I. CALL TO ORDER – Chairman Miller

II. ACTION ITEMS – Chairman Miller

   Approval of the April 4, 2013 Meeting Minutes

   DDRB 2013-003, Ambassador Place - Request for Conceptual Approval

   DDRB 2013-008, Riverside Ave. Commercial Development - Request Modified Conceptual Approval
   with Deviations:
   - Deviation from Section 656.361.16-Off-Street Parking Overlay
   - Deviation from Section 656.361.17-Surface Parking, Trash Storage, and Loading Area Screening and Landscaping Requirements


III. INFORMATION/DISCUSSION ITEMS – Chairman Miller

IV. OLD BUSINESS – Chairman Miller

V. NEW BUSINESS – Chairman Miller

VI. PUBLIC COMMENTS – Chairman Miller

VII. ADJOURNMENT – Chairman Miller
Next Scheduled Meeting: Thursday, June 6, 2013 at 2:00 p.m.
II. ACTION ITEM

APPROVAL OF THE APRIL 4, 2013 MEETING MINUTES
MEETING MINUTES

Board Members Present: Chairman T. Miller, C. Flagg, A. Sikes, J. Fischer, C. Worsham, M. Selim, R. Caldera, L. Rink, and R. Udenze

OED Staff Present: Paul Crawford, Office of Economic Development; Jim Klement, Staff Liaison; Eric Lindstrom, Staff Liaison; and Michelle Stephens, Recording Secretary

Representing Office of General Counsel: Jason Teal

I. CALL TO ORDER

A quorum was confirmed and Chairman Miller called the meeting to order at approximately 2:07 p.m.

II. ACTION ITEMS

APPROVAL OF THE MARCH 7, 2013 DDRB MEETING MINUTES

THE MARCH 7, 2013 DDRB MEETING MINUTES WERE APPROVED UNANIMOUSLY 9-0.

Chair Miller opened the floor for Board members to disclose if there had been any ex-parte communication with any of the applicants presenting projects today or conflicts of interest.

DDRB 2013-007, PRUDENTIAL DRIVE RETAIL DEVELOPMENT – REQUEST FOR CONCEPTUAL APPROVAL

Mr. Klement reviewed the project report dated April 4, 2013. He introduced Mr. Dick Reed, with KBJ Architects, who provided an overview of the project.

There were no adverse comments from the Board.

A MOTION WAS MADE BY BOARD MEMBER L. RINK AND SECONDED BY BOARD MEMBER C. WORSHAM GRANTING CONCEPTUAL APPROVAL FOR DDRB 2013-007, PRUDENTIAL DRIVE RETAIL DEVELOPMENT LOCATED AT 841 PRUDENTIAL DRIVE AS PRESENTED SUBJECT TO THE CONDITIONS NOTED BELOW. THE MOTION PASSED UNANIMOUSLY 9-0.

1. PROVIDE CLARIFICATION AND CALCULATIONS SHOWING COMPLIANCE WITH THE OFF-STREET PARKING OVERLAY REQUIREMENTS OR RECEIVE A DEVIATION FROM THE DDRB PRIOR TO FINAL APPROVAL.
2. PROVIDE ADDITIONAL DRAWINGS AND SPECIFICATIONS SHOWING COMPLIANCE WITH STREETSACE DESIGN STANDARDS FOR PRUDENTIAL DRIVE FRONTAGE, AS WELL AS SHOW FINAL OUTDOOR PEDESTRIAN DESIGNED AREAS FOR REVIEW, OR RECEIVE A DEVIATION FROM THE DDRB PRIOR TO FINAL APPROVAL.

3. PROVIDE INFORMATION AND DOCUMENTATION TO THE OFFICE OF ECONOMIC DEVELOPMENT SHOWING COMPLIANCE WITH THE DOWNTOWN DRI DEVELOPMENT ORDER REQUIREMENTS PRIOR TO DDRB FINAL APPROVAL.

DDRB 2012-004, RIVERSIDE PARK RESIDENTIAL DEVELOPMENT – REQUEST TO MODIFY CONCEPTUAL REVIEW

The following Board members advised that they had ex-parte communication relative to DDRB 2012-004, Riverside Park Residential Development.

- Chair Miller met with Hugh Matthews, England Thims & Miller, Inc., and the project team regarding the Riverside Park Residential Development project
- Board Member Carol Worsham met with staff, Hugh Matthews and representatives from the Riverside Park Commercial Development project noting that she also saw renderings of the Riverside Park Residential Development project
- Board Member Monty Selim met with staff, Hugh Matthews and Mike Brown, architect on the project, regarding the Riverside Park Commercial Development project.
- Member Rafael Caldera met with staff and the applicant regarding the Riverside Park Commercial Development project
- Board Member Roland Udenze met with staff, a representative from ETM, and the project team on the Riverside Park Commercial Development project.

J.J. Conners, with Chestnut Hill Investments, provided a general overview and background on the two vertical projects since they run together simultaneously through the City projects, are on adjacent parcels and are both tied to Pope and Land noting that they are separate projects and would be presented separately (Fuqua Development on the retail side and Pollack Shores on the residential side).

Mr. Klement reviewed the project report dated April 4, 2013. He introduced Mr. Michael Blair, Managing Director of Development for Pollack Shores Real Estate Group, who provided an overview of the project.

There were no adverse comments from the Board.

Board Member Udenze stated that his personal preference would be to vote on the residential development after the presentation of the commercial development project in case they have to
put some conditions on either one as opposed to voting on one and then finding out in the second presentation that there are issues that the Board could have reacted to.

Mr. Teal responded that tabling the project was an option noting that the charge of the DDRB is to review each project in context adding that the project is being presented for conceptual review so the Board will have another opportunity to review the project upon final submittal. He advised that the Board could table the item at this meeting and rehear it.

Ms. Lynn Pappas, representing Pollack Shores, commented that the confusing element tabling the vote creates for the applicant is that these are two different projects. The connection is the infrastructure component shared between the two noting that obviously they will need to coordinate activity but there is no sharing between the two projects. She commented that the appropriate process would be to have a vote with respect to the Riverside Park Residential Development as presented. The legal posture for their approval rests within their project at least in terms of conceptual and their preference would be to have it heard in that context and certainly be open to whatever the Board may hear or see that might need coordination between the two.

A MOTION WAS MADE BY BOARD MEMBER UDENZE AND SECONDED BY BOARD MEMBER SIKES TABELING THE RIVERSIDE PARK RESIDENTIAL DEVELOPMENT PROJECT (DDRB 2012-004) UNTIL AFTER THE PRESENTATION OF THE RIVERSIDE AVE. COMMERCIAL DEVELOPMENT PROJECT (DDRB 2013-008). THE MOTION PASSED UNANIMOUSLY 6-3-0. BOARD MEMBERS C. FLAGG, J. FISCHER, AND C. WORSHAM VOTED IN OPPOSITION OF THE MOTION.

DDRB 2013-008, RIVERSIDE AVENUE COMMERCIAL DEVELOPMENT – REQUEST FOR CONCEPTUAL APPROVAL

Mr. Klement reviewed the project report dated April 4, 2013. He introduced J.J. Conners, with Chestnut Hill Investments, who provided an overview of the project.

The following were relative comments from the Board:

- Too suburban shopping center feel
- Preferred to see a stronger connection to the housing
- Feels disconnected
- Parking lot seems dominating and too much parking visible from Riverside Ave.
- The backside of the grocer is fronting some of the nice amenities of the housing – need a buffer
- Suggested any adjustments need to be made from this site plan to the housing site plan.
- Would like to see a grander edge on Riverside Ave.
- Stronger pedestrian movement within the site can help to mitigate some of the site constraints
- Would like to see a stronger pedestrian connection from Riverside Ave. to the grocer
A MOTION WAS MADE BY CHAIR MILLER AND SECONDED BY BOARD MEMBER SELIM TABELING THE VOTE FOR DDRB 2013-008, RIVERSIDE AVENUE COMMERCIAL DEVELOPMENT PROJECT UNTIL AFTER THE APPROVAL OF THE RIVERSIDE PARK RESIDENTIAL DEVELOPMENT, DDRB 2012-004 REQUEST TO MODIFY CONCEPTUAL REVIEW. THE MOTION PASSED UNANIMOUSLY 9-0.

A MOTION WAS MADE BY BOARD MEMBER UDENZE AND SECONDED BY BOARD MEMBER SIKES GRANTING CONCEPTUAL APPROVAL FOR DDRB 2012-004, RIVERSIDE PARK RESIDENTIAL DEVELOPMENT TO REMOVE THE CARRIAGE HOUSE BUILDINGS, RELOCATE PRIMARY STRUCTURES TO THE PROPERTY LINES ON PARK STREET, MAGNOLIA STREET, AND JACKSON STREET, AND INCREASE THE NUMBER OF UNITS TO A TOTAL OF 310 UNITS; SUBJECT TO THE CONDITIONS NOTED BELOW. THE MOTION PASSED UNANIMOUSLY 9-0.

1. Applicant to provide more information regarding the swimming pool, prior to DDRB final approval.

2. Applicant shall receive a deviation from the off-street parking requirements to reduce the required parking, prior to DDRB final approval.

3. Applicant shall provide additional drawings and specifications clarifying compliance and improvements to Streetscapes that include Magnolia, Park, Jackson, Leila and Stonewall Streets. Furthermore, prior to DDRB approval, the applicant shall show final design and detail for the fencing proposed for the property lines, entrances for vehicles and pedestrians, and connections between buildings.

4. Applicant shall provide additional drawing and specifications clarifying the swimming pool location and final design, prior to DDRB final approval.

A MOTION WAS MADE BY BOARD MEMBER A. UDENZE AND SECONDED BY BOARD MEMBER C. WORSHAM GRANTING CONCEPTUAL APPROVAL FOR DDRB 2013-008, RIVERSIDE AVENUE COMMERCIAL DEVELOPMENT; SUBJECT TO THE CONDITIONS NOTED BELOW. THE MOTION PASSED UNANIMOUSLY 9-3-0. BOARD MEMBERS C. FLAGG, L. RINK, AND CHAIR MILLER VOTED IN OPPOSITION OF THE MOTION.

1. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.11.—Setback or “Build to Lines”, for buildings not providing pedestrian orientation to Riverside Avenue, Jackson Street, and Stonewall Street, or receive a deviation from the DDRB. Additionally, the applicant shall consider the options of “art treatment” to the grocery store building façade fronting Magnolia Street.
combining with or in lieu of landscape treatment. The applicant shall also consider a stronger pedestrian link from Riverside Avenue to the grocery store entrance including a direct pedestrian link.

2. Prior to final DDRB approval, the applicant shall receive final approval for exceptions allowing drive-through facilities on Parcel 1 and Parcel 2.

3. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.13.-Entrances, for buildings not providing entrances to Jackson Street, Magnolia Street, and Stonewall Street or receive a deviation from the DDRB.

4. Prior to final DDRB approval, the applicant shall receive approval from the Department of Public Works for angular parking on to private property from the public right-of-way of Stonewall Street and Jackson Street. The applicant shall also show compliance with Section 656.361.16. Off-Street Parking Overlay, or receive a deviation from the DDRB to increase parking spaces.

5. Prior to final DDRB approval, the applicant shall receive approval from Traffic Engineering, for project access design and location, for Jackson Street, Magnolia Street and Stonewall Street.

6. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.18.-Transparency, for buildings facing Jackson Street, Magnolia Street, and Stonewall Street or receive a deviation from the DDRB. The applicant shall also provide architectural detail for Building C, located east of Stonewall Street depicting a sense of arrival and continuity with the overall design theme of the development.

7. Prior to final DDRB approval, the applicant shall provide documentation addressing surface parking over May Street right-of-way, for the building located on Parcel 2. The applicant shall provide detail drawings showing the specific pedestrian ingress and egress to the building, within the context of pedestrian activity along the frontage of Stonewall Street and Riverside Avenue.

8. Prior to final DDRB approval, the applicant shall provide complete landscape and hardscape drawings showing compliance with Section 656.361.20.-Streetscape Design Standards including pedestrian areas adjacent to Riverside Avenue. Plans not meeting the Streetscape Design Standards shall receive a deviation from the DDRB. Additionally, the applicant should show the development addressing pedestrian traffic including trash/litter control along Stonewall Street, Riverside Avenue, and Jackson Street.

III. INFORMATION/DISCUSSION ITEMS
There were no information/discussion items; however, Board member Flagg asked staff for a status update on the Berman II site. Mr. Teal replied that the last he heard, the developer declared bankruptcy because of the litigation. From the City’s prospective while it represents a technical violation of the property safety and maintenance code, the remedy would be to demolish the structure and lien the property for the cost of the demolition, which would be expensive.

IV. OLD BUSINESS

No old business was discussed.

V. NEW BUSINESS

No new business was discussed.

VI. PUBLIC COMMENTS

There were no public comments.

VI. ADJOURNMENT

There being no further business, Chair Miller adjourned the meeting at approximately 5:46 p.m.

The next DDRB meeting is scheduled for Thursday, May 2, 2013, at 2:00 p.m.

The written minutes for this meeting are only an overview of what was discussed. For verbatim comments for this meeting, an audio CD is available upon request. Please contact Michelle Stephens, Office of Economic Development at (904) 630-1979 or by email at msteph@coj.net.
DOWNTOWN DEVELOPMENT REVIEW BOARD

THURSDAY, MAY 2, 2013 – 2:00 P.M.

II. ACTION ITEM

DDRB 2013-003,
AMBASSADOR PLACE - REQUEST FOR CONCEPTUAL APPROVAL
Project Name: Ambassador Place (existing Ambassador Hotel)

Location: The proposed project is located at 420 Julia Street. The project is an existing structure listed on the National Register of Historic Places located at the southwest corner of North Julia Street and West Church Street.

