

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2013-0789 TO
PLANNED UNIT DEVELOPMENT

JANUARY 30, 2014

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 **2013-0789** to Planned Unit Development.

Location: 13429 Atlantic Boulevard; on the north side of Atlantic Boulevard between Queens Harbor Boulevard and San Pablo Road

Real Estate Number(s): 167141-4102, 167141-4104, 167141-4106, 167141-4108, 167141-4110, 167141-4112, 167141-4114, 167141-4116 and 167141-4118

Current Zoning District: Planned Unit Development (PUD) Ord. 2006-0529-E

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Residential/Professional/Institutional (RPI)

Planning District: Greater Arlington, District 2

City Council Representative: The Honorable Bill Bishop, District 2

Applicant/Agent: T. R. Hainline, Esq.
Rogers Towers, P. A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner(s): Jodie L. Morgan
Structure Companies, LLC and The Business Arts Building, Inc.
4 Susan Court
Wilmington, Delaware 19803

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2013-0789 seeks to rezone approximately 0.36± acres of property from Planned Unit Development (PUD) to Planned Unit Development (PUD). The subject property is located on the north side of Atlantic Boulevard between Queens Harbor Boulevard and San Pablo Road. The applicant seeks the rezoning to allow for a veterinary office, including a veterinary hospital, and additional offices, and/or limited retail uses consistent with others nearby.

Development of the overall larger PUD was approved per Ordinance 2006-0529, and in 2006 and 2008 was developed with a commercial shopping center and a bank. The PUD approved CCG-1 uses on the eastern portion of the site, with this western side limited to Professional/Office (CRO) uses. This PUD proposes either a veterinary office, including a veterinary hospital, and other office uses; or a veterinary office, including a veterinary hospital, other offices, and/or limited retail uses. Under either scenario, the uses shall be consistent with the RPI land use category in the Urban Area, which permits veterinary offices and mixed use developments, including limited retail uses.

The proposed PUD retains the existing buffers for uncomplimentary land uses that exist today. The existing PUD (Ord. 2006-529-E) provides for a 30 ft. wide landscaped buffer along Atlantic Boulevard; that provision remains valid and applicable within this PUD amendment. This request will promote infill development with specific uses permitted on the property and provides for a development scheme that is compatible with the existing character of the area.

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 Residential Professional Institutional (RPI) 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. The Residential Professional Institutional (RPI) land use category is a category primarily intended to accommodate medium to high density residential, professional office, and institutional uses. Limited commercial retail and service establishments which serve a diverse set of neighborhoods may also be a part of mixed use developments. RPI in the Urban Area is intended to provide compact medium density development. Development which includes medium density residential and professional office uses is preferred. Limited commercial retail and service establishments which serve a diverse set

of neighborhoods are also encouraged in order to reduce the number of Vehicles Miles Traveled. Allowable principal uses are multi-family dwellings; Office; Business and Professional Office; Institutional; Large scale institutional uses, which require supporting residential and office components; commercial retail sales and service establishments limited to 50 percent of the site area; Live/Work Units; Financial institutions; Restaurants (without drive-in or drive-thru facilities); and mixed use developments may not include more than 90 percent of any individual use. Secondary uses shall be permitted pursuant to the commercial land use introduction. In addition, the following secondary uses may also be permitted: Single-family dwellings as part of a single-use or mixed used development; Veterinary Offices; and Filling stations.

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.

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

Yes. 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?

No. The written description and the site plan of the intended development complies with 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 Residential Professional Institutional (RPI) 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. This proposed rezoning to Planned Unit Development as conditioned is consistent with the 2030 Comprehensive Plan including the following goals, objectives and policies:

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

FLUE Policy 1.1.1 states that, “the City shall ensure that all new development and redevelopment after the effective date of the 2030 Comprehensive Plan is consistent with the Future Land Use Map series, and textual provisions of this and other elements of the 2030 Comprehensive Plan, as provided in Chapter 163 (Part II), F.S.”

FLUE Policy 1.1.11 requires that “all new non-residential projects be developed in either nodal areas, in appropriate commercial infill locations, or as part of mixed or multi-use developments such as Planned Unit Developments (PUDs), cluster developments, Traditional Neighborhood Design (TND) developments, and Locally Designated Historic Preservation Districts”, as described in this element.

FLUE Policy 1.1.12 states that, “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 states that “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 Objective 3.2 states that the City shall “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.”

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

This location is appropriate for infill, thus fulfilling FLUE Policy 1.1.11. The proposed project will allow for the expansion of uses on existing developed properties in the Greater Arlington Planning District and creates new/redevelopment on sites suited for professional and office as well as commercial and retail uses due to its location just west of the PUD’s commercial node and adjacent to existing RPI and CGC developed properties. The site is bordered to the north and east by a retention pond and a bank, which complete the development of this portion of the PUD.

(2) Consistency with the Concurrency and Mobility Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development shall comply with all appropriate requirements of the Concurrency and Mobility Management System Office (CMMSO) prior to development approvals. The site is already developed, and a City Development Number for the proposed PUD has not been provided.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize the property for a veterinary office, veterinary hospital, and additional offices, and/or limited retail uses. There is no residential component included.

