(16)

Public Records of
St. Johns County, FL
Clerk # 2005070248,
O.R. 2520 PG 1304-1319
08/26/2005 at 10:38 AM,
REC. $65.00 SUR. $72.50

ORDINANCE NUMBER: 2005 - 69

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 October 27, 2004, in addition to supporting documents and statements from the applicant **which are a part of Zoning File PUD 2004-33 Shores Commercial 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 Shores Commercial 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 Mixed Use (Md) as depicted on the 2015 Future Land Use Map.

Market - Y. King
BCC Secty

SECTION 2. Pursuant to this application File Number PUD 2004-33 Shores Commercial, 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 9th **DAY OF** August **2005.**

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

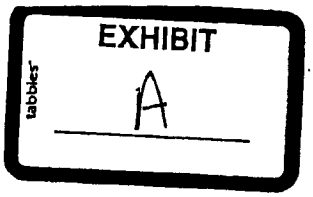
BY: _____
Bruce A. Maguire
Chairman

RENDITION DATE 08/11/05

ATTEST: CHERYL STRICKLAND, CLERK

BY: Connie King
Deputy Clerk

EFFECTIVE DATE: August 15, 2005



PARCEL "B"

A PARCEL OF LAND LYING IN GOVERNMENT LOTS 8 AND 11, 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:

COMMENCE 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 TO THE POINT OF BEGINNING; 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 NORTH 08°17'07" WEST, ALONG LAST SAID LINE, A DISTANCE OF 1598.09 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL TWO DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 416, PAGE 85 OF AFORESAID PUBLIC RECORDS; THENCE SOUTH 88°52'35" WEST, ALONG LAST SAID LINE, A DISTANCE OF 1,040.37 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF AFORESAID GOVERNMENT LOT 8; THENCE SOUTH 00°21'15" EAST, ALONG LAST SAID LINE, A DISTANCE OF 985.42 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 00°20'15" EAST, ALONG SAID WESTERLY LINE OF GOVERNMENT LOT 11, A DISTANCE OF 139.49 FEET TO THE POINT OF BEGINNING.

LANDS THUS DESCRIBED CONTAIN 1,065,546 SQUARE FEET AND/OR 24.46 ACRES, MORE OR LESS, IN AREA.

Exhibit "C"
MASTER DEVELOPMENT PLAN TEXT

a. ***"A Description related to the design, character and architectural style or theme of the Project, which demonstrates an innovative, unified, cohesive and compatible plan of development for all Uses included in the Project. Mixed Use PUDs that contain different Uses or several Development Parcels must also demonstrate consistency in design and character and plan of development.***

The Shores Commercial Planned Unit Development ("PUD") is a commercial development, designed as a 100,000 square foot shopping center. The PUD is to be developed on approximately 24.46 acres of land located on US 1 south of Wildwood Drive and across from Shores Blvd. South. It is anticipated that the design, character and architectural style of the development will result in a unified, cohesive and compatible plan of development in that it will:

- Permit a creative approach to the development of the property and accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of the Land Development Code.
- Ensure adequate buffering from any adjacent residential neighborhoods through preservation of natural features.
- Provide an environment of stable character, which is compatible with surrounding residential areas and maintains the existing character, while complimenting the commercial business opportunities present in the area.

- b. ***"The total number of acres included within the Project as requested in the application."***

Approximately 24.46 acres.

c. ***"The total number of Wetland acres included within the Project as requested in the application."***

Approximately 9.43 Acres.

d. ***"The total amount of Development area, including the total number of developable acres (including filled Wetlands) for each proposed land Use and the total number of Wetland acres to be preserved for each land Use. Each developable Parcel shall be limited to one Use Classification, as provided in Article II of this Code."***

The area proposed for development is comprised of approximately 24.46 acres, of which approximately 9.43 acres are wetlands. Approximately 2.49 acres of wetlands will be impacted. Approximately 6.94 acres of wetlands will be preserved.

e. ***"The total number of residential Dwelling Units and density of the Project, the projected population, and projected population of elementary and high school age children that may reside within the Project."***

None.

f. ***"The total square footage and intensity of non-residential Development."***

The development shall be limited to commercial development up to 100,000 gross square feet. Impervious surfaces will not exceed 75% of the total site, including wetlands and the Floor Area Ratio ("FAR") is limited to 50%. Allowable uses, are generally as provided in Sections 2.02.01 D, E, F, and G of the Land Development Code, including, without limitation the following: commercial indoor recreation, entertainment, retail, hospitality, and general business, neighborhood Convenience Stores, grocery stores, specialty food stores, billiards and pool parlors, spas, gyms, and health clubs, commercial, vocational, business or trade schools, service businesses, mail and package services, laundries, personal services, child care centers, restaurants, medical and professional offices, governmental branch offices, martial arts school, performing arts schools, financial institutions, supermarkets, indoor garden and farm supply stores, general offices, veterinary offices, Professional offices, and outdoor seating. Alcoholic beverages will be allowed in accordance with Section 2.03.02 of the Land Development Code.

g. ***"The residential and non-residential Structure setbacks, as measured from the property line, the minimum size of residential Lots, the number of parking spaces for residential and non-residential Uses, the use of Signs and signage to serve the Project and the maximum height of all Structures."***

Residential:

There is no residential development.

