

EXHIBIT D

Roost PUD Written Description March 8~~16~~, 2016

I. INTRODUCTION

Saleebas 2216 Oak Street, LLC, a Florida limited liability company (the “Owner”) proposes to rezone approximately .89 acres of property located at 2220, 2242, and 2246 Oak Street (the “Property”) from Commercial Residential Office (“CRO”) to Planned Unit Development (“PUD”). The property is located between Osceola Street and Copeland Street, as more particularly depicted on Exhibit 1. Owner requests the PUD zoning district to facilitate the mixed use redevelopment of a historic commercial property and provide for a unified scheme of development.

II. PROPERTY DATA

- A. Real Estate Parcel Nos.: 090661-0000, 090662-0000, and 090663-0000
- B. Current Land Use Classification: RPI
- C. Current Zoning District: CRO
- D. Requested Zoning District: PUD
- E. Gross Acreage: approximately .89 acres
- F. Gross Square Footage of Non-residential Building (fitness center): 6,588 square feet (“SF”) (“Building # 1”)
- G. Gross Square Footage of Non-residential Building (5,128 SF Restaurant / 2,000 SF fitness center): 7,128 SF total (“Building # 2”)
- H. Gross Square Footage of Non-residential Building (Office/Institutional/Residential): 3,000 SF (“Building # 3”)

III. SUMMARY DESCRIPTION OF THE PROJECT

Owner desires to redevelop Building # 1 and Building # 2 (together, the “Buildings”), the parcel on which the Buildings are located (real estate parcel number 090663-0000), and two adjacent parcels (real estate parcel numbers 090661-0000 and 090662-0000) (~~collectively~~together with the Buildings, the “Project” or “Project Area”). The surrounding land uses and zoning include RPI/CRO to the north, south, east, and west (commercial, retail, office, multi-family, and single-family residential). Despite being developed for commercial uses in 1927, the Property is technically within the Historical Residential Character Area of the Riverside/Avondale Zoning Overlay (the “Overlay”) of the City of Jacksonville Code of Ordinances (the “Code”).

The Project will be developed as a fitness center and restaurant, consisting of a one-story restaurant, outside sales and service areas for the restaurant, on-site parking spaces, and a small ancillary office, all as more particularly depicted on the site plan attached as Exhibit E (the “Site Plan”). The restaurant (the “Restaurant”) will contain 5,128 enclosed SF and 536 SF of unenclosed, covered, outside sales and service area. The fitness center (the “Fitness Center”) will contain 8,588 enclosed SF comprised of 6,588 SF in Building #_1 and 2,000 SF in Building #_2. A total of 3,000 SF of office uses will be permitted in Building #_3. Two (2) dumpsters will be located behind the Fitness Center, screened from view. Owner will install a bicycle rack to provide parking consistent with Section 656.608 of the Code, as depicted on the Site Plan. The Project includes a total of fifty-~~six~~ ~~(56)~~ nine (59) parking spaces including: thirty-~~two~~ ~~(32)~~ five (35) new off-street parking spaces (including ~~three~~ ~~(3)~~ two (32) new (32) ADA handicap spaces) (the “Parking Lot”) and six (6) new on-street parking spaces, in addition to the eighteen (18) existing on-street parking spaces adjacent to the Project in the Oak Street right of way (the “Right of Way”).

The Project will improve an existing commercial structure, allowing for ADA access which is currently unavailable. The proposed repurposing of the Project will contribute to the City of Jacksonville’s urban redevelopment efforts. The Project will complement the adjacent uses and architecture and revive a disused lot into a contributing element of the surrounding neighborhood.

IV. PUD DEVELOPMENT CRITERIA

A. Description of Uses.

1. Building # 1, Building # 2, and Parking Lot

a. Permitted uses and structures.

