

# EXHIBIT “D”

## Revised Written Description

### ST. JOHN’S VILLAGE CENTER

March 21, 2006

**Current Land Use Designation: HDR and CGC**

**Current Zoning District: RMD-D & PUD**

**Requested Zoning District: PUD**

## I. SUMMARY DESCRIPTION OF THE PLAN

Jacksonville Harbor Limited Partnership and St. Johns Village Center, L.L.C. (the “Applicants”) propose to rezone approximately 5.9 +/- acres of property from RMD-D and PUD to Planned Unit Development (“PUD”). The subject property is bound on the south by Fishweir Creek; on the east by DuPont Circle; on the west by Herschel Street and on the north by St. Johns Avenue, as more fully depicted on Exhibit “K” (the “Property”). As described below, the PUD zoning district is requested to permit the redevelopment of the Property for a mixed-use residential and commercial community.

The St. John’s Village Center is being planned as an urban village that will vertically and horizontally integrate residential and commercial uses. Currently, the site is divided into two separate parcels, one of which is home to the “Commander Tower” apartments and one which is home to the “St. Johns Village” that has a variety of retail, restaurant and office uses. The redevelopment of this site into an urban village will include a new condominium high-rise (to replace the existing Commander Tower) and an integrated mix of small-scale buildings with retail/office/multi-family/parking uses on the remainder of the site (the “Project”). Additionally, the Project will include a public boardwalk along Fishweir Creek (along with multiple boat slips) that extends from the westerly end of the high-rise condominium development to the western edge of the remainder of the development (towards Herschel Street).

The maximum permitted uses within the PUD shall be: 166 residential units and 20,000 enclosed square feet of retail commercial uses. Of the 166 residential units, 100 will be located on the 2.56-acre Commander parcel (which has a residential land use classification of HDR) and the remaining 66 will be located on the 3.3-acre St. Johns Village parcel (which has a commercial land use classification of CGC). Vehicular access will be provided along St Johns Avenue at the eastern and western ends of the property. All of the structures will be compatible with each other, and the final architectural design shall be consistent with the conceptual elevations attached hereto as Exhibit “E-2.”

## II. SITE SPECIFICS

The Property currently is owned by Jacksonville Harbor Limited Partnership and St. Johns Village Center, L.L.C. and is more particularly described in the legal description attached as Exhibit “1” to this application. The Property has current land use designations of both HDR (2.56 acres) and CGC (3.3 acres). A conceptual site plan of the proposed development is attached as Exhibit “E-1” to this application (the “Site Plan”).

### III. DESCRIPTION OF PERMITTED USES

#### A. Permitted Uses

1. *Permitted Uses:* A maximum of 166 multi-family residential units, as defined below; a maximum of 20,000 enclosed square feet of retail commercial uses, as defined below. Permitted uses also include parking garage(s). Uses may be integrated vertically and horizontally; provided, however, that commercial uses shall not be permitted above residential uses.

#### B. Multi-Family Residential

1. *Permitted uses and structures.* Multiple dwelling uses (including fee simple or condominium ownership), as well as lofts and residences which open onto the street, as well as uses related thereto (including welcome center, sales office, clubhouse, resident entertainment room and similar uses).
2. *Permitted accessory uses and structures.* Accessory uses and structures are permitted as provided in Section 656.403, City of Jacksonville Zoning Code.
3. *Minimum lot requirements.* Described in and in accordance with Section D, hereof.
4. *Minimum building setbacks.* Described in and in accordance with Section D, hereof.
5. *Maximum height of structures.* The existing Commander Tower (which is 17-stories tall) will be replaced with a new condominium high-rise (the tallest portion of which--located on the southwest portion of the Commander parcel--will be 17-stories tall [approximately 185 feet in height above grade around the building footprint]). The waterfront “wing” of the building (facing South) will step down in height to 15 stories [approximately 165 feet in height] and then to 13 stories [approximately 145 feet in height]. The waterfront wing of the building will also include a series of 4-story townhomes [approximately 60 feet in height] in front of the towers, thereby offsetting the height and scale of the taller buildings. The 4-story townhomes will also be located along the eastern edge of the parcel, along the waterfront, as well as along the western “wing” of the building. The western wing of the building will step down in height to 14 stories [approximately 155 feet in height], then to 11 stories [approximately 125 feet in height], and then to 9 stories (approximately 105 feet in height) and then to 3 stories (approximately 45 feet in height).

