

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

**APPLICATION FOR REZONING ORDINANCE 2018-0610**

**OCTOBER 4, 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 **2018-0610**.

***Location:*** 0 Soutel Drive

***Real Estate Numbers:*** 003459 0102

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

***Proposed Zoning District:*** Industrial Light (IL)

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

***Proposed Land Use Category:*** Light Industrial (LI)

***Planning District:*** Northwest, District 5

***Applicant/Agent:*** Dan C. Boswell  
4014 Ranie Road  
Jacksonville, FL 32218

***Owner*** Gary Gilder  
2107 New Berlin Road  
Jacksonville, FL 32218

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2018-0610** seeks to rezone a parcel, approximately 3.35 acres in size, from the RR-Acre to the IL zoning district in order to allow the owner to park semi-trailers and trucks. The subject property is located at the intersection of Soutel Drive and Pickett Drive, just east of Old Kings Road. The area immediately surrounding the subject property is industrial in nature, although there is residential property across Millwright Court, a partially improved right of way that extends along the northern property line.

## **STANDARDS, CRITERIA AND FINDINGS**

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

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

Yes. The request is for a conventional rezoning from Rural Residential-Acre (RR-Acre) to Industrial Light (IL) in order to make the site consistent with the surrounding industrial uses. The subject site is located north of Soutel Drive, which is classified as a minor arterial road, and between Old Kings Road and Pickett Drive. The site currently has a land use designation of Low Density Residential (LDR) in the Suburban Development Area (SA). Contingent upon approval of the Land Use Companion Application (L-5310-18C), the proposed land use designation will be Light Industrial (LI). Principal uses of LI include: Light assembly and manufacturing; Packaging; Processing; Manufacturing of paints, enamels and allied products; Concrete batching plants; Storage/warehousing; Research and development activities; Transportation terminals; Radio/T.V. studios; Transmission and relay towers; Yard waste composting; Recycling facilities; Business/professional offices; Medical clinics; Veterinary offices; and Vocational/trade schools and building trade contractors.

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

Yes, the proposed rezoning furthers the following goals, objectives, and policies of the 2030 Comprehensive Plan's Future Land Use Element:

**Goal 3** To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

**Objective 3.2** Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

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

**Policy 3.2.7** The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

**Policy 3.2.30** The area shown on the Industrial Preservation Map (Map L-23) as “Industrial Sanctuary” or “Areas of Situational Compatibility” are presumed to be appropriate for land use map amendments to industrial categories, subject to a case-by-case review of consistency with State and regional plans and the Comprehensive Plan.

**Policy 3.2.32** Where there is not an adopted neighborhood plan and/or study recommending the contrary, areas identified on the Industrial Preservation Map (Map L-23) as Industrial Sanctuary shall not be converted to non-industrial land uses.

**Policy 4.1.8B** The City shall evaluate all proposed amendments to the Comprehensive Plan as to their compliance with the area’s vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.

**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

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

No. The proposed rezoning is not in conflict with any portion of the City’s land use regulations pending approval of the Land Use Companion Application (L-5310-18C).

**SURROUNDING LAND USE AND ZONING**

The subject parcel is located at the corner of Emerson Street and Fleet Street, between St. Augustine Road and Hendricks Avenue.

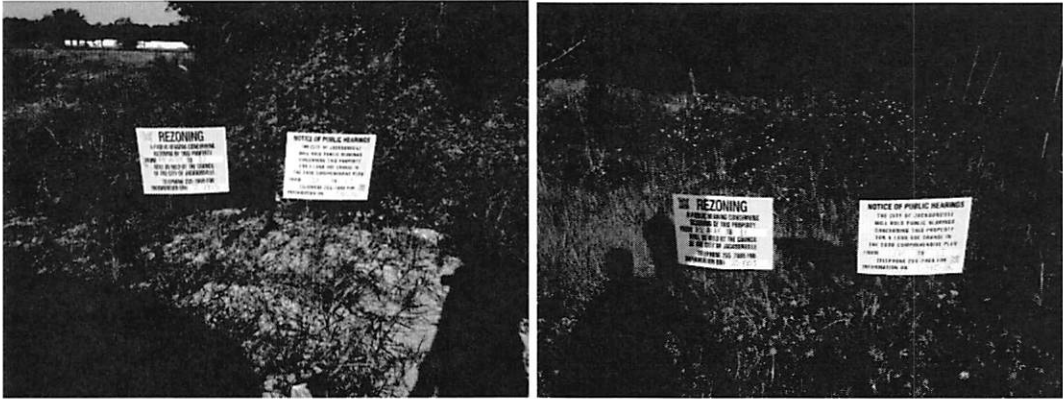
<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	LDR	RR-Acre	Single-Family Homes
East	LI	IL	Semi-trailer storage
South	LI	IL	Vacant
West	LI	PUD	Semi-trailer storage

The properties immediately adjacent to the subject site to the east, south, and west are characterized by light industrial uses, primarily semi-trailer storage which the owners of the subject property are seeking a rezoning for. The property to the north, across Millwright Court, is residential in nature

and has been developed with 6 single-family homes, although all but one are clustered at the west end of the parcel and are not adjacent to the property being rezoned.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on September 20, 2018, the required Notice of Public Hearing signs were posted.



