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ORDINANCE NUMBER: 2008- 17

Public Records of
St. Johns County, FL
Clerk # 2008021331,
O.R. 3069 PG 496-513
04/15/2008 at 09:54 AM,
REC. \$73.00 SUR. \$81.50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM OPEN RURAL TO PRD (PLANNED RURAL DEVELOPMENT); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

WHEREAS, the development of the lands within this Planned Rural Development shall proceed in accordance with the PRD application, dated June 27, 2007 in addition to supporting documents and statements from the applicant which are a part of Zoning File PRD 2007-05 Bobinski PRD, 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 Bobinski PRD 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 PRD 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 PRD is consistent with the Future Land Use Designation of Rural Silviculture.
4. The PRD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Rural Developments.
5. The PRD 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 PRD 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 PRD would not adversely affect the orderly development of St. Johns County

Robert - Y. King
M+R

SECTION 2. Pursuant to this application File Number **PRD 2007-05 Bobinski PRD**, the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to PRD.

SECTION 3. To the extent they do not conflict with the specific provisions of this PRD 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 PRD 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 1st **DAY OF** April **2008.**

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

BY:

Thomas G. Manuel
Thomas G. Manuel, Chairman

REMOPTION DATE 04/04/08

ATTEST: CHERYL STRICKLAND, CLERK

BY:

Yvonne King
Deputy Clerk

EFFECTIVE DATE: April 9, 2008

EXHIBIT A LEGAL DESCRIPTION

PARCEL A

COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 27 EAST; THENCE SOUTH 00° 43' 30" EAST ALONG THE EAST LINE OF SAID SECTION 26 A DISTANCE OF 3028.24 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE CONTINUE ALONG THE AFOREMENTIONED SECTION LINE SOUTH 00° 43' 30" EAST A DISTANCE OF 331.76 FEET; THENCE SOUTH 88° 45' 18" WEST A DISTANCE OF 1319.65 FEET; THENCE NORTH 00° 43' 30" WEST A DISTANCE OF 266.35 FEET TO THE EASTERLY RIGHT OF WAY LINE FOR COUNTY ROAD #13; THENCE ALONG THE SAID EASTERLY RIGHT OF WAY LINE NORTH 47° 19' 55" EAST A DISTANCE OF 98.86 FEET; THENCE DEPARTING AFOREMENTIONED RIGHT OF WAY LINE NORTH 88° 45' 18" WEST A DISTANCE OF 1246.11 FEET TO THE **POINT OF BEGINNING**. CONTAINING 9.99 ACRES MORE OR LESS.

PARCEL B

COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 27 EAST; THENCE SOUTH 00° 43' 30" EAST ALONG THE EAST LINE OF SECTION 26 1320.47 FEET; THENCE DEPARTING AFOREMENTIONED SECTION LINE SOUTH 89° 09' 56" EAST 256.94 FEET TO THE WESTERLY RIGHT OF WAY LINE FOR COUNTY ROAD NO. 13 AND TO A POINT ON A CIRCULAR CURVE TO THE RIGHT WHOSE ELEMENTS ARE: DELTA IS 01° 53' 49", RADIUS IS 1835.08 FEET (150.00 FOOT WIDTH); SAID POINT OF CURVEATURE BEING THE **POINT OF BEGINNING** OF FOLLOWING DESCRIBED PARCEL OF LAND; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID CURVE AN ARC DISTANCE OF 60.75 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 05° 19' 02" WEST, 60.75 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE SOUTH 83° 44' 03" EAST A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE (100.00 FOOT WIDTH); THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE A CIRCULAR CURVE TO THE RIGHT WHOSE ELEMENTS ARE: DELTA IS 41° 03' 58". RADIUS IS 1860.08 FEET, THENCE IN A SOUTHWESTERY DIRECTION ALONG SAID CURVE AN ARC DISTANCE OF 1333.19 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF 1304.84 FEET; TO A POINT OF TANGENCY; THENCE CONTINUE ALONG THE AFOREMENTIONED RIGHT OF WAY LINE SOUTH 47° 19' 55" WEST 150.69 FEET; THENCE DEPARTING AFOREMENTIONED RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF GOVERMENT LOT #10 SOUTH 89° 09' 56" WEST A DISTANCE OF 1026.40 FEET; THENCE NORTH 00° 43' 30" WEST A DISTANCE OF 1320.00 FEET; THENCE NORTH 89° 09' 56" EAST A DISTANCE OF 1723.06 FEET; TO THE **POINT OF BEGINNING** OF HEREWITHIN DESCRIBED PARCEL CONTAINING 45.0 ACRES MORE OR LESS.