The remaining structures (on the St. Johns Village parcel) will “step down” in height toward Herschel Street (five stories and four stories, respectively). A detailed depiction of the respective heights of the proposed buildings is set forth in the “Building Height Exhibit” attached hereto as Exhibit “E-3.” Any variance in height by more than 8 feet from that depicted in Exhibit E-3 shall require an Administrative Modification to the approved PUD. Any variance in height by more than 20 feet shall require a Minor Modification to the approved PUD.

Notice of either an Administrative Modification variance or a Minor Modification variance shall be provided to Riverside Avondale Preservation, Inc. by certified mail.

For purposes of this PUD, “at grade” is expected to be approximately 9.5 feet above sea level. By way of comparison, St Johns Avenue is approximately 14 feet above sea level, and the existing grade at the front door of the Commander tower is approximately 8 feet above sea level.

**C. Commercial**

1. *Permitted uses and structures.*

- a. Retail outlets for the sale of food and drugs including grocery stores, apparel, toys, sundries and notions, books and stationary, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not boarding kennels), musical instruments, florists or shops, delicatessens, bakeries (but not wholesale bakeries), home furnishings and appliances, office equipment or furniture, hardware, antiques, and similar retail uses.
- b. Service establishments such as barber and beauty shops, shoe repair shops, restaurants, interior decorators, health clubs and gymnasiums, travel agencies, dry cleaners, home equipment rental and similar uses.
- c. Banks, savings and loans, and other financial institutions and similar uses, including walk-up ATM facilities.
- d. All types of professional and business offices.
- e. Fruit, vegetable, poultry or fish market.
- f. Libraries, museums, and community centers.
- g. Express or parcel delivery offices, but not trucking distribution centers.
- h. Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
- i. Art galleries, dance, art, gymnastics, karate and martial arts and music studios, and theaters for stage performances.
- j. Day care centers meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.

- k. Restaurants which include the retail sale and service of all alcoholic beverages, including liquor, beer, or wine, for on-premises consumption, including permanent or restricted outside sale and service.
  - l. Restaurants with the outside sale and service of food, meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
  - m. Establishments which include the retail sale and service of all alcoholic beverages, including liquor, beer, or wine for on-premises consumption, including permanent or restricted outside sale and service subject to the criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
  - n. Establishments that include the retail sale and service of beer or wine for off-premises consumption.
2. *Prohibited uses.* Any and all forms of drive-thru facilities, including but not limited to drug stores, financial institutions, dry cleaners, and restaurants, shall be strictly prohibited.
  3. *Permitted accessory uses and structures.* Accessory uses and structures are permitted as provided in Section 656.403, City of Jacksonville Zoning Code.
  4. *Minimum lot requirements.* Described in and in accordance with Section D, hereof.
  5. *Minimum building setbacks.* Described in and in accordance with Section D, hereof.
  6. *Maximum height of structures.* The building containing the commercial uses is located on the westernmost side of the property. As more fully depicted on Exhibit E-3, this building will be limited to four stories in height (with residential units located above the commercial uses).

**D. Overall PUD Design Criteria**

1. *Minimum yard requirements.* Due to the vertical and horizontal integration of uses within this PUD, the PUD will not have traditional minimum yard setbacks for each structure. Accordingly, the minimum building setbacks for all uses and structures shall be:
  - a. **COMMANDER PARCEL**  
 North (from adjacent residential properties): 40 feet  
 South (from Fishweir Creek): 20 feet  
 East (from Fishweir Creek): 20 feet  
 West 0 feet

- b. ST JOHNS VILLAGE PARCEL
  - North (from St. Johns Avenue): 10 feet (5-story mid-rise)  
0 feet (4-story mid-rise)
  - West (from Herschel Street): 0 feet
  - South (from Fishweir Creek): 0 feet
  - East 0 feet

