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Public Records of
St. Johns County, FL
Clerk # 2005012954,
O.R. 2378 PG 542-557
02/18/2005 at 04:05 PM,
REC. \$65.00 SUR. \$72.50

ORDINANCE NUMBER: 2005- 9

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

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

WHEREAS, The development of the lands within this Planned Unit Development shall proceed in accordance with the PUD application, dated September 2, 2004, in addition to supporting documents and statements from the applicant which are a part of Zoning File PUD 2004-26, 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: The need and justification for approval of the Big Oaks PUD has been considered in accordance with the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code and, whereby, it is found that:

1. The request for Rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The proposed project is consistent with the 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 proposed rezoning to PUD is consistent with the Future Land Use Designation of Mixed Use (Md).
4. The proposed project is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
5. The proposed project 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 proposed project 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 proposed project would not adversely affect the orderly development of St. Johns County.

Jackie Y. King
BCC Secy

SECTION 2. Pursuant to this application, File Number PUD 2004-26, 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 9th DAY OF February 2005

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

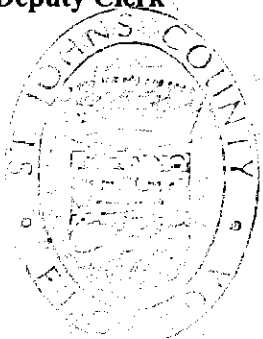
BY: *Bruce A. Maguire*
Bruce A. Maguire
Chairman

