14.

CGC in the Urban Priority Area is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Commercial retail sales and service are a principal use.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the <u>2030</u> Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Ordinance Code.

(B) Does the proposed rezoning further the goals, objectives and policies of the <u>2030</u> Comprehensive Plan?

Yes. This proposed rezoning to Planned Unit Development is consistent with the <u>2030</u> Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

Policy 1.1.12

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.

The policy mentioned above is the primary intent and focus of the proposed development as every desired use is designed and oriented to be complementary with one another.

Policy 3.2.2

The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

The proposed rezoning would allow for infill development in an existing area comprised of commercial retail and service uses.

(C) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) 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 for rezoning to Planned Unit Development district:

The following additional criteria shall be considered by the Planning and Development Department, the Local Planning Agency, and the City Council when evaluating any land use or zoning application within the Riverside/Avondale Zoning Overlay District:

(a) Whether the proposed rezoning is consistent with the Riverside/Avondale Zoning Overlay District and the historic district regulations;

The Department finds the rezoning is substantially consistent with the Overlay and historic district regulations. The PUD differs from the Overlay in the following sections:

- Moves retail sales and service establishments with outside sale and service, and onpremises consumption of alcoholic beverages in conjunction with a restaurant from permissible uses by exception to permitted uses.
- Removes the 60-seat limitation for restaurants.
- (b) Whether the rezoning will negatively affect or alter the character of the character area or corridor;

The intended plan of development is for the existing building to remain, which will not alter the character of the Urban Transition Area (UTA) or the abutting corridors.

(c) Whether the rezoning and subsequent future development would result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees; and

The intended plan of development will not destroy protected trees or specimen trees.

(d) Whether the rezoning would have a negative affect on any contributing structures within the Riverside Avondale historic district, as defined in Section 656.399.17, historic landmark or landmark site.

The intended plan of development is for commercial infill of the existing one-story building. Staff finds the rezoning will not have a negative effect on any contributing structures.

(1) Consistency with the 2030 Comprehensive Plan

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 within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Community/General Commercial (CGC). Nonetheless, Staff finds the proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, as previously evaluated in Criteria (B).

(2) Consistency with the Concurrency Mobility and 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 and Mobility Management System (CMMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for commercial uses and service establishments uses. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis for 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposed Planned Unit Development shall be based on the following factors:

<u>The use of existing and proposed landscaping</u>: The subject site will be developed in accordance with Part 12 of the Zoning Code and Article 25 of Charter of the City of Jacksonville.

<u>The treatment of pedestrian ways:</u> Pursuant to the provisions outlined in Chapter 654 Code of Subdivision Regulations and the <u>2030 Comprehensive Plan</u>, the proposed development will provide bicycle and pedestrian connectivity.

<u>Traffic and pedestrian circulation patterns:</u> The existing vehicle use area (VUA) will not change and no new accesses are proposed.

(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:

The adjacent uses, zoning and land use categories are as follows:

Adjacent	Land Use	Zoning	Current
Property	Category	District	Property Use
North	RPI	CRO/PUD 2003-0242	Single-Family Dwellings/Bed & Breakfast
South	HDR	RHD-B	Multi-Family Dwellings
East	RPI	CRO	Business Office/Single-Family Dwellings
West	ROS/RPI	PBF-1/CRO	Memorial Park/Medical Office

(6) Intensity of Development

The proposed development will be consistent with the proposed Community/General Commercial (CGC) functional land use category. The PUD is appropriate at this location because it will allow an comptaible network of commercial uses.

The availability and location of utility services and public facilities and services: The subject site will be serviced by JEA for city water and sewer. Additionally, in an availability letter provided by JEA dated May 11, 2020, the proposed project design shall meet the JEA Design Standards in effect at the time of construction plan submittal in order to accommodate approximately 6,800 gpd.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The parcel has frontage on Margaret Street. Staff forwarded the application to Traffic Engineering for review, which had no objections to the development.

The application was also forwarded to the Transportation Planning Division on July 27, 2020 for review.