2. *Maximum lot coverage by all buildings.* The maximum parcel coverage by all buildings shall be eighty-five percent (85%).
3. *Access.* Access to the site shall be off St. Johns Avenue. The location of the access points as shown on the Site Plan may vary prior to development; provided, however, that the final location and design of all access points and internal drives shall be subject to the review and approval of the Planning and Development Department and the Traffic Engineer.
4. *Pedestrian circulation.* Sidewalks shall be maintained and improved along all street frontages. A public boardwalk shall be constructed along Fishweir Creek at a minimum width of eight (8) feet. Unfettered public access shall be provided to and from said boardwalk from Herschel Street and at least one perpendicular access point from St. Johns Avenue, as more fully depicted on the conceptual site plan attached hereto. The location of all sidewalks, boardwalk and pedestrian access is conceptual and final sidewalk and boardwalk plans are subject to the review and approval of the Planning and Development Department. Public access to the boardwalk may be limited between 10:00 p.m. and 6:00 a.m. for safety reasons.
5. *Recreational/Open Space.* The proposed recreational/open space includes landscaped courtyards located throughout the site.
6. *Signage.*
  - a. PUD Sign: The PUD shall be permitted two (2) double-faced or single-faced illuminated monument signs, not to exceed forty-eight (48) square feet in area per sign face (not including the structure on which the sign face is mounted) and six (6) feet in height, both to be located at the PUD's entrances on St. Johns Avenue (as shown on the Site Plan). Multiple uses and/or tenants within the PUD may be identified on these PUD signs. Additionally, the monument signs may be replaced with wall-mounted signs of the same size.
  - b. Commercial Establishment Signs: Commercial uses within the PUD shall be permitted wall signs, awnings with identification signage, and under canopy signage which collectively shall not exceed ten (10) percent of the square footage of the occupancy front façade or respective side of building abutting a public right-of-way, or approved private street on each establishment. Signs may be front-lit only. Neon signs and back-lit signs are prohibited. These sign restrictions shall be included as terms in all retail commercial leases. Any variance from these standards shall require

an Administrative Modification to the approved PUD and shall be noticed to Riverside Avondale Preservation, Inc. by certified mail.

- c. Directional Signs: Directional Signs that indicate ways to and from the pedestrian walkway and the garage entrances shall be permitted in the PUD. The design of such directional signs shall be reflective of the overall character of the PUD, and may include the relevant logo and name. Vehicle-oriented Directional Signs shall be a maximum of ten (10) square feet in area per sign face.
- d. Temporary Signs:
  - (i) Real estate, construction and other such temporary Parcel activity signs not to exceed a maximum of forty-eight (48) square feet each shall be permitted throughout the PUD, provided that only one such sign per individual activity shall be permitted on each Parcel.
  - (ii) Model Units and Vacant Space: Signs to identify entrances to buildings that contain residential model units not to exceed twelve (12) square feet shall be permitted throughout the PUD. Signs to advertise commercial space that is vacant not to exceed nine (9) square feet shall be permitted to be placed in the windows of such vacant commercial establishment throughout the PUD.
- e. Because signs (a) through (d), above, are architectural elements of the PUD intended to be compatible with and complimentary of the buildings in the PUD, they may be located in structures or framed that are part of the architectural project. Accordingly, the area of such signs shall be computed on the basis of the smallest regular geometric shape encompassing the outermost individual letter, words, and numbers on the sign.

7. *Parking and Loading Requirements.* The Project shall provide a mix of both on-street and off-street parking and parking garages within the Property. Parking requirements shall include a minimum of one (1) on-site parking space for each one-bedroom residential unit, two (2) on-site parking spaces for each two-bedroom residential unit, and two (2) on-site parking spaces for each three-bedroom residential unit. Notwithstanding the foregoing, the buildings on the westernmost side of the project (the mixed-use buildings) shall have a minimum of one and one-half (1.5) on-site parking spaces for each two-bedroom residential unit. Additionally, there shall be one (1) on-site parking space per three hundred (300) square feet of commercial space. A minimum of fifteen (15) spaces will be provided for visitor parking.

