

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2013-628 TO

PLANNED UNIT DEVELOPMENT

NOVEMBER 6, 2014

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 **2013-628** to Planned Unit Development.

Location: 3160 Division Street between Martin Luther King, Jr. Boulevard and 23rd Street

Real Estate Number(s): 047540-0000

Current Zoning District: Commercial Neighborhood (CN)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Neighborhood Commercial (NC)

Planning District: Northwest, District 5

Planning Commissioner: Lara Diettrich

City Council District: The Honorable Warren Jones, District 9

Applicant/Agent: Howard J. Smith, Esq.
Law Office of Howard J. Smith
1633 Race Track Road, Suite 104
St. Johns, Florida 32259

Owner: Radi Massis
Massis Enterprises, Inc.
6105 Tuscany Circle
Jacksonville, Florida 32277

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2013-628** seeks to rezone approximately 1.26 acres of land from CN to PUD. The rezoning to PUD is being sought to allow for specific improvements to the existing filling station and convenience store.

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.

(1) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

Yes. The Planning and Development Department finds that the subject property is located in the Neighborhood Commercial (NC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. Neighborhood Commercial (NC) is a category primarily intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. Preferred development patterns include those described in Policy 3.2.6 of this element. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicles Miles Traveled. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code.

The uses provided herein shall be applicable to all NC sites within the Urban Area.

Principal Uses: Offices Business and professional offices including veterinary offices; Multi-family dwellings, when combined with another principal use; Filling Stations; Uses associated with and developed as an integral component of TOD; Single-family dwellings which were originally constructed as single-family dwellings prior to adoption of the 2030 Comprehensive Plan; and Commercial retail and service establishments, except for new or used automobile sales, funeral homes, and broadcasting offices and studios.

Secondary Uses: Secondary uses shall be permitted pursuant to the Commercial land use introduction.

The development characteristics provided herein shall be applicable to all NC sites within the Urban Area. Residential uses shall not be permitted on the ground floor abutting roads classified as collector or higher on the Functional Highway Classification Map. Developments

shall, to the greatest extent possible, be massed along the highest abutting classified road on the Functional Highway Classification Map. Uses shall be sited in a manner to promote internal pedestrian and vehicle circulation and ease of access between abutting non-residential uses and sites and to limit the number of driveway access points on roads classified as arterials on the Functional Highway Classification Map. To promote a more compact, pedestrian-friendly environment, off street parking shall be located behind or to the side of buildings to the greatest extent possible. Structured parking is encouraged, provided it is integrated into the design of the overall development and is compatible with surrounding neighborhoods.

(2) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

(3) 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:

(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): Neighborhood Commercial (NC).

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

F.L.U.E. Policy 1.1.8 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.

F.L.U.E. 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.

F.L.U.E. 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.

(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 a commercial development, no residential uses are proposed. 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 with specific reference to the following:

The use of existing and proposed landscaping: The written description contains specific landscaping requirements for aesthetic improvements.

Traffic and pedestrian circulation patterns: The written description requires striping of the parking area to improve vehicular circulation.

The particular land uses proposed and the conditions and limitations thereon: The written description contains restrictions on lighting, additional fencing for screening and signage to improve the aesthetics of the site.

(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 type, number and location of surrounding external uses: The proposed development is located in a predominately residential area. Commercial development at this location complements the existing residential uses by providing commercial uses for those in the immediate area.

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

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Single family dwellings
South	LI	IL	Undeveloped
East	LDR	RLD-60	Single family dwellings
West	LDR	RLD-60	Single family dwellings

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The written description contains restrictions on lighting, additional fencing for screening and signage to improve the aesthetics of the site.

(6) Intensity of Development

The proposed development is consistent with the NC functional land use category as a commercial development. The PUD is appropriate at this location because it will support the existing residential dwellings in the area.

The existing residential density and intensity of use of surrounding lands: The surrounding neighborhood is primarily single family residential uses

(7) Usable open spaces plazas, recreation areas.

