

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2014-0137 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 **2014-0137** to Planned Unit Development.

<i>Location:</i>	Southwest corner of San Jose Boulevard and Hidden Stagecoach Road; between Sweetholly Drive and Hidden Stagecoach Road.
<i>Real Estate Number:</i>	158883 0000
<i>Current Zoning District:</i>	Planned Unit Development (PUD 2005-753; 2011-0415-E)
<i>Proposed Zoning District:</i>	Planned Unit Development (PUD)
<i>Current Land Use Category:</i>	Residential Professional Institutional (RPI)
<i>Proposed Land Use Category:</i>	Neighborhood Commercial (NC)
<i>Planning District:</i>	Southeast, District 3
<i>City Council District:</i>	The Honorable Matt Schellenberg, District 6
<i>Applicant/Agent:</i>	Robert Walpole/Gerry Dedenbach Causseaux, Hewett and Walpole, Inc. 132 NW 76 th Drive Gainesville, Florida 32607
<i>Owner:</i>	Rakesh Patel Niyani, LLC 11583 Summer Haven Boulevard North Jacksonville, Florida 32258
<i>Staff Recommendation:</i>	APPROVE WITH CONDITIONS

GENERAL INFORMATION

Application for Planned Unit Development **2014-0137** seeks to rezone approximately 3.76± acres of land from PUD to PUD. The rezoning to PUD is being sought for the purpose of developing a child care/activity center and associated child oriented uses such as child/day care, after school care, gymnastics, karate, and similar uses, voluntary Pre-kindergarten (a/k/a VPK) and similar educational programs, and/or summer/vacation camp facilities.

The 2011-0415 PUD approved either a 22 unit townhome or 35,000 sq. ft. office/retail park development consistent with the CN Zoning District. The original PUD (2005-753-E) permitted 22 townhomes and community clubhouse. The property is currently undeveloped and wooded. There is an existing wet stormwater retention pond located along the west boundary of the site buffering the single-family subdivision to the west.

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 RPI functional land use category primarily accommodates 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. A broad range of secondary and supporting uses including recreational, institutional, and public facilities and services are also permitted. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series 2013C-035 (Ordinance 2014-0136) that seeks to amend the portion of the site that is within the RPI land use category to Neighborhood Commercial (NC).

Plan amendment requests for new NC designations are preferred in locations which are supplied with full urban services; which abut a roadway classified as a collector or higher on the Functional Highway Classification Map; and which are compatible with adjacent residential neighborhoods. Sites with two or more property boundaries on transportation rights-of-way will be considered preferred locations. Staff is recommending that Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2013C-035 be approved. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code. A description of the category is noted below:

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

Although the site is not located within a quarter mile of a major intersection, the intersection of San Jose Blvd. and Loretto Road is .3 miles to the north and the intersection of San Jose and Orange Picker Road is .4 miles to the south. Development on this infill site follows a compact and connected growth pattern and is in proximity to residential, commercial and mass transit routes.

The site is located within the “Urban Development Area” of the City, since the property is located in the commercial strip along San Jose Blvd. The principal uses for NC sites in the Urban area are Offices, Business and professional offices including veterinary offices; Multi-family dwellings, when combined with another principal use; Filling Stations; Uses associated with and developed as an integral component of TOD; and Commercial retail and service establishments, except for new or used automobile sales, funeral homes, and broadcasting offices and studios.

Developments shall, to the greatest extent possible, be massed along the highest abutting classified road on the Functional Highway Classification Map. Uses shall be sited in a manner to promote internal pedestrian and vehicle circulation and ease of access between abutting non-residential uses and sites and to limit the number of driveway access points on roads classified as arterials on the Functional Highway Classification Map. Off street parking shall be located behind or to the side of buildings to the greatest extent possible. Structured parking is encouraged, provided it is integrated into the design of the overall development and is compatible with surrounding neighborhoods.

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

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 plan of development meet all portions of the City’s land use regulations and further their intent by providing specific development standards.

Furthermore, 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 as follows:

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Residential Professional Institutional (RPI). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2013C-035 (Ordinance 2014-0136) that seeks to amend the portion of land that is within the RPI land use category to NC.

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

F.L.U.E. Policy 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

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

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

F.L.U.E. Policy 3.2.6 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

F.L.U.E. Objective 3.4 Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, education and recreational activities. The project, as conditioned, will be required to meet all applicable federal, state, and local regulations, including restrictions on noise levels and landscape buffer standards.

Therefore, proposed rezoning to Planned Unit Development, as conditioned, is consistent with

the 2030 Comprehensive Plan, and further the following goals, objectives and policies contained therein.

(2) Consistency with the Concurrency 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 does not contemplate residential development.

(4) Internal compatibility

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

The use of existing and proposed landscaping:

The written description and site plan indicates an uncomplimentary land use buffer, including a wood, masonry, vinyl, or composite material visual screen achieving 95% opacity, shall be installed along the eastern side of the existing stormwater management facility. The trees shall be a minimum of two-inch (2") caliper at time of planting, and shall reach a minimum of twenty feet (20') in height at maturity.

The use of topography, physical environment and other natural features:

There is an existing wet retention area between the western property boundary and the single-family subdivision to the west. Although not a natural area, the pond does provide limited buffering between the proposed commercial use and single-family subdivision. The development will provide additional buffering on the property's western boundary to screen the commercial structures from view, provide a greater visual buffer, and larger sense of space between the development and the adjoining residential properties' rear yards.

Traffic and pedestrian circulation patterns:

The property will be accessed through one point of access on Hidden Stagecoach Road and one from San Jose Boulevard. Internal pedestrian traffic circulation consists of walks along the driveways lined with parking. The Development Services Division (see attached memorandum dated February 24, 2014) recommends specific access management and transportation improvements. These comments include:

- 1. San Jose is a FDOT maintained roadway. Number, design and location of accesses determined by FDOT & their permit process.**
- 2. Proposed access from Hidden Stagecoach Road shall align with existing driveway across the street (RE#158874 0030) or be located a minimum of 75' west of said**

driveway (to avoid turning movement conflict).

3. Internal parking shall comply with design criteria of Section 656.607(stall dimensions, backup/drive aisle, sidewalk widths, etc.).
4. Parking calculation for daycare shall be 1 ½ spaces times the number of staff plus 1 additional space for every 10 children for loading/unloading. DCF letter citing number of staff & children will be required.
5. Signs, fences, walls and landscaping shall be located so that the horizontal line of sight is not obstructed. See FDOT Index 546.

The particular land uses proposed and the conditions and limitations thereon:

The written description describes the permitted uses as child care/activity centers and associated child oriented uses only. Any other uses must be typically associated with those.

Signage:

Applicant proposes one (1) freestanding, monument style sign not to exceed 50 square feet along San Jose Boulevard and one (1) monument style sign not to exceed four (4) feet in height and only eight (8) square feet in sign area on Hidden Stagecoach Road; with no wall signage permitted along Hidden Stage Coach Road. Wall signage along San Jose Blvd. shall not exceed 10% of the wall area.

(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:

The development proposes over 150 feet of buffering between the western periphery of the commercial development and the adjacent single-family subdivision; which includes landscaping and fencing on the eastern side of the retention pond with the 10' landscape buffer located exterior to the fence. No structures will be located within 100' of and residential uses. The proposed site plan indicates the property will be developed in a conventional manner with vehicular uses areas screened with landscaping which meets Zoning Code requirements.