(7) Usable open spaces plazas, recreation areas.

No recreation area is required.

(8) Impact on wetlands

There are no wetlands on the subject property.

(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 project will be developed in accordance with the parking requirements listed in the Urban Transition Area (UTA) of the Riverside Avondale Zoning Overlay, as outlined in Section 656.399.24 of the Zoning Code. Therefore, no parking is required for commercial retail sales and service establishments that are located in contributing structures.

(11) Sidewalks, trails, and bikeways

The project shall contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on **August 12, 2020**, the required Notice of Public Hearing signs were posted.



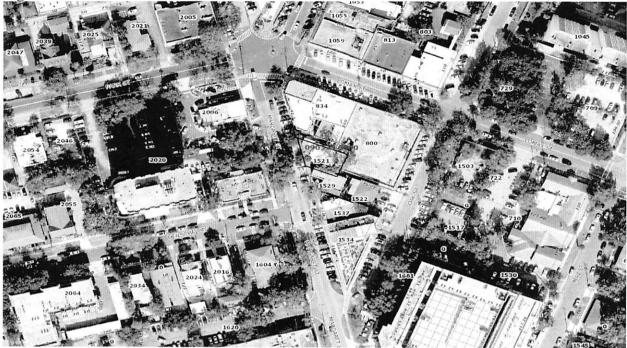
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2020-0390 be APPROVED with the following exhibits:

- 1. The original legal description dated June 4, 2020.
- 2. The revised written description dated August 3, 2020.
- 3. The original site plan dated June 29, 2020.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2020-0390 be APPROVED.





Source: Planning & Development Dept, 6/23/20

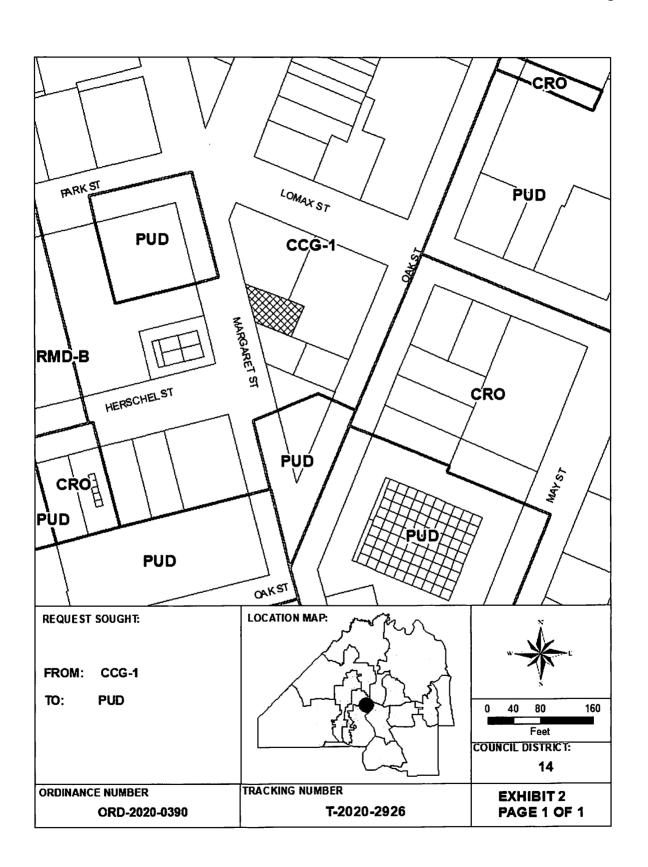
Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Google Street View, 10/2019

View of the subject property, facing east.



Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2020-0390 **Staff Sign-Off/Date** ATW / 07/02/2020

Filing Date 07/22/2020 Number of Signs to Post 1

Hearing Dates:

1st City Council 08/25/2020 **Planning Comission** 08/20/2020

Land Use & Zoning 10/01/2020 2nd City Council N/A

Neighborhood Association RIVERSIDE AVONDALE PRESERVATION SOCIETY

Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking #2926Application StatusFILED COMPLETEDate Started06/04/2020Date Submitted06/04/2020

General Information On Applicant

City State JACKSONVILLE FL Zip Code 32202 Phone Fax Email	Last Name		First Name	Middle Name
DRIVER, MCAFEE, HAWTHORNE AND DIEBENOW, PLLC Mailing Address 1 INDEPENDENT DRIVE, SUITE 1200 City State JACKSONVILLE FL Phone Fax Email	TRIMMER		CYNDY	
Mailing Address 1 INDEPENDENT DRIVE, SUITE 1200 City State JACKSONVILLE FL Zip Code 32202 Phone Fax Email	Company Nam	<u>e </u>		
1 INDEPENDENT DRIVE, SUITE 1200 City State JACKSONVILLE FL Zip Code 32202 Phone Fax Email	DRIVER, MCAFE	E, HAWTHOR	NE AND DIEBENOW, PLL	С
JACKSONVILLE FL Zip Code 32202 Phone Fax Email	Mailing Addres	s		
JACKSONVILLE FL Zip Code 32202 Phone Fax Email	1 INDEPENDEN	T DRIVE, SUI	TE 1200	
Phone Fax Email	City		<u>State</u>	
	JACKSONVILLE		FL	Zip Code 32202
9048070185 904 CKT@DRIVERMCAFEE.COM	Phone	Fax	Email	
	9048070185	904	CKT@DRIVERMO	CAFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
N/A	N/A	
Company/Trust Na	me	
WESTWOOD PROPER	TIES PARTNERS, LLC	
Mailing Address		
2650-2 ROSSELLE ST	REET	
City	State	Zip Code
JACKSONVILLE	FL	32204
Phone Fa	x Email	
9043011269		

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Мар	RE#		Planning District	From Zoning District(s)	To Zoning District
Мар	090323 0000	14	1	CCG-1	PUD

Ensure that RE# is a 10 digit number with a space (###### ####)

Existing Land Use Cate	egory	
CGC		
Land Use Category Pro	oposed?	
If Yes, State Land Use	Application #	
Total Land Are	a (Nearest 1/100th of an Acre)	0.09
	Development Number	
Proposed PUD Name	1521 MARGARET STREET PUD	

Justification For Rezoning Application

APPLICANT PROPOSES TO REZONE TO PUD TO EXPAND ON COMMERCIAL USES ON THE PROPERTY.

Location Of Property

General Location

NORTHEAS"	CORNER OF MARGARET	STREET A	ND HERSCHEL STR	EET
House #	Street Name, Type	and Direct	ion	Zip Code
1521	MARGARET ST		32204	
etween S				
LOMAX STR	EET	and	HERSCHEL STREE	Т

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	V	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: \$2,269.00