- i. One hundred fifty (150) seat restaurant with outside sales and service including full service of alcoholic beverages for on-premises consumption only.
- ii. Medical and dental office or clinics (but not hospitals).
- iii. Professional and business offices.
- iv. Multiple-family dwellings.
- v. Parks, playgrounds and playfields or recreational or community structures meeting the performance standards and development criteria set forth in Part 4.
- vi. Adult Congregate Living Facility (but not group care home or residential treatment facility).
- vii. Libraries, museums and community centers.

- viii. Banks without drive-through, savings and loan institutions, and similar uses.
- ix. Art galleries, dance, art, gymnastics, fitness centers, martial arts and music studios, and theaters for stage performances (but not motion picture theaters).
- x. Cosmetology and similar uses including facilities for production of eyeglasses, hearing aids, dentures, prosthetic appliances and similar products either in conjunction with a professional service being rendered or in a standalone structure not exceeding 4,000 square feet.
- xi. Bed and breakfast establishments meeting the performance standards and development criteria set forth in Part 4.
- xii. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
- xiii. Community residential homes of up to six residents meeting the performance standards and development criteria set forth in Part 4.
- xiv. Hospice facilities.
- xv. Employment office (but not a day labor pool).
- xvi. Off-street parking lots.
- xvii. New single-family dwellings.

b. **Permitted accessory uses and structures.** Accessory uses and structures are allowed pursuant to the terms of Section 656.403 of the Code.

c. **Permissible uses by exception.**

- i. Essential services meeting the performance standards and development criteria set forth in Part 4.
- ii. Day care centers meeting the performance standards and development criteria set forth in Part 4.
- iii. Home occupations meeting the performance standards and development criteria set forth in Part 4.
- ~~iv. Retail outlets for the sale of food and drugs, leather goods and luggage, jewelry (including watch repair but not pawn shops), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennels), musical instruments, television and radio (including repair incidental to sales), florist or gift shops,~~

~~delicatessens, bake shops (but not wholesale bakeries), drugs and similar products, and dry cleaning pickup station, all not to exceed 50 percent of the gross floor area of the building of which it is a part.~~

- ~~1. Sale, display and preparation shall be conducted within a completely enclosed building.~~
- ~~2. Products shall be sold only at retail.~~
- ~~3. No sale, display or storage of secondhand merchandise shall be permitted.~~

2. **Building # 3**

a. **Permitted Uses and Structures.**

- i. Medical and dental office or clinics (but not hospitals).
- ii. Professional and business offices.
- iii. Multiple-family dwellings.
- iv. Libraries, museums and community centers.
- v. Radio and television broadcasting studios and offices (subject to Part 15).
- vi. Cosmetology and similar uses including facilities for production of eyeglasses, hearing aids, dentures, prosthetic appliances and similar products either in conjunction with a professional service being rendered or in a standalone structure not exceeding 4,000 square feet.
- vii. Employment office (but not a day labor pool).
- viii. New single-family dwellings.

b. **Permitted accessory uses and structures.** Accessory uses and structures are allowed pursuant to the terms of Section 656.403 of the Code.

c. **Permissible uses by exception.**

- i. Day care centers meeting the performance standards and development criteria set forth in Part 4.
- ii. Home occupations meeting the performance standards and development criteria set forth in Part 4.

B. *Minimum Lot and Building Requirements.*

1. Minimum lot requirements (width and area). None.

2. Minimum yard requirements and building setbacks. None.
3. Maximum lot coverage by all buildings. None.
4. Maximum height of structures. 35 feet.

C. *Parking Requirements.*

The proposed Project will benefit vehicular access, pedestrian traffic and parking conditions. On-street parking exists along Oak Street, and a significant number of patrons will be “walk-up” customers from the surrounding neighborhood. Parking for the Project shall be provided substantially as shown on the Site Plan.

