

ORDINANCE NUMBER: 2004 - 75

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OR (OPEN RURAL) 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 5 PAGE 353

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 March 8, 2004, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2004-07 Spanish Cay 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 Spanish Cay 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 Goal A.1 of the Land Use Element related to effectively managed growth, the provision of diverse living opportunities and the creation of a sound economic base.
3. The request 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.
4. The request meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to Sections 5.03.02(G)1.f and 5.03.02.(F).of the Land Development Code.
5. The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02(G) of the Land Development Code.
6. The proposed PUD meets all applicable Specific Standards of Section 5.03.03 of the St. Johns County Land Development Code.
7. The zoning district designation of Planned Unit Development (PUD) is consistent with the land uses allowed in the land use designation of Mixed Use (MD) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application File Number PUD 2004-07 Spanish Cay, 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 15 DAY OF September 2004.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern  
Karen R. Stern  
Its Chair

RENDITION DATE 09-17-04

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland  
Deputy Clerk

EFFECTIVE DATE: 09-20-04

EXHIBIT A  
LEGAL DESCRIPTION  
(MAY 19, 2004)

P. U. D. OFF. REC.  
BOOK 5 PAGE 355

PARCEL "A"

A PARCEL OF LAND LYING IN GOVERNMENT LOTS 8, 11 AND 12, SECTION 19, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 825, PAGE 924 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF AFORESAID GOVERNMENT LOT 11; THENCE NORTH 00°20'15" WEST, ALONG THE WESTERLY LINE OF SAID GOVERNMENT LOT 11, A DISTANCE OF 1,197.31 FEET; THENCE NORTH 89°39'45" EAST, 75.60 FEET; THENCE SOUTH 65°26'28" EAST, 19.96 FEET; THENCE SOUTH 53°07'41" EAST, 33.98 FEET; THENCE NORTH 69°35'45" EAST, 71.06 FEET; THENCE SOUTH 89°41'38" EAST, 39.05 FEET; THENCE NORTH 83°15'15" EAST, 44.86 FEET; THENCE NORTH 69°58'59" EAST, 44.75 FEET; THENCE NORTH 58°49'18" EAST, 64.59 FEET; THENCE NORTH 51°49'06" EAST, 38.20 FEET; THENCE NORTH 23°54'55" EAST, 53.23 FEET; THENCE NORTH 29°16'32" EAST, 41.33 FEET; THENCE NORTH 10°15'46" WEST, 45.78 FEET; THENCE NORTH 35°28'55" WEST, 60.60 FEET; THENCE NORTH 43°47'49" WEST, 42.49 FEET; THENCE NORTH 57°08'01" WEST, 42.99 FEET; THENCE NORTH 48°20'16" WEST, 48.74 FEET; THENCE NORTH 66°12'47" WEST, 96.82 FEET; THENCE NORTH 27°59'07" EAST, 125.39 FEET; THENCE NORTH 48°01'57" EAST, 128.66 FEET; THENCE NORTH 84°40'23" EAST, 55.51 FEET; THENCE NORTH 89°47'27" EAST, 42.06 FEET; THENCE SOUTH 82°26'02" EAST, 62.37 FEET; THENCE SOUTH 57°01'04" EAST, 50.32 FEET; THENCE SOUTH 30°20'19" EAST, 61.19 FEET; THENCE SOUTH 36°07'48" EAST, 173.54 FEET; THENCE SOUTH 46°55'22" EAST, 323.19 FEET; THENCE SOUTH 84°06'31" EAST, 29.55 FEET; THENCE SOUTH 44°51'50" EAST, 41.90 FEET; THENCE SOUTH 14°00'55" EAST, 33.49 FEET; THENCE SOUTH 26°23'18" EAST, 34.83 FEET; THENCE SOUTH 17°36'14" EAST, 50.84 FEET; THENCE SOUTH 09°02'07" EAST, 43.18 FEET; THENCE SOUTH 33°00'20" EAST, 55.59 FEET; THENCE SOUTH 35°28'24" EAST, 90.43 FEET; THENCE SOUTH 03°24'31" WEST, 35.02 FEET; THENCE SOUTH 06°20'18" WEST, 34.97 FEET; THENCE SOUTH 17°05'53" EAST, 31.91 FEET; THENCE SOUTH 72°34'18" EAST, 57.51 FEET; THENCE SOUTH 30°27'23" EAST, 56.25 FEET; THENCE SOUTH 15°31'58" EAST, 37.90 FEET; THENCE SOUTH 03°46'14" EAST, 42.09 FEET; THENCE SOUTH 71°16'35" EAST, 47.29 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (A 200 FOOT WIDE RIGHT-OF-WAY, AS NOW ESTABLISHED); THENCE SOUTH 08°17'07" EAST, ALONG LAST SAID LINE, A DISTANCE OF 766.39 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF AFORESAID GOVERNMENT LOT 12; THENCE SOUTH 89°53'01" WEST, ALONG LAST SAID LINE AND ALSO ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 11, A DISTANCE OF 1,366.93 FEET TO THE POINT OF BEGINNING.

LANDS THUS DESCRIBED CONTAIN 1,741,774 SQUARE FEET AND/OR 39.99 ACRES, MORE OR LESS, IN AREA.

**EXHIBIT C**  
**MASTER DEVELOPMENT PLAN TEXT**  
**Revised: August 12, 2004**

**P. U. D. OFF. REC.**  
BOOK 5 PAGE 356

**SECTION I - INTRODUCTION**

Enclosed herein, please find an application for rezoning to Planned Unit Development (PUD) with accompanying documents as required by the St. Johns County Land Development Code. The application form is attached as Exhibit A. This petition is filed on behalf of the applicant: Brad Gilbert, Legends Development Group, Ponte Vedra, Florida.

