

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2016-0703 TO**  
**PLANNED UNIT DEVELOPMENT**

**NOVEMBER 17, 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 **2016-0703** to Planned Unit Development.

***Location:*** 0 Hood Road; on the eastern side of Hood Road approximately 400 feet north of the Hood Road and Shad Road intersection

***Real Estate Number:*** 149202-0000

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

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

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

***Planning District:*** Southeast (3)

***Planning Commissioner:*** Daniel Blanchard

***City Council Representative:*** The Honorable Matt Schellenberg, District 6

***Applicant:*** Dan Boswell  
4014 Ranie Road  
Jacksonville, Florida 32218

***Owner:*** Helen Karsonis Trust  
478 Tequesta Drive #104  
Tequesta, Florida 33469

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning 2016-0703 seeks to rezone approximately 2.2 acres of land on the east side of Hood Road north of Shad Road from the Residential Rural-Acre (RR-Acre) Zoning District to Planned Unit Development (PUD). The site currently has 1.40 acres of vacant land and .8 of an acre containing a retention pond located near the rear of the property. This PUD

rezoning is being sought to allow for the singular use of the Orchard Kingdom creative arts studio, which is a proposed privately-owned development to include various creative art and horticultural activities. Orchard Kingdom will be a small arts school, with up to a 2-story building, dedicated to training young people in the various arts. Subjects will include Music, Art, Sewing, Languages, Cooking, Herb Gardens and other related subjects. Building uses will include private lessons, workshops, small camps, group classes, and recitals and performances with less than a total of 100 people in attendance (approximately 6 times per year). There will also be one single-family residence on site

The development is designed to utilize the existing buffers adjoining the residential homes bordering the north and east property lines of the site. The proposed site plan submitted with the application shows the proposed building approximately 115' away from the northerly property line and over 250' from the eastern property line.

### **CRITERIA FOR REVIEW**

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

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

Yes. According to the category description of the Future Land Use Element (FLUE), Low Density Residential (LDR) permits housing densities of up to 7 dwelling units per acre when full urban services are available. Generally, single-family detached housing will be the predominant land use in this category, although mobile homes, patio homes, townhomes and multi-family dwellings may also be permitted in appropriate locations. Additionally, certain secondary and supporting uses are permitted in all residential categories including supporting commercial and service establishments and home occupations.

The proposed PUD may be sought as an allowable use in the LDR Land Use Category, and this request provides for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes that were all built in the 1980's and 90's on conventionally zoned RR-Acre and RLD-60 type properties or within residential PUD's. The application represents an inclusion of limited uses into an established residential neighborhood area. The application binds the owner and successors to the written narrative and site plan; the proposed use of a creative arts studio will function as a transitional use between the existing single-family residential uses to the north and east and the future commercial/office developments to the south and west; the PUD also provides for site-specific requirements including buffering, controlled ingress-egress and signage requirements. The PUD restricts the parcel to specific uses and contains development standards for setbacks and coverage ratios. It does provide for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes and properties.

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

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

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

The written description and the site plan of the intended plan of development meets all portions of the City's land use regulations and furthers their intent by providing specific development standards. The proposed rezoning is not in conflict with any portion of the City's land use regulations. The subject property provides for adequate lot requirements and would be developed in accordance with the Land Development Regulations through the 10 set review and permitting process.

***(1) Consistency with the 2030 Comprehensive Plan***

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Low Density Residential (LDR) within the Suburban Development Area. The proposed rezoning from RR-Acre to PUD includes a site plan for a creative arts studio/school, consistent with allowable secondary uses in the LDR land use category. The written description limits development of the property to this singular use. According to the site plan, access will be from Hood Road. The site is surrounded by property in the LDR land use category with developed single family homes. The category description explains that "new neighborhood commercial uses shall not be allowed, as secondary uses, where such uses would constitute and intrusion into an existing single family neighborhood." When viewed in this context, the Planning and Development Department concludes that the development of the proposed creative arts studio/school permitted in the written description should ensure a transition from the existing surrounding neighborhoods to the proposed use in order to ensure compatible and complementary land use patterns and is consistent with the following policies of the 2030 Comprehensive Plan:

**Comprehensive Land Use Policy Analysis**

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

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

FLUE Policy 1.2.9 Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

FLUE Policy 3.2.2 The City shall promote, through Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE Policy 3.2.6 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

The development of the proposed creative arts studio/school should ensure a transition from the existing surrounding neighborhoods to the proposed in order to ensure compatible and complementary land use patterns as called for in Objective 1.1 and Policy 1.1.12 of the FLUE. The vacant lot proposed for infill development with complementary neighborhood commercial uses (allowed as secondary uses within the LDR category) is located near the intersection of two collector roadways. The proposed would not encourage the use of local streets for non-residential traffic meeting the criteria set forth in Policy 3.2.6 of the FLUE. A JEA Service Availability letter was provided for the property; the development intends connect to the water and sewer lines consistent with FLUE Policy 1.2.9.

This proposed PUD meets all of the requirements for development in the LDR Land Use Category; with the property located at the northeast corner of the Hood Road and Shad Road collector roadways intersection, and the proposed rezoning has a limitation on uses providing for a gradual transition of densities and intensities with the surrounding area.

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

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals. The proposed development will require an application for a Mobility Fee Calculation Certificate (MFCC) and Concurrency Reservation Certificate (CRC). The calculated Mobility Fee must be paid prior to issuance of the site work permit. Offsetting credit for previous or existing structures on the property might be possible if adequately documented by the applicant.

***(3) Allocation of residential land use***

This proposed Planned Unit Development intends to utilize lands for non-residential development. This proposed development will not exceed the projected holding capacity

reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

***(4) Internal compatibility***

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

The particular land uses proposed and the conditions and limitations thereon: The intent of this PUD is for a small, low intensity creative arts studio/school to serve the surrounding residential developments. The proposed PUD zoning more appropriately defines restrictions for the uses and the development on and for the site to more appropriately coexist with the surrounding residential development. The proposed PUD rezoning places further restrictions on the property that would not normally encumber conventional zoning districts.

