



**PROPOSED SMALL-SCALE
FUTURE LAND USE MAP (FLUM) AMENDMENT**

OVERVIEW

ORDINANCE: 2016-474

APPLICATION: 2016C-017-4-12

APPLICANT: FRED ATWILL

PROPERTY LOCATION: 4468 Yellow Water Road

Acreage: 5 acres

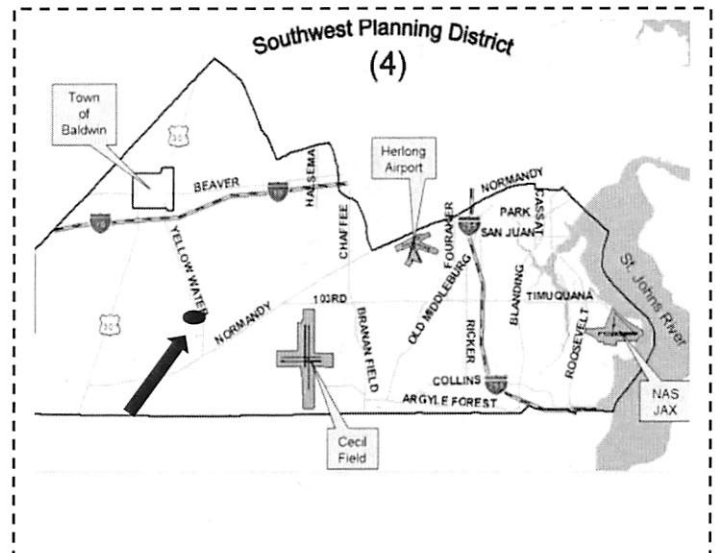
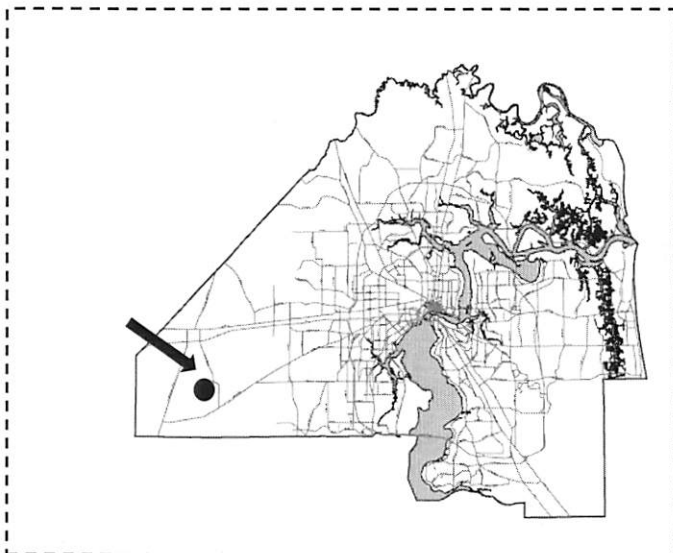
Requested Action:

| | Current | Proposed |
|-----------------|----------------|-----------------|
| LAND USE | RR | BP |
| ZONING | AGR | IBP |

| Existing FLUM Category | Proposed FLUM Category | Existing Maximum Density (DU/Acre) | Proposed Maximum Density (DU/Acre) | Existing Maximum Intensity (FAR) | Proposed Maximum Intensity (FAR) | Net Increase or Decrease in Maximum Density | Non-Residential Net Increase or Decrease in Potential Floor Area |
|------------------------|------------------------|------------------------------------|------------------------------------|----------------------------------|----------------------------------|---|--|
| RR | BP | 5 DU (1 DU/Acre) | N/A | N/A | 76,230 sq. ft. (0.35 FAR) | Decrease 5 DU | Increase 76,230 sq. ft. |

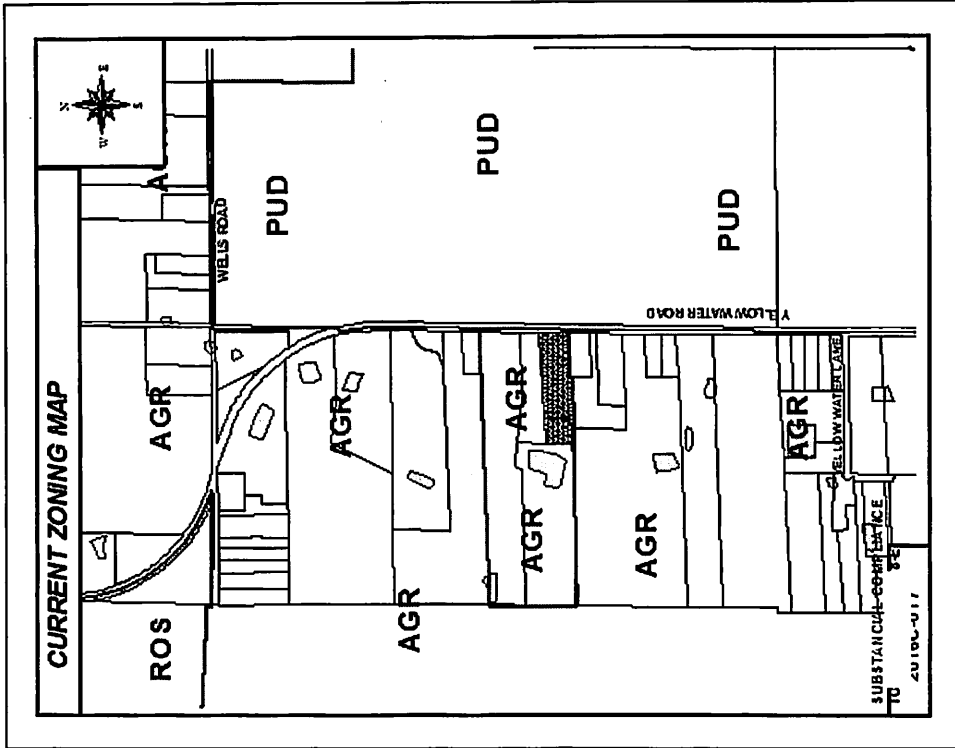
PLANNING AND DEVELOPMENT DEPARTMENT'S RECOMMENDATION: DENIAL

LOCATION MAPS:

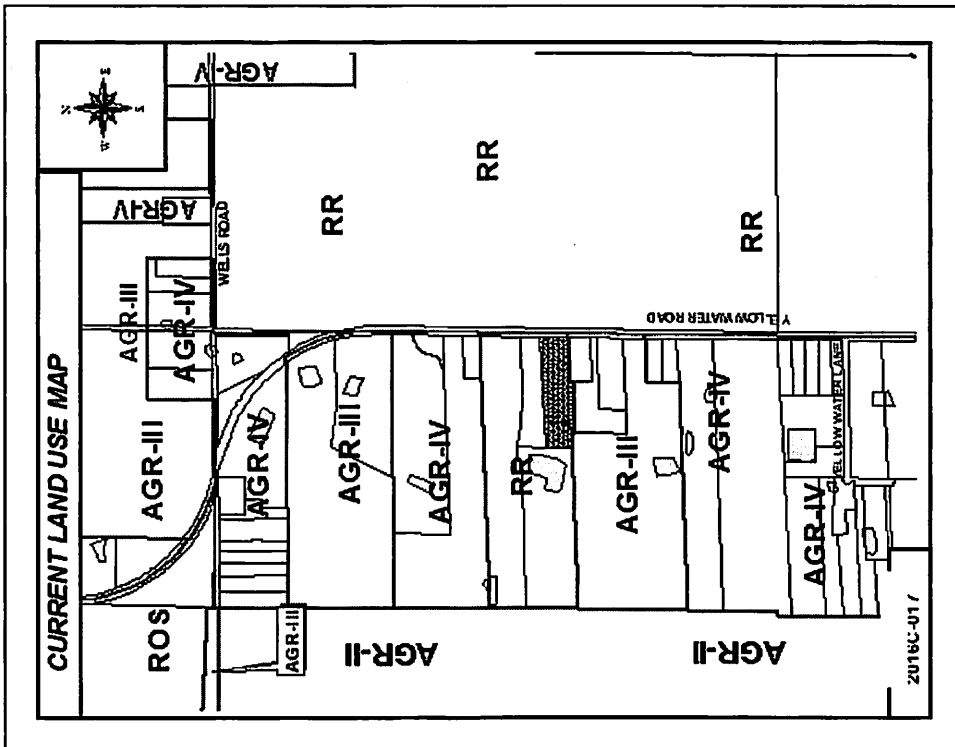


DUAL MAP PAGE

SMALL-SCALE LAND USE APPLICATION 2016C-017



Current Zoning District(s): Agriculture (AGR)
Requested Zoning District(s): Industrial Business Park (IBP)



Existing FLUM Land Use Categories: Rural Residential (RR)
Requested FLUM Land Use Category: Business Park (BP)

ANALYSIS

Background:

The vacant 5 acre amendment site is located on the west side of Yellow Water Road, approximately 1.2 miles north of Normandy Boulevard. The property is located in Council District 12, Planning District 4, and within the Southwest Vision Plan. The site is also located within the Rural Development Area. The property is served by private well and septic.

The applicant proposes a future land use amendment from Rural Residential (RR) to Business Park (BP) and a rezoning from Agricultural (AGR) to Industrial Business Park (IBP) to allow the owner to construct a multimedia job training business. The companion rezoning is pending concurrently with this land use amendment application pursuant to Ordinance 2016-475.

The subject site is located along Yellow Water Road, a collector roadway as classified by the Functional Highway Classification System Map of the 2030 Comprehensive Plan. Yellow Water Road is a City-maintained, two-lane rural road with open swales for drainage and no sidewalks. The property is surrounded by the land use category of Agricultural III (AGR-III) to the south and Rural Residential (RR) to the north and west. South of the property is a single family home and a mobile home, vacant land is directly north and just north of that property is a mobile home park. To the east, across Yellow Water Road is land within the RR category as well. (Refer to Dual Map on page 2). The zoning in the area is Agricultural (AGR) except for the RR property to the east, which is PUD. This adjacent 569.66 acre PUD to the east is undeveloped (PUD-ORD 2006-1156E) and allows for up to 1,139 single family homes with a mix of lot widths. (See Attachment A for a detailed picture of the existing development pattern for the immediate area.) The subject property is located 1.2 miles north of the intersection of Yellow Water Road and Normandy Boulevard. At the intersection of Yellow Water Road and Normandy Boulevard is a cluster of CGC properties. Normandy Boulevard is a principle arterial and the primary means of access to the southwest portion of Duval County. Maxville is located approximately 4 miles west the intersection of Yellow Water Road and Normandy Boulevard.