**A. Location:** The property to be rezoned consists of 39.99 acres, described by the Legal Description - Exhibit B. It is situated in St. Johns County on U.S Highway One at its intersection with the south entrance to St. Augustine Shores at Shore Drive. The site is shown on the Location Map, Exhibit E. It is located within the Mixed Use category on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan which allows for all allowable land use categories, including residential uses as proposed within this application.

**B. Surrounding Uses:** The overall area is a mixture of commercial & residential development. The surrounding uses include single family residences to the west along Datil Pepper Road and to the east across U.S. One within the St. Augustine Shores development, as well as a Church to the south and vacant land, plus various small businesses to the north. The site is fairly heavily treed and there is a rather substantial wetland system that runs along the north property boundary. The property is currently zoned Open Rural (OR).

**C. Ownership:** The subject property is owned by Legends Land Group LLC as shown by the Proof of Ownership (deed) attached as Exhibit F. Said property owner has authorized Karen M. Taylor to act on his behalf and file the application for seeking the rezoning change indicated. Authorizations are attached as Exhibit G. Adjacent property owners for notification purposes are included as Exhibit H.

**SECTION II - SITE DEVELOPMENT CRITERIA**

**A. Project Description:** The real property to be considered for rezoning consists of 39.99 acres located on U.S. Highway One South. The property is currently zoned Open Rural (OR) and the applicant is requesting a zoning change to Planned Unit Development (PUD) to allow for the construction of up to one hundred and seventeen (117) residential units with associated recreation and ancillary facilities. The development will be known as **Spanish Cay Planned Unit Development (Spanish Cay PUD)**.

The Master Development Plan - Exhibit D, indicates the general layout of the site for construction of the one hundred and seventeen (117) single-family residential homes, which will be accessed directly from U.S. Highway One and served by central water and sewer. It is planned for development in one (1) phase. The location of the property, as well as the design of the site, will provide privacy and buffering. The design incorporates common open space, as well as varied active and passive recreation opportunities, meeting the standards of the County's Land Development Code and centralized to the development. Jurisdictional wetland areas, located along the western boundary, coupled with the fairly significant wetland system along the northern boundary, will provide buffers to the adjacent properties. In addition, the centralized open space,

preserved jurisdictional wetland areas and recreation areas will provide for the preservation of a significant number of trees throughout the site. Most lots are located interior to the PUD, with a small number fronting along U.S. Highway One and along the south and west boundaries. Along these project perimeters, the twenty-five (25) foot buffer with a fifty (50) foot setback along U.S. Highway One will afford privacy for the residents adjacent to U.S. One and the ten (10) and twenty (20) foot buffers along the south and west property boundaries will provide a buffer between the residential uses within the development and the adjacent church and residential uses abutting the site.

**B. Development Size:** There is a total of 39.99 acres of property, with 38.78 upland acres to be developed.

**C. Wetlands:** The 39.99 acre site contains 1.21 acres of jurisdictional wetlands. Vegetation within the wetland areas is described in Section K. Site Vegetation and Habitat. There is a large wetland area just outside of the northern boundary of the site, which is a contiguous wetland system extending beyond the property boundaries, which is not included within this development and an isolated wetland area to the west that is actually the boundary for a portion of the western boundary. There is one (1) isolated wetland area along the western area of the site, which is 1.21 acres in size and will be preserved. It is assumed that the majority of the wetland areas outside of the property, forming a portion of the exterior boundaries, will be preserved and the appropriate buffers and setbacks will be established within this PUD to meet the County LDC standards. The applicant is providing a future access to the north, which would extend through the jurisdictional wetlands, should development on that site desire to be interconnected with this site. Any fill in this area would be the responsibility of the adjacent owner. Any fill that might occur on this side, would be in accordance with all appropriate permits.

**D. Development Area:** The project will use a total of 38.78 acres of developable property.

**E. Dwelling Units:** The site is planned for one hundred and seventeen (117) single-family residential homes on 38.78 acres for an overall net density of 2.99 units per acre. It should be noted that the property is located within the Mixed Use FLUM category, which provides for densities of up to thirteen (13) units per acre. The density for this project is therefore well within the allowable densities for the area, and provides for lot sizes and unit types consistent with the overall area.

Population for the development, based upon 2.44 residents per household, will equal approximately 283 residents at build-out. At a ratio of 0.363 children per household, the project will generate approximately 42 school age children.

**F. Non-Residential Development:** There will be no non-residential development.

**G. Site Development Criteria:**

**1. Lot Sizes and Building Area:** The total ground area within the PUD to be occupied by buildings and structures shall not exceed thirty-five percent (35%), with individual lots allowed a fifty percent (50%) coverage. Residential lot sizes shall meet a minimum size of 7,500 square feet, with a minimum sixty (60) foot frontage and an average one hundred and twenty-five (125) foot depth. Lots along the curves of the roadways or cul-de-sacs, will meet seventy-five (75) percent of the required width at the twenty-five (25)

foot setback, with the exception that when a lot fronts on a cul-de-sac or curve, the lot width shall be a minimum of twenty-five (25) feet.

**2. Permitted Uses:** The development will be constructed in an orderly manner, and the allowable uses will include Residential Uses as defined within the Land Development Code, allowing for single family residential dwellings and related recreational amenities and facilities. In addition, all typical residential accessory and ancillary uses will be allowed as outlined within the Land Development Code.

