

Exhibit D

WRITTEN DESCRIPTION

PHILIPS HIGHWAY COMMERCIAL CENTER PUD

8/29/2013

I. PROJECT DESCRIPTION

- A. The **Philips Highway Commercial Center** project is located between SR 9B to the north and Racetrack Road to the south. The subject property (the "Property") comprises approximately 21 acres and is identified as 14557 Philips Highway. The property is currently owned by FRAPAG Powers Bay, LLC (the "Applicant") and is more particularly described in the legal description attached to this application as **Exhibit 1**. More specifically, the property is located approximately 5,000 feet north of the Duval County and St. Johns County line.

The Property is presently occupied by a dilapidated structure, and undeveloped (pine plantation) land. The existing uses, FLUM designations, and zoning districts surrounding the Property are as follows:

Direction	Existing Uses	FLUM designation	Zoning District
North	Undeveloped land, single-family homes, and a planned single-family subdivision	Low Density Residential (LDR) and AGR(iii)	PUD and AGR
East	Undeveloped land and single-family homes, and a planned single-family subdivision	LDR and AGR (iv)	PUD and AGR
South	A planned single-family subdivision, proposed commercial development and Bartram Park DRI	LDR, NC and Multi-use (MU)	PUD and PUD
West	Proposed commercial development, Bartram Park DRI and FEC Railroad	NC and MU	PUD and PUD

The Philips Highway Commercial Center is located in an area experiencing significant growth. Bartram Park to the west and Nocatee DRI to the south continue to add residential dwellings in the vicinity. The increasing demand for the essential daily needs of new area residents will be duly served by this neighborhood commercial center.

The Property will be developed to provide supporting commercial uses to residents in this growing area. The commercial uses within the property will be compatible with each other and surrounding development. The compatibility within the project will allow for an efficient traffic circulation and reduce the number of external trips. The project will encompass an approximately 300,000 square foot commercial center, including (but not limited to) retail, professional and business office, and medical office uses, as depicted on the site plan attached hereto as **Exhibit E** (the "Site Plan"). The Property adjoins a parcel under common ownership with approximately 1,800 feet of road frontage along Philips Highway and three (3) FDOT approved

access points. The US 1 Corridor Study includes this portion of Philips Highway and the Project will comply with the recommendations for landscaping along the street frontage.

- B. Project Architect/Planner: RDB Architects (conceptual planning)
- C. Project Engineer: RS&H (stormwater design/permitting) and Peacock Consulting Group (wildlife study, wetland delineation and permitting)
- D. Project Developer: FRAPAG Powers Bay, LLC
- E. Current Land Use Category: LDR
- F. Current Zoning District: PUD
- G. Requested Zoning District: PUD
- H. Requested Land Use Category: NC
- I. Real Estate Number(s): 168109-0000

II. QUANTITATIVE DATA

- A. Total Acreage: 21
- B. Total number of dwelling units by each type: n/a
- C. Total amount of non-residential floor area: 300,000 sf
- D. Total amount of recreation area: n/a
- E. Total amount of open space: approximately 3 acres
- F. Total amount of public/private rights of way: n/a
- G. Total amount of land coverage of all buildings and structures: Not to exceed 60%
- H. Phase schedule of construction (include initiation dates and completion dates):
 - a. Proposed Development Schedule
 - i. 2010-2011 – Complete access points to Philips Highway per FDOT requirements including permitting, design and construction. (COMPLETE)
 - ii. 2012-2013 – Make application for stormwater permits and proposed wetland impacts, conservation and mitigation. (UNDERWAY)
 - iii. 2014-2018 – Begin construction of stormwater ponds, mass grading and internal infrastructure, accelerate vertical construction as needed to accommodate users/prospective tenants.
 - iv. 2019-2023 – Continue construction of vertical components with a goal of completion and stabilization of project upon full occupancy.

