

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2015-843**  
**TO PLANNED UNIT DEVELOPMENT**

**JANUARY 21, 2015**

The Planning and Development Department hereby forwards to the Planning Commission and Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2015-843** to Planned Unit Development.

***Location:*** The south side of Starratt Road; between Saddlewood Parkway and Dunn Creek Road

***Real Estate Number(s):*** 106869-0010, 106869-0020, 106869-0030, 106869-0040, 106869-0060, 106869-0100, 106869-0110, 106869-0120, 106869-0140

***Current Zoning District:*** Residential Rural-Acre (RR-Acre)

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

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** North

***City Council District:*** The Honorable Al Ferraro, District 2

***Planning Commissioner:*** Marshall Adkison

***Applicant/Agent:*** Curtis L. Hart  
Hart Resources LLC  
8051 Tara Lane  
Jacksonville, Florida 32216

***Owner(s):*** Bankers Capital Group LLC  
C/O State Bank & Trust Co.  
3399 Peachtree Road NE, Suite 1900  
Atlanta, Georgia 30326

***Staff Recommendation:*** **APPROVE WITH CONDITION**

**GENERAL INFORMATION**

Application for Planned Unit Development 2015-843 seeks to rezone approximately 32.59± acres of property from Residential Rural-Acre (RR-Acre) to Planned Unit Development

(PUD). The PUD zoning district is being requested to permit the development of a 97 lot single family subdivision. The layout of the subdivision will provide for a development scheme that is compatible with the established pattern of development in the nearby area and bring a competitive and additional housing product to the North Jacksonville area.

The rezoning to PUD will have 60 foot wide lots. Maximum height of structures will be similar to those found in the conventional Code; setbacks will be similar to conventional Zoning Districts, with front setbacks deviating from the standard 20 feet for structures, to 15 feet for the front of the main structure, and 20 feet for the attached garage. Lot coverages are requested to be slightly higher at 60%. Only 23.51 acres of the site will be developed with single family lots/dwellings, with the remainder in passive open space, stormwater ponds, and road infrastructure. The applicant has proposed 1.43 acres of land for active recreation.

The developer intends to integrate and blend the proposed development into the surrounding area and also afford nearby residents and adjacent property owners the convenience of pedestrian access the project that will hopefully be beneficial to them. The proposed PUD rezoning would allow the property to be developed as a mixed-use development containing commercial, office and multi-family uses (townhome and condominium) designed to benefit and serve the rapidly growing North Jacksonville area and the project's surrounding community.

#### **CRITERIA FOR REVIEW**

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

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

Yes. The Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The LDR functional land use category permits housing developments in a gross density range of up to seven (7) dwelling units per acre when full urban services are available to the site. This PUD proposes a gross density of 2.97 dwelling units to the acre and will have full urban services available to the site.

The uses provided herein shall be applicable to all LDR sites within the Suburban Area:  
Principal Uses: Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area: and other uses associated with and developed as an integral component of TND.

Secondary Uses: Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction

with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

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.

*(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 meet all portions of the City's land use regulations and further 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): Low Density Residential (LDR).

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

**FLUE Objective 1.1** Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

**FLUE 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.

**FLUE Policy 1.1.12** Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

**FLUE Policy 3.1.6** The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

The proposed PUD differs from the usual application of the Zoning Code because it contains a unified development plan incorporating similar design themes and other development criteria. The creation of a master planned development affords an efficient use of the land. The site is designed around and along wetland areas with limitations on site development in consideration of wetlands. Substantially more open space will be provided than from the usual application of the zoning code. The proposed PUD allows for a maximum lot coverage of 60%, which would allow for larger homes consistent with demand in this area. It also allows for a maximum of 97 lots at a minimum lot size of 6,000 square feet. By doing a PUD it will allow the developer to provide unique architectural features and conditions. The request differs from the usual application of the Zoning Code because it contains a unified development plan incorporating similar design themes and other development criteria. The creation of a master planned development affords an efficient use of the land. The site is designed around and along wetland areas with limitations on site development in consideration of wetlands. Substantially more open space will be provided than from the usual application of the zoning code.

*(2) Consistency with the Concurrency Mobility and Management System*

Pursuant to the provisions of Chapter 655 Concurrency Mobility and Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency Mobility and Management System Office (CMSO) prior to development approvals.

*(3) Allocation of residential land use*

This proposed Planned Unit Development intends to utilize lands for a single family development. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

The Duval County School Board reviewed this application submittal and has the following comments:

1. Student generation by the proposed use (97 residential units) – 32 students
2. Schools affected – Oceanway Elementary – currently at 85% capacity; Oceanway Middle – currently at 112% capacity; First Coast HS – currently at 95% capacity.

*(4) Internal compatibility*

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

The development shall address access and circulation within the site. The proposed PUD limits the uses permitted on the subject property to single-family with a common development scheme, unified architectural theme that contains special provisions for signage, landscaping, buffering, sidewalks, and other issues relating to the common areas and those used for vehicular and pedestrian traffic. Access to the property is available from Starratt Road. Final design and location of the access points are subject to the review and approval of the City Traffic Engineer and the Planning and Development Department.

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The proposed PUD will provide recreation/common areas for the community at a ratio of a minimum of 1 acre per every 100 lots. In addition, ponds and wetlands will comprise a large portion of the site providing additional passive open space.

Traffic and pedestrian circulation patterns: The PUD proposes one access point off of Dunn Avenue and will contain sidewalks which meet the 2030 Comprehensive Plan. The final location of the access point is subject to the review of the FDOT and the Development Services Division.

The proposed PUD contains limitations on the uses permitted on the property as well as a common development scheme that contains provisions for signage, landscaping, sidewalks, recreation and open space and other requirements relating to common areas and vehicular and pedestrian traffic. The final design and engineering plans shall be subject to the review and approval of the City Traffic Engineer.

This 32.59+- acre parcel is undeveloped and has a single entrance point from Starratt Road. Primary access to the site will be from Starratt Road. The internal roadways/circulation within the site will be provided by an approved road to be given to the City. An exterior sidewalk will be provided along Starratt Road and the proposed internal access roads consistent with the Comprehensive Plan. Prior to verification of substantial compliance pursuant to Section 656.34 1(G) Zoning Code, the vehicular access and design of said access points and interior vehicular circulation, connections, and termination of roadways including design of pavement, right-of-way width, and general design, will be submitted to Planning Department, Transportation Planning, Public Works and Traffic Engineer. This roadway layout is a conceptual and may be adjusted for engineering, geometry and other requirements.

The use and variety of building setback lines, separations, and buffering: The proposed PUD written description contains development standards which are the similar to the current Zoning Code requirements for the RLD-60 zoning district. The development will be required to provide shade trees, landscape buffers, and tree mitigation meeting the minimum standards of the City of Jacksonville Landscape and Tree Protection Regulations. The PUD contains limitations on the uses permitted on the property as well as a common development scheme that contains provisions for signage, landscaping, sidewalks, recreation and open space and other requirements relating to common areas and vehicular and pedestrian traffic. A summary of the development is as follows:

Total Gross Acres	32.59+- Acres
Amount of Land Use for Single Family	16.05 Acres
Total Number of Units Single Family	97
Active Recreation Area	1.43 Acres
Total Passive Open Space (Ponds, Wetlands & Open Space)	10.95 Acres
Amount of Public & Private R/W	4.16 Acres.
Maximum Lot Coverage	60%

**The applicant has not demonstrated a need to increase the lot coverage to 60%. The Zoning Code permits lot coverage to 50%. The Department is of the opinion that increasing the lot coverage will be a detriment to the health, safety and welfare of the residents by reducing the amount of open space on each lot.**

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

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any use within the proposed Planned Unit Development: The proposed development will cluster building sites on the upland; thereby allowing for preservation of existing wetlands.

*(5) External Compatibility*

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The type, number and location of surrounding external uses: The proposed project is within an area where residential development dominates the area. If approved as conditioned the PUD would add another subdivision with flexibility in the location, type and size of the homes to the community and increase the housing options in/for the area.

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

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
North	LDR	RR-Acre	Starratt Rd/SF homes/Undeveloped
South	LDR	RR-Acre	SF homes/Undeveloped land
East	LDR	RR-Acre	SF homes/Undeveloped land
West	LDR	RLD-90	SF residential development

*(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. This PUD proposes a gross density of 2.97 dwelling units to the acre and over 12 acres of recreational and passive open space, and differs from the usual application of the Zoning Code because it contains a significant amount of wetlands on the site and will be designed around and along wetland areas which limits site development in consideration of wetlands. Substantially more open space will be provided for than with the usual application of the zoning code. It will afford a development with a different option of single family lot sizes within a residential community in keeping with the area's pattern of development.

The availability and location of utility services and public facilities and services: Water, sanitary sewer and electric service will be provided by the JEA.

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

The PUD will provide a recreation/common area for the community of at least 1.43 acres in size. In addition, ponds and wetlands will comprise over 15 acres, providing additional passive open space.

*(8) Impact on wetlands*

Surveying of a 2004 Geographical Information Systems shape file did identify wetlands on-site. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

*(9) Listed species regulations*

With only 32.59 acres, a wildlife survey is not required.

