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ORDINANCE NUMBER: 2007- 78

Public Records of  
St. Johns County, FL  
Clerk # 2007070634,  
O.R. 2997 PG 1537-1554  
10/23/2007 at 11:37 AM,  
REC. \$73.00 SUR. \$81.50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM RESIDENTIAL MOBILE/MANUFACTURED HOUSING AND SINGLE FAMILY (RMH)(S), AND RESIDENTIAL SINGLE-FAMILY 3 (RS-3) TO PLANNED UNIT DEVELOPMENT (PUD) 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 April 3, 2007, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2007-07 Marbrisa 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 Marbrisa 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 PUD 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 PUD is consistent with the Future Land Use Designation of Residential C (Coastal).
4. The PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
5. The PUD 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.
6. The PUD meets all requirements of applicable general zoning, subdivision and other regulations except as

may be approved pursuant to Sections 5.03.02(G)1.t and 5.03.02.(F).of the Land Development Code.

7. The PUD would not adversely affect the orderly development of St. Johns County

**SECTION 2.** Pursuant to this application File Number PUD 2007-07 Marbrisa, 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** 2nd **DAY OF** October **2007.**

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

**BY:** Ben Rich

**Ben Rich, Chairman**

REINJECTION DATE 10/04/07

**ATTEST: CHERYL STRICKLAND, CLERK**

**BY:** Cheryl Strickland

**Deputy Clerk**

**EFFECTIVE DATE:** October 9, 2007

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**DESOTO PLACE PUD**

A PARCEL OF LAND IN SECTION 27, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2, SECTION 26; THENCE RUN NORTH 361.30 FEET TO A POINT ON THE LINE DIVIDING SECTION 26 AND 27; THENCE S 71°30'00" W, 331.00 FEET; THENCE N 18°25'39" W, 100.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 18°25'39" W, 225.38 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF DESOTO ROAD, A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE ALONG SAID RIGHT-OF-WAY N 85°44'47" W, 26.56 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S 18°15'17" E, 69.72 FEET; THENCE S 71°30'00" W TO THE WATERS OF THE MATANZAS RIVER; THENCE MEANDERING SOUTHWESTERLY ALONG THE EDGE OF THE MATANZAS RIVER TO A POINT LYING S 71°30'00" W OF THE POINT OF BEGINNING; THENCE RUN N 71°30'00" E, 744.50 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH LOT 19, BLOCK 3, TREASURE BEACH – FIRST ADDITION – REPLAT AS RECORDED IN MAP BOOK 11, PAGES 51 AND 52 OF THE PUBLIC RECORDS OF SAID COUNTY, LESS AND EXCEPTING THEREFROM THE EAST 25 FEET THEREOF.

SAID PARCEL CONTAINING 3.2 ACRES PLUS OR MINUS.

**EXHIBIT C**  
**MASTER DEVELOPMENT PLAN TEXT**  
**Marbrisa Planned Unit Development**

**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 B. This petition is filed on behalf of the applicant, Robert "Bob" Sherno, JMMM, LLC.

**A. Location:** The property to be rezoned consists of 3.20 acres, described by the Legal Description - Exhibit A. It is situated in St. Johns County, west of State Road A1A, north of Crescent Beach, at 271 DeSoto Road in the community of Treasure Beach. The property extends from DeSoto Road on its eastern boundary to the Intracoastal Waterway as its western boundary. The site is shown on the Location Map, Exhibit E. It is located within the Residential Coastal "C" category on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan which allows for single family residential uses, including those proposed within this application. The site is located within the South Anastasia Island Coastal Corridor Overlay District.

**B. Surrounding Uses:** The subject property is L-shaped and zoned Residential Mobile Home (RMH) on the northeast portion and Residential Single Family Three (RS-3) on the balance. The adjacent properties are developed for residences, including mobile homes and single-family residences within an older subdivision known as Treasure Beach to the north and a newer subdivision, Matanzas Cut, to the south. The properties to the north and east are zoned RMH and to the south are zoned RS-3. The proposed lot sizes (7,000 square feet minimum) are within the range (6,900+/- to 10,000+/- square feet) found in the surrounding area. Likewise the proposed project is compatible with the overall area since it is of similar density and intensity as other surrounding land uses.

