



City of Jacksonville Beach

Agenda

11 North Third Street
Jacksonville Beach, Florida

Planning Commission

Monday, January 22, 2024

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

CALL TO ORDER

ROLL CALL

Margo Moehring (Chair), Colleen White (Vice-Chair), Dave Dahl, Justin Lerman, Nicholas Andrews
Alternates: Justin Henderson, Debbie Cole

ELECTION OF OFFICERS

- A. Accept nominations for and elect a new Commission Chair and Vice Chair

APPROVAL OF MINUTES

- A. Regular Planning Commission Meeting held on December 11, 2023
B. Joint Boards Workshop held on January 10, 2024

CORRESPONDENCE

DISCLOSURE OF EX-PARTE COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

- A. **PC#** 21-23
ADDRESS: 215 19th Avenue North
OWNER: Atkins Builders, Inc
APPLICANT: John Atkins

SUMMARY OF APPLICATION: **Conditional Use Application** to allow for the construction of a two unit multifamily structure located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)15 (RM-1 Standards) of the Jacksonville Beach Land Development Code. The property is located at 215 N 19th Ave, RE#175442-0000, legally described as Lot 7, Block 203, Elton Realty Company's Replat, and part of the closed right of way: Recorded O/R 20864-2251

PLANNING DEPARTMENT REPORT

- A. The next sheduled meeting will be February 12, 2024

ADJOURNMENT**NOTICE**

In accordance with Section 286.0114, Florida Statutes, any member of the public can attend a public hearing and can be heard on any matter presented before the Commission. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Commission when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Case Number, and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to planning@jaxbchfl.net, (2) Postal mail to Planning and Development, Planning Commission - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Commission before the start of the meeting. All comments received are public record.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting.

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Minutes of Planning Commission Meeting
held Monday, December 11, 2023, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

The meeting was called to order at 7:01 P.M. by Chair Margo Moehring.

ROLL CALL:

Chairperson: Margo Moehring
Vice-Chairperson: Colleen White
Board Members: David Dahl Justin Lerman (absent) Nicholas Andrews (absent)
Alternates: Debbie Cole Justin Henderson (absent)

Senior Planner Christian Popoli and Administrative Assistant Monica McDaniel were also present.

APPROVAL OF MINUTES:

It was moved by Ms. White, seconded by Ms. Cole, and passed unanimously to approve the following minutes:

- Regular Planning Commission Meeting held on November 13, 2023

CORRESPONDENCE:

Senior Planner Christian Popoli noted an email [on file] on the dais from Brad Wester, the agent for PC #19-23.

DISCLOSURE - EX PARTE COMMUNICATION:

Chair Moehring disclosed she received a message from Mr. Wester.

OLD BUSINESS: None

NEW BUSINESS:

(A) PC# 19-23 Request for Rezoning

Owner: South Jax Rentals, LLC
504 1st Avenue South
Jacksonville Beach, FL 32250

**Applicant/
Agent:** Brad Wester
Driver, McAfee, Hawthorne & Diebenow, PLLC
One Independent Drive,
Jacksonville, FL 32202

Location: 504 1st Street South

Rezoning Application to Rezone existing Commercial Services: CS Property to Planned Unit Development (PUD), to allow for the addition of a proposed "commissary" use as a permitted

use, in addition to the current permitted and conditional uses established in the CS zoning district.

Staff Report:

Mr. Popoli summarized the following report for the record:

The subject parcel has been owned by South Jax Rentals, LLC since 2015 when they acquired the property. The property previously consisted of a small office, housed in a converted former residential house, and a metal industrial building used for storage of cold and dry food products, in support of a chain of local restaurants. The Property is located in the CS zoning district, which is intended as a mix of lower intensity commercial and light industrial uses. The owners recently received approval and will soon be under construction of a new two-story metal structure that would expand the storage uses onto the location of the former residential structure and allow for some office related use as an accessory to the current storage.

