

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

**APPLICATION FOR REZONING ORDINANCE 2014-263 TO**

**PLANNED UNIT DEVELOPMENT**

**MAY 22, 2014**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2014-263** to Planned Unit Development.

***Location:*** 500 Bishopgate Lane between Lomax Street and Post Street

***Real Estate Number(s):*** 090148-0000, 090154-0000, 090155-0000

***Current Zoning District:*** Planned Unit Development (PUD 2006-127-E)

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

***Current Land Use Category:*** High Density Residential (HDR)

***Planning District:*** Urban Core, District 1

***City Council District:*** The Honorable Jim Love, District 14

***Applicant/Agent:*** Steve Diebenow, Esq.  
Drive, McAfee, Peek & Hawthorne, P.A.  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202

***Owner:*** Alex W. Coley  
HP 500, LLC  
6675 Corporate Center Parkway, Suite 100  
Jacksonville, Florida 32216

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Planned Unit Development **2014-263** seeks to rezone approximately 1.34 acres of land from PUD to PUD. There is no change to the uses, parking requirements, setbacks or other development standards, between the existing and the proposed PUD. The property will be

developed with a maximum of 80 multi-family dwelling units with a parking garage on the bottom two floors, surface parking lot and boat dock with three guest slips.

The application requests to modify Section 4 (a) of the Ordinance.

“The developer shall record in the public records of Duval County, a fifteen-foot perpetual unobstructed easement for access and ingress to the river, and for the construction of a riverwalk, in a form approved by the Office of General Counsel and accepted by the Real Estate Division.”

The owner is willing to provide the easement on the river side of the bulkhead instead of the land side.

Conditions (b) through (g) from Ordinance 2006-127-E are incorporated into the proposed written description.

(b) Construction of the three-slip day dock is contingent upon approval by the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission.

(c) Off-street parking and loading spaces shall be provided in accordance with Part 6 of the Zoning Code.

(d) Bishop Gate shall, with the cooperation of the Park Plaza Condominium Association, make a pre-construction inspection of the Park Plaza Condominium to provide a base line which any future damage which may be caused by the construction of the Bishop Gate facility may be measured against. Bishop Gate shall provide Park Plaza Condominium Association with a copy of all documentation of the inspection, including photographs.

(e) Bishop Gate shall not use a pile driver(s) to prepare the site for construction or to prepare a foundation for any vertical improvement to be placed on the property, where soil conditions permit.

(f) The following shall be added to the first sentence in Section III(E) entitled “Access” in the written description dated July 21, 2006: If, at the discretion of the Florida Department of Transportation or the City of Jacksonville, a traffic signal is not permitted at the Riverside Avenue/Lomax Street intersection, the applicant shall (i) agree that access to (entering) the proposed parking garage be provided via Lomax Street and that access from (exiting) the proposed parking garage be provided via Bishopgate Lane and (ii) fund, design, and construct roadway, streetscape, and/or landscape improvements, to a cost of (and not exceeding) \$100,000, at the intersection of Riverside Avenue/Lomax Street, intersection of Riverside Avenue/Bishopgate Lane, Lomax Street, and/or Bishopgate Lane. Such improvements will be subject to the review and approval of the Planning and Development Department, City Traffic Engineer, and Department of Public Works.

(g) The following shall be added to the first sentence in Section III(I) entitled “Parking and Loading Requirements” in the written description dated July 21, 2006: Loading spaces for commercial and service vehicles shall be provided on Bishopgate Lane only.

(h) At such time as the City adopts an ordinance establishing a school concurrency system, any development orders for the development of the PUD not yet issued and otherwise subject

to the ordinance shall be governed by the school concurrency system ordinance.

### 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?*

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. Thus, the fact that the density of a proposed residential development does not exceed the gross density threshold of the land use category does not ensure overall consistency with the 2030 Comprehensive Plan. Therefore, pedestrian mobility and circulation, and compatibility with adjacent residential neighborhoods are an important consideration to the welfare and sustainability of an area. This is especially important along the north bank of the St. Johns River, as is proposed in this Planned Unit Development. Therefore, while the proposed uses are consistent with the category description of the functional land use category, the intensity and scale of the project is not consistent with the intent of the 2030 Comprehensive Plan. A description of the category is noted below.

#### HDR - GENERAL INTENT

High Density Residential (HDR) is a mixed use category intended to provide compact high density residential development and transitional uses between lower density residential uses and commercial uses and public and semi-public use areas. High rise multi-family and mixed use developments should be the predominant development typology in this category. Development within the category should be compact and connected and should support multi-modal transportation. Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept and Transit Oriented Development (TOD) are permitted. **All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods.** Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

Compatibility with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques including but not limited to: transitions in uses; buffering; setbacks; the orientation of open space; and graduated height restrictions to affect elements such as height, scale, mass and bulk of structures, pedestrian accessibility, vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise and odor. Elements such as yards, open space, at-grade parking and perimeter walls shall be arranged, designed and landscaped in a manner compatible with adjacent areas to serve as a visual buffering element.

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

**Principal Uses:** Multi-family dwellings; Commercial retail sales and service establishments limited to 25 percent of the building area; Office, Business and professional office; and Uses associated with and developed as an integral component of TND or TOD. Commercial retail sales and service establishments, office, and business and professional office uses shall not be permitted as single uses and may only be permitted in conjunction with residential development.

The maximum gross density in the Urban Priority Area shall be 80 units/acre and the minimum gross density shall be 20 units/acre; except as provided herein. For sites abutting Low Density Residential (LDR), the maximum gross density shall be 60 units/acre. For sites within the Coastal High Hazard Area (CHHA), the maximum gross density shall be 60 units/acre unless appropriate mitigation is provided consistent with the City's CHHA policies.

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

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

*(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?*

The written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

*(1) Consistency with the 2030 Comprehensive Plan*

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): High Density Residential (HDR). This proposed rezoning to Planned Unit Development is inconsistent with the 2030 Comprehensive Plan, and does not further 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 2.7.1 Establish specific guidelines and standards for shoreline and coastal area development and redevelopment that will at a minimum:

1. Aid in the creation of a river corridor open space system accessible to the public in urban and suburban areas;
2. Promote visual access to waterways and their related vistas; and
3. Promote recreational uses of shoreline and related areas.

F.L.U.E. Policy 2.7.2 Develop and implement open space/public access plans through the Recreation and Community Services Department to provide public access to the waterfront through a coordinated, functional system of public and private easements, rights-of-way, and open space.

F.L.U.E. Policy 2.7.3 Pursue the dedication of public access/visual easements along waterfront property by providing incentives to land owners in the development review process to provide public vistas, dedications of land interests, and pedestrian/bike paths that link public and private property within river corridors into a linear greenbelt system.

R.O.S.E. GOAL 4 Capitalize on the scenic and recreational quality of the St. Johns River and its tributaries, the Atlantic Ocean, the Intracoastal Waterway and other significant bodies of water in Duval County.

R.O.S.E. Objective 4.1 The City shall provide greater public accessibility to the St. Johns River and develop appropriate recreational uses of its shorelines.

R.O.S.E. Policy 4.1.2 The City's Land Development Regulations shall include site design standards for new and redeveloped areas bordering major waterways in order to provide waterfront areas for recreational use and increase public access.

*(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. CRC# 83957 reserves 55 high rise condo units. The CRC falls under Fair Share # 75495 which reserves up to 80 high rise condo units.

*(3) Allocation of residential land use*

This proposed Planned Unit Development intends to utilize lands for a multi-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 with specific reference to the following:

The use and variety of building setback lines, separations, and buffering: The setbacks contained in the written description are the same as the current PUD.

The use and variety of building sizes and architectural styles: The application contains architectural building elevations for the proposed development. The written description indicates the style will be consistent with Riverside area and elevations are subject to the review and approval of the Planning & Development Department.

*(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 not achieved by the following:

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, office, commercial and institutional uses function as a mixed-use development. Multi-family development at this location complements the existing hospital, various office and commercial uses by increasing the housing options for those that are employed 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	RPI	CRO	Offices
South	RPI	PUD (95-121)	Park Plaza condominiums
East	St Johns River		
West	RPI	CRO	Offices

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The application requests to modify Section 4 (a) of the Ordinance and locate the easement eastward over the St. Johns River as depicted in Exhibit J of the application. The owner also will contribute \$5,000 for permitting of the Northbank riverwalk.

The Public Works Department has concerns to move the easement to the river side of the bulkhead due to the increased permitting and construction costs for the Northbank Riverwalk. An easement over the river will need to be wider than 15 feet to allow for construction of the riverwalk and maintenance of the existing private bulkhead.

*(6) Intensity of Development*

The proposed development is consistent with the HDR functional land use category as a multi-family development, which is not to exceed 80 dwelling units. Although the PUD is does not exceed the density of the HDR land use category, it is inconsistent with other portions of the category, to provide multi-modal transportation.