The applicant has stated that the proposed hours of operation are necessary because of the variety of child-oriented uses (e.g. gymnastics, karate) offered, with limitations provided out of deference to adjoining residential and church uses. The proposed hours of operation are:

6:00 a.m. to 8:00 p.m. Monday – Thursday

6:00 a.m. to 11:00 p.m. Friday – Saturday

11:00 a.m. to 6:00 p.m. Sunday

Outside activities: 8:00 a.m. – 7:30 p.m. Monday – Saturday

Outside activities: 11:00 a.m. – 6:00 p.m. Sunday

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, office, commercial and institutional uses function as a mixed-use development. The PUD's limited commercial uses complement the existing various office, retail, and residential uses by providing uses and services for those living in the area.

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(s)
North	CGC	CCG-1	Medical offices
East	CGC	CN	Retail and office uses
South	MDR	RMD-A	Church
West	MDR	RMD-A	Single-family homes

The site is located on San Jose Boulevard, an arterial roadway, and between the intersections of San Jose Blvd. and Loretto Road 0.3 miles north and San Jose and Orange Picker Road 0.4 miles to the south. Development on this infill site follows a compact and connected growth pattern and is in keeping with type of development running along this commercial corridor. The property is located close to and between, two major collector roads in the Mandarin area, and the NC land use category is the least intensive category acceptable for commercial development since the property abuts residential properties.

(6) Intensity of Development

The PUD is appropriate at this location with specific reference to the following:

The availability and location of utility services and public facilities and services:
The site is served by city sewer and water.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:

San Jose Boulevard is an arterial road with sufficient access to nearby collectors and I-295. The PUD contains site design techniques to achieve compatibility with the adjacent residential neighborhood's character and does not encourage through traffic into adjacent residential neighborhoods.

(7) Usable open spaces plazas, recreation areas.

The project will provide the required recreation areas pursuant to any uses need. Open space will be developed with any combination of active and passive amenity area(s), walking path(s), ponds and similar facilities.

(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 and Geographical Information Systems shape files did

not identify wetlands on the site. 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 is required to be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The project will contain an internal pedestrian system that meets the 2030 Comprehensive Plan. There will also be external sidewalks as required.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on March 3, 2014 the required Notice of Public Hearing signs **were** posted.

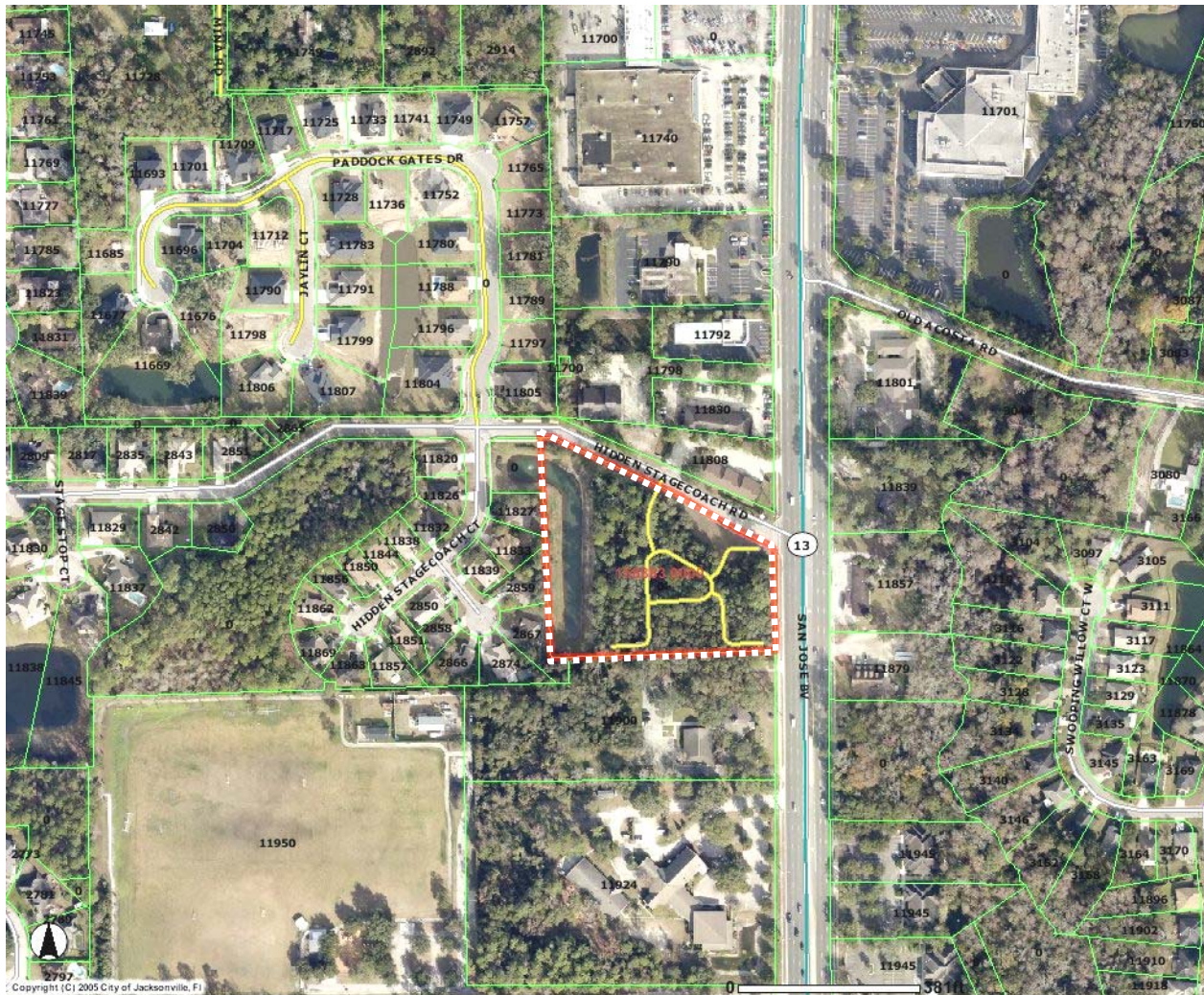


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-0137** be **APPROVED** with the following conditions:

- 1) **The subject property is legally described in the original legal description dated October 24, 2013.**
- 2) **The subject property shall be developed in accordance with the revised written description dated March 5, 2014.**
- 3) **The subject property shall be developed in accordance with the original site plan dated October 24, 2013.**
- 4) **The subject property shall be developed in accordance with the Development**

Services Division Memorandum dated February 24, 2014 or as otherwise approved by the Planning and Development Department.



Aerial view of the subject site facing north



The subject site ahead on the right facing south along San Jose Blvd.



The subject site at the intersection of San Jose Blvd. and Hidden Stagecoach Rd. facing southwest



The subject site on the left facing west along Hidden Stagecoach Rd.



The stormwater retention pond on the western portion of the site adjacent to the residential uses to the west



Heavily wooded portion of the site to the east of the retention pond



The subject site on the right facing east along Hidden Stagecoach Rd. towards San Jose Blvd.



The subject site on the right facing east towards San Jose Blvd.