**3. Setbacks:** Setbacks shall be measured per the Land Development Code from the eaves of the structure to the property line and shall be as follows:

a. Front yard: Twenty (20) feet. Lots having a second frontage shall have a setback of fifteen (15) feet for the second frontage.

b. Side yard: Five (5) feet, providing for a minimum clearance of ten (10) feet between the eaves of any structures.

c. Rear yard: Ten (10) feet, providing a minimum five (5) foot setback is maintained for accessory structures, including detached carports and/or garages, and screen enclosures.

d. Along U.S. Highway One: Fifty (50) feet from U.S. Highway One for buildings, excluding accessory structures as per the Land Development Code.

**4. Building Height:** Buildings shall not exceed thirty-five (35) feet in height.

**5. Parking:** The required two (2) parking spaces per residential unit will be provided by a minimum two (2) car garage with a driveway apron large enough to accommodate two (2) vehicles. Parking will be provided for within the open space / recreation areas if needed, however, the neighborhood is small enough to provide for pedestrian access and the facilities will be oriented to pedestrian traffic.

**6. Signage:** The applicant is requesting the following signs, with construction of the signs conforming to the Land Development Code requirements in effect at the time of permitting.

a. **Subdivision Sign:** In accordance with the Land Development Code the project will be allowed, two (2) subdivision identification monument-type signs, one (1) on either side of the main entrance, as shown on the Master Development Plan at the entrance on U.S. Highway One. These signs may either be single or double sided, limited to a maximum size of thirty-two (32) square feet (per side) each, a maximum height of twelve (12) feet and may be lighted or illuminated. The applicant may construct a fence, masonry wall, berm or install landscaping and/or vegetation (or provide a combination thereof) to compliment the entrance feature and the sign may be incorporated into a wall or fence.

b. **Construction / Sales Sign:** One (1) on-site project sign will be allowed near the entrance to the property along U.S. Highway One, which must be removed

within thirty (30) days after the last lot is sold. The sign may be two (2) sided with each face limited to thirty-two (32) square feet and will conform to the requirements of the Land Development Code.

**c. Informational Signs:** Various locational, directional, model home and traffic control signs shall be allowed on site to direct traffic and for identification of a sales office, recreation areas, etc. Such signs will be a maximum of three (3) square feet in size.

**7. Fencing:** A maximum six (6) foot high opaque or chainlink fence will be allowed in the rear and rear/side yards in accordance with the requirements of the Homeowners Association. Front yard fencing will be allowed only for decorative fencing such as picket or split rail and no higher than four (4) feet in height.

#### **H. Infrastructure:**

**1. Stormwater:** Stormwater will be handled on site within retention areas central and to the site and along the westerly boundary, with conveyance via the roadways and/or piping within appropriate easements. The drainage structures and facilities will be designed and constructed in compliance with the Land Development Code in effect at the time of permitting, subject to the permitting requirement of the St. Johns River Water Management District.

**2. Vehicular Access / Interconnectivity:** Access to the property will be provided via one (1) new roadway located directly on U.S. Highway One. Excluding the entrance roadway, which will have a one hundred (100) foot road right-of-way before it narrows, right-of-ways within the development will have a minimum width of fifty (50) feet with an additional five (5) foot utility easement on either side of the roadway. Roads will be constructed in accordance with curb and gutter standards as stipulated within the St. Johns County Land Development Code. Roadways will be requested for dedication to St. Johns County.

In order to provide for future interconnectivity, the applicant is providing two (2) "future connection" points from within the development to adjacent properties to the north and south. The property to the west is an existing subdivision that has no means for future connection. The south access near the entrance to the development will provide internal access to the church site and will allow for interconnectivity for possible future development to the south. The northerly access will allow for future connection with activities that may occur on the currently vacant parcel to the north. The applicant will provide pedestrian interconnectivity via sidewalks connecting to U.S. Highway One and development to the north and south.

**3. Pedestrian Access / Sidewalks:** Sidewalks shall be a minimum of four (4) feet wide and will be provided along one (1) side of the interior roadway as shown on the Master Development Plan Map, Exhibit D, connecting to U.S. Highway One, in accordance with the requirements set forth in the Land Development Code. In the case when lots directly front on a road, the sidewalks will be constructed upon completion of construction of the house, with the applicant providing the appropriate bonding to assure and complete

construction. However, common area sidewalks located along the park, lake and open space areas will be constructed during the roadway construction phase.

**4. Parks / Recreation:** Both active and passive recreation opportunities are provided as shown on the Master Development Plan, Exhibit D, labeled as Active Recreational (Parks). These active parks total 1.17 acres in size and the passive parks will be 1.55 acres in size and will be located in the central portion of the site near the entrance to the development and in the northwesterly portion of the site. The main Active Recreation (Parks) at the project entrance will include a multi-purpose play field and a children's play area, as well as benches and picnic tables. The Passive Recreation (Open Space) areas, excluding the jurisdictional wetlands or buffers, may be used for walking and jogging trails, which will connect to the interior sidewalk system and the remaining Open Space areas will remain as reserve "green space".

**5. Open Space:** Approximately twenty-eight percent (28%) of the site, or 11.12 acres, of open space and greenspace will be provided. This includes the Active Recreation areas and secondary passive recreation areas, the perimeter buffers, the retention areas and the jurisdictional wetlands. The location of the open space provided throughout the development is indicated on the Master Development Plan, Exhibit D. This open space will provide visual interest, separation from the adjacent exterior and interior residences and will provide buffering to other land uses and U.S. Highway One roadway traffic.