PARCEL C

COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 27 EAST; THENCE SOUTH 00° 43' 30" EAST ALONG THE EAST LINE OF SECTION 26 1320.47 FEET; THENCE DEPARTING AFOREMENTIONED SECTION LINE SOUTH 89° 09' 56" EAST 256.94 FEET TO THE WESTERLY RIGHT OF WAY LINE FOR COUNTY ROAD NO. 13 AND TO A POINT ON A CIRCULAR CURVE TO THE RIGHT WHOSE ELEMENTS ARE: DELTA IS 01° 53' 49", RADIUS IS 1835.08 FEET (150.00 FOOT WIDTH); THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID CURVE AN ARC DISTANCE OF 60.75 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 05° 19' 02" WEST, 60.75 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE SOUTH 83° 44' 03" EAST A DISTANCE OF 25.00 FEET TO THE WESTERLY RIGHT OF WAY LINE (100.00 FOOT WIDTH); THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE A CIRCULAR CURVE TO THE RIGHT WHOSE ELEMENTS ARE: DELTA IS 41° 03' 58". RADIUS IS 1860.08 FEET, THENCE IN A SOUTHWESTERY DIRECTION ALONG SAID CURVE AN ARC DISTANCE OF 1333.19 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF 1304.84 FEET; TO A POINT OF TANGENCY; THENCE CONTINUE ALONG THE AFOREMENTIONED RIGHT OF WAY LINE SOUTH 47° 19' 55" WEST 150.69 FEET; **POINT OF BEGINNING** OF THE HEREWITHIN DESCRIBED PARCEL THENCE CONTINUE ALONG THE AFOREMENTIONED RIGHT OF WAY LINE SOUTH 47° 19' 55" WEST 492.06 FEET; THENCE DEPARTING AFOREMENTIONED RIGHT OF WAY LINE NORTH 00° 43' 30" WEST 328.19 FEET; TO THE NORTH LINE OF GOVERMENT LOT #10 THENCE ALONG THE NORTH LINE OF GOVERMENT LOT #10 NORTH 89° 09' 56" EAST 366.00 FEET; TO THE **POINT OF BEGINNING** CONTAINING 1.38 ACRES MORE OR LESS

EXHIBIT C
MASTER DEVELOPMENT PLAN TEXT
Bobinski Planned Rural Development

SECTION I - INTRODUCTION

Enclosed herein, please find an application for rezoning to Planned Rural Development (PRD) 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: Claire Bobinski. The property to be rezoned consists of 56.37 acres, described by the Legal Description - Exhibit A.

A. Location: The property is situated in northwestern St. Johns County, on the east bank Toco Creek, an estuary of the St. Johns River, north of County Road 214 and west of County Road 13. The property consists of three (3) parcels, parcel A, B and C. The property is currently vacant and is bordered by low-density single-family residential homes on varying size lots and parcels to the north. To south, east and west properties are vacant and silviculture in nature. Further south, there is a large rural development, Cheshire Farms PRD, as well some riverfront commercial and residential zonings.

B. Surrounding Property Use: Surrounding properties are primarily in low-density single-family residential uses on varying size parcels. The subject property is zoned Open Rural (OR). The adjacent uses completely surrounding the property are zoned Open Rural (OR), with the exception of some riverfront CHT, RS-3 and RS-2 zonings. Cheshire Farms PRD is further to the south. The property is located within a Rural Silvicultural (RS) category of the St. Johns County Comprehensive Plan, which allows for Planned Rural Developments (PRD's) and for single-family development in accordance with the requirements within the Land Development Code. The property is shown on the Location Map, Exhibit E.

C. Ownership: The subject property is owned by Claire Bobinski as shown by the Proof of Ownership (deed) attached as Exhibit G. Said property owner has authorized Karen M. Taylor, Land Planner to act on her behalf and file the application for seeking the rezoning change indicated. The authorization is attached as Exhibit F. Adjacent property owners for notification purposes will be included as Exhibit H.

SECTION II - SITE DEVELOPMENT CRITERIA

A. Project Description: The real property to be considered for rezoning consists of approximately 56.37 acres located in northwest St. Johns County, on the east bank of Toco Creek an estuary of the St. Johns River, north of County Road 214 and west of County Road 13. The applicant is requesting a zoning change from Open Rural (OR) to Planned Rural Development (PRD) to allow for the development of four (4) single family lots. The development will be known as **Bobinski Planned Rural Development (Bobinski PRD)**.