Non-Residential:

Setbacks: Except where required by Section 5.03.03.B.2. of the Land Development Code, building setbacks from the property boundary lines shall be: Front-15 feet; Side- 5 feet; and Rear- 10 feet. A twenty (20) foot setback will be provided for all commercial buildings and parking areas that are adjacent to road Right-of-Ways and adjacent to residential uses as provided by Section 5.03.03.B.2. Setbacks shall be measured as provided in the LDC as indicated on the MDP Map. Parking will be as generally depicted on the MDP Map. The size and number of spaces for the site will be not less than those required in the St. Johns County Land Development Code (LDC). Notwithstanding the foregoing, portions of the commercial site may be sold as individual parcels, provided each parcel has common property frontage for access/ingress/egress. Such individual parcels may share parking with other facilities, with shared parking agreements and will comply with LDC Section 6.05.02. Off-site parking, which shall be located within the bounds of the commercial area of the PUD, will be an allowable use for out-parcels.

Signage: Signage for the Commercial Site shall meet the requirements of Section 7.02.01.A of the LDC in effect at the time of the adoption of the PUD.

One (1) on-site project construction sign will be allowed near the entrance to the property along US 1, which must be removed within thirty (30) days after the "as-built" plans have been approved by the County. The sign may be two (2) sided with each face limited to thirty-two (32) square feet. In addition, temporary development signs will be allowed within the development, meeting the same criteria as the on-site project construction signs.

Height: Structures shall not exceed thirty-five (35) feet in height.

h. ***"The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project."***

The infrastructure needed to serve the PUD consists of drives/aisles, drainage facilities, water and sewer, fire protection and solid waste collection.

Vehicular Access: There will be one "right-in" and "right out" only access to U.S. 1 at the northern end of the site, and one full curb-cut access at the southern end of the site, in the approximate locations as shown on the MDP Map. Since Shores Blvd. S. is directly across the street, the entrance to Shores Commercial has been designed to align with Shores Blvd. S. All accesses shall be installed in accordance with all FDOT and St. Johns County regulations and permits and will comply with the LDC. An additional future access is proposed to the adjacent residential development and is located as reflected on the MDP map. Interconnectivity will be provided between Shores Commercial and the adjacent residential development. Interconnectivity is not possible to the west of the site, as the surrounding land areas are privately held. A possible future connection has been provided to the north of the site.

Internal Access: All internal drives shall be constructed in accordance with Section 6 of the LDC. All drives are private and shall be maintained by the property owner.

Pedestrian Access: Sidewalks (labeled as "SW" on the MDP Map) shall be provided as depicted on the MDP. Sidewalks will be constructed from the main entrance drive on US 1 to the parking areas and the proposed entrance to the adjacent residential development to the south.

Drainage: Storm water will be treated on site within the retention areas. All drainage structures and facilities will be designed and constructed in compliance with the LDC and the applicable rules of the St. Johns River Water Management District, with revisions and/or with the approval of the St. Johns County Development Services Department. All necessary permits and construction plans will be acquired and approved prior to the commencement of any construction.

Utilities: Water and sewer will be provided by St. Johns County Utility Department.

Solid waste: All solid waste and recycling areas shall be fully screened from view. Solid waste and recycling areas may be combined in the areas sufficient to accommodate both in the same location. The location, number and size of the solid waste and recycling areas may be moved to accommodate the actual need for such facilities subject to review and approval by the St. Johns County Development Services Department.

Fire Protection: Fire Protection will be provided in accordance with Section 6.03.00 of the LDC.

Recreation: As the use of the property is commercial, no recreational facilities have been provided.

Signalization: In the event a signal is warranted and approved by FDOT, the Applicant will comply with Section 6.04.07.K of the LDC.

