

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-0850

TO PLANNED UNIT DEVELOPMENT

FEBRUARY 18, 2016

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning **2015-0850** to Planned Unit Development.

Location: 3822 Park Street and adjacent vacant lot
Between Park Street and Eloise Street

Real Estate Numbers: 092870 0000 and 092871 0000

Current Zoning District: Residential Low Density -60 (RLD-60)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southwest, District 4

Planning Commissioner: Chris Hagan

City Council District: The Honorable Jim Love, District 14

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

Owner: Nader Bajalia
11526 Edgemere Drive
Jacksonville, Florida 32223

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2015-0850** seeks to rezone approximately 0.32± acres of land from RLD-60 to PUD. The project site is currently developed with the existing Pinegrove Deli and consists of two parcels; the existing single-family home and deli restaurant addressed at 3822 Park Street (RE# 092870 0000), and an undeveloped residential parcel southeast of the deli and across from the alley addressed at 0 Eloise Street (RE# 092871 0000). The properties are located within the Riverside/ Avondale Historic District and within the Residential Character Area of the Riverside/Avondale Zoning Overlay.

The purpose of the PUD is to permit the continued operation of the existing business of over 50 years; Pinegrove Market and Deli, allow the expansion from 40 to 55 seats including expansion to outdoor seating, and to permit the development of a small parking lot on the adjacent undeveloped residential parcel. The owner will continue to use the existing single-family home as a single-family residence. The Project does not propose any modifications to the house structure except for the backyard, which will be included as the Pinegrove outdoor patio with up to twenty (20) seats. The existing home will remain residential; provided, however, that it may also be used for commercial storage and/or bookkeeping purposes, but shall not be used by the public, for food preparation, or for any other commercial purpose. The owner proposes to continue the use of Pinegrove Deli as a one-story market, deli, and restaurant, add seating inside the deli/restaurant, expand to outdoor seating and service on a covered patio using the portion of the property that until now existed as the backyard to the existing home. A 135 square foot addition for a freezer/cooler will be constructed as well as ADA compliant restrooms. Currently, the deli operates from 7 AM to 5 PM. The Applicant proposes expanded hours of operation from 8:00 AM to 8:00 PM. There is a companion Zoning Exception, **E-16-03** which seeks the on-premises sale and service of beer and wine as well as limited outdoor sale and service. The Planning Department recommends the companion Zoning Exception be approved and granted personal to a member of the Bajalia family.

Included in this project is the enhancement of existing parking in City ROW along Pinegrove Avenue, and the abandonment of City ROW directly adjacent to the undeveloped lot. The owner has sought a permit from the City of Jacksonville to use the Pinegrove ROW and the Eloise ROW for parking and landscaping purposes. The submitted site plan shows 17 parking spaces located within the City ROW and seven spaces on the vacant lot.

The project is described in two components: the Deli Parcel and the Parking Parcel. The Deli Parcel shall include and permit the existing single-family dwelling, proposed outside covered patio seating, and market/deli/restaurant including the full service of beer and wine for off or on-premises consumption with a maximum of 55 seats. A maximum of 20 seats will be located on the patio at any time. The Parking Parcel shall include and permit a single-family dwelling, duplex, or parking lot as currently depicted in the submitted site plan.

Final design approval of the project will be subject to the review and approval of the Historic Preservation Commission (HPC).

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 categories 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 existing use is a legally non-conforming use of the property to historic precedent (grand-fathering). This PUD rezoning attempts to bring the historic legal non-conforming use into full compliance with the Zoning Code by limiting future expansion of the use.

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.

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

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

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

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

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

(1) Consistency with the 2030 Comprehensive Plan

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

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 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

FLUE Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

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

Therefore, the proposed rezoning promotes a gradual transition of intensities between land uses, protects the character of nearby residential areas and provides for a compatible land use pattern as required by FLUE Objective 1.1 and Policy 1.1.10.

(2) Consistency with the Concurrency and Mobility Management System

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

(3) Allocation of residential land use

This proposed 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 streetscape:

The PUD provides various improvements to the existing streetscape conditions along both Pinegrove Avenue and Eloise Street. The existing parking stalls located in the right-of-way in front of the deli will include new landscape islands, an ADA accessible parking space, and new wheel stops added. The vacant adjacent property will be developed with a parking lot for a total

of 15 new spaces, including eight parking spaces in the ROW along Pinegrove Avenue. All spaces will be accessible from a 13 feet wide one-way central driveway. Traffic will flow from the alley between both parcels through to exit at Eloise Street. Ample landscaping will be provided between the edge of pavement and the proposed diagonal parking spaces. A portion of the City's ROW will be abandoned to accommodate the proposed parking and landscaping along Pinegrove Avenue.

The use of existing and proposed landscaping:

Landscaping will be provided consistent with the requirements of Part 12, the City of Jacksonville Landscape and Tree Protection Ordinance and as depicted in the Site Plan. The applicant will be required to follow Florida Friendly recommended practices for new plantings.

A minimum ten feet wide landscape buffer between Pinegrove Avenue and the parking area will be provided. Furthermore, a jigsaw pattern landscape area varying from 8 feet to 14 feet in width will be provided between the parking area and the adjacent residential property, 3817 Eloise Street.

Traffic and pedestrian circulation patterns:

Based on the historic demand for parking during peak operating times of the market deli/restaurant and the general lack of dedicated parking in the area, traffic circulation at the corner of Pinegrove Avenue and Park Street has been difficult. The proposed dedicated parking lot at the corner of Eloise and Pinegrove Avenue and striping and landscape improvements to the existing parking in front of the deli will alleviate parking deficiencies and stacking delays caused by a shortage of parking.

A review of the submitted site plan by the Development Services Division produced the following comments as shared in their memorandum dated December 23, 2015:

- 1. Parking lot dimensions shall comply with Sec. 656.607 of the current Zoning Code & Figure A (found at the end of 656.609).**
- 2. Provide compliant 5' sidewalk along frontages of proposed parking lot per the 2030 Comprehensive Plan & Section 2 of the Land Development Procedures Manual.**
- 3. Signs, fences, walls and landscaping shall be located so that horizontal line of sight is unobstructed at intersections. Trees planted in City right-of-way shall have a minimum 7' clear trunk and meet clear zone requirements.**

A review of the submitted site plan and scope of development by the Transportation Planning Division produced the following comments as shared in their memorandum dated January 4, 2016:

Park Street, from Roosevelt Boulevard to Edgewood Avenue, is the directly accessed functionally classified roadway. Park Street is a 2-lane undivided class II collector in this vicinity and is currently operating at an acceptable LOS D. Park Street segments have a maximum daily service volume of 14,040 vpd and a 2014 daily traffic volume of 12,574. This road segment currently has sufficient capacity to accommodate the traffic generated by this development.

This proposal is for 15 additional seats of ITE 931 Quality Restaurant which would generate a total of 45 vpd and does not exceed the amount of allowable trip generation for this property. The intensification of the use, however, requires that the applicant needs to apply for mobility.

(ITE 931 Quality Restaurant – 15 additional seats)

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

All changes to the existing uses at the Pinegrove Deli in this PUD are for the purposes of mitigating the incompatibility of the non-conforming uses of the property prior to the present date. The owner wishes to continue the successful operation of the market/deli/restaurant while permitting a small expansion to improve ADA accessibility and cold storage, improve existing on-street parking, build additional parking and landscaping in the property adjacent, place a limit on total number of seating, define the hours of operation, and include on premises consumption of beer and wine as well as outside sales and service.

Summary of proposed PUD limitations:

- 1) Provide no less than 24 parking spaces; 17 spaces within the right-of-way, 7 off-street parking spaces. The right-of-way portion of the adjacent undeveloped lot will be closed and abandoned, effectively permitting 15 parking off-street parking spaces in the lot, and 9 spaces in the right-of-way in front of the existing deli.
- 2) Place a cap on outdoor patio seating to 20 seats (607 square feet). Place a cap on all seating to 55 total seats.
- 3) Provide new ADA accessible restrooms, and improve ADA accessibility.
- 4) Permit on-premises consumption and outside sales and service of beer and wine (companion Exception E-16-03)
- 5) Permit the expansion of a 135 square feet freezer and cooler.
- 6) Expand restaurant hours of operation from 8:00 AM to 8:00 PM.
- 7) Prohibit outdoor live entertainment, and no amplified music outside

Signage:

Applicant proposes one awning sign, not to exceed eighteen (18) square feet in area, and one wall sign, not to exceed twelve (12) square feet in area. All signage is subject to the prior written approval of the Jacksonville Historic Preservation Commission. Monument signs shall be prohibited. All signage may be externally illuminated. Internally illuminated signs and digital signs shall be prohibited. Signage proposed is compatible with the surrounding residential neighborhood and is consistent with the intent of the Riverside/ Avondale Zoning Overlay.

(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 property is located at the northern half of the intersection of Park Street, Pinegrove Avenue, and Eloise Street.

Historically, the property has functioned as the Pinegrove Market and Deli for over 50 years. It is and has always been surrounded by low density single-family residential homes built in the context of the historic Riverside/Avondale neighborhood. Any spillover effects from the grandfathered commercial use are felt directly by adjoining residential property owners.

The PUD seeks to limit the future expansion of the market and deli use while also providing relief in terms of accessibility, parking, and internal accommodation by permitting the development of a nearby parking lot and additional landscaping.

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

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-60	Single-family
East	LDR	RLD-60	Single-family
South	LDR	RLD-60	Single-family
West	LDR	RLD-60	Single-family

Garbage Collection:

Garbage will be picked up and disposed by the City of Jacksonville in accordance with its existing contract with the owner for removal of 12 garbage bins per week.

(6) Intensity of Development

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

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

The site is served by city sewer and water.

Legal Non-conforming Status:

The PUD defines and limits the specific uses permitted on the subject parcels, and prohibits further expansion of any portion of the legal non-conforming historic use(s).

