

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2015-0240**

**TO PLANNED UNIT DEVELOPMENT**

**MAY 7, 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 **2015-0240** to Planned Unit Development.

***Location:*** Southwest quadrant of the intersection of Burnt Mill Road and Gate Parkway

***Real Estate Number:*** 167741 4000

***Current Zoning District:*** Planned Unit Development (PUD 2006-1204-E)

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

***Current Land Use Category:*** Residential Professional Institutional (RPI)

***Planning District:*** Southeast, District 3

***Planning Commissioner:*** Dow W. Peters, III

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

***Applicant/Agent:*** Steve Diebenow, Esq.  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202

***Owner:*** Space Coast Credit Union  
25 SE 2<sup>nd</sup> Avenue, Suite 730  
Miami, Florida 33131

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2015-0240** seeks to rezone approximately 15.7±

acres of land from PUD to PUD. The rezoning to PUD is being sought for the purpose of setting a maximum limit of 180,000 square feet of commercial office use on the previous PUD, and capping the maximum building height at 46 feet plus 4 feet for parapets, for a total of 50 feet in height. This rezoning only pertains to Parcel "A" of the original PUD, whereas the original PUD 2006-1204-E contains both Parcels "A" and "B". The subject property will be built with two rectangular office structures, three stories in height, oriented parallel to Gate Parkway. The structures will be set back approximately 245 feet from the westerly property line.

### **HISTORY OF ZONING ACTION**

The applicant first pursued approval of the height increase and site plan change requested by filing an Application for a Minor Modification to a PUD, MM-14-27. MM-14-27 proposed to increase the allowable height on Parcel A from thirty-five (35) feet, the limit contained in Ordinance 2006-1204-E (the "Original PUD"), to sixty (60) feet and to add an alternative site plan to the Original PUD (the "Minor Modification"). In its "Order Approving Application MM-2014-27 for Minor Modification to Approved PUD with Condition(s)" dated December 4, 2014 (the "Final Order"), the Planning Commission, following the recommendation of Staff, approved MM-14-27 with one condition: "For structures on Parcel 'A', the roof [of] the structure[s] shall be no taller than forty-six (46) feet and the parapet shall be no taller than 4 feet for a combined total of fifty (50) feet in height."

On December 23, 2014, Jane West, Esquire, on behalf of Appellants James Island Homeowners Association, Marie and John Codogan, Lisa Thomas (Chamberlain), Kena Miller, Jamie Callahan, Richard Collier, Joann Romano, Martha Eisenacher, Krishna Venkatrama, John Ladogan, and Stacey Calhoun, filed a Notice of Appeal, appealing the Final Order of the Planning Commission. In its review of the record of proceedings for MM-14-27, City Council determined that MM-14-27 should not have been accepted by the Planning and Development Department and therefore denied MM-14-27. City Council's denial of MM-14-27, as summarized in Resolution 2015-36-A, was the Section 656.341(f)(2)(i), Jacksonville Municipal Code, requirement that the Planning Commission must find that there is no proposed increase in the amount of nonresidential floor area before it can approve a minor modification to a PUD; because the Original PUD did not specify the maximum square footage of non-residential floor area, City Council determined that the Planning Commission could not have found that the Applicant satisfied Section 656.341(f)(2)(i). Significantly, Resolution 2015-36-A preserved the right of the Applicant to refile its request for building height increase through a rezoning and contained no conclusions based on the actual merits of MM-14-27.

In this PUD rezoning, the applicant requests approval of two decisions made by the Planning Commission in its Final Order. First, the Applicant desires to limit the roof of structures on Parcel A to forty-six (46) feet and the parapet to four (4) feet for a combined total of fifty (50) feet in height. Second, the Applicant requests approval of the Site Plan attached hereto, which was included in MM-14-27 as Exhibit "D". This Application contains each of the conditions included in the Original PUD, so it is clear that the two proposals described herein are the only

proposed substantive changes to the Original PUD. Furthermore, this PUD rezoning adds a limit of 180,000 square feet for non-residential square footage on Parcel "A."

### **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 Residential Professional Institutional (RPI) 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 Residential Professional Institutional (RPI) is a category primarily intended to accommodate medium to high density residential, professional office, and institutional uses. Limited commercial retail and service establishments which serve a diverse set of neighborhoods may also be a part of mixed use developments. RPI is generally intended to provide transitional uses between commercial and residential uses, although it may also provide a transition between industrial and residential uses when industrial uses pose no health or safety risks to residents. 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. 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 uses provided herein shall be applicable to all RPI sites within the Urban Area.

*Principal Uses:* Multi-family dwellings; Office; Business and Professional Office; Institutional; Large scale institutional uses, which require supporting residential and office components; Commercial retail sales and service establishments limited to 50 percent of the site area; Live/Work Units; Financial institutions; Restaurants (without drive-in or drive-thru facilities); Off street parking lots and garages when combined with another principal use; Single-use developments shall be limited to residential or office. Single use residential developments shall be pursuant to the requirements of the Medium Density Residential (MDR) category. Mixed use developments may not include more than 90 percent of any individual use.

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

Yes. 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?*

No. The written description and the site plan of the intended plan of development meet all portions of the City's land use regulations and further their intent by providing specific development standards.

Furthermore, 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 as follows:

*(1) Consistency with the 2030 Comprehensive Plan*

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Residential Professional Institutional (RPI). This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

**F.L.U.E. Policy 1.1.8** Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

**F.L.U.E. Policy 1.1.9** Permit development only if it does not exceed the densities and intensities established in the Future Land Use Element as defined by the Future Land Use map category description and their associated provisions.

**F.L.U.E. GOAL 3** To achieve a well-balanced and organized combination of residential, nonresidential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

**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.

Therefore, proposed rezoning to Planned Unit Development, as conditioned, is consistent with the 2030 Comprehensive Plan, and further the following goals, objectives and policies contained therein.

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

*(3) Allocation of residential land use*

This proposed Planned Unit Development does not intend to utilize lands for residential use.

*(4) Internal compatibility*

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The streetscape:

The buildings will be oriented parallel to a portion of Gate Parkway that run north to south. A storm water pond will be built at the intersection of Burnt Mill Road and Gate Parkway, and at the southern edge of the property. Parking aisles will be aligned north to south on the property with a fairly equal distribution of available spaces in front of and to the rear of the proposed structures.

The use of existing and proposed landscaping:

The project will be required to meet the minimal standards set forth in Section 656, Part 12. Additionally, the western 150 feet of the PUD property is encumbered by a JEA utility easement and power lines. The easement will not be subject to compliance with Part 12.

Traffic and pedestrian circulation patterns:

The Property will have an access point from Gate Parkway and an access point from Burnt Mill Road. The proposed development is designed to contain traffic circulation internal to the Property.

