

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

**APPLICATION FOR REZONING ORDINANCE 2014-192 TO**

**PLANNED UNIT DEVELOPMENT**

**APRIL 10, 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 **2014-192** to Planned Unit Development.

***Location:*** 8101 Southside Boulevard between Baymeadows Road and Whippoorwill Lane

***Real Estate Number(s):*** 148524-0100

***Current Zoning District:*** Planned Unit Development (PUD 1990-10)

***Proposed Zoning District:*** Planned Unit Development (PUD)

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

***Proposed Land Use Category:*** Neighborhood Commercial (NC)

***Planning District:*** Southeast, District 3

***City Council District:*** The Honorable Bill Gulliford, District 13

***Applicant/Agent:*** Paul Harden, Esq.  
501 Riverside Avenue, Suite 901  
Jacksonville, Florida 32202

***Owner:*** Carrie Manley  
Bentley Mortgage, LLC  
10739 Deerwood Park Boulevard  
Jacksonville, Florida 32256

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

### **GENERAL INFORMATION**

Application for Planned Unit Development **2014-192** seeks to rezone approximately 1.80 acres of land from PUD to PUD. The rezoning to PUD is being sought to permit neighborhood retail sales and service establishments, banks, offices, restaurants, dance, music and art studios and other uses on the subject property.

### **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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series 2014C-002 (Ordinance 2014-191) that seeks to amend the portion of the site that is within the RPI land use category to Neighborhood Commercial (NC). Staff is recommending that Application for Small-Scale Land Use Amendment to the Future Land use Map Series 2014C-002 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. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

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.

The uses provided herein shall be applicable to all NC sites within the Suburban Area.

**Principal Uses** 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; Single-family dwellings which were originally constructed as single-family dwellings prior to adoption of the 2030 Comprehensive Plan; and Commercial retail and service establishments, except for new or used automobile sales, funeral homes, and broadcasting offices and studios.

**Secondary Uses:** Secondary uses shall be permitted pursuant to the Commercial land use introduction.

The development characteristics provided herein shall be applicable to all NC sites within the Suburban Area. Residential uses shall not be permitted on the ground floor abutting roads classified as collector or higher on the Functional Highway Classification Map. 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. To promote a more compact, pedestrian-friendly environment, 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?*

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*

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 2014C-002 (Ordinance 2014-191) 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, and furthers the following goals, objectives and policies contained herein, including:

F.L.U.E. GOAL 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

F.L.U.E. Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

F.L.U.E. Policy 1.1.18 Prohibit scattered, unplanned, urban sprawl development without provisions for facilities and services at levels adopted in the 2030 Comprehensive Plan in locations inconsistent with the overall concepts of the Future Land Use Element and the Development Areas and the Plan Category Descriptions of the Operative Provisions.

F.L.U.E. Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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.

*(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: There is no change to the existing driveway location. Southside boulevard is a FDOT maintained road and any change will require approval by FDOT. There is an existing cross access easement with the commercial development to the south.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The PUD states that parking will comply with Part 6 of the zoning code, ensuring compatibility with adjacent developments.

The particular land uses proposed and the conditions and limitations thereon: The PUD is proposing a select number of uses from the Commercial Neighborhood (CN) Zoning District with restrictions on the size of the building and outside sales of alcohol. The existing building is approximately 20,000 square feet and the PUD limits any individual building to 40,000 square feet.

Compatible relationship between land uses in a mixed use project: The owner has proposed a limited number of uses that are found in the Commercial Neighborhood (CN) Zoning District. These uses are related will not create any adverse impact to each other.

*(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 PUD is proposing a select number of uses from the Commercial Neighborhood (CN) Zoning District with restrictions on the size of the building and outside sales of alcohol. These limitations will minimize any adverse impact from the proposed uses to adjacent properties.

The type, number and location of surrounding external uses: The proposed development is located in an area with single family, multi-family, office, commercial and institutional uses. The commercial development at this location complements the existing residential, office and commercial uses in the immediate 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
North	MDR	RMD-A	Multi-family dwellings
South	NC	PUD (88-1232)	Commercial shopping center
East	RPI	CRO	Jacksonville Country Day School
West	CGC	PUD (94-30)	Commercial shopping center / FSCJ

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 PUD is proposing that landscaping between the subject property and the school be approved jointly between the parties. Although this will result in a buffer acceptable to each property owner, it does not ensure the landscaping will meet the landscape regulations in the Zoning Code. **It the Department's recommendation that the landscape plan shall meet the Part 12, Landscape and Tree Protection Regulations, Zoning Code.**

*(6) Intensity of Development*

The proposed development is consistent with the NC functional land use category as a commercial development. The PUD is appropriate at this location because it will support the existing residential, offices, commercial and service establishments in the area.

*(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, 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 28, 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 **2014-192** be **APPROVED with the following conditions:**

1. The subject property is legally described in the original legal description dated December 9, 2013.
2. The subject property shall be developed in accordance with the revised written description dated March 25, 2014.
3. The subject property shall be developed in accordance with the original site plan dated January 6, 2014.
4. The landscape plan shall meet the Part 12, Landscape and Tree Protection Regulations, Zoning Code.

