

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-0026 TO

PLANNED UNIT DEVELOPMENT

FEBRUARY 5, 2015

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 **2015-0026** to Planned Unit Development.

<i>Location:</i>	5809 Trout River Boulevard Between Sibbald Road and Wagner Road
<i>Real Estate Number(s):</i>	021161-0000
<i>Current Zoning District:</i>	Planned Unit Development (PUD 2007-0223-E)
<i>Proposed Zoning District:</i>	Planned Unit Development (PUD)
<i>Current Land Use Category:</i>	Low Density Residential (LDR)
<i>Planning District:</i>	District 5 (Northwest)
<i>Planning Commissioner:</i>	Lara Dietrich
<i>City Council District:</i>	The Honorable E. Denise Lee, District 8
<i>Applicant/Agent:</i>	Duncan Ross Prosser, Inc. 13901 Sutton Park Drive, Suite 200 Jacksonville, Florida 32224
<i>Owner:</i>	William Easton 6100 Philips Highway, LLC 2650-2 Roselle Street Jacksonville, Florida 32204
<i>Staff Recommendation:</i>	APPROVE WITH CONDITIONS

GENERAL INFORMATION

Application for rezoning 2015-0026 seeks to rezone approximately 12.72 acres of land from Planned Unit Development (PUD) to Planned Unit Development (PUD). The property is located at 5809 Trout River Boulevard at the intersection with Wagner Road (a private road). Prior to 2007 the site was in use as a mobile home park; the site was cleared of legacy mobile homes and is now secured. It was rezoned for town home development by PUD Ordinance 2007-0223-E. This request will allow for no more than 89 dwelling units of either townhouse or single-family detached plan of development, with the preferred single family configuration being approved with this rezoning.

The subject property is located within the Urban Development Area and is in the area served by Kinlock Civic Association. Approximately the east one third of the site will remain undeveloped wetland as it is subject to inundation by being within the Coastal High Hazard Zone and 100 year flood zone. The property is also within the Boat Facility Siting Zone and Wellhead Protection Zone. A lift station connects to a four inch pressure main along Trout River Boulevard and Sibbald Road. An approved public well (J Number 5394) is located on site.

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 Low Density Residential (LDR) 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 LDR functional land use category permits housing developments in a gross density range of up to seven (7) dwelling units per acre when full urban services are available to the site. The proposed PUD proposes a gross density of less than seven dwelling units to the acre and will have full urban services available to the site. 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.

Low Density Residential (LDR) is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly

residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted. New residential subdivisions in LDR should be connected to reduce the number of Vehicles Miles Traveled and cul-de-sacs should be avoided. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

(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): Low Density Residential (LDR).

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:

Future Land Use Element (FLUE) Objective 3.1

Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

FLUE Policy 3.1.6

The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

The proposed development will provide housing in an area historically used for residential use and is designated for future residential use on the Future Land Use Map. The site is located in the Urban Priority Area.

(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. Trout River Boulevard, from New Kings Road to Lem Turner Road, is the directly accessed functionally classified roadway. Trout River Boulevard is a 2-lane undivided class I collector in this vicinity and is currently operating at an acceptable LOS C. Trout River Boulevard has a maximum daily service volume of 15,593 vpd and a 2013 daily traffic volume of 6,258 vehicles per day. This road segment currently has sufficient capacity to accommodate the traffic generated by this development.

The most intense scenario of the current proposal for 89 dwelling units of ITE Code 220, Multifamily, which would generate 592 vehicles per day does not exceed the amount of trips available on this facility. (ITE Code 220, Multifamily – 89 dwelling units)

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for either a townhouse development (current zoning) or single family development. 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.

(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 site is functionally isolated by Interstate I-295 to the north and west, by the Trout River to the north and east and functionally connected to the south across Trout River

Boulevard.

The type, number and location of surrounding external uses: The proposed development is located in an underdeveloped predominantly residential area. Single-family or townhouse development at this location is consistent with the existing institutional and estate home options for those in the immediate 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	LDR	RR-Acre	Single Family Residence
East	LDR	RLD-60	Single Family Residence
South	LDR	RLD-60/RR-Acre	Single Family Residence
West	LDR	PUD 1993-0005-E	Church / Service Organization Lodge

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category and is a single-use single family or townhome development, which is not to exceed 89 dwelling units. The PUD is appropriate at this location because it will provide infill residential development. This application will continue the vested rights for townhouses previously approved and will add a single family residential option consistent with the surrounding pattern and density of development.

The eastern one third of the site is wetland and subject to flooding. Development credit for that area will be transferred to the upland area. This will provide additional buffering to Trout River to the east.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space and recreation area.