**6. Potable Water/Sanitary Sewer:** Central water and sewer service will be provided by the St. Johns County Utility Department. Plans are to access the County lines from U.S. Highway One.

**7. Fire Protection:** The applicant will comply with the requirements of the St. Johns County Fire Services including installation of fire hydrants meeting the 660 foot vehicle travel feet apart installation requirement and the 500 gpm flow requirement, in accordance with the Land Development Code.

**8. Solid Waste:** Solid waste will be handled by the licensed franchisee in the area.

**9. Utilities:** All electrical and telephone lines will be installed underground on the site. Electrical power will be provided by Florida Power and Light Company.

**I. Potable Water/Sanitary Sewer:** Central water and sewer service will be provided by the St. Johns County Utility Department, connecting to lines along U.S. Highway One. A tract will be designated for the lift station with direct roadway access. Water distribution and wastewater collection/transmission facilities will be dedicated to St. Johns County. With a total of one hundred and seventeen (117) homes, it is estimated that there will be ninety (90) - three (3) bedroom homes @ 300 gpd, and twenty-seven (27) - four (4) bedroom homes @ 400 gpd, which would generate 37,400 gpd. Therefore, when complete, the project will utilize approximately 37,400 gpd of potable water and require the treatment of approximately 37,400 gpd of sanitary sewer.

**J. Topography and Soils:** Site elevations are around 30 feet. The property falls within Zone X of the Federal Emergency Management Agency (FEMA) flood zone, outside any one hundred (100) or five hundred (500) year floodplains.



The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service, identifies three (3) main soil types on the site: 9 Pomona fine sand, 18 Floridana fine sand frequently flooded, and 3 Myakka fine sand. A copy of the Soils Map is included as Exhibit H.

a. The predominate soil is the 9 Pomona fine sand, which covers the majority of the site. This soil type is a poorly drained nearly level soil in broad areas in the flatwoods. The water table is within a depth of 10 inches for 1 to 3 months and is at a depth of 10 to 40 inches for 6 months or more. Permeability is rapid in the surface and subsurface and moderate in the upper part of the subsoil. Vegetation associated with this soil type includes longleaf pine, slash pine, gallberry, and sawpalmetto, including grasses such as chalky bluestem, bushy bluestem, creeping bluestem, lopsided indiagrass, and pineland threawn. The potential for community development is medium with the main limitation being the high water table.

b. The second most prevalent soil type, Floridana fine sand, frequently flooded, is located in two (2) rather isolated areas near the south central portion of the site. This soil type is a very poorly drained, nearly level soil on flood plains and in broad, shallow drainageways. It is subject to flooding for 1 to 3 months during the rainy season. The water table is at a depth of less than 10 inches for more than 6 months during most years. The natural vegetation includes black tupelo, red maple, sweetgum, cypress, loblollybay, waxmyrtle, sawgrass, and cinnamon fern. The potential for community development is very low.

c. In addition, there is a small pocket of 3 Myakka fine sand along the eastern boundary. This soil type occurs in the flatwoods and was formed by marine deposits of sandy material. The seasonal high water table is at a depth of less than 10 inches for 1 to 4 months of the year and at a depth of more than 40 inches during the drier seasons. Permeability is rapid. Vegetation includes longleaf pine, slash pine, sawpalmetto, running oak, inkberry, and waxmyrtle. Native grasses include pineland threawn, bottlebrush threawn, chalky bluestem, creeping bluestem, lopsided indiagrass, and low panicum. The community development potential is medium.

**K. Site Vegetation and Habitat:** Heilman & Associates, Inc. conducted an environmental site assessment of the above-referenced site located in St. Johns County, Florida; Section 19, Township 8 South, Range 30 East. Exhibit I contains the referenced letters. The site consists of 39.99 acres of undeveloped woodlands, with residential areas to the east and west, and undeveloped woodlands to the north and south (Exhibit I). The site is located in a residential region of southern St. Johns County and consists of approximately 38.78 acres of forested uplands and 1.21 acres of isolated jurisdictional wetlands. On-site habitats and land use/cover were classified according to the Florida Department of Transportation's *Florida Land Use, Cover and Forms Classification System* (FLUCFCS, 1999) and consist of: Pine Flatwoods (FLUCFCS Code 411), Hardwood – Conifer Mixed (FLUCFCS Code 434), and Slash Pine Swamp Forest (FLUCFCS Code 627).

Qualified scientists assessed and mapped on-site habitats, then classified these areas according to the Florida Department of Transportation's *Florida Land Use, Cover and Forms Classification System* (FLUCFCS, 1999) and consist of:

- Pine Flatwoods (FLUCFCS Code 411)
- Hardwood – Conifer Mixed (FLUCFCS Code 434)
- Slash Pine Swamp Forest (FLUCFCS Code 627)

P. U. D. OFF. REC.  
BOOK 5 PAGE 362

For uplands, the pine flatwoods cover-type consists of a dominant slash pine (*Pinus elliottii*) canopy, with a thick understory of saw palmetto (*Serenoa repens*) and gallberry (*Ilex glabra*). For the hardwoods – conifer mixed cover-type, the canopy consists of a mixture of slash pine, live oak (*Quercus virginiana*), water oak (*Q. nigra*), laurel oak (*Q. laurifolia*), sweet gum (*Liquidambar styraciflua*), with a sparse subcanopy of saw palmetto and gallberry.

The Florida Natural Areas Inventory (FNAI, October, 2002) describes the sandhill natural community as: “upland with deep sand substrate; xeric; temperate; frequent fire (2-5 years); longleaf pine and/or turkey oak with wiregrass understory.” None of the above natural community types correspond to the sandhill natural community. In addition, none of these on-site cover types are considered “Significant Natural Communities Habitat.”