The properties west of the lots along the west side of Yellow Water Road, all the way west to U.S. Hwy 301, are conservation and park properties. Loblolly Park is 500 acres and abuts the western property lines of most of the lots along Yellow Water Road. Currently it is undeveloped. There are 2 Mitigation Preserves west of the park property. The first is the City owned Loblolly Mitigation Preserve and is 4,201 acres. The second, just west of the city's mitigation preserve, is the privately owned Loblolly Mitigation Preserve and is 2,116 acres, with its western property line abutting U. S. Hwy. 301. Both of these large tracts of land have conservation easements. This will preclude development further to the west of Yellow Water Road. (See Attachment B for an aerial indicating conservation and park property). Cecil Commerce Center, located in an Industrial Preservation area and the Suburban Development area is located 1.5 miles east of the site along Normandy Boulevard.

Property History

In 2006, the land use of 49.73 acre site, including the subject property, was changed from AGR-IV to RR (ORD 2008-690-E) in order to develop a residential subdivision containing single-family dwellings on minimum one acre lots. The current land use application consists of a portion of this RR property (5 acres) to be changed to BP. The companion PUD 2007-359-E changed 49.73 acres of AGR to PUD for a 22 home equestrian community residential development and ORD 2014-58-E changed the property from PUD back to AGR.

The proposed amendment does not include a residential component. Therefore, school capacity issues will not be impacted.

Impact Assessment:

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site's existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy 1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials as shown in this Section.

Utility Capacity

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been established by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure shall continue to be based on JEA's Water, Sewer and Reuse for New Development Projects document (latest edition).

Infrastructure Element Sanitary Sewer Sub-Element

- Policy 1.2.3 The City shall not permit septic tanks for the disposal or discharge of industrial wastes.
- Policy 1.2.5 Existing septic tanks for estimated wastewater flows exceeding 600 gallons per day (gpd) shall connect to the collection system of a regional utility company provided that a facility abuts or is within 50 feet of the property.
- Policy 1.2.9 Septic tanks shall be permitted in Rural Areas, provided they meet the requirements of Chapter 64E-6, F.A.C., and that all lots created after shall have a minimum of 1 acre of un-submerged property.
- Policy 1.2.11 Continue to deny development orders or permits until the applicant has demonstrated compliance with applicable federal, state and local requirements for wastewater collection and disposal, and potable water treatment and distribution.

The subject property is a 5 acres site that is currently served by a private well and septic system and is located within the Rural Development Area. According to the Department's GIS data, sewer and water lines are in place along Normandy Boulevard 1.2 miles south of the subject property.

According Florida Statutes Chapter 381 construction permits may not be issued for an onsite sewage treatment and disposal system in any area used or zoned for industrial or manufacturing purposes where a publicly owned or investor owned sewage treatment system is available (located within one-fourth mile) or where the system will receive toxic, hazardous, or industrial waste. Buildings located in areas zoned or used for industrial or manufacturing purposes, when such buildings are to be served by onsite sewage treatment and disposal systems, must receive written approval from the Department of Health. Approvals will not be granted when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals. Once an onsite disposal system is permitted, the owner must obtain an annual system operating permit and change of use requires the owner or tenant to obtain a new annual system operating permit from the Department of Health.

Transportation

The Planning and Development Department completed a transportation analysis (see Attachment C) and determined that the proposed amendment has the potential to result in an increase of 823 new daily external trips. This analysis is based upon the comparison of what potentially could be built on that site (as detailed in FLUE Policy 1.2.16 Development Standards for Impact Assessment) versus the maximum development potential. Potential traffic impacts will be addressed through the Concurrency and Mobility Management System Office.

Transportation Element

Policy 1.2.1 The City shall use the Institute of Transportation Engineers *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

Capital Improvements Element

Policy 1.6.1 Upon adoption of the Mobility Plan implementing ordinance, the City shall cease transportation concurrency and use a quantitative formula for purposes of assessing a landowner's mobility fee for transportation impacts generated from a proposed development, where the landowner's mobility fee shall equal the cost per vehicle miles traveled (A); multiplied by the average vehicle miles traveled per Development Area (B); multiplied by the daily trips (C); subtracted by any trip reduction adjustments assessed to the development.

Archaeological Sensitivity

According to the Duval County Preliminary Site Sensitivity Map, the subject property is located within an area of low sensitivity for the presence of archaeological resources.

Projects that move forward through the Site Review process may be required to perform a Professional Archaeological Reconnaissance Survey. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Historic Preservation Element

Policy 1.2.6 The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

Airport Environs Zone

The site is located within the 300 foot Height and Hazard Zone for the Cecil Airport. Zoning will limit development to a maximum height of less than 300 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.10051(d).

Future Land Use Element

Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Wetlands

A wetlands survey map has been prepared for the application site with the use of the City's GIS system and photogrammetric analysis.(See Attachment D) According to the Florida Land Use Code Classification System (FLUCCS) the property is classified as "Wetland Forested Mixed" type wetlands. The 0.31 acres wetlands are located along the western boundary of the proposed land use amendment. This wetland is part of a larger isolated 2.34 acre wetland system that drains to the north onto adjacent lands during heavy rains. The area then drains into an unnamed creek in a southeasterly direction which then empties into Yellow Water Creek. This wetland system is a "Category III" type wetlands having a low functional value due to its isolation from creeks and other larger wetland systems. However, alteration of this wetland from development will require mitigation from the St. Johns River Water Management District. No permits for mitigation have been provided.

The United States Department of Agriculture, Natural Resource Conservation Service "Soil Survey" classifies the wetlands as "Surrency loamy fine sand, depressional". The Surrency series consists of nearly level, very poorly drained soils formed in thick sandy and loamy marine sediments. The wetlands area has a water table at or above the ground surface.

Development of the property could have an impact on the sites wetlands and their functional values. While development within the Category III wetlands is permitted pursuant to CCME

Policy 4.1.6, the applicant should demonstrate during permitting reviews that any impacts to wetlands is the least damaging alternative and no practical alternative exists along with providing documentation of a mitigation permit as called for in CCME Policy 4.1.11.

The following CCME Goal, Objective and Policies must be considered during site development:

Goal To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetland resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

Objective 4.1 The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes.

Policy 4.1.3 The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

(a) Encroachment

Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and

(b) No net loss

Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:

- i the habitat of fish, wildlife and threatened or endangered species,
- ii the abundance and diversity of fish, wildlife and threatened or endangered species,
- iii the food sources of fish and wildlife including those which are threatened or endangered,
- iv the water quality of the wetland, and
- v the flood storage and flood conveyance capabilities of the wetland; and

(c) Floodplain protection

Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

(d) Stormwater quality

In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:

- i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
- ii Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems

(e) Septic tanks

Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and

(f) Hydrology

The design of the fill shall include measures to maintain the wetlands hydrology of the site.

Policy 4.1.6 The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

(1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

(a) Silvicultural uses, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

(b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture

Such activities are to be in compliance with Chapter 40C-44, F.A.C.

(2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

Policy 4.1.10 In determining whether an encroachment in the wetland is the least damaging to the wetland and that no practicable on-site alternative exists, the City shall evaluate the following prior to the issuance of a final development order:

(a) the land use category according to the Future Land Use Map series (FLUMs) and existing zoning of the site and surrounding parcels; and

(b) alternative designs which could accomplish the purposes of the development including the encroachment on the wetland of such alternative designs; and

(c) the wetland functions being served by the area proposed to be encroached upon.

Policy 4.1.11 Mitigation shall be considered only as a last resort, and only if it is determined that encroachment in the wetland is the least damaging alternative and no practicable on-site alternative exists. Such mitigation activities should replace similar habitat and function, and shall result in no net loss of wetland functions and shall be subject to all applicable local, State and Federal permitting and regulations.

IMPACT ASSESSMENT

| DEVELOPMENT ANALYSIS | | |
|---|--|---------------------------------|
| | CURRENT | PROPOSED |
| Site Utilization | Vacant/Pasture | Multi-media commercial business |
| Land Use Category | RR | BP |
| Development Standards For Impact Assessment | 1 DU per acre | .35 FAR |
| Development Potential | 5 DU | 76,230 sq. ft. |
| Population Potential | 13 people | N/A |
| SPECIAL DESIGNATIONS AREAS | | |
| | YES | NO |
| Aquatic Preserve | | X |
| Airport Environ Zone | Height regulations 300' | |
| Industrial Preservation Area | | X |
| Cultural Resources | | X |
| Archaeological Sensitivity | | X - Low |
| Historic District | | X |
| Coastal High Hazard Area | | X |
| Ground Water Aquifer Recharge Area | | X- 0-4 |
| Well Head Protection Zone | | X |
| PUBLIC FACILITIES | | |
| Potential Roadway Impact | Net increase of 823 new daily trips | |
| Water Provider | Well | |
| Potential Water Impact | Increase 4019.5 gallons per day | |
| Sewer Provider | Septic | |
| Potential Sewer Impact | Increase 3014.6 gallons per day | |
| Potential Solid Waste Impact | Increase of 108.97 tons per year | |
| Drainage Basin/ Sub-Basin | Unnamed Branch Stream | |
| Recreation and Parks | Taye E. Brown Regional Park | |
| Mass Transit | N/A | |
| NATURAL FEATURES | | |
| Elevations | 80 ft. | |
| Soils | 66 Surrency loamy fine sand 51 Pelham fine sand | |
| Land Cover | 1100 Residential Low Density, 3200 Upland Shrub and brushland, 6300 Wetland Forest Mix | |
| Flood Zone | No | |
| Wet Lands | Yes Category III | |
| Wild Life | No | |

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on August 1, 2016, the required notices of public hearing signs were posted. Ten (10) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen Information Workshop was held on August 1, 2016 and no speakers were present.

CONSISTENCY EVALUATION

2030 Comprehensive Plan Amendment Analysis

According to the Category Descriptions for the Rural Development Area in Future Land Use Element (FLUE), Rural Residential (RR) is a category intended to provide rural estate residential opportunities in the suburban and rural areas of the City. Generally, single-family detached housing will be the predominant land uses in this category. RR permits housing densities of up to 2 units per acre when both centralized potable water and wastewater are available to the site and 1 unit per acre when served with on-site potable water and wastewater.

Business Park (BP) is a category primarily intended to accommodate commercial office and light industrial uses. Commercial offices should comprise the majority of the category land area, while service, major institutional and light industrial uses constitute the remaining land area. Limited commercial retail and service establishments, hotels, and motels may also be permitted. Development within the category should be compact and connected and should support multi-modal transportation. Uses should generally be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Unless a site is identified on the Industrial Preservation Map (Map L-23), Plan amendment requests for new BP designations are discouraged in the Rural Area because they would potentially encourage urban sprawl.

The industrial categories introduction states that although some industries produce adverse impacts, and should therefore be isolated away from residential or other low intensity use areas, many industrial uses can exist in harmony with non-industrial neighbors through proper site design, arrangement of uses and the incorporation of effective buffers. Proposed amendment analysis in relation to the Goals, Objectives and Policies of the 2030 Comprehensive Plan, Future Land Use Element:

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 the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination

- Policy 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

- Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

- 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.

- Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

- Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only 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.

- Policy 3.2.18 The City shall permit business parks in locations adjacent to, or near, residential areas, subject to Development Areas and the Plan Category Descriptions of the Operative Provisions and applicable Land Development Regulations.

- Policy 3.2.24 Based on criteria in this element, the City shall review the need for new Industrial Land Use areas in the western area of the City (I-10/ US-90/ SR 301 area) by 2012 in lieu of expanding the urban residential development pattern in this area.

The subject property does not have full urban services and is located in the rural area of the City. Although it is located along a "Collector" roadway, Yellow Water Road is a two-lane rural road with open swales for drainage and no sidewalks. Policy 1.1.11 states that new non-residential projects are encouraged to be developed in designated nodal and corridor development areas in order to maintain efficient urban service delivery system and discourage urban sprawl. Although business parks can be located adjacent to residential areas per Policy 3.2.18 and the Industrial introduction section of the FLUE, the land use change to BP creates an "island" of industrial along Yellow Water Road. The proposed land

use amendment does not maintain a compact and compatible land use pattern and is therefore inconsistent with FLUE Objective 1.1 and Policies 1.1.11 and 1.1.22.

According to Policy 3.2.24, the City shall review the need for new industrial lands in the western area of the City of Jacksonville in lieu of expanding residential development. The Policy focuses on the 3 major roadways in the area (I-10/ US-90/ SR 301). Although Yellow Water Road has the classification of a collector road, the proposed land use change to BP results in an "island" of BP in the middle of AGR III and RR land uses and could have potential negative impacts on the residential area. Therefore the proposed land use amendment is not consistent with FLUE Policies 3.1.3, 3.2.1, and 3.2.4.

Southwest Vision Plan

The proposed amendment is inconsistent with the following policy of the Southwest Vision Plan:

Theme 3 – Focus on creating centers
Promote increased development and redevelopment in centers and organize new growth within the district.

The subject property is located within the boundaries of the Southwest Jacksonville Vision Plan. The site is located 4 miles east of Maxville and 3.5 miles west of Cecil Commerce Center. The southwest Vision Plan discusses commercial services in the Rural Area of the city. Commercial uses shall service nearby residential neighborhoods while at the same time not detract from the neighborhood. The Plan identifies nine strategic sites in the southwest community. The sites chosen create an overall form for the district. These centers thus act as catalysts, setting the tone for quality growth and redevelopment in the years ahead. One such area is the Maxville Rural Village Center which is more than 4 miles from the subject site. Since the subject site is not located near the identified strategic centers the proposed land use amendment creates an island of BP in the middle of AGR III and RR land use areas and is therefore inconsistent with the Vision Plan.

Strategic Regional Policy Plan

The proposed amendment is consistent with the following Goal of the Strategic Regional Policy Plan:

Policy 3: Local governments are encouraged to offer incentives or make development easier in areas appropriate for infill and redevelopment.

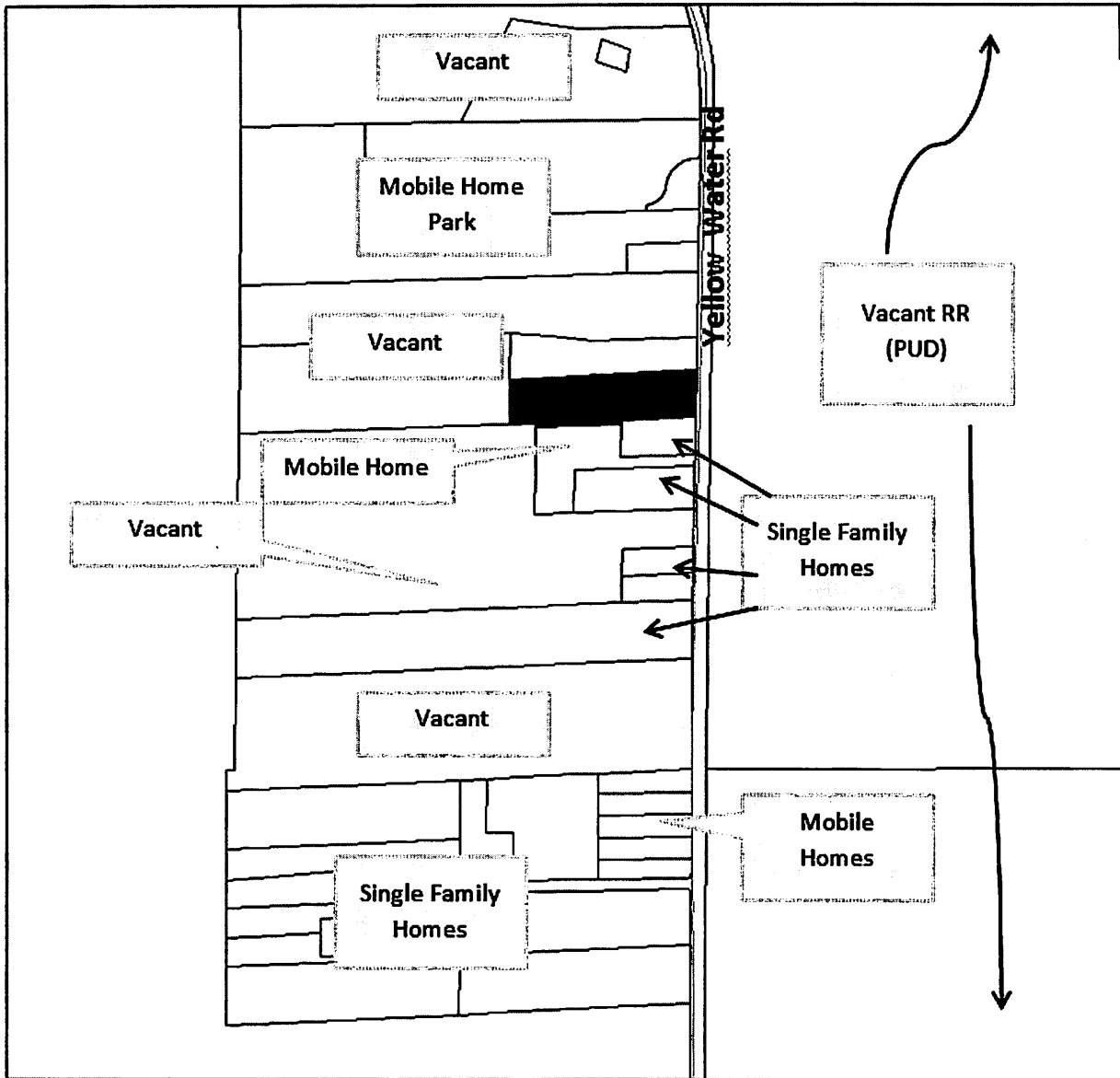
The proposed land use amendment is consistent with Policy 3 of the Northeast Florida Regional Council's Strategic Regional Policy Plan as it would provide an additional location for the creation of new business opportunities in the northeast Florida region.

RECOMMENDATION

The Planning and Development Department recommends **DENIAL** of this application based on its inconsistency with the 2030 Comprehensive Plan.

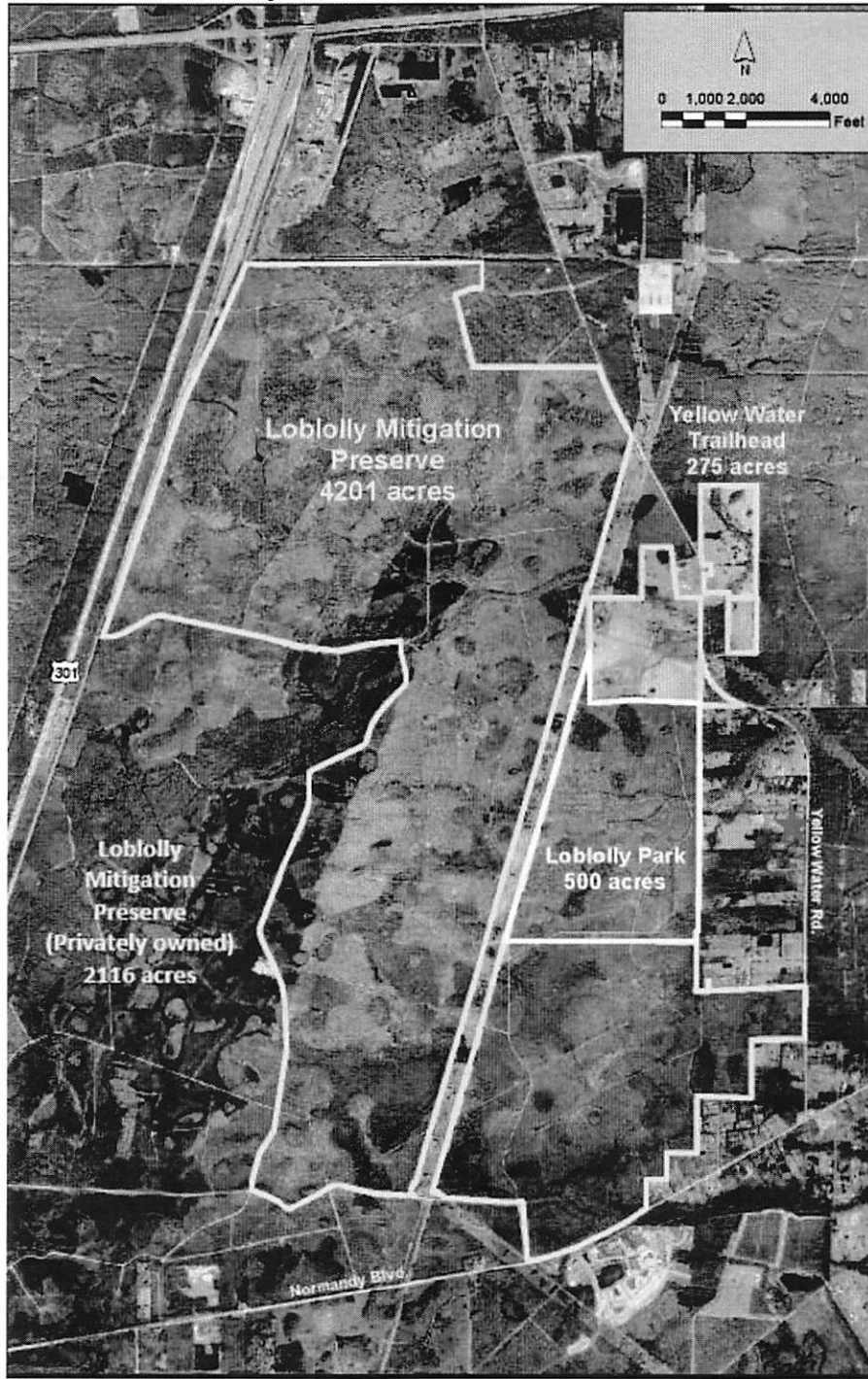
ATTACHMENT A

Existing Land Utilization:



ATTACHMENT B

Conservation and Park Properties:



ATTACHMENT C

Traffic Analysis:

The project site is located along the west side of Yellow Water Road between Normandy Boulevard and Bell Estates Road in rural development area of Mobility Zone 6.