Facing south along San Jose Blvd. with the adjacent church (to the south) on the right



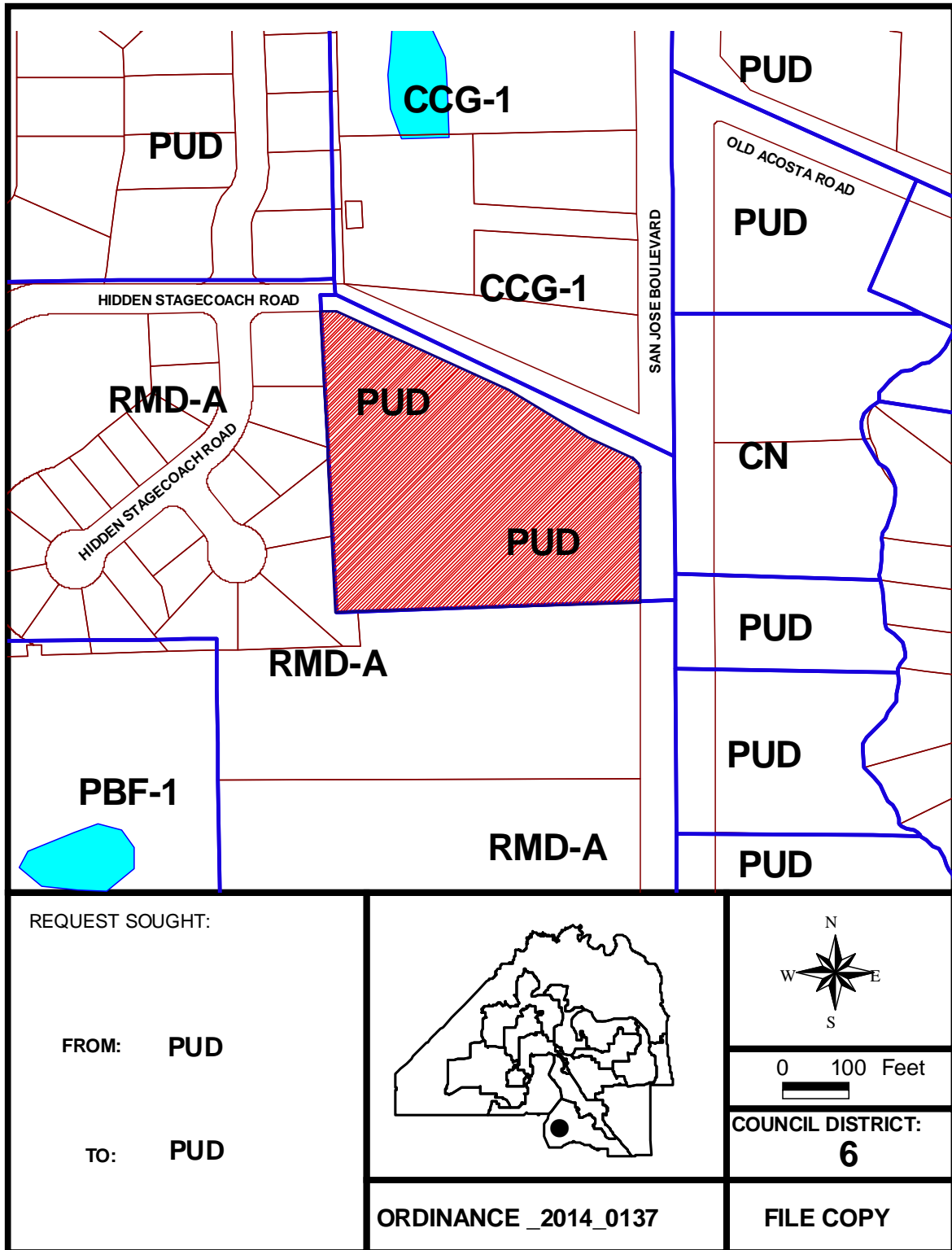
The subject site ahead on the left facing north along San Jose Blvd.



Facing west into the subject site and down Hidden Stagecoach Rd. from San Jose Blvd.



Facing north along San Jose Blvd.





February 24, 2014

MEMORANDUM

TO: Andy Hetzel, City Planner II
Planning and Development Department

FROM: Lisa King, Traffic Technician Senior

Subject: **Mandarin Centre PUD**
PUD R-2014-0137 fka R-2011-415 & R-2005-753

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

1. San Jose is a FDOT maintained roadway. Number, design and location of accesses determined by FDOT & their permit process.
2. Proposed access from Hidden Stagecoach Road shall align with existing driveway across the street (RE#158874 0030) or be located a minimum of 75' west of said driveway (to avoid turning movement conflict).
3. Internal parking shall comply with design criteria of Section 656.607(stall dimensions, backup/drive aisle, sidewalk widths, etc.).
4. Parking calculation for daycare shall be 1 ½ spaces times the number of staff plus 1 additional space for every 10 children for loading/unloading. DCF letter citing number of staff & children will be required.
5. Signs, fences, walls and landscaping shall be located so that the horizontal line of sight is not obstructed. See FDOT 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.

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2014-0137 **Staff Sign-Off/Date** AH / 02/06/2014

Filing Date N/A **Number of Signs to Post** 2

Hearing Dates:

1st City Council 02/25/2014 **Planning Commission** 03/13/2014

Land Use & Zoning 03/18/2014 **2nd City Council** 03/25/2014

Neighborhood Association OLDE MANDARIN NEIGHBORHOOD ASSOCIATION

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 501

Application Status SUFFICIENT

Date Started 10/31/2013

Date Submitted 10/31/2013

General Information On Applicant

Last Name

WALPOLE

First Name

ROBERT

Middle Name

Company Name

CAUSSEAU, HEWETT & WALPOLE, INC

Mailing Address

132 NW 76TH DRIVE

City

GAINESVILLE

State

FL

Zip Code 32607

Phone

9043311976

Fax

9043312476

Email

WALPOLE@CHW-INC.COM

General Information On Owner(s)

☐ Check to fill first Owner with Applicant Info

Last Name

PATEL

First Name

RAKESH

Middle Name

Company/Trust Name

NIYANI LLC

Mailing Address

11583 SUMMER HAVEN BOULEVARD NORTH

City

JACKSONVILLE

State

FL

Zip Code

32258

Phone

9048801660

Fax

9048801606

Email

Property Information

Previous Zoning Application Filed For Site? ☒

If Yes, State Application No(s) 2011-415-E

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 158883 0000	6	3	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

NC

Total Land Area (Nearest 1/100th of an Acre) 3.76

Development Number

Proposed PUD Name MANDARIN CENTRE

Justification For Rezoning Application

THE CHILD/DAY/AFTER SCHOOL CARE AND ASSOCIATED CHILD-ORIENTED ACTIVITIES PERMITTED WITHIN THIS PUD WILL SERVE THE DAILY NEEDS OF SINGLE-FAMILY COMMUNITIES GENERALLY WITHIN A 5-MILE RADIUS OR 15-MINUTE DRIVE TIME AREA. MORE SPECIFICALLY, THE USES WITHIN THIS PUD ARE ORIENTED TO THOSE FAMILIES WITHIN CHILDREN BETWEEN THE AGES OF 0 AND 14. THE PADDOCKS AND HIDEAWAY AT SAN JOSE SUBDIVISIONS ARE ADJACENT TO THE SITE. BETWEEN THE PADDOCKS AND HIDEAWAY AT SAN JOSE SUBDIVISIONS THERE ARE APPROXIMAT