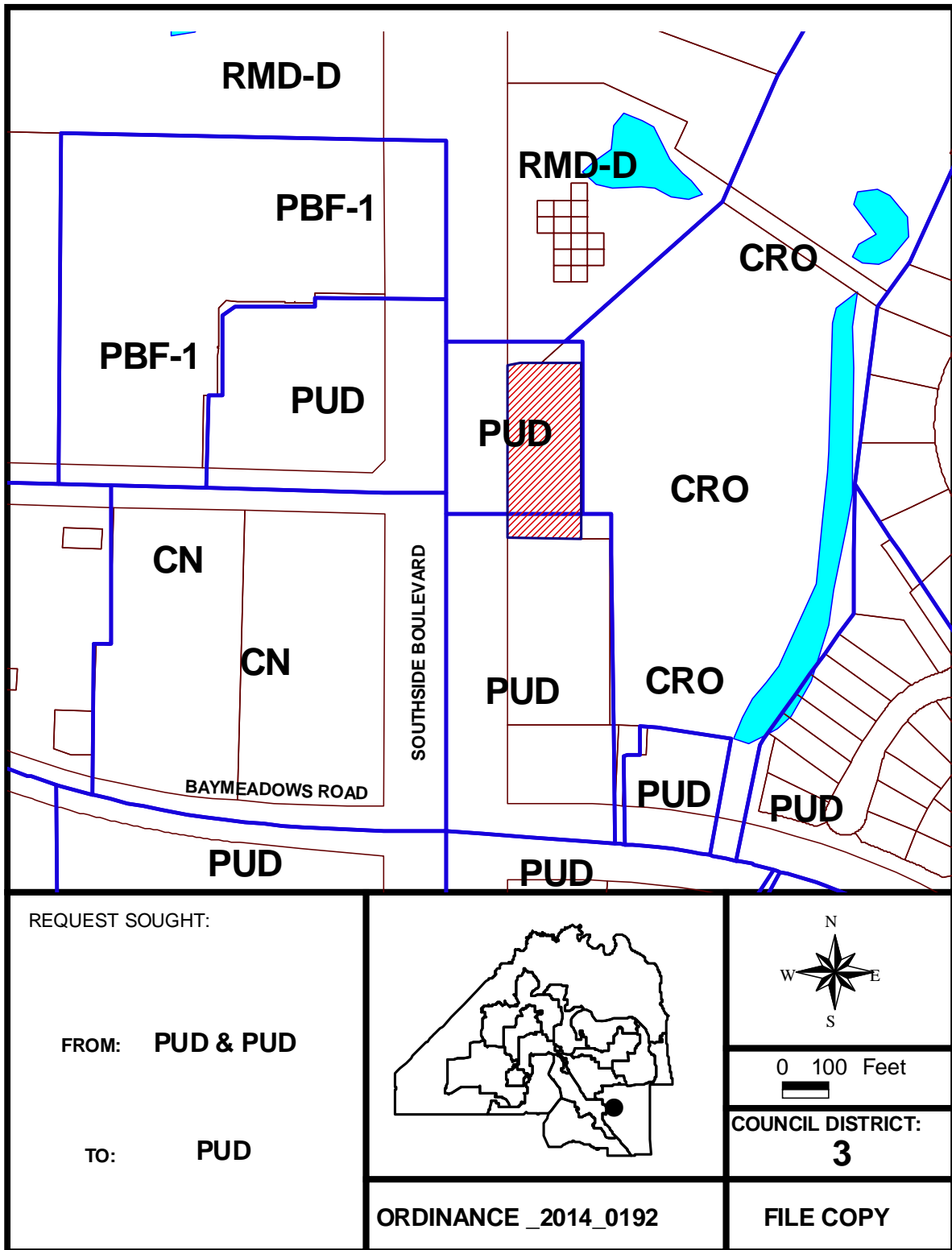


View of existing building.





View of subject property.





March 24, 2014

## MEMORANDUM

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

FROM: Lisa King  
Traffic Technician Senior

Subject: **Deerwood Village PUD  
R-2014-194**

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

Written Description cites access is from Baymeadows Rd. Parcel does not have frontage on Baymeadows. Access is shown on Southside Blvd. Southside Blvd is a FDOT maintained roadway. Number, design and location of access points are subject to FDOT permit process.

**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.



## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450  
Transmitted Electronically

ANANTH PRASAD, P.E.  
SECRETARY

March 31, 2014

Bruce E. Lewis, Planning Supervisor  
City of Jacksonville  
Current Planning Division  
Planning & Development Department  
214 North Hogan Street, Suite 300  
Jacksonville, Florida 32202

### **RE: Deerwood Village PUD**

Dear Mr. Lewis:

The Florida Department of Transportation has reviewed the Deerwood Village PUD for impacts to state facilities and we offer the following comments for your consideration in reviewing this PUD Application:

**Project Description:** The Applicant for Deerwood Village PUD is proposing to rezone approximately 1.08 acres from Planned Unit Development (PUD) to PUD. The PUD Written Description (Exhibit D) indicates the purpose of the PUD rezoning is to allow uses consistent with neighborhood commercial uses. The site is the subject to a companion future land use map amendment from Residential Professional Institutional (RPI) to Neighborhood Commercial (NC).