Trip generation was calculated for the existing and proposed land uses based on *Trip Generation, 9th Edition* by the Institute of Transportation Engineers (ITE). Trip generation was conducted for maximum development potential based on the estimated average daily trips. In accordance with the development impact assessment standards established in the 2030 Comprehensive Plan, the existing RR land use category allows for 1 single-family home per acre resulting in a development potential of 5 homes (ITE Land Use Code 210), generating 48 daily trips. The proposed BP land use category allows for 0.35 FAR per acre, with a development potential of 76, 230 SF of office park space (ITE Land Use Code 750) generating 871 average daily trips. The difference in trips results in a net increase of 823 daily vehicular trips if the land use is amended from RR to BP, as shown in Table A.

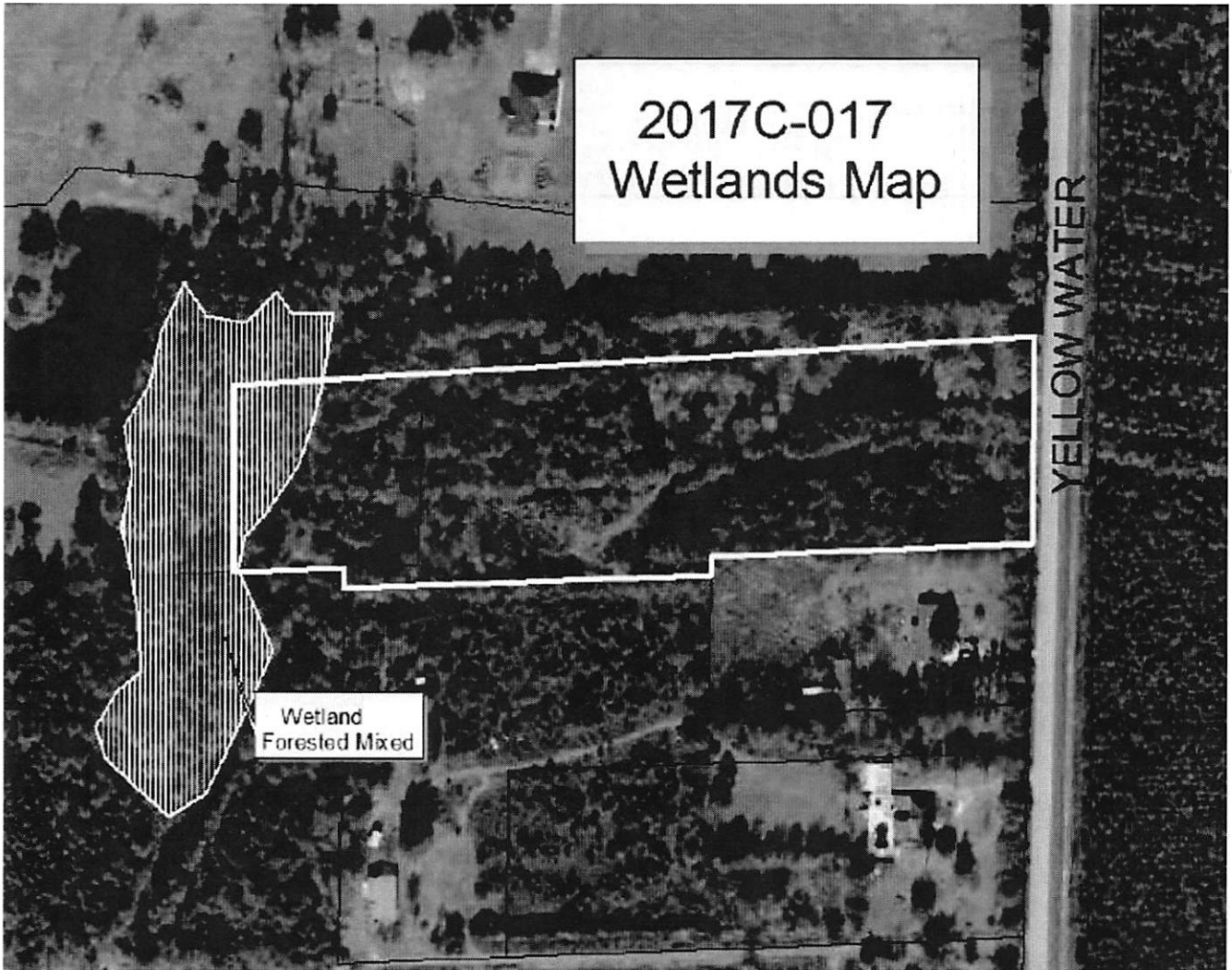
Table A
Trip Generation Estimation

| Current Land Use | ITE Land Use Code | Potential Number of Units (X) | Estimation Method (Rate or Equation) | Gross Trips | Less Pass-By Trips | Net New Daily Trip Ends |
|----------------------------|-------------------|-------------------------------|--------------------------------------|----------------------|--------------------|-------------------------|
| RR | 211 | 5 DUS | $T = 9.52(X)$ | 48 | 0.00% | 48 |
| Total Section 1 | | | | | | 48 |
| Proposed Land Use | ITE Land Use Code | Potential Number of Units (X) | Estimation Method (Rate or Equation) | Gross Trips PM/Daily | Less Pass-By Trips | Net New Daily Trip Ends |
| BP | 750 | 76,230 SF | $T = 11.42(X) / 1000$ | 871 | 0.00% | 871 |
| Total Section 2 | | | | | | 871 |
| Net New Daily Trips | | | | | | 823 |

Source: *Trip Generation Manual, 9th Edition, Institute of Engineers*


ATTACHMENT D

Wetlands Map:



ATTACHMENT E

Land Use Amendment Application:

|  | | APPLICATION FOR SMALL-SCALE LAND USE AMENDMENT TO THE FUTURE LAND USE MAP SERIES - 2030 COMPREHENSIVE PLAN | |
|---|---------------|---|-----------|
| Date Submitted: | 5/23/16 | Date Staff Report is Available to Public: | 8/12/2016 |
| Land Use Adoption Ordinance #: | 2016-474 | Planning Commission's LPA Public Hearing: | 8/18/2016 |
| Rezoning Ordinance #: | 2016-475 | 1st City Council Public Hearing: | 8/23/2016 |
| JPDD Application #: | 2016C-017 | LUZ Committee's Public Hearing: | 9/7/2016 |
| Assigned Planner: | Jody McDaniel | 2nd City Council Public Hearing: | 9/13/2016 |

GENERAL INFORMATION ON APPLICANT & OWNER

| | |
|---|--|
| Applicant Information: FRED ATWILL ATWILL LLC 9001 FOREST ACRES LANE JACKSONVILLE, FL 32234 Ph: (904) 610-8975 Email: ATWILLFRED15@GMAIL.COM | Owner Information: MICHAEL GRIFFIN CHESTNUT CREEK LLC 8322 RAMONA BOULEVARD JACKSONVILLE, FL 32221 Ph: (904) 591-3288 Fax: (904) 289-9300 |
|---|--|

DESCRIPTION OF PROPERTY

| | |
|--|---|
| Acres: 5.00 Real Estate #(s): 002275 0015 002275 0100 a portion of Planning District: 4 Council District: 12 Development Area: RURAL AREA Between Streets/Major Features: NORMANDY BLVD and BELL ESTATES RD | General Location: ALONG THE WEST SIDE OF YELLOW WATER RD BETWEEN NORMANDY BLVD AND BELL ESTATES RD. Address: 4468 YELLOW WATER RD |
|--|---|

LAND USE AMENDMENT REQUEST INFORMATION

Current Utilization of Property: VACANT PASTURE
Current Land Use Category/Categories and Acreage:
RR 5.00

Requested Land Use Category: BP **Surrounding Land Use Categories:** AGR-II
Justification for Land Use Amendment:
JPA LLC IS A SOFT NONRESIDENTIAL USE. THE BUSINESS PRODUCES MULTIMEDIA LEARNING TOOLS KNOWN AS JOB PERFORMANCE AIDS FOR MILITARY & COMMERCIAL CLIENTS WITHIN SOUNDPROOF FILMING FACILITIES. IT DOES NOT RELY UPON VISITS TO ITS BUSINESS SITE BY CLIENTS; MOST CUSTOMER CONTACT IS VIA PHONE/INTERNET/FAX. PERSONNEL ANTICIPATED AT MAXIMUM 25 UPON BUILDOUT OF PHASE 2. MANY CURRENT CLIENTS ARE BASED AT NEARBY CECIL COMMERCE CENTER. JPALLC WILL REMAKE VACANT LAND INTO TAX GENERATING COMMERCIAL PROPERTY

UTILITIES

Potable Water: WELL **Sanitary Sewer:** SEPTIC

COMPANION REZONING REQUEST INFORMATION

Current Zoning District(s) and Acreage:
AGR 5.00
Requested Zoning District: BP

Additional information is available at 904-255-7888 or on the web at <http://maps.coj.net/luzap/>

ATTACHMENT F

Aerial:



2016-475

CURRENT PLANNING DIVISION



August 18, 2016

The Honorable Lori N. Boyer, President
The Honorable Danny Becton, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2016-475**

Dear Honorable Council President Boyer, Honorable Council Member and LUZ Chairman Becton and Honorable Members of the City Council:

Pursuant to the provisions of Section 656.129 *Advisory recommendation on amendment to Zoning Code or rezoning of land* of the Zoning Code, the Planning Commission voted to recommend deferral pending submittal of an application, a revised application, re-advertising or additional information.

| | <u>Aye</u> | <u>Nay</u> | <u>Abstain</u> | <u>Absent</u> |
|------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Chris Hagan, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Daniel Blanchard, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Abel Harding, Secretary | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marshall Adkison | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ben Davis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jerry Friley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dawn Motes | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Nicole Padgett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

Bruce E. Lewis, City Planner Supervisor
Current Planning Division

PLANNING & DEVELOPMENT DEPARTMENT

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2016-0475

AUGUST 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 Ordinance 2016-0475.