The project will exceed the required amount of open space. A recreation area is not required.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-site. However, any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

(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 site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

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

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on October 24, 2014, 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 2013-628 be **APPROVED with the following conditions:**

1. **The subject property is legally described in the original legal description dated August 19, 2014.**
2. **The subject property shall be developed in accordance with the original written description dated September 15, 2014.**
3. **The subject property shall be developed in accordance with the original site plan dated August 19, 2014.**
4. **The subject property shall be developed in accordance with the Development Services Division Memorandum dated October 21, 2014 or as otherwise approved by the Planning and Development Department.**



View of existing store



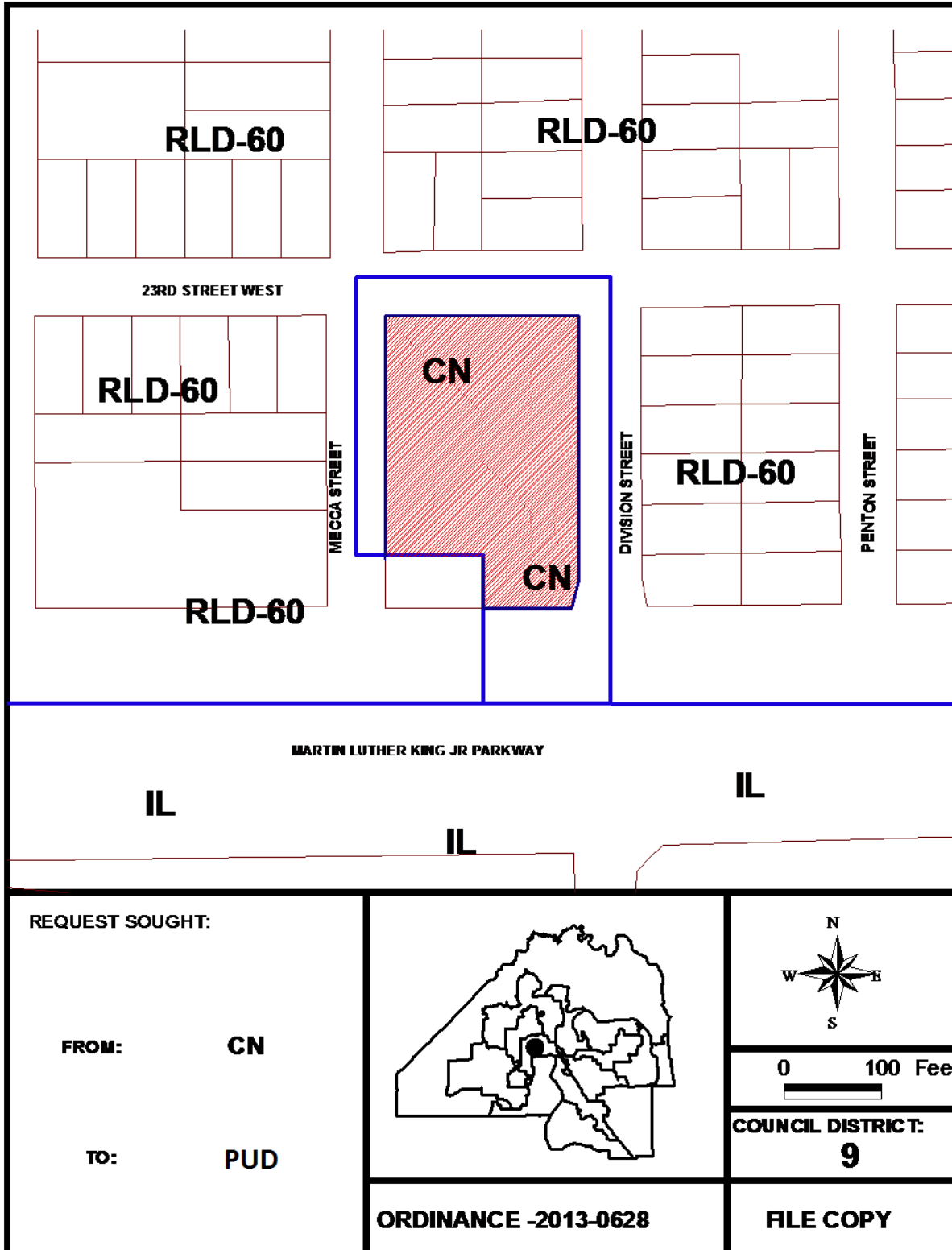
View of recently constructed wood fence along north property line.