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

The project will be developed with the required amount of open space and recreation area and may include a recreation center, a swimming pool, a cabana or clubhouse and an exercise facility. There will be a minimum of 150 square feet of recreation area per residential unit.

*(8) Impact on wetlands*

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

*(9) Listed species regulations*

No wildlife survey was required as the project is less than the 50-acre threshold.

*(10) Off-street parking including loading and unloading areas.*

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

*(11) Sidewalks, trails, and bikeways*

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

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on May 22, 2014, the required Notice of Public Hearing sign was posted.



**RECOMMENDATION**

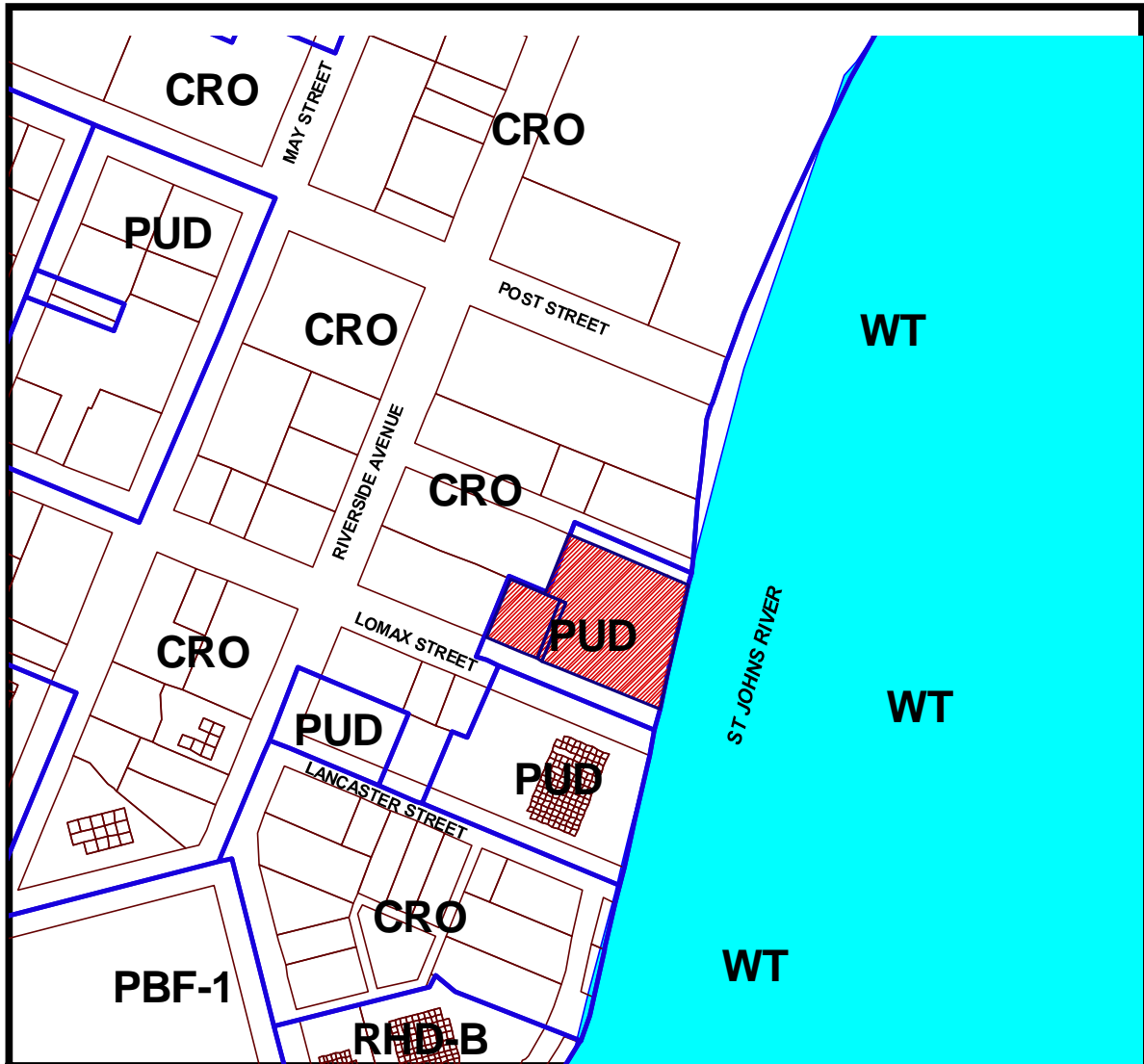
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-263** be **DENIED**.

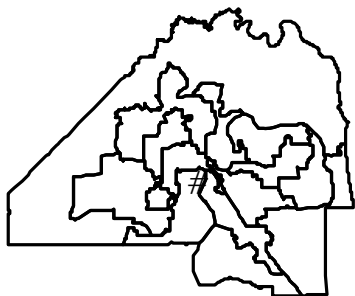





View of the site. The buildings shown on the site have been demolished.





<p>RE• UEST SOUG• T•</p> <p>FROM: PUD</p> <p>TO: PUD</p>		 <p>COUNCIL DISTRICT: <b>14</b></p> <p>FILE COPY</p>
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ORDINANCE 2014\_0263

DEVELOPMENT SERVICES



May 6, 2014

**MEMORANDUM**

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

FROM: Lisa King  
Traffic Technician Senior

Subject: Bishop Gate Lane PUD  
R-2014-263 fka R-2006-127  
CDN 7251.003

Upon review of the referenced application, and based on the information provided to date, the Development Services Division has no comment at this time.

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:** 05/07/2014

**TO:** Bruce Lewis  
City Planner Supervisor

**FROM:** Soliman Peter Salem  
City Planner II

**SUBJECT: TRANSPORTATION REVIEW OF BISHOP GATE CONDOMINIUMS PUD**

Riverside Avenue (SR 211), from Post Street to King Street/St. Johns Avenue, is the directly accessed functionally classified roadway. Riverside Avenue is a 2-lane undivided class II minor arterial in this vicinity and is currently operating at an unacceptable LOS D. Riverside Avenue has a maximum daily service volume of 15,600 vpd and a 2013 daily traffic volume of 13,000 vpd. This road segment currently has sufficient capacity to accommodate the traffic generated by this development. Access to this site via Riverside Avenue must be subject to FDOT access management requirements.

The land use of High Density Residential (HDR) for this 1.34 acres of ITE Land Use Code 220, Multifamily, with a site development potential of 45 dwelling units per acre and is estimated to be able to accommodate up to 60 dwelling units. The current proposal is for 80\* dwelling units which would generate a total of 803 vpd and does not exceed the amount of allowable trip generation for this property. It does, however, exceed the recommended amount of dwelling units for HDR development standards.

(ITE 220 Single Family – 80\* Units)

## Application For Rezoning To PUD

### Planning and Development Department Info

**Ordinance #** 2014-0263 **Staff Sign-Off/Date** BEL / 04/01/2014

**Filing Date** 04/01/2014 **Number of Signs to Post** 3

#### Hearing Dates:

**1st City Council** 05/27/2014 **Planning Comission** 05/22/2014

**Land Use & Zoning** 06/03/2014 **2nd City Council** N/A

**Neighborhood Association** RIVERSIDE AVONDALE PRESERVATION

**Neighborhood Action Plan/Corridor Study** N/A

### Application Info

**Tracking #** 579

**Application Status** PENDING

**Date Started** 03/10/2014

**Date Submitted** 03/14/2014

### General Information On Applicant

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
DIEBENOW	STEVE	
<b>Company Name</b>		
DRIVER, MCAFEE, PEEK & HAWTHORNE, PL		
<b>Mailing Address</b>		
ONE INDEPENDENT DRIVE, STE. 1200		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32202
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043011269	9043011279	SD@NORTHFLORIDALAW.COM

### General Information On Owner(s)

**Check to fill first Owner with Applicant Info**

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
COLEY	W.	ALEX
<b>Company/Trust Name</b>		
HP 500, LLC		
<b>Mailing Address</b>		
6675 CORPORATE CENTER PARKWAY, SUITE 100		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32216
<b>Phone</b>	<b>Fax</b>	<b>Email</b>

### Property Information

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)** 2006-127-E

Map RE#	Council District	Planning From Zoning District	Zoning District(s)	To Zoning District
Map 090148 0000	14	1	PUD	PUD

Map	090154 0000	14	1	PUD	PUD
Map	090155 0000	14	1	PUD	PUD

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

#### Existing Land Use Category

HDR

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 1.34

Development Number

Proposed PUD Name BISHOP GATE CONDOMINIUMS

#### Justification For Rezoning Application

PLEASE SEE ATTACHED WRITTEN DESCRIPTION.

