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ORDINANCE NUMBER: 2005 - 3

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.

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 August 20, 2004, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2004-22 Woodlake PUD, as approved by the Board of County Commissioners, 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 Woodlake 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.
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 Residential B (RES B) as depicted on the 2015 Future Land Use

Jackie Y. King
BCC County

Map.

SECTION 2. Pursuant to this application File Number PUD 2004-22 Woodlake PUD, 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 12th **DAY OF** January **2005.**

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

BY: Bruce A. Maguire

Bruce A. Maguire, Chairman

RENDITION DATE 01/14/05

ATTEST: **CHERYL STRICKLAND, CLERK**

BY: Uyenne King

Deputy Clerk

EFFECTIVE DATE: 01/18/05

Ordinance Book

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EXHIBIT A
LEGAL DESCRIPTION

PARCELS 3 & 5, TOGETHER WITH
A PORTION OF PARCELS 4 & 6,

ACCORDING TO THE PLAT SHOWING THE PARTITION
OF THE DUPONT ESTATE PROPERTY BETWEEN THE HEIRS, DATED
OCTOBER 28, 1952, CERTIFIED BY J.W. SUMMERVILLE, REGISTERED SURVEY NO. 22
AND RECORDED IN DEED BOOK 202, PAGE 31, OF THE PUBLIC
RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE POINT OF REFERENCE AND THE POINT OF BEGINNING, COMMENCE AT
THE NORTHWEST CORNER OF SAID PARCEL 6; THENCE NORTH 88°58'00" EAST,
ALONG THE NORTH LINE OF PARCEL 6, 2336.46' (PLAT 2329.5') TO THE WEST
RIGHT OF WAY LINE OF U.S. HIGHWAY #1 AND THE NORTHEAST CORNER OF SAID
PARCEL 6; THENCE SOUTH 08°24'00" EAST, ALONG SAID WEST RIGHT OF WAY
LINE, 20.95'; THENCE SOUTH 88°58'00" WEST, 1233.99'; THENCE SOUTH 08°50'42"
EAST, 336.40' TO THE INTERSECTION WITH THE SOUTH LINE OF SAID PARCEL 6;
THENCE NORTH 88°58'00" EAST, 1231.36' TO THE AFOREMENTIONED WEST RIGHT
OF WAY LINE OF U.S. HIGHWAY #1 AND THE NORTHEAST CORNER OF PARCEL 5;
THENCE SOUTH 08°24'00" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE,
357.00' TO THE SOUTHEAST CORNER OF SAID PARCEL 5; THENCE SOUTH 88°58'00"
WEST, ALONG THE SOUTH LINE OF PARCEL 5, 1069.60'; THENCE SOUTH 01°03'35"
EAST, 354.05' TO THE INTERSECTION WITH THE NORTH LINE OF SAID PARCEL 3;
THENCE NORTH 88°58'00" EAST, ALONG SAID NORTH LINE, 1115.18' TO THE
NORTHEAST CORNER OF SAID PARCEL 3, ALSO LYING ON THE WEST RIGHT OF WAY
LINE OF U.S. HIGHWAY #1; THENCE SOUTH 08°24'00" EAST, ALONG SAID WESTERLY
RIGHT OF WAY LINE, 357.00' TO THE SOUTHEAST CORNER OF SAID PARCEL 3;
THENCE SOUTH 88°58'00" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 3,
2314.67' (PLAT 2306.8') TO THE SOUTHWEST CORNER OF SAID PARCEL 3, ALSO
BEING THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD;
THENCE NORTH 09°15'55" WEST (PLAT-N09°18'00"W) ALONG SAID EASTERLY
RIGHT OF WAY LINE, 1430.96' TO THE POINT OF BEGINNING.

EXHIBIT C
MASTER DEVELOPMENT PLAN TEXT

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: Robert Hahnemann, St. Augustine Corp., St. Augustine, Florida.

