

RESOLUTION NO.95 - 92

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
LANTERN WICK ISLAND
AT
MARSH LANDING

P. U. D. OFF. REC.
BOOK H PAGE 440

WHEREAS, the Final Development Plan for Lantern Wick Island at Marsh Landing has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

WHEREAS,

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on May 4, 1995; and
- B. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area; and
- C. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 75-15;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. Pursuant to a request for approval of a Final Development Plan for Lantern Wick Island at Marsh Landing made by M.L. Partnership, in accordance with Section 8-3 of St. Johns County Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the Final Development Plan attached hereto as Exhibit A relating to that portion of the PUD, the legal description of which is set forth of Exhibit C attached hereto which is known as Lantern Wick Island at Marsh Landing, is hereby approved in reliance upon the above Findings of Fact which are incorporated herein by reference, and in accordance with the representations and statements made in said Exhibits and in the Final Development Plan Text dated April 13, 1995, attached hereto as Exhibit B.

*Submitted BCC Secty -
y. Carter*

Section 2

a. Except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, and Concurrency Management Ordinances and the St. Johns County Comprehensive Pan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance shall take precedence over a Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution except as such precedence is specifically provided for and described in the Ordinance or the incorporated PUD narrative.

b. Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supersede and applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

Section 3. The owner or his representative will obtain all required Federal, State and St. Johns County permits including building permits, and will comply with all applicable St. Johns County regulations prior to construction.

Section 4. All attachments included herein are incorporated herein and made a part of Resolution 95-92

Passed and adopted 5/23/95

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Barbara Ward
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia Al Grande
Deputy Clerk

SHEET 1 OF 2
SEE SHEET 2 FOR MAP

P. U. D. OFF. REC.
BOOK H PAGE 442

A PART OF GOVERNMENT LOT 10, SECTION 17, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 5, MARSH LANDING AT SAWGRASS UNIT THIRTY, AS RECORDED IN MAP BOOK 28, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET AND BEING A PART OF A CUL-DE-SAC AT THE END OF LANTERN WICK PLACE, AN ARC DISTANCE OF 10.16 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF S.74°00'12"E. AND A CHORD DISTANCE OF 10.14 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE POINT OF BEGINNING; THENCE S.68°10'52"E., ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LANTERN WICK PLACE, A DISTANCE OF 143.87 FEET; THENCE N.06°40'53"W. A DISTANCE OF 282.15 FEET; THENCE N.06°47'51"E. A DISTANCE OF 68.51 FEET; THENCE N.42°59'00"E. A DISTANCE OF 77.08 FEET; THENCE N.81°58'55"E. A DISTANCE OF 199.55 FEET; THENCE N.59°12'44"W. A DISTANCE OF 170.00 FEET; THENCE S.71°11'37"W. A DISTANCE OF 146.78 FEET; THENCE S.24°32'06"W. A DISTANCE OF 160.94 FEET; THENCE N.70°44'56"W. A DISTANCE OF 251.47 FEET; THENCE S.21°10'23"W. A DISTANCE OF 170.08 FEET; THENCE S.11°06'31"E. A DISTANCE OF 45.00 FEET; THENCE S.89°07'28"E. A DISTANCE OF 260.00 FEET; THENCE S.08°48'37"E. A DISTANCE OF 150.25 FEET TO THE POINT OF BEGINNING. CONTAINING 2.54 ACRES MORE OR LESS.

