**ORDINANCE NUMBER: 2004 - 9**

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM CN (COMMERCIAL NEIGHBORHOOD) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

P.U.D. OFF. REC. BOOK R PAGE 1631

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

**WHEREAS,** the development of the lands within this Planned Unit Development shall proceed in accordance with the PUD application, dated September 24, 2003, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2003-31 Zaxby's Restaurant PUD, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

**SECTION 1.** Findings of Fact: that the need and justification for approval of the Zaxby's Restaurant PUD has been considered in accordance with the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code and, whereby, it is found that:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.

2. The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan, specifically including but not limited to, Goal A.1 and Objective A.1.9.

3. The proposed project is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.

4. The proposed project meets the standards and criteria of Part 5.03.02 of the Land Development Code with respect to (B) location, (C) minimum size, (D) compatibility, and (E) adequacy of facilities.

5. The proposed project meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F) of the Land Development Code.

6. The proposed project would not adversely affect the orderly development of St. Johns County.

7. The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.

**SECTION 2.** Pursuant to this application File Number PUD 2003-31Zaxby's Restaurant, the zoning classification of the lands described within the legal description, Exhibit "A",

**is hereby changed to PUD.**

**SECTION 3.** To the extent they do not conflict with the specific provisions of this PUD Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to this development; except (a) that modification to this PUD by variance or special use shall be prohibited except where allowed by the Land Development Code; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, Comprehensive Plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

**SECTION 4.** This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

**SECTION 5.** This Ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of the Court of St. Johns County in accordance with Section 125.68, Florida Statutes.

**SECTION 6.** Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas maintained in the Zoning Division of the St. Johns County Growth Management Services Department by the Director of Growth Management Services, or his designee.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS** 27 **DAY OF** January **2004.**

**BOARD OF COUNTY COMMISSIONERS**
**OF ST. JOHNS COUNTY, FLORIDA**

**BY:** Karen R. Stern
**Karen R. Stern**
**Chairperson**

RENDITION DATE 1/30/2004

**ATTEST: CHERYL STRICKLAND, CLERK**

**BY:** Robin S. Peacock
**Deputy Clerk**

**EFFECTIVE DATE:** February 4, 2004

Ordinance Book 33 Page 455

EXHIBIT A

LEGAL DESCRIPTION

P.U.D. OFF. REC. BOOK R PAGE 1633

A parcel of land in the G. W. Perpall Grant, Section 41, Township 7 South, Range 30 East and more fully described as follows:

Commence at a state road right-of-way monument on the East right-of-way line of State Road No. S-5-A, said monument marking the point of curvature of said right-of-way line at State Road Station 163+06.85; thence South 9 Degrees 29 Minutes West 182.5 feet along the East right-of-way line of State Road No. S-5-A to the Southwest corner of a proposed county road connecting State Road No. S-5-A with State Road No. 5 for the point of beginning; thence continue South 9 Degrees 29 minutes West 265.46 feet; thence South 80 Degrees 31 Minutes East 200.0 feet; thence North 9 Degrees 29 Minutes East 200.0 feet to a point on the South right-of-way line of a proposed county road connecting State Road No. S-5-A with State Road No. 5; thence North 57 Degrees 50 Minutes West 126.36 feet along the South right-of-way line of said proposed county road to the beginning of a curve to the left having a radius of 216.29 feet; thence 85.63 feet along the arc of said curve to the point of beginning.

Containing 1.100 acres, more or less.

Flood Zone:

The property described above lies within Flood Zone "X" area outside the 500 year floodplain, as best determined from F.E.M.A. Flood Map Parcel No. 377 of 560, Map #12109C377G, dated September 3, 2003.

wmb0028.doc

# ST. JOHNS COUNTY
## Application For Rezoning

FROM CN TO PUD

P.U.D. OFF. REC. BOOK R PAGE 1634

DATE 9-24-03

PROJECT NAME: Zaxby's St. Augustine PUD

OWNER/APPLICANT: Thomas L. DeVoe and Ann M. DeVoe

ADDRESS: 1850 Old Moultrie Rd.

St. Augustine, FL

PHONE: (904) 829-6864 FAX:

ENGINEERING FIRM: Brock Design Group

ADDRESS: 702 Old Peachtree Rd, Suite 100

Suwanee, GA 30024

PHONE: (770) 962-4125 FAX: (770) 962-4126

CONTACT PERSON: Jeff Carter

PLANNER:

ADDRESS:

PHONE: FAX:

PROPERTY APPRAISERS PARCELNO. 135150-0000

SECTION: 41 TOWNSHIP: 7 RANGE: 30

CENSUS TRACT: PROPERTY APPRAISERS MAP SHEET: SE30

LOCATION: 1850 Old Moultrie Rd., St. Augustine

911 ADDRESS (IF KNOWN) 1850 Old Moultrie Rd.

CITY St. Augustine STATE FL ZIP CODE

TAZ MAJOR ACCESS 312 SR P.U.D. OFF. REC. BOOK R PAGE 1635

OVERLAY DISTRICT? NO IF YES, WHICH ONE

ZONE CLASS CN COMP. PLAN DSGN Md

PRESENT USE OF PROPERTY: Residence

WATER/SEWER: St. Johns County Utility

WHO WILL MAINTAIN ROADS (IF A SUBDIVISION) N/A

WHO WILL MAINTAIN DRAINAGE: Owner

TYPE OF DEVELOPMENT: Restaurant with Drive Through

ACRES: 1.16 NUMBER OF LOTS/ UNITS: 1 SQ.FOOTAGE 3000
(SIZE OF PROPERTY) (IF SUBDIVISION) (OF EACH BUILDING)

ACRES TO BE CLEARED: <1 1/4 MILE INCREMENTS OF ROADWAY: 0

IS THE PROJECT WITHIN THE COASTAL BUILDING ZONE? YES NO X

IS THE PROJECT SEAWARD OF CCCL? YES NO X

*PROJECT NARRATIVE (ADDITIONAL SHEETS MAY BE ATTACHED):*

See Attached

ITEM B

P.U.D. OFF. REC.
BOOK R PAGE 1636

ZAXBY'S ST. AUGUSTINE PUD

LEGAL DESCRIPTION

P.U.D. OFF. REC. BOOK R PAGE 1637

A parcel of land in the G. W. Perpall Grant, Section 41, Township 7 South, Range 30 East and more fully described as follows:

Commence at a state road right-of-way monument on the East right-of-way line of State Road No. S-5-A, said monument marking the point of curvature of said right-of-way line at State Road Station 163+06.85; thence South 9 Degrees 29 Minutes West 182.5 feet along the East right-of-way line of State Road No. S-5-A to the Southwest corner of a proposed county road connecting State Road No. S-5-A with State Road No. 5 for the point of beginning; thence continue South 9 Degrees 29 minutes West 265.46 feet; thence South 80 Degrees 31 Minutes East 200.0 feet; thence North 9 Degrees 29 Minutes East 200.0 feet to a point on the South right-of-way line of a proposed county road connecting State Road No. S-5-A with State Road No. 5; thence North 57 Degrees 50 Minutes West 126.36 feet along the South right-of-way line of said proposed county road to the beginning of a curve to the left having a radius of 216.29 feet; thence 85.63 feet along the arc of said curve to the point of beginning.

Containing 1.100 acres, more or less.

Flood Zone:

The property described above lies within Flood Zone "X" area outside the 500 year floodplain, as best determined from F.E.M.A. Flood Map Parcel No. 377 of 560, Map #12109C377G, dated September 3, 2003.