Parking for the Project must be provided pursuant to Part 6 of Chapter 656 of the Code. Section 656.603(a)(1) of the Code provides that, “[c]onforming buildings and uses existing as of September 5, 1969, may be modernized, altered or repaired without providing additional off-street parking or off-street loading facilities if there is no increase in area or capacity” (emphasis added). However, Section 656.603(a)(2) of the Code requires that, “[w]here a conforming building or use existed as of September 5, 1969, and the building or use is enlarged in floor area, volume, capacity or space occupied, off-street parking or off-street loading as specified in the Zoning Code shall be provided for the additional floor area, volume, capacity or space so created or used . . .” (emphasis added). Furthermore, Section 656.603(a)(3) of the Code states that, “[a] change in the use of a conforming or non-conforming building or use existing as of September 5, 1969, shall require additional off-street loading requirements which would have been required for the new use had the regulations of the Zoning Code been applicable thereto” (emphasis added). In summary, the Code clearly provides parking credit for existing buildings; however, any increased parking required due to a change of use must be accounted for.

To measure the proposed change of use, parking for the Project must meet the requirements contained in Sections 656.604(d)(2) and (f)(1) of the Code, which require one (1) off-street parking space for every four (4) patron seats (including indoor and outdoor patron seats), plus one (1) space for every two (2) employees on a peak hour shift, for restaurants and three (3) off-street parking spaces for every 1,000 SF of gross floor area for commercial establishments. Additionally, Section 656.605 of the Code requires that retail establishments with over 5,000 square feet but not over 25,000 square feet, such as the Project, provide one (1) off-street loading space.

Nothing in the Overlay eviscerates the parking requirements of Part 6 of the Code. As applied to the Project, the applicable Code sections require the following:

1. **Building # 1 – requires 0 additional off-street parking spaces**
 - a. *Building # 1 Prior Use → 6,588 SF (Dry Cleaner as of September 5, 1969): 3 spaces per 1,000 SF [(6,588 SF / 1,000) X 3] = 19.8 spaces*
 - b. *Building #1 Proposed Use → 6,588 SF (Fitness Center): 3 spaces per 1,000 SF [(6,588 SF / 1,000) X 3] = 19.8 SPACES*
 - c. *ADDITIONAL OFF-STREET PARKING SPACES REQUIRED: 19.8 – 19.8 = 0*

2. **Building # 2 – requires 30 additional off-street parking spaces**
 - a. *Building # 2 Prior Use → 7,128 SF (Dry Cleaner as of September 5, 1969): 3 spaces per 1,000 SF [(7,128 SF / 1,000) X 3] = 21.4 spaces*
 - b. *Building # 2 Proposed Use → 5,128 (Restaurant): 1 space per 4 seats plus 1 space per 2 employees per peak hour shift [(150 seats / 4) + (14 employees / 2)] = 44.5 spaces*
 - c. *Building # 2 Proposed Use → 2,000 SF (Fitness Center): 3 spaces per 1000 SF [(2,000 / 1,000) X 3] = 6 spaces*
 - d. *ADDITIONAL OFF-STREET PARKING SPACES REQUIRED: 44.5 + 6 - 21.4 = 29.1 (ROUND TO 30, although 656.03(g) only requires 29)*

3. **Building # 3 – requires 0 additional off-street parking spaces**
 - a. *Building # 3 Prior Use → 3,000 SF (Commercial as of September 5, 1969): 3 spaces per 1,000 SF [(3,000 / 1,000) X 3] = 6 spaces*
 - b. *Building # 3 Proposed Use → 3,000 SF (Office/Institutional/Residential): number of required spaces will depend on the use; however, office, institutional, and residential uses generally require less off-street parking spaces than commercial uses.*
 - c. *ADDITIONAL OFF-STREET PARKING SPACES REQUIRED: 6 – TBD (likely less than 6) = 0*

In sum, a total of thirty (30) off-street parking spaces are required for the Project. Fifty-~~six (56)~~nine (59) parking spaces shall be provided for the Project as follows: thirty-~~two (32)~~five (35) new off-street parking spaces (including ~~three (3)~~two (2) new ADA handicap spaces), six (6) new on-street parking spaces, and eighteen (18) existing on-street parking, all as depicted on the Site Plan. One (1) off-street loading space is required for the Project, and one (1) off-street loading space shall be provided, as depicted on the Site Plan.

