

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2017-312 TO**

**PLANNED UNIT DEVELOPMENT**

**MAY 18, 2017**

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 **2017-312** to Planned Unit Development.

***Location:*** Northeast quadrant of Mayport Road and Mayport Crossing Boulevard

***Real Estate Number(s):*** 168340-0350, 168368-0100

***Current Zoning District:*** Planned Unit Development (PUD 1987-362)

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

***Current Land Use Category:*** Community General Commercial (CGC)

***Planning District:*** Greater Arlington/Beaches, District 2

***Planning Commissioner:*** Vacant

***City Council District:*** The Honorable Bill Gulliford, District 13

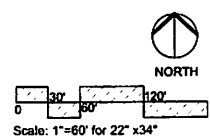
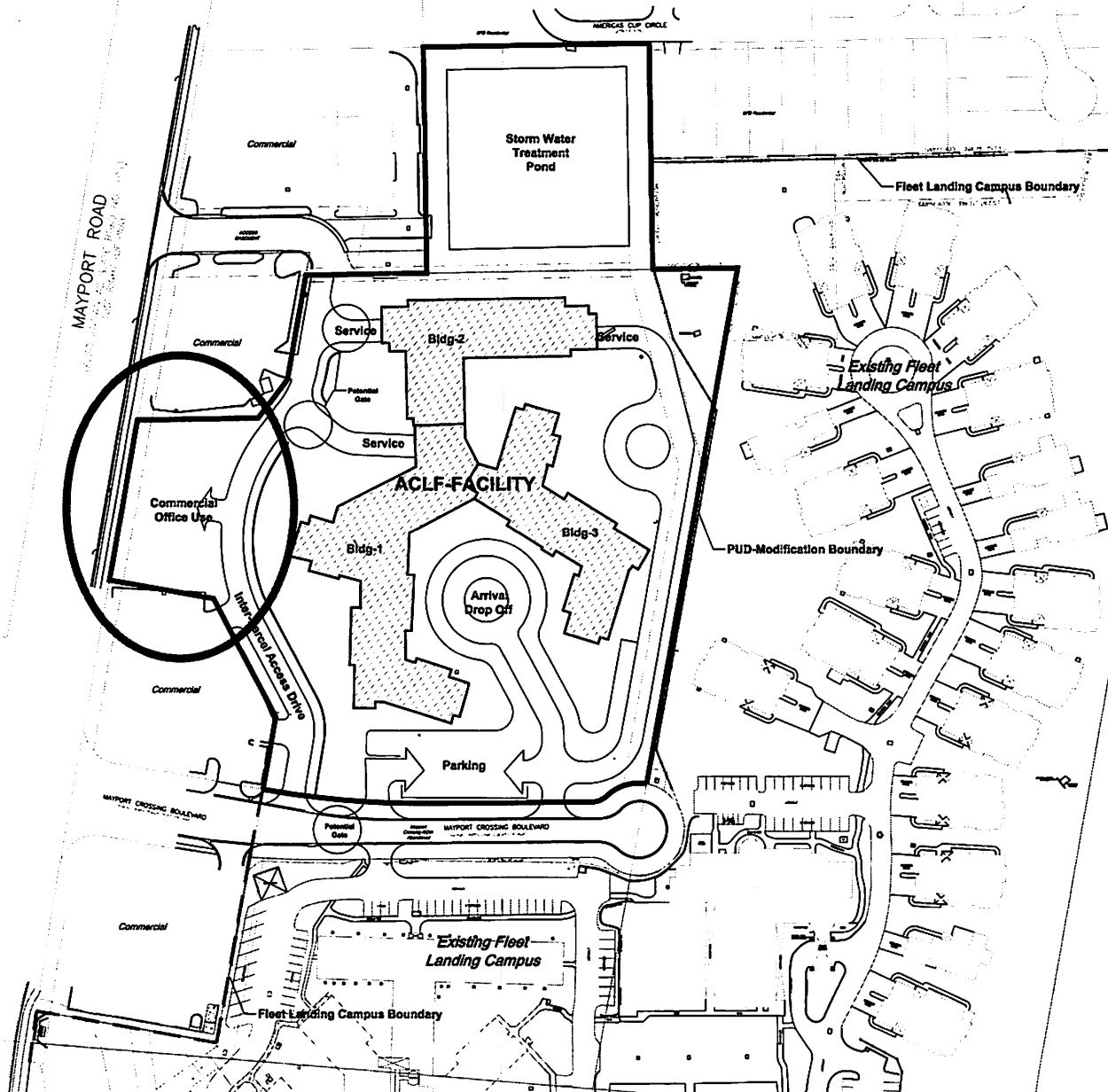
***Applicant/Agent:*** Brad Wester  
Driver, McAfee Peek & Hawthorne, PL  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202

***Owner:*** Naval Continuing Care Foundation, Inc.  
a/k/a Fleet Landing  
1 Fleet Landing Boulevard  
Atlantic Beach, Florida 32233

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

**Fleet Landing ALF**  
**Preliminary PUD Plan**  
**Exhibit "E"**

Feb. 20, 2017  
 REV. May 17, 2017



**SITE DATA:**  
 SITE AREA: 8.30 Acres  
 Max Ht: 60'  
 Max Lot Coverage 75%  
 Site Requirements per Written Description

### **GENERAL INFORMATION**

Application for Planned Unit Development 2017-312 seeks to rezone approximately 8.3 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed with assisted living facilities, independent living facilities, memory care facilities, and skilled nursing facilities. This is an expansion of the Fleet Landing facilities which are immediately adjacent to the subject property. Permitted and permissible uses by exception found in the CCG-1 Zoning District are also allowed. Currently there is a vacant shopping center that was anchored by a Food Lion grocery store.

### **CRITERIA FOR REVIEW**

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

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

Yes. The Planning and Development Department finds that the subject property is located in the Community General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. Community General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code.

The uses provided herein shall be applicable to all CGC sites within the Suburban Area.

**Principal Uses:** Commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices, Business and Professional Offices including veterinary offices; Financial institutions; Multi-family dwellings; Live/Work Units; Commercial recreational and entertainment facilities; Auto repair and sales, mobile home/motor home rental and sales, boat storage and sales; Off street parking lots and garages; Filling stations; and Uses associated with and developed as an integral component of TOD. Residential uses shall not be the sole use and shall not exceed 80 percent of a development. Existing dwellings which were legally built as single or multifamily dwellings prior to adoption of the 2030 Comprehensive Plan are allowed within this category. Adult entertainment facilities are allowed by right only in Zoning District CCG-2.

**Secondary Uses:** Secondary uses shall be permitted pursuant to the Commercial land use introduction. In addition, the following secondary uses may also be permitted: Group care facilities; Criminal justice facilities; Dude ranches; Riding academies; Private camps; Camping grounds; Shooting ranges; Fishing and hunting camps; Fairgrounds; Race tracks; Stadiums and arenas; Transit stations; Transportation terminals and facilities (but not freight or truck terminals); Personal property storage establishments; Crematoria; Blood donation and plasma centers; Building trade contractors; Rescue missions; and Day labor pools.

**Accessory Uses:** Warehousing, light manufacturing and fabricating may be permitted provided it is part of a commercial retail sales or service establishment, and the accessory use shall be located on a road classified as collector or higher on the Functional Highway Classification Map.

*(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.

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

*(1) Consistency with the 2030 Comprehensive Plan*

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Community General Commercial (CGC). This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

**FLUE 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.

**FLUE Policy 1.1.9** Permit development only if it does not exceed the densities and intensities established in the Future Land Use Element as defined by the Future Land Use map category description and their associated provisions.

**FLUE Policy 1.1.10** 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.

*(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.

*(3) Allocation of residential land use*

This proposed Planned Unit Development intends to utilize lands for an institutional development including independent living. 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 use of existing and proposed landscaping: The written description indicates the redevelopment will comply with the landscape regulations in the Zoning Code.