Landscaping:

Landscaping shall be provided as depicted on the Site Plan and native species shall be planted to the greatest extent possible. Eighteen (18) new live oak trees and forty-seven (47) new ligustrum shrubs shall be planted on the Property and in the Pinegrove and Eloise Rights of Way, as shown on the Site Plan. A wood privacy fence measuring six (6) feet in height shall be provided along the northern boundary of the Parking Parcel to provide a buffer between the Parking Parcel and the single-family home located at 3817 Eloise Street, as shown on the Site Plan.

(7) Usable open spaces plazas, recreation areas.

Boone Park is one block to the east, accessible by preexisting sidewalks. No on-site recreation space will be provided.

(8) Impact on wetlands

Surveying of a 2005 Geographical Information Systems shape file did not identify any wetlands on-site. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

(9) Listed species regulations

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

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

Owner proposes to provide: 1) nine (9) new parking spaces in the portion of the Pinegrove Right of Way abutting the Deli Parcel, 2) eight (8) new parking spaces in the portion of the Pinegrove Right of Way abutting the Parking Parcel, and partially located on the Parking Parcel, and 3) seven (7) new parking spaces on the Parking Parcel, as depicted on the Site Plan. Access to the parking spaces located on the Parking Parcel will be provided by way of a driveway measuring at least nine (9) feet in width. All parking spaces located in the Pinegrove Right of Way shall count towards the number of parking spaces required by Section 656.604 of the Code.

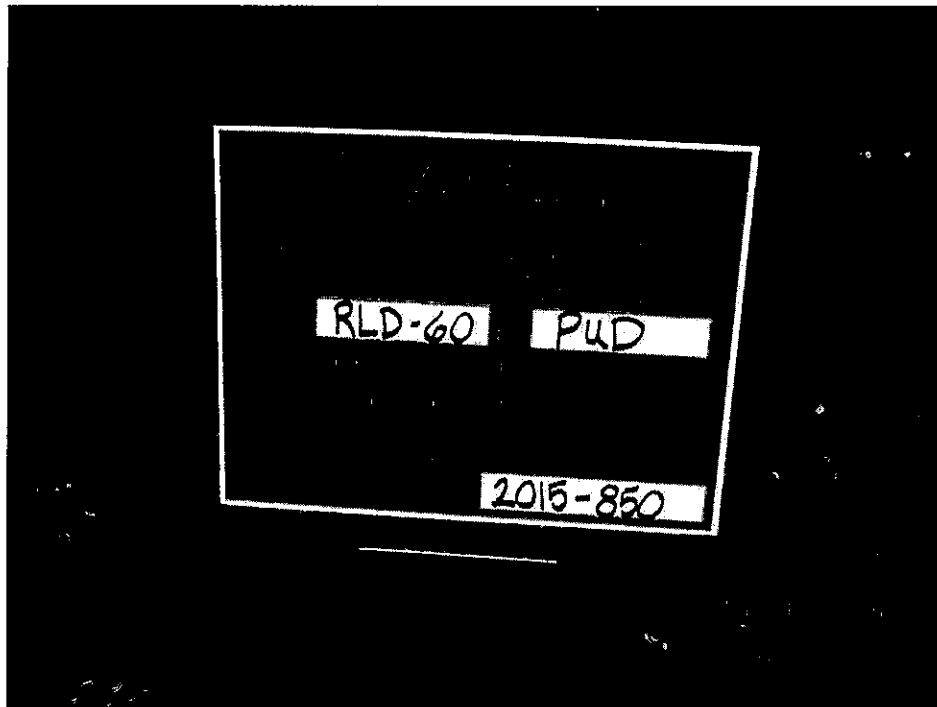
A total of 24 parking spaces will serve a 55 seat restaurant with 8 employees. Parking for the Project must be provided pursuant to Sections 656.604(a) and (d)(2) of the Code, which require two (2) parking spaces for single-family dwellings and, for restaurants, one (1) off-street parking space for each four (4) patron seats (including indoor and outdoor patron seating) plus one (1) space for each two (2) employees on a peak hour shift. Parking must also comply with Section 656.607 of the Code, which provides design standards for off-street parking and loading facilities, including standards for access, lighting, buffers, and landscaping. Finally, Parking must also comply with Section 656.399.25(d) "Historic Residential Character Area Design Standards" of the Overlay. Although Section 656.399.25(d) (2) of the Overlay prohibits parking between the street edge and the sidewalk, or if no sidewalk exists, between the street edge and the property line, the applicant has secured a Revocable Permit and Indemnification Agreement from the City of Jacksonville (the "City") to use the Pinegrove Right of Way and the Eloise Right of Way for parking and related purposes.

(11) Sidewalks, trails, and bikeways

The project will be required to maintain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on January 8, 2016, the required Notice of Public Hearing sign was posted.



Source: Staff, Planning and Development Department
Date: January 8, 2016

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2015-0850 be **APPROVED** with the following exhibits:

1. **The original legal description dated September 15, 2015.**
2. **The revised written description dated February 2, 2016.**
3. **The revised site plan dated December 17, 2015.**
4. **The Development Services Memorandum dated December 23, 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 2015-0850 be **APPROVED** subject to the following conditions, which may only be changed through a rezoning:

1. **Garbage shall not be picked up before the hours of 7.00 AM or after 9:00 PM.**



Single-family home, view from Park Street.

Source: Planning and Development Department
Date: January 8, 2016



Existing structures home and deli along Pinegrove Avenue.

Source: Planning and Development Department
Date: January 8, 2016



Patio seating limited to 20 seats, outdoor sale and service of beer and wine.

Source: Planning and Development Department
Date: January 8, 2016



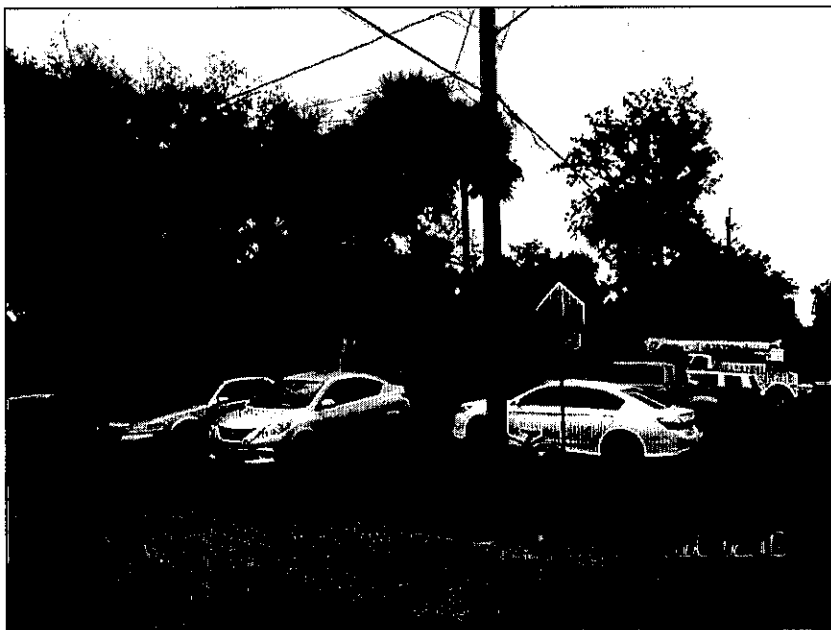
Pinegrove Market and Deli.

Source: Planning and Development Department
Date: January 8, 2016



Alley between deli and lot to be developed as a parking lot.

Source: Planning and Development Department
Date: January 8, 2016



Undeveloped residential lot. City of Jax ROW to be closed and abandoned.

Source: Planning and Development Department
Date: January 8, 2016



Setbacks between the existing single-family home and adjacent property.

Source: Planning and Development Department

Date: January 8, 2016



Undeveloped residential lot, view from the alley.

Source: Planning and Development Department

Date: January 8, 2016



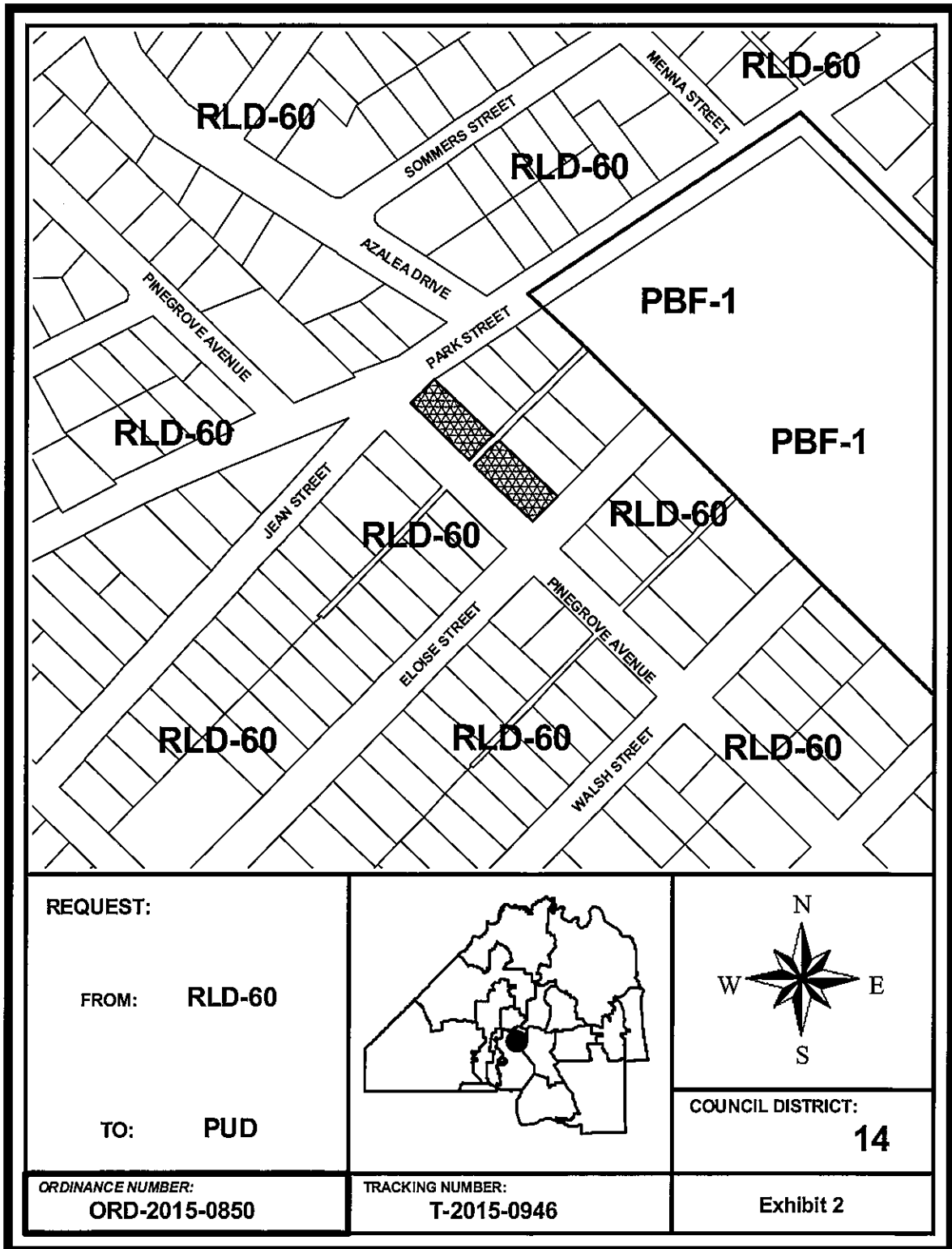
Nearby single-family home.