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

The written description indicates the site will be developed in accordance with Part 6 of the Zoning Code. On each lot, a driveway will be provided large enough to accommodate two automobiles.

(11) *Sidewalks, trails, and bikeways*

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

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on January 11, 2016, the required Notice of Public Hearing signs **were** posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2015-843** be **APPROVED with the following exhibits**:

1. The original legal description dated October 13, 2015.
2. The original written description dated October 17, 2015
3. The original site plan dated November 16, 2015
4. The development shall proceed in accordance with the Development Services Division memorandum dated December 21, 2015 or as otherwise approved by the Planning and Development Department.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2015-843** be **APPROVED subject to the following condition, which may only be changed through a rezoning**:

1. Lot coverage shall not exceed fifty (50) percent.





Aerial view of the subject site facing north



**The subject site facing south from Starratt Rd.**



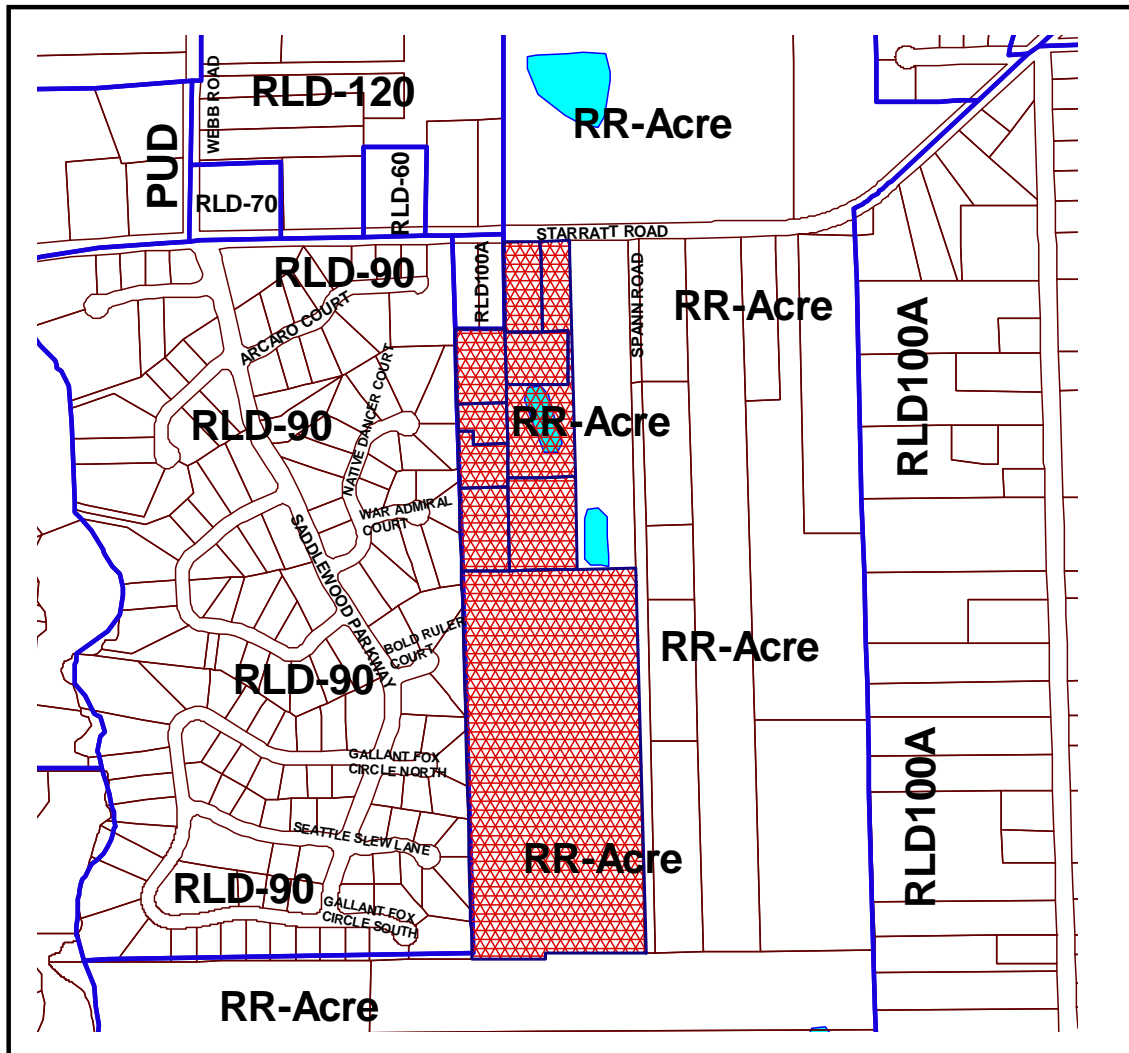
**The subject site facing southeast from Starratt Rd.**



**The subject site on the left facing southwest from Starratt Rd.**



**The subject site on the right facing southeast from Starratt Rd.**



<p>REQUEST SOUGHT:</p> <p><b>FROM: RR-Acre</b></p> <p><b>TO: PUD</b></p>		<p>0100 Feet</p> <p>COUNCIL DISTRICT:</p> <p><b>2</b></p>
<p>ORDINANCE NUMBER:</p> <p><b>2015-843</b></p>	<p>TRACKING NUMBER:</p> <p><b>T-2015-0976</b></p>	<p><b>Exhibit 2</b></p>

DEVELOPMENT SERVICES



December 21, 2015

**MEMORANDUM**

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

Andy Hetzel, City Planner II

FROM: Lisa King  
Traffic Technician Senior

Subject: **Avery Park PUD**  
**R-2015-0843**

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

1. Provide a left turn lane on Starratt Road at subdivision entrance. Turn lane shall be designed to FDOT Index 301 standards with a minimum 100' queue.
2. Roadways shall meet the design standards of Section 3 of the Land Development Procedures Manual.
3. Provide internal and external sidewalks per the 2030 Comprehensive Plan and Land Development Procedures Manual.
4. Signs, fences, walls and landscaping shall be located so that horizontal line of sight is unobstructed at intersections and shall meet clear zone requirements.

**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.

R-2015-843 Avery Park fka R-2007-384 Dunn Creek (withdrawn)

PLANNING AND DEVELOPMENT

214 N. Hogan Street Suite 2100 Jacksonville, FL 32202 Phone: 904 255 8310 Fax: 904 255 8311 www.coj.net

## Application For Rezoning To PUD

### Planning and Development Department Info

**Ordinance #** 2015-0843 **Staff Sign-Off/Date** AH / 11/02/2015

**Filing Date** 10/20/2015 **Number of Signs to Post** 2

**Hearing Dates:**

**1st City Council** 01/26/2016 **Planning Commission** 01/21/2016

**Land Use & Zoning** 02/02/2016 **2nd City Council** N/A

**Neighborhood Association** EDEN GROUP, INC.

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

### Application Info

**Tracking #** 976 **Application Status** PENDING

**Date Started** 10/17/2015 **Date Submitted** 10/19/2015

### General Information On Applicant

**Last Name** HART **First Name** CURTIS **Middle Name** L

**Company Name**

HART RESOURCES LLC

**Mailing Address**

8051 TARA LANE

**City** JACKSONVILLE **State** FL **Zip Code** 32216

**Phone** 9049935008 **Fax** **Email** CURTISHART1972@ATT.NET

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

**Last Name** HINTON **First Name** WES **Middle Name**

**Company/Trust Name**

BANKERS CAPITAL GROUP LLC

**Mailing Address**

3399 PEACHTREE NE SUITE 1900

**City** ATLANTA **State** GA **Zip Code** 30326

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

### Property Information

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)** 2007-384

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

	106869 0010	2	6	RR-ACRE	PUD
Map	106869 0020	2	6	RR-ACRE	PUD
Map	106869 0040	2	6	RR-ACRE	PUD
Map	106869 0060	2	6	RR-ACRE	PUD
Map	106869 0100	2	6	RR-ACRE	PUD
Map	106869 0110	2	6	RR-ACRE	PUD
Map	106869 0120	2	6	RR-ACRE	PUD
Map	106869 0140	2	6	RR-ACRE	PUD
Map	106869 0030	2	6	RR-ACRE	PUD

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

#### Existing Land Use Category

LDR

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 32.59

Development Number

Proposed PUD Name AVERY PARK

#### Justification For Rezoning Application

THIS IS 32 ACRES OF LDR LAND USE PROPERTY ON A COLLECTOR STREET WITH CITY WATER AND SEWER AVAILABLE, THE PARCEL IS VACANT. THE REZONING WILL BE CONSISTENT WITH THE COMPREHENSIVE PLAN FOR FUTURE DEVELOPMENT IN THIS AREA. THIS ZONING WILL BE COMPATIBLE WITH THE NORTH JACKSONVILLE VISION PLAN.