The use of topography, physical environment and other natural features: The site is generally flat, and without any significant features.

Traffic and pedestrian circulation patterns: The site plan shows drives that interconnect with the existing Fleet Landing facility and adjacent commercial parcels that are not part of the rezoning. This will allow visitors to the filling station and restaurant to access the signalized intersection at Mayport Crossing Boulevard.

The use and variety of building setback lines, separations, and buffering: The written description provides a 20 foot setback from all property lines. This is consistent with a multi-family development.

The use and variety of building groupings: The site plan shows one building with extending wings.

*(5) External Compatibility*

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

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, office, commercial and institutional uses function as a mixed-use development. Multi-family development at this location complements the existing hospital, various office and commercial uses by increasing the housing options for those that are employed in the immediate area.

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

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	PUD (91-865)	Commercial uses
	MDR	RMD-C	Multi-family condominiums
South	CGC	PUD (87-3)	Fleet Landing
East	MDR	PUD (87-3)	Fleet Landing duplexes
West	CGC	CCG-1	Drive in / fast food restaurants
	CGC	CCG-1	Commercial uses

*(6) Intensity of Development*

The proposed development is consistent with the CGC functional land use category as an institutional development. The PUD is appropriate at this location because it will offer support the existing offices, service establishments and hospital in the area.

The availability and location of utility services and public facilities and services: Water and sewer utilities are available through the City of Atlantic Beach. There is sufficient capacity to accommodate the 350 assisted living beds, 75 independent living units and 200 restaurant seats.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site is accessed from Mayport Crossing Boulevard which is a signalized intersection with Mayport Road.

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

The project will be developed with the required amount of open space and recreation area.

*(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 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.*

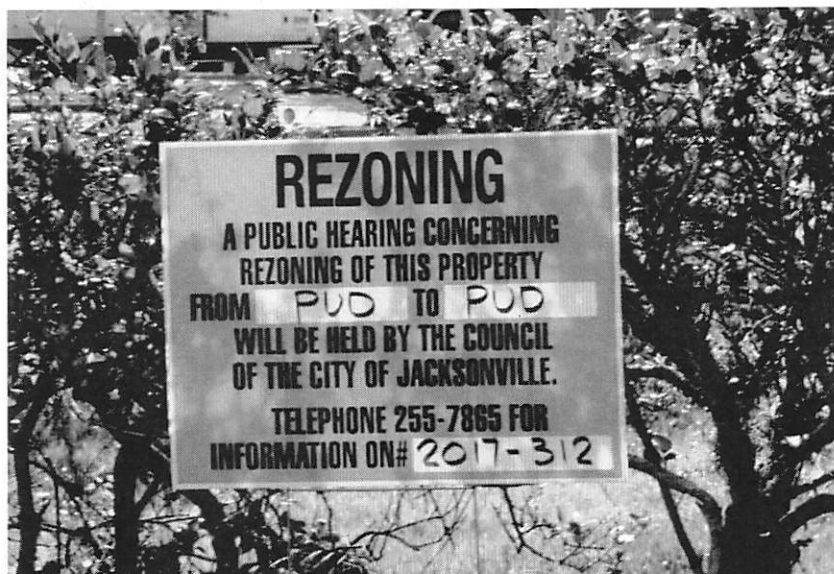
The site will be developed in accordance with Part 6 of the Zoning Code.

*(11) Sidewalks, trails, and bikeways*

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

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on May 1, 2017, 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 **2017-312** be **APPROVED with the following exhibits:**

1. The original legal description dated February 21, 2017.
2. The original written description dated March 30, 2017.
3. The original site plan dated February 20, 2017.



View of subject property





View of subject property



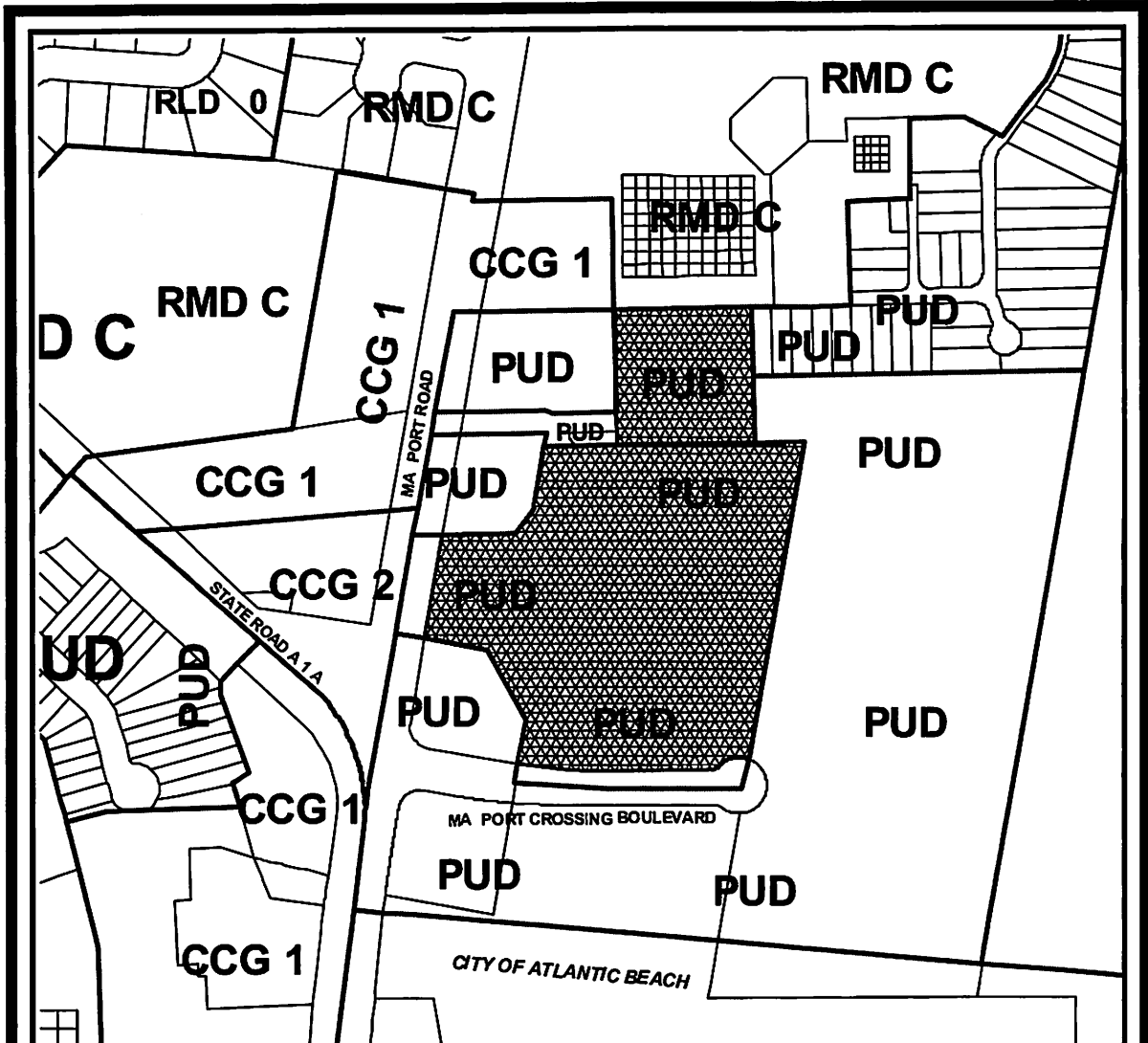
View of subject property



View of adjacent Fleet Landing across Mayport Crossing Boulevard



Aerial view of subject property.