Compatible relationship between land uses in a mixed use project: The PUD proposes the concept of a development scaled for and complimentary to surrounding uses and pedestrians within the site. The submitted site plan provides detail, showing major access points, buffer areas, internal VUA's, alignments, and configurations, etc.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The proposed rezoning is a development that contains a singular use, instead of individual strip commercial developments or shopping malls. The applicant has indicated that the intent of the proposed development is to function as a commercial use that will support the daily needs of nearby residential development, on a site that is located adjacent to and in close proximity to existing and emerging residential areas, utilizing best practices for site planning and design, be a pedestrian oriented development, and provide more convenient retail and service establishments to the surrounding community.

***(5) External Compatibility***

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is not achieved by the following:

The type, number and location of surrounding external uses: The rectangular shaped 2.20 acre parcel is located just northeast of the corner of the Hood Road and Shad road intersection, with residential subdivisions and established neighborhoods designated as LDR surrounding the property. The proposed change is located in an environment that is conducive to the creation of new businesses, and represents an introduction and gradual transition of commercial uses into a residential area.

The adjacent uses, zoning and land use categories are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
North	LDR	PUD	Single family dwellings
South	LDR	RR-Acre	Undeveloped
East	LDR	RR-Acre	Retention pond
West	LDR	RLD-70	Single family dwellings

The creative arts studio/school use permitted in the proposed rezoning will be consistent and compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area and will follow an established or developing logical and orderly development pattern. The proposed rezoning and the development permitted thereunder will result in a benefit to nearby properties or in the general area and will enhance the character and quality of life in the general area or neighborhood. The development is designed to utilize the existing large natural wooded buffers adjoining the residential homes bordering the north side of the site. The proposed site plan sets the proposed building approximately 115' away from the northern property line and approximately 240' from the eastern property line.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations. The Written Description indicates there will be buffers to protect the existing residential dwellings. The existing retention pond makes up a majority of the buffer on the eastern side. It is unclear if any of the existing trees in this area will remain.

#### ***(6) Intensity of Development***

The proposed development is consistent with the LDR functional land use category as a commercial development. The PUD is appropriate at this location because it contains a limitation on uses and is consistent and compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site is at the northeast corner of the Hood Road and Shad Road intersection, which is signalized. Existing access to the property is from Hood Road.

Any other factor deemed relevant to the limitation of the intensity of the development for the benefit of the public health, welfare and safety: The written description contains uses which are generally found in the CRO zoning districts. The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations.

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

The open space requirement will be met through landscaping buffers and retention areas totaling 0.75 acres of the site. The proposed project will be developed as a single tenant/use development.

***(8) Impact on wetlands***

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

***(9) Listed species regulations***

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

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

Notwithstanding Part 6, the proposed number of parking spaces for the development is 19, as shown in the Exhibit E "Site Plan" submitted with the application. The construction of the proposed building will comply with the requirements of Part 6 as to the proposed use(s) conducted in the building. Parking within the PUD may be shared with other uses as long as the property in its entirety provides sufficient parking for all proposed uses.

***(11) Sidewalks, trails, and bikeways***

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan. There is an existing sidewalk along both Collins Road and Shindler Drive.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on November 2, 2016, the required Notice of Public Hearing signs were posted.

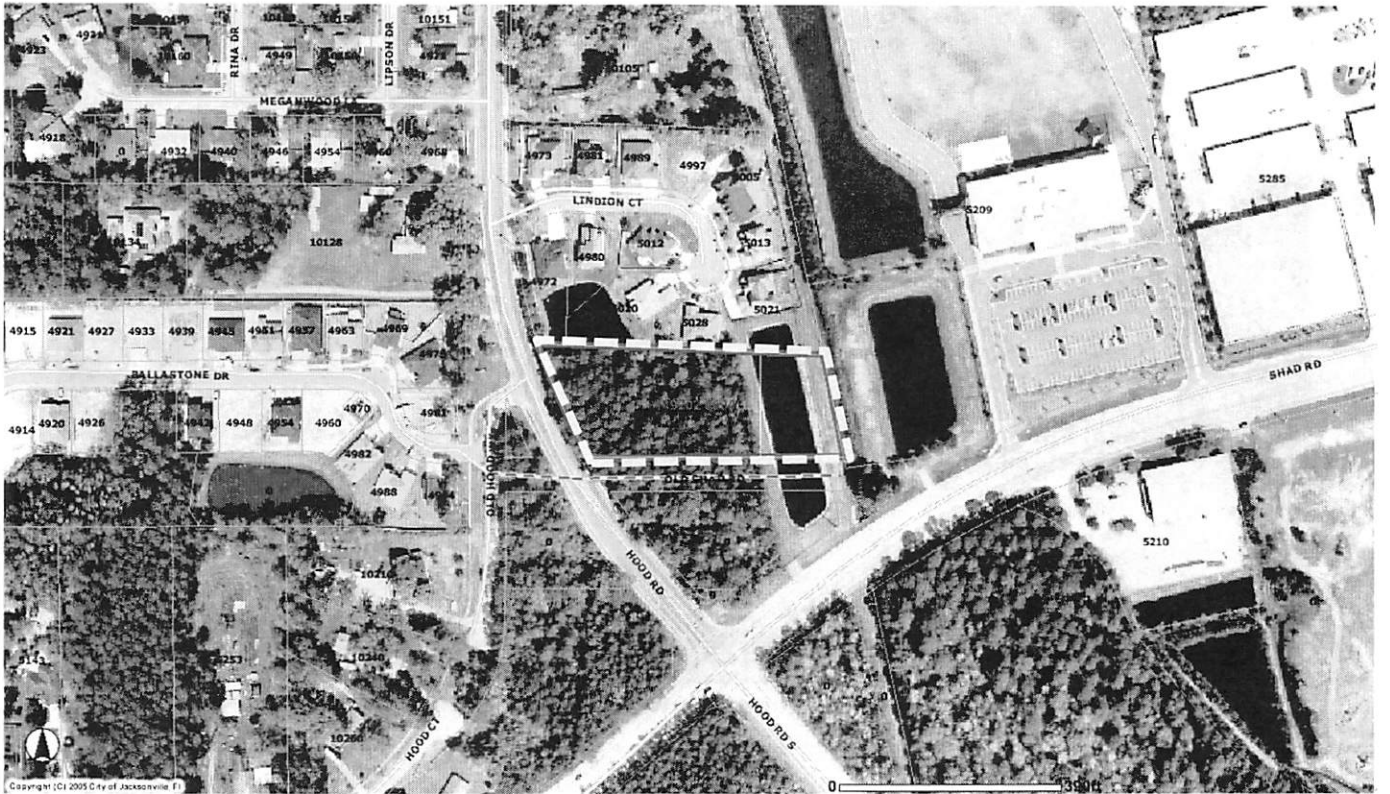


**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2016-0703** be **APPROVED** with the following exhibits:

1. **The subject property is legally described in the original legal description dated September 8, 2016.**
2. **The subject property shall be developed in accordance with the revised written description dated September 27, 2016.**
3. **The subject property shall be developed in accordance with the site plan dated June 16, 2016.**





