

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR****APPLICATION FOR REZONING ORDINANCE 2014-0139 TO****PLANNED UNIT DEVELOPMENT****AUGUST 7, 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 **2014-0139** to Planned Unit Development.

***Location:*** 7981 Baymeadows Circle West; on the north side of Baymeadows Road between Baymeadows Circle East and Baymeadows Circle West

***Real Estate Number(s):*** 148521 0015

***Current Zoning District:*** Residential Medium Density-D (RMD-D)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Medium Density Residential (MDR)

***Proposed Land Use Category:*** Community General Commercial (CGC)

***Planning District:*** Southeast - 3

***City Council District:*** The Honorable Bill Gulliford, District 13

***Applicant/Agent:*** Paul M. Harden, Esq.  
501 Riverside Avenue, Suite 901  
Jacksonville, Florida 32202

***Owner:*** DR Horton, Inc.  
Bob Porter  
9456 Philips Highway, Suite 1  
Jacksonville, Florida 32256

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

**GENERAL INFORMATION**

Application for Planned Unit Development **2014-0139** seeks to rezone approximately 5.80 acres of land from Residential Medium Density-D (RMD-D) to PUD. The subject property is currently contains a decorative pond associated with the defunct Baymeadows golf course fronting Baymeadows Road between Baymeadows Circle East, and Baymeadows Circle West. Access to the parcel will be from both of these roads.

This rezoning is a companion to the proposed Small-Scale Land Use Amendment to the Future Land Use Map 2013C-031 (Ordinance 2014-0138) from Medium Density Residential (MDR) to Community General Commercial (CGC). The rezoning to PUD is being sought so that the property can be developed with 2 commercial buildings (up to 80,000 sq. ft.) for professional, business office, retail and service related uses. The subject property is located in a diverse area with commercial uses, including hotels, banks, restaurants, and gas stations south and west of the subject site and commercial and professional office uses, including a bank, restaurants, and dental and law offices to the east. To the north and southeast of the subject site are professional offices and multi-family residential uses. The subject site is located roughly a quarter of a mile east of Interstate 95 along a commercially developed corridor of Baymeadows Road.

### **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 Medium Density Residential (MDR) 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. The MDR category permits housing developments in a gross density range of up to twenty (20) dwelling units per acre when full urban services are available to the site. Generally, low rise multi-family housing such as apartments, condominiums, townhomes and row houses will be the predominant land use in this category, although duplexes, mobile home parks and single family homes/mobile home subdivision may also be developed in appropriate locations.

However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series 2013C-031 (Ordinance 2014-0138) that seeks to amend the portion of the site that is within the MDR land use category to Community General Commercial (CGC). Staff is recommending that Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2013C-031 be approved. 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. A description of the category is noted below.

The **Community General Commercial (CGC)** category is intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be

compact and connected and should support multi-modal transportation. 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. 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.

**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. Development that includes residential uses is preferred to provide support for commercial and other uses. A combination of compatible mixed uses should be vertically integrated within a multistory building. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as an arterial or higher on the Functional Highway Classification Map.

The uses provided herein shall be applicable to all CGC sites within the Urban Area:

*Principal Uses* are commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices, Business and Professional Offices including veterinary offices; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities; Auto repair and sales, mobile home/motor home rental and sales, boat storage and sales; Off street parking lots and garages; Filling stations; and Uses associated with and developed as an integral component of TOD.

*(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 categories as identified in the Future Land Use Map series (FLUMs): Medium Density Residential (MDR). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2013C-031 (Ordinance 2014-0138) that seeks to amend the portion of land that is within the MDR land use category to CGC.

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:

FLUE 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.

F.L.U.E. Objective 3.2 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.

F.L.U.E. Policy 3.2.6 The City shall encourage commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

F.L.U.E. Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

F.L.U.E. Objective 3.4 Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, education and recreational activities.

F.L.U.E. Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The subject property contains a pond associated with the defunct Baymeadows golf course and comprises 5.80 acres. The proposed PUD will allow for new development on a site suited for commercial activity due to its location in close proximity to existing commercially zoned and developed properties and with frontage along Baymeadows Road, a major commercial artery. The limitation on uses within the PUD provides for a gradual transition in intensity from those office/professional uses to the north and east within the Baymeadows community. The site will be developed with buffering and landscaping that meets or exceeds the requirements in Part 12 of the Zoning Code.

*(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 (CMSO) prior to development approvals.

*(3) Allocation of residential land use*

This proposed Planned Unit Development intends to utilize lands for a commercial development and does not permit residential 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 with specific reference to the following:

The separation and buffering of vehicular use areas and sections of vehicular use areas: The proposed site plan indicates the property will be developed in a conventional manner. Vehicular uses areas will be screened with landscaping and buffers that meet or exceed Part 12 requirements and parking will comply with Part 6 of the zoning code, ensuring compatibility internally as well as with adjacent developments.

Traffic and pedestrian circulation patterns: The PUD proposes a driveway on Baymeadows Road, as well as one on Baymeadows Circle West and two on Baymeadows Circle East. Baymeadows Road is an FDOT maintained road and any change will require approval by FDOT. The locations of the other proposed access points are subject to the Development Services Division review and approval. The development will provide sidewalks within the site and connection to the existing sidewalk along this portion of Baymeadows Road.

The particular land uses proposed and the conditions and limitations thereon: The PUD is proposing a select number of uses from the Commercial Community General-1/Commercial Neighborhood (CCG-1/CN) Zoning Districts such as professional, business/office, commercial and retail service related uses which are similar to others found in the immediate area.

The use and variety of building groupings: The site plan shows two buildings of differing size and the proposed parking and driveway layout which will bolster internal compatibility.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The proposed site plan indicates the property will be developed in a conventional manner. The vehicular uses areas will be screened with landscaping which meets Code requirements.

Compatible relationship between land uses in a mixed use project: The written description of the intended plan of development lists limited professional, business/office, commercial and retail service related uses which are similar to others found in the immediate area. This similarity strengthens the viability of the PUD and compatibility with the surrounding properties and uses.

Signage: The applicant proposes two double-faced or two single-faced illuminated monument style identification signs not to exceed 120 square feet in area per sign face and twelve feet in height at the entrances of the development and not closer than 100 feet apart. Wall signs shall not to exceed ten percent of the square footage of the occupancy frontage of the building abutting a public right-of-way and one canopy sign per occupancy is requested, not exceeding a maximum of twenty-four square feet in area provided that any square footage used for a canopy sign shall be subtracted from the maximum allowable square footage for wall signs on the building in question. Directional signs shall not exceed four square feet.

#### *(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 an area largely surrounded by similar commercial development located along a major roadway, Baymeadows Road. This area is characterized predominantly by professional offices, business parks, and commercial/retail service uses. Land to the west is CGC/CCG-1 and developed with a bank, a developed RPI/CRO site (office) and MDR/RMD-D site (defunct golf course) is to the north, and a developed RPI/CRO site (office) is across Baymeadows Circle East to the east. The property is located approximately 0.25 miles east of Interstate 95, and the uses proposed in the PUD are compatible with the character of the surrounding area and is a logical extension of other similar uses found within the established pattern of development along this Baymeadows Road corridor. Limited commercial development at this location complements the existing various office, professional, commercial and residential uses in the area.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	RPI/MDR	CRO/RMD-D	Professional/office development
South	CGC	CCG-1/PUD (96-968)	Professional/office and hotel developments
East	RPI	CRO	Professional/office development
West	CGC	CCG-1	Bank (w/drive-thru)

Development on this infill site follows a compact and connected growth pattern and is in keeping with type of development existing along this commercial corridor. The property is located close to and between two other major roadways in the Southside area (I-95 and Southside Blvd.).

*(6) Intensity of Development*

The proposed development is consistent with the CGC functional land use category as a commercial development. The PUD is appropriate at this location because it will support the existing and proposed residential, office and commercial/retail/service establishments in the area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Baymeadows Road is an arterial road with sufficient access to nearby collectors and I-95. The PUD contains site design techniques to achieve compatibility with the character of the surrounding area and does not encourage through traffic into adjacent residential neighborhoods. The PUD proposes a driveway on Baymeadows Road, as well as one on Baymeadows Circle West and two on Baymeadows Circle East. Baymeadows Road is an FDOT maintained roadway and any access points from it will require approval by FDOT. Their memorandum is included at the end of this report. The locations of the other proposed access points are subject to the Development Services Division review and approval.