**RECOMMENDATION**

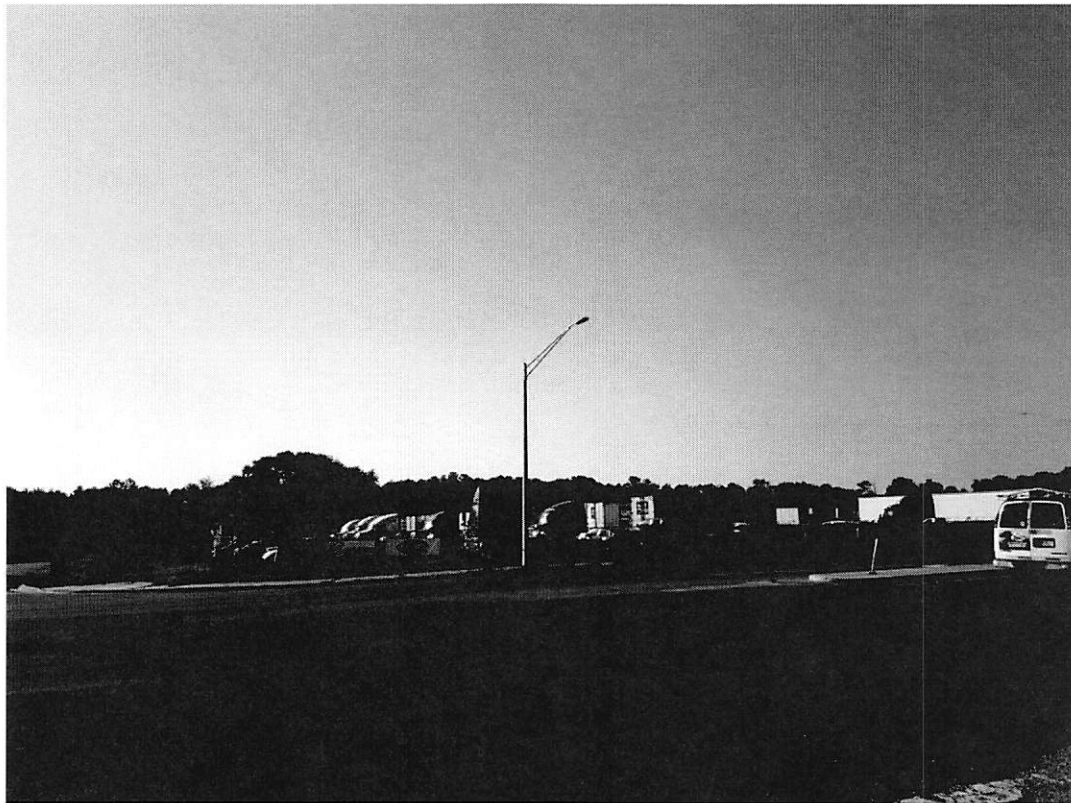
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2018-0610** be **APPROVED**.



