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St. Johns County, FL
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O.R. 3285 PG 1015-1032
02/09/2010 at 02:04 PM,
REC. \$73.00 SUR. \$81.50

ORDINANCE NUMBER: 2010- |

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 July 07, 2009 in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2009-02 Pacetti Road Plaza, 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. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, the Board of County Commissioners, finds as follows:

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-A.
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.

James Y. King m.r.

SECTION 2. Pursuant to this application File Number PUD 2009-02 Pacetti Road Plaza, 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 19th DAY OF January 2010.

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

BY: Ron Sanchez
Ron Sanchez, Chairman

Rendition Date: January 20, 2010

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

Effective Date: January 26, 2010

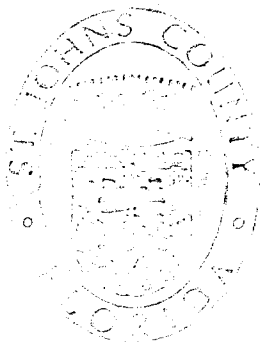


EXHIBIT A
LEGAL DESCRIPTION
Pacetti Road Plaza PUD

A parcel of land in Section 37, Township 6 South, Range 28 East, St. Johns County, Florida, more fully described as follows:

Commencing at the northwest corner of said Section 37; thence due South, on the west line of said Section 37, a distance of 420 feet to the Point of Beginning at the northwest corner of the herein described parcel of land; thence due East, on the south line of land now or formerly of Velda Dairies, 288.15 feet; thence South 21 degrees 10 minutes West, 105 feet; thence due East, 420 feet to the west line of State Road No S-13-A (Pacetti Road), said west line of road being 50 feet westerly as measured perpendicularly, from the center line of said road; thence South 21 degrees 10 minutes West, on said west line of road, 120.95 feet to the point of a curve to the left with radius of 766.20 feet, thence on said curve to the left and on said west line of road, through a central angle of 15 degrees 16 minutes, an arc distance of 204.16 feet; thence due West, 578.93 feet to said west line of Section 37; thence due North, 408.61 feet to the Point of Beginning.

Containing 5.00 acres, more or less.

TOGETHER WITH:

Being in Section 37, Township 6 South, Range 28 East, and beginning at a point where the South Boundary of lands owned by Velda Dairies intersects the West Boundary line of State Road South-13A, otherwise known as Pacetti Road said Point also being the Southeast corner of Velda Dairies land from said Point of Beginning run thence Westerly 420 feet to a point, thence South 105 feet to a point, thence Easterly 420 feet, parallel with the said South Boundary of Velda Dairies land to a point, being also an intersection of said line with the West Right-of-Way line of said Pacetti Road, thence run North 105 feet to Point of Beginning.

ALSO DESCRIBED AS: a parallelogram shaped parcel of land in Section 37, Township 6 South, Range 28 East, St. Johns County, Florida, being more fully described as follows:

Commencing at the Northwest corner of said Section 37, thence due South on the West line of said Section 37, a distance of 420 feet; thence due East on the South line of land now or formerly of Velda Dairies, 288.15 feet to the Point of Beginning at the Northwest corner of the herein described parcel of lands, thence continuing due East 420 feet to the Westerly Right-of-Way line of State Road No. South-13A, said Right-of-Way line being 50 feet Westerly, as measured perpendicularly, from the center line of said Road, thence South 21 degrees 10 minutes West, on said Right-of-Way line, 105 feet; thence due West 420 feet; thence North 21 degrees 10 minutes East 105 feet to the Point of Beginning;

The aforementioned described parcel of land is intended to be the same as described in Official Records Book 183, page 244 of the public records of said county.

EXHIBIT C
MASTER DEVELOPMENT PLAN TEXT
Pacetti Road Plaza 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 A. This application is filed on behalf of the applicant: Allen Suggs, Pacetti Road Investors LLC.