Requests: Conceptual Review

Downtown Overlay District: Central Civic Core

Current Zoning District: Commercial Central Business District (CCBD)

Current Land Use Category: Central Business District (CBD)

City Council District: District 4, the Honorable Don Redman

Applicant/Agent: Arbour Valley Development
Attn: Tyler Zoghby
4141 Southpoint Drive East, # 200
Jacksonville Florida 32216
904-224-0023

GENERAL INFORMATION

The applicant is requesting conceptual review for the Arbours at Ambassador Place, an existing building listed in the National Register of Historic Places. The building is located at 420 Julia Street and is currently vacant. The applicant is proposing renovations to the existing Ambassador Hotel for residential apartments that include interior and exterior remodeling, as well as window treatment to the existing structure. The building is a six story structure with the lower level partially below the exterior finished grade. The applicant proposes remodeling the existing 80 units to 57 residential units and developing a club room and fitness area within the existing structure. Additionally, the applicant proposes to develop a new rooftop addition that will serve as a clubhouse. The proposed conceptual development information does show general
streetscape, parking and new roof-top clubhouse design which must be further addressed showing detail design prior to DDRB final approval.

**DEVELOPMENT GUIDELINES AND CRITERIA FOR REVIEW**

Pursuant to the provisions of Section 656.361.8 Powers and Duties of the Zoning Code, the DDRB shall review and make decisions with respect to all applications for development and redevelopment within the Downtown Overlay Zone: (i) to ensure consistency and compatibility of all proposed development and redevelopment with the Downtown Master Plan; and (ii) to consider the design related issues of each application to ensure compliance with these Downtown District Regulations and all related approved design guidelines and standards, to the extent applicable. The review of this DDRB application is based on the following applicable criteria pursuant to Section 656.361.10 Development Guidelines of the Zoning Code.

1. **Setback or “Build To” Lines**
   The intent of the Setback and “Build To” Lines is for new buildings to provide continuous frontage along sidewalks creating a pedestrian-oriented and pedestrian-scaled environment. The applicant proposes to renovate an existing 6 story building for residential rentals. As noted, the building is listed on the National Register of Historic Places which limits the alterations that can be made to the structure. However, the existing building is built to the adjacent street frontage lines, and the footprint of the existing structure will not be altered. Therefore, as there is no alteration to the existing footprint, the design complies with the “Build To” guideline and this design element is not applicable.

2. **Encroachment**
   The intent of this guideline is for new building facades to engage the pedestrian on the street. The criteria suggest providing differentiated building walls, open and inviting facades, human/pedestrian scale and varied horizontal and vertical articulation including awnings. The building is an existing structure listed in the National Register of Historic Places which minimizes the ability of the applicant to alter exterior elevations. However, the applicant proposes to restore the existing portico at the pedestrian entrance on Julia Street, restore the storefront glass and grill, and the limestone façade facing Church Street, all which show the proposed redevelopment in compliance with this guideline.

3. **Entrances**
   This criterion requires at least one pedestrian entrance door on each building elevation facing a street for new developments. The building is an existing structure listed on the National Register of Historic Places which limits alterations. The proposed project drawings show the main entrance on Julia Street frontage with a secondary entrance facing the adjacent parking area to the west. There is no entrance shown from the building to Church Street, and as such,
the applicant will need a deviation from this development guideline prior to final DDRB approval to be in compliance.

4. **River Views and Height of Buildings and Structures**
The intent of this guideline is to encourage views of the river, encourage buildings forms and massing that is respectful of their surroundings, and limit building height to the underlying zoning district. The proposed project is the renovation of a vacant structure listed on the National Register of Historic Places. The project is not adjacent to the river, there are no river views, and no alterations to the existing foot print of the building. The applicant does propose a low profile glass and steel clubhouse addition to the rooftop that does not exceed the existing architectural rooftop parapet and does not exceed the height restrictions. It is noted there are no maximum height restrictions in the CCBD district where the building is located. Therefore, these development guidelines are not applicable; however, the applicant will need to provide specific design information showing the proposed clubhouse addition on the rooftop prior to DDRB final approval.

5. **Rooftop Design**
The intent of this guideline is to screen all rooftop mechanical equipment from view with architectural enclosures. As noted, the development is an existing building that is being remodeled for residential rental apartments. The conceptual drawings indicate the project will screen all rooftop equipment, and as such, the development is consistent with this development guideline. It is important to note that the applicant is proposing a glass and steel clubhouse which will need final design approval showing compliance with the rooftop design element prior to DDRB final approval.

6. **Off-Street Parking Overlay**
The intent of this guideline is to minimize the impact of developing parking and service areas associated with a new development. The project is located in the Central Civic Core of the Downtown Overlay District and is the rehabilitating an existing structure for residential uses. As such, this type of development exempt from the minimum parking requirement. Thus, development is in compliance with this development guideline. It is noted, the applicant does show parking in an associated existing surface parking lot adjacent to the existing structure and will need to clarify the use, ownership and design prior to the final DDRB approval.

7. **Surface Parking, Trash, Storage, and Loading Area Screening and Landscaping Requirements**
The intent of this guideline is to insure appropriate screening and landscape treatment for parking, trash, storage and loading areas. The conceptual drawings for the proposed project do show an associated surface parking and loading area adjacent to the west of the existing building. However, there is no indication of trash or solid waste areas associated with the
proposed development. The applicant will need to provide appropriate trash, storage and loading area information, which includes the required screening and landscaping, or receive deviations, to be in compliance with this design guideline.

8. Transparency
The intent of this development guideline is to minimize the percentage of blank wall space on the ground floor level, encourage continuity of retail and pedestrian consumer service uses, and provide a pleasant experience for pedestrians associated with new development. The proposed development is not required to comply with this design guideline as the building is an existing historical structure listed on the National Register of Historic Places and the applicant proposes residential development adjacent to street frontages. Therefore, this design guideline is not applicable.

9. Grid Pattern
The purpose and intent of this development guideline is to maintain traditional block patterns with a grid of streets wherever practicable with new development and redevelopment. The proposed project is an existing building listed on the National Register of Historic Places and is not closing or altering the existing grid pattern of the area. Therefore, this design guideline is not applicable to the proposed development.

10. Streetscape Design Standards
The intent of this design guideline is to establish criteria requiring certain levels of quality and street level enhancement for pedestrian use and interaction. The proposed project does indicate compliance with landscape and hardscape development guideline. However, the applicant will need to submit final streetscape drawings that show compliance with the design guideline or receive a deviation for an alternative design prior to final DDRB approval.

11. Waterfront Design Regulations
The site is not located on the riverfront and therefore these guidelines are not applicable.

**RECOMMENDATION**

Based on the foregoing, the Downtown Development Review Board Staff recommends conceptual approval of DDRB Application 2013-003 subject to the following conditions:

1. Prior to final approval, the applicant shall show compliance with Sec.656.361.13. – Entrances, or receive a deviation to not provide an entrance on the Church Street frontage.

2. Prior to final approval, the applicant shall provide complete design information for the proposed clubhouse addition on the rooftop so as to comply with Sec. 656.361.15. – Rooftop Design or receive a deviation from the development guidelines for an alternative design.
3. Prior to final approval, the applicant shall provide complete parking design and layout so as to comply with Sec.656.361.16. – Off-Street Parking Overlay or receive a deviation from development guidelines for an alternative design.

4. Prior to final approval, the applicant shall provide complete parking and trash, loading, and screening for the adjacent surface parking lot so as to comply with Sec.656.361.17. – Surface Parking, Trash, Storage and Loading Area Screening and Landscaping Requirements, or receive a deviation from the guidelines for an alternative design.

5. Prior to final approval, the applicant shall show compliance with the Streetscape Design Standards so as to comply with Sec. 656.361.20. – Streetscape Design Standards, or receive a deviation from the guidelines for an alternative design.

6. Prior to final approval, the applicant shall obtain approval from the Jacksonville Historic Preservation Commission.
March 12, 2013

Mr. Sam Johnston
Arbor Valley Development
33 Inverness Center Parkway suite LL130
Birmingham, AL 35242

RE: DDRB 2013-003, Deferral of Conceptual Review for Ambassador Place

Dear Mr. Johnston,

Thank you and Mr. Tyler Zoghby for your presentation on March 7, 2013 to the DDRB. The DDRB recommended deferring Conceptual Approval for DDRB Application DDRB 2012-003, Ambassador Place.

The DDRB expressed the desire to see additional information that included the following: 1) the treatment of the existing portico / entrance facing Julia Street, 2) the pedestrian ingress / egress from Julia and Church Streets, 3) the Court Yard facing the adjacent parking lot, and 4) additional design and material/construction information regarding the proposed roof-top addition.

Again, thank you for your presentation and interest in refurbishing an existing historic building in the downtown area. The next meeting of the DDRB is April 4, 2013, and information for the meeting should be submitted to the OED no later than March 20, 2013.

Should you have any questions, please contact Mr. Jim Klement, Redevelopment Coordinator at (904) 630-2689 or e-mail at JKlement@coj.net

Sincerely,

[Signature]
Paul R. Crawford
Deputy Director
Ambassador Place

City of Jacksonville
DDRBI Conceptual Review DDRB-2013-003
March 7th 2013
Company Overview

- Developed over 2,000 units in Southeast
- Experience in rehabilitation and new construction
- Specialize in tax credits and FHA financing
- Manage over 3,000 units

Florida Developments
Development Overview

- $12 million development cost
- Workforce housing
- Historic & LIHTC tax credits
Vicinity plan

March, 7 2013
Site plan

March, 7 2013
View of Site

- Looking South down Julia St. across the Church St. Intersection
- (against Traffic)
View of Site (continued)

- Looking West down Church St. across the Julia St. intersection
- (against Traffic)
South elevation

March, 7 2013
North elevation
West elevation
Ground Floor plan
Typical Floor plan (Levels 1-6)
Ambassador Place

- Add Recessed 7th Floor
- Residential amenity (clubhouse/community room)
- By using modern glass and steel construction we can maintain the historic character of the original building

March, 7 2013
JHPC Conceptual Approval

- The JHPC heard Opinion of Appropriateness OOA-12-008 on December 12, 2013.
- JHPC granted approval for the concept of a rooftop addition. With the appropriate setbacks and height.
Rooftop Addition

- Recessed addition will be, a ~13’6” glass and steel clubhouse

March, 7 2013
Zoning and Land use

The site and the surrounding sites are zoned CCBD (Commercial Central Business District)

Under this zoning the permitted use applicable to the project is use ten: Multiple-Family Dwellings
Ambassador Place

DDRB Conceptual Review Continued
Treatment of Existing Portico/Entrance Facing Julia St

- We will restore the existing portico and the entrance will have restricted access (RFID cards).
Pedestrian Ingress/Egress from Julia and Church Streets

- Julia St entrance will have restricted access (RFID cards).
- Proposed plan restores the look of original Church St entrance; however, the plan is not to use Church street as an entrance or access point.
Additional Information on Courtyard

- Access is provided downstairs under a canopy, through the courtyard and has ADA lift to meet the Accessibility Code.
- Access point can also have restricted access (RFID cards).
Courtyard Rendering
Roof-Top Addition

Information on Design and Material
Materials

- Terrace Canopy
  - Metal Roof
  - Exposed Steel Structure
  - Aluminum Storefront System & Doors
- Elevator Shaft, New Stair
  - Metal Panels
- Exterior Wall - Smooth Finish Stucco with Geometric Pattern

May, 2 2013
View from Church St
View from Julia St.
Contacts

- Primary AVD contacts:
  - Sam Johnston – Sam@arbourvalley.com, 205-981-3393
  - Gabe Ehrenstein – Gabe@arbourvalley.com, 561-488-4457
  - Tyler Zogby - TZoghy@arbourvalley.com, 205-909-0049

- www.arbourvalley.com
Contacts

- Primary AVD contacts:
  - Sam Johnston – Sam@arbourvalley.com, 205-981-3393
  - Gabe Ehrenstein – Gabe@arbourvalley.com, 561-488-4457
  - Tyler Zoghby - TZoghby@arbourvalley.com, 205-909-0049

- www.arbourvalley.com
II. ACTION ITEM

Request Modified Conceptual Approval with Deviations
DDRB 2013-008, Riverside Ave. Commercial Development

- Deviation from Section 656.361.16-Off-Street Parking Overlay
- Deviation from Section 656.361.17-Surface Parking, Trash Storage, and Loading Area Screening and Landscaping Requirements
DOWNTOWN DEVELOPMENT REVIEW BOARD
REQUEST FOR MODIFIED CONCEPTUAL REVIEW
APPLICATION 2013-008
RIVERSIDE AVENUE COMMERCIAL DEVELOPMENT
MAY 2, 2013

Project Name: Riverside Avenue Commercial Development

Location: The proposed project is located at 0 Riverside Avenue. The project is a proposed retail development bound on the north by Magnolia Street, on the east by Leila Street and vacant property, on the west by Jackson Street and on the south by Riverside Avenue.

Requests: Modify Approved Conceptual Site Plan and Approve Deviations for:

1. 656.361.16 Off-Street Parking Overlay, to increase allowable parking.

2. Section 656.361.17. Surface Parking, Trash, Storage, and loading Area Screening and Landscaping Requirements, to relocate required landscaping.

Downtown Overlay District: Brooklyn & Riverside District

Current Zoning District: Commercial Residential Office District (CRO)

Current Land Use Category: Central Business District (CBD)

City Council District: District 9, the Honorable Warren Jones

Applicant/Agent: Fuqua Development
Jeffery Fuqua, Principal
Eleven Piedmont Rd. NE, Suite 905
Atlanta, Georgia 30305
(404) 907-1717
GENERAL INFORMATION

DDRB application 2013-008 is before the DDRB requesting to modify the April 4, 2013 previously approved conceptual plan and to request deviations that: 1) increase the allowable parking, and 2) permit relocation of the landscape requirements along Riverside Avenue. The proposed development consists of two parcels described as follows: Parcel 1- bound on the north by Magnolia Street, on the west by Jackson Street, on the south by Riverside Avenue and on the east by Stonewall Street. Parcel 2 – bound on the north by Magnolia Street, on the west by Stonewall Street, the south by Riverside Avenue, east by vacant property and a circular access to Leila Street. Parcel 1 includes: 3 proposed buildings totaling 38,700 square feet and Parcel 2 includes: 1 proposed building of 15,000 square feet, totaling 53,700 square feet of single story development. Parcel 2 shows a drive-thru facility in association with a proposed pharmacy operation which will require DDRB approval, prior to final DDRB approval of the development master plan. The site has a number of unique characteristics that include extreme grade changes, locational issues regarding existing utility lines, client specific development requirements, and JTA easements for future development that include aerial restrictions along Riverside Avenue frontage. Presently, the site is vacant and undergoing remediation for ash contamination.