A review of the application by the Development Services Division revealed the following comments, in their memorandum dated April 24, 2015:

- 1. Proposed second/southern access on Gate Parkway South shall align with existing median opening.*
- 2. Provide sidewalks as per the 2030 Comprehensive Plan and Land Development Manual.*
- 3. A queuing study shall be performed, at the developer's expense, to determine the required length of the queue storage area for the exiting lanes as well as the left turn lanes that will access the site. Turn lanes 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. *Identification signage, walls, fences and landscaping shall not obstruct horizontal sight distance as defined by Ordinance Code Section 654.106 (kk).*

The use and variety of building setback lines, separations, and buffering:

Applicant proposes a 240 feet setback from the westerly property boundary (a portion of which is encumbered by a 150 feet wide electrical power line easement owned by JEA west along the property boundary, between the subject parcel and the James Island neighborhood). A front yard (Gate Parkway) setback of 50 feet and a side yard setback from Burnt Mill Road of 22 feet and from Parcel B of 30 feet is proposed and is generally compatible with surrounding development.

The separation and buffering of vehicular use areas and sections of vehicular use areas:

The proposed site plan shows two buildings interspersed with vehicular use areas throughout. The written description and site plan do not indicate that any additional landscaping or buffering beyond Part 12 is being proposed.

The particular land uses proposed and the conditions and limitations thereon:

Applicant proposes land uses permitted in the RPI functional land use category such as commercial office, medical office, or medical clinics. The limitations of this PUD are generally consistent with the provisions in the 2030 Comprehensive Plan.

Signage:

Applicant proposes one double-faced monument sign up to twelve (12) feet in height and fifty (50) square feet in area.

Exterior wall signage up to six (6) feet in height and one hundred (100) square feet in area are permitted and shall be composed of internally lit channel letters; provided, however, that wall signs shall not exceed ten percent (10%) of the square footage of the respective side of the building. Temporary real estate and construction signs in compliance with Part 13 of the Zoning Code are permitted. Directional signs with logos, not to exceed six (6) feet in height and twenty-five (25) square feet in area shall be permitted.

No readerboard signs are permitted. No sign shall contain any motorized or moving parts or any flashing or blinking lights. No banners, pennants, flags (other than flags of the United States and the State of Florida), or temporary signs shall be displayed at any time, except as noted herein.

*(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:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: A substantial planted berm rests on the periphery of the encumbered JEA lands to the west of the property, and along the rear yard property lines of the homes located along Crosstree Lane. It is highly unlikely that the distance of the proposed structures away from the rear yards and the existence of mature growth along the berm would create a situation where privacy of single-family home owners could be violated from the proposed three story office structures.

The type, number and location of surrounding external uses: The Property is bounded by: Burnt Mill Road and vacant land to the north, Point Meadows Drive and medical office uses (RPI/PUD) to the south, Burnt Mill Road and vacant land (CO/RPI) to the north, Gate Parkway and apartments (RPI/PUD) to the east, and a residential neighborhood (LDR/PUD) to the west. The proposed uses are compatible in both intensity and density with these surrounding uses and zoning districts.

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(s)
North	RPI	CO	Undeveloped
East	RPI	PUD (2002-614-E)	Retail/Multi-family
South	RPI	PUD (2006-1204-E)	Approved for Office
West	RPI/LDR	PUD ( 1997-835-E)	Single-family

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands:

Satellite dishes or other antennas are prohibited unless either (i) such satellite dish or antenna is located on a side of the building which is not adjacent to a public right of way and is screened from view from adjacent lands and any public roadways (but not interior streets or drives) by landscaping and opaque fencing which is aesthetically compatible with the other structures located or to be located on the Property, or (ii) such satellite dish is less than three (3) feet in diameter, is located on the roof of the building, and is screened from view from adjacent lands and any roadways by parapet walls of the same material and color as the building. Such satellite dishes or antennas shall be for use solely by occupants of the Property and shall not be available for use by third parties. Any dumpsters, propane tanks or similar appurtenances shall be kept within a substantially opaque enclosure composed of the same materials and the same color as the buildings located on the Property such that the dumpsters, propane tanks or other appurtenances are screened from view from surrounding roadways and properties.

*(6) Intensity of Development*

The PUD is appropriate at this location with specific reference to the following:

The existing residential density and intensity of use of surrounding lands:

The use is consistent with the residential density and intensity of surrounding lands, and serves as an appropriate transitional use between single-family to the west, and commercial retail to the east and along Gate Parkway.

The availability and location of utility services and public facilities and services:

The site is served by city sewer and water.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:

Gate Parkway is a future Rapid Transit System corridor. A review of the application by the Transportation Planning Division of the Planning and Development Department revealed the following comments in their memorandum dated April 28, 2015:

*Gate Parkway, from J. Turner Butler Boulevard to Baymeadows Road East, is the directly accessed functionally classified roadway. Gate Parkway is a 4-lane divided class I collector in this vicinity and is currently operating at an acceptable LOS B. Gate Parkway has a maximum daily service volume of 35,820 vpd and a 2014 daily traffic volume of 15,876 vpd. This road segment currently has sufficient capacity to accommodate the traffic generated by this development.*

*The current proposal is for 180,000 square feet of ITE Code 710, Office, which would generate 2,052 vpd and does not exceed the amount of trips available on this facility.*

*(ITE 710 Office – 180,000 square feet)*

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

There is no residential component to the development. No minimum recreation will be provided.

*(8) Impact on wetlands*

Surveying of a 1995 Geographical Information Systems shape file did not identify any wetlands on-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.*

A minimum of one parking space per two hundred and fifty (250) square feet of enclosed area shall be provided. Approximately 982 spaces are shown on the site plan. Modifications to parking requirements within the PUD may be permitted by an administrative modification.

(11) *Sidewalks, trails, and bikeways*

The project will contain an internal and external pedestrian system that meets the 2030 Comprehensive Plan.

### **SUPPLEMENTAL INFORMATION**

The required Notice of Public Hearing sign **was** posted of the subject property.



*Source: The Applicant, Steve Diebenow, Sign Posting Affidavit  
Date: April 28, 2015*

**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2015-240** be **APPROVED** with the following exhibits:

1. The original legal description dated February 16, 2015.
2. The revised written description dated April 28, 2015.
3. The revised site plan dated April 23, 2015.
4. The Development Services Division Memorandum dated April 24, 2015 or as otherwise approved by the Planning and Development Department.