RENDITION DATE 2/11/2005

ATTEST: CHERYL STRICKLAND, CLERK

BY: *Cheryl Strickland*
Deputy Clerk

EFFECTIVE DATE: February 15, 2005



A PARCEL OF LAND IN SECTION 2 AND IN GOVERNMENT LOTS 8, 9 AND 10, SECTION 3, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SECTION 37, SAID TOWNSHIP AND RANGE AND RUN SOUTH 14' 16' 32" EAST, ALONG THE EAST LINE OF SAID SECTION 37 AND THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 149.11 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 9, SECTION 3; THENCE NORTH 89' 41' 42" EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 9, A DISTANCE OF 682.79 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH 89' 41' 42" EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 9, A DISTANCE OF 340.06 FEET; THENCE NORTH 00' 30' 35" EAST, ALONG THE EAST LINE OF LOT 1, BLOCK 2, ROOSEVELT TERRACE, AN UNRECORDED SUBDIVISION PREPARED BY GEORGE F. KENDRICK IN JUNE, 1925, A DISTANCE OF 127.12 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF KENNEDY DRIVE, A 50 FOOT RIGHT OF WAY (ALSO KNOWN AS WELTERS DRIVE); THENCE NORTH 89' 44' 58" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00' 30' 35" WEST, ALONG THE WEST LINE OF LOT 18, BLOCK 1, SAID ROOSEVELT TERRACE, A DISTANCE OF 127.07 FEET TO A POINT ON SAID NORTH LINE OF GOVERNMENT LOT 9, SECTION 3; THENCE NORTH 89' 41' 42" EAST, ALONG SAID NORTH LINE OF GOVERNMENT LOT 9, A DISTANCE OF 850.00 FEET; THENCE NORTH 00' 46' 10" EAST, ALONG THE EAST LINE OF LOT 2, BLOCK 1, SAID ROOSEVELT TERRACE, TO AND ALONG THE EAST LINE OF LOT 2, BLOCK 18, SAID ROOSEVELT TERRACE, AND ALSO TO AND ALONG AN EAST LINE OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1900, PAGE 1383 OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 429.51 FEET; THENCE NORTH 89' 42' 42" EAST, ALONG A SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 1900, PAGE 1383, A DISTANCE OF 14.39 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WOODLAWN AVENUE (A 50 FOOT RIGHT OF WAY); THENCE SOUTH 32' 59' 00" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 89.21 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE SOUTH 00' 47' 09" WEST, ALONG SAID EAST LINE OF SECTION 3, A DISTANCE OF 1,472 FEET, MORE OR LESS, TO THE CENTERLINE OF RED HOUSE BRANCH; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE MEANDERINGS OF SAID CENTERLINE OF RED HOUSE BRANCH, A DISTANCE OF 332 FEET, MORE OR LESS; THENCE SOUTH 00' 47' 09" WEST, ALONG A LINE PARALLEL TO AND 241.25 FEET WESTERLY OF THE EAST LINE OF SAID SECTION 3, TOWNSHIP 7 SOUTH, RANGE 29 EAST, AS MEASURED AT RIGHT ANGLES THERETO, A DISTANCE OF 533 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 723, PAGE 153 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 86' 47' 01" EAST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 723, PAGE 153 OF THE TO AND ALONG THE SOUTH LINE OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1751, PAGE 891 OF SAID PUBLIC RECORDS, A DISTANCE OF 374.00 FEET TO AN ANGLE POINT; THENCE SOUTH 86' 55' 29" EAST, ALONG SAID SOUTH LINE OF OFFICIAL RECORDS BOOK 1751, PAGE 891, A DISTANCE OF 59.62 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID WOODLAWN AVENUE; THENCE SOUTH 01' 18' 13" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 87.25 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 84, PAGE 231 (PARCEL 4); THENCE SOUTH 86' 31' 00" WEST ALONG THE SOUTH LINE OF SAID PARCEL 4, A DISTANCE OF 195.13 FEET TO THE SOUTHWESTERLY CORNER THEREOF AND A POINT ON THE EASTERLY LINE OF SAID SECTION 3; THENCE SOUTH 00' 47' 09" WEST, ALONG SAID EAST LINE, A DISTANCE OF 247.55 FEET; THENCE SOUTH 89' 44' 24" WEST, ALONG THE NORTH LINE OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1985, PAGE 265 OF SAID PUBLIC RECORDS, A DISTANCE OF 425.96 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF LONG ROAD (A 25 FOOT RIGHT OF WAY); THENCE NORTH 01' 19' 00" EAST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 420.51 FEET TO A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 10, SECTION 3; THENCE SOUTH 89' 31' 19" WEST, ALONG LAST SAID NORTH LINE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 01' 19' 00" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SAID LONG ROAD, A DISTANCE OF 390.82 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1186, PAGE 353; THENCE NORTH 89' 59' 48" WEST, ALONG THE NORTH LINE OF SAID DEED RECORDED IN OFFICIAL RECORDS BOOK 1186, PAGE 353, A DISTANCE OF 477.07 FEET; THENCE SOUTH 85' 17' 30" WEST, CONTINUING ALONG LAST MENTIONED NORTH LINE, A DISTANCE OF 215.72 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 04' 08' 33" WEST, A DISTANCE OF 52.26 FEET; THENCE NORTH 86' 46' 48" EAST, A DISTANCE OF 57.65 FEET; THENCE NORTH 76' 10' 38" EAST, A DISTANCE OF 60.84 FEET; THENCE NORTH 00' 02' 50" EAST, A DISTANCE OF 599.16 FEET; THENCE SOUTH 89' 57' 10" EAST, A DISTANCE OF 269.23 FEET; THENCE NORTH 00' 21' 22" WEST, A DISTANCE OF 386.34 FEET; THENCE SOUTH 89' 36' 01" WEST, A DISTANCE OF 238.32 FEET; THENCE NORTH 00' 02' 50" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 40' 11' 59" WEST, A DISTANCE OF 97.62 FEET; THENCE NORTH 13' 30' 25" WEST, A DISTANCE OF 149.79 FEET; THENCE NORTH 07' 53' 37" WEST, A DISTANCE OF 66.89 FEET; THENCE NORTH 86' 40' 41" WEST, A DISTANCE OF 66.66 FEET; THENCE NORTH 16' 11' 43" WEST, A DISTANCE OF 34.81 FEET; THENCE NORTH 62' 18' 39" WEST, A DISTANCE OF 60.37 FEET; THENCE NORTH 00' 37' 39" WEST, A DISTANCE OF 44.19 FEET; THENCE NORTH 29' 04' 01" WEST, A DISTANCE OF 70.80 FEET; THENCE NORTH 15' 35' 40" EAST, A DISTANCE OF 49.88 FEET; THENCE NORTH 12' 22' 31" WEST, A DISTANCE OF 98.79 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 39.57 ACRES, MORE OR LESS.

**LEGAL DESCRIPTION FOR A PORTION OF LONG ROAD ST. JOHNS
COUNTY, FLORIDA, TO BE CLOSED**

A PART OF GOVERNMENT LOT 10, SECTION 3, TOWNSHIP 7 SOUTH, RANGE
29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF
LANDS RECORDED IN THE OFFICAL RECORDS OF SAID COUNTY IN BOOK
1186, PAGE 353 AND RUN NORTH $01^{\circ}19'00''$ EAST, ALONG THE WEST RIGHT
OF WAY LINE OF LONG ROAD (A 25 FOOT RIGHT OF WAY) A DISTANCE OF
390.82 FEET TO THE NORTHERLY TERMINUS OF SAID LONG ROAD; THENCE
NORTH $89^{\circ}31'19''$ EAST, ALONG SAID NORTHERLY TERMINUS, A DISTANCE
OF 25.00 FEET; THENCE SOUTH $01^{\circ}19'00''$ WEST, ALONG THE EAST RIGHT OF
WAY LINE OF SAID LONG ROAD, A DISTANCE OF 391.03 FEET; THENCE
NORTH $89^{\circ}59'48''$ WEST, ALONG THE EASTERLY PROLONGATION OF THE
NORTHERLY LINE OF SAID OFFICAL RECORDS 1186, PAGE 353, A DISTANCE
OF 25.00 FEET TO THE POINT OF BEGINNING.