The proposed modifications address comments by the DDRB from the April 4, 2013 conceptual approval meeting. Proposed modifications include the following: (1) relocation of the grocer delivery dock, removal of angle parking and relocation of dumpster from Magnolia Street, (2) providing a pedestrian link from Riverside Avenue to grocery store front, and (3) rearrangement of the shops and restaurants fronting Riverside Avenue and Stonewall Street. Additionally, the applicant is requesting deviations prior to final approval to: (1) allow an increase in the parking requirement to for the development and (2) allow the developer to relocate the landscape requirement to JTA’s easement area applicable to the Riverside Avenue frontage. The applicant is requesting the referenced deviation prior to final approval to provide certainty and agreement from DDRB on-site constraints as presented before moving forward on civil design. The applicant is requesting approval of a Modified Conceptual Plan and will be required to present a final plan for review and approval by the DDRB prior to permit issuance.

DEVELOPMENT GUIDELINES AND CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.361.8 Powers and Duties of the Zoning Code, the DDRB shall review and make decisions with respect to all applications for development and redevelopment within the Downtown Overlay Zone: (i) to ensure consistency and compatibility of all proposed development and redevelopment with the Downtown Master Plan; and (ii) to consider the design related issues of each application to ensure compliance with these Downtown District Regulations and all related approved design guidelines and standards, to the extent applicable. Also, as part of its review and approval, per Section 656.361.22, the DDRB, may authorize a deviation from the requirements if it makes a positive finding based on substantial competent evidence on the following criteria:
(a) There are practical or economic difficulties in carrying out the strict letter of the requirement;
(b) The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest;
(c) The proposed reduction or deviation will not substantially diminish property values in the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation;
(d) The proposed reduction or deviation will not be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances; and
(e) The effect of the proposed reduction or deviation furthers the objectives, policies, design and intentions of the Downtown Master Plan.

The modification of the conceptual review of this DDRB application, is based on the applicable criteria pursuant to Section 656.361.10 Development Guidelines of the Zoning Code including the following:

1. **Setback or “Build To” Lines**

   The intent of the Setback and “Build To” Lines is for new buildings to provide continuous frontage along sidewalks creating a pedestrian-oriented and pedestrian-scaled environment. The proposed development has frontage along Riverside Avenue, Jackson Street, Magnolia Street, and Stonewall Street. The primary pedestrian frontage would be along Riverside Avenue, Jackson Street and Stonewall Street. Stonewall Street provides access to the main entrance and leasing office of the proposed residential development immediately north of this proposed project. Supporting and secondary type pedestrian frontage would be on Magnolia Street. The applicant proposes to locate portions of the proposed development along the Riverside Avenue frontage, noting that limited vehicle access, existing JTA easement required to remain after development, and client specific needs for direct parking and access, require the majority of the proposed development be located to the north portion of the site, away from the Riverside Avenue frontage. The buildings located with frontage on Riverside Avenue do show pedestrian-oriented development including outdoor café type space and pedestrian circulation along Riverside Avenue. In general, the proposed development shows compliance with the design guideline not with-standing buildings located back from Riverside Avenue frontage. Staff is of the opinion that opportunities to strengthen and improve the pedestrian-scaled environment should be explored along all street frontages. Stonewall Street provides a major access to proposed residential development from Riverside Avenue and pedestrian orientated design should be developed to compliment the ingress and egress of the proposed residential development fronting Magnolia Street. Additionally, the commercial development fronting Magnolia Street needs to address the impact of “back of store” look, facing the proposed residential development. As such, staff is of the opinion that a deviation is necessary from this guideline to allow building setbacks form Riverside Avenue, Stonewall Street, Magnolia Street, and Jackson Street prior to final DDRB approval.
The modified plan does make modifications addressing this element, however, not withstanding clarification and detail information, staff comments remain to be addressed prior to final DDRB approval.

2. **Encroachment**
   The intent of this guideline is for new building facades to engage the pedestrian on the street. The criteria suggest providing differentiated building walls, open and inviting facades, human/pedestrian scale and varied horizontal and vertical articulation including awnings. The proposed development shows compliance with this design guideline with the introduction of awnings and the proposed differentiated building walls and facades. Additionally, the project shows additional pedestrian engagement along Riverside Avenue with pedestrian spaces for eating including additional pedestrian walks. Staff is of the opinion that attention should be provided to the “back of shop” of the commercial buildings facing Magnolia Street frontage, minimizing the impacts to the proposed residential development. The modified plan does make modifications addressing this element, however, not with-standing clarification and detail information; staff comments remain and need to be addressed prior to final DDRB. It should be noted that approval from COJ Department of Public Works, will be required to address angle parking encroaching into the Riverside Avenue right of way, prior to DDRB final approval.

3. **Entrances**
   This design element requires at least one pedestrian entrance door on each building elevation facing a street frontage. The proposed development indicates that the buildings with frontage on Riverside Avenue will provide entrances. However, the plans are not clear with respect to entrances for the buildings with frontage on Jackson Street, Magnolia Street, and Stonewall Street and as such, the applicant will need to apply for and receive deviations or show compliance with this design guideline prior to final DDRB approval. The modified plan does make modifications addressing this element, however, not with-standing clarification and detail information, staff comments remain to be addressed prior to final DDRB approval.

4. **River Views and Height of Buildings and Structures**
   The intent of this guideline is to encourage views of the river, encourage buildings forms and massing that is respectful of their surroundings, and limit building height to the underlying zoning district. The proposed project has an underlying zoning designation of Commercial Residential Office (CRO) which allows a height of 45 feet for buildings other than residential. The applicant indicates that all buildings are below this height and thus meets the intent of the design guideline. It is important to note that the project shows a drive-through facility which is a permitted use by exception in the CRO district. The applicant will require an approved exception for the drive-through facility prior to final DDRB approval. The applicant has made application for an exception to allow the drive-thru facility which is scheduled to be heard at this meeting, May 2, 2013.
5. **Rooftop Design**

The intent of this guideline is to screen all rooftop mechanical equipment from view with architectural enclosures. The applicant has indicated that the project will comply with this development guideline and will be required to show compliance with the rooftop design element prior to DDRB final approval. As noted, the applicant will be required to address this design element prior to final approval.

6. **Off-Street Parking Overlay (Deviation Requested)**

The intent of this guideline is to minimize the impact of developing parking and service areas associated with a new development. The proposed project is located in the Brooklyn and Riverside District of the Downtown Overlay requiring parking to be 50% of the minimum for compliance. The applicant indicates the Code requires 178 parking spaces less 50% or 89 parking spaces. The development plan proposes 224 parking spaces which is a difference of 135 parking spaces more, than allowed by the Downtown Overlay Zone. The applicant is seeking a deviation to this design element. Staff has reviewed information submitted and notes the following with regards to the request for a deviation by the applicant:

(a) **There are practical or economic difficulties in carrying out the strict letter of the requirement;**

Staff would concur that there are practical and economic difficulties with carrying out the strict letter of the requirement. The anchor tenant is a grocery operation, drawing customers from a larger trade area, other than the Brooklyn Riverside District. As such, additional vehicle parking is necessary to insure sufficient parking for a successful operation.

(b) **The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest;**

Staff would concur that the deviation is not exclusively based on the desire to reduce the cost of development, rather provide sufficient parking for a successful grocery operation, bringing redevelopment and viability to the Brooklyn Riverside District, which is in the public interest.

(c) **The proposed reduction or deviation will not substantially diminish property values in the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation;**

Allowing the additional parking will support the feasibility and success of the grocery tenant moving forward as the anchor of the development, increasing property values in the area. Allowing additional parking within the site development for the grocery tenant will not interfere with or injure the rights of others.

(d) **The proposed reduction or deviation will not be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances;**

Allowing the development plan to increase parking for the grocery tenant will not be detrimental to the public health, safety or welfare, nor result in additional public expense.
or the creation of nuisances. All parking improvements will be on site and the responsibility of the developer.

(e) The effect of the proposed reduction or deviation furthers the objectives, policies, design and intentions of the Downtown Master Plan.

The granting of the deviation to allow additional parking supports the feasibility for a successful grocery operation within the development plan and furthers the objectives, policies, design and intentions of the Downtown Master Plan by encouraging redevelopment in the Brooklyn Riverside District.

As such, OED staff recommends approval of the deviation to permit the applicant to increase parking by 135 spaces, for a total of 224 spaces with the condition, “should the site plan be modified showing additional parking spaces in excess of the 224 parking spaces, the applicant shall receive approval, for an amendment to the deviation, allowing the additional parking spaces prior to final DDRB approval”.

7. Surface Parking, Trash, Storage, and Loading Area Screening and Landscaping Requirements (Deviation Requested)

The intent of this guideline is to insure appropriate screening and landscape treatment for parking, trash, storage and loading areas. The modified conceptual drawing for the proposed project indicate surface parking, solid waste locations, and truck loading areas that generally meet the intent of this design guideline. It is noted that the entrance design from Magnolia Street and Jackson Streets, including location and overall width, will need to be reviewed and approved by COJ Department of Public Works, prior to final DDRB approval. Additionally, the modified plan shows the required landscape screening for the surface parking of the development plan facing Riverside Avenue in the Riverside Avenue right-of-way, requiring a deviation. Staff has reviewed information submitted and notes the following with regards to the request for a deviation by the applicant:

(a) There are practical or economic difficulties in carrying out the strict letter of the requirement;

The applicant has indicated that for the grocery operation to be successful, parking for the immediate area as well as the surrounding trade area must be available. Allowing the deviation will permit additional parking spaces creating a successful model of viability for the grocery operation and provide for the required landscape screening.

(b) The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest;

Granting the deviation is not based exclusively upon the desire to reduce the cost of developing the site, rather it will increase development costs as well as creating a site plan with sufficient parking to support the grocery model for success, bringing viability to the Brooklyn Riverside District, which is in the public interest. It is noted that the right-of-way at this location is more than adequate to accommodate the landscaping requirement of the development plan.
(c) The proposed reduction or deviation will not substantially diminish property values in the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation;

The granting of the deviations will not substantially diminish property values in the area or interfere with or injure the rights of other adjacent property owners. Rather, granting the deviation will allow the project to move forward with a grocery tenant, which will bring viability to the area and support an increase in property values.

(d) The proposed reduction or deviation will not be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances;

The proposed deviation will not be detrimental to the public health, safety or welfare, nor result in the additional public expense or the creation of nuisances. Rather, the granting of the deviation will allow the development to move forward with the grocery tenant, bringing continued activity and viability to the Brooklyn Riverside District.

(e) The effect of the proposed reduction or deviation furthers the objectives, policies, design and intentions of the Downtown Master Plan.

The granting of the proposed deviation furthers the objectives, policies, design and intentions of the Downtown Master Plan by supporting the feasibility for new development in the Brooklyn Riverside District, thus supporting desirable redevelopment and growth as intended by the Downtown Master Plan.

As such, OED staff recommends approval of the deviation to permit the applicant to relocate the required landscape screening requirement for the surface parking of the development in the Riverside Avenue right-of-way, with the condition, “should the COJ and or the JTA, take back use of the right-of-way on Riverside Avenue, the applicant will relocate the required landscape screening on site and receive approval from DDRB on said revised landscaping plan prior to implementation”.

8. Transparency

The intent of this development guideline is to minimize the percentage of blank wall space on the ground floor level, encourage continuity of retail and pedestrian consumer service uses, and provide a pleasant experience for pedestrians associated with new development. The applicant has indicated that the proposed development will meet the transparency design guideline with glass store fronts along the Riverside Avenue frontage. As noted, the applicant is proposing no transparency for the grocery operations and shops facing Magnolia Street frontage. The modified plan addresses the “back of shop” design for Magnolia Street, so as to be compatible with the proposed residential development across the street. The applicant will need to submit additional information to document compliance with this design guideline or receive a deviation prior to final DDRB Approval.
9. **Grid Pattern**

The purpose and intent of this development guideline is to maintain traditional block patterns with a grid of streets wherever practicable with new development and redevelopment. Legislation has been approved, 2012-703, that closes portions of May Street between Jackson Street and Stonewall Street. However, the portion of May Street within Parcel 2 (bound by Stonewall Street and Leila Street) is not addressed by the applicant. The project does show surface parking on the right–of-way, and as such, a road closure or approved alternative will need to be provided to OED staff prior to final DDRB approval to be in compliance with this Development Guideline.

10. **Streetscape Design Standards**

The intent of this design guideline is to establish criteria requiring certain levels of quality and street level enhancement for pedestrian use and interaction. The required streetscape is exists on Riverside Avenue frontage and the applicant indicates that the proposed project will comply with landscape and hardscape development guideline on Stonewall Street, Magnolia Street, and Jackson Street. However, the applicant will need to submit final streetscape drawings that show compliance with the design guideline or receive a deviation for an alternative design prior to final DDRB approval. Additionally, the applicant has suggested supplemental landscape and hardscape treatment for the development fronting Riverside Avenue, Stonewall Street and Magnolia Street as well as suggesting angular parking on streets which will require appropriate easements or permits granted by the COJ and possible unique and special sidewalk and landscape treatment. The final design, supported by the staff as a more urban and pedestrian complimentary design, will need approval from the COJ Department of Public Works prior to DDRB final approval.

11. **Waterfront Design Regulations**

The site is not located on the riverfront and therefore these guidelines are not applicable.

**SUPPLEMENTAL INFORMATION**

It is noted that the applicant has a Redevelopment Agreement that addresses DRI Development Order requirements and those requirements have been satisfied.

**RECOMMENDATION**

Based on the foregoing, the Downtown Development Review Board staff recommends modification to the conceptual approval of DDRB Application 2013-008 subject to the following conditions:

1. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.11.-Setback or “Build to Lines” for buildings not providing pedestrian orientation to Riverside Avenue, Jackson Street, and Stonewall Street or receive a deviation from the DDRB prior to final approval.
2. Prior to final DDRB approval, the applicant shall receive final approval for an Exception to allow drive-thru operations on Parcel 2 for the proposed pharmacy operation.

3. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.13.-Entrances for buildings not providing entrances to Jackson Street, Magnolia Street, and Stonewall Street or receive a deviation from the DDRB.

4. Prior to final DDRB approval, the applicant shall receive approval from Department of Public Works for angular parking on to property from public right-of-way and shall show compliance with Section 656.361.16. Off-Street Parking Overlay or receive a deviation from the DDRB.

5. Prior to final DDRB approval, applicant shall receive approval from Department of Public Works Traffic Engineering for project access including design and location for Jackson Street, Magnolia Street and Stonewall Street.

6. Prior to final DDRB approval, applicant shall show compliance with Section 656.361.18.-Transparency for buildings facing Jackson Street, Magnolia Street, and Stonewall Street or receive a deviation from the DDRB.

7. Prior to final DDRB approval, applicant shall provide documentation addressing surface parking over May Street right–of-way for buildings located on Parcel 2.

8. Prior to final DDRB approval, applicant shall provide complete landscape and hardscape drawings showing compliance with Section 656.361.20.-Streetscape Design Standards including pedestrian areas adjacent to Riverside Avenue. Plans not meeting the Streetscape Design Standards shall receive a deviation from the DDRB.

And approval of the following deviations:

1. **OED staff recommends approval of the deviation to permit the applicant to increase parking by 135 spaces, for a total of 224 spaces with the condition, “should the site plan be modified showing additional parking spaces in excess of the 224 parking spaces, the applicant shall receive approval, for an amendment to the deviation, allowing the additional parking spaces prior to final DDRB approval”**.

2. **OED staff recommends approval of the deviation to permit the applicant to relocate the required landscape screening requirement for the surface parking of the development in the Riverside Avenue right-of-way, with the condition, “should the COJ take back use of the right-of-way on Riverside Avenue, and the applicant will relocate the required landscape screening on site”**.
Note: The above two deviations at conceptual are requested by the applicant to provide certainty and agreement from DDRB on the site constraints as presented before moving forward on civil design.
Memorandum

To:       Jim Klement
CC:       Karen Nasrallah, Greer Scoggins, Hugh Matthews, Mike Brown
From:     J.J. Conners
Date:     05/01/2013
Re:       Fuqua Development Deviation Requests at 5.2.13 DDRB Meeting

At the May 2, 2013 meeting of the Downtown Development Review Board, Fuqua Development will be requesting two deviations.

The first is a deviation from 656.361.16 Off-Street Parking Overlay. Specifically, Fuqua Development is seeking a deviation to provide more than the maximum allowed parking. Pursuant to Section 656.361.22, the DDRB may authorize this deviation based on the following criteria:

a. **There are practical and economic difficulties in carrying out the strict letter of the requirement.**
   - The practical and economic difficult with carrying out the strict letter of the requirement is that the anchor tenant is a national, organic grocer that will draw customers from a large trade area and without ample parking, these customers will not be able to patronize the store. Therefore without the requested amount of parking, the grocer will not locate on this site and the project will not move forward.

b. **The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest.**
   - Granting the request would not reduce the project cost. It would also enable the project to move forward and to bring highly desired, high-quality retailers to Brooklyn which is unquestionably in the public interest.

c. **The proposed reduction or deviation will not substantially diminish property values in the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation.**
   - As the deviation will allow the grocery-anchored project to move forward, it is likely that it will cause property values to increase in the area. Allowing the deviation will not substantially interfere with or injure the rights of others whose property would be affected by the deviation.

d. **The proposed reduction or deviation will not be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances.**
There is nothing about the requested deviation that will be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances.

e. **The effect of the proposed reduction or deviation furthers the Downtown Master Plan.**
   - Again, the deviation is required for the project to move forward, and the project will provide much needed retailers in the area which clearly furthers the Downtown Master Plan.

The second deviation is from Sec. 656.361.17. Surface Parking, Trash, Storage, and Loading Area Screening and Landscaping Requirements. Specifically, Fuqua Development is seeking a deviation to provide the required screening of surface parking along the Riverside Avenue street lot line. Fuqua is proposing to provide the required screening within the adjacent Riverside Avenue right-of-way. The effect will still be to screen the parking from vehicular and pedestrian traffic on Riverside Avenue. By moving the screening off-site additional parking— that is required for the anchor tenant— can be provided. Pursuant to Section 656.361.22, the DDRB may authorize this deviation based on the following criteria:

   a. **There are practical and economic difficulties in carrying out the strict letter of the requirement.**
      - The practical and economic difficult with carrying out the strict letter of the requirement is that the anchor tenant is a national, organic grocer that will draw customers from a large trade area and without ample parking, these customers will not be able to patronize the store. Allowing this deviation will create additional parking spaces for the grocer and the other retailers. Without the requested amount of parking, the grocer will not locate on this site and the project will not move forward.

   b. **The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest.**
      - Granting the request will actually increase the project cost. It enables the project to move forward and bring highly desired, high-quality retailers which is unquestionably in the public interest.

   c. **The proposed reduction or deviation will not substantially diminish property values in the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation.**
      - As the deviation will allow the grocer anchored project to move forward, it is likely that it will cause property values to increase in the area. Allowing the deviation will not substantially interfere with or injure the rights of others whose property would be affected by the deviation.

   d. **The proposed reduction or deviation will not be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances.**
      - There is nothing about the requested deviation that will be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances.

   e. **The effect of the proposed reduction or deviation furthers the Downtown Master Plan.**
Plan.

- Again, the deviation is required for the project to move forward, and the project will provide much needed retailers in the area which clearly furthers the Downtown Master Plan.

As you and I discussed with Jason Teal earlier this week, Fuqua Development will be requesting that DDRB vote on these deviations at the May 2nd meeting. Their approval, if given, will be for a specific amount of parking spaces. If between the May 2nd approval and final DDRB, additional parking places are added to the site plan, then the developer will need to request amended deviations at final DDRB to approve the additional spaces. The amended deviations will not put at risk the spaces approved at the May 2nd meeting.

If there is any additional information that you need regarding these requested deviations, please do not hesitate to contact me at (904) 400-6074.
April 9, 2013

Mr. Jeffery Fuqua, Principal
Fuqua Development
Eleven Piedmont Rd. NE, Suite 905
Atlanta Georgia 30305

RE: DDRB 2013-008, Conceptual Approval for 0 Riverside Avenue, Retail Development

Dear Mr. Fuqua:

Thank you for your presentation on April 4, 2013 to the DDRB. The Board approved your request for Conceptual Approval for the retail development located at 0 Riverside Avenue subject to the following conditions:

1. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.11.-Setback or "Build to Lines", for buildings not providing pedestrian orientation to Riverside Avenue, Jackson Street, and Stonewall Street, or receive a deviation from the DDRB. Additionally, the applicant shall consider the options of "art treatment" to the grocery store building façade fronting Magnolia Street combining with or in lieu of landscape treatment. The applicant shall also consider a stronger pedestrian link from Riverside Avenue to the grocery store entrance including a direct pedestrian link.

2. Prior to final DDRB approval, the applicant shall receive final approval for exceptions allowing drive-through facilities on Parcel 1 and Parcel 2.

3. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.13.-Entrances, for buildings not providing entrances to Jackson Street, Magnolia Street, and Stonewall Street or receive a deviation from the DDRB.

4. Prior to final DDRB approval, the applicant shall receive approval from the Department of Public Works for angular parking on to private property from the public right-of-way of Stonewall Street and Jackson Street. The applicant shall also show compliance with Section 656.361.16. Off-Street Parking Overlay, or receive a deviation from the DDRB to increase parking spaces.

5. Prior to final DDRB approval, the applicant shall receive approval from Traffic Engineering, for project access design and location, for Jackson Street, Magnolia Street and Stonewall Street.
6. Prior to final DDRB approval, the applicant shall show compliance with Section 656.361.18.-Transparency, for buildings facing Jackson Street, Magnolia Street, and Stonewall Street or receive a deviation from the DDRB. The applicant shall also provide architectural detail for Building C, located east of Stonewall Street depicting a sense of arrival and continuity with the overall design theme of the development.

7. Prior to final DDRB approval, the applicant shall provide documentation addressing surface parking over May Street right-of-way, for the building located on Parcel 2. The applicant shall provide detail drawings showing the specific pedestrian ingress and egress to the building, within the context of pedestrian activity along the frontage of Stonewall Street and Riverside Avenue.

8. Prior to final DDRB approval, the applicant shall provide complete landscape and hardscape drawings showing compliance with Section 656.361.20.-Streetscape Design Standards including pedestrian areas adjacent to Riverside Avenue. Plans not meeting the Streetscape Design Standards shall receive a deviation from the DDRB. Additionally, the applicant should show the development addressing pedestrian traffic including trash/litter control along Stonewall Street, Riverside Avenue, and Jackson Street.

Final Approval requires you to submit the following information three weeks prior to the DDRB meeting:

1. Building floor plans
2. Perspective drawings showing relation to adjacent buildings or structures
3. Landscape plans (including hardscape)
4. Signage plan (may be submitted as separate approval)
5. Streetscape plans (including Kiosks, and paving patterns)
6. Exterior lighting plan (including building)
7. Samples of exterior finishes

Please coordinate final submission of copies of all plans, which shall be in color and no larger than 11 x 17 inches in size. JPEG files of all plans shall also be submitted for incorporation into an applicant prepared PowerPoint presentation of the project. Please also provide 3 copies (unbound using 3-hole punch paper) of the PowerPoint presentation. Also submit one CD containing the PowerPoint presentation with slides of all required information, including the 3D model.

This DDRB approval does not eliminate the necessity to obtain any required federal, state, or local authorizations prior to the start of any activity approved by this DDRB approval. This DDRB approval does not convey to the applicant or create in the applicant any property right, any interest in real property, any entrance upon or activities on property which is not owned or controlled by the applicant nor does it authorize any Downtown Development of Regional Impact (DRI) Development Order development rights, applicable to the DDRB jurisdictional
April 9, 2013
Mr. Jeffery Fuqua, Principal
Fuqua Development
DDRB 2012-008 Riverside Avenue Commercial
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boundaries, for the project. The applicant is required to obtain Downtown DRI development rights, if applicable, from the Jacksonville Office of Economic Development for the DDRB approved project prior to DDRB Final Approval and the submittal of the associated local building permit application to the City of Jacksonville Building Inspection Division, Public Works Department. This DDRB approval does not constitute a rezoning or change in land use classification, or create a right to any necessary rezoning or change in land use classification. Please note that any changes or modifications to the DDRB approved plans shall be reviewed and approved by DDRB prior to submittal to any other federal, state or local authorizing entities.

Should you have any questions regarding this action, please contact Mr. Jim Klement, Redevelopment Coordinator at (904) 630-2689 or e-mail at JKlement@coj.net

Sincerely,

[Signature]

Paul Crawford
Deputy Executive Director
II. ACTION ITEM

DDRB 2013-008, RIVERSIDE AVE. COMMERCIAL DEVELOPMENT PROJECT

(PLANNING REPORT E-13-11)
REQUEST FOR EXCEPTION APPROVAL OF A DRIVE-THRU FACILITY
APPLICATION FOR ZONING EXCEPTION E-13-11

May 2, 2013

Location: Site bounded by Riverside Avenue, Magnolia Street and Jackson Street, with a portion crossing Stonewall Street, stopping before Leila Street

Zoning Exception Sought: Drive-thru facility

Present Zoning: Commercial Residential Office (CRO)

Current Land Use Category: Central Business District (CBD)

Planning District: Urban, District 1

City Council Representative: The Honorable Warren Jones, District 9

Agent: Raymond J. Spofford
England-Thims & Miller, Inc
14775 Old St. Augustine Road
Jacksonville, FL 32258

Owner: P & L Jax Riverside, LLC
3225 Cumberland Boulevard, Suite 400
Atlanta, Georgia 30339

Staff Recommendation: APPROVE WITH A CONDITION

GENERAL INFORMATION

Application for Zoning Exception E-13-11 requests the use of a drive-thru facility in conjunction with a permitted use. The subject property is 4.57± acres in size and is located in the Brooklyn area. This area is southwest of downtown and located in the Urban Core Planning District. The project area is bound by Riverside Avenue, Magnolia Street and Jackson Street with a portion crossing Jackson Street, but not across the entire block to Leila Street. The site is currently vacant and undergoing ash remediation to prepare for development.
The proposed project adds over 53,000 square feet of retail space to a currently vacant and underutilized area of Brooklyn, just to the east of the downtown Core. This project plays a role in the redevelopment of this area. The introduction of retail is consistent with the Downtown Master Plan (DMP) which has a goal to make downtown a destination for the city residents. This project provides a grocery store and other retail outlets to bring much needed resources and options downtown, instilling life and vigor into our City. As the project fronts Riverside Avenue and is within close proximity to the Automated Skyway Express (ASE), the overall project is further consistent with the DMP which states that “Brooklyn will be redeveloped as a transit-oriented, mixed-use neighborhood with the ASE extension serving as the primary means of connecting Brooklyn with other districts and neighborhood [of downtown].”

The site plan reflects an anchor tenant, located in the primary building with additional, smaller storefronts, with available stand-alone building space. The proposed drive-thru facility will be located on the site bound by Magnolia and Stonewall Streets. The proposed drive-thru will exit on to Magnolia Street. This facility is part of a larger development project within the Central Business District and part of the redevelopment of Brooklyn.

**DEFINITION OF ZONING EXCEPTION**

According to Section 656.1601 of the Zoning Code, exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Downtown Development Review Board (DDRB) to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) of the zoning code.

**STANDARDS, CRITERIA AND FINDINGS**

Pursuant to the provisions of Section 656.131(c) of the Zoning Code, the Downtown Development Review Board shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

(i) *Will the proposed use be consistent with the Comprehensive Plan?*

Yes. The subject property is located in the CBD functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The CBD functional land use category permits retail uses, office commercial uses and services establishments which serve the daily needs of contiguous residential neighborhoods. The proposed use furthers the goals, objectives, and policies of the 2030 Comprehensive Plan, including the following policy:
**FLUE Policy 1.1.10**
Gradual Transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through sometimes and development review process.