Recently constructed wood fence along west property line.



Aerial view of existing convenience store and filling stations.





October 21, 2014

MEMORANDUM

TO: Bruce Lewis, City Planner Supervisor
Planning and Development Department

FROM: Lisa King
Traffic Technician Senior

Subject: **Division Street PUD
R-2013-628**

Upon review of the referenced application, and based on the information provided to date, the Development Services Division has the following comments:

1. If the site is redeveloped or improved to trip 50% rule (Sec. 656.1209), then sidewalks shall be provided along all frontages per the Land Development Procedures Manual and 2030 Comprehensive Plan.
2. Any proposed signs, fence, wall and landscaping shall be located so that they do not obstruct horizontal line of sight as outlined in FDOT Index 546.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (driveway location, dimensions, roadway geometry, traffic circulation, etc.) shall be facilitated through the 10-set and 10-set review process. If you have any questions regarding the comment outlined above, please call me directly at 255-8586.

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2013-0628 **Staff Sign-Off/Date** BEL / 09/17/2014

Filing Date N/A **Number of Signs to Post** 3

Hearing Dates:

1st City Council 11/12/2014 **Planning Commission** 11/06/2014

Land Use & Zoning 11/18/2014 **2nd City Council** N/A

Neighborhood Association KINLOCK NEIGHBORHOOD ASSOC.

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 674 **Application Status** FILED COMPLETE

Date Started 07/24/2014 **Date Submitted** 09/15/2014

General Information On Applicant

Last Name SMITH **First Name** HOWARD **Middle Name** J.

Company Name
LAW OFFICES OF HOWARD J. SMITH

Mailing Address
1633 RACE TRACK ROAD, SUITE 104

City ST. JOHNS **State** FL **Zip Code** 32259

Phone 9048864400 **Fax** 9048864040 **Email** HOWARD@HJSMITHLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name MASSIS **First Name** RADI **Middle Name**

Company/Trust Name
MASSIS ENTERPRISES, INC.

Mailing Address
6105 TUSCANY CIRCLE

City --SELECT-- **State** FL **Zip Code** 32277

Phone 9047161698 **Fax** **Email**

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) V-01-02, E-01-29

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 047540 0000	9	5	CN	PUD

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

Existing Land Use Category

Land Use Category Proposed?
If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre)
Development Number
Proposed PUD Name
Justification For Rezoning Application

TO ESTABLISH A SITE PLAN FOR THE PROPERTY, AND CONFIRM ALL EXISTING USES FOR THE PROPERTY. REZONING TO PUD IS REQUESTED BY COUNCILMAN WARREN JONES.

Location Of Property
General Location

House #	Street Name, Type and Direction	Zip Code
<input type="text" value="3160"/>	<input type="text" value="DIVISION ST"/>	<input type="text" value="32209"/>

Between Streets
 and
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** 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:** \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof**
1.26 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee**
67 Notifications @ \$7.00 /each: \$469.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,489.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

August 19, 2014

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Block 13, except that part of Lot 11 lying in the Jacksonville Expressway, Map of Grand Park, as recorded in Plat Book 2, pages 59 and 60, of the current public records of Duval County, Florida.

EXHIBIT A

Property Ownership Affidavit

Date: August 5, 2014

City of Jacksonville
City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 128 East Forsyth Street, Florida Theatre Building, Suite 700
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, **Radi Massis**, as President of Massis Enterprises, Inc., hereby certify that **Massis Enterprises, Inc.**, is the Owner of the property described in the attached legal description, **Exhibit 1** in connection with filing application(s) for **Rezoning to Planned Unit Development** submitted to the Jacksonville Planning and Development Department.