St. Johns County

Exhibit 'B'

Application For Rezoning

From OR To PUD

Date August 10, 2004

Project Name: Big Oaks

Owner/Applicant: Big Oaks Land Holdings, LLC

Address: 154 Lawn Avenue

St. Augustine, FL 32084

Phone: (904) 823-1900 Fax: (904) 808-8765

E-mail Address: mgmdevelopment@aol.com

Planning/Engineering Firm: North Beach Engineering, Inc.

Address: 3611-14 St. Johns Bluff Road South

Jacksonville, FL 32224

Phone: (904) 493-6500 Fax: (904) 493-6501

E-mail Address: dfm@north-beach.com

Person to Receive Comments: Danielle Mayoros

Property Appraiser's Parcel No. All of parcels 086210-0030, 086210-0020, 086270-0020, 086290-0000 & a portion of 086210-0040, 086320-0000.

Name of Overlay District if applicable: NA

Location: West side of Woodlawn Road abutting Presidential Gardens on its south side.

Census Tract: 020900 Property Appraiser's Map Sheet: 4E3SX, 4E3N Acres: 39.57

911 Address (if Known) Not assigned yet.

TAZ _____ Zone Class: OR Comp. Plan DSGN Md

Present Use of Property: Vacant

Proposed Use of Property: 63 single family residential dwelling units with associated recreation, buffers and infrastructure.

Water/Sewer Provider: City of St. Augustine

Please list below any applications currently under review or recently approved which may assist in the review of this application: None.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:
Signature of owner or person authorized to represent this application:

Signature: *Danielle Mayoros*

Printed or typed name(s): Danielle Mayoros, North Beach Engineering, Inc.

EXHIBIT C
MASTER DEVELOPMENT PLAN TEXT

- A. Project Description:** This property to be considered for rezoning consists of 39.57 +/- acres located on the western side of Woodlawn Road. The property is currently zoned Open Rural (OR) and the applicant is requesting a zoning change to Planned Unit Development (PUD) to allow for the construction of up to sixty-three (63) residential lots with upscale residential homes to be constructed thereon. Appropriate recreational facilities have been identified on the proposed residential site plan as well as man-made lake approximating 3.16 acres of the overall site. The lots shall be no less than 60 feet wide and 100 feet deep. The development shall be known as **Big Oaks Planned Unit Development (Big Oaks PUD)**.

The Master Development Plan shown on Exhibit D indicates the general layout of the site for construction of the sixty-three (63) single-family residential lots, with homes to be constructed thereon, which will be accessed directly from Woodlawn Road. Central water and sewer to be provided by the City of St. Augustine shall serve the property. The subdivision shall be developed in one single phase with the size, schematic design and buffering of the site to be appropriately blended with the surrounding communities. The site density approximates 2.24 units per upland acre and there will be minimal wetland impact on the site. The design additionally incorporates common open spaces and active and passive recreational opportunities, including a park, and meets the standards of the County's Land Development Code. Jurisdictional wetland areas are located interior of the property, and are completely buffered. In addition, the jurisdictional wetlands shall be preserved areas and recreational areas will provide for the preservation of a significant number of trees throughout the site. All lots are located interior to the PUD. Notwithstanding upland buffers, the entire site is completely surrounded by similar single-family residential use.

The property is located mainly within the Mixed Use District (Md) Land Use Area on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan. There are two very small portions located north of lot 54 and the north segment of the park area totaling 0.80 acres located in the Residential-C Land Use Area.

- B. Development Size:** There is a total of 39.57 acres of property.
- C. Wetlands:** Of the total 39.57 acres, 8.60 acres contains jurisdictional wetlands. There is also 3.16 acres of man-made lake on site. Of the 8.60 acres of jurisdictional wetlands on site, a total of 0.35 acres will be impacted for access purposes only. These locations are labeled and delineated on the MDP map. The environmental buffer and setback calculations are as follows:

- Undisturbed averaged 25' upland buffer minimum required – 1.95 acres
 - Undisturbed averaged 25' upland buffer provided – 2.05 acres
 - 25' upland buffer setback provided – 1.77 acres
 - Wetland impacts – 0.35 acres
- D. Development Area:** The overall site includes 28.16 acres of developable upland area.
- E. Dwelling Units:** The site is planned for sixty-three (63) single-family residential homes on 28.16 acres within a Mixed Use District (Md) area. Based upon the County average population of 2.44 persons per household, the development will have one hundred fifty four (154) residents at build out. At a ratio of 0.45 children per household for schools, the project will generate approximately twenty-nine (29) school age children.
- F. Non-Residential Development:** All site development is for residential.
- G. Site Development Criteria:**
- a. **Lot Sizes and Building Area:** The total ground area to be occupied by buildings and structures shall not exceed fifty percent (50%) per lot. Lot dimensions will be a minimum of sixty (60) feet wide by one hundred (100) feet in depth. Maximum impervious surface shall not exceed seventy percent (70%) per lot.
 - b. **Permitted Uses:** The development will be constructed in an orderly manner, and the allowable uses will include residential uses as defined within the Land Development Code, allowing for conventional single-family residential dwellings. All typical residential accessory and ancillary uses will be allowed as outlined within the Land Development Code.
 - c. **Setbacks:** Setbacks shall be measured from the portion of the structure from thirty (30) inches above the general level of the graded Lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitation and requirements limiting obstruction of visibility, to the property line and shall be as follows:
 - i. **Front yard:** twenty (20) feet. The front yard setback for lots on cul-de-sacs and curves shall be as stated above regardless of the width of the lot, so long as side yard setbacks are met.
 - ii. **Side yard:** five (5) feet with no permitted projections.
 - iii. **Rear yard:** ten (10) feet.

- iv. **Accessory:** within the rear or side yards at a minimum of five (5) feet from the property boundary, including, but not limited to, mechanical equipment, such as air conditioning units, pumps, heating equipment, solar panels, and similar installations and screening and housing for such equipment (not to be permitted in the required front yard), decks, patios, pools, pool enclosures, including the pool decking, and the following detached accessory structures: storage sheds, garages, workshops, and guest houses.

Note: No air conditioning or electrical equipment, masonry walls or masonry fences, pools, pool decks or pool enclosures to be constructed or located within drainage or underground utility easements.

- d. **Building Height:** Buildings shall not exceed thirty-five (35) feet in height.
- e. **Parking:** Residential units will have either a single or double car garage with an associated driveway apron in order to provide the required two (2) parking spaces per residential unit.
- f. **Signage:** The applicant is requesting the following signs, with construction of the signs conforming to the Land Development Code requirements in effect at the time of permitting.
 - i. **Development Signs:** Overall signage will conform to the requirements of the Land Development Code and will allow one (1) development identification monument type sign at the Woodlawn Road entrance to the development as shown on the Master Development Plan. This sign will be either one (1) or two (2) sided with each face limited to a maximum size of thirty-two (32) square feet and a maximum height of six (6) feet. The sign may be lighted or illuminated. The applicant may construct a fence, masonry wall, berm or install vegetation (or provide a combination thereof) to compliment the entrance feature, which will not be computed as part of the square footage for the sign.
 - ii. **Project Construction Sign:** One (1) on-site project construction sign will be allowed near the entrance to the property in the general location of the Development Sign along Woodlawn Road which must be removed within thirty (30) days after the As-built Plans have been approved. The sign may be two (2) sided with each face limited to six (6) square feet and will conform to the requirements of the Land Development Code.

iii. **Miscellaneous Signs:** Various locational, directional, model home and traffic control signs shall be allowed on site to direct traffic and for identification of a sales office, recreation areas, etc. Such signs will be a maximum of five (5) square feet in size.

g. **Fencing:** Fencing will be in accordance with the Land Development Code. A maximum six (6) foot high opaque fence will be allowed in the rear and side yards. Front yard fencing shall be prohibited. A six (6) foot high opaque fence shall be placed along the ten (10) foot project perimeter buffer bordering the northern edge of the access road continuing north along the southeastern pond as depicted on the MDP map to buffer from existing adjacent single family property owners.

H. Infrastructure:

a. **Stormwater:** Stormwater will be handled on site with a retention pond located sporadically throughout the development. The drainage structures and facilities will be designed and constructed in compliance with the Land Development Code in effect at the time of permitting, subject to the permitting requirements of the St. Johns River Water Management District. The existing lakes may also be utilized as stormwater retention should the SJRWMD approve this use. The retention ponds may have a fountain.

b. **Vehicular Access / Interconnectivity:** Access to the property will be provided via one road directly connected to Woodlawn Road. The road will be constructed with a fifty (50) foot right-of-way, with five (5) foot utility easements, in accordance with curb and gutter standards as provided for within the St. Johns County Land Development Code. The Master Development Plan, Exhibit D indicates the roadway configuration with associated easements.

