

ORDINANCE NUMBER: 97-18
AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, MODIFYING PLANNED UNIT DEVELOPMENT
MASTER DEVELOPMENT PLAN
INCORPORATED INTO ORDINANCE NO: 94-57
AN ORDINANCE REZONING CERTAIN LANDS
DESCRIBED THEREIN TO PLANNED SPECIAL DEVELOPMENT;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. That as requested by Bestar Funding Corporation on behalf of the record title owners, in its application with supporting documents for zoning hearing dated January 20, 1997 and as amended on January 24, 1997 and February 25, 1997, concerning lands described on attached Exhibit "A", the legal description, attached hereto, (hereinafter the "PUD Modification"), the Master Development Plan incorporated into Ordinance Number :94-57 is hereby modified as set forth in the attached exhibits hereto as :

Exhibit A- Master Development Plan

Exhibit B - Application for Modification to PUD dated January 24, 1997

Exhibit C - Revised Intended Plan of Development dated February 25, 1997

SECTION 2. That development of lands within the PUD shall proceed in accordance with Ordinance Number 94-57 and Planning and Zoning Agency Resolution 95-007, including the Application for Zoning Hearing, (The PUD Modification) dated January 20, 1997 and as amended on January 24, 1997 and February 25, 1997, attached hereto and made a part hereof.

SECTION 3. That the need and justification for modification of the PUD has been considered in accordance with Section 11-10-4 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby:

- a. The PUD, as modified, does not adversely affect the orderly development of St. Johns County as embodied in the Zoning Ordinance and in the Comprehensive Plan or portion thereof adopted by the St. Johns County Board of County Commissioners ;
- b. The PUD, as modified, will not adversely affect the health, safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood;
- c. The PUD, as modified, will accomplish the objectives and will meet the standards and criteria of Section 8-4 of the Zoning Ordinance;
- d. The PUD, as modified, is consistent with the development trends of the surrounding area and with the goals, policies and objectives of the Comprehensive Plan; and,
- e. At the public hearing on February 20, 1997, the Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 4. The terms, conditions and requirements of PUD Ordinance No. 94-57, as previously modified by the Planning and Zoning Agency Resolution 95-007, shall remain in full force and effect except as specifically modified by the terms of this Ordinance or Exhibits A through C to this Ordinance, which are hereby incorporated by reference and made a part of this Ordinance. In the case of conflict between the terms of this Ordinance and

the terms of Ordinance 94-57, as previously modified by Planning and Zoning Agency Resolution 95-007, the terms of this Ordinance shall prevail.

SECTION 5. Except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited. Furthermore, no private land use covenant or restriction that may be incorporated into this Ordinance which is more strict than a particular Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution shall be enforced by the County under this ordinance except as is specifically provided for and described in this Ordinance or the incorporated PUD Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 7. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the Official Records of St. Johns County, Florida, and indexed under the name of the property owner listed in Section 1 hereof.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY THIS
25 DAY OF March 1997.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