Source: Planning and Development Department
Date: January 8, 2016



**Single-family home directly across Pinegrove Avenue from the subject property.
Cones dissuading parking in the grass ROW can clearly be seen.**

Source: Planning and Development Department
Date: January 8, 2016



Transmittal To Land Use Section For Review of Zoning Applications

Application # 2015-0850

Planning District 4 - Southwest

Requesting Zoning Planner Aaron Glick

Date Request Transmitted 12/14/2015

Date Requested for completion and Return 12/21/2015

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

Date Received 12/14/2015

Land Use Planner Receiving the Request Luke Lukacovic

Date Returned to Zoning Planner 12/18/2015

Comments:

A legally non-conforming use of the property due to grand-fathering. Restaurant/single family home is in a LDR land use category. Some of the parking is on a nearby adjacent vacant residential parcel and some within the street right-of-way. Commercial neighborhood is permitted as a secondary zoning district within the LDR land use category. Restaurants and their associated parking is permitted within that zoning district. The proposed PUD will reduce the amount of nonconformity on the property. No land use amendment is required.

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



December 23, 2015

MEMORANDUM

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

FROM: Lisa King
Traffic Technician Senior

Subject: **Pinegrove Deli PUD
R-2015-0850**

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

1. Parking lot dimensions shall comply with Sec. 656.607 of the current Zoning Code & Figure A (found at the end of 656.609).
2. Provide compliant 5' sidewalk along frontages of proposed parking lot per the 2030 Comprehensive Plan & Section 2 of the Land Development Procedures Manual.
3. Signs, fences, walls and landscaping shall be located so that horizontal line of sight is unobstructed at intersections. Trees planted in City right-of-way shall have a minimum 7' clear trunk and 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.



MEMORANDUM

DATE: 01/04/2016

TO: Aaron Glick
City Planner II

FROM: Soliman Peter Salem
City Planner II

SUBJECT: TRANSPORTATION REVIEW OF PINEGROVE PUD

Park Street, from Roosevelt Boulevard to Edgewood Avenue, is the directly accessed functionally classified roadway. Park Street is a 2-lane undivided class II collector in this vicinity and is currently operating at an acceptable LOS D. Park Street segments have a maximum daily service volume of 14,040 vpd and a 2014 daily traffic volume of 12,574. This road segment currently has sufficient capacity to accommodate the traffic generated by this development.

This proposal is for 15 additional seats of ITE 931 Quality Restaurant which would generate a total of 45 vpd and does not exceed the amount of allowable trip generation for this property. The intensification of the use, however, requires that the applicant needs to apply for mobility.

(ITE 931 Quality Restaurant – 15 additional seats)

REVOCABLE PERMIT AND INDEMNIFICATION AGREEMENT

THIS PERMIT TO USE THE CITY'S RIGHT-OF-WAY OR EASEMENTS HEREIN DESCRIBED IS ISSUED BY THE CITY OF JACKSONVILLE TO THE PERMITTEES NAMED BELOW FOR THE PURPOSES HEREIN SPECIFIED UPON THE TERMS AND CONDITIONS SET FORTH BELOW AND THE GENERAL PROVISIONS ON PAGE 2 OF 2 OF THIS DOCUMENT. BY THE EXECUTION HEREOF THE PERMITTEE AGREES TO COMPLY WITH ALL SUCH TERMS, CONDITIONS AND GENERAL PROVISIONS.

1. ADDRESS OR NAME OF RIGHT-OF-WAY: a portion of Pinegrove Avenue and a portion of Eloise Street DATE: 10/23/2015

3. DESCRIPTION OF RIGHT-OF-WAY OR EASEMENT (Width, intersection, legal description, ORV & page, etc.):
That portion of Pinegrove Avenue that abuts RE # 092871-0000 (O Eloise Street)(the "Eloise Parcel"), spans the entire length of the southern boundary of the Eloise Parcel, and measures approximately 18.5' in depth, as depicted on the site plan attached hereto as Exhibit "A" (the "Site Plan"); that portion of Pinegrove Avenue that abuts RE # 092870-0000 (3822 Park Street)(the "Park Street Parcel"), spans the entire length of the southern boundary of the Park Street Parcel and measures a 18' in depth, as depicted on the Site Plan; and that portion of Eloise Street that abuts the Eloise Parcel, spans the entire length of the eastern boundary of the Eloise Parcel, and measures approximately 18' in depth.

4. PURPOSE OF PERMIT AND DETAILED DESCRIPTION OF IMPROVEMENTS: (Attach a Detailed 8½ x 11 or 8½ x 14 Sketch of Improvements)
The purpose of this permit is to provide parking for Pinegrove Market and Deli, and a landscape buffer, in accordance with the Site Plan.

5. PERMITTER:: CITY OF JACKSONVILLE
5a. REPRESENTATIVE: (Type Name, Title and Department)
William Joyce, P.E.
Chief of Engineering
Public Works Department

6. PERMITTEE: Nader Bajalia, Bader Bajalia, and Bajalia Land Holdings, LLC
6a. REPRESENTATIVE: (Type Name, Title and Address)
Steve Diebenow, One Independent Drive, Suite 1200, Jacksonville, FL 32202
Telephone Number: (904) 301-1269

7. GENERAL PROVISIONS: (See Page 2 of 2)

FOR CITY OF JACKSONVILLE
By: _____ Date: _____
Its: Chief of Engineering
Witness: _____ Date: _____
STATE OF FLORIDA, COUNTY OF DUVAL
Witness: _____ Date: _____

This foregoing instrument was signed before me this ____ day of _____ 20____, by William Joyce, P.E., Chief of Engineering, the designee for the Director of Public Works of the City of Jacksonville, a municipal corporation, who executed the forgoing instrument and acknowledged the execution thereof to be his own free act and deed on behalf of the corporation.

My Commission Expires: _____
Notary Public, State of Florida

PERMITEE
By: _____ Date: _____
Its: _____
Witness: _____ Date: _____
STATE OF FLORIDA, COUNTY OF DUVAL
Witness: _____ Date: _____

This foregoing instrument was signed before me this ____ day of _____ 20____, by _____ (name of officer) the _____ (title of officer) of _____ (name of corporation), a municipal corporation, who executed the forgoing instrument and acknowledged the execution thereof to be his own free act and deed on behalf of the corporation.

My Commission Expires: _____
Notary Public, State of Florida

7. GENERAL PROVISIONS:

- (a) City hereby permits Permittee to use the property described in Item 3 for the purposes set forth in Item 4 and in accordance with the detailed sketch attached thereto.**
- (b) Permittee shall maintain, at its sole cost and expense, the improvements set forth in Item 4 and the detailed sketch, in a good, safe and attractive condition.**
- (c) Permittee shall repair, at its sole cost and expense, any and all damage, if any, to the property described in Item 3, resulting from its use of said property.**
- (d) This Permit is revocable at any time, upon giving 30 days notice to Permittee, at the option and discretion of City or its duly authorized representative.**
- (e) In the event that the City revokes this permit, Permittee shall immediately remove at its cost and expense the improvements described in Item 4 and shown on the detailed sketch in the right of way or easement and Permittee shall at Permittee's expense restore the right-of-way to its condition prior to installation of the improvements; provided, that if Permittee shall fail to do so or fail to do so in a manner that does not interfere with the City's use of the right of way or easement, then the City may perform such removal at the cost and expense of Permittee.**
- (f) Permittee shall act as an independent contractor, and not as an employee of the City in performing its obligations pursuant to this Agreement. Permittee shall be solely liable, and agrees to be solely liable for, and shall indemnify, defend and hold City harmless from any and all loss, damage, action, claim, suit, judgment, cost or expense for injury to persons (including death) or damage to property (including destruction) in any manner resulting from or arising out of the installation, maintenance (failure to maintain), use or existence of the improvements described in item 4 and shown on the detailed sketch within City's right of way or easements The foregoing shall include any damage incurred by Permittee or to the improvement-s due to the removal of the improvements by City or Permittee; as well as any damage caused by the forces of any natural occurrence.**
- (g) Permittee further agrees that, in the event City requires access to any area of the right of way or easement, necessitating the removal of and/or damage to any or all of said improvements, Permittee shall remain solely responsible at its cost and expense for any necessary repairs to or replacement of said improvements in order to return the right of way or easement to its original condition, or to other conditions meeting City standards or requirements for the right of way or easement.**
- (h) Upon completion execution hereof, Permittee shall record at its cost and expense this permit with the Clerk of the Circuit Court in the official records of Duval County, Florida, and shall provide to the City a copy of the duly recorded permit showing on the face of it the appropriate recording stamp of said Clerk showing the book and page number in and at which it was recorded.**

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2015-0850 **Staff Sign-Off/Date** AAG / 10/26/2015

Filing Date 12/02/2015 **Number of Signs to Post** 4

Hearing Dates:

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

Land Use & Zoning 02/02/2016 **2nd City Council** 02/09/2016

Neighborhood Association RIVERSIDE AVONDALE PRESERVATION SOCIETY

Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 946

Application Status PENDING

Date Started 09/15/2015

Date Submitted 09/15/2015

General Information On Applicant

Last Name

DIEBENOW

First Name

STEVE

Middle Name

Company Name

Mailing Address

ONE INDEPENDENT DRIVE, STE. 1200

City

JACKSONVILLE

State

FL

Zip Code 32202

Phone

9043011269

Fax

9043011279

Email

SDIEBENOW@DMPHLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name

NADER

First Name

BAJALIA

Middle Name

Company/Trust Name

Mailing Address

11526 EDGEMERE DRIVE

City

JACKSONVILLE

State

FL

Zip Code

32223

Phone

Fax

Email

Last Name

BADER

First Name

BAJALIA

Middle Name

E.