#### Location Of Property

##### General Location

SOUTH OF STARRATT ROAD AND EAST OF FIRST COAST HIGH SCHOOL

House #	Street Name, Type and Direction	Zip Code
1190	STARRATT RD	32218

##### Between Streets

WEBB ROAD and SPANN ROAD

#### Required Attachments For Formal, Complete application

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

- Exhibit 1**  A very clear, accurate and legible legal description of the property that must be only and entirely placed on the JP&DD formatted forms provided with the application package. The legal description may be either lot and block or metes and bounds.
- Exhibit A**  Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B**  Agent Authorization - Notarized letter(s) designating the agent.

- Exhibit C**  Binding Letter.
- Exhibit D**  Written description in accordance with the PUD Checklist and with provision for dual page numbering by the JP&DD staff.
- Exhibit E**  Scalable site plan with provision for dual page numbering by the JP&DD staff drawn at a scale large enough to clearly indicate the following: (a) North arrow and scale; (b) Property lines and dimensions of the site; (c) Building locations and building lot coverage; (d) Parking area; (e) Required Landscaped Areas; (f) All ingress and egress locations (driveways, alleys and easements) within 660 feet; (g) Adjacent streets and rights-of-way; (h) jurisdictional wetlands; and (i) existing site conditions and improvements that will be undisturbed.
- Exhibit F**  Land Use Table
- Exhibit G**  Copy of the deed to indicate proof of property ownership.

### Supplemental Information

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

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

### Public Hearings And Posting Of Signs

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

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

### Application Certification

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

- Agreed to and submitted

### Filing Fee Information

- 1) Rezoning Application's General Base Fee:** \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof**
- 32.59 Acres @ \$10.00 /acre: \$330.00**



**3) Plus Notification Costs Per Addressee**

**63 Notifications @ \$7.00 /each: \$441.00**

**4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,771.00**

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

EXHIBIT 1

10/13/2015

**OVERALL LEGAL DESCRIPTION**

A PORTION OF THE WEST 1/2 OF SECTION 30, OF A SUBDIVISION OF THE JOHN BROWARD GRANT IN GOVERNMENT SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, AND BEING A PORTION OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 15470, PAGE 1470 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS 15470, PAGE 1470, ALSO BEING THE SOUTHEAST CORNER OF SADDLEWOOD UNIT FIVE, AS RECORDED IN PLAT BOOK 55, PAGES 87-87C; THENCE NORTH 01° 31' 34" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS 15470, PAGE 1470, ALSO BEING THE EAST LINE OF SAID SADDLEWOOD UNIT FIVE, THE EAST LINE OF SAID SADDLEWOOD UNIT FOUR, AS RECORDED IN PLAT BOOK 54, PAGES 76-76C, AND SADDLEWOOD UNIT TWO, AS RECORDED IN PLAT BOOK 53, PAGES 22-22D, AND SADDLEWOOD UNIT ONE, AS RECORDED IN PLAT BOOK 52, PAGES 16-16D, A DISTANCE OF 2,314.77 FEET TO A NORTHWEST CORNER OF SAID OFFICIAL RECORDS 15470, PAGE 1470; THENCE NORTH 88° 47' 50" EAST ALONG A NORTH LINE OF SAID OFFICIAL RECORDS 15470, PAGE 1470, A DISTANCE OF 215.00 FEET; THENCE NORTH 01° 31' 34" WEST ALONG A WESTERLY LINE OF SAID OFFICIAL RECORDS 15470, PAGE 1470, ALSO BEING THE EAST LINE OF LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 13257, PAGE 1385 (PARCEL 1), A DISTANCE OF 284.10 TO THE NORTHEAST CORNER OF SAID PARCEL 1 AND A POINT ON THE SOUTH RIGHT OF WAY LINE OF STARRAT ROAD (A 60 FOOT RIGHT OF WAY); THENCE NORTH 88° 47' 50" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 236.10 FEET TO A NORTHEAST CORNER OF SAID OFFICIAL RECORDS 15470, PAGE 1470; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG AN EASTERLY LINE OF SAID OFFICIAL RECORDS 15470, PAGE 1470: COURSE NO. 1, SOUTH 01° 29' 48" EAST, 1,199.89 FEET; COURSE NO. 2, NORTH 88° 47' 50" EAST, 218.80 FEET; COURSE NO. 3, SOUTH 01° 32' 55" EAST, 1,406.83 FEET TO A SOUTHEAST CORNER OF SAID OFFICIAL RECORDS 15470, PAGE 1470; THENCE SOUTH 89° 28' 08" WEST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS 15470, PAGE 1470, A DISTANCE OF 669.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 32.59 ACRES, MORE OR LESS.

**EXHIBIT A - Property Ownership Affidavit**

Date: Oct. 13, 2015

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

Re: Property Owner Affidavit for the following site location:  
1190, 1200, 1246, & 1250 Starratt Rd., Jacksonville, FL 32218  
13425, 13514, 13520, & 13521 Adcock Rd., Jacksonville, FL 32218  
To Whom it May Concern:

I Bankers Capital Group, LLC hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for rezoning submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

By [Signature]  
Print Name: CA

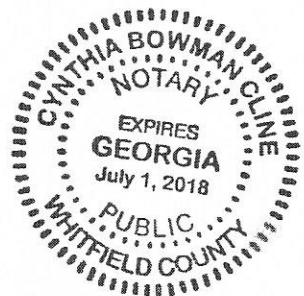
Bankers Capital Group, LLC  
By [Signature]  
Print Name: Stephen W. Doughty  
Its: managing member

\*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF ~~FLORIDA~~ Georgia  
COUNTY OF ~~DUAL~~ Whitfield

Sworn to and subscribed and acknowledged before me this 13<sup>th</sup> day of October 2015, by STEPHEN W. DOUGHTY, who is personally known to me or who has produced GA DL Lic as identification and who took an oath.

[Signature]  
(Signature of NOTARY PUBLIC)  
CYNTHIA Bowman Clue  
(Printed name of NOTARY PUBLIC)



Georgia  
State of Florida at Large.  
My commission expires: July 1, 2018

**EXHIBIT B - Agent Authorization Affidavit- Property Owner**

Date: OCT. 13, 2015

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

Re: Agent Authorization for the following site location: 1190, 1200, 1246, & 1250 Starratt Rd., Jacksonville, FL  
13425, 13514, 13520, & 13521 Adcock Rd., Jacksonville, FL

To Whom it May Concern:

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 Hart Resources, LLC (Curtis L. Hart) and/or KB Home Jacksonville LLC to act as agent to file application(s) for rezoning for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

Bankers Capital Group, LLC

By

[Signature]

By

[Signature]

Print Name:

[Signature]

Print Name:

Stephen W. Doughty

Its:

managing member

\*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF ~~FLORIDA~~ GEORGIA  
COUNTY OF ~~DUVAL~~ WHITFIELD

Sworn to and subscribed and acknowledged before me this 13<sup>th</sup> day of OCTOBER 2015, by CYNTHIA BOWMAN CLINE / STEPHEN W. DOUGHTY, who is personally known to me or who has produced GA. DR. LIC as identification and who took an oath.

[Signature]

(Signature of NOTARY PUBLIC)

CYNTHIA BOWMAN CLINE

(Printed name of NOTARY PUBLIC)

GEORGIA  
State of Florida at Large.

My commission expires: JULY 1, 2018



# EXHIBIT C

## Binding Letter

City of Jacksonville  
Planning and Development Department  
Jacksonville, Florida 32202

RE:

Ladies and Gentleman;

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

Sincerely,

*Bankers Capital Group, LLC*

By:  \_\_\_\_\_

Its: *Managing Member*



**GEORGIA  
CORPORATIONS  
DIVISION**

GEORGIA SECRETARY OF  
STATE  
**BRIAN P. KEMP**

[HOME \(/\)](#)

**BUSINESS SEARCH**

**BUSINESS INFORMATION**

Business Name:	<b>BANKERS' CAPITAL GROUP, LLC</b>	Control Number:	<b>0136711</b>
Business Type:	<b>Domestic Limited Liability Company</b>	Business Status:	<b>Active/Compliance</b>
Business Purpose:			
Principal Office Address:	<b>3399 Peachtree Road NE, Suite 1900, ATLANTA, GA, 30326</b>	Date of Formation / Registration Date:	<b>8/15/2001</b>
State of Formation:	<b>Georgia</b>	Last Annual Registration Year:	<b>2015</b>

**REGISTERED AGENT INFORMATION**

Registered Agent Name: **Evans, Joseph W**

Physical Address: **3399 Peachtree Road , Suite 2040 Atlanta, GA 30326, Fulton, Atlanta, GA, 30326, USA**

[Back](#)

[Filing History](#)

[Name History](#)

[Return to Business Search](#)

**LIMITED LIABILITY COMPANY CERTIFICATE**

**(Bankers' Capital Group, LLC, a Georgia Limited Liability Company)**

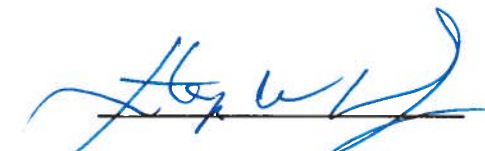
Before me, the undersigned authority, personally appeared **Stephen W. Doughty**, the Manager of **Bankers' Capital Group, LLC**, a Georgia Limited Liability, (the "Company"), who first duly sworn, on oath, deposes, states and certifies that:

1. The Company is a limited liability company organized and in good standing under Georgia law, and has not been dissolved. Neither the Company nor any members or managers of the Company have filed for bankruptcy.
  