*(7) Usable open spaces plazas, recreation areas.*

The project will be developed with the required amount of open space. No recreation area is 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 identify wetlands on the site. 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 March 27, 2014, the required Notice of Public Hearing sign was posted.



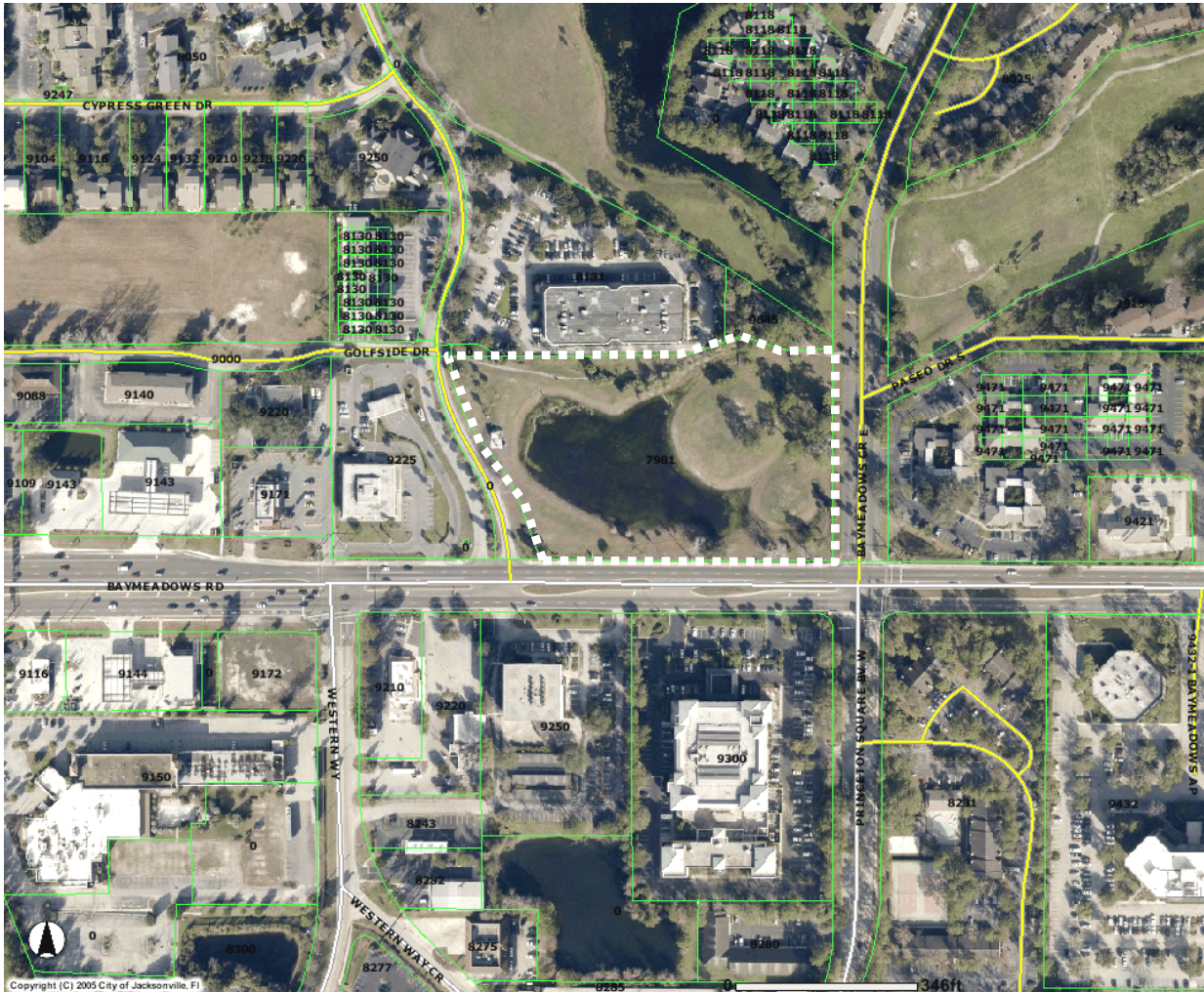
**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-0139** be **APPROVED with the following conditions:**

1. The subject property is legally described in the original legal description dated October 8, 2013.
2. The subject property shall be developed in accordance with the revised written description dated March 10, 2014.
3. The subject property shall be developed in accordance with the original site plan dated January 30, 2014.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated February 24, 2014, or as otherwise approved by the Planning and Development Department.
5. A right turn lane shall be installed along Baymeadows Road from Baymeadows Circle East to Baymeadows Circle West.



6. The median on Baymeadows Road between Baymeadows Circle East and Baymeadows Circle West shall be closed.
7. The driveway access on Baymeadows Road shall be right-in, right-out only.
8. A permanent accessway connecting Baymeadows Circle East and Baymeadows Circle West shall be constructed along the north property line.
9. Where adjacent to the subject property, Baymeadows Circle East and Baymeadows Circle West shall be improved to city roadway standards or as otherwise approved by the Planning and Development Department.
10. It is highly encouraged the Developer and the Baymeadows Community reach an agreement that will allow the realignment of Baymeadows Circle West with the signalized intersection at Baymeadows Road and Western Way.



Aerial view of the subject site facing north



The subject site ahead on the left facing east along Baymeadows Rd.



**Facing northeast into the subject site from Baymeadows Rd.**



**The subject site on the right facing north along Baymeadows Circle W.**



**The subject site on the left facing southeast from Baymeadows Circle W.**



**The subject site facing west from Baymeadows Circle E.**



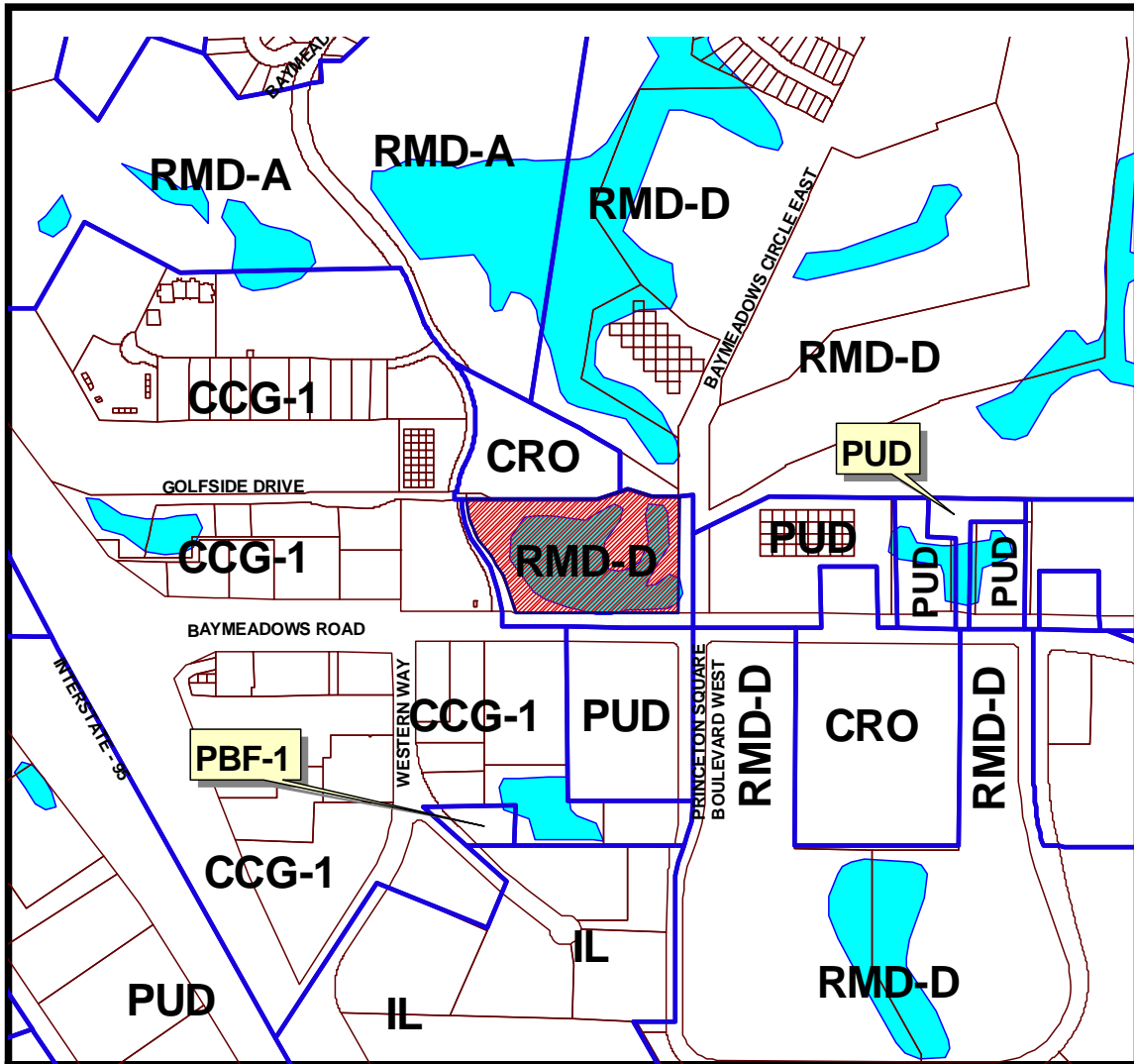
**The subject site on the left facing north along Baymeadows Circle E.**