(4) Internal compatibility

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

Traffic and pedestrian circulation patterns: The proposed PUD contains limitations on the uses permitted on the developed subject site as well as a common development scheme which contains provisions for signage, landscaping, sidewalks, and other issues relating to common areas and vehicular and pedestrian traffic.

The site will have access via an easement from the adjacent bank parcel to the east and from Atlantic Boulevard. The location of access points and driveway connections are existing, and the accompanying PUD site plan depicts the specific vehicular areas, access driveways and roadways. The final locations shall be subject to the review and approval of the City of Jacksonville Traffic Engineer and the FDOT.

The use of existing and proposed landscaping: The subject property is the remaining outparcel on this western side of the PUD that was limited to Commercial/Residential/Office (CRO) uses. Landscaping and tree protection shall be as provided in Part 12 of the Zoning Code and the PUD (Ord. 2006-529-E) provides for a 30 ft. wide landscaped buffer along Atlantic Boulevard; that remains valid and applicable within this PUD request. The veterinary hospital/office use will provide a fence a minimum of six (6) feet in height and minimum 85 percent opacity which shall enclose the daytime activity area as shown on the PUD Site Plan. The fence may be located along the property boundary or within rear or side yards.

The use and variety of building groupings: The property is currently undeveloped and the PUD proposes a maximum structural footprint of 11,500 square feet. The setbacks and lot criteria are established per the CRO development criteria.

(5) External Compatibility

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

The type, number and location of surrounding external uses: The proposed development is located in an established retail, commercial and professional use area along Atlantic Boulevard and allows for a specific use (veterinary office, including veterinary hospital as well as the continuation of limited retail and commercial uses. It does not impact any residential areas and

will be developed in a manner consistent with the established pattern of development and other neighboring uses found along this corridor.

The uses proposed are consistent with others in the surrounding area, and provides for services and facilities on the westerly remaining outparcel of an overall developed site with adequate setbacks and buffering adjacent to contiguous uses.

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

Adjacent Property	Land Use Category(ies)	Zoning District(s)	Current Use(s)
North	RPI	PUD	Stormwater retention pond
South	RPI	PUD	Atl. Blvd/Undeveloped land/residential
East	CGC	PUD	Retail/commercial shopping center
West	RPI	PUD	Undeveloped land

The site is located in an area generally described as the north side of Atlantic Boulevard just west of San Pablo Road. Properties along this portion of Atlantic Boulevard are developed with a variety of commercial, retail, office and business, and residential uses. The scale of this proposed development is in character with other surrounding commercial uses to the east and south, and given the variety of uses in the area and the trend towards mixed uses, the proposed PUD will not have a detrimental impact upon the area.

Signage: One non-illuminated or externally or internally-illuminated monument sign a maximum of forty (40) square feet in area and ten (10) feet in height is proposed, as well as illuminated wall signs not exceed ten (10) percent of the square footage of the occupancy frontage or respective side of the building abutting a public right-of-way or approved private street. The proposed signage for the property is requested pursuant to Part 13 of the Zoning Code for a mix of the CRO/CCG-1 Zoning Districts. Staff feels that the proposed signage is in keeping with overall pattern of development in the area.

(6) Intensity of Development

The proposed development is consistent with the RPI functional land use category. The PUD is appropriate at this location with specific reference to the following:

The site plan shows a proposed building not to exceed 11,500 sq. ft. within the PUD.

The location of various proposed uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses: The site plan proposes an 11,500 sq. ft. building on this westerly remaining outparcel of the PUD. The requested uses are consistent with others in the area, and the PUD contains adequate setbacks and buffering. The scale of this development will have a positive impact on the future development of the surrounding area and

is compatible and consistent with the established pattern of development along this corridor of Atlantic Boulevard.

The availability and location of utility services and public facilities and services: Electric, water and sewer service will be provided by JEA.

(7) Usable open spaces plazas, recreation areas.

There is no residential component within the development, and therefore no recreation area is required.

(8) Impact on wetlands

Any development impacting wetlands shall be permitted pursuant to local, state and federal permitting requirements.

(9) Listed species regulations

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

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

Development of the Property will comply with the off-street parking and loading space requirements set forth in Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The application states that the PUD will provide and maintain sidewalks in accordance with the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on January 17, 2014, 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 **2013-0789** be **APPROVED** subject to the following conditions:

1. The subject property is legally described in the original legal description dated October 21, 2013.
2. The subject property shall be developed in accordance with the original written description dated October 21, 2013.
3. The subject property shall be developed in accordance with the original site plan dated October 2, 2013.



Aerial view of the subject site facing north



The subject site on the right facing northwest from Atlantic Blvd.



Facing north into the subject site from Atlantic Blvd.