**Density:** Exhibit F of the PUD Application indicates the maximum coverage of buildings and structures as 21,524 square feet.

**Location:** The subject property is located adjacent and to the east of Southside Boulevard approximately a quarter mile north of Baymeadows Road.

**Estimated Trips:** The FDOT estimated the current trip generation potential by using the General Office (ITE Code 710) Land Use. The FDOT estimated the future trip generation potential by using the Shopping Center (ITE Code 820) Land Use. By using the ITE Trip Generation 9th Edition, the FDOT estimates the following trips:

- The current land use potential of office is estimated to generate 409 daily trips with 56 am and 103 pm peak hour trips.
- The proposed future land use of commercial is estimated to generate 2,502 daily trips with 21 am and 214 pm peak hour trips.

**LOS & Impacts:** Based on the FDOT State Highway System Level of Service Report (October 2013), SR-115/Southside Boulevard and SR-152/Baymeadows Road include the following capacities:

- SR-115/Southside Boulevard, from Baymeadows Road to J. Turner Butler Boulevard, with an adopted LOS standard of “E” (this is the adjacent segment which has a peak hour capacity of 5,390 peak hour trips), is currently operating at LOS “C”. The year 2012 count was 4,455 peak hour trips; the segment has a v/c ratio of 0.83.
- SR-115/Southside Boulevard, from Belle Rive Boulevard to Baymeadows Road, with an adopted LOS standard of “E” (this segment has a peak hour capacity of 5,390 peak hour trips), is currently operating at LOS “C”. The year 2012 count was 4,185 peak hour trips; the segment has a v/c ratio of 0.78.
- SR-152/Baymeadows Road, from Southside Boulevard to SR-9A, with an adopted LOS standard of “E” (this segment has a peak hour capacity of 3,580 peak hour trips), is currently operating at LOS “C”. The year 2012 count was 2,475 peak hour trips; the segment has a v/c ratio of 0.69.

**FDOT Comments:** The Site Plan shows an existing driveway/access connection to SR-115/Southside Boulevard. Please note, if a site has been vacant for a year or more or generates 100 or more daily trips than the previous use, the development is considered a “Significant Change” and a driveway permit is required. For “Significant Change” determinations and for any construction within state right of way, the FDOT Growth and Development Staff recommend the Applicant coordinate with Bob Kosoy of the FDOT Jacksonville Maintenance Permit Office at email: [Bob.Kosoy@dot.state.fl.us](mailto:Bob.Kosoy@dot.state.fl.us) or phone: (904)360-5222.

Thank you for coordinating the review of the PUD application with FDOT. If you have any questions, please do not hesitate to contact me by email: [Richard.Prindiville@dot.state.fl.us](mailto:Richard.Prindiville@dot.state.fl.us) or phone: (904)360-5664.

Sincerely,



Richard Prindiville, FDOT Traffic/LOS Analyst

Cc:	Ameera Sayeed, AICP, GISP	FDOT D-2 Growth and Development/Modeling Coordinator
	David Lynch, PE	FDOT Traffic Operations
	Bob Kosoy, PE	FDOT Jacksonville Maintenance Office



**Application For Rezoning To PUD****Planning and Development Department Info****Ordinance #** 2014-0192 **Staff Sign-Off/Date** BEL / 03/03/2014**Filing Date** N/A **Number of Signs to Post** 3**Hearing Dates:****1st City Council** 04/08/2014 **Planning Commission** 04/10/2014**Land Use & Zoning** 04/15/2014 **2nd City Council** 04/22/2014**Neighborhood Association** BETTER BAYTMEADOWS INC, BAYMEADOWS COMMUNITY COUNCIL, DEERWOOD NEIGHBORHOOD ASSOC.**Neighborhood Action Plan/Corridor Study** N/A**Application Info****Tracking #** 515**Application Status** PENDING**Date Started** 11/13/2013**Date Submitted** 12/02/2013**General Information On Applicant**

Last Name	First Name	Middle Name
HARDEN	PAUL	M.

**Company Name**

LAW OFFICE OF PAUL M. HARDEN

**Mailing Address**

501 RIVERSIDE AVENUE, SUITE 901

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043965731	9043995461	PAUL_HARDEN@BELLSOUTH.NET

**General Information On Owner(s)**☐ Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
MANLEY	CARRIE	

**Company/Trust Name**

BENTLEY MORTGAGE, LLC

**Mailing Address**

10739 DEERWOOD PARK BLVD.

City	State	Zip Code
JACKSONVILLE	FL	32256

Phone	Fax	Email

**Property Information****Previous Zoning Application Filed For Site?** ☐**If Yes, State Application No(s)** 1990-10

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map				

148524 0100 13 3 PUD PUD

**Ensure that RE# is a 10 digit number with a space (##### #)****Land Use Category Proposed?** ☐**If Yes, State Land Use Application #**

2014C-002

**Land Use Category**

RPI

**Total Land Area (Nearest 1/100th of an Acre)** 1.80**Development Number****Proposed PUD Name** DEERWOOD VILLAGE PUD**Justification For Rezoning Application**

SEE EXHIBIT D (WRITTEN DESCRIPTION)

**Location Of Property****General Location**

NORTH OF BAYMEADOWS ROAD AND EAST OF SOUTHSIDE BLVD.