The lot sizes are on average one (1) acre including both uplands and wetlands within the Development Area. Other than the Reserve Area used for the Scenic Highway Buffer, perimeter buffers, roadway network and signage, the remainder of the property will remain undeveloped and will be preserved wetlands. There is no common recreation area and each residence will provide its own facilities.

The MDP Map, Exhibit D, indicates the general layout of the property for the four (4) lots and indicates the extent of the development area, the general lot configuration, access road, buffers and open space. A small roadway directly off County Road 13 will access the lots; each lot will have its own private driveway access.

The project will be served by wells and septic systems, as there are no centralized utilities in the area. The project is planned for development in one (1) phase. The lots are planned to include large single family home sites, wooded areas and are designed to integrate into the rural character of the area, with somewhat isolated lots, similarly sized to those offered within the older subdivisions in the area. Many lots along the river in this area developed in the past before the Rural Silvicultural designation and range over a variety of sizes. The roadway and lot configurations are planned in order to minimize impacts to the wetlands, which are located on the western and southern portions of the site. The design provides for the preservation of all of the 53.50 acres of wetlands.

B. Development Size: The property consists of 56.37 acres.

C. Wetlands: Of the 56.37 acres, approximately 53.50 acres are considered jurisdictional wetlands. Vegetation within the wetland areas is described in Section K. Site Vegetation and Habitat. The wetlands are located to the west and south of the upland portion of the site, along the creek, which is typical in this area. The applicant will preserve all of these wetlands, in their natural state, which will be provided with the appropriate buffers and setbacks as established within this PRD to meet the County LDC standards.

D. Development Area: The total development area will contain 4.2 acres. The Reserve Area will cover the remaining 52.17 acres. Modifications to the Master Development Plan Map, may allow for proportional changes to the Development and Reserve areas, provided there is no increase in the number of lots, the size of the Development Area does not exceed 4.2 acres (7.45% of the overall project) and conversely, the Reserve Area does not exceed 52.17 acres (92.5% of the overall project).

E. Residential Use: In accordance with the provisions of the St. Johns County Comprehensive Plan, the property will be developed for four (4) single-family residential lots. Based upon the density allocation of two (2) units per acre for the ten percent (10%) Development Area rule, the project at 4.2 acres of development area could allow for eight (8) units. The overall gross density of the site is 0.07 units per acre. Net density is actually 1.35 units per acre based upon the Development Area of 4.2 acres and a total of four (4) single-family homes.

Population for the development, based upon 2.44 residents per household, will equal ten (10) residents at build-out. At a ratio of 0.41 children per household, the project will generate approximately two (2) school age children. The developer will provide disclosure documents, within the sales literature, announcing the potential for school children to be rezoned to different schools and will participate in any school concurrency requirements adopted by the County.

F. Non-Residential Development: Site development is for residential and residential accessory uses only.

G. Site Development Criteria:

1. Lot size: The minimum lot size is one (1) acre with a minimum of one half (1/2) acre of uplands. The building area of the lot (upland area exclusive of the upland buffer) will be at least 8,000 square feet in size. Each building area has an associated development area buffer and this combined with the balance of the lot areas, will also be in the Development Area. The total ground area to be occupied by buildings and structures shall not exceed thirty-five percent (35%) of the total lot area.

2. Permitted Uses/Development Area: The Development Area shall consist of the Upland Development Area and the Wetland Development Area as outlined below.

a. Upland Development Area: All residential lots within the Upland Development Area will be used for residential purposes including, but not limited to: dwelling units, guest houses, garages, walls, patios, decks, spas, pools, driveways, sidewalks, walkways, and fencing within the building area (Development Area). Lots will be developed with conventional single family homes with accessory uses and structures allowed as per the St. Johns County Land Development Code provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of structure. Air conditioning units are not considered structures and may be included within the setback line without violating the setback requirements. All building construction including pool decking and/or screen enclosures constructed upon any lot and on site septic system tanks and drainfields shall be located within the upland, non-buffer areas within the Upland Development Area. **Development will utilize “low impact” development techniques to provide for protection of the adjacent natural resources.**

b. Wetland Development Area: The jurisdictional wetland areas of the Development Area may be used for elevated walkways and associated and similar associated uses provided they are constructed in accordance with all County and State standards and with any necessary permits.