Location Of Property

General Location

HIDDEN STAGECOACH & SAN JOSE

House #

Street Name, Type and Direction

Zip Code

0000

SAN JOSE BV

32223

Between Streets

LORETTO ROAD

and

ORANGE PICKER 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

3.76 Acres @ \$10.00 /acre: \$40.00

3) Plus Notification Costs Per Addressee

39 Notifications @ \$7.00 /each: \$273.00

4) Total Rezoning Application Cost (Not to Exceed \$15,000.00): \$2,313.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

For a Point of Beginning, commence at the Northeast corner of Tract "A", Hideaway at San Jose, according to the plat thereof recorded in Plat Book 54, pages 21 through 21C of the current public records of Duval County, Florida, said point also lying on the Southeasterly right of way line of Hidden Stagecoach Road, (variable width right of way per Plat of said Hideaway At San Jose); thence North 89°34'24" East, along said right of way line, a distance of 24.72 feet to a point; thence South 65°29'43" East, along said right of way line, a distance of 288.82 feet to a point; thence South 58°46'30" East, along said right of way line, a distance of 141.00 feet to a point; thence South 65°29'43" East, along said right of way line, a distance of 73.00 feet to a point of curvature of a curve concave Southwesterly and having a radius of 24.25 feet; thence Southeasterly along the arc of said curve, through a central angle of 64°17'44", a distance of 27.21 feet to a point on the Westerly right of way line of State Road No. 13 (San Jose Boulevard, a 120.00 foot right of way as now established), said curve being subtended by a chord bearing and distance of South 33°20'51" East, 25.81 feet; thence South 01°17'17" East, along said Westerly right of way line, a distance of 195.45 feet to the Northeasterly corner of those lands described in Deed recorded in Official Records Volume 6248, page 2148 of the current public records of said County; thence South 87°39'08" West, along the Northerly line of said lands, a distance of 470.70 feet to a point on the Easterly line of the aforementioned Hideaway At San Jose; thence North 02°46'08" West, along said Easterly line, a distance of 459.77 feet to the Point of Beginning.

TOGETHER WITH a drainage easement as set forth in Reciprocal Drainage Easement Agreement dated August 22, 2000, recorded in Official Records Book 9727, page 397 of the current public records of Duval County, Florida.

Tax ID No. 158883-0000

10/24/2013

EXHIBIT A

Property Ownership Affidavit

Date: 10/24/13

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, RAKESH PATEL 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 FROM PUD TO PUD,
submitted to the Jacksonville Planning and Development Department.

Rakesh Patel

(Owner's Signature)

Rakesh Patel

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 24th day of
October (month), 2013 (year) by Rakesh Patel
who is personally known to me or has produced Valid FID
as identification.

[Signature]
(Notary Signature)

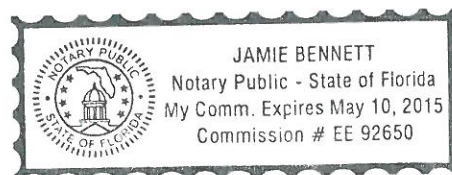


EXHIBIT B

Agent Authorization

Date: 10/24/13

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:

DUVAL COUNTY TAX PARCEL 158883-0000

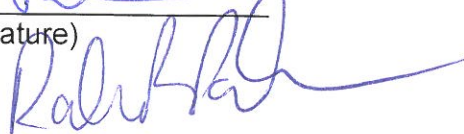
Gentleman:

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 CAUSSEUX, HEWETT & WALPOLE to act as agent to file application(s) for REZONING FROM PUD TO PUD 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.

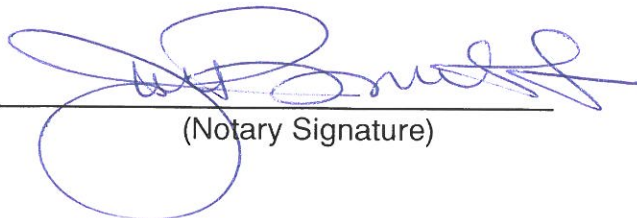


(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL



The foregoing affidavit was sworn and subscribed before me this 24 day of October (month), 2013 (year) by Hakesh Patel, who is personally known to me or has produced Valid FIDC as identification.



(Notary Signature)

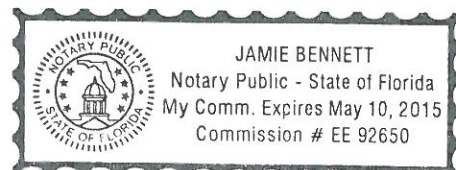


EXHIBIT C

Binding Letter

Date: 10/29/2013

City of Jacksonville
Planning and Development Department
Jacksonville, Florida 32202

Re: _____ 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: _____

EXHIBIT D

PUD Written Description Revised Date: ~~2.6.2014~~ 3.5.2014

MANDARIN CENTRE (ORDINANCE ADOPTION DATE)

Professional Planner:

~~Guy Parola, AICP~~

Gerry Dedenbach, AICP, LEED AP

Causseaux, Hewett, and Walpole, Inc.

132 NW 76th Drive

Gainesville, Florida 32607

I. PROJECT DESCRIPTION

The 3.76 acre site is identified by Duval County Property Appraiser Real Estate Number 158883 0000, as more fully described by the Legal Description, and is located at the southwest corner of Hidden Stagecoach Road and San Jose Boulevard. The site is undeveloped, save for a wet stormwater detention facility along its western boundary.

The purposes of this PUD are to (1) allow for a child care/activity center and associated child-oriented uses, as more fully articulated in Section II *Uses and Restrictions*; and (2) allow for development parameters (e.g. landscaping, buffering, joint access, signage) that are more compatible with adjoining properties than those otherwise mandated by the Zoning Code.

II. USES AND RESTRICTIONS

A. Permitted Uses:

- Child/day care;
- After school care;
- Gymnastics, karate, and similar uses;
- Voluntary Pre-kindergarten (a/k/a VPK) and similar educational programs; and
- Summer/vacation camps.

B. Accessory Uses:

- Retail, providing there are no outside sales and limited to sale of items typically associated with a permitted use as identified by s. II A. above;
- Sale of food and beverages for on-premises consumption, excluding alcoholic beverages, and not to be construed to allow for an autonomous “restaurant”;
- Holiday oriented activities (e.g. egg hunt); and
- Accessory uses and structures as defined in Zoning Code s. 656.403.

C. Restrictions on Uses:

- Child/day care is limited to not more than 300 children at any one time, or as otherwise limited by other occupancy or licensing restrictions, whichever is less; total occupancy shall be limited by city, state, and/or federal regulations regarding such;
- Hours of operation shall be between 6:00AM and 8:00PM, Monday through Thursday; 6:00AM and 11:00PM Friday; 9:00AM and 11:00PM Saturday; and between 11:00AM and 6:00PM on Sundays; and
- Outside activities are limited to between: 8:00AM and 7:30PM, Monday through Saturday; and between 11:00AM and 6:00PM Sunday.