Aerial



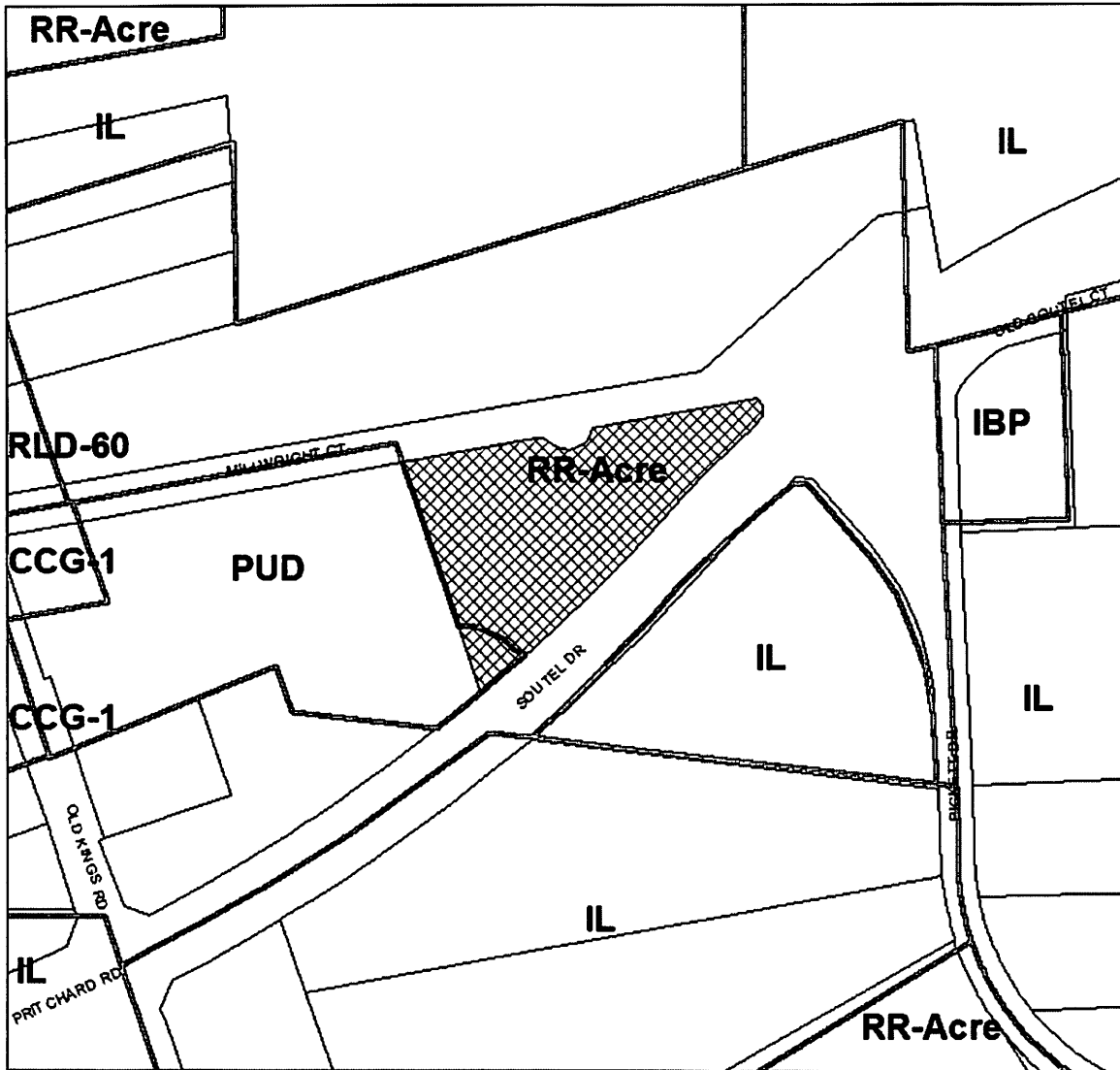
Facing west across the subject site toward existing semi-trailer storage

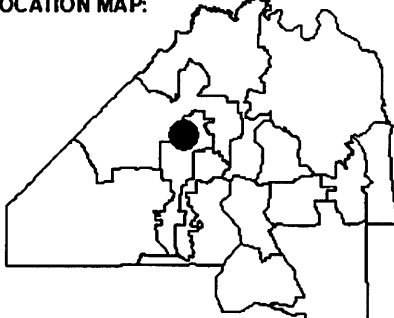
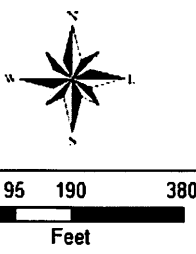


Existing semi-trailer storage across Soutel Drive from the subject site



Southern property line and frontage along Soutel Drive of subject parcel



<p><b>REQUEST SOUGHT:</b></p>  <p><b>FROM: RR-ACRE</b></p> <p><b>TO: IL</b></p>	<p><b>LOCATION MAP:</b></p>  <p>A small map showing the location of the site within a larger geographic area, with a black dot indicating the site's location.</p>	 <p>0 95 190 380 Feet</p> <p><b>COUNCIL DISTRICT:</b> 10</p>
<p><b>TRACKING NUMBER</b> T-2018-1953</p>		<p><b>PAGE 1 OF 1</b></p>



## Application For Rezoning To Conventional Zoning District

### Planning and Development Department Info

**Ordinance #** 2018-0610 **Staff Sign-Off/Date** SCW / 08/20/2018  
**Filing Date** N/A **Number of Signs to Post** 6  
**Hearing Dates:**  
**1st City Council** 10/09/2018 **Planning Commission** 10/04/2018  
**Land Use & Zoning** 10/16/2018 **2nd City Council** N/A  
**Neighborhood Association** PICKETVILLE CIVIC CLUB, KINLOCK CIVIC ASSOCIATION  
**Neighborhood Action Plan/Corridor Study**

### Application Info

**Tracking #** 1953 **Application Status** PENDING  
**Date Started** 08/03/2018 **Date Submitted** 08/03/2018

### General Information On Applicant

**Last Name** BOSWELL **First Name** DAN **Middle Name** C  
**Company Name**  
**Mailing Address**  
 4014 RANIE ROAD  
**City** JACKSONVILLE **State** FL **Zip Code** 32218  
**Phone** 9044767993 **Fax** 9047660477 **Email** DANCBOSWELL@YAHOO.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