3. Permitted Uses/Reserve Area: The Reserve Areas shall consist of Upland Deeded Reserves, the Upland Common Reserves and the Wetland Reserves. The Deeded Reserves shall be conveyed to individual lot owners and provide for activities as set forth below. The Upland Common Reserves shall be conveyed to a property owners' association, which shall include all lot owners as members and shall consist of the Scenic Highway Buffer, the perimeter buffers and portions of the undisturbed upland buffers, as outlined below. The Wetland Reserve shall consist of the jurisdictional wetlands (not included in the Development Area). All uses and structures within the Reserve Areas will be subject to all applicable County and State Regulations.

a. Upland Deeded Reserves: The Upland Deeded Reserves are the upland areas of residential lots adjoining the Development Area portion of the residential lots that shall be deeded to the individual adjacent lot owners. The property lines within the upland portions of the Upland Deeded Reserve, not within the undisturbed upland buffer or wetlands, may be fenced and typical yard activities associated with residential homes shall be allowed.

b. Upland Common Reserves: The Upland Common Reserves are all areas adjacent to Development Area within the subdivision plat limits, which are not included in the Lots and consist of the Scenic Highway Buffer, the perimeter buffers, portions of the undisturbed upland buffers and the stormwater facilities. The Common Reserves shall be owned and maintained by the Homeowners Association. Allowable uses shall include the construction, operation and maintenance of stormwater discharge facilities, such as ditches, pipes, inlets and headwalls, signs, recreation facilities, and walking trails.

c. Wetland Reserves: The jurisdictional wetland areas of the Reserve Area will not be permitted any uses and will be retained for conservation.

4. Residential Building Setbacks: Setbacks shall be measured per the Land Development Code (LDC) from the portion of the structure from thirty (30) inches above the general level of the graded lot upward to the Development Area line and shall be: zero (0) feet for the front, and zero (0) feet in the rear yards which shall be permitted directly up to the fifty (50) foot averaged buffer line (within the upland development area). It should be noted that there will be a fifty (50) foot development area buffer, which is computed as part of the Reserve Area. In no case shall the building area encroach upon the Development Area Buffer or the upland buffer.

5. Building Height: Buildings shall not exceed thirty-five (35) feet in height as measured in accordance with the Land Development Code.

6. Parking: Parking shall be provided by a minimum two (2) car garage or carport, with a sufficient driveway length and width to accommodate parking for two (2) vehicles outside of the home.

7. Signage: Signs for the development shall conform to the standards as outlined within the St. Johns County Land Development Code. Per LDC Section 7.07.01, the subdivision may have one (1) sign on each side of the roadway entrance on County Road 13, within the Scenic Highway Buffer, located on either side of the entrance (single sided), as indicated on the Master Development Plan, Exhibit D. Such identification signs shall be ground sign or monument type, may be up to thirty-two (32) square feet in size, may be double sided, and may be a maximum of twelve (12) feet in height, or accommodated within a wall, fence or other entrance feature, and may be located on a fence or within a wall, provided the fence or wall will not exceed six (6) feet in height. In addition, the subdivision will be allowed information and directional signage, no larger than three (3) square feet and will adhere to all other regulations regarding temporary signage and real estate sales signs.

8. Fencing: Owners will be allowed to fence the upland portion of their lots excluding the fifty (50) foot averaged upland buffer, at a maximum height six (6) feet in the rear and side yard portions of the yard, in accordance with the Land Development Code standards. Fencing will be allowed along the lot-side upland boundary of the fifty (50) foot undisturbed upland buffer, but will be allowed to cross through the buffer and/or jurisdictional wetland areas.

H. Infrastructure:

1. Stormwater: Stormwater shall be handled on site within drainage "swales" located along the road, between the lots and at rear of the upland portions of each lot landward of the upland buffer. Drainage facilities shall meet the requirements of the Land Development Code in effect at the time of permitting.

2. Vehicular Access / Interconnectivity: Access to the development will be via one (1) main entrance/exit road located directly on County Road 13 that will serve the four (4) lots. On-site road improvements and associated drainage facilities will be constructed in accordance with the requirements of the Land Development Code. The entrance/exit will be designed and constructed in accordance with all appropriate State and County permits.

Interconnectivity is not feasible for the Bobinski PRD due to the extensive wetlands surrounding the entire site, which lead to Toco Creek and the established home sites to the north.