A. Location The property to be rezoned consists of nearly six (5.95) acres, described by the Legal Description – Exhibit A. This site is shown on the Location Map, Exhibit E. It is situated in northwest St. Johns County, on the west side of Pacetti Road, south of its intersection with State Road 16. The property is located within the St. Johns County Comprehensive Plan Future Land Use Map (FLUM) Residential "A" district, which allows for small commercial neighborhood businesses as included in the application.

B. Surrounding Uses: The property to be rezoned is located in the west central portion of the County. It has approximately 300 feet of frontage along Pacetti Road, which provides direct accesses for a veterinary clinic at the rear of the site and one (1) existing mobile home on the north end of the site. There are residential single-family home lots immediately adjacent to the site, to the north, south, east and the immediately adjacent property to the west is Pacetti Bay Middle School. The area has recently developed with a number of residential communities and commercial and office properties further to the north along Pacetti Road and at its intersection with State Road 16.

C. Ownership: Allen Suggs, Pacetti Road Investors LLC and Clinton Schermund own the subject property as shown by the Proofs of Ownership (deeds) attached as Exhibit F. Said property owners have authorized Karen M. Taylor, Land Planner to act on their behalf and file the application for seeking the rezoning change indicated. Authorizations are attached as Exhibit G. Adjacent property owners for notification purposes are included as Exhibit H.

SECTION II – SITE DEVELOPMENT CRITERIA

A. Project Description: The real property to be considered for rezoning consists of 5.95 acres located on the west side of Pacetti Road in west central St. Johns County, just south of State Road 16. There is approximately 300 feet of frontage along Pacetti Road, which provides access for one (1) existing single-family homes and a veterinary clinic, which is under construction. The applicant is requesting the zoning change from Open Rural (OR) to Planned Unit Development (PUD) to allow for development of neighborhood office and commercial uses, reflecting closely the growth of the area and its needs. The development is planned for a total of 32,803 square feet, which includes a 7,803 square foot veterinary clinic, which was previously approved under the Special Use provision of the Land Development Code, as well as the neighborhood business and commercial uses needed to serve the expanding residential growth in the area. The development will be known as **Pacetti Road Plaza Planned Unit Development (PUD)**.

The Master Development Plan Map (MDP Map) – Exhibit D, indicates the general layout of the site for construction of approximately 32,803 square feet of neighborhood office, business and commercial activities to be distributed as follows: 7,803 square feet for a veterinary clinic

(previously approved), 5,500 square feet for office uses and 19,500 square feet for business and retail uses. The plaza will have one (1) access point on Pacetti Road to service the project. This driveway access will be twenty-six (26) feet wide at its connection point and will be constructed in accordance with all County "driveway" Standards. Interconnectivity may be provided to the property to the south via a new ingress/egress driveway from the main entrance drive, however, the site is currently zoned OR and contains a single-family residence. Interconnectivity is not planned, nor is it feasible to the north or west. To the north is an established single-family residential PUD, which is constructed and the roadway is separated from this site by a "non-access" strip property and to the west is Pacetti Bay Middle School.

The site plan provides for the seventy-five (75) foot Scenic Edge along Pacetti Road and a thirty-five (35) foot Development Edge along all other boundaries as required by the Northwest Sector Overlay and the Land Development Code (LDC). It should be noted that a total of 1.86 acres, or thirty-one (31%) percent of the 5.95 acre site will be used for Scenic and Development Edges to provide buffering and transitional zones to address compatibility with current and future adjacent land uses. The project is planned for construction in two (2) phases, with the approved veterinary clinic constituting the first phase and the remaining office and commercial uses included in the second phase. Overall construction plans, incorporating the veterinary clinic, will be filed and permits obtained for the entire development at one time. However, construction of the site improvements and buildings may be in sub-phases. All buffers and landscaping will be maintained and installed within requirements set forth in the LDC.

B. Development Size: The site contains 5.95 acres.

C. Wetlands: There are not jurisdictional wetlands on site.

D. Development Area: The project will use an overall total of 5.95 acres of developable property.

E. Residential Use: There is one (1) existing single-family residence that exists on site and will be able to remain for up to five (5) years or until physical construction starts on Phase II, whichever comes first. However there will be no residential land uses in this PUD upon completion.