(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 identify the east one third of the site as wetland. 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 January 28, 2015 the required Notice of Public Hearing sign **was** posted.



Figure 1. Subject property at southwest corner viewed looking from Trout River Boulevard along Wagoner Road showing sign posted.

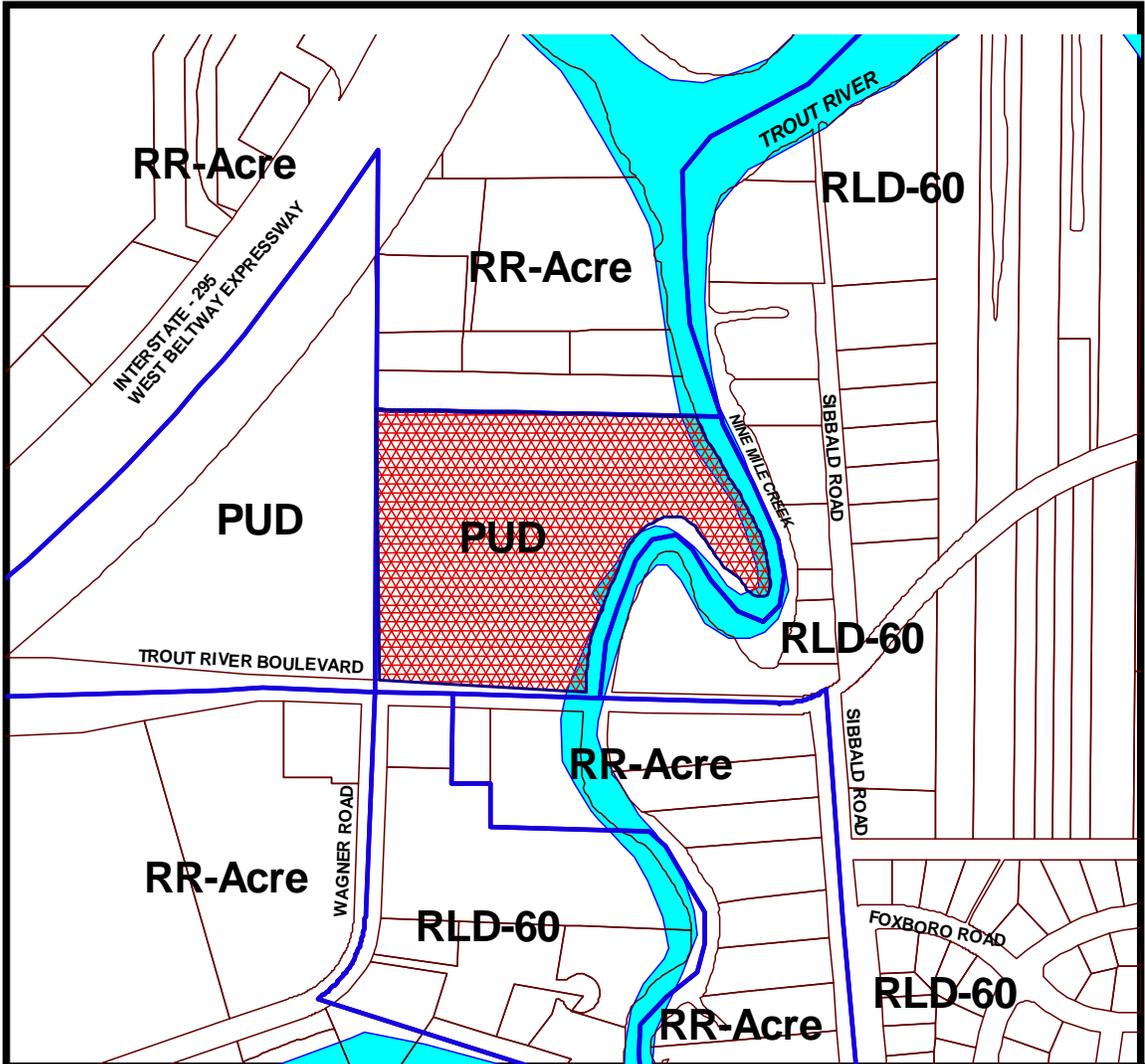


Figure 2. Subject property viewed looking northwest at main entrance showing sign posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-0026** be **APPROVED with the following conditions:**

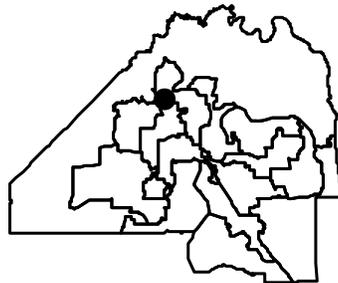
1. The subject property is legally described in the original legal description dated November 12, 2014.
2. The subject property shall be developed in accordance with the original written description dated November 12, 2014.
3. The subject property shall be developed in accordance with the original site plan dated June 9, 2014.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated December 8, 2014, or as otherwise approved by the Planning and Development Department.