(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 8th day of August, 2014, by Radi Massis, as President of Massis Enterprises, Inc., on behalf of the corporation. He is personally known to me or has produced _____ as identification.



(Notary Signature)

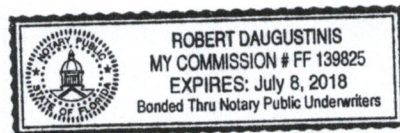


EXHIBIT B

Agent Authorization

Date: August 5, 2014

City of Jacksonville
Planning and Development Department
128 East Forsyth Street, Florida Theatre Building, Suite 700
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

3160 Division Street, Jacksonville, FL 32209 (RE # 047540-0000)

Gentlemen:

You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers Howard J. Smith, Esq., as agent to file applications for **Rezoning to PUD** for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Massis Enterprises, Inc.

By: 
Radi Massis, its President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 8th day of August, 2014, by Radi Massis, as President of Massis Enterprises, Inc., on behalf of the corporation. He is personally known to me or has produced _____ as identification.


(Notary Signature)

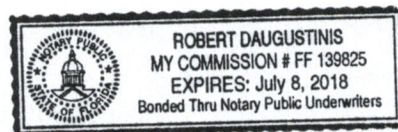


EXHIBIT C

Binding Letter

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

RE:

Ladies and Gentleman;

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in the PUD document attached hereto and by reference made a part thereof, hereby agrees to bind its successor(s) in title to development in accordance with (a) the site plan and the written description of the proposed rezoning plan submitted with the rezoning application and (b) any conditions set forth by the City Council of the City of Jacksonville in the rezoning ordinance. Owner also agrees to proceed with the development of the subject property in accordance with items (a) and (b) above and will complete such development in accordance with the site plan approved by that ordinance. Provisions shall be made by written agreement for continuing operation and maintenance of all common areas and facilities, which are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

Massis Enterprises, Inc.


By: 
Radi Massis
Its President

Exhibit D

WRITTEN DESCRIPTION

3160 DIVISION STREET

September 15, 2014

I. PROJECT DESCRIPTION

- A. The property is currently developed, and is being operated as a small neighborhood shopping center. Current businesses operating at the property are a convenience store which also sells gasoline, and a small restaurant. The property is currently zoned Neighborhood Commercial, and is subject to a Variance and an Exception as follows:
1. Zoning Exception E-01-29: permitting a gasoline filling station with two pumps; and
 2. Zoning Variance V-01-02: permitting the gasoline pumps to be located 23 feet from the public right of way.

All uses permitted under the existing, and future, Neighborhood Commercial zoning be permitted within the PUD, and the Zoning Exception and Zoning Variance described above will be incorporated into the PUD.

All improvements as shown on the attached Site Plan will be incorporated into the PUD, including without limitation, the fence along 23rd Street, the fencing and sight screening of the dumpster area, traffic flow arrows and parking designations, signs, gas pumps and landscaping. Not shown on the site plan, but which is to be included in the PUD, is a canopy over the gasoline pumps that the owner of the property may add in the future.

- B. Project Architect/Planner: N/A
- C. Project Engineer: N/A
- D. Project Developer: N/A
- E. Current Land Use Category: Neighborhood Commercial (NC)
- F. Current Zoning District: Commercial Neighborhood (CN)
- G. Requested Land Use Category: N/A
- H. Requested Zoning District: Planned Unit Development (PUD)
- I. Real Estate Number(s): 047540-0000

II. QUANTITATIVE DATA

Total Gross Acreage	<input type="text" value="1.26"/>	acres	<input type="text" value="100"/>	%
Amount of each different land use by acreage				
Single family	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Total number of units	<input type="text" value="0"/>	d.u.		
Multiple Family	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Total number of units	<input type="text" value="0"/>	d.u.		
Commercial	<input type="text" value="1.26"/>	acres	<input type="text" value="100"/>	%
Industrial	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Other land use	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Active recreation and/or open space	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Passive open space, wetlands, ponds	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Public and private right-of-way	<input type="text" value="0"/>	acres	<input type="text" value="0"/>	%
Total amount of non-residential floor area	<input type="text" value="3,218"/>	sq. ft.	<input type="text" value="5.8"/>	%
Maximum coverage of buildings and structures	<input type="text" value="3,218"/>	sq. ft.	<input type="text" value="5.8"/>	%