III. STATEMENTS

- A. This is a new PUD that will augment and complement another, separate, previously approved development. Due to the fact that the property being developed is otherwise land locked, using this PUD written description is the best route for logical, cohesive and efficient development. The proposed project is consistent with the general purpose and intent of the City of Jacksonville 20430 Comprehensive Plan and Land Use Regulations. The proposed project will be beneficial to the surrounding neighborhood and community because it will provide for much needed commercial uses to support new residents.
- B. Maintenance of those areas and functions described herein and facilities which are not to be provided, operated or maintained by the City will be governed by easements and operating agreements between the appropriate property owners if the parcels within the PUD are subdivided at a later date.

IV. USES AND RESTRICTIONS

A. Permitted Uses

- (1) Medical and dental or chiropractor offices and clinics (but not hospitals).
- (2) Professional offices.
- (3) Business offices.
- (4) Facilities for the production of eyeglasses, hearing aids, dentures, prosthetic appliances and similar products in conjunction with a professional service being rendered at the time if the gross floor area shall not exceed 4,000 square feet.
- (5) Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, furniture, furnishings, appliances, hardware, jewelry (including watch repair but not pawnshops), art, electronics, computers, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shop (but not outdoor animal boarding kennels), musical instruments, television and radio (including repair incidental to sales), florist or gift shops, delicatessens, bakeshops (but not wholesale bakeries), drugs and similar products.
- (6) Service establishments such as barber or beauty shops, shoe repair shops, restaurants (with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code), interior decorators, self-service laundries or dry cleaners, tailors or dressmakers, laundry or dry cleaning pickup stations.
- (7) Banks (including 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 and service of alcoholic beverages including liquor, beer or wine for on-premises consumption (including service in outdoor seating areas) and in sealed containers for off-premises consumption.
- (10) An establishment or facility which includes the retail sale of alcoholic beverages including liquor, beer or wine for on-premises consumption, in conjunction with the service of food which is ordered from a menu and prepared or served for pay for consumption on-premises.
- (11) Veterinarians meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
- (12) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
- (13) Employment office (but not a day labor pool).
- (14) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
- (15) Art galleries, dance, art, gymnastics, karate and martial arts, music and photography studios, and theaters (including motion picture theaters but not open-air theaters).
- (16) Filling stations for gasoline, diesel fuel or gasohol meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
- (17) Drive-thru facilities in conjunction with a permitted or permissible use or structure.
- (18) Day care centers meeting the performance standards and development criteria set forth in Part 4 of the City of Jacksonville Zoning Code.
- (19) Notwithstanding anything to the contrary in this agreement, ongoing and additional silvicultural activities shall be allowed to continue on the property until such time as development activities commence in earnest on individual portions of the development.

B. Permissible Uses by Exception

- (1) This section intentionally left blank.

C. Limitations on Permitted and Permissible Uses by Exception

- (1) Dumpsters, propane tanks and similar appurtenances must be screened from public roadways by landscaping or opaque fencing that is aesthetically compatible with other structures located, or to be located, on the Property.

- (2) Any request to deviate from these restrictions on the aggregate building area or uses shall be evaluated through the PUD minor modification process, with a revised Site Plan to evaluate the internal and external compatibility of such proposed uses.

D. Permitted Accessory Uses and Structures.

Accessory uses and structures are allowed provided that they meet the performance standards and development criteria set forth in Section 656.403 of the City of Jacksonville Zoning Code.

V. DESIGN GUIDELINES

A. Lot Requirements:

- (1) **Minimum lot area:** 7,500 square feet, except as otherwise required for certain uses.
- (2) **Minimum lot width:** 75 feet
- (3) **Maximum lot coverage:** 60 percent
- (4) **Minimum front yard:** 20 feet.
- (5) **Minimum side yard:** None if the buildings within this development or the adjacent lot are built to the property line or if the adjacent lot is vacant. Unless no space is left between buildings on adjacent lots, a space where the lot is adjacent to residentially zoned property, a minimum side yard of 15 feet shall be provided.
- (6) **Minimum rear yard:** Ten feet.
- (7) **Maximum height of structures:** 35 feet; provided however, that height may be unlimited where all required yards are increased by one foot for every one foot of building height in excess of 35 feet. As provided in Section 656.405 of the City of Jacksonville Zoning Code, spires, cupolas, antennas, chimneys and other appurtenances not intended for human occupancy may be placed above the maximum heights provided for herein.