Access for interconnectivity is not feasible at this time due to the uncertain nature of the SR 312 extension planned to the west of Big Oaks. However, the applicant has labeled and delineated desired connections on the MDP map, which may be determined at the time of platting. If these accesses are not desired at the time of platting by the developer, they will be platted as lots currently depicted on the MDP map. These proposed connections are not intended to be direct connections to the future proposed SR 312 extension, rather to the remaining acreage located between the proposed SR 312 and the Big Oaks PUD. The noted connections are located at the northwest corner of the development and at the southwest corner of the development. Other interconnectivity has been explored for Big Oaks PUD however is not feasible due to the extensive wetlands surrounding the project on the west as well the existing

Presidential Gardens residential subdivision to the north and the existing residential lots to the south.

Additionally, the project will provide for fifty (50) feet of reserved right-of-way along Woodlawn Road. As noted on the corresponding Master Development Plan Map, the project shall provide applicable turn lanes if required by the St. Johns County Land Development Code at the time of permitting.

- c. **Sidewalks:** The project will provide a minimum four (4) foot wide sidewalk on one side of the internal roadway in order to service the recreation area. The project will also provide a minimum of five (5) foot wide sidewalk on the projects frontage on Woodlawn Road.
- d. **Parks / Recreation:** The project will provide the minimum of 1 acre of active recreation. The recreation location is depicted on the Master Development Plan, Exhibit D. At a minimum, the active park areas shall include a child's playscape / "tot lot", an exercise/walking/jogging path, a grassed field and a passive park with benches, however the active parks shall not be limited to these uses.
- e. **Open Space:** A minimum of twenty-five percent (25%) of the site, or 9.89 acres of open space will be provided. This may be located throughout the project including recreation, buffers, common areas and Environmentally Sensitive Areas.

It is projected that the project will provide the following:

- 10' perimeter buffer – 1.40 acres
 - Wetlands – 8.25 acres
 - Lakes (existing) – 3.16
 - 25' averaged undisturbed upland buffer – 2.05 acres
 - 25' upland buffer setback – 1.77 acres
 - Recreation (1.0 acre active, 0.46 acre passive) – 1.46 acres
-
- Total – 18.09 acres

- f. **Potable Water:** Central water will be provided by the City of St. Augustine.
- g. **Sanitary Sewer:** Sanitary sewer disposal will be provided by the City of St. Augustine.
- h. **Fire Protection:** The applicant will comply with the requirements of the St. Johns County Fire Services including installation of fire hydrants at the appropriate spacing and meeting the 500 gpm requirement, in accordance with the Land Development Code.

- i. **Solid Waste:** Solid waste will be handled by the licensed franchisee in the area.
 - j. **Utilities:** All electrical and telephone lines will be installed underground on the site. Florida Power and Light Company will provide electrical power.
- I. Potable Water / Sanitary Sewer:** Central water and sanitary sewer service will be provided by the City of St. Augustine. When completed, the project will utilize approximately 18,900 gpd of potable water and 18,900 gpd of sanitary sewer.
- J. Topography and Soils:** The property is located east of Daveston Avenue. The property is located in an area designated by the Federal Emergency Management Association (FEMA) as X and A, which is indicated on the Master Development Plan, Exhibit D.

The Soil Survey for St. Johns County prepared by the U.S. Department of Agriculture, Soil Conservation Service, identifies three soil types on the site: 2 Astatula fine sand, 23 Paola fine sand, 0 to 8 percent slopes, 36 Riviera fine sand, frequently flooded and 58 EauGallie fine sand.

- 2 Astatula fine sand: This is an excessively drained, nearly level to sloping soil on knolls and narrow to broad ridges. Areas of this soil range from 30 to 800 acres. The natural vegetation consists of live oak, bay, magnolia, cabbage palm, sawpalmetto, hickory, sand pine and American holly. Native grasses include paspalum and pineland threeawn.
- 23 Paola fine sand, 0 to 8 percent slopes: This is an excessively drained, nearly level to sloping soil on narrow to broad ridges and on hillsides adjoining marshes and drainageways. Slopes are convex. Areas of the soil are narrow and irregular in shape and range from 10 to 100 acres. Natural vegetation includes live oak, laurel oak, sand pine, and sand live oak and sawpalmetto. Near the Atlantic coast, southern magnolia, eastern redcedar and American holly are also included. Native grasses include a few panicum and scattered bluestem.
- 36 Riviera fine sand, frequently flooded: This is a poorly drained, nearly level soil in poorly defined drainage ways and on flood plains. Areas of this soil are irregular in shape and range from about 40 to 200 acres. The natural vegetation includes a few slash pines, cabbage palms, sweetgum, water oaks, waxmyrtle, sawpalmetto and various ferns. Some areas have been cleared and replanted in slash or longleaf pines.
- 58 EauGallie fine sand: This is a poorly drained, nearly level soil on low knolls and ridges, adjacent to depressions and drainageways in the flatwoods. Areas of this soil are irregular in shape and are 5 to 150 acres. Slopes range from 0 to 2 percent. The natural vegetation includes slash

pine, cabbage palms, southern bayberry, pineland threeawn and greenbrier. A few areas have been cleared and are used for improved pasture. Other areas are planted to slash pine.