F. Non-Residential Use: Non-residential development will consist of up to 7,803 square feet of veterinary clinic, 5,500 square feet of office and 19,500 square feet of retail for a total project build out of 32,803 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 32,803 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 Uses: The development will be constructed in an orderly manner, and allow for Neighborhood Business and Commercial Uses, as derived from the definitions within the St. Johns County Land Development Code.

a. Land Use activities in this category are those, which serve the surrounding neighborhood or small group of neighborhoods. Uses typically require direct access to collectors, and operate primarily in daytime or early evening hours. Development may generally include one-story and low-rise Buildings outside of activity centers. This category does not include large-scale discount super centers or big box retailers.

b. Typical Uses in this category include commercial indoor recreation, archery facilities, entertainment, retail, hospitality, and general business, such as retail goods stores; financial institutions without drive-through facilities; neighborhood Convenience Stores without gas pumps; grocery stores; specialty food stores; spas, gyms, and health clubs; churches; service businesses such as blueprint, printing, catering, travel agencies, mail and package services and laundries; veterinary offices with inside boarding facilities and enclosed within a sound proof building; personal services such as beauty shops, barbers, or photography studios; Adult Care Centers, Child Care Centers, Restaurants without drive-through facilities; Take-Out Restaurants; medical and Professional Offices, and government branch offices, schools for the performing or fine arts and for martial arts.

3. Building Setbacks: Setbacks shall be measured in accordance with the requirements within Section 6.01.03 of the Land Development Code. A minimum seventy-five (75) foot setback will be provided from Pacetti Road to accommodate the Scenic Edge, and a minimum thirty-five (35) foot setback shall be provided along all property perimeters to allow for the Development Edge. A minimum twenty (20) foot setback shall be provided between buildings and will be measured to the wall.

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

5. Parking: Parking is generally indicated on the MDP Map, Exhibit D. Parking spaces will be provided in conformance with the St. Johns County Land Development Code regulations applicable at the time of permitting, based upon the “shopping center” calculation established within Article 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 of the LDC and may be modified to accommodate compliance with parking requirements of Article VI of the LDC. Any modifications to parking will be subject to Section 5.03.05.

Accessible parking spaces will be in compliance with the Florida Accessibility Code for Building Construction (FACBC) Section 11-4.1.2. All pedestrian accessible routes shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC) and the Americans Disability Act Accessibility Guidelines (ADAAG) established by Florida law and 28 CFR Part 36.

6. Signage: Signs will conform to the current St. Johns County Land Development Code, Section 7.02.00 On-site Sign Provisions, as follows:

a. Three (3) ground signs, consistent with Section 7.02.00. Two (2) signs totaling a maximum of one hundred fifty (150) square feet each and one (1) at one hundred (100) square feet shall be allowed along Pacetti Road in the general location shown on the Master Development Plan Map, Exhibit D. At least one (1) sign shall be the major identification sign (located within the Scenic Edge) and at least one (1) of the signs shall provide for a directory listing of the businesses and services within the project. Dimensions shall be consistent with those allowable within the Land Development Code. The signs may be single or double faced and may be illuminated and landscaped consistent with the restrictions within the LDC. The applicant may construct the sign(s) as a part of a fence, masonry wall, berm or install native vegetation (or provide a combination thereof) to compliment the entrance feature.

b. Building storefront signs shall be allowed at one and one-half (1.5) square foot per linear foot of frontage for each unit, not to exceed one hundred and fifty (150) square feet of advertising display area.

c. Temporary signage may be provided for "for sale" or "lease" and information signs in compliance with Section 7.03.01.B.2 of the LDC.

d. Construction and/or advertising signs shall be allowed as on-site temporary project sales signs, conforming to the requirements of Section 7.03.01.B.2 of the Land Development Code, will be allowed near the entrance to the property, which must be removed within thirty (30) days after the last unit is sold. The signs may be two (2) sided with each face limited to thirty-two (32) square feet.

e. Various directional, locational, model and traffic control signs shall be allowed on site to direct traffic and for identification of sales office, amenity area, etc. Such signs will be a maximum of three (3) square feet in size

All signage will be consistent with the architectural style and colors of the buildings. However, because of the size and scope of the Pacetti Road Plaza PUD signage which is outlined within this document, the applicant feels a separate unified sign plan is not necessary and is requesting a waiver to the LDC Unified Sign Plan requirement Section 7.00.02.B.2 within Section T – Waivers.