A. Location: The property to be rezoned consists of 57.3 acres, described by the Legal Description - Exhibit B. It is situated in St. Johns County on U.S Highway One ¼ Mile north of SR 206. The site is shown on the Location Map, Exhibit D. It is located within the Residential-B Land Use category on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan, which allows for two (2) units per acre as proposed within this application. The property is shaped somewhat like a horseshoe around a nine (9) acre parcel, which is excluded, in the east central portion of the site along U.S. Highway One.

B. Surrounding Uses: The overall area is a mixture of commercial & residential development. The surrounding uses include single family residences to the north within Moses Creek Subdivision and in the eastern out-parcel to the east, the railroad and undeveloped properties to the west, Public uses (the St. Johns County Southeast Branch Library) to the east across U.S., and a number of commercial highway tourist type uses and vacant lands to the south. The site is fairly heavily treed and there are a number of wetland systems that run along the north and south property boundaries. The property is currently zoned Open Rural (OR).

C. Ownership: The subject property is owned by St. Augustine Development Corporation as shown by the Proof of Ownership (deeds), which are 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 57.3 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 ninety-four (94) residential units with associated recreation and ancillary facilities. The development will be known as **Woodlake Planned Unit Development (Woodlake PUD)**.

The Master Development Plan - Exhibit D, indicates the general layout of the site for construction of the ninety-four (94) single-family residential homes, which will be accessed directly from U.S. Highway One across from the County Southeast Branch Library 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, central to the development, which will meet the standards of the County's Land Development Code. There are a number of

fairly significant isolated jurisdictional wetland areas located along the southern and western boundaries and a few smaller areas located along the northern boundary, which will provide buffers to the adjacent properties. In addition, the centralized open space and recreation area as well as the preserved jurisdictional wetland areas will provide for the preservation of a significant number of trees throughout the site. Most lots are located interior to the PUD, with no lots fronting along U.S. Highway One and only a small number to the existing residential homesite to the east (out-parcel). The project includes a twenty-five (25) foot buffer within a fifty (50) foot setback along U.S. Highway One and a ten (10) foot perimeter buffer along all of the project boundaries, which will provide a buffer between the residential uses within the development and the residential uses abutting the site.

B. Development Size: There is a total of 57.3 acres of property, with 48.65 upland acres to be developed.

C. Wetlands: The 57.3 acre site contains 10.89 acres of jurisdictional wetlands, with 2.24 acres of impact for a resultant preservation of 8.65 acres of wetlands. Vegetation within the wetland areas is described in Section K. Site Vegetation and Habitat. There are a number of isolated wetland areas that run along the southern and western boundary of the site and somewhat intermittently along the northern side of the site. As indicated, the majority of these wetland areas will be preserved and the appropriate buffers and setbacks will be established within this PUD to meet the County LDC and/or St. Johns River Water Management District standards. Any fill in the areas shown would be in accordance with all appropriate permits.

D. Development Area: The project will use a total of 48.65 acres of developable property.

E. Dwelling Units: The site is planned for ninety-four (94) single-family residential homes on 57.3 acres for an overall gross density of 1.64 units per acre and a net density of 1.93 units per acre. The property is located within the Residential- B Land Use FLUM category, which provides for densities of up to two (2) units per acre, which would allow for up to ninety-eight (98) residential units. Therefore, the density for this project is within the allowable densities for the area and provides for lot sizes and unit types consistent with and anticipated for the overall area.

Population for the development, based upon 2.44 residents per household, will equal approximately 230 residents at build-out. At a ratio of 0.363 children per household, the project will generate approximately 83 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 10,000 square feet, with a minimum eighty (80) foot frontage and an average one hundred and fifteen (115) 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 (20) 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. 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 furthest architectural feature 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 ten (10) 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, pool, screen/pool enclosures, and A/C units.

d. Along U.S. Highway One: Fifty (50) feet from U.S. Highway One for buildings.

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 one (1) subdivision identification monument-type sign, located at the main entrance, on the south "leg" of the property, on U.S. Highway One opposite the Southeast County Library at an existing median opening, as shown on the Master Development Plan, Exhibit D. The sign 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 fence will be allowed in the rear and rear/side yards in accordance with the requirements of the Land Development Code (LDC). However, a maximum six (6) foot high opaque fence will be allowed along the interior perimeter of the buffer area. 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.