III. DESIGN GUIDELINES

A. Lot Requirements:

- (1) Minimum lot area: 2 acres; providing that Duval County Tax Parcel 158883 0000 may not be subdivided so as to create developable "outparcels" or "outlots."
- (2) Minimum lot width: 75'
- (3) Maximum Building Area: 40,000 square feet
- (4) Minimum front yard: 10'; providing that no primary structure may be located within 75' of an existing residential structure, as measured from structure-to-structure.
- (5) Minimum side yard: 10'; providing that no primary structure may be located within 75' of an existing residential structure, as measured from structure-to-structure.
- (6) Minimum rear yard: 10'; providing that no primary structure may be located within 75' of an existing residential structure, as measured from structure-to-structure.
- (7) Maximum height of structures: 35'

B. Ingress, Egress and Circulation:

- (1) Parking Requirements.

Off-street parking shall meet or exceed the minimum number of required spaces per Part 6 of the Zoning Code. The maximum number of spaces shall not exceed 150, plus the requisite number of ADA spaces.

- (2) Vehicular Access.

- a. One full-access driveway on Hidden Stagecoach Road is permitted, subject to review and approval by the City's Traffic Engineer; and
- b. One right-in/right-out driveway on San Jose Boulevard is permitted, subject to review and approval by the Florida Department of Transportation; or

- c. A shared access with the adjoining southern property on San Jose Boulevard is permitted, subject to review and approval by the Florida Department of Transportation (FDOT). Shared access agreements will be memorialized in a recorded easement or a functional equivalent.

(3) Buses

On-site school bus parking meeting the requirements of Zoning Code s. 656.401(u) is permitted. The site shall be designed to accommodate bus stacking within the property.

(4) Pedestrian Access.

- a. Pedestrian access shall be provided by sidewalks installed in accordance with the 2030 Comprehensive Plan.

C. Signs:

- San Jose Boulevard: one double-faced, non-illuminated or externally illuminated monument style sign along San Jose Boulevard is permitted, subject to the following: signage shall not exceed 50-square feet per sign face and ten feet in height;
- Hidden Stage Coach Road: one double-faced, non-illuminated or externally illuminated monument-style sign along Hidden Stagecoach Road is permitted, subject to the following: signage shall not exceed eight square feet per sign face and four feet in height;
- Wall signs shall not exceed ten percent (10%) of the square footage of the occupancy frontage of the building facing San Jose Boulevard. No wall signs are permitted on building frontage(s) facing Hidden Stage Coach Road or the property's southern and western boundaries. Wall signs may be illuminated;
- One (1) under-the-canopy sign along San Jose Boulevard not to exceed ten percent (10) of the occupancy frontage; provided that any square footage used for an under-the-canopy sign shall be subtracted from the maximum allowable wall signage square footage. Under-the-canopy signs may be illuminated; and
- Scrolling and changing message device signs are prohibited.

D. Landscaping:

The Property shall be developed in accordance with Zoning Code Part 12, *Landscape Regulations*, except as modified below:

- Western Boundary: an uncomplimentary land use buffer, including a wood, masonry, vinyl, or composite material visual screen achieving 95% opacity, shall be installed along the eastern side of the existing stormwater management facility, as identified on the site plan. Trees shall be a minimum of two-inch (2") caliper at time of planting, and shall reach a minimum of twenty feet (20') in height at maturity.

E. Recreation and Open Space:

Outdoor play areas meeting or exceeding the minimum requirements of the Department of Children and Families shall be provided. Outdoor play areas shall not be located in a required yard.

F. Utilities:

Potable Water: JEA
Sanitary Sewer: JEA
Electric: JEA

G. Wetlands:

There are no wetlands on-site.

H. Building Architecture:

Exposed concrete block is prohibited. Metal siding is prohibited. The roof may be hip, gable, or gambrel style. Flat roofs are permitted if obscured from view by a parapet. Canopies and other appurtenances may be placed above the roof or parapet lines, providing that the 35' building height maximum is not exceeded. Accessory buildings shall be designed with materials consistent with the primary structure.

I. Lighting:

Sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels shall not exceed one-half (0.5) foot candles along the southern and western property lines, as measured at the property line. Illumination levels shall not exceed one foot candle when along the northern and eastern property lines, as measured at the property line.

All lighting lamp sources within parking, pedestrian, and play areas shall be metal halide or compact fluorescent. Light pole height shall not exceed twenty-five (25'). As part of the Verification of Substantial Compliance, a photometric plan, including exterior lighting design, shall be submitted.

IV. DEVELOPMENT PLAN APPROVAL

Phasing: This is a single-phase development. Commencement of construction is anticipated to begin September 2014, with completion within four months.

With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all then existing and proposed uses within the Property, and showing the general layout of the overall Property.

V. PUD vs Zoning Code

Signage:

Zoning Code

CN zoning district—

One street frontage sign per lot not exceeding one square foot for each linear foot of street frontage, per street, to a maximum size of 200 square feet in area for every 200 linear feet of street frontage or portion thereof is permitted, provided they are located no closer than 200 feet apart.

Wall signs not to exceed 10% of the face fronting a public or private right of way (see: s. 656.1303(j)(3)).

PUD

Only one (1) freestanding, monument style sign not to exceed 50 square feet is sought along San Jose Boulevard. One (1) monument style sign not to exceed four (4) feet in height and only eight (8) square feet in sign area is sought.

Conventionally, the site would be entitled to wall signage along Hidden Stage Coach Road and San Jose Boulevard. No wall signage is permitted by this PUC along Hidden Stage Coach Road. Wall signage along San Jose Blvd. is permitted at 10%. One (1) under canopy sign is permitted at a 10% of occupancy frontage, noting that any under canopy sign area is subtracted from the maximum 10% wall sign area. Therefore, at no point can wall signage exceed 10% of the San Jose Blvd. occupancy frontage.

Landscaping

Zoning Code

Un-complementary land uses and zoning (see: s. 656.1216)

Where un-complementary land uses or zoning districts are adjacent, without an intervening street, a buffer strip shall be required between the uses or zoning districts. Such buffer strip shall be at least ten feet, except as set forth in the Parking Lot Landscaping Matrix, Figure B, set forth in Section 656.607(j), in width the entire length of all such common boundaries.

Visual screen. A visual screen running the entire length of common boundaries shall be installed within the buffer strip, except at permitted access ways. The visual screen may be a wood, wood composite, or masonry wall, PVC fence, landscaping, earth mounds or combination thereof so long as such strips shall provide at the time of installation a minimum of 85 percent opacity for that area between the finished grade level at the common boundary line and six feet above such level and horizontally along the length of all common boundaries

PUD

The un-complementary buffer required along the project's western boundary, between the project site and residential, will not be installed in the collinear zoning/property lines. Rather, the un-complementary land use buffer will be installed along the eastern side of the shared retention pond. The purpose is to not decrease the adjoining residential properties' rear yards.

The visual screen will achieve 95% opacity per the PUD. This is greater than the 85% opacity otherwise required.

Architectural Design Guidelines

Zoning Code

There are no architectural design guidelines per code.

Building height maximum 45'. (see: s. 656.312)

PUD

The PUD contains architectural guidelines, rather requirements that specifically prohibit exposed concrete, metal siding, and exposed flat roofs.

Building height is limited by the PUD to 35'.

Lot Requirements

Zoning Code

Minimum yard requirements (see: s. 656.312)

Front—10 feet or, where the lot is adjacent to a residential district the required front yard setback of the residential district, whichever is greater.

Side—None.

Rear—Ten feet.