Utility Station: The lift station (utility station) depicted within the twenty-five foot (25) foot building setback area, on the MDP Map, Exhibit D, will be constructed underground. No vertical buildings with permanent building foundations will be built above ground in the twenty-five (25) foot building setback area now or in the future.

i. ***"The amount of water and sewer use, based upon the projected population, and the Public Utility Providers, if applicable."***

Water and sewer demand is not expected to exceed 14,500 gallons per day. Public water and sewer service to the development will be provided by St. Johns County Utility Department. Ample capacity exists in the franchised utility system.

j. ***"The type of underlying soils and its suitability for Development of the proposed Project."***

The soil survey of St. Johns County, Florida, identifies the primary soil type within the parcel as Pomona fine sand. The potential for community development in these areas is medium. Along the eastern edge of the property is Myakka fine sand. The potential for community development in these areas is medium. Lower areas along the shallow drainage within the southwestern portion contain Floridana fine sand. The potential for community development in these areas is very low. Native vegetation includes slash pine, sawpalmetto, live oak, gallberry, and shining sumac. A soils map is attached hereto as Exhibit H.

k. ***"The type and extent of upland forest and wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and Wetland vegetation shall be provided with the application submittal."***

A FLUCCS map is attached hereto as Exhibit G.

l. ***"The type and extent of any Significant Natural Communities Habitat as defined by this Code."***

There are no existing Significant Natural Communities Habitat nor any existing Listed Species on site. See Exhibit F attached hereto.

m. "Identification of known or observed Historic Resources as defined by this Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of this Code shall apply."

In February 2004, Southeastern Archaeological Research, Inc. (SEARCH) conducted an archaeological and historical investigation of the Shores Commercial PUD parcel and no historic properties were identified in the project area during the investigation. Due to this investigation, SEARCH found that the proposed development will have no effect on historical properties listed or eligible for listing in the *National Register of Historic Places*, or otherwise of historical or archaeological value. A copy is attached hereto as Exhibit "J."

n. ***"The type and extent of buffering, landscaping, tree removal and tree protection, and buffering between adjacent uses as needed to aesthetically screen uses and provide privacy."***

Applicant shall provide a ten foot (10') perimeter buffer pursuant to Section 5.03.03.A.4. Applicant shall also provide an averaged twenty-five foot (25') natural undisturbed upland buffer, with no less than ten (10) feet in any one area, and a twenty-five (25) foot building setback adjacent to contiguous wetlands. A waiver request is included in Section T, as a part of this Application to reduce the building setback adjacent to the 15,000 square foot building located adjacent to the

access drive to the southern residential area to 15 ft. only as to a portion of the western wall of that building. The upland buffer is to be measured from the State jurisdictional wetland line and proceeding landward. No activity, placement of a structure, or accessory use is to take place in this buffer. It is to remain a natural undisturbed vegetative buffer. Additionally, Applicant shall maintain the upland area, located on the western boundary of the property, as conservation area, as depicted on the MDP Map, Exhibit D, and shall cease any logging or timbering activity. Accessory activities are allowed to take place in the setback area. The accessory uses do not include buildings with a permanent foundation. Applicant will comply with the screening and buffering requirements contained within Article 6 of the LDC. The Applicant will continue to work with staff during the development of construction plans to configure the development area so as to increase the natural vegetative buffer on the north side of the contiguous buffer, where possible.

o. ***"PUDs located in Special Districts as defined by Article III of the Land Development Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District."***

The PUD is not located within any Special District.

p. ***"The use, location and duration of temporary uses, including construction trailers, sales units, model homes, and temporary signage related to construction of the Project."***

Construction trailers shall be allowed to be placed on site and moved throughout the site as necessary. Construction trailers will not be placed in the upland buffers. Parking shall be provided for the trailer(s) in a temporarily defined, but unpaved lot within the driveway apron that meets County Code requirements. Construction trailers shall be removed prior to issuance of a certificate of occupancy.

q. ***"The use and location of accessory uses for residential and non-residential structures, including Guest Houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing, and similar Uses."***

Exterior air conditioning units and related heating/cooling units may be located adjacent to or at the rear of the structures served. Any fencing shall comply with Section 2.02.04.12 of the Land Development Code.

r. ***"A phasing schedule, including at a minimum, the amount of residential and non-residential development to be completed within a specified phase, a specific commencement date, a definition of commencement of the Project, and a specific completion date. The PUD shall expire at the end of the specific completion date included in the MDP Text and no further development shall occur until the phasing schedule is extended or modified pursuant to the requirements of this part. The PUD shall provide as part of the phasing schedule, an estimate of uses to be developed within five (5) year phases. The estimated phases may overlap during construction; however, the phase shall be fifty percent (50%) complete, before the next phase may proceed unless modified through a PUD Minor Modification."***

Shores Commercial is designed to be constructed within two (2) five-year phases. The 61,000 sq. ft. retail building will be constructed in Phase One. The remainder of Shores Commercial will be constructed in Phase 2. The estimated phases may overlap during construction, provided that a phase shall be fifty percent (50%) complete before the next phase may proceed, in accordance with Section 5.03.02.G.1.r.1. Commencement of construction shall be deemed to have occurred upon approval of final construction plans for horizontal improvements and payment of the required inspection fees. Completion is defined as receipt from the County of a Certificate of Occupancy.

s. ***"The projected impact of the Project upon St. Johns County, an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification of the Project."***

The impact of the PUD on County service and infrastructure will be within all adopted levels of service. The PUD's benefits include the provision of additional commercial opportunities that will complement adjacent developments.