**C. Ownership:** The subject properties are owned by Bob Sherno and Michael Munier, JMMM, LLC. The Proof of Ownership (deeds) are attached as Exhibit G. The JMMM, LLC property owners have authorized Michael Munier to act on their behalf, who has, in turn, authorized Karen M. Taylor to act on their behalf and file the application for seeking the rezoning change indicated. The authorization is attached as Exhibit F. The 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 3.20 acres located at 271 DeSoto Road west of State Road A1A and includes three (3) existing lots of record. The property is currently undeveloped but contains one (1) standing home and garage structure and an area of old concrete footings, all of which will be removed. As explained, the property is currently zoned RMH on its northeastern portion and RS-3 on its southern and western portion. The applicant is requesting a zoning change to Planned Unit Development (PUD) to allow for the construction of six (6) residential single-family home sites with a dock and six (6) private boat slips, one (1) for each residence. The development will be known as **Marbrisa Planned Unit Development (Marbrisa PUD).**

The Master Development Plan, Exhibit D, indicates the general layout of the site for construction of the six (6) single-family residential homes. The majority of the property has remained as an individual parcel (without lots) for a number of years and the overall development includes one (1) lot from the Treasure Beach Subdivision. The property will be accessed through an entrance/exit drive on DeSoto Road at this "lot" location. The preservation and protection of the site's numerous large oak trees and the related size of the adjacent lots (minimum lot size is 7,500 square feet) have been given special consideration in planning and design for this development. Although these lots are listed as a minimum size of 7,000 square feet, most of the resultant lots are actually somewhat larger than that and include a "Buildable Area" as noted on Exhibit D-1, Reference Site Plan Exhibit D, Master Development Plan Map, which have been designated to preserve as much of the extensive tree canopy, wherever possible, to the extent possible.

The property will provide for a linear community park area, accessing the dock and along with the jurisdictional wetlands. An upland buffer and perimeter buffer, will provide for a generous amount of open space and a measure of separation between current and any future adjacent dwelling units. The property will be provided with central water and sewer. It is planned for development in one (1) phase. This project has been designed to be a small waterfront maritime-type neighborhood with a single private cul-de-sac serving only six (6) lots. The site is heavily treed, but already cleared of most underbrush and the street ends with a linear park provided for within a separate "tract" under ownership of the **Marbrisa Homeowners Association**. This "tract" provides pedestrian access to the private community dock with six (6) privately owned boat slips (one to be "owned" by each lot). The private community dock will also be placed in this same "tract," as well as the circular shaped property on the inside of the cul-de-sac.

**B. Development Size:** This site consists of 3.20 total acres of property, with 2.39 acres to be developed.

**C. Wetlands:** The 3.20 acre site contains .80 acres of wetlands. The wetlands contained on this site are all located on the western portion of the property adjacent to the Intracoastal Waterway as shown on the Master Development Plan Map, Exhibit D. All wetlands will be preserved in their natural state and will be provided with the appropriate buffers and setbacks as established within this PUD, to meet the County LDC standards. An existing dock will be reconstructed, with an elevated walkway through the wetlands and buffer, to allow for the six (6) community boat slips. The wetland vegetation is described in Environmental Information, Exhibit I.

**D. Development Area:** There are 3.20 acres of property on this site. The site contains 2.39 acres of uplands with .80 acres of wetlands, all of which be preserved for a total of 2.39 acres of developable area.

**E. Dwelling Units:** The site is planned for six (6) single-family residential homes on 2.39 acres of upland area for an overall net density of 2.5 units per acre. It should be noted that the property is located within the Residential Coastal "C" FLUM category, which provides for densities ranging from two (2) to four (4) units per acre. The density for this project is therefore 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 fifteen (15) residents at build-out. At a ratio of 0.37 children per household, the project will generate approximately two (2) school age children. The developer agrees to provide

disclosure documents announcing the potential for school children to be rezoned to different schools within the sales literature.

**F. Non-Residential Development:** There is no non-residential development planned for this property.

**G. Site Development Criteria:**

**1. Lot Sizes and Building Area:** The total ground area to be occupied by buildings and structures shall not exceed ~~thirty five percent (35%)~~ fifty percent (50%). Lot sizes shall meet a minimum size of 7,000 square feet, with a minimum fifty (50) foot lot width and an eighty-five (85) foot depth. All lots, except for one (1), front on a cul-de-sac, and these are configured to meet a minimum twenty-five (25) foot lot width at the edge of the right-of-way, with lots meeting the minimum fifty (50) foot width dimension at the front yard setback. Lots will meet or exceed these minimum standards, however, to achieve maximum tree preservation of the large oaks on-site, each lot has been assigned a designated "Buildable Area" ~~Development Area~~, which is shown on Exhibit D-1, Reference Site Plan. Buildings and structures on the lots, shall be restricted to these Buildable Areas. ~~Development Areas~~.