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

Minimum lot area—7,500 square feet, except as otherwise required for certain uses.

Maximum Lot Coverage: 50%

PUD

Minimum Yard Requirements

Front: 10' (note: no structure may be located within 75' of an existing residential structure)

Side: 10' (note: no structure may be located within 75' of an existing residential structure)

Read: 10' (note: no structure may be located within 75' of an existing residential structure)

Minimum Lot Area: 2-acres *The purpose of this is to ensure that the property cannot be subdivided.*

Maximum Building Area: 40,000 square feet

The Zoning Code allows for 50% lot coverage, which would equal 81,892 square feet, and up to 45' in height, which assumes a three story building. The potential building area (81,892sqft x 3) equals 245,678 square feet. The PUD limits building area to substantially less at 40,000 square feet.

Part 4, Child Care Center Standards

Zoning Code

- (1) *Child or adult care centers/day care centers located with between one and 14 children or adults shall meet the minimum lot requirements for the district of which it is a part.*

PUD

Minimum lot size standards are 2 acres.

Zoning Code

- (2) *Child or adult care centers/day care centers in the AGR, RLD, RMD, RHD and RR Zoning Districts shall be limited to a maximum of 50 children or adults. Centers with between 15 and 50 children or adults shall be located on a site not less than two acres in size and be contiguous to a street classified as a collector street or higher classification, as designated on the Functional Highway Classification Map of the Comprehensive Plan unless the center is located within a church or elementary, middle or high school, with no access from local residential streets.*

PUD

Not applicable.

Zoning Code

- (3) *Child or adult care centers/day care centers in the CO, CRO and CN Zoning Districts shall be limited to a maximum of 150 children or adults.*

PUD

Number of children sought is 300. Minimum lot size has been increased within the PUD to accommodate the requested number of children.

Zoning Code

- (4) *Child or adult care centers/day care centers in the PBF-2 zoning district shall be limited to a maximum of 150 children or adults. Provided however that when the facility has a minimum of two acres of land and is contiguous to a street classified as a collector street or higher classification, as designated on the functional highway classification map of the Comprehensive Plan the facility may have an additional 50 children or adults for each acre over two acres.*

PUD

Not Applicable.

Zoning Code

- (5) *Child or adult care centers/day care centers in all other zoning districts shall be limited to a maximum of 300 children or adults.*

PUD

Number of children sought is 300. Minimum lot size has been increased within the PUD to accommodate the requested number of children.

Zoning Code

(6) *All centers shall provide an adequate off-street area for the stacking of vehicles and required parking.*

PUD

Minimum parking requirements are mandated, noting that a maximum of 150 spaces limitation is included so as to preserve pervious surfaces.

Zoning Code

(7) *Where a center is contiguous to a residentially-zoned property, a six-foot visual barrier, not less than 95 percent opaque, shall be provided along the property line, excluding any required front yards.*

PUD

Minimum standard is being met, noting the addition of two-inch (2") caliper trees to reach twenty feet (20') in height at maturity.

Zoning Code

(8) *Child care centers/day care centers 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.*

PUD

No deviation from standard.

Zoning Code

(9) *Day care centers shall be limited to the following hours of operation: 6:00 a.m. to 7:00 p.m.; and that care centers shall have unlimited hours of operation*

PUD

Hours of Operation: 6:00 a.m. to 8:00 p.m. Monday – Thursday
6:00 a.m. to 11:00 p.m. Friday – Saturday
11:00 a.m. to 6:00 p.m. Sunday

Outside activities: 8:00 a.m. – 7:30 p.m. Monday – Saturday

Outside activities: 11:00 a.m. – 6:00 p.m. Sunday

The hours of operation are necessary because of the variety of child-oriented uses (e.g. gymnastics, karate) offered. Care has been given to limit outside hours of operation out of deference to adjoining residential and church uses.

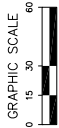
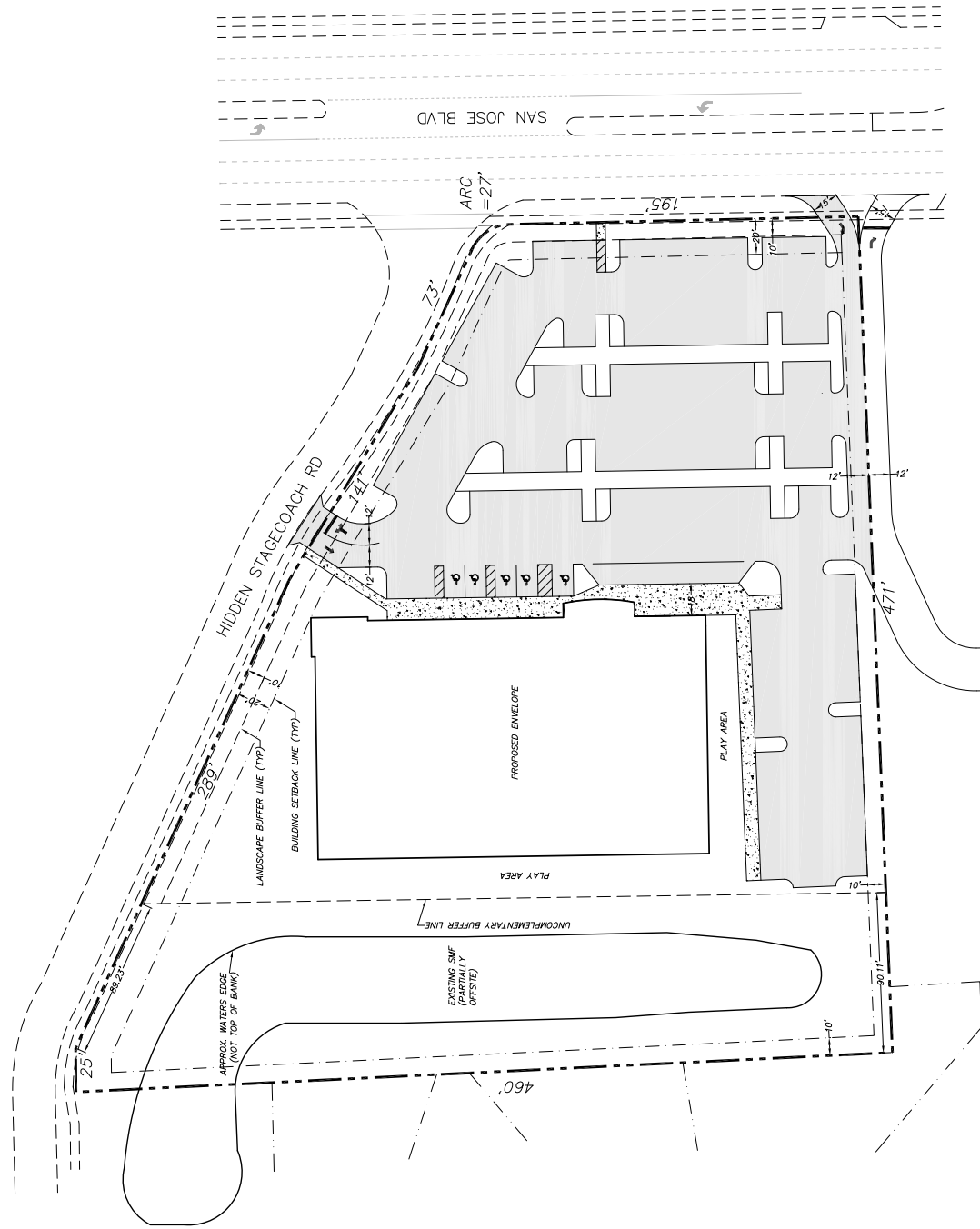
In deference to adjoining residential, the following lighting standards are included within the PUD.

Sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels shall not exceed one-half (0.5) foot candles along the southern and western property lines, as

measured at the property line. Illumination levels shall not exceed one foot candle when along the northern and eastern property lines, as measured at the property line.

All lighting lamp sources within parking, pedestrian, and play areas shall be metal halide or compact fluorescent. Light pole height shall not exceed twenty-five (25'). As part of the Verification of Substantial Compliance, a photometric plan, including exterior lighting design, shall be submitted.

Mandarin Centre
Jacksonville, Florida
PD Master Site Plan



Development Standards	
Minimum Lot Area	2 acres
Minimum Lot Width	75'
Plot Area Ratio (FAR)	0.45
Setbacks	
Front	10'
Side	10'
Rear	10'
Maximum Height	35'
Minimum Off-street Parking	Per Part 6, Zoning Code
Maximum Off-street Parking	150 spaces

*Providing that no primary structure may be located within 10' of an existing residential structure, as measured from structure to structure.

October 24, 2013

± 3.76 ACRES
TAX PARCEL NO. 158883-0000

EXHIBIT F

PUD Name

Mandarin Centre PUD

Date

Feb 6, 2014

Land Use Table

Total gross acreage	3.8	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	0.8	Acres	24 %
Industrial	0	Acres	0 %
Other land use	0	Acres	0 %
Active recreation and/or open space		Acres	
Passive open space, wetlands, pond	1.4	Acres	36 %
Public and private right-of-way	1.6	Acres	40 %
Maximum coverage of non-residential buildings and structures	40,000	Sq. Ft.	24 %

This Document Prepared by:

Michael B. Johnson, Esq.
MCCATHERN | MOOTY | GRINKE, L.L.P.
3710 Rawlins, Suite 1600
Dallas, Texas 75219

Recording requested by

and when recorded return to:

Commonwealth Land Title Insurance Company
Attn: Kyle Denbow, Commercial Escrow Officer
5949 Sherry Lane, Suite 111
Dallas, Texas 75225

Send tax statements to:

Niyani, LLC
11583 Summer Haven Boulevard N.
Jacksonville, Florida 32258

Parcel ID No. 158883-0000

Documentary Stamps: \$3,507.00

Space above this line for Recorder's use only.

Asset No. 88153000130
Hidden Stage Coach Rd &
San Jose Blvd., Jacksonville FL

SPECIAL WARRANTY DEED

STATE OF FLORIDA §
 §
COUNTY OF DUVAL §

WHEREAS, the undersigned, **SECURITY REAL ESTATE SERVICES, INC.**, a Georgia corporation ("Grantor"), whose address is 1601 Bryan Street, Dallas, Texas 75201, for and in consideration of FIVE HUNDRED ONE THOUSAND AND NO/100 DOLLARS (\$501,000.00), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto **NIYANI, LLC**, a Florida limited liability company ("Grantee"), whose address is 11583 Summer Haven Boulevard N., Jacksonville, Florida 32258, that certain real property situated in Duval County, Florida, as described on Exhibit "A" attached hereto and made a part hereof for all purposes, together with any and all improvements thereto and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, any right, title and interest of Grantor in and to adjacent streets,

SPECIAL WARRANTY DEED - Page 1

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alleys or rights-of-way (collectively, the "Property"), **subject however to** any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, access limitations, licenses, prescriptive rights, rights of any tenants under any leases covering the Property or any portion thereof, and any and all other matters or conditions affecting the Property, including, without limitation, any and all matters or conditions reflected on Exhibit "B" attached hereto and made a part hereof for all purposes, and whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; and any and all zoning, building, and other laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). Grantee, by its acceptance of delivery of this Special Warranty Deed, assumes and agrees to perform any and all obligations of Grantor under the Permitted Encumbrances.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND AGREES THAT (i) EXCEPT FOR THE SPECIAL (OR LIMITED) WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, (B) ANY INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT OR HOPE TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE DESCRIPTION, POSSESSION, HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PART THEREOF, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO, (H) THE EXISTENCE, QUALITY, NATURE, ADEQUACY, OR PHYSICAL CONDITION OF ANY UTILITIES SERVING THE PROPERTY, OR (I) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING, WITHOUT

SPECIAL WARRANTY DEED - Page 2

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LIMITATION, THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY OR ANY PART THEREOF, OF ANY HAZARDOUS MATERIALS; (ii) GRANTEE HAS FULLY INSPECTED THE PROPERTY AND THAT THE CONVEYANCE HEREUNDER OF THE PROPERTY IS "AS IS" AND "WITH ALL FAULTS", AND GRANTOR HAS NO OBLIGATION TO ALTER, REPAIR, OR IMPROVE THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO; and (iii) NO WARRANTY HAS ARISEN THROUGH TRADE, CUSTOM, OR COURSE OF DEALING WITH GRANTOR, AND ALL STATUTORY, COMMON LAW, AND CUSTOMARY COVENANTS AND WARRANTIES, IF ANY, OF WHATEVER KIND, CHARACTER, NATURE, PURPOSE, OR EFFECT, WHETHER EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, ARE HEREBY EXPRESSLY, UNCONDITIONALLY, AND IRREVOCABLY WAIVED, DISCLAIMED, AND EXCLUDED FROM THIS SPECIAL WARRANTY DEED, NOTWITHSTANDING ANY CUSTOM OR PRACTICE TO THE CONTRARY, OR ANY STATUTORY, COMMON LAW, DECISIONAL, HISTORICAL, OR CUSTOMARY MEANING, IMPLICATION, SIGNIFICANCE, EFFECT, OR USE OF CONTRARY IMPORT OF ANY WORD, TERM, PHRASE OR PROVISION HEREIN.

Further, by its acceptance of delivery of this Special Warranty Deed, Grantee or anyone claiming by, through, or under Grantee, hereby fully releases Grantor and the Federal Deposit Insurance Corporation (the "FDIC") in any and all of its various capacities, and their respective employees, officers, directors, representatives, and agents from any and all claims, costs, losses, liabilities, damages, expenses, demands, actions, or causes of action that it or they may now have or hereafter acquire, whether direct or indirect, known or unknown, suspected or unsuspected, liquidated or contingent, arising from or related to the Property in any manner whatsoever. This covenant releasing Grantor and the FDIC in any and all of its various capacities shall be a covenant running with the Property and shall be binding upon Grantee, its successors, and assigns.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging to Grantor, unto Grantee, its heirs, personal representatives, successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT SPECIALLY AND FOREVER DEFEND all and singular the Property unto Grantee, its heirs, personal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject, however, to the Permitted Encumbrances.