The proposed project is part of a larger transition from the high intensity commercial developments of the downtown Core toward the residential uses to the north and further west.

**FLUE Policy 1.1.10**
Access to a new and redeveloped non-residential parcels with frontage along two or more roadways shall be limited to one access point per roadway. Access from the higher functioning class roadways or roadway with the higher average daily traffic inclusive of development traffic for roadways of the same functional class, shall be limited to right-turn-in/right-turn-out only, unless it can be demonstrated in a traffic study submitted to the Traffic Engineering Division and JPDD, that such access restrictions would present a safety hazard, would cause undue congestion or delay on adjacent road facilities, would cause environmental degradation, or would hinder adequate traffic circulation.

The Planning and Development Department, under this Policy, is conditioning that only one access point be allowed along Magnolia Street. This condition is discussed throughout the report.

**FLUE Policy 2.3.6**
“Celebrating the River: A Plan for Downtown Jacksonville” and the Downtown Zoning Overlay require a network of pedestrian linkages and open spaces between offices, retailing, entertainment, and other related areas in plans for revitalization of the CBD. The pedestrian and open space system should talk advantage of the riverfront, making it more accessible to the general public and include well-designed pedestrian linkage between Hemming Plaza and the Jacksonville Landing on the ST. Johns River. Detailed requirements are included in the Transportation Element.

The interaction of any proposed project within the CBD is required to maintain pedestrian linkages between developments. As the proposed project includes pedestrian access and maintains or adds sidewalks, the project is consistent with this Policy.

**FLUE Policy 3.1.17**
The City shall, through Land Development Regulations, require higher density residential development and supporting commercial facilities to locate on major arterial or collector roads used for mass transit routes, and in proximity to major employment areas in order to ensure the efficient use of land, public facilities and services, and transportation corridors.

The location of the proposed project is along a major road, close to public transit as well as major employment areas.
**FLUE Policy 3.2.1**
The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new area to commercialize.

The existing, vacant site will be developed with multiple new structures, which will include a drive-thru facility. In doing so, this will take an unimproved lot along a corridor that is under redevelopment and improve it for the residents and surrounding area. The proposed exception would allow the applicant to fully utilize the property which is currently underutilized and vacant.

**FLUE Objective 6.3**
The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructures, utilities and public facilities while addressing the needs of City residents.

The redevelopment of Brooklyn is consistent with this Objective. The proposed use within the project will add to the growth and redevelopment of the area.

Additionally, under the DMP, emphasis is placed on having a mix of uses, connecting commercial and residential uses Downtown. The project helps to make downtown a destination, aiding in “establishing downtown as a 24-hour city and as a new location for residential development, a regional destination for tourists, conventioneers, and local residents.” The proposed use will also allow for additional businesses to grow downtown.

(ii) *Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?*

Yes. The proposed use is compatible with the existing area uses and zoning, and proposed redevelopment of Brooklyn, which include:

<table>
<thead>
<tr>
<th>Adjacent Property</th>
<th>Land Use Category</th>
<th>Zoning District</th>
<th>Current Property Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CBD</td>
<td>RHD-A</td>
<td>Vacant, Historically residential</td>
</tr>
<tr>
<td>East</td>
<td>CBD</td>
<td>CCG-1</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>CBD</td>
<td>CRO</td>
<td>Office</td>
</tr>
<tr>
<td>West</td>
<td>CBD</td>
<td>CRO</td>
<td>Vacant up to Aerial Skyway Express (ASE)</td>
</tr>
</tbody>
</table>
(iii) Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?

The proposed project area is currently underutilized. The site is vacant, as the residential and commercial structures that historically occupied the area were demolished prior to 2008 as anticipated projects were in the planning process. Introducing a project as part of a greater effort to redevelop the area will not only instill life into an underutilized area, but offer a greater impact to the overall city, as well as the downtown businesses and residents.

As the proposed project has over 53,000 square feet of retail space, the additional impact of a drive-thru will be minimal. The exception application for a drive-thru will have a minimal impact to the environment as the exception does not affect any required mitigation, materials or impact assessments for the project to the St. Johns River, McCoy’s Creek, or other aspects of the environment.

(iv) Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions? Will the proposed use result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?

The addition of a drive-thru that empties onto Magnolia Street will have a minimal direct impact on the pedestrian and vehicular traffic. While the proposed drive-thru may add minimal additional traffic to the overall project, the larger impact is to the vehicular and pedestrian interaction between the public streets and the interior of the project. The proposed drive-thru adds an additional point of ingress and egress onto Magnolia Street versus the traffic being completely contained within the site; this introduces potential hazards with vehicular and pedestrian traffic along Magnolia Streets.

The Planning and Development Department is concerned with the project’s impact on the vehicular and pedestrian traffic on Magnolia Street. The Downtown Master Plan (DMP) emphasizes the importance of creating a safe environment for the pedestrian, not just for vehicular traffic. One of the “Principals of the Plan” is “3. We will develop interconnected, attractive, and safe pedestrian links among neighborhoods, activities and open space.” The DMP goes on to emphasize the importance of the pedestrian interaction with the existing parks, McCoy’s Creek and St. Johns River.

The DMP seeks to “locate loading and service docks away from sidewalks and pedestrian connections.” The proposed exit for the drive-thru on Magnolia Street is adjacent to the loading dock. This creates multiple ingress and egress points for pedestrians thus decreasing the safety of the pedestrian less than 40 feet from the proposed drive-thru exit. This introduces a potentially hazardous environment for the pedestrian along Magnolia Street.
Thus, the Planning and Development Department is conditioning that the driveway for the loading/service area and the driveway for the drive-thru exiting on to Magnolia Street be reworked to contain all traffic internal to the development. Thus, reducing entrances onto Magnolia Street increase the safety of the pedestrian environment. One of the DMPs Policies for Brooklyn states that “Park Street will be redeveloped to encourage pedestrian activity and will serve as the neighborhood center for services that support residential development.” As this Policy shows that the focus of the pedestrian walkability is intended for Park Street, staff is conditioning that the driveways be redesigned.

Under the Site Design and Building Form Guidelines, the DMP states an Intent, “That the design of individual sites will add to the quality of downtown [by] provid[ing] clear and separate access for vehicles and pedestrians.” The site plan reflects textured walkways, a landscaped central walkway and separate areas for pedestrians and vehicles, as another Intent section discusses, “ensure that the design of parking lots minimal affect the pedestrian environment.” As the site plan reflects ample pedestrian access to the site with access points from Riverside Avenue, Stonewall Street and Jackson Street, the intent of the DMP is met, and this intent is not affected as there are multiple separate access points for pedestrians to the site.

The DMP also states, as part of the Intent section, “To provide connections from downtown to the adjacent neighborhoods…. To Riverside and Brooklyn along Park Street and Riverside Avenue.” However, in conjunction with the earlier Policy for pedestrian access to the St. Johns River and the limitation of the Intent to provide pedestrian access along Park Street and Riverside Avenue, the Department is recommending that safe access for pedestrians be maintained along all streets from Park Street to the River.

(v) Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?

The proposed use requested in this application, a drive-thru, could have an impact on the pedestrian – and vehicular – environment. The proposed project has multiple exits on to Magnolia Street less than 40 feet from each other. The combination of the loading dock and the egress point onto Magnolia Street will not only have a negative impact on both pedestrian and vehicular development and may cause problems for any future development in the area. Additional traffic will impede on the safety of the pedestrian environment as well as any future developments that utilize or feed in to Magnolia Street.

As this area is undergoing redevelopment the introduction of an additional curb cut along Magnolia Street could cause accidents with other vehicles, safety issues for pedestrians,
as well as additional congestion along Magnolia Street. Staff is recommending that the multiple curb cuts along Magnolia Street be reworked to have all traffic ingress and egress internal to the overall development, consistent with the Development Services Traffic Memo.

(vi) **Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?**

No. The proposed use is for a drive-thru service in conjunction with a permitted use. The proposed use will not add any additional noise, lighting, vibrations, fumes, odors, dust of physical activities to the area. Therefore, this use is ancillary to permitted uses in the CRO zoning district.

(vii) **Will the proposed use overburden existing public services and facilities?**

No. The proposed use will not require additional services nor adversely affect those public services and facilities that are currently provided to the subject property.

(viii) **Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?**

Yes. The subject property has ample access for emergency services with ingress and egress points from Magnolia Street, Stonewall Street, and Jackson Street.

(ix) **Will the proposed use be consistent with the definition of a zoning exception and meet the standards and criteria of the zoning classification in which such use is proposed to be located?**

Yes. The proposed use is consistent with the definition of a zoning exception (exception means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare) and will meet the standards and criteria of the CRO zoning classification.
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 26, 2013, the Planning and Development Department staff observed that the required Notice of Public Hearing sign was posted.

Source: Planning and Development Department
Date: April 26, 2013

RECOMMENDATION

Based on the foregoing findings and conclusions, the Planning and Development Department recommends that Application for Zoning Exception E-13-11 be APPROVED subject to the following condition:

1. The project shall be developed in accordance with the Development Services Memo.

Existing Vacant Site from Riverside Avenue
Source: Planning and Development Department
Date: April 2013
ASE Adjacent to Vacant Site along Leila Street

Source: Planning and Development Department
Date: April 2013

Existing Vacant Site from Leila Street

Source: Planning and Development Department
Date: April 2013
Existing Vacant Site from May Street

*Source: Planning and Development Department*
*Date: April 2013*

Aerial of Vacant Site

*Source: Planning and Development Department*
*Date: April 2013*
Map of Subject Property

Source: Planning and Development Department
Date: April 2013
April 29, 2013

MEMORANDUM

TO: Samantha Paull
Planning and Development Department

FROM: Lisa King, Traffic Technician Senior
John Kolczynski, Engineering Technician Principal

Subject: 751 Stonewall Street
E-13-11

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

Traffic does not have an objection to the proposed drive through use.

However, there are several safety concerns with the overall site plan that will need to be resolved:

1. Zoning code prohibits maneuvering in the right of way for loading/unloading. We see several places where this unsafe maneuver is proposed.
2. Angled parking in right-of-way requires approval from the City Engineer. Traffic does not support the angled parking in right-of-way. A minimum of 24 feet of backing is required.
3. Driveway on Magnolia St is too close to intersection. Minimum 75 feet separation is required (measured EOP to EOP).
4. At 3 locations (Stonewall and Magnolia, and the driveway at Jackson) it appears that ADA ramps are to be used by trucks for increased return radius. It seems as if the rear wheels of the trucks are designed to roll on the sidewalk, probably because Stonewall and Magnolia were never designed for semi-truck traffic. This causes alarm and liability concerns for pedestrian safety.
5. Radius returns need to be a minimum of 30’ and up to 50’ for semi traffic.

Please understand that this does not constitute approval of the design elements. Approval of the design elements (parking lot design, 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 ZONING EXCEPTION

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four complete applications with all required attachments, to:

Planning and Development Department  
Zoning Section  
Ed Ball Building  
214 North Hogan Street, 2nd Floor  
Jacksonville, Florida 32202

Application No. E-13-11

Set for Public Hearing on:

Notice of Violation:

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

<table>
<thead>
<tr>
<th>For Official Use Only</th>
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<tbody>
<tr>
<td>1. Date Submitted: 4-9-13</td>
</tr>
<tr>
<td>2. Date Filed: 4-18-13</td>
</tr>
<tr>
<td>3. Current Zoning District(s): CRO</td>
</tr>
<tr>
<td>4. Future Land Use Map Category (FLUMs): CBD</td>
</tr>
<tr>
<td>5. Applicable Section of Ordinance Code: 656.311 (d)(11)</td>
</tr>
</tbody>
</table>

Exception Sought:

Amount of Fee: 0%

Council District: 9

Planning District: 9

Zoning Panel No.: 

Number of Signs to be Posted: 15

Zoning Code: 656.311

Zoning Clerk Initials: 

Previous Zoning Applications filed? No

If yes, state Application No(s):

Neighborhood Association?: 

TO BE COMPLETED BY APPLICANT

6. Complete Property Address: See attached.

751 Stoneymar St.

7. Between Streets: Riverside Avenue and Magnolia Street

Real Estate Number: See attached.

Date lot was recorded: 1918


9. Exception Sought: To allow 2 drive through facilities in a CRO District per 656.311.A.III.(d)(11). In whose name will the exception be granted? P & L Jax Riverside, L.P.

Pursuant to Section 656.136(c), a zoning exception shall be transferable and run with the land. When the use requires licensure or other approvals by the State or any other governmental entity, such as a liquor license approval or approval for day care facilities, the zoning exception granted in connection with such use shall not be transferable and shall be granted to the applicant or the State license holder.

10. Land Area (Acres) 4.57 +/- acres

<table>
<thead>
<tr>
<th>Utility Services Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>well</td>
</tr>
<tr>
<td>septic tank</td>
</tr>
</tbody>
</table>

Application for Zoning Exception 120920.doc
11. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth below may result in a denial).

(i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;

   See attached.

(ii) Will be compatible with the existing contiguous uses or zoning and compatible with the general character of the area considering population, density, design, scale, and orientation of the structures to the area, property values and existing similar uses;

   See attached.

(iii) Will not have an environmental impact inconsistent with the health, safety and welfare of the community;

   See attached.

(iv) Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community;

   See attached.

(v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;

   See attached.

(vi) Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities taking into account existing uses or zoning in the vicinity;

   See attached.

(vii) Will not overburden existing public services and facilities;

   See attached.
(viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services; and

See attached.

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification (or which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

See attached.

12. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

   x  Survey (as required by the Current Planning Section)

   x  Site Plan as required per instructions. (2 copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)

   x  Letter of Authorization for Agent is required if application is made by any person other than the property owner.

   x  Legal description, may be either lot and block or metes and bounds, including real estate assessment number(s) of the subject property

   ___ Department of Children and Families Services (DCFS) letter and Site Plan approved by the City Traffic Engineer. (Day care uses only)

   ___ Environmental Quality Division (EQD) advisory opinion letter. (If required)

*** NOTICE TO OWNER / AGENT ***

Please review your application. All spaces noted as “TO BE COMPLETED BY APPLICANT” must be filled in for the application to be accepted.

