

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2014-98 TO

PLANNED UNIT DEVELOPMENT

MARCH 13, 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 **2014-98** to Planned Unit Development.

<i>Location:</i>	14125 Beach Boulevard between San Pablo Road and Suni Pines Boulevard
<i>Real Estate Number(s):</i>	167084-1000
<i>Current Zoning District:</i>	Commercial Community General-1 (CCG-1)
<i>Proposed Zoning District:</i>	Planned Unit Development (PUD)
<i>Current Land Use Category:</i>	Community General Commercial (CGC)
<i>Planning District:</i>	Greater Arlington / Beaches, District 2
<i>City Council District:</i>	The Honorable Richard Clark, District 3
<i>Applicant/Agent:</i>	L. Charles Mann 165 Arlington Road Jacksonville, Florida 32211
<i>Owner:</i>	ECT Properties, Inc. 14125 Beach Boulevard Jacksonville, Florida 32250
<i>Staff Recommendation:</i>	APPROVE WITH CONDITIONS

GENERAL INFORMATION

Application for Planned Unit Development **2014-98** seeks to rezone approximately 2.32 acres of land from CCG-1 to PUD. The rezoning to PUD is being sought add uses from the CCG-1 and CCG-2 Zoning Districts that are typically permissible by exception as permitted uses. The property contains an existing 13,350 square foot building. The application indicates a portion of the building will be leased to store vehicles.

CRITERIA FOR REVIEW

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

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

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

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

Principal Uses: Commercial retail sales and service establishments including auto sales; Restaurants; Hotels and motels; Offices, Business and Professional Offices including veterinary offices; Financial institutions; Commercial recreational and entertainment facilities; Auto repair and sales, mobile home/motor home rental and sales, boat storage and sales; Off street parking lots and garages and Filling stations.

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

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

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

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found

later in this report.

(3) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

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

(1) Consistency with the 2030 Comprehensive Plan

This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

F.L.U.E. Policy 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

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

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a commercial development. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

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

Traffic and pedestrian circulation patterns: The subject property will use a shared driveway for access to Beach Boulevard. This will maintain the existing number of curb cuts along Beach Blvd, an FDOT road.

Compatible relationship between land uses in a mixed use project: The permitted and permissible uses listed in the written description are typically found in the CCG-1 and CCG-2 Zoning Districts. These uses should not create any adverse impact to internal users.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: Due to the size of the subject property and the number of parking spaces, the site cannot support more than a few users.

(5) External Compatibility

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

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: There are similar commercial uses directly surrounding the subject property and along Beach Boulevard.

The type, number and location of surrounding external uses: The proposed development is located along a commercial corridor which contains intense commercial uses and service establishments similar to the proposed uses in the PUD. However the owner has proposed several uses which the staff feels are incompatible with the surrounding uses or the size of the parcel is incompatible with the proposed use and should require a new site plan and public hearing to determine if there are any adverse impacts. **The staff recommends that the following uses be permissible by the grant of a Zoning Exception: Wholesaling or distributorship businesses; Small scale operations including wholesaling, warehousing, storage, distributorship business where the total operation does not require more than 10,000 square feet of floor space, no vehicle is used in excess of one and one-half ton capacity, all merchandise is stored within an enclosed building and no heavy machinery or manufacturing is located on the premises; Boatyards; Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating.**

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

Adjacent Property	Land Use Category	Zoning District	Current Use
North	CGC	CCG-1	Undeveloped
South	CGC	PUD	Self Storage
	CGC	CCG-1	Tire sales and repair
East	CGC	PUD	Boat / RV storage
	CGC	PUD	Tire sales and repair
West	CGC	CCG-1	Undeveloped, woods / Movie theater

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands:
The written description requests a street frontage sign 150 square feet in area and 20 feet in height.

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category as a commercial development. The PUD is appropriate as Beach Boulevard is a major arterial commercial corridor with similar uses in the area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The subject property has access to Beach Boulevard, which is three lane divided major arterial roadway.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space. A recreation area is not required.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-site. However, the written description states "Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements."

(9) Listed species regulations

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

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

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

(11) Sidewalks, trails, and bikeways

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

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on March 3, 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 **2014-98** be **APPROVED with the following conditions:**

1. The subject property is legally described in the original legal description dated November 26, 2013.
2. The subject property shall be developed in accordance with the original written description dated December 5, 2013.
3. The subject property shall be developed in accordance with the original site plan dated November 26, 2013.
4. The subject property shall be developed in accordance with the Development Services Division Memorandum dated February 10, 2014 or as otherwise approved by the Planning and Development Department.
5. The subject property shall comply with Part 6 – Off Street Parking and Loading Regulations, Zoning Code in the event the property is redeveloped or there is more than one individual use.
6. The subject property shall comply with Part 12 – Landscape and Tree Protection Regulations, Zoning Code in the event the property is redeveloped.
7. The following uses shall be permissible by the grant of a Zoning Exception: Wholesaling or distributorship businesses; Small scale operations including wholesaling, warehousing, storage, distributorship business where the total operation does not require more than 10,000 square feet of floor space, no vehicle is used in excess of one and one-half ton capacity, all merchandise is stored within an enclosed building and no heavy machinery or manufacturing is located on the premises; Boatyards; Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating.