3. Pedestrian Access / Sidewalks: The applicant will conform to the requirement for sidewalks outside of the development (along County Road 13) through payment into the sidewalk fund (if required at the time of

construction). Sidewalks **within the development** are not required within this short of a roadway cul-de-sac.

4. Parks / Recreation: The project will not have any common recreational areas, due to the size of the lots and the rural nature of the development.

5. Open Space / Reserve Area: Ninety-two percent (92.5%) of the site, or actually a total of 52.17 acres will be set aside as Reserve Area, including jurisdictional wetlands and portions of the undisturbed upland buffer and perimeter buffers which will function as open space.

6. Fire Protection: Fire protection will comply with Land Development Code Section 6.03. Since a central Utility Provider is not available within one-half (1/2) mile and the developer does not desire to install a Private Fire Main System, alternative water sources and dry-hydrants may be installed based on the following criteria;

a. The water source is within five hundred (500) feet of all Lots and is installed in accordance with NFPA 1142 Standard Water Supplies for Suburban and Rural Firefighting 1999 Edition, and

b. All homes are protected with a residential sprinkler system designed and installed in accordance with the latest edition of NFP 13D Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes or equivalent Standards as adopted in the Florida Fire Prevention Code, and

c. In determining the reliability of an Impound Supply, cistern, tank, or storage facility, the quantity of water to be considered available is the minimum available (at not over a fifteen (15) foot lift) during a drought with an average fifty (50) year frequency that has been certified by a Registered or licensed professional engineer.

7. Solid Waste: Solid waste will be handled by the licensed franchisee for the area.

8. Utilities: All electric, telephone, cable television and other utility lines will be installed underground.

I. Potable Water / Sanitary Sewer: Potable water will be provided by individual wells located on each lot in accordance with all current requirements of the Florida Department of Health requirements in effect at the time of permitting. Sanitary sewer disposal for residences will be provided by individual septic systems located within the upland development area of each lot, in accordance with all current requirements of the St. Johns County Land Development Code and the Florida Department of Health requirements in effect at the time of permitting. Drainfields will be allowed within the Development Area. The four (4) homes are anticipated to be over 1,500 square feet in size and

estimated to use/generate 350 gpd, for a total of 1,400 gpd water uses and 1,400 gpd of sewage disposal.

J. Topography and Soils: The Soil Survey of St. Johns County, Florida identifies three (3) soil types; 9 Pomona fine sand, 44 Sparr fine sand, and 66 Terra Ceia muck, as follows:

9 Pomona fine sand. A small area of this soil type is found along one (1) section of the eastern portion of the site and one (1) section of the east central portion of the site. It is a poorly drained nearly level soil in broad areas in the flatwoods. The water table is within a depth of 10 inches for 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.

44 Sparr fine sand. This soil type is found along the northeastern portion of the site and corresponds to the uplands. It is somewhat poorly drained, nearly level soil on low knowls in the flatwoods. The seasonal high water table is at a depth of 20 to 40 inches for 1 to 4 months in most years. Permeability is rapid or very rapid in the surface and subsurface layers and very slow in the subsoil. The natural vegetation includes turkey oak, water oak, laurel oak, southern magnolia, sawpalmetto, pineland threeawn and bluestems. The soil has medium potential for cultivated crops and the potential for improved pasture grasses is medium. Potential for growing pine trees is moderately high. Potential for community development is high, with the potential for use as septic tank absorption fields is high.

66 Terra Ceia muck, frequently flooded. This is a very poorly drained, nearly level soil on narrow to broad flood plains along rivers and streams. The largest portion of the site consists of this soil type and is located in the central portion of the site along the St. Johns River. In most years, under natural conditions, the seasonal high water table is at the surface, except during extended dry periods. Flooding can be expected after heavy rains. Permeability is rapid throughout and available water capacity is very high. Potential for community development is very low.

K. Site Vegetation and Habitat: Michael D. Adams, a Certified Environmental Professional, was retained to conduct the on site preliminary habitat assessment of the property. Habitats were field verified and mapped using the Florida Land Use, Cover and Classification System (FLUCFCS) and shown on Exhibit I- FLUCFCS Map. Field investigations and a database search were conducted to determine the potential of any state or federally protected species. The dominant upland and vegetative community types in the area are as follows:

414 – Pine Mesic Oak (FLUCFCS#414) This community types dominant vegetation is characterized by slash pine, saw palmetto, scrub oak, wax myrtle, gall berry and bracken fern.