#### Location Of Property

##### General Location

LOMAX STREET BETWEEN RIVERSIDE AVENUE AND ST. JOHNS RIVER

House #	Street Name, Type and Direction	Zip Code
500	BISHOP GATE LA	32204

##### Between Streets

LOMAX STREET and POST STREET

#### Required Attachments For Formal, Complete application

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

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

### Supplemental Information

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

- Exhibit H**  Aerial Photograph.
- Exhibit I**  Listed Species Survey (If the proposed site is greater than fifty acres).
- Exhibit J**  Other Information as required by the Department (i.e.-\*building elevations, \*signage details, traffic analysis, etc.).
- Exhibit K**  Site Location Map.

### Public Hearings And Posting Of Signs

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

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

### Application Certification

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

- Agreed to and submitted

### Filing Fee Information

- 1) Rezoning Application's General Base Fee:** \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof**
- 1.34 Acres @ \$10.00 /acre:** \$20.00
- 3) Plus Notification Costs Per Addressee**
- 88 Notifications @ \$7.00 /each:** \$616.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,636.00

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



# ORDINANCE \_\_\_\_\_

## Legal Description

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THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF DUVAL, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

All of Lots 1, 2, 10, 11 and 12, HEDRICKS SUBDIVISION of the South 1/2 of Block 5, Riverside, according to plat of said subdivision, recorded in the former public records of Duval County, Florida, in Plat Book 1, Page 114; TOGETHER WITH that certain strip of land (alley) lying between said Lots 1 and 12, and between said Lots 2 and 11, and the Southerly 5 feet of that certain strip of land (alley) adjacent to Lot 10, all of which is more particularly described as BEGINNING at a point on the North line of Lomax Street, which point is the Southwest corner of said Lot 10; thence Easterly along the North line of Lomax Street, which is the South line of said Lots 10, 11, and 12, a distance of 324.75 feet to the Easterly face of concrete bulkhead at the Westerly shore line of the St. Johns River; thence Northerly along the Easterly face of said bulkhead, 212.62 feet to an intersection with the Southerly right-of-way line of Bishopgate Lane (a 40 foot right-of-way); thence Westerly along the South right-of-way line of said Bishopgate Lane, which is the North line of said Lots 1 and 2, a distance of 231.92 feet to the Northwest corner of said Lot 2; thence Southerly along the Westerly line of said Lot 2 and a Southerly prolongation thereof, 105.00 feet to a point in the Northerly line of said Southerly 5 feet of said certain strip of land (alley); thence Westerly parallel to said Lomax Street and along the Northerly line of said Southerly 5 feet of that certain strip of land (alley), 60 feet; thence Southerly along a Northerly prolongation of the Westerly line of said Lot 10 and along the Westerly line of said Lot 10, a distance of 105 feet to the POINT OF BEGINNING.

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E••••••••••

P••e 1 ••1

# EXHIBIT A

## Property Ownership Affidavit

Date: \_\_\_\_\_

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

Re: Ownership Certification

Ladies and Gentlemen:

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

**HP 500, LLC**, a Florida limited liability company

By: HP 500 Manager, LLC, a Florida limited liability company, Manager

By: \_\_\_\_\_  
Name: Bryan L. Weber  
Its: Manager

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 11 day of March, 2014 by Bryan Weber, as manager of HP 500 Manager, LLC, a Florida limited liability company, the Manager of HP 500, LLC, a Florida limited liability company, on behalf of the company. He is  personally known to me or  has produced \_\_\_\_\_ as identification.

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



YVONNE E. ST. LAURENT  
MY COMMISSION # FF 019930  
EXPIRES: July 11, 2017  
Bonded Thru Budget Notary Services

# EXHIBIT B

## Agent Authorization

Date: \_\_\_\_\_

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

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file an application for a rezoning to Planned Unit Development district for the referenced property, and in connection with such authorization, to file such applications, papers, documents, requests and other matters necessary for such application.

**HP 500, LLC**, a Florida limited liability company

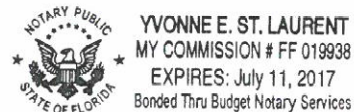
By: HP 500 Manager, LLC, a Florida limited liability company, Manager

By: \_\_\_\_\_  
Name: Bryan L. Weber  
Its: Manager

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 11 day of March, 2014 by Bryan Weber, as Manager of HP 500 Manager, LLC, a Florida limited liability company, the Manager of HP 500, LLC, a Florida limited liability company, on behalf of the company. He is  personally known to me or  has produced \_\_\_\_\_ as identification.

Yes  
\_\_\_\_\_  
(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 Nos. 090148-0000; 090154-0000; 090155-0000

Ladies and Gentlemen:

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in **Exhibit 1** attached hereto, 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.

**HP 500, LLC**, a Florida limited liability company

By: HP 500 Manager, LLC, a Florida limited liability company, Manager

By: \_\_\_\_\_  
Name: Bryan L. Weber  
Its: Manager

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 11 day of March, 2014 by Bryan Weber, as manager of HP 500 Manager, LLC, a Florida limited liability company, the Manager of HP 500, LLC, a Florida limited liability company, on behalf of the company. He is  personally known to me or  has produced \_\_\_\_\_ as identification.

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



YVONNE E. ST. LAURENT  
MY COMMISSION # FF 019938  
EXPIRES: July 11, 2017  
Bonded Thru Budget Notary Services

# 901 L 15

## Bishop Gate Condominiums PUD Written Description April 9, 2014

### I. INTRODUCTION

The Property is zoned PUD pursuant to Ordinance 2006-127-E (the "Ordinance"). Applicant, HP 500, LLC, proposes no changes to the existing PUD zoning district, except with regard to that certain condition imposed pursuant to Section 4(a) of the Ordinance (the "Riverwalk Easement Condition"). In lieu of the Riverwalk Easement Condition, Applicant proposes to grant the easement set forth in Section IV(V) herein.

The PUD Development Criteria set forth herein include all conditions imposed pursuant to the Ordinance, but are otherwise identical to the permitted PUD zoning district regulations.

### II. SUMMARY DESCRIPTION OF THE PROPERTY

- A. Current Land Use Designation: HDR
- B. Current Zoning District: PUD
- C. Requested Zoning District: PUD
- D. Re#: 090148 0000; 090154 0000 & 090155 0000

### III. SUMMARY DESCRIPTION OF THE PLAN

The Applicant purposes to rezone approximately 1.34± acres of the property from PUD to PUD. The subject property (the "Property") is located on Lomax Street between Riverside Avenue and the St. Johns River; Bishop Gate Lane borders the Property to the north. Applicant requests the PUD zoning district to permit the construction of an upscale condominium development with up to eighty (80) units in a multi-story building (the "Tower") with an integrated parking garage on the bottom two floors (the "Parking Garage"), a surface parking lot (the "Surface Lot") and accompanying dock on the St. Johns River for use by the residents and guests with up to three (3) boat slips (the "Dock") (collectively, the Tower, Parking Garage, Surface Lot and Dock are the "Development").

The Property is more particularly described in the legal description attached as **Exhibit "I"** to this application. A conceptual site plan of the proposed Development is attached hereto as **Exhibit "E"** (the "Site Plan"). The Development will include supporting recreational amenities for the exclusive use of the residents and their guests.

Currently, the entire Property is undeveloped land. The surrounding land use categories and zoning districts are RPI and CRO. Commercial retail and office use are to the West of the Property along Bishop Gate Lane. Medical training facilities and offices are located to the North of Bishop Gate Lane. Commercial offices, single family dwellings and multi-family dwelling units are located to the South of the Property.

The proposed development is compatible and consistent with surrounding development. Specifically, the sixteen story Park Plaza condominium building is located Southeast of the Property along Lomax Street; the height of Park Plaza is approximately 167 feet (measured from

the top of the roof elevator penthouse to the street). The Presbyterian Apartments located to the West of the Property is 192 feet in height (measured from the sidewalk at the entry to the top of the roof penthouse). Nearby Park Lane Tower and Villa Riva are 155 feet (measured from the front door to the top of the sloping roof) and 175 feet (measured from the grade at the river side to the top of the center pitched roof), respectively. The proposed PUD will provide diversity for the housing product in the area and contribute to urban infill and development of an existing use.

#### IV. PUD DEVELOPMENT CRITERIA

**A. Description of Uses.** The following uses shall be permitted within the PUD zoning district:

1. Residential condominiums with integrated parking facility beneath residential structure;
2. Amenities/recreation facilities for the condominiums, including but not limited to welcome center, sales office, indoor and outdoor athletic facilities, swimming pool, cabana, clubhouse, and similar amenities found in comparable residential developments;
3. Surface parking lot on top of integrated parking facility;
4. Dock with up to three (3) boat slips for use by residents and guests;
5. Essential services including roads, water, sewer, gas, telephone, stormwater management facilities, radio, television, and cable television, electric, marine and land communication devices, small satellite dishes, and similar uses subject to performance standards set forth in Part 4 of the City of Jacksonville Zoning Code;

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

#### C. Minimum Lot and Building Requirements.

1. *Minimum building setbacks and yard requirements*

- a. Front (from St. Johns River) – Thirty (30) feet.
- b. Side (from Bishop Gate Lane) – Ten (10) feet.
- c. Side (from Lomax Street) – Ten (10) feet.
- d. Rear (from boundary toward Riverside Avenue) – Ten (10) feet.