No application will be accepted as “Complete and filed” until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division, Planning and Development Department, Ed Ball Building, 214 North Hogan Street Suite 300, Jacksonville, Florida 32202, (904) 255-7800 PRIOR TO THE HEARING.

Also, an agent’s letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant’s behalf without prior authorization.

<table>
<thead>
<tr>
<th>FILING FEES</th>
<th>NOTIFICATION COSTS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL DISTRICTS............</td>
<td>$985.00</td>
</tr>
<tr>
<td>NON-RESIDENTIAL DISTRICTS.......</td>
<td>$900.00</td>
</tr>
</tbody>
</table>

$7.00 PER ADDRESSEE

ADVERTISING COSTS:
BILLED TO OWNER/AGENT

*** Applications filed to correct existing zoning violations are subject to a double fee. ***
I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)

Name: __________________________

Address: _________________________

_______________________________

City: ____________________________

State: _______ Zip: _____________

Email: __________________________

Daytime Telephone: ______________

_______________________________

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: Raymond J. Spofford

Address: England-Thims & Miller, Inc.

14775 Old St. Augustine Road

_______________________________

City: Jacksonville

State: Florida Zip: 32258

Email: spoffordr@etminc.com

Daytime Telephone: (904) 265-3189

_______________________________

SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF AUTHORIZED AGENT(S)

Letter of Authorization for Agent is required if application is made by any person other than the property owner. Also, a larger scale drawing may be required for commercially zoned property with an existing structure or otherwise as required by the Planning and Development Department’s Zoning Section.
6. Real Estate Numbers /Property Address

089052 0100 Riverside Avenue
089044 0100 Riverside Avenue
089030 0010 79 Magnolia Street
089071 0000 May Street
089062 0000 63 Stonewall Street
089063 0000 724 Stonewall Street
089070 0000 132 May Street
089065 0000 Magnolia Street
089066 0000 Magnolia Street
089068 0000 Jackson Street
089067 0000 717 Jackson Street

Analysis of consistency with Exception standards and criteria.

11. Answers to questions pertaining to the standards and criteria.

(i) Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;

The subject property is located within the Central Business District (CBD) future land use category as depicted on the Future Land Use Map of the 2030 Comprehensive Plan. According to the Operative Provisions and the Plan Category Descriptions in the Future Land Use Element, the CBD future land use category is the Downtown jurisdictional area of the Jacksonville Economic Development Commission (JEDC). All the area in the Central Business District (CBD) is included within the boundaries of the Downtown Development of Regional Impact (DRI). The exact location, distribution, and density/intensity of various types of land use in the JEDC's Downtown jurisdictional area will be guided by the site development plans approved as part of the development order for the Downtown DRI(s). The location, scale and site design will ensure that the two (2) proposed drive-through uses are consistent with and further the applicable objectives and policies of the 2030 Comprehensive Plan listed below.

Objective 2.3 Continue to strengthen Downtown Jacksonville as the regional center of finance, government, retail and cultural activities for Northeast Florida.

Policy 2.3.1: Recognize the Central Business District (CBD) and its periphery as a significant urban area of the City appropriate for residential and mixed use projects at higher densities/intensities than the remainder of the City. Overall guidelines are included in the master plan for the downtown “Celebrating the River: A Plan for Downtown Jacksonville” adopted by City Council in 2000. The City’s Land Development Regulations have been amended to include the Downtown Zoning Overlay and the Downtown Signage Overlay for the CBD which includes regulatory incentives for development/redevelopment in the CBD.

Policy 1.1.14: Exempt the internal arrangement of uses within Developments of Regional Impact (DRIs) from the nodal and other locational criteria of the 2030 Comprehensive Plan, subject to required local and regional reviews.

Policy 1.1.19: Offer economic incentives through the Jacksonville Economic Development Commission (JEDC) to induce development to locate in the Urban Core, North, Northwest, and
Southwest Planning Districts of the City rather than in the more congested areas of Greater Arlington and Southeast Planning Districts.

**Policy 2.3.9:** The JEDC, through adoption of “Celebrating the River: A Plan for Downtown Jacksonville” and the Downtown Zoning Overlay permits developers locating in the Central Business District (CBD) to provide required parking at peripheral locations within the CBD, reduces onsite parking by allowing use of existing offsite parking facilities, reduces onsite parking requirements when mass transit is available, creates carpool and van pool bonuses, provides for short term parking space credit, and creates minimum/maximum parking requirements that promote the use of various mass transit options available.

**Policy 2.3.11.:** JEDC continues to promote the development and redevelopment of mixed-use projects that include housing and retail uses in the downtown area by providing regulatory incentives to developers of such uses. Examples of regulatory incentives consistent

(ii) **Will be compatible with the existing contiguous uses or zoning and compatible with the general character of the area considering population, density, design, scale, and orientation of the structures to the area, property values and existing similar uses;**

The subject property is located in a CRO zoning district within the Brooklyn District of the Downtown Overlay Zone. The Downtown Overlay Zone also allows additional uses that would be compatible with the proposed drive-through uses. The subject site is surrounded by the CBD future land use category and a mix of commercial and high density residential zoning districts as indicated in the table below. Much of the land to the north and west is currently vacant and the land to the south across Riverside Avenue contains primarily corporate office buildings and the downtown YMCA.

<table>
<thead>
<tr>
<th>Adjacent Properties</th>
<th>Future Land Use Category</th>
<th>Zoning District</th>
<th>Current Use of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CBD</td>
<td>RHD-A/ROS/CCG-2/IBP</td>
<td>Vacant</td>
</tr>
<tr>
<td>East</td>
<td>CBD</td>
<td>CRO/PBF-1</td>
<td>ASE Operations</td>
</tr>
<tr>
<td>South</td>
<td>CBD</td>
<td>CRO</td>
<td>Commercial Office</td>
</tr>
<tr>
<td>West</td>
<td>CBD</td>
<td>RHD-A/CCG-1/CRO</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

According to Section 656.361.6 of the Zoning Code, the uses within the Brooklyn and Riverside Avenue District should encourage regeneration as a vibrant mixed use neighborhood with links to the river via as many routes as possible. The principles of the Downtown Overlay Zone are to develop a mix of land uses where the market place, not regulations, should be the primary force driving the mix of land uses. The proposed use as designed will be compatible with existing contiguous uses, the future land use category and zoning districts.

(iii) **Will not have an environmental impact inconsistent with the health, safety and welfare of the community;**

The proposed uses will require permitting approval from the State and City to ensure there is no adverse environmental impact. A number of protective measures will be required during and after construction to ensure water quality is not adversely affected. The proposed use will not have an environmental impact inconsistent with the health, safety and welfare of the community.
(iv) Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community;

As can be seen on the attached site plan, the subject site will be accessed from Riverside Avenue via Jackson Street, Stonewall Street or Magnolia Street. The multiple access points will provide greater efficiency in traffic flow and distribution. Safe pedestrian access will be maintained along Riverside Avenue, Jackson Street and Stonewall Street. Pedestrian-friendly hardscape enhancements are proposed along Riverside Avenue. Traffic associated with the commercial use will not be required to pass through existing or planned residential neighborhoods. In addition, the project has been designed to accommodate and take advantage of the future ASE extension.

(v) Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;

As indicated above, the subject site and a significant area surrounding the site is designated for a mix of land uses including residential, office and retail use. The subject property is located within an area envisioned to develop as a vibrant urban neighborhood with a mix of uses as adopted in the Comprehensive Plan and further outlined in the Downtown Master Plan and Downtown Overlay Zone.

(vi) Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities taking into account existing uses or zoning in the vicinity;

The requested exception will not result in objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities detectable off the site. The subject site is surrounded by compatible development and zoning.

(vii) Will not overburden existing public services and facilities;

The proposed use will not overburden public facilities and services and will have to demonstrate that the adopted levels of service for public facilities and services will not be degraded per the City’s Concurrency Management System.

(viii) Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and other services; and

The subject site has been designed to be accessible for public safety purposes and for solid waste storage and disposal.

(ix) Will be consistent with the definition of an exception, the standards and criteria of the zoning classification (or which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.

The subject property is located within an underlying CRO zoning district within the Brooklyn and Riverside Avenue District of the Downtown Overlay Zone. According to Section 656.311A.III.(d)(11) of the Zoning Code, drive-through facilities in conjunction with a permitted
or permissible use or structure are permissible uses by exception. The drive-through facilities will be used in conjunction with pharmacy and restaurant uses, which are allowed by the Downtown Overlay Zone in the Brooklyn and Riverside Avenue district.
Agent Authorization

Date: April 8, 2013

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

Re: Agent Authorization for the following site location:

Riverside Park Retail Project

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 Fuqua Development, LP and its consultants to act as agents to file application(s) for zoning exception(s) and Downtown Development Review Board (DDRB) approvals for the above referenced property for the Riverside Park retail development and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

P&L JAX RIVERSIDE, L.P., a Georgia limited partnership

By: P&L Jax Investor, L.P., a Georgia limited Partnership, its general partner

By: P&L Manager, LLC, a Georgia limited liability company, its general partner

By: Lawrence P. Kelly, Managing Member

STATE OF GEORGIA
COUNTY OF COOK

The foregoing affidavit was sworn and subscribed before me this 8th day of April, 2013 by Lawrence P. Kelly, who is known to me or has produced identification, (Notary Signature)

JAX_ACTIVE 3297354.1
EXHIBIT 1

Part of Lot 2, all of Lot 3, all of Lot 4, all of Lot 5, all of Lot 6, and part of Lot 7, Block 5, Brooklyn, Deed Book P, Page 379, Plat Book 1, Page 86, and Deed Book AJ, Page 723, all of the former public records of Duval County, Florida, and being more particularly described as follows:

Begin at the Northwesterly corner of said Lot 4, Block 5; Thence North 54°50'17" East, along the Northwesterly line of said Block 5, being the same as the Southeasterly right-of-way line of Magnolia Street (a 33 foot right-of-way as now established), 232.18 feet to its intersection with the Northeasterly line of the Southwesterly 55 feet of said Lot 2; thence South 35°35'25" East, along last said line, 105.06 feet to its intersection with the Southeasterly line of said Lot 2; thence South 54°50'17" West, along said Southeasterly line of Lot 2, 51.99 feet to its intersection with the Northeasterly line of the Westerly 3 feet of said lot 7; thence South 35°36'32" East, along last said Northeasterly line, 105.01 feet to its intersection with the Southeasterly line of aforementioned Block 5, being the same as the Northwesterly right-of-way line of May Street (a 33 foot right-of-way as now established); thence South 54°49'12" West, along last said line, 180.16 feet; thence North 35°36'32" West, along the Southwesterly line of said Block 5, being the same as the Northeasterly right-of-way line of Stonewall Street (a 33 foot right-of-way as now established), 210.13 feet to the Point Of Beginning.

Containing 0.99 acres, more or less, or 43,316 square feet, more or less.

Together with the following:

Lot 1, Lot 2, Lot 3, Lot 6, Lot 7, and Lot 8, Block 8, Plat Book AJ, Page 723 of the former public records of Duval County, Florida, also being a portion of those lands described in Official Records Book 15234, Page 274 of the current public records of said Duval County and being more particularly described as follows:

BEGIN at the Northeasterly corner of said Block 8; thence South 35°36'32" East, along the Northeasterly line of said Block 8, being the same as the Southwesterly right-of-way line of Stonewall Street (a 33 foot right-of-way as now established), 210.00 feet to the Southeasterly corner of said Block 8; thence South 54°49'12" West, along the Southeasterly line of said Block 8, being the same as the Northwesterly right-of-way line of May Street (a 33 foot right-of-way as now established), 315.30 feet to its intersection with the Southwesterly line of said Lot 6; thence departing last said right-of-way line, North 35°32'17" West, along said Southwesterly line of Lot 6 and the Southwesterly line of said Lot 3, 210.10 feet to its intersection with the Northwesterly line of said Block 8; thence departing last said Southwesterly line of Lot 3, North 54°50'17" East, along said Northwesterly line of Block 8, being the same as the Southeasterly right-of-way line of Magnolia Street (a 33 foot right-of-way as now established), 315.04 feet to the POINT OF BEGINNING.

Containing 1.52 acres, more or less or 66,199 square feet, more or less.
Together with the following:

A portion of those lands described in Official Records Book 13795, Page 1574 of the current public records of Duval County, Florida, as amended in Official Records Book 14171, Page 930 of said current public records; Also Lot 3, Lot 4, and a portion of Lots 5 and 6, Block 6, Brooklyn, according to the Plat thereof as recorded in Deed Book AJ, Page 723, of the former public records of said Duval County, also being a portion of those lands described in Official Records Book 15234, Page 274 of said current public records, and being more particularly described as follows:

Begin at the Northwesterly corner of said Block 6; thence North 54°49'12" East, along the Northwesterly line of said Block 6, being the same as the Southeasterly right-of-way line of May Street (a 33 foot right-of-way as now established), also being the same as the Northwesterly line of said lands described in Official Records Book 13795, Page 1574, 176.90 feet; thence along the Easterly line of last said lands, being the same as the Northwesterly right-of-way line of Riverside Avenue (a variable width right-of-way as now established and shown on Florida Department of Transportation Right-Of-Way Map, Section 72050-2546, Sheet 6 of 11, revised 2/14/2008), South 35°39'14" East, 92.93 feet to the most Easterly corner of said lands described in Official Records Book 13795, Page 1574; thence along the Southerly line of last said lands, being the same as said Northwesterly right-of-way line of Riverside Avenue, the following 2 courses: 1) South 57°38'12" West, 147.96 feet to an angle point in said Southerly line; 2) thence South 56°52'48" West, 29.27 feet to its intersection with the Northeasterly right-of-way line of Stonewall Street (a 33 foot right-of-way as now established); thence departing last said Southerly line, North 35°36'32" West, along said Northeasterly right-of-way line, being the same as the Southwesterly line of said Block 6, 84.61 feet to the Point of Beginning.