View of building

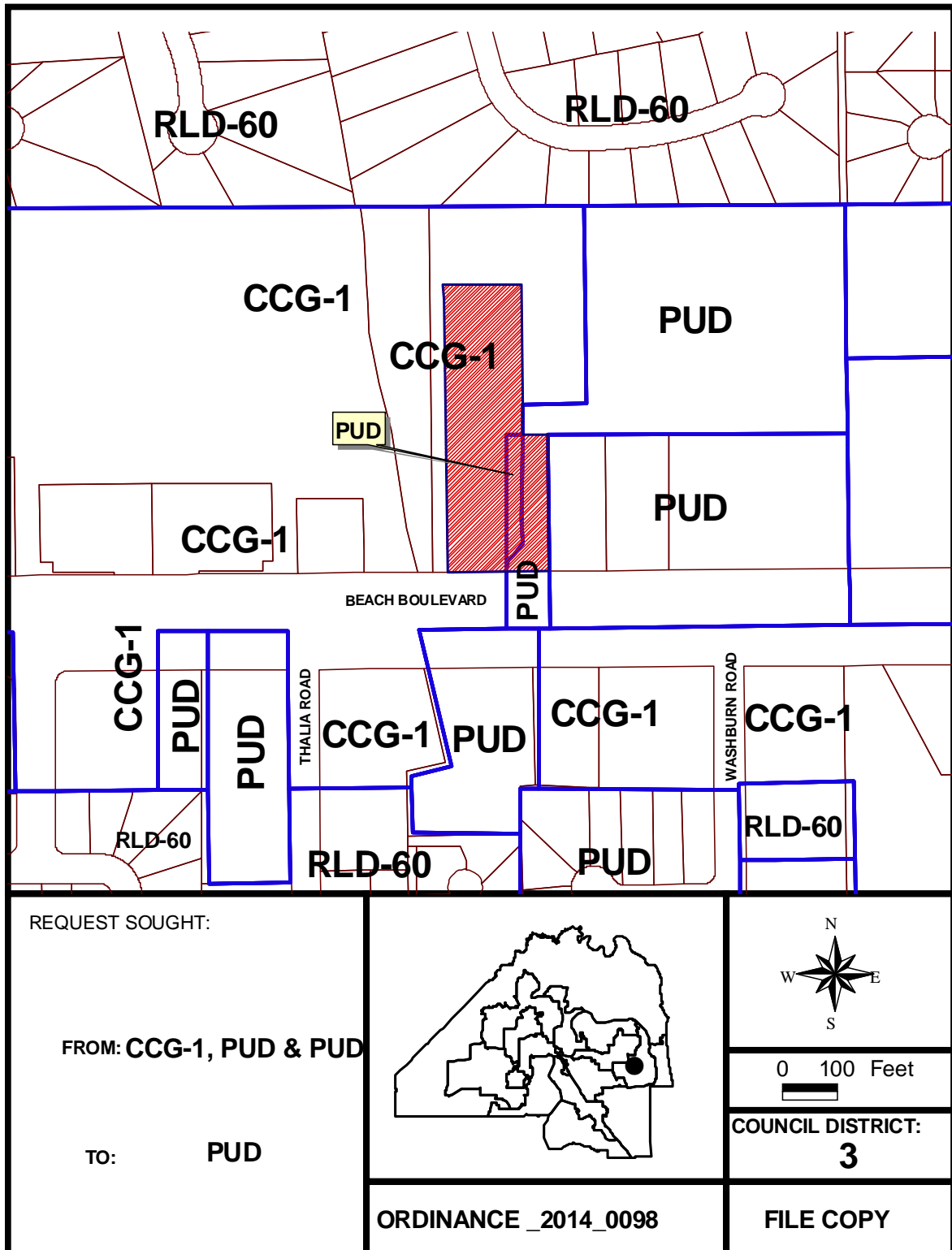


View of side of building.



Self storage building across Beach Blvd.





DEVELOPMENT SERVICES



February 10, 2014

TO: Bruce Lewis, City Planner Supervisor
Planning and Development Department

FROM: Lisa King
Traffic Technician Senior

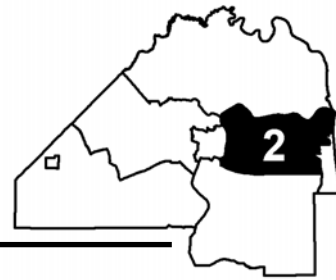
Subject **Beach Blvd Auto PUD
R-2014-98**

Upon review of the referenced application and based on the information provided to date, the Development Services Division has the following comments:

1. Beach Blvd is a FDOT maintained roadway. Number, design and location of accesses to Beach Blvd, as well as any offsite requirements to be determined & permitted by FDOT.
2. Parking lot design shall comply with Section 656.607 for parking space dimensions, drive aisle widths and sidewalk widths.
3. Signs, fencing, walls and landscaping shall be located so that horizontal sight line is not obstructed at driveways and intersections per FDOT Design Standards Manual Index 546.

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.

GREATER ARLINGTON/BEACHES
Citizens Planning Advisory Committee
Chair: Michael Anania Vice Chair: Jerry Petoskey



February 11, 2014

To: Anthony Robbins, Chairman; Planning Commission
Lori N. Boyer, Chair LUZ

Re: Denial of rezoning 2014-098 14125 Beach Boulevard

The Land Use and Zoning Committee of the District 2 Greater Arlington/Beaches Citizens Planning Advisory Committee (CPAC) met on February 10, 2014 and reviewed the request for rezoning 2014-0098 and made the following observations:

- Redevelopment of the property serves the public interest and is a welcome addition to the Arlington area.
- The proposed use is consistent with the site and its surroundings except as listed below.

The CPAC recommends **DENIAL** of the request for the following reasons:

1. The increased sign area is excessive and visually intrusive to its surroundings.
2. The rezoning solely to accommodate the signage is not consistent with the spirit and intent of the sign ordinance.

The CPAC wishes to support commercial redevelopment activity in appropriate locations. It is hoped that the applicant will find success with a reasonable amount of signage that is consistent with the ordinance.

Sincerely,

Mike Anania, Chair
Greater Arlington/Beaches Citizens Planning Advisory Committee

Cc: Alvin Brown, Mayor
Calvin Burney, Director of Planning and Development
Folks Huxford, Chief of Current Planning
Paul M Davis, City Planner
Marvin Echols, City Planner
Jason Gabriel, Attorney III
Patricia Sales, Clerical Support Aide
Rosemary Wesolowski, Human Services Planner

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2014-0098 **Staff Sign-Off/Date** BEL / 11/27/2013

Filing Date 11/19/2013 **Number of Signs to Post** 1

Hearing Dates:

1st City Council 03/11/2014 **Planning Commission** 03/13/2014

Land Use & Zoning 03/18/2014 **2nd City Council** N/A

Neighborhood Association VILLAGES OF PABLO HOA, WEST BEACHES COMMUNITY ASSOC.