III. STATEMENTS

- A. How does the proposed PUD differ from the usual application of the Zoning Code? The PUD provides specific conditions and restrictions for maintenance of the property.
- 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 property owner will maintain those areas which are not operated or maintained by the City.
- C. Justification for the rezoning. The application includes conditions, restrictions and improvements that could not otherwise be accomplished through conventional zoning.

- D. Phase schedule of construction (include initiation dates and completion dates).Not Available

IV. USES AND RESTRICTIONS

- A. Permitted Uses: Commercial Neighborhood 656.312 II.(a)
- (1) Medical and dental or chiropractor offices and clinics (but not hospitals).
 - (2) Professional and business offices.
 - (3) Multi-family residential vertically integrated with a permitted use on the ground floor.
 - (4) Neighborhood retail sales and service establishments, however no individual building footprint shall exceed 40,000 square feet.
 - (5) Service establishments such as barber or beauty shops, shoe repair shops.
 - (6) Restaurants without drive-in or drive-through facilities.
 - (7) Banks without drive-thru tellers and financial institutions, travel agencies and similar uses.
 - (8) Libraries, museums and community centers.
 - (9) An establishment or facility which includes the retail sale of beer or wine in sealed containers for off-premises consumption.
 - (10) Veterinarians meeting the performance standards and development criteria set forth in Part 4.
 - (11) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
 - (12) Employment office (but not a day labor pool).
 - (13) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4.
 - (14) Art galleries, dance, art, gymnastics, fitness center, martial arts, music and photography studios, and theaters for stage performances (but not motion picture theaters).
- B. Permissible Uses by Exception: Commercial Neighborhood 656.312 II.(c)
- (1) Off-street parking lots for premises requiring off-street parking meeting the performance standards and development criteria set forth in Part 4.
 - (2) Filling or gas stations, with ancillary single bay automated car wash, meeting the performance standards and development criteria set forth in Part 4.
 - (3) Retail outlets for sale of used wearing apparel, toys, books, luggage, jewelry, cameras and sporting goods.
 - (4) An establishment or facility which includes the retail sale of beer or wine for on-premises consumption.
 - (5) An establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption.

- (6) Permanent or restricted outside sale and service in conjunction with a restaurant, meeting the performance standards and development criteria set forth in Part 4.
- (7) Drive-thru facilities in conjunction with a permitted or permissible use or structure.
- (8) Day care centers meeting the performance standards and development criteria set forth in Part 4.
- (9) Animal boarding for household pets, meeting the performance standards and development criteria set forth in Part 4.
- (10) Automated Car Washes meeting the performance standards and development criteria set forth in Part 4.

C. Limitations on Permitted or Permissible Uses by Exception:

- (1) Sale, display, preparation and storage shall be conducted within a completely enclosed building.
- (2) Products shall be sold only at retail.

D. Permitted Accessory Uses and Structures: See Section 656.403

V. DESIGN GUIDELINES

A. Lot Requirements:

- (1) *Minimum lot area: 7,500 square feet*
- (2) *Minimum lot width: 75 feet*
- (3) *Maximum lot coverage: 50 percent*
- (4) *Minimum front yard: 10 feet*
- (5) *Minimum side yard: None*
- (6) *Minimum rear yard: 10 feet*
- (7) *Maximum height of structures: 35 feet*

B. Ingress, Egress and Circulation:

- (1) *Parking Requirements.* The parking requirements for this development shall be consistent with the requirements of Part 6 of the Zoning Code.
- (2) *Vehicular Access.*
 - a. Vehicular access to the Property shall be by way of Division Street, substantially as shown in the Site Plan. The any change to the existing location is subject to the

review and approval of the Development Services Division.

- b. Within the Property, internal access shall be provided by reciprocal easements for ingress and egress among the driveways of the various parcels of the Property, if ownership or occupancy of the Property is subdivided among more than one person or entity.