Company/Trust Name

Mailing Address

11526 EDGEMERE DRIVE

City JACKSONVILLE **State** FL **Zip Code** 32223
Phone **Fax** **Email**

Last Name NA **First Name** NA **Middle Name** NA

Company/Trust Name
 BAJALIA LAND HOLDINGS, LLC

Mailing Address
 1511 PINEGROVE AVENUE

City JACKSONVILLE **State** FL **Zip Code** 32205
Phone **Fax** **Email**

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) _____

Map	RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map	092870 0000	14	4	RLD-60	PUD
Map	092871 0000	14	4	RLD-60	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) 0.32

Development Number _____

Proposed PUD Name PINEGROVE PUD

Justification For Rezoning Application

TBD

Location Of Property

General Location
 PINEGROVE AVENUE AND PARK STREET

House # 3822 **Street Name, Type and Direction** PARK ST **Zip Code** 32205

Between Streets
 PARK STREET and ELOISE 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 | |
| 0.32 Acres @ \$10.00 /acre: | \$10.00 |
| 3) Plus Notification Costs Per Addressee | |
| 61 Notifications @ \$7.00 /each: | \$427.00 |
| 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): | \$2,427.00 |

NOTE: Advertising Costs To Be Billed to Owner/Agent

Exhibit "D"
Pinegrove PUD
February 2, 2015

I. INTRODUCTION

Nader Bajalia, Bader Bajalia, and Bajalia Land Holdings, LLC (collectively, the "Owner") proposes to rezone approximately 0.32 acres of property located at 3822 Park Street and 0 Eloise Street (the "Property") from Residential Low Density-60 ("RLD-60") to Planned Unit Development ("PUD"). The Property is located between Park Street and Eloise Street, as more particularly described on Exhibit 1.

Owner seeks approval of this proposed PUD rezoning in order to continue the successful operation of Owner's business, Pinegrove Market and Deli, located at 3822 Park Street. Pinegrove Market and Deli has been a neighborhood staple for over 50 years.

II. PROPERTY DATA

- A. Real Estate Parcel Nos.: 092870-0000; 092871-0000
- B. Current Land Use Classification: LDR
- C. Current Zoning District: RLD-60
- E. Requested Zoning District: PUD
- F. Gross Acreage: 0.32 acres
- G. Gross Square Footage of Residential Building (Existing Home): 1,516 sqft
- H. Gross Sq. Footage Non-residential Building (Market/Deli/Restaurant): 1,880 sqft

III. SUMMARY DESCRIPTION OF THE PROJECT

Owner desires to expand and improve an existing market, deli, and restaurant ("Pinegrove") and alter the parcel on which Pinegrove and an existing single-family home (the "Existing Home") are located (real estate parcel no. 092870-0000) (the "Deli Parcel") in order to utilize the backyard of the Existing Home for outdoor seating and to provide parking along the portion of the Pinegrove Avenue right of way abutting the Property (the "Pinegrove Right of Way"), as depicted on the Site Plan dated December 17, 2015 and attached hereto as Exhibit E. Owner also desires to create a parking lot on the adjacent vacant parcel (real estate parcel no. 092871-0000) (the "Parking Parcel"), which will require use of a portion of the Eloise Street right of way abutting the Parking Parcel (the "Eloise Right of Way"), as depicted on the Site Plan. The improvements described herein and depicted on the Site Plan are referred to collectively herein as the "Project."

Attached as Exhibit 2 are photos of the existing Property conditions. The surrounding land uses and zoning include LDR/RLD-60 to the north, south, east, and west. The Property is within the Residential Character Area of the Riverside/Avondale Zoning Overlay (the "Overlay"). The Property is zoned RLD-60, which does not permit retail outlets for the sale of food or restaurants. However, since Pinegrove existed well before the Jacksonville Ordinance Code (the "Code") was enacted on September 5, 1969, Owner may continue to operate Pinegrove under Section 656.702(a) of the Code as the following existing uses, which are referred to collectively herein as the "Pinegrove Existing Use":

1. "Building 2" as described in the Property Appraiser Records of the City of Jacksonville for real estate no. 092870-0000: a retail store constructed in 1924 with a gross heated area of 1,677 square feet (43 feet x 39 feet);
2. Seating for 40 restaurant patrons within Building 2 (no outdoor seating); and
3. Deli, meat market, and restaurant with the sale of beer and wine for off-premises consumption only and hours of operation limited to 7 A.M. to 5 P.M.

Owner filed this application for rezoning to PUD primarily to accomplish several goals; the Pinegrove Existing Use, as amended to accomplish the following goals, shall be referred to collectively herein as the "Pinegrove 2016 Use":

1. Address parking issues on the Property and along the Pinegrove Right of Way generated by the expansion of the Pinegrove Existing Use;
2. Add outdoor seating between the Existing Home and the Pinegrove Existing Use (607 square feet);
3. Permit the expansion of the Pinegrove Existing Use to provide ADA accessibility, including ADA restrooms;
4. Permit the expansion of the Pinegrove Existing Use to construct a 135 square foot addition for a freezer and a cooler;
5. Permit construction of a sidewalk on Pinegrove Ave from its current terminus adjacent to the Existing Home to Park Street;
6. Allow on-premises consumption of beer and wine; and
7. Expand restaurant hours of operation so that the permitted hours of operation are 8 A.M. to 8 P.M.

All changes to the Pinegrove Existing Use and the Property authorized by this PUD are for the purposes of mitigating the incompatibility of the non-conforming uses of the Property in 2016.

Owner will continue to use the Existing Home as a single family residence (the "Existing Home 2016 Use"). The Project does not propose any modifications to the Existing Home except for the backyard, which will be included as the Pinegrove outdoor patio with up to twenty (20) seats. The Existing Home will remain residential; provided, however, that the Existing Home

may be used for commercial storage and/or bookkeeping purposes, but shall not be used by the public, for food preparation, or for any other commercial purpose. This PUD allows the occupancy of the Existing Home as a residence despite its lack of rear yard.

Owner proposes to continue the use of Pinegrove as a one-story market, deli, and restaurant, add seating inside Pinegrove, expand outdoors on a covered patio using the portion of the Property that until now existed as the backyard to the Existing Home, and add an on-site parking lot on the Parking Parcel, as more particularly depicted on the Site Plan. Pinegrove will contain approximately 2,108 enclosed square feet (consisting of 1,880 sqft of existing space, a 93 sqft addition for ADA restrooms, and a 135 sqft addition for a freezer and a cooler), along with 607 square feet of covered patio seating.

Pinegrove will employ eight (8) employees. The Project includes seventeen (17) new parking spaces in the Pinegrove Right of Way, including one (1) ADA handicap space, and seven (7) new off-street parking spaces on the Parking Parcel. The Project will improve an existing commercial structure, allowing for ADA access which is currently unavailable. The addition of twenty-four (24) new parking spaces will resolve the potential parking safety issues that presently exist on the Property. The Project will complement the adjacent uses and architecture and allow a neighborhood staple to remain such.

IV. PUD DEVELOPMENT CRITERIA

A. Permitted Uses and Structures.

1. Deli Parcel.

- i. The Existing Home: Use shall be a single-family dwelling. The home may be used without a backyard.
- ii. Pinegrove:
 1. The Pinegrove Existing Use, as amended to provide ADA accessibility (including ADA restrooms), construct a 135 square foot addition for a freezer and a cooler, and construct a sidewalk on Pinegrove Avenue from the current sidewalk terminus adjacent to the Existing Home to Park Street.
 2. Full service of beer and wine for on-premises consumption shall be permitted pursuant to the terms of a zoning exception benefiting the then-current owner of Pinegrove. Such exception shall be personal to the then-current owner of Pinegrove and shall not run with the land.

3. So long as full service of beer and wine for on-premises consumption is permitted by exception, a maximum of fifty-five (55) seats and a covered patio, all as depicted on the Site Plan, shall also be permitted, and hours of operation shall be limited to 8:00 A.M. to 8:00 P.M., Monday through Saturday; provided, however, that seating may be located inside Pinegrove and/or the covered patio with no more than twenty (20) seats in the patio at any time.
4. The Pinegrove patio structure may be converted back to a single family rear yard (historic use).

2. **Parking Parcel.**

- i. A single-family dwelling;
- ii. Duplex; and
- iii. Parking lot, as depicted on the Site Plan.