**House #****Street Name, Type and Direction****Zip Code**

8101

SOUTHSIDE BV

32256

**Between Streets**

BAYMEADOWS ROAD

and SOUTHSIDE BOULEVARD

**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**  
**1.80 Acres @ \$10.00 /acre:** \$20.00
- 3) Plus Notification Costs Per Addressee**  
**21 Notifications @ \$7.00 /each:** \$147.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,167.00

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



## Legal Description

December 9, 2013

Exhibit "A"

### Land Description

A parcel of land, being a portion of Sections 24 and 25, Township 3 South, Range 27 East, Jacksonville, Duval County, Florida being more particularly described as follows:

For a point of reference, commence at the intersection of the Northerly right of way line of Baymeadows Road, as described in deed recorded in Official Records Volume 3310, Page 1196, of the current Public Records of said County, with the Easterly right of way line of Southside Boulevard (a 300 foot right of way as now established); and run North 00° 04' 29" West, along said Easterly right of way line, a distance of 647.40 feet to the POINT OF BEGINNING of the lands to be described; thence continue North 00° 04' 29" West, a distance of 420.02 feet to a point; thence North 80° 27' 47" East a distance of 30.41 feet to a point; run thence North 89° 55' 31" East a distance of 150.00 feet to a point; run thence South 00° 04' 29" East parallel with the aforementioned Easterly right of way line of Southside Boulevard, a distance of 426.83 feet to a point; run thence North 89° 30' 00" West, a distance of 180.01 feet to the POINT OF BEGINNING. Together with an Easement for drainage, access and utilities as contained in instrument recorded in Official Records Book 6672, Page 484.

# EXHIBIT A

## Property Ownership Affidavit

November 12, 2013

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

Re: Ownership Certification

Gentleman:

I, Carrie Manley, Manager of Bentley Mortgage, LLC, hereby certify that I as authorized representative of the Owner of the property described in the attached legal description, **Exhibit 1** in connection with filing application(s) for rezoning of this property at 8101 Southside Boulevard, Jacksonville, FL 32256 submitted to the Jacksonville Planning and Development Department.

Bentley Mortgage, LLC

Carrie Manley

(Manager's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 12<sup>th</sup> day of November (month), 2013 (year) by Carrie Manley who is personally known to me or has produced \_\_\_\_\_ as identification.

Kristin Holliday  
(Notary Signature)



Bentley Mortgage, LLC  
10739 Deerwood Park Boulevard, Suite 300  
Jacksonville, Florida 32256  
904-367-5959

December 18, 2013

Re: 8101 Southside Boulevard  
Jacksonville, FL 32256  
Deerwood Village PUD

To Whom It May Concern:

Please be advised that Carrie L. Manley is a Vice President and Co Manager of Bentley Mortgage, LLC and has permission to sign on behalf of Bentley Mortgage, LLC all documentation required from any governmental entity relating to any rezoning or land use amendment changes for the above referenced.

Sincerely,

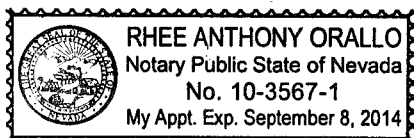
  
Peter D. Sleiman

STATE OF Nevada  
COUNTY OF Clark

The foregoing instrument was acknowledged before me this 25 day of December, 2013, by Peter D. Sleiman, as Managing Member of Bentley Mortgage, LLC, a Florida limited liability company, on behalf of said corporation, who did not take an oath and who:

☐ is personally known to me.

☒ Produced current Florida driver's license as identification.



Notary Public

  
Print Name: Rhee Anthony Orallo

My Commission expires: Sept. 8, 2014

Commission Number: 10-3567-1

## EXHIBIT C

### Binding Letter

City of Jacksonville  
Planning and Development Department  
Jacksonville, Florida 32202

RE: Rezoning of the property at 8101 Southside Boulevard, Jacksonville, FL

Ladies and Gentleman;

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 thereof, 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 rezoning 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, which are not to be provided, operated or maintained by the City of Jacksonville.

Sincerely,

By: Carriemanly  
(Name)

Its: Manager  
(Title)

Bentley Mortgage, LLC  
(Company)

# **Exhibit D**

## **Fourth Amended: PUD WRITTEN DESCRIPTION**

**Deerwood Village PUD**  
**Date: March 25, 2014**  
**Current Zoning District: PUD**  
**Current Land Use Designation: RPI**  
**Proposed Zoning District: PUD**  
**RE #: 148524-0100**

### **I. PROJECT DESCRIPTION**

This PUD is a portion of the existing Deerwood Campus Center PUD approved by Ordinance #88-563, as amended by Ordinance #88-1232 as amended by Ordinance #90-10. Applicant proposes to rezone approximately 1.8 acres of the Deerwood Campus Center PUD from PUD to PUD, specifically parcel A of the Deerwood Campus Center PUD. Parcel A consists of the northerly 1.8 acres of the 1988 PUD.