**Last Name** GILDER **First Name** GARY **Middle Name**  
**Company/Trust Name**  
 SOUTEL 1, INC.  
**Mailing Address**  
 2107 NEW BERLIN ROAD  
**City** JACKSONVILLE **State** FL **Zip Code** 32218  
**Phone** 9044656731 **Fax** **Email** DGILDER3@GMAIL.COM

### Property Information

**Previous Zoning Application Filed For Site?**

If Yes, State Application No(s)

Map RE#	Council District	Planning From Zoning District	From Zoning District(s)	To Zoning District
Map 003459 0102	10	5	RR-ACRE	IL

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

**Existing Land Use Category**  
 LDR

**Land Use Category Proposed?** ✓

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

5310

**Total Land Area (Nearest 1/100th of an Acre)** 3.36

**Justification For Rezoning Application**

PROPERTY OWNER PLANS TO DEVELOP SITE SIMILAR TO PROPERTIES IMMEDIATELY TO THE WEST AND DIRECTLY ACROSS SOUDEL DRIVE FROM THE SITE AS WELL AS FURTHER EAST ON SOUDEL DRIVE. THE SITE WOULD BE PRINCIPALLY USED FOR PARKING SEMI-TRAILERS AND TRUCKS SIMILAR TO ADJOINING PROPERTIES TO THE WEST AND SOUTH. A GREEN SCREENING WOULD BE USED TO PROVIDE VISUAL BARRIER TO THE ONLY LDR PROPERTY NORTH ACROSS MILLWRIGHT COURT. SITE ACCESS WOULD BE FROM AN EXISTING DRIVEWAY DIRECTLY NORTH OF MEDIAN CUT ON SOUDEL

**Location Of Property**

**General Location**

NORTH SIDE OF SOUDEL DRIVE AND EAST OF OLD KINGS ROAD

House #	Street Name, Type and Direction	Zip Code
0	SOUDEL DR	32219

**Between Streets**

OLD KINGS ROAD and PICKETT DRIVE

**Required Attachments For Formal, Complete application**

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

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

**Supplemental Information**

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

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

**Public Hearings And Posting Of Signs**

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

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

**Application Certification**

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

✓ Agreed to and submitted

**Filing Fee Information**

**1) Rezoning Application's General Base Fee:** \$2,000.00

**2) Plus Cost Per Acre or Portion Thereof**

**3.36 Acres @ \$10.00 /acre:** \$40.00

**3) Plus Notification Costs Per Addressee**

**10 Notifications @ \$7.00 /each:** \$70.00

**4) Total Rezoning Application Cost:** \$2,110.00

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

# ORDINANCE

## Exhibit 1 - Legal Description

Legal Dated August 2, 2018 for Soutel Drive – RE# 003459-0102

A PORTION OF THE CHARLES F. SIBBALD GRANT, SECTION 39, TOWNSHIP 1 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND BEING A PORTION OF THAT LAND DESCRIBED BY AND RECORDED IN OFFICIAL RECORDS BOOK 9552, PAGE 901 OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, LYING NORTHWESTERLY OF SOUTEL DRIVE, AS NOW RE-LOCATED AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTER LINE OF CONSTRUCTION INTERSECTION OF SOUTEL DRIVE (RELOCATED), COUNTY ROAD NUMBER 354, AT STATION 76+27.51 WITH THE CENTER LINE OF PICKETT DRIVE (RELOCATED), STATION 200+00 AND 900+00 AS SHOWN ON OLD SOUTEL DRIVE EXTENSION EXHIBIT, PREPARED BY KING ENGINEERING, DATED 05-31-2007, AND AS DESCRIBED IN OFFICIAL RECORDS BOOK 14280, PAGE 233, AS EXHIBIT B; THENCE NORTH 40°52'35" WEST, ALONG THE CENTER LINE OF SAID OLD SOUTEL DRIVE EXTENSION, A DISTANCE OF 102.68 FEET TO A POINT IN SAID CENTER LINE; THENCE DEPARTING SAID CENTER LINE, PERPENDICULAR TO SAID CENTER LINE, SOUTH 49°07'25" WEST, A DISTANCE OF 31.78 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF FORMER SOUTEL DRIVE AND PICKETT BELT ROAD AND COUNTY ROAD NUMBER 354, A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED AND THE POINT OF BEGINNING; THENCE SOUTHERLY PARALLEL WITH SAID CENTERLINE OF OLD SOUTEL EXTENSION, SOUTH 40°52'35" EAST, A DISTANCE OF 8.35 FEET TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND BEING CONCAVE TO THE WEST; THENCE, ALONG SAID CURVE, AN ARC DISTANCE OF 38.67 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03°26'06" WEST, 34.93 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SOUTEL DRIVE RE-LOCATED PER RIGHT-OF-WAY MAPS, (A 120 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED), PREPARED BY MILLER/LEGG, PROJECT NUMBER 4020, CITY OF JACKSONVILLE PROJECT NUMBER P-53-94, DATE OF LAST REVISION 11-16-2009, SAID INTERSECTION POINT BEING A POINT OF REVERSE CURVE, SAID REVERSE CURVE HAVING A RADIUS OF 2,361.83 FEET AND BEING CONCAVE SOUTHEASTERLY; THENCE ALONG SAID CURVE, AN ARC DISTANCE OF 242.66 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 44°48'10" WEST, 242.55 FEET TO A POINT OF REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 3,204.05 FEET BEING CONCAVE NORTHWESTERLY; THENCE ALONG SAID REVERSE CURVE, AN ACR DISTANCE OF 400.78 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°48'02" WEST, 440.43 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF OFFICIALS RECORDS BOOK 9552, PAGE 901; THENCE ALONG SAID WESTERLY LINE, NORTH 18°47'20" WEST, A DISTANCE OF 429.81 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF MILLWRIGHT COURT, FORMERLY KNOWN AS SOUTEL COURT WEST AND SOUTEL DRIVE AND PICKETT BELT ROAD AND COUNTY ROAD NUMBER 354; THENCE ALONG LAST SAID SOUTHERLY RIGHT-