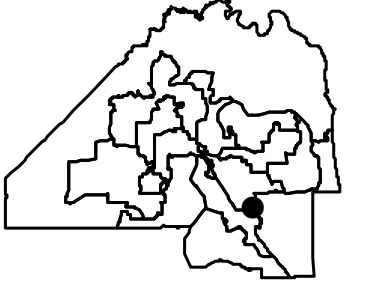




The subject site facing west from Baymeadows Circle E.



The subject site facing west from Baymeadows Circle E.



REQUEST SOUGHT:		
FROM: RMD-D		
TO: PUD		0100 Feet 
	ORDINANCE 2014_0139	COUNCIL DISTRICT: <b>13</b>  FILE COPY



February 24, 2014

## MEMORANDUM

TO: Andy Hetzel, City Planner II  
Planning and Development Department

FROM: Lisa King, Traffic Technician Senior

Subject: **Baymeadows Neighborhood Commercial PUD  
PUD R-2014-0139 fka R-2010-587**

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

1. This portion of Baymeadows Road is FDOT maintained. Design, location and number of access points to be determined by FDOT through their permit process.
2. Baymeadows Circle East and West are private streets.
3. Internal parking area shall comply with design criteria of Section 656.607(stall dimensions, backup/drive aisle, sidewalk widths).
4. Note that Site Plan cites 4 ADA spaces for a total of 436 spaces. According to ADA Accessibility Guidelines (ADAAG), 9 ADA spaces are required for 436 spaces.
5. Signs, fences, walls and landscaping shall be located so that the horizontal line of sight is not obstructed. See 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.



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450  
Transmitted Electronically

ANANTH PRASAD, P.E.  
SECRETARY

March 3, 2014

Andy Hetzel, Senior Planner  
Planning & Development Department  
City of Jacksonville  
Ed Ball Building  
214 N. Hogan Street, Suite 300  
Jacksonville, Florida 32202

### **RE: Baymeadows Neighborhood Commercial PUD**

Dear Mr. Hetzel:

The Florida Department of Transportation has reviewed the Baymeadows Neighborhood Commercial PUD development for impacts to state facilities and we offer the following comments for your consideration in reviewing this PUD Application:

**Project Description:** The Applicant for the Baymeadows Neighborhood Commercial PUD development is proposing to rezone approximately 5.80 acres from Planned Unit Development (PUD) to PUD to allow commercial and office development. According to the PUD Site Plan, 77,000 square feet of non-residential use is proposed for this site. The PUD Site Plan also indicates office development.

**Location:** The subject property is located adjacent and to the north of Baymeadows Road approximately one quarter mile east of Interstate 95.

**Estimated Trips:** The FDOT estimated the trips by using the General Office (ITE Code 710) Land use. By using the ITE Trip Generation 9th Edition, the FDOT estimates 1,076 daily trips with 155 am and 165 pm peak hour trips.

**LOS & Impacts:** Based on the FDOT State Highway System Level of Service Report (October 2013), SR-152/Baymeadows Road and I-95 include the following capacities:

- SR-152/Baymeadows Road, from I-95 to Old Baymeadows Road, with an adopted LOS standard of "E" (this is the adjacent segment which has a peak hour capacity of 3,580 peak hour trips), is currently operating at LOS "C". The year 2012 count was 3,150 peak hour trips; the segment has a v/c ratio of 0.72.
- I-95, from exit to Southside Boulevard to Baymeadows Road, with an adopted LOS standard of "E" (this segment has a peak hour capacity of 10,060 peak hour trips), is currently operating at LOS "C". The year 2012 count was 7,110 peak hour trips; the segment has a v/c ratio of 0.71.



- I-95, from Baymeadows Road to J. Turner Butler Boulevard, with an adopted LOS standard of “E” (this segment has a peak hour capacity of 10,060 peak hour trips), is currently operating at LOS “C”. The year 2012 count was 7,785 peak hour trips; the segment has a v/c ratio of 0.77.

**FDOT Comments:** The Site Plan (Exhibit E) is not consistent with the Baymeadows Community Plan and the layout does not align with the existing median openings. An additional access point onto Baymeadows Road will impact traffic flow. Before any modifications are proposed on Baymeadows Road, a traffic operational analysis must be reviewed and approved by FDOT.

The Site Plan does not show sidewalk connectivity to the existing sidewalk alongside SR-152/Baymeadows Road. The PUD Site Plan also does not show sidewalk connectivity to the sidewalk to the rear of the property. To enhance walkability to the site, the FDOT recommends the Applicant provides sidewalk connectivity to SR-152/Baymeadows Road and sidewalk connectivity to the rear of the property.

The FDOT Growth and Development Staff recommends the Applicant coordinate the permit process with the Department’s Permit Engineer, Jeff Scott, who can be contacted by calling (904)360-5205 or by e-mail: [Jeffrey.Scott@dot.state.fl.us](mailto:Jeffrey.Scott@dot.state.fl.us)

Thank you for coordinating the review of the PUD Application with FDOT. If you have any questions, please do not hesitate to contact me by email: [Richard.Prindiville@dot.state.fl.us](mailto:Richard.Prindiville@dot.state.fl.us) or phone: (904)360-5664.

Sincerely,



Richard Prindiville, FDOT D-2 Traffic/LOS Analyst

Cc: Ameera Sayeed, AICP, GISP FDOT D-2 Growth and Development/Modeling Coordinator  
Jeff Scott, PE FDOT D-2 Permit Engineer  
David Lynch, PE FDOT D-2 Traffic Operations Engineer  
James Bennett, PE FDOT D-2 Urban Transportation Development Manager

## Application For Rezoning To PUD

### Planning and Development Department Info

**Ordinance #** 2014-0139 **Staff Sign-Off/Date** AH / 02/06/2014

**Filing Date** 02/06/2014 **Number of Signs to Post** 3

#### Hearing Dates:

**1st City Council** 02/25/2014 **Planning Commission** 03/13/2014

**Land Use & Zoning** 03/18/2014 **2nd City Council** 02/25/2014

**Neighborhood Association** VILLAGE GREEN; BETTER BAYMEADOWS; AND BAYMEADOWS COMM COUNCIL

**Neighborhood Action Plan/Corridor Study** BAYMEADOWS

### Application Info

**Tracking #** 496

**Application Status** FILED COMPLETE

**Date Started** 10/28/2013

**Date Submitted** 10/28/2013

### General Information On Applicant

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
HARDEN	PAUL	M.
<b>Company Name</b>		
LAW OFFICE OF PAUL M. HARDEN		
<b>Mailing Address</b>		
501 RIVERSIDE AVENUE, SUITE 901		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32202
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043965731	9043995461	PAUL_HARDEN@BELLSOUTH.NET

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
PORTER	BOB	M.
<b>Company/Trust Name</b>		
DR HORTON, INC.		
<b>Mailing Address</b>		
9456 PHILIPS HIGHWAY , SUITE 1		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32256
<b>Phone</b>	<b>Fax</b>	<b>Email</b>

### Property Information

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)** 2010-587-D

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 148521 0015	13	3	PUD	PUD

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

Land Use Category Proposed?

