

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

**APPLICATION FOR REZONING ORDINANCE 2018-52 TO**

**PLANNED UNIT DEVELOPMENT**

**FEBRUARY 22, 2018**

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 **2018-52** to Planned Unit Development.

***Location:*** 5440 Collins Road  
Between Pineverde Land and Partridge Way

***Real Estate Number(s):*** 099122-0020

***Current Zoning District:*** Residential Medium Density-A (RMD-A)

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

***Current Land Use Category:*** Medium Density Residential (MDR)

***Proposed Land Use Category:*** Neighborhood Commercial (NC)

***Planning District:*** Southwest, District 4

***Applicant/Agent:*** Hilton Meadows or Scott Meadows  
Diversified Environmental Planning  
900 Cesery Boulevard, Suite 103  
Jacksonville, Florida 32211

***Owner:*** Ward Ayoub  
5058 Knightsbridge Circle North  
Jacksonville, Florida 32244

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

**GENERAL INFORMATION**

Application for Planned Unit Development **2018-52** seeks to rezone approximately 0.4 acres of land from RMD-A to PUD. The rezoning to PUD is being sought so that the property can be developed with permitted commercial and permissible uses by exception found in the Commercial Neighborhood (CN) and the Commercial Residential Office (CRO) Zoning

Districts. The site contains a vacant commercial building which was constructed in 1974. Prior to 1990, the parcel was originally zoned Commercial Neighborhood. With enactment of the 2010 Comprehensive Plan, the land use and zoning was changed to Medium Density Residential (MDR) and Residential Medium Density-A (RMD-A), respectively.

### 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 Medium Density Residential (MDR) 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series **L-5268-17C (Ordinance 2018-51)** that seeks to amend the portion of the site that is within the MDR land use category to Neighborhood Commercial (NC). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land use Map Series **L-5268-17C** be approved. 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. A description of the category is noted below.

Neighborhood Commercial (NC) is a category primarily intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. Preferred development patterns include those described in Policy 3.2.6 of this element. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicles Miles Traveled. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

Plan amendment requests for new NC designations are preferred in locations which are supplied with full urban services; which abut a roadway classified as a collector or higher on the Functional Highway Classification Map; and which are compatible with adjacent residential neighborhoods. Sites with two or more property boundaries on transportation rights-of-way will be considered preferred locations.

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

**Principal Uses** Offices, Business and professional offices including veterinary offices; Multi-family dwellings, when combined with another principal use; Filling Stations; Uses associated with and developed as an integral component of TOD; Single-family dwellings which were originally constructed as single-family dwellings prior to adoption of the 2030 Comprehensive Plan; and Commercial retail and service establishments, except for new or used automobile sales, funeral homes, and broadcasting offices and studios.

**Secondary Uses:** Secondary uses shall be permitted pursuant to the Commercial land use introduction.

The development characteristics provided herein shall be applicable to all NC sites within the Suburban Area. Residential uses shall not be permitted on the ground floor abutting roads classified as collector or higher on the Functional Highway Classification Map. Developments shall, to the greatest extent possible, be massed along the highest abutting classified road on the Functional Highway Classification Map. Uses shall be sited in a manner to promote internal pedestrian and vehicle circulation and ease of access between abutting non-residential uses and sites and to limit the number of driveway access points on roads classified as arterials on the Functional Highway Classification Map. To promote a more compact, pedestrian-friendly environment, off street parking shall be located behind or to the side of buildings to the greatest extent possible. Structured parking is encouraged, provided it is integrated into the design of the overall development and is compatible with surrounding neighborhoods.

*(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 categories as identified in the Future Land Use Map series (FLUMs): Medium Density Residential (MDR). There is a companion Application for Small-Scale Land Use Amendment

to the Future Land use Map Series **L-5268-17C (Ordinance 2018-51)** that seeks to amend the portion of land that is within the MDR land use category to NC.

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 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 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 1.1.22 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.

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

FLUE 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

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 of residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

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

*(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 a commercial 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 use of existing and proposed landscaping: The application will provide landscaping for the uncomplementary buffer along the south and east boundaries.

Traffic and pedestrian circulation patterns: There is one driveway on Collins Road. This access will not change. The parking area was not constructed to code; there is adequate maneuvering ability for vehicles. An additional 8 parking spaces will be constructed as required.

The use and variety of building setback lines, separations, and buffering: The building is existing and no new buildings or additions are proposed. The building is approximately 10 feet from the southern boundary and 20 feet from the western boundary.

The variety and design of dwelling types: No residential dwellings are proposed.

Compatible relationship between land uses in a mixed use project: The written description contains uses which are found in the same zoning districts. These uses are considered compatible with each other.

*(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 a primarily residential area with single family, multi-family and mobile homes. There is a filling station 700 feet to the west. The nearest significant commercial uses are over a mile to the west. Commercial development at this location will serve the daily needs of nearby residential neighborhoods.

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

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use</u>
North	LDR	RLD-60	Single family dwellings
South	MDR	RMD-MH	Continental Village, mobile homes
East	MDR	RMD-A	Fleet Reserve, private club
West	MDR	RMD-MH	Continental Village, mobile homes

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 Written Description in Section V.D. and G. contains provisions that landscaping, site layout and parking to remain. Staff feels the site should be developed as shown on the site plan.