<p><b>REQUEST:</b></p>		
<p><b>FROM:</b> PUD PUD</p>		<p><b>COUNCIL DISTRICT:</b> 1</p>
<p><b>TO:</b> PUD</p>	<p><b>TRACKING NUMBER:</b> T 2017 1 7</p>	<p>Page 1 of 1</p>
<p><b>ORDINANCE NUMBER:</b> ORD 2017 0 12</p>		

## Application For Rezoning To PUD

### Planning and Development Department Info

**Ordinance #** 2017-0312 **Staff Sign-Off/Date** BEL / 04/10/2017

**Filing Date** 04/19/2017 **Number of Signs to Post** N/A

#### Hearing Dates:

**1st City Council** 05/23/2017 **Planning Commission** 05/18/2017

**Land Use & Zoning** 06/06/2017 **2nd City Council** N/A

**Neighborhood Association** CYPRESS COVE, COURTYARD AT MAYPORT

**Neighborhood Action Plan/Corridor Study** MAYPORT CORRIDOR

### Application Info

**Tracking #** 1375

**Application Status** PENDING

**Date Started** 02/13/2017

**Date Submitted** 02/21/2017

### General Information On Applicant

Last Name	First Name	Middle Name
WESTER	BRADLEY	C

#### Company Name

DRIVER MCAFEE PEEK & HAWTHORNE, P.L.

#### Mailing Address

ONE INDEPENDENT DRIVE, SUITE 1200

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043011269	904	BWESTER@DMPHLAW.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
ASHBY	JOSHUA	

#### Company/Trust Name

NAVAL CONTINUING CARE RETIREMENT FOUNDATION, INC., (A/K/A FLEET LANDING)

#### Mailing Address

1 FLEET LANDING BOULEVARD

City	State	Zip Code
ATLANTIC BEACH	FL	32233

Phone	Fax	Email

### Property Information

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)**

Map	RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map	168340 0350	13	2	PUD	PUD

Map

168368 0100	13	2	PUD	PUD
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Ensure that RE# is a 10 digit number with a space (##### #)

**Existing Land Use Category**

CGC

Land Use Category Proposed? 

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 8.30

Development Number

Proposed PUD Name ASSISTED LIVING FACILITY AT MAYPORT CROSSING

**Justification For Rezoning Application**

SEE AMENDED WRITTEN DESCRIPTION ATTACHED AS EXHIBIT D.

**Location Of Property****General Location**

NORTHEAST CORNER OF MAYPORT ROAD (SR A1A) AND OLD MAYPORT ROAD

House #	Street Name, Type and Direction	Zip Code
	MAYPORT RD	32233

**Between Streets**

MAYPORT ROAD

and

MAYPORT CROSSING BOULEVARD

**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**  
**8.30 Acres @ \$10.00 /acre:** \$90.00
- 3) Plus Notification Costs Per Addressee**  
**127 Notifications @ \$7.00 /each:** \$889.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$3,248.00

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

# ORDINANCE

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## Legal Description 1 of 2

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### RE: 168368-0100

#### PARCEL A:

A part of Lot 1, Division 3, Lot 1, Division 4, of the Andrew Dewees Grant, according to the map thereof recorded in Deed Book "AG", pages 212 and 213 of the former public records of Duval County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of that certain tract of land conveyed to the City of Jacksonville by Condemnation Resolution Number 70-801-236 and being recorded in Official Records Volume 3202, pages 481 through 485 of the current public records of said county, said point also being in the Easterly right of way line of Mayport Road and/or State Road No. 101 (a 100 foot right of way as now established); thence South 09 degrees 53 minutes 10 seconds West, along said Easterly right of way line of Mayport Road, a distance of 1007.52 feet for a Point of Beginning; thence continuing South 09 degrees 53 minutes 10 seconds West, along said Easterly right of way line of Mayport Road, a distance of 331.56 feet to the point of curvature of a curve to the left concave Easterly and having a radius of 40 feet; thence Southeasterly around and along the arc of said curve, a distance of 62.83 feet, said arc being subtended by a chord bearing and distance of South 35 degrees 06 minutes 50 seconds East, 56.57 feet to the point of tangency of said curve; thence South 80 degrees 06 minutes 50 seconds East, a distance of 164.46 feet to the point of curvature of a curve to the left concave Northerly and having a radius of 1000.00 feet; thence Easterly around and along the arc of said curve, a distance of 183.25 feet, said arc being subtended by a chord bearing and distance of South 85 degrees 21 minutes 49 seconds East, 182.99 feet to the point of tangency of said curve; thence North 89 degrees 23 minutes 12 seconds East, a distance of 175.48 feet to the point of curvature of a curve to the left, concave Northerly and having a radius of 25 feet; thence Easterly around and along the arc of said curve, a distance of 18.69 feet, said arc being subtended by a chord bearing and distance of North 67 degrees 58 minutes 12 seconds East, 18.26 feet to the point of reverse curvature of a curve concave Southerly and having a radius of 50 feet; thence Easterly around and along the arc of said curve, a distance of 46.54 feet, said arc being subtended by a chord bearing and distance of North 73 degrees 13 minutes 11 seconds East, 44.88 feet to a point situate in the Westerly boundary line of those certain lands described in Official Records Volume 6032, page 199, of the current public records of said county; thence North 09 degrees 53 minutes 10 seconds East along said Westerly boundary line, a distance of 569.61 feet; thence South 88 degrees 55 minutes 40 seconds West, along a Southerly boundary of said last mentioned lands, a distance of 470.25 feet; thence South 09 degrees 53 minutes 10 seconds West, 115.00 feet; thence South 36 degrees 57 minutes 29 seconds West, 53.00 feet; thence South 88 degrees 55 minutes 40 seconds West, 131.43 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM (Wendy's Parcel):

and

**February 21, 2017**

EXHIBIT 1a

Page 1 of 2



# ORDINANCE

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## Legal Description 2 of 2

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**RE: 168340-0350**

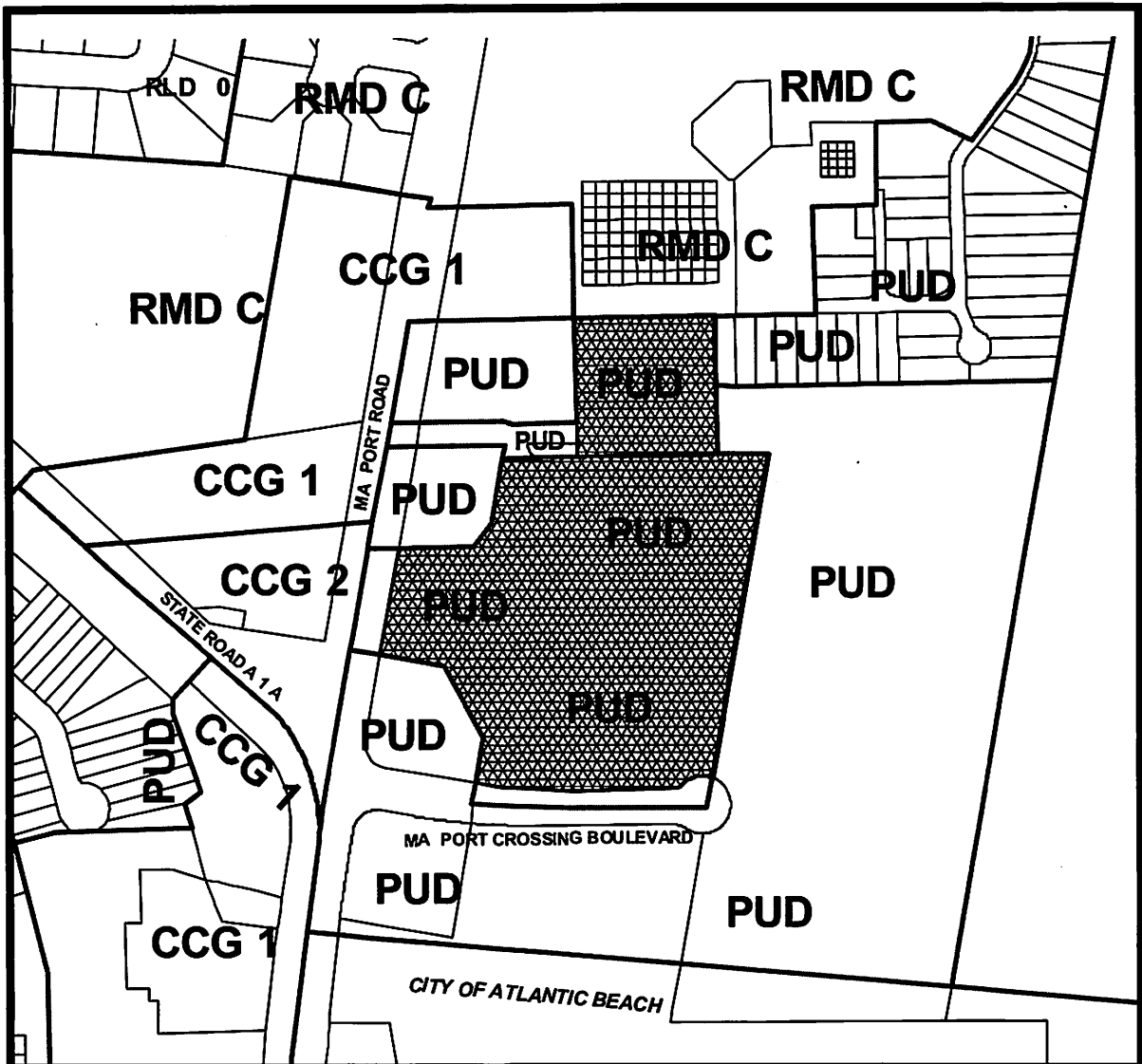
PARCEL A:

A part of Lot 1, DIVISION 4, ANDREW DEWEES GRANT, according to the map thereof recorded in Deed Book "AG", Pages 212 and 213 of the former public records of Duval County, Florida, being more particularly described as follows: Commencing at the Southwest corner of that certain tract of land to the City of Jacksonville by Condemnation Resolution Number 70-801-236, and being recorded in Official Records Volume 3203, pages 481 through 485 of the current public records of said County; said point also being in the Easterly right of way line of Mayport Road and/or State Road No. 101 (a 100 foot right of way as now established); thence South 09°53'10" West, along said Easterly right of way line of Mayport Road, a distance of 600.00 feet; thence North 88°54'40" East along the Northerly line of those certain lands described in Official Records Volume 6032, Page 199 of said current public records, a distance of 240.00 feet for a Point of Beginning; thence continuing North 88°55'40" East, along said last mentioned line, a distance of 246.25 feet; thence South 01°04'20" East, along an Easterly boundary of said last mentioned lands and a prolongation thereof, a distance of 244.40 feet; thence South 14°16'44" East, a distance of 1.07 feet to a point situate in a Southerly boundary of said last mentioned lands; thence South 88°55'40" West, along said last mentioned line, a distance of 246.49 feet; thence North 01°04'20" West, a distance of 245.44 feet to the Point of Beginning.

**February 21, 2017**

EXHIBIT1b

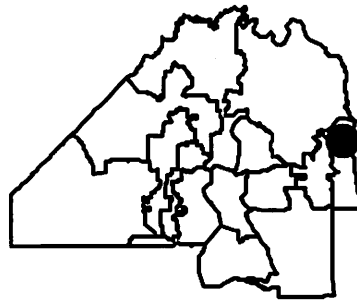
Page 2 of 2



REQUEST SOUGHT:

FROM: PUD PUD

TO: PUD



0 100 Feet



COUNCIL DISTRICT:

1

TRACKING NUMBER:

T 2017 1 7

Page 1 of 1

# EXHIBIT A

## Property Ownership Affidavit

February 20, 17


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

**Re: Property Ownership Affidavit for Assisted Living Facility at Mayport Crossing Planned Unit Development (RE# 168368-0100, 168340-0350)**

Ladies and Gentlemen:

You are hereby advised that the undersigned is the owner of the property described in the legal description attached hereto as **Exhibit 1**, filed in connection with application(s) for rezoning to Planned Unit Development district, submitted to the Jacksonville Planning and Development Department.

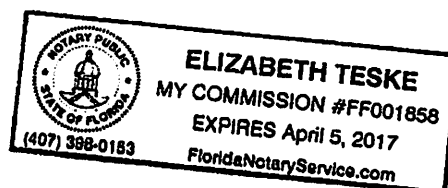
**NAVAL CONTINUING CARE RETIREMENT  
FOUNDATION, INC., AND FUTURE LANDING,  
LLC. (AKA- FLEET LANDING)**

By:   
Name: Joshua Ashby  
Its: CEO

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 20 day of February, 2017, by Joshua Ashby, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
(Notary Signature)





# EXHIBIT C

## Binding Letter

February 20, 17

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

**Re: Binding Letter for Assisted Living Facility at Mayport Crossing Planned Unit Development (RE# 168368-0100, 168340-0350)**

Ladies and Gentlemen:

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

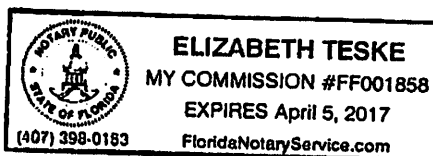
**NAVAL CONTINUING CARE RETIREMENT  
FOUNDATION, INC., AND FUTURE LANDING,  
LLC (A/K/A FLEET LANDING)**

By: *[Signature]*  
Name: Joshua Ashby  
Its: CEO

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 20 day of February, 2017, by Joshua Ashby, who is personally known to me or has produced \_\_\_\_\_ as identification.

*[Signature]*  
(Notary Signature)



## EXHIBIT D

### AMENDED WRITTEN DESCRIPTION TO ORD. 87-362 ASSISTED LIVING FACILITY AT MAYPORT CROSSING

March 30, 2017

#### I. PROJECT DESCRIPTION

- A. Applicant, Naval Continuing Care Retirement Foundation, Inc., and Future Landing, LLC, also known as Fleet Landing (“Applicant”) requests this PUD to PUD rezoning to modify Ordinance 87-362, as amended, to allow for development of an Assisted Living Facility and similar uses on approximately 8.3 acres currently occupied by an abandoned shopping center at the northeast corner of Mayport Road (SR A1A) and Old Mayport Road. The shopping center was anchored by a Food Lion grocery store prior to the chain’s withdrawal from the Florida market. Applicant proposes to redevelop the property seeks to amend the PUD to add Assisted Living Facilities and similar uses as a permitted use. For the purpose of this application and context of this rezoning request and future permitting for the subject property, the definition of Assisted Living Facility (ALF) and Adult Congregate Living Facility (ACLF) are deemed similar by Zoning Code Section 656.1601 and Florida Statutes Section 429.02, and the terms and permissible uses can be used interchangeably.
- B. Project Planner: Brad Wester, Driver McAfee, Peek & Hawthorne, P.L.
- C. Project Developer: Fleet Landing
- D. F. Current Land Use Category: Community General Commercial (CGC)
- E. . G. Current Zoning District: Planned Unit Development (PUD)
- F. H. Real Estate Number(s): 168368-0100, 168340-0350

#### II. STATEMENTS

- A. How does the proposed PUD differ from the usual application of the Zoning Code?

*The proposed PUD expands the permitted uses in the existing PUD to include assisted living facilities, and limited nursing services. Assisted living facilities, which are similarly to Adult Congregate Living Facilities by definition in the Zoning Code and Florida Statutes, are a permitted use by right in the CCG-1 conventional zoning district and consistent with the CGC use category.*

- 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?

*All lands will be operated and maintained as written in the current PUD with no changes.*

- C. Justification for the rezoning.