P.U.D. OFF. REC.
BOOK R PAGE 1638

# ITEM C

Sep. 2. 2003 2:46PM Old Republic Title

P.U.D. OFF. BOOK R P163

68 1912 OFF REC 123 PAGE 480

**This Warranty Deed** Made the 23rd day of April A. D. 19 68 by

JOHN H. BRADSHAW and FLORINE J. BRADSHAW, his wife,

hereinafter called the grantor, to THOMAS G. DE VOE and ANN M. DE VOE, his wife,

whose postoffice address is Route 1, Box 403-L, St. Augustine, Florida 32084

hereinafter called the grantee:

**Witnesseth:** That the grantor, for and in consideration of the sum of $ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Johns County, Florida, etc.:

A parcel of land in the G. W. Perpall Grant, Section 41, Township 7 South, Range 30 East and more fully described as follows:

Commence at a State Road Right-of-Way Monument on the East Right-of-Way line of State Road No. S-5-A, said monument marking the point of curvature of said Right-of-Way line at State Road Station 163+06.85; thence South 9 degrees 29 minutes West 182.5 feet along the East Right-of-Way line of State Road No. S-5-A to the Southwest corner of a proposed County Road connecting State Road No. S-5-A with State Road No. 5 for the Point of Beginning; thence continue South 9 degrees 29 minutes West 265.46 feet; thence South 80 degrees 31 minutes East 200.0 feet; thence North 9 degrees 29 minutes East 200.0 feet to a point on the South Right-of-Way line of a proposed County Road connecting State Road No. S-5-A with State Road No. 5; thence North 57 degrees 50 minutes West 126.36 feet along the South Right-of-Way line of said proposed County Road to the beginning of a curve to the left having a radius of 216.29 feet; thence 85.63 feet along the arc of said curve to the Point of Beginning.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whatsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 67.

STATE OF FLORIDA DOCUMENTARY SUB TAX $11.00 APR 24 1968

STATE OF FLORIDA DOCUMENTARY SUB TAX $5.50 APR 24 1968

STATE OF FLORIDA DOCUMENTARY SUB TAX $1.10 APR 24 1968

This Instrument Was Prepared By: RICHARD O. WATSON, Attorney 10 Cathedral Place, St. Augustine, Fla.

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Richard O. Watson

Ann L. Sluss

John H. Bradshaw (John H. Bradshaw)

Florine J. Bradshaw (Florine J. Bradshaw)

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

John H. Bradshaw and Florine J. Bradshaw, his wife,

to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of April, A. D. 1968.

Ann L. Sluss
Notary Public, State of Florida at Large
My commission expires: Nov 16, 1970

FILED AND RECORDED IN PUBLIC RECORDS OF ST. JOHNS COUNTY, FLA.
APR 24 8 54 AM '68
CLERK CIRCUIT COURT

VERIFIED BY MG

ORDINANCE BOOK 33 PAGE 462

P.U.D. OFF. REC.
BOOK R PAGE 1640

# ITEM D

Owner Authorization for Agent P.U.D. OFF. REC. BOOK R PAGE 1641

Kirk John Partridge, Patterson, Bond & Latshaw, P.A. (hereinafter "Agent") is hereby authorized TO ACT ON BEHALF of Thomas G. Devoe and Ann M. Devoe (hereinafter "Owner") of the following real property commonly known as 1850 Old Moultrie Road, St. Augustine, FL (the "Subject Property") more particularly described to wit:

See Attached Exhibit "A"

in applying to St. Johns County, Florida, for an application for a certificate of concurrency and for an application related to a rezoning and a Planned Unit Development.

Thomas G. Devoe

Ann M. Devoe

Ann M. Devoe

County of St. Johns

State of Florida

The foregoing instrument was acknowledged before me this 21 day of August 2003 by Thomas G. Devoe and Ann M. Devoe, who is personally known to me or who has produced _____ as identification and who did take an oath.

Notary Public
My Commission Expires:

KJPDN45

JOHN J. McGUINNESS
Notary Public, State of Florida
My comm. expires Sept. 7, 2006
Comm. No. DD 135065

ORDINANCE BOOK 33 PAGE 464

68 1912 OFF REC 123 PAGE 480

EXHIBIT A

**This Warranty Deed** Made the 23rd day of April A. D. 19 68 by

JOHN H. BRADSHAW and FLORINE J. BRADSHAW, his wife,

hereinafter called the grantor, to THOMAS G. DE VOE and ANN L. DE VOE, his wife,

P.U.D. OFF. REC. BOOK R PAGE 1642

whose postoffice address is Route 1, Box 403-L, St. Augustine, Florida 32084

hereinafter called the grantee:

**Witnesseth:** That the grantor, for and in consideration of the sum of $ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Johns County, Florida, viz:

A parcel of land in the G. W. Perpall Grant, Section 41, Township 7 South, Range 30 East and more fully described as follows:

Commence at a State Road Right-of-Way Monument on the East Right-of-Way line of State Road No. S-5-A, said monument marking the point of curvature of said Right-of-Way line at State Road Station 163+06.85; thence South 9 degrees 29 minutes West 182.5 feet along the East Right-of-Way line of State Road No. S-5-A to the Southwest corner of a proposed County Road connecting State Road No. S-5-A with State Road No. 5 for the Point of Beginning; thence continue South 9 degrees 29 minutes West 265.46 feet; thence South 80 degrees 31 minutes East 200.0 feet; thence North 9 degrees 29 minutes East 200.0 feet to a point on the South Right-of-Way line of a proposed County Road connecting State Road No. S-5-A with State Road No. 5; thence North 57 degrees 50 minutes West 126.36 feet along the South Right-of-Way line of said proposed County Road to the beginning of a curve to the left having a radius of 216.29 feet; thence 85.63 feet along the arc of said curve to the Point of Beginning.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whatsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 67.

STATE OF FLORIDA DOCUMENTARY TAX $11.00 APR 24 1968

STATE OF FLORIDA DOCUMENTARY TAX $5.50 APR 24 1968

STATE OF FLORIDA DOCUMENTARY TAX $1.10 APR 24 1968

This Instrument Was Prepared By: RICHARD O. WATSON, Attorney, 18 Cathedral Place, St. Augustine, Fla.

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in my presence:

Richard O. Watson

Ann L. Sluss

John H. Bradshaw (John H. Bradshaw)

Florine J. Bradshaw (Florine J. Bradshaw)

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

John H. Bradshaw and Florine J. Bradshaw, his wife,

to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 23rd day of April A. D. 1968.

Ann L. Sluss
Notary Public, State of Florida at Large
My commission expires: Nov 16, 1970

NOTARY PUBLIC STATE OF FLORIDA AT LARGE

FILED AND RECORDED IN PUBLIC RECORDS OF ST. JOHNS COUNTY, FLA.

APR 24 8 54 AM '68

CLERK CIRCUIT COURT

VERIFIED BY MG

ORDINANCE BOOK ___ PAGE

ORDINANCE BOOK 33 PAGE 465

ITEM E

P.U.D. OFF. REC.
BOOK R PAGE 1643

P.U.D. OFF. REC.
BOOK R PAGE 1644

# Zaxby's St. Augustine PUD

## Master Development Plan Text

The Zaxby's St. Augustine PUD (the "Development") is located on the Northeast corner of the intersection of State Road 312 and Old Moultrie Road, St. Augustine, Florida. The legal description of the subject parcel is included as Exhibit "A" in the Zaxby's St. Augustine PUD Application. The location is described in greater detail in the Master Development Plan Map which is attached as Exhibit "E" to the Zaxby's St. Augustine PUD Application.

A. The Development will consist of a maximum of one approximately 3,000 square foot restaurant with drive through. The total number of seats will be ninety (90) and it is estimated that nine (9) employees will cover each shift during hours of operation. The exterior construction shall consist of a flat roofed building with split block and stucco finishes, there will be no outdoor seating or service, other than the drive-though service.

B. The Development consists of 1.100 acres, more or less as described in that certain survey performed by Atlantic gulf Surveying Co. Inc. dated August 20, 2003 and included as part of the Master Development Plan Map.

C. There are no jurisdictional wetland areas contained within the Development.

D. The entire 1.100 acres, more or less, is developable land. Land clearing for the Development, including landscaping, shall comply with sections 4.01.05 and 6.06.02 of the St. Johns County Land Development Code.

E. There will be no residential buildings within the Development.

F. There will be one restaurant with drive-though that shall not exceed 3,000 square feet.

G. The setbacks for non-residential development shall be as follows:

1. Twenty (20) foot setback for buildings, parking and/or storage areas and ten (10) foot buffer from the property line adjacent to the State Road 312 right of way.

2. Twenty (20) foot setback for buildings, parking and/or storage areas and ten (10) foot buffer from the property line adjacent to the Old Moultrie right of way.

3. Ten (10) foot buffer from all other property lines.

4. There will be two freestanding signs within the Development. The location signs are shown on the MDP Map. Each shall be one hundred fifty (150) square feet in size and twenty five (25 feet) in height.