Facing north into the subject site



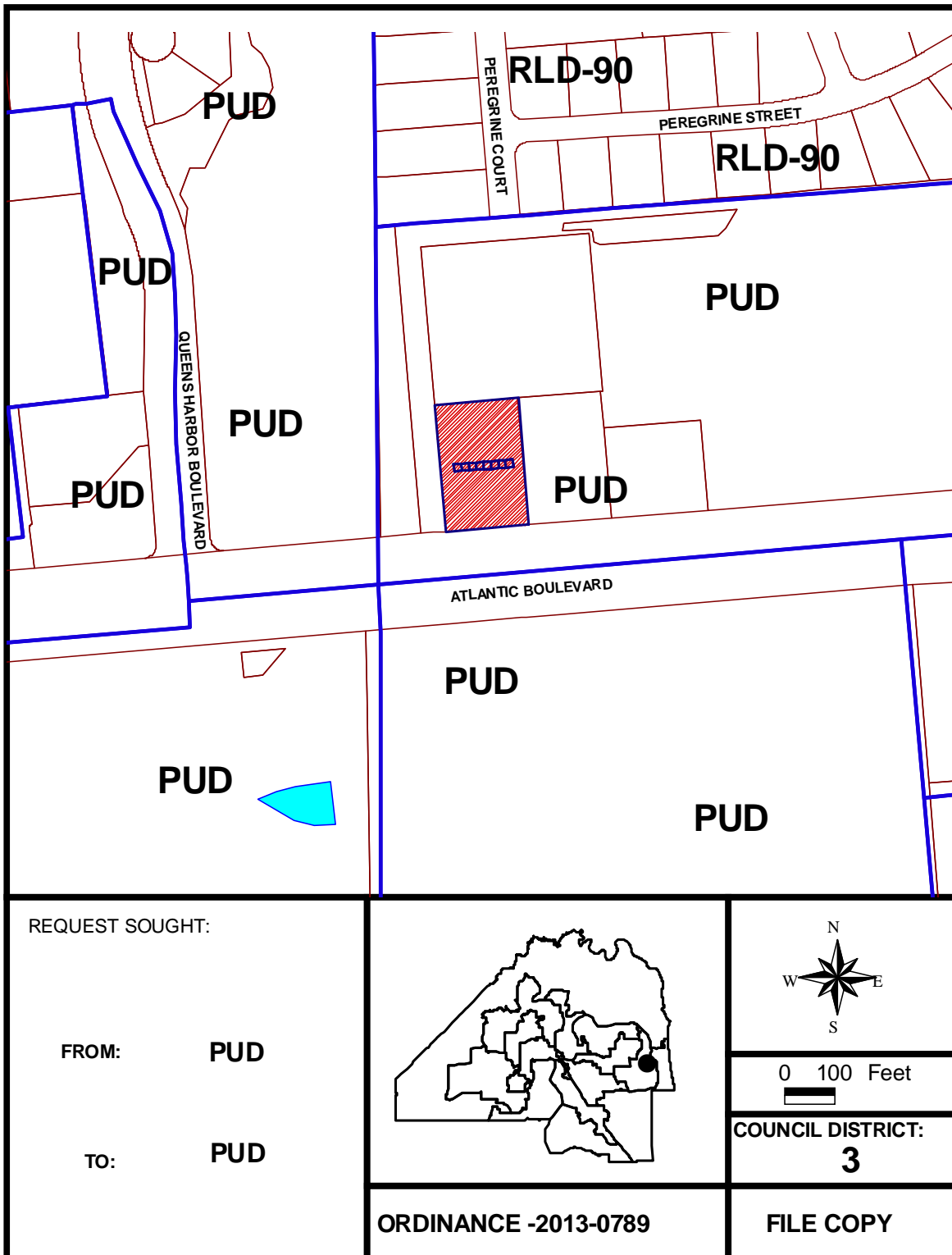
Facing north into the subject site



The adjacent bank use to the east of the subject site



The subject site facing northeast from Atlantic Blvd.





December 23, 2013

MEMORANDUM

TO: Andy Hetzel
Planning and Development Department

FROM: Lisa King, Traffic Technician Senior

Subject: **Atlantic Boulevard Vet Offices PUD
PUD R-2013-789 fka R-2006-529**

Upon review of the referenced application and based on the information provided to date, the Development Services Division has no comment at this time.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (driveway location, dimensions, roadway geometry, traffic circulation, etc.) shall be facilitated through the 10-set and 10-set review process. If you have any questions regarding the comment outlined above, please call me directly at 255-8586.

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2013-0789 **Staff Sign-Off/Date** AH / 11/13/2013

Filing Date 12/10/2013 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 01/28/2014 **Planning Commission** 01/30/2014

Land Use & Zoning 02/04/2014 **2nd City Council** N/A

Neighborhood Association PABLO POINT CIVIC ASSOCIATION

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 486

Application Status SUFFICIENT

Date Started 10/18/2013

Date Submitted 10/21/2013

General Information On Applicant

Last Name	First Name	Middle Name
HAINLINE	T.R.	
Company Name		
ROGERS TOWERS, P.A.		
Mailing Address		
1301 RIVEPLACE BOULEVARD, SUITE 1500		
City	State	Zip Code
JACKSONVILLE	FL	32207
Phone	Fax	Email
9043465531	9043960663	THAINLINE@RTLAW.COM

General Information On Owner(s)

☐ Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
MORGAN	JODIE	L.
Company/Trust Name		
STRUCTURE COMPANIES, LLC AND THE BUSINESS ARTS BUILDING, INC.		
Mailing Address		
4 SUSAN COURT		
City	State	Zip Code
WILMINGTON	DE	19803
Phone	Fax	Email
3023451481		JODIEMORGAN1@GMAIL.COM

Property Information

Previous Zoning Application Filed For Site? ☒

If Yes, State Application No(s) 2006-529

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 167141 4102	3	2	PUD	PUD
Map				

	167141 4104	3	2	PUD	PUD
Map	167141 4106	3	2	PUD	PUD
Map	167141 4108	3	2	PUD	PUD
Map	167141 4110	3	2	PUD	PUD
Map	167141 4112	3	2	PUD	PUD
Map	167141 4114	3	2	PUD	PUD
Map	167141 4116	3	2	PUD	PUD
Map	167141 4118	3	2	PUD	PUD

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

Land Use Category Proposed? ☐

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

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

Development Number

Proposed PUD Name

Justification For Rezoning Application

PLEASE SEE EXHIBIT "D" ATTACHED.