REQUEST SOUGHT:

FROM: PUD

TO: PUD



0 100 Feet



COUNCIL DISTRICT:

8

ORDINANCE -2015-0026

FILE COPY



December 8, 2014

MEMORANDUM

TO: Paul Lewis, City Planner II
Planning and Development Department

FROM: Lisa King
Traffic Technician Senior

Subject: **Nine (9) Mile Creek PUD
T653 fka R-2007-0223**

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

1. If subdivision will be private and gated, then an adequate public turn around area is required prior to gate/access panel/call box.
2. Roadways shall meet design requirements of Section 3 of the Land Development Procedures Manual.
3. A left lane shall be provided on Trout River Boulevard at the entrance roadway. The turn lane will be designed to FDOT standards based on the design speed (posted plus 5 mph minimum), and will include extruded thermoplastic pavement markings, reflective pavement markers and an overlay of the entire construction limits.
4. Provide sidewalks as per the 2010 Comprehensive Plan and Land Development Procedures Manual.
5. Identification signage, fences, walls, and landscaping shall be located so that horizontal line of sight is not obstructed as outlined in FDOT Design Standards 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 # 2015-0026 **Staff Sign-Off/Date** PMD / 12/08/2014

Filing Date 01/13/2015 **Number of Signs to Post** 3

Hearing Dates:

1st City Council 02/10/2015 **Planning Commission** 02/05/2015

Land Use & Zoning 02/18/2015 **2nd City Council** 02/24/2015

Neighborhood Association KINLOCK CIVIC ASSOCIATION

Neighborhood Action Plan/Corridor Study NA

Application Info

Tracking # 653

Application Status PAID

Date Started 06/12/2014

Date Submitted 06/12/2014

General Information On Applicant

Last Name	First Name	Middle Name
ROSS	DUNCAN	
Company Name		
PROSSER, INC.		
Mailing Address		
13901 SUTTON PARK DRIVE, SUITE 200		
City	State	Zip Code
JACKSONVILLE	FL	32224
Phone	Fax	Email
9047393655	9047303413	DROSS@PROSSERINC.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
EASTON	WILLIAM	
Company/Trust Name		
6100 PHILIPS HWY, LLC		
Mailing Address		
2650-2 ROSELLE STREET		
City	State	Zip Code
JACKSONVILLE	FL	32204
Phone	Fax	Email

Last Name	First Name	Middle Name
BOREE	GREG	
Company/Trust Name		
2M HOLDINGS, LLC		
Mailing Address		

8280 PRINCETON SQUARE BLVD, STE 1

City

JACKSONVILLE

State

FL

Zip Code

32256

Phone**Fax****Email****Property Information****Previous Zoning Application Filed For Site?** **If Yes, State Application No(s)** 2007-223-E

Map	RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map	021161 0000	8	5	PUD	PUD

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

Existing Land Use Category

LDR

Land Use Category Proposed? **If Yes, State Land Use Application #****Total Land Area (Nearest 1/100th of an Acre)** 12.78**Development Number** 8985**Proposed PUD Name** AMENDED NINE MILE CREEK PUD**Justification For Rezoning Application**

THE PURPOSE OF THIS PUD TO PUD REZONING IS TO PERMIT AN ALTERNATIVE DEVELOPMENT PROGRAM TO INCLUDE SINGLE-FAMILY DETACHED HOMES OR TOWNHOMES IN ADDITION TO THE APPROVED MULTI-FAMILY DWELLINGS AS FURTHER DESCRIBED IN THIS WRITTEN DESCRIPTION. THE USES APPROVED IN 2007-136-E WILL REMAIN IN PLACE AND CONTINUE TO BE PERMITTED. THERE IS NO CHANGE IN THE PERMITTED RESIDENTIAL DENSITY FOR THE PROPERTY WHICH IS LIMITED TO 89 DWELLING UNITS.