B. Ingress, Egress and Circulation.

1. Parking Requirements.

- (1) The uses permitted in this PUD would offer services at different hours and days of the week. Therefore, the provided parking spaces would be shared among the uses. As a result, the number of parking spaces does not have to meet the conventional parking requirements in order to provide sufficient parking for the patrons of each use. The PUD will encourage pedestrian and/or bicycle access to and from the Property and the planned and proposed developments on adjacent sites. As such, the minimum number of parking spaces will be provided in the aggregate in compliance with Part 6 of the Zoning Code.

Note: Modifications to parking requirements within the PUD may be permitted by an administrative modification.

2. Vehicular Access.

- (1) Vehicular access to the Property will be [through PUD 2006-1152-E](#) via Philips Highway (US 1) from three (3) existing, FDOT approved access points, as shown in the Site Plan. ~~The uses will be internally compatible.~~ As such, the access points will provide interconnectivity between the uses within the PUD so as to provide the most efficient traffic circulation. The final location of any additional access points is subject to the review and approval of the City of Jacksonville Planning and Development Department and Traffic Engineer.
- (2) Within the Property, internal access shall be provided by reciprocal easements for ingress and egress among the driveways of the various parcels of the Property, if ownership or occupancy of the Property is subdivided among more than one person or entity.

- 3. Pedestrian Access.** The project will be developed with an internal sidewalk system. Pedestrian access shall be provided by sidewalks installed according to the City of Jacksonville's 2010 Comprehensive Plan.

C. Signage.

1. One street frontage sign for each outparcel containing a freestanding building, not exceeding five (5) outparcel signs and a maximum area of 100 square feet per sign face with a maximum height of 20 feet. [Since this parcel does not have direct frontage on Philips Highway, businesses on this parcel may be allowed to locate on the three \(3\) identity signs approved in PUD 2006-1152-E.](#)
2. Wall, monument, and awning signs are permitted in addition to the street frontage signs in accordance with existing Zoning Code requirements as of the date hereof. Due to the large scale of the development, directional signs that indicate ways to and from property entrances, major buildings, common areas and key components of the development within the PUD, for drivers of vehicles and for pedestrian users of the PUD, shall be permitted throughout the PUD. The design of such directional signs shall be reflective of the overall character of the PUD, and may include the relevant project logo and name. Each structure will provide for a sign in a central location identifying the uses within the structure for drivers of vehicles and pedestrian users of the development. Directional signs may be attached to lighting fixtures within the PUD.
 - (1) Vehicle-oriented directional signs shall be a maximum of four (4) square feet in area per sign face.
 - (2) Pedestrian-oriented directional signs shall be a maximum of four (4) square feet per side.

~~Note: Modifications to signage within the PUD and in conjunction with adjacent~~

~~parcels may be permitted by an administrative modification.~~

D. Landscaping.

Landscaping on the Property shall be constructed and maintained in accordance with the current requirements set forth in City of Jacksonville Landscape Regulations and Tree Protection Ordinances as of the date hereof. Notwithstanding the provisions of Part 12 of the City of Jacksonville Zoning Code, the location of the project landscaping may vary from the strict requirements of such Part and be located to alternative placement to provide for improved site design and function. The final landscape plan shall be subject to the review and approval of the Planning and Development Department.

E. Recreation and Open Space.

The project will meet the recreation and open space requirements set forth in the City of Jacksonville 20130 Comprehensive Plan. The requirement will be fulfilled through the provision of perimeter landscaping adjacent to the vehicular use area (VUA), which will be in accordance with Part 12 of the City of Jacksonville Zoning Code.

F. Utilities.

The project will be provided water, electric and sanitary sewer services by JEA.

G. Wetlands.

Wetlands will be permitted in accordance with local, state, and federal requirements.

IV. 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.