**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, with all typical residential accessory and ancillary uses allowed as outlined within the Land Development Code.

**3. Setbacks:** Setbacks shall be measured as per the Land Development Code, from the furthest projection of the structure thirty (30) inches above the general level of the graded lot upward as follows:

a. Front yard: Twenty (20) feet.

b. Side yard: Minimum is five (5) feet with no permitted projections and providing for a minimum clearance of ten (10) feet between the furthest projection of any structure. These setbacks may include drainage easements. Note, most lots meet a seven and one half (7½) foot setback.

c. Rear yard: Fifteen (15) feet, providing a minimum five (5) foot setback is maintained for accessory structures, including detached carports and/or garages, and screen enclosures. Rear yards may also include a drainage easement.

It should be noted that, in order to allow for more options with the goal of saving as many trees as is possible (to the extent possible), ~~the preservation of the large trees on the site~~, the buildings and structures will be restricted to occur within specific development areas to meet the minimum criteria of LDC Section 6.06. These areas are described as the "Buildable Area" for each lot as shown on ~~Exhibit D, the Master Development Plan Map (MDP Map) and~~ Exhibit D-1, the Neighborhood Reference Site Plan. For the purposes of the County, ~~the Neighborhood Plan~~ this Reference Site Plan shows the existing tree locations.

4. **Building Height:** Buildings will 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.

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. Two (2) subdivision identification signs will be allowed, which will be incorporated into a wall or fence, located on each side of the main entrance, one (1) on either side of the entrance, as shown on the Master Development Plan Map, Exhibit D. Such wall or fence will be located along the interior boundary of the perimeter buffer. These signs will be a maximum of thirty two (32) square feet in size for the per-sign face and a maximum eight (8) feet in height (within the wall or fence). Although not required for single-family development, the sign design and size will meet the regulations of the South Anastasia Island Coastal Corridor Overlay District. The applicant may also construct a fence, berm or install landscaping and/or vegetation (or provide a combination thereof) to compliment the entrance feature with the sign incorporated into the wall or fence.

b. Real Estate "for sale, lease or rent" signs may be installed provided the sign area will not exceed ~~sixteen (16)~~ six (6) square feet and shall be limited to one (1) per one parcel of land.

c. One (1) temporary development sign will be allowed near the entrance, which will be removed after completion of construction and the last parcel of land sold. The sign may be two (2) sided with each face limited to ~~twelve (12)~~ six (6) square feet and will conform to the requirements of the Land Development Code.

d. 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 area, etc. Such signs will be a maximum of four (4) square feet in size.

Due to the size and scope of the **Marbrisa PUD** the applicant feels a separate Unified Sign Plan is not necessary and a waiver to the LDC Unified Sign Plan requirement, Section 7.00.02 B.2. is requested herein Section T. Waivers/ Variances / Deviations.

7. **Fencing:** A maximum six (6) foot high opaque fence will be allowed in the rear and/or rear/side yards and along the interior boundaries of the perimeter buffers and/or along the interior boundaries of the upland buffer, with no fencing allowed within the buffer. 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. **Lighting:** The applicant will provide street lighting that minimizes impacts to the surrounding area and is shielded from adjacent properties, while providing for the safety of residents. The lighting levels shall be in accordance with the requirements of Land Development Code Section 5.03.06 H.6.

## H. Infrastructure:

1. **Stormwater:** Stormwater will be handled on site within two (2) areas. There is one along the northwestern portion of the property, near the entrance labeled as "Treatment Swale." The other is along the western portion of the property and is labeled as "Treatment Berm," as noted on the MDP Map, Exhibit D. Conveyance of for these treatment swales will be via drainage easements between some of the lots, along the project boundaries and along the road edge of the cul-de-sac. The "Treatment Berm" extending along the fifty (50) foot wide upland buffer is located adjacent to the wetlands on the western side of the development. All 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 by a fifty (50) foot right-of-way entrance directly on Desoto Road. The road right-of-way will measure fifty (50) feet at the entrance, and one hundred (100) feet in diameter on the cul-de-sac. In addition, there will be a minimum five (5) foot electric utility easement on each side of the right-of-way. Roads will be constructed in accordance with standards as stipulated within the St. Johns County Land Development Code.

With regard to vehicular interconnectivity, future vehicular access to adjacent properties is not available, since there is a water body to the west (the Intracoastal Waterway), and properties to the south, north and east are already developed with single-family lots and associated residences.