2. As of the date of the Certificate, the Manager of the Company is **Stephen W. Doughty**.
  
3. As of the date of this Certificate, the Company is managed by its manager. On the date of this Certificate, the Manager is Stephen W. Doughty who was duly elected or appointed to such position by the members of the Company.
  
4. The Company's principal place of business is 3399 Peachtree Road NE, Suite 2020, Atlanta, Georgia 30326.
  
5. The Company has authorized Stephen W. Doughty, as the manager of the Company, to take any and all action necessary in the opinion of Stephen W. Doughty, to conduct the business of the Company.

Dated this 4<sup>th</sup> day of November, 2015.

I declare that I have read the foregoing Certificate and that the facts stated in it are true.

Bankers' Capital Group, LLC

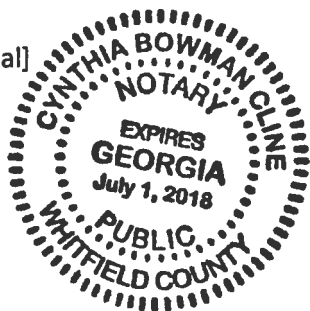
  
Stephen W. Doughty, Manager

State of GEORGIA

County of WHITFIELD

Sworn to and subscribed to me this 4<sup>th</sup> day of November, 2015 by Stephen W. Doughty, personally known or produced driver's license as identification.

[Notary Seal]





Notary Public

Printed Name: CYNTHIA BOWMAN CLINE

My Commission Expires: JULY 1, 2018



**EXHIBIT “D”**

**Planned Unit Development  
Written Description  
October 17, 2015  
Avery Park PUD**

**Developer:**                    **Curtis L. Hart**  
Hart Resources LLC  
8051 Tara Lane  
Jacksonville, Florida 32216  
904 993-5008 office

**Owners:**                         Bankers Capital Group LLC  
C/o State Bank & Trust Co.  
3399 Peachtree Road NE, Suite 1900  
Atlanta, Georgia 30326

**Engineer:**                        Dunn and Associates  
8375 Dix Ellis Trail, Suite 102  
Jacksonville, FL 32256  
904-363-8916

**Surveyor:**                        Clarson and Associates.  
1643 Naldo Avenue  
Jacksonville, Florida 32207

**Property Address**                **1190 Starratt Road**

**Zoning**                                **Current:        RR**  
**Proposed:      PUD**

The subject property is currently zoned RR and has a Residential Land Use Designation of “LDR” on the 2030 Comprehensive Plan Future Land Use Element. This PUD application is consistent with the 2030 Comprehensive Plan and the land use designation.

**Land Use**                                **LDR**

**Wetlands:**                         There is a small amount of wetland on the East edge of this property, as noted on the site plan. If any wetlands are impacted they will be permitted according to local, state and federal requirements.

**Wild Life Survey**                    With only 32.59 acres, a wildlife survey is not required.

## **DESCRIPTION OF PLAN**

The subject property is approximately 32.59 acres, hereafter referred to as the "Property", and is legally described on Exhibit 1. The Property is identified as land described under Real Estate Numbers 106869-0010, 106869-0020, 106869-0030 106869-0040, 106869-0060, 106869-0100, 106869-0110, 106869-0120 & 106869-0140 and the owner of the Property is Bankers Capital Group LLC a Georgia limited liability company. The Property is located at 1190 Starratt Road, east of First Coast high School and is currently vacant wooded land.

This PUD is necessary to establish the layout of the subdivision and provide for a development scheme that is compatible with the established pattern of development in the nearby area. This property is bound on the North, South, East and West by land use category of Low Density Residential (LDR). There are a variety of uses within this LDR land use category from a tree farm to residential subdivisions. This proposed 60 foot lot single family development, with only 2.97 units to the acre, will have minimal impact on the area.

This 32.59+- acre parcel is vacant and has a single entry from Starratt Road. Access will be off of Starratt Road on City maintained streets. Avery Park PUD will be developed in one or two phases and contain no more than 97 lots. All lots will have a minimum of 6,000 square feet. We are providing a park for the use of the homeowners as indicated on the site plan. There is a large City Recreation Park within 5 miles of this site also. City Sewer will be utilized by building a pump station onsite to be dedicated to JEA.

## **DIFFERENCE BETWEEN PUD AND USUAL APPLICATION**

This Application for a PUD allows for a maximum lot coverage of 60%, which would allow for larger homes consistent with demand in this area. It also allows for a maximum of 97 lots at a minimum lot size of 6,000 square feet. By doing a PUD it will allow the developer to provide unique architectural features and conditions.

## **CHARACTER OF LAND**

This 32.59 +- acres are currently vacant and has a topographical slope to the South. The property is primarily wooded.

## **PERMITTED USES:**

Detached, site-built single-family dwellings.

## **PERMITTED USES BY RIGHT:**

Home Occupation meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.

## **PERMITTED ACCESSORY USES AND STRUCTURES:**

Accessory uses and structures are allowed as defined in Section 656.403 of the Zoning Code.

## **RESTRICTION ON USES:**

Dumpsters, propane tanks and similar appurtenances must be screened from any roadways by landscaping or opaque fencing which is aesthetically compatible with other structures located, or to be located, on the Property.

**DESIGN CRITERIA:**

1. *Single family Acreage:* 32.59
2. *Maximum number of lots:* 97
3. *Minimum Lot Width:* 60 feet.
4. *Minimum Lot Area:* 6,000 square feet
5. *Maximum Lot Coverage:* 60% by all buildings and structures.
6. *Minimum Set Backs:* Front yard: 15 feet for the house front and 20 feet for the garage.  
Side Yard 5 feet,  
Rear yard 10 feet
7. *Maximum Building height:* 35 feet

Air conditioning or other equipment designed to serve the main structure may be located in the required rear or side yard. Where lots are located on roadway curves or cul-de-sacs the Building Restriction Line (BRL) will be 15 feet notwithstanding the lot width at the BRL. On any corner lot notwithstanding the code the side yard setback shall be 5 feet.

**ADDITIONAL DESIGN CRITERIA**

## 1. FENCING

Homeowners will be allowed to construct a 6-ft high fence in their rear & side yards. For homes with a secondary front yard, homeowners will be allowed to construct a 6-ft high fence no closer than 10 feet from the second front yard property line.

## 2. PARKING REOUIREMENTS

On each lot, a driveway will be provided large enough to accommodate two automobiles.

## 3. VEHICULAR ACCESS

Vehicular access to the property will be provided from a public street, Starratt Road as noted on the site plan. The site plan attached as Exhibit E and made a part of this application, clearly shows the access.

## 4. LANDSCAPE

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

## 5. DRAINAGE

The drainage will be routed through the Stormwater treatment system as per St. Johns River Water Management District criteria, treated and then discharged. Stormwater retention systems will be constructed on site as needed.

## 6. PHASING

This project may be developed in one or two phases and development will commence after permits are issued.

## 7. UTILITIES

The project will be served with public water and sewer service by JEA.

8. SIGNAGE

At developer's option, either (i) one non-illuminated double faced sign not exceeding a maximum of twenty-four (24) square feet in area, excluding border and columns, or (ii) a maximum of two single-faced signs, non-illuminated, not exceeding a maximum of twenty-four (24) square feet in area, per sign, excluding border and columns, may be erected along Starratt Road on either side of the subdivision entrance road, and/or in a median within the subdivision entrance road. Sign materials shall include brick, stone or stucco borders and/or columns. Front entrance signage shall be landscaped and irrigated and may have indirect lighting.

Also, there will be particular signage relative to lot and home sales i.e.: for sale signs, informative contractor signs, model home signs, etc. Real estate signs (in compliance with Section 656.1306, Zoning Code) and construction signs (in compliance with Section 656.1307, Zoning Code) also will be permitted. Temporary sign(s) of a maximum of twenty-four (24) square feet in area and twelve (12) feet in height for model homes also shall be permitted. All maintenance of signs shall be the responsibility of Developer and/or owners association.

9. SIDEWALKS

Sidewalks will be provided as per the requirements of the City of Jacksonville Comprehensive Plan.

10. RECREATION AND OPEN SPACES

We are providing a park for the use of the homeowners as indicated on the site plan. There is a large City Recreation Park within 5 miles of this site.

11. LEGEND

A. Total Gross Acres	32.59+- Acres
B. Amount of Land Use as Single Family	16.05 Acres
C. Total Number of Units Single Family:	97
D. Active Recreation	1.43 Acres
D. Total Passive Open Space (Ponds, Wetlands & Open Space)	10.95 Acres
E. Amount of Public & Private R/W	4.16 Acres.
F. Maximum Lot Coverage	60%

12. CIRCULATION AND ROADWAY DESIGN

Prior to verification of substantial compliance pursuant to Section 656.34 1(G) Zoning Code, the vehicular access and design of said access Points and interior vehicular circulation, connections, and termination of Roadways including design of pavement, right-of-way width, and general design, will be submitted to Planning Department, Transportation Planning, Public Works and Traffic Engineer. This roadway layout is a conceptual and may be adjusted for engineering, geometry and other requirements.