611 – Bay Swamp (FLUCFCS #611) This vegetative community transitions in to #617, Mixed Wetland Hardwoods that contains loblolly bay, slash and pond pine, fetterbush, sweet gum, sphagnum moss, and several fern species.

617 – Mixed Wetland Hardwood (FLUCFCS#617) This wetland community is composed of a large variety of species tolerant of hydric conditions including cypress, black gum, sweetbay, red maple, sweetgum, maidencane, royal fern and Virginia chain fern.

L. Significant Natural Communities Habitat: The subject property has been assessed by ADAMScience, Inc. to determine the both the presence and extent of protected wildlife species and/or their habitats to satisfy a Listed Species evaluation per the Land Development Code and an evaluation of Significant Natural Communities Habitat (SNCH) as defined by the LDC. At no time during the assessment were any protected wildlife species or their associated habitats observed within the boundaries of the subject property as delineated in Exhibit I, Environmental Information. As well, no Beach Dune, Coastal Grassland, Coastal Strand, Maritime Hammock, Sandhill nor Scrub was observed within the boundaries of the property.

M. Historic Resources: The project area falls within a "High" probability zone for archaeological sites based upon the county's Archaeological Site Probability Model Map. An Archaeological Reconnaissance study has been conducted and submitted in accordance with LDC Section 3.01.05.B.1. The completed study has been sent directly to the St. Johns County Planning Division, Historic Resources, and if necessary, to the State of Florida, Division of Historical Resources for review. Approval of the study by the county and a letter stating the determination of final action by the State Historic Preservation Office (SHPO), if necessary, will be provided prior to the BCC public hearing.

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

1. A fifty (50) foot averaged (minimum twenty-five (25) foot) upland buffer will be provided and maintained along the contiguous jurisdictional wetland line. This upland buffer may be averaged, to a minimum of twenty-five (25) feet, achieving a greater overall upland buffer area (square footage) than would be provided by a static buffer when averaging.

2. A fifty (50) foot Development Area Buffer will be maintained between the Development Area of the "lots" and the balance of the Reserve Area. It should be noted that the Development Area Buffer which is part of the Upland Deeded

Reserves will be allowed typical yard activities, but the Wetland Common Reserves will not be permitted any uses per Section II, Paragraph G.3 of this MDP Text.

3. A forty (40) foot undisturbed Scenic Highway Buffer will be provided and maintained along County Road 13 per Land Development Code Section 6.06.02.G.2.a and will be allowed to contain the signage for the project.

4. A ten (10) foot natural perimeter buffer, around the project perimeter, and a twenty-five (25) foot buffer along the north boundary, will be provided, which will maintain any existing tree cover, but can be augmented with native/natural vegetation and may include fencing and riding trails along the interior property boundary, if desired.

Lot clearing will be allowed individually by permit through the County. The development will conform to all land clearing and tree inches/replacement requirements as outlined within the Land Development Code effective at the time of permitting. It should be noted that the tree inches/replacement requirements will be completed for each lot based upon the upland portions of the lot, based upon a maximum one-half (1/2) acre lot size.

O. Special Districts: The project is not located in any special districts as defined by Article III of the Land Development.

P. Temporary Uses: Temporary construction/sales trailers may be utilized and placed on the site upon approval of the construction plans. The initial construction/sales trailer will be located at the County Road 13 entrance to the development, but may be relocated as the construction proceeds, if desired, in the location(s) shown on the Construction Plans. They must be removed within 30 days of issuance of certification of completion by the County for the site improvements. Temporary sales trailers will be allowed to remain until completion of the development and a temporary sales sign will be allowed along County Road 13 until such time as the last lot is sold.

Q. Accessory Uses: Accessory uses and structures will be allowed as per the St. Johns County Land Development Code provided such uses and structures are of a nature customarily incidental and clearly subordinate to the permitted or principal use of structure. Specifically:

1. Standard residential accessory uses will be allowed within the development area including, but not limited to: decks, patios, pools, pool enclosures, storage sheds, garages, workshops, guest houses, private stables and barns. Accessory uses, such as decks, patios, pools and pool enclosures, gazebos, elevated walkways, and non-permanent storage sheds, as well as other similar uses, may be constructed within the rear yard setback for the lots.

2. Accessory structures attached to the residence will be subject to the same setbacks as the residence except for accessory uses, such as patios, pools and pool enclosures including the pool decking which may be constructed within the rear or side yard setbacks.