Location Of Property

General Location

House #	Street Name, Type and Direction	Zip Code
<input type="text" value="13429"/>	<input type="text" value="ATLANTIC BV"/>	<input type="text" value="32225"/>

Between Streets

and

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: \$2,000.00

2) Plus Cost Per Acre or Portion Thereof

0.96 Acres @ \$10.00 /acre: \$10.00

3) Plus Notification Costs Per Addressee

7 Notifications @ \$7.00 /each: \$49.00

4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,059.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

Exhibit “1”

Legal Description

Units 1 through 8, inclusive, of the Business Arts Building, a Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book 13428, page 2017, Public Records of Duval County, Florida, together with an undivided interest in the common elements appurtenant thereto.

To be known as:

Tract 1, Harbour Village, according to the plat thereof recorded in Plat Book 61, pages 103 through 133, Public Records of Duval County, Florida.

Upon termination of the condominiums.

10/21/2013

EXHIBIT A

Property Ownership Affidavit

Date: 10/21/2013

City of Jacksonville
City Council and Planning Commission
117 West Duval Street, City Hall
Jacksonville, FL 32202

Re: Atlantic Boulevard Veterinary Offices PUD

Real Estate Parcel #s: 167141-4102

Gentlemen:

I, Jodie Morgan hereby certify that I am
the Owner of the property described in the attached legal description, Exhibit 1 in
connection with filing application for Atlantic Boulevard Veterinary Offices PUD
submitted to the Jacksonville Planning and Development Department.

The Business Arts Building, Inc.

By: Jodie Morgan
(Owner's Signature)

Its: owner

STATE OF ~~DELAWARE~~ Georgia
COUNTY OF Glynn

Sworn to and subscribed before me this 21 day of October
2013, by Jodie Morgan as Owner of
_____. She (check one) ☒ is personally known to me or ☐ has proved
to me on basis of satisfactory evidence to be the person who executed this instrument.

Notary Public, State of ~~Delaware~~ Georgia
Name: Jane S. Simpson
My Commission Expires: 07-15-2016
My Commission Number is: _____

Structure Companies, LLC

By: Jodie Morgan
(Owner's Signature)

Its: owner

STATE OF ~~DELAWARE~~ Georgia
COUNTY OF Glynn

Sworn to and subscribed before me this 21 day of October,
2013, by Jodie Morgan, as Owner of
_____. She (check one) ☒ is personally known to me or ☐ has proved
to me on basis of satisfactory evidence to be the person who executed this instrument.

Notary Public, State of ~~Delaware~~ Georgia
Name: Jane DeSimone
My Commission Expires: 07-15-2016
My Commission Number is: _____

EXHIBIT B

Agent Authorization

Date: 10/21/2013

City of Jacksonville
City Council and Planning Commission
117 West Duval Street, City Hall
Jacksonville, FL 32202

Re: Agent Authorization for the following site location:

13429 Atlantic Boulevard

Gentlemen:

You are hereby advised that the undersigned are the owners of the property described in Exhibit 1 attached hereto. Said owners hereby authorize and empower Rogers Towers to act as agents to file application(s) for a PUD 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.

The Business Arts Building, Inc.

By: [Signature]
(Owner's Signature)

Its: owner

STATE OF ~~DELAWARE~~ Georgia
COUNTY OF Glynn

Sworn to and subscribed before me this 21 day of October, 2013, by Jodie Morgan as Owner of .
She (check one) ☒ is personally known to me or ☐ has proved to me on basis of satisfactory evidence to be the person who executed this instrument.

Notary Public, State of ~~Delaware~~ Georgia
Name: [Signature]
My Commission Expires: 07-15-2016
My Commission Number is:

Date: 10/21/2013

City of Jacksonville
City Council and Planning Commission
117 West Duval Street, City Hall
Jacksonville, FL 32202

Re: Atlantic Boulevard Veterinary Offices PUD

Real Estate Parcel #s:	167141-4104	167141-4106
	167141-4108	167141-4110
	167141-4112	167141-4114
	167141-4116	167141-4118

Gentlemen:

I, Jodie Morgan hereby certify that I am the Owner of the property described in the attached legal description, Exhibit 1 in connection with filing application for Atlantic Boulevard Veterinary Offices PUD submitted to the Jacksonville Planning and Development Department.

Structure Companies, LLC

By: [Signature]
(Owner's Signature)

Its: Owner

STATE OF ~~DELAWARE~~ Georgia
COUNTY OF Glynn

Sworn to and subscribed before me this 21 day of October, 2013, by Jodie Morgan as Owner of .
Site (check one) ☒ is personally known to me or ☐ has proved to me on basis of satisfactory evidence to be the person who executed this instrument.



