

14
ORDINANCE NUMBER: 2008- 9

Public Records of
St. Johns County, FL
Clerk # 2008016820,
O.R. 3060 PG 20-33
03/24/2008 at 04:40 PM,
REC. \$57.00 SUR. \$63.50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL (OR) 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 **September 27, 2007**, in addition to supporting documents and statements from the applicant **which are a part of Zoning File PUD 2007-19 Chalk Business Center** 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 **PUD 2007-19 Chalk Business Center 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 B**.
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.

Janet Y. King
M+R

SECTION 2. Pursuant to this application File Number **PUD 2007-Chalk Business Center**, 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 4th **DAY OF** March **2008.**

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

BY: Thomas G. Manuel
Thomas G. Manuel, Chairman

RENDITION DATE 03/07/08

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: March 10, 2008

EXHIBIT A
LEGAL DESCRIPTION
Chalk Business Center PUD

A PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA LYING WESTERLY OF THE NEW EXISTING STATE ROAD NO. 207, FOR A POINT OF COMMENCEMENT BEGIN AT THE INTERSECTION OF THE NORTH LINE OF DEED BOOK 230 PAGE 217,, SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF THE NEW EXISTING STATE ROAD 207; THENCE NORTH 26°31'20" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 81.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY NORTH 63°31'43" WEST 192.00 FEET; THENCE NORTH 26°31'20" EAST 151.50 FEET; THENCE SOUTH 63°31'43" EAST 192.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 207; THENCE ALONG SAID WESTERLY RIGHT OF WAY SOUTH 26°31'20" WEST 151.50 FEET TO THE POINT OF BEGINNING.

EXHIBIT C
MASTER DEVELOPMENT PLAN TEXT
Chalk Business Center PUD

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 Chalk, Robert Chalk Framing, Inc.

A. Location / Surrounding Uses: The property to be rezoned consists of 0.6676 acres, described by the Legal Description - Exhibit A. It is situated in central St. Johns County, on the west side of State Road 207, just north of its intersection with State Road 206 West, as indicated by the Location Map, Exhibit E. A mobile home is now located on the property but will be removed. The property has frontage on State Road 207 and located northeast of the City of Hastings. The eastern property line fronts on SR 207. There are medium sized residential single-family parcels on the north and west with an agricultural business on the south. Other properties in the surrounding area are medium to large sized parcels, either undeveloped or developed with single-family structures with the exception of properties with frontage on SR 207. Properties located along SR 207 frontage are primarily commercial businesses.

B. Ownership: Robert Chalk, Robert Chalk Framing, Inc., P.O. Box 153, Elkton, FL 32033, owns the subject property as shown by the Proof of Ownership (deed) attached as Exhibit F. Said property owner has authorized Karen M. Taylor, Land Planner to act on his behalf and file the application for seeking the rezoning change indicated. The authorization is 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 approximately 0.6676 acres located on the west side of State Road 207. The applicant is requesting the zoning change from Open Rural (OR) to Planned Unit Development (PUD) to allow for the construction of up to 5,565 square feet of commercial office and business space. The development will be known as the **Chalk Business Center Planned Unit Development** (Chalk Business Center PUD).

The Master Development Plan Map, Exhibit D, for the property indicates the general layout of the site for 5,565 square feet of neighborhood commercial office and business space. Currently the site contains one (1) mobile home, which is accessed by an asphalt driveway and culvert. The development is proposed for one (1) two (2) phases. The mobile home in place now will be removed and a temporary modular type building in compliance with the building code will be placed on the property and then subsequently replaced with a new permanent commercial office and business building. The site will contain a ten (10) foot perimeter buffer on all sides and will meet the county's screening standards "A" on the northern and western boundaries. It will be accessed from one (1) twenty four (24) foot wide driveway entrance and culvert directly on State Road 207. The Master Development Plan, Exhibit D indicates the building locations, parking and loading areas, landscape and buffer areas at the front of the site and a retention/detention area at the rear of the site. All site improvements will be constructed within one (1) two (2) phases. The project will be served with a well and septic system that will supply fire fighting capabilities. The property is located within a Residential "B" designation on the Future Land