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 517

Application Status PENDING

Date Started 11/18/2013

Date Submitted 11/19/2013

General Information On Applicant

Last Name	First Name	Middle Name
MANN	L	CHARLES

Company Name

MANN-PELLICER

Mailing Address

165 ARLINGTON ROAD

City	State	Zip Code
JACKSONVILLE	FL	32211

Phone	Fax	Email
9047211546	9047211582	CHARLIEMANN1@COMCAST.NET

General Information On Owner(s)

☐ Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
FRANKS	GREG	

Company/Trust Name

ECT PROPERTIES, LLC

Mailing Address

14125 BEACH BOULEVARD

City	State	Zip Code
JACKSONVILLE	FL	32250

Phone	Fax	Email
9045258600	9045658382	

Property Information

Previous Zoning Application Filed For Site? ☐

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 167084 1000	3	2	CCG-1	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

CGC

Total Land Area (Nearest 1/100th of an Acre) 2.09

Development Number

Proposed PUD Name BEACH BOULEVARD AUTO

Justification For Rezoning Application

TO INCREASE THE TENANT BASE

Location Of Property

General Location

NORTHSIDE OF BEACH BOULEVARD 1500 WEST OF SAN PABLO ROAD

House #	Street Name, Type and Direction	Zip Code
14125	BEACH BV	32250

Between Streets

SUNI PINES BOULEVARD and SAN PABLO ROAD

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**
2.09 Acres @ \$10.00 /acre: \$30.00
- 3) Plus Notification Costs Per Addressee**
21 Notifications @ \$7.00 /each: \$147.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,147.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE

Legal Description

EXHIBIT "A" WARRANTY DEED

Legal Description of Land to be Conveyed to ECT Partnership

PARCELA A.

A portion of Section 36, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of Golden Glades Unit 1, as recorded in Plat Book 22, page 23, of the current public records of said County, said point also being the intersection of the Westerly line of said Section 36 with the Northerly right of way line of Beach Boulevard (U.S. Highway No. 90 and/or State Road 212), a 200 foot right of way as now established; thence North 89 degrees 30 minutes 20 seconds East, along said Northerly right of way line of Beach Boulevard, 3305.65 feet to the Point of Beginning; thence North 00 degrees 48 minutes 46 seconds West 595.29 feet; thence North 89 degrees 30 minutes 20 seconds East, 150.00 feet; thence South 00 degrees 48 minutes 46 seconds East, 491.44 feet to the Point of Curvature of a curve concave Westerly and having a radius of 67.00 feet; thence Southerly along and around the arc of said curve an arc distance of 48.23 feet, said arc being subtended by a chord bearing and distance of South 19 degrees 48 minutes 34 seconds West, 47.20 feet, to the Point of Tangency of said curve; thence South 40 degrees 25 minutes 53 seconds West, 2.18 feet to the Point of Curvature of a curve concave Easterly and having a radius of 88.44 feet; thence Southerly along and around the arc of said curve an arc distance of 63.17 feet, said arc being subtended by a chord bearing and distance of South 19 degrees 58 minutes 07 seconds West, 61.84 feet, to a point on said Northerly right of way line of Beach Boulevard; thence South 89 degrees 30 minutes 20 seconds West along said Northerly Right of Way line 110.00 feet to the Point of Beginning.

Together with easements created and described in instrument recorded in Official Records Volume 7887, page 1774, of the current public records of Duval County, Florida.

EXHIBIT "B" WARRANTY DEED

A portion of Section 36, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Golden Glades Unit 1, as recorded in Plat Book 22, Page 23, of the Current Public Records of said County, said point also being the intersection of the Westerly line of said Section 36 with the Northerly right-of-way line of Beach Boulevard (U.S. Highway No. 90 and/or State Road 212), a 200 foot right-of-way as now established; thence North 89° 30' 20" East along said Northerly right-of-way line of Beach Boulevard, 3305.65 feet to point on a curve concave Southeasterly, having a radius of 98.44 feet and the Point of Beginning; thence Northeasterly, departing said right-of-way line, along the arc of said curve, through a central angle of 40° 55' 33", an arc distance of 70.32 feet to a point of tangency; thence North 40° 25' 53" East, tangent to said curve, 2.18 feet to the point of curvature of a curve concave Northwesterly, having a radius of 57.00 feet; thence Northeasterly along the arc of said curve, through a central angle of 41° 14' 39", an arc distance of 41.03 feet to a point of tangency; thence North 00° 48' 46" West, tangent to said curve, 241.49 feet; thence North 89° 30' 20" East, 10.00 feet; thence South 00° 48' 46" East, 241.44 feet to the point of curvature of a curve concave Northwesterly, having a radius of 67.00 feet; thence Southwesterly along the arc of said curve, through a central angle of 41° 14' 39", an arc distance of 48.23 feet to a point of tangency; thence South 40° 25' 53" West, tangent to said curve, 2.18 feet to the point of curvature of a curve concave Southeasterly, having a radius of 88.44 feet; thence Southwesterly along the arc of said curve, through a central angle of 40° 55' 33", an arc distance of 63.17 feet to a point lying in the Northerly right-of-way line of Beach Boulevard; thence South 89° 30' 20" West, along said right-of-way line, 10.00 feet to the Point of Beginning.

Lands described containing 3,550 square feet, more or less.

November 26, 2013

Exhibit 1
Page 1 of 2

ORDINANCE

Legal Description

EXHIBIT "C" WARRANTYDEED

A portion of Section 36, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Golden Glades Unit 1, as recorded in Plat Book 22, Page 23, of the Current Public Records of said County, said point also being the intersection of the Westerly line of said Section 36 with the Northerly right-of-way line of Beach Boulevard (U.S. Highway No. 90 and/or State Road 212), a 200 foot right-of-way as now established; thence North 89° 30' 20" East along said Northerly right-of-way line of Beach Boulevard, 3205.65 feet; thence North 00° 48' 46" West, departing said right-of-way line, 565.29 feet to the Point of Beginning; thence continue North 00° 48' 46" West, 30.00 feet; thence North 89° 30' 20" East, 150.00 feet; thence South 00° 48' 46" East, 30.00 feet; thence South 89° 30' 20" West, 150.00 feet to the Point of Beginning.

Lands described containing 4,500 square feet, more or less.