B. *Minimum Lot and Building Requirements.*

1. Minimum lot requirements (width and area). None.
2. Minimum yard requirements and building setbacks.
 - i. **Deli Parcel.** Historic building setbacks shall be maintained, except as shown on the Site Plan.
 - ii. **Parking Parcel.**
 - a. For parking lot uses, setbacks shall be maintained as depicted on the Site Plan.
 - b. For single-family dwelling uses, setbacks shall comply with Section 656.399.20 of the Code.
3. Maximum lot coverage by all buildings. None.
4. Maximum height of structures.
 - i. **Deli Parcel.** 20 feet.
 - ii. **Parking Parcel.** 35 feet.

C. *Parking Requirements.*

Parking for the Project shall be substantially as shown on the Site Plan. The Project will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions. In fact, it will benefit vehicular and pedestrian traffic and parking conditions.

Parking for the Project must be provided pursuant to Sections 656.604(a) and (d)(2) of the Code, which require two (2) parking spaces for single-family dwellings and, for restaurants, one (1) off-street parking space for each four (4) patron seats (including indoor and outdoor patron seating) plus one (1) space for each two (2) employees on a peak hour shift. Parking must also comply with Section 656.607 of the Code, which provides design standards for off-street parking and loading facilities, including standards for access, lighting, buffers, and landscaping. Finally, Parking must also comply with Section 656.399.25(d) "Historic Residential Character Area Design Standards" of the Overlay. Although Section 656.399.25(d) (2) of the Overlay prohibits parking between the street edge and the sidewalk, or if no sidewalk exists, between the street edge and the property line, Owner will secure a Revocable Permit and Indemnification Agreement from the City of Jacksonville (the "City") to use the Pinegrove Right of Way and the Eloise Right of Way for parking and related purposes.

Owner purchased the Parking Parcel in order to address potential parking safety issues at Pinegrove and proposes to further improve parking by providing parking spaces in the Pinegrove Right of Way. Owner proposes to provide: 1) nine (9) new parking spaces in the portion of the Pinegrove Right of Way abutting the Deli Parcel, 2) eight (8) new parking spaces in the portion of the Pinegrove Right of Way abutting the Parking Parcel, and partially located on the Parking Parcel, and 3) seven (7) new parking spaces on the Parking Parcel, as depicted on the Site Plan. Access to the parking spaces located on the Parking Parcel will be provided by way of a driveway measuring at least nine (9) feet in width. All parking spaces located in the Pinegrove Right of Way shall count towards the number of parking spaces required by Section 656.604 of the Code.

- D. *Vehicular Circulation.* Vehicular access to the Project shall be by way of Park Street and Pinegrove Avenue, substantially as shown on the Site Plan. The final location of all access points is subject to the review and approval of the City's Traffic Engineer.
- E. *Pedestrian Circulation.* Sufficient pedestrian access shall be provided from the parking lot through the alley, as depicted on the Site Plan, in accordance with the 2030 Comprehensive Plan.
- F. *Signage.* One awning sign, not to exceed eighteen (18) square feet in area, and one wall sign, not to exceed twelve (12) square feet in area, shall be permitted. All signage is subject to the prior written approval of the Jacksonville Historic Preservation Commission. Monument signs shall be prohibited. All signage may

be externally illuminated. Internally illuminated signs and digital signs shall be prohibited.

- G. *Minimum Distance.* The minimum distance between the Property and a church, school or other adult entertainment facility shall be 500 feet, as required by Section 656.805 of the Code.
- H. *Utilities.* Electric power, water, and sewer are provided by the JEA.
- I. *Landscaping and Fences.* Landscaping shall be provided as depicted on the Site Plan and native species shall be planted to the greatest extent possible. Eighteen (18) new live oak trees and forty-seven (47) new ligustrum shrubs shall be planted on the Property and in the Pinegrove and Eloise Rights of Way, as shown on the Site Plan. A wood privacy fence measuring six (6) feet in height shall be provided along the northern boundary of the Parking Parcel to provide a buffer between the Parking Parcel and the single-family home located at 3817 Eloise Street, as shown on the Site Plan.
- J. *Recreation and Open Space.* Not applicable.
- K. *Wetlands.* Not applicable.

VI. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THE PROJECT

The Project will benefit the surrounding neighborhood and community. The proposed uses and improvements are compatible with the surrounding uses and zoning. The surrounding neighborhood and community has always supported Pinegrove and will gain value from the improvements discussed above and depicted in the Site Plan. The use of the Property as a market, deli, and restaurant began before the Zoning Code was enacted and a strict application of the Zoning Code would prevent the continued successful use of the Property as such.

VII. PLANNED UNIT DEVELOPMENT REVIEW CRITERIA

- A. *Consistency with the Comprehensive Plan.* The Project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations, and specifically contributes to:
 - 1. Objective 1.4 of the Historic Preservation Element of the 2030 Comprehensive Plan: City shall establish and improve property values,

and thus the tax base of local landmarks and local historic districts by encouraging property owners to maintain and improve buildings, grounds, streetscape and vistas and encouraging settlement and revitalization of established neighborhoods;

2. Objective 3.2 of the Future Land Use Element of the 2030 Comprehensive Plan: Continue to promote and sustain the viability of existing and emerging commercial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas;
 3. Policy 3.2.4 of the Future Land Use Element of the 2030 Comprehensive Plan: Permit the expansion of commercial uses adjacent to residential areas if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations; and
 4. Policy 3.2.8 of the Future Land Use Element of the 2030 Comprehensive Plan: The City shall encourage the reorientation and combined use of existing curb cuts and/or parking lots to minimize the negative impacts of non-residential development on adjacent residential uses and the transportation system.
- B. *Consistency with the Concurrency Management System.* The Project is exempt from Concurrency and Mobility Management System review and payment of the Mobility fee pursuant to Section 655.109(c) of the Code.
- C. *Allocation of Residential Land Use.* Any residential development will not exceed the projected holding capacity reflected in Table L-20 of the Future Land Use Element of the 2030 Comprehensive Plan.
- D. *Internal Compatibility / Vehicular Access.* Vehicular access to the Project Area shall be by way of Park Street and Pinegrove Avenue, substantially as shown on the Site Plan. The final location of all access points is subject to the review and approval of the City's Traffic Engineer.
- E. *External Compatibility.* The Project is consistent with and comparable to permitted development in the area. The surrounding land uses and zoning include: LDR/ RLD-60 to the north, south, east, and west (residential). The Property is within the Residential Character Area of the Overlay. The proposed

use is compatible with both intensity and density with the surrounding uses and zoning districts.

- F. *Recreation/Open Space.* Boone Park is one block to the east, accessible by preexisting sidewalks.
- G. *Impact on Wetlands.* The Project will not impact any wetlands.
- H. *Parking and Loading.* Pursuant to Section 656.399.25(d) “Historic Residential Character Area Design Standards” of the Overlay, parking between the street edge and the sidewalk, or if no sidewalk exists, between the street edge and the property line is prohibited. However, Owner will secure a Revocable Permit and Indemnification Agreement from the City to use the Pinegrove Right of Way and the Eloise Right of Way for parking and related purposes.

Owner purchased the Parking Parcel in order to address potential parking safety issues at Pinegrove and proposes to further improve the parking situation by providing parking spaces in the Pinegrove Right of Way. Parking has occurred in the Pinegrove Right of Way since Pinegrove began operating over 50 years ago and therefore is allowed to continue under Section 656.702(a) of the Code.

The following additional factors should be taken into consideration: (i) a portion of the customers of Pinegrove create “walk up” traffic from the surrounding neighborhood, and (ii) the Project is in close proximity to a JTA bus route, which provides customer and employee access without impacting parking demand. As shown on the Site Plan, loading and service activities shall occur in the alley accessed from Pinegrove Avenue.

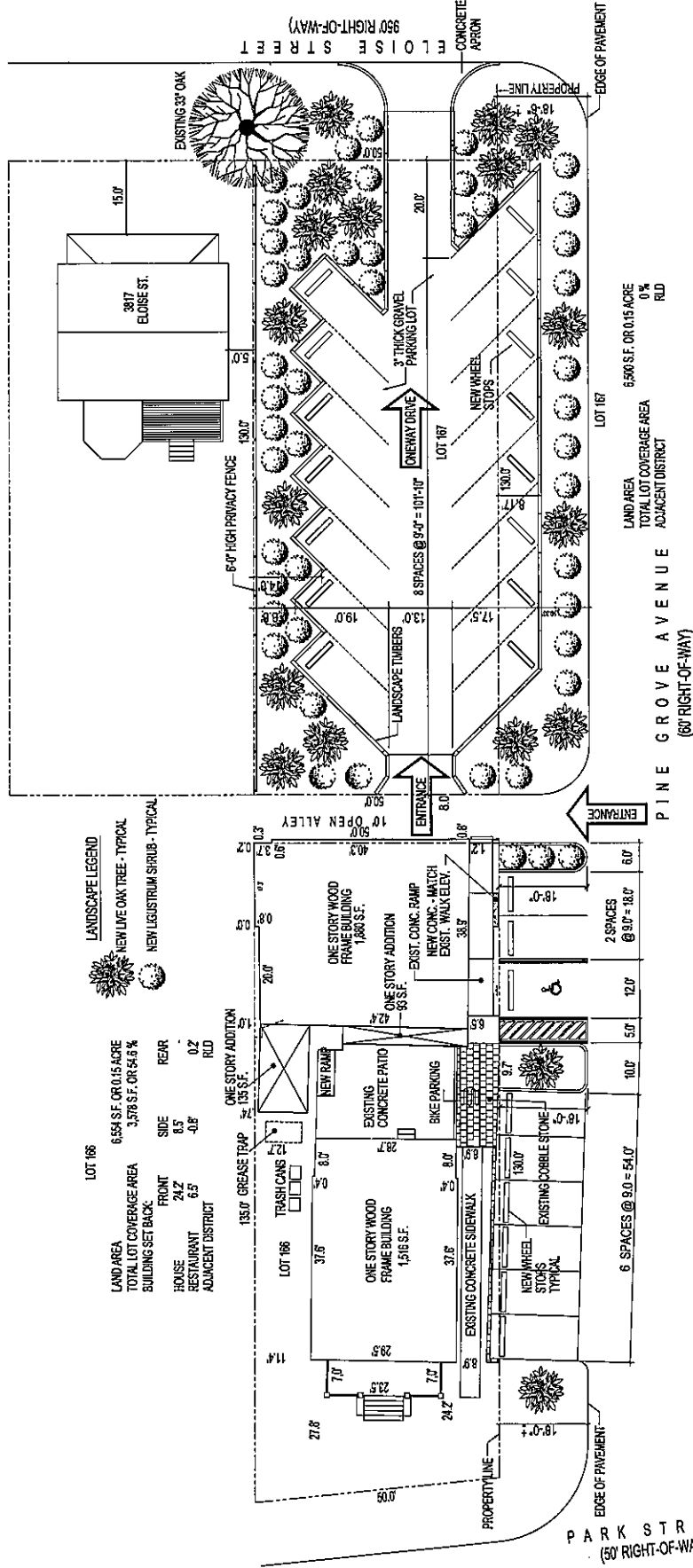
- I. *Sidewalks, Trails, and Bikeways.* An existing sidewalk provides customers with safe access to Pinegrove from the parking spaces abutting the Deli Parcel. In addition, Owner proposes to install a communal bike rack within the Project Area to facilitate and encourage cyclists.
- J. *Listed Species Regulations.* The Project consists of less than fifty acres and is therefore exempt from the required species survey.
- K. *Sales and Service of Alcoholic Beverages.* The subject property is located within the RLD-60 zoning district and the LDR functional land use category as defined by the Future Land Use Map series contained in the Future Land Use Element as adopted as part of the 2030 Comprehensive Plan. Retail sales and service