Notary Public, State of ~~Delaware~~ Georgia
Name: Jane L. Morgan
My Commission Expires: 09-15-2016
My Commission Number is:

Page 2 of 2

JAX\1815373_1

EXHIBIT C

Binding Letter

Date:

City of Jacksonville
City Council and Planning Commission
117 West Duval Street, City Hall
Jacksonville, FL 32202

Re: Atlantic Boulevard Veterinary Offices PUD

Real Estate Parcel #s:	167141-4102	167141-4104
	167141-4106	167141-4108
	167141-4110	167141-4112
	167141-4114	167141-4116
	167141-4118	

Gentlemen:

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

The Business Arts Building, Inc.

By:

(Owner's Signature)

Its:

Structure Companies, LLC

By:

(Owner's Signature)

Its:

Exhibit “D”

**Atlantic Boulevard Veterininary Offices PUD
Written Description of Plan of Development**

Date: October 21, 2013

Current Land Use Designation: Residential-Professional-Institutional (RPI)

Current Zoning District: PUD

Requested Zoning District: PUD

RE##: 167141-4102, 167141-4110, 167141-4112, 167141-4114

OVERVIEW OF THE DEVELOPMENT

Structure Companies, LLC, and Business Arts Building, Inc. (Owners) and Boyarin Associates, Inc. (Developer) propose to rezone the property located at 13429 Atlantic Boulevard and comprised of approximately 0.96 acres, which is described more particularly in Exhibit E attached hereto (the “Property”), to Planned Unit Development (PUD) to permit a veterinary office, including a veterinary hospital, and the additional uses listed herein.

I. LAND USE, ZONING, AND USES: PROPERTY AND SURROUNDING PROPERTIES.

A. The Property lies within the Residential-Professional-Institutional (RPI) land use category of the 2013 Comprehensive Plan and is zoned PUD (Ord. 2006-529-E). The current PUD on the Property permits a “Neighborhood Office Park.”

B. To the east, north, and west of the Property are properties in the RPI land use category of the 2013 Comprehensive Plan and in a PUD (Ord. 2006-529-E) which permits a “Neighborhood Office Park.” The current PUD includes properties to the east along Atlantic Boulevard which lie within the Community-General-Commercial (CGC) land use category and in which retail uses are permitted. To the west along Atlantic Boulevard are properties in the Medium Density Residential (MDR) land use category and in the Queen’s Harbour PUD. Across Atlantic Boulevard to the south are properties within the RPI land use category and in a PUD permitting multifamily uses.

C. Regarding existing land uses, to the east is a bank, with drive-through facilities; to the north is a 2.5-acre retention pond; to the west is a large (22 acres, approximately 360 ft. in width) undeveloped wooded area; and to the south across Atlantic Boulevard are multifamily uses.

D. The Property lies within the Urban Area.

II. **GENERAL PLAN FOR THE DEVELOPMENT.**

A. The development described in this Written Description would permit the following uses on the Property: (i) either a veterinary office, including a veterinary hospital, and other office uses; or (ii) a veterinary office, including a veterinary hospital, other offices, and/or limited retail uses. Under either scenario, the uses shall be consistent with the RPI land use category in the Urban Area, which permits veterinary offices and mixed use developments, including limited retail uses. If this site is developed for a mix of uses (office and retail), then no single use shall comprise more than ninety percent (90%) of the site area and limited retail uses shall comprise no more than fifty percent (50%) of the site area.

B. A PUD Site Plan is attached hereto as Exhibit E.

C. Veterinary offices and hospitals previously have been approved in the RPI category, including in Ord. 2000-903-E and Ord. 2003-233-E.

III. **PERMITTED USES: DEVELOPMENT CRITERIA.**

This section of the Written Narrative addresses the following items: Permitted Uses and Structures, Permitted Accessory Uses and Structures, Minimum Lot Requirements (width/density/area), Maximum Lot Coverage by all Buildings and Structures, Minimum and/or Maximum Yard Requirements, and Maximum Height of Structures.

A. **Veterinary Office.**

1. *Permitted uses and structures.*

- a. Veterinary offices; veterinary hospital, including examination, radiology, treatment, and surgery; laboratory, including diagnostic tests and analysis; pharmacy; boarding; daycare; daytime exercise and outdoor activities area (may include sandbox, wading pool, agility equipment, and similar amenities); bathing and grooming; retail sales of pet-related items, such as pet food, toys, and pet care products; and related, similar uses.

2. *Additional requirements for veterinary offices:* Pursuant to Section 656.401(x), City of Jacksonville Zoning Code, the following shall apply to the veterinary office uses listed in Section III.A.1.a. above:

- a. The portion of any building used for veterinary office uses shall be completely soundproofed (sound attenuation shall not exceed 50 decibels through the outside of the structure).
- b. Animals shall be kept in the enclosed soundproof buildings during the hours of 9:00 p.m. to 6:00 a.m.