1. *The proposed PUD is generally consistent with the surrounding area abutting Mayport Road (SR A1A) and Old Mayport Road and will serve as a transitional land use compatible with nearby business and residential uses. The proposed project will be beneficial to the surrounding neighborhood, community and:*
2. *Will adopt a use permitted by application of the conventional CCG-1 Zoning Code to the existing commercial area of the PUD;*
3. *Permits redevelopment of a shopping center left largely vacant when Food Lion grocery store closed;*
4. *Is compatible with surrounding land uses as a transitional future land use between the commercial and residential uses areas of the existing PUD;*
5. *Will promote the goals, objectives and policies of the City of Jacksonville 2030 Comprehensive Plan.*

- D. Phase schedule of construction (include initiation dates and completion dates):

*Design, permitting and construction is expected to take approximately 12 to 18 months – example: September 2018-March 2020.*

### **III. PERMITTED USES & RESTRICTIONS**

A. Permissible Uses and Structures as adopted in Ordinance 87-362, as amended, shall be further amended to include Assisted Living Facilities and similar uses, as further described as follows:

- (1) Commercial retail sales and service establishments
- (2) Banks, including drive-thru tellers, savings and loan institutions, and similar uses.
- (3) Professional and business offices, buildings trades contractors that do not require outside storage or the use of heavy machinery, ditching machines, tractors, bulldozers or other heavy construction equipment and similar uses.
- (4) Hotels and motels.
- (5) Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, movie theaters, and similar uses.
- (6) Art galleries, museums, community centers, dance, art or music studios.
- (7) Vocational, trade or business schools and similar uses.
- (8) Day care centers or care centers meeting the performance standards and development criteria set forth in Part 4.
- (9) Off-street commercial parking lots meeting the performance standards and criteria set forth in Part 4.
- (10) Assisted Living Facilities and/or Adult Congregate Living Facilities, Independent

Living Facilities, Memory Care Facilities, and Skilled Nursing Facilities.

- (11) An establishment or facility which includes the retail sale and service of beer or wine for off-premises consumption or for on-premises conjunction with a restaurant.
- (12) Retail plant nurseries including outside display, but not on-site mulching or landscape contractors requiring heavy equipment or vehicles in excess of one-ton capacity.
- (13) Express or parcel delivery offices and similar uses (but not freight or truck terminals)
- (14) Veterinarians and animal boarding, subject to the performance standards and development criteria set forth in Part 4.
- (15) Personal property storage establishments meeting the performance development criteria set forth in Part 4.
- (16) Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses.
- (17) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
- (18) Churches, including a rectory or similar use.
- (19) Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4.

**B. Permissible uses by exception including the following:**

- (1) Permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4.
- (2) Residential treatment facilities and emergency shelters.
- (3) Multi-family residential (not including age restricted Independent Living) integrated with a permitted use.
- (4) Service garages for minor or major repairs
- (5) Auto laundry or manual car wash.
- (6) Recycling collection points meeting the performance standards and development criteria set forth in Part 4.
- (7) Retail sales of new or used automobiles
- (8) Blood donor stations, plasma centers and similar uses.
- (9) Private clubs.
- (10) Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4.
- (11) Billiard parlors.
- (12) Service and repair of general appliances and small engines.
- (13) Schools meeting the performance standards and development criteria set forth in Part 4.

**IV. DESIGN GUIDELINES**

**A. Lot Requirements:**

1. Minimum lot area: None



2. Minimum lot width: None
3. Maximum lot coverage: None
4. Minimum front yard: 20
5. Minimum side yard: 20
6. Minimum rear yard: 10
7. Maximum height of structures: 60 feet

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

1. *Parking Requirements.*

All uses shall comply with the off-street parking requirements in Part 6 of the Zoning Code.

2. *Vehicular Access.*

Vehicular access to the site shall be by way of Mayport Road and Mayport Crossing Boulevard, and 'inter-parcel access drive' circulation roadway, as depicted in the site plan. This access drive allows access to the site, as well as providing additional ingress/egress to the commercial outparcels along Mayport Road.

3. *Pedestrian Access.*

Pedestrian access shall be as depicted in the Site Plan.

**C. Signs:**

1. 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 one hundred fifty (150) square feet in area for every one hundred fifty (150) 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. Signs shall not exceed fifty (50) feet in maximum height.
2. One (1) under-the-canopy sign per occupancy, not exceeding a maximum of eight (8) 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.
3. Directional signs shall not exceed four (4) square feet in size and five (5) 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:** Not applicable.

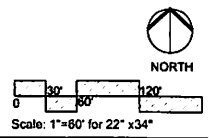
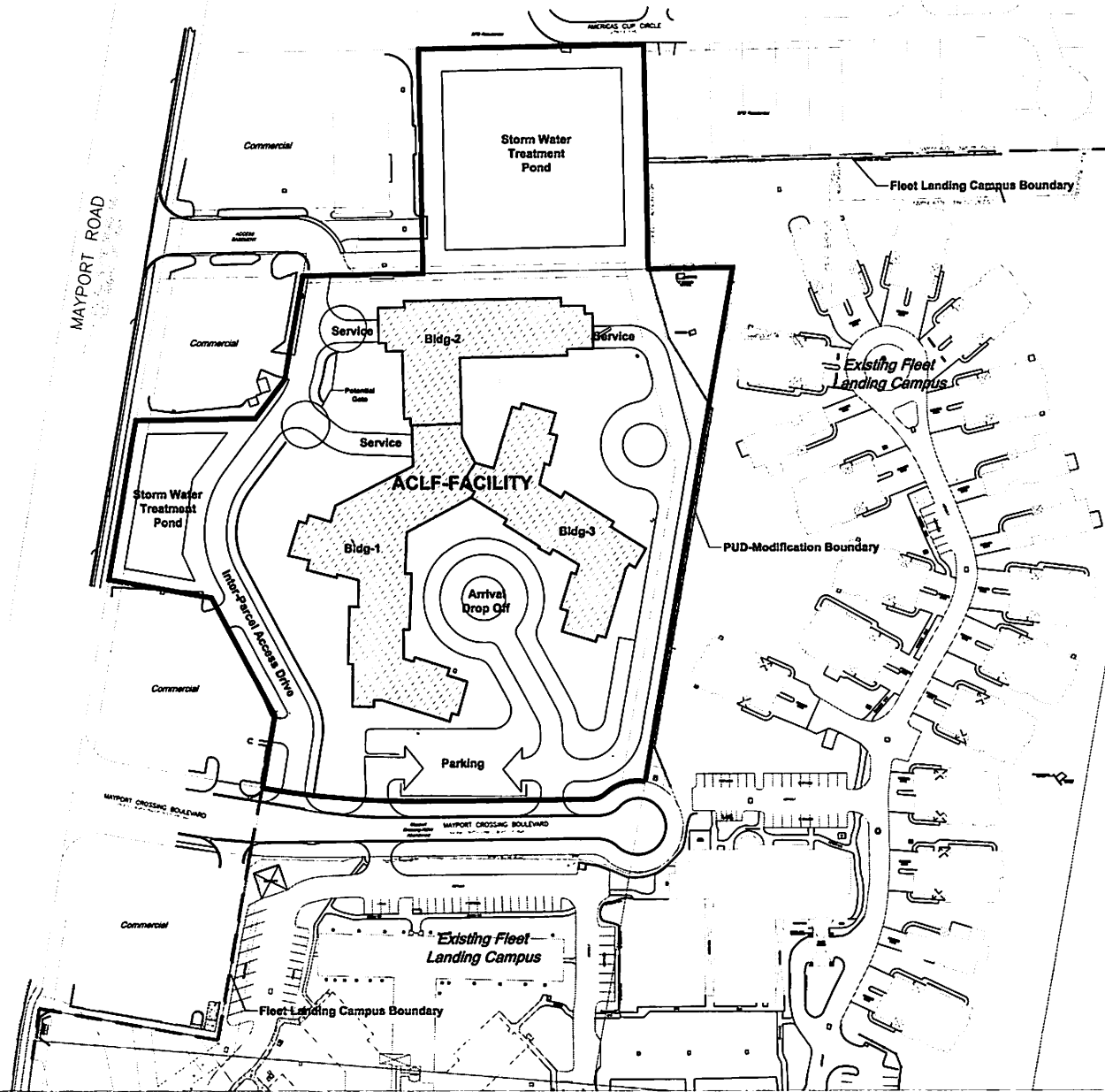
**F. Utilities:** Water, Electric and sanitary sewer will be provided by Atlantic Beach.