The site was developed 1974 before the establishment of the Zoning Code and landscape regulations. There is a driveway that extends 122 feet in width along Collins Road. Requiring the driveway width to be reduced to 24 feet will significantly reduce the vehicular maneuverability of the site and reduce the number of parking space by 1/3. **Staff recommends the existing driveway remain, but the site must be in compliance with the Landscaping Regulations of the Zoning Code, expressly, interior landscaping, perimeter landscaping adjacent to properties and the uncomplementary buffer.**

*(6) Intensity of Development*

The proposed development is consistent with the NC functional land use category as a commercial development. The PUD is appropriate at this location because it will serve the existing residential uses in the area.

The existing residential density and intensity of use of surrounding lands: The area contains a mixture of single family lots, manufactured homes and multi-family dwellings.

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

The project will be developed with the required amount of open space. No recreation area is required.

*(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.

*(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.*

There are no sidewalks on the south side of Collins Road. 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 February 9, 2018, the required Notice of Public Hearing sign was posted.



**RECOMMENDATION**

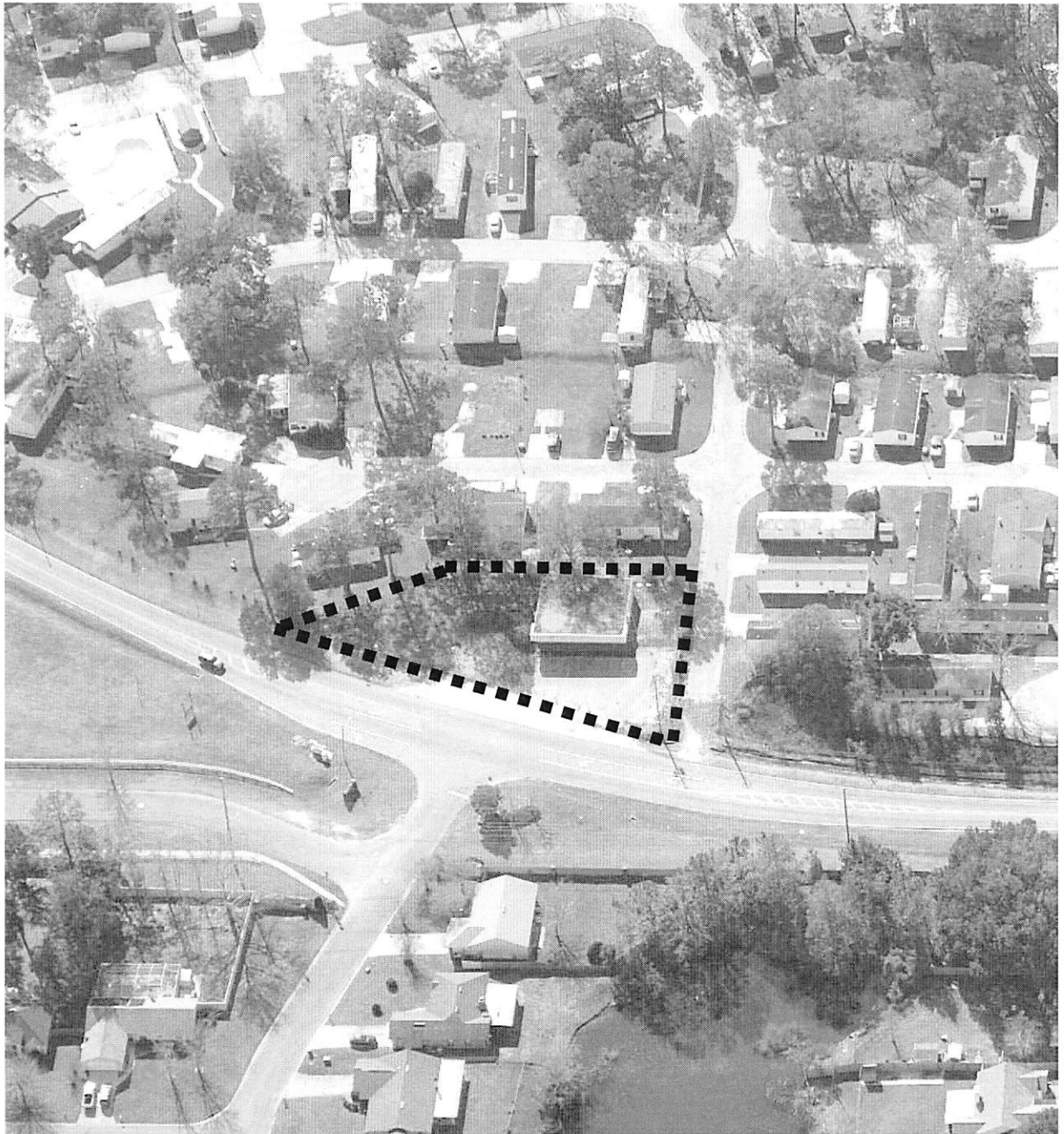
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2018-52** be **APPROVED with the following exhibits:**

1. The original legal description dated November 8, 2017.
2. The original written description dated January 11, 2018.
3. The original site plan dated December 12, 2017.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2015-xxx** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. The site shall comply with Sections 656.1214, 656.1215 (b) and 656.1216 of the Zoning Code.
2. A minimum of 14 parking spaces shall be provided.
3. Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order.





Aerial view of subject property.