If Yes, State Land Use Application #

Land Use Category

MDR

Total Land Area (Nearest 1/100th of an Acre) 5.80

Development Number

Proposed PUD Name BAYMEADOWS NEIGHBORHOOD COMMERCIAL PUD

### Justification For Rezoning Application

SEE EXHIBIT D (WRITTEN DESCRIPTION)

### Location Of Property

#### General Location

NORTH SIDE OF BAYMEADOWS ROAD, EAST OF INTERSTATE 95

House #

Street Name, Type and Direction

Zip Code

7981

BAYMEADOWS CR W

32256

#### Between Streets

BAYMEADOWS CIRCLE WEST

and

BAYMEADOWS CIRCLE EAST

### 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

<b>1) Rezoning Application's General Base Fee:</b>	\$2,000.00
<b>2) Plus Cost Per Acre or Portion Thereof</b>	
<b>5.80 Acres @ \$10.00 /acre:</b>	\$60.00
<b>3) Plus Notification Costs Per Addressee</b>	
<b>88 Notifications @ \$7.00 /each:</b>	\$616.00
<b>4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):</b>	\$2,676.00

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

# ORDINANCE

## Legal Description

Being a portion of lands conveyed to D. R. Horton, Inc. – Jacksonville as recorded in Official Records Book 12292, Page 1727 of the Official Records of Duval County, Florida, said lands lying in Section 23, Township 3 South, Range 27 East and the Francis Richard Grant Section 56, Township 3 South, Range 27 East, County of Duval, State of Florida and being more fully bounded and described as follows:

Commencing at a point in the north right of way line of Baymeadows Road (100 foot wide right of way as currently established) and the east line of Section 23, said point being the southeast corner of lands conveyed to Rafal Kuzniar and Elzbieta Kuzniar as recorded in Official Records Book 14982, Page 745 of the Official Records of Duval County, Florida, thence with the north right of way line of Baymeadows Road, North 89° 30' 23" West, a distance of 1,899.70 feet to a corner, said corner being the southwest corner of a private road known as Baymeadows Circle East (a variable width right of way as currently established), said corner also being the True Point of Beginning of the hereinafter described 5.798 acre tract;

Thence continuing with the north right of way line of Baymeadows Road, North 89° 30' 23" West, a distance of 566.81 feet to a corner, said corner being the southeasterly corner of a private road known as Baymeadows Circle West (a variable width right of way as currently established), said corner also being a point of curvature of a curve concave to the southwest;

Thence with the northeasterly right of way line of said private road known as Baymeadows Circle West on the following three courses,

- 1) with a curve to the left having a radius of 170.93 feet, passing a point in the common line between Section 23 and the Francis Richard Grant Section 56 at a delta angle of 02° 37' 01", an arc length of 7.81 feet, chord bearing and distance of North 01° 50' 47" West, 7.81 feet, in all a delta angle of 27° 48' 27", an arc length of 82.96 feet, chord bearing and distance of North 14° 26' 30" West, 82.15 feet to a point of tangency;
- 2) Thence, North 28° 20' 43" West, a distance of 211.73 feet to a point of curvature of a curve concave to the northeast;
- 3) Thence with said curve to the right having a radius of 265.00 feet, a delta angle of 25° 05' 58", an arc length of 116.09 feet, a chord bearing and distance of North 15° 47' 44" West, 115.16 feet to a point, said point lying in the south line of lands conveyed to Baymeadows Circle West Partnership as recorded in Official Records Book 8301, Page 879 of the Official Records of Duval County, Florida;

Thence with the south line of said Baymeadows Circle West Partnership, North 88° 51' 52" East, passing a point in the common line between Section 23 and the Francis Richard Grant Section 56 at a distance of 198.31 feet, in all a distance of 456.70 feet to a corner;

Thence continuing with the south line of said Baymeadows Circle West Partnership and the south line of Tract VII-D as described in said D.R. Horton, Inc. – Jacksonville deed, North 71° 56' 07" East, a distance of 98.00 feet to a corner;

Thence with the south line of said Tract VII-D, South 72° 12' 58" East, a distance of 88.00 feet to a corner;

Thence continuing with the south line of said Tract VII-D, North 88° 51' 52" East, a distance of 89.00 feet to a corner, said corner lying in the west line of said private road known as Baymeadows Circle East, said corner also being the southeast corner of said Tract VII-D;

Thence with the west line of said private road known as Baymeadows Circle East, South 00° 29' 37" West, a distance of 395.93 feet to the True Point of Beginning, containing 5.798 acres, more or less, subject to all easements and right of ways of record.

Bearing basis established as North 89° 30' 23" West along the north right of way line of Baymeadows Road.

October 8, 2013

# EXHIBIT A

## Property Ownership Affidavit

Date: Oct 8, 2013

City of Jacksonville  
City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Ed Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Ownership Certification

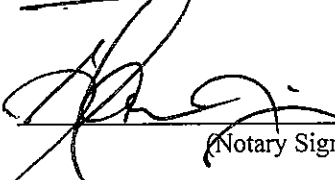
Gentleman:

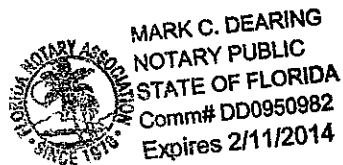
I, John E. Zakoske, Vice President of D.R. Horton, Inc. - Jacksonville, hereby certify that I am the Owner of the property described in the attached legal description, **Exhibit 1** in connection with filing application(s) for FLUM & Rezoning, submitted to the Jacksonville Planning and Development Department.

  
\_\_\_\_\_  
(Owner's Signature) *Vice President*  
JOHN E. ZAKOSKE

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 8<sup>th</sup> day of OCTOBER  
(month), 2013 (year) by JOHN E. ZAKOSKE who is personally  
known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Notary Signature)



# EXHIBIT B

## Agent Authorization

Date: OCT 8, 2013

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Ed Ball Building, Suite 300  
Jacksonville, Florida 32202

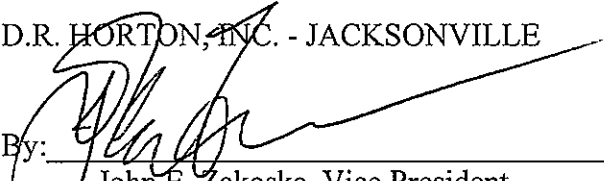
Re: Agent Authorization for the following site location:

RE#148521-0015

Gentleman:

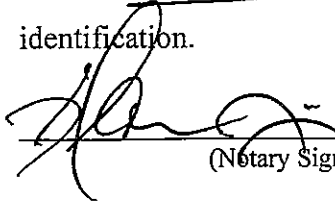
You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers Paul M. Harden to act as agent to file application(s) for FLUM & Rezoning for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

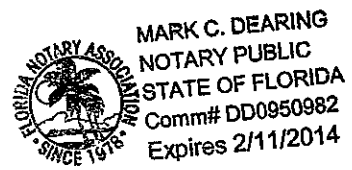
D.R. HORTON, INC. - JACKSONVILLE

By:   
John E. Zakoske, Vice President

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 8<sup>th</sup> day of OCTOBER (month), 2013 (year) by JOHN E. ZAKOSKE, who 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

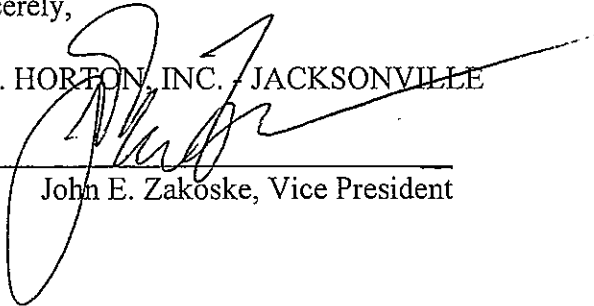
RE: RE#148521-0015

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,

D.R. HORTON, INC. JACKSONVILLE

By:   
John E. Zakoske, Vice President



# Exhibit D

## WRITTEN DESCRIPTION

### BAYMEADOWS NEIGHBORHOOD COMMERCIAL PUD

Third Amended: March 10, 2014

#### I. PROJECT DESCRIPTION

Applicant proposes to rezone approximately 5.80 acres of property from PUD to PUD. The parcel is located at the northwest quadrant of the intersection of Baymeadows Road and Baymeadows Circle East.

The subject property is currently owned by D.R. Horton and is more particularly described in the legal description attached as Exhibit 1 to this application. The property has a current land use designation of Medium Density Residential (MDR) and is zoned RMD-D. The property is currently vacant. Surrounding uses include: a developed CGC/CCG-1 land to the west (bank), a developed RPI/CRO site (office) and MDR/RMD-D site (golf course) to the north, and a developed RPI/CRO site (office) across Baymeadows Circle East to the east.