- G. Wetlands: There are no wetlands on the subject property.
- H. On-site construction trailers will be allowed.
- I. Site lighting shall be designed and installed to direct downward and reflect back toward the subject property to prevent glare or excessive light on surrounding properties.

#### **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 then existing and proposed uses within the Property, and showing the general layout of the overall Property.

**Fleet Landing ALF**  
**Preliminary PUD Plan**  
**Exhibit "E"**  
 Feb. 20, 2017



**SITE DATA:**  
 SITE AREA: 8.30 Acres  
 Max Ht: 60'  
 Max Lot Coverage 75%  
 Site Requirements per Written Description

STATE ROAD  
 NO. A-1-A

# EXHIBIT G

## Proof of Ownership- Deed

Doc # 2014201749, OR BK 16903 Page 2152, Number Pages: 10, Recorded  
09/08/2014 at 08:26 AM, Ronnie Fussell CLERK CIRCUIT COURT DUVAL COUNTY  
RECORDING \$86.50 DEED DOC ST \$18060.00

Doc # 2014196203, OR BK 16895 Page 1844, Number Pages: 10, Recorded  
08/29/2014 at 10:14 AM, Ronnie Fussell CLERK CIRCUIT COURT DUVAL COUNTY  
RECORDING \$86.50

Prepared by:

Joanna A. White, Esq.  
Foley & Lardner LLP  
One Independent Drive  
Suite 1300  
Jacksonville, Florida 32202  
084961-0111

(Reserved for Clerk)

### SPECIAL WARRANTY DEED

Tax Parcel No.: 168368-0100

THIS SPECIAL WARRANTY DEED is made this 28 day of August, 2014, between Third Love LLC, a Florida limited liability company, as to an undivided 10% interest, whose address is 5201 El Arbol Dr., Carlsbad, CA 92008, and Peter Pan LLC, a Washington limited liability company, as to an undivided 90% interest, whose address is 110th Ave. N.E., Apt 2903, Bellevue, WA 98004 (collectively, the "Grantor"), and Future Landing, LLC, a Florida limited liability company, whose address is 1 Fleet Landing Boulevard, Atlantic Beach, Florida 32233 (the "Grantee").

#### WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars and other valuable consideration paid by the Grantee, receipt of which is acknowledged, has granted, bargained and sold to the Grantee, its successors and assigns forever, the following described real property located in Duval County, Florida ("Property"):

See Exhibit A Attached

Together with all the rights, tenements, improvements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

To have and to hold the same in fee simple forever.

The benefits and obligations hereunder shall inure to and be binding upon the successors and assigns of the respective parties hereto, and, subject to the Permitted Encumbrances (as defined herein), the Grantor does hereby fully warrant title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

4824

This conveyance is subject to those matters described on Exhibit B attached hereto (the "Permitted Encumbrances"); however, this reference shall not be deemed to reimpose same.

Signature Page Follows.

EXHIBIT G

Page \_\_\_\_\_ of \_\_\_\_\_

# EXHIBIT F

PUD Name **Assisted living Facility at Mayport Crossing**

Date **Feb 20, 2017**

## Land Use Table

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Total gross acreage	<b>8.3</b>	Acres	100 %
Amount of each different land use by acreage			
Single family	<b>0</b>	Acres	<b>0</b> %
Total number of dwelling units	<b>0</b>	D.U.	
Multiple family	<b>0</b>	Acres	<b>0</b> %
Total number of dwelling units	<b>0</b>	D.U.	
Commercial	<b>6.2</b>	Acres	<b>75</b> %
Industrial	<b>0</b>	Acres	<b>0</b> %
Other land use	<b>0</b>	Acres	<b>0</b> %
Active recreation and/or open space	<b>0</b>	Acres	<b>0</b> %
Passive open space, wetlands, pond	<b>2.1</b>	Acres	<b>25</b> %
Public and private right-of-way	<b>0</b>	Acres	<b>0</b> %
Maximum coverage of non-residential buildings and structures	<b>0</b>	Sq. Ft.	<b>0</b> %

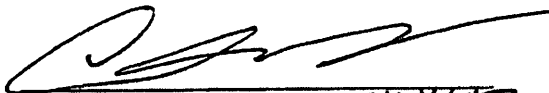
# EXHIBIT G

## Proof of Ownership- Deed

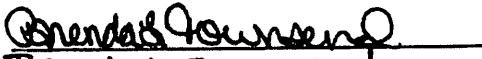
IN WITNESS WHEREOF, the Grantor has executed this instrument as of the day and year first above written.


Signed, sealed and delivered  
in the presence of:

SELLER:

  
CARL ERIK R. FISHER  
[print or type name]

Third Love LLC, a Florida limited liability  
company, as to an undivided 10% interest

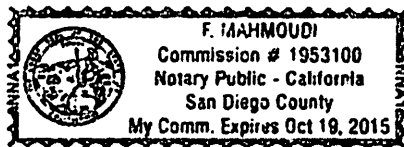
  
Brenda L. Townsend  
[print or type name]

By:   
Name: Robert E. Crider  
Its: (MGR) MEMBER/MANAGER

STATE OF Califon  
COUNTY OF San Diego

The foregoing instrument was acknowledged before me this 25 day of August, 2014 by Robert E. Crider as member/manager of Third Love LLC, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced Califon Drivers Lic. as identification.

{Notary Seal must be affixed}



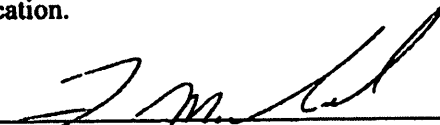
  
Signature of Notary  
F. MAHMOUDI  
Name of Notary (Typed, Printed or Stamped)  
Commission Number (if not legible on seal): 1953100  
My Commission Expires (if not legible on seal): 10-19-2015


EXHIBIT G

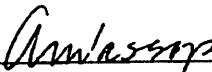
Page \_\_\_\_\_ of \_\_\_\_\_

**EXHIBIT G**  
**Proof of Ownership- Deed**

---

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
TAKIKO POPPE  
[print or type name]

  
\_\_\_\_\_  
ANN VERSIP  
[print or type name]

**SELLER:**

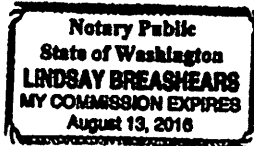
**Peter Pan LLC, a Washington limited liability  
company, as to an undivided 90% interest**

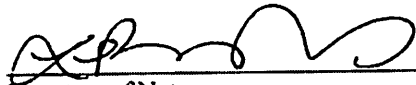
By:  8/22/2014  
Name: Jeffery L. Poppe  
Its: Manager

STATE OF Washington  
COUNTY OF King

The foregoing instrument was acknowledged before me this 22nd day of August, 2014  
by Jeffery L. Poppe, as Manager of Peter Pan LLC, a Washington limited liability company, on  
behalf of the company, who is personally known to me or has produced  
Washington State as identification.  
drivers license

{Notary Seal must be affixed}



  
\_\_\_\_\_  
Signature of Notary  
Lindsay Breashears  
Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): 137237

My Commission Expires (if not legible on seal) AUG 13, 2016

EXHIBIT G

Page \_\_\_\_\_ of \_\_\_\_\_

# EXHIBIT G

## Proof of Ownership- Deed

Doc # 2016222585, OR BK 17721 Page 2144, Number Pages: 5, Recorded  
09/26/2016 at 01:02 PM, Ronnie Fussell CLERK CIRCUIT COURT DUVAL COUNTY  
RECORDING \$44.00 DEED DOC ST \$595.00

Prepared by and Return to:

William R. Brown, Jr., Esq.  
Foley & Lardner LLP  
One Independent Drive  
Suite 1300  
Jacksonville, Florida 32202  
084961-0120

### SPECIAL WARRANTY DEED

Tax Parcel No.: 168340-0350

THIS SPECIAL WARRANTY DEED is made this 23<sup>rd</sup> day of September, 2016, between **JANICE M. EDWARDS**, whose address is 13109 Tall Tree Dr. S., Jacksonville, Florida 32246 (the "**Grantor**"), and **NAVAL CONTINUING CARE RETIREMENT FOUNDATION, INC.**, a Florida not for profit corporation, whose address is One Fleet Landing Boulevard, Atlantic Beach, Florida 32233 (the "**Grantee**").

### WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of Ten Dollars and other good and valuable consideration paid by the Grantee, receipt and sufficiency of which is acknowledged, has granted, bargained and sold to the Grantee, its heirs, successors and assigns, forever, all of Grantor's interest in and to the following described real property situate, lying and being in Duval County, Florida, and being more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "**Property**").

SUBJECT TO all matters listed in Exhibit "B" annexed hereto and by this reference made a part hereof, without intending to reimpose same.

TO HAVE AND TO HOLD the Property in fee simple together with all rights, tenements, improvements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining.

AND except for those matters set forth hereinabove, Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through, and under Grantor, but none other.

THIS PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR.

EXHIBIT G

Page \_\_\_\_\_ of \_\_\_\_\_



# EXHIBIT G

## Proof of Ownership- Deed

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

GRANTOR:

JANICE M. EDWARDS

Christy Rigney

Christy Rigney  
[print or type name]

Lucinda Kva

LUCINDA KVA  
[print or type name]

By: Janice M Edwards  
Name: Janice M. Edwards

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of September, 2016, by Janice M. Edwards. Such person did not take an oath and: (notary must check applicable box)

- is/are personally known to me.  
 produced a current FL driver's license as identification.  
 produced [REDACTED] as identification.

{Notary Seal must be affixed}



June Codner-Kongquee  
Signature of Notary

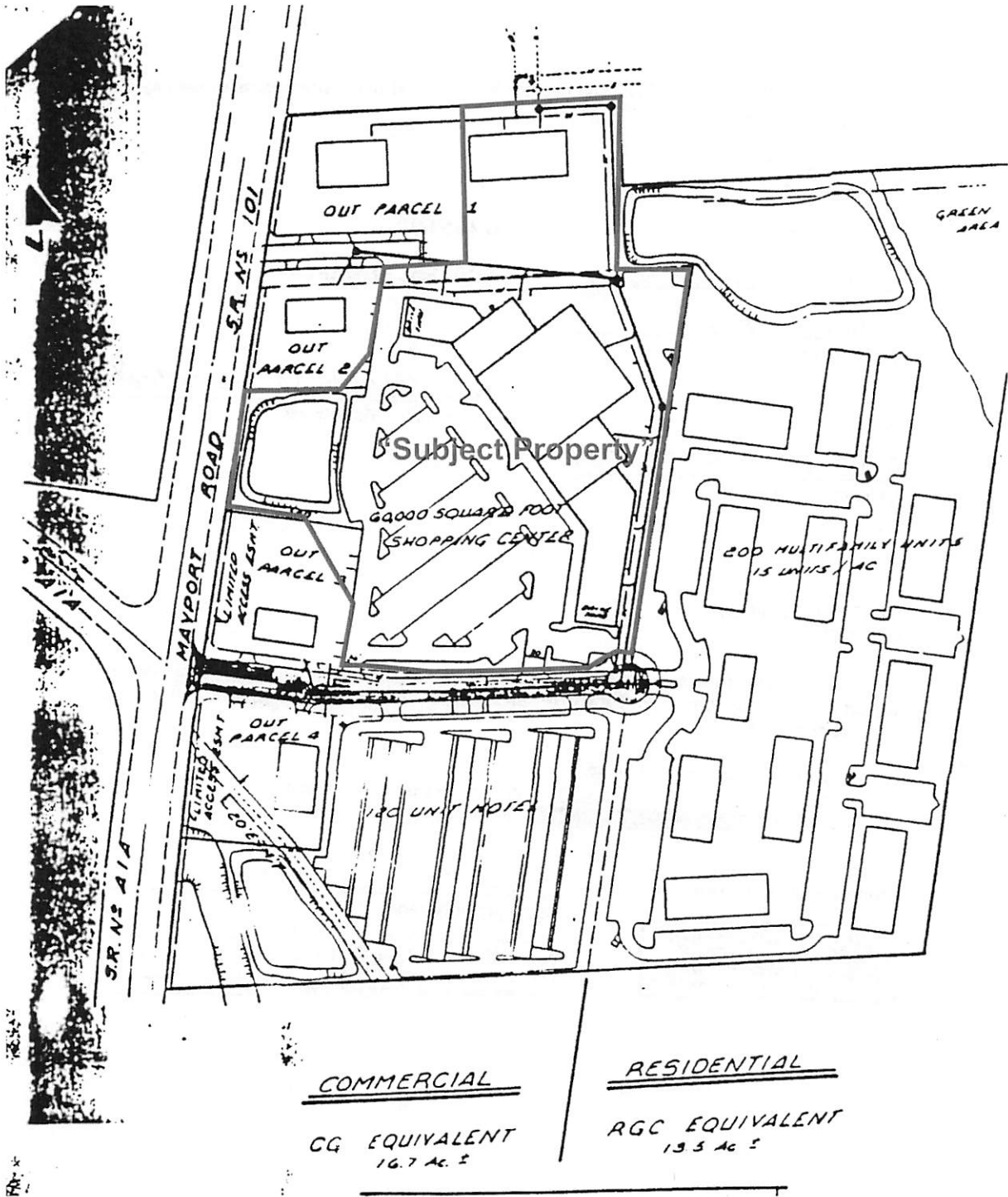
June Codner-Kongquee  
Name of Notary (Typed, Printed or Stamped)  
Commission Number (if not legible on seal):  
My Commission Expires (if not legible on seal):