8. Security Gate/Guard House: The applicant may install either a security gate and/or guard house within a median at the south entrance to the development in the location indicated on the Master Development Plan, Exhibit D. Such gate or guard house will provide a turn-around accessible to persons not cleared to enter the subdivision and providing access back to U.S. Highway One.

H. Infrastructure:

1. Stormwater: Stormwater will be handled on site within retention areas central to the site and interspersed between the wetlands, 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 requirements of the St. Johns River Water Management District.

2. Vehicular Access / Interconnectivity: Access to the property will be provided via one (1) main new roadway located directly on U.S. Highway One on the southern "leg" of the property. Excluding the entrance roadway, which will have an eighty (80) 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 ten (10) foot utility easement on both sides 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 remain private and be maintained by the Homeowners Association.

The property is located along U.S. Highway One on the east side and the Florida East Coast Railroad to the west. Properties to the north and south, as well as the out-parcel in the east central portion of the property are large lot, individually developed parcels that do not provide an opportunity for present or future interconnectivity. The development is planned as a private access gated single family community, so access to or from outside parcels would not be feasible.

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 roadways 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 2.48 acres in size (excluding the wetlands or buffers), with the main 1.32 acre park located central to the site and adjacent to the "out-parcel" to the east. This Active Recreation (Park) is planned to include a pool with restroom facilities, a children's play area and 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-nine percent (29%) of the site, or 16.89 acres, of open space and greenspace will be provided, including preserved jurisdictional wetland areas and associated buffers, as well as parks, open space and common areas. 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: The St. Johns County Utility Department will provide central water and sewer service. 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 ninety-four (94) homes, it is estimated that sixty (60) of the homes will have three (3) bedrooms @ 300 gpd, and thirty-four (34) of the homes will have four (4) bedrooms @ 400 gpd, which would generate 31,600 gpd. Therefore, when complete, the project will utilize approximately 31,600 gpd of potable water and require the treatment of approximately 31,600 gpd of sanitary sewer.

J. Topography and Soils: Site elevations range from 26 to 29 feet msl, with most of the site averaging 28 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, 11 Smyrna fine sand, and 36 Riviera fine sand, frequently flooded.

1. The predominate soil covering the majority of the site is 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 fro 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 threeawn. The potential for community development is medium with the main limitation being the high water table.

2. The second most prevalent soil type, along the northeastern portion of the site is 11 Smyrna fine sand. This soil type is a poorly drained nearly level soil on broad areas in the flatwoods. The seasonal high water table is at a depth of less than 10 inches for 1 to 4 months, and it recedes to a depth of 10 to 40 inches for more than 6 months in most years. Permeability is rapid. Available water capacity is very low to low. The natural vegetation includes longleaf and slash pine, sawpalmetto, inkberry, waxmyrtle, running oak, pineland threeawn, dwarf huckleberry, and panicum. Potential for community development is medium.

3. In addition, there is a small pocket of 36 Riviera find sand, frequently flooded along the southern portion of the site (which relates the larger wetland area). This is a poorly drained, nearly level soil in poorly defined drainageways and on flood plains. The seasonal high water table is within 10 inches of the surface for 2 to 4 months in most years. It is below a depth of 40 inches in the driest seasons. Permeability is rapid or very rapid in the surface and subsurface layers, very slow or slow in the subsoil and moderately rapid in the substratum. The natural vegetation includes a few slash pines, cabbage palms, sweetgum, water oaks, waxmyrtle, sawpalmetto, and various ferns. Potential for community development is very low. Excessive wetness and flooding restrict the use of soil for dwellings, small commercial buildings, and local roads and streets.