Location Of Property**General Location**

NORTH OF TROUT RIVER BOULEVARD, BETWEEN WAGNER ROAD AND SIBBALD ROAD

House #

5809

Street Name, Type and Direction

TROUT RIVER BV

Zip Code

32219

Between Streets

WAGNER ROAD

and

SIBBALD ROAD

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

12.78 Acres @ \$10.00 /acre: \$130.00

3) Plus Notification Costs Per Addressee

32 Notifications @ \$7.00 /each: \$224.00

4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,354.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

Legal Description

Real Estate Number: 021161-0000

Being a part of Fractional Part of the Southeast one-quarter of the Northeast one-quarter and also the East-2 1/2 chains of the Southwest one-quarter of the Northeast one-quarter of Section 18, Township 1 South, Range 26 East, Duval County, Florida, and more particularly described.as follows:

COMMENCING at the Southwest comer of Edmonson's Beverly Hills Terrace, as recorded In Plat Book 15, Page 19 of the public records of said Duval County, Florida; thence North 89 degrees 25 minutes East, along the North line of Trout River Boulevard, 25 feet to the POINT OF BEGINNING; thence North 0 degrees 30 minutes West, parallel to the East line of the said East 21/2 chains of the Southwest one-quarter of the Northeast one-quarter of Section 18,700 feet; thence 89 degrees 25 minutes East, parallel to said North line of Trout River Boulevard, 880 feet more or less to the waters of Nine Mile Creek; thence Southerly along the meanderings of said waters of Nine Mile Creek, to said North line of Trout River Boulevard; thence South 89 degrees 25 minutes West, along said North line of Trout River Boulevard, 570 feet more or less to the POINT OF BEGINNING.

CONTAINING 12.78 ACRES, MORE OR LESS.

EXHIBIT A

Property Ownership Affidavit

Date: May 20, 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

Real Estate Parcel #: 021161-0000

Gentleman:

I, William M. EASTON 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 **NINE MILE CREEK PUD (AMENDED)**, submitted to the Jacksonville Planning and Development Department.

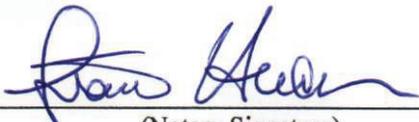
6100 PHILIPS HIGHWAY, LLC

By: 

(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 20 day of May (month), 2014 (year) by William Easton who is personally known to me or has produced _____ as identification.



(Notary Signature)

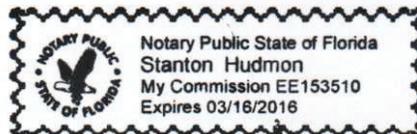


EXHIBIT A

Property Ownership Affidavit

Date: May 20, 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

Real Estate Parcel #: 021161-0000

Gentleman:

I, Greg Borec 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 **NINE MILE CREEK PUD (AMENDED)**, submitted to the Jacksonville Planning and Development Department.

2M HOLDINGS, LLC

By: [Signature]
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 27 day of May (month), 2014 (year) by Greg Borec who is personally known to me or has produced _____ as identification.

[Signature]
(Notary Signature)

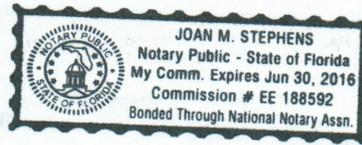


EXHIBIT B

Agent Authorization

Date: May 20, 2014

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

Agent Authorization for the following site location:

Real Estate Parcel #: 021161-0000

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 the firm of **PROSSER, INC.** to act as agent to file application(s) for **PUD to PUD 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.

2M HOLDINGS, LLC.

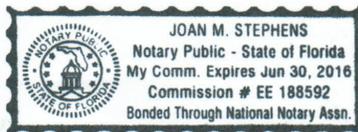
By: _____

(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 27 day of May (month), 2014 (year) by Greg Boree, who is personally known to me or has produced _____ as identification.

Joan M. Stephens
(Notary Signature)



Page _____ of _____

EXHIBIT B

Agent Authorization

Date: May 20, 2014

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

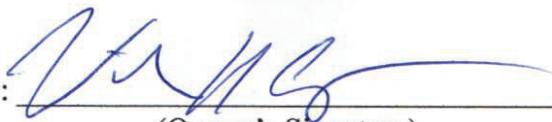
Agent Authorization for the following site location:

Real Estate Parcel #s: 021161-0000

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 the firm of **PROSSER, INC.** to act as agent to file application(s) for **PUD to PUD 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.

6100 PHILIPS HIGHWAY, LLC.

By: 

(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 20 day of May (month), 2014 (year) by William Easton, who is personally known to me or has produced _____ as identification.