The site is the subject of a pending Future Land Use Map amendment proposing to change the land use designation from the current designation of RPI to the designation of NC. The existing uses allowed under the 1988 PUD are generally consistent with NC uses. Adjoining the parcel to the south is an existing Neighborhood Commercial (NC) designation which is also part of the 1988 PUD. To the west, across Southside Boulevard, are Commercial General (CG) uses and the uses to the east of the site are RPI in nature, however there is a buffer existing as established by the land use and design of the Deerwood Campus Center PUD.

The uses proposed in the PUD are limited to the less intense uses provided for it in the CN, CO and CRO zoning districts.

The site is currently owned by Bentley Mortgage, LLC who purchased the site from a foreclosing lender. The current use of the site is inconsistent with the use and trends in the area.

<b>Project Name:</b>	<b>Deerwood Village PUD</b>
<b>Project Architect/Planner:</b>	<b>Jason Canning, Architect</b>
<b>Project Engineer:</b>	<b>Geoff Gartner, Engineer</b>
<b>Project Developer:</b>	<b>Ticon</b>

### **II. QUANTITATIVE DATA**

<b>Total Acreage:</b>	<b>1.80 acres</b>
<b>Total amount of non-residential floor area:</b>	<b>21,524 s.f.</b>

**Total amount of open space: .56 acres**

**Total amount of public/private rights of way: .75 acres**

**Total amount of land coverage of all buildings and structures: 21,524 s.f. building and 120 s.f. gazebo**

**Phase schedule of construction (include initiation dates and completion dates): N/A**

### **III. USES AND RESTRICTIONS**

#### **A. Permitted Uses:**

*Permitted uses and structures:* commercial and office uses including the following:

1. Neighborhood retail sales and service establishments. However, no individual building footprint shall exceed 40,000 square feet.
2. Banks, including drive-thru and/or walk-up tellers and/or ATM's, savings and loan institutions, credit unions, and similar uses
3. Professional and business offices, including medical and dental or chiropractic offices, surgery center but not clinics or hospitals.
4. Libraries, art galleries, museums, dance (for ages 12 and older), art, photography or music studios and theaters for stage performances, but not motion picture theaters
5. Establishments or facilities which include the retail sale and service of all alcoholic beverages for on-premises consumption in conjunction with a restaurant. Notwithstanding ordinance code provisions, no waiver of distance requirement shall be necessary for this permitted use.
6. Retail sales of used wearing apparel and/or merchandise
7. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4
8. Restaurants with the outside sale and service of food, meeting the performance standards and development criteria set forth in Part 4, but no alcohol sales or service outside.
9. Churches

**B. Permissible Uses by Exception:**

None

**C. Limitations on Permitted or Permissible Uses by Exception**

None

**D. Permitted Accessory Uses and Structures:**

None

**E. Restrictions on Uses:**

1. No filling or gas stations permitted.
2. No establishments or facilities which include the retail sales of beer and wine for off premises consumption.

**IV. STATEMENTS**

**A. How does the proposed PUD differ from the usual application of the Zoning Code?**

The PUD limits the conventional commercial uses of the Zoning Code.

**B. Describe the intent for the continued operation and maintenance of those areas and functions described herein and facilities which are not to be provided, operated or maintained by the City.**

All lands will be operated and maintained by the fee title owner.

**V. DESIGN GUIDELINES**

**A. Lot Requirements:**

- |     |                              |  |
|-----|------------------------------|--|
| (1) | <i>Minimum lot area:</i>     | None, except as otherwise required for certain uses. |
| (2) | <i>Minimum lot width:</i>    | None, except as otherwise required for certain uses. |
| (3) | <i>Maximum lot coverage:</i> | None, except as otherwise required for certain uses. |
| (4) | <i>Minimum front yard:</i>   | None   |
| (5) | <i>Minimum side yard:</i>    | None   |

- (6) *Minimum rear yard:* 10 feet
- (7) *Maximum height of structures:* 45 feet

**B. Ingress, Egress and Circulation:**

(1) *Parking Requirements.*

- a. The parking requirements for this development shall be consistent with the requirements of Part 6 of the Zoning Code.

(2) *Vehicular Access.*

- a. Vehicular access to the Property shall be by way of Southside Boulevard, substantially as shown in the Site Plan. The final location of all access points is subject to the review and approval of the City's Traffic Engineer.
- b. Within the Property, internal access shall be provided by reciprocal easements for ingress and egress among the driveways of the various parcels of the Property, if ownership or occupancy of the Property is subdivided among more than one person or entity.