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 of the boundaries (not within) the Development Edges. 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 plan will be in compliance with LDC Section 5.03.06.H.6 (maximum illumination allowed at the zoning lot line shall be .20 foot candles).

H. Infrastructure:

1. Stormwater: Stormwater will be retained on site for the development. Stormwater treatment facilities are provided on site within “swales” (grassed and treed areas) along both the eastern boundary, within portions of the Scenic Edge along Pacetti Road. A more typical retention pond will be located further toward the rear, northwest portion of the site. 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 area in combination with the piping, sized to accommodate the retention requirements for the entire site. No air-conditioning and/or electrical equipment will be placed in or constructed in drainage and/or underground utility easements.

2. Vehicular Access/Interconnectivity: One (1), twenty-six (26) foot wide entrance/exit driveway shall be allowed to connect directly with Pacetti Road, as shown on the Master Development Plan Map, Exhibit D. The access driveway has been constructed as part of the veterinarian clinic, and enters the site perpendicular to Pacetti Road on the south side of the project. It has associated parking along the length, as indicated on the Master Development Plan Map, Exhibit D. It is understood that due to the increased traffic associated with the office and commercial development, the driveway and/or connection may need to be modified. If this is necessary, such modifications will be permitted and constructed in accordance with current County standards and requirements, with the applicant providing the required improvements.

Interconnectivity may, if needed and desired, be provided via new ingress/egress driveway to the south, which will connect to the main entrance driveway within the development. However, interconnectivity is not feasible to the north or west, as to the north is a single-family residential PUD (with the non-access strip) which is constructed and established and to the west is Pacetti Bay Middle School neither of which are desirable interconnections.

3. Pedestrian Access/Sidewalks: Sidewalks will be provided within the development along the building fronts, parking areas and/or around buildings where required and/or needed. Sidewalks, five (5) feet wide, as shown on the Master Development Plan, Exhibit D, will be provided along the parking area frontages of buildings in conformance with fire codes and at the entrance to Pacetti Road. All pedestrian accessible routes shall meet the requirements of the Florida Accessibility Code for Building Construction (FACBC) and the Americans Disability Act Accessibility Guidelines (ADAAG) established by Florida law and 28 CFR Part 36.

4. Open Space: A minimum of 1.49 acres of open space and green space will be preserved for this plan, constituting twenty-five (25%) percent of the site, as indicated on the Master Development Plan Map, Exhibit D. The buffers provide this open space, Development Edges and Scenic Edges as required by the LDC and buffering is used to maintain the scenic qualities desired for Pacetti Road and provide visual privacy and separation from the adjacent uses. In addition, since the project falls within the Northwest Sector area, a Community Area is planned on the western side for the site, in front of the buildings and parking areas, straddling the Scenic Edge, which will provide for a walkway (around the retention areas), park benches and landscaping.

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. All trash and solid waste for the development will be collected at dumpster location indicated on the Master Development Plan Map, Exhibit D. All dumpsters will be placed upon an accessible concrete pad and will be screened from view in accordance with Section 6.06.04.C.8 of the LDC and will comply with the requirements of Ordinance 2009-2 as adopted on January 6, 2009.

7. Utilities: All electrical and telephone lines will be installed underground on the site. Florida Power and Light Company will provide electrical power.

8. Potable Water/Sanitary Sewer: Both potable water service and sanitary sewer service will be provided via St. Johns County Utilities. It is anticipated that the project will utilize 5,530 gpd of both potable water and sanitary sewer.