by: [Signature]
Its Chair

Attest: Cheryl Strickland, Clerk

By: [Signature]
Deputy Clerk

Adopted: March 25, 1997

Effective: April 3, 1997

AUGUST REZONING REVISED - ROBERTS ROAD

P. U. D. OFF. REC.

BOOK K PAGE 411

A portion of the East 1/2 of the West 1/2 of the Southeast 1/4 of Section 5, and a portion of the West 1/2 of the West 1/2 of the Southeast 1/4 of Section 5, together with the Northeast 1/4 of Section 8 and a portion of Government Lots 1, 3, 4, 5 and 6, Section 8, also together with a portion of the Francis P. Fatio Grant, Section 39, all lying within Township 5 South, Range 27 East, St. Johns County, Florida, and being more particularly described as follows: BEGIN at the Northeast corner of said Section 8; thence South 02°45'19" East along the East line of said Section 8, a distance of 4,515.79 feet; thence South 79°01'59" West, a distance of 1,491.27 feet; thence North 02°45'20" West, 764.37 feet; thence North 70°20'31" West, 623.58 feet to the point of curvature of a curve leading Westerly, curve being concave Southerly and having a radius of 820.00 feet; thence Westerly along and around the arc of said curve, an arc distance of 877.02 feet, said arc being subtended by a chord bearing and distance of South 79°01'05" West, 835.81 feet to the point of tangency of said curve; thence South 48°22'41" West, 451.90 feet to a point of curvature of a curve leading Southerly, said curve being concave Northeasterly, having a radius of 25.00 feet; thence Southerly along and around the arc of said curve, an arc distance of 39.27 feet to a point situated in the Northeasterly right of way line of Roberts Road (a variable width right of way), said arc being subtended by a chord bearing and distance of South 03°22'41" West, 35.36 feet; run thence along the Northeasterly right of way line of said Roberts Road, run the following four (4) courses and distances: Course No. 1: thence North 41°37'19" West along last said line, 893.70 feet to a point of curvature of a curve leading Northerly, said curve being concave Northeasterly and having a radius of 330.00 feet; Course No. 2: thence along and around the arc of said curve, an arc distance of 128.60 feet, said arc being subtended by a chord bearing and distance of North 30°27'27" West, 127.79 feet to the point of tangency of said curve; Course No. 3: thence North 19°17'36" West, a distance of 1,078.05 feet to the point of curvature of a curve leading Northerly, said curve being concave Westerly and having a radius of 860.00 feet; Course No. 4: thence Northerly along and around the arc of said curve, an arc distance of 177.51 feet, said arc being subtended by a chord bearing and distance of North 25°12'26" West, 177.20 feet to a point; thence departing from said right of way line; run thence North 70°42'24" East, a distance of 204.64 feet to a point; thence North 02°43'45" West, a distance of 1,363.18 feet to the South line of the lands described and recorded in Official Records Book 204, Page 143 of the Public Records of said County; thence North 89°25'39" East along the South line of said lands, a distance of 587.89 feet; thence North 02°43'18" West along the East line of said lands, a distance of 890.64 feet to the North line of said Section 8 (also being the South line of said Section 5); thence North 89°25'15" East along last said line, a distance of 757.29 feet to a point on the West line of the Southeast 1/4 of said Section 5; thence North 00°43'05" West along last said line, a distance of 1,405.84 feet; thence South 75°20'07" East, a distance of 477.39 feet; thence

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South 13°57'50" West, a distance of 325.49 feet; thence South 37°18'52" East, a distance of 118.62 feet; thence South 24°57'04" West, a distance of 141.12 feet; thence North 88°44'13" East, a distance of 219.08 feet; thence North 01°17'11" East, a distance of 684.00 feet; thence North 89°16'49" East, a distance of 714.74 feet to an intersection with the East line of the East 1/2 of the West 1/2 of the Southeast 1/4 of said Section 5; thence South 00°43'19" East along the East line of said East 1/2 of the West 1/2 of the Southeast 1/4 of said Section 5, a distance of 1430.81 feet to a point situated on the South line of said Section 5, (also being the North line of said Section 8); thence North 89°25'20" East along last said line, a distance of 1345.25 feet to the POINT OF BEGINNING.

Containing 413.48 acres, more or less in area.