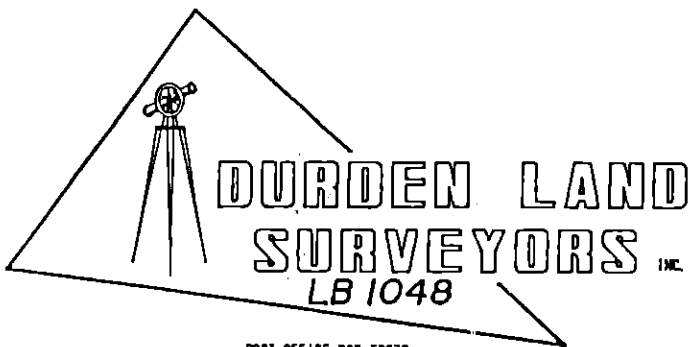
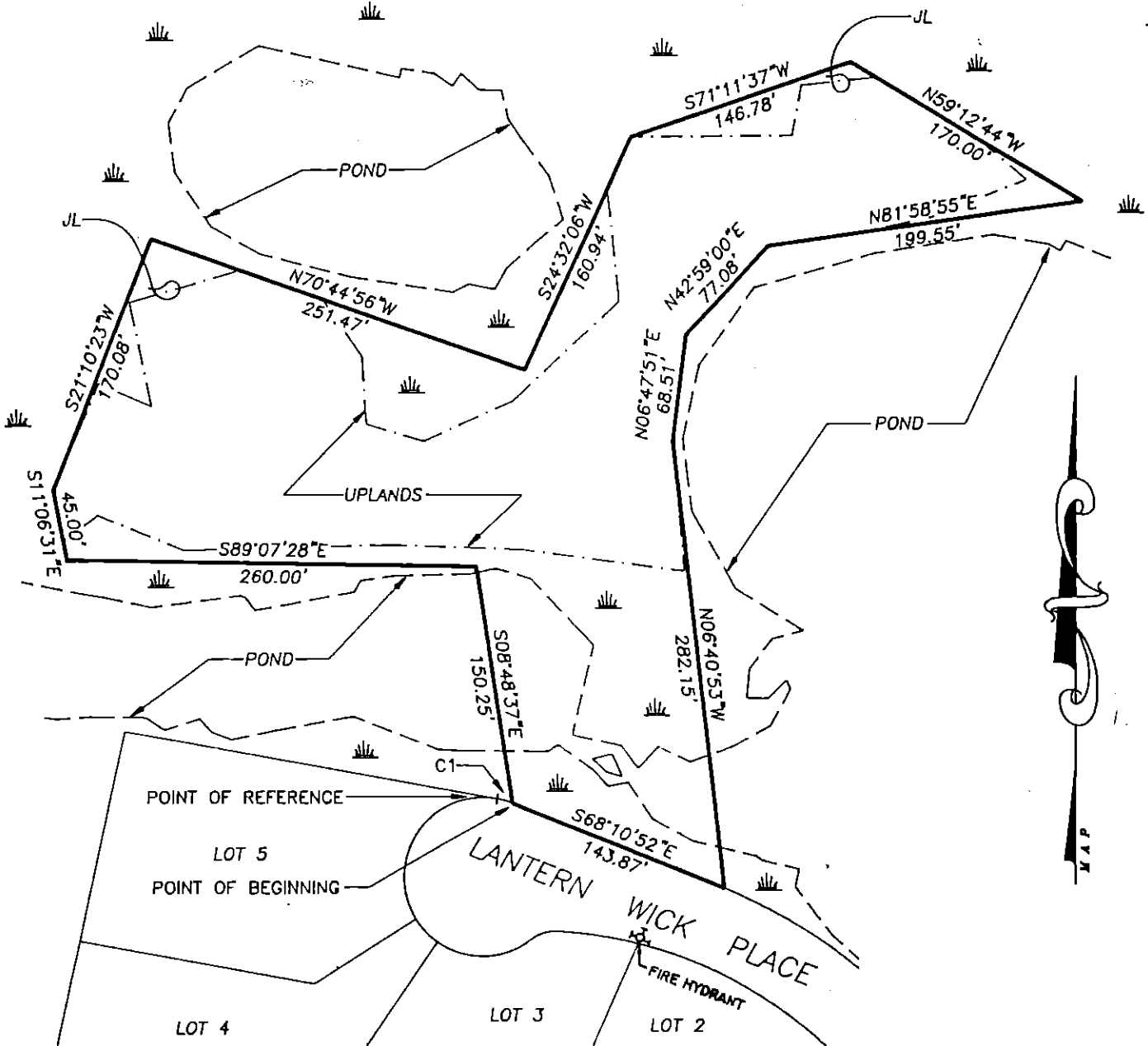