8. *Landscaping/Fencing/Screening.* Landscaping will be installed and maintained in accordance with the Landscape and Tree Protection Regulations set forth in Part 12 of the City of Jacksonville Zoning Code; provided, however, that due to the horizontal and vertical integration of these uses internal buffering between

residential and commercial uses shall not be required within the PUD. Also, the parking garage shall not be deemed to be vehicular use areas for the purposes of the Landscape and Tree Protection Regulations. A combination of fencing and landscaping shall be used along the common boundary with the DuPont Circle residences to form a visual screen buffer from the adjoining DuPont Circle residences.

9. *Architecture.* All of the structures will be compatible with each other, and the final architectural design shall be consistent with the conceptual elevations attached hereto as Exhibit “E-2.” The developer shall request an opinion of appropriateness from the Jacksonville Historic Preservation Commission for a determination of consistency with the architectural detail standards for new construction set forth in Chapter 307 of the Jacksonville Municipal Code. Final architectural design of the development shall be subject to review and approval by the Planning and Development Department and District Council Member to ensure consistency with the conceptual elevations attached hereto.

Additionally, the exposed side of the garage for the high-rise buildings (facing North/Northeast toward the existing residential lots) will be designed with architectural louvers to conceal the openings between garage floors, and the architectural elements of the garage building will be compatible with the surrounding high-rise buildings.

10. *Lighting.* Any and all forms of exterior lighting shall be “full cut-off” only and designed and installed to localize illumination onto the Property, and to minimize unreasonable interference or impact on any adjacent property outside of the PUD. The design of the light fixtures shall be architecturally compatible with the Historic Preservation Guidelines for the Riverside and Avondale Historic District, as defined in Chapter 307. Garage light sources shall be designed so as not to directly illuminate onto the surrounding residences.
11. *Stormwater Retention.* Stormwater retention/detention system shall be designed and constructed in accordance with the requirements of the City of Jacksonville and the St. Johns River Water Management District, and shall only include underground detention vaults. The stormwater system will be designed and constructed so as to preclude additional runoff onto adjacent residential properties.
12. *Utilities.* Electric power is available to the site provided for by the JEA. Water and sewer services will be provided by the City of Jacksonville.
13. *Ownership and Maintenance of Common Facilities.* A master property owners’ association shall be responsible for the ownership and maintenance of common areas and facilities.
14. *Temporary Uses.* Temporary sales, leasing and construction offices and trailers shall (a) be allowed to be placed within the PUD, (b) shall be maintained in good order, condition and repair, and (d) shall be removed upon Certificate of Occupancy.