Use Map (FLUM) of the St. Johns County Comprehensive Plan which allows for "neighborhood commercial uses approved pursuant to the Planned Unit Development land development regulations, on a size and scale compatible with the surrounding residential area and further governed the Future Land Use Element Policies A.1.3.6, A.1.3.8, A.1.3.9, A.1.3.11, and A.1.11.2." Therefore, this application includes neighborhood commercial office and business uses as outlined within the Land Development Code as uses which "serve the surrounding neighborhood or a small group of neighborhoods," which "typically require direct access to collectors" like State Road 207 and "operate primarily in the daytime or early evening hours," and "generally include one-story and low-rise buildings outside of activity centers."

B. Development Size: The site contains 0.6676 acres.

C. Wetlands: There are no jurisdictional wetlands on the property.

D. Development Area: The project will use 0.6676 acres for development, including drainage facilities, buffers, open space, buildings and associated parking, loading and drives.

E. Residential Use: There is no proposed residential use.

F. Non-Residential Use: The project is planned initially for the one (1) modular structure (which will fulfill requirements of the building code), which will be used as an office and then for replacement with one (1) commercial office building of 5,565 square feet.

G. Site Development Criteria:

1. Building Area: The total ground area to be occupied by buildings and structures shall not exceed fifty percent (50%). Total building area shall not exceed 5,565 square feet. The total impervious surface area shall not exceed seventy percent (70%). The project shall comply with the Florida Americans with Disability Implementation Act and site and building construction will conform to the Florida Accessibility Code for Building Construction (FACBC).

2. Permitted and Non-Permitted Uses: The development will be constructed in an orderly manner, allow the following office and business uses, which will be compatible with Neighborhood Business and Commercial Uses, as derived from the definitions within the St. Johns County Land Development Code.

a. Permitted Uses: Neighborhood business and commercial uses such as real estate agencies, advertising agencies, insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, lawyers, veterinarians, psychiatrists, psychologists, psychiatrists, psychologists; building contractor and subcontractor offices with no outside storage. Service business uses, such as blueprint, printing, catering, mail and package services; personal services such as beauty shops, barbers, and photography studios; and other substantially similar facilities and Uses.

b. Non-Permitted Uses: doctors or dentist offices or clinics, sign shops, finance companies, veterinarians that provide treatment or boarding of animals on

premises. No outside display, and sales shall be allowed.

3. Building Setbacks: Buildings shall be setback a minimum of ten (10) feet on all boundaries. Setbacks shall be measured per the Land Development Code from the farthest architectural feature 30" or more off grade.

4. Building Height: Buildings shall not exceed one (1) story and twenty-five (25) feet in height.

5. Parking: Parking is indicated on the MDP Map, Exhibit D for 5,565 square feet of neighborhood business and commercial space. Parking spaces will be provided in conformance with the St. Johns County Land Development Code regulations applicable at the time of permitting, based upon specific parking requirement established for the Use within Section VI of the LDC. Parking lots and parking space layout will conform to the current applicable County standards and regulations and handicapped spaces will be provided and appropriately marked. Parking area shown is in the general location as required by Section 5.03.02.G LDC and may be modified to accommodate compliance with parking requirements of Section VI of the LDC. Any modifications to parking will be subject to Section 5.03.05.

6. Signage: All signs will be consistent in style and architecturally related to the building design. The entrance sign location is indicated on the MDP Map, Exhibit D. A Waiver to the final Unified Sign Plan details can be found in Section T. Waivers / Variances / Deviations. Signs will conform to the current St. Johns County Land Development Code, Section 7.02.00 On-site Sign Provisions, as follows:

a. Two (2) ground signs, consistent with Section 7.02.01, shall be allowed along State Road 207 in the general location shown on the Master Development Plan Map, Exhibit D. These signs shall be the major identification signs and shall provide for a directory listing of the businesses and services within the development. Dimensions shall be consistent with those allowable within the Land Development Code, at the time of permitting. The signs may be single or double faced and may be illuminated (internally or externally lit) and landscaped consistent with the restrictions within the LDC. The signs shall be placed in a sign tract if they are to serve more than one specific business.

b. Building storefront signs shall be allowed at 1.5 square foot per linear foot of frontage for each unit, not to exceed 150 square feet of advertising display area, and shall be in accordance with the LDC Section 7.02.01, at the time of permitting. In addition, the development may have directional signs that will not exceed three (3) square feet in size and two (2) directory signs.

c. Temporary signage may be provided for "for sale" or "lease" and information signs in compliance with Section 7.03.01 of the LDC.