EXHIBIT A TO
RESOLUTION _____

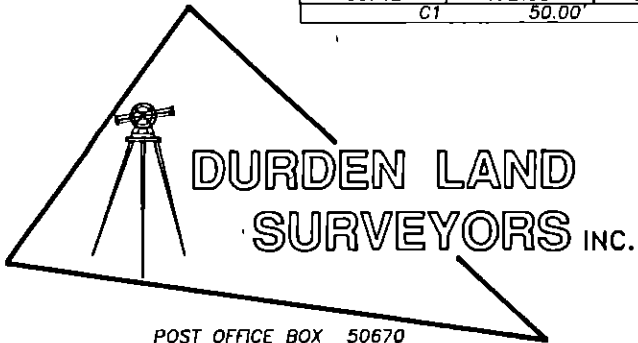
POST OFFICE BOX 50670
1103 SOUTH THIRD STREET
JACKSONVILLE BEACH, FLORIDA 32250
PHONE (904) 249-7261
FAX (904) 241-1262

SHEET 2 OF 2
SEE SHEET 1 FOR LEGAL DESCRIPTION



MARSH LANDING AT SAWGRASS UNIT THIRTY
MAP BOOK 28, PAGES 26 - 28

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	50.00'	10.16'	5.10'	10.14'	S74°00'12"E	11°38'40"



POST OFFICE BOX 50670
1103 SOUTH THIRD STREET
JACKSONVILLE BEACH, FLORIDA 32250
(904) 249-7261 FAX.(904) 241-1252

LEGEND:

JL DENOTES JURISDICTION LINE

THIS IS A MAP ONLY AND DOES NOT PURPORT TO BE A SURVEY.

H. Bruce Durden, Sr.
FLORIDA REGISTERED SURVEYOR NO. 1674
H. BRUCE DURDEN, SR.

DATE: NOVEMBER 17, 1993

SCALE: 1 INCH = 100 FEET

P. U. D. OFF. REC.
BOOK H PAGE 444

EXHIBIT B
FINAL DEVELOPMENT PLAN FOR
LANTERN WICK ISLAND
AT
MARSH LANDING
WITHIN PUD ORDINANCE 75-15

Applicant: M.L. Partnership

FINAL DEVELOPMENT PLAN
MARSH LANDING AT SAWGRASS
PUD ORDINANCE 75-15

LANTERN WICK ISLAND

EXHIBIT B
TO THE RESOLUTION
APRIL 13, 1995

P. U. D. OFF. REC.
BOOK H PAGE 445

Applicant: M.L. Partnership

M.L. Partnership hereby submits, for approval by the St. Johns County Planning and Zoning Board and the St. Johns County Board of County Commissioners, a final development plan (the "Final Development Plan") for a single family residential lot to be known as Lantern Wick Island at Marsh Landing (the "Property"). The Final Development Plan consist of a 1-page map identified as Exhibit A to the Resolution (the "Map"), the legal description identified as Exhibit C, this text identified as Exhibit B to the Resolution (the "Text"). The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 75-15. The area encompassed by this Final Development Plan is located on Lantern Wick Place. Lantern Wick Island is designated as single family on the approved Master Plan and will contain one (1) single-family lot on approximately 2.54 acres.

No federal permits are required prior to construction of the single family residence on the Property. Please refer to the attached letter from Environmental Services, Inc., dated January 24, 1995 (Exhibit D) regarding state permitting issues. The homeowner or his representative will obtain all required St. Johns County permits including building permits and will comply with all applicable St. Johns County regulations prior to construction.

Nothing contained in the covenants shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its powers to review and approve plats and replats under Section 177.071 of the Florida Statutes).

In accordance with the procedure established in Section 8-3 "Implementation of a PUD", the attached Final Development Plan and the following text regarding compliance with Section 8-4, are submitted for your consideration.

8-4-1 DENSITY OF DEVELOPMENT

The total ground area occupied by residential buildings and structures on the lot shall not exceed 35 percent of the total ground area committed to residential use. There will be one (1) main use residential dwelling and one (1) guest house allowed on the 2.54 acres. A guest house is defined as a dwelling unit in a building separate from and in addition to the main residential building on the lot. The guest house can only be used for intermittent or temporary occupancy by a non-paying guest. The guest house may contain cooking facilities. The density will be 0.39 residential units per acre.