(Notary Signature)

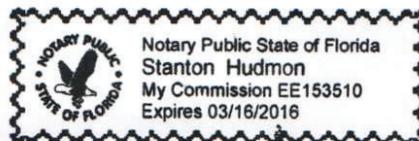


EXHIBIT C

Binding Letter

Date: May 20, 2014

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

RE: NINE MILE CREEK PUD (AMENDED)

Real Estate #: 021161-0000

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,

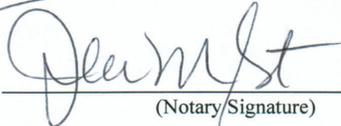
2M HOLDINGS, LLC

By: 

Its: Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 27 day of May
(month), 2014 (year) by Gray Borce who is personally
known to me or has produced _____ as identification.


(Notary Signature)



Page _____ of _____

EXHIBIT C

Binding Letter

Date: May 20, 2014

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

RE: NINE MILE CREEK PUD (AMENDED)

Real Estate #s: 021161-0000

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,

6100 PHILIPS HIGHWAY, LLC

By: 

Its: Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 20 day of May
(month), 2014 (year) by William Easton who is personally
known to me or has produced _____ as identification.



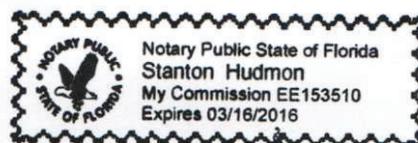


EXHIBIT D

PUD Written Description

**Amended Nine Mile Creek PUD
November 12, 2014
Current Zoning District: PUD
Current Land Use Designation: LDR
Proposed Zoning District: PUD
RE #: 021161-0000**

I. PROJECT DESCRIPTION

It is the purpose and intent of this PUD to provide flexibility in planning, design and development; to provide an environment compatible with surrounding land use; to encourage the preservation of the natural site features; thereby promoting the public health, safety, morals, order, comfort, convenience, appearance, prosperity, and the general welfare of the community. The PUD will create a unified development plan incorporating a similar design theme and other development criteria. The creation of a master planned development affords an efficient use of the land.

The property is located on the north side of Trout River Boulevard and east of Wagner Road (a private road). The 2030 Comprehensive Plan Future Land Use Map (FLUM) designation for the property is Low Density Residential (LDR). The property comprises of 12.78± acres. The property is currently zoned Planned Unit Development (PUD) which was adopted by Ordinance 2007-223-E and permits a multi-family residential community.

As depicted on the site plan which is part of the original PUD Ordinance 2007-223-E, the property may be developed as a multi-family residential community. The Applicant proposes to rezone the property from PUD to PUD. The purpose of this PUD to PUD rezoning is to permit an alternative development program to include single-family detached homes or townhomes in addition to the approved multi-family dwellings as further described in this Written Description. The uses approved in 2007-136-E will remain in place and continue to be permitted. There is no change in the permitted residential density for the property which is limited to 89 dwelling units.

The property is currently vacant and was previously developed as a mobile home park. Surrounding uses include: undeveloped LDR/PUD land to the west; residential uses under LDR/RR-Acre to the north; residential uses under LDR/RR-Acre and RLD-60 to the south and to the east is Nine Mile Creek. This PUD District will differ from conventional zoning districts by providing a unique design not found in the conventional residential districts. The PUD district also provides a site plan and is specific as to maximum amount of dwelling units, vehicular circulation and recreation areas.

II. USES AND RESTRICTIONS. Up to 89 dwelling units are permitted within the property.

A. Permitted Uses and Structures.

1. Multi-family dwellings
2. Townhouse/Rowhouse (Condominiums) dwellings
3. Single-family detached dwellings
4. Mobile homes, mobile home parks and mobile home subdivisions as set forth in Part 5 of the Zoning Code, as herein modified
5. Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.
6. Home occupations meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.

B. Permissible Uses by Exception.

1. Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.
2. Home occupations meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.

C Permitted Accessory Use and Structures.

1. In accordance with section 656.403 (Accessory Uses and Structures).
2. Docks and boathouses are permitted on waterfront property.

III. DESIGN GUIDELINES

A. Multi-Family Residential Uses. Minimum lot requirements and building requirements shall be in accordance with the requirements provided herein.

- | | | |
|-----|-----------------------|------------|
| (1) | Minimum lot area: | None |
| (2) | Minimum lot width: | None |
| (3) | Maximum lot coverage: | 35 percent |
| (4) | Minimum front yard: | 20 feet |

- (5) Minimum side yard: 20 feet
- (6) Minimum rear yard: 20 feet
- (7) Maximum height of structures: 35 feet; provided, however that height may be unlimited where all required yards are increased by one foot for each three feet of building height or fraction thereof in excess of thirty-five (35) feet.

B. Townhouse/Rowhouse Residential Uses. Minimum lot requirements and building requirements shall be in accordance with the requirements provided herein.