5. The County has requested and the Applicant is granting a seventeen (17) foot reservation for future expansion of the right of way at Old Moultrie Road. Should the County exercise said reservation, the setback along Old Moultrie Road shall be reduced by the amount of the reservation used by the county. The buffer will remain at ten (10) feet from the seventeen (17) foot reserved right of way; therefore, the MDP map indicates a buffer of ten (10) feet from said reservation.

H. The Development will be solely owned and operated, and no common areas will be dedicated to St. Johns County. Said owner shall be responsible for maintaining and operating the stormwater management facility as shown on the MDP map. The Development shall be required to construct a Stormwater Management System to meet the requirements of the St. Johns County Land Development Code, the St. Johns River Water Management District (SJRWMD) and the Florida Department of Transportation (FDOT) if a drainage connection permit is required.

The Development will have one (1) ingress and egress driveway located on the west property line accessing Old Moultrie Road as shown on the MDP Map. While interconnect ability is not currently possible, the Applicant has allowed for future access to the parcel to the north should the opportunity for interconnect ability arise in the future (MDP Map indicates the location of possible future interconnect ability).

Fire protection shall be provided in accordance with the St. Johns County Fire Department regulations. Fire extinguishers and fire suppression equipment will be installed as required by applicable County, State and Federal Codes. All utilities within the Development, including telephone, power, cable television, sewer and water main lines shall be installed underground.

Parking shall be designed and supplied in accordance with the St. Johns County Land Development Code. Quantity of parking is calculated as follows:

| | | |
|---|---|---|
| Total number of Seats | 90 | |
| One stall per four seats | | 22.5 |
| Number of Employees/Shift | 9 | |
| One stall per two employees | | 4.5 |
| Required stalls | | 27.0 |

The project will not have less then the requirement calculated above, including two stalls that comply with the American with Disabilities Act.

Located within the Development is a dumpster pad fenced by a six (6) foot high opaque fence per Section 6.06.04(B)(8) of the St. Johns County Land Development Code for the

collection of the projected 165 pounds of solid waste generated per day. Solid waste and recyclables will be stored at this location as shown on the MDP Map.

I. Central water and sewer service shall be provided for the Development by St. Johns County Utility Department. The projected amount of water usage and sewer generation on a daily basis shall be approximately 3200 gallons.

J. Predominate soils on the site, as determined by the SCS Soil Survey of St. Johns County, are Astatula fine sand and Immokalee fine sand.

K. There are no jurisdictional wetlands or upland forests located within the Development using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). The project is located outside of the 500 year floodplain, as best determined from F.E.M.A. flood Map Pan No. 377 of 500, Map No. 12109C377G, dated September 3, 2003.

L. There is no known Significant Natural Communities Habitat as defined by the St. Johns County Land Development Code within the Development.

M. There are no known or observed Historic Resources as defined by the St. Johns County Land Development Code within the Development, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory.

N. Setbacks and buffering described above.

O. The Development is not located within a special district as defined in the St. Johns County Land Development Code.

P. There shall not be located within the Development construction trailer(s), temporary signage or other temporary structures during the construction of the Development. Access during construction will be the same as the final access point as shown the MDP Map.

Q. Accessory Uses, such as A/C units and related heating and cooling units, within the Development shall be located within the Development as permitted by applicable codes and regulations. No other Accessory Uses are anticipated. Lighting for the development shall be done in accordance with the St. Johns County Land Development Code.

R. The Development will consist of one (1) phase which shall commence within two (2) years of Zaxby's St. Augustine PUD Ordinance and shall be completed within one (1) year of commencement. For purposes of this paragraph, "commence" is defined as approval by St. Johns County of the construction plans and "complete" is defined as acceptance of the "as built" by St. Johns County.

S. The Development is consistent with the current Comprehensive Plan designation of Mixed Use District. Located on State Road 312 and Old Moultrie Road, the Development will provide a service that will benefit the residents and businesses in the area. The

Development is consistent with other commercial development in St. Johns County. The Development will promote St. Johns County's economic development goals.

The Development will fulfill the purpose of the Planned Unit Development concept by:

1. Utilizing a creative approach to planning and design;

2. Allowing development of the subject parcel and accomplish an economic benefit to the community and St. Johns County that would not be possible through strict application of the minimum requirements of the St. Johns County Land Development Code;

3. Providing stability to the to the surrounding commercial uses by allowing development of the subject parcel and increasing the economy in the area; and

4. Supporting property values in the area by allowing development.

T. The Development does not currently require any waivers, variances or deviations from the St. Johns County Land Development Code.

U. The applicant and developer of the Zaxby's St. Augustine PUD and their successors or assigns agree to proceed with the Development in accordance with the approved PUD Ordinance, the Zaxby's St. Augustine PUD Application, and the construction and engineering plans as approved by the agencies of St. Johns County and the St. Johns County Board of County Commissioners. The owners of the property agree to bind any successors in title to all commitments made herein.

Update: 11/19/2003

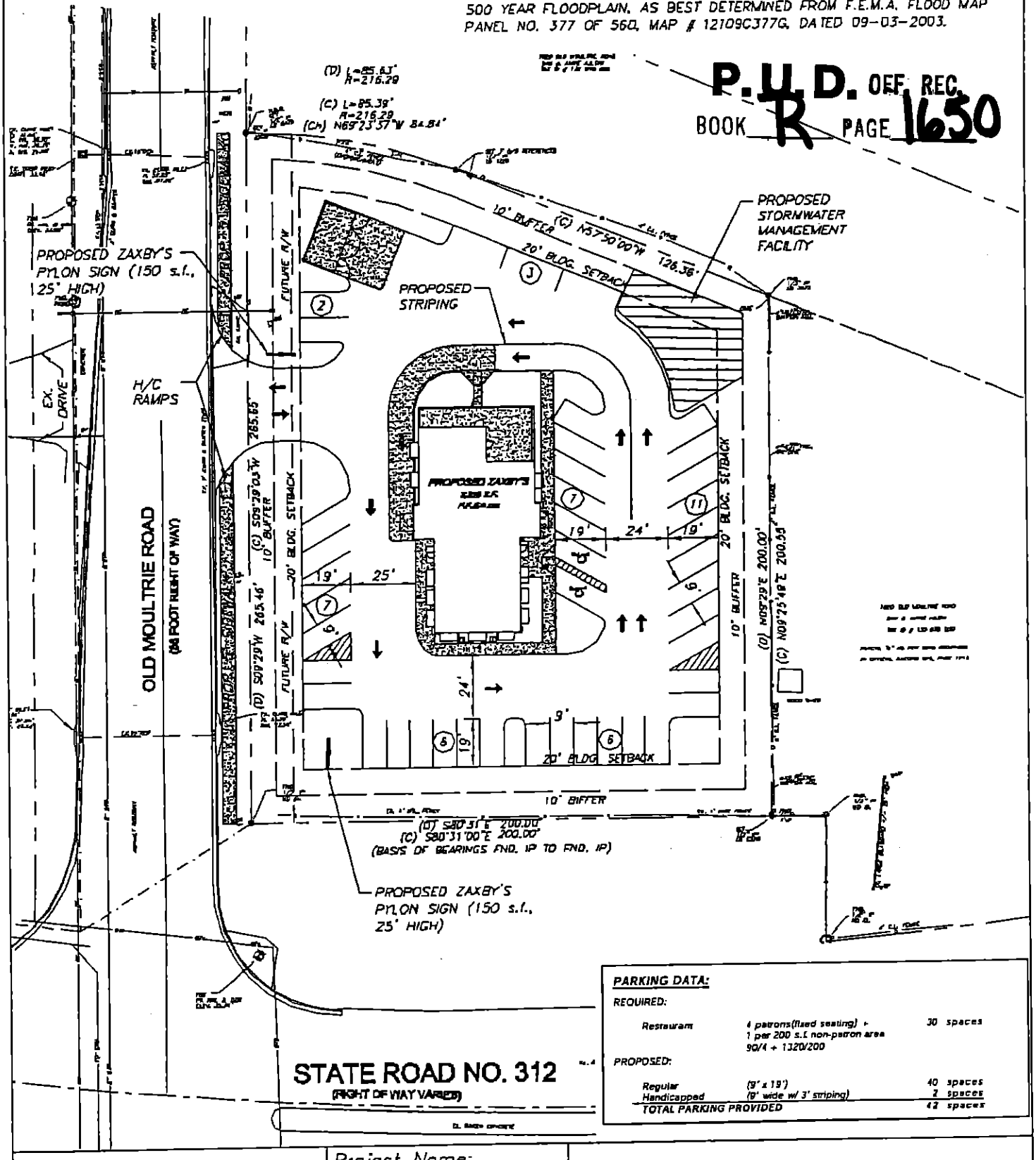
P.U.D. OFF. REC.
BOOK R PAGE 1648

# ITEM G

P.U.D. OFF. REC
BOOK R PAGE 1649

PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X", AREA OUTSIDE THE 500 YEAR FLOODPLAIN, AS BEST DETERMINED FROM F.E.M.A. FLOOD MAP PANEL NO. 377 OF 560, MAP # 12109C377G, DATED 09-03-2003.