Location: 4468 Yellow Water Road, between Normandy Boulevard & Bell Estates Road

Real Estate Numbers: 002275-0015 & 002275-0100

Current Zoning District: Agriculture (AGR)

Proposed Zoning District: Industrial Business Park (IBP)

Current Land Use Category: Rural Residential (RR)

Proposed Land Use Category: Business Park (BP)

Planning District: Southwest, District 4

Planning Commissioner: Chris Hagan

City Council District: The Honorable Doyle Carter, District 12

Applicant/Agent: Fred Atwill
Atwill LLC
9001 Forest Acres Lane
Jacksonville, FL 32234

Owner: Michael Griffin
Chestnut Creek LLC
8322 Ramona Boulevard
Jacksonville, FL 32221

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning Ordinance 2016-0475 seeks to rezone 5.0 acres from Agriculture (AGR) to Industrial Business Park (IBP). The IBP Zoning District is a primary district within the BP land use category and is one of the least intense industrial districts within that category. The property is located along Yellow Water Road, which is classified as a collector road on the Functional Highway Classification System Map of the 2030 Comprehensive Plan. The site is a small portion of a larger rural subdivision, which includes on developed lot, with a single family home. The area is predominated by single family residential structures, including mobile homes. There is currently no commercial or industrial development near the subject site. The area is not currently served by central city water and sewer service, and available sewer service is over a mile away. The subject property is located in the Rural Development Area. The site is also located within the Southwest Vision Plan boundary, as well as the 300 foot Height Hazard Zone for Cecil Airport. The requested rezoning is to facilitate the construction of a film studio, which is not an allowed use in the AGR Zoning District.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the 2030 Comprehensive Plan?

No. In accordance with Section 656.129 *Advisory recommendation on amendment of Zoning Code or rezoning of land* of the Zoning Code, the Planning and Development Department finds that, with the denial of application for small scale land use amendment 2016C-017 (Ordinance 2016-0474), the subject property will not be located in the BP functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The BP category is a category is primarily intended to accommodate commercial office and light industrial uses. The area designated for the proposed rezoning is 5.0 acres, and is currently vacant.

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

The proposed amendment is **not** consistent with the following objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Business Park (BP) is a category primarily intended to accommodate commercial office and light industrial uses. Commercial offices should comprise the majority of the category land area, while service, major institutional and light industrial uses constitute the remaining land area. Limited commercial retail and service establishments, hotels, and motels may also be permitted. Development within the category should be compact and connected and should support multi-modal transportation. Uses should generally be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Plan amendment requests for new BP designations are discouraged in the Rural Area because they would potentially encourage urban sprawl.

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 the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.*

Policy 1.1.11: *Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.*

Policy 1.1.22: *Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.*

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.*

Policy 3.2.1: *The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.*

The proposed rezoning does not foster compact and efficient use of urban services, and does potentially contribute to sprawling patterns of development. The property is located outside the suburban area, and although it is located on a collector road, the area is entirely low density residential and agricultural land uses. The development of an IBP related uses in this area would not meet the requirements for a commercial node, corridor

or business park. There are currently no available urban services in this area, and the extension of urban services to this location would not support compact and efficient development.

The proposed amendment is **not** consistent with the following objectives, policies and goals of the Infrastructure Element Sanitary Sewer Sub-Element of the 2030 Comprehensive Plan

Policy 1.2.3: *The City shall not permit septic tanks for the disposal or discharge of industrial wastes.*

Policy 1.2.5: *Existing septic tanks for estimated wastewater flows exceeding 600 gallons per day (gpd) shall connect to the collection system of a regional utility company provided that a facility abuts or is within 50 feet of the property.*

Policy 1.2.9: *Septic tanks shall be permitted in Rural Areas, provided they meet the requirements of Chapter 64E-6, F.A.C., and that all lots created after shall have a minimum of 1 acre of un-submerged property.*

Policy 1.2.11: *Continue to deny development orders or permits until the applicant has demonstrated compliance with applicable federal, state and local requirements for wastewater collection and disposal, and potable water treatment and distribution.*

The subject site is currently supported by private well and on-site waste disposal. The proposed IBP uses would be an intensification of potential impacts to surrounding environment. Generally industrial uses are not permitted to develop on private on-site disposal systems, specifically if sewer is available, or if the proposed discharge would include toxic or hazardous materials. If this site were allowed to develop on septic, the site would need annual inspections by the health department, to verify that there is no toxic discharge. These types of intense developments would be better suited in an area already served by central water and sewer services. Water and sewer service is located 1.2 miles from the site, along Normandy Boulevard.

The 0.31 acres wetlands are located along the western boundary of the proposed land use amendment. This wetland is part of a larger isolated 2.34 acre wetland system that drains to the north onto adjacent lands during heavy rains. The area then drains into an unnamed creek in a southeasterly direction which then empties into Yellow Water Creek. This wetland system is a "Category III" type wetlands having a low functional value due to its isolation from creeks and other larger wetland systems. However, alteration of this wetland from development will require mitigation from the St. Johns River Water Management District. No permits for mitigation have been provided.

Development of the property could have an impact on the sites wetlands and their functional values. While development within the Category III wetlands is permitted pursuant to CCME Policy 4.1.6, the applicant should demonstrate during permitting reviews that any impacts to wetlands is the least damaging alternative and no practical

alternative exists along with providing documentation of a mitigation permit as called for in CCME Policy 4.1.11.

The following CCME Goal, Objective and Policies must be considered during site development:

Goal: *To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetland resources over the long-term and improve the water quality and fish and wildlife values of wetlands.*

Objective 4.1: *The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes.*

Policy 4.1.3: *The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:*

(a) Encroachment: Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and

(b) No net loss: Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:

- i the habitat of fish, wildlife and threatened or endangered species,
- ii the abundance and diversity of fish, wildlife and threatened or endangered species,
- iii the food sources of fish and wildlife including those which are threatened or endangered,
- iv the water quality of the wetland, and
- v the flood storage and flood conveyance capabilities of the wetland; and

(c) Floodplain protection: Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

(d) Stormwater quality: In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:

- i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
- ii Regular monitoring and maintenance program on an annual basis for the

performance of stormwater treatment systems

(e) Septic tanks: Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and

(f) Hydrology: The design of the fill shall include measures to maintain the wetlands hydrology of the site.

Policy 4.1.6: *The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)*

(1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

(a) Silvicultural uses, provided the following standards are met:

Best Management Practices: Silviculture: Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

(b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture: activities are to be in compliance with Chapter 40C-44, F.A.C.

(2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

Policy 4.1.10: *In determining whether an encroachment in the wetland is the least damaging to the wetland and that no practicable on-site alternative exists, the City shall evaluate the following prior to the issuance of a final development order:*

(a) the land use category according to the Future Land Use Map series (FLUMs) and existing zoning of the site and surrounding parcels; and

(b) alternative designs which could accomplish the purposes of the development including the encroachment on the wetland of such alternative designs; and

(c) the wetland functions being served by the area proposed to be encroached upon.

Policy 4.1.11: *Mitigation shall be considered only as a last resort, and only if it is determined that encroachment in the wetland is the least damaging alternative and no practicable on-site alternative exists. Such mitigation activities should replace similar habitat and function, and shall result in no net loss of wetland functions and shall be subject to all applicable local, State and Federal permitting and regulations.*

3. ***Does the proposed rezoning conflict with any portion of the City's land use regulations?***

Yes. The proposed rezoning is in conflict with several portions of the City's land use regulations, as noted above. The subject property **should not** be rezoned from AG to IBP

SURROUNDING LAND USE AND ZONING

The subject property is located on the west side of Yellow Water Road, near Normandy Boulevard. Surrounding uses, land use category and zoning are as follows:

| <u>Adjacent Property</u> | <u>Land Use Category</u> | <u>Zoning District</u> | <u>Current Use(s)</u> |
|--------------------------|--------------------------|------------------------|-----------------------|
| North | RR | AGR | Vacant |
| East | RR | PUD | Vacant |
| South | AGR-III | AGR | Single Family |
| West | RR | AGR | Vacant |

The property is comprised of one complete parcel, and a portion of a second. The property has frontage on Yellow Water road, and is currently part of a rural single family subdivision. The proposed rezoning is both out of character and scale for the area. The rezoning will encourage the intensification of uses in the area, which is located outside the suburban boundary. This could lead to a sprawling pattern of development along Yellow Water Road.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on July 31, 2016, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2016-0475 be **DENIED**.



Aerial

Source: Staff, Planning and Development Department
Date: July 31, 2016



Subject property

Source: Staff, Planning and Development Department
Date: July 31, 2016



Adjacent vacant residential lots

Source: Staff, Planning and Development Department

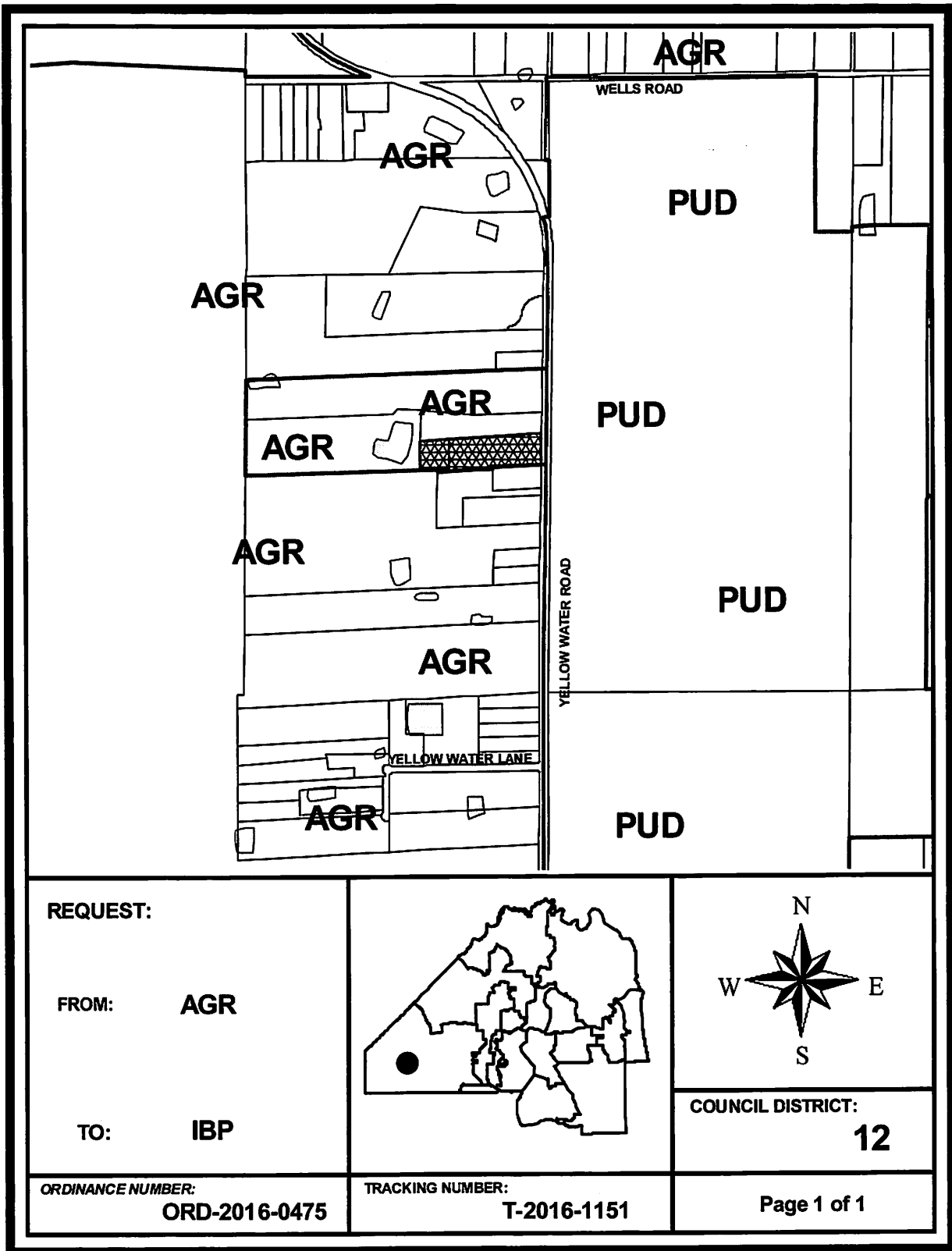
Date: July 31, 2016



Large undeveloped residential PUD across Yellow Water Road

Source: Staff, Planning and Development Department

Date: July 31, 2016



Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2016-0475 **Staff Sign-Off/Date** CAP / 07/14/2016
Filing Date 07/20/2016 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 08/23/2016 **Planning Commission** 08/18/2016
Land Use & Zoning 09/07/2016 **2nd City Council** 09/13/2016
Neighborhood Association N/A
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 1151 **Application Status** PAID
Date Started 05/24/2016 **Date Submitted** 05/24/2016