7. Fencing: The applicant will be permitted to install a maximum six (6) foot high fence, to be constructed of wood, aluminum or similar material along the interior boundaries of all perimeter buffers. It should be noted that no fencing will be allowed within any buffers. No masonry walls or masonry fences will be constructed or located in a drainage

or underground utility easement.

8. Lighting: The applicant will provide lighting that minimizes impacts to the surrounding community and is shielded from the adjacent residential properties, while providing for recognition of the businesses and the safety of their customers. The lighting levels will not exceed the requirements of the Land Development Code, Section 5.03.06.H.6.

H. Infrastructure:

1. Stormwater: Stormwater will be retained/detained on the rear (west) of the site within the designated area shown on the Master Development Plan Map, Exhibit D. The drainage structures and facilities will be designed and constructed in compliance with the St. Johns County Land Development Code in effect at the time of submittal, with the retention/detention area in combination with the piping sized to accommodate the retention/detention requirements for the entire site. The Florida Department of Transportation has stormwater discharge capacity available adjacent to the site. The applicant will provide all necessary FDOT permits at the appropriate time.

2. Vehicular Access/Interconnectivity: One (1) twenty four (24) foot wide entrance/exit driveway shall be allowed on State Road 207 at the driveway cut, as shown on the Master Development Plan Map, Exhibit D. The driveway will enter the site perpendicular to S.R. 207, with the associated parking to the south side and along the front of the building, as indicated on the Master Development Plan Map, Exhibit D. The driveway and connection will be designed and permitted in accordance with the current County and State standards and requirements and the applicant will provide any required improvements. The applicant will provide interconnectivity through the parking area to the north and south of the site if needed or desired in the future.

3. Pedestrian Access/Sidewalks and Pathways: A six (6) foot wide sidewalk will be provided between the building front and the parking area. A four (4) foot sidewalk will be provided to S.R. 207 for any future exterior sidewalk connection. Detectible warning will be installed on walking surfaces and the handicapped access area as per LDC Section 6.06.04 B9.

4. Open Space: Over 10,000 square feet of open space and green space, constituting forty (40%) percent of the site, excluding retention/detention areas, will be provided. This open space will be contained within the development area of the site and within buffers along the property boundaries, which will be used to maintain the scenic qualities desired for State Road 207 and provide visual privacy and separation from the adjacent uses.

5. 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.

6. Solid Waste: Solid waste will be handled by the licensed franchisee in the area, and will be collected at the dumpster location indicated on the Master Development Plan Map, Exhibit D. The dumpster will be placed upon an accessible concrete pad and will be screened from view in accordance with Section 6.06.04.B.8 of the LDC.

7. Utilities: All electrical and telephone lines exist above ground on the site. Florida Power and Light Company will provide electrical power.

I. Potable Water/Sanitary Sewer Service: Both potable water service and sanitary sewer service will be provided via an onsite well and septic system. The applicant will connect to central sewer and water service when it is made available.

J. Topography and Soils: The property is located on the north side of State Road 207. The property lies in Flood Zone X.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service in 1983, identifies one (1) soil type on the site: **9 Pomona fine sand**. 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 from 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.

K. Site Vegetation and Habitat: A field assessment specifically focusing on the occurrence of wetlands, based on federal, state and local jurisdictional criteria was performed on March 24, 2006 by Michael D. Adams and again on September 5, 2007 and there were no wetlands found on site. The uplands natural community identification is #112 Mobile Home Unit with minimal vegetation. Slash pine and a few landscape trees and shrubs characterize the vegetation. The soil is non-hydric but poorly drained and exhibits a seasonal high water table. A copy of the letter is attached as Exhibit I, Environmental Information (Additional information will be submitted).