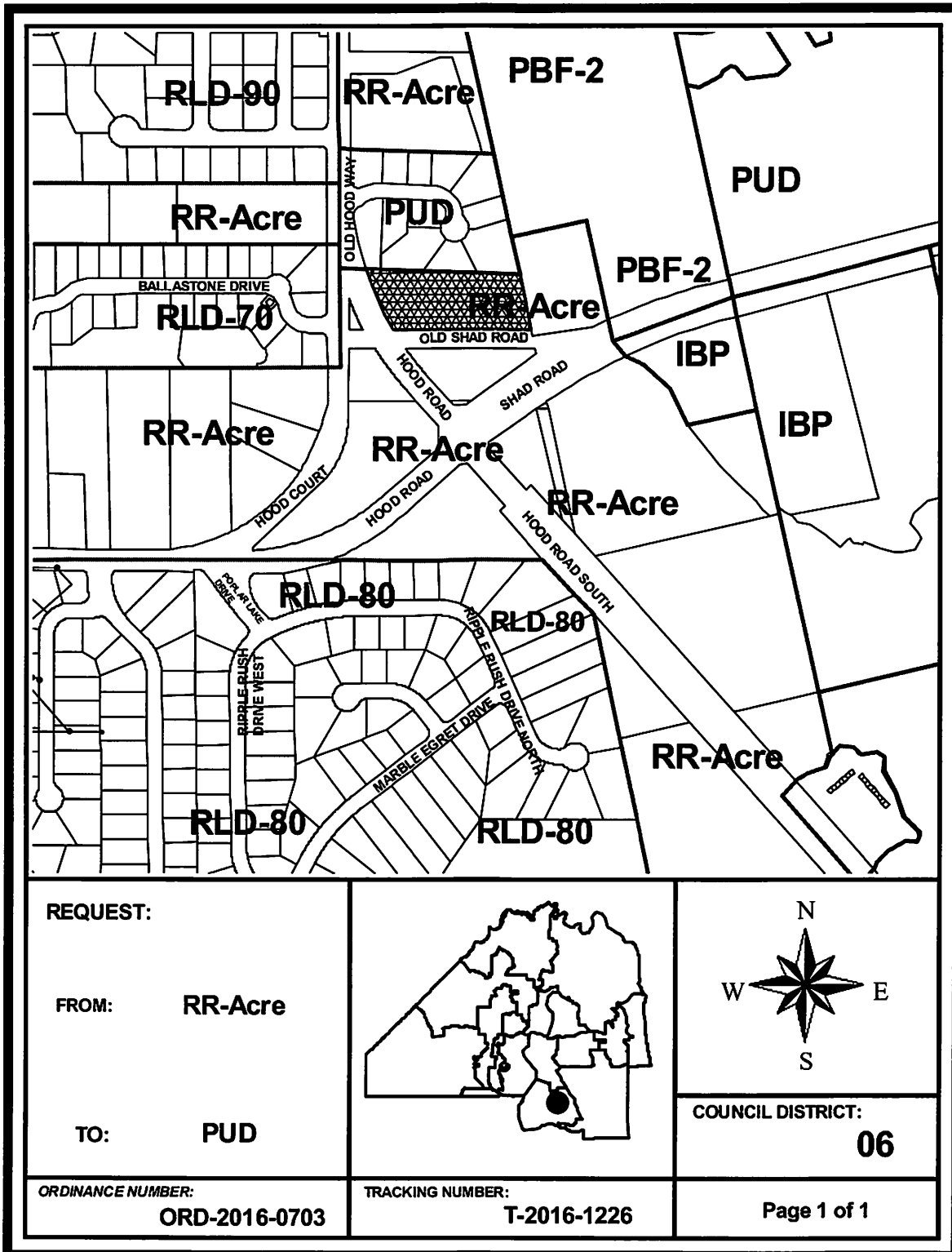
Aerial view of the subject site facing north



Facing northeast along Hood Rd. with the subject site on the right



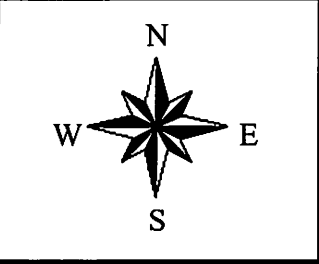
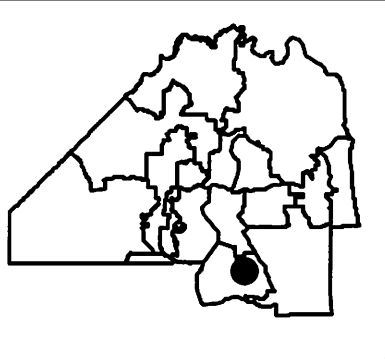
**Facing northeast along Hood Rd. with the subject site on the right**



**REQUEST:**

**FROM:** RR-Acre

**TO:** PUD



**COUNCIL DISTRICT:**  
**06**

**ORDINANCE NUMBER:**  
**ORD-2016-0703**

**TRACKING NUMBER:**  
**T-2016-1226**

**Page 1 of 1**

# Application For Rezoning To PUD

## Planning and Development Department Info

Ordinance # 2016-0703 Staff Sign-Off/Date AH / 10/03/2016  
Filing Date 10/25/2016 Number of Signs to Post 1

### Hearing Dates:

1st City Council 11/22/2016 Planning Commission 11/17/2016

Land Use & Zoning 12/06/2016 2nd City Council N/A

Neighborhood Association GREATER HOOD ROAD COMMUNITY ASSOC.