*2013 Aerial photograph of the site.*

Source: JaxGIS  
Date: April 24, 2015





*Site is undeveloped.*

*Source: The Planning and Development Department*  
*Date: November 7, 2014*



*Commercial shopping center east across Gate Parkway.*

*Source: The Planning and Development Department*  
*Date: November 7, 2014*



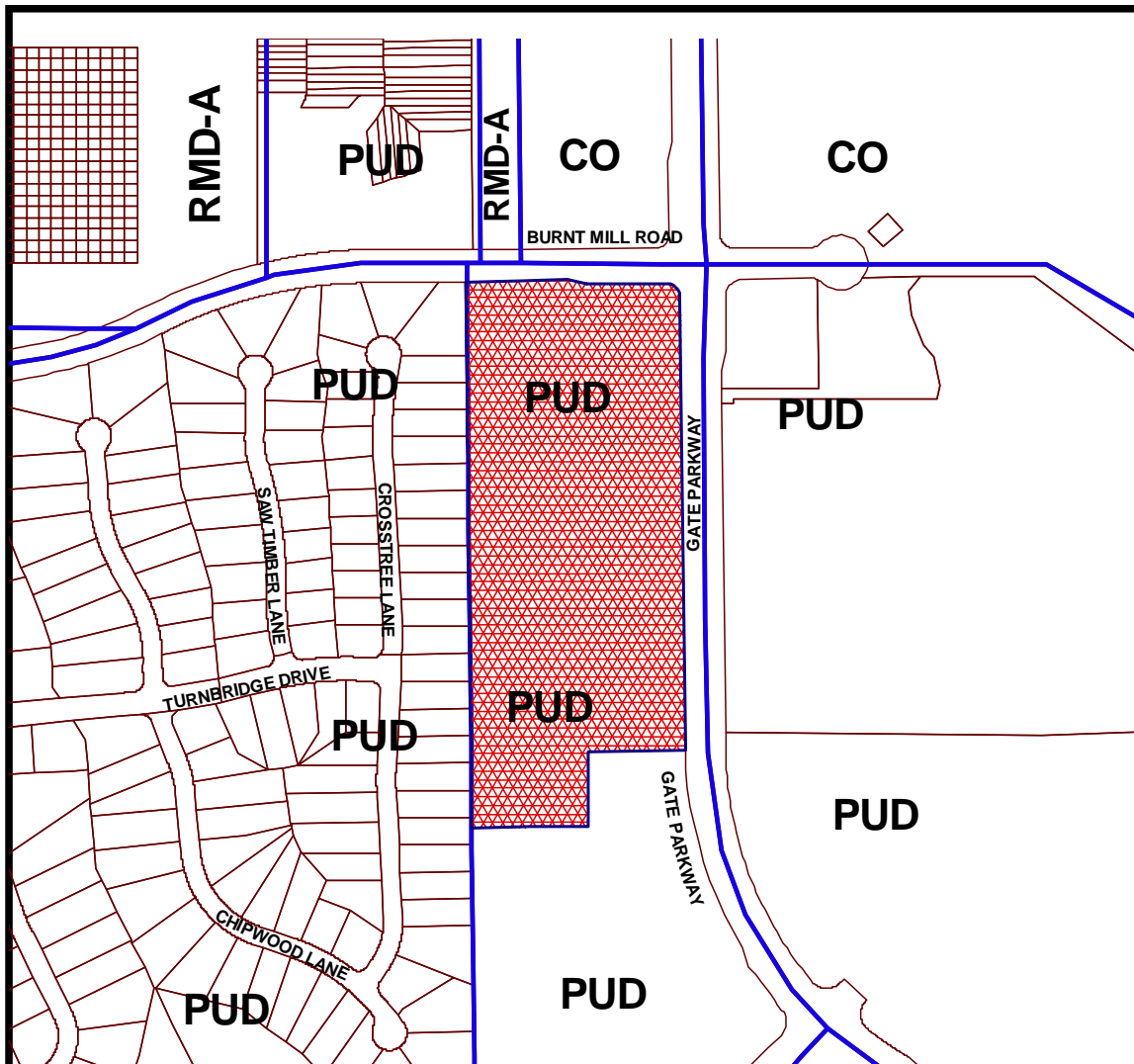
*Multi-story residential apartment buildings northwest of the property along Burnt Mill Road.*

*Source: The Planning and Development Department  
Date: November 7, 2014*



*Existing JEA easement along the west property line, and berm.*

*Source: The Planning and Development Department  
Date: November 7, 2014*



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>		<p>N W E S</p> <p>0 100 Feet</p> <p>COUNCIL DISTRICT: <b>13</b></p> <p>ORDINANCE -2015-0240</p> <p>FILE COPY</p>
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# *Transmittal To Land Use Section For Review of Zoning Applications*

Application # \_\_\_\_\_

Planning District \_\_\_\_\_

Requesting Zoning Planner \_\_\_\_\_

Date Request Transmitted \_\_\_\_\_

Date Requested for completion and Return \_\_\_\_\_

← Shaded Area Below is to be filled out by LAND USE STAFF ONLY →

**Date Received** \_\_\_\_\_

**Land Use Planner Receiving the Request** \_\_\_\_\_

**Date Returned to Zoning Planner** \_\_\_\_\_

**Comments:**

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**NOTE: The Land Use comments provided are based on the Exceptions, Waivers, Variances and Rezoning's Baseline Review provided by the Zoning Planner with the application.**



DEVELOPMENT SERVICES



April 24, 2015

**MEMORANDUM**

TO: Aaron Glick, City Planner II  
Planning and Development Department

FROM: Lisa King  
Traffic Technician Senior

Subject: **Gate Parkway Professional Center PUD  
R-2015-240 fka R-2006-1204**

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

1. Proposed second/southern access on Gate Parkway South shall align with existing median opening.
2. Provide sidewalks as per the 2030 Comprehensive Plan and Land Development Manual.
3. A queuing study shall be performed, at the developer's expense, to determine the required length of the queue storage area for the exiting lanes as well as the left turn lanes that will access the site. Turn lanes 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. Identification signage, walls, fences and landscaping shall not obstruct horizontal sight distance as defined by Ordinance Code Section 654.106 (kk).

**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.



**MEMORANDUM**

**DATE:** 04/28/2015

**TO:** Aaron Glick  
City Planner II

**FROM:** Soliman Salem  
City Planner II

**SUBJECT: TRANSPORTATION REVIEW OF GATE PARKWAY PROFESSIONAL  
CENTER PARCEL A PUD**

Gate Parkway, from J. Turner Butler Boulevard to Baymeadows Road East, is the directly accessed functionally classified roadway. Gate Parkway is a 4-lane divided class I collector in this vicinity and is currently operating at an acceptable LOS B. Gate Parkway has a maximum daily service volume of 35,820 vpd and a 2014 daily traffic volume of 15,876 vpd. This road segment currently has sufficient capacity to accommodate the traffic generated by this development.

The current proposal is for 180,000 square feet of ITE Code 710, Office, which would generate 2,052 vpd and does not exceed the amount of trips available on this facility.