- D. *Vehicular Circulation.* Vehicular access to the Project shall be by way of Oak Street, 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.* Pedestrian access shall be provided by existing sidewalks in accordance with the 2030 Comprehensive Plan.
- F. *Signage.* ~~Two~~One (1) wall ~~signs~~sign on the side of ~~the~~Building # 1 facing Oak Street, one (1) wall sign on the side of Building # 2 facing Oak Street, one (1) wall sign on the side of Building # 2 facing the Parking Lot, and one (1) wall sign on the side of Building # 3 facing Oak Street, each wall sign not to exceed ~~fifty~~(50)thirty-two (32) square feet. Monument signs and ground signs shall be prohibited. All signage is subject to the prior written approval of the Jacksonville Historic Preservation Commission. 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 or school shall be 500 feet, as required by Section 656.805(c) of the Code.
- H. *Utilities.* Electric power, water, and sewer are provided by the JEA.
- I. *Landscaping/Buffers.* The Project shall be developed as depicted on the Site Plan and native species shall be planted to the greatest extent possible. A landscape buffer of varying widths, ranging from five (5) feet to ten (10) feet, shall be maintained along the south and west Property lines, as depicted on the Site Plan. The Project shall meet or exceed all landscaping requirements described in Administrative Deviation AD-12-68, which requires a 2.7 foot buffer along the south Property line and a 0 foot buffer along the west Property line. A six (6) foot masonry wall shall provide an additional buffer between the Project and the adjacent properties to the south and west, as depicted on the Site Plan.
- J. *Recreation and Open Space.* Not applicable.
- K. *Wetlands.* Not applicable.
- L. *Lighting.* The Project shall control the effects of lights from automobiles or other sources. All lighting on the ~~structure~~structures and in the ~~parking lot~~Parking Lot shall be pedestrian oriented and shall be self-contained as to have no glare or light pollution impacting residential uses consistent with Section 656.399.34(8) of the

Overlay. [Lighting on site and within the Parking Lot shall be provided consistent with the pedestrian scale design guidelines detailed in Figures 1.7.14\(1\), 1.7.15\(1\), 1.7.15\(2\), and 1.7.15\(3\) of the Jacksonville Design Guidelines and Best Practices Handbook.](#)

V. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THE PROJECT

The proposed development and redevelopment of the Property will benefit the surrounding neighborhood and community for many reasons. First, the proposed reuse of the historic buildings and the proposed enhancements are compatible with the surrounding uses and zoning. Also, the redeveloped buildings and disused lot will enhance the value of all nearby properties as a result of the improvements. Next, the proposed improvements will enhance the aesthetics of the neighborhood, increase the tax base and create new jobs. A strict application of the Code would inhibit meaningful improvements to the Property and prevent the redevelopment of these historic structures altogether.

VI. 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 1.5 of the Historic Preservation Element of the 2030 Comprehensive Plan: The City shall encourage the preservation of buildings in historic districts and local landmarks and sites by removing obstacles to the rehabilitation of qualified historic buildings and urging their continued use or adaptive reuse;
 3. Policy 1.5.2 of the Historic Preservation Element of the 2030 Comprehensive Plan: The City shall pursue alternatives that will lead to the preservation, as opposed to the destruction, of landmarks, landmark sites and buildings located in designated historic districts;
 4. Policy 1.1.12 of the Future Land Use Element of the 2030 Comprehensive Plan: 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;