(3) *Pedestrian Access.*

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

**C. Signs.**

- 1. Two (2) street frontage double faced internally illuminated signs not to exceed two hundred (200) square feet each in area. Signs shall be located no closer than one hundred (100) feet apart.
- 2. Wall signs not to exceed ten percent (10%) of the square footage of the occupancy frontage of the building abutting a public right-of-way are permitted.
- 3. One (1) under-the-canopy sign per occupancy, not exceeding a maximum of twenty-four (24) square feet in area per sign, is permitted provided that any square footage used for an under-the-canopy sign shall be subtracted from the maximum allowable square footage for wall signs on the building in question.
- 4. Directional signs shall not exceed four (4) square feet.

**D. Landscaping:**

The Property shall be developed in accordance with existing Landscape. Landscape buffer on east boundary of property to be approved jointly by the applicant and Jacksonville Country Day School.



#### **E. Recreation and Open Space:**

N/A

#### **F. Utilities**

Water will be provided by JEA.

Sanitary sewer will be provided by JEA.

Electric will be provided by JEA.

#### **G. Wetlands**

Wetlands will be permitted according to local, state and federal requirements.

### **VI. DEVELOPMENT PLAN APPROVAL**

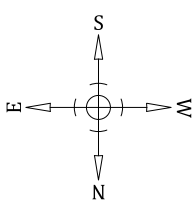
With each request for verification of substantial compliance with this PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all then existing and proposed uses within the Property, and showing the general layout of the overall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

### **VII. 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 and:

- a. Is more efficient than would be possible through strict application of the Zoning Code;
- b. Is compatible with surrounding land uses and will improve the characteristics of the surrounding area;
- c. Will promote the purposes of the City of Jacksonville 2030 Comprehensive Plan.

GRAPHIC SCALE: 1" = 30'



## Proposed Monument Sign 1

NORTHERLY R/W LINE, BAYMEADOWS ROAD, VOLUME 3310, PAGE 1196

### Varying multi-tenant building

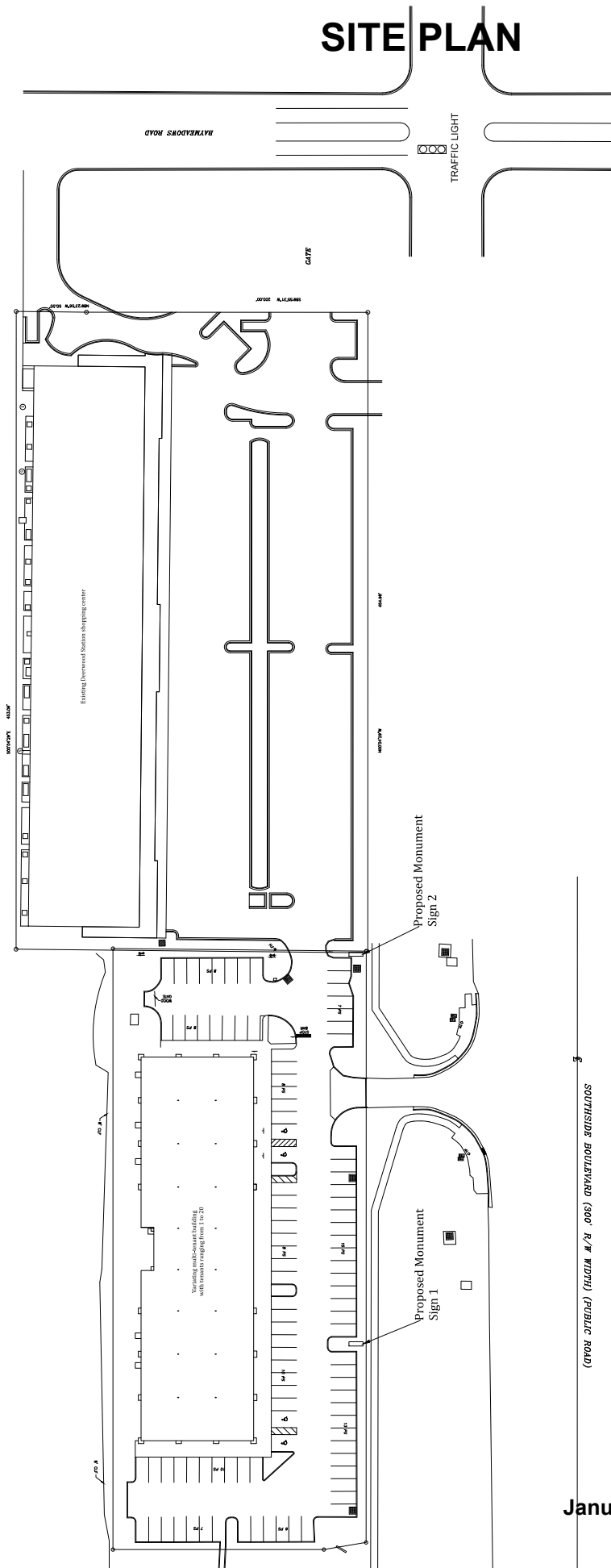
(BEARING BASIS, EASTERLY R/W LINE)  
PROPERTY LINE IS SAME AS R/W LINE

Number of Building Square Feet:	21,524 Square Feet
Total Area:	1.80 acres
Phases:	1
Open Space:	.56 acres
Existing Zoning:	PUD 88-563 and 88-
Proposed Zoning:	PUD
Parking:	As shown
Lot Coverage:	85%
Public Area Access Drives:	.06 acres