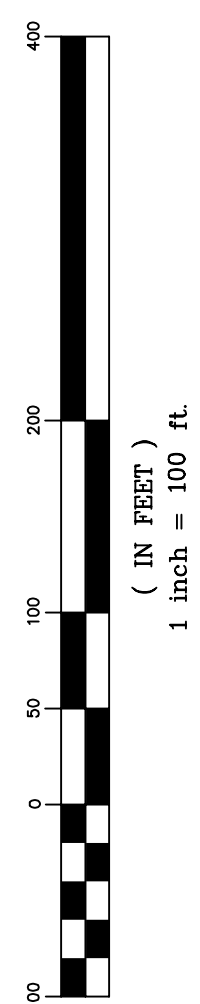
13. HOMEOWNER ASSOCIATION

A Homeowner Association will be in place to provide for the continued operation and maintenance of those areas and functions described herein and facilities which are not to be provided or operated or maintained by the city.

**SUCCESSOR IN TITLE**

All successors in title to the property shall be bound to the terms and conditions of this PUD.

GRAPHIC SCALE



LEGEND

-  = WETLANDS
-  = WETLAND IMPACT

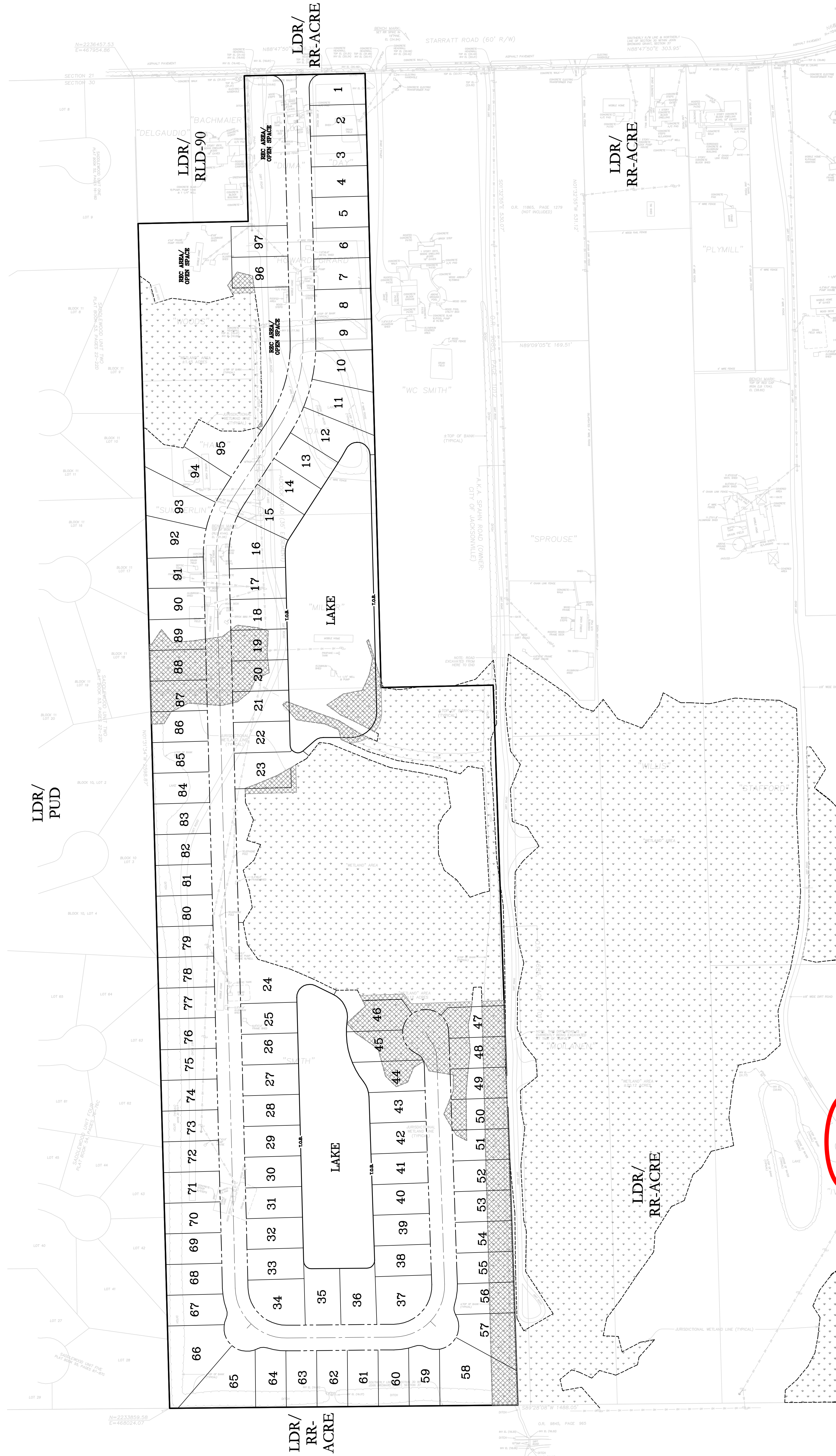
SITE SUMMARY

1. OWNER: KB HOME - JACKSONVILLE, LLC  
10475 FORTUNE PKWY, SUITE 100,  
JACKSONVILLE, FL 32256  
PHONE: (904) 996-6634
2. ENGINEER: DUNN & ASSOCIATES, INC.  
8375 DIX ELLIS TRAIL, SUITE 102  
JACKSONVILLE, FLORIDA 32256  
PHONE: (904)363-8916  
FAX: (904)363-8917
4. SURVEYOR: CLARSON AND ASSOCIATES, INC.  
1643 NALDO AVENUE  
JACKSONVILLE, FLORIDA 32207  
PHONE: (904) 396-2623
5. EXISTING/PROPOSED ZONING:  
RR-ACRE / PUD
6. REAL ESTATE NO./ TAX PARCEL:  
106869 0010, 106869 0020, 106869 0030,  
106869 0040, 106869 0060, 106869 0100,  
106869 0110, 106869 0120, 106869 0140
7. WATER SUPPLY: J.E.A.
8. SEWER SERVICE: J.E.A.
9. ELECTRICAL SERVICE: J.E.A.
10. STORM WATER SYSTEM: WET DETENTION PONDS
11. FIRE PROTECTION: AS REQUIRED VIA HYDRANTS
12. TOTAL GROSS ACREAGE = 32.59±AC
13. AMOUNT OF LAND USE / LDR = 32.59±AC
14. TOTAL NUMBER OF UNITS  
SINGLE FAMILY LOTS = 97
15. TOTAL AMOUNT OF ACTIVE &  
PASSIVE RECREATION SPACE = 1.43 Ac
16. TOTAL PROP LAKE ACREAGE = 3.51 Ac
17. AMOUNT OF PUBLIC R/W = 4.16 Ac
18. MAXIMUM COVERAGE OF  
BLDG'S & STRUCTURES = 60% OF LOT
19. DENSITY = 2.97 LOTS PER ACRE
20. BUILDING SETBACKS:  
FRONT 20'  
SIDE 5'  
REAR 10'
21. MAXIMUM BUILDING HEIGHT = 35'

FLOOD ZONE

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN. COMMUNITY PANEL NUMBER 12031G0201H DATED JUNE 3, 2013 FOR DUVAL COUNTY, FLORIDA

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE. LOT LINES, LOT SIZES, ROADWAY NETWORK, RIGHT-OF-WAYS, STORM WATER PONDS AND SIGNAGE MAY BE ADJUSTED FOR ENGINEERING, GEOMETRY AND ANY GOVERNMENTAL AGENCY REQUIREMENTS AND AS SITE PLANNING REQUIRES.



Sheet No. 1 of 1  
**CON-1**  
DWG. NO.