L. Significant Natural Communities Habitat/Threatened or Endangered Species: A survey of the site for wildlife utilization is included in Exhibit I, Environmental Information. No Significant Natural Communities Habitat occurs on the site and no threatened or endangered species were observed or are expected to be on the site.

M. Historic Resources: The project area falls within a "Medium" probability zone for archaeological sites based upon the county's Archaeological Site Probability Model Map. An archaeological and historic structures reconnaissance study is being conducted in accordance with LDC Section 3.01.05.B.1.

N. Buffers/Landscaping: Ten (10) foot perimeter buffers are shown on the Master Development Plan Map, Exhibit D and will be provided along all property lines in accordance with the LDC for PUD districts. In the areas that have been cleared, landscaping will be installed to meet buffering requirements.

For the areas that are natural this buffer will remain natural but may be augmented and landscaped with native vegetation. For the northern and western property boundaries adjacent to residential land uses, screening standard "A" will be provided in addition to the ten (10) foot perimeter buffer, in accordance with the requirements of the code. Landscape plans will be submitted with the Construction Plans and the development will conform to all land clearing and the tree credit/replacement requirements established within the Land Development Code. Screening of mechanical equipment will be in compliance with LDC 6.06.04B9.

O. Special Districts: This project is not located within any special districts as defined by Article

III of the Land Development Code.

P. Temporary Uses: There will be a twenty-four (24) foot by forty-eight (48) foot temporary modular building on the property until construction is complete. The temporary structure will comply with building code requirements. Parking shall be provided for such use in temporary, but defined unpaved lots, within the area nearby per the requirements of the Land Development Code Part 2.02.04(10). On-Site Construction signage may be provided in accordance with Part 7.03.01(b) of the Land Development Code, including temporary signage relative to the future project that may not exceed thirty-two (32) square feet. In addition, temporary sales and/or lease, contractor signs, etc. are allowed with each sign not exceeding six (6) square feet. The temporary structure shall be removed within thirty (30) days of the issuance of a final certificate of occupancy for the development.

Q. Accessory Uses: Standard **neighborhood business** accessory uses will be allowed per the 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 and shall include those allowable per the provisions of LDC Part 2.02.04 C.

R. Phasing: The **Chalk Business Center PUD** is to be permitted in two (2) phases, with horizontal construction commencing within three (3) years of approval of the PUD and completed within five (5) years of commencement. Phase One shall include all horizontal improvements, including the entrance, roads, sidewalks, and drainage facilities, the removal of the existing mobile home and placement of the modular office. The second phase of the project shall provide for the removal of the modular structure and construction of the 5,565 square feet business center. It will commence within six (6) years of approval of the PUD and completed within five (5) years of commencement. Commencement shall be defined as the approval of construction plans for all horizontal improvements and completion shall be defined as the installation of all horizontal infrastructure and the approval of "as-builts" for the project.

S. Project Impact: The property is located along State Road 207 just northeast of the City of Hastings, within a commercial lined corridor. The eastern property line fronts on SR 207. There are medium sized residential single-family parcels on the north and west with an agricultural business on the south. Other properties in the surrounding area are medium to large sized parcels, either undeveloped or developed with single-family structures with the exception of properties with frontage on SR 207. Properties located along SR 207 are primarily commercial businesses. As such, the applicant desires the zoning change to provide for neighborhood commercial and professional office space that will be convenient and provide services for the surrounding neighborhood. As indicated previously, the project is planned for development within a Residential "B" designation on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan which allows for "neighborhood commercial uses approved pursuant to the Planned Unit Development land development regulations, on a size and scale compatible with the surrounding residential area and further governed the Future Land Use Element Policies A.1.3.6, A.1.3.8, A.1.3.9, A.1.3.11, and A.1.11.2. In order to provide adequate buffering between the differing adjacent land uses, a ten (10) foot buffer containing landscaping and or/ fencing to the Screening Standard "A" will be installed along the north, and west property boundaries in accordance with the requirements of the County's Land Development Code. Recognizing the need for office and business services within a limited area, this property is situated on a major transportation facility (State Road 207) and is a logical location for small-scale service type businesses. The maximum square footage for the site will be 5,565 square feet, which is small enough to retain the local residential feel, but also provide a convenient location for residents to access services and for residents to conduct their own businesses close to home.