establishments serving beer and wine in conjunction with a restaurant or providing alcohol sales for off-premises consumption are not permissible by right or by exception in the RLD-60 district.

Alcohol has been sold for off-premises consumption at the Property since at least 1968. The Project meets the required 500 foot minimum distance requirement between the Property and a church, school or other adult entertainment facility, as required by Section 656.805 of the Code. As a result, on-premises consumption of beer and wine, as limited by this PUD, is appropriate.

- L. *Live Entertainment.* There shall be no live entertainment. The Project shall not include any amplified music outside.

- N. *Garbage and Recyclable Items.* Garbage shall be picked up and disposed of by the City of Jacksonville in accordance with its existing contract with Owner for removal of twelve (12) garbage bins per week. Two (2) bins containing recyclable items shall be picked up for recycling by the City of Jacksonville once every two (2) weeks.



PROPOSED SITE PLAN

SCALE: N.T.S.

December 17, 2015

Exhibit 3
Page 1 of 1

******All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the PUD Written Description or the Jacksonville, Florida Code of Ordinances, as applicable.

The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
Permitted Uses	<p><i>Permitted uses and structures.</i></p> <p>(1) Single-family dwellings. (2) Townhomes (RLD-TNH only) (3) Foster care homes. (4) Family day care homes meeting the performance standards and development criteria set forth in Part 4. (5) Community residential homes of six or fewer residents meeting the performance standards and development criteria set forth in Part 4. (6) Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards development criteria set forth in Part 4. (7) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4. (8) Golf courses meeting the</p>	<p>Residential uses shall be the predominant uses within Historic Residential Character Areas. The intent of the Historic Residential Character Area is to identify that all new investment of non-residential uses must respect the existing character of the area by developing smaller scale non-residential uses. [656.399.25(a)]</p>	<p><i>Permitted uses and structures.</i></p> <p>Deli Parcel.</p> <p>i. The Existing Home: Use shall be a single-family dwelling. The home may be used without a backyard.</p> <p>ii. Pinegrove: (1) The Pinegrove Existing Use, as amended to provide ADA accessibility (including ADA restrooms), construct a 135 square foot addition for a freezer and a cooler, and construct a sidewalk on Pinegrove Avenue from the current sidewalk terminus adjacent to the Existing Home to Park Street. (2) Full service of beer and wine for on-premises consumption shall be permitted pursuant to the terms of a zoning exception benefiting the then-current owner of Pinegrove. (3) So long as full service of beer and wine for on-premises consumption is permitted by exception, a</p>

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The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	<p>performance standards and development criteria set forth in Part 4.</p> <p>(9) Neighborhood parks, pocket parks, playgrounds or recreational structures which serve or support a neighborhood or several adjacent neighborhoods, meeting the performance standards and development criteria set forth in Part 4.</p> <p>(10) Country clubs meeting the performance standards and development criteria set forth in Part 4.</p> <p>(11) Home occupations meeting the performance standards and development criteria set forth in Part 4.</p> <p>(12) Detached Accessory Dwelling Unit (RLD-TND only).</p> <p>(b) <i>Permitted accessory uses and structures. See Section 656.403</i></p>		<p>maximum of fifty-five (55) seats and a covered patio, all as depicted on the Site Plan, shall also be permitted, and hours of operation shall be limited to 8:00 A.M. to 8:00 P.M., Monday through Saturday; provided, however, that seating may be located inside Pinegrove and/or the covered patio with no more than twenty (20) seats in the patio at any time.</p> <p>(4) The Pinegrove patio structure may be converted back to a single family rear yard (historic use).</p> <p>Parking Parcel.</p> <p>(1) A single-family dwelling; (1) Duplex; and (2) Parking lot, as depicted on the Site Plan.</p>

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The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	<p>(c) <i>Permissible uses by exception.</i></p> <p>(1) Cemeteries and mausoleums but not funeral homes or mortuaries.</p> <p>(2) Schools meeting the performance standards and development criteria set forth in Part 4.</p> <p>(3) Borrow pits subject to the regulations contained in Part 9.</p> <p>(4) Bed and breakfast establishments meeting the performance standards and development criteria set forth in Part 4.</p> <p>(5) Reserved.</p> <p>(6) Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4.</p> <p>(7) Day care centers meeting the performance standards and development criteria set forth in</p>		

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Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	Part 4. (8) Animals other than household pets meeting the performance standards and development criteria set forth in Part 4. (9) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4. (10) Home occupations meeting the performance standards and development criteria set forth in Part 4. (11) Detached Accessory Dwelling Unit (RLD-TND only). [656.305(A)(II)(a)-(c)]		
Minimum Lot requirements (width and area)	Width: 60 feet [656.305(A)(II)(d)(1)] Area: 6,000 square feet [656.305(A)(II)(d)(2)]		None

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The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
Maximum Lot Coverage	Fifty percent (50%) [656.305(A)(II)(e)(4)]		None
Minimum Yard Requirements (Setbacks)	Front – 20 feet Side – 5 feet [656.305(A)(II)(f)(7) & 656.1601]	Commercial, office, retail, civic: <i>Front</i> – determined by the Historic Setback of a contributing structure on the block adjacent and facing the proposed development. Except for increases for the side yard for the provision of access to the rear yard for parking, the setback may not deviate more than five feet on any side, front or rear. <i>Side</i> – determined by the Historic Setback of a contributing structure on the block adjacent and facing the proposed development. Except for increases for the side yard for the provision of access to the rear yard for parking, the setback may not deviate more than five feet on any side, front or rear.	Deli Parcel. Historic building setbacks shall be maintained, except as shown on the Site Plan. Parking Parcel. i. For parking lot uses, setbacks shall be maintained as depicted on the Site Plan. ii. For single-family dwelling uses, setbacks shall comply with Section 656.399.20 of the Code.
Maximum Height of Structures Buffer	35 feet [656.305(a)(II)(g)]	[656.399.20(1)-(3) & 656.1601] 35 feet (656.399.19)	Deli Parcel. 20 feet. Parking Parcel. 35 feet.
		An alley shall be maintained with a minimum of ten feet of	A 8.6' landscape buffer and an six (6) foot privacy fence shall be provided between the

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The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
Parking	<p>For restaurants, one off-street parking space for each four patron seats (including indoor and outdoor patron seating) and one off-street parking space for each two employees on a peak hour shift. [656.604(d)(2)]</p> <p>The maximum number of off-street parking spaces permitted for any use shall be the minimum required plus 20 percent of the required spaces for parking lots with less than 100 spaces. [656.604]</p> <p>Number of parking spaces required for planned development under 656.604 (80</p>	<p>separation from the non-residential use to the single-family use. If the alley condition does not provide enough of a buffer, a continuous hedge and tree canopy shall be provided along with a maximum eight-foot fence, except for residential access. [656.399.21(1)(a)]</p> <p>All parking requirements in Historic Residential Character Areas shall be met on site. [656.399.13(4)]</p> <p>Parking is prohibited between the street edge and the sidewalk, or if no sidewalk exists, between the street edge and the property line. [656.399.25(d)(2)(c)]</p> <p>Parking lots shall be designated to allow pedestrians to safely move from their vehicles to the building. On small lots (30 spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. (656.399.30)</p> <p>Pedestrian walkways shall be</p>	<p>Parking Parcel and the adjacent single-family residential parcel (located at 3817 Eloise Street), as depicted on the Site Plan.</p> <p>The Project includes seventeen (17) new parking spaces in the Pinegrove Right of Way, including one (1) ADA handicap space, and seven (7) new off-street parking spaces on the Parking Parcel. The Project will improve an existing commercial structure, allowing for ADA access which is currently unavailable. All parking spaces located in the Pinegrove Right of Way shall count towards the number of parking spaces required by Section 656.604.</p> <p>Owner will secure a Revocable Permit and Indemnification Agreement from the City to use the Pinegrove Right of Way and Eloise Right of Way for parking and related purposes.</p>

**All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the PUD Written Description or the Jacksonville, Florida Code of Ordinances, as applicable.