The CS zoning district allows for a mix of uses, which range from commercial uses such as office or restaurant uses, or more commercial uses such as light indoor manufacturing or warehousing. This includes uses such as industrial bakeries. The applicant is permitted in the CS zoning district to have indoor warehouse and storage as well as office uses, but there is no opportunity for any sort of food preparation supportive uses allowed in the CS district.

As the owner stores and distributes food items to their local restaurants, they wish to be able to prepare batch food, such as soups and broths and other items that would fall under commissary use. The request would be for all the proposed activity to occur inside the proposed new storage structure. As a commissary is not a permitted nor conditional use in the CS zoning, nor is it specially a use allowed within any of the City's commercial zoning districts, the applicant is requesting a rezoning of the parcel to PUD, to allow the use of commissary on site in conjunction with their permitted storage and distribution.

Staff has reviewed the Rezoning request against the Land Development Code and adopted Comprehensive Plan and finds that it is consistent with both. The proposed PUD Rezoning would allow for the expansion of commercial and industrial uses within an existing property that is currently used by the owner for other support uses for retail food sales. The addition of the use for a commissary will allow the applicant to make less trips in delivery vans to the various restaurants they service from this site, by combining cold and dry storage, and now preprepared food, all to be picked up at a single location in lieu of two. Staff recommended approval of the request.

Agent: Brad Wester, 1 Independent Drive Suite 1200, Jacksonville, provided background on the item.

Public Hearing:

No one came forward to speak. Chair Moehring closed the public hearing.

A discussion ensued about hours of operation, neighbors, conditional use, and the application.

Motion: It was moved by Ms. White, seconded by Ms. Cole, to approve #PC 19-23.

Roll Call Vote: Ayes – David Dahl, Colleen White, Debbie Cole, and Margo Moehring.

The application was unanimously approved.

(B) PC# 20-23 Conditional Use Application

**Owner/
Applicant:** Nicolas Notaro – Garrison Motto
700 9th Street South
Jacksonville Beach, FL 32250

Agent: N/A

Location: 700 9th Street South

Conditional Use Application to add a coffee shop and showroom at an existing motorcycle repair shop (Garrison Moto) located in the Industrial: I-1 zoning district, pursuant to Section 34-346(d)(5) of the Jacksonville Beach Land Development Code.

Staff Report:

Mr. Popoli summarized the following report for the record:

The subject property is currently occupied by a metal industrial structure that takes up a majority of the open land. The remainder is mostly paved as driveways. The structure was built for automotive or vehicle repair and is currently used for motorcycle repair and service. The structure was built in 1950. The applicant and owner is requesting to convert one of the bays used for vehicle repair, to be converted into a coffee shop, which will be open to the public. The bay proposed for the coffee shop is currently unused, partially due to it's decreased size in comparison to the other bays. the coffee shop will be roughly 1,200 square feet, with roughly 500 square feet for seating area. the remainder of the structure, three full sized bays, will remain part of the motorcycle repair shop. The applicant has a companion variance scheduled for December 19th, to address issues related to parking and landscaping. Both approval of the Variance and the Conditional Use request must be granted for the project to move forward. All proposed coffee shop uses will be contained inside the bay.

All requirements of the Building Code, Fire Code and Land Development code must be met, as well as compliance with the Public Works requirements for Grease Interceptors and road work. If both applications are approved, building plans will be reviewed by all agencies.

Adjacent uses include a warehouse and office complex to the north, a vehicle storage yard to the west, a private social club to the south, and multifamily uses to the east, across 9th Street South. As the use will be less intense than the current motorcycle repair use, and given the indoor nature of the proposed coffee shop, in conjunction with the surrounding light industrial uses, the Applicant's request should not negatively impact the surrounding property.

Based on the provided application and analysis stated in this report, the Planning and Development Department recommends approval of PC#20-23.

Applicant: Nicolas Notaro, 700 9th Street South, Jacksonville Beach, provided background on the item.