As indicated, the property has excellent access to major roadways and transportation corridors including State Road 207, connecting to U.S. 1 North and I-95 to the east. It will provide for local office space for small businesses and services, which will reduce the need for extensive vehicular travel to St. Augustine. Area residents may benefit by additional future employment opportunities and services and the County will collect higher tax revenue generated by commercial use.

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 to provide goods and services at a size and scale appropriate to serve the surrounding community and conform to the requirements of the St. Johns County Comprehensive Plan, which has established the parameters for developing business, service and office space within residential communities. The PUD will allow for County control of the quality, scale and type of the development and provide for a more desirable environment than could be accomplished through traditional zoning.

The planning and design of this property will allow for an integrated development plan, affording better compatibility with the surrounding land uses, as well as providing all necessary improvements to offset its impacts. The project will generate increased revenues without the demands that are commonly associated with residential development and will provide additional employment opportunities, as well as service opportunities for the surrounding residential communities. A consistent and consolidated development plan will improve the appearance of the area, and provide a location for services, which will hopefully reduce some of the travel for business and services out of the area.

T. Waivers / Variances / Deviations: The applicant requests one (1) waiver to specific requirements of the Land Development Code as follows:

1. Unified Sign Plan: The applicant hereby requests a waiver from 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, Paragraph G.6 of this MDP Text, Exhibit C, and as shown on the MDP Map, Exhibit D, where appropriate, to provide staff with the necessary guidelines to review and approve the signs. Providing a Unified Sign Plan is not appropriate for the size of this project (single building on 0.51 acres) however signage will be consistent throughout the development. The requested waiver shall not affect the provision of Section 7.00.02 B.2 of the Land Development Code that allows a PUD to be considered a single parcel for purposes of signage.

The Applicant requests 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: The **Chalk Business Center PUD** will be constructed, owned and operated by the applicant. The applicant, its successors and/or assigns shall be responsible for all improvements made to the site and shall maintain the site in a clean and orderly manner in accordance with all provisions of this PUD and conditions included with the adopting ordinance. All facilities are to remain private and will not be dedicated to St. Johns County. The applicant reserves the right to transfer the ownership of the PUD or portions of the building thereof to

multiple entities by condominium rules, providing maintenance agreement(s) between any property owner or owners has been established, which would provide for all maintenance and other requirements stipulated herein.

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 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. Future Land Use Designation: The property is located within the Residential "B" designation on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan, as amended.

SECTION III - SUMMARY AND CONCLUSIONS

The need and justification for approval of the **Chalk Business Center PUD** has been considered in accordance with the St. Johns County Land Development Code (LDC) 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 as it is located within a "Residential B" on the FLUM which allows the type of development envisioned (and is actually less intense) within the PUD and further described within the text under Goal A.1 as follows:

"To effectively manage growth and development by designating areas of anticipated future development which satisfy demand where feasible, in a cost-efficient and environmentally acceptable manner. Encourage / accommodate land uses which make St. Johns County a viable community. Creating a sound economic base and offering diverse opportunities for a wide variety of living, working, shopping and leisure activities, while minimizing adverse impact on the natural environment."

It is consistent with Objective A.1.2 Control of Urban Sprawl, in that the project does not constitute leapfrog development nor is it strip development, and it sets a standard for neighborhood professional office and professional services development requests within a residential area within the County, that are located within low-density residential areas **and it is located adjacent to farm related activities as well.** In addition, the development is consistent with the Comprehensive Plan as embodied in Objective A.1.3. Surrounding Land Use as the project includes uses allowable within the County Comprehensive Plan and land development regulations. It is consistent with Policy A.1.3.12 Compatibility, whereas the property provides buffers to adjacent land uses and along the major roadways and Policies A.1.3.6, A.1.3.9, A.1.3.11, and A.1.11.2.