P.U.D. OFF. REC. BOOK R PAGE 1650




**PARKING DATA:**

REQUIRED:

| | | |
|---|---|---|
| Restaurant | 4 patrons(fixed seating) + 1 per 200 s.f. non-patron area 90/4 + 1320/200 | 30 spaces |

PROPOSED:

| | | |
|---|---|---|
| Regular | (9' x 19') | 40 spaces |
| Handicapped | (9' wide w/ 3' striping) | 2 spaces |
| TOTAL PARKING PROVIDED | | 42 spaces |


BROCK DESIGN GROUP
T:770.962.4125
F:770.962.4125


Project Name:
St. Augustine, FL

DATE: 10/22/03
SCALE: 1"=50'

ZAXBY'S

# CONCEPT PLAN

Project No. Zax159

ITEM H

P.U.D. OFF. REC.
BOOK R PAGE 1651

P.U.D. OFF. REC.
BOOK R PAGE 1652

| FirstName | LastName | Address1 | City | State | PostalCode |
|---|---|---|---|---|---|
| Jacqueline | Phillips | 20 Contera r | St. Augustine | FL | 32080-5419 |
| Howard T. | Harnage | 1707 Horseshoe Dr | Plant City | FL | 33566-6749 |
| Philip B. | Genovar | 1715 Old Moultrie Rd | St. Augustine | FL | 32084 |
| | Neptune Estate Enterprise Ltd. | 1851 Old Moultrie Rd. | St. Augustine | FL | 32084-4168 |
| | Selig Enterprises Inc. | 1100 Spring St NW STE 550 | Atlanta | GA | 30309-2857 |
| | Bank of St. Augustine | 120 State Rd 312 W | St. Augustine | FL | 32086-4282 |
| Raymond & Theresa | Coltrane | 2820 Bear Island Pointe | Winter Park | FL | 32792-9426 |
| Amine | Ajloni | PO Box 4128 | St. Augustine | FL | 32085-4128 |
| | Flagler Hospital, Inc. | 1955 US Highway 1 S | St. Augustine | FL | 32086-3708 |
| | Flagler Hospital Inc. | 400 Health Park Blvd | St. Augustine | FL | 32086-5784 |
| Etal | Zaffke | 2304 SW 112th St | Gainesville | FL | 32607-1226 |
| Betty & Alton | Steele | 25 May St. | St. Augustine | FL | 32084-2125 |
| | St Johns County | PO Drawer 349 | St. Augustine | FL | 32085-0349 |

P.U.D. OFF. REC.
BOOK R PAGE 1653

# ITEM I

ENVIRONMENTAL SERVICES, INC.
2825 LEWIS SPEEDWAY, SUITE 101
ST. AUGUSTINE, FLORIDA 32084

(904) 824-5494

8 October 2003

P.U.D. OFF. REC.
BOOK R PAGE 1654

Mr. Kirk Partridge
Patterson, Bond & Latshaw
3010 South Third Street
Jacksonville Beach, Florida 32250

**RE: Zaxby's/ State Road 312**
**St. Johns County, Florida**

Dear Mr. Partridge:

This letter follows our field visit to the referenced site on 3 October 2003. The purpose of our visit was to determine if the property exhibits qualities of any of the Significant Natural Communities regulated by St. Johns County.

The entire property can be characterized as residential, low density. This community is sparsely vegetated with a canopy of southern red cedar *(Juniperus silicicola)*, sand pine *(Pinus clausa)*, laurel oak *(Quercus hemisphaerica)*, slash pine *(P. elliottii)* and American elm *(Ulmus americana)*. Understory and groundcover vegetation includes various grasses.

Based on our field review of the property, no Significant Natural Communities (as defined by St. Johns County) occur within the site.

I trust that this information is helpful. Please call me with any questions or if you need additional information.

Sincerely yours,

ENVIRONMENTAL SERVICES, INC.

Bill Brown

Bill Brown
Senior Project Manager

DFkl/EGJJ161.sigcom
R:100803f

ENVIRONMENTAL SERVICES, INC.
2825 LEWIS SPEEDWAY, SUITE 101
ST. AUGUSTINE, FLORIDA 32084

(904) 824-5494

8 October 2003

P.U.D. OFF. REC.
BOOK R PAGE 1655

Mr. Kirk Partridge
Patterson, Bond & Latshaw
3010 South Third Street
Jacksonville Beach, Florida 32250

**RE: Zaxby's/ State Road 312**
**St. Johns County, Florida**

Dear Mr. Partridge:

During the site visit to determine the vegetative communities at the referenced site, an Environmental Services, Inc., (ESI) biologist surveyed the project site for wildlife utilization. No wetlands occur on-site. No evidence of any endangered or threatened species was observed, and the likelihood of any species listed by the U.S. Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FFWCC) occurring as permanent residents or nesting on this property is very low.

I trust that this information is helpful. Please call me with any questions or if you need additional information.

Sincerely yours,

ENVIRONMENTAL SERVICES, INC.