View of existing building



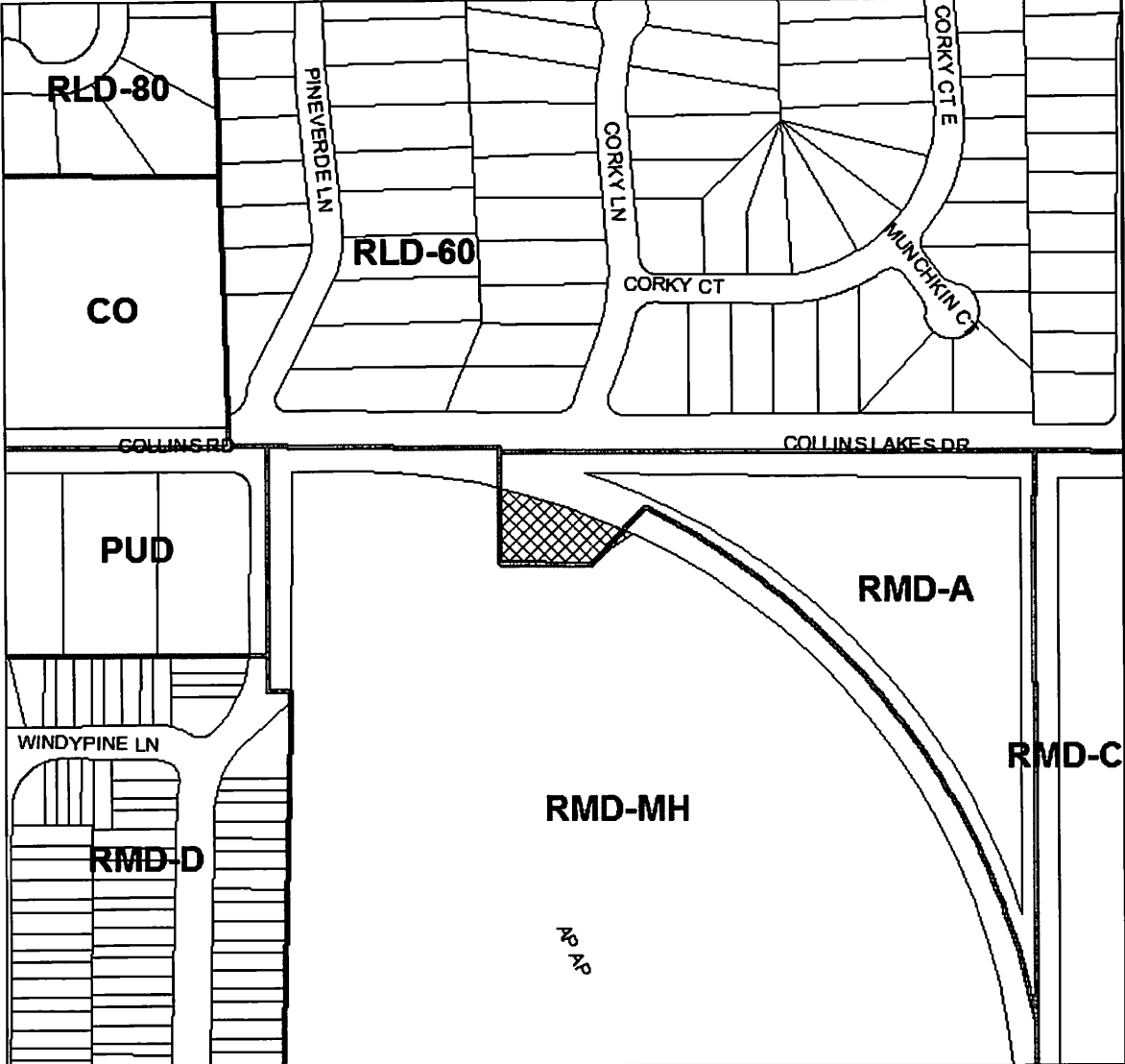
View along the north side



View along the south side of the property



View across Collins Road from subject site



<p><b>REQUEST SOUGHT:</b></p> <p><b>FROM:</b> RMD-A  <b>TO:</b> PUD</p>	<p><b>LOCATION MAP:</b></p>	<p>0 90 180 360          Feet</p> <p><b>COUNCIL DISTRICT:</b>          14</p>
<p><b>ORDINANCE NUMBER:</b>          ORD-2018-0052</p>	<p><b>TRACKING NUMBER</b>          T-2017-1603</p>	<p><b>PAGE 1 OF 1</b></p>

# Application For Rezoning To PUD

## Planning and Development Department Info

Ordinance # 2018-0052 Staff Sign-Off/Date BEL / 12/01/2017

Filing Date 01/17/2018 Number of Signs to Post 1

### Hearing Dates:

1st City Council 02/27/2018 Planning Commission 02/22/2018

Land Use & Zoning 03/06/2018 2nd City Council 03/13/2018

Neighborhood Association ORTEGA CROSSING HOA

Neighborhood Action Plan/Corridor Study NONE

## Application Info

Tracking # 1603

Application Status PENDING

Date Started 11/05/2017

Date Submitted 11/08/2017

## General Information On Applicant

Last Name	First Name	Middle Name
MEADOWS	HILTON	T.

Company Name  
DIVERSIFIED ENVIRONMENTAL PLANNING

Mailing Address  
900 CESERY BLVD. SUITE 103

City	State	Zip Code
JACKSONVILLE	FL	32211

Phone	Fax	Email
9047441417	904	DIVENVPLANNING@AOL.COM

## General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
AYOUB	WARD	

Company/Trust Name

Mailing Address  
5058 KNIGHTSBRIDGE CIR NORTH

City	State	Zip Code
JACKSONVILLE	FL	32244

Phone	Fax	Email
9049940623		

## 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	099122 0020	14	4	RMD-A	PUD

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

Existing Land Use Category  
MDR



Land Use Category Proposed?