EXHIBIT "E" WARRANTYDEED

Legal Description of Access Parcel

A portion of Section 36, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

Commencing at the Southeast corner of Golden Glades, Unit 1, as recorded in Plat Book 22, page 23, of the current public records of said County, said point also being the intersection of the Westerly line of said Section 36 with the Northerly right of way line of Beach Boulevard (U.S. Highway No. 90 and/or State Road 212); a 200 foot right of way as now established; thence North 89 degrees 30 minutes 20 seconds East along said Northerly right of way line of Beach Boulevard, 3315.65 feet for a point of beginning; thence Northerly around and along the arc of a curve concave Easterly and having a radius of 88.44 feet, a distance of 63.17 feet, said arc being subtended by a chord bearing and distance of North 19 degrees 58 minutes 07 seconds East, 61.84 feet to the point of tangency of said curve; thence North 40 degrees 25 minutes 53 seconds East, 2.18 feet to the point of curvature of a curve to the left, concave Westerly and having a radius of 67.00 feet; thence Northerly around and along the arc of said curve; 48.23 feet, said arc being subtended by a chord bearing and distance of North 19 degrees 48 minutes 34 seconds East, 47.20 feet to the point of tangency of said curve; thence North 00 degrees 48 minutes 46 seconds West, 171.15 feet; thence North 89 degrees 30 minutes 20 seconds East, 50.00 feet, thence South 00 degrees 48 minutes 46 seconds East, 275.00 feet to a point situate in said Northerly right of way line of Beach Boulevard; thence South 89 degrees 30 minutes 20 seconds West along said Northerly right of way line, 90.00 feet to the point of beginning.

EXHIBIT "D" WARRANTYDEED

A portion of Section 36, Township 2 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Golden Glades Unit 1, as recorded in Plat Book 22, Page 23, of the Current Public Records of said County, said point also being the intersection of the Westerly line of said Section 36 with the Northerly right-of-way line of Beach Boulevard (U.S. Highway No. 90 and/or State Road 212), a 200 foot right-of-way as now established; thence North 89° 30' 20" East along said Northerly right-of-way line of Beach Boulevard, 3205.65 feet; thence North 00° 48' 46" West, departing said right-of-way line, 595.29 feet; thence North 89° 30' 20" East, 118.16 feet to the Point of Beginning; thence South 00° 36' 33" East, 313.76 feet; thence South 46° 49' 52" East, 45.80 feet; thence South 00° 48' 46" East, 27.79 feet; thence North 46° 49' 52" West, 73.64 feet; thence North 00° 36' 33" West, 322.33 feet; thence North 89° 30' 20" East, 20.00 feet to the Point of Beginning.

November 26, 2013

Exhibit 1
Page 2 of 2

EXHIBIT A

Property Ownership Affidavit

Date: October 12, 2013

City of Jacksonville

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

Re: Ownership Certification

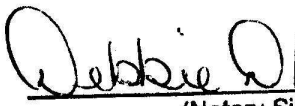
Gentleman:

I, Greg Franks for ECT Properties, L.L.C. hereby certify that I am the
Owner of the property described in the attached legal description, **Exhibit 1** in connection with
filing application(s) for Rezoning to PUD
submitted to the Jacksonville Planning and Development Department.


(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 23rd day of
October (month), 2013 (year) by Charles Gregory Franks
who is personally known to me or has produced Personally Known
as identification.


(Notary Signature)

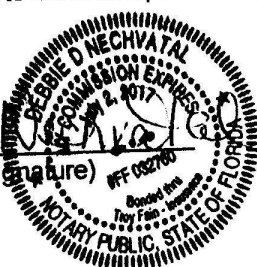


EXHIBIT B

Agent Authorization

Date: October 12, 2013

City of Jacksonville

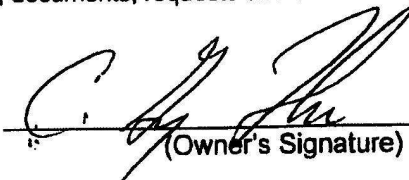
City Council / Planning and Development Department
117 West Duval Street, 4th Floor / 214 North Hogan Street, Edward Ball Building, Suite 300
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

14125 Beach Boulevard

Gentleman:

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 L. Charles Mann to act as agent to file application(s) for 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.


(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 23rd day of October (month), 2013 (year) by Charles Gregory Franks, who is personally known to me or has produced personally known as identification.



(Notary Signature)



EXHIBIT C

Binding Letter

Date: October 12, 2013

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

Re: Beach Boulevard Auto PUD

Ladies and Gentlemen:

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in the PUD document attached hereto and by reference made a part 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 to proceed with the development of the subject property in accordance with items (a) and (b) above and will complete such development in accordance with the site plan approved by that ordinance. Provisions shall be made by written agreement for continuing operation and maintenance of all common areas and facilities that are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

By: 

(Owner's Signature)

Its: managing member/co-owner

EXHIBIT D

PUD Written Description

BEACH BOULEVARD AUTO PUD

December 5, 2013

I. PROJECT DESCRIPTION

The subject property, hereafter referred to as the "Property", is legally described on Exhibit 1. The Property is identified as land described under Real Estate Number 167084-1000. The owner of the Property is ECT Partnership, a general partnership. The Property is located at 14125 Beach Boulevard between San Pablo Road and Suni Pines Boulevard. The Property will contain 2.32 acres and is improved with a one (1) story building of approximately 13,350 gross sq. ft. +/- Currently a portion of the building is occupied by ECT, Partnership DBA as East Coast Transportation, Inc. The balance of the building and property will be leased to another dealer of transportation vehicles. The purpose of this PUD is to broaden the tenant base and to allow for additional identification signage in the event the Property is leased to other tenants.

It should be noted that Beach Boulevard has been improved to six (6) lanes since the Property was developed. There are many other automotive and commercial uses now located in this corridor.