General Information On Applicant

Last Name ATWILL **First Name** FRED **Middle Name**
Company Name ATWILL LLC
Mailing Address 9001 FOREST ACRES LANE
City JACKSONVILLE **State** FL **Zip Code** 32234
Phone 9046108975 **Fax** 904 **Email** ATWILLFRED15@GMAIL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name GRIFFIN **First Name** MICHAEL **Middle Name**
Company/Trust Name CHESTNUT CREEK LLC
Mailing Address 8322 RAMONA BOULEVARD
City JACKSONVILLE **State** FL **Zip Code** 32221
Phone 9045913288 **Fax** 9042899300 **Email** THEDIAMONDDRANCH@YAHOO.COM

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s))RD. 2007-359 & ORD. 2014-58

| Map | RE# | Council District | Planning District | From Zoning District(s) | To Zoning District |
|-----|-------------|------------------|-------------------|-------------------------|--------------------|
| Map | 002275 0015 | 12 | 4 | AGR | IBP |
| Map | 002275 0100 | 12 | 4 | AGR | IBP |

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

Existing Land Use Category

RR

Land Use Category Proposed? ✓

If Yes, State Land Use Application #

5208

Total Land Area (Nearest 1/100th of an Acre) 5.00

Justification For Rezoning Application

JPA LLC IS A SOFT NONRESIDENTIAL USE. THE BUSINESS PRODUCES MULTIMEDIA LEARNING TOOLS KNOWN AS JOB PERFORMANCE AIDS FOR MILITARY & COMMERCIAL CLIENTS WITHIN SOUNDPROOF FILMING FACILITIES. IT DOES NOT RELY UPON VISITS TO ITS BUSINESS SITE BY CLIENTS. MOST CUSTOMER CONTACT IS VIA PHONE/INTERNET/FAX. PERSONNEL ANTICIPATED AT MAXIMUM 25 UPON BUILDOUT OF PHASE 2. MANY CURRENT CLIENTS ARE BASED AT CECIL COMMERCE CENTER. JPA LLC WILL REMAKE VACANT LAND INTO TAX GENERATING COMMERCIAL PROPERTY.

Location Of Property

General Location

ALONG THE WEST SIDE OF YELLOW WATER RD BETWEEN NORMANDY BLVD AND BELL E

| House # | Street Name, Type and Direction | Zip Code |
|---------|---------------------------------|----------|
| 4468 | YELLOW WATER RD | 32234 |

Between Streets

NORMANDY BOULEVARD and BELL ESTATES RD

Required Attachments For Formal, Complete application

The following items must be attached to each 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 for inclusion of information required.

- Exhibit 1** ✓ A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.
- Exhibit A** ✓ Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** ✓ Agent Authorization - Notarized letter(s) designating the agent.

Supplemental Information

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

- ✓ One copy of the Deeds to indicate proof of property ownership.

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 by my signature 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
5.00 Acres @ \$10.00 /acre: \$50.00
- 3) Plus Notification Costs Per Addressee
9 Notifications @ \$7.00 /each: \$63.00
- 4) Total Rezoning Application Cost: \$2,123.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

Duval County, City Of Jacksonville
Michael Corrigan, Tax Collector
 231 E. Forsyth Street
 Jacksonville, FL 32202

General Collection Receipt

Michael Corrigan, Tax Collector
 Duval County/City of Jacksonville
 Comments - taxcollector@coj.net
 Inquiries - (904)630-1916
 www.coj.net/tc
 Date: 07/01/2016 Time: 11:28:26
 Location: P03
 Transaction 0430243
 Clerk: NJS

Account No: CR373201
 User: Popoli, Christian
 REZONING/VARIANCE/EXCEPTION

Name: Fred Atwill / Atwill INC
 Address: 9001 Forest Acres Lane, Jacksonville, FL 32234
 Description: Invoice for rezoning at 4468 Yellow Water Rd
 IBP

| TransCode | IndexCode | SubObject | GLAcct | SubstIDNo | UserCode | Project | ProjectID# | Gr |
|-----------|-----------|-----------|--------|-----------|----------|---------|------------|----|
| 701 | PDCU011 | 342504 | | | | | | |

Miscellaneous
 Item: CR - CR373201
 Receipt 0430243.0001-0001
 Total Paid 2,123.00

CHECK 000308 2,123.00
 Total Tendered 2,123.00

Paid By: JOB PERFORMANCE ASSOCI
 Thank You

Total Due: \$2,123.00



ELECTRIC

WATER

SEWER

RECLAIMED

21 West Church Street
Jacksonville, Florida 32202-3139

Fred Atwill, Jr.
Atwill LLC
9001 Forest Acres Lane
Jacksonville, Florida, 32234

July 06, 2016

Project Name: Job Performance Associates, LLC
Availability#: 2016-1038

Dear Mr/Mrs Fred Atwill, Jr.,

Thank you for your inquiry regarding the availability of electric, potable water, sanitary sewer and reclaimed water (WS&R) service. The eight digit availability number referenced in this letter will be the number JEA uses to track your project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire one year from the date above.

Point of Connection:

A summary of connection points for WS&R services are identified on the following page. JEA recognizes Connection Point #1 as the primary point of connection (POC); however, a secondary, conditional POC will be listed if available. JEA assumes no responsibility for the inaccuracy of any service connection portrayed on a JEA utility system record drawing. JEA strongly recommends field verification of all POCs prior to any construction to ensure connection availability. Please note the Special Conditions stated in each section contain pertinent information and additional requirements as well as further instructions.

Offsite Improvements:

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. It shall be the applicant's responsibility to engage the services of a professional engineer, licensed in the State of Florida. All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found on jea.com.

Reservation of Capacity:

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found at the subsequent link, JEA Stages of a Project or by following the steps below:

- ⇒ Visit www.jea.com
- ↳ Select Working with JEA
- ↳ Select Stages of a Project

Sincerely,

Mollie Price
Water/Wastewater System Planning
(904) 904-665-7710



21 West Church Street
Jacksonville, Florida 32202-3139

ELECTRIC

WATER

SEWER

RECLAIMED

Availability#: 2016-1038

Request Received On: 7/5/2016

Availability Response: 7/6/2016

Prepared by: Mollie Price

Project Information

Name: Job Performance Associates, LLC

Type: Commercial

Requested Flow: 750 gpd

Location: 4468 Yellow Water Road (RE #002275-0015)

Parcel ID No.: 002275-0015

Description: 5,000 sf to make Job Performance Aids (multi media learning tools for military & commercial clients)

Potable Water Connection

Water Treatment Grid: NORTH GRID

Connection Point #1: Existing 20-in water main on the north side of Normandy Blvd

Connection Point #2: Existing 12-in water line stubout at the northeast corner of Normandy Blvd and Yellow Water Rd

Special Conditions: Fire protection needs to be addressed. For the estimated cost of connecting to the JEA system, please call the Pre-service Counter at 904-665-5260. Copies of As-Built records can be requested from JEA As-Built & Record section at 665-4403.

Sewer Connection

Sewer Treatment Plant: SOUTHWEST

Connection Point #1: Existing 16-in forcemain on the north side of Normandy Blvd

Connection Point #2: NA

Special Conditions: For force main connection conditions, please email fmconnections@jea.com referencing this availability letter. For the estimated cost of connecting to the JEA system, please call the Pre-service Counter at 904-665-5260. Copies of As-Built records can be requested from JEA As-Built & Record section at 665-4403. Connection to the JEA-owned sewer system for your project will require the design and construction of an onsite, privately owned and maintained pump station, and a JEA dedicated force main (min. 4" dia.). Connection to the proposed POC is contingent upon inspection and acceptance of the mains by JEA.

Reclaimed Water Connection

Sewer Region/Plant: North Grid

Connection Point #1: No reclaim in the foreseeable future.

Connection Point #2: NA

Special Conditions: No reclaim in the foreseeable future.

General Comments:

Electric Availability: The subject property lies within the geographic area legally served by JEA. JEA will provide electric service as per JEA's most current Rules and Regulations.