If Yes, State Land Use Application #

5268

Total Land Area (Nearest 1/100th of an Acre) 0.41

Development Number

Proposed PUD Name AYOUB CENTER

### Justification For Rezoning Application

SITE IS ADJACENT BUT DETACHED FROM NEIGHBORING RESIDENTIAL PROPERTY AND WAS PREVIOUSLY USED/DEVELOPED AS A CONVENIENCE STORE. SITE ZONING AND LAND USE WERE CONVERTED BACK TO RESIDENTIAL WHEN PREVIOUS OWNER RELOCATED 1/8 OF A MILE TO A NEW LOCATION ON COLLINS ROAD. SITE IS NOT SUITABLE FOR RESIDENTIAL USES, THEREFORE OWNER IS SEEKING A RETURN TO COMMERCIAL LAND USE AND ZONING

### Location Of Property

#### General Location

ON JACKSONVILLES WESTSIDE, ON COLLINS RD. BETWEEN BLANDING AND ROOSEVELT

House # Street Name, Type and Direction Zip Code

5440

COLLINS RD

32244

#### Between Streets

PINEVERDE LN

and

COLLINS AP

### 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**  
  - 0.41 Acres @ \$10.00 /acre:** \$10.00
- 3) Plus Notification Costs Per Addressee**  
  - 14 Notifications @ \$7.00 /each:** \$98.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,377.00

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

## EXHIBIT I

### LEGAL DESCRIPTION-5440 COLLINS ROAD

**Parcel 1:**

A portion of the Southwest 1/4 of the Northeast 1/4 of Section 32, Township 3 South, Range 26 East, Duval County, Florida, being more particularly described as follows:

Commence at the intersection of the West line of the East 1/2 of the West 1/2 of said Section 32 with the South line of Collins Road; thence on last said line run South 89 degrees 24 minutes 30 seconds East 1,528.63 feet; thence on the arc of a curve concave to the South Westerly and having a radius of 1,113.28 feet, run a chord distance of 263.15 feet to the Point of Beginning, the bearing of said chord being South 82 degrees 36 minutes 20 seconds East; thence South 00 degrees 26 minutes 10 seconds West 121.16 feet; thence South 89 degrees 33 minutes 50 seconds East 148.67 feet; thence North 55 degrees 50 minutes 20 seconds East 79.40 feet to the Southwesterly line of Collins Road; thence on last said line and on the arc of a curve concave to the Southwesterly and having a radius of 1,113.28 feet, run a chord distance of 227.15 feet to the Point of Beginning, the bearing of said chord being North 69 degrees 59 minutes 41 seconds West.

**Parcel 2:**

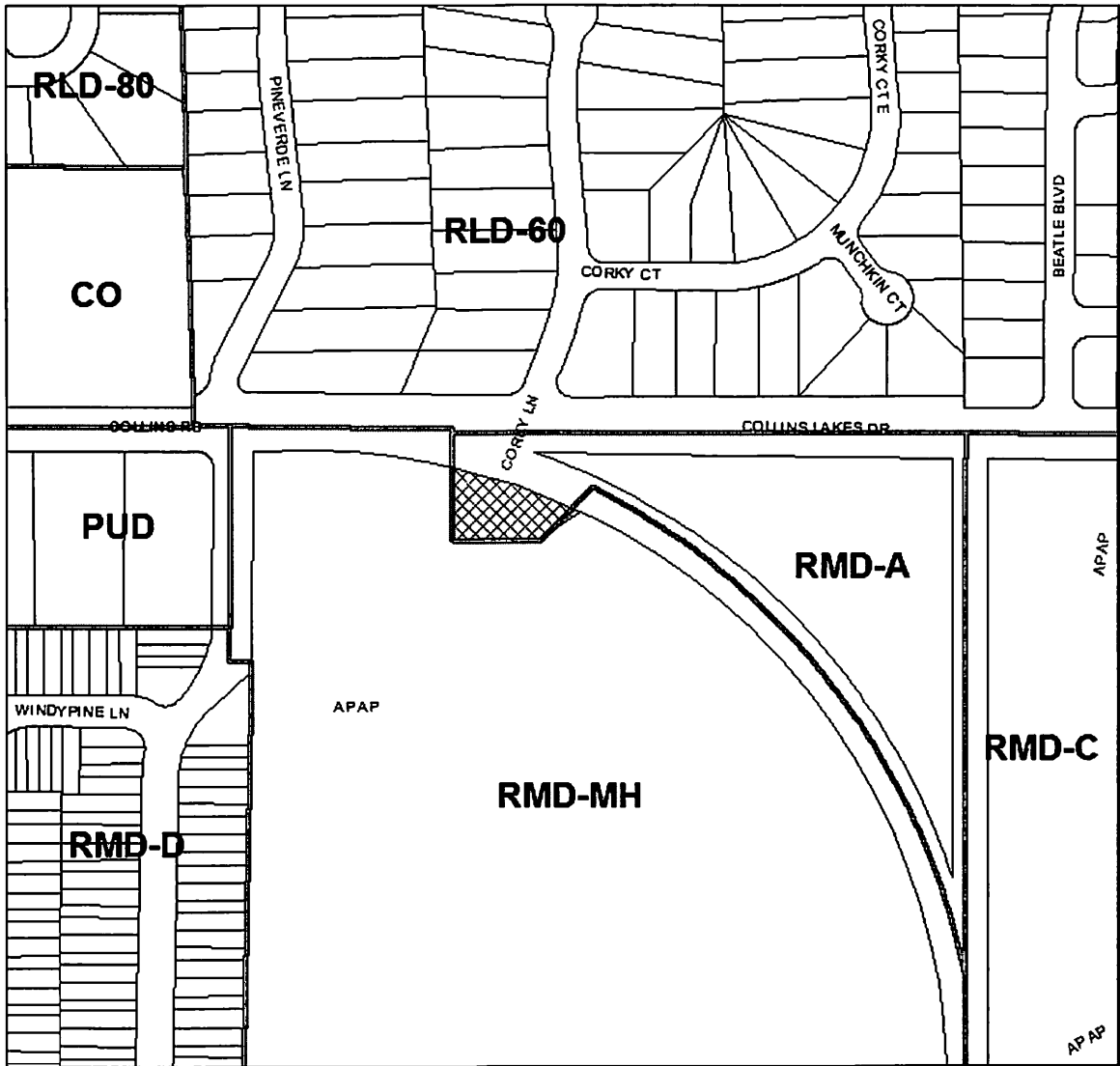
Together with a perpetual non-exclusive easement for ingress and egress to and from Parcel One and for utilities to serve Parcel One on, over and under the following described twenty-foot wide parcel of land:

Begin at the Northwest corner of the above described parcel of land, thence on the Westerly line thereof run South 00 degrees 26 minutes 10 seconds West 121.16 feet; thence North 89 degrees 33 minutes 50 seconds West 20.0 feet; thence North 00 degrees 26 minutes 10 seconds East 125.92 feet to the Southwesterly line of Collins Road; thence on last said line and on the arc of a curve concave to the Southwesterly and having a radius of 1,113.28 feet, run a chord distance of 20.56 feet to the Point of Beginning, the bearing of said chord being South 76 degrees 10 minutes 10 seconds East.

November 8, 2017

Exhibit 1  
Page 1 of 1



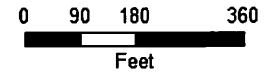
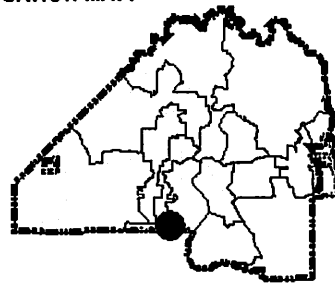


**REQUEST SOUGHT:**

**FROM: RMD-A**

**TO: PUD**

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**14**

**TRACKING NUMBER:**

**T-2017-1603**

**PAGE 1 OF 1**

# EXHIBIT A

## Property Ownership Affidavit

Date: June 30, 2017


### 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:

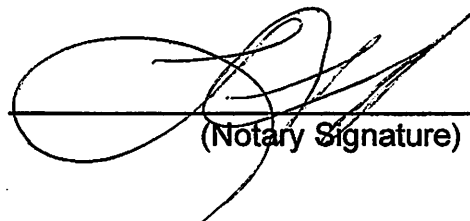
I, Ward Ayoub hereby certify that I am the  
Owner of the property described in the attached legal description, **Exhibit 1** in connection with  
filing application(s) for PUD Rezoning and Land Use Change,  
submitted to the Jacksonville Planning and Development Department.

  
\_\_\_\_\_

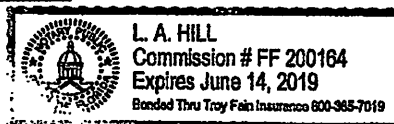
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 7<sup>th</sup> day of  
July (month), 2017 (year) by Ward Ayoub  
who is personally known to me or has produced Personally Know  
as identification.

  
\_\_\_\_\_

(Notary Signature)



# EXHIBIT B

## Agent Authorization

Date: June 30, 2017

### City of Jacksonville

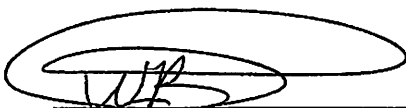
City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Edward Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

5440 Collins Road, Jacksonville, Florida 32244

Gentleman:

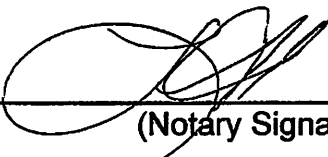
You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1 Hilton and/or Scott Meadows** attached hereto. Said owner hereby authorizes and empowers Diversified Environ. Planning to act as agent to file application(s) for PUD Rezoning and Land Use Change for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.



(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 7<sup>th</sup> day of July (month), 2017 (year) by Alfred J. Lewis, who is personally known to me or has produced Personal ID from as identification.



(Notary Signature)



# EXHIBIT C

## Binding Letter

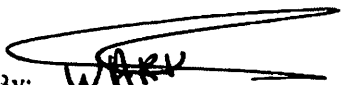
City of Jacksonville  
Planning and Development Department  
Jacksonville, Florida 32202

RE:

Ladies and Gentleman;

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.