Public Hearing:

The following spoke in support of the application:

- Mike Hanna, 134 36th Avenue South, Jacksonville Beach

Chair Moehring closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Dahl, seconded by Ms. White, to approve #PC 20-23.

Roll Call Vote: Ayes – Colleen White, David Dahl, Debbie Cole, and Margo Moehring.

The application was unanimously approved.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting will be January 8, 2024. There is one scheduled case.

The proposed date for the Comprehensive Plan workshop with all city boards will be January 10, 2024.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40 P.M.

Submitted by: Monica McDaniel
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

**Minutes of Joint Boards Workshop
held Wednesday, January 10, 2024, at 5:30 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



The Joint Boards Workshop began at 5:31 P.M.

The following Board Members were in attendance:

Board of Adjustment:

Chairperson: Alexi Gonzalez (absent)
Vice-Chair: Owen Curley
Board Members: John Moreland Jeff Truhlar Todd Smith
Alternates: Jennifer Williams (absent) Matt Metz

Planning Commission:

Chairperson: Margo Moehring
Vice-Chair: Colleen White (absent)
Board Members: David Dahl (absent) Nicholas Andrews Justin Lerman (absent)
Alternates: Justin Henderson Debbie Cole (absent)

Community Redevelopment Agency:

Chairperson: David McGraw
Vice-Chair: Gary Paetau
Board Members: Frances Povloski (absent) Christie Elflein

Also present were Director of Planning and Development Heather Ireland, Senior Planner Christian Popoli, Community Redevelopment Agency Coordinator Taylor Mobbs, Planner Danevsky Joseph, Blair Knighting and Sophie Brennan of Kimley-Horn and Associates, Inc., and Administrative Assistant Lauren Loria.

Purpose of Workshop

The purpose of this workshop was to discuss the first draft of the proposed updated comprehensive plan elements.

Blair Knighting of Kimley-Horn and Associates, Inc., provided a handout of the draft Comprehensive Plan [on file] and presented a PowerPoint [on file] highlighting the following topics:

- Project Timeline
- Comprehensive Plan Contents
- Comprehensive Plan Elements
- Comprehensive Plan Maps

Conversations ensued regarding the highlighted topics of the workshop.

The workshop adjourned at 6:34 P.M.

Submitted by: Lauren Loria
 Administrative Assistant

Approval:

Chairperson
Board of Adjustment

Date: _____

Chairperson
Planning Commission

Date: _____

Chairperson
Community Redevelopment Agency

Date: _____



PLANNING COMMISSION AGENDA ITEM	
TO:	Planning Commission Members
FROM:	Planning and Development Department Christian Popoli Senior Planner
DATE:	01/02/2024
SUBJECT:	PC#21-23: Conditional Use Application Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Monday, January 22, 2024 Planning Commission Meeting.

PC#21-23: Conditional Use Application

OWNER: Atkins Builders, Inc.
P.O. Box 51262
Jacksonville Beach, FL 32240

APPLICANT: John Atkins
P.O. Box 51262
Jacksonville Beach, FL 32240

AGENT: John Atkins
P.O. Box 51262
Jacksonville Beach, FL 32240

LOCATION: 215 N 19th Avenue
RE#175442-0000

REQUEST: **Conditional Use Application** to allow for the construction of a two unit multifamily structure located in the Commercial Limited: C-1 zoning district, pursuant to Section 34-342(d)15 (RM-1 Standards) of the Jacksonville Beach Land Development Code.

COMMENTS: The subject property is located on the north side of 19th Avenue North, between 3rd Street North and 2nd Street North, mid-block, and contains a non-conforming single-family dwelling constructed in 1964. The applicant has proposed a two-unit multifamily structure to replace the nonconforming use of a single-family.