2) Plus Cost Per Acre or Portion Thereof

0.09 Acres @ \$10.00 /acre: \$10.00

3) Plus Notification Costs Per Addressee

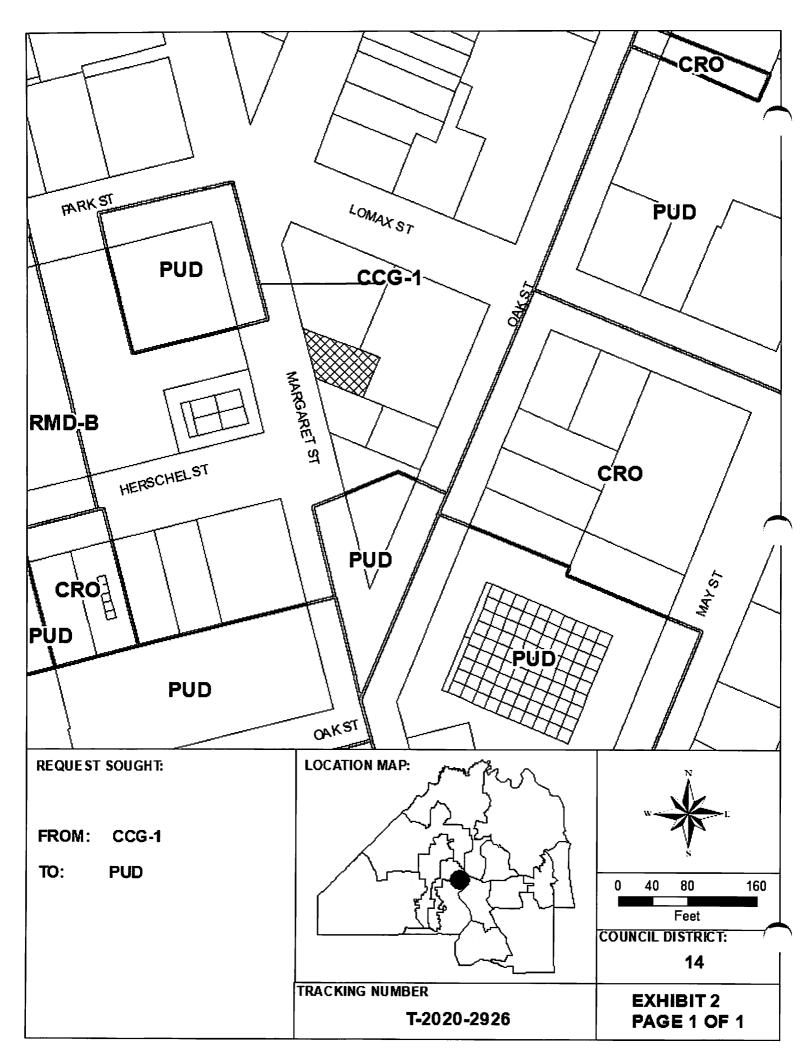
75 Notifications @ \$7.00 /each: \$525.00

4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,804.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION June 4, 2020

THAT CERTAIN PART OF THE NORTH HALF OF LOT 2, BLOCK 20, ACCORDING TO THE PLAT OF RIVERSIDE RECORDED IN PLAT BOOK 1, PAGE 19, OF THE PUBLIC LAND RECORDS DESTROYED BY FIRE IN 1 901 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTHERN LINE OF LOT 1, IN SAID BLOCK, 100 FEET ALONG SAID LINE FROM OAK STREET; THENCE WESTWARD ALONG SAID LINE 97.7 FEET, MORE OR LESS, TO MARGARET STREET; THENCE DOWN MARGARET STREET TO THE MIDDLE LINE OF SAID LOT 2; THENCE EASTWARD ALONG THE MIDDLE LINE OF SAID LOT 2 TO A POINT 100 FEET FROM OAK STREET; THENCE NORTHWARD PARALLEL WITH OAK STREET, 45 FEET, MORE OR LESS TO THE POINT OF BEGINNING.



PUD WRITTEN DESCRIPTION 1521 MARGARET STREET PUD

August 3, 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, them 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:

Direction	Land Use	Zoning	Existing Use	
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.

- 1. 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 fifty-eight (58) 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 thirty (30) 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.

MAP SHOWING BOUNDARY SURVEY OF

That certain part of the North half of Lot 2, Block 20, according to the Plat of Riverside recorded in Plat Book 1, Page 19 of the Public land records destroyed by fire in 1901, more particularly described as follows: Beginning on the Southern line of Lot 1, in said Block, 100 feet along said line from Oak Street; thence Westward along said line, 97.7 feet, more or less to Margaret Street; thence down Margaret Street to the middle line of said Lot 2; thence Eastward along the Middle line of said Lot 2 to a point, 100 feet from Oak Street; thence Northward parallel with Oak Street, 45 feet, more or less, to the point of beginning.

Date: June 18, 2013

prepared for:

Scale: 1" = 20'

WESTWOOD PROPERTIES PARTNERS, LLC

CERTIFICATION: This survey meets the minimum technical standards for a boundary survey as set forth by the Board of Professional Surveyors & Mappers, pursuant to Section 472.027, Florido Statutes, and I further certify that the property shown hereon lies within Zone X as defineated on the U. S. Department of Housing and Urban Development Boundary Map No. 120077, Panel 0358 H, dated June 3, 2013.