Neighborhood Action Plan/Corridor Study N/A

## Application Info

Tracking # 1226 Application Status PENDING  
Date Started 08/24/2016 Date Submitted 08/26/2016

## General Information On Applicant

Last Name	First Name	Middle Name
BOSWELL	DAN	C

Company Name  
[Empty Field]

Mailing Address  
4014 RANIE ROAD

City	State	Zip Code
JACKSONVILLE	FL	32218

Phone	Fax	Email
9044767993	9047660477	DANCBOSWELL@YAHOO.COM

## General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
KASTRENAKES	MARY	PIA

Company/Trust Name  
HELEN A. KARSONIS TRUST

Mailing Address  
478 TEQUESTA DRIVE #104

City	State	Zip Code
TEQUESTA	FL	33469

Phone	Fax	Email
5613850565		

## Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) [Empty Field]

Map	RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map	149202 0000	6	3	RR-ACRE	PUD

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

**Existing Land Use Category**

LDR

**Land Use Category Proposed?**

**If Yes, State Land Use Application #**

**Total Land Area (Nearest 1/100th of an Acre)** 2.20

**Development Number**

**Proposed PUD Name** ORCHARD KINGDOM

**Justification For Rezoning Application**

TO ALLOW FOR A SMALL PRIVATE SCHOOL OF THE ARTS AVAILABLE TO THE PUBLIX. THE SITE DEVELOPER PROPOSES THE PUD TO DEVELOPMENT A PRIVATE EDUCATIONAL FACILITY THAT WILL PROVIDE THROUGH THE SITE PLAN THE ASSURANCE OF 10 FEET OF FENCED AND VEGETATED BUFFERING TO PROTECT THE ADJOINING RESIDENTIAL INTERESTS.

**Location Of Property**

**General Location**

EAST SIDE OF HOOD ROAD NORTH OF SHAD ROAD

House #	Street Name, Type and Direction	Zip Code
0	HOOD RD	32257

**Between Streets**

HOOD ROAD and PHILIPS HIGHWAY

**Required Attachments For Formal, Complete application**

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

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

## Supplemental Information

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

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

## Public Hearings And Posting Of Signs

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

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

## Application Certification

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

- Agreed to and submitted

## Filing Fee Information

- 1) Rezoning Application's General Base Fee:** \$2,269.00
- 2) Plus Cost Per Acre or Portion Thereof**
  - 2.20 Acres @ \$10.00 /acre:** \$30.00
- 3) Plus Notification Costs Per Addressee**
  - 29 Notifications @ \$7.00 /each:** \$203.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,502.00

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

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

## Legal Description

---

9/8/2016

LOT 5, OF SUNBEAM PINES, EXCEPT THE WESTERLY 10 FEET THEREOF CONVEYED TO DUVAL COUNTY FOR ROAD PURPOSES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOO 24, PAGE 19, OF THE PUBLIC RECORDS OF DUVAL COUNTY, LESS AND EXCEPT PORTION(S) THEREOF CONVEYED TO THE CITY OF JACKSONVILLE IN OFFICIAL RECORDS BOOK 7211, PAGE 1636, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

**EXHIBIT A**

**Property Ownership Affidavit**

Date: August 3, 2016

**City of Jacksonville**

City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Edward Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

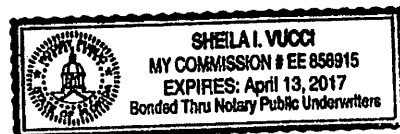
I, Mary Ann Kastrenakes, as trustee of the Helen A. Katsouris Living Trust d. 3-30-98 hereby certify that I am the Owner of the property described in the attached legal description, **Exhibit 1** in connection with filing application(s) for PUD submitted to the Jacksonville Planning and Development Department.

Mary Ann Kastrenakes, as trustee  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF ~~DUVAL~~ PALM BEACH

The foregoing affidavit was sworn and subscribed before me this 3<sup>rd</sup> day of August (month), 2016 (year) by Mary Ann Kastrenakes, as trustee who is personally known to me or has produced \_\_\_\_\_ as identification.

Sheila I. Vucci  
(Notary Signature)





# EXHIBIT B

## Agent Authorization

Date: August 3, 2016

### City of Jacksonville

City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Edward Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

Hood Road RE # 149202-0000

Gentleman:

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 Dan C. Boswell to act as agent to file application(s) for P.U.D. 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.

Mary Pia Rustrumakis, as trustee  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

PALM BEACH

The foregoing affidavit was sworn and subscribed before me this 3<sup>rd</sup> day of August (month), 2016 (year) by Mary Pia Rustrumakis, as trustee who is personally known to me or has produced \_\_\_\_\_ as identification.

Sheila I. Vucci  
(Notary Signature)



# EXHIBIT C

## Binding Letter

Date: August 3, 2016.

City of Jacksonville  
Planning and Development Department  
Jacksonville, Florida 32202

Re: Orchard Kingdom PUD

Ladies and Gentlemen:

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

Sincerely,

By: Mary Jo Kartzon  
(Owner's Signature)

as trustee of the Helen A. Kartzon's living trust  
d: 3.30.98.

Its: \_\_\_\_\_

## **Exhibit D**

### **WRITTEN DESCRIPTION**

#### **ORCHARD KINGDOM PUD**

**Revised September 27, 2016**

#### **I. PROJECT DESCRIPTION**

##### **A. Number of acres, location of site, existing use, surrounding uses, types of businesses, proposed uses.**

Site contains 2.20 acres on east side of Hood Road north of Shad Road. The site currently has 1.40 acres of vacant land and .8 of an acre for a retention pond located near the rear of the property. Surrounding uses include vacant land to the south, single-family residences to the north and west, city retention pond to the east along with a private educational facility to the east. Recently the City of Jacksonville has approved commercial development rezoning for the corner parcels surrounding the intersection of Shad Road and Hood Road and Hood Road South. Orchard Kingdom – Creative Arts Studio, is a proposed privately-owned, public buildings facility development proposed to include various creative art and horticultural activities. Orchard Kingdom will be a small arts school (with up to 2-story building) dedicated to training young people in the various arts. Subjects will include Music, Art, Sewing, Languages, Cooking, Herb Gardens and other related subjects. Building uses will include private lessons, workshops, small camps, group classes, and recitals and performances with less than a total of 100 people in attendance (approximately 6 times per year). A ten-foot wide vegetative plantings and 6-foot high fencing will provide a buffer between the creative arts studio and the adjoining residential development. There will also be one single-family residence on site.