K. Site Vegetation and Habitat: The site evaluation indicates the following FLUCFCS (Florida Land Use, Cover and Forms Classification System) Code as indicated on the attached survey: 434 Hardwood-Coniferous Mixed, 438 Mixed Hardwoods, 510 Streams and Waterways, 742 Borrow Pit less than 10 acres, 310 Herbaceous (Dry Prairie), 415 Mixed Pine and 617 Mixed Wetland Hardwoods. None of the on-site communities meet the description of the imperiled habitats defined in Section 4.01.07 of Article IV of the St. Johns County Land Development Code.

L. Significant Natural Communities Habitat: The site does not include any listed species or meet the criteria for requiring significant natural communities habitat, as outlined within the letter from Environmental Services, Inc. attached as Exhibit I. Therefore, no significant natural communities habitat will be set aside.

M. Historic Resources: This site is located in a medium probability zone according to St. Johns County Final Archaeological Predictive Model, Figure No. 8.4. A Reconnaissance Study has been completed. A copy of this study and SHPO letter is attached. No evidence has been found of any archeological or historic sites on the property and has not been identified on either map of the Historic Resources Element of the St. Johns County Comprehensive Plan.

N. Buffers:

- a. A natural buffer, a minimum of ten (10) feet in width, will be provided along the project perimeter. This buffer may be augmented, excluding areas of the upland buffer or wetlands, with native/natural vegetation of required by the Land Development Code or if desired.
- b. A twenty-five (25) foot undisturbed upland buffer, which may be averaged (but no less than ten (10) feet in width), measured landward from the state wetland jurisdictional line shall be maintained around all contiguous wetlands of the site. This upland buffer is to remain a natural vegetative undisturbed buffer. A building setback of twenty-five (25) feet shall be maintained landward of the twenty-five (25) foot upland buffer. Accessory activities and improvements are not allowed to take place within the 25-foot buffer area, but will be allowed to take place in the 25-foot setback area except for buildings with permanent foundations. Roadways, stormwater ponds and associated stormwater structures, gazebos, swimming pools, and other structures per Section 2.02 of the LDC are allowed in the setback area.

Of the 8.60 acres of jurisdictional wetlands on site, a total of 0.35 acres will be impacted for access purposes only. These locations are labeled and delineated on the MDP map. The environmental buffer and setback calculations are as follows:

- Undisturbed averaged 25' upland buffer minimum required – 1.95 acres
- Undisturbed averaged 25' upland buffer provided –2.05 acres
- 25' upland buffer setback provided – 1.77 acres
- Wetland impacts – 0.35 acres

O. Special Districts: The project is not located within any Special Districts per the Land Development Code, Article III.

P. Temporary Uses: Temporary construction/sales trailers may be utilized and placed on the site upon approval of the construction plans and the locations will be shown on the Construction Plans. The initial construction/sales trailer will be located at the entrance to the development and may then be relocated within the project as the construction stages proceed. Temporary sales trailers will be allowed to remain until completion of the development, but temporary construction trailers must be removed no later than thirty (30) days of approval of the horizontal construction "as-builts".

Model homes may be constructed within the development, provided the number does not exceed ten (10) percent of the number of units in the development (up to six). The model homes may be constructed during construction of the infrastructure and may include sales, administration and construction offices. Parking for the model homes and sales offices will be located within the driveway. The applicant will provide terminating easements to St. Johns County for ingress and egress to all of the model homes under construction, prior to initiation of construction. The applicant understands that no Certificate of Occupancy will be issued until the infrastructure has received official approval from the St. Johns County Development Services Department and any State or Regional agencies and the subdivision plat has been recorded with St. Johns County.

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 structure. Specifically:

1. Standard residential accessory uses will be allowed within the building area of the lots, including but not limited to: decks, patios, pools, pool enclosures, storage sheds, garages and workshops.

2. Accessory structures attached to the residence will be subject to the same setbacks as the residence except for accessory uses, such as decks, patios, pools and pool enclosures including pool decking and gazebos, which may be constructed within the rear or side yard setbacks, provided a minimum of five (5) feet is maintained from the property boundary.
3. Driveways may be allowed within the front and side yard setbacks.

R. Phasing: The overall Big Oaks PUD site shall be permitted in one (1), five (5) year phase commencing within three (3) years of PUD approval. Commencement shall be defined as approval of construction plans by the St. Johns County Development Services Division. Completion shall be defined as approval of the As-built survey.