OF-WAY LINE OF MILLWRIGHT COURT, NORTH 79°39'41" EAST, A DISTANCE OF 239.00 FEET TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND BEING CONCAVE SOUTHWESTERLY; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 24.07 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 72°45'24" EAST, A DISTANCE OF 23.15 FEET TO A POINT OF REVERSE CURVE, SAID REVERSE CURVE HAVING A RADIUS OF 45.00 FEET AND BEING CONCAVE NORTHERLY; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 98.73 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 71°58'11" EAST, 80.09 FEET TO INTERSECT WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED SOUTEL DRIVE AND PICKETT BELT ROAD AND COUNTY ROAD NUMBER 354; THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 79°39'41" EAST, A DISTANCE OF 293.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.36 ACRES MORE OR LESS.

SUBJECT TO THAT CERTAIN EASEMENT DESCRIBED IN OFFICIAL RECORDS 15270, PAGE 2273 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

**EXHIBIT A - Property Ownership Affidavit**

Date: August 2, 2018

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

Re: Property Owner Affidavit for the following site location:

RE #s 003459-0102

To Whom it May Concern:

I Thadys Gary Gilder hereby certifies that I am the Owner of the property described in Exhibit 1 in connection with filing applications for Land Use Amendment & Rezoning submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

By \_\_\_\_\_

Soutel 1 Inc.  
By Gary Gilder

Print Name: Gary Gilder & Dorothy Gilder

Print Name: Gary Gilder

Its: Owner & President

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

**STATE OF FLORIDA  
COUNTY OF DUVAL**

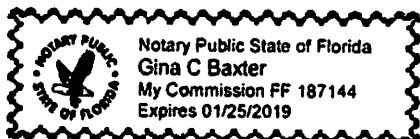
Sworn to and subscribed and acknowledged before me this 2nd day of Aug 2018, by GARY GILDER, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

Gina C. Baxter

(Signature of NOTARY PUBLIC)

Gina C. Baxter

(Printed name of NOTARY PUBLIC)



State of Florida at Large.

My commission expires: \_\_\_\_\_

**EXHIBIT B - Agent Authorization Affidavit- Property Owner**

Date: August 2, 2018

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

Re: Agent Authorization for the following site location: RE # 003459-0102

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Dan C. Boswell \_\_\_\_\_ to act as agent to file application(s) for Land Use Amendment and Rezoning for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

By \_\_\_\_\_

Soutel 1 Inc.  
By Mary Kelly

Print Name: Gary Gilder & Dorothy Gilder

Print Name: Gary Gilder

Its: Owner & President

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

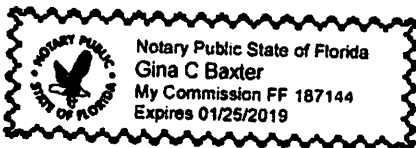
STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 2nd day of aug. 2018, by Gary Gilder, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

Gina C Baxter

(Signature of NOTARY PUBLIC)

Gina C Baxter  
(Printed name of NOTARY PUBLIC)



State of Florida at Large.  
My commission expires: \_\_\_\_\_

THIS INSTRUMENT PREPARED BY  
AND RECORD AND RETURN TO:

Robert F. Mallett, L.L.C.  
JTA General Counsel  
Broad and Cassel LLP  
390 N. Orange Ave., Suite 1400  
Orlando, Florida 32801

Real Estate No. 003459-0102  
(Soutel Road Surplus Parcel)

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made and executed this 15<sup>th</sup> day of June, 2018, by **JACKSONVILLE TRANSPORTATION AUTHORITY**, a body politic and corporate and an agency of the State of Florida whose mailing address is 121 West Forsyth Street, Jacksonville, FL 32202, hereinafter called the Grantor, to **SOUTEL 1, INC.**, a Florida corporation, having an address of 2701 New Berlin Road, Jacksonville, FL 32218, hereinafter called the Grantee.