- (1) Minimum lot area: 1,500 square feet
- (2) Minimum lot width: 15 feet; 25 feet for end units
- (3) Maximum lot coverage: 70 percent
- (4) Minimum front yard: 22 feet from the outside edge of sidewalk to the garage face where sidewalks are located on that side of the street and 15 feet to the building façade; 22 feet from the back edge of curb where no sidewalks are located to the garage face and 15 feet to the building façade; 15 feet, if access to garage is from an alley.
- (5) Minimum side yard: 0 feet; 10 feet for end units
- (6) Minimum rear yard: 10 feet
- (7) Maximum height of structures: 35 feet

C. Single-Family Residential Uses, including Mobile Homes. Minimum lot requirements and building requirements shall be in accordance with the requirements provided herein.

- (1) Minimum lot area: 4,000 square feet
- (2) Minimum lot width: 40 feet
- (3) Maximum lot coverage: 60 percent
- (4) Minimum front yard: 20 feet
- (5) Minimum side yard: 5 feet
- (6) Minimum rear yard: 10 feet
- (7) Maximum height of structures: 35 feet

D. 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 Trout River Boulevard, substantially as shown in the site plan. The design and

location of the access point and internal road as shown on the site plan may vary prior to final design and permitting. 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 may 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. Alternatively, the internal roads may be public and dedicated to the City of Jacksonville.

(3) *Pedestrian Access.*

- a. Pedestrian access shall be provided by sidewalks installed in accordance with the 2030 Comprehensive Plan or as approved by the City of Jacksonville Planning and Development Department.

E. Signage

One (1) double-faced or two (2) single-faced signs not to exceed twenty-four (24) square feet in area and twelve (12) feet in height is permitted. Signs may be internally or externally illuminated. Directional signs not exceeding a maximum of four (4) square feet in area. Other signs shall be meet be in accordance with Part 13 of the Zoning Code.

F. Landscaping

The property shall be developed in accordance with Part 12 Landscape Regulations of the Zoning Code, except as provided herein. The PUD exempts the property from the following specific landscaping requirements:

- (1) Perimeter landscaping as described in Section 656.1215 of the Zoning Code. For the purpose of implementing this exemption, the perimeter of the property which is adjacent to Wagner Road as depicted on the site plan shall not be required to satisfy the perimeter landscaping for multi-family or townhouse developments.
- (2) Perimeter buffers adjacent to private right-of-way as described in Section 656.1222 of the Zoning Code. For the purpose of implementing this exemption, the perimeter of the property which is adjacent to Wagner Road as depicted on the site plan shall not be required to satisfy the natural buffer requirements for residential subdivisions.

G. Recreation and Open Space

The property will be developed in accordance with the requirements of the 2030 Comprehensive Plan and will provide recreation and open space as depicted on the conceptual site plan or pay a recreation and open space fee to the City in lieu of providing recreation area within the development as set forth in Part 4 of the Zoning Code.

H. Utilities

All utilities and improvements, as well as any other public works/engineering related issues will be designed and constructed in accordance with the standards and specifications of the City of Jacksonville, the Public Works Department and JEA.

- (1) Water will be provided by JEA.
- (2) Sanitary sewer will be provided by JEA.
- (3) Electric will be provided by JEA.

I. Wetlands

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

J. Phasing

The development will be developed in one phase or as the market demands.

K. Conceptual Site Plan and Modifications

The site plan approved as part of this PUD is a conceptual. Final design is subject to change through final site planning, engineering design, permitting and other regulatory approvals. Amendments to the approved PUD may be accomplished by administrative deviation, by minor modification or by filing a rezoning. Any use not specifically listed, but similar to or associated with the listed uses, in the alternative, may be permitted by administrative deviation or minor modification. PUD amendments, including administrative deviations, minor modifications or rezonings, may be sought for individual parcels or access points within the PUD. All development improvements are subject to appropriate local, State and Federal permitting agencies.

IV. 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 PUD.

V. JUSTIFICATION FOR THE PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT

The proposed PUD is compatible with the City of Jacksonville's 2030 Comprehensive Plan. The proposed development will be beneficial to the surrounding neighborhood and community. The design and layout of the PUD accomplishes the following:

- A. Creative in its approach through the use of natural features of the site;
- B. Provide a more desirable development than would be possible through the strict application of the minimum requirements of the Zoning Code;
- C. More efficient use of land resulting in lower development costs;
- D. Provide an environment that will improve the characteristics of the surrounding area;
- E. Enhance the appearance of the area through development criteria;
- F. Supportive of the property values and a substantial improvement of the quality of development on the property as of the date hereof; and,
- G. Proposes land uses and intensities which will meet certain planning goals and create a balance for the community.