##### **B. Project Name: Orchard Kingdom**

##### **C. Project Architect/Planner: Adkinson Engineering**

**D. Project Engineer: Adkinson Engineering**

**E. Project Developer: Ed Edwards**

**F. Current Land Use Description: Low Density Residential (LDR)**

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

**H. Requested Zoning District: Planned Unit Development (PUD)**

**I. Real Estate Number(s): 149202-0000**

## **II. QUANTITATIVE DATA**

**A. Total Acreage: 2.20 acres**

**B. Total number of dwelling units: 1 Single-Family**

**C. Total amount of non-residential floor area: 6,000 square feet**

**D. Total amount of recreation area: 0 acres**

**E. Total amount of open space: .8 acres**

**F. Total amount of public/private rights-of-way: 0 acres**

**G. Total amount of land coverage of all buildings and structures: 8,000 square feet (school, single-family home, and outdoor storage buildings).**

**H. Phase schedule of construction (include initiation dates and completion dates): Initiation of construction within 90 days of PUD approval and completion within 1 year of PUD approval.**

### **III. STATEMENTS**

- A. How does the proposed PUD differ from the usual application of the Zoning Code? Within the RR-Acre zoning category, schools are allowed. However, the development's proposed 10-foot vegetative buffer bordering the single-family residential development and the PUD's proposed 6-foot privacy fence ensures optimum compatibility between the proposed school and the adjoining single-family residential development. The proposed development is a transitional use/buffer between adjoining single-family development and recently commercially rezoned property to the south and west.**
  
- B. Describe the intent for the continued operation and maintenance of those areas and functions described herein and facilities which are not to be provided, operated or maintained by the City. Not Applicable**

### **IV. USES AND RESTRICTIONS**

- A. Permitted Uses: Creative Arts School, residence, and necessary outdoor storage buildings for property maintenance and outdoor class work materials.**
  
- B. Permissible Uses by Exception: Not Applicable**
  
- C. Limitations on Permitted or Permissible Uses by Exception: Not Applicable**
  
- D. Permitted Accessory Uses and Structures: Maximum of 200 square feet of storage building for property maintenance and gardening materials.**
  
- E. Restrictions on Uses: None**

### **V. DESIGN GUIDELINES**

**A. Lot Requirements:**

- (1) Minimum lot area: 2 Acres**
- (2) Minimum lot width: 100 feet**
- (3) Minimum lot coverage: 20 percent**
- (4) Minimum front yard: 20 Feet**
- (5) Minimum side yard: 10 feet**
- (6) Minimum rear yard: 20 feet**
- (7) Maximum height of structures: 35 Feet**

**B. Ingress, Egress and Circulation:**

**(1) Parking Requirements: 1 parking space per each 300 square feet of gross building area for a dance, art or music studio (5,600 square feet of maximum building area) – 19 spaces proposed on site plan. In addition, for occasional recitals at the studio, an agreement has been reached with the adjoining private school to the east to allow for their parking lot to be used for any additional needed overflow parking.**

**(2) Vehicular Access:**

- a. Vehicular access to the Property shall be by way of Hood Road, substantially as shown in the site plan. The final location of all access points is subject to the review and approval of the Development Services Division.**

- b. Within the Property, internal access shall be provided by reciprocal easements for ingress and egress among the driveways of the various parcels of the Property, if ownership or occupancy of the Property is subdivided among more than one person or entity.

***(3) Pedestrian Access***

- a. Pedestrian access shall be provided by sidewalks installed in accordance with the 2030 Comprehensive Plan and zoning requirements.

**C. Signs:**

- (1) One (1) double faced or two (2) single faced signs not to exceed 32 square feet in area and 8 feet in height.
- (2) One (1) street frontage sign per lot, not to exceed one (1) square foot for each linear foot of street frontage, to a maximum size of two hundred (200) square feet in area for every two hundred (200) linear feet of street frontage or portion thereof, is permitted provided such signs are located no closer than two hundred (200) feet apart, as provided in the Zoning Code. Such freestanding signs shall be of an exterior illuminated monument style or as otherwise approved by the Planning and Development Department, not to exceed 8 feet in height.
- (3) Wall signs not to exceed ten percent (10%) of the square footage of the occupancy frontage of the building abutting a public right-of-way are permitted.
- (4) One (1) under-the-canopy sign per occupancy, not exceeding a maximum of 6 square feet in area per sign, is permitted, provided that any square footage used for an under-the-canopy sign shall be subtracted from the maximum allowable square footage for wall signs on the building in question.

**(5) Directional signs shall not exceed 6 square feet in area and 2 feet in height.**

**D. Landscaping:**

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

**E. Recreation and Open Space:**

**There is no active recreation open space required for this PUD. However, passive open space shall be provided in the form of landscaped islands, perimeter landscaping, natural planted areas, and horticultural-oriented garden areas designated on the Exhibit E Site Plan.**

**F. Utilities**

**Water will be provided by JEA.  
Sanitary Sewer will be provided by JEA.  
Electric will be provided by JEA.**

**G. Wetlands**

**Wetlands will be permitted according to local, state and federal requirements.**

**V. DEVELOPMENT PLAN APPROVAL**

**With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all the existing and proposed uses within the Property, and showing the general layout of the overall Property.**



## **VI. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATIONS FOR THIS PROJECT**

**The proposed project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed project will be beneficial to the surrounding neighborhood and community.**

### **A. Is more efficient than would be possible through strict application of the Zoning Code.**

**The PUD binds the Applicant and successors to this Written Narrative and the Site Plan; the proposed use of a creative arts studio will function as a transitional use between the existing single-family residential to the north and the future commercial/office development to the south and west; the PUD also provides for site-specific requirements including buffering, controlled ingress-egress and signage requirements.**

### **B. Is compatible with surrounding land uses and will improve the characteristics of the surrounding area.**

**As proposed in the Site Plan, the proposed uses for the development will be compatible with the residential development to the north and the private school to the east of the site. This proposed use is a very ideal institutional/recreational use to transition from future proposed commercial/office uses to the south and west and the single-family use to the north and west. The proposed use will also help to maintain the value and character of the adjoining residential uses via low-key activities, significant open spaces, buffering and transportation connectivity via Shad Road and Hood Road which are both classified as collector roads.**

### **C. Will promote the purposes of the City of Jacksonville 2030 Comprehensive Plan.**

The property is within the LDR – Suburban Area Future Land Use Category located near the intersection of two collector roads (Shad Road and Hood Road) which is consistent with secondary uses and zoning district criteria for the LDR land use category. The PUD proposes a private creative arts school with various creative arts and horticultural activities.