**WITNESSETH:** That the Grantor, for and in consideration of the sum of Ten and No/100 Dollars, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Duval County, Florida, which is described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**  
(the "Property")

**TOGETHER** with all tenements, hereditaments, improvements (if any), easements and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same in fee simple forever; **SUBJECT, HOWEVER** to the exceptions set forth on **EXHIBIT "B"** attached hereto.

**AND** the Grantor hereby covenants with said Grantee that it is lawfully seized of said Property in fee simple; that it has good right and lawful authority to sell and convey the Property; and that the Property is free of all encumbrances except the matters herein-above mentioned to which this Deed is made subject. The Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor. Grantee hereby assumes payment of real estate taxes and assessments, if any, for the current and subsequent years due to change in land usage, ownership, or both.



Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES THAT, EXCEPT AS TO THE WARRANTIES OF TITLE SET FORTH HEREINABOVE, GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF THE PROPERTY, OR (H) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS MATERIALS AS DEFINED BY LAW FOR WHICH THIS DEED IS DELIVERED. GRANTEE FURTHER ACKNOWLEDGES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF THE PROPERTY IS MADE ON AN "AS IS" CONDITION AND BASIS WITH ALL FAULTS. GRANTEE HEREBY WAIVES, RELEASES, ACQUITS AND FOREVER DISCHARGES GRANTOR OF AND FROM ANY AND ALL CLAIMS, ACTIONS, CAUSES OF ACTION, DEMANDS, RIGHTS, DAMAGES, COSTS, EXPENSES OR COMPENSATION WHATSOEVER, DIRECT OR INDIRECT, KNOWN OR UNKNOWN, FORESEEN OR UNFORESEEN, WHICH GRANTEE NOW HAS OR WHICH MAY ARISE IN THE FUTURE ON ACCOUNT OF OR IN ANY WAY RELATED TO OR IN CONNECTION WITH ANY PAST, PRESENT, OR FUTURE PHYSICAL CHARACTERISTIC OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY HAZARDOUS MATERIALS IN, AT, ON, UNDER OR RELATED TO THE PROPERTY.

EXECUTED on the date set forth in the acknowledgment attached hereto to be effective as of the 1<sup>st</sup> day of JUNE, 2018.

Signed, sealed and delivered in the presence of:

“GRANTOR”

JACKSONVILLE TRANSPORTATION AUTHORITY, a body politic and corporate, and an agent of the State of Florida

WITNESSES:

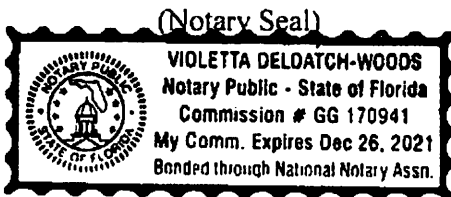
[Signature]  
Print Name: Kathryn J. Smith

[Signature]  
Print Name: Erica Wynn

By: [Signature]  
Name: Nathaniel P. Ford, Sr.  
Title: Chief Executive Officer

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of JUNE, 2018 by Nathaniel Ford, Sr., as the Chief Executive Officer and authorized signatory of the Jacksonville Transportation Authority, a body politic and corporate and an agency of the State of Florida, on behalf of the Authority. He is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
Print Name: Violetta Deloatch-Woods  
Notary Public, State of Florida  
Commission No. # GG 170941  
My commission expires: December 26, 2021

Approved as to Form for Execution by Authorized Signatory of the Jacksonville Transportation Authority

Legal Consultant: BROAD AND CASSEL LLP

By: \_\_\_\_\_  
Robert F. Mallett, L.L.C.

EXECUTED on the date set forth in the acknowledgment attached hereto to be effective as of the 1<sup>st</sup> day of JUNE, 2018.