VI. PUD REVIEW CRITERIA

- A. *Consistency with Comprehensive Plan.* The property is designated Low Residential (LDR) according to the Future Land Use Map (FLUM) of the 2030 Comprehensive Plan. At 12.78± acres, the proposed density of 89 residential dwelling units result in a gross density 6.96 unit per acre, which is consistent with the LDR FLUM category.
- B. *Consistency with the Concurrency Management System.* The property will be developed in accordance with the rules of the City of Jacksonville Concurrency and Mobility Management System Office (CMMSO).
- C. *Allocation of Residential Land Use.* The proposed PUD allows for a development program of up to 89 dwelling unit as herein described which does not exceed the projected holding capacity in the 2030 Comprehensive Plan.
- D. *Internal Compatibility/Vehicular Access.* The proposed PUD contains limitations on the uses permitted on the property as well as a common development scheme that contains provisions for signage, landscaping, sidewalks, recreation and open space and other requirements relating to common areas and vehicular and

pedestrian traffic. The property has direct access to Trout River Boulevard. Final design and engineering plans shall be subject to the review and approval of the City Traffic Engineer.

- E.** External Compatibility/Intensity of Development. The property is located in an existing diverse residential area in the Trout River Boulevard area located east of I-295 and west of Lem Turner Road. The aesthetic and design guidelines contained in the PUD will positively contribute to the residential developments in the general area.
- F.** *Recreation/Open Space.* The property will be developed in accordance with the requirements of the 2030 Comprehensive Plan and as set forth in Part 4 of the Zoning Code.
- G.** *Impact of Wetlands.* The property will be developed in accordance with the permit requirements of the St. Johns River Water Management District and the U.S. Army Corps of Engineers.
- H.** *Listed Species Regulations.* The property is less than fifty (50) acres; therefore, a listed species survey is not required.
- I.** *Off-Street Parking and Load Requirements.* The property will comply with Part 6 of the Zoning Code or as otherwise approved by the Planning and Development Department.
- J.** *Sidewalks, Trails, and Bikeways.* Sidewalks will be constructed consistent with the 2030 Comprehensive Plan.
- K.** *Stormwater Retention.* Retention shall meet the requirements of the City of Jacksonville and all other state and local agencies with jurisdiction including the St. Johns River Water Management District.
- L.** *Utilities.* JEA will provide electric, sewer and water services to the property.

VII. SUCCESSORS IN TITLE

All successors in title to the property or any portion of the property shall be bound to all development standards and conditions of the PUD, as contained herein and in the Ordinance approving the same.

VIII. STATEMENTS

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

The PUD allows for the creative use of LDR zoning category with limitations on uses as accessory and uses by exception to provide compatible development.

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.

Roadways not dedicated to the City of Jacksonville, if any, will be maintained by a homeowners association.

EXHIBIT F

PUD Name

Amended Nine Mile Creek PUD

Land Use Table

Total gross acreage	12.78 Acres	100 %
Amount of each different land use by acreage		
Single family	6.5 Acres	50.9 %
Total number of dwelling units		
Multiple family		
Total number of dwelling units	89 D.U.	
Commercial	0 Acres	0 %
Industrial	0 Acres	0 %
Other land use	0.4 Acres	3.1 %
Active recreation and/or open space	1 Acres	7.8 %
Passive open space	3.18 Acres	24.9 %
Public and private right-of-way	1.7 Acres	13.3 %
Maximum coverage of buildings and structures	170,000 Sq. Ft.	30 %

Tax Deed File No. 12-1461

Property Identification No. 021161-0000

Tax Deed

State of Florida

County of Duval

RETURN TO GRANTEE

FOR OFFICE USE ONLY

The following Tax Deed Certificate Numbered **04855** issued on **May 26, 2010** was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the date of **Jan 08, 2014**, offered for sale as required by law for cash to the highest bidder and was sold to

6100 Phillips Highway LLC 50% Int., 2M Holdings LLC 50% Int. 2650-2 Rosselle Street Jacksonville, FL 32204

being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now on this **8 day of January , 2014** in the County of Duval, State of Florida, in consideration of the sum **\$144,200.00 ONE HUNDRED FOURTY FOUR THOUSAND TWO HUNDRED DOLLARS AND ZERO CENTS** being the amount paid pursuant to Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:



18-1S-26E 12.78 PT NE1/4 RECD O/R 13135-1383

Deputy Clerk

(Seal)

Clerk of the Court Duval County, Florida

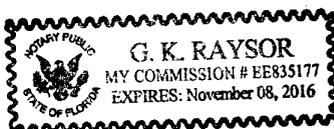
Deputy Clerk

On this 8 day of January , 2014 , before me a Notary Public personally appeared Ronnie Fussell, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.