VINCENT J. DUNN ENGINEER NO. 39462  
DAVID M. TAYLOR ENGINEER NO. 44164  
REGISTERED PROFESSIONALS

**AVERY PARK**  
FOR:  
KB HOME JACKSONVILLE, LLC  
DUVAL COUNTY, FLORIDA  
CONCEPTUAL SITE PLAN

**Dunn & Associates, Inc.**  
CIVIL ENGINEERS / LAND PLANNERS  
8375 Dix Ellis Trail, Suite 102 Jacksonville, Florida 32256  
Phone: (904)363-8916 Fax: (904)363-8917  
www.dunneng.com

NO.	DATE	REVISIONS DESCRIPTION	DESIGNED BY: DAI
			DRAWN BY: SM
			CHECKED BY: V. DUNN
			SCALE: 1" = 100'
			DATE: OCTOBER, 2015
			PROJ. NO.: 1510-493

P:\1510-493 STARTRATT ROAD PARCEL\CONCEPTUAL\CON-1-05.DWG 11/16/2015 11:44 AM Mike Reilly

# EXHIBIT F

PUD Name

**AVERY PARK**

## Land Use Table

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Total gross acreage	<b>32.59</b> Acres	100 %
Amount of each different land use by acreage		
Single family	<b>16.05</b> Acres	<b>49</b> %
Total number of dwelling units	<b>97</b> D.U.	
Multiple family	<b>0</b> Acres	<b>0</b> %
Total number of dwelling units	<b>0</b> D.U.	
Commercial	<b>0</b> Acres	<b>0</b> %
Industrial	<b>0</b> Acres	<b>0</b> %
Other land use	<b>0</b> Acres	<b>0</b> %
Active recreation and/or open space	<b>1.43</b> Acres	<b>4.4</b> %
Passive open space	<b>10.95</b> Acres	<b>33.6</b> %
Public and private right-of-way	<b>4.16</b> Acres	<b>12.8</b> %
Maximum coverage of buildings and structures	<b>428,000</b> Sq. Ft.	<b>30</b> %

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

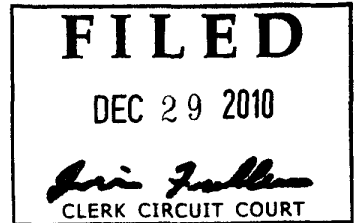
BANKERS' CAPITAL GROUP, LLC  
a Georgia limited liability company  
Plaintiff,

CASE NO.: 16-2010-CA-007151  
DIVISION: FC-B

vs.

DUNN CREEK, LLC, a Florida limited liability  
company; and ANY UNKNOWN PERSON(S)  
OR TENANT(S) IN POSSESSION OF THE  
SUBJECT PROPERTY,

Defendants.



**CERTIFICATE OF TITLE**

The undersigned Clerk of the Court certifies that he/she executed the filed Certificate of Sale in this action on December 13, 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

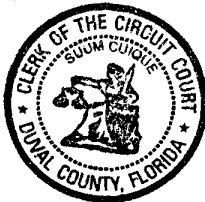
The following property in Duval County, Florida:

See attached Exhibits A and B

was sold to Bankers' Capital Group, LLC, whose address is c/o State Bank & Trust Company, 415 East Paces Ferry Road, NE, Suite 250, Atlanta, Georgia 30305.

WITNESS my hand and the seal of the Court on DEC 29 2010, 2010.

**JIM FULLER**



CLERK OF COURT

**JENEE SMITH**

Copies to:

Sara F. Holladay-Tobias, Esq.  
McGuireWoods LLP  
50 North Laura Street, Suite 3300  
Jacksonville, FL 32202

Dunn Creek, LLC  
c/o H. Raymond Willis, Registered Agent  
1712 Bay Circle West  
Orange Park, FL 32073

## EXHIBIT A

## Parcel 1

A portion of the west 1/2 of Section 30, of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida and being more particularly described as follows: Commence at the northwesterly corner of Dunns Creek Farms as recorded in Plat Book 14, page 52, of the current Public Records of Duval County, Florida, said point lying on the Southerly right of way line of Starratt Road (a 60 foot right of way as now established); thence South 88 degrees 47'50" West along said Southerly right of way line of 1138.75 feet to the Point of Beginning; thence South 01 degrees 32'55" East, 327 feet; thence South 88 degrees 47'50" West, 133.21 feet; thence North 01 degrees 32'55" West, 327.00 feet to its intersection with said southerly right of way of Starratt Road; thence North 88 degrees 47'50" East along last said line, 133.21 feet to the Point of Beginning. Subject to and together with a 30 foot easement for ingress and egress along the west side of the property.

## Parcel 2

A portion of the Southeast 1/4 of the Southwest 1/4, of Section 22, Township 1 North, Range 27 East, and a portion of Farm 14, Block 3, Dunns Creek Farms according to the plat thereof as recorded in Plat Book 14, page 52 of the current Public Records of Duval County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of Farm 14, Block 3, Dunns Creek Farms, according to the plat thereof as recorded in Plat Book 14, page 52, of the current public records of said county, said point being on the westerly right of way line of Dunns Creek Road (a 66 foot right of way); thence South 01 degrees 00'00" East along said westerly right of way line 185.00 feet to the Northeast corner of Farm 15, Block 3, Dunns Creek Farms according to the plat thereof as recorded in Plat Book 14, page 52, of the current public records of said county; thence North 89 degrees 53'37" West, along the North line of said Farm 15, Block 3; 426.73 feet to the Point of Beginning; thence continue North 89 degrees 53'37" West, along said North line of Farm 15, Block 3, 232.99 feet to the Northwest corner of said Farm 15, Block 3, thence North 01 degrees 09'18" West, along the Easterly boundary of Parcel "A" of lands described in Official Records Volume 6885, page 674, of the current public records of said county, 179.98 feet to the southwest corner of Parcel "B" of land described in Official Records Volume 6885, page 674, of the current public records of said county; thence North 89 degrees 31'05" East, along the Southerly boundary of said Parcel "B", 69.37 feet; thence North 00 degrees 07'17" West along the Easterly boundary of said Parcel "B", 109.97 feet to a point on the Southeasterly right of way line of Starratt Road said point being on curve concave to the Northwest and having a radius of 704.07 feet; thence along and around said curve to the left on arc distance of 106.02 feet said curve being subtended by a chord bearing and distance of North 52 degrees 20'53" East, 105.92 feet; thence South 13 degrees 13'58" East, 365.33 feet to the Point of Beginning.



## Parcel 3

A portion of the West 1/2 Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida and being more particularly described as follows: For a point of reference commence at the Northwest corner of Dunns Creek Farms as recorded in Plat Book 14, page 52 of the current public records of Duval County, Florida. Said point lying on the southerly right of way line of Starratt Road (a 60 foot right of way as now established); thence South 88 degrees 47'50" West along said Southerly right of way line, 1035.80 feet to the Point of Beginning; thence continue South 88 degrees 47'50" West along said Southerly right of way line, 236.16 feet; thence South 01 degrees 32'55" East departing from said Southerly right of way line, 327.00 feet; thence North 88 degrees 47'50" East, 226.95 feet; thence South 01 degrees 32'55" East 191.97 feet; thence South 88 degrees, 47'50" West, 226.95 feet; thence South 01 degrees 32'55" East, 681.03 feet to a point lying on the Northerly line of those lands described and recorded in Official Records Volume 4448, page 829 of said public records; thence North 88 degrees 47'50" East along said Northerly line, 236.16 feet; thence North 01 degrees, 32'55" West, 1200.00 feet to the Point of Beginning.

## Less and excepting:

A portion of the west 1/2 of Section 30 of the Johns Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida, and being more particularly described as follows: For a point of reference commence at the Northwest corner of Dunns Creek Farms as recorded in Plat Book 14, page 52, of the current public records of Duval County, Florida, said point lying on the Southerly right of way line of Starratt road 9a 60 foot right of way as now established; thence South 88 degrees 47'50" West along said Southerly right of way line, 1035.80 feet; thence South 01 degrees, 32'55" East, departing from said Southerly right of way line, 859.49 feet to the point of beginning; thence continue South 01 degrees 32'55" East, 340.51 feet; thence South 88 degrees 47'50" West, 236.16 feet; thence North 01 degrees, 32'55" West, 340.51 feet; thence North 88 degrees, 47'50" East, 236.16 feet to the Point of Beginning.

Also less and except that part conveyed in OR Book 10068, page 2103 and re-recorded in OR Book 10654, page 228, public records of Duval County, Florida.

## Parcel 4

A part of the West 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida, and being more particularly described as follows: Commence at the Northwest corner of Dunns Creek Farms according to Plat Book 14, page 52 of the current public records of Duval County, Florida, said point lying in the Southerly right of way line of Starratt Road (a 60 foot R/W); thence South 89 degrees 29'24" West along said Southerly right of way line, 1271.90 feet to the westerly line of lands described in Official Records Volume 5758, page 142, current public records of said county; thence South 01 degree 32'55" East along said Westerly line, 327.00 feet to the Point of Beginning; thence continue South 01 degree 32'55" East along said Westerly line, 191.97 feet; thence North 89 degrees 29'24" East, 226.95 feet; thence North 01 degree 32'55" West, 191.97 feet; thence South 89 degrees 29'24" West, 226.95 feet to the Point of Beginning.

## Parcel 5.

A portion of the West 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida and being more particularly described as follows: For a point of reference commence at the Northeast corner of the lands described and recorded in Official Records Volume 2728, page 399 of said public records, said corner lying on the Southerly right of way line of Starratt Road (as now establishing); thence South  $88^{\circ} 47'50''$  West along said Southerly right of way line, 453.90 feet; thence South  $01^{\circ} 32'55''$  East, 284.10 feet to the Point of Beginning; thence continue South  $01^{\circ} 32'55''$  East, 307.90 feet; thence South  $88^{\circ} 47'50''$  West, 215.00 feet; thence North  $01^{\circ} 32'55''$  East, 307.90 feet; thence North  $88^{\circ} 47'50''$  East, 215.00 feet to the Point of Beginning.