*Note:* Encroachments by sidewalks, parking, signage, utility structures, fences, street/park furniture, and other similar improvements shall be permitted within the minimum building setbacks.

2. *Minimum Lot Requirements.* None

3. *Maximum Height of Structures:* Maximum of 199 feet in height from established grade; the Tower is sixteen (16) stories high, including two (2) stories of parking

(approximately 21'- 0"), fourteen (14) stories of residential units (approximately 158' - 0") and a roof dimension of approximately 19'-6". Decorative rooftop structures including: screening, mechanical equipment, mansard roofs, spires, cupolas, parapets, antennas, chimneys and other appurtenances not intended for human occupancy are included in the maximum height and therefore may not exceed 199 feet in height for established grade. A detailed depiction of the elevation of the proposed Tower is set forth in Exhibit "E-2". A modification in height of up to five (5) feet from that depicted in Exhibit "E-2" may be accomplished by an Administrative Modification to the approved PUD. Notice of such an Administrative Modification shall be provided to Riverside Avondale Preservation, Inc. and to Park Plaza Condominium Association by certified mail.

4. *Maximum parcel coverage by all buildings.* Sixty-five percent (65%).

**D. Common Landscape Maintenance.** Prior to the recordation of condominium documents for the residential use, the Applicant shall submit to the Planning and Development Department and the Office of the General Counsel restrictions that will ensure the proper maintenance of all common areas, lawns, and landscaping serving the residential use and funded by mandatory association dues.

**E. Access.** As indicated on the Site Plan, access to the Property will be both from Bishop Gate Lane and from Lomax Street. If, at the discretion of the Florida Department of Transportation or the City of Jacksonville, a traffic signal is not permitted at the intersection of Riverside Avenue and Lomax Street, ingress to the proposed parking garage shall be via Lomax Street and egress from the proposed parking garage shall be via Bishopgate Lane, and Applicant shall, at its sole cost and expense, design and construct roadway, streetscape and/or landscape improvements at the intersection of Riverside Avenue and Bishopgate Lane, Lomax Street and/or Bishopgate Lane (the "Intersection Improvements"). The total design, materials, construction and installation costs of such Intersection Improvements shall not exceed \$100,000.00. The Intersection Improvements shall be subject to the review and approval of the Planning and Development Department, City Traffic Engineer and Department of Public Works. The design of the access points and internal driveways as shown on the Site Plan may vary prior to the developments; provided, however, that the final design of all the access points and internal drives shall be subject to the review and approval of the Planning and Development Department and Traffic Engineer.

**F. Pedestrian Circulation.** External sidewalks along Lomax Street shall be preserved and enhanced, and a new sidewalk along Bishop Gate Lane shall be constructed consistent with 2030 Comprehensive Plan and the Land Development Procedures Manual. The location of all sidewalks is conceptual and final sidewalk plans are subject to the review and approval of the Planning and Development Department.

**G. Recreational/Open Space.** Pursuant to the Comprehensive Plan, a minimum of one hundred fifty (150) square feet of the recreational/open space will be provided per dwelling unit within the PUD or as otherwise approved by the Planning and Development Department.

**H. Signage.**

**PUD Sign.** The PUD shall allow for one (1) single or double faced monument sign along the Lomax Street entrance not to exceed forty-eight (45) square feet in area per sign face and six (6) feet in height.

**Directional Signs.** Directional signs that indicate ways to and from the property entrances, pedestrian areas and garage entrance shall be permitted in the PUD. The design of such directional signs shall be reflective if the overall character of the PUD, and may include the relevant logo and name. Vehicle-oriented Directional Signs shall be a maximum of ten (10) square feet in area per sign face.

**Temporary Signs.** Real estate, construction and other such temporary activity signs not to exceed a maximum of forty-eight (48) square feet each shall be permitted throughout the PUD, provided that only one such sign per individual activity shall be permitted on the Property at any one time.

**Backlit Signage.** Any and all forms of backlit signage, including but not limited to incandescent, neon, electronic, software or scrolling signage, shall be strictly prohibited throughout the entire property.

Because the signs discussed above are architectural elements of the PUD, intended to be compatible with and complimentary of the buildings in the PUD, they may be located in structures or frames that are part of the architecture of the project. Accordingly, the area of such signs shall be computed on the basis of the smallest regular geometric shape encompassing the outermost individual letter, words, and numbers on the sign shall not include the frame or surrounding mount.

**I. Parking and Loading Requirements.** Off-street parking and loading spaces shall be provided in accordance with Part 6 of the City of Jacksonville Zoning Code. Parking spaces and loading spaces for residential use shall be located in an integrated parking facility and a surface parking lot on top of said integrated parking facility. Loading spaces for commercial and service vehicles shall be provided on Bishopgate Lane only. Existing public parking on Lomax Street shall be preserved and enhanced. Modifications to parking requirements within the PUD may be permitted by an administrative deviation.

**J. 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 City of Jacksonville Zoning Code; provided, however, that parking garages shall not be deemed to be vehicular use areas for the purposes of the Landscape and



Tree Protection Regulations. The landscaped areas will allow for the inclusion of native or ornamental vegetation, trees, and shrubs. Applicant shall use best effort to preserve the three (3) existing Oak trees located along the St. Johns River.

- K. Architectural Design.** Architectural style and themes will be reflective of architectural styles and themes in the Riverside area (excluding Mediterranean or contemporary themes) and will be consistent with the style and themes shown in Exhibits “E” and “E2”. As part of verification of compliance with this Section K of the PUD, the Applicant will submit elevations of proposed structures to the Planning and Development Department for its review and approval.
- L. Lighting.** Any and all forms of exterior and interior lighting shall be (a) “full cut-off” only and (b) designed and installed to localize illumination on to the Property and to minimize unreasonable interference or impact on any adjacent property outside of the PUD. The design of the light fixtures shall be architecturally compatible with the Historic Preservation Guidelines for the Riverside and Avondale District, as defined in Chapter 307. Garage light sources shall not be directly visible from the adjacent properties.
- M. Stormwater Retention.** Stormwater retention/detention system shall be designed and constructed in accordance with the requirements of the City of Jacksonville and the St. Johns River Water Management District, and shall include underground detention vaults. The established grade of the Tower and all amenities/recreation facilities shall be designed with best efforts to minimize and mitigate the stormwater runoff onto all adjacent public and private properties.
- N. Recreation.** Unless otherwise approved by the Planning and Development Department, one hundred fifty (150) square feet of the recreational/open space will be provided per dwelling unit within the PUD. Proposed recreation/open space will include a swimming pool and may include an amenity center, indoor and/or outdoor athletic facilities, cabana, clubhouse, landscaped areas or similar amenities found in comparable residential developments.
- O. Coastal High Hazard Area Mitigation.** The Property is not located within a Coastal High Hazard Area (CHHA).
- P. Utilities.** Electric, water and sewer services will be provided to the site by the JEA.
- Q. Temporary Uses.** Temporary sales, leasing, and construction offices and trailers shall (a) be allowed to be placed within the PUD, (b) be maintained in good order, condition and repair and (c) shall be removed upon Certificate of Occupancy.
- R. Dumpsters.** Any and all dumpster(s) shall be depicted on the Site Plan and shall be enclosed by one hundred percent (100%) opaque walls and gates to match building material and character. Dumpsters shall be strictly prohibited from the southern property line adjacent to the Lomax Street residences.