Bill Brown

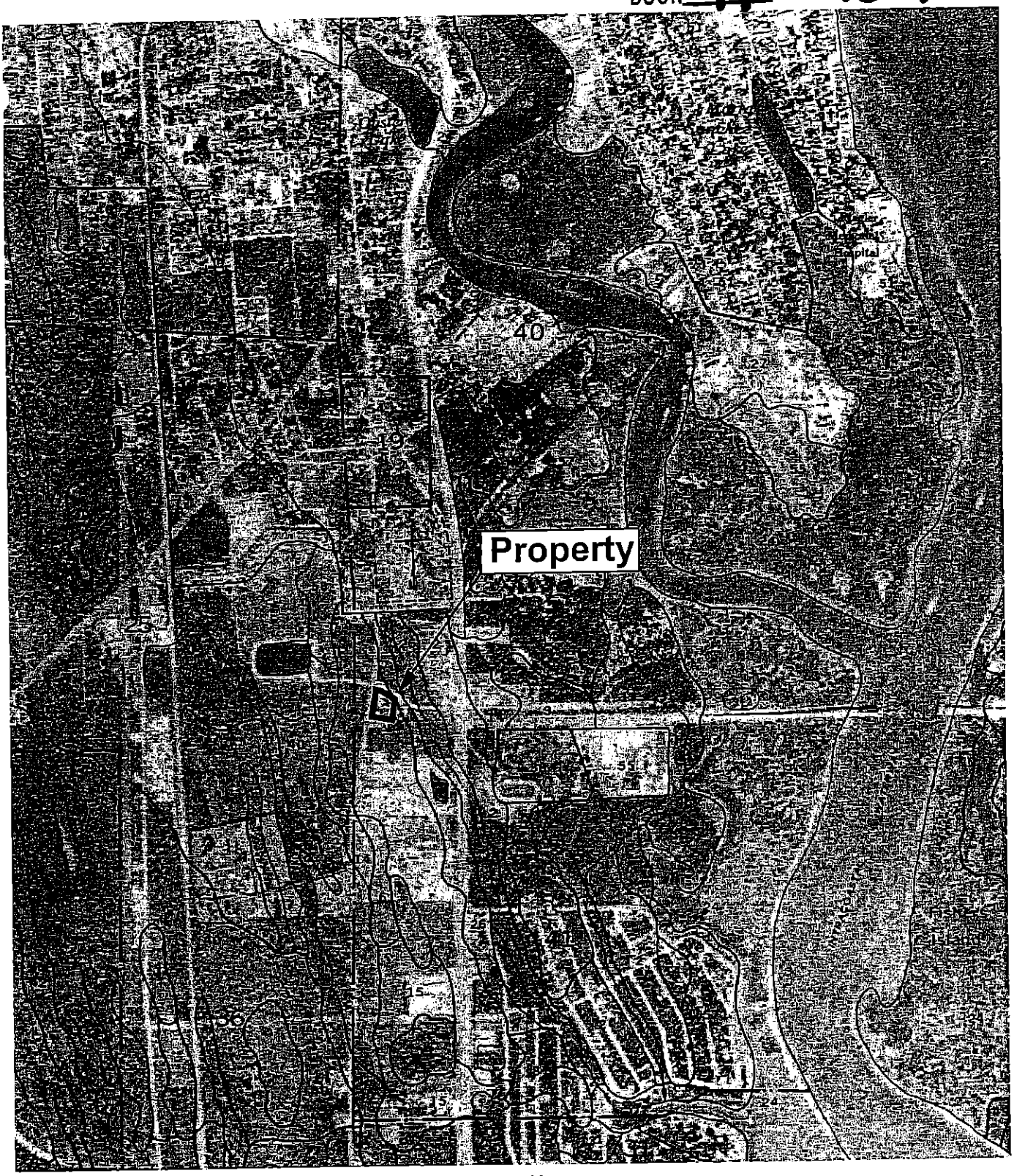
Bill Brown
Senior Project Manager

DF/kl/EG03161.endltr
R:100803f

ITEM J

P.U.D. OFF. REC.
BOOK R PAGE 1656

P.U.D. OFF. REC.
BOOK R PAGE 1657




Source: U.S.D.A. Soil Survey of St. Johns County, Florida. (1983) Page 29
Section 41, Township 7 South, Range 30 East

Soil Legend:
2 - Astatula fine sand, 0-8% slopes
7 - Immokalee fine sand

Soils Map

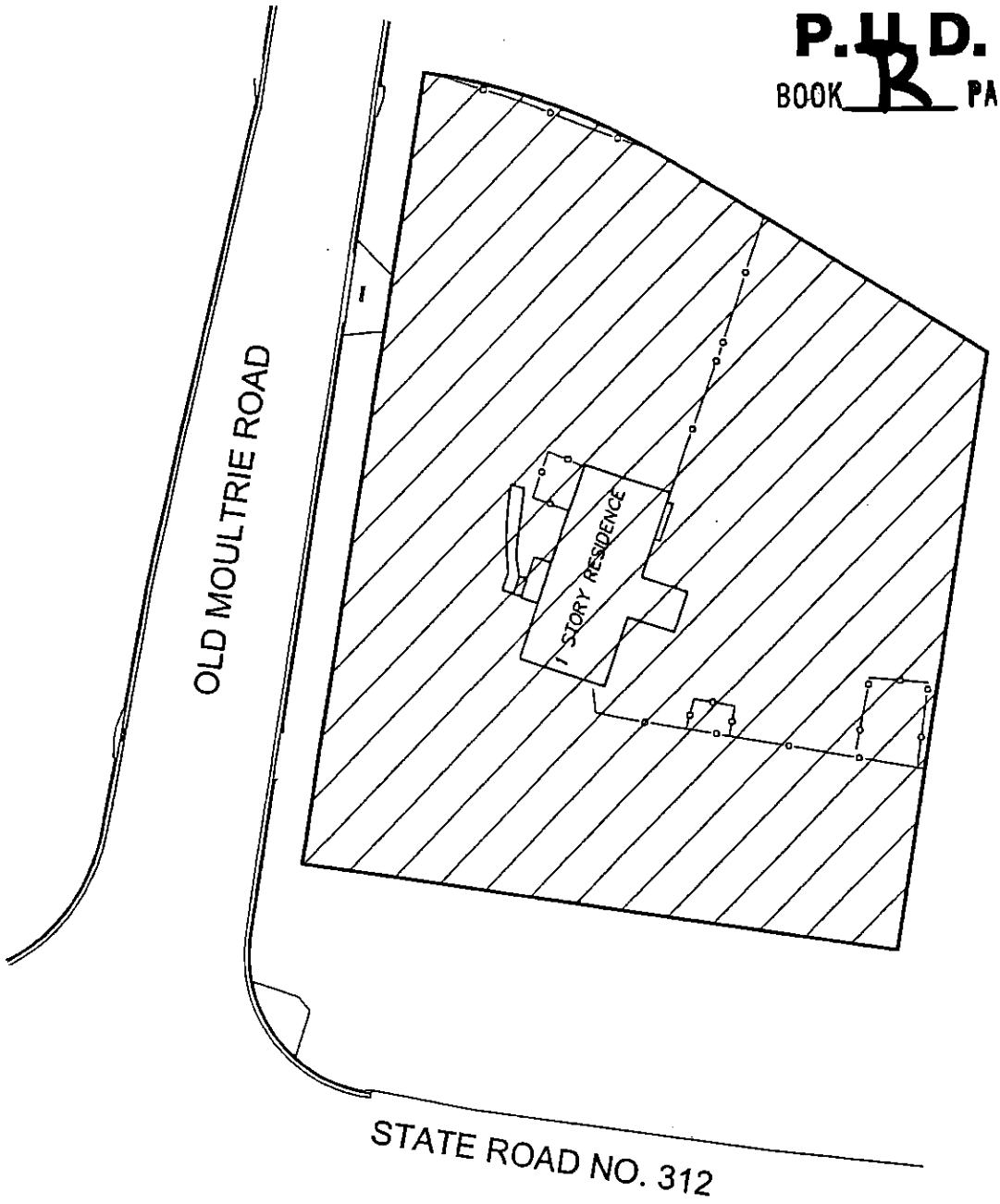
ENVIRONMENTAL SERVICES, INC.

# Zaxby's/ State Road 312
St. Johns County, Florida

| | |
|---|---|
| Project No. | EG03161 |
| Date | October 2003 |
| Scale | 1"=1667' |
| Figure No. | |

ORDINANCE BOOK 33 PAGE 480

P.U.D. OFF. REC.
BOOK R PAGE 1658




Legend:

——— - Project Boundary

—o——o— - Fence

Uplands:

▨ - Residential, Low Density (FLUCFCS 110) ..... ±1.10 ac.

FLUCFCS Map

| | | |
|---|---|---|
| ENVIRONMENTAL SERVICES, INC. | Zaxby's/ State Road 312<br>St. Johns County, Florida | Project No. EG03161<br>Date: October 2003<br>Scale: 1"=60'<br>Figure No. 2 |

ORDINANCE BOOK 33 PAGE 481

P.U.D. OFF. REC.
BOOK R PAGE 1659

# ITEM K

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

P.U.D. OFF. REC.
BOOK R PAGE 1660

October 20, 2003

Mr. Greg C. Smith, Ph.D.
Environmental Services, Inc.
7220 Financial Way, Suite 100
Jacksonville, FL 32256

Re: DHR Project File No. 2003-9131 / Received by DHR: October 20, 2003 LLC 10/20/03
*A Cultural Resource Reconnaissance Survey of the Zaxby's of St. Augustine Tract*
*St. Johns County, Florida*

Dear Dr. Smith:

Our office received the referenced report in accordance with procedures contained in St. Johns County Land Development Code, Part 3.01.00, Historic Preservation Ordinance, regarding possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist local, state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

Results of the survey indicate that no archaeological or historical resources were identified within the project area during the survey. It is the opinion of Environmental Services, Inc., that the development of the subject parcel will have no effect on historical properties eligible for listing in the *National Register of Historic Places*, or otherwise of historical or archaeological value. Based on the information provided, our office concurs with this determination and finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code*.