The use of a single-family home is not a permitted or conditional use in the C-1 Zoning District. The previous use of a single-family was a legal nonconforming use. The owner was advised that the existing nonconforming use could not be re-established, and in order to have a residential use on the property, conditional use approval would be required, and the use would have to be multiple-family. Based on the small lot size, the density and LDC requirements would limit the project to



two dwelling units. Given the overall width of the lot, at 40 feet, and the proposed design, a variance would need to be approved as well to address the potential deficiencies in meeting the code dimensional standards for side yard setbacks.

Adjacent uses include commercial / medical office uses, as well as multi-family to the north, nonconforming single family to the east, to the south are a mix of commercial office, and single-family uses, and to the west commercial office use fronting on 3rd Street. Considering the mix of uses in the immediate vicinity, and the fact that the nonconforming single-family use cannot be re-established, the proposed use of a two-unit multiple-family dwelling is not inconsistent with the surrounding uses and should not negatively impact adjacent uses, though the most immediate use to the east is a similar legal nonconforming single family use that is still active and therefore retains its nonconforming status until such time as it is discontinued.

Based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of PC#21-23**

ATTACHMENTS:

1. PC21-23 Application

In accordance with Sec. 286.0105, Fla. Stat., any person who desires to appeal any decision made by the commission at this meeting will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



CONDITIONAL USE APPLICATION

12/29/23

NOV 17 2023

PC No. 21-23

AS/400# 23-10032

HEARING DATE 1/8/24

PLANNING
DEPARTMENT

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$500.00.

175442-0000

APPLICANT INFORMATION

Land Owner's Name: Atkins Builders, Inc.
Mailing Address: PO Box 51262
Jacksonville Beach, FL 32240

Telephone: (904) 465-3749
Fax: _____
E-Mail: atkinsbuilders@hotmail.com

Applicant Name: John Atkins
Mailing Address: PO Box 51262
Jacksonville Beach, FL 32240

Telephone: (904) 465-3749
Fax: _____
E-Mail: atkinsbuilders@hotmail.com

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PROJECT DATA

Street address of property and/or Real Estate Number: 215 19th Ave N 175442-0000

Legal Description of property (attach copy of deed): Attached

Current Zoning Classification: C-1 Future Land Use Map Designation: _____

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: _____

Describe the proposed conditional use and the reason for the request: _____
Property is currently used as single family and we are asking for it to be granted RM-2 zoning.