P. U. D. OFF. REC.
BOOK K PAGE 414

**APPLICATION FOR MODIFICATION OF
PLANNED UNIT DEVELOPMENT**

SUBMITTED BY:
Bestar Funding Corporation, a Florida corporation
August 9, 1996

REVISED:
January 24, 1997
Feb 25, 1997

Exhibit B to Ordinance
11567.2 - Revised January 24, 1997

Ordinance Book 19 Page 337

APPLICATION FOR MODIFICATION
OF PLANNED UNIT DEVELOPMENT

P. U. D. OFF. REC.
BOOK K PAGE 415

CUNNINGHAM CREEK PLANTATION
PUD ORDINANCE 94-57, AS MODIFIED BY
PLANNING AND ZONING AGENCY RESOLUTION NO. 95-007

This Application for Modification of the Cunningham Creek Plantation PUD is submitted by Bestar Funding Corporation (the "Applicant") and consists of a completed St. Johns County Planning and Zoning form of Application for Zoning Hearing (the "Application Form"), a proposed ordinance (the "Ordinance"), a revised PUD Master Plan dated January 15, 1997 identified as Exhibit A to the Ordinance (the "Revised Master Plan"), this text identified as Exhibit B to the Ordinance (the "Application Text"), and a revised statement of intended plan of development dated January 20, 1997 identified as Exhibit C to the Ordinance (the "Revised Intended Plan of Development"). The Application Form includes a legal description attached as Exhibit 1, a list of owners within the PUD and within 300 feet of the PUD boundaries attached as Exhibit 2, a title opinion addressing ownership of the unplatted portions of the PUD attached as Exhibit 3, and letters of authorization from the owners of the platted portions of the PUD attached as Exhibit 4. The Applicant requests that the St. Johns County Planning and Zoning Agency recommend approval of this application and that the Board of County Commissioners modify the Cunningham Creek Plantation PUD (the "PUD") by adopting the Ordinance approving the changes described in this Application Text and incorporated into the Revised Master Plan and Revised Intended Plan of Development.

1. Background. The PUD, approved November 22, 1994, authorized development of the 413.48 acre parcel with up to 540 single family homes. The approved PUD Master Plan divides the parcel into development pods A through N (pod K is a conservation tract). The approved Intended Plan of Development allocates the 540 single family homes among the various development pods. Since approval of the PUD in November 1994, five plats have been approved, resulting in the development of 233 single family lots on approximately 191.40 acres of the project. The pace of development has exceeded the Applicant's expectations. Sales activity is expected to continue at a brisk pace for the foreseeable future. The project's desirable location adjacent to the newly constructed Cunningham Creek Elementary School make it an attractive choice for families with young children. The lots that have been platted and developed to date have averaged approximately one-half acre in size. It now appears that there is a significant unmet market demand for smaller single-family lots. As a result, the Applicant is requesting this modification to increase the allowable density on the remaining undeveloped portion of Cunningham Creek Plantation.

As noted above, the PUD currently provides for a maximum of 540 lots on 413.48 acres, resulting in a gross density of 1.31 units per acre. When existing wetlands are taken into account, the net density is approximately 1.46 units per acre. The Applicant proposes increasing the total number of single-family lots allowable within the PUD to 660 lots. This would result in a revised gross density of 1.60 units per acres and a net density of 1.78 units per acre. The property lies within residential density zone B as shown on the Future Land Use Map of the St.

Exhibit B to Ordinance
11567.2 - Revised January 24, 1997

Ordinance Book 19 Page 338

Johns County Comprehensive Plan 1990-2005 (the "Comprehensive Plan"). The proposed density is within the two units per acre specified for density zone B as shown page AA-28 of the adoption document of the Comprehensive Plan.

A final certificate of concurrency was issued for the existing 540 lots on November 10, 1994. A final certificate of concurrency was issued for an additional 175 lots on October 31, 1996. As a result, the project, as modified, meets County requirements for roads, drainage, water, sewer, solid waste, mass transit and recreation. The County has not established standards or requirements for any other public facilities.

The proposed change would enable the Applicant to meet the market demand for smaller lots without the need to expand the size of the project and without necessitating any modification to the St. Johns County Comprehensive Plan to develop areas not now designated for development.

2. Specific Changes Requested. The following specific changes to the PUD are requested:

a. The Applicant requests that the PUD Master Plan dated January 1997, attached to the Ordinance as Exhibit A, be approved and adopted as the master plan for the PUD. The Revised Master Plan identifies all existing platted areas and the preservation area (formerly pod K) as parcel A. The Revised Master Plan shows the recording information and number of single-family lots for each of the recorded plats within the PUD. The unplatted portion of the development area is identified as parcel B. The unplatted area, parcel B, would contain 427 single family lots.

b. The Applicant requests adoption of the Revised Intended Plan of Development in place of the Intended Plan of Development contained in section III of Exhibit B to PUD ordinance 94-57. A redlined version of the Intended Plan of Development has been included in the Application package for the staffs' convenience.

3. Summary. In summary, the proposed modification is consistent with the Comprehensive Plan, compatible with the surrounding land uses and will benefit the County by providing additional smaller, lower priced lots to meet the existing market demand without disturbing any additional land or expanding the development area under the Comprehensive Plan.