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J. Topography and Soils: The property is located 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 types on the site: **63 Placid fine sand**

1. 63 Placid fine sand. This is a very poorly drained nearly level soil on broad, low flat areas. Slopes range from 0 to 2 percent. This soil type is the predominant soil type for the northern portion of the property. It has a seasonal high water table within a depth of 10 inches for more than 6 months in most years. During extended dry periods, the water table may recede to a depth of more than 40 inches. Permeability is rapid throughout. Potential for community development is medium, with the high water table being the main limitation. Dwellings without basements and local roads and streets require special water control measures to remove excess surface water and lower the high water table. Adequate water outlets for drainage are generally available.

K. Site Vegetation and Habitat: Bill Brown Environmental, Inc. (BBE, Inc.) examined the property and a report reviewing their findings is attached as Exhibit I, Environmental Information. The property measures approximately 5.95 acres and bordered to the north and south by residential developments, and to the west by St. Johns County owned property (school) and the east by Pacetti Road. Buffers and edges will provide for the required five (5) percent conservation of the Upland Natural Vegetation (as per LDC 5.03.03.A.3), but may be augmented and landscaped with native vegetation if desired.

A total of two (2) classifications of vegetation are present on-site, Residential – Low Density (FLUCFCS 110) and Pine-Mesic Oak (FLUCFCS 414). These communities are classified according to the Florida Land Use, Cover, and Forms Classification System (FLUCFCS) (FDOT 1999). Neither of the community designations detailed above reflects communities listed as ESA or SNC for St. Johns County.

L. Significant Natural Communities Habitat: BBE, Inc. surveyed the site for wildlife utilization. A copy of their report is included in Exhibit I, Environmental Information. Sensitive species are those deemed Endangered, Threatened, or Species of Special Concern (SSC); sensitive species were not observed during the site visit, and during the performance of other environmental services. Due to the small size of the lot, the existing on-site land-use, adjacency to existing single-family residences, and proximity to Pacetti Road, it is highly unlikely that sensitive species would inhabit the site. Habitat areas that support sensitive species were not found present during the site assessment, and it was determined that there is no direct evidence of sensitive species utilizing the subject property.

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 has been conducted in accordance with LDC Section 3.01.05.B.1. No artifacts or cultural resources were identified on site and therefore no further action is recommended for the site.

N. Buffers, Development Edges and Scenic Edges: In accordance with the current St. Johns County Land Development Code, the following buffer areas will be established and maintained within the development, as follows:

- 1. Scenic Edge:** A seventy-five (75) foot Scenic Edge will be provided and maintained along Pacetti Road. Performance standards for the Scenic Edge will meet those regulations contained in Section 6.06.06.04 and 6.06.06 of the LDC. As the Scenic Edge contains very little vegetation, the applicant will design the edge to contain a combination of small berms and swale areas with associated landscaping, which will be detailed within the Construction Plan documents. In addition, as mentioned, a portion of the Community Area will utilize the Scenic Edge for walkway/pathways and park benches.
- 2. Development Edge:** A thirty-five (35) foot Development Edge shall be provided around the north, west and south boundaries. The Development Edge may include fencing along the interior boundary per the Comprehensive Plan, Policy A.2.1.3.
- 3. Perimeter Buffer:** A ten (10) foot landscaped perimeter buffer will be provided, which will be included within the Scenic Edge and Development Edge, around the project perimeter. The intent is to maintain any existing tree cover and natural vegetation but plans are to augment the buffer with native/natural vegetation and meet the desired screening and performance standards.

Land clearing plans will be submitted for the drives, building areas and drainage facilities with the Construction Plans. Clearing will be allowed by permit through the County. The development will conform to all land clearing and tree credit/replacement requirements outlined within the Land Development Code, effective at the time of permitting. Portions of the buffers and edges will be left natural, meeting the required five (5) percent conservation of the Upland Natural Vegetation (as per LDC 5.03.03.A.3), but may be augmented and landscaped with native vegetation if desired.