SOUTHSIDE BOULEVARD (300' R/W WIDTH) (PUBLIC ROAD)

**Exhibit 3**  
**Page 1 of 2**

# SITE PLAN

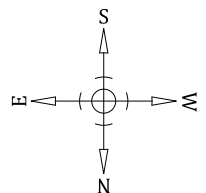


## Site Data Table

Number of Building Square Feet:	21,524 Square Feet
Total Area:	1.80 acres
Phases:	1
Open Space:	.56 acres
Existing Zoning:	PUD 88-563 and 88-1232
Proposed Zoning:	PUD
Parking:	As shown
Lot Coverage:	85%
Public Area Access Drives:	.06 acres

January 6, 2014

Exhibit 3  
Page 2 of 2



# EXHIBIT F

PUD Name

**Deerwood Village PUD**

## Land Use Table

---

Total gross acreage	<b>1.8</b>	Acres	100 %
Amount of each different land use by acreage			
Single family	<b>0</b>	Acres	<b>0</b> %
Total number of dwelling units	<b>0</b>	D.U.	
Multiple family	<b>0</b>	Acres	<b>0</b> %
Total number of dwelling units	<b>0</b>	D.U.	
Commercial	<b>0.49</b>	Acres	<b>27</b> %
Industrial	<b>0</b>	Acres	<b>0</b> %
Other land use	<b>0</b>	Acres	<b>0</b> %
Active recreation and/or open space	<b>0</b>	Acres	<b>0</b> %
Passive open space	<b>0.56</b>	Acres	<b>31</b> %
Public and private right-of-way / Parking	<b>0.75</b>	Acres	<b>42</b> %
Maximum coverage of buildings and structures	<b>21,524</b>	Sq. Ft.	<b>27</b> %

Recording Requested By, and  
When Recorded, Return to:

Rich Cornetta  
Zodiac Title Services LLC  
300 Broadhollow Road, Suite 100W  
Melville, New York 11747

This Instrument Prepared by:

Stephen R. Voelker, Esq.  
Winstead PC  
500 Winstead Building  
2728 N. Harwood Street  
Dallas, TX 75201

PIN: 148524-0100

Consideration: \$1,207,500.00

#105684

**Special Warranty Deed**

THE STATE OF FLORIDA

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF DUVAL

§

U.S. Bank, National Association, as Trustee, as successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for the Registered Holders of Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-PWR3 ("Grantor"), whose address is c/o C-III Asset Management LLC, Attn: Lisa Brazie, 5221 North O'Connor Blvd., Suite 600, Irving, TX 75039, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration to it paid by Bentley Mortgage, LLC, a Florida limited liability company ("Grantee"), whose mailing address is 10739 Deerwood Park Boulevard, Suite 300, Jacksonville, FL 32256, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto the Grantee that certain tract of land ("Land") described in Exhibit "A" hereto, together with all improvements thereon and all rights and appurtenances appertaining thereto (herein collectively called the "Property").

This conveyance is given and accepted subject to the permitted exceptions set forth on Exhibit "B" hereto and to any and all municipal or other governmental zoning laws, regulations and ordinances, if any, affecting the Property (herein called the "Permitted Encumbrances").

Grantee, by its acceptance hereof, agrees to assume and be solely responsible for payment of all ad valorem taxes pertaining to the Property that are due and payable in the calendar year 2013 and subsequent years; there having been a proper proration of same between Grantor and Grantee.

Grantee, by its acceptance hereof, acknowledges and agrees that any and all liability hereunder of Grantor, its agents, representatives or employees, including the special warranty of title herein contained, shall be limited to and satisfied solely from the Grantor's proceeds from the Property.

TO HAVE AND TO HOLD the Property and all improvements located thereon, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee, its legal representatives, successors, and assigns forever; and Grantor does hereby bind itself, its legal representatives, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Encumbrances, unto Grantee, its legal representatives, successors, and assigns, against every person

Deerwood Business Center  
6124035v.1 51270-169

whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise.

WITNESS THE EXECUTION HEREOF as of the 26 day of August, 2013.

Signed, sealed and delivered in the presence of the following witnesses:

Typed/Printed Name: [Signature]

Typed/Printed Name: Winston McBurnett

GRANTOR:

U.S. Bank, National Association, as Trustee, as successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for the Registered Holders of Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-PWR3

By: C-III Asset Management LLC, f/k/a Centerline Servicing Inc. and f/k/a ARCap Servicing, Inc., its special servicer

By: [Signature]  
Name: Lisa Brazie  
Title: Servicing Officer

STATE OF TEXAS )  
 ) ss.  
COUNTY OF DALLAS )

This instrument was acknowledged before me on August 22, 2013, by Lisa Brazie, Servicing Officer of C-III Asset Management LLC, f/k/a Centerline Servicing Inc. and f/k/a ARCap Servicing, Inc., Special Servicer of U.S. Bank, National Association, as Trustee, as successor in interest to Bank of America, National Association, as Trustee, as successor by merger to LaSalle Bank National Association, as Trustee for the Registered Holders of Bear Stearns Commercial Mortgage Securities Inc., Commercial Mortgage Pass-Through Certificates, Series 2004-PWR3, on behalf of said entity.