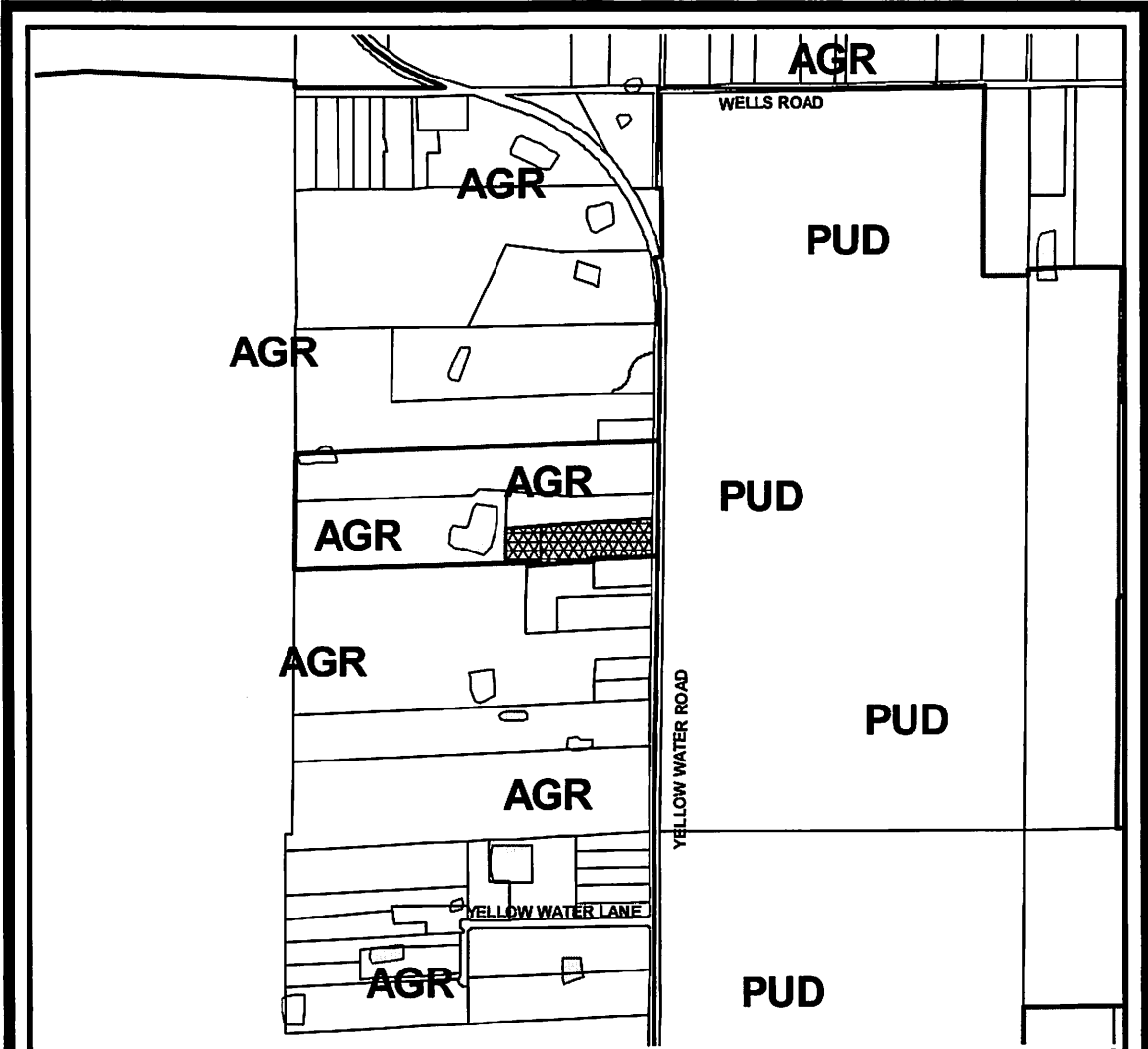
Legal Description

6/9/16

A PORTION OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, BEING A PORTION OF THAT LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 13958, PAGE 241, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER (1/4) AND RUN S.88°07'35" W., 40.06 FEET TO THE WESTERLY RIGHT OF WAY LINE OF YELLOW WATER ROAD (AN 80 FOOT RIGHT OF WAY, AS NOW ESTABLISHED); THENCE S.01°17'10" W., ALONG SAID WESTERLY RIGHT OF WAY LINE, 454.05 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUE S.01°17'10" W., ALONG SAID RIGHT OF WAY LINE, 209.45 FEET TO THE NORTHEASTERLY CORNER OF THAT LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 6417, PAGE 1245, THENCE S.87°53'29" W., ALONG THE NORTHERLY LINE THEREOF, 417.01 FEET TO THE NORTHWESTERLY CORNER OF LAST SAID LAND; THENCE S. 01°37'29" W., ALONG THE WESTERLY LINE OF LAST SAID LAND, 25.07 FEET TO THE NORTHEASTERLY CORNER OF THAT LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 11398, PAGE 1101; THENCE S.87°53'29"W., ALONG THE NORTHERLY LINE OF LAST SAID LAND, 479.64 FEET TO THE NORTHWESTERLY CORNER OF LAST SAID LAND, SAID CORNER BEING ON THE EASTERLY LINE OF THAT LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 14667, PAGE 2009; THENCE N.01°37'29"E., ALONG LAST SAID EASTERLY LINE, 25.07 FEET TO THE NORTHEASTERLY CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 14667, PAGE 2009; THENCE S.87°53'29"W., ALONG LAST SAID NORTHERLY LINE, 154.84 FEET; THENCE N.01°19'57"E., 183.13 FEET; THENCE N.86°27'46"E., 1053.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.00 ACRES, MORE OR LESS.

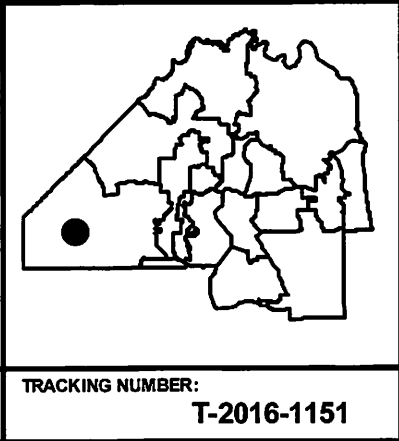


REQUEST:

FROM: AGR

TO: IBP

ORDINANCE NUMBER:
ORD-2016-0475



COUNCIL DISTRICT:
12

Page 1 of 1

EXHIBIT A - Property Ownership Affidavit

Date: 5-23-2016

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

Re: Property Owner Affidavit for the following site location:
RS# 002275-0015

To Whom it May Concern:

I Michael Griffin hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Rezoning submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

By _____
Print Name: _____

If Owner is Corporate Entity:*

Print Corporate Name: Chestnut Creek LLC
By Michael Griffin
Print Name: Michael Griffin
Its: Member

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

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 23 day of May 2016, by Michael Griffin, who is personally known to me or who has produced _____ as identification and who took an oath.

Forrest Alan Tucker

(Signature of NOTARY PUBLIC)

Forrest Alan Tucker

(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires:



EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: 5-23-2016

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

Re: Agent Authorization for the following site location: RS # 002275-0015

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Fred Atwill, Jr.
Atwill LLC to act as agent to file application(s) for Re zoning for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

Chestnut Creek LLC

By _____

By Michael G. Giffen

Print Name: _____

Print Name: Michael Giffen

Its: Member

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

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 23 day of May 2016, by Michael Giffen, who is personally known to me or who has produced _____ as identification and who took an oath.

Forrest Alan Tucker

(Signature of NOTARY PUBLIC)

Forrest Alan Tucker

(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires:



Original

MARKS GRAY
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
EST. 1899

JAMES C. RINAMAN, JR.
H. FRANKLIN PERRITT, JR.
VICTOR M. HALBACH, JR.
JOHN B. KENT
GERALD W. WEEDON
JOHN R. CRAWFORD
NICHOLAS V. PULIGNANO, JR.
WILLIAM M. CORLEY
JEPHTHA F. BARBOUR
SUSAN S. ERDELYI
STEPHEN B. GALLAGHER
FREDERICK H. KENT, III*
L. JOHNSON SARBER, III
ALLISON H. HAUSER
SONYA H. HOENER
EDWARD L. BIRK

1200 RIVERPLACE BOULEVARD
SUITE 800
JACKSONVILLE, FLORIDA 32207

POST OFFICE BOX 447
JACKSONVILLE, FLORIDA 32201

3101 SAWGRASS VILLAGE CIRCLE
PONTE VEDRA BEACH, FLORIDA 32082

TELEPHONE (904) 398-0900
TELECOPIER (904) 399-8440

*BOARD CERTIFIED - REAL ESTATE
EMAIL: FKENT@MARKSGRAY.COM
DIRECT FAX: (904) 807-2108

KIM L. McCALL
SUSAN KENNEDY CURTIS
GISELLE CARSON
KIRSTEN L. CLEMENT
PAUL E. BUEKER
MICHAEL B. BITTNER
JUSTIN A. MALLOT
JUDITH A. GUTHRIE

ROBERT E. BROACH
OF COUNSEL

RICHARD P. MARKS (1876-1942)
SAM R. MARKS (1885-1973)
HARRY T. GRAY (1890-1975)
FRANCIS P. CONROY II (1912-1991)
DELBRIE L. GIBBS (1917-1992)

VIA US MAIL

To: Michael F. Griffin
18500 Macclenny Road
Jacksonville, FL 32234

FROM: Fred H. Kent, III

DATE: February 24, 2005

RE: Our File Number 04256.19502; Baxter Luther sale to Baldwin Tradeplex, Inc., a
Florida Corporation;

In connection with the above referenced transaction, please find the enclosed documentation:

- Original Recorded Warranty Deed (3)
- Original Recorded Mortgage Note and Mortgage Extension Agreement
- Original Recorded Satisfaction
- Original Lenders Policy
- Original Owners Title Policy

If you need anything further, please do hesitate to call me.

05010344

Prepared by and Return To:
Fred H. Kent, III, Esquire
Marks Gray, P.A.
1200 Riverplace Blvd., Ste 800
Jacksonville, FL 32207
RE#: 002275-0030

Doc # 2005057238, OR BK 12304 Page 11,
Number Pages: 3
Filed & Recorded 02/22/2005 at 09:00 AM,
JIM FULLER CLERK CIRCUIT COURT DUVAL COUNTY
RECORDING \$27.00
DEED DOC ST \$2955.40

27.00

TRUSTEE'S DEED

THIS INDENTURE is made this 2nd day of February, 2005, by and between **BAXTER E. LUTHER**, as Trustee of the **Baxter E. Luther Revocable Trust Under Agreement Dated December 15, 1989**, whose address is P.O. Box 11508, Jacksonville, FL 32239, hereinafter called the "Trustee," and **BALDWIN TRADEPLEX, INC.**, a Florida Corporation, whose address is 18500 Macclenny Road, Jacksonville, Florida 32234, and whose taxpayer identification number is _____, hereinafter called the "Grantee".

WITNESSETH: That,

WHEREAS, the Trustee is the duly acting and appointed Trustees under the Baxter E. Luther Revocable Trust u/a dated December 15, 1989 which authorizes the Trustee to sell and convey the property hereinafter described to the Grantee and to make, execute, acknowledge and deliver this indenture.

NOW, THEREFORE, by virtue and in execution of said powers and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, the said Trustee has conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alienate, remise, release, convey and confirm, unto the said Grantee and the heirs, legal representatives, successors and assigns of the said Grantee, that certain piece, parcel or tract of land located in **Duval County**, Florida, described as follows:

See Attached Schedule A

TO HAVE AND TO HOLD the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the Grantee in fee simple.

This conveyance is subject to ad valorem taxes or assessments levied or which may become a lien subsequent to December 31st of the calendar year next preceding the date hereof.

And the said Trustee does hereby covenant that he is the duly qualified and acting Trustee as aforesaid, that he has good, right and lawful authority to execute this

instrument and that he will warrant and defend the title to said property against the lawful claims of all persons claiming by, through or under the Trustee, but no others.