It is the applicant's intention to implement Low Impact Development principles, that may include but not be limited to reducing overall irrigation usage, using retention ponds for irrigation water, reducing the size of stormwater management systems, proposing native plant material for planting areas, using pervious concrete in parking areas, reducing cleared and filled areas and

leaving existing vegetated areas, and using bio-retention areas and swales to reduce sheet flows. The specific Low Impact Development Principles will be determined at the time of construction plan approval.

O. Special Districts: The project is not located in any Special District as defined by Article III of the LDC. However it is located within the Northwest Sector Overlay as defined by Objective A.2.1 of the Comprehensive Plan. Please refer to the Northwest Sector Neighborhood Sustainability Indicators, Exhibit K, and Section III of the MDP Text, Exhibit C for additional language regarding Northwest Sector compliance.

P. Temporary Uses: There may be a temporary construction/sales trailer located on the property until construction is complete. On-Site Construction signage may be provided in accordance with Part 7.03.01(b) of the Land Development Code, as stated above in Section II, G, 6 of this exhibit. Temporary construction trailers shall be removed within thirty (30) days of the issuance of a final certificate of occupancy for each phase of development. Construction signs to be placed up to 30 days prior to start of project construction and to be removed within 30 days of Certificate of Occupancy.

Q. Accessory Uses: Standard office, commercial and planned districts 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: Pacetti Road Plaza PUD shall be developed in two (2) phases, incorporating the veterinary clinic and associated infrastructure as the first phase and the remaining office and commercial space as the second phase. Construction plans have already been approved for the "first phase" veterinary clinic, which is under construction. Construction Plans for the second phase will include all of the horizontal infrastructure for the front (eastern) buildings and associated facilities (24,500 square feet). Although permitting will be consolidated into one (1) set of plans for the second phase (incorporating the construction completed in the first phase), portions of the horizontal infrastructure and buildings, within the second Phase, may be constructed within sub-phases as denoted on the Construction Plans, with all infrastructure for the sub-phase (including fire hydrants) completed before a CO is issued for any building.

Commencement shall be within five (5) years of approval of this PUD and shall be defined as approval of construction plans by the St. Johns County Development Services Department. Completion shall be defined within five (5) years of commencement and shall be defined as the installation of all infrastructure and approval of as-builts but not necessarily all vertical (building construction). Development will obtain a FDEP construction permit and FDEP certification of completion will be applied as permitted for construction.

S. Project Impact: The property is located along the west side of Pacetti Road in central St. Johns County, south of its intersection with State Road 16, within a mixed developed area containing residential and commercial. The applicant desires the zoning change to provide for neighborhood business, office and commercial space that will be convenient and provide services for the neighborhood and area. As indicated previously, the property is within a Residential "A" area of the St. Johns County Comprehensive Plan, which provides for neighborhood commercial and business activities through a PUD. Recognizing the need for neighborhood business type services within a limited area, this property is centrally located for the residential area, is situated along a major transportation facility (Pacetti Road) and close to other office and commercial

activities. It is a logical location for more small-scale neighborhood service businesses and offices, that serve the local community, as the commercial center to the north, at the intersection of Pacetti Road and State Road 16, provides for the more intense commercial activities and services. Although the site would allow for almost 50,000 square feet (5.95 acres at 10,000 square feet per acre), the maximum square footage for the site is 32,803 square feet, which is small enough to retain the local residential feel, but also provide a convenient location for residents to access services and to conduct their own businesses close to home. The site has been designed as a series of small scale residentially styled buildings, planned to complement and coordinate with the surrounding neighborhoods. The site design includes six (6) buildings, with at least one (1) is planned to be two (2) story, in order to provide visual interest to the site. However, no buildings will be over the thirty-five (35) foot height and rooflines may be varied. All buildings will be planned to be architecturally compatible and, as mentioned, signage designs and colors will be consistent throughout and match the architectural theme.