Submitted by:

BESTAR FUNDING CORPORATION,
A FLORIDA CORPORATION

By: John G. Metcalf
John G. Metcalf
Its attorney

REVISED INTENDED PLAN OF DEVELOPMENT

A. Single Family Use. The Property will be developed for single family use with a maximum of 660 lots. Thus, the gross density of the Property will be no more than 1.60 units per acre (660 units divided by 413.48 total acres). The proposed density of the project as a whole, net of wetlands, will be approximately 1.78 units per acre. (413.48 gross acres minus approximately 41.95 acres of wetlands equals 371.53 acres, divided into 660 units equals 1.78 units per acre.) The foregoing calculation does not take into account wetlands to be converted to uplands under appropriate permits which would result in a lower net density. In any event, the proposed density of the project will be well below the allowable density of two units per acre in residential density Zone B. The approximate acreage and maximum number of units for each development parcel is depicted on the Revised Master Plan.

B. Construction Trailers and Model Homes. It is anticipated that various development parcels will be developed by different developers. In addition, several different home builders will be active within the project. The developers and builders shall have the right to locate construction and sales trailers on site and to use model homes on a temporary basis for the sale of lots and homes within the project. There shall be no more than one trailer and one model home used as a sales office per entity at any one time and no more than ten construction and sales trailers and twelve model homes used as sales centers on the project at any one time. Other conditions and limitations on these uses will be provided in the final development plans.

C. Required Yards and Other Restrictions. The maximum allowable height of structures within the project shall be 35 feet. The minimum size of building parcel for a single family home within the project shall be 12,000 square feet. There shall be a five foot minimum side setback measured from the property line, a minimum ten foot rear setback measured from the most restrictive of the rear property line, the top bank of any lake located on the building parcel, or the boundary of any conservation easement located on the building parcel, and a minimum 30 foot front setback measured from the right-of-way. The setbacks shall be measured to the walls of the structures. A minimum 10 foot separation between structures (from eaves to eaves) shall be maintained. With regard to corner lots, the front setback shall apply to the portion of the dwelling containing the front entrance and shall be a minimum of 30 feet. There shall be a minimum of 20 foot side setback between the side exterior wall of the dwelling and the roadway, a minimum 10 foot rear setback applicable to the portion of the dwelling opposite the front entrance, and a minimum five foot side setback applicable to the side of the dwelling that is not adjacent to the roadway. Corner lots shall have access from one road only. The location of fences on corner lots shall be subject to approval by the architectural review board for the project. A single family home may be located on a platted lot, a combination of platted lots, or a portion of a platted lot so long as the building parcel is at least as large as the minimum building parcel size, the proposed construction meets all required setbacks, and the total number of units does not exceed the number of platted lots. The lots will be made available for single family detached housing units with traditional accessory uses. Mobile homes will not be allowed except for temporary use as construction and sales trailers in accordance with

Exhibit C to Ordinance
11569.5 - Revised February 25, 1997

approved final development plans. No vertical construction shall be allowed within single family areas until recordation of a plat. The lots located along the most easterly boundary of Parcel B shall have a minimum lot depth of 150 feet, an average lot depth of 200 feet and a 25 feet rear setback.

D. Site Drainage. The drainage system for the Property is conceptually depicted on the Master Plan. The drainage system will conform generally to the configuration depicted on the Master Plan. The development of each development parcel shall meet all applicable requirements of the St. Johns River Water Management District and St. Johns County including, specifically, the requirements of the St. Johns County Paving and Drainage Ordinance. The drainage system may be developed in phases so long as adequate retention to meet all applicable requirements is provided for each separate phase of the development and so long as a positive drainage outfall is provided for each phase of development. The lakes and other elements of the drainage system outside the road rights-of-way will be maintained by a property owners' association and will be subject to appropriate easements prohibiting construction of accessory uses that would interfere with drainage or maintenance.