The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	seat restaurant with 8 employees) Minimum = 20+4 = 24 Maximum = 24 x 1.2 = 28.8	landscaped with additional shade or ornamental trees equal to an average of one shade tree per 50 linear feet of walkway is adjacent or included within an existing compliance buffer or frontage planting. The walkway shall not be less than 5 feet. [656.399.30(1)(c)] Pedestrian connections shall be clearly defined by a least two of the following: (i) Six-inch vertical curb, or (ii) Textured paving, including across vehicular lanes, or (iii) A continuous landscape area at a minimum of three feet wide on at least one side of the walkway. [656.399.30(1)(d)]	
Signage	RR, RLD, RMD-A and RMD-B zoning districts— One nonilluminated sign not exceeding a maximum of one square foot in area and mounted flat against the wall of the building or structure is	Except for those properties zoned CRO or residential properties, the maximum sign area permitted per sign is as follows. Building Size (Gross Floor Area) Maximum Sign area Under 40,000 square feet 32 square feet	One awning sign, not to exceed eighteen (18) square feet in area, and one wall sign, not to exceed twelve (12) square feet in area, shall be permitted. All signage is subject to the prior written approval of the Jacksonville Historic Preservation Commission. Monument signs shall be prohibited. All signage may be externally

**All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the PUD Written Description or the Jacksonville, Florida Code of Ordinances, as applicable.

The below chart illustrates the manner in which the proposed PUD zoning district deviates from the conventional and Riverside/Avondale Overlay districts:

Element	Conventional Zoning Regulation	Overlay Zoning Regulation	Proposed PUD zoning district
	<p>permitted, unless otherwise specifically prohibited in the Zoning Code.</p> <p>One nonilluminated sign not exceeding a maximum of 24 square feet in area may be allowed, provided it is specifically authorized in the grant of exception, unless otherwise specifically prohibited in the Zoning Code.</p> <p>[656.1303(a)(1)]</p>	<p>40,000- 125,000 square feet 48 square feet</p> <p>Over 125,000 square feet 64 square feet</p> <p>[656.399.35(2)]</p>	<p>illuminated. Internally illuminated signs and digital signs shall be prohibited.</p>

EXHIBIT F

PUD Name

Pinegrove PUD

Land Use Table

Total gross acreage	0.32	Acres	100 %
Amount of each different land use by acreage			
Single family	0.034	Acres	10.6 %
Total number of dwelling units	1	D.U.	
Multiple family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Commercial	0.047	Acres	14.7 %
Industrial	0	Acres	0 %
Other land use	0	Acres	0 %
Active recreation and/or open space	0	Acres	0 %
Passive open space	0.239	Acres	74.7 %
Public and private right-of-way		Acres	
Maximum coverage of buildings and structures	3,396	Sq. Ft.	24.36 %



MEMORANDUM

TO: Steve Diebenow/ Leah Walker

FROM: Aaron Glick

SUBJECT: PINWOOD DELI PUD 2015-850

DATE: December 8, 2015

Effective November 10, 2009 rezoning applications shall be required to post signs in accordance with Ordinance 2009-0548-E, amending Section 656.124(c) of the Jacksonville Ordinance Code. This ordinance adopted new sign posting procedures and requirements that include providing photographic evidence and a signed affidavit attesting to the posting of signs and is required as follows.

Within **ten working days** after the applicant has been notified that an application for a rezoning has been determined to be complete by the Department, the applicant shall provide the Department with a picture of each posted sign and a notarized affidavit in which the applicant acknowledges that the signs have been posted in conformance with Section 656.124. Upon receipt of full payment for the requested rezoning the City has effectively deemed the application to be complete and Department will notify applicant to pick up the required notice signs and return to the Department within 10 days a picture of each posted sign and a signed sign posting affidavit.

The signs shall be maintained by the applicant for the entire duration of the rezoning process. The signs shall be inspected by the Department subsequent to posting, at least once, a reasonable period of time prior to the advertised public hearing, but not less than 14 days prior to the public meeting at the Planning Commission. If such inspection reveals that the sign(s) herein required have not been properly maintained, the Department shall inform the applicant and the applicant shall have three working days to repost the signs and provide the Department with a picture of each posted sign and a notarized affidavit approved by the Department in which the applicant acknowledges that the signs have been reposted in conformance with Section or 656.124. The failure of the Department to make such inspections or of the sign to remain in place, as required herein, shall not invalidate or otherwise have any effect upon a public hearing or action taken by the Council on an application for comprehensive plan amendment. The sign shall be removed by the applicant within ten days after final action by the Council on the rezoning application.

For the posting of "Notice of Public Hearing" signs, please see the attached affidavit that must be signed and returned to the Department along with attached photos of the signs, which are required to be posted at intervals of approximately 200 feet along all street sides in full view of the public street or nearest street right-of-way, with a notation indicating the direction and distance to the land.

SEE REVERSE SIDE

If the applicant has not submitted the pictures of the posted or reposted signs, if necessary, and the accompanying notarized affidavit required per section 656.124(c), the Department shall notify the Council committee of reference, which will result in a deferral of the item to be heard. The Council committee of reference shall not approve, approve with conditions or deny any item unless the applicant has submitted the pictures of the posted or reposted signs, if necessary, and the accompanying notarized affidavit in accordance with the requirements set forth in section 656.124(c).

NOTICE OF PUBLIC HEARING SIGN POSTING AFFIDAVIT

I hereby attest that the attached pictures show the NOTICE OF PUBLIC HEARING SIGNS provided to me for application 2015-810 were posted in conformance with Section on the property/site located at:

092870-0000 & 092871-0000
Real Estate Number(s)

3822 Park Street & O Eloise Street
Address

Jacksonville, FL
City, State

Leah Walker
Printed Name

Leah Walker
Signature

Dated this 17th day of December, 2015.

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 17th day of December, 2015, by Leah Walker (Applicant/Agent)

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

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

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



Rezoning Sign Affidavit Steve Diebenow.doc

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, Suite 300 | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

EXHIBIT A

Property Ownership Affidavit

Date: 1/7/15

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

Re: Ownership Certification – RE Number 092871-0000

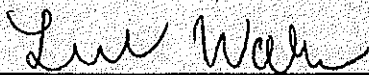
Ladies and Gentlemen:

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 applications for a rezoning to Planned Unit Development district and a small-scale land use amendment, submitted to the Jacksonville Planning and Development Department.


Nader Bajalia

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 7th day of January, 2015
by Nader Bajalia who is personally known to me or has produced
his driver's license as identification.



(Notary Signature)

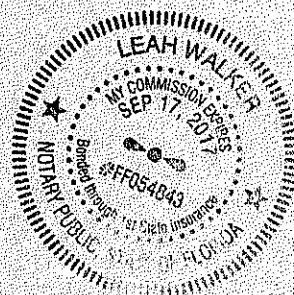


EXHIBIT A

Property Ownership Affidavit

Date: 1/7/15

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

Re: Ownership Certification – RE Numbers 092870-0000 & 092871-0000

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 applications for a rezoning to Planned Unit Development district and a small-scale land use amendment, submitted to the Jacksonville Planning and Development Department.


Bader Bajalia

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 7th day of January, 2015 by Bader Bajalia who is personally known to me or has produced his driver's license as identification.



(Notary Signature)

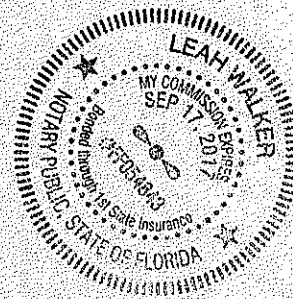


EXHIBIT B

Agent Authorization

Date: 1/7/15

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

Re: Agent Authorization for RE Number 092871-0000

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 applications for a rezoning to Planned Unit Development district and a small-scale land use amendment for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such application(s).


Nader Bajalia

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 7th day of January, 2015 by Nader Bajalia who is personally known to me or has produced his driver's license as identification.


(Notary Signature)

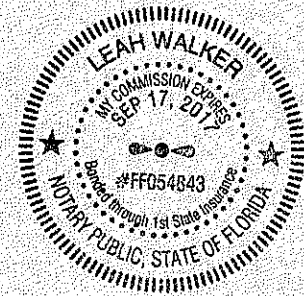


EXHIBIT B

Agent Authorization

Date: 2/7/15

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

Re: Agent Authorization for RE Numbers 092870-0000 & 092871-0000

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 applications for a rezoning to Planned Unit Development district and a small-scale land use amendment for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such application(s).

Bader G. Bajalia
Bader Bajalia

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 7th day of January, 2015 by Bader Bajalia who is personally known to me or has produced his driver's license as identification.

Leuk Walker
(Notary Signature)

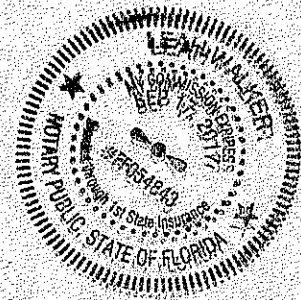


EXHIBIT C

Binding Letter

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

Re: RE Number 092871-0000

Ladies and Gentlemen:

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.


Nader Bajalia

EXHIBIT C

Binding Letter

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

Re: RE Number 092870-0000 & 092871-0000

Ladies and Gentlemen:

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.


Bader Bajalia

Exhibit G

Warranty Deed

This indenture, made, June 23, 2014 A.D.

Between

Coveside LLC whose post office address is: 4495-304 Roosevelt Blvd. #126,
Jacksonville, Florida 32210 a Limited Liability Company existing under the laws of
the State of Florida, Grantor and Bader E. Bajalia and Nader Bajalia, as Joint
tenants With Rights Of Survivorship, whose post office address is: 11526
Edgemere Drive, Jacksonville, Florida 32223, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand
paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the
following described land, situate, lying and being in the County of Duval, State of Florida, to wit:

Lot 167, STOCKTON PLACE, according to plat thereof, as recorded in Plat Book 5, Page 44, of the public
records of Duval County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 092871-0060

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all
persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer
the day and year first above written.

Coveside LLC.

By:


Keith E. Hoffess
Its Managing Member

Signed and Sealed in Our Presence:

Witness Print Name:

Witness Print Name:

DAWN TERRY

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this June 23, 2014, by Keith E. Hoffess, the Managing Member of
Coveside LLC A Limited Liability Company existing under the laws of the State of Florida, on behalf of the company.
He/She is personally known to me or has produced a driver's license as identification.