3. **Pedestrian Access / Sidewalks:** The recreation area is provided within a ten (10) foot wide tract (labeled as a "parcel" on the MDP Map), for pedestrian use on a common walkway. This walkway is ten (10) feet wide and extends to include the private community dock with six (6) private boat slips along the Intracoastal Waterway. These boat slips are for the individual lot owners and will only be available for the lot owners use. The plan provides for access to the common walkway via five (5) foot sidewalks adjacent to the road along the cul-de-sac.

4. **Parks / Recreation:** Recreational opportunities are provided within 4,750 square feet, or 0.11 acres of park area located within a common walkway and dock located in its own "tract." This tract is labeled as the "Recreation Tract" and is shown on the Master Development Plan Map, Exhibit D. The park area/ common walkway is a total of ten (10) feet wide and includes a five (5) foot sidewalk and elevated walkway "dock", which extends approximately six hundred and ninety (690) feet to a refurbished boat dock. The dock provides for six (6) privately owned boat slips (boat slip ownership corresponds to lot owners within the development).

~~A waiver to LDC Section 5.03.03.D.1 is requested in Section T. Waivers of this exhibit to allow the 0.11 acres of park area/common walkway and dock in lieu of other active recreation.~~

5. **Open Space:** Approximately forty-six percent (46%) of the 3.20 acre site, or approximately 1.50 acres of open space and green space, as defined by the LDC, will be



provided. This includes the wetlands (0.80 acre), the upland buffer (0.38 acre), the perimeter buffer (0.25 acre) and the park area (0.11). The locations of the open space provided within the development are indicated on the Master Development Plan, Exhibit D. This open space will provide visual interest and separation from residences within the development and provide buffering from the adjacent residences along the exterior of the development.

**6. Potable Water/Sanitary Sewer:** Central water and sewer service will be provided by St. Johns County Utility Department. In accordance with Section 5.03.02 G.1.i. of the Land Development Code, the total water and sewer usages for this development are estimated to be 2,100 gallons-unit-day of water use at 350 gallons/day/unit, and 1,680 gallons-unit-day of sewer use at 280 gallons/day/unit.

Per request of the St. Johns County Utility Department and in accordance with Section 5.03.02.G.1. h. of the Land Development Code, the applicant shall:

- a. Master plan all phased developments' utility infrastructures to maintain level of service to each phase. If the developer requests prioritizing alternate phases, the utility infrastructure shall have to be accommodated accordingly to minimize impact to existing SJCUD infrastructure.
- b. Confirm utility connection points at the design level. Utility connection points shall be installed as listed in the Availability letter or as directed otherwise by SJCUD to minimize impact to the existing infrastructure or to the existing level of service.
- c. Ensure the width of right-of-way will not limit meeting the minimum setbacks for underground utility lines set by SJCUD. The developer will provide the necessary easements in case proposed right-of-way cannot provide the required spacing for proper operation of underground utilities, in accordance with LDC, Section 5.03.06.7 Section 5.03.06.H.6.
- d. Not install water or sewer pressurized mains under pavement, sidewalk, and concrete walk unless it is approved by SJCUD. The developer will install such line in grassed right-of-way. All private lines will be serviced via master meters. The developer will provide restoration easements to maintain utilities in private right-of-way as long as they meet the SJCUD requirements for operation and maintenance.
- e. Ensure that any landscaping trees shall be placed at a minimum of seven and one-half (7 ½ ) feet away from the center line of pipeline to the center line of the trees.

In accordance with the requirements of the Utility Department, the applicant plans to provide for individual "lift stations" at each lot, as well as any other connections needed to provide for the sewer and water connections, which shall be indicated on the Construction Plans and shall be provided and installed in accordance with the requirements of the St. Johns County Utility Department.

7. **Fire Protection:** The applicant will comply with the requirements of the St. Johns County Fire Services as outlined within Section 6.03 of the Land Development Code, including installation of fire hydrants and meeting flow requirement.

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.

**J. Topography and Soils:** The property falls within the Zone AE of the Federal Emergency Management Agency (FEMA) flood zone, within the one hundred (100) and five hundred (500) year floodplain.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service, identifies two (2) main soil types on the site: 19 Pompano fine sand and 45 St. Augustine fine sand. They are described below:

1. **45 St. Augustine fine sand.** This soil type covers the eastern half of the site, mostly the uplands portions, and consists of a very dark grayish brown surface with slopes less than 2 percent. The soil is poorly drained with a seasonal water table within 20 to 30 inches of the surface for 2 to 6 months in most years, and recedes to a depth of 30 inches for more than 9 months in most years. The soils are broad flats and low knolls in flatwoods. Potential for community development is high for this type of soil.