### *Future Land Use Element*

*Residential Secondary Uses:* The following secondary uses are permitted in all residential land use categories subject to the provisions of this and other elements of the 2030 Comprehensive Plan: Neighborhood supporting recreation facilities and public facilities, such as Schools, Churches and places of worship, Day care centers, Fire stations, Libraries, Community centers, Essential services, as well as supporting commercial retail sales and service establishments and Home occupations; Golf, yacht, tennis and country clubs; Driving ranges; Community residential homes; Cemeteries and mausoleums but not funeral homes or mortuaries; Bed and breakfast establishments in appropriate locations in the designated historic residential districts.

### *Low Density Residential (LDR)*

#### *LDR - GENERAL INTENT*

Low Density Residential (LDR) is a category intended to provide for low-density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted. New residential subdivisions in LDR should be connected to reduce the number of Vehicles Mile Traveled and cul-de-sacs should be avoided. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

**The proposed PUD would specifically advance the following Objectives and Policies of the Land Use Element of the 2030 Comprehensive Plan:**

**Objective 1.1: Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory**

programs, intergovernmental coordination mechanisms, and public/private coordination.

**Policy 1.1.8:** Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

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

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

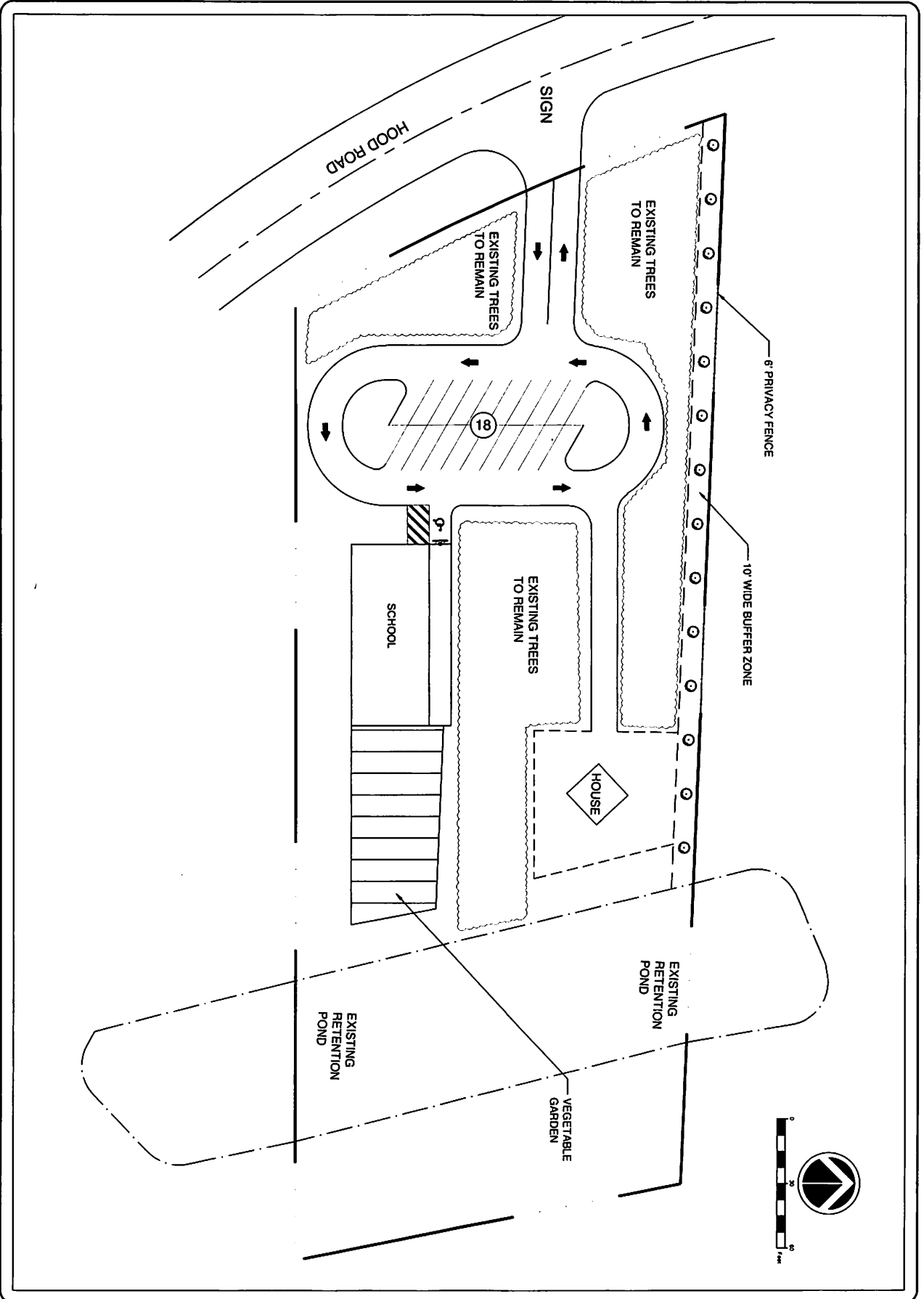
**Policy 1.1.22:** Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions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

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

**Policy 6.3.7:** The City of Jacksonville shall allow for the establishment of community gardens in all future land use categories except those specifically stated herein. A community garden is an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**Community gardens are considered unsuitable for the following future land use categories: Light Industrial (LI), Heavy Industrial (HI), and Water Dependent-Water Related (WD-WR).**