**L. Significant Natural Communities Habitat and Listed Species:** As indicated previously, Heilman & Associates, Inc. surveyed the site and found that none of the on-site cover types listed above are considered “Significant Natural Communities Habitat.” As indicated within Exhibit I. On-site wetlands are regulated by the St. Johns River Water Management District (SJRWMD) and U.S. Army Corps of Engineers (COE). The areas of forested wetlands were delineated according to SJRWMD and COE jurisdictional limits. While in the field, ERS evaluated the site for evidence of utilization by FWC and FWS listed species, or the presence of their critical habitat. Neither listed species, nor their sign (e.g., scat, tracks, etc.) were observed during the assessment. Protected wetland dependent species such as wood stork (*Mycteria americana*), white ibis (*Eudocimus albus*), tricolored heron (*Egretta tricolor*), snowy egret (*Egretta thula*) and little blue heron (*Egretta caerulea*) utilize swamp and marsh habitat types for one or more of the following: foraging, roosting and nesting. While wetland habitat suitable for these activities is present on the site, none of these listed species were observed. In addition, the latest Geographic Information System data documenting the occurrences of federal and state listed species were reviewed for the site and vicinity. The data were obtained from FWC and Florida Natural Areas Inventory. No listed species observations within the site or vicinity were documented in these data.

**Methods** In preparation for the field inspection, Geographic Information System (GIS) database search and map reviews were conducted on the site and surrounding areas. FWS (November, 2000) and FWC, formerly the Florida Game and Fresh Water Fish Commission (FGFWFC, August, 1997), official lists of species listed as threatened, endangered, or of special concern for St. Johns County were reviewed. The *Species and Natural Community Summary for St. Johns County*, prepared by the Florida Natural Areas Inventory (FNAI, January, 2004), was also reviewed. Assessed species included those listed by FWC (Chapter 68A-27 F.A.C) and FWS (50 CFR 17.11-12).

The latest GIS data documenting the occurrences of federal and state listed species were reviewed for the site and vicinity. The data were obtained from FWC and FNAI.

The field survey was conducted on the site and surrounding areas by a wildlife biologist with professional experience conducting assessments throughout Florida and southern

Georgia, and who routinely conducts wildlife assessments in the area. Noted species occurrence areas from agency GIS data and areas suitable for listed species occupation were identified during the field survey and were further investigated for the presence of those species. Avifaunal survey techniques included pedestrian transects using binoculars. For those areas suspected of being occupied by listed mammalian and herpetofaunal species, such as the gopher tortoise (*Gopherus polyphemus*) and its commensals, personnel conducted a survey utilizing pedestrian transects to evaluate representative areas of suitable habitat.

If present, areas of observed listed species occupation were then digitized into ArcMap™ and their areas were determined.

**Results:** While in the field, Heilman & Associates, Inc. evaluated the site for evidence of utilization by FWC and FWS listed species, or the presence of their critical habitat. Neither listed species, nor their sign (e.g., scat, tracks, etc.) were observed during the assessment.

**M. Historic Resources:** No Archeological sites were identified on the County Archeological Site Inventory and no evidence has been found of any historic sites on the property. In addition, the St. Johns County Historical Structures Inventory does not identify this area as having any historical structures. An Archaeological Reconnaissance Study was performed that determined that there was no evidence of any historic sites or structures. A copy of this Study has been provided to the County and to the State.

**N. Buffers:** Buffer areas are shown on the Master Development Plan Map, Exhibit D and shall include:

1. A ten (10) foot natural buffer, around the project boundaries, which will maintain the existing tree cover, but can be augmented with native/natural vegetation and may include fencing, if desired.
2. A twenty (20) foot natural buffer along the southern boundary of the property adjacent to the Church and along the west boundary adjacent to existing lots (as shown on the Master Development Plan Map, Exhibit D), which will contain significant tree cover, which will be maintained, but may be augmented with native/natural vegetation and may include fencing, if desired.
3. A twenty-five (25) foot average (minimum 15 foot) natural upland buffer, which may be averaged, will be established adjacent to the contiguous wetland boundary, which will be coupled with a twenty-five (25) foot building setback, which will be provided in addition to the buffer.
4. A twenty-five (25) foot average (minimum 15 foot) upland buffer will be established adjacent to the isolated interior jurisdictional wetland in accordance with the St. Johns River Water Management District guidelines.

Land clearing plans will be submitted for the roads, recreation areas and drainage facilities with the Construction Plans. Lot clearing will be allowed individually by permit through the County.

The development will conform to all land clearing and tree credit/replacement requirements outlined within the Land Development Code, effective at the time of permitting.

**O. Special Districts:** The project is not located within any Special District.

**P. Temporary Uses:** Temporary construction/sales trailers may be utilized and placed on the site upon approval of the construction plans and the locations will be shown on the Construction Plans. The initial construction/sales trailer will be located at the entrance to the development and may then be relocated within the project as the construction stages proceed. Temporary sales trailers will be allowed to remain until completion of the development, but temporary construction trailers must be removed no later than thirty (30) days of approval of the horizontal construction "as-builts".

Model homes may be constructed within the development, provided the number does not exceed ten (10) percent of the number of units in the development (up to eleven). The model homes may be constructed during construction of the infrastructure and may include sales, administration and construction offices. Parking for the model homes and sales offices will be located within the driveway. The applicant will provide terminating easements to St. Johns County for ingress and egress to all of the model homes under construction, prior to initiation of construction. The applicant understands that no Certificate of Occupancy will be issued until the infrastructure has received official approval from the St. Johns County Development Services Department and any State or Regional agencies and the subdivision plat has been recorded with St. Johns County.