- S. Mechanical Equipment.** Any and all mechanical equipment and rooftop appurtenances, including but not limited to HVAC units, vents, wireless communications facilities, antennas, or satellite dishes, shall not be visible from street level. Any and all required or installed noise-producing equipment or appurtenances shall be designed, located, and adequately buffered to minimize the impact of noise on adjacent property outside the PUD. Mechanical equipment shall be strictly prohibited from the southern property line adjacent to the Lomax residences.
- T. Construction.** To minimize the adverse impacts of construction on the adjacent neighborhood, during the construction process, (a) construction workers shall be prohibited from and instructed not to park in any adjacent neighborhood, (b) construction work shall be limited to daylight hours (7:30 a.m. to 7:30 p.m.), (c) a pest control company shall be engaged to address rodent control during demolition and construction, and (d) the Applicant shall provide Riverside Avondale Preservation, Inc. and Park Plaza Condominium Association with (i) a designated contact person for any and all construction related issues, and (ii) quarterly construction updates as well as notice of any and all anticipated unusual construction disturbances. Applicant shall, with the cooperation of the Park Plaza Condominium Association, make a pre-construction inspection of the Park Plaza Condominium to provide a base line that any future damage that may be caused by the construction of the Development may be measured against. Applicant shall provide the Park Plaza Condominium Association with a copy of all documentation of the inspection, including photographs, if any. Where soil conditions permit, Applicant shall not use a pile driver to prepare the Property for construction or to prepare a foundation for any vertical improvement to be placed on the Property.
- U. Dock.** The Dock shall be designed and constructed in accordance with the requirements of the City of Jacksonville, the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. The sale and storage of fuel products shall be strictly prohibited. The Dock shall be access restricted to residents of the Property.
- V. Riverwalk Easement.** Applicant shall grant to the City of Jacksonville (i) a fifteen (15) foot wide perpetual, non-exclusive easement waterward of the bulkhead over the Dock, which Dock will bisect the Riverwalk as more particularly depicted on the attached **Exhibit “J”**, for purposes of constructing, operating, maintaining, improving and repairing therein a pedestrian walkway to adjoin the Riverwalk, and (ii) the right for the City of Jacksonville, and upon completion of construction, the public, to use the pedestrian walkway to traverse the Riverwalk (the “Riverwalk Easement”). Additionally, Applicant will contribute Five Thousand and No/100 Dollars (\$5,000.00) to the City of Jacksonville to be used for the permitting and development of the Northbank Riverwalk extension.

**W. Modifications.** Amendments to this approved PUD district may be accomplished by administrative deviation, administrative modification, minor modification, or by the filing of a rezoning application pursuant to Section 656.341 of the City of Jacksonville Zoning Code. Upon filing either a Minor Modification or rezoning, the Developer shall concurrently notify both Riverside Avondale Preservation, Inc., Park Plaza Condominium Association and the respective district City Councilmember via certified mail with a copy of said filing and related revised plans.

**X. Conceptual Site Plan.** The configuration of the development as depicted in the Site Plan is conceptual and revisions to the Site Plan, including access points and internal circulation, may be required as the proposed development proceeds through final engineering and site plan review, subject to review and approval of the Planning and Development Department as provided in Section 656.341 of the City of Jacksonville Ordinance Code and Paragraph W above.

**Y. Justification for Planned Unit Development.** The Development is consistent with the general purpose and intent of the City of Jacksonville 2010 Comprehensive Plan and Land Use Regulations (the “Comprehensive Plan”). The Property is currently zoned PUD pursuant to that certain Ordinance 2006-127-E (the “Ordinance”), which Ordinance restricts development of the Property to one building containing up to 80 residential units and an ancillary parking garage. Applicant has reproduced the original PUD zoning regulations herein, incorporating all conditions imposed pursuant to the Ordinance, and seeks only to amend that certain condition set forth at Section 4(a) of the Ordinance.

#### **IV. SUCCESSIONS IN TITLE**

All successors in title to the Property, or any portion of the Property, shall be bound by the conditions of this PUD.

#### **V. PUD REVIEW CRITERIA**

**A. Consistency with Comprehensive Plan** An HDR-designated parcel in the Urban Area is intended to provide multi-family dwellings organized vertically at a maximum gross density of sixty (60) units per acre. The proposed Development of up to 80 units on 1.34 acres is consistent with the HDR land use category. In addition, the proposed development furthers Policies 1.1.10, 1.5.1, 2.7.4, 3.1.5, 3.1.15, and 3.2.2 of the Future Land Use Element of the 2010 Comprehensive Plan.

**B. Roadways / Consistency with the Concurrence Management System.** The Development is subject to a Fair Share Agreement with the City of Jacksonville. The proposed Development has been assigned CCAS #44079 and City Development Number 7251.

- C. Allocation of Residential Land Use.** The proposed development will not exceed the projected holding capacity reflected in Table L-20 of the Future Land Use Element of the 2010 Comprehensive Plan.
- D. Internal Compatibility / Vehicular Access.** The Site Plan attached as Exhibit “E” addresses access and circulation within the site. Access to the site is available from Bishop Gate Lane and Lomax Street. Location of the access points shown on the Site Plan as well as the final design of the access points is subject to review and approval of the City Traffic Engineer and the Planning Development Department. The Applicant shall fund or construct a signal at Riverside Avenue and Lomax as may be required by the City and/or the Florida Department of Transportation. The PUD contains detailed provision regarding landscaping, architecture, and screening of certain areas to ensure internal compatibility among the uses.
- E. External Compatibility / Intensity of Development.** The proposed project seeks to redevelop the Property as an upscale condominium development oriented along the St. Johns River to replace existing office uses, parking lot and vacant land.

The surrounding land use categories and zoning districts are RPI and CRO in all directions. Medical facilities and office uses are to the North of the Property across Bishop Gate Lane. Office and commercial uses are located to the West of the Property. Single-family dwelling units, multi-family dwelling units, and office and retail uses are located to South of the Property on the other side of Lomax Street. In addition, a sixteen-story condominium, known as Park Plaza, is located on Southeast side of the Property along Lomax Street. The St. Johns River is to the immediate East. The proposed PUD will provide diversity for the housing product in the area and create an upscale residential development with access to the St. Johns River for the benefit of its residents. It will also contribute to urban infill and redevelopment of an existing use.

The PUD includes landscaping, signage, lighting, and architectural controls to ensure that the proposed use is compatible with the surrounding uses and zoning districts.

- F. Recreation/Open Space.** Pursuant to the Comprehensive Plan, a minimum of one-hundred fifty (150) square feet of recreational/open space will be provided per dwelling unit within the PUD.
- G. Impact on Wetlands.** Development which would impact wetlands will be permitted in accordance with local, State and federal requirements.
- H. Listed Species Regulations.** The Property is less than fifty acres and therefore a listed species survey is not required. Furthermore, the Property is partially developed with an office building and parking lot and does not appear to contain any suitable habitat for listed or endangered species.

**I. Parking & Loading Requirements.** The Development will comply with Part 6 of the City of Jacksonville Zoning Code.

**J. Sidewalks, Trails, and Bikeways.** External sidewalks will be provided as required by the 2010 Comprehensive Plan and consistent with the Land Development Procedures Manual. The location of all sidewalks is conceptual and final sidewalk plans are subject to the review and approval of the Planning and Development Department.

**VI. ADDITIONAL PUD CRITERIA**

**A. Professional Consultants.**

- 1. Architect: Collaborative Design Group, Inc./Studio 9
- 2. Developer: Hallmark Partners
- 3. Engineer: England, Thims & Miller

**B. Land Coverage of All Buildings and Structures:** 37,900 square feet

**C. Rights of Way:** None; the internal circulation consists of private drives and parking areas.

**D. Phasing.** It is anticipated that construction will commence on or about July 1, 2014 and construction of the Development will be completed within eighteen (18) months.

**E. Operation and Maintenance of Property:** Applicant plans to retain ownership of the Property and will operate and maintain the Property at Applicant’s sole expense.

**F. Differences from Application of Conventional Zoning District:** The Property is zoned PUD pursuant to Ordinance 2006-127-E, which ordinance deviates from the regulations of the underlying Commercial, Residential and Office (“CRO”) zoning district as follows:

<b>Conventional Zoning District</b>	<b>PUD Zoning District</b>
Minimum Lot Requirements (width and area): Width – 70 feet Area – 7,000 square feet 656.311(2)(e)	Minimum Lots Requirements (width and area): none
Maximum Lot Coverage – 50% 656.311(2)(f)	Maximum Lot Coverage – 65%
Minimum Yard Requirements: Front – 20 feet Side – 10 feet	Minimum Yard Requirements: Front (from St. Johns River) – 30 feet Side (from Bishopgate Lane) – 10 feet