3. Driveways may be allowed within the front and side yard setbacks, with detached rear yard garages and/or carports allowed which provide for a minimum five (5) foot setback to the side and rear lot boundaries.

4. Permitted Accessory uses, which are considered a customary Accessory Use for Residential Districts, per the St. Johns County Land Development Code and meet the criteria therein, will be allowed. These accessory uses must be situated on the same lot as the principle use but detached from the principle use and may not involve the conduct of business of any kind and that will not attract visitors in larger numbers than would normally be experienced in a residential district

R. Phasing: All facilities within **Bobinski Planned Rural Development** are to be permitted in one (1) phase. Construction will commence within five (5) years of approval of this PRD and be completed with five (5) years of commencement. Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Department and completion shall be defined as the installation of all horizontal infrastructure and approval of as-builts by the County.

S. Project Impact: The property is located within the Rural Silvicultural district of the St. Johns County Comprehensive Plan, which allows the types of uses included within the application. The property has excellent access to major roadways, including County Road 13 to the east connecting to points further east and west, including County Road 214 and State Road 13 eventually to Interstate 95. The proposal is for a very low-density rural residential development of only four (4) single-family home-sites on 56.37 acres. The development will help to maintain the rural character of the area, allowing for minimal actual upland development area (4.2 acres) combined with the preservation of a significant amount of open space (52.17 acres), timberland. The design provides for the homes to be located with ease of access to the County roadway system (County Road 13) but protected by a Scenic Highway Buffer along County Road 13 allowing for a very private and quiet neighborhood. Lot sizes are similar to those along the river in this area.

The project 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. The project will accomplish the objectives, standards and criteria set forth in Article V and VI of the St. Johns County Land Development Code in that a PRD defines the development plan and allows for the County to review a specific set of site development criteria which would not be available through conventional zoning. In

addition, this PRD 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 PRD application and imposed by this Ordinance, the proposed PRD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

The lands described herein are within the Rural Silvicultural (RS) category of the St. Johns County Comprehensive Plan and the proposed rezoning is consistent with the Comprehensive Plan as defined within the Future Land Use Element of the St. Johns County Comprehensive Plan, Agricultural Uses, Planned Rural Development Controls. This project will fit in with the rural nature of this community and provide a low intensity residential use, which will be compatible with existing and future development in the area. The applicant believes that the proposed Planned Rural Development will be of benefit to the future occupants of the project and to the residents of St. Johns County, in that it will further the stated goals and objectives of the County Comprehensive Plan and provide for a more desirable environment than could be accomplished through traditional zoning.

T. Waivers / Variances / Deviations: Construction of the development will conform to the requirements of the Land Development Code, except for the following waiver requested by the applicant to specific requirements as follows:

1. Unified Sign Plan: A waiver is requested to Sections 5.03.03.E and 7.00.02.B.2 to not provide a unified sign plan for the project. Due to limited size and scope of the project, the applicant feels a separate unified sign plan is not necessary. The architecture and vernacular of the development has not been determined at this time therefore the requirements for the types, sizes, height and location of the signs have been provided within Section II, Paragraph G.7 of this PRD 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.

2. Minimum Lot area By Available Utilities: A waiver is requested to the minimum lot width of one hundred (100) feet for well and septic use within Section 6.01.05 of the Land Development Code. Due to the limited availability of usable uplands in the project and the only available configuration of the Lots as "pie shaped" and that each lot has satisfied the minimum size requirements (one (1) acre) for both the Zoning Program and the Environmental Health Department, the applicant feels that the intent of the regulations are met. The development will continue to maintain proper distances between neighboring wells and drainfields and obtain proper permits as required by the State.

The applicant requests no other waivers, variances or deviations from the Land Development Code or other land development regulation within this PRD, however, the applicant maintains the right to request small, minor and major adjustments to the PRD in accordance with the standards set forth for Planned Unit Developments (PUD's) within the Code.