**Q. Accessory Uses:** Accessory uses and structures will be allowed as per the St. Johns County Land Development Code, provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of structure. Standard Residential Accessory uses will be allowed within the building area of the lots, including, but not limited to: decks, patios, pools, pool enclosures, storage sheds, garages, workshops, and guest houses. Accessory uses will be subject to the same setbacks as the residence except for accessory uses, such as decks, patios, pools and pool enclosures including the pool decking and gazebos, which may be constructed within the rear or side yard setbacks, provided a minimum of five (5) feet is maintained from the property boundary. Air conditioning units and pool equipment are not considered structures and may be included within the setback line without violating the setback requirements. Driveways may be allowed within the front and side yard setbacks. Accessory uses, such as Home offices, pets, etc. will be allowed as per the requirements for residential districts stipulated within the Land Development Code.

**R. Phasing:** The Spanish Cay PUD shall be developed in one (1) phase, with the residential lots and associated facilities being constructed at one (1) time. The project shall be commenced within five (5) years of approval of the PUD. Construction shall include all horizontal improvements, including roads and drainage facilities, as well as the entrance features and installation of recreation area improvements. Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Department and completion shall be defined as the installation of all infrastructure and approval of as-builts for the phase. Completion shall be within five (5) years of approval of commencement.

**S. Project Impact:** The property is located within the Mixed Use Area of the 2015 St. Johns County Comprehensive Plan, which allows for all uses within the Land Development Code, including residential at the densities included within the application. The overall area and

neighborhood is ideally suited to this type of residential development as it is in close proximity to community facilities and the central portion of the County with associated recreational facilities and shopping. It has excellent access to major roadways and transportation corridors including connection to U.S. Highway One, which accesses Wildwood Drive and State Road 207, as well as State Road 206 to the beaches. These roadways will connect the development to area employment opportunities and retail activities, nearby schools, cultural facilities (such as the new library) and both active and passive recreational opportunities. The site is located such that the location, size and design of the project will provide privacy and buffering from the other development in the area and incorporates a significant amount of open space and greenspace that has been interspersed throughout. The project will be served by centralized utilities. The lot sizes and home styles will target both families and retirees, providing for an integrated community. The site design will provide a unique development with most homes being located with perimeter buffers or internally along retention areas or backing up to open space. The centrally located recreation areas will allow for neighborhood interaction, whereby residents can meet and enjoy active and passive recreation opportunities in common areas throughout their immediate neighborhood. Access will be provided for pedestrians. The applicant believes that the proposed Planned Unit Development will be of benefit to the future occupants of the project and to the residents of St. Johns County, in that it will further the stated goals and objectives of the County Comprehensive Plan and provide for a more desirable environment than could be accomplished through traditional zoning. The development will offer a mixture of lots sizes and homes targeted towards families.

**T. Waivers / Variances / Deviations:** The applicant requests no waivers or deviations to specific requirements of the Land Development Code (LDC) or other land development regulation within this PUD, however, the applicant maintains the right to request small adjustments, minor and major modifications to the PUD in accordance with the standards set forth for Planned Unit Developments within the LDC.

**U. Ownership / Agreement to Comply:** The applicant hereby agrees and stipulates to proceed with the proposed development in accordance with the PUD Ordinance for this application as adopted by the St. Johns County Board of County Commissioners. The applicant also agrees to comply with all conditions and safeguards established by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners regarding said PUD specifically outlined as follows: "To the extent that they do not conflict with the unique specific and detailed provisions of this approved 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; 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 ordinance, building code, comprehensive plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein."

All drainage facilities and common areas, located within the **Spanish Cay PUD** for the common use and benefit of all property owners, shall initially be constructed, owned and maintained by the Applicant, his successors and/or assigns. Upon completion of construction of such common facilities and at the time established by the Homeowners Association documents, the Applicant will transfer ownership and maintenance responsibilities to the **Spanish Cay PUD Homeowners Association**, a non-profit corporation established under the laws of the State of Florida. The site

shall be maintained in a clean and orderly manner in accordance with all provisions of this PUD and conditions included within the adopting Ordinance. Legal documents and agreements for common ownership by property owners and/or a property association, shall meet the requirements of the St. Johns County Land Development Code in effect at the time of establishment. Roads will be requested for dedication to St. Johns County.

**V. Future Land Use Designation:** The property is located wholly within the Mixed Use designation on the 2015 Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan.

### SECTION III. SUMMARY AND CONCLUSIONS

The need and justification for approval of the **Spanish Cay PUD** has been considered in accordance with the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby, it is found that:

**A. Consistency with Comprehensive Plan:** The project is located within the Mixed Use category of the 2015 St. Johns County Comprehensive Plan. Development of the subject project is consistent with the St. Johns County Comprehensive Plan, including Goal A.1 "To effectively manage growth", Objective A.1.2 Control of Urban Sprawl (specifically A.1.2.2), Objective A.1.3 Surrounding Land Use (it is compatible, per Policy A.1.3.12 with the adjacent existing residential development in the area and the church use to south). In addition, development will meet Policy A.1.9.5 regarding application by the provisions of the Planned Unit Development land development regulations, Policy A.1.9.6 by providing a Master Development Plan, and Policy A.1.9.7 by being served by central utilities.

**B. Location:** The project is located within a Mixed Use area on the 2015 FLUM, which district allows for the type of development envisioned within the PUD. Therefore, the project conforms to the requirements for location as stipulated within the Land Development Code.