E. Wetland Impacts and Permitting. Approximately 11 to 12 acres of the wetlands within the jurisdiction of the St. Johns River Water Management District shown on the Topographic and Wetlands Map will be impacted by the project pursuant to appropriate permits to be obtained prior to commencement of construction. Approximately 30 acres of wetlands within the jurisdiction of the St. Johns River Water Management District are expected to be saved. Any wetlands to be saved or created or any uplands to be preserved in connection with the project permits will be included within conservation easements which will be recorded prior to lot sales. All of the approximately 27.67 acre Parcel K, as shown on the Master Plan, will be included within a conservation easement. The exact location, boundaries and acreage within conservation areas will be depicted on Final Development Plans.

F. Recreation. The Applicant shall, by December 31, 1998, construct a swimming pool with a shelter area and parking spaces and install playground equipment on the area identified as a "Park" on the Revised Master Plan. The Park is approximately 400 feet x 300 feet. After completion of the improvements the Park shall be conveyed to a property owner's association. In addition, the Applicant will provide homeowners access to Parcel K for passive uses such as hiking and birdwatching if allowed by the St. Johns River Water Management District.

G. Vehicular and Pedestrian Circulation System. The Master Plan depicts the major interior roads as a preliminary vehicular circulation system and shows all proposed points of connection with public rights of way. The location of the points of connection and the vehicular circulation system as depicted is conceptual in nature. The precise location and point of connection of the roads will be determined in the final development plan process. In no event, however, shall there be more than three points of connection with Roberts Road and each point of connection shall be separated by a minimum of 300 feet measured centerline to centerline from other points of connection. None of the single family lots shall have direct access to

Exhibit C to Ordinance
11569.5 - Revised February 25, 1997

Roberts Road. All points of access with Roberts Road shall comply with the requirements of the St. Johns County Paving and Drainage Ordinance 86.4. In addition, the developer will reserve 30 feet along its Roberts Road frontage for future widening of Roberts Road to a four lane facility.

Sidewalks will be provided on one side of the major subdivision roadways that are identified for sidewalks on the Master Plan. These roads are Tiger Creek Parkway from Roberts Road to Lake Cunningham Creek Avenue, Ivy Lakes Drive, and Lake Cunningham Avenue. A walkway shall also be constructed to connect Cunningham Hollow Way with Nottingham Drive East. The walkway shall be located in an easement along the boundary of Lots 42 and 43 of Village Green at Cunningham Creek Plantation Unit Two and between Lots 25 and 26 of Nottingham at Cunningham Creek Plantation. There shall also be a pedestrian accessway through a natural area connecting Lake Cunningham Avenue to the most northerly portion of the project.

Ivy Lakes Drive, Village Green Avenue, Cunningham Hollow Way and Tiger Creek Parkway within Parcel A and the roads to be constructed within Parcel B may exceed the normal 1,200 foot maximum length for cul de sacs to accommodate the proposed division of the Property and sale to separate developers who may wish to create separate subdivision identities. Block lengths within the project may also exceed normal block length limitations.

As required by the final certificate of concurrency for 540 lots issued on November 10, 1997, the Applicant shall be responsible for all costs associated with the study, design, permitting and installation of a traffic signal and associated intersection improvements at State Road 13 and Roberts Road when warranted. The Applicant will also comply with the paving and drainage ordinance with regard to paving Roberts Road and other traffic improvements. Roberts Road shall be paved to the project entrances prior to final plat approval.

H. Project Signage. Project entry signs will be located in the vicinity of the points of connection with Roberts Road. The maximum height of signage will be 6 feet and the maximum square footage of signage shall be 150 square feet with the exception that the project signage may be attached or incorporated into a fence or wall that may run the length of the property along Roberts Road. In the event signage is attached to such a fence or wall, the area actually devoted to signage shall not exceed 150 square feet.

I. Phasing and Commencement of Construction. The Applicant anticipates development of the project will occur in two phases. The first phase commenced November 22, 1994. Construction has commenced. As required by the final certificate of concurrency for the first 540 lots within the project, plat approval for 540 lots must be obtained prior to December 31, 1999. A new concurrency application shall be submitted for any of the 540 lots remaining unplatted after that date.

The second phase shall contain 120 lots and shall commence upon approval of this Revised Intended Plan of Development. A final certificate of concurrency for these additional

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lots was issued October 31, 1996 which requires construction plan approval of these additional lots on or before October 23, 1998 and platting on or before October 23, 1999. Any of the additional lots remaining unplatted after October 23, 1999 will be required to obtain a new certificate of concurrency.