U. Ownership / Agreement to Comply: The applicant, its successors and/or assigns, hereby agrees and stipulates to proceed with the proposed development in accordance with the PRD Ordinance for this application as adopted by the St. Johns County Board of County Commissioners. The applicant also agrees to comply with all conditions and safeguards established by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners regarding said PRD specifically outlined as follows:

To the extent that they do not conflict with the specific and detailed provisions of this approved PRD 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 PRD by variance or special use shall be prohibited; and except (b) to the degree that the development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency ordinance, building code, comprehensive plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

All drainage facilities and common areas, located within the **Bobinski Planned Rural Development** for the common use and benefit of all property owners, shall initially be constructed, owned and maintained by the Applicant, his successors and/or assigns. Upon completion of construction of such common facilities and at the time established by the Homeowners Association documents, the Applicant will transfer ownership and maintenance responsibilities to the Bobinski PRD Homeowners Association, a non-profit corporation established under the laws of the State of Florida. The site shall be maintained in a clean and orderly manner in accordance with all provisions of this PRD and conditions included within the adopting Ordinance. Legal documents and agreements for common ownership by property owners and/or a property association, shall meet the requirements of the St. Johns County Land Development Code in effect at the time of establishment. Roads will be requested for dedication to St. Johns County.

V. Future Land Use Designation: The property is located wholly within the Rural Silvicultural (RS) designation on the 2015 Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan.

SECTION III - SUMMARY AND CONCLUSIONS

The need and justification for approval of the **Bobinski PRD** 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: The project is located within the Rural Silvicultural Area category of the St. Johns County Comprehensive Plan. The proposed rezoning is consistent with the Comprehensive Plan as defined within the Textual

Appendix to the Future Land Use Element of the St. Johns County Comprehensive Plan, including Goal A.1 "To effectively manage growth", Objective A.1.2 Control of Urban Sprawl, Objective A.1.3 Surrounding Land Use, Objective A.1.6 Agricultural and Silvicultural areas (including Policies A.1.6.2 regarding Planned Rural Developments). Therefore, the project is consistent with the Goals and Objectives of the St. Johns County Comprehensive Plan and is not incompatible with present or future land uses.

B. Location: The project is located within a Rural Silvicultural District on the FLUM which district allows the type of development envisioned within the PRD. Therefore, the project conforms to the requirements for location as stipulated within the Land Development Code.

C. Minimum Size: The area encompassed by this project is greater than the minimum size criteria for development of a typical single-family residential development under the criteria established within Article VI 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 a low-density single family residential and silviculture and agriculture uses to the north, south, east and west, all of which would be deemed compatible. The proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan, whereby: the permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area; the proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway; the proposed permitted uses will not cause a public nuisance; and the proposed permitted uses, structures and activities within the PUD are allowable within the Rural Silviculture (RS) Use 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.

E. Adequacy of Public Facilities: The subject property and future project is served by a major transportation system and will provide on-site stormwater and drainage facilities

that mitigate any off-site drainage impacts. The project will proceed only after receipt of a Certificate of Concurrency, indicating that there are adequate public facilities to accommodate the development.

F. Relation to PRD Regulations: The subject project meets all applicable requirements of 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 meets all requirements of Section 5.03.02 (G) of the Land Development Code.

The project, when developed in accordance with the conditions stipulated within the application and imposed by the Ordinance, will 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 PRD provides for strict regulation and maintenance of the project to provide the County assurances of an attractive and beneficial asset. The project has received a Certificate of Concurrency, which assures that available and adequate public facilities and services are available to support the proposed PRD. When developed in accordance with the conditions stipulated in the PRD application, the PRD will be consistent with the development of the property in the area and will be compatible with the desired future development of the area.

Therefore, we feel 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.

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 **KAREN J BRANNON**

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 **PRD 07-05/BOBINSKI**

was published in said newspaper **MARCH 17, 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.

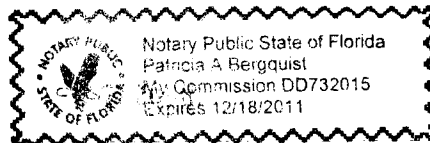
Sworn to and subscribed before me this 17th day of **MARCH 2008.**

Karen J Brannon

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

Patricia A Bergquist

(Signature of Notary Public)
PATRICIA A BERGQUIST

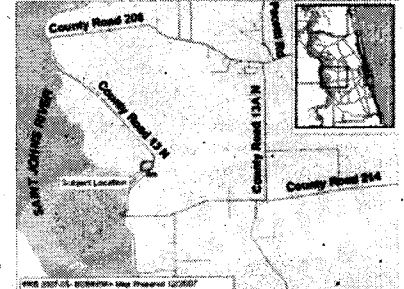


(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, April 1, 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 Rural Development (PRD). 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 West side of CR 13 N., approximately 1 mile North of CR 214 within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. For hearing impaired individuals, call Florida Relay Service at 1 800 955 8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. If 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: PRD 2007-05 Bobinski
L761-8 Mar 17, 2008