If you have any questions concerning our comments, please contact Mini Sharma, Historic Sites Specialist, at mtsharma@dos.state.fl.us or (850) 245-6333. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

Janet Snyder Matthews, Ph.D., Director, and
State Historic Preservation Officer

Xc: Donna Godfrey, St. Johns County Planning Division
Warren Palmer, Martin Capital
Kirk J. Patrick, Patterson, Bond, and Latshaw

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

☐ Director's Office (850) 245-6300 • FAX: 245-6435
☐ Archaeological Research (850) 245-6444 • FAX: 245-6436
☑ Historic Preservation (850) 245-6333 • FAX: 245-6437
☐ Historical Museums (850) 245-6400 • FAX: 245-6433
☐ Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476
☐ St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044
☐ Tampa Regional Office (813) 272-3843 • FAX: 272-2340

ENVIRONMENTAL SERVICES, INC.
7220 FINANCIAL WAY, SUITE 100
JACKSONVILLE, FLORIDA 32256
904-470-2200 • FAX 904-470-2112
www.esinc.cc

16 October 2003

P.U.D. OFF. REC.
BOOK K PAGE 1661

Florida Division of Historical Resources
Compliance and Review Section
500 South Bronough Street
Tallahassee, Florida 32399-0250

RE: **Request for Review of Archaeological Survey**

Name of Project: Zaxby's of St. Augustine
Location: St Johns County
Number of Acres: 1

Dear Florida Division of Historical Resources:

This is to request your review and approval of the attached Archaeological Reconnaissance Survey report for the above referenced property. This report was prepared in accordance with the St. Johns County Land Development Code, Part 3.01.00, Historic Preservation Ordinance.

Please forward your comments to me and provide a copy to the County and client at the addresses shown below.

If you have any questions, please contact me at (904) 470-2200.

Sincerely yours,

Signature of Archaeologist

Greg C. Smith
Printed or typed name of Archaeologist

Enclosure

xc: Donna Godfrey, Senior Planner, St. Johns County Planning Division, 4020 Lewis Speedway, St. Augustine, Florida 32084 with enclosure

Warren Palmer, Martin Capital, LLC, 745 North Main Street, Clayton, Georgia, 30525

Kirk J. Patrick, Patterson, Bond, & Latshaw, 3010 South Third Street Jacksonville, Florida 32250

GCS/rsb/EJ03290.00 dhr
S: PF151003f

ORDINANCE BOOK 33 PAGE 484

P.U.D. OFF. REC.

ITEM L BOOK R PAGE 1662

ORDINANCE BOOK 33 PAGE 485

# ST. JOHNS COUNTY, FLORIDA

## *Board of County Commissioners*

*Growth Management Services*
*Transportation Division*
*Phone (904) 823-2761*
*FAX (904) 823-2498*

*P.O. Drawer 349*

*Saint Augustine, FL*

*32085-0349*

P.U.D. OFF. REC. BOOK R PAGE 1663

October 14, 2003

Mr. Kirk Partridge
Patterson, Bond, & Latshaw, P.A.
3010 South 3rd Street
Jacksonville Beach, FL 32250

RE: Application for Concurrency Determination
CONMIN 2003-44 Zaxby's Restaurant

Dear Mr. Partridge,

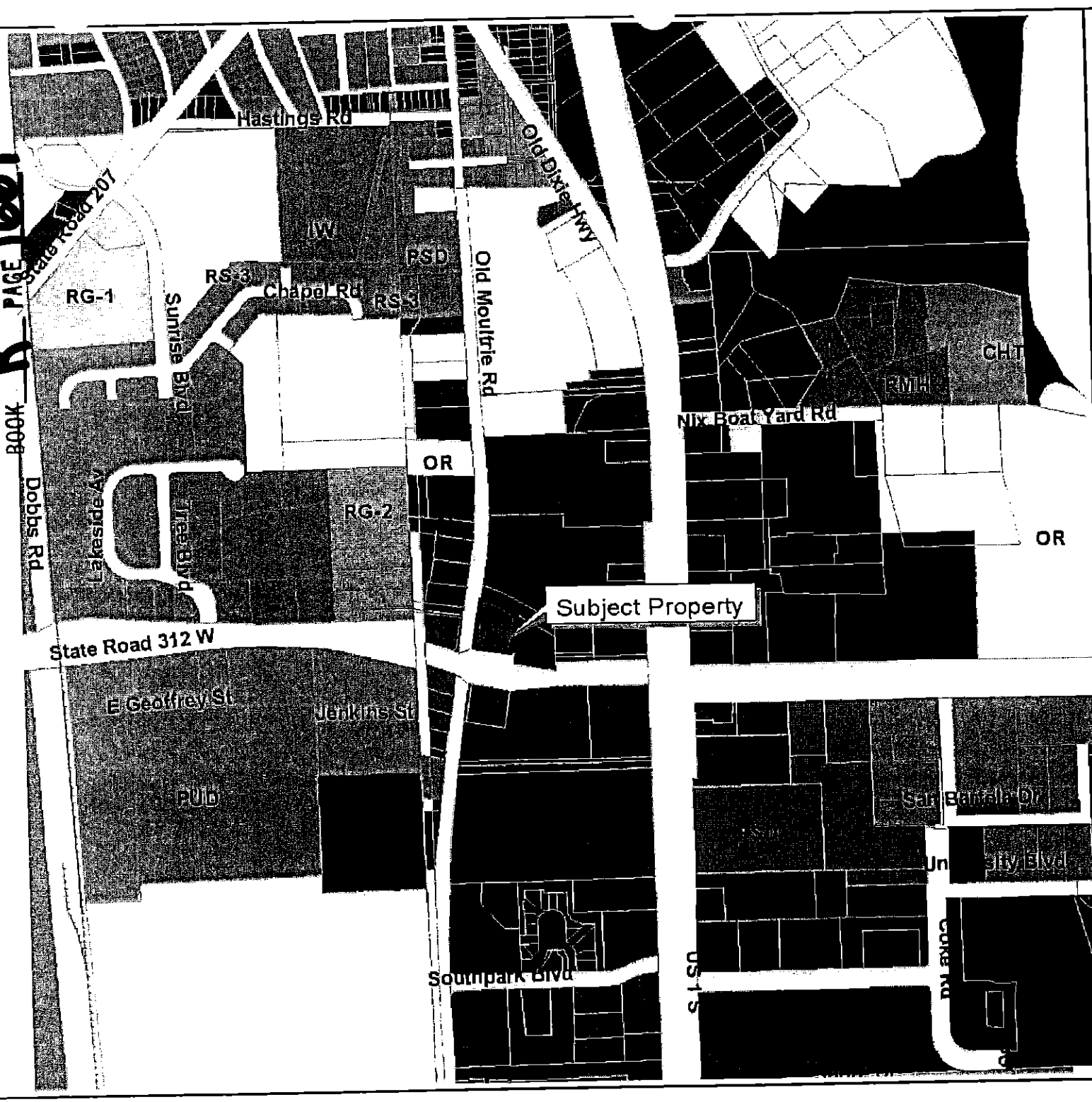
The above referenced application has been determined insufficient after the first sufficiency review. Please respond to the enclosed comments and/or questions as appropriate. You will have 60 Days from todays date of October 14, 2003, to respond or the application will be deemed withdrawn.

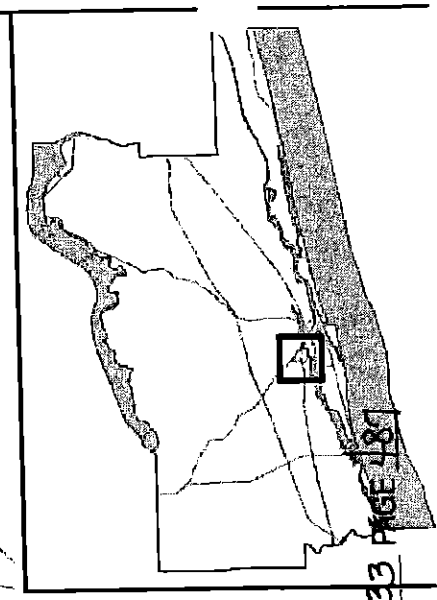
The additional or revised information will be reviewed for sufficiency upon receipt. If you have any questions or require additional information, feel free to contact me (904) 823-2761.