CERTIFIED TO: Westwood Properties Partners, LLC. Fidelity National Title Company of Florida, Inc., and Seaside National Bank and

SIGNED:

Lisa A. Davis, Professional Surveyor & Mapper No. 6182

NOTES:

THIS IS A SURFACE SURVEY ONLY. THE EXTENT OF UNDERGROUND FOOTINGS, PIPES AND UTILITIES, IF ANY, NOT DETERMINED.

2. JURISDICTIONAL AND/OR ENVIRONMENTALLY SENSITIVE AREAS, IF ANY, NOT LOCATED BY THIS SURVEY.

THE SURVEYOR REVIEWED FIDELITY NATIONAL TITLE INSURANCE COMPANY'S TITLE COMMITMENT NO. FT30-13005844. BEARING AN EFFECTIVE DATE OF MAY 20, 2013 IN PREPARING THIS SURVEY.

4. THE SURVEYOR REVIEWED SURVEY PREPARED BY TRI-STATE LAND SURVEYORS, INC., JOB NO. 99-4966, DATED OCTOBER 28. 1999 IN PREPARING THIS SURVEY.

STRE

₹

. 8

OA

LEGEND:

1. FENCES ARE SHOWN THUS:

2. CONCRETE PAVEMENT IS SHOWN THUS:

LOMAX STREET

(80' R/W)

FOUND NAIL & DISK (NO ID)

L O T 1 STY CONCRETE POINT OF BEGINNING (97.7' DEFO): BLOCK 95.99' (A) FRAME BLDG. ON CORNER WOOD STEPS 0.3 (BLDG. TIE) ODOLER 3 & LANDING COOLER 1 STY-FRAME SCREEN ENCLOSED 2 STORY BRICK PART OF LOT 2 NO. 1521 중 æ. CANOPY -BRICK PLANTER WOOD RAUS 100.00 FOUND 1/2" IRON PIPE (NO ID) PART OF LOT 2

ABBREVIATIONS

(A) - ACTUAL

(A) - ACTUAL
A/C - AIR CONDITIONER
BLDG. - BUILDING
BRL - BUILDING RESTRICTION LINE
CONC. - CONCRETE

(M) - MEASURED PIPE

R/W - RIGHT OF WAY STY - STORY WDF - WOOD FENCE WF - WROUGHT IRON FENCE

PREPARED BY: **CROASDELL COMPANY**

ENGINEERS - SURVEYORS - PLANNERS 429 EAST ADAMS STREET, JACKSONVILLE, FLORIDA 32202 PHONE 904.356.5649 • FAX 904.356.7824 EB/LB 6219 · WWW.CROASDELL.NET · SINCE 1925

UNLESS THIS MAP/REPORT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, IT IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID.