**Project Name:** Baymeadows Neighborhood Commercial PUD

**Project Architect/Planner:** Mark Macco Architects

**Project Engineer:** Lou Pontigo and Associates, Inc.

**Project Developer:** Duval Realty Trust

#### II. QUANTITATIVE DATA

**Total Acreage:** 5.80 acres

**Total number of dwelling units:** N/A

**Total amount of non-residential floor area:** 80,000 SF

**Total amount of recreation area:** N/A

**Total amount of open space:** N/A

**Total amount of public/private rights of way:** 0.00' along Baymeadows Road

**Total amount of land coverage of all buildings and structures:**

Approximately 31.66% of land coverage is shown on the attached site plan.

**Phase schedule of construction (include initiation dates and completion dates):**

Construction phase dates have not been determined at this time.

**III. USES AND RESTRICTIONS**

**A. Permitted Uses:**

*Permitted uses and structures:* commercial and office uses including the following:

1. Commercial retail sales and service establishments
2. Banks, including drive-thru tellers, savings and loan institutions, credit unions, and similar uses
3. Professional and business offices, including medical and dental or chiropractic offices, surgery center going in three (3) story medical office but not clinics or hospitals.
4. Libraries, art galleries, museums, dance, art, photography or music studios and theaters for stage performances, but not motion picture theaters
5. Establishments or facilities which include the retail sale and service of beer or wine for off-premises consumption or all alcoholic beverages for on-premises consumption in conjunction with a restaurant
6. Veterinarians and animal boarding, subject to the performance standards and development criteria set forth in Part 4
7. Retail outlets for the sale of used wearing apparel, not to exceed 2,500 rentable square feet
8. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4
9. Multi-family residential vertically integrated with a permitted use on the ground floor
10. Restaurants with the outside sale and service of food, meeting the performance standards and development criteria set forth in Part 4
11. Neighborhood retail sales and service establishments

12. Service establishments such as barber shops, beauty shops, or shoe repair shops as defined in the Zoning Code definition of “neighborhood retail and service” establishments
13. Restaurants
14. Day care
15. Churches

**B. Permissible Uses by Exception:**

None.

**C. Limitations on Permitted or Permissible Uses by Exception**

N/A

**D. Permitted Accessory Uses and Structures:**

None.

**E. Restrictions on Uses:**

N/A

**IV. STATEMENTS**

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

The PUD limits the conventional commercial uses of the Zoning Code.

**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.**

All lands will be operated and maintained by the fee title owner.

## V. DESIGN GUIDELINES

### A. Lot Requirements:

- (1) *Minimum lot area:* None, except as otherwise required for certain uses.
- (2) *Minimum lot width:* None, except as otherwise required for certain uses.
- (3) *Maximum lot coverage:* None, except as otherwise required for certain uses.
- (4) *Minimum front yard:* None.
- (5) *Minimum side yard:* None.
- (6) *Minimum rear yard:* 10 feet.
- (7) *Maximum height of structures:* 45 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 Baymeadows Road, substantially as shown in the Site Plan. The final location of all access points is subject to the review and approval of the City's Traffic Engineer.
  - 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 sidewalks installed in accordance with the 2030 Comprehensive Plan.

### C. Signs.

- (1) Up to two (2) one (1) double faced or two (2) single faced signs not to exceed one hundred twenty (120) square feet in area and twelve (12) feet in height and not closer than 100 feet.

- (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 twenty-four (24) 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 four (4) square feet.

**D. Landscaping:**

The Property shall be developed in accordance with Part 12 Landscape Regulations of the Zoning Code.

**E. Recreation and Open Space:**

N/A.

**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.

**VI. DEVELOPMENT PLAN APPROVAL**

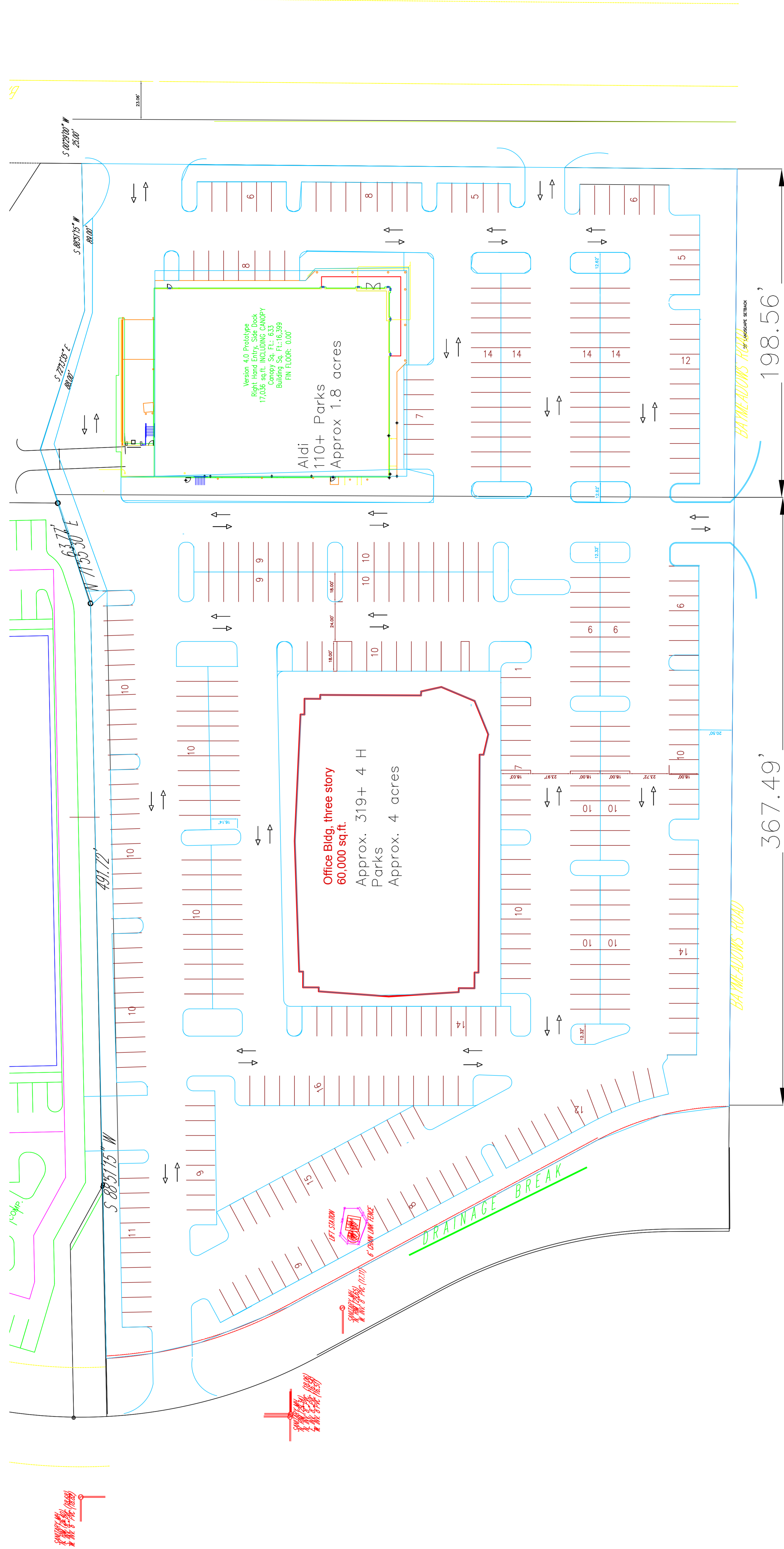
With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all then existing and proposed uses within the Property, and showing the general layout of the overall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

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

The proposed project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed project will be beneficial to the surrounding neighborhood and community and:

- A. Is more efficient than would be possible through strict application of the Zoning Code;
- B. Is compatible with surrounding land uses and will improve the characteristics of the surrounding area;
- C. Will promote the purposes of the City of Jacksonville 2030 Comprehensive Plan.