J. Public Facilities. Water and sewer service will be provided by Jacksonville Suburban Utilities from its plant located north of the Property. A letter of service availability from Jacksonville Suburban Utilities is attached as Exhibit K. Fire hydrants will be located on final development plans and will be constructed in accordance with applicable County requirements.

K. Future Changes. Changes in the boundaries and configuration of the development parcels and in the number of lots allowable within each development parcel may be made by minor modification of the PUD in accordance with the provisions of Section 8-2-4(A) of the Zoning Ordinance so long as the number of lots within the project is not increased and so long as the roads and drives follow approximately the same course, have the same or greater width, and have the same public or private rights.

L. Fire Safety. Fire hydrants shall be spaced within 500 feet of all lots measured along the roadway to the nearest lot corner. With regard to any unusually large lots, the requirements of the fire service department concerning spacing of fire hydrants will be met. Prior to engineering plan approval for the project or a portion of the project, the Applicant will provide a letter from the public utility serving the project stating that it can provide the required fire flow for the required duration of flow in addition to the maximum daily domestic consumption to all hydrants within the portion of the project proposed for engineering approval. The required fire flow is 500 gpm at 20 psi residual pressure, two hour duration of flow. 1,000 gpm fire flow will be required if non-fire retardant wood shingle roofs will be used.

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY FL
97 APR 21 PM 1:25
CHERYL STRICKLAND
CLERK OF COURTS

The St. Augustine Record

PLANNING AND ZONING

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

ST. JOHNS COUNTY
FLORIDA

Before the undersigned authority personally appeared _____
Sandra d. Oliver _____ who on oath says that she is
Accounting Clerk _____ of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____
Notice of Hearing _____

in the matter of March 25, 1997 1:30 pm

in the _____ Court, was published in said newspaper in the
issues of Feb 28, 1997

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 28 day of Feb, 1997,
by Sandra d. Oliver who is personally
known to me or who has produced _____ as
identification. _____
(Type of Identification)

Zoe Ann Moss
(Signature of Notary Public)
Zoe Ann Moss _____ (Seal)

(Print, Type or Stamp Commissioned Name of Notary Public, State of Florida)

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AP18431

COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING ON PROPOSED

MAJOR MODIFICATION TO PLANNING UNIT DEVELOPMENT

Notice is hereby given that a public hearing for Major Modification to Planning Unit Development will be held on

Monday, March 25, 1997 at 1:30 pm in the Board Room of the Planning and Zoning Commission, St. Johns County, Florida, to consider the following:

(1) allow an additional 120 residential lots with change in minimum lot size from 17,000 sq. ft. of 12,000 sq. ft. (2) permit sales trailers in addition to the already permitted construction trailers and allow for an additional two model homes to be used as sales centers; (3) clarify ebbert lot setbacks; (4) add a second phase of development for the additional 120 lots proposed and (4) Revise the PUD Master Plan to show a Parcel A, containing 233 platted lots and a Parcel B to contain 427 single family lots. This application was amended from the first originally filed and considered by the Planning and Zoning Agency on October 17, 1996. Revisions have also been included as a result of the Planning and Zoning Agency meeting of February 20, 1997 on the following described lands located in St. Johns County, Florida:

Exhibit A
REVISED
ROBERTS ROAD

A portion of the East 1/4 of the West 1/2 of the Southeast 1/4 of Section 5; and a portion of the West 1/2 of the West 1/2 of the Southeast 1/4 of Section 5; together with the Northeast 1/4 of Section 8, and a portion of Government Lots 1, 2, 3, 4, 5 and 6; Section 8; also together with a portion of the Francis P. Edin Grant, Section 38; all lying within Township 5 South, Range 27 East, St. Johns County, Florida, and being more particularly described as follows: BEGIN at the Northeast corner of said Section 8; thence South 02°43'19" East, along the East line of said Section 8, a distance of 4,515.79 feet; thence South 79°01'59" West, a distance of 1,491.27 feet; thence North 3°02'42" West, 764.37 feet; thence North 70°20'31" West, 623.58 feet to the point of curvature of a curve leading Westerly, curve being concave Southerly and having a radius of 820.00 feet; thence Westerly, along and around the arc of said curve, on an arc distance of 877.02 feet; said arc being subtended by a chord bearing and distance of South 79°01'59" West, 764.37 feet; thence South 48°22'41" West, 451.90 feet to a point of curvature of a curve leading Southerly, said curve being concave Northeasterly, having a radius of 25.00 feet; thence Southerly, along and around the arc of said curve, on an arc distance of 39.27 feet to a point situated in the Northeasterly right of wayline of Roberts Road; (a variable width right of way) said arc being subtended by a chord bearing and distance of South 03°22'41" West, 451.90 feet; run thence along the Northeasterly right of wayline of said Roberts Road, a distance of 417.79 feet; thence North 37°17'19" East, along the point of curvature of a