5. Policy 1.1.13 of the Future Land Use Element of the 2030 Comprehensive Plan: Ensure that mixed and multi-use projects enhance, rather than detract from, the character of established developed areas by requiring site plan controlled zoning such as Planned Unit Developments (PUDs), TODs or TNDs for all mixed and multi-use projects and conforming with the following criteria: 1. The type of land use(s), density, and intensity is consistent with the provisions of the land use category, particularly the category's predominant land use; 2. The proposed development is in conformity with the goals, objectives, policies, and operative provisions of this and other elements of the 2030 Comprehensive Plan; and 3. The proposed development is compatible with surrounding existing land uses and zoning;
6. Policy 1.1.25 of the Future Land Use Element of the 2030 Comprehensive Plan: The City will encourage the use of such smart growth practices as: 1. Interconnectivity of transportation modes and recreation and open space areas; 2. A range of densities and types of residential developments; 3. A mix of uses including office, commercial, and residential which encourage internal capture of trips; 4. Use of the Development Areas; 5. Revitalization of older areas and the downtown; and 6. Purchase of land through the Preservation Project to remove it from development and preserve it as open space, recreation or conservation use;
7. Objective 1.2 of the Future Land Use Element of the 2030 Comprehensive Plan: Manage the use of land in the City by approving new development and redevelopment only if necessary public facilities are provided concurrent with the impacts of development. Ensure the availability of adequate land suitable for utility facilities necessary to support proposed development. Verify prior to development order issuance that all new development and redevelopment will be served with potable water, wastewater, solid waste disposal, stormwater management facilities, and parks that meet or exceed the adopted Levels of Service established in the Capital Improvements Element;
8. Objective 2.2 of the Future Land Use Element of the 2030 Comprehensive Plan: Through the use of neighborhood plans and studies, the City shall continue to maintain and implement an urban revitalization strategy for the City's blighted areas, and those areas threatened by blight, which will

address maintenance, improvement or replacement of existing structures, permit the transition of run-down or grossly under-utilized commercial properties to alternate uses, and support the re-emergence of diverse urban neighborhoods;

9. Policy 2.2.8 of the Future Land Use Element of the 2030 Comprehensive Plan: Encourage the redevelopment and revitalization of run-down and/or under-utilized commercial areas; adopt redevelopment and revitalization strategies and incentives for private reinvestment in under-utilized commercial areas where adequate infrastructure to support redevelopment exists;
10. 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;
11. 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
12. Policy 3.2.10 of the Future Land Use Element of the 2030 Comprehensive Plan: City shall encourage redevelopment and revitalization of rundown strip commercial areas.
13. RPI - Urban Area Uses of the Future Land Use Element of the 2030 Comprehensive Plan:
 - a. Restaurants (without drive-in or drive-thru facilities) are permissible as a Principal Use.
 - b. Off street parking facilities are permitted as Ancillary Transitional Uses. Ancillary uses may be shared between abutting RPI sites and do not count as principal uses.
14. RPI – Urban Area Development Characteristic of the Future Land Use Element of the 2030 Comprehensive Plan:
 - a. Developments shall, to the greatest extent possible, be massed along the highest abutting classified road on the Functional Highway Classification Map.
 - b. Commercial retail sales and service establishments shall be limited to the ground floor.
 - c. To promote a more compact, pedestrian-friendly environment, off street parking shall be located behind or to the side of buildings to the greatest extent possible.

- B. *Consistency with the Concurrency Management System.* The development of the Property will comply with the requirements of the Concurrency and Mobility Management System. A Mobility Fee Calculation Certificate, CCAS, or CRC has been filed or will be filed for the proposed development within the PUD.
- C. *Allocation of Residential Land Use.* Owner does not plan to pursue any residential development. Notwithstanding the foregoing, any residential development would 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 Oak Street, 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: RPI/CRO to the north, south, east, and west (retail, office, multi-family, and single-family residential). The proposed use is compatible with both intensity and density with the surrounding uses and zoning districts.
- F. *Recreation/Open Space.* Memorial Park is two blocks to the east, accessible by preexisting sidewalks.
- G. *Impact on Wetlands.* The Project will not impact any wetlands.
- H. *Parking and Loading.* As shown on the Site Plan, Owner shall provide thirty-two ~~(32)~~ five (35) new off-street parking spaces (including ~~three (3)~~ two (2) new ADA handicap spaces) in addition to the eighteen (18) existing parking spaces in the Right of Way and six (6) new parking spaces to be added in the Right of Way, for a total of fifty-six ~~(56)~~ nine (59) parking spaces. Owner shall also provide one (1) off-street loading space. The following additional factors should be taken into consideration: (i) a portion of the customers of the Project 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 back of the ~~parking lot~~ Parking Lot. The Parking Lot shall be