(ITE 710 Office – 180,000 square feet)



## Application For Rezoning To PUD



### Planning and Development Department Info

Ordinance # 2015-0240 Staff Sign-Off/Date AAG / 03/25/2015

Filing Date 04/07/2015 Number of Signs to Post 5

**Hearing Dates:**

1st City Council 04/28/2015 Planning Commission 05/07/2015

Land Use & Zoning 05/20/2015 2nd City Council 05/26/2015

Neighborhood Association BAYMEADOWS COMMUNITY COUNCIL

Neighborhood Action Plan/Corridor Study NONE

### Application Info

Tracking # 787 Application Status PENDING

Date Started 02/16/2015 Date Submitted 03/02/2015

### General Information On Applicant

Last Name First Name Middle Name

Company Name

Mailing Address

City State Zip Code

Phone Fax Email

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name First Name Middle Name

Company/Trust Name

Mailing Address

City State Zip Code

Phone Fax Email

### Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map				

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

**Existing Land Use Category**

**Land Use Category Proposed?**

**If Yes, State Land Use Application #**

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

**Development Number**

**Proposed PUD Name**

**Justification For Rezoning Application**

SEE WRITTEN DESCRIPTION.

**Location Of Property**

**General Location**

**House #      Street Name, Type and Direction      Zip Code**

**Between Streets**

**and**

**Required Attachments For Formal, Complete application**

The following items must be labeled as exhibits and attached to application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below and the PUD Check List for inclusion of information required.

- Exhibit 1**      A very clear, accurate and legible legal description of the property that must be only and entirely placed on the JP&DD formatted forms provided with the application package. The legal description may be either lot and block or metes and bounds.
- Exhibit A**      Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B**      Agent Authorization - Notarized letter(s) designating the agent.
- Exhibit C**      Binding Letter.
- Exhibit D**      Written description in accordance with the PUD Checklist and with provision for dual page numbering by the JP&DD staff.
- Exhibit E**      Scalable site plan with provision for dual page numbering by the JP&DD staff drawn at a scale large enough to clearly indicate the following: (a) North arrow and scale; (b) Property lines and dimensions of the site; (c) Building locations and building lot coverage; (d) Parking area; (e) Required Landscaped Areas; (f) All ingress and egress locations (driveways, alleys and easements) within 660 feet; (g) Adjacent streets

and rights-of-way; (h) jurisdictional wetlands; and (i) existing site conditions and improvements that will be undisturbed.

**Exhibit F** Land Use Table

**Exhibit G** Copy of the deed to indicate proof of property ownership.

### Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

**Exhibit H** Aerial Photograph.

**Exhibit I** Listed Species Survey (If the proposed site is greater than fifty acres).

**Exhibit J** Other Information as required by the Department (i.e.-\*building elevations, \*signage details, traffic analysis, etc.).

**Exhibit K** Site Location Map.

### Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent MUST BE PRESENT at the public hearings. The required SIGN(S) must be POSTED on the property BY THE APPLICANT within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING. (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish PROOF OF PUBLICATION to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

### Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

Agreed to and submitted

### **Filing Fee Information**

- |  |            |
|--|------------|
| <b>1) Rezoning Application's General Base Fee:</b>                     | \$2,000.00 |
| <b>2) Plus Cost Per Acre or Portion Thereof</b>                        |            |
| 15.47 Acres @ \$10.00 /acre:   | \$160.00   |
| <b>3) Plus Notification Costs Per Addressee</b>                        |            |
| 62 Notifications @ \$7.00 /each:                                       | \$434.00   |
| <b>4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):</b> | \$2,594.00 |

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

**EXHIBIT "D"**  
**GATE PARKWAY PROFESSIONAL CENTER PARCEL A PUD**  
**Revised Written Description**  
**Date: March 28, 2015**

**I. SUMMARY DESCRIPTION OF THE PROPERTY**

- A. Current Land Use Designation: RPI
- B. Current Zoning District: PUD
- C. Requested Zoning District: PUD
- D. Site: RE # 167741-4000
- E. Total Gross Square Footage: 180,000 sqft

**II. SUMMARY DESCRIPTION OF THE PLAN**

Space Coast Credit Union (the "Applicant") proposes to rezone approximately 15.47 acres of property (the "Property") from Planned Unit Development ("PUD") to PUD. The Property, along with RE Parcel # 167741-0700 ("Parcel B"), is presently governed by Ordinance 2006-1204 (the "Original PUD Ordinance"); the Property is referred to as "Parcel A" in the Original PUD Ordinance. The Property is roughly located at the southeast corner of Burnt Mill Road and Gate Parkway. A PUD is being requested to permit the development of commercial and office uses. A PUD is necessary to allow for a common scheme of development throughout the Property which includes shared parking and access as well as restrictions on the nature and extent of future property uses.

The Property is presently vacant and owned by Space Coast Credit Union and is more particularly described in the legal description attached as Exhibit "A." The surrounding property includes: Point Meadows Drive and medical offices to the south, Gate Parkway and apartments to the east, a residential subdivision to the west, and Burnt Mill Road and vacant property to the north. The surrounding zonings include CO, PUD, and RMD-A with RPI, LDR, and MDR land use designations. The PUD will permit the construction of 180,000 square feet for office and medical uses. Access to the Property and between the Property and Parcel B will be provided as shown on the Site Plan attached as Exhibit "E."

**III. JUSTIFICATION FOR PUD REZONING APPLICATION**

Applicant first pursued approval of the height increase and site plan change requested in this Application by filing an Application for a Minor Modification to a PUD on October 20, 2014 ("MM-14-27"). MM-14-27 proposed to increase the allowable height on Parcel A from thirty-five (35) feet, the limit contained in Ordinance 2006-1204-E (the "Original PUD"), to sixty (60) feet and to add an alternative site plan to the Original PUD (the "Minor Modification"). In its "Order Approving Application MM-2014-27 for Minor Modification to

Approved PUD with Condition(s)” dated December 4, 2014 (the “Final Order”), the Planning Commission, following the recommendation of Staff, approved MM-14-27 with one condition: “For structures on Parcel ‘A’, the roof [of] the structure[s] shall be no taller than forty-six (46) feet and the parapet shall be no taller than 4 feet for a combined total of fifty (50) feet in height.”

On December 23, 2014, Jane West, Esquire, on behalf of Appellants James Island Homeowners Association, Marie and John Codogan, Lisa Thomas (Chamberlain), Kena Miller, Jamie Callahan, Richard Collier, Joann Romano, Martha Eisenacher, Krishna Venkatrama, John Ladogan, and Stacey Calhoun, filed a Notice of Appeal, appealing the Final Order of the Planning Commission. In its review of the record of proceedings for MM-14-27, City Council determined that MM-14-27 should not have been accepted by the Planning and Development Department and therefore denied MM-14-27. The sole basis of City Council’s denial of MM-14-27, as summarized in Resolution 2015-36-A, was the Section 656.341(f)(2)(i), Jacksonville Municipal Code, requirement that the Planning Commission must find that there is no proposed increase in the amount of nonresidential floor area before it can approve a minor modification to a PUD; because the Original PUD did not specify the maximum square footage of non-residential floor area, City Council determined that the Planning Commission could not have found that the Applicant satisfied Section 656.341(f)(2)(i). Significantly, Resolution 2015-36-A preserved the right of the Applicant to refile its request for building height increase through a rezoning and contained no conclusions based on the actual merits of MM-14-27.