2. **19 Pompano fine sand:** This soil type is located on the central western uplands, portion of the site (basically the upland buffer area). It is a poorly drained, nearly level soil in low areas bordering poorly to well-defined drainageways and broad low flat areas. Slopes are less than 2 percent. The seasonal high water table is at a depth of less than 10 inches for 2 to 6 months of the year and it recedes to a depth of 30 inches for more than 9 months during most years. Permeability is rapid or very rapid throughout. Potential for community development is medium.

**K. Site Vegetation and Habitat:** LG2 Environmental Solutions, Inc., conducted an environmental site assessment of the above-referenced site located in St. Johns County, Florida, and has evaluated the above-referenced property with regards to Environmentally Sensitive Areas-Significant Natural Communities Habitat (Sec. 4.01.07, St. Johns County Land Development Code). A report and maps are provided within Exhibit I, Environmental Information.

Two (2) natural vegetative communities exist within the development area, with one (1) upland and one (1) wetland community occurring. These communities are classified according to the Florida Department of Transportation's *Florida Land Use, Cover and Forms Classification System* (FLUCFCS, 1999) and consist of: Live Oak (FLUCFCS 427) and Saltwater Marshes (FLUCFCS 642).

1. **Live Oak (FLUCFCS 427):** An upland area approximately 1.93 acres located on the eastern half of the property. The vegetative community's canopy consists of live oak (*Q. virginiana*) and red cedar (*Juniperus virginiana*). The subcanopy consists of saw palmetto (*Serenoa repens*), winged sumac (*Rhus copallina*), gallberry (*Ilex glabra*), and

scattered persimmon (*Diospyros virginiana*). The ground cover layer consists of St. Augustine grass (*Stenotaphrum secundatum*). This community has been disturbed from its natural state by maintenance practices.

**2. Saltwater Marshes (FLUCFCS 642):** This wetland community of approximately 1.27 acres is located on the western end of the subject property. Tidal factors influence the community with inundation occurring on a regular basis. Dominant vegetation consists of needle rush (*Juncus roemerianus*), glasswort (*Salicornia* Spp.), saltwort (*Batis maritima*), smooth cord grass (*Spartina alterniflora*) and salt grass (*Distichlis spicata*).

**L. Significant Natural Communities Habitat and Species Listed:** LG2 Environmental Solutions, Inc. (LG2ES) has independently reviewed the list of Federal and state protected, endangered and threatened species for Florida and reviewed appropriate literature regarding habitat and ecological characteristics of all protected species with the potential to occur on the subject property. Field investigations and a database search were conducted to determine the potential of any state or federally protected species. No sensitive habitats listed as Environmentally Sensitive Areas (ESA) were observed (St. Johns County, 2005) and no rare species habitats were reported (FNAI 2006) on-site. A full report is attached as Exhibit I, Environmental Information.

**M. Historic Resources:** The St. Johns County Archeological Site Probability Model Map (Figure 8.4) identifies the site as being located in an area of "high" probability for archaeological sites. An archaeological Phase II study, in accordance with LDC Section 3.01.05.B.1, is underway ~~was conducted~~ and ~~has been~~ will be provided to the St. Johns County Planning Division.

**N. Buffers:** In accordance with the current St. Johns County Land Development Code, the following buffer areas will be established and maintained within the development, as shown on the Master Development Plan 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, along the interior property boundary, if desired.
2. A fifty (50) foot averaged (minimum of twenty-five foot) undisturbed upland buffer measured landward from the state wetland jurisdictional line shall be maintained around all contiguous wetlands on the western portion of the site. This upland buffer is to remain a natural vegetative undisturbed buffer.

Land clearing plans will be submitted for the roads, recreation areas and drainage facilities with the Construction Plans. The development will conform to all land and lot clearing and tree inches/replacement requirements outlined within the Land Development Code, effective at the time of permitting.

**O. Special Districts:** The project is located within the South Anastasia Island Coastal Corridor Overlay District and as such, will conform to those regulations as applicable.

**P. Temporary Uses:** A temporary construction/sales trailer may be utilized and placed on the site upon approval of the construction plans in the location shown on the Construction Plans. The

temporary trailer will be allowed to remain until completion of the residential units, and must be removed no later than thirty (30) days of approval of the certificate of occupancy for the last unit.