As indicated, the property has excellent access to major roadways and transportation corridors including State Road 16 to the north, County Road 208 to the south, connecting to Interstate 95 for further destinations. The project will not be a strip shopping or business center, but will consist of separate one (1) and two (2) story staggered buildings. The development is planned to blend in with the residential neighborhood and compliment the other commercial and office facilities in the vicinity. It will provide for local space for small businesses, which should reduce the need for some of the extensive area travel to St. Augustine (for both work and services) and allow the County to collect tax revenues, especially those generated by office activities.

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 serve to help reduce travel for business and services out of the area.

T. Waivers / Variances / Deviations: The applicant requests the following waivers to the Land Development Code.

- 1. Unified Sign Plan:** A waiver from the LDC Section 7.00.02.B.2 requirement to provide a separate Unified Sign Plan due to the single use (commercial) of the project. The requirements for the types, sizes, height and location of the signs have been provided within Section II.G.8 of this PUD text, Exhibit C, and shown on the MDP Map, Exhibit D, where appropriate, to provide staff with the necessary guidelines to review and

approve the signs. The applicant does not desire to waive the ability to have the site considered a single premise.

The applicant requests no other waivers, variances or deviations the Land Development Code. 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 Land Development Code.

U. Ownership/Agreement: **Pacetti Road Plaza 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 buildings 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 "A" designation on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan, as amended.

SECTION III – NEIGHBORHOOD PROFILE NORTHWEST SECTOR PLAN COMPLIANCE

Pacetti Road Plaza PUD is designed as a small neighborhood business and commercial center to be developed along Pacetti Road, which is to include five (5) commercial buildings and two (2) buildings servicing the veterinary clinic along with associated parking, retention, open space and developments edges and buffers in two (2) phases. The 5.95-acre site contains all uplands. The design has been planned to reflect the community goals and objectives of the Northwest Sector Plan of providing an environment of stable character, which is compatible with surrounding residential area, while offering complimentary small business and commercial opportunities for the area. The Sector Plan for the area promotes enhancing the appearance through the preservation of natural features and the provision of substantial open space, maintenance of the character of the existing environment and vistas, preservation of the native tree canopy and under story prevalent in the area. It encourages designs, which allow for a variety of civic and commercial activities, which promote increased resident interaction while striving for efficient

use of the land that results in more compact infrastructure, providing for lessened impacts on the facilities and relieve the burden from the County of having to maintain such facilities.

The project is located within the area designated by the Northwest Sector Plan and as such, meets the Goals, Objectives and Policies of the Plan outlined above and more specifically Goal A.2 and Objective A.2.1 Northwest Sector Overlay which provides for the basis for the plan of development. **Pacetti Road Plaza PUD** is also consistent with the Policies of the Plan, including Policy A.2.1.3 regarding the provision of a Development Edge, Policy A.2.4 regarding the provision of a Scenic Edge and Policy A.2.1.9 regarding the general pattern of development. **Pacetti Road Plaza PUD** reflects the vision in that it is designed to ensure a safe transition into and out of the area. Development within the project is oriented away from the highway; it is buffered from any negative aspects of the ever-increasing traffic along that roadway frontage.

Pacetti Road Plaza PUD is consistent with the goals, objectives and policies of the Northwest Sector Overlay and meets the intent of the Overlay's Vision through its design and enhancement to area sustainability. With regard to the proposed project's sustainability as provided in Policy A.2.1.13, the applicant feels that this development of the site will serve to enhance and continue the viability and sustainability of the area by providing office and small business space so that nearby residents may find many of their consumer needs just a short distance away. The general plan of development is intended to retain as much of the existing site character as possible, while meeting the goals of the Northwest Sector Plan.

With regard to Neighborhood Sustainability, **Pacetti Road Plaza PUD** is designed to accommodate small neighborhood type business and professional offices that serve and to co-exist within the existing character of the area. In accordance with Policy A.2.1.13 - Northwest Sector Overlay General Development and Neighborhood Sustainability Indicators, (included with this application as Exhibit K), approximately 1.86 acres of Development Edge and Scenic Edge buffers will be provided within the development. The total 5.95-acre site contains no wetlands and will provide for the continued use of the pet spa/veterinary clinic, while eventually providing for up to 32,803 square feet of space as the community grows.