EXHIBIT G

Page \_\_\_\_\_ of \_\_\_\_\_

# EXHIBIT J

Other Information: 1987-0362 PUD MAP



# EXHIBIT H

## Aerial Photograph

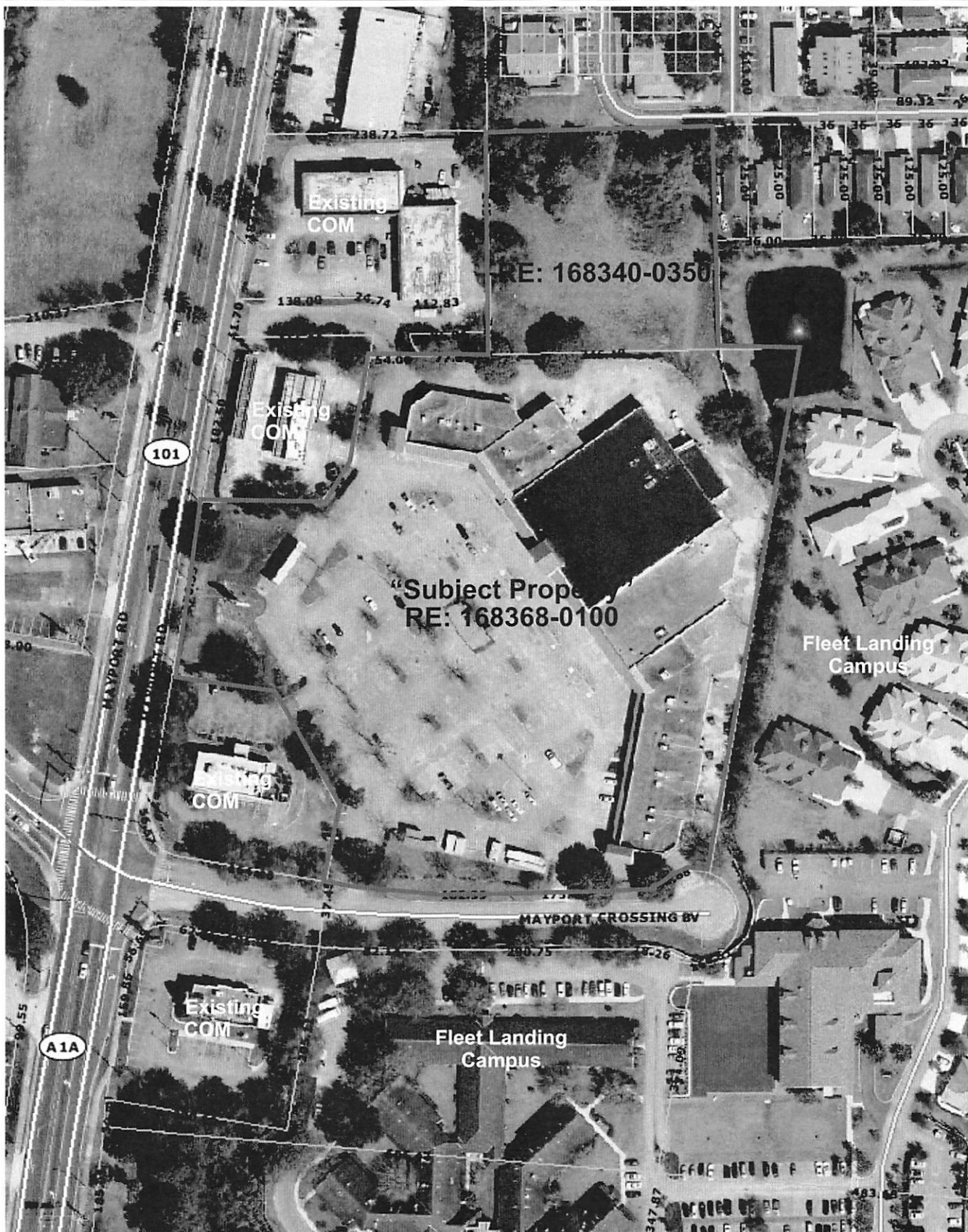
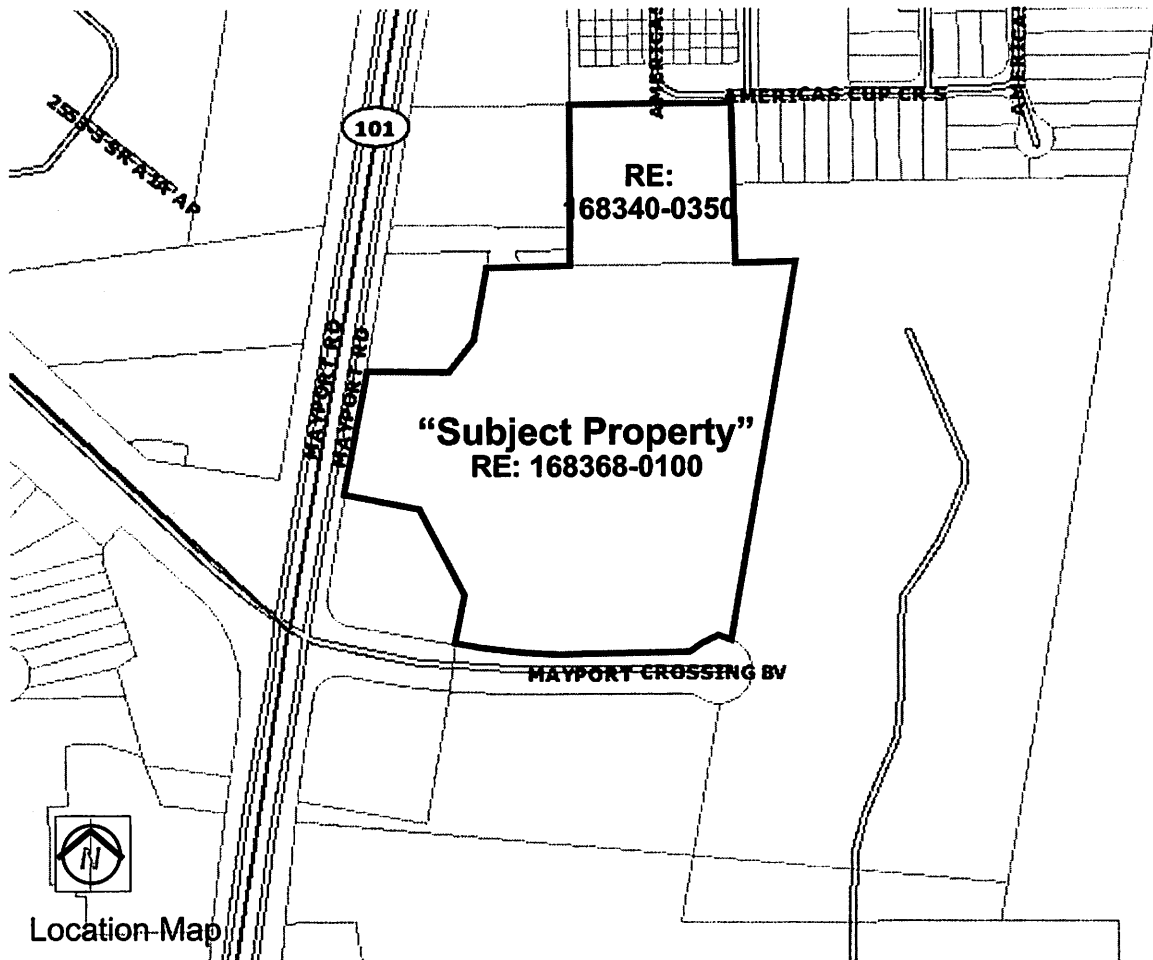


EXHIBIT H

# EXHIBIT K

## Site Location Map

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April 10, 2017

Brian Burke  
Burke Design Inc.  
1015 Atlantic Blvd. Suite 323  
Atlantic Beach, FL 32233

RE: Water and Sewer Utility Availability  
Fleet Landing Campus Expansion

Mr. Burke:

This letter is to confirm that water and sewer facility capacity is available to serve the proposed expansion, consisting of 350 assisted living beds, 75 MF units, and 200 restaurant seats to the Fleet Landing campus (Parcel IDs 168340-0350 and 168368-0100) through the City of Atlantic Beach Utilities.

The property currently has potable water sanitary sewer infrastructure adjacent to the referenced properties. Any extensions or expansions to this infrastructure which may be necessary to serve the proposed development project will be the responsibility of the developer(s). Connection details and requirements may be coordinated with Atlantic Beach Utilities.

Should you have additional questions, feel free to call me at (904) 247-5834 or email me at [kmoore@coab.us](mailto:kmoore@coab.us).

Sincerely,

Kayle Moore, P.E.  
Deputy Public Works Director

cc: Donald D. Jacobovitz, P.E., Public Works Director  
Chris Walker, Conveyance Division Director

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

**General Collection Receipt**

Account No: CR406385

User: Lewis, Bruce

REZONING/VARIANCE/EXCEPTION

Date: 3/30/2017

Email: BLewis@coj.net

Name: Brad Wester

Address: One Independent Drive, Suite 1200 Jacksonville FL 32202

Description: ALF at Mayport Crossing PUD application

TransCode	IndexCode	SubObject	GLAcct	SubsidNo	UserCode	Project	ProjectDtl	Grant	GrantDtl	DocNo	Amount
701	PDCU011	342504									3248.00

Control Number: 223561 | Paid Date: 4/10/2017

Total Due: \$3,248.00

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

Account No: CR406385REZONING/VARIANCE/EXCEPTION

Name: Brad Wester

Address One Independent Drive, Suite 1200 Jacksonville FL 32202

Description ALF at Mayport Crossing PUD application

Date: 3/30/2017

Total Due: \$3,248.00