curve of a

curve leading Northerly, said curve being concave Northeasterly and having a radius of 330.00 feet; Course No. 3; thence along and around the arc of said curve, an arc distance of 128.60 feet; said arc being subtended by a chord bearing and distance of North 30°17'27" West, 127.79 feet to the point of tangency of said curve; Course No. 3; thence North 17°34' West, a dis-

tance of 109.85 feet to the point of curvature of a curve leading Northerly, said curve being concave Westerly and having a radius of 800.00 feet; Course No. 4; thence Northerly along and around the arc of said curve, an arc distance of 177.81 feet; said arc being subtended by a chord bearing and distance of North 23°12'50" West, 177.00 feet to a point; thence departing from said right of way line, run thence North 70°22'24" East, a distance of 204.64 feet to a point; thence North 02°43'45" West, a distance of 1,363.18 feet to the South line of the lands described and recorded in Official Records Book 204, Page 143 of the Public Records of said County; thence North 25°23'00" East, along the South line of said lands, a distance of 587.89 feet; thence North 02°43'18" West along the East line of said lands, a distance of 890.64 feet to the North line of said Section 8 (also being the South line of said Section 5); thence North 89°25'12" East along last said line, a distance of 757.29 feet to a point on the West line of the Southeast 1/4 of said Section 5; thence North 00°43'05" West along last said line, a distance of 1,405.84 feet; thence South 73°20'00" East, a distance of 477.39 feet; thence South 13°57'50" West, a distance of 325.49 feet; thence South 37°18'52" East, a distance of 118.62 feet; thence South 24°57'04" West, a distance of 141.12 feet; thence North 88°44'13" East, a distance of 219.08 feet; thence North 01°17'11" East, a distance of 684.00 feet; thence North 89°15'49" East, a distance of 714.74 feet to an intersection with the East line of the East 1/2 of the West 1/2 of the Southeast 1/4 of said Section 5; thence South 00°43'19" East along the East line of said East 1/2 of the West 1/2 of the Southeast 1/4 of said Section 5, a distance of 1430.81 feet to the point situated on the south line of said Section 5, (also being the North line of said Section 8); thence North 89°25'20" East along last said line, a distance of 1365.25 feet to the POINT OF BEGINNING.

Containing 413.48 acres, more or less in area.
Said land being located: Roberts Road, adjacent to Cunningham Creek, Elementary School.

The Board of County Commissioners will hear the request on the 25th day of March, 1997, at 1:30 p.m. Said hearing to be held in the County Auditorium, County Administration Building, Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida.

The Modification FILE NUMBER, Major Modification 10-8-PUD-94-16 (Ordinance 94-57), is maintained in the Planning Office, County Administration Building, 4020 Lewis Speedway (County Road 16-A), St. Augustine, Florida, and may be examined by parties in interest prior to said public hearing, and all parties in interest shall be granted an opportunity to be heard at said public hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

CHERYL STRICKLAND

If a person desires to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

County documents specifically related to this matter are available for public inspection and reproduction (at cost) in the office of the St. Johns County Planning Department.

Notice to persons needing special accommodations and to all hearing impaired persons: In accordance with the Americans with Disabilities Act, persons needing a special accommodations or an interpreter to participate in this proceeding should contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095.

not later than 5 days prior to the date of this meeting.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners and Planning & Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida, 32095.

L301 Feb 28, 1997