## Parcel 6

A part of Section 30 of John Broward Grant and in Section 37, Township 1 North, Range 27 East, particularly described as follows: Begin at a stake on the South boundary line of Starratt Road 409 feet west of the Northwest corner of Dunns Creek Farms Subdivision; run thence South 2586 feet to the South line of said Section 30; run thence West 204.5 feet to a stake; run thence North 2586 feet to the Starratt Road; run thence East 204.5 feet to the point of beginning.

## Parcel 7

A part of the west 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida, and being more particularly described as follows: Commence at a point in the Southern R/W line of Starratt Road at the Northwest corner of Dunns Creek Farms, Plat Book 14, page 322; thence South  $88^{\circ} 47'50''$  West along said R/W line a distance of 817 feet; thence South  $1^{\circ} 32' 55''$  East 1200 feet which is the point of beginning; thence continue South  $1$  degree  $32'55''$  East, 1406 feet; thence South  $89^{\circ} 24'29''$  West, 668.9 feet; thence North  $1$  degree  $33'15''$  West, 1399.68 feet; thence North  $89^{\circ}45'54''$  East, 668.9 feet to the Point of Beginning.

## Parcel 9

A portion of the West 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida; and being more particularly described as follows: For a point of reference commence at the Northwest corner of Dunns Creek Farms as recorded in Plat Book 14, page 32 of the current public records of Duval County, Florida, said point lying on the Southerly right of way line of Starratt Road (a 60 foot right of way as now established); thence South  $88$  degrees  $47'50''$  West along said Southerly right of way line, 1035.00 feet; thence South  $01$  degrees  $32'55''$  East, departing from said Southerly right of way line, 859.49 feet to the Point of Beginning; thence continue South  $01$  degrees  $32'55''$  East, 340.51 feet; thence South  $88$  degrees  $47'50''$  West, 236.16 feet; thence North  $01$  degree  $32'55''$  West, 340.51 feet; thence North  $88$  degrees  $47'50''$  East, 236.16 feet to the point of beginning.

## Parcel 10

A part of the West 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, and being a part of those lands described in OR Book 2728, page 399 of the public records of Duval County, Florida, and being more particularly as follows: Commence at the Northeast corner of lands described in OR Book 2728, page 399; thence South 88° 47' West along the Southerly right of way line of Starratt Road, a distance of 668.9 feet; thence South 01° 32'55" East a distance of 997.39 feet to a point on the West line of lands described in OR Book 4471, page 830 of said county and the point of beginning thence North 88° 47'50" East a distance of 215.00 feet to a point on the East line of said lands; thence South 01° 32'55" East; along said line a distance of 202.61 feet to the Southeast corner thereof; thence South 88°47'50" West, along the South line of said Official Records Volume 4471, page 830. A distance of 215.00 feet to the Southwest corner thereof; thence North 01°32'55" West, along the West line of said lands in Official Records Volume 4471, page 830, public records of Duval County, Florida, a distance of 202.61 feet to the point of beginning.

## Parcel 11

A part of the West 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, and being a part of those lands described in OR Book 2728, page 399 of the public records of Duval County, Florida, and being more particularly as follows: Commence at the Northeast corner of lands described in OR Book 2728, page 399; thence South 88 degrees 47'50" West along the Southerly right of way line of Starratt Road, a distance of 668.9 feet; thence South 01 degree 32'55" East a distance of 592.00 feet to the Northwest corner of those lands described in Official Records Volume 4471, page 830, of said county and the point of beginning; thence run North 88 degrees 47'50" East, a distance of 215.00 feet to the Northeast corner of said lands; thence run South 01 degree 32'55" East, along the East line of said lands a distance of 226.41 feet to a point; thence South 88 degrees 47'50" West, a distance of 161.00 feet to a point; thence North 01 degree 32'55" West, a distance of 94.40 feet to a point; thence South 88 degrees 47'50" West, a distance of 54.00 feet to a point on the West line of said lands described in Official Records Volume 4471, page 830; thence run North 01 degree 32'55" West along said West line a distance of 132.01 feet to the Point of Beginning. The above described parcel is a portion of those lands described in Official Records Volume 4471, page 830.

## Parcel 12

A portion of the West 1/2 of Section 30 of the John Broward Grant, Section 37, Township 1 North, Range 27 East, and being a part of those lands described in OR Book 2728, page 399 of the public records of Duval County, Florida, and being more particularly described as follows: Commence at the NE corner of lands described OR Book 2728, page 399; thence South 88 degrees 47'50" West along the Southerly right of way line of Starratt Road, a distance of 668.9 feet; thence South 01 degree 32'55" East a distance of 724.01 feet to the point of beginning on the West line of lands described in OR Book 4471, page 830 thence run North 88 degrees 47'50" East, a distance of 54.00 feet; thence run South 01 degree 32'55" East, a distance of 94.40 feet to a point; thence run North 88 degree 47'50" East, a distance of 161.00 feet to a point on the East line of said lands described in OR Book 4471, page 830; thence run South 01 degree 32'55"

East along said East line, a distance of 178.98 feet to a point; thence run South 88 degrees 47'50" West, a distance of 215.00 feet to a point on the West line of said lands described in OR Book 4471, page 830; thence run North 01 degree 32'55" West along said west line a distance of 273.38 feet to the Point of Beginning.

V11504765.1

## EXHIBIT B

(A) All accounts, accounts receivable, notes, bills, acceptances, choses in action, chattel paper, instruments, documents, and other forms of obligations and rights to payment of any nature at any time owing to the Debtor, the proceeds thereof including all of the proceeds in Debtor's rights with respect to any of its good represented thereby, whether or not delivered, or returned by customers and all rights as an unpaid vendor or lienor, including rights of stoppage in transit and of recovering possession by proceedings including replevin and reclamation, together with all customer lists, books and records, ledgers, account cards, and other records including those stored on computer or electronic media, whether now in existence or hereafter created, relating to any of the foregoing (collectively referred to as "Receivables");

(B) All rights of the Debtor, now or hereafter arising, under contracts, leases, agreements, licenses, permits or other instruments now or hereafter existing to perform services, to hold and use land and facilities, including without limitation the Real Property (as later defined) to operate its business as now or hereafter conducted and to enforce all rights thereunder; (referred to as "Contract Rights");

(C) All goods of the Debtor, including without limitation, all machinery, equipment, parts, supplies, apparatus, appliances, patterns, molds, dies, blueprints, fittings, furniture, furnishings, fixtures and articles of tangible personal property of every description now or hereafter owned by the Debtor of in which the Debtor may have or may hereafter acquire any interest, including without limitation those located at, upon or about, or attached to, the Real Property (as later defined), or to any of the real estate at which the Debtor conducts business, together with all books and records, abstracts of title, leases and all other contracts and agreements relating thereto or used in connection therewith (collectively referred to as "Equipment");

(D) All inventory of the Debtor wherever located, including without limitation, all goods manufactured or acquired for sale or lease, and any piece goods, raw materials, work in process and finished merchandise, findings or component materials, and all supplies, goods, incidentals, office supplies, packaging materials and any and all items used or consumed in the operation of the business of Debtor or which may contribute to the finished product or to the sale, promotion and shipment thereof, in which Debtor now or at any time hereafter may have an interest, whether or not the same is in transit or in the constructive, actual or exclusive occupancy or possession of Debtor or is held by Debtor or by others for Debtor's account (collectively referred to hereinafter as "Inventory");

(E) All general intangibles of the Debtor, now existing or hereafter owned or acquired or arising or in which the Debtor now has or hereafter acquires any rights, including but not limited to, causes of action, corporate or business records, inventions, designs, patents, patent applications, trademarks, trademark registrations and applications therefore, goodwill, trade names, trade secrets, trade processes, copyrights, copyright registrations and applications therefor, licenses, permits, franchises, customer lists, computer program, all claims under guaranties, tax refund claims, rights and claims against carriers and shippers, leases, claims under insurance policies, all rights to indemnification and all other intangible personal property of every kind and nature (collectively referred to as "General Intangibles");

(F) All monies, residues and property of any kind, now or at any time or times hereafter, in the possession or under the control of GLANDON or a bailee of GLANDON;

(G) All judgments, awards of damages, and settlements hereafter made as a result of or in lieu of any taking of said Real Property and improvements, or any part thereof or interest therein under the power of eminent domain, or for any damage (whether caused by such taking or otherwise) to said Real Property or the improvements thereon or any part thereof or interest therein, including any award for change of grade of streets;

(H) All proceeds of hazard or other insurance policies maintained with respect to any collateral described in Subsections 1(C) and (D) above or with respect to the improvements now or hereafter located on said Real Property (whether or not Secured Party is loss payee thereof);