In this Application, Applicant requests approval, in the proper forum, of two decisions made by the Planning Commission in its Final Order. First, the Applicant desires to limit the roof of structures on Parcel A to forty-six (46) feet and the parapet to four (4) feet for a combined total of fifty (50) feet in height. Second, the Applicant requests approval of the Site Plan attached hereto, which was included in MM-14-27 as Exhibit “D”. This Application contains each of the conditions included in the Original PUD, so it is clear that the two proposals described herein are the only proposed substantive changes to the Original PUD. Furthermore, this Application adds a limit of 180,000 square feet for non-residential square footage on Parcel A, highlighting that the Applicant does not intend to increase the allowed square footage above the intended limitation in the Original PUD.<sup>1</sup> As explained in detail below, this Application meets the applicable criteria for a rezoning to PUD.

#### **IV. PUD DEVELOPMENT CRITERIA**

Development of the PUD within the Residential/Professional/Institutional (RPI) land use category under the 2030 Comprehensive Plan shall comply with the applicable development criteria as set forth in the narrative description of the RPI category in the Plan. The Property will be governed by individual development criteria as set forth below:

##### **A. Description of Uses.**

1. Banks (not including drive-thru tellers), loan companies, mortgage brokers, stockbrokers and similar financial institutions;

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<sup>1</sup> As explained in Resolution 2015-36-A, “a large scale site plan was located in the 2006 master file that indicated square footages for each building on the site plan, and those square footages totaled 180,000 square feet.”

2. All types of general, professional and business offices, newspaper offices (but not printing), employment offices;
3. Medical and dental or chiropractor offices including surgery centers, but not medical walk-in clinics;
4. Express or parcel delivery offices (but not freight or truck terminals) and similar uses;
5. Off-street commercial parking lots meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code (the “Zoning Code”); and
6. Essential services including roads, water, sewer, gas, telephone, storm water management facilities, radio, television, electric, land communication devices, small satellite dishes, and similar uses subject to performance standards set forth in Part 4 of the Zoning Code.

**B. Permitted Accessory Uses and Structures.** Accessory uses and structures are allowed as defined in Section 656.403(d) of the Zoning Code.

**C. Minimum Lot and Building Requirements.**

1. *Minimum building setbacks and yard requirements.* The building setbacks will be provided for all uses and structures as follows:

- a. Front (from Gate Parkway) – Fifty (50) feet.
- b. Side – From Burnt Mill Road: Twenty-two (22) feet; From Parcel B: Thirty (30) feet.
- c. Rear – Two hundred forty (240) feet.

*Note:* Encroachments by sidewalks, parking, signage, utility structures, fences, street/park furniture, stormwater facilities, and other similar improvements shall be permitted within the minimum building setbacks. Pedestrian or bicycle paths may be permitted within the rear yard setback.

2. *Minimum landscape setbacks.* The landscape setback area shall be landscaped. No improvements other than driveways connecting internal roadways to public rights of way, utility lines, stormwater facilities, permitted signage, and landscaping and landscaping related improvements shall be permitted within the landscape setbacks. Pedestrian or bicycle

paths may be permitted within the rear landscape setback. The landscape setbacks will be from the Property boundaries as follows:

- a. Front (as measured from the curb line of Gate Parkway) – Twenty-five (25) feet.
- b. Side (as measured from the curb line of Burnt Mill Road) – Ten (10) feet.
- c. Rear - Ten (10) feet.

*Note:* Minimum landscape setbacks may overlap with Minimum Building Setbacks.

3. *Minimum Lot Requirements.* None.
4. *Maximum lot coverage by all buildings.* Thirty-five percent (35%).
5. *Maximum height.* Three (3) stories. The roof of the structure shall be no taller than forty-six (46) feet and the parapets shall be no taller than four (4) feet, for a combined total height of fifty (50) feet.

**D. Common Landscape Maintenance.** The owner shall ensure the proper maintenance of all common areas, lawns, and landscaping.

**E. Access.** Access to the Property will be from Burnt Mill Road and Gate Parkway. The design of the access points and internal roads as shown on the Site Plan may vary prior to development; provided, however, that the final design of both shall be subject to the review and approval of the Planning and Development Department and the Traffic Engineer.<sup>2</sup> Upon completion, the internal drives will be private and maintained by the owner. Cross access for vehicular and pedestrian use shall be provided between the Property and Parcel B.<sup>3</sup>

**F. Pedestrian Circulation.** The Property will be developed with an internal sidewalk system as shown on the Site Plan.

**G. Signage.**

1. One double-faced monument sign up to twelve (12) feet in height and 50 (50) square feet in area shall be permitted.

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<sup>2</sup> As required by condition 2(a) in the Original PUD Ordinance, “[d]evelopment shall proceed in accordance with the Traffic Engineering Division Memorandum dated November 16, 2006, or as otherwise approved by the Traffic Engineering Division and the Planning the Development Department.”

<sup>3</sup> As required by condition 2(e) in the Original PUD Ordinance, “[o]ne vehicular cross access point shall be provided between [the Property] and Parcel B, subject to the review and approval of the Traffic Engineering Division and the Planning and Development Department.”



2. Exterior wall signs up to six (6) feet in height and one hundred (100) square feet in area are permitted and shall be composed of internally lit channel letters; provided, however, that wall signs shall not exceed ten percent (10%) of the square footage of the respective side of the building. The information contained on the signs (the monument sign and the exterior wall signs) shall be limited to the name of the business being conducted on the Property and/or the name of the owner of the Property. No readerboard signs are permitted. No sign shall contain any motorized or moving parts or any flashing or blinking lights. No banners, pennants, flags (other than flags of the United States and the State of Florida), or temporary signs shall be displayed at any time, except as noted herein. Temporary real estate and construction signs in compliance with Part 13 of the Zoning Code are permitted. Directional signs with logos, not to exceed six (6) feet in height and twenty-five (25) square feet in area shall be permitted.

**H. Parking and Loading Requirements.** A minimum of one parking space per two hundred and fifty (250) square feet of enclosed area shall be provided. Modifications to parking requirements within the PUD may be permitted by an administrative modification.

**I. Landscaping/Fencing/Screening.** Landscaping will be constructed and maintained in accordance with the Landscape and Tree Protection Regulations set forth in Part 12 of the Zoning Code; provided, however, that building and landscape setbacks may overlap with required buffers. As well, the western 150 feet of the PUD property is encumbered by a JEA utility easement and power lines. Therefore, the easement area need not comply with the requirements of Part 12. The landscaped areas will allow for the inclusion of native or ornamental vegetation, trees, and shrubs. Landscaping shall be "Worth Florida" oriented, and may not include palm trees.