Applicant Signature: _____

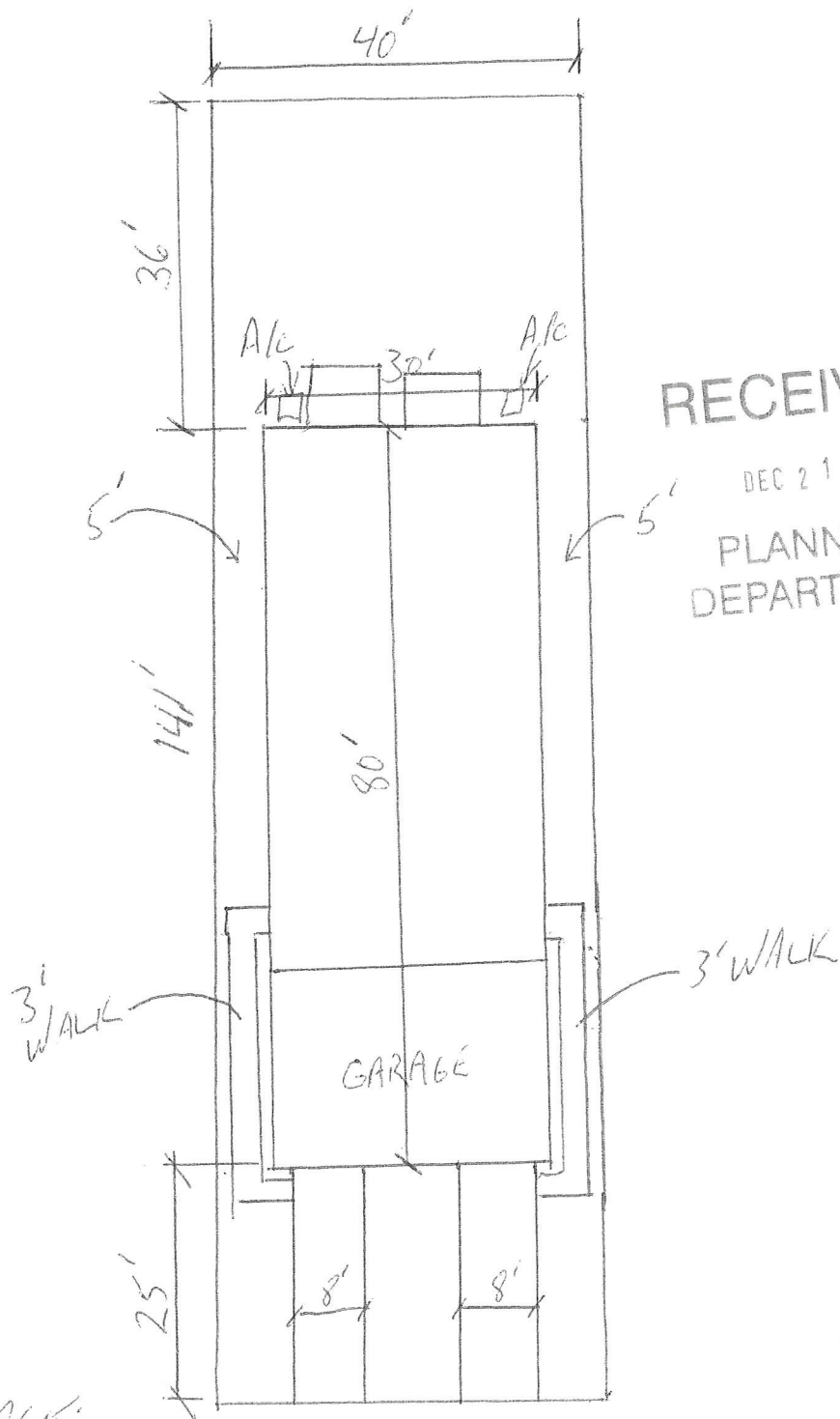
Date: 11/17/20

Section 34-231 STANDARDS APPLICABLE TO ALL CONDITIONAL USES

When considering an application for development permit for a conditional use, the planning commission shall consider whether and the extent to which:

- (a) The conditional use is consistent with the goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use;
- (b) The conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed;
- (c) The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering;
- (d) The proposed conditional use will have an adverse effect on the permitted uses of the zoning district where it is located;
- (e) The proposed conditional use will have an adverse effect on the value of adjacent property;
- (f) There are adequate public facilities and services pursuant to Article X, Adequate Public Facility Standards;
- (g) The proposed conditional use will require signs or exterior lighting, which will cause glare or adversely impact area traffic safety;
- (h) There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the city's roads;
- (i) The proposed conditional use is consistent with the requirements of the LDC;
- (j) The applicant has the financial and technical capacity to complete the conditional use as proposed, and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use;
- (k) The proposed conditional use complies with all additional standards imposed on it by the particular provision of the comprehensive plan authorizing such use and all other applicable requirement of the LDC.

215 19TH AVE N.