Containing 0.36 acres, more or less or 15,677 square feet, more or less.

Together with the following:

A portion of those lands described in Official Records Book 13795, Page 1574 of the current public records of Duval County, Florida, as amended in Official Records Book 14171, Page 930 of said current public records; Also being all of Lots 1, 2, and 3, and a portion of Lots 4, 5, 6, 7, and 8, Block 7, Brooklyn, according to the Plat thereof as recorded in Deed Book AJ, Page 723, of the former public records of said Duval County, also being a portion of those lands described in Official Records Book 15234, Page 274 of said current public records and being more particularly described as follows:

Begin at the Northeasterly corner of said Block 7; thence South 35°36'32" East, along the Northeasterly line of said Block 7, being the same as the Southwesterly right-of-way line of Stonewall Street (a 33 foot right-of-way as now established) 83.56 feet to its intersection with the Southerly line of those lands described in said Official Records Book 13795, Page 1574; thence along said Southerly line, being the same as the Northwesterly right-of-way line of Riverside Avenue (a variable width right-of-way as now established and shown on Florida Department of Transportation Right-Of-Way Map, Section 72050-2546, Sheet 6 of 11,
revised 2/14/2008), the following 4 courses: 1) South 56°52′48″ West, 22.81 feet to an angle point in said Southerly line; 2) thence South 56°43′07″ West, 173.97 feet to an angle point in said Southerly line; 3) thence South 55°51′04″ West, 196.75 feet to an angle point in said Southerly line; 4) thence South 54°45′10″ West, 20.83 feet to a point on said Southerly line that is 6 feet Northeasterly of the Northeasterly right-of-way line of Jackson Street (a 33 foot right-of-way as now established); thence departing last said Southerly line, North 35°36′32″ West, 6 feet Northeasterly of and parallel to said Northeasterly right-of-way line of Jackson Street, 73.46 feet to its intersection with the Southerly right-of-way line of May Street (a 33 foot right-of-way as now established), being the same as the Northwesterly line of said Block 7, and also being the same as the Northwesterly line of said lands described in Official Records Book 13795, Page 1574; thence North 54°49′12″ East, along said Southeasterly right-of-way line of May Street, 414.13 feet to the Point of Beginning.

Containing 0.74 acres, more or less, or 32,098 square feet, more or less.

All of the above containing 3.61 acres, more or less.

Together with the following:

Title to any vacated rights-of-way adjacent to any of the foregoing parcels which have been or are hereafter vacated by the City of Jacksonville or any other applicable governmental authority.

The above-described lands also being described as follows:

Tracts One and Three as more particularly described on Exhibit A of the Special Warranty Deed recorded in Official Records Book 15782, page 2403 of the public records of Duval County, Florida.

Together with the following:

Title to any vacated rights-of-way adjacent to any of the foregoing parcels which have been or are hereafter vacated by the City of Jacksonville or any other applicable governmental authority.
Agent Authorization

Date: 4/8/13

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

Re: Agent Authorization for the following site location:

Riverside Park Retail Project

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 P&L Jax Riverside, L.P. and the Riverside Park retail project developer, Fuqua Development, L.P., and their consultants to act as agents to file application(s) for zoning exception(s) and Downtown Development Review Board (DDRB) approvals for the above referenced property for the Riverside Park retail project and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Jayne Haynes

STATE OF NC
COUNTY OF Macon

The foregoing affidavit was sworn and subscribed before me this 8th day of April, 2013 (year) by

Jayne Haynes, who is personally known to me or has produced ______________________ as identification.

(Notary Signature)

Debbie L. Wallace
EXHIBIT 1

Lot 4, Block 8, Brooklyn, according to the map or plat thereof, as recorded in Plat Book "P", page 379, also being recorded in Deed Book "AJ", pages 722, 723, and 724, and Plat Book 1, page 86, of the former public records of Duval County, Florida.
Tract One

Part of Lot 2, all of Lot 3, all of Lot 4, all of Lot 5, all of Lot 6, and part of Lot 7, Block 5, Brooklyn, Deed Book P, Page 379, Plat Book 1, Page 86, and Deed Book AJ, Page 723, all of the former public records of Duval County, Florida, and being more particularly described as follows:

Begin at the Northwesterly corner of said Lot 4, Block 5; Thence North 54°50'01" East, along the Northwesterly line of said Block 5, being the same as the Southeasterly right-of-way line of Magnolia Street (a 33 foot right-of-way as now established), 232.18 feet to its intersection with the Northeasterly line of the Southwesterly 55 feet of said Lot 2; thence South 35°35'25" East, along said line, 105.06 feet to its intersection with the Southeasterly line of said Lot 2; thence South 54°50'01" West, along said Southeasterly line of Lot 2, 31.99 feet to its intersection with the Northeasterly line of the Westerly 3 feet of said Lot 7; thence South 35°36'32" East, along said line, 105.91 feet to its intersection with the Southwesterly line of the aforementioned Block 5, being the same as the Northerly right-of-way line of May Street (a 33 foot right-of-way as now established); thence South 54°49'12" West, along said line, 180.16 feet; thence North 35°36'32" West, along the Southwesterly line of said Block 3, being the same as the Northerly right-of-way line of Stonewall Street (a 33 foot right-of-way as now established), 210.13 feet to the Point Of Beginning.

Containing 0.99 acres, more or less, or 43,316 square feet, more or less.

Tract Two

Parcels 1: Osjen Deed Description:

Lots 5, 6, and 7, together with a portion of lots 2, 3, and 4, block 11, Brooklyn Subdivision, as recorded in Plat Book 1, Page 86, also known as Lot 4, together with a part of 2, and 3, Brooklyn Subdivision, as recorded in Deed Book P, Page 379, all of the former public records of Duval County, Florida, being more particularly described as follows:

Beginning at the most Southerly corner of said Lot 5, said point being situate at the intersection of the Northwesterly right-of-way line of Oak Street and the Northeasterly right-of-way line of Stonewall Street, (both being 33 foot right-of-way), thence North 41°07'53" West, along said Northeasterly right-of-way line of Stonewall Street, 171.50 feet to a point situate South 41°07'53" East, 38.50 feet from the most westerly corner of said Lot 4; thence North 01°41'07" East, and continuing along the right of way line of said Stonewall Street, 33.84 feet to a point situate in the Southeasterly right of way line of Park Street (a 60 foot right of way as now established); thence North 49°18'46" East, along said Southeasterly right of way line, 131.84 feet to the point of curvature of a curve to the left, concave Southeasterly and having a radius of 1230.00 feet; thence Northeasterly around and along the arc of said curve and continuing along said Southeasterly right of way line, 55.17 feet, said arc being subtended by a chord bearing and distance of North 49°01'34" East, 53.18 feet to its intersection with the Southwesterly right of way line of Park Street as recorded in official records volume 6346, page 187 of the current public records of said county and along said Southwesterly line of lot 2, 1.86 feet; thence North 49°48'47" East, and continuing along the Southeasterly right of way line as established by the aforementioned deed, a distance of 72.10 feet to a point situate in the Northeasterly line of said lot 2; South 41°07'53" East, along said northeasterly line of lot 2 and the northeasterly line of said lot 7, a distance of 200.72 feet to a point situate in said northeasterly right of way line of Oak street; thence South 41°18'40" West, along said northerly right of way line, 282.00 feet to the point of beginning.
LEGAL DESCRIPTION

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE NORTH 35°33’31” WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STONEWALL STREET, A DISTANCE OF 171.73 FEET; THENCE NORTH 07°15’44” EAST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 33.88 FEET, TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PARN STREET (A VARIABLE WIDTH R/W, AS NOW ESTABLISHED); THENCE NORTH 54°30’41” EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 131.83 FEET, TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1230.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 55.16, SAID CURVE HAVING A CENTRAL ANGLE OF 62°24’11” AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 53°33’35” EAST, 55.16 TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID LOT 2; THENCE SOUTH 38°02’16” EAST, ALONG SAID SOUTHWESTERLY LINE OF LOT 2, AND CONTINUING ALONG SAID R/W LINE, A DISTANCE OF 1.88 FEET; THENCE NORTH 51°28’56” EAST, DEPARTING SAID SOUTHWESTERLY LINE OF LOT 2, AND CONTINUING ALONG THE SAID R/W LINE, A DISTANCE OF 72.13 FEET, TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY LINE OF SAID LOT 2; THENCE SOUTH 35°32’21” EAST, DEPARTING SAID R/W LINE, AND ALONG THE NORTHEASTERLY LINE OF LOTS 2, AND 4, A DISTANCE OF 300.33 FEET, TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF OAK STREET, (A 33’ R/W, AS NOW ESTABLISHED), THENCE SOUTH 54°30’41” WEST, DEPARTING SAID NORTHWESTERLY R/W LINE OF LOTS 2, AND 4, AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF OAK STREET, A DISTANCE OF 301.96 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 55.321 S.F., 1.27 ACRES, MORE OR LESS

PARCEL 2: CLARKSON DEED DESCRIPTION:

THE NORTHWEST 35.0 FEET OF THE SOUTHEAST 55.0 FEET OF LOT 1, BLOCK 11, BROOKLYN “REPLAT” ACCORDING TO THE PLAT THEREOF RECORDED IN DEED BOOK P, PAGE 379, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


FROM THE POINT OF BEGINNING THUS DESCRIBED, CONTINUE THENCE NORTH 35°33’53” WEST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 35.00 FEET, THENCE SOUTH 54°50’41” WEST, DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 105.00 FEET, TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF LOT 1; THENCE SOUTH 35°12’21” EAST, ALONG SAID SOUTHWESTERLY LOT LINE, A DISTANCE OF 35.00 FEET; THENCE NORTH 54°50’41” EAST, DEPARTING SAID SOUTHWESTERLY LOT LINE, A DISTANCE OF 105.02 FEET, TO A POINT OF INTERSECTION WITH THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF LELA STREET, AND THE POINT OF BEGINNING.

CONTAINING: 3,875 S.F., 0.08 ACRES, MORE OR LESS.
PARCEL 3: CLARKSON DEED DESCRIPTION:
THE SOUTHEAST 28.0 FEET OF THE NORTHWEST 35.0 FEET OF LOT 5, BLOCK 11, BROOKLYN "REPLAT" ACCORDING TO THE PLAT THEREOF RECORDED IN DEED BOOK P, PAGE 379, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE NORTH 38°33'53" WEST, ALONG SAID SOUTHwesterly RIGHT-OF-WAY LINE OF LEILA STREET, A DISTANCE OF 70.00 FEET, TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, CONTINUE THENCE NORTH 38°33'53" WEST, ALONG SAID SOUTHwesterly RIGHT-OF-WAY LINE, A DISTANCE OF 27.88 FEET;
THENCE SOUTH 54°50'41" WEST, DEPARTING SAID SOUTHwesterly RIGHT-OF-WAY LINE, A DISTANCE OF 105.03 FEET, TO A POINT OF INTERSECTION WITH THE SOUTHwesterly LINE OF SAID LOT 3; THENCE SOUTH 35°32'21" EAST, ALONG SAID SOUTHwesterly LOT LINE, A DISTANCE OF 24.88 FEET; THENCE NORTH 54°50'41" EAST, DEPARTING SAID SOUTHwesterly LOT LINE, A DISTANCE OF 105.03 FEET, TO A POINT OF INTERSECTION WITH THE SAID SOUTHeasterly RIGHT-OF-WAY LINE OF LEILA STREET, AND THE POINT OF BEGINNING.

CONTAINING: 2,929 S.F., 0.07 ACRES, MORE OR LESS.

PARCELS 3, 4, & 5
LOT 2 BLOCK 4, BROOKLYN ACCORDING TO PLAT THEREOF AS RECORDED IN DEED BOOK AJ, PAGE 723 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE SOUTH 54°50'41" WEST, ALONG SAID SOUTHeasterly RIGHT-OF-WAY LINE OF OAK STREET, A DISTANCE OF 105.11 FEET, TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, CONTINUE THENCE SOUTH 54°50'41" WEST, ALONG SAID SOUTHeasterly RIGHT-OF-WAY LINE, A DISTANCE OF 105.10 FEET;
THENCE SOUTH 35°38'32" EAST, DEPARTING SAID SOUTHeasterly RIGHT-OF-WAY LINE, AND ALONG THE SOUTHeasterly LINE OF SAID LOT 2, A DISTANCE OF 105.04 FEET, TO A POINT OF INTERSECTION WITH THE SOUTHeasterly LINE OF LOT 2; THENCE NORTH 54°50'29" EAST, ALONG SAID SOUTHeasterly LOT LINE, A DISTANCE OF 105.00 FEET; THENCE NORTH 35°35'08" WEST, DEPARTING SAID SOUTHeasterly LOT LINE, AND ALONG THE NORTHeasterly LINE OF SAID LOT 2, A DISTANCE OF 105.08 FEET, TO A POINT OF INTERSECTION WITH THE SAID SOUTHeasterly RIGHT-OF-WAY LINE OF OAK STREET, AND THE POINT OF BEGINNING.

CONTAINING: 11,037 S.F., 0.25 ACRES, MORE OR LESS.
Legal Description

PARCEL 5: ANDREWS DEED DESCRIPTION:

THE NORTHWEST 53 FEET OF THE SOUTHEAST 70 FEET OF LOT 5, BLOCK 11, BROOKLYN, "REPLAT" ACcORDING TO THE PLAT THEREOF AS RECORDED IN DEED BOOK P, PAGE 379, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. SAID LOT 5 IS ALSO DESCRIBED AS LOT 8, BLOCK 11, BROOKLYN, ACcORDING TO THE PLAT THEREOF AS RECORDED IN DEED BOOK "AI", PAGE 723, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE SOUTH 54°50'41" WEST, ALONG THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF OAK STREET, A DISTANCE OF 53.08 FEET; THENCE NORTH 35°25'48" WEST, DEPARTING THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 70.00 FEET; THENCE NORTH 54°50'41" EAST, A DISTANCE OF 52.90 FEET TO A POINT OF INTERSECTION WITH THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF LEILA STREET; THENCE SOUTH 35°33'33" EAST, ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 70.00 FEET, TO A POINT OF INTERSECTION WITH THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF OAK STREET, AND THE POINT OF BEGINNING.