S. Project Impact: The property is located within the Mixed Use District (Md) 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 and transportation corridors via Woodlawn Road to SR 16. The site is in close proximity to two (2) public schools (St. Augustine High School and Sebastian Middle School). It is also in close proximity to shopping and businesses for employment opportunities (Outlet Malls). The retention and wetland areas will serve to buffer the development from adjacent properties and roadways and will provide privacy from surrounding residential development (Presidential Gardens to the north) and SR 16 (to the south).

The applicant believes that the proposed Planned Unit Development will have a positive benefit and impact both to the future occupants of the project, as well as to the residents of St. Johns County. 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: This application requests two waivers as follows:

Section 4.01.06.B.1 to allow for an upland buffer reduction to zero (0) feet at the road crossings which is justified by Section 4.01.06.B.1 of the Land Development Code which allows upland buffers to be less than ten (10) feet in width because of unavoidable wetland impacts. This waiver is further justified by Policy E.2.2.5.a.1.a of the Comprehensive Plan, which allows for upland buffer reductions because of unavoidable wetland impacts such as road crossings.

Section 5.03.02.G.2 to allow for the future filing of an incremental Master Development Plan Map to show recreation/park detail. An incremental MDP will be filed once final design of the recreation improvements are created, within one (1) year of commencement of construction. This waiver is justified, as final

design will depend on marketing criteria and lot owner preferences, which are unknown at this time.

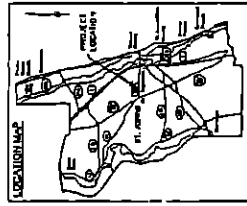
The applicant maintains the right to request small adjustments, minor and major modifications to the PUD in accordance with the standards set forth for Planned Unit Developments within the LDC.

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

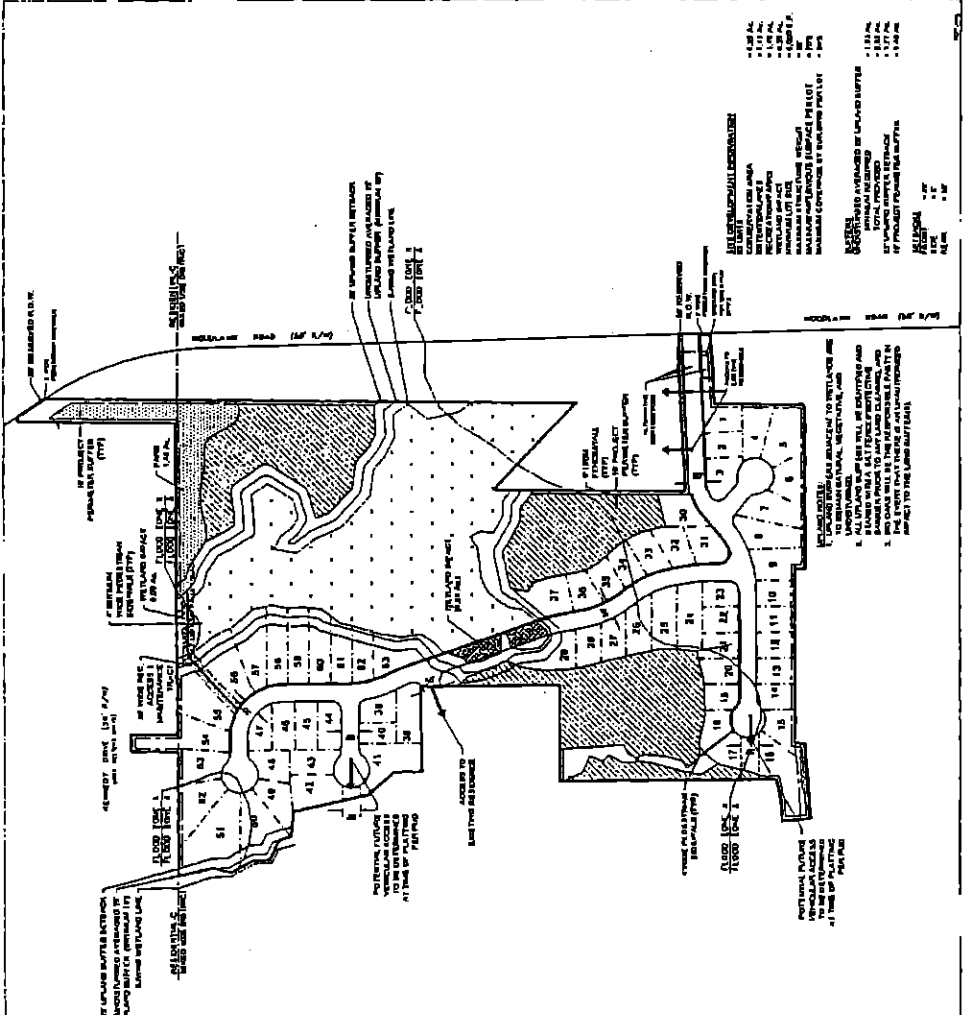
To the extent that they do not conflict with the unique specific and detailed provisions of this approved PUD Ordinance, all provisions of the Land Development Code, as such may be amended from time to time, shall be applicable to this development except (a) that modification to this PUD by special use shall be prohibited land 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 mainly within the Mixed Use District (Md) Land Use Area on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan. There are two very small portions located north of lot 54 and the north segment of the park area totaling 0.80 acres located in the Residential-C Land Use Area.