RECEIVED

DEC 21 2023

PLANNING
DEPARTMENT

LOT COVERAGE:

LOT: 5640 Φ

BUILDING: 2400 Φ

DRIVEWAY 400 Φ

PATIO, WALKS
AND A/C: 346 Φ

TOTAL IMPER. 3146 Φ

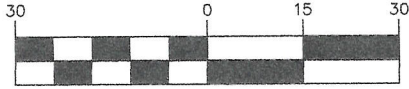
54% IMPERVIOUS

BEARINGS SHOWN HEREON ARE BASED ON US STATE PLANE, NAD 83 (2011 EPOCH), FLORIDA EAST ZONE

TITLE AND BOUNDARY NOTES

- DISTANCES SHOWN HEREON ARE GROUND DISTANCES UNLESS OTHERWISE NOTED AS GRID.
- THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS MAP THAT MAY BE FOUND IN PUBLIC RECORDS OF THIS COUNTY.
- UNDERGROUND FOOTINGS, FOUNDATIONS, UTILITIES, OR OTHER FEATURES WERE NOT LOCATED OR SHOWN.
- FENCE OWNERSHIP IS NOT DETERMINED.
- THE LOT SHOWN HEREON IS LOCATED IN FLOOD ZONE X (0.2% ANNUAL CHANCE FLOOD HAZARD) AS SHOWN ON COMMUNITY PANEL NO. 12031C0417J, EFFECTIVE DATE OF 11/02/2018.

GRAPHIC SCALE



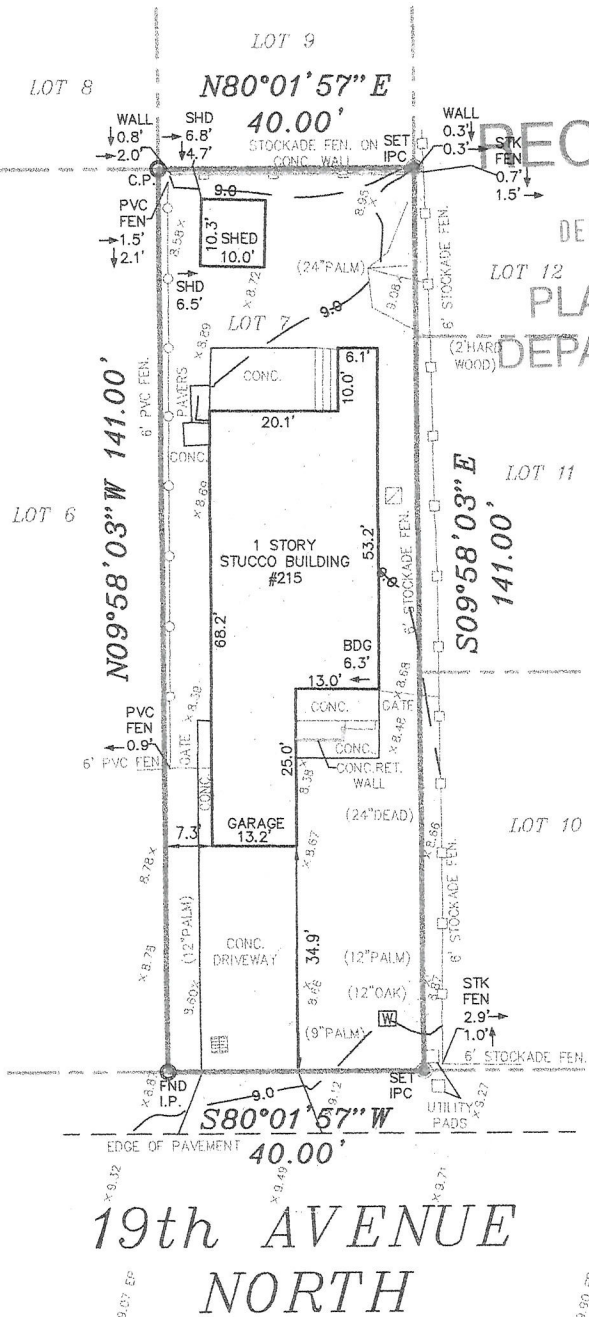
(IN FEET)
1 inch = 30 ft.