Sincerely,

Traci Mashburn
Planning Technician II

P.U.D. OFF. REC.
BOOK B PAGE 1664



# General Zoning Map

N 0 400 800 Feet

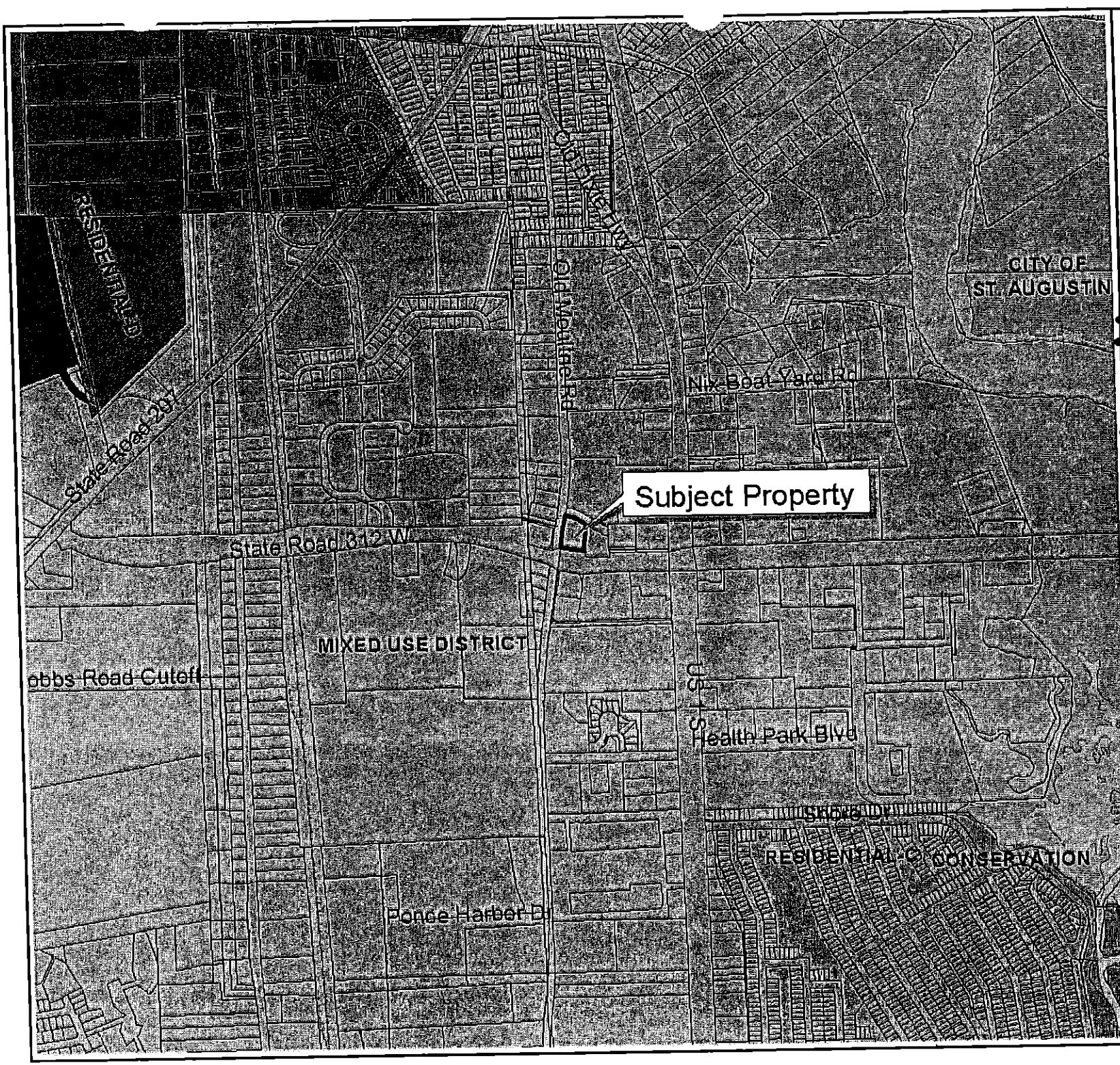
Map Prepared: Nov 26, 2003
*Depicts General Project Boundary

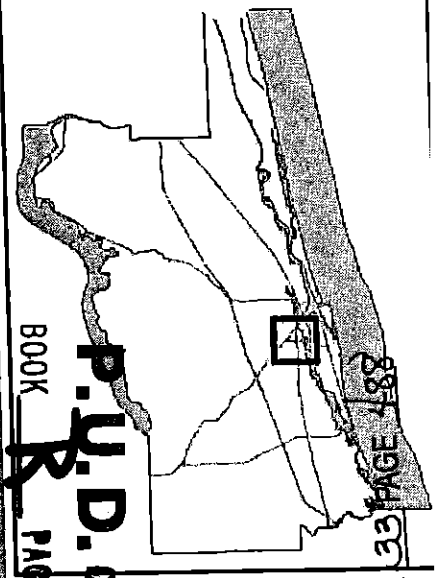
# PUD 2003-31 Zaxby's Restaurant

FILE: PUD 2003-31

St. Johns County
Growth Mgmt. Srvc
Planning Division

ORDINANCE BOOK 33 PAGE 487




# Future Land Use Map

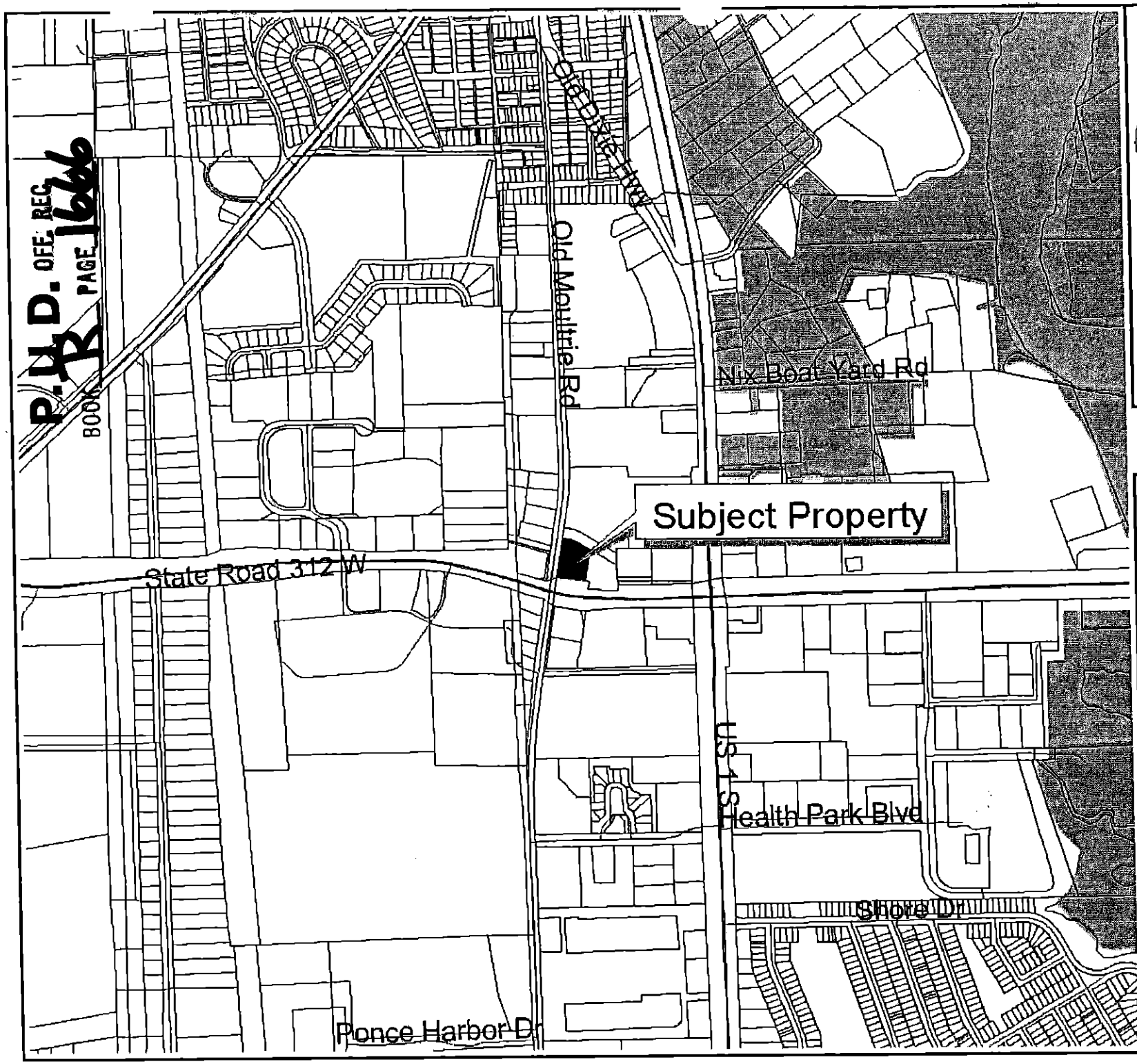
N 0 600 1200 Feet

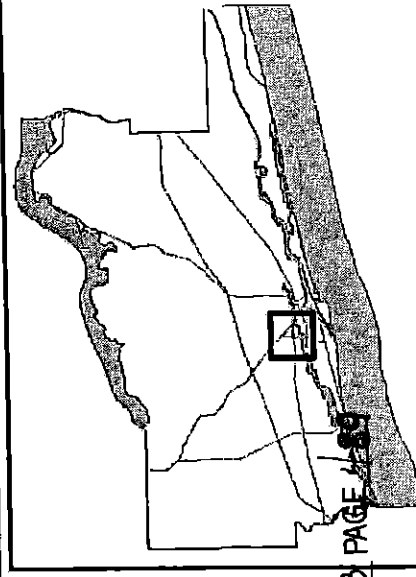
Map Prepared: Nov 26, 2003
*Depicts General Project Boundary