[Signature]  
Notary Public

My commission expires: 4-26-14

Personally known: \_\_\_\_\_

~~XXXXXXXX~~  
Identification: \_\_\_\_\_  
~~XXXXXXXX~~

~~XXXXXXXX~~  
produced: \_\_\_\_\_  
~~XXXXXX~~

Notary Public in and for the State of Texas

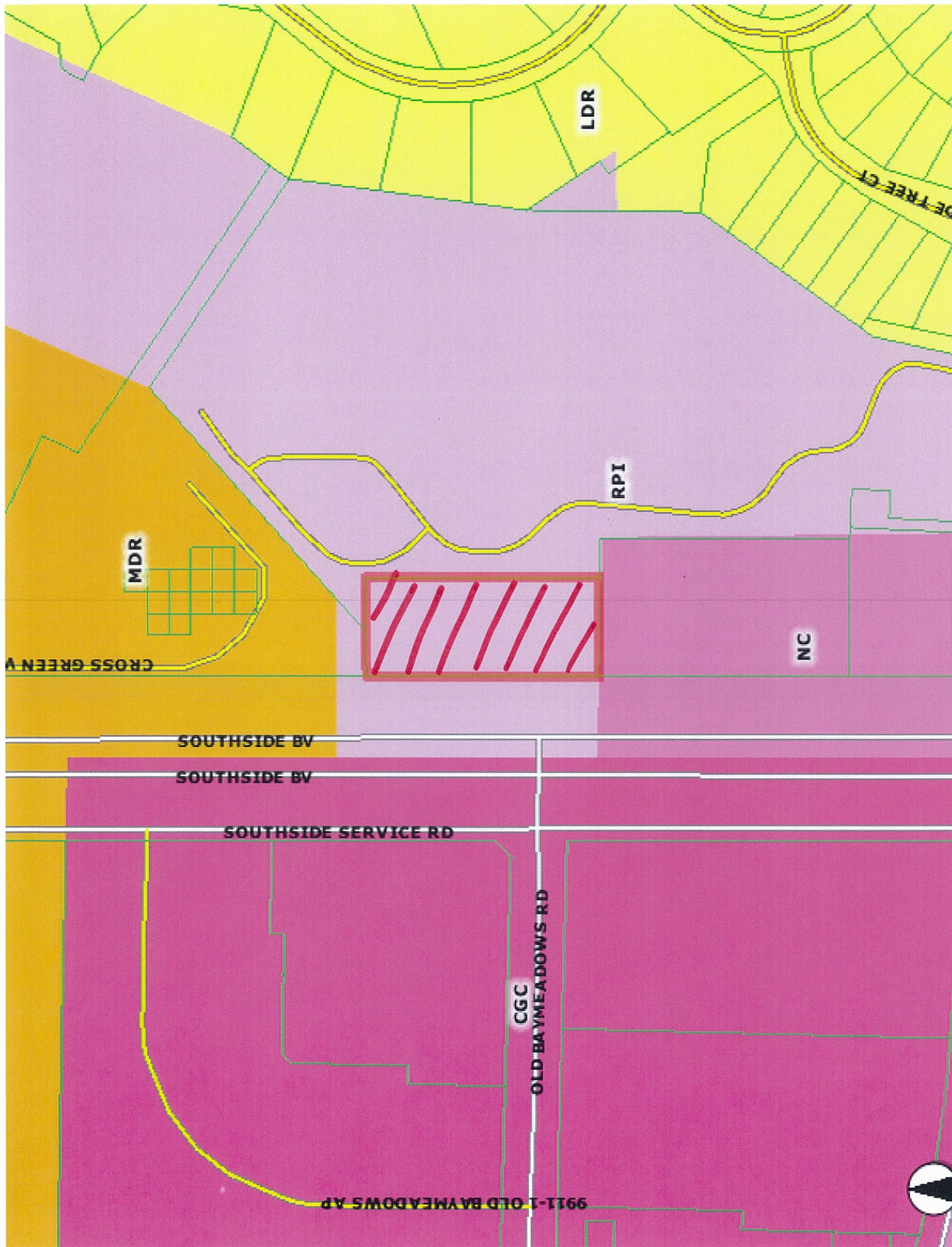
[Signature]  
Printed/Typed Name of Notary

My Commission Expires: 4-26-14











CURRENT PLANNING DIVISION



**Date:** January 7, 2014

**To:** Folks Huxford, Chief

**From:** Bruce Lewis, City Planner Supervisor

**RE:** Deerwood Village PUD / Tracking # 515

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

The Site Plan, dated January 6, 2014 satisfies the requirements of 656.341(c)(2)(i) when considered in conjunction with the PUD Written Description and Exhibit F. The items of required information that have not been depicted on the Site Plan may be excused for good cause because they are either contained in Exhibit F or not critical to the review of the application.

(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 Southside 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.