K. Site Vegetation and Habitat: Environmental Services, Inc. (ESI) conducted an environmental site assessment of the above-referenced site located in St. Johns County, Florida; Section 7, Township 8 South, Range 29 East. The site consists of approximately 57.3 acres of undeveloped woodlands and is located in a residential region of southeastern St. Johns County. There are a variety of vegetative types, which were classified according to the Florida Department of Transportation's *Florida Land Use, Cover and Forms Classification System* (FLUCFCS). They consist of both upland and wetland communities that occur on-site, which are detailed on the attached Environmental Information, Exhibit I and as described below:

1. Upland Communities

- a. Residential, Low Density (FLUCFCS 110). Two low-density residential areas occur on the property, one in the southeast portion and one in the north-central portion of the property.
- b. Unimproved Pasture (FLUCFCS 212). The uplands in the northeast and central portions of the site can be characterized as unimproved pasture. The dominant vegetation is bahiagrass (*Paspalum notatum*), with lesser amounts of bitter gallberry (*Ilex glabra*) and blackberry (*Rubus* spp).
- c. Pine-Mesic Oak (FLUCFCS 414). The upland area located in the northwest portion of the property can be characterized as a pine-mesic oak community, vegetated with a canopy of loblolly pine (*Pinus taeda*), slash pine (*P. elliottii*) and live oak (*Quercus virginiana*). Understory and groundcover vegetation includes saw palmetto (*Serenoa repens*), laurel oak (*Q. hemispherica*), water oak (*Q. nigra*), sparse bitter gallberry and bracken fern (*Pteridium aquilinum*).
- d. Other Pines (FLUCFCS 419). The upland area located in the southeast portion of the property can be characterized as an upland pine community, vegetated with a canopy of loblolly pine and slash pine. Understory and groundcover vegetation includes Chinese tallow (*Sapium sebiferum*), saw palmetto, blackberry, bitter gallberry and sparse red maple (*Acer rubrum*).
- e. Live Oak (FLUCFCS 427). A portion of uplands along the southern boundary of the property can be characterized as a live oak hammock community, vegetated with a canopy of live oak and a non-vegetated understory.

2. Wetland Communities

- a. Exotic Wetland Hardwoods (FLUCFCS 619). Several wetland areas within the property can be characterized as exotic wetland hardwood communities, vegetated with a canopy of Chinese tallow and bald cypress (*Taxodium distichum*). Understory and groundcover vegetation includes broomsedge (*Andropogon virginicus*), sweet gum (*Liquidambar styraciflua*), red maple, Virginia chain fern (*Woodwardia virginica*) and cinnamon fern (*Osmunda cinnamomea*).
- b. Cypress (FLUCFCS 621). Two wetland areas located in the northern portion of the property can be characterized as cypress communities, vegetated with a canopy of bald cypress. Groundcover vegetation includes Virginia chain fern, cinnamon fern, royal fern (*O. regalis*) and club moss (*Lycopodium alopecuroides*).
- c. Hydric Pine Flatwoods (FLUCFCS 625). The wetland areas in the southeast and northwest portions of the site can be characterized as hydric pine flatwoods

communities, vegetated with a canopy of slash pine and sweet gum. Understory and groundcover vegetation includes red maple, water oak and wax myrtle (*Myrica cerifera*).

d. Vegetated, Non-Forested (FLUCFCS 640). A small wetland area located in the north-central portion of the site can be characterized as a vegetated non-forested community, with species including broomsedge and rush (*Juncus* spp.).

e. Borrow Area (FLUCFCS 742). A borrow area is located in the south-central portion of the property. Vegetation includes water lilies (*Nymphaea odorata*) and young bald cypress along the fringes.

L. Significant Natural Communities Habitat and Listed Species: Environmental Services, Inc. surveyed the site and found that none of the on-site cover types listed above are considered "Significant Natural Communities Habitat." 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, ESI surveyed the site for wildlife utilization. They indicated that no evidence of any endangered or threatened species was observed and that the likelihood of any species listed by the U.S. Fish and Wildlife Conservation Commission (FFWCC) occurring as permanent residents or nesting on this property were very low.