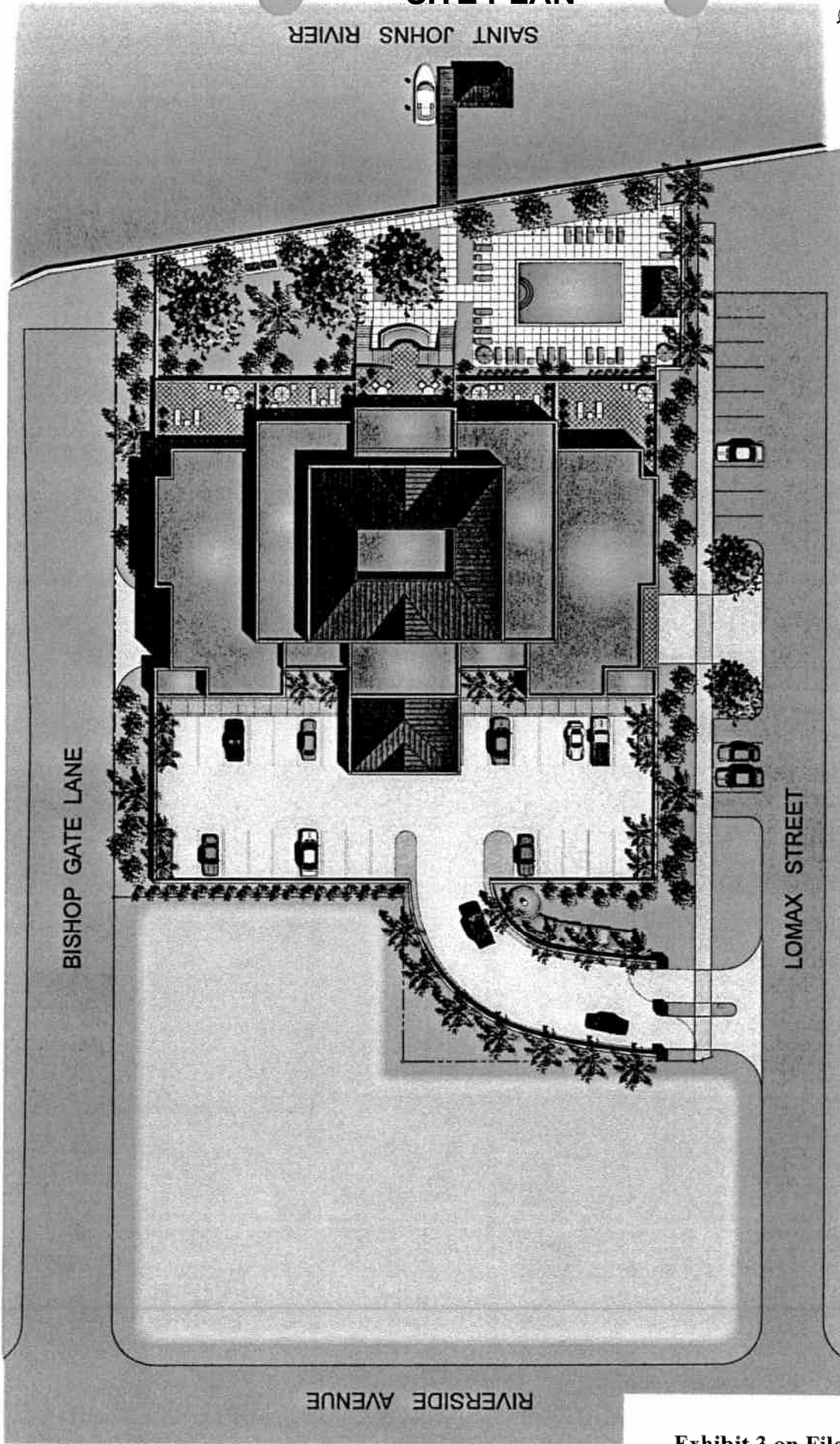
Rear – 20 feet 656.311(2)(g)	Side (from Lomax Street) – 10 feet Rear (from boundary toward Riverside Avenue) – 10 feet
Maximum Height of Structures: 45 feet 656.311(2)(i)	Maximum Height of Structures: 199 feet
Signage: One nonilluminated or externally illuminated monument sign not exceeding a maximum of 24 square feet in area and 12 feet in height; and One 5 square foot nonilluminated, externally illuminated or internally illuminated wall sign	The PUD shall allow for one (1) single or double faced monument sign along the Lomax Street entrance not to exceed forty-eight (48) square feet in area per sign face and six (6) feet in height.

## VII. SITE PLAN LEGEND

Total gross acreage	1.34 Acres	100%
Amount of each different land use by acreage	HDR	100%
Total number and type of dwelling units by each type of same	80 multi-family units 0 1BR Units 20 2BR Units 60 3 BR Units	0% 25% 75%
Total amount of active recreation and/or open space	0.35 Acres	26%
Total amount of passive open space	0.21 Acres	16%
Amount of public and private rights-of-way	Private: 0.10Acres Public: 0.0 Acres	7.46% 0%
Maximum coverage of buildings and structures at ground level	37,900 Sq. Ft.	65%
Non-residential floor area	0 Sq. Ft.	0%

# SITE PLAN

SAINT JOHNS RIVIER



BISHOP GATE LANE

LOMAX STREET

RIVERSIDE AVENUE

## BISHOP GATE CONDOMINIUM

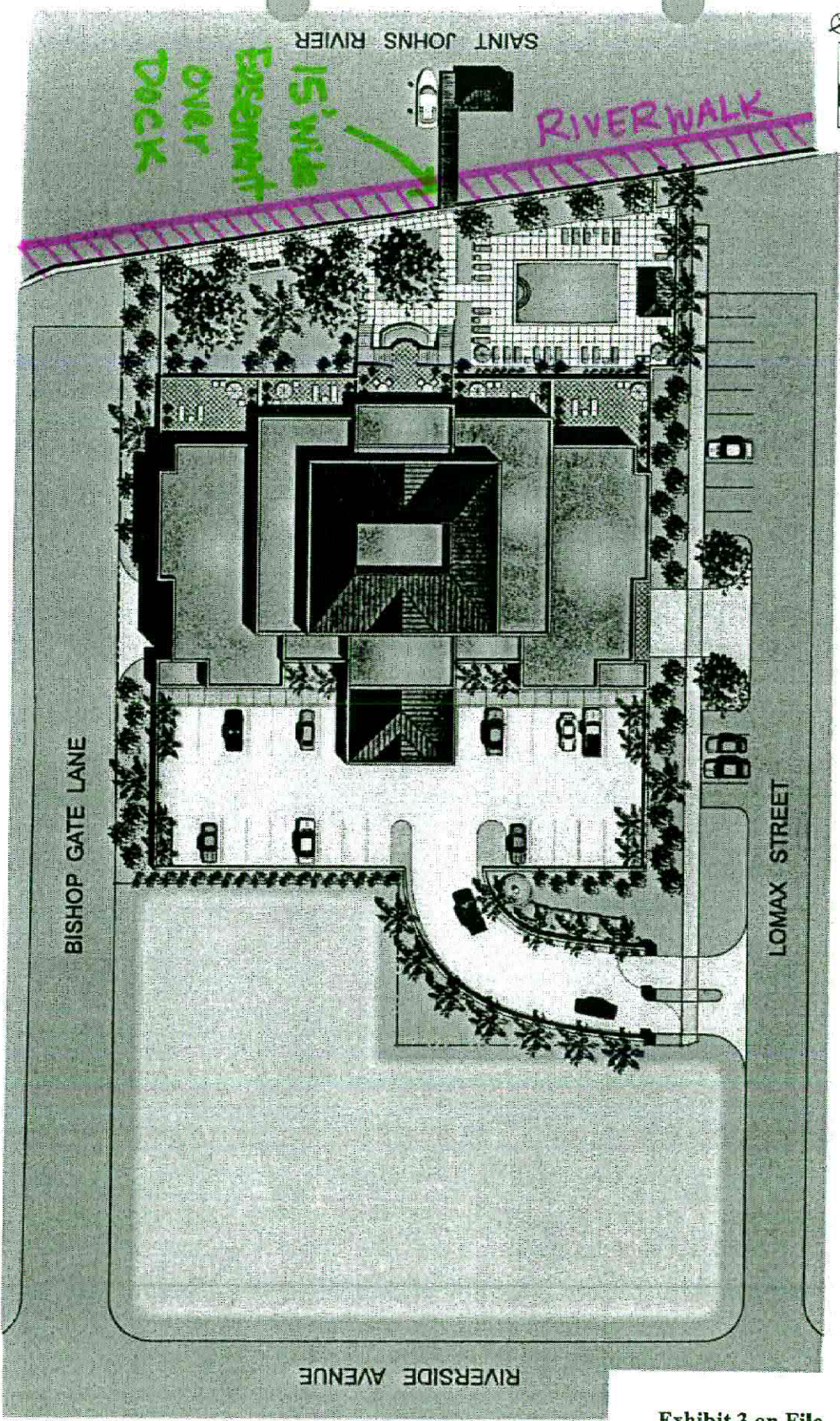
JACKSONVILLE, FLORIDA

OCTOBER 2005

Exhibit 3 on File  
Page 10 of 10

FISHER KOPPENHAFFER  
ARCHITECTURE

14784 E. Fisher Avenue  
Jacksonville, Florida 32217  
Phone: 904.455.1000  
Fax: 904.455.1005  
Florida License Number: A-23609983  
Florida License Number: 0226580140