**Q. Accessory Uses:** Standard residential 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 structure.

1. Accessory uses or structures contained within or attached to the building containing the principal use shall be considered a part of the principal building and not an accessory building and shall meet the same requirements for setback as the main use structure, except as provided in paragraph 2 below.

2. Accessory uses such as pools, covered pools, patios, decks and gazebos, either attached or detached from the principal use structure, may be constructed up to a minimum of five (5) feet from the rear or side property boundary, but may not be constructed within easements.

3. Guest houses or employee quarters, either attached or detached, shall meet the required setbacks of the principal use structure as allowed by the St. Johns County Land Development Code.

4. Detached accessory structures, other than those described in paragraphs 2 and 3 above, may be constructed three (3) feet from side or rear property boundary, if such accessory structure is separated from the principal use structure by ten (10) feet or more. If the accessory structure is less than 10 feet from the principal use structure, then the accessory structure shall be a minimum five (5) feet from the rear or side property boundary.

5. No accessory structure, excluding yard ornaments, shall be located within the required front yard.

6. Yard ornaments may be permitted in any required yard subject to height limitations and requirements limiting obstruction of visibility as defined by the Land Development Code.

7. Mechanical equipment (HVAC, generators, etc.) rear and side yard setbacks shall be a minimum of five (5) feet from property lines ~~two (2) feet~~.

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. No permanent structures shall be allowed within any public or private drainage or underground utility easement. Examples of permanent structures shall include, but are not limited to, air conditioning or electrical equipment, buildings, footings, masonry fences, masonry walls, decks, screened enclosures, patios, swimming pools and swimming pool decks. Driveways are to remain five (5) feet from the side property line for lot grading/drainage purposes. This does not include installation of five (5) foot wide apron flare.

**R. Phasing:** Marbrisa PUD shall be developed in one (1) phase and shall be commenced within three (3) years of approval of the PUD. Construction shall include all horizontal improvements, including roads and drainage for the development as well as the entrance features and installation

of recreation area improvements, including the dock and boat slips. 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 infrastructures and the approval of as-builts. Completion shall be within five (5) years of approval of commencement.

**S. Project Impact:** The property is located within the Residential "C" Coastal district of the 2015 St. Johns County Comprehensive Plan, which allows the types of uses and the residential 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 recreational facilities (the beach) and shopping. It has excellent access to major roadways and transportation corridors, including connection to State Road A-1-A, which accesses all points to the north and south including area employment opportunities, retail activities, schools, recreation facilities and cultural facilities. The project is planned as a small maritime-type neighborhood with waterway access and individual private boat slips. The development replaces primarily vacant land with one (1) small older house within a larger existing neighborhood, which is already a developed community, served by public facilities. The plan includes a linear walkway and park area accessing boat docks that will accommodate six (6) boats; one (1) for each lot. The site is located such that the location, size and design of the project will provide privacy and buffering from other development in the area. The project provides for tree preservation, to the extent possible, ample open space and greenspace and will be served by centralized utilities. A common parkway and walk, accessing the private community dock will facilitate community interaction, whereby residents can meet and enjoy recreation opportunities in areas within their immediate neighborhood. 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.

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

1. **Signage:** the applicant hereby requests a waiver from the LDC Section 7.00.02.B.2 requirement to provide a separate Unified Sign Plan, due to limited size and scope of the project. The requirements for the types, sizes, height and location of the signs have been provided within Section II, G. 6 of this MDP Text, Exhibit C, and as shown on the MDP Map, Exhibit D, where appropriate, in order to provide the necessary guidelines for review and approval of the signage. The applicant does not desire to waive the ability to have the site considered a single premise.

~~2. **Active Recreation:** the applicant hereby requests a waiver from the LDC Section 5.03.03.D.1, active recreation requirement for additional amenities. The applicant requests that the pedestrian walkway/linear park be considered in lieu of active recreational amenities. The project is small, consisting of just six (6) lots and six (6) corresponding private boat slips, with the primary community lifestyle and focus on its maritime leisure activities. The pedestrian walkway/ linear park, connecting sidewalks and private dock with waterfront access, combined with the many recreational opportunities of pleasure boating, will adequately provide for the kind of outdoor informal physical activities intended in the Land Development Code.~~

The applicant requests no other waivers, variance, or deviations to the Land Development Code, however, the applicant maintains the right to request small adjustments, and/or minor and major modifications to the PUD in accordance with the standards set forth for Planned Unit Developments within the Code.