CONTAINING: 3.710 S.F., 0.08 ACRES, MORE OR LESS.

PARCEL 4: ABBoud DEED DESCRIPTION

THE SOUTHWEST 26 FEET OF THE SOUTHEAST 70 FEET OF LOT 5 IN BLOCK 11, OF BROOKLYN, ACCORDING TO THE PLAT THEREOF RECORDED IN DEED BOOK "P", PAGE 379 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. SAID LOT 5 IS ALSO DESCRIBED AS LOT 8 IN BLOCK 11 OF BROOKLYN, ACCORDING TO THE PLAT THEREOF RECORDED IN DEED BOOK "AI", PAGE 723 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THENCE SOUTH 54°50'41" WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF OAK STREET A DISTANCE OF 79.08 FEET, TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, CONTINUE THENCE SOUTH 54°50'41" WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 26.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID LOT 5; THENCE NORTH 35°32'21" WEST, DEPARTING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, AND ALONG SAID SOUTHWESTERLY LOT LINE, A DISTANCE OF 70.00 FEET; THENCE NORTH 54°50'41" EAST, A DISTANCE OF 26.00 FEET; THENCE SOUTH 35°32'21" EAST, A DISTANCE OF 70.00 FEET, TO A POINT OF INTERSECTION WITH THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF OAK STREET, AND THE POINT OF BEGINNING.

CONTAINING: 1,820 S.F., 0.04 ACRES, MORE OR LESS.
Legal Description

PARCEL 6: CLEAR CHANNEL DEED DESCRIPTION:
The N.W. 50 feet of Lot 1 in Block 11, of Brooklyn according to the plat thereof recorded in Deed Book P, page 379 of Duval County former public records, also fractional part north of said Lot 1, Block 11, Brooklyn, particularly described in deed of conveyance from the City of Jacksonville to Eugene Fields, recorded in Deed Book 223, page 653, of Duval County current public records, but excepting therefrom any portion of herein described property, lying within the right-of-way of the Park-Lee Street viaduct.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
Commence at the intersection of the northwesterly right-of-way line of Oak Street (a 33' R/W, as now established), and the southwesterly right-of-way line of Lelia Street (a 33' R/W, as now established), the same being the southeasterly corner of Lot 3, Block 11, Brooklyn "replat," as recorded in Deed Book P, page 379 of the former public records of Duval County, Florida. Thence north 35°33'53" west, along said southwesterly right-of-way line of Lelia Street, a distance of 153.09 feet, to the point of beginning.

From the point of beginning thus described, continue thence north 35°33'53" west, along said southwesterly right-of-way line, a distance of 58.69 feet, to the point of intersection with the southerly right-of-way line of Park Street (a variable width R/W, as now established), said point also lying on a curve, concave northwesterly and having a radius of 1230.00 feet; thence southwesterly along the arc of said curve, departing said southwesterly right-of-way line of Lelia Street, a distance of 105.09 feet, said curve having a central angle of 45°29' and being subtended by a chord bearing and distance of south 48°24'44" west, 105.02 feet, to the point of intersection with the southerly right-of-way line of said Lot 1; thence south 35°32'21" east, along said southerly right-of-way line of said Lot 1, a distance of 103.00 feet, to a point of intersection with the said southwesterly right-of-way line of Lelia Street, and the point of beginning.

Tract Three

CDT Parcels A through E:

CDT PARCEL A:
The Southwest 27 feet of Lot 3, Block 8, BROOKLYN according to plat thereof as recorded in Deed Book A J, page 723, former public records of Duval County, Florida, said plat also recorded in Book 1, page 86 and in Book P, page 379;

CDT PARCEL B:
Lot 1, except the Northeasterly 75 feet of the Southeasterly 1/4 thereof, Block 8, BROOKLYN, Lot 2, Block 8, BROOKLYN and the Northeast 1/2 of Lot 3, Block 8, BROOKLYN, all according to plat recorded in Deed Book P, page 379, of the former public records of Duval County, Florida.
Legal Description

CDT PARCEL C:

The Northeasterly 75 feet of of the Southeast 1/4 of Lot 1 and the Northeast 75 feet of the Northwesterly 23 feet of Lot 8, Block 8, BROOKLYN according to plat thereof as recorded in Plat Book AJ, page 723 of the current public records of Duval County, Florida.

CDT PARCEL D:

Lot 7, Block 8, BROOKLYN, Lot 8, except the Northerly 23 feet of the Easterly 75 feet thereof, Block 8, BROOKLYN, all according to plat thereof as recorded in Deed Book P, page 379 of the former public records of Duval County, Florida.

CDT PARCEL E:

Lot 6, Block 8, BROOKLYN, according to plat thereof as recorded in Plat Book AJ, page 723 of the former public records of Duval County, Florida.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOTS 1, 2, 6, 7, 8 AND PART OF LOT 3, BLOCK 8 BROOKLYN, ACCORDING THE PLAT THEREOF RECORDED IN PLAT BOOK AJ, PAGE 723 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID BLOCK 8; THENCE SOUTH 35 DEGREES 36 MINUTES 32 SECONDS EAST, ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 8, BEING THE SAME AS THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STONEWALL STREET (A 33 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), 210.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID BLOCK 8; THENCE SOUTH 54 DEGREES 49 MINUTES 12 SECONDS WEST, ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 8, BEING THE SAME AS THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MAY STREET (A 33 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), 315.30 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 6; THENCE NORTH 35 DEGREES 32 MINUTES 17 SECONDS WEST, ALONG THE SOUTHWESTERLY LINE OF SAID LOTS 6 AND 3, 210.10 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 3; THENCE NORTH 54 DEGREES 50 MINUTES 17 SECONDS EAST, ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 8, BEING THE SAME AS THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET, (A 33 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), 26.81 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 13091, PAGE 94, OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY; THENCE SOUTH 35 DEGREES 32 MINUTES 17 SECONDS EAST, ALONG LAST SAID SOUTHWESTERLY LINE, 105.04 FEET TO THE SOUTHWESTERLY CORNER OF LAST SAID LANDS; THENCE NORTH 54 DEGREES 49 MINUTES 44 SECONDS EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 3, 26.05 FEET TO THE SOUTHEASTERLY CORNER OF LAST SAID LANDS; THENCE NORTH 35 DEGREES 45 MINUTES 58 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF LAST SAID LANDS, 105.04 FEET TO THE NORTHEASTERLY CORNER OF LAST SAID LANDS; THENCE NORTH 54 DEGREES 50 MINUTES 17 SECONDS EAST, ALONG SAID SOUTHWESTERLY LINE OF BLOCK 8, 262.59 FEET TO THE POINT OF BEGINNING.
Legal Description

JTA Parcels:

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 13795 PAGE 1574 OF THE CURRENT PUBLIC RECORD OF DUVAL COUNTY, FLORIDA, AS AMENDED IN OFFICIAL RECORDS BOOK 14171, PAGE 930 OF SAID CURRENT PUBLIC RECORDS: ALSO BEING A PORTION OF LOTS 3, 4, 5 AND 6, BLOCK 6, A PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, BLOCK 7, BROOKLYN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK AJ, PAGE 723, OF THE FORMER PUBLIC RECORDS OF SAID DUVAL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

JTA PARCEL A:

BEGIN AT THE NORTHWESTERLY CORNER OF SAID BLOCK 6; THENCE NORTH 54 DEGREES 49 MINUTES 12 SECONDS EAST, ALONG THE NORTHWESTERLY LINE OF SAID BLOCK 6, BEING THE SAME AS THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAY STREET [A 33 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED], 176.90 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 13795, PAGE 1575; THENCE ALONG SAID EASTERLY LINE, SOUTH 35 DEGREES 39 MINUTES 14 SECONDS EAST, 92.93 FEET TO THE MOST EASTERLY CORNER OF SAID LANDS; THENCE SOUTH 57 DEGREES 38 MINUTES 12 SECONDS WEST, ALONG THE SOUTHERLY LINE OF LAST SAID LANDS, 147.96 FEET TO AN ANGLE POINT IN SAID SOUTHERLY LINE; THENCE SOUTH 56 DEGREES 52 MINUTES 48 SECONDS WEST, CONTINUING ALONG SAID SOUTHERLY LINE, 29.27 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED STONEWALL STREET; THENCE NORTH 35 DEGREES 36 MINUTES 32 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 84.61 FEET TO THE POINT OF BEGINNING OF SAID PARCEL A.
Legal Description

JTA PARCEL C:

BEGIN AT THE NORTHEASTERLY CORNER OF SAID BLOCK 7; THENCE SOUTH 35 DEGREES 36 MINUTES 32 SECONDS EAST, ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 7, BEING THE SAME AS THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID STONEWALL STREET, 83.56 FEET TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 13795, PAGE 1574; THENCE ALONG SAID SOUTHERLY LINE, SOUTH 56 DEGREES 52 MINUTES 48 SECONDS WEST, 22.81 FEET TO AN ANGLE POINT IN SAID SOUTHERLY LINE; THENCE CONTINUE ALONG SAID SOUTHERLY LINE, SOUTH 56 DEGREES 43 MINUTES 07 SECONDS WEST, 173.97 FEET TO AN ANGLE POINT IN SAID SOUTHERLY LINE, THENCE CONTINUE ALONG SAID SOUTHERLY LINE, SOUTH 55 DEGREES 51 MINUTES 04 SECONDS WEST, 196.75 FEET TO AN ANGLE POINT IN SAID SOUTHERLY LINE; THENCE CONTINUE ALONG SAID SOUTHERLY LINE, SOUTH 54 DEGREES 45 MINUTES 10 SECONDS WEST, 20.83 FEET TO A POINT ON SAID SOUTHERLY LINE 6 FEET NORTHEASTERLY OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF JACKSON STREET (A 33 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 35 DEGREES 36 MINUTES 32 SECONDS WEST, 6 FEET NORTHEASTERLY OF AND PARALLEL TO SAID JACKSON STREET, 73.46 FEET TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MAY STREET, BEING THE SAME AS THE NORTHWESTERLY LINE OF SAID BLOCK 7; THENCE NORTH 54 DEGREES 49 MINUTES 12 SECONDS EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAY STREET, 414.13 FEET TO THE POINT OF BEGINNING OF SAID PARCEL C.
Legal Description

SRG PARCEL:

The Northeast 25.5 feet of the Southwest ½ of Lot 3, Block 8, BROOKLYN, according to plat thereof as recorded in Deed Book A, page 723 of the former public records of Duval County, Florida. Except any part lying in road right-of-way.

Being more particularly described as follows:

Commence at the Northwesterly corner of Block 8, Brooklyn, according to plat thereof and recorded in Deed Book A, page 723 of the former public records of Duval County, Florida; thence North 54 degrees 50 minutes 17 seconds East, along the Northwesterly line of said Block 8, being the same as the Southeasterly right-of-way line of Magnolia Street (a 33 foot right-of-way as now established), 131.91 feet to the Point of Beginning; thence continue along said Northwesterly line of Block 8, North 54 degrees 50 minutes 17 seconds East, 25.63 feet to its intersection with the Northeasterly line of the Southwest ½ of Lot 3; thence South 35 degrees 45 minutes 58 seconds East, along last said line, 105.04 feet to its intersection with the Southeasterly line of said Lot 3; thence South 54 degrees 49 minutes 44 seconds West, along last said line, 26.05 feet; thence North 35 degrees 32 minutes 17 seconds West, 105.05 feet, to the Point of Beginning.

Together with the following:

Lots 4 and 5, Block 8, Brooklyn, according to plat thereof recorded in Deed Book "P", Page 378, of the current public records of Duval County, Florida.

Together with the following:

Title to any vacated rights-of-way adjacent to any of the foregoing parcels which have been or are hereafter vacated by the City of Jacksonville or any other applicable governmental authority.
Agent Authorization

April 18, 2013

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

Re: Agent Authorization for Florida Department of Transportation Property Parcel Re #089068 0000, located at the corner of Jackson and May Streets in the Brooklyn Area of Jacksonville

To whom it may concern:

The City of Jacksonville Planning and Development Department (COJ) has requested the Florida Department of Transportation (Department) transfer parcel RE# 089068 0000 (Property), further described in Exhibit “1”, to the COJ for a proposed development project. The COJ has requested the Department assist the COJ by authorizing COJ’s agent England-Thims & Miller, Inc, Chestnut Hill Investments & Fuqua Development, LLC (“COJ agents”) to apply for a zoning exception for the Property. The Department has no objection to COJ beginning all necessary steps for its development project. The Department’s authorization below shall include the following limitations: (1) this authorization shall terminate upon transfer of the Property to the COJ or ninety (90) days from the date of the signature below; (2) the Department shall not be responsible for any costs or fees for the COJ agents or the zoning exception; and (3) nothing in this authorization shall be a waiver by the Department against the COJ or COJ agents for any action, costs, demands, claims, judgments, liabilities, damages, fines, fees, taxes, assessments, costs, losses, penalties, construction delay costs / penalties, expenses, attorneys’ fees, and suits of any nature or kind arising under this authorization.

Thus, incorporating the limitations above, as current owner of the Property, the Department authorizes and empowers COJ agents England-Thims & Miller, Inc., Chestnut Hill Investments & Fuqua Development, LLC to act as Department agents to file application(s), papers, documents, answer requests and provide other information necessary for (1) a zoning exception(s) and (2) Downtown Development Review Board (DDRB) approvals.

FLORIDA DEPARTMENT OF TRANSPORTATION
By:  
Name:  J. B. Jordan  
Title:  District Right of Way Manager  
Date:  April 24, 2013

STATE OF FLORIDA
COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this 24th day of April, 2013, by J. B. Jordan, District Right of Way Manager, who is personally known to me.

[Signature]

[Stamp: STEPHANIE M. DOUGHERTY,
Commission # EE 008848
Expires August 22, 2014
Bonded thru Tray Rail Insurance 800-336-7019]