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, which 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 up to six (6) feet in height along the interior boundary, if desired.
2. A twenty-five (25) foot buffer along U.S Highway One, which will serve to buffer the development from the major roadway and maintain the existing tree cover, but can be augmented with native/natural vegetation and may include fencing up to six (6) feet in height along the interior boundary, if desired.
3. A twenty-five (25) foot undisturbed averaged natural vegetative buffer around the isolated jurisdictional wetlands, which may be averaged to a minimum of ten (10) feet, in accordance with the St. Johns River Water Management District (SJRWMD) requirements.

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. Any upland buffers identified within the development will be identified and staked with a silt fence/protective barrier prior to any land clearing and the applicant will be the responsible party in the event that an unauthorized impact to the buffer.

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

P. Temporary Uses: Temporary construction, customer service and sales trailers may be utilized and placed on the site upon approval of the construction plans, with the locations shown on the Master Development Plan Map, Exhibit D. 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 construction of the homes in the development.

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 nine). 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 a parking apron adjacent to the roadway or within the driveways. 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. However, air conditioning and electrical equipment, masonry walls, masonry fences, pools, pool decks and pool enclosures are not to be constructed within drainage or underground utility easements. 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 **Woodlake 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, with completion for the infrastructure improvements for the roads and drainage facilities, independent of completion for the recreation area improvements, including any Certificate of Occupancy. Completion shall be within five (5) years of commencement.

S. Project Impact: The property is located within the Residential-B Land Use Area of the 2015 St. Johns County Comprehensive Plan, which allows for residential uses within the Land Development Code, 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, as well as State Road 206 to the beaches and to Interstate 95. 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 within the central portion of the site and perimeter buffers of preserved wetlands or retention areas. The centrally located recreation area will allow for neighborhood interaction, whereby residents can meet and enjoy active and passive recreation opportunities in a common area 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 larger lots sizes with homes targeted towards families.

T. Waivers / Variances / Deviations: The applicant requests the following deviation to specific requirements of the Land Development Code as follows:

1. Incremental Master Development Plan: The applicant is requesting a waiver to Section 5.03.02.G.2.A of the Land Development code to provide for an incremental master development plan for the recreation area. The incremental Master Development Plan for the Main Active Recreation Area will be submitted for approval and recording at the same time as submittal of the Construction Plans, with the facilities constructed at the same time as all of the horizontal infrastructure.

No other waivers, variances or deviations from the Land Development Code 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 **Woodlake 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 **Woodlake 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 remain private.

V. Future Land Use Designation: The property is located wholly within the Residential-B Land 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 **Woodlake 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 Residential-B Land 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, public and commercial development in the area). 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 Residential-B Land 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 an existing single family residential subdivision to the north, the FEC Railway on the west, a vacant U.S. One frontage property to the south and a single family parcel between the north and south "legs" of the property to the east, 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 Residential B 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.

HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS OF RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 24th DAY OF January 20 05
BERYL STRICKLAND, CLERK
Official Clerk of the Board of County Commissioners



Yvonne King D.C.

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 CHARLES BARRETT who on oath says that he 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 04-22 WOODLAKE was published in said newspaper in the issues of DECEMBER 27, 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 27TH day of DECEMBER, 2004.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

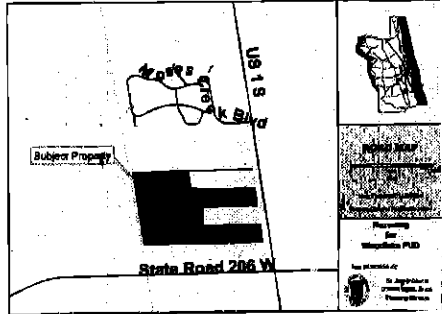
[Signature of Patricia A. Bergquist] (Signature of Notary Public)

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

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF A PROPOSED REZONING NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, January 12, 2005 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 from Open Rural (OR) to Planned Unit Development (PUD). The subject property is located at 6675 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 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 notified 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 BRUCE MAGUIRE, CHAIRMAN FILE NUMBER: PUD 2004-22 Woodlake PUD L3103-4 Dec 27, 2004

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