(3) *Pedestrian Access.*

- a. Pedestrian access shall be provided by the existing sidewalk on Division Street. No other sidewalks are required.

C. Signs:

- (1) One (1) street frontage sign per lot, not to exceed one (1) square foot for each linear foot of street frontage, to a maximum size of two hundred (200) square feet in area for every two hundred (200) linear feet of street frontage or portion thereof, is permitted provided such signs are located no closer than two hundred (200) feet apart, as provided in the Zoning Code. Such freestanding signs shall be of a monument style or as otherwise approved by the Planning and Development Department, not to exceed 20 feet in height.
- (2) Wall signs not to exceed ten percent (10%) of the square footage of the occupancy frontage of the building abutting a public right-of-way are permitted.
- (3) One (1) under-the-canopy sign per occupancy, not exceeding a maximum of 6 square feet in area per sign, is permitted, provided that any square footage used for an under-the-canopy sign shall be subtracted from the maximum allowable square footage for wall signs on the building in question.
- (4) Directional signs shall not exceed 4 square feet in area and 4 feet in height

D. Landscaping:

The Property shall contain landscaping as detailed in Section H.

E. Recreation and Open Space:

NOT APPLICABLE

F. Utilities

Water will be provided by JEA
Sanitary sewer will be provided by JEA
Electric will be provided by JEA

G. Wetlands

Wetlands will be permitted according to local, state and federal requirements.

H. Special Conditions

1. The building exterior shall be painted in a color as approved by the Planning and Development Department.
2. A six (6) foot high, 100% opaque wood or vinyl fence shall be installed and maintained in the locations shown below.
3. The owner shall prohibit the loitering of people in the parking lot and exterior of the building.
4. The dumpster shall be deodorized weekly.
5. The dumpster shall be screened with a six (6) foot high, 100% opaque wood or vinyl fence or masonry wall with 100% opaque gates.
6. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at all property lines shall not exceed one-half (.5) foot candles ("f.c."). All lighting lamp sources shall be metal halide, compact fluorescent or LED. The maximum light pole height in all parking areas should not exceed twenty feet (20' - 0"). An exterior lighting design plan, including a photometrics plan, pole and fixtures schedules shall be submitted at the time of Verification of Substantial Compliance for review and approval by the Planning and Development Department.
7. The parking lot shall be restriped for parking spaces and drive aisle widths meeting Sections 656.607(c) and 656.607(k), Zoning Code and arrows indicating the direction of vehicular circulation.
8. The owner shall install and maintain landscaping as specified at three locations.
 - One terminal island on Division Street, nine (9) foot wide x eighteen (18) feet in length, containing one evergreen tree, not less than two (2) inch caliper and mulch or ground cover.
 - Landscape area between driveways on division Street, at least 5 (5) feet in width x seventy (70) feet in length, containing an evergreen hedge and trees meeting Section 656.1215(a)(1 through 4), Zoning Code.
 - Landscape area south of southernmost driveway, at least twenty-one (21) feet in length x forty (40) feet in length, containing an evergreen hedge and trees meeting Section 656.1215(a)(1 through 4), Zoning Code. Any pavement within the landscape area shall be removed and disposed off-site.
9. The owner shall collect trash and debris from the site on a daily basis.