Signed, sealed and delivered in the presence of:

"GRANTOR"

JACKSONVILLE TRANSPORTATION AUTHORITY, a body politic and corporate, and an agent of the State of Florida

WITNESSES:

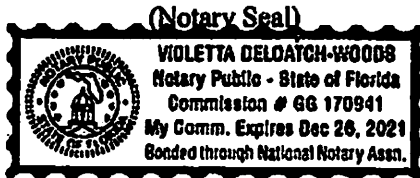
[Signature]  
Print Name: Kathryn J. Smith

[Signature]  
Print Name: Erica Wynn

By: [Signature]  
Name: Nathaniel P. Ford, Sr.  
Title: Chief Executive Officer

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of JUNE, 2018 by Nathaniel Ford, Sr., as the Chief Executive Officer and authorized signatory of the Jacksonville Transportation Authority, a body politic and corporate and an agency of the State of Florida, on behalf of the Authority. He is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
Print Name: Violetta Deloatch-Woods  
Notary Public, State of Florida  
Commission No. # GG 170941  
My commission expires: December 26, 2021

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by Authorized Signatory of the  
Jacksonville Transportation Authority

Legal Consultant: BROAD AND CASSEL LLP

By: [Signature]  
Robert F. Mallett, L.L.C.

## LEGAL DESCRIPTION

A PORTION OF THE CHARLES F. SIBBALD GRANT , SECTION 39, TOWNSHIP 1 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA AND BEING A PORTION OF THAT LAND DESCRIBED BY AND RECORDED IN OFFICIAL RECORDS BOOK 9552, PAGE 901 OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, LYING NORTHWESTERLY OF SOUTEL DRIVE, AS NOW RE-LOCATED AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTER LINE OF CONSTRUCTION INTERSECTION OF SOUTEL DRIVE (RELOCATED), COUNTY ROAD NO. 354, AT STATION 76+27.51 WITH THE CENTER LINE OF PICKETT DRIVE (RELOCATED), STATION 200+00 AND 900+00 AS SHOWN ON OLD SOUTEL DR. EXTENSION EXHIBIT, PREPARED BY KING ENGINEERING, DATED 05-31-2007, AND AS RECORDED IN OFFICIAL RECORDS BOOK 14280, PAGE 233, AS EXHIBIT B; THENCE N. 40°52'35" W., ALONG THE CENTER LINE OF SAID OLD SOUTEL DRIVE EXTENSION, A DISTANCE OF 102.68 FEET TO A POINT IN SAID CENTER LINE; THENCE DEPARTING SAID CENTER LINE, PERPENDICULAR TO SAID CENTER LINE, S. 49°07'25" W., A DISTANCE OF 31.78 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF FORMER SOUTEL DRIVE AND PICKETT BELT ROAD AND COUNTY ROAD NUMBER 354, A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED AND THE POINT OF BEGINNING; THENCE SOUTHERLY PARALLEL WITH SAID CENTERLINE OF OLD SOUTEL EXTENSION, S. 40°52'35" E., A DISTANCE OF 8.35 FEET TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND BEING CONCAVE TO THE WEST; THENCE, ALONG SAID CURVE, AN ARC DISTANCE OF 38.67 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S. 03°26'06" W., 34.93 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SOUTEL DRIVE RE-LOCATED PER RIGHT-OF-WAY MAPS, (A 120 FOOT RIGHT-OF-WAY, AS NOW ESTABLISHED), PREPARED BY MILLER/LEGG, PROJECT NUMBER 4020, CITY OF JACKSONVILLE PROJECT NUMBER P-53-94, DATE OF LAST REVISION 11-16-2009, SAID INTERSECTION POINT BEING A POINT OF REVERSE CURVE, SAID REVERSE CURVE HAVING A RADIUS OF 2361.83 FEET AND BEING CONCAVE SOUTHEASTERLY; THENCE ALONG SAID CURVE, AN ARC DISTANCE OF 242.66 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S. 44°48'10" W., 242.55 FEET TO A POINT OF REVERSE CURVE, SAID CURVE HAVING A RADIUS OF 3204.05 FEET BEING CONCAVE NORTHWESTERLY; THENCE ALONG SAID REVERSE CURVE, AN ARC DISTANCE OF 440.78 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S. 45°48'02" W., 440.43 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF OFFICIAL RECORDS BOOK 9552, PAGE 901; THENCE ALONG SAID WESTERLY LINE, N. 18°47'20" W., A DISTANCE OF 429.81 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF MILLWRIGHT COURT, FORMERLY KNOWN AS SOUTEL COURT WEST AND SOUTEL DRIVE AND PICKETT BELT ROAD AND COUNTY ROAD NO. 354; THENCE ALONG LAST SAID SOUTHERLY RIGHT-OF-WAY LINE OF MILLWRIGHT COURT, N. 79°39'41" E, A DISTANCE OF 239.00 FEET TO A POINT OF CURVE, SAID CURVE HAVING A RADIUS OF 25.00 FEET AND BEING CONCAVE SOUTHWESTERLY; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 24.07 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S. 72°45'24" E., A DISTANCE OF 23.15 FEET TO A POINT OF REVERSE CURVE, SAID REVERSE CURVE HAVING A RADIUS OF 45.00 FEET AND BEING CONCAVE NORTHERLY; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 98.73 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N. 71°58'11" E., 80.09 FEET TO INTERSECT WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED SOUTEL DRIVE AND PICKETT BELT ROAD AND

COUNTY ROAD NO. 354; THENCE ALONG SAID RIGHT-OF-WAY LINE, N. 79°39'41" E., A  
DISTANCE OF 293.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.36 ACRES MORE OR LESS.