MASTER DEVELOPMENT PLAN EXHIBIT "D"



The Master Development Plan Map is a general representation of the proposed plan of development and is not intended to be used for any other purpose. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary easements and rights-of-way from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary approvals from the appropriate agencies. The applicant shall also be responsible for obtaining all necessary approvals from the appropriate agencies.



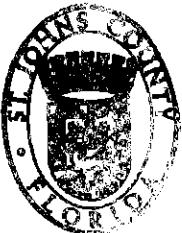
LEGEND

- CONSERVATION AREA
- RETENTION LAKES
- RECREATION PARKS

1. ALL LOTS, CORNERS AND PERMITS SHALL BE AS SHOWN BY THIS PLAN.
2. CONSTRUCTION AND/OR FILLING SHALL BE AS SHOWN BY THIS PLAN.
3. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.
4. CONSTRUCTION SHALL COMPLY WITH ALL CITY ORDINANCES AND REGULATIONS.
5. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.
6. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.
7. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.
8. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.
9. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.
10. ALL LOTS SHALL BE AS SHOWN BY THIS PLAN.

CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON THE RECORDS OF ST. JOHNS COUNTY, FLORIDA. I, Yvonne King, Clerk of the Board of County Commissioners, do hereby certify that this document is a true and correct copy as appears on the records of St. Johns County, Florida, this 18th day of February, 2005.

Yvonne King
Clerk of the Board of County Commissioners



NOTICE TO THE PUBLIC

THIS IS A PUBLIC HEARING AND NOTICE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, TO THE PUBLIC. THE BOARD OF COUNTY COMMISSIONERS HAS SET FOR THE HEARING OF THE MASTER DEVELOPMENT PLAN FOR THE BIG OAKS DEVELOPMENT. THE HEARING WILL BE HELD AT THE BOARD OF COUNTY COMMISSIONERS' CHAMBER, 100 SOUTH GUY WOOD BLVD., ST. JOHNS COUNTY, FLORIDA, ON THE 18TH DAY OF FEBRUARY, 2005, AT 10:00 AM. ANY PERSON INTERESTED IN THE MATTER MAY ATTEND THE HEARING AND BE HEARD BY THE BOARD OF COUNTY COMMISSIONERS. THE BOARD OF COUNTY COMMISSIONERS MAY TAKE SUCH ACTION AS IT DEEMES APPROPRIATE AT THE HEARING.

LEGEND

- CONSERVATION AREA
- RETENTION LAKES
- RECREATION PARKS

BIG OAKS 39.57 AC. PARCEL

PROPERTY I.D. # ALL OF 086210-0030, 086210-0020, 086270-0020, 086290-0000 + A PORTION OF 086210-0040, 086320-0000



JAN 2 2005

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT** who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being **NOTICE OF HEARING** in the matter of **PUD 04-26 BIG OAKS**. was published in said newspaper in the issues of **JANUARY 25, 2005**.

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 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 **25TH** day of **JANUARY, 2005**.

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

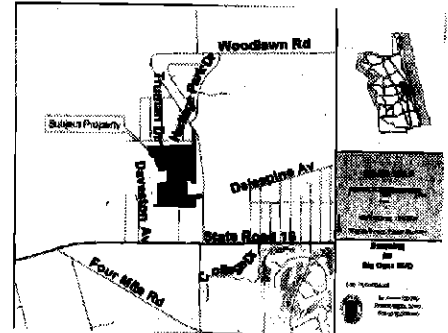
Patricia A. Bergquist

(Signature of Notary Public)

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF A PROPOSED REZONING
NOTICE IS HEREBY GIVEN that a public hearing will be held on Wednesday, February 9, 2005 at 9:00 a.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to rezone from Open Rural (OR) to Planned Unit Development (PUD). The subject property is located at 1455 Woodlawn Road within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, of the County Administration Building, 4020 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 David Halslead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. 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. 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, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN
FILE NUMBER: PUD 2004-26 Big Oaks
L195-5 Jan 25, 2005