15. *Bus Stop.* Any mass transit access improvements shall be consistent with the historic character of the area and shall incorporate the design elements of the “historical theme” transit stop defined in the JTA Mobility Access Handbook, or other design elements consistent with the Historic Preservation Guidelines for the Riverside and Avondale Historic District, as defined in Chapter 307.
16. *Dumpsters.* Any and all dumpster shall be depicted on the Site Plan and shall be enclosed by one hundred percent (100%) opaque walls and gates to match building material and character. Dumpsters shall be strictly prohibited from the northern property line adjacent to DuPont Circle residences.
17. *Mechanical equipment.* Any and all mechanical equipment and rooftop appurtenances, including but not limited to HVAC units, vents, wireless communications facilities, antennas, or satellite dishes, shall not be visible from street level. Any and all required or installed noise-producing equipment or appurtenances shall be designed, located, and adequately buffered to minimize the impact of noise on adjacent property outside the PUD. Mechanical equipment shall be strictly prohibited from the northern property line adjacent to DuPont Circle residences.
18. *Construction.* To minimize adverse construction impacts on the adjacent neighborhood during the construction process, construction activities shall be governed as follows: (a) construction workers shall be prohibited from and instructed not to park in any adjacent neighborhood, (b) construction work shall be limited to the hours of 7:30 a.m. to 7:30 p.m., (c) a pest control company shall be engaged to address rodent control during demolition of existing buildings, and (d) the Applicant shall provide Riverside Avondale Preservation with (i) a designated contact person for any and all construction related issues and (ii) quarterly construction updates, as well as notice of any and all anticipated unusual construction disturbances (iii) and if at any time during construction there is not enough parking available on-site for construction workers, an off-site location that will not have adverse impacts on the neighborhood will be chosen and workers will be transported to and from said site by the contractor.
19. *Marina and docks.* Any marina or docks shall be designed and constructed in accordance with the requirements of the City of Jacksonville and the Florida Department of Environmental Protection. Minor or major boat repairs, as well as the sale and storage of fuel products, shall be strictly prohibited. A maximum of eight (8) boat slips, or no more than twenty percent (20%) of the total number of slips (whichever is less), shall be reserved for public access. The boardwalk shall accommodate boat access and docking.
20. *Modifications.* The Developer shall notify RAP by certified mail prior to seeking either an Administrative Modification or Minor Modification to the approved PUD. Any changes or amendments to this approved PUD district shall only be accomplished by Minor Modification or by the filing of a rezoning application pursuant to Section 656.341 of the City of Jacksonville Zoning Code. Upon filing either a Minor Modification or rezoning, the Applicant shall concurrently notify

both Riverside Avondale Preservation and the respective district City Councilmember via certified mail with a copy of said filing and all related revised plans.

**E. Dredging**

Prior to commencement of any construction activities for the proposed development, the developer shall deposit \$800,000 into an interest-bearing escrow account for the costs associated with dredging Fishweir Creek. The precise terms of this requirement shall be set forth in a separate agreement with the City to govern the details of this transaction, including draw requests and refund of any excess funds.

**IV. PUD REVIEW CRITERIA**

- A. Consistency with Comprehensive Plan.** The proposed uses of the PUD are consistent with both the HDR and the CGC land use categories.
- B. Roadways/Consistency with the Concurrency Management System.** The development of the Property will comply with the requirements of the Concurrency Management System. The proposed development has been assigned CCAS No. 43857 and City Development No. 7234.
- C. Allocation of Residential Land Use.** The HDR land use permits residential development at a density of up to sixty (60) units per gross acre. The proposed PUD permits up to 20 dwelling units per acre on the portion of the site designated with a CGC land use classification, and up to 39 units per acre on the portion of site with the HDR land use classification. Both of these densities are within the permitted residential allocations provided in the Comprehensive Plan.
- D. Internal Compatibility/Vehicular Access.** The Site Plan addresses access and circulation within the site. Access to the site is available from St. Johns Avenue. The final location of all access points is subject to the review and approval of the City Traffic Engineer and the Planning and Development Department. The PUD also contains detailed provisions regarding signage, landscaping, and architectural compatibility.
- E. External Compatibility/Intensity of Development.** The development is consistent and comparable to the planned and permitted development in the area. The development will enhance the appearance of the area through upgrading of an older infill site.
- F. Recreation/Open Space.** The proposed recreational/open space includes landscaped courtyards located throughout the site, as well enclosed recreational facilities permitted within the multiple-dwelling units.

- G. Impact on Wetlands.** The proposed redevelopment will have no adverse impact on wetlands.
- H. Listed Species Regulations.** Not applicable.
- I. Off-Street Parking & Loading Requirements.** Parking includes both on and off-street spaces and parking garages, as more fully depicted on the Site Plan and above in Section D.
- J. Sidewalks, Trails and Bikeways.** Sidewalks will be provided along all street frontages. A public boardwalk will be provided along Fishweir Creek, up to the southwest boundary of the Commander parcel. Unfettered public access shall be provided to and from said boardwalk from Herschel Street and at least one perpendicular access point from St. Johns Avenue, as more fully depicted on the conceptual site plan attached hereto. The location of all sidewalks, boardwalk and public access is conceptual and final sidewalk plans are subject to the review and approval of the City Traffic Engineer and the Planning and Development Department.