- c. If the veterinary offices are part of a structure containing a mix of uses, the veterinary offices must meet the following criteria:
 - (1) The veterinary offices shall be heated and cooled by a unit separate from such unit for the rest of the structure.
 - (2) The veterinary offices shall be serviced by a water supply separate from the water supply for the rest of the structure or a back flow preventer shall be installed on the water supply.
 - (3) The veterinary offices shall be soundproofed from the rest of the structure.
 - (4) The veterinary offices shall have their own independent exterior entrance exclusive from any common entrances.
- 3. *Minimum lot requirement (width and area), Lot coverage by all buildings, Minimum yard requirements, and Maximum height of structure for each use.*
 - a. *Minimum lot requirements (width and area):* Width: 70 feet; Area: 7,000 square feet.
 - b. *Maximum lot coverage by all buildings and structures:* 50 percent
 - c. *Minimum yard requirements:*
 - (1) Front—None (see Section III.E.2 below regarding landscaped buffer).
 - (2) Side—5 feet.
 - (3) Rear—10 feet.
 - d. *Maximum height of structure:* 45 feet.
 - e. *Maximum lot coverage.* Fifty (50) percent.

B. Other Permitted Uses: Office and Limited Retail.

- 1. Office: *Permitted uses and structures.*
 - a. Medical and dental office or clinics (but not hospitals).
 - b. Professional and business offices.

2. Limited Retail: *Permitted uses and structures:*

- a. Art galleries, dance, art, gymnastics, fitness centers, martial arts and music studios, and theaters for stage performances (but not motion picture theaters).
- b. Cosmetology and similar uses including facilities for production of eyeglasses, hearing aids, dentures, prosthetic appliances and similar products either in conjunction with a professional service being rendered or in a stand-alone structure not exceeding 4,000 square feet.
- c. Day care centers, subject to the following criteria:
 - (1) A day care center shall be limited to a maximum of 150 children.
 - (2) A day care center shall provide an adequate off-street area for the stacking of vehicles and required parking.
 - (3) A day care center shall provide a fenced outdoor play area which meets the minimum requirements set forth by the state licensing agency and which shall be located in the rear or side yards of the subject property.
 - (4) A day care centers shall be limited to the following hours of operation: 6:00 a.m. to 7:00 p.m.
- d. Retail outlets for the sale of food and drugs, leather goods and luggage, jewelry (including watch repair but not pawn shops), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops, musical instruments, television and radio (including repair incidental to sales), florist or gift shops, delicatessens, bake shops (but not wholesale bakeries), drugs and similar products, and dry cleaning pickup station, provided, however, that:
 - (1) Sale, display and preparation shall be conducted within a completely enclosed building
 - (2) Products shall be sold only at retail.
 - (3) No sale, display or storage of secondhand merchandise shall be permitted.
- e. Restaurants, including the facilities for the sale and service of all

alcoholic beverages for on-premises consumption only, subject to the following criteria:

- (1) No drive-in or drive-through facilities are permitted.
- (2) Seating shall not exceed a capacity of 60.
- f. Essential services, including water, sewer, gas, telephone, radio, television and electric.
3. *Minimum lot requirement (width and area), Lot coverage by all buildings, Minimum yard requirements, and Maximum height of structure for each Single Family use.*
 - a. *Minimum lot requirements (width and area):* Width:70 feet; Area: 7,000 square feet.
 - b. *Maximum lot coverage by all buildings and structures:* 50 percent
 - c. *Minimum yard requirements:*
 - (1) Front—None (see Section III.E.2 below regarding landscaped buffer).
 - (2) Side—5 feet.
 - (3) Rear—10 feet.
 - d. *Maximum height of structure:* 45 feet.
 - e. *Maximum lot coverage.* Fifty (50) percent.

C. Access.

1. Access will be provided as shown on the PUD Site Plan via Atlantic Boulevard and via the shared access with the adjacent use to the east.
2. The final location and design of the the accesses as shown on the PUD Site Plan shall be subject to the review and approval of the Planning and Development Department.

D. Signage.

One non-illuminated or externally or internally-illuminated monument sign not exceeding a maximum of forty (40) square feet in area and ten (10) feet in height shall be permitted. Additionally, wall signs, which may be non-illuminated, externally illuminated, or internally illuminated, are permitted provided that such

signs shall not exceed ten (10) percent of the square footage of the occupancy frontage or respective side of the building abutting a public right-of-way or approved private street. Other signs shall be permitted pursuant to the provisions of Section 656.1301, et seq., Ordinance Code, applicable to the Commerical Residential Office (CRO) zoning district.

E. Landscaping and Tree Protection.

1. Landscaping and tree protection shall be as provided in of Section 656.1201, et seq., Ordinance Code.
2. The PUD (Ord. 2006-529-E) applicable to adjoining properties provides for a 30 ft. wide landscaped buffer along Atlantic Boulevard; that provision remains valid and applicable within this PUD amendment.

F. Fencing

A fence a minimum of six (6) feet in height and minimum 85 percent opacity shall enclose the daytime activity area as shown on the PUD Site Plan. The fence may be located along the property boundary or within rear or side yards.

G. Parking.

Parking shall be as provided in Chapter 656, Part 6, of the City of Jacksonville Zoning Code, except that there shall be no maximum number of parking spaces.

H. Stormwater.

Stormwater shall be treated off-site in the master-planned stormwater facility to the north of the site.

I. Concurrency.

Development of the property is vested from concurrency in VPAC # 4862.