Sincerely,

By:   
\_\_\_\_\_

Its: WARD AY00R

# EXHIBIT D WRITTEN DESCRIPTION

## AYOUB CENTER – Rev. January 11, 2018

### I. PROJECT DESCRIPTION:

- A. Property is .41 acres located at 5440 Collins Road. It is currently Zoned RMD-A with MDR Land Use and is currently unoccupied. The property was previously NC/CN. The site is located along a mixed-use area less than ¼ mile from a PUD that includes retail type properties and borders a mobile home park to the West, South and East. Across Collins Road diagonally is the Fleet Reserve Club. The existing building at 5440 Collins is a 2,142 sq ft former convenience store previously operated by Gate Petroleum. No external changes to the building or property are planned unless necessitated by City Review.
- B. The Project Planner's and Registered Professional Hilton T. Meadows of Diversified Environmental Planning and Scott Meadows. They are located at 900 Cesery Blvd., Suite 103, Jacksonville, Florida 32277.
- C. The current Land Use category is Medium Density Residential and an Application for a Small Scale Land Use change to Neighborhood Commercial is being made.
- D. The current Zoning is RMD-A. The request for rezoning to P.U.D. is to return the property to a Commercial Zoning for allowable CN/CRO commercial uses listed in Part IV.
- E. Project R.E. # is 099122 0020

### II. QUANTITATIVE DATA (SEE APPLICATION FORM)

<b>Total Gross Acreage</b>	<b>(17,860SQFT)</b>	<b>.41 acres</b>	<b>100%</b>
<b>Amount of different land use by acreage:</b>			
<b>Single family</b>		<b>0 acres</b>	
<b>Multiple family</b>		<b>0 acres</b>	
<b>Commercial</b>		<b>.41 acres</b>	<b>100%</b>
<b>Industrial</b>		<b>0 acres</b>	
<b>Other</b>		<b>0 acres</b>	
<b>Total amt. of non-residential floor area</b>		<b>2,142 sq ft</b>	<b>100% (existing)</b>
<b>Active recreation space/open space</b>		<b>0 acres</b>	
<b>Passive open space, wetlands, ponds</b>		<b>0 acres</b>	

<b>Public and private R.O.W.</b>	<b>0 acres</b>	
<b>Existing Impervious Area</b>	<b>3,800 sq ft</b>	
<b>Proposed Impervious Area</b>	<b>3,800 sq ft</b>	
<b>Proposed Pervious Parking (if req'd by use)</b>	<b>2,896 sq ft</b>	
<b>Existing Landscape</b>	<b>9,948 sq ft</b>	
<b>Proposed Landscape (if req'd by use)</b>	<b>7,052 sq ft</b>	
<b>Existing Max coverage of buildings &amp; structures</b>	<b>2,142 sq ft</b>	<b>12%</b>
<b>Proposed available increase for future development codes, laws</b>	<b>1,000 sq ft</b>	<b>6%</b>

**III. STATEMENTS:**

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

**This property was previously zoned CN which allowed the original tenant, Kangaroo to operate a convenience store/gas station. The site was later used by Gate Petroleum for the same use. Records indicate that in 2008, Gate legally removed the gas tanks and closed the station at 5440 in order to relocate the station approx. 800 feet West to 5480 Collins Road where they continue to operate. The site appears to have been vacant since. It is unknown how the property zoning was changed from Commercial to RMD-A. The current Owner wishes to reopen the site in accordance with CN/NC as currently listed in the Land Use and Zoning Code. The site will comply with all current and ongoing Rules and Regulations of both the City of Jacksonville and State of Florida that apply to such facilities. Modifications, at any time, to the Building required by the City of Jacksonville Building Department and Development Services Department and the Fire Marshall's Office shall be submitted/permitted/met prior to the opening of the Facility.**

- 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.**

**This facility shall be brought into compliance with the Florida Building Code and the adopted requirements of the City of Jacksonville for Commercial Facilities that apply to the Change in Use. All facilities herein shall be maintained by the Owner and/or their Lessees dependent on conditions out-lined in their lease agreements.**

- C. Justification for the rezoning.**

**The current Zoning and Land Use severely restrict the Owner's ability to use the property for Commercial uses as it was originally Zoned and used in the past. The current request for a PUD Zoning will allow greater flexibility for the property. It should be noted that the property was previously used from approx. 1986 to 2008 as a**

convenience store/gas station. Since 2008, it appears the property was involuntarily rezoned by the City back to Residential Zoning.

The approval of this change to the PUD would reduce hardship on the Owners by allowing the property to be used in a use and manner more in-line with its original intent. Continued application of MDA/RMD-A imposes exceptional operational difficulties and undue hardship upon the Owner of the building in that it can only be primarily used for residential purposes. As most residential property along Collins Road is not road frontage property, it negates the viability of this parcel's value as residential, however, since most commercial property on Collins does have direct road frontage and this property was previously developed and used for commercial purposes, it is a better fit to return to commercial uses.

**D. Phase schedule of construction.**

There will be no phasing of work. Changes will be to the building, once Building Plans have been approved by the Regulating Agencies, in a single Phase.

**IV. USES AND RESTRICTIONS:**

All uses outlined in CRO, CN and the attached description of uses by Right and Exception; Limitations on Uses; Permitted Accessory Uses and Structures.