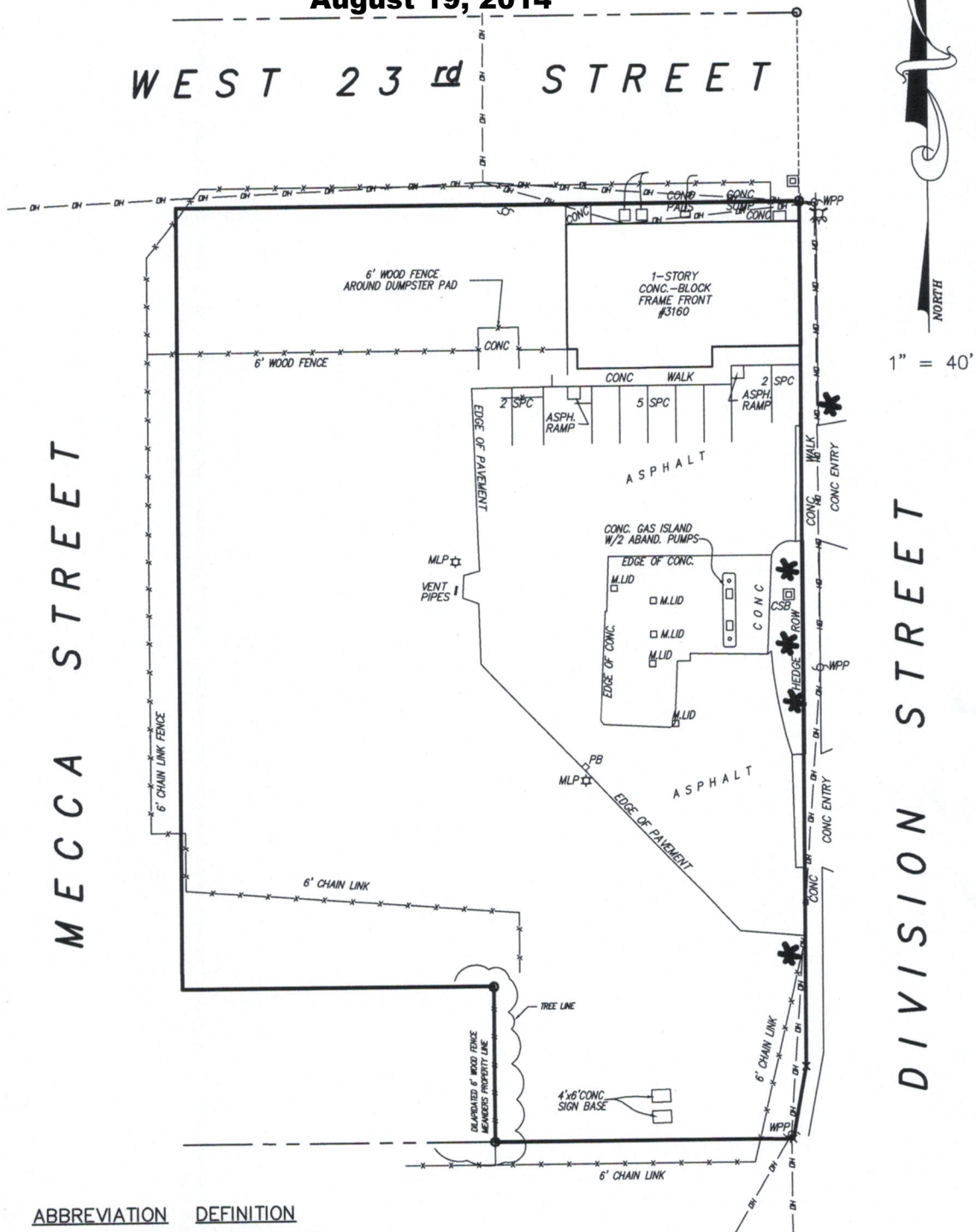
VI. DEVELOPMENT PLAN APPROVAL

With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all then existing and proposed uses within the Property, and showing the general layout of the overall Property.

MAP SHOWING SITE PLAN

EXHIBIT E
August 19, 2014

WEST 23rd STREET



1" = 40'



MECCA STREET

DIVISION STREET

20th STREET EXPRESSWAY

ABBREVIATION	DEFINITION
C.L.F.	CHAIN LINK FENCE
CONC.	CONCRETE
CP	CONCRETE POST
CPP	CONCRETE POWER POLE
EHH	ELECTRIC HANDHOLE
EM	ELECTRIC METER
GA	GUY ANCHOR
OHL	OVERHEAD LINES
RCP	REINFORCED CONCRETE PIPE
TRB	TELEPHONE RISER BOX
WV	WATER VALVE
*	PALM TREE