Notary Public
Notary Printed Name:

Lisa S. Poutre

My Commission Expires:

Prepared by:
Duane Romanello, P.A.,
1919-S Blanding Blvd
Jacksonville, Florida 32210
File Number: 14-0417

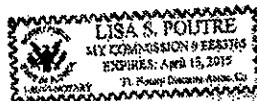


Exhibit G continued

Prepared by:
Duane C. Romanello, Esquire
1919 Blanding Boulevard, Suite 8
Jacksonville, Florida 32210
Without Benefit of Title Examination or Review

THIS QUIT CLAIM DEED

Made this 16th day of March, 2015 by Bader E Bajalia (aka Boder J Bajalia) hereinafter called the grantor to Bajalia Land Holdings, LLC a Florida Limited Liability Company whose post office address is 1511 Pinegrove Ave, Jacksonville, FL 32205 hereinafter called the Grantee:

(Whenever used herein the terms "grantor" and "grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: that the Grantor, for and in consideration of the sum of (\$10.00) Ten and No/100.....Dollars, in hand paid by the Grantee, the receipt of which is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the Grantee, and their heirs, successors and assigns forever, all the right, title and interest of the Grantor in and to the following described land, situate, lying and being in the County of Duval, State of Florida, to wit: 1511 Pinegrove Avenue, Jacksonville, FL 32205

Lot 166, Stockton Place, according to plat thereof as recorded in Plat Book 5, Page 44, of the public records of Duval County, Florida

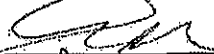
RE #: 092870-0000

The subject property is not the homestead property of the Grantor in that neither the Grantor nor any of his family members reside thereon.


TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoove of the Grantee, their heirs, successors and assigns forever.

In witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered in our presence:


Witness Name: Duane Romanello



Bader E Bajalia LS


Witness Name: Dawn Terry

LS

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged to me this 16th day of March, 2015 by Bader E Bajalia who is personally known to me or who has produced as identification.


Print Name:
Notary Public
My Commission # FF035431
MY COMMISSION # FF035431
EXPIRES: September 29, 2017

ORDINANCE _____

Legal Description

Lots 166 and 167, STOCKTON PLACE, according to plat thereof, as recorded in Plat Book 5, Page 44, of the public records of Duval County, Florida .

September 15, 2015

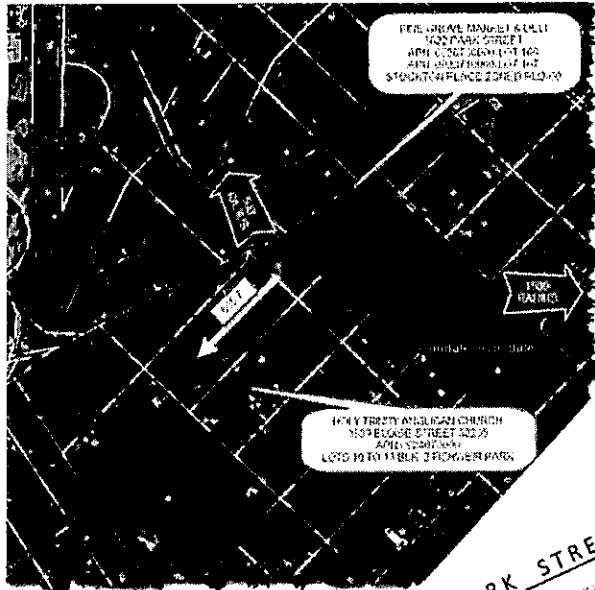
Exhibit L



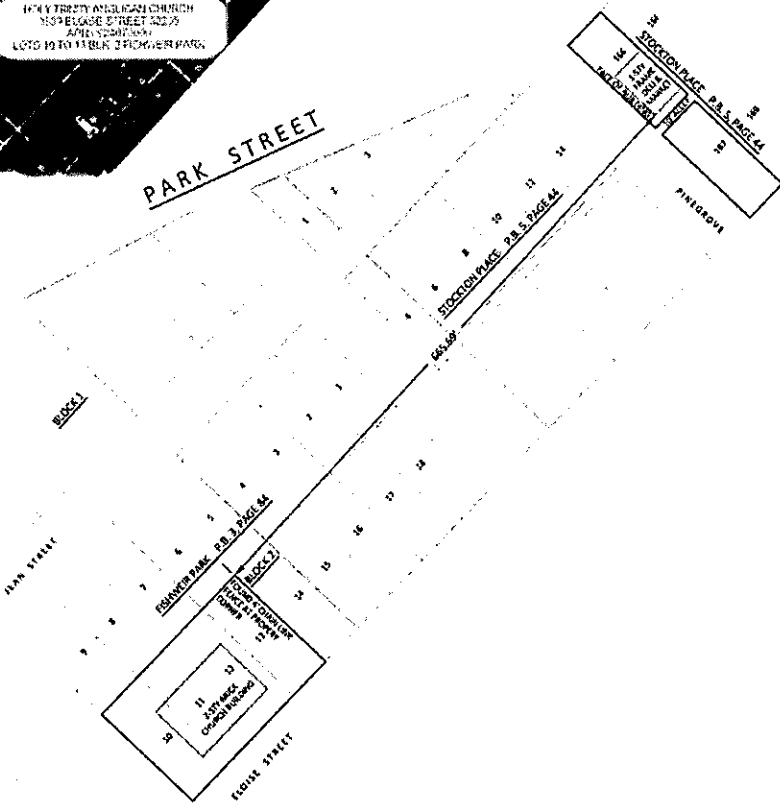
SPECIFIC PURPOSE SURVEY

THE SPECIFIC PURPOSE OF THIS SURVEY IS TO SHOW THE NEAREST STRAIGHT LINE DISTANCE FROM THE EXISTING ESTABLISHMENT (PINEGROVE MARKET & DELI) AT 3822 PARK STREET, JACKSONVILLE, FLORIDA 32205 TO ALL LOCATIONS IDENTIFIED AS EXISTING SCHOOLS, CHURCHES, AND ADULT ENTERTAINMENT FACILITIES WITHIN A RADIUS OF 1,500 FEET OF THE PROPOSED LOCATION AND THE ACTUAL DISTANCES THERETO FROM THE EXISTING LOCATION MEASURED AS REQUIRED BY THE CITY OF JACKSONVILLE ORDINANCE SECTION 656.804 AND 656.805. ALL DISTANCES ARE SHOWN IN FEET AND WERE OBSERVED IN THE FIELD USING AN ELECTRONIC DISTANCE DEVICE. THE EXPECTED ACCURACY OF THE DISTANCE SHOWN IS 0.5 FEET MORE OR LESS.

THE ONLY IDENTIFIED FACILITY WITHIN THE 1,500 FOOT RADIUS WAS THE HOLY TRINITY ANGLICAN CHURCH SHOWN HEREON.



VICINITY & LOCATION SKETCH
NOT TO SCALE



CERTIFICATION

I HEREBY THAT THIS SPECIFIC PURPOSE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS TO THE BEST OF MY KNOWLEDGE AND BELIEF SET FORTH BY THE FLORIDA BOARD OF SURVEYORS IN CHAPTER 5J-17.050 THROUGH 5J-17.052 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

THE FIELD WORK WAS COMPLETED ON JANUARY 27, 2015.
DATE SIGNED AND SEALED: JANUARY 27, 2015.

Charles E. Porter
1/27/2015

CHARLES E. PORTER FLORIDA PSM NO. 4257
2968 MAJESTIC OAKS LANE, GREEN COVE SPRINGS, FLORIDA 32043
OFFICE: 888.871.2372 FAX: 888.256.7895
www.porterlss.com

THIS SURVEY IS TO BE CONSIDERED INVALID UNLESS EMBOSSED BY THE RAISED SEAL AND ORIGINAL SIGNATURE OF THE SIGNING SURVEYOR LISTED HEREIN.

**Duval County, City Of Jacksonville
Michael Corrigan , Tax Collector**

231 E. Forsyth Street
Jacksonville, FL 32202

General Collection Receipt

Account No: CR343674
User: Glick, Aaron

Date: 9/28/2015
Email: AGlick@coj.net

REZONING/VARIANCE/EXCEPTION

Name: Steve Diebenow

Address: One Independent Drive, Suite 1200

Description: Pinegrove PUD Rezoning Invoice • Rezoning Application's General Base Fee: \$2,000.00 • Plus Cost Per Acre or Portion Thereof 0.32 Acres @ \$10.00/acre: \$10.00 • Plus Notification Costs Per Addressee 61 Notifications @ \$7.00/each: \$

TranCode	IndexCode	SubObject	GLAcct	SubsidNo	UserCode	Project	ProjectDtl	Grant	GrantDtl	DocNo	Amount
701	PDCU011	342504									2437.00

Miscellaneous
Item: CR - CR343674
Receipt 0662313.0001-0001 2,437.00
Total Paid 2,437.00
CHECK 001540 427.00
CHECK 001110 2,010.00
Total Tendered 2,437.00
Paid By: JENNIFER LEWIS CR34367
Thank You

Michael Corrigan, Tax Collector
Duval County/City of Jacksonville
Comments - taxcollector@coj.net
Inquiries - (904)630-1916
www.coj.net/tc
Date: 10/01/2015 Time: 10:14:56
Location: A28
Transaction 0662313
Clerk: TDD

Total Due: \$2,437.00

**Michael Corrigan , Tax Collector
General Collections Receipt
City of Jacksonville, Duval County**

Account No: CR343674 **REZONING/VARIANCE/EXCEPTION**

Date: 9/28/2015

Name: Steve Diebenow

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Description: Pinegrove PUD Rezoning Invoice • Rezoning Application's General Base Fee: \$2,000.00 • Plus Cost Per Acre or Portion Thereof 0.32 Acres @ \$10.00/acre: \$10.00 • Plus Notification Costs Per Addressee 61 Notifications @ \$7.00/each: \$

Total Due: \$2,437.00