J. Site Development Data.

Total acreage 0.96 Acres

Allowable uses, by acreage:

Veterinary Office Uses	Max. 11,500 sq. ft. gross floor area	Max. 0.96 acres
Office uses	Max. 11,500 sq. ft. gross	

	floof area	
Limited retail uses	Max. 50% of gross area	Acres 50% of gross area

Total amount of active recreation 0.0 acres

Total amount of passive open space 0.0 acres

Amount of public and private right-of-way 0.0 acres

Maximum impervious surface 50%

IV. **ADDITIONAL SECTIONS REQUIRED BY CITY OF JACKSONVILLE.**

A. **Pre-application conference.**

A pre-application conference was held regarding this application on October 9, 2013.

B. **Justification for the PUD Rezoning.**

As described above, a PUD rezoning is needed to modify the existing PUD on the Property to allow the proposed uses and to provide for a potential mix of uses.

C. **PUD/Difference from Usual Application of the Zoning Code.**

The PUD differs from the usual application of the Zoning Code in that it provides for veterinary offices in the RPI land use category and provides for a potential mix of uses in the RPI land use category.

D. **Phases.**

The veterinary offices are planned for 2014 and other uses may be developed in later phases.

E. **Names of Development Team.**

Developer: Boyarin Associates, Inc.

Planners and Engineers: Envision Design Engineering

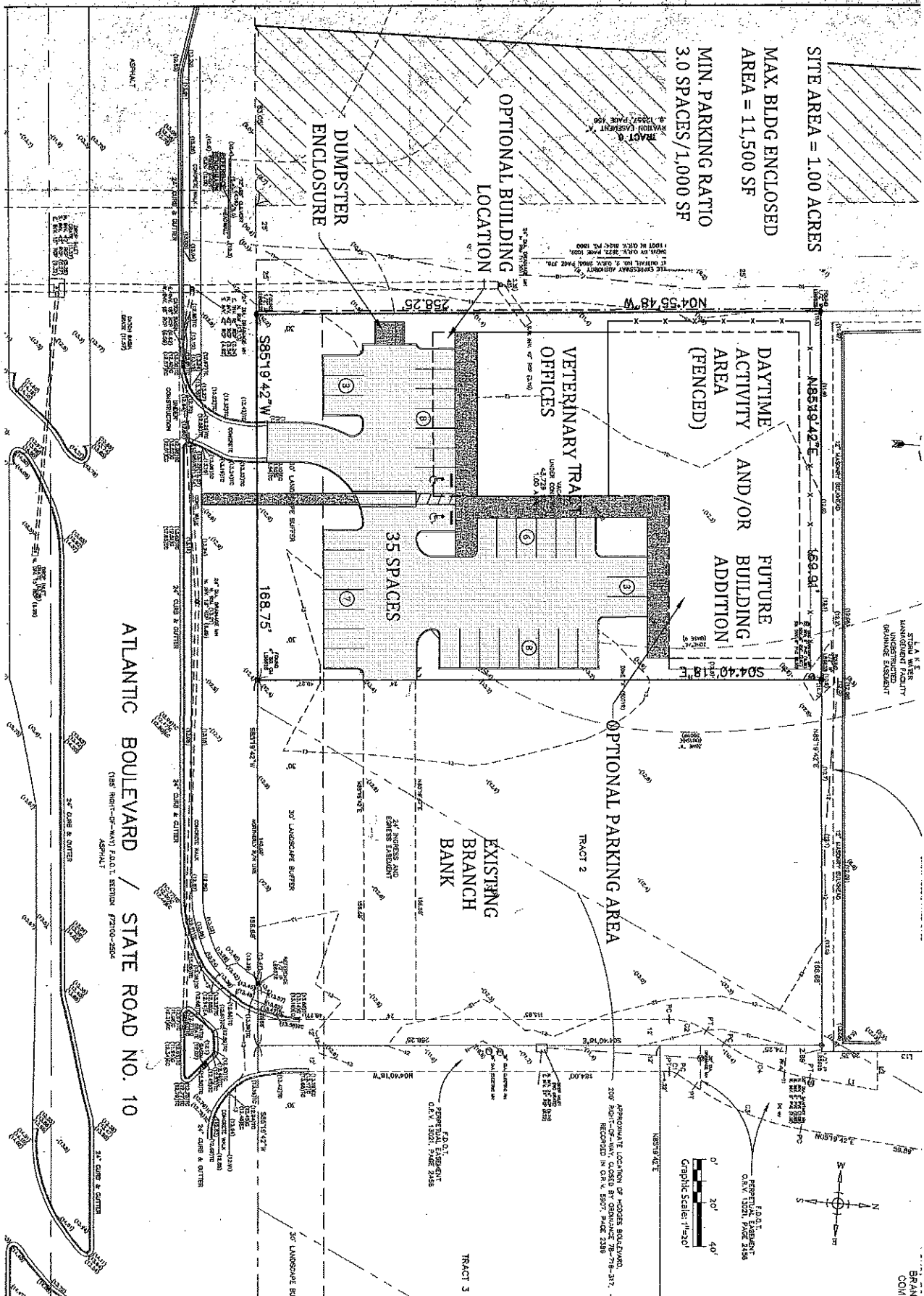
Architects: None at this time.

F. **Land Use Table.**

A Land Use Table is provided in Section J above.

G. **Statement of Intent.**

Any common areas or facilities will be operated and maintained by the owner or an owner's association and will not be provided, operated, or maintained by the City.