# PUD 2003-31 Zaxby's Restaurant

FILE: PUD 2003-31

St. Johns County
Growth Mgmt. Srvc
Planning Division



ORDINANCE BOOK 33 PAGE 44-59

# General Location Map

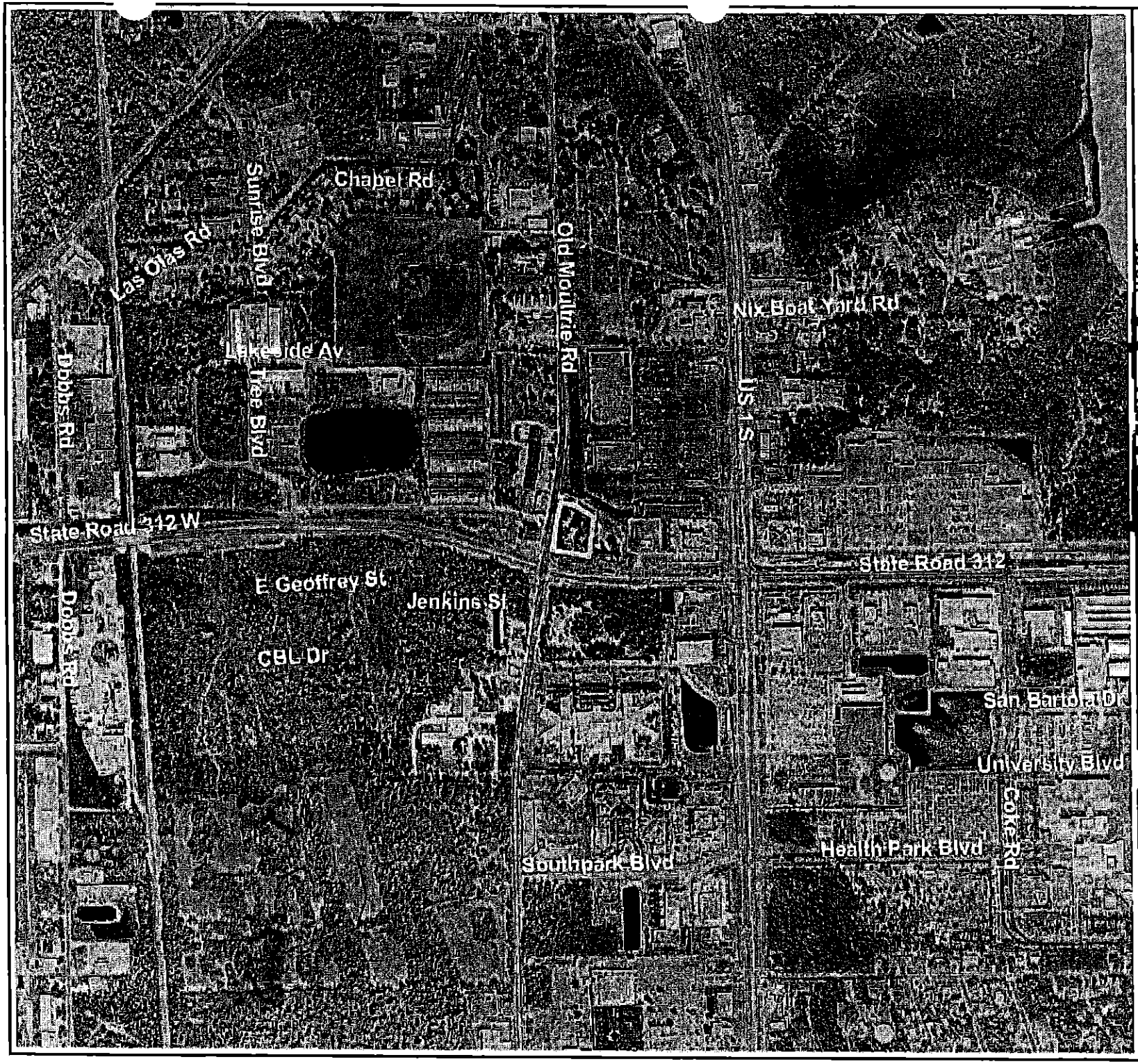
N 0 500 1000 Feet

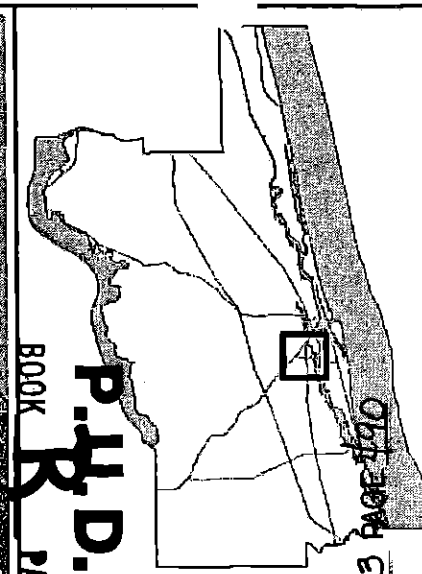
Map Prepared: Oct 28, 2003
*Depicts General Project Boundar

# PUD 2003-31 Zaxby's Restaurant

FILE: PUD 2003-31

St. Johns County
Growth Mgmt. Srvc
Planning Division



P.U.D. OFF. REC. BOOK R PAGE 1667

ORDINANCE BOOK 33 PAGE 190

# 2002 Aerial Photography

N

0 400 800 Feet

Map Prepared: Nov 26, 2003
*Depicts General Project Boundary

# PUD 2003-31 Zaxby's Restaurant

FILE: PUD 2003-31

St. Johns County
Growth Mgmt. Srvcs
Planning Division

JAN 2004
ST. JOHNS COUNTY
PLANNING DEPARTMENT

COPY OF ADVERTISMENT

# THE ST. AUGUSTINE RECORD

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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **LINDA Y MURRAY**

who on oath says that she is an 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 PROPOSED REZONING**

In the matter of **FILE # PUD 2003-31**

**1850 OLD MOULTRIE ROAD ZAXBYS ST AUGUSTINE**

in the Court, was published in said newspaper in the issues of

**JANUARY 7, 2004**

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, for a period of one year 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 7TH day of JANUARY 2004 by _____ who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

(Signature of Notary Public)

OFFICIAL NOTARY SEAL
ZOE ANN MOSS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD048350
MY COMMISSION EXP. AUG. 22,2005

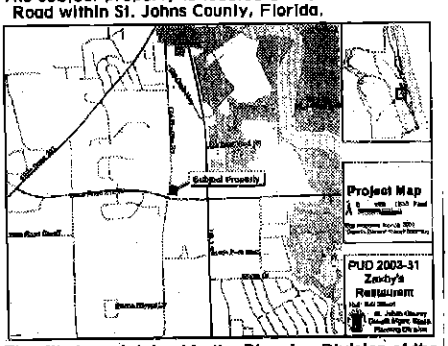
(Seal)

Zoe Ann Moss

**NOTICE OF A PROPOSED REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, January 27, 2004 at 1:30 p.m. by the St. Johns County Board of County Commissioners, in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to rezone property from Commercial Neighborhood (CN) to Planned Unit Development (PUD).

The subject property is located at 1850 Old Moultrie Road within St. Johns County, Florida.




This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing 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, 32084 For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made 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.

This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners or the Planning and 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 Division, P.O Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
KAREN STERN, CHAIR
FILE NUMBER: PUD 2003-31
Zaxby's St. Augustine
L38-4 Jan 7, 2004