Satellite dishes or other antennas are prohibited unless either (i) such satellite dish or antenna is located on a side of the building which is not adjacent to a public right of way and is screened from view from adjacent lands and any public roadways (but not interior streets or drives) by landscaping and opaque fencing which is aesthetically compatible with the other structures located or to be located on the Property, or (ii) such satellite dish is less than three (3) feet in diameter, is located on the roof of the building, and is screened from view from adjacent lands and any roadways by parapet walls of the same material and color as the building. Such satellite dishes or antennas shall be for use solely by occupants of the Property and shall not be available for use by third parties. Any dumpsters, propane tanks or similar appurtenances shall be kept within a substantially opaque enclosure composed of the same materials and the same color as the buildings located on the Property such that the dumpsters, propane tanks or other appurtenances are screened from view from surrounding roadways and properties.

- J. **Architectural Design.** Buildings, structures and signage shall be constructed and painted with materials that are aesthetically compatible and blend in with the character of the surrounding area. The colors of all improvements constructed on the Property shall be limited to muted earth tones. Brick, Stucco, or a combination of brick and/or stucco with a "Wood Substitute" (as defined below) shall be used as the exterior material for all buildings located on the Property. "Wood Substitute" shall mean a durable product with a wood grain appearance, such as, or similar to, Hardiboard or Hardiplank, but shall not include vinyl siding or aluminum siding. No wood, other than a Wood Substitute, concrete block, exposed concrete, or metal siding shall be used on the exterior of any structure located on the Property. "The developer shall submit an elevation of all proposed buildings for review by the Planning and Development Department at the time of Verification of Substantial Compliance for consistency with the adopted written description."<sup>4</sup> Modifications to architectural design requirements within the PUD may be permitted by an administrative modification.
- K. **Lighting.** PUD lighting shall utilize downcast lighting where appropriate in order to localize illumination onto the Property and to minimize unreasonable interference or impact on any residential zoning districts outside of the PUD.<sup>5</sup> Pole fixtures shall be flush mounted, with full cut-offs.<sup>6</sup> Light fixtures mounted on canopies shall be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy.<sup>7</sup> The developer shall submit a lighting plan for the Property as the time of Verification of Substantial Compliance, including fixture types and foot-candle illumination, for review and approval by the Planning and Development Department.<sup>8</sup>
- L. **Stormwater Retention.** Stormwater retention/detention systems shall be designed and constructed in accordance with the requirements of the City of Jacksonville and the St. Johns River Water Management District.
- M. **Utilities.** Electric power will be provided to the Property by JEA. Water and sewer services will be provided by JEA.
- N. **Temporary Uses.** Temporary sales, leasing and construction office(s) and trailers relating to the project shall be allowed within the PUD.
- O. **Modifications.** Amendments to this approved PUD district may be accomplished by administrative modification, by minor modification, or by the filing of a rezoning application pursuant to Section 656.341 of the Zoning Code. Any use

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<sup>4</sup> This is condition 2(b) in the Original PUD Ordinance.

<sup>5</sup> As required by condition 2(c) of the Original PUD Ordinance, "[l]ighting shall be designed and installed to direct downward and reflect back to the [Property] to prevent glare and/or excessive light onto surrounding property."

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

not specifically listed, but similar to or associated with a listed use may be permitted by an administrative modification or minor modification.

- P. **Conceptual Site Plan.** The configuration of the development as depicted in the Site Plan is conceptual. As such, revisions to the Site Plan, including the location, configuration, orientation, and number of access points, stormwater facilities, and buildings, as well as parking and internal circulation, shall be permitted provided that such revisions adhere to the standards and criteria provided in this Written Description. In addition, all such changes shall be subject to the review and approval of the Planning and Development Department.

## V. PUD REVIEW CRITERIA

- A. **Consistency with Comprehensive Plan.** The Property is currently within the RPI land use category, which permits the above listed uses. The proposed development is consistent with the following policies of the 2030 Comprehensive Plan: 1.1.1, 1.1.5, 1.1.7, 1.1.8, 1.1.9, 1.1.10, 3.2.5, and 3.2.18.
- B. **Roadways I Consistency with the Concurrence Management System.** The development of the Property will comply with the requirements of the Concurrence Management System.
- C. **Allocation of Commercial Land Use.** This proposed development will not exceed the projected holding capacity reflected in Table L-20 of the Future Land Use Element of the 2030 Comprehensive Plan.
- D. **Internal Compatibility/Vehicular Access.** The Site Plan attached as Exhibit "E" addresses access and circulation within the Property. The Property will have an access point from Gate Parkway and an access point from Burnt Mill Road. The proposed development is designed to contain traffic circulation internal to the Property. The location and final design of the access points are subject to the review and approval of the City Traffic Engineer and the Planning and Development Department. The completed internal roads will be maintained by the owner.
- E. **External Compatibility/Intensity of Development.** The proposed development is consistent with and comparable to permitted development in the area. The Property is bounded by: Burnt Mill Road and vacant land to the north, Point Meadows Drive and medical office uses (RPI/PUD) to the south, Burnt Mill Road and vacant land (CO/RPI) to the north, Gate Parkway and apartments (RPI/PUD) to the east, and a residential neighborhood (LDR/PUD) to the west. The proposed uses are compatible in both intensity and density with these surrounding uses and zoning districts.
- F. **Recreation/Open Space.** Sufficient open space is provided within the PUD.

- G. Impact on Wetlands.** Development that would impact wetlands will be permitted in accordance with local, state and federal requirements.
- H. Listed Species Regulations.** The Property is less than fifty (50) acres; therefore a listed species survey is not required.
- I. Off-Street Parking & Loading Requirements.** The proposed PUD will provide parking and loading in accordance with Section III.H above.
- J. Sidewalks, Trails, and Bikeways.** Internal sidewalks complying with the requirements of Section 654 of the City of Jacksonville Ordinance Code will be provided.

POINT OF BEGINNING

B E R M

982 PARKING SPACES

STORMWATER POND

1.74 AC

256.85'

BUILDING

BUILDING

STORMWATER POND

0.93 AC

279.03'

BURNT MILL ROAD

GATE PARKWAY

48'

48'

250'± MIN.