**U. Ownership / Agreement to Comply:** The applicant, his successors and/or assigns, 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, his successors and/or assigns, 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.

All roads, drainage facilities and common areas, located within the **Marbrisa 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 **Marbrisa 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.

**V. Future Land Use Designation:** The property is located wholly within the Residential Coastal "C" density zone 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 **Marbrisa 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:** 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

to the north, south, and east) and the satisfies Objective A.1.13 Community and Neighborhood Creation and Preservation. The project is located within the Residential Density Zone "C" Coastal category of the 2015 St. Johns County Comprehensive Plan, which allows for residential uses, including those proposed within this application. This makes the proposed rezoning consistent with the Comprehensive Plan as defined within the Textual Appendix to the Future Land Use Element, Section 1 (a)(i) Residential Uses - Variable and Optional Density Systems for the "C" Zone and (iii) Residential Permitted Uses and not incompatible with present or future land uses.

**B. Location:** The project is located within a Residential Density Coastal Zone "C" on the 2015 FLUM, which district allows 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 of a typical single-family residential 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 reflect primarily single-family residences and mobile homes on platted single family lots. These lots are of a similar size and scale to the lots planned within the PUD and the properties will all be used for single family residential purposes. 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 C Future Land Use designation. The proposed rezoning will not change the existing and allowable land uses, or their impact to the surrounding area. The traffic generation and flow for the site will be minimal for only six (6) lots and no uses are contemplated or will be allowed that provide or any activities constituting a public nuisance.

**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 storm water and drainage facilities that mitigate any off-site drainage impacts.

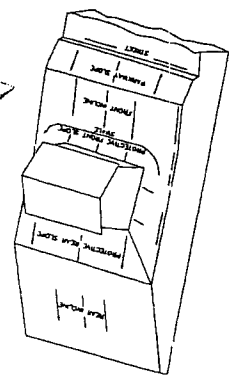
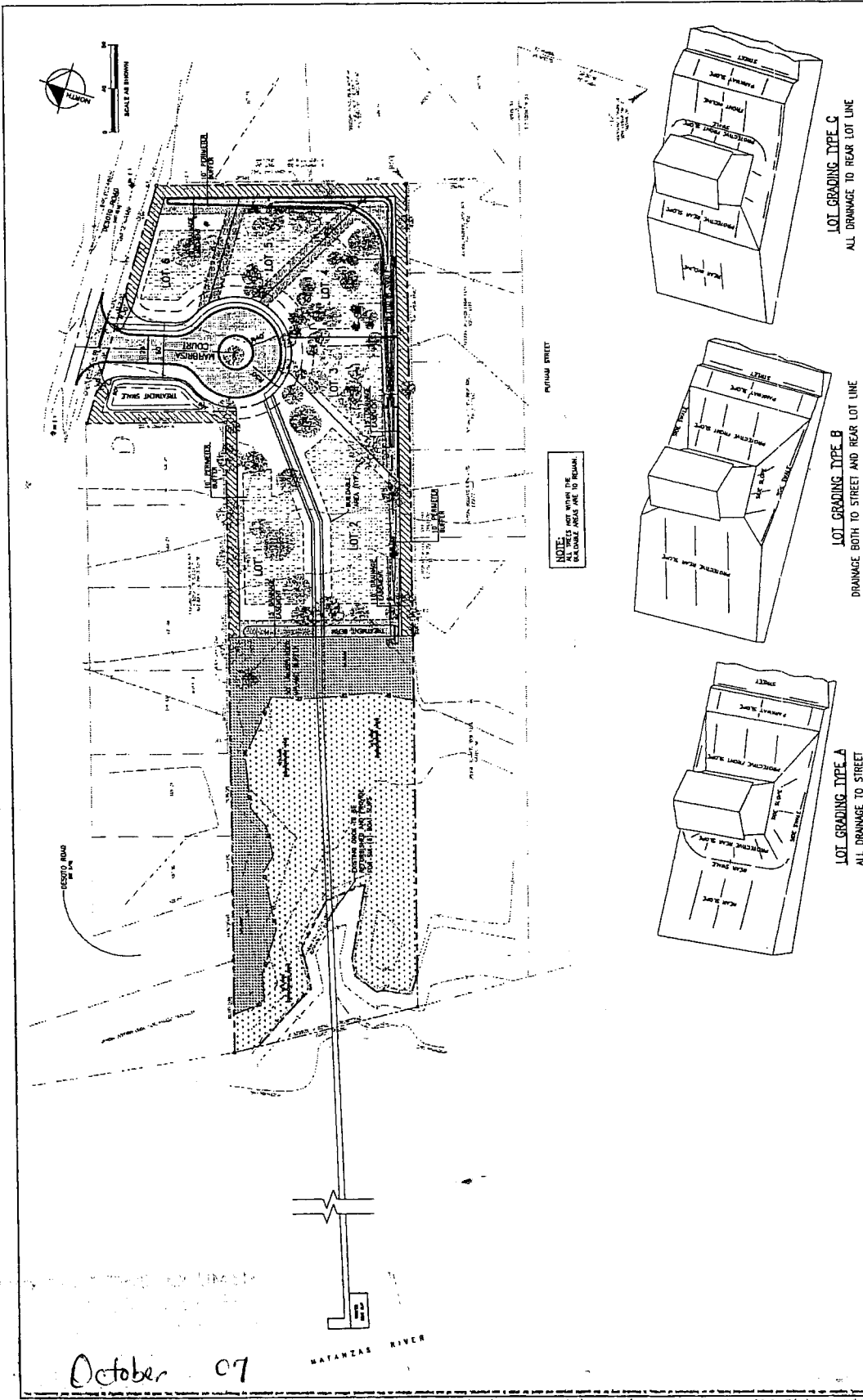
**F. Relation to PUD Regulations:** The subject project meets all applicable requirements of Section 5.03.00 Planned Unit Development districts, as well as general zoning, subdivision and other regulations except as may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