Documentary Stamp \$ 1,009.40

Recording Fee \$ 10.00





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Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Source: Bing Aerial, COJ, Prosser

EXHIBIT H

Aerial Photograph

May 20, 2014

PROSSER[™]



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Feet

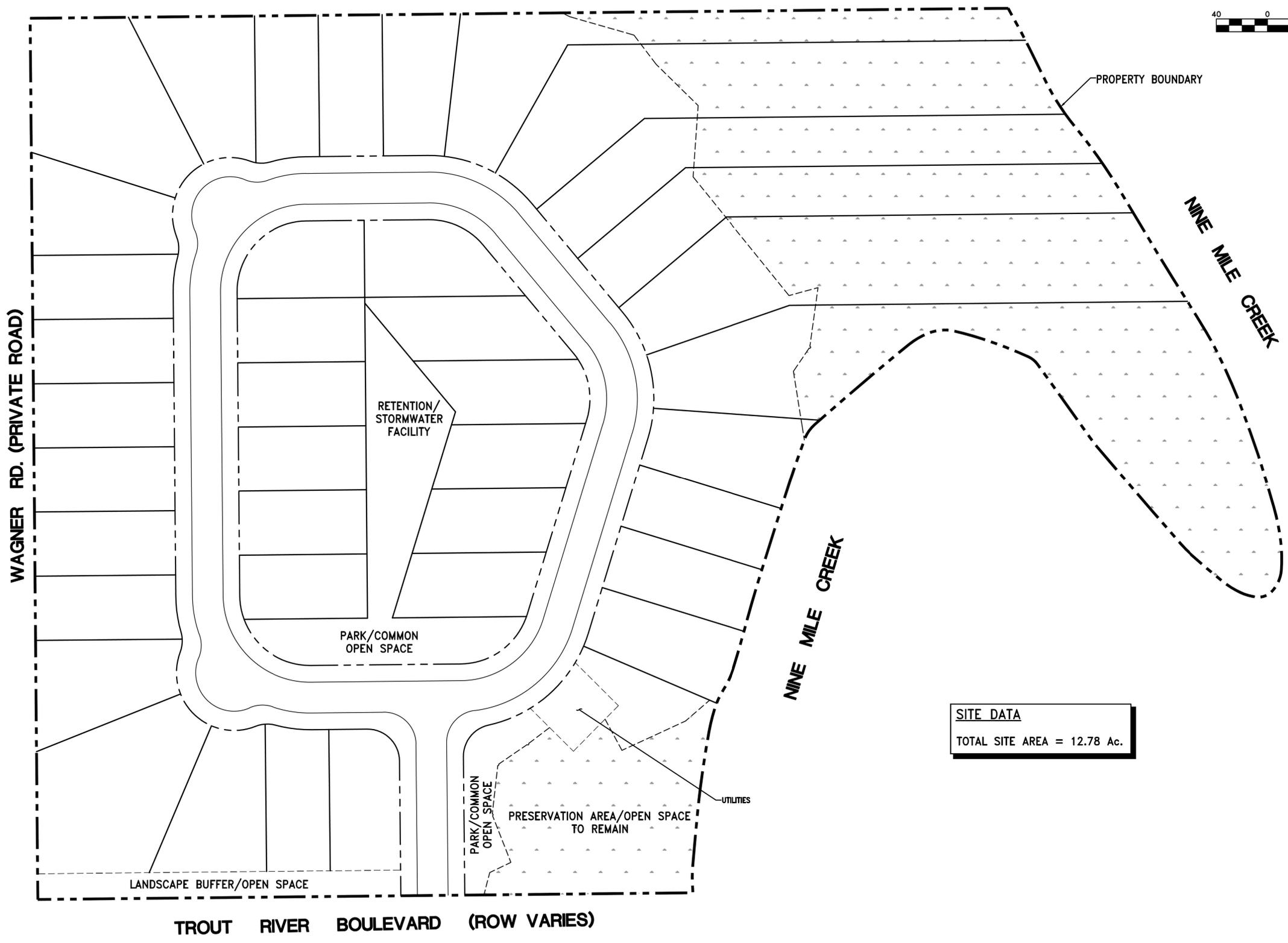
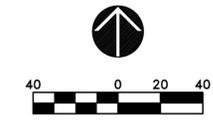
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**NINE MILE
CREEK PUD**

**CONCEPTUAL
SITE PLAN**

EXHIBIT E

JUNE 9, 2014



SITE DATA
TOTAL SITE AREA = 12.78 Ac.