The project also conforms to Objective A.1.11, Provision of Efficient, Compact Development and Policy A.1.11.1(h), Residential that provides for neighborhood commercial and/or office

uses within the Residential "B" category approved pursuant to the PUD regulations of the Land Development Code. Therefore, the request is consistent with and furthers the objectives and policies of the Comprehensive Plan.

B. Location: The project is located within a Residential "B" area on the FLUM, which allows the type of development envisioned within the PUD, provided it is approved pursuant to a Planned Unit Development. 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 commercial development under the criteria established within Article V 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, Policy A.1.3.12, 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 Objective A.1.3, Policy A.1.3.12, as stated, 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."

Office and business uses proposed within this project are very low intensity, daytime activities that are consistent with the neighborhood. Adjacent land uses surrounding this property are mixed with primarily residential and scattered commercial uses along SR 207, which would be deemed compatible with the proposed use of the property. **The property is located directly on and along a major arterial roadway, where there are numerous other business activities, including some agriculturally business activities that do not have commercial designations, but provide for more commercially oriented businesses.**

The uses on the adjacent properties and this property are 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 in respect to sensory characteristics; 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." 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 is served by a major transportation system, central water and sewer and will provide on-site stormwater and drainage facilities for any development activities that would mitigate any off-site drainage impacts. The development will proceed only upon receipt of a Certificate of Concurrency, indicative that there are adequate public facilities to accommodate the development.

F. Relation Of PUD Regulations and Zoning: The subject project meets all applicable requirements of general zoning, subdivision and other regulations except as those that may be waived pursuant to Subsection 5.03.02 (F) of the Land Development Code.

G. Master Development Plan Required: 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 project, as previously mentioned, represents a small personal services and neighborhood professional office, which will offer a convenience and services to the single family residences in the area, which will in turn reduce the required travel out of the area. Therefore, the applicant feels that the type of uses included in the application will be compatible with the emerging development patterns of the area, are consistent with the St. Johns County Comprehensive Plan and all County requirements and guidelines, as well as consistent with the overall development trend for the area, and hereby request approval.