II. USES AND RESTRICTIONS

A. Permitted Uses:

1. Commercial retail sales and service establishments.
2. Banks, including drive-thru tellers, savings and loan institutions, and similar uses.
3. Professional and business offices, building trades contractors that do not require outside storage or the use of heavy machinery, ditching machines, tractors, bulldozers or other heavy construction equipment and similar uses.
4. Hotels and motels.
5. Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, movie theaters, indoor facilities operated by a licensed pari-mutuel permit holder, adult arcade amusement centers operated by a licensed permit holder, game promotions or sweepstakes utilizing electronic equipment, meeting the performance standards and development criteria set forth in Part 4, drawings by chance conducted in connection with the sale of a consumer product or service utilizing electronic equipment, meeting the performance standards and development criteria set forth in Part 4, and similar uses.
6. Art galleries, museums, community centers, dance, art or music studios.
7. Vocational, trade or business schools and similar uses.
8. Day care centers or care centers meeting the performance standards and development criteria set forth in Part 4.

9. Off-street commercial parking lots meeting the performance standards and criteria set forth in Part 4.
10. An establishment or facility which includes the retail sale and service of beer or wine for off-premises consumption or for on-premises conjunction with a restaurant.
11. Retail plant nurseries including outside display, but no on-site mulching or landscape contractors requiring heavy equipment or vehicles in excess of one-ton capacity.
12. Express or parcel delivery offices and similar uses (but not freight or truck terminals).
13. Veterinarians and animal boarding, subject to the performance standards and development criteria set for in Part 4.
14. Personal property storage establishments meeting the performance development criteria set forth in Part 4.
15. Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses.
16. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
17. Churches, including a rectory or similar use.
18. Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4.
19. Wholesaling or distributorship businesses.
20. Assembly of components and light manufacturing when in conjunction with a retail sales or service establishment, conducted without outside storage or display.
21. Filling or gas stations meeting the performance standards and development criteria set forth in Part 4.
22. Dancing entertainment establishments not serving alcohol. This provision shall not supersede any other approvals or requirements for such use found elsewhere in this Chapter or elsewhere in the Ordinance code.
23. Retail sales of new or used automobiles, trucks and tractors, motorcycles, boats personal recreational vehicles. This will include sale of new and used parts for the above noted vehicles. In addition, the leasing of both long and short term of vehicles to include a limousine service or taxi cab company may be allowed.
24. Service stations, car wash, major automotive repair, restaurants.
25. Fruit, vegetable, poultry or fish markets.
26. Small scale operations including wholesaling, warehousing, storage, distributorship business where the total operation does not require more than 10,000 square feet of floor space, no vehicle is used in excess of one and one-half ton capacity, all merchandise is stored within an enclosed building and no heavy machinery or manufacturing is located on the premises.
27. Boatyards.
28. Light manufacturing, processing (including food processing but not slaughterhouse), packaging or fabricating.
29. Recycling collection points meeting the performance standards and development criteria set forth in Part 4.
30. Private clubs.
31. Laundromat and dry cleaners.

B. Permissible uses by exception:

1. An establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both.
2. Permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4.
3. Multi-family residential integrated with a permitted use.
4. Crematories.
5. Pawn shops (limited to items permitted in CCG-1 Zoning District).
6. Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4.
7. Billiard parlors.
8. Schools meeting the performance standards and development criteria set forth in Part 4.
9. Building trades contractors with outside storage yards meeting the performance standards and development criteria set forth in Part 4.
10. Automobile storage yards.
11. Bus, semi-tractor (but not trailer) or truck parking and/or storage.
12. Dancing entertainment establishments serving alcohol. This provision shall not supersede any other approvals or requirements for such use found elsewhere in this Chapter or elsewhere in the Ordinance Code.
13. Nightclubs.
14. A restaurant which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption.
15. Leasing and sale of heavy machinery and equipment.

C. Accessory Structures:

1. Accessory uses and structures are allowed as defined in Part 4 of the zoning code.

III. DESIGN GUIDELINES

A. Lot requirements:

1. *Minimum lot area:* none
2. *Minimum lot width:* none
3. *Maximum lot coverage 50,000 square feet of building and other structures.*
4. *Minimum front yard:* none

5. *Minimum side yard:* none
6. *Minimum rear yard:* none
7. *Maximum height of structure:* 35 feet
8. *Public Right of Way:* none
9. There will be no requirement for a new storm detention/retention pond as this is a currently developed site. If any new building or structures are added to the site all storm water pond requirement will be met.
10. There may be new buildings added to the site subject to the review and approval of the Planning and Development Department of the City of Jacksonville:
However, the total square footage of all buildings existing and future will not exceed 50,000 square feet.
11. Fencing: Existing chain link fence enclosing the property this will be the sole requirement for fencing and screening.
12. Recreational Requirement: This is a commercial PUD no recreational will be required.
13. Construction Schedule: The site is currently developed with a 13,500 square foot building. At this time no new additions are planned.
14. Maintenance Schedule: Grounds and buildings will be maintained as needed.
15. Development team: The property is currently developed for intended uses. There are currently no project planners, architects, engineer or developer chosen for future development.

B. Ingress, Egress and Circulation:

1. *Parking Requirements:*
 - a. The parking requirements will be as they currently exist and are shown on the site plan.
2. *Vehicular Access:*
 - a. Vehicular access to the Property shall be by way of a cross easement driveway from Beach Boulevard. The connection to Beach Boulevard shall be as shown on site plan and currently exist.
3. *Pedestrian Access:*

- a. As required and approved by the City of Jacksonville Planning and Development Department.

C. Signs

1. One (1) double-faced monument sign internally lit, not to exceed one hundred fifty (150) square feet and not more than twenty (20) in height; and
2. Directional signs shall not exceed four (4) square feet and must be approved by the Jacksonville Planning and Development Department.

D. Landscaping

1. This is an existing site landscaping as currently exist. The site will be exempt from Part 12 of the Landscape Regulation of the Zoning Code.

E. Recreation and Open Space:

None will be required.

F. Utilities

1. Water will be provided by Jacksonville Electric Authority
2. Sanitary sewer will be provided by Jacksonville Electric Authority
3. Electric will be provided by Jacksonville Electric Authority

G. Wetlands

1. Wetlands will be permitted according to 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's Planning and Development Department identifying all existing and proposed uses within the Property, and showing the general layout of the overall Property.

V. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT

The proposed project is consistent with the general purpose and intent of the City of Jacksonville 2030 Comprehensive Plan and Land Use Regulations. The proposed project will be beneficial to the surrounding neighborhood and community. The design and layout of the PUD accomplishes the following:

- A. Allows for a creative approach through the use of natural features of the site with existing vegetation and existing TOPO;
- B. Allows for an effective use of the land, resulting in lower development costs;
- C. Provides an environment that is characteristic of the surrounding area;
- D. Supports the preservation of property values by providing needed services and support for the surrounding residences and businesses in the area; and
- E. Enhances the appearance of the area through the preservation of natural features, vegetation, and by using existing TOPO and grade in order to develop the project.

VII. PUD PREVIEW CRITERIA

- A. *Consistency with Comprehensive Plan.* According to the Future Land Use Map Series (FLUMs) of the 2030 Comprehensive Plan, the designated Land Use Category is MDR & CGC. If the companies Small Scale Land Use is approved the site will have a CGC Land Use. If the PUD is approved, the site will be consistent with the LDR Land Use Category and the Comprehensive Plan.
- B. *Consistency with the Concurrency Management System.* The Property will be developed in accordance with the rules of the City of Jacksonville Concurrency Management System Office (CMSO), and it has been assigned City Development Number _____.
- C. *Allocation of Commercial Land Use.* This is a commercial PUD commercial land use is 100%.
- D. *Internal Compatibility/Vehicular Access.* The proposed PUD contains limitations of the uses permitted on the subject Property as well as a common development scheme that contains provisions or relief for signage, landscaping, sidewalks, and other issues relating to common areas and vehicular and pedestrian traffic. The site will have direct access to Beach Boulevard.
- E. *External Compatibility/Intensity of Development.* The Property is located in an existing commercial area along Beach Boulevard. The aesthetic and design guidelines will ensure a development that is compatible with and compliments recent activity in the immediate area. The project allows limited commercial development compatible with the uses located along Beach Boulevard.

- F. *Recreation/Open Space.* Will not be required.
- G. *Impact on Wetlands.* Development that would impact wetlands will be permitted through the local, state, and federal agencies with jurisdiction.
- H. *Listed Species Regulations.*
- I. *Off-Street Parking and Loading Requirements.* The site will comply with Part 6 of the Zoning Code or as otherwise approved by the Planning and Development Department.
- J. *Sidewalks, Trails, and Bikeways.* Will not be required.
- K. *Storm water Retention.* Retention shall meet the requirement of the City of Jacksonville and all other state or local agencies with jurisdiction including the St. Johns River Water Management District.
- L. *Utilities.* JEA will provide electric sewer, and water, in addition there will be a private sewer system

VII. SUCCESSORS IN TITLE

All successors in title to the Property, or any portion of the Property, shall be bound to all the development standards and conditions of this PUD as contained herein and in the Ordinance approving the same.

VIII. GOALS AND POLICIES

Specifically, the PUD complies with the following Goals, Objectives, and Policies of the Comprehensive Plan, Future Land Use Element:

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

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 3.2.8: The City shall encourage the reorientation and combined use of existing curb cuts and/or parking lots to minimize the negative impacts of non-residential development on adjacent residential uses and the transportation system.

PUD Site Plan

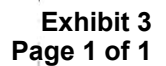


EXHIBIT F

PUD Name

Beach Boulevard Auto PUD

Date

Dec 6, 2013

Land Use Table

Total gross acreage	2.32	Acres	100 %
Amount of each different land use by acreage			
Single family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Multiple family	0	Acres	0 %
Total number of dwelling units	0	D.U.	
Commercial	2.09	Acres	90 %
Industrial	0	Acres	0 %
Other land use	0	Acres	0 %
Active recreation and/or open space	0	Acres	0 %
Passive open space, wetlands, pond	0.23	Acres	10 %
Public and private right-of-way	0	Acres	0 %
Maximum coverage of non-residential buildings and structures	13,250	Sq. Ft.	13 %

(P) 1190 01
Record & Return To:
CECILE EVANS RIDER
Rogers, Towles, Bailey, Jones & Gay
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Book 8050 Pg 1142

Prepared By:
CECILE EVANS RIDER
Rogers, Towles, Bailey, Jones & Gay
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Book 8050
Pg 1142 - 1150
Doc# 95047365
Filed & Recorded
03/13/95
03:01:58 P.M.
HENRY U. COOK
CLERK CLERK OF COURT
DUVAL COUNTY, FL
REC. \$ 48.60
DEED \$ 1,190.00

WARRANTY DEED

THIS INDENTURE, made this 3rd day of January, 1995, between Kentucky River Coal Corporation, a Virginia corporation, grantor, and ECT Partnership, a Florida general partnership (Federal I.D. No. _____), grantee, whose post office address is 1112 Third Street, Neptune Beach, FL 32266, of the County of Duval, State of Florida;

WITNESSETH:

Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by grantor, does hereby grant, bargain, sell and convey to grantee and grantee's heirs, successors and assigns forever that certain land (the "Land") situated in Duval County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof (Property Appraiser's Parcel Identification Number #167084-0010), together with all tenements, hereditaments and appurtenances of grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to the following permitted encumbrances (the "Permitted Encumbrances"):

1. Real estate taxes for 1996 and subsequent years;
2. Easements, covenants, conditions, restrictions and reservations of record, reference to which shall not operate to reimpose same;

Reservations:

Grantor hereby reserves unto itself and its successors in title for the benefit of those certain lands described in deed recorded in Official Records Volume 2750, Page 1033, of the current public records of Duval County, Florida, less and except those lands described in deed recorded in Official Records Volume 6223, Page 932 and in deed recorded in Official Records Volume 6907, Page 1455, and less and except those lands described in deed recorded in Official Records Volume 7887, Page 1771, all of the current public records of Duval County, Florida (the "Benefitted Land"), a perpetual, non-exclusive easement to construct, operate, lay, improve, repair and maintain subsurface lines, pipes and associated facilities for potable water, sanitary sewer, electric, cable, telephone and storm water drainage and other utility purposes over, across, through and under those lands described in Exhibit "B" attached hereto (the "Utility Easement").