**C. Minimum Size:** The area encompassed by this project is greater than the minimum size criteria for development under the criteria established within Section 6 of the Land Development Code.

**D. Compatibility:** The proposed uses are compatible with the area and the overall community and meet the criteria established within Objective A.1.3 Surrounding Land Use, which provides that "When a rezoning is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (Growth Management Act), include but are not limited to permitted uses, structures and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist over time such that no use is unduly negatively impacted by another use." Since, the County must determine whether the request is compatible, it is important to note that the surrounding uses do meet the criteria within the previous Objective, within Policy A.1.3.12, which states that "A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties"

Adjacent land uses surrounding this property include the church property on the south and an existing single family residential subdivision along the entire west property line, and vacant U.S.

One frontage property to the north, all of which would be deemed compatible. The proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby: the permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a public nuisance; and the proposed permitted uses, structures and activities within the PUD are allowable within the Mixed Use Future Land Use designation. The proposed rezoning will not change the existing and allowable land uses, their impact to the surrounding area, the traffic flow for the site, or provide for any activities constituting a public nuisance. Development will conform to the current Land Development Code standards.

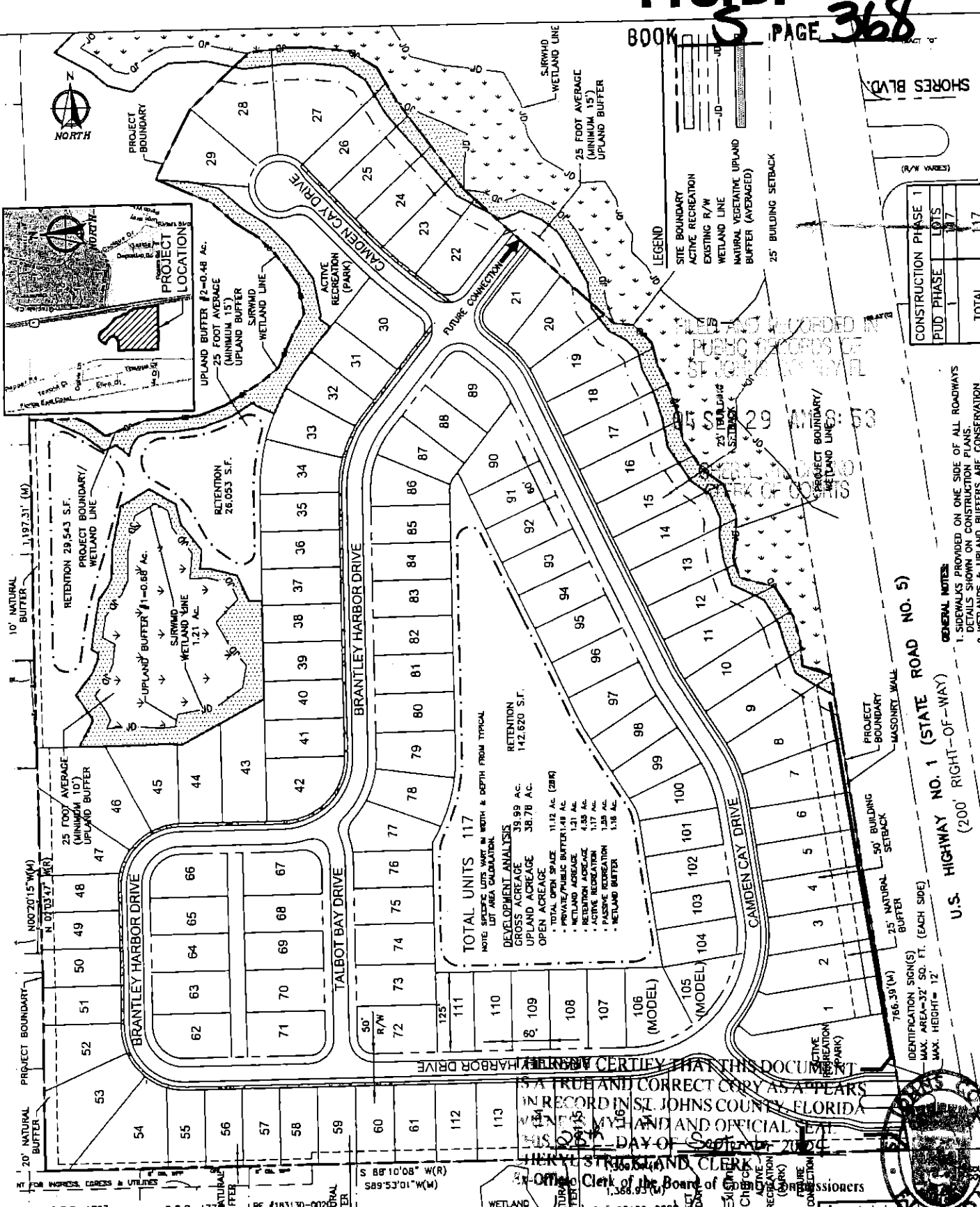
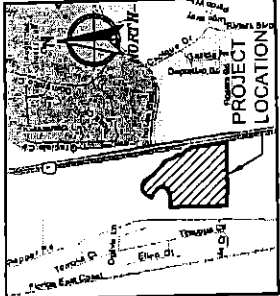
The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will conform to the current Land Development Code standards, will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, as the proposal is in conformance with the Plan and its goals and objectives. It will not adversely affect the health, safety and welfare of the residents or visitors to the area, nor be detrimental to the natural environment or the development of adjacent properties or the neighborhood.