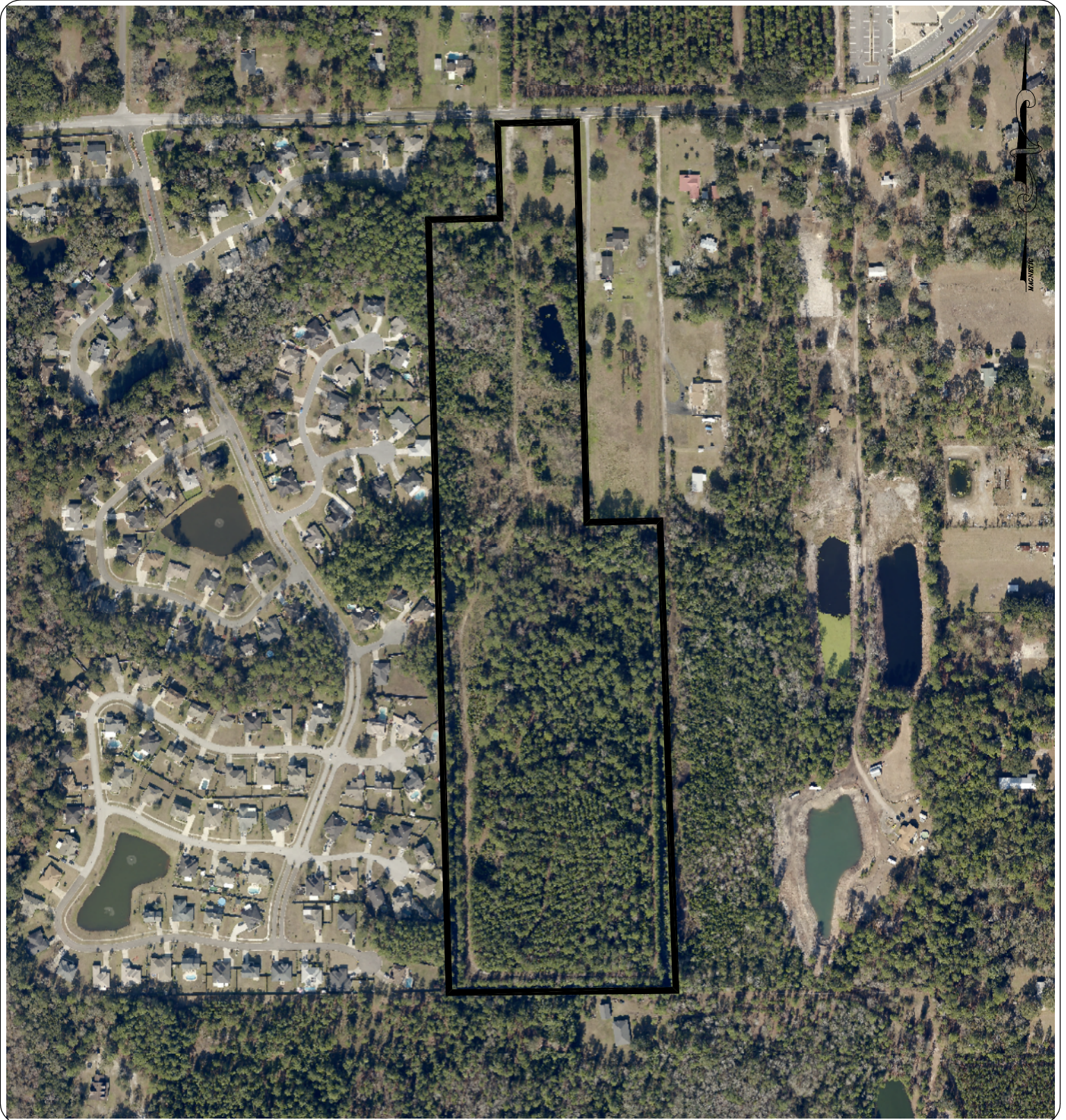
(I) All proceeds from any payment and performance bonds, and all judgments, awards of damages and settlements made as a result of such payment and performance bonds and/or errors and omissions insurance policies or similar insurance policies;

(J) All accessions to, substitutions for and all replacements, products and proceeds of the foregoing, including, without limitation, proceeds of insurance policies insuring the Collateral and condemnation awards relating thereto; and

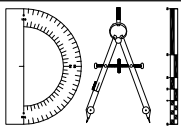
(K) All books and records to the extent related to the Real Property and Debtor's operation thereof (including without limitation, customer data, credit files, computer programs, printouts, and other computer materials and records of the Debtor pertaining to any of the foregoing).

If any of the equipment described above is attached to real estate, the record owner of the real estate is Debtor and a description of the real estate is attached to this document as ~~Exhibit B~~

*described on Exhibit A attached to the Amended US Fendens of which this Exhibit is a part.*



Source: Google Earth 2013 Aerial Map



**Dunn & Associates, Inc.**

CIVIL ENGINEERS / LAND PLANNERS  
 8375 Dix Ellis Trail, Suite 102 Jacksonville, Florida 32256  
 Phone: (904)363-8916 Fax: (904)363-8917

Project Name : AVERY PARK

Project No : 1501-432

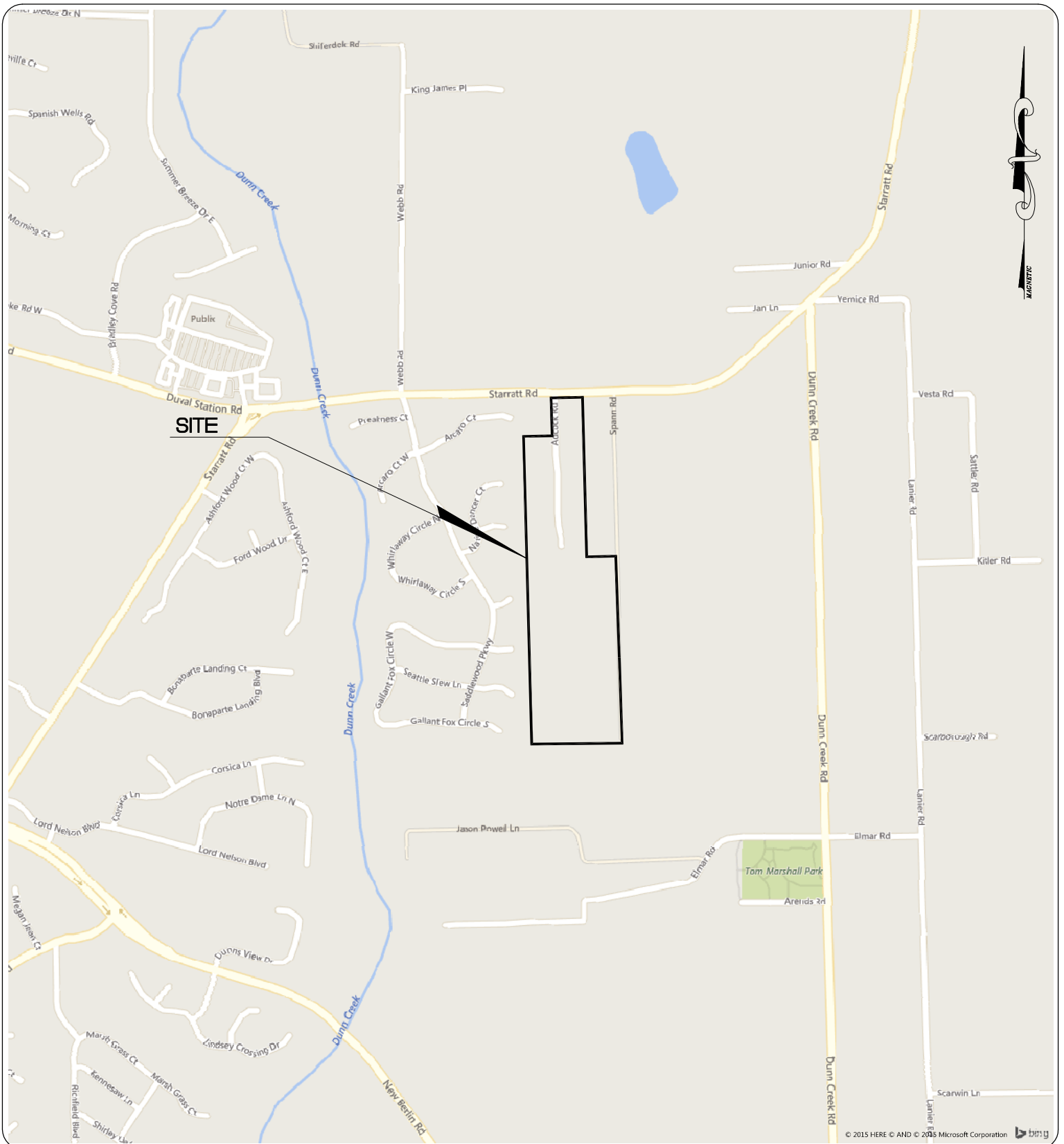
Drawn By : STEVE MURRIN

Checked By : V. DUNN

Date : OCTOBER, 2015

Scale : 1" = 400'

**AERIAL MAP**



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**Dunn & Associates, Inc.**  
 CIVIL ENGINEERS / LAND PLANNERS  
 8375 Dix Ellis Trail, Suite 102 Jacksonville, Florida 32256  
 Phone: (904)363-8916 Fax: (904)363-8917

Project Name : AVERY PARK		Site Location : Half mile east of the intersection of Starratt rd and Duval station rd on the south side of Starratt Rd
Project No :	1510-432	
Drawn By :	STEVE MURRIN	Scale :
Checked By :	V. DUNN	
Date :	OCTOBER, 2015	

**VICINITY MAP**