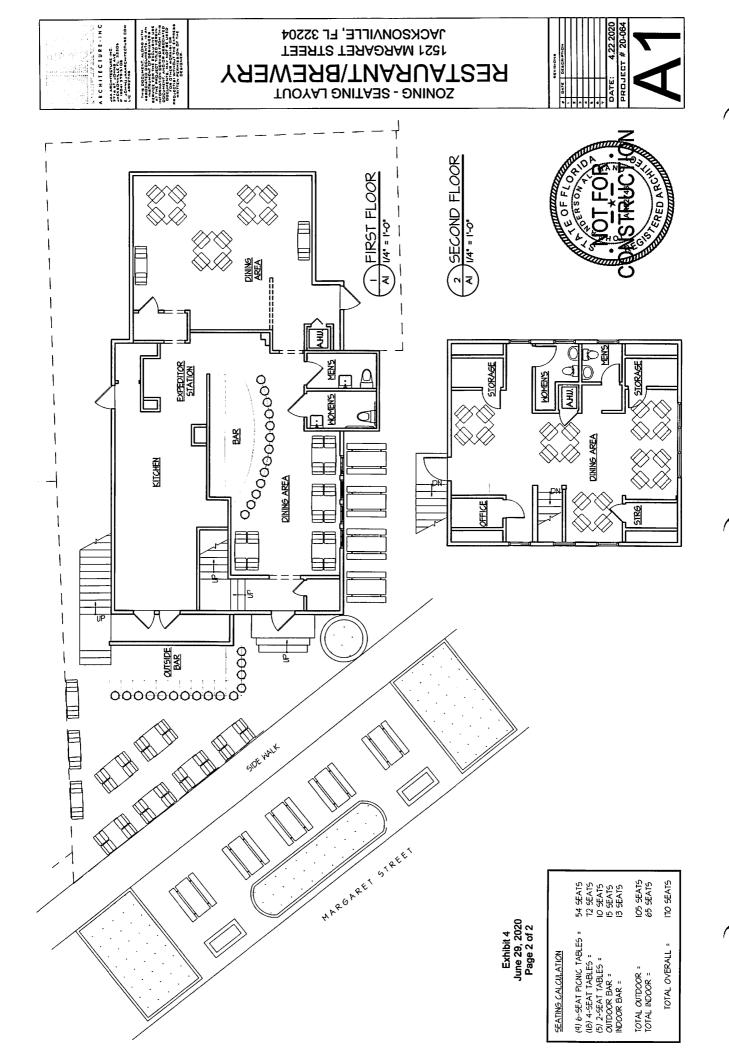


EXHIBIT F

NAME

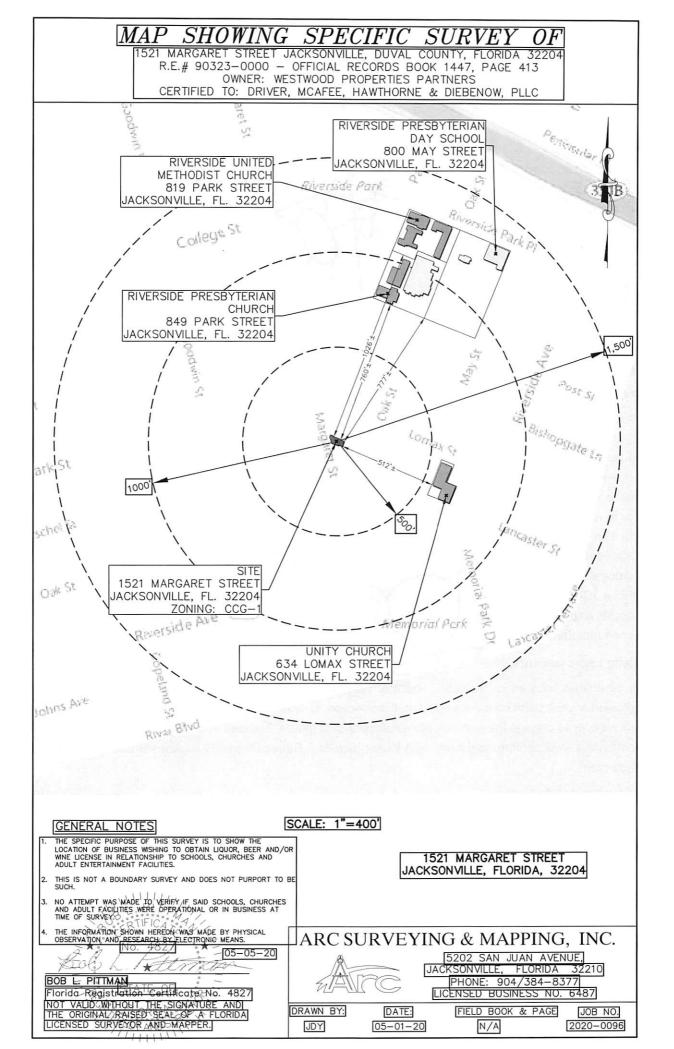
Land Use Table

Total gross acreage	0.09 Acres	100 %
Amount of each different land use by acreage		
Single family	Acres	%
Total number of dwelling units	D.U.	
Multiple family	Acres	%
Total number of dwelling units	D.U.	
Commercial	<u>0.09</u> Acres	100%
Industrial	Acres	%
Other land use (Hospital and related uses)	Acres	%
Active recreation and/or open space	Acres	%
Passive open space	Acres	%
Public and private right-of-way	Acres	%

The land use estimates in this table are subject to change within the allowable densities and intensities of use, as set forth in the PUD Written Description. The maximum coverage by buildings and structures is subject to the PUD Written Description.