October 3, 2003
Overall Site
Plan
C-1.0

Veterinary Office

Harbor Village Shopping Center, Jacksonville, Florida



2002 San Marco Boulevard, Suite 200
Jacksonville, Florida 32207
www.envisionplusjackson.com
904-851-5145

Douglas L. Sides, P.E.

Certificate of Authorization No. 29001

FL Reg. 51269

Exhibit "F"

LAND USE TABLE

Total gross acreage	0.96 Acres	100%
Amount of each different land use be acreage	0.96 Acres	100%
Total number and type of dwelling units by each type of same	0 d.u.	0 %
Total amount of active recreation and/or open space	0 Acres	0 %
Total amount of passive open space	0.70 Acres	73 %
Amount of public and private rights-of-way	0 Acres	0 %
Maximum coverage of buildings and structures at ground level	11,500 Sq. Ft.	27 %

Prepared By:
Record and Return to
Theresa M. Kenney, Esq.
Ford, Bowlus, Duss, Morgan, Kenney, Safer & Hampton, P.A.
10110 San Jose Blvd.
Jacksonville, FL 32257

05-719TK

Corporate Special Warranty Deed

Made this 28th day of July, 2006 A.D., by **W. B. Land Group, Inc., a Florida corporation**, whose post office address is: Post Office Box 1999, Ponte Vedra Beach, Florida 32004, hereinafter called the grantor, to **The Structure Companies, LLC, a Florida limited liability company**, whose post office address is: 13961 Spoonbill Street North, Jacksonville, Florida 32224, hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseeth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Tract 1, HARBOUR VILLAGE, according to the plat thereof recorded in Plat Book 61, pages 130, 131, 132 and 133, of the public records of Duval County, Florida.

Parcel ID Number: 167157-0040

Subject To taxes accruing subsequent to December 31, 2005.

Subject to covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

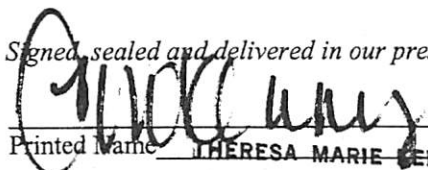
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

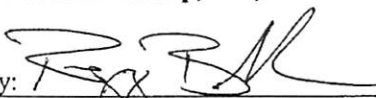
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor but against no other.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Printed Name THERESA MARIE KENNEY

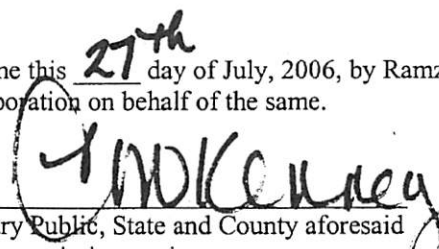
W. B. Land Group, Inc., a Florida corporation

By: 
Ramzy Bakkar
Its: President
(Seal)


Printed Name PHILIP MILITANTE

State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 27th day of July, 2006, by Ramzy Bakkar as President of W. B. Land Group, Inc., a Florida corporation on behalf of the same.


Notary Public, State and County aforesaid
My commission expires:
Commission No.:

He/ She: (please check appropriate statement)

☒ is personally known to me
☐ produced identification (specify type)



This instrument prepared by:
Record and return to:
Theresa M. Kenney, Esq.
Ford, Bowlus, Duss, Morgan, Kenney, Safer & Hampton, P.A.
10110 San Jose Blvd., Jacksonville, Florida 32257

Quit Claim Deed

Made as of July 28, 2006 A.D. by HARBOUR VILLAGE PROPERTY, L.L.C., a Florida limited liability company, Post Office Box 1999, Ponte Vedra Beach, Florida 32004 hereinafter called the grantor, to and in favor of **The Structure Companies, LLC, a Florida limited liability company** whose post office address is: 13961 Spoonbill Street North, Jacksonville, Florida 32224 hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Duval County, Florida, viz:

Tract 1, HARBOUR VILLAGE, according to the plat thereof recorded in Plat Book 61, pages 130, 131, 132 and 133, of the public records of Duval County, Florida.

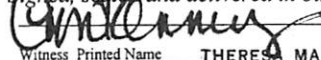
Tax Parcel No. 167157-0040

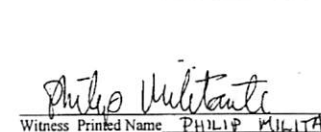

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

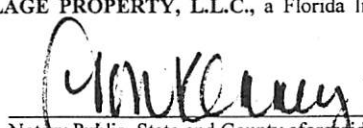
Signed, sealed and delivered in our presence:

 HARBOUR VILLAGE PROPERTY, L.L.C., a
Florida limited liability company
Witness Printed Name THERESA MARIE KENNEY

 By:  (Seal)
Ramzy Bakkar, Managing Member
Witness Printed Name PHILIP MILITANTE

State of FLORIDA
County of ST. JOHNS

The foregoing instrument was acknowledged before me this 27th day of July 2006, by Ramzy Bakkar as Managing Member of HARBOUR VILLAGE PROPERTY, L.L.C., a Florida limited liability company on behalf of the same.


Notary Public, State and County aforesaid
My commission expires:
Commission No.:

He/ She: (please check appropriate statement)
☒ is personally known to me
☐ produced identification (specify type)



JAXGIS Property Information



EXHIBIT "H"

JAXGIS Property Information



EXHIBIT "K"