- The property in question is located in a Mixed Use District. The property is suitable in character and location for the structure and uses proposed.

- The PUD will not adversely affect the orderly development of St. Johns County as embodied by the LDC and the 2015 St. Johns County Comprehensive Plan. The property is identified as Mixed Use on the Future Land Use Map of the St. Johns County Comprehensive Plan, which allows development activities as proposed within this application. As described, this use is compatible with the surrounding zoning and Comprehensive Plan as well as the overall trend of the area. The applicant believes that the proposed PUD will be a benefit to the future occupants of the PUD and to the residents of St. Johns County in that the County will be afforded more control over development of this project.

- The PUD will not adversely affect the health, safety and welfare of the residents or workers in the area, will not be detrimental to the natural environment or to the development of adjacent properties or the neighborhood and will accomplish the objectives, standards and criteria set forth in the LDC. Before planning this PUD, wetland and topographical surveys were

performed to include wetland preservation as part of the development plan. The developer and owners will maintain the character and appearance set forth herein.

- The PUD will conform to the requirements of Article XI of the LDC. Construction will commence only after confirmation by the St. Johns County Concurrency Review Committee in accordance with the standards and procedures of the LDC that the availability of adequate public facilities and services support the proposed PUD. A Final Certificate of Concurrency is attached hereto as "Exhibit K."

- The conditions stipulated in the PUD application and imposed by this ordinance provide for strict regulation and maintenance of this PUD.

- When developed in accordance with the conditions stipulated by this ordinance, the PUD will maintain the standards of the area, complement the neighboring developments and will be compatible with the desired future development of the area.

t. ***"A description of any waivers, variances, or deviations from this Code included in the application and justification for such waivers, variances, or deviations."***

The Applicant is requesting a waiver from the Land Development Code. The Applicant is requesting a fifteen-foot (15') building setback for a portion of the western wall of the 15,000 sq. ft. retail building located adjacent to the access drive for the southern residential development, as depicted on the MDP Map. The orientation of the required parking and out parcels creates accesses for fire safety and other service vehicles at the front of the building. Such orientation precludes providing duplicate accesses at the rear of the building.

~~The Applicant is requesting a waiver from the Land Development Code in order to reduce the total square footage of the upland buffer in order to allow the limited access road behind the~~

~~7,900 square foot retail building and the 15,000 square foot retail building, as depicted on the MDP Map. In no event shall the Applicant reduce the upland buffer to below the ten (10) foot minimum.~~

u. ***"A statement binding all successors and assigns in title to the commitments and conditions of the MDP."***

The Applicant, its successors and assigns, hereby agree and stipulate 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 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."

v. ***"When the subject property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and Wetland acres for each land Use designation."***

Not Applicable.

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 25th DAY OF August 20 05
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners
BY: Wanda King D.C.

ST. JOHNS COUNTY FLORIDA

JUL 27 2005
ST. JOHNS COUNTY
PLANNING DEPARTMENT

COPY OF ADVERTISMENT

THE ST. AUGUSTINE RECORD

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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **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 04-33 SHORES COMM** was published in said newspaper in the issues of

JULY 25, 2005.

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 he 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 **25TH** day of **JULY, 2005.**

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

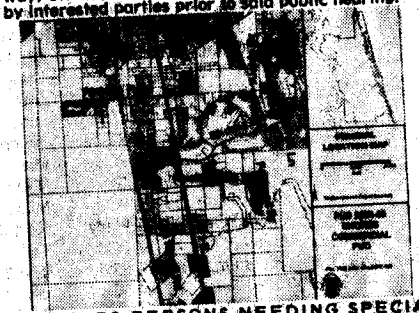
Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

_____
(Signature of Notary Public) (Seal)

PATRICIA A. BERGQUIST

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, August 9, 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 5395 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 the County's ADA Coordinator at (904) 823-2235 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. 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. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN
FILE NUMBER: PUD 2004-33
Shores Commercial PUD
L1827-5 July 25, 2005