EXHIBIT H Aerial Photograph







21 West Church Street Jacksonville, Florida 32202-3139

WATER

SEWER

RECLAIMED

May 11, 2020

Krista Burby Driver, McAfee, Hawthorne & Diebnow, PLLC

1 Independent Drive, Suite 1200 Jacksonville, FL, 32202

Project Name: Margaret Street PUD

Availability#: 2020-1595

Attn: Krista Burby,

Thank you for your inquiry regarding the availability of electric, potable water, sanitary sewer and reclaimed water (WS&R) service. The eight digit availability number referenced in this letter will be the number JEA uses to track your project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire two years from the date above.

Point of Connection:

A summary of connection points for WS&R services are identified on the following page. JEA recognizes Connection Point #1 as the primary point of connection (POC); however, a secondary, conditional POC will be listed if available. JEA assumes no responsibility for the inaccuracy of any service connection portrayed on a JEA utility system record drawing. JEA strongly recommends field verification of all POCs prior to any construction to ensure connection availability. If this availability request is for a sewer lateral, prior to relying on the described POC and/or any reference drawings, the applicant shall request and pay for a JEA field locate, for a cost of \$491.00, to determine the actual location and suitability of this potential POC. Please note the Special Conditions stated in each section contain pertinent information and additional requirements as well as further instructions. In the event the point of connection is located within a JEA easement located on private property not owned by applicant, applicant shall be responsible to obtain a temporary construction easement from the third party owner providing applicant with the right to construct the utilities.

Offsite Improvements:

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida. All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found on jea.com.

Reservation of Capacity:

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found, https://www.jea.com/water and wastewater development Sincerely,

JEA Water, Sewer Reclaim **Availability Request Team**



21 West Church Street
Jacksonville, Florida 32202-3139

ELECTRIC WATER SEWER RECLAIMED

Availability#: 2020-1595
Request Received On: 5/5/2020
Availability Response: 5/11/2020

Prepared by: Christopher Watson

Project Information

Name: Margaret Street PUD

Type: Single Family
Requested Flow: 6,800 gpd

Location: 1521 Margaret Street, Jacksonville, FL 32204

Parcel ID No.: 090323-0000

Description: Potential restaurant/bar in existing building.

Potable Water Connection

Water Treatment Grid: NORTH GRID

Connection Point #1: Existing service may be utilized if adequately sized and in good condition.

Connection Point #2: Existing 6" water main within the Margaret St. ROW, adjacent to this property.

POC location to be field verified by developer during project design. Copies of reference drawings may be requested from the JEA Record online at https://www.jea.com/engineering.and.construction/request.an.as-built_drawing/

Special Conditions: https://www.jea.com/engineering_and_construction/request_an_as-built_drawing/.

For the estimated cost of connecting to the JEA system, please email

estimate@jea.com with project address and availability number.

Sewer Connection

Sewer Treatment Plant: BUCKMAN

Connection Point #1: Existing service may be utilized if adequately sized and in good condition.

Connection Point #2: Existing 6" gravity sewer main within the Margaret St. ROW, adjacent to this

property.

POC location to be field verified by developer during project design. Lateral may require televising for current integrity due to age. A sewer locate can be requested

Special Conditions: from the Water Pre-Service counter. For the estimated cost of connecting to the

JEA system, please email estimate@jea.com with project address and availability

number.

Reclaimed Water Connection

Sewer Region/Plant: N/A

Connection Point #1: Project is not located within JEA's reclaim service territory.

Connection Point #2: NA

Special Conditions:

General Comments:

Electric Availability: The subject property lies within the geographic area legally served by JEA. JEA will provide electric service as per JEA's most current Rules and Regulations.