SAINT JOHNS RIVER

15' wide  
Easement  
OVER  
DOCK

RIVER WALK

BISHOP GATE LANE

RIVERSIDE AVENUE

LOMAX STREET



Exhibit 3 on File  
Page 10 of 10

FISHER KOPPENHAFFER  
ARCHITECTURE INTERIOR DESIGN

1000 N. Flagler Avenue  
Suite 1000, Jacksonville, FL 32209  
Phone: 904.244.1000  
Florida License Number: 00000000

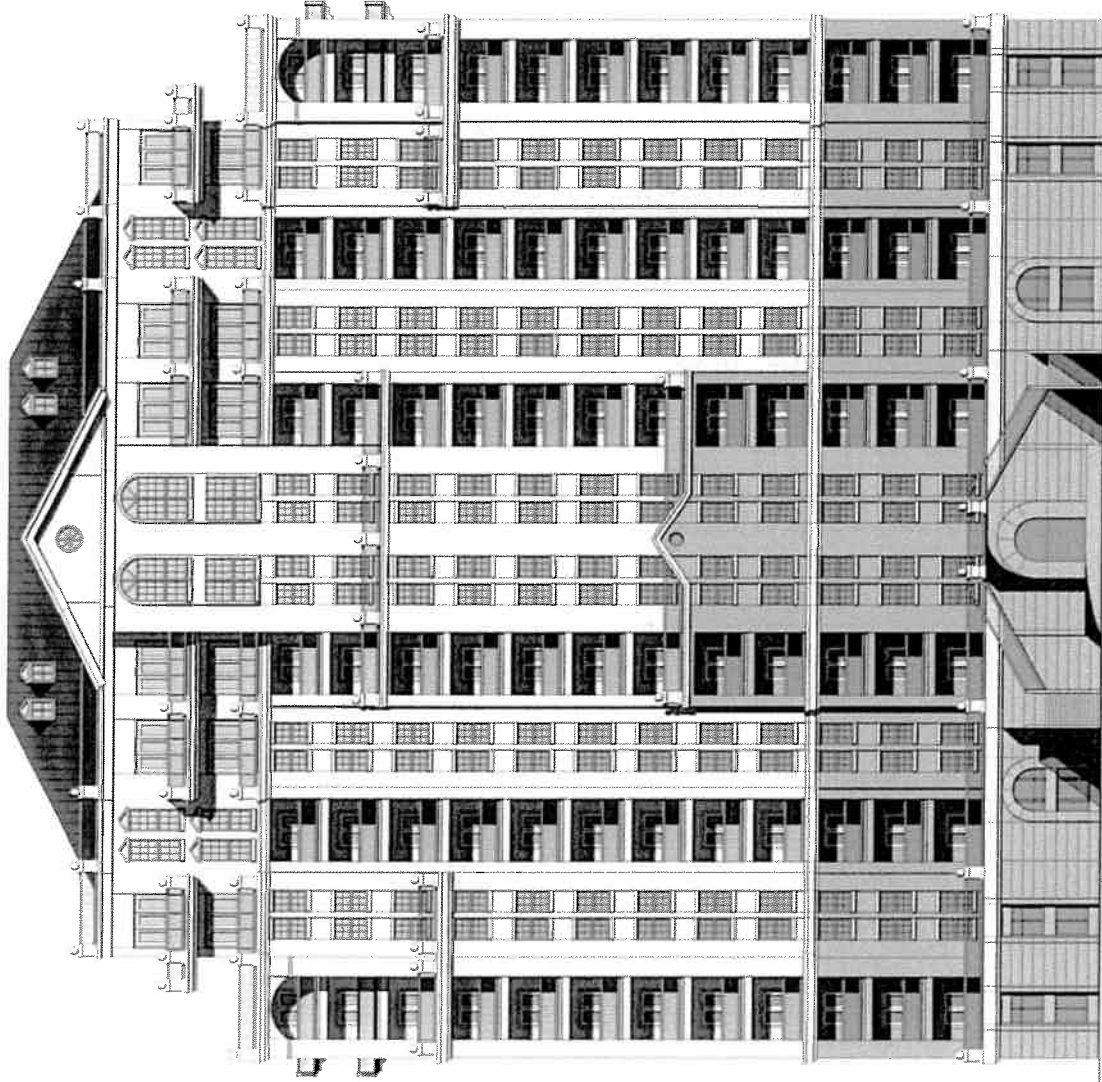
BISHOP GATE CONDOMINIUM

JACKSONVILLE, FLORIDA

OCTOBER 2005





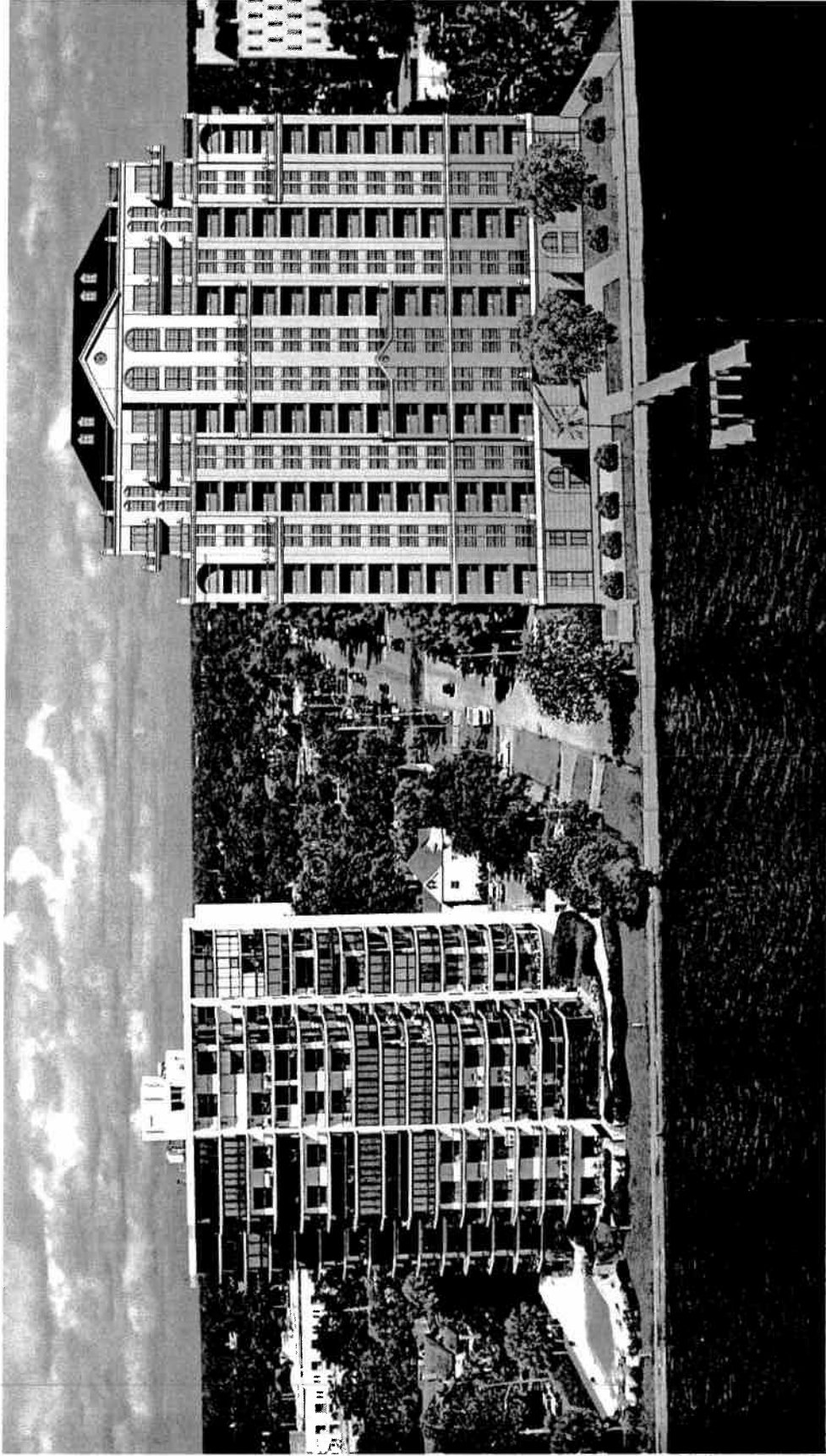


**BISHOP GATE CONDOMINIUM**  
Jacksonville, Florida

Date: 7/11/2006

**FISHER KOPPENHAVER**  
ARCHITECTURE INTERIOR DESIGN

3100 E. 10th Street  
Jacksonville, Florida 32207  
Tel: 904.241.1111  
Fax: 904.241.1121  
E-mail: f.koppenhaver@fkad.com  
Florida License Number: A-12434142  
Florida License Number: B12434141