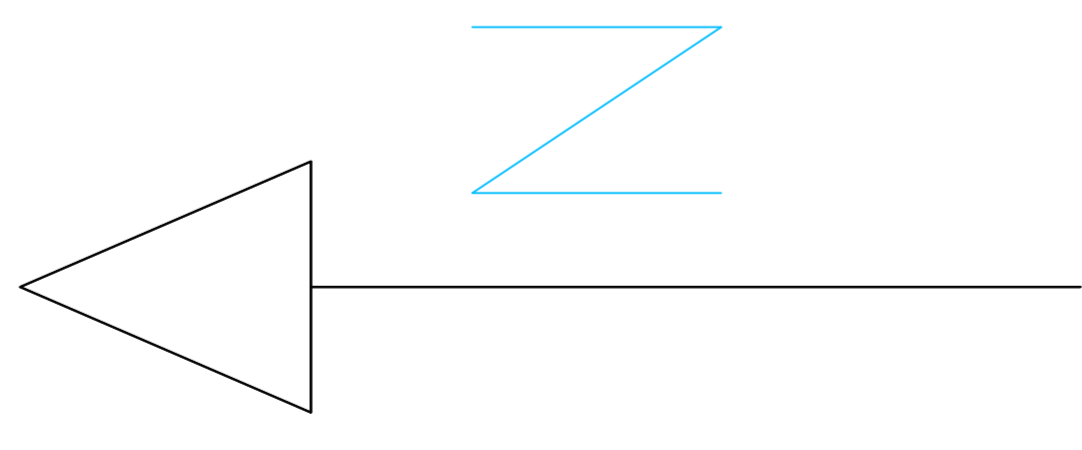
SITE PLAN



Scale: 1"=30'

OWNER: Dval Realty Trust  
 ENGINEER: Tim Benner  
 ADDRESS: 7961 Baymeadows Rd.  
 CITY: Jacksonville, FL 32217-0015  
 CURRENT ZONING: CGO-1  
 CURRENT LAND USE: Non Residential Floor Area:  
 5.8 ACRES ( 952,693.31 F12)  
 0 EXISTING - 2 PROPOSED  
 BUILDINGS: 0 EXISTING - 2 PROPOSED  
 77,000 S.F. PROPOSED  
 IMPERVIOUS AREA: 0.25 Acres EXISTING - 0.026 Acres PROPOSED  
 0.018 Acres EXISTING - 0.026 Acres PROPOSED  
 Total Amount of Public/Private rights of way: Approx. 565 ft along Baymeadows Rd.

PARKING SPACE CALCULATIONS	
BUILDING S.F.	77,000
REQUIRED	231.00
37,1000 S.F.	
SPACES AVAILABLE:	432
HANDICAP SPACES:	4
TOTAL SPACES:	436
BIKE RACK:	2



1/30/2014

# EXHIBIT F

PUD Name

**Baymeadoes Neighborhood Commercial PUD**

Date

Jan 28, 2014

## Land Use Table

---

Total gross acreage	<b>5.8</b>	Acres	100 %
Amount of each different land use by acreage			
Single family	<b>0</b>	Acres	<b>0</b> %
Total number of dwelling units	<b>0</b>	D.U.	
Multiple family	<b>0</b>	Acres	<b>0</b> %
Total number of dwelling units	<b>0</b>	D.U.	
Commercial	<b>1.8</b>	Acres	<b>31</b> %
Industrial	<b>0</b>	Acres	<b>0</b> %
Other land use	<b>0</b>	Acres	<b>0</b> %
Active recreation and/or open space	<b>0</b>	Acres	<b>0</b> %
Passive open space, wetlands, pond	<b>1</b>	Acres	<b>17</b> %
Public and private right-of-way	<b>3</b>	Acres	<b>51.7</b> %
Maximum coverage of non-residential buildings and structures	<b>80,000</b>	Sq. Ft.	<b>31.5</b> %



10

Prepared by and Return To:  
DHI Title Company  
9454 Philips Highway, Suite 1  
Jacksonville, FL 32256  
File Number: 120-050100137-026

Parcel No.: 148521-0015  
148521-0010  
148521-0035

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made as of the 14<sup>th</sup> day of February, 2005 by and between Bay Meadows Golf Club, LLC, a Florida limited liability company ("Grantor"), whose mailing address is 18186 Southeast Village Circle, Tequesta, Florida 33469 and D. R. Horton, Inc. - Jacksonville, a Delaware Corporation ("Grantee"), whose address is 9456 Philips Highway, Ste. 1, Jacksonville, Florida 32256 (Wherever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations).

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, and Grantee's heirs, successors and assigns forever, the parcel of land situate, lying and being in the County of Duval, State of Florida, and more particularly described as follows:

See Exhibit "A", attached hereto and made a part hereof


SUBJECT TO reservations, covenants, restrictions, easements of record and taxes accruing subsequent to December 31, 2004.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.


AND Grantor, for itself and its successors, hereby covenants with Grantee and Grantee's heirs, successors and assigns that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor only.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness Signature

Chris Preston  
\_\_\_\_\_  
Witness Printed Signature

  
\_\_\_\_\_  
Witness Signature

LeeAnne Greene  
\_\_\_\_\_  
Witness Printed Signature

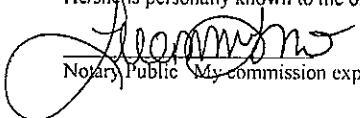
Bay Meadows Golf Club, LLC, a Florida  
limited liability company

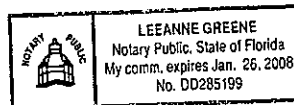
BY:   
\_\_\_\_\_  
Charles K. Staples, Authorized Officer

State of Florida County of Duval

The foregoing instrument was acknowledged before me this February 14, 2005, by Charles K. Staples, Authorized Officer of Bay Meadows Golf Club, LLC, a limited liability company existing under the laws of the State of Florida, on behalf of the company.

He/she is personally known to me or has produced a driver's license as identification.

  
\_\_\_\_\_  
Notary Public My commission expires (SEAL)



10

## EXHIBIT 'A'

## GOLF COURSE TRACT:

That certain tract or parcel of land being a part of Section 23, and a part of the Francis Richard Grant Section 56, Township 3 South, Range 27 East, Duval County, Florida, being more particularly described as commencing at the intersection of the Northerly right of way line of Baymeadows Road, (a 100.00 foot right of way) with the Easterly boundary of said Section 23; thence North  $89^{\circ} 31'$  West along said right of way line of Baymeadows Road 1800.00 feet to a point for the Point of Beginning; thence North  $89^{\circ} 31'$  West continuing along said right of way line of Baymeadows Road, 693.17 feet; thence South  $89^{\circ} 44'$  West along said Northerly right of way line of Baymeadows Road, 50.00 feet; thence North  $00^{\circ} 16'$  West, 36.9 feet to a point of curve; thence along a curve to the left, said curve having a radius of 300.00 feet, an arc distance of 143.41 feet to a point of tangency; thence North  $28^{\circ} 21' 20''$  West, 84.8 feet to a point of curve; thence along a curve to the right, said curve having a radius of 300.00 feet, an arc distance of 132.71 feet; thence North  $88^{\circ} 51' 15''$  East, 491.72 feet; thence North  $71^{\circ} 55' 30''$  East, 98.0 feet; thence South  $72^{\circ} 13' 35''$  East, 88.0 feet; thence North  $88^{\circ} 51' 15''$  East, 89.0 feet; thence North  $00^{\circ} 29'$  East, 25.0 feet; thence North  $57^{\circ} 03' 50''$  West, 316.37 feet; thence North  $62^{\circ} 33' 45''$  West, 588.87 feet; thence North  $44^{\circ} 51' 10''$  West, 0.09 feet to a point of curve; thence along a curve to the right, said curve having a radius of 300.00 feet, an arc distance of 113.42 feet to a point of tangency; thence North  $23^{\circ} 11' 30''$  West, 220.81 feet; thence South  $89^{\circ} 44'$  West, 760.00 feet; thence North  $63^{\circ} 12' 20''$  West, 364.2 feet; thence South  $29^{\circ} 44'$  West, 340.00 feet; thence South  $30^{\circ} 16'$  East, 428.67 feet; thence North  $89^{\circ} 44'$  East, 1025.00 feet; thence South  $00^{\circ} 16'$  East, 250.00 feet to a point hereinafter referred to as Point "A"; thence South  $89^{\circ} 44'$  West, 1000.00 feet; thence North  $62^{\circ} 34' 50''$  West, 128.32 feet; thence North  $37^{\circ} 51' 49''$  West, 600.00 feet; thence North  $33^{\circ} 21' 03''$  West, 127.54 feet; thence North  $29^{\circ} 44'$  East, 216.49 feet; thence North  $14^{\circ} 38' 10''$  West, 540.0 feet; thence North  $75^{\circ} 21' 50''$  East, 403.13 feet; thence