CAD: CHALK-08-08.dwg

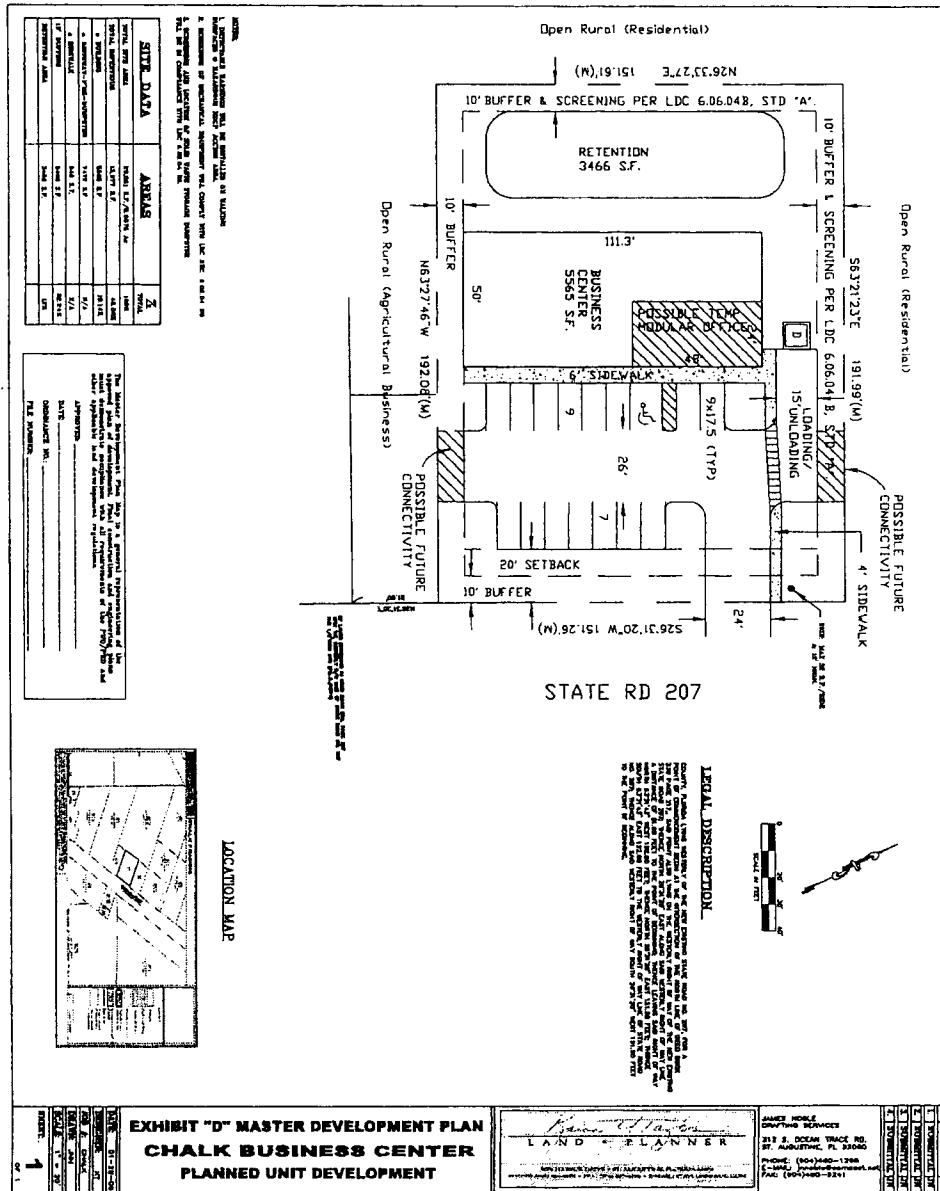


EXHIBIT "D" MASTER DEVELOPMENT PLAN
CHALK BUSINESS CENTER
PLANNED UNIT DEVELOPMENT

LAND DESIGNER

311 S. OCEAN TRACE RD. ST. AUGUSTINE, FL 32080

DATE: 03/20/08

SCALE: 1" = 20'

PROJECT: 08-08

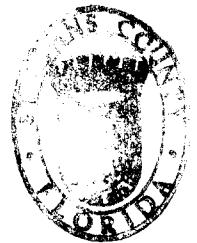
HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE & CORRECT COPY AS APPEARS ON RECORD IN THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

WITNESS MY HAND AND OFFICIAL SEAL THIS 19th March 20, 08

CHERYL S. ... LAND CLERK

Ex-Officio Clerk of the Board of County Commissioners

BY: Wenning King DC



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 **SARAH SELFRIDGE**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **NOTICE OF HEARING**
in the matter of **PUD 07-09/CHALK BUSINESS CENTER**

was published in said newspaper **FEBRUARY 18, 2008.**

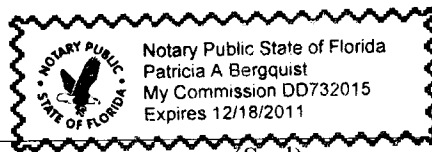
Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post 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 **18th day of FEBRUARY 2008.**

by Sarah Selfridge who is personally known to me
or who has produced PERSONALLY KNOWN as identification.

Patricia A Bergquist

(Signature of Notary Public)
PATRICIA A BERGQUIST

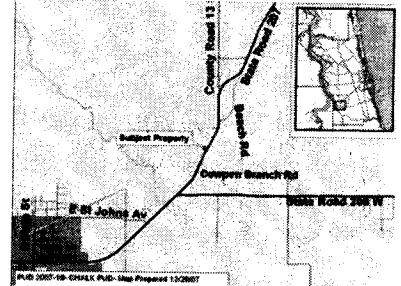


(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, March 4, 2008 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). 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 located at 7581 SR 207 within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, of 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 noticed public hearings or to written communication care of St. Johns County Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
THOMAS MANUEL, CHAIRMAN
FILE NUMBER: PUD 2007-19
Chalk Business Center PUD
L453-8 Feb 18, 2008