**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.

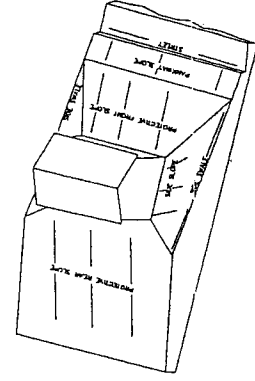
The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, as 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. 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 be consistent with the development of the property in the area and will be compatible with the desired future development of the area.



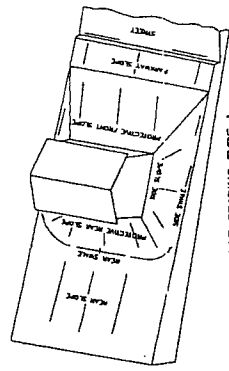




LOT GRADING TYPE C  
ALL DRAINAGE TO REAR LOT LINE



LOT GRADING TYPE B  
DRAINAGE BOTH TO STREET AND REAR LOT LINE



LOT GRADING TYPE A  
ALL DRAINAGE TO STREET

NOTE: SEE WITHIN THE PLAN FOR ALL DIMENSIONS AND ANGLES ARE TO REMAIN.

		DATE: MAY 2007 PROJECT NO.: 01-03-0001 SHEET NO.: 2
Kimley-Horn and Associates, Inc. 2000 MULTICOM AND ASSOCIATES, INC. 1000 WEST 10TH AVENUE, SUITE 200 MIAMI, FLORIDA 33132		EXHIBIT D-1 REFERENCE SITE PLAN
MARBRISA READ VENTURES, INC. ST. JOHN'S COUNTY, FLORIDA		SHEET NUMBER: 2

22nd

October 07

MATANZAS RIVER

*Yvonne King*

# The St. Augustine Record

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

COPY OF ADVERTISEMENT

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 a **NOTICE OF HEARING**

in the matter **PUD 07-02 MARBRISA**

was published in said newspaper in the issues of **SEPTEMBER 17, 2007.**

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 **17TH** day of **SEPTEMBER, 2007.**

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

*Patricia A. Bergquist*

(Signature of Notary Public)

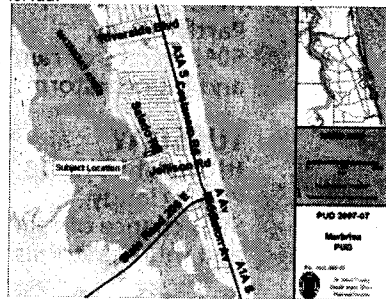
(Seal)

PATRICIA A. BERGQUIST

## NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, October 2, 2007 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 3.2 acres of vacant land currently zoned RMH and RS-3 to PUD to provide for six (6) single family residential lots and dock with six (6) boat slips. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The subject property is 271 and 273 DeSoto Drive, Treasure Beach located within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 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) 209-0650 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 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  
BEN RICH, CHAIRMAN  
FILE NUMBER: PUD 2007-07 Marbrisa  
L2598-7 Sept 17, 2007