**E. Adequacy of Public Facilities:** The subject property and future project is served by a major transportation system, central water and sewer and will provide on-site stormwater and drainage facilities that mitigate any off-site drainage impacts. The PUD will proceed under a Certificate of Concurrency consistent with Objective A.1.2 Control of Urban Sprawl, specifically Policy A.1.2.1 which states "The County shall only issue development orders or development permits consistent with the provision of the County's Concurrency Management System, as provided in Objective J.1.5". It should be noted that the Land Development Code provides that properties can be rezoned only upon receipt of a Certificate for at least one-third of the developments projected traffic, which will be complied with by the applicant.

**F. Relation to PUD Regulations:** The subject project meets all applicable requirements of Section 5.03.00 Planned Unit Development districts, as well as general zoning, subdivision and other regulations except as may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

**G. Master Development Plan:** The Master Development Plan Text and Map for this project meet all requirements of Section 5.03.02 (G) of the Land Development Code.

This PUD provides for strict regulation and maintenance of the project to provide the County assurance of an attractive and beneficial asset. The project has available and adequate public facilities and services are available to support it. When developed in accordance with the conditions stipulated in the PUD application, the PUD will contain the type of uses compatible with the emerging development patterns of the area, will be compatible with the desired future development of the area, and will be consistent with the St. Johns County Comprehensive Plan and all County requirements and guidelines.



10' NATURAL BUFFER  
RETENTION 29,543 S.F.  
PROJECT BOUNDARY/  
WETLAND LINE  
UPLAND BUFFER #2-0.48 AC.  
UPLAND BUFFER #1-0.68 AC.  
SURVIMD  
WETLAND LINE  
UPLAND BUFFER  
WETLAND LINE  
RETENTION 26,053 S.F.

DEVELOPMENT ANALYSIS  
GROSS ACREAGE 39.89 AC.  
UPLAND ACREAGE 38.78 AC.  
OPEN ACREAGE  
TOTAL OPEN SPACE 11.12 AC. (28%)  
PRIVATE/PUBLIC BUFFER 1.48 AC.  
WETLAND ACREAGE 1.31 AC.  
RETENTION ACREAGE 4.55 AC.  
ACTIVE RECREATION 1.17 AC.  
PASSIVE RECREATION 1.38 AC.  
WETLAND BUFFER 1.18 AC.

CONSTRUCTION PHASE 1 PUD PHASE LOTS TOTAL

1	17	17
TOTAL		17

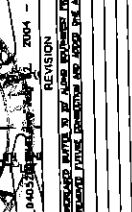
GENERAL NOTES:  
1. SIDEWALKS PROVIDED ON ONE SIDE OF ALL ROADWAYS.  
2. DETAILS SHOWN ON CONSTRUCTION PLANS.  
3. WETLANDS & UPLAND BUFFERS ARE CONSERVATION AREAS.

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
NO. \_\_\_\_\_

APPROVED: \_\_\_\_\_  
DATE: \_\_\_\_\_  
ORDINANCE NUMBER: \_\_\_\_\_  
FILE NUMBER: \_\_\_\_\_

GRAPHIC SCALE  
0 100 200  
(IN FEET)  
1 inch = 100 ft.

SPANISH CAY



DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
NO. \_\_\_\_\_

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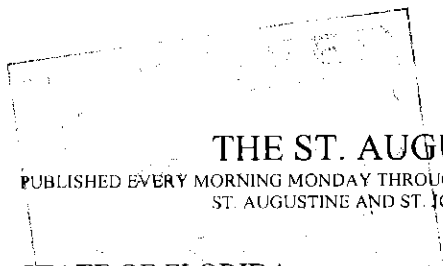
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**THE ST. AUGUSTINE RECORD**

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 **AMANDA N. BRUNK**  
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 **NOTICE OF HEARING**

In the matter of **PUD 04-07 SPANISH CAY**  
in the Court, was published in said newspaper in the issues of  
**AUGUST 6, 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 **6<sup>TH</sup>** day of **JULY 2004**

by *Amanda N Brunk* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Patricia A. Bergquist*  
(Signature of Notary Public)



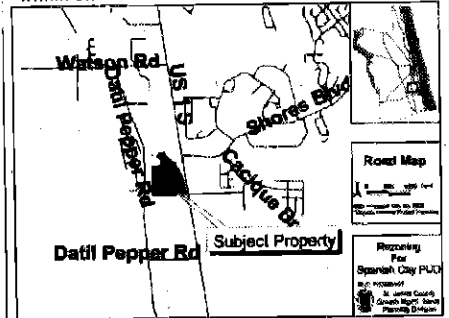
Patricia A. Bergquist  
My Commission DD275991  
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

**COPY OF ADVERTISEMENT**

**NOTICE OF A PROPOSED REZONING**  
NOTICE IS HEREBY GIVEN that a public hearing  
will be held on Wednesday, August 25, 2004 at 9:00  
a.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 lands from Open Rural  
(OR) to Planned Unit Development (PUD).  
The subject property is located at 5585 US1 South  
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 Speed-  
way, 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 par-  
ticipate 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 hear-  
ing 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 procedure. Interested parties should  
limit contact with the Board of County Commission-  
ers or the Planning and Zoning Agency members on  
this topic, except with compliance with Resolution  
95-126, to properly noticed public hearings or to writ-  
ten communication care of St. Johns County Plan-  
ning Division, P.O. Drawer 349, St. Augustine,  
Florida, 32085.

**BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
KAREN STERN, CHAIR  
FILE NUMBER: PUD 2004-07 Spanish Cay PUD  
LT860-4 Aug 6, 2004**