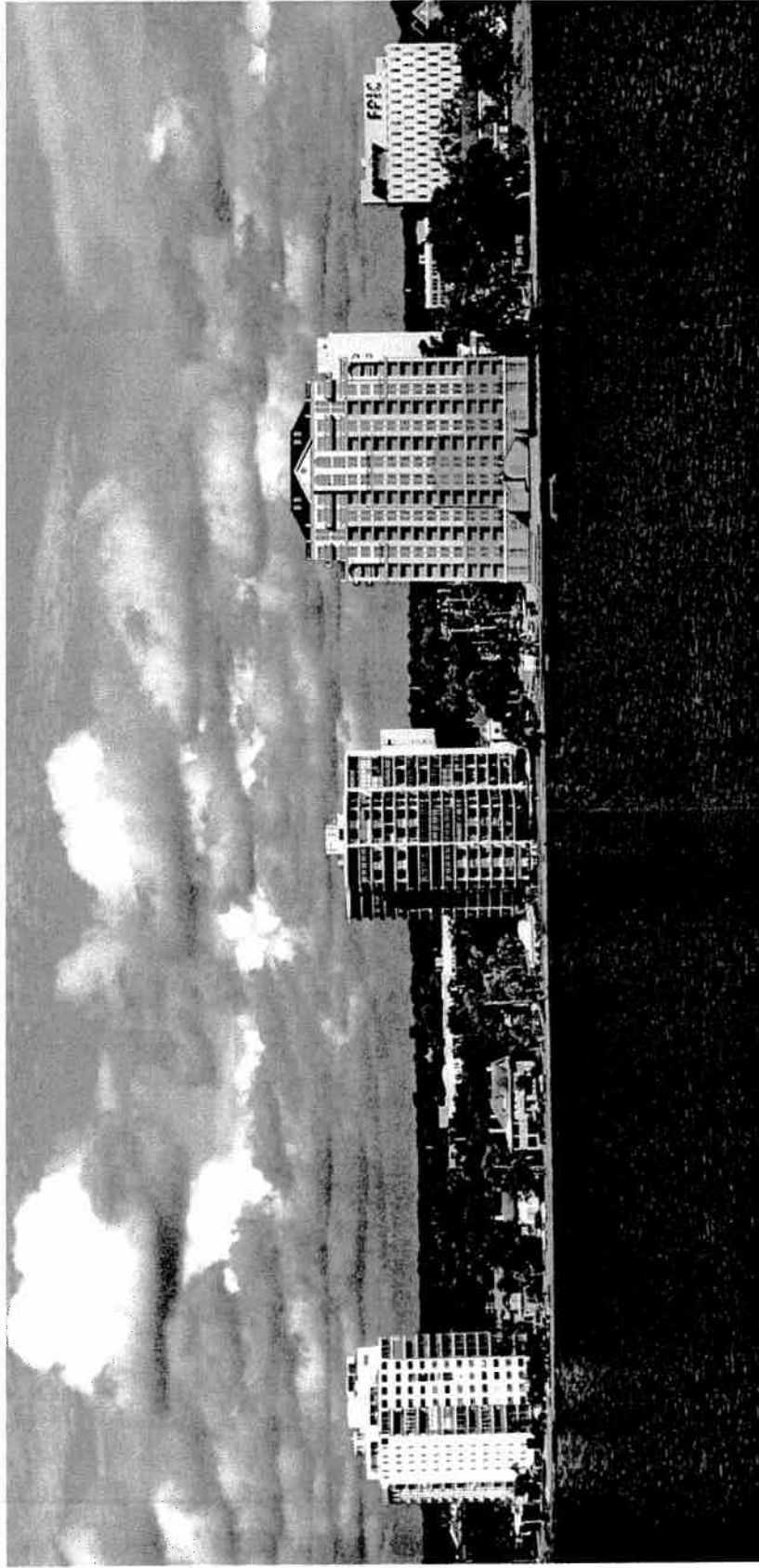


**BISHOP GATE CONDOMINIUM**  
Jacksonville, Florida

**FISHER KOPPENHAFFER**  
ARCHITECTURE INTERIOR DESIGN

1406 E. Pugh Avenue  
Jacksonville, Florida 32207  
Phone: 904.238.1045  
Florida License Number A-35000092  
Florida License Number B-0000700

Date: 7/11/2006



**BISHOP GATE CONDOMINIUM**  
Jacksonville, Florida

Date: 7/11/2006

**FISHER KOPPENHAFFER**  
ARCHITECTURE INTERIOR DESIGN

John P. Fisher, Architect  
Architect License No. 22007  
Vince W. Kopp, Interior Designer  
Interior Design License No. A-12400025  
Florida License Number 020600749

**THIS INSTRUMENT PREPARED BY  
AND RETURN TO:**

*Anthony M. Rodriguez, Esq.*  
Foley & Lardner LLP  
100 N. Tampa St.  
Suite 2700  
Tampa, FL 33602

Folio #: 090148-0000, 090154-0000 and 090155-0000

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made this 15<sup>th</sup> day of August, 2013, by and between (i) **ROBIN SHEPHERD STUDIOS, INC.**, a Florida corporation, and **RSPR, INC.**, a Florida corporation, as tenants in common, each with an undivided fifty percent (50%) interest, both having an address of 500 Bishopgate Lane, Jacksonville, Florida 32204 (together, "Grantor"), in favor of (ii) **HP 500, LLC**, a Florida limited liability company, whose address is 6675 Corporate Center Parkway, Suite 100, Jacksonville, Florida 32216 ("Grantee").

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid, the receipt whereof is hereby acknowledged, by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, its successors and assigns forever, all of that certain parcel of land lying and being in the County of Duval, State of Florida, as more particularly described in the Exhibit A attached hereto and by this reference made a part hereof.

TOGETHER WITH all the rights, ways, roads, privileges, reversionary interests, easements, tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, including any right, title and interest in and to any strips, gores, streets, alleys and ways, public or private, adjoining or crossing the afore-described property.

SUBJECT TO real estate taxes for 2013 and all subsequent years, and those matters identified in Exhibit B attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said Grantee, its successors and assigns, in fee simple forever.

AND the Grantor does hereby specially warrant the title to said land subject to the matters referred to above and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has caused these presents to be duly authorized in its name, the day and year first above written.

WITNESSES:

**ROBIN SHEPHERD STUDIOS, INC.,** a Florida corporation

David T. Abraham  
Print Name: David T. Abraham

Marie Mills  
Print Name: Marie Mills

By: [Signature]  
Print: Robin W. Shepherd  
Its: President

STATE OF Florida  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 14th day of August, 2013, by Robin W. Shepherd as President of **ROBIN SHEPHERD STUDIOS, INC.**, a Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

David T. Abraham  
NOTARY PUBLIC  
Name: \_\_\_\_\_  
Serial No. \_\_\_\_\_  
My Commission expires:



WITNESSES:

RSPR, INC., a Florida corporation

David T. Abraham  
Print Name: David T. Abraham

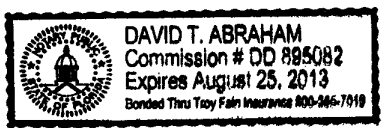
Marie Mills  
Print Name: marie mills

By: Robin W. Shepherd  
Print: Robin W. Shepherd  
Its: President

STATE OF Florida  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 14th day of August, 2013, by Robin W. Shepherd, as President of RSPR, INC., a Florida corporation, on behalf of the corporation. He/She is personally known to me or has produced as identification.

David T. Abraham  
NOTARY PUBLIC  
Name: \_\_\_\_\_  
Serial No. \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



**EXHIBIT A**  
**Legal Description**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF DUVAL, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

All of Lots 1, 2, 10, 11 and 12, HEDRICKS SUBDIVISION of the South 1/2 of Block 5, Riverside, according to plat of said subdivision, recorded in the former public records of Duval County, Florida, in Plat Book 1, Page 114; TOGETHER WITH that certain strip of land (alley) lying between said Lots 1 and 12, and between said Lots 2 and 11, and the Southerly 5 feet of that certain strip of land (alley) adjacent to Lot 10, all of which is more particularly described as BEGINNING at a point on the North line of Lomax Street, which point is the Southwest corner of said Lot 10; thence Easterly along the North line of Lomax Street, which is the South line of said Lots 10, 11, and 12, a distance of 324.75 feet to the Easterly face of concrete bulkhead at the Westerly shore line of the St. Johns River; thence Northerly along the Easterly face of said bulkhead, 212.62 feet to an intersection with the Southerly right-of-way line of Bishopgate Lane (a 40 foot right-of-way); thence Westerly along the South right-of-way line of said Bishopgate Lane, which is the North line of said Lots 1 and 2, a distance of 231.92 feet to the Northwest corner of said Lot 2; thence Southerly along the Westerly line of said Lot 2 and a Southerly prolongation thereof, 105.00 feet to a point in the Northerly line of said Southerly 5 feet of said certain strip of land (alley); thence Westerly parallel to said Lomax Street and along the Northerly line of said Southerly 5 feet of that certain strip of land (alley), 60 feet; thence Southerly along a Northerly prolongation of the Westerly line of said Lot 10 and along the Westerly line of said Lot 10, a distance of 105 feet to the POINT OF BEGINNING.

**EXHIBIT B**

1. Easement set forth in that certain Quit Claim Deed recorded in Official Records Book 3454, Page 73, public records of Duval County, Florida.
2. Notice of Fair Share Assessment Contract, recorded in Official Records Book 15536, Page 1572, public records of Duval County, Florida.