SECTION IV – SUMMARY AND CONCLUSIONS

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

Adjacent land uses surrounding this property include both residential and commercial uses which will be well served by the small scale neighborhood business and commercial uses as planned in this PUD and will be protected (buffered) by the extensive Development Edge along either side boundary and the Scenic Edge along Pacetti Road. The proposed use of the property is compatible and complimentary 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 "A" Future Land Use designation. The proposed rezoning will not change the existing and allowable

land uses, their impact to the surrounding area, the traffic flow for the site, or provide for any activities constituting a public nuisance.

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. As a result of the conditions and safeguards included in the application, this development will provide for a needed facility and will be beneficial to the area as a whole. It will be compatible, per Policy A.1.3.12 with the adjacent properties, through the site design and the provision of buffers and screening. It has been designed with the buildings and parking near the center of the site, with buffers and screening to reduce the impact of activities on the any the adjacent land uses or neighborhoods.

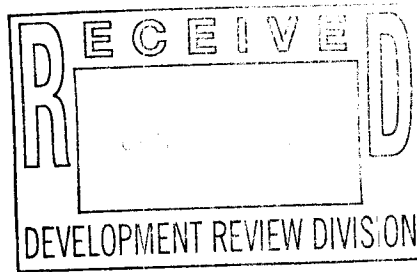
E. Adequacy of Public Facilities: The subject property and future project is served by a county transportation system, water and sewer and will provide on-site stormwater and drainage facilities that mitigate any off-site drainage impacts. The PUD will proceed under a Certificate of Concurrency consistent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

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

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

This project, as previously mentioned, represents a small neighborhood business and commercial center, which will offer a convenience and services to the large number of single-family residences in the area, which will in turn reduce the required travel out of the area and lessen impacts to the road capacity. 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. This PUD provides for strict regulation and maintenance of the project to provide the County assurance of an attractive and beneficial asset. When developed in accordance with the conditions stipulated in the PUD application, the PUD will contain the type of uses compatible with the emerging development patterns of the area, will be compatible and consistent with the overall development trend for the area. Therefore, the applicant hereby requests approval for this application.

SJC DEVELOPMENT REVIEW
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084



Ref.#: L024-10
P.O.#: PACETIRDPLAZ

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE** who on oath says that he/she is an Employee 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 REZONING** In the matter of **PUD2009-02 - PACETI RD PLAZA** was published in said newspaper on **01/04/2010**

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 has 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/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 6th day of Jan 2010 by Ulinda E Verstraate who is personally known to me or who has produced as identification

Lana C. Gatewood

(Signature of Notary Public) (Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, January 19, 2010 at 9:00 a.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to issue a decision on

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located on the west side of Pacetti Road, just south of Meadowlark Lane, within St. Johns County, Florida. See attached map

(Exhibit A). 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. Item not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

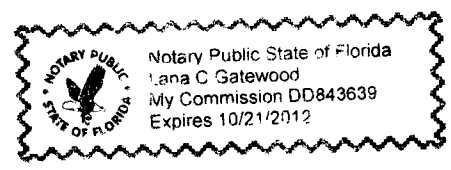
Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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, 500 San Sebastian View, 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 in 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
RON SANCHEZ, CHAIRMAN
ST. JOHNS COUNTY, FLORIDA
FILE NUMBER:
PUD 2009-02 Pacetti Rd Plaza
L0249-10 Jan 4, 2010





FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

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KURT S. BROWNING
Secretary of State

January 29, 2010


Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 22, 2010 and certified copy of St. Johns County Ordinance No. 2010-01, which was filed in this office on January 26, 2010.

Sincerely,


Liz Cloud
Program Administrator

LC/srd

FILED
2010 FEB - 8 AM 7:51
CLERK OF CIRCUIT COURT AND
ST. JOHNS COUNTY FL

DIRECTOR'S OFFICE

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