South 45° 00' East, 202.0 feet; thence North 32° 14' East, 342.0 feet; thence North 03° 28' 10" East, 140.36 feet; thence North 25° 01' 30" East, 554.62 feet; thence North 89° 23' East, 70.00 feet; thence North 27° 16' 50" East, 384.71 feet; thence North 25° 38' West, 165.53 feet; thence North 09° 56' 40" East, 600.17 feet; thence North 40° 11' 50" East, 290.69 feet; thence North 17° 20' 50" East, 273.75 feet; thence North 41° 34' East, 60.00 feet; thence South 72° 46' 40" East, 79.13 feet; thence South 13° 43' 10" West, 244.86 feet; to a point hereinafter referred to as Point "B"; thence South 13° 43' 10" West, 199.59 feet; thence South 09° 05' 25" West, 771.04 feet; thence South 21° 16' 10" West, 630.44 feet; thence South 48° 40' 20" West, 283.64 feet; thence South 07° 44' 55" West, 343.66 feet; thence South 36° 52' 15" East, 186.01 feet; thence North 79° 36' East, 294.27 feet; thence North 47° 29' 05" East, 1437.53 feet; thence North 29° 50' 55" East, 690.31 feet; thence North 71° 23' 30" West, 280.29 feet; thence South 63° 01' West, 95.26 feet; thence North 71° 24' 15" West, 349.46 feet; thence North 54° 28' West, 234.02 feet; thence North 71° 23' 30" West, 340.00 feet; thence North 13° 43' 10" East, 199.59 feet to the point hereinbefore referred to as Point "B"; thence South 85° 59' 50" East, 662.73 feet; thence South 51° 08' 40" East, 660.68 feet; thence South 35° 07' 30" East, 291.25 feet; thence North 50° 00' 50" East, 252.24 feet; thence North 36° 41' 10" East, 264.01 feet; thence North 16° 54' 30" East, 199.25 feet; thence North 02° 30' 20" East 550.82 feet; thence South 72° 47' 45" West, 490.41 feet; thence South 85° 42' 55" West 390.80 feet; thence North 00° 37' West, 385.00 feet; thence South 81° 31' 50" West, 292.75 feet; thence North 07° 44' 30" West, 80.62 feet; thence North 76° 08' 30" East, 349.28 feet; thence North 67° 50' 30" East, 408.53 feet; thence North 89° 23' East, 290.00 feet; thence South 68° 24' 50" East, 529.24 feet; thence North 55° 41' 40" East, 108.17 feet; thence South 77° 37' 20" East, 66.71 feet; thence South 07° 17' 25" West, 545.18 feet; thence South 17° 07' 40" West, 656.22 feet; thence South 41° 13' East, 184.39 feet; thence South 62° 49' 10" West, 201.25 feet; thence South 56° 38' 15" West, 597.57 feet; thence North 47° 24' 50" West, 240.00 feet; thence South 29° 28' 45" West, 30.80 feet to a point thereafter referred to as Point "C"; thence South 29° 28' 45" West, 432.78 feet; thence South 02° 45' West, 170.29 feet; thence South 77° 27' 30" East, 395.38 feet; thence South 08° 50' 40" West, 91.24 feet; thence South 88° 38' 20" West, 385.03 feet; thence South 04° 05' 30" West, 426.44 feet; thence South 61° 27' East, 246.22 feet; thence South 89° 23' West 365.00 feet; thence South 21° 25' 10" West, 453.10 feet; thence South 35° 31' 10" East 300.0 feet; thence South 63° 19' 10" West, 191.09 feet; thence South 09° 15' West, 233.45 feet; thence South 58° 17' 50" East, 380.87 feet; thence North 68° 41' 20" East, 107.70 feet; thence North 27° 30' 50" East, 68.67 feet; thence North 68° 11' 20" East, 262.77 feet; thence North 42°

32' 10" East, 219.32 feet; thence North 77° 10' 20" East, 685.51 feet; thence North 04° 33' 40" West, 436.03 feet; thence North 22° 33' 50" West 202.62 feet; thence North 01° 53' 25" West, 192.11 feet; thence North 24° 43' 50" East, 210.24 feet; thence North 16° 34' 20" East 130.78 feet; thence North 10° 17' 50" East, 376.88 feet; thence South 84° 04' 10" East, 307.00 feet; thence South 13° 25' 10" West, 329.85 feet; thence South 05° 52' 45" East, 381.61 feet; thence South 06° 24' West, 654.90 feet; thence South 01° 12' 05" West, 358.65 feet; thence South 75° 10' West, 576.27 feet; thence South 66° 50' 25" West, 573.85 feet; thence South 59° 51' 10" West, 197.69 feet; thence South 63° 55' West, 111.80 feet; thence South 00° 29' West 350.0 feet to the Point of Beginning. LESS and except from the Golf Course Tract those lands described as "Tract 5-A" recorded in Official Records Book 5647, page 1554 and that parcel of land lying in Section 36, Township 3 South, Range 27 East recorded in Official Records Book 7577, page 1440 of the current public records of Duval County, Florida

Excepting therefrom these lands described as Tract B, Tract C, Tract D and Tract E:

TRACT B:

That certain tract or parcel of land being more particularly described as beginning at the point hereinabove referred to as Point "B"; thence South 13° 43' 10" West, 199.59 feet; thence South 71° 23' 30" East, 60.22 feet; thence North 13° 43' 10" East, 215.00 feet; thence North 85° 59' 50" West, 60.87 feet to the Point of Beginning.

TRACT C:

A strip of land 60.00 feet wide, lying 30.00 feet measured at right angles on either side of the following described centerline (and an extension thereof Northwesterly and Southeasterly to the extent necessary so that the boundaries of Tract C on the Northwest and the Southeast shall be coincident with the boundaries of the Golf Course Lease Parcel but said parcel shall not extend beyond said boundary lines of the Golf Course Lease Parcel); said centerline beginning at the point hereinabove referred to as Point "C"; thence North 47° 24' 50" West, 137.56 feet to a point of curve; thence along a curve to the left, said curve having a radius of 300.00 feet, an arc distance of 125 feet more or less to an intersection with the Golf Course lease boundary and the termination of said easement.

TRACT D:

That certain tract or parcel of land being more particularly described as commencing at the intersection of the Northerly right of way line of Baymeadows Road (a 100.00 foot right of way) with the Easterly boundary of said Section 23; thence North 89° 31' West along said Northerly right of way line of Baymeadows Road, 1800.00 feet to a point for the Point of Beginning; thence North 89° 31' West along said Northerly right of way line, 100.00 feet; thence North 00° 29' East, 600.00 feet; thence North 68° 41' 20" East, 107.70 feet; thence South 00° 29' West, 640.00 feet to the Point of Beginning.

And any part of Tract E (hereinafter described) lying with in the above described Golf Course Parcel.

TRACT E:

A strip of land 50.00 feet wide, lying 50.00 feet measured at right angles on the Westerly side of the following described line commencing at the intersection of the Northerly right of way line of Baymeadows Road (a 100.00 foot right of way) with the Easterly boundary of Section 23, Township 3 South, Range 27 East, Duval County, Florida; thence North 89° 31' West along said Northerly right of way line of Baymeadows Road, 2493.17 feet; thence South 89° 44' West along said Northerly right of way line of Baymeadows Road, 50.00 feet to a point for the Point of Beginning; thence North 00° 16' West, 36.9 feet to a point of curve; thence along a curve to the left, said curve having a radius of 300.00 feet, an arc distance of 143.41 feet to a point of tangency; thence North 28° 21' 20" West, 84.8 feet to a point of curve; thence along a curve to the right, said curve having a radius of 300.00 feet, an arc distance of 132.71 feet to a point where the aforesaid strip of land terminates and a strip of land 80 feet wide begins, lying 50 feet measured at right angles on the Westerly side and 30 feet measured at right angles on the Easterly side of said described line; thence continue along the aforementioned curve to the right having a radius of 300 feet, an arc distance of 30.83 feet to a point on said line where the aforesaid 80 foot strip of land terminates, and a strip of land 60 feet wide begins, lying 30 feet measured at right angles on either side of said described line; thence continue along the aforementioned curve to the right, having a radius of 300 feet, an arc distance of 113.44 feet to a point of tangency; thence North 24° 32' 30" East, 7.64 feet to a point of curve; thence along a