EXHIBIT 3

PAGE 1 OF 1

SEE PREVIOUS SURVEY BY CHARLES BASSETT AND ASSOC., INC. FILE NO: S-5569

EXHIBIT F

PUD Name

Division Street

Land Use Table

Total gross acreage	1.26 Acres	100 %
Amount of each different land use by acreage		
Single family	0 Acres	0 %
Total number of dwelling units	0 D.U.	
Multiple family	0 Acres	0 %
Total number of dwelling units	0 D.U.	
Commercial	1.26 Acres	100 %
Industrial	0 Acres	0 %
Other land use	0 Acres	0 %
Active recreation and/or open space	0 Acres	0 %
Passive open space	0 Acres	0 %
Public and private right-of-way	0 Acres	0 %
Maximum coverage of buildings and structures	3,218 Sq. Ft.	6 %

EXHIBIT G

Prepared by and Return to:

Howard J. Smith
4859 Brighton Drive *One San Jose Place*
Jacksonville, FL 32217 *Suite 31*
Jacksonville, FL 32257

Bk: 9445
Pg: 1474 - 1475
Doc# 99259210
Filed & Recorded
10/21/99
08:33:12 A.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 10.50 .70
DEED

Note to Clerk: This Corrective Special Warranty Deed is made to correct a scrivener's error in the Special Warranty Deed recorded Official Records Book 9344, page 1532 of the current public records of Duval County, Florida. In that deed, the grantee was erroneously shown as Radi Massis. The correct grantee is Massis Enterprises, Inc., a Florida corporation.

CORRECTIVE SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made effective as of June 21, 1999, between D. C. DAWKINS, JR., a married man conveying his separate non-homestead property ("Grantor"), whose post office address is Post Office Box 40706, Jacksonville, Florida 32203, and MASSIS ENTERPRISES, INC., a Florida corporation ("Grantee" whose post office address is 6105 Tuscany Circle, Jacksonville, Florida 32277. (As used herein, the terms Grantor and Grantee shall include, where the context permits or requires, singular or plural, heirs, personal representatives, successors or assigns.)

WITNESSETH, that Grantor in consideration of Ten Dollars (\$10.00) and other valuable considerations paid by Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does hereby grant, bargain, sell, and convey unto Grantee, its heirs and assigns forever all of that certain land, situate, lying and being in Duval County, Florida, more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Block 13, except that part of Lot 11 lying in the Jacksonville Expressway, Map of GRAND PARK, as recorded in Plat Book 2, pages 59 and 60 of the current public records of Duval County, Florida.

SUBJECT TO: (a) ad valorem taxes levied or which may become a lien subsequent to December 31 of the calendar year next preceding the date hereof; (b) covenants, conditions, restrictions, limitations, and easements of record, if any, but this provision shall not operate to reimpose the same; (c) zoning and other governmental regulations; and (d) that certain purchase money mortgage from Grantee to Grantor dated June 22, 1999 and securing the original principal amount of \$65,000.00;

TOGETHER WITH all improvements thereon and all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining;

(2)

170

EXHIBIT _____

Page _____ of _____

PAGE _____ OF _____

TO HAVE AND TO HOLD the same, unto Grantee, in fee simple. And the said Grantor warrants that Grantor is lawfully seized of said land in fee simple; has good right and lawful authority to sell and convey said land; hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but not otherwise.

IN WITNESS WHEREOF, this deed has been executed as of the date first above written.

Signed, sealed and delivered
in the presence of

Jennifer J. Alford
Print: Jennifer J. Alford

Mary Jo Alford
Print: Mary Jo Alford

D.C. Dawkins, Jr. (SEAL)
D.C. Dawkins, Jr.

STATE OF NORTH CAROLINA
COUNTY OF Haywood

The foregoing instrument was acknowledged before me this 26th day of August, 1999, by D. C. Dawkins, Jr. He is personally known to me or has produced a valid Driver's License as identification.

Belinda G. Wood
Print: Belinda G. Wood
Notary Public, State and County Aforesaid

My commission expires: 10/13/2001

Serial No. _____

(Notarial Seal)