developed with a pervious material other than gravel, except where there are handicap spaces, loading, or dumpster pad areas.

- I. *Sidewalks, Trails, and Bikeways.* The ~~Building extends~~Buildings extend to the property line along the Oak Street frontage, immediately adjacent to the existing sidewalks, facilitating an urban, historic, and pedestrian-friendly environment. 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 (50) acres and is therefore exempt from the required species survey.
- K. *Sales and Service of Alcoholic Beverages.* The Property is located within the RPI – Urban Area functional land use category on the Future Land Use Map contained in the Future Land Use Element adopted as part of the 2030 Comprehensive Plan. Restaurants (without drive-in or drive-thru facilities) including the sales and service of all alcoholic beverages for on-premises consumption are permissible as a Principal Use within RPI – Urban Area.

The Project meets the required five hundred (500) foot minimum distance requirement between the Property and a church or school, as required by Section 656.805(c) of the Code. Applicant states that the sales and service of alcoholic beverage will be in conjunction with a bona fide restaurant. It will operate pursuant to the Department of Business and Professional Regulations, Division of Alcoholic Beverages and Tobacco, regulations governing SRX licenses, including having a seating capacity of at least one hundred fifty (150) seats, a floor capacity greater than two thousand five hundred (2,500) square feet, and deriving greater than fifty-one percent (51%) of its gross income from the sale of food prepared, sold and consumed on the Property.

- L. *Live Entertainment.* Live Entertainment shall be permitted in accordance with the provisions of Chapter 368 of the Code; provided, however, that the Project shall not include any live outdoor entertainment or outdoor amplified music.
- M. *Hours of Operation.* Hours of operation of the Restaurant shall be limited to 6:30 A.M. to 12:00 A.M. ~~Hours of operation of the Restaurant may be amended through the administrative modification process, pursuant to Section 656.341(f)(1) of the Code.~~

- N. *Garbage.* Garbage shall be picked up and disposed of between the hours of 7:00 A.M. and 8:00 P.M. by a private garbage removal company in accordance with a contract to be negotiated with the Owner for two (2) dumpsters per week.
- O. *Dry Cleaning Solvent Cleanup.* A portion of the Property was registered in the Florida Department of Environmental Protection's ("FDEP") Drycleaning Solvent Cleanup Program in 1996, pursuant to the requirements contained in Section 376.3078(3), Florida Statutes. The Property is presently ranked 1006 out of 1023 sites on the priority ranking list maintained by the FDEP pursuant to Section 376.3078(7), Florida Statutes. A copy of the relevant portion of the January 2016 priority ranking list is attached hereto as Exhibit 2. The low ranking of the portion of the Property in the cleanup program indicates that the FDEP has determined that the site poses little to no threat to drinking water supply wells or groundwater supply, among other water sources, and is not a fire or explosion hazard; therefore, the portion of the Property in the cleanup program is ranked as nearly the lowest priority for remediation. Additionally, a Well Sampling and Analysis conducted on August 20, 1996, in accordance with EPA Test Method 8100/Modified 8015, revealed no target constituents. A copy of the Well Sampling and Analysis is attached hereto as Exhibit 3. In short, the Property is properly registered in the FDEP Drycleaning Solvent Cleanup Program and there is no basis to deny the proposed redevelopment Project.

VII. SUCCESSORS IN TITLE

All successors in title to the Project shall be bound by the conditions of this proposed development plan.