curve to the left, said curve having a radius of 300.00 feet, an arc distance of 363.35 feet to a point of tangency; thence North  $44^{\circ} 51' 10''$  West, 0.09 feet to a point of curve; thence along a curve to the right, said curve having a radius of 300.00 feet, an arc distance of 113.42 feet to a point of tangency; thence North  $23^{\circ} 11' 30''$  West, 220.81 feet to a point of curve; thence along a curve to the left, said curve having a radius of 467.43 feet, an arc distance of 159.63 feet to a point of tangency; thence North  $42^{\circ} 45' 30''$  West, 281.09 feet to a point of curve; thence along a curve to the right, said curve having a radius of 350.00 feet, an arc distance of 340 feet more or less to an intersection with the Golf Course lease boundary and the termination of said line. Also a strip of land described as commencing at the intersection of the Northerly right of way line of Baymeadows Road (a 100 foot right of way) with the Easterly boundary of said Section 23; thence North  $89^{\circ} 31'$  West along said Northerly right of way line of Baymeadows Road, 2493.17 feet; thence South  $89^{\circ} 44'$  West along said Northerly right of way line of Baymeadows Road 50.00 feet to a point for the Point of Beginning; thence North  $00^{\circ} 16' 00''$  West, 36.9 feet to a point of curve; thence along a curve to the left, said curve having a radius of 300.00 feet, an arc distance of 143.41 feet to a point of tangency; thence North  $28^{\circ} 21' 20''$  West 84.8 feet to a point of curve; thence along a curve to the right, said curve having a radius of 300.00 feet, an arc distance of 132.70 feet; thence North  $88^{\circ} 51' 15''$  East 35.02 feet to a point in a curve, said curve being concentric with the aforementioned curve and having a radius of 265 feet; thence Southerly along said curve to the left, an arc distance of 116.08 feet to a point of tangency; thence South  $28^{\circ} 21' 20''$  East 211.73 feet to a point of curve; thence along a curve to the right, said curve having a radius of 170.93 feet; an arc distance of 81.71 feet to a point in said Northerly right of way line of Baymeadows Road; thence North  $89^{\circ} 31'$  West along said Northerly right of way line of Baymeadows Road 25.00 feet; thence South  $89^{\circ} 44'$  West along said Northerly right of way line of Baymeadows Road 50 feet to the Point of Beginning.

Together with a perpetual non-exclusive easement for ingress and egress over the above described Tracts B, C, D and E and Tract A as hereinafter described:

TRACT A:

Parcel of land 25.00 feet in width lying 25.00 feet Northerly of the following described line: Beginning at point hereinabove referred to as Point "A"; thence North 89° 44' East 191.92 feet to the termination of said easement.

TOGETHER WITH Golf Course Easement as set forth on Plat of Linkside at Baymeadows, recorded in Plat Book 35, Pages 86, 86A, 86B, and 86C, of the Public Records of Duval County, Florida.

TOGETHER WITH Easement for Golf Course Maintenance and Access as set forth in Declaration of Condominium Ownership of Los Prados Condominium No. 1 recorded in Official Records Volume 3385, Page 974, of the Public Records of Duval County, Florida.

TOGETHER WITH Easement for General Golf Course Purposes as set forth in Declaration of Condominium Ownership of Los Lagos Condominium recorded in Official Records Volume 3695, Page 196, of the Public Records of Duval County, Florida.

TRACT III-A:

A part of Section 23, Township 3 South, Range 27 East, Jacksonville, Duval County, Florida, and being more particularly described as follows: For a point of reference, commencing at the intersection of the Northerly Right of Way line of Baymeadows Road (a 100 foot right of way, as now established) with the Easterly line of said Section 23; thence North 00° 37' 00" West along the said East line of Section 23, a distance of 3294.67 feet to the point of beginning. From the point of beginning thus described, run South 89° 23' 00" West, a distance of 130.0 feet; thence North 00° 37' 00" West, a distance of 164.0 feet; thence North 89° 23' 00" East, a distance of

130.00 feet to a point in the aforementioned Easterly line of said Section 23; thence South 00° 37' 00" East, a distance of 164.0 feet to the point of beginning.

TOGETHER WITH easement rights as set forth in Easement and Use Agreement by and between BAYMEADOWS ASSOCIATES, a partnership, and SHELTER PROPERTIES IV, a limited partnership, filed in Official Records Book 5572, page 219, Public Records of Duval County, Florida, for the purpose described therein, over, under and across the land described therein.

TOGETHER WITH easement rights reserved in Special Warranty Deed from BAYMEADOWS ASSOCIATES, a California General Partnership, to Shelter Properties, IV, a South Carolina Limited Partnership, filed in Official Records Book 5572, page 150, of the current public records of Duval County, Florida.

TRACT VII-D:

A part of Section 23, Township 3 South, Range 27 East, Jacksonville, Duval County, Florida, being more particularly described as follows: For a point of reference, commence at the intersection of the Easterly line of said Section 23 and the Northerly Right of Way line of Baymeadows Road, as established for a width of 100 feet; run thence North 89° 31' 00" West along said Northerly Right of Way line of Baymeadows Road, a distance of 1900.0 feet to the Westerly line of a variable width easement for ingress and egress known as Baymeadows Circle East, being described and recorded in Official Records Volume 3008, Page 521 of the current public records of said County; run thence North 00° 29' 00" East along the Westerly line of said easement, a distance of 396.28 feet to the point of beginning. From the point of beginning thus described, continue North 00° 29' 00" East, along the Westerly line of said easement known as Baymeadows Circle East, a distance of 25.0 feet; run thence North 57° 03' 50" West, a distance of 243.45 feet; thence South 00° 29' 00" West, a distance of 142.90 feet; thence North 71° 55' 30" East, a distance of 34.22 feet; thence South 72° 13' 35" East, a distance of 88.0 feet; run thence North 88° 51' 15" East, a distance of 89.0 feet to the Point of Beginning.

TOGETHER WITH a non-exclusive easement as set forth in Grant of Easement by and between JEROME S. FLETCHER, unmarried, and PAUL Z. FLETCHER, unmarried, and BAYMEADOWS RACQUET CLUB, INC., a Florida corporation, and



DAYMEADOWS DEVELOPMENT CORPORATION, a Florida corporation, filed in Official Records Book 3008, page 521, Public Records of Duval County, Florida, for the purpose described therein, over, under and across the land described therein.

TOGETHER WITH a non-exclusive easement as set forth in Declaration of Easement by FLETCHER PROPERTIES, INC., a Florida corporation, and CENTENNIAL EQUITIES CORPORATION, a New York corporation, filed in Official Records Book 3243, page 35, Public Records of Duval County, Florida, for the purpose described therein, over, under and across the land described therein.

TOGETHER WITH a non-exclusive easement as set forth in Grant of Easement by and between EDWARD WILLIAM STARKEY and DORA STARKEY, his wife, and WALTER L. HARVEY and BETTY HARVEY, his wife, and FLETCHER PROPERTIES, INC., a Florida corporation, and CENTENNIAL EQUITIES CORPORATION, a New York corporation, and BAY MEADOWS, INC., a Delaware corporation, filed in Official Records Book 3341, page 162, Public Records of Duval County, Florida for the purpose described therein, over, under and across the land described therein.

TOGETHER WITH a non-exclusive easement as set forth in Grant of Easement by and between EDWARD WILLIAM STARKEY and DORA STARKEY, his wife, and WALTER L. HARVEY and BETTY HARVEY, his wife, and FLETCHER PROPERTIES, INC., a Florida corporation, BAY MEADOWS, INC., a Delaware corporation, CENTENNIAL EQUITIES CORPORATION, a New York corporation, and 2154 TRADING CORPORATION, a New York corporation, filed in Official Records Book 4328, page 645, Public Records of Duval County, Florida, for the purpose described therein, over, under and across the land described therein.

TOGETHER WITH a non-exclusive easement as set forth in Grant of Easement by and between WALTER L. HARVEY and EDWARD WILLIAM STARKEY, and BAY MEADOWS ASSOCIATES, a California General Partnership, filed in Official Records Book 4932, page 1120, Public Records of Duval County, Florida, for the purpose described therein, over, under and across the land described therein.

TOGETHER WITH a non-exclusive easement as set forth in Grant of Easement by and between EDWARD WILLIAM STARKEY and DORA STARKEY, his wife, and WALTER L. HARVEY and BETTY HARVEY, his wife (Landlord), and BAYMEADOWS ASSOCIATES, a California general partnership (Tenant), Grantors, and FLETCHER PROPERTIES, INC., a Florida corporation, BAYMEADOWS, INC., a Delaware corporation, and CENTENNIAL EQUITIES CORPORATION, a New York corporation. Grantees, filed in Official Records Book 4937, page 1154, Public Records of Duval County, Florida, for the purpose described therein, over, under and across the land described therein.