DATE: 4/23/15

AERIAL MAP

GATE PARKWAY OFFICE SITE  
JACKSONVILLE, FLORIDA

**ETM**  
VISION • EXPERIENCE • RESULTS

England-Thim & Miller, Inc.  
14775 Old St. Augustine Road  
Jacksonville, FL 32258  
TEL: (904) 642-8990  
FAX: (904) 646-9485  
CA - 00002584 LC - 0000316

1" = 50'

PLOTTED: April 23, 2015 - 8:56 AM, BY: Loreal Perez

# EXHIBIT F

PUD Name

**Gate Parkway Professional Center Parcel A PUD**

## Land Use Table

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Total gross acreage	<b>15.47</b>	Acres	100 %
Amount of each different land use by acreage			
Single family		Acres	%
Total number of dwelling units		D.U.	
Multiple family		Acres	%
Total number of dwelling units		D.U.	
Commercial	<b>15.47</b>	Acres	<b>100</b> %
Industrial		Acres	%
Other land use		Acres	%
Active recreation and/or open space		Acres	%
Passive open space		Acres	%
Public and private right-of-way		Acres	%
Maximum coverage of buildings and structures	<b>235,855.62</b>	Sq. Ft.	<b>35</b> %

**NOTICE OF PUBLIC HEARING SIGN POSTING AFFIDAVIT**

I hereby attest that the attached pictures show the NOTICE OF PUBLIC HEARING SIGNS provided to me for application 2015-240 were posted in conformance with Section on the property/site located at:

167741-4000  
Real Estate Number(s)

0 Gate Parkway  
Address

Jacksonville, FL  
City, State

Leah Walker  
Printed Name

Leah Walker  
Signature

Dated this 21st day of April 2015.

**STATE OF FLORIDA  
COUNTY OF DUVAL**

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2015, by Leah Walker (Applicant/Agent)

Such person(s): *(notary must check applicable box)*

- is (are) personally known to me; or
- produced a current \_\_\_\_\_ driver's license as identification; or
- produced \_\_\_\_\_ as identification.

Jennifer Lewis  
[Print or type name]  
Notary Public, State of Florida at Large



# ORDINANCE

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## Legal Description

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A portion of Sections 17 and 18, Township 3 South, Range 28 East, Jacksonville, Duval County, Florida, being more particularly described as follows:

For Point of Reference commence at the Southeasterly corner of James Island Unit Three, according to plat recorded in the Current Public Records in Plat Book 53, Page 98, 98A-98E and run North  $00^{\circ}38'04''$  West, along the Easterly boundary of said lands, a distance of 836.27 feet to the Point of Beginning.

From the Point of Beginning thus described, continue North  $00^{\circ}38'04''$  West, along said lands and then along the Easterly boundary of James Island Unit Four, according to plat recorded in said public records in Plat Book 54, Page 39, 39A-39E, a distance of 1411.37 feet to a point on the Southerly right of way line of Burnt Mill Road Tract A, a variable width right of way according to plat of Gate Parkway Extension recorded in said public records in Plat Book 52, Pages 55, 55A-55K; run thence Easterly along said Southerly right of way line the following courses: First course, North  $89^{\circ}51'26''$  East, a distance of 225.40 feet; Second course South  $76^{\circ}38'49''$  East, a distance of 51.42 feet; Third course, North  $89^{\circ}51'26''$  East, a distance of 205.16 feet to a point of curvature lying on the Westerly right of way line of Gate Parkway Tract A, a variable width right of way according to said plat of Gate Parkway Extension; run thence Southerly along said Westerly right of way line the following courses; First course, Southeasterly along the arc of a curve, concave Southwesterly and having a radius of 35.00 feet, an arc distance of 54.68 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South  $45^{\circ}23'19''$  East, 49.28 feet; Second course, South  $00^{\circ}38'04''$  East, a distance of 1166.58 feet to a point of curvature; thence departing said Westerly right of way line, run South  $89^{\circ}21'56''$  West, a distance 250.00 feet; thence South  $00^{\circ}38'04''$  East, a distance of 193.61 feet; thence South  $89^{\circ}21'56''$  West, a distance of 265.13 feet to the Point of Beginning.



Return to:

SUPERIOR TITLE INSURANCE AGENCY, INC.  
1980 N. Atlantic Ave., Suite 807  
Cocoa Beach, Florida 32931  
08-2913

Corporate Resolution and Certificate of Incumbency  
(Conveying)

I, William Thoms, the undersigned, hereby certify that I am the, Secretary and custodian of the records of Space Coast Credit Union, a State Chartered Credit Union, duly organized and existing under the laws of Florida (hereinafter "Corporation"); that the following is a true and correct copy of certain resolutions duly adopted by the Board of Directors of said corporation at a meeting duly held on the 29th day of May, 2008 at which all Directors were present; and that the following resolutions are in conformity with the Articles of Incorporation and By-Laws of the corporation and have not since been rescinded or modified.

RESOLVED, that the following corporate officers:

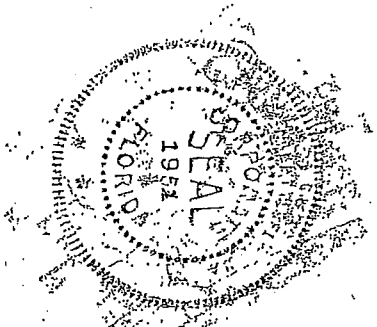
Name Tom Baldwin Title Chief Financial Officer Officer Signature   
Name Doug Samuels Title President Officer Signature

be and are hereby authorized on behalf of the corporation from time to time to sell, convey and transfer any real and/or personal property of this corporation, including all documents necessary for the sale and conveyance of Space Coast Credit Union's foreclosure REO properties, whether in the usual course of business or otherwise; and, in furtherance of and in connection with the foregoing, to make, execute and deliver in the name of an on behalf of its Shareholders, under its corporate seal or otherwise, such agreements, documents or instruments deemed reasonable or necessary to sell, convey and transfer said property.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said corporation this 29th day of May, 2008.

Space Coast Credit Union, a State Chartered Credit Union

By:   
Its: Secretary  
Print Name: William G. THOMS



State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me this 29th day of May, 2008 by William G. Thoms as Secretary of Space Coast Credit Union, a State Chartered Credit Union, who is personally known to me.

Notary Public



# EXHIBIT A

## Property Ownership Affidavit

Date: 3/3/15

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, 3<sup>rd</sup> Floor  
Jacksonville, Florida 32202

Re: Ownership Certification- RE No. 167741-4000

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the above-described property, which property is also described in the legal description attached hereto as Exhibit 1, filed in connection with application for a rezoning to Planned Unit Development district, submitted to the Jacksonville Planning and Development Department.

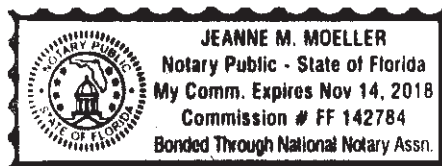
### Space Coast Credit Union

By: [Signature]  
Name: Tom Baldwin  
Its: EVP / CFO

STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing affidavit was sworn and subscribed before me this 3 day of MARCH, 2015 by Tom Baldwin who is  personally known to me or  has produced \_\_\_\_\_ as identification.