***Commercial Neighborhood (CN) District***

**(a) Permitted uses and structures.**

- (1) Medical and dental or chiropractor offices and clinics (but not hospitals).
- (2) Professional and business offices.
- (3) Multi-family residential vertically integrated with a permitted use on the ground floor.
- (4) Neighborhood retail sales and service establishments, however no individual building footprint shall exceed 40,000 square feet.
- (5) Service establishments such as barber or beauty shops, shoe repair shops.
- (6) Restaurants without drive-in or drive-through facilities.
- (7) Banks without drive-thru tellers and financial institutions, travel agencies and similar uses.
- (8) Libraries, museums and community centers.
- (9) An establishment or facility which includes the retail sale of liquor, beer or wine for on-premises consumption.
- (10) Veterinarians meeting the performance standards and development criteria set forth in Part 4.
- (11) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
- (12) Employment office (but not a day labor pool).
- (13) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4.
- (14) Art galleries, dance, art, gymnastics, fitness center, martial arts, music and photography studios, and theaters for stage performances (but not motion picture theaters).
- (15) Retail outlets for sale of used wearing apparel, toys, books, luggage, jewelry, cameras and sporting goods.
- (16) A restaurant or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption.
- (17) Day care centers meeting the performance standards and development criteria set forth in Part 4.

(18) Animal boarding for household pets, meeting the performance standards and development criteria set forth in Part 4.

(19) All uses outlined in Commercial, Residential and Office (CRO) District except: Fraternity and sorority houses; Hospice facilities; Drive-thru facilities; Group Home or residential treatment facility.

**(b) Permitted accessory uses and structures. See Section 656.403.**

**(c) Permissible uses by exception.**

(1) Off-street parking lots for premises requiring off-street parking meeting the performance standards and development criteria set forth in Part 4. Page 2 of 3 12.06.2016

(2) Permanent or restricted outside sale and service in conjunction with a restaurant, meeting the performance standards and development criteria set forth in Part 4.

(3) Automated Car Washes meeting the performance standards and development criteria set forth in Part 4.

**(d) Limitations on permitted uses.**

All of the permitted uses by right or exception in the P.U.D. will be limited by the following conditions.

(1) Retail sales, display or storage of merchandise shall be subordinate and clearly incidental to a permitted use.

(2) No vehicles over a one ton capacity.

**V. DESIGN GUIDELINES:**

**A. LOT REQUIREMENTS: See G. Site Layout below**

**(1) Minimum lot requirements (width and area)**

(1) Minimum lot width—75 feet, except as otherwise required for certain uses.

(2) Minimum lot area—2,500 square feet, except as otherwise required for certain uses.

**(2) Maximum lot coverage by all buildings.**

50 percent

**(3) Minimum yard requirements.**

(i) Front – As existing on Exhibit 4 to this Ordinance.

(ii) Side – None,

(iii) Rear – Ten feet

(iv) No other improvements other than landscaping, visual screening, drain fields or retention may be permitted in the required yard.

**(4) Maximum height of structures**

Fifty feet.

**(5) All uses by right or exception are required to meet all applicable requirements for parking, lighting, etc. that appear within the City of Jacksonville Ordinance code.**

**B. Ingress, Egress and Circulation: See G. Site Layout below**

**(1) Parking Requirements: The parking requirements for this development shall be consistent with the requirements of Part 6 of the Zoning Code with the exception that up to 80% of parking may be constructed of pervious materials such as gravel, pavers, mulch or any combination thereof provided proper edging materials(i.e. curbs of concrete or wood) are used to retain loose materials.**



**(2) Vehicular Access: See G. Site Layout below**

- a. Vehicular access to the property shall be by way of the pre-existing driveway connected to Collins Road, substantially as shown on the attached Site Plan. The final location and dimensions of all access points are subject to review and approval by Development Services Division.
- b. Within the property, internal access shall be provided by reciprocal easements for ingress and egress among the driveway(s) 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. Pedestrian access shall be provided by a sidewalk along Collins Road installed in accordance with the 2030 Comprehensive Plan.**

**C. Signs: See G. Site Layout below**

- (1) Owner shall reuse/reface the existing pole mounted sign as shown on the Site Plan.
- (2) Wall signs not to exceed ten percent (10%) of the sq. footage of the occupancy frontage of the building abutting a public right of way.
- (3) One under the canopy sign per occupancy, not to exceed twenty five (25) sq. feet.
- (4) Directional signs shall not exceed 5 sq feet in area and 5 feet in hght. unless otherwise required by the review of Development Services Department.

**D. Landscaping: See G. Site Layout below.**

The property shall provide the landscaping as shown on Exhibit 4 to this Ordinance.

**E. Recreation and Open Space: See G. Site Layout below**

Recreation and Open Space shall not be required of this project.

**F. Utilities: See G. Site Layout below**

Water and Electric are currently and will be supplied by JEA.  
Sanitary sewer is currently by septic tank and drainfield. If adequate connections are available, the building will be connected to JEA Sewer service.

**G. Site Layout:**

The existing site layout will be allowed to remain as long as the Square footage of the building is not increased. Any additional parking required by use or Change in Use shall be designed to meet current site and landscape design standards.