# EXHIBIT E



JOB NO. 1605  
 DATE June 16, 2016  
 SCALE AS SHOWN  
 SHEET CSP A.0

CONCEPT PLAN

NO.	DATE	REVISION DESCRIPTION

**ORCHARD KINGDOM**

**ADKINSON ENGINEERING**  
 4639 TREVOR CREEK DRIVE SOUTH  
 JACKSONVILLE, FLORIDA 32257  
 PHONE (904) 881-4200

ENGINEER'S SEAL

# EXHIBIT F

PUD Name

**Orchard Kingdom**

## Land Use Table

---

Total gross acreage	<b>2.2</b> Acres	100 %
Amount of each different land use by acreage		
Single family	<b>0.2</b> Acres	<b>9</b> %
Total number of dwelling units	<b>1</b> D.U.	
Multiple family	<b>0</b> Acres	<b>0</b> %
Total number of dwelling units	<b>0</b> D.U.	
Commercial	<b>0</b> Acres	<b>0</b> %
Industrial	<b>0</b> Acres	<b>0</b> %
Other land use	<b>1.2</b> Acres	<b>55</b> %
Active recreation and/or open space	<b>0</b> Acres	<b>0</b> %
Passive open space	<b>0.8</b> Acres	<b>36</b> %
Public and private right-of-way	<b>0</b> Acres	<b>0</b> %
Maximum coverage of buildings and structures	<b>8,000</b> Sq. Ft.	<b>8.3</b> %

## EXHIBIT G

Prepared by and return to:  
Mary Pia Katrenakes, Esquire  
4362 Northlake Boulevard Suite 102  
Palm Beach Gardens, FL 33410

We have not examined title to the lands described herein, and no warranty or other representation is made, and no opinion is expressed or implied as to the ownership of the land, the condition of its title, the location of its boundaries, or the existence of liens

### DEED TO LIVING TRUST

**DEED TO LIVING TRUST**, made this 25<sup>th</sup> day of October, 2008, by HELEN A. KARTSONIS, A SINGLE WOMAN, hereinafter referred to as Grantor, and HELEN A. KARTSONIS and MARY PIA KASTRENAKES, Trustees of the Helen A. Kartsonis Living Trust dated March 30, 1998, hereinafter referred to as Grantee, whose post office address is 4356 Worth Drive West, Jacksonville, Florida 32207.

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

**WITNESSETH:** That the grantor, for and in consideration of the sum of TEN and no/100 (\$10.00) dollars, and other good and valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Duval County, Florida, to wit:

### SEE EXHIBIT 'A' ATTACHED HERETO

**TOGETHER** with all the tenements, hereditaments, appurtenances, privileges, rights, interest, dower, reversions, remainder and easements thereunto appertaining:

**TO HAVE AND TO HOLD** said real estate in fee simple forever, with the following powers and for the following uses and purposes, to wit:

1. The Trustee is vested with full rights of ownership over the above described real estate and Trustee is specifically granted and given the power and authority:

- (a) To protect and conserve said real estate and improvements located thereon and to pay the taxes assessed thereon;
- (b) To sell said real estate, for cash or on credit, at public or private sale to exchange said real estate for other property and to grant options to sell said property, and to determine the price and terms of sales, exchanges and options;
- (c) To execute leases and subleases for terms as long as 20 years, to subdivide or improve said real estate and tear down or alter improvements, to grant easements, give consent and make contracts relating to said real estate or its use and to release or dedicate any interest in said real estate
- (d) To borrow money and to mortgage, pledge, or encumber any or all of the said real estate to secure payment thereof;
- (e) To manage, control and operate said real estate, to collect the rents, issues and profits, to pay all expenses thereby incurred, and in addition to manage and operate any business that may now or hereafter be operated and maintained on said real estate, and in general to exercise any powers authorized by the provisions of Chapter 737, Florida Statutes, 1988.
- (f) The Trustees' liability hereunder, under the Trust Agreement or by operation of law to any person, firm or corporation is limited to the trust assets and the Trustees shall not become individually or personally obligated in any manner related thereto;

2. The Trustees shall hold said real estate and make distributions of said real estate or of the proceeds derived therefrom in accordance with the terms and conditions of that certain Trust Agreement dated the 30<sup>th</sup> day of March, 1998, known as the Helen A. Kartsonis Revocable Living Trust and any amendments thereto.

3. No purchaser, grantee, mortgagee, lessee, assignee or any other person dealing with the Trustee need to see to the application of any proceeds of any sale, lease mortgage or pledge, but the receipt of the Trustee shall be a complete discharge and acquittance therefor. Any and all persons, including but not limited to grantees, mortgagees, lessees, transferees and assigns dealing with said Trustee need not inquire into the identification or status of any beneficiary under this deed or any collateral instrument nor inquire into the identification or status of any beneficiary under this deed or any collateral instrument nor inquire into or ascertain the authority of each Trustee to act in and exercise the powers granted by this deed or of adequacy or disposition of any consideration paid to the Trustees nor inquire into the provisions of the said unrecorded Trust Agreement and any amendments thereto collateral hereto.

4. The Grantor recites that this conveyance is made in conformance with the provisions of Section 689.071, Florida Statutes.

5. By its acceptance of this conveyance, the Trustees covenant and agree to do and perform the duties, acts and requirements upon them binding.

6. Each and every power hereinafter set forth may be exercised by any Trustee. Any instrument executed by a Trustee or any act taken by any Trustee shall be binding upon the Trust and all of the Trustees as fully and completely as if all Trustees had executed said instrument or taken said action.

7. The successor co-Trustees are Athan Paul Kartsonis and John Paul Kartsonis. The successor Trustees shall have all of the title, powers and discretion herein given to the Trustees, without any act or conveyance or transfer. A certificate signed by any Trustee or any successor Trustee under this instrument and acknowledged before a Notary Public shall be conclusive evidence upon all persons and for all purposes of the facts stated in the certificate representing the terms of this instrument and the identity of the Trustees who from time to time are serving under it.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

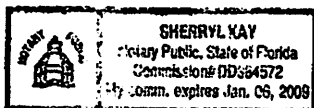
Signed, sealed and delivered in our presence:

*[Signature]*  
Samantha Munday  
*[Signature]*  
JAYNE BOAD

*[Signature]*  
Helen A. Kartsonis  
Helen A. Kartsonis, Grantor

State of Florida  
County of Palm Beach

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of October, 2008, by Helen A. Kartsonis, ( ) who is personally known to me, or  has produced appropriate identification.