The fact that certain encumbrances, limitations, or other matters or conditions may be mentioned, disclaimed, or excepted in any way herein, whether specifically or generally, shall not be a covenant, representation, or warranty of Grantor as to any encumbrances, limitations, or any other matters or conditions not mentioned, disclaimed, or excepted. Notwithstanding anything herein to the contrary, however, nothing herein shall be construed or deemed as an admission by Grantor or Grantee to any third party of the existence, validity, enforceability, scope, or location of any encumbrances, limitations, or other matters or conditions mentioned, disclaimed, or excepted in any way herein, and nothing shall be construed or deemed as a waiver by Grantor or Grantee of its respective rights, if any, but without obligation, to challenge or enforce the

SPECIAL WARRANTY DEED - Page 3

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existence, validity, enforceability, scope, or location of same against third parties.

By its acceptance of delivery of this Special Warranty Deed, Grantee hereby assumes the payment of all *ad valorem* taxes, standby fees, and general and special assessments of whatever kind and character affecting the Property which are due, or which may become due, for the current tax year or assessment period and for any tax year or assessment period subsequent to the date of this Special Warranty Deed, including, without limitation, taxes or assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

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SPECIAL WARRANTY DEED - Page 4

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IN WITNESS WHEREOF, this Special Warranty Deed is executed on August 26, 2011.

Signed, sealed and delivered in the presence of: GRANTOR:

Edward Weiss

SECURITY REAL ESTATE SERVICES,
INC., a Georgia corporation

Witness Signature

Printed Witness Name: EDWARD WEISS

Deborah J. Banks

By: Melinda D'Alessandro

Printed Name: Melinda D'Alessandro

Title: PRESIDENT

Witness Signature

Printed Witness Name: Deborah J. Banks

STATE OF Florida §
§
COUNTY OF Duval §

This instrument was ACKNOWLEDGED before me, on the 26th day of August, 2011,
by Melinda D'Alessandro President of the SECURITY REAL
ESTATE SERVICES, INC., a Georgia corporation, on behalf of said entity.

[S E A L]

My Commission Expires:

Kathryn F. Swanson
Notary Public, State of Florida

Kathryn F. Swanson
Printed Name of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
Kathryn F. Swanson
Commission # EE047379
Expires: DEC. 07, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

SPECIAL WARRANTY DEED - Page 5

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EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

For a Point of Beginning, commence at the Northeast corner of Tract "A", Hideaway at San Jose, according to the plat thereof recorded in Plat Book 54, pages 21 through 21C of the current public records of Duval County, Florida, said point also lying on the Southeasterly right of way line of Hidden Stagecoach Road, (variable width right of way per Plat of said Hideaway At San Jose); thence North 89°34'24" East, along said right of way line, a distance of 24.72 feet to a point; thence South 65°29'43" East, along said right of way line, a distance of 288.82 feet to a point; thence South 58°46'30" East, along said right of way line, a distance of 141.00 feet to a point; thence South 65°29'43" East, along said right of way line, a distance of 73.00 feet to a point of curvature of a curve concave Southwesterly and having a radius of 24.25 feet; thence Southeasterly along the arc of said curve, through a central angle of 64°17'44", a distance of 27.21 feet to a point on the Westerly right of way line of State Road No. 13 (San Jose Boulevard, a 120.00 foot right of way as now established), said curve being subtended by a chord bearing and distance of South 33°20'51" East, 25.81 feet; thence South 01°17'17" East, along said Westerly right of way line, a distance of 195.45 feet to the Northeasterly corner of those lands described in Deed recorded in Official Records Volume 6248, page 2148 of the current public records of said County; thence South 87°39'08" West, along the Northerly line of said lands, a distance of 470.70 feet to a point on the Easterly line of the aforementioned Hideaway At San Jose; thence North 02°46'08" West, along said Easterly line, a distance of 459.77 feet to the Point of Beginning.

TOGETHER WITH a drainage easement as set forth in Reciprocal Drainage Easement Agreement dated August 22, 2000, recorded in Official Records Book 9727, page 397 of the current public records of Duval County, Florida.

Tax ID No. 158883-0000

EXHIBIT A, Legal Description – Solo Page

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EXHIBIT "B"

SPECIFIC PERMITTED ENCUMBRANCES

1. Grant of Easement (Utilities) Official Records Book 7269, Page 995, of the current public records of Duval County, Florida.
2. Reciprocal Drainage Easement Agreement recorded in Official Records Book 9727, Page 397, of the current public records of Duval County, Florida.

SPECIAL WARRANTY DEED – Page 1

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**UNANIMOUS CONSENT BY THE
BOARD OF DIRECTORS OF
SECURITY REAL ESTATE SERVICES, INC.**

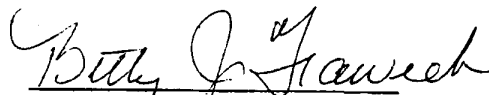
The undersigned, being all of the Directors of Security Real Estate Services, Inc., a corporation organized under the laws of Georgia (the "Company"), hereby consent to the taking of the following actions and adoption of the following resolutions without a meeting in accordance with Section 4.7 of the Bylaws of the Company:

BE IT RESOLVED, that Patrice Middlebrooks is removed as the Secretary of the Company; and

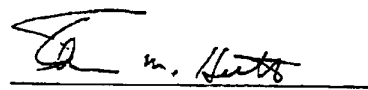
FURTHER RESOLVED, that Melinda D'Alessandro is hereby elected as the Secretary of the Company.

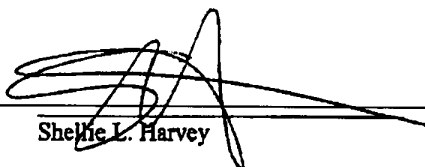
Each of the Directors has indicated consent of this Action by e-mail to be effective as of June 28, 2010.


James E. Davis


Betty J. Trawick


Melinda D'Alessandro


Thomas M. Huth


Shellie L. Harvey

**UNANIMOUS CONSENT BY THE
BOARD OF DIRECTORS OF
SECURITY REAL ESTATE SERVICES, INC.**

The undersigned, being all of the Directors of Security Real Estate Services, Inc., a corporation organized under the laws of Georgia (the "Company"), hereby consent to the taking of the following actions and adoption of the following resolutions without a meeting in accordance with Section 4.7 of the Bylaws of the Company:

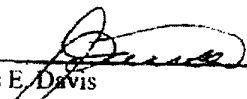
WHEREAS, it has been determined by the Board of Directors that it is in the best interests of the Company to remove certain officers and elect new officers of the Company.


NOW THEREFORE BE IT RESOLVED, that all of the individuals currently named as officers of the Company are hereby removed; and

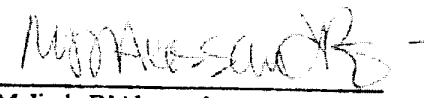
FURTHER RESOLVED, that the following individuals are elected as officers as designated following their names:

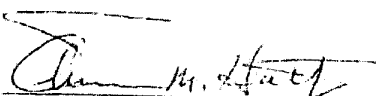
Melinda D'Alessandro – President
Tom Huth – Vice President
Susan Conley – Vice President
Gerald Doyle – Vice President
Samiha Manning – Secretary
Tim Hobbs - Treasurer

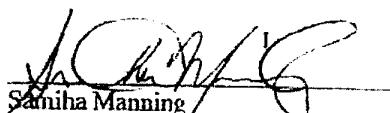
Each of the Directors named below has indicated consent by their signature below to be effective as of January 4, 2010.


James E. Davis


Susan Conley


Melinda D'Alessandro


Thomas M. Huth


Samiha Manning