# EXHIBIT F

PUD Name

**Ayoub Center**

Date

Aug 25, 2017

## Land Use Table

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Total gross acreage	<b>0.41</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>0.32</b>	Acres	<b>78</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>0.09</b>	Acres	<b>22</b> %
Public and private right-of-way	<b>0</b>	Acres	<b>0</b> %
Maximum coverage of non-residential buildings and structures	<b>2,200</b>	Sq. Ft.	<b>12.3</b> %

Prepared by and Return to:  
L. Taing  
Sunshine Title Corporation  
8613 Old Kings Road South, Suite 100  
Jacksonville, Florida 32217  
Our File Number: STC #110659  
099122-0020

**For official use by Clerk's office only**

STATE OF Florida ) **SPECIAL WARRANTY DEED**  
COUNTY OF Duval )  
)

THIS INDENTURE, made this 3rd Day of May, 2017, between Dog River, LLC, a Florida Limited Liability Company, a corporation, whose mailing address is: P.O. Box 23328, Jacksonville, Florida 32241, party of the first part, and Ward Ayoub, whose mailing address is: 5058 Knightsbridge Circle North, Jacksonville, Florida 32244, party/parties of the second part,

**WITNESSETH:**

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

**SEE EXHIBIT "A" ATTACHED HERETO:**

By Grantees acceptance hereof, the Property is hereby subjected to the use restrictions set forth in Exhibit "B" attached hereto and by this reference made a part hereof.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on May 3, 2017.

Signed, sealed and delivered  
in the presence of:

Dog River, LLC, a Florida Limited Liability Company

Witness signature

Print witness name

Witness signature

Print witness name

By: Lisa Semak

Print Name: Lisa Semak

Title: Manager

State of Florida  
County of Duval

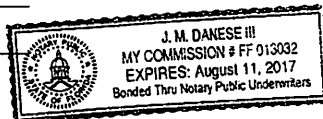
THE FOREGOING INSTRUMENT was acknowledged before me this May 3, 2017 by Lisa Semak, Manager of Dog River, LLC, a Florida Limited Liability Company who is personally known to me or who has produced a Driver's License as identification.

Notary Public

Print Notary Name

My Commission Expires:

Notary Seal



**EXHIBIT "A"**

Parcel 1:

A portion of the Southwest 1/4 of the Northeast 1/4 of Section 32, Township 3 South, Range 26 East, Duval County, Florida, being more particularly described as follows:

Commence at the intersection of the West line of the East 1/2 of the West 1/2 of said Section 32 with the South line of Collins Road; thence on last said line run South 89 degrees 24 minutes 30 seconds East 1,528.63 feet; thence on the arc of a curve concave to the South Westerly and having a radius of 1,113.28 feet, run a chord distance of 263.15 feet to the Point of Beginning, the bearing of said chord being South 82 degrees 36 minutes 20 seconds East; thence South 00 degrees 26 minutes 10 seconds West 121.16 feet; thence South 89 degrees 33 minutes 50 seconds East 148.67 feet; thence North 55 degrees 50 minutes 20 seconds East 79.40 feet to the Southwesterly line of Collins Road; thence on last said line and on the arc of a curve concave to the Southwesterly and having a radius of 1,113.28 feet, run a chord distance of 227.15 feet to the Point of Beginning, the bearing of said chord being North 69 degrees 59 minutes 41 seconds West.

Parcel 2:

Together with a perpetual non-exclusive easement for ingress and egress to and from Parcel One and for utilities to serve Parcel One on, over and under the following described twenty-foot wide parcel of land:

Begin at the Northwest corner of the above described parcel of land, thence on the Westerly line thereof run South 00 degrees 26 minutes 10 seconds West 121.16 feet; thence North 89 degrees 33 minutes 50 seconds West 20.0 feet; thence North 00 degrees 26 minutes 10 seconds East 125.92 feet to the Southwesterly line of Collins Road; thence on last said line and on the arc of a curve concave to the Southwesterly and having a radius of 1,113.28 feet, run a chord distance of 20.56 feet to the Point of Beginning, the bearing of said chord being South 76 degrees 10 minutes 10 seconds East.

**EXHIBIT "B"**

**RESTRICTIONS ON USE**

The Grantee, its successors and assigns, will not operate or allow or permit any other party to operate on the Property any of the following: (i) a convenience or "dollar" store, which for purposes hereof, means any retail store or other establishment at which is sold, dispensed or distributed, any milk, coffee, pastries, bread, beer, wine, or cigarettes or any other tobacco product, or (ii) a gasoline service station, which for purposes hereof, means any store or retail establishment at which is sold, stored, dispensed or distributed gasoline, kerosene, motor oil, or any other petroleum product.

Notwithstanding anything contained in the foregoing paragraph to the contrary, the Restrictions on Use is not intended to prevent or deny the consumption "on Premises" of the products listed in (i) above.

The foregoing restrictions shall burden and run with the land unless released by Grantor in a document recorded in the public records of Duval County. The foregoing restrictions may be enforced by Grantor or any successor or assignee of Grantor.

Printing CR436415

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

**General Collection Receipt**

Account No: CR436415

User: Lewis, Bruce

**REZONING/VARIANCE/EXCEPTION**

Name: Hilton Meadows  
Address: 900 Cesery Blvd, Suite 103 Jacksonville, FL 32211  
Description: Ayoub Center PUD application

TranCode	IndexCode	SubObject	GLAcct	SubaldNo	UserCode	Project	ProjectDtl	Grant
701	PDCU011	342504						

Michael Corrigan, Tax Collector  
Duval County/City of Jacksonville  
Comments - taxcollector@coj.net  
Inquiries - (904)630-1916  
www.coj.net/tc  
Date: 12/21/2017 Time: 10:46:11  
Location: P13 Clerk: CYW  
Transaction 0763550

Miscellaneous  
Item: CR - CR436415  
Receipt 0763550.0001-0001 2,377.00  

---

Total Paid 2,377.00  
CHECK 01126 2,377.00  

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Total Tendered 2,377.00  
Paid By: SMOKER FRIENDLY(H. MEA  
Thank You

**Total Due: \$2,377.00**