*[Signature]*  
Notary Public, State of FL  
My commission expires: Jan. 06, 2009

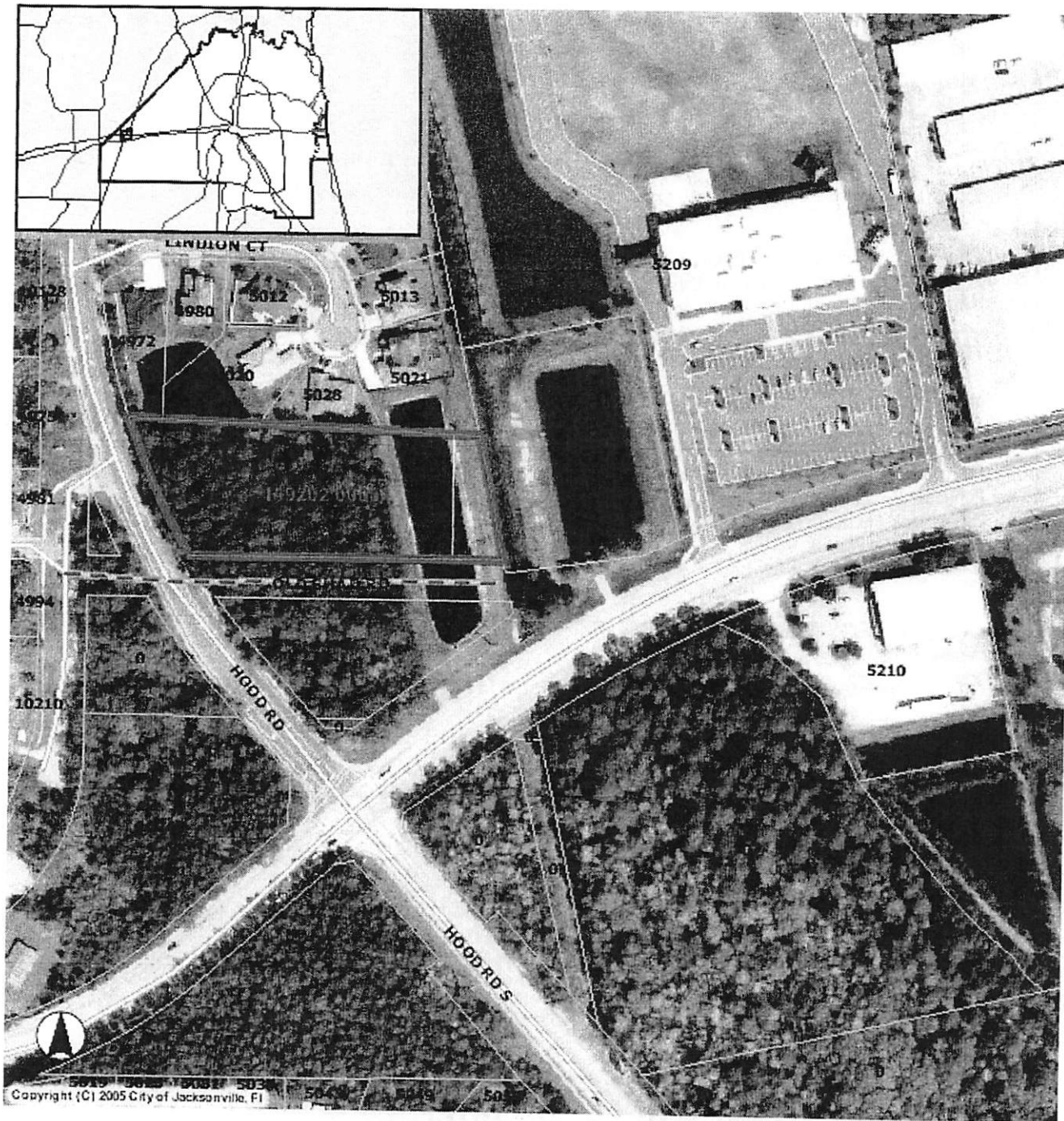


EXHIBIT 'A'  
LEGAL DESCRIPTION

Lot 5, of COOPERS SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 6, at Page 26, of the Public Records of Duval County, Florida, less and except portion(s) thereof conveyed to the City of Jacksonville, in Official Records Book 7211, Page 1636, and portion(s) described in Official Records Book 9610, Page 2223, of the Public Records of Duval County, Florida.

and

Lot 5, of SUNBEAM PINES, except the westerly 10 feet thereof conveyed to Duval County for road purposes, according to the Plat thereof, as recorded in Plat Book 24, Page 19, of the Public Records of Duval County, Florida, less and except portion(s) thereof conveyed to the City of Jacksonville in Official Records Book 7211, Page 1636, of the Public Records of Duval County, Florida.





ELECTRIC

WATER

SEWER

RECLAIMED

21 West Church Street  
Jacksonville, Florida 32202-3139

Timothy L. Adkinson  
Adkinson Engineering, PA  
4639 Trevor Creek Dr S  
Jacksonville, Florida, 32257

August 15, 2016

Project Name: Orchard Kingdom School  
Availability#: 2016-1234

Dear Mr/Mrs Timothy L. Adkinson,

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](http://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](http://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](http://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#: 2016-1234  
Request Received On: 8/4/2016  
Availability Response: 8/15/2016  
Prepared by: Mollie Price

**Project Information**

Name: Orchard Kingdom School  
Type: Commercial  
Requested Flow: 290 gpd  
Location: East side of Hood Road, approximately 500 feet north of Shad Road  
Parcel ID No.: 149202-0000  
Description: Arts school training young people in various arts. Subjects will include Music, Art, Sewing & other.

**Potable Water Connection**

Water Treatment Grid: SOUTH GRID  
Connection Point #1: Existing 12-in water line on the southeast corner of Hood Rd and Lindion Ct  
Connection Point #2: Existing 12-in water line on the west side of Hood 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: MANDARIN  
Connection Point #1: Existing 8-in forcemain on the west side of Hood Rd  
Connection Point #2: Existing manhole at the northeast corner of Lindion Ct and Hood Rd  
Special Conditions: Sewer connection will require to use Plate S-22 of the latest JEA water and wastewater standards. For force main connection conditions, please email [fmconnections@jea.com](mailto: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. If connection to the gravity sewer system is unavailable, then 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: South 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.