8-4-2 OPEN SPACE

There is no community open space within the Property. The open space consist of the jurisdictional wetlands noted on Exhibit A. The homeowner of the Lantern Wick Island Lot at Marsh Landing shall have a right of use in the open space area, except where its use is limited by the applicable sections of the Declaration of Covenants and Restrictions and by state and federal wetland jurisdictional rules and regulations. All wetlands have been established by survey. The areas designated as open space will be used for natural areas, boardwalks, gazebos, and passive recreation and will be owned and maintained by the homeowner.

8-4-3 WAIVER OF YARD, DWELLING UNIT, FRONTAGE CRITERIA, AND USE RESTRICTION

All development which is to occur within the property will comply with the spirit and intent of the Zoning Ordinance. There will be no more than one (1) main use residential structure and one (1) guest house on the lot. There is a minimum twenty (20) foot front, side and rear building setback line from the marsh. Each setback is measured to the wall of the building. No structures, other than decks, boardwalks or accessways are permitted within this area. Accessory uses may be constructed for the guest house, as well as the main use residential structure. Approval by the Architectural Review Board (ARB) is required before issuance of a building construction permit by St. Johns County for all new construction, additions and remodeling. The preceding setbacks may be waived by the ARB to preserve trees and improve overall aesthetics as set forth in the covenants.

The maximum height of the structures within the Property shall be thirty-five (35) feet.

There shall be a minimum twenty (20) foot buffer from the wetland line. This area shall consist of existing vegetation and/or low landscape berm to filter any runoff from the lot. Decks, boardwalks and accessways are permitted through this area.

8-4-4 PROJECT SIZE

Marsh Landing PUD consists of approximately 1,700 acres. The Lantern Wick Island Lot consists of approximately 2.54 acres.

8-4-5 SUPPORT LEGAL DOCUMENTS FOR OPEN SPACE

The homeowners association will not have title or have maintenance responsibility for any area or facilities within the Property. The lot owner of the Property will become a member of the Marsh Landing Homeowners Association, Inc. for the use and maintenance of common facilities and roads in Marsh Landing.

8-4-6 ACCESS

As graphically depicted on Exhibit A, the lot is provided vehicular access from Lantern Wick Place, a private right-of-way owned by the Homeowner's Association.

8-4-7 PRIVACY

Under Sections of the Covenants and Restrictions, the property will be provided visual and acoustical privacy. Landscaping shall be required, as stated in the Covenants and Restrictions, for the protection and aesthetic enhancement of the property.

8-4-8 COMMUNITY FACILITIES

- a. None of the utility facilities serving the Property are proposed for dedication to St. Johns County; therefore, the provisions of subparagraph "a" are inapplicable.
- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically below:

9-1-1 Drainage

Drainage on this lot will be handled the same as the adjacent lots in Unit 30 and all marsh front lots in Marsh Landing. A twenty (20) foot buffer along the marsh will filter any sheet flow stormwater before discharge into the marsh.

9-1-2 Separation from Walkway and Street

The proposed residence will have an individual garage and driveway which will provide the required off-street parking. No combined off-street parking and loading facilities will be constructed on the Property.

9-1-3 Entrances and Exits

The location and design of the driveway to Lantern Wick Place is shown will be the responsibility of the individual lot owner. The lot owner must receive ARB approval, as well as, St. Johns County approval, prior to construction of the driveway.

9-1-4 Interior Drives

As shown on the Final Development Plan, there will be no interior drives on the Property.

9-1-5 Marking of Parking Spaces

Not Applicable.

9-1-6 Lighting

Not Applicable.

9-1-7 Screening

This section is inapplicable, since there will be no parking spaces for ten or more vehicles in any one location on the Property; however, landscaping will be required.

9-2 Location

The required off-street parking facilities will be located upon the same parcel of land they are intended to serve.

9-3-1 Off-Street Parking: Numbers Required

The Property will be used for one (1) single-family dwelling and one (1) guest house on the lot. Therefore, in accordance with subsection "a." of Section 9-3, at least one off-street parking space will be provided per dwelling on the same parcel, which it intends to serve. This space, located within the driveway for the residence, is in addition to the two (2) parking spaces allowed for in the two-car garage. A garage is required for the single-family dwelling only.

9-4-1 Off-Street Loading Requirement

Section 9-4-1 is inapplicable since there are no non-residential uses.