[Signature]  
(Notary Signature)



# EXHIBIT B

## Agent Authorization

Date: 3/3/15

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, 3<sup>rd</sup> Floor  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE No. 167741-4000

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the above-described property. Said owner hereby authorizes and empowers DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file an application for a rezoning to Planned Unit Development district for the above-described property and in connection with such authorization, to file such applications, papers, documents, requests and other matters necessary for such application.

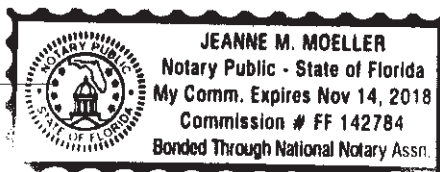
**Space Coast Credit Union**

By: [Signature]  
Name: Tom Baldwin  
Its:  EVP / CFO

STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing affidavit was sworn and subscribed before me this 3 day of March, 2015 by Tom Baldwin who is  personally known to me or  has produced \_\_\_\_\_ as identification.

Jeanne M. Moeller  
(Notary Signature)  
(Notary Signature)



# EXHIBIT C

## Binding Letter


City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, 3<sup>rd</sup> Floor  
Jacksonville, Florida 32202

RE: RE No. 167741-4000

Ladies and Gentlemen:

You are hereby advised that the undersigned, owner of the above-referenced property, being more particularly 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 PUD development plan submitted with the application for rezoning to PUD and (b) any conditions set forth by the City Council of the City of Jacksonville in the minor modification ordinance. Owner also agrees that in the event it proceeds with the development of the subject property, in accordance with the proposed PUD development plan, that it will 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.

**Space Coast Credit Union**

By:   
Name: Tom Baldwin  
Its: ERP/CFO

**EXHIBIT B**

**Agent Authorization**

Date: October 17, 2014

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, 3<sup>rd</sup> Floor  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE No. 167741-4000

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the above-described property. Said owner hereby authorizes and empowers DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file an application for a Minor Modification to Planned Unit Development district for the above-described property and in connection with such authorization, to file such applications, papers, documents, requests and other matters necessary for such application.

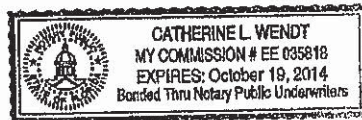
Space Coast Credit Union

By: [Signature]  
Name: Tom Baldwin  
Its: EVP/CEO

STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing affidavit was sworn and subscribed before me this 17<sup>th</sup> day of October, 2014 by Tom Baldwin who is  personally known to me or  has produced \_\_\_\_\_ as identification.

Catherine L. Wendt  
(Notary Signature)  
(Notary Signature)



# EXHIBIT C

## Binding Letter


City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, 3<sup>rd</sup> Floor  
Jacksonville, Florida 32202

RE: No. 167741-4000

Ladies and Gentlemen:

You are hereby advised that the undersigned, owner of the above-referenced property, being more particularly 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 minor modification plan submitted with the application for minor modification and (b) any conditions set forth by the City Council of the City of Jacksonville in the minor modification ordinance. Owner also agrees that in the event it proceeds with the development of the subject property, in accordance with the proposed minor modification plan, that it will 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.

**Space Coast Credit Union**

By:   
Name: Tom Baldwin  
Its: VP/CEO

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CIVIL ACTION NO: 16-2010-CA-011743-XXXX-MA

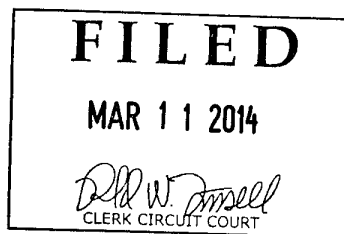
DIVISION: FC-6

SPACE FOR RECORDING ONLY F.S. §695.26

SPACE COAST CREDIT UNION

Plaintiff(s)

vs.  
DAVID ORTIZ, et al  
GATEWAY PROFESSIONAL CAMPUS  
V.E.G. Partners, Llc



Defendant(s)

**CERTIFICATE OF TITLE**

The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on Jul 11, 2013 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

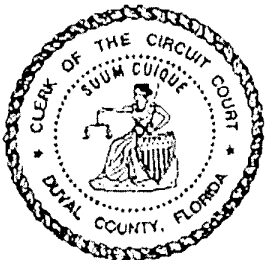
The following property in Duval County, Florida:

**SEE ATTACHMENT**

was sold to SPACE COAST CREDIT UNION  
whose address is: C/O BLAXBERG, GRAYSON & KUKOFF, P.A. 25 S.E. 2nd Avenue Suite 730, Miami, FL 33131

WITNESS my hand and the seal of the court on ~~Jul 21 2013~~ as Clerk of the Circuit Court.

**MAR 11 2014**



RONNIE FUSSELL  
CLERK OF THE CIRCUIT AND COUNTY  
COURTS

By: Alice V. Griffin Deputy Clerk

A portion of Sections 17 and 18, Township 3 South, Range 28 East, Jacksonville, Duval County, Florida, being more particularly described as follows:

For Point of Reference commence at the Southeasterly corner of James Island Unit Three, according to plat recorded in the Current Public Records in Plat Book 53, Page 98, 98A-98E and run North  $00^{\circ}38'04''$  West, along the Easterly boundary of said lands, a distance of 836.27 feet to the Point of Beginning.

From the Point of Beginning thus described, continue North  $00^{\circ}38'04''$  West, along said lands and then along the Easterly boundary of James Island Unit Four, according to plat recorded in said public records in Plat Book 54, Page 39, 39A-39E, a distance of 1411.37 feet to a point on the Southerly right of way line of Burnt Mill Road Tract A, a variable width right of way according to plat of Gate Parkway Extension recorded in said public records in Plat Book 52, Pages 55, 55A-55K; run thence Easterly along said Southerly right of way line the following courses: First course, North  $89^{\circ}51'26''$  East, a distance of 225.40 feet; Second course South  $76^{\circ}38'49''$  East, a distance of 51.42 feet; Third course, North  $89^{\circ}51'26''$  East, a distance of 205.16 feet to a point of curvature lying on the Westerly right of way line of Gate Parkway Tract A, a variable width right of way according to said plat of Gate Parkway Extension; run thence Southerly along said Westerly right of way line the following courses; First course, Southeasterly along the arc of a curve, concave Southwesterly and having a radius of 35.00 feet, an arc distance of 54.68 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South  $45^{\circ}23'19''$  East, 49.28 feet; Second course, South  $00^{\circ}38'04''$  East, a distance of 1166.58 feet to a point of curvature; thence departing said Westerly right of way line, run South  $89^{\circ}21'56''$  West, a distance 250.00 feet; thence South  $00^{\circ}38'04''$  East, a distance of 193.61 feet; thence South  $89^{\circ}21'56''$  West, a distance of 265.13 feet to the Point of Beginning.

Property Address: Gate Parkway, Jacksonville, FL 32256