IN WITNESS WHEREOF, the said Trustee has hereunto executed this instrument under seal as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Fred H. Kent III
FRED H. KENT III
(Type/Print Name of Witness)

Cindy Smith
Cindy Smith
(Type/Print Name of Witness)

Baxter E. Luther (SEAL)
Baxter E. Luther, as Trustee of the
Baxter E. Luther Revocable Trust
u/a dated December 15, 1989

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 2nd day of February, 2005, by Baxter E. Luther, as Trustee of the Baxter E. Luther Revocable Trust u/a dated December 15, 1989 on behalf of the Trust, the person described in and who executed the foregoing instrument on behalf of the Grantor, who is personally known to me and/or who has produced _____ (type of identification) as identification.

Fred H. Kent III

Notary Public, State of Florida
My commission expires:



PARCEL 1:

EXHIBIT "A"

THE SOUTH 165 FEET OF THE NORTHWEST 1/4 AND THE NORTH 1/4 OF THE SOUTHWEST 1/4, SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, DUAL COUNTY, FLORIDA EXCEPT (A) THE SOUTH 325 FEET OF THE EAST 800 FEET THEREOF AND (B) ANY PART THEREOF LYING WITHIN YELLOW WATER ROAD AND EXCEPT ANY PART LYING WITHIN LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 6129 PAGE 857, LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY: A PORTION OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, DUAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, THENCE RUN S. 88°07'35" W., A DISTANCE OF 40.06 FEET TO THE WESTERLY RIGHT OF WAY LINE OF YELLOW WATER ROAD (AN 80 FOOT RIGHT OF WAY, AS NOW ESTABLISHED); THENCE N. 01°17'10" E., A DISTANCE OF 125.11 FEET TO THE POINT OF BEGINNING; THENCE DEPART FROM SAID RIGHT OF WAY LINE OF YELLOW WATER ROAD, S. 88°07'36" W., A DISTANCE OF 568.50 FEET TO A POINT; THENCE S. 04°30'42" W., A DISTANCE OF 325.46 FEET TO A POINT; THENCE N. 85°38'57" W., A DISTANCE OF 1431.29 FEET TO A POINT; THENCE N. 01°17'10" E., A DISTANCE OF 208.57 FEET TO A POINT; THENCE N. 88°07'35" E., A DISTANCE OF 2018.25 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF YELLOW WATER ROAD; THENCE S. 01°17'10" W., A DISTANCE OF 40.06 FEET TO THE POINT OF BEGINNING.

05010344

Prepared by and Return To:
Fred H. Kent, III, Esquire
Marks Gray, P.A.
1200 Riverplace Blvd., Ste 800
Jacksonville, FL 32207
RE#: 002275-0030

Doc # 2005057239, OR BK 12304 Page 14.
Number Pages: 3
Filed & Recorded 02/22/2005 at 09:00 AM,
JIM FULLER CLERK CIRCUIT COURT DUVAL COUNTY
RECORDING \$27.00
DEED DOC ST \$1030.40

27.00

TRUSTEE'S DEED

THIS INDENTURE is made this 21st day of February, 2005, by and between **BAXTER E. LUTHER, as Trustee of the Baxter E. Luther Revocable Trust Under Agreement Dated December 15, 1989**, whose address is P.O. Box 11508, Jacksonville, FL 32239, hereinafter called the "Trustee," and **BALDWIN TRADEPLEX, INC., a Florida Corporation**, whose address is 18500 Macclenny Road, Jacksonville, Florida 32234, and whose taxpayer identification number is _____, hereinafter called the "Grantee".

WITNESSETH: That,

WHEREAS, the Trustee is the duly acting and appointed Trustees under the Baxter E. Luther Revocable Trust u/a dated December 15, 1989 which authorizes the Trustee to sell and convey the property hereinafter described to the Grantee and to make, execute, acknowledge and deliver this indenture.

NOW, THEREFORE, by virtue and in execution of said powers and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, the said Trustee has conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alienate, remise, release, convey and confirm, unto the said Grantee and the heirs, legal representatives, successors and assigns of the said Grantee, that certain piece, parcel or tract of land located in **Duval County**, Florida, described as follows:

See Exhibit A

TO HAVE AND TO HOLD the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the Grantee in fee simple.

This conveyance is subject to ad valorem taxes or assessments levied or which may become a lien subsequent to December 31st of the calendar year next preceding the date hereof.

And the said Trustee does hereby covenant that he is the duly qualified and acting Trustee as aforesaid, that he has good, right and lawful authority to execute this

instrument and that he will warrant and defend the title to said property against the lawful claims of all persons claiming by, through or under the Trustee, but no others.

IN WITNESS WHEREOF, the said Trustee has hereunto executed this instrument under seal as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Fred H. Kent, III
FRED H. KENT, III
(Type/Print Name of Witness)

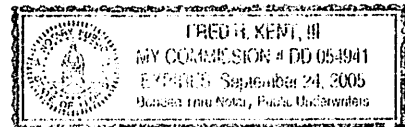
Cindy Smith
Cindy Smith
(Type/Print Name of Witness)

Baxter E. Luther (SEAL)
Baxter E. Luther, as Trustee of the
Baxter E. Luther Revocable Trust
u/a dated December 15, 1989

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 21st day of February, 2005, by Baxter E. Luther, as Trustee of the Baxter E. Luther Revocable Trust u/a dated December 15, 1989 on behalf of the Trust, the person described in and who executed the foregoing instrument on behalf of the Grantor, who is personally known to me ~~and/or who~~ has produced _____ (type of identification) as identification.

Fred H. Kent, III
Notary Public, State of Florida
My commission expires:



PARCEL 2:

A PORTION OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, THENCE RUN S. 88°07'35" W., A DISTANCE OF 40.06 FEET TO THE WESTERLY RIGHT OF WAY LINE OF YELLOW WATER ROAD (AN 80 FOOT RIGHT OF WAY, AS NOW ESTABLISHED); THENCE N. 01°17'10" E., A DISTANCE OF 125.11 FEET TO THE POINT OF BEGINNING; THENCE DEPART FROM SAID RIGHT OF WAY LINE OF YELLOW WATER ROAD, S. 88°07'36" W., A DISTANCE OF 568.50 FEET TO A POINT; THENCE S. 04°30'42" W., A DISTANCE OF 325.46 FEET TO A POINT; THENCE N. 85°38'57" W. A DISTANCE OF 1431.29 FEET TO A POINT; THENCE N. 01°17'10" E., A DISTANCE OF 208.57 FEET TO A POINT; THENCE N. 88°07'35" E., A DISTANCE OF 2018.25 FEET TO THE AFOREMENTIONED WESTERLY RIGHT OF WAY OF YELLOW WATER ROAD; THENCE S. 01°17'10" W., A DISTANCE OF 40.06 FEET TO THE POINT OF BEGINNING.

05010344

Prepared by and Return To:
Fred H. Kent, III, Esquire
Marks Gray, P.A.
1200 Riverplace Blvd., Ste 800
Jacksonville, FL 32207
RE#: 002275-0010

Doc # 2005057240, OR BK 12304 Page 17,
Number Pages: 3
Filed & Recorded 02/22/2005 at 09:00 AM,
JIM FULLER CLERK CIRCUIT COURT DUVAL COUNTY
RECORDING \$27.00
DEED DOC ST \$564.20

27.00

TRUSTEE'S DEED

THIS INDENTURE is made this 2nd day of February, 2005, by and between **BAXTER E. LUTHER, as Trustee of the Baxter E. Luther Revocable Trust Under Agreement Dated December 15, 1989**, whose address is P.O. Box 11508, Jacksonville, FL 32239, hereinafter called the "Trustee," and **BALDWIN TRADEPLEX, INC., a Florida Corporation**, whose address is 18500 Macclenny Road, Jacksonville, Florida 32234, and whose taxpayer identification number is _____, hereinafter called the "Grantee".

WITNESSETH: That,

WHEREAS, the Trustee is the duly acting and appointed Trustees under the Baxter E. Luther Revocable Trust u/a dated December 15, 1989 which authorizes the Trustee to sell and convey the property hereinafter described to the Grantee and to make, execute, acknowledge and deliver this indenture.

NOW, THEREFORE, by virtue and in execution of said powers and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, the said Trustee has conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alienate, remise, release, convey and confirm, unto the said Grantee and the heirs, legal representatives, successors and assigns of the said Grantee, that certain piece, parcel or tract of land located in **Duval County**, Florida, described as follows:

See Exhibit A

TO HAVE AND TO HOLD the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the Grantee in fee simple.

This conveyance is subject to ad valorem taxes or assessments levied or which may become a lien subsequent to December 31st of the calendar year next preceding the date hereof.

And the said Trustee does hereby covenant that he is the duly qualified and acting Trustee as aforesaid, that he has good, right and lawful authority to execute this

instrument and that he will warrant and defend the title to said property against the lawful claims of all persons claiming by, through or under the Trustee, but no others.

IN WITNESS WHEREOF, the said Trustee has hereunto executed this instrument under seal as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Fred H. Kent III
FRED H. KENT III
(Type/Print Name of Witness)

Cindy Smith
Cindy Smith
(Type/Print Name of Witness)

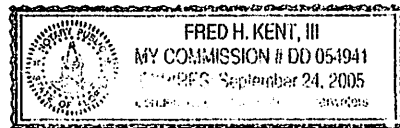
Baxter E. Luther (SEAL)
Baxter E. Luther, as Trustee of the
Baxter E. Luther Revocable Trust
u/a dated December 15, 1989

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 2nd day of February, 2005, by Baxter E. Luther, as Trustee of the Baxter E. Luther Revocable Trust u/a dated December 15, 1989 on behalf of the Trust, the person described in and who executed the foregoing instrument on behalf of the Grantor, who is personally known to me ~~and/or who~~ has produced _____ (type of identification) as identification.

Fred H. Kent III

Notary Public, State of Florida
My commission expires:



PARCEL 3:

A PART OF THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 24 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 18, WITH THE WESTERLY RIGHT OF WAY LINE OF YELLOW WATER ROAD, STATE ROAD S-217 (AN 80 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 01 DEGREES 17'10" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 337.50 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREES 17'10" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 325.00 FEET, TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 18; THENCE SOUTH 87 DEGREES 58'33" WEST, 417.42 FEET; THENCE SOUTH 00 DEGREES 40'30" WEST, 25.04 FEET; THENCE SOUTH 87 DEGREES 58'33" WEST, 480.11 FEET; THENCE NORTH 00 DEGREES 40'30" EAST, 25.04 FEET; THENCE NORTH 87 DEGREES 58'33" EAST, 93.03 FEET; THENCE NORTH 01 DEGREES 17'10" EAST, 325.00 FEET; THENCE NORTH 87 DEGREES 58'33" EAST, 804.50 FEET TO THE POINT OF BEGINNING.