- c. Exhibit A illustrates the access to the Property. Sufficient space has been allowed to permit access for fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal. Fire hydrants are to be installed along Lantern Wick Place as part of Unit 30 and must be approved by the County fire coordinator prior to issuance of a certificate of occupancy for the Property to be served by such hydrants. These fire hydrants are shown on Exhibit A.

- d. All utilities serving the Property, including telephone, power, cable television, and sewer and water lines, will be installed underground. Service is available to the Property, from Lantern Wick Place right-of-way as approved in Unit 30.

APPLICANT
M.L. Partnership
By: J. E. Ravn
Vice President

EXHIBIT C

A PART OF GOVERNMENT LOT 10, SECTION 17, TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF LOT 5, MARSH LANDING AT SAWGRASS UNIT THIRTY, AS RECORDED IN MAP BOOK 28, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 50.00 FEET AND BEING A PART OF A CUL-DE-SAC AT THE END OF LANTERN WICK PLACE, AN ARC DISTANCE OF 10.16 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF S.74 00'12"E. AND A CHORD DISTANCE OF 10.14 FEET TO THE POINT OF TANGENCY OF SAID CURVE AND THE POINT OF BEGINNING; THENCE S. 68 10' 52" E. ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LANTERN WICK PLACE, A DISTANCE OF 143.87 FEET; THENCE N. 06 40'53"W. A DISTANCE OF 282.15 FEET; THENCE N 06 47'51"E. A DISTANCE OF 68.51 FEET; THENCE N.42 59'00"E. A DISTANCE OF 77.08 FEET; THENCE N.81 58'55"E. A DISTANCE OF 199.55 FEET; THENCE N.59 12'44"W A DISTANCE OF 170.00 FEET; THENCE S.71 11'37"W. A DISTANCE OF 146.78 FEET; THENCE S.24 32'06"W. A DISTANCE OF 160.94 FEET; THENCE N.70 44'56"W. A DISTANCE OF 251.47 FEET; THENCE S.21 10'23"W. A DISTANCE OF 170.08 FEET; THENCE S.11 06'31"E. A DISTANCE OF 45.00 FEET; THENCE S.89 07'28"E. A DISTANCE OF 260.00 FEET; THENCE S.08 48'37"E. A DISTANCE OF 150.25 FEET TO THE POINT OF BEGINNING CONTAINING 2.54 ACRES MORE OR LESS.

EXHIBIT D

ENVIRONMENTAL SERVICES, INC.
8711 PERIMETER PARK BOULEVARD, SUITE 11
JACKSONVILLE, FLORIDA 32216

(904) 645-9900

24 January 1995

FILED AND RECORDED IN
PUBLIC RECORDS
ST. JOHNS COUNTY

95 JUN -2 PM 2: 07

Carl "Bud" Munkel
CLERK OF CIRCUIT COURT

Mr. James Ross
Fletcher Land Corporation
Post Office Box 1219
Ponte Vedra Beach, Florida 32082

RE: Marsh Landing Parcel

P. U. D. OFF. REC.
BOOK H PAGE 451

Dear Jim:

Environmental Services, Inc. has reviewed the referenced parcel, as indicated on the attached survey, and more specifically described as a part of Government Lot 10, Section 17, Township 3 South, Range 29 East, St. Johns County, Florida. Our efforts were to provide the status of jurisdictional wetlands associated with this parcel to determine its development feasibility.

The wetlands associated with this portion of the Marsh Landing development were previously delineated, field verified and surveyed per the rules and regulations of the U.S. Army Corps of Engineers (CE). The CE wetland jurisdictional line was subsequently verified by the St. Johns River Water Management District (SJRWMD) as being representative of the extent of SJRWMD wetland permitting jurisdiction. The third agency that governs wetland permitting, the Florida Department of Environmental Protection (DEP), had established a wetland jurisdictional line that was located at or waterward of the CE/SJRWMD line. Since the DEP wetland line is the least restrictive, it was not used to establish the extent of usable uplands.

The upland area indicated on the attached survey represents the extent and configuration of usable, or developable land within the parcel. Thus, the uplands associated with this parcel should be suitable for residential development, consistent with the adjacent Marsh Landing development.

I trust that this letter will address the wetland status of this parcel. Please call me if you have any questions or require additional information.

Sincerely,

ENVIRONMENTAL SERVICES, INC.



Nancy C. Zyski
President