SUBJECT TO THAT CERTAIN EASEMENT DESCRIBED IN OFFICIAL RECORDS 15270, PAGE  
2273 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

**EXHIBIT "B"**

**PERMITTED EXCEPTIONS**

1. **Taxes for the year 2018 and subsequent years, a lien not yet due and payable.**
2. **Access Easement Agreement as contained in instrument recorded June 10, 2010, under O.R. Book 15270, Page 2273, Public Records of Duval County, Florida.**
3. **Notice of Right-of-Way Transfer contained in instrument recorded June 10, 2010, under O.R. Book 15270, Page 1098, Public Records of Duval County, Florida.**
4. **Ordinance 2008-998-E closing and abandoning and/or disclaiming an excess portion of Soutel Drive created by re-alignment of Soutel Drive, as contained in instrument recorded February 25, 2009, under O.R. Book 14791, Page 2226, Public Records of Duval County, Florida.**
5. **Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.**



*Planning and Development  
Department*

Ed Ball Building  
214 North Hogan Street, Suite 300  
Jacksonville, FL 32202

**MEMORANDUM**

**TO:** Sam Walker  
**FROM:** Chris Schoenig, City Planner I  
Community Planning Division  
**RE:** 2018-610  
**DATE:** September 26, 2018

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*The following review is based on the information provided by the Current Planning Division staff*

**Description of Proposed Rezoning Application**

Current Land Use: LDR LU Companion Application: 2018-609 (LDR to LI)  
Current Zoning: RR-Acre Proposed Zoning: IL Acres: 1.08

**Comprehensive Land Use Policy Analysis**

**Is the proposed rezoning district consistent with the functional land use category identified in the 2030 Comprehensive Plan?**

YES  NO

**ZONING REQUEST:**

The request is for a conventional rezoning from Rural Residential-Acre (RR-Acre) to Industrial Light (IL) in order to make the site consistent with the surrounding industrial uses.

**LAND USE CATEGORY CONSISTENCY REIEW:**

The subject site is located north of Soutel Drive, which is classified as a minor arterial road, and between Old Kings Road and Pickett Drive. The site currently has a land use designation of Low Density Residential (LDR) in the Suburban Development Area (SA). Contingent upon approval of the Land Use Companion Application (L-5310-18C), the proposed land use designation will be Light Industrial (LI). Principal uses of LI include: Light assembly and manufacturing; Packaging; Processing; Manufacturing of paints, enamels and allied products; Concrete batching plants; Storage/warehousing; Research and development activities; Transportation terminals; Radio/T.V. studios; Transmission and relay towers; Yard waste composting; Recycling facilities; Business/professional offices; Medical clinics; Veterinary offices; and Vocational/trade schools and building trade contractors.

To ensure compliance with the provisions of the Comprehensive Plan, zoning staff should analyze the proposed zoning application in relation to the following goals, objectives, policies and/or text of the 2030 Comprehensive Plan. This analysis should be included within the staff report for the zoning application.

Future Land Use Element:

- Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.
- Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.
- Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.
- Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.
- Policy 3.2.30 The area shown on the Industrial Preservation Map (Map L-23) as "Industrial Sanctuary" or "Areas of Situational Compatibility" are presumed to be appropriate for land use map amendments to industrial categories, subject to a case-by-case review of consistency with State and regional plans and the Comprehensive Plan.
- Policy 3.2.32 Where there is not an adopted neighborhood plan and/or study recommending the contrary, areas identified on the Industrial Preservation Map (Map L-23) as Industrial Sanctuary shall not be converted to non-industrial land uses.
- Policy 4.1.8B The City shall evaluate all proposed amendments to the Comprehensive Plan as to their compliance with the area's vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.
- 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.

**Recreation and Open Space Element (ROSE):**

- Policy 2.2.1 The City shall require that all new non-residential land uses, except in the Central Business District, provide a minimum of 10% of the property in open space.

**The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application should be carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:**

**KingSoutel Crossing CRA**

The subject site is located within the boundaries of the KingSoutel Crossing Community Reinvestment Area (CRA). The KingSoutel Crossing CRA was enacted in 2008, pursuant to Ordinance 2006-591-E. It was established to jumpstart housing, retail and commercial development in an underserved, but emerging area in Northwest Jacksonville.