PREPARED FOR AND CERTIFIED TO:

ATKINS BUILDERS, INC., A FLORIDA CORPORATION
OSBORNE & SHEFFIELD TITLE SERVICES, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

SYMBOL LEGEND

- MONUMENT FND
- I.P. / I.B. FND / C.P.
- SET 5/8 RBR W/ORANGE
- CAP STAMPED SCALICE
- LAND SURVEY LB8534
- STAKE
- CROSS CUT
- SPOT ELEVATIONS
- LIGHT POLE
- SIGN
- FIRE HYDRANT
- MANHOLE
- "A"-INLET
- "B"-INLET
- YARD INLET
- YARD INLET
- GAS METER
- WATER METER
- GAS VALVE
- WATER VALVE
- TEST HOLE
- TREE
- SHRUB
- BOLLARD
- WETLAND FLAG
- A/C UNIT
- ELECTRIC METER
- PVC FENCE (PVC)
- STOCKADE FENCE (STK)
- CHAIN LINK FENCE (CLF)
- WIRE FENCE
- UTILITY POLE
- GUY WIRE
- D.C. DEPRESSED CURB
- FNC FENCE
- MAS. MASONRY
- PLAT. PLATFORM
- W.W. WINDOW WELL
- B/W BAY WINDOW
- C.P. COMPUTED POINT
- O/H OVERHANG
- R/O ROOF OVER
- CANT. CANTILEVER
- G.O.L. GENERALLY ON LINE
- O/L ON LINE
- IPC IRON PIN AND CAP
- R.O.W. RIGHT OF WAY



Daniel Jackson Digitally signed by Daniel Jackson
Date: 2023.10.26 06:58:46 -0400 * ALL ELEVATIONS REFER TO NAVD88' DATUM

SURVEYORS CERTIFICATE

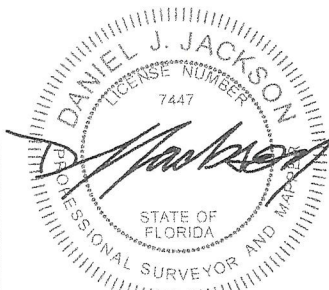
"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE ESTABLISHED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, NOT VALID WITHOUT AN ORIGINAL SIGNATURE OR AN AUTHENTICATED ELECTRONIC SIGNATURE."

DANIEL J. JACKSON - FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 7447

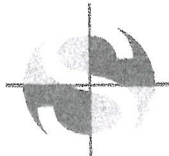


SCAN ME

LOT AREA
5,640.00 S.F.
0.13 AC.



FIRM LB8534



SCALICE

land surveying

mjslandsurvey.com P:904-413-9355
205 Marketside Avenue, Suite 200, Ponte Vedra, FL 32081

BOUNDARY SURVEY

215 19TH AVENUE NORTH, JACKSONVILLE BEACH, FLORIDA 32250
LOT 7, BLOCK 203, ELTON REALTY CO'S REPLAT, ACCORDING TO
PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 4, OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

JOB No.

D23-4488

TAX NO.

175442-0000

SCALE: 1" = 30'

DATE SURVEYED:
10/19/2023

CREW:ES

DR.:MC

(1) UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF LAW. (2) ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S SEAL & SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND (3) CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE STATE OF FLORIDA. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE TITLE COMPANY, TO THE GOVERNMENTAL AGENCY, AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP. (4) THE CERTIFICATIONS HEREON ARE NOT TRANSFERABLE. (5) THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS SURVEY. (6) THE OFFSET (OR DIMENSIONS) SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE CREATION OF FENCES, RETAINING WALLS, POOLS, PATIOS, PLANTING AREAS, ADDITIONS TO BUILDINGS, AND ANY OTHER TYPE OF CONSTRUCTION. (7) THE EXISTENCE OF RIGHTS OF WAY AND/OR EASEMENTS OF RECORD IF ANY, NOT SHOWN ARE NOT GUARANTEED. (8) SURVEY IS SUBJECT TO ANY STATE OF FACTS WHICH AN UP-TO-DATE TITLE EXAMINATION MAY DISCLOSE.