Grantor hereby also reserves unto itself and its successors in title for the benefit of the "Benefitted Land", a perpetual, non-exclusive easement to construct, operate, lay, improve, repair and maintain subsurface lines, pipes and associated facilities for storm water drainage purposes over, across, through and under those lands described in Exhibit "C" attached hereto (the "Drainage Easement One") and over, across, through and under those lands described in Exhibit "D" attached hereto (the "Drainage Easement Two") (Drainage Easement One and Drainage Easement Two are sometimes referred to collectively as the "Drainage Easements"). By acceptance of this deed, Grantee hereby agrees, (i) as to Drainage Easement One, to install within such Drainage Easement One subsurface drainage pipes and associated equipment as necessary to tie into the subsurface drainage pipe and associated equipment to be installed by Grantee across a portion of the lands described in Exhibit "B" of that certain separate Grant of Drainage Easement instrument of even date

with this deed given by Grantor to Grantee and further agrees to stub out such subsurface drainage pipe at the easterly boundary of the Property, and (ii) as to Drainage Easement Two, Grantee hereby agrees to install within such Drainage Easement Two subsurface drainage pipes and associated equipment as necessary to accept the storm water drainage from the access road described in Exhibit "E" attached hereto (the "access road"), into the retention pond to be located within Drainage Easement Two and to tie into the subsurface drainage pipe and associated equipment to be installed by Grantee across a portion of the lands as described in Exhibit "B" of that certain separate Grant of Drainage Easement instrument of even date with this deed given by Grantor to Grantee.

Grantor further reserves unto itself and its successor(s) in title for the benefit of the "Benefitted Lands" the right and easement to capture excess stormwater from the retention pond to be constructed within Drainage Easement Two at the overflow site for the purpose of redirecting such excess stormwater into a mitigation area to be created within the Benefitted Lands, provided, however, Grantor or its successor(s) in title shall first obtain a permit from the St. Johns River Water Management District ("SJRWMD") to authorize the exercise of the above reserved right and easement and such permit shall not adversely affect Grantee's permit #42-031-2618 issued by the SJRWMD.

All of the above reserved easements shall be further subject to the following conditions and limitations:

1. Grantee shall retain the right to use the portion of the Land upon which the Drainage Easements and Utility Easement are located for any use or purpose which does not materially obstruct the grantor from using the portion of the Land upon which the Drainage Easements and Utility Easement are located for the purposes described hereinabove. Grantee may also grant to others the right to so use the portion of the Land upon which the Drainage Easements and Utility Easement are located.
2. Grantor agrees that grantee shall have the right and privilege to use the portion of the Land upon which the Drainage Easements and Utility Easement are located for parking, driveways, roadways, landscaped areas, fencing, other utilities and such other uses or improvements as do not materially obstruct the grantor from using the portion of the Land upon which the Drainage Easements and Utility Easement are located for the purposes described hereinabove.
3. Except in the case of emergency repairs, grantor shall notify grantee of grantor's plans to construct, repair, restore, replace, maintain or otherwise alter any part of the facilities or associated equipment on, in, through or under the portion of the Land upon which the Drainage Easements and Utility Easement are located, prior to undertaking such activity so that grantee may identify landscaping or other improvements on, in, through, or under the portion of the Land upon which the Drainage Easements and Utility Easement are located to be affected by such activity; in the case of emergency repairs, grantor shall provide notice of the same as soon as reasonably possible after the completion of such repairs. Upon completion of any such construction, repair, restoration, replacement, maintenance or other alteration, grantor shall restore the surface of the portion of the Land upon which the Drainage Easements and Utility Easement are located to its condition as existed immediately prior to such construction, repair, restoration, replacement, maintenance or other alteration.
4. Grantor and grantee each covenant and agree to provide to the other party, upon the completion of construction of any facilities or improvements constructed by grantor or grantee within the portion of the Land upon which the Drainage Easements and Utility Easement are located, a copy of the final,

as built construction plans which sufficiently describe the location of all such improvements so constructed by grantor or grantee, as applicable within the portion of the Land upon which the Drainage Easements and Utility Easement are located.

5. Grantor and grantee shall each comply with all governmental or quasi-governmental laws, ordinances, rules, regulations of every kind pertaining to the portion of the Land upon which the Drainage Easements and Utility Easement are located or to the use and occupancy thereof, including, without limitation, any such law, ordinance, rule or regulation regarding or relating to environmental protection, pollution, sanitation or safety. Neither the grantor or grantee will commit or suffer any waste or any portion of the Land upon which the Drainage Easements and Utility Easement are located and will not use or permit any use of the portion of the Land upon which the Drainage Easements and Utility Easement are located for any illegal purpose or in such a way as to constitute a public nuisance or in any way so as to violate or breach any law, rule, regulation or ordinance to which the portion of the Land upon which the Drainage Easements and Utility Easement are located is subject.

Except as set forth in the Permitted Encumbrances and Reservations, grantor hereby covenants to warrant and defend the title to the Land against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said grantor has caused this instrument to be executed in its name by its Vice President and caused its Corporate Seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered
in the presence of:

KENTUCKY RIVER COAL CORPORATION,
a Virginia corporation

Carroll R. Crouch
Print Name: Carroll R. Crouch

By: Fred N. Parker
Fred N. Parker
Its: Vice President

Darlene J. Sloan
Print Name: Darlene J. Sloan

Address: 200 West Vine Street
Suite 8K
Lexington, KY 40507

(CORPORATE SEAL)

as built construction plans which sufficiently describe the location of all such improvements so constructed by grantor or grantee, as applicable within the portion of the Land upon which the Drainage Easements and Utility Easement are located.

5. Grantor and grantee shall each comply with all governmental or quasi-governmental laws, ordinances, rules, regulations of every kind pertaining to the portion of the Land upon which the Drainage Easements and Utility Easement are located or to the use and occupancy thereof, including, without limitation, any such law, ordinance, rule or regulation regarding or relating to environmental protection, pollution, sanitation or safety. Neither the grantor or grantee will commit or suffer any waste or any portion of the Land upon which the Drainage Easements and Utility Easement are located and will not use or permit any use of the portion of the Land upon which the Drainage Easements and Utility Easement are located for any illegal purpose or in such a way as to constitute a public nuisance or in any way so as to violate or breach any law, rule, regulation or ordinance to which the portion of the Land upon which the Drainage Easements and Utility Easement are located is subject.

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IN WITNESS WHEREOF, the said grantor has caused this instrument to be executed in its name by its Vice President and caused its Corporate Seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered
in the presence of:

KENTUCKY RIVER COAL CORPORATION,
a Virginia corporation

Cirrell R. Crouch
Print Name: Cirrell R. Crouch

By: Fred N. Parker
Fred N. Parker
Its: Vice President

Darlene J. Sloan
Print Name: Darlene J. Sloan

Address: 200 West Vine Street
Suite 8K
Lexington, KY 40507

(CORPORATE SEAL)

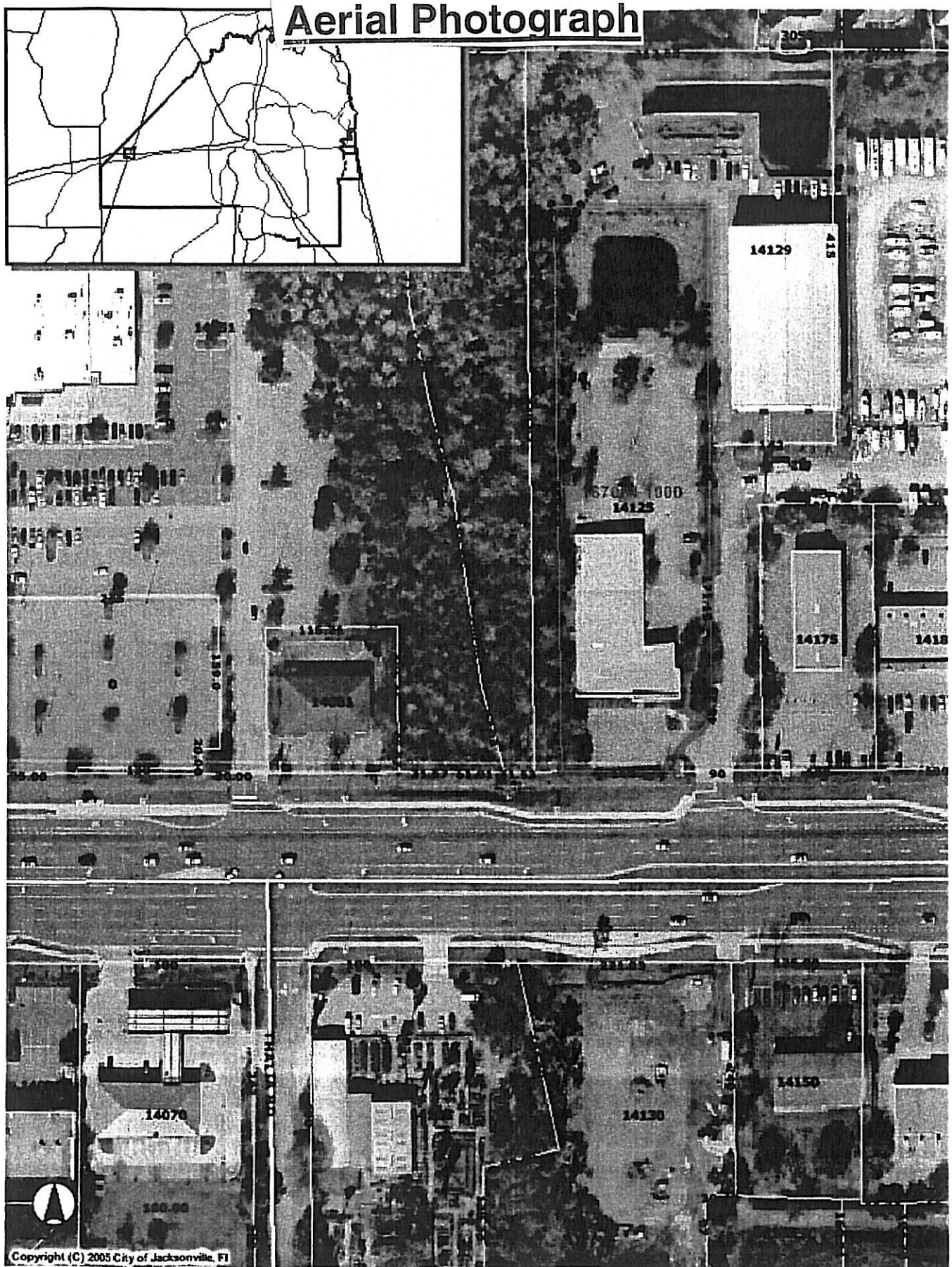


EXHIBIT K

Site Location Map



CURRENT PLANNING DIVISION



Date: January 7, 2014

To: Folks Huxford, Chief

From: Bruce Lewis, City Planner Supervisor

RE: Beach Boulevard PUD / Tracking # 517

Verification of consistency with Section 656.341(c)(2)(i) PUD Site Plan Requirements

The Site Plan, dated December 5, 2013 satisfies the requirements of 656.341(c)(2)(i) when considered in conjunction with the PUD Written Description. The few items of required information that have not been depicted on the Site Plan may be excused for good cause because the Written Description details the development standards, setbacks, lot coverage, building height, and buffer standards which will prevent adverse impacts to surrounding properties and future residents of the development.

(A) *The existing site characteristics including any significant variations of elevations, water course(s), unique natural features, and natural vegetation.*

These items are not required due to the site is built out with a structure, parking area, retention pond and landscape areas which occupy the entire site.

(B) *The location of all land uses by acreage, density including the number of dwelling units, intensity, and/or non-residential floor area of such uses. A legend including the following applicable information shall be provided as part of the site plan(s) in accordance with the following format:*

The information above is not contained in a single table on the Site Plan, but is included in the Exhibit F.

(C) *The existing and proposed vehicular circulation system, pedestrian circulation system and points of ingress and egress to the development, including rights-of-way and paving widths. In addition, all existing and proposed rights-of-way, driveways and median openings (if any) within 660 feet of the proposed development.*

The Site Plan does show points of ingress and egress. Median openings and driveways within 660 feet of the property are not required as that Beach Boulevard is under the jurisdiction of FDOT and any change to the access point will be subject to the their review. It is the department's opinion this level of detail is not required.

PLANNING AND DEVELOPMENT DEPARTMENT

(D) *Site plan(s), map(s), drawing(s), traffic